

**Office of the Secretary
Natural Resource Damage Assessment and Restoration Program**

Natural Resource Damage Assessment and Restoration Advisory Committee

- 1. Official Designation:** Natural Resource Damage Assessment and Restoration (NRDAR) Advisory Committee.
- 2. Scope and Objectives:** The Committee will provide advice and recommendations on issues related to the Department of the Interior's authorities, responsibilities and implementation of the natural resource damage provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA – 42 USC §§ 9601, *et seq.*), the Oil Pollution Act (OPA – 33 USC §§ 2701, *et seq.*), and the Clean Water Act (CWA – 33 USC §§ 1251, *et seq.*)
- 3. Duration** The Board will exist for 2 years from the date of the Charter, unless renewed
- 4. Official to Whom the Committee Reports:** To the Department of the Interior's Assistant Secretary for Policy, Management and Budget through the Natural Resource Damage Assessment and Restoration Program Manager.
- 5. Administrative Support:** Administrative support for activities of the Committee will be provided by the NRDAR Program Office.
- 6. Duties of the Committee:** The Committee will provide advice and recommendations only. At the request of the NRDAR Program Manager or his/her designee, the Committee will meet periodically to gather and analyze information, discuss assessment and restoration practice issues, and – in an advisory capacity only – to develop recommendations for achieving ecologically sound, timely, and cost effective restoration of natural resources injured by releases of hazardous substances or oil.
- 7. Costs:** The estimated annual cost associated with supporting the Committee's functions is \$60,000 per year, including all direct and indirect expenses, including travel and per diem expenses when necessary and appropriate. It is estimated that 0.5 full time employees (FTEs) will be required to support the Committee. These expenses will be covered by the NRDAR Program out of its operating budget.
- 8. Meetings:** The Committee will meet two to four times per year, but in no case less than once per year. Additional meetings may be called by the NRDAR Program Manager or his/her designee.
- 9. Termination Date:** The Committee is subject to the provisions of the Federal Advisory Committee Act (FACA), 5 USC Appendix 2, and shall take no action without having complied with the Charter filing requirements of section 9 of FACA. The Committee is subject to biennial review and will terminate two years from the date the Charter is filed, unless, prior to that time, the Charter is renewed in accordance with section 14 of FACA.
- 10. Members:** The Committee will consist of a group of up to 30 members, selected from personnel in the Department and other Federal natural resource trustee representatives, as well as representatives from other interested parties, including, but not limited to, State and tribal natural resource trustee representatives, business and industry, and national and local environmental groups. The Committee will reflect the diversity and balance of representation from among the interested party groups necessary to fulfill its purpose. The representatives will be selected by virtue of education, training, knowledge, or experience, and will be qualified to discuss and give informed advice about natural resource damage assessment and restoration practice issues. Non-Governmental Committee members must be appointed to represent a particular interest.

11. Ethics: A Committee member may not participate in matters that will directly affect or appear to directly affect the financial interests of the member or the member's spouse or minor children, unless authorized by the Designated Federal Officer. Compensation from employment does not constitute a disqualifying financial interest, so long as the matter before the Committee will not have a special or distinct effect on the holder of the financial interest. The provisions of this paragraph do not affect any statutory or regulatory ethical obligation to which a member may be subject.

12. Subcommittees and Working Groups: To facilitate the functioning of the Committee, subcommittees may be formed to study select issues and develop recommendations for consideration by the Committee. In conducting their business, subcommittees may establish working groups or task forces to take on specific assignments, including fact-finding, analysis, demonstration projects, and preparing preliminary information for consideration by subcommittees. Subcommittee members do not necessarily have to serve as members of the Committee, and will be identified by the NRDAR Program Manager by virtue of their expertise and interest in specific issues. All subcommittee reports or recommendations will be presented to the Committee for consideration before being submitted to the NRDAR Program Manager.

13. Committee Operations: The NRDAR Program Manager will serve as the Designated Federal Officer and Chair the Committee. The NRDAR Program Manager will appoint individuals to serve as members of subcommittees, and will also appoint a Vice-Chair for the Committee. The Committee will, consistent with FACA, conduct open meetings, with an opportunity for interested persons to supply comments or make statements as time permits. The Committee will keep minutes of meetings and make them available to the public. The Committee will also make available to the public final reports and position papers produced by or for the Committee.

14. Authority: Sections 107, 111, and 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA – 42 USC §§ 9607, 9611, and 9622); Section 311 of the Federal Water Pollution Control Act (Clean Water Act or CWA – 33 USC § 1321); and Section 1006 of the Oil Pollution Act (OPA – 33 USC § 2706).


SECRETARY OF THE INTERIOR

MAY 24 2005

Date Charter Filed

APR 12 2005

Date Signed