

**United States Department of Agriculture
Opal Creek Scenic Recreation Area Advisory Council**

Bylaws and Operating Procedures

April 16, 2008

SECTION I: PURPOSE

The purpose of the Opal Creek Scenic Recreation Area Advisory Council (Advisory Council) is to provide advice to the Secretary of Agriculture (Secretary) on a regular or periodic basis on matters relating to management of the Opal Creek Scenic Recreation Area.

SECTION II: AUTHORITY

The Secretary, in accordance with Section 1023 of the Omnibus Parks and Public Lands Management Act of 1996 (Pub. L. No. 104-333), established the Creek Scenic Recreation Area Advisory Council. The OCSRA Advisory Council is subject to the Federal Advisory Committee Act (FACA) and the current Opal Creek Scenic Recreation Area Advisory Council Charter, as filed with Congress.

SECTION III: MEMBERSHIP SELECTION AND APPOINTMENT

Members, alternates and the Chairperson of the Advisory Council are appointed by the Secretary of Agriculture 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 three years. Appointments are final when notification of the appointment is received by the Designated Federal Official (DFO).

When vacancies occur in a primary membership, the Secretary will appoint a new primary member to the Advisory Council. Members appointed to fill vacancies will complete the term of the original member. The designated alternate will fill in as the official representative until a new primary member is appointed. If an alternate is no longer able to serve, or is appointed to the primary membership, the Secretary shall appoint a new alternate.

Membership includes the responsibility to personally attend Advisory Council meetings, and members will be expected to show commitment to the Advisory Council by their attendance. If a member or their alternate in the case of the member's absence miss two consecutive meetings, the Chairperson may recommend their termination as a member. The DFO will make a final decision of any membership removals.

SECTION IV: MEETING PROCEDURES

The Advisory Council will meet on a regular and periodic basis, as often as is necessary to complete their business. Meetings will be called by the Advisory Council Chairperson (Chairperson) with the concurrence of the Designated Federal Official (DFO), in accordance with the following considerations:

A. Attendance

Members will notify the DFO at least 2 weeks in advance if they or their alternate are unable to attend a meeting. If primary members are unable to attend a meeting, they must notify their appointed alternate to attend a meeting in their absence. Appointed alternates will have full voting rights in the absence of primary members.

B. Agenda

The DFO will initiate and approve the agenda for all meetings in consultation with the Chairperson. Any member of the Advisory Council may submit items for the agenda to the DFO and/or Chairperson. Also, items may be suggested by members of the public to the Advisory Council for consideration as agenda items at future meetings. All proposed agenda items must directly relate to the purpose of the Advisory Council as described in the Charter. 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.

C. Pre-work

Where practical/applicable, the DFO will ensure that members receive any agenda item pre-work at least 2 weeks in advance of meeting to ensure members have opportunity to consult with groups they represent.

D. Quorum

The Charter requires that seven voting members be present to constitute a quorum for the conduct of business.

E. Voting

Any Advisory Council recommendation to the Secretary requires an affirmative vote of at least a majority of the total Advisory Council membership on that date. Consensus on decisions and recommendations is desirable.

When a decision or recommendation of the Advisory Council is required, the Chairperson, or any member, will request a motion for a vote. No second after a proper motion will be required to bring any issue to vote.

If the Advisory Council cannot agree to a decision on a recommendation by consensus, the DFO will determine what issues are creating the lack of agreement. The

discussion will be tabled until the next meeting so that the following possible actions may take place:

1. Task a subcommittee to further investigate the issues or recommendation
2. The DFO may have Forest Service do further staff work and provide the Advisory Council with further information.
3. Members may consult with constituents/groups they represent.

If a recommendation still cannot be reached at the subsequent meeting by an affirmative vote of at least a majority of the Council membership, the Advisory Council abstains from making a formal recommendation thereby enabling the DFO to make the decision.

F. Minutes and Records

The DFO will ensure minutes of each meeting are prepared, submit them to the Chairperson for certification, and distribute copies to each member within 30 working days of the meeting day.

The minutes will include a record of the members and Forest Service staff present; the names of members of the public who make oral presentations; a complete and accurate description of the matters discussed; conclusions reached and recommendations made; and copies of all reports received, issued or approved by the Advisory Council.

All documents, reports, or other materials prepared by, or for the Advisory Council constitute official government records and will be maintained according to USDA and FACA policies and procedures. All materials will be available to the public for review subsequent to the meeting at either the Detroit Ranger District Office and/or Willamette National Forest's Opal Creek Advisory Council web page as appropriate.

G. Meeting Location and Dates

The DFO will ensure the coordination of meeting locations and dates. Meetings will be held at a location which best facilitates attendance by Advisory Council members, Forest Service staff and the public. The DFO will also ensure a notice of upcoming meetings is placed in the Federal Register at least 15 calendars days prior to the meeting date and notices are distributed through local media a least a week prior to the meeting. Meeting days will also be posted on the Willamette National Forest's Opal Creek Advisory Council web page.

H. Meeting Access

All meetings of the Advisory Council will be open to the public for the duration of the meeting.

Each meeting will have a public comment period where members of the public may address the Advisory Council. Each person will have a maximum of the 3 minutes to address the Advisory Council and the total public comment period will last no longer

than 30 minutes. The Chairperson will determine the extent to which the Advisory Council will respond to the statements during the meeting, and also the time allotted for clarification. If more time and discussion is needed, the Chairperson may defer deliberations to a subsequent meeting and incorporate the topic in the next agenda.

Written statements from the public may be submitted to the Advisory Council at any time through the DFO, and will be provided to the Council by the next scheduled meeting. Time will be reserved on the agenda for the Advisory Council members to discuss written comments. If the comment falls within the purpose of the Advisory Council and if the Council determines that more detailed clarification is required, a time will be scheduled on the agenda at an upcoming meeting for the individual to provide more detailed clarification pertaining to the original comment. If the individual submitting the comment is present at the meeting, the Advisory Council may ask questions for clarification while the comment is being reviewed. If more time and discussion is needed, the Chairperson may defer deliberations to a subsequent meeting and incorporate the topic in the next agenda.

All public comments and responses to comments will be included in the minutes of the proceedings and available to the public for review at the Detroit Ranger District Office, or *on the Willamette National Forest's Opal Creek Advisory Council web page*.

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

SECTION V: ROLE OF ADVISORY COUNCIL OFFICIALS

Members: Members represent interests of appropriate groups. Members should (1) generate information necessary from interest groups, (2) keep their constituency informed of progress, and (3) alert the Forest Service of any emerging issues. Members must also keep alternates informed of advisory council progress, decisions and timelines.

Chairperson: The Chairperson works with the DFO to establish priorities and issues, and facilitate with the formation of meeting agendas. The Chair presides over council meetings, ensures group activities are consistent with the Charter and Bylaws, and certifies the accuracy of the minutes.

Designated Federal Official: The DFO serves as the government's agent for all matters related to the Advisory Council activities. By Law, the DFO must: (1) approve or call the meeting of the Advisory Council; (2) approve agendas; (3) attend all meetings; (4) adjourn the meetings when such adjournment is in the public interest; and (5) Chair meetings of the Advisory Council in the absence of a Chairperson.

The DFO is responsible for providing adequate staff support to the Advisory Council, 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 Advisory Council's deliberations, including subgroup and working group activities;

(5) attending to official correspondence; (6) maintaining official Advisory Council records and filing all papers and submissions prepared for or by the Advisory Council, including items generated by subgroups and working groups; (7) acting as the Advisory Council'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: SUBCOMMITTEES

The Advisory Council may elect to form subcommittees or working groups in accordance with Section 4b of the Charter. The Advisory Council may recommend establishing such working groups or subcommittees as it may find necessary to the DFO for approval. If appropriate, these subcommittees or working groups may include individuals and/or representatives from organizations other than Advisory Council members that have an interest in the planning and management of the Opal Creek Scenic Recreation Area.

Only subcommittee members who are also Advisory Council members will be reimbursed for expenses according to the reimbursement policy in Section VII of these Bylaws.

SECTION VII: EXPENSES AND REIMBURSEMENT

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

The USDA will reimburse travel and per diem for attendance at Advisory Council meetings at a rate equivalent to that allowable for USDA employees. Members will be responsible for submitting a travel voucher to the DFO with any 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 Council meeting as the official representative in the absence of the primary member.

Completed and signed travel vouchers for expenses should be submitted to the DFO within two weeks after each meeting.

SECTION VIII: AMENDMENTS

The Advisory Council can recommend changes or amendments to the bylaws not covered in Law or the Charter. At a minimum, the Bylaws will be reviewed and any amendments made after the renewal of the charter.