Uncompahgre Field Office and Gunnison Gorge National Conservation Area

Special Recreation Permit Policy (SRP)

Effective Date:
August 1, 2008

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This policy ensures that all Bureau of Land Management Special Recreation Permits (SRP or permits) are administered consistently by the BLM Uncompahgre Field Office.

All activities requiring an SRP on BLM Public Lands within the Uncompahgre Field Office and the Gunnison Gorge National Conservation Area 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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Uses Requiring an SRP:

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

- When 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, the use is considered commercial.
- An activity, service or use is commercial if anyone collects a fee or receives other compensation that is not strictly a sharing of, or is in excess of, actual expenses incurred for the purposes of the activity, service or use.
- Commercial use may also be characterized by public advertising for participants or situations where a duty of care or expectation of safety is owed participants by service providers as a result of compensation.
- Use by scientific, education, and therapeutic institutions or non-profit organizations is considered commercial when the above criteria are met and subject to a permit when the above conditions exist. Non-profit status of any group or organizations 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. A **competitive permit** 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 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.

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.

When Permit Requirements May Be Waived:

The authorized officer may waive the requirement for a permit if:

1. BLM sponsors or co-sponsors the event or use;
2. the use or event begins and ends on non-public lands and does not cross more than 1 mile of BLM land or related waters;
3. the use is competitive but is not commercial, is not publicly advertised, does not award cash prizes, requires no additional monitoring, and does not pose an appreciable risk to public lands; or
4. the use is an organized group activity that is not commercial, is not publicly advertised, poses no appreciable risk to public lands, and requires no specific management or monitoring.

BLM SRP Policy:

All commercial, competitive, special area use and organized group activity, as well as event use on BLM Public Lands, meeting the above criteria, must be authorized by a 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, overcrowding, past poor performance, climatic conditions and others.

Timeline Chart for Uncompahgre Field Office/Gunnison Gorge National Conservation Area Commercial SRP Processing

Due Date	Action	Application Requirement	New Permits	Renewals / Annuals	Proposed Changes	5-yr Permits
August 31	BLM Accepts Applications & Fees		☒	☒	☒	☐
		Operating Plan & Maps	☒	☒	☒	☐
		SRP Terms, Conditions & Stipulations	☒	☒	☒	☒
		SRP/GGNCA SRP Policy (signed)	☒	☒	☒	☒
September 1-30	Notification of Receipt of Application		☒	☒	☒	☐
October 1-31	BLM Solicits Public Comment		☒	☒	☒	☐
November 1-30	BLM Reviews Application & Comments		☒	☒	☒	☐
December 1-30	BLM Notifies Applicant-Approval or Denial		☒	☒	☒	☐
February 1-28	Commercial Permits Issued		☒	☒	☒	☒
60 Days Prior to Use		All Licenses, Permits, Registrations	☒	☒	☒	☒
		Private Land Permission Letter	☒	☒	☒	☒
		Brochure & Price List	☒	☒	☒	☒
		Client-Outfitter Contract or Waiver	☒	☒	☒	☒
		Estimated Use Fees	☒	☒	☒	☒
30 Days Prior to Use		Proof of Insurance	☒	☒	☒	☒
		Guide List & Vehicle List	☒	☒	☒	☒
		Bond (if applicable)	☒	☒	☒	☒
30 Days After Last Use	Post Use Reports & Fees Due to BLM		☒	☒	☒	☒
60 Days After Last Use	BLM SRP Annual Evaluation Sent to Permittee		☒	☒	☒	☒

Timelines for Commercial SRP Application Processing:

Commercial Permits:

- August 1 through August 31—BLM accepts applications and any applicable fees from new applicants 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.
- October 1 through October 31—BLM will solicit public comment on the applicant's proposal.*****
- November 1 through November 30—BLM review panel 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.
- Beginning February 1—Commercial permits issued after receipt of all application materials.

* Public Comment: BLM Montrose 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 10 & 11 below.

Commercial Permit Application Requirements:

1. These items must be submitted between August 1 and August 31 for new applications, proposed changes to existing permits, and renewal permits:

A. Application form, completed and signed

B. Operating Plan

C. Map providing sufficient detail showing specifically where use is proposed to occur

D. Signed copy of SRP Terms, Conditions and Stipulations

E. Any written permission to cross or use private lands that are adjacent to the public lands in the proposal.

F. Application fee (if applicable)

2. Required 60 days prior to use for all permits (new applications, proposed changes to existing permits, renewal permits and 5-year permits):

A. Copy of any applicable state, county or city licenses, permits or registrations

B. Evidence of permission to use private land (if applicable)

C. Copy of current advertising brochure and price list

D. Copy of client-outfitter contract or participant registration/waiver

E. Estimated use fees

3. Required 30 days prior to use for all permits:

A. Proof of insurance meeting BLM standards as defined in the terms, conditions, and stipulations.

B. Updated guide list (permittee must notify BLM of any updates to this list throughout the season)

C. List of vehicles and license numbers used in operations

D. Bond (if applicable)

4. Required 30 days after last use date:

A. Trip Logs

B. User-Fee Calculation Summary (for Gunnison Gorge NCA)

C. Post Use Summary

5. 60 Days after last use date (30 days after receipt of Post-Use Forms):

A. BLM SRP Annual Evaluation sent to permittee

Timeline Chart for Uncompahgre Field Office/Gunnison Gorge National Conservation Area Competitive, Event, Organized Groups and Vendor SRP Processing

Due Date	Action	Application Requirement	Competitive Permit	Events	Organized Group	Vendor Permit
180 Days Prior to Use	BLM Receives Application & Fees	Operating Plan	☒	☒	☒	☒
		SRP Terms, Conditions & Stipulations	☒	☒	☒	☒
0-30 Days After Receipt	Notification Receipt of Application / EA		☒	☒	☒	☒
150-120 Days Prior to Use	BLM Solicits Public Comment		☒	☒	☒	☒
120-90 Days Prior to Use	BLM Reviews Application & Comments		☒	☒	☒	☒
90 Days Prior to Use	BLM Notifies Applicant-Approval or Denial		☒	☒	☒	☒
60 Days Prior to Use		All Licenses, Permits, Registrations	☒	☒	☒	☒
		Private Land Permission Letter	☒	☒	☒	☒
		Brochure & Price List	☒	☒	☒	☒
		Client-Outfitter Contract or Waiver	☒	☒	☒	☒
30 Days Prior to Use		25% of Estimated Fees	☒	☒	☒	☒
		Proof of Insurance	☒	☒	☒	☒
		Bond (if applicable)	☒	☒	☒	☒
		Guide List & Vehicle List	☒	☒	☒	☒
30 Days After Last Use	Post Use Reports & Fees Due to BLM		☒	☒	☒	☒
60 Days After Last Use	BLM SRP Annual Evaluation Sent to Permittee		☒	☒	☒	☒

Timelines for Competitive, Event, Organized Groups and Vendor SRP Application Processing:

Competitive, Events, Organized Groups and Vendor Permits:

- 180 days prior to use date, BLM receives permit application and any applicable fees.
- 0-30 days after receipt of the permit application, BLM notifies applicant that application has been received and requests any additional information. BLM begins environmental review if applicable.
- 150 – 120 days prior to use date (30 – 60 days after the receipt of the permit application), BLM may solicit public comment on the applicant's proposal.*****
- 120 – 90 days prior to use date (60 – 90 days after the receipt of the permit application), BLM review panel reviews public comment (if solicited), the proposal and the environmental review.
- 90 days prior to use date (90 days after the receipt of the permit application), BLM notifies the applicant on permit approval or denial.

Competitive, Event, Organized Groups and Vendor SRP Application Requirements:

1. These items must be submitted 180 days prior to the proposed use date for competitive, event, organized groups and vendor permits:

A. Application Form, completed and signed, and applicable fees

B. Operating Plan that includes a:
- Course plan (including a map)
- Safety plan
- Communications plan (if applicable)

C. Signed copy of SRP Terms, Conditions and Stipulations

2. Required 60 days prior to use:

A. Copy of any applicable state, county or city licenses, permits or registrations

B. Evidence of permission to use private land (if applicable)

C. Copy of current advertising brochure and price list

D. Copy of client-outfitter contract or participant registration/waiver

3. Required 30 days prior to use:

A. Proof of insurance meeting BLM standards as defined in the terms, conditions, and stipulations.

B. 25% of estimated fees due (unless a different fee payment schedule is approved by the authorized BLM officer)

C. Bond (if required)

D. Guide list (permittee must notify BLM of any updates to this list)

E. List of vehicles and license numbers used in operations

4. Required 30 days after last use/event date:

A. Trip Logs

B. User-Fee Calculation Summary (for Gunnison Gorge NCA)

C. Post Use Summary

5. 60 Days after last use date (30 days after receipt of Post-Use Forms):

A. BLM SRP Annual Evaluation sent to permittee

<u>Application Review Criteria:</u>

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 comply with the acceptance criteria may be accepted (subject to potential modifications) by the authorized officer.

1. Compliance History
   - Applicant must be in compliance, and have a history of compliance, with local, state and federal regulations. Applicant or authorized representatives have not been convicted of a federal, state or local violation in connection with the proposed operations or activities within the last three years.

2. Safety and Safety History
   - Applicant has demonstrated a history of providing an acceptable level of safety for clients.

3. Consistency with Land Use Planning documents
   - Proposals will be evaluated for consistency with current planning documents, including but not limited to the Uncompahgre Basin Resource Management Plan (RMP), The San Juan/San Miguel RMP, The Gunnison Gorge NCA RMP, and other applicable planning documents. All proposals in Wilderness Study Areas must be consistent with the BLM's interim management policy.

4. Conflicts
   - New permits will be carefully considered and may not be issued for activities or uses that are likely to create conflicts with existing permittees, the public, or private landowners.

5. Diversity of Services
   - Applicants must demonstrate that their proposal enhances the diversity of recreational opportunities available for visitors and the services are needed by the public.

6. Low Percentage of BLM Public Lands
   - Where public lands comprise a low percentage of the total area, and where recreational management goals are being met, BLM will use its discretionary authority in deciding whether to issue an SRP.

7. Adjoining Lands and Joint 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.

8. BLM Workload Priorities
   - Although the SRP program is always a high priority for BLM, there may be times when other pressing agency work will temporarily supersede the usual SRP review/approval workflow. Sometimes the proposed SRP activity may necessitate extensive or time consuming resource impact analysis and clearance. In these cases delays in processing SRPs are likely. BLM will notify applicants when delays occur.

These criteria are used to analyze applications and offset potential problems. Many complex issues are best addressed through an ongoing effort between the permittees and the BLM. The criteria do <u>not</u> set explicit use levels or carrying capacities.

<u>Signing and Advertising:</u>

All signs and advertising must meet State of Colorado regulations regarding upland hunting and river outfitters.

All advertising shall be accurate and not misrepresent in any way the services or accommodations provided, or the area authorized for use. Brochures and other advertising materials shall include the following disclosure: "***All or part of this operation is conducted on Public Lands under special permit from the U.S. Bureau of Land Management.***"

Signs or advertising devices on public land require advance approval on the location, design, size, shape or color, and message.

Cost Recovery Requirements:

If more than 50 hours of BLM staff time is required for processing and administering a permit, cost recovery of direct expenses related to the permit will be charged. If the 50-hour cost recovery threshold is exceeded, then cost recovery begins with the first hour of BLM time spent with permit administration. When cost recovery is necessary, the authorized officer shall notify the applicant of potential charges in writing within 30 days of receipt of the application.

Permit Term:

New permittees will be issued 1-year probationary permits for a minimum of 2 years. After completing a minimum of 2 years acceptable performance, the Uncompahgre Field Office may issue permits on a yearly, or multi-year term for up to 5 years based on past performance evaluations, resource management plans, and objectives.

Permitted Operating Areas:

Permits will be authorized for the *minimum* amount of public land necessary to practically operate a business. Authorized operating areas will be subject to review based on actual use. Use areas may be modified if permittees do not fully utilize their proposed use area. Permits with two consecutive years of non-use may be cancelled. Before a permit would be modified or 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.

Use of public lands outside the Uncompahgre Field Office may be authorized as a joint permit if the proposed trip starts on an adjacent field office or ends on an adjacent field office. Joint permits will not be issued simply for the convenience of the permittee. The joint permit will be subject to approval in writing by the adjacent Field Office authorizing officer.

Annual Operating Authorizations:

Annual operating authorizations will be granted after the Uncompahgre Field Office receives pre-season fees; updated proof of insurance; copies of valid licenses, permits and registrations from state, county or city agencies; updated guide lists with copies of current guide information as determined by BLM Colorado handbook; and current client contract.

Permits will not be valid without a valid annual Letter of Authorization.

Permit Fees:

Fees are required for all SRPs.

- Colorado BLM requires payment of a non-refundable **application fee** for all commercial, competitive and organized group SRP applications. This fee is separate from the estimated SRP fee or minimum SRP fee. Application fees are:
    - $100 for new applications; and
    - $50 for renewal of expired permits.
- The **commercial permit fee** is based upon 3 percent of the adjusted gross revenue derived from use authorized under the SRP. This fee is owed for the privilege of operating a private commercial business on lands belonging to the public.
- All permit applications must include estimated (3% of gross) SRP fees for the current year's use, or the minimum fee of $100, whichever is greater.
- Competitive permit fees are based upon 3 percent of the adjusted gross revenue 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. Any payment plan that includes installments must have annual written approval from the authorized officer.
- Permittees with event permits will pay 25 percent of estimated fees 60 days prior to the use date, and may be required to secure a bond.
- Fees can also be charged for individual use of Special Areas, reservation/assignment of sites and livestock grazing when associated with recreational use. The minimum assigned site fee for exclusive commercial use is $200. Assigned site for a commercial use does not preclude public use of the site.
- All payments exceeding the amount owed the BLM for commercial permits will be credited to the next year.
- Refunds will be made for overpayment of fees for an event permit.
- Other fees as specified by BLM Colorado may apply.

When may BLM waive permit fees:

The authorized officer may waive permit fees on a case-by-case basis for special recreation permits issued for accredited academic, scientific, and research institutions, therapeutic, or administrative uses. Non-profit, educational, or public agency status is not, on its own, a basis for waiving fees.

Post-Use Reporting:

Post-use reports, trip log summaries and payments will be required 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 reports, trip log summaries and field checks to determine *actual-use areas, use periods, types of use* and *actual amounts of use* for each permittee. Post-use reports and Trip Logs 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.

Trip logs must show beginning and ending dates of each trip, location of use area, number of clients and staff, and number of pack animals on each trip, number of days use occurred on both BLM and non-BLM lands and total receipts.

The post-use report must summarize the total number of client and staff visitor days, total receipts, amount of deductions claimed (if applicable) and discounts for time off of BLM public lands (if applicable). Payments will be made for each use period. If no use occurs during a use period, a post-use report still must be submitted stating non-use for the period.

Discounts for Time off BLM Public Lands:

The number of days public land was used, relative to the total trip days (which includes exclusive private land use days), will be used to determine any discount. Discounts for time off BLM lands must have annual approval from the authorized officer prior to use on BLM public lands. The request for discounts must be submitted at part of the application. *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.*

Deductions:

Deductions from gross receipts for a trip will be allowed for actual transportation for the guest and lodging for the 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 public lands. Supporting receipts will be required for any deductions.

Stipulations:

The standard *Terms, Conditions and Stipulations* for commercial permits 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 stipulation or revised 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.

Performance Evaluation:

A. The BLM shall conduct periodic inspections and performance evaluations of the permittee's operations and compliance with the terms, conditions and stipulations of the Permit.
B. Violations in Other BLM/USFS Areas: Permit violations in this or any other BLM field office area or Forest Service district may also be cause for the BLM to deny approval of a Permit or Operating Authorization for subsequent years.
C. Denial of Permits for Affiliates: If a permit is canceled or suspended for any reason, you will not be allowed to circumvent that decision by having affiliates associated with you or your business apply to continue your operation.
D. Violations and Penalties: Any violation of the permit terms, conditions and stipulations may be subject to penalties prescribed in 43 CFR 2930 which may include fines up to $1,000 and/or imprisonment up to 12 months and/or civil penalties. Restitution may be levied for any damages and additional administrative penalties may be imposed including fines, permit revocation, suspension or probation.
    - **Revocation:** This permit may be canceled or revoked without compensation for any failure to comply with the terms, conditions and stipulations hereof, and operations on public land shall immediately cease upon cancellation. After a permit is canceled or revoked, any commercial use of public lands shall be in violation of federal regulations, and the Bureau may deny future authorization for use of public lands. If a permit is terminated, permit applications will not be approved for any person connected to or affiliated with the operation under a terminated or suspended permit.
    - **Suspension:** This permit may be temporarily suspended, in whole or in part, without compensation for any failure to comply with the terms, conditions and stipulations hereof, and operations on public land shall

cease immediately upon suspension. After a permit is suspended, any commercial use of public lands shall be in violation of federal regulations. The Bureau may reissue authorization for use of public lands after corrective action is taken by the permittee and the operation is under compliance with the terms, conditions and stipulations.

- **Probation:** The permit may be placed under special scrutiny for any failure to comply with the terms, conditions and stipulations hereof, and operations on public land shall be allowed to continue while under probation.

E. Performance Ratings: Performance is rated in the following three categories:

- **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. Corrective action by the holder is mandatory and continued operation at this level of performance is unacceptable. Permittee will only qualify for a 1 year permit. If this performance level is received 2 years in a row, the authorized officer may suspend or terminate the permit and/or deny future permit applications.
- **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, termination, or revocation of permit privileges as appropriate to the circumstances.

Permit Transfers:

Any potential business sales which would involve transferring your SRP must follow this policy in order to be considered for a valid permit transfer. SRPs can not be sold nor can the permit have any value placed on it as part of a pending business sale.

Failure to follow the established policy may result in transfer denial. It is the authorized existing Special Recreation Permit holder's responsibility to initiate required actions and ensure all policy requirements are met prior to any SRP transfer approval.

Transfer of SRP Policy - (excerpt from BLM National Recreation Permit Administration Handbook, H-2930-1)

If an existing commercial permittee wishes to sell or otherwise terminate his or her business and desires that permit privileges be transferred to a new owner, the permittee must notify the authorized officer in advance, in writing, and receive advance written approval for the permit transfer from the authorized officer. Failure to do so can lead to denial of the requested transfer. The existing permittee must advise the authorized officer in

advance of any action that would ultimately result in a change in ownership or controlling business interest. The proposed permittee must apply for the permit following standard application procedures. The approval of a transfer is discretionary with the authorized officer. The authorized officer must consider the following items in determining whether to allow the permit transfer:

a. *Adequate documentation must be provided to the authorized officer that a bona fide business transfer or sale is intended. The transfer or sale must include a substantial portion of the equipment and other tangible assets needed to conduct the business. No value may be attached to a permit. Any attempted transfer or sale of authorized use alone shall not be allowed. BLM will use standard business valuation methods to assess whether the transaction is an actual sale of a business rather than a sale of a permit.*

b. *The current permittee must have operated at an acceptable standard for at least one full year prior to the transfer request. The permit must be in good standing with all fees paid and no unresolved issues or concerns.*

c. *Transfer of permit allocation is limited to no more than the highest historical use over the permit period.*

d. *The proposed permittee must provide a written operating plan to the authorized officer, including any anticipated operational changes from the present permittee.*

e. *A permit that is transferred may contain terms and conditions, and/or allocations which are different from the original permit. BLM can make significant changes to the permit at our discretion.*

Permit Transfer Fee: The transfer fee is set at $100 per transfer. This fee will be assessed upon confirmation from BLM stating the transfer is approved. Payment can be made by current permittee, or new permittee, or split between both parties. Payment will be required prior to permit transfer.

Permittee information policy:

A current list of permittees and permitted uses will be posted on the Uncompahgre Field Office web site as well as at recreation sites, and shared with other BLM and U.S. Forest Service offices.

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Signature Page:

I have read the Uncompahgre Field Office Special Recreation Policy 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