
OUTFITTER/GUIDE PERMIT INFORMATION

SHASTA-TRINITY NATIONAL FOREST



NATIONAL RECREATION AREA MANAGEMENT UNIT

SHASTA MCCLOUD MANAGEMENT UNIT

SOUTH FORK MANAGEMENT UNIT

TRINITY RIVER MANAGEMENT UNIT

July 31, 2017

Updated April 9, 2021

Updated November 9, 2021

Table of Contents

Background Information	4
<i>When to Apply</i>	4
<i>Application Package Requirements</i>	4
Temporary Permits (permits that span 6 months/less than one year; maximum of 200 service days).....	4
Priority Permits (permits that span multiple years; maximum service days only for areas that have a capacity limitation).....	5
<i>Locations of Limited or No Permit Authorizations</i>	5
Permit Requirements	6
California State Requirements for Businesses Operations	6
<i>BUSINESS LICENSE/FICTITIOUS BUSINESS NOTICE REQUIREMENTS</i>	6
HOW DO I FORM A BUSINESS ENTITY IN CALIFORNIA?	7
HOW DO I OBTAIN A LICENSE OR PERMIT FOR MY BUSINESS ENTITY?	7
FICTITIOUS BUSINESS NAME	8
<i>GUIDES – EMPLOYEES VS. INDEPENDENT CONTRACTORS</i>	8
SITUATIONS WHERE INDEPENDENT CONTRACTORS MIGHT BE CONSIDERED APPROPRIATE.....	9
<i>Child Abuse Prevention and Reporting</i>	9
TRAINING OF GUIDES FOR CHILD ABUSE RECOGNITION AND REPORTING.....	9
BACKGROUND CHECKS	10
<i>CA Public Utilities Commission Charter Party Carriers Permits/Certificates</i>	11
California Public Utilities Commission Website:	13
Forest Service Requirements.....	14
<i>INSURANCE</i>	14
EXCLUSIONS AND ENDORSEMENTS:.....	16
Liability Insurance Coverage Limits.....	16
<i>ACKNOWLEDGEMENT OF RISK FORMS/WAIVERS</i>	17
SAMPLE 1 - ACKNOWLEDGEMENT OF RISK FORM	17
SAMPLE 2 - ACKNOWLEDGEMENT OF RISK FORM	18
<i>CIVIL RIGHTS REQUIREMENTS</i>	19
<i>ACCESSIBILITY REQUIREMENTS/ESSENTIAL ELIGIBILITY PLAN</i>	21
STRATEGIES FOR DEVELOPING ESSENTIAL ELIGIBILITY CRITERIA	22
METHODS OF PROVIDING ESSENTIAL ELIGIBILITY CRITERIA.....	22

PROVIDING EQUAL OPPORTUNITY IN THE MOST INTEGRATED SETTING	23
SAFETY CONSIDERATIONS	23
ESSENTIAL ELIGIBILITY CRITERIA DEVELOPMENT	23
EXAMPLES OF ESSENTIAL ELIGIBILITY CRITERIA GUIDELINES.....	24
<i>CHILD ABUSE RECOGNITION AND REPORTING</i>	<i>25</i>
Shasta-Trinity National Forest Specific Requirements	27
<i>WRITTEN AGREEMENTS.....</i>	<i>27</i>
USE OF PRIVATE PROPERTY	27
SHASTA LAKE, TRINITY LAKE, AND LEWISTON LAKE.....	27
<i>SAFETY.....</i>	<i>28</i>
GUIDE QUALIFICATIONS/TRAINING FOR GUIDES	28
COMMUNICATION.....	30
MEDICAL EMERGENCY RESPONSE	30
EVACUATION PROCEDURE	30
<i>Guide and Vehicle Identification</i>	<i>30</i>
GUIDE PASS	30
VEHICLE IDENTIFICATION	30
Billing and Monitoring Requirements.....	31
<i>ANNUAL BILLING</i>	<i>31</i>
TEMPORARY PERMITS – FLAT FEE BILLING.....	31
PRIORITY (MULTI-YEAR) PERMITS – 3% ANNUAL ADJUSTED GROSS REVENUE BILLING.....	31
SAMPLE ACTUAL USE REPORT - SUBMITTED 30 DAYS AFTER THE CLOSE OF YOUR SEASON OR END OF YOUR PERMIT WHICHEVER COMES FIRST	35
<i>MONITORING AND INSPECTION REQUIREMENTS</i>	<i>36</i>
Required Inspection Frequency	36

Background Information

The Shasta-Trinity National Forest issues outfitter and guide permits annually if the request is for a business venture that the Forest can accommodate where there is a need for the business activity and the activity will not cause resource damage or concerns. The proposed outfitter or guide activity must also be dependent on the National Forest and not something that would be better served/suited to private land.

The Forest Service has the following objectives for promoting and providing outfitter and guide services:

1. Provide for outfitting and guiding services that address concerns of public health and safety and that foster successful small businesses consistent with the applicable land management plan.
2. Facilitate greater participation in the outfitting and guiding program by organizations and businesses that work with youth and educational groups.
3. Encourage skilled and experienced individuals and entities to conduct outfitting and guiding activities in a manner that protects environmental resources and ensures that national forest visitors receive high-quality services.

Outfitting and guiding can be defined as an activity 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). Guides provide a service 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. An outfitter is an entity that rents on or delivers equipment to National Forest System lands for pecuniary remuneration or other gain and can include any saddle or pack animal, vehicle, boat, camping gear, or similar supplies or equipment. The term "outfitter" includes the holder's employees and agents.

When to Apply

An application for a permit must be submitted in the open seasons which are the months of **January** or **September**. Applications will not be accepted outside of these open seasons because reviewing and processing these permits can take a lot of time to authorize so the Shasta-Trinity National Forest has devoted two times of the year where these permits will be reviewed and issued.

Application Package Requirements

Temporary Permits (permits that span 6 months/less than one year; maximum of 200 service days)

Businesses that are new and have never had a special use permit before on the Shasta-Trinity National Forest must first apply for a temporary permit before requesting a priority (multi-year) permit.

- Cover Letter providing a brief description of what your application includes and what you are proposing.
- [Completed and Signed Application – FS-2700-3f](#)
- [Application Question 2](#)
- [Completed Operating Plan Template](#)

- Certificate of Insurance with the US Government listed as additionally insured

Note: for permits in Mt. Shasta Wilderness, Trinity Alps Wilderness, Trinity River, Deadfall Lakes/Porcupine Lake area there is a limited amount of service days that will be allocated each season and will be issued on a first come first served basis during the open season.

Priority Permits (permits that span multiple years; maximum service days only for areas that have a capacity limitation)

Businesses that have successfully had at least two seasons under a temporary permit or businesses that can provide successful performance evaluations from another National Forest where your business operates may apply for a multi-year priority permit.

Note: No new priority permits will be issued in the Mt. Shasta Wilderness, Trinity Alps Wilderness, Trinity River, Deadfall Lakes/Porcupine Lake area at this time. Only temporary permits will be issued here. This may change in the future if the need for more priority permits in these areas arises.

- Cover Letter providing a brief description of what your application includes and what you are proposing.
- SF-299 Application
- [Application Question 2](#)
- [Completed Operating Plan Template](#)
- Certificate of Insurance with the US Government listed as additionally insured

Locations of Limited or No Permit Authorizations

There are some locations on the Shasta-Trinity National Forest where an outfitter/guide permit will not be authorized. This includes:

- Private land
- Locations only accessible via private land unless you have written permission to cross the private land
- Panther Meadows
- Recently acquired FS property until the unit evaluates recreation opportunities for these locations
- Designated Wilderness unless the activity is a high need as demonstrated in the 2021-2030 Designated Wilderness Needs Assessment and Forest Capacity Analysis:

Wilderness Area	High Need Activities
Mt. Shasta Wilderness	• Mountaineering • Backcountry Skiing and Snowboarding • Avalanche Education Training • Skill Training/Rescue
Castle Crags Wilderness	• Rock Climbing
Trinity Alps Wilderness	• Backpacking • Hiking • Horseback Riding • Packing/Dunnage
Yolla Bolla Wilderness	• Backpacking • Hiking

	• Horseback Riding • Packing/Dunnage
Chanchelulla Wilderness ¹	N/A

Permit Requirements

The following sections are important for any prospective and current permitted business to review to understand all the requirements they are expected to adhere to and in some cases provide as part of their operating plan or permit. Please read through this section completely and carefully.

California State Requirements for Businesses Operations

As a requirement for all permit holders that operate on National Forest System lands and waters, the permit holder must abide by all federal, state, and local laws for their business operations on the National Forest. Below is the clause that can be found in each outfitter and guide permit:

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.

The topics described below are not intended to provide legal advice or be the sole source of your investigations of what California State requirements you need to abide by when operating your business in the state, but it does highlight areas that the Shasta-Trinity National Forest is viewing in terms of your compliance as it pertains to your permit operations on the National Forest.

BUSINESS LICENSE/FICTITIOUS BUSINESS NOTICE REQUIREMENTS

So why do we require to see a copy of your Business License/Fictitious Business Certificate? We do this to be sure we are issuing the permit to the legal business entity. The business license, permit, and entity listed as insured on your certificate all need to match.

We require a copy of your business license (if required based on the county ordinances of where your business is located) and a Fictitious Business Certificate/Filing with the county if your business name is a Fictitious Business Name (information regarding Fictitious Business Names on page 8). If your business is a Corporation, Limited Liability Company, Limited Partnership, General Partnership, or Limited Liability Partnership, we will also need a copy of your Secretary of State information.

The following is some information that can be found on the Secretary of State website of what is required if you have a business that operates in California.

¹ The Chanchelulla Wilderness was not analyzed in the Needs Assessment because there has not been any outfitter and guide operations in this wilderness area

<http://www.sos.ca.gov/business-programs/business-entities/faqs>

HOW DO I FORM A BUSINESS ENTITY IN CALIFORNIA?

Once you decide to establish a business, a primary consideration is the type of business entity to form (i.e., corporation, limited liability company, limited partnership, general partnership, limited liability partnership, sole proprietorship). Tax and liability issues, director and ownership concerns, as well as state and federal obligations pertaining to the type of entity should be considered when making your determination. Personal and personnel needs and the needs of your particular type of business should also be considered.

The following website provides a brief overview of various business structures as provided by the State of California:

<https://www.sos.ca.gov/business-programs/business-entities/starting-business/types#faqs>

Before you establish a business in the State of California, you should consult with a private attorney or tax advisor for advice about what type of business entity will meet your business needs, and what your legal obligations will be.

HOW DO I OBTAIN A LICENSE OR PERMIT FOR MY BUSINESS ENTITY?

Depending on the type of business structure you decide to form, you may be required to register it with the California Secretary of State, and you must obtain the necessary licenses and/or permits.

The Governor's Office of Business and Economic Development website is a great tool to find out what licenses/permits your business needs based on the type of business and where it is located.

Here is the website: <http://www.calgold.ca.gov/>

Note: There is no "guiding" business type, so you need to plug in "General Business Information".

FOR BUSINESSES LOCATED IN SISKIYOU COUNTY:

If your business is located in Siskiyou County, you need to find out if you are in the incorporated areas or unincorporated areas. That will determine whether you need to apply for the City Permit or the County Permit. From what I can tell, businesses that are located in Dorris, Dunsmuir, Etna, Fort Jones, Montague, Mount Shasta, Tulelake, Weed and Yreka are all in "incorporated areas", so you just need the associated city permit where your business is located. Everywhere else in Siskiyou County needs the Siskiyou County Permit for "unincorporated areas".

FOR BUSINESSES LOCATED IN SHASTA COUNTY:

If your business is located in Shasta County you need to find out if your business is in the Incorporated or Unincorporated areas of Shasta County. From what I can tell Anderson, Redding, and Shasta Lake are located in the "incorporated area" and you only need the associated city license. If your business is elsewhere it does not appear to be a requirement with Shasta County for a permit.

FOR BUSINESSES LOCATED IN TRINITY COUNTY:

If your business is located in Trinity County, it appears you do not need a county license.

FICTITIOUS BUSINESS NAME

All businesses that operate with a Fictitious Business Name needs to file that name in the associated county. Fictitious business names are filed with the county in which the principal place of business is located. Please check with the county for specific requirements.

A Fictitious Business Name (FBN) or Doing Business As (DBA) statement is required when the business name does not include the surname of the individual owner(s) and each of the partners; or the business name suggests the existence of additional owners; or the nature of the business is not clearly evident by the name of the business. For example, Bill Smith and Sons Plumbing would require a FBN because the name implies additional owners, Bill Smith Plumbing does not require a FBN. Bill Smith Industries would require a FBN because it does not identify the nature of the business.

GUIDES – EMPLOYEES VS. INDEPENDENT CONTRACTORS

Many businesses choose to be the sole guide for their company and other businesses chose to hire on other people as guides for their company. If you are the sole guide for your business and you do not hire contractors or employees to work for your business, this section does not apply. Some businesses have chosen to hire employees or independent contractors to perform guided services. It is your requirement and responsibility as a business owner to ensure that you are abiding by all state, local, and federal laws. This is also a clause in the special use permit which you will be signing and abiding by.

The state of California as of January 1, 2020 mandated a new law Assembly Bill (AB) 5 and AB 2257 which reclassifies an employee versus an independent contractor. [Assembly Bill \(AB\) 5](#) and [AB 2257](#) replaced the common law test with the ABC test to determine whether a worker is an employee or independent contractor in California. The ABC test must be used for the purpose of the Unemployment Insurance Code beginning January 1, 2020. Under the ABC test, a worker is considered an employee and not an independent contractor, unless the hiring entity meets all three conditions of the ABC test:

1. The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.
2. The person performs work that is outside the usual course of the hiring entity's business.
3. The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

Note: Workers are considered employees unless proven otherwise. The hiring entity must show that workers meet all conditions of the ABC test to classify them as independent contractors, unless there is a statutory exclusion or determination of employment. AB 5 and AB 2257 do not change how out-of-state workers are classified.

As of January 1, 2020, the Shasta-Trinity National Forest will no longer accept independent contractors as guides unless the business can prove that the independent contractor meets all three conditions of the ABC test described above.

Misclassification of employees as independent contractors is a serious problem. When workers don't meet the legal test for independent contractor status, it exposes the employer to significant liability. A misclassification mistake can result in civil penalties, liability for unpaid wages, potential overtime pay, meal and rest breaks, employment taxes and more. Class action lawsuits in this area continue to rise, and independent contractor arrangements are under increasing scrutiny from California and federal enforcement agencies.

Here are some helpful links for more information:

[Independent contractors \(ca.gov\)](#)
[AB 5 – Employment Status \(ca.gov\)](#)
[Employers \(ca.gov\)](#)

SITUATIONS WHERE INDEPENDENT CONTRACTORS MIGHT BE CONSIDERED APPROPRIATE

Independent contractors may be considered for your business when the following conditions apply:

- Ancillary services (food and shuttle services, specialized guide for people with disabilities or for highly technical trips) that support the use authorized by the permit may be provided by a party other than the holder or the holder's employees only with prior written approval from the authorized officer. These are services that the business does not provide as part of their business, but this contractor still needs to abide by your permit which also might disqualify the use of this service under the ABC test. Be sure to attain legal counsel if this is something that you plan on considering.
- When on a particular day a permit holder lacks sufficient equipment or guides to accommodate the holder's customers, the permit holder, without prior written approval from the authorized officer, may contract for additional equipment or guides from another permit holder. When a holder contracts for additional equipment or guides from another holder, the contracting holder is responsible for compliance with all the terms and conditions of the permit in connection with provision of the contracted equipment and services (this includes reporting the user days on your actual use report and making note it was a contracted trip and with whom).

Child Abuse Prevention and Reporting

TRAINING OF GUIDES FOR CHILD ABUSE RECOGNITION AND REPORTING

Child Abuse and Neglect Reporting Act (11164-11174.3) requires people that provide any service to a minor (with or without their parent or legal guardian) to undergo training on how to properly report child abuse and recognize signs of it. For more information on this law see the following link:

http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=1.&part=4.&chapter=2.&article=2.5

The State of California requires the following training to be completed which will fulfill the Forest Service requirement for child abuse recognition and reporting training. All guides that will lead trips with minors (with or without their legal guardian) will be required to take this free online training course and the associated refreshers when they expire:

<https://mandatedreporterca.com/>

BACKGROUND CHECKS

Be aware of any State of California law requiring criminal background checks for providing services to minors. That information is not provided in this document. If the State of California requires you to get a background check you must apply with the California Department of Justice to obtain criminal background checks for your guides that interact with any minors and if you fall in the statutory guidelines pursuant to California State Law Penal Code 11105. See below:

In the State of California, it is necessary to have "statutory authority" according to the laws of California to receive criminal background history for your employees and or volunteers. Please review Penal Code 11105.

Here is the information you need to apply for authorization to receive criminal background history.

When you are applying for your business to have an individual ORI number to request Criminal Background history for your employees, you need to complete an application package.

Your agency would choose one or more persons to be the "Custodian of Records" to maintain the individual criminal background histories of your employees. Please complete the BCIA 8374 for each Custodian of Records applicant.

Website Links for further information:

<http://oag.ca.gov/fingerprints/agencies>

<http://oag.ca.gov/fingerprints/custodian>

To begin the process, you must determine what agency type you fall within. Please read the information on our website before you proceed, as you would want to pay particular attention to the listed Penal Codes to confirm your eligibility for statutory authority. You must complete an entire application package which is listed on the website.

Additional documentation that could be required:

- Non-Profit documentation
- Business License

It is your responsibility to explain to the Department of Justice who you are and why your agency/business has statutory authority to request authorization to receive criminal history for your employees.

Review the applications and read the Penal Code that is referenced in the application and submit to them your application with your Business License for the State's review.

NOTIFICATION OF BACKGROUND CHECK POLICY

The State of California regulation for a business to notify the parent or legal guardian can be found below ([Bill Text - AB-1852 Business: services to minors: background checks. \(ca.gov\)](#)).

DIVISION 8. SPECIAL BUSINESS REGULATIONS [18400 - 22948.7]
(Division 8 added by Stats. 1941, Ch. 44.)
CHAPTER 2.8. Businesses Providing Services to Minors [18950- 18950.]
(Chapter 2.8 added by Stats. 2014, Ch. 159, Sec. 1.)
18950.

(a) (1) A business that provides services to minors shall provide written notice to the parent or guardian of any minor receiving those services regarding the business' policies relating to obtaining criminal background checks for its employees.

(2) If criminal background checks are obtained for employees, the written notice described in paragraph (1) shall also contain a statement regarding whether the criminal background check includes state and federal criminal history information and the nature of the types of offenses the business looks to identify.

(b) (1) As used in this section, a "business that provides services to minors" means a business that meets both of the following requirements:

(a) Its primary purpose is the providing of an extracurricular service or program of instruction, including, but not limited to, academic tutors and instructors, for youth under 18 years of age.

(b) It has adult employees who have supervisory or disciplinary power over a child or children.

(2) A "business that provides services to minors" shall not include a licensed child day care facility as defined in Section 1596.750 of the Health and Safety Code or a day care center as defined in Section 1596.76 of the Health and Safety Code, or any medical treatment facility or hospital.

(c) As used in this section, "written notice" may include a posting on the business's Internet Web site.

(d) Nothing in subdivision (a) shall require or authorize a business subject to these provisions to disclose confidential criminal history information in violation of Article 3 (commencing with Section 11100) of Chapter 1 of Title 1 of Part 4 of the Penal Code.

(e) Compliance with this section shall not be deemed a violation of Section 432.7 of the Labor Code.
(Added by Stats. 2014, Ch. 159, Sec. 1. Effective January 1, 2015.)

CA Public Utilities Commission Charter Party Carriers Permits/Certificates

If you provide a service that includes transportation in a vehicle, you may be required by the State of California to hold a permit or license with the CA Public Utilities Commission. Charter-Party Carriers (TCP) charter their vehicles for exclusive use of an individual or a group. Carriers obtain specific permits or certificates applicable to their service to the public. As it pertains to outfitter and guide operations on the National Forest in California, these services do include round-trip sightseeing services and transportation incidental to another business i.e., commercial river rafting, river fishing, backpacking to transport clients back to their vehicle. The applicable authorities for license or permit are described below:

Certificates:

- **"A" Certificate (PUC §§5371.1 and 5383):**

- Chartered service
- May operate vehicles of any seating capacity
- May operate from any point to any point within California
- May also conduct round-trip sightseeing and may charge individual fares in doing so.
- Except for round-trip sightseeing, charges must be based on vehicle mileage, time of use, or combination of both.
- May be transferred (fee: \$300)
- **"C" Certificate (PUC §§5371.3 and 5383):**
 - Provide transportation services incidental to commercial balloon operations, commercial river rafting, or skiing where no additional compensation is provided for the transportation. (If you will perform transportation that is incidental to a business other than these three, a "Z" permit, below, is the appropriate authority.)
 - Commercial balloon operations: see exemption under the "Charter-Party Exemptions" link below.
 - May operate from any point to any point within California
 - May be transferred (fee \$300)

Permits:

- **"S" Permit (PUC §5384(c)):**
 - This is for carriers conducting "round-trip sightseeing service." See section below on "Round-trip Sightseeing".
 - May operate vehicles of any seating capacity
 - May operate from any point to any point within California
 - May charge individual fares. May also base charges on vehicle mileage, time of use, or combination. (The "A" certificate is the only other type of TCP authority that allows individual charges, only when conducting roundtrip sightseeing service.)
 - May not be transferred.
- **"Z" Permit (PUC §5384(a)):**
 - These are "specialized carriers", who do not hold themselves out to serve the general public, but only:
 - provide service under contract with industrial and business firms, governmental agencies, and private schools OR
 - transport agricultural workers to and from farms for compensation OR

- conduct transportation services, which are incidental to another business. (However, note that if the transportation is incidental to either commercial balloon operations, commercial river rating, or skiing, the appropriate authority is a "C" certificate, above.)

California Public Utilities Commission Website:

<https://www.cpuc.ca.gov/regulatory-services/licensing/transportation-licensing-and-analysis-branch/charter-party-carriers>

If you put clients in your vehicle ***you will need to supply*** your CA Public Utilities Commission certificate or license as part of your operating plan. ***Your liability insurance coverage will also need to cover transportation services*** of a client in your vehicle up to a combined single limit of at least \$500,000.

Forest Service Requirements

INSURANCE

To qualify to be issued a permit to operate on Forest Service land or remain in compliance with the terms of your Special Use Permit, ***you must comply*** with the following insurance requirements:

- Discuss the limits of coverage required and terms of compliance necessary to operate on Forest Service land with your insurance agent and permit staff. Minimum coverage limits are based upon the highest risk activity in which you engage. Your coverage must meet or exceed the highest limit for all your activities regardless of the frequency of that activity. Minimum limits are set by region and activity and are subject to review by the district ranger for adequacy. You must be able to obtain the required limits of coverage established by your permit administration and fulfill all insurance requirements in order to be issued a permit.
- Provide a copy of the entire insurance policy package to the permit staff when applying for a new permit, whenever there has been a change in the policy terms or authorized activities, or upon the request of the permit staff.
- The permit holder must submit copies of the Certificate of Insurance, Declaration page, and Endorsement of Additional Insured to the Forest Service permit staff on an annual basis.
- The declaration page of the policy must provide the following information:
 - Producer (issuing insurance agency);
 - Company(s) providing coverage;
 - The insured's name
 - Type of coverage;
 - Effective dates;
 - Coverage limits;
 - Signature of the official representative of the insurance company;
- All insurance documents must be received no less than 45 days before your activity starts. All policies are reviewed in the order received. Incomplete submissions will cause your review to be postponed until all documents are received.
- The name listed on the policy and the Certificate of Insurance must match that on the permit and be identical to that name registered with the corporation or business license division of the state.
- All registrations and licenses with your state must be current.
- The Additional Insured Endorsement will probably need to be reviewed to make sure completed operations are not excluded. It may require a "manuscript" Additional Insured endorsement.
- The coverage location as stated in your policy and on the Certificate of Insurance must include the permitted area(s) of operations.

- Defense costs may not reduce the coverage limits for any type of coverage. If claims reduce coverage limits, the minimum limit of insurance for the highest risk activity will be doubled to allow for payment of defense costs from those coverage limits.
- The dollar amount of deductibles (self-insurance) or Self-Insurance Retention must be approved by the permit administrator, staff, or the Forest Service National Insurance Review Program.
- All insurance policies must be on an “occurrence” format unless approved by the Forest Service National Insurance Review Program.
- The insurance company you use must have a minimum rating of A- as a financial rating and a- as a credit rating as rated by A.M. Best.
- All insurance must be purchased through companies licensed in the US unless approved by the Forest Service National Insurance Review Program.
- Permit holder must obtain an additional insured endorsement from all independent contractors and subcontractors to cover their ongoing and completed operations (if applicable) covering the period of their work/activity.
- As the permit holder you are required to provide a written notice at least 30 days in advance of any cancellation.
- The policy must provide an endorsement wherein the Forest Service is provided 30-day written notice of cancellation; and/or 10 day written notice for non-payment.
- The permit holder must comply with all terms and conditions of the permit.
- The Additional Insured Endorsement and Certificate of Insurance must name the US Government as the additional insured.
- The language in the Additional Insured Endorsement must read as follows:

“It is understood and agreed that the United States Government is additional insured solely as respects to liability arising from operations of the named insured.”

This language cannot be modified in any way that restricts coverage or ties coverage to a contract. Coverage must extend to any and all areas which the permit holder occupies on Forest Service land for as long as the permit holder operates on said land.

- The United States Government shall be listed on the Certificate of Insurance in the certificate holder box as follows:

**United States Government
C/O Shasta-Trinity National Forest
Mount Shasta Ranger Station
204 West Alma Street
Mount Shasta, CA 96067**

EXCLUSIONS AND ENDORSEMENTS:

As a permit holder you must be sure to include all services in your insurance policy and be sure that the insurance company does not exclude services or activities that you provide to your clients. You and the government do not want to be held liable for incidents that occur because your insurance policy excluded services that you do provide. Some examples are below:

- Is **food served**? Need an endorsement to completed operations to cover food service. Review the additional insured form to be sure it does not exclude food service.
- Are **clients transported across FS land**? Need to provide coverage to the same minimum limits for auto, watercraft, and airplanes.
- Are **services provided to youth or other vulnerable populations** (need molestation insurance)
- Are there any **fuel storage tanks** on FS land or can a spill occurring on private property impact FS land? Need pollution and pollution clean-up insurance-these represent different losses and might require separate limits of insurance.
- Is there **use of Forest Service buildings**? Is the amount appropriate? Does it cover all perils?
- Is **liquor sold in the package or by drink**? Need coverage for liquor.
- Are there any **sporting or athletic activities**? Requires separate endorsements to cover the specific activities.

IS THERE AN ENDORSEMENT COVERING ITEMS EXCLUDED IN THE "CORE POLICY":

CG 001 07 12 Core Policy	Commercial General Liability	Covers bodily injury and premises EXCLUDES COVERAGE FOR: Liquor Liability Pollution Aircraft, Auto and Watercraft Molestation Athletic activities Buildings Completed Operations	Note: if you need coverage for any of these items there must be an endorsement for coverage; primary coverage may be provided through the excess policy or a business owner's policy within the policy package received.
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Liability Insurance Coverage Limits

Type of Special Use	Required Minimum Coverage or CSL	
Saddle and Pack Stock, Equestrian	25/500/500	\$500,000
Nordic Skiing: Non-Avalanche Areas	25/300/300	\$300,000
Nordic Skiing: Avalanche Potential Areas	25/500/500	\$500,000
Alpine Skiing	50/500/2000	\$1,000,000
Avalanche Training	25/500/1000	\$1,000,000
Backpacking	25/300/300	\$300,000

Rock Climbing	25/500/500	\$500,000
Bicycling	25/500/500	\$500,000
Nature Hikes	25/300/300	\$300,000
Running Clinics	25/300/300	\$300,000
Snowmobiling	25/500/500	\$500,000
Rafting/Boating/Fishing: Class IV-V	25/500/1000	\$1,000,000
Rafting/Boating/Fishing: Class I-III	25/500/500	\$500,000
Aerial Activities: 1 person	25/500/1000	\$1,000,000
Aerial Activities: 2 or more people	25/500/2000	\$2,000,000
Bus, Van, Four-Wheel Drive Tours, ATV	25/500/500	\$500,000
Hunting	25/500/500	\$500,000
Rental Services	25/100/300	\$300,000

Be advised that failure to comply with any of these terms or to immediately report the cancellation or change in insurance may result in termination of the permit.

ACKNOWLEDGEMENT OF RISK FORMS/WAIVERS

Insurance companies often require that their policy holders use Waivers of Liability and/or Acknowledgement of Risk forms. Even when it is not an insurance company requirement, special use authorization holders frequently require that their customers sign one or both of these forms before participating in an activity provided by the holder. The Shasta-Trinity National Forest will be complying with the following policy direction:

- Appropriately worded Acknowledgement of Risk forms required by insurance companies or special use authority holders are acceptable.
- Do not permit use of Waiver of Liability forms except for high-risk recreation events, such as enduros, road rallies, equestrian events, hang-gliding contests, and so forth. Many of the forms used for these purposes are unacceptable, because they would have the participant release the U.S. Government from liability for its own negligence. This conflicts with the intent of Congress in the Federal Tort Claims Act, which makes the Federal Government liable for the negligence of its officers and employees acting within the course and scope of their employment. Additionally, these forms may be at variance with state law.
 - We will not be allowing these forms for guiding where there is a guide in full custody and control of their clients.

SAMPLE 1 - ACKNOWLEDGEMENT OF RISK FORM

A certain amount of risk is involved for individuals engaging in most activities on National Forests. Forest visitors engaging in these activities are expected to assume these usual risks. Therefore, "Acknowledgement of Risk" forms similar to the following are acceptable for use by permittees and insurance companies:

I (we) recognize the element of risk in any adventure, sport or activity associated with the outdoors. I (we) am (are) fully aware of the risks and dangers inherent in (***define activity***) such as, but not inclusive, of:

(explain risk)

Knowing the risks and dangers, I (we) understand the possible consequences of participating in such activity are

as follows:

(state consequence)

I (we) certify that I (we) have the necessary skills and ability to participate in the said activity and assume full responsibility for myself (ourselves) for bodily injury, death and loss of personal property and expenses thereof as a result of my (our) negligence in participating in the said activity except to the extent such damage or injury may be due to the negligence of (operator).

I (we) also agree to abide by the rules or instructions given to (us) either verbally or in writing by the (operator). I (we) further understand that (operator) reserves the right to refuse to allow any person to participate who is judged to be incapable of meeting the rigors and requirements of participating in the said activity.

I (we) have read, understood, and accepted the terms and conditions stated herein and acknowledge that this agreement shall be effective and binding upon me (us) during the entire period of participation in the said activity.

SAMPLE 2 - ACKNOWLEDGEMENT OF RISK FORM

The undersigned recognizes the element of risk in any adventure, sport, or activity associated with the outdoors. The undersigned is fully aware of the risks inherent in [**define activity**] conducted on National Forest System (NFS) lands, including but not limited to [**state risks**]. The undersigned understands that the possible consequences of participating in this activity include [**state consequences**].

The undersigned has the necessary skills and ability to participate in [**define activity**] conducted by [**the holder**] on NFS lands and assumes full responsibility for bodily injury, death, and loss of personal property as a result of the undersigned's negligence in participating in [**activity**] conducted by [**the holder**] on NFS lands, except to the extent that the bodily injury, death, or loss of personal property may be due to the negligence of [**the holder**]. The undersigned also agrees to abide by the rules or instructions given to the undersigned either verbally or in writing by [**the holder**]. The undersigned further understands that [the holder] reserves the right to refuse to allow any person to participate in this activity who is judged to be incapable of meeting the rigors and requirements of participation.

The undersigned has read, understood, and accepted the terms and conditions in this agreement. The undersigned's participation in [**activity**] conducted by [the holder] on NFS lands is purely voluntary, and the undersigned elects to participate in spite of the risks.

If the undersigned files a lawsuit against [**the holder**] in connection with [**activity**] conducted by [**the holder**] on NFS lands, the undersigned agrees to file solely in the State/Commonwealth of [**state**] and agrees that the substantive law of that state shall apply in that lawsuit without regard to the conflict of laws rules of that state. The undersigned agrees that if a portion of this agreement is found to be unenforceable, the remaining portions shall remain in effect.

Participant 18 Years of Age or Older

Signature

Date

Print Name

Participant Under 18 Years of Age (signature of parent/legal guardian required)

Signature

Date

Print Name

Signature of Parent/Legal Guardian

Date

Print Name of Parent/Legal Guardian

CIVIL RIGHTS REQUIREMENTS

WHO IS REQUIRED TO COMPLY WITH FEDERAL CIVIL RIGHTS LAWS?

If you are a holder of a special use authorization from the U.S. Department of Agriculture (USDA), Forest Service, to provide programs or activities to the public, by law **you must** provide equal opportunity for all people to participate in the programs and activities you offer. For example, you should **not deny or exclude** anyone from programs, services, aids, or benefits. Also, you **must not** retaliate in any manner against a person who files a complaint or opposes any unlawful or discriminatory practice. The table below shows the Federal Civil Rights laws that apply.

This section provides a basic overview of your responsibilities for ensuring nondiscrimination in the delivery of your programs and activities to the public on bases covered by federal law. These bases include race, color, national origin, sex (in educational programs or activities), age, and disability.

WHAT ARE YOUR RESPONSIBILITIES FOR COMPLYING WITH FEDERAL CIVIL RIGHTS LAWS?

As a public service provider with the Forest Service, your responsibilities for complying with Federal Civil Rights laws include, but are not limited to:

- Signing a special use authorization, which includes a nondiscrimination assurance clause certifying that you will comply with Civil Rights laws. If you have subcontractors or vendors, they must also comply with Civil Rights laws.
- Displaying the “And Justice for All” U.S. Department of Agriculture poster (AD-475A) in your public reception areas or other areas visible to the public. Contact your local Forest Service office to obtain copies.
- Including in any of your publications and outreach materials a statement of affiliation with the Forest Service:

“This institution is operated under special use permit with the (state name of National Forest(s)) National Forest.”

- Providing program information in alternative formats for people with disabilities and in alternative languages for people with Limited English Proficiency (LEP), as appropriate to your customer base.

- Developing a language access plan to translate or interpret vital documents free of charge to your customers when needed or requested by local members of the public with LEP. Visit <http://www.lep.gov/lepbrochure.pdf>.
- Identifying a person to be responsible for ensuring your program is in compliance with Civil Rights requirements.
- Reviewing all your policies, procedures, and practices to ensure they do not limit participation on the basis of race, color, national origin, age, disability, or sex (in educational programs and activities).
- Evaluating the accessibility of your programs and facilities. If they are not now accessible, develop a transition plan for making them accessible and then carry out the plan as appropriate.
- Ensuring that your staff understands their Civil Rights responsibilities including their role in the USDA complaint process.
- Providing outreach to a wide variety of communities to ensure diversity if you advertise or market your program.
- Providing the Forest Service with demographic information on program participation based on race, national origin, sex, age, and disability, where applicable.
- Including the following statement about nondiscrimination and how to file a complaint in your publications and outreach materials:

“In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible State or local Agency that administers the program 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 is also available in languages other than English.

To file a complaint alleging discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office or write a letter addressed to USDA and provided 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.

This institution is an equal opportunity provider.”

- If the publications or materials are too small to permit the use of the full statement, at a minimum include the following statement, in print size no smaller than the text:

“This institution is an equal opportunity provider.”

WHAT DOES THE FOREST SERVICE DO TO ENSURE COMPLIANCE WITH NONDISCRIMINATION RESPONSIBILITIES?

The Forest Service will conduct reviews of your programs and activities on a periodic basis to ensure that they comply with Civil Rights laws. The USDA will receive, investigate, and adjudicate claims alleging violation of Civil Rights laws by holders of special use authorizations.

WHAT FEDERAL CIVIL RIGHTS LAWS MUST YOU FOLLOW TO ENSURE COMPLIANCE?

U.S. Code	Statute	Prohibits Discrimination on the Basis of:
(42 U.S.C. 2000d–2000c)	Title VI of the Civil Rights Act of 1964	Race, Color, or National Origin (including LEP)
(20 U.S.C. 1681–1686)	Title IX of the Education Amendments of 1972	Sex (in educational programs and activities)
(42 U.S.C. 6101 et seq)	Age Discrimination Act of 1975, as amended	Age
(29 U.S.C. 794)	Section 504 of the Rehabilitation Act of 1973, as amended	Disability

ACCESSIBILITY REQUIREMENTS/ESSENTIAL ELIGIBILITY PLAN

Under Title 7, Code of Federal Regulations (CFR), Part 15b.3.n (4), and under the Americans with Disabilities Act (ADA), Title III, Sec. 301, a person with a disability cannot be denied participation in an outfitter/guide’s program that is available to people who do not have disabilities, unless the person with a disability does not meet the nondiscriminatory “essential eligibility criteria” that are applied to all people prior to participation in that outfitter/guide’s program.

An example of nondiscriminatory language in the criteria would be using the term “move up” instead of “walk.” Rather than stating a person must be able to “walk up” a 10-percent grade, that criteria should be stated as “a person must be able to “move up” a 10-percent grade.” The criteria should include whether the person must “move up” the grade alone (for example, in a situation where there will be a steep but narrow walkway) or if he or she could move up the grade with the assistance of a companion. A companion is a person who came to the program with the individual who has a disability.

Essential eligibility criteria are tools within the laws that are designed to state what the safety/risk management criteria is for every person who are interested in participating in that particular program or instruction. The purpose of essential eligibility criteria is to establish whether or not an individual can participate in an activity based on his or her ability to perform the basic safety/risk management functions of the activity. In order to participate in an activity, all potential clients must be able to meet the nondiscriminatory essential eligibility criteria established by you as the outfitter/ guide for that specific activity.

The essential eligibility criteria for each program must be provided and applied to all potential clients. If the essential eligibility criteria are only applied to potential clients who have disabilities, the criteria would likely be considered to be discriminatory if put to a legal challenge.

STRATEGIES FOR DEVELOPING ESSENTIAL ELIGIBILITY CRITERIA

The purpose of developing essential eligibility criteria is to give both the outfitter/guide and the potential client the information needed to make an accurate, objective assessment when deciding if the client's abilities are appropriate for a specific program. This means that employees must be able to clearly explain the criteria for participation. The criteria must be based on risk management functional components and applied equally to every potential client. Instead of an outfitter guide disqualifying a person from registering for a program or trip because the potential client uses a wheelchair, the program provider must apply the criteria for participation in that activity.

In reality, the concept of essential eligibility criteria is something most outfitter/guide programs already apply to potential clients – that is, following your own goals, concepts, and guidelines in determining which potential clients are likely to be able to participate successfully in the program. The problem is that often outfitters/guides pass their program's traditions orally and do not have these criteria written down. If essential eligibility criteria are not written down, two mistakes may be made in applying the criteria to a potential client who has a disability:

1. Subjectivity
 - a. If an employee has only heard you discuss the importance of various criteria for participation, he or she is likely to pass along this information to potential clients as best he or she can recall using nonspecific terminology. As a result, the information conveyed may be incomplete, causing confusion or a safety issue that leads to a claim of discrimination. Document your eligibility criteria so that they are clear to employees and potential clients.
2. Stereotyping
 - a. Many program providers are forced to make quick assessments of a potential client's abilities without any real knowledge of the potential client's capabilities. Many people have some stereotypes about the abilities of people with disabilities. When these stereotypes shape the decision process, a potential client, who has a disability, may be discriminated against.

Developing essential eligibility criteria is similar to developing a job description. Employers must identify the essential and nonessential functions of a job, and then determine whether the individual can perform those essential functions. Following this logic, identify the basic eligibility criteria of the experience your program is providing and then determine whether the individual can perform those essential safety/risk management functions.

In determining whether a person can successfully participate in your services, you must base your decision on what an individual can do—not subjective items or a stereotype. If they can perform the basic functions of an activity, they can participate.

Caution: the ADA Title III sec.302 (b)(2)(A)(i) states that it is discriminatory to impose essential eligibility criteria that screen out or tend to screen out individuals with disabilities from the full and equal enjoyment of the program being provided. Be sure to keep the focus of the essential eligibility criteria you develop on safety/risk management and not use discriminatory language.

METHODS OF PROVIDING ESSENTIAL ELIGIBILITY CRITERIA

Provide potential clients with the essential eligibility criteria by placing them on your Website as a portion of the specific program's description, on any brochures or other materials provided to potential clients, and as part of

the registration materials signed by the client.

Your attorney can advise you if the essential eligibility criteria you develop are appropriate and in compliance with nondiscriminatory practices, as well as where would be the most appropriate and prominent placement to ensure potential clients are aware of the criteria.

PROVIDING EQUAL OPPORTUNITY IN THE MOST INTEGRATED SETTING

The accessibility laws state that programs shall be provided in the most integrated setting possible. The most integrated setting is the one that enables interaction among people with and without disabilities as much as possible. People with disabilities who meet the essential eligibility criteria may not be denied the right to participate in any activity, as long as no fundamental changes would have to be made to the program for them to participate. The person with a disability who meets the essential eligibility criteria and wants to participate in your program can't be denied, even if a separate program for people who have disabilities is available. Separate programs specifically for people with disabilities are only acceptable when necessary to provide equally effective benefits and services. The laws require that programs offer equal opportunity for participation. The laws do not require that programs guarantee successful participation.

SAFETY CONSIDERATIONS

Some situations may present a potential conflict between accessibility needs and safety concerns. Some anticipated conflicts, however, may simply be based on misperceptions, stereotypes, or misinformation about access measures that are necessary. Evaluate the actual situation and make the decision accordingly. There is no legal requirement to compromise client safety to provide for accessibility. Safety must never be compromised.

FOR MORE INFORMATION ON YOUR ACCESSIBILITY REQUIREMENTS:

http://www.fs.fed.us/recreation/programs/accessibility/Accessibility%20Guidebook%20for%20 Outfitters-Guides%20Operating%20on%20Public%20Lands_1.2015.pdf

ESSENTIAL ELIGIBILITY CRITERIA DEVELOPMENT

Developing guidelines based on what you need your clients to be able to do should be an easy process. You may already know your guidelines—you just need to write them down. The following steps will help you in this process.

1. Determine the physical and mental abilities necessary for participation in your programs and activities. What abilities are necessary to participate in the specific activities of your program, such as using a fishing rod or rifle or riding a horse or mountain bike? Do you have to be smart? Do you have to be strong? Do you have to understand directions? Do you have to understand any highly technical factors of equipment operation? Could you use adaptive equipment?
2. Break the activity into the basic stages of participation (for example, putting on equipment, using equipment, and returning equipment to a specific area). In effect, you need to separate the program into the discrete activities or variables that make up the program. Could a companion safely assist an individual in the completion of the task?
3. Consider the abilities necessary to remain safe. What are the most likely causes of death or injury involved with that activity and what does someone need to do to avoid them?

4. Prioritize the stages described in number 2 into the critical abilities needed to be safe. For example, in the case of riding a bike, an essential ability would be to balance, steer, and stop the bike. This ability is a higher safety priority than the abilities to shift gears or read a map. Do not use limiting words like walk, climb, or see, instead describe the end result that must be accomplished in nondiscriminatory terms, such as access, ascend, or identify.
5. Consider basic rules or etiquette that the participant must follow. These include issues such as yielding to others who have the right of way or waiting for the rest of the group to catch up.
6. Determine if the guidelines may be satisfactorily met with the help of a companion. An individual may not be able to perform a function independently, but that same individual might easily do it with the help of a friend, family member, employee, or attendant.
7. Edit for simplicity. Stick to the basic physical or mental abilities necessary to participate— the fewer the better. Refer to an activity in terms of who can participate, rather than in terms of who can't.

EXAMPLES OF ESSENTIAL ELIGIBILITY CRITERIA GUIDELINES

The following are examples of essential eligibility criteria that an outfitter/guide may have for determining whether a person can participate in an activity.

Guided/Rental White Water Float Trips

Each participant must have the ability to:

- Be able to tolerate water between X and X degrees and bright sunlight for X minutes or more.
- Have the ability to follow verbal and/or visual instructions.
- Wear all protective equipment recommended/required by industry standards.
- Enter and exit the watercraft (raft, boat, canoe, kayak) independently or with the assistance of a companion.
- Remain seated and balanced, using adaptive equipment if necessary.
- Get out from under the watercraft, remain face up in the water with the aid of a lifejacket, and make progress to the shoreline in the event the watercraft capsizes.
- Move about the camp independently or with the assistance of a companion on trips including overnight camping.
- Move the watercraft through the water in a stable manner and return it to the rental area independently or with the assistance of a companion.

Guided Non-motorized Hunting Trip

Each participant must have the ability to:

- Meet qualifications to obtain the State hunting license.

- Enter, sit stably, and exit the transport vehicle independently or with the assistance of a companion.
- Move through (specific type of hunting terrain and vegetation) to the hunting sites, independently or with the assistance of a companion.
- Understand and apply safe hunting techniques.
- Identify the quarry independently or with the assistance of a companion.
- Safely shoot and reload a big-game weapon, using adaptive equipment if necessary.
- Implement outfitter/guide's emergency procedures in the event of an accident.
- Move about the campsite independently or with the assistance of a companion on trips including overnight camping.

CHILD ABUSE RECOGNITION AND REPORTING

A 2011 audit conducted by the U.S. Department of Agriculture, Office of Inspector General, of the Forest Service's Special Uses Program revealed the need for improvement in several areas of the program including inspection and monitoring of special uses. In response to this audit and pursuant to the Crime Control Act of 1990, the Agency identified the health and welfare of children in certain activities on National Forest System lands as a public safety standard that should be included in the inspection criteria.

Clause C-14 is a mandatory clause in all special use authorizations that involve supervision of children under the age of 18 by the holder, holder's employees, agents, or contractors. This includes teaching or instruction (including but not limited to outfitting and guiding and organizational camps). Clause C-14 can be found below:

C-14. Operating Plan for Supervision of Children (Other Than For Ski Areas).

OPERATING PLAN. The holder shall prepare (every year for temporary permits; every 5 years for priority permits) or revise an operating plan. The operating plan must be prepared in consultation with the Authorized Officer or the Authorized Officer's Designated Representative and must cover all operations authorized by this permit. The operating plan must outline steps the holder will take to protect public health, safety, and the environment. The plan must include sufficient detail and standards to enable the Forest Service to monitor the holder's operations for compliance with the terms and conditions of this permit. The operating plan also 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 local law enforcement or child protective services agency, as designated in 28 CFR Part 81, Subpart A] and as soon as practicable thereafter to the Authorized Officer. The operating plan must include:

1. The name, address, telephone number, facsimile number, and e-mail address of [the local law enforcement or child protective services agency, as designated in 28 CFR Part 81, Subpart A].
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 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.

The operating plan and any revisions to the operating plan must be submitted by the holder and approved by the Authorized Officer prior to the commencement of operations and shall be attached to this permit as an appendix. The Authorized Officer may require an annual meeting with the holder to discuss the terms and conditions of the permit, operating plan, annual use reports, and any other concerns either party may have.

The State of California does have required child abuse recognition and reporting training that is available for free online. Background checks are also likely required for any guide that does guide trips with minors unaccompanied by their parent or legal guardian. See Child Abuse Prevention and Reporting section above for more details.

Shasta-Trinity National Forest Specific Requirements

WRITTEN AGREEMENTS

USE OF PRIVATE PROPERTY

The US Forest Service does not issue authorization for use on private property. There are certain areas of the National Forest that can only be accessed by private property. These areas will not be permitted unless written authorization is provided from the private land owner that access is being granted across their land.

SHASTA LAKE, TRINITY LAKE, AND LEWISTON LAKE

The Shasta-Trinity National Recreation Area (NRA) has changed the outfitter and guide permit policy as of the 2017 season. The policy will be reviewed periodically to ensure that it continues to meet the needs of the public and the permittees. The detail of the current permitting process for outfitter/guide permits is as follows:

Outfitting operations: Outfitting operations are equipment rental services that provide clients with equipment, or other recreational gear, that is delivered or rented on National Forest System (NFS) lands, e.g., boat and personal watercraft rentals. These activities are currently permitted to occur at the Resort/Marinas via a sublease. Outfitter businesses ***are required to hold a written agreement with a resort/marina*** and the FS will issue a stand-alone permit for these operations on the NRA. Outfitter permits ***will only be issued for jet ski type equipment and not for boat rentals***. Boat rentals will only be entertained as a sublease agreement with a resort/marina that is authorized to provide rental boats. Allowing for standalone outfitter permits for boat rentals would be a direct service that our resort/marina permits already provide.

Guiding operations: Guide operations are a service, or assistance, such as supervision, protection, education, training, packing, touring, subsistence, transporting people, or interpretation on NFS waters or lands. These activities could be ancillary and supplemental to the permitted marina operations but currently is not a service the permitted marinas are offering. Guide businesses ***must either hold a written agreement (versus sublease) with a resort/marina or purchase an annual launching pass from Shasta Recreation Company (SRC) for access to the lakes for parking and launching***. The guide business will be issued *a separate permit*, authorizing guiding services with the Forest Service. If guide operations require more than parking and lake access (such as temporary facilities) we will require these guide operations to work as a sublease to a Marina.

If a marina/resort or SRC forms an agreement (versus sublease) with a guide company, no money beyond what is charged to the general public can be required for collection from the guide company. If a resort/marina has plans to charge a guide company for parking and launching above and beyond what you charge the general public, a sublease agreement with the marina/resort will be required.

SAFETY

All guide operations will be conducted in a professional and responsible manner and appropriate safety planning must be completed before operating a guide business on the National Forest. Safety for the client is the utmost focus for all guide companies and not having the appropriate training could lead to negligent injury and/or death. The safety components that need to be planned for and addressed in your operating plan include:

Guide Qualifications and Training for Guides

Communication

Medical Emergency Response

Evacuation Procedure

GUIDE QUALIFICATIONS/TRAINING FOR GUIDES

Medical Training

All guides at a minimum will have First Aid and CPR training from the American Red Cross, American Heart Association, or equivalent to ensure they have the proper certifications which may be needed. For more technical type trips (backpacking, rafting, alpine guiding/backcountry activities, etc.) more technical qualifications should be required such as Wilderness First Responder, Wilderness First Aid, EMT, etc.

Technical Training

It is important to be sure all guides have the appropriate qualifications to guide the activity being permitted for. We want to be sure the clients are getting the experience they want in a safe and appropriate manner.

Some safety/training qualifications are listed below based on the different guide activities:

ALPINE CLIMBING / SKIING / ROCK CLIMBING OUTFITTER & GUIDE REQUIREMENTS:

Single Pitch / Top Rope instruction qualifications: International Federation of Mountain Associated Guides (IFMGA), American Mountain Guides Association (AMGA), Professional Climbing Instructors Association (PCIA), Professional Climbing Guides Institute (PCGI). Single pitch instructor certification strongly recommended. Current Wilderness First Responder (WFR) or higher medical qualification required.

Multi Pitch Rock Guiding, instructing / Winter Alpine Climbing, Skiing Guiding, instruction: Applicable activity level guide certification from - International Federation of Mountain Guides (IFMGA), American Mountain Guides Association (AMGA) strongly recommended especially for lead guides. Current Wilderness First Responder (WFR) or higher medical qualification required.

AVALANCHE COURSE INSTRUCTOR REQUIREMENTS:

Appropriate level of certification is required for the level of course being offered to the public.

Recognized certifying organizations: American Institute of Avalanche Research and Education (AIARE), American Avalanche Association (AAA), National Ski Patrol (NSP) in conjunction with AAA, Canadian Avalanche Association (CAA). Current Wilderness First Responder (WFR) or higher medical qualification required.

SNOW SHOEING GUIDE REQUIREMENTS:

Flat uncomplicated terrain: No guide or avalanche certification required; however, certification is favored.

Wilderness First Aid and/or higher medical qualifications required dependent on remote geographical areas.

Complicated, avalanche associated terrain: Current Level 1 avalanche training through AIARE, AAA, NSP, CAA. Higher level avalanche qualifications strongly favored. Snowshoe guides leading trips through continuous complicated avalanche terrain will be strongly recommended to maintain the qualifications of an Alpine guide.

SNOWMOBILING GUIDE REQUIREMENTS:

Flat uncomplicated terrain: No guide or avalanche certification required; however, it would be favored.

Wilderness First Responder or higher medical qualifications required.

Complicated avalanche associated terrain: Minimum, current Level 1 avalanche training through AIARE, AAA, NSP, CAA. Higher level avalanche qualifications strongly recommended.

OFF HIGHWAY VEHICLES OUTFITTER & GUIDES:

Jeep Tours: Applicable state Licensure. Current First Aid or higher medical qualification required; higher levels favored.

Dirt Bike / Quad / UTV: Instructor certification from a nationally recognized organization such as ATV Safety Institute is highly favored. Current Wilderness First Responder or higher medical certification required.

MOUNTAIN BIKING GUIDES:

Instructor Certification from Professional Mountain Bikers Instructors Association (PMBIA) or International Mountain Biking Association (IMBA) highly favored.

Current Wilderness First Responder or higher medical qualification required.

EQUESTRIAN OUTFITTER & GUIDES:

Guide Qualification not identified; however, a guiding background resume is required. Current First Aid medical qualification required.

HIKING / BACKPACKING GUIDES:

Guide qualification not identified; however, a guiding resume of experience is required. Current Wilderness First Aid or higher medical qualification required.

FISHING GUIDES, RIVER RAFTING & RESERVOIR:

Applicable state licensure, current First Aid or higher medical qualification required. Swift Water Rescue certification is required if you are using a raft or drift boat on class III rapids and greater.

EDUCATIONAL INSTITUTIONS AND NON-PROFIT ORGANIZATIONS:

Accredited educational institutions which offer technical courses as part of a greater program breadth may supply Instructor qualifications and resume per activity for consideration.

Applications will be reviewed on a case by case basis. If institutional trip leaders cannot support their qualifications, a certified guide may be required on the course outing.

Non-accredited institutions and non-profit organizations which offer solely technical courses will be required to meet applicable guide or educational standards for the activities offered. If trip / course leaders do not meet technical qualifications for the activities offered, a certified guide may be required.

Other Training Requirements or Certifications:

Don't forget to include required Child Abuse Recognition and Reporting Training for guides of businesses that provide a service to a minor (with or without their legal guardian). For fishing, hunting, and packing (when packing for hunters), you must also provide and require the CA State Guide License.

COMMUNICATION

It is important to have communication thought out in advance of each trip. Many areas in Northern California lack cell coverage so a back-up plan is required. Many guide companies have GPS/satellite devices such as SPOT II Satellite GPS Messenger, Garmin InReach, satellite phones or other personal locator beacon type equipment. It is not advisable to only rely on cell phones when so much of the Shasta-Trinity National Forest does not have cell phone coverage. There is inherent risk when operating in the backcountry/remote areas but you as a business owner/permit holder must provide quality safety considerations for emergency and medical emergencies and evacuations or rescues. Your operating plan must clearly define your communication plan.

MEDICAL EMERGENCY RESPONSE

What safety gear do you provide on the trips and what response will you have in the event of a medical emergency? Do you provide first aid? Do you self-evacuate or wait for help? What is your process if the guide is the individual that needs a medical response? Your operating plan must clearly define your Medical Emergency Response.

EVACUATION PROCEDURE

It is important to have evacuation procedures figured out for medical or natural hazard scenarios at all locations that you guide. This should include addresses to the nearest hospitals for medical support purposes.

Guide and Vehicle Identification

GUIDE PASS

The Shasta-Trinity National Forest will be issuing brightly colored guide passes to each guide annually. These passes make permitted guides more visible and should be worn on the guides vest, jacket, bag etc. while guiding on the National Forest. The intent is to make guides recognizable for clients, Forest Service personnel, and other non-guided visitors. Guide passes will not be issued to rafting businesses as their rafts are fully identifiable with the business name and serves the same purpose for our needs.

VEHICLE IDENTIFICATION

All permitted outfitter and guide businesses must have their business name and logo (if applicable) on their vehicle while operating on the Shasta-Trinity National Forest. The magnet or sticker should be affixed to both sides of the vehicle and be visible (at least 1.5-2 inch lettering). There have been situations where guide vehicles have been vandalized along Pit 3 because their vehicle was identifiable. This location is exempt from the requirement of having the business name/logo on your vehicle while guiding here.

Billing and Monitoring Requirements

ANNUAL BILLING

TEMPORARY PERMITS – FLAT FEE BILLING

Outfitter and Guides operating under a temporary permit will be required to pay in advance for anticipated service days. This payment is non-refundable. Authorized Outfitter and Guide permits are limited to a maximum of 200 service days per permit. If you exceed the maximum gross revenue per bracket of service days, you will be required to submit tax documents and pay 3% of gross revenue (*see 3% annual adjusted gross revenue billing below*).

1. Charge a flat land use fee for temporary use permits based on the amount of use allocated in service days as follows:

Number of Service Days	Flat Fee	Maximum Gross Revenue for Each Bracket of Service Days
1 to 50	\$150	\$10,000
51 to 100	\$300	\$20,000
101 to 150	\$450	\$30,000
151 to 200	\$600	\$40,000

2. Column 3 in the table above shows the maximum amount of gross revenue for each bracket of service days that qualifies for a flat fee. If gross revenue exceeds the amount in the applicable bracket, determine the land use fee pursuant to section 37.21c.

Note: service days are defined as 1 client per day. So 1 client for 1 day is 1 service day; 1 client for 2 days is 2 service days; 5 clients for 2 days is 10 service days.

Temporary permit holders will be required to submit an Actual Use Report form, documenting activities and locations and actual number of service days used (see sample below).

PRIORITY (MULTI-YEAR) PERMITS – 3% ANNUAL ADJUSTED GROSS REVENUE BILLING

Priority permit holders are billed based on 3% of their gross revenue with a minimum fee of \$115. If 3% of your adjusted gross revenue calculation is less than \$115 you are billed \$115 for that season. This minimum fee is billed as an estimated fee bill at the beginning of your season. Adjusted gross revenue is determined by adding all applicable revenue and subtracting any applicable revenue exclusions. The total is multiplied by 3%, then adjusted, if applicable, for use off National Forest System lands to determine the fee for commercial use.

Example: For 1 year, the holder had an annual adjusted gross revenue of \$4,850 and used all 100 authorized use days.

$\$4850 \times 0.03 = \145.50 fee for actual commercial use.

Definitions

Adjusted Gross Revenue. Gross revenue and revenue additions less applicable exclusions.

Adjustment for Use off National Forest System Lands. 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 lands (sec. 37.21e).

Duration of Outfitted or Guided Trip. The period that begins when the client first comes under the care and supervision of the outfitter or guide, including arrival at the holder's headquarters or local community, and ends when the client is released from the outfitter's or guide's care and supervision.

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:

- a. 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);
- b. Revenue received by the holder or the holder's employees or agents for scheduling or booking the outfitted or guided trip; and
- c. Revenue from goods or services provided off National Forest System lands, such as lodging and meals, unless specifically excluded.

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.

Revenue Exclusions. The following items which 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; and
- c. Revenue from the sale of operating equipment, rental equipment, capitalized assets, or other assets used in outfitting and guiding operations. Examples are horses, tack, watercraft, and rental skis and boots, which are sold periodically and replaced.

Service Days. The number of clients serviced (either outfitted or guided) multiplied by the number of days of the trip duration.

Determining Service Days

Count any full or fractional part of a day the client receives goods or services as a full service day.

1. When livery, rental, supply, or drop-off service to customers is provided, count only the day on which the outfitter or guide provides services or goods.
2. When the outfitter or guide provides drop-off and pick-up service on two separate days, count one service day for drop-off and one service day for pick-up.
3. When the outfitter or guide provides drop-off and pick-up service and the clients occupy an outfitter's assigned site and/or the outfitter or guide furnishes equipment and supplies, count one service day for drop-off, one service day for pick-up, and one service day for each day in between.

Adjustment for Use off National Forest System Lands

Reduce the fee if the outfitter or guide's clients occupy National Forest System lands for 60 percent or less of the duration of the outfitted or guided trip according to the table below. When days are the unit of measure, at least one entire day must be off National Forest System lands to qualify for the adjustment. Other units of measure besides days may be used where equitable to calculate the percentage on and off National Forest System lands.

1. Apply the following schedule in calculating adjustments for use off National Forest System lands:

Percentage on NFS Lands	Fee Reduction
Less than 5 percent	80 percent
5 to 60 percent	40 percent
Over 60 percent	None

The permit holder must provide documentation of the duration of trips, such as the itineraries for outfitted or guided trips, to support a request for a fee reduction based on use off National Forest System lands.

2. When use off National Forest System lands occurs on lands administered by another Federal agency and the holder is authorized by that agency, coordinate the fee calculations so that overcharges do not occur.

Example: An outfitter conducts a 10-day trip with 8 clients; 5 days are spent on NFS lands and 5 on Bureau of Land Management (BLM) lands. Assume the fee for the trip would be \$100 if all 10 days were on either NFS or BLM lands. Coordinate with the BLM to charge the outfitter \$100, and split the fee equitably between the two agencies. Do not adjust for use off NFS lands which would result in a higher fee of \$120 (\$60 for the Forest Service and \$60 for the BLM).

Example: An off-road tour outfitter has an adjusted gross revenue of \$250,000. The travel routes used are across NFS lands and private lands. The time spent on NFS lands is 50 percent of the duration of the outfitted or guided trips.

$$\$250,000 \times 0.03 = \$7,500$$

50 percent duration on NFS lands corresponds to a 40 percent fee reduction:

$$\$7,500 \times 40\% = \$3,000$$

$\$7,500 - \$3,000 = \$4,500$ fee for commercial use.

SAMPLE ACTUAL USE REPORT - SUBMITTED 30 DAYS AFTER THE CLOSE OF YOUR SEASON OR END OF YOUR PERMIT WHICHEVER COMES FIRST

PERMITTEE NAME: _____ FOR THE SEASON: _____

Date of Trip	Activity	Location of Trip	Number of Clients	Trip Days	User Days ¹	Gross Revenue /Client ²	Gross Revenue /Trip ²	% of time on federal lands and waters ³	Contracted days ⁴ (yes/no)	Donated Trip ⁵ (yes/no)	Explanation ⁶

1. User Days = Number of Clients (x) Trip Days
2. Gross Revenue includes: Revenue from clients for goods or services provided during the outfitted or guided trip, revenue from booking fees, tips, value of goods and services donated; revenue exclusions: revenue from goods/services sold on private land that are not related to outfitter/guide operations on NFS lands, state licensing fees (i.e., fishing licenses), revenue from sale of operating equipment
3. If requesting reduction of fees, supporting documentation is required. This can include maps for the areas you guided on the trip or a breakdown of % guided on and off federal lands and waters as well as those locations.
4. If you used a contractor for this trip state yes or no. If this trip was contracted with another permitted guide, include which permitted company was used.
5. Free or discounted trips i.e., raffle prizes, active discounts, etc. (included in Final Fee amount)
6. Explain the nature of donated or fee reduction due to guiding on non-NFS lands

MONITORING AND INSPECTION REQUIREMENTS

Outfitter and guide permits will be monitored per Forest Service Handbook 2709.14 section 53.1r and Forest Service Manual 2710 section 2716.52 to ensure that the terms and conditions of their permits including their operating plans are met and the authorized use is consistent with applicable Federal, State, and local law. Monitoring will be conducted through field inspections of their operations, through social media reviews for businesses that have social media, and through the paperwork that they provide or are requested to provide (i.e., insurance policies, financial documents, medical certificates). Permit suspensions may be imposed when deemed necessary to protect public health or safety or the environment in accordance with 36 CFR 251.60(f).

1. Performance evaluations will only be completed for priority permits and will not be completed for temporary use permits (FSH 2709.14 section 53.1k)
2. Violations of law, customer complaints, and adverse outfitting and guiding performance ratings will be considered in evaluating applicants' technical qualifications for new permit authorizations.

Required Inspection Frequency

The following table identifies uses and activities subject to a specific inspection schedule, the required minimum frequency for inspections, who is responsible for doing the inspection, and need for Forest Service verification of inspections. Inspections are not limited to just the uses and activities and frequencies listed in the table.

Activity	Minimum Frequency	Responsibility	FS Verification
Child Abuse or Neglect Training	As soon as practicable	Holder	Yes – in operating plan
Criminal Background Check of guides that work with minors unaccompanied by their parent/legal guardian	Upon hiring	Holder	Yes – in operating plan
Medical Training	Annual	Holder (Forest Service to spot check at random)	Yes
Fee Audits • \$5,000 to \$50,000 • \$50,000 to \$250,000 • Over \$250,000	Upon Request Random Every 5 years	Forest Service	NA
Food Service (for businesses that may provide food that is prepared)	Annual	Holder	Yes
Liability Insurance Policy Review	Annual	Holder (Forest Service to spot check at random)	Yes
Civil Rights Compliance Reviews	At permit authorization and every 5 years after initial permit issuance	Forest Service	NA
Performance Evaluation (153) Probationary Unacceptable Acceptable	Annual Annual 3 or 4 years	Forest Service	NA