

# **LAND BETWEEN THE LAKES ADVISORY BOARD SUMMARY OF MEETING**

April 11, 2023

The Land Between the Lakes (LBL) Advisory Board (Board) convened at 9:00 A.M. on April 11, 2023, at the Forest Service Administrative Office Building, 100 Van Morgan Drive, Golden Pond, Kentucky 42211. Rick Lint, Chairperson introduced Rhea Whalen as the Designated Federal Officer (DFO) for this meeting.

In accordance with the provisions of Public Law 92-463, the meeting was open to the public, and it was also made available through a virtual USDA approved meeting tool. To view the recording of the meeting visit: <https://landbetweenthelakes.us/about/working-together/advisory-board/>.

## **Board members present:**

Walter Battle  
Brian Clark (virtual)  
Nancy Dawson  
Donnie Holland  
Patrick Lemons  
Della Oliver  
Melissa Parker  
William “Bill” Purkes  
Abigale Smith  
Russell Tilford  
Johnny Wall  
Susan “Ski” Witzofsky  
De’Etra Young (virtual)  
John Zimmer

## **Board staff present:**

Rick Lint, Chairperson  
Rhea Whalen, Designated Federal Officer  
Christine Bombard, Administrative Liaison

## **Facilitator:**

Marty Marchaterre, Facilitator

## **Forest Service staff present:**

Jared Baker, Business Performance Staff Officer  
Jamey Thweatt, Customer Service Staff Officer  
John Westbrook, Environmental Stewardship Staff Officer  
Carlin Lewis, Public Affairs Specialist  
Emily Cleaver, Visitor Information Specialist  
Shane Brady, Partnership Coordinator  
Chris Thornock, Heritage Program Manager  
Daniel McInnis, Shared Stewardship Coordinator

Sheila Holifield, Public Affairs Specialist (virtual)  
Gwendolyn Mason, Public Affairs Officer (virtual)  
Jay McWhirter, Deputy Regional Attorney, Office of General Counsel (virtual)

**Others present for all or a portion of the meeting:**

John Rufli, Land Between the Lakes Association  
David Nickell, Between the Rivers, Inc.  
James Oakley, Between the Rivers, Inc.  
Vickey Lane, Between the Rivers, Inc.  
Edward Marlowe, WKDZ  
Jan Culwell, Between the Rivers, Inc.  
Lily Douthitt, Congressman Comer's Office (virtual)

**ANNOUNCEMENTS AND ITEMS OF INTEREST:**

Rick Lint announced that Leisa Cook has accepted a position with another agency. Rhea Whalen is the Acting Area Supervisor/DFO at this time. We are currently working to fill the position permanently.

The Land Between the Lakes Recreation and Heritage Act was passed into law since our last meeting in October. The purpose of this meeting is to engage Board members on Forest Service business to include the following:

- To provide an overview of the Land Between the Lakes Recreation and Heritage Act.
- To discuss the specific components relevant to the LBL Federal Advisory Committee Act (FACA) Board in the Land Between the Lakes Recreation and Heritage Act.
- Discuss how to improve/increase diversity in recreational opportunities at LBL.

**RECREATION AND HERITAGE ACT OVERVIEW**

The Board was provided written documentation of LBL Recreation and Heritage Act.

- LBL Recreation and Heritage Act (LBLRHA) was passed as Title II, Section 201 as part of the fiscal year 2023 Omnibus appropriations bill.
- Signed into law December 29, 2002.
- Sponsored by Senator McConnell and Representatives Comer and Green to meet the needs of area constituents.
- Amends original authorizing legislation (LBL Protection Act of 1998).
- To implement the Act to its full extent and ensure the Forest Service meets all obligations under the law, a Region 8 Review Team was created. The Region 8 Review Team explored the following facets of the Act:
  - Definition of “qualified resident or relative” (Amends Section 502 of Public Law 105-277)
  - Status of Unit (Amends Section 511(b) of Public Law 105-277)
  - FACA Advisory Board (Amends Section 522 of Public Law 105-277)
  - Fees (Amends Section 523 of Public Law 105-277)
  - Disposition of Receipts (Amends Section 524 of Public Law 105-277)
  - Cooperative Authorities & Gifts (Amends Section 526 of Public Law 105-277)
  - Cemeteries (Amends Section 528 of Public Law 105-277)
  - Resource Management (Amends Section 528 of Public Law 105-277)

- Authorization of Appropriations (Amends Section 551 of Public Law 105-277)

## ACT IMPACTS

- The Advisory Board shall be composed of 13 members:
  - 4 individuals shall be appointed by the Secretary
  - 2 residents of the State of Kentucky
  - 2 residents of the State of Tennessee
  - 2 individuals shall be appointed by the Kentucky Fish and Wildlife Commission
  - 1 individual shall be appointed by the Tennessee Fish and Wildlife Commission
  - 2 individuals shall be appointed by appropriate officials of each of the 3 counties containing the Recreation Area
- The term of a member of the Advisory Board shall be 5 years.
- Members of the Advisory Board may serve multiple terms but may not serve consecutive terms.
- The Advisory Board shall advise the Secretary on means of promoting public participation for the land and resource management plan for the Recreation Area:
  - Environmental Education
  - An annual work plan for recreation and environment education areas in the Recreation area, including the heritage program, with the non-appropriated amounts in the LBL Management Fund.
  - An annual forest management and harvest plan for the Recreation Area and the LBL Management Fund.
  - The Advisory Board shall meet at least twice each year.
  - The chairperson, through the placement of notices in local news media, on a public website of the Department of Agriculture, and by other appropriate means shall give 2 weeks public notice of each meeting of the Board.
  - The Secretary shall publish the minutes of each meeting of the Board on the public website of the Department of Agriculture.

Rick Lint shared that during the annual FACA audit it was determined that we have 3 Board members that have succeeded themselves. We received communication that these members need to come off the Board. We requested that the term extensions be approved, and so far we have not received a response. Should the extensions not be approved, then notifications will be made via appointing officials. A Board member commented that there is value in having long term experience on the Board and that the historical perspective is helpful.

Rick stated that there are two new responsibilities now and asked the Board how they want to start talking about the annual plans (i.e., when do you need/want the information and in what format)?

There was a discussion regarding information sharing and involvement. Board members requested the following:

- Involve the Board/share information at the point of proposal and communicate frequently.
- If it is timber related, include the amount of timber to be harvested.
- Be clear/transparent from the start, explain the why and share best practices.
- Keep it simple. When possible, use plain language and avoid the use of acronyms.
- Add Board members to the Schedule of Proposed Actions (SOPA) mailing list.

- Provide maps
- Explain upfront what the cost is of doing nothing (i.e., loss of an endangered species or resource, impact to forest health, etc.).
- Categorize the project proposal (i.e., wildlife, timber, recreation, etc.) and prominently highlight that in the communication to the Board, so it is clear what the proposal is about.

#### FEES

- The Secretary shall charge reasonable fees, in consultation with the Advisory Board and consistent with the Federal Lands Recreation Enhancement Act (FLREA) for admission to and the use of the designated sites, or for activities with the Recreation Area.

Rick Lint explained that FLREA defines what categories of fees can be charged and that we are in the process of doing a crosswalk of the fees that are charged at LBL to determine what category and where they come under the FLREA. Also, the FLREA requires an advisory committee. We are clarifying that the Board can serve as the advisory committee for this. A market analysis will be done to compare fees, and if a fee change is needed then a proposal will be brought before the Board.

#### DISPOSITION OF RECEIPTS

- Amounts in the LBL Management Fund shall be available to the Secretary until expended, without further appropriation, for construction, improvement, or maintenance in the Recreation Area.
- Amounts in the LBL Management Fund shall not be used for management of the Recreation Area, including salaries and expenses.

The question was asked about the status of law enforcement funding and if the new legislation helped with this. Rick Lint explained that law enforcement is funded out of a separate pot of money, so this does not change anything. Several members voiced concern over the decrease in law enforcement officers over the years.

#### COOPERATIVE AUTHORITIES AND GIFTS

- For the management, maintenance, operation, and interpretation of the Recreation Area and its facilities, the Secretary may make grants and enter into contracts and cooperative agreements with Federal agencies, governmental units, nonprofit organizations, corporations, and individuals.
- The Secretary may, for purposes of carrying out this Act enter into memoranda of understanding (MOU) with State or local government entities, including law enforcement, as appropriate, to clarify jurisdictional matters, such as road management, policing, and other functions that are typically performed by the entity on non-Federal land.
- Make available on a public website of the Department of Agriculture any memoranda of understanding.

Rick Lint explained that above addresses agreements and MOUs. Agreements and MOUs are entered into with local and state government agencies, including law enforcement. There are several types of agreements (i.e., volunteer, cooperative, etc.), and not all agreements collect or convey monies.

## CEMETERIES

- The Secretary, on request from a qualified resident or cemetery association, shall grant additional land for the minor expansion of existing cemeteries within the Recreation Area, to the extent necessary to allow for the burial of qualified residents or relatives.
- Any expenses required to move border fences or markers due to an expansion shall be the responsibility of the person making the request.
- The term “qualified resident or relative” means: A former resident of the area within the Recreation Area or the spouse of a former resident of that area; or a widow, widower, or lineal descendant of an individual buried in a cemetery located in the Recreation area.

Rick Lint offered that we have staff dedicated and prepared to assist with the coordination of burial and minor expansion requests of existing cemeteries.

## RESOURCE MANAGEMENT

- The Secretary shall identify and manage the historical resources of the Recreation Area.
- In accordance with the requirements of division A of subtitle III of title 54, United States Code (formerly known as the National Historic Preservation Act) and in consultation with qualified residents or relatives.
- The Secretary shall in accordance with applicable law, give consideration to requests by qualified residents or relatives to use and maintain traditional sites, buildings, cemeteries, and other areas of cultural importance in the Recreation Area.
- Consult with qualified residents or relatives in the management of the historical resources of the Recreation Area.

The comment was made that it seems projects get hung up in the National Environmental Policy Act (NEPA) process.

## AUTHORIZATION OF APPROPRIATIONS

- There are authorized to be appropriated to the Secretary of Agriculture such sums as are necessary to permit the Secretary to exercise administrative jurisdiction over the Recreation Area and administer the Recreation Area as a unit of the National Forest System.
- The Secretary of Agriculture may expend amounts appropriated to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary of Agriculture, including campground management and visitor services, paid advertisement, and procurement of food and supplies for resale purposes.

A Board member explained that the intent of this is so the Forest Service would remain at Tennessee Valley Authority funding levels with the goal of being able to maintain what you have, deal with the backlog of deferred maintenance and not build anything new. Another Board member responded that if the mandate is to maintain all the same amenities, services, and facilities that you currently have with no increase in the budget, then eventually you will lose ground due to increasing costs of doing business.

## WORKING LUNCH:

John Westbrook, Environmental Stewardship Staff Officer gave a presentation on Fire Management Planning & Implementation (reasons to use fire as a primary tool/benefit of fire for wildlife management) and Chris Thornock, Archaeologist, Heritage Program Manager and Tribal Liaison gave a presentation on African American Lives and Landscapes at LBL.

## **RECREATION DIVERSITY**

Jamey Thweatt led the discussion on increasing and improving diversity in recreation.

Board recommendations are as follows:

- More interpretive signage, in other languages. This will help promote inclusivity.
- Outreach programs, promote opportunities for underrepresented populations.
- Grant opportunities to bring students from diverse backgrounds to LBL.
- Brochures/publications
- Year-round programming not just special emphasis months.
- Historical presentations/exhibits/museum
- App for use on mobile devices
- Produce video segments

Cost-effective options:

- Build partnerships.
- Work with students and apply for grants.
- Work with Between the Rivers, Inc.

## **NEXT STEPS**

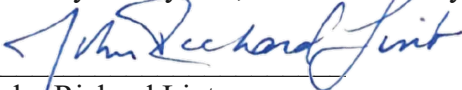
Rick Lint stated that we will soon begin working on amending the Charter to reflect the new legislation language.

Rhea Whalen closed the meeting by commenting that we will send out communication to the Board in the near future regarding the next meeting date.

## **ADJOURNMENT**

The meeting adjourned at 4:30 P.M.

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.



John Richard Lint  
Chairperson

These minutes will be formally considered by the Board at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.