

**Updated June 2011**  
**BYLAWS AND STANDARD OPERATING PROCEDURES**  
**MONTANA/DAKOTAS RESOURCE ADVISORY COUNCILS:**  
**Western Montana**  
**Central Montana**  
**Eastern Montana**  
**Dakotas**

**Section I: Membership Selection and Appointment**

a. **General Requirements:** Council members are appointed by and serve at the pleasure of the Secretary. To be eligible for appointment to the Council, a person must be qualified through education, training, knowledge, or experience to give informed and objective advice regarding an industry, discipline, or interest specified in the Council's charter; have demonstrated experience or knowledge of the geographical area under the purview of the advisory Council; have demonstrated a commitment to collaborate in seeking solutions to a wide spectrum of resource management issues; and have the ability to represent their designated constituency. The BLM will consider nominations for Council membership from local government, organizations, and individuals. Members of the Western and Central Montana Councils must be residents of Montana. Members of the Eastern Montana Council must be residents of Montana or Park or Big Horn counties, Wyoming. Members of the Dakotas Council must be residents of North or South Dakota. Council members must be supported by letters of recommendation from the groups or interests the nominees will represent.

Council members may not serve concurrently on more than one Council. Council members may serve concurrently on Council subgroups.

b. **Term Length:** Council members will be appointed to serve 3-year terms, on a staggered term basis, with approximately one-third of the Council representatives subject to appointment or reappointment each year.

c. **Elected Officials:** Pursuant to Section 309(a) of Federal Policy and Land Management Act of 1976, at least one Council member will be an elected official of general purpose government (use lang. is regulation) serving the people within the jurisdiction of the Council.

The term of a Council member who has been appointed on the basis of his or her status as an elected official will end upon the member's departure from elective office. When this situation occurs, the BLM must replace the member who leaves office by filling the vacancy using the same method by which the original appointment was made. However, at the Secretary's discretion, the member may be permitted to complete the same term in another vacant position on the Council, provided that the member is qualified to represent one of the other interests within the three groups listed in paragraph 7a.\* of the Council charter.

d. **Termination of Service:** The Secretary or the Designated Federal Official (DFO) may, after written notice, terminate the service of a member if, in the judgment of the Secretary or DFO, removal is in the public interest. Members may also be terminated if they no longer meet the

requirements under which they were appointed; fail or are unable to participate regularly in Council work; or have violated Federal law or the regulations of the Secretary. When a member fails to regularly attend meetings, the DFO will inform the member, in writing, that his or her service on the Council could be terminated. When any member fails to attend two consecutive meetings, without good cause, the DFO or his/her designee may deem that member's position on the Council to have been vacated. Upon such determination, the DFO will inform the member, in writing, that his or her service on the Council is terminated.

e. **Vacancies:** Any vacancy on the Council will be filled by the Secretary for the balance of the vacating Council member's term in the same manner in which the original appointment was made. Such vacancies will be promptly reported to the DFO.

f. **Orientation:** The DFO will ensure that all new Council members receive an orientation on the BLM and its programs as soon as possible after their appointments, preferably before their first meeting.

## **Section II: Subgroups:**

a. Membership in any subgroup formed for the purpose of providing general advice to the Council should be constituted in accordance with paragraph 7a.\* of the Council charter

b. Specific subgroup requirements include:

(i) Members of Western, Central, or Eastern Montana Council subgroups must be residents of Montana. Residents of Park and Big Horn counties, Wyoming, may also be members of subgroups of the Eastern Montana Resource Advisory Council. Members of the Dakotas Council subgroups must be residents of North or South Dakota.

(ii) All members of Council subgroups serve without salary. Only members of subgroups who are also members of the Council may be reimbursed for travel and per diem expenses when on Council (subgroup) business; and

(iii) Members of Council subgroups will be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims that involve lands or resources administered by the BLM, or in any litigation related thereto. No subgroup member will participate in any matter in which the member has a direct interest.

**b. Technical Review Teams (TRTs):** Technical Review Teams may be formed at the option of the BLM on an as-needed-basis to gather and analyze data and develop recommendations to aid the Council. The Council may request that a TRT be formed. Members will be selected by the BLM based upon their knowledge of resource management or familiarity with the specific issues for which the TRT is formed, and will be limited to Federal employees and federally paid consultants. The TRTs report directly to the BLM and will terminate upon completion of the assigned tasks.

### **Section III: Meeting Procedures**

- a. Open Meetings:** The Council will meet as required. Meetings will be called by the DFO in consultation with the Chair. Unless otherwise determined in advance, in accordance with the Government in the Sunshine Act of 1976, all meetings are open.
- b. Agenda:** The Council agendas must be formally approved in advance by the DFO or his or her designee. A draft agenda will be distributed to the Council prior to each meeting.
- c. Minutes and Records:** Detailed minutes of each Council meeting will be kept and will contain a record of the persons present; a complete and accurate description of matters discussed and conclusions reached; and copies of all documents received, issued, or approved by the Council. The accuracy of all minutes will be certified by the Council Chairperson. Copies of the minutes will be maintained in the office of the DFO, and will be available for public inspection and copying during regular business hours. The minutes will also be posted on the Montana BLM webpage.
- d. Meetings:** The DFO will attend all meetings of the Council. Any organization, association, or individual may file a statement with or appear before the Council or the Council subgroup(s) regarding topics on the meeting agenda, except that the DFO may require that presentations be reduced to writing and copies be filed with the Council. Regular Council business activities will be conducted using standard rules of order.

A notice of each meeting of the Council will normally be published in the Federal Register and distributed to the news media serving the jurisdictional area of the Council 30 days in advance of such meeting. However, if urgent circumstances prevent a 30-day notice, not less than a 15-day notice will suffice. The notice sets forth the purpose, time, and place of the meeting. If it becomes necessary to postpone or cancel a meeting, a notice will be published in the Federal Register and distributed to the local news media serving the geographic area as early as possible.

### **Section IV: Role of Council Officials**

**Chairperson:** The Council will elect its own officers from among its members annually, usually at the first meeting after new members are appointed. If it so chooses, a RAC may operate without officers. Chairpersons and members of any subgroup formed by the BLM, except TRTs, will be appointed by the Council Chairperson with the concurrence of the DFO. If the RAC operates without a chairman, RAC subgroups will be approved by majority vote of attending members at a regular RAC meeting.

**Designated Federal Officer:** The DFO serves as the government's agent for all matters related to the Council's activities. By Law, the DFO must: (1) approve or call the meeting of the Council; (2) approve agendas; (3) attend all meetings; (4) adjourn the meetings when such adjournment is in the public interest; and (5) Chair meetings of the Council, when so directed by the Secretary of the Interior or his or her designee.

In addition, the DFO is responsible for providing adequate staff support to the Council, including the performance of the following function: (1) Notifying members of the time and place for each meeting; (2) Maintaining record of all meetings, including task group activities, as required by Law; (3) maintaining the roll; (4) preparing the minutes of all meeting of the Council deliberations, including subcommittee activities; (5) attending to official correspondence; (6) maintaining official Council records and filing all paper and submissions prepared for or by the Council, including those items generated by subcommittees; (7) acting as the Council's agent to collect, validate and pay all vouchers for pre-approved expenditures; and, (8) preparing and handling all reports, including the annual report as required by FACA.

**\*7. COUNCIL COMPOSITION:**

a. Council members appointed by the Secretary will be representative of the following three general groups:

**GROUP 1 - PERSONS WHO:**

- (i) hold Federal grazing permits or leases within the area for which the Council is organized;
- (ii) represent interests associated with transportation or rights-of-way;
- (iii) represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;
- (iv) represent the commercial timber industry; or
- (v) represent energy and mineral development.

**GROUP 2 - PERSONS REPRESENTING:**

- (i) nationally or regionally recognized environmental organizations;
- (ii) dispersed recreational activities;
- (iii) archaeological and historical interests; or
- (iv) nationally or regionally recognized wild horse and burro interest groups.

**GROUP 3 - PERSONS WHO:**

- (i) hold State, county, or local elected office;
- (ii) are employed by a State agency responsible for the management of natural resources, land, or water;
- (iii) represent Indian tribes within or adjacent to the area for which the Council is organized;
- (iv) are employed as academicians in natural resource management or the natural sciences;  
or
- (v) represent the affected public-at-large.