

## H-2930-1 RECREATION PERMIT ADMINISTRATION (Public)

### **N. Insurance and Liability**

1. A property damage, personal injury, and comprehensive public liability insurance policy is required of all commercial and competitive permittees and may be required for vending or organized group activities and events (depending upon the kind of activity and risk to the Government). The policy will provide restitution for damage or injury to participants, spectators or both, or to privately owned resources, and protect the United States from litigation resulting from actions taken or caused by the permittee or participants in a permitted use. The reviewing office should consult with the State Government insurance authority in determining the acceptability of standard or unique policy provisions, clauses, and industry practices.

2. Self-insured, Federal, and State Government agencies are not required to list the US Government as an additional insured. In lieu of insurance, require a written statement from the comptroller or risk manager that the SRP activity is in fact State sponsored and the State accepts liability. If a state or state subdivision, or quasi-governmental agency is not self insured, all insurance requirements apply.

3. The BLM shall require that all commercial and competitive use authorization holders indemnify the United States for all liability for third-party property damage (damage to property other than that owned by the holder or the United States) and for all personal injury, loss of life, or property damage that arises in any way from activities connected with the authorized use and occupancy. To meet this obligation, the permittee must secure liability insurance in an amount adequate to protect the interests of the United States, unless the insurance requirement is waived. Furthermore, the BLM may require liability insurance for other types of uses based on a risk assessment.

4. At a minimum, the permittee shall have in force public liability insurance covering:

a. Damage to property in the amount of \$30,000 (may be included in an annual aggregate);

b. Damage per occurrence (persons, bodily injury, or death) in the amount of (minimum) \$300,000; (Note: a certificate of insurance that shows only an “annual aggregate” and not “per occurrence” is fine as long as it meets the minimum annual aggregate requirement) and

c. A minimum annual aggregate limit of \$600,000. The coverage shall extend to property damage, bodily injury, or death arising out of the permittee’s operations under the permit, including, but not limited to, the occupancy or use of the lands, structures, facilities, or equipment authorized by the permit.

d. The insurance shall name the United States as additional insured (not co-insured) and provide for specific coverage for the permittee’s contractually assumed obligation to indemnify the United States. BLM shall not require any third party to be covered as additionally insured.

e. The policy shall also contain a specific provision or rider to the effect that the policy will not be canceled or its provisions changed or deleted before thirty (30) days written notice by the insurance company to the BLM.

f. Table 2 provides guidelines and minimums for Per Occurrence and Per Annual Aggregates only. Additional coverage should be required if it is determined that the activity or event is an unusually high risk or for other compelling reason. **TABLE 2 – GENERAL GUIDELINES FOR MINIMUM INSURANCE REQUIREMENTS**

<b>SRP Event or Activity</b>	<b>Per Occurrence</b>	<b>Per Annual Aggregate</b>
Low Risk: general non-competitive and non-commercial activities such as group camping, group activities, mounted orienteering, backpacking, or 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: bungee jumping, speed record events, unaided rock climbing, heli-skiing, or aviation assisted activities	\$1,000,000	\$2,000,000 - \$10,000,000

5. Authorized uses are considered low risk when injuries generally associated with authorized activities are not likely to result in death or permanent disability. Authorized uses are considered high risk when injuries generally associated with authorized activities may result in death or permanent disability.

6. The permittee must submit a valid certificate of insurance covering the authorized activity prior to initiating operations. The authorized officer may require the permittee to furnish a copy of the insurance policy.

a. The policy should stipulate that the authorized officer will be notified 30 days in advance of the termination or modification of the policy.

b. The name on the insurance policy or certificate of insurance must be the same as the name on the permit.

c. Those permittees holding insurance policies which only insure the permittee and not the permittee's employees must ensure that their employees also have the required insurance in effect, and that a certificate of insurance is furnished to the authorized officer. The insurance need only be valid during periods of actual use.

d. Because of the importance of the time factor in filing claims, protection of the permittee, and visitors, permittees should be encouraged to immediately report to their insurance company any incident that could possibly result into a claim at a later date.