

DRAFT

MEMORANDUM

TO: The Chief of the Forest Service

FROM: Pacific Northwest National Scenic Trail Advisory Council

SUBJECT: Request for Establishment of Advisory Committee

DATE: November 2, 2023

Respectively, the Pacific Northwest National Scenic Trail Advisory Council (the “PNT Advisory Council”) requests the establishment of a Pacific Northwest National Scenic Trail *advisory committee* (the “PNT Advisory Committee”) to provide advice, make recommendations and otherwise continue the Congressionally mandated duties and responsibilities of the PNT Advisory Council. The PNT Advisory Council will terminate by law on May 24, 2024, less than five months after the comprehensive plan for the Pacific National Scenic Trail (“PNT”) is submitted to Congress. Given the departure from the timeline envisioned by Congress when it designated the PNT, the PNT Advisory Council will have essentially no input in the critical implementation phase of the comprehensive plan before the Council’s May 24, 2024 termination date. Such scenario is clearly contradictory to Congressional intent by which the comprehensive plan was to have been submitted *eight to nine years prior to the termination date of the PNT Advisory Council*.¹ To fulfill Congressional intent and to allow for and foster important public input affecting the administration of the PNT, the creation and implementation of a PNT Advisory Committee is clearly in the public interest and in line with Congressional intent.²

¹ Pursuant to the National Scenic Trails Act, as amended, an advisory council for the PNT was to have been established within one year of the date the PNT was designated and remain in place for ten years. 16 U.S.C. §1244(d). The comprehensive plan for the PNT was to have been submitted within two fiscal years of the designation of the PNT. *Id.*, § 1244(e). Thus, Congress intended that a PNT advisory council continue to exist for a period of eight to nine years *after* the submission of a comprehensive plan. As it turned out, the PNT Advisory Council was not established until five years after the designation of the PNT, and it met only three times before the terms of its members expired. The PNT Advisory Council was not re-established until 2023 and was able to meet just one time to review the newly drafted PNT comprehensive plan before the plan was finalized for submission to Congress.

² While one of the stated purposes of the PNT Advisory Council is to consult with the Forest Service about the PNT comprehensive plan prior to its submission to Congress, this was but one of several stated purposes for the establishment of a PNT advisory council. Congress also mandated that the Forest Service consult with a PNT advisory council “from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail.” 16 U.S.C. §(d) and (e).

The PNT Advisory Council recommends a newly established advisory committee consistent with the membership of the current PNT Advisory Council. As Congress intended, a broad perspective of viewpoints and areas of expertise will enhance the more generalized practices and policies developed and put into place by the Forest Service. The PNT Advisory Council does not suggest that the establishment of a PNT Advisory Committee displace the standard public engagement process or the Forest Service's continued engagement with local management units. As Congress had the foresight to recognize, however, a *national* scenic trail will benefit from the input and guidance of a standing advisory council with respect to more generalized issues beyond the development of a compressive plan. As identified by Congress, such issues would include "selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail." 16 U.S.C. §1244(d). By its very nature, development of policies concerning the administration of a *national* scenic trail will benefit from the input and guidance of a full and robust cross-section of interests such as that of a statutorily established advisory council established by Congress or a discretionary committee established by the Forest Service.

The provisions set forth in Forest Service Manual ("FSM") Chapters 1350 - 1357 appear to provide the necessary authority and framework to establish and manage a PNT Advisory Committee. The PNT Advisory Council therefore requests that the Forest Service establish a PNT Advisory Committee in accordance with such FSM chapters or pursuant to such other authority as may be available to the Forest Service. For discussion purposes, a draft charter for a PNT Advisory Committee is attached as Exhibit A. The PNT welcomes the opportunity to work with the Forest Service to ensure that a PNT Advisory Committee be in place upon the termination of the PNT Advisory Council.