

**UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION****43 CFR Chapter III and Part 10000****Organization and Functions**

**AGENCY:** Utah Reclamation Mitigation and Conservation Commission.

**ACTION:** Final rule.

**SUMMARY:** This part describes the organization and functions of the agency which was established by the Central Utah Project Completion Act. The rule meets the requirement of the Federal Administrative Procedures Act that each agency shall separately state and currently publish such information in the Federal Register for the guidance of the public.

**EFFECTIVE DATE:** The rule takes effect on September 25, 1995.

**FOR FURTHER INFORMATION CONTACT:** Michael C. Weland, Executive Director, Utah Reclamation Mitigation and Conservation Commission, 111 East Broadway, Suite 310, Salt Lake City, Utah, 84111. Telephone: 801-524-3146.

**SUPPLEMENTARY INFORMATION:**

## Background

The establishment of this rule provides notice to the public of the role of the Commission in mitigating for the effects of Federal reclamation projects in Utah and to take other actions for the conservation of important fish, wildlife, and recreation resources. The Commission was established to focus the authority for reclamation mitigation and to coordinate interagency efforts toward meeting mitigation needs.

## Rule Content

The rule provides a description of the general organization of the agency and describes the responsibilities of the Commission as the policy making body similar to a board of directors, and the administrative duties and responsibilities of the Executive Director and staff regarding implementation of mitigation and conservation projects as authorized in the Act. It restates the purpose and objectives from the Act and contains the agency Mission Statement developed by the Commission.

## List of Subjects in 43 CFR Part 10000

Authority delegations (Government agencies), Organization and functions (Government agencies).

Accordingly, a new chapter III is established in title 43 of the Code of Federal Regulations to read as follows:

**CHAPTER III—UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION**

## Part

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**PART 10000—ORGANIZATION AND FUNCTIONS**

## Sec.

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Authority: 5 U.S.C. 551 *et seq.*; 43 U.S.C. 620k(note); Sec. 301(g)(3)(A) of Pub. L. 102-575, 106 Stat. 4600, 4625.

**§ 10000.1 Purpose.**

This part describes the general organization of the agency and the major functions of the operating units established within it.

**§ 10000.2 Authority.**

This part is issued under the authority of 5 U.S.C. 552 and section 301(g)(3)(A) of the Central Utah Project Completion Act (Public Law 102-575, 106 Stat. 4600, 4625, October 30, 1992).

**§ 10000.3 Definitions.**

*Act* refers to the Central Utah Project Completion Act, Titles II, III, IV, V, and VI of Public Law 102-575, October 30, 1992.

**§ 10000.4 Objective.**

Section 301 of the Act established the Commission to coordinate the implementation of the mitigation and conservation provisions of the Act among Federal and State fish, wildlife, and recreation agencies in the State of Utah.

**§ 10000.5 Mission statement.**

(a) The mission of the Utah Reclamation Mitigation and Conservation Commission is to formulate and implement the policies and objectives to accomplish the mitigation and conservation projects authorized in the Act in coordination with Federal and State fish, wildlife and recreation agencies and with local governmental entities and the general public.

(b) In fulfillment of this mission, the Commission acknowledges and adopts the following Guiding Principles for the conduct of its responsibilities.

(1) The Commission will conduct its activities in accordance with the

mandate and spirit of the Act, including all other pertinent laws and regulations, and will emphasize and assure full public involvement.

(2) The Commission recognizes the existing authorities of other Federal and State agencies for the management of fish, wildlife and recreation resources and habitats in the State, and pledges to cooperate with said agencies to the fullest extent possible.

(3) The Commission is committed to raising the awareness and appreciation of fish and wildlife and their importance to the quality of life, as well as the fundamental and intrinsic right to coexistence as fellow species on our planet.

(4) Whenever and wherever pertinent, the Commission will strive to implement projects in accordance with ecosystem-based management and principles.

(5) The Commission will strive to implement projects which offer long-term benefits to fish, wildlife and recreation resources wherever and whenever pertinent.

(6) The Commission is committed to operate in a cost-effective manner, minimize overhead and operating expenses so as to maximize funds available for projects, and encourage and seek out joint-venture funding and partnerships for projects.

**§ 10000.6 Organization and functions.**

(a) The Commission is an executive branch agency independent from the Department of the Interior, except that the Department is the vehicle through which the Commission receives appropriated funds.

(b) The five member Commission appointed by the President is the policy-making body for the agency and has the following duties and responsibilities:

(1) Formulating the agency policies and objectives, and approving plans and projects, for implementation of the fish, wildlife, and recreation mitigation and conservation projects and features authorized in the Act;

(2) Reviewing and approving agency fiscal year budgets formulated and recommended by the Executive Director;

(3) Conducting public meetings on agency plans, programs, and projects;

(4) Representing the agency at Congressional hearings on annual agency appropriations or agency programs; and

(5) Reviewing and approving plans for the appointment or acquisition by the Executive Director of such permanent, temporary, and intermittent personnel services as the Executive Director considers appropriate.

(c)(1) The Executive Director is the chief executive officer of the agency and has, but is not limited to, the following duties and responsibilities:

(i) Implementing the policies, plans, objectives, and projects adopted by the Commission for implementation of the fish, wildlife, and recreation mitigation and conservation projects and features authorized in the Act;

(ii) Representing the Commission as directed and authorized, including serving as the liaison with Federal, State, and local government agencies and public interest groups, and providing for public notice and involvement and agency consultation with respect to Commission activities;

(iii) Attending all meetings of the Commission and participating in its discussions and deliberations; making inquiries into and conducting investigations into all agency activities; examining all proposed projects, agreements, and contracts to which the agency may become a party; preparing technical and administrative reports, agency correspondence, and other documents and materials as required; notifying the Commission of any emergency that may arise within or affect the agency; and keeping the Commission fully informed on all important aspects of the agency's administration and management;

(iv) Appointing agency staff in accordance with the staffing plan approved by the Commission and in accordance with the Federal personnel rules and regulations applicable under the Act, including: Appointing and managing qualified staff capable of carrying out assigned responsibilities; establishing compensation and standards, qualifications, and procedures for agency personnel; procuring temporary and intermittent personnel services as necessary and as are within the annual budget approved by the Commission; terminating personnel; ensuring compliance with Federal Safety Program and prescribed health and safety standards; and giving positive direction in accomplishing equal employment opportunity commitments for fair selection, encouragement, and recognition of employees;

(v) Formulating the agency budget and cost estimates to support agency plans, programs, and activities, and providing such budget recommendations and estimates to the Commission;

(vi) Executing, administering, and monitoring contracts, cooperative agreements, and such other documents as are necessary to implement mitigation and conservation projects

approved by the Commission through the execution of Memoranda of Agreements, motions, or other official actions, including approving, administering, and monitoring expenditures of funds and other actions taken pursuant to such contracts, cooperative agreements, and other such documents;

(vii) Monitoring, measuring, and reporting to the Commission progress in carrying out mitigation and conservation plans and projects;

(viii) Directing the day-to-day administration of the agency, including:

(A) Approving expenditures and executing contracts and leases for the acquisition of property or services as are necessary for the administration of the agency, provided such expenditures are within the agency's annual appropriations and the annual budget as approved by the Commission, and provided further that the Executive Director shall consult with the Commission prior to the approval of any such expenditure in excess of \$25,000;

(B) Enforcing, observing, and administering all laws, rules, regulations, leases, permits, contracts, licenses and privileges applicable to or enforceable by the agency; consulting with and advising agency employees; designating, in the absence of the Executive Director, a qualified agency employee to direct agency activities and to make such decisions as are required during such absence; delegating responsibility to agency personnel as in the judgment of the Executive Director will benefit agency operations and functions; and

(C) Managing and maintaining agency office space, equipment, and facilities in a sound and efficient manner; establishing and maintaining agency files and archives; and preparing and maintaining an up-to-date inventory of all agency property; and

(ix) Exercising the full power of the Commission in times of emergency until such time as the emergency ends or the Commission meets in formal session.

(2) Except in emergency situations and when specifically delegated such responsibility by the Commission, the Executive Director has no authority to formulate mitigation and conservation policies and objectives or to approve or disapprove agency plans or projects, for implementation of the fish, wildlife, and recreation mitigation and conservation projects and features authorized in the Act.

(d) The agency staff is organized into four functional areas:

(1) Project Administration, through the Project Manager, responsible for

development and management of mitigation and conservation projects;

(2) Planning Administration, through the Planning Manager, responsible for development and coordination of mitigation and conservation plans and for environmental compliance in general;

(3) Public Information, through the Public Information Officer, responsible for preparation of reports and documents and dissemination to the public of information regarding agency programs and projects; and

(4) Administrative Services, through the Administrative Officer, responsible for administrative support services and office management.

#### **§ 10000.7 Place of business; service of process.**

(a) The principle place of business and offices of the agency are located at 111 East Broadway, Suite 310, Salt Lake City, Utah 84111. All correspondence and requests for information or other materials should be submitted to the agency at this address.

(b) The Executive Director is the agency official designated to accept service of process on behalf of the agency.

Michael C. Weland,

*Executive Director.*

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### **43 CFR Part 10005**

#### **Policies and Procedures for Developing and Implementing the Commission's Mitigation and Conservation Plan**

**AGENCY:** Utah Reclamation Mitigation and Conservation Commission.

**ACTION:** Final rule.

**SUMMARY:** This planning rule establishes the Commission's policies regarding the mitigation and conservation plan required by the Central Utah Project Completion Act (Act). It defines the procedures that the Commission will follow in preparing and implementing the plan and provides information to other agencies and the public regarding how they might participate. The rule meets the requirement of the Act that a rule be established to guide applicants in making recommendations to the Commission, and to ensure appropriate public involvement. It also fulfills the Commission's need to clearly delineate a process that will be followed in preparing the plan, including the identification of the decision factors that will be used to evaluate and select the