

DEPARTMENTAL REGULATION		NUMBER: 1042-142
SUBJECT: RESOURCE ADVISORY COMMITTEES FOR THE STATE OF MONTANA	DATE: September 4, 2007	
	OPI: Forest Service	

1. PURPOSE AND SCOPE

- a. This regulation re-establishes the Resource Advisory Committees for the State of Montana (RACs). The purpose of the RACs is to improve collaborative relationships and to provide advice and recommendations to the Forest Service consistent with the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. No. 106-393) (Act) as amended by the Iraq Accountability Appropriations Act of 2007 ((Pub. L. No. 110-28), which governs the RACs, and their charter.
- b. This regulation re-establishes the following RACs:
 - (1) Flathead County RAC: (the Flathead and a small part of the Kootenai National Forests);
 - (2) Lincoln County RAC: (the Kootenai and a small part of the Flathead National Forests);
 - (3) Mineral County RAC: (part of the Lolo National Forest);
 - (4) Ravalli County RAC: (the Bitterroot National Forest);
 - (5) Sanders County RAC: (parts of the Lolo and Kootenai National Forests);
 - (6) Madison-Beaverhead RAC: (parts of the Beaverhead-Deerlodge and Gallatin National Forests);
 - (7) Tri-County RAC: (parts of the Lolo, Flathead, Beaverhead-Deerlodge, Helena National Forests in Granite, Powell, and Deer Lodge Counties); and
 - (8) Lewis and Clark RAC: (parts of the Helena, Lewis and Clark, Flathead, and Lolo National Forests).

2. SPECIAL INSTRUCTIONS

- a. This regulation will expire 2 years from the date of filing unless renewed by proper authority and appropriate action.
- b. This regulation supersedes DR 1042-142 dated July 22, 2005.

3. OFFICERS AND MEMBERSHIP

- 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;
 - (b) Represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;
 - (c) Represent energy and mineral development interests;
 - (d) Represent the commercial timber industry; or
 - (e) Hold Federal grazing permits or other land use permit 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.
 - (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) Are 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 3-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. The Secretary of Agriculture shall appoint a designated Federal officer (DFO) under sections 10(e) and (f) of the Federal Advisory Committee Act, 5 U.S.C. App., for each RAC.
- f. 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.
- g. 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.
- h. If a vacancy occurs on a RAC, the replacement, if available, shall fill the vacancy as soon as practicable. If the 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.
- i. Membership shall be a balanced and broad representation from within each of the three membership categories.
- j. 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.

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

5. ESTIMATED ANNUAL OPERATING COSTS

- a. 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.
- b. Annual operating costs are estimated to be \$150,000.00 for the RACs and 2.75 staff years of support.

6. NUMBER AND FREQUENCY OF MEETINGS

- a. The RAC 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.

7. REPORTS/SUPPORT

- a. The RAC reports to the Secretary of Agriculture through the appropriate forest supervisor.
- b. Support for the RAC shall be provided by the Forest Service.

8. INTERPRETATION

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

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