

**For more information on the special uses program, visit the Kootenai Forest Service web site:** [www.fs.usda.gov/kootenai/passes-permits](http://www.fs.usda.gov/kootenai/passes-permits)

**To locate a Forest or Grassland office:**  
[www.fs.usda.gov](http://www.fs.usda.gov)

**Application Process:** Applications will be accepted bi-annually during the following open seasons.

Summer Open Season: Must submit a complete application by November 1 to December 31 for activities proposed to take place from May 1 to October 31.

Winter Open Season: Must submit a complete application by July 1 to August 31 for activities proposed to take place from November 1 to April 30



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## Outfitting and Guiding on National Forest System Lands

**An overview of the permitting process  
with the U.S. Forest Service**



### **What you have always wanted to know about:**

- Opportunities for New Outfitter-Guides
- Forest Service Permit Process
- When will a Prospectus be Used
- Permit Terms & Conditions
- Operating Plans
- Insurance
- Fees & Other Costs
- Performance Evaluation
- Permit Duration
- Change of Ownership or Control of Business

## REALISTIC OPPORTUNITIES FOR NEW OUTFITTER-GUIDES:

There are many types of outfitted and guided services provided on National Forest lands. The traditional types primarily involve hunting and fishing in a backcountry setting, but today the industry is highly diverse and includes whitewater floating and jet-boating, backpacking, mountaineering, snowmobiling, cross-country skiing, mountain biking, van touring, and dog sledding. Nonprofits and educational groups, such as schools and universities, are also frequently considered outfitters, as are those who use the National Forests for rehabilitation and therapeutic benefits. The number and type of available outfitting opportunities is may be identified in a Forest Plans for National Forest.

In general, there are less opportunities for additional hunting and fishing outfitters because many of these “traditional” outfitters are fulfilling the public demand. It is normally necessary to buy an existing hunting and fishing outfitting business in order to secure this type of opportunity. Prospective purchasers should check with the local Forest Service office to learn if the permit will be reissued to the new owner or if existing permits are considered or reduced in that area.

Permits authorizing non-traditional recreational or educational outfitting may be issued if a reasonable capacity exists and the new service will not cause conflicts with existing users or adversely affect the natural resources of the area. New outfitting opportunities can be identified by the Forest Service or by a prospective outfitter. After an outfitting opportunity is identified, the authorizing officer determines if there is a competitive interest in the opportunity. If competitive interest exists, a selection process is followed that ensures the best qualified applicant is selected for the permit.

## THE FOREST SERVICE PERMIT PROCESS:

- **Who needs a permit?** Any individual or organization providing commercial outfitting services on National Forest Lands, including nonprofits, educational and institutional groups. This includes activities that have a participation fee or when there is the sale of a service, whether or not the primary aim is to produce a profit.
- **Where do I apply?** Contact the National Forest or Ranger District office in the area where you propose to conduct your operations. Application periods may be in effect.

## CHANGE OF OWNERSHIP OR CONTROL OF BUSINESS:

If a permit holder is considering a change of ownership or control of the business, it is essential that a meeting with the authorized officer be arranged. The permit holder and prospective purchaser should be aware of the following conditions:

- The permit is not transferable.
- The permit is not real property and may not be used as collateral.
- The holder’s permit terminates when the change of ownership or controlling interest in the business is consummated.
- The permit holder and business purchaser must provide properly executed documents showing a bona fide conveyance of the equipment and other assets previously used. In the business, or documentation showing a bona fide change of controlling interest in the business.

## RECORD KEEPING:

Permit holders are expected to keep good business records. Audits may be performed periodically to verify the accuracy of financial information. Consult the local Forest Service office for specific information leading to fees.

## CONTRACTED SERVICES:

An authorized outfitter may contract for the services of another guide when:

- the services of the contracted guide are covered under the authorized outfitter’s operating plan;
- the contracted guide has required state licenses;
- the contract for the guiding services states that the authorized outfitter remains responsible for compliance with the terms of the permit and operating plan;
- the authorized outfitter will exercise management authority over all the day-to-day field operations of the business, including the guiding services covered by the contract; and
- services or equipment contracted by the authorized outfitter are covered by an endorsement in the authorized outfitter’s insurance policy, or the contracted guide submits a separate insurance policy for the contracted services.

## OTHER COSTS:

In addition to the use fees described above, outfitter-guides may be required to reimburse the Forest Service for costs of evaluating their proposal, or for permit preparation and monitoring. The authorized officer will determine the amount of such costs to be recovered from a predetermined schedule, or by a determination of reasonable costs.

## PERFORMANCE EVALUATION:

Most outfitter-guides receive an annual performance evaluation and rating. Some temporary permit holders may not be evaluated, particularly if their use is short term. Permittees with priority use permits must receive an acceptable or better rating or their permit may revert to a temporary (probationary) authorization. Permittees are rated according to how well they comply with the terms and conditions of the permit and the operating plan. If an unacceptable rating is given to a priority use outfitter, the permittee's operation will be suspended until deficiencies are corrected. The authorized officer may revoke an outfitter's permit for recurring deficiencies or major infractions.

## PERMIT DURATION:

**Temporary permits** may be issued for up to 200 service days within an 180-day period. A flat land use fee of \$150 per 50 service days applies to temporary permits. These permits are non-renewable and issued noncompetitively.

**Priority use permits** may be issued for up to 10-year period. For new uses, a priority use permit may be issued for two-years. The two year permit has an option to be extend for up to eight years. This extension will be based on the use remaining consistent with applicable laws, the land management plan, and whether the holder's performance is satisfactory.

**Allocation of Use:** In some locations, use will be allocated from pools of use for temporary and priority use permits. These allocations will be by use areas, as defined by the local administrative unit.

The pools of use will be based on the carrying capacity for the natural resources and the social environment.

- **Initiating the process:** Prospective outfitters should first discuss their ideas with the responsible Forest Service officer. After discussions with local officials, you may be asked to submit your proposal in writing. The proposal should include a thorough explanation of the proposed operation such as objectives, specific area, season of use, typical clients, modes of transportation, camp areas, and amount of use requested. Additional information such as business experience, financial capability, equipment owned, training, and experience is also part of the written proposal.
- **How will my proposal be evaluated?** Proposals are reviewed to ensure for consistency with laws, regulations and Forest Service policies. Some may require an environmental analysis required by the National Environmental Policy Act (NEPA) or other laws. A determination of competitive interest in the opportunity will also be completed.

Proposal may be rejected during the evaluation process if they do not pass the screening criteria (36 CFR 251.54), or if the environmental analysis finds the use would have significant impact to resources.

For more information on the screening criteria, the Code of Federal Regulations (CFR) is online at: [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html)

- **How long will it take?** The length of time that it takes to issue a **priority use permit** depends on a number of factors including:
  - The type and scope of the proposed services.
  - Whether camps or structures are proposed.
  - The anticipated environmental impacts and resultant level of analysis and public involvement required.
  - Whether or not a prospectus is issued and permits are competitively awarded.
  - Whether or not there are appeals or legal actions contesting the permit issuance.
  - Coordination with appropriate agencies.

The average non-complex permit takes approximately 1 to 6 months to be issued, while more complex proposals may take a year or longer. Allow sufficient lead time for your proposal to be reviewed and processed.

## WHEN WILL A PROSPECTUS BE USED?

When the Forest Service or prospective outfitter identifies an opportunity for a new priority use, the authorized officer must determine if there is competitive interest in the opportunity. Selection criteria will generally be based on the following factors:

- The kind and quality of service proposed.
- The applicant's experience and the qualifications needed to satisfy the public and agency need for these services.
- Verification of financial resources.
- Fees returned to the government.

The prospectus process does not apply to temporary permits.

## PERMIT TERMS AND CONDITIONS:

Typically the permit will specify:

- The uses allowed
- The amount of use (service days) authorized
- Specified area of operation
- Requirement for insurance
- Required fees
- Financial record keeping and reporting
- Requirement for operating plans and itineraries
- Requirement for non-discrimination in services
- Compliance with Federal, State, and local laws and regulations
- Performance reviews

**Temporary use permits** do not have performance evaluations, and financial reporting is not required.



## OPERATING PLANS:

The permit requires a detailed plan of operations which becomes part of the permit and an important basis for determining the outfitter's performance rating. Operating plans contain such items as:

- Specific description of operating area and map.
- Brief history of the operation and its objectives.
- Discussion of activities, party size, number of staff and their training.
- Location of campsites and site layout.
- Types of transportation and equipment used.
- First aid, safety, communication, and search and rescue plans.
- Educational—interpretive services.
- Local resource concerns and management.
- Fees and annual calendar of operations, due dates, etc.

## INSURANCE:

To protect the outfitter, the client, and the Federal Government from claims or losses for which the outfitter be liable, the Forest Service requires all permit holders to carry public liability insurance naming the U.S. Government as additionally insured and providing a 30-day written notice prior to cancellation. Insurance limits begin at \$300,000 combined single limit, but may go higher for more complex or higher risk operations.

## FEES:

As a general rule, outfitters with a priority use permit pay the Forest Service a land-use rental fee of approximately 3% of their gross revenue. Adjustments are made for time spent off National Forest lands. There are additional fees for campsites assigned to the permittee and for grazing recreational pack stock. In special cases, other fee systems such as a flat fee or a "short-stop fee" (brief use of National Forest lands / facilities) are used.

A flat land use fee of \$150 per 50 service days applies to temporary permits.