Bureau of Land Management

Prineville District

Guidelines for the Commercial use of the

John Day River

Revised 5/2015

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ATTACHMENT:
Special Rules for Public Lands in John Day Wild & Scenic River Corridor

John Day River
INTRODUCTION

This document describes laws, regulations and policies pertinent to commercial Special Recreation Permits (SRPs) issued by the Bureau of Land Management (BLM) for river related activities. These activities include guiding and outfitting and raft rentals. The Guideline for the John Day River (Guidelines) also describes SRP requirements, administration, fees, performance evaluations and special stipulations.

SPECIAL RECREATION PERMIT REQUIREMENTS

WHEN SRPs ARE REQUIRED
SRPs are required for commercial use of public lands and related waters. Public lands are defined as any lands managed by the Bureau of Land Management either under the Federal Land Policy and Management Act (FLPMA) or under a cooperative agreement with another land owner.

In addition to the definition of commercial use in 43 U.S.C. 1201; 43 CFR Part 2930, commercial operations requiring a SRP include operators whose base of operations are off public lands, but who rent equipment for use on public lands if they, their employees, or agents occupy or use public lands or related waters in connection with their rental program. For example, a SRP is required if a boat rental operator provides services such as delivery and/or pickup of boats at public landing sites. No SRP is necessary if the boat rental operator's customers transport the boats to and from the public lands and related waters.

STANDARDS REQUIRED
Multiple Rivers
A separate SRP will be issued for each river within the Prineville District. A $105.00 minimum annual fee applies to each SRP. A single SRP will be issued when a permittee wishes to provide a variety of services (e.g. guiding and outfitting, raft rentals, shuttle operations, photography, etc.) on the same river.

Ownership
All permittees, whether existing, renewal, transfer or new, must submit a completed Statement of Ownership form provided by BLM. This form must be updated within 30 days of any business change in ownership. Changes in ownership which constitute of 50% or more of controlling interest, from the original issue date of SRP, require a transfer. Corporate applications must be signed by authorized or designated corporate officer(s) listed on the Statement of Ownership and reflect the registered corporation name and any registered business names.

Insurance
An SRP is not valid and a permittee is not authorized to engage in commercial use, until proper proof of insurance is received by BLM.

If a permittee or subcontractor/independent contractor conducts commercial activities without insurance, the SRP may be cancelled. One of the individual's, business's or corporation's names shown on the SRP must be on the insurance policy. Minimum general liability limits are: **$300,000** per occurrence, **$30,000** property damage per occurrence and **$600,000** annual aggregate. Most guide and outfitter operations involve whitewater and insurance coverage minimums are higher with this type of use (see chart).

SRP Event or Activity	Per Occurrence	Per Annual Aggregate
LOW RISK: General non-competitive and/or non-commercial activities such as group camping or group activities, mountain orienteering, backpacking, dog trials	$300,000	$600,000
MODERATE RISK: Whitewater boating, horse endurance rides, OHV events, mountain bike races, rock climbing (with ropes), ultra-light outings, rodeos	$500,000	$1,000,000
HIGH RISK: Bungy jumping, speed record events, unaided rock climbing	$1,000,000	$2,000,000-$10,000,000

Liability policies must specify the insurance company shall have no right of subrogation against the United States of America. If the insurance company declines to issue this waiver, the **United States Government and BLM must be named as additional insured** on the permittee's policy. The permittee shall indemnify and hold harmless the United States against any liability for personal injury, loss of life or property damage arising in any way from activities conducted under the SRP. Policy must stipulate that BLM will be notified 30 days in advance of policy termination or modification.

Special Recreation Permit Renewals

SRPs are generally renewed for a period of one to five years each. Permittee will be mailed an application packet in advance of the SRP expiration date. Packets include: SRP Check List, Special Recreation Permit Application Form 2930-1 and 2930-2, Operating Plan, Statement of Ownership, and Employee/Booking Agent List. These, as well as a copy of current year Oregon State Marine Board Outfitter/Guide Registration Card, Business Brochure/Advertising (must include current customer rates), and insurance (showing Federal Government as additional insured) must also be submitted to Prineville BLM. Failure to renew within the term of the permit may result in being ineligible for permit renewal. Completed renewal packets must be postmarked 45 days prior to SRP expiration. Approval of renewal is discretionary with the Authorized Officer.

SRP Transfers

A SRP can be transferred to a potential permittee, provided that the SRP is not in probation, suspension or cancellation status. Transferee must provide BLM with completed transfer packet including supporting documents (Appendix A). Once ALL required documentation is received in the Prineville District Office, transfer requests will be responded to within a 60 day period. SRP carries with it all historical and financial responsibility and approval of transfer is discretionary with the Authorized Officer.

Single Event

Permittees may request authorization to conduct single special events not covered under their Plan of Operations. These events may be authorized under an existing SRP or by issuing a separate/new SRP. Permittee must submit a written request for approval of a single event at least 60 days prior to the anticipated date of the event.

SRP Duration

Transferred SRPs are issued a for one year probation period through May 1st of the following year. If the transferee is an established Prineville District SRP holder, the transferred permit may be issued for longer than one year. New permittees receiving acceptable performance evaluations may receive multi-year SRPs following their one year probation period.

Supplemental Information

The following summarizes information that must be provided and updated as part of the SRP.

A-Annual, R-Renewal, T-Transfer, M-Modification, N-New

1). Application (Form 2930-1) - **R, T, N**
2). Operating Plan - **R, T, M, N**
3). Statement of Ownership - **R, T, M, N**
4). Employee/Booking Agent List - **A, R, T, M, N**
5). Brochure/Advertising (current trip prices) – **A**, **R, T, M, N**
6). Certificate of Insurance - **A, R, T, M, N**
7). Photocopy of current Marine Board Certification – **A**, **R, T, N**

SPECIAL RECREATION PERMIT ADMINISTRATION

Sequence of Events for Processing and Administering SRPs (Transfers Excluded)

Step	Who	When	Specific Action Required
1	Permittee	As early as the day after the last trip of the calendar year but no later than January 15 of the following year.	Submits Post Use Report(s) (PUR) to BLM using approved/current PUR form.
2	BLM	January/April	Check PUR for accuracy. Resolve incomplete PUR or other discrepancies. Complete performance evaluations and mail copies to permittees.
3	BLM	February/April	Process and mail annual billing.
4	Permittee	30 days from billing date (or before)	Payment due, if required.
5	Permittee	April/May	Ensure BLM has current year employee/booking agent list, prices, brochure, and current year copies of Oregon State Marine Board Registration card and certificate of insurance. VERY IMPORTANT.

6	Permittee	When SRP renewal required, 45 days in advance of expiration	Submit completed Special Recreation Application and Permit (Form 2930-001) and supplemental information to the BLM (see "Application Procedures"). All forms needed for the application process are in the guidelines.

SPECIAL RECREATION PERMIT (SRP) FEES

INTRODUCTION

Commercial SRPs are intended to recover permit issuance and administration costs plus provide a fair government return for the opportunity to make a profit using federal resources.

ANNUAL FEE COLLECTION AND BILLING

Annual Fee - is composed of two parts

1. Balance from prior year (the difference between Advanced User Fee paid and actual fee).
    1. Next year's Advanced User Fee (based on actual fee from prior year).

How SRP actual fees are calculated

1. Total all customer payments (monetary and non-monetary) received by the permittee, their employees or agents for goods or services provided in connection with commercial activities authorized by the SRP, whether provided on public lands/related waters, or not (From Post Use Report).
2. Adjust the total customer payments using the Allowable Deductions and Applicable Discounts Form.
3. Multiply the adjusted total by three percent.

How SRP advanced user fees are calculated

Advanced user fees are based on 3% of the amount of actual use (gross receipts) from previous year. Permittees whose actual use fee exceeds $500 will pay $500, plus one-half the estimated amount over $500. For example, gross receipts = $53,000. $53,000 x 0.03% = $1,590.00 (actual fee). Since actual fee is over $500.00, the permittee will pay $500 plus half of $1,090.00. Total adjusted advance user fee = $1,045.00. Violations involving reported use and/or fee payment may result in full payment based on prior year annual fee.

Permittee must notify BLM if estimates of use are significantly different than actual use. Advanced user fee modifications can be made with written documentation to the authorized officer. Describe why use will be different in the coming season compared to the previous year. Written documentation should include estimates of anticipated seasonal revenue based on intended use and planned customer rate schedules, or comparison of trips already booked for the following year and planned customer rate schedules to those of the prior year. Annual fees must be paid to BLM prior to SRP being authorized or validated for each season (May 1st through April 30th). Payments must be postmarked by due date.

There will be one billing a year. If the advanced user fee paid is more than actual fees, overpayment will be credited toward the following year's annual use fee. If the advanced user fee paid is less than actual fees, the permittee will be billed for the difference. A credit balance will be refunded only if requested in writing.

PERIODIC PAYMENTS

Requests for periodic payments of annual use fees will be considered individually and may be approved if prior payments were made on time. Submit, in writing, your request for periodic payment and plan for making such payment.

POST USE REPORTS (PUR)

Post Use Reports are due January 15 (even if permittee has no use). If report is mailed, it must be postmarked by January 15. Incomplete reports will be returned. Only one PUR per SRP will be accepted. Permittee must report commercial use on a calendar basis (January 1 to December 31). Information submitted by permittee will be verified with monitoring reports, boater registration, law enforcement logs and boater pass web site.

REPORTING COMMISSION

Commission paid to a booking agent by permittee must be reported as gross receipts. However, commission taken out prior to permittee receiving customer payments does not have to be reported as gross receipts.

REPORTING TRAINING TRIPS

Training trips must be reported on the PUR. Fees paid by potential guides to permittee for training must be reported on PUR. Training trips are not exempt from use limits. During the peak use season from May 20 through July 10, training trips are limited to two trips per permittee.

REPORTING CONTRACTED TRIPS
Contracted trips must be reported on the PUR only by permittee conducting the trip.

DEDUCTIONS AND DISCOUNTS
When calculating the standard commercial use fee, commercial permittees should not count collected Special Area fee revenues, such as boater passes and campground fees, as part of their regular total customer payments.

The "Briefing Sheet for Allowable Deductions and Applicable Discounts" (Appendix F), describes allowable deductions for transportation, lodging, and applicable discounts for off-public land use that a permittee may claim. The deduction form, with copies of lodging and/or transportation receipts, if applicable, must be submitted with the PUR. Adequate documentation is required for deductions and discounts to apply.

COMP TRIPS
Comp trips result in increased business or financial gain from offering services associated with the SRP. Comp trips include, but are not limited to, donated trips and trips given in exchange for another service or product, free advertising, or other publicity. Comp clients on commercial trips must be reported on the PUR. Fair market value of the compensatory service or product must be reported as part of the trip revenue on the PUR. The standard trip fees will apply to the comp value.

NONPAYING CLIENTS
Nonpaying clients include, but are not limited to, family and friends and are not reported on the PUR. Refer to watercraft identification section for logo requirements.

PERFORMANCE EVALUATION

PURPOSE
Performance evaluations assess a permittees performance and compliance with elements of the Guidelines and terms and conditions of the SRP. They are also used as a criterion for SRP renewal or issuance.

GENERAL PROCEDURES
Performance evaluations must be completed prior to SRP renewal or reissuance. A completed evaluation copy will be maintained in the permittees permanent file. To the extent allowed by law and regulations, evaluation ratings are confidential between the permittee and BLM. However, if a permittee receives a probationary or unacceptable summary rating, notification of such rating may be forwarded to other managing agencies such as Federal and State agencies involved in resource and boating management and/or related guide and outfitter associations.

RATING CATEGORIES AND STANDARDS
Permittee compliance with the Guidelines and SRP terms and conditions will be reviewed and rated based on three categories: Administrative Procedures, Resource Protection and Safety. Other violations outside the three categories mentioned may be considered in your performance evaluation.

A rating will be assigned to each category based on permittee compliance with all elements of the Guidelines and SRP terms and conditions. The following levels of performance will be recognized:

Acceptable
Permittee has generally operated in accordance with SRP terms and conditions. This may include deficiencies that need correction. If deficiencies persist after a reasonable time period following notification, they may result in a probationary rating. Permittees with acceptable ratings are generally eligible for SRP renewal where continued use is consistent with planning and other appropriate factors.

Probationary
Permittee has not operated in accordance with SRP terms and conditions. Performance does not pose an immediate threat to the safety of guests or others, is not in violation of law and does not pose a threat of significant resource damage. Corrective action by the permittee is mandatory and continued operation at this level of performance is unacceptable. Examples of items that could lead to a probationary rating include: required reports, fee payments, approved itineraries and/or schedules not followed, changes to operating plans made without communicating with the authorized officer, or allocation limits exceeded. Rating basis will be clearly documented on the rating form or attachments. If permittee receives a probationary rating for the same violation on two consecutive years, the authorized officer may suspend or cancel the SRP and/or deny future SRP applications. SRPs with an overall rating category of Probationary may affect eligibility to transfer.

Unacceptable
Permittee has not operated in accordance with SRP terms and conditions and cannot be allowed to continue operation.

Performance level is a threat to safety of guests or others or involves a law violation, significant resource damage, or major violation of administrative or financial obligations. Examples include failure to obtain necessary licenses or registration, recurrent or serious violations of fish and game laws, or outfitter-guide laws and regulations, failure to pay fees, failure to comply with insurance requirements, falsification of records, and public endangerment. An unacceptable performance rating will result in suspension or cancellation of SRP privileges as appropriate. SRPs with an unacceptable rating or cancellation may affect eligibility to transfer.

VIOLATION CATEGORIES and BLM ACTIONS

Violations and BLM actions include but are not limited to the following:

Category A Violations

1. Transferring/change in ownership of SRP privileges without authorization
2. Failure to report use
3. Failure to meet minimum use
4. Post Use Reports more than 30 days late
5. Violating motorized boating restrictions
6. Violating fire regulations, disturbing or removing cultural resources
7. Boating while intoxicated, jeopardizing public safety
8. Conviction of unauthorized use on any federally administered lands or related waters
9. Failure to obtain appropriate Boater Permit
10. Failure to properly contain and dispose of human waste
11. Threatening, resisting or intimidating BLM official or other river users
12. Failure to provide required safety equipment including PFDs
13. Violation of contracting/sub-contracting restrictions
14. Failure to pay use fees after 30 days of due date
15. SRP permittee or subcontractor of SRP permittee operating without insurance
16. SRP permittee or subcontractor of SRP permittee operating without a current OSMB Registration Certificate
17. Exceeding maximum party size
18. Failure to obtain necessary licenses, certificates and/or registrations
19. Cutting of live or standing dead vegetation
20. Violation of fish and game laws and/or regulations which result in court ordered suspension or revocation of the permittees hunting or fishing license

BLM Action

BLM may attempt to contact by phone and/or a notice will be given or sent to the permittee describing the alleged violation. If notice is sent, permittee will be requested to notify the authorized officer of mitigating circumstances within 30 days from notice receipt. Violations will be documented on the Performance Evaluation and could lead to a less than satisfactory rating on your Performance Evaluation. Additional immediate administrative actions may be warranted where continued violations would pose a threat to life, property or resources.

Repeated/Multiple Violations: May result in an unacceptable performance evaluation and more serious administrative action being taken. Additionally, a criminal citation may be issued**.** After mitigation period, proposed decision letter will be sent to permittee concerning outcome of violation. SRP may be modified, suspended or cancelled and/or the permittee may be ineligible for future SRPs for a minimum of three years. Suspensions may occur during the current or following years. The permittee has the right of appeal decisions to the Interior Board of Land Appeals (Appendix C: Protests and Appeals Process).

Category B Violations

1. Fee payment made after due date but less than 30 days late
2. Post Use Reports postmarked after January 15 but less than 30 days late
3. Failure to pay camping fees
4. Exceeding length of stay at camp site
5. Failure to clean campsite
6. Failure to report major incidents
7. Unauthorized advertising
8. Launching or taking out at unauthorized boat access points
9. Violations involving vehicle use
10. Camping in “Restricted Area”
11. Complete Renewal Packet received less than 30 days late
12. Failure to provide each year or notify BLM of changes in Employees/Booking Agent/Sub-Contractor
13. Failure to provide BLM with current copy of Oregon State Marine Board Registration Card
14. Failure to check-in with BLM staff or self-register (deposit permit) at boat launch
15. Conviction of trespassing on private lands
16. Conducting activities not covered in Operating Plan

17. Failure to place US Government, BLM as Additional Insured
18. Incomplete or unacceptable watercraft identification
19. Guides name listed as group leader on Boater Permit during Limited Entry

BLM Action

BLM may attempt to contact by phone and/or a notice will be given or sent to the permittee describing the alleged violation. If notice is sent, permittee will be requested to notify the authorized officer of mitigating circumstances within 30 days from notice receipt. Violations will be documented on the Performance Evaluation and could lead to category probation on your Performance Evaluation.

Repeated/Multiple Violations: May result in an unacceptable performance evaluation and more serious administrative action being taken. Additionally, a criminal citation may be issued. After mitigation period, proposed decision letter will be sent to permittee concerning outcome of violation. SRP may be modified, suspended or cancelled and/or the permittee may be ineligible for future SRPs for a minimum of three years. Suspensions may occur during the current or following years. The permittee has the right of appeal decisions to the Interior Board of Land Appeals (Appendix C: Protests and Appeals Process).

Criminal Action

Criminal action, in the form of a citation or mandatory court appearance, may be taken. Permittees do not have appeal rights for a citation, but may choose to appear in court before the U.S. magistrate.

NO VIOLATIONS

Permittees with no violations will receive an acceptable evaluation.

SPECIAL STIPULATIONS SPECIFIC TO THE JOHN DAY RIVER

Attachment to Form 2930-1 & 2930-2

Introduction: Not all special stipulations apply to every permittee on the John Day River. After each stipulation, a code identifies the applicability to individual permittee groups. If unclear whether or how a stipulation(s) apply to you, call the Prineville District Office for clarification.

Boating: **B**
Walk-in: **WI**
Raft Rental: **RR**
All of the above: **ALL**

ADMINISTRATIVE PROCEDURES

1. AUTHORIZED USE

Each boating group must obtain a John Day River Boating Permit on-line at www.blm.gov/or/permit to boat all river segments year-round on the mainstem downstream of Kimberly, and the North Fork downstream of Dale. Exception: For day trips taking place completely within Priest Hole Recreation Site (a distance of one mile between River Mile 136.5 and 137.5) a self-issue permit may be obtained at Priest Hole. Permits for commercial trips must be obtained in the name of a client who will be present on the trip **(B, RR).**

A SRP authorizes use for the time, type of use, activity, and area as described in SRP and operating plan. Authorized use shall occur only if permittee pays fees within specified time frames, the authorized officer signs the permit and the permittee maintains the required supplemental information on file **(ALL)**.

2. SUBMISSION EMPLOYEE/BOOKING AGENT FORM

Permittee shall provide BLM with a list of employees authorized to work under their SRP prior to operating commercial trips each year. BLM must be notified of changes in Employee, Booking Agents and Subcontractors within 14 days. **(ALL).**

3. ASSIGNMENT, SUBLEASING and RELATED PROHIBITED ACTS

The permittee may not assign or sublease SRP privileges. A third party advertisement used to book a trip must clearly indicate permittee who will be running the trip. Permittee must provide names and addresses of their booking agents to BLM via Owners/Employee/Booking Agent Form. A trip may not be represented to participants as being conducted by anyone other than the authorized permittee **(ALL)**.

4. CONTRACTING

If services are contracted, the permittee (contractor) is responsible for ensuring that the trip leader is a current SRP owner, or employee of an authorized BLM permittee. Contracted personnel must be covered by insurance requirements, see #1. A permittee contracting for services is responsible for compliance with the Guidelines, and SRP terms and conditions. The contractor must report all contracted trips on the PUR and is responsible for paying use fees for these trips. Contracting for photographic services is allowed if photography is included in the operating plan. **(ALL)**

5. SUBCONTRACTING

A subcontractor/independent contractor must be registered with OSMB as a Guide and Outfitter and work under the contractors SRP. The contractor or an employee of the contractor must be present at all times on these trips. All subcontracted watercraft must show Logo of SRP contractor. A permittee subcontracting for services is responsible for compliance with the Guidelines, and SRP terms and conditions. The contractor must report all subcontracted trips on the PUR and is responsible for paying use fees for these trips. Contractor is responsible for ensuring the subcontractor is currently registered with OSMB and is covered by insurance requirements described in # 1. A subcontractor is a person who meets standards set forth by Employment Division Law ORS 670.600 (Appendix B, - Definition of Subcontractor). Anyone not meeting these requirements is considered an employee and should be registered with the Oregon State Employment Division and listed on the Employee/Booking Agent List form **(ALL)**.

6. MINIMUM USE REQUIREMENTS

Permittee must demonstrate actual paying client use of the BLM SRP. Minimum use is considered to be a total of 20 paying client user days over a period of two consecutive years, in order to retain a SRP. The minimum use requirement will be waived if the river is determined, by discharge data, to be un-runnable due to low water conditions. An un-runnable season on the John Day River is any season in which the daily mean discharge (daily average) is less than 1000 C.F.S. on 25 percent or more of the total days from April 1 through June 30, as measured at the John Day River at Service Creek gauge. **(ALL)**.

7. MOTORIZED BOATING
Operating any type of motorboat between Clarno Bridge and Cottonwood Bridge is prohibited year-round. Between Cottonwood Bridge and Tumwater Falls, operating any type of motorboat is prohibited between May 1 and September 30. Between Service Creek and Clarno Bridge, operating any motorboat, except for a motorboat powered by a small electric motor of 40 pounds thrust or less, is prohibited between May 1 and September 30. Operating personal watercraft is prohibited upstream of Tumwater Falls. **(B, RR)**

8. FAMILIARITY WITH THE TERMS AND CONDITIONS OF THE SRP
Permittee must ensure that each employee, including authorized subcontractors, are familiar with and adhere to terms and conditions of the SRP **(ALL)**.

9. BOATER CHECK IN:
The trip leader or guide of each party launching must complete the boater registration form on the bottom of the Boater Permit prior to launching. The bottom portion will be collected by agency personnel or deposited in the boater registration station collection box. Check in is required year round (show boater permit) to agency personnel when they are present at boat ramps on all river segments **(B & RR).**

10. WATERCRAFT IDENTIFICATION/LOGOS
Permittee must identify all floating craft with logo identified in Operating Plan. State Marine Board certificate numbers cannot be used as a logo. Permittees do not have to identify inflatable and hard shell kayaks with a logo unless they are the only type of boats on a trip. Identification letters must be a minimum of 3 inches high and coloring must contrast with the boat. Tape is not an acceptable logo material. Identification letters can be placed on any portion of the watercraft, as long as one logo is located on each side. A cloth or raft material banner may be used to display a logo. Lettering on the banner must be a minimum of 3 inches high, lettering and banner have a high color contrast, be attached to at least two D-rings on each side and weighted on the bottom to prevent flapping **(B, RR)**.

Multiple Logos
A permittee may have a maximum of two different logos as listed in their operating plan **(B, RR)**.

Renting/Borrowing Boats from Another Person
If permittees use both their own boats, and boats borrowed or rented from another person during a commercial trip, rented and/or borrowed boats must be identified with the permittees logo. A cloth or raft material banner with the permittees logo may be used to identify the operator conducting the trip. Additionally, any preexisting logo must be covered by the borrower. **(B, RR)**.

Contracting Trips
If a permittee uses boats belonging to a subcontractor/independent contractor during a commercial trip, subcontractor's boats must be identified with the permittees logo. A cloth or raft material banner with the permittees logo on it may be used to identify the operator conducting the trip **(B, RR)**.

Noncommercial Trips
Permittees are encouraged to cover their logo if practical or must attach a yellow flag (at least one foot square) to each boat on a noncommercial trip so the flag can be easily seen from shore **(B, RR)**.

Watercraft Transfer of Ownership
If a permittee sells a watercraft, it is the permittees responsibility to ensure their logo is completely removed from the watercraft before transferring ownership **(B, RR)**.

RESOURCE PROTECTION

11. CAMPSITE OCCUPANCY
The John Day River has a 14-day limit for all campsites. No person shall leave camping equipment or personal property overnight at or in unoccupied public fee or non-fee campsites as a means to claim, hold, reserve or secure the site for subsequent occupancy by the same person or their friends, clients, business associates, or clients of business associates. Unoccupied means the absence of human presence during the period one hour after legal sunset to one hour before legal sunrise **(ALL)**.

12. UNATTENDED PROPERTY
You must not leave personal property unattended in a day use area, campground, designated recreation area or on public lands for more than 24 hours. Federal Register Vol.70, No. 159, August 18, 2005, Final Supplementary Rule on Public Land in Oregon and Washington, a.4. **(ALL)**

13. PARTY SIZE
No party shall exceed the maximum party size. If the total number of persons in a party exceeds 16, the party shall split into two or more independent groups, each with their own launch permit, kitchen, and portable toilet, and camp at least 1/4 mile (1,320 ft.) apart or on opposite sides of the river. The distance requirement is applicable to BLM and State lands. Group size limit applies at all times, both on the water and on shore. **(ALL)**

14. WASTE DISPOSAL
Waste generated as a result of permitted use must be removed from the river canyon or disposed of at authorized locations. The term "waste" as used in this stipulation, means all discarded matter including, but not limited to, garbage, refuse and equipment. Using government refuse receptacles for dumping household, commercial or industrial waste brought in from private or municipal property is prohibited as is depositing refuse in the plumbing fixtures or vaults of a toilet facility. Washing dishes or using soap less than 50 feet from any spring or tributary is prohibited. All dishwater must be strained and should be broadcasted away from the river and creeks well beyond the perimeter of established camping area and strainer garbage packed out. The permittee may not drain refuse from a trailer or vehicle, except in facilities provided for that purpose **(ALL)**.

15. HUMAN WASTE
Permittee shall provide for proper disposal of human waste. This requires the use of an approved carry out system for removing all solid human waste and toilet paper from the river canyon on **all** trips. **The waste systems must be accessible/available for use during the day and setup and available for use as soon as practical upon arrival at any overnight campsite**. Definition of an approved carry out system: Any non-biodegradable, rigid, durable, container designed to receive and hold human waste, in any container position, without leaking and large enough to service the entire group for the length of the trip. Portable toilets are designed to be emptied and rinsed in an approved manner in a standard recreational vehicle dump station and/or SCAT machine, in a sanitary manner without spills, seepage or exposure to human waste.

The use of WAG bags, RESTOP 2 bags, or other similar products approved by the Department of Environmental Quality is permitted when carried in a leak-proof container and disposed of in a trash receptacle according to manufacture instructions.

Permittees are responsible to ensure that all waste is packed out and discarded in accordance with state regulations. All toilet paper must be packed out. Feminine products and diapers may not be deposited in RV/sewage dump stations or vault toilet and should be packed out with other trash. If toilets are rinsed after depositing waste into dump stations, contaminated rinse water must also be poured into the dump station. A list of sewage dump stations within the region is available from BLM upon request. Dump stations are available at Clarno and Cottonwood. SCAT machines are located at Maupin City Park and Heritage Landing Recreation Area**.**

Rental permittees will inform all overnight rental trips of the current human waste regulations. Rental permittees will have approved carry out systems available as part of overnight trip rentals. **(ALL)**

16. FIRE
Between June 1 and September 30 the following is prohibited: Wood or charcoal fires, portable propane campfire devices or any other type of open flame. During this closure period, smoking is only allowed in enclosed buildings, vehicles, in a boat on the water, or standing in the water.

When allowed, fires must be built in a fire pan or similar metal container with sides measuring at least two inches in height. Fire pans must be placed on rocks or otherwise elevated to avoid sterilizing the mineral soil and to prevent ashes or burning material from spilling onto the ground. All ashes and charcoal must be packed out. Propane or bottled petroleum fuel type appliances are allowed. Only dead and down wood may be collected for fuel, or your own fuel must be packed in. Cutting of live or dead standing wood is prohibited. Unattended fires, not completely extinguishing fire, throwing or discarding lighted or smoldering material, tending or using a fire, stove or lantern in such a manner that threatens, causes damage to or results in the burning of property or resources or creates a public safety hazard or using fireworks or firecrackers is prohibited.

Standard fire closure may be modified based on vegetation and climatic conditions. Permittees must know and comply with state/federal fire regulations and inform their guides, subcontractors, employees, paying clients and nonpaying guests of these regulations. Call the Prineville Fire Dispatch at 1-800-523-4737 for current information on fire regulations or Central Oregon Interagency Dispatch Center at 1-541-416-6800 to report a fire. **(ALL)**

17. REMOVAL OF NATIVE MATERIALS FROM PUBLIC LANDS
Native materials (e.g. vegetation, rocks, etc.) may not be removed from public land without permission. Permittee shall not disturb or collect historical, archeological or paleontological values on public land, including vertebrate fossils and BLM designated invertebrate and botanical fossils **(ALL)**.

SAFETY

18. DISORDERLY CONDUCT

A permittee/employee may not engage in disorderly conduct. A person commits disorderly conduct when, intending to cause public alarm, nuisance, jeopardy or violence, or knowingly or recklessly committing a risk thereof, that person commits any of the following prohibited acts: fighting, threatening or violent behavior, using obscene language, utterance or gesture, engaging in a display or act that is obscene, physically threatening or menacing in a manner that is likely to inflict injury or incite an immediate breach of the peace, nudity and indecent exposure, making unreasonable noise, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances, creates or maintains a hazardous or physically offensive condition, or operates generators, amplified music and other excessive or loud noise from 10:00p.m. to 7:00a.m. **(ALL).**

19. PETS

Bringing pets to the river is discouraged due to impacts on other visitors, wildlife, and camp sanitation **(ALL).**

20. INTERFERENCE WITH OFFICIAL BUSINESS

Threatening, resisting, intimidating, or interfering with any BLM official or other cooperating agency employee or volunteer engaged in performance of duties is prohibited **(ALL).**

21. INTERFERENCE WITH OTHER USERS

Commercial permittees/employees must respect rights of other river users. Threatening, intimidating, or interfering with the right of another user to enjoy a public resource is prohibited. Complaints from river users regarding operations authorized under SRPs may be considered in the SRP evaluation. Permittees will be given copies of the complaint and opportunity to resolve issues before inclusion in the evaluation **(ALL)**.

22. PENALTIES

Failure to comply with the terms and conditions of the SRP may result in modification of the terms, cancellation and/or denial of a new or transferred SRP for three years. Permittees convicted of violating state or federal regulations, permit stipulations, rules and/or laws pertaining to public land and resources or permittees serving court ordered probation for violation of federal regulations or stipulations pertaining to public land resources, may similarly have SRP privileges modified, canceled and/or denied. Annual performance evaluations will reflect notices of violation issued regarding these stipulations. Permittee penalties affect those with and without current authorized permittee status on the permitted area. For example, permittees providing unauthorized commercial services may have future requests for SRP privileges denied on other federally administered areas for one to three years. Any person convicted of conducting commercial activities without a SRP within the Prineville District or on other federally administered areas may have existing SRP suspended or cancelled and future requests for permit privileges denied for a minimum of three years. The decisions of the authorized officer regarding SRPs may be protested to the authorized officer and/or appealed to the Interior Board of Land Appeals **(ALL)**.

GLOSSARY

BOOKING AGENT: Individual who books commercial trips for a permittee. Agents may advertise these commercial trips, but must indicate in advertising, name/business for which trip is booked.

EMPLOYEE: Individual who works under salary for a permittee. Permittee pays into Office of Worker's Compensation and withholds State and Federal deductions from individuals pay.

GUIDE: Individual who provide services for a fee, or compensation that include leading participants between the starting point and end point of trips as part of an authorized activity.

GUIDE PERMITTEE: Permittee who provides services that include leading participants between the starting point and end point of trips as part of an authorized activity.

PERMITTEE: Individual authorized by BLM SRP to conduct specific commercial recreation activities on public lands. Includes any person associated with conducting the activity, including owners and employees.

TRIP LEADER: Individual who is identified as the permittees' lead representative for a guided trip. This individual will complete and sign the trip check-in form and affidavit of use as the trip leader.

USER DAY: Any day, or portion thereof, which a permittee, guide, trip leader or client spends on a river.

APPENDIX A
TRANSFER OF SRP PRIVILEGES
FOR JOHN DAY

To transfer SRP privileges, permittee must notify the authorized officer in advance, in writing, of their intent to transfer. If acceptable, the permittee will receive approval from BLM for SRP transfer process continuation. Failure to notify the authorized officer, in advance, of intent to transfer may result in BLM suspending or canceling the transfer action. Once required documentation is received in the Prineville District Office, transfer requests will be responded to within 60 days.

BLM will provide a "transfer packet" containing forms and a checklist to potential transferees.

New permittees must submit a written estimate of anticipated seasonal revenue based on intended use and planned customer rate schedules along with any commercial trips or shuttle operations that have already been booked or boats that have already been rented for future dates to the authorized officer. These estimates will be used to calculate fees.

Approval of transfer is discretionary with the authorized officer. The authorized officer will consider the following items in determining whether to allow SRP transfer:

1. Adequate documentation that a bona fide business transfers or sale is intended. Transfer or sale must include a substantial portion of equipment and other tangible assets needed to conduct a business. Any transfer of authorized use alone will not be permitted. A SRP cannot have a value placed on it when selling or transferring to another person(s) or business.

2. The transferor operated at an acceptable standard for at least the past two years prior to applying for a transfer.

3. The transferee will provide a complete written operating plan (form provided by BLM) which includes a description of the type of service(s) to be offered. Any proposed changes from the permit being transferred, must be brought to the attention of BLM by circling, underlining or highlighting the changes on the new operating plan. Adding motorized use will not be approved.

4. Transferee must be able to meet all standards required in conformance with management plans, outfitter licensing requirements and other federal, state, or local agency regulations.

5. Transferee must provide sufficient information and referrals for BLM to assess if transferee is qualified to operate. This includes at least three references familiar with the transferees' ability to operate under the SRP. When considering transfers including motorized use, operators must demonstrate they possess adequate skill to operate a motorized (jet boat) craft.

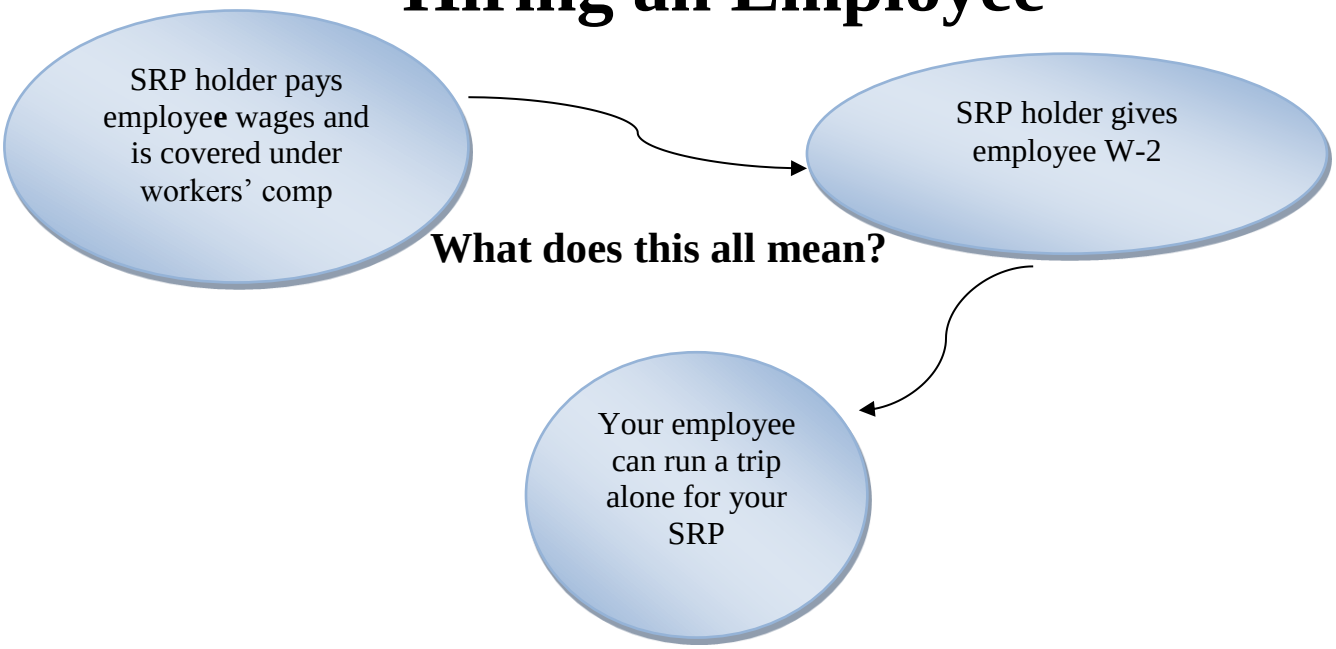
6. Transferee must provide documentation of business agreements or contracts, such as names of owners, partnership agreements or articles of incorporation.

7. A transferred SRP may contain terms and conditions, and/or an allocation entirely different from original SRP.

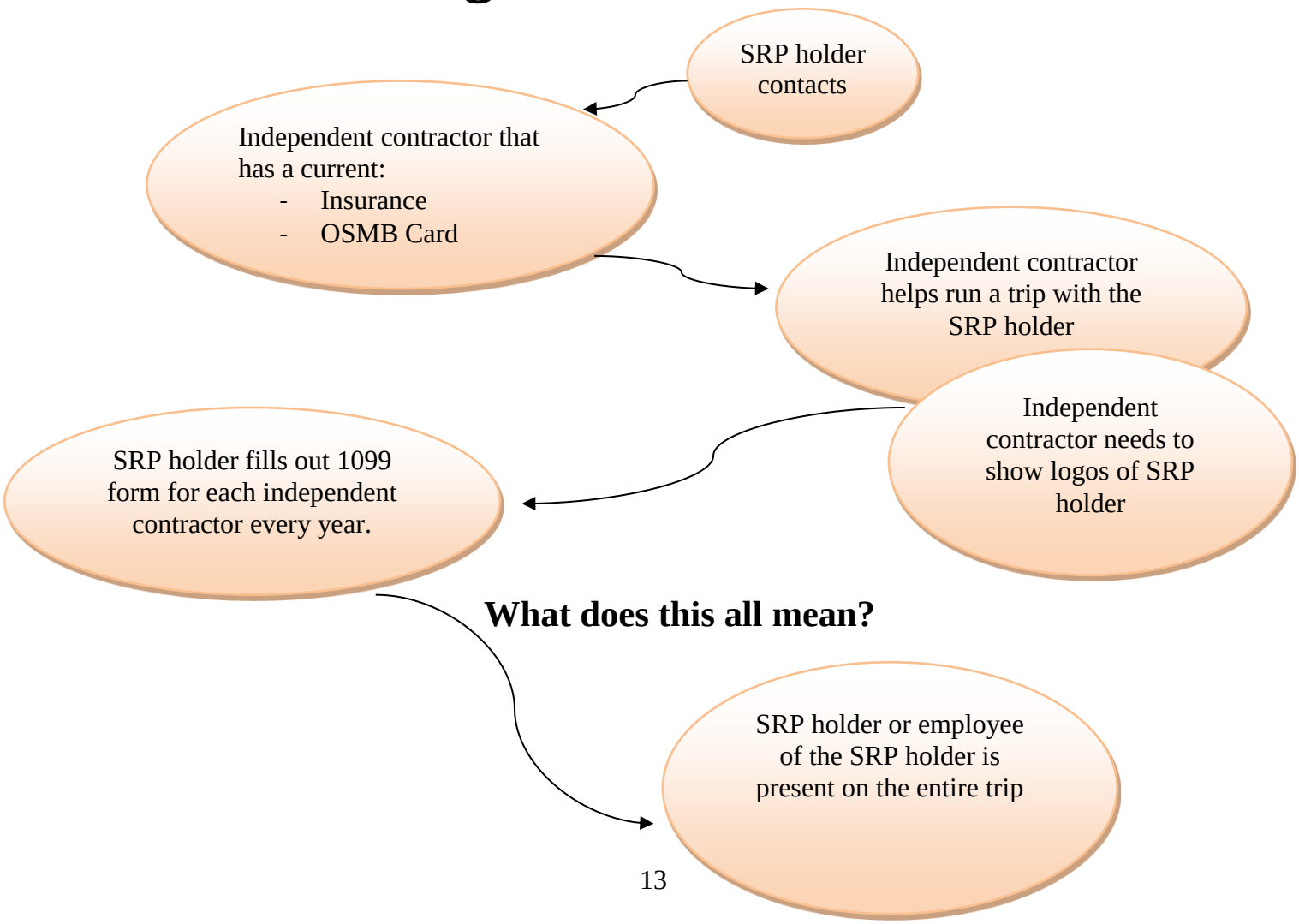
8. Transferee will be required to meet with the BLM to review applicant's qualifications and clarify requirements and responsibilities.

APPENDIX B

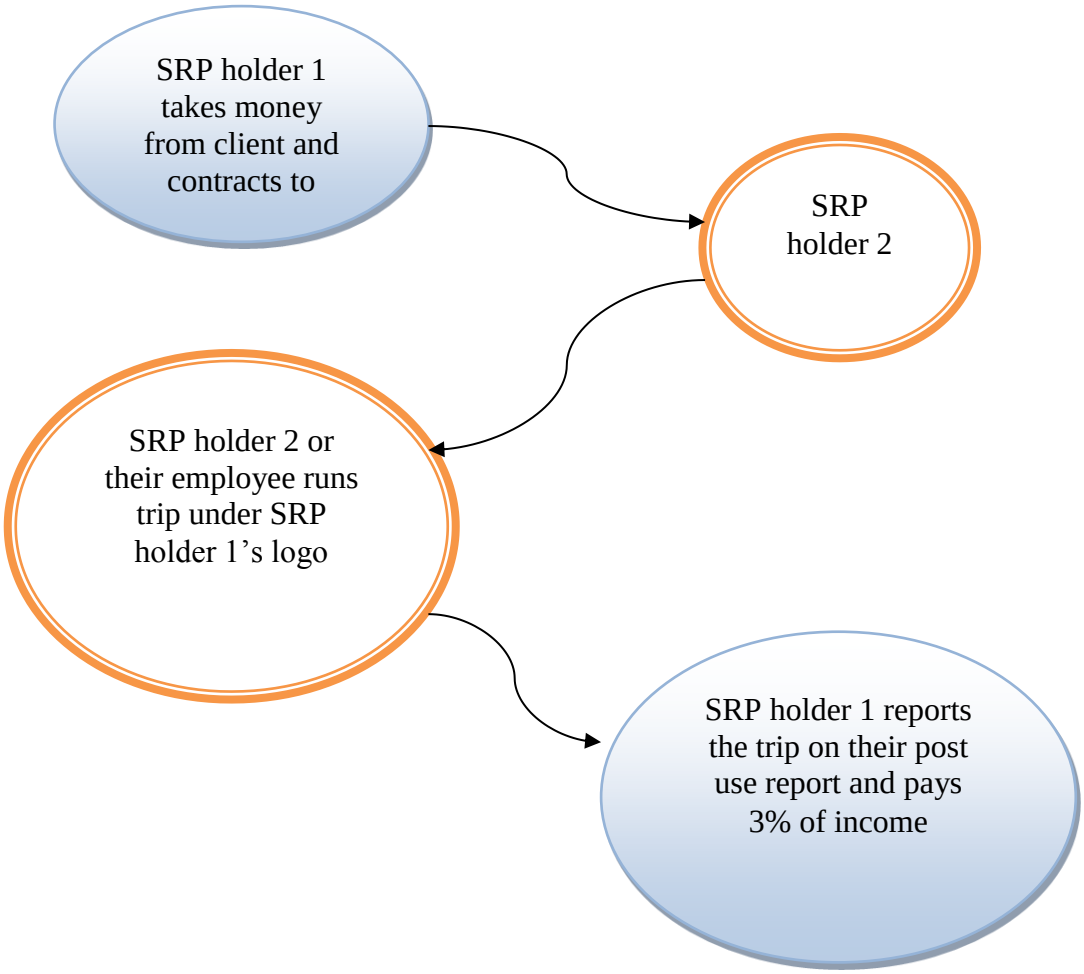
Hiring an Employee



Hiring a Sub-Contractor



Contracting a Trip



APPENDIX C
LEAVE NO TRACE PRINCIPLES

WESTERN RIVER CORRIDORS

Introduction

Since 1965, the National Outdoor Leadership School has pioneered the teaching and development of practical conservation techniques designed to minimize impact on the environment. These conservation practices are incorporated into the national Leave No Trace education program as a set of seven principles.

These principles are a guide to minimize the impact of your commercial use of river corridors. Leaving No Trace depends more on attitude and awareness than on rules and regulations. Low-impact camping practices must be applied incorporating good judgment and experience. Consider the variable of each place - soil, vegetation, wildlife, moisture level, the amount and type of use the area receives and the overall effect of prior use - then use these observations to determine which recommended practices to apply. Minimize your impact on the land and on other visitors, be sure to share these principles with your clients as well.

1. PLAN AHEAD AND PREPARE

Carefully preparing your trips can avoid unnecessary impact in river corridors. Proper preparation includes knowing what to expect (e.g. look for durable camping sites on little used rivers), repackaging food supplies in reusable containers to avoid potential litter, having the proper equipment to be safe and legal (e.g. having a fire pan). Having knowledge of the river you plan to visit allows you to plan for weather, water condition, and camping locations.

2. TRAVEL AND CAMP ON DURABLE SURFACES

River corridors are narrow strips of land and water where there is little room to disperse human impacts. Each year, many people travel the same magnificent but fragile river corridors. This principle affects camping/traveling in both high impact areas (established areas), low impact areas (where impact is just beginning), and pristine areas.

Use established sites and beaches when available to minimally impact river habitat. Non-vegetated sites below the high waterline are the most resistant to impact and signs of your stay can be washed away during a flood. When beaches are unavailable, camps on well-established sites to avoid increasing the number of sites impacted by human activity and never pull out vegetation to create a more comfortable sleeping position. If you have to move rocks or logs, put them back where you found them to avoid changing the natural look of an area. Kitchens often have the most traffic, so place the kitchen in the most resistant location possible. Finally, avoid making any new trails, even between a kitchen and individual tent sites. Stay on established trails as it only takes a few people traveling a new route through vegetation to create a new path.

Although most campsites placed above the high waterline can withstand some use and still recover, if enough use occurs the vegetation cannot keep up with the trampling. Therefore, campsites that show only minimal use should be left alone. With time and rest, these campsites may revert back to their natural appearance.

If you are forced to camp in a pristine site, use durable ground for camp and kitchen areas. Non-vegetated areas such as slickrock, rock outcrops, gravel bars and sand beaches are preferable. Avoid crushing plants or seedlings, if possible, and minimize the number of times any part of your site is used. Avoid repetitive traffic areas and protect riparian areas (the fragile green zone along the banks of a river). Finally, naturalize your site when breaking camp by covering up scuffed up areas with native materials, brushing out footprints and raking matted grassy areas with a stick. This will help hide any indication that you camped there and will make it less likely that other river travelers will camp in the same spot.

3. PROPERLY DISPOSE OF WASTE

Human waste disposal presents a unique problem on river corridors. It is not acceptable to leave solid bodily waste within the river corridor unless there are agency vault toilets - carry out all human waste where vault toilets are not available. In order to do this, river travelers must carry a portable toilet system that can be flushed out at a proper waste facility, such as an RV dump station. In 1993, EPA regulations prohibited the dumping of solid human waste into landfills. Information is available from the BLM on available toilet systems, holding tank deodorants, and dump station locations. Remember, that the toilet will receive a great deal of traffic, so place it in a durable spot where no new trails will be created to reach it.

In Oregon, State regulations prohibit the disposal of waste products into the flow of the river and encourage recreation users to urinate above the high water line and outside any camping area.

Carefully strained waste water, including soapy and dirty water from bathing, dish washing and tooth brushing, as well as

unwanted liquids from food/beverages should be broadcast away from river and creeks and well beyond the perimeter of established camp areas. If travelers choose to bathe with soap, they should use biodegradable soap and perform away from established camp areas. Wastewater should be kept at least 200 feet from any streams or springs to keep these water sources clean.

4. LEAVE WHAT YOU FIND

Allow others a sense of discovery by leaving rocks, plants, archaeological artifacts and other objects of interest as you find them. On all sites, leave the area as you found it by avoiding digging trenches, avoiding constructing lean-to's and tables, and by replacing any items such as pine cones or twigs that were cleared. Avoid hammering nails into trees or damaging them with hatchets or guy lines from tents. Leave wildflowers in place for other travelers to enjoy and leave natural objects or cultural objects for the same reason. The Archaeological Resources Protection Act of 1979 makes it illegal to remove or disturb cultural remnants of the past from any public lands.

5. MINIMIZE CAMPFIRE IMPACTS

Although campfires were once a common part of camping, past misuse of campfires have caused blackened fire rings, ash-lined beaches and damage to trees. Consider using a gas or propane stove to cook your meals, even when fires are allowed. Bring your own fuel to avoid cutting any live vegetation, and contain the fire in a fire pan. Elevate the fire pan on rocks to avoid sterilizing mineral soil, destroying vegetation or creating a fire scar. After burning a fire down to white ash and letting it cool completely, carry out all ash and charcoal.

6. RESPECT WILDLIFE

River runners not only have the potential to view a diverse number of wildlife species, but also have the potential to greatly impact wildlife through direct contact and habitat destruction.

Respect wildlife's need for plenty of space and undisturbed habitat for breeding, raising young and feeding. Respect wildlife and never feed them or leave food scraps. Watch wildlife quietly without disturbing them and camp away from any nests or burrows. Finally, educate yourself about any sensitive species you may encounter.

7. BE CONSIDERATE OF OTHER VISITORS

Many people go on river trips to enjoy the peace and solitude that an outdoor setting can provide. Being considerate of others by practicing good river etiquette that will ensure everyone enjoys their stay. Slower boats should keep to the right, if possible and allow faster boats to pass, float boats should maintain tight groups to avoid spreading out over a large area, and groups should enter rapids in a safe but close succession. Powerboats should be careful to slow down and not "buzz" other boats and should allow themselves some space before entering rapids since they cannot back up once they are committed. All boaters should respect fishing lines and should try to avoid disrupting fishing holes.

When camping, as well as when floating by another group, noise should be kept to a minimum. Lewd conduct and obscene language are out of place on a river and friendly hellos are appropriate. Pets should be controlled at all times. Always get permission to camp on private lands and respect private and public property. Use campsites appropriate to your party size and always be courteous to groups sharing an area. Do not send single boats ahead to grab the best campsites. Try to minimize competition for campsites by working with other river users to spread out.

Conclusion

Increasing outdoor recreation visitation continues to threaten both the protection of natural resources and the quality of recreational experiences. Leave No Trace principles seek to minimize natural and cultural resource impacts and social impacts related to visitor crowding and conflict. At risk is your continued access to public and private lands as managers and landowners take restrictive actions to protect the resources under their stewardship. The BLM requests your support and assistance in implementing Leave No Trace principles.

APPENDIX D
LIST OF FORMS

MISCELLANEOUS SRP FORMS
Accident Report Form

Operating Plan

Owners/Employee/Booking Agent Form

Statement of Ownership

SRP CHECKLISTS
New SRP Checklist

Renewal SRP Checklist

Transfer SRP Checklist

POST USE REPORTS
Allowable Deductions and Applicable Discounts Form

Briefing Sheet for Allowable Deductions & Applicable Discount

John Day River Commercial Guide Post Use Report

John Day River Commercial Rental Post Use Report

John Day River Commercial Shuttle Post Use Report

Please request forms by contacting the Prineville BLM office at 541-416-6767.