



MEMORANDUM OF UNDERSTANDING
Between
CUSTER COUNTY SHERIFF'S OFFICE
And
PENNINGTON COUNTY SHERIFF'S OFFICE
SEARCH AND RESCUE
And The
USDA, FOREST SERVICE
REGION 2, BLACK HILLS NATIONAL FOREST SERVICE
HELL CANYON RANGER DISTRICT

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between Custer County Sheriff's Office, Pennington County Sheriff's Office Search and Rescue, hereinafter referred to as "County" and the United States Department of Agriculture (USDA), Forest Service, Region 2, Black Hills National Forest, hereinafter referred to as the "U.S. Forest Service." This agreement supersedes Memorandum of Understanding #10-MU-11020300-025 which was executed by all parties on May 21, 2010 and expired on May 21, 2015.

Background:

As defined by the Wilderness Act of 1964, wilderness "in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." This definition is important as it establishes the basis for all Federal Regulations and USDA Forest Service policy that govern management actions in classified Wildernesses Areas.

Forest Service policy is to encourage and support strong local and State leadership in Search and Rescue operations. Field personnel must continue to be responsive to public needs, particularly as they relate to the protection of life and property. As stated in Forest Service Manual 2326.1, the Forest Supervisor may approve the use of motorized equipment or mechanical transport in Wilderness for emergencies. Normally, the Forest Supervisor or his acting has the authority to authorize motorized equipment or mechanical transport in Wilderness where a "life threatening" emergency or a death has occurred. These guidelines help the local manager make the appropriate decision. However the local manager rarely has all the facts at hand when the decision must be made, and it is better to error on the side of safety than to risk further injury or a life. The most important factor is communication; the Forest Service needs to communicate internally and externally when this exception to the wilderness regulations is exercised. All parties need to communicate early and often during a search and/or rescue operation.

Title: Black Elk Wilderness Search & Rescue



- I. PURPOSE:** The purpose of this MOU is to document the cooperation between the parties in fulfillment of a public duty to render assistance in cases involving persons lost within the Black Elk Wilderness of the Black Hills National Forest, and to transport persons seriously ill, injured, or deceased from the National Forest System lands to the nearest place where such persons may be transferred to interested parties or local authorities in accordance with the following provisions.

For search and rescue operations in the Black Elk Wilderness:

- Custer County and Pennington County Sheriff's Office Search and Rescue (SAR) will assume the lead in matters involving search or rescue.
- Custer County Communications and Pennington County SAR will inform the Hell Canyon District Office within 1 hour of a search and rescue occurrence.
- Custer County and Pennington County may ask if qualified Forest Service personnel are in the vicinity of the occurrence to act as first responder or assess the need for equipment.
- Custer County and Pennington County SAR will call the Forest Supervisor or the acting Forest Supervisor if seeking authorization of mechanized/motorized use in the wilderness. Only the Forest Supervisor or acting can authorize such use.
- Custer County and Pennington County SAR will provide the Hell Canyon District Ranger with the Search and Rescue Information Report within 48 hours of cease of operations.

II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

By provision of the South Dakota Codified Law (SDCL) 33-15-1(4) and 33-15-27 the Emergency Management County Director of each County administers the search and rescue activities within that County. Forest Service policy (1599.03 Emergency Operations) in search and rescue is one of supporting and developing strong local and state leadership.

In consideration of the above premises, the parties agree as follows:

III. COUNTY SHALL:

- A. Designate a qualified subordinate to oversee search and rescue activities during all periods when the County Director or Team Leader is not available to assume the lead role.
- B. Advise the Forest Service of the designee to act in the County Director or Team Leader stead for their particular county.
- C. Become familiar with the boundaries of areas with non or limited motorized and mechanized access, including air space advisories, and ensure compliance with access restrictions by search and rescue personnel when in the lead role.



- D. Refer to “Approval Guidelines for use of Motorized and Mechanical Equipment for Search and Rescue within Wilderness” outlined in Appendix 1 Determine severity of incident BEFORE requesting motorized or mechanized use.
- E. Inform the Forest Service of all search & rescue activities within the Black Elk Wilderness within 1 hour of occurrence and obtain Forest Supervisor’s approval if requesting motorized and/or mechanical use.
- F. When necessary, request support assistance from the Forest Service.
- G. When contacted, assume the lead role for search and rescue missions within the Black Elk Wilderness, unless otherwise agreed to by the Forest Service and the appropriate County Director or their designees. The County Director or Team Leader is in charge of field operations.
- H. Assume responsibility for public information releases for search and rescue missions for which the County Director, Team Leader or the designee has assumed the lead role.
- I. Arrange for the logistical support of personnel and equipment deemed necessary by the County Director, Team Leader or designee for search and rescue activities for which the County Director, Team Leader or designee has assumed the lead role.
- J. If in place, furnish the Forest Service with the search and rescue plan for National Forest lands within their particular County.

IV. THE U.S. FOREST SERVICE SHALL:

- A. Designate the Hell Canyon District Ranger as the official contact for all activities within the Black Elk Wilderness. The District Ranger is authorized to designate members of the staff as acting pertaining to search and rescue activities. Appendix 2 lists Forest Service officers and their responsibilities for search & rescue activities within the Black Elk Wilderness.
- B. Limit expenditure of Forest Service funds in search and rescue assistance, to within the boundaries of the National Forest System.
- C. Assist the County Director or Team Leader with supporting services such as:
 - 1. Providing available communications to the extent possible through the Forest Service communications system.



- 2. Furnishing qualified personnel and experienced guide service and/or a wilderness advisor for search and rescues within the Black Elk Wilderness as available.
- 3. Assisting in arranging for pack stock and other forms of transportation when available and necessary.
- 4. Furnishing maps, aerial photographs and other information as available.

V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

- A. The County Director, Team Leader and the Forest Service will meet at least every year to exchange search and rescue planning data and review or revise this agreement.
- B. The County Director or Team Leader will assume the lead in matters concerning search and rescue operations in the Black Elk Wilderness.
- C. Motorized equipment and mechanical transport MAY be allowed within the Black Elk Wilderness where the situation involves an inescapable urgency beyond that available by primitive means. The coordination of such uses will be mutually agreed to at the bi-annual meeting and on a case-by-case basis. Appendix 1 lists guidelines for the use of motorized and/or mechanical equipment for search and rescue within the Black Elk Wilderness.
- D. Each party will keep the other informed of important events and decisions concerning the emergency and the search and rescue, including requests for additional services and termination or abandonment of the search and rescue efforts.
- E. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

Principal Cooperator Contacts:

Custer County Program Contact	Pennington County Sheriff's Office Search & Rescue Field Contact
Mike Carter Director of Emergency Management 420 Mount Rushmore Road Custer, SD 57730 Telephone: (605) 673-8128 Cell: (605) 673-1344 FAX: (605) 673-3376 Email: cuscoem@gwtc.net	Tammy Stadel Search and Rescue Team Leader Pennington County Sheriff's Office 300 Kansas Street Rapid City, SD 57701 Cell: (605) 484-7279 FAX: (605) 394-2502 Email: tstadel@pc-sar.com



Pennington County Sheriff's Office Search and Rescue Program Contact
Kraig Wood Lieutenant Pennington County Sheriff's Office 300 Kansas Street Rapid City, SD 57701 Phone: (605) 394-6113 Cell: (605) 390-9013

Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Tracy Anderson District Ranger 330 Mount Rushmore Road Custer, SD 57730 Telephone: (605) 673-9301 FAX: (605) 673-5461 Email: tlanderson@fs.fed.us	Dave Graham Grants & Agreements Specialist 8221 S. Hwy 16 Rapid City, SD 57701 Telephone: (605) 716-2119 FAX: (605) 343-7134 Email: dgraham@fs.fed.us

F. NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or County is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the MOU.

To County, at County's address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

G. PARTICIPATION IN SIMILAR ACTIVITIES. This MOU in no way restricts the U.S. Forest Service or County from participating in similar activities with other public or private agencies, organizations, and individuals.

H. ENDORSEMENT. Any of County's contributions made under this MOU do not by direct reference or implication convey U.S. Forest Service endorsement of County's products or activities and does not by direct reference or implication convey the cooperators' endorsement of the Forest Service products or activities.



- I. NONBINDING AGREEMENT. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable law.

Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

- J. USE OF U.S. FOREST SERVICE INSIGNIA. In order for County to use the U.S. Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the U.S. Forest Service's Office of Communications. A written request must be submitted and approval granted in writing by the Office of Communications (Washington Office) prior to use of the insignia.
- K. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.
- L. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).
- M. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment



supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.

- M. U.S. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS AND ELECTRONIC MEDIA. County shall acknowledge U.S. Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this MOU.
- N. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. County shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

"This institution is an equal opportunity provider."

- O. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.
- P. DEBARMENT AND SUSPENSION. County shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should County or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.



- Q. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.

- R. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective through August 31, 2021 at which time it will expire.

- S. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU.

In witness whereof, the parties hereto have executed this MOU as of the last date written below.

Rich Wheeler

8-29-2016

RICK WHEELER, Sheriff
Custer County Sheriff's Office

Date

Kevin Thom

8-22-16

KEVIN THOM, Sheriff
Pennington County Sheriff's Office

Date

Tracy Anderson

29 Aug 2016

TRACY ANDERSON, Hell Canyon District Ranger
U.S. Forest Service, Black Hills National Forest

Date

The authority and format of this agreement have been reviewed and approved for signature.

David Graham

08-17-16

DAVID GRAHAM
U.S. Forest Service Grants Management Specialist

Date



Burden Statement

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 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

“Approval Guidelines in determining use of Motorized and Mechanical Equipment for Search and Rescue within Wilderness”

This pertains only to those items requiring Forest Service approval (i.e., the use of motorized or mechanical equipment in the Black Elk Wilderness).

RESCUE

Never Approve

1. When the injury is not life threatening and the person can transport themselves or be transported with human assistance, or by non-motorized or non-mechanical means to the nearest logical point of rescue; (e.g., simple fracture of arm, sprained ankle).

Consider Approving

1. Injury is not life threatening, but delay in rescue or rescue transportation by hand litter or stock may result in additional injury or serious complications resulting from the initial injury; (e.g., a broken leg where the pain resulting from the primitive transportation would put the person into shock).
2. Injury is not life threatening but it is serious and the present and/or predicted weather would likely cause delays in travel that would make the injury life threatening.
3. Whenever there is no reliable assessment to whether or not the injury is life threatening.
4. Where the topography or footing is so hazardous that it will expose the injured person or the rescue team to a very high probability of additional or new serious injury (approval here might depend on the skill or experience of the rescue team).

Always Approve

1. Removal of deceased persons.
2. Removal of people with obvious life threatening injuries; e.g., heart attack, stroke, fractured skull.

SEARCH

Never Approve

1. There does not appear to be any real indications that the person is in a life threatening situation; e.g., person in good health, dressed for the situation, is slightly overdue.
2. Outside request is made to locate a person for non-critical external reasons; e.g., attend funeral of a friend, to make financial decisions, to see if person is okay.

3. The specific requested method will result in serious physical impact to the wilderness resource and there are alternate methods that accomplish the objectives of the search without the impacts.

Consider Approving

1. A close relative has died and the family has requested the person be located so they can perform a necessary function within uncontrollable time constraints.
2. When there is an external situation requiring immediate location of a person within the wilderness, e.g., immediate relative is in a critical medical situation.

Always Approve

1. There is good reason to believe that the person being searched for has a life threatening injury.
2. There is good reason to believe the lost person will be placed in a life threatening situation as a result of a predicted adverse change in the weather; e.g., person was lightly dressed and snow storm is predicted.
3. The search for those persons (young children, elderly persons, developmentally disabled persons, handicapped persons, etc.) who by virtue of their age, physical condition, mental condition, health, or mental ability are in a life threatening situation and may be at extreme risk to serious injury or death because they cannot take care of themselves and/or make the rational decisions in the way that could be expected of a health adult.

CUSTER COUNTY PERSONNEL AND THEIR SEARCH & RESCUE RESPONSIBILITIES

Rick Wheeler, Custer County Sheriff Marty Mechaley (605) 517-0529
Initial contact point and dispatch for search and rescue operations in Custer County.
Work (605) 673-8146 Cell (605) 673-1962 Home (605) 673-5658

Mike Carter, County Director of Emergency Management-Custer County
Responsible for emergency management in Custer County. This includes overseeing the search and rescue program.
Work (605) 673-8128 Cell (605) 440-0709

Rick March, County Director of Search & Rescue, Custer County
Responsible for on the ground and day to day search and rescue operations.
Cell (605) 431-4097 Home (605) 673-2764

PENNINGTON COUNTY PERSONNEL AND THEIR SEARCH & RESCUE RESPONSIBILITIES

Kevin Thom, Pennington County Sheriff or Chief Deputy Willie Whelchel
Initial contact point and dispatch point for search and rescue operations in Custer County.
(605) 394-6113 Cell (605) 209-1613

Kraig Wood, Lieutenant
Responsible for overseeing the search and rescue program.
Work (605) 394-6113 Cell (605) 390-9013

Tammy Stadel, Team Leader, Search & Rescue-Pennington County
Responsible for on the ground and day to day search and rescue operations.
Cell (605) 484-7279

FOREST SERVICE PERSONNEL AND THEIR SEARCH & RESCUE RESPONSIBILITIES

Mark Van Every, Forest Supervisor
Decision for use of motorized equipment.
Work (605) 673-9203 Cell (605) 517-2178

Jerry Kruger, Deputy Forest Supervisor
If above is not available
Work (605) 673-9202 Cell (605) 440-0262

Tracy Anderson, Hell Canyon District Ranger.
Point of contact if above is not available. Responsible for management of Black Elk Wilderness.
Work (605) 673-9301 Cell (605) 673-1927

Anne Apodaca, Forest Recreation Staff.
Point of contact if none of the above are available.
Work (605) 673-9239 Cell (505) 570-0720

Eric Nelson, Law Enforcement Officer
Point of contact if the above list has been exhausted. Cell (605) 673-1666

The County Emergency Management County Directors administer Search and Rescue activities which are carried out by the County Sheriff or local Search & Rescue organizations. The Forest Service's job is to make sure the search and rescue organization is familiar with the terrain in which the Search and Rescue is occurring. When the Forest Supervisor or his Acting makes a decision to use motorized/mechanized equipment in the Wilderness for an emergency Search and Rescue situation, a brief narrative should be prepared by the Incident Commander documenting the situation and the guidelines Search & Rescue activities shall follow. Appendix 4 shows the information request to be in the report that should be sent to the District Ranger within 72 hours of the cease of operations. Please send to tlanderson@fs.fed.us and lburns@fs.fed.us.

Forest Service District Ranger and County Sherriff will discuss annual training needs and Forest Service will authorize event dates and locations within National Forest System lands for training (OHV certification, mock drills/exercises, etc.) at no charge.

Search and Rescue Guidelines Overview:

Equipment: As a rule, no mechanized or motorized equipment is allowed in wilderness. Exceptions are made for life threatening injuries or death. These are determined on a case-by-case basis by the Forest Supervisor or his Acting, responsible for the area. Where motorized equipment is authorized, attention must be paid to access points, timing of landings or of use of noisy equipment or both, interactions with other users, impacts to vegetation and wildlife, and determine how they fit into the desired managed wilderness experience.

Dogs: Trained search dogs may be used.

Method of Travel: In all cases, the preferred mode of travel is via foot or horseback.

Managerial Standards - Evidences of Search and Rescue Operations: In all cases, the search and rescue operation should be as unobtrusive as possible in how the wilderness resource and visitor's experience might be affected. All efforts should be made to minimize any potential degradation of the resource or of the visitor's experience or both. In some cases it may be useful for the District Ranger to place a Forest Service person on the ground, in the field of operation to inform the general public as to the situation and why non-Wilderness methods are being used.

Black Hills National Forest
Search and Rescue Information Report
(Report to be submitted within 48 hours to the Forest Service Project Contact)

Date: _____

1. **Name of Reporting Agency:** _____

2. **Name and Contact Information for the Person Reporting Incident:** _____

3. **Name/Number of Person(s) Injured or Lost:** _____

4. **Date of Incident:** _____ **Time of Incident:** _____

5. **Wilderness Trail Name & Other Landmarks to describe location of incident:**

6. **Weather:** _____

7. **Method(s) of Travel for Rescuers:** _____

8. **Additional Comments:** _____

9. **Approval for motorized or mechanized use?** _____
a. **Type and number of vehicles** _____
b. **Hours of use** _____

Date Sheriff Notified: _____ **Time:** _____

10. **Date Forest Supervisor Notified:** _____ **Time:** _____

Attach Map