

**United States Department of the Interior
Bureau of Land Management**

SONORAN DESERT NATIONAL MONUMENT ADVISORY COUNCIL

Charter

- 1. Official Designation:** Sonoran Desert National Monument Advisory Council (Council).
- 2. Council Objectives and Scope:** To advise the Secretary of the Interior (Secretary) regarding the management of the Sonoran Desert National Monument (Monument), as required by the Secretary's Memorandum of January 19, 2001, and other applicable provisions of law including those cited in Section 14 of this charter.
- 3. Period of Time Necessary for the Council's Activities:** Since the Council's functions are related to continuing Bureau of Land Management (BLM) responsibility for the management of public lands and resources in the Monument, the need for the Council is expected to continue indefinitely. In addition, continuation of the Council will be subject to review and re-chartering every 2 years as required by Section 14(b) of the Federal Advisory Committee Act, 5 U.S.C. Appendix.
- 4. Official to Whom the Council Reports:** The Council reports to the Secretary through the Designated Federal Officer (DFO), who is:

Manager
Sonoran Desert National Monument
Bureau of Land Management
21605 North 7th Avenue
Phoenix, Arizona 85027
- 5. Administrative Support:** Administrative support and funding for the Council will be provided by the office of the DFO.
- 6. Duties of the Council:** At the request of the DFO or his/her designee, and in an advisory capacity, 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 land use planning, management, and uses of the Monument.
- 7. Composition of the Council:** The Council will consist of 15 members. As specified in the Secretary's Memorandum of January 19, 2001, the Council membership will include local Native American tribes and the public. Specifically, the membership shall consist of the following:

- a. Four persons, one from each tribe, who are selected from nominees submitted by the governing bodies of the following tribes: Tohono O'odham Nation, Ak Chin Indian Community, Gila River Indian Community, and Salt River Pima-Maricopa Indian Community, and who represent interests of the nominating tribe.
- b. A person who represents and participates in what is commonly called dispersed recreation, such as hiking, camping, hunting, nature viewing, nature photography, bird watching, horseback riding, or trail walking.
- c. A person who represents and participates in what is commonly called mechanized recreation or off-highway driving.
- d. A person who represents the State of Arizona, to be appointed from nominees submitted by the Governor of Arizona.
- e. A person who is a recognized environmental representative from Arizona.
- f. A person who is an elected official from a city or community in the vicinity of the Monument.
- g. A person who is a livestock grazing permittee or who represents the permittees on the allotments within the Monument.
- h. A person who represents the rural communities around the Monument and who is selected at-large from these communities.
- i. Two persons who represent sciences such as wildlife biology, archaeology, ecology, botany, history, social sciences, or other applicable discipline.
- j. A person who represents Maricopa County's interest, to be appointed from nominees submitted by the Supervisors of Maricopa County.
- k. A person who represents Pinal County's interest, to be appointed from nominees submitted by the Supervisors of Pinal County.

Should one or more of the groups (a through k above) choose not to forward a representative then this will reduce the total membership on the Advisory Council, accordingly. In addition to the regular positions, an alternate for each position will be solicited from persons nominated for each position. The sole purpose of alternates is to fill vacancies that occur among regular Council members. Alternates must meet the same qualifications as regular members. Alternates are not members of the Council unless appointed by the Secretary, through the DFO, to fill the remaining portion of the term of the regular member, should that member leave the Council for

any reason. Until that occurs, alternates have no obligation to attend or participate in Council

meetings or proceedings. Alternates are selected for 3-year terms, and, if considered for appointment, must, at the time of appointment, meet the qualifications described below.

8. 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 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 Arizona or those portions of adjoining States which the BLM in Arizona administers (including St. George, Utah). Council nominees must be supported by letters of recommendation from groups or interests they will represent.

b. Members of the Council will be appointed for 3-year terms. For the initial Council, four members will be appointed to 2-year terms, four members will be appointed for 3 years, and four members will be appointed for 4 years. Thereafter, members will be appointed to 3-year terms. At the end of a member's term, he or she may continue to serve at the discretion of the DFO or his/her designee for an interim period, not to exceed 120 days, in order to ensure continuity of the Council until a new appointment has been made. At the discretion of the Secretary, members may be appointed to additional terms under the following circumstances:

(1) A person who has 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 Paragraphs 8c or 8d below, may be reappointed for up 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.

c. 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.

d. The Secretary may, after written notice, terminate the service of a member if, in the judgment

of the Secretary or his/her authorized representative, 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 Secretary. When a member fails to regularly attend meetings, the DFO will inform the member, in writing, that his or her 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.

e. Vacancies occurring for the reasons of resignation, death, changing residency by relocating outside of the area described in Section 8a above, failure to regularly attend Council meetings, or Secretarial removal, will be filled by the alternate for that position; or if the alternate is unavailable, in the same method by and for the remaining duration for which the original appointment was made. Such vacancies will be immediately reported to the DFO.

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. Alternates who choose to attend Council meetings will not be reimbursed for travel or per diem expenses.

9. 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 Council 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 CFR Sec. 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 BLM, 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 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.

10. Council Officers: Pursuant to the Federal Advisory Committee Act, the Council will elect officers from among its members annually, usually at the first meeting of each calendar year. Officer positions are Chairperson and Vice Chairperson. The Vice Chairperson acts as Chairperson in the absence of the Chairperson.

11. Meetings:

a. The Council shall meet at the call of the DFO. All meetings of the Council must be attended

by the DFO or his or her designee. All 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 or appear before the Council regarding topics on the 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 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 a 15-day 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 a 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 standard rules of order (e.g., Roberts Rules of Order).

f. Quorum and voting procedures: A quorum of Council members must be present to constitute an official meeting of the Council and conduct business. Ten (10) members must be present to constitute a quorum; to make a formal recommendation to the DFO requires an affirmative vote of eight members.

12. 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 office of the DFO and will be available for public inspection and copying during regular business hours.

13. Estimated Operating Costs: Annual activities of the Council will require an estimated \$40,000, including 4 Federal work months.

14. Termination Date: The Council's charter will expire 2 years from the date the charter is filed unless, prior to that date, it is renewed by the Secretary in accordance with the provisions of Section 14(b) of the Federal Advisory Committee Act, 5 U. S. C. Appendix. The Council may not meet without a valid current charter.

15. Authority: The Sonoran Desert National Monument Advisory Council is established pursuant to instructions of the Secretary of the Interior dated January 19, 2001.

