

## **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 administered 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 and Supplemental Area Authorization content, requested hunt areas (by 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 and if applicable, their Supplemental Area Authorization, 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/supplemental area requests to the Board that will show all hunt areas by species and areas authorized under that permit.
- i) The final decision to authorize any SRPs on BLM administered public lands 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.

This Amendment hereby the BLM portion 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 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

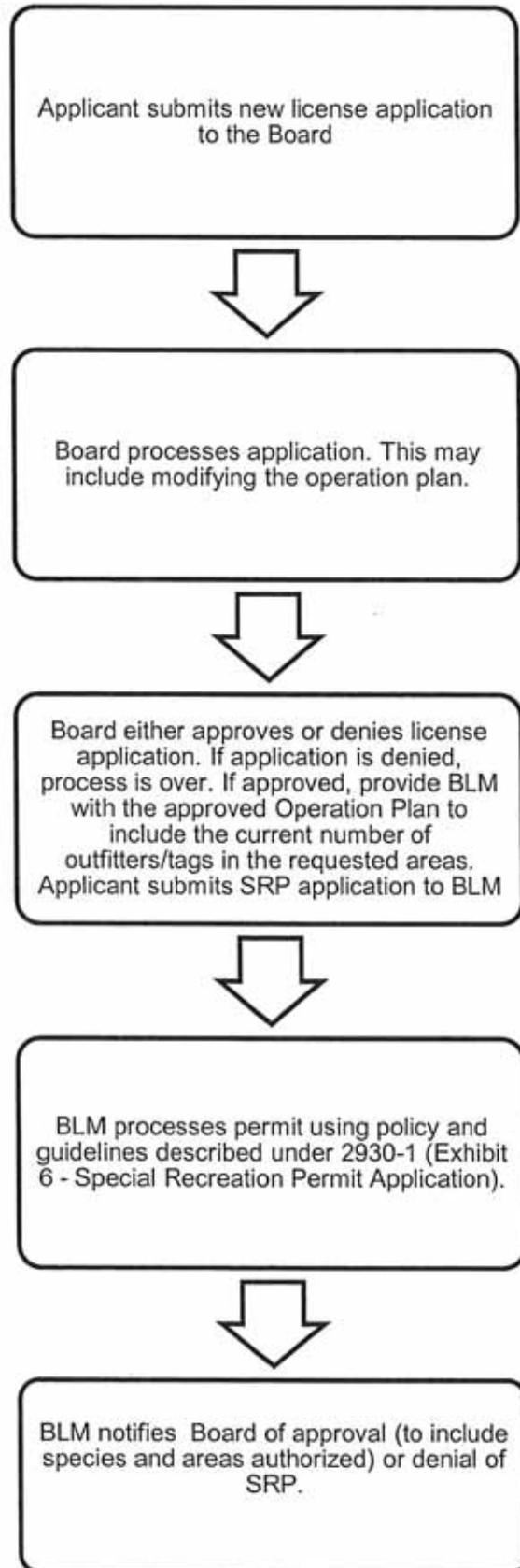
**Exhibit – BLM – 6:** Special Recreation Permit and Application Form

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

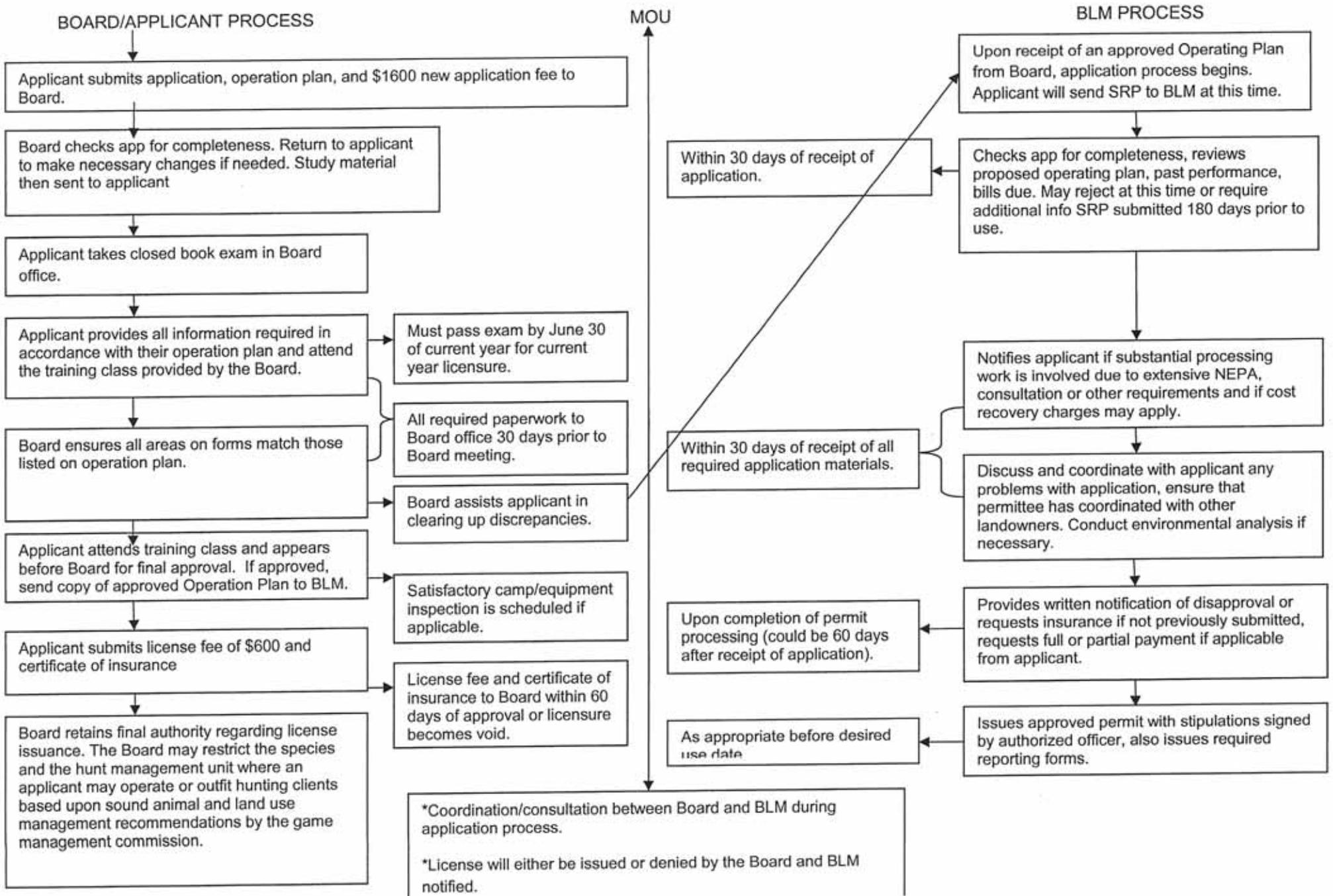
**Exhibit – BLM – 1: Table and Flow chart (3 pages)**

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 30 <sup>th</sup>
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**



**BLM/Wyoming Board of Outfitters and Professional Guides  
Process and Time Table for New Outfitter Applicants**



**Exhibit – BLM – 2**

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

- 1. Outfitter submits the supplemental area authorization form to the Board Office.**
- 2. Supplemental area requests must be submitted to the Board Office no later than August 1 of each year.**
- 3. The Board will determine if a new operation plan must be provided as set by their guidelines.**
- 4. The Board Office will forward the completed form and operation plan (if applicable), along with the number of outfitters currently operating in the requested areas and the number of tags available issued by the Game & Fish Department for those areas.**
- 5. The BLM will notify the Board of the species and areas approved by them.**
- 6. The Board will issue an updated license to the outfitter.**

**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 D. Benton*

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

*6-20-12*  
\_\_\_\_\_  
Date

*Donald A. Simpson*

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

*6/29/12*  
\_\_\_\_\_  
Date

*Robert L. Lanter # 88394*

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

*6-14-12*  
\_\_\_\_\_  
Date