

8. Partnership Popular Topics: Questions and Answers

What are some of the Federal and agency regulations and policies that Forest Service employees and partners should understand?

Various Federal and agency regulations and policies impact partnerships, and a thorough understanding of these guidelines can ensure the Forest Service and its partners achieve success. Being familiar with the National Environmental Policy Act, Federal Advisory Committee Act, travel regulations, and other topics within this chapter will ensure partnerships progress smoothly. Familiarity with these laws and policies will help address concerns proactively and help ensure partnerships develop and are sustained as planned.

8.1 National Environmental Policy Act

Question: What is the National Environmental Policy Act (NEPA)?

Answer: In 1970 President Richard M. Nixon signed the [National Environmental Policy Act \(NEPA\)](#) into law. It requires that Federal agencies integrate environmental values into their decision-making processes by considering the environmental impacts of proposed actions and identifying reasonable alternatives to those actions. The NEPA process is designed to help public officials make decisions based on an understanding of environmental effects and to inform the public as to how environmental concerns have been considered.

Question: When does a forest or grassland need to engage in the NEPA process?

Answer: If a partnership project uses Federal funds or takes place on public lands, an analysis process under NEPA may be required. On public lands, NEPA provisions normally apply to any project that commits public resources or proposes ground disturbance.

Question: At what point in the NEPA process should the Forest Service engage with its stakeholders?

Answer: Collaborators should find out early whether NEPA applies to any aspect of a potential project. If NEPA does apply, the process offers ample ways for the public and partners to take part. Citizens and organizations can inform a decision by becoming involved early and remaining engaged throughout the effort.

Question: How, specifically, can the Forest Service engage with external stakeholders during the NEPA process?

Answer: Partners and the public can be involved in each step of the NEPA process to ultimately contribute to the final decision. However, if Federal lands are involved in the project, a Federal agency official retains authority to make the final decision around a proposed action. Steps in the NEPA process include: 1) *pre-proposal period*, when other Federal agencies, governments, partners, and the public have a part in determining the nature of the project before the agency makes a formal NEPA proposal; 2) *proposed action scoping period*, when the Federal agency announces a proposal and seeks formal public input; 3) *documentation*, when the agency completes an environmental analysis and has an opportunity to partner with stakeholders to collect field information, provide alternatives to the proposal, or help analyze effects; and 4) *decision*, when the Federal agency makes a final decision as to whether and/or how to proceed following the completion of the environmental analysis and public comment periods.

Question: Does the Forest Service have a unique obligation to engage with Indian Tribes regarding NEPA?

Answer: It is essential that the Forest Service engage with Indian Tribes in timely and meaningful consultation on policies that substantially and directly affect one or more Tribe. Such consultation ensures American Indian/Alaskan Native people's full access to agency programs, services, and partnerships. This dialogue also allows for cooperation among interested parties before final decisions are made. See [Chapter 1](#) for more information on this topic.

Question: Where can I learn more about how to engage the public in the NEPA process?

Answer: The [Council on Environmental Quality \(CEQ\)](#) established by Congress within the Executive Office of the President, coordinates Federal environmental efforts and works closely with agencies and other White House offices in developing environmental policies and initiatives. CEQ has [developed a handbook](#) to help Federal agencies expand the effective use of public collaboration as part of NEPA. The guide addresses how Federal agencies can benefit by working with others and lays the groundwork for encouraging effective government through collaborative practices. In addition to CEQ's NEPA handbook, the [Environmental Protection Agency National Environmental Protection Act Web site](#) is another good source of NEPA information.



8.2 Federal Advisory Committee Act

Question: What is the Federal Advisory Committee Act of 1972 (FACA)?

Answer: The [Federal Advisory Committee Act of 1972 \(FACA\)](#) governs the establishment, management, and termination of advisory committees within the Federal government's executive branch.

Question: What is FACA's intent?

Answer: FACA is designed to ensure that groups acting as a collective can provide advice, opinions or recommendations to Federal agencies while making certain that that input is objective and accessible to the public. FACA also minimizes the influence of special interests through balanced committee membership and seeks to reduce wasteful expenditures and improve the effectiveness of advisory committees' overall administration.

Question: What are the benefits of using FACA?

Answer: Federal advisory committees can significantly strengthen the Federal agency's collaboration processes—as it helps ensure that advice provided to the Federal agency is developed through a structured, transparent, and inclusive public process. This structure, transparency, and inclusion lend credibility to the advice Federal advisory committees provide.

Question: When is a Federal agency required to comply with FACA?

Answer: With limited exceptions, if an advisory group is (1) established, managed, or controlled by a Federal agency, (2) has at least one member who is not a Federal employee, and (3) provides the agency with consensus advice or recommendations, it is subject to FACA regulations.

Question: Can you provide examples of when FACA **would** apply?

Answer: The [National Environmental Justice Advisory Council](#) is subject to FACA because it is an agency-established group that includes non-Federal participation. An additional example includes a Resource Advisory Committee (RAC), a Congressionally-established committee that includes both agency officials and external stakeholders. It provides advice and recommendations on Forest Service projects. It is subject to FACA regulations.

Question: Can you provide examples of when FACA would **not** apply?

Answer: Local watershed groups and national forest friends associations are not subject to FACA if the agency does not establish, manage, or control the group. Even if Forest Service personnel participate, the group would still not be subject to FACA. An additional example includes when an agency establishes a collaborative working group solely with other governmental entities – so, other Federal, State, Tribal, and local government employees working in their official capacities. Other examples include groups established solely to exchange information or to develop advice for non-Federal entities. In addition, if an agency seeks advice and recommendations from committee members on an individual basis and not from the group as a whole, such activity is not subject to FACA regulations.

Question: Should a Federal agency convene a Federal Advisory Committee if it isn't seeking group advice?

Answer: Sometimes group advice is not the desired purpose. It may be that the Federal agency only wants individual advice from parties. Or sometimes a Federal agency needs to provide information to educate the community about the agency's programs and decisions. In these cases, the best approach may be to hold town hall-style public meetings with open public participation and opportunities to respond to questions. Such meetings do not violate FACA as long as the Federal agency is not seeking group advice but rather is sharing information or seeking advice from individuals.

Question: Who can I talk to for more information on FACA?

Answer: The Forest Service national headquarters in Washington, DC and each Forest Service Region has a representative that serves as a FACA Designated Federal Official (DFO). The DFO ensures that advisory committees remain in compliance with FACA and any other applicable laws and regulations while functioning as a primary executive for headquarters' staff and field employees, respectively. In

addition, most Federal agencies have developed FACA management guidance that includes agency-specific processes. Forest Service employees can get help from the [Federal Advisory Committee Act website](#); [Forest Service FACA website](#); or the [Federal Advisory Committee Act \(FACA\) and Collaboration Issue Paper](#). GSA also provides FACA training several times a year and offers an online training option. Those interested can sign up [online](#).



8.3 Travel Expense Reimbursements

Question: When can the Forest Service pay for a partner’s travel expenses?

Answer: The Forest Service may pay for a partner’s travel expenses if there is a direct benefit to the agency.

Question: Does partner travel differ from volunteer travel?

Answer: Yes, some situations do exist in which an individual should be treated as a volunteer instead of a partner (for example, if a national forest or grassland sends someone to a customer service training session to prepare this person to become a Forest Service

visitor information center volunteer). Volunteer travel falls under the Federal travel regulations, as does any partner travel for which the Forest Service is paying. [FSM 1833.5](#) discusses travel and incidental expenses for volunteers, as does [Chapter 4](#) concerning volunteers.

Question: Who should arrange a partner's travel?

Answer: Partners are unable to make their own travel arrangements if they are to be directly reimbursed for travel expenses; all travel arrangements for invitational travel must be made through the Albuquerque Service Center (<http://fsweb.myadmin.fs.fed.us/>). Two forms that must be completed in order to make travel arrangements and reimburse the invitational traveler are [FS-6500-214](#) and [FS-6500-231](#).

Question: Are there any instances in which a partner would make his or her own travel arrangements?

Answer: Yes. If the Forest Service contracts for the services individuals will provide at events, workshops, or projects, then these individuals would make their own travel arrangements and be reimbursed for their expenditures as part of their contracts. In some circumstances, contracts can be less costly in terms of the time required to prepare necessary paperwork. Contracts for under \$2,500 do not have to be done competitively.

Question: When is partner travel "invitational" travel?

Answer: If the Forest Service is paying for travel that is outside of that which is covered by a contract or agreement, such travel is considered to be invitational travel.

Question: Where can I find more details about invitational travel?

Answer: Forest Service employees can find information about arranging invitational travel for partners on the Forest Service internal Web site at <http://fsweb.asc.fs.fed.us/bfm/programs/financial-operations/travel/how-to-pages/infoNon-gov-Travelers.php>.



8.4 Non-Federal Partners' Use of Government-Owned Vehicles

Question: What should I consider and know about providing a government-owned vehicle to a non-Federal party?

Answer: While the Forest Service may consider providing a government-owned vehicle for a non-Federal party's use as part of the agency's partnership contribution, the decision to do so must be weighed carefully due to liability concerns. Both parties should understand that the Forest Service unit remains responsible for the cost of the vehicle, both the monthly rates for replacement cost and mileage rate or lease cost, regardless of who actually operates the vehicle.

Question: Where can I find more about the specific requirements?

Answer: Forest Service regulations per [FSH 7109.19](#), Ch. 60 , Sections 61.23 and 61.24 outline specific requirements for contractors', partners', and volunteers' use of government-owned vehicles. Also note that, while directives and regulations are similar for partners and volunteers, the instrument type may be different. All situations require an agreement and, for volunteers, that means a specific volunteer agreement ([FS 1800-7](#)).