

**UNITED STATES DEPARTMENT OF AGRICULTURE
LAND BETWEEN THE LAKES (LBL) ADVISORY BOARD**

BYLAWS AND OPERATING PROCEDURES

June 1, 2005

Section I: Purpose

The purpose of the LBL Advisory Board (Board) is to provide advice to the Secretary of Agriculture (Secretary) on the following:

- Means of promoting public participation for the land and resource management plan for LBL
- Environmental education.

Section II: Authority

A. The Secretary, in accordance with Section 522 of the LBL Protection Act, established the LBL Advisory Board. The Board is subject to the Federal Advisory Committee Act (FACA), as outlined in the amended LBL Protection Act and the current Advisory Board Charter, as filed with Congress.

B. For the purposes of National Forest System Land and Resource Management Planning under the provisions of CFR 219.19(a), November 9, 2000, this Board may be utilized as the committee that the Responsible Official (Regional Forester or Area Supervisor) may use for access to knowledge of local conditions and issues in the Forest Service planning process.

Section III: Membership Selection and Appointment

Members of the Board are appointed by the Secretary and seven state **and** local public officials from Kentucky and Tennessee as described in the Charter. Each member shall serve without compensation and shall not be considered an employee of the United States Department of Agriculture. Appointments will be for five years.

When vacancies occur in a primary membership, the applicable appointing official will be asked to appoint a new primary member to the Board. The designated alternate will fill in as the official representative of their appointing agency until a new primary member is appointed. If an alternate is no longer able to serve, or is appointed to the primary membership, the applicable appointing official will be asked to designate a new alternate.

Appointments are final when notification of the appointment is received by the DFO from the appointing agency. Primary members will officially begin their five-year term at the fall meeting in the year of their appointment. Alternates who move up to a primary membership will officially begin their five-year term as a primary member at the fall meeting in the year of their appointment.

Members may not succeed themselves as primary members on the Board; however, they may be appointed to additional terms so long as no individual serves more than five consecutive years as a member of the Board. Alternates do not have a term, so there is no limit to the amount of time they may serve in that capacity. They do, however, serve at the pleasure of their appointing agency.

Membership includes the responsibility to personally attend Board meetings, and members will be expected to show commitment to the board by their attendance. If a Board member misses three consecutive meetings, the Chair may recommend their termination as a Board member to the appointing official.

Members will notify the DFO at least 2 weeks in advance if they are unable to attend a meeting so that the alternate member may be contacted. Approved alternates will have full voting rights in the absence of primary members.

Section IV: Meeting Procedures

The Board will meet at least twice each year; however, additional meetings may be held as needed. Meetings will be called by the Board Chairperson (Chairperson) with the concurrence of the Designated Federal Official (DFO), in accordance with the following considerations:

A. Quorum and Voting

The Charter requires that nine voting members constitute a quorum for the conduct of business. Any Board recommendation to the Secretary requires an affirmative vote of at least a majority of the total Board membership on that date. Consensus on decisions and recommendations is desirable.

B. Agenda

The DFO will initiate and approve the agenda for all meetings in consultation with the Chairperson. Any member of the Board may submit items for the agenda to the DFO and/or Chairperson. Also, items may be suggested by members of the public to the Board for consideration as agenda items at future meetings. All proposed agenda items must directly relate to the purpose of the Board as described in Section I. Copies of the agenda will be distributed to the members prior to each meeting, and an outline of the agenda will be published with the notice of the meeting in the *Federal Register*. Meeting agendas will also be available at the LBL Administrative Office and on the LBL web page.

C. Minutes and Records

The DFO will prepare minutes of each meeting, submit them to the Chairperson for certification, and distribute copies to each Board member within 30 working days of the meeting date. Minutes will also be available for review at the LBL Administrative Office and will be accessible on the LBL web page. The minutes will include a

record of the members and Forest Service staff present and the names of members of the public requested to make an oral presentation, if applicable; a complete and accurate description of the matters discussed and conclusions reached; and copies of all reports received, issued, or approved by the Board. Additionally, a cumulative listing of Board recommendations will be maintained by the DFO. The listing of Board recommendations and the meeting minutes will be available to the public upon request.

All documents, reports, or other materials prepared by, or for, the Board constitute official government records and will be maintained according to USDA and FACA policies and procedures.

D. Meeting Access

All meetings of the Board will be open to the public for the duration of the meeting. All materials brought before or presented to the Board during the conduct of an open meeting, including minutes of the proceedings, will be available to the public for review, subsequent to the meeting, at the LBL Administrative Office.

Written statements from the public may be submitted to the Board at any time through the DFO; however, written statements received less than 1 week prior to the meeting will not be available to the members until after the meeting.

Time will be reserved on the agenda at each meeting for Board members to discuss comments received prior to that meeting from members of the public. If the individual submitting the comment is present at the meeting, the Board may ask questions for clarification while the comment is being reviewed. This will be an informal question/answer session and time allotted will be limited. Responses will be included in the meeting notes. If a comment received falls within the two purposes of the Board, and if the Board determines that more detailed clarification is required, a time will be scheduled on the agenda at an upcoming Advisory Board meeting for the individual to provide more detailed oral clarification, pertaining to the original comment received by the Board. The individual will be required to provide a written copy of the presentation, and any handouts they will use, to the DFO two (2) weeks prior to the meeting date so copies can be sent to Board Members for their review before the meeting. Time allotted for the detailed oral clarification will be limited. All oral comments from the public, during initial clarification or further detailed clarification if requested by the Board, will be considered as information for the Board. The Chairperson will determine the extent to which the Board will respond to the statements during the meeting, and also the time allotted for clarification.

The meeting announcement published in the *Federal Register* and made available to public media will note if an oral clarification from a member of the public is scheduled during the meeting.

Section V: Role of Board Officials

Chairperson:

The Regional Forester of the Southern Region, USDA Forest Service, serves as the Chairperson. The Deputy Regional Forester serves as the alternate Chairperson. The Chairperson is a non-voting member who works with the DFO to establish priorities, identify issues that must be addressed, and determine the level and types of staff and financial support required. The Chairperson calls meetings with the concurrence of the DFO, conducts meetings, certifies the accuracy of meeting minutes, and is responsible for notifying the public before a meeting occurs. A notice of the upcoming meeting will be placed in the Federal Register 15 calendar days prior to the meeting date and notices will also be distributed through local media 2 weeks prior to the meeting. A meeting facilitator may be employed to assist the Chairperson in conducting meetings. The Chairperson may adjourn meetings with approval of the majority of members present. The alternate Chairperson will accomplish all duties of the Chairperson in his/her absence.

Designated Federal Officer:

The LBL Area Supervisor serves as the Designated Federal Officer (DFO). The Acting Area Supervisor serves as the alternate DFO. The DFO, or the alternate DFO, serves as the government's agent for all matters related to the Board's activities. By law, the DFO must: (1) approve or call meetings of the Board; (2) approve agendas; and (3) attend all meetings. The DFO shall adjourn meetings when such adjournment is in the public interest. The alternate DFO will accomplish all duties of the Designated Federal Officer in his/her absence.

The DFO is responsible for providing adequate staff support to the Board, including: (1) notifying members of the time and place of each meeting; (2) maintaining records of all meetings, including subgroup or working group activities, as required by law; (3) maintaining the roll; (4) preparing the minutes of all meetings of the Board's deliberations, including subgroup and working group activities; (5) attending to official correspondence; (6) maintaining official Board records and filing all papers and submissions prepared for or by the Board, including items generated by subgroups and working groups; (7) acting as the Board's agent to collect, validate, and pay all vouchers for pre-approved expenditures; and (8) preparing and handling all reports, including the annual report as required by FACA.

Section VI: Expenses and Reimbursement

Expenses related to the operation of the Board will be borne by USDA. Expenditures of any kind must be approved in advance by the DFO.

USDA will pay travel and per diem for Board members at a rate equivalent to that allowable for USDA employees. Members will be required to submit a travel voucher to the DFO with required receipts for out-of-pocket travel and per diem expenses attached. Alternate members will be reimbursed for travel expenses only when they attend an Advisory Board meeting as the official representative of their appointing agency in the absence of the primary member. Completed and signed travel vouchers for expenses should be submitted to the DFO within 30 days after each meeting.