

Forest Service, National Forest System Recreation Resource Advisory Committees

CHARTER

1. Committee's Official Designation

Recreation Resource Advisory Committees (Recreation RACs).

- Eastern Region Recreation Resource Advisory Committee;
- Southern Region Recreation Resource Advisory Committee;
- Pacific Southwest Recreation Resource Advisory Committee; and
- Pacific Northwest Recreation Resource Advisory Committee.

The official designation of each committee and its estimated annual operating expenses and staff support are shown below.

Each Recreation RAC shall operate in accordance with this charter. This charter and its addendum shall be filed by the Committee Management Officer (CMO), with the Secretary of Agriculture, the appropriate Congressional Committees, the Library of Congress, and the General Services Administration's Committee Management Secretariat and posted for each committee in the Committee Management Secretariat's Federal Advisory Committee Act (FACA) database.

2. Authority

Each Recreation RAC is established pursuant to Section 804(d) of the Federal Lands Recreation Enhancement Act (FLREA) (Pub. L. No.108-447) hereafter referred to as the FLREA, in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C., App. 2.

3. Objectives and Scope of Activities

The purpose of the Recreation RACs is to provide recommendations to the Secretary on recreation fees on lands and waters managed by the Forest Service and the Department of the Interior's Bureau of Land Management (BLM) in the regions covered by each Committee.

4. Description of Duties

- a. A Recreation RAC will serve in an advisory capacity to the Forest Service and BLM officials within the Recreation RAC's area of jurisdiction on matters including, but not limited to:
 - 1) The implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;
 - 2) The elimination of a standard amenity recreation fee or an expanded amenity recreation fee;
 - 3) The expansion or limitation of the recreation fee program;
 - 4) The implementation or elimination of noncommercial, individual special recreation permit fees; and
 - 5) The implementation of fee-level changes (increases or decreases).
- b. Recreation RACs do not have the authority to make recommendations on certain aspects of fee programs, including, but not limited to:
 - 1) Recreation fee sites operated by a concessionaire or contractor such as campgrounds or reservation fees assessed by the national recreation reservation system; and
 - 2) Commercial permits such as outfitting and guiding; and recreation group event permits, which are issued as either special use permits by the Forest Service or special recreation permits by the BLM, such as bike races.
- c. Consistent with applicable laws and USDA regulations, the Recreation RACs may adopt such by-laws or rules of operation as it deems advisable, which shall be approved through the USDA Committee Management Officer and Office of General Counsel.

5. Agency or Official to Whom the Committee Reports

The Recreation RACs report their recommendations to the Secretary of Agriculture or the Secretary of the Interior, if appropriate, through the appropriate Forest Service Regional Forester or BLM State Director.

6. Support

Administrative support for the Recreation RACs shall be provided by the Forest Service.

7. Estimated Annual Operating Costs and Staff Years

In accordance with FLREA, members of the Recreation RACs and its subcommittee(s) shall serve without compensation. Recreation RAC members will be reimbursed travel and per

diem expenses for attendance at Recreation RAC meetings or subcommittee meetings called by the Designated Federal Officer (DFO) in consultation with the Chairperson and with an agenda approved by the DFO. In the performance of their duties away from their homes or regular places of business, Committee members may be allowed reimbursement for travel expenses including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703; all travel must be approved in advance by the DFO and the agency. Reimbursement, if any will be consistent with procedures and rates applicable to Forest Service employees in travel status.

Annual operating costs are estimated as follows based on meeting twice annually and also includes staff costs at the national, regional, and in some cases forest level:

- Eastern Region Recreation Resource Advisory Committee—Between \$89,000 and \$115,000 per year including 1.2 to 1.8 staff years of support per committee;
- Southern Region Recreation Resource Advisory Committee—Between \$91,000 and \$117,000 per year including 1.2 to 1.8 staff years of support per committee;
- Pacific Southwest Region Recreation Resource Advisory Committee (California)—Between \$89,000 and \$115,000 per year including 1.4 to 2 staff years of support per committee;
- Pacific Northwest Region Recreation Resource Advisory Committee—Between \$89,000 and \$115,000 per year including 1.4 to 2 staff years of support per committee.

If costs exceed 5 percent of the estimates given above for any of the Recreation RACs, the DFO for that Recreation RAC must report the new cost information in a letter to the Chief of the Forest Service.

8. Designated Federal Officer

The Agency Head (Secretary) shall designate a permanent officer or employee of USDA to serve as the DFO in accordance with Sections 10(e) and (f) of the Federal Advisory Act. The Forest Service Regional Foresters, or designees, for each identified Recreation RAC, as appropriate, shall serve as the DFO of their respective Recreation RACs, in accordance with sections 10(e) and (f) of the Federal Advisory Committee Act. The relevant BLM State Director, or designee, will serve as an ex officio BLM official to the Recreation RACs for meetings when BLM recreation fees are on the agenda.

The DFO will:

- a. Call, attend, and convene each meeting of the committee, including publication of notices of committee meetings as required by FACA and the Act.
- b. Chair committee meetings in the absence of the committee's elected chair or co-chair; or when otherwise directed to do so by the Secretary.

- c. Prepare and approve all meeting agendas in coordination with the committee chair.
- d. Review and approve the committee's by-laws, operating guidelines or rules of operation.
- e. Maintain committee records consistent with FACA regulations.
- f. Adjourn any meeting when the DFO determines adjournment to be in the public interest.
- g. Recommend the Secretary to make appointments to fill a vacancy on a Recreation RAC as soon as practicable after the vacancy has occurred who has been vetted, approved and appointed by the Secretary.
- h. Provide information to the committee about FACA, the Act and other laws, regulations and policies relevant to the committee's activities and the proposed projects under review by the committee.
- i. Transmit the recommendations of the committee to the Secretary, through the Forest Service.

9. Estimated Number and Frequency of Meetings

The Recreation RACs, with the approval of the DFO, shall meet at least once annually or as often as is determined necessary to deal with the public's concerns about the recreation fee program in a timely manner.

The meetings of the Recreation RACS may be held in person, by telephone or electronic means. Meetings of the Recreation RACS whether in person, by telephone or electronic means shall be announced at least 1 week in advance in a local newspaper of record and 15 days in advance in the Federal Register. The meetings shall be open to the public with a clear process for the public's participation.

As required by FACA, the Recreation RACs 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 the 5 U.S. Code § 552b(c).

10. Duration

Continuing.

11. Termination

The Recreation RACs are authorized through 10/1/2023

In accordance with FACA and Departmental Regulations, this charter will expire in 2 years from the date of filing unless renewed by proper authority and appropriate action.

If the Secretary, in consultation with the Governor of a State or each of the Governors of the States within the jurisdiction of a Recreation RAC, determines that insufficient interest exists to continue to ensure that participation on the Recreation RAC is balanced in terms of the points of view represented, the Secretary will terminate the Recreation RAC.

The Secretary will remove a State from the Recreation RAC's deliberations if a State's Governor requests that action based on the State's lack of interest in continuing its participation.

12. Membership and Designation

12a. Each Committee 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. In accordance with FLREA, each Recreation RAC shall consist of 11 members appointed by the Secretary of Agriculture. All members serve in a representative capacity. These members shall provide a broad and balanced representation from the recreation community as follows:

Five persons who represent recreation users and that include, as appropriate:

1. Winter motored recreation such as snowmobiling;
2. Winter non-motorized recreation such as snowshoeing, cross-country and downhill skiing, and snowboarding;
3. Summer motorized recreation such as motorcycling, boaters, and off-highway vehicles.;
4. Summer non-motorized recreation such as backpacking, horseback riding, mountain biking, canoeing, and rafting; and
5. Hunting and fishing.

Three persons who represent interest groups that include:

1. Motorized outfitters and guides;
2. Non-motorized outfitters and guides; and
3. Local environmental groups.

Three persons who represent interest groups that include:

1. State tourism official to represent the State;
2. A representative of affected Indian tribes; and
3. A representative of affected local government interest.

In accordance with FLREA, members are appointed to 2 or 3-year terms.

In the event a vacancy arises, the DFO may fill the vacancy in the manner in which the original appointments were made. The member appointed shall represent the same interest as that of the member who left the Recreation RAC. Nominees will be sought through an open and public process and submitted to the Secretary for vetting, approval and appointment or from a list of nominees received from the Governors and the designated county officials. The list of nominees submitted by the Governor or county officials may be the original list from which appointments were made or an updated list.

If a Recreation RAC member fails to attend (in person or by telephonic or electronic means) two consecutive official meetings, the DFO may request the Secretary to remove that member from the Recreation RAC.

The approval of a majority of the members of each of the three categories identified in the FLREA Act and documentation of public support for the recommendation shall be required to submit a recreation fee recommendation to the Secretary through Regional Foresters. The Recreation RACs shall determine whether there is general public support for the recommendation.

Nominees will be sought through an open and public process that includes, but is not limited to, nominees submitted by tribal governments, county governments, state tourism offices, outfitters and guides serving the appropriate region or state, and organizations and individuals who represent the interests specified in the Act.

12c. Of these members, one will become the chairperson who is recognized for his or her ability to lead a group in a fair and focused manner and who has been briefed on the mission of this Committee.

The Chairperson of each Recreation RAC shall be selected by majority vote of the Recreation RAC from among its members for a period of time as determined by the Recreation RAC. A co-chairperson may be assigned, especially to facilitate his or her transition to become the chairperson in the future.

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. For the purposes of this paragraph, indirect interest includes holdings of a spouse or dependent child.

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 FDonline 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 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, 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 Recreation RACs in consultation with the DFO, has the authority to create subcommittees. Subcommittees must report back to the parent committee 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://www.fs.usda.gov/visit/passes-permits/recreation-resource-advisory-committees>

15. Filing Date

January 25, 2023