UNITED STATES DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

NON-TIMBER FOREST PRODUCTS HARVEST PERMIT

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|  |

Permit Name & Number:

Indian Reservation:

Permit Type: [ ]  Indian Free Use [ ]  Indian Paid [ ]  Non-Indian Paid

# Authority: This permit is authorized by the National Indian Forest Resources Management Act and 25 CFR § 163.

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# Permittee Name and Address:

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|  |

Permission is hereby granted to the Permittee to cut and remove designated forest products, on or before from the following tract(s) and as shown on the attached Exhibit A map.

# Permit Area Description:

Click or tap here to enter text.

**Non-Timber Forest Product Designation**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Product**  | **Unit of Measure** | **Rate per Unit** | **Quantity**   | **Product Value $**   |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  **Totals**  |  |  |

**Payments**

Click or tap here to enter text.

**Harvest Record (see page 3)**

Click or tap here to enter text.

**Permittee agrees** to comply with the conditions and provisions of this permit by signing below.

|  |  |
| --- | --- |
| Permittee Signature & Date |   |
| Seller Signature & Date |   |
| Seller Name & Title |   |
| Approving Officer Signature & Date |   |
| Approving Officer Name & Title |   |

**Standard Provisions**

### DEFINITIONS

### Approving Officer (AO) - the Line Officer who approves the permit or an authorized representative.

### Officer in Charge (OIC) - the Forest Officer of the highest rank assigned by the AO to oversee the day-to-day operations of forest product harvests, or their designated representative.

### Operations - all activities and use of equipment by the Permittee in the execution of the permit.

### Permittee - the purchaser of forest products under the permit and any successor(s) in interest.

### OPERATIONS

### The Permittee must have this permit in possession when operating on, or hauling products from, the permit area.

### The AO may suspend harvesting operations during high fire danger, or when fire is within, or threatening, the permit area.

### The Permittee is liable for all damages and suppression costs of fires caused by negligence on the part of the Permittee, in an amount to be determined by the AO.

### The OIC may suspend Permittee operations during periods of wet weather when soil damage and road rutting could occur.

* 1. Operations must be conducted in a manner that minimizes damage to the course, channel, and sides of all streams, riparian areas, and wetlands whenever encountered. Streams include both flowing and intermittent watercourses.

### All equipment and trash resulting from the Permittee operations shall be removed and disposed of properly.

### Permits may be suspended or revoked due to road conditions, fire danger, failure of the Permittee to comply with the requirements of the Permit, or other circumstances as determined by the Tribe.

### If the Permittee damages any roads, bridges, property corners, culverts, fences, or other structures, the Permittee will repair them to their original condition or pay for their repair or replacement to the satisfaction of the OIC.

### Access roads within the area must be always kept open for vehicle travel.

### Access roads may become soft and muddy during certain times of the year. Damage resulting from driving on soft roads is expensive and can cause sedimentation in nearby streams and rivers. Refrain from removing forest products until dry conditions exist.

### If slash is created from operations, including limbs, tops, damaged sub-merchantable trees, and other material, it must be treated as directed by the OIC. The slash must be cut into smaller pieces, scattered, or piled compactly away from the residual trees on the permit area, or a combination thereof. Roads, road rights-of-way, and landings must be kept clear of slash.

### SCALING AND MOVEMENT OF PRODUCTS

### Forest products must be accounted for as directed by the OIC. Products that are moved contrary to the instructions of the OIC are paid for by the Permittee at double the permit rates.

1. **OTHER PROVISIONS**
	1. A performance bond may be required as determined by the AO.
	2. The Permittee must comply with all other laws and regulations governing the reservation within which the permit tracts are located.
	3. If the Purchaser breaches terms of this permit and does not resolve the situation to the satisfaction of the AO, the AO may revoke the permit by written notice to the Purchaser and halt operations. A Revocation must address title and ownership of harvested material not removed from the permit area, equipment not removed, unresolved permit obligations, and other items determined by the AO.
2. **SPECIAL PROVISIONS**

Harvest Record

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Product  | Unit of Measure  | Quantity Removed | Date  | Certification (if applicable)  |
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When removing forest products from the woods, fill in a new line on the harvest record, indicating what product was removed, its unit of measure, how much was removed, and the date. If the permit indicates the record needs to be certified, the Certification column is used for that purpose.

**Instructions for Completion of**
**Non-Timber Forest Products Harvest Permit**

1. Information

Complete as indicated to aid in reporting and to help monitor forest product harvesting in the field.

1. Enter the permit name and permit number (10-digit alphanumeric). This identifying number is to be included on each page attached to the permit.
2. Enter the reservation name or “Public Domain”.
3. Check box for permit type – Indian Free Use Permit, Indian Paid Permit, or Non-Indian Paid Permit.
4. Authority – Leave as written.
5. Enter the permittee’s name, address, and date by which designated forest product must be cut and removed. Reference is made to a permit map that must be attached for visual reference of the harvest area.
6. Enter the Permit Area Description including tract or tract(s) and legal description. Reference is made to a permit map that must be attached for visual reference of the harvest area.
7. Complete the Product Designation Table as follows:

Enter the Product, Unit of Measure, Rate per Unit, Quantity, and Product Value for designated forest products. An example is as follows (each line is an example that could be entered on individual permits):

**Non - Timber Forest Products Designation**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Product**  | **Unit of Measure** | **Rate per Unit** | **Quantity**  | **Product Value $**   |
| Huckleberries | Gallon | $10 | 3 | $30  |
| Boughs | Pounds | $.035 | 1,000 | $35  |
| Christmas Trees | Each | $5 | 2 | $10  |
| Mushrooms | Bushel | $40 | 1 | $40  |
| Firewood | Cords | $150 | 3 | $450  |

1. Describe payment requirements, including:
* Performance bond,
* free use,
* single payment or installment payments,
* advance deposits required,
* any waiver of requirements made for permits issued to Indian Forest Enterprises, and
* where and when payment is to be made.
1. Harvest Record – Optional, specify how the record will be completed, who it will be returned to, and who certifies each line.
2. Signatures

Each party to the permit must sign, manually or digitally, where required with the Approving Officer or designated representative being the last to sign the contract.

**Permittee**

The “Signature & Date” line designated for “Permittee” must be signed and dated by the person obtaining the permit. If the Permittee is a Tribe, the authorized Tribal Representative signs. This individual or entity is responsible for all activities associated with the harvest under the permit.

**Seller**

If more signature lines are needed for the Seller, they are added to the form.

* + - If the Seller is a **Tribe** – the Name and Title of the authorized Tribal representative(s) is/are filled in and they sign in the designated locations.
		- If the Seller is a **single owner allottee** – they sign and date and enter their name and title. If the single owner allottee does not wish to sign the permit, they may sign a Power of Attorney (POA) form, and the Approving Officer signs as the Seller.
		- If the Seller contains **multiple allottees** – the legal representative of the allottees signs. The Approving Officer is given that right by the POA as the legal representative.
		- If there is a **combination of ownership**, more lines will need to be added to allow for signatures representing all Sellers.

 **Approving Officer**

The Secretary or designated Bureau Official, as delegated by the Secretary, approves the permit by printing their name, signing, and entering the date of signature above their Title. The permit is not in effect until signed by the Approving Officer, and the Approving Officer signature date is considered the Approval date of the permit. If approved by the BIA under a Forest Products Use Policy document, the resolution’s number and date of BIA approval is entered in the space of the approval signature.

1. Standard Provisions

May only be altered using the Special Provisions. Standard Provisions that are not applicable to the permit must be documented in the “5. Special Provisions” section as “not applicable” or modified as necessary.

1. Special Provisions

Add any additional provisions necessary to implement the permit not addressed by the Standard Provisions. These Special Provisions must be carefully prepared to prevent contradiction with provisions preprinted on the form. Given the wide variety of special forest products that could be harvested under this permit, it is anticipated product specific specifications would be placed here. Additionally, each item of the permit may reference additional language to be attached as part of the permit. Inapplicable preprinted provisions on page 2 of the permit should be described in the Special Provisions section as not applicable. Crossing out text is inappropriate.

Example of Special Provisions:

* If needed, describe how the forest product is designated for harvest, including:
	+ Paint and flagging color, or other descriptions or physical markings.
	+ Specify the species, product, and other parameters of the designated forest products.
	+ Describe how the harvest boundary is identified or marked.
* Include utilization specifications for the designated forest products.
	+ Berries must be picked by hand. Use of rakes and mechanical devices is prohibited.
	+ Unripe berries must be left on the plant.