Grand Junction Field Office
and
McInnis Canyons
National Conservation Area

Special Recreation
Permit Policy

Effective Date:
February 3, 2006

Policy Update:
3/5/09

This policy ensures that all Bureau of Land Management Special Recreation Permits (SRP or permit) are administered consistently by the BLM Grand Junction Field Office (GJFO) and McInnis Canyons National Conservation Area (NCA). Throughout this policy any reference to GJFO will include both the Grand Junction Field Office and the McInnis Canyons National Conservation Area.

All activities requiring an SRP on BLM Public Lands, within the GJFO and McInnis Canyons NCA, will comply with this policy, the Colorado BLM State policy, as well as policy identified in BLM H-2930-1 with authorities from 43 CFR 2930.

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Uses Requiring an SRP:

1. A **commercial permit** is required when anyone intends to use public lands and related waterways, on a recreational basis, for business or financial gain. If any of the following conditions are met, a commercial permit is required.

- "When any person, group or organization makes or attempts to make a profit, receive money, amortize equipment or obtain goods or services as compensation from participants in recreational activities occurring on public lands, the use is considered commercial.
- An activity, service or use is commercial if anyone collects a fee or receives other compensation that is not strictly a sharing of, or is in excess of, actual expenses incurred for the purposes of the activity, service or use.
- Commercial use may also be characterized by public advertising for participants or situations where a duty of care or expectation of safety is owed participants by service providers as a result of compensation.
- Use by scientific, education, and therapeutic institutions or non-profit organizations is considered commercial when the above criteria are met and subject to a permit when the above conditions exist. Non-profit status of any group or organizations does not, in itself, determine whether an event or activity arranged by such a group or organization is non-commercial. Profit-making organizations are automatically classified as commercial, even if that part of their activity covered by the permit is not profit making." (BLM Handbook H-2930-1)
- Non-profit organizations engaged in fundraising activities are commercial in nature. Fundraising events require a permit and will be subject to fees.
- Advertising and product promotion are inherent to business activities and when conducted on BLM public lands, require a permit and will be subject to fees. (e.g. demonstration of recreation equipment; mountain bikes, 4-wheel drive vehicles, GPS receivers, etc.)

2. A **competitive permit** means any organized, sanctioned or structured use, event or activity on public land in which two or more contestants compete and either of the following elements apply:

- Participants register, enter or complete an application for the event; or
- A predetermined course or area is designated; or
- One or more individuals contesting an established record such as speed or endurance.

3. **Vending**—Vending permits are temporary, short-term, non-exclusive, revocable authorizations to sell goods or services on public lands in conjunction with a recreation activity. Vending permits must support recreation management

objectives identified in land use plans.

4. **Special Area Use**—Permits may be required for individual (private, non-commercial) recreation use in Special Areas. Special Areas are areas officially designated by statute or Secretarial order including: components of the National Trails System, the National Wild and Scenic Rivers System, the National Wilderness System, National Conservation Areas and Monuments or National Recreation Areas.

5. **Organized Group Activity and Event Use**—Organized group/event permits are for group outdoor recreation activities or events which are neither commercial or competitive activities. The authorized officer, in accordance with this policy, determines when a permit is required based on planning decisions, resource concerns, user conflicts, public health and safety, and/or the need for monitoring.

Organized groups that do not need a permit may need a letter of agreement with the BLM Grand Junction for certain activities.

Commercial activities with limited annual use may be issued an event permit and subject to the requirements of an event permit.

BLM SRP Policy:

All commercial, competitive, special area use and organized group activity, as well as event use on BLM's Public Lands, meeting the above criteria, must be authorized by a SRP before any activity occurs. SRPs are issued at the discretion of the authorized officer who may, at any time and without prior notice, choose not to issue permits for certain activities or use areas. Such decisions could be based on a variety of factors such as planning decisions, potential resource impacts, existing outfitters in the same area, overcrowding, past poor performance, climatic conditions and others.

Timelines for GJFO SRP Processing and Administration:

Commercial Permits:

- August 1 through August 31—BLM accepts applications from new applicants and renewing applicants for the following year.
- September 1 through September 30—BLM will notify the applicant that the application has been received and request any additional information.
- October 1 through October 31—BLM will solicit public comment on the applicant's proposal.*****
- November 1 through November 30—BLM review panel reviews applications and public comment. BLM will notify applicant if further environmental review

is necessary.

- December 1 through December 30—BLM will notify applicant regarding permit approval or denial.
- January 1 through January 31—Post-use reports and fees due to the BLM.
- February 1—Commercial permits issued.
- February 1 through February 28—BLM reviews post-use reports and reconciles fees.
- April 30—Post-use for lion permits due to BLM.

Events, Organized Groups and Vendor Permits:

- 180 days prior to use date, BLM receives permit application.
- 180 – 150 days prior to use date, BLM notifies applicant that application has been received and requests any additional information. BLM begins environmental review if applicable.
- 150 – 120 days prior to use date, BLM may solicit public comment on the applicant's proposal.*****
- 120 – 90 days prior to use date, BLM review panel reviews public comment (if solicited), the proposal and the environmental review.
- 90 days prior to use date, BLM notifies the applicant on permit approval or denial.
- 30 days prior to use date, proof of insurance, bond (if required), and 25 percent of estimated fees due to the BLM, unless a different fee payment schedule is approved by the authorized officer.
- 30 days after use date, post-use report and fees due to BLM.
- 60 days after use date, post-event report sent to permittee.

* Public Comment: BLM Grand Junction will send out a press release soliciting comments from the public concerning the new or renewing permit proposals. BLM will solicit comments based on the Application Review Criteria listed on pages 7, 8, & 9 below. In addition, comment will be solicited from individuals and groups on the Wilderness Study Area (WSA) and Wilderness interested parties mailing list in the Grand Junction Field Office for any proposals inside WSAs or the Black Ridge Canyons Wilderness. BLM may solicit public comment at anytime throughout the year based on priorities and as need arises.

<u>Application Requirements:</u>

1. Commercial Permits:

These items must be submitted between August 1 and August 31 for new applications and proposed changes to existing permits:

A. A business plan:
New applicants for commercial permits will need to satisfactorily prepare a business plan that includes the following considerations

before their request will be considered. Updated business plans may also be required from renewing permittees who are submitting operational changes. A detailed business plan provides the BLM a basis to evaluate the proposal and effectively determine whether the proposal is consistent with management objectives. The BLM Grand Junction Field Office expects a detailed plan that addresses the following:

- A description of the business: include the products and services that you will offer and your knowledge of the industry
- A geographic analysis: include a discussion of the advantages and disadvantages of the location where you are proposing your business, and what your approach will be to overcome any problems posed by the location
- A market analysis: describe your anticipated market (age, hobbies, income, local, regional, national, international, etc.), describe the size of the current market and potential for growth in demand, and discuss your advertising strategy (how, when and where)
- A competitive analysis: identify 3 or 4 of your competitors, discuss their strengths and weaknesses, discuss why you will be able to compete and capture a share of the supply side of the market
- Benefits to public lands recreation: identify how your proposal enhances the opportunity for visitors to enjoy public lands and helps the BLM meet recreation management objectives

B. Application form, completed and signed

C. Operating Plan

D. Map providing sufficient detail showing specifically where use is proposed to occur

E. Signed copy of SRP Terms, Conditions and Stipulations

F. Application fee ($100.00 for new permits, $50.00 for renewing permits)

2. Event Permits:

These items must be submitted 180 days prior to the proposed use date for event applications:

A. Application Form, completed and signed

B. Operating Plan that includes a:
- Course plan (including a map)
- Safety plan
- Communications plan (if applicable)

C. Signed copy of SRP Terms, Conditions and Stipulations
D. Application fee ($100 for new permits, $50 for renewing permits)

3. Required 60 days prior to use for new and renewing permits: (for all permits)

A. Copy of any applicable state, county or city licenses, permits or registrations

B. Evidence of permission to use private land (if applicable)

C. Copy of current advertising brochure and price list

D. Copy of client-outfitter contract or participant registration/waiver

E. Estimated use fees

4. Required 30 days prior to use

A. Proof of insurance meeting BLM standards as defined in the terms, conditions, and stipulations.

5. Required 10 days prior to use for new and renewing permits:

A. Updated guide list

B. List of vehicles and license numbers used in operations

C. Bond (if applicable)

<u>Application Review Criteria:</u>

Permits proposals described in business and operating plans will be evaluated using the following criteria. These criteria offer an objective framework for SRP application evaluation. Applications that best comply with the acceptance criteria will be accepted (subject to potential modifications) by the authorized officer.

1. Compliance History
   - Applicant must be in compliance, and have a history of compliance, with local, state and federal regulations. Applicant or authorized representatives have not been convicted of a federal, state or local violation in connection with the proposed operations or activities within the last three years.

2. Safety and Safety History

- Applicant has demonstrated a history of providing an acceptable level of safety for clients.

3. Consistency with Land Use Planning documents
   - Proposals will be evaluated for consistency with current planning documents, including but not limited to the GJFO Resource Management Plan, the McInnis Canyons NCA Resource Management Plan, the Bangs Canyon Special Recreation Management Plan, North Fruita Desert Management Plan, and the Grand Mesa Slopes Management Plan. All proposals in a Wilderness Study Area must be consistent with the BLM's interim management policy.

4. Conflicts
   - Permits will not be issued in areas where conflicts currently exist between existing permittees, or between permittees and the public or landowners. Valid conflicts include:
     - Camps; location, number and distance between camps
     - Types of activities permitted
     - Use levels during specific time periods
     - Enforcement/compliance problems exist
     - Improper conduct by permittee or employees
     - Unacceptable resource impacts
     - Overlapping use areas where the same type of use is currently permitted

5. Diversity of Services
   - Applicants must demonstrate that their proposal enhances the diversity of recreational opportunities available for visitors and the services are needed by the public.

6. "Priority Consideration"
   - An existing service provider with a satisfactory compliance record, serving the current estimated demand and fully using his/her operating area, will hold "priority consideration." BLM will consider the *performance of* existing service providers and the *effects on* existing service providers when evaluating an application. If a "priority" service provider is significantly affected, ideas by entrepreneurs or organizers will be declined by BLM.

   NOTE:
   - ➢ A permittee not reporting use for a two-year period will lose priority status.
   - ➢ Before a permit would lose priority status, other factors will be considered, including but not limited to economic conditions/fluctuations, availability of hunting licenses, weather and other natural phenomena which may adversely affect a permittee's

operating plans.

7. Low Percentage of BLM Public Lands
   - Applications may be refused where public lands comprise a low percentage of the total area and recreational management goals are being met.

8. Adjoining Lands and Joints Permits
   - The area should include blocks of public land large enough to accommodate the various guided and non-guided activities without relying on adjacent private, leased or state lands. Preference will not be given to applicants who own or lease private land adjacent to BLM public lands. Preference will not be given permittees that have a joint permit issued by another land management agency office.

These criteria are a means to analyze applicants and offset potential problems. Many complex issues are best addressed through an ongoing effort between the permittees and the BLM. The criteria do not set explicit use levels or carrying capacities.

Cost Recovery Requirements:

If more than 50 hours of BLM staff time is required for processing and administering a permit, cost recovery of direct expenses related to the permit will be charged. If the 50-hour cost recovery threshold is exceeded, then cost recovery begins with the first hour of BLM time spent with permit administration. When cost recovery is necessary, the authorized officer shall notify the applicant of potential charges in writing within 30 days of receipt of the application.

Permit Term:

The GJFO may issue permits on a yearly, or multi-year, term for up to 5 years.

New permittees will be issued 1-year probationary permits for a minimum of 2 years.

Permitted Operating Areas:

Permits will be authorized for the *minimum* amount of public land necessary to practically operate a business. Operating areas will be subject to review through post-use reports. Use areas may be modified if permittees do not fully utilize their proposed use area. Permits with two consecutive years of non-use may be cancelled. Before a permit would be modified, other factors such as economic conditions/fluctuations, availability of hunting licenses, weather and other natural phenomena which may adversely affect a permittee's operating plan will be

considered.

Authorized use of public lands outside the GJFO may be authorized if requested by the applicant and approved in writing by the adjacent Field Office authorizing officer. Operating areas that overlap Field Office boundaries will be issued via a joint-use permit. *Non-adjacent use areas (areas that do not have a common boundary with the GJFO)* may be authorized via a joint permit if approved by both Field Office authorizing officers. If approval is not granted, authorization will only include public land in the approved portion of the GJFO.

Annual Operating Authorizations:

Annual operating authorizations will be issued to permittees after the GJFO receives preseason fees; updated proof of insurance; copies of valid licenses, permits and registrations from state, county or city agencies; updated guide lists with copies of current guide information as determined by BLM Colorado handbook; and current client contract.

NOTE: Permits will not be valid without an annual operating authorization.

Permit Fees:

Fees are required for all SRPs.

- Commercial permit fees are based upon 3 percent of the adjusted gross revenue derived from use authorized under the SRP.
- Competitive and commercial event permit fees are based upon 3 percent of the adjusted gross revenue derived from use authorized under the SRP, or $5 per person per day, whichever is greater.
- Organized group permit fees are $5 per person per day.
- Permit fees due the Government must be paid in advance of any authorized use to ensure that the Government receives payment.
- Permittees with a commercial permit will pay 100 percent of estimated fees if the estimated fee is less than $500, and 50 percent of estimated fees if the estimated fees are greater than $500.
- Permittees with event permits will pay 25 percent of estimated fees 60 days prior to the use date, and may be required to secure a bond.
- Fees can also be charged for individual use of Special Areas, reservation/assignment of sites and livestock grazing when associated with recreational use.
- All payments exceeding the amount owed the BLM for commercial permits will be credited to the next year.
- Refunds will be made for overpayment of fees for an event permit.
- Other fees as specified by BLM Colorado may apply.

Post-Use Reporting:

Post-use reports, trip log summaries and payments will be required 30 days after the last day of authorized use or on a date agreed to by the authorized officer.

SRPs will be monitored through post-use reports, trip log summaries and field checks to determine *actual-use areas, use periods, types of use* and *actual amounts of use* for each permittee. Post-use reports will be the primary method used to determine the actual (not proposed) use levels and the actual (not proposed) use areas.

Periodic audits of permittee's records will be used to ensure accurate post-use reporting.

Trip logs must show beginning and ending dates of each trip, location of use area (closest drainage), number of clients and staff on each trip, number of days use occurred on both BLM and private lands and total receipts.

The Post-Use Report must summarize the total number of client and staff visitor days, total receipts, amount of deductions claimed and discounts for time off of BLM public lands. Payments will be made for each use period. If no use occurs during a use period, a post-use report still must be submitted stating non-use for the period.

Discounts for Time off BLM Public Lands:

The number of days public land was used, relative to the total trip days (which includes exclusive private land use days), will be used to determine any discount. *A BLM Use Day is defined* as *any calendar day, or portion thereof, for each individual accompanied or serviced by a permittee on BLM public lands or waters.*

Deductions:

Deductions from gross receipts for a trip will be allowed for actual transportation for the guest and lodging for the guest that is included in the price of the trip before a guest's arrival at the beginning of the trip, and after departure at the end of a trip. Supporting receipts will be required for any deductions.

Grace Period:

A January 1 through January 31 grace period will be given to existing hunting outfitters to accommodate the administrative overlap with the State of Colorado

Office of Outfitters Registration. New applicants will need a registration number before the BLM permit is issued. All permits issued for the current year will be void on February 1 of that year, if proof of State license registration is not received by the BLM permit administrator by January 31 of the current permit year.

New Permittees:

New permittees will be placed in a probationary status for two years and issued permits on a yearly basis. After two years, the permit can be converted to a term of up to five years, in accordance with the above structure (see Permit Term), a good compliance record and approval by the authorized official.

Stipulations:

The standard *Terms, Conditions and Stipulations* for commercial permits apply to all SRPs. Additional terms, conditions and stipulations may be assigned to a permit based on land use planning prescriptions, environmental analysis or other factors. Failure to adhere to any standard stipulation, attached stipulation or revised policy will result in remedial action(s). BLM reserves the right to revoke or alter the terms, conditions and stipulations of SRPs at any time.

Permit Transfers:

Permittees that wish to have their permit privileges transferred to a new operator must notify the authorized officer in advance, in writing, and receive advanced written permission from the GJFO authorized officer. The new permit applicant will follow the guidelines in this policy when applying for the new permit.

Permittee information policy:

A current list of permittees and permitted uses will be posted on the GJFO web site as well as at recreation sites, and shared with other BLM and U.S. Forest Service offices.

Signature Page:

_____ _____
Catherine Robertson Date
Field Manager

I have read the Grand Junction Field Office Special Recreation Policy and understand that my permit proposal will be evaluated using the guidance of this policy and that my permit will be administered using the guidance of this policy, the Colorado BLM State Handbook and the BLM Handbook H-2930-1.

_____ _____
Permittee or Applicant Date