

# The Federal Advisory Committee Act (FACA) of 1972

*...to create an orderly procedure by which Federal agencies may seek advice and assistance from citizens and experts*

*...and to ensure that there are limits on federal advisory committees so that the work done by committees is substantive and not duplicative*

# FACA Advisory Committee Definition

*FACA defines an advisory committee as “any committee, board, commission, council, conference, panel, task force or any other similar groups or an subcommittee or other subgroup thereof which is –*

- a. established by statute or reorganization plan, or*
- b. established or utilized by the President, or*
- c. established or utilized by one or more agencies*

*in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government*

# FACA Advisory Committee Requirements

- ❑ *Analyze the need and membership before establishing a committee*
- ❑ *Maintain balanced membership*
- ❑ *Develop formal Charter with objectives, scope, schedule, and resources*
- ❑ *Conduct open public meetings and provide opportunity for public comment*
- ❑ *Announce meetings 30 days in advance in the Federal Register*
- ❑ *Prepare meeting summaries and make them publicly available*



# Does FACA apply here?

- ❑ *Does the group involve people outside the government?*
- ❑ *Does the group have a 'committee' structure with fixed membership and specific purpose?*
- ❑ *Is a federal agency primarily responsible for creating and managing the group?*
- ❑ *Is the groups' primary purpose to provide specific advice or group recommendations to the agency?*



# Criticisms of FACA – chartered Committee Option

- ❑ *Lengthy process to get charter in place to establish committee*
- ❑ *Substantial procedural requirements*
- ❑ *Committee charter expires at end of two years*
- ❑ *Many agencies avoid engaging due to concerns about FACA*
- ❑ *Accepting input versus engaging in constructive dialogue*

# Benefits of FACA – chartered Committee Option

- ❑ *Provide assurance to public that their concerns will be heard due to formal mechanism*
- ❑ *FACA requirements for open public meetings ensures an open process with no one cutting deals outside of process*
- ❑ *FACA provides good guidance for establishing a committee including:*
  - *balance participation*
  - *access to information*
  - *organized process*

*All of which add credibility and trust*

# Alternatives to FACA

- ❑ *Government only meetings*
- ❑ *Legislatively-Established Body*
- ❑ *Stakeholder Group Convened by a non-Federal Entity*
- ❑ *FACA-exempt Body*

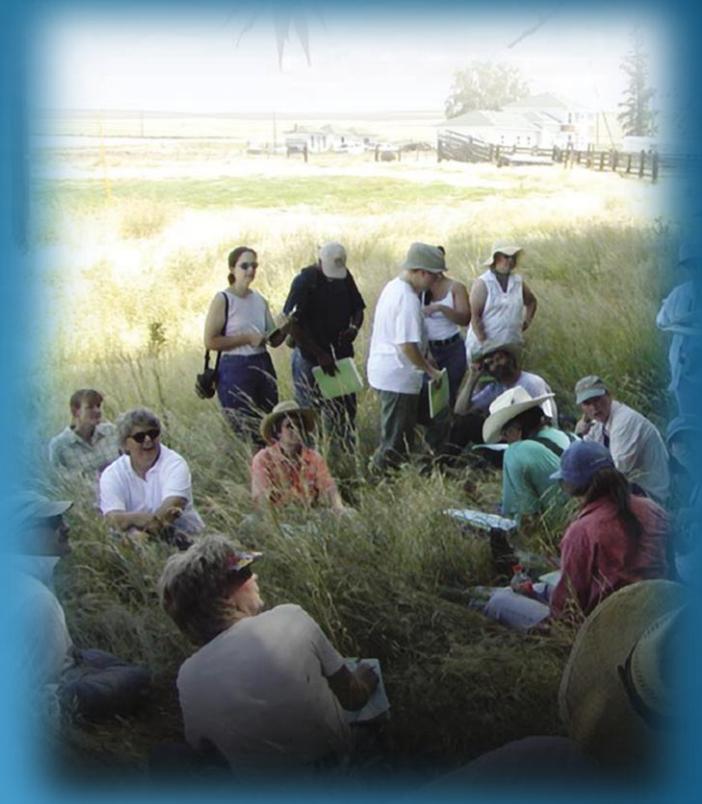


# Case Studies

Applegate Partnership and Quincy  
Library Group

Northwest Colorado Stewardship  
(NWCOS)

Las Cienegas National Conservation  
Area (SVPP and CWP)



# Applegate Partnership and Quincy Library Group

*Community based groups initiated in response to major forestry/environmental conflicts in the early 1990 s*

*Applegate Partnership is 501(c)(3) community-based nonprofit. Applegate Partnership was confronted by FACA challenge in 1994 and as a result all federal employees had to leave group*

*Quincy Library Group is resolutely informal and has strongly resisted suggestions to become a FACA group or become more formal in structure*



# Northwest Colorado Stewardship

## Explored options for collaboration:

- *Becoming formally FACA chartered;*
- *Adjusting NWCOS so that it would provide the individual advice of members to the agency, rather than a consensus recommendation;*
- *Work as a subgroup of the FACA chartered Northwest Resource Advisory Council; or*
- *Work under a contractor to the agency*



# Las Cienegas National Conservation Area

## Engaging Stakeholders in Collaborative Adaptive Management:

- *Sonoita Valley Planning Partnership – adhoc group*
- *Cienega Watershed Partnership – nonprofit*
- *Subcommittee of the Arizona RAC – Las Cienegas Rangeland Resource Team*
- *Engaged USIECR to assist - new structure – technical teams and coordinating committee*
- *Coordinated Resource Management Plan Umbrella – using CRMP MOU – BLM, FS, NRCS, ARS, USFWS*



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