

Allegheny National Forest

Outfitter and Guide Special-use Permits

Background

Commercial outfitters and guides provide important skills and services to help national forest visitors enjoy activities that they may not be able to participate in on their own. Activities may include commercially guided fishing and hunting trips; float trips and guided tours.

The Allegheny National Forest is striving to improve consistency and compliance among those who provide outfitting and guiding on the Forest. Some existing outfitters or guides may not be aware they need a special-use permit to conduct commercial activities on National Forest System (NFS) lands, and on the Allegheny and Clarion Rivers within the Forest. The Allegheny National Forest is sending out letters to these businesses to inform them about the need for a special-use permit and the steps needed to complete an application.

What is a special-use permit?

A special-use permit is a temporary authority that grants rights or privileges of occupancy and use and contain specific terms and conditions the holder must follow. The authorization is granted for a specific use of the land for a specific period of time. Permits are not transferable, which means they cannot be given to someone other than the holder. The holder is the person who the permit is issued.

Who needs a special-use permit?

You would need a special-use permit if you provide a commercial use or activity on National Forest System lands where an entry or participation fee is charged, or 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).

How does the Forest Service determine if a proposal is appropriate?

Special-Use Screening (36 CFR 251.54, FSH 2709.11, Ch. 10)

Initial Screening Criteria

1. Requests must be consistent with laws, regulations, orders, policies of NFS lands, other federal laws, and applicable state and local health and sanitation laws.
2. Requests must be consistent or made consistent with the standards and guidelines in the applicable Forest Land and Resource Management Plan (Forest Plan).
3. Requests must not pose serious or substantial risk to public health or safety.
4. Requests must not require exclusive or perpetual right of use or occupancy.
5. Requests do not unreasonably conflict or interfere with administrative uses, other scheduled or authorized existing uses, or use of adjacent non-NFS lands.
6. The proponent must not owe any fees to the Forest Service from a prior or existing special-use authorizations
7. No gambling or providing sexually oriented commercial services will be authorized on NFS land, even if permitted under state law.

8. No military or paramilitary training or exercises by private organizations or individuals will be authorized on NFS land, unless it is federally funded.
9. No disposal of solid waste or storage or disposal of radioactive or other hazardous substances will be authorized on NFS land.

Once passing the Initial Screening Criteria is passed, there is a Second level Screening

1. Inconsistent or incompatible with purposes for which lands managed or with other uses.
2. Use not in the public interest.
3. Proponent not qualified.
4. Proponent lacks or cannot demonstrate technical or economic feasibility or, financial or technical capability to comply with terms and conditions.
5. No person or entity to sign and be willing to accept responsibility.

Insurance Requirements for Guiding

Authorized commercial guides must carry liability insurance, naming the United States as an additional insured. Before issuing a permit, the holder must submit a certificate of insurance on industry standard form ACORD 25-S listing the policy limits of coverage. Minimum coverage amounts for liability insurance depends on the authorized activities (FSM 2700, Chapter 2710).

Insurance waivers signed by customers do not negate the need for guides to carry liability insurance, naming the United States as an additional insured.

Anyone who serves as a guide under someone's permit (meaning they work for the permit holder) must be named on the permit holder's insurance.

Penalties for not obtaining a special-use permit

Failing to obtain a special-use permit for conducting commercial use and activities on National Forest System lands is a Class B misdemeanor (36 CFR 261.10). The maximum penalty is \$5,000 and/or 6 months imprisonment for an individual or a \$10,000 fine for an organization.

For more information:

For additional questions regarding special-use permits, please contact the permit administrator at:

- Bradford Ranger District: 814.362.6000
- Marienville Ranger District; 814.927.5700