

Forest Service Direction for Operation of Recreation, Permits, and Timber Sale Contracts

Guidance for Recreation, Timber Sale Contracts, Special-use Permits and Grazing Permits follow. The common principle that applies is that no regular work may occur by Federal employees during a lapse in funding or “shutdown”. Public health and safety, protection of federal assets, and work involved with an orderly shutdown of agency operations will be excepted.

Recreation management

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

- Any operation requiring the presence of a Forest Service employee will be suspended, unless:
 - Presence is required to protect public health & safety that can't be done through closure of an area or facility
 - Presence is required to protect investment in assets
- Law enforcement will be excepted, and will perform the majority of the asset protection and public safety work. Minimal recreation staffing may be excepted if needed for those objectives. An example is Forest Service oversight and accountability for avalanche control work conducted at ski areas and minimal staffing to ensure lift inspections are conforming to permit stipulations. The employee may be excepted for the time required to accomplish the work only.
- Field units will ensure cross-agency consistency for special use permits that cross jurisdictions, with the lead agency direction followed.
- The source of funds for personnel is not a consideration. For example, employees funded through fee retention and cost recovery funds will not be excepted differently from those funded through appropriations.
- Minimal personnel can be excepted during the 48 hour shutdown transition for campgrounds and other currently occupied sites to ensure orderly shutdown and protection of facilities (see below).

Recreation Special Use Authorizations:

Generally, these authorizations will be suspended during the shutdown. There may be exceptions when Forest Service presence is not required for monitoring specific activities on a day-to-day basis, such as at ski areas, marinas and resorts. However, permits will be suspended where access is through a Forest Service controlled facility that will be closed, or where public health & safety protection provided by Forest Service personnel is integral to the management of the area operated by the concessioner. For example, if a Forest Service employee is required for surface water safety patrols and a concessioner manages the boat ramp, that operation will be suspended. Such determinations should be 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.

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The same principles apply to Outfitter & Guiding permits and Special Recreation Event permits. These authorizations will be suspended except when no Forest Service employee presence is required for safe operation in the short term, if permittees can meet permit stipulations without Forest Service employee presence, or if access for the normal operation is **not** through a Forest Service operated facility or permitted area that would be otherwise closed. For special recreation events, if protection of public health and safety such as crowd control or other actions is needed, and the permittee cannot provide that through private means, then the event will be shut down.

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 visitors centers, they would be shut down. Association activity not dependant on Forest Service facilities or presence may continue.

National Recreation Reservation System (NRRS)

NRRS will be shut down. Concessioner operated facility reservations will be affected, along with those operated by the agencies. Notices will be sent to concessioners and placed on the web site. Refunds for previous reservations will be available through normal NRRS processes.

Volunteers

Volunteer activities would be discontinued during the shutdown. Volunteers that 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.

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

All will be operationally shut down and posted accordingly, with gates locked where they exist, restrooms locked, and water systems shut down. Consistent with other Federal recreation providers, visitors in occupied sites would be given 48 hours to vacate, with the area shut down as the last visitor leaves, not to exceed 48 hours. Monday shutdown activities would include completing the shutdown of these sites. Campground hosts would be given the same 48-hour option, but should not expect any reimbursement for this period.

Avalanche Centers

There are 11 Forest Service avalanche forecast centers that would remain open in the event of a shutdown, with minimal staffing to be identified as excepted to provide for public safety.

Forest Management

Timber Sale Contracts

- The interests of the government cannot be protected if work performed under timber sale contracts is not overseen by agency officials. If timber contracting officers, contracting officer's representatives, and sale administrators are furloughed, then the agency will need to contact purchasers and suspend operations. A letter should be sent to purchasers specifying that

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operations will be suspended because of a lack of appropriations. This may subject the government to claims from purchasers for undue delays.

- Each contracting officer will have to assess if site specific short term mitigation measures are necessary to protect critical resources as part of suspending operations.

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. However permits already sold to the public will still be in effect. 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

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 will not be accepted during the shutdown and pending applications will need to be deferred until the furlough ends.

Grazing Permits

On-going grazing:

In general, there would be no need for daily oversight of those operations. Periodic compliance checks are supposed to occur on about 25% of all grazing allotments monthly. At this time of year, there are probably fewer than 1,000 active permits.

Court mandated periodic oversight/monitoring would need to be “excepted” to be able to comply with court direction. This is a highly unlikely situation and if there are any, it probably would be less than five of these nationwide.

Permitted grazing, but not yet authorized through billing:

Employees who administer grazing permits would not be excepted (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. (Note: This change in the terms and conditions of the permit could be seen as a change or modification in the permit, and would be appealable. The agency should anticipate that all affected permittees would appeal. That would total about 5500 beyond those already grazing.)

Wild Horses and Burros

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 needs to be an “excepted” situation. This may be rare, but there may be a potential on two forests.

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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 address.