

BLM-Alaska Resource Advisory Council Bylaws and Standard Operating Procedures

Section I: Membership Selection and Appointment

- a. **General Requirements:** Council members are appointed by and serve at the pleasure of the Secretary of the Interior. 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 Council; have demonstrated a commitment to collaborate in seeking solutions to a wide spectrum of resource management issues; and have the ability to represent his/her designated constituency.

The BLM will consider nominations for Council membership from local government, organizations and individuals. Council members must be Alaska residents and supported by letters of recommendation from the groups or interests the nominees will represent.

- 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 the Federal Land Policy and Management Act of 1976, at least one Council member will be an elected official of general purpose government serving the people within the jurisdiction of the Council. The term of the member of a council who has been appointed on the basis of his status as an elected official of general purpose government serving the people of the geographical area for which the council is established shall end upon that person's departure from such elective office if such departure occurs before his or her term of appointment or reappointment to the council would otherwise expire. [43 CFR 1784.3 (a)(1)]
- 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 the 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 violate 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. When such a determination is made, the DFO will inform the member, in writing by certified mail with return receipt requested, that his/her service on the Council is terminated.
- e. **Vacancies:** All vacancies will be promptly reported to the DFO. Vacancies occurring for any reason will be filled by the Secretary for the position vacated and for the balance of

the vacating Council member's term. The DFO will ensure the balance of all council categories when filling vacancies.

Section II: Subgroups

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

Such groups may gather information, conduct research, analyze relevant issues and facts, and draft proposed position papers and/or recommendations for deliberation by the full Committee. These groups will be established by the Committee Chair with the concurrence of the Designated Federal Official, as their role is to provide information and recommendations for consideration by the full committee. All meetings of the subgroups are subject to approval by the DFO.

- a. Council provisions for forming subgroups are as follows:
 - (1) Members of Council subgroups must reside in Alaska.
 - (2) 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.
 - (3) 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.
 - (4) Technical Review Teams (TRT) 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 limited to Federal employees and federally paid consultants and be selected based on their knowledge of resource management or familiarity with the specific issues for which the TRT is formed. The TRTs will terminate on completion of the assigned tasks.

Section III: Meeting Procedures

- a. Open Meetings: Meetings will be called by the DFO in consultation with the Chair. All meetings of the Council must be attended by the DFO or his acting. All Council and Council subgroup meetings, including field examinations, will be open to the general public and representatives of the news media. Any organization, association, or individual may file a statement or appear before the Council or the council subgroup(s) regarding topics on the meeting agenda. Unless otherwise determined in advance, in accordance with the Government in the Sunshine Act of 1976, all meetings are open to the public.

- b. Meeting Notice to Public: A notice of each meeting of the Council will be published in the Federal Register 30 days in advance of such meeting and a news release will be distributed to the news media. 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.
- c. Agenda: Council agendas will be approved in advance by the DFO and distributed to the Council prior to each meeting.
- d. Minutes and Records: Detailed minutes of each Council meeting will be kept on file in the office of the DFO, available for public inspection and copying during regular business hours. They will contain a record of attendance; a complete and accurate description of matters discussed and conclusions reached; and a copy of all documents received, issued or approved by the Council. The accuracy of all minutes will be certified by the Council Chair.

e. Voting Procedures:

(1) Majority Vote

The RAC must have a majority of affirmative votes from each interest group to pass a recommendation/ resolution. The RAC Chair signs the recommendation/resolution, with an enumeration of votes (for, against and abstentions).

The Chair submits the recommendation/resolution to the Designated Federal Officer (State Director) within two weeks of signing.

In accordance with the BLM Resource Advisory Council Handbook, the Designated Federal Officer will review the recommendation/resolution, then transmit it by cover memo to the BLM Director in the Washington Office. At his or her discretion, the BLM Director may in turn transmit the recommendation/resolution to the Assistant Director of the Program responsible for the subject matter.

(2) Unanimous Vote

If the RAC members develop a recommendation/resolution they think the Secretary of the Interior should see:

- The recommendation/resolution shall state in the text that the RAC wants the recommendation/resolution forwarded to the Secretary.
- The recommendation/resolution must be passed with a unanimous vote.
- The Designated Federal Officer will then transmit the recommendation/resolution, along with a briefing paper on the subject, to the BLM Director under a cover memo stating that the RAC desires its recommendation/resolution be submitted to the Secretary of the Interior.

- The transmittal is expected to occur within two weeks of receipt of the signed recommendation/ resolution from the RAC chair.
- (3) Where the Resource Advisory Council becomes concerned that its advice is being arbitrarily disregarded, the council may request that the Secretary respond directly to such concerns within 60 days of receipt. Such a request can be made only upon the agreement of all council members. The Secretary's response shall not constitute a decision on the merits of any issue that is or might become the subject of an administrative appeal, and shall not be appealable. [43 CFR 1784.6-1(i)].
 - (4) (4) All recommendations/resolutions, briefing papers and cover memos will be forwarded by the DFO to the RAC Chair and Vice Chair at the same time the package is forwarded to the BLM Director.
 - (5) The BLM-Alaska RAC Coordinator will coordinate the process and maintain copies of all incoming and outgoing correspondence associated with RAC recommendations/resolutions.

Section IV: Council Roles

- a. Chairperson: The Chairperson works with the DFO to establish priorities, identify issues that must be addressed, determine the level and types of staff and financial support required, and serves as the focal point for the Council's membership. The Federal Advisory Committee Act stipulates that the Council will elect its Chair and Vice-Chair from among its members annually, usually at the first meeting of each calendar year. The members of any subgroup formed by the BLM, except TRTs, will be appointed by the Council Chair with the concurrence of the DFO.
- b. 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 or have a designee
 - (4) adjourn the meetings when such adjournment is in the public interest. [41 CFR 102-3.120]

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 subgroup, as required by law;
- (3) maintaining the roll;
- (4) preparing the minutes of all meetings of the Council deliberations, including subgroup activities;
- (5) attending to official correspondence;
- (6) maintaining official Council records and filing all paper work and submissions prepared for or by the Council, including those items generated by subgroups;

- (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 the Federal Advisory Committee Act of 1972. [DOI Federal Advisory Committee Administrative Guide]