

## ***New Recreation Permit Proposals***

### **When is a Permit Required:**

A permit is required when individuals or organizations (including institutional and semi-public outfitting and guiding) are conducting outfitting and guiding activities on National Forest System (NFS) Lands or related waters. Outfitting and guiding services include but are not limited to packing, hunting and fishing trips; raft, canoe, kayak, and boat trips; all-terrain and horse liveries; hiking; ski, jeep, snowmobile, mountain bike and boat tours and rentals; helicopter and cross-country skiing; rock climbing; etc. (*Refer to Definitions in chapter 11 for guiding, outfitting, institutional and semi-public outfitters*).

Outfitters based off of NFS lands that rent and deliver equipment or livestock to the public on NFS Lands must obtain a special use permit if they, their employees, or agents occupy or use NFS lands or related water in connection with their rental programs. Delivering the public to NFS lands off the road or trail right of way constitutes use of the land.

### **When a Permit is NOT required:**

A permit is not required if an operator's customers transport rented equipment or livestock to and from the NFS lands:

A permit is not required if an operation serves Forest Service employees, Forest Service contractors, or other Federal officials in the course of their official duties.

A permit is not required when activities such as touring buses, taxi service, bicycle touring, shuttle services occur entirely on public roads, ie., federal, state, or county or Forest highways, or on Forest development roads and trails unless stated by order issued under 36 CFR 261.50 or under 36 CFR 261.70. A permit would be required if the outfitter or guide's customers spend time off the public highway on NFS lands such as visitor centers, picnic lunch stops, sight seeing stops, restroom/refreshment stops, etc. It would be rare that an operation involving Forest development roads and trails would not require a permit, as ancillary use of NFS Lands normally occurs. See 36 CFR 251.50.

Do not require a separate permit when the service is provided for and subordinate to a non-outfitting activity such as mineral exploration companies and film production companies. Authorize the outfitting activity under the principal use permit. However, where clientele of the outfitter are involved in commercial filming of the outfitter's operation for marketing purposes, allow the use via their existing outfitter permit.

### **Issuance:**

Outfitting and guiding permits may be issued when one or more of the following occurs:

- (1) An increased allocation, capacity, or public need is identified through the forest

planning process;

- (2) An existing permit is revoked;
- (3) A reduction of service days by an existing permit holder or holders makes additional service days available;
- (4) Competitive interest in an area, unit, or activity arises where, no previously authorized use exists and where the proposed use is compatible with objectives in forest land and resource management plan;
- (5) An application has been submitted to provide outfitter and guide services for an area or activity that has not previously been authorized and for which there is no competitive interest;
- (6) An existing permit expires or terminates.

For situations fitting the criteria in the preceding items 1 through 4, solicit applicants by issuing a prospectus and contacting all parties that have expressed an interest (*See O. "Solicitation Process" page IV-12*). For an application fitting the criteria in the preceding item 5, document the determination of no competitive interest and then issue a permit to the qualified applicant.

Determination of Need for Special Use Permit  
Recreation Event, Outfitter & Guide or Group Use  
**36 CFR 251, FSM 2720, FSH 2709.11**

Applicant is Organizing an Activity That Uses

## National Forest Lands to Attract Participants.

1. Entry or Participation Fee Dollars Collected Covers Direct Expenses (Food, Transportation, Prizes, etc.) and Indirect Expenses (Advertising, Purchase Replacement or Equipment, etc.)

Donations are Considered Fee if They Exceed Direct Costs.

Funds Collected in Excess of Direct Costs Can Be Expended at the Holders Discretion.

Under Most Circumstances “Guides or Leaders are Paid or Compensated”.

2. Primary Purpose is the Sale of Goods or Service on National Forest Lands.

Money is Being Charged to Provide This “Good or Services”.

Use of National Forest Lands to Advertise/Market Key Component or Organized Activity.

1. No Entry or Participant Fee Direct Costs (Food, Transportation, etc.) May be Collected Based on a Bona Fide Sharing of Expenses.

Donations are Not Considered Fees if They Do Not Exceed Direct Costs.

Funds Collected in Excess of Direct Costs Are Returned to Participants Based on a Bona Fide Sharing of Cost.

Under Most Circumstances “Guides and Leaders Are Not Paid or Compensated”.

2. No Sale of Goods or Services on National Forest Lands. No Money is Charged For a “Good or Service” Beyond a Bona Fide Sharing of Direct Costs.



