

Forest Service

MEMBERSHIP BALANCE PLAN

1. Committee's Official Designation

Secure Rural Schools Resource Advisory Committee (as listed in the charter addendum)

2. Authority

Each Secure Rural Schools SRS RAC is established pursuant to the Secure Rural Schools and Community Self-Determination Act of 2000 as amended, 16 U.S.C. sec. 7125, hereafter referred to as the SRS RAC Act as amended; codified in Agriculture Improvement Act of 2018 (Pub. L. 115-334)., and in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C., App.2.

3. Mission/Function: 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. Points of View Needed for the Committee:

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 permit or other land use permit holders or represent non-industrial private forest landowners 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.

In accordance to section 8702 of the Agriculture Improvement Act of 2018, the Secretary may grant a composition waiver to modify the membership requirements for a RAC. After a 30-day Federal Register publication notice of solicitation for candidates, the Secretary may reduce the membership composition to not fewer than 9 members provided an inadequate number of qualified candidates have applied to serve on a RAC are not interested or available to serve on a RAC.

Under this waiver, the membership requirements under the categories of interest (a), (b), and (c) may reduce to 3 members in each category as described above. Where a vacancy exists on a RAC, the Secretary or his designee may not reject a qualified applicant from any category. If a vacancy occurs, nominees will be sought through an open and public process and submitted to the Secretary for vetting, approval, and appointment.

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 are appointed to 4-year terms and may be reappointed for an additional 4 years. The membership term begins on the date of the Secretary's or his designee's decision to appoint or reappoint members. Regional Appointment Pilot Program: The Secretary shall carry out a pilot program to allow a Regional Forester to appoint members to a RAC within the geographical limitation of the States of Montana and Arizona through October 1, 2023. The pilot program does not preclude any laws required by FACA or Departmental regulations (i.e. membership documentation, reporting and recordkeeping). The WO-FACA Office should be notified of all FACA activities.

Each RAC will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed., USDA recognizes that RAC membership is not static and may change, depending on the work of 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.

5. Other Balance Factors

Equal opportunity practices in accordance with United State Department of Agriculture (USDA) policies shall be followed in all appointments to the RAC. To ensure the RAC recommendations have taken into account needs of the diverse groups served by USDA, membership will, to the extent possible, include individuals with demonstrated ability to represent 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.

6. Quorum Requirements

The SRS Act requires a quorum must be present to constitute an official meeting of the RACs. Consequently, the RACs must have a fairly balanced majority of members in each category to meet and make recommendations for a consensus vote.

Each RAC requires a maximum of 15 members with a quorum requirement of 9 members: a representation of 3 members from each category.

Alternatively, RACs with an approved composition waiver from the Secretary, require no fewer than 9 members with a quorum requirement of 6 members: a representation of 2 members from each category.

7. Candidate Identification Process

Nominees will be sought through an open and public process that includes, but is not limited to, nominees submitted by tribal governments, county governments, organizations and individuals who represent the interests specified in the Act. The Outreach Plan provides additional guidance on seeking nominees. The Forest Supervisor who will receive advice from the RAC is responsible for forwarding nominees to be vetted, approved, and appointed by the Secretary of Agriculture.

Once candidates have been identified, their names and background data are submitted to the USDA White House Liaison's office for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the RAC due to criminal or ethical violations.

8. Subcommittee Balance

The balance plan for any subcommittee shall incorporate the same policies and practices as for the RAC of the whole. Further, any subcommittee shall include at least one member from each of the three categories of interests identified in the Act.

9. Other – Legal Background

Section 5(b)(2) of the FACA requires “...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee.” The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure “...that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;” and (2) “...advisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed.” (41 CFR § 102-3.60(b)(3)).

FACA mandates that federal advisory committees be balanced in the points of view represented by the members but leaves it to the discretion of each agency on how to achieve this balance. The FACA regulations offer guidance in achieving a balanced Federal advisory committee membership, which include considering:

- (1) The federal advisory committee’s mission;
- (2) The geographic, ethnic, social, economic, or scientific impact of the federal advisory committee’s recommendations;
- (3) The types of specific perspectives required, such as those of consumers, technical experts, the public at-large, academia, business, or other sectors;
- (4) The need to obtain divergent points of view on the issues before the Federal advisory committee; and
- (5) The relevance of State, local, or tribal governments to the development of the Federal advisory committee’s recommendations.” (41 CFR § III of App. A to Subpart B)

10. Date Prepared or Updated: August 19, 2021