

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion Not Established By Statute
DOI-BLM-CO-S010-2014-0029**

June, 2014

**Silverton Area Guided 4 x 4 Tour Special
Recreation Permits**

San Juan County, CO

***Project Proponent:
San Juan Backcountry
Colorado Jeep Trail Tours (Mild to Wild)
San Juan Scenic Jeep Tours
Dave's Mountain Tours
Telluride Off-road Adventures
Switzerland of America Tours
Colorado West Jeep Tours
Thin Air Mountain Tours
Get Out Adventures
High Mountain Tours***

**Tres Rios Field Office
29211 Hwy. 184
Dolores, CO 81323
Phone: 970 882 7296
Fax: 970 882 6841**



A. Background

BLM Office: Tres Rios Field Office Lease/Serial/Case File No: N/A

Proposed Action Title/Type: Special Recreation Permit

Location of Proposed Action: BLM land located in the Alpine Triangle Special Recreation Management Area near Silverton, CO.

Description of Proposed Action:

The proposed action is to authorize the issuance of commercial 4 x 4 tours to existing Outfitter/Guide operations. There are at least ten outfitter/guide operations permitted by various federal agencies to operate motorized 'jeep' tours on lands managed by the Tres Rios BLM in the Alpine Loop area around Silverton, Colorado. Currently, two of these operators are working with the Tres Rios to secure BLM permits; San Juan Back Country, and Mild to Wild dba Colorado Jeep Trail Tours. The other operators permitted for use on the Tres Rios by other offices include:

Permittee	Permit Currently Issued by	Location on Tres Rios
Dave's Mountain Tours	Norwood RD	Corkscrew
San Juan Scenic Jeep Tours	Ouray RD	Corkscrew, Alpine Loop*
Telluride Outside Adventures	Norwood RD	Corkscrew
Switzerland of America	Ouray RD	Corkscrew, Alpine Loop*
Colorado West Jeep Tours	Ouray RD	Corkscrew, Alpine Loop*
Thin Air Mountain Tours	Unclear. Appears to be part of an out-of-state permit	Alpine Loop, Poughkeepsie
Get Out Adventures	Unclear. Appears to be part of an out-of-state permit	Poughkeepsie, Corkscrew
High Mountain Tours	Unclear. Appears to be part of an out-of-state permit	Alpine Loop*

*The Alpine Loop is technically only county roads 2, 18, 20, and 30. However, use by permittees with 'Alpine Loop' on their permit have been utilized most, if not all, of the designated roads on the Tres Rios BLM within the Alpine Triangle Special Recreation Management Area.

Motorized use within the Tres Rios Field Office area by all of these operators is limited to designated roads. Use also includes ancillary activities to jeep tours such as photography, sightseeing, historic site visitation, hiking/walking, and use of BLM provided restroom facilities. There is no overnight use on Tres Rios lands in association with these permits. There are no staging areas specific to these permits, though pre-existing staging areas may be used.

All Special Recreation Permit holders must agree and sign Colorado standardized stipulations designed to minimize impacts to resources present on BLM managed lands. These stipulations include locally developed stipulations for motorized use on lands managed by the Tres Rios BLM in the Alpine Loop area. Permit holders for motorized competitive and organized group OHV events must sign a second set of stipulations. See Attachment 1.

The two operators currently working to secure BLM permits will have maximum annual visitor use days assigned as follows:

San Juan Backcountry: 1,500 visitor days

Mild to Wild dba Colorado Jeep Trail Tours: 3,135 visitor days

These visitor days were assigned per a Tres Rios internal guidance document entitled 'Policy for Alpine Loop Area Special Recreation Permits' and dated May 1, 2014. See Attachment 2.

These same guidelines would be used for issuance of BLM permits to the remaining existing outfitters in the event that the BLM portion of their use gets transitioned to BLM issued permits.

B. Land Use Plan Conformance

Land Use Plan Name: San Juan/San Miguel Planning Area Resource Management Plan (SJSM RMP)

Date Approved/Amended: September 1985/October 1991 (Amended)

Though Special Recreation Permits are not specifically addressed in the plan, the proposed action is in conformance with guidance found on page 13 of the SJSM RMP where it states, "A wide range of outdoor recreation opportunities will continue to be provided for all segments of the public, commensurate with demand."

Additionally, the proposed action is clearly consistent with USDI Departmental Categorical Exclusions guidelines and directives.

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 11.9 (H) that states:

"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)."

Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No X	<i>Rationale: The projects would not have significant impacts on public health and safety as the action is designed and planned to keep impacts to a minimum and not impair public health or safety. Standard terms, conditions, and stipulations are agreed upon and signed by the permit applicants which ensure protective measures for participants and resources are in place.</i>
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.		

Extraordinary Circumstances		
Yes	No X	<i>No unique natural resources, unique geographic characteristics, historic or cultural resources will be impacted by this action. The permitted use, particularly in light of the agreed upon stipulations placed on the Special Recreation Permit holders, will not affect park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands ; floodplains ; national monuments; migratory birds; and other ecologically significant or critical areas.</i>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No X	Rationale: <i>Similar outdoor recreation activities and events are prevalent in the area and the impacts associated with this type of action are neither highly controversial, nor do they involve unresolved conflicts concerning alternative uses of the available resources. The motorized use would be limited to pre-existing trails and roads and no significant conflict or concerns from specialists or from members of the public have been identified.</i>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No X	Rationale: <i>The impacts of authorizing certain Special Recreation Permits are predictable. The existing roads and trails are visited and utilized in a similar manner throughout the year and the impacts are minimal. No additional significant analysis is necessary as Tres Rios Field Office specialists reviewed the project and did not identify any extraordinary circumstances requiring additional evaluation.</i>
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No X	Rationale: <i>These projects are limited in scope through both project design and standardized, mandatory terms, conditions, and stipulations. It does not include, or set precedence for, any new development or other future actions which might result in potentially significant environmental effects.</i>
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No	Rationale: <i>The proposed permitted activities are limited to the bounds of existing roads and trails and approved staging areas and do not include any new developments or actions which might result in cumulatively significant effects.</i>
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No X	Rationale: <i>Motorized would be limited to existing and/or designated roads and trails. Stipulations are in place for BLM issued permits, and will be in place on permits issued by other offices as permits are renewed, which are designed to protect cultural resources. Permitted use of these areas would not impact any properties listed, or eligible for listing, on the National Register of Historic Places.</i>

Extraordinary Circumstances

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.

Yes	No X	Rationale: <i>The proposed activities would have no effect on Endangered, Threatened, or Proposed species. The proposed activity in Lynx habitat is confined to existing roads and trails that currently experience this activity on a daily basis.</i>
------------	-----------------------	--

9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

Yes	No X	Rationale: <i>The project as described would not violate any Federal, State, local, or Tribal laws or requirements imposed for the protection of the environment.</i>
------------	-----------------------	--

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes	No X	Rationale: <i>Guided motorized use would be held on pre-existing and/or designated trails. There is no known correlation between guiding locations and low income or minority populations and therefore this action would not be expected to result in disproportionately high nor adverse human health impacts to these populations. No State health, environmental justice or other environmental statutes would be compromised by this project.</i>
------------	-----------------------	---

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).

Yes	No X	Rationale: <i>No comments have been received from any Tribes regarding the proposed project.</i>
------------	-----------------------	---

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).

Yes	No X	Rationale: <i>Project design and standardized, mandatory terms, conditions, and stipulations agreed upon and signed by the permit applicant are designed to ensure protective measures for resources are in place (including minimizing the spread of noxious weeds or non-native invasive species).</i>
------------	-----------------------	---

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 43 CFR Part 46.215 apply.

I considered impacts of the proposed action and have found that the design features (See Attachment 1) of this particular project result in no potential for significant impacts.

D: Signature

Authorizing Official: _____



Date: _____

8.18.14

Connie Clementson,
Field Manager
Tres Rios Field Office

Contact Person

For additional information concerning this Categorical Exclusion review, contact:

Jeff Christenson
Outdoor Recreation Planner
Tres Rios Field Office
29211 Highway 184
Dolores, CO 81323
970 882-6811
jchristenson@blm.gov

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. Adequate first aid and safety equipment shall be provided while performing the permitted activities.
- B. 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.
- C. 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.

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, mounted orienteering, backpacking, or dog trials.	\$300,000	\$600,000
Moderate Risk: whitewater boating, horse endurance rides, OHV events, mountain bike races, rock climbing (with ropes), ultra-light outings, rodeos	\$500,000	\$1,000,000
High Risk: bungee jumping, speed record events, unaided rock climbing, heli-skiing, or aviation assisted activities	\$1,000,000	\$2,000,000 - \$10,000,000

- 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, and a list of the activities that are permitted and insured.
- D. The permittee will ensure the BLM will be notified 30 days in advance of termination or modification of the policy, or modification of such insurance.
- E. The insured on the insurance certificate must match the permitted name of business or organization on the permit form.

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: 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, the permittee must furnish copies of all lease or rental arrangements for the dogs and/or dog handler(s) that they plan on using upon request. Dog handlers must be listed as guides.

V. ASSIGNMENT AND SUBLETTING OF PERMIT PRIVILEGES

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. Roads, trails and trailheads, or campsites commonly in public use shall not be blocked or enclosed by the permittee.
- B. Public lands will generally remain available on a first-come, first served basis to other commercial and private recreational users.

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 shall practice the TREAD LIGHTLY and LEAVE NO TRACE land ethics and inform their clients about these practices and ensure that they follow them.
- C. An outfitter shall maintain accurate and up to date records.
- D. An outfitter shall maintain a regular place of business at which mail and phone calls can be received and provide address and physical location of such business to the BLM. Any change of mailing address, place of residence, or telephone number shall be reported to the BLM within thirty (30) days of such change.

VIII. MODIFICATION OR AMENDMENT

- A. If needed, the permittee shall request amendment or modification of the permit prior to issuance of the annual operating authorization for changes in: use areas or sites, season of use, services provided, fee structure, or any other changes in operations.
- B. Check with individual field offices for permit amendment deadlines.

IX. PAYMENTS

- A. Use Fee Payments: Permit fees are due and payable in advance based on estimated use gross receipts. Payments shall be made to the Field Office by check, credit card, money order or cashier's check, payable to the "Bureau of Land Management".
- B. 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.
- C. End of Season Payment: The post-use reports and/or trip logs are due 30 days after the last day of use or as specified on SRP. The actual use fee shall be calculated from the reports by the field office and billed accordingly.
- D. Refunds:
 - 1. All overpayments will be credited for use for the following operating season.
 - 2. Refunds may be issued in the case of permit transfers, permit cancellations, and expired non-renewing permits. Refunds must be requested in writing.
- E. Late Payments
Late payment of fees may result in additional fee penalties, permit probation, suspension, and/or cancellation, and interest and administrative handling charges.
- F. 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.
- G. 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. Commercial Trip Logs: The permittee shall submit trip logs 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.
- B. Event 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.
- C. Trip log and post use reports shall indicate accurately the dates of use, location, type of use, the total number of clients served during the term of the permit, total staff, total receipts and total deductions claimed, discounts for time off public lands, and describe any accidents or injuries occurred, and management problems or concerns.
- D. Late Use Reports: **Late submission of use reports may be cause for action against the permittee**, including probation, suspension, and/or cancellation, and criminal penalties.
- E. Non-Use: Zero use must be requested in writing. Minimum fees 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 and its cooperators, including the Colorado Parks and Wildlife, and USDA Forest Service, shall at all times have the right to enter the premises located on public land on official business. The permittee shall acquire reasonable access to private lands owned or utilized in the permitted operation for purposes related to administration of the permit.
- B. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee, the permittee's operator, employee, or agent for up to three years after expiration of the 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, web pages 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.
- D. Equipment (boats, vehicles) used for permitted operations must be clearly marked with the permittee's name, logo, and/or contact information.

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 in certain areas or 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. Campsites located above tree line and/or in high use

areas shall use self-contained toilet systems.

- 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 cancellation, 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 cancelled or suspended permit.

XIX. SPECIAL STIPULATIONS FOR ALL MOTORIZED COMMERCIAL, OUTFITTED/GUIDED, AND ORGANIZED GROUP RECREATIONAL USE OF THE ALPINE TRIANGLE SPECIAL RECREATION MANAGEMENT AREA.

- a. Groups must be 10 vehicles or less (for permits issued or renewed after 10/2010) and separated by 1 hour minimum (for special events only).
- b. All vehicles and OHV's must stay on designated routes. OHV's must be registered and or permitted in accordance with CPW regulations.
- c. In Cunningham Gulch, and at the summit of California Gulch participants may not congregate or linger (to avoid congestion).
- d. In dead-end drainages including Emma Lake, Maggie, Minnie, Cunningham, Arrastra, Velocity Basin (CR 52), Lake Como (down Poughkeepsie) no more than one group shall be within the drainage at any one time.
- e. At Animas Forks from the hours of 11am to 2pm: 1 group of 10 vehicles (for permits issued or renewed after 10/2010) max per hour. For the remainder of the day, no more than one group of 10 vehicles (for permits issued or renewed after 10/2010) at any one time.
- f. For vehicles manufactured with seatbelts, seatbelts must be worn by all participants while the vehicle is in motion. For vehicles manufactured without seatbelts (excluding ATVs and motorcycles), all participants must remain seated while the vehicle is in motion.

- g. When engaging in active Heritage Tourism (when a guide is provided to lead tours through historic sites): When visiting standing historic structures (such as at Animas Forks, Sound Democrat, and other similar locations), clients/participants will be managed so that no more than 10 people in that tour group will be present on foot within any given building at any one time.
- h. When engaging in passive Heritage Tourism (there is no guide provided, but clients/participants are likely to visit historic sites on their own): Clients/participants will be informed, in advance, of 'visitation ethics' to help preserve and protect historic sites (keep group sizes to no more than 10 people within an given building at any one time; do not deface the buildings; do not remove any material artifacts; do not smoke or build campfires within 200 feet of structures; avoid eating near the buildings; keep pets leashed; do not camp within 100 feet of buildings, etc).

XX. CERTIFICATION

I have read the terms, conditions, and stipulations of the Special Recreation Permit Information Colorado handbook and understand that I must abide by them while performing activities in connection with the permitted operations.

Date _____ Signature _____
Print Name _____
Company Name _____

Revised: January 2014

COLORADO BLM SPECIAL STIPULATIONS
COMPETITIVE, ORGANIZED, AND OFF-HIGHWAY VEHICLE EVENTS
FOR ALL PERMITS

Staffing Requirements:

1. The operating plan will include a section to address event monitoring. The event monitoring section will address how the permittee will accomplish the following: Permittee is in charge of maintaining control of the permitted event area at all times. Permittee will have adequate staff to ensure that all rules are followed. During the event, permittee will provide on-the-ground staff monitoring to ensure that use is confined to areas actually authorized by permit.
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. Road crossings will be identified on the map and flag workers will be used where appropriate.

Operating Plans:

3. Permittee will be responsible for implementing the approved operating plan that includes, a medical plan to address response to and transportation of any injured participants or spectators, emergency response staff, level of training of staff, and type of medical equipment on site (ambulance/air ambulance), and a safety plan that includes advising the local sheriff, fire, and emergency medical service of the event.
4. Permittee agrees to reroute and/or relocate use areas to avoid sensitive areas identified by BLM before or during the event.
5. Permittee will mark approved routes, staging areas, parking areas, etc. with non-defacing markers and signs. Permittee is responsible for the prompt removal of these markers and signs immediately upon completion of event.
6. Permittee will monitor all range fence gates opened for the event to prevent passage by livestock and closed immediately at the end of the event.
7. Permittee is responsible for ensuring the safety of all spectators, entrants, vendors, and/or support personnel, and ensuring that all permit actions are in conformance with local, state, and federal health and safety standards.
8. 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.
9. Operation and maintenance of all sanitation, food service, water supply systems, and facilities by the permittee or his/her vendors shall comply with the standards of the local department of health and the United States Public Health Service and have the necessary permits to operate on Public Land.
10. Permittee will provide first-aid/EMT services adequate to meet emergency needs arising from the event, including CPR and medi-vac transportation for hospital care.

11. At the conclusion of the event, all trash and evidence of the event will be removed by the permittee and inspected by the Field Manager, or delegated authorized personnel, to meet the specifications established in the environmental document.

12. Pit areas will be open to authorized event participants and pit crews only. Permittee will provide a list of authorized personnel and participants who are permitted within each pit area. Storage areas for pit supplies will be identified on the map.

13. Spectator locations, and distances from track, will be identified by the use of snow fence or ropes, road delineators, setbacks and personnel to monitor said areas. Spectator viewing areas will be identified on attached map. The Event Operation Plan shall clearly identify in detail how spectator's safety will be provided for and what control measures will be utilized. Permittee must establish a safe distance for spectators and set speed limits in pits and other sensitive areas.

14. The permittee shall be responsible for clean-up and remediation in the event of an accident or mechanical failure resulting in the spillage of fuels, lubricants, coolants, hydraulic fluids, or other petroleum-based or synthetic organic compounds. Tarps are required under vehicles in the pit area to aid cleanup in the event of a spill.

15. All pits must have the equivalent of a UL approved two (2) 10-lb. ABC fire extinguisher at all times. Extinguisher(s) must be manned during all pit stops. This capability may be accomplished using fire extinguishers of any combination (minimum 5-lb. extinguisher) that equals 20 lbs. (i.e. two 10 lb., four 5 lb.). If 5 LB extinguishers are to be utilized, then the pit crew must man two fire extinguishers and be at the ready. All pit fire extinguishers must have current (less than one year old) seal in place, and be fully charged.

16. Permittee will provide the BLM with a medical plan to address response to and transportation of any injured participants or spectators. This plan will include number of emergency response staff, level of training of staff, and type of medical equipment on site (ambulance/air ambulance).

17. Welding and use of open flames will be monitored by permittee and confined to areas void of vegetation to prevent the ignition of vegetation in the surrounding areas.

Communication:

18. Permittee will conduct a mandatory participant meeting where all participants will sign in. If a participant is not signed in, they will not participate in the event. This meeting will be documented. Key personnel and procedures will be identified such as medical, safety and incident command individuals. In case of an incident, permittee will be considered the key contact for Law Enforcement, Sheriff, BLM and event organizers. If permittee chooses to designate another individual for this duty the operation plan must be amended and signed to reflect this change. This contact will have the authority to stop the race if necessary and will be in radio or phone contact with event organizers.

19. 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.

20. 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.

21. 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 actions in the local news media.

22. State and local law enforcement will always be advised of upcoming events. Permittees are required to submit communication and safety plans that include advising the local sheriff, fire, and emergency medical service of the event.

23. Permittee will advise all spectators of current fire restrictions and regulations in effect. Special emphasis should be placed on any prohibition of smoking and campfires using solid fuels (wood, charcoal, etc).

Notifications:

24. Permittee is responsible for ensuring that all authorized motorized use conforms to the Conditions of Use set forth in 43 CFR Subpart 8341.1.

25. 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 limited or closed (e.g., limited or closed off-highway vehicle designation areas).

26. State and local laws and ordinances apply to all BLM-administered public land, subject to overriding federal law. 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. See 43 CFR 8341.1(d)

27. 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. These would include factors such as heavy rains, flooding, early thawing, etc.

28. Permittee shall protect the scenic and aesthetic values of the area under permit and the adjacent lands 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.

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

30. 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.

31. Proof of insurance shall be provided at least 30 days 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.

32. All event officials will receive a copy of applicable stipulations prior to competitive event(s). Permittee will ensure that the "Additional Standard Stipulations for Competitive and Off-Highway Vehicle Events" are posted on the event promoter's website and provided in participant material.

33. 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.

34. 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.

35. 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 agencies authorized to review BLM's permitting activities.

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

37. Permittee will notify BLM immediately of any accident resulting in loss of life.

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

Revised: June 2014

Attachment 2

Policy for Alpine Loop Area Special Recreation Permits

Date: May 1, 2014

From: Connie Clementon, Field Office Manager

To: Jeff Christenson, Outdoor Recreation Planner

Re: Policy for Alpine Loop Area Special Recreation Permits –
Tres Rios Field Office

Permits for motorized events and outfitter/guides in the Alpine Loop area have been issued by a variety of offices in the past. Permits have been issued by the US Forest Service for use of BLM lands, generally referred to as 'the Alpine Loop'. The Alpine Loop is technically the main roads linking Silverton, Ouray, and Lake City (County Roads 2, 20, and 30). On some permits additional routes were mentioned such as Corkscrew and Poughkeepsie Gulch. A 2005 Decision Memo issued by the USFS also assigned approximate service days (visitor use days) on behalf of the BLM as follows:

- Dave's Mountain Tours (650 service days, including Corkscrew)
- Telluride Off-road Adventures (400 service days, including Corkscrew)
- Switzerland of America (3,150 service days, including the Alpine Loop)
- Colorado West Jeep Tours (2,360 service days, including the Alpine Loop)
- San Juan Scenic Jeep Tours (700 service days, including the Alpine Loop)
- Mild to Wild (dba Colorado Jeep Trail Tours) (375 service days, including the Alpine Loop and Poughkeepsie)
- Outlaw Tours (banned by USFS now due to permit infractions) (450 service days, including the Alpine Loop)
- Thin Air Mountain Tours (155 service days, including the Alpine Loop)
- San Juan Backcountry (370 service days, including the Alpine Loop and Corkscrew)
- Get Out Adventures (75 service days, including Poughkeepsie and Corkscrew)
- High Mountain Tours (50 service days, including the Alpine Loop)

Since 2005, some of the allocated use days have increased or been adjusted and interpretation of 'the Alpine Loop' has been broadened through Service First permit administration. At least one permit was also transitioned from 'service days' to 'trips' over the course of the past 9 years. Also, management confusion has resulted from USFS permitting of BLM lands, sometimes without inclusion of BLM stipulations, written authorization, or management considerations.

Recent developments have caused both the BLM and USFS to reconsider issuance of joint permits.

The Tres Rios BLM Field Office is in a position of transitioning most, if not all, of the authorized jeeping use on lands managed by the Tres Rios over to BLM administered permits (depending on the volume of use, timing of permit expiration, etc). In some instances it may be unclear as to how much use is currently authorized and where the use is authorized to occur. As such, the BLM needs to take a fair, consistent, and measured approach to allocating volume, type, and location of use.

In an effort to provide for continued operation by the current permit holders while the Tres Rios recreation staff takes the time to assess current use and resource capacity (as compared to prescribed recreational settings identified in the 2010 Recreation Area Management Plan) the following policies shall be implemented, effective 2014 Operating Season:

- 1) New BLM issued permits will identify specific routes of approved use (refining the term "alpine loop", but not specifically limited to a strict interpretation of the Alpine Loop), working with the permit holders to identify their 'historic use'.
- 2) Permits will be issued with allocations based on 'visitor use days' (service days) rather than 'trips'. Visitor use days are the standard unit of measure for visitor use and are easily definable (when one person enters public lands for any portion of a day), whereas 'trips' are not standard reporting units and are not defined.
- 3) Where reported visitor days have exceeded the allocations identified in the 2005 Decision Memo without evidence of approval by the BLM, maximum use will be set at 25% above the use reported in 2013, or above the average of the last three years (2011, 2012, and 2013) if 2013 was an anomaly.
- 4) Permits will be issued for a maximum of 5 years so that neither the BLM nor the permit holder are 'locked into' a 10 year permit without having a more complete set of data of existing permitted use levels.

CC: David Sanders, Park Ranger; Matt Dayer, Snow Ranger
Southwest District Manger
Gunnison Field Office Manager