

# UNITED STATES DEPARTMENT OF THE INTERIOR

## KLAMATH FISHERY MANAGEMENT COUNCIL CHARTER

**1. Official Designation:** Klamath Fishery Management Council (Council).

**2. Scope and Objectives:** The purpose of the Council, as described in Section 3 of the Klamath River Basin Fishery Resources Restoration Act (Act), P.L. 99-552, is to establish a comprehensive long-term plan and policy, consistent with the Secretary of the Interior's Restoration Program for the Klamath River Basin Conservation Area (Area), for the management of the in-river and ocean harvesting that affects or may affect Klamath and Trinity River Basin anadromous fish populations. In accordance with Section 3(b) of the Act, the Council will make recommendations regarding harvest regulations, at least annually, to the California Department of Fish and Game, Oregon Department of Fish and Wildlife, Pacific Fishery Management Council, Bureau of Indian Affairs, and Hoopa Valley Tribal Council. The Council will conduct public hearings on any regulations for which it makes recommendations.

**3. Duration:** The Council will operate until at least September 30, 2006.

**4. Agency or Official to Whom the Council Reports:** The Council will report to the Secretary of the Interior.

**5. Bureau Responsible for Providing Necessary Support:** The U.S. Fish and Wildlife service will provide the administrative and technical support required for the Council, as identified in Section 3(h)(1) of the Act.

**6. Estimated Annual Operating Costs:** The estimated annual operating support cost for the Council is \$77,500, which includes funding for travel expenses of Council members as authorized in Section 3(j) of the Act and 0.8 staff year of administrative/technical support.

**7. Description of Duties:** The Council functions only in an advisory capacity. Its duties are set forth in paragraph 2 of this charter.

**8. Allowances for Council Members:** Council members, while away from their homes or regular places of business, will be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed travel expenses under Section 5703 of Title 5 of the United States Code. No money authorized or appropriated under the Act may be used to reimburse any Council member or agency or governmental unit (whose employees are Council members) for time spent by any employee performing Council duties.

**9. Estimated Number and Frequency of Meetings:** The Council will meet at least annually, and also periodically at the call of the Designated Federal Officer upon request of the Chairman or a majority of its members.

**10. Termination Date:** We expect the Council to exist until September 30, 2006. Its continuation is, however, subject to biennial rechartering. The Council will take no action unless the filing requirements of Sections 9 and 14 of the Federal Advisory Committee Act (5 U.S.C. Appendix 2) have been met.

**11. Council Membership:**

a. The Council is composed of 11 members appointed as set forth in Section 3(c) of the Act. Appointments will be made in consultation with the appropriate users of the Klamath River Basin Conservation Area anadromous fish resources. Members will be individuals who are knowledgeable and experienced in the management and conservation, or the recreational or commercial harvest, of the anadromous fish resources in northern California and, for ocean fisheries, southern Oregon. All members will serve 4-year terms, at the discretion of their respective appointing authorities. The Council will elect a Chairman from among its members.

b. Any vacancy on the Council will be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed will be appointed only for the remainder of such term. A member may serve after the expiration of his or her term until his or her successor has taken office.

c. Any Council member who is an officer or employee of the United States or of the State of California or Oregon at the time of appointment to the Council will cease to be a Council member within 14 days after the date on which he or she ceases to be so employed.

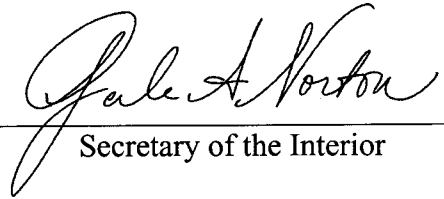
d. The Council will not elect officers, take positions on issues, or offer advice or recommendations with less than a majority of its members in attendance. All decisions of the Council must be by unanimous vote of all members present and voting.

e. The Field Supervisor, Yreka Fish and Wildlife Office, is the Designated Federal Officer.

**12. Ethics Responsibilities of Members:** 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, unless authorized by the DFO. Compensation from employment does not constitute a financial interest of the member so long as the matter before the committee 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.

**13. Subgroups:** The Council may establish such workgroups or subcommittees as it deems necessary for the purposes of compiling information or conducting research. However, such workgroups may not conduct business without the direction of the full Council and must report to the full Council.

**14. Authority:** The Council is established by Section 3 of the Klamath River Basin Fishery Resources Restoration Act (P.L. 99-552), as amended by P.L. 100-580 (October 31, 1988), P.L. 100-653 (November 14, 1988), and P.L. 102-570 (October 29, 1992).

  
Secretary of the Interior

**FEB 10 2004**

Date Signed

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Date Filed