



CONTINGENCY PLAN

Last Updated: January 2024

Scope

This plan of action provides a framework for operations 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 (<https://www.gao.gov/legal/appropriations-law/resources>) 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 appropriations
- Category III: Necessary to perform activities necessarily implied by law
- Category V: Necessary to protect life and property

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.

Lapse Plan Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	2 ^A
Total number of agency employees expected to be on board before implementation of the plan:	37,485 ^B
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	18,216
Total number of employees that may be retained under the plan for each of the following categories (may include duplicate counts)	
Compensation is financed by a resource other than annual appropriations:	4,341 ^C
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	433
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	14,495 ^D

- A. Majority of FS employees will complete shutdown activity within 4 hours with some activity lasting several days. There may be rare instances where shutdown activity could take up to 5 days depending on remoteness and available personnel.
- B. Employee headcount from Calendar Year 2023 PP20. Includes permanent, temporary and term appointments. (Workforce Management Dashboard)
- C. In total 4,341 employees’ compensation maybe financed by other sources (Job Corps, permanent appropriations, trust funds and supplemental funding).
- D. Includes the estimated 11,500 current wildland firefighters, 590 law enforcement personnel, and 2,405 for the protection of property and leadership support. Actual number of firefighters will vary greatly depending on level of wildfire activity.

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 shutdown activities are completed. Upon completion of the orderly shutdown activities, employees not excepted under Categories I, III, or V will be furloughed. The Chief of the Forest Service may identify specific activities that will continue under Category I, if funding is available from a resource other than annual appropriations. In these instances, only employees who are doing this work already would continue to work. Other employees cannot be shifted to do work with the funds designated for specific activities. Activities in Category I that may continue include:

1. Job Corps. Funding 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 Fees¹, 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
3. Supplemental and Emergency Supplemental Funding. Employees scheduled to work on activities that are funded out of supplemental appropriations may continue to work on those activities. Supplemental and Emergency Supplemental Funding includes:
 - a. *Great American Outdoors Act* (GAOA)
 - b. *FY 2022 Extending Government Funding and Delivering Emergency Assistance Act* (Disaster Supplemental) and *Disaster Relief Supplemental Appropriations Act, 2023*.
 - c. *Infrastructure Investment and Jobs Act* (Bipartisan Infrastructure Legislation or BIL)
 - d. *Inflation Reduction Act* (IRA)

Consider the following points when determining whether an employee should work on these activities during a lapse in appropriations:

- a. The work is already scheduled to be funded out of these fund accounts
- b. An employee(s) regular duties are funded out of these fund accounts
- c. There is adequate budget authority at the unit level to fund the employee(s)’ salary

¹ Forest Service may use the minimal level of FLREA funding necessary to provide critical health, public safety and protection services as an exempt activity in a manner that maintains restrooms and sanitation, trash collection, road maintenance, campground operations, law enforcement emergency operations, and the protection of natural resources.

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

Employees in these two Categories include:

- Fire Suppression including firefighters 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.
- Limited number of administrative, human resources, communications, information technology, budget, finance, and acquisition management employees necessary to support the activity of these other employees.

It is important to note that these excepted employees may work their full tour of duty during a furlough or be placed on an on-call exempted status. Examples include:

- **Full time:** Emergency employees such as law enforcement, firefighters, as well as other employees designated as mission critical for the continuation of operations.
On-call or intermittent: employees in these categories are placed in an on-call or intermittent excepted status and are expected to work only when called by their supervisor to respond to specific situations if they arise.

All other employees would be considered “not-excepted” from furlough status and would be placed into furlough status.

Human resources staff will address employee concerns such as pay and unemployment compensation. HRM will provide guidance on how to code timesheets for hours worked.

Adjustments between the Categories of Activities

The Agency reserves the ability adjust activities between categories if it is deemed in the best interest of the Agency and there is funding availability on sources other than annual appropriations. If these adjustments are needed, they will be discussed with the Department and Office of Management and Budget to ensure compliance with policy and direction.

For example, the activities listed in Category III and V are typically funded by annual appropriations. If it is determined that it is in the best interest of the Agency to sustain critical functions and there are resources other than annual appropriations (in this instance prior year appropriations) available, the Agency reserves the flexibility to work the Department and OMB to adjust the Categories for these employees.

Close Down Plan

The Agency estimates that its vast majority of shutdown activities will take less than 2 days, but in rare instances it could 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.
- Review and identify necessary actions and direction outlined in the section below titled Guidance for: Fire and Aviation Management, Recreation, Timber Sale Contracts, Special-use and Grazing Permits, and Infrastructure Land Use Authorizations
- 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 and supplemental 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.

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, working remotely, or in travel status, “report” may be done by telephone or video.

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.

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.

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 Document Scope on page 1.).
- 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.
- Identify IT support staff required to support Job Corps' operations.
- 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 provide 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 2

- Employees who were previously identified as required to perform functions necessary for orderly shutdown of program activities that require more lengthy process will report for work and continue shutdown activities.
- 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:

- There may be instances where orderly shutdown activities will last beyond two days. The Agency will be shutting down activities on over 193 million acres of land across 46 states with over 154 national forests and 500 plus ranger districts in some of the most remote places in the country. This includes closing hundreds of remote recreational sites and other facilities potentially pausing complex operations such as timber sales, and contractor, partner or workforce led restoration projects which will be made on a case-by-case basis. The agency will work as expeditiously as possible but based on the scale of work and capacity there are instances where it could take up to five days.
- Employees who were previously identified as required to continue 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 Management, Forest Management, Lands and Reality Management, Grazing, Wildhorses and Burros, and NEPA and Land Management Planning.

The following section outlines specific guidance for activities that *MAY* occur during a furlough. The Forest Service will review and update this section prior to start of a shutdown and will continuously update as necessary to align with Administrative, Departmental, and Agency direction and as unique situations arise.

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 may also continue using available prior year appropriated funding, non-appropriated funds, or supplemental funding.

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.

Hazardous Fuels Reduction

The Forest Service may exempt certain hazardous fuels projects under "Category 1: Compensations is Financed by a Resource Other Than Annual Appropriations, if funding is available" after considering risk to communities and firefighter safety, likelihood of successful operations/mission attainment, and impacts to suppression resource availability.

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, may continue. Other operations requiring the day-to-day presence of a Forest Service employee, and not required to protect land or property, may be suspended; this includes suspensions of recreation management operations requiring the day-to-day presence of a Forest Service employee.

- Forest Service may use the minimal level of FLREA funding necessary to provide critical health, public safety and protection services as an exempt activity in a manner that maintains restrooms and sanitation, trash collection, road maintenance, campground operations, law enforcement emergency operations, and the protection of natural resources.
- 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.
- 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).

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. Otherwise, the special recreation event will be cancelled.

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 in some cases.

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:

Forest Service may use the minimal level of FLREA funding necessary to provide critical health, public safety and protection services as an exempt activity in a manner that maintains restrooms and sanitation, trash collection, road maintenance, campground operations, law enforcement emergency operations, and the protection of natural resources.

Forest Management.

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. 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 Washington Office – Forest Management. 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. PPS 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 alternate sources of funds are available and 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.

Forest Products 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. 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

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 project lists provided at the time of shutdown 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 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

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)

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. If the lapse in appropriations continues for an extended period of time, the agency may have to delay some compensation for firefighters, including those responding to active 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. 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 345,000 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.
- **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 Montana— would delay at least 45 days. Two of those are listed as Critical Minerals under Title 41 of the Fixing America’s Surface Transport Act (FAST 41). There are also two revisions to our Regulations at 36 CFR 228 subparts A and E that could result in delayed release.
- **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. Research infrastructure (including live cultures, seed, quarantined pests) and mission-critical experiments that are timed with prescribed fire/weather timing and plant and animal phenology can be severely impacted.