

FS Agreement No. 10-MU-11020000-015  
Cooperator Agreement No. 2010-1

**MEMORANDUM OF UNDERSTANDING**  
**Between The**  
**WYOMING STATE BOARD OF OUTFITTERS AND PROFESSIONAL GUIDES**  
**AND**  
**BUREAU OF LAND MANAGEMENT**  
**WYOMING STATE OFFICE**  
**AND**  
**WYOMING OFFICE OF STATE LANDS & INVESTMENTS**  
**AND**  
**WYOMING GAME AND FISH COMMISSION**  
**AND**  
**U.S. FISH AND WILDLIFE SERVICE**  
**AND**  
**NATIONAL PARK SERVICE**  
**GRAND TETON NATIONAL PARK**  
**And The**  
**U.S. FOREST SERVICE**  
**ROCKY MOUNTAIN REGION**  
**AND**  
**INTERMOUNTAIN REGION**

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the Wyoming State Board of Outfitters and Professional Guides, hereinafter referred to as the Board, and the U.S. Forest Service, Rocky Mountain Region and Intermountain Region, hereinafter referred to as the U.S. Forest Service. And the U.S. Department of Interior, Bureau of Land Management, hereinafter referred to as BLM; the Wyoming Office of State Lands & Investments, hereinafter referred to as OSLI, the Wyoming Game & Fish Commission, hereinafter referred to as Commission; the U.S. Fish and Wildlife Service, hereinafter referred to as USFWS; and the U.S. Department of the Interior, National Park Service, Grand Teton National Park, hereinafter referred to as NPS.

Title: Quality Outfitter Guide Service in the State of Wyoming

- I. PURPOSE:** The purpose of this MOU is to document the cooperation between the parties to maintain and enhance the quality of service provided by the outfitter industry in the State of Wyoming through the coordinated application of State and Federal laws and regulations governing the operation of outfitting and guiding services in accordance with the following provisions.
- II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:**



It is the mutual desire of all parties to this MOU to cooperate in maintaining and enhancing the quality of service provided by the outfitter industry in the State of Wyoming through the coordinated application of State and Federal laws and regulations governing the operation of outfitting and guiding services.

### **III. AUTHORITIES**

- A.** The BLM is authorized under 43 CFR, Part 2930, Subpart 2932, "Special Recreation Permits for Commercial Use, Competitive Events, Organized Groups, and Recreation Use in Special Areas" to administer permits for outfitting and guiding on BLM public lands. The BLM is authorized to enter into Memorandum of Understandings on the public lands by the Federal Land Policy and Management Act of 1976, PL 94-579.
- B.** The Forest Service is authorized under the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802 (h)). The principal regulations of the Forest Service special use authorizations are in Title 36, Code of Federal Regulations, Part 251 (36 CFR 251).
- C.** The OSLI is authorized by W.S. 36-3-101 through 36-3-111 to enter into this MOU for the purpose of coordinating the issuance of State **temporary use** permits in reference to outfitting/guiding activities.
- D.** The Commission directs the Wyoming Game & Fish Department and is authorized by W.S. 23-1-302(a)(xi) to enter into this MOU for the purposes of sharing information and enforcing Wyoming Statutes found in Article 4, Guides and Outfitters, in Title 23, and Rules & Regulations promulgated by the Wyoming State Board of Outfitters and Professional Guides.
- E.** The Board may issue a Wyoming license to a qualified applicant whose services are marketed and available to members of the public when the applicant meets all the prerequisite qualifications of training, experience, knowledge and criteria as set forth in Wyoming W.S. 23-2-406 through 23-2-418.
- F.** The USFWS Division of Law Enforcement is authorized to enter this Memorandum of Understanding (MOU) under the authority of the Fish and Wildlife Improvement Act of 1978 (16 USC 7421(b)) and the Fish and Wildlife Coordination Act (16 USC 661). The Congress of the United States and the Department of Interior have found that the protection and conservation of fish, wildlife, and other natural resources is in the best interest of the public and have enacted various laws to provide for the protection and conservation of wildlife and native plants to prevent, detect, and reduce violation of conservation laws and to apprehend violators of such law. Enforcement of these laws has been delegated to the USFWS.



- G. The NPS is authorized by law to enter into agreements with other agencies, organizations, and individuals. These agreements establish formal relationships that allow NPS to more efficiently and economically accomplish its mission. The Organic Act, 16 USC 1 through 4 authorizes the NPS to enter into agreements. 16 USC 20 authorizes NPS to regulate and provide public accommodations and services.

In consideration of the above premises, the parties agree as follows:

**IV. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT THEY SHALL:**

- A. Maintain close cooperation through conference calls as needed to exchange information in matters of mutual interest including issuance of special orders, enforcement of laws, reporting complaints, violations and unsatisfactory performance and to mutually advise of any convictions of outfitters and guides for violations of laws, regulations or Board actions.
- B. Coordinate the permitting, review, and licensing of hunting activities for outfitting and guiding purposes. See attached Exhibits S2 through S2-7 for specific operating guidelines for the Forest Service, Exhibits BLM-1 through BLM-7 for the BLM, and Exhibits OSLI-1 and OSLI-2 for the Wyoming Office of State Lands & Investments.
- C. Jointly share information and investigations relating to lawful and unlawful outfitting and guiding activities within the State of Wyoming as appropriate and as authorized by statutory legislation. The Forest Service will copy to the Board any correspondence such as a notice of non-compliance.
- D. Provide the Board updated lists of agency administrators related to outfitter management by Forest and Ranger District Offices, BLM Field Office, NPS and FWS offices by July 1 of each year.
- E. In the event of a proposed change of ownership of an outfitting business affecting NPS, BLM or Forest Service lands neither the Board nor the NPS/Forest Service/BLM will reissue a license or permit to the new owner without prior contact with the other affected party (parties). See Exhibits S2, S2-2 and S2-7 for specific Forest Service guidelines and Exhibits BLM-1 through BLM-7 for specific BLM operating guidelines, all of which are attached to this MOU and incorporated herein by this reference.
- F. When a new outfitter business becomes available on Forest Service or BLM public lands, or an individual proposing an outfitter business initiates a license application and/or special use application, the parties to this Memorandum of Understanding (MOU) will coordinate their actions. See Exhibit S2, S2-3, S2-4 and S2-6 for



- specific Forest Service guidelines, Exhibits BLM-1 through BLM-7 for specific BLM guidelines, and Exhibit OSLI-1 for specific OSLI rules & regulations, all of which are attached to this MOU and incorporated herein by this reference.
- G. When an individual contacts the Wyoming Office of State Lands & Investments or the Commission regarding an outfitting/guiding permit, the respective parties will contact the Board to ensure the applicant is licensed or has applied for licensure and has passed the outfitter examination.
  - H. The OSLI also agrees to provide copies of outfitting/guiding permits to the Board and will notify the Board of any permit terminations.
  - I. To the extent possible, there will be mutual agreement on amendments to current licenses that affect the Board, Forest Service, BLM, NPS or OSLI.
  - J. In cases of routine renewal where no change is involved and no compliance problems exist, the license and/or permit may be processed without prior consultation.
  - K. Hold joint meetings annually between the Board, Forest Service, BLM, OSLI, USFWS, NPS and Commission to discuss MOU changes and other policy matters. The Board will initiate all the meetings to coincide with regular Board meetings.
  - L. Each party will designate their representative(s) as its official contact in regard to this MOU by a letter with copies to all parties upon signing this MOU and each year thereafter until the MOU terminates. The representative (or their designee) will be responsible for coordinating their respective agency's responsibilities during the administration of this MOU in a timely and efficient manner. If they cannot resolve a coordination problem, they shall immediately communicate the problem to the next higher level of authority within the respective Forest Service, BLM, OSLI, Commission, USFWS, NPS, or Board for resolution.
  - M. To participate in the development of performance review standards for Forest Service Special-Use Permits and/or associated Operating Plans. Forest Service Exhibit S1 and BLM Exhibits BLM-1 through BLM-7, display the initial performance review standards under this MOU.
  - N. The USFWS agrees to jointly share information, within the constraints of USFWS Policy and Federal Law, regarding the illegal taking of wildlife in violation of Federal law and unlawful outfitting and guiding activities.
  - O. All news releases related to joint investigations involving the USFWS will be coordinated with appropriate State/Federal attorney's offices and the appropriate level(s) of supervision. There will be no release of case information without concurrence of all the above listed parties.



P. Valid Commercial Use Authorization to be issued by the NPS are required for any outfitting activities inside Grand Teton National Park. In addition, the Board and Commission mutually agree as follows:

- a. Whenever appropriate pursuant to W.S. § 23-2-410(c)(v), the Commission shall provide information relating to any recommendations for the designation of areas made by them for game management purposes in which a licensee may conduct outfitting or professional guiding under the license.

Q. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this instrument.

**Principal Cooperator Contacts:**

<b>Board Program Contact</b>	<b>Board Administrative Contact</b>
Name: Address: City, State, Zip: Telephone: FAX: Email:	Name: Jane Flagg Address: Wyoming State Board of Outfitters 1950 Bluegrass Circle, #280 City, State, Zip: Cheyenne, WY 82002 Telephone: 1-800-264-0981; 307-635-1589 FAX: 307-777-6715 Email: jflagg@state.wy.us

<b>NPS Program Contact</b>	<b>NPS Administrative Contact</b>
Name: Mallory Smith, Business Resources Address: Grand Teton National Park P.O. Box 170 City, State, Zip: Moose, WY 83012 Telephone: 307-739-3434 FAX: 307-739-3419 Email: Mallory_smith@nps.gov	Name: Mary Gibson Scott, Superintendent Address: Grand Teton National Park and John D. Rockefeller Jr. Memorial Pkwy P.O. Drawer 170 City, State, Zip: Moose, WY 83012 Telephone: 307-739-3410 FAX: 307-739-3438 Email: grte_superintendent@nps.gov

<b>BLM Program Contact</b>	<b>BLM Administrative Contact</b>
Name: Lesly E. Smith, State Recreation Lead Address: 5353 Yellowstone Road City, State, Zip: Cheyenne, WY 82009 Telephone: 307-775-6031 FAX: 307-775-6042 Email: Lesly_Smith@blm.gov	Name: Donald A. Simpson, State Director Address: 5353 Yellowstone Road City, State, Zip: Cheyenne, WY 82009 Telephone: 307-775-6001 FAX: 307-775-6003 Email: Jessica_camargo@blm.gov



<b>WY Game &amp; Fish Program Contact</b>	<b>WY Game &amp; Fish Administrative Contact</b>
Name: Address: City, State, Zip: Telephone: FAX: Email:	Name: Scott Edberg, Regional Wildlife Supervisor Address: 3030 Energy Lane City, State, Zip: Casper, WY 82601 Telephone: 307-473-3423 FAX: Email: scott.edberg@wgf.state.wy.us

<b>USFWS Program Contact</b>	<b>USFWS Administrative Contact</b>
Name: Tim Eicher, Special Agent Address: Office of Law Enforcement P.O. Box 516 City, State, Zip: Cody, WY 82414 Telephone: 307-527-7604 FAX: 307-527-6624 Email: tim_eicher@fws.gov	Name: Address: City, State, Zip: Telephone: FAX: Email:

<b>OSLI Program Contact</b>	<b>OSLI Administrative Contact</b>
Name: Charles Roll, Principal Appraiser Address: Herschler Bldg, 3 West City, State, Zip: Cheyenne, WY 82002 Telephone: 307-777-6527 FAX: 307-777-6526 Email: croll@state.wy.us	Name: Lynne Boomgaarden, Director Address: Herschler Bldg, 3 West City, State, Zip: Cheyenne, WY 82002 Telephone: 307-777-7331 FAX: 307-777-5400 Email: sifmail@state.wy.us

**Principal U.S. Forest Service Contacts:**

<b>U.S. Forest Service Program Contact</b>	<b>U.S. Forest Service Administrative Contact</b>
Name: Cheryl Chatman Capitol City Coordinator Address: 122 West 25 <sup>th</sup> St. Herschler Building, 1 <sup>st</sup> Floor West, Room 1605 City, State, Zip: Cheyenne, WY 82002 Telephone: 307-777-6087 FAX: 307-777-3524 Email: cchatham@fs.fed.us	Name: Address: City, State, Zip: Telephone: FAX: Email:

R. **NON-LIABILITY.** The U.S. Forest Service does not assume liability for any third party claims for damages arising out of this MOU.



- S. NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or the Cooperator is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the MOU.

To Cooperator, at the Cooperator's address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- T. PARTICIPATION IN SIMILAR ACTIVITIES. This MOU in no way restricts the U.S. Forest Service or the Cooperator(s) from participating in similar activities with other public or private agencies, organizations, and individuals.
- U. ENDORSEMENT. Any Cooperator contributions made under this MOU do not by direct reference or implication convey U.S. Forest Service endorsement of the Cooperator's products or activities.
- V. NONBINDING AGREEMENT. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purposes(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer funds. Specific projects or activities that involve the transfer of funds, services, or property among the parties require execution of separate agreements and are contingent upon the availability of appropriated funds. These activities must be independently authorized by statute. This MOU does not provide that authority. Negotiation, execution, and administration of these agreements must comply with all applicable law. Each party operates under its own laws, regulations, and policies, subject to the availability of appropriated funds. Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.
- W. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no United States member of, or United States delegate to, Congress shall be admitted to any share or part of this MOU, or benefits that may arise therefrom, either directly or indirectly.
- X. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).

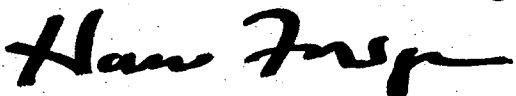
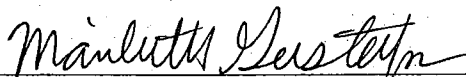


- Y. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.
- Z. DEBARMENT AND SUSPENSION. The Cooperator shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should the Cooperator or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.
- AA. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.
- BB. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective through March 31, 2015 at which time it will expire, unless extended by an executed modification, signed and dated by all properly authorized, signatory officials.
- CC. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU. In witness whereof, the parties hereto have executed this MOU as of the last date written below.
- DD. SOVEREIGN IMMUNITY. The State of Wyoming and its agencies do not waive sovereign immunity by entering into this MOU and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyoming Statute 1-39-104(a) and all other State law.

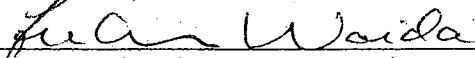


<p>COLE BENTON, Chairman of the Board WY State Board of Outfitters and Professional Guides</p> <p><i>Cole D. Benton</i></p>	<p>Date</p> <p>3-1-10</p>
<p>DONALD A. SIMPSON, State Director Bureau of Land Management, Wyoming State Office</p> <p><i>Donald A. Simpson</i></p>	<p>Date</p> <p>3/10/10</p>
<p>LYNNE BOOMGAARDEN, Director Wyoming Office of State Lands and Investments</p> <p><i>Lynne Boomgaarden, Deputy</i></p>	<p>Date</p> <p>3/12/10</p>
<p><i>for</i> STEVE FERRELL, Director Wyoming Game and Fish Department</p> <p><i>Steve Ferrell</i></p>	<p>Date</p> <p>3-18-10</p>
<p>TIM EICHER, Special Agent U.S. Fish and Wildlife Service</p> <p><i>Tim Eicher</i></p>	<p>Date</p> <p>3-25-10</p>
<p>MARY GIBSON SCOTT, Superintendent National Park Service, Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway</p> <p><i>Mary Gibson Scott acting Superintendent</i></p>	<p>Date</p> <p>3-30-10</p>
<p>ROBERT L. LANTER, Sr. Asst Attorney General Wyoming Attorney General's Office</p> <p><i>Robert L. Lanter</i></p>	<p>Date</p> <p>#56896 2-24-10</p>




HARV FORSGREN, Regional Forester U.S. Forest Service, Intermountain Region 	Date 31 March 2010
RICK D. CABLES, Regional Forester U.S. Forest Service, Rocky Mountain Region 	Date 4-5-10

The authority and format of this instrument have been reviewed and approved for signature.

  
 LUANN WAIDA  
 U.S. Forest Service Grants & Agreements Specialist

4/2/10  
Date

The authority and format of this instrument have been reviewed and approved for signature.

  
 DORIS MACKEY  
 U.S. Forest Service Grants & Agreements Specialist

3/31/2010  
Date

Burden Statement

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 0596-0217. The time required to complete this information collection is estimated to average 3 hours 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.

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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.



Exhibit S1

REPLACE OR MODIFY TO A LIST OF FACTORS TO BE CONSIDERED IN PERFORMANCE EVALUATION - TYING EVERY DISTRICT TO THE SAME FORM DOESN'T SEEM TO BE WORKING.

OUTFITTER-GUIDE PERFORMANCE RATING

Permittee \_\_\_\_\_  
Type of Operation \_\_\_\_\_  
Location \_\_\_\_\_  
Period \_\_\_\_\_ to \_\_\_\_\_

Rating Category (See Rating Guide)	Rating
1. Service to Public	_____
2. Compliance With Permit Conditions	_____
3. Compliance With Operating Plan	_____
4. Equipment	_____
5. Safety	_____
6. Resource Protection	_____

SUMMARY RATING \_\_\_\_\_  
Comments:

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

Efforts made by the permittee to correct deficiencies noted on their last Performance evaluation: \_\_\_\_\_

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

Recommended Corrective Actions: \_\_\_\_\_

\_\_\_\_\_

Commendable Performance: \_\_\_\_\_

\_\_\_\_\_

Wyoming Board Contacted \_\_\_\_\_ (Date)

Comments attached for probationary or unacceptable ratings \_\_\_\_\_ (Check)

Forest Officer \_\_\_\_\_ Date \_\_\_\_\_



Exhibit S1

Outfitter's Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Rating:      S - Superior                      U - Unacceptable  
              A - Acceptable                    NA - Does not apply  
              P - Probationary                See rating guide for definition)

Note: Use additional sheets as necessary for comments, description of major incidents, recommended corrective actions, corrective efforts and commendable performance. (Rating subject to appeal; see Page 3 of Rating Guidelines.)

\*The outfitter will be afforded the opportunity to sign whenever a rating of probationary or unacceptable is proposed. The outfitter's signature acknowledges receipt and review of the rating, not necessarily agreement.

Exhibit S2**INTRODUCTION**

The purpose of these guidelines is to provide a framework for coordinating the respective responsibilities of the Board and the Forest Service to license and permit outfitting and guide activities. Ongoing and open communication between agencies is the key to smooth operating procedures which best serve the public need.

**AUTHORIZED FOREST OFFICER**

On matters relating to Forest Service permits, the authorized officer (in most cases the District Ranger), their acting, or their designated representative, will be the person dealing directly with the Board, and the Board will recognize only that person in matters relating to the permit.

**OFFICIAL CORRESPONDENCE**

All documents relating to permits, and all correspondence relating to permit matters will be on official FS forms or letterhead and **under the signature of the authorized officer (District Ranger/Acting)**; or the documents will not be recognized as official documents or correspondence.

**COORDINATION GUIDELINES**

It is the intent of the Board and Forest Service as desirable and necessary **under the following circumstances**, and as dictated by the need, to implement the coordination guidelines for issuing permits, licenses, and hunt area authorizations developed under the umbrella of the MOU.

**SITUATION 1:** When a **sale of the business** assets of an existing priority use permittee "in good standing" **is anticipated**, and the prospective buyer makes application for re-issuance of the authorizations based on preference relative to the business they have purchased. (See Exhibit S2-2)

**SITUATION 2:** When an **application for a "temporary spike camp permit" and/or supplemental area authorization** to hunt sheep, moose, goat, lion, or spring bear is received by the Forest Service. (See Exhibit S2-3)

**SITUATION 3:** When an **existing priority use outfitter requests supplemental hunt area authorization** in conjunction with their priority use permit (primarily elk and deer); or the **Board requests recommendations for hunt area authorizations** as a result of mandated review. (See Exhibit S2-5)

**SITUATION 4:** When a **new commercial opportunity is identified**, and a commercial allocation decision for additional permits/use is being seriously considered as a result of Forest planning efforts or as a result of an existing permit/license being terminated, revoked, or abandoned. (See Exhibit S2-4)

Exhibit S2-2COORDINATION GUIDELINES FOR "RE-ISSUANCE" OF A PERMIT/LICENSE  
BASED UPON THE SALE OF AN OUTFITTING BUSINESS

**STEP 1:** The existing outfitter, accompanied by the prospective buyer (applicant), contacts the local District Ranger for a **pre-issuance meeting**. This meeting is primarily informative to clarify conditions of the permit, processes relating to the application process, and to obtain necessary applications.

The prospective buyer (applicant) then **immediately contacts the Board** and requests a review of their qualifications to obtain a State license, schedules a date to take the required test, and also schedules a date to appear before the Board.

**THE FOREST SERVICE RESERVES THE RIGHT ON MAKING THE DECISION TO RE-ISSUE THE PERMIT TO A NEW PERMITTEE BASED ON FINDINGS DURING THE NEPA REVIEW ON THE PROPOSAL.**

**STEP 2:** The District Ranger will **notify the Board** of the proposed sale and inform them of any permit changes recommended by the Forest Service and **ask the Board for any recommendations for changes** from the existing permit. In addition, the Forest Officer will recommend any changes in State license and/or hunt area authorizations. (See Exhibit S2-7)

In addition, the Forest Service will contact local Wyoming Game & Fish personnel, local outfitter organizations, and other groups as appropriate to ask for comments and concerns.

**STEP 3:** Applicant **submits to the Forest Service all required documents to determine qualifications** (financial report, business experience, cash flow projections, marketing plan, list of assets being purchased, and draft bill of sale, draft contracts, etc.)

Seller submits to both the Forest Service and the Board **a letter of intent to relinquish their State License** and area authorizations relative to the business being sold.

**STEP 4:** Forest Service to review documents showing conveyance of a substantial portion of the business to determine validity of the sale; and completes the **necessary review for determining applicant's qualifications** for holding a special use permit.

The Board will, during the same period, make a **determination of the applicant's qualifications to hold a State license** and their ability to provide the required services.

**STEP 5:** Forest Service will then **notify the Board** of the determination of the applicant's qualifications, and **of the decision** whether or not they will re-issue the permit; and the **Board will in turn notify the Forest Service** of the determination of the applicant's qualifications to hold a State license, and **of the decision** whether they will issue a license and area authorizations.

Exhibit S2-2

**STEP 6:** If the applicant meets all qualifications for both the Board and the Forest Service, and the Forest Service and the Board are in agreement on re-issuance of both, the Forest Service will complete the required NEPA documentation (generally a Decision Memo) and publish a Notice of Decision.

**STEP 7:** The Forest Service will issue a new permit to the applicant via a transfer meeting, during which time the waiver/application will be signed, proof of insurance will be provided, letter to relinquish State license/authorizations will be provided, itemized bill of sale and related contracts/deeds will be provided, copies of partnership or incorporation agreements will be provided, and a review/signature of the permit and operating plan will be completed.

The Board will issue a new license and proper area authorizations (3 year) to the applicant and terminate the sellers license/area authorizations as appropriate.

Exhibit S2-3THINGS TO CONSIDER WHEN EVALUATING AN  
APPLICATION FOR OUTFITTER-GUIDE PERMITS

Authorized line officers (District Rangers) have authority to say yes or no to any applicant, depending on their analysis of conditions and problems that might be caused. The following list of things to consider was developed in response to the spike camp issue, but it applies as well to other proposed uses. The list includes applicable direction from the Forest Service Manual, the greater Yellowstone Area Outfitter Policy, and covers the concerns raised when the spike camp issue first came up.

Does the proposed use conform to the approved Forest Plan direction?

Have we determined that the proposed commercial use must take place on the National Forest (no non-National Forest land is reasonably available)?

Does the applicant show ability to provide quality service and meet the terms of the permit?

Are the financial resources of the applicant adequate for the use being applied for?

Does the applicant have appropriate business experience and qualifications in relation to the proposed use?

Has "the highest" use of the land, based on the objective of serving the public over the long run under multiple use management, been determined before approving the special-use authorization?

Is the applicant licensed and in good standing, or has the State Board of Outfitters and Professional Guides given word that a new license will be issued pending FS issuance of a permit?

Consider the economic viability of existing outfitters and demonstrated public need for the additional service.

Will adding the proposed use undermine our goal of reducing serious problems with heavy use and conflicts between commercial and non-guided hunting parties?

Will adding the proposed use contribute to an existing inability to administer permits adequately?

Have we determined through a "use limits" analysis that there is capability of the land and the social setting to absorb the additional proposed use without damage or conflict?

Have we considered current (and projected, for longer term permits) use by the non-guided public, and determined that the proposed commercial use will not conflict with public use of an area?

Exhibit S2-3

Are any current or projected recreation facilities affected by the proposed use? Facilities, such as trails, trail heads, and established camps should be considered. If a permit is issued for an operation that requires use of public facilities, clauses will be included which address the appropriate use of those facilities to minimize conflict with the non-guided user.

Is there any effect on public access as a result of the proposed use?

Is the proposed use controversial or of concern to the public?

If the applicant is an existing permittee, is he or she in good standing?

Is there a need for coordination with other affected agencies?

In addition to those listed above, there may be more specific criteria that will vary by district. For instance, familiarity with grizzly bear conservation regulations, wilderness regulations and low-impact camping.

Exhibit S2-4COORDINATION GUIDELINES FOR ISSUING  
NEW (ADDITIONAL) OUTFITTER/GUIDE "HUNTING USE" PERMITS,  
NEW STATE LICENSE, AND THE ASSOCIATED AREA AUTHORIZATIONS

**STEP 1:** When the Forest Service initiates a proposal to issue additional permits (or additional use(s)) via the Forest planning process (as a result of an application, revocation, abandonment, etc.), and all conditions necessary for issuance of new authorizations have been met (public need, carrying capacity, highest use of the land, etc.), the Forest Service shall notify the Board of their intentions and seek consultation.

When a proposal or inquiry is received by the Board, and the Board deems the proposal as having merit, they will notify the Forest Service for consultation.

**STEP 2:** The Forest Service will notify the Board of any pending environmental analysis (in conformance with the National Environmental Policy Act - NEPA) relative to potential issuance of additional outfitter/guide permits and solicit the Board's input. If the Board is in agreement, they will be notified of the "decision" to issue a new permit.

**STEP 3:** The Board will assist the Forest Service in establishing selection criteria, investigating and screening proposed permit/license applicants to help the Forest Service select the best qualified applicant, if there is more than one applicant for the permit (use).

**STEP 4:** The Forest Service selects the preferred applicant and forwards the name to the Board, along with Forest Service recommendations for hunt area authorizations compatible with the permit. If mutually agreeable, the Board issues a license and hunt area authorizations; and the Forest Service issues a special use permit.

Note: The Forest Service will review and process all permit applications in accordance with National policy and all applicable regulations. The coordination process will be initiated only when the Forest Service initiates the proposal to issue. No coordination will be initiated when the application response is denial. The total processing time for issuing a new Forest Service permit and Board license shall not generally exceed 90 days following completion of Step 2. The Forest Officer issuing the permit will deal directly with the Board.

Exhibit S2-5COORDINATION GUIDELINES FOR ISSUING  
SUPPLEMENTAL AREA AUTHORIZATIONS FOR ELK/DEER/BEAR ON NATIONAL  
FOREST LANDS OR RESCINDING EXISTING AREA AUTHORIZATIONS TO EXISTING  
PRIORITY USE OUTFITTERS

## ISSUANCE OF ADDITIONAL AUTHORIZATIONS INITIATED BY PERMITTEE

**STEP 1:** The permittee contacts the Forest Service Officer administering their permit to determine if the existing permit authorization for National Forest lands includes the area in which the applicant wants to apply for.

**STEP 2:** If the existing permit does not allow occupancy of the area being requested, the Forest Service will notify the permittee and the Board that the Forest Service recommendation to the Board for supplemental area authorization is denial.

**STEP 3:** If the existing permit does allow occupancy of the area being requested, the permittee will be advised to proceed, in which case the permittee will submit an application for Supplemental Area Authorization to the Board (with proper Forest Officer signatures and documentation).

ISSUANCE/RESCINDING OF AUTHORIZATIONS AS A RESULT OF FOREST SERVICE  
RECOMMENDATION AT THE END OF THE 3 YEAR PERIOD

**STEP 1:** At the end of the 3 year "grandfather" period of authorizations (1992 being the third year), and each year thereafter when appropriate, the Board will solicit from the Forest Service recommendations for area authorizations on National Forest lands for each permittee.

**STEP 2:** The Forest Service will make recommendations to the Board based upon the "permitted area" allowed via the permit (e.g. if the permit does not allow the permittee in an area, the recommendation will be to not reissue an area authorization -- however, if the permit allows use of the area and permittee desires the area authorization, the Forest Service recommendation will be to issue). The Forest Service recommendation will not use the "use it or lose it" concept as a factor in this recommendation -- that is a Board restriction.

**STEP 3:** The Board will issue/rescind future area authorizations if they are in agreement with the recommendation. If there is disagreement between the Forest Service and the Board, consultation will occur. The Board will have final authority on issuance/rescinding of hunt area authorizations.



Exhibit S2-6

MOST FORESTS EXCEPT THE BRIDGER-TETON

United States	Forest	_____	District	_____
Department of	Service	_____	National	P.O. Box _____
Agriculture		Forest		_____, WY _____

Reply to: 2720 Date: \_\_\_\_\_

Subject: Outfitter Permit Verification and Area Authorization

To: Wyoming State Board of Outfitters and Professional Guides  
1750 Westland Road  
Cheyenne, WY 82002

I certify that a temporary special use permit/use for sheep moose goat lion spring bear (circle appropriate one(s)) spike camp will be issued to \_\_\_\_\_ for outfitting and guiding on the \_\_\_\_\_ National Forest for the 19\_\_ season; provided that the permittee submits an annual itinerary, copy of insurance, pays the required fees, and obtains the proper State outfitter license and hunt area authorization from the Board.

I request that \_\_\_\_\_ be granted a hunt area authorization for the following in conjunction with the aforementioned permit/use.

Species	Hunt Unit
_____	_____
_____	_____

This hunt area authorization is temporary for one season only.

If the Board has any recommendations relating to this issuance, please contact \_\_\_\_\_ at the \_\_\_\_\_ District Office with your recommendations.

\_\_\_\_\_  
DISTRICT RANGER

\_\_\_\_\_  
DATE



Exhibit S2-7

United States	Forest	_____ District	_____
Department of	Service	_____ National	P.O. Box _____
Agriculture		Forest	_____, WY _____

---

Reply to: 2720 Date: \_\_\_\_\_

Subject: Outfitter Permit Verification and Area Authorization

To: Wyoming State Board of Outfitters and Professional Guides  
1750 Westland Road  
Cheyenne, WY 82002

I certify that a special use permit dated \_\_\_\_\_ issued to \_\_\_\_\_ authorizing outfitting/guiding privileges on the \_\_\_\_\_ District (\_\_\_\_\_ National Forest) will be terminated as a result of permit waiver by the permittee based upon the sale of the outfitting business. The buyer of the business assets, \_\_\_\_\_, will obtain preference for re-issuance of a permit authorizing such waived use; will make application for such authorization; and is qualified (via federal guidelines) to obtain such authorization. The re-issuance will occur upon final approval of sale records by the Forest Service, and documentation of concurrence by the State Board of Outfitters.



Exhibit OSLI-1 – Board of Land Commissioners – Rules & Regulations – Chapter 14 –  
Temporary Use Permits

May be found on the web: [http://soswy.state.wy.us/Rule\\_Search\\_Main.asp](http://soswy.state.wy.us/Rule_Search_Main.asp)

Agency: Click on Land & Investments

Program: Click on Land Commissioners, Board Of

Click on current rules & type in 14 for Chapter. Click on Search (bottom right hand corner of the box). Click on 4618



Exhibit OSLI - 2

Revised October 2001

**PERMIT APPLICATION FEE \$25.00**

STATE OF WYOMING  
BOARD OF LAND COMMISSIONERS  
**APPLICATION FOR TEMPORARY USE PERMIT**

APPLICATION NO. \_\_\_\_\_ COUNTY \_\_\_\_\_  
(Assigned by office)

**APPLICANT:**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Phone \_\_\_\_\_

**Use applied for:** (check one)

- Construction activity (indicate total acreage affected \_\_\_\_\_ )
- Hot mix facility (indicate total acreage affected \_\_\_\_\_ )
- Organized recreation activity
- Roadway (indicate proposed width \_\_\_\_\_ and length \_\_\_\_\_ )
- Sign Board (indicate dimensions: width \_\_\_\_\_ and length \_\_\_\_\_ )
- Stockpile site (indicate total acreage affected \_\_\_\_\_ )
- Water removal facility
- Outfitting/guiding activities (indicate exclusive \_\_\_\_ or nonexclusive \_\_\_\_ and provide outfitting/guiding license no. \_\_\_\_\_ )
- Disposal and/or Injection Well
- Non-commercial Decorative Rock/Stone Removal
- Other: (specify)

Specifically describe proposed use:

List any improvements to be placed on the land:



Describe the state land applied for (use a separate sheet if necessary). Delineate the proposed permit area on a quad map and attach the map.

Legal Description	Sec.	Twp	Rng.	length/ft	County		

Requested duration of permit: Number of years \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
(Date) (Date)

Consideration offered for permit:

\_\_\_\_\_

I hereby certify that I have read and agree to abide by the Rules and Regulations of the Board of Land Commissioners governing temporary use permits and the terms and conditions of the temporary use permit.

\_\_\_\_\_  
Signature of Applicant Date

\_\_\_\_\_  
Print or Type Name

**STATE OF WYOMING  
BOARD OF LAND COMMISSIONERS  
SURFACE LESSEE NOTIFICATION AND COMMENT FORM**

(Sections A & B to be completed by applicant)

**A. PROJECT/ACTIVITY INFORMATION:**

Type of Project:			
Applicant:			
Address:			



			Phone:	
--	--	--	--------	--

State Land Involved:

Section		Township		Range		County	
Section		Township		Range		County	
Section		Township		Range		County	

**B. SURFACE LESSEE INFORMATION:**

Lease No.:	
Name:	
Address:	
Phone No.:	

**C. SURFACE LESSEE COMMENTS: (to be completed by surface lessee)**

If this project will negatively affect your grazing/agricultural operation, please explain.

\_\_\_\_\_  
**(Signature of Surface Lessee)**

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Please type or print name)

**ADDITIONAL INFORMATION AND INSTRUCTIONS:**

1. The completed Surface Lessee Notification and Comment Form **must** accompany the easement or temporary use permit application when submitted to Office of State Lands and Investments for processing.
2. Surface Impact payments will be made directly to the surface lessee by the applicant in accordance with the approved impact payment schedule. The schedule will be reviewed and revised annually.

**MOU Amendment Between the  
Bureau of Land Management and Wyoming State Board of Outfitters & Professional Guides**

The Bureau of Land Management (BLM) and the Wyoming State Board of Outfitters and Professional Guides (Board) have agreed to amend the existing MOU in order to improve communications and streamline processing requirements for obtaining a BLM Special Recreation Permit and Wyoming Outfitter license. This amendment has been carefully reviewed for compliance with all federal and state laws, including the National Environmental Policy Act, and other pertinent regulations, guidance and executive orders governing the administration of commercial outfitters and guides. It has been determined that this amendment meets objectives set for both parties and does not conflict with existing land use plans.

New administrative procedures and protocols have been developed and are agreed upon by both parties. The administrative changes address a number of internal issues as well as eliminate redundant, conflicting and lateral processes. This document outlines procedures by which SRP and licensing applications are processed pertaining to BLM lands.

The procedures outlined in the amendment apply to new and supplemental applications and will accomplish the following items:

- a) Streamline and simplify the process and eliminate process confusion.
- b) Eliminate the need for any Letters of Intent.
- c) Enable the Board to review and verify Operating Plan content, requested species, and experience to ensure that they meet the Board's criteria.
- d) Allow for more processing independence between the entities (BLM, Board), but still allows for coordination opportunities.
- e) This process will enable the Board with the opportunity to enforce its statutes, rules and regulations and the BLM will subsequently process the SRP that meets the BOARD's criteria.
- f) Applicants will submit their Operating Plan to the Board prior to submitting their permit application to the BLM. The Board will forward a copy of the applicants approved Operation Plan to the BLM office in Cheyenne along with a listing of the number of outfitters already authorized and the number of tags available in the approved areas to be distributed to the correct permitting officer. This will enable the Board to meet with the applicant to discuss how many outfitters and tags are available in the areas requested to see if they are willing to remove any of these areas.
- g) The BLM will process the Special Recreation Permit Application after they have received an approved Operating Plan from the Board. BLM may issue the SRP with necessary mitigation/stipulations to effectively outfit and guide on BLM-administered public lands.

- h) The BLM will forward a copy of the approved permit to the Board that will show all species and areas authorized under that permit.
- i) The final decision to authorize any SRPs will be made by the BLM authorized officer.

See Exhibit 1 for the process for obtaining authorization to operate commercial big game outfitting business on public lands.

In applying for supplemental area requests, the applicant will submit the required Board form to the appropriate BLM permitting officer. The officer may contact the Board to request how many outfitters and tags are currently available for that area.

Pages three (3) through thirteen (13) of this Amendment hereby replace pages eleven (11) through eighteen (18) of the original 2010 MOU.

**Attachment A**  
**BLM SRP Authorization Process**

<b>Steps for Issuing Special Recreation Permits</b> (for other than individuals using Special Areas)			
<b>Step</b>	<b>Responsible Person</b>	<b>When (Unless Otherwise Approved)</b>	<b>Action</b>
1	Authorized Officer	As appropriate.	Provides information to affected users of permit requirements.
2	Authorized Officer	180 days or more prior to the desired use date.	Mails or hands out SRP application forms and other information (maps, pamphlets, stipulations) and requirements for supplemental information on request.
3	Applicant	180 days prior to the desired use date, unless a shorter period is approved or a longer period is required.	Contacts local BLM office regarding requirement for and availability of permits prior to making use of the public lands and related waters. Submits completed application and required supplemental information to appropriate BLM office.
4	Authorized Officer	Within 30 working days of receipt of application.	Checks application for completeness, reviews proposed operating plan for consistency with planning, checks on past performance or bills due. May reject application at this stage or require additional materials.
5	Authorized Officer	Within 30 working days of receipt of all required application materials.	Notifies applicant if substantial processing work is involved due to NEPA, consultation, or other requirements and if cost recovery charges may apply.
6	Authorized Officer and Applicant	As appropriate.	Discuss and coordinate with the applicant any problems with the application, and ensure that applicant has coordinated with other landowners and managers. Conducts environmental analysis, if necessary.
7	Authorized Officer	Upon completion of permit processing or 31 days before desired use date.	Provides written notification of disapproval, or requests: insurance policy, certificate of insurance, or bonds if not submitted in Step 3, and requests full or partial payment, if applicable, of estimated fees.
8	Applicant	At least 10 working days before desired use date.	Provides to BLM: policy or certificate of insurance (as appropriate), bond (if required), other requested information, and full or partial payment of fees.
9	Authorized Officer	As appropriate before desired use date.	Issues approved permit with stipulations signed by the authorized officer, also issues required reporting forms (daily trip logs and post-use report).

**Attachment B can be found on the Wyoming State Board of Outfitters & Professional Guides website: <http://outfitters.state.wy.us>**

**Attachment B**  
**Wyoming Board of Outfitters and Professional Guides**  
**Chapter 2 - Licensing Provisions**

**Wyoming Board of Outfitters and Professional Guides**  
**New Application Process**

The New Applicant Letter specifically outlines the application process for a new outfitter's license. This language reiterates the Wyoming Board of Outfitter and Professional Guide's (Board) rules and regulations, as well as new additional processes so as to adequately manage the State of Wyoming's Outfitter program. This may also be found on the Board's website shown above.

**Attachment C**  
**BLM Exhibits from**  
**2010 Memorandum of Understanding**

The following exhibits are found in the 2011 Memorandum of Understanding which guides the BLM/BOARD's coordinated SRP application process:

**Exhibit - BLM – 1:** Table and Flow Chart (3 pages)

**Exhibit - BLM – 2:** BLM/Board Operating Guidelines for Issuing New and Supplemental Area Authorization requests for Board Licenses and BLM Special Recreation Permits (SRPs)

**Exhibit - BLM – 3:** Special Recreation Permit Interoffice Coordination Report

**Exhibit – BLM – 4:** Special Recreation Permit Annual Evaluation

**Exhibit – BLM – 5:** Special Recreation Permit Outfitter/Guide Performance Rating Guidelines

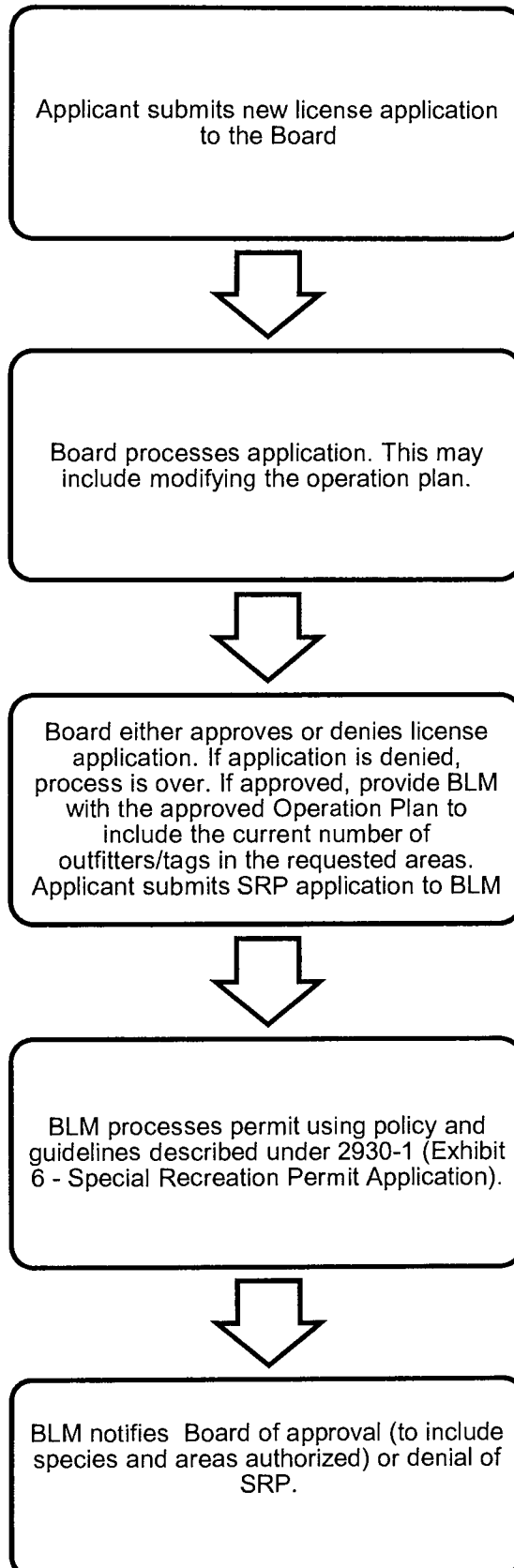
**Exhibit – BLM – 6:** Special Recreation Permit and Application Form

**Exhibit – BLM – 7:** Joint Board and BLM Operating Plan

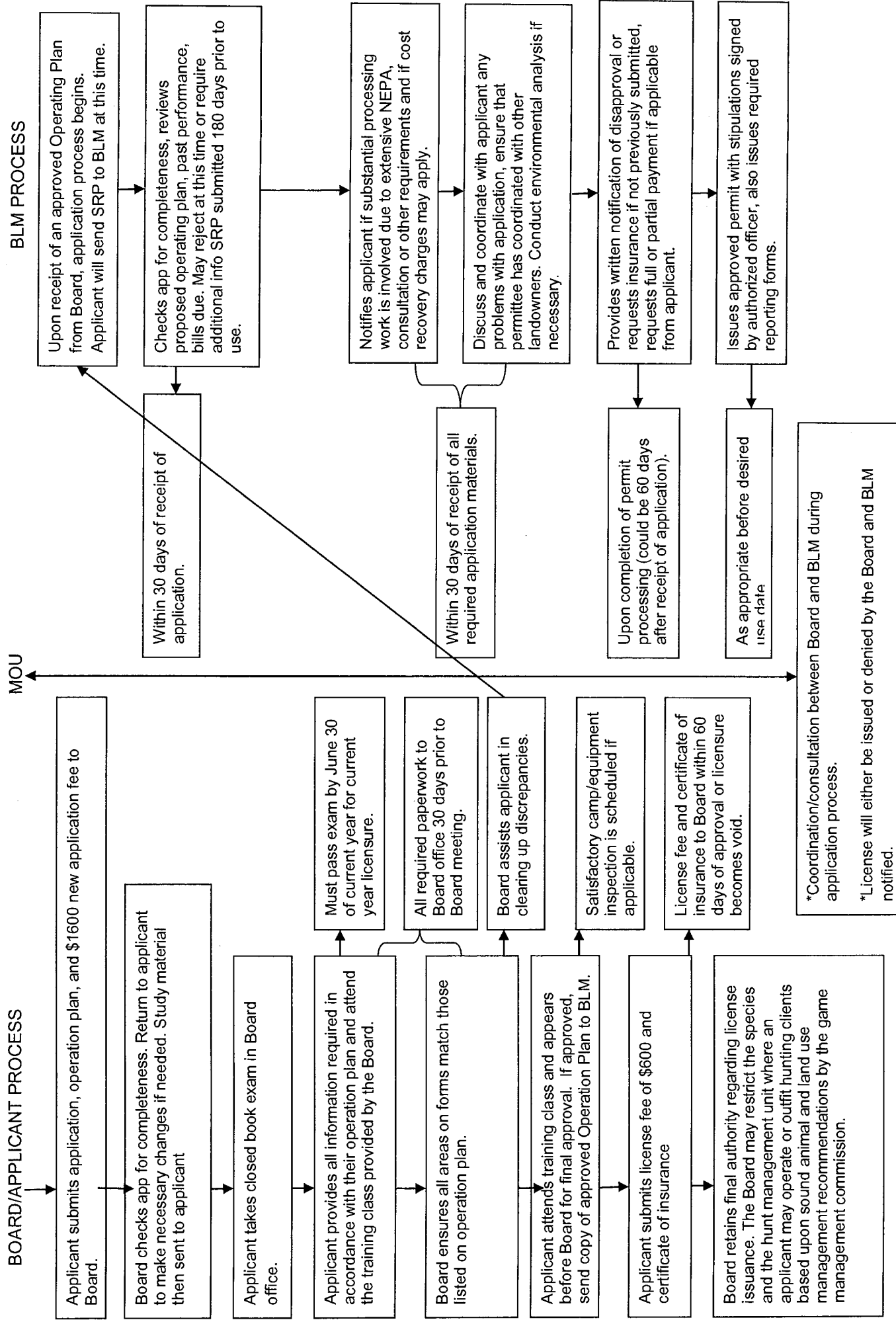
**Exhibit – BLM – 1: Table and Flow chart (3 pages)**

Step	Applicant	BLM	BOARD	MOU	Timeline
1	Submits outfitter application to the Board		Review Operating Plan to verify content, requested species, and experience meets the Board's criteria. Coordinates with the applicant regarding the Board's criteria.	Submits outfitter application to the Board	Must be completed by June 30 <sup>th</sup> .
<b>Decision point – BOARD either approves application, or deny applicant. If approves application, then the following will proceed:</b>					
2	Submits SRP application to BLM with copy to Board		Provide approved Operating Plan and number of outfitter/tags information to the Cheyenne BLM Office for distribution to the correct permitting district.	Coordinate with applicant and all affected land agencies.	Must be completed by June 30th
3		Processes SRP application (consistent with SRP guidelines and requirements listed in H-2930-1).		The BLM will process the SRP.	SRP policy allows BLM 180 days to process SRP.
4		Approve or deny SRP.		BLM will either deny or approve SRP	SRP policy allows BLM 180 days to process SRP.
5		Issue applicant with completed SRP package (cc: Board)		Upon receipt of approved SRP, the Board will issue the outfitter applicant authorization for the approved BLM lands.	

**Board Version**  
**Flow Chart illustrating new MOU Process**



### BLMWY Board of Outfitters and Professional Guides Process and Time Table for New Outfitter Applicants



**Exhibit – BLM – 2**

**BLM/BOARD Operating Guidelines for Issuing New and  
Supplemental Area Authorization Requests for Board Licenses  
And BLM Special Recreation Permits (SRP's)**

**SEE EXHIBIT 1**

**Exhibit – BLM – 3**

**Special Recreation Permit Interoffice Coordination Report**  
 (The Interoffice Coordination Report is required in order to keep the SRP Valid)

**Purpose:** The Wyoming BLM’s goal of providing one-stop shopping customer service has created circumstances when applications for permits are accepted and processed by a field office in a different location than the proposed use. The purpose of this report is to provide all field offices affected by a proposed SRP use, the opportunity to comment on those uses.

**AUTHORIZING OFFICE (complete this section)**

SRP Applicant: \_\_\_\_\_ SRP Number: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Business Phone: \_\_\_\_\_ Home/Cell Phone: \_\_\_\_\_  
 Proposed Uses: \_\_\_\_\_

Offices Affected By Proposed Uses:  Buffalo  Casper  Cody  Kemmerer  Lander  
 Newcastle  Pinedale  Rawlins  Rock Springs  Worland  
 Locations: BLM Administered public lands within the Wyoming State Hunt Areas listed below. See Attached Maps  
 Antelope: \_\_\_\_\_  
 Deer: \_\_\_\_\_  
 Lion: \_\_\_\_\_  
 Other: \_\_\_\_\_

Overnight Camp Locations: \_\_\_\_\_  
 Issuing Field Office: \_\_\_\_\_ Date: \_\_\_\_\_  
 Application Processed By: \_\_\_\_\_

**AFFECTED FIELD OFFICE (complete this section)**

Reviewed By: \_\_\_\_\_ Field Office: \_\_\_\_\_ Date: \_\_\_\_\_

Comments (including recommended SRP stipulations are attached)  Approve with general stipulations.

**Checklist:**

- Authorizing Office contacts affected offices prior to issuing permit. If coordination can be accomplished by a phone call to the affected office, please document results. Date task completed: \_\_\_\_\_
- Authorizing Office completes “AUTHORIZING OFFICE” section of this report and sends a copy or places a phone call to each affected field office for review and comment. Date task completed: \_\_\_\_\_
- Each affected field office reviews proposed use, makes comments, keeps a copy for their file, and returns report to the authorizing office in a timely manner. Date task completed: \_\_\_\_\_
- Comments and stipulations from affected field offices are included in SRP and Interoffice Coordination Report is filed in the permittee’s file by the authorizing office. Date task completed: \_\_\_\_\_
- Permit will not be approved until the Interoffice Coordination Report is complete. Date task completed: \_\_\_\_\_
- Approved and signed SRP and related documents are sent to affected field offices. Date task completed: \_\_\_\_\_

**NOTE: Copies of the SRP Application, Operating Plan, and Map(s) must be mailed to affected field office(s) for all recreation use proposals.**

**Exhibit – BLM – 4**

Special Recreation Permit/Interoffice Coordination Report – Hard copy is attached. This exhibit may be downloaded at <http://www.wy.blm.gov/recreation/srpermit.htm> (**Note:** If the issuing office manages their permit program using *Access Database*, this form shall differ; however, includes the same information.)

**SPECIAL RECREATION PERMIT ANNUAL EVALUATION**

<b>Outfitter:</b>			<b>Year:</b>	
<b>Business Name:</b>			<b>Expires:</b>	
			<b>Current:</b>	
			<b>Yes</b>	<b>No</b>
<b>Insurance:</b> Expiration Date:				
Acceptable Limits: Liability				
Property				
U.S. named insured/co-insured/additional?				
<b>Fees Paid?</b>	<b>Date</b>	<b>Amount</b>		
Credit Forward				
Previous Balance Due				
Minimum Annual Fee				
Campsite Reservation Fee				
Operations conform to operating plan?				
Performance bond status effective? Expires: _____				
Post Use Report in on date: _____				
Wyoming State Board of Outfitters & Professional Guide License in file?				
Number of days on BLM land: _____ Number of participants: _____				
Free of violations or public complaints?				
On-the-ground inspection completed for overnight camps?				
Outfitter performance rating: <input type="checkbox"/> Superior <input type="checkbox"/> Acceptable <input type="checkbox"/> Probationary <input type="checkbox"/> Unacceptable				
Superior Outfitter Performance Documented? (Note in Comment Section)				
Permittee sent results of Annual Evaluation? Date: _____				
Comments:				
Annual Evaluation Completed By:			Date:	
Annual Evaluation Approved By:			Date:	

**Exhibit - BLM - 5**

BLM – Special Recreation Permit  
Outfitter/Guide Performance Rating Guidelines

1. An annual Post-Use Report will be required by all outfitters holding BLM-Special Recreation Permits. The post use report is due by December 31<sup>st</sup> of each year.

An annual evaluation will be required by all outfitters holding BLM-Special Recreation Permits (BLM Manual 2930-1). The evaluation will assess adequacy of use fees, liability insurance policy, performance bonds, operating plans, permit violations, public complaints and other information as appropriate.

Four different performance levels are recognized: Superior, Acceptable, Probationary, and Unacceptable.

A. Superior – Performance exceeds all established standards for the permitted activities. The outfitter has made an exceptional contribution to the environment, research, education, public awareness, etc. for the good of the public lands, community or state. Award permittee with Certificate of Appreciation signed by the Field Manager.

B. Acceptable – Performance is satisfactory and meets at least minimum established standards for the permitted activities. This may include some minor deficiencies that need correction. If these deficiencies persist after notification or are not corrected in a reasonable time period, they may result in a probationary or unacceptable rating. Weak areas needing attention or especially strong areas will be documented on the rating form or attachments.

C. Probationary – Performance is less than acceptable for significant considerations applicable to the permitted activities. 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. However, corrective action by the permittee is mandatory and continuous operation at this level of performance would be unacceptable. The basis for the rating will be clearly documented on the rating form or attachments.

A permittee who is given a summary performance rating of probationary will qualify for a permit period not to exceed one year and permits with remaining periods of more than one year will be so amended. If a holder continues to operate at the probationary level, the authorized office shall terminate the permit and/or deny future permit applications.

D. Unacceptable – Performance is clearly unacceptable for one or more significant considerations applicable to the permitted activity and cannot be allowed to continue. This level of performance may pose a threat to the safety of guests or others, may involve a serious violation of law, or pose a threat of significant resource damage. The basis for this rating will be clearly documented on the rating forms or attachments.

Failure to obtain necessary licenses or registration, recurrent or serious violations of fish and game or outfitter/guide laws and regulations in conjunction with permitted activities, failure to pay fees, failure to comply with permit requirements of insurance, failure to meet minimum requirements established for utilization of permit privileges, falsification of records and/or third party permit privileges will result in an unacceptable rating.

A summary performance rating of unacceptable will result in suspension, termination, or revocation of the permit as appropriate to the circumstances.

2. On-the-ground inspections will be required when warranted for all outfitters who maintain reserved camps on BLM-administered public lands as part of their business. No inspections will be required for day use outfitters who use a combination of state, private, and public land and do not maintain reserved camps.

**Exhibit – BLM – 6**

Special Recreation Permit Application and Post Use Report

This exhibit may be downloaded at <http://www.wy.blm.gov/recreation/srpermit.htm>.

The BLM revised the Special Recreation Permit and Application form. Effective January 2011, there is a separate Special Recreation Permit Application (revised form 2930-1). Upon approval of the permit application, BLM will issue a Special Recreation Permit (new form 2930-2) as the authorization form for special recreation permits (SRP). The Post Use Report remains the same.

Wyoming State Board of Outfitters & Professional Guides – <http://outfitters.state.wy.us>

**Exhibit – BLM – 7**

There is one Operating Plan for both the BOARD and BLM. You can access from either the BLM's or BOARD's websites below.

Operating Plan for Commercial Outfitters and Competitive Permittees - This exhibit may be downloaded at <http://www.wy.blm.gov/recreation/srpermit.htm>.

Wyoming State Board of Outfitters & Professional Guides – This exhibit may be downloaded at <http://outfitters.state.wy.us>.

The original 2010 MOU, consisting of thirty-three (33) pages, and this Amendment, consisting of fourteen (14) pages, represent the entire and integrated MOU between the parties and supersede all prior negotiations, representations, and agreements, whether written or oral.

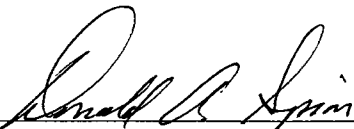
The parties do not waive sovereign immunity by entering into this Amendment and they specifically retain all immunities and defenses available to them as sovereigns.

Signatories to this BLM amendment:



\_\_\_\_\_  
Cole Benton, Chairman of the Board  
WY State Board of Outfitters and Professional Guides

6-1-11  
Date



\_\_\_\_\_  
Donald A. Simpson, State Director  
Bureau of Land Management, Wyoming State Office

5/13/11  
Date



\_\_\_\_\_  
Robert L. Lanter, Senior Assistant Attorney General  
Wyoming Attorney General's Office

4-26-11  
Date