

Authorization ID: LAR1337

**Contact Name: UNIVERSITY OF WYOMING OFFICE OF
RESEARCH & ECONOMIC DEVELOPMENT**

Expiration Date: 12/31/2043

Use Code: 422

FS-2700-4 (09/2020)

OMB 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE**

SPECIAL USE PERMIT

Authority: ORGANIC ADMINISTRATION ACT June 4, 1897

UNIVERSITY OF WYOMING OFFICE OF RESEARCH & ECONOMIC DEVELOPMENT of 1000 E. UNIVERSITY AVE. 3355, LARAMIE, WY 82071 (hereinafter "the Holder") is authorized to use or occupy National Forest System lands in the MEDICINE BOW-ROUTT NATIONAL FORESTS AND THUNDER BASIN NATIONAL GRASSLAND including the Douglas District, Brush Creek/Hayden District, Laramie District, Parks District, Hahns Peak-Bears Ears District, and Yampa District of the National Forest System, subject to the terms of this special use permit (the permit).

This permit covers National Forest System lands in the MEDICINE BOW-ROUTT NATIONAL FORESTS AND THUNDER BASIN NATIONAL GRASSLAND, ("the permit area"), as shown on the map attached as Appendix A. This and any other appendices to this permit are hereby incorporated into this permit.

This permit is issued for the purpose of:

Issuing a Master Agreement between the Forest Service and the University of Wyoming to authorize instructors and students to conduct approved field trips and research projects on the Medicine Bow-Routt National Forests and Thunder Basin National Grassland. The University of Wyoming Office of Research & Economic Development shall submit field trip and research project proposals to the Forest Service on a bi-annual basis no later than January 1st and July 1st for review and approval prior to project implementation. Field trip and research project proposals may be submitted as newly proposed or on-going within the lifespan of this permit.

The following Appendices are made part of this permit:

APPENDIX A: Location Map

APPENDIX B: Operating Plan

APPENDIX C: Field Trip/Research Project Questionnaire (to be completed by each proponent)

APPENDIX D: Threatened and Endangered Species, Sensitive Species, and Species of Conservation Concern (MBRTB)

I. GENERAL TERMS

A. **AUTHORITY**. This permit is issued pursuant to the ORGANIC ADMINISTRATION ACT June 4, 1897 and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

B. **AUTHORIZED OFFICER**. The authorized officer is the Forest or Grassland Supervisor, a District Ranger, or the Station, Institute, or Area Director with delegated authority pursuant to Forest Service Manual 2700.

C. **TERM**. **This permit shall expire at midnight on 12/31/2043**. Expiration of this permit shall not require notice, a decision document, or any environmental analysis or other documentation from the date of issuance.

D. **CONTINUATION OF USE AND OCCUPANCY**. This permit is not renewable. Prior to expiration of this permit, the Holder may apply for a new permit for the use and occupancy authorized by this permit. Applications for a new permit must be submitted at least 6 months prior to expiration of this permit. Issuance of a new permit is at the sole discretion of the authorized officer. At a minimum, before issuing a new permit, the authorized officer shall ensure that (1) the use and occupancy to be authorized by the new permit is consistent with the standards and guidelines in the applicable land management plan; (2) the type of use and occupancy to be authorized by the new permit is the same as the type of use and occupancy authorized by this permit; and (3) the Holder is in compliance with all the terms of this permit. The authorized officer may prescribe new terms when a new permit is issued.

E. **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 that may be required by law, regulation, directive, the applicable forest land and resource management plan, or projects and activities implementing the land management plan pursuant to 36 CFR Part 218.

F. **COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS**. In exercising the rights and privileges granted by this permit, the Holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

G. **NON-EXCLUSIVE USE**. The use or occupancy authorized by this permit is not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area and the authorized facilities and improvements for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the Holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the Holder and the authorized officer agree are necessary to protect the installation and operation of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.

H. **ASSIGNABILITY**. This permit is not assignable or transferable.

II. IMPROVEMENTS

A. LIMITATIONS ON USE. Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically authorized by this permit. Any use not specifically authorized by this permit must be proposed in accordance with 36 CFR 251.54 or 251.61. Approval of such a proposed use through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.

B. DRAWINGS. All drawings for development, layout, construction, reconstruction, or alteration of improvements in the permit area, as well as revisions to those drawings, must be prepared by a professional engineer, architect, landscape architect, or other qualified professional acceptable to the authorized officer. These drawings and drawing revisions must have written approval from the authorized officer before they are implemented. The authorized officer may require the Holder to furnish as-built drawings, maps, or surveys upon completion of the work.

C. CONSTRUCTION. Any construction authorized by this permit shall commence by N/A and shall be completed by N/A.

III. OPERATIONS

A. PERIOD OF USE. Use or occupancy of the permit area shall be exercised at least 50 days each year.

B. CONDITION OF OPERATIONS. The Holder shall maintain the authorized 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 permit. Standards are subject to periodic change by the authorized officer when deemed necessary to meet statutory, regulatory, or policy requirements or to protect national forest resources.

C. USE OF NATIONAL FOREST SYSTEM ROADS AND NATIONAL FOREST SYSTEM TRAILS. The Holder's use of National Forest System roads and National Forest System trails shall comply with applicable requirements in 36 CFR Part 212, Subpart A; 36 CFR Part 261, Subpart A; and orders issued under 36 CFR Part 261, Subpart B. Motor vehicle use shall be consistent with designations made under 36 CFR Part 212, Subpart B, unless specifically provided otherwise in the operating plan. Over-snow vehicle use shall be consistent with designations made under 36 CFR Part 212, Subpart C, unless specifically provided otherwise in the operating plan.

D. OPERATING PLAN. **The Holder shall prepare and annually revise an operating plan by January 1 and July 1.** The operating plan shall be prepared in consultation with the authorized officer or the authorized officer's designated representative and shall cover all operations authorized by this permit. The operating plan shall outline steps the Holder will take to protect public health and safety and the environment and shall include sufficient detail and standards to enable the Forest Service to monitor the Holder's operations for compliance with the terms of this permit. The operating plan shall be submitted by the Holder and approved in writing by the authorized officer or the authorized officer's designated representative prior to commencement of operations and shall be attached to this permit as an appendix. Any operating plan revisions shall be submitted by the Holder and approved in writing by the authorized officer or the authorized officer's designated representative before they are implemented. The authorized officer may require an annual meeting with the Holder to discuss the terms of the permit or operating plan, annual use reports, or other concerns either party may have.

E. MONITORING BY THE FOREST SERVICE. The Forest Service shall monitor the Holder's operations and reserves the right to inspect the permit area and authorized facilities and improvements at any time for compliance with the terms of this permit. The Holder shall comply with inspection requirements deemed appropriate by the authorized officer. The Holder's obligations under this permit are not contingent upon any duty of the Forest Service to inspect the permit area or authorized facilities or improvements. A failure by the Forest Service or other governmental officials to inspect is not a justification for noncompliance with any of the terms of this permit.

F. CUTTING, DISPOSAL, AND PLANTING OF VEGETATION. This permit does not authorize the cutting of trees, brush, shrubs, and other plants ("vegetation"). Vegetation may be cut, destroyed, or trimmed only after the authorized officer or the authorized officer's designated representative has approved in writing and marked or otherwise identified what may be cut, destroyed, or trimmed. The Holder shall notify the authorized officer when approved cutting, destruction, or trimming of vegetation has been completed. The Forest Service shall determine in advance of felling the method of disposal of trees felled in the permit area that meet utilization standards. Disposal may be by sale or without charge per 36 CFR Part 223, as may be most advantageous to the United States. Debris from felling that does not meet utilization standards shall also be disposed of according to methods determined by the Forest Service. Planting of vegetation in the permit area must have prior written approval from the authorized officer.

IV. RIGHTS AND LIABILITIES

A. LEGAL EFFECT OF THE PERMIT. This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR 214 and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

B. VALID EXISTING RIGHTS. This permit is subject to all valid existing rights. Valid existing rights include those derived under mining and mineral leasing laws of the United States. The United States is not liable to the Holder for the exercise of any such right.

C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS. The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

D. NO WARRANTY OF ACCESS, SITE SUITABILITY, OR SERVICES. This permit authorizes the use and occupancy of National Forest System lands by the Holder for the purposes identified in this permit. The Forest Service does not make any express or implied warranty of access to the permit area, of the suitability of the permit area for the authorized uses, or for the furnishing of road or trail maintenance, water, fire protection services, search and rescue services, or any other services by a government agency, utility, association, or individual.

E. RISK OF LOSS. The Holder assumes all risk of loss to the authorized improvements and all risk of loss of use and occupancy of the permit area, in whole or in part, due to public health and safety or environmental hazards. Loss to the authorized improvements and of use and occupancy of the permit area may result from but is not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), environmental contamination, avalanches, rising waters, winds, falling limbs or trees, and other forces of nature. If any authorized improvements are destroyed or

substantially damaged, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed. If rebuilding is not allowed, this permit shall terminate. If the authorized officer determines that the permit area cannot be safely occupied due to a public health or safety or environmental hazard, this permit shall terminate. Termination under this clause shall not give rise to any claim for damages, including lost profits and the value of the improvements, by the Holder against the Forest Service.

F. DAMAGE TO UNITED STATES PROPERTY. The Holder has an affirmative duty to protect from damage the land, property, and other interests of the United States that are associated with the use and occupancy authorized by this permit. Damage includes but is not limited to destruction of or damage to National Forest System lands, fire suppression costs, and destruction of or damage to federally owned improvements.

1. The Holder shall be liable for all injury, loss, or damage, including fire suppression costs, prevention and control of the spread of invasive species, and the costs of rehabilitation or restoration of natural resources, resulting from the Holder's use and occupancy of the permit area. Compensation shall include but not be 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, and all administrative, legal (including attorney's fees), and other costs. Such costs may be deducted from a performance bond required under clause IV.J.

2. The Holder shall be liable for damage to all roads and trails of the United States caused by use of the Holder or the Holder's heirs, assignees, agents, employees, or contractors to the same extent as provided under clause IV.F.1, except that liability shall not include reasonable and ordinary wear and tear.

G. HEALTH AND SAFETY. The Holder shall take all measures necessary to protect the health and safety of all persons affected by the use and occupancy authorized by this permit. The Holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during the term of this permit that causes or threatens to cause a hazard to the health or safety of the public or the Holder's employees, agents, or contractors. The Holder shall as soon as practicable notify the authorized officer of all serious accidents that occur in connection with these procedures, activities, events, or conditions. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations of the Holder for hazardous conditions or compliance with health and safety standards.

H. ENVIRONMENTAL PROTECTION.

1. **Compliance with Environmental Laws.** The Holder shall in connection with the use and occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9601 et seq., the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.

2. Definition of Hazardous Material. For purposes of clause IV.H and section V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of CERCLA, 42 U.S.C. 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

3. Oil Discharges and Release of Hazardous Materials. The Holder shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer or the authorized officer's designated representative, of any oil discharge or of the release of a hazardous material in the permit area in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153 and 40 CFR Part 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The Holder shall immediately notify the authorized officer or the authorized officer's designated representative of any release or threatened release of any hazardous material in or near the permit area which may be harmful to public health or welfare or which may adversely affect natural resources on federal lands.

4. Remediation of Release of Hazardous Materials. The Holder shall remediate any release, threat of release, or discharge of hazardous materials that occurs in connection with the Holder's activities in the permit area, including activities conducted by the Holder's agents, employees, or contractors and regardless of whether those activities are authorized under this permit. The Holder shall perform remediation in accordance with applicable law immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The Holder shall perform the remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the Holder shall deliver the site to the Forest Service in compliance with all applicable laws and regulations and free and clear of contamination.

I. INDEMNIFICATION OF THE UNITED STATES. The Holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the Holder in connection with the use or occupancy authorized by this permit. This indemnification provision includes but is not limited to acts and omissions of the Holder or the Holder's heirs, assigns, agents, employees, or contractors in connection with the use or occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous materials, pollutant, contaminant, oil in any form, or petroleum product into the environment. The authorized officer may prescribe terms that allow the Holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in combination with or as an alternative to monetary indemnification.

J. BONDING. The authorized officer may require the Holder to furnish a surety bond or other security for any of the obligations imposed by the terms of this permit or any applicable law, regulation, or order.

V. RESOURCE PROTECTION

A. WATER POLLUTION. No waste or by-product shall be discharged into water in connection with the use and occupancy authorized by this permit except in full compliance with all applicable federal, state, and local environmental and other laws. Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located so as to prevent any spillage into waters or channels leading into water except in full compliance with all applicable federal, state, and local environmental and other laws.

B. SCENIC VALUES. The Holder shall protect the scenic values of the permit area and the adjacent land to the greatest extent possible during construction, operation, and maintenance of the authorized improvements.

C. VANDALISM. The Holder shall take reasonable measures to prevent and discourage vandalism and disorderly conduct and, when necessary, shall contact the appropriate law enforcement officer.

D. PESTICIDE USE.

1. Authorized Officer Concurrence. Pesticides may not be used outside of buildings in the permit area to control pests, including undesirable woody and herbaceous vegetation (including aquatic plants), insects, birds, rodents, or fish without prior written concurrence of the authorized officer. Only those products registered or otherwise authorized by the U.S. Environmental Protection Agency and appropriate State authority for the specific purpose planned shall be authorized for use within areas on National Forest System lands.

2. Pesticide-Use Proposal. Requests for concurrence of any planned uses of pesticides shall be provided in advance using the Pesticide-Use Proposal (form FS-2100-2). Annually the Holder shall, on the due date established by the authorized officer, submit requests for any new, or continued, pesticide usage. The Pesticide-Use Proposal shall cover a 12-month period of planned use. The Pesticide-Use Proposal shall be submitted at least 60 days in advance of pesticide application. Information essential for review shall 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 a Pesticide-Use Proposal was submitted.

3. Safety Plan. Before applying pesticides in the permit area, the Holder shall submit to the authorized officer a safety plan that includes, at a minimum, a precise statement of the treatment objectives; a description of the equipment, materials, and supplies to be used, including pesticide formulation, quantities, and application methods; a description of the lines of responsibility for project planning, project monitoring, and after-action review; a description of any necessary interagency coordination; a copy of the current Pesticide-Use Proposal for the permit; a description of the process by which treatment effectiveness will be determined; and a spill plan, communications plan, security plan, and when required by applicable local requirements, a provision for prior notification to sensitive individuals.

4. Reporting. By September 30th annually, the Holder shall submit to the authorized officer a written report of each pesticide application project completed during the previous 12-month period. The report shall contain information pertaining to the pesticide application projects as requested by the authorized officer.

5. Labeling, Laws, and Regulations. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers. No pesticide waste, excess materials, or containers shall be disposed of in any area administered by the Forest Service.

E. ARCHAEOLOGICAL AND PALEONTOLOGICAL DISCOVERIES. The Holder shall immediately notify the authorized officer of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this permit. The Holder shall leave these discoveries intact and in place until otherwise directed by the authorized officer.

F. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA). In accordance with 25 U.S.C. 3002(d) and 43 CFR 10.4, if the Holder inadvertently discovers human remains, funerary objects, sacred objects, or objects of cultural patrimony on National Forest System lands, the Holder shall immediately cease work in the area of the discovery and shall leave the discoveries intact and in place. The Holder shall follow the applicable NAGPRA protocols for the undertaking provided in the NAGPRA plan of action or the NAGPRA comprehensive agreement; if there are no such agreed-upon protocols, the Holder shall as soon as practicable notify the authorized officer of the discovery and shall follow up with written confirmation of the discovery. The activity that resulted in the inadvertent discovery may not resume until 30 days after the authorized officer certifies receipt of the written confirmation, if resumption of the activity is otherwise lawful, or at any time if a NAGPRA plan of action has been executed by the Forest Service following tribal consultation and any preconditions have been met.

G. PROTECTION OF THREATENED AND ENDANGERED SPECIES, SENSITIVE SPECIES, AND SPECIES OF CONSERVATION CONCERN AND THEIR HABITAT.

1. Threatened and Endangered Species and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 et seq., as amended, or within designated critical habitat shall be shown on a map in an appendix to this permit and may be shown on the ground. The Holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on listed species or designated critical habitat affected by the authorized use and occupancy. Discovery by the Holder or the Forest Service of other sites within the permit area containing threatened or endangered species or designated critical habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

2. Sensitive Species and Species of Conservation Concern and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals designated by the Regional Forester as sensitive species or as species of conservation concern pursuant to FSM 2670 shall be shown on a map in an appendix to this permit and may be shown on the ground. The Holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on sensitive species or species of conservation concern or their habitat affected by the authorized use and occupancy. Discovery by the Holder or the Forest Service of other sites within the permit area containing sensitive species or species of conservation concern or their habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

H. CONSENT TO STORE HAZARDOUS MATERIALS. The Holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill or release prevention and control plan. Such terms shall be proposed by the Holder and are subject to approval by the authorized officer.

VI. LAND USE FEE AND DEBT COLLECTION

A. LAND USE FEES. The Holder is exempt from a land use fee pursuant to 36 CFR 251.57 and Forest Service Handbook 2709.11, Chapter 30.

VII. REVOCATION, SUSPENSION, AND TERMINATION

A. REVOCATION AND SUSPENSION

1. The authorized officer may revoke or suspend this permit in whole or in part:

- (a) For noncompliance with federal, state, or local law;
- (b) For noncompliance with the terms of this permit;
- (c) For abandonment or other failure of the Holder to exercise the privileges granted; or
- (d) At the discretion of the authorized officer, for specific and compelling reasons in the public interest.

2. The authorized officer may revoke this permit at the request of the Holder. Revocation at the request of the Holder must be agreed to in writing by the authorized officer. As a condition of revocation of this permit at the request of the Holder, the authorized officer has discretion to impose any terms deemed appropriate as provided for in this permit.

3. Prior to revocation or suspension, other than revocation at the request of the Holder under clause VII.A.2 and immediate suspension under clause VII.B, the authorized officer shall give the Holder written notice of the grounds for revocation or suspension and a reasonable period, typically not to exceed 90 days, to cure any noncompliance.

B. IMMEDIATE SUSPENSION. The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing. The Holder may request an on-site review with the authorized officer's supervisor of the adverse conditions prompting the suspension. The authorized officer's supervisor shall grant this request within 48 hours. Following the on-site review, the authorized officer's superior shall promptly affirm, modify, or cancel the suspension.

C. APPEALS AND REMEDIES. Written decisions by the authorized officer relating to administration of this permit are subject to administrative appeal pursuant to 36 CFR Part 214, as amended. Revocation or suspension of this permit shall not give rise to any claim for damages by the Holder against the Forest Service.

D. TERMINATION. This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date and, in the case of a permit issued to a business entity, termination upon change of control of the business entity. Termination of this permit shall not require notice, a decision document, or any environmental analysis or other documentation. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the Holder against the Forest Service.

E. RIGHTS AND RESPONSIBILITIES UPON REVOCATION OR TERMINATION WITHOUT ISSUANCE OF A NEW PERMIT. Upon revocation or termination of this permit without issuance of a new permit, the Holder shall remove all structures and improvements, except those owned by the United States, within a reasonable period prescribed by the authorized officer and shall restore the site to the satisfaction of the authorized officer. If the Holder fails to remove all structures and improvements within the prescribed period, they shall 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 costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

F. CONTINUATION OF OBLIGATIONS AND LIABILITIES BEYOND TERMINATION OR REVOCATION. Notwithstanding the termination or revocation of this permit, its terms shall remain in effect and shall be binding on the Holder and the Holder's personal representative, successors, and assignees until all the Holder's obligations and liabilities accruing before or as a result of termination or revocation of this permit have been satisfied.

VIII. MISCELLANEOUS 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 to the extent the authorized use provides a general benefit to a corporation.

B. CURRENT ADDRESSES. The Holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for billing and payment of land use fees.

C. SUPERSEDED AUTHORIZATION. This permit supersedes a special use authorization designated UNIVERSITY OF WYOMING OFFICE OF RESEARCH & ECONOMIC DEVELOPMENT, LAR1082, dated 06/04/2013.

D. SUPERIOR CLAUSES. If there is a conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control.

THIS PERMIT IS ACCEPTED SUBJECT TO ALL ITS TERMS.

BEFORE THIS PERMIT IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE AUTHORIZED OFFICER OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS OF THIS PERMIT.

ACCEPTED:

William Mai
Vice President for Administration

DocuSigned by:
William Mai
89242AE0198C483

2/1/2024

~~UNIVERSITY OF WYOMING OFFICE OF RESEARCH
& ECONOMIC DEVELOPMENT~~

SIGNATURE

DATE

APPROVED:

RUSSELL M. BACON
Forest Supervisor
Medicine Bow-Routt National Forests
and Thunder Basin National Grassland
USDA Forest Service

SIGNATURE

DATE

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. Response to this collection of information is mandatory. The authority to collect the information is the Organic Administration Act, 16 U.S.C. 551. 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.

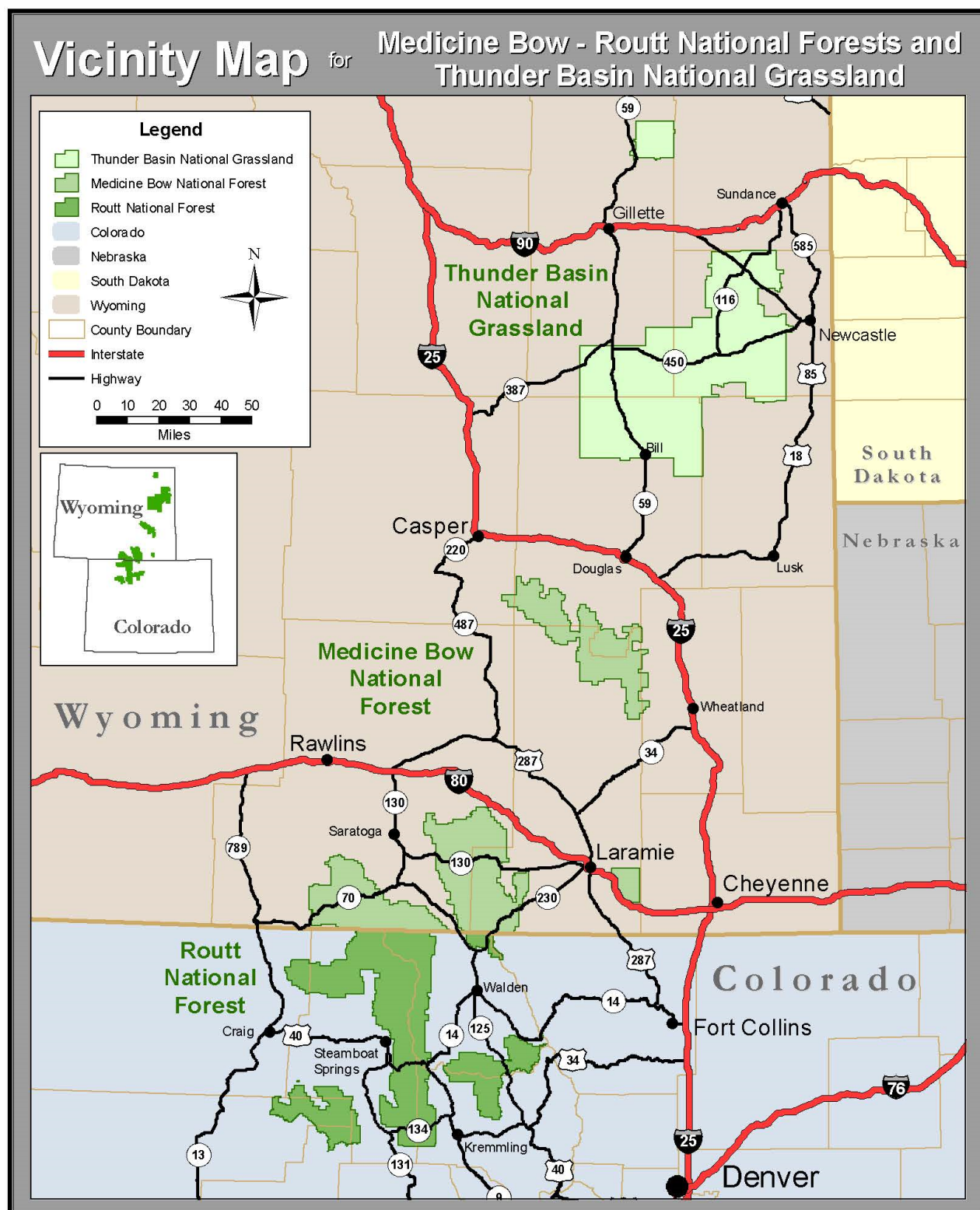
In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

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.

APPENDIX A.**MEDICINE BOW-ROUTT NATIONAL FORESTS
AND THUNDER BASIN NATIONAL GRASSLAND**

APPENDIX B.
OPERATING PLAN

This Operating Plan is hereby made a permanent part of a Research Permit, Authorization LAR1337, issued to the University of Wyoming Office of Research & Economic Development (Holder) on the 26th day of January, 2024 for the purpose of conducting field trips and research projects on all ranger districts of the Medicine Bow-Routt National Forests and Thunder Basin National Grassland (MBRTB).

I. General

- A. This operating plan approves activities conducted on the MBRTB and does not authorize the occupancy and use of any other National Forest System (NFS) lands.
- B. This operating plan does not constitute authorization to enter any closed area. Holder shall stay apprised of and adhere to any Closure Orders, Emergency Orders, and/or fire restrictions or fire bans. Information on area closures can be obtained from the MBRTB Forest Supervisors office (307) 745-2300 or individual district offices.
- C. The Holder shall notify the Forest Service in advance of any changes in the permitted use. Additional authorization may be required for activities falling outside the scope of this permit and Operating Plan. The Forest Service reserves the right to deny any proposals that are not consistent with applicable laws, regulations, policies, and Land Resource Management Plans. Forest Service contacts are listed below.
- D. If any factor associated with NFS lands, resources, or programs changes (such as the discovery of endangered species or cultural resources in the area), the permit may be rescinded in whole or in part. In this case, the Forest Service will contact you in writing to either rescind the permitted use or approve alternative mechanisms to permit your activity(ies).
- E. If cultural resources are discovered during approved project activities, the Forest Service shall be notified immediately, and activities should cease until the Forest Service approves the Holder to proceed.
- F. Anyone conducting approved field trip or research project activities must carry a copy of this permit and documented approval of the specific activity being conducted, which shall be produced upon demand by any officer or representative of the Forest Service. Additionally, a copy must be displayed on the dashboard of vehicle(s) while parked in the permitted area.
- G. The Forest Service has a right to the data obtained on NFS lands under this permit, as well as copies of reports and publications. Appropriate citations and credit should be given to the MBRTB.

II. Project Proposal Submissions

- A. This permit provides two opportunities per year for University of Wyoming (UW) to submit field trip and research project proposals located on NFS lands to the Forest Service for review and approval.

- B. UW instructors and students shall submit their proposals to the University of Wyoming Office of Research & Economic Development, which will submit a proposal package on a biannual basis to the Forest Service for review and approval. Designated UW and Forest Service representatives are listed below:

USDA Forest Service	University of Wyoming Office of Research & Economic Development
Quien Crowe Lands and Minerals Program Manager Office: 307-345-2300 Email: Sheryl.Crowe@usda.gov 2468 Jackson Street Laramie, WY 82070	Farrell Rapp Director, Research Services Research and Economic Development Old Main 308 Laramie, WY 82071 Office: 307.766.2047 Email: FGRAF@uwyo.edu

- C. Requirements for UW proposal packages submitted to the Forest Service:
1. Proposal packages shall be arranged in three sections to include: new field trips, new research projects, and previously approved, ongoing projects.
 2. Project proposals must provide a detailed explanation of what activities will be conducted on NFS lands with an emphasis on methodology.
 3. Individual proposals must include the completed questionnaire (Appendix C).
 4. Copies of permits from other agencies, if applicable.
 5. A footer on each page with the date and unique project identifier.
 6. Proposal packages are to be submitted to the Forest Service each year no later than January 1st and July 1st.
 7. Proposed field trips and research projects may not proceed without approval from the Forest Service.
- D. Requirements for Forest Service responses to UW's submitted proposal packages:
1. The Forest Service shall respond to submitted proposal packages within two weeks of receipt of the package.
 2. Responses will take the form of either approving proposals as they are written, or requesting additional information before approval is granted.
 3. Project approval may take up to one year or longer, depending on factors such as project complexity and/or amount of resource disturbance involved.

III. Access

- A. Per 36 CFR 261.13, all motorized travel is limited to open NFS roads and motorized trails. It is the responsibility of the researcher to contact the National Forest Supervisors Office or individual district offices for status of roads. Motor Vehicle Use Maps (MVUM) can be found at [Motor Vehicle Use Maps \(MVUM\)](https://www.fs.usda.gov/detail/mbr/maps-pubs/?cid=fsprd628451), <https://www.fs.usda.gov/detail/mbr/maps-pubs/?cid=fsprd628451>, or at your local Forest Service office.

- B. The Forest Service may delay and/or deny access to NFS lands under this permit until route(s) is/are passable.
- C. The Holder shall fully repair all damage to NFS roads, routes, and trails caused by the Holder in exercise of the privileges granted. Repairs shall occur following consultation with the Forest Service.
- D. The Holder may remove boulders, fallen timber, overhanging brush, debris from ditches and culverts, and remove other materials obstructing safe route sight distance without permission from the Forest Service. Do not cut live trees without additional authorization from the Forest Service.
- E. Motorized travel on National Forest System trails or roads shall not occur when ground conditions are such that excessive damage will result. Suspend road use when ruts exceed 3-inches in depth and a length of 40-feet or greater.
- F. Holder shall not leave NFS roads, routes, or trails to travel around obstacles (i.e. fallen trees or puddles).
- G. Lock gates after entering and leaving the permitted areas, unless otherwise instructed.
- H. Parking and use of developed recreations sites including but not limited to campgrounds and trail heads must be pre-approved. Day use fees must be paid if required.
- I. Display paper copy of permit on dashboard of vehicle when parked in the permitted areas. This is in addition to carrying a copy while operating on NFS lands.

IV. Visual Quality and Equipment Labeling

- A. Project materials left on NFS lands should, to the extent possible, be placed out of site to minimize visual impact and reduce temptation for vandalism.
- B. Project materials left on NFS lands along Snowy Range Scenic Byway (State Highway 130) and Battle Pass Scenic Byway (State Highway 70) should be hidden from view of the road right-of-way to protect and preserve scenic integrity.
- C. Project materials left on NFS lands may not be visible from a campground, trail, trailhead, or other protected resources with visual constraints.
- D. Project materials left on NFS lands must have identification tags attached with information such as project name, dates of project and contact information. These should be durable enough to withstand the duration of the project.
- E. Research participants shall notify the Forest Service in writing when the project is complete and project materials have been removed from NFS lands.

V. Species Protection

The US Forest Service, Rocky Mountain Region, has developed a strategy for the management and prevention of aquatic nuisance species (ANS). ANS can be defined as any species or taxa that are native or non-native and have significant deleterious effects on important resources such as native aquatic species and ecosystems, recreation, water and development structures.

A list of threatened, endangered, proposed and sensitive (TES) plants known or suspected on or near the MBRTB is provided in APPENDIX D. It is against forest regulation and may be illegal to willfully collect or destroy flowers, seeds, plants or plant parts of the species listed below. Researchers are responsible for avoiding impacts to all TES plants.

- A. Equipment shall be inspected and cleaned of mud and plant debris before vehicles are moved into the project area.
- B. For activities taking place in streams, ponds or wetlands, equipment (i.e. boots, waders, nets, etc.) shall be clear of all organic material and allowed to air dry.
- C. The following guidelines will be implemented by all project personnel encountering infected or potentially infected waters. This process must be followed before entering a new water body. This may require the personnel to carry disinfectant with them while conducting fieldwork.
 - 1. Before leaving the water's edge, rinse all organic material from boat and other equipment and allow to air dry.
 - 2. Move to an area that is at least 100 feet from rivers, lakes or wetlands.
 - 3. Spray all equipment (waders, boots, sampling equipment, etc.) with a 3% Sparquat 256® solution and let soak for a minimum of 15 minutes. 3% Sparquat solution= 4 oz sparquat per 1 gallon of water.
 - 4. Wash disinfectant off equipment before entering the next water body. Stay at least 100 feet from rivers, lakes or wetlands when washing.

VI. Designated Wilderness Areas and Inventoried Roadless Areas

- A. Projects located in designated wilderness areas (wilderness) or inventoried roadless areas (roadless) shall undergo a wilderness/roadless review.
- B. Motorized access is not allowed in wilderness and roadless areas (including e-bikes).
- C. Mechanized equipment cannot be operated in wilderness areas (i.e. drones, chainsaws, bicycles).
- D. Equipment installations (i.e. monitoring devices and cameras) in wilderness areas is not allowed unless prior approval is granted.

VII. Incident Response and Notification

- A. Contact the appropriate Ranger District office as soon as practicable after the following incidents occur on NFS lands:
 - 1. An incident resulting in death, permanent disability, or personal injuries that are life-threatening or that are likely to cause permanent disability;
 - 2. A structural, mechanical, or electrical malfunction or failure of a component of a facility designed for passenger transport or any operational actions that impair the function or operation of such a facility in a way that could affect public safety;
 - 3. A search and rescue operation to locate a person; or
 - 4. Any incident that has high potential for serious personal injury or death or significant property, environmental, or other natural resource damage, including

avalanches, landslides, flooding, fire, structural failures, and release of hazardous materials.

- B. All incidents shall be followed up with a written report within ten (10) working days.
- C. In case of human death, the County Sheriff in the county in which the death occurred will be notified immediately.
- D. All search and rescue operations will originate through the County Sheriff's Department. Requests for helicopter rescues will be coordinated through the Sheriff's Department.
- E. As soon as practicable, notify the District Ranger when any requests for search and rescue, including helicopter rescue, have been made.
- F. Key Contacts:

Carbon County Sheriff & Fire Department	911
Albany County Sheriff & Fire Department	911 or 307-755-3520
Poison Control	800-222-1222
Platte Valley Medical Clinic (Saratoga)	307-326-8381
Casper Interagency Dispatch Center (North Zone)	800-295-9952 or 307-233-1140
Craig Interagency Dispatch (South Zone)	970-826-5037
USFS Brush Creek/Hayden District (Saratoga, WY)	307-326-5258
USFS Laramie District (Laramie, WY)	307-745-2300
USFS Douglas District (Douglas, WY)	307-358-4690
USFS Hahns Peak/Bears Ears District (Steamboat Springs, CO)	970-870-2299
USFS Parks District (Walden, CO)	970-723-2700
USFS Yampa District (Yampa, CO)	970-638-4516

VIII. Cultural Resources

All persons associated with operations under this authorization must be informed that any objects or sites of cultural, paleontological, or scientific value such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed, moved, or disturbed. If any archeological resources are encountered during project implementation, all activities shall cease until the MBRTB Archaeologist is notified and able to assess the resources.

APPENDIX C.

Field Trip/Research Project Questionnaire

Please answer the following questions in layperson terms. Remember, your audience includes nonscience professionals:

- 1.** Why is it necessary for you to conduct this field trip/research project activity on National Forest System (NFS) lands? Is it possible to conduct this activity on state or private land?
- 2.** Are you fully capable of the implementation, operation, and rehabilitation activities involved with this field trip/research project on NFS lands? Explain.
- 3.** Do you have all the necessary authorizations/permissions from other federal and state agencies and/or private landowners?
- 4.** How do you plan on accessing the activity area on NFS lands (i.e. open or closed roads, trails, motorized or non-motorized, etc.). Roads and trails open to motor vehicle use, including seasons of use, are identified on the Motor Vehicle Use maps (see above) Any proposed motor vehicle use on roads or trails not shown on the MVUM should be clearly identified.
- 5.** Please provide location maps and sketch (diagram) maps clearly showing the proposed research area. Maps should be at an appropriate scale to effectively convey the location, intent, and methodology of the activity. Provide shapefiles if possible.
- 6.** Is this a multi-year project that will have equipment present on NFS lands for more than one year? If so, what cumulative effects do you anticipate?
- 7.** What equipment, supplies, facilities, etc., do you plan on leaving on NFS lands, where, and for how long? Why is it necessary for you to leave these items in place?
- 8.** Please describe your plan, including a timeline, for removing all equipment left on NFS lands (i.e. signs, cages, markers etc.).
- 9.** What sort of ground disturbance will the activity cause (i.e., area, depth, etc.)? Please calculate the area of expected disturbance. How will the ground disturbance be repaired?
- 10.** What sort of vegetation disturbance will the field trip/project cause? Do you plan on removing any vegetation from NFS lands? If so, why is it necessary? How will vegetation disturbance be repaired?
- 11.** Do you plan on removing any soil or rocks from NFS lands? If so, why is it necessary?
- 12.** Are you proposing to conduct work in designated Wilderness Areas or Inventoried Roadless Areas (IRA)? If so, can you explain how this activity is dependent on the Wilderness/IRA and why it cannot occur on another area of the National Forest.
- 13.** What types of environmental impacts will your activities have on air quality, visual quality, surface and ground water quality, ground surface, vegetation, and soil quality?

APPENDIX D.

Threatened and Endangered Species, Sensitive Species, and Species of Conservation Concern (Medicine Bow-Routt National Forests and Thunder Basin National Grassland)

1. *Astragalus osterhoutii*, Osterhout's Milkvetch (Endangered)
2. *Penstemon penlandii*, Penland beardtongue (Endangered)
3. *Phacelia formosula*, North Park Phacelia (Endangered)
4. *Spiranthes diluvialis*, Ute ladies' tresses (Threatened)

Sensitive:

1. *Aquilegia laramiensis*, Laramie columbine
2. *Armeria maritima* ssp. *sibirica*, Siberian sea thrift
3. *Astragalus barrii*, Barr's milkvetch
4. *Astragalus iodopetalus*, violet milkvetch
5. *Astragalus leptaleus*, park milkvetch
6. *Botrychium ascendens*, triangleglobe moonwort
7. *Botrychium campestre*, Iowa moonwort
8. *Botrychium paradoxum*, peculiar moonwort
9. *Carex diandra*, lesser panicled sedge
10. *Carex livida*, livid sedge
11. *Cuscuta plattensis*, prairie dodder
12. *Cypripedium parviflorum*, yellow lady's slipper
13. *Draba exunguiculata*, Gray's peak draba
14. *Draba grayana*, Gray's draba
15. *Drosera rotundifolia*, roundleaf sundew
16. *Eleocharis elliptica*, boreal spike rush
17. *Eriogonum exilifolium*, dropleafbuckwheat
18. *Eriogonum visherii*, Visher's buckwheat
19. *Eriophorum altaicum* var. *neogaeum*, altai cottongrass
20. *Eriophorum gracile*, slender cottongrass
21. *Festuca hallii*, plains rough fescue (Hall's fescue)
22. *Ipomopsis aggregata* ssp. *weberi*, scarlet gilia (Rabbit Ear's gilia)
23. *Kobresia simpliciuscula*, simple bog sedge
24. *Malaxis monophyllos* var. *brachypoda*, white adder's-mouth orchid
25. *Mimulus gemmiparus*, Rocky Mountain monkeyflower
26. *Oenothera coloradensis* ssp. *coloradensis*, Colorado butterfly plant
27. *Parnassia kotzebuei*, Kotzebue's grass of Parnassus
28. *Penstemon harringtonii*, Harrington's beardtongue
29. *Physaria didymocarpa* var. *lanata*, common twinpod
30. *Potentilla rupincola*, rock cinquefoil
31. *Ranunculus karelinii* (= *R. gelidus* ssp. *grayi*), ice cold buttercup
32. *Rubus arcticus* ssp. *acaulis*, dwarfraspberry (nagoonberry)
33. *Salix candida*, sageleaf willow
34. *Salix serissima*, autumn willow
35. *Selaginella selaginoides*, club spikemoss

36. *Sphagnum angustifolium*, sphagnum
37. *Sphagnum balticum*, Baltic sphagnum
38. *Utricularia minor*, lesser bladderwort
39. *Viola selkirkii*, Selkirk's violet
40. *Xanthisma coloradoense*, Colorado tansyaster


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How to contact University of Wyoming:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

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To advise University of Wyoming of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at afrasier@uwyo.edu and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

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Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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