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 OMB No. 0596-0082

SPECIAL USE APPLICATION & TEMPORARY PERMIT FOR OUTFITTING AND GUIDING
Authority: Federal Lands Recreation Enhancement Act, 16 U.S.C. 6802(h)
(Ref.: FSH 2709.11, section 41.53)

PART I - APPLICATION
1. APPLICANT INFORMATION

Applicant Name: _____

Business Name: _____

Applicant's Complete Address: _____

Telephone Number: _____ Fax Number: _____

E-mail Address: _____

Website: _____

As an applicant, are you:

<input type="checkbox"/> Individual	<i>If yes, are you a citizen of the United States?</i>
<input type="checkbox"/> Corporation	<i>If yes, provide a copy of your state certificate of good standing.</i>
<input type="checkbox"/> Limited Liability Company	<i>If yes, provide a copy of your state certificate of good standing.</i>
<input type="checkbox"/> Partnership or Association	<i>If yes, provide a copy of your partnership or association agreement.</i>
<input type="checkbox"/> State Government or Agency	<i>(Includes state universities)</i>
<input type="checkbox"/> Local Government or Agency	<i>(Includes high schools)</i>
<input type="checkbox"/> Nonprofit	<i>(Please attach a copy of your IRS Form 990)</i>

Under the Regulatory Flexibility Act, a small entity is a firm that is "independently owned and operated" and "not dominant in its field of operation." The United States Small Business Administration has developed size standards to identify what is considered a small business. Under these standards, a business with annual receipts of less than \$6.5 million constitutes a small business for recreation industries. Additionally, a small organization is any nonprofit enterprise that is independently owned and operated and not dominant in its field. A small government jurisdiction is a government of a city, county, town, township, village, school district, or special district with a population of less than 50,000.

Under these criteria, are you a small entity?

2. DESCRIPTION OF PROPOSED ACTIVITY

Please include:

- . The number of service days requested (or quota equivalent).
 - . The anticipated number of trips and party size.
 - . Trip Itinerary with:
 - . Starting and ending dates of the proposed operations.
 - . Location of routes and starting and ending points for the proposed operations (include a map showing these locations).
 - . Services that will be offered to clients (identify any services that will be provided by a party other than the holder).
 - . A description of your client base or audience.
 - . A list of government facilities you propose to use, e.g., a boat launch, parking lot, or trailhead.
 - . A list of temporary improvements or signs that you propose to use.
 - . A statement of whether the proposed operations involve motorized equipment.
 - . A statement of whether the proposed operations involve transportation livestock, and if so, whether grazing is requested.
 - . A statement of whether an assigned site is requested.
 - . A description of cleanup and restoration during and after the proposed operations.
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3. ADVERTISING. Provide a current brochure and current advertising materials or website address.

4. CLIENT CHARGES. Provide a description of client charges and fees and what they cover. Attach a current rate sheet.

5. GUIDE IDENTIFICATION

- . Attach a list of all guides who would be working under the permit.
 - . Describe your requirements for employment and staff training programs.
 - . Attach copies of current CPR and First Aid certifications, Wilderness First Responder cards, and other applicable certifications for guides. Please do not send copies of social security cards or passports. Send driver's licenses only if driving is part of the outfitting and guiding service.
 - . If the state in which your activity would occur requires licensing for outfitters and guides, include a copy of relevant licenses.
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6. OPERATING PLAN. Attach an operating plan that addresses client and visitor safety, evacuation and emergency procedures, and resource protection with respect to your proposed operations and location.

7. LIABILITY INSURANCE. The holder will be required to obtain liability insurance in an amount satisfactory to the authorized officer (see FSM 2713.1). The insurance policy must name the United States as an additional insured. A copy of the certificate of insurance must be provided to the authorized officer prior to issuance of a permit.

8. CLIENT'S ACKNOWLEDGMENT OF RISK FORM. If you plan to use an acknowledgment of risk form, attach a copy.

9. EXPERIENCE. List all permits for outfitting and guiding on National Forest System lands that you have held in the past 3 years. If you received a performance evaluation from the Forest Service, attach a copy. If you are relying on outfitting and guiding experience with other federal or state agencies, list any permits that you have held with those agencies in the past 3 years and provide a copy of any performance evaluations received. List all citations or violations received in association with outfitting and guiding activities.

10. SIGNATURE. I hereby certify that I am of legal age and am authorized to do business in the State or Commonwealth of _____. I have personally examined the information contained in this application and certify that this information is correct to the best of my knowledge. I hereby acknowledge that this is an application only, and that the use and occupancy of National Forest System lands is not authorized until a special use permit is signed and issued by an authorized officer.

Printed Name: _____ Signature: _____ Date: _____

Printed Name: _____ Signature: _____ Date: _____

18 U.S.C. § 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction. Anyone who knowingly or willfully makes or uses any false statements or representations shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

OPERATIONS PLAN

(Complete this form)

The operating plan is the instrument that the permit holder and Forest Service officer works on together and, upon signature, is understood and agreed to. It is attached to and becomes a part of the permit. The permit holder is required to notify the Forest Service officer of any changes to the operating plan. Notification should be done annually by April 15 for the summer season and by October 30 for the winter season. Changes might include an updated list of guides, the projected use for the season, current rates and guide fees, updates to your safety plan and a current promotional brochure. An insurance certificate should also be provided whenever your policy has been changed or renewed.

The permit administrator must have a general understanding of the operation or the activity authorized by the permit. In addition, those items required in the main text of the permit, but not defined, are also addressed here (i.e. service day requirements, client charge, safety, etc.)

The following tickler list can be used to obtain the minimum information required for the operations plan.

DESCRIPTION OF PROPOSED ACTIVITY

1. Dates and Hours of Operation:

2. Season of Operation (Circle all that apply) Spring Summer Fall Winter

3. What type of services are provided (check all that apply):

Guide ___ Canoe/Camping Trips ___ Fishing ___ Hunting ___ Winter/Ski/Camping ___

Musher ___ Livery ___ Towboat ___ Other _____

If other, please specify _____

4. List of temporary improvements or signs that you propose to use:

5. A description of cleanup and restoration during and after the proposed operations:

6. Where is the Federal land located that you use most often? Please circle all that apply.

a) Boundary Waters Canoe Area Wilderness (Cook, Ely, Grand Marais, Tofte)

b) Superior National Forest land located outside the BWCAW (Aurora, Cook, Ely, Grand Marais, Tofte)

c) Both

7. List the major BWCAW entry points used or provide a legal description of the SNF land used outside the BWCAW.

8. What is your projected use for the current season?

LIST OF GUIDES

9. An identification card will be provided for each of your guides. If you haven't hired your guides just indicate the number of ID cards needed at the beginning of the season. **This card must be in the possession of the guide while operating on Superior National Forest land.**

Guide Cards Needed: _____

Guide Names: _____

10. Describe your requirements for employment and staff training programs.

GUIDE FEES AND RATES - Attach a current rate sheet

11. What is your client charge per day?

12. What is your guide charge per day?

13. If you provide tow service, what is your client charge for tow service per trip?

SAFETY PLAN FOR GUIDE AND CUSTOMER SAFETY

14. What training is provided to your guides (health and safety, potential hazards, etc.)?

15. Is any pre-trip orientation provided to the client? Explain.

16. What safety equipment is provided (i.e. coast guard approved personal floatation device)?

17. What are your emergency procedures in the event of accident or injury to client or guide?

17. What are your accident reporting procedures?

19. When are equipment inspections conducted?

INSURANCE REQUIREMENT

- 20. Permit holders are required to have in force public liability insurance covering a combined single limit of \$1,000,000 and must provide the Forest Service with a current Certificate of Insurance. Do you have the necessary insurance coverage?

- 21. The coverage should extend to property damage, bodily injury, or death rising out of the holder’s activities under the Outfitter Guide permit. Is your insurance appropriate and adequate?

- 22. Does it list the “United States” as additional insured?

- 23. The cancellation notification statement on the Certificate of Insurance should read as follows: *Should any of the above described policies be cancelled before the expiration thereof, the issuing insurer will mail 30 days written notice to the certificate holder.* Is the cancellation statement on your certificate correct? If it is not correct, it will be returned to you and may delay issuance of your permit and identification cards. Contact your carrier and request that the certificate be amended to comply with permit requirements.

- 24. What is the expiration date of your insurance policy?

- 25. What agency is your insurance coverage with?

- 26. What is the name and telephone number of your insurance agent?

Applicant’s Signature

Date

Superior National Forest Service Offices

Superior National Forest
8901 Grand Ave. Place
Duluth, MN 55808
218-626-4300

Tofte Ranger District
PO Box 2159
Tofte, MN 55615
218-663-8060

Kawishiwi Ranger District
1393 Highway 169
Ely, MN 55731
218-365-7600

Gunflint Ranger District
2020 W. Highway 61
Grand Marais, MN 55604
218-387-1750

Laurentian Ranger District
318 Forestry Road
Aurora, MN 55705
218-229-8800

LaCroix Ranger District
320 N. Hwy 53
Cook, MN 55723
218-666-0020

TEMPORARY OPERATING PLAN PART II

I. GENERAL OPERATION REQUIREMENTS, PURPOSE & OBJECTIVES

This permit authorizes the temporary occupancy and use of National Forest lands for the purposes of providing outfitter/guide services within the Superior National Forest, including the Boundary Waters Canoe Area Wilderness (BWCAW) as stated on the face (page one) of the Special Use Permit. The Operating Plan establishes the season of use for all outfitter activities. This permit does not authorize improvements or facilities of any kind unless specifically identified in this Operating Plan.

The holder shall carry out the provisions of the Special Use Permit and the Operating Plan or other instructions issued by the Forest Officer in charge for the area under permit, and shall require employees, agents, and contractors and sub-contractors to do likewise.

Any incidents resulting in personal injury, requiring a physician's attention, or property damage over two hundred (\$200), must be reported to the Authorizing Officer at the conclusion of the trip.

The holder shall not interfere with public use of the area.

Management of outfitter/guide operations is conducted within the framework of national and local policies as delineated in the Code of Federal Regulations (36 CFR 251), Forest Service Manual (FSM), Section 2720, Forest Service Handbook (FSH), Section 2709.11, Outfitter and Guides Act, Title 36. The Special Use Permit and this Operating Plan provide you with specific requirements to meet the intent of outfitter/guide management on National Forest lands. The intent is to:

1. Provide for high quality public service while assuring public health and safety.
2. Protect resources & minimize degradation of social settings.
3. Minimize conflict with other recreation and resource users.
4. Conform to local, state, and federal laws and policies.
5. Provide a range of recreation opportunities in wildland settings consistent with visitor expectations.

A. General Holder Responsibilities

It is the responsibility of the holder to inform all employees involved in his/her operation of all regulations and conditions of use specific to the permit area and operating plan. Guests shall be informed of regulations and requirements pertaining to the type of trip being conducted and area being utilized.

The holder is responsible for actions of not only himself, but also for actions of employees, agents, contractors, and clients -- in so far as it is reasonable. The holder is considered a principal in the event an offense is committed against the United States by him or any of his employees, agents, contractors, and subcontractors acting under the provisions of the special use permit. This is not to imply that employees/guests are not accountable. The holder is responsible in so far as is reasonable, and so far as it is within their power to control or correct the situation. Employees/guests are responsible/accountable for their own actions, and will be cited for noncompliance the same as anyone else so long as the holder has made them aware of regulations.

The holder has agreed by their signature on the Forest Service permit/operating plan to comply with all federal and state laws, regulations, and with the conditions outlined in the permit/operating plan to the extent that it is within their control. It is the responsibility of the outfitter and his/her employees to

immediately notify appropriate authorities in the event of game and fish violations & violations of Forest Service regulations or permit conditions.

Upon the first proven conviction of state game or fish laws or other county, state or federal laws or regulations originating in conjunction with the permitted operation by the holder, his/her employees, agents, contractors, or subcontractors, the holder may be placed in a probationary status in regard to the Forest Service special use permit. Depending on the seriousness of the offense the permit may be suspended or revoked. Upon a second conviction (and/or within the probationary period) the special use permit shall be revoked.

B. Emergency Situations

If an unforeseen event occurs (e.g. injured client or catastrophic flood or snow) in which immediate action is warranted, the holder has the obligation as well as the responsibility to take the required action to assure public safety, and minimize damage to Forest resources. If possible, a District Forest Officer must be notified by telephone prior to the action, and if not, as soon as possible afterward, **at the first opportunity**.

If the holder is having problems complying with plans or conditions of the permit, it is the holder's responsibility to bring it to the attention of the appropriate Forest Officer. If a Forest Officer has not been notified of the above conditions and agreed to changes, the holder is deemed to be in non-compliance.

C. Holder Professionalism/Conduct

Because outfitters/guides are professionals with regard to backcountry use, and have a very high profile and status as a result of their profession, they are expected to set the example for other Forest users regarding Leave No Trace Practices, backcountry ethics, and caring for the land and other users.

Your special use permit authorizes you to operate a portion of your business in the Superior National Forest, including the BWCAW. As a wilderness outfitter you have a responsibility to preserve and protect the wilderness resource. Listed below are the characteristics expected of wilderness outfitters:

- 1) Has an understanding of and a personal appreciation of the wilderness resource.
- 2) Places the wilderness resource above the ease and convenience of himself/herself and his/her clients.
- 3) Does not sacrifice the wilderness resource for economic gain.
- 4) Is a keen observer and interpreter of natural processes.
- 5) Passes on to clients, wilderness history, ethics and values.
- 6) Continually experiments with "light-on-the-land" techniques.
- 7) Understands that natural processes, such as fire, may not always provide the best habitat for abundant game and fish populations or unchanged scenic quality in the outfitter's local area.
- 8) Recognizes the value of opportunities for solitude in the wilderness experience.
- 9) In his/her advertising, represents the experience as primitive and unconfined recreation, and prepares clients in advance for a "wilderness" experience in contrast with their daily life.
- 10) Takes pride in keeping traditional skills alive.
- 11) Allows his/her clients to participate in the experience to the fullest extent possible.

Holders and their employees have the responsibility for maintaining cooperative positive relations with all other forest users.

The Holder shall conduct operations in a safe and professional manner, and shall provide clients with basic instruction and safety information needed for the proper use of outfitter provided equipment.

It is the responsibility of the holder in his/her advertisements, signs, circulars, brochures, letterheads, and like materials, as well as orally to not misrepresent in any way, either the accommodations provided, the status of the permit, or the area(s) in which they are authorized to operate. The holder shall also make apparent that the permitted area is located on Superior National Forest lands and that he/she is an equal opportunity service provider.

The holder is expected to respond to all correspondence in a timely manner.

D. General Provisions and Requirements

The following general requirements apply unless otherwise authorized or excepted in the Special Use Permit or Operating Plan.

Administrative Requirements

1. See Special Use Permit for due dates for operation plan updates and actual use reports.
2. Changes or additions to the uses as approved in the Operating Plan or activity schedule require prior approval. Unapproved or unauthorized facilities or uses constitute a permit violation.
3. At the end of each season the holder shall submit an actual use and fee record to the District Ranger. Use reports must include all use on the National Forest. This report shall be submitted annually within 30 days of close of operations or as otherwise established by the District Ranger (see Section VII, Clause I-2). This report must include the information shown in Appendix E.
4. For towboat operators: Appendix G is used for monitoring purposes to track daily towboat use for the months of May through September. This form is due annually by October 31 in addition to the actual use reports referenced above. N/A
5. Annual fees : See special use permit for fee requirements. Preseason bills will be issued approximately one month before permit holder's operating season.
6. Accurate proof of insurance, in the form of a Certificate of Insurance must be submitted at least 30 days in advance of proposed use for review. (See Special Use Permit for insurance requirements.) Unsatisfactory/inaccurate insurance coverage may delay issuance of the Outfitter Guide Identification card.
7. Superior National Forest issued Outfitter Guide identification cards must be in the possession of the guide while operating on the Superior National Forest. Outfitter Guide identification cards will be issued seasonally and only when the permit terms and conditions have been met. The insurance must be current, fees have been paid, updated list of guides has been provided and the five year operations plan updated by the permit holder. It is the responsibility of the permit holder to ensure this is completed.
8. If all, or a major part, of the permit should go unused in any given year, the permittee and Forest Service will review the permittee's situation jointly and the future status of the permit determined.
9. It is the permit holder's responsibility to provide all required documents by the permit due dates. The Special Use Outfitter Guide Permit will be automatically placed in a suspended mode, without prior notification, if the required documents/information and/or payment are not received by the permit due dates. Upon satisfactory receipt of documents/payment, permit privileges will be reinstated.

E. Resource Protection

1. The Forest Service reserves the right to determine and establish use limitations for the protection and management of the area included in this permit.
2. All rules and regulations of the BWCAW will be adhered to.
3. Cultural resources (artifacts) are a non-renewable resource. It is important that all Forest users develop a conservation ethic regarding our history. Through this management plan and permit, the permittee and the Forest Service should establish a partnership in implementing a policy of heritage stewardship. The permittee should actively promote a sense of cultural resource conservation and instruct their clients to leave all items of cultural significance where they find them. In accordance with the Archeological Resource Protection Act, the permittee shall not engage in any collecting of historic and/or prehistoric artifacts and shall discourage any collecting of artifacts on National Forest.

F. Camps

Outfitter/Guide camps should set an example for all to follow concerning leave no trace camping practices and minimizing the impact on the wilderness resource. BWCAW rules and regulations will be adhered to. Trenching around tent sites, and/or flattening, excavating, or leveling new tent sites or other areas for camp facilities is not authorized.

The holder is encouraged to use earth tone colored tents, tarps and other camping equipment in their operations to better blend with the natural surroundings. Bright colored tarps and tents should be phased out over time as equipment is replaced.

The holder shall assure that water provided to clients is safe for human consumption.

SUPERIOR NATIONAL FOREST

**NOTICE OF PERMISSION TO RELEASE
NAME AND ADDRESS OF SPECIAL USE PERMITTEE**

I/we hereby give permission to the Superior National Forest to publish my/our name and address in the brochure, "Outfitting and Guiding on the Superior National Forest," and the Superior National Forest webpage.

Signature of Permittee

NAME AND ADDRESS OF PERMITTEE*

EMAIL ADDRESS*

TTY Telephone Number:** _____

OR

Internet Address: _____

Please note: Only provide information that you would like viewable by the public.

*If a business, please provide the business name, address, or email address.

**We will publish either your telephone number (telephone for the deaf) or your internet address, but not both, due to space limitations. Please provide whichever one you want published with your name and address. (If you provide both, we will publish the TTY number).