

BUREAU OF LAND MANAGEMENT
CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL

Charter

- 1. OFFICIAL DESIGNATION:** California Desert District Advisory Council.
- 2. COUNCIL OBJECTIVES AND SCOPE:** Provide representative citizen counsel and advice to the Bureau of Land Management (BLM) California Desert District Manager concerning: (a) planning and management of the public land resources within the BLM California Desert District, and (b) implementation of the comprehensive, long-range plan of the management, use, development, and protection of the public lands within the California Desert Conservation Area.
- 3. PERIOD OF TIME NECESSARY FOR THE COUNCIL'S ACTIVITIES:** Since its functions are related to continuing the BLM's responsibility for the management of public lands and resources in the District, the need for the Council is expected to continue indefinitely. However, Council continuation will be subject to periodic review and rechartering 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:** The BLM California Desert District Manager.
- 5. ADMINISTRATIVE SUPPORT:** Administrative support for activities of the Council will be provided by the District Manager.
- 6. DUTIES OF THE COUNCIL:** At the request of the District Manager or his designee, the Council will meet periodically to gather and analyze information; conduct studies and field examinations; hear public testimony; ascertain facts; and, in an advisory capacity only, develop recommendations for the District Manager concerning use, classification, retention, disposal, or other aspects of public land planning and management in the public interest, including recommendations regarding implementation of the long-range plan for the California Desert Conservation Area.
- 7. COUNCIL COMPOSITION:**
 - a. The Council's membership will be balanced with respect to geographic considerations; members' interests, points of view, and place of residence; composition of the population of the area being served; Council functions to be performed; and the major issues and problems relating to planning and management of the public lands within the District and the various major citizens' interests concerning these issues and problems.

b. The Council will be composed of 15 members, who are appointed by and serve at the pleasure of the Secretary of the Interior (Secretary). Pursuant to Section 309(a) of the Federal Land Policy and Management Act, at least one member will be an incumbent elected official of general purpose government serving the people of the District. In addition, at least one member will be qualified to, and will represent and approve advice, on each of the following categories of interest:

- 1) A representative of environmental protection groups or organizations;
- 2) A representative of recreation groups or organizations;
- 3) A representative of renewable resources groups or organizations;
- 4) A representative of non-renewable resources groups or organizations;
- 5) A representative of transportation/rights-of-way (or occupancy issues) groups or organizations;
- 6) A representative of wildlife groups or organizations; and
- 7) A representative of the public-at-large.

8. MEMBER QUALIFICATION, SELECTION AND SERVICE:

a. To be eligible for appointment to the Council, a person must be qualified through education, training, knowledge, or experience to give informed advice regarding at least one of the eight categories of interest required by Paragraph 7b.

b. Except as provided in Paragraph 8f (3), members will be appointed to serve 3-year terms, on the established staggered-term basis, with as near as possible to one-third of the Council subject to appointment or reappointment each year. Each term will begin on January 1 of its first year and end on December 31 of its third year. An appointment will be considered effective, for the propose of reappointment eligibility as defined in Paragraph 8f, on January 1 of the first year of the term, regardless of the date the appointment is actually made.

c. The term of a member who has been appointed on the basis of his or her status as an elected official of general purpose government serving the people of the District, as required by Paragraph 7b, will end upon that member's departure from elective office if such departure occurs before his or her term of appointment or reappointment to the Council would otherwise expire (see Paragraph 8e). However, the Secretary, in his/her discretion, may permit that member to complete the same term in another vacant position on the Council, provided that the member is qualified to represent one of the seven other categories listed in Paragraph 7b.

d. When any member fails to attend three consecutive meetings, the District Manager or his/her designee may deem that member's position on the Council to have been vacated (see Paragraph 8e). Upon such determination, the District Manager will inform the member, in writing, that his or her service on the Council is terminated.

e. Vacancies occurring by reason of resignation, death, departure from elective office (see Paragraph 8c), failure to regularly attend Council meetings (see Paragraph 8d), or Secretarial removal, will be filled by the Secretary for the balance of the vacating member's term using the same method by which the original appointment was made. Such vacancies will be promptly reported to the BLM Director, and the District Manager may propose to the BLM Director, through the State Director, a replacement for appointment consideration by the Secretary.

f. At the discretion of the Secretary, or his/her designee, members may be reappointed to additional terms under the following conditions:

(1) A person who served a 3-year term on the Council may be reappointed to a second consecutive 3-year term.

(2) A person who has served an appointed term of less than 3 years on the Council to fill a vacancy occurring for reasons described in Paragraph 8e may be reappointed to two consecutive 3-year terms.

(3) A person who has served two consecutive 3-year terms on the Council may be reappointed no earlier than 3 years after his or her last date of membership on the Council. However, occasionally, such a member may become essential to the effective functioning of the Council due to unusual circumstances, such as a lack of qualified candidates for the position, or a need to conclude assigned duties or resolve issues. In these situations, so that a replacement can be found or critical Council business can be concluded, the Secretary may waive the 3-year waiting period and reappoint that member to a single 1-year term, upon determining that the member's continued or renewed service on the Council is in the public interest and critical to the effective functioning of the Council, and the District Manager has certified that these conditions have been met. The 3-year waiting period will begin to run upon the completion of the 1-year term.

g. All members will serve without salary, but will be reimbursed for travel and per diem expenses at current rates for government employees under 5 U.S.C. 5703.

9. ETHICS AND 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.

10. COUNCIL SUBCOMMITTEES: To facilitate the functioning of the Council, subcommittees may be formed to study and develop recommendations on selected issues for consideration by the full Council.

11. COUNCIL OFFICERS: The Council will elect a Chairperson and Vice Chairperson from among its members annually. Chairpersons and members of any subcommittees formed will be appointed by the Council Chairperson with the concurrence of the District Manager or his/her designee.

12. MEETINGS:

a. Meetings of the Council and any of its subcommittees may be called only by the District Manager or his designee, after consultation with the Council Chairperson. The DFO required by the FACA will be the District Manager or his designee, who will attend all meetings of the Council and any subcommittees thereof. All Council and subcommittee meetings, including field examinations, will be open to the general public, including representatives of the news media. Any organization, association, or individual may file a statement with or appear before the Council and its subcommittees regarding topics on a meeting agenda, except that the DFO may require that presentations be reduced to writing and that copies be filed with the Council.

b. A notice of each meeting of the Council or any of its subcommittees will normally be published in the Federal Register and distributed to the news media serving the District 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 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 District news media as early as possible and will explain the reasons for the postponement or cancellation.

c. Council and subcommittee meeting agendas will be formally approved in advance by the District Manager or his/her designee.

d. The Council will normally meet two to four times annually, but in no case less than once annually. Additional meetings may be called by the District Manager or his/her designee in connection with special needs for advice.

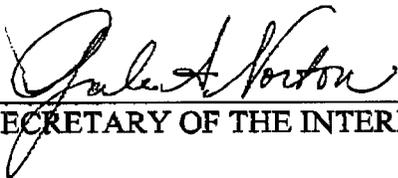
e. The Council will not elect officers, adopt resolutions, take positions on issues, offer advice or recommendations with less than 51 percent of its members in attendance, or if no member is an elected official of general purpose government serving the people of the District as required by Paragraph 7b.

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 BLM District Office and will be available for public inspection and copying during regular business hours.

14. ESTIMATED OPERATION COSTS: Activities of the Council will require an estimated \$75,000, including .5 person years annually.

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

16. AUTHORITY: Sections 309(a) and 601(g) of the FLPMA of 1976, as amended, 43 U.S.C. 1739 and 1781.



SECRETARY OF THE INTERIOR

OCT 13 2005

Date Signed

OCT 13 2005

Date Charter Filed