

Royalty Policy Committee Operating Procedures

I. Introduction

This document describes how the Committee will organize itself, conduct meetings, and reach decisions in fulfillment of its mission as described in the attached Committee Charter.

II. Background

On March 29, 2017, Secretary Zinke signed the Charter creating the Committee in accordance with the Federal Advisory Committee Act (FACA). The Committee provides advice to the Secretary, through the Counselor to the Secretary for Energy Policy, on current and emerging issues related to energy and mineral resource development on Federal and Indian lands. These issues may include the determination of fair market value, revenue collection, and potential impacts of proposed policies and regulations, including whether a need exists for regulatory reform.

III. Objective

The Committee will advise on revenue management and other mineral and energy-related policies, and provide a forum to convey views representative of mineral lessees, operators, revenue payors, revenue recipients, governmental agencies, Tribes, and public interest groups to the Department.

IV. Membership

Consistent with the Committee Charter, membership consists of representatives from government, industry, states, Tribes, and academia/public interest groups. The Secretary of the Interior appoints the members and alternates as individuals. Any changes or vacancies in membership require a new appointment by the Secretary in accordance with the FACA nomination process and the Charter.

Alternates have an important and valuable role in the process. Alternates will serve on the Committee when the primary member is not available to attend a Committee meeting. Primaries who cannot attend should let the DFO know they cannot attend a meeting in a timely manner, so that the DFO can arrange for the appropriate alternate to attend in his or her stead. Alternates should try to keep abreast of Committee actions and discussions, by attending meetings in person or telephonically, as possible, and reviewing meeting materials on the Committee website.

V. Leadership

In the Charter, the Secretary has appointed the Counselor for Energy Policy as the Committee Chair (“Chair”). The Committee will report to the Secretary through the Chair. The Designated Federal Officer (DFO), in consultation with the Chair, will approve all Committee and Subcommittee meetings, prepare and approve all meeting agendas, attend all Committee and Subcommittee meetings, and adjourn any meeting when adjournment is in the public interest.

Additional responsibilities of the DFO are to help the Committee stay on track with its work goals and timeline, help move discussions forward in meetings, and to resolve impasses, tensions, and conflicts among Committee members or sectors.

The Chair and DFO will periodically review and assess the Committee’s progress to determine if the process is meeting the Committee’s needs and the goals of the Charter, and to ensure compliance with FACA.

VI. Decision-making

- A. Quorum: In order for the Committee to reach decisions, there shall be at least a majority of members present from each Sector.
- B. Consensus: In developing its advice and recommendations for the agency, the Committee will strive to operate by consensus.
- C. On matters of process (agenda setting, changing the agenda, sequencing issues, and other process decisions), should the Committee reach an impasse, the Chair, after consulting with the DFO, will render a decision as to whether to move the proceedings forward. If there is a dispute about whether a matter is one of process or policy, that dispute will be resolved by the Chair.

VII. Committee Meetings

- A. Meeting Frequency: The Chair determines meeting frequency after consulting with the DFO. The DFO and support staff will organize the meetings. All meetings will be conducted in accordance with FACA, its implementing regulations, and the Charter.
- B. Notification and Public Attendance: As required by FACA's implementing regulations, the government will publish notice of all meetings of the full Committee at least 15 calendar days prior to the meeting date in the Federal Register, on the Committee website (www.doi.gov/rpc), and in other outlets, as the Chair and DFO determine, prior to the meeting. All Committee meetings are open to the public, and alternatives such as dial-in numbers or webcasts will be made available whenever possible and provided to the public in advance of the meeting via the notification mechanisms listed above.
- C. Public Comment: Opportunities for oral public comment will be provided once per Committee meeting. The Chair and DFO shall determine the time allotted for and procedure governing these comments. The Committee is not required to respond to these comments during the oral public comment period. Members of the public may file written comments to the Committee through the DFO, before or after meetings. Committee members will review and discuss written comments in the meeting as appropriate. Oral or written comments to the Committee will become part of the public record.
- D. Agenda and other Committee meeting materials: The DFO, in consultation with the Chair, is responsible for developing and distributing an agenda and meeting materials for all Committee meetings. Meeting agendas and supporting documents will be developed in accordance with FACA and posted prior to each meeting for the public. The meeting agendas will lay out clear times for convening and adjourning each day and for major agenda items.
- E. No Committee decisions can be reached outside of full and public Committee deliberations.
- F. Subcommittees:
 - 1. The Committee, with approval of the Chair and DFO, may form Subcommittees or work groups to advance discussion, generate options, and develop preliminary proposals. Subcommittees or work groups must be created by the full Committee and have a clear purpose stated in the Committee meeting minutes when the Subcommittee or group is formed. The purpose of the Subcommittee cannot be modified, altered or expanded outside a public meeting of the full Committee. A Subcommittee or work group is not a decision-making body. Alternates and non-members may be invited to be members of subcommittees with permission of the DFO.
 - 2. Under FACA's implementing regulations, Subcommittees and workgroups are not subject to the meeting notice or records requirements of the Committee. However, to encourage transparency, when the Subcommittee reports out to the full Committee, it should summarize its meetings and activities for incorporation into the public record and should provide agendas, notes of meetings, and lists of

attendees for the public record.

- H. **Technical Assistance:** The Committee may, upon consent of the Chair, invite one or more technical experts to present relevant information for discussion of specific topics at Committee meetings. However, those technical experts will only participate as a presenter during a specific agenda item, for discussion only, and will not participate in Committee final decisions.
- I. **Meeting Summary:** A summary or minutes of each Committee meeting as mandated by FACA will be prepared by the DFO and will be circulated to the Committee and made available to the public on the Committee website. The chairperson of the Committee must certify the accuracy of all minutes of Committee meetings. The DFO must ensure that minutes are certified within 90 calendar days of the meeting to which they relate.

VIII. Member Responsibilities

All members and alternates are expected to:

- A. Act in good faith in all aspects of their deliberations. Good faith requires that: 1) individuals not represent their own personal or organization's views as the views of the entire Committee; and 2) that the views and opinions they express in the Committee deliberations are consistent with the views they express in other forums.
- B. Commit to engage and participate productively with the Committee and work collaboratively in line with the Committee Charter, work goals, and timelines.
- C. Commit to the principles of consensus building, collaboration, decency, civility, and tolerance.
- D. Are expected to be present for the full meeting times and to be active and engaged. Cell phone calls, emails, and other unrelated activities should take place outside of Committee business at breaks, at lunch, and in the evenings. All cell phones and electronic communication devices should be turned off while the Committee is in session at the request of the Chair.
- E. Will not attribute statements to individuals involved in this process, seek to present or represent the views or position of individual members or alternates, nor attempt to speak on behalf of the Committee as a whole without the consent of said members, alternates or the Committee.
- F. Will coordinate with the Chair and DFO on any media requests that require official information about Committee business or seek comment on behalf of the Committee. This does not restrict members or alternates from communicating their views. Members will strive to be accurate in their media communications.
- G. Will focus on Committee business and will not utilize Committee meetings as a venue for resolving disputes about non-Committee matters.

IX. Duration and Termination

These operating procedures may be amended by the Chair in consultation with the DFO and are subject to biennial review with each Charter renewal.

X. Consistency

These operating procedures are intended to be and must be interpreted consistent with the Committee Charter; FACA and its implementing regulations; and all other applicable laws and regulations.