

**Considerations for Establishing
a New Pacific Northwest
National Scenic Trail
*Advisory Committee***

November 2, 2023

Existing State of the PNT Advisory Council

Per the National Trails System Act (NTSA), the ten-year statutory authority for the PNT Advisory Council and the duration of the existing charter terminate on May 22, 2024.

- Per FACA, an authority, a charter, and appointed membership are required for the advisory committee to operate.
- No current process to renew the statutory authority for the council.
- To continue, the Forest Service would have to establish a **discretionary council** and develop a new charter.

The current roster of council members was appointed May 10, 2023.

- Membership terminates on the date the charter expires.

Establishing a New Advisory Council

Going forward:

A **discretionary advisory committee** requires agency buy-in and pre-approvals to be established. Any Forest Service program seeking to establish a new discretionary committee requires Washington Office consultation.

1. What will be the purpose of the committee?
2. Will the committee provide consensus advice? If so, to who?
3. Who are the members?



Other Alternatives for Public Engagement

Typical engagement processes:

Tribal consultation - Government to Government relationship

NEPA - public engagement for forest planning and site-specific projects

Collaborative groups could offer an alternative to a FACA Advisory Council but must be structured differently.

Overview of Collaborative Efforts

Collaborative Efforts include long-term processes in which people with diverse interests share knowledge and resources to improve outcomes and/or enhance decisions.

- They are voluntary and based on local needs and objectives.
- Process and structure can differ by location, but should be agreed upon by the group.
- Requires careful facilitation and establishing of ground-rules.
- Meetings should be transparent and open to all.

Collaborative Efforts could violate FACA when:

- The team is Established and Utilized by the Agency
 - Established – Formed by the Agency
 - Utilized – Subject to strict management and control by the federal government, i.e., selection of members, setting of agendas, or providing direct funding.

Differences between FACA Advisory Council and Collaborative Efforts

FACA Advisory Council

- Is directed by the Forest Service, who sets the agendas.
- Requires that the agency provide staff support (capacity and funding can be an issue here) and name a Designated Federal Officer.
- Is highly structured and formalized.
- Has a set number of members and specific categories of interests to be represented. Membership is approved by the Secretary of Agriculture.
- Usually is **narrowly focused**, and a change in scope requires approval from the Secretary of Agriculture.

Collaborative Efforts

- Set their own agendas and the group's purpose can change according to the desires of the members.
- Are **member driven and led**.
- Can range from informal to highly-structured.
- Must structure themselves in a way that doesn't violate FACA.
- Can involve the Forest Service through formal or informal relationships with the agency.