

Sec. 2932.5 Definition Commercial

Commercial use means recreational use of the public lands and related waters for business or financial gain.

(1) The activity, service, or use is commercial if--

- (i) 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 led, sponsored, or organized by that person, group, or organization;
- (ii) Anyone collects a fee or receives other compensation that is not strictly a sharing of actual expenses, or exceeds actual expenses, incurred for the purposes of the activity, service, or use;
- (iii) There is paid public advertising to seek participants; or
- (iv) Participants pay for a duty of care or an expectation of safety.

(2) Profit-making organizations and organizations seeking to make a profit are automatically classified as commercial, even if that part of their activity covered by the permit is not profit-making or the business as a whole is not profitable.

(3) Use of the public lands by scientific, educational, and therapeutic institutions or non-profit organizations is commercial and subject to a permit requirement when it meets any of the threshold criteria in paragraphs (1) and (2) of this definition. The non-profit status of any group or organization does not alone determine that an event or activity arranged by such a group or organization is noncommercial.

Sec. 2932.11 When do I need a Special Recreation Permit?

(a) Except as provided in Sec. 2932.12, you must obtain a Special Recreation Permit for:

- (1) Commercial use, including vending associated with recreational use; or
- (2) Competitive use.

(b) If BLM determines that it is necessary, based on planning decisions, resource concerns, potential user conflicts, or public health and safety, we may require you to obtain a Special Recreation Permit for--

- (1) Recreational use of special areas;
- (2) Noncommercial, noncompetitive, organized group activities or events; or
- (3) Academic, educational, scientific, or research uses that involve:
 - (i) Means of access or activities normally associated with recreation;
 - (ii) Use of areas where recreation use is allocated; or
 - (iii) Use of special areas.

Sec. 2932.12 - When may BLM waive the requirement to obtain a permit? We may waive the requirement to obtain a permit if:

(a) The use or event begins and ends on non-public lands or related waters, traverses less than 1 mile of public lands or 1 shoreline mile, and poses no threat of appreciable damage to public land or water resource values;

(b) BLM sponsors or co-sponsors the use. This includes any activity or event that BLM is involved in organizing and hosting, or sharing responsibility for, arranged through authorizing letters or written agreements; or

(c) The use is a competitive event that:

- (1) Is not commercial;
- (2) Does not award cash prizes;
- (3) Is not publicly advertised;
- (4) Poses no appreciable risk for damage to public land or related water resource values; and
- (5) Requires no specific management or monitoring.

(d) The use is an organized group activity or event that:

- (1) Is not commercial;
- (2) Is not publicly advertised;
- (3) Poses no appreciable risk for damage to public land or related water resource values; and
- (4) Requires no specific management or monitoring.

Sec. 2932.34 - When may BLM waive Special Recreation Permit fees? BLM may waive Special Recreation Permit fees on a case-by-case basis for accredited academic, scientific, and research institutions, therapeutic, or administrative uses.