

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

**Decision Record
Environmental Assessment
DOI-BLM-CO-S010-2014-0024-DNA**

November, 2014

Silverton Guides SRP

***Location:* Alpine Triangle Special Recreation Management Area, Silverton, CO**

***Applicant/Address:* Silverton Guides/Aaron Brill/PO Box 856 Silverton Co 81433**

Tres Rios Field Office
29211 Highway 184
Dolores, CO, 81323
970-882-7296
970-882-6841



DECISION RECORD
Determination of NEPA Adequacy
DOI-BLM-CO-S010-2014-0024-DNA

Silverton Guides SRP

Decision:

It is my decision to authorize a combination of Alternative B (Proponent Preferred Decision) and Alternative C (Agency Preferred Alternative) as described in Environmental Assessment CO-800-2006-037-EA, and evaluated for NEPA adequacy in DOI-BLM-CO-S010-2014-0024-DNA.

The duration of the permit will be for 5 years (from 2015-2019). The methodology for monitoring described in the Decision Record for CO-800-2006-037-EA (dated April 29, 2008) is not feasible because BLM employees are not authorized to fly in an 'un-carded' helicopter. Therefore, the monitoring described below will be employed to ensure the resource protections described in the Environmental Assessment are effectively carried out. If, after two years (2015 and 2016) of following this monitoring protocol the authorized officer is satisfied that on-site monitoring, in combination with the quality and content of the reports submitted by the permit holder is providing satisfactory data and resource protection, the permit can be re-issued to terminate on or before June 20th, 2024.

The maximum volume of annual visitor days (a visitor day defined as "when a visitor sets foot on BLM-managed lands for any portion of a day) will be 600 clients. If monitoring, as described in this decision, determines that unacceptable impacts are occurring, the authorized officer will take steps to reduce the impacts to an acceptable level through permit or stipulation adjustment at the time of annual re-authorization.

The geographic extent of the authorized area will remain as described in Alternative C, with the adjustments identified in the Decision Record for CO-800-2006-037-EA (dated April 29, 2008) and attached below.

Authorities: The authority for this decision is contained in 43 CFR part 2930-Permits for Recreation on Public Lands. The statutory authorities underlying the regulations in this part are the Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.*, the Land and Water Conservation Fund Act, as amended, 16 U.S.C. 4601-6a.

Compliance and Monitoring:

Monitoring will be accomplished by the BLM Snow Ranger (or equivalent BLM employee), BLM resource specialists, and reporting by the permittee. Monitoring will consist of on-site observations where practicable and safe. On site monitoring will include both winter operational compliance and spring/summer impact assessments for impacts to cultural sites, fens, willows, and krummholz (stunted high elevation vegetation). Monitoring will also consist of required reports to be provided by the permittee.

The following monitoring will be required:

1. The Permit holder will submit, as soon as possible, written reports identifying the location of all known unexploded ordinances
2. The Permit holder will submit, on a monthly basis during operational periods, written reports including:

- a. Lat/Long of landing zones, including time/dates to allow BLM to determine frequency/effects of skiers. The BLM will continue to assess the adequacy of this data, as well as monitor the industry standard on Automated Flight Following in locations such as Alaska BLM, and may adapt this methodology over the course of the permit during annual re-authorization to improve data collection and operational safety.
 - b. Detailed snow, weather, and avalanche results as reported as industry standard via the Snow Weather and Avalanche Observation Guidelines for Avalanche Programs in the United States (SWAG). Triggered avalanche data will include location and track information.
 - c. Explosive use including the location of both exploded and unexploded ordinance
 - d. Accident reports for all transported/treated incidents.
 - e. Maps of the location and intensity of helicopter skiing activities and use areas. Map will depict route skied by guide from top to bottom of run , and will include a naming convention that identifies the date and # of clients. BLM wildlife specialists will use this data to monitor impacts to Canada lynx and ensure compliance with the Endangered Species Act.
 - f. Progressive trip logs on BLM provided form or approved equivalent, detailing actual use for purposes of ensuring compliance with the Endangered Species Act.
3. Winter operational compliance will be completed by the BLM Snow Ranger on a weekly basis and will include weekend and week day administration.
 4. Effects monitoring to fens, willows and krummholz within the areas of operation will be completed by BLM hydrologist/ecologist during the summer of 2015 and 2016 and will continue every two years, unless negative effects are documented as a result of permitted activities.
 5. Effects to cultural resource avoidance areas will be monitored by BLM Archaeologist and will be completed during the summer of 2015 and 2016 and as needed thereafter based on review of written reports from the permit holder.

Terms / Conditions / Stipulations: Terms, conditions, and stipulations are attached.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

1. San Juan/San Miguel Resource Management Plan, as amended (1985, 1991). Page 13 provides, "A wide range of outdoor recreation opportunities will be provided for all segments of the public, commensurate with demand." Page 14 states, "Continue intensive recreation management of the Silverton Special Recreation Management Area (SRMA).

Provide for a blend of settings and opportunities that tend toward the resource-dependent end for the BLM's Recreation Opportunity Spectrum (ROS) system.”

2. Alpine Triangle Recreation Area Management Plan, approved 2010. Page 20, section 2.2.3 states, “The one current permitted heli-skiing operation permit, Silverton Guides LLC, will be honored in all Recreation Management Zones.” Page 61, section 3.2.6, Management Action 1 directs the BLM to, “Continue to authorize and monitor a variety of commercial recreation activities to provide essential service for the public. These activities could include hunting, fishing, rafting, jeep tours, backpacking, horse packing, Heli-skiing, rock climbing, snowmobiling and more.” Page 62, section 3.2.6, Management Action 8 directs that, “No SRPs would be granted for air tours over the project area, except for heli-skiing in the winter time from December 1 to April 30.”

Alternatives Considered:

The 2008 Environmental Assessment CO-800-2006-037-EA analyzed No-Action and two action alternatives: Alternative B, the Proponent Proposed Alternative analyzed the issuance of a 10 year permit with a maximum of 600 service days annually, across 34,787 acres of public and private lands. Alternative C, the Agency Preferred Alternative analyzed a 5 year permit for 300 annual service days across 13,546 acres of public and private lands.

Rationale for Decision:

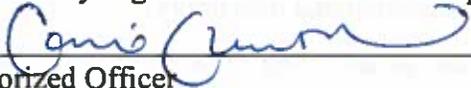
This decision allows the permit holder to continue to provide services to the recreating public while allowing for growth of an important service within the San Juan County/Silverton community. It provides for economic growth and ensures responsiveness to increasing recreational interests that are so vital to the area. It also provides for continued monitoring and resource protection by providing flexibility to work with the permit holder to continue to work together towards a common goal.

This decision clarifies key monitoring expectations while providing for future flexibility in the management of the Silverton Guides. While a majority of the monitoring identified in the 2008 Decision Record has been accomplished in the intervening years, some key elements intended to be monitored through an on-site presence by BLM staff has not been possible due to the inability to place an employee in the helicopter during skiing operations. In order to replace this data, a more detailed monitoring protocol has been developed as part of this decision and will be implemented through BLM staff assignments and permit stipulations. Adaptive management will also be utilized to determine the effectiveness of the monitoring protocols and resultant data (particularly as it relates to impacts to fens and Canada lynx) before issuing a permit that spans the maximum allowable duration of 10 years under current guidance.

Protest/Appeal Language:

If you are adversely affected by this decision, within 30 days of receipt of this decision ,you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.400.

This decision goes into effect immediately and will remain in effect while appeals are pending unless a stay is granted under 43 CFR subpart 2931.8(b).


Authorized Officer

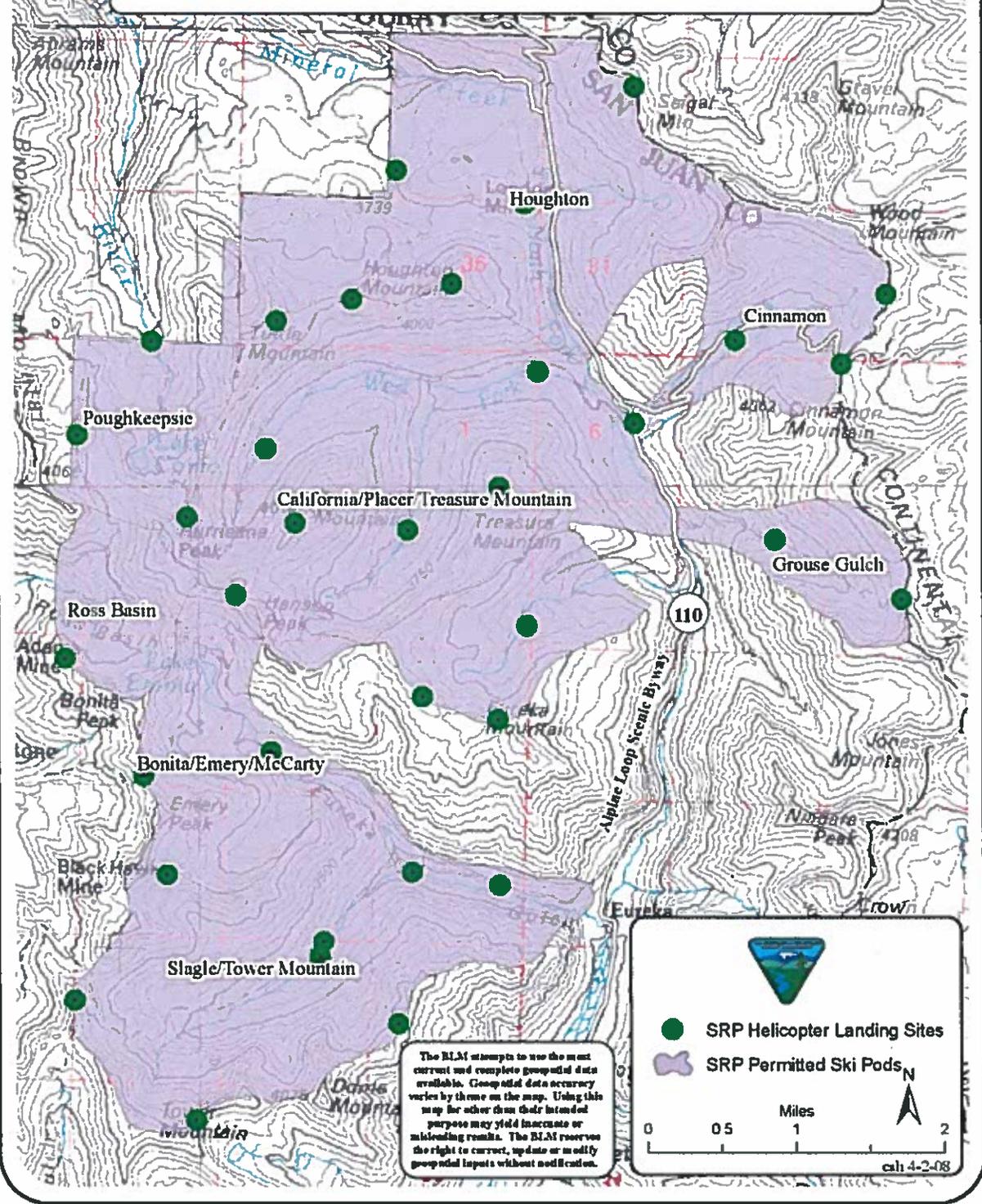
12-1-14
Date

Attachments: 1) Helitrax Special Recreation Permit Area Map

2) Special Recreation Permit Terms Conditions and Stipulations



Helitrax BLM Special Recreation Permit Area Decision Record



**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/herself, 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 SILVERTON GUIDES LLC.

- a. The following design criteria will be applied to operational conditions of the permit.
- b. Hours of helicopter operation are limited to ½ hour after sunrise through ½ hour before sunset, or generally between 8:00 am and 5:00 pm daily, and no night time flight operations will be permitted.
- c. Silverton Guides is responsible for obtaining permission from private landowners for use of private lands.
- d. Where possible, skiers and guides should avoid skiing in close proximity (about 50 m) to visible willow patches in valley bottoms and alpine basins near timberline. In addition, where possible, landing zones should be sited to be as far as possible from willow patches and krummholz (stunted high elevation vegetation) areas, especially in basins near the heads of drainages. Skier pathways to and from approved landing zones should be designed, where possible, to minimize use and proximity to willow and krummholz areas.
- e. Helicopter landing zones use is permitted only when vegetation is fully covered and protected by snow.
- f. Landing zones will avoid identified fens/wetlands by 200 feet, or should not be used for more than 2 consecutive days and no more than 4 days total per season.
- g. Landing zones will not occur within cultural resource avoidance areas.
- h. No structures, improvements or equipment storage will be permitted at landing zones or within use areas.
- i. No vegetation clearing or modification will be permitted at the landing zones or within use areas.
- j. Temporary "wands" will be allowed at all approved landing zones for use by the helicopter pilot in determining wind direction and speed during landings and takeoffs. Wands may be placed at landing zones early each winter season but must be removed at the end of the season.

- k. Silverton Guides is responsible for all permits and certifications necessary for carrying and handling of explosives with the FAA and ATF.
- l. The pilot is responsible for following the appropriate aircraft flight following/monitoring procedures in accordance with FAA procedures.
- m. Written procedures will be included in the annual operating plan including helicopter safety training on the ground, practice flights and effective communication between the blasting crew, pilot, and ground crew.
- n. No clients will be allowed on board the aircraft while explosives are being carried or explosive testing is being done.
- o. A written report will be given to the BLM of the location of all know unexploded ordinances (duds) as soon as possible and will attempt to retrieve them in the following spring.
- p. No explosives will be thrown from the aircraft without a visual over-flight inspection of the avalanche path and run out zone for the presence of backcountry users and/or wildlife.
- q. No explosive testing will be used in the identified cultural resource avoidance areas.
- r. The Permit holder will submit, by the 5th of each month during operational periods, written reports including:
 - a. Lat/Long of landing zones, including time/dates to allow BLM to determine frequency/effects of skiers. The BLM will continue to assess the adequacy of this data, as well as monitor the industry standard on Automated Flight Following in locations such as Alaska BLM, and may adapt this methodology over the course of the permit during annual re-authorization to improve data collection and operational safety.
 - b. Detailed snow, weather, and avalanche results as reported as industry standard via the Snow Weather and Avalanche Observation Guidelines for Avalanche Programs in the United States (SWAG). Triggered avalanche data will include location and track information.
 - c. Explosive use including the location of both exploded and unexploded ordinance
 - d. Accident reports for all transported/treated incidents.
 - e. Maps of the location and intensity of helicopter skiing activities and use areas. Map will depict route skied by guide from top to bottom of run, and will include a naming convention that identifies the date and # of clients. BLM wildlife specialists will use this data to monitor impacts to Canada lynx and ensure compliance with the Endangered Species Act.
 - f. Progressive trip logs, on BLM provided form or approved equivalent, detailing actual use for purposes of ensuring compliance with the Endangered Species Act.
- s. All helicopters shall be equipped with satellite/GPS equipment. Monitoring data shall include landing zone coordinates with corresponding time and date. This information will be provided to the BLM Snow Ranger in the monthly report.
- t. 8:1 guide ratio within the SRP permitted terrain
- u. Silverton Guides should avoid flight paths above Silverton
- v. Silverton Guides will follow all Design Criteria under the 2006 EA for Telluride Helitrax.
- w. Explosives are authorized under this permit with the requirement of a blast report.
- x. Report lynx sighting(#, precise location and date observed)
- y. Fuel storage in designated areas under SRP
- z. Filming activities will be limited to support by helicopters already in use for heli-ski operation. Commercial filming on BLM-managed lands is authorized in conjunction with your SRP. Both the SRP fee and commercial filming fees are due with the post use report. Filming is limited to the use of handheld, tripod mounted, and helicopter mounted cameras. It is further understood that the location of the activity being filmed, not the location of the camera or photographer, is the determining factor when determining filming fees. Payment for both the SRP fee and the commercial filming fee will be charged and submitted separately (e.g. different checks).
- aa. Permission from management at Silverton Guides is required for commercial still or motion picture productions occurring on BLM land at the SRP area. Any revenue collected from such film projects will be included in the Adjusted Gross Receipts upon which BLM fee is based.
- bb. Photographers and filmmakers taking photographs or videotapes of the skiing public for the intent of the permittee's own promotional material or to be given to guests as a memento of the trip is authorized. This type of use is considered a marketing need and public service the Ski Area provides its customers. The photographer is subject to the terms and conditions of this permit. Any

photographers and filmmakers taking photographs or videotapes of the skiing public for purposes other than those listed above must acquire approval from the BLM and may be subject to separate permitting requirements.

- cc. All authorized operators will assure that their operations meet Federal Aviation Administration (FAA) requirements to achieve safe air operations (routing, airspace separation and coordination with other operators).
- dd. All authorized operators will be required to submit and abide by a Safety and Operating Plan which will be approved by the BLM and will be a part of the SRP. The FAA may review these submissions.
- ee. The Authorized Officer (AO) may suspend or modify an SRP, including adaptive management strategies, if necessary to protect public resources, health, safety, or the environment or as a result of non-compliance with permit stipulations. The AO, or a duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or permittee's operator, employee, or agent.

XX. 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 _____

Revised: January 2014

