

<b>DEPARTMENTAL REGULATION</b>		<b>NUMBER:</b>  1042-154
<b>SUBJECT:</b> <b>SECURE RURAL SCHOOLS RESOURCE ADVISORY COMMITTEES FOR THE NORTHERN REGION</b>	<b>DATE:</b> October 23, 2009	
	<b>OPI:</b> Forest Service	

## 1 AUTHORITY

The Charter for the Northern Region Resource Advisory Committees (RACs) is hereby re-established pursuant to the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. No. 106-393) (Act) as amended by the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 (Pub. L. 110-343, Division C, Title VI) and the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. II.

## 2 PURPOSE AND SCOPE

- a The purpose of each RAC is to improve collaborative relationships and to provide advice and recommendations to the Forest Service and other land management agencies consistent with the Division C, Title VI of Public Law No. 110-343.
- b This regulation charters the following RACs in Montana:
  - (1) Flathead Resource Advisory Committee advising the Flathead, Kootenai and Lolo National Forests in Flathead County,
  - (2) Gallatin Resource Advisory Committee advising the Beaverhead and Gallatin National Forests in Gallatin County,
  - (3) Lincoln Resource Advisory Committee advising the Kootenai, Kaniksu and Flathead National Forests in Lincoln County,
  - (4) Missouri River Resource Advisory Committee advising the Helena, Lewis and Clark, Flathead and Lolo National Forests in Lewis and Clark County and Broadwater County,
  - (5) Mineral Resource Advisory Committee advising the Lolo National Forest in Mineral County,
  - (6) Missoula Resource Advisory Committee advising the Bitterroot, Flathead and Lolo National Forests in Missoula County,
  - (7) Ravalli Resource Advisory Committee advising the Bitterroot and Lolo National Forests in Ravalli County,
  - (8) Sanders Resource Advisory Committee advising the Lolo, Kaniksu and Kootenai National Forests in Sanders County,

- (9) Southwest Montana Resource Advisory Committee advising the Beaverhead, Deer Lodge and Gallatin National Forests in Beaverhead, Jefferson, Madison and Silver Bow Counties,
- (10) Tri-County Resource Advisory Committee advising the Beaverhead, Deer Lodge, Flathead, Helena and Lolo, National Forests in Granite, Powell, and Deer Lodge Counties,
- (11) Central Montana Resource Advisory Committee advising the Gallatin, Helena, Lewis and Clark National Forests in Broadwater, Cascade, Fergus, Judith Basin, and Meagher Counties, and
- (12) Southern Montana Resource Advisory Committee advising the Custer, Gallatin, and Lewis and Clark National Forests in Carter, Park, Powder River, Stillwater, and Sweet Grass Counties.

c This regulation charters the following RACs in Idaho:

- (1) Idaho Panhandle Resource Advisory Committee advising the Clearwater Coeur d'Alene, Kaniksu, Kootenai and St. Joe National Forests in Benewah, Boundary, Bonner, Clearwater, Kootenai Latah, and Shoshone Counties, and
- (2) North Central Idaho Resource Advisory Committee advising the Bitterroot, Clearwater, Nez Perce, Payette, Salmon, St. Joe and Wallowa National Forests in Clearwater, Idaho and Latah Counties,

### **3 DUTIES**

- a The RAC shall review projects proposed under Title II of the Act by participating counties and other persons.
- b The RAC shall propose projects and funding to the Secretary of Agriculture under Section 203 of the Act.
- c The RAC shall provide early and continuous coordination with appropriate Forest Service officials in recommending projects consistent with Title II of the Act.
- d The RAC shall provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under Title II of the Act.
- e The RAC shall monitor projects that have been approved under Section 204 and advise the designated Federal official on the progress of the monitoring efforts.
- f The RAC shall make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

- g The RAC may create and operate subcommittees recommended by a majority of the committee members and approved by the Secretary or the DFO.
- h Consistent with applicable laws and Departmental Regulations, each RAC may adopt such by-laws or rules of operation as it deems advisable.

#### **4 REPORTS**

The RACs report to the Secretary of Agriculture through the appropriate Designated Federal Officer.

#### **5 SUPPORT**

Support for the RACs shall be provided by the Forest Service.

#### **6 ESTIMATED ANNUAL OPERATIONS COSTS/STAFF YEARS**

- a Annual operating costs are estimated to be \$700,000 with 7 staff years of support.
- b Members of the Committee serve without compensation. Reimbursement for travel and per diem for attendance at RAC meetings called by the Chairperson and with an agenda approved by the DFO will be determined on a forest basis with a view to budgetary constraints and the need to achieve adequate representation of necessary groups.

#### **7 DESIGNATED FEDERAL OFFICER**

- a The Secretary of Agriculture shall appoint a full-time employee as the Designated Federal Officer (DFO) under sections 10(e) and (f) of the Federal Advisory Committee Act, 5 U.S.C. App., for each RAC. The DFO will:
  - (1) Approve or call all of the advisory committee's and subcommittees' meetings;
  - (2) Prepare and approve all meeting agendas;
  - (3) Attend all committee and subcommittee meetings;
  - (4) Adjourn any meeting when he or she determines adjournment to be in the public interest; and
  - (5) Chair meetings when directed to do so by the Secretary of Agriculture.

## **8 ESTIMATED NUMBER AND FREQUENCY OF MEETINGS**

- a The RACs will meet as often as is necessary to complete their business.
- b A majority of the members of a RAC must be present to constitute an official meeting of the committee.
- c The approval of a majority of the members of each of the three membership categories of the RAC shall be required to approve a project for recommendation to the Secretary.

## **9 DURATION AND TERMINATION**

- a This regulation will expire 2 years from the date of filing unless renewed.
- b This regulation supersedes DR 1042-142 dated September 7, 2007.

## **10 MEMBERSHIP AND DESIGNATION**

- a Each RAC shall consist of 15 members appointed by the Secretary of Agriculture. Committee members shall be representative of the interests of the following three categories:
  - (1) Five persons who—
    - (a) Represent organized labor or non-timber forest product harvester group;
    - (b) Represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;
    - (c) Represent energy and mineral development, or commercial or recreational fishing interests;
    - (d) Represent the commercial timber industry; or
    - (e) Hold Federal grazing permits or other land use permits or represent non-industrial private forest land owners, within the area for which the committee is organized.
  - (2) Five persons representing—
    - (a) Nationally recognized environmental organizations;
    - (b) Regionally or locally recognized environmental organizations;
    - (c) Dispersed recreational activities;

- (d) Archaeological and historical interests; or
  - (e) Nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.
- (3) Five persons who—
- (a) Hold State-elected office or their designee;
  - (b) Hold county- or local-elected office;
  - (c) Represent American Indian tribes within or adjacent to the area for which the committee is organized;
  - (d) Area school officials or teachers; or
  - (e) Represent the affected public-at-large.
- b The Secretary shall appoint one replacement for each of the three membership categories.
- c RAC members shall serve 4-year terms.
- d The Chairperson of the RAC shall be elected by the RAC from among its members for a term of 1 year.
- e Equal opportunity practices, in line with USDA policies, shall be followed in all membership appointments to the committee. To ensure that the recommendations of the committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.
- f If a RAC member fails to attend (in person or by telephonic or electronic means) two consecutive official meetings, the Secretary may remove that member from the RAC.
- g If a vacancy occurs on a RAC, the replacement, if available, may fill the vacancy with the approval of the Designated Federal Officer. If an appropriate replacement is not available, a new member shall be appointed to the vacancy in the same manner as the original appointment. A replacement or a new member who fills a vacancy occurring before the expiration of the term for which his/her predecessor was appointed shall be appointed for the remainder of the term.

- h Membership shall be a balanced and broad representation from within each of the three membership categories.
- i Members shall reside within the State or States in which the RAC has jurisdiction. To the extent practicable, each of the three categories shall be composed of local representatives.

## **11 RECORDKEEPING**

The records for the Northern Region RACs shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

## **12 INTERPRETATION**

For guidance as to its duties, the RAC should consult the Act. In the event the RAC is uncertain with regard to its duties or procedures, it should consult the appropriate Designated Federal Officer. The Secretary shall resolve ambiguities using first, the law, and then any relevant legislative history.

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