

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

FOREST ROAD SPECIAL USE PERMIT
AUTHORITY:

Title V of the Federal Land Policy and Management Act, 43 U.S.C. 1761-1772

CONVERSE COUNTY of 107 N 5TH ST, DOUGLAS, WY UNITED STATES 82633 (the holder) is authorized to use the following described forest road (forest road) in the National Forest to access private property for commercial or noncommercial purposes, subject to the terms of this special use permit (permit).

The forest road is located on National Forest System lands in the County of Converse, State of Wyoming, is **165 feet wide** and **13,316 feet long**, and covers approximately **50.5 acres** in the , SW1/4SW1/4 Sec. 27, T. 39 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , NE1/4SW1/4 Sec. 33, T. 39 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , SW1/4SW1/4 Sec. 33, T. 39 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , SE1/4SW1/4 Sec. 33, T. 39 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , SW1/4NW1/4 Sec. 27, T. 39 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , SW1/4NW1/4 Sec. 27, T. 39 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , SE1/4NE1/4 Sec. 5, T. 38 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , NW1/4NE1/4 Sec. 33, T. 39 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , NE1/4SE1/4 Sec. 28, T. 39 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , NW1/4SW1/4 Sec. 27, T. 39 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , NE1/4NW1/4 Sec. 27, T. 39 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , SW1/4NE1/4 Sec. 33, T. 39 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , SW1/4SE1/4 Sec. 5, T. 38 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , SE1/4SE1/4 Sec. 28, T. 39 N., R. 73 W., 6TH PRINCIPAL MERIDIAN, , NE1/4SE1/4 Sec. 7, T. 38 N., R. 73 W., 6TH PRINCIPAL MERIDIAN , , ("the permit area"), for the purpose of:

Converse County, through HDR, is requesting to upgrade, widen, and pave Jenne Trail across NFS managed public lands for safety. The existing road is an RS2477 (historic access easement). By upgrading they lose their RS2477 and the road will now be permitted under FLPMA as a special use permit, as shown on the map attached as an appendix. This and any other appendices are hereby incorporated into this permit.

The forest road is more specifically delineated in a centerline description, which is attached as an appendix.

This permit covers **82.5 feet on either side of the centerline of the forest road**, with additional width as required to accommodate and protect cuts and fills.

I. GENERAL TERMS

A. AUTHORITY. This permit is issued pursuant to Title V of the Federal Land Policy and Management Act, 43 U.S.C. 1761-1772, 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 **12/31/2030**. Expiration of this permit shall not require notice, a decision document, or any environmental analysis or other documentation.

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 are 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 land 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 to:

1. Use or cross upon, over, or under the forest road and authorize others to use or cross upon, over, or under the forest road in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved;

2. Access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation, including ensuring compliance with the terms of this permit; and

3. Relocate the forest road to the extent necessary to accommodate the management needs of the National Forest System. The centerline of this permit shall shift to follow the centerline of the relocated forest road and shall be accepted as the new centerline of this permit.

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.

I. TRANSFER OF TITLE TO THE IMPROVEMENTS.

1. Notification of Transfer. The holder shall notify the authorized officer when a transfer of title to the private property accessed by the forest road is planned.

2. Transfer of Title. Any transfer of title to the private property accessed by the forest road shall result in termination of this permit. The party who acquires title to the private property must submit an application for a permit. The Forest Service is not obligated to issue a new permit to the party who acquires title to the private property accessed by the forest road. The authorized officer shall determine that the applicant meets requirements under applicable federal regulations.

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 provided for in 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 construction or reconstruction of the forest road, 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.

III. OPERATIONS.

A. OPERATING PLAN. The operating plan and any revisions to the operating plan shall be prepared in consultation with the authorized officer or the authorized officer's designated representative and shall cover such items as snow removal, road maintenance, commercial hauling,

dust abatement, a traffic control plan, and the names of the holder's employees, contractors, and subcontractors who will use the forest road on behalf of the holder under this permit. The operating plan shall be submitted by the holder and approved by the authorized officer or the authorized officer's designated representative prior to commencement of operations under this permit and shall be attached to this permit as an appendix.

B. USE OF THE FOREST ROAD. The holder shall have the right to use the forest road for all purposes deemed necessary or desirable by the holder in connection with the protection, administration, management, and utilization of the holder's lands and other property.

C. TRAFFIC CONTROL RULES AND OTHER REQUIREMENTS FOR RESIDENTIAL ACCESS. The rights granted by this permit do not include the right to use the forest road for access to developments for short- or long-term residential purposes, unless and until the authorized officer and the holder agree upon traffic control rules and other provisions to accommodate that use of the forest road.

D. HOLDER'S RESPONSIBILITY FOR ROAD MAINTENANCE. The holder shall pay the Forest Service for the holder's share of maintenance costs for the forest road or perform the holder's share of maintenance of the forest road proportionate to the holder's total use of the forest road, as determined by the Forest Service. Any road maintenance performed by the holder shall be authorized by and shall be conducted in accordance with a maintenance plan approved in writing by the authorized officer. Maintenance, construction, or reconstruction of the forest road to accommodate the holder's needs must have prior written approval from the authorized officer and shall be performed at the holder's expense.

E. INVESTMENT SHARING FOR COMMERCIAL USE. The holder's use of the forest road for hauling non-federal forest products from land tributary to the forest road and other commercial use of the forest road are subject to investment sharing under 16 U.S.C. 535. The holder shall not haul non-federal forest products or conduct any other commercial uses on the forest road until the holder pays or makes arrangements acceptable to the Forest Service to pay the holder's share of the road construction or reconstruction costs.

F. RESOURCE PROTECTION DURING ROAD MAINTENANCE. The holder shall conduct any maintenance of the forest road so as to avoid damaging adjacent National Forest System lands.

G. 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.

H. PESTICIDE USE

1. Authorized Officer Concurrence. Pesticides may not be used 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 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.

I. 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.

IV. RIGHTS AND LIABILITIES.

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

B. 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.

C. NO WARRANTY OF ACCESS, SITE SUITABILITY, OR SERVICES. This permit authorizes the use and occupancy of lands or easements of the United States 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, other than as expressly provided for in this permit; water; fire protection services; search and rescue services; or any other services by a government agency, utility, association, or individual.

D. RISK OF LOSS. The holder assumes all risk of loss to the permit area, in whole or in part, due to public health and safety or environmental hazards. Loss 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 the authorized officer determines that any portions of the permit area cannot be safely occupied due to a public health or safety or environmental hazard, this permit shall terminate as to those portions of the permit area. Termination under this clause shall not give rise to any claim for damages, including lost profits, by the holder against the Forest Service.

E. 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.

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.E.1, except that liability shall not include reasonable and ordinary wear and tear.

F. 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.F, "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, contractors, or lessees 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 permit area to the Forest Service in compliance with all applicable laws and regulations and free and clear of contamination.

G. 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 and

occupancy authorized by this permit. This indemnification and hold harmless provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assignees, agents, employees, or contractors in connection with the use and 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 hazardous material 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.

V. LAND USE FEE AND DEBT COLLECTION

A. LAND USE FEE. The holder is exempt from a land use fee pursuant to 36 CFR 251.57 and Forest Service Handbook 2709.12, Chapter 40.

VI. 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 in its entirety 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 at the request of the holder under clause VI.A.2 or immediate suspension under clause VI.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 onsite review with the authorized officer's superior of the adverse conditions prompting the suspension. The authorized officer's superior shall grant this request within 48 hours. Following the onsite 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. 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. This permit shall terminate:

1. Upon expiration;
2. Prior to expiration, at such time when the authorized officer, in consultation with the holder, determines that the forest road is no longer needed for access to the holder's lands;
3. If the holder fails to pay land use fees, interest, or any other charges within 90 calendar days of the due date; the holder shall remain responsible for the delinquent charges; or
4. If a subsequent easement is granted by the United States to a public road authority for operation of the forest road as a public highway.

E. RIGHTS AND RESPONSIBILITIES UPON REVOCATION OR TERMINATION WITHOUT ISSUANCE OF A NEW PERMIT. Upon revocation of this permit or termination of this permit without issuance of a new permit, the authorized officer, after consultation with other affected agencies, has the discretion to require the holder to sell or remove all structures and improvements in the permit area, except those owned by the United States, within a reasonable period prescribed by the authorized officer and to restore the permit area to the satisfaction of the authorized officer. If the holder fails to sell or remove all structures or improvements in the permit area 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 permit area.

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.

VII. 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 authorized officer and the holder shall keep each other informed of current mailing addresses, including those necessary for payment of land use fees.

C. SUPERSEDED AUTHORIZATION. This permit supersedes an authorization designated N/A, dated N/A.

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

E. Authorization Limitations (R2-X105). Nothing in this special use authorization gives or implies permission to build or maintain any structure or facility, or to conduct any activity unless specifically authorized in this authorization. Any use not specifically authorized by this authorization must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new authorization or authorization amendment is at the sole discretion of the authorized officer.

F. Use of Certified Noxious Weed Free Hay, Straw or Mulch (R2-X107). Only hay, grain, straw, hay cubes or other forage or mulch certified as noxious weed free or noxious weed seed free by an authorized State Department of Agriculture official or designated county official may be used. Each individual bale container, sack, etc., must be tagged or marked as a certified weed free product and show current documentation from a state certification process which meets or exceed the North American Weed Free Forage (NAWFF) or comparable certification standard.

The following are exempted from this requirement:

1. Pelletized feed one inch in diameter or smaller or steam-rolled feed grain products;
2. Persons with a permit specifically authorizing the prohibited act;
3. Transporting straw, hay or mulch on Federal, State, and County roads that are not National Forest System roads and trails.

G. Ground Surface Protection and Restoration (D-9). The holder shall prevent and control soil erosion and gullyng on National Forest System lands in and adjacent to the permit area resulting from construction, operation, maintenance, and termination of the authorized use. The holder shall construct authorized improvements so as to avoid accumulation of excessive amounts of water in the permit area and encroachment on streams. The holder shall revegetate or otherwise stabilize (for example, by constructing a retaining wall) all ground where the soil has been exposed as a result of the holder's construction, maintenance, operation, or termination of the authorized use.

H. Noxious Weed and Exotic Plant Prevention and Control (D-10). The holder shall be responsible for the prevention and control of noxious weeds and exotic plants arising from the authorized use. For purposes of this clause, noxious weeds and exotic plants include those species recognized as such by Federal, State, or local agency. The holder shall follow prevention and control measures required by Federal, State, or local agency. When determined to be necessary by the Authorized Officer, the holder shall develop a plan for noxious weed and exotic plant prevention and control. These plans must have prior written approval from the Authorized Officer and, upon approval, shall be attached to this permit as an appendix.

I. Herbicide and Pesticide Use (D-18). Herbicides and pesticides may not be used outside of buildings to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, or fish without the prior written approval of the Authorized Officer. A request for approval of planned uses of pesticides shall be submitted annually by the holder on the due date established by the Authorized Officer. The report shall cover a 12-month period of planned use beginning 3 months after the reporting date. 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 an annual report was submitted. Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned shall be authorized for use on National Forest System lands. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers.

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:

Jim Willox
Chairman - Board of County Commissioners
Converse County, Wyoming

DATE

APPROVED:

By:
A. Dawn Laybolt
Forest Supervisor
Medicine Bow-Routt National Forests &
Thunder Basin National Grassland
USDA Forest Service

DATE

Auth ID: DGL597
Contact Name: CONVERSE COUNTY
Expiration Date: 12/31/2030
Use Code: 512

FS-2700-4b (09/2020)
OMB No. 0596-0082

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, 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.

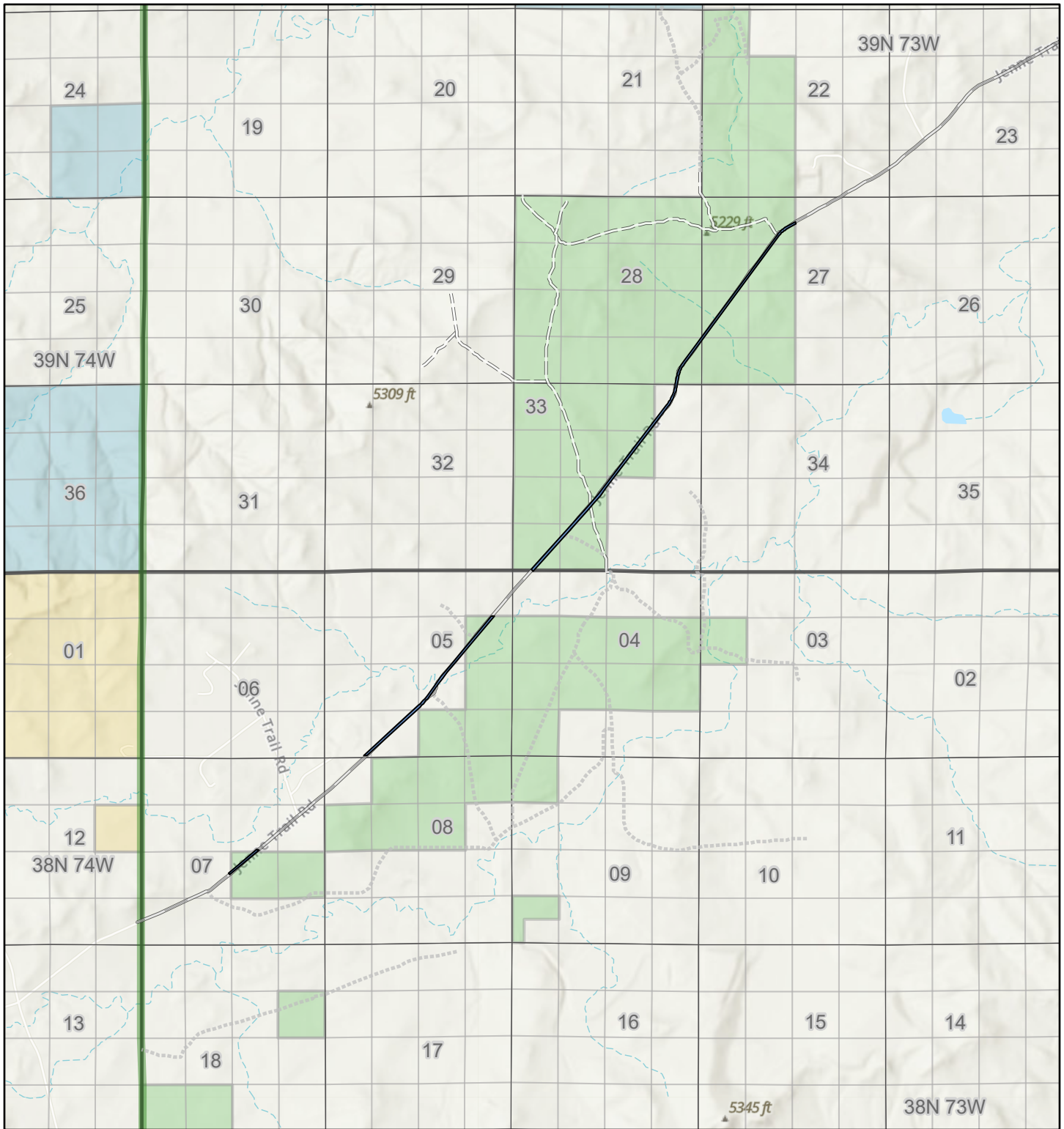
Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711(voice and TTY). 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, Mail Stop 9410, 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.

DGL 597 - Jenne Trail Temporary Construction Permit for Converse County



3/9/2026

1:65,340

- Existing ROW
- Existing ROW
- Existing ROW
- BaseStaticSnapshotForMobile TransportationUSFSRoads - Forest Service Roads
- Gravel Road
- Unimproved Roads
- Closed Roads
- Township

- BaseStaticSnapshotForMobile_PLSSBLM - BLM PLSS Sections
- Section
- BLM_WY_Public_Land_Survey_System_(PLSS)_Second_Division_gdb
- BLM_WY_Surface_Management_Agency_gdb
- Bureau of Land Management
- Private
- State
- Forest Service
- World_Hillshade

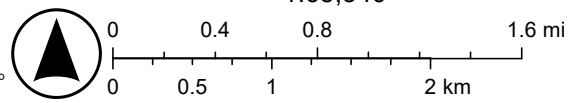


Exhibit A

Geospatial Technology and Applications Center (GTAC), US Forest Service, BLM WY State Office, Bureau of Land Management (BLM), Wyoming State Office, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Esri, NASA, NGA, USGS, FEMA

SUPPLEMENTAL CONSTRUCTION OPERATING PLAN

This operating plan specifies requirements for authorized portions of the Thunder Basin National Grasslands as identified on the map Exhibit A.

Purpose

This project is a 2.52-mile rural road capitol project located in northern Converse County, Wyoming to improve Jenne Trail (County Road 34). This is the third and final phase with a goal of taking a high maintenance gravel roadway and improving safety and reducing maintenance. If emergency work needs to be completed outside of the authorized area, the authorized officer must be notified as soon as possible, but no later than within 48 hours of the activity.

Incident Notification

Holder shall contact the District Ranger as soon as practicable after the following incidents occur on National Forest System lands covered by a special use authorization:

- a. An incident resulting in death, permanent disability, or personal injuries that are life-threatening or that are likely to cause permanent disability;
- b. 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;
- c. A search and rescue operation to locate a person; or
- d. 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.

Contact may occur by telephone with the District Ranger or appropriate acting officer, Douglas Ranger District, by calling the main office phone at 307-358-4690. Send written messages about undesirable events or construction notification to the following email address: pdl_r2_mbr_drd_Lands&Minerals@usda.gov. Holder shall specify when, where, and how the incident occurred and who was present or affected by the incident.

A copy of the permit, approved holder provided operating plan and this supplemental operating plan must be available on-site during construction or maintenance activities. Any activity that occurs outside currently authorized ROW must be analyzed and approved through amendment to the authorization. Amendments to this operating plan may stipulate requirements intended to protect site specific resources.

The Douglas Ranger District Realty Specialist will be notified at least five (5) days prior to the start of any approved ground disturbing activity. At the discretion of the Authorized Officer, a pre-work meeting may be required before the start of work on National Forest System lands.

Operations

- It is the responsibility of the holder to ensure that all contractors involved in the project are aware of the requirements of this Plan of Operation.
- To help reduce disturbances to nesting and wintering raptors, prohibit the construction activities within the minimum distances (0.5 miles or line of sight) of active raptor nests and winter roost areas March 1 to July 31 to protect Ferruginous and Swainson's Hawk nests.
- Habitat removal is prohibited during migratory bird nesting from May 1 through July 15 to protect ground-nesting birds, including their nests and young broods. COA will apply unless a nesting survey performed by a biologist confirms an absence of nesting birds in the disturbance area. After project

SUPPLEMENTAL CONSTRUCTION OPERATING PLAN

completion, COA will still apply for any non-emergency and/or non-routine maintenance activities.

- Habitat removal is prohibited during migratory bird nesting from May 1 through July 15 to protect ground-nesting birds, including their nests and young broods. COA will apply unless a nesting survey performed by a biologist confirms an absence of nesting birds in the disturbance area. After project completion, COA will still apply for any non-emergency and/or non-routine maintenance activities.
- Construction equipment, vehicles, and materials will be staged in upland areas away from potential moist microhabitats. Heavy equipment will be refueled outside of wetland or ephemeral drainage zones in upland locations. Portable fuel containers will not be placed within wetland or ephemeral drainage zones and will be placed in leak-proof secondary containment in upland locations.
- Soil and vegetation disturbance will be minimized to the extent practicable, with disturbed areas restored to pre-construction contours and reseeded using native hydrophytic species.
- Clean topsoil and approved native wetland seed mixes will be placed during the growing season to encourage rapid revegetation.
- If *Spiranthes diluvialis* is identified prior to or during construction, a protective buffer will be established around occupied habitat to restrict construction activities.
- Herbicides will not be applied within 100 feet of potential habitat, and all equipment will be cleaned prior to site entry to reduce the introduction or spread of invasive species.
- Erosion and sediment control BMPs will be maintained to prevent sediment-laden runoff from reaching sensitive habitats.
- Worker environmental awareness training will include identification of Ute ladies'-tresses, description of suitable habitat, and procedures for reporting any observations. (Adapted from USFWS standard conservation measures and correspondence, Attachment VIII).
- Where feasible, construction will avoid removing flowering nectar plants and milkweed host species within the project corridor.
- When avoidance is not possible, work will be timed to minimize impacts during peak monarch and Suckley's Cuckoo Bumble Bee breeding or foraging activity.
- Use of pesticides or herbicides will be avoided within areas that may support monarchs or Suckley's Cuckoo Bumble Bees. If treatment is necessary, targeted products will be selected, applications will be timed to reduce exposure risk, and drift will be minimized by establishing untreated buffer zones. (Adapted from USFWS monarch conservation measures, Attachment VIII)
- No operations will be conducted during periods of wet weather or wet ground conditions, if rutting of soils may result. Surface ruts of greater than 3 inches in depth for a contiguous length of 100 feet or greater will be cause for operations to cease.
- All spills of fuels, lubricants, liquids and any other hazardous materials is the responsibility of holder and shall be promptly reported to USFS and to any other agencies as required.
- Minimize activities that will result in road damage. Damage caused by a particular operator is the responsibility of that operator to repair damage to the road and return to the original condition.
- Obtain approval from the District Ranger in writing and in advance before erecting any signs, traffic control devices, new drainage structures, and/or new cattle guards.
- During construction, apply erosion control as needed (i.e.: silt fence during construction where close to reservoir, after construction seeding disturbed soil near reservoir).

SUPPLEMENTAL CONSTRUCTION OPERATING PLAN

- Deposit no waste material (silt, sand, gravel, soil, slash, debris, chemical, or other material) below high water lines, in riparian areas, in the areas immediately adjacent to riparian areas or in natural drainage ways (draws, land surface depressions or other areas where overland flow concentrates and flows directly into streams or lakes).
- Deposition of soil material in natural drainage ways is prohibited.
- Locate the lower edge of disturbed or deposited soil banks outside the active floodplain.
- Stockpiling of topsoil or any other disturbed soil in the active floodplain is prohibited.

Post Construction

Revegetation measures will be implemented within one year of the date of soil disturbance in areas where existing vegetation has been disturbed. Operator will provide a native seed mix appropriate for the area to be approved by Forest Service district resource specialists.

Construction activities will be confined to the designated roadway corridor and approved staging areas to minimize disturbance to adjacent undisturbed vegetation.

Disturbed areas outside of the permanent roadway footprint will be recontoured and reseeded to promote revegetation and soil stability.

Recommended Seed Mixes: Wetland and Drainage Areas: American Sloughgrass (*Beckmannia syzigachne*), Inland Saltgrass (*Distichlis spicata*), Common Spikerush (*Elocharis palustris*), Foxtail Barley (*Hordeum jubatum*), Sandberg's Bluegrass (*Poa secunda*), Alkali Bulrush (*Schoenoplectus maritimus*), and Prairie Cordgrass (*Spartina pectinata*).

Upland and Roadside Areas: A blend based on the Converse County Road & Bridge standard mix: Slender Wheatgrass (*Elymus trachycaulus*), Western Wheatgrass (*Agropyron smithii*), Tufted Hairgrass (*Deschampsia cespitosa*), Prairie Sandreed (*Calamovilfa longifolia ssp.*), and Prairie Junegrass (*Koeleria macrantha*).

Upland areas may require fertilizer and mulch for stabilization; Wetland areas do not typically require soil amendments.

Seed all disturbed areas using a drill equipped with a depth regulator.

All seed, **except sagebrush (if required)**, must be drilled on the contour. Waterbars may be utilized as needed for erosion control where contour drilling is impractical. ***Plant the seed at an appropriate depth for each species. Where drill seeding is not possible (slopes too steep or soil too rocky), broadcast the seed and rake or chain the area to cover the seed.*** For species other than sagebrush, if the seed mixture is broadcast, double the rate identified. The seeding shall be repeated until a satisfactory stand, as determined by the Authorized Officer, is obtained. The operator will provide documentation of growth following completion of the first growing season after seeding.

If required - Wyoming big sage seed is to be broadcast (it may be scattered over snow cover) on top of the reclamation area after any drill seeding is completed.

Revegetation measures will be considered complete upon inspection for desired established vegetation and concurrence by the Authorized Officer and/or resource specialists.