

## **OUTFITTER-GUIDE APPLICATION PACKAGE**

### **DANIEL BOONE NATIONAL FOREST**

The information in this package is obtained from Forest Service Manual instructions,  
Federal Regulations and Forest policies.

Please refer any questions you may have to:

***?? Ranger District ??***

or

Daniel Boone National Forest

1700 Bypass

Winchester, Ky. 40391

(859) 745-3100

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## **Section 1 - Basic Information**

### **I. General**

This information has been assembled to assist you and the Forest Service in providing the public with the best services possible on the Daniel Boone National Forest. In addition to the stipulations and requirements mentioned in this package, other requirements for special situations may be added by the Forest Supervisor or District Ranger involved.

Permits for outfitting and guiding operations are issued only when the proposed use is compatible with approved resource plans, provides a needed public service, and assists in the management and utilization of National Forest resources. Other decision criteria used to evaluate outfitter-guide permit applications may include:

- Past performance by an outfitter-guide.
- The ability to service a diverse clientele (elderly, youth, handicapped, etc.) as well as being available to all members of the public.
- The impacts of the proposed activities on Forest resources, such as water, soil, wildlife, vegetation, range, and recreation.
- The methods by which you propose to conduct your activities.
- Your financial ability to provide the service (and meet the terms of the permit).
- The experience, qualifications, and training of you and your guides.
- Degree of conflict with other users.
- Effect on public liability, health and safety.
- The number of other outfitter-guides offering similar services in the area.

A permit shall not be granted simply to provide a commercial profit-making opportunity. The Forest Service is not obligated to issue a permit to accommodate the desire of an individual applicant. Many times when a proposal for some activity is presented to the Forest Supervisor or District Ranger he will determine that a prospectus should be done outlining how such an activity should be carried out. This prospectus will be done by the Forest Service and presented to the public to make proposals on the activity. This is usually done if there is the perception that others may be interested in the activity.

The following information is compiled to answer questions about outfitting and guiding on the Daniel Boone National Forest. Additional questions should be directed to the Forest Supervisor's Office or the appropriate Ranger District.

A. What is considered an Outfitter/Guide operation?

An outfitter guide operation is an activity which provides service or assistance such as supervision, leading, packing or transporting through rental or livery of any saddle or pack animal, vehicle, or boat on National Forest lands. Examples of outfitting and guiding activities include but are not limited to horse rentals, hunting, fishing, canoe and personal watercraft rentals.

In contrast, a recreation event is usually an activity held only one time on National Forest System lands. This would include activities such as vehicle and animal rallies or contests. The permittee is usually a club, or municipality, or civic organization.

B. When a permit is needed.

All guiding and outfitting activities on National Forest System lands, commercial or non-commercial require a permit. Outfitters based off National Forest lands who rent and deliver equipment or livestock to the public on National Forest lands must obtain a permit if they, their employees, or agents occupy or use National Forest lands in connection with their rental programs.

A permit is not required if an Outfitter's customers transport rented equipment or livestock to and from National Forest lands without the assistance from the outfitter.

Operating an outfitter-guide service without a permit on National Forest System lands is punishable under 36 CFR 361.10 with a possible fine of \$5,000 and/or 6 months in jail.

C. When to apply for a permit.

Completed application forms must be received at least 6 weeks in advance of planned start of operations. Processing of applications is subject to available administrative time. Beginning the application process early will allow adequate time to obtain proper insurance, license, approval from other districts, etc.

#### D. Permit Application.

To apply for an outfitter-guide permit, submit the following completed forms and other documents to the appropriate office:

1. Special Use Application, Form SF 299. (Copy Enclosed)
2. **Two** copies of the Outfitter-Guide Operating & Safety Plan with all appropriate blanks completed and with original signatures. (Copy Enclosed)
3. Proposed trip itineraries including dates, number of clients, types of activities, routes, campsites, etc. Include a map to accurately identify the land involved - normally 7 1/2 min. USGS topographic map and/or National Forest visitor map.
4. Copy of current Kentucky Outfitter's license (for hunting and/or fishing operations only).
5. Samples of all proposed printed advertising materials.

For multiple agency operation (i.e. Corps of Engineers), the applicant will be required to contact and receive written approval from each Agency. Applicant must clearly identify multiple district use in Item 15 of the application.

You should plan to meet with the Forest Service representative to discuss your proposed operation.

Your application will be processed and evaluated. If your application is approved, a permit will be issued. Fees will be calculated based on your estimated use and a Bill for Collection will be issued. You will be required to provide proof of insurance (such as a surety bond, or a certificate of insurance) prior to issuing a permit. In addition, you may be required to post a performance bond.

The signature of the responsible Forest Officer will validate your permit and operating plan. You will receive copies of each. **You may not conduct operations on National Forest lands until you have a valid permit.**

## II. Permits

There are two types of permits issued.

### A. Multi-Year Permits

These permits may be issued to Outfitters that have established a history of acceptable outfitting and guiding service on National Forest System lands. The permit may be issued for up to five years and allows for a given amount of available future use which is reserved and assigned to the permit holder. Prior to issuing permits for more than one year, the area to be considered will be reviewed for compatibility with other planned land uses. The permit goes into effect when the fees are paid, the operating plan is signed by the Forest Service, and insurance, bonds and other required documents are furnished.

Multi-year permits may be issued after a minimum of two years of acceptable performance under a temporary special use permit and to permit holders whose services are available to all members of the public on a recurrent basis during the season of demand.

## B. Temporary Use Permit

These permits are issued for one year or less. These permits are issued for areas where the use will not conflict with the resource or others uses and there is an identified public need and available capacity. **A temporary use permit does not commit the Forest Service to authorizing any future use to a permit holder.**

Permits to institutional and semi-public outfitting and guiding applicants are issued only as temporary use permits when the use can be accommodated without causing unacceptable conflict or resource impacts and it is in the public interest. These permits will be issued regardless of whether a fee, charge, or other consideration is collected from the participants in excess of the actual cost of expenses incurred by the holder.

Any deviations from or additions to a permit must be approved in advance by the District Ranger. Application is made by submitting a revised or new operating plan. The permit will then be either amended or a new permit issued.

## III. Definitions

The following are common terms and definitions used for outfitting and guiding on the Daniel Boone National Forest.

**Adjusted Gross Revenue** - Gross revenue and revenue additions less applicable exclusions.

**Adjustment for Use Off National Forest System Lands** - The reduction in the fee for commercial use to account for the portion of the outfitted or guided trip that occurs off National Forest System lands.

**Assigned Site** - A site that is designated and authorized for occupancy and use by a holder who is providing a recreation service to the public during the authorized period of occupancy. Examples include but are not limited to loading facilities, boat ramps and remote campsites.

**Capacity** - The amount of acceptable use in a specific area that will not adversely affect or conflict with other resource values or uses.

**Client Charge** - The outfitter's or guide's charge per client for an outfitted or guided trip.

**Guiding** - Providing services or assistance (such as supervision, protection, education, training, packing, touring, subsistence or interpretation) for monetary or other gain. Includes the holder's employees, agents and instructors.

**Gross Revenue** - The total amount of receipts from the sale of goods or services provided by the holder in connection with the outfitter or guided trip. These receipts include:

1. Revenue received by the holder from clients for goods or services provided during the outfitted or guided trip (the client charge per trip multiplied by the total number of clients on each trip);
2. Revenue received by the holder or the holder's employees or agents for scheduling or booking the outfitted or guided trip; and
3. Revenue from goods or services provided off National Forest System lands, such as lodging and meals, unless specifically excluded.

**Insurance** - Public liability insurance may be required for an outfitter/guide permit, when insurance is required, the minimum coverage shall be determined by the degree of risk and type of activity.

**Outfitting** - Providing through rental or livery any saddle or pack animal, vehicle or boat, tents or camp gear, or similar supplies or equipment, for monetary or other gain. The term "outfitter" includes the holder's employees, agents and instructors.

**Service Day Use** - A day or any part of a day on National Forest System lands for which an outfitter or guide provides goods or services, including transportation, to a client.

**Temporary Use** - An amount of use assigned under the permit for one season or less. A temporary use assignment does not commit the Forest Service to authorizing that amount of use in the future. All new permits will be temporary use.

#### IV. Operating Plan

Your permit, when issued, will require a safety and operating plan. This plan must be designed as a working tool to be used by both the Forest Service administering officer and the permit holder. The following are some of the provisions for an Outfitter-Guide Safety and Operating Plan and will be incorporated into your plan. Additional specific provisions may be required by the Forest Supervisor or District Ranger in addition to these general provisions.

##### A. Introduction

General overview of operations, average guide to client ratio, party sizes, schedules (weekday or weekend use), what kind of experience provided, routes and areas of use, camp locations (shown on a map of sufficient scale to accurately identify the land involved - usually a 7.5 quadrangle map and/or 1/2 inch to the mile Forest map.)

B. Resource Protection

This section shall describe how you will operate to minimize impacts on soil, water, vegetation, and other resources. For example:

- garbage, refuse, handling, etc.
- camp sanitation, such as disposal of dishwater, human waste, etc.
- livestock handling such as picketing, grazing and hitching locations
- facilities, such as corral, how facilities will be built, materials, dismantling and removal, etc.
- how campfires will be handled, wood supplies, fire prevention
- general camp operations

C. Contingency Plans & Special Needs - For example: alternate routes and camp locations, adverse weather conditions, etc.

D. Other

Annual Use Report - Furnish a report of actual use at the end of the season as required by the District Ranger. This may include:

- dates
- numbers of people
- total customer revenues
- length of trip in hours

E. Service to the Public

**Safety Policy** - This should be a statement which describes your safety objectives. Basically it includes how you plan to minimize safety hazards associated with your operation. For example, prevention of injury to clients from livestock, prevention of drowning accidents, etc.

List first aid and safety equipment and supplies. (Includes all rescue and first aid supplies to be taken for emergency or rescue situations. Guides must have at least a valid American Red Cross First Aid Card or equivalent. Other minimum certifications may be required according to type of proposed use.)

**Safety Procedures -**

- List accident prevention techniques and how safety objectives will be accomplished. What actions are planned to insure client's safety?
- Explain methods for handling accidents (anticipated rescue methods - plan on self-sufficient rescue, reporting procedures - County Sheriff, Forest Service, etc., what other actions will be taken in case of an accident).
- Evacuation - List evacuation methods and procedures.
- Communications - Expand on types of communication systems that will be used to increase the safety of your operation.
- Qualifications of guides and instructors - Length and type of experience and where obtained

V. Fees

The fee for an Outfitter-Guide permit is 3% of the annual adjusted gross revenue, minus any applicable adjustment for use off National Forest lands. Estimated fees must be paid before your permit is valid. The minimum annual fee for outfitting and guiding is \$75. An applicant may bid higher than 3% permit fee when responding to a prospectus issued by the Forest Service. Refunds will not be made for overpayments, but will be credited to next year's fee. A late payment charge will be assessed for fees paid after the billing due date.

Outfitters and guides who conduct part of their activities and provide customer services on non-National Forest lands and waters may receive deductions. Deductions are calculated based on the percentage of time their customers occupy National Forest System lands and waters while under the holder's care, supervision or tutelage.

<u>Percent of Total Time</u>	<u>Fee Reduction</u>
0 - 5%	80%
+ 5 - 60%	40%
+60 - 100%	none

A holder shall provide trip, duration, itinerary, or such other information as may be specified by the authorized officer to support requests for fee reductions based on use off National Forest System lands.

Final fees will be calculated when the permittee submits his actual use after the end of the season. Final fees will be based upon the actual use, supported by the accounting records submitted by the permittee.

A non-use fee may be assessed if authorized use is not waived sufficiently in advance to allow reassignment to others.

The permittees' accounting records will be subject to Forest Service or other Government audit. Such records will be retained by the permittee for at least 5 years.

#### VI. Additional Information

- A. If a change of ownership is expected, the holder of the permit must arrange for the prospective new owner to meet with the Forest Service to discuss the past operations and future use prior to concluding the sale and applying for a new permit.
- B. Outfitters may not lend, lease, or sell permit privileges.
- C. Advertising - As a minimum, brochure and similar advertising of National Forest based activities shall include the following, "Located on the Daniel Boone National Forest under special use permit from the Forest Service, USDA." Small ad advertising, such as in national magazines, should identify that National Forest land is involved. Highway signs or site location signs must be approved by the Forest Service. In addition, the following non-discrimination message should be added to any advertisements, "The USDA prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs and marital or familial status."
- D. Permit holders must maintain accounting records in accordance with generally accepted accounting principles, make them available to the Forest Service for review, and to retain them for at least five years.
- E. All travel routes, drop off points, and other locations will be evaluated prior to issuance of a permit. Operations involving trails will be restricted to district maintained trails only.

## **Section 2 - Examples**

- I. Sample Permit
- II. Sample Fee Statement and Worksheet
- III. Performance Evaluation Form
- IV. Operating & Safety Plan
- V. Certificate of Insurance
- VI. Insurance Checklist

**Section 3 - Application Form**

I. Special Use Application, Form SF 299



Sample  
**OUTFITTER-GUIDE  
PLAN OF OPERATION**  
**For**

**Commercial Fish Guide**

Applicant complete all blanks

**I. GENERAL INFORMATION**

**A. INTRODUCTION**

This Operating and Safety Plan is attached to and made a part of the accompanying Special Use Permit. The permit and operating plan govern how the permittee's operation may be conducted on National Forest land. It is intended to provide for quality service to the public, avoid conflicts with other users of the Forest and to assure the protection of natural resources. It is the responsibility of the permittee to familiarize all of his employees with the provisions and conditions of this permit and to abide by them. It is understood that violation of any term of this permit may result in revocation of the permit and/or prosecution. Besides the terms of this permit, other regulations govern the conduct of outfitter-guides and their clients on National Forest land. It is the permittee's responsibility to familiarize himself and his clients with all applicable laws and regulations and to conduct activities in accordance with them.

Outfitter-guides have the potential to cause negative impacts, on the land, water, and on other National Forest visitors, with their operations. As a result, outfitters must employ low-impact techniques in all phases of their trips. Clients will be expected to follow the example and direction of the guide. In addition, outfitters carry a large responsibility for educating not only their clients in wise land use ethics, but also by setting a good example for the public in general.

**B. DESCRIPTION OF ACTIVITIES**

Give a general description of the proposed type of use and activities to be conducted. List dates of operating season, primary species of fish to be caught, other areas to conduct trips, etc.

## **II. OPERATIONS**

### **A. RECORDS**

1. Permittee will keep a current record of actual use for each trip. Trip location, number of clients, number of staff/guides, trip dates, routes, customer revenues and any other pertinent information will be recorded. This actual use information will be given to the District Ranger office no later than \_\_\_\_.  
(Normally within 30 days of the close of operations or as requested)

## **III. SAFETY**

Safety must be a primary concern on all trips. Adequate measures will be taken to provide for the safety of clients and other Forest visitors. The permittee will brief clients on all applicable aspects of safety prior to the start of each trip and will provide all specialized training appropriate to the activity in which engaged necessary for the safety of participants.

The permit holder will be responsible for complying with all state and federal boating safety laws including equipment requirements and navigation rules. Examples include; proper number and type of personal floatation devices, adequate fire extinguishers, proper lighting and horns. In addition, the holder and all customers will comply with all instructional and hazard buoys. Boating regulations and information should be reviewed in the latest edition of Kentucky Boating Basics, published by the Kentucky Department of Natural Resources.

The permit holder or assistants will provide a safety briefing to each customer prior to beginning a trip. This discussion should include an explanation of buoy markers and locations, use of PFD's, safe navigation procedures, litter disposal, emergency procedures related to weather, tree stumps, accidents, and injuries.

In addition, it is highly encouraged that appropriate safety standards be reviewed prior to each season. Recommended sources may include Kentucky Division of Water Patrol, U.S. Coast Guard and the Personal Watercraft Industry Association.

### **A. HAZARD IDENTIFICATION**

1. Specific safety or health hazards associated with this operation may include, but are not limited to weather, lost persons, loading and unloading watercraft, and unsafe equipment. Other potential safety issues include; tree stumps above and below the water surface, night operations, shallow water areas, overloading boats, fuel leakage, and negligent operations.
2. Preventative actions to be taken to avoid or minimize these hazards include; follow buoy markers when traveling to and from Longbow Marina, comply with buoy markers, check all equipment prior to use, and use navigation lights when necessary.

**B. ACCIDENT/INCIDENT RESPONSE**

1. Emergency response contacts are shown below. Requests for search and rescue assistance will be directed to the County Sheriff. The permittee will immediately notify the District Ranger that this request has been made.

**CONTACTS**

A. Ranger District                      Address    Phone#

\_\_\_\_\_

B. Permit Holder                      Address    Phone#

\_\_\_\_\_

C. Emergency contact for holder in field:  
\_\_\_\_\_

D. Emergency Phone Numbers:

**Forest Service and Local Law Enforcement Officers:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Kentucky State Police - 800-222-555 or 784-4127

2. In case of human death the County Sheriff, Coroner and the District Ranger will be notified immediately.
3. The District Ranger will be notified immediately of any accident involving serious human injury or property damage (to clients or other parties) in excess of \$250.00 in connection with the operation of this permit.

**IV. EQUIPMENT**

1. A First Aid kit appropriate for the party size will be maintained at all times with the group, boat, permit holder, or assistants.
2. All equipment supplied by the outfitter will be adequate to provide for the reasonable comfort and needs of the guest appropriate to the service provided. Equipment which falls below safety standards will be repaired or withdrawn from use immediately.
3. Clients will be furnished, advised, or required to carry proper gear and clothing

appropriate to the activity undertaken. Required items will include, but are not necessarily limited to the personal floatation devices and proper clothing.

4. Permit holders must provide a description of each watercraft to be used including color, make, and Hull Identification.

MAKE                      COLOR                      HIN

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**V. TRAINING OR CERTIFICATIONS**

1. The following is a list of the outfitter's employees and their training and qualifications.

NAME                      POSITION                      SPECIAL QUALIFICATIONS

**VI. PERFORMANCE RATINGS**

The District Ranger or his designated representative will conduct a mid-season and an annual review and evaluation of the permit holder's performance. Unsatisfactory performance may result in permit suspension or revocation (see attached performance rating sheet).

**VII. OTHER CONDITIONS**

List any safety, equipment, or other conditions which will maximize the overall performance of this operating plan.

Comply with all Forest Service general prohibitions and special order regulations for the area.  
(See attached special orders)

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No alcoholic beverages are to be consumed by permit holder, assistants, or any  
customers, or passengers during hours of business.

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All applicable Kentucky Guide Licenses will be attached to this permit.

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**APPROVAL**

Prepared and Agreed to by the following (not valid unless signed):

PERMIT HOLDER

DISTRICT RANGER

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_

## **CHECKLIST INSURANCE POLICY REVIEW**

1. **Is the insurance policy issued in the same name as the permit?**

If your permit is issued to "John Doe," the policy should not be issued to "Doe's Dude Ranch, Inc." This is not an extremely critical item, but should be brought to the attention of your agent; it probably can be changed without any problem.

2. **Does the policy period cover the permitted period or the operating plan/season of operations?**

Your policy should not expire in mid-season. An off-season expiration date is best to ensure there is not a lapse in the coverage, and also to allow us to review the policy prior to the time you want to begin operating.

3. **Does your policy have the minimum coverage?**

Your permit requires a minimum of \$10,000 for property damage, \$300,000 for injury or death to one individual, and \$300,000 for incidents involving more than one individual. [This equates to a minimum coverage requirement of \$300,000 in terms of "Combined Single Limit" (CSL) policies.] You may have higher limits depending on the situation (permitted activity, terrain, season, etc.).

4. **Does your policy reduce the amount available for claim payments by the amount necessary to pay for claims expenses such as legal defense costs?**

This means that the legal defense costs will be paid first, and claims will be paid second. E.g., if the legal defense costs are paid first, there may be only \$50,000 left to pay a claim; effectively reducing available coverage.

If the policy includes claims expense language, and you cannot get the agent to remove it, the Forest Service requires that the limits of liability be double what is normally required (e.g., we would require \$450,000 CSL rather than \$225,000). This will better assure adequate coverage for claims.

5. **Is the "U.S. Government" listed as additional insured in the policy?**

We prefer the term U.S. Government but will accept U.S. Forest Service. Do not use "Bridger-Teton National Forest" or "Buffalo Ranger District" unless you are sure that you will not be operating on any other National Forest or Ranger District.

6. **Does the policy contain a provision for providing 30 day advance written notice of permit cancellation?**

There should be a provision that all insureds (you), additional insureds (U.S. Government), and local administering offices (Buffalo Ranger District) will receive a 30-day written notice before the policy can be cancelled. Most policies list a standard 10-day notification, so this will probably be an endorsement. There should be no qualifications on this notice, e.g. some policies will state "... will endeavor to notify...", this is not acceptable.

7. **Are all the permitted activities covered by the policy? Are the covered activities the same as those listed in the permit?**

Watch for "Exclusions" and "Endorsements." Exclusions are items which are not covered by the policy; many are standard. Endorsements add items to the policy coverage. Essentially, endorsements override exclusions, and must be used many times to get the desired policy coverage. Beware of standard policy exclusions (be sure your permit does not exclude activities involving horses for example).

8. **Does the policy territory listed cover the permitted area?**

For example, the territory should probably be listed as the Bridger-Teton National Forest, or at least the Ranger Districts which are involved in the permit. Beware if the territory is listed as "same as insured's address on the Declarations Page" because this may be your home address in town, and would not cover any of the National Forest lands. Policy territory appears in different places in different policies.

Some standard policy territory listings are "United States and its territories". This is acceptable, in fact, preferable. If the territory is listed as " X miles (e.g. 100 air miles) from the address on the Declarations Page," you will need to do some calculating to see if the permitted NF area is really within the mileage limitation.

9. **Does your policy contain Warranties?**

Warranties are provisions written into a policy with which the permittee must comply to keep the policy valid. Many times the policy will state that if the permittee does not comply with these "warranties," the policy will become null and void. Beware of this statement. Many warranties are good, sound safety practices which will benefit both the outfitter and client if they are followed, but should not void a policy if they are not followed. For example, a policy may state that all horses used by an outfitter must stay at least one horse-length apart during a ride. This is good advice, but not very practical. If a horse spooks and crashes into another horse, the incident would not be covered by the insurance because the horses did not stay one horse-length apart! Many times agents will leave the warranties in the policy, but can add a statement that not following the warranties will not void the policy; this is acceptable.

10. **Does your policy have an extended reporting period of at least two years?**

"Claims-made" policies cover only claims filed against the company during the policy period. The claim must be a demand for damages by an injured party. For example, if an accident occurred on the last day of the covered policy period and a claim was not filed until the next day, it would not be a valid claim because it falls outside of the policy period.

Most claims-made policies have an optional "extended reporting period" which can be purchased by the insured. This essentially extends the time in which a claim can be filed. The Forest Service requires an extended reporting period of at least 2 years.

Some policies are "incident-reporting" policies. An "incident" is not a claim. An "incident" is an accident, and must be reported to the insurance company immediately. This means that the incident must be reported within the policy period, but a claim can be filed later.

We require that incident-reporting policies also provide at least a 2-year extended reporting period.

