

Use Code 153
Authorization ID: SO153001B
Contact ID: MSUOG
Issue Date: 09/01/2010
Expiration Date: 08/31/2020

FS-2700-4i (10/2009)
OMB 0596-0082

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

This permit authorizes priority use outfitting and guiding for Ten (10) years.

MONTANA STATE UNIVERSITY, 211 Montana Hall, P.O. Box 172420, Bozeman, MT 59717-2420 (hereinafter "the holder") is hereby authorized to use and occupy National Forest System lands, subject to the terms and conditions of this permit, to provide outfitting and guiding services primarily within the Gallatin National Forest and some portions of the Custer National Forest (Beartooth Ranger District). The above-described area shall be referred to as the "permit area."

The purpose of this permit is to authorize the following outfitting and guiding activities and assign use as follows:

- **4400 priority day use and overnight service days for Category A1 (Academic Pursuit) Activities**
- **900 priority day use service days for Category A2 (Recreation or Short-Course Non-Degree Pursuit) Activities**
- **100 priority overnight (backpacking) service days for Category A2 (Recreation or Short-Course Non-Degree Pursuit) Activities**

Requests for designated Wilderness Area dependent A1 activities may be considered on a case by case basis and if so authorized will be included in the Approved Itinerary.

Generally, no A2 activities will be authorized in designated Wilderness Areas; some requests may be considered on a case by case basis and if so authorized will be included in the Approved Itinerary.

Appendix A lists restricted areas where no A1 or A2 activities will be authorized and other restrictions on some authorized activities.

Zero (0) assigned sites.
Zero (0) grazing use (in headmonths HM's)

This use will be exercised as described in the 5-Year operating plan.

The following appendices are attached to and made a part of this permit:

- APPENDIX A – Restricted Areas and Other Restrictions on Authorized Activities
- APPENDIX B – 5-Year Operating Plan
- APPENDIX C – Approved Itinerary
- APPENDIX D – Not Applicable
- APPENDIX E – Actual Use Report Example
- APPENDIX F – Authorized Officer's Outfitter/Guide Annual Performance Evaluation Criteria
- APPENDIX G – Not Applicable

I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

A. AUTHORITY. This permit is issued pursuant to the Federal Lands Recreation Enhancement Act, 16 U.S.C. 6802(h), and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

B. AUTHORIZED OFFICER. The authorized officer is the Forest Supervisor or a subordinate officer with delegated authority.

C. TERM. This permit shall expire at midnight on **August 31, 2020**. Expiration of this permit shall not require notice, a decision document, or any environmental analysis or other documentation.

D. RENEWAL. This permit may be renewed upon expiration, provided the use is consistent with the applicable forest land and resource management plan, applicable laws and regulations, and the terms of this permit, and the holder has performed satisfactorily under this permit, as demonstrated by acceptable annual performance reviews. If the holder wants this permit to be renewed, the holder must notify the authorized officer in writing at least six months before this permit expires. The decision whether to issue a new permit to the holder is at the sole discretion of the Forest Service. The authorized officer may prescribe new terms and conditions when a new permit is issued.

E. AMENDMENT. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable forest land and resource management plan, or projects and activities implementing a land management plan pursuant to 36 CFR 215.

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.

G. NON-EXCLUSIVE USE. The use and occupancy authorized by this permit are not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the authorized officer agree are necessary to protect the installation and operation of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.

H. CHANGE IN CONTROL

1. Notification. The holder shall notify the authorized officer when a change in control of the business entity that holds this permit is contemplated. If the holder is a corporation, change in control means the sale or transfer of a controlling interest in the corporation. If the holder is a partnership or a limited liability company, change in control means the sale or transfer of a controlling interest in the partnership or limited liability company. If the holder is an individual, change in control means the sale or transfer of the business to another party.

2. Termination. This permit is not transferable. Any change in control of the business entity as defined in clause I.H.1 shall cause this permit to terminate upon issuance of a new permit to another party for the use and occupancy authorized by this permit. The party who acquires control of the business entity must submit an application for a permit for the type of use and occupancy authorized by this permit. Issuance of a new permit to the party acquiring control shall be at the sole discretion of the authorized officer. The authorized officer shall determine that the applicant meets requirements under federal regulations.

I. LIMITATIONS. Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically provided for in this permit. Any use not specifically identified in this permit must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.

II. OPERATIONS

A. FIVE-YEAR OPERATING PLAN. The 5-year operating plan, which shall be attached to this permit as Appendix B, shall be submitted by the holder and approved by the authorized officer before the holder conducts any services authorized by this permit. The holder shall prepare, annually review, and revise as needed the 5-year operating plan by September 1, in consultation with the authorized officer. At a minimum,

the 5-year operating plan shall include (1) the season of use for authorized outfitting and guiding activities, including the start and stop date of operations; (2) limitations on use established by the Forest Service (including fire restrictions); (3) the fee calculation option to be used and a completed Estimated Fee Determination Sheet (Appendix D); and (4) any of the following that are applicable: (a) a process for submitting trip itineraries (Appendix C); (b) guidelines and limits for incidental grazing; (c) location and layout of assigned sites to be used for base, spike, and drop camps or other purposes; and (d) authorized temporary improvements on National Forest System lands, including a schedule for their construction and removal.

B. ITINERARY. The holder shall submit an itinerary for each type of trip.

C. PERFORMANCE REVIEW AND EVALUATION. The holder's compliance with the terms and conditions of this permit and the 5-year operating plan is subject to annual performance review and evaluation by the authorized officer. The holder's performance will be documented using the Outfitter and Guide Performance Evaluation Criteria, Appendix F.

D. TEMPORARY IMPROVEMENTS. No permanent improvements may be constructed under this permit. Temporary improvements with negligible value, such as hitching posts, corrals, tent frames, and shelters, may be approved by the authorized officer in the 5-year operating plan. Plans and revisions to plans for design, development, and layout of temporary improvements must have prior written approval by the authorized officer.

E. PROHIBITION ON ASSIGNMENT OF USE. The holder may not assign all or part of the authorized use to others.

F. PERFORMANCE OF SUPPORT SERVICES. As a general rule, the holder shall conduct the day-to-day activities authorized by this permit. Activities that support the use authorized by this permit, such as food or shuttle services, may be conducted by a party other than the holder, but only with prior written approval from the authorized officer. The holder shall continue to be responsible for compliance with all the terms of this permit.

G. MAINTENANCE. The holder shall maintain authorized temporary improvements and the permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. The holder shall comply with inspection requirements deemed appropriate by the authorized officer.

H. SIGNS. Signs posted on National Forest System lands must have prior written approval of the authorized officer.

I. NONDISCRIMINATION

1. The holder and its employees shall not discriminate against any person on the basis of race, color, sex (in educational activities), national origin, age, or disability or by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. In addition, the holder and its 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 of 1972, as amended, and the Age Discrimination Act of 1975, as amended.

2. The holder shall include and require compliance with the above nondiscrimination provisions in any third-party agreement made with respect to the operations authorized under this permit.

3. The Forest Service shall furnish signs setting forth this policy of nondiscrimination. These signs shall 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 nondiscrimination 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 violation occurs.

J. EQUAL ACCESS TO FEDERAL PROGRAMS. In addition to the above nondiscrimination policy, the holder agrees to ensure that its programs and activities are open to the general public on an equal basis and without regard to any non-merit factor.

K. SANITATION. The operation and maintenance of all sanitation and food service systems and facilities shall comply with applicable standards set by state and local health departments.

L. REFUSE DISPOSAL. The holder shall comply with all applicable federal, state, and local requirements related to disposal of any refuse resulting from the use and occupancy authorized by this permit.

M. REMOVAL AND PLANTING OF VEGETATION. This permit does not authorize the cutting of timber or other vegetation. Trees or shrubbery may be removed or destroyed only after the authorized officer has approved and marked what may be removed or destroyed. Timber cut or destroyed shall be paid for at current stumpage rates for similar timber in the Gallatin National Forest. The Forest Service reserves the right to dispose of the merchantable timber to those other than the holder at no stumpage cost to the holder. Unmerchantable material shall be disposed of as directed by the authorized officer. Planting of trees, shrubs, and other plants in the permit area must have prior written approval from the authorized officer.

N. FAILURE TO EXERCISE AUTHORIZED PRIVILEGES. During the 5th year of operation and upon termination, the authorized officer shall review actual use and adjust the allocation of use to match the highest amount of actual use in 1 calendar year during the first 5 years of operation, plus 25 percent of that amount for holders with up to 1,000 service days or the equivalent in quotas or 15 percent of that amount for holders with more than 1,000 service days or the equivalent in quotas, provided that:

1. The combination of the highest amount of actual use in 1 calendar year and the additional 25 or 15 percent of use not exceed the amount of use allocated when the permit was issued; and

2. To ensure that 5 years of use are available for review as a basis for making the allocation adjustment, the authorized officer may adjust the review period to include a previous or an additional year of use based on a finding that extraordinary circumstances prevented a season of operation.

O. RESTRICTION OF MOTOR VEHICLE USE. The holder shall restrict motor vehicle use to designated roads, trails, and areas, unless specifically provided otherwise in the operating plan.

P. NOXIOUS WEED/EXOTIC PLANT PREVENTION AND CONTROL. The holder shall be responsible for the prevention and control of noxious weeds and/or exotic plants arising from the authorized use. For purposes of this clause, noxious weeds and exotic plants include those species recognized as such by the Gallatin National Forest. The holder shall follow prevention and control measures required by the Gallatin National Forest. When determined to be necessary by the authorized officer, the holder shall develop a plan for noxious weed and exotic plant prevention and control. These plans must have prior written approval from the authorized officer and, upon approval, shall be attached to this permit as an appendix.

III. RIGHTS AND LIABILITIES

A. LEGAL EFFECT OF THE PERMIT. This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR Part 251, Subpart C, and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

B. THIRD-PARTY RIGHTS. This permit is subject to all valid outstanding rights of third parties. Valid outstanding rights include those derived under mining and mineral leasing laws of the United States. The United States is not liable to the holder for the exercise of any such right.

C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS. The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

D. WATER RIGHTS. This permit does not confer any water rights on the holder. Water rights are not required by state law and may not be acquired to exercise the minor water uses authorized by this permit.

E. RISKS. The holder assumes all risk of loss associated with use and occupancy of the permit area, including but not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and acts of God. If authorized temporary improvements in the permit area are destroyed or substantially damaged, the authorized officer shall conduct

an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed.

F. DAMAGE TO UNITED STATES PROPERTY. The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs, damage to government-owned improvements covered by this permit, and all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. For purposes of clauses III.F, III.I, and V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of CERCLA, 42 U.S.C. 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

1. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder's use and occupancy of the permit area. If the environment or any government property covered by this permit becomes damaged during the holder's use and occupancy of the permit area, the holder shall immediately repair the damage or replace the damaged items to the satisfaction of the authorized officer and at no expense to the United States.

2. The holder shall be liable for all injury, loss, or damage, including fire suppression, or other costs in connection with rehabilitation or restoration of natural resources associated with the use and occupancy authorized by this permit. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs in connection therewith.

3. With respect to roads, the holder shall be liable for damage to all roads and trails of the United States open to public use caused by use of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees to the same extent as provided under clause III.F.1, except that liability shall not include reasonable and ordinary wear and tear.

G. HEALTH, SAFETY, AND ENVIRONMENTAL PROTECTION. The holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any activity or condition and arising out of or relating to the authorized use and occupancy that causes or threatens to cause a hazard to public health or the safety of the holder's employees or agents or harm to the environment (including areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources). The holder shall immediately notify the authorized officer of all serious accidents that occur in connection with such activities. The responsibility to protect the health and safety of all persons affected by the use and occupancy authorized by this permit is solely that of the holder. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations and activities of the holder for hazardous conditions or compliance with health and safety standards.

H. INDEMNIFICATION OF THE UNITED STATES. The holder shall indemnify, defend, and hold the United States harmless for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use and occupancy authorized by this permit. This indemnification and hold harmless provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees in connection with the use and occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable, and including but not limited to those environmental laws listed in clause V.A of this permit; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous substance, pollutant, contaminant, oil in any form, or petroleum product into the environment. The authorized officer may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

I. INSURANCE. The holder shall furnish proof of insurance, such as a certificate of insurance, to the

authorized officer prior to issuance of this permit and each year thereafter that this permit is in effect. The Forest Service reserves the right to review and approve the insurance policy prior to issuance. The holder shall send an authenticated copy of any insurance policy obtained pursuant to this clause to the authorized officer immediately upon issuance of the policy. Any insurance policies obtained by the holder pursuant to this clause shall name the United States as an additional insured, and the additional insured provision shall provide for insurance coverage for the United States as required under this clause. Such policies shall also specify that the insurance company shall give 30 days prior written notice to the authorized officer of cancellation of or any modification to the policies. The certificate of insurance, the authenticated copy of the insurance policy, and written notice of cancellation or modification of insurance policies should be sent to the Gallatin National Forest, P.O. Box 130, Bozeman, MT 59771. Minimum amounts of coverage and other insurance requirements are subject to change at the sole discretion of the authorized officer on the anniversary date of this permit.

1. Liability. The holder shall have in force liability insurance covering losses associated with the use and occupancy authorized by this permit arising from personal injury or death and third-party property damage in the minimum amount of **\$500,000.00** as a combined single limit per occurrence.

2. Depending on the holder's operations, the Forest Service may require the holder to demonstrate the availability of funds to address any release or threatened release of hazardous materials that may occur in connection with the holder's use and occupancy. Any requirements imposed would be established on a case-by-case basis by the authorized officer based on the degree of environmental risk from the holder's operations. The use and storage of normal maintenance supplies in nominal amounts generally would not trigger financial assurance requirements.

IV. PERMIT FEES AND ACCOUNTING RECORDS

A. PERMIT FEE. The holder shall pay to the USDA, Forest Service, an annual permit fee for the term of this permit based on the fair market value of the use and occupancy authorized by this permit. The annual permit fee shall include a commercial use fee and, if applicable, an assigned site fee and grazing fee, as enumerated in clauses IV.B, C, and D. The minimum annual permit fee for the authorized use and occupancy shall be the greater of \$95.00 or the estimated fee for service days, number of assigned sites and grazing use as determined from the Annual Use Plan/Approved Itinerary. Estimated fees shall be calculated on an Estimated Fee Determination Sheet. The holder shall pay the annual permit fee in advance of the authorized use and occupancy, as provided in clause IV.B. Payments due before commercial operations commence are not refundable. The Forest Service shall adjust and calculate permit fees authorized by this permit to comply with any new permit fee system based on market value that may be adopted by statute, regulation or directive issued by the Chief after issuance of this permit.

1. COMMERCIAL USE FEE. The annual permit fee shall be determined in accordance with the Flat Fee schedule in the appropriate region or unit supplement to the FSH 2709.11, Chapter 30. Flat fee rates are adjusted annually based on the Implicit Price Deflator-Gross Domestic Product (IPD-GDP).

2. ASSIGNED SITE FEE. A fee shall be charged for the occupancy of National Forest System sites assigned to the holder. Assigned site fees shall not be prorated; the holder shall pay the full annual fee for each assigned site. No refunds or credits will be given for authorized but unused assigned sites.

3. GRAZING FEE. A fee shall be charged for grazing livestock used in conjunction with the use and occupancy authorized by this permit. No refunds or credits will be given for authorized but unexercised grazing use.

B. PAYMENT SCHEDULE. The holder shall pay the annual estimated permit fee, including the fee for commercial use, assigned site fee, and grazing fee, in advance of the authorized use, as follows:

1. Single Payment. The holder shall pay the total annual estimated fee in advance when it is less than \$500.

2. Two Payments. The holder shall pay half the total annual estimated fee in advance and the remainder by mid-season when the total is equal to or greater than \$500, but less than \$2,500.

3. Three Payments. The holder shall pay one-third of the total annual estimated fee in advance and the

remainder in two equal payments by mid-season when the total is \$2,500 or more.

4. Final Payment. The Forest Service shall reconcile annually the actual permit fee against permit fee payments made. The holder shall pay any additional fees owed for the past year's operation within 30 days of billing.

C. DOCUMENTATION OF ACTUAL USE. The holder shall provide documentation of actual use for purposes of permit fee verification.

1. Actual Use Report. Within 30 days of completion of the holder's approved operating season, the holder shall submit to the authorized officer an actual use report in accordance with the format in Appendix E.

D. FEE PAYMENT ISSUES

1. Crediting of Payments. Payments shall be credited on the date received by the deposit facility, except that if a payment is received on a non-workday, the payment shall not be credited until the next workday.

2. Disputed Fees. Fees are due and payable by the due date. Disputed fees must be paid in full. Adjustments will be made if dictated by settlement terms or an appeal decision.

3. Late Payments

(a) Interest. Pursuant to 31 U.S.C. 3717 et seq., interest shall be charged on any fee amount not paid within 30 days from the date it became due. The rate of interest assessed shall be the higher of the Prompt Payment Act rate or the rate of the current value of funds to the Treasury (i.e., the Treasury tax and loan account rate), as prescribed and published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Interest on the principal shall accrue from the date the fee amount is due.

(b) Administrative Costs. If the account becomes delinquent, administrative costs to cover processing and handling the delinquency shall be assessed.

(c) Penalties. A penalty of 6% per annum shall be assessed on the total amount that is more than 90 days delinquent and shall accrue from the same date on which interest charges begin to accrue.

(d) Termination for Nonpayment. This permit shall terminate without the necessity of prior notice and opportunity to comply when any permit fee payment is 90 calendar days from the due date in arrears. The holder shall be responsible for the delinquent fees, as well as any other costs of restoring the site to its original condition, including hazardous waste cleanup.

4. Administrative Offset and Credit Reporting. Delinquent fees and other charges associated with the permit shall be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. and common law. Delinquencies are subject to any or all of the following:

(a) Administrative offset of payments due the holder from the Forest Service.

(b) If in excess of 60 days, referral to the Department of the Treasury for appropriate collection action as provided by 31 U.S.C. 3711(g)(1).

(c) Offset by the Secretary of the Treasury of any amount due the holder, as provided by 31 U.S.C. 3720 et seq.

(d) Disclosure to consumer or commercial credit reporting agencies.

E. ACCOUNTING RECORDS. The holder shall follow generally accepted accounting principles or another comprehensive basis of accounting, such as the cash, modified cash, or income tax basis of accounting, in recording financial transactions. The minimum acceptable accounting system shall include:

1. Systematic internal controls and separate recording of gross receipts from each type of business conducted under this permit, separate from any other commercial or personal activity. Receipts shall be

recorded daily without reduction and, if possible, deposited into a bank account. Receipt entries shall be supported by documentation such as cash register tapes, sales invoices, reservation records, and cash accounts from other sources.

2. For permits with fees greater than \$10,000, when requested by the Forest Service, the holder at its own expense shall have its annual accounting records audited by an independent public accountant acceptable to the Forest Service.

F. ACCESS TO ACCOUNTING RECORDS. The holder shall make all of the accounting books and supporting records for the business activities authorized by this permit available for audit by the Forest Service or other federal agencies authorized to review Forest Service activities. The holder shall retain these records and make them available for review for five years after the end of the year they were generated, unless disposition is otherwise authorized by the Forest Service in writing.

V. RESOURCE PROTECTION

A. COMPLIANCE WITH ENVIRONMENTAL LAWS. The holder shall in connection with the use and occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9601 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.

B. VANDALISM. The holder shall take reasonable measures to prevent and discourage vandalism and disorderly conduct and when necessary shall contact the appropriate law enforcement officer.

C. HERBICIDE AND PESTICIDE USE. Herbicides and pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, fish, and other pests and weeds without prior written approval from the authorized officer. A request for approval of planned uses of pesticides shall be submitted annually by the holder on the due date established by the authorized officer. The report shall cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests or weeds require control measures that were not anticipated at the time an annual report was submitted. Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned shall be considered for use on National Forest System lands. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers.

D. ARCHAEOLOGICAL-PALEONTOLOGICAL DISCOVERIES. The holder shall immediately notify the authorized officer of any antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this permit. The holder shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.

E. PROTECTION OF HABITAT OF ENDANGERED, THREATENED, AND SENSITIVE SPECIES. Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA), 16 U.S.C. 531 et seq., as amended, or as sensitive by the Regional Forester under the authority of Forest Service Manual Chapter 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this permit, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the sole responsibility of the holder. If protective measures prove inadequate, if other such areas are discovered, or if new species are listed as federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection, regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.

F. CONSENT TO STORE HAZARDOUS MATERIALS. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably

withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

G. CLEANUP AND REMEDIATION

1. The holder shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer, of any oil discharge or of the release of a hazardous substance at the site in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153, Subpart B, and 40 CFR Part 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The holder shall immediately notify the authorized officer upon knowledge of any release or threatened release of any hazardous material at or in the vicinity of the permit area which may be harmful to public health or welfare or which may adversely affect natural resources under the management of the United States.

2. Except with respect to any federally permitted release as that term is defined under Section 101(10) of CERCLA, 42 U.S.C. 9601(10), the holder shall clean up or otherwise remediate any release, threat of release, or discharge of hazardous materials that occurs either on site or in connection with the holder's activities, whether or not those activities are authorized under this permit. The holder shall perform cleanup or remediation immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The holder shall perform the cleanup or remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the holder shall deliver the site to the Forest Service free and clear of contamination.

H. CERTIFICATION UPON REVOCATION OR TERMINATION. If the holder uses or stores hazardous materials at the site, upon revocation or termination of this permit the holder shall provide the Forest Service with a report certified by a professional or professionals acceptable to the Forest Service that the site covered by this permit is uncontaminated by the presence of hazardous materials and that there has not been a release or discharge of hazardous materials upon the site, into surface water at or near the site, or into groundwater below the site during the term of the permit. This certification requirement may be waived by the authorized officer when the Forest Service determines that the risks posed by the hazardous material are minimal. If a release or discharge has occurred, the professional or professionals shall document and certify that the release or discharge has been fully remediated and that the site is in compliance with all federal, state, and local laws and regulations.

VI. REVOCATION, SUSPENSION, AND TERMINATION

A. REVOCATION AND SUSPENSION. The authorized officer may revoke or suspend this permit in whole or in part:

1. For noncompliance with federal, state, or local laws and regulations;
2. For noncompliance with the terms of this permit;
3. For failure of the holder to exercise the privileges granted by this permit;
4. With the consent of the holder; or
5. At the discretion of the authorized officer, for specific and compelling reasons in the public interest.

B. REVOCATION BASED ON PERFORMANCE RATING. If the holder receives an annual rating of unacceptable based on deficiencies identified but uncorrected in a mid-season review and evaluation, the Forest Service shall revoke this permit or, if it is about to expire, shall allow it to terminate.

C. NOTICE AND OPPORTUNITY TO TAKE CORRECTIVE ACTION. Prior to revocation or suspension under clause VI.A. or VI.B, the authorized officer shall give the holder written notice of the grounds for the action to be taken. For purposes of revocation under clause VI.B, written notice must be given to the holder after a review and evaluation that if the identified deficiencies are not corrected, they will result in an annual rating of unacceptable, which in turn will result in revocation of the permit. Prior to revocation or suspension under clause VI.A.1, 2, or 3 or revocation under clause VI.B, the authorized officer also shall give the holder a reasonable opportunity to complete corrective action prescribed by the authorized officer. The period between the review and evaluation and the annual rating shall constitute adequate opportunity to take corrective action for purposes of revocation under clause VI.B.

D. IMMEDIATE SUSPENSION. The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision must be in writing. Within 48 hours of the request of the holder, the superior of the authorized officer shall arrange for an on-the-ground review of the adverse conditions with the holder. Following this review, the superior shall take prompt action to affirm, modify, or cancel the suspension.

E. APPEALS AND REMEDIES. Any written decisions by the authorized officer relating to administration of this permit, including annual ratings of probationary and unacceptable and revocation or suspension decisions, are subject to the administrative appeal regulations at 36 CFR Part 251, Subpart C, as amended. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

F. TERMINATION. This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date and termination upon change of control of the business entity. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service.

G. REMOVAL OF TEMPORARY IMPROVEMENTS. Upon revocation or termination of this permit, the holder shall remove within a reasonable time prescribed by the authorized officer all temporary improvements, except those owned by the United States, and shall restore the site. If the holder fails to remove all temporary improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VII. MISCELLANEOUS PROVISIONS

A. ADVERTISING. The holder shall not misrepresent in any way, either orally, in its circulars, brochures, advertising, and other materials, or on its website, signs, or letterheads, any aspect of the use authorized by this permit, including services provided by the holder, the status of this permit, or the area it covers. All of the holder's circulars, brochures, and advertising and its website regarding use of the permit area shall state that the permit area is located primarily in the Gallatin National Forest.

B. CURRENT ADDRESSES. The holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for payment of fees.

C. SERVICES NOT PROVIDED. This permit does not provide for the furnishing of road or trail maintenance, water, fire protection, search and rescue, or any other such service by a government agency, utility, association, or individual.

D. MEMBERS OF CONGRESS. No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

E. SUPERSEDED PERMIT. This permit supersedes a permit designated **SO153001A**, dated **September 01, 2009**.

F. SUPERIOR CLAUSES. In the event of any conflict between any of the preceding printed clauses and any subsequent clauses or any provisions in the appendices attached to this permit, the preceding printed clauses shall control.

G. OUTFITTER AND GUIDE FEE -- UNAUTHORIZED USE (R1-A4). Fees for any customer service days exceeding the amount authorized will be calculated at a rate one-third greater than that applicable to the authorized use.

I. EMERGENCY RESCUE (R1-B2). The holder agrees that in the event of rescue and evacuation involving the holder and/or agents, employees, and clients engaged in or conducting the activities authorized herein, that the United States will not be responsible for the costs of such rescue and evacuation, and associated aid and treatment.

J. GRIZZLY BEAR PROTECTION (R1-X10). This special-use authorization includes land which is part of the habitat of the grizzly bear. Therefore, in compliance with Forest Service responsibilities under the Endangered Species Act of 1973, 16 U.S.C. 1531, the following conditions apply to this special-use authorization:

1. The authorized officer may order an immediate temporary suspension of all human activities permitted by this authorization and, if needed, suspend or revoke the special-use authorization when, in his/her judgment, such action is necessary in order to prevent confrontation or conflict between humans and grizzly bears. The holder shall immediately comply with such order. The United States shall not be liable for any consequences from such a suspension or revocation. Such suspension or revocation may be appealed to the next higher level as provided in 36 CFR 251, Subpart C.

2. The holder, his/her agents, employees, contractors and subcontractors will comply with the requirements of the attached Appendix B—5-year Operating Plan, Part II.H in the conduct of any and all activities authorized. The authorized officer may review and revise the plan as needed.

3. The holder assumes full responsibility and shall hold the United States harmless from any and all claims by him/her or by third parties for any damages to life or property arising from the activities authorized by this special-use authorization and encounters with grizzly bears, or from suspension, revocation, or termination of activities authorized by this special-use authorization.

4. Intentional or negligent acts by the holder, his/her agents, employees, contractors and subcontractors that result in injury or death of a grizzly bear will be cause for suspension or revocation of this authorization in whole or in part.

5. Failure to comply with provisions 1, 2 or 3 may result in suspension or revocation of this authorization in whole or in part, and may cause criminal action to be taken against the holder under provisions of the Endangered Species Act of 1973, as amended, or other applicable authority.

K. ANNUAL ITINERARY (R1-X14). The holder will submit annually; due dates as outlined in Appendix B, Part II.A, a proposed itinerary for the coming season. The approved itinerary shall include but not be limited to:

1. Service day allocation by National Forest, resource area and service category.

2. Trip name, camp locations, trip routes, period of use, numbers of guests and employees in party, number of livestock and the amount of supplemental feed (if applicable) to be provided on the National Forest authorized by this permit.

3. Estimated fees due in advance for service days, the use of reserved National Forest System sites and all transportation livestock grazing use.

4. Signature page.

L. FOREST SERVICE RIGHT OF ENTRY AND INSPECTION (R1-X19). The Forest Service has the right of unrestricted access to the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

M. FOREST SERVICE REPRESENTATIVE (R1-X16). The Forest Supervisor, Gallatin National Forest, and her representative, Kimberly Schlenker, Telephone No. 406-587-6743 are responsible for administering this special-use authorization. The holder should contact the Gallatin National Forest Supervisor's Office regarding any questions concerning the occupancy and use authorized and the provisions of this authorization.

N. INFORMATION FROM HOLDERS (R1-X17). As a condition of this authorization, the holder is responsible for providing the authorized officer with any information in possession necessary for determining annual rental fees, ownership, or other matters concerning the administration of the authorized use by the Forest Service.

Regarding the submission of such information, the holder understands that it is a crime for any person to

knowingly and willfully make false, fictitious, or fraudulent statements to matters under the jurisdiction of the United States Government (Title 18, U.S.C. Section 1001).

This permit is accepted subject to all its terms and conditions.

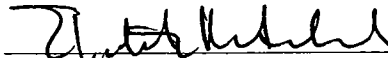
HOLDER: MONTANA STATE UNIVERSITY

U.S. DEPARTMENT OF AGRICULTURE
Forest Service

By:


(Holder or Holder's Agent)

By:


MARY C. ERICKSON
Forest Supervisor

Date:

8/30/10

Date:

09-01-2010

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

APPENDIX A

RESTRICTED AREAS AND OTHER RESTRICTIONS ON AUTHORIZED ACTIVITIES

RESTRICTED AREAS—CATEGORY A1 OR A2 USE WILL NOT BE AUTHORIZED FOR THE FOLLOWING AREAS:

Gallatin National Forest

Gardiner Ranger District (Beartooth Mtns/Plateau area in the Absaroka-Beartooth Wilderness):

Russell Lake area – Trail #567
Rock Island Lake area – Trail #565
Fox Lake; west shore

Bozeman Ranger District:

Lava Lake area – Cascade Creek Trail #77
Gallatin River – Restriction applies to rafting only

Hebgen Lake Ranger District:

Avalanche Lake area – Trail #152
Blue Danube Lake area – West Fork Beaver Creek Trail #222
Hilgard Basin area – Sentinel Creek Trail #202, Hilgard Basin Trail #201

Custer National Forest

Beartooth Ranger District (in the Absaroka-Beartooth Wilderness):

East Rosebud Trail #15
Line Creek Plateau Trail #10

OTHER RESTRICTIONS ON AUTHORIZED ACTIVITIES

ROTC Exercises

- Incendiary devices (smokebombs, flash/bang hand grenades, or weapons) will not be allowed
- Use or landing of helicopters will not be allowed
- Digging of fox holes will not be allowed

Activities Involving Bridger Bowl Ski Area

- All activities (summer and winter) within or adjacent to the ski area must be coordinated with Bridger Bowl in advance

This list of restrictions may be reviewed and revised as needed. Any revisions will be addressed via an amendment to the permit.

APPENDIX B

FIVE-YEAR OPERATING PLAN

MONTANA STATE UNIVERSITY

Gallatin National Forest

It is the responsibility of the Holder to read, understand, and comply with the terms and conditions of the permit and operating plan. When signed by the Holder and the District Authorized Officer, this operating plan becomes part of the special use permit. This operating plan provides specific direction for five (5) years. The Authorized Officer must approve any changes to the operating plan.

Business Name: MONTANA STATE UNIVERSITY, Leslie Taylor, Legal Counsel

Submitted By: Leslie C Taylor 9/30/10
 Holder Date

Reviewed By: Kimberly E Schuler 9.1.10
 Permit Administrator Date

Approved By: Debbie Ketchum 09.01.2010
 Authorized Officer Date

REVISION AND AMENDMENT RECORD

Date	Page	Nature of Revision/Amendment	Authorized Officer
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

USE BY AREA AND ACTIVITY TYPE

Area(s)	Activity Type	Period of Use	Authorized Days
Gallatin National Forest Custer National Forest, Beartooth RD	A1 Academic (Degree Pursuit)	Year Long	4,400
Gallatin National Forest	A2 Recreation or ShortCourse (Non-Degree Pursuit) Day Use	Year Long	900
Gallatin National Forest Custer National Forest, Beartooth RD	A2 Recreation or ShortCourse (Non-Degree Pursuit) Overnight Use (Backpacking)	Year Long	100

PART I—HOLDER INFORMATION, SAFETY REQUIREMENTS, AND GUEST EDUCATION

PLEASE COMPLETE ITEMS WHERE APPLICABLE

1. Mailing Address: 211 Montana Hall, P.O. Box 172420, Montana State University
City/State: Bozeman, MT Zip Code: 59717
2. Phone Number: Work: 406-994-4570 Home: N/A
- E-mail Address: Lesliet@montana.edu
4. Holder Representative:

The following individual(s) are designated to represent the Holder in matters concerning permit administration; if there is a Managing Agent, please furnish the Authorized Officer with a copy of the Managing Agent agreement:

Name	Address	Telephone	Title
Leslie Taylor	See above	See above	Legal Counsel
Daryl Monroe-Bilotti	See above	See above	Paralegal

The Holder must notify the Forest Service in writing of any change in representatives.

5. State Outfitter License Number (Hunting / Fishing Only): Not Applicable
6. Safety Requirements:

A. All instructors overseeing Category A2 activities shall have a current Standard First Aid certification; instructors overseeing field going course work (Category A1 activities) are encouraged to have Standard First Aid certification. CPR is recommended for both.

B. First-aid kit requirements are:

- Major first aid kit that contain supplies that treat the following conditions: bleeding; fractures of the extremities; cervical spine injuries; shock; burns; cuts and abrasions.
- This kit shall be readily accessible at all times. The completeness of the kit shall correspond to the length of the trip and the number of people involved.

C. Communication Requirements:

- One cell phone or 2-way radio per outfitted group. The Holder and District shall clearly spell out the types of communication devices expected to be provided and distributed. Describe:

D. The Gallatin National Forest shall be notified as soon as possible about any serious injuries/accidents (those that require acute medical attention or hospitalization) or evacuations of guests or staff.

E. Other safety equipment provided (Holder to provide information):

F. Additional safety requirements:

a. Rafting: On every trip, each raft shall carry the following: spare paddle/oar; throwbag with at least 50 feet of rescue rope; bow and stern lines sufficient to tie the raft; drinking water. All guests for river trips must be outfitted with Coast Guard Type V personal flotation devices (jackets). At least one instructor/guide in each party shall be trained and certified in swiftwater rescue (Swiftwater Rescue Technician I). This certification typically includes a full day of classroom training and 3 days of practical exercises with throwbags, swimming and technical rescues, rescues with boats and adjunctive devices.

b. Backcountry ski instructors/guides are required to have attended a Level I avalanche course. Level I courses are the industry standard for guides. Information on course locations and scheduled sessions can be found at <http://www.avalanche.org/~education/>. A follow up refresher session (does not have to be a

Level I session) is recommended every 3 years. All guides and party members traveling in avalanche terrain shall be equipped with avalanche beacons, shovels, and probes.

c. Climbing: All guides are encouraged to obtain American Mountain Guide certification. Guests shall be provided with appropriate safety gear—helmets, harnesses, etc. Ropes should be inspected every trip.

G. Holder and/or employee additional safety training or certifications (Holder to provide information):
Will be provided with itinerary for each trip.

H. Guest orientation – describe how guests are introduced to: identification of hazards and risks; safety considerations; search, rescue and evacuation procedures; communications; and use of equipment, including stock if applicable:
Will be provided with itinerary for each trip

7. Describe how guests shall be educated as to Wilderness and wildland values, low impact or Leave No Trace outdoor skills, and backcountry etiquette.

Will be provided with itinerary for each trip

8. If an emergency occurs (injured guest, flood, fire, avalanche, etc.), describe the procedures to be used, by type and season of use authorized, for care and evacuation of the injured person(s).

Will be provided with Itinerary for each trip

Part II—GENERAL OPERATION REQUIREMENTS, PURPOSE & OBJECTIVES

1. This operating plan authorizes the temporary occupancy and use of the National Forest lands for the purposes of outfitting and guide services for student degree and non-degree coursework, and recreational activities.

2. In addition to this “Five Year Operating Plan”, the Holder must have an approved “Annual Approved Itinerary”. A current certificate of insurance and/or copy of the Forest Service approved insurance policy must be on file with the Forest Service.

3. Management of outfitting and guiding operations is conducted within the framework of national and local policies, which are delineated in the Code of Federal Regulations (36 CFR 251), Section 2720 of the Forest Service Manual, and Section 2709.11 of the Forest Service Handbook (see especially Chapter 40).

Copies of applicable regulations governing occupancy and use of National Forest lands and prohibitions are included as exhibits and attached hereto. See Part IV—List of Referenced Exhibits.

A. General Holder Responsibilities

1. The Holder shall submit an initial proposed itinerary by:

- **December 15 for spring semester,**
- **May 15 for summer use and fall semester**

Proposed itineraries shall include all data for the use requested including: trip date, number of guests, number of staff, etc. See Exhibit F—Example Proposed Itineraries for Category A1 and A2 Activities. Proposed itinerary forms shall be provided for Holder completion. Changes to any itinerary must be requested and approved by the Authorized Officer **30 days prior to use.**

2. Annual fees for this permit shall include, as applicable, charges for guest service days based on the flat fee system.

a. The annual minimum fee **shall be paid upon receipt of billing.**

b. Upon completion of use, the Holder shall submit an actual use record for all National Forest service days so that any additional fees can be assessed. **Actual use reports (Appendix E) for the annual operating period (09/01 through 08/31 of the following year) must be submitted no later than September 30th of each year.**

c. Unauthorized additional use shall be billed at one-third greater than the standard flat fee and appropriate administrative action shall be taken.

3. The Holder shall be held accountable in the event an offense is committed against the United States by him/her

or any of his/her employees or agents, acting under the provisions of this permit.

4. This outfitting and guiding operation is authorized to:
 - a). Provide for quality public service and assure public health and safety.
 - b). Protect resources and minimize degradation of social settings.
 - c). Minimize conflicts with other resource users.
 - d). Provide a range of recreation opportunities in wildland settings.
5. Holders and their employees are expected to provide leadership and to set the example for other Forest users regarding compliance with regulations, low impact camping and/or Leave No Trace, backcountry ethics, and caring for the land and other users. Each outfitter has the responsibility to assist in minimizing user conflicts in the backcountry and by exercising courtesy to other visitors and outfitters.

B. Performance: Acceptable, Probationary, and Unacceptable Performance Measures and Definitions

New Forest Service Policy published in Forest Service Handbook 2709.11, Chapter 41.53r directs the Forest to develop performance measures that are included in operating plans. The following definitions of “acceptable”, “probationary”, and “unacceptable” performance frame the overall context for Deciding Officials’ summary ratings. Appendix F—Outfitter Annual Performance Evaluation lists the specific performance measures under a variety of headers. Further definitions for compliance with the standard are articulated below in the definitions of acceptable, probationary, and unacceptable performance. Performance measures listed in **bold** in the actual performance evaluation form are considered “critical elements”. Non-compliance with these elements shall likely result in a probationary or unacceptable overall rating. Other performance issues not necessarily articulated in the performance evaluation form may also result in probationary or unacceptable ratings. The Authorized Officer may articulate other non-critical elements where continued non-compliance may result in probationary or unacceptable performance ratings and document in the annual use plan/approved itinerary.

1. **“Acceptable”** performance means that the Holder has generally operated in accordance with the terms and conditions established for the permit.

Holders with acceptable ratings are generally eligible for permit renewal where continued use is consistent with planning and other appropriate factors.

2. **“Probationary”** performance means that the Holder has not operated in full accordance with the terms and conditions of the permit. However, performance does not pose an immediate threat to the safety of guests or others, is not in violation of law, and does not pose a threat of significant resource damage. Corrective action by the Holder is mandatory as continued operation at this level of performance is unacceptable. Examples of items that could lead to a probationary rating include (but are not limited to): required reports and fee payments are repeatedly delinquent, approved itineraries and/or schedules are not followed, changes to camp layout or operating plans are made without communicating with the Authorized Officer, authorized use is exceeded, or a Holder’s state outfitter or guide license is suspended. **In situations where the Holder’s state outfitter or guide license is suspended, the Holder’s permit shall be suspended concurrently.** The basis for a probationary rating shall be clearly documented on the rating form or attachments.

A Holder given a probationary performance rating shall only qualify for a permit not to exceed two years; permits with remaining periods of more than two years shall be amended. If the Holder’s next annual rating is probationary or unacceptable, the Authorized Officer shall revoke the permit and/or deny future permit applications.

3. **“Unacceptable”** performance means that the Holder has not operated in accordance with the terms and conditions of the permit and cannot be allowed to continue. The level of performance is a threat to the safety of guests or others or involves a serious violation of law, significant resource damage, or major violation of administrative or financial obligations. Examples include (but are not limited to): failure to obtain necessary licenses or registration, failure to pay fees, failure to comply with insurance requirements, falsification of records, public endangerment, or recurrent or serious violations of Fish and Game laws and/or outfitter-guide laws and regulations. **If a Holder’s state outfitter or guide license is revoked, the Holder’s permit shall be revoked.**

An unacceptable performance rating shall result in revocation of permit privileges as appropriate to the circumstances.

C. Inspections

1. Forest Officers shall periodically inspect permitted campsites and/or day use operation to determine compliance with the terms of the Special Use Permit. The Outfitter Annual Performance Evaluation shall be used to evaluate permit compliance annually. The performance evaluation shall be discussed with the Holder following the operating season. The line officer issuing the permit shall determine the rating and sign the evaluations. Results of camp inspections shall be made available to the Holder.

D. Camps/Forest Service Campgrounds/Forest Service Rental Cabins

1. All camps should be located out of sight of Forest Service system trails and be so located that no conflicts with normal trail traffic shall occur. Where possible, camps shall be a minimum of; 200 feet from lakes, 100 feet from live streams, unless otherwise documented in writing by the Authorized Officer.
2. All operations shall follow the Minimal Impact camping procedures or "Leave No Trace" endorsed by the Forest Service.
3. For assigned campsites, the location, use limitations and authorized facilities are found in the Campsite Management Plan at the end of this document. All camp facilities shall be dismantled at the end of the operating season unless allowed to remain by the Authorized Officer.
4. No nails or wire shall be used when working with live trees. Where possible, tents should not be supported by live trees, however if live trees are used to support tents, rope or twine should be padded by grain sacks, tree-saver straps, or other padding to protect bark from rope damage.
5. Activities in Forest Service campgrounds shall be those in keeping with the intended purpose of the campground—camping and picnicking (i.e, FS campgrounds shall not be used as "staging areas" for various events occurring within close proximity to the campground).
6. No Forest Service rental cabins shall be used for activities different than that allowed to the General Public (for example, a FS rental cabin cannot be used as a warming for hut for a large cross-country ski party unless that was the original intent of the cabin's use by the public).

E. Travel Routes/Trails

1. No new trails shall be cleared or constructed without prior approval. Clearing of windfalls across Forest Service trails is encouraged.
2. Holder shall comply with all facets of the Gallatin National Forest Motor Vehicle Use Map, Over Snow Vehicle Use Maps, and travel plan special orders unless specifically authorized otherwise in writing by the Authorized Officer.

F. Sanitation

1. Toilets shall be located 200 feet from any water source. Pit must be covered with at least 12 inches of soil at the end of season. When the pit is covered it shall be level with the existing surface. Latrine tents shall not be erected from or attached to any live trees. The latrine is a temporary improvement and is to be totally dismantled at the end of the use season. Privacy shelter should be provided at toilet facilities. For day use activities, where there are no camp facilities, the "cat hole" method shall be used. Small holes shall be dug, at least 6" deep and 200 feet from any water source. Holes shall be covered immediately after use.
2. Large groups may be required to have an outhouse. This stipulation will be noted on the approved itinerary if applicable to any particular trip.

G. Food Storage Requirements and Grizzly Bear Management and Protection

1. All outfitting and guiding operations on the Gallatin National Forest, **regardless of their physical location on the forest**, must comply with the Food Storage Order currently in place for the Gallatin National Forest. See Exhibit D.

2. The Authorized Officer may order an immediate temporary suspension of all human activities permitted by this authorization, and if needed, revoke or terminate the permit authorization when in his/her opinion such action is necessary in order to prevent confrontation or conflict between humans and grizzly bears. The Holder shall immediately comply with such order. The United States shall not be liable for any consequences from such a suspension, revocation or terminations. Such suspension, revocation or termination may be appealed to the next higher level as provided in 36 CFR 251 Subpart B.

3. All grizzly bear encounters, incidents and sightings must be reported to the US Forest Service, Kimberly Schlenker, as soon as possible, preferably within 48 hours, at (406) 587-6743.

4. Food Preparations and Cleanup

a. Cooking utensils, dishes and areas or surfaces where food is prepared shall be cleaned following each use.

b. The cook tent and stove shall be cleaned periodically to eliminate the buildup of grease and the resulting odors on tent and stove surfaces.

c. Food scraps, grease or other attractants may only be burned in a contained stove fire, or placed in a suitable container (i.e. tin can) to prevent leaching into the ground. Any remaining attractants unconsumed by burning shall be placed with garbage and packed out. Take every precaution that campfire rings do not become bear attractants (see the explicit language in Exhibit D).

d. All garbage and refuse shall be kept in bear-resistant containers or otherwise made unavailable to bears in compliance with the Food Storage Order.

5. Human Safety and Minimizing Direct Conflict

a. Outfitters shall inform guests of the sensitive status of the grizzly bear and how to prevent grizzly bear/human conflict.

b. It is recommended that perfumes, deodorants and other sweet smelling substances not be used. Store any such odorous products as though they were food.

c. It is not advisable to sleep in the same clothes worn when cooking. Keep sleeping bags and personal gear clean and free of food odor.

d. Traveling alone or at night is not recommended.

e. If a bear is observed - detour. A sow with cubs is particularly dangerous as is a bear that has been surprised.

f. Outfitters are encouraged to limit the quantity of prepared food to that necessary for each trip.

g. Outfitters should encourage their guests to learn to identify and distinguish between grizzly and black bears. Montana Department of Fish, Wildlife and Parks provides a bear identification pamphlet and test available at their offices or on their website <http://fieldguide.mt.gov/default.aspx>.

h. Feeding bears for any purpose is prohibited.

i. Possessing small animals (such as fowl or sheep) is not permissible. Dogs are discouraged.

H. Fire Prevention

1. All state and Federal fire laws, regulations, orders and special closure notices shall be strictly adhered to.

2. An axe, shovel, and bucket are required at each occupied site.

3. All stovepipes shall be equipped with spark screens, unless the ground is covered with snow.

4. The Holder shall report fires to Bozeman Dispatch (406) 587-6719.

I. Resource Protection

1. Firewood and poles shall be cut from dead trees only. A special permit is required for green trees. Standing trees should be cut so their absence from the stand is inconspicuous. Stumps must be cut as close to ground level as possible, but no higher than 8", and the whole tree must be utilized.
2. Equipment caches are not allowed in Wilderness. If permitted, caches outside of Wilderness shall be authorized in site specific camp management plans. Storage of dismantled structure frames made of native material is permitted, but must be stored out of site when the camp is dismantled. All other equipment, food and fuel must be removed from the camp at the end of the season. Garbage is to be packed out at the end of each trip.
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 Holder and the Forest Service should establish a partnership in implementing a policy of heritage stewardship. The Holder should actively promote a sense of cultural resource conservation and instruct their guests to leave all items of cultural significance where they find them. In accordance with the Archeological Resource Protection Act, the Holder shall not engage in any collecting of historic and/or prehistoric artifacts and shall discourage any collecting of artifacts on National Forest System land.

J. Noxious Weeds

The Holder is responsible for the prevention and control of noxious weeds in the immediate camp area (see campsite management plan) and frequently travel trails within the area permitted by this authorization. See Clause II.P—Noxious Weed/Exotic Plant Prevention and Control in the permit.

K. Operation Overview and Permit History

Priority Use

Priority use is a Forest Service commitment to the Holder of a special use permit to give priority consideration to allow a given amount of available use for a specified duration. It is a reserved amount and is assigned to the Holder by the Forest Service based on the Holder's past use and on carrying capacity and allocation decisions made through forest planning. **Approval of any proposed trip, however, will be dependent upon concurrent resource constraints for the area in which the trip is to take place.**

Priority use levels are subject to adjustment as per FSM 2721.53d.

PART IV—LIST OF REFERENCED EXHIBITS AND ATTACHED HERETO

- Exhibit A – Use Restriction in Lee Metcalf Wilderness
- Exhibit B – Order No. GYCC-6 Greater Yellowstone Area General Restrictions
- Exhibit C – Order No. GYCC-7 Greater Yellowstone Area Wilderness Restrictions
- Exhibit D – Grizzly Bear Management & Protection Plan (Food Storage Order #07-11-00-01)
- Exhibit E – Not Applicable
- Exhibit F – Example Proposed Itineraries for Day and Overnight Use
- Exhibit G – Special Restriction Custer NF, AB Wilderness

APPENDIX B
EXHIBIT A

BEAVERHEAD ORDER NO. 01-02-003

GALLATIN ORDER NO. 83-11-01

ORDER

USE RESTRICTION IN LEE METCALF WILDERNESS

Pursuant to 36 CFR Section 261.50 (a) and (b), the following acts are prohibited in the areas described in this order, within the Gallatin and Beaverhead National Forests:

- (1) Camping in one location for a period in excess of 14 days on the Beaverhead National Forest portions of the Lee Metcalf Wilderness and camping in excess of 15 days on the Gallatin National Forest portions of the Lee Metcalf Wilderness.---36 CFR 261.58 (a)
- (2) Camping within 200 feet of any lake in the Lee Metcalf Wilderness.---36 CFR 261.58 (e)
- (3) Campfires, other than fires confined to stoves, are not permitted within 200 feet of any lake in the Lee Metcalf Wilderness Area.---36 CFR 261.52 (a)
- (4) Hitching, tethering, or picketing a horse or other saddle or pack animal within 200 feet of any lake in the Lee Metcalf Wilderness Area.---36 CFR 261.58 (aa)
- (5) Cutting or damaging any standing tree, timber, or snag.---36 CFR 261.6 (a)
- (6) Entering or being in the Spanish Peaks Unit of the Lee Metcalf Wilderness with more than 15 people and/or 15 head of stock.---36 CFR 261.57 (a)
- (7) Entering or being in the Taylor Hilgard and Monument Mountain Units of the Lee Metcalf Wilderness Area with more than 15 people and/or 20 head of stock.---36 CFR 261.57 (a)

APPENDIX B
EXHIBIT B

ORDER NO. GYCC-6

SPECIAL ORDER
GREATER YELLOWSTONE AREA NATIONAL FORESTS
GENERAL RESTRICTIONS

INTERMOUNTAIN REGION -BRIDGER-TETON NATIONAL FOREST
-CARIBOU-TARGHEE NATIONAL FOREST
NORTHERN REGION -BEAVERHEAD-DEERLODGE NATIONAL FOREST, Madison District
-CUSTER NATIONAL FOREST, Beartooth District
-GALLATIN NATIONAL FOREST
ROCKY MOUNTAIN REGION -SHOSHONE NATIONAL FOREST

Pursuant to 36 Code of Federal Regulations Section 261.50 (a) and (b), the following acts are prohibited as described below, within the boundaries of the Greater Yellowstone Area National Forests as shown on Exhibit A and listed above. These restrictions are in addition to those enumerated in Subpart A, part 261, Title 36, Code of Federal Regulations, and become effective when signed and will remain in effect until rescinded.

- (1) Shortcutting a switchback in a trail. 36 CFR 261.55(e)
- (2) Allowing free trailing of horses and mules on Forest Service System Trails. 36 CFR 261.55(c)
- (3) Weed-free forage is required. Refer to the Regional Order that applies to the local Forest.
 - Bridger-Teton and Caribou-Targhee National Forests: refer to Order Number 04-00-097 dated February 11, 2003, or more recent version.
 - Beaverhead-Deerlodge, Custer and Gallatin National Forests: refer to Special Order for Occupancy and Use on National Forest System Lands in the State of Montana dated 10/09/1997, or more recent version.
 - Shoshone National Forest: refer to Order Number R2-2005-01 dated June 20, 2005, or more recent version.
- (4) Hitching, tethering, or picketing horses or other livestock, in violation of posted trailhead instructions, within 200 feet of a lake or 100 feet of a stream or other free-flowing water. 36 CFR 261.58(aa)
- (5) Camping or otherwise occupying a single location for a period longer than 16 consecutive days. The term 'location' means the occupied undeveloped campsite and the lands within a five mile radius of the campsite. After leaving a location, a minimum of seven days is required before any group or person(s) from that group may reoccupy their original location. More restrictive stay limits may apply in some areas, check with the local district office. 36 CFR 261.58(a)

Exemptions:

Pursuant to 36 CFR Section 261.50(e), the following persons are exempt from this order:

1. Persons with a permit specifically authorizing the otherwise prohibited act or omission.
2. Any Federal, State, or local officer, or member of an organized rescue or firefighting force, in the performance of an official duty.

M. J. Stewart 16 April 09
Acting Forest Supervisor Date
Beaverhead-Deerlodge National Forest

Log Tumbal 4-15-09
Forest Supervisor Date
Caribou-Targhee National Forest

Mary Eubank 4/15/09
Forest Supervisor Date
Gallatin National Forest

Kristy Hamilton 4/15/09
Forest Supervisor Date
Bridger-Teton National Forest

Mary Eubank 4/15/09
Acting Forest Supervisor Date
Custer National Forest

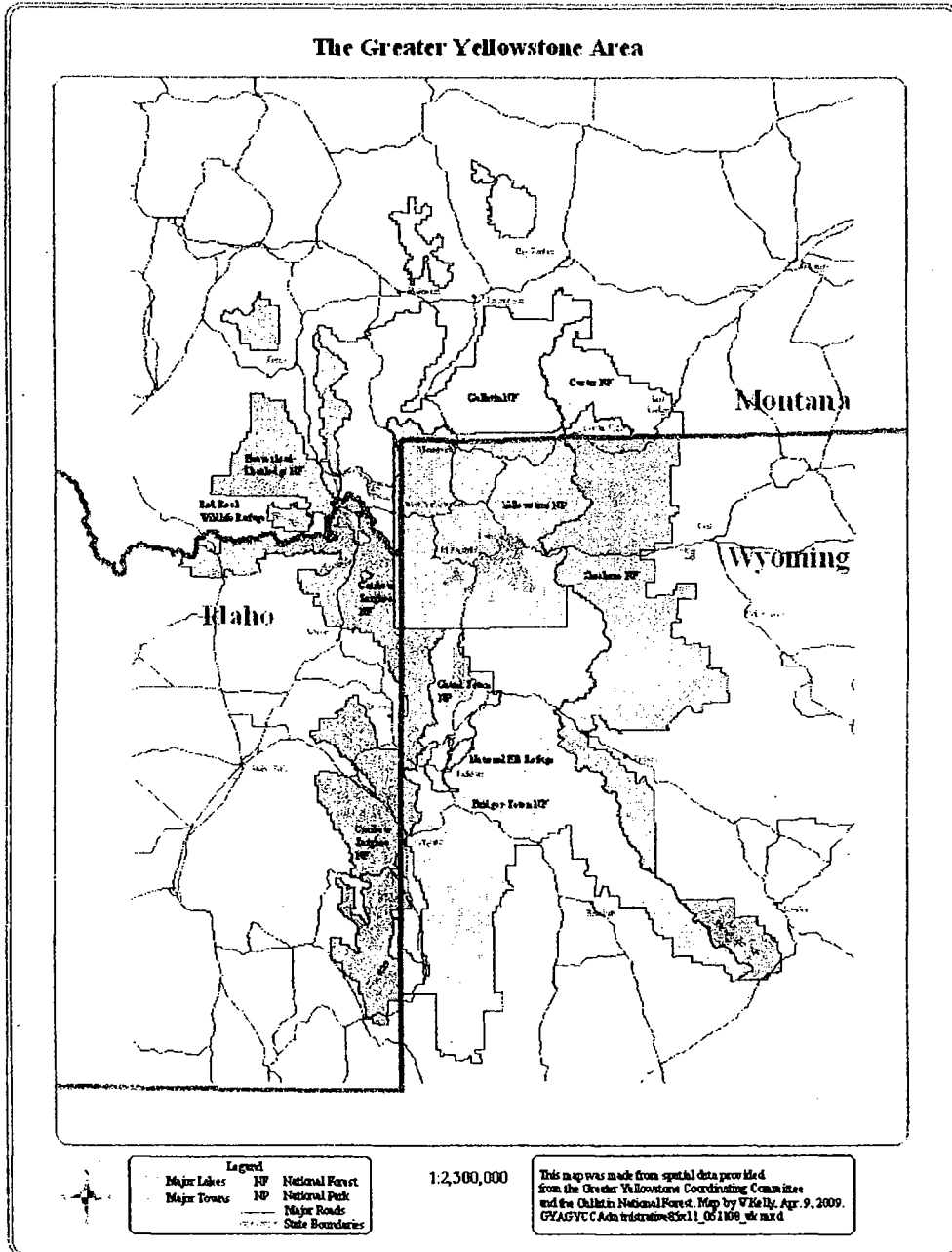
Tanya A. Root 4/9/09
Acting Forest Supervisor Date
Shoshone National Forest

Penalty:

Violations of these Prohibitions are punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than six months, or both. [16 U.S.C. 551, and 18 U.S.C. 3559 and 3571]

Notification: A copy of this order shall be posted as prescribed under 36 CFR 261.51.

Exhibit A: Greater Yellowstone Area National Forests



APPENDIX B
EXHIBIT C

ORDER NO. GYCC-7

SPECIAL ORDER
GREATER YELLOWSTONE AREA WILDERNESS RESTRICTIONS

INTERMOUNTAIN REGION	-BRIDGER-TETON NATIONAL FOREST: Bridger, Teton and Gros Ventre Wildernesses -CARIBOU-TARGHEE NATIONAL FOREST: Winegar Hole and Jedediah Smith Wildernesses
NORTHERN REGION	-BEAVERHEAD-DEERLODGE NATIONAL FOREST: Lee Metcalf Wilderness -CUSTER NATIONAL FOREST: Absaroka-Beartooth Wilderness -GALLATIN NATIONAL FOREST: Absaroka- Beartooth and Lee Metcalf Wildernesses
ROCKY MOUNTAIN REGION	-SHOSHONE NATIONAL FOREST: Absaroka-Beartooth, North Absaroka, Washakie, Fitzpatrick, and Popo Agie Wildernesses

Pursuant to 36 Code of Federal Regulations Section 261.50 (a) and (b), the following acts are prohibited as described below, within the designated Wilderness boundaries of the Greater Yellowstone Area National Forests listed above. These restrictions are in addition to those enumerated in Subpart A, part 261, Title 36, Code of Federal Regulations, and become effective when signed and will remain in effect until rescinded.

- (1) Shortcutting a switchback in a trail. 36 CFR 261.55(e)
- (2) Allowing free trailing of pack or saddle stock on Forest Service System Trails. 36 CFR 261.55(c)
- (3) Weed-free forage is required. Refer to the Regional Order that applies to the local Forest.
 - Bridger-Teton and Caribou-Targhee National Forests: refer to Order Number 04-00-097 dated February 11, 2003, or more recent version.
 - Beaverhead-Deerlodge, Custer and Gallatin National Forests: refer to Special Order for Occupancy and Use on National Forest System Lands in the State of Montana dated 10/09/1997, or more recent version.
 - Shoshone National Forest: refer to Order Number R2-2005-01 dated June 20, 2005, or more recent version.
- (4) Hitching, tethering, or picketing horses or other livestock in violation of posted trailhead instructions, within 200 feet of a lake or 100 feet of a stream or other free-flowing water. 36 CFR 261.58(aa)
- (5) Camping in a single location for a period longer than 16 consecutive days. The term 'location' means the occupied undeveloped campsite and the lands within a five mile radius of the campsite. After leaving a location, a minimum of seven days is required before any group or person(s) from that group may reoccupy their original location. More restrictive stay limits may apply in some areas, check with the local district office. 36 CFR 261.58(a)
- (6) Entering or being in a designated Wilderness in possession of or for the purpose of placement of salt for attracting wildlife. 36 CFR 261.58(cc)

The following are exempt from this prohibition:

- (1) Persons with salt used for culinary purposes within camps or residences.
 - (2) Persons with salt packaged and enroute to or from a camp or residence.
 - (3) Persons providing salt to pack and saddle stock in approved corrals or other approved livestock feeding locations in the immediate vicinity of a camp.
- (7) Possessing or using a wagon, cart or other vehicle (including 'game carts'). 36 CFR 261.57(h)

Persons using a wheelchair as a necessary medical appliance are exempt from this prohibition.
 - (8) Storing equipment, personal property or supplies. 36 CFR 261.57 (f)
 - (9) Disposing of debris, garbage, or other waste. 36 CFR 261.57(g)

(10) Traveling or using a campsite or other area in a group larger than the number identified below. Larger groups must split into two or more smaller groups and remain a minimum of 1/2 mile apart. 36 CFR 261.58(f)

15 Person Group Size Limitation: Lee Metcalf, Absaroka-Beartooth, Bridger and the Gros Ventre.

20 Person Group Size Limitation: Teton, Winegar Hole, Jedediah Smith, North Absaroka, Washakie, Fitzpatrick, and the Popo Agie.

(11) Using more than the following number of horses or packstock in any group to the following Wildernesses. 36 CFR 261.55(c)

15 Stock Limitation: Spanish Peaks Unit of the Lee Metcalf and the East Unit of the Absaroka-Beartooth.

20 Stock Limitation: Winegar Hole, Jedediah Smith, Taylor Hilgard and Monument Mountain Units of the Lee Metcalf.

25 Stock Limitation: Bridger, Gros Ventre, Teton, and the West Unit of the Absaroka-Beartooth.

30 Stock Limitation: North Absaroka, Washakie, Fitzpatrick, Popo Agie.

Exemptions:

Pursuant to 36 CFR Section 261.50(e), the following persons are exempt from this order:

1. Persons with a permit specifically authorizing the otherwise prohibited act or omission.
2. Any Federal, State, or local officer, or member of an organized rescue or fighting force, in the performance of an official duty.

Wendy Stewart 16 Apr 09
Acting Forest Supervisor Date
Beaverhead-Deerlodge National Forest

Ly Tomich 4-15-09
Forest Supervisor Date
Caribou-Targhee National Forest

Mary Eubank 4/15/09
Forest Supervisor Date
Gallatin National Forest

Kristy Hamilton 4/15/09
Forest Supervisor Date
Bridger-Teton National Forest

Mary Eubank 4/15/09
Acting Forest Supervisor Date
Custer National Forest

Tanya A. Root 4/9/09
Acting Forest Supervisor Date
Shoshone National Forest

Penalty:

Violations of these Prohibitions are punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than six months, or both. [16 U.S.C. 551, and 18 U.S.C. 3559 and 3571]

Notification: A copy of this order shall be posted as prescribed under 36 CFR 261.51.

APPENDIX B
EXHIBIT D
Grizzly Bear Management & Protection Plan
(Occupancy and Use Order # 07-11-00-01)
United States Department of Agriculture
Forest Service
Northern Region—Gallatin National Forest

OCCUPANCY AND USE RESTRICTIONS

For the purpose of minimizing adverse interactions between humans, bears and other wildlife and pursuant to Title 36 Code of Federal Regulations (CFR), 261.50 (a) and (b), the following uses are restricted on the Gallatin National Forest (Exhibit B) and hereby made part of this Order. Also attached, and hereby made part of this Order, are Definitions (Exhibit A) of terms used in support of the restrictions. This Order is effective **March 1 through December 1**, annually, until rescinded.

1. Possessing or storing any food, refuse or other attractant, as specified in the Order (36 CFR 261.58 (cc)).
2. Possessing, storing, or transporting any bird, fish, or other animal, or parts thereof, as specified in the Order (36 CFR 261.58 (s)).
3. Camping as specified in the Order (36 CFR 261.58 (e)).

UNDER THIS ORDER IT IS REQUIRED THAT

1. All food, refuse or other attractants must be acceptably stored or acceptably possessed during daytime hours.
2. All food, refuse or other attractants must be acceptably stored during nighttime hours, unless it is being prepared for eating, being eaten, being transported, or being prepared for acceptable storage.
3. Any harvested animal carcass must be acceptably stored, unless the carcass is being field dressed, transported, being prepared for eating, or being prepared for acceptable storage.
4. Camping or sleeping areas must be established at least ½ mile from a known animal carcass (on the ground) or at least 100 yards from an acceptably stored animal carcass.
5. The responsible party shall report the death and location of livestock to a Forest Service official within 24 hours of discovery. Any Forest user finding dead livestock should contact the Forest Service.
6. Burnable attractants that cannot be completely consumed by fire (i.e., no post burning residue) must be packed out.

EXEMPTIONS

Pursuant to 36 CFR 261.50 (e) the following persons are exempt from this Order:

APPENDIX B

EXHIBIT D

Grizzly Bear Management & Protection Plan

(Occupancy and Use Order # 07-11-00-01)

1. Persons with a permit issued by the Forest Supervisor specifically exempting them from this Order.
2. Any Federal or State officer placing baits to capture animals for research or management purposes as part of their official duties.

These restrictions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A. This Order supersedes any previous Order prohibiting or restricting the same, or similar, acts in the above-described areas.

Done this day 27 of March, 2007.

/s/ Rebecca Lockett Heath

REBECCA LOCKETT HEATH

Forest Supervisor

Gallatin National Forest

Any violation of these prohibitions is punishable by a fine of not more than \$5,000.00 for an individual or \$10,000.00 for an organization, and/or imprisonment for not more than six (6) months, or both (Title 16 USC 551, Title 18 USC 3571 (b)(6), Title 18 USC 3581 (b)(7)).

A copy of this order shall be posted as prescribed under 36 CFR 261.51.

APPENDIX B
EXHIBIT D
Grizzly Bear Management & Protection Plan
(Occupancy and Use Order # 07-11-00-01)

Exhibit A
Special Order—Food Storage and Sanitation
Definitions

1. “Food, refuse and other attractants” means any substance, solid or liquid or refuse (excluding water, baled hay, or hay cubes without additives), which is or may be eaten or otherwise taken into the body to sustain health or life, provide energy, or promote growth of any person or animal. Also includes items such as soft drinks, alcoholic beverages, canned foods, pet foods, processed livestock feed and grains, personal hygiene products, and empty food and beverage containers.
2. “Animal carcass” means the dead body or parts thereof, of any harvested mammal, bird, or fish, including the head or skull plate with antlers or horns and hide or cape of big game animals and any domestic livestock that may be found in the restricted area. Packaged or prepared animal carcass products transported into the restricted area for consumption, game birds, small mammals, or fish harvested for consumption in the restricted area are considered food under the previous definition.
3. “Burnable attractants” include items such as food leftovers, waste products, food grease or residue, food saturated containers or other substances that will not be completely consumed by fire. To be completely consumed, there must be no residual attractant on the surface or in the soil. These items shall not be buried, discarded or burned in an open campfire, unless placed in a suitable container (i.e. tin can or fire pan) to prevent leaching into the ground, and burned over an open campfire. Any remaining attractants unconsumed by burning shall be placed with other garbage, acceptably stored and packed out.
4. “Acceptably stored” means:
 - a. Stored in bear-resistant container certified through the Interagency Grizzly Bear Committee Courtesy Inspection Program.
 - b. Stored in a closed vehicle where the storage compartment is constructed of solid, non-pliable material that, when secured, will have no openings, hinges, lids, or coverings that would allow a bear to gain entry by breaking, bending, tearing, biting, or pulling with its claws (any windows in the vehicle must be closed), or
 - c. Suspended at least 10 feet clear of the ground at all points and 4 feet horizontally from any supporting tree or pole, or
 - d. Stored within a hard-sided residence, building, or storage container subject to the terms and conditions of a special-use authorization or operating plan, or
 - e. Stored by other methods approved in a permit issued by the Forest Supervisor responsible for the area where the method is proposed for use.
 - f. Animal carcasses must be acceptably stored (a. through e. above) when located 100 yards to ½ mile of a camping or sleeping area or within 200 yards of a National Forest System Trail. Animal carcasses are not considered acceptably stored when within 100 yards of a camping or sleeping area or a National Forest System Trail.

APPENDIX B

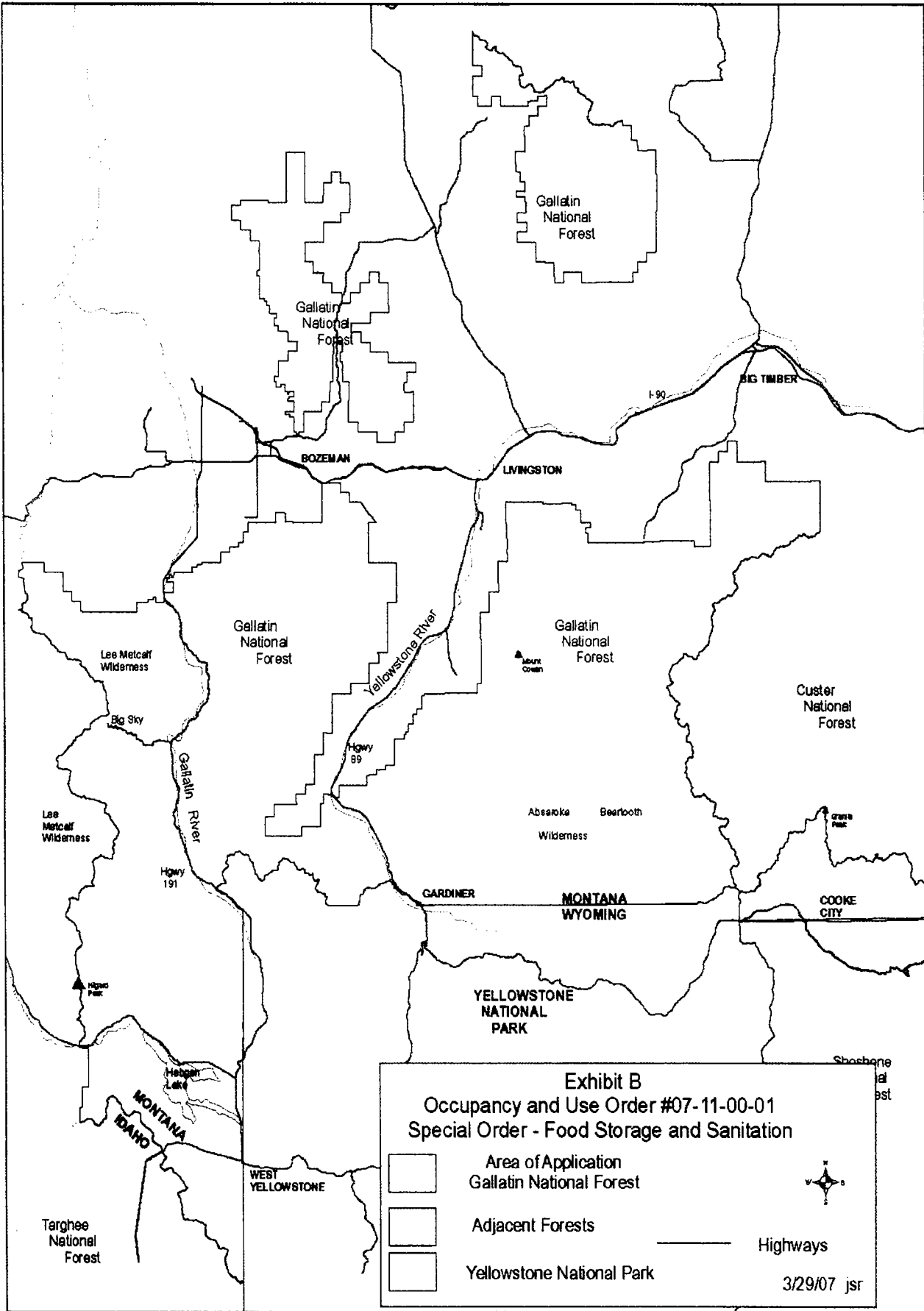
EXHIBIT D

Grizzly Bear Management & Protection Plan

(Occupancy and Use Order # 07-11-00-01)

Animal carcasses more than ½ mile from a camping area and more than 200 yards from a National Forest System Trail may be left on the ground (Exhibit C).

- g. Animal carcasses killed or harvested (and parts thereof) within ½ mile of any established camping area or sleeping area must be acceptably stored, possessed, or moved to a distance beyond ½ mile from any such camp or sleeping area by the party(-ies) responsible for killing or harvesting such mammal.
5. "Acceptably possessed" means:
 - a. Possessed or attended during daytime by a person(s) that is physically present within 100 feet and direct sight of the accessible food, refuse or attractant or
 - b. Possessed or attended by such a person(s) for the purpose of field dressing lawfully taken animal carcasses, transporting any food or animal carcass, preparing any animal carcass or food for eating, or eating any food.
6. "Camping/sleeping area" means National Forest System Lands temporarily used for the purpose of overnight occupancy without a permanently fixed structure or lands temporarily occupied by unattended camping equipment.
7. "Daytime" means ½ hour before sunrise to ½ hour after sunset, Mountain Time.
8. "Night time" means ½ hour after sunset to ½ hour before sunrise, Mountain Time.
9. "National Forest System Trail" means a trail wholly or partly within, or adjacent to, and serving a part of the National Forest System and which has been included in a forest recreation map.



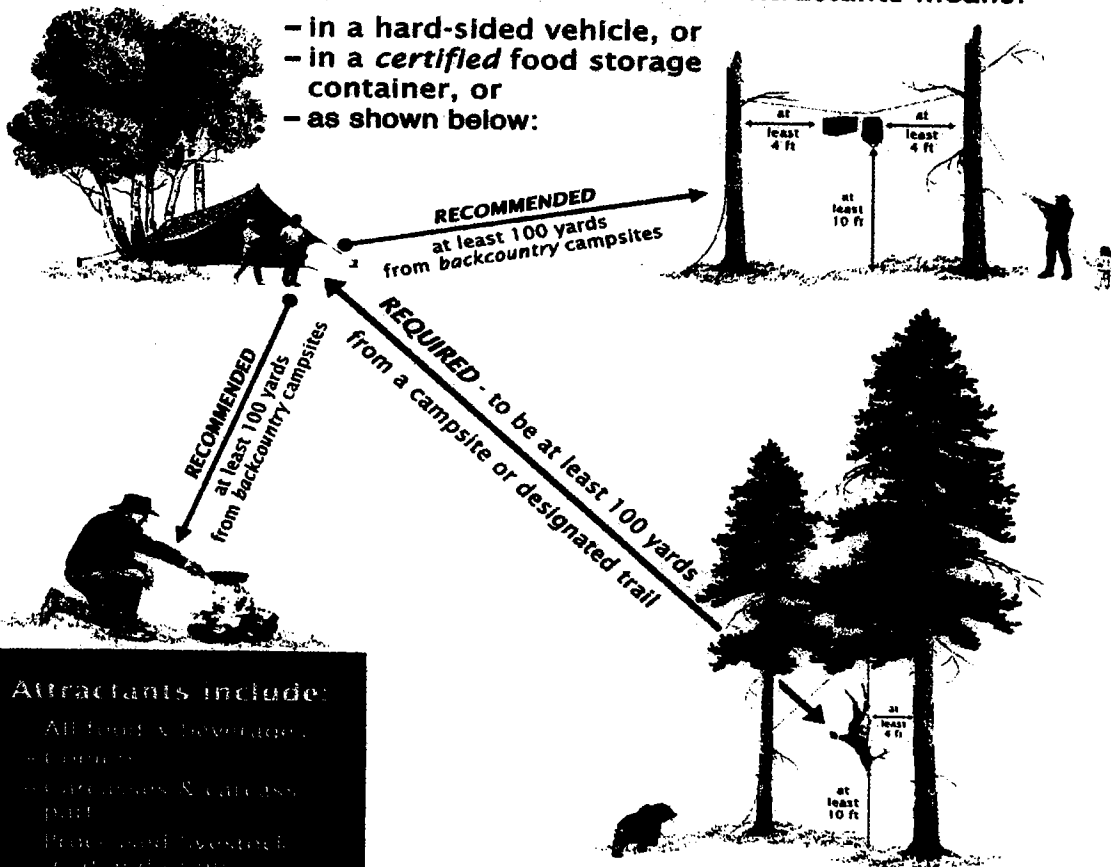
Occupancy and Use Order #07-11-00-01
 Exhibit C
 Special Order – Food Storage and Sanitation
 Proper Food Storage

Food Storage is *required* on Gallatin National Forest Land
 for public safety and wildlife protection



Proper storage of food, refuse and other attractants means:

- in a hard-sided vehicle, or
- in a *certified* food storage container, or
- as shown below:



- Attractants include:**
- All food & beverages
 - Corn
 - Carcasses & carcass parts
 - Piles and livestock
 - Animal remains
 - Fish bones & skeletons
 - Animal droppings
 - Garbage

Carcasses left on ground are **REQUIRED** to be:

- at least 1/2 mile from any campsite, *and*
- at least 200 yards from any designated trail



Violations of the Food Storage Order are punishable by a fine of not more than \$5000 or imprisonment for not more than six months, or both (16 U.S.C. 551, and 18 U.S.C. 3559 and 3571). In effect March 1 - December 1.

Appendix B Exhibit F PROPOSED ITINERARY

SPECIAL NOTE—USE OF HYALITE YOUTH CAMP:

DO NOT INCLUDE MSU A1 or A2 activities conducted solely within the Hyalite Youth Camp. Hyalite Youth Camp (Gallatin County) has a separate special use permit with the Gallatin National Forest and use of the camp is authorized/pre-approved under that permit.

DO INCLUDE MSU A1 or A2 activities involving the use of the Youth Camp (for example, as a "base") while using National Forest lands off-camp concurrently.

For all Category A1 Activities (classwork which is credited toward degree pursuit)

Proposed Dates	Brief description of activities	Location (include trail name/# & campsite locations)	# of participants (include instructors)	Name & phone # of course coordinator/instructor
EXAMPLE: 09/01/20xx	ARCH 451 Field Trip	Happy Mountain area Trail #1	30/1	Jim Research, Archeology Dept. 406-555-1355

PROPOSED ITINEARY, cont.
For all Category A2 Activities (recreational or shortcourse-not for degree pursuit)

Dates	Types of use	Goals and objectives	Location, including trails & campsites	Equipment	# of participants (how many instructors/ students)	Name/phone # of person responsible (instructor/course contact)	Safety; staff qualifications, search, rescue & evacuation procedures, communication	Name of non-MSU groups/contractors & involvement contact(s)	Total amount charged for non-credit classes
EXAMPLE: 09/01/20xx	Rafting	Recreation	Fun Time River	Rafts, lifejackets	15/1	Joe Goodfellow 406-555-1555	First Aid Satellite phone/radio	None	\$10/person

APPENDIX B
EXHIBIT G

SPECIAL RESTRICTIONS

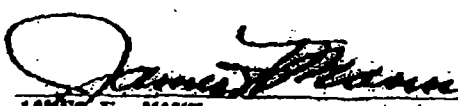
Pursuant to 36 Code of Federal Regulations 261.50a, the following acts are prohibited on all National Forest land within the Custer National Forest described as all areas within the Absaroka-Beartooth Wilderness east of the Stillwater River drainage and further described as the East Unit on the map that accompanies this notice.

These restrictions are in addition to those enumerated in Subpart A 261, Title 36 Code of Federal Regulations, and become effective 8:00 a.m., MDT, July 1, 1982, and will remain in effect until rescinded or revoked (36 CFR 261.50c(3)).

The following acts are prohibited:

1. Camping or building a fire (other than fires confined to liquid fuel stoves) within 200 feet of any lakeshore or 100 feet of any live stream (36 CFR 261.58e) (36 CFR 261.52a).
2. Picketing or loose grazing of livestock (36 CFR 261.57e).
3. Traveling or camping in a group of greater than 15 persons or with greater than 15 head of livestock (36 CFR 261.58f) (36 CFR 261.58aa).

Signed at Billings, Montana, this 1st day of July, 1982.



 JAMES F. MANN
 Forest Supervisor
 Custer National Forest

Violation of these regulations or the conditions of any permit issued thereunder is punishable by a fine of \$500 or six months' imprisonment, or both (16 USC 551).

Copies of this order shall be posted as prescribed under 36 CFR 261.51.

Appendix C

APPROVED ITINERARY -- MSU Fall Semester 2010-2011

For all category A1 Activities (classwork which is credited toward degree pursuit)

Itinerary for Category A1 - coursework type requests

Proposed Dates	Brief description of activities	Location (include trail name/# & campsite locations)	# of participants (include instructors)	Name & phone # of course coordinator/instructor
09/03,10,&24 & 10/01,8,& 15/2010	LRES 454 Field trip	"M" area Bridger Canyon Hyalite Canyon	30 each day	Cliff Montagne, LRES 994-5079
09/07/2010	ARNR 453 Field trip	Langhor Area	20	Bret Olson, A&RS Dept. 406-994-3721
09/08- 09/2010	ARCH 458 ARCH 551/2/3 Understanding wilderness landscapes from an overland perspective and the conditions of a recovering burn site. And, two distinct river drainages	East Fork Mill Creek to 4-Mile Trail 51 to 22 Overnight hike	7	Dr. Lori Ryker 406-220-1099
09/10/2010	ARNR 240 Field trip	"M" Area	60	Bret Olson, A&RS Dept. 406-994-3721
09/13- 17/2010	Field trip to low elevation grasslands and woodlands	Various stops near roads	<=15	Tad Weaver tweaver@montana.edu 994-3270
09/17/2010	ARNR 240 Field trip	Langhor Area	60	Bret Olson, A&RS Dept. 406-994-3721
09/20- 22/2010	ARCH 458 ARCH 551/2/3 Full immersion in wilderness to understand the differences in qualities of place, between rural, resource managed and wild	Loop from West Fork Mill Creek Trail 282-620-64-279	7	Dr. Lori Ryker 406-220-1099
09/17 or 18/2010	LRES 454 Field trip	Sacajawea Trail/Peak Fairy Lake	30	Cliff Montagne, LRES 994-5079
09/20- 24/2010	Field trip Grasslands and mid elevations	Olson Creek to Battle Ridge Station	<=15	Tad Weaver tweaver@montana.edu 406-994-3270
09/21- 23/2010	LRES 201 Field lab	Langhor Campground area	175 over 3 days	Cliff Montagne, LRES 994-5079
09/24/2010	ARNR 240 Field trip	Langhor area	60	Bret Olson, A&RS Dept. 406-994-3721
09/27- 10/01/2010	High elevation forests	Sacajawea	<=15	Tad Weaver tweaver@montana.edu 406-994-3270
09/28/2010	ARNR 453 Field trip	Hyalite Canyon – multiple stops	20	Bret Olson, A&RS Dept. 406-994-3721
10/01- 03/2010	Backpack experience Leadership education and Leave No Trace principles	Mystic Lake Trail 19 Backcountry tent sites	15	Jay Shaw, Dept Health & Human Performance 406-657-2372
10/04- 08/2010	Low elevation forests	Kirk Hill and adjacent area	<=15	Tad Weaver tweaver@montana.edu 406-994-3270
10/08- 10/2010	Backpack experience Leadership education and Leave No Trace principles	Mystic Lake Trail 19 Backcountry tent sites	15	Jay Shaw, Dept Health & Human Performance 406-657-2372
10/12/2010	ARNR 453 Field Trip	Haylite Canyon – multiple stops	20	Bret Olson, A&RS Dept. 406-994-3721

APPROVED ITINEARY, cont.

For all Category A2 Activities (recreational or shortcourse-not for degree pursuit)

Itinerary for CATEGORY A2

Dates	Types of use	Goals and objectives	Location, including trails & campsites	Equipment	# of participants (how many instructors/students)	Name/phone # of person responsible (instructor/course contact)	Safety; staff qualifications, search, rescue & evacuation procedures, communication	Name of non-MSU groups/contractors & involvement contact(s)	Total amount charged for non-credit classes
09/10-12/2010	University Honors Students Hike/Read Weekend	Recreation/friendships	Hyalite Youth Camp** Hyalite Trails/Peak	NONE	85/15	Ilse-Mari Lee 406-994-4689	First aid Cell phones Radios	None	\$100-\$125/person
09/11/2010	Rafting	Recreation	Yellowstone River Gardiner - Carbella	NONE	12/1	Mike Cavaness 406-994-3621	Wilderness 1 st Aid Cell phone Radio	None	\$35/person
09/25/2010	Hiking	Recreation	Hyalite Lake	NONE	12/1	Mike Cavaness 406-994-3621	Wilderness 1 st Aid Cell phone Radio	None	\$10/person
10/30/2010	Hiking	Recreation	Lava Lake	NONE	12/1	Mike Cavaness 406-994-3621	Wilderness 1st Aid Cell phone Radio	None	\$10/person
11/06/2010	Hiking	Recreation	Sypes Canyon	NONE	12/1	Mike Cavaness 406-994-3621	Wilderness 1st Aid Cell phone Radio	None	\$10/person
11/20/2010	Snowshoe Hike	Recreation	Bridger Bowl	NONE	12/1	Mike Cavaness 406-994-3621	Wilderness 1st Aid Cell phone Radio	None	\$10/person

**Gallatin County/Hyalite Youth Camp is under SU Permit with GNF; they will show this under their actual use report for the Youth Camp facilities and be billed accordingly thus these A2 activity service days will not be billed to MSU.

APPENDIX E

**MSU OUTFITTER/GUIDE PERMIT
ACTUAL USE REPORT**

for Category A2 (Recreation or Shortcourse Not for Degree Pursuit) Activities

SEASON OF USE: _____

SHADED AREAS WILL BE COMPLETED BY THE FOREST SERVICE

(FOR FOREST SERVICE COMPLETION)

NAME OF PROGRAM/TYPE OF ACTIVITY	MSU DEPT/ INSTRUCTOR	DATES OF USE (From) (To)	NUMBER OF STUDENTS	FEE CHARGED PER STUDENT/PER DAY	INCLUSIVE DAYS x USERS = TOTAL USE DAYS x RATE = ACTIVITY FEE				
////////////////////////////////////		////////////////////////////////////	////////////////////////////////////	////////////////////////////////////	TOTAL FEE =				

APPENDIX F

OUTFITTER/GUIDE ANNUAL PERFORMANCE EVALUATION

Gallatin National Forest

To be completed by District Ranger or designee

Name of Holder					
Type of Operation					
Location and/or Camp Number					
Dates Inspected		Inspected by			
Wilderness Camp		Nonwilderness camp		End of Road Camp	
Progressive Camp		Base Camp		Spike Camp	
Camp in operation at time of inspection?			Yes		No
Outfitter representative present during inspection?			Yes		No

Note to Holder: Performance items listed in bold below are critical elements, that when found to be non-compliant shall likely result in a probationary or unacceptable overall evaluation. See Section B. in Part II of the [5-Year or Annual] Operating Plan for further clarification. Non compliance with other performance issues not specifically noted below as critical elements may also result in probationary or unacceptable overall evaluations.

PERMIT ADMINISTRATION

Timely and complete submission of the following required items:

Check one:	Compliant	Needs Improvement	Non compliant	Not Reviewed	Not Applicable
Application/notice to renew current					
Proposed itinerary and fee information provided on time					
Outfitter and Guide Licenses and other certifications(s) provided prior to operations					
Form 1700-1 – Title VI completed					
Permit and operating plan signed prior to operations					
Actual use report received within 30 days of end of authorized season of use					
Service days used match approved itineraries					
Payment of fees is timely					
Proof of insurance submitted on an accepted form prior to operating					
Compliance with other terms and conditions of the permit and operating plan satisfactory.					

Current insurance policy expires on: _____

Comments. Document problems, extenuating circumstances, examples of outstanding performance:

APPENDIX F

RESOURCE CARE

Camp management practices and overall stewardship relative to provisions of operating plan, including compliance with special restrictions and regulations in Designated Wilderness:

Check one:	Compliant	Needs Improvement	Non compliant	Not Reviewed	Not Applicable
Locations of camps according to operating plan (base, spike, progressive)					
Livestock holding facilities					
Grazing in accordance with operating plan/regs including number of livestock					
Picket pins moved frequently and removed at end of each trip.					
Sanitation - latrine properly located and managed. General camp cleanliness.					
Assures no pollution of water sources					
Fire prevention practices					
Fire wood cutting and storage					
Camping techniques demonstrate low Impact or Leave No Trace (LNT) Skills					
Wildland ethics and LNT skills are presented to clients					
Removal and storage of camp facilities (no caches in wilderness) complies with operating plan					
Use and maintenance of trail system and permitted accessory (user created) trails in accordance with terms of the operating plan.					
Compliance with Wilderness regulations, and special orders (e.g. no motorized/mechanized equipment, party size, camp setbacks, no caches)					

Comments. Document problems, extenuating circumstances, examples of outstanding performance:

APPENDIX F

Compliance with grizzly bear conservation regulations and guidelines, and other laws, regulations and policy:

Check one	Compliant	Needs Improvement	Non Compliant	Not Reviewed	Not Applicable
Complies with food storage special order relating to proper storage of animal attractants.					
Guests instructed on rules pertaining to threatened and endangered species and standard game laws.					
Complies with all applicable Federal, State and local regulations and special orders.					
All packed in feed complies with weed seed free orders.					

Comments. Document problems, extenuating circumstances, examples of outstanding performance:

SAFETY AND SERVICE

The following items include examples of safety and service, but are not necessarily a comprehensive list.

Check one:	Compliant	Needs Improvement	Non compliant	Not Reviewed	Not Applicable
Evacuation plan and communications are adequate					
First aid kit in camp					
Safe camp practices evident (e.g. water being treated)					
Livestock appear sound, gentle, in good health					
Stock treated properly and humanely					
Good equipment in good state of repair					
Notifies appropriate authorities in case of accidents or search and rescue incidents					
Employees/guides are properly certified, including current first aid cards					
All additional required safety equipment is provided in good condition (e.g. swift water rescue gear)					
Documented complaints from clients or general public					
Minimizes conflicts with non-guided public using public lands					
Assures that clients are in compliance with Forest Service regulations					
Advertising includes reference to National Forest					

Comments. Document problems, extenuating circumstances, examples of outstanding performance:

APPENDIX F

OVERALL PERFORMANCE SUMMARY

1.a. Are all items from the last performance evaluation corrected?

1.b. Comments and Corrective Action:

Overall Rating: Acceptable _____ Probationary _____ Unacceptable _____

Holder Comments:

Holder: _____ Date: _____

This performance rating constitutes a decision which is subject to appeal pursuant to the Secretary of Agriculture's Regulation 36 CFR 251.82. Any such appeal and a clear statement of reasons must be submitted to the authorized officer within 45 days of the date of this rating.

Comments on this rating:

Authorized Officer _____ Date: _____

Title: _____