

**United States  
Department of the Interior Bureau of Land  
Management Lander Field Office**

**Categorical Exclusion Documentation**

Special Recreation Permit  
SRP-WY050-SRP-16-01  
Wyoming Backroad Tours LLC  
DOI-BLM-WY-R050-2016-0018-CX

**A. Background**

Dale Sackett, doing business as Wyoming Backroad Tours LLC has applied for a new Special Recreation Permit Renewal (SRP- see attachment 1) to conduct single vehicle road tours on BLM-administered roads and primitive roads.

**Location of Proposed Action:** BLM administered lands on roads in Fremont, Sublette, Sweetwater, Hot Springs, and Washakie Counties in central Wyoming. (Attachment 3).

This Categorical Exclusion (CE) and associated BLM authorizations apply to those activities that would normally require a SRP on lands or interest in lands administered by the BLM.

**Description of Proposed Action:** To issue Special Recreation Permit for commercial outfitting on BLM administered public lands. Activities would include day use tours with a maximum of 4 passengers in a single 4x4 crew cab pickup truck. These tours would be 6 to 8 hours long providing sightseeing in remote landscapes, education about geology, history, wildlife, local culture and limited hiking opportunities.

Special Recreation Permits (SRPs) are required for commercial, competitive, and organized groups to participate in recreational activities on BLM public lands (CFR 43 Part 2930). SRPs are required for a variety of reasons including protecting natural and cultural resources as well as meeting goals and objectives for recreation management on BLM public lands. In 2007, SRPs not associated with "special areas" or Wild and Scenic Rivers were determined eligible for categorical exclusions.

Under this categorical exclusion SRPs would be issued to applicants who demonstrate ability and willingness to comply with permit conditions and requirements. This categorical exclusion covers commercial, competitive, vending and organized group activity permits. Activities could include, but are not limited to, guided hunting trips, wagon train trips, off highway vehicle poker runs or horse packing trips.

In preparing this document, current special recreation permits authorized out of the Lander Field Office were considered. SRPs are generally associated with dispersed activities for short durations of time (less than 14 consecutive days). Staging and camping areas are commonly located on previously disturbed sites. The dispersed nature and short duration of the activities limit the potential for significant impacts. Furthermore, additional mitigation measures and stipulations will be incorporated into SRPs to eliminate the potential for significant impacts.

In addition to the conditions listed on the SRP, additional stipulations are attached and applied to the permit (Attachment 1).

**B. Land Use Plan Conformance**

**Land Use Plan Name:** Lander Resource Management Plan (RMP) 2014.

Specifically the Lander RMP provides for such activities in stating:

*"Issue Special Recreation Permits for commercial, competitive, or organized group activities as tools to achieve area specific planning goals, objectives, and decisions."*

The proposed use falls within BLM existing roads and primitive roads. Motorized vehicle use associated with this permit is required to comply with Lander RMP Record # 6026,6027, as well as all rules associated with OHV use on public land.

The tour routes travel through the existing roads within the Sweetwater Mining District RMZ, Red Canyon ERMA, National Trails Undeveloped SRMA, and East Fork ERMA. No routes correspond or cross the National Historic or Scenic Trails nor conflict with the planning objectives for the area which include the following Lander RMP Records: #7018, LR 13.1-LR13.3 and goal SD 5.6

Additionally, many of the proposed use areas are managed as visual resource classes I or II. The proposed use does not create new surface disturbance nor proposed activities that conflict with the objectives for these areas

**C. Compliance with NEPA**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM citation 11.9 H(1) and E(19):

*"Issuance of Special Recreation Permits for day use, or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for "Special Area" management (43 CFR 2932.5). The requirement for Special Area SRPs and the issuance of individual SRPs in "Special Areas" must be directed by specific land use planning decisions."*

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed by the LFO and none of the extraordinary circumstances described in 516 DM 2 apply.

The SRP also meets all the conditions and stipulations set forth in:

- 1) Lander Field Office programmatic agreement, wildlife clearance evaluation and consultation form.
- 2) Programmatic agreement between the Bureau of Land Management Recreation program and the Bureau of Land Management Archaeology program regarding outfitting special recreation permits.

(See LFO recreation file titled New Special Recreation Permits and Renewals Programmatic Agreement).

**D. Signatures**

Lander Field Office Authorizing Official: Richard Vander Vaet

Date: 4/26/16

Name: Richard Vander Vaet

Title: Lander Field Manager

**Preparer and Contact Person**

For additional information concerning this categorical exclusion review, contact:

Michael Coyne Recreation Technician

1335 Main Street, Lander, WY, 82520, (307) 332-8400

Note: A separate decision (See Attachment 1: Special Recreation Permit and Supplemental Terms and Conditions) is prepared for the action covered by the categorical exclusion.

ENT 4: Extraordinary Circumstances Checklist

CATEGORICAL EXCLUSION  
 REVIEW Extraordinary  
 Circumstances Checklist

**Proposed Action:** Categorical Exclusion Special Recreation Permit  
 Wyoming Backroad Tours LLC  
 DOI-BLM-WY-R050-2016-0018-CX

Review the proposed action against each of the 12 "extraordinary circumstances" listed below. Any action that is normally categorically excluded must be subjected to sufficient environmental review to determine whether it meets any of the extraordinary circumstances, in which case, further analysis and environmental documents must be prepared for the action. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.

	Extraordinary Circumstances	Comments
1.	Have significant impacts on public health or safety.	No
2.	Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	No
3.	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA, Sec. 102(2)(E)]	No
4.	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No
5.	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	No
6.	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No
7.	Have significant impacts on properties listed, or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.	No
8.	Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No
9.	Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.	No
10.	Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).	No
11.	Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007).	No
12.	Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).	No

ATTACHMENT 1: SPECIAL RECREATION PERMIT AND SUPPLEMENTAL TERMS AND CONDITIONS



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**SPECIAL RECREATION PERMIT**

(43 U.S.C. 1201; 43 U.S.C. 1701; 16 U.S.C. 460L-6(a); 16 U.S.C. 6802; and 43 CFR 2930)

Permit No.  
WY050-SRP-16-01

BLM Issuing Office  
Lander Field Office

Permittee Wyoming Backroad Tours LLC.

Authorized Representative Dale Sackett

Address 6552 Riverview Rd.  
Riverton, WY 82501

Phone Number (307) 856-3972

Email Address wyomingbackroadtour@wyoming.com

Web Site www.wyobackroadtours.com

Permit is for (check all that apply):  Commercial  Competitive  Organized Group  Vending

Effective Date 05/15/2016 Expiration Date 12/31/2023 (Terms greater than one year subject to annual authorization.)

Seasonal or other period of use limitations May 15 of every year through November 15 of ever year

Permit Fee Formula Commercial: Greater of \$105/year or 3% of gross revenue

Assigned Sites (commercial only):  None No. of Assigned Sites subject to fees \_\_\_\_\_

Special Area Fees Apply:  Yes  No

Special Area Fee \_\_\_\_\_

Minimum insurance coverage requirements Low Risk: \$300,000 per occurrence, \$600,000 annual aggregate

Permit is valid only if a current Certificate of Insurance that meets BLM specifications is on file with the issuing BLM Office.

Post use report due date(s) January 1st of ever year

Bond Requirement:  None Bond Amount \_\_\_\_\_

Purpose and activities authorized

Seasonal driving tours of BLM backroads with a maximum of 4 passengers in a 4 wheel drive pickup. Limited hiking opportunities.

Approved Area of Operation

Various counties and districts see attached maps of operation.

Certification of Information: I certify use of this permit will be as per the operations plan on file with BLM. I acknowledge I am required to comply with any conditions or stipulations required by the BLM including the General Terms listed on page two of this form and any additional stipulations which may be attached.

Additional Stipulations are attached:  Yes  No

Dale Sackett  
(Permittee Signature)

4-16-16  
(Date)

Approved and issued for the conduct of permitted activities and locations shown on this permit and in conformance with the operating plan. Permit is subject to General Terms and any additional stipulations attached.

Richard Vander Voet  
(BLM Authorized Officer Printed Name)

Richard Vander Voet  
(BLM Authorized Officer Signature)

4/26/16  
(Date)

## GENERAL TERMS

- a. The permittee shall comply with all Federal, State, and local laws; ordinances; regulations; orders; postings; or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP or permit). The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, and spectators.
- b. An SRP authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The authorized officer may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or because of non-compliance with permit stipulations. Actions by the BLM to suspend or terminate an SRP are appealable.
- c. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price, or compensation. The use of a permit as collateral is not recognized by the BLM.
- d. Unless expressly stated, the permit does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the federal land by other users. The United States reserves the right to use any part of the area for any purpose.
- e. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip or activity and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
- f. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.
- g. The permittee assumes responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous flora/fauna, abandoned mines, or other hazards that present risks for which the permittee assumes responsibility.
- h. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.
- i. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
- j. The permittee must present or display a copy of the SRP to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
- k. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three years after expiration of the permit.
- l. The permittee must submit a post-use report to the authorized officer according to the due dates shown on the permit. If the post-use report is not received by the established deadline, the permit will be suspended and/or late fees assessed.
- m. The permittee shall notify the authorized officer of any incident that occurs while involved in activities authorized by this permit, which result in death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 24 hours.

## BLM Wyoming Commercial Special Recreation Permit Terms and Conditions

Name of Company: Wyoming Backroad Tours LLC

SRP #: WY050-SRP-16-01

Applicable Lodging and Transportation Deductions: TBD

### n) General

- 1) Permits issued for more than one year are subject to annual validation. To secure validation the permit holder must:
  - i) Have performed satisfactorily under the terms and conditions of this permit,
  - ii) Ensure that all persons operating under the permit have obtained all required federal, state and local licenses or registrations,
  - iii) Have on file with the Lander Field Office (LFO) a current insurance certificate identifying the Department of the Interior, Bureau of Land Management as additionally insured as specified in stipulation *p*; and
  - iv) Have no outstanding, past due, or unpaid billing notices.
- 2) Permittees may not leave personal property unattended on public lands administered by the Bureau of Land Management for a period of more than 48 hours without written permission of the authorized officer, with the exception that vehicles may be parked in designated parking areas for up to 14 consecutive days. Unattended personal property is subject to disposition under the Federal Property and Administrative Services Act of 1949 as amended.
- 3) The permittee must maintain a current and correct list of employees who will be conducting services for the company on public land on file with the LFO. Persons providing services under this permit must be an employee of the permittee.
- 4) Placement of caches of supplies, food and/or equipment for future trips is not allowed unless specifically authorized.
- 5) This permit is for use of the BLM-administered public lands authorized on Form 2930-2, page 1. Rights of access to privately owned lands, state lands or federal lands under any jurisdiction other than the BLM are not granted or implied by this permit. Obtaining permission for access to or use of any of these lands is the sole responsibility of the permittee. Evidence that permission has been obtained to use private property must be available upon request.
- 6) Any changes to the activities or areas of operations must be approved by the authorized officer and documented in writing.
- 7) Issuance of a SRP does not authorize the permittee to have free use of BLM fee areas. The use of fee areas requires the payment of all fees as posted at each site.
- 8) Only signs authorized by the BLM in writing will be permitted on public lands.
- 9) The number of participants on and trip, including guides, may not exceed the number specified in the operating plan and permit.

Initial 

**o) Financial**

- 1) Post Use Reports must contain the following for each trip: dates, activity, location, gross income (does not apply to organized group permits), party size, vehicle/cart numbers, number of days, user days on BLM, and percent of time on BLM (Form WY 2932-06 or equivalent shall be used).
- 2) In reporting gross receipts, the outfitter will report all payments made by the customer, with the only exception being retail sales of durable goods that remain the property of the customer and have an expected service life extending beyond the guided activity.
- 3) Any deductions based on pre- and post-trip transportation and lodging expenses must be determined by the authorized officer and documented in the permit terms and conditions. Receipts documenting proof of payment must be submitted with the Post Use Report.
- 4) Fee Adjustment Factors for time off public land must be determined by the authorized officer and documented in the permit terms and conditions.
- 5) If payment of fees due is not received by the due date, then a late fee will be added to the permittee's bill.
  - i) The late fee will be assessed 15 days after the due date of the bill.
  - ii) The late fee is calculated at 10% of the amount due or \$25 whichever is greater, not to exceed \$250.
  - iii) If the late payment and bill are not paid within 15 days, a series of demand letters will be issued with additional interest (at the current Federal Reserve rate), administrative fees (\$15 per letter) and an administrative penalty of 6% of the principle amount due.
  - iv) After 180 days, if the bill has not been paid, then it is turned over to the U.S. Treasury Department for collection.
  - v) Any bill that has accrued late fees or interest is paid applying the money collected first to interest and penalties, then to principle.

**p) Insurance**

- 1) At minimum, the permittee shall have in force public liability insurance in the appropriate amount as shown on the permit.
- 2) The policy shall state that the insurance company shall have no right of subornation against the United States of America.
- 3) Such insurance must name the U.S. Department of the Interior, Bureau of Land Management as additionally insured and provide for specific coverage of the permittee's contractually assumed obligation to indemnify the United States.
- 4) The policy shall stipulate that the authorized officer of the Bureau of Land Management shall be notified 30 days in advance of the termination or modification of the policy.
- 5) The permit is not valid unless the permittee maintains a current authenticated certificate of the required insurance on file with the office issuing the permit.
- 6) The permittee shall indemnify and hold harmless the United States against any responsibility or liability for damage, death, injury or loss to persons and property which may occur during the permitted use period or as a result of such use.

Initial *DRS*

- 7) The name of the insured on the insurance policy must be the same as the name on the permit. Those permittees holding insurance policies which only insure the permittee and not the permittee's employees must ensure that their employees also have the required insurance in effect, and that a certificate of insurance is furnished to the authorized officer.
  - 8) The insurance need only be valid during periods of actual use.
- q) **Safety and Equipment**
- 1) Every person serving as a guide on public land must at a minimum be trained and currently certified in Basic First Aid and CPR. Documentation must be on file at the permittee's headquarters and be available for BLM review if necessary.
  - 2) The following equipment must be carried on all commercial trips:
    - i) A first aid kit adequate to accommodate each activity, group or subgroup
    - ii) Adequate repair kits and spare supplies appropriate for the trip and activity
  - 3) Unless specifically authorized in the permit, the discharge of firearms is allowed only for legal pursuit of game animals by a licensed hunter.
  - 4) The use of explosives and fireworks is prohibited.
- r) **Environmental and Resource Protection**
- 1) All trips must conform to *Leave No Trace* (LNT) and *Tread Lightly* principles.
  - 2) The discovery of any cultural and/or paleontological resources by the permittee, his employees, or his clients on public lands shall be reported immediately to the authorized officer.
    - i) Operations affecting the resource shall be suspended until written authorization to proceed is issued by the authorized officer.
  - 3) **Camping**
    - i) The permittee will only establish basecamps when specifically authorized in the permit.
    - ii) Campsite construction is prohibited in/with/or near stone features such as stone circles, rock cairns, or effigies.
    - iii) Camping is prohibited near rock art and/or historic structures.
    - iv) Camping at any one progressive (primitive/undeveloped) site is limited to two days.
    - v) No camping is permitted within 200 feet of streams or other water sources.
    - vi) No camping is permitted within 200 feet of a known prehistoric or historic site.
    - vii) Camps and day-use areas will be maintained in a neat and clean condition with no litter.
    - viii) Use of water sources, including reservoirs and water developments, must be done in a manner that does not prevent livestock and wildlife from having unrestricted access to water.
    - ix) Any camps that remain in one spot for 14 days shall move to a new location on day 15 and establish a new camp.

- 4) Waste
  - i) Solid human waste shall be disposed of using a cathole (4" wide by 6" deep), slit trench (at least 6" deep), or portable toilet. Catholes and trenches must be located at least 200 feet from water sources.
  - ii) Urine shall be dispersed.
  - iii) Dishwater and bathwater shall be dispersed at least 100 feet from any water source, unless in bear habitat when grey water shall be poured into a sump.
  - iv) All forms of refuse must be removed from public land including but not limited to cans, plastic, paper, food waste, grease, micro trash, and cigarette butts.
- 5) Use of Fires
  - i) All applicable fire restrictions and orders must be followed.
  - ii) Fires shall only be used in existing fire rings, portable fire pans, or by using a LNT fire mound.
  - iii) Use of dead and down wood is permitted.
  - iv) Gathering wood from standing trees, live or dead, is prohibited.
  - v) Fuel wood piles shall be scattered before leaving the site.
- 6) Use of Livestock
  - i) Livestock use must be specifically provided for in the permit.
  - ii) All riding and pack animals must be fed certified weed-free feed for 48 hours in advance of and for the duration of the trip on public lands.
  - iii) Riding and pack animals may not be tied to live trees for more than one hour.
  - iv) Livestock shall not be tied, hobbled or picketed for more than one hour within 200 feet of a natural water source other than perennial streams.
  - v) Permittees may not clean out stock trucks or trailers onto public land.
  - vi) All animals will be under control en route to and in camp to protect wildlife, other livestock and range forage.
  - vii) Prior authorization is required for use of corrals located on public lands.
  - viii) Lost or dead animals shall be reported within 48 hours. An appropriate response will be determined in coordination with the authorized officer.
- s) **Wildlife Protection**
  - 1) The permittee will be aware of and provide to their employees and clients, information on the protected status of grizzly bears and on appropriate personal safety measures and behavior in grizzly bear habitat. This includes information on how to avoid grizzly/human conflicts, assessment of risks/probabilities, and recommended action in surprise encounter situations. This information is available from the BLM Lander Field Office, local USDA Forest Service office, National Park Service offices, and Wyoming Game & Fish Department offices.
  - 2) Food Storage in Bear Country – all human, livestock, and pet foods, beverages, trash and game meat must be stored to make it unavailable to bears both overnight and during the day. The following are options for storage.
    - i) Approved bear resistant panniers
    - ii) Approved bear resistant storage boxes

Initial *DRS*

- iii) Approved platforms
  - iv) Approved suspension poles or trees – items must be hung 10 feet off of the ground, four feet from the tree trunk or other branches, and shall be located a minimum of 100 yards from any sleeping area, trail, or recreation site.
  - v) Enclosed vehicles
- 3) All livestock and game carcasses shall be packed, dragged or otherwise transported to a location a minimum of ½ mile from any sleeping tent or area, developed road, trails, or recreation site.
  - 4) Any livestock death shall be reported to the authorized officer within 48 hours.
  - 5) All grizzly bear and gray wolf sightings and potential or existing human/animal conflict situations must be reported to the authorized officer within 48 hours.
- t) **Motorized Vehicle Use**
- 1) The use of motorized vehicles including 4x4s, ATVs, UTVs and motorcycles are limited to existing roads and trails.
  - 2) All BLM roads within the Lander Field Office require either a license plate or Wyoming Trails decal for operating an Off-Highway Vehicle.
  - 3) The use of motorized vehicles for game retrieval is allowed up to 300 feet only if resource damage (i.e. ruts, erosion, vegetation trampling, etc.) will not occur as a result of the use.
- u) **Additional Stipulations**
- 1) The New SRP will be held on a probationary status for the first three years. After the three year period with no permit issues, the permit will then roll forward for a continuing five years.
  - 2) Limited hiking opportunities are authorized to 45 minutes or less. If longer hiking trips are needed, an operating plan needs to be submitted for this additional activity.
  - 3) Additional Stipulations from the forest service are included with this permit and must be adhered to for travel on the authorized Forest Service Sections.
  - 4) Roads will not be used if travel will create ruts. In the event of poor road conditions, it is the permittees responsibility to cancel or adjust trips as necessary to avoid road damage.
  - 5) All road closures and seasonal closures must be followed. For instance Tour 4 Limestone Mtn Loop has a couple of seasonal closures. The first closure is the county road that runs Red Canyon. The second closure is everything off the county road till June 15<sup>th</sup> of every year.

Signature of Permittee: Dale Sackett Date: 4-16-16

Printed Name of Permittee: Dale Sackett

Initial DRS

Signature of BLM Officer: Richard Vander Voet Date: 4/26/16

Printed Name of BLM Officer: Richard Vander Voet Lander Field Manager

Initial \_\_\_\_\_

Forest  
Service

Pinedale Ranger District

29 East Fremont Lake Road  
P.O. Box 220  
Pinedale, WY 82941RECEIVED  
APR 21 2016  
LANDER FIELD  
OFFICE

File Code: 2700

Date: January 27, 2016

Michael Coyne, BLM – Lander Office

Dear Mr. Coyne:

This letter serves as authorization for Mr. Dale Sackett to utilize Forest Road 37-899 (per attached maps), in the southern portion of the Pinedale Ranger District, Bridger-Teton National Forest for the purpose of providing an outfitter-guide touring service during the summer and fall months under a BLM Special Recreation Permit.

This authorization is subject to the following stipulations:

1. This use will be authorized from 6/1/16 through 11/15/16. The authorized use is for one tour vehicle up to two times per week on FS Road 37-899. No motorized use is authorized off this road. This use will be re-evaluated at the end of 2016 to determine if the use of this road will continue to be authorized in out-years.
2. This authorization is solely contingent upon Mr. Sackett obtaining and maintaining a Special Recreation Permit with the BLM. If the BLM permit terminates, authorization for use of this road for this purpose also terminates.
3. This authorization requires the U.S. Forest Service to be shown as Additional Insured, with a Certificate of Insurance or other documentation of insurance sent by the insurer to the following address: Pinedale Ranger District, P.O. Box 220, Pinedale, WY, 82941.
4. This authorization is subject to immediate suspension or termination if physical or safety conditions warrant (as a result of this authorized use or other factors such as erosion, overuse by cumulative vehicular traffic, etc.).
5. The permit holder is encouraged to assist the Forest Service in maintaining these two routes and/or report concerns, recommendations, or questions related to this authorized use.
6. All U.S. Forest Service regulations apply while the permit holder is on the National Forest, including adherence to Food Storage requirements within bear country per attached information.

We look forward to working with the BLM and permit holder regarding this outfitter-guide touring service. Please contact Cindy Stein at 307-367-5717 ([cstein@fs.fed.us](mailto:cstein@fs.fed.us)) if you have any questions or require further information regarding this topic.

Sincerely,

s/ROB HOELSCHER  
Pinedale District Ranger

Order Number 04-00-104

**United States Department of Agriculture  
Forest Service  
Rocky Mountain Region—Shoshone National Forest  
Intermountain Region—Bridger-Teton National Forest**

**OCCUPANCY AND USE RESTRICTIONS**

For the purpose of minimizing adverse interactions between bears and humans and pursuant to Title 36 Code of Federal Regulations (CFR), 261.50 (a) and (b), the following uses are restricted in those areas of the Shoshone National Forest and the Bridger-Teton National Forest as shown on the attached map (Exhibit B) and hereby made part of this Order. Also attached, and hereby made part of this Order, are Definitions (Exhibit A) of terms used in support of the restrictions. This Order is effective March 1 through December 1, annually, until rescinded.

1. Possessing or storing any food or refuse, as specified in the Order (36 CFR 261.58 (cc)).
2. Possessing, storing, or transporting any bird, fish, or other animal, or parts thereof, as specified in the Order (36 CFR 261.58 (s)).
3. Camping as specified in the Order (36 CFR 261.58 (e)).

**UNDER THIS ORDER IT IS REQUIRED THAT**

1. All food and refuse must be acceptably stored or acceptably possessed during daytime hours.
2. All food and refuse must be acceptably stored during nighttime hours, unless it is being prepared for eating, being eaten, being transported, or being prepared for acceptable storage.
3. Any harvested animal carcass must be acceptably stored, unless the carcass is being field dressed, transported, being prepared for eating, or being prepared for acceptable storage.
4. Camping or sleeping areas must be established at least ½ mile from a known animal carcass or at least 100 yards from an acceptably stored animal carcass.

**EXEMPTIONS**

Pursuant to 36 CFR 261.50 (e) the following persons are exempt from this Order:

1. Persons with a permit issued by the Forest Supervisor specifically exempting them from the effect of this Order.
2. Persons in the act of placing black bear baits for the lawful purpose of hunting black bears under state law and regulation.
3. Any Federal or State officer placing baits to capture animals for research or management purposes as part of their official duties.

Order Number 04-00-104

These restrictions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A. This Order supersedes any previous Order prohibiting or restricting the same, or similar, acts in the above-described areas.

Done this day 12 of December, 2004.

/s/ Rick Cables

/s/ Jack Troyer

RICK CABLES

JACK TROYER

Regional Forester

Regional Forester

Rocky Mountain Region

Intermountain Region

Any violation of these prohibitions is punishable by a fine of not more than \$5,000.00 for an individual or \$10,000.00 for an organization, and/or imprisonment for not more than six (6) months, or both (Title 16 USC 551, Title 18 USC 3571 (b)(6), Title 18 USC 3581 (b)(7)).

## Order No. 04-00-104

**Exhibit A****Occupancy and Use Order No. 04-00-104  
Special Order—Food Storage and Sanitation  
Definitions**

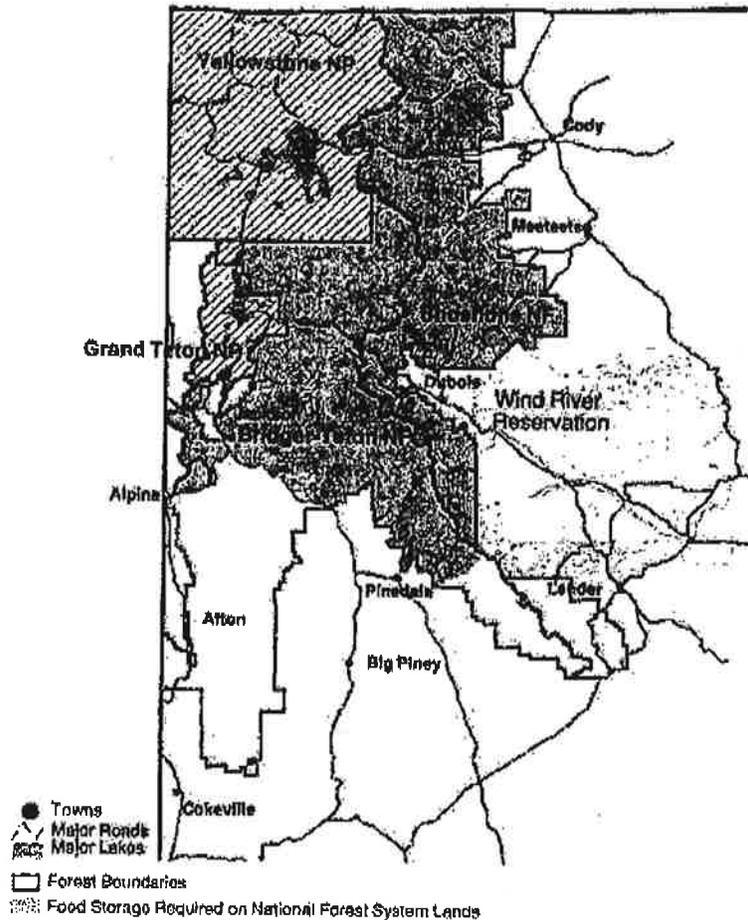
1. "Food and Refuse" means any substance, solid or liquid (excluding water, baled hay, or hay cubes without additives) or refuse, which is or may be eaten or otherwise taken into the body to sustain health or life, provide energy, or promote growth of any person or animal. Also includes items such as soft drinks, alcoholic beverages, canned foods, pet foods, processed livestock feed and grains, personal hygiene products, and empty food and beverage containers.
2. "Animal carcass" means the dead body or parts thereof, of any harvested mammal, bird, or fish, including the head or skull plate with antlers or horns and hide or cape of big game animals and any domestic livestock that may be found in the restricted area. Packaged or prepared animal carcass products transported into the restricted area for consumption, game birds, small mammals, or fish harvested for consumption in the restricted area are considered food under the previous definition.
3. "Acceptably stored" means:
  - a. Stored in bear-resistant container certified through the Interagency Grizzly Bear Committee Courtesy Inspection Program. A container may be certified by the local district ranger or their designated representative(s) if it meets the IGBC criteria, or
  - b. Stored in a closed vehicle where the storage compartment is constructed of solid, non-pliable material that, when secured, will have no openings, hinges, lids, or coverings that would allow a bear to gain entry by breaking, bending, tearing, biting, or pulling with its claws (any windows in the vehicle must be closed), or
  - c. Suspended at least 10 feet clear of the ground at all points and four feet horizontally from any supporting tree or pole, or
  - d. Stored within a hard-sided residence, building, or storage container subject to the terms and conditions of a special-use authorization or operating plan, or
  - e. Stored by other methods approved in a permit issued by the forest supervisor responsible for the area where the method is proposed for use.
  - f. For animal carcasses: stored as per 3. a-c when located from 100 yards to ½ mile of a camping or sleeping area or within 200 yards of a National Forest System Trail. Animal carcasses are not considered acceptably stored when within 100 yards of a camping or sleeping area or National Forest System Trail. Animal carcasses more than ½ mile from a camping or sleeping area and more than 200 yards from a National Forest System Trail may be left on the ground.
  - g. Animal carcasses killed or harvested (and parts thereof) within ½ mile of any established camping area or sleeping area must be acceptably stored, possessed, or moved to a distance beyond ½ mile from any such camp or sleeping area by the party(-ies) responsible for killing or harvesting such mammal.
4. "Acceptably possessed" means:
  - a. Possessed or attended during daytime by a person(s) that is physically present within 100 feet and direct sight of the accessible food, or
  - b. Possessed or attended by such a person(s) for the purpose of field dressing lawfully taken animal carcasses, transporting any food or animal carcass, preparing any animal carcass or food for eating, or eating any food.

## Order No. 04-00-104

5. "Camping/sleeping area" means National Forest System Lands temporarily used for the purpose of overnight occupancy without a permanently fixed structure or lands temporarily occupied by unattended camping equipment.
6. "Daytime" means  $\frac{1}{2}$  hour before sunrise to  $\frac{1}{2}$  hour after sunset, Mountain Time.
7. "Night time" means  $\frac{1}{2}$  hour after sunset to  $\frac{1}{2}$  hour before sunrise, Mountain Time.
8. "National Forest System Trail" means a trail wholly or partly within, or adjacent to, and serving a part of the National Forest System and which has been included in a forest recreation map.

Order No. 04-00-104

Exhibit B  
Occupancy and Use Order No. 04-00-104  
Special Order—Food Storage and Sanitation  
Area of Application



**WESTERN BOUNDARY:** North from Alpine along divide of Snake River Range from Dry Gulch to Ferry Peak summit, along top of divide to Deadhorse Peak and north along Targhee-Bridger-Teton Forest boundary.

**SOUTHERN BOUNDARY:** The expanded food storage boundary on the Bridger-Teton National Forest begins on the southwest at the south side of the confluence of the Snake and Greys Rivers. It then runs east and north along the Snake River corridor, including that area ½ mile south and east of the river itself, to the junction with the Hoback River. At Hoback Junction the area covered by the food storage order runs east along the Hoback River corridor, also including that area up to ½ mile south of the river, to where the Hoback River leaves U.S. 189/191. From there the food storage order applies north of the U.S. 189/191 corridor, also including that area up to ½ mile south of the highway and running east to the Forest boundary in T37N, R111W, Section 32 (The Rim). From there the boundary runs northeast along the Forest boundary to the Green River, then southeast along the Forest boundary to Boulder Creek, then east and north along the south side of Boulder Creek to Pipestone Creek, then north along the south side of Pipestone Creek to Lake Prue, then northeast along the south side of Europe Canyon to the Continental Divide.

**SPECIAL USE PERMIT ISSUED BY  
WYOMING GAME AND FISH COMMISSION  
TO  
DALE SACKETT**

1. **Parties.** This Special Use Permit (Permit) for Whiskey Basin Wildlife Habitat Management Area (WHMA) and Red Canyon WHMA, is hereby issued by the Wyoming Game and Fish Commission, by and through the Wyoming Game and Fish Department (Agency), whose address is: 5400 Bishop Boulevard, Cheyenne, WY 82006, to Dale Sackett (Permittee), whose address is: 6552 Riverview Road, Riverton, WY 82501.
2. **Purpose of Permit.** The sole activity authorized under this Permit is conducting driving tours on established roads within the WHMAs.
3. **Location of Activity.** Subject to the terms and conditions set forth in this Permit, the Agency hereby grants to Permittee restricted use of the following described area:

Whiskey Basin WHMA

Township 41 North, Range 106 West, Fremont County, WY  
Sections: 28 and 33

Township 40 North, Range 106 West, Fremont County, WY  
Sections: 3, 10, and 15

Red Canyon WHMA

Township 30 North, Range 99 West, Fremont County, WY  
Sections: 3 and 4

See also Attachment A, Whiskey Basin Map, and Attachment B, Red Canyon Map, attached hereto and incorporated herein for illustrations of the roads permitted for driving tours.

4. **Term of Permit.** This Permit is effective when all parties have executed it and all required approvals have been granted (Effective Date). The term of the Permit is from June 15, 2016 through November 16, 2016. This Permit cannot be automatically renewed.
5. **Responsibilities of Permittee.** Permittee agrees to the following terms and conditions of this Permit:
  - A. All participants, representatives, employees or administrators of Permittee's above-authorized use are bound by the terms and conditions of this Permit.
  - B. This Permit cannot be transferred by Permittee, wholly or in part.

- C. The use of the permitted area(s) or any part thereof for any unlawful or immoral purposes whatsoever is expressly prohibited. and Permittee shall hold the Agency harmless from any and all liens, fines, damages, penalties, forfeitures, or judgments in any manner accruing by reason of the use or occupancy of the permitted area(s) by Permittee.
- D. Permittee's use of the property will not result in any adverse impact to the purpose for which the property was acquired. big game winter range and big horn sheep habitat, as the property was purchased in part with Federal Assistance funds.
- E. Nothing in this Permit authorizes the construction of improvements of any kind except those specifically authorized by the Agency.
- F. The breach of any condition contained in this Permit will work as a full and final termination of the permitted use. and Permittee shall immediately vacate and surrender possession of the permitted area(s) in the event of any breach of this Permit.
- G. There will be absolutely no harassment of wildlife on the permitted area(s) as well as all surrounding areas.
- H. Permittee shall use only established and authorized roads and only when roads are in dry conditions to minimize impact.
- I. Permittee covenants and agrees that any damage or disturbance to the WHMAs caused by the tours shall be repaired at the Permittee's expense and according to the Agency's specifications.
- J. Permittee will remove all trash and leave the permitted area(s) in neat and clean condition.
- K. Permittee will contact the Agency's liaison. Brian Parker. Habitat and Access Biologist. Lander Region, (307) 332-7723 extension 231, prior to Permittee's use of the permitted area(s).
- L. Any use or activity beyond the scope of this permit must be approved in writing in advance by the Agency.
- M. Campfires are only allowed when Agency fire bans for the region are not in place. Permittee is responsible for checking with the local Agency office to ascertain whether a fire ban is in place. Fires must be kept in designated fire-pits and fully extinguished. Fires must not be left unaccompanied at any time.

- N. Permittee acknowledges that this permit does not grant permission to traverse roads that are not owned by the Commission and contained within the WHMAs.

6. **General Provisions.**

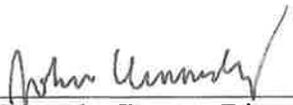
- A. **Applicable Law/Venue.** The construction, interpretation, and enforcement of this Permit shall be governed by the laws of the State of Wyoming. The Courts of the State of Wyoming shall have jurisdiction over this Permit and the parties, and the venue shall be the First Judicial District, Laramie County, Wyoming.
- B. **Entirety of Permit.** This Permit, consisting of five (5) pages; Attachment A, Whiskey Basin Map, consisting of one (1) page; and Attachment B, Red Canyon Map, consisting of one (1) page; represent the entire and integrated agreement between the parties and supersede all prior negotiations, representations and agreements, whether written or oral.
- C. **Indemnification.** Permittee shall indemnify, defend, and hold harmless the State, the Agency, and their officers, agents, employees, successors, and assignees from any and all claims, lawsuits, losses, and liability arising out of Permittee's failure to perform any of Permittee's duties and obligations.
- D. **Nondiscrimination.** Permittee shall comply with the Civil Rights Act of 1964, Presidential Executive Order 11246 entitled, "Equal Employment Opportunity," as amended by Presidential Executive Order 11375 and as supplemented in the Department of Labor Regulations (41 CFR part 60), the Wyoming Fair Employment Practices Act (Wyo. Stat. §27-9-105 et seq.), the Americans with Disabilities Act (ADA), 42 U.S.C. §12101, et seq., Section 504 of the Rehabilitation Act of 1973, Title II of the Americans With disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975 and/or any properly promulgated rules and regulations thereto and shall not discriminate against any individual on the grounds of age, sex, color, race, religion, national origin, or disability in connection with the performance under this Permit.
- E. **Sovereign Immunity.** The State of Wyoming and Agency do not waive sovereign immunity by entering into this Permit and specifically retain all immunities and defenses available to them as sovereigns pursuant to Wyo. Stat. § 1-39-104(a) and all other applicable law. Designations of venue, choice of law and similar provisions should not be construed as a waiver of sovereign immunity. Any ambiguity in this Permit shall not be strictly construed, either against or for either party, except that any ambiguity as to sovereign immunity shall be construed in favor of sovereign immunity.
- F. **Third Party Beneficiary Rights.** The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this Permit shall not be construed so as to create such status. The rights, duties, and obligations contained in this Permit shall operate only between the parties to this Permit and

shall inure solely to the benefit of the parties to this Permit. The provisions of this Permit are intended only to assist the parties in determining and performing their obligations under this Permit.

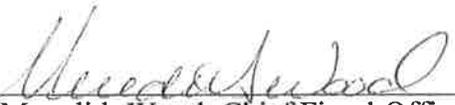
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7. **Signatures.** This Permit is granted and accepted subject to the conditions set forth herein, and the exercise of any privileges granted herein constitutes acceptance of all conditions and terms of this Permit. The parties to this Permit, either personally or through their duly authorized representatives, have executed this Permit on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this Permit.

**WYOMING GAME AND FISH COMMISSION**

  
\_\_\_\_\_  
John Kennedy, Deputy Director  
Wyoming Game and Fish Department

3/2/16  
Date

  
\_\_\_\_\_  
Meredith Wood, Chief Fiscal Officer

3-1-16  
Date

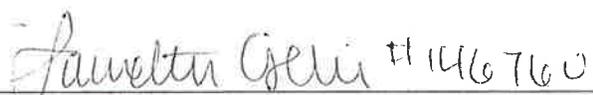
**PERMITTEE:**  
Dale Sackett

  
\_\_\_\_\_  
Dale Sackett

2-23-16  
Date

6552 Riverview Rd., Riverton, WY 82501  
47-4328475  
Tax ID No.

**ATTORNEY GENERAL'S OFFICE: APPROVAL AS TO FORM**

  
\_\_\_\_\_  
Samantha Caselli, Assistant Attorney General

2/17/16  
Date



ATTACHMENT 3: MAPS

# Tour 1 Beaver Rim

- Wyoming Backroad Tours
- Approved Routes
- Surface Own State
- Surface
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- Fish & Wildlife
- Forest Service
- Private
- State
- Wyoming Game & Fish Dept.
- Water



Date: 4/13/2016

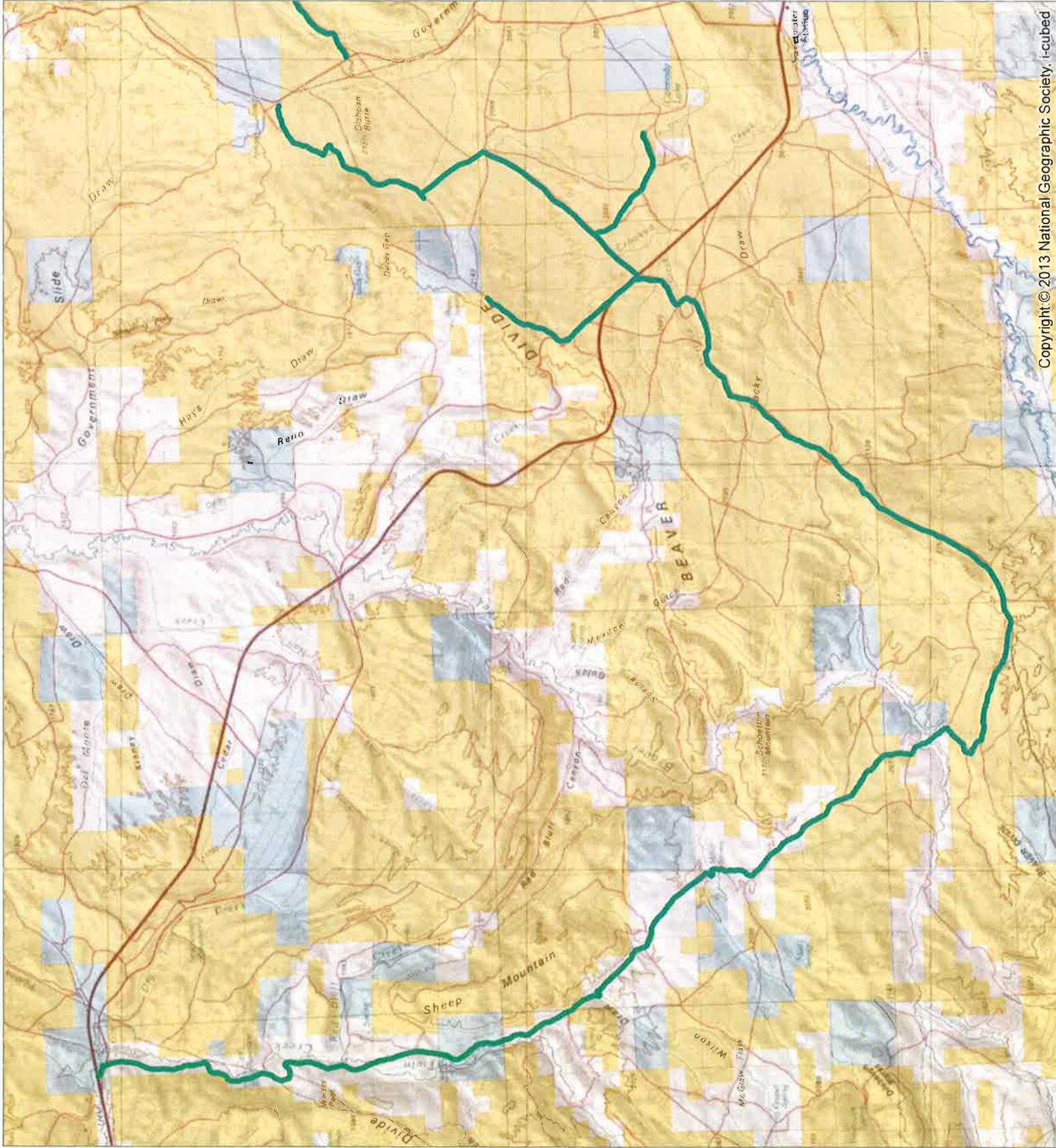
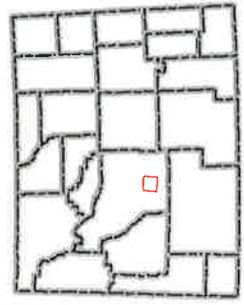
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# Tour 2 Beaver Rim Twin Creek Rd

- Wyoming Backroad Tours
- Approved Routes
- Surface
- State
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- Fish & Wildlife
- Forest Service
- Private
- State
- Wyoming Game & Fish Dept.
- Water

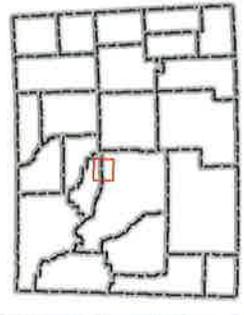


Date: 4/13/2016

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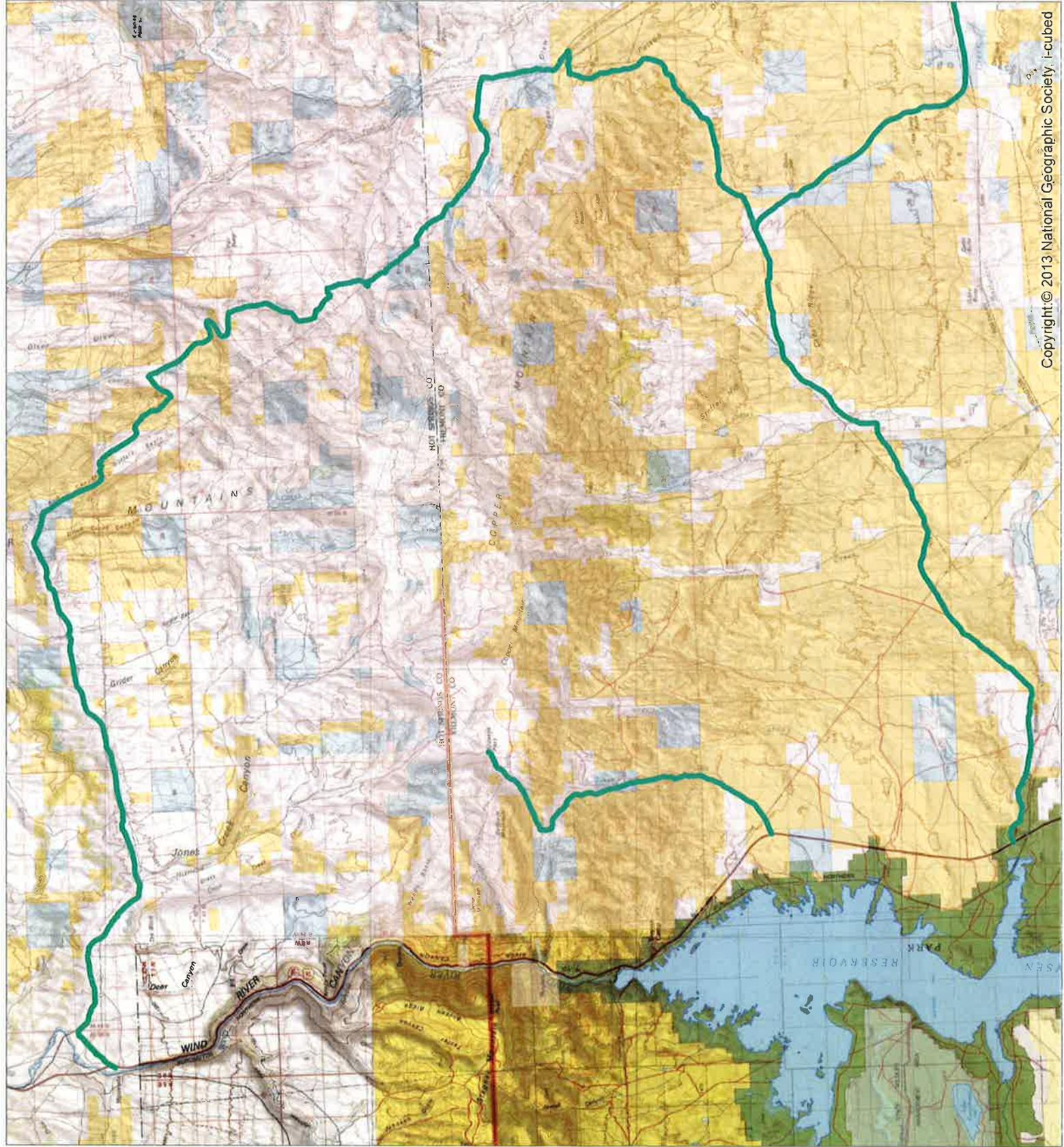
# Tour 3 Copper Mtn Loop

- Wyoming Backroad Tours
- Approved Routes
- Surface Own State
- Surface
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- Fish & Wildlife
- Forest Service
- Private
- State
- Wyoming Game & Fish Dept.
- Water



Date: 4/13/2016

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# Tour 4 Limestone Mtn Loop

- Wyoming Backroad Tours**
- Approved Routes
  - Surface
  - State
  - Bureau of Indian Affairs
  - Bureau of Land Management
  - Bureau of Reclamation
  - Fish & Wildlife
  - Forest Service
  - Private
  - State
  - Wyoming Game & Fish Dept.
  - Water



Date: 4/13/2016

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