

**Bylaws**  
**Collaborative Forest Restoration Program**  
**Technical Advisory Panel**

**April 23, 2012**

**Section I: Purpose:**

*The purpose of the Collaborative Forest Restoration Program Technical Advisory Panel (Panel) is to evaluate proposals for forest restoration grants and provide recommendations on funding. Recommendations will be presented to the Southwest Regional Forester, USDA Forest Service.*

**Section II: Authority:**

The Secretary of Agriculture established the Collaborative Forest Restoration Program Technical Advisory Panel as a Federal Advisory Committee on July 12, 2001 pursuant to Section 606 of the Community Forest Restoration Act Of 2000 (Pub. L. No. 106-393) (the Act), which directs the Secretary to convene a technical advisory panel to evaluate proposals that will receive funding through the Collaborative Forest Restoration Program. The Panel is subject to the Federal Advisory Committee Act (FACA), the Freedom of Information Act (FOIA), and the Government in the Sunshine Act (GISA).

**Section III: Membership Selection and Appointment:**

The Secretary of Agriculture, or his delegate acting through the Chief of the Forest Service, will appoint Panel members. The 12-15 member panel, as outlined in Section 606 of the Act, includes: a State Natural Resources official from the State of New Mexico; At least two representatives from Federal land management agencies; at least one tribal or pueblo representative; at least two independent scientists with experience in forest ecosystem restoration; and equal representation from: conservation interests; local communities; and commodity interests.

Members of the Panel shall be appointed for terms of 2 years, but may be reappointed. A vacancy on the Panel will be filled from the list of applicants who responded to the original solicitation for applications. A list of qualified applicants who passed the required background clearance check will be kept on file for this purpose. Any member appointed to fill a vacancy occurring before the expiration of the term for which his/her predecessor was appointed shall be appointed for the remainder of such term. A replacement shall fill the vacancy as soon as practicable after the vacancy occurs.

At the end of each 2-year term, the Secretary of Agriculture will solicit applications for new membership on the panel. Notices will be sent to tribal, county and local

governments, conservation organizations, and appropriate Colleges and Universities. A notice describing the purpose of the Panel and the application procedure will be published in local newspapers and a news release will be sent to television stations, radio stations, and their local translators in New Mexico soliciting nominations for Panel membership. Letters will also be mailed to individuals who have expressed an interest in the program or are involved in the forest restoration issue in New Mexico. Information on the Act and how to submit an application for membership on the Panel will also be posted on the Forest Service Southwest Regional Internet Website at: [www.fs.fed.us/r3/spf/community](http://www.fs.fed.us/r3/spf/community).

The Secretary of Agriculture, in selecting Panel members, shall seek to ensure the membership of the Panel is balanced and represents and includes a broad range of diverse views and interests. Additional criteria for selection will include but not be limited to: long-time familiarity with forest management issues in New Mexico; past experience working with the government planning process; knowledge and understanding of the various cultures and communities in New Mexico; ability to actively participate in diverse team settings; demonstrated skill in working toward mutually beneficial solutions to complex issues; respect and credibility in local communities; and commitment to attending panel meetings.

The Secretary of Agriculture shall appoint a Designated Federal Official (DFO) under sections 10 (e) and (f) of the Federal Advisory Committee Act, 5 U.S.C. App., who shall also serve as the Chairman of the Panel.

#### **Section IV: Meeting Procedures:**

The panel will provide an environment where interest groups that have a stake in forest management issues can work towards agreement on how forest restoration should occur on public land in New Mexico with the grant proposals as the focus of the discussion.

*The panel makes recommendations to the Secretary of Agriculture on which grant proposals best meet the objectives of the Act.* The Panel will meet as often as is necessary to complete its business. The DFO (or a designated substitute) will convene Panel meetings. A majority of the Panel members must be present to constitute an official meeting of the Panel.

**A. Agenda:** The DFO/Chairman will approve the proposed agenda for each meeting and distributed it to panel members prior to each meeting. An outline of the agenda will be published with a notice of the meeting in the Federal Register at least 15 days prior to the meeting. CFRP project proposals will be distributed to panel members for review at least six weeks prior to the panel meeting. Any member of the panel may submit additional agenda items to the DFO prior to the meeting if they are related to proposal evaluation. Members of the public may submit items for consideration that are related to proposal evaluation by sending them to the DFO prior to the meeting.

**B. Minutes and Records:** The DFO will prepare minutes of each meeting and distribute copies to each Panel member. The minutes will include: a record of the persons present (including the names of panel members, names of staff, and the names of members of the public who made written or oral presentations); a description of the matters discussed and conclusions reached; and copies of all reports received, issued or approved by the Panel. All documents, reports, or other materials prepared by, or for, the Panel constitute official government records and must be maintained according to the Government Services Administration (GSA) policies and procedures. Minutes of open meetings will be available to the public upon request.

**C. Open Meetings:** All meetings of the Panel will be open to the public. All materials brought before or presented to the Panel will be available to the public for review or copying at the time of the scheduled meeting.

Members of the public may attend any meeting or portion of a meeting and, at the determination of the Chairman, offer written comment at such meeting. Oral comment shall be limited to 3 minutes. Public comment periods will be scheduled. The panel will not consider new information that was required by the RFP if it constitutes a substantial change to the original proposal. The panel may consider information provided in response to a request for clarification or if it is a factual correction.

#### **Section V: Role of Panel Members:**

**A. Designated Federal Official (DFO) or his delegate:** The DFO will establish priorities, identify issues that must be addressed, and assure compliance with the Federal Advisory Committee Act and the Community Forest Restoration Act. The DFO also serves as the government's agent for all matters related to the panel's activities. By Law, the DFO must: (1) approve or call the meeting of the Panel; (2) approve agendas; (3) attend all meetings; (4) adjourn the meetings when such adjournment is in the public interest; and (5) chair meetings when directed by the Regional Forester or his/her designee. The DFO is responsible for determining the level and types of staff and financial support required and providing adequate staff support to the Panel, including the performance of the following functions: (a) Notifying members of the time and place for each meeting; (b) ensuring that adequate facilities are provided for meetings; (c) ensuring detailed minutes are taken at the meeting and maintaining records of all meetings, including subgroup or working group activities, as required by Law; (d) maintaining the roll including subgroup and working group activities; (e) attending to official correspondence; (f) maintaining official Panel records and filing all papers and submissions prepared for or by the Panel, including those items generated by subgroups and working groups; (g) acting as the Panel's agent to collect, validate and pay all vouchers for pre-approved expenditures; and (h) preparing and handling all reports, including the annual report as required under FACA.

**B. Chairperson:** The Chairperson works with the DFO to establish priorities, identify issues which must be addressed, develop the agenda, determine the level and types of staff and financial support required, and serves as the focal point for the Panel's membership. The Chairman works with the meeting facilitator to assure that each member of the Panel has an opportunity to express their views. In addition, the Chairperson is responsible for certifying the accuracy of the Panel Report and the Meeting Minutes developed by the Panel to document its meetings. The DFO may also serve as the Chairperson.

**C. Panel Member:** Appointment to the Panel does not make a Panel member an employee of the federal government. The primary responsibility of each Panel member is to review and evaluate each CFRP project proposal to determine which ones best meet the purposes and objectives of the Act. Panel members shall attend Panel meetings, and participate in related workgroups as determined necessary by the Panel and approved by the DFO. Panel members may contact project proponents to clarify specific aspects of a proposal and seek input from other sources familiar with the technical and social aspects of the intended activity.

If a Panel Member or any member of their immediate family, or organization employing them, will directly or financially benefit from a CFRP grant proposal being evaluated, or if a Panel Member was directly involved in the development of the proposal, that Panel member shall leave the meeting room during the discussion of that proposal and recuse themselves from the Panel's decision to avoid a conflict of interest. Panel members may answer questions from grant applicants regarding the eligibility and appropriateness of project proposal ideas and still engage in the discussion and decision on a proposal.

During Panel discussions, each member of the Panel shall take the concerns of other Panel members as seriously as they do their own regarding the contribution individual project proposals make towards forest restoration in New Mexico. Panel members are encouraged to support the recommendations of the Panel in their workplaces and in other groups concerned with forest restoration in New Mexico.

**D. Recorder:** The recorder shall capture issues raised and consensus recommendations of the Panel for each CFRP project proposal and for items of general discussion. The recorder shall take direction from the Chairman on final wording for consensus recommendations, and work with Panel members to assure that issues are captured accurately in the record of the meeting.

## **Section VI: Process for Developing Recommendations**

By law, the Panel must seek to use a consensus based decision-making process in developing their recommendations. If the Panel does not reach agreement through discussion, they may use a weighted ranking system to identify the highest priority projects. The Secretary of Agriculture will make the final decision on which proposals receive funding.

## **Section VI: Expenses and Reimbursement**

Members of the Panel serve without compensation. Reimbursement for travel expenses will be made in accordance with Federal per diem rates for attendance at meetings. Panel members should request authorization from the DFO prior to incurring any expenses associated with collecting input on project proposals including but not limited to photocopies, postage, and telephone calls. All expenses will be subject to approval of the DFO. Advisory Panel Expenses will be covered through the Collaborative Forest Restoration Program.