



Board of Forestry
Forest Practices Act Riparian Rule for Protecting Cold Water
Rulemaking Advisory Committee

Charter and Operating Principles

I. Purpose

The purpose of the advisory committee is to collaboratively discuss and provide feedback on the draft Forest Practices Act (FPA) rule language to implement the Board of Forestry's (Board) November 2015 decision (attached) on elements of the final riparian prescription package for new riparian protection standards for small and medium fish streams. The Oregon Department of Forestry (ODF) needs to draft rule language to implement the Board decision. ODF anticipates that some of the rule language will be straightforward implementation of the Board decision, while other rule language will involve clarification of policy implied by the decision and involve substantive issues.

The advisory committee's role is to 1) discuss and provide feedback on policy issues that need further clarification / decision by the Board; 2) provide feedback to assist ODF in developing/writing clear language that describes the Board's new riparian standards; and 3) discuss and provide input on the fiscal impacts of the proposed regulations.

II. Background and Context

At their November 5, 2015 meeting, the Board adopted a final riparian prescription package for small and medium fish streams in western Oregon. The package describes the elements that need to be included in rule language. Specifically, the decision applies to small and medium Salmon, Steelhead, and/or Bull Trout (SSBT) streams that are located in the Coast Range, South Coast, Interior, and Western Cascades FPA geographic regions. The new standards also extend up within the immediate harvest unit above the end of mapped SSBT streams, along the main stem of fish-bearing streams.

The Board decision specified riparian buffer width on these streams of 60 feet for small streams and 80 feet for medium streams that meet the above criteria. The decision describes several final harvest prescription options for the riparian management areas (RMA), including a no harvest option and variable retention harvest option, with leave tree requirements. For both prescriptions, up to 50 percent of the required wildlife trees can be counted in the RMA. The variable retention harvest option sets minimum basal area and trees to be retained and requires the retained trees to be well distributed throughout the RMA. The decision also included options to provide economic relief for smaller parcels and to provide an alternative prescription for streams that run in an east-west direction.

While the Board has described elements of new standards, there are certain components that require clarification of policy. These issues include:

- How to define/identify SSBT streams as a subset of ODFs small and medium fish-bearing streams? In the Board’s rule analysis process, ODF created a synthetic stream layer combining the Oregon Department of Fish and Wildlife (ODFW) fish habitat distribution (FHD) layer and the ODF stream layer with size and fish-presence attributes to identify SSBT streams.
- Defining the approach of extending standards within the immediate harvest unit above the end of mapped SSBT streams, along the main stem of fish-bearing streams.
- Defining well distributed throughout the RMA.
- Implementing the decision that “all current rules that apply to Small and Medium Type F streams not mentioned above continue to apply (trees leaning over the channel, etc.)” Need to identify conflicts, overlap, and rules that require clarification.
- Definition / verification of a parcel, and definition, determination of encumbrance, and equity relief.
- Defining South-sided buffers. The Board adopted different buffer widths for north vs. south sided buffers for streams with a general valley azimuth within 30° east-west. At what geographic scale is this option applied?

III. Operating Principles

Interests Represented

Advisory committee members (see attached roster) include the stakeholders, Regional Forest Practice Committee members, forestland owners, and agencies, who have participated in the rule analysis process. ODF included forestland owners and owner representatives to ensure that the committee's members represent the interests of persons likely to be affected by the rule.

Attendance at Meetings.

Attendance expected. Members are expected to make a good faith effort to attend all meetings. To maintain the continuity of the discussion, it is important to have the members (or alternates) attend every meeting. Members who choose not to attend a meeting may not seek to revisit issues from the missed meeting that were noted on the agenda and on which discussion was completed at the missed meeting. Members may participate by proxy through their alternate or other committee members or by providing written input to ODF prior to the meeting.

Participant Commitments

All advisory committee members agree to:

- Be prepared for and attend meetings and then follow through on commitments;
- Consult regularly with constituencies and provide their input at the earliest point in the process;
- Keep their organizations or constituents informed of the advisory committee process and substance;
- Actively participate in meetings and review meeting materials prior to meetings;
- Treat everyone and his or her opinions with respect;

- Allow one person to speak at a time;
- Comment constructively and specifically;
- Engage in honest, constructive and good faith discussions in all aspects of the process, including any on-line discussions which may occur between meetings;
- Operate according to, and stay focused on, the advisory committee's specific charge;
- Represent the views of himself or herself only, and not any other member, group, or the advisory committee as a whole to the public; and
- To support the consensus building process, committee member will wait to make presentations about substantive issues under discussion at the committee to either a quorum of the Board of Forestry or the press until the committee's work is completed.
 - If a member has concerns about the process or the direction the committee is taking, he or she will raise those concerns first with the facilitation team and the committee prior to raising these issues with the Board of Forestry, the press or the public.

Process Overview

Project Team.

The Project Team consists of the facilitation team and key staff from ODF. The Project Team handles advisory committee logistics and scheduling, and works to ensure that the committee receives appropriate technical and process support. ODF asked ODFW and DEQ to participate on the committee to provide technical support to the project team and to ensure consultation with other agencies that have functions with respect to the purposes specified in ORS 527.630 or programs affected by forest operations (ORS 527.710).

Meeting materials

ODF staff will target distribution of briefing materials, including agenda, at least one week prior to each meeting. ODF staff will lead technical discussions designed to provide information and seek consensus on recommendations for addressing issues where applicable. Meeting materials will be posted on the ODF website.

Facilitation Team

DS Consulting, a professional facilitation firm located in Portland, OR, will facilitate advisory committee meetings. The facilitators are impartial on the issues before the advisory committee and work for all members of the advisory committee, not just ODF. The facilitators will work to ensure that the process has a respectful and positive tone: a tone that allows for the expression of the emotional investment of the participants, whether they are staff, committee members or members of the public, while working forward to achieve the stated goals of the overall process. The facilitators' role includes:

- Preparation of agendas and assisting with the development of presentations, handouts and other materials related to meeting administration and governance;
- Conducting meetings according to agreed upon guidelines;

- Documenting meeting attendance and summarizing discussions and final agreements/recommendations of the Advisory Committee; and
- Assisting in the identification and resolution of advisory committee governance or other conflicts/concerns.

To the extent issues arise with the process, group members are encouraged to approach the facilitator or ODF staff sooner than later to allow for timely resolution of those issues.

Meeting summaries

The Facilitation team will prepare summaries of the advisory committee's meetings, which summarize significant issues raised during the discussion, whether and how issues were resolved, advisory committee recommendations regarding rulemaking and program implementation and other action items. Members of the Project Team will provide a first review for substantive issues prior to distribution the Advisory Committee meeting. Advisory Committee members will have an opportunity to review, recommend revisions and then approve meeting summaries before they are posted on the ODF website. Final approved summaries also will be attached to the final report to the Board of Forestry.

Decision Making

The advisory committee will seek to operate by consensus and strive to make consensus-based recommendations on all issues identified. Consensus is defined as the willingness to live with or actively support the recommended outcome. However, if the committee cannot achieve consensus on an issue within a reasonable amount of time, the meeting summary and the final report will note the different perspectives of committee members on the issue.

The advisory committee understands that, under statutes and regulations governing forest practices, the Board of Forestry has final decision-making authority on all policy issues. ODF is committed to considering input and advice from the advisory committee and acting on such advice to the extent possible when making recommendations to the Board. When consensus is not reached, ODF will describe and address the full range of views, which the advisory committee discussed, and make a recommendation to the Board when final rules are considered.

IV. Advisory Committee Schedule

All advisory committee meetings will be at ODF Salem Compound, 2600 State Street, Salem, OR.

Table 1 Meeting Schedule and Topics to be covered

Date	Time	Location	Topics
Feb. 19, 2016	10 AM – 3 PM Lunch will be provided	Tillamook Room	<ul style="list-style-type: none">• Introductions, review of charter, and review and refine operating principles.• Review of the Board’s decision.• Timeline for the rulemaking process.• ODF Policy issue / definitions that need clarification.• Advisory Committee’s input on any other topics needing advisory committee input.• Areas within FPA where overlap or conflict may exist.• Communication Strategy for the Advisory Committee effort.
Mar. 22, 2016	10 AM – 3 PM Lunch will be provided	Tillamook Room	<ul style="list-style-type: none">• Policy issue / definitions that need clarification.• Areas within FPA where overlap or conflict may exist.• Review of draft rule language.• Fiscal analysis.
Apr. TBD, 2016	TBD	TBD	<ul style="list-style-type: none">• Review of draft rule language.• Fiscal analysis.

V. Public Involvement

All meetings of the advisory committee are open to the public. Public comment periods will be provided at the start of each meeting and when the Advisory Committee wishes to be certain they have not missed any information that the public may have. The Advisory Committee and its facilitation team will work to strike a balance between the amount of public comment permitted and the amount of time needed for the committee’s work and discussions. Citizens who wish to discuss issues are encouraged to communicate directly with ODF project staff. ODF will accept comments submitted during development of the proposed rules through an informal process. As part of the normal rule making process, ODF will hold a formal public comment period following the conclusion of the advisory committee meetings. ODF anticipates holding multiple public hearings from September through December 2016. Citizens may attend the public hearing and provide either oral or written testimony and may also provide written comments submitted any time within the public comment period.

VI. ODF Contacts

Angie Lane
Policy Analyst/Civil Penalties Administrator
(503) 945-7387
angie.g.lane@oregon.gov

Susan Dominique,
Private Forests Admin. Specialist 2
503-945-7502
Susan.dominique@oregon.gov