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Route To:

Subject: Implementation of Payments to States Legislation (Public Law 106-393)

To: Regional Foresters

Section 4(e) of the Template Charter for Resource Advisory Committees (RACs) organized pursuant to Public Law 106-393, the Secure Rural Schools and Community Self-Determination Act, has been the subject of considerable discussion since we began developing the charter template. The section reads:

“In her discretion, the Secretary will not consider a Title II project funded by a county’s reservation for Title II projects when the majority of the governing body of that county objects to the use of the funds.”

Some county officials believe that this language is necessary to assure that the funds reserved for Title II are not spent in a manner inconsistent with the counties’ wishes. However, concerns have been raised that 4(e) effectively grants counties a “veto” over resource advisory committee (RAC) decisions.

In developing the national template, the Forest Service, through discussions with Department officials, believed it was important to respond to concerns expressed by county officials about this issue. This was particularly evident where multiple counties came together to form one resource advisory committee. Some counties felt that in these situations monies they set aside for Title II resource work in their counties could be spent in other counties (as well as their own) on projects they do not support.

From a practical standpoint, the language of 4(e) simply reflects the dynamic that will most likely exist between counties and RACs, given the discretion each county has to identify how much money is set aside for Title II projects each year. We have also explained to those who have expressed concerns that it is unlikely that a Forest Supervisor would continue with a project when their local county officials are taking a strong position against it.

One of the primary goals of the Payments to States Act is to develop a new approach for finding consensus in the management of the National Forests. The intent of the 4(e) language was not to give one party veto power over the RACs, but rather to clearly state the Department’s expectations that counties and RACs will work together in a cooperative manner.

However, in order to respond to the concerns that have been raised, section 4(e) should be removed from the template charter. Nevertheless, given the Secretary’s sole discretion to approve projects, you should urge RACs to make project recommendations after consulting with affected communities and other interested parties.



This should mitigate the concerns arising from the current language in the template charter.

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