



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Colorado River Valley Field Office  
2300 River Frontage Road  
Silt, Colorado 81652  
www.co.blm.gov

## CATEGORICAL EXCLUSION

DOI-BLM-CO-N040-2011-0048-CX

### A. Background

BLM Office: Colorado River Valley Field Office      Lease/Serial/Case File No:  
Special Recreation Permit #'s CO-140-10-01 and CO-140-09-01

Proposed Action Title/Type: Vail Recreation District; Special Recreation Permit Transfer and Renewal; Competitive Event

Location of Proposed Action: BLM public lands on or adjacent to the Boneyard Trail, East Eagle Trail and Ice Rink Trail. (As shown in Attachment A.)

T 4S, R 84W, sec. 33, 34 and 35;  
T 5S, R 84W, sec. 2 and 3.

Background: The Vail Recreation District currently has a Special Recreation Permit (SRP) for a mountain bike race on the Hardscrabble Area's 4<sup>th</sup> of July Trail in June. Their permit is valid until April 1, 2014. They also had a one day permit for a 2010 for a mountain bike race on the Boneyard Trail/East Eagle Trail. They would like to renew the one day permit for the mountain bike race on the Boneyard Trail/East Eagle Trail.

Mountain Bike Race Specifics for the Boneyard Trail, East Eagle Trail and County Road 21 race: There will be no aid stations on the course. Racers of all ages and ability levels are expected to participate. 250 participants are expected, with around 50 spectators. The race start and finish staging site will be on the pull-out on County Road 21 at the start of the Boneyard single track at the trailhead. This will include a timing trailer, water containers, porta-potties, and a couple of tables and chairs. The staging site will be set up the day before the race (August 2, 2011) and taken down the day of the race (August 3, 2011).

Registration and porta-potties will be at the Eagle Valley school parking lot adjacent to the soccer fields on Mill Road. Vail Recreation District will have 2-3 staff on hand to direct racers to approved parking areas and to ensure that no racers park in the Bluffs neighborhood. The approved parking locations are the Eagle Valley Middle School lots. Course officials will advise any non-racers using the area about the race. Medical support will be provided by Steadman Hawkins and the Eagle Ambulance District/Fire Department.

The Kids Course will follow County Road 21 for 1.7 miles, turning left (north) onto the Boneyard Trail. They will ride the Boneyard Trail to the finish and do only one loop. All kids will finish in approximately 20-30 minutes. The adult race will start after all kids have cleared the course. The Adult Course will follow County Road 21 for 3 miles turning right (south) onto the East Eagle Trail. They will ride down East Eagle Trail to the turnoff back onto County Road 21 (approximately 2 miles from the top). From there, racers will either turn left down the road to finish the race or turn right to ride the same loop again, depending on their category's race distance. All races are designed to take no longer than an hour and a half. At the end of the races, a sweep on a bicycle will occur to make sure there are no competitors still on the course.

Vail Recreation District has requested a letter of support for both races from the Town of Eagle, the Bluffs HOA, and Eagle County Road & Bridge Department and these letters would be required before the BLM issues the permit.

In addition, the Western Eagle County Metropolitan Recreation District (WECMRD) requested to have their SRP of the East Eagle Trail Run (on the Boneyard and Ice Rink Trails) transferred to the Vail Recreation District to improve management of the race and enhance the experience for participants. Parking and registration take place at the Eagle Ranch Pool and Ice Rink, which is managed by WECMRD. Additional parking and the start for the event are at the Eagle Valley Middle School. This SRP historically has had around 75 participants per year.

The purpose of the Vail Recreation District (VRD) is to offer diverse and exceptional recreation opportunities that enhance the physical, social and emotional well-being of all its residents and guests. The VRD aims to help Vail Valley residents and guests pursue their recreational passions through the following:

- Outlets for competition in summer and winter via a running and mountain bike race series, and tournaments and/or leagues for hockey, volleyball, lacrosse, softball, golf, tennis, soccer, flag football, broomball, figure skating and rugby. Venues like Dobson Ice Arena, Vail Golf Club, Vail Nordic Center, Vail Gymnastics Center, Vail Nature Center, Vail Skatepark, Vail Tennis Center, Vail's Imagination Station, and use of additional gyms, playing fields and the surrounding White River National Forest via collaboration with local entities.
- Sports classes and camps for youth, adults and families.
- Opportunities to learn about and appreciate our Rocky Mountain environment through guided activities, classes and camps.

The purpose of the mountain bike series in particular is to provide area residents and visitors a safe, fun and competitive environment to enjoy their passion for mountain biking with others in the community.

The VRD needs the Boneyard/East Eagle Trail area for one of the mountain bike series races because it provides a trail network that is fun but safe for all ability levels from kids and beginners to experts and pros. The nature of the trails are such that they will sustain minimal impact from a large number of riders at one time, and they are in close proximity to parking and staging areas. There are few areas in Eagle County that fulfill these criteria.

Description of Proposed Action: The proposed action is to a) renew Special Recreation Permit (SRP) # CO-140-10-01 for the Vail Recreation District for a mountain bike race on the Boneyard Trail, East Eagle Trail and County Road 21 on August 3, 2011, with set-up on August 2, 2011; b) transfer SRP # CO-140-09-01 from WECMRD to Vail Recreation District SRP # CO-140-10-01 for the May 14, 2011 East Eagle Trail Run on the Boneyard Trail and Ice Rink Trail.

This action also includes Additional Special Stipulations for both permits. (See Attachment C.)

**Land Use Plan Conformance:** The proposed action is subject to, and has been reviewed for, conformance with this plan (43 CFR 1610.5, BLM 1617.3).

Name of Plan: Record of Decision and Resource Management Plan Glenwood Springs Resource Area

Date Approved: January, 1984; revised in 1988; amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance.

Decision Number/Page: pages 5, 34

Decision Language: The action is in conformance with "Administrative Actions" of the RMP, which approves the "issuance of permits for ...competitive and commercial recreation activities." The action is also in conformance with the Recreation Resource Management Objective Page 34: "To ensure the continued availability of outdoor recreational opportunities which the public seeks and which are not readily available from other sources, to reduce the impacts of recreational use on fragile and unique resource values, and to provide for visitor safety."

**B. Compliance with NEPA:**

The proposed action qualifies as a categorical exclusion under 516 DM 11, Appendix 4, Number H. Recreation Management.

Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

EXCLUSIONS		YES	NO
1.	Have significant impacts on public health or safety.		X
2.	Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
3.	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
4.	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5.	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6.	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7.	Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
8.	Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
9.	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
10.	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
11.	Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
12.	Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Cheryl Harrison	Archaeologist	Cultural Resources, Native American Religious Concerns
Carla DeYoung	Ecologist	ACEC, Special Status Plants, Vegetation
Tom Fresques	Fisheries Biologist	Aquatic Wildlife, Special Status Aquatic Species
Mike Kinser	Rangeland Management Specialist	Riparian
Brian Hopkins	Wildlife Biologist	Terrestrial Wildlife, Special Status

Greg Wolfgang	Outdoor Recreation Planner	Wildlife Species
Isaac Pittman	Rangeland Management Specialist	Visual Resources, Travel
Nate Dieterich	Hydrologist	Range
Kimberly Miller	Outdoor Recreation Planner	Hydrology
		Wilderness, Wild and Scenic Rivers, Recreation
Carole Huey	Realty Specialist	Lands and Realty

REMARKS/MITIGATION (the following mitigations will be carried forward within the permit under Special Conditions:

The Special Recreation Permit Terms, Conditions and Stipulations for all Permitted Activities (Attachment B) will apply to the permits. A copy of these terms is signed by the permittee and is in their file.

Additional Stipulations (Attachment C) will also be added to the permit. The permittee will sign these when they sign the permit.

This permit is for two one-time events to be permitted. If Vail Recreation District would like to renew this permit for 2012, another CX or NEPA document will have to be completed for the proper analysis to occur.

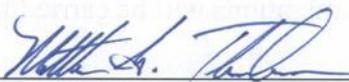
Special Status Plants

Portions of the race course are within occupied habitat for Harrington's beardtongue, a BLM sensitive plant. Human activities and surface disturbances off of existing roads and trails have the potential to impact this species and its habitat. As stated in the permit, no aid stations, porta-potties, motorized vehicles or other facilities will be stationed along the single-track portions of the race course. This permit is issued for two one-time events and would be evaluated for environmental impacts prior to consideration of issuing future permits for this event.

DECISION AND RATIONALE:

I considered this action and determined that it may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

**C. Signature**

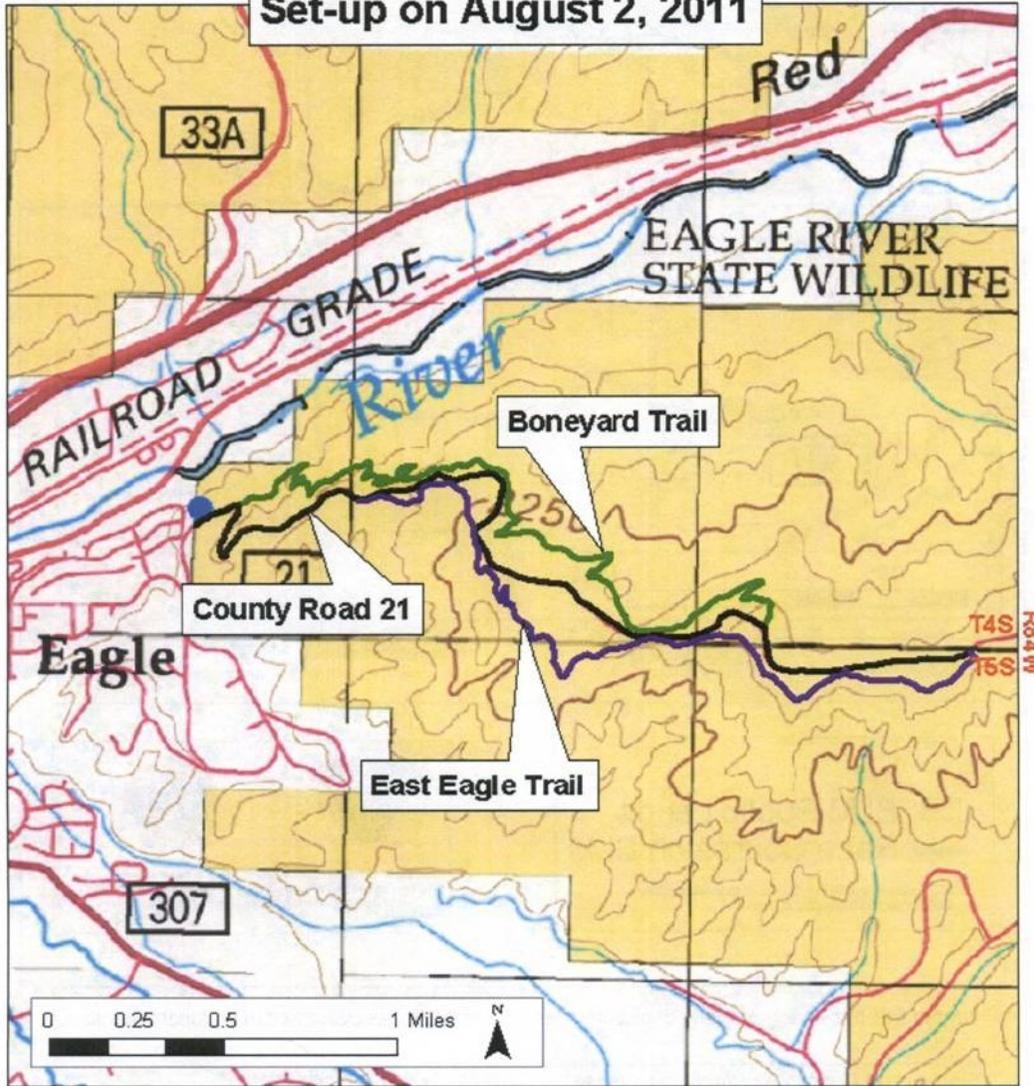
Authorizing Official:  Date: 2-16-11  
Matthew Thorburn  
Supervisory Natural Resource Specialist

**Contact Person**

For additional information concerning this CX review, contact Kimberly Miller, Outdoor Recreation Planner, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652, (970) 876-9075.

Attachment A

**Vail Recreation District  
Mountain Bike Race  
August 3, 2011  
Set-up on August 2, 2011**



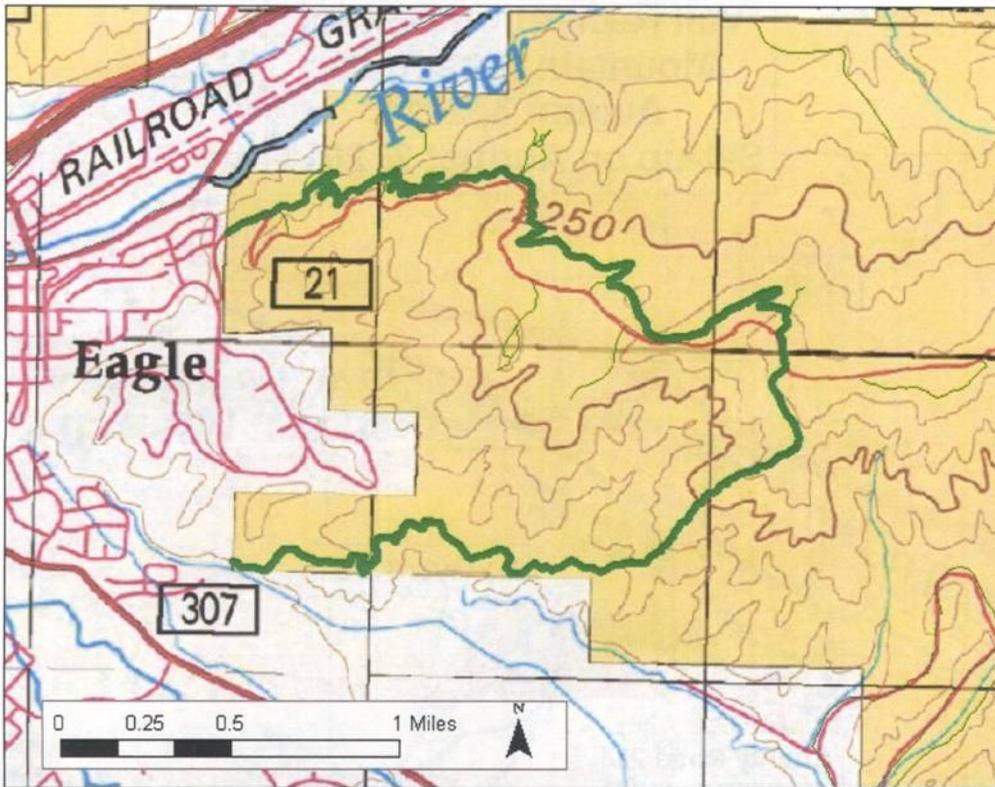
-  Staging Site
-  Adult Course
-  Kids Course
-  Bureau of Land Management

SRP applies only to BLM public lands; no access to private lands within permit boundary is inferred.




The BLM does not guarantee the accuracy, completeness, or timeliness of the information shown, and will not be liable for any loss or injury resulting from reliance upon the information depicted.

# East Eagle Trail Run May 14, 2011



BLM Public Lands  
 Race Course on BLM

SRP applies only to BLM public lands; no access to private lands within permit boundary is inferred.



The ELM does not guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance upon the information depicted.

I agree that this image properly depicts my permit boundaries as described in my operating plan.

Signature of Permittee or Authorized Party \_\_\_\_\_

Date \_\_\_\_\_

## Attachment B

### SPECIAL RECREATION PERMIT TERMS, CONDITIONS AND STIPULATIONS FOR ALL PERMITTED ACTIVITIES

**Stipulations:** The following standard stipulations are automatically included and apply to all permits (some additional stipulations are specific to only certain activities). Failure to comply with these stipulations may result in remedial actions listed below under Performance Evaluation, Section XVIII. B. Per 2932.40, violations of permit terms or stipulations may be subject to fines and imprisonment, in addition to administrative penalties.

#### I. RISKS, HAZARDS AND SAFETY

- A. Hazards related to climate, topography and terrain, waters, vegetation and wildlife, and man-made features are found on public lands and present risks which the permittee assumes. The permittee shall be responsible for inspecting sites, trails, roads, rivers and other authorized use areas for dangers and hazardous conditions, ensuring awareness by employees and clients of such risks and hazards, and promoting safe practices at all times.
- B. Adequate first aid and safety equipment shall be provided while performing the permitted activities.
- C. All guides and employees responsible for clients in the field shall be trained in First Aid and hold a valid certification of training from the American Red Cross or its equivalent.
- D. In case of human death, or wildfire, involving the permitted operation, the County Sheriff shall be notified immediately, and the BLM shall be notified immediately after the Sheriff is notified.
- E. The permittee shall notify the BLM of any accidents involving the permitted operation which result in loss of consciousness, injury disabling individuals in excess of 24 hours, requiring medical treatment or search and rescue, and/or property damage, and shall submit a detailed written report to the BLM within 10 days from the date of the accident. Other accidents shall be reported in the Post Use Report.

#### II. INDEMNIFICATION

- A. The permittee shall indemnify, defend, and hold harmless the United States and/or its agencies and representatives from any and all demands, claims, or liabilities of every nature whatsoever, including, but not limited to damages to property, injuries to or death of persons, arising directly or indirectly from, or in any way connected with the authorized use and occupancy of the lands authorized for use under this permit.
- B. Insurance: Coverage shall be obtained for the permitted operations in the minimum liability coverage amounts of:
  - \$300,000 damage per occurrence (persons, bodily injury or death);
  - \$600,000 annual aggregate for bodily injury; and
  - \$ 30,000 property damage per occurrence.
- C. An insurance certificate shall be submitted, stating the limits of coverage, identifying the United States Government as additional insured, that includes the minimum shown above, expiration date, that the insurer will give BLM thirty (30) days notice prior to cancellation, or modification of such insurance, and a list of the activities that are permitted and insured.

### III. APPLICABLE LAWS AND REGULATIONS

- A. This Permit is subject to all applicable provisions of the regulations (43 CFR Group 2930 and 8300) which are made a part hereof.
- B. The permittee shall observe all applicable Federal, State, and local laws and regulations while performing any authorized activity, including but not limited to: (1) operation, use and registration of motor vehicles, OHVs, aircraft, and boats; (2) hunting and fishing; (3) use of firearms; (4) injury to persons or destruction of property; (5) noise, air and water pollution; (6) littering; (7) drinking water and sanitation; (8) food service; (9) use of fire; and (10) business practices.
- C. Permits involving the taking of game, including fish, shall be valid only when accompanied by a valid State Outfitters Registration. Permits involving river floating or guiding shall be valid only when accompanied by a valid State River Outfitters License.
- D. All hunters shall comply with the Colorado Division of Wildlife hunter safety requirements.
- E. Permittee shall comply with restrictions while operating in a Wilderness or Wilderness Study Area (WSA) as prescribed in 43 CFR 8500. Maps and information on the Wilderness or WSA boundaries and restrictions are available at the Field Office.
- F. Permittee shall comply with Off-Highway Vehicle (OHV) designations and restrictions in the area of operation as identified in the Resource Management Plan and prescribed in 43 CFR 8340.
- G. Permittee shall obtain a Colorado State Child Care License if working with minors.

### IV. LIMITATIONS

- A. This permit authorizes only temporary use in connection with the operations, during the period(s) and in the area(s) identified in the permit and authorized by an Annual Operating Authorization.
- B. 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.
- C. Use of Non-Public lands: This permit does not authorize use of non-BLM land (i.e. private, city, county, state, or other federal land).
- D. The applicant shall provide upon request the name(s) and address(s) of private landowners whose property is used in connection with the permitted operations, and evidence of permission to use such land.
- E. Access to Public Lands: The BLM does not guarantee legal access to public lands unless legal access for the general public is available. Where legal public access is not available, the permittee is responsible for obtaining permission from the landowner(s) to travel through or use private lands.
- F. Multi-Year Permits: A multi-year permit is not valid unless accompanied by a current Annual Operating Authorization.

- G. **Joint Permit Requirement:** This permit authorizes use of public lands in this Field Office; use of public lands in other Field Offices or National Forest lands must be approved under a separate or joint permit. Code of Federal Regulation citations for both the BLM and Forest Service are valid and will be enforced for joint permits on associated public lands.
- H. If a lion outfitter does not own their own dogs, they must furnish copies of all lease or rental arrangements for the dogs and/or dog handler(s) that they plan on using. Dog handlers must be listed as guides.

## V. ASSIGNMENT AND SUBLETTING OF PERMIT PRIVILEGES

- A. The permittee may not assign permit privileges to a third party, including booking agents. For purposes of this permit, an assignment of permit privileges is indicated if one or more of the following occurs:
  - 1) A third party advertisement used to book a trip does not clearly indicate that the trip will be operated by the company holding the permit;
  - 2) A third party provides both passenger transportation to the trip departure point and equipment used on the trip;
  - 3) More than two (2) representatives or employees of the third party act as guides/crew on the trip. Employees of the third party must constitute less than 50 percent of the guides/crew on trip;
  - 4) A trip is represented to the participants as being conducted by other than the permittee.
  - 5) Equipment or guide clothing carries a name, markings or logo of the third party involved with the trip (this does not apply to booking agents who are permitted outfitters in the permit area). See D. below for the use of equipment not marked with the permittee name or approved abbreviation;
  - 6) The passengers or guides/crew are not covered by the insurance carried by the permittee.
- B. Guides and employees must fall under federal and state employment regulations and be listed in the operating plan prior to each operating season. (ie. IRS Form-1099, independent contractor form).
- C. If you are proposing to employ guides or employees who are licensed and/or permitted outfitters elsewhere, that must be disclosed at the time you submit their name and information.
- D. Written notice must be given to the BLM to use equipment with outfitter markings (company names, logos, etc.) other than those of the permit holder prior to the time of use (hunt, launch, tour, etc.). If the markings are those of an outfitter not permitted to operate in that area, the markings of equipment used must not be visible while on the BLM-administered lands and waters.

## VI. NON-EXCLUSIVE USE

- A. The permittee, employees and clients shall not interfere with other valid uses of public land, including but not limited to grazing, mining, and other recreational uses by the general public or other permitted commercial operations.
- B. Roads, trails and trailheads, or campsites commonly in public use shall not be blocked or enclosed by the permittee.

- C. This SRP does not guarantee the permittee's sole use of public land areas, nor does it grant the exclusive use of any area.
- D. Public lands will generally remain available on a first-come, first served basis to other commercial and private recreational users. Nothing herein implies that the first permittee in any area has been granted exclusive use, or priority use.

#### VII. CONDUCT AND MANNERS

- A. The permittee is at all times responsible for the actions of himself, his employees, clients and guests in connection with the authorized operations, and shall not cause a public disturbance or engage in activities which create a hazard or nuisance.
- B. The permittee should practice the TREAD LIGHTLY and LEAVE NO TRACE land ethics and inform their clients about these practices and ensure that they follow them.

#### VIII. MODIFICATION OR AMENDMENT

- A. The BLM reserves the right to alter the terms, conditions, and stipulations of this permit at any time upon notice for reasons such as changes in law, policy or administrative procedure, to prevent use conflicts, to protect public safety, or to prevent resource damage.
- B. The permittee shall request amendment or modification of the permit to provide for changes prior to issuance of annual operating authorization in: use areas or sites, season of use, services provided, fee structure, or any other changes in operations.
- C. The BLM may restrict use or close sites or areas on public land, or require relocation of use sites or areas to prevent use conflicts, protect public safety, or prevent resource damage.

#### IX. PAYMENTS

- A. Use Fee Payments: Permit fees are due and payable in advance based on estimated use gross receipts. Payments shall be sent to the Field Office by check, money order or cashier's check, made payable to the "Bureau of Land Management".
- B. Basis for Fee: The annual permit fee shall be three percent (3 %) of total client charges or \$95.00 annual minimum for commercial permits, or \$5.00 per person per day for events whichever is greater. Gross receipts shall be the sum of all payments made by clients for services rendered in connection with the permitted operations, before disbursement to private landowner for use of private land, payment to employees, and any other disbursement.
- C. Periodic Payments: At the Field Manager's discretion, when the estimated use fee is greater than one thousand dollars (\$1,000), a schedule for periodic payments may be arranged.
- D. End of Season Payment: The actual use fee shall be determined from the use reports. Payment should accompany the post-use reports and trip logs due 30 days after the last day of use or as specified on SRP.
- E. Refunds:
  - 1. No refunds of less than ten dollars (\$10.00) will be made.
  - 2. Unless requested in writing all overpayments will be credited for use for the following operating season.

- F. Late Payments
  - 1. Late payment of fees may result in additional fee penalties, permit probation, suspension, and/or revocation, and interest and administrative handling charges.
- G. Deductions: Allowable deductions in permit fees shall be agreed upon in advance, and may include costs related to the permitted operations incurred by the permittee for long distance off-site transportation, and off-site lodging, per Handbook H-2930-1.
- H. Discounts for Non-Public Lands use (For Upland Use Only) must be requested and approved prior to use. No discounts are allowed for river related permits

#### X. USE REPORTS

- A. Trip Logs: Trip Logs shall be submitted within 30 days of the authorized use season or as specified on the permit, on a form provided by the BLM, or an approved equivalent. Trip logs shall indicate accurately the dates of use, location, type of use, number of clients, number of staff, vehicles and livestock used, total receipts, and any deductions claimed. Penalty fees may be charged for late reports.
- B. Post Use Report: A Post Use Report shall be submitted as specified or within 30 days of the last day of use authorized or as specified on permit, on a form provided by the BLM, or an approved equivalent. The post use report shall indicate accurately the total number of clients served during the term of the permit, total staff and total use, total receipts and total deductions claimed, discounts for time off public lands, and describe any accidents or injuries occurred, and management problems or concerns. Penalty fees will be charged for late reports.
- C. Late Use Reports: Late submission of use reports may be cause for action against the permittee, including late fees, probation, suspension, and/or revocation, and criminal penalties.
- D. Non-Use: Zero use must be requested in writing prior to the issuance of Annual Operating Authorization. Minimum payments still apply. The authorized officer may cancel a permit after two consecutive seasons of non-use. In certain areas covered by Special Recreation Management Plans, travel management plans, or other site-specific plans, special provisions regarding non-use of permits may apply.

#### XI. INSPECTION OF RECORDS AND PREMISES

- A. The BLM, or duly authorized representative, may examine upon request any of the records, including but not limited to bookings, client registers, financial records, leases or contractual agreements, licenses, or other documents related to the permitted operations, as outlined in 43 CFR 2932.55.
- B. The BLM and its cooperators, including the Colorado Division of Wildlife, USDA Forest Service, and the Colorado Division of Parks and Outdoor Recreation, shall at all times have the right to enter the premises located on public land on official business. The permittee shall allow reasonable access to private lands owned or utilized in the permitted operation for purposes related to administration of the permit.
- C. The permittee and all employees shall post a copy of the Permit, Annual Operating Authorization in plain view at the base of operations and camps, where clients, BLM and Division of Wildlife officers have the opportunity to read it. All guides and employees must carry a copy of the Permit and Annual Operating Authorization while conducting operations on public lands, and they must be familiar with the Permit terms, conditions and stipulations

that pertain to this permit.

## XII. SIGNING AND ADVERTISING

- A. Signs or advertising devices on public land require advance approval on the location, design, size, shape or color, and message.
- B. 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".
- C. Official BLM agency symbols may not be used in advertising.

## XIII. CAMPSITES

- A. Camps may be set up for no longer than necessary, and no earlier than 5 days prior to the first day of use authorized and must be removed within five days after the authorized use period. No year-round, permanent camps may be established on BLM lands; only temporary facilities are permitted.
- B. Camps shall be located to avoid conflict with public road and trail traffic, and stream or lake access, and to the extent possible shall be located out of sight of major trails.
- C. All campsites and temporary improvements shall be as described in the approved operating plan.
- D. All campsite facilities including but not limited to tents, latrines, livestock control facilities, shall be located at least 200 feet from the nearest spring, stream, lake, pond or reservoir unless specifically authorized otherwise.
- E. All campsites must be approved prior to use. Clearances may be required, such as inventories for cultural resources and/or for threatened or endangered species.

## XIV. CAMPFIRES

- A. Unless permanent fire rings are designated, open campfires shall be built only in areas free of hazardous fuels. Fire rings or pits shall be set on bare mineral soil. After use, fire rings or pits shall be obliterated and the site rehabilitated. Open fires may be prohibited during periods of extremely high fire hazard by order of the BLM, the applicable county or the State of Colorado.
- B. Campfires shall be completely extinguished when left unattended. The permittee is responsible for all fires started by him/her self, employees, or clients, and may be held responsible for fire suppression costs resulting from wildfire caused by his/her operations.
- C. An axe, shovel, water bucket or extinguisher for fire control shall be available at each campfire.
- D. Wildfire caused by the permitted operation shall be reported immediately to the nearest BLM office. The permittee is responsible for informing employees, clients, and participants of the current fire danger and required restrictions or precautions that may be in effect.

## XV. LIVESTOCK USE

- A. Authorized pasture use of livestock is temporary and limited to transportation purposes, and will not establish a priority for future use of the range. Rangeland grazing may be restricted and feed may be required to be packed, all feed supplied as part of permitted operations must be certified weed free. The permittee shall prevent localized over grazing and damage to vegetation by permitted livestock.
- B. Construction of permanent fences or corrals is not permitted. Temporary livestock control structures may be erected with advanced approval, including corrals and hitching racks, provided they are dismantled after the use season.
- C. The permittee may be required to pay additional fees for forage consumed by livestock during the permitted operations. This fee will be at the current rate for grazing use.
- D. Livestock shall not be tied to trees for other than short term, temporary stops. Hobbles, pickets, high lines or corrals shall be used to control livestock.
- E. Livestock control structures (corrals, hitching racks, pickets, high lines) must be at least 200 feet from springs, streams, lakes, reservoirs or other water sources. Whatever method of livestock control is used, it will not result in removal or death of the under story vegetation.
- F. Pack stock may be grazed if permitted by the SRP. If electric fences are used, they will be moved every 3 days to a new area. If picket ropes are used, they will be moved every other day to a new area. If high lines are used, their location must be approved in advance.

## XVI. EQUIPMENT CACHES

Food and/or equipment caches require advance authorization. When authorized, caches shall be neatly stored out of sight of roads and trails. Food caches must be "wildlife proof."

## XVII. RESOURCE PROTECTION

- A. Aesthetics: Permittee shall protect the scenic and aesthetic values of the public lands used in the operations, and maintain premises on permitted areas to acceptable standards of repair, orderliness, and cleanliness.
- B. Rehabilitation: After camps and other temporary facilities are dismantled, insofar as practical, the area shall be left in a natural state. Reseeding with BLM approved seed mix may be required of any areas disturbed by campsites.
- C. Sanitation: Self contained or pit type toilets/privies, with or without tent coverings, shall be used at all campsites on public land. The permittee will be responsible for establishing a latrine for all permitted camps and for final rehab when the camp is removed. Waste from self contained toilets must be disposed of at a State approved sewage disposal facility. When abandoned, toilet pits shall be covered with a minimum of 12 inches of topsoil and back filled to pre-existing grade. While in use, human waste in pits shall be covered with a layer of topsoil or lime after each individual use.
- D. Trash Disposal: Camps and other permitted areas shall be regularly cleaned and no trash or litter shall be allowed to accumulate. Combustible trash may be burned when campfires are authorized. All non-combustible trash, including but not limited to tin cans, spent brass, glass bottles, foil, and wire shall be packed out. Trash shall not be buried on public land.

- E. Dead animals and their remains shall be disposed of at least 200 feet away from springs, streams, lakes, ponds, campsites, roads/trails.
- F. Waste or by-products of any kind shall not be discharged into any stream, reservoir, lake or pond.
- G. Soils: Permittee shall conduct the permitted operations in a manner which prevents rutting, or soil erosion.
- H. Vegetation Damage/Removal: All operations shall be conducted in a manner which prevents damage to or loss of vegetation cover. Poles may be cut for temporary facilities if these are authorized by permit on public land. Cutting, clearing or defacing of standing trees, alive or dead, or clearing and cutting of shrub/groundcover for any other reason shall require specific advance authorization. When tree cutting is authorized, stumps shall be left no higher than 6 inches above ground level and slash shall be lopped and scattered. A separate permit is required for removal and transportation of woodland/tree products from public land.
- I. Firewood Cutting: Firewood may be cut on public land only for campsite use while on public land, and may not be transported off the public lands without a separate firewood cutting permit. Only dead and down trees shall be cut for firewood, with stumps left no higher than 6 inches above ground level, and the slash shall be lopped and scattered.
- J. Protection of Public Property: Signs, equipment, markers, fences, livestock watering facilities or any other property found on public land shall not be damaged, destroyed, defaced, removed, or disturbed.
- K. Cultural Resources: All persons associated with operations under this permit must be informed that any objects or sites of cultural, paleontological, and scientific interest, such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed or disturbed. If in connection with operations under this permit any of the above resources are discovered, the permittee shall immediately stop operations in the immediate area of the discovery, protect such resources, and notify the BLM authorized officer of the discovery. The immediate area of the discovery must be protected until the operator is notified in writing to proceed by the authorized officer.
- L. Wilderness and Wilderness Study Areas (WSA): Use of electric generators, all motorized and mechanized equipment including chainsaws and vehicles is prohibited within a Wilderness or WSA. If supplemental livestock feed is used, cubed, pelletized, or processed feed or certified weed free hay shall be used.
- M. Permittee is responsible for knowing where Public Land, Wilderness, and WSA boundaries are and the restrictions that may apply to an area of operation within these boundaries. Maps and information concerning restrictions are available at the local Field Office.
- N. Facility Construction: Construction of permanent facilities or improvements of any kind, including but not limited to roads, trails or structures, is not approved by this permit and shall require separate written authorization.

## XVIII. 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 and Penalties:** Any violation of the permit terms, conditions and stipulations may be subject to penalties prescribed in 43 CFR 2932.40, which may include fines up to \$1,000 and/or imprisonment up to 12 months. Additionally, any such violation may result in permit termination, suspension, or probation. Violations may also be cause for the BLM to deny approval of a Special Recreation Permit or Operating Authorization for subsequent years. 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.

**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 or termination of permit privileges as appropriate to the circumstances.

- C. Permit holders will be notified with a certified letter of any deficiencies in pre-season, permitted activities, or post-use requirements. If the requirement is not met within 15 days after receipt of certified letter, a penalty of \$100 will be assessed. After 30 days of the receipt of the letter, the penalty is \$200. If at the end of the 30 day period after receipt of certified letter, the deficiency is still not corrected and penalty fee not paid, the permit will be temporarily suspended, in whole or in part without compensation, for any failure to comply with the terms, conditions and stipulations. 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 BLM may reinstate the permit for use, after corrective action is taken by the permittee and the operation is in compliance with the terms, conditions and stipulations. Probationary status will follow for one year after the deficiency is corrected. Repeated permit violations may also result in suspension and/or termination.

## XVIII. CERTIFICATION

I have read these terms, conditions and stipulations and understand that I must abide by them while performing activities in connection with the permitted operations.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Company Name \_\_\_\_\_

**ADDITIONAL STANDARD STIPULATIONS FOR  
COMPETITIVE AND OFF-HIGHWAY VEHICLE EVENTS  
FOR ALL PERMITS**

1. Permittee is responsible for ensuring that participants do not drive off designated use areas and/or course routes; participant and spectator use will be restricted from sensitive areas.
2. Permittee is responsible for crowd control, ensuring that the event is orderly, does not endanger bystanders or participants, and is conducted in a peaceable manner to enhance recreation satisfaction and promote the public well being.
3. Permittee agrees to reroute and/or relocate use areas to avoid sensitive areas identified by BLM before or during the event.
4. All range fence gates opened for the race will be monitored during the race to prevent passage by livestock and closed immediately at the end of the race.
5. Permittee will take all reasonable measures to ensure that entrants, spectators and casual users attracted by the event will not harass wildlife or livestock in the vicinity, including publication of notices discouraging such use in the local news media.
6. Permittee will take all reasonable measures to inform other recreationists in the area of the event and associated temporary road restrictions, including publication of notices to this effect in the local news media.
7. Permittee will mark sensitive areas identified by BLM, routes, staging areas, parking, and pit areas with non-defacing markers and appropriate signs and will ensure that all such materials are immediately removed upon completion of the event.
8. During the event, permittee will provide on-the-ground staff monitoring to ensure that use occurring is confined to areas actually authorized by permit.
9. Permittee is responsible for ensuring that all authorized motorized use conforms to the Conditions of Use set forth in 43 CFR Subpart 8341.1, regulations governing use.
10. Nothing in this permit will be construed as a license for the permittee, employees, or clients to use areas of the public lands which are otherwise restricted or closed (e.g., restricted or closed off-highway vehicle designation areas).
11. Permittee is responsible for ensuring the safety of all spectator, entrant, concessionaire, and/or support personnel, ensuring that all permit actions are in conformance with local, state, and federal health and safety standards.
12. Permittee is responsible for furnishing self-contained chemical sanitation facilities and trash receptacles at locations as necessary, to keep these serviced neat and clean during the event, and to provide for off-site disposal of all refuse and human waste generated from the event, in accordance with all applicable local, state, and federal ordinances, laws, and regulations.
13. State and local laws and ordinances apply to all BLM-administered public land. This includes, but is not limited to, laws and ordinances governing (a) operation and use of motor vehicles, aircraft, and boats; (b) hunting and fishing; (c) use of firearms; (d) injury to persons or destruction of property; (e) air and water pollution; (f) littering; (g) sanitation; and (h) use of fire.
14. Operation and maintenance of all sanitation, food service, and water supplies, systems, and facilities by the permittee or his/her concessionaires shall comply with the standards of the local department of health and the United States Public Health Service.
15. Permittee will provide first-aid/EMT services adequate to meet emergency needs arising from the event, including CPR and medivac transportation for hospital care.
16. The Field Manager reserves the right to postpone or cancel the event if environmental conditions develop in which the event would subject the land to substantial resource damage or the public to unacceptable risk—factors such as heavy rains, flooding, early thawing, etc.
17. Permittee shall protect the scenic aesthetic

values of the area under permit and the adjacent lands, insofar as practical, while exercising privileges granted during setup, operation, and maintenance of the permitted operation. When facilities for the event are dismantled, the area should be left in a natural state.

18. At the conclusion of the event, the area will be inspected and all trash or debris resulting from the event will be removed by the permittee.

19. Permittee will restore any resource damage from the event as specified by the Field Manager.

20. Permittee assumes responsibility for coordinating the event with all adjacent landowners and securing access needed across privately owned lands, ensuring that trespass does not occur.

21. Proof of insurance shall be provided at least one week prior to the event. Insurance shall be consistent with requirements stated in the Colorado BLM Special Recreation Permit information booklet or as amended by the Field Manager.

22. All officials will receive a copy of applicable stipulations prior to competitive event(s).

23. Permittee, entrants, and/or spectators will not interfere with other valid uses occurring on the public land such as grazing, mining, and other recreational uses.

24. BLM reserves the right to revoke a permit for reasons such as, but not limited to, noncompliance with stipulations (before and/or during the event), failure to provide services

specified in the operating plan, or untimely permit reporting.

25. Permittee agrees to make all relevant books, documents, papers, and records of his/her operation available to BLM upon request (as outlined in 43 CFR Subpart 2932.55) for analysis by qualified representatives of BLM and other Federal agencies authorized to review BLM's permitting activities.

26. Permittee shall post a copy of the authorizing permit in plain view where all clients and BLM, DPOR, and DOW employees have the opportunity to read it.

27. Permittee will notify BLM of any accidents occurring on the public lands which result in loss of life immediately, Accidents that result in loss of consciousness, disabling individuals in excess of 24 hours, requiring medical treatment, or property damage in excess of \$100, and will submit a detailed written report to BLM within 10 days from the date of the accident.

**Certification:** I have read these terms, conditions and stipulations and understand that I must abide by them while performing activities in connection with the permitted operations.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

## Attachment C

SPECIAL RECREATION PERMIT  
CO-140-10-01  
VAIL RECREATION DISTRICT

### ADDITIONAL SPECIAL STIPULATIONS

Use authorized under this permit will be subject to standard SRP terms, conditions and stipulations and the special stipulations described below:

1. If resource or trail damage is observed by the BLM directly after the event, Vail Recreation District (working with other organizations as needed), will perform and fund the necessary rehabilitation work as specified by the BLM.
2. At the conclusion of the event, all signs and flagging resulting from the event will be removed by the permittee.
3. Education/Discovery/NAGPRA Stipulation  
The National Historic Preservation Act (NHPA) requires that if newly discovered cultural resources are identified during project implementation, work in that area must stop and the agency Authorized Officer notified immediately (36 CFR 800.13). The Native American Graves Protection and Repatriation Act (NAGPRA), requires that if inadvertent discovery of Native American Remains or Objects occurs, activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice made to the BLM Authorized Officer, as well as the appropriate Native American group(s) (IV.C.2). Notice may be followed by a 30-day delay (NAGPRA Section 3(d)). Further actions also require compliance under the provisions of NHPA and the Archaeological Resource Protection Act.

Any person who, without a permit, injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361). Non-compliance could result in fines up to \$500,000 and imprisonment of up to six years or both.

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Date

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Permittee