Grand Junction Field Office
Dominguez-Escalante
and
McInnis Canyons
National Conservation Areas

Special Recreation
Permit Policy

Revised May 2015

This policy ensures that all Bureau of Land Management Special Recreation Permits (SRP or permits) are administered consistently by the BLM Grand Junction Field Office (GJFO), McInnis Canyons NCA, and Dominguez-Escalante NCA.

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

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BLM Special Recreation Permit Policy

All commercial, competitive, special area use, and organized group activity on BLM-administered Public Lands, meeting the criteria listed below, must be authorized by a Special Recreation Permit (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, determinations that demand is being met, overcrowding, past poor performance, climatic conditions and others.

Uses Requiring an SRP

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

- "Any person, group, or organization makes or attempts to make a profit, receives money, amortizes equipment, or obtains goods or services as compensation from participants in recreation activities occurring on public lands, and led, sponsored by, or organized by that person, group, or organization. Compensation for recreation services may come from participants and/or other sources.
- 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.
- There is paid, public advertising to seek participants or situations where participants pay for a duty of care, i.e., an expectation of safety.
- Use by scientific, education, and therapeutic institutions or non-profit organizations is commercial when the above criteria are met and is subject to a permit when the above conditions exist. Non-profit status of any group or organization 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. **Competitive Permit**—A competitive use means any organized, sanctioned or structured use, event or activity on public land in which two or more contestants compete and any 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 are contesting an established record such as speed or endurance.

3. **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. Special Areas can also be areas where the authorized officer determines that the resources require special management and control measures for their protection, and a permit system for individual use would achieve management objectives.

4. **Organized Group Activity and Event Use**—Organized group/event permits are for group outdoor recreation activities or events which are neither commercial nor 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.

Timelines and Application Requirement for Permits

I. Commercial Permits

- The potential new permittee and a BLM representative meet for a pre-application consultation to foster communication between the potential permittee and the BLM to ensure the proposed application is consistent with BLM management objectives. ***BLM will not accept applications from potential new permittees, until a pre-application consultation has occurred.***
- August 1 through August 31—BLM accepts applications from new 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. If cost recovery is anticipated a notification will be sent during this period.
- October 1 through October 31—BLM will solicit public comment on the applicant's proposal.*
- November 1 through November 30—BLM 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.
- February 1—BLM begins issuing commercial permits.

* 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 and 8 below. BLM archeologists will review each proposal to determine if a tribal consultation is needed.

A. New and Renewing Commercial Permit Application Requirements:

1. Business Plan:

New and renewing 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 or permit transfers. A detailed business plan provides the BLM a basis to evaluate the proposal and effectively determine whether the proposal is consistent with management plans and objectives. The BLM Grand Junction Field Office expects a detailed plan that addresses the following:

a) A description of the business: include the products and services that you will offer and your knowledge of the industry
b) 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 (include any privately owned or leased lands)
c) 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)
d) 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

2. Application Form, completed and signed (See GJFO website for blank application)
3. Operating Plan (See GJFO website for worksheet)
4. A map providing sufficient detail showing specifically where use is proposed
5. A signed copy of the SRP Terms, Conditions, and Stipulations (See GJFO website for copy of stipulations)
6. Written permission from private landowners or other agencies for any approved use of, or access across lands adjacent to the proposed authorized operating areas on BLM-administered lands.
7. Application fee
8. A signed copy of the signature page of this policy.

B. Commercial Permit Annual Operating Authorization:

All commercial permits will be validated at the beginning of each operating season with an Annual Operating Authorization. Annual operating authorizations will be issued to permittees after the BLM receives pre-season fees, updated proof of insurance, a bond (if required), copies of valid licenses, permits and registrations from state, county or city agencies; updated guide lists; current price list/brochure, and a copy of their current client contract or liability waiver.

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

Due dates for BLM to receive Annual Operating Authorization requirements are:

1. March 1 – Non-hunting permits
2. July 1 – Big Game and Lion hunting permits

Reminder: proof of insurance is due 30 days prior to operating

Competitive Event, Organized Groups and Vendor Permits:

A. Application Timelines:

- The potential new permittee and a BLM representative meet for a pre-application consultation to foster communication between the potential permittee and the BLM to ensure the proposed application is consistent with BLM management objectives. ***BLM will not accept applications from potential new permittees, until a pre-application consultation has occurred.***
- 180 days prior to the proposed use, BLM accepts application from applicant.
- 0 - 30 days after application is received, BLM will notify the applicant that the application has been received and request any additional information. BLM will notify the applicant if cost recovery is required.
- 30 – 90 days after the receipt of the permit application, BLM reviews the proposal and conducts any necessary environmental review.
- 90 days prior to use date, BLM notifies the applicant of permit approval or denial.
- 30 days prior to use date, proof of insurance, bond (if required), and 25 percent of estimated fees must be received by BLM. A different fee payment may be approved by the authorized officer.
  *****Due to other office priorities, BLM may not be able to complete the environmental review within the timelines outlined above. Permit applicants can have a 3rd party environmental review completed to ensure applicant deadlines are met.***

B. Application Requirements:

Required 180 days prior to proposed use:

1. Application Form, completed and signed (See GJFO website for blank application)
2. Operating Plan (See GJFO website for worksheet)
3. A signed copy of the SRP Terms, Conditions, and Stipulations (See GJFO website for copy of stipulations)
4. Application fee

5. A signed copy of the signature page of this policy

Required 60 days prior to proposed use:

1. Copy of any applicable state, county or city licenses, permits or registrations
2. Evidence of permission to use private land (if applicable)
3. Copy of current advertising brochure and price list
4. Copy of client-outfitter contract or participant registration/waiver

Required 30 days prior to use:

1. Proof of insurance meeting BLM standards as defined in the terms, conditions, and stipulations
2. 25 percent of estimated fees
3. Bond (if required)

Variations to the above timelines and requirements must be approved in writing by the authorized officer.

Application Review Criteria

Permit 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 criteria will be approved (subject to potential modifications) by the authorized officer.

1. Consistency with Land Use Planning documents
   - Proposals will be evaluated for consistency with current planning documents, including but not limited to Resource Management Plans, Interim Management Plans, Recreation Area Plans, and Integrated Management Plans. All proposals in a Wilderness Study Area must be consistent with the BLM's wilderness management and wilderness study area policies(manuals 6330 and 6340).

2. Purpose and Need
   - New permits must satisfy a public demand that applicant can demonstrate is not currently being met.

3. Compliance History
   - Applicant must be in compliance, and have a history of compliance, with local, state and federal regulations.

4. Safety and Safety History
   - Applicant has demonstrated a history of providing an acceptable level of safety for clients. (For applicants with no established history (ex. new businesses) references or other documentation may be used).

5. 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:

- Types of activities permitted
- Use levels during specific time periods
- Enforcement/compliance problems exist
- Unacceptable resource impacts
- Overlapping use areas where the same type of use is currently permitted
- Camps: location, number and distance between camps

6. Adjoining Lands and Joints Permits

- In situations where an applicant owns land adjacent to BLM public lands, or holds a permit on adjacent public lands managed by another office, no special preference is given. All applications are considered equally on their overall proposals.

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, administering and monitoring a permit, cost recovery of direct expenses related to the permit will be charged. If cost recovery applies, the authorized officer will notify the applicant of potential charges in writing within 30 days of receipt of the application. Cost recovery begins after the BLM receives an application and does not include a pre-application consultation meeting.

Permit Term

The GJFO may issue permits on a yearly or multi-year term for up to 10 years. Permit terms are at the discretion of the authorized officer.

New permitees will be issued 1-year probationary permits for a minimum of two years. After two years of acceptable performance a permittee may apply for a multi-year permit.

Permits with two consecutive years of non-use may be cancelled. Before a permit would be cancelled, 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.

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. Authorized areas require that there is legal access for the permittee. If no public access is available to a proposed area, the permittee must show evidence of authorized access (i.e. letter from landowner).

Authorized use of public lands outside the GJFO may be authorized by a joint permit if the proposed trips start on one field office and end on an adjacent field office. Joint permits will not be issued simply for the convenience of the permittee. The joint permit will be approved in writing by the adjacent Field Office authorizing officer.

Permit Fees

Fees are required for all SRPs to ensure that the public receives a fair return for commercial use of public land and to ensure that the taxpayer does not bear the burden for the cost of processing permits for commercial use.

- There is a $100 application fee for all new Special Recreation Permit applications.
- There is a $100 transfer fee for a permit transfer following the bona fide sale of a business.
- There is a $50 renewal fee for permit renewals.
- There is a $105 minimum annual-use fee for all permits. Permits with authorized non-use are still required to pay the $105 minimum use fee.
- Commercial permit fees are based upon 3 percent of the adjusted gross receipts* derived from use authorized under the SRP.
- Competitive permit fees are based upon 3 percent of the adjusted gross receipts* 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 may pay fees due the Government in installments with annual written approval from the authorized officer.
- Permittees with competitive event and organized group permits will pay 25 percent of estimated fees 30 days prior to the use date, and may be required to secure a bond.
- Fees may 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 unless a refund is requested. Any refund of overpayment for a commercial permit must be submitted in writing.
- Refunds will be made for overpayment for one-time competitive or organized group permits.

*Gross receipts means the total of all financial gains received by the permittee, its employees, and/or its agents for goods or services provided in connection with commercial activities authorized by a special recreation permit on public lands and related waters. Nonrefunded deposits or cancellation fees for an activity on public lands and related waters are also included in gross receipts for the activity. Financial gain includes payments of money, revenue from the sale of images or broadcast rights, onsite sales or rentals, and gratuities, donations, gifts, bartering, trophy fees, etc., regardless of source, associated with the use of public lands and related waters.

Post-Use Reporting

Post-use trip logs will be required within 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 trip logs 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.
For each trip, trip logs must show beginning and ending dates, location of use areas, number of clients and staff, number of days use occurred on both BLM-administered and private lands, and total gross receipts.

The Post-Use trip logs must summarize the total number of client and staff visitor days, total receipts, amount of deductions claimed and discounts for time off of BLM-administered public lands. Payments will be made for each use period.

If no use occurs during a use period, a post-use trip log still must be submitted stating non-use for the period. Minimum annual-use fees apply to permits with non-use.

Post use trip logs are due on the following dates:

1. November 30 – Non-hunting permits
2. January 31 – Big Game hunting permits
3. May 30 – Lion hunting permits

All event, group, and vendor post use are due 30 days after event or last use.

Discounts for Time off BLM Public Lands

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.*

The number of use days public land was used, relative to the total trip days (including exclusive private land use days), will be used to determine any discount. Discounts for time off BLM lands must have annual written approval from the authorized officer prior to use on BLM lands.

Deductions

Deductions from gross receipts for a trip will be allowed for actual transportation and lodging for a 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. Deductions must have annual written approval by the authorized officer prior to use on BLM-administered public lands. Supporting receipts are required for any deductions.

Stipulations

The standard *Terms, Conditions and Stipulations* 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 stipulations or this 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. A notarized bill of sale will be required by the BLM that shows no value assigned to the permit. The new owner will follow the guidelines in this policy when applying for a 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.

Permittee Evaluations

BLM Grand Junction will evaluate permittees annually. The status of a permit will be determined through the evaluation process. Permittees will receive one of the following performance ratings:

Acceptable means that the permittee has generally operated in accordance with the terms and conditions established for the permit.

Probationary means that the permittee has not operated in full accordance with the terms and conditions of the permit. Continued operation at this level of performance is unacceptable. Corrective action by the permittee is mandatory. A permittee who is given a performance rating of probationary may be relegated to a permit period not to exceed one year. Multi-year permits with remaining periods of more than one year may be amended to one year. If this performance level is received two years in a row, the authorized officer may suspend or terminate the permit.

Unacceptable means that the permittee has not operated in accordance with the terms and conditions of the permit and cannot be allowed to continue. This performance level will result in suspension or termination of permit privileges as appropriate to the circumstances.

Kathryn Stevens
Field Manager

5-18-15
Date

Signature Page

I have read the Grand Junction Field Office Special Recreation Policy (revised in May 2015) 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