

U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250

<b>DEPARTMENTAL REGULATION</b>		Number: 1042-138
SUBJECT: Collaborative Forest Restoration Program Technical Advisory Panel Federal Advisory Committee	DATE: September 4, 2007	
	OPI: Forest Service	

1. PURPOSE AND SCOPE

- a. The Collaborative Forest Restoration Program Technical Advisory Panel (Panel) is hereby established pursuant to Section 606, Title VI—Community Forest Restoration Act (Pub. L. No. 106-393) (the Act).
- b. The purpose of the Panel is to evaluate proposals for forest restoration grants and provide recommendations to the Secretary of Agriculture (defined in section 604 of the Act as the Secretary of Agriculture acting through the Chief of the Forest Service) regarding which proposals best meet the objectives of the Collaborative Forest Restoration Program. The Chief of the Forest Service shall act through the Regional Forester of the Southwestern Region, USDA Forest Service (the Regional Forester), for the purpose of appointing members of the Panel, receiving Panel recommendations, and approving project funding.
- c. The Panel will operate in accordance with the Act (Title VI, Pub. L. No. 106-393) and the Federal Advisory Committee Act (5 U.S.C App.; Pub. L. No. 92-463).

2. SPECIAL INSTRUCTIONS

- a. This regulation will expire 2 years from the date of filing unless renewed by proper authority and appropriate action.
- b. The functions of the Panel cannot be accomplished in less than 2 years. In accordance with Departmental regulations, unless renewed, the Panel will terminate 2 years from the date of filing the charter.
- c. This department regulation replaces DR 1042-138, dated July 25, 2005.

### 3. OFFICERS AND MEMBERSHIP

- a. The Panel will consist of 12 to 15 members approved by the Regional Forester as follows:
  - (1) A State natural resources official from the State of New Mexico;
  - (2) At least two representatives from Federal land management agencies;
  - (3) At least one tribal or pueblo representative;
  - (4) At least two independent scientists with experience in forest ecosystem restoration; and
  - (5) Equal representation from—
    - (a) Conservation interests,
    - (b) Local communities, and
    - (c) Commodity interests.
- b. Each Panel member shall serve as a representative of one of the interest groups described in section 606 (b) of the Act. Appointment to the Panel does not make Panel members Federal government employees.
- c. A vacancy on the Panel will be filled in the manner in which the original appointment was made. 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.
- d. Members of the Panel shall be appointed for terms of 2 years, but may be reappointed.
- e. The Regional Forester, 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.
- f. The Regional Forester shall appoint a Designated Federal Official (DFO) under sections 10 (e) and (f) of the Federal Advisory Committee Act who may also serve as Chair of the Panel. The DFO (or a designated substitute) shall approve the proposed agenda for each meeting, attend each meeting, ensure that adequate facilities are provided for meetings, ensure detailed minutes are taken at the meeting, ensure the minutes and other Panel records are provided for meetings and other needs, and make such reports about the operation of the Panel as may be required or desirable.

- g. The Panel may create and operate subcommittees or working groups recommended by its members and approved by the Regional Forester or Designated Federal Officer. If appropriate, these working groups or subcommittees may include representatives of nongovernmental organizations that have an interest in the implementation of the Act.
- h. Equal opportunity practices, in line with USDA policies, will be followed in all appointments to the Panel. To ensure that the recommendations of the Panel have taken into account the needs of the diverse groups served by the Department, membership should include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

#### 4. DUTIES

- a. The Panel shall provide recommendations to the Regional Forester on a schedule to be established by the Chair of the Panel.
- b. The Panel's recommendations shall consider the proposed projects' effects on long-term management and provide recommendations regarding which proposals best meet the following objectives pursuant to section 605 of the Act:
  - (1) Reduce the threat of large, high-intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of nonnative species populations;
  - (2) Reestablish fire regimes approximating those that shaped forest ecosystems prior to fire suppression;
  - (3) Preserve old and large trees;
  - (4) Replant trees in deforested areas if they exist in the proposed project area;
  - (5) Improve the use of, or add value to, small diameter trees;
  - (6) Comply with all Federal and State environmental laws;
  - (7) Include a diverse and balanced group of stakeholders as well as appropriate Federal, State, tribal, county, and municipal government representatives in the design, implementation, and monitoring of the project;
  - (8) Incorporate current scientific forest restoration information;

- (9) Include a multiparty assessment to identify both the existing ecological condition of the proposed project area and the desired future condition;
  - (10) Contain a plan for reporting, upon project completion, on the positive or negative impact and effectiveness of the project including improvements in local management skills and on-the-ground results;
  - (11) Create local employment or training opportunities within the context of accomplishing restoration objectives including summer youth jobs programs such as the Youth Conservation Corps where appropriate;
  - (12) Not exceed 4 years in length;
  - (13) Not exceed a total annual cost of \$150,000 per project, with the Federal portion not exceeding \$120,000 annually per project nor exceed a total cost of \$450,000 for each project, with the Federal portion of the total cost not exceeding \$360,000 per project;
  - (14) Leverage Federal funding through in-kind or matching contributions; and
  - (15) Include an agreement by program grantees to attend an annual workshop with other stakeholders for the purpose of discussing the cooperative forest restoration program and projects implemented under the program.
- c. In developing their recommendations, the Panel shall seek to use a consensus-based decision-making process.
  - d. Consistent with applicable laws and Departmental regulations, the Panel may adopt such by-laws or rules of operation, as it deems advisable.
  - e. The Forest Service Southwestern Regional Forester shall select the proposals that will receive funding through the Collaborative Forest Restoration Program.

## 5. ESTIMATED ANNUAL OPERATIONS COSTS

- a. 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. All expenses will be subject to approval of the DFO.
- b. Estimated annual operating costs of the Committee are \$80,000. Federal staff support is estimated to be 0.7 FTE. Advisory Panel Expenses will be covered through the Collaborative Forest Restoration Program.

## 6. NUMBER AND FREQUENCY OF MEETINGS

- a. The Panel will meet as often as is necessary to complete its business. A majority of the Panel members must be present to constitute an official meeting of the Panel. The Panel shall not hold any meetings except at the call of, or with the advance approval of, the DFO.
- b. Notice of each meeting shall be provided in the Federal Register and in major New Mexico newspapers at least 15 days before each meeting. Panel members will be notified personally of the date, time, and place of each meeting.
- c. All meetings will be open to the public.

## 7. REPORTS/SUPPORT

- a. The Panel reports to the Regional Forester of the Southwestern Region, USDA Forest Service.
- b. Clerical and other administrative support for the Panel will be provided by the USDA Forest Service.

-END-