

Bearlodge Ranger District Outfitter & Guide Units and Service Days Proposal

Table 1. Visitor Service Day (VSD) Allocation

| Unit Number | Description | Big Game Service Days | Mountain Lion Service Days | Spring Turkey Service Days |
|-------------|--|-----------------------|----------------------------|----------------------------|
| 1 | Wyoming/South Dakota state line to Forest Boundary north of FSR 875/FSR 804 (Rattlesnake Canyon) to Forest Boundary south of Interstate 90 | 50 | 30 | 20 |
| 2 | Wyoming/South Dakota state line to Forest Boundary south of FSR 875/FSR 804 (Rattlesnake Canyon) to Crook/Weston County Line (Forest Boundary) | 20 | 30 | 0 |
| 2A | Black Buttes area between Hwy 585 and Moskee Rd | 15 | 0 | 0 |
| 4D | Middle Fork addition country parcel (T52N, R64W, Sec 20, 21, 28, 29, 30, 31, 32, 33) | 25 | 0 | 10 |
| 4E | Manly Hill addition country parcel (T52N, R64W, Sec 20, 21, 28, 29, 32) | 25 | 0 | 10 |
| 6 | Farrall Rd from FSR 838 (Warren Peak) north to Highway 24, including Table Mountain parcel (T54N, R62W, Sec 1, 2, 3) | 50 | 30 | 20 |
| 7 | North Bearlodge (North of Hwy 24) within Forest Boundary (does not include addition country parcels) | 60 | 50 | 20 |

20__ BLACK HILLS NATIONAL FOREST – ESTIMATED AND ACTUAL USE REPORT

| | |
|---------------------------------------|--|
| Outfitter Name: | |
| Operating Season (from-to): | |

ESTIMATED FEE DETERMINATION SHEET

Option B (3%) - Estimated Fee Calculation

Estimated number of service days: _____

Estimated Gross Revenue: \$ _____

Estimated Fee Calculation: $\frac{\$ \text{_____}}{\text{Gross Revenue}} \times 0.03 = \$ \text{_____}$

Estimated Billing:

1st Billing Preseason: \$130.00 (minimum)

2nd Billing - End of season, based on actual use, see tables below.

Final Trip Report

| Trip No. | 1 | 2 | 3 | 4 | 5 |
|---|----------|----------|----------|----------|----------|
| Trip Type (<i>hunting, paddling, hiking, etc.</i>) | | | | | |
| % Trip on NFS Lands | | | | | |
| Authorized NFS Client Days | | | | | |
| Actual NFS Client Days | | | | | |
| Gross Revenue | | | | | |
| Revenue Adjustment (includes additions to revenue, i.e. value of donated trips or exclusions, i.e. hunting and fishing licenses.) | | | | | |
| Net Revenue (<i>Gross revenue + or – revenue adjustments</i>) | | | | | |
| Off NFS Land Adj. Multiply by .2 for < 5% spent on NF lands, .6 for 5-60%, use 1 for >60%. | | | | | |
| Subtotal | | | | | |
| Total Fee | | | | | |

Please do not send a check to the permit administrator. You will receive a bill in the mail.

BLACK HILLS NATIONAL FOREST - ACTUAL USE REPORT, Continued

Final Trips

| Trip No. | 6 | 7 | 8 | 9 | 10 |
|---|----------|----------|----------|----------|-----------|
| Trip Type (<i>hunting, paddling, hiking, etc.</i>) | | | | | |
| % Trip on NFS Lands | | | | | |
| Authorized NFS Client Days | | | | | |
| Actual NFS Client Days | | | | | |
| Gross Revenue | | | | | |
| Revenue Adjustment (includes additions to revenue, i.e. value of donated trips or exclusions, i.e. hunting and fishing licenses.) | | | | | |
| Net Revenue (<i>Gross revenue + or – revenue adjustments</i>) | | | | | |
| Off NFS Land Adj. Multiply by .2 for < 5% spent on NF lands, .6 for 5-60%, use 1 for >60%. | | | | | |
| Subtotal | | | | | |
| Total Fee | | | | | |

Field Definitions for the Outfitter and Guide Rent Sheet:

| | |
|---|---|
| Trip Number | Trips with different itineraries and/or different client charges are generally listed separately for fee calculation purposes. |
| Trip Type | Type of outfitted trip (ie. turkey hunting, trail ride 1 hour, trail rides 2 hours, backpack, etc.) |
| Actual NFS Client Days | Number of client (service) days actually used. 1 person on NFS land per day regardless of amount of time spent. Count number of clients per day multiplied by total number of days per trip for total service days Ex: 5-day trips X 2 clients each day = 10 service days. 1-day trip x 10 clients each day = 10 service days. |
| Gross Revenue | The total amount of receipts from the sale of goods or services provided by the holder in connection with the outfitted or guided trip. These receipts include: <ol style="list-style-type: none"> 1. Revenue received by the holder from clients for goods or services provided during the outfitted or guided trip (the client charge per trip multiplied by the total number of clients on each trip.) 2. Revenue received by the holder or the holder's employees or agents for scheduling or booking the outfitted or guided trip. 3. Revenue from goods or services provided off National Forest System lands, such as lodging and meals, unless specifically excluded. 4. Revenue from insurance sales. |
| Revenue Adjustment | Revenue adjustments include revenue additions or exclusions as described below: <u>Revenue additions</u> – the market value of the following items which are added to gross revenue: <ol style="list-style-type: none"> 1. The value of goods and services that are donated or the value of goods and services that are bartered in exchange for goods and services received that are directly related to the outfitted or guided trip. 2. The value of gratuities, which are goods or services, or privileges that are not available to the general public and that are donated or provided without charge to organizations, individuals, the holder's employees, owners, or officers, or immediate family members of the holder's employees, owners, or officers. <u>Revenue exclusions</u> include: <ol style="list-style-type: none"> 1. Revenue derived from goods or services sold on private land that are not related to outfitting and guiding operations conducted on National Forest System lands, such as souvenirs or telephone toll charges. 2. Amounts paid or payable to a state government licensing authority or recreation administering agency from sales of hunting or fishing licenses and recreation fee tickets. 3. Revenue from the sale of operating equipment, rental equipment, capitalized assets, or other assets used in outfitting and guiding operations. Examples are horse tack, watercraft, and rental skis. |
| Adjusted Revenue | Gross revenue and revenue additions less applicable exclusions. |
| Off NFS Land Adjustment This will be calculated by the | The reduction in the fee for commercial use to account for the portion of the outfitted or guided trip that occurs off National Forest System land. Use .2 for < 5% spent on NF lands (80% reduction), .6 for 5-60% (40% reduction), use 1 for >60% (0% reduction). |

| | |
|------------------------------|---|
| permit administrator. | Total fee will be calculated by the permit administrator and a bill will be sent |
|------------------------------|---|

Appendix 4: Outfitter Guide Monitoring Checklist

O/G: _____

Observer: _____ Date: _____

| Safety | Acceptable | Needs Improvement | Unacceptable |
|--|------------|-------------------|--------------|
| 1. Vehicle and other equipment in good condition | | | |
| 2. Safety equipment (seatbelts, helmets, fire extinguisher, communication device, spare tire...) | | | |
| 3. Capacities and weight limits of vehicles are not exceeded | | | |
| 4. Safe driving practices | | | |
| 5. First aid kit | | | |
| 6. Weather dependent gear | | | |

| Permit Compliance | Acceptable | Needs Improvement | Unacceptable |
|--|------------|-------------------|--------------|
| 1. Stayed on allowed trails/roads and for appropriate amount of time | | | |
| 2. Respectful of members of the public | | | |
| 3. Travel and rest on durable surfaces/designated trails | | | |
| 4. All guides and vehicles wear nametag/Company logo | | | |
| 5. Followed all NF regulations | | | |
| 6. Client to guide ratio is not exceeded | | | |

| Interpretation | Acceptable | Needs Improvement | Unacceptable |
|---|------------|-------------------|--------------|
| 1. Accurate information | | | |
| 2. Engaging manner/presentation style | | | |
| 3. Multi-subject informational discussion | | | |
| 4. Represented the National Forest | | | |
| 5. Does not overwhelm clients (physically or informationally) | | | |
| 6. Responds to clients questions/interests | | | |

| Overview | Acceptable | Needs Improvement | Unacceptable |
|---|------------|-------------------|--------------|
| 1. Provided a meaningful service | | | |
| 2. Positive personal demeanor | | | |
| 3. Actual tour participants seemed to enjoy it | | | |
| 4. Company cooperates with the monitoring process | | | |
| 5. Safety seems to be an overall concern of the guide | | | |
| 6. Overall permit compliance by guide | | | |

Appendix 5- Performance Evaluation

Outfitter Guide Performance Evaluation Black Hills National Forest Bear Lodge Ranger District

Permit Holder: _____ Inspector: _____

Evaluation Period: _____ Date: _____

(A=Fully Acceptable, NI=Needs Improvement, U=Unacceptable, NC=Not Checked, NA=Not Applicable)

| A. Service to Public | A | NI | U | NC | NA |
|---|---|----|---|----|----|
| 1. Rates, services and accommodations provided as represented. | | | | | |
| 2. Holder shows courtesy to non-outfitted public. | | | | | |
| 3. Operations properly coordinated with other landowners, if required. | | | | | |
| 4. Compliance with requirements of Title VI of the Civil Rights Act. | | | | | |
| 5. Clients received educational and interpretive information about the area and its values. | | | | | |

Comments _____

| B. Compliance with Permit Conditions | A | NI | U | NC | NA |
|--|---|----|---|----|----|
| 1. Application, certificate of insurance, signing of permit and payments submitted accurately and on time. | | | | | |
| 2. Use reports submitted accurately and on time. | | | | | |
| 3. Compliance with Federal, State, and County laws and regulations as required by permit. | | | | | |
| 4. Compliance with other terms and conditions. | | | | | |

Comments _____

| C. Compliance with Operating Plan. | A | NI | U | NC | NA |
|--|---|----|---|----|----|
| 1. Holder participated in operating plan preparation. | | | | | |
| 2. Holder's employees knowledgeable of operating plan contents. | | | | | |
| 3. Adherence to operating plan, schedules, and itineraries, notification of changes. | | | | | |
| 4. Adherence to camp management plans, permitted structures, use of site(s). | | | | | |

Comments _____

| D. Equipment/Livestock | A | NI | U | NC | NA |
|--|---|----|---|----|----|
| 1. Equipment provided as advertised | | | | | |
| 2. Equipment safe and well maintained. | | | | | |
| 3. Boats, aircraft, or vehicles licensed or certified when required. | | | | | |

Prospectus for an Opportunity for Outfitting and Guiding on the Black Hills National Forest

| D. Equipment/Livestock | A | NI | U | NC | NA |
|---|---|----|---|----|----|
| 4. Livestock treated properly and humanely. | | | | | |

Comments _____

| E. Safety | A | NI | U | NC | NA |
|--|---|----|---|----|----|
| 1. Holder exhibits a concern for health and safety of guests, employees, and general public. | | | | | |
| 2. Staff current with first aid and knowledgeable of safety procedures. | | | | | |
| 3. Guests receive a safety orientation to the operation. | | | | | |

Comments _____

| F. Resource Protection | A | NI | U | NC | NA |
|---|---|----|---|----|----|
| 1. Holder uses minimum impact techniques. | | | | | |
| 2. Operation neat and orderly. | | | | | |
| 3. Compliance with fire regulations, Fish and Game regulations, protection of Cultural Resources. | | | | | |
| 4. Following appropriate procedures for human waste management and garbage. | | | | | |
| 5. Protection of threatened and endangered species. | | | | | |

Comments: _____

| G. Major Incidents, if any | A | NI | U | NC | NA |
|--|---|----|---|----|----|
| This category relates to handling of unusual incidents, accidents, death, significant resource damage, serious violation of law, or confrontations. Describe in separate attachments to this form. | | | | | |

Other Comments: _____

Overall Rating: Acceptable ___ Probationary ___ Unacceptable ___

 Outfitter-Guide Signature
 Date: _____

 Permit Administrator Signature
 Date: _____

Applicable Forest Orders

Included in this appendix are all regionwide and forest wide orders which apply to the Black Hills National Forest, Bearlodge Ranger District. They appear in order by effective date beginning with the most recent. Additional orders, individually specific to each district, are available on the forest webpage. This webpage will also provide the most up to date closures and orders.

Table 1. Applicable Forest Orders.

| Effective Date | Order # | Description |
|-----------------------|----------------|---|
| August 1, 2023 | BKF-172-2023 | Area and Trail Closure |
| December 16, 2022 | R02-2023-01 | Explosives and Exploding Targets |
| May 17, 2021 | R02-2021-01 | Occupancy and Use Restrictions |
| December 16, 2020 | R02-2020-05 | Weed Free Forage Products Order |
| May 21, 1998 | 044-98 | Special Closure – Concentrated Public Use Areas and Developed Recreation Areas |
| December 9, 1998 | BHNF-046-98 | Special Restriction – Length of Stay Restrictions and Reservation Campgrounds Black Hills National Forest |

Order Number: # BKF-172-2023



**U.S. Department of Agriculture, U.S. Forest Service
Black Hills National Forest
Bearlodge Ranger District**

Area and Trail Closure

PROHIBITIONS

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.50 (a) and (b), the following are prohibited on the National Forest System (NFS) lands and trails in the Bearlodge Ranger District, Black Hills National Forest, described below and shown on the attached map incorporated into this Order as Exhibit A (the "Described Area and Trail"):

1. Going into or being upon the Described Area. 36 C.F.R. § 261.53(e).
2. Being on the Described Trail. 36 C.F.R. § 261.55(a).

EXEMPTIONS

Pursuant to 36 C.F.R. § 261.50(e), the following persons are exempt from this Order:

1. Persons with Forest Service Permit No. FS-7700-48 (Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order), specifically exempting them from this Order or a written determination by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 251.50(e)(1) or (2).
2. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting service in the performance of an official duty.

DESCRIBED AREA AND TRAIL

The Described Area includes a portion of the Cook Lake Recreation Area and the Described Trail includes a segment of NFS Trail #88.

The Described Area is with Township 53 North, Range 63 West, Section 10 and Section 15. The Described Area includes sixty-nine acres of NFS lands extending west of Cook Lake and southwest of Cook Lake's southern tip. The Described Area is enclosed on the western, northern, and southern sides by a fence.

PURPOSE

The purpose of this Order is to protect public health and safety by closing the Described Area and Trail due to the ongoing risk of landslides.

Order Number: # BKF-172-2023**IMPLEMENTATION**

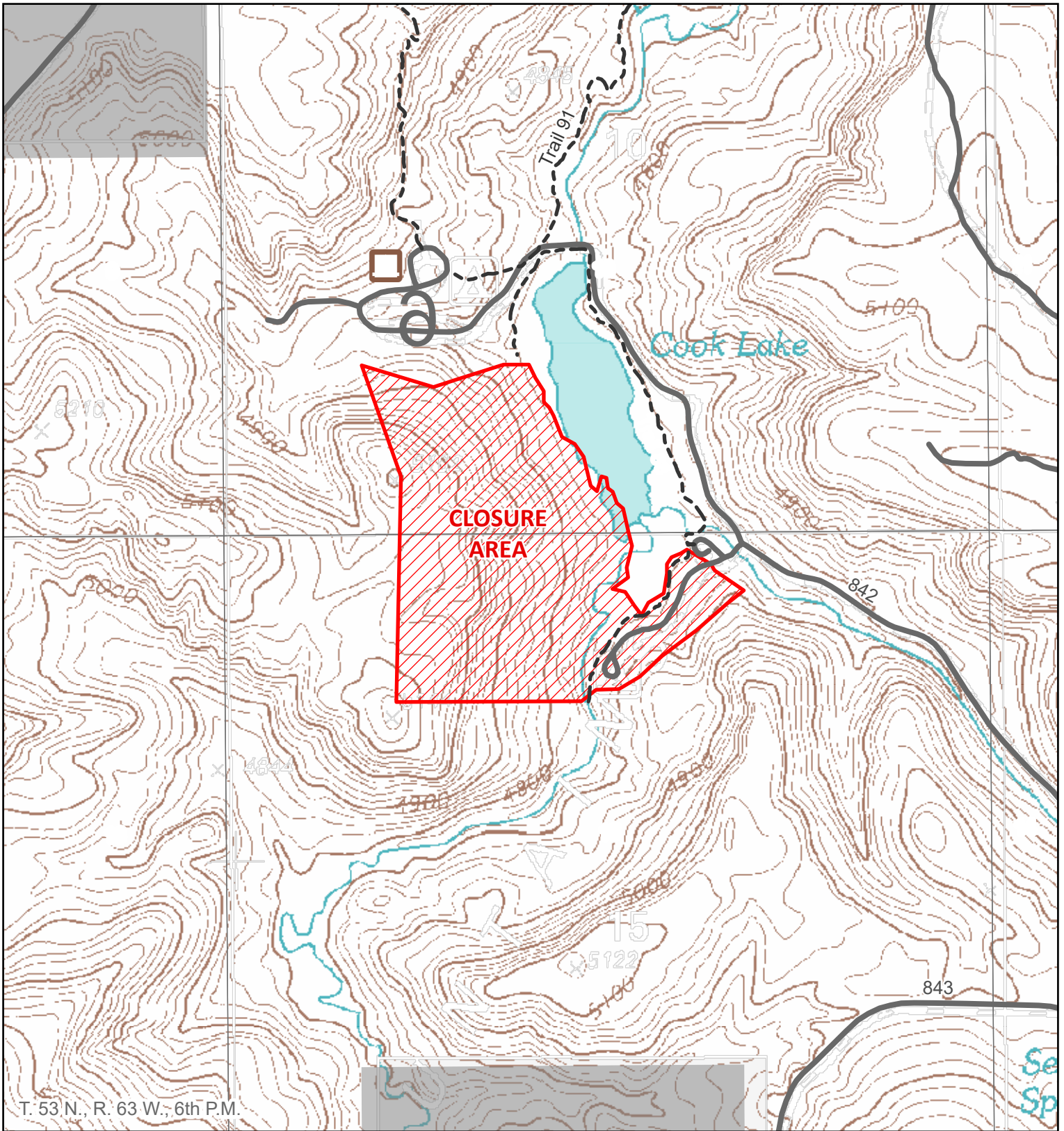
1. This Order shall be in effect from Monday, August 1, 2023, at 8:00AM through August 1, 2028, at 4:30PM, unless rescinded.
2. A map identifying the Described Area and Trail is attached and made part of this Order as Exhibit A. For a digital version of this Order and Exhibit A, go to <https://www.fs.usda.gov/alerts/blackhills/alerts-notice>.
3. Unless otherwise expressly defined in this Order, the terms used in this Order are defined by the regulations of the Secretary of Agriculture, 36 C.F.R. Chapter II, Parts 200-299. If there are terms in this Order that are not expressly defined in the Order or 36 C.F.R. Chapter II, Parts 200-299, their meaning shall be determined by their plain language definitions.
4. A violation of the above prohibitions is punishable as a Class B misdemeanor by a fine of not more than \$5,000 for individuals and \$10,000 for organizations, or by imprisonment for not more than six months, or both. 16 U.S.C. § 551; 18 U.S.C. §§ 3559, 3571, and 3581.
5. Contact the Bearlodge Ranger District in Sundance, Wyoming, (307) 283-1361, and Black Hills National Forest Supervisor's Office in Custer, South Dakota, (605) 673-9200, for more information about this Order.
6. This Order supersedes any previous Orders prohibiting the same or similar acts in or on the same Described Area and Trail.

Signed and issued on August 1, 2023 .

| | |
|-------------------------|---|
| TONI STRAUSS | Digitally signed by TONI STRAUSS Date: 2023.08.01 13:08:00 -06'00' |
|-------------------------|---|

Toni Strauss
Acting Forest Supervisor
Black Hills National Forest






cc: Patrick Champa, Emily Reif, Ralph Adam, Bradley Block, and Karl Emanuel

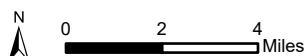


T. 53 N., R. 63 W., 6th P.M.



Closure Order
BKF-172-2023
Exhibit A

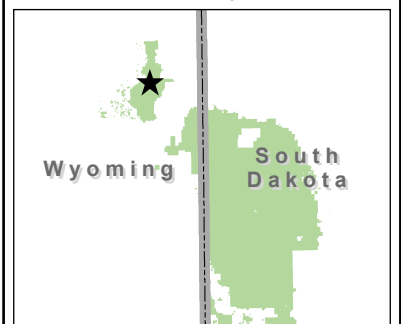
-  Closure area - 82 acres
-  Road
-  Trail
-  Non-NFS lands
-  Camping area



Black Hills National Forest
Bearlodge Ranger District

Disclaimer: The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

Vicinity



Order Number: # R02-2023-01



U.S. Department of Agriculture, U.S. Forest Service Rocky Mountain Region

Explosives and Exploding Targets

PROHIBITION

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.50 (a) and (b), the following is prohibited on all National Forest System (NFS) within Region 2, Rocky Mountain Region, including all NFS roads and trails within that area, which is described below (“Described Area”):

1. Using an explosive, which is any chemical compound, mixture, or device that has the primary or common purpose of which is to function by explosion (including exploding targets). 36 C.F.R. § 261.52(b).

EXEMPTIONS

Pursuant to 36 C.F.R. § 261.50(e), the following persons are exempt from this Order:

1. Persons with Forest Service Permit No. FS-7700-48 (Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order), specifically exempting them from this Order or a written determination by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 251.50(e)(1) or (2).
2. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty.
3. Persons using black powder or other muzzleloader propellant, and its associated ignition source, for legal hunting or recreational shooting with a muzzleloader that does not include firing at or using exploding targets.

DESCRIBED AREA

All NFS within Region 2, Rocky Mountain Region, including all NFS roads and trails within that area. The Rocky Mountain Region encompasses the following National Forests (NF) and National Grasslands (NGL):

| | | |
|----------|--|---|
| Colorado | Arapaho & Roosevelt NF Grand Mesa, Uncompahgre & Gunnison NF Rio Grande NF Pike & San Isabel NF Routt NF | San Juan NF White River NF Comanche NGL Pawnee NGL |
|----------|--|---|

Order Number: # R02-2023-01

| | | |
|--------------|--|-------------------------------------|
| Wyoming | Bighorn NF Medicine Bow NF Shoshone NF | Thunder Basin NGL Black Hills NF |
| South Dakota | Black Hills NF Buffalo Gap NGL Fort Pierre NGL | |
| Nebraska | Nebraska & Samuel R. McKelvie NF Oglala NGL | |
| Kansas | Cimarron NGL | |

PURPOSE

The purpose of this Order is to protect public safety and natural resources.

IMPLEMENTATION

4. This Order shall be in effect from January 1, 2023 at 12:01 am through December 31, 2024 at 11:59 pm, unless rescinded.
5. Unless otherwise expressly defined in this Order, the terms used in this Order are defined by the regulations of the Secretary of Agriculture, 36 C.F.R. Chapter II, Parts 200-299. If there are terms in this Order that are not expressly defined in the Order or 36 C.F.R. Chapter II, Parts 200-299, their meaning shall be determined by their plain language definitions.
6. A violation of the above prohibitions is punishable as a Class B misdemeanor by a fine of not more than \$5,000 for individuals and \$10,000 for organizations, or by imprisonment for not more than six months, or both. 16 U.S.C. § 551; 18 U.S.C. §§ 3559, 3571, and 3581.
7. Contact the Regional Office in Lakewood, CO, (303) 275-5350, for more information about this Order.
8. This Order supersedes any previous Orders prohibiting the same or similar acts in the same Described Area.

Signed and issued on December 16, 2022.

FRANK
BEUM

Digitally signed by
FRANK BEUM
Date: 2022.12.16
15:04:29 -07'00'

Frank Beum
Regional Forester
Rocky Mountain Region

ORDER # R02-2021-01

**REGIONAL CLOSURE ORDER
Occupancy and Use Restrictions**

**USDA FOREST SERVICE
ROCKY MOUNTAIN REGION**

Pursuant to 16 U.S.C. §551 and 36 C.F.R. Part 261, Subpart B, the following acts are prohibited on all National Forest System (NFS) lands within the Rocky Mountain Region (Region 2) of the United States Department of Agriculture, Forest Service in Colorado, Kansas, Nebraska, South Dakota, and Wyoming (the "Restricted Area").

This Regional Order is supplemental to and does not rescind or replace those restrictions in 36 C.F.R. Part 261, Subpart A, or any Forest Supervisor Order issued under 36 C.F.R. Part 261, Subpart B. This Regional Order is necessary to protect the public health and safety in the Rocky Mountain Region.

RESTRICTED AREAS: The Restricted Area includes the following National Forests ("NF") and National Grasslands ("NGL"):

COLORADO

Arapaho & Roosevelt NF
Grand Mesa, Uncompahgre,
and Gunnison NF
Routt NF
Pike & San Isabel NF
Rio Grande NF
San Juan NF
White River NF
Comanche NGL
Pawnee NGL

KANSAS

Cimarron NGL

SOUTH DAKOTA

Black Hills NF
Buffalo Gap NG
Fort Pierre NGL

NEBRASKA

Nebraska & Samuel R. McKelvie NF
Oglala NGL

WYOMING

Bighorn NF
Medicine Bow NF
Shoshone NF
Thunder Basin NGL
Black Hills NF

PROHIBITIONS: This Order prohibits the following acts in the Restricted Area:

1. Operating a motor vehicle on NFS roads in violation of applicable state, county, or local government law, regulation, or ordinance relating to the operation, use, or possession of motor vehicles. 36 C.F.R. § 261.54(d) -
2. Operating a motor vehicle on NFS roads carelessly, recklessly, without regard for the rights or safety of other persons, or in a manner or at a speed that would endanger or likely endanger any person or property. 36 C.F.R. § 261.54(f) -
3. Parking or leaving a vehicle in violation of posted instructions. 36 C.F.R. § 261.58(g)
4. Using a NFS road for commercial hauling without a permit or written authorization from the Forest Service, except to provide authorized public services or incidental services for persons with NFS in-holdings or recreational special use authorizations. 36 C.F.R. § 261.54(c)
5. Possessing an open container, which is defined as an alcoholic beverage by applicable state law on NFS roads. 36 C.F.R. § 261.58(bb)

Order Number R02-2021-01

6. Possessing or consuming an alcoholic beverage, as defined by applicable state law, if you are under 21 years old. 36 C.F.R. § 261.58(bb) -
7. Possessing, storing, or transporting a cannabis plant, any part of a cannabis plant, or any substance derived from a cannabis plant . 36 C.F.R. § 261.58(t)
8. Possessing, discharging, or using any kind of firework or pyrotechnic device. 36 C.F.R. § 261.52(f)
9. Operating or using any internal combustion engine without a properly installed and maintained spark arresting device that complies with either Forest Service Standard 5100-1a (as amended), or Society of Automotive Engineers recommended practices J335(b) and J350(a). 36 C.F.R. § 261.52(j). -

EXEMPTIONS:

Pursuant to 36 CFR § 261.50(e), the following persons are exempt from this Order:

- 1) Persons with Forest Service Permit No. FS-7700-48 (Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order) specifically exempting them from this Order.
- 2) Any Federal, State or local officer or member of an organized rescue or firefighting force in the performance of an official duty.

This Order supersedes, rescinds and replaces Order R2-2020-04 signed December 16, 2020

This Order shall remain in effect for three (3) year from the date signed, or until rescinded, whichever event occurs first .

Executed in Lakewood, Colorado this ____ day of May, 2021



Digitally signed by FRANK BEUM
Date: 2021.05.17 16:36:50 -06'00'

Frank R. Beum
Regional Forester
Rocky Mountain Region

A violation of the prohibitions in this Order is punishable as a Class B misdemeanor by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than 6 months, or both. (16 U.S.C. § 551 and 18 U.S.C §§ 3559 and 3571).

ORDER # R02-2020-05

**REGIONAL CLOSURE ORDER
Weed Free Forage Products Order**

**USDA FOREST SERVICE
ROCKY MOUNTAIN REGION**

Pursuant to 16 U.S.C. §551 and 36 C.F.R. Part 261, Subpart B, the following acts are prohibited on all National Forest System (NFS) lands within the Rocky Mountain Region (Region 2) of the United States Department of Agriculture, Forest Service in Colorado, Kansas, Nebraska, South Dakota, and Wyoming (the "Restricted Area").

This Regional Order is supplemental to and does not rescind or replace those restrictions at 36 C.F.R. Part 261, Subpart A, or any Forest Supervisor Order issued under 36 C.F.R. Part 261, Subpart B. This Regional Order is necessary to prevent the introduction and spread of noxious weeds on NFS lands.

RESTRICTED AREA: The Restricted Area includes the following National Forests ("NF") and National Grasslands ("NGL"):

COLORADO

Arapaho & Roosevelt NF
Grand Mesa, Uncompahgre,
and Gunnison NF
Routt NF
Pike & San Isabel NF
Rio Grande NF
San Juan NF
White River NF
Comanche NGL
Pawnee NGL

KANSAS

Cimarron NGL

NEBRASKA

Nebraska & Samuel R. McKelvie NF
Oglala NGL

SOUTH DAKOTA

Black Hills NF
Buffalo Gap NG
Fort Pierre NGL

WYOMING

Bighorn NF
Medicine Bow NF
Shoshone NF
Thunder Basin NGL
Black Hills NF

PROHIBITIONS: This Order prohibits the following acts in the Restricted Area:

Possessing, unloading or using any hay, hay cubes, straw, grain, or other forage or mulch product (except for feed pellets less than an inch in diameter or steam-rolled oats) without:

1. Original and current documentation that meets or exceeds the North American Weed Free Forage (NAWFF) standards, or a comparable State certification standard; and
2. Tags, twine, or other certification marking required by the product's State of origin on all individual bales, containers, sacks, etc. 36 C.F.R. § 261.58(t).

EXEMPTIONS:

Pursuant to 36 CFR § 261.50(e), the following persons are exempt from this Order:

1. Persons with Forest Service Permit No. FS-7700-48 (Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order) specifically exempting them from this Order. 36 C.F.R. § 261.50(e)(1)
2. Any member of an organized rescue force in the performance of an official duty under emergency conditions. 36 C.F.R. § 261.50(e)(4)

This Order will be in effect from 12:01 am on January 1st, 2021 and will remain in effect until December 31, 2024 or until rescinded, whichever event occurs first.

Executed in Lakewood, Colorado this ____ day of December, 2020

PATRICIA
O
CONNOR

Digitally signed by
PATRICIA O
CONNOR
Date: 2020.12.16
15:28:28 -07'00'

Patricia O'Connor
Regional Forester (Acting)
Rocky Mountain Region

A violation of the prohibitions in this Order is punishable as a Class B misdemeanor by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than 6 months, or both. (16 U.S.C. § 551 and 18 U.S.C §§ 3559 and 3571).

ORDER

SPECIAL CLOSURE

CONCENTRATED PUBLIC USE AREAS
AND DEVELOPED RECREATION AREAS

PACTOLA RESERVOIR, SHERIDAN LAKE, DEERFIELD LAKE, BISMARCK LAKE, DALTON LAKE,
COOK LAKE, CASCADE COMPLEX, HORSETHIEF LAKE, LAKOTA LAKE, ROUBAIX LAKE,
AND WILLOW CREEK HORSE CAMP.

BLACK HILLS NATIONAL FOREST

Pursuant to 36 CFR 261.50 (a), the following acts are prohibited in the areas described in this order (see "EXHIBITS A - K") within the, Black Hills National Forest, until rescinded.

This Order Prohibits:

CAMPING IN ANY AREA, OTHER THAN DEVELOPED SITES, POSTED AS CAMPGROUNDS. 36 CFR 261.58(e)

BEING IN THE AREA BETWEEN 10 P.M. AND 6 A.M. EXCEPT A PERSON WHO IS CAMPING OR WHO IS VISITING A PERSON CAMPING IN THAT AREA. 36 CFR 261.58(u)

POSSESSING OR OPERATING A MOTORBOAT IN ANY DESIGNATED SWIMMING AREA OR IN VIOLATION OF STATE LAW SDCL 42-8-46. 36 CFR 261.53(e)

OPERATING ANY WATERCRAFT IN EXCESS OF THE POSTED SPEED LIMIT. 36 CFR 261.58(q)

The following are also prohibited by area or site specific:

POSSESSING OR OPERATING ANY MOTORIZED WATERCRAFT (EXCEPT ELECTRIC MOTORS) ON LAKOTA LAKE, BISMARCK LAKE, COOK LAKE, HORSETHIEF LAKE OR ROUBAIX LAKE. 36 CFR 261.58(n)

STORING OR LEAVING A BOAT OR RAFT AT THE BOAT DOCKS FOR ANY PURPOSE OTHER THAN LOADING OR UNLOADING PASSENGERS OR EQUIPMENT AT PACTOLA RESERVOIR, SHERIDAN LAKE OR DEERFIELD LAKE. 36 CFR 261.58(p)

STORING OR LEAVING A BOAT OR RAFT AT THE BOAT DOCKS UNATTENDED FOR MORE THAN 30 MINUTES AT PACTOLA RESERVOIR, SHERIDAN LAKE OR DEERFIELD LAKE. 36 CFR 261.58(p)

HUNTING WITHIN THE CONCENTRATED PUBLIC USE AREAS OR DEVELOPED RECREATION AREAS AT HORSETHIEF LAKE OR SHERIDAN LAKE. 36 CFR 261.58(v)

Pursuant to 36 CFR 261.50(e), the following are EXEMPT from this order:

1. Persons with a permit specifically authorizing the otherwise prohibited act.
2. Any Federal, State or local officer, or member of an organized rescue of firefighting force in the performance of an official duty.

Done at Custer, South Dakota, this 21st day of May 1998.


JOHN C. TWISS
Forest Supervisor

Violation of this prohibition is punishable by a fine of not more than \$5,000.00 or imprisonment for not more than six(6) months or both. Title 16 USC, Section 551.

JUSTIFICATION

These regulations are intended to protect natural and physical resources at Concentrated Public Use Areas and Developed Recreation Areas, as well as, provide for the safety of Forest users.

SUB PART B ORDER
 REQUEST/JUSTIFICATION FORM DATE: March 20, 1997
 ORDER NUMBER:

SUBMIT THE FOLLOWING INFORMATION.

1. STATE THE DESIRED PROHIBITED ACT:

See Order.

2. REASON FOR THE ORDER:

In the past both natural and physical features have been disturbed causing damage to the resources. With the increase in uses by forest visitors a safety consideration is necessary.

3. HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM?

DESCRIBE:

On site information using bulletin boards, personal contacts have been used but occasionally have been inadequate to address all negative behavior.

4. PERIOD OF TIME THE ORDER WILL BE IN EFFECT:

Until rescinded.

5. LIST THOSE EXEMPT FROM THE ORDER:

Any Federal, State or Local Officer, or member of an organized rescue or fire fighting force in the performance of an official duty or person whose use is authorized by the Forest Supervisor under a permit, lease, license or contract.

6. HAS AN ENFORCEMENT PLAN AND A SIGN PLAN BEEN ESTABLISHED?:

Who will enforce the order?: Concessionaire: By establishing similar house rules. If house rules are violated the County Sheriff will enforce according to appropriate State laws. The Forest Service does not waive its right to enforce its regulations.

Who will ensure proper signing?: Ranger District personnel.

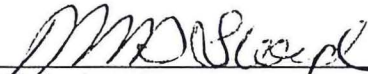
7. WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT?:

No.

8. HAS PUBLIC BEEN NOTIFIED? Yes.

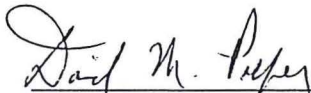
DESCRIBE: By posting according to 36 CFR 261.51(a) Placing a copy of the order imposing each prohibition in the offices of the Forest Supervisor and District Ranger, and 36 CFR 261.51(b) Displaying each prohibition imposed by an order in such locations and manner as to reasonably bring the prohibition to the attention of the public.

10. COMPLETE THE ORDER USING THIS CHECK LIST. When complete, forward the original request to the SO, Attn.: Law Enforcement. The request will be routed to the appropriate staff officer, Public Information Officer, and Forest Supervisor.

Reviewed:  5-21-98
District Ranger, CU/EM Date


Reviewed:  5/20/98
District Ranger, PA/HA Date

Reviewed: 151 J. Thomas Millard 5/21/98
District Ranger, SP/NE Date

Reviewed:  5/19/98
District Ranger, BL Date

Reviewed:  5/1/98
So. Zone Law Enforcement Officer Date

Reviewed:  5/2/98
No. Zone Law Enforcement Officer Date

Reviewed:  5/6/98
Supervisory Law Enforcement Officer Date

Reviewed:  5/21/98
Public Information Officer Date

Reviewed:  5/21/98
Asking Forest Staff Officer Date

10. COMPLETE THE ORDER USING THIS CHECK LIST. When complete, forward the original request to the SO, Attn.: Law Enforcement. The request will be routed to the appropriate staff officer, Public Information Officer, and Forest Supervisor.

Reviewed: _____
District Ranger, CU/EM Date

Reviewed: Ray L. Allie 5/20/98
District Ranger, PA/HA Date

Reviewed: Thomas Mulford 5/21/98
District Ranger, SP/NE Date

Reviewed: David M. Papp 5/19/98
District Ranger, BL Date

Reviewed: Philip H. Semon 5/1/98
So. Zone Law Enforcement Officer Date

Reviewed: _____
No. Zone Law Enforcement Officer Date

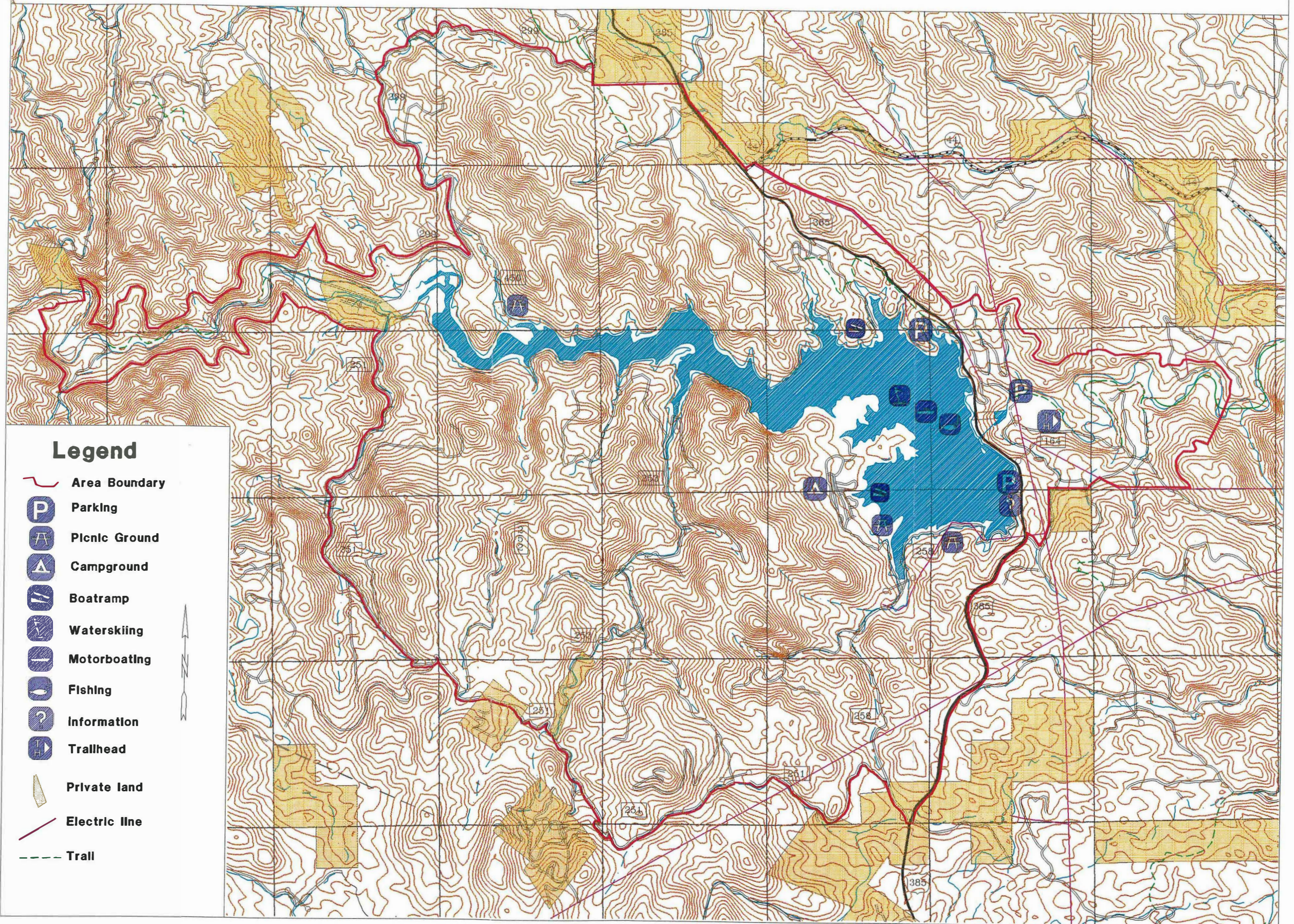
Reviewed: Justin Puchert 5/6/98
Supervisory Law Enforcement Officer Date

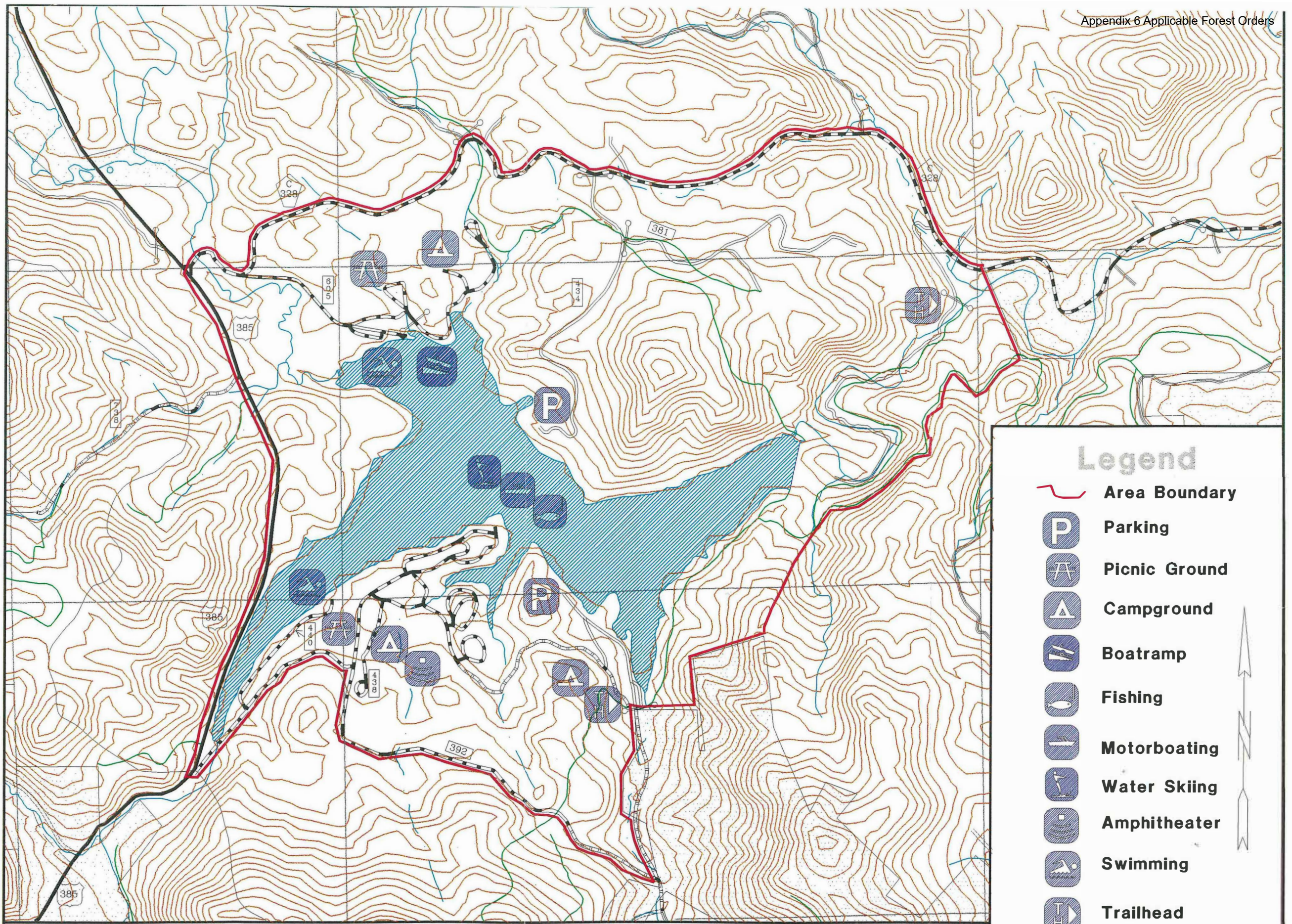
Reviewed: Glen M. Wacht 5/21/98
Public Information Officer Date

Reviewed: _____
Forest Staff Officer Date














Pactola Lake Area

EXHIBIT - A



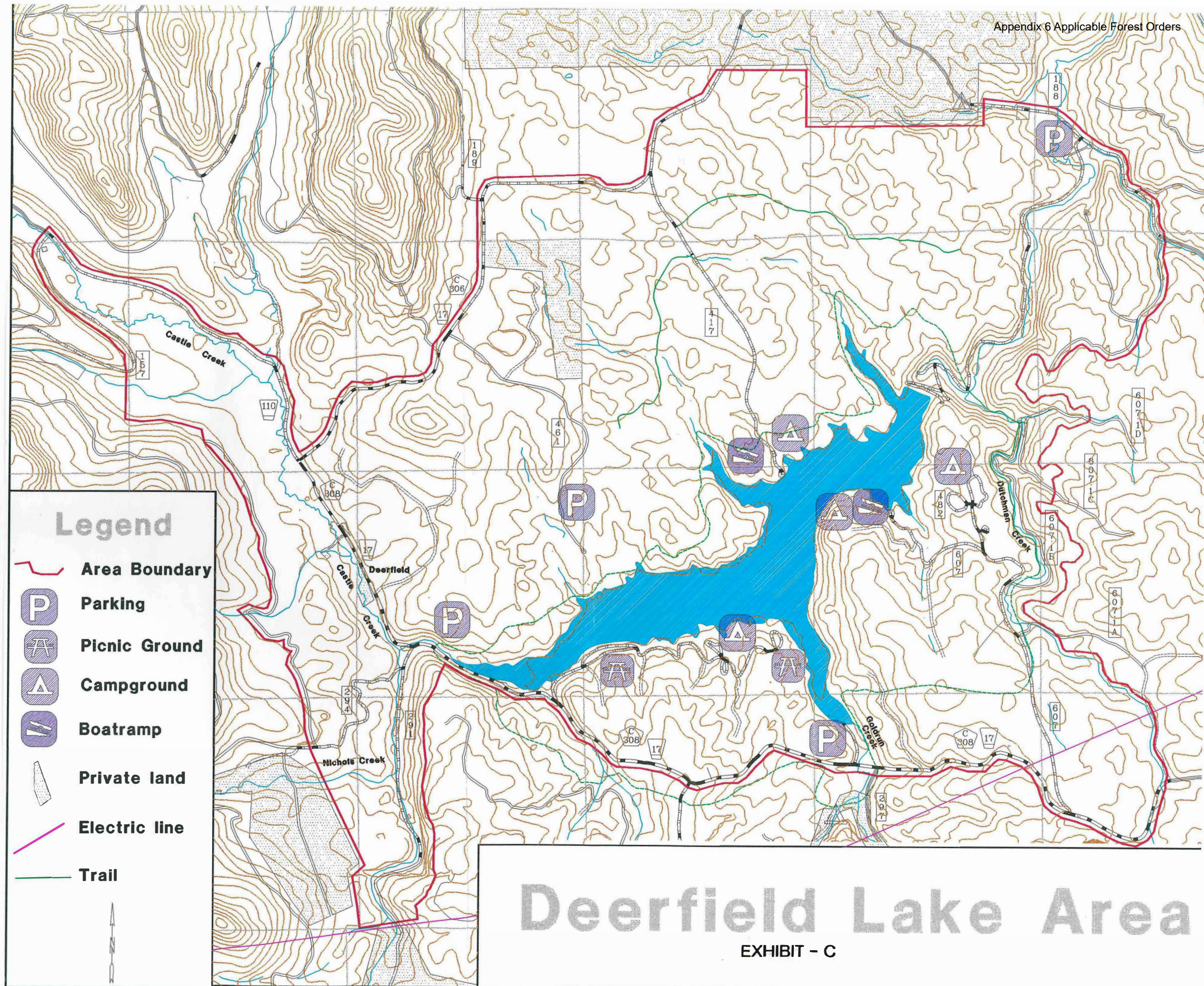


Legend

-  Area Boundary
-  Parking
-  Picnic Ground
-  Campground
-  Boatramp
-  Fishing
-  Motorboating
-  Water Skiing
-  Amphitheater
-  Swimming
-  Trailhead
-  Private land
-  Trail

Sheridan Lake Area

EXHIBIT - B



BISMARCK LAKE RECREATION AREA

EXHIBIT - D

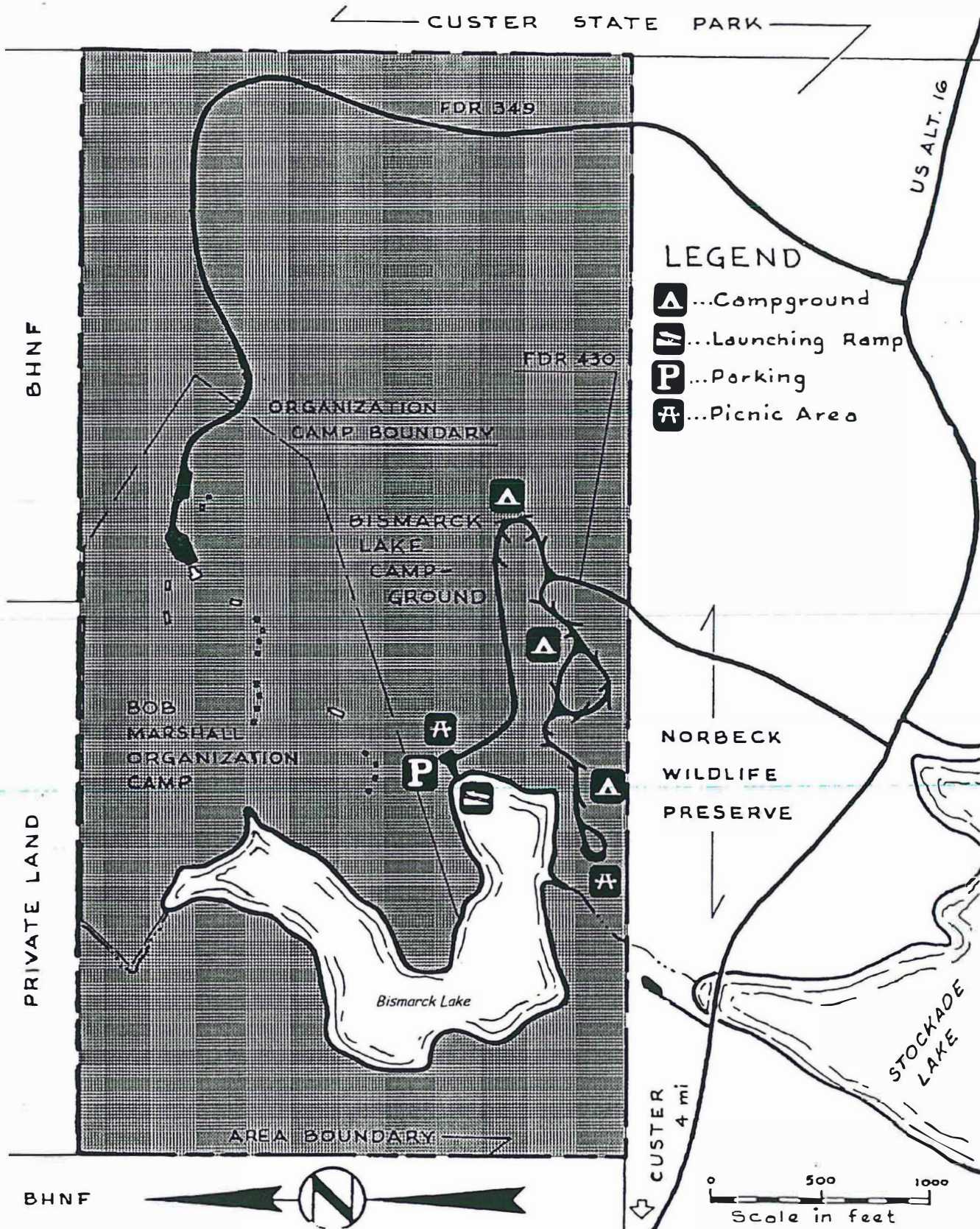


EXHIBIT - E

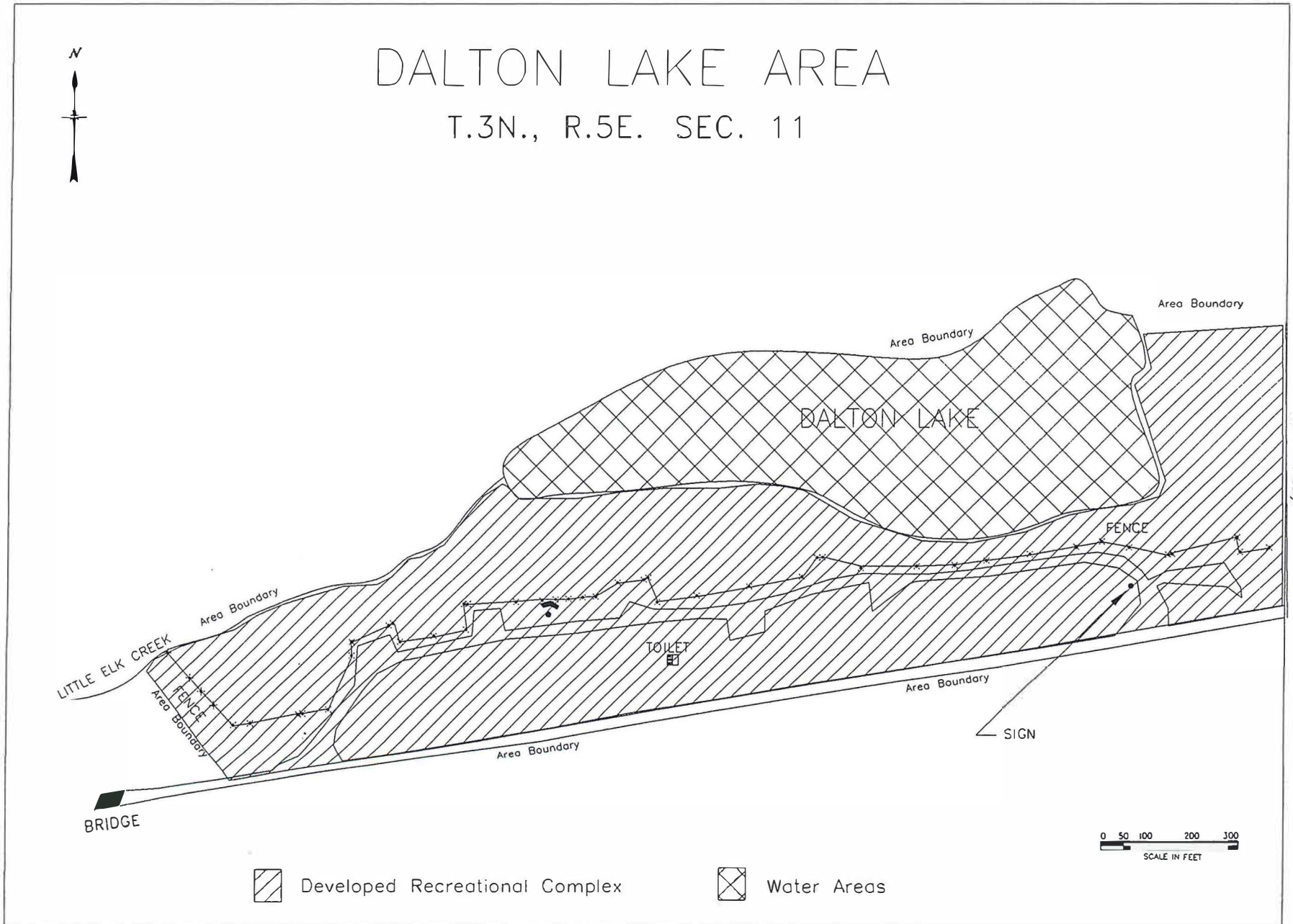
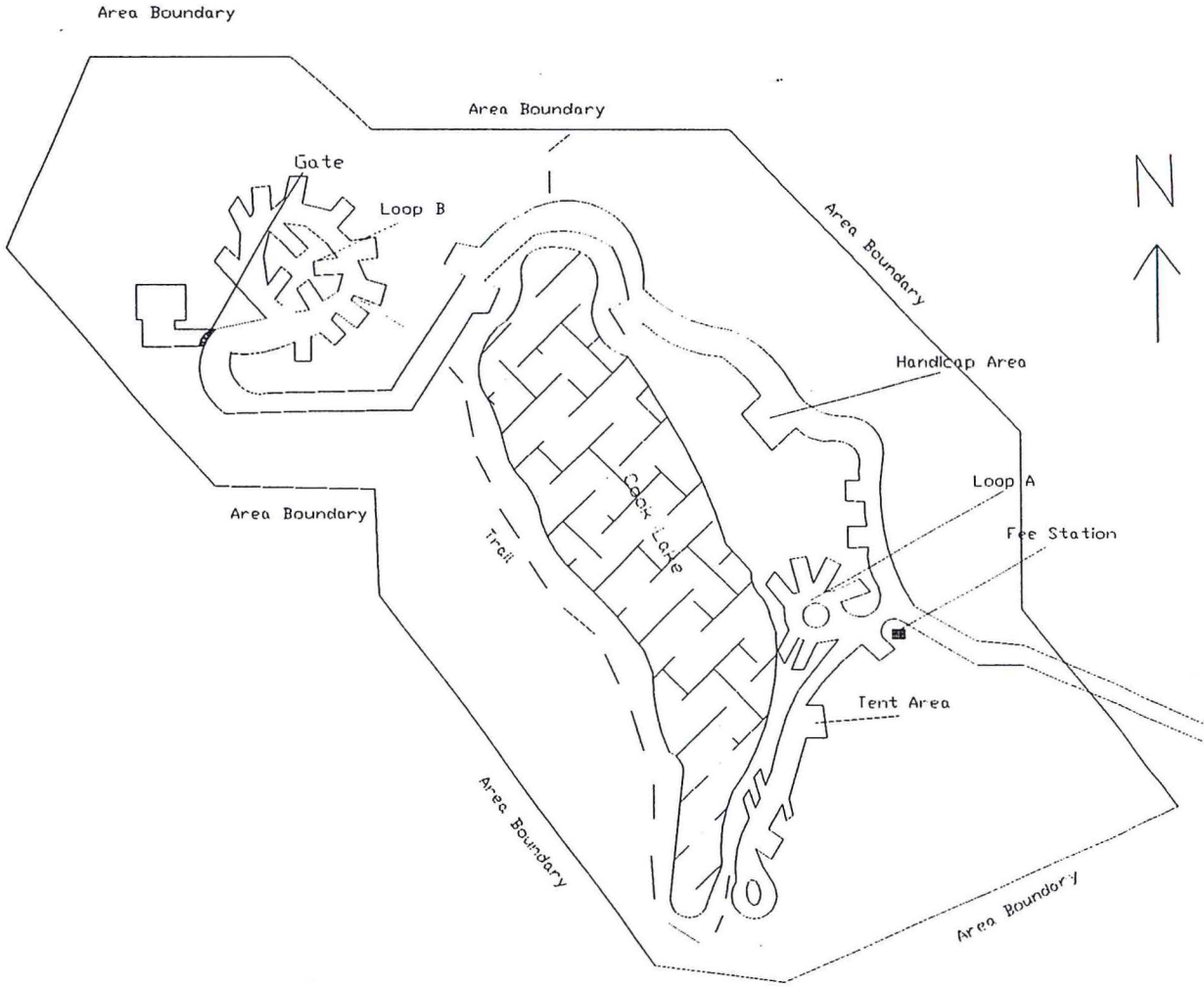


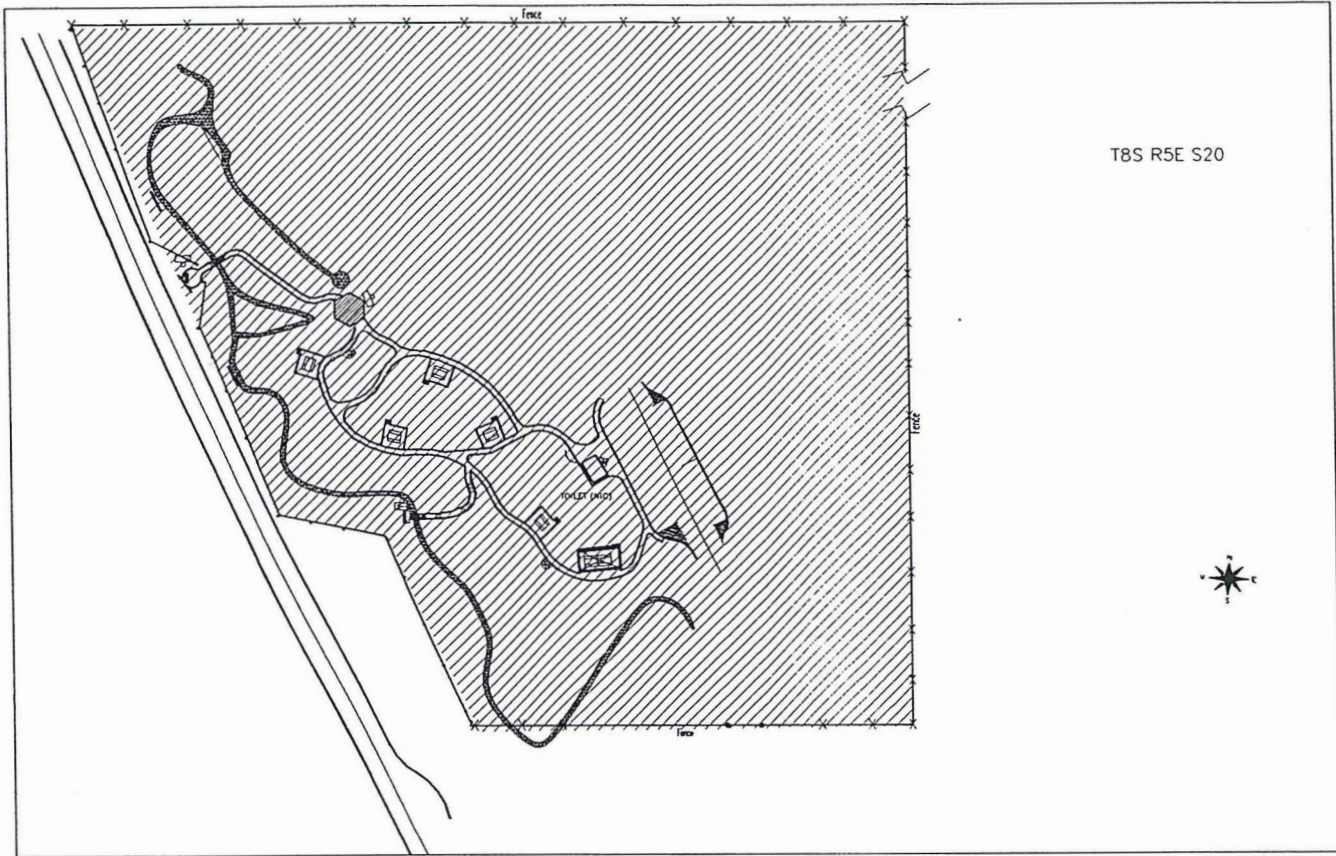
EXHIBIT - F

Cook Lake Concentrated Public Use Area



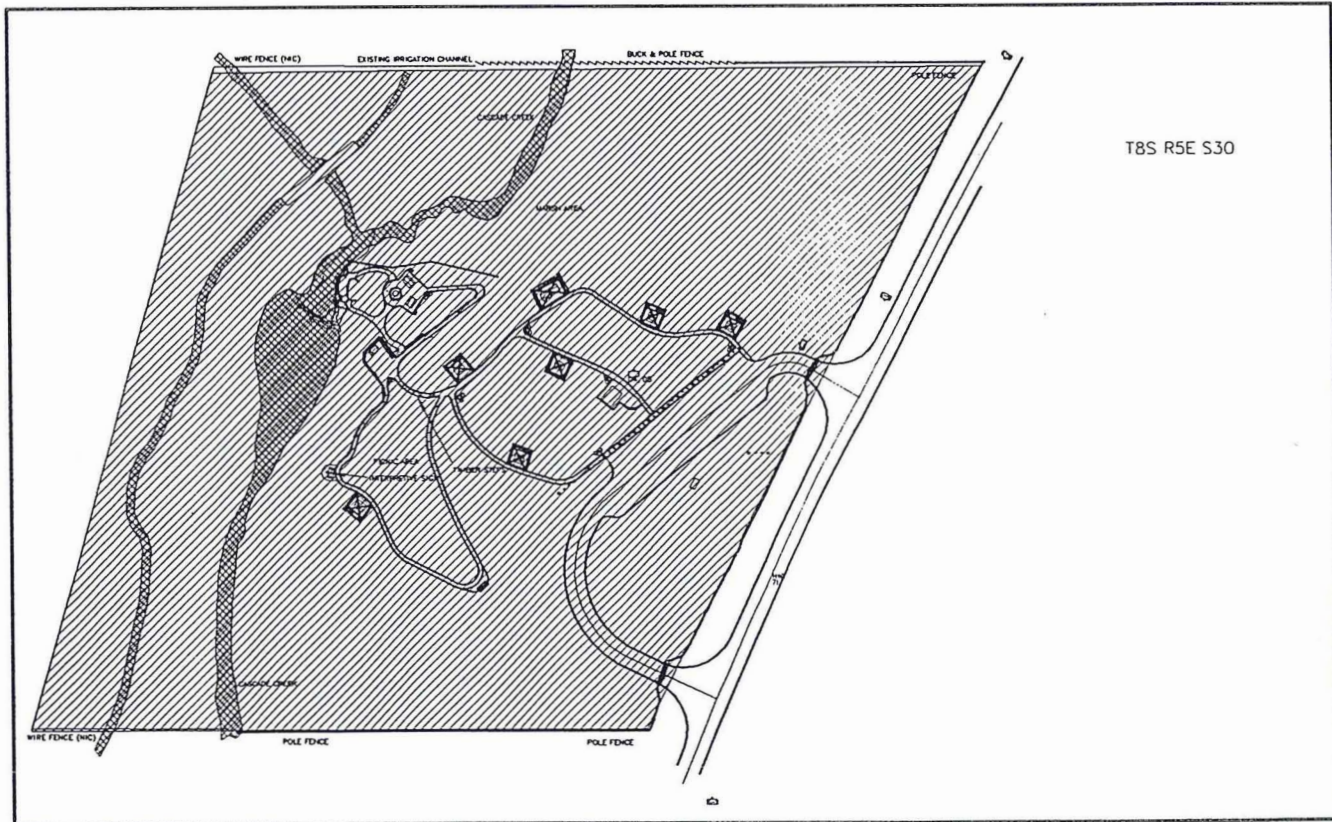
CASCADE COMPLEX AREA

EXHIBIT - G



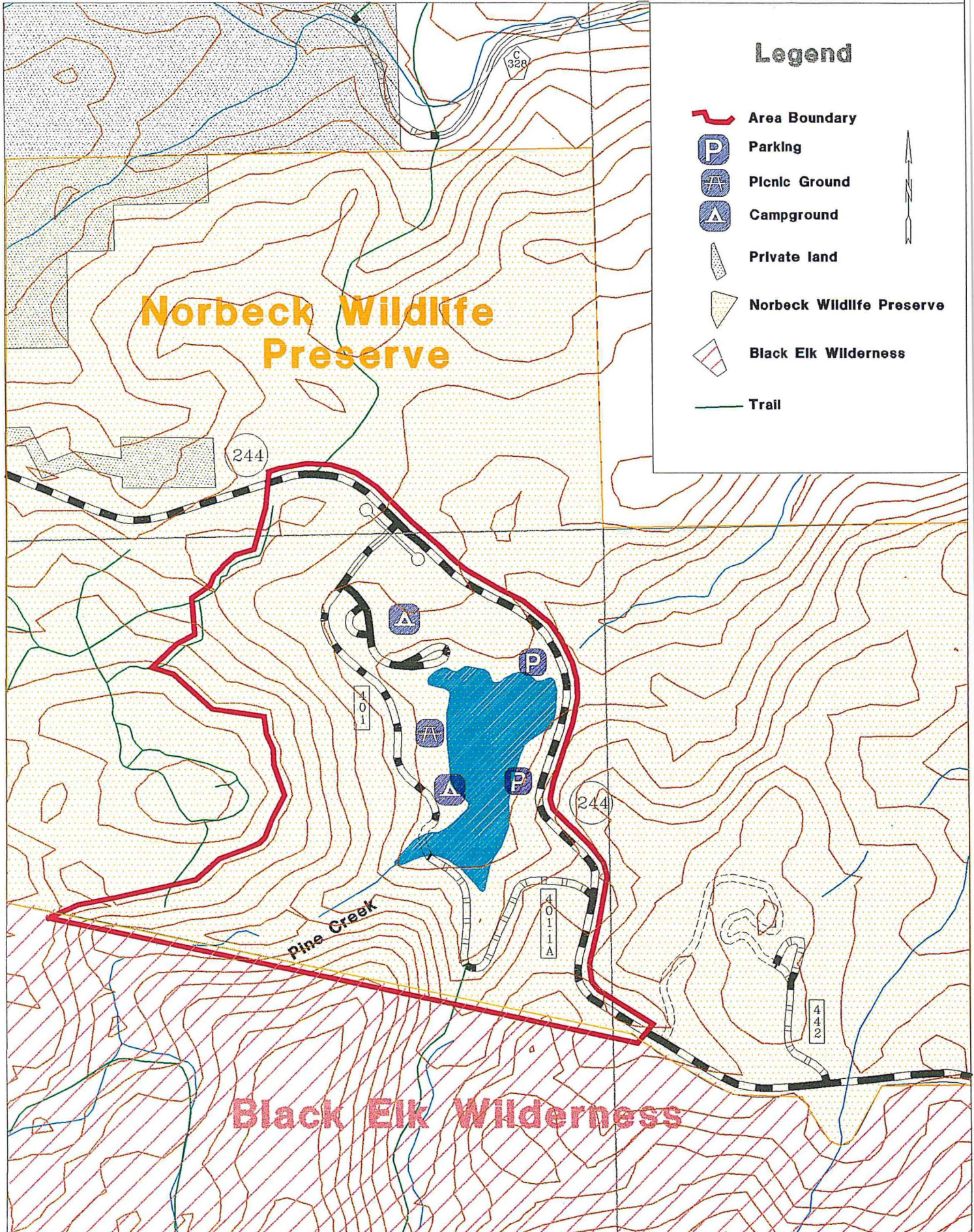
Water Areas

Developed Recreational Complex



Horse Thief Lake Area

EXHIBIT - H

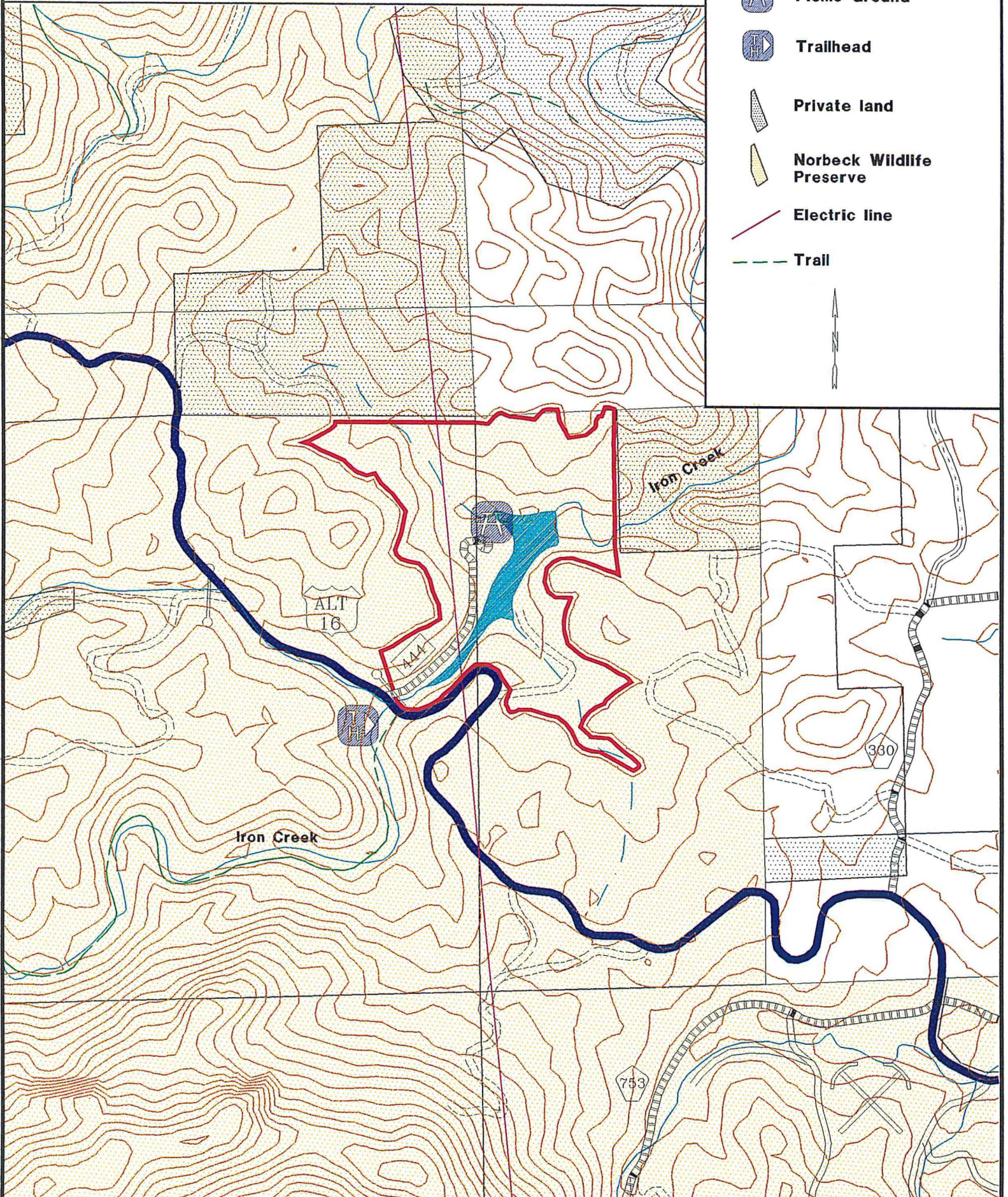


Lakota Lake Area

EXHIBIT - I

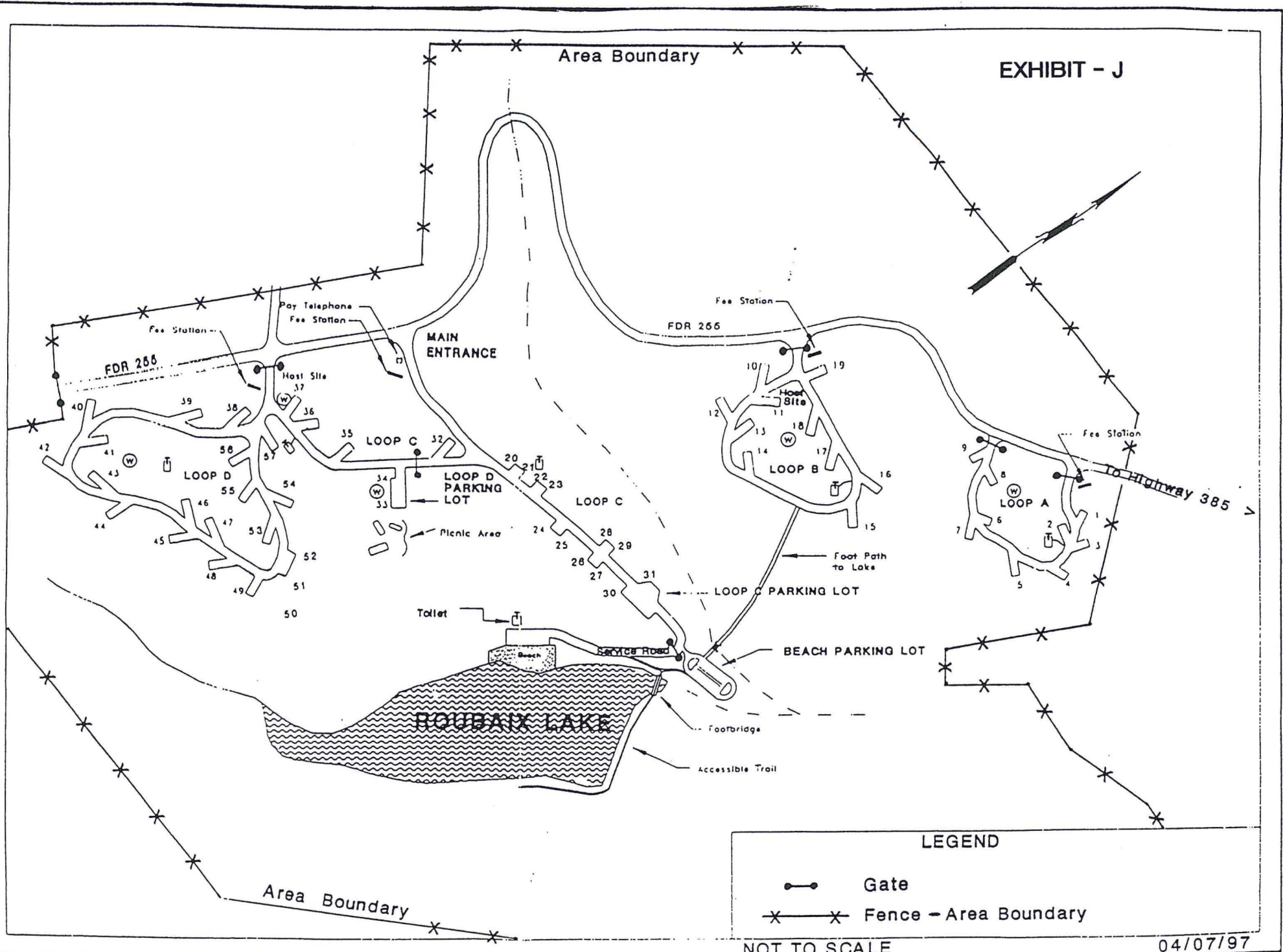
Legend

-  Area Boundary
-  Picnic Ground
-  Trailhead
-  Private land
-  Norbeck Wildlife Preserve
-  Electric line
-  Trail



ROUBAIX LAKE RECREATION COMPLEX AREA

EXHIBIT - J



LEGEND

- Gate
- X—X— Fence - Area Boundary

NOT TO SCALE

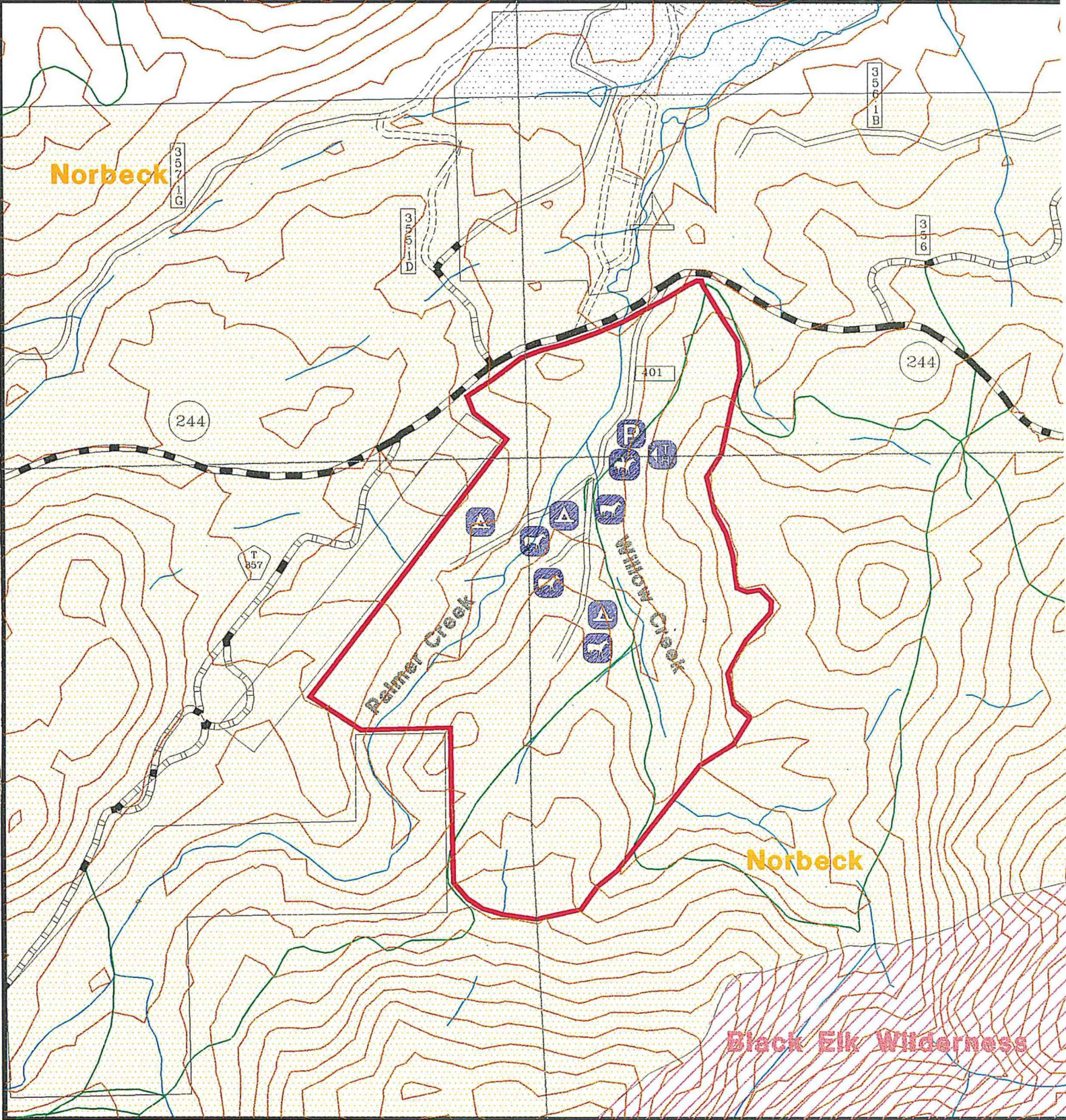
04/07/97

Willow Creek Horse Camp Area

EXHIBIT - K

Legend

-  Area Boundary
-  Private land
-  Black Elk Wilderness
-  Norbeck Wildlife Preserve
-  Trail
-  Trailhead
-  Parking
-  Horse Tie-Up Area
-  Campground
-  Horse Trails



ORDER
SPECIAL RESTRICTION

LENGTH OF STAY RESTRICTIONS and RESERVATION CAMPGROUNDS
BLACK HILLS NATIONAL FOREST

Pursuant to Title 36 Code of Federal Regulations Section 261.50(a), the following are PROHIBITED until rescinded.

This Order Prohibits:

1. **CAMPING** in any areas other than developed campgrounds within the Black Hills National Forest longer than a total of (14) days (including portions of days) in any 60 day period. {36 CFR 261.58(a)}
2. **CAMPING** in developed campgrounds on the Black Hills National Forest for a period in excess of 14 consecutive days. {36 CFR 261.58(a)}
3. **CAMPING** in any area when the area has been posted to prohibit camping. {36 CFR 261.58(e)}
4. **CAMPING** or otherwise occupying units without a valid reservation voucher or unique reservation number, unless specifically authorized by the campground attendant or Forest Officer for a specified period of time at the following reservation campgrounds: Bear Gulch, Bismarck Lake, Comanche Park, Cook Lake, Dutchman, Horsethief Lake, Iron Creek Horse Camp, Oreville, Pactola, Reuter, Roubaix, Sheridan Lake North Cove, Sheridan Lake South Side, Sundance, Whitetail, and Willow Creek Horse Camp. {36 CFR 261.58 (b)}

Pursuant to 36 CFR 261.50(e), the following are EXEMPT from this order:

1. Persons with a permit specifically authorizing the otherwise prohibited act.
2. Any Federal, State or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.

Done at Custer, South Dakota, this 9th day of

December 1998.

John C. Twiss
JOHN C. TWISS
Forest Supervisor

Violation of this prohibition is punishable by a fine of not more than \$5,000.00 or imprisonment for not more than six(6) months or both. Title 16 USC, Section 551.

JUSTIFICATION

These regulations are intended to protect natural and physical resources in general forest areas, Concentrated Public Use Areas and Developed Recreation Areas, as well as, provide for the safety of Forest users. This order will consolidate 2 existing orders (#18 and #28) into one and make consistent the length of stay restrictions across the Forest as well as provide the opportunity to close areas to camping that are sensitive or damaged due to excessive use etc.

SUB PART B ORDER
REQUEST/JUSTIFICATION FORM DATE: March 20, 1997
ORDER NUMBER:

SUBMIT THE FOLLOWING INFORMATION.

1. STATE THE DESIRED PROHIBITED ACT:

See Order.

2. REASON FOR THE ORDER:

Provide consistency across Forest and reduce confusion for Forest visitors. Annual average campground occupancy rates are 45% on the BBNF. Length of stay restrictions of less than 14 days are not needed.

3. HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM?

DESCRIBE:

We are easing current length of stay restrictions on all BBNF campgrounds.

4. PERIOD OF TIME THE ORDER WILL BE IN EFFECT:

Until rescinded.

5. LIST THOSE EXEMPT FROM THE ORDER:

Any Federal, State or Local Officer, or member of an organized rescue or fire fighting force in the performance of an official duty or person whose use is authorized by the Forest Supervisor under a permit, lease, license or contract.

6. HAS AN ENFORCEMENT PLAN AND A SIGN PLAN BEEN ESTABLISHED?:

Who will enforce the order?: Concessionaire, in those facilities under permit, by establishing similar house rules. If house rules are violated the County Sheriff will enforce according to appropriate State laws. The Forest Service does not waive its right to enforce its regulations in concessionaire operated areas. The Forest Service will have primary enforcement responsibility in all other areas.

Who will ensure proper signing?: Ranger District personnel and concession personnel.

7. WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT?:

No.

8. HAS PUBLIC BEEN NOTIFIED? Yes.

DESCRIBE: By posting according to 36 CFR 261.51(a) Placing a copy of the order imposing each prohibition in the offices of the Forest Supervisor and District Ranger, and 36 CFR 261.51(b) Displaying each prohibition imposed by an order in such locations and manner as to reasonably bring the prohibition to the attention of the public.

10. COMPLETE THE ORDER USING THIS CHECK LIST. When complete, forward the original request to the SO, Attn.: Law Enforcement. The request will be routed to the appropriate staff officer, Public Information Officer, and Forest Supervisor.

| | | |
|-----------|--|-------------------------|
| Reviewed: | <u>Kelly M. Honors for Mike Lloyd</u> District Ranger, PU/EM | <u>11/24/98</u> Date |
| Reviewed: | <u>Robert J. Thompson</u> District Ranger, PA/HA | <u>11/24/98</u> Date |
| Reviewed: | <u>Sharon Wilkins</u> District Ranger, SPXNE | <u>11/24/98</u> Date |
| Reviewed: | <u>Dail M. Puj</u> District Ranger, BL | <u>11/24/98</u> Date |
| Reviewed: | <u>Philip M. Geman</u> So. Zone Law Enforcement Officer | <u>11/30/98</u> Date |
| Reviewed: | _____ No. Zone Law Enforcement Officer | _____ Date |
| Reviewed: | <u>Justin D. Reubert</u> Supervisory Law Enforcement Officer | <u>11/30/98</u> Date |
| Reviewed: | <u>Amy Ballard</u> ^{Acting} Public Information Officer | <u>11-30-98</u> Date |
| Reviewed: | <u>Erin B. Sigman</u> Forest Staff Officer ^{Acting} | <u>11/30/98</u> Date |

Business Plan and Financial Resources

For Outfitting and Guiding

**A Proposal in Response to the Outfitting and Guiding Prospectus on the Black Hills
National Forest, Bearlodge Ranger District:**

Name of Company: _____

Address: _____

Company contact: _____

Phone: _____

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I: The Business and Experience

1. Purpose and Goals:

- A. What is your purpose in pursuing this business?
- B. Define your business goals for the next year and what you foresee five years from now:

2. Description of the Business:

This section should describe the nature and purpose of the company, background on your industry, and what opportunities you see for your services.

- A. Brief description of the business:
- B. Briefly describe your knowledge of this industry:
- C. List the products and services you will provide:

3. Legal Structure:

There are several ways in which your business can be legally organized.

- A. How your company is legally organized? (Check appropriate box).
 - Sole Proprietorship
 - General Partnership
 - Corporation "C" Corp or "S" Corp Limited Partnership
 - Limited Liability Company (LLC)
 - Other
- B. Why is this legal organization most appropriate for your business?
- C. Does your operation require a state registration number? YES. NO.

(If “Yes”, include a copy of the registration in the Supporting Documents.)

Include any appropriate information, including shareholder or partnership agreements, in the Supporting Documents, and complete the following list of owners:

Table 1. List of owners

| Name | Address | Social Security Number (SSN) | Percent Ownership |
|------|---------|------------------------------|-------------------|
| | | | |
| | | | |
| | | | |

4. Location of Your Business:

Describe the planned geographical location of the business and discuss the advantages and disadvantages of the site location in terms of wage rates, labor availability, closeness to customers or suppliers, access to transportation, state and local taxes, laws, and utilities.

Describe your approach to overcoming any problems associated with the location.

- A. Planned geographical location:
- B. Discuss advantages or disadvantages of the site location:
- C. Describe your approach to overcoming any problems:

5. Market and Customers:

The purpose of this section is to present sufficient facts to convince the evaluation team that your service has a substantial market and can achieve success in the face of competition. Discuss who the customers are for your service. Where are the major purchasers for the service?

- A. Describe your anticipated target market (e.g., age, income, hobbies, regional, national, international):
- B. Describe the size of the current total market and potential annual growth:
- C. Discuss your advertising campaign in terms of how, when, and where you will advertise, and estimated annual cost:

6. Competitive Analysis:

Make a realistic assessment of the strengths and weaknesses of your competitors. Compare the competing services on the basis of image, location, price, advertising, and other pertinent features. Discuss your key competitors and explain why you think that you can capture a share of their business. Discuss what makes you think it will be easy or difficult to compete with them.

- A. Identify your key competitors:
- B. Discuss their strengths and weaknesses.
- C. Compare your product or service on key areas. For each area of comparison rank yourself and your selected competitors on a scale of 1 (high) to 5 (low). Remember: no ties.

Table 2. Competitive Analysis

| Area of Comparison | You | Competitor A | Competitor B | Competitor C | Competitor D |
|--------------------|-----|--------------|--------------|--------------|--------------|
| Image | | | | | |
| Location | | | | | |
| Price | | | | | |
| Advertising | | | | | |
| Service | | | | | |
| Uniqueness | | | | | |
| Other | | | | | |

D. Why do you think you can compete with your competitors and capture a share of the market?

7. Management:

The evaluation team is looking for a committed management team with the proper balance of technical, managerial, and business skills and experience which supports your proposal. Be sure to include complete resumes for each key management member in the Supporting Documents section.

(Use additional pages and attach as necessary)

- A. List owners and key management personnel and their primary duties. If any key individuals will not be onboard at the start of the venture, indicate when they will join the staff.
- B. Discuss any experience when the above people have worked together that indicates how their skills complement each other and result in an effective management team.
- C. List the advisors and consultants that you have selected for your venture. Capable, reputable, and well-known supporting organizations can not only provide significant direct and professional assistance, but also can add to the credibility of your venture.

Accountant _____

Attorney _____

Banker _____

Insurance Broker _____

Advertising _____

Others _____

8. Personnel:

Explain how you plan to recruit, develop, and maintain your workers. List the number of employees you will have, as well as their job titles and required skills. (Use additional pages as necessary)

- A. Identify essential employees, their job titles, and required skills:
- B. Identify the source and your plan to recruit essential employees:
- C. Discuss any training or retraining that you plan for your employees. Also, discuss any necessary first-aid certification or recertification, etc.:

9. Supporting Documents:

Each applicant is required to submit the items listed below.

- Personal resumes of business owners, officers, and partners
- Copies of all pertinent existing permits or licenses applicable to this business (Submit only the face pages of all current concession permits)

II: Financial Resources

1. Capital-Equipment List:

Capital equipment is defined as assets which have useful lives of more than one year. Examples include machines, equipment, vehicles, livestock, tack, gear, and computers. Describe the equipment, the quantity, whether the equipment is new or used (N/U), the expected useful life, and the cost. This includes equipment purchased from existing businesses.

Table 3. Capital Equipment List

| Equipment | Quantity | New/Used | Life | Cost |
|--|----------|----------|------|---------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Total Cost of Capital Equipment | | | | \$0.00 |

2. Start-Up Expenses:

Start-up expenses are the various costs it takes to open your doors for business:

Table 4. Start-Up Expenses

| Item | Cost |
|---|------|
| Total cost of capital equipment | |
| Beginning inventory of operating supplies | |
| Legal fees | |
| Accounting fees | |
| Other professional fees | |
| Licenses and permits | |
| Remodeling and repair work | |
| Deposits (public utilities, etc.) | |
| Advertising | |
| Insurance | |
| Bonds | |
| Advance permit fees | |
| Other expenses: | |
| | |
| | |
| | |
| | |

| Item | Cost |
|--------------------------------|-----------|
| Total Uses of Financing | \$ |

C. Monthly Cash Flow Projection:

The cash flow projection is the most important financial planning tool available to you. The cash flow projection attempts to budget the cash needs of a business and shows how cash will flow in and out of the business over a stated period of time. A cash flow deals only with actual cash transactions. Depreciation, a noncash expense, does not appear on a cash flow. Loan repayments (including interest), on the other hand, do, since they represent a cash disbursement.

NOTE: The Cash Flow Projection chart on the following page is required to be completed and submitted in the existing format (date range can be modified).

Table 7. Cash Flow Projection (or Cash Flow Budget) by Month: Year One

| | A | B | C | D | E | F | G | H | I | J | K | L | M | N |
|----|---------------------------|------|------|-------|-------|-----|------|------|------|-------|------|------|------|-------|
| 1 | | Jan. | Feb. | March | April | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Total |
| 2 | Cash Receipts | | | | | | | | | | | | | |
| 3 | Sales Receivables | | | | | | | | | | | | | |
| 4 | Wholesale | | | | | | | | | | | | | |
| 5 | Retail | | | | | | | | | | | | | |
| 6 | Other Services | | | | | | | | | | | | | |
| 7 | Total Cash Receipts | | | | | | | | | | | | | |
| 8 | Cash Disbursements | | | | | | | | | | | | | |
| 9 | Cost of Goods | | | | | | | | | | | | | |
| 10 | Variable Labor | | | | | | | | | | | | | |
| 11 | Advertising | | | | | | | | | | | | | |
| 12 | Insurance | | | | | | | | | | | | | |
| 13 | Legal and Accounting | | | | | | | | | | | | | |
| 14 | Delivery Expenses | | | | | | | | | | | | | |
| 15 | Fixed Cash Disbursements* | | | | | | | | | | | | | |
| 16 | Mortgages (Rent) | | | | | | | | | | | | | |
| 17 | Term Loan | | | | | | | | | | | | | |
| 18 | Line of Credit | | | | | | | | | | | | | |
| 19 | Other | | | | | | | | | | | | | |
| 20 | Total Cash Disbursements | | | | | | | | | | | | | |
| 21 | | | | | | | | | | | | | | |
| 22 | Net Cash Flow | | | | | | | | | | | | | |
| 23 | | | | | | | | | | | | | | |
| 24 | Cumulative Cash Flow | | | | | | | | | | | | | |
| 25 | | | | | | | | | | | | | | |
| 26 | *Fixed Cash Disbursements | | | | | | | | | | | | | |

| | A | B | C | D | E | F | G | H | I | J | K | L | M | N |
|----|----------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 27 | Utilities | | | | | | | | | | | | | |
| 28 | Salaries | | | | | | | | | | | | | |
| 29 | Payroll Taxes and Benefits | | | | | | | | | | | | | |
| 30 | Office Supplies | | | | | | | | | | | | | |
| 31 | Maintenance and cleaning | | | | | | | | | | | | | |
| 32 | Licenses | | | | | | | | | | | | | |
| 33 | Boxes, Paper, etc. | | | | | | | | | | | | | |
| 34 | Telephone | | | | | | | | | | | | | |
| 35 | Miscellaneous | | | | | | | | | | | | | |
| 36 | Total FCD/Year | | | | | | | | | | | | | |
| 37 | FCD/Month | | | | | | | | | | | | | |
| 38 | | | | | | | | | | | | | | |
| 39 | Cash on Hand | | | | | | | | | | | | | |
| 40 | Opening Balance | | | | | | | | | | | | | |
| 41 | + Cash Receipts | | | | | | | | | | | | | |
| 42 | -Cash Disbursements | | | | | | | | | | | | | |
| 43 | Total = New Balance | | | | | | | | | | | | | |

D. Start-Up Balance Sheet:

Balance sheets are designed to show how the assets, liabilities, and net worth of a company are distributed at a given point in time.

NOTE: The following Start-up Balance Sheet is required to be completed and submitted in the existing format.

Table 8. Start-Up Balance Sheet

| Item | Cost |
|--|------|
| Assets: | |
| Current Assets | \$ |
| Fixed Assets | \$ |
| Less Accumulated Depreciation | \$ |
| Net Fixed Assets | \$ |
| Other Assets | \$ |
| Total Assets | \$ |
| <i>Footnotes:</i> | |
| | |
| | |
| Liabilities: | |
| Current Liabilities | \$ |
| Long-Term Liabilities | \$ |
| Total Liabilities | \$ |
| Net Worth or Owner's Equity (Total assets minus total Liabilities) | \$ |
| Total Liabilities and Net Worth | |
| <i>Footnotes:</i> | |
| | |
| | |

E. Start-Up Income Statement Projection:

Income Statements (also called Profit and Loss Statements) complement balance sheets. The income statement provides a moving picture of the company during a particular period of time. For most businesses (and for most bankers), income projections covering one to three years are more than adequate.

If you are in a start-up situation, look for financial-statement information and income ratios for businesses similar to yours. The Robert Morris Associates' Annual Statement Studies and trade association publications are two possible sources.

NOTE: The following Income Projection Statement is required to be completed and submitted in the existing format (date range can be modified).

Table 9. Income Projection by Month: Year One

| | A | B | C | D | E | F | G | H | I | J | K | L | M | N |
|----|----------------------------|------|------|-------|-------|-----|------|------|------|-------|------|------|------|-------|
| | | Jan. | Feb. | March | April | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Total |
| 1 | | | | | | | | | | | | | | |
| 2 | | | | | | | | | | | | | | |
| 3 | Sales | | | | | | | | | | | | | |
| 4 | Wholesale | | | | | | | | | | | | | |
| 5 | Retail | | | | | | | | | | | | | |
| 6 | Total Sales | | | | | | | | | | | | | |
| 7 | | | | | | | | | | | | | | |
| 8 | Cost of Material | | | | | | | | | | | | | |
| 9 | Variable Labor | | | | | | | | | | | | | |
| 10 | Cost of Goods Sold | | | | | | | | | | | | | |
| 11 | | | | | | | | | | | | | | |
| 12 | Gross Margin | | | | | | | | | | | | | |
| 13 | | | | | | | | | | | | | | |
| 14 | Operating Expenses | | | | | | | | | | | | | |
| 15 | Utilities | | | | | | | | | | | | | |
| 16 | Salaries | | | | | | | | | | | | | |
| 17 | Payroll Taxes and Benefits | | | | | | | | | | | | | |
| 18 | Advertising | | | | | | | | | | | | | |
| 19 | Office Supplies | | | | | | | | | | | | | |
| 20 | Insurance | | | | | | | | | | | | | |
| 21 | Maintenance and Cleaning | | | | | | | | | | | | | |
| 22 | Legal and Accounting | | | | | | | | | | | | | |
| 23 | Delivery Expenses | | | | | | | | | | | | | |
| 24 | Licenses | | | | | | | | | | | | | |
| 25 | Boxes, Paper, etc. | | | | | | | | | | | | | |
| 26 | Telephone | | | | | | | | | | | | | |
| 27 | Depreciation | | | | | | | | | | | | | |

| | A | B | C | D | E | F | G | H | I | J | K | L | M | N |
|----|---------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 28 | Miscellaneous | | | | | | | | | | | | | |
| 29 | Rent | | | | | | | | | | | | | |
| 30 | Total Operating Expenses: | | | | | | | | | | | | | |
| 31 | | | | | | | | | | | | | | |
| 32 | Other Expenses | | | | | | | | | | | | | |
| 33 | Interest (Mortgage) | | | | | | | | | | | | | |
| 34 | Interest (Term Loan) | | | | | | | | | | | | | |
| 35 | Interest (Line of Credit) | | | | | | | | | | | | | |
| 36 | Total Other Expenses: | | | | | | | | | | | | | |
| 37 | Total Expenses: | | | | | | | | | | | | | |
| 38 | | | | | | | | | | | | | | |
| 39 | Net Profit (Loss) Pre-Tax | | | | | | | | | | | | | |

4. Historical Financial Reports for Existing Business

Each applicant is required to submit all items listed below.

- FS-6500-24
- Tax returns (past three years)
- Current credit report from major credit bureau

5. Supporting Information

Each applicant is required to submit the items listed below, if applicable.

- Financial statements of business owners, officers, and partners
- Bank or investor letters of intent to finance project

Use Code: 153
Authorization ID:
Contact Name:
Expiration Date:

FS-2700-4i (09/2020)
OMB No. 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE**

SPECIAL USE PERMIT FOR OUTFITTING AND GUIDING
Authority: Federal Lands Recreation Enhancement Act, 16 U.S.C. 6801-6814
(Ref. FSH 2709.11, section 41.53)

This permit authorizes priority use outfitting and guiding for 2 years. **[PERMIT HOLDER NAME]** (hereinafter "the holder"), is hereby authorized to use and occupy National Forest System lands, subject to the terms of this permit, to provide outfitting and guiding services within the **Bearlodge Ranger District of the BLACK HILLS NATIONAL FOREST**, described as: **[LEGAL DESCRIPTION]** (the permit area), as shown on the map in Appendix A.

The purpose of this permit is to authorize the following outfitting and guiding activities:

For Outfitter and Guide hunting services on the Black Hills National Forest: Bearlodge Ranger District authorizes hunting in district area **[PERMITTED AREA]**.

and assign use as follows:

of days or the service day equivalent of a quota priority use service days for if appropriate, designate activity or district.

This use will be exercised as described in the annual operating plan.

Overland travel via motorized vehicles may occur on open roads and trails illustrated on the Motor Vehicle Use Map. Travel along these roads should not occur in muddy conditions to protect resources.

Private land access is not authorized by the Black Hills National Forest and obtaining such access would be the responsibility of **[Holder Name]**.

This authorization only covers the portions of authorized routes and locations as shown on the map and described in the Application and Operating Plan. Any changes or activities planned to occur outside of this authorization will require a separate review.

The following appendices are attached to and made a part of this permit:

- APPENDIX A - Map of the Permit Area
- APPENDIX B - Annual Operating Plan, dated and approved annually
- APPENDIX C - Trip Itinerary
- APPENDIX D - Estimated Fee Determination Sheet, approved annually
- APPENDIX E - Actual Use Report Format

APPENDIX F - Performance Evaluation Criteria
APPENDIX G - Other

I. GENERAL TERMS

A. AUTHORITY. This permit is issued pursuant to Federal Lands Recreation Enhancement Act, 16 U.S.C. 6801-6814, and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

B. AUTHORIZED OFFICER. The authorized officer is the Forest Supervisor, a District Ranger, or the Station, Institute, or Area Director with delegated authority pursuant to Forest Service Manual 2700.

C. TERM. This permit shall expire at midnight on **[EXPIRATION DATE]**. Expiration of this permit shall not require notice, a decision document, or any environmental analysis or other documentation.

D. CONTINUATION OF USE AND OCCUPANCY. This permit is not renewable. Upon expiration, this permit may be extended for up to 8 years if the priority use authorized by this permit is consistent with applicable law and the applicable land management plan and if the holder's performance is satisfactory.

E. AMENDMENT. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable land management plan, or projects and activities implementing the land management plan pursuant to 36 CFR 218.

F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS. In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

G. NON-EXCLUSIVE USE. The use and occupancy authorized by this permit are not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the authorized officer agree are necessary to protect the installation and operation of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.

H. CHANGE IN CONTROL

1. Notification. The holder shall notify the authorized officer when a change in control of the business entity that holds this permit is planned.

(a) In the case of a corporation, control is an interest, beneficial or otherwise, of sufficient

outstanding voting securities or capital of the business so as to permit the exercise of managerial authority over the actions and operations of the corporation or election of a majority of the board of directors of the corporation.

(b) In the case of a partnership, limited partnership, joint venture, or individual entrepreneurship, control is a beneficial ownership of or interest in the entity or its capital so as to permit the exercise of managerial authority over the actions and operations of the entity.

(c) In other circumstances, control is any arrangement under which a third party has the ability to exercise management authority over the actions or operations of the business.

2. Termination. This permit is not transferable. Any change in control of the business entity as defined in clause I.H.1 shall cause this permit to terminate upon issuance of a new permit to another party for the use and occupancy authorized by this permit. The party who acquires control of the business entity must submit an application for a permit for the type of use and occupancy authorized by this permit. Issuance of a new permit to the party acquiring control shall be at the sole discretion of the authorized officer. The authorized officer shall determine that the applicant meets requirements under federal regulations.

I. LIMITATIONS. Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically provided for in this permit. Any use not specifically identified in this permit must be proposed in accordance with 36 CFR 251.54 or 251.61. Approval of such a proposed use through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.

II. OPERATIONS

A. ANNUAL OPERATING PLAN. The annual operating plan, which shall be attached to this permit as Appendix B, shall be submitted by the holder and approved by the authorized officer before the holder conducts any services authorized by this permit. The holder shall prepare an annual operating plan by date before start of operating season, in consultation with the authorized officer. At a minimum, the annual operating plan shall include (1) the season of use for authorized outfitting and guiding activities, including the start and stop date of operations; (2) limitations on use established by the Forest Service (including fire restrictions); (3) the fee calculation option to be used and a completed Estimated Fee Determination Sheet (appendix D); and (4) any of the following that are applicable: (a) a process for submitting trip itineraries (appendix C); (b) guidelines and limits for incidental grazing; (c) location and layout of assigned sites to be used for base, spike, and drop camps or other purposes; and (d) authorized temporary improvements on National Forest System lands, including a schedule for their construction and removal ; (e) identity and schedule for any inspections that the holder is required to conduct at the holder's expense. Any operating plan revisions shall be submitted by the holder and approved in writing by the authorized officer or the authorized officer's designated representative before they are implemented.

B. ITINERARY. The holder shall submit an itinerary for each type of trip.

C. PERFORMANCE REVIEW AND EVALUATION. The holder's compliance with the terms of this permit and the five-year or annual operating plan is subject to annual performance review and evaluation by the authorized officer. The holder's performance will be documented using the Outfitter and Guide Performance Evaluation Criteria, Appendix F.

D. TEMPORARY IMPROVEMENTS. No permanent improvements may be constructed under this permit. Temporary improvements with negligible value, such as hitching posts, corrals, tent frames, and shelters, may be approved by the authorized officer in the five-year or annual operating plan. Plans and revisions to plans for design, development, and layout of temporary improvements must have prior written approval from the authorized officer.

E. PROHIBITION ON ASSIGNMENT OF USE. The holder may not assign all or part of the authorized use to others.

F. PERFORMANCE OF SUPPORT SERVICES. As a general rule, the holder shall conduct the day-to-day activities authorized by this permit. Activities that support the use authorized by this permit, such as food or shuttle services, may be conducted by a party other than the holder, but only with prior written approval from the authorized officer. The holder shall continue to be responsible for compliance with all the terms of this permit.

G. MAINTENANCE. The holder shall maintain authorized temporary improvements and the permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. The holder shall comply with inspection requirements deemed appropriate by the authorized officer.

H. SIGNS. Signs posted on National Forest System lands must have prior written approval of the authorized officer.

I. NONDISCRIMINATION

1. The holder and its employees shall not discriminate against any person on the basis of race, color, sex (in educational and training programs), national origin, age, or disability or by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. In addition, the holder and its employees shall comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments Act of 1972, as amended, and the Age Discrimination Act of 1975, as amended.

2. The holder shall include and require compliance with the above nondiscrimination provisions in any third-party agreement made with respect to the operations authorized under this permit

3. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the violation occurs.

J. EQUAL ACCESS TO FEDERAL PROGRAMS. In addition to the above nondiscrimination policy, the holder agrees to ensure that its programs and activities are open to the general public on an equal basis and without regard to any non-merit factor.

K. SANITATION. The operation and maintenance of all sanitation and food service systems and facilities shall comply with applicable standards set by state and local health departments.

L. REFUSE DISPOSAL. The holder shall comply with all applicable federal, state, and local requirements related to disposal of any refuse resulting from the use and occupancy authorized by this permit.

M. CUTTING, DISPOSAL, AND PLANTING OF VEGETATION. This permit does not authorize the cutting of trees, brush, shrubs, and other plants ("vegetation"). Vegetation may be cut, destroyed, or trimmed only after the authorized officer or the authorized officer's designated agent has approved in writing and marked or otherwise identified what may be cut, destroyed, or trimmed. The holder shall notify the authorized officer when approved cutting, destruction, or trimming of vegetation has been completed. The Forest Service shall determine in advance of felling the method of disposal of trees felled in the permit area that meet utilization standards. Disposal may be by sale or without charge per 36 CFR Part 223, as may be most advantageous to the United States. Debris from felling that does not meet utilization standards shall also be disposed of according to methods determined by the Forest Service. Planting of vegetation in the permit area must have prior written approval from the authorized officer.

N. FAILURE TO EXERCISE AUTHORIZED PRIVILEGES. During the 5th year of operation and upon termination, the authorized officer shall review actual use and adjust the allocation of use to match the highest amount of actual use in 1 calendar year during the first 5 years of operation, plus 25 percent of that amount for holders with up to 1,000 service days or the equivalent in quotas or 15 percent of that amount for holders with more than 1,000 service days or the equivalent in quotas, provided that:

1. The combination of the highest amount of actual use in 1 calendar year and the additional 25 or 15 percent of use not exceed the amount of use allocated when the permit was issued; and
2. To ensure that 5 years of use are available for review as a basis for making the allocation adjustment, the authorized officer may adjust the review period to include a previous or an additional year of use based on a finding that extraordinary circumstances prevented a season of operation.

O. USE OF NATIONAL FOREST SYSTEM ROADS AND NATIONAL FOREST SYSTEM TRAILS. The holder's use of National Forest System roads and National Forest System trails shall comply with applicable requirements in 36 CFR Part 212, Subpart A; 36 CFR Part 261, Subpart A; and orders issued under 36 CFR Part 261, Subpart B. Motor vehicle use shall be consistent with designations made under 36 CFR Part 212, Subpart B, unless specifically provided otherwise in the operating plan. Over-snow vehicle use shall be consistent with designations made under 36 CFR Part 212, Subpart C, unless specifically provided otherwise in the operating plan.

P. ADVERTISING. The holder shall not misrepresent in any way, either orally; in online or print circulars, brochures, advertising, and other media; or on its website, signs, or letterheads, any aspect of the use authorized by this permit, including services provided by the holder, the status of this permit, or the permit area. All the holder's online or print circulars, brochures, advertising, and other media regarding use of the permit area shall state that the permit area is located in the BLACK HILLS NATIONAL FOREST.

Q. INVASIVE SPECIES PREVENTION AND CONTROL. The holder shall be responsible for the prevention and control of invasive species, including invasive plants, within the permit area. For purposes of this clause, invasive plants include non-native species recognized as such by the Forest Service, which are generally, but are not limited to, state-listed noxious weeds. The holder shall follow invasive species prevention and control measures prescribed by the operating plan.

R. WEED-FREE HAY. The holder shall use only hay, grain, straw, pelletized feed, or mulch certified as noxious weed-free or noxious weed seed-free by a State Department of Agriculture or other authorized county official. The holder shall provide documentation of that certification to the authorized officer.

S. OPERATING PLAN FOR SUPERVISION OF CHILDREN. The operating plan must provide that if the holder, holder's employees, agents, or contractors learn of facts that give reason to suspect that a child under the age of 18 has suffered physical or mental injury, sexual abuse or exploitation, or negligent treatment (child abuse), the holder, holder's employees, agents, or contractors shall as soon as possible report the child abuse to the Crook County Sheriff's Department and as soon as practicable thereafter to the authorized officer.

The operating plan shall include:

1. The name, address, telephone number, facsimile number, and e-mail address of.
2. A schedule for providing periodic training on the signs of child abuse and the reporting requirement when child abuse is suspected.
3. A sample form for reporting suspected child abuse or neglect and, to the extent mandated by applicable state law, the requirement for all employees who work with children under the age of 18 to undergo a criminal background check.

III. RIGHTS AND LIABILITIES

A. LEGAL EFFECT OF THE PERMIT. This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR Part 214, and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

B. VALID EXISTING RIGHTS. This permit is subject to all valid existing rights. Valid existing rights include those derived under mining and mineral leasing laws of the United States. The United States is not liable to the holder for the exercise of any such right.

C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS. The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

D. WATER RIGHTS. This permit does not confer any water rights on the holder. Water rights are not required by state law and may not be acquired to exercise the minor water uses authorized by this permit.

E. NO WARRANTY OF ACCESS, SITE SUITABILITY, OR SERVICES. This permit authorizes the use and occupancy of National Forest System lands by the holder for the purposes identified in this permit. The Forest Service does not make any express or implied warranty of access to the permit area, of the suitability of the permit area for the authorized uses, or for the furnishing of road or trail maintenance, water, fire protection services, search and rescue services, or any other services by a government agency, utility, association, or individual.

F. RISK OF LOSS. The holder assumes all risk of loss to authorized temporary facilities and all risk of loss of use and occupancy of the permit area, in whole or in part, due to public health and safety or environmental hazards. Loss to temporary facilities and of use and occupancy of the permit area may result from but is not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), environmental contamination, avalanches, rising waters, winds, falling limbs or trees, and other forces of nature. If the authorized officer determines that the permit area cannot be safely occupied due to a public health or safety or environmental hazard, this permit shall terminate. Termination under this clause shall not give rise to any claim for damages, including lost profits, by the holder against the Forest Service.

G. DAMAGE TO UNITED STATES PROPERTY. The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States that are associated with the use and occupancy authorized by this permit. Damage includes but is not limited to destruction of or damage to National Forest System lands, fire suppression costs, and destruction of or damage to federally owned improvements.

1. The holder shall be liable for all injury, loss, or damage, including fire suppression costs, prevention and control of the spread of invasive species, and the costs of rehabilitation or restoration of natural resources, resulting from the holder's use and occupancy of the permit area. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs.

2. The holder shall be liable for damage to all roads and trails of the United States caused by use of the holder or the holder's heirs, assignees, agents, employees, or contractors to the same extent as provided under clause III.G.1, except that liability shall not include reasonable and ordinary wear and tear.

H. HEALTH AND SAFETY. The holder shall address the health and safety of its employees, agents, contractors, and clients by having trained and qualified staff, utilizing properly maintained equipment, and providing supervision appropriate for the level of risk associated with the authorized activity. The holder shall avoid situations or conditions that cause or threaten to cause a hazard to public health or the safety of the holder's employees, agents, contractors, or clients. The holder shall as soon as practicable notify the authorized officer of all serious accidents that occur in connection with such activities. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations and activities of the holder for hazardous conditions or compliance with health and safety standards.

I. ENVIRONMENTAL PROTECTION

1. Compliance with Environmental Laws. The holder shall in connection with the use and occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9601 et seq., the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.

2. Definition of Hazardous Material. For purposes of clauses III.I and V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

3. Oil Discharges and Release of Hazardous Materials. The holder shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer or the authorized officer's designated representative, of any oil discharge or of the release of a hazardous material in the permit area in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153 and 40 CFR Part 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The holder shall immediately notify the authorized officer or the authorized officer's designated representative of any release or threatened release of any hazardous material in or near the permit area which may be harmful to public health or welfare or which may adversely affect natural resources on federal lands.

4. Remediation of Release of Hazardous Materials. The holder shall remediate any release, threat of release, or discharge of hazardous materials that occurs in connection with the holder's activities in the permit area, including activities conducted by the holder's agents, employees, or contractors and regardless of whether those activities are authorized under this permit. The holder shall perform remediation in accordance with applicable law immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The holder shall perform the remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the holder shall deliver the site to the Forest Service in compliance with all applicable laws and regulations and free and clear of contamination.

J. INDEMNIFICATION OF THE UNITED STATES. The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use and occupancy authorized by this permit. This indemnification and hold harmless provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assignees, agents, employees, or contractors or lessees in connection with the use and occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous substance, pollutant, contaminant, oil in any form, or petroleum product into the environment. The authorized officer may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in combination with or as an alternative to monetary indemnification.

K. INSURANCE. The holder shall furnish proof of insurance, such as a certificate of insurance, to the authorized officer prior to issuance of this permit and each year thereafter that this permit is in effect. The Forest Service reserves the right to review the insurance policy and require any changes needed to ensure adequate coverage of the United States in connection with the

authorized use and occupancy. The holder shall send an authenticated copy of any insurance policy obtained pursuant to this clause to the authorized officer immediately upon issuance of the policy. Any insurance policies obtained by the holder pursuant to this clause shall name the United States as an additional insured, and the additional insured provision shall provide for insurance coverage for the United States as required under this clause and to the extent of the full limits of insurance available to the holder. The holder shall give 30 days prior written notice to the authorized officer of cancellation of or any modification to the insurance policy. **The certificate of insurance, the authenticated copy of the insurance policy, and written notice of cancellation or modification of insurance policies should be sent to Bearlodge Ranger District, PO Box 680, 101 S. 21st Street, Sundance, WY 82729.** Minimum amounts of coverage and other insurance requirements are subject to change at the sole discretion of the authorized officer on the anniversary date of this permit.

1. Liability. The holder shall have in force liability insurance covering losses associated with the use and occupancy authorized by this permit arising from personal injury or death and third-party property damage in the minimum amount of **\$ 1,000,000** as a combined single limit per occurrence.

2. Depending on the holder's operations, the Forest Service may require the holder to demonstrate the availability of funds to address any release or threatened release of hazardous materials that may occur in connection with the holder's use and occupancy. Any requirements imposed would be established on a case-by-case basis by the authorized officer based on the degree of environmental risk from the holder's operations. The use and storage of normal maintenance supplies in nominal amounts generally would not trigger financial assurance requirements.

IV. RESOURCE PROTECTION

A. VANDALISM. The holder shall take reasonable measures to prevent and discourage vandalism and disorderly conduct and when necessary shall contact the appropriate law enforcement officer.

B. PESTICIDE USE

1. Authorized Officer Concurrence. Pesticides may not be used outside of buildings in the permit area to control pests, including undesirable woody and herbaceous vegetation (including aquatic plants), insects, birds, rodents, or fish without prior written concurrence of the authorized officer. Only those products registered or otherwise authorized by the U.S. Environmental Protection Agency and appropriate State authority for the specific purpose planned shall be authorized for use within areas on National Forest System lands.

2. Pesticide-Use Proposal. Requests for concurrence of any planned uses of pesticides shall be provided in advance using the Pesticide-Use Proposal (form FS-2100-2). Annually the holder shall, on the due date established by the authorized officer, submit requests for any new, or continued, pesticide usage. The Pesticide-Use Proposal shall cover a 12-month period of planned use. The Pesticide-Use Proposal shall be submitted at least 60 days in advance of pesticide application. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time a Pesticide-Use Proposal was submitted.

3. Safety Plan. Before applying pesticides in the permit area, the holder shall submit to the authorized officer a safety plan that includes, at a minimum, a precise statement of the treatment objectives; a description of the equipment, materials, and supplies to be used, including pesticide formulation, quantities, and application methods; a description of the lines of responsibility for project planning, project monitoring, and after-action review; a description of any necessary interagency coordination; a copy of the current Pesticide-Use Proposal for the permit; a description of the process by which treatment effectiveness will be determined; and a spill plan, communications plan, security plan, and when required by applicable local requirements, a provision for prior notification to sensitive individuals.

4. Reporting. By September 30th annually, the holder shall submit to the authorized officer a written report of each pesticide application project completed during the previous 12-month period. The report shall contain information pertaining to the pesticide application projects as requested by the authorized officer.

5. Labeling, Laws, and Regulations. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers. No pesticide waste, excess materials, or containers shall be disposed of in any area administered by the Forest Service.

C. ARCHAEOLOGICAL AND PALEONTOLOGICAL DISCOVERIES. The holder shall immediately notify the authorized officer of any antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized under this permit. The holder shall leave these discoveries intact and in place until otherwise directed by the authorized officer.

D. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA). In accordance with 25 U.S.C. 3002(d) and 43 CFR 10.4, if the holder inadvertently discovers human remains, funerary objects, sacred objects, or objects of cultural patrimony on National Forest System lands, the holder shall immediately cease work in the area of the discovery and shall leave the discoveries intact and in place. The holder shall follow the applicable NAGPRA protocols for the undertaking provided in the NAGPRA plan of action or the NAGPRA comprehensive agreement; if there are no such agreed-upon protocols, the holder shall as soon as practicable notify the authorized officer of the discovery and shall follow up with written confirmation of the discovery. The activity that resulted in the inadvertent discovery may not resume until 30 days after the authorized officer certifies receipt of the written confirmation, if resumption of the activity is otherwise lawful, or at any time if a NAGPRA plan of action has been executed by the Forest Service following tribal consultation and any preconditions have been met.

E. PROTECTION OF THREATENED AND ENDANGERED, SENSITIVE SPECIES, AND SPECIES OF CONSERVATION CONCERN AND THEIR HABITAT

1. Threatened and Endangered Species and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA), 16 U.S.C. 531 et seq., as amended, or within designated critical habitat shall be shown on a map included in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on listed species or designated critical habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing

threatened or endangered species or designated critical habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

2. Sensitive Species and Species of Conservation Concern and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals designated by the Regional Forester as sensitive species or as species of conservation concern pursuant to FSM 2670 shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on sensitive species or species of conservation concern or their habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing sensitive species or species of conservation concern or their habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

F. CONSENT TO STORE HAZARDOUS MATERIALS. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill or release prevention and control plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

V. LAND USE FEE AND DEBT COLLECTION

A. LAND USE FEE. The holder shall pay to the USDA, Forest Service, an annual land use fee for the term of this permit based on the fair market value of the use and occupancy authorized by this permit. The annual land use fee shall include a commercial use fee and, if applicable, an assigned site fee and grazing fee, as enumerated in clauses V.B, V.C, and V.D. **The minimum annual land use fee for the authorized use and occupancy shall be \$130.00.** Estimates of service days, the number of assigned sites, and grazing use shall be determined from the five-year or annual operating plan. Estimated land use fees shall be calculated on an Estimated Fee Determination Sheet. The holder shall pay the annual land use fee in advance of the authorized use and occupancy, as provided in clause V.B. Payments due before commercial operations commence are not refundable. The Forest Service shall adjust and calculate land use fees authorized by this permit to comply with any new land use fee system based on market value that may be adopted by statute, regulation or directive issued by the Chief after issuance of this permit.

1. Commercial Use Fee. The annual land use fee shall be determined in accordance with **option B (3% of gross revenue).**

(a) Definitions

(1) Adjusted Gross Revenue. Gross revenue and revenue additions less applicable exclusions.

(2) Gross Revenue. The total amount of receipts from the sale of goods or services provided by the holder or third party under the permit.

(3) Revenue Additions. The market value of the following items, which are added to gross revenue:

(a) The value of goods and services that are donated or the value of goods and services that are bartered in exchange for goods and services received that are directly related to the outfitted or guided trip; and

(b) The value of gratuities, which are goods, services, or privileges that are not available to the general public and that are donated or provided without charge to organizations; individuals; the holder's employees, owners, or officers; or immediate family members of the holder's employees, owners, or officers.

(4) Revenue Exclusions. The following are excluded from gross revenue:

(a) Revenue derived from goods or services sold on private land that are not related to outfitting and guiding operations conducted on National Forest System lands, such as souvenirs, telephone toll charges, and accident insurance sales.

(b) Amounts paid or payable to a State government licensing authority or recreation administering agency from sales of hunting or fishing licenses and recreation fee tickets.

(c) Revenue from the sale of operating equipment, rental equipment, capitalized assets, or other assets used in outfitting and guiding operations, such as horses, tack, watercraft, and rental skis and boots, which are sold periodically and replaced.

2. Assigned Site Fee. A fee shall be charged for the occupancy of National Forest System sites assigned to the holder. Assigned site fees shall not be prorated; the holder shall pay the full annual fee for each assigned site. No refunds or credits will be given for authorized but unused assigned sites.

3. Grazing Fee. A fee shall be charged for grazing livestock used in conjunction with the use and occupancy authorized by this permit. No refunds or credits will be given for authorized but unexercised grazing use.

B. PAYMENT SCHEDULE. The holder shall pay the annual estimated land use fee, including the fee for commercial use, assigned site fee, and grazing fee, in advance of the authorized use, as follows:

1. Single Payment. The holder shall pay the total annual estimated fee in advance when it is less than \$500.

2. Two Payments. The holder shall pay half the total annual estimated fee in advance and the remainder by mid-season when the total is equal to or greater than \$500, but less than \$2,500.

3. Three Payments. The holder shall pay one-third of the total annual estimated fee in advance and the remainder in two equal payments by mid-season when the total is \$2,500 or more.

4. Final Payment. The Forest Service shall reconcile annually the actual land use fee against land use fee payments made. The holder shall pay any additional fees owed for the past year's operation within 30 days of billing.

C. DOCUMENTATION OF REVENUE. The holder shall provide documentation of use and revenue for purposes of land use fee verification.

1. Actual Use Report. Within 30 days of completion of the holder's approved operating season, the holder shall submit to the authorized officer an actual use report in accordance with the format in Appendix E.

2. Income Statements. No later than 90 days after the close of the holder's fiscal year, the holder shall submit to the authorized officer a statement of income reporting the results of the holder's annual operations. The statement shall include gross revenue, the value of donated goods and services, the value of gratuities, the value and description of items excluded from gross revenue, and all adjustments, such as taxes deducted, and shall be broken down by permitted activities.

D. LAND USE FEE PAYMENTS

1. Crediting of Payments. Payments shall be credited on the date received by the deposit facility, except that if a payment is received on a non-workday, the payment shall not be credited until the next workday.

2. Disputed Fees. Land use fees are due and payable by the due date. Disputed fees must be paid in full. Adjustments will be made if dictated by settlement terms or an appeal decision.

3. Late Payments

(a) Interest. Pursuant to 31 U.S.C. 3717 *et seq.*, interest shall be charged on any fee amount not paid within 30 days from the date it became due. The rate of interest assessed shall be the higher of the Prompt Payment Act rate or the rate of the current value of funds to the Treasury (i.e., the Treasury tax and loan account rate), as prescribed and published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Interest on the principal shall accrue from the date the land use fee is due.

(b) Administrative Costs. If the account becomes delinquent, administrative costs to cover processing and handling the delinquency shall be assessed.

(c) Penalties. A penalty of 6% per annum shall be assessed on the total amount that is more than 90 days delinquent and shall accrue from the same date on which interest charges begin to accrue.

(d) Termination for Nonpayment. This permit shall terminate if the holder fails to pay any land use fee, interest, or any other charges within 90 calendar days of the due date. The holder shall remain responsible for the delinquent charges.

4. Administrative Offset and Credit Reporting. Delinquent fees and other charges associated with the permit shall be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 *et seq.* and common law. Delinquencies are subject to any or all of the following:

(a) Administrative offset of payments due the holder from the Forest Service.

(b) If in excess of 90 days, referral to the United States Department of the Treasury for

appropriate collection action as provided by 31 U.S.C. 3711(g)(1).

(c) Offset by the Secretary of the Treasury of any amount due the holder, as provided by 31 U.S.C. 3720 *et seq.*

(d) Disclosure to consumer or commercial credit reporting agencies.

E. ACCOUNTING RECORDS. The holder shall follow generally accepted accounting principles or another comprehensive basis of accounting, such as the cash, modified cash, or income tax basis of accounting, in recording financial transactions. The minimum acceptable accounting system shall include:

1. Systematic internal controls and separate recording of gross receipts from each type of business conducted under this permit, separate from any other commercial or personal activity. Receipts shall be recorded daily without reduction and, if possible, deposited into a bank account. Receipt entries shall be supported by documentation such as cash register tapes, sales invoices, reservation records, and cash accounts from other sources.

2. For permits with land use fees greater than \$10,000, when requested by the Forest Service, the holder at its own expense shall have its annual accounting records audited by an independent public accountant acceptable to the Forest Service.

F. ACCESS TO ACCOUNTING RECORDS. The holder shall make all of the accounting books and supporting records for the business activities authorized by this permit available for audit by the Forest Service or other federal agencies authorized to review Forest Service activities. The holder shall retain these records and make them available for review for five years after the end of the year they were generated, unless disposition is otherwise authorized by the Forest Service in writing.

VI. REVOCATION, SUSPENSION, AND TERMINATION

A. REVOCATION AND SUSPENSION.

1. The authorized officer may revoke or suspend this permit in whole or in part:

- (a) For noncompliance with federal, state, or local laws and regulations;
- (b) For noncompliance with the terms of this permit;
- (c) For failure of the holder to exercise the privileges granted by this permit;
- (d) At the discretion of the authorized officer, for specific and compelling reasons in the public interest.

2. The authorized officer may revoke this permit at the request of the holder. Revocation at the request of the holder must be agreed to in writing by the authorized officer. As a condition of revocation of this permit at the request of the holder, the authorized officer has discretion to impose any terms deemed appropriate as provided for in this permit.

B. REVOCATION BASED ON PERFORMANCE RATING. If the holder receives an annual rating of unacceptable based on deficiencies identified but uncorrected in a mid-season review and evaluation, the Forest Service shall revoke this permit or, if it is about to expire, shall allow it to terminate.

C. NOTICE AND OPPORTUNITY TO TAKE CORRECTIVE ACTION. Prior to revocation or suspension, other than revocation at the request of the holder under clause VI.A or immediate suspension under clause VI.D, the authorized officer shall give the holder written notice of the grounds for the action to be taken. For purposes of revocation under clause VI.B, written notice must be given to the holder after the mid-season review and evaluation that if the identified deficiencies are not corrected, they will result in an annual rating of unacceptable, which in turn will result in revocation of the permit. Prior to revocation or suspension under clause VI.A.1(a), VI.A.1(b), or VI.A.1(c) or revocation under clause VI.B, the authorized officer also shall give the holder a reasonable period, not to exceed 30 days, to complete corrective action prescribed by the authorized officer. The period between the mid-season review and evaluation and the annual rating shall constitute adequate opportunity to take corrective action for purposes of revocation under clause VI.B.

D. IMMEDIATE SUSPENSION. The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing. The holder may request an on-site review with the authorized officer's superior of the adverse conditions prompting the suspension. The authorized officer's superior shall grant this request within 48 hours. Following the onsite review, the authorized officer's superior shall promptly affirm, modify, or cancel the suspension.

E. APPEALS AND REMEDIES. Written decisions by the authorized officer relating to administration of this permit, including annual ratings of probationary and unacceptable and revocation or suspension decisions, are subject to administrative appeal pursuant to 36 CFR Part 214, as amended. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

F. TERMINATION. This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date and, in the case of a permit issued to a business entity, termination upon change of control of the business entity. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service.

G. REMOVAL OF TEMPORARY FACILITIES. Upon revocation or termination of this permit, the holder shall remove within a reasonable time prescribed by the authorized officer all temporary facilities, except those owned by the United States, and shall restore the site. If the holder fails to remove all temporary facilities within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

H. CONTINUATION OF OBLIGATIONS AND LIABILITIES BEYOND TERMINATION OR REVOCATION. Notwithstanding the termination or revocation of this permit, its terms and conditions shall remain in effect and shall be binding on the holder and the holder's personal representative, successors, and assignees until all the holder's obligations and liabilities accruing before or as a result of termination or revocation of this permit have been satisfied.

VII. MISCELLANEOUS PROVISIONS

A. MEMBERS OF CONGRESS. No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the

authorized use provides a general benefit to a corporation.

B. CURRENT ADDRESSES. The holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for payment of fees.

C. SUPERIOR CLAUSES. In the event of any conflict between any of the preceding printed clauses and any subsequent clauses or any provisions in the appendices attached to this permit, the preceding printed clauses shall control.

THIS PERMIT IS ACCEPTED SUBJECT TO ALL ITS TERMS.

BEFORE THIS PERMIT IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE AUTHORIZED OFFICER OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS OF THIS PERMIT.

ACCEPTED:

[HOLDER NAME]
[ENTITY NAME]

DATE

APPROVED:

PATRICK CHAMPA
DISTRICT RANGER
BEARLODGE RANGER DISTRICT

DATE

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond, to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. Response to this collection of information is mandatory. The authority to collect the information is the Organic Administration Act, 16 U.S.C. 551. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public

assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

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STANDARD FORM 299 (1/2006)
 Prescribed by DOI/USDA/DOT
 P.L. 96-487 and Federal
 Register Notice 5-22-95

APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS

FORM APPROVED
 OMB NO. 0596-0082

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

| | | |
|--|---|--------------------------|
| 1. Name and address of applicant (<i>include zip code</i>) | Name, title, and address of authorized agent if different from item 1 (<i>include zip code</i>) | 3. Telephone (area code) |
| | | Application Number |
| | | Date Filed |
| | | Applicant |
| | | Authorized Agent |

| | |
|--|--|
| 4. As applicant are you? (<i>check one</i>) a. <input type="checkbox"/> Individual b. <input type="checkbox"/> Corporation* c. <input type="checkbox"/> Partnership/Association* d. <input type="checkbox"/> State Government/State Agency e. <input type="checkbox"/> Local Government f. <input type="checkbox"/> Federal Agency * If checked, complete supplemental page | 5. Specify what application is for: (<i>check one</i>) a. <input type="checkbox"/> New authorization b. <input type="checkbox"/> Renewing existing authorization No. c. <input type="checkbox"/> Amend existing authorization No. d. <input type="checkbox"/> Assign existing authorization No. e. <input type="checkbox"/> Existing use for which no authorization has been received * f. <input type="checkbox"/> Other* * If checked, provide details under item 7 |
|--|--|

6. If an individual, or partnership are you a citizen(s) of the United States? Yes No

7. Project description (describe in detail): (a) Type of system or facility, (*e.g., canal, pipeline, road*); (b) related structures and facilities; (c) physical specifications (*Length, width, grading, etc.*); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (*Attach additional sheets, if additional space is needed.*)

8. Attach a map covering area and show location of project proposal

9. State or Local government approval: Attached Applied for Not Required

10. Nonreturnable application fee: Attached Not required

11. Does project cross international boundary or affect international waterways? Yes No (*if "yes," indicate on map*)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

13a. Describe other reasonable alternative routes and modes considered.

b. Why were these alternatives not selected?

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c. Give explanation as to why it is necessary to cross Federal Lands.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (*Specify number, date, code, or name*)

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

20. Name all the Department(s)/Agency(ies) where this application is being filed.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

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Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

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GENERAL INFORMATION ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
Federal Office Building,
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847 (or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Juneau Area Office
Federal Building Annex
9109 Mendenhall Mall Road, Suite 5
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Bureau of Land Management
222 West 7th Avenue
P.O. Box 13
Anchorage, Alaska 99513-7599
Telephone: (907) 271-5477 (or a local BLM Office)

| | |
|---|--|
| U.S. Fish & Wildlife Service (FWS) Office of the Regional Director 1011 East Tudor Road Anchorage, Alaska 99503 Telephone: (907) 786-3440 | National Park Service (NPA) Alaska Regional Office, 2225 Gambell St., Rm. 107 Anchorage, Alaska 99502-2892 Telephone: (907) 786-3440 |
|---|--|

Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Office, P.O. Box 120, 1675 C Street, Anchorage, Alaska 9513.

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 The responsible agency will provide additional instructions.
- 13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 19 Providing this information in as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certification for the use of Federal lands. The Federal agencies use this information to evaluate the applicant's proposal. The public is obligated to submit this form if they wish to obtain permission to use Federal lands.

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SUPPLEMENTAL

| NOTE: The responsible agency(ies) will provide instructions | CHECK APPROPRIATE BLOCK | |
|---|--------------------------|--------------------------|
| I - PRIVATE CORPORATIONS | ATTACHED | FILED* |
| a. Articles of Incorporation | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Corporation Bylaws | <input type="checkbox"/> | <input type="checkbox"/> |
| c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Copy of resolution authorizing filing | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate. | <input type="checkbox"/> | <input type="checkbox"/> |
| f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications. | <input type="checkbox"/> | <input type="checkbox"/> |
| g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal. | <input type="checkbox"/> | <input type="checkbox"/> |
| II - PUBLIC CORPORATIONS | | |
| a. Copy of law forming corporation | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Proof of organization | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Copy of Bylaws | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Copy of resolution authorizing filing | <input type="checkbox"/> | <input type="checkbox"/> |
| e. If application is for an oil or gas pipeline, provide information required by item "I-f" and "I-g" above. | <input type="checkbox"/> | <input type="checkbox"/> |
| III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY | | |
| a. Articles of association, if any | <input type="checkbox"/> | <input type="checkbox"/> |
| b. If one partner is authorized to sign, resolution authorizing action is | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Name and address of each participant, partner, association, or other | <input type="checkbox"/> | <input type="checkbox"/> |
| d. If application is for an oil or gas pipeline, provide information required by item "I-f" and "I-g" above. | <input type="checkbox"/> | <input type="checkbox"/> |

* If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

NOTICE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate the requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations or the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Public reporting burden for this collection of information is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

OUTFITTER & GUIDE OPERATIONS PLAN

BLACK HILLS NATIONAL FOREST

Operating Season: 2024-2025

Name of Permit Holder

Submitted by:

Approved By:

X

Permit Holder Signature

X

Authorizing Official Signature

The holder shall prepare an operating plan in consultation with the Authorized Officer, and/or his/her designated representative and must cover all operations authorized by this permit. The document must outline steps the holder will take to protect public health, safety, and the environment as authorized through an outfitter and guide special use permit. This plan does not supersede or nullify any clauses of the permit. The plan will enable the Forest Service to monitor the holder's operations for compliance with the terms and conditions of this permit. By signing this document, the permit holder acknowledges the information contained in this document is true and accurate. Additionally, the permit holder recognizes the regulations established by the Commonwealth of PR which are a requirement in the operation of this permit. When signed by the permit holder and the Authorized Officer, this Operating Plan will become part of the Special Use Permit during the permit tenure. Changes to the Operating Plan must be submitted in writing by the holder for review and approval.

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I. CONTACT INFORMATION

Business Name: _____
 (Please include the legal name of the business, if using D/B/A please specify)

Business Owner(s): _____

Mailing Address: _____

Business Phone Number(s): _____

Cell Phone Number(s): _____

Email Address: _____

Website: _____

Forest Service Point of Contact

| Position | Name | Office Phone | Email |
|----------------------------|------------|----------------|--|
| Recreation and Lands Staff | Emily Reif | (307) 282-0904 | emily.reif1@usda.gov |

Designated representatives, partners, or additional points of contact that will in some way represent or work under the Holder's authorization:

| Name | Position | Cell Phone Number | Email |
|------|----------|-------------------|-------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

It is the permit holder's responsibility to notify the Forest Service of any changes related to contact information. Failure to update the record may result in non-compliance.

II. OUTFITTER/GUIDE OPERATIONS

Requirements are listed below and supporting documentation should be presented to the Forest Service upon request. Should there be changes related to guides throughout the operating season, it is the holder's responsibility to maintain certifications and licenses or its equivalent up to date and in good standing.

Requirements:

- General Liability Insurance
- First Aid/CPR Certification

Notes:

1. General Liability Insurance must be provided to the Forest Service on an annual basis. **Insurance cancellation or suspension for any reason will result in permit non-compliance and potential permit suspension.** (See section IV. Insurance of this Operating plan for more details)
2. Insurance should be under the permit holder's name and must include all contractors, including the vehicle owner (only, if the vehicle is not under the permit holder's name) as additionally insured.
3. All certifications and requirements will be requested after selection has been made and prior to issuance of the permit.

Contracted Services

Fill out this section if you contract for a service that supports use authorized by your outfitting and guiding permit and is provided by a party other than the holder or the holder's employees or agent. **List the contractor company and contact name and describe contracted services.**

Note: 1) The contract must state that the holder remains responsible for compliance with all the terms and conditions of the permit, and 2) Contracted services must be covered by an insurance policy with the required coverage amount that names the United States of America as an additional insured. This coverage may be provided by an endorsement to the holder's policy, or a separate insurance policy held by the contractor.

| Contractor | Is the contractor currently permitted in the forest? Auth ID? | Type of Service | Point of Contact | Phone Number |
|-----------------------------------|---|-----------------|------------------|--------------|
| E.g. Smokey Bear big game hunting | BHF1234 | Hunting guide | Smokey Bear | 123-123-1234 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

III. SAFETY PLAN

Requirements listed below outline the minimum criteria the permit holder must abide by to operate in the Black Hills National Forest.

- Drivers and or guides will maintain current First Aid and CPR certifications.
- Vehicles are equipped with fire extinguishers, first aid kits, and oil spill absorbent pads.
- On hiking-led tours, guides will have a first aid kit with them at all times.
- All equipment will be inspected regularly and kept in safe and good working order.
- Drivers and guides will comply with speed limits, parking, traffic signs, and Forest Service personnel direction at all times.
- Drivers and guides must be equipped with appropriate communication devices to be used in emergencies.
- Drivers and guides are aware of potential hazards during activities in the forest including,

but not limited to, flash flooding, walking on uneven surfaces, exposure to plants that may cause skin reactions, potential invasive species interactions, or falling debris, and will manage those situations as needed.

A. Emergency Protocol & Notification Process

The permit holder is responsible to train their employees and to familiarize them with this operating plan, which they should follow in the event of an emergency.

Incident Notification. The holder shall be required to contact the authorized officer as soon as practicable after any of the following incidents occur on National Forest System (NFS) Lands:

- a. Any incident resulting in death, permanent disability, or personal injuries that are life-threatening or that are likely to cause permanent disability.
- b. Any failure of a structural, mechanical, or electrical component and its primary connection, or operator error, which impairs the operation or function of a passenger roadway in a way that could affect public safety or any roadway incident that requires reporting to State authorities.
- c. A search and rescue operation to locate a person.
- d. Any incident that had or has a high potential for serious personal injury, significant property damage, or significant environmental or other natural resource damage, including but not limited to landslides, flooding, fire, structural failures, or release of hazardous substances.

Contents of Notification. When notifying the authorized officer of an incident, the holder shall be required to specify when, where, and how it occurred, and who was present or affected by the event. Call the office at (307) 283-1361 or SU Administrator at (307) 282-0904 within 24 hours of an incident. You can leave a message with a brief description of what happened and what actions were taken. Please follow up with written documentation by emailing the SU Administrator at emily.reifl@usda.gov.

Emergency Contacts (Phone numbers are subject to change)

| | |
|-----------------------------|---------------------------------------|
| 911 | |
| Game Warden (307)283-1276 | Emergency Dispatch (307)282-1225 |
| FS LE Officer (605)673-1816 | County Sheriff's office (307)282-1225 |

IV. INSURANCE

The permit holder must submit a copy of the Certificate of General Liability Insurance to the Forest Service on an annual basis. **Insurance cancellation or suspension for any reason will result in permit non-compliance and potential permit suspension. Please refer to the Forest Service permit upon selection on the proper formatting and language to add to your General Liability Insurance. In addition, failure to provide the correct and accurate documentation for the General Liability Insurance will result in permit non-compliance and potential permit suspension.**

The Certificate holder shall be listed on the Certificate of Insurance box as follows:

United States Government
C/O Special Uses
Bearlodge Ranger District
101 S. 21st Street
PO Box 680
Sundance, WY 82729

V. CIVIL RIGHTS

As a holder of a special use permit or authorization from the Forest Service to provide programs or activities to the public, by law you must provide equal opportunity for all people to participate. During permit issuance you are provided with an “And Justice for All” U.S. Department of Agriculture poster (AD- 475C), and additional information regarding your responsibilities for complying with Federal Civil Rights laws.

At a minimum, the following statements should be included in your website and outreach publications:

“This institution is an equal opportunity provider.”

“This institution is operated under a special use permit with the Black Hills National Forest.”

VI. PERFORMANCE, FEES, AND USE REPORT

Mid-year and operational field monitoring will be performed. Levels of satisfactory, probationary, or unacceptable will be determined based on the degree of compliance with the conditions of the permit and operations plan, customer satisfaction, and care and protection of the resource. A performance level of probationary means that you are put on notice that an element(s) within the performance evaluation was in noncompliance with the terms and conditions of the special use permit and/or operating plan and may result in future permit restrictions. A performance level of unacceptable means that an element within the previous performance evaluation was not corrected or improved by the next evaluation period and shall result in immediate permit suspension or revocation as appropriate to the circumstances. Please refer to section VIII., *General Rules for Outfitters and Guides*.

Monitoring will be strictly applied while conducting activities in the Forest and non-compliance will be enforced as follows.

First Occurrence - will likely be subject to a Warning. Second Occurrence - will likely be subject to a Citation. Third Occurrence - will likely be subject to permit suspension, termination, or revocation.

Prior to the beginning of the season, the permit holder shall pay in advance the land use fee corresponding to the authorized allocated use.

- Failure to complete payments of fees owed to the Forest Service may result in permit non-

compliance and eventual permit suspension.

- Actual Use Reports will be turned in 30 days from the last day of operations to the Forest Service. Reports will be sent via email to emily.reifl@usda.gov
- A daily trip log shall be completed prior to entering the forest, maintained on the vehicle, and presented upon request to the Forest Service.
- Accurate bookkeeping will be practiced, and the records will contain, at a minimum, the following information per trip: date, time, locations, number of people, and revenue collected See Appendix 3 Estimated and Actual Use Report.
- A Final Use report and fee determination statements must be received no later than 30 days after the close of the season.
- No part of the use authorized by this permit may be assigned or sublet to others.
- Failure to comply with use reporting may result in non-compliance and potential permit suspension.

VII. FOREST SERVICE GENERAL RULES FOR OUTFITTERS AND GUIDES

In addition to the terms of the permit, the Permit Holder and their guides shall abide by the following items. Please explain how you will accomplish:

- Supporting the Forest Service mission by providing accurate information regarding Forest Service management of the area as well as environmental, geological, historical, archaeological, botanical, wildlife, and Native American culture information.
- Practicing minimum impact techniques (such as Leave No Trace and Tread Lightly). For more information: www.lnt.org
- Integrating education and interpretation of the ecosystem into all activities by well-trained, informed, and educated employees.
- Accurately representing, either orally, in its brochures, advertising, signs, or website all aspects of the use authorized by this permit, including services provided by the holder, the status of the permit, or the area it covers.
- Ensuring all drivers and guides will be responsible for their group behavior and actions within NFS Lands.
- Ensuring all guides will be courteous and helpful at all times to both their guests and to the public at large, including FS personnel.
- Ensuring all drivers and guides will be familiar with the contents of this operating plan. By signing this document, the permit holder assumes the responsibility for communicating the content of the plan to its drivers and guides. Due to Paper Reduction Act, a copy will not be required on vehicles.
- Promptly reporting all suspected unauthorized outfitter and guide activities to the Forest Service following the established guidelines for reporting.
- Ensuring that no Forest Service roads or recreation areas are to be used commercially without prior approval from the Forest Service.
- Filming and photography of authorized trips by the permit holder are covered by the Holder's special use permit. Any filming or photography that requires deviation from the Trip Itineraries Schedules approved in this operating plan must be approved in advance by the Forest Service. Third-party entities that contact Holders to conduct commercial filming and/or still photography on National Forest System Lands should refer to the Forest's website for more information.

- The entire forest has been designated as a “Trash Free Zone”, meaning you will ensure removal off the forest, the trash generated by your clients during their visit.
- **Combustion Engines**- Operating or using any internal or external combustion engine on any timber, brush, or grass-covered land, including trails traversing such land, without a spark arrester is prohibited. It must be maintained in effective working order meeting either (1) Department of Agriculture, Forest Service Standard 5100-1a; or (2) the 80 percent efficiency level determined according to appropriate Society of Automotive Engineers (SAE) recommended practices *1335* and *1350*, 36 CFR 261.52G).
- **Wildland Fire Precautions**- The holder shall review wildland fire hazards and precautions with their customers and employees prior to beginning each trip. Campfires are allowed in dispersed campsites when contained in a pit or rock ring. The holder shall confirm that there are not active fire restrictions on the Black Hills National Forest prior to beginning each trip.
- **Cave Protection**- To ensure protection and to further evaluate cave resources in the permitted area, the holder and his employees and customers are prohibited from entering or disturbing any cave encountered in or adjacent to the permitted area and are required to immediately notify the District Ranger of any caves discovered or suspected.
- **Mining Areas**- Mines have the potential to be dangerous. All activities should be directed away from these areas.
- **Range Improvements**- The holder is reminded that grazing cattle is an authorized use on National Forest System lands in the permitted area. Range improvements such as fences, gates, stock tanks, and developed springs are to be left in the same condition in which they are initially encountered (i.e. open gates should be left open, closed gates should be left closed, etc.).
- **Fee Determination**- 3% of gross revenue.
 - ***Service Day** = 1 person on National Forest System (NFS) land per day regardless of amount of time spent. Count number of clients per day multiplied by total number of days per trip for total service days if applicable (i.e. 5-day trip x 2 clients = 10 service days).
- **Annual Calendar of Activities**- Meeting with authorized officer/permit administrator, submittal of itinerary, estimated use, partial payments, campsite set-up, actual use, campsite take-down, compliance review, Title VI review, monitoring, performance evaluation, etc.
 - **March 15** – Submit Annual Operating Plan, Proof of Insurance for coming year.
 - **April/May** – Final Annual Operating Plan Approved, 1st Estimated Billing.
 - **May-September** – Operating Season (with some exceptions such as fall hunting).
 - **Mid July** – Mid season review: 2nd Estimated Bill (if applicable), Revenue/Service Day Adjustments/Forest Service Monitoring.
 - **Mid November** – Final Estimated Billing (if applicable).
 - **30 days form the last day of operations**– Final Actual Use Report due to permit administrator, Final Billing/Credit (if applicable) issued.
 - **January** – Land Use Fee will be submitted during this month.

Exhibit A: Tour Description

1. **Mission, Goals, Objectives** – Include statements of overall philosophy of the operations, goals for visitor service, care of land and resources, wilderness objectives, etc.

2. **Description of the Operation** – Season of use, area of operations, type of Services offered.

3. **Anticipated Number of Service Days** – Request additional use or waiver for non-use, etc.

4. **Campsites** – No campsites will be assigned through this process, but dispersed camping and developed campgrounds remain open. There is a 14-day stay limit for dispersed and developed camping, within a 60 day timeframe. Type (transfer, road end, base, drop, progressive, etc.) location, description, layout, sketch maps, improvements, firewood areas, handling of food, water, wastes, campfires, LNT techniques.

5. **Other Equipment Used** – Vehicles, boats, ATV/UTVs, aircrafts, etc.

6. **Pre-trip Information Sent to Guests** – Enclose copies of current brochures/marketing materials, other advertising, printout from website, etc.

7. **Guest Orientation** – Identification of hazards and risks, safety considerations, search, rescue and evacuation procedures, communications. Please describe your protocol concerning the following incidents

(include the rules you provide to your guests, if any):

A) Medical emergencies:

B) Search and rescue of tour guests or employees:

C) Gun Related Accidents:

D) Severe Weather Events:

E) Other Events or Information:

8. **Fee Schedule** – Amount charged to customers for various trips.

9. **Outfitter Staff** – Qualifications, training, certifications.

10. **Future Planning** – Ideas for expansion, reduction, changes envisioned, etc.

11. **Roads, Trails, Routes used** – Include updated map.

12. **Additional Information**

Appendix 11 – Forest Service Program Definitions

The following terms and definitions will be helpful in reviewing the information presented in *Prospectus for an Opportunity for Outfitting and Guiding on the Black Hills National Forest*.

Allocation of Use: - An amount of use allocated to a holder that is measured in service days or quotas and that is enumerated in a programmatic or project decision that is consistent with the applicable land management plan.

Commercial Use: Any use or activity on National Forest System lands (a) where an entry or participation fee is charged or (b) where the primary purpose is the sale of a good or service and, in either case, regardless of whether the use or activity is intended to produce a profit (36 CFR 251.51).

Extenuating Circumstances: a circumstance that renders conduct less serious and thereby serves to reduce the damages to be awarded or the punishment to be imposed. i.e. Wildfire reduces use of service days, recession reduces recreational tourism and impacts service day use.

Guiding: Providing services or assistance (such as supervision, protection, education, training, packing, touring, subsistence, transporting people, or interpretation) for pecuniary remuneration or other gain to individuals or groups on National Forest System lands. The term "guide" includes the holder's employees and agents.

Holder: An individual or entity that holds a special use permit authorizing outfitting or guiding activities on National Forest System lands.

Local Community: Communities that are adjacent to the Forest boundary or within the surrounding municipalities.

Outfitting: Renting on or delivering to National Forest System lands for pecuniary remuneration or other gain any saddle or pack animal, vehicle, boat, camping gear, or similar supplies or equipment. The term "outfitter" includes the holder's employees and agents.

Priority Use: Authorization of use for up to 10 years, based on the holder's past use and performance and applicable programmatic or project decisions to allocate use. Except as provided in 36 CFR Part 251, Subpart E, authorizations providing for priority use are subject to renewal (FSH 2709.11, sec. 41.531).

Service/Client Day: An allocation of use constituting a day or any part of a day on National Forest System lands for which an outfitter or guide provides services to a client. For a day trip, the number of service days is the same as the total number of clients.

Trip: The quota that will be used for outfitting and guiding authorizations.

Underserved populations: As defined by the segment of the population that doesn't generally have the financial wherewithal to participate in these activities. Primarily (but not exclusively) the youth in this financial demographic.

Quota: An allocation of use that is measured as the number of stock per trip, people at one time, trips per hour or per day, the number of launches per day, or other unit of measure other than a service day; that is consistent with applicable land management plan guidance, and that is established in a programmatic or project decision.

Appendix 12 – Financial Statement

Proposal Package

Describe and demonstrate your financial capability to successfully run a profitable business and conduct the proposed activities. For example, provide years in operation, financial health information (account balances, loan amounts, financial ratios), assets, liabilities, owned equipment, business credit scores, and any other pertinent information.

Appendix 13 – Checklist and Cover Sheet

Checklist

The following items must be submitted for a complete proposal package.

- Cover sheet completed and signed (see this document, next page)
- A detailed description of your skills and experience for the proposed activity including education, training, qualifications, years of experience, and abilities. Describe knowledge of the local area and specific locations under consideration.
- Proposed operating plan completed and signed (see Appendix 10)
- Detailed topographic maps showing travel routes, proposed zone locations, parking areas, access points, and any private (or other lands not under National Forest authority) needed in the application must be included as part of your operating plan.
- Fees charged to the public. Applicants must provide a list of all fees they propose to charge to the public. Discuss any variable pricing or discounts.
- Previous performance evaluations and previous and current permits for outfitting and guiding.
- Three professional/business reference letters with contact information and/or client testimonials.
- Special Use Application Form, SF-299 completed (See Appendix 9)
- Sample Business Plan completed (see Appendix 7)
- Sample Financial Statement completed (see Appendix 12)
- Partnerships, limited liability companies (LLCs), associations, or other unincorporated entities must submit a certified copy of the partnership agreement or other documentation establishing the entity or a certificate of good standing under the laws of the state where the entity is located.

Cover Sheet

The undersigned proposes the following in response to the 2024 *Outfitting and Guiding Prospectus on the Black Hills National Forest*:

Specify the MINIMUM and MAXIMUM number of service days you are proposing to use for one or more of the interested zones and services listed below listed below:

Table 1 Requested Service Days

| Type of Service to be Provided | Interested Zones | Minimum Client Days Requested | Maximum Client Days Requested |
|---------------------------------|------------------|-------------------------------|-------------------------------|
| Big Game (Deer and Elk Hunting) | | | |
| Mountain Lion Hunting | | | |
| Spring Turkey Hunting | | | |

Detailed service offerings/proposals should be included in the proposed operating plan and other proposal package documents.

Are you willing to accept an award of service days less than the minimum number you listed above?

YES NO

Do you commit to work together with other service providers to share the public space, and set a good example regarding ethical behavior, compliance with laws/regulations, low impact practices, and caring for the land? YES NO

Name of Applicant: _____

Business Name: _____

Mailing Address: _____

Telephone Number(s): _____

Email: _____

*Signature: _____ Date: _____

Title: _____

*Original handwritten signature only; signature must not be typed or electronically created. If the proponent is a business structure other than a Sole Proprietorship, the person signing the cover sheet for the business entity must provide proof of authority to sign for that business entity. For example, provide a letter on company letterhead signed by a company official designating the person as a representative with authority to sign for the company.