

**Adopted 12/1/05**

**Natural Resource Damage Assessment and Restoration Advisory Committee**

**Interim Bylaws and Operating Procedures**

**Section I: Purpose:**

The purpose of the Natural Resource Damage Assessment and Restoration Advisory Committee (the Committee) is to provide advice to the Natural Resource Damage Assessment and Restoration Program Manager regarding issues related to the Department of the Interior's authorities, responsibilities, and activities under the natural resource damage provisions of federal statutes such as the Superfund law, the Clean Water Act, and the Oil Pollution Act. The Committee's initial focus will be to assist the Department of the Interior in fulfilling its obligation to promulgate and review regulations outlining procedures for the assessment of natural resource injury or destruction caused by hazardous substance releases, and the determination of appropriate natural resource restoration to address such injury or destruction.

**Section II: Authority:**

The Secretary of the Department of the Interior has determined that the establishment of the Committee is in the public interest. The Committee is subject to the Federal Advisory Committee Act (FACA) as outlined in its Charter, filed with Congress on May 24, 2005.

**Section III: Membership:**

Members of the Committee are appointed by the Secretary of the Department of the Interior for such terms as may be appropriate for the accomplishment of the Committee's purpose. Members will be selected based on the specific needs of the Committee to represent a diverse and balanced perspective of natural resource damage assessment and restoration stakeholders – including representatives of state, tribal, and federal trustee agencies, potentially responsible party groups, environmental organizations, and research and academic institutions.

Membership includes the responsibility to attend Committee meetings personally. The Secretary of the Department of the Interior may replace any member who is unable or unwilling to participate in Committee meetings. Substitutes or alternates will not be permitted to represent Committee members without prior written agreement of the Designated Federal Officer (DFO).

**Section IV: Role of Committee Officials:**

**Designated Federal Officer:** The DFO serves as the Department of the Interior's agent for all matters relating to the Committee's activities. By law, the DFO must: (1) approve or call the meeting of the Committee; (2) approve agendas; (3) attend all meetings; (4)

adjourn the meeting when such adjournments are in the public interest; and (5) chair meetings of the Committee when so directed by the agency head.

In addition, the DFO will provide staff support to the Committee, including staff to perform the following functions: (1) notify members of the time and place for each meeting; (2) maintain records of all meetings, as required by law; (3) maintain the roll; (4) prepare the minutes of all meetings of the Committee; (5) attend to official correspondence; (6) maintain official Committee records and file all papers and submissions prepared for or by the Committee, including those items generated by subcommittees; (7) act as the Committee's agent to collect, validate, and pay any vouchers for pre-approved expenditures; and, (8) prepare and handle all reports, including the annual report as required by FACA.

**Vice-Chair:** The DFO/Chair shall appoint a Vice-Chair to assist in presiding at meetings, establishing priorities, and determining the levels and types of financial and staff support needed by the Committee. The Vice-Chair shall carry out the duties of the DFO/Chair in the Chair's absence.

**Alternate Vice-Chair:** The DFO/Chair shall appoint an Alternate Vice-Chair, to assist the DFO/Chair and the Vice-Chair in presiding at meetings, identifying issues which must be addressed, and determining the levels and types of financial and staff support needed by the Committee. The Alternate Vice-Chair shall carry out the duties of the Vice-Chair in the Vice-Chair's absence.

**Steering Committee:** The DFO/Chair, in consultation with the Vice-Chair and the Alternate Vice-Chair, may establish a Steering Committee of not more than eight members, including the DFO and either the Vice-Chair or the Alternate Vice-Chair, to assist with organizational and administrative matters, such as meeting planning. Steering Committee meetings will not be open to the public, and the Steering Committee will not consider substantive matters or provide advice directly to the Department of the Interior.

## **Section V: Meeting Procedures:**

The Committee will meet at least twice a year. Meetings will be called by the DFO in consultation with the Vice-Chair and the Alternate Vice-Chair, and will proceed in accordance with the following considerations:

**Agenda:** The DFO will approve the agenda for all meetings, in consultation with the Vice-Chair and the Alternate Vice-Chair. The DFO will distribute the agenda to the members prior to each meeting and will publish a summary of the agenda with the notice of the meeting in the Federal Register. Agenda suggestions may be submitted to the DFO and/or the Vice-Chair or the Alternate Vice-Chair by any member of the Committee. Agenda suggestions may also be submitted by non-members, including members of the public.

**Minutes and Records:** The DFO will prepare minutes of each meeting. The minutes will include: (1) the time, date and place of the meeting; (2) a record of the persons present (including the names of Committee members, members of Committee staff, and the names of members of the public who made written or oral presentations; and (3) a description of the matters discussed and conclusions reached, including copies of all reports or other documents received, issued, or approved by the Committee at the meeting.

The accuracy of the minutes shall be certified by the DFO after review by the Committee in accordance with FACA. The original copy of the minutes of the proceedings will be maintained in the Library at Headquarters of the United States Department of the Interior in Washington, D.C. In addition, a copy of the minutes will be made available to the public on the Committee's Web page.

**Open Meetings:** Unless otherwise determined in advance, all meetings of the Advisory Committee will be open to the public. Once an open meeting has begun, it will not be closed for any reason. All materials brought before, or presented to, the Advisory Committee during the conduct of an open meeting, including the minutes of the proceedings of an open meeting, will be made available to the public for review or copying at the time of the scheduled meeting or as soon thereafter as possible.

Members of the public may attend any meeting or portion of a meeting that is not closed to the public, and may, at the determination of the DFO, offer oral comment at such meeting. Members of the public may submit written statements to the Committee at any time.

**Closed Meetings:** Meetings of the Committee will be closed only in limited circumstances, in accordance with applicable law. In addition, any request for a closed meeting must be approved by the Committee Management Officer (CMO) 30 days in advance of the session. Steering Committee meetings will not consider substantive matters, and will not be open to the public. However, minutes of Steering Committee proceedings will be available to the public in the same manner as minutes of the proceedings of the full Committee.

## **Section VI: Subcommittees:**

The DFO/Chair may establish subcommittees from among the Committee membership, State, Federal, or Tribal agencies, or the public to assist the Committee on specific issues. Subcommittees shall report to the Committee only; they shall not report to the DFO/Chair or to the Department of the Interior. Meetings of subcommittees are not subject to the Federal Advisory Committee Act, and will not be open to the public. However, any working papers, data, or other information used by the subcommittee shall be given to the DFO as Committee Records, and shall be handled in accordance with Section V of these Bylaws.

**Section VII: Deliberations:** The Committee will seek to reach consensus on any advice and recommendations that it is asked to provide. Pre-consensus draft materials, opinions, or advice shall not be considered to be nor characterized as consensus products of the Committee. If the DFO/Chair, in consultation with the Vice-Chair and the Alternate Vice-Chair, determines that a consensus will not be reached, the DFO/Chair may request a motion for a vote on an issue. Those Committee members present and voting will constitute a quorum. If a vote is taken, the DFO/Chair may decide to provide majority and minority opinions.

**Section VIII: Amendments:** Any Amendments to these Bylaws must conform to the requirements of FACA. Advance notice of proposed Amendments must be given to all Committee members before any action is taken to amend the Bylaws.