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); and course of instruction for members (1784.6-1(f)). 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 the BLM Implementation of Recreation Resource Advisory Committee Provisions of the Federal Lands Recreation Enhancement Act (71 FR 55510 (Sept. 22, 2006)) (2006 BLM Implementation Notice) and the Interagency Agreement between the U.S. Forest Service (FS) and the BLM entitled, "Interagency Implementation of the of the Federal Lands Recreation and Enhancement Act Requirements for Recreation Resource Advisory Committees regarding Recreation Fees" (Sept. 1, 2006) (Interagency Agreement), this council is authorized to make recommendations on BLM and FS recreation fee proposals under Division J, Title Section VIII, Section 804(d) of the Federal Lands Recreation Enhancement Act (FLREA), as enacted by the Consolidated Appropriations Act of 2005, PL 108-447.

3. **OFFICIAL TO WHOM THE COUNCIL REPORTS:** The Council provides representative citizen counsel and advice to the Secretary of the Interior (Secretary) through the BLM's Designated Federal Officer (DFO).

4. **DURATION:** Continuing.

5. **DESIGNATED FEDERAL OFFICER:** The Council reports to the Secretary through the DFO. The DFO to whom the Council reports is the State Director, Montana State Office, BLM. The DFO or the DFO designee or alternate DFO(s) will approve or call all of the Council's and subcommittees' 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 official to whom the Council reports.

6. **SUPPORT:** Administrative support and funding for activities of the Council will be provided by the BLM Montana State Director's Office (as DFO).

7. OBJECTIVES AND SCOPE OF ACTIVITIES: The Council will serve in a solely advisory capacity concerning the planning and management of the public land resources located within the geographic area of the Dickinson, North Dakota, and Belle Fourche, South Dakota, Field Offices.

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

a. Develop recommendations for the BLM regarding the preparation, amendment, and implementation of land use plans for the public lands and resources within the jurisdiction of the Council. This may require the Council to, at the direction of the DFO, gather and analyze information, conduct studies and field examinations, hear public comments, and provide advice on the issues presented.

b. Advise the BLM in identifying the geographic area for which standards and guidelines will be developed, and in developing and amending standards and guidelines, as necessary.

c. Advise the BLM in developing recommendations for implementation of ecosystem management concepts, principles and programs, and assist the BLM in establishing landscape goals and objectives.

d. Advise the BLM regarding working with local groups to develop resource management programs and objectives.

e. Make recommendations on future Council model(s) and areas of jurisdiction that would best serve North Dakota and South Dakota.

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

g. Pursuant to Section 804(d) of the FLREA, the 2006 BLM Implementation Notice, and the Interagency Agreement, the Secretary may use the Council to make recommendations to the BLM and the FS on recreation fee proposals of the two Agencies. The FS Regional Forester, or his or her designee, will serve as an *ex officio* FS official to the Council for meetings when FS recreation fee issues are on the agenda. Recreation fee recommendations concerning the FS will be presented directly to the *ex officio* FS official.

9. MEMBERSHIP and DESIGNATION:

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

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

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

(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, or water;

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

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

(v) 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 as specified in paragraph 9a. 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.

10. SUBCOMMITTEES: Subject to the DFO's approval, the Council may form, by motion, subcommittees to provide input necessary to the successful functioning of the Council. Input by subcommittees will be presented directly to the Council for its deliberation and consideration.

11. QUORUM AND VOTING REQUIREMENTS: As provided in 43 CFR 1784.6-1(h), a majority of the Council members of each of the three interest groups must be present to

constitute a quorum. Making a recommendation to the DFO requires an affirmative vote of a majority of the members from each interest group. Unanimous agreement of all Council members will be needed to forward a request to the Secretary.

12. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS: The Council will meet approximately one to four times annually.

13. ESTIMATED OPERATING COSTS: Activities of the Council will require an estimated $50,000, which includes 0.30 Federal staff years support.

14. TERMINATION: The Council's charter will expire 2 years from the date the charter is filed, unless, prior to that date, it is re-chartered by the Secretary in accordance with the provisions of Section 14(b) of the FACA. The Council shall not meet or perform any functions without a valid current charter.

15. RECORDKEEPING: The Records of the Council, formal and informal subcommittees, or other subgroups 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

NOV 24 2009

Date Signed

JAN - 8 2010

Date Charter Filed