

Oregon Department of Forestry
Riparian Rulemaking Advisory Committee
May 12, 2016 - Work Session

DRAFT FACILITATOR'S SUMMARY

The following Facilitator's Summary is intended to capture basic discussions, actions and agreements, as well as point out future actions or issues that may need further discussion at upcoming meetings.

Committee members present:

Mike Barnes, NW Regional Forest Practices Committee
Seth Barnes, Oregon Forest Industries Council
Dick Courter, Small forestland owner, consultant
Eugene Foster, DEQ Watershed Management Division
Kevin Godbout, Weyerhaeuser
Randy Hereford, Starker Forests
Jim James, Oregon Small Woodlands Association
Dana Kjos, SW Regional Forest Practices Committee
Bruce McIntosh, ODF&W
Rod Sando, Northwest Sportfishing
Mary Scurlock, Oregon Stream Protection Coalition
Rex Storm, Associated Oregon Loggers
Bob Van Dyk, Wild Salmon Center

Alternates present:

Meghan Tuttle, Weyerhaeuser
Paul Betts, Miami Corp.
Jon Bowers, ODFW GIS

Project Team members

Kyle Abraham, ODF Water Quality Specialist
Keith Baldwin, ODF Forest Practices Field Coordinator
Peter Daugherty, ODF Private Forests Division Chief
Susan Dominique, ODF Private Forests Administrative Support
Angie Lane, Project Team Manager, ODF Ops & Policy Analyst

Guests:

Gary Springer, Starker Forests

Meeting Facilitation

DS Consulting, Portland

- Donna Silverberg and Emily Plummer

1. Welcome, Introductions

Donna Silverberg, Facilitator, welcomed the Riparian Rule Making Advisory Committee (RRAC) to their forth rule making discussion.

She noted that this phase of the rulemaking process is nearing the end with one more session in June. To that end, she asked group members focus on providing input that can help the group work towards agreement.

2. Public Comment

Public comment was invited. None was offered.

3. Follow Up from April 15th Riparian Rule Advisory Committee Session

The RRAC reviewed and approved the April 15th Facilitator summary pending the following changes:

- Add Jon Bowers, ODFW, and Keith Baldwin, ODF, to the attendance list (pg.1)
 - Correct spelling and organization for Bob Van Dyk and Wild Salmon Center (pg.3)
 - Delete “to” from phrase “to if” in the second sub-bullet under third main bullet (pg. 4).
 - Add clarifying language to Mary Scurlock’s statements to read: *Mary clarified that the conservation groups are interested in the upstream extent because there is data pointing to the upstream extent being valuable to cold water and the Protecting Cold Water Criteria requires it.* (pg. 5, 2nd to last paragraph)
 - Remove the word ‘are’ after ‘there’ in sentence about the economic incentives of logging upstream of the SSBT. (pg. 5, 2nd to last paragraph)
 - Add clarifying language to Seth Barnes’ statement to read: *Seth explained that the operational costs of ‘move-in move-out’ can be cost prohibitive.* (pg. 5, 2nd to last paragraph)
 - Change ‘if’ to ‘whether’ in Mike Barnes’ statement. (pg. 5, 2nd to last paragraph)
 - Add clarifying language to Seth Barnes’ statement to read: *Seth noted that the well distributed requirement is one of many constraints that are a part of this policy, including basal area and landscape constraints such as topography, etc.* (pg. 7, 1st paragraph)
 - Add clarifying language to Dick Courter’s statement to read: *the Board said that the relief was for parcels, and family forestlands are a category of that...* (pg. 10, 3rd bullet)
- **CONSENSUS:** Pending the above stated edits, the RRAC approved the April 15th Facilitator’s Summary.

4. Riparian RRAC Process Check-in

Peter Daugherty, ODF Private Forests Division Chief, summarized ODF’s understanding of where the Advisory Committee is now, noting specifically what he reported to the Board of Forestry (BOF) at their April meeting. He handed out a document with ODF’s understanding of where the Advisory committee has and has not reached consensus. Peter said that there has been good progress made, and from his perspective, there are three remaining topics for the RRAC to address:

1. Determine criteria for ‘well distributed’
2. Determine parameters for ‘relief’
3. Determine how to incorporate the new rule language into the existing rule

Peter reported on his update to the BOF: he provided the BOF a summary of the topics that the RRAC is working on; issues that the RRAC identified in addition to what the BOF requested; and the recommendations that the RRAC has coalesced around. Because the RRAC had not yet approved the April Draft Facilitator’s Summary, Peter did not share the details of where the RRAC landed on specific issues, however, he did provide a general update on the conversation. Peter recapped what he presented to the BOF:

Progress made by the RRAC:

- Agreement on a Charter and operating principles, including use of consensus tool;
- Agreement on language to be provided to the BOF regarding wildlife leave trees;
- Did not object to ODF recommending to the BOF that conifer leave trees have at least 8 inch diameter, however, it was noted that there may be future opposition to this depending on other decisions;
- Agreement that SSBT streams that have documented observation or sections downstream of documented observation should be included in the rule;
- Agreement that the rule in place when notification was filed is what rule should be applied to that unit, as long as there is no evidence of gaming and notifications cannot be extended beyond the two year allocation;

- Support for updating the SSBT database on a case-by-case basis, with an established frequency for programmatic updates (criteria and frequency for updates has not been determined);
- Agreement on the current working definition of ‘parcel’;
- Agreement that GIS algorithms can be used as an initial screening to determine eligibility for the North-sided buffer prescription and the written plan would need to verify the direction of the stream; and
- Agreement on the definition and approach to extending prescriptions above the end of mapped SSBT streams within a harvest unit.

Peter noted that there continues to be disagreement around the process to establish and update the SSBT data layer, specifically for the 20-30% of the FHD layers that are based solely on concurrence of professional opinion. Kevin Godbout, Weyerhaeuser, suggested that this conversation should be revisited to see if the RAC can come to agreement on what can be locked in now and the process for updating. Peter noted that the RAC may be able to revisit this later today or at their June session.

Peter informed the group of the need to update the timeline and next steps for the rulemaking process. He noted that the added June 21st RRAC meeting will be focused on reviewing three things: 1) ODF’s draft recommendations to the Board of Forestry, 2) ODF’s draft language (which stems from the RRAC recommendations), and 3) the fiscal impact review. At the July BOF meeting, ODF will seek the Board’s decision on policy clarifications and then in September the ODF will take proposed rule language and Fiscal Impact Statement to the Board for approval. The proposed rule will be filed in September and published in October. Hearings for the proposed rule will be held in November and December 2016. The rules would be effective as of June 2017.

Mike Barnes, NW Regional Forest Practices Committee, inquired as to why the implementation date was moved up, to which Angie Lane, Project Team Manager, ODF Ops & Policy Analyst, noted that when she reviewed the RRAC’s progress it became clear that the process was progressing faster than previously anticipated and thus the rule would be ready to implement by June 2017.

Jim James, Oregon Small Woodlands Association, asked if there will be decisions made at the July Board meeting and whether, at that point, it will be clear what the BOF should expect to see in September. Peter responded yes, at the July BOF meeting ODF will ask the Board to review and make decisions on the conceptual agreements that the RRAC has made. Jim continued that if the RRAC is going to make recommendations to the BOF regarding ‘relief’, it likely would not be until the July or September BOF meetings. Peter noted that it depends on where the RAC gets today: if there is clear agreement, then he can take that to the BOF in July, if not, it will wait.

Rod Sando, Northwest Sportfishing, sought clarity on how a lack of consensus will be represented to the BOF. Peter noted that the Charter outlines this process stating that *ODF will describe and address the full range of views that the RRAC discussed when making a recommendation to the BOF* (pg. 1 of RRAC Charter). Bob Van Dyk, Wild Salmon Center, noted that prior to reporting to the BOF, it will be important to discuss dissenting perspectives to make sure that the interests are accurately represented. Peter agreed and noted that he will bring those recommendations to the RRAC in June for the group to review.

Peter also reported that he met with ODFW and DEQ representatives to check in on the RRAC’s progress and agreements. Bruce McIntosh, ODFW, and Gene Foster, DEQ, both noted that as the recommendations currently stand, they and their agencies will support the consensus recommendations of the RRAC.

5. “Well Distributed”

The RRAC continued its April meeting discussion around the well distributed prescription. Dana Kjos, SW RFPC, reported that after the April meeting, he looked into the proposal to prohibit the creation of 1/20th acre gaps in the RMA. Dana assessed the impact of this potential criterion, looking at the tree diameter and associated gap size and basal area requirement. He concluded that it is statistically impossible to reach the basal area requirement if the gap size limit is 1/20th of an acre. Dana reported that if using 500ft increments to measure basal area, the smallest gap size requirement could be 1/10th acre, as measured from stump to stump.

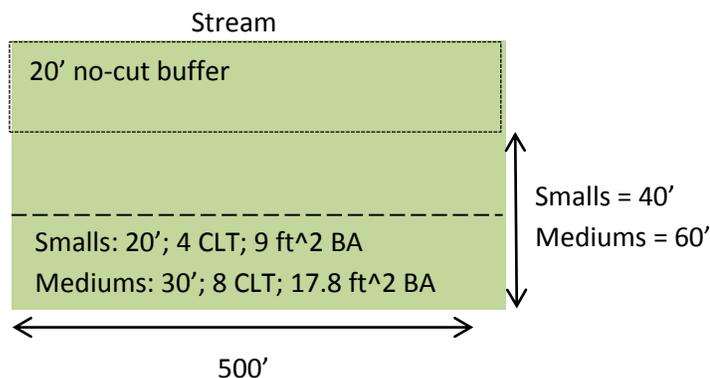
Dana went on to explain that he met with Mike Barnes and Mary Scurlock, Oregon Stream Protection Coalition, to discuss the two proposals outlined at the April RRAC meeting. He then drafted another proposal that Mary then took to Rod and Bob for further review. The group was not able to reach agreement on a proposal to bring to the RRAC due to differing ideas on gap sizes and criteria.

Mary explained that the conservation groups are not comfortable with the 500 foot segment length to measure basal area as the only parameter. They remain concerned that an operator might choose to pack trees into one section of the 500ft, thus creating large gaps in stream shading, which is antithetical to the overall objective of the rules. Instead, they would like to see either a smaller length or more criteria added. She said that she could live with 200ft and 0.5 acre gap, however, Dana did not think that smaller than 500ft increments would work operationally. Seth Barnes, OFIC, echoed Dana, noting that a 100-200ft strip from which to calculate basal area is difficult from an operational perspective.

Rod asked the foresters to expand on how the operators measure basal area. Kevin noted that it is not realistic to think that there will be a 100% cruise on the stands; more likely, it will be a stand assessment and summary. Kevin continued that trying to determine that a gap is 1/10th of an acre would create a process that is very difficult for a landowner to comply with. Instead, he suggested figuring out a simple means for the operator to implement accurately and cost effectively. Randy Hereford, Starker Forests, agreed with Kevin, and expanded, noting that a forester will look at the rule and figure out the best way to implement it, there is not a standard procedure.

Peter shared an idea of how the group might move forward with a prescription for well distributed that would be feasible to implement, allow for active management in the outer RMA, and hopefully quell concerns around too much thinning close to the stream:

Proposal: Divide the outer zone in half; 50% of the conifer leave trees (CLT) and 25% of the required basal area (BA) will need to be left in the outer half of the outer zone. This is all outside of the 20ft no-cut buffer.



The RAC discussed the proposal. There was support from all of the foresters, who appreciated the simplicity, stating that it would be easy to implement. Bob and Mary expressed that the proposal does not quell their concerns of potentially creating large gaps in the RMA, and voiced concern around the ability to still ‘pack and whack’ if desired.

Jim noted that he likes this proposal, as he was previously concerned with how family woodland operators would implement complex criteria. He asked Mary and Bob what the concern is about gaps, noting that gaps happen naturally. Mary explained that she does not want to see more gaps or gaps made larger; the area being discussed is within 20ft of the stream and increasing gap frequency and size impacts available shade and water temperature.

Dick Courter, Small Forestland Owner, echoed that he also wants to make sure that this is not too difficult for small landowners to implement and suggested that narrative be added to state that trees need to be left throughout the entire length of the RMA to provide the needed shade.

Seth noted that it is important to take the real-world, on-the-ground situation into consideration, and that there likely will need to be some adjustments made based off of site topography and other factors. He noted that the proposal goes back to the original BOF metric of well-distributed basal area and seems more aligned with their policy direction.

Rod noted that Peter’s suggestion seems good and implemental in the field; however, he inquired as to the accuracy of implementing the basal area requirement. Peter explained that 25% of the basal area requirement would be in the outer zone because operators will err on the side of leaving more trees than required to ensure that they meet the basal area requirement. Peter also noted that this requirement can be (and is) checked in the field. There is currently an enforcement standard to meet or exceed basal requirements, using a table to count basal area for each tree. When in the field, if ODF thinks someone is not in compliance, they check to see if the requirements are met.

Mary noted that she would be more willing to accept the proposal if the segment length for measuring basal area was smaller than 500 feet, or if there was a gap size limit of ¼ of an acre. She continued that it will be important to monitor this active management approach as there are still questions about shade impacts. Bob noted that if these are big trees, 4 large conifers could be the only trees left in the area, as that may be sufficient to meet the basal area requirement.

Rod clarified that his group also is interested in ensuring that there is large woody debris recruitment for the stream and suggested that there should be a preference stated to leave the larger trees. He suggested that they should consider adding language about a preference to leave dominant and co-dominant tree species. Peter noted that language could be added regarding a preference to leave larger, dominant or co-dominant trees, however, this would not be a requirement. Jim noted that adding voluntary language with the rationale as to why the action requested is important seems a good idea.

Bruce asked whether it would be possible for the net effect to be that the four CLT are all 4-inch trees? Dana responded, no, because the basal area requirement still needs to be met so they would have to be bigger. He provided the example that if the trees are 10 inches, there would need to be 18 trees left to meet the basal area requirement.

Mary and Bob restated their concerns regarding the potential of the proposal to allow for the creation of gaps and potential negative impacts to stream shading. Gene affirmed that, from DEQ’s perspective, the effect of too large of gaps and impact on stream shading is still a concern that will need to be addressed.

The group was polled to gauge support for the proposal, without adding a gap requirement: While the foresters were in strong consensus for the proposal, some of the conservation interests were not able to support the proposal without additional requirements that would ensure that large gaps are not created.

Peter asked if there would be support for the proposal if a 1/10th acre gap size limit was added. Mary and Bob both said that yes, if that criterion was added, they could live with the proposal. Jim, Rex, and Randy noted that if a 1/10 gap size limit were added, they would move from support to actively blocking the proposal.

It was suggested that language could be added to the narrative, which instructs operators to ‘not leave large gaps’. Bob noted that this language is too vague for landowners and regulators. Metrics in other prescriptions are more specific and he felt this should be too. Peter noted the disagreement between the groups and ODF will work on ideas to solve the problem.

6. “Relief”

The RRAC revisited the working definition of ‘parcel’ on which they had agreed at the April meeting. Peter noted that there is already a definition of a ‘single ownership’ in the FPA, so ODF staff added an ORS citation to clarify the definition. Staff also made non-substantive edits to the definition:

‘Parcel, for the purposes of calculating whether a forested property is eligible for relief from SSBT riparian rules adopted in ____ 2017, means contiguous single ownership recorded at the assessor’s office within the county or counties where the property is located, including parcel(s) of any size or shape touching along a boundary, but can be intersected by a railroad, road, stream, or utility right-of-way. Single ownership is defined in ORS 527.620(14).

- **CONSENSUS:** There was consensus to accept the revised definition of ‘parcel’ (all 1’s).

It was noted that there is still a need to define ‘boundary’. The group supported that “a corner” is one way to distinguish a boundary.

Peter framed the conversation on ‘relief’, noting that the RRAC is revisiting this because the BOF expressed that they were not sure whether 10% relief was the right approach. Peter presented three examples of equity analysis using Columbia County tax lots as surrogates for parcels:

1. The first analysis shows the number of tax lots in Columbia County impacted by the percentage of additional SSBT encumbrance.
2. The second analysis looks at tax lots that are greater than 2 acres, and shows the number of acres in Columbia County impacted by the percentage of additional encumbrance.
3. The third analysis uses the same approach as the second analysis, however, also shows the percentile ranges and acreage categories.

Peter noted that the analyses use tax lots as a surrogate for parcels, and now that there is a definition for parcel, ODF can run the analysis on parcels. The group generally supported doing the comparison on affected acres.

It was noted that the analyses only account for additional encumbrances that would be the result of the new rule. There was a question about why the encumbrance is not accumulative, as there may be other encumbrances on these acres. Peter suggested that it is difficult to have the encumbrance be accumulative because the encumbrance depends on whether the property was purchased before or after 1994. Property

purchased before 1994 did not pay for encumbrances. He noted that the economic analysis was based on a free market analysis and so any further assessment should have the same assumption.

Mary noted that, in looking at the results of the analysis, she sees that the new rule does not cause much encumbrance to very many landowners. She noted that the 'encumbrance' bar should not be moved arbitrarily to allow more people to get relief. Peter noted that the '10%' criteria was pulled from a proposal with 90 foot no-cut buffers. Mary indicated that would have been a higher encumbrance and more landowners would be more significantly impacted. Peter noted that the definition of equity, is *determining fairness* and so the RRAC needs to determine what is fair. Mary responded that fairness needs to be considered both for the costs to the resource and impact to water quality as well as the impact to landowners.

Peter noted that he is trying to get a sense of the balance that the RRAC wants to attempt to reach and how. He noted that the questions that the RRAC needs to explore are:

1. Is 10% additional encumbrance the right measure for equity relief?
2. And are 50 and 70 foot no-cut buffers sufficient relief for those who might need it?

Peter reviewed his suggestion for relief that he presented in April. Mary noted that the affected acres are calculated as if the buffers were 60 and 80 feet no-cut buffers; however, these are not no-cut buffers, instead it is variable retention. From her perspective, the variable retention option is relief for landowners already. Peter reiterated that the relief is about equity and how to account for those who are disproportionately affected due to where their land is on the landscape.

Jim noted he felt Peter had done a good job of defining the problem and the impact. He noted no doubt in his mind that the BOF intended to provide relief for landowners who are greatly impacted. He suggested that at least 10% of the land base ought to be considered for relief. That number is a bottom line for him, and that this number is probably not high enough. He noted that at 10%, the additional encumbrance threshold would be 2.5%, and from his perspective the relief should be to revert back to the old rules. Jim thought that the impact to the environment is low and the impact to landowners is significant. Peter responded that he is uncomfortable with reverting to the old rule for relief and that his proposal is to adjust the basal area targets.

Bob responded to Jim's suggestion, saying that, from his perspective, the 90% parameter for acreage is too high and 2.5% of additional encumbrance is not enough to require relief. Bob stressed that it is important to know what the relief is in order to determine the percent encumbrance.

The group discussed the two relief options that Peter outlined:

- A: Passive management option: 50ft no-cut buffer on small streams, 70ft no-cut buffer on mediums; basal area and acre targets are the same.
- B: Variable retention option: 50ft no-cut buffer on smalls, 70ft no-cut buffer on mediums.

Bob noted that he could support the 2.5% additional encumbrance threshold, if the relief was just the 50ft/70ft no cut buffer with no variable retention option. He voiced concern about the temperature impacts of 50-70ft buffers, with a variable retention option. Bob noted that, for the version of relief that Peter suggested, he would be want to be in the 7.7-26.3% range for additional encumbrance threshold.

Rex noted that if the public is told that this is 'relief' then it really should be relief to these landowners, not just appear to be relief. Mary echoed that managing expectations is important and they need to be clear about what can be expected.

Peter summarized where the group was in regards to the ‘relief’ prescriptions: he recapped that he proposed a definition of relief and, while no one actively opposed it, there was discomfort with the definition. Peter heard Bob note that in regards to the current proposed definition, he would like to see it apply to fewer landowners. There remain questions as to whether this is enough relief, as well as whether relief beyond the variable retention is necessary.

Peter noted that his team will continue to assess the encumbrance across the landscape, expanding the analysis outside of Columbia County. Peter will present the relief information to the BOF, using the information that he presented today. Bob suggested that when Peter presents this to the BOF, it would be helpful to present the land base picture to the BOF to show what percentage of the landownership is actually being impacted. He also suggested presenting the outcomes in pie-charts or other graphics to help to illustrate the percentages visually.

8. Fish Habitat Database (FHD)

The group revisited prior conversations around the Fish Habitat Database. Kevin noted that the RRAC is in agreement over 70-80% of the database, specifically the data that is observed documentation of SSBT presence, or downstream of observed documentation. From Kevin’s perspective, the 20-30% of the database that relies on concurrence of professional opinion (CPO) should be further discussed to see if the RRAC can come to agreement on how to deal with that data. Kevin said that he is not opposed to using CPO if the ‘clean-up’ process for addressing any mistakes in the data is addressed. He suggested that they may be able to determine a ‘clean-up’ process via another stakeholder process. Kevin specifically wanted to know how the State is going to address the 20%, now and into the future. What will the process be moving forward to make these determinations and how can the public better understand or even be part of that process?

Peter noted that he sees those questions as being addressed in a separate process, and now the RRAC is focused on adopting the database for implementation of the rule. Peter clarified that once the data is all ‘cleaned-up’ there will be 20-30% of the data that are based on CPO. At this point, ODF is working to identify any discrepancies in the data and addressing those; however, the 20-30% CPO is not addressed through that process.

Bruce noted that the FHD is already used for regulatory purposes, noting that the professional judgement requires concurrence by a District Biologist; not just anyone can make these additions. Bruce clarified that the State’s intent was for the database to be used by regulatory agencies. Now, the agencies are working to further improve the database by working ‘professional judgement’ out and moving towards a ‘barrier/no barrier’ approach to determining fish use: If there is a barrier, it is assumed that there are no fish upstream; if there is not a barrier, it will be assumed that there are fish upstream. Kevin inquired as to how they will determine whether a stream is SSBT versus a resident stream when using the barrier method.

Peter noted that Kevin’s other question is around how the layers will be updated moving forward; will updates be made only as a result of documented observation, or documented observation and professional judgement together? The current layers occupy approximately 30% of the small and medium streams in the planning area and moving the extent of habitat upstream will need to be documented observation of SSBT, or habitat that is suitable for SSBT.

Kevin stressed that he would like to see ‘known SSBT presence’, not a habitat layer or potentially suitable habitat to be the criteria for updating stream types. Bruce noted that updates are based on documented presence or field observation. Jon Bowers, ODFW GIS, noted that they currently allow for observation of fish, habitat, or concurrence of professional opinion; however, the CPO has only been used a dozen or so times to update the FHD. He noted that the observed presence has led to thousands of changes.

Mary noted that the rulemaking process is linked to a water quality standard that is geographically based, and the RRAC does not have the option of not applying this rule to streams that are SSBT because they do not like the way that the stream use was determined. She noted that determining SSBT use should be left up to how ODF and ODFW deem fit. Gene noted that, for implementation of the technical water criteria, the DEQ relies on SSBT layers from ODFW. Peter also noted that ODFW and ODF work together regularly to make sure that the stream layers are correct and update them as necessary.

Kevin noted that the current updating process is not very transparent, and he is unsure how to provide input in that process. Kevin requested more information on the process so that they can have a discussion and not just be reactive to the process outlined in the rule. He wants to be sure the data is trustworthy so all can support and work towards maintaining the best possible data. As such, he requested that the State clarify their inter-agency process for updating the stream layers.

Peter noted that he hears two options, include the 20-30% of CPO streams or do not. They will need to determine the frequency of updating the FHD and then, as updates are adopted, figure out how to incorporate those layers into the new rule. He noted that ODF will provide landowners notice of changes. Kevin said that there may be a third option, to include the 20-30% and clearly identify the process and criteria used to clean-up those layers.

Jon explained that currently, ODF is working to get rid of the CPOs below of downstream documented observations on a species-by-species basis. They are turning a CPO into a documented observation if there is a documented observation upstream of a CPO. ODF and ODFW are working to make sure that the layers used when the rule is implemented are the best layers available. He noted that, so far, this fine-tuning is not having a significant impact of the way streams are categorized; for example, only 33 out of 3,600 miles needed to be revised and the discrepancies went both ways.

Seth clarified that the fear is that once a stream is determined to be a SSBT stream, it is extremely onerous to retract it. Thus the RRAC needs to determine the right process to ensure that what is added to the database is accurate.

Peter summarized that the RAC would like clarity on the State's updating process, and the CPOs. Bob noted that it may be helpful to have more information on the frequency of corrections: how often was the data right/wrong? This might help with the accuracy and trustworthiness issue raised by group members.

9. Rule Language Review

Angie presented a hybrid approach to integrating the new rule language into the current riparian rule (Division 640). She provided working copies of Division 600 (definitions), Division 635 (water protection rules), and Division 642 (formerly Division 640, and now including the SSBT vegetation prescription).

Angie explained that, as requested by the RRAC, ODF consulted with Department of Justice and were advised that either combining the new rule language into the old Division or creating a new Division is acceptable. ODF decided that for easy transition it is more advantageous to build a new division. She asked the RRAC if they support this decision. The RAC supported creating the new Division.

- **CONSENSUS:** There was strong consensus to create a new Division to communicate the new rule and old rule that will be preserved (all 1's and 2's).

Angie walked the RRAC through the three divisions, noting that changes are highlighted and/or underlined and there is still a need to fine tune the language.

Angie reviewed Division 600, highlighting the areas that will be changed eventually, however, are not yet decided on; for example, FHD, definition of main stem, etc. She asked for input on whether there are other definitions that need to be included.

→ **ACTION:** Provide ODF with any other definitions that need to be added to Division 600 by the next meeting.

Angie reviewed Division 635, highlighting what will be added to the Division. She noted that this still needs further review by ODF; however, the RRAC can see where more details will be added. She noted that Division 635 will address how a landowner can address discrepancies in the fish layers.

Angie reviewed Division 642, reiterating that ODF has included language that will need to be reworked and edited. ODF wanted to give RRAC the draft document now to get their advice on whether or not it is comprehensive.

Moving forward, Angie noted that some edits have been made to the document to make it clearer and she expects additional edits and details will be added to the new Division. Peter noted that the drafts of the Divisions will include everything that the RRAC has agreed to up to that point, as well as proposals from ODF for those concepts on which the RRAC has not reached agreement. At the June meeting, the RRAC will work to identify areas that need to be re-worked, and then a sub-group will be formed to re-work those areas of concern. ODF does not plan on wordsmithing in a large group.

→ **ACTION:** ODF will provide draft language to the RRAC by June 14th. At the June 21st meeting the RRAC will have the opportunity to provide input on the content of the Divisions.

9. Public Comment

Public comment was invited. None was offered.

10. Next Steps

Donna recapped the action items:

- The April Facilitator Summary edits will be incorporated and a final draft will be posted online.
- ODFW and ODF will work to help clarify their joint process for updating the FHD presence layers.
- The RRAC will provide input on definitions and Division 600 prior to the June 21st meeting.
- ODF will send the draft rule language to the RRAC by June 14th, and
- On June 21st the RRAC will work towards consensus on the draft rules and identify any issues that need further work. A subgroup will be established to work through those issues. The RRAC will also review the fiscal impact at the June session.

With that, Peter and Donna thanked the RRAC for their participation and the meeting was adjourned.