

United States Forest Service

CHARTER

1. **Committee's Official Designation**

National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule

2. **Authority**

The Committee is established under the authority of the Secretary of Agriculture in accordance with the provisions of the Federal Advisory Committee Act (FACA) as amended, 5 U.S.C. Appendix 2.

3. **Objectives and Scope of Activities**

The Committee will advise the Secretary of Agriculture, through the Chief of the Forest Service, by providing advice and recommendations on the implementation of the National Forest System Land Management Planning Rule (planning rule).

4. **Description of Duties**

The committee will be solely advisory in nature. Advice or recommendations of the Committee will be given only with respect to the implementation of the planning rule. All activities of the committee will be conducted in an open, transparent, and accessible manner. The Committee will be asked to perform the following duties or other requests made by the Secretary or the Chief:

- A) Review and provide input for directives related to implementation of the planning rule.
- B) Offer recommendations on implementation of the planning rule, based on lessons learned and best practices from on-going or completed assessments, revisions, and monitoring strategies.
- C) Offer recommendations on new best practices that could be implemented based on lessons learned.
- D) Offer recommendations for consistent interpretation of the rule where ambiguities cause difficulty in implementation of the rule.
- E) Offer recommendations for effective ongoing monitoring and evaluation, including broad scale monitoring, for implementation of the planning rule.
- F) Offer recommendations on how to foster an effective ongoing collaborative framework to ensure engagement of federal, state, local and Tribal governments; private organizations and affected interests; the scientific community; and other stakeholders.

G) Offer recommendations for integrating the land management planning process with landscape scale restoration activities through implementation of the planning rule.

H) By agreement of a simple majority of members, adopt such by-laws, operating guidelines or rules of operation as it deems advisable to perform the duties of the committee, consistent with FACA and other applicable laws and regulations and with the approval of the designated Federal officer.

5. Agency or Official to Whom the Committee Reports

The committee will report to the Secretary of Agriculture, through the Chief of the Forest Service.

6. Support

Clerical and other administrative support for the Committee will be provided by the USDA Forest Service.

7. Estimated Annual Operating Costs and Staff Years

Members of the Committee will serve without compensation. Reimbursement for travel expenses will be made in accordance with Federal per diem rates for attendance at meetings. All expenses will be subject to approval of the Designated Federal Officer.

Estimated annual operating costs of the Committee are \$180,000. Federal staff support is estimated to be 3 full-time equivalents. Committee expenses will be covered by the Forest Service.

8. Designated Federal Officer

A permanent Federal employee will be appointed in accordance with agency procedures, will serve as the DFO. The DFO will approve the advisory committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the advisory committee reports.

9. Number and Frequency of Meetings

The Committee will meet 3 - 6 times annually or as often as necessary to complete its work. A majority of the Committee members must be present to constitute an official meeting. The Committee or subcommittees shall not hold any meetings except at the call of, or with the advance approval of, the DFO. Attendance may be in-person, by telephone, or by other electronic means.

All meetings will be open to the public, and all proceedings and relevant documents will be posted and made accessible to the public.

10. Duration

Continuing.

11. Termination

The Committee is subject to biennial review and will terminate 2 years from the date the charter is filed, unless prior to that date, the Charter is renewed in accordance with the provisions of Section 14 of the FACA. The Council will not meet or take any action without a valid current charter.

12. Membership and Designation

12a. This committee will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Steps will be taken to encourage fresh points of view, such as establishing staggered membership terms and limiting the number of renewed memberships.

12b. Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women and persons with disabilities.

12c. The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program.

The Committee currently has, and will not exceed, 21 members. The members provide balanced and broad representation of public interests such as, but not limited to industry and user groups; environmental organizations; conservation organizations; recreation interests; members of the scientific community; other public interests; nationally, regionally, and locally recognized associations; State, county, or local elected officials (or designee); Tribal representatives; and other federal representatives. Nominees will be sought through an open and public process that includes, but is not limited to, nominees submitted by tribal governments, county and state governments, organizations, and individuals who represent the interests of the public on National Forest System lands. Members may recommend substitutes to represent them at meetings they are unable to attend. The Secretary must approve and appoint substitutes before they attend meetings as Representatives or Special Government Employees.

12d. Of these members, one will become the chairperson who is recognized for their ability to lead a group in a fair and focused manner and who has been briefed on the mission of this Committee. A co-chairperson may be assigned, especially to facilitate their transition to become the chairperson in the future.

12e. Ethics Statement

To maintain the highest levels of honesty, integrity and ethical conduct, no Committee or subcommittee member shall participate in any "specific party matters" (i.e., matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Committee or Subcommittee members to immediately disclose to the DFO (for discussion with USDA's Office of Ethics) any specific party matter in which the member's immediate family, relatives, business partners or employer would be directly

seeking to financially benefit from the Committee's recommendations. Members of the Committee shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims, grants, or agreements that involve lands or resources administered by the Forest Service, or in any litigation related thereto. For purposes of this paragraph, indirect interest includes holdings of a spouse or a dependent child.

All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Committee's advice and recommendations. Members who are appointed as "Representatives" are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.

Members appointed as "Special Government Employees" (SGEs) are considered intermittent Federal employees and are subject to Federal ethics laws. SGE's are appointed due to their personal knowledge, academic scholarship, background or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form) and, upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards USDA will provide ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

13. Subcommittees

The committee may create and operate subcommittees as deemed necessary by a simple majority of the committee members and approved by the Designated Federal Officer. Subcommittees may only conduct preliminary staff work to inform the deliberations of the full committee; decisions and recommendations may be made only by the parent committee. Subcommittees must report back to the parent committee, and must not provide advice, recommendations or work products directly to the Forest Service. Subcommittee activities, advice and work products must be reported in the minutes or other public records of the full committee.

14. Recordkeeping

The records of this Committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Committee is available online at:

<http://www.fs.usda.gov/detail/planningrule/home>

15. Filing Date

February 3, 2014