

USDA Forest Service, Region 8, Natural Resources and Environment

Land Between the Lakes Advisory Board Charter

1. Committee's Official Designation

Land Between the Lakes Advisory Board (Board)

2. Authority

The Charter for the Land Between the Lakes (LBL) Advisory Board (Board) is hereby established pursuant to Section 460 of the Land Between the Lakes Protection Act of 1998 (LBLP Act) (16 U.S.C. 460 iii et. Seq.) and managed in accordance with the Federal Advisory Committee Act (FACA) as amended, (5 U.S.C.10) excepting section 14(a)(2) as outlined in the Act in Section 522(h).

The LBLP Act transferred responsibility for Land Between the Lakes National Recreation Area from the Tennessee Valley Authority to the Secretary of Agriculture (Secretary), managed as a unit of the National Forest System.

In December 2022, Congress changed the Board composition in accordance with Section 460 of the Land Between the Lakes Protection Act 1998 (Act) (U.S.C. 460iii-22 et. Seq). This update repealed Public Law 117-328, Div. DD, Title II, § 201(c)(1)(B), Dec. 29, 2022, 136 Stat. 5582 and redesignated four Board members. The Board shall now be composed of 13 members.

3. Objectives and Scope of Activities

The Board will advise the Secretary on the means of promoting public participation for the Land and Resource Management Plan (Plan) for LBL and environmental education, in accordance with the LBLP Act and FACA, to help broaden representation of diverse interests and increase the frequency of advice USDA receives from the public and private sectors in regard to means of promoting public participation for the Plan and environmental education. USDA retains sole responsibility for the management and operation of LBL and for all decisions regarding matters under consideration by the Board.

4. Description of Duties

The Board will advise the Secretary of Agriculture (Secretary) on 1) means of promoting public participation for the Land and Resource Management Plan; and 2) environmental education as well as:

- Develop an annual work plan for recreation and environmental education areas in the Recreation Area, including the heritage program, with the non-appropriated amounts in the Land Between the Lakes Management Fund;

- Develop an annual forest management and harvest plan for the Recreation Area; and
- Maintain the balance and status of the fund.

5. Agency or Official to Whom the Committee Reports

The Board reports to the Secretary of Agriculture through the Designated Federal Officer (DFO) via the Chief of the Forest Service.

6. Support

- a. USDA shall provide the Board with sufficient facilities in which to conduct its meetings and to provide a repository for its minutes and other records.
- b. Financial, administrative, and technical support for the Board will be provided by the Forest Service.

7. Estimated Annual Operating Costs and Staff Years

1. Annual operating costs are estimated to be \$38,500 with 0.7 full time equivalent staff support and direct costs.
2. Members of the Board shall serve without compensation, but may, in performance of their duties away from home or regular places of business, be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, as authorized in 5 U.S.C. 5703. All expenses will be subject to the approval of the Designated Federal Officer (DFO).
3. USDA shall provide such additional funding as reasonably necessary to achieve the purposes for which the Board was created and shall provide any further guidelines and management controls as may be necessary to further the objectives of the Board.

8. Designated Federal Officer

A permanent Federal employee is to be appointed in accordance with agency procedures and 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. Estimated Number and Frequency of Meetings

The Board shall meet at least twice each year. The Board or subcommittee(s) 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.

Meetings of the Board whether in person, by telephone or electronic means shall be announced 15 days, but no more than 45 calendar days prior to the meeting, in the Federal Register. Two weeks' notice of each meeting shall be given in local newspapers generally

covering the region surrounding LBL. Meetings will be open to the public. Interested members of the public may attend meetings and submit comments to the Board and, in accordance with Board procedures, may speak at a meeting.

As required by FACA, the Board will hold open meetings unless the Secretary determines that a meeting or a portion of a meeting may be closed to the public in accordance with Subsection C of Section 522(b) of Title 5, United States Code.

10. Duration

Continuing.

11. Termination

In accordance with FACA section 14, the Board, unless renewed, will terminate two years from the date of filing the Charter. The Board will not meet or take any action without a valid Charter.

12. Membership and Designation

12a. The Board 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. The Board shall be composed of 13 members who provide a balanced and broad representation from each of the two categories of interest specified in accordance with the LBLP Act:

- a. 4 individuals shall be appointed by the Secretary, including—
 - i. 2 residents of the State of Kentucky; and
 - ii. 2 residents of the State of Tennessee;
- b. 2 individuals shall be appointed by the Kentucky Fish and Wildlife Commissioner or designee;
- c. 1 individual shall be appointed by the Tennessee Fish and Wildlife Commission or designee; and
- d. 2 individuals shall be appointed by appropriate officials of each of the 3 counties containing the Recreation Area.

Members terms shall be for 5 years, and they may not succeed themselves. Succession applies to the person and not the position; therefore, no member may serve on the Board for more than 5 consecutive years in any capacity. A 5-year break in service is required.

When a 5-year term of a member ends, a new appointment will be made by the Secretary or authorized appointing official. All committee members are required to be vetted by USDA, prior to appointments.

Appointments from agencies other than USDA will be final when notification of the appointment is received by the DFO from the appointing agency. All appointments must be vetted by USDA. The Secretary will be notified by the U.S. Forest Service Washington, D.C. Office of all outside appointments to the Board.

The Secretary, with the cooperation of the public officials appointing Board members, shall ensure the membership of the Board is balanced and represents and includes a broad range of diverse views and interests, including recreational, environmental, commercial, educational, and community leadership interests.

12c. The Regional Forester shall serve as chairperson of this committee.

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.

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) via the FED online e-filing database system. 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, individuals with demonstrated ability to represent the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities.

The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, political beliefs, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA (not all bases apply to all programs).

13. Subcommittees

The Board has the authority to create subcommittees, in consultation and the agreement of the DFO. Subcommittees must report back to the Board 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 (GRS) 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: <https://landbetweenthelakes.us/about/working-together/advisory-board/>

15. Filing Date

May 17, 2024