

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

1. The authority for part 4 continues to read as follows:

Authority: R.S. 2478, as amended, 43 U.S.C. sec. 1201, unless otherwise noted.

Subpart E—Special Rules Applicable to Public Land Hearings and Appeals

2. The authority citation for subpart E of part 4 continues to read as follows:

Authority: Sections 4.470 to 4.478 also issued under authority of sec. 2, 48 Stat. 1270; 43 U.S.C. 315a.

3. Section 4.477 is amended by removing paragraph (a); removing the paragraph designations (b) (1), (2), and (3); and revising the first sentence of the paragraph to read as follows:

§ 4.477 Effect of decision suspended during appeal.

Notwithstanding the provisions of § 4.21(a) of this part pertaining to the period during which a final decision will not be in effect, and consistent with the provisions of § 4160.3 of this title, the authorized officer may provide in his decision that it shall be in full force and effect pending decision on an appeal therefrom. * * *

PART 1780—COOPERATIVE RELATIONS

4. The authority citation for part 1780 is revised to read as follows:

Authority: 5 U.S.C. App. (Federal Advisory Committee Act); 43 U.S.C. 1739.

Subpart 1784—Advisory Committees

§ 1784.0–5 [Amended]

5. Section 1784.0–5 is amended by removing from paragraph (d) the term “Authorized representative” and adding in its place the words “Designated Federal officer”.

6. Section 1784.2–1 is amended by removing paragraph (b), redesignating paragraph (c) as paragraph (b), and revising the newly redesignated paragraph (b) to read as follows:

§ 1784.2–1 Composition.

(b) Individuals shall qualify to serve on an advisory committee because their education, training, or experience enables them to give informed and objective advice regarding an industry, discipline, or interest specified in the committee’s charter; they have demonstrated experience or knowledge of the geographical area under the purview of the advisory committee; and they have demonstrated a commitment to collaborate in seeking solutions to resource management issues.

7. Section 1784.2–2 is amended by revising paragraphs (a)(1), and (b), and by adding a new paragraph (c) to read as follows:

§ 1784.2–2 Avoidance of conflict of interest.

(a) * * *
 (1) Holders of grazing permits and leases may serve on advisory committees, including resource advisory councils, and may serve on subgroups of such advisory councils;

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(b) No advisory committee members, including members of resource advisory councils, and no members of subgroups of such advisory committees, shall participate in any matter in which the members have a direct interest.

(c) Members of advisory committees shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims and related litigation which involve lands or resources administered by the Bureau of Land Management. For the purposes of this paragraph, indirect interest includes holdings of a spouse or a dependent child.

8. Section 1784.3 is amended by removing paragraphs (a), (b)(3), (b)(4), (b)(5), (c), (d) and (g); redesignating paragraphs (b)(1) and (b)(2) as paragraphs (a)(1) and (a)(2), respectively; adding introductory text before newly redesignated paragraph (a)(1); removing from newly redesignated paragraph (a)(1) the word “district” and adding in its place the words “geographical area”; removing paragraph (b) and redesignating paragraphs (e) and (f) as paragraphs (b) and (c), respectively; removing the words “his authorized representative” from newly redesignated paragraph (c) and adding in its place the words “the designated Federal officer”; and adding a new paragraph (d) to read as follows:

§ 1784.3 Member service.

(a) Appointments to advisory committees shall be for 2-year terms unless otherwise specified in the charter or the appointing document. Terms of service normally coincide with duration of the committee charter. Members may be appointed to additional terms at the discretion of the authorized appointing official.

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(d) For purposes of compensation, members of advisory committees shall be reimbursed for travel and per diem expenses when on advisory committee business, as authorized by 5 U.S.C. 5703. No reimbursement shall be made for expenses incurred by members of subgroups selected by established

committees, except that the designated Federal officer may reimburse travel and per diem expenses to members of subgroups who are also members of the parent committee.

§ 1784.5–1 and 1784.5–2 [Amended]

9. Sections 1784.5–1 and 1784.5–2 are amended by removing the phrase “his authorized representative” and adding in its place the phrase “the designated Federal officer.”

10. Section 1784.6 is revised to read as follows:

§ 1784.6 Membership and functions of resource advisory councils and sub-groups

11. Section 1784.6–1 is revised to read as follows:

§ 1784.6–1 Resource advisory councils—requirements.

(a) Resource advisory councils shall be established to cover all lands administered by the Bureau of Land Management, except where—

(1) There is insufficient interest in participation to ensure that membership can be fairly balanced in terms of the points of view represented and the functions to be performed; or

(2) The location of the public lands with respect to the population of users and other interested parties precludes effective participation.

(b) A resource advisory council advises the Bureau of Land Management official to whom it reports regarding the preparation, amendment and implementation of land use plans for public lands and resources within its area. Except for the purposes of long-range planning and the establishment of resource management priorities, a resource advisory council shall not provide advice on the allocation and expenditure of funds. A resource advisory council shall not provide advice regarding personnel actions.

(c) The Secretary shall appoint the members of each resource advisory council. The Secretary shall appoint at least 1 elected official of general purpose government serving the people of the area to each council. An individual may not serve concurrently on more than 1 resource advisory council. Council members and members of a rangeland resource team or other local general purpose subgroup must reside in 1 of the States within the geographic jurisdiction of the council or subgroup, respectively. Council members and members of general purpose subgroups shall be representative of the interests of the following 3 general groups:

(1) Persons who—