Posted: _____

U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P.O. Box 68
Kremmling, CO 80459

CATEGORICAL EXCLUSION

A. Background

BLM Office: Kremmling Field Office Lease/Serial/Case File No.: N/A

Number: DOI-BLM-LLCON02000-2011-24-CX

Proposed Action Title/Type: Aspen Canyon Ranch Special Recreation Permit

Applicant: High Country Trails

Location of Proposed Action: BLM-administered lands within:

T. 1 S., R. 78 W., 6th P.M., Sections 20, 21, 27, 28, 29, 31, 32, 33, 34
T. 2 S., R. 78 W., 6th P.M., Sections 5, 6

Description of Proposed Action:

Summit Snowmobiles purchased the Aspen Canyon Ranch business in December 2010 which did not include the ranch property. Summit Snowmobiles currently leases the ranch property and owns adjacent property to the ranch. Summit Snowmobiles is now doing business as (DBA) Aspen Canyon Ranch and has applied for the transfer of the existing Special Recreation Permit (SRP). The existing SRP authorizes Guided Horseback Trail Rides and Big Game Guided Hunting and Outfitting Services. The applicant also requests to add Guided Hiking to the SRP authorization. The applicant has successfully transferred the companies Special Use Permit (SUP) for authorizations on the adjacent USFS-administered lands.

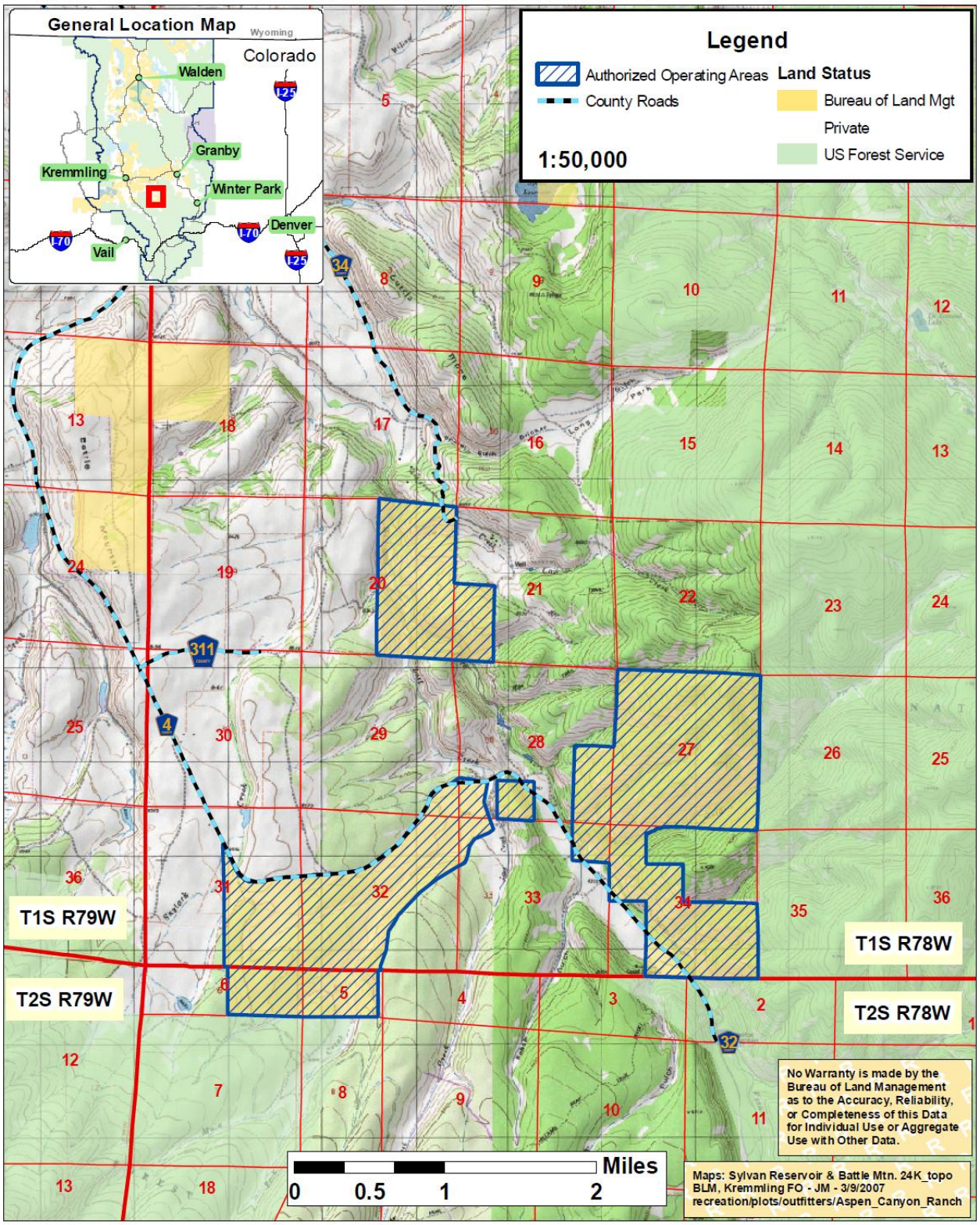
The permit would be issued for a one year period, and then evaluated for a multi-year permit pending the applicants performance rating. New stipulations may be included to the permit as required to protect natural resources and ensure that the permit is in compliance with current policies. Authorized activities would include Guided Horseback Trail Rides on existing roads and trails, Big Game Guided Hunting and Outfitting Services and Guided Hikes. The SRP would authorize the Guided Horseback Trail Rides and Guided Hikes between May 15 and September 30. Big game guided and semi-guided hunts would be authorized August 15 to December 5 or within the valid dates as set by the Colorado Division of Wildlife each year.

A letter of notification and request for comments has been sent to the Colorado Division of Wildlife. Scoping was done with the USFS Sulphur Ranger District whom the applicant has a SUP with. The permit administrator stated that the permittee performance was acceptable, however as a new permittee did require additional administration.

The permit would include the following special stipulations:

1. Special Recreation Permit Terms, Conditions and Stipulations For All Permitted Activities – See Attachment 1.
2. Special Stipulations for Guided Horseback Trail Rides – See Attachment 2.

Aspen Canyon Ranch
Authorized Operating Areas



B. and Use Plan Conformance

Land Use Plan Name: Kremmling Resource Management Plan (RMP), Record of Decision (ROD) Date Approved/Amended: December 19, 1984; Updated February 1999

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions(s):

Decision Number/Page: Decision Number II B 7a/ Page 11

Decision Language: a. Objective. "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, and resource interpretation."

C. **Compliance with NEPA:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1,

1.5 H. Recreation Management

(1) 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 CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for "Special Area" management (43 CFR 2932.5).

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 DM2 apply.

I considered having as an additional stipulation of the SRP the requirement to provide an approved portable toilet during trail rides. However, trail rides are typically a half-day or less with only a portion of the trip on BLM-administered lands. Having a stipulation requiring the proper disposal of waste should mitigate potential issues of litter.

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	Date Review Completed
John Monkouski	Outdoor Recreation Planner	Recreation, Noise, Wilderness, Access/Transportation	4/18/2011
Bill B. Wyatt	Archaeologist	Cultural Resources and American Indian Tribal Consultation	
Megan McGuire	Biologist	Wildlife, T&E	
Paula Belcher	Hydrologist	Soil, Water, Air, and Riparian	

D. Signature

Authorizing Official_____ Date: _____
(Signature)

Name:_____
Title:_____

Contact Person

For additional information concerning this CX review, contact:

John Monkouski
Outdoor Recreation Planner
BLM, Kremmling Field Office
P.O. Box 68
2103 E. Park Ave.
Kremmling, CO 80459
970-724-3040
Fax: 970-724-9590

DECISION RECORD
CX # DOI-BLM-LLCON02000-2011-0022-CX

DECISION: It is my decision to authorize the Proposed Action as described in the attached CX.

This decision is in compliance with the Endangered Species Act, National Historic Preservation Act, and the Clean Water Act. This decision is also in conformance with the LUP and other applicable laws, regulations and policies.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action and have determined that it does not represent an extraordinary circumstance and is, therefore, categorically excluded from further environmental analysis.

RATIONALE: The proposed action to authorize High Country Trail Riders Special Recreation Permit to conduct horseback trail rides on existing roads and trails, horse delivery and big-game guided hunts on BLM administered lands within the Grand County was chosen to provide a recreational opportunity for guests of Grand County which is not readily available or offered from many other sources within Grand County. Stipulations are included in the permit as required to protect natural resources and ensure that the permit is in compliance with current policies and State regulations.

SIGNATURE OF AUTHORIZED OFFICIAL:

DATE SIGNED:

Attachment 1:

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:

GENERAL GUIDELINES FOR MINIMUM INSURANCE REQUIREMENTS		
SRP Event or Activity	**Per Occurrence**	**Per Annual Aggregate**
Low Risk: general non-competitive and non-commercial activities such as group camping, group activities,	$300,000	$600,000

mounted orienteering, backpacking, or dog trials.		
Moderate Risk: whitewater boating, horse endurance rides, OHV events, mountain bike races, rock climbing (with ropes), ultra-light outings, rodeos	$500,000	$1,000,000
High Risk: bungee jumping, speed record events, unaided rock climbing, heli-skiing, or aviation assisted activities	$1,000,000	$2,000,000 - $10,000,000

C. An insurance certificate shall be submitted, stating the limits of coverage, identifying the "Department of the Interior, Bureau of Land Management" 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 or attempt of taking 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 required by state law.

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

The permittee may not assign permit privileges to a third party, including booking agents. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip or activity and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.

The following is required:

A. A third party advertisement used to book a trip must clearly indicate that the trip will be operated by the company holding the permit;

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 on your guide list.

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.).

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 $100.00 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
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 and most WSAs. Check with your local office to see if there are exceptions. 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.

Evaluation Ratings are as follows:

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. 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.

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.

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 2:

SPECIAL STIPULATIONS
For
GUIDED HORSEBACK TRAIL RIDES
Special Recreation Permits

The following stipulations are attached to and made a part of horseback trail ride permits.

1. New stipulations may be added to the permit as required to protect natural resources and ensure that the permit is in compliance with current policies and authorized activities.

2. Horse trail rides are restricted to existing roads and trails on authorized BLM-administered lands where legal public access exists or written permission to cross private property to access BLM-administered is on file.

3. Permittee will be responsible to repair any trail damage caused by his/her operations. All repair activities must be approved in advance and coordinated with the BLM.

4. Trail maintenance is the responsibility of the Permittee. All maintenance activities must be approved in advance and coordinated with the BLM.

5. Any signs pertaining to the operation must be approved in advance by BLM and coordinated with the BLM.

6. No ground disturbance or erection of facilities will be permitted unless approved in advance and a cultural resource inventory has been completed for the site.

7. Any trees to be limbed or cut and removed from trails will be approved in advance by the BLM.

8. Routes or areas are subject to temporary closure at the discretion of the BLM for resource management or public safety concerns.

9. Groups will be limited to 16 horses (excluding wranglers). There must be at least one wrangler for the first eight riders and at least two wranglers for any group larger than eight. All horses in a tour group must remain within sight of the wrangler. Periodic counts will be available for inspection on each trip.

10. The lead wrangler of each group will carry a suitable first aid kit and be trained in basic first aid. A copy of the Annual Authorization will also be available for inspection on each trip.

11. Permittee will coordinate with grazing permittees to determine and avoid potential conflicts with grazing operations.

12. All gates will be left closed after passing through, unless otherwise instructed by the affected grazing permittee.

13. Use of developed livestock water sources and maintenance responsibility must be approved in advance with the grazing permittee. After watering, all riders and horses must move at least 150 feet from the source and not interfere with livestock use of the water source.

14. All stream crossings must be made at locations that will minimize sediment loading into the stream. No lunch stop sites or rest stops will be allowed within 100 feet of any live water.

15. Fire pans or portable barbecue grills may be used for cooking. No fire rings may be excavated or constructed without authorization from the BLM. All ashes must be packed out and disposed of properly.

16. In order to reduce the spread of noxious weeds, only certified weed free hay or feed may be used on public lands. It is recommended that weed free hay be used for horses that will travel onto public lands.

17. Wildlife, primarily big game animals (antelope, deer and elk), will be avoided to the extent possible by attempting to maintain at least 50 yards between the closest horse and the wildlife in timbered areas and 100 yards in open areas. All riders will proceed at a slow speed until beyond the wildlife and the wrangler signals that normal speeds may be resumed.

18. The wrangler is responsible for the actions of his/her clients. Any harassment of wildlife, off-route travel, or other inappropriate behavior will not be tolerated. Adverse action against the permit may include probation, suspension or cancellation.

19. Permittee will conduct a trip briefing with each group prior to starting their trip. The briefing will include basic horsemanship, safety, rules of the road for meeting and passing vehicles and non-motorized recreationists, the need to remain on approved routes, and the proper techniques for viewing wildlife to assure the animals' well-being.

20. Permittee will assure that all garbage and refuse is picked up daily and disposed of in compliance with State and local requirements.

21. Unless an *approved portable toilet* is provided during the trail ride, the permittee shall inform all clients that there are no toilet facilities for the duration of the trip. *Approved portable toilets:* Any non-biodegradable, durable, container designated to receive and hold human waste, in any container position, without leaking, and equipped with a dumping system that allows the container to be emptied into a standard receiving or dump system designed for that purpose, such as a SCAT machine or recreational vehicle dump station, in a sanitary manner, without spills, seepage, or human exposure to human waste, or any approved biodegradable landfill-approved bag system designed for landfill disposal (e.g. "WAG" bag).

22. The permittee must not leave, deposit, or scatter human waste, toilet paper, or items used as toilet paper anywhere except in an *approved portable toilet* or *developed toilet facility*.

23. Where a *developed toilet facility* is not provided and an *approved portable toilet* is not required, all human waste and toilet paper, or material used as toilet paper, must be buried at least six inches below the surface of the ground in natural soil and at least 50 feet from the edge of a river or any other water source.

24. Per the *SRP Terms, Conditions and Stipulations For All Permitted Activities, XI. INSPECTION OF RECORDS AND PREMISES , 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.

25. BLM and authorized personnel will have administrative access to all BLM-administered lands for purposes related to administration of the permit. An adjoining BLM lock shall be installed on existing locked gates that access the permit area.

26. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

27. The holder is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts. The holder shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or other objects of prehistoric ruins or artifacts <u>DISCOVERED</u> as a result of operations under this authorization (16 U.S.C. 470,-3, 36 CFR 800.112). The holder shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed will be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the holder shall bear the cost of services of a non-Federal professional.

28. Within five working days, the Authorized Officer will inform the holder as to:

    Whether the materials appear eligible for the National Register of Historic Places;
    The mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
    A time frame for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

29. If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder will be responsible for mitigation costs. Upon verification from the Authorized Officer that the required mitigation has been completed, the holder will then be allowed to resume construction.

30. Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization boundaries but directly associated with the impacted resource will also be included in this evaluation and/or mitigation.

31. Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization will also be protected. Impacts that occur to such resources that are related to the authorizations activities will be mitigated at the holder's cost.

32. Stipulations that specifically apply to known cultural, paleontological, antiquities and objects of scientific interest are attached.

33. Any changes or additions to the authorized activities including use of other roads, road maintenance, development of staging areas, or lunch stops will require additional analysis under the National Environmental Policy Act and the possible need to complete intensive, pedestrian cultural inventory prior to use.

I have read and accept these Special Stipulations as conditions on the permit. I further understand and agree that any changes in the Authorized Activities and Operating Plan must be approved in advance by the BLM.

_____
Date

_____
Company Name

_____
Permittee Signature