U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

STATE OF MONTANA
DAKOTAS RESOURCE ADVISORY COUNCIL

CHARTER

1. **OFFICIAL DESIGNATION:** Dakotas Resource Advisory Council (Council).

2. **AUTHORITY:** The Council is a statutory advisory committee established under Section 309 of the Federal Land Policy and Management Act (FLPMA), as amended (43 U.S.C. 1739). The Bureau of Land Management (BLM) is subject to standards and procedures for the creation, operation, and termination of BLM resource advisory councils. Refer to the 1995 amended BLM regulations (43 CFR 1784) for specific regulations regarding composition (1784.6-1(c)); avoidance of conflicts of interest (1784.2-2); calls for nominations (1784.6-1(e)); notice of meetings (1784.4-2); open meetings (1784.4-3); records (1784.5-3); course of instruction for members (1784.6-1(f)); and quorum requirements (1784.6-1(h)). The Council is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. Pursuant to Section 804(c)(1)(D) of the Federal Lands Recreation Enhancement Act (REA) (16 U.S.C. § 6803(d)(1)(D)), the Council is authorized to make recommendations on BLM and U.S. Forest Service (FS) recreation fee proposals.

3. **OBJECTIVES AND SCOPE OF ACTIVITIES:** The Council will serve in an advisory capacity concerning the planning and management of the public land resources located within the BLM's North Dakota and South Dakota Field Office boundaries.

4. **DESCRIPTION OF DUTIES:** Council duties and responsibilities are generally as follows:

   a. Upon the request of the Designated Federal Officer (DFO), develop recommendations for the BLM with respect to the land use planning, classification, retention, management, and disposal of the public lands within the area for which the advisory council is established and such other matters as may be referred to it by the DFO.

   b. Upon the request of the DFO, the Council may make recommendations regarding a standard amenity recreation fee or an expanded amenity recreation fee, whenever the recommendations related to public concerns in the State or region covered by the Council regarding:

      (A) the implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;

      (B) the elimination of a standard amenity recreation fee or an expanded amenity recreation fee; or

(C) the expansion or limitation of the recreation fee program.

The Council may make these recommendations for BLM when BLM's amenity recreation fees are at issue and it would facilitate the effective implementation of the REA. With the concurrence of the FS when their amenity recreation fees are at issue, the Council may also make these recommendations for BLM and/or FS if that would facilitate the effective implementation of the REA.

5. **OFFICIAL TO WHOM THE COUNCIL REPORTS:** The Council provides advice to the Secretary of the Interior (Secretary) through the DFO.

6. **SUPPORT:** Administrative support and funding for activities of the Council will be provided by the office of the BLM's Eastern Montana/Dakotas District Manager.

7. **ESTIMATED ANNUAL OPERATING COSTS and STAFF YEARS:** The annual operating costs associated with supporting the Council's activities are estimated to be $50,000, including all direct and indirect expenses and 0.30 Federal staff years support.

8. **DESIGNATED FEDERAL OFFICER:** The DFO is the BLM's Eastern Montana/Dakotas District Manager, who is a full-time Federal employee appointed in accordance with agency procedures. The DFO will approve or call all Council and subcommittee meetings, prepare and approve all meeting agendas, attend all Council and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary.

9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:** The Council will meet approximately two to four times annually, and at such other times as designated by the DFO.

10. **DURATION:** Continuing.

11. **TERMINATION:** The Council will terminate 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of Section 14 of the FACA. The Council will not meet or take any action without a valid current charter.

12. **MEMBERSHIP AND DESIGNATION:**

a. Council members appointed by the Secretary will be representative of the following three interest groups:

<u>GROUP 1 - PERSONS WHO:</u>

(1) hold Federal grazing permits or leases within the area for which the Council is organized;

(2) represent interests associated with transportation or rights-of-way;

(3) represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;

(4) represent the commercial timber industry; or

(5) represent energy and mineral development.

GROUP 2 - PERSONS REPRESENTING:

(1) nationally or regionally recognized environmental organizations;

(2) dispersed recreational activities;

(3) archaeological and historical interests; or

(4) nationally or regionally recognized wild horse and burro interest groups.

GROUP 3 - PERSONS WHO:

(1) hold State, county, or local elected office;

(2) are employed by a State agency responsible for the management of natural resources, land, or water;

(3) represent Indian tribes within or adjacent to the area for which the Council is organized;

(4) are employed as academicians in natural resource management or the natural sciences; or

(5) represent the affected public-at-large.

b. The Council will be comprised of 15 members distributed in a balanced fashion among the three interest groups.

c. Members will be appointed to the Council to serve 3-year terms.

13. **ETHICS RESPONSIBILITIES OF MEMBERS**: No Council or subcommittee member shall participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest. As provided in 43 CFR 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.

14. **SUBCOMMITTEES:** Subject to the DFO's approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

15. **RECORDKEEPING**: The records of the Council, and formally and informally established subcommittees of the Council, shall be handled in accordance with General Record Schedule 26, Item 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.

Ken Salazar

Secretary of the Interior

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Date

JAN 08 2012

Date Filed