

FOREST SERVICE HANDBOOK  
Silver City, N.M.

FSH 2709.11 - SPECIAL USES HANDBOOK

Supplement No. 2709.11-98-2

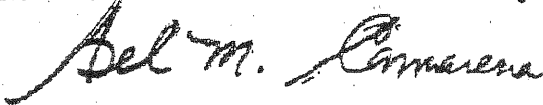
Effective September 30, 1998

POSTING NOTICE: Supplements are numbered consecutively by handbook number and calendar year. Post by document name. Remove entire document and replace with this supplement. Retain this transmittal as the first page of this document. The last supplement to this Handbook was Supplement 2709.11-98-1. This supplement supersedes Gila Supplement 2709.11-95-1.

<u>Document Name</u>	<u>Superseded</u>	<u>New</u>
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2709.11,40	5	5

Digest:

Revises format and codes with no subject matter changes.



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FSH 2709.11 - SPECIAL USES HANDBOOK  
GILA SUPPLEMENT 2709.11-98-2  
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CHAPTER 40 - SPECIAL USES ADMINISTRATION

41.53 - OUTFITTERS AND GUIDES.

41.53g - Assignment and Management of Temporary Use. In order to assure quality and stable outfitting and guiding service on the Gila Administrative Unit, no new temporary permits will be issued unless the applicant meets at least one of the following requirements:

1. Applicant has 150 days of satisfactory prior outfitting and guiding experience under permit and/or satisfactorily served as a guide for 150 days for a priority outfitting and guide permit holder and/or applicant has 150 days of satisfactory prior experience operating a private business that could be described as an outfitting and guiding business (i.e., dude ranch). The 150 days of experience must be directly related to the proposed services to be offered.
2. Applicant successfully completes a training course to be offered at least annually by the Gila National Forest at no charge to the applicant. This course will be approximately four days in length and will cover back country ethics, minimum impact camping and operations, the terms of the outfitter/guide permit, basics of customer service, expectations for record keeping and documentation, orientation to the wilderness areas on the Gila and use of the stock in back country operations.
3. Applicant demonstrates a successful completion of a back-country training course by a private institution or organization which generally covers the same material presented at the Forest Service Training course. Approval by the District Ranger will be on a case-by-case basis depending on the nature of the privately offered course and the applicability to outfitter/guide operations on the Gila Administrative Unit.

Institutional outfitting and guiding applicant services are offered on a limited intermittent or irregular basis. However it is important that they possess back-country skills. They will also be expected to meet one of the above requirements.

All guides working for temporary or priority permit holders will also be expected to meet the above criteria.

In addition to meeting the above requirements, the applicant will be required to provide a narrative description of their knowledge and experience in the following specific areas:

1. Recreational activity being offered to the public
2. Modes of travel

3. Knowledge of the area in which they will be conducting their operation
4. Customer service
5. Minimum impact/leave no trace, skills
6. Safety/first aid

The intent of the narrative will be mostly to provide Forest Officers with knowledge of strengths and weaknesses in these areas so that the Forest Service can help the applicants strengthen areas where experience is limited. In rare instances where the applicant has little or no knowledge or experience in several of the areas, the District Ranger has authority to deny the applicant a temporary permit.

Issuing officers will make inquiries to other Forests and the Bureau of Land Management regarding any past experience the unit may have had with the applicant, request background checks through agency and/or local law enforcement agencies, and request background check with New Mexico Department of Game and Fish (or state of residency if different) for any game or fish violations. After the application is approved, require the applicant to provide proof of liability insurance and the State of New Mexico gross receipts tax number. Public liability insurance must cover all aspects of the applicants proposed operation and meet minimum amounts specified in FSM 2713.32. Satisfactory proof of insurance can be in two forms:

1. Certificate of Insurance in the format shown in FSM 2713.32 - Exhibit 01. Formats other than that shown are not acceptable, unless they have been approved by the Regional Office.

2. Copy of the public liability insurance policy. The issuing office must review the policy to insure that the policy covers all aspects of the outfitting and guiding operation.

Applicants should be denied a temporary permit or not approved to guide for another authorized outfitter and guide for any or all of the following conditions:

1. Applicant/guide has been convicted of a serious violation of Federal or State game laws such as, but not limited to, illegal taking of game (poaching), hunting without a license, illegal possession of game, spot lighting, etc.

2. Applicant/guide is a convicted felon currently serving their sentence as determined by a court of law.

3. Applicant/guide has been denied an Outfitter/Guide permit by another Forest Service unit or another Federal Agency.

4. Assaulting or threatening a Federal Officer.

5. Applicant/guide has 5 or more complaints or "incidents" reported or documented with the Forest Service.

Denial for any of the above items shall be in effect for the period specified in the conditions of the conviction or as specified by the original Forest Service Unit or other agency or at the discretion of authorized Forest Officer.

All Outfitter/Guide permits will be issued within the period beginning January 1 and terminating on December 31 of the year issued.

41.53h - Assignment and Management of Priority Use. Actions should be taken by the District Ranger to suspend or terminate priority permits for:

1. Conviction of a serious violation of Federal or State game laws such as but not limited to poaching, hunting without a license, illegal possession of game, spotlighting etc..
2. Convicted felon currently serving term sentence.
3. Assaulting or threatening a Federal Officer.

41.53k - Permit Administration

1. Performance Evaluation. Performance evaluations for outfitting and guiding activities conducted on the Gila Administrative Unit will use a point system as detailed in "EXHIBIT 01". The objective/purpose of the point rating system is to provide guidance to Forest/District personnel so that outfitters and guides are evaluated or rated in a similar manner as they carry out their activities on different administrative units.

The point system will normally be followed. However, if the circumstances involved with specific violations of the terms and conditions of the permit may dictate more serious action such as the issuance of a Violation Notice or the immediate suspension or termination of the permit. Examples of this may be, but not limited to, failure to pay the required fee, violation of State or local laws, failure to provide liability insurance, etc. The following performance levels are established:

ACCEPTABLE - 0 to 10 points in any one rating period.

UNSATISFACTORY (PROBATIONARY) - 11 to 39 points in any one rating period.

UNACCEPTABLE - 40 or more points accumulated during the life or tenure of the permit.

Two annual consecutive unsatisfactory ratings shall result in adverse actions being taken against a priority permit. One unsatisfactory rating may be grounds for denial of a temporary permit the next calendar year. Unacceptable performance rating shall result in immediate permit suspension or revocation as appropriate to the circumstances. For PRIORITY Permits, the accumulation of 40 points over any

consecutive three year period will result in the termination or revocation of the permit.

2. Trip Plans. Trip plans will be required of all outfitters conducting operations on the Gila National Forest. Trip plans shall be submitted to the office administering the permit 48 hours in advance of the trip. Verbal trip plans are acceptable on an occasional unplanned or emergency basis but should be documented as soon as possible afterwards. Trip plans shall contain the name of the outfitter and/or business, names of the guides to be used and dates those guides will be operating under the permit, trip starting and ending dates, number in the party, trip itinerary, activities being offered on the trip, mode of travel, number of livestock and principle main camp locations. The client names, telephone numbers, and addresses may be included as a part of the trip plan, but the outfitter will be required to issue customer comment cards to clients for optional return to the Forest Service.

## 41.53k - EXHIBIT 01

The following lists specific points to be assigned to each violation; When a range of points is specified the District Ranger will assign an appropriate point rating depending on the degree of severity of the violation.

<u>Authorized Use</u>	<u>Violation</u>	<u>Points</u>
1.	All improvements not covered by permit/operating plan.	1 - 5
2.	Permitted facilities not located in accordance with permit	2
3.	Camps are left in place longer than allowed by permit.	5 - 15
4.	Placement of camps in wrong location.	5 - 15
5.	Failure to accurately report use within 30 days after the permit closing date of December 31 each year.	10
6.	Violation of advertising clause.	2
7.	Exceeding authorized use.	1 - 5
8.	Camping in a closed area.	10
9.	Failure to provide services as promised.	5 - 20
10.	Failure to submit pre-trip itinerary 48 hours prior to arriving on Forest unit.	10
11.	Failure to submit payment by due date.	10
<u>Camp Practices</u>		
1.	Failure to pack out all unburnable refuse.	5
2.	Cutting any green trees or branches	5
3.	Damaging trees or other natural features.	5
4.	Failure to obliterate site modifications.	5
5.	Failure to provide pit type toilets when required on Operating Plan	5
6.	Failure to locate camp facilities as specified in the Operating Plan	5
<u>Live stock</u>		
1.	Failure to comply with grazing instruction.	5
2.	Damage to resource due to grazing.	5
3.	Excess number of livestock.	5
4.	Resource damage resulting from tying livestock to green trees	5
5.	Failure to scatter manure piles in heavy deposition areas of concentrated use.	1 - 5
6.	Grazing of livestock when not conducting outfitter/guide operations except as authorized by permit.	10
<u>Safety</u>		
1.	Failure to have first aid kit as specified in the Operating Plan.	5
2.	Failure to notify proper authorities in case of an accident.	2
3.	Failure to notify District Ranger in search and rescues.	5
4.	Failure to inform clients of safety practices.	5