



CONTINGENCY PLAN

Last Updated: August 2020

Scope

This plan of action is developed based on the latest guidance for shutdown planning and activities for this organization, as relayed by the Office of Management and Budget (OMB) and the Department. This plan is subject to amendment as developments require and provided such amendments are consistent with applicable law.

The Department is subject to seasonal variations and at one time up to 80 percent of employees may need to report to work during a furlough, but this would be on an intermittent basis. When Category I funding is no longer available those employees listed in this category will either be furloughed or moved to either Excepted or Exempted and will show in either Category III or Category IV.

The functions and activities described herein are to be executed in accordance with all applicable statutes, regulations, policies, and delegations of authority.

OMB provides guidance on how to prepare for and operate during a funding gap in OMB Circular A-11. The circular establishes two policies regarding the absence of appropriations:

- 1) A prohibition on incurring obligations unless the obligations are otherwise authorized by law; and
- 2) Permission to incur obligations “as necessary for orderly termination of an agency’s functions,” but prohibition of any disbursement (i.e., payment).

The Anti-Deficiency Act (<http://www.gao.gov/legal/lawresources/antideficiency.html>) prohibits agencies from incurring obligations in advance of, or that exceed, an appropriation. Thus, with certain limited exceptions, an agency cannot incur obligations when the funding source for the obligation is an appropriation that has lapsed. Any activities that would incur a new obligation must be suspended and are prohibited. Activities that are under way that would lead to an increased obligation or incurred costs must cease.

There are, however, limited exceptions to this general rule, including obligations incurred performing activities that protect life and/or property, incurred to accomplish an orderly shutdown of the normal functions of the agency, or where such payment activity is necessarily implied.

An agency must otherwise continue certain activities despite a lapse in their appropriations because the lawful continuation of other funded or excepted activities “necessarily implies” that these additional activities will continue as well. A "necessary implication" can arise when an agency needs to incur obligations, even though there has been a lapse in the appropriation against which those obligations would be charged, in order to implement:

- 1) An “orderly shutdown” when there has been a lapse in appropriations (as the Department of Justice has explained, “authority may be inferred from the Anti-deficiency Act itself

for federal officers to incur those minimal obligations necessary to closing their agencies”);

- 2) "Excepted" activities including functions:
 - a. Authorized by statute or other legal requirement expressly authorizing an agency to obligate funds in advance of appropriations;
 - b. That address emergency circumstances such that the suspension of the function would imminently threaten the safety of human life or the protection of property;
or
 - c. That are necessary to the discharge of the President’s constitutional duties and powers.
- 3) Congressionally authorized or appropriated functions for which Congress has provided funding that remains available during the lapse (including funds already obligated from the current fiscal year) where the suspension of the related activity (during the funding lapse) would prevent or significantly damage the execution of the terms of the statutory authorization or appropriation.

Natural Resources and Environment (NRE)

Forest Service

Categories of Agency Activities

Agency activities during shutdown are identified in the below OMB categories.

- Category I: Compensation financed by a resource other than annual appropriations¹
- Category III: Necessary to perform activities necessarily implied by law²
- Category V: Necessary to protect life and property³

The Agency does not have any employees in these OMB Categories: Category II: necessary to perform activities expressly authorized by law, or Category IV: necessary to the discharge of the President's constitutional duties and powers.

Employees in Category I: Compensation financed by a resource other than annual appropriations

These employees are financed from other available funds (the lapse in appropriations that occurs under a government shutdown only affects current-year discretionary appropriations). Initially *all* Agency employees would be in Category I, until funding for their specific activity is utilized/exhausted. If there is no funding available for their specific activity, or they are funded through annual appropriations, they would be furloughed. If funding for specific activities is available, employees who are either doing this work already or have it in their regular description of duties would continue to work. Other employees cannot be shifted to do work with the funds designated for specific activities. After funding for specific activities are exhausted, employees working on those specific activities would either transition to Category III or V, as appropriate, or be furloughed. See below for more information on funding for Category I and moving employees between Categories. Activities in Category I include:

1. Job Corps funding, as it is transferred from the Department of Labor and provided on a program year basis via interagency agreement. In addition to this example, Forest Service may include other agreements funded by other federal agencies that meet this category, provided the funds are not subject to a lapse in appropriation.
2. Permanent and trust fund accounts funded by collections and for which the agency already has received budget authority. Employees scheduled to work on activities that are funded out of permanent appropriations and/or trust fund accounts may continue to work on those activities. These accounts include, but are not limited to, Recreation Fees, Knutson-Vandenburg funds (KV/K2), Timber Salvage Sales, Reforestation activities and Nurseries. Consider the following points:
 - a. The work is already scheduled to be funded out of a "Perm or Trust" fund account
 - b. There is adequate budget authority at the unit level to fund the employee(s)' salary

¹ This was previously employees in Category II – Activities not included in Category I and III; financed from available funds, where applicable (*exempt*)

² This was previously employees in Category I – Law Enforcement and Health and Safety (*excepted*)

³ This was previously employees in Category III – Protect Life and Property (*excepted*)

3. Cost recovery funds, non-appropriated dollars, for the processing and monitoring of several high priority critical infrastructure land use authorizations.
4. Prior year balances will be used to (1) continue the management and maintenance of National Forest System lands for their sustained safety and use, including prescribed fire on a case-by-case basis and (2) to prepare for and manage wildland fires, including travel to and participation in necessary training.

Employees in these Categories: Category III: necessary to perform activities necessarily implied by law, and Category V: necessary to protect life and property

- These employees will normally work some or all of their normal tour of duty during a furlough. This usually includes emergency employees such as law enforcement as well as other employees designated as mission critical for the continuation of operations.
 - For example, a law enforcement officer is expected to work during their entire normal tour of duty to protect the land and people during a shutdown.
 - During a furlough, the time worked is coded as TC-74, with descriptor code 01. Time that is not worked is recorded with TC-74 only.
- **On-call excepted employees in these categories are** placed in an on-call excepted status and are expected to work only when called by their supervisor to respond to specific emergency situations if they arise.
 - For example, a Human Resources Management (HRM) employee would not be expected to come in to work 8 hours each day during a furlough. However, if the employee is called back to work by their supervisor to process a workers' compensation claim by an injured law enforcement officer, then the HRM employee would be paid for the actual hours worked to process the OWCP claim.
 - During a furlough, the time worked is coded as TC-74, with descriptor code 01. Time that is not worked is recorded with TC-74 only.

Employees in these two Categories include:

Fire Suppression including fire fighters and all necessary equipment costs and business support personnel to protect life and property (see the below section on Fire and Aviation Management).

- Law Enforcement personnel and all necessary equipment costs to protect life and property.
- Emergency and Natural Disasters Response or Preparation (e.g., floods and avalanche safety via the avalanche prediction center).
- Protection of Federal lands and health and safety of the public via ski area administration.
- Protection of Federal lands, buildings, waterways, equipment and other property including pack and saddle stock and investments owned by the United States when the suspension of such activities would cause an imminent threat to human life and property. This includes nurseries, insectaries, tree seed labs and seed extractors, and the minimum level of staffing to administer permits and contracts needed for protection of National Forest System lands.

- All contracts in support of cyber security and infrastructure operations to support key positions and essential personnel.
- Protection of research studies where lack of continuation measurements or maintenance would destroy or endanger validity of research findings. Includes, for example, green houses, and growth chambers.
- Collection and payment activities for previous legal obligations. This includes one person at the financial center to process bill and payment transactions resulting from previous legal actions such as judgments and settlements.
- Emergency and Defense Preparedness.
- Response to hurricane season affected areas where a national emergency has been declared.

Forest Service line officers will provide direct support to these activities. A limited number of administrative, communications, information technology, budget, finance, and acquisition management employees may assist.

Human resources staff will address employee concerns such as pay and unemployment compensation. Additionally, staff may be brought out of furlough status as needed for emergency preparation or response. Activities may vary depending on the season in which a government shutdown occurs. After a furlough HRM will provide guidance on how to code timesheets for hours worked.

Adjustments between the Categories of Activities

The USDA Forest Service's critical and essential functions peak in certain times of the year depending on wildland firefighting activities and field season. Depending on timing of lapse in appropriation, the Agency has identified a critical need for flexibility to modify the plan based on available and applicable non-appropriated funds. The business case for making this change includes 1) the need for sustainability of critical functions, and 2) high risk resulting from the nature of health and safety work. Without pay, employees may become unwilling to engage in hazardous work without compensation and distracted as personal financial obligations continue to grow.

Adjustments may be made to continue health, safety and protection of critical assets through paying employees when carryover funding is available. The adjustments will be made in the following manner:

At the onset of a lapse in appropriations, the USDA Forest Service will apply prior year funds, consisting of multiple Budget Line Items, to pay all 28,600 employees from unobligated prior year balances. Employees, including those providing business support functions during the furlough will be directly funded by the appropriate Budget Line Item.

On a daily basis, the Agency will assess and evaluate the approach based on duration of lapse of appropriated funding, safety and the situation on the ground.

Close Down Plan

The Agency estimates that it will take the agency five days to complete orderly close down procedures. Prior to Day 1, the following actions will be completed:

The Chief, Deputy Chiefs, Regional Foresters, Station and Area Directors and applicable Directors listed below will identify those functions that need to be performed that are solely associated with an orderly interruption of normal activities. Such functions may include but are not limited to:

- Identify measures to secure records, personal property, real property, and facilities according to established policy and procedures.
- Draft communication strategy for communicating with Agency employees.
- Draft communication strategy for communicating outside of the Agency.
- Identify all potential meetings, hearings, and other previously arranged Agency business that may need to be cancelled.
- Identify all employees who will be performing activities as described above. This list will include employee name, title, and function that the employee will perform.
- Identify what systems support is needed to maintain essential services and information technology infrastructure.
- Ensure Working Capital Fund (WCF) Nursery & Seed Extractory Facilities and staff have operation continuity plans in place due to the nature of their business and the potential harm to their stock.
- Coordinate with various financial staffs, such as the Working Capital Fund, to ensure proper communications are ready.
- Identify all employees in international travel status.
- Human Resources Management will provide support with instruction and procedures to employees for the period of the close down. Individual Unit Supervisors will provide direct guidance to their employees. Such guidance may include supervisors informing their employees to have a copy of their most recent SF-50B and an appropriate amount of earning and leave statements printed out and available, a unit close down contact list, and other pertinent information.
- Each unit is responsible for notifying their own employees.
- Identify appropriate contacts at the Department, Agency, and Region/Station/Washington Office level for communications purposes and orderly close down of the agency.
- Initiate any required union bargaining over furlough related topics.
- Identify programs that “may” continue operating if funds are available (unobligated balances of all no-year or multi-year appropriations and new funds in mandatory appropriations), and plan for an orderly shutdown of such programs if such funds are exhausted during the period of the close down. The existence of carryover or mandatory funding does not imply that employees “will” continue to work. This decision will be made on a case by case basis.
- Develop and issue field guidance for orderly shutdown of Forest Service activities.
- Coordinate shutdown activities with other federal land management agencies through Department contacts.
- Identify all employees scheduled for training and provide instruction.
- Review and identify necessary actions outlined in Enclosure A – Guidance for: Fire and

Aviation Management, Recreation, Timber Sale Contracts, Special-use and Grazing Permits, and Infrastructure Land Use Authorizations.

Tasks to perform first on Day 1 (first day funds are not available):

All employees will be directed to report to their supervisors to receive assignments of duties or other pertinent information for an orderly shutdown. For those employees teleworking or in travel status, “report” may be done by telephone.

Managers and supervisors will coordinate the following activities intended to terminate Agency’s operations:

- Communicate close down instructions and procedures to all employees.
- Distribute furlough notices at headquarters and all field units to all employees who have not been determined to be necessary for the Agency’s termination activities. Furlough notices may be delivered electronically.
- Contact any employees on leave and communicate that their leave is cancelled.
- Contact any employee in travel status and direct them to return to their duty station, unless they are performing activities described above while in travel status.
- Ensure all employees complete timesheet entries and submit to approving official.
- Delay any employee transfer of station.
- Ensure all records, personal property, and real property are secured according to established policy and procedures.
- Cancel all meetings, hearings and previously arranged Forest Service business.
- Validate existing communication strategy and employee contact information for future communication need.

The Director of Human Resource Management will be responsible to:

- Provide instructions and procedures to managers and supervisors for all employees during the close down period. This will include provisions for call back of employees in the event it is determined they are needed to complete close down procedures.
- Provide specific instructions for employees to complete a final time and attendance report.
- Ensure individual furlough notices will be prepared, reviewed and approved.
- Ensure all employees timesheets are processed by the National Finance Center.
- Delay hiring of new employees.

The Director of Procurement and Property Services will be responsible to:

- Identify all contracts necessary to support ongoing activities (See Attachment A - Determination of Exception to Antideficiency Act).
- Identify contracts that do not need to be administratively suspended due to applicable conditions (e.g., full funding obligated, fixed price, no government facility requirements, and supply/software maintenance contracts.)

- Coordinate with all contracting officers and contracting officer technical representatives to notify all contractors and vendors that work is suspended unless contracts are in support of ongoing activities (e.g., incident related).

The Director, Grants and Agreements will be responsible to:

- Identify any grants and/or agreements necessary to support ongoing activities.
- Identify any grants and/or agreements that do not need to be administratively suspended due to applicable conditions.
- Coordinate with all grants and agreements specialists and relevant program managers to notify partners and grantees that work is suspended unless grants and/or agreements are in support of ongoing activities.

The Chief Information Officer (CIO) will be responsible to:

- Identify IT and land mobile radio (LMR) support needed to maintain essential IT and radio communication services and infrastructure.
- Ensure that all contracts in support of cyber security and infrastructure operations are funded and will continue to operate and support essential functions across the Agency.
- Coordinate with the Forest Service Resource Information Managers (RIM) regarding essential IT systems and applications and maintain a consolidated list for the Agency.
- Coordinate with USDA Office of the Chief Information Officer to ensure essential systems and infrastructure, provided as a service by the Department, are available.
- Continue to serve as the USDA Executive Agent for radio frequency and spectrum management; ensure appropriate staff are available to execute this role for the Department.
- Provide employees with information pertaining to the availability of applications and servers, and how to request assistance through the Customer Help Desk.
- Answer questions and providing clarifying guidance on how to secure government furnished equipment and the appropriate use of government technology (i.e., laptops, cell phones, and tablets) during a shutdown.
- Coordinate with the Office of Communications to ensure the appropriate text banner and information are displayed on externally facing Forest Service web sites.

Tasks for Day 1- Managers and supervisors will coordinate the following:

- Document the status of cases and projects so that they can be resumed, transferred, or otherwise appropriately handled when the Forest Service's ultimate funding situation is determined.
- Prepare files for permanent storage, transfer to related agencies, or other disposition.
- Complete identification of employees whose work will be required to perform functions associated with the orderly cessation of program activities. This includes:
 - Name of each employee required to continue shutdown operations,
 - Title of each employee identified, and
 - The termination function that each identified employee is to perform.

- A finalized listing of employees identified whose work is required will be submitted through the Regional Forester, Station Director, Area Director or Washington Office Deputy Chiefs to Deputy Chief for Business Operations no later than the end of Day 2.
- Contracting Officers and contracting officer technical representatives will continue to contact all contractors and vendors to let them know work is suspended.

Tasks for Day 2

- Employees who were previously identified as required to perform functions necessary for orderly shutdown of program activities will report for work.
- Employees leading, directing and performing work identified above, will continue to work.
- Employees will be directed to perform only those activities as enumerated earlier.
- As each shutdown function is completed, the Line Officer must notify the Line Officer at the next highest level or, at headquarters, the respective Deputy Chief, through established channels, of completion of such shutdown function, and identify those employees who were responsible for the task.
- Each employee whose shutdown function is completed will be furloughed immediately and formally notified by their supervisor or appropriate Line Officer if the supervisor is not available.
- There will be daily communications by the Chief's Office on the status of the close down procedures with the Department contact and the field leadership. Agency leadership will communicate regularly with Office of the Secretary and the Under Secretary for Natural Resources and Environment regarding Forest Service plans and status.

Task for Day 3 and until completion of close down procedures:

- Employees who were previously identified as required to perform functions necessary for orderly shutdown of program activities will report to work.
- Employees leading, directing, and performing work as identified above will continue to work.
- Employees will be directed to perform only those activities as enumerated earlier.
- Employees completing close down functions, continue tasks as outlined under Day 2 for each succeeding day until the Chief determines the shutdown is complete.
- There will be daily communications by the Chief's Office on the status of the close down procedures with the Department contact and the field leadership. Agency leadership will communicate regularly with OSEC and NRE regarding Forest Service plans and status.

Guidance for: Fire and Aviation Management, Recreation, Timber Sale Contracts, Special-use and Grazing Permits, and Infrastructure Land Use Authorizations

The common principle that applies is that no regular work may occur by Federal employees during a lapse in funding or "shutdown". An exception is made for employees to provide for public health and safety, protection of federal assets, and work involved with an orderly shutdown of agency operations and they will continue to work. Further, limited activities will also continue, using available non-appropriated funds and based on a number of considerations.

Fire and Aviation Management (FAM):

In addition to on-duty fire fighters, work by FAM under a shutdown will also include:

- When relevant, aviation inspections scheduled with airtankers, light fixed wing aircraft and helicopter vendors.
- Where relevant, fire hire for the upcoming fire season, adding HRM staff to ensure qualifications are assessed and offers are being made.
- Prescribed burns already underway would continue, but there would be limited new prescribed fires (assessed on a case-by-case basis).
- Any critical fire training academies or other trainings to prepare fire responders for the Nation's fire suppression and emergency response needs.
- Support personnel required for fire preparedness and suppression that is commensurate with appropriate activities. This includes, but is not limited to, Business Operations and CFO expertise.

Recreation Management:

Principles to guide decisions regarding recreation operations and permit administration & key messages:

- An operation requiring the presence of a Forest Service employee that is required to protect land or property, and that cannot be done through the closure of an area to protect that asset, will continue. Other operations requiring the day-to-day presence of a Forest Service employee, and not required to protect land or property, will be suspended; this includes suspensions of recreation management operations requiring the day-to-day presence of a Forest Service employee.
- Law enforcement will continue to work and will perform the majority of the asset protection and public safety work. Minimal recreation staffing may continue if needed for those objectives.
- Field units will ensure cross-agency consistency for special use permits that cross jurisdictions, with the lead agency's direction followed.
- Minimal personnel can continue to work for the first 48 hours of the shutdown for Agency Operated campgrounds and other currently occupied sites to ensure orderly shutdown and protection of facilities (see below).
- The source of funds for personnel is a consideration. For example, employees funded through fee retention may be considered among those who would continue to work through the shutdown. Federal Lands Recreation Enhancement Act (FLREA) funds can be used to execute the functions identified under the spending constraints of FLREA. FLREA allows spending in seven categories, all of which are directly related to the sites or services where visitors pay fees. Not all categories should be considered as "essential" to keep recreation sites and facilities open for safe public use.

Recreation Special Use Authorizations:

Generally, these authorizations will not be suspended during the shutdown. There may be exceptions when Forest Service presence is required for monitoring specific activities on a day-

to-day basis. Permits may be suspended where public health & safety protection provided by Forest Service personnel is integral to the day-to-day management of the area operated by the concessioner. Such determinations should be carefully made on a case-by-case basis and if it is determined that activities must cease, closure can be implemented through a temporary suspension of the permit. The same principles apply to Ski Areas, Outfitter & Guiding permits and Special Recreation Event permits. These authorizations will not be suspended except when Forest Service employee presence is required for safe operation on a day-to-day basis, in the short term, if permittees can meet permit stipulations without Forest Service employee presence. For special recreation events, if protection of public health and safety such as crowd control or other actions is needed, and the permittee can provide that through private means, then the event can be sustained.

No processing associated with applications for new permits, re-issuance of permits, or modifications of permits beyond actions required to accomplish the above direction will occur.

Interpretive Associations:

As these generally operate within Forest Service offices and visitor centers, they would be shut down. Association activity not dependent on Forest Service facilities or presence may continue.

National Recreation Reservation System (NRRS):

NRRS will remain open.

Volunteers:

All volunteer activities should be discontinued during the shutdown. Volunteers who are housed in Forest Service housing will be allowed to remain there but will not do any project work or be otherwise compensated. See note on campground hosts below.

21st Century Conservation Service Corps, Public Lands Corps, Resource Assistants and Other Partnerships:

Projects which are authorized and already codified through existing participating, challenge cost share and/or cooperative agreements and for which Federal funds have already been obligated may continue if the work is performed in a location other than on Forest lands or in a Forest Service facility and does not require the day-to-day presence or engagement of a Forest Service employee. All projects on public lands and in federal government facilities are discontinued for the duration of the furlough.

Forest Service Operated Campgrounds and Other Developed Recreation Sites that Require Forest Service Maintenance:

They will remain open, as determined necessary by the local line officer, utilizing FLREA funding. This includes keeping recreation sites in safe operating condition, restroom facilities serviced, and identifying or repairing unsafe facility conditions (i.e., campgrounds, boat launches, and picnic areas).

Forest Management: Subject to available funding.

Administrative Considerations

When identifying which activities will be continued during the shutdown, administrative support needs to be considered to ensure operations can be totally implemented. As the tasks and staffing are identified, personnel must have the qualifications and access necessary to continuing operations. An example is if timber sale awards will be continued, appropriate staff that can receive bids with access to mail delivery will be needed. A staff member that completes free-use permits will need access to generating the permits. Support staff should include radio dispatchers, maintenance workers, office business support and Line Officers for the purposes of employee safety, and back up for contract business operations. Consider the appropriate timeframe that will be needed for administrative staff within the first 5 days, 5-10, 10-20, and beyond 20 days.

Timber Sale and Stewardship Contracts

Each Forest Service Supervisor's Office will assess the timber sale contracts, Stewardship Contracts (IRTC and IRSC), and Stewardship Agreements that are active and their relative complexity and environmental sensitivity. Determinations about whether to suspend operations will be made on a case-by-case basis. If there is a need to suspend contract operations, please inform and coordinate activities with WO-FM. Funds not dependent on annual appropriations should be identified immediately before the furlough or as soon as possible after the furlough begins. If an orderly shutdown is required, it should be done in a manner that protects public health and safety and federal resource assets and meets environmental concerns.

Projects conducted under Good Neighbor Authority agreements may continue.

All active timber sale contracts, Stewardship Contracts (IRTC and IRSC), Stewardship Agreements, and service contracts that are directly connected to timber harvesting may continue as long as contractual obligations from both the Purchaser and Forest Service can be fulfilled. If conditions change during the shutdown, additional activities may be suspended on a case by case basis. If operations cannot be sustained (such as the financial systems not being operational to allow for bills to be processed), a shutdown of operations will also be necessary. AQM Contracting Officers for service contracts (including IRSC), Grants & Agreement specialists for grants and agreements, and Timber Sale Contracting Officers should coordinate their actions to provide a consistent message across each Forest. Consideration should be given to what contractual obligations the Forest Service are unable to fulfill and in consultation with WO-FM to determine if there are alternatives before suspending contract operations.

If new timber sale awards are allowed to continue during the shutdown, the bid opening processes and awarding would need sufficient staffing to fully conduct this business. Field-going timber sale administrators, Forest Service Representatives, Contracting Officers, Resource Accounting Specialists and Assistants would be retained as needed. Additional administrative staffing for office support may be needed as well, including USPS mail delivery and processing, as well as bid custodian, Contracting Officer and any needed security staffing.

Reforestation Activities - Tree Planting Contracts:

All tree planting contracts as well as site preparation service contracts, funded through Knutson-Vandenberg or Reforestation Trust Fund that have been awarded and have any needed performance bonds in place will be allowed to continue to operate.

Nurseries

Working Capital Fund (WCF) Nursery & Seed Extractory Facilities and staff (positions/work being paid by the WCF) should continue operations. Further, certain positions at other non-WCF facilities, such as the National Seed Lab and the National Forest Genetics Lab, may be considered necessary to protect property/perishable products.

Regional staff responsible for working with the nurseries should ensure that coordination with the WCF staff at ASC is in place and an understanding of the needs of their nursery.

Permits

The two most common forest products permits are for firewood and special forest products.

Sale of these permits would be suspended with a furlough except for special sales or emergency situations where permits for firewood or special forest products were to be issued to protect public health and safety. Business office staffing would be required to allow for permits to be issued, including staffing for TIM and financial systems. The issuance of Free Use permits under 36 CFR 223.5 would be authorized as per the January 15, 2019 letter. Permits already sold to the public will still be in effect. Third party vendors may continue to sell permits under established agreements. Enforcement of the terms of these permits will only be by agency personnel considered essential (Law Enforcement), unless field units have agreements with local law enforcement agencies.

Lands and Realty Management: Subject to available funding

Employees working on high priority critical infrastructure land use authorizations will continue to work. Such projects include, for example, electric transmission lines, roads, communication sites, and hydropower facilities. Specifically, the field staff permit administrators for the projects listed below should continue to process the permits and be paid using non-appropriated cost recovery project funds in the event of a lapse in appropriated funding.

National Forest System land use authorizations: Special use permits that do not require day-to-day Forest Service employee administration and will continue without interruption. New applications for special uses authorization (outside of those mentioned above) will not be accepted during the shutdown and pending applications will need to be deferred until the shutdown ends.

Grazing Permits: Subject to available funding

On-going grazing: In general, there is no need for daily oversight of those operations. Court mandated periodic oversight/monitoring would need to continue to be able to comply with court direction, but these are unusual, currently there are less than five of these nationwide.

Permitted grazing, but not yet authorized through billing

Employees who administer grazing permits would not continue to work (other than court-mandated activity as described above) and would be on furlough. New turnouts for grazing would not be authorized to begin during the shutdown.

Wild Horses and Burros (WH&B): Subject to available funding

WH&B in FS facilities

If there are wild horses or burros in FS possession and care, their health and safety must be maintained, and staff needs to continue to work. This may be rare, but could occur on two forests.

WH&B legal considerations

Statutorily, the FS is required to protect wild horses and burros. There may be occasions that protection or law enforcement activities occur. Also, per statute, private landowners may call to have wild horses and burros removed from their lands and a response would be necessary. These are rare situations, but may occur, and someone may have to be available to respond.

NEPA and Land Management Planning:

NEPA and Land Management Comment Periods

Line officers have the discretion to extend or establish additional comment periods if comment collection is impacted or information necessary to provide comments, such as documents posted on the web, is not available due to the lapse in funding. If line officers determine that comment periods will not be impacted, they may continue as normal.

Administrative Appeals and Objections

The decision to add or restore time to any appeal or objection filing, review, or disposition is at the discretion of the line officer with Regional Forester Approval. Deadlines that are not impacted by the lapse in funding may not require restoration of time. The Regional Forester's decision should consider impacts created by closures of offices and public access to agency personnel during the period, potential controversy associated with the project or plan, and any subsequent communication with affected appellants or objectors that occurs during or after the lapse in funding.

Impacts of the Shutdown

In the event of a lapse of appropriated funding, below are selected examples of some of the potential impacts on mission and public services that would occur:

- **Fire Preparedness:** While fire preparedness for the current fire year including the employment and training of the firefighting workforce is currently an activity where staff need to remain on the job, impacts to fire readiness may increase. For example, critical vendors, including those that supply aircraft, engines and ground crews, may be unavailable for suppression activities as a result of an inability to pay invoices. If the lapse in appropriations continues for an extended period of time the agency may be unable to pay firefighters to respond to incidents.
- **State Grants for Forest Management and Wildland Fire Preparedness:** Grants which provide funding for hazardous fuels treatments, assistance to private landowners, insect and disease treatments, other forest management activities on state and private lands and support to state and volunteer fire departments may be delayed. In addition, state and local fire departments' ability to train firefighters and acquire necessary equipment may be delayed and states and other cooperators will not receive reimbursement for ongoing forest management work on non-federal lands.
- **Secure Rural Schools Funding:** Payments may be delayed and would impact 747 counties in 41 states and the Commonwealth of Puerto Rico for transitional assistance to rural counties affected by declining timber sales, on Federal lands.
- **Law Enforcement and Investigations:** Reimbursements may be delayed for more than 500 state, local and tribal law enforcement partners for safety services they performed on National Forest System lands through cooperative law enforcement agreements. As a result, state/local/tribal patrols and dispatch services for agency Law Enforcement and Investigations officers could be diminished.
- **Timber sales and Work to Improve Forest Conditions:** Timber sales that were active at the time of shutdown continue to be administered until paid units are completed. Limited new timber sales or units, on existing sales, would take place if possible, from available funding. Broader impacts to the program are to timber sale offerings, awards, and preparation work for upcoming scheduled sales. Regulatory reform actions including new categorical exclusions that would streamline environmental analysis for forest management decisions and actions may be delayed.
- **Hazardous Fuels Treatments:** Hazardous fuels treatment to reduce fire risk to communities and landscapes is impacted by a lapse in appropriations. Some of this work could continue with available funding, primarily mechanical fuels treatment. Prescribed fire may take place, but only under limited circumstances given the need for resources that may not be available during the shutdown. If a lapse in funding continues for an extended period of time at least 400,000 acres of prescribed fire treatments will be impacted, making it difficult to recover later in the fiscal year, as there will be fewer "windows" in which conditions are favorable and safe for conducting prescribed fire.

- **Special Use Permits:** Using the FY 2019 furlough as a benchmark, if furloughed for the same number of days, the agency would be unable to process roughly 500 recreation special use permits a month (recreation events, outfitter and guides), an estimated \$33 million is lost in revenue to permit holders. For example: (1) environmental review actions on at least three ski area permits may be delayed, preventing ski areas from moving forward with changes to their permits and (2) efforts to address rural broadband access may be delayed at least 45 days, including joint regulatory reform efforts between DOI and USDA related to streamlining permitting process as well as assessing permit fee structure.
- **Recreation Sites:** Revenue loss on recreation fees paid to the Forest Service is estimated at \$216,807⁴, reducing the Forest Service’s ability to provide customer service for recreation sites. When normal federal operations resume, units would need to address detrimental effects of increased vandalism and waste on an estimated 3,300 recreation sites.
- **Minerals:** Using the FY 2019 furlough as a benchmark, if furloughed for the same number of days, completing regulatory reform agenda items, which are designed to streamline policies for locatable minerals and oil and gas leasing, would be delayed. For example, staff work to complete environmental review and approval on five large mining projects—two in Idaho, two in Arizona, and one in Minnesota— would delay at least 45 days.
- **Research:** Statewide forest inventories which are used by land management agencies, forest industry and private landowners to inform decisions and actions, would be delayed. Research support for shared-stewardship work to improve forest conditions has also been impacted including scenario planning for priority fuels treatments and timber market analyses.

⁴ Based on data for the past three years, FS averages about \$3.324 million recreation fee revenue collected in the month of October.