

**U. S. Department of the Interior
Office of Natural Resources Revenue**

Indian Oil Valuation Negotiated Rulemaking Committee

Charter

- 1. Committee's Official Designation.** Indian Oil Valuation Negotiated Rulemaking Committee (Committee).
- 2. Authority.** The Committee is in the public interest in connection with the responsibilities of the Department of the Interior. Authority for this Committee is under the:
 - Federal Advisory Committee Act (5 U.S.C., Appendix 2)
 - Negotiated Rulemaking Act of 1996 (5 U.S.C. 561 *et seq.*)
 - Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*)
- 3. Objectives and Scope of Activities.** The Committee will advise the Office of Natural Resources Revenue (ONRR) on a rulemaking to address Indian oil valuation, as it relates to the major portion requirement in Indian oil and gas leases. The scope of the Committee will be limited to the major portion calculation for oil produced from Indian leases. The Committee will act solely in an advisory capacity to ONRR.
- 4. Description of Duties.** The Committee will be responsive to specific assignments made by the Designated Federal Officer (DFO). The Committee will consider the matters proposed by the DFO and will attempt to reach consensus on portions of a proposed rule for Indian oil valuation relating to major portion calculation. The Committee will define consensus for its deliberations. If the Committee reaches consensus on a proposal, it will submit a report containing the proposal to the DFO. If the Committee does not reach a consensus, it will submit a report on any areas on which a consensus is reached. The ONRR will consider including in the published proposed rule all proposals on which the Committee reaches consensus.
- 5. Agency or Official to Whom the Committee Reports.** The Committee will report to the Secretary through the Director of ONRR.
- 6. Support.** The ONRR will provide support for the Committee.
- 7. Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Committee's functions are estimated to be \$100,000, including all direct and indirect expenses and one full-time employee.

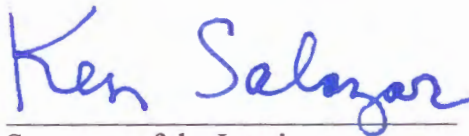
8. **Designated Federal Officer.** The DFO is a full time Federal employee appointed in accordance with Agency procedures. The DFO will approve or call all Committee and subcommittees' meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the Committee reports.
9. **Estimated Number and Frequency of Meetings.** The Committee will meet approximately 4-6 times annually, and at such other times as designated by the DFO.
10. **Duration.** The Committee is expected to continue until the promulgation of the final rule under consideration and will not continue past that time.
11. **Termination.** The Committee will terminate 2 years from the date the charter is filed, unless, prior to that date it is renewed in accordance with the provisions of Section 14 of the FACA. The Committee will not meet or take any action without a valid current charter.
12. **Membership and Designation.** The Secretary will appoint members and their alternates to the Committee to serve a 3-year term. Committee membership will consist of approximately 17, but no more than 25, members.
 - **Non-Federal Members:** To ensure fair and balanced representation of viewpoints, the Secretary shall appoint members from groups representing the interests affected by the regulations, including members representing Native Americans and various oil and gas companies and/or associations.
 - **Federal Members:** The ONRR will provide at least three voting members. The Bureau of Indian Affairs will provide at least one voting member.

Alternate members may be appointed to the Committee. Alternates must be approved and appointed by the Secretary before attending meetings as representatives. Alternate members shall have experience and/or expertise similar to that of the primary member.

Members serve at the discretion of the Secretary. A vacancy on the Committee is filled in the same manner in which the original appointment was made.

Members of the Committee serve without compensation. However, while away from their homes or regular places of business, Committee and subcommittee members engaged in Committee, or subcommittee business, approved by the DFO, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under Section 5703 of Title 5 of the United States Code.

13. **Ethics Responsibility.** No Committee or subcommittee member shall participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct personal financial interest.
14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Committee for consideration. Subcommittee members must not provide advice or work products directly to the Agency. The Committee Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **Recordkeeping.** The records of the Committee, formally and informally established subcommittees of the Committee, shall be handled in accordance with General Records Schedule 26, Item 2, or other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.



Secretary of the Interior

DEC 01 2011

Date Signed

DEC 23 2011

Date Filed