

# Chattahoochee-Oconee National Forest

## Special Uses Open Season

### Instructions and Requirements

153 – Outfitting and Guiding, 181 – Recreation Event, 422 – Research Study

## Open Season Process

This package is intended to guide applicants through the process of applying for and obtaining a temporary or multi-year permit for any of the following activities on the Chattahoochee-Oconee National Forest: Outfitting and Guiding, Recreation Event, and Research. Applications within an Open Season should be submitted to [sm.fs.conf\\_permits@usda.gov](mailto:sm.fs.conf_permits@usda.gov).

- We highly encourage submitting applications during one of two Open Seasons when applications will be processed most efficiently:
  - ❖ **February 1-28** for the upcoming fall and winter season (July 1 – December 31)
    - Applicants who wish to operate in the fall of the same calendar year (or beyond) may apply during February.
  - ❖ **August 1-31** for the upcoming spring and summer season (January 1 – June 30)
    - Applicants who wish to operate in the spring of the next calendar year (or beyond) may apply in August.
- Year-round and multi-year applications may be submitted in either Open Season.
- At any time, applicants may reach out to the applicable Ranger District with questions about the permitting process, useable areas, and other regulations. Contact information for each Ranger District can be found at: <https://www.fs.usda.gov/main/conf/about-forest/offices>.

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## Terms

**Cost Estimate:** A component of a cost recovery agreement that enumerates, by type, the estimated costs to process the special use applications and monitor the special use authorizations covered by the agreement (FSH 2709.11 20.5).

**Cost Recovery:** The assessment and collection of fees from applicants for and holders of special use authorizations cover administrative costs incurred by the Forest Service in processing their special use applications and monitoring their special use authorizations for compliance with their terms and conditions. Cost Recovery fees are not land use fees, which are charged for the use and occupancy of National Forest System Lands (FSH 2709.11 20.5).

**Service Day:** An allocation of use constituting a day or any part of a day on National Forest System lands for which an outfitter or guide provides service to a client. The total number of service days is calculated by multiplying each service day by the number of clients on the trip (FSH 2709.11 41.53d).

**Temporary Use:** Short-term, non-renewable outfitting and guiding use that is authorized in increments of 50 service days, up to a maximum of 200 service days in a 180-day period (FSH 2709.11 41.53d).

## Insurance

The following insurance guidelines are provided to show why insurance requirements are necessary and how the Certificate of Insurance needs to be prepared to meet the agency direction.

- The Permit Holder is required to indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest System Lands
- The Permit Holder is required to have the insurance company name the *United States* as an additionally insured party. ***United States, c/o, U.S. Department of Agriculture, Forest Supervisor, Chattahoochee-Oconee National Forest, 1755 Cleveland Highway, Gainesville, GA 30501.***
- A Certificate of Insurance must be presented to the Forest Service on an ACORD 25 form before a Special Use Permit will be issued. The Certificate of Insurance is not required at time of application. The holder shall furnish proof of insurance, such as a certificate of insurance, to the authorized officer prior to issuance of a permit and each year thereafter that the permit is in effect. *The Authorized Officer may require that a copy of the insurance policy be furnished before the permit is issued.*
- The following acceptable additional insured clause shall be shown verbatim on the face of the Certificate of Insurance or Binder and, as a clause or an endorsement in the insurance policy:

**"It is understood and agreed that the United States is additional insured solely as respects liability arising from operations of the named insured."**

In addition, the following 30-day clause is also mandatory and shall be shown in verbatim on the Certificate of Insurance as well as in the insurance policy:

**"The holder shall give 30 days prior written notice to the authorized officer of cancellation or of any modification to the insurance policy".**

The insurance policy shall list in the certificate holder box:

**United States  
U.S. Department of Agriculture, Forest Service  
Chattahoochee-Oconee National Forest  
1755 Cleveland Highway  
Gainesville, GA, 30501**

If the clauses are not on the Certificate of Insurance in verbatim and are not in the insurance policy or on an endorsement as stated above, a Special Use Permit will **not** be issued.

- **Amount of insurance required:** depends on the degree of risk involved. The Forest Representative administering the special use permit will inform the prospective permittee of the required liability coverage.

**Minimum Coverage Amounts for Liability Insurance**

<b>FSM Cite</b>	<b>Type of Special Use</b>	<b>Minimum Coverage Amount (in thousands of dollars)</b>	<b>Combined Single Limit</b>
2721.11	Boat Dock and Wharf	30/300/600	\$1,000,000
2721.12	Clubs	25/300/500	\$750,000
2721.13	Organization Camps	30/500/1000	\$1,000,000
2721.14	Trail Shelters	30/300/600	\$600,000
2721.15	Private Camps	30/300/600	\$1,000,000
2721.22	Houseboats (insurance is required only for concessions)	30/300/600	\$600,000
2721.30	Lodging	30/300/600	\$1,000,000
2721.32	Hotel / Motel	50/1000/1000	\$1,000,000
2721.33	Resorts	30/1000/1000	\$1,000,000
2721.41	Camp and Picnic	30/500/1000	\$1,000,000
2721.42	Caves and Caverns	30/500/1000	\$1,000,000
2721.43	Golf Course	30/300/600	\$600,000
2721.44	Park and Playground	30/300/600	\$600,000
2721.46	Rifle and Target Ranges	30/500/1000	\$1,000,000
2721.47	Trailer Courts or Camps	30/300/600	\$600,000
2721.49	Recreation Event	See 2721.53	
2721.52	Marina	30/500/1000	\$1,000,000
2721.53	Outfitting and Guiding		
	Aerial Activities – 1 person	25/500/1000	\$1,000,000
	– 2 or more people	25/500/2000	\$2,000,000
	Backpacking	30/300/600	\$600,000
	Bicycling	30/300/600	\$600,000
	Bus, Van, Four-Wheel Drive Tours, ATV	25/500/500	\$500,000
	Hunting	25/500/500	\$500,000
	Nature Hikes	30/300/600	\$600,000
	Pack and Saddle Stock, Equestrian	50/500/1000	\$1,000,000
	Rafting and Boating		
	Class IV – V	50/500/1000	\$1,000,000
	Class I – III	30/500/1000	\$1,000,000
	Rock Climbing	50/500/1000	\$1,000,000
	Running and Walking Events	30/300/600	\$600,000
2721.54	Rental Services	30/300/600	\$600,000
2721.55	Restaurant	30/300/600	\$600,000
2721.56	Service Station	30/500/1000	\$1,000,000
2721.57	Store, Shop, Offices	30/300/300	\$600,000
2721.58	Vendor and Peddler	30/300/300	\$600,000

## Administrative Requirements

### Administrative Action

The Permit Holder understands and acknowledges that no operations, including advertising, can commence until all the above referenced documentation, payments, etc., have been received by the Forest Service, approved by the Authorized Officer, and the Permit is issued prior to the operating season. The permit will not be issued until all the requested documents have been submitted to the permit administrator.

### Advertising

All advertising media (websites, social media, brochures, fliers, radio, television, etc.), associated with your Special Use Authorization will include the following statements verbatim:

- Operations on National Forest System lands are authorized under special use permit by the Chattahoochee-Oconee National Forest.
- The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. To file a complaint of discrimination, write USDA Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Ave SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider, employer, and lender.

### Title VI Compliance

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color, or national origin in programs or activities that receive Federal financial assistance. The USFS non-discrimination policy includes the following requirements for permit holders.

- 1) Permit Holder and employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, sex (in educational activities), national origin, age or disability, by curtailing or by refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally and that the holder and employees shall comply with the provisions of Title VI of the Civil Rights Act of 1964, as amended, section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments, and the Age Discrimination Act of 1975.
- 2) Holder shall include and require compliance with the above non-discrimination provisions in any third-party agreement made with respect to the operations under this permit.
- 3) Signs setting forth this policy of non-discrimination to be furnished by the Forest Service will be conspicuously displayed at the public entrance to the premises, and at other exterior or interior locations as directed by the Forest Service.
- 4) The Forest Service shall have the right to enforce the foregoing non-discrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the breach or violation occurs.
- 5) Public notification of non-discrimination policy:
  - a. The following non-discrimination policy shall be posted in the Holder's office where visible to clients and employees. The non-discrimination statement shall also be included (in full) on all printed and electronic materials that are produced for public distribution or information:

- b. "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.)
- c. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, 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.
- d. 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](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: (a) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (b) fax: (202) 690-7442; or (c) email: [program.intake@usda.gov](mailto:program.intake@usda.gov)."

## Screening Criteria

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Proposals submitted for use of National Forest System lands are evaluated using special use criteria outlined in 36 CFR 251 Subpart B to determine if they qualify for further consideration. If the proposal fails to meet any of the screening criteria, it will be rejected without further consideration.

1. **Initial screening.** Upon receipt of a request for any proposed use other than for noncommercial group use, the authorized officer shall screen the proposal to ensure that the use meets the following minimum requirements applicable to all special uses:
  - i. The proposed use is consistent with the laws, regulations, orders, and policies establishing or governing National Forest System lands, with other applicable Federal law, and with applicable State and local health and sanitation laws.
  - ii. The proposed use is consistent or can be made consistent with standards and guidelines in the applicable forest land and resource management plan prepared under the National Forest Management Act and [36 CFR part 219](#).
  - iii. The proposed use will not pose a serious or substantial risk to public health or safety.
  - iv. The proposed use will not create an exclusive or perpetual right of use or occupancy.
  - v. The proposed use will not unreasonably conflict or interfere with administrative use by the Forest Service, other scheduled or authorized existing uses of the National Forest System, or use of adjacent non-National Forest System lands.
  - vi. The proponent does not have any delinquent debt owed to the Forest Service under terms and conditions of a prior or existing authorization, unless such debt results from a decision on an administrative appeal or from a fee review and the proponent is current with the payment schedule.
  - vii. The proposed use does not involve gambling or providing of sexually oriented commercial services, even if permitted under State law.
  - viii. The proposed use does not involve military or paramilitary training or exercises by private organizations or individuals, unless such training or exercises are federally funded.
  - ix. The proposed use does not involve disposal of solid waste or disposal of radioactive or other hazardous substances.



If a proposed use passes initial screening, the Forest Service will provide the proponent with guidance on how to proceed with the approval process, including information concerning potential land use conflicts, processing timeframes, environmental and management concerns, administrative fees, anticipated fees, anticipated land use rental, and approvals that must be obtained from other Federal, state, or local agencies. If any proposed use does not meet all the minimum requirements, (1)(i) through (1)(ix), listed above, it shall not receive further evaluation and processing.

- 2. Second-level screening.** A proposal which passes the initial screening set forth above and for which the proponent has submitted information as required, proceeds to second-level screening and consideration. In order to complete this screening and consideration, the authorized officer may request such additional information as necessary to obtain a full description of the proposed use and its effects. An authorized officer shall reject any proposal, including a proposal for commercial group uses, if, upon further consideration, the officer determines that:
- i. The proposed use would be inconsistent or incompatible with the purposes for which the lands are managed, or with other uses; or
  - ii. The proposed use would not be in the public interest; or
  - iii. The proponent is not qualified; or
  - iv. The proponent does not or cannot demonstrate technical or economic feasibility of the proposed use or the financial or technical capability to undertake the use and to fully comply with the terms and conditions of the authorization; or
  - v. There is no person or entity authorized to sign a special use authorization and/or there is no person or entity willing to accept responsibility for adherence to the terms and conditions of the authorization.

The Forest Service shall reject any proposal that fails to meet the second-level screening criteria and will return the proposal to the proponent with a written explanation of the rejection. The Forest Service may reconsider proposals when the deficiencies identified in the original screening process have been corrected to the satisfaction of the authorized officer.

Rejection of proposals is not subject to administrative appeal under 36 CFR 214 or 251, and does not constitute a proposed action pursuant to 36 CFR 251.54(e)(6) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347).

## Outfitting and Guiding

### Description (FSM 2721.53)

This designation includes all commercial outfitting operations involving services for accommodating guests, transporting persons, and providing equipment, supplies, and materials. It also includes commercial guiding activities wherein the guide furnishes personal services or serves as a leader or teacher.

### Temporary vs. Multi-Year Permits

**Temporary use permits** are for short term non-renewable uses. Temporary permits are limited to up to 200 service days in a 180-day period. Only one permit can be issued per holder per use area per 180 days. Temporary permits are not meant for on-going business in the same areas. Temporary permits do not commit the Forest Service to authorizing the use in the future. These permits are suitable for temporary activities such as tour groups traveling to different Forests each year.

**Priority use permits** are for continuing on-going uses. Priority permits can be issued for up to 10 years based on the permit holders past use and performance. Priority use permits are renewable except in certain circumstances on National Forest in Alaska.

The Chattahoochee-Oconee National Forest requests permit holders operate under a temporary use permit for two or three years before requesting a priority use permit. This is at the discretion of the Authorized Officer.

### Requirements for Application

Applicants requesting an outfitting and guiding special use permit must provide the following documents to be considered. Any missing or incomplete documents may cause your application package to be considered incomplete.

- **Completed Application and Supplemental Information** meeting requirements described in '[Screening Criteria](#)' of the '[Administrative Requirements](#)' section.
- **Annual Operating Plan** providing a full description of proposed activities and previous experience, an operating plan that describes client and visitor safety, evacuation, and emergency procedures plus resource protection. Copies of relevant certifications such as First Aid and guide licenses and copies of advertising brochures and acknowledgement of risk forms must be provided.
- **Estimated Use Report.** *For estimated use, please use form above. Use is an estimate but be as specific by indicating the area of use along with estimated number of days by activity.*
- **Map or accepted file** detailing areas of operation
  - Maps may be PDF, JPEG, JPG, BMP, DOCX, etc.
  - Accepted file types are GPX, CSV, SHP, KML, KMZ.

### Requirements for Issuing

A finalized permit will not be issued until a valid [Certificate of Insurance](#) of the amount required in the terms of your permit and meeting the requirements listed above is provided. This does not have to be provided during the Open Season period.

Outfitter and guides for hiking, biking, backpacking, or other similar uses may be required to utilize only system roads and trails. Applications utilizing non-system roads and/or trails might be denied. Applications submitted within the appropriate Open Season and requiring minor modifications to utilize only system roads and trails may be adjusted outside of the appropriate Open Season. Applications with major modifications may result in unnecessary delays.

## Requirements for Closing of Permit

An Actual Use Report is required within 30 days of expiration of the permit. Actual use must be reported by "Authorization ID" and trip (indicate date) with activity listed, such as boating, fishing, or backpacking, along with the location indicated by Forest Service Trail number, or official name, river, or rock and route name. For trips using one or more trails or roads, please list all trails and roads used during the itinerary.

## Annual Requirements for Multi-year Permits

Outfitting and Guiding permittees operating under a multi-year permit must complete the following requirements **annually in either Open Season, before beginning operations on National Forest:**

- **Provide an updated annual operating plan.** Operating plan must be updated and reviewed annually, regardless of the permit term. If there are no changes to the operating plan from the previous year, then document this in writing to the District Ranger.
- **Estimated use for the upcoming season.** For estimated use, please use form provided above. Use is an estimate, but please be as specific as possible by indicating the area of use along with estimated number of days by activity.
- **Updated insurance documentation.** See [insurance requirements](#).
- **A list of guides with their qualifications.** A complete roster of your guides with their certifications will be sent upon completion of staff hiring, and prior to permit activities.

## Fee to Government

Payment of Fees: Fees must be paid online, by mail, or at most Forest Service offices and must be completed within 30 days of billing from the Forest Service. See FSM 2709.11 Ch 30 for all fee policy.

### *Flat Fee – Temporary (180 days or less) Permits*

Temporary use permits are charged a fee based on the **amount of use allocated** in service days as shown in the table below. If allocations are based on quotas rather than service days, determine the number of service day equivalent to the quotas allocated. Column 3 of the table below 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 (multi-year fee in next section).

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

### *Fee for Commercial Use – Multi-year*

Upon the authorized officer's approval of the prospective holder's application for a special use permit, the applicant will be advised to select Option A or B to be used in calculating the fee.

#### *Option A – The fee is based on an average client-day charge using schedule of rates.*

This fee option is more complex than Option B and as such it is recommend that applicants considering this fee option read the exact text, descriptions, and examples provided in FSH 2709.11 Ch 30 Fee Determination.

#### *Option B – 3% of the annual adjusted gross revenue, minus any applicable adjustments.*

Exact language from FSH 2709.11 is as follows, "The fee is 3 percent of the annual adjusted gross revenue, minus any applicable adjustment for use off National Forest System lands. Determine the gross revenue, add any applicable revenue additions, and subtract any applicable revenue exclusions to determine the adjusted gross revenue. Multiply the adjusted gross revenue by 3 percent; then adjust, if applicable, for use off National Forest System lands to determine the fee for commercial use (sec. 37.05; 37.21c, para. 1b, and 37.21e)."

## **Cost Recovery**

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Outfitter and Guide applications requiring less than 50 hours of processing are exempt from cost recovery fees.

## Recreation Event

### Description (FSM 2721.49 R8 Supplement)

Recreation Events are competitive recreation activities that usually involve the payment of an entry fee and participants that compete against each other for prizes. Examples of recreation events are: motorcycle enduros, mountain bike races, and charitable participant sponsored run/walks.

### Temporary vs. Multi-Year Permits

Temporary recreation event permits authorize events within one year. Temporary permits do not commit the Forest Service to authorizing the use in the future. Multi-year permits authorize events over multiple years (up to 5). The Chattahoochee-Oconee National Forest requires ~2-3 years of operations under a temporary use permit before processing of a priority use permit, at the discretion of the authorized officer.

### Requirements for Application

Applicants requesting a recreation event special use permit must provide the following documents to be considered. Any missing or incomplete documents may cause your application package to be considered incomplete. Advertising cannot commence until approved by the Authorized Officer. See [‘Administrative Action’](#) of the [‘Administrative Requirements’](#) section.

- **Completed Application and Supplemental Information** meeting requirements described in [‘Screening Criteria’](#) of the [‘Administrative Requirements’](#) section.
- **Annual Supplemental Operating Plan** including location of support areas such as aid stations or checkpoints and a safety plan for the event.
- **Map or accepted file** detailing route or areas of operation.
  - Maps may be PDF, JPEG, JPG, BMP, DOCX, etc.
  - Accepted file types are (GPX, CSV, SHP, or KML).

### Requirements for Issuing

A finalized permit will not be issued until a valid [Certificate of Insurance](#) of the amount required in the terms of your permit and meeting the requirements listed above is provided. This does not have to be provided during the Open Season period.

Recreation events must utilize system roads and trails. Applications utilizing non-system roads and/or trails will be denied. Applications submitted within the appropriate Open Season and requiring minor modifications to utilize system roads and trails may be adjusted outside of the appropriate Open Season. Applications with major modifications might be directed to submit in the next Open Season.

Communication with each county the recreation event occurs within to confirm emergency response capabilities as determined by the county. Email or similar response is sufficient to meet this requirement.

### Requirements for Closing of Permit

Final revenue report is required within 30 days of the expiration of the permit.

## Annual Requirements for Multi-year Permits

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Recreation Event permittees operating under a multi-year permit must complete the following requirements **annually in either Open Season, before beginning operations on National Forest:**

- **Provide an updated supplemental annual operating plan.** Operating plan must be updated and reviewed annually, regardless of the permit term. If there are no changes to the operating plan from the previous year, then document this in writing to the District Ranger.
- **Updated insurance documentation.** See [insurance requirements](#).

## Fee to Government

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There are no costs to submit an application for initial review. Permit fees for approved applications are as follows:

The fee is 5% of adjusted gross receipts (gross revenue less cost to holder of prizes awarded) for one-time events and 3% for multiple events under a single permit. Minimum permit fees apply. Contact a Forest Permit Administrator for accurate minimum fee values per event (FSM 2721.81).

Prior to the event, an estimated total fee will be calculated and billed in advance. After the conclusion of the event, the fees will be reconciled which will determine whether the permit holder is additionally billed for the remainder owed or refunded.

- Within 30 days of completion of your recreation event, you shall submit to the authorized officer the final fee worksheet along with any necessary documents. Revenue from sponsorships of events.
- Receipts will include all income from the event except money earned by vendors and those moneys returned to the entrants in the form of prizes (trophies or cash). Do not exclude from income expenses for event apparel, food, drink, or other participant give aways.
- Copies of entry lists and final results of competition are required as documentation of income.
- Receipts or other tangible proof are required for purchase of trophies or other prizes as documentation of expenses (FSM 2721.49 R8 Supplement).
- Vendors are included in recreation event permits. A flat fee is charged per vendor based on market data, subject to a minimum fee of \$50 each (FSM 2721.49 R8 Supplement).
- Payment of Fees: Fees must be paid online, by mail, or at most Forest Service offices and must be completed within 30 days of billing from the Forest Service

## Cost Recovery

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Recreation event applications requiring less than 50 hours of processing are exempt from cost recovery fees.

## Research Study

### Description (FSM 2724.22)

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#### *Research Study*

These are nonspecific studies for a wide range of academic interests.

Research Study does not include applications under a Research or Experimental and Demonstration permit as defined in the next section.

### Other Research Permit Types

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Permit types listed here are not included in the Open Season process.

#### *Research (FSM 2724.2)*

This category includes experimental forest demonstration areas, locations for naval stores, observatories, laboratories, stream gauges, weather stations, cloud seeding devices, and similar uses not intended to result in further development.

#### *Experimental and Demonstration (FSM 2724.21)*

Uses under this designation generally consist of temporary or permanent sites for monitoring of, or modifications to, the area or to a particular resource. Activities are not related to Forest Service projects. The emphasis is on experimentation rather than on monitoring alone.

### Requirements for Application

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Applicants requesting a research special use permit must provide the following documents to be considered:

- **Completed Application** meeting requirements described in '[Screening Criteria](#)' of the '[Administrative Requirements](#)' section.
  - Mark irrelevant fields as "n/a" and supplemental information such as methodology or benefit to science may be provided by additional documentation.
- **Supplemental Information (Research)**
- **DNR Scientific Collection Permit (SCP)** or confirmation from DNR that SCP is not required.
- **Map or accepted file** detailing route or areas of operation.
  - Maps may be PDF, JPEG, JPG, BMP, DOCX, etc.
  - Accepted file types are (GPX, CSV, SHP, or KML).

Any missing or incomplete documents may cause your application package to be considered incomplete and may result in unnecessary delays.

## Requirements for Issuing

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A finalized permit will not be issued until a valid [Certificate of Insurance](#) of the amount required in the terms of your permit and meeting the requirements listed above is provided. This does not have to be provided during the Open Season period.

All parties engaged in this type of activity, whether commercial or non-commercial, recreational or non-recreational, are obligated to comply with Forest Service Orders and with other Federal, State, and local laws and regulations that may apply to fauna collecting activities on National Forest System lands. These include but are not limited to state wildlife and/or agricultural regulations, regulations designed to protect threatened or endangered species pursuant to the Endangered Species Act, and requirements to maintain viable populations pursuant to the National Forest Management Act (FSM 2724.2 R8 Supplement).

## Requirements for Closing of Permit

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Provide an annual written summary of all proposed scientific activities (research designs, sampling methods, and statistical analysis).

## Research in Congressionally Designated Wilderness

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Research and Scientific Activities can help preserve wilderness character and be compatible with the Wilderness Act of 1964 and subsequent wilderness legislation. The Wilderness Act identifies scientific activities as both a public purpose (Section 4(b)) and a value (Section 2(c)(4)). These provisions help establish research and scientific activities as legitimate uses of wilderness to help provide the “benefits of an enduring resource of wilderness” (Section 2(a)). But, the Wilderness Act also mandates preservation of wilderness character (Sections 2(a) and 4(b)) and prohibits with exceptions, the use of motorized equipment, installations, landing of aircraft, etc. (Section 4(c)) which can create a dilemma for managers attempting to evaluate proposals for scientific activities.

If scientific activities are screened only to satisfy the public purpose of Scientific, virtually every proposal would be authorized. But because of the other mandates to preserve wilderness character and prohibit motorized equipment, etc., there is often a need for criteria to determine which activities are both necessary and dependent on a wilderness location. These criteria consist of three basic parts or categories:

- (1) Does the proposal preserve wilderness character?** This type of proposal is reflected in the Scientific public purpose found in the Wilderness Act.
- (2) Is the proposal wilderness dependent?** A proposal that can only be done in wilderness may be compliant with law even if it does not directly preserve wilderness character. In this case the values and benefits of the research or scientific activities must be high and there are no locations outside wilderness where the activities could occur. This interpretation identifies research and scientific activities as one of the “benefits of the enduring resource of wilderness” as described in the law (Section 2(a)) and is supported by the listing of Scientific as one of the potential values of wilderness (Section 2(c)).
- (3) Does the proposal include the use of motorized equipment, installations, landing of aircraft, etc.?** This type of proposal may also be compliant with the law if it is the minimum requirement necessary for the administration of the area as wilderness.



Any proposal should be evaluated and, if necessary revised to ensure that the wilderness resource is not impaired and wilderness character is preserved. Wilderness Character may be defined by the four statutory qualities:

- **Untrammelled:** Natural ecological processes should not be hindered or manipulated.
- **Natural:** There should be no effects on the natural conditions from both intentional and unintentional modern human activities.
- **Undeveloped:** There should be no modern human presence in the form of installations, structures, motorized equipment, landing of aircraft, etc.
- **Solitude/Primitive and Unconfined Recreation:** The proposal should not affect the experiences of visitors.

Gather information and carry out research in a manner compatible with preserving the wilderness environment to increase understanding of wilderness ecology, wilderness uses, management opportunities, and visitor behaviour (FSM 2320.2).

Gather necessary information and carry out research programs in a manner that is compatible with the preservation of the wilderness environment (FSM 2320.3).

Wildlife and fish research is an appropriate activity in wilderness. In all cases, research shall be conducted in such a way as to minimize any adverse impacts on the wilderness resource or its users. See FSH 2309.19 for specific direction and guidelines for approving these activities (FSM 2323.37):

1. Research methods that temporarily infringe on the wilderness character may be used; provided the information sought is essential for wilderness management and alternative methods or locations are not available.
2. Scientific sampling of wildlife and fish populations is essential to the management of natural populations in wilderness.
3. Capturing and inconspicuous marking of animals, including radio telemetry, is permitted.
4. Installations, such as temporary shelters for cameras and scientific apparatus, and enclosures or exclosures, essential for wildlife research and management studies may be approved on a case-by-case basis.

To provide appropriate opportunity for scientific studies that are dependent on wilderness environment (FSM 2324.4):

1. Encourage research in wilderness that preserves the wilderness character of the area (FSM 2320.3)
2. Identify wilderness management or national issues that may require research in forest plans.
3. Review proposals to conduct research in wilderness to ensure that research areas outside wilderness could not provide similar research opportunities. Direct projects that would jeopardize wilderness values to areas outside wilderness.
4. Review research proposals to conduct research in wilderness to ensure that research methods are compatible with wilderness values. Do not allow the use of motorized equipment or mechanical transport unless the research is essential to meet minimum requirements for administration of the area.

## Fee to Government

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Research permits are subject to a land use fee based on the acreage of use.

## Cost Recovery

Cost recovery is the assessment and collection of fees from applicants for and holders of special use authorizations to cover administrative costs incurred by the Forest Service in processing their special use applications and monitoring their special use authorizations for compliance with their terms and conditions. Cost recovery fees are not land use fees, which are charged for the use and occupancy of National Forest System lands. Cost recovery applies only to special use applications submitted and special use authorizations issued under 36 CFR part 251, Subpart B.

Cost recovery must be paid before processing of the application may begin. Cost recovery guidance and policy can be found in FSH 2709.11 Ch 20 Cost Recovery.

### 2023 Processing/Monitoring Fee Schedule

Fee Category	Hours	Rate*
Exempt	Up to 1 Hour	\$0
1 (Minimal Impact)	> 1 and up to and including 8	\$146
2	> 2 and up to and including 24	\$516
3	> 3 and up to and including 36	\$972
4	> 4 and up to and including 50	\$1,393
5 (Master Agreement)		Full actual as specified in the agreement
6	> 50	Full reasonable or full actual as determined case by case

*\*Adjusted annually for changes in the IPD-GDP, see FSH 2709.11, Chapter 30*