

## APPENDIX D: USFS PERMIT AND LAND USE REQUIREMENTS

### SPECIAL USE PERMIT – OVERVIEW

A special use permit is the documentation issued to any holder of a special use authorization. Special use authorizations are required for any use or activity on National Forest lands when an entity charges a participation fee or if the primary purpose is the sale of a good or service, and in either case, regardless of whether the use is intended to produce a profit.

Permits will be issued only to qualified applicants. The final decision on the selection of one or more applicants, the number of service days to be authorized, and whether to allow use by more than one operator is at the discretion of the Authorized Officer. The Authorized Officer who will make the final determinations on permits issued under this prospectus will be the District Ranger for the Council and Weiser Ranger Districts.

Applicants who are awarded permits are required to adhere to the clauses and stipulations outlined in the permit document issued. Appendix D contains a sample permit that contains the specific clauses and stipulations that applicants should review prior to applying to this prospectus.

### DOCUMENTS REQUIRED PRIOR TO PERMIT ISSUANCE

Selected applicant(s) will be required to submit (or provide proof of) the following before a permit is issued:

- *Financial Information.* The USFS must be able to determine an applicant's demonstrated ability that any business entity operating on National Forest System lands is financial capable and/or has the backing to perform the required services. Prior to the issuance of any permit, applicants will need to submit a FS-6500-24 form that provides financial information. This information will only be requested of applicants that are awarded licenses by the Idaho Outfitting and Guiding Licensing Board. All information is kept confidential by the agency.

The Authorized Officer may also request a more comprehensive business plan, should more information be needed. Applicants are highly encouraged to have their business and financial plans reviewed by a Small Business Development Center (<https://idahosbdc.org/>) for an assessment of viability before applying to this prospectus.

- *Annual itinerary.* The preseason itinerary provides the Authorized Officer with the permit holder's best estimate on the number of service days to be used in the upcoming season and locations for that use. This document is submitted annually by all permit holders. Appendix C contains a copy of the Itinerary form that permit holders will be required to use.
- *Estimated Use.* This document provides information to the Authorized Officer regarding the estimated number of service days and estimated gross earnings that are expected during the upcoming operating season. This document is submitted annually by all permit holders and is used to prepare required pre-season billing for the permit holder. Appendix C contains a copy of a standard Estimated Use form.
- *Proof of Insurance and Indemnification.* To protect the outfitter, the client, and the Federal Government from claims or losses for which the outfitter would be liable, the Forest Service requires all permit holders to carry public liability insurance. Insurance coverage for commercial activities shall be Comprehensive General Liability. The minimum coverage for such activities shall be \$500,000 combined single limit (CSL) per occurrence, or \$25,000/\$500,000/\$500,000 for split limit coverage, for third-party property damage/personal injury or death to one person/personal injury or death to more than one person, respectively.

If part of the proposal submitted includes providing avalanche training, the required coverage amounts are \$1,000,000 for the combined single limit (CSL) per occurrence, or \$25,000/\$500,000/\$1,000,000 split limit coverage, for third-party property damage/personal injury or death to one person/personal injury or death to more than one person, respectively. *Note:* definitions for the insurance requirements listed above can be found in Appendix A, *Glossary of Terms*.

All permit holders must name the U.S. Government as “additional insured.” Substitutions to this naming will not be accepted.

The permit holder shall send an authenticated ACORD copy of its insurance certificate to the Authorized Officer immediately upon issuance of the policy, as well as maintain this level of insurance and furnish the Authorized Officer with ACORD insurance certificates as often as necessitated by policy coverage periods.

All permit holders must provide 30 days written notice prior to cancellation of insurance to the Authorized Officer.

- *Annual Operating Plan.* The Annual Operating Plan outlines the permit holder’s responsibilities for protecting public health and safety, protection of National Forest System lands and resources, and specific details on how the permit holder will deliver high quality goods and services to clients that are brought to the Payette National Forest. This plan is incorporated into the permit itself and a new Annual Operating Plan is required each season of operation.

While operating plans are tailored to the individual permit holder, there are specific requirements that are common to all operators that will be awarded use under this snowmobile prospectus. The section below provides an overview of these requirements.

#### **ANNUAL OPERATING PLANS**

Any permit issued requires a detailed plan of operations which becomes part of the permit issued by the USFS and an important basis for determining the outfitter’s performance rating. Operating plans that become attached to, and part of, the special use permit include information needed for the administration of the permit.

- Dates and seasons of use for the authorized activities, including the start date and stop date for operations.
- Written description regarding locations of for permitted activities
- Site specific maps for off-route activities (for example, high marking activities or avalanche education)
- Limitations and mitigations established by the USFS regarding permitted activities
- Discussion of activities, party size, client-to-guide ratio
- Assigned site use or use of administrative sites
- Equipment and types of transportation to be used
- Listing of guides and employees of the permitted operations
- Avalanche protocols
- Listing of special qualifications and expiration dates (such as avalanche training or first aid qualifications)
- Environmental education or interpretation
- Fee/payment schedule for land use to the USFS
- Advertising information
- Client fees, as advertised
- Communications plan
- Safety plans and search and rescue plans

#### **OTHER PERMIT AND OPERATION REQUIREMENTS**

- *Advertising.* Permit holders must submit brochures or rate cards that display current rates and services offered. Any print, online, or other advertisement must include language that states that the outfitting and guiding services are being offered on the Payette National Forest and are authorized under a Special Use Permit.
- *Record Keeping.* Permit holders will be required to provide the Forest Service actual annual financial and use records to determine annual fees. All original records of use by date, activity, location fee charged, number and name of clients must be retained and readily available for inspection for five years.
- *Performance Evaluations.* Permit holders will receive annual performance ratings and periodic site inspections. Permit holders must receive an acceptable rating to continue operating. Non-compliance with permit requirements may result in revocation or termination action. Appendix C (Attachment F) contains a copy of the Forest Service, Intermountain Region Performance Evaluation form.

#### **FEES TO THE GOVERNMENT**

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. Fees are paid before land use occurs based on estimates.