

**BUREAU OF LAND MANAGEMENT
AND
U.S.D.A. FOREST SERVICE
RESOURCE ADVISORY COUNCIL**

CHARTER

1. OFFICIAL DESIGNATION: Southeast Oregon Resource Advisory Council.

2. COUNCIL OBJECTIVES AND SCOPE: Provide representative citizen counsel and advice to the Bureau of Land Management (BLM) and the U.S.D.A. Forest Service (FS) line managers concerning the planning and management of the public land and national forest resources located in whole or in part within the Vale, Burns, and Lakeview Districts of the BLM and the Fremont, Deschutes, Ochoco, and Malheur National Forests. The actual jurisdictional boundary is described below:

The Middle Snake/Boise, Oregon Closed Basins, and Goose Lake Hydrologic Units, as described by the United States Geological Survey, are contained within this jurisdictional area. This area includes most of Malheur, Harney, and Lake Counties and very small portions of Klamath, Deschutes, Crook, Grant, and Baker Counties.

3. PERIOD OF TIME NECESSARY FOR THE COUNCIL'S ACTIVITIES: Since its functions are related to continuing the BLM and the FS responsibility for the management of public and national forest lands and resources within the area of jurisdiction described above, the need for the Council is expected to continue indefinitely. However, Council continuation will be subject to periodic review and rechartering every 2 years as required by Section 14(b) of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix.

4. OFFICIAL TO WHOM THE COUNCIL REPORTS: Although members of the Council will be appointed by the Secretary of the Interior (Secretary), the Council will report to a local Designated Federal Officer (DFO). The DFO to whom the Council will report will be rotated between the District Managers of the three BLM Districts within the Council's area of jurisdiction on a 2-year cycle. The rotation will be decided jointly by the District Managers. The following are the addresses of the three BLM officials:

Vale District Manager
100 Oregon Street
Vale, Oregon 97918

Burns District Manager
28910 Hwy. 20 West
Hines, Oregon 97738

Lakeview District Manager
1301 South G Street
Lakeview, Oregon 97630

5. ADMINISTRATIVE SUPPORT: Administrative support for activities of the Council will be provided by the office of the DFO.

6. DUTIES OF THE COUNCIL: The members of the Council will serve in an advisory capacity to the BLM and the FS officials within the Council's area of jurisdiction generally on the following matters:

a. Develop recommendations regarding the preparation, amendment, and implementation of land use plans for the public and national forest lands and resources within the jurisdiction of the Council. This may require the Council to gather and analyze information, conduct studies and field examinations, hear public testimony, and ascertain facts relating to the issues.

b. Except for the purpose of long-range planning and the establishment of resource management priorities, the Council shall not provide advice on the allocation and expenditure of appropriated Federal funds or on personnel actions.

c. Advise the BLM Oregon State Director and the FS Region 6 Regional Forester in identifying the geographic area for which standards and guidelines will be developed, and with the development and amendment of standards and guidelines as necessary.

d. Develop recommendations for implementation of ecosystem management concepts, principles and programs, and advise the BLM and the FS with establishing landscape goals and objectives.

e. Promote establishment of, support for, and assistance to local working groups and other self chartered partnerships in establishing resource management programs and implementing those programs.

f. Make recommendations on future Council model(s) and areas of jurisdiction that would best serve the State(s) affected.

7. COUNCIL COMPOSITION:

a. Council members shall be representative of the interests of the following three general groups:

GROUP 1 - PERSONS WHO:

i. represent the interests of Federal grazing permit or lease holders within the Council's area of jurisdiction and who personally hold such a permit or lease;

ii. represent interests associated with transportation or rights-of-way;

iii. represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;

iv. represent the commercial timber industry; or

v. represent energy and mineral development.

GROUP 2 - PERSONS REPRESENTING:

- i. nationally or regionally recognized environmental organizations;
- ii. dispersed recreational activities;
- iii. archaeological and historical interests; or
- iv. nationally or regionally recognized wild horse and burro interest groups.

GROUP 3 - PERSONS WHO:

- i. hold State, county, or local elected office;
 - ii. are employed by a State agency responsible for the management of natural resources, land, and water;
 - iii. represent Indian tribes within or adjacent to the area for which the Council is organized;
 - iv. represent the interests of and are employed as academicians in natural resource management or the natural sciences; or
 - v. represent the public-at-large.
- b. The Council will be comprised of 15 members distributed in a balanced fashion among the three general groups as specified in paragraph 7a. of this charter.
- c. In appointing Council members from the three groups, the Secretary shall provide for a balanced and broad representation within each group, and balance with respect to social, cultural, economic, and geographic composition of the population.
- d. Pursuant to Section 309(a) of the Federal Land Policy and Management Act (FLPMA) of 1976, at least one Council member shall be an elected official of general purpose government serving within the jurisdiction of the Council.

8. MEMBER QUALIFICATION, SELECTION, AND SERVICE:

- a. Persons who are appointed to the Council serve at the pleasure of the Secretary. To be eligible for appointment to the Council, a person must be qualified through education, training, knowledge, or experience to give informed and objective advice regarding an industry, discipline, or interest specified in this charter; have demonstrated experience or knowledge of the geographical area under the purview of the Council; and have demonstrated a commitment to collaborate in seeking solutions to a wide spectrum of resource management issues. The BLM will consider nominations for Council membership from local government, organizations, and individuals. Council members must be residents of the State of Oregon, and be supported by letters of recommendation from the groups or interests the nominees will represent.

- b. Council members will be appointed to serve 3-year terms, on a staggered term basis, with one-third of the Council subject to appointment or reappointment each year. The rotation will also be structured so that as close as possible to one-third of the representatives from each general group listed in paragraph 7a. of this charter will be subject to appointment or reappointment annually.
- c. The term of a Council member who has been appointed on the basis of his or her status as an elected official will end upon the member's departure from elective office. When this situation occurs, the member will be replaced by another elected official. At the Secretary's discretion, the former elected official may be permitted to complete his or her same term in another vacant position on the Council, provided that the member is qualified to represent the interest represented by the vacant position.
- d. The Secretary or the DFO may, after written notice, terminate the service of a member if, in the judgment of the Secretary or DFO, removal is in the public interest. Members may also be terminated if they no longer meet the requirements under which they were appointed; fail or are unable to participate regularly in Council work; or have violated Federal law or the regulations of the Secretary. When a member fails to regularly attend meetings, the DFO will inform the member, in writing, that his or her service on the Council could be terminated. When any member fails to attend two consecutive meetings, without good cause, the DFO or his/her designee may deem that member's position on the Council to have been vacated. Upon such determination, the DFO will inform the member, in writing, that his or her service on the Council is terminated.
- e. Vacancies occurring for any reason, including resignation, death, moving out of the State of Oregon, failure to regularly attend Council meetings, or Secretarial removal, will be filled by the Secretary for the balance of the term using discretion on grace periods. Such vacancies will be promptly reported to the BLM Director. Vacancies will be replaced using the same process for soliciting candidate nominations followed by Secretarial appointment that was used initially to fill the Council membership charter.
- f. At the discretion of the Secretary, Council members may be reappointed to consecutive or non-consecutive 3-year terms or less, indefinitely.
- g. A Council member may not serve concurrently on more than one Council. Council members may serve concurrently on subgroups within the Council they represent.
- h. Council members shall be required to complete a course of instruction in the management of forest and rangeland ecosystems and other appropriate and applicable topics approved by the BLM Oregon State Director and the FS Regional Forester.
- i. Council members appointed to the Council serve without salary, but will be reimbursed for travel and per diem expenses when on Council business as authorized by Section 309 of FLPMA and 5 U.S.C. 5703.

9. ETHICS RESPONSIBILITIES OF MEMBERS:

- a. A member may not participate in matters that will directly affect, or appear to affect, the financial interests of the member or the member's spouse or minor children. Compensation from employment does not constitute a financial interest of the member so long as the matter before the Southeast Oregon Resource Advisory Council will not have a special or distinct effect on the

member or the member's employer, other than as part of a class. The provisions of this paragraph do not affect any other statutory or regulatory ethical obligations to which a member may be subject, including those in b., below.

b. As provided in 43 CFR Sec. 1784.2-2, members of the Council shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims that involve lands or resources administered by the BLM, or in any litigation related thereto. No Council or subcommittee member shall participate in any matter in which the member has a direct interest.

10. SUBGROUPS:

a. Local Subgroups: The Council may create local subgroups to provide input necessary to the successful functioning of the Council. Such local subgroups can be formed in response to a petition from local citizens or by the motion of the Council. Membership in any local subgroup formed for the purpose of providing general advice to the Council shall be constituted in accordance with paragraph 7a. of this charter. Specific requirements of local subgroups:

- i. Members of local subgroups must reside in Oregon;
- ii. All members of local subgroups serve without salary. Members of the subgroup, who are also members of the local Council, will be reimbursed for travel and per diem expenses when on local subgroup business as authorized by 5 U.S.C. 5703. Members of subgroups who are not on the Council will not be reimbursed for expenses associated with the subgroup;
- iii. Members of local subgroups shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims that involve lands or resources administered by the BLM and/or the FS, or in any litigation related thereto. For the purposes of this paragraph, indirect interest includes holdings of a spouse or a dependent child. No local subgroup member shall participate in any matter before the subgroup in which the member has a direct interest; and
- iv. The duration of service for a local subgroup will be determined by the Council but will not exceed the Council's charter period.

b. Technical Review Teams (TRTs): Technical Review Teams may be formed on an as-needed-basis to gather and analyze data and develop information to aid the Council. These TRTs may be formed at the discretion of the BLM or the FS, or in response to a request from the Council or a local subgroup. The TRTs will report directly to the BLM for transmission to the Council.

Specific requirements of TRTs:

- (i) Members of a TRT must be Federal employees or consultants paid by a Federal agency;
- (ii) Functions of the TRT will be limited to tasks assigned by the BLM;
- (iii) The TRT members will be selected based upon their knowledge of resource management or familiarity with the specific issues for which the TRT is formed; and
- (iv) All TRTs will terminate upon completion of the assigned tasks.

11. COUNCIL OFFICERS: Pursuant to FACA, the Council will elect its own officers from among its members annually, usually at the first meeting of each calendar year. Chairpersons and members of any local subgroup formed by the BLM will be appointed by the Council Chairperson with the concurrence of the DFO.

12. MEETINGS:

a. The Council shall meet at the call of the DFO. The DFO shall attend all meetings of the Council. All Council and Council subgroup meetings, including field examinations, will be open to the general public and representatives of the news media. Any organization, association, or individual may file a statement with or appear before the Council or the Council subgroup(s) regarding topics on the meeting agenda, except that the DFO may require that presentations be reduced to writing and copies be filed with the Council.

b. A notice of each meeting of the Council will normally be published in the Federal Register and distributed to the news media serving the jurisdictional area of the Council 30 days in advance of such meeting. However, if urgent circumstances prevent a 30-day notice, not less than a 15-day notice will suffice. The notice will set forth clearly and precisely the issues or topics to be discussed and will provide specific times and places for the public to be heard. If it becomes necessary to postpone or cancel an announced meeting, a subsequent notice will be published in the Federal Register and distributed to the news media serving the jurisdictional area as early as possible, explaining the reason(s) for the postponement or cancellation.

c. Council meeting agendas will be approved in advance by the DFO.

d. The Council will normally meet from two to four times annually, but in no case less than once. Additional meetings may be called by the DFO in connection with special needs for advice.

e. Regular Council business activities will be conducted using Roberts Rules of Order for internal administration.

f. A quorum of Council members must be present to constitute an official meeting of the Council. A majority of the appointed representatives from each general group listed in paragraph 7a. of this charter constitutes a quorum. In order to refer an issue to the DFO, the majority of all members from each group (not a majority of the members of a group in attendance at a particular meeting) must vote in the affirmative.

g. Where the Council becomes concerned that its advice is being arbitrarily disregarded, the Council may request that the Secretary respond directly to such concerns related to public lands administered by the BLM and the Regional Forester respond directly to such concerns related to national forest lands. The Secretary or Regional Forester will respond within 60 days of the receipt of such a request. Such a request can be made only upon the agreement of all Council members. The Secretarial or Regional Forester response shall not constitute a decision on the merits of any issue that is or might become the subject of an administrative appeal, and shall not be appealable.

13. COUNCIL RECORDS: Detailed minutes of each Council meeting will be kept and will contain a record of the persons present; a complete and accurate description of matters discussed and conclusions reached; and copies of all documents received, issued, or approved by the Council. The accuracy of all minutes will be certified by the Council Chairperson. Copies of the

minutes will be maintained in the office of the DFO, and will be available for public inspection and copying during regular business hours.

14. ESTIMATED OPERATING COSTS: Activities of the Council will require an estimated \$30,000, not to include the 6 work-months of Federal employee support annually.

15. EXPIRATION DATE: The Council's charter will expire 2 years from the date the charter is filed, unless, prior to that date, it is rechartered by the Secretary in accordance with the provisions of Section 14(b) of FACA, 5 U.S.C. Appendix. The Council shall not meet or perform any functions without a valid current charter.

16. AUTHORITY: Section 309 of FLPMA, as amended, 43 U.S.C. 1739.

Gale A. Norton
SECRETARY OF THE INTERIOR

11/12/2003
Date Signed

11/12/2003
Date Charter Filed

