

BLM Nevada Resource Advisory Council Bylaws and Standard Operating Procedure  
March 2016

Table of Contents

History and Background	2
Member Selection and Appointment	3
Member Travel	4
Subcommittees	4
Meeting Management	5
Meetings	6
Recommendations and Correspondence	8
Recreation RAC	8
Rules of the Room	10
RAC Subcommittee Checklist	11
References	12

## Section I: History and Background

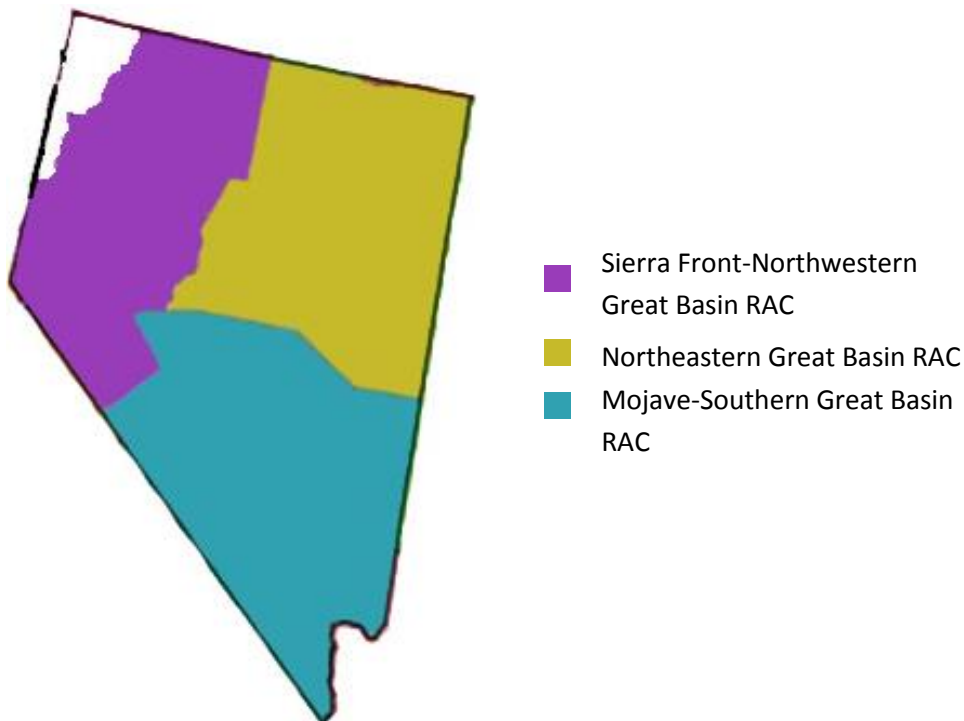
The Department of the Interior (DOI) established the Resource Advisory Councils (RACs) in 1995 as a forum for local citizens to provide advice and recommendations to DOI on management of the public lands. Each RAC comprises local residents who represent a variety of backgrounds but who share an interest in the public lands. Each Council must include representatives of three broad categories:

- Commercial/commodity interests;
- Environmental/historical groups (including wild horse and burro and dispersed recreation); and
- State and local government, Indian tribes, and the public at large.

Council members vote on recommendations related to public land management and provide them to the designated Federal official (DFO) who serves as liaison to the RAC. The DFO is usually a BLM line manager, such as the State Director, District Manager or Field Office Manager. Each RAC has a charter that outlines council membership, definition of a quorum, operating procedures, and procedures for sending recommendations forward to BLM. The RACs have demonstrated that consensus-driven recommendations often lead to sustainable outcomes that benefit natural resources and often enjoy a high level of public support. See CFR1784.6-1c for additional information.

### Nevada RACs

There are three RACs managed by the Bureau of Land Management in Nevada: the Northeastern Great Basin, Mojave-Southern Great Basin and Sierra Front-Northwestern Great Basin.



## **Section II: 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. Council members must be residents of Nevada and 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, e.g., Rangeland Resource Teams (RRTs).

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 Council's 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 three consecutive meetings, without good cause, the DFO or his/her designee can consider 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. Member Travel

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.

Use of the E-travel system (Concur) is mandated by the Federal Travel Regulation and DOI Policy. Coordinators should ensure their RAC members have profiles in Concur and that travel is booked through the local travel coordinator to ensure that reservations are charged to a government charge account.

### **Section III: Subcommittees**

Subject to the DFO's approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide their advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittee members will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources. (RAC Charter, paragraph 14) Notices of meetings and agendas will be provided to the DFO and parent RAC chair 30 days prior to the date of the subcommittee meeting. Agendas and meeting dates will be posted to the BLM Nevada RAC website.

A member of the parent RAC should be present at meetings of the subcommittee.

Within 30 days of the end of the annual Tri-RAC meeting, subcommittee chairs will inform the appropriate RAC chair of their proposed meeting dates, topics they wish to discuss and any products, recommendations or other deliverables they plan to submit to the RAC during the year. This information will be included in the Federal Register notice of meetings for the parent RAC.

See the Meetings section for additional information the conduct of subcommittee meetings.

For new subcommittees, refer to the BLM Nevada RAC Subgroup Checklist. (page 10)

## Section IV: Meeting Management

### Quorums:

A quorum is the minimum amount of members who must be present at a meeting for business to be validly transacted. For BLM Nevada RACs, a majority of each interest group must be present to constitute a quorum and conduct official business, and a majority of each interest group must vote affirmatively to refer an issue to BLM Federal officer. (43 CFR 1784.6-2(3)(iii))

In the absence of a quorum, information may be presented but votes cannot be taken.

In the case of the Tri-RAC meeting, if an action is proposed involving all three RACs, such as a resolution, then the quorum would be the number of RAC members registered as attending, regardless of whether some may have departed.

### Agenda

The agenda is a detailed list of specific items, in the sequence in which they will be covered. Use a consistent order of business from meeting to meeting and distribute hard copies of the agenda to attendees. Post the agenda at least two weeks prior to the meeting on the website so members and the public know what issues will be discussed.

A typical order of business for an Advisory Council meeting might be:

1. Welcome
2. Approval of minutes (from last meeting)
3. District Manager's report
4. Committee reports
5. Unfinished business
  - Be specific, state what items of unfinished business will be covered.
6. New business
7. Announcements (including date and time of the next meeting)
8. Adjournment

### Motion

A motion is a formal way to propose something on which the group should vote. The proposer says, "I move that..." and clearly states what is being considered. Someone else "seconds" the motion. Guided by the Chairperson, the group discusses the motion until they are ready to vote. Finally, the Chair asks for an indication of "all those in favor" followed by "those opposed." There is no need to ask for "abstentions" (those who choose not to vote at all), because abstentions are not counted toward the outcome of the motion.

### Tabling a Motion

If it is clear that a motion cannot or should not be voted upon at the current time, it is typical to postpone ("table") it until the next meeting. Technically there should be a new motion to table the current motion, but most groups can agree to delay discussion without layers of parliamentary procedure. Often, it helps to appoint a committee or a member to study the issue and report back to other members at the next meeting. This tactic can save time on circular debate, especially when all of the facts aren't available.

BLM Nevada Resource Advisory Council Bylaws and Standard Operating Procedure  
March 2016

Resolution

A resolution or a long, complicated motion should be prepared in advance of the meeting, if possible, and should be put into writing before it is offered. If it is sent to the members prior to a meeting, it does not need to be read at the meeting, but a motion must be made to accept the resolution which then must be seconded before being put to a vote.

For additional information on meeting management see the RAC Rules of the Room (Appendix ???)

**Section V: Meetings**

Advisory committees shall meet only at the call of the Secretary or the designated Federal officer. No meeting shall be held in the absence of the Secretary or the designated Federal officer. Each meeting shall be conducted with close adherence to an agenda which has been approved in advance by the authorized representative.

The authorized representative may adjourn an advisory committee meeting at any time when—

- (1) Continuance would be inconsistent with either the purpose for which the meeting was called or the established rules for its conduct; or
- (2) Adjournment is determined to be in the public interest.

Notice of Meetings:

Notices of meetings of advisory committees shall be published in the FEDERAL REGISTER and distributed to the media 30 days in advance of a meeting. However, if urgent matters arise, notices of meetings of advisory committees and any subcommittees shall be published in the FEDERAL REGISTER and distributed to the media at least 15 days in advance of a meeting.

Notices shall set forth meeting locations, topics or issues to be discussed, and times and places for the public to be heard.

Subcommittee meetings should be announced, at a minimum, through a news release at least two weeks prior to the date of the meeting. All other direction regarding regular RAC meetings including open to the public and media, the need for a public comment period and the requirement for minutes apply to subcommittees. Agendas for subcommittee meetings will be posted to the RAC website.

Open Meetings:

All advisory committee and subcommittee meetings and associated field examinations shall be open to the public and news media.

Anyone may appear before or file a statement with a committee or subcommittee regarding matters on a meeting agenda.

BLM Nevada Resource Advisory Council Bylaws and Standard Operating Procedure  
March 2016

The scheduling of meetings and the preparation of agendas shall be done in a manner that will encourage and facilitate public attendance and participation.

The amount of time scheduled for public presentations and meeting times may be extended when the authorized representative considers it necessary to accommodate all who seek to be heard regarding matters on the agenda.

Closed Meetings: There is no provision provided in 43 CFR 1784, Advisory Committees, that deals with the topic of closed meetings. According to the Federal Advisory Committee Act (FACA), advisory committee meetings may be closed or partially closed to the public based upon provisions of the Government in the Sunshine Act of 1976 (Public Law 94-409, 5 USC 552b). Examples of meetings that may be closed under the FACA are:

- Those including discussions of classified information;
- Reviews of proprietary data submitted in support of federal grant applications; and
- Deliberations involving considerations of personnel privacy.

A complete list of justifications for closed meetings can be found in 5 U.S.C. § 552b(c)  
<http://1.usa.gov/1JDLUHE>

Minutes:

Detailed records shall be kept of each meeting of an advisory committee and any subcommittees that may be formed. These records shall include as a minimum—

- The time and place of the meeting;
- Copies of the FEDERAL REGISTER and other public notices announcing the meeting;
- A list of advisors and Department or Bureau employees present;
- A list of members of the public present and who each represented;
- The meeting agenda;
- A complete and accurate summary description of matters discussed and conclusions reached;
- A list of recommendations made by the advisory committee;
- Copies of all reports received, issued, or approved by the Committee or subcommittee; and
- A description of the nature of public participation. The Chairperson of the advisory committee shall certify to the accuracy of meeting records.

(b) All records, reports, transcripts, minutes, recommendations, studies, working papers, and other documents prepared by or submitted to an advisory committee shall be available for public inspection and copying in the Bureau of Land Management office responsible for support of that committee. Upon request, copies shall be provided at the cost of duplication as established by the regulations in 43 CFR part 2 (Appendix A).

## **Section VI: Recommendations and Correspondence**

Resource Advisory Councils provide advice to the Secretary of the Interior through the Designated Federal Officer.

If a subcommittee has an item it wishes to put forth as a recommendation, it must be submitted to its full parent RAC who will vote on whether or not to forward it.

Recommendations from a RAC should be submitted to the DFO. The DFO will forward it to the State RAC Coordinator for entry into the recommendation tracker. The DFO will also provide information as to whether the recommendation is a local issue covered by the jurisdiction of the RAC, a state issue or needs to be forwarded to the Bureau or Department. Recommendations forwarded to the Bureau or Department will be sent through the State Office via the Data Tracking System (DTS) to provide tracking of the document.

BLM Manual 1541, BLM Correspondence and Document Management, states that a response to BLM Advisory Committees is due 10 working days (Table 4-2) after the first point of receipt. If a complete response cannot be prepared in 10 working days or if the recommendation is forwarded to the Bureau or Department, the DFO will notify the RAC Chair via email, cc'ing the State Coordinator, that the recommendation was received will provide follow up reports monthly until the response is finalized.

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 1748.6-1i)

## **Section VII: Recreation RAC**

Under the 2004 Federal Recreation Enhancement Act (REA), the BLM Nevada RACs have been designated the Recreation Resource Advisory Council (RRAC), and has the authority to review all BLM and Forest Service (FS) recreation fee proposals in Nevada.

The REA was passed in December 2004. The Act provided a 10-year recreation fee authority for five Federal agencies: Forest Service, BLM, National Park Service, Fish and Wildlife Service, and the Bureau of Reclamation that was extended until 2016. A minimum of 80 percent of funds collected under the REA will be reinvested at the recreation fee unit. In addition, the REA directs the Secretaries to establish advisory committees to provide advice and recommendations on recreation fees in each State or region for Federal recreational lands and waters managed by the Forest Service or the Bureau of Land Management, if necessary. The REA states that the Agencies may use existing Federal resource advisory committees (section (4) (d) (1) (D)) or establish new advisory committees.

The following direction applies to those Advisory Councils selected to provide recommendations on recreation fees. The members of an Advisory Council or Recreation RAC will serve in an advisory



BLM Nevada Resource Advisory Council Bylaws and Standard Operating Procedure  
March 2016

capacity to the Secretaries through the BLM State Directors and the FS Regional Foresters within the Advisory Council's or Recreation RAC's area of jurisdiction on matters including, but not limited to:

- A. The implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;
- B. The elimination of a standard amenity recreation fee or an expanded amenity recreation fee;
- C. The expansion or limitation of the recreation fee program;
- D. The implementation of noncommercial, individual special recreation permit fees;  
and
- E. The implementation of fee level changes (increases or decreases).

Additional information on procedures related to fee proposals for the BLM and Forest Service can be found at [http://www.blm.gov/nv/st/en/res/resource\\_advisory/recreation\\_rac.html](http://www.blm.gov/nv/st/en/res/resource_advisory/recreation_rac.html)

## **BLM Nevada Resource Advisory Council Meetings**

### *Making them work for everyone*

The BLM recognizes the value of public attendance at its Resource Advisory Council meetings and appreciates the public's interest in expressing themselves on matters of common concern. Most of the meeting is designed as a working meeting *of the council*, and time is set aside for public comment. Therefore the seating and presentation arrangements are primarily set for a 'Board meeting'. The public is invited to the full meeting as observers, both in person and via webcam when available. The BLM is designating the following 'rules of the room' both to ensure a smooth meeting for all engaged and to ensure clear sight lines for the webcam.

### Rules of the Room for the Public

1. Seating is available for attendees. Anyone needing or wishing to stand will stand in the designated area behind the seats. All attendees are to stay in the seating or standing area at all times, unless addressing the Council during the public comment period.
2. Speakers and other attendees will not approach the dais at any time without prior consent from the Chair of the meeting.
3. Media or others wishing to film the meeting will check in at the door and be guided to the space set aside for cameras.
4. No attendees will be allowed to place microphones, cameras or other equipment in the space set aside for the Council meeting.
5. All attendees will show mutual respect for each other and for speakers and Council members. This includes refraining from using cell phones or talking while the meeting is in session.
6. Those wishing to address the Council will sign in at the door. If someone has not signed in, they will not be permitted to comment.
7. Generally speakers have about 3 minutes each and are asked to finish in the designated time to allow for the maximum number of individuals to express their viewpoints. The amount of time scheduled for public presentations and meeting times may be extended when the authorized representative and RAC chair consider it necessary to accommodate all who seek to be heard regarding matters on the agenda.
8. Attendees wishing to provide handouts to the Council will leave handouts with the BLM representative at the door. No one will be allowed to approach the Board with handouts.
9. The Council will not respond to comments made during the public participation period. This should not be interpreted to mean the members of the board agree or disagree with anything said.
10. The Chair reserves the right to comment on any factual inaccuracies that may be shared during the public comment period.
11. The BLM commits to maintaining these rules for the benefit of all involved and appreciates everyone's cooperation with these rules.

**BLM Nevada RAC Subcommittee Checklist**

Directions:

1. The RAC proposes creating a subcommittee by completing the information below and forwarding it to the DFO.
2. The DFO and RAC Chair determine if the subcommittee is necessary and sign the document indicating concurrence or non-concurrence
3. If the proposed subcommittee is a state level subcommittee, the DFO should consult with other DFOs and the State Office.
4. If the RAC Chair and DFO approve the subcommittee, submit the form to the State RAC Coordinator

Parent RAC (check one): MOSO / NEGB / SFNW

1. Define the purpose and need for the subgroup
2. Have the other RACs formed a subgroup to address this issue?
3. Who will be serving as members of the subgroup?
4. How often does the subgroup plan on meeting?
5. What is the anticipated lifespan of the group?
  - a. 6-12 months
  - b. 12-18 months
  - c. 18-24 months
  - d. 24-36 months
  - e. Greater than 36 months
6. What products will the subcommittee be producing? (reports, recommendations, etc.)
7. If the proposed subgroup is a state level subgroup, has the DFO coordinated with the BLM Nevada State Office?

RAC Chairperson: Concur / Non-concur with the formation of this subgroup

DFO: Concur / Non-concur with the formation of this subgroup

BLM Nevada Resource Advisory Council Bylaws and Standard Operating Procedure  
March 2016

References:

BLM Resource Advisory Council Website

[http://www.blm.gov/wo/st/en/info/resource\\_advisory.html](http://www.blm.gov/wo/st/en/info/resource_advisory.html)

BLM Nevada Resource Advisory Council Website:

[http://www.blm.gov/nv/st/en/res/resource\\_advisory.html](http://www.blm.gov/nv/st/en/res/resource_advisory.html)

Regulations and Guidelines

**43 CFR 1784 Resource Advisory Committees-** Provides guidance on members, conduct of meetings and other administrative issues related to RACs

[1.usa.gov/1ZFphvn](http://www.usa.gov/1ZFphvn)

**Federal Advisory Committee Act (FACA)-** The legal foundation defining how federal advisory committees operate. The law has special emphasis on open meetings, chartering, public involvement, and reporting.

[1.usa.gov/1TaqZ8a](http://www.usa.gov/1TaqZ8a)

**Federal Land Policy and Management Act of 1976 (FLPMA)** is the Bureau of Land Management "organic act" that establishes the agency's multiple-use mandate to serve present and future generations. It also provides statutory authority for the formation of the RACs.

<http://www.blm.gov/flpma/FLPMA.pdf>