

Bureau of Land Management

[INSERT NLCS Council Title]

Charter

- 1. OFFICIAL DESIGNATION:** [insert Council title]
- 2. PURPOSE:**
- 3. COUNCIL OBJECTIVES AND SCOPE:** Advise the Secretary of the Interior (Secretary) through the Bureau of Land Management (BLM) concerning planning and management of the public lands within the **[insert boundary area]** as described in **[insert section of authorizing legislation]**. The Council shall be subject to the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq.) and the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix.
- 4. PERIOD OF TIME NECESSARY FOR THE COUNCIL'S ACTIVITIES AND TERMINATION:** Since its functions are related to continuing BLM responsibility for the management of public lands in the **[insert title/legislative boundary]**, the need for the Council is expected to continue. However, Council continuation will be subject to periodic review and renewal every 2 years as required by Section 14(b) of FACA, 5 U.S.C. Appendix.
- 5. OFFICIAL TO WHOM THE COUNCIL REPORTS:** The Council reports to the Secretary through the Designated Federal Officer (DFO), who is:
[insert DFO name, title, and address]
- 6. ADMINISTRATIVE SUPPORT:** Administrative support and funding for the Council will be provided by the office of the DFO.
- 7. DUTIES OF THE COUNCIL:** At the request of the DFO or his/her designee, and in an advisory capacity only, the Council will meet periodically to gather and analyze information, conduct studies and field examinations, hear public testimony, ascertain facts, and develop recommendations for the DFO concerning public land planning, management, and uses of the **[legal boundary]**.
 - a. Develop recommendations for BLM regarding the preparation and implementation of the management plan for the **[insert area boundary]**. The Council shall utilize sound science, existing management plans and other tools to formulate recommendations to the DFO regarding:
 - (i) New and unique approaches to management of lands within the **[area]**; and

- (ii) Cooperative programs and incentives for seamless landscape management that meet human needs and maintain and improve the ecological and economic integrity of the **[area]**.
 - b. The Secretary, or her designee, shall consult with the Council as part of the preparation and implementation of the management plan.
 - c. Except for purposes of long-range planning and the establishment of resource management priorities, the Council shall not provide advice on the allocation and expenditure of Federal funds or on personnel actions.
- 8. COUNCIL COMPOSITION:** The Council will consist of **[insert number]** members. As specified in the **[insert authorizing order/legislation]** of **[insert date]**, the Council membership will include **[insert any specified groups]** and the public. Specifically, the membership shall consist of the following: **[list out specific guidelines for membership, as directed in the authorizing order or legislation]**
- a. A person who represents...
 - b. Two persons who represent...
 - c. Etc.
- 9. MEMBER QUALIFICATION, SELECTION AND SERVICE:**
- a. Persons who are appointed 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 the purposes for which the **[Monument/area]** was established, have demonstrated experience or knowledge of the geographical area under the purview of the Council, have demonstrated a commitment to collaborate in seeking solutions to a wide spectrum of resource management issues, and have the ability to represent their designated constituency. Council members must reside in the State of **[insert State]** or those portions of adjoining states in which the BLM in **[State]** administers, and be supported by letters of recommendation from the groups or interests they will represent.
 - b. Members will be appointed to serve 3-year terms on a staggered-term basis. At the end of a member's term, he or she may continue to serve at the discretion of the Secretary of the Interior for an interim period, which will not exceed 120 days, in order to ensure continuity on the Council until a new appointment has been made.
 - c. The Secretary or the DFO may, after written notice, terminate the service of a member if, in the judgment of the Secretary or the 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 Department of the Interior. When a member fails to regularly attend meetings, the DFO will inform the member, in writing, that their 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.

- d. Vacancies occurring for the reasons of resignation, death, changing residency by relocating outside the State of **[insert State]**, failure to regularly attend Council meetings, or Secretarial removal, will be filled by the Secretary for the position vacated in the same manner in which the original appointment was made, which may include the use of alternates.
- e. The term of a 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 elected office. The Secretary, through the DFO, will replace the member who leaves office by allowing the appropriate Alternate to complete the term. Should the Alternate not be available, the Secretary will replace the member by filling the vacancy using the same method by and for the remaining duration for which the original appointment was made. However, at the Secretary's discretion, the member may be permitted to remain on the Council by filling another vacant position, if any, provided that the member is qualified to represent the vacant interests on the Council.
- f. Members serve without salary, but shall be eligible for reimbursement of travel and per diem expenses when on Council business, pursuant to 5 U.S.C. 5703.
- g. [insert any additional stipulations pertinent to this area]**

10. 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 **[insert Council title]** 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 C.F.R. 1784.2-2, members of the Council shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, agreements, or claims which involve lands or resources administered by the

Bureau of Land Management, or in any litigation related thereto. It is expected that some issues and recommendations addressed by the Council may have a direct or indirect impact upon some Council members. No Council or subcommittee member shall participate in any matter specifically concerning a lease, license, permit, contract, claim, agreement or related litigation in which the member has a direct interest.

- 11. 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.
- 12. COUNCIL OFFICERS:** Pursuant to the Federal Advisory Committee Act (FACA), the Council will elect a chairperson and other officers as needed from among its members annually, usually at the first meeting of each calendar year. **[insert any additional specifications, such as exact titles of officers, if noted in the authorizing order or legislation]**
- 13. MEETINGS:**
 - a. The Council shall meet only at the call of the DFO. The DFO or his/her designee shall attend all meetings of the Council and subcommittee(s). All Council and subcommittee 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 regarding topics on the meeting agenda, except the DFO may require presentations be reduced to writing and copies filed with the Council.
 - b. A notice of each meeting of the Council and subcommittee(s) 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. If urgent circumstances prevent a 30-day notice, not less than 15 days notice will suffice. The notice sets forth the purpose, time, and place of the meeting. If it becomes necessary to postpone or cancel a meeting, a notice will be published in the *Federal Register* and distributed to the local news media as early as possible.
 - c. Council meeting agendas will be approved in advance by the DFO.
 - d. The Council will normally meet four times per year, but in no case less than twice annually. Additional meetings may be called by the DFO.
 - e. Regular Council business activities will be conducted using the standard rules of order (e.g., Roberts Rules of Order).
 - f. Council members shall strive to address issues and derive recommendations through a collaborative and consensus approach. At least **[insert number for quorum]** members must be present to constitute a quorum; to make a formal

recommendation to the DFO requires agreement of **[insert required number or stipulated majority percentage]** as specified in **[insert authorizing order or legislation]**.

14. COUNCIL RECORDS: Detailed minutes shall be kept of each meeting, including subcommittee meetings. These records shall include as a minimum: time and place of the meeting; copies of the *Federal Register* and other public notices announcing the meeting; list of all attendees, including members of the general public present and who they represent; agenda; summary description of matters discussed and conclusions reached; list of recommendations made; copies of all reports received, issued or approved; and a description of the nature of public participation. The accuracy of all minutes will be certified by the Council chairperson. All records, reports, minutes, transcripts, recommendations, studies, working papers, and other documents prepared by or submitted to the Council shall be available for public inspection and copying in the office of the DFO during regular business hours, 43 C.F.R. 1784.5-3.

15. ESTIMATED OPERATING COSTS: Annual activities of the Council will require an estimated **[insert \$ amount]** per year, including **[insert time frame]** work-months of Federal employee support.

16. AUTHORITY: Section 9(a)(2) of the Federal Advisory Committee Act of 1972, as amended (5 U.S.C. Appendix), and **[insert authorizing legislation or order]**.

SECRETARY OF THE INTERIOR

Date Signed

Date Charter Filed