

§ 984.36

7 CFR Ch. IX (1–12 Edition)

members selected by the Secretary, each of whom shall have an alternate nominated and selected in the same way and with the same qualifications as the member. The members and their alternates shall be selected by the Secretary from nominees submitted by each of the following groups or from other eligible persons belonging to such groups:

- (1) Two handler members from District 1;
- (2) Two handler members from District 2;
- (3) Two grower members from District 1;
- (4) Two grower members from District 2;
- (5) One grower member nominated at large from the production area; and,
- (6) One member and alternate who shall be selected after the selection of the nine handler and grower members and after the opportunity for such members to nominate the tenth member and alternate. The tenth member and his or her alternate shall be neither a walnut grower nor a handler.
 - (b) In the event that one handler handles 35% or more of the crop the membership of the Board shall be as follows:
 - (1) Two handler members to represent the handler that handles 35% or more of the crop;
 - (2) Two members to represent growers who market their walnuts through the handler that handles 35% or more of the crop;
 - (3) Two handler members to represent handlers that do not handle 35% or more of the crop;
 - (4) One member to represent growers from District 1 who market their walnuts through handlers that do not handle 35% or more of the crop;
 - (5) One member to represent growers from District 2 who market their walnuts through handlers that do not handle 35% or more of the crop;
 - (6) One member to represent growers who market their walnuts through handlers that do not handle 35% or more of the crop shall be nominated at large from the production area; and,
 - (7) One member and alternate who shall be selected after the selection of the nine handler and grower members and after the opportunity for such members to nominate the tenth mem-

ber and alternate. The tenth member and his or her alternate shall be neither a walnut grower nor a handler.

(c) Grower Districts:

(1) *District 1.* District 1 encompasses the counties in the State of California that lie north of a line drawn on the south boundaries of San Mateo, Alameda, San Joaquin, Calaveras, and Alpine Counties.

(2) *District 2.* District 2 shall consist of all other walnut producing counties in the State of California south of the boundary line set forth in paragraph (c)(1) of this section.

(d) The Secretary, upon recommendation of the Board, may reestablish districts, may reapportion members among districts, and may revise the groups eligible for representation on the Board as specified in paragraphs (a) and (b) of this section: Provided, That any such recommendation shall require at least six concurring votes of the voting members of the Board. In recommending any such changes, the following shall be considered:

- (1) Shifts in acreage within districts and within the production area during recent years;
- (2) The importance of new production in its relation to existing districts;
- (3) The equitable relationship between Board apportionment and districts;
- (4) Changes in industry structure and/or the percentage of crop represented by various industry entities resulting in the existence of two or more major handlers;
- (5) Other relevant factors.

[73 FR 11337, Mar. 3, 2008]

§ 984.36 Term of office.

The term of office for Board members and their alternates shall be for a period of two years ending on August 31 of odd-numbered years, but they shall serve until their respective successors are selected and have qualified.

[74 FR 18464, Apr. 23, 2009]

§ 984.37 Nominations.

(a) Nominations for all grower members shall be submitted by ballot pursuant to an announcement by press releases of the Board to the news media