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-N040-2012-0081-CX

A. Background

BLM Office: Colorado River Valley Field Office

Lease/Serial/Case File No: Special Recreation Permit #'s CO-078-14-93-02

Proposed ActionTitle/Type: Roaring Fork Outfitters; Special Recreation Permit Transfer; Commercial Use

Location of Proposed Action: BLM public lands within the Colorado River Valley Field Office on or adjacent to Colorado River (State Bridge to Bair Ranch; Horseshoe Bend; South Canyon) and the Roaring Fork River (Wingo Junction). (As shown in Attachment A.)

Background: Roaring Fork Outfitters was issued a Special Recreation Permit by the Colorado River Valley Field Office on June 2011 for guided wade and float fishing trips (day use only) on or adjacent to BLM public land along the Upper Colorado River (State Bridge to the Forest Service boundary near Bair Ranch), Lower Colorado River (Horseshoe Bend; South Canyon boat ramp and area), Eagle River (Edwards to the Colorado River confluence) and the Roaring Fork River (Wingo Junction boat ramp and area). This permit is set to expire December 31, 2015.

On May 7, 2012, the BLM received a written request from Roaring Fork Outfitters owner David York to transfer the Colorado River and Roaring Fork River portions of his Special Recreation Permit to S&S Outfitters. Roaring Fork Outfitters current permit has received an acceptable annual performance evaluation for 2011 and are in good standing.

Description of Proposed Action: The proposed action is to transfer the Colorado River and Roaring Fork River portions of Roaring Fork Outfitter's Special Recreation Permit # CO-078-14-93-02 to S&S Outfitters for guided wade and float fishing trips (day use only) on BLM public lands within the Colorado River Valley Field Office on or adjacent to Colorado River (State Bridge to Forest Service boundary near Bair Ranch; Horseshoe Bend; South Canyon) and the Roaring Fork River (Wingo Junction).

This action also includes Additional Special Stipulations for the permit. (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		X

involve unique or unknown environmental risks.		
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:

BLM Interdisciplinary Team Authors and Reviewers		
Name	*Title*	*Areas of Participation*
Isaac Pittman	Rangeland Management Specialist	Range Management
Monte Senor	Rangeland Management Specialist	Invasive, Non-native Species
Kimberly Miller	Outdoor Recreation Planner	Wild and Scenic Rivers, Wilderness, Recreation
Erin Leifeld	Archaeologist	Cultural Resources and Native American Concerns
Greg Wolfgang	Outdoor Recreation Planner	VRM, Transportation
Rusty Stark	Fuels Specialist	Fuels

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.

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.

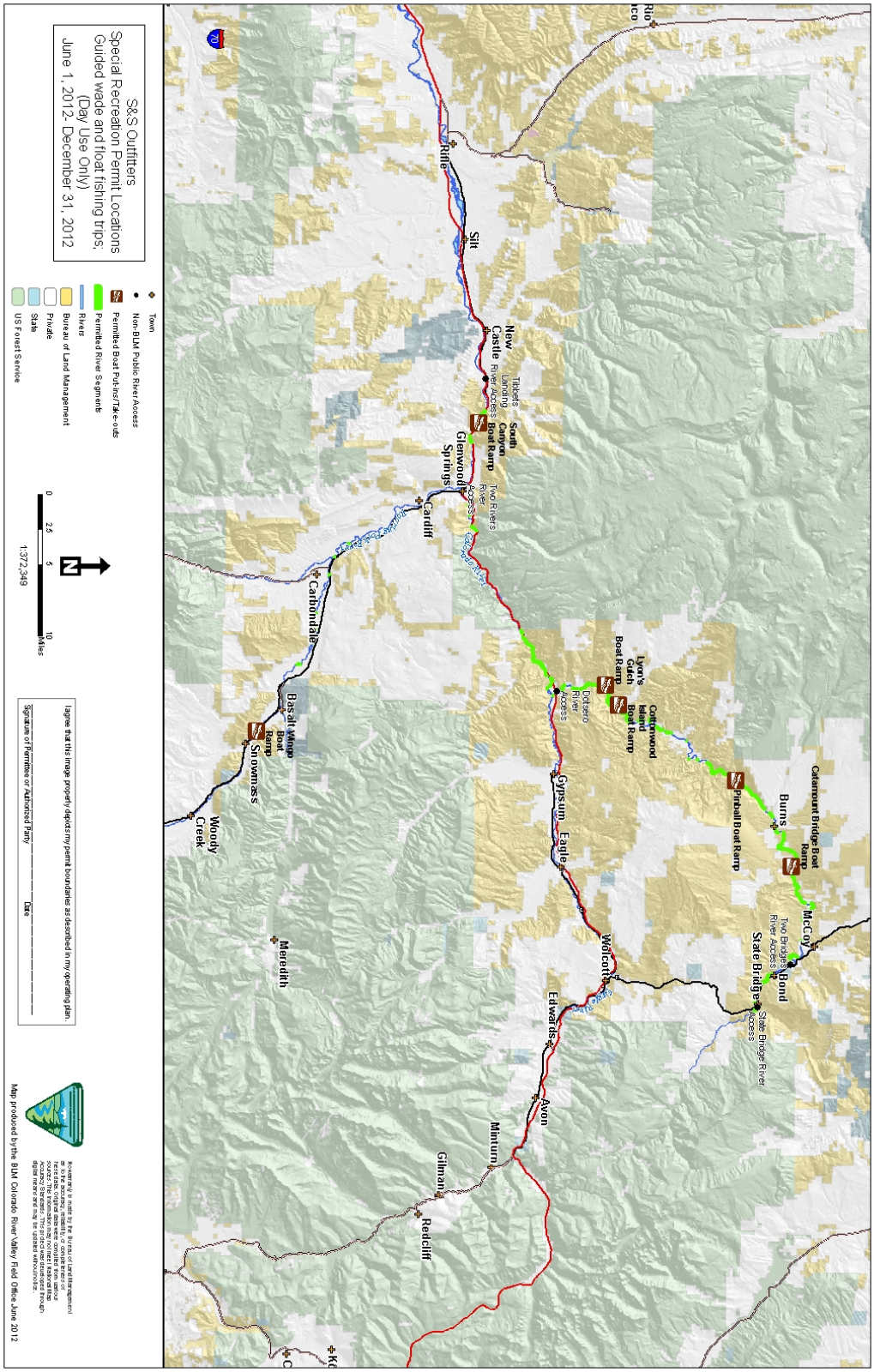
C. Signature

Authorizing Official: _____ Date: 6-8-2012

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



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 PRIVELEGES

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 quality 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 _____

Attachment C

SPECIAL RECREATION PERMIT

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. Precautions will be taken to minimize the spread of aquatic invasive species via proper cleaning and disinfecting procedures. BLM recommends that equipment be cleaned and disinfected between uses particularly if moving to new water bodies.
2. Fishing outfitters will use established fish handling protocols designed to minimize stress associated with the playing of fish, removal of hooks, and release of fish back into the water.
3. When using the boat ramps and parking areas, persons responsible for representing this business must coordinate with other outfitters and the general public to minimize congestion on the boat ramps and within the parking areas. If conflicts arise, the BLM retains the authority to suspend or terminate the permit. If congestion becomes problematic, the BLM will terminate the most recent permits to commercial outfitters for that area first.
4. The permittee or insurer will notify the BLM Colorado River Valley Field Office 30 days in advance of termination or modification of the policy.
5. The permittee will keep at their place of business (address provided to the BLM) current copies of First Aid training cards, blank client waivers, permission to use or access private land or other agency land related to operations on BLM public land, and contracts/agreements for dogs and/or handler. The permittee must provide proof of these items to the BLM upon request.
6. No permission is granted for any other BLM public lands on or adjacent to the Colorado River and Roaring Fork River other than what is shown on the attached map. Public lands may be used in emergency situations and the BLM must be notified of use within 48 hours of the incident. (River rescues excluded.) No permission is granted or implied to use or cross private land within the area described by this authorization. Obtaining permission to trespass on private land is the responsibility of the permittee. No permission is granted or implied to use or cross land owned by the State of Colorado or the U.S. Forest Service without first obtaining a permit from the proper agency.
7. <u>Education/Discovery/NAGPRA Stipulation</u>
   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.

_____	_____
Date	Permittee