

# Charter

## Timber Regulation and Forest Restoration Program Advisory Committee

August 23, 2016

The Timber Regulation and Forest Restoration Program Advisory Committee (Advisory Committee) is an advisory body of the California Natural Resources Agency (CNRA) and the California Environmental Protection Agency (CalEPA). The Advisory Committee formally reports to the Secretary for Natural Resources and the Secretary for Environmental Protection. Functional reporting is to the California Natural Resources Agency Assistant Secretary of Forest Resources Management. These three offices are collectively referred to herein as the "Secretaries."

### Background and Importance

The Timber Regulation and Forest Restoration Fund (TRFRF) Program is a component of Assembly Bill 1492 (Committee on Budget, Chapter 289, Statutes of 2012). This component of the bill (PRC § 4629 et seq.) comprises four major elements:

1. A revenue-generating mechanism of a one-percent assessment on lumber and engineered wood products sold at the retail level in California, with revenues deposited in the Timber Regulation and Forest Restoration Fund.
2. Direction to (a) improve the efficiency, transparency, and data collection of the State's timber harvest review team agencies and departments and (b) develop ecological performance measures.
3. A forest restoration program.
4. Requirements for reporting to the Legislature.

The Timber Regulation and Forest Restoration Program Advisory Committee is a critical component in assuring that the public has a voice in the development and implementation of the Timber Regulation and Forest Restoration Program. It is a major part of the Program's Public Process Approaches.

### Mission and Duties

**Mission:** The Mission of the Advisory Committee is to provide advice/recommendations to the Timber Regulation and Forest Restoration Program on matters described herein related to the implementation of the goals established under AB 1492 and further articulated by the CNRA and CalEPA. This is an advisory rather than a final decision-making body. The focus of this Advisory Committee is on policies and procedures related to the implementation of AB 1492. The Committee will not focus or deliberate on any specific timber harvest or other specific regulatory or forest management decision.

**Duties:** The Advisory Committee will conduct its activities in accordance with its Mission and in support of the goals of AB 1492 and the Timber Regulation and Forest Restoration Program. The specific duties are:

1. Review and comment on proposed and ongoing work of the Timber Regulation and Forest Restoration Program, in particular, the Working Groups and Leadership Team.
2. Provide a public forum for sharing information and receiving comment on the Timber Regulation and Forest Restoration Program.

3. Provide advice/recommendations on requested matters to the Leadership Team and Secretaries.

### **Tentative Sunset Date for the Advisory Committee**

The tentative sunset date for the Advisory Committee is at the completion of the development of the ecological performance measures, ecological performance measures implementation plan, and ecological performance measures adaptive management plan (currently estimated at the end of 2017). At this time, the success of the Advisory Committee and the need for its continuation to provide recommendations to the Timber Regulation and Forest Restoration Program and to provide a public forum for the Program will be evaluated by the Secretaries. If the decision is made to continue the Advisory Committee, its composition, responsibilities, and processes will be reviewed and adjusted as needed. Public input will be sought during this sunset review process.

### **Membership Appointment and Composition**

Members are to be appointed by the Secretary for Natural Resources with concurrence of the Secretary for Environmental Protection. Members do not “represent” particular interests; rather, they are to be chosen for knowledge and ability to represent the broad public interest. Members will be selected through an open solicitation and nomination process to be conducted by the CNRA. This process will include broad public notification of the opportunity to apply to be a member or to nominate others to serve. The Secretaries will strive to assemble a committee of qualified members who represent a balanced range of perspectives.

The Advisory Committee is composed of up to 12 members from categories such as the following:

- Biological Scientists (e.g., fisheries, wildlife, or ecology)
- Forest Landowners (e.g., small private, large private, or nongovernmental organization)
- Licensed Timber Operator
- Local Community
- Natural Resources Researcher or Academic
- Nongovernmental Conservation or Environmental Organizations
- Physical Scientists (e.g., geologist, hydrologist, or water quality scientist)
- Registered Professional Forester
- Restoration Specialists (e.g., fish, wildlife, or forest)
- Tribal Member
- Fishing Community

One member will be drawn from the University of California Cooperative Extension Forestry staff.

### **Terms of Appointments**

**Appointment Lengths** Appointments shall be for two-year terms. If a vacancy occurs before a member term expires, the appointment to fill that vacancy shall be for the rest of the regular term of that position.

### **Chairperson and Vice Chairperson**

The Secretaries shall appoint a Chairperson from among the members of the Advisory Committee.

The Vice Chairperson shall be selected by the Advisory Committee from among its members. The Vice Chairperson shall chair meetings of the Advisory Committee in the absence of the Chairperson.

## Roles and Responsibilities

- **Advisory Committee:** A consensus-seeking group of individuals representing public interests in the achievement of the goals of AB 1492 and the Timber Regulation and Forest Restoration Program. Members are expected to reach out to the public about the Timber Regulation and Forest Restoration Program matters on which they are advising.
- **Secretaries for Natural Resources and the Environmental Protection:** Appoint members to the Advisory Committee. Serve as final decision makers for the advice/recommendations provided by the Advisory Committee. Provide direction and oversight on policy matters.
- **Natural Resources Agency Assistant Secretary of Forest Resources Management:** Serves as the point person for CNRA, CalEPA, and the Leadership Team for operation of the Advisory Committee. Works with the Chairperson to prepare meeting agendas and notices.
- **Natural Resources Agency:** Provides fiscal support for the Advisory Committee's work, within budget limits and authorities. As budgets allow, CNRA will provide a neutral facilitator for the Advisory Committee. CNRA will pay reasonable and necessary travel costs of Advisory Committee members, consistent with State travel reimbursement policies.
- **Leadership Team:** Supports the functioning of the Advisory Committee through reporting and engagement. Responsible for ensuring the implementation of Committee recommendations that are accepted by the Secretaries. Leadership Team members report back to their respective departments/boards on the activities and recommendations of the Advisory Committee.
- **Chairperson:** Leads the Advisory Committee meetings, ensures the Committee conducts itself professionally and on task and on time; serves as liaison to the Assistant Secretary of Forest Resources Management and the Leadership Team. The Chairperson is the point of contact for the Assistant Secretary of Forest Resources Management and the Leadership Team, and is responsible for assisting the Assistant Secretary of Forest Resources Management in preparation of the meeting agendas and completion of follow-up actions.
- **Vice Chairperson:** Fulfills the role of Chairperson when the Chairperson is unavailable. May assist the Chairperson and in preparation of the meeting agendas and follow-up actions.

## Nature of Recommendations and Input from Advisory Committee

The Advisory Committee will seek to provide three types of feedback to the Secretaries, Leadership Team, and Working Groups:

- **Consensus Agreements** While it is desired, the Committee may not be able to reach consensus recommendations on all aspects of Working Group and Leadership Team products that are brought to the Committee. Where consensus cannot be achieved on specific items, it will be valuable if consensus agreements instead can be reached on broad principles or strategies proposed by the Working Groups or the Leadership Team.
- **Joint Fact Finding** The Advisory Committee will seek to provide consensus or majority recommendations regarding reference materials, key questions, and data needs.
- **Individual Recommendations** Each Advisory Committee member may submit, in writing and during Committee meetings, her or his own feedback and recommendations to the Working Groups and Leadership Team.

**Working Definition of Consensus** With the aid of a facilitator, the Advisory Committee will strive for consensus in its recommendations. Someone "in consensus" can abide by a decision. This may mean that they strongly support it, feel neutral about it, do not agree but will not "block," or choose to

abstain from the decision. Each of these situations is considered being in consensus with a decision. If consensus cannot be reached after good faith efforts (i.e., sharing of information, working to understand each other's concerns and interests, and working to develop inclusive solutions), more than one set of recommendations may be provided to the Secretaries and Leadership Team. The substantive differences and corresponding rationales will be documented and provided to the Secretaries and Leadership Team to help inform their choices as to which recommendation(s) to adopt.

To the extent the Advisory Committee is able to provide a consensus based recommendation, the Secretaries and the Leadership Team will give those recommendations the highest level of consideration.

Where non-consensus recommendations or reports come forward from the Advisory Committee, the Secretaries and the Leadership Team will give full consideration to the range of perspectives expressed by the Advisory Committee members.

All members must be fully advised of decisions made in their absence.

**Treatment of Consensus Recommendations** Consensus recommendations by the committee will be acknowledged and considered by the Leadership Team and Working Groups. Should the Secretaries, Leadership Team, or Working Groups decline to adopt an Advisory Committee consensus recommendation, the recommendation will nonetheless be documented.

**Minor and Major Decisions** Not all decisions will have the same level of impact. Simple voting may be adopted for procedural or non-policy matters.

**Select Decision Process in Advance** Proposals for action should include the decision process to be used in considering the item.

Members are expected to always contribute their best personal thinking and act in the overall public interest, regardless of the initial positions of their communities of interest. Collaboration cannot be effective unless all parties are open to modifying their initial positions.

### **Advisory Committee Member Conduct**

Members must be able to allocate time and resources to Advisory Committee activities. Attendance and participation are important to the continuity of the Advisory Committee.

Should a conflict of interest arise for a member on a particular matter before the Advisory Committee, that member shall recuse him/herself from discussion and action on that matter.

### **Attendance**

**RSVP** Members should advise the Chairperson and the Assistant Secretary of Forest Resources Management or designee if unable to attend a meeting. Members not in attendance can and should provide comment and input on agenda items to the Chairperson and the Assistant Secretary of Forest Resources Management or designee prior to the meeting.

**Extended or Frequent Absence** If a member is unable to actively participate during the term of appointment, the Chairperson or the Assistant Secretary of Forest Resources Management will ask him/her to reassess his/her ability to be an active member and may recommend replacement to the Secretaries. The Advisory Committee as a whole will decide whether a member should be replaced due to absences. An initial assessment of attendance will be made 10 months after the establishment of the Advisory Committee.

**Quorum** A quorum is one person more than ½ of the current sitting Advisory Committee membership. In the absence of a quorum, the Advisory Committee may continue to work in a consensus-seeking mode, but will not complete action on any advice/recommendation.

### **Subcommittees**

Standing subcommittees may be formed by consensus of the Advisory Committee when the Committee deems them necessary to specific functions.

The Advisory Committee also may form work groups for specific tasks. Such work groups will operate with well-defined scopes and specific start and end dates. The Advisory Committee may invite participation on work groups by non-members who may provide technical expertise to the discussion.

### **Consultation**

When additional expertise is advisable to assist the Advisory Committee in its deliberations, the Committee may request that such experts be invited to participate in the discussion or in consultation. The Assistant Resources Secretary of Forest Resources Management will make these requests.

### **Meeting Frequency**

It is anticipated that the Advisory Committee will, on average, meet for one day every other month. At times, a two-day meeting may be necessary or there may be a period of several months where no meeting is needed.

Meeting frequency will be determined in large part based on the flow of products or issues from the Leadership Team or Working Groups. Therefore, Advisory Committee meetings will be scheduled around these products and milestones rather than pre-identified dates or intervals. This approach will provide accommodate delays and timing uncertainties around release of these products.

One week in advance of each meeting, there will be a one-hour Advisory Committee conference call to prepare for the upcoming meeting, to review the agenda, preview materials, and highlight key Advisory Committee questions.

### **Format and Agenda for Advisory Committee Meetings**

- Advisory Committee meetings will be scheduled according to working group products and process milestones, rather than predetermined dates and intervals.
- Each Advisory Committee meeting will be 6 hours of a meeting with a full lunch and breaks for an 8 hour day. Timing of meetings will be 8:30 AM to 4:30 PM.
- Each meeting will incorporate broader public engagement with the use of a webinar/online meeting technology.
- The agenda items for each meeting will be developed by the Advisory Committee chair in consultation with the Assistant Secretary and facilitation team. Committee members are welcome to submit ideas and suggestions for agenda items.

## Agenda Outline for Advisory Committee Meetings

8:30	Call to order, introductions, review agenda
8:45	Leadership Team and Working Group updates
9:30	Advisory Committee discusses agenda items, takes public comment on agenda items, develops recommendations
10:00	Break
10:30	Advisory Committee discusses agenda items, takes public comment on agenda items, develops recommendations
12:00	Lunch
1:00	Advisory Committee discusses agenda items, takes public comment on agenda items, develops recommendations
2:30	Break
3:00	Advisory Committee summarizes key actions for the day, matters for Leadership Team follow-up; discusses agenda and preparation for next meeting.
4:00	Public forum—members of the public may comment on items in scope of Advisory Committee responsibility that are not on agenda.
4:30	Adjourn

## Milestones and Timing for Advisory Committee meetings

Much of the work flow for the Advisory Committee will be determined by the flow of draft products from review from the Working Groups or Leadership Team.

## Operating Protocols

**A. General Principles of Collaboration** Using the following general principals of collaboration, Advisory Group members agree to:

1. Commit to expending the time and energy to fulfill the Advisory Committee Mission and Duties;
2. Ensure everyone has an equal voice in the conversation.
3. Recognize the validity of and seek to understand different points of view and different interests;
4. Seek to develop inclusive solutions that meet the range of interests around the table.
5. Share responsibility for accomplishments and regard disagreements as problems to be solved, not battles to be won.

## B. Meeting Ground Rules

1. **Electronic courtesy** Most of the participants have demanding responsibilities outside of the meeting room. We ask for your attention during the full meeting. Please turn cell

- phones, or any other communication item with an on/off switch to “silent.” If you do not believe you will be able to participate fully, please discuss your situation with the facilitator.
2. **Be comfortable.** Please ask for adjustments to room temperature or take personal breaks.
  3. **Humor is welcome** and important, but humor should never be at someone else's expense.
  4. **Stay focused on the charge and deliverables.** There are many related topics that people care about. The Advisory Committee cannot address all of these. The facilitator will help the group stay focused on the deliverables.
  5. **Use common conversational courtesy.** Don't interrupt others. Use appropriate language. Avoid third party discussions.
  6. **Treat each other with respect.** People are passionate about these issues and in many cases have invested their careers in this work. People offer their time, expertise, insight, and resources in these discussions. Please respect the work that people do to advance the conversation and create common ground.
  7. **All ideas and points have value.** You may hear something you do not agree with. You are not required to defend or promote your perspective, but you are asked to share it. All ideas have value in this setting. If you believe another approach is better, offer it as a constructive alternative.
  8. **Avoid editorials.** Please avoid ascribing motives to or judging the actions of others. Please speak about your experiences, concerns, and suggestions.
  9. **Honor time.** In order to achieve meeting objectives it will be important to follow the time guidelines provided by the facilitator.

## Meetings and the Public

CNRA is responsible for providing public notification of Advisory Committee meetings. All meetings shall be noticed at least 10 days in advance by sending an announcement of the upcoming meeting to all those who request to be notified of Advisory Committee meetings. All meetings shall be open to the public and shall contain a section devoted to input from the public. To the extent that technological resources allow, all meetings will be webcast. The Chairperson may require that individuals and groups wishing to address the Advisory Committee to sign up at the beginning of the meeting. Individual presentations may be limited by the Chairperson. The Chairperson may limit the total amount of time devoted to the public comment section. Additionally, the Chairperson may elect to solicit public opinion during other agenda items.

The Assistant Secretary of Forest Resources Management, Leadership Team Members, State agency staff, the Advisory Committee, and individual Advisory Committee members will conduct their Advisory Committee-related activities consistent with the Bagley-Keene Open Meeting Act (Government Code § 11120 *et seq.*). CNRA will provide the Advisory Committee with information and training on compliance with the Act.

## Minutes

Draft minutes of the Advisory Committee meetings shall be reviewed, corrected if needed, and approved by the Advisory Committee before distribution to the public. A State agency staff person will be responsible for taking minutes, revising them as requested by the Advisory Committee, distributing the minutes to the public, and maintaining the minutes, including posting them in a timely manner to the Timber Regulation and Forest Restoration Program website.

## Amendments

All substantive amendments to the Charter require the approval of the CNRA and CalEPA Secretaries. Minor amendments may be approved by the Assistant Resources Secretary of Forest Resources Management. The Advisory Committee may recommend amendments to the charter, with these recommendations subject to the foregoing approval process.

*Charter approved by the CNRA and CalEPA Secretaries on >>insert date<<.*

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