National Elk Refuge

Policy for Commercially Guided Trips

DEFINITION

All commercial operations on the National Elk Refuge (NER) require a special use permit. A commercially guided trip refers to any person or company transporting or accompanying customers, for business or financial gain, to provide interpretation, wildlife viewing, or other activities as a recreational use of public lands and related waters.

NER SUPPORTING DOCUMENTATION

A Comprehensive Conservation Plan (CCP) for the NER was signed on September 18, 2015. The management plan provides for a means to require a flat fee for special use permits related to commercially guided trips and other commercial activities.

INITIAL REQUESTS AT THE NER

When the NER receives a request for a special use permit to operate commercially guided trips, the individual will be sent Standard FWS Form 3-1383-C, 05/14.

A $200 processing fee must accompany the returned application. The check should be made out to the U.S. Fish & Wildlife Service and sent to the Refuge administrative offices or dropped off with the application. This covers the costs incurred as a result of receiving, processing, and regulating the permit request. This fee is commensurate with processing fees assessed for commercial filming permits.

Permittees requesting to renew a permit from the previous season will not have to fill out the FWS Form 3-1383-C, 05/14. Instead, they will need to reference the previous season's permit number; confirm their business name, mailing address, and contact information; and send in or drop off the $200 processing fee.

Permits may not be transferred or reassigned without the consent of the Refuge Manager. When a business is sold or under new management, a former special use permit is no longer valid. The new business owner or manager must reapply for a special use permit.

New applicants must give Refuge staff five (5) business days to process a special use permit. Any special use permit requests made within a shorter time frame may not be accommodated; an additional $100 fee will be assessed for expedited requests that are honored. A new request from a company that has not previously offered trips onto the Refuge may be required to wait until the following season in order to attend a mandatory pre–season meeting (see page 2).

The NER currently does not have restrictions on the number of special use permits that can be issued for commercially guided trips. If the NER does decide it's necessary to limit the number of commercial companies operating on the Refuge, the Outdoor Recreation Planner (ORP) will create a document outlining the procedure to determine which companies will be awarded special use permits.

DENYING AN NER PERMIT REQUEST

The NER can deny a permit if it's determined the activity would likely:

- cause resource damage
- unreasonably disrupt or conflict with the public's use and enjoyment of the site
- pose health or safety risks to the public
- be inappropriate or incompatible with the purpose of the Refuge
- cause unacceptable stress to wildlife
- violate the Endangered Species Act or other applicable Federal, State, or local law or regulations

A permit can be denied or revoked based on any previous incident with a permittee operating on the NER or because of a permittee's failure to comply with any regulations or required documentation.

If a permit request is denied or revoked, the Refuge's ORP or Refuge representative will contact the applicant and state the reason the permit was not approved. A letter, signed by the Refuge Manager, will also be sent if requested by the applicant.

APPROVING AN NER PERMIT REQUEST

The ORP or Refuge representative will work with the permittee to finalize the special use permit, which will include permit terms and conditions specific to the commercial operation.

The permittee is responsible for submitting a Certificate of Insurance, valid for the duration of the special use permit, that includes the following:

- liability insurance for a minimum of $1,000,000 each occurrence and $2,000,000 aggregate
- property damage for a minimum of $10,000 each occurrence and $25,000 aggregate for property damage
- names the United States of America as an additional insured

The Refuge Manager will sign the special use permit when it's finalized,

approving both the activity and the special conditions. The $200 processing fee and current Certificate of Insurance must be on file before the permit is issued.

MANDATORY ANNUAL MEETING

Permittees will need to attend, or send a representative, to a mandatory annual meeting of all permittees issued a permit for the same activity. This gives the Refuge staff an efficient and thorough means to address key interpretive messages, provide updates on management policies, reinforce the terms and conditions of the permit, address concerns, and answer questions.

OTHER SPECIAL CONDITIONS

A document outlining any reasonable terms and conditions for operation will be attached to the permit. A violation of any of the special conditions may result in the permit being revoked, effective immediately, or denied for the following year. A permittee may also face prosecution for a violation.

If the Certificate of Insurance expires during the permittee's designated operational period, the permit will be invalid, beginning on the first day of lapsed coverage. The permit will remain invalid until an updated Certificate of Insurance is presented to the ORP or Refuge representative.

DEPOSIT AND USE OF REVENUE

The Refuge Manager will designate an account for depositing checks received from permittees operating commercially guided trips. The money will be deposited into a Recreation Fee account and used primarily for one of the following purposes:

- backlogged repair and maintenance projects, including those related directly to health and safety
- interpretation, signage, habitat, or facility enhancement
- resource preservation
- maintenance
- law enforcement related to public use and recreation