USDA United States Department of Agriculture
Forest Service
Washington Office
1400 Independence Avenue, SW
Washington, DC 20250

DECISION MEMORANDUM FOR THOMAS J. VILSACK, SECRETARY

THROUGH: Robert Bonnie
Under Secretary, NRE JUN 16 2016

FROM: FOR Thomas L. Tidwell
Chief

SUBJECT: Renewal of the Secure Rural Schools Resource Advisory Committees Charter

FILE CODE: 1350

ISSUE:

The charter for the Secure Rural Schools Resource Advisory Committees (RACs) needs to be renewed to allow existing RACs to continue carrying out the requirements of the Secure Rural Schools and Community Self-Determination Act of 2000 (the Act), as amended through the Medicare Access and CHIP Reauthorization Act of 2015 (Pub. L. 114-10). Title II of the Act calls for local RACs to review, recommend, and monitor special projects on National Forests. The current charter expires on June 10, 2016. Renewal of the charter will allow for uninterrupted performance of the RACs in accomplishing the work envisioned in the Act.

With this charter renewal, new RACs need to be established to carry out the duties of the Act.

BACKGROUND:

The Act was reauthorized in April 2015 to allow existing RACs to continue reviewing, monitoring projects, and making recommendations for any appropriate changes or adjustments to the projects being monitored. Title II funds will be available to help provide jobs in rural communities on projects that maintain or enhance the health of watersheds, wildlife and fisheries habitat, and forest ecosystems.

The purpose of each RAC is to improve collaborative relationships among the people that use and care for the National Forests and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The duties of the RACs include monitoring projects, advising the Secretary on the progress and results of the monitoring efforts, and making recommendations to the Forest Service for any appropriate changes or adjustments to the projects being monitored by the RACs.

The Rocky Mountain, Pacific Southwest, Pacific Northwest, Southern, and Eastern Regions, in consultation with the counties and local communities, have determined that new RACs need to be established to accomplish the duties set forth in the Act; those RACs are described below.

1. Saguache-Upper Rio Grande RAC: the Rocky Mountain Region would like to establish the RAC to advise the Gunnison, Rio Grande, and San Isabel National Forests.

2. Fresno and Madera Counties RAC: the Pacific Southwest Region would like to establish the RAC to advise the Sequioa, Sierra, and Inyo National Forests.

3. Snohomish-South Mt. Baker Snoqualmie RAC: the Pacific Northwest Region would like to establish the RAC to advise the Mt. Baker and Snoqualmie National Forests.

4. Davy Crockett-Sam Houston RAC: the Southern Region would like to establish the RAC to advise the Davy Crockett and Sam Houston National Forests.

5. North Carolina RAC: the Southern Region would like to establish the RAC to advise the Pisgah, Croatan, Nantahala, Uwharrie National Forests and the Forestry Sciences North Carolina Experimental Area.

6. Hiawatha RAC: the Eastern Region would like to establish the RAC to advise the Hiawatha National Forest.

RECOMMENDATION:

The Forest Service recommends renewing the charter for the existing 114 Secure Rural Schools RACs and the establishment of the new RACs to review, monitor, and make recommendations on special projects that they deem have merit to the Secretary.

Enclosures (6)

DECISION BY THE SECRETARY:

Approve: _____ Date: 6/21/16

Disapprove: _____

Discuss with me: _____

Reviewed by: _____

USDA United States Department of Agriculture

Forest Service

CHARTER

1. **Committee's Official Designation**

Secure Rural Schools Resource Advisory Committees.

The federal advisory committees referenced in this charter are collectively known as Secure Rural Schools Resource Advisory Committees (RACs). The official designation (title) of each RAC and its estimated annual operating expenses and staff support are shown in an addendum to this charter.

Each Secure Rural Schools RAC shall operate in accordance with this charter. This charter and its addendum shall be filed by the Committee Management Officer with the Secretary of Agriculture, the appropriate Congressional committees, the Library of Congress and the General Services Administration's Committee Management Secretariat and posted for each committee in the Committee Management Secretariat's Federal Advisory Committee Act (FACA) data base.

2. **Authority**

Each Secure Rural Schools RAC is established pursuant to the Secure Rural Schools and Community Self-Determination Act of 2000, 16 U.S.C.A. 7125, hereafter referred to as the Act and reauthorized through the Medicare Access and CHIP Reauthorization Act of 2015, Section 524; hereafter referred to as the CHIP Act and in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C., App.2.

3. **Objectives and Scope of Activities**

The purpose of each RAC is to improve collaborative relationships among the people that use and care for the National Forests and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act.

4. **Description of Duties**

Each RAC shall be solely advisory in nature. Advice or recommendations of the RAC shall be given only with respect to the purposes of the committee as defined in the Act. All activities of the RAC shall be conducted in an open, transparent, and accessible manner.

Each RAC shall,

a. Review projects proposed under Title II of the Act by participating counties and other entities.
b. Recommend projects and funding for projects, in accordance with section 203 of the Act, to the Secretary, responsible for approving and implementing projects authorized by the Act. Agreement by the majority of members in each of the three membership categories of the RAC is required before recommending projects and funding.
c. Provide early and continuous coordination with appropriate Forest Service officials in recommending projects authorized under Title II of the Act.
d. Provide frequent opportunities for tribal governments, participating county governments, citizens, organizations, land management agencies and other interested parties to participate openly and meaningfully, beginning at the early stages of development of projects authorized under Title II of the Act.
e. Monitor projects that have been approved under Title II of the Act and advise the Designated Federal Officer on the progress and results of the monitoring efforts.
f. Make recommendations to the Secretary for any appropriate changes or adjustments to the projects being monitored by the RAC.
g. Elect by agreement of a simple majority of members, a committee chairperson (or co-chairs) from among the RAC's members. The chair will serve for a term of one year.
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.

Upon request of the DFO, the SRS RAC may make recommendations within their area of jurisdiction regarding:

i. The implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;
j. The elimination of a standard amenity recreation fee or an expanded amenity recreation fee;
k. The expansion or limitation of the recreation fee program;
l. The implementation or elimination of noncommercial, individual special recreation permit fees; and
m. The implementation of fee-level changes (increases or decreases).

Secure Rural Schools RACs do not have the authority to make recommendations on certain aspects of fee programs, including, but not limited to:

n. Recreation fee sites operated by a concessionaire or contractor such as campgrounds or reservation fees assessed by the national recreation reservation system; and

o. Commercial permits such as outfitting and guiding; and recreation group event permits, which are issued as either special use permits by the Forest Service or special recreation permits by the BLM, such as bike races.

5. **Agency or Official to Whom the Committee Reports**

Each RAC reports its recommendations to the Secretary through the Chief of the Forest Service.

6. **Support**

Administrative support for each Secure Rural Schools RAC will be provided by the Forest Service.

7. **Estimated Annual Operating Costs and Staff Years**

The estimated annual operating expenses and staff support for each RAC are shown in the addendum to this charter.

In accordance with the Act, members of the RAC shall serve without compensation. RAC members and replacements may be allowed travel expenses and per diem for attendance at committee meetings as authorized by 5 U.S.C. 5703 if sufficient funds authorized for such uses are available as determined by the Forest Supervisor responsible for administrative support to the RAC. Reimbursement, if any, will be consistent with procedures and rates applicable to Forest Service employees in travel status.

8. **Designated Federal Officer**

A permanent Federal employee is to be appointed in accordance with agency procedures and will serve as the Designated Federal Officer (DFO). The DFO will approve the advisory committees' 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. **Estimated Number and Frequency of Meetings**

The RAC will meet as often as necessary to perform its duties, generally one to four times per year, in a location and facility accessible to the public.

RAC meetings will be convened only with the prior approval of the DFO and with an agenda approved by the DFO.

As required by the Act, all meetings of the RAC shall be open to the public. Interested persons may attend meetings, appear before the RAC as time permits, and file written comments with the RAC.

A simple majority of the members from each category of the RAC must be present to constitute an official meeting of the RAC. Attendance may be in-person, by telephone, or other electronic means.

In accordance with FACA regulations, notice of each meeting shall be published in the Federal Register at least 15 days before the meeting. In accordance with the Act, notice of each meeting shall be published in the local newspaper of record at least one week in advance of the meeting. RAC members will be notified personally of the date, time, and place of each meeting.

10. **Duration**

Continuing.

11. **Termination**

In accordance with FACA and departmental regulations this charter will expire two years from the date of filing.

12. **Membership and Designation**

12a. Each RAC 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 In accordance with the Act, each RAC shall be comprised of 15 members who provide balanced and broad representation from within each of the following three categories of interests specified in the Act:

a. Five persons who represent:
    1. organized labor or non-timber forest product harvester groups;
    2. developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;
    3. energy and mineral development, or commercial or recreational fishing interests;
    4. commercial timber industry; or
    5. Federal grazing permits or other land use permit holders or represent non-industrial private forest land owners within the area for which the committee is organized.
b. Five persons who represent:
    1. nationally recognized environmental organizations;
    2. regionally or locally recognized environmental organizations;
    3. dispersed recreational activities;
    4. archaeological and historical interests; or
    5. nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

c. Five persons who represent:
   1. state elected office (or a designee);
   2. county or local elected office;
   3. American Indian tribes within or adjacent to the area for which the committee is organized;
   4. area school officials or teachers; or
   5. affected public-at-large.

Members shall reside within the State(s) in which the RAC is organized. To the extent practical, the membership of each of the three categories will include residents in the vicinity of the National Forest for which the committee provides advice.

In accordance with the Act, members and replacements are appointed to 4-year terms or reappointed for an additional 2 years. The term begins on the date of the Secretary's decision to appoint the member or replacement.

The Secretary may appoint a replacement for each of the three membership categories who may serve on the RAC in the event that a vacancy arises.

If an appropriate replacement member is not available, nominees will be sought through an open and public process and submitted to the Secretary for vetting, approval, and appointment.

12c. Of these members, one will become the chairperson (elected by agreement of a simple majority of members) who is recognized for his or her 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, in the same manner as the chair, especially to facilitate his or her transition to become the chairperson in the future.

12d. 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, claims, grants, or agreements that involve lands or resources administered by the Forest Service, or in any litigation related thereto. For the purposes of this paragraph, indirect interest includes holdings of a spouse or 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.

12e. Equal Opportunity Statement

Equal opportunity practices, in line with USDA policies, will be followed in all membership appointments to the committee. To ensure that the recommendations of the committee have taken into account the needs of the diverse groups served by the Department, membership shall include (to the extent practicable), minorities, women, and persons with disabilities.

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.

13. Subcommittees

The Forest Service has the authority to create subcommittees. Subcommittees must report back to the parent committee, and must not provide advice or work products directly to the Agency.

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 6.2 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/pts/

15. Filing Date