

Authorization ID: GAR222001
Contact ID: MFWP
Expiration Date: 12/31/2020
Use Code: 222

FS-2700-4 (03/06)
OMB 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE
Forest Service
SPECIAL USE PERMIT
AUTHORITY:**

**ORGANIC ADMINISTRATION ACT June 4, 1897, FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED
October 21, 1976**

Montana Department of Fish Wildlife & Parks of 1400 S. 19th, Bozeman, MT 59718 (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Gallatin National Forest, Gardiner Ranger District.

This permit covers approximately thirty-two hundredths (0.32) acres and is described as: SE¼ Section 14, T8S, R7E, PMM Montana as shown on the location map (**Exhibit A**) attached to and made a part of this permit, and is issued for the purpose of:

Exercising State authority to manage bison in accordance with the Interagency Bison Management Plan and Exhibit B—Construction, Operation and Maintenance Plan which will be reviewed annually and made a part of this permit. Specifically, the Holder is authorized to construct and maintain a bison corridor fence approximately six hundred ninety-five (695) feet in length within a twenty (20)-foot right-of-way. The fence will consist of eight (8)-foot wooden posts; three (3) feet below ground and five (5) feet above ground spaced at twenty (20)-foot intervals, supporting four (4) strands of hi tensile strength smooth wire. The second and top wires will be electrified by direct alternating current. The period of electrical operation will be restricted to coincide with typical dates when bison are present; during periods of non-operation, fence wires will be let down.

The above described or defined area shall be referred to herein as the "permit area".

Exhibit C—Grizzly Bear Management and Protection Plan (Occupancy and Use Order #07-11-00-01) is also attached hereto and made a part of this permit.

TERMS AND CONDITIONS

I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

2025

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.

E. Existing Rights. This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.

F. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

G. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

H. Assignability. This permit is not assignable or transferable. If the holder through death, voluntary sale or transfer, enforcement of contract, foreclosure, or other valid legal proceeding ceases to be the owner of the improvements, this permit shall terminate.

I. Permit Limitations. Nothing in this permit allows or implies permission to build or maintain any structure or facility, or to conduct any activity unless specifically provided for in this permit. Any use not specifically identified in this permit must be approved by the authorized officer in the form of a new permit or permit amendment.

II. TENURE AND ISSUANCE OF A NEW PERMIT

A. Expiration at the End of the Authorized Period. This permit will expire at midnight on **12/31/2020**. Expiration shall occur by operation of law and shall not require notice, any decision document, or any environmental analysis or other documentation.

B. Minimum Use or Occupancy of the Permit Area. Use or occupancy of the permit area shall be exercised at least 365 days each year, unless otherwise authorized in writing under additional terms of this permit.

C. Notification to Authorized Officer. If the holder desires issuance of a new permit after expiration, the holder shall notify the authorized officer in writing not less than six (6) months prior to the expiration date of this permit.

D. Conditions for Issuance of a New Permit. At the expiration or termination of an existing permit, a new permit may be issued to the holder of the previous permit or to a new holder subject to the following conditions:

1. The authorized use is compatible with the land use allocation in the Forest Land and Resource Management Plan.
2. The permit area is being used for the purposes previously authorized.
3. The permit area is being operated and maintained in accordance with the provisions of the permit.
4. The holder has shown previous good faith compliance with the terms and conditions of all prior or other existing permits, and has not engaged in any activity or transaction contrary to Federal contracts, permits laws, or regulations.

E. Discretion of Forest Service. Notwithstanding any provisions of any prior or other permit, the authorized officer may prescribe new terms, conditions, and stipulations when a new permit is issued. The decision whether to issue a new permit to a holder or successor in interest is at the absolute discretion of the Forest Service.

F. Construction. Any construction authorized by this permit **may commence by November/December, 2009 and shall be completed by 01/15/2010**. If construction is not completed within the prescribed time, this permit may be revoked or suspended.

III. RESPONSIBILITIES OF THE HOLDER

A. Compliance with Laws, Regulations, and other Legal Requirements. The holder shall comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation, and maintenance of any facility, improvement, or equipment on the property.

B. Plans. Plans for development, layout, construction, reconstruction, or alteration of improvements on the permit area, as well as revisions of such plans, must be prepared by a qualified individual acceptable to the authorized officer and shall be approved in writing prior to commencement of work. The holder may be required to furnish as-built plans, maps, or surveys, or other similar information, upon completion of construction.

C. Maintenance. The holder shall maintain the improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. If requested, the holder shall comply with inspection requirements deemed appropriate by the authorized officer.

D. Hazard Analysis. The holder has a continuing responsibility to identify all hazardous conditions on the permit area which would affect the improvements, resources, or pose a risk of injury to individuals. Any non-emergency actions to abate such hazards shall be performed after consultation with the authorized officer. In emergency situations, the holder shall notify the authorized officer of its actions as soon as possible, but not more than 48 hours, after such actions have been taken.

E. Change of Address. The holder shall immediately notify the authorized officer of a change in address.

F. Change in Ownership. This permit is not assignable and terminates upon change of ownership of the improvements or control of the business entity. The holder shall immediately notify the authorized officer when a change in ownership or control of business entity is pending. Notification by the present holder and potential owner shall be executed using Form SF-299 Application for Transportation and Utility Systems and Facilities of Federal Lands, or Form FS-2700-3a, Holder Initiated Revocation of Existing Authorization, Request for a Special Use Permit. Upon receipt of the proper documentation, the authorized officer may issue a permit to the party who acquires ownership of, or a controlling interest in, the improvements or business entity.

IV. LIABILITY

For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

B. The holder shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the holder's use or occupancy of the property. The holder's indemnification of the United States shall include any loss by personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this permit. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this authorization, regardless of cause.

C. The holder has an affirmative duty to protect from damage the land, property, and interests of the United States.

D. In the event of any breach of the conditions of this authorization by the holder, the authorized officer may, on reasonable notice, cure the breach for the account at the expense of the holder. If the Forest Service at any time

pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional fees hereunder and shall be due from the holder to the Forest Service on the first day of the month following such election.

E. With respect to roads, the holder shall be proportionally liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided above, except that liability shall not include reasonable and ordinary wear and tear.

F. The Forest Service has no duty to inspect the permit area or to warn of hazards and, if the Forest Service does inspect the permit area, it shall incur no additional duty, nor liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.

V. TERMINATION, REVOCATION, AND SUSPENSION

A. General. For purposes of this permit, "termination", "revocation", and "suspension" refer to the cessation of uses and privileges under the permit.

"Termination" refers to the cessation of the permit under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the permit, a fixed or agreed upon condition, event, or time occurs. For example, the permit terminates at expiration. Terminations are not appealable.

"Revocation" refers to an action by the authorized officer to end the permit because of noncompliance with any of the prescribed terms, or for reasons in the public interest. Revocations are appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

B. Revocation or Suspension. The Forest Service may suspend or revoke this permit in whole or part for:

1. Noncompliance with Federal, State, or local laws and regulations.
2. Noncompliance with the terms and conditions of this permit.
3. Reasons in the public interest.
4. Abandonment or other failure of the holder to otherwise exercise the privileges granted.

C. Opportunity to Take Corrective Action. Prior to revocation or suspension for cause pursuant to Section V (B), the authorized officer shall give the holder written notice of the grounds for each action and a reasonable time, not to exceed 90 days, to complete the corrective action prescribed by the authorized officer.

D. Removal of Improvements. Prior to abandonment of the improvements or within a reasonable time following revocation or termination of this authorization, the holder shall prepare, for approval by the authorized officer, an abandonment plan for the permit area. The abandonment plan shall address removal of improvements and restoration of the permit area and prescribed time frames for these actions. If the holder fails to remove the improvements or restore the site within the prescribed time period, they become the property of the United States and may be sold, destroyed or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all cost associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VI. FEES

A. **Fees for this use have been exempted or waived** in full pursuant to 36 CFR 251.57, or revisions thereto, and direction in FSH 2709.11, chapter 30.

VII. OTHER PROVISIONS

A. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

B. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

C. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

D. Operating Plan (C8). The holder shall provide an Operating Plan and revise the plan annually if necessary. The plan shall be prepared in consultation with the authorized officer or designated representative and cover operation and maintenance of facilities, dates or season of operations, and other information required by the authorized officer to manage and evaluate the occupation and/or use of National Forest System lands. The provisions of the Operating Plan and the annual revisions shall become a part of this authorization and shall be submitted by the holder and approved by the authorized officer or their designated representative(s). This Operating Plan is hereby made a part of the authorization.

E. Revegetation of Ground Cover and Surface Restoration (D9). The holder shall be responsible for prevention and control of soil erosion and gullyng on lands covered by this authorization and adjacent thereto, resulting from construction, operation, maintenance, and termination of the authorized use. The holder shall so construct permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. The holder shall revegetate or otherwise stabilize all ground where the soil has been exposed as a result of the holder's construction, maintenance, operation, or termination of the authorized use and shall construct and maintain necessary preventive measures to supplement the vegetation.

F. Pesticide Use (D23). Pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, trash fish, etc., without the prior written approval of the Forest Service. A request for approval of planned uses of pesticides will be submitted annually by the holder on the due date established by the authorized officer. The report will cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review will be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time an annual report was submitted.

Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned will be considered for use on National Forest System lands. Label instructions will be strictly followed in the application of pesticides and disposal of excess materials and containers.

G. Protection of Habitat of Endangered, Threatened, and Sensitive Species (X8). Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act of 1973, as amended, or as sensitive by the Regional Forester under authority of FSM 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this authorization, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the authorization holder.

If protection measures prove inadequate, if other such areas are discovered, or if new species are listed as Federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.

H. Improvement Relocation (X33). This authorization is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the

holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the authorized officer.

I. Noxious Weed/Exotic Plant Prevention and Control (R1-D4). The holder shall be responsible for the prevention and control of noxious weeds and/or exotic plants of concern on the area authorized by this authorization and shall provide prevention and control measures prescribed by the Forest Service. Noxious weeds/exotic plants of concern are defined as those species recognized by (county weed authority/national forest) in which the authorized use is located.

The holder shall also be responsible for prevention and control of noxious weed/exotic plant infestations which are not within the authorized area, but which are determined by the Forest Service to have originated with the authorized area.

When determined to be necessary by the authorized officer, the holder shall develop a site-specific plan for noxious weed/exotic plant prevention and control. Such plan shall be subject to Forest Service approval. Upon Forest service approval, the noxious weed/exotic plant prevention and control plan shall become a part of this authorization, and its provisions shall be enforceable under the terms of this authorization.

J. Historical-Archeological-Paleontological Discoveries (R1-X8). If during activities conducted under this authorization, items of significant historical, archaeological or paleontological interest or human skeletal remains are discovered, or a known or unknown deposit of such items may be or is disturbed, the holder will immediately cease activities in the area so affected. The holder will then notify the Forest Service and will not resume activities until written approval is given by the authorized officer.

K. Grizzly Bear Protection (R1-X10). This special-use authorization includes land which is part of the habitat of the grizzly bear. Therefore, in compliance with Forest Service responsibilities under the Endangered Species Act of 1973, 16 U.S.C. 1531, the following conditions apply to this special-use authorization:

1. The authorized officer may order an immediate temporary suspension of all human activities permitted by this authorization and, if needed, suspend or revoke the special-use authorization when, in his/her judgment, such action is necessary in order to prevent confrontation or conflict between humans and grizzly bears. The holder shall immediately comply with such order. The United States shall not be liable for any consequences from such a suspension or revocation. Such suspension or revocation may be appealed to the next higher level as provided in 36 CFR 251 Subpart C.
2. The holder, his/her agents, employees, contractors and subcontractors will comply with the requirements of the attached Grizzly Bear Management and Protection Plan dated 03/27/2007 in the conduct of any and all activities authorized. The authorized officer may review and revise the plan as needed.
3. The holder assumes full responsibility and shall hold the United States harmless from any and all claims by him/her or by third parties for any damages to life or property arising from the activities authorized by this special-use authorization and encounters with grizzly bears, or from suspension, revocation, or termination of activities authorized by this special-use authorization.
4. Intentional or negligent acts by the holder, his/her agents, employees, contractors and subcontractors that result in injury or death of a grizzly bear will be cause for suspension or revocation of this authorization in whole or in part.
5. Failure to comply with provisions 1, 2 or 3 may result in suspension or revocation of this authorization in whole or in part, and may cause criminal action to be taken against the holder under provisions of the Endangered Species Act of 1973, as amended, or other applicable authority.

L. Information From Holders (R1-X17). As a condition of this authorization, the holder is responsible for providing the authorized officer with any information in possession necessary for determining annual rental fees, ownership, or other matters concerning the administration of the authorized use by the Forest Service.

Regarding the submission of such information, the holder understands that it is a crime for any person to knowingly and willfully make false, fictitious, or fraudulent statements to matters under the jurisdiction of the United States Government (Title 18, U.S.C. Section 1001).

M. Forest Service Representative (R1-X16). The District Ranger, **Gardiner Ranger District**, Telephone No. **406-848-7375**, is responsible for administering this special-use authorization. The holder should contact the District Ranger regarding any questions concerning the occupancy and use authorized and the provisions of this authorization.

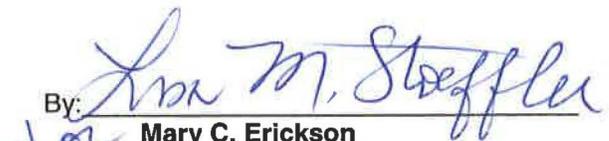
This permit is accepted subject to the conditions set out above.

HOLDER: **Montana Department Fish Wildlife & Parks**

**U.S. Department of Agriculture
Forest Service**



By: _____
**Pat Flowers
R-3 Supervisor**

By: 
**Mary C. Erickson
Forest Supervisor- Gallatin NF**

Date: 12/03/2009

Date: 12/04/2009

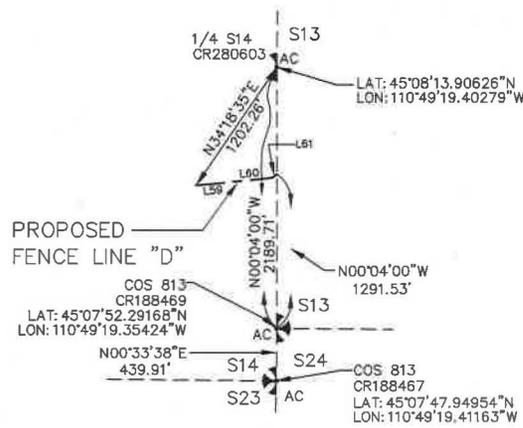
According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 1 hour 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. The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

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.

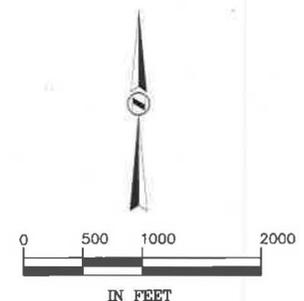
The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

EXHIBIT A

Location Map for Gallatin National Forest Special Use Permit in Section 14,
Township 8 South, Range 7 East, P.M.M., Park County, MT.



LINE "D" TABLE		
LINE	LENGTH-FT	BEARING
L59	284.89	N84°20'13"E
L60	383.93	N84°19'26"E
L61	48.54	N44°43'48"E



Length of Proposed Fence:
Township 8 South, Range 7 East:
Section 14 = 695'

LEGEND

- ⊙ Monument Found as Described
- Monument Not Found
- ⊗ PLSS Monument Not Found
- ⊕ Found PLSS Monument as Described
- S31 Section Number
- AC Aluminum Cap
- BC Brass Cap
- IP Iron Pipe
- MCRP Meander Corner Reference Point
- CR Corner Record
- COS Certificate of Survey
- Proposed Fence Location
- - - - Section Line



STAHLY ENGINEERING & ASSOCIATES
Professional Engineers
& Surveyors
3530 Centennial Dr.
Helena, MT 59601
Phone: (406) 442-3837
Fax: (406) 442-3837
E-Mail: stahty@stahty.com

NO.	DATE	DESCRIPTION	BY
1	7-14-09	FILE REVIEW	DRS
2	7-28-09	LENGTH SUMMARY	DRS
3	8-11-09	SEC. 13 REMOVED	BAR
3	10-20-09	FENCE LINE TO REV BAR	BAR

EXHIBIT A
LOCATION MAP
SPECIAL USE PERMIT - GALLATIN NATIONAL FOREST
PARK COUNTY, MONTANA

DESIGNED:	DRS
DRAWN:	BAR
CHECKED:	DRS
DATE:	10-20-09

10/20/2009 11:39 AM
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Exhibit B
Construction, Operation and Maintenance Plan

Montana Fish, Wildlife & Parks-Bison Corridor Fence

THE FOLLOWING IS REQUIRED AS PART OF THE PERMIT:

CONSTRUCTION:

1. Construction of all structures on NFS lands shall be completed by 01/15/2010 unless otherwise requested in writing.
2. All construction activities, vehicles, and equipment, will be confined to the 20 foot ROW outlined in Exhibit A.
3. The type of fence that may be constructed is described as follows:
 - a. Four strand smooth wire electric fence with wire let down capability and supported by either wooden permanent posts. Fence will be powered by direct alternating current. Specifically, 8 foot wooden permanent fence posts (3 feet below ground, 5 feet above ground) spaced at 20 foot intervals supporting four 12.5 gauge high tensile strength smooth wires spaced as indicated from the ground: bottom wire (16" high), 2nd wire (27" high), 3rd wire (38" high), and top wire (49" high). The 2nd and top wire will be electrified "hot wires". Wires will be supported by insulators.
 - b. Fence modifications may be made by the addition of temporary fiberglass stand up posts or the use of non-electrified fencing as needed within the permitted Right-of-way. All changes will still have wire let down capability. A map and letter will be submitted after implementation to update the permit on where non-electrified fencing is located and where temporary fiberglass stand up posts have been used.
 - c. Standard Metal ranch gates may be installed along the fence to allow for controlled passage of bison and riders during bison herding operations (see Appendix A for gate locations).
4. Within 90 days of construction completion an "as-built" surveyed map will be submitted to the Forest Service showing any fencing modifications or pre-approved changes, if any changes have occurred
5. All trash, equipment, and materials will be removed by the fence construction deadline (refer to item 1/Construction).

OPERATION AND MAINTENAINCE

1. The fence will be operational (tightly strung and/or electrified) from December 1st –April 30th of each year.
2. Signs identifying the fence as electric will be placed along the length of the fence-line, and gates on NFS lands will be identified as public egresses.

3. From May 1st- November 30th of each year the fence will be non-operational. The wire will be dropped to the ground over the entire length of the fence on NFS lands.
4. The fence will be physically inspected along its entire length and tested by activating the fence chargers prior to January 15th of each year. Any minor or major repairs identified will be completed before January 15th to insure the proper functioning of the fence.
5. Any repairs to gates will be completed by January 15th of each year.
6. The holder shall be responsible for the prevention and control of noxious weeds and/or exotic plants of concern on the area authorized by this authorization. The entire authorized area will be inspected between May 30th and August 30th for noxious weeds/exotic plants and treated each year if any plants are found. The holder shall provide prevention and control measures to the Forest Service for approval and also provide records of infestations and treatments in the authorized area. Noxious weeds/exotic plants of concern are defined as those species recognized by (county weed authority/national forest) in which the authorized use is located. The holder shall also be responsible for prevention, reporting and control of noxious weed/exotic plant infestations which are not within the authorized area, but which are determined by the Forest Service to have originated with the authorized area.
7. The holder shall be responsible for any damage, disturbance, and soil erosion or gulying on NFS lands during, or as a result of the construction, operation, maintenance and termination and removal of the bison corridor fence. The holder shall construct permitted improvements and operate vehicles and equipment to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. The holder shall re-vegetate or otherwise stabilize all ground where the soil has been exposed as a result of the holder's construction, maintenance, operation, or termination of the authorized use and shall construct and maintain necessary preventive measures to supplement the vegetation. The authorized area will re-vegetated with a native grass seed mixture approved by the Forest Service.
8. If the permit is not renewed, or if the fencing is determined to be no longer needed, all fencing materials will be removed from NFS lands at FWP expense. In addition, all areas that are affected by the removal and/or within the authorized area will be re-vegetated (refer to item 7/Operation and Maintenance) and noxious weeds/exotic plants will be monitored and treated for 3 years after all fencing is removed.
9. All trash generated as a result of the operation, maintenance and termination of this fence and authorized area will be picked up immediately and disposed of in an appropriate manner.
10. Specific standards and guidelines for grizzly bear conservation specified in the Gallatin Forest Plan and Exhibit C will not be violated. This includes the following mitigation measures:
 - No storage or distribution of bear attractants will occur at the site.
 - Overnight camping at the site will not occur associated with project implementation.
 - The seed mix for site restoration efforts will not include vegetation types that attract bears (such as clover).
 - Project work will cease for the duration of any observed bear activity.

EXHIBIT C
Grizzly Bear Management & Protection Plan
(Occupancy and Use Order # 07-11-00-01)
United States Department of Agriculture
Forest Service
Northern Region—Gallatin National Forest

OCCUPANCY AND USE RESTRICTIONS

For the purpose of minimizing adverse interactions between humans, bears and other wildlife and pursuant to Title 36 Code of Federal Regulations (CFR), 261.50 (a) and (b), the following uses are restricted on the Gallatin National Forest (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, refuse or other attractant, 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, refuse or other attractants must be acceptably stored or acceptably possessed during daytime hours.
2. All food, refuse or other attractants 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 (on the ground) or at least 100 yards from an acceptably stored animal carcass.
5. The responsible party shall report the death and location of livestock to a Forest Service official within 24 hours of discovery. Any Forest user finding dead livestock should contact the Forest Service.
6. Burnable attractants that cannot be completely consumed by fire (i.e., no post burning residue) must be packed out.

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 this Order.

EXHIBIT C

Grizzly Bear Management & Protection Plan

(Occupancy and Use Order # 07-11-00-01)

2. Any Federal or State officer placing baits to capture animals for research or management purposes as part of their official duties.

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 27 of March, 2007.

/s/ Rebecca Lockett Heath

REBECCA LOCKETT HEATH

Forest Supervisor

Gallatin National Forest

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)).

A copy of this order shall be posted as prescribed under 36 CFR 261.51.

EXHIBIT C
Grizzly Bear Management & Protection Plan
(Occupancy and Use Order # 07-11-00-01)

Exhibit A

Special Order—Food Storage and Sanitation

Definitions

1. “Food, refuse and other attractants” means any substance, solid or liquid or refuse (excluding water, baled hay, or hay cubes without additives), 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. “Burnable attractants” include items such as food leftovers, waste products, food grease or residue, food saturated containers or other substances that will not be completely consumed by fire. To be completely consumed, there must be no residual attractant on the surface or in the soil. These items shall not be buried, discarded or burned in an open campfire, unless placed in a suitable container (i.e. tin can or fire pan) to prevent leaching into the ground, and burned over an open campfire. Any remaining attractants unconsumed by burning shall be placed with other garbage, acceptably stored and packed out.
4. “Acceptably stored” means:
 - a. Stored in bear-resistant container certified through the Interagency Grizzly Bear Committee Courtesy Inspection Program.
 - 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 4 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. Animal carcasses must be acceptably stored (a. through e. above) when located 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 a National Forest System Trail.

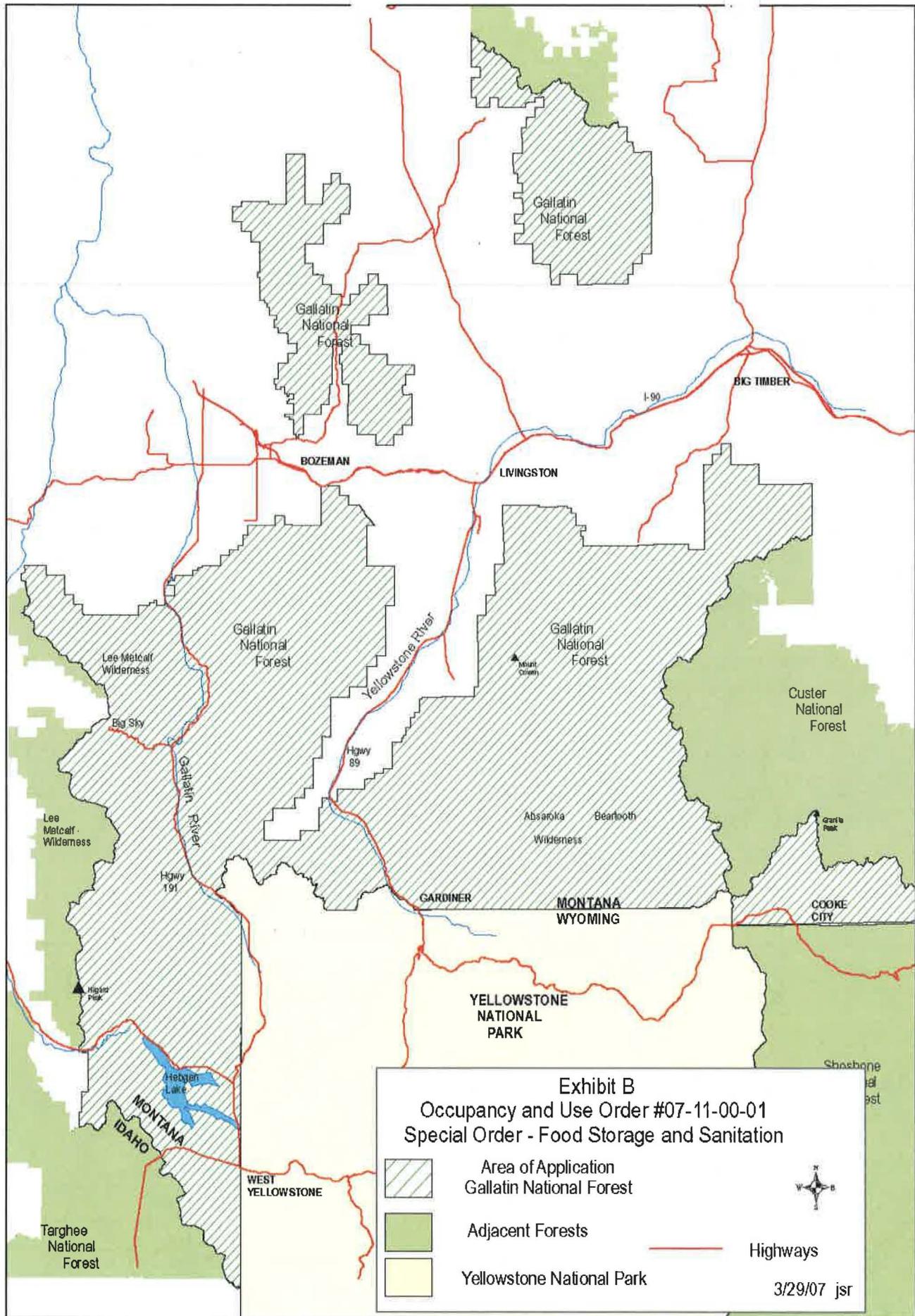
EXHIBIT C

Grizzly Bear Management & Protection Plan

(Occupancy and Use Order # 07-11-00-01)

Animal carcasses more than ½ mile from a camping area and more than 200 yards from a National Forest System Trail may be left on the ground (Exhibit C).

- 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.
5. “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, refuse or attractant 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.
6. “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.
7. “Daytime” means ½ hour before sunrise to ½ hour after sunset, Mountain Time.
8. “Night time” means ½ hour after sunset to ½ hour before sunrise, Mountain Time.
9. “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.



Occupancy and Use Order #07-11-00-01
Exhibit B
Special Order – Food Storage and Sanitation
Proper Food Storage

Food Storage is *required* on Gallatin National Forest Land

for public safety and wildlife protection

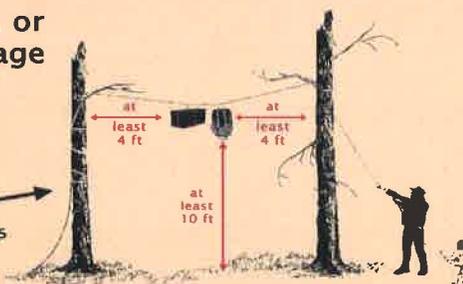


Proper storage of food, refuse and other attractants means:

- in a hard-sided vehicle, or
- in a *certified* food storage container, or
- as shown below:

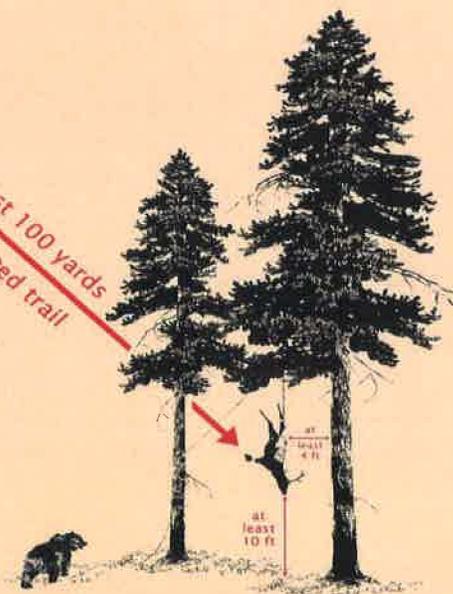


RECOMMENDED
at least 100 yards
from backcountry campsites



RECOMMENDED
at least 100 yards
from backcountry campsites

REQUIRED - to be at least 100 yards
from a campsite or designated trail



Attractants include:

- All food & beverages
- Coolers
- Carcasses & carcass parts
- Processed livestock feed and grain
- Toiletries & cosmetics
- Cooking grease
- Garbage

Carcasses left on ground are **REQUIRED** to be:

- at least 1/2 mile from any campsite, *and*
- at least 200 yards from any designated trail



GALLATIN
National Forest

Violations of the Food Storage Order are punishable by a fine of not more than \$5000 or imprisonment for not more than six months, or both (16U.S.C. 551, and 18 U.S.C. 3559 and 3571). In effect March 1 - December 1.

