

## **NATIONAL PARK SERVICE CONTINGENCY PLAN**

### **January 2019**

The National Park Service (NPS) Organic Act (16 U.S.C. 1 2 3, and 4) states that the purpose of the NPS is to “conserve the scenery and the natural and historic objects and the wild life” and “to provide for [their] enjoyment . . . in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

Effective immediately upon a lapse in appropriations, the National Park Service will take all necessary steps to suspend all activities and secure national park facilities that operate using appropriations that are now lapsed, except for those that are essential to respond to emergencies involving the safety of human life or the protection of property. Parks must notify visitors that the NPS will cease providing visitor services, including restrooms, trash collection, facilities and roads maintenance (including plowing), campground reservation and check-in/check-out services, backcountry and other permits, and public information. National and regional offices and support centers will be closed and secured, except where they are needed to support excepted personnel. These steps will be diligently carried out while still ensuring visitor and employee safety as well as the integrity of park resources.

Once the shutdown is initiated employees should proceed with shutdown activities, including notifying the public of the cessation of operations and securing government records and property. Non-excepted employees will generally have 4 hours to complete their shutdown activities before entering furlough status. The entire closure process will be completed as expeditiously as possible: operations and staffing numbers are expected to be at the minimum levels defined below within two days.

### **Part 1: Designation of Essential and Continuing Programs/Activities**

The Emergency Response Official designation on a Federal ID card is not necessarily a factor in determining excepted personnel. Rather, as defined by the Department of the Interior, essential activities and activities that will continue during a lapse in appropriations are:

- Providing for finance and contracting activities such as benefit payments and actions necessary to suspend or stop work on projects currently underway that require oversight or support from employees funded from lapsed appropriations. That is, contracting and finance personnel necessary to perform these duties should remain until the activities can be suspended.
- Direct management of projects obligated from funds that are not subject to lapse, such as multi-year appropriations from prior fiscal years. People not DIRECTLY involved in project management or necessary contracting actions and payments for these projects will not be considered excepted or continue to work.
- Protecting life and property, including:

- Law enforcement and Emergency Response (commensurate with a reactive rather than proactive posture – see Visitor Services section of this plan for further information);
- Border and coastal protection and surveillance;
- Protection of federal lands, buildings, waterways, equipment, and other property within the National Park System;
- Activities essential to ensure continued public health and safety, including safe use of food and drugs and safe use of hazardous materials, drinking water, and sewage treatment operation;
- Activities that ensure production of power and maintenance of the power distribution system;
- Activities necessary to maintain protection of research property;
- Essential or time-sensitive support services for employees;
- Uninterrupted command, control, and policy leadership;
- Maintenance of IT systems critical to activities being carried out by excepted personnel (e.g., radio communication, e-mail, accounting systems, etc.); and
- Communication with employees and the public.

NOTE: Staffing levels will be based on the assumption that no visitor services will be provided. While parks may still be accessible to visitors, parks may not use the presence of visitors in the park to justify higher staffing numbers than approved during previous shutdowns. However, in certain instances maintenance and IT personnel may be required for systems that normally require 24 hour monitoring or periodic maintenance, without which the system would shut down. Emergency responders, including Fire Management, EMS, and Law Enforcement personnel, not required for essential activities will be placed on furlough but may be called back to duty if an emergency situation arises.

### **Headquarters**

In order to complete the required, essential activities defined above, the NPS Washington Support Office (NPS Headquarters) will retain key NPS leaders, as well as a bare minimum number of employees in policy coordination, communication, human resources, contracting, finance, and budget roles. NPS leaders remaining on duty will include the Director, Deputy Director for Operations, Deputy Director for Management and Administration, and the Comptroller. Total excepted and continuing staff is estimated to be no more than 50 full-time employees.

### **Regional Offices**

The National Park Service's seven regional offices play key roles in policy direction and coordination between the Washington office and individual national park sites. During the shutdown process, the regional leaders of law enforcement, administration, budget, contracting, public affairs, and concessions management will remain on duty to implement the shutdown guidance. Once the shutdown is complete, each region will retain approximately three full-time staff members to conduct essential activities, disseminate information, both internally and

externally, and ensure continued shutdown coordination and communication between Washington and the field.

### **National Park Sites**

Due to the dramatic differences in operations, size, visitation, location, and infrastructure represented in national park sites, the number of employees required to carry out the essential activities defined above will vary greatly from site to site. As a rule, staffing will be held to the amount needed for the protection of life, property, and public health and safety. Staffing levels will be based on the assumption that the NPS is conducting no park operations and providing no visitor services. While parks may still be accessible to visitors, parks may not use the presence of visitors in the park to justify higher staffing numbers than approved during previous shutdowns. Wildland fire personnel required for active fires or for monitoring areas currently under a fire watch will remain on duty. All other personnel, including maintenance, law enforcement, EMS, and Fire Management not deemed excepted will be furloughed, but will be subject to being called back in the case of an emergency. Parks may not exceed the staffing number approved during the October 2013 shutdown unless a partner is willing to provide payment in advance (as a donation) to support additional staff. See below for employee counts by region.

### **Other Offices**

The NPS maintains two project management support centers for large-scale projects – one in Harper’s Ferry, WV, and one in Denver, CO. Many of the projects managed through these centers are funded through multi-year appropriations. However, even if employees’ salaries are funded from carryover or multi-year appropriations, they are not automatically excepted from a furlough. Only employees conducting essential activities as defined above will be deemed “excepted.” Employees funded from multi-year appropriations typically rely on facilities and support staff who are funded by expiring appropriations, and thus managers will designate exceptions and furloughs based solely on whether an employees’ activities are essential or not. Employees at these locations necessary for DIRECT project management of ongoing projects funded by multi-year appropriations will remain on duty.

### **Visitor Services**

- Park roads, lookouts, trails, and open-air memorials will generally remain accessible to visitors, but there will be no NPS-provided visitor services, including restrooms, trash collection, facilities and roads maintenance (including plowing), and public information.
- As a general rule, if a facility or area is locked or secured during non-business hours (buildings, gated parking lots, etc.) it should be locked or secured for the duration of the shutdown.
- The NPS will not operate parks during the shutdown – no visitor services will be provided. The NPS will not issue permits, conduct interpretive or educational programs, collect trash, operate or provide restrooms, maintain roads or walkways (including plowing and ice melting), or provide visitor information.

- If visitor access becomes a safety, health or resource protection issue (weather, road conditions, resource damage, garbage build-up to the extent that it endangers human health or wildlife, etc.), the area must be closed. Parks may not bring on additional staff to accommodate visitor access.
- The NPS will cease providing services for NPS-operated campgrounds, including maintenance, janitorial, bathrooms, showers, check-in/check-out and reservations. Visitors in campgrounds will not be asked to leave but should be advised that no services will be available. In addition, visitors holding campground reservations for a later date will be advised that the NPS is not operating campgrounds, including providing check-in/check-out services during a shutdown. There is no guarantee their reserved campsite will be ready and available should they arrive during a government shutdown.
- Park websites and social media will not be maintained. Parks will not provide regular road or trail condition updates. As a part of their shutdown activities, park staff will post signs notifying visitors that no visitor services, maintenance or other management activities will be conducted, and emergency and rescue services will be limited.
- At the superintendent's discretion, parks may close grounds/areas with sensitive natural, cultural, historic, or archaeological resources vulnerable to destruction, looting, or other damage that cannot be adequately protected by the excepted law enforcement staff that remain on duty to conduct essential activities.
- At the superintendent's discretion and with approval of the Regional Director or Director, parks may enter into arrangements with local governments, cooperating associations, and/or other third parties (see below for concessioners and Commercial Use Authorization holders) for donation of specified visitor services. The NPS will not reimburse third parties (through payments, franchise fee relief or any other consideration) who provide such visitor services. If NPS staff will be conducting the work using funds from a third party, funds must be transferred and deposited before the NPS may continue or resume providing visitor services. The Washington Office will provide template agreements. Agreements should not be established for a period of less than three days. Because a shutdown of park operations may take up to two days, parks should begin shutdown when the balance in the donation account falls below a two-day balance.
- In general, enforcement actions should be reactive rather than proactive. Parks should not take measures to keep visitors out of an area unless access presents a serious and imminent threat to human life, safety, or health, or a serious and imminent threat to the condition of a sensitive natural or cultural resource.
- Parks that collect fees under the Federal Lands Recreation Enhancement Act (FLREA) will utilize available retained recreation fees balances to provide basic visitor services in a manner that maintains restrooms and sanitation, trash collection, road maintenance, campground operations, law enforcement and emergency operations, and staffing entrance gates as necessary to provide critical safety information. Parks must develop daily cost estimates for all employees and services to be supported by recreation fees for

review and approval by the Director. This will include costs that parks planned to fund out of appropriations that have lapsed.

- Parks that do not collect recreation fees or have insufficient balances, the Director will determine whether available national or regional recreation fees will be allocated to support activities as described above.

### **Concession and CUA Operations, Partner Operations, and Leased Facilities**

- Access to leased facilities is permitted.
- Visitors on outfitter or guided trips that have already commenced at the start of the shutdown will be allowed to complete their trip.
- The park superintendent will make a determination, on a case-by-case basis using the criteria below, whether a commercial, concession, and/or partnership facility may remain open or its operations continued during a lapse in appropriations. With the permission of the park superintendent, operations meeting the following criteria may generally remain open and/or be continued:
  - o The concessioner, commercial use authorization (CUA) holder, or partner can operate during the shutdown without the park exceeding the staffing number approved to support essential activities or otherwise incurring expenditures or obligations in violation of the Antideficiency Act.
  - o The concessioner, CUA holder or partner operation does not require access to a closed NPS facility or area.
  - o The concessioner, CUA holder or partner operation does not require NPS monitoring and regulatory oversight in the short term.
  - o The operator confirms in writing that its existing agreement requires it to indemnify NPS and the United States for any liabilities that may be incurred as a result of its operations during the government shutdown.
  - o The operator acknowledges in writing that NPS-provided visitor services will be unavailable, and emergency and rescue services will be limited.
- If over the course of the shutdown, NPS expenditures or obligations become necessary to support commercial, concession or partner operations, the park superintendent must require a suspension in those operations. Park superintendents may not bring on additional staff in excess of numbers approved to support essential activities in order to provide for commercial, concession or partner operations.
- Commercial or CUA operators may donate resources to provide trash collection and similar essential visitor services in areas that remain accessible to the public during a shutdown if doing so will allow the concession to remain open.
  - o Commercial, concession or partner operators must provide funds in advance equal to the estimated cost to the park of providing required services (maintenance, waste removal, utilities, etc.) for at least three days. The NPS will refund remaining funds should the shutdown end in fewer days than the number of days for which the operator provided payment.

- If the NPS provides utilities without reimbursement, the partner must provide payment in advance equal to the estimated cost of providing those utilities for at least three days if they wish to remain open during the shutdown. The NPS will refund remaining funds should the shutdown end in fewer days than the number of days for which the operator provided payment. If the operator already pays NPS for utilities on a monthly or annual basis, no advance payment is necessary.

## **Special Events**

Park superintendents may allow special events and activities authorized by special use permits to continue if they meet the following criteria:

- The activity does not require park service personnel to provide monitoring for protection of resources or government property or monitoring for public health and safety protection such as crowd control.
- The activity does not require access to a closed NPS facility.

Special events or permitted special use activities that do not meet the above criteria are not allowed. In addition, the NPS will issue no new permits during a shutdown.

As always, law enforcement action may be taken in cases where there is a violation of NPS regulations, including if it reasonably appears that the special event or demonstration presents a clear and present danger to the public safety, good order, or health. This includes demonstrations that either qualify under the NPS small-group permit exception or demonstrations that have submitted an application, either before or after the shutdown that were not denied.

**Part 2: Designation of Excepted Personnel**

The following estimate of personnel required to carry out the essential activities defined reflects current estimates of excepted employees. Please note that this remains an estimate, as the number of excepted employees will continue to fluctuate throughout the shutdown period. Please also note that this list reflect positions, though duties may be shared by one or more employees. Employees who report for a very limited number of hours per week – such as a maintenance employee who must conduct a safety check on a facility system – are still considered “furloughed,” though they will maintain a log of hours conducting essential activities during the shutdown period.

<b>Total Employees Essential v. Furlough</b>	
NPS Employees	24,681
NPS Employees deemed essential*	3,298
NPS Essential for Visitor Protection (LE, EMS, Fire, USPP)	[2,111]
NPS Employees to be Furloughed	21,383

<b>Exception Summary by Organization</b>	
WASO Leadership	10
WASO Support Staff	40
Denver Service Center	21
Harper’s Ferry Center	7
U.S. Park Police	652
Alaska Region	41
Intermountain Region	777
Midwest Region	234
National Capital Region	122
Northeast Region	364
Pacific West Region	694
Southeast Region	326
<b>TOTAL NPS EXCEPTIONS</b>	<b>3,298</b>

\*Inclusive of employees paid by non-expiring fund sources