United States Department of the Interior

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In Reply Refer To:
1784 (MT912) P

October 14, 2014

EMAIL TRANSMISSION – 10/15/2014
Instruction Memorandum No. MT-2015-001, Change 1
Expires: 9/30/2016

To: District Managers, Field Managers and RAC Coordinators

From: State Director

Subject: Resource Advisory Council Standard Operating Procedures

Program Area: Resource Advisory Councils (RACs)

Purpose: To define operating procedures for the Bureau of Land Management (BLM), Montana/Dakotas Western Montana, Central Montana, Eastern Montana, and Dakotas RACs. Section IIA of the attachment has been edited to clarify the requirements for subgroups.

Policy/Action: The attached Standard Operating Procedures supplement the individual RAC charters according to which each Montana/Dakotas RAC must operate. The attachment has been edited to clarify the requirements for subgroups.

Timeframe: This policy is effective immediately.

Budget Impact: None.

Background: The Federal Land Policy and Management Act (FLPMA) generally requires the establishment of BLM advisory councils. BLM Montana/Dakotas currently maintains four RACs, each of which has an individual charter signed by the Secretary of the Interior. The charter authorizes each RAC and outlines broad procedures for its operation. The Standard Operating Procedures provide direction on the more detailed aspects of each RAC's operation. Up until 2007, the charters contained all of the standard operating procedures. In that year, the Washington Office took those procedures out of the charters and created the separate SOPs.

In September 2014, the SOPs were updated to address the use of subgroups.

Manual/Handbook Sections Affected: None.

Coordination: This IM was coordinated with RAC Designated Federal Officials, District RAC Coordinators, and the State RAC Coordinator.

Contact: Any questions related to this memorandum should be addressed to Ann Boucher, State RAC Coordinator, Montana State Office, at (406) 896-5255.

Signed by:	Authenticated by:
Jamie E. Connell	Ann Boucher (MT912)
State Director	

1 Attachment

1–Bylaws and Standard Operating Procedures, October 14, 2014 (4 pp)

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

October 14, 2014

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 Big Horn County, Wyoming. Members of the Dakotas Council must be residents of North or South Dakota. Council members must be supported by at least one letter 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 terms expiring each year.

C. Elected Officials: Pursuant to Section 309(a) of *Federal Policy and Land Management Act of 1976*, at least one member of each Council shall be an elected official of general purpose government 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 12a of the Council charter.

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.

D. Vacancies: Assuming the Council has at least three members per category (a quorum), any vacancies may be filled during the next regular call for nominations. If a vacancy leaves any category with fewer than three members, however, the Secretary will fill it 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.

E. Orientation: The DFO will ensure that all new Council members receive an orientation on the BLM and its programs after their appointments, either before their first meeting or in conjunction with the first meeting.

Section II: Subgroups and Technical Review Teams

A. Subgroups:

a. Per CFR1784.6-2, subgroups may be formed to provide general local level input to the Council. Subgroups do not advise the BLM. Subgroups should be constituted in accordance with paragraph 14 of the Council charter.

b. Specific subgroup requirements include:

i. Local citizens, the DFO, or the Council may request the formation of a subgroup. Subgroups are established through a vote by the Council during a regular Council meeting. The motion must pass with a majority of each category voting in the affirmative and the vote must be documented in the meeting minutes.

ii. The Council chair, with the approval of the DFO, will appoint subgroup members. Membership should be balanced. At least one subgroup member must be a current Council member.

iii. A *Federal Register* notice is not required to solicit subgroup members.

iv. Members of Western, Central, or Eastern Montana Council subgroups must be residents of Montana. Residents of Big Horn County, 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.

v. 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.

vi. Subgroup members may serve on more than one subgroup concurrently.

vii. A BLM staff member, who is a subject matter expert, is recommended to coordinate the subgroup, with assistance from the RAC coordinator as needed. The subgroup coordinator will manage records for the subgroup and relinquish to the RAC coordinator upon termination of the subgroup or upon the DFO's request. The DFO determines who will coordinate the subgroup.

viii. 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.

ix. Subgroups should have a designated chairman and follow the meeting procedures as outlined in Section III.

x. Subgroup recommendations that are approved by a majority of the subgroup must be presented to the Council during its regular meeting. Only recommendations that are accepted by a majority vote in each category of the Council are forwarded to the BLM.

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/subgroup will meet as required, following Robert's Rules of Order. 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: Council agendas must be formally approved in advance by the DFO or his or her designee. The agenda will be distributed to the Council prior to each meeting and published with the notice of the meeting in the *Federal Register*. Subgroup meeting agendas will be approved in advance by the DFO or designee and distributed to the subgroup and local media prior to each meeting.

C. Minutes and Records: Detailed minutes of each Council/subgroup 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/subgroup. The accuracy of all minutes will be certified by the Council/subgroup 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. Council minutes will also be posted on the Montana BLM webpage.

D. Meetings: The DFO or his or her designee will attend all meetings of the Council/subgroup. Any organization, association, or individual may file a statement with or appear before the Council or the 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/subgroup. Regular Council/subgroup 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. (Emergency notices cost more and should be avoided; please make every effort to comply with the 30-day notice.) 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

A. Chairperson: The Council will elect its own officers from among its members annually, usually at the first meeting of each calendar year. 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.

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 Council agendas; (3) attend all meetings or send a designee; (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 functions: (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 meetings of the Council deliberations, including subgroup 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 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 FACA.