

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
COLORADO STATE OFFICE
2850 YOUNGFIELD STREET
LAKEWOOD, COLORADO 80215-7093**

In Reply Refer To:
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September 1, 2011

EMS TRANSMISSION 09/01/2011
Instruction Memorandum No. CO-2011-039
Expires: 09/30/2012

To: District, Center, and Field Managers
Attn: Recreation and Planning Leads

From: State Director

Subject: Special Recreation Permit Insurance Requirements for State Institutions of Higher Learning

Program Area: Recreation and Special Recreation Permits (SRP).

Purpose: This Instruction Memorandum clarifies what insurance requirements apply when we consider issuing SRPs to institutions of higher learning.

Policy/Action: The Bureau of Land Management (BLM) Colorado's SRP program shall require any state institution of higher learning that does not participate in the State's Risk Management Program to procure liability insurance that meets all the insurance requirements in Handbook H-2930-1 in order to obtain an SRP.

All schools participating in the State's Risk Management Program shall be required to submit a Certificate of Insurance that lists the Department of Interior (DOI), BLM as a certificate holder prior to obtaining an SRP.

The Permittee must provide a standard certificate of insurance that shows the limits of liability, the activities insured, the expiration date, the name of the insured, and list the DOI BLM as additionally insured.

For schools that participate in the State's Risk Management Program, the BLM Colorado's SRP administrators shall require these schools to procure additional liability insurance that meets the BLM minimum requirements. Schools that participate in the State's Risk Management Program have \$600,000 of liability. This would be adequate for a low risk activity. Schools would only

have to procure additional insurance for moderate or high risk activities. For example, if a permit authorizes a moderate risk activity, the insurance requirement would include a minimum liability limit of \$1,000,000. A school participating in the State's Risk Management Program would be required to procure a separate policy with a liability limit of \$400,000 to combine with the state's self insured limit of \$600,000.

Timeframe: This guidance and clarification of existing policy will remain in effect until the Recreation Permit Administration Manual/Handbook H-2930-1 is revised to reflect the policy change.

Budget Impact: Little to no impact.

Background: In the spring of 2011, the University of Colorado requested the BLM add additional language to the indemnification clause of the Standard Terms, Conditions, and Stipulations attached to all SRPs in Colorado. This request prompted the BLM Colorado SRP team to clarify what insurance requirements apply when we consider issuing SRPs to institutions of higher learning.

The 2006 version of the SRP Handbook (H-2930-1) allows an exception for self-insured Federal and state institutions regarding the requirement that the BLM is listed as additional insured on insurance certificates. The handbook requires BLM to receive a written statement from the comptroller or risk manager of the institution that the SRP activity is, in fact, state sponsored and the state accepts liability. Offices throughout Colorado have been following the guidance in the handbook and accepting a variety of documentation that the state is self-insured and accepts liability.

In Colorado, institutions of higher learning must participate in the State's Risk Management Program to be self-insured by the state. Annually, schools elect whether to participate in the State's Risk Management Program, so the schools covered through the State's Self-insurance Program changes from year-to-year. For example, the University of Colorado (CU) currently does not participate in the State's Risk Management Program. As a result, CU is not covered by the State of Colorado's Self-insurance program, at this time.

The State of Colorado's Self-insurance has a combined limit of liability of \$600,000. Many of the activities permitted under BLM SRPs are moderate or high risk activities and require a minimum liability limit of \$1,000,000 or \$2,000,000. In cases where moderate or high risk activities are permitted, the limits of the state self-insurance program are not meeting the BLM requirements.

Directives Affected: 43 CFR 2930, dated October 1, 2002, recently issued supplemental 43 CFR 2930, dated February 6, 2004, and Bureau of Land Management (BLM) Manual and Handbook, H-2930-1, released October 22, 2007, and August 7, 2006, respectively.

Coordination: The BLM Colorado Special Recreation Permit Team prepared this guidance with consultation from Outdoor Recreation Planners and the Department of Interior, Colorado Solicitors Office.

Contact: Contact Jack Placchi (CO-930), SRP and Travel Management Coordinator, Colorado State Office at (303) 239-3832 or Andy Windsor, SRP Specialist, Grand Junction Field Office at (970) 244-3177.

Signed by:
Helen M. Hankins
State Director

Authenticated by:
Cathy Cooney
Branch of IRM & Access