

USDA, Forest Service SPECIAL-USE APPLICATION & PERMIT FOR RECREATION EVENTS (Ref.: 36 CFR 251) Authority: Land & Water Conservation Fund Act of September 3, 1964, 16 U.S.C. 4601-6a(c)	FOREST SERVICE USE TYPE 149 <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; border-bottom: 1px solid black;">DATE RECEIVED</td> <td style="width:33%; border-bottom: 1px solid black;">ISSUE DATE</td> <td style="width:33%; border-bottom: 1px solid black;">EXPIRATION DATE</td> </tr> <tr> <td style="border-bottom: 1px solid black;">REG. / FOR. / DIST.</td> <td style="border-bottom: 1px solid black;">AUTH. ID.</td> <td style="border-bottom: 1px solid black;">STATE / COUNTY</td> </tr> </table>	DATE RECEIVED	ISSUE DATE	EXPIRATION DATE	REG. / FOR. / DIST.	AUTH. ID.	STATE / COUNTY
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PART I - APPLICATION

1. APPLICANT INFORMATION:

Name of Group: <u>The Town of Mammoth Lakes</u>	Applicant's Agent: <u>Robert F. Clark</u>
Name of Contact: <u>Danna Stroud</u>	Agent's Address: <u>P.O. Box 1609, Mammoth Lakes, CA 93546</u>
Address: <u>P.O. Box 1609, Mammoth Lakes, CA 93546</u>	Agent's Phone: <u>(760) 934-8989 , ext. 226</u>
Phone: <u>(760) 934- 2712, ext. 1245/259</u>	Fax Number: <u>(760) 934-7066</u>
Corporate Tax ID or SSN: <u>77-0043067</u>	E-mail Address: <u>sdidomizio@visitmammoth.com</u>

IF AN OPERATING PLAN IS REQUIRED, SIGN APPLICATION AND STOP HERE. OTHERWISE, COMPLETE ITEMS 2 THROUGH 7.

2. DESCRIPTION OF PROPOSED ACTIVITY: Operation of a motocross track for an 11-day motocross event, managed and operated by Mammoth Mountain Ski Area. The event will include the use of a pit area, track maintenance and grooming, dust abatement with water paliative, use of Sherwin Creek Road and dust abatement on Sherwin Creek Road, use of the Sherwin Gravel Pit for event parking, operation of a shuttle bus between Sherwin Gravel Pit and the motocross track, vending of food and other materials, and installation of directional and restrictive signage.

Detailed Operating Plan is "*Exhibit E*".

3. LOCATION & DESCRIPTION OF NATIONAL FOREST SYSTEM LANDS & FACILITIES APPLICANT WOULD LIKE TO USE (INCLUDE MAP): Aerial Map is "*Exhibit B*". Site Plan is "*Exhibit C*".

The motocross track is located off of Sherwin Creek Road, about 2 miles from the intersection of Old Mammoth Road.

4. ESTIMATED NUMBER OF PARTICIPANTS & SPECTATORS FOR PROPOSED ACTIVITY:

Participants: 2000 over 11-day event

Spectators: up to 3000 on race days

5. STARTING & ENDING DATE & TIME OF PROPOSED ACTIVITY:

Start:	Thurs <u>06/09/08</u>	<u>6:00 am</u>	End:	Mon <u>06/30/08</u>	<u>6:00 pm</u>
	Date	Time		Date	Time


6. ESTIMATED REVENUE COLLECTED FOR EVENT:

Amount: \$300,000

Type of Fees: Registration Fees, Practice Fees, Spectator Fees, Sponsorships, Vendor Fees, Food & Beverage Sales, Merchandise Sales, Photo Service Sales

7. NAME OF PERSON(S) WHO WILL SIGN A SPECIAL-USE AUTHORIZATION ON BEHALF OF THE EVENT:

I hereby acknowledge that is an application only, and that the use and occupancy of National Forest System lands is not authorized until an authorization is signed and issued by an authorized officer.

Printed Name: Robert F. Clark Signature:  Date: 5/8/08

Printed Name: _____ Signature: _____ Date: _____

18 U.S.C. § 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction. Anyone who knowingly or willfully makes or uses any false writing shall be fined not be more than \$10,000 or imprisoned not more than five years, or both.

PART II - PERMIT

1. Use under this permit shall begin on **June 9, 2008** and end on **June 30, 2008**. The permit shall not be extended.
2. The estimated fee for this use is **5% of the gross event revenue**. It shall be paid in advance and is not refundable. Within 30 days of conclusion of the event the holder shall submit final records of gross revenue collected for reconciliation for any additional fees due the United States.
3. **The Town of Mammoth Lakes** (the holder) is hereby authorized to use, subject to the terms of this permit, National Forest System lands described as: (INF) T4S, R27E sect. 2, 11 & 12, as shown in attached Exhibit(s) **B**. This authorization covers approximately 19 acres and/or _____ miles.
4. The holder is authorized to conduct the following activities and install the following improvements in the permitted area:
 - **Preparation, maintenance, operation, and closure of a motocross track for an 11-day motocross event, managed and operated by Mammoth Mountain Ski Area. The event will include the use a pit area, track maintenance and grooming, dust abatement with water paliative, use of Sherwin Creek Road and dust abatement on Sherwin Creek Road.**
 - **Usage of the Sherwin Gravel Pit for event parking.**
 - **Operation of a shuttle bus between Sherwin Gravel Pit and the motocross track.**
 - **Vending of food, beer, merchandise, and photo services.**
 - **The holder will be allowed to enter the track for inspection and light maintenance on Tuesday, June 3rd, with heavy maintenance allowed beginning on Monday, June 9.**
 - **Recreational use of the track by the event staff and volunteers on Monday, June 30.**
 - **Installation of more directional and restrictive signage around the motocross track and in surrounding locations also on Forest Service land.**
 - * **No bike washing is allowed in the track or on Forest Service land.**
5. The holder shall conduct the authorized activities according to the attached approved plans and specifications, and Exhibit(s) **A through H**. The holder shall not install any improvements not specifically identified and approved above or in exhibits.

Exhibit A: Written Request to Conduct Track Preparation Prior to June 15th. (Attached)

Exhibit B: Aerial Map (Attached)

Exhibit C: Event Site Plan (Attached)

Exhibit D: Memorandum of Understanding between The Town & MMSA (Attached)

Exhibit E: Motocross Operating Plan (Attached)

Exhibit F: Certificate of Insurance (forthcoming)

Exhibit G: MLPD Law Enforcement Schedule (~~forthcoming~~)

Exhibit H: Sample Registration Packet (forthcoming)

6. No soil, trees, or other vegetation may be destroyed or removed from National Forest System lands without specific prior written permission from the authorized officer.
7. The holder shall comply with all federal, state, county, and municipal laws, ordinances, and regulations which are applicable to the area or operations covered by this permit.

8. The holder shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer. The holder shall fully repair and bear the expense for all damages, other than ordinary wear and tear, to National Forest System lands, roads and trails caused by the holder's activities.
9. The holder has the responsibility of inspecting the use area and adjoining areas for dangerous trees, hanging limbs, and other evidence of hazardous conditions which would pose a risk of injury to individuals. After securing permission from the authorized officer, the holder shall remove such hazards.
10. The holder shall be liable for any damage suffered by the United States resulting from or related to use of this permit, including damages to National Forest resources and costs of fire suppression.
11. The holder shall hold harmless the United States from any liability from damage to life or property arising from the holder's occupancy or use of National Forest System lands under this permit.
12. The holder agrees to permit the free and unrestricted access to and upon the premises at all times for all lawful and proper purposes not inconsistent with the intent of the authorization or with the reasonable exercise and enjoyment by the holder of the privileges thereof.
13. This permit is subject to all valid existing rights and claims outstanding in third parties.
14. This permit may be revoked or suspended upon breach of any of the conditions herein or at the discretion of the authorized officer. Upon expiration or revocation of this authorization, the holder shall immediately remove all improvements except those owned by the United States, and shall restore the site within **N/A** days, unless otherwise agreed upon in writing. If the holder fails to remove the improvements, they shall become property of the United States, but that will not relieve the holder of liability for the cost of their removal and restoration of the site.
15. This permit is a license for the use of federally owned land. It does not grant any interest in real property. This permit is not transferable. Upon approval of the authorized officer, the holder may enter into agreements with third parties to exercise the rights and privileges granted by this authorization.
16. The holder is required to comply with standards for adequacy and type of services set out in the attached operating plan.
17. Gambling or gambling machines or devices will not be permitted on National Forest System lands regardless of whether or not they are lawful under State law or county ordinances.
18. The holder, in advertisements, signs, brochures, letterheads, and like materials, as well as orally, shall not misrepresent in any way, either the accommodations provided, the status of the authorization, or the area covered by it or the vicinity. The fact that the permitted area is located on the National Forest shall be made readily apparent in all formats of the holder's brochures and advertising regarding the use and management of the area and authorized facilities.
19. Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any fee amount not paid within 30 days from the date the fee or fee calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the fee or fee calculation financial statement is due.

In the event the account becomes delinquent, administrative costs to cover processing and handling of the delinquency will be assessed.

A penalty of 6 percent per annum shall be assessed on the total amount delinquent in excess of 90 days and shall accrue from the same date on which interest charges begin to accrue.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or the appeal decision.

If the fees become delinquent, the Forest Service will:

Liquidate any security or collateral provided by the authorization.

If no security or collateral is provided, the authorization will terminate and the holder will be responsible for delinquent fees as well as any other costs of restoring the site to its original condition including hazardous waste cleanup.

Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 *et seq.* Delinquencies may be subject to any or all of the following conditions:

Administrative offset of payments due the holder from the Forest Service.

Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, *et seq.*)

20. For the purpose of administering this permit (including ascertaining that fees paid were correct and evaluating the propriety of the fee base), the holder agrees to make all of the accounting books and supporting records to the business activities, as well as those of sublees operating within the authority of this authorization, available for analysis by qualified representatives of the Forest Service or other Federal agencies authorized to review the Forest Service activities. Review of accounting books and supporting records shall be made at dates convenient to the holder and reviewers. Financial information so obtained shall be treated as confidential as provided in regulations issued by the Secretary of Agriculture. The holder shall retain the above records and keep them available for review for 5 years after the end of the year involved, unless disposition is otherwise approved by the authorized officer in writing.
21. Appeal of any provisions of this authorization or any requirements thereof shall be subject to the appeal regulations at 36 CFR Part 251, Subpart C, or revisions thereto.
22. This permit is accepted subject to the conditions set forth herein, including any conditions in any exhibits attached to and made apart of this authorization.
23. The above clauses shall control if they conflict with additional clauses or provisions.

I have read and understand the terms and conditions and agree to abide by them.

HOLDER: Robert F. Clark

Title: Town Manager, Town of Mammoth Lakes

Signature: 

Date: 6/2/08

U.S. DEPARTMENT OF AGRICULTURE
Forest Service

Authorization is granted by: Jon Regelbrugge

Title: District Ranger

Signature: 

Date: 6/2/08

HOLDER MUST HAVE THIS PERMIT (OR A LEGIBLE COPY) IN POSSESSION DURING THE AUTHORIZED ACTIVITY

According to the Paperwork Reduction Act of 1995, no persons are 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. This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and management Act of 1976, which authorizes the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and the Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for those authorizations. 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.

Public reporting burden for this collection of information 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.



REBECCA PARANICK
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May 2, 2008

Mr. Jonathan Cook-Fisher, Winter Sports Specialist
Mammoth Ranger District
P.O. Box 148
Mammoth Lakes, CA 93546

Re: 2008 Motocross Track Preparation

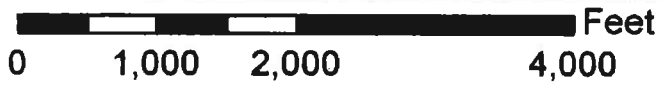
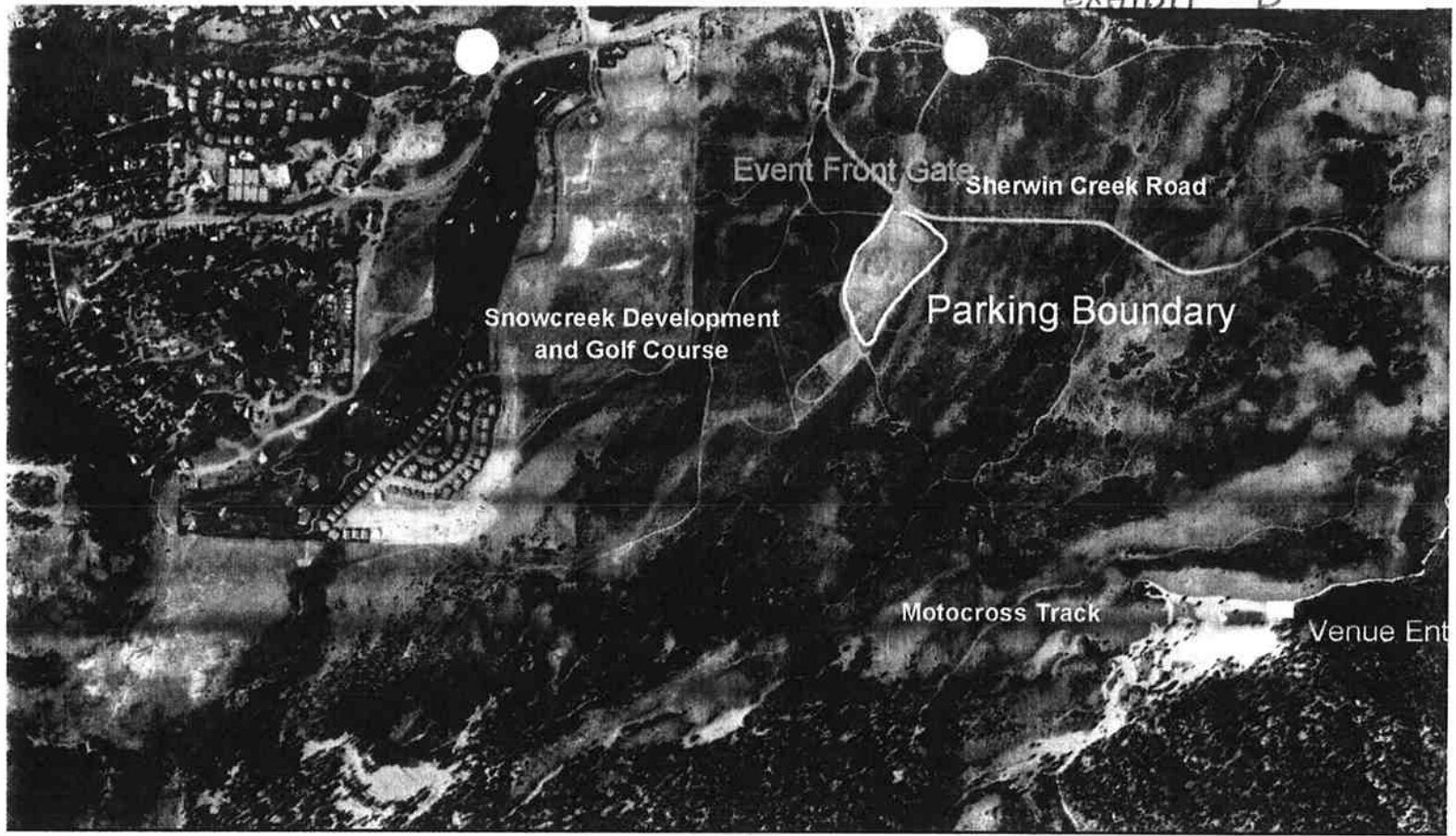
This letter is a formal request by the Event Organizer, Mammoth Mountain Ski Area, to perform motocross track preparation prior to June 15, 2008. Based upon a past agreement, the Event Organizer has agreed not to operate any heavy equipment at the track until after June 15, unless specifically authorized by the Forest Service. This allows migrating deer an opportunity to move through the area prior to the noise impacts of track maintenance and operation. The Event Organizer may also request the ability to plow snow-drifted areas during heavy winter seasons or perform heavy maintenance earlier than June 15 during those seasons when the motocross event is shortly after June 15, but must request approval each season.

For the 2008 event, the Event Organizer is requesting such approval since the first day of the event is Thursday June 19, and it will be necessary to prepare the track five days prior. To clarify, MMSA is specifically requesting approval for hand work to begin ~~Thursday~~ ^{Tues} June 3, 2008, and heavy equipment work to begin Monday, June 9, 2008.

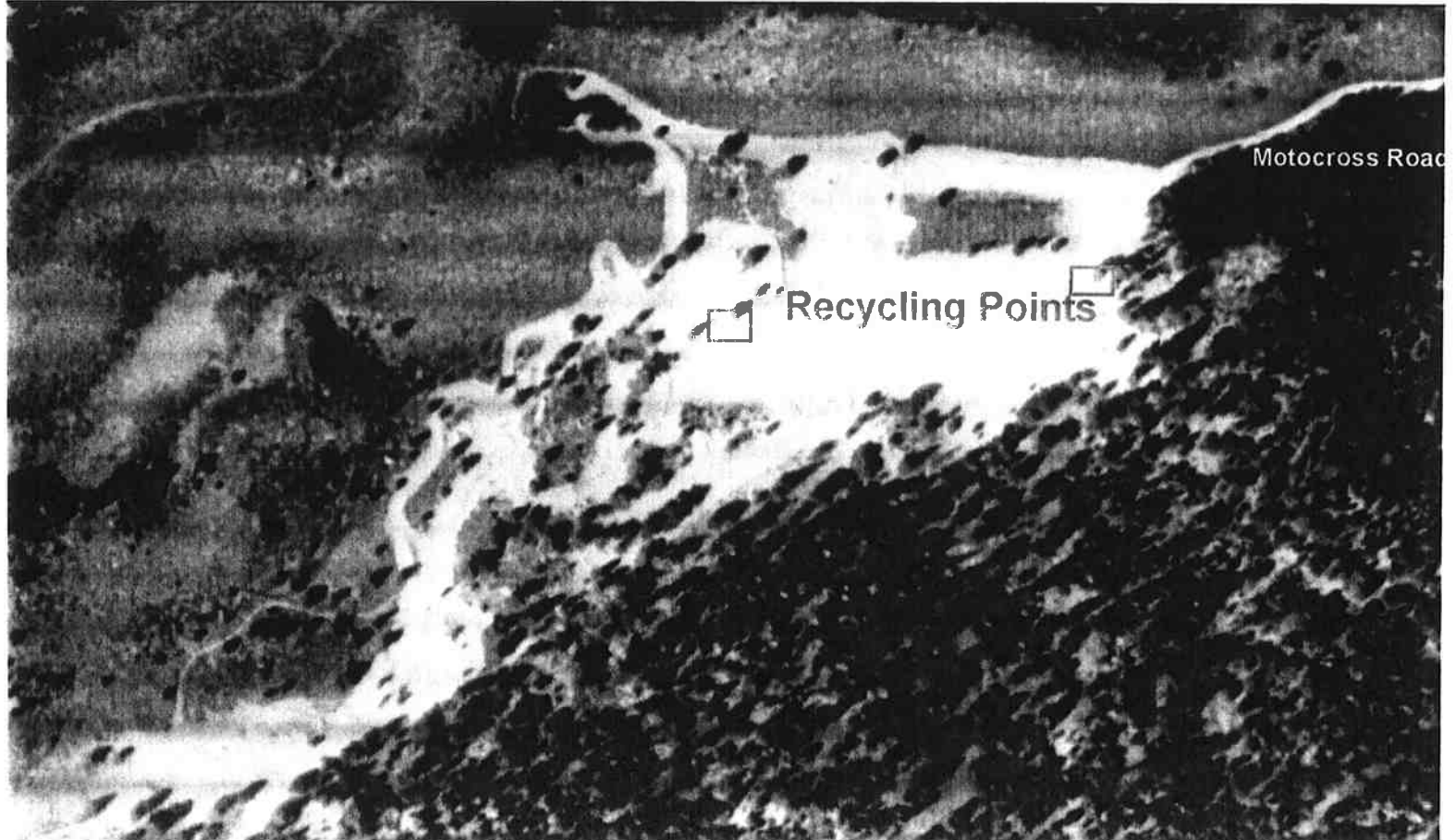
Please don't hesitate to call 760-934-0768 with any questions.

Rebecca Paranick
Government Relations Manager
Mammoth Mountain Ski Area LLC.

Cc: Mike Colbert, MMSA Event Director
Ben Lara, USFS
Sandra DiDomizio, TOML



Track Detail



Mammoth Motorsports Course Map

