

Appendix A

Terms and Stipulations for Land Use Permit FF-093637 Thomas Gray

In addition to the terms included on the back of the special recreation use application (conditions 1-16 on Form 2930-1), the following general terms and stipulations are applicable and a part of this permit.

1. General Terms

- A. The permittee shall comply with all Federal, State, and local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
- B. A Special Recreation Permit authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The authorized officer may suspend or terminate a SRP if necessary to protect public resources, health, safety, the environment, or because of noncompliance with permit stipulations. Actions by the BLM to suspend or terminate a SRP are appealable.
- C. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM.
- D. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users. The United States reserves the right to use any part of the area for any purpose.
- E. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
- F. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax.

- G. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.
- H. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.
- I. The permittee cannot, unless specifically authorized under a 2920 Permit, erect, construct, or place any building, structure, or other fixtures on public lands. If permittee has paid an Assigned Site Fee, any temporary structures or improvements placed upon the public lands must be either: 1) Removed from the public lands or 2) Disassembled and stored, in such a manner as to not cause any adverse condition at the conclusion of the event or activity on an annual basis. For the purposes of this permit, "conclusion of event or activity on an annual basis" shall be the following annual date: January 1. Upon expiration of SRP permit, the lands must be restored as nearly as possible to pre-existing conditions.*
- J. The permittee must present or display a copy of the Special Recreation Permit to an authorized officer's representative, or law enforcement personnel upon request. The permittee must also display a copy of the permit at a prominent place where the permitted activities take place.
- K. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to 3 years after expiration of the permit.
- L. The permittee must submit a Post Use Report which includes the reconciliation of the three percent (3%) gross fee to the authorized officer for every year the permit is in effect. If the Post Use Report and three percent (3%) gross fee are not received by November 30 of each year the permit is in effect, the permit will be suspended. Permittee shall also pay the minimum \$90 annual fee, \$4 per person per day, or the estimated three percent (3%) of gross fees (whichever is greater) for the next calendar year by November 30 of each year. The Post Use Reporting Form is attached as Exhibit "A".
- M. The permittee shall notify the authorized officer of any accident which occurs while involved in activities authorized by this permit which results in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage.
- N. A certificate from an insurer will be supplied to the Bureau of Land Management prior to activity authorized under the SRP. Insurance shall be in place during the time frame of permitted activities. The certificate will be in the minimum amount of (1) \$300,000 for bodily injury for any one person; \$600,000 for any one occurrence; and (2) \$30,000 property damage for any one occurrence. The certificate shall also state that such insurance is in force and that the insurer will give BLM reasonable notice prior to cancellation or modification of such insurance. The certificate shall also name the United States Government as additional insured.

- O. The permittee shall supply the Bureau of Land Management prior to operations for each calendar year, a General Operation Plan. A General Operation Plan guide form is attached as Exhibit "B". Latitude and Longitude coordinates and/or maps showing all base and spike camps as well as aircraft landings shall be supplied in order to complete compliance checks on the activities authorized.
- P. The Federal Government shall not be held responsible for protection of the permittee's structures or personal property. Fire protection in the area will be consistent with the approved fire management plan. The permittee shall be liable for damages to public lands resulting from his/her negligent use of fire.
- Q. This permit is not valid for lands selected by the State of Alaska or any Native Regional or Village Corporation. It is the responsibility of the permittee to obtain letters of non-objection from the State of Alaska pursuant to Section 906(k) of ANILCA and/or Native Corporations and submit a copy of the letter(s) to the Authorized Officer. This permit is not valid for lands owned by the State of Alaska or lands owned by a Native Corporation.

II. Stipulations:

- A. No cutting of live vegetation (trees) is allowed and it must be left in its natural state.
- B. No commercial use of public cabins is permitted. No burning of trash within 100 feet of any public cabin or historic structure is permitted.
- C. The use of Off Highway Vehicles (OHV) over 2,500 Gross Vehicle Weight is not permitted unless expressly approved by the Authorized Officer. Particular care will be exercised to avoid disturbing the cutbanks of anadromous streams.
- D. Wastewater must be managed in accordance with Title 18 Alaska Administrative Code, Chapter 72, (18 AAC 72) Wastewater Disposal. Wastewater is defined as Human Waste (sewage), and Gray Water (water which has been used for personal hygiene, washing clothing or equipment, or sanitizing cooking and eating materials). If the standards for Pit Privies found at 18 AAC 72.030 cannot be met, all wastewater must be collected and transported to a state approved disposal facility. Upon closure of the campsite the Pit Privy must be completely back-filled with the surface area covered and re-graded to approximate original appearance.
- E. Non-Hazardous Solid Waste (trash/refuse) may be burned in campfire pits. All unburned/unburnable trash/refuse will be back hauled from the area and disposed in an approved waste disposal site. All fire rings/pits must be removed or destroyed after use. Trash/refuse will not be disposed of in a Pit Privy.
- F. Fuel Handling and Storage: Fuel shall be stored at least 150 feet from surface waters. Fuel and other petroleum products and hazardous materials shall be stored in containers designed to hold that product, identified with the owner's name, the contents and date of purchase (e.g. J. Smith, Coleman Fuel, 2005). All fuel spills will be cleaned up immediately, taking precedence over all other matters, except the health and safety of personnel. Spills will be cleaned up utilizing absorbent pads or other Alaska State DEC approved methods. Fuel storage in excess of 55 gallons and/or fuel storage containers that are situated where a spill may reach a water body or

watercourse requires secondary containment. Secondary containment is defined as a diked, impermeable impoundment capable of containing 110 percent of the volume of the largest independent container. As soon as possible, but not later than 24 hours, notice of any such discharge as defined in Alaska Statute Title 18, Chapter 75, Article 2, will be given to: The Authorized Officer at 1-800-437-7021. Such other Federal and State officials as are required by law to be given such notice including Alaska Department of Environmental Conservation at (907) 478-9300.

- G. All operations shall be conducted in such a manner as to avoid damage or disturbance to any prehistoric or historic sites or modern camp sites. The Archaeological Resource Protection Act prohibits the excavation, removal, damage, or disturbance of any archaeological resource located on public lands. Violation of this law could result in the imposition of both civil and criminal penalties of the violator. Should any historic or prehistoric site be located during the course of operations under this permit, the applicant shall immediately notify the BLM authorized officer.
- H. The permittee shall supply the Bureau of Land Management with a copy of the following items prior to the hunting season they will be operating within: 1) Copy of the certification from the State of Alaska, Division of Occupational Licensing stating that the permittee is a Registered Guide and states which Game Management Unit(s) the certification is valid; 2) Copy of Alaska Business License; and 3) Copy of any published quotes of fee schedule for services provided under the SRP. 4) Supply the names, license copies, contact addresses, and phone numbers for all guides and assistant guides operating under this permit. It is the responsibility of the permittee to ensure that the items above are submitted and are valid for the periods authorized under the SRP.
- I. A permit is required for all commercial filming activities on public lands. Commercial filming is defined as the use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasts for news programs. Creation of a product for sale includes a film, videotape, television broadcast, or documentary of participants in commercial sporting or recreation event created for the purpose of generating income. This permit does not permit commercial filming activities.
- J. In order to protect *Douglasia beringensis*, from any adverse impact, any camps or landing strips should be moved if this species is found at the campsite or landing strip. Proper camp practices must be invoked to reduce the likelihood of unintended bear encounters. Use of a pit privy in compliance with ADEC regulations will prevent the contamination of ground, surface, and drinking water resources.
- K. Base and spike camps are not authorized under this permit..
- L. All operational activities shall occur after April 10 in the spring and before October 5 in the fall to avoid migrating caribou.
- M. This permit authorizes use of BLM Administered Public lands in the geographic area for which the permittee is licensed by the State of Alaska to conduct guiding.