

Appendix M: Special Recreation Permit Evaluation Criteria

Introduction

Under the authority of Federal Lands Recreation Enhancement Act (REA) of 2004, the BLM uses the Recreation Permitting System in order to satisfy recreational demand within allowable use levels in an equitable, safe, and enjoyable manner while, at the same time, minimizing adverse resource impacts and user conflicts.

The BLM recreation permits authorize the use of public lands and/or related waters for specified purposes. The use of public lands and/or related waters is a privilege subject to the terms and conditions of the permits. The BLM Special Recreation Permits (SRPs) are the basis for the BLM's Recreation Fee Program, and are used to implement REA's Standard Amenity, Expanded Amenity, and Special Recreation Permit Fees (BLM 2006). SRPs are issued in order to authorize specified, and often time-restricted, recreational uses of the public lands and related waters. SRPs are a tool for:

- authorizing specific types of recreational activities;
- managing recreation use;
- reducing user conflicts;
- protecting natural and cultural resources;
- informing users;
- achieving the goals and objectives of the Field Office's Recreation Program;
- gathering use information; and
- obtaining a fair return for commercial and certain other uses of BLM-managed public lands (BLM 2006).

In accordance with 43 CFR 2932, the following activities require SRPs:

- **Commercial Use** -- Commercial use is defined as recreational use of the public lands, and related waters, for business or financial gain (financial gain includes gratuities, donations, gifts, bartering, etc.). Commercial use is also characterized in situations where a duty of care or expectation of safety is owed participants by service providers as a result of compensation. It may also be characterized by public advertising for participants (BLM 2006).

Use by scientific, educational, and/or therapeutic institutions or non-profit organizations are considered commercial when the above criteria are met, and are subject to permit requirements when the above conditions exist. Non-profit status of any group or

organization does not, in itself, determine whether an event or activity arranged by such a group or organization is non-commercial. Profit-making organizations are automatically classified as commercial, even if that part of their activity covered by the permit is not profit making. (Examples of commercial activities include fund-raising activities, Outfitters and Guides, college back-packing course for credit, Jeep tours, horse trail and wagon train rides, and cattle drives, etc.)

- **Competitive Use** -- Competitive use means any organized, sanctioned, or structured use, event, or activity on public lands in which two or more contestants compete, and where either of the following elements apply:
 - participants register, enter, or complete an application for the event; or
 - a predetermined course or area is designated.

One or more individuals contesting an established record (such as speed or endurance) are also considered to be a competitive use. (Examples of competitive events include OHV races, horse endurance rides, mountain bike races, rodeos, poker runs, orienteering, land speed records, and Eco-Challenge events.) Competitive events may also be commercial.

- **Vending** -- Vendor permits are temporary, short-term, non-exclusive, revocable authorizations to sell goods or services on public lands in conjunction with a recreation activity. Vendor permits do not authorize permanent structures, and do not grant preferential rights for renewal or any possessory interests in real property on the public lands or related waters. The Authorized Officer places stipulations on the SRP in order to provide for the health and safety of visitors, and for the protection of natural resources.
- **Special Area Use** -- Permits may be required for individual (private, non-commercial) recreation use in Special Areas. Special Areas are areas officially designated by statute or Secretarial order, including components of the National Trails System; the National Wild and Scenic Rivers System; the National Wilderness System; National Conservation Areas; National Monuments; National Recreation Areas; areas covered by joint agreement between the BLM and the State Government, as provided for in Title II of the Sikes Act (16 USC 670a); or areas where the Authorized Officer determines that the resources require special management and control measures for their protection and a permit system for individual use would achieve management objectives. (Requirements for Special Areas can be found in 43 CFR 2932.5.) Special Areas can be designated by the State Director through Supplementary Rules (43 CFR 2932.3).
- **Organized Group Activity and Event Use** -- Organized group or event permits are intended for group outdoor recreation activities or events that are neither commercial nor competitive. The Authorized Officer determines when a permit is required based upon planning decisions, resource concerns, potential user conflicts, or public health and safety issues. A group is loosely defined as more than one person participating in a recreation activity or event. The threshold, if any, must be determined for each area (for example, 10 people in a sensitive riparian area may constitute an organized group, but a less sensitive upland area may be able to handle 200 people without the need for special management) (BLM 2006). (Examples of groups or events that may require a permit include a large scout campout, a fraternity activity, a large family reunion held at a BLM

recreation site or participating in recreation activities on public lands, reenactments, or a dual sport event.)

The BLM can issue SRPs for non-commercial use in certain special areas, including river, backcountry, and camping areas. Most SRPs issued by the KFO are related to river outfitting and upland hunting. Within the Planning Area, very few permanent camps/facilities are authorized on BLM-managed public lands (because most camps are on private lands).

SRP Proposal Evaluation

All commercial, competitive, and organized group SRP proposals will be evaluated on a case-by-case basis, and their approval or disapproval will be at the discretion of the Authorized Officer. All SRPs are considered undertakings under the National Environmental Policy Act of 1969 (NEPA). Permit approval is dependent upon conformance with all applicable land use planning documents, and with environmental review in accordance with the NEPA. All existing permits will be analyzed for conformance with the Approved Resource Management Plan (Approved Plan) and Record of Decision (ROD).

In order to provide good customer service, reduce unnecessary submissions of applications, and ensure consistent consideration of permit proposals, all new SRP proposals will be evaluated using the process described below.

Pre-Application Consultation

A Pre-application Consultation will be used in order to determine: whether, and what kind of, SRP is necessary; whether the Field Office is accepting applications for that activity or area; and whether enough information is available in the Proposal to determine whether it meets, or can be modified in order to meet, the Approved Plan/ROD.

In order to determine if applications are being accepted, a carrying capacity will be conducted for certain activities (when budget allows); and/or for areas where there is a high SRP demand; and/or where current conflicts and management issues have been identified and documented. Unless circumstances change, carrying capacity will be re-evaluated and documented every 2 years. (This could include areas where there are current conflicts, as described below.) Among other factors, proposals will also be evaluated to determine whether the proposal is consistent with recreation objectives; whether the opportunity is already available under an existing permit; whether there is adequate market competition; and whether the proposal would create conflict with the public and/or existing permitted activities. For those activities or areas where SRP applications are not being accepted, if conditions change, the public will be notified through a Prospectus regarding when SRP applications will be accepted for the identified activity or area. Applications will be evaluated using the application review criteria described below. No Waiting Lists will be kept.

As part of the Pre-application Consultation, permit proposals will be classified in order to determine if the Proposal conforms to the Approved Plan/ROD. If a Proposal is in conformance, and there is, at a minimum, 180 days until the proposed use, the applicant will be asked to fill out all the required SRP application package requirements, and to pay applicable fees.

Application Process

The Authorized Officer will evaluate the application using the “Permit Application Review Criteria” described below. The criteria include specific objectives identified in the Approved Plan/ROD for both Extensive Recreation Management Areas (ERMAs) and for Special Recreation Management Areas (SRMAs). The issuance, or denial, of SRPs will be made in accordance with these criteria.

All permit administration will be done in accordance with the NEPA; BLM Manual: H-2930-1 (Recreation Permit Administration); BLM Colorado State SRP Handbook; and all associated SRP Instruction Memorandums (IMs) and Information Bulletins (IBs).

Additional implementation guidance will be completed, and will provide applicants with specific information including, but not limited to:

- application deadlines;
- timelines for processing;
- application package requirements;
- fees;
- use reporting requirements; and
- penalties.

Classifying Permit Proposals

Classification Evaluation Factors

Sensitivity of the Site and Features Associated with Expected Uses and Impacts

Soils and Vegetation

- **Low** -- Site and associated features demonstrate resilience and resistance to anticipated activity.
- **Moderate** -- Site and associated features demonstrate some ability to resist/recover from impacts.
- **High** -- Site and associated features demonstrate limited ability to resist/recover from impacts.

Associated Features (such as Cultural, Paleontological, Visual, and Wildlife Resources)

- **None** -- No associated features.
- **Moderate** -- Some associated features present; existing protection is adequate,
- **High** -- Resource conflict exists at the site.

Potential Environmental Impacts

- **Low** -- Impacts of a temporary nature and surface disturbance of less than 1 acre.
- **Moderate** -- Impacts lasting less than 1 year; surface disturbance of less than 5 acres.
- **High** -- Impacts lasting more than 1 year; surface disturbance of more than 5 acres.

Size of Area

- **Small** -- Less than 5 acres.
- **Medium** -- From 5 to 40 acres.
- **Large** -- Larger than 40 acres.

Exclusive Use Area

- **No** -- Exclusive use of any area will not be required, or will be less than 4 hours in duration.
- **Yes** -- An area of exclusive use will be required for more than 4 hours.

Duration of Use

- **Short** -- 1 day or less.
- **Moderate** -- From 2 to 6 days.
- **Long** -- Longer than 6 days.

Anticipated Number of Participants/Vehicles

- **Low** -- Fewer than 25 people; fewer than 25 vehicles.
- **Medium** -- From 25 to 100 people; from 25 to 50 vehicles.
- **High** -- More than 100 people; more than 50 vehicles.

Competitive Event

- **Yes** -- The event or activity is competitive in nature.
- **No** -- The event or activity is non-competitive in nature.

Mechanical Equipment Required

- **Yes** -- Vehicles or other mechanized equipment will be required in support of activity.
- **No** -- No vehicles or other mechanized equipment will be required in support of activity.

BLM Monitoring and Inspection Requirements

- **None** -- No significant pre- and/or post-permit oversight activities required.
- **Low** -- Pre- and/or post-permit activities require less than 8 hours of BLM oversight.
- **High** -- Pre- and/or post-permit activities require more than 8 hours of BLM oversight.

Table M-1: Permit Classification

Evaluation Factors	Permit Class			
	I	II	III*	IV*
Soils and Vegetation	Low	Low/Moderate	Moderate	High
Associated Features	None	None/Moderate	Moderate	High
Environmental Impacts	Low	Low/Moderate	Moderate	High
Size	Small	Medium	Medium	Large
Exclusive Use	No	No	No	Yes
Duration	Short	Short/Moderate	Moderate	Long
Participants	Low	Low/Medium	Medium	High

Table M-1: Permit Classification

Evaluation Factors	Permit Class			
	I	II	III*	IV*
Competitive	No	No	Yes	Yes
Mechanical Equipment	No	Yes or No	Yes	Yes
Monitoring and Inspection	None	None/Low	Low	High
Examples	Group camping; guided hunting; organized groups; guided horseback rides	Commercial river rafting and fishing; motorized tours on BLM-managed public roads	Non-competitive motorized events; non-motorized competitive events	Festivals; motorized competitive events

* Class III and IV events are more likely to require cost recovery, due to the probability of the events needing more than 50 hours of BLM staff time for permit administration.

Permit Application Review Criteria

Permit Proposals described in Business and in Operating Plans will be evaluated using the criteria described below. These criteria offer an objective framework for SRP application evaluation. Any, or all, of the criteria will be evaluated in order for the Authorized Officer to authorize or deny a permit (subject to potential modifications).

- **Compliance History** -- Applicant must be in compliance, and have a history of compliance, with all applicable local, State, and Federal regulations. Applicant, or their Authorized Representative, must not have been convicted of a local, State, or Federal violation in connection with the proposed operations or activities within the previous 3 years.
- **Safety and Safety History** -- Applicant must have demonstrated a history of providing an acceptable level of safety for clients and affected publics.
- **Consistency with Planning Documents** -- Proposals will be evaluated for consistency with current planning documents, including, but not limited to, the Approved Plan/ROD. All proposals associated with a Wilderness Study Area (WSA) must be consistent with the BLM’s Interim Management Policy.
- **Conflicts** -- Permits will not be issued in areas where conflicts currently exist between existing permittees; or between permittees and the public or landowners. Valid conflicts include:
 - overlapping use areas where the same type of use is currently permitted;
 - limited public land ownership and/or related access;

- camps; location, number, and distance between camps;
 - types of activities permitted;
 - overcrowding and/or use levels during specific time periods, supporting infrastructure at capacity;
 - enforcement/compliance problems exist;
 - improper conduct by permittee or employees; and/or
 - unacceptable resource impacts.
- **Diversity of Services** -- Applicants must demonstrate that their proposal enhances the diversity of recreational opportunities available for visitors, and that the services are needed by the public.
 - **Low Percentage of BLM Public Lands** -- Applications may be refused where public lands comprise a low percentage of the total area, and recreational management goals are being met.
 - **Adjoining Lands and Joints Permits** -- Preference will not be given to applicants who own or lease private lands adjacent to BLM-managed public lands. Preference will not be given permittees that have a joint permit issued by another land management agency office.

These criteria are a means to analyze applications and to offset potential problems. Many complex issues are best addressed through an ongoing effort between the permittees and the BLM.

If the proposal meets the application review criteria, the appropriate NEPA document will then be completed. Permits may be denied as a result of issues identified during the environmental analysis process. Any stipulations identified during the environmental analysis process will be included on approved permits.

SRPs for Organized Groups

There are no BLM or Statewide thresholds, based upon group size, that dictate whether or not an organized group permit is required. Such thresholds, or other criteria for organized group permits, are established through the land use planning process.

Organized groups, gathering at a single location for more than 2 hours, having more than the following group size, will be required to contact the BLM prior to their event in order for the agency to determine if an SRP will be required.

Group Size Criteria

- **In WSAs --** Fewer than 12 people.
- **In all other areas --** More than 24 people, unless and until an individual SRMA Plan prescribes a different group size.

After reviewing the activity and location with the organizers, the BLM will determine whether or not an SRP is required. If an SRP is not required, the BLM may document this determination in the form of a Letter of Agreement (see below). The factors the BLM uses in order to determine whether a permit is required are shown on the following matrix:

Table M-2: Matrix for Determining Need for an Organized Group SRP

Criteria	SRP Not Required	SRP Required	Deny as Proposed
Is the activity recreational in nature?	If the use is not recreational, it may require “lands” permit or no permit.		
Is the use appropriate to the site? Is there a management concern for cultural or natural resources, or for facilities on public land?	Yes, the site is very conducive to the proposed use; is provided for in planning.	Site is appropriate for group size and activity; not specifically provided for in planning.	No, site is not appropriate for use as proposed; does not conform with recreation planning goals; violates Recreation Opportunity Spectrum (ROS) Class or experience prescriptions.
Does the activity further recreation program goals and objectives?	Yes.	Yes.	No.
Is monitoring needed?	Nothing beyond 1 simple site visit.	Monitoring beyond a 1-time site visit required.	Long-term monitoring of 1 or more resources required.
Are there health and/or safety concerns?	No.	Concerns for event participants and/or for other public land users.	Unmitigated, high risk to human health and safety; unreasonable risk, especially to non-participants.
Is bonding desirable in order to cover reclamation, or damage to government property	No.	Bonding desirable or required.	

Table M-2: Matrix for Determining Need for an Organized Group SRP

Criteria	SRP Not Required	SRP Required	Deny as Proposed
and/or resources?			
Is insurance desirable in order to protect the government from claims by group participants or third parties?	No, liability exposure is negligible.	Insurance is desirable due to possible claims for personal injury or property damage.	
Are special services required (such as Law Enforcement, fire protection, exclusive use of public lands, reserved sites etc.)?	No.	Yes.	

Organized Groups -- Letter of Agreement

The BLM enjoys great discretion in determining when an organized group needs an SRP. When organized group use is taking place in an area that is appropriate, and there are no major concerns over the activity, the BLM may consider the preparation of a Letter of Agreement in order to cover the activity.

A Letter of Agreement is:

- documentation of the BLM’s determination that an SRP is not required;
- an opportunity for the organized group to better plan their activity in a manner that does not require permit issuance and oversight;
- documentation that the organized group contacted, and worked with, the BLM in planning their activity;
- opportunity to obtain information about the activity and obtain visitor use statistics;
- opportunity to resolve conflicts with other authorized users of the BLM-managed public lands; and
- opportunity for the organized group to better understand BLM concerns for resources, and appropriate use of public land.

A Letter of Agreement is not:

- an authorization to use BLM-managed public lands;
- an enforceable document. If the group fails to adhere to the agreement, the BLM has no recourse. However, the group will then be a candidate for an SRP in relation to future activities (because SRP terms and conditions are binding and enforceable). Law enforcement action may be taken if the group violates law or regulation.

The following is an example of a Letter of Agreement. This example may be modified in order to account for specific management situations. In no case should the Letter of Agreement be construed as an authorization to use BLM-managed public lands. If an authorization is needed, an SRP or a Recreation Use Permit (for developed sites only) will be required.

EXAMPLE

**LETTER OF AGREEMENT
FOR ORGANIZED GROUP RECREATION USE
BETWEEN
FIELD MANAGER
KREMMLING FIELD OFFICE
BUREAU OF LAND MANAGEMENT
AND
Boy Scouts of America TROOP 100**

Welcome to the BLM-managed public lands! We hope you enjoy your visit.

The Bureau of Land Management (BLM) is responsible for the balanced management of your public lands and resources. Management is based upon the principles of multiple use and sustained yield, a combination of uses that takes into account the long-term needs of future generations for renewable and non-renewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness, and natural, scenic, scientific, and cultural values.

Special Recreation Permits (SRPs) may be required for organized groups using public lands. The criteria used in order to determine if an SRP is necessary include: concern for health and safety, need to properly manage lands and resources, and need to coordinate with other public land users. Based upon our evaluation of your planned activity, such a permit does not appear to be necessary:

Type of Activity: Boy Scouts of America (BSA) District Camporee. Camping, day loop hikes.

Place: Hidden Splendor

Date and Time: August 23 – 24, 2008

Number of People: 200

Activity Contact Person: J. Audubon Woodlore Phone: (999) 999-9999

BLM Contact Person: Ira Planner Phone: (970) 724-3000

Certain actions are necessary in order to have a safe and successful outing with a minimum impact to the environment:

1. All sites are filled on a "first come, first served" basis. Plan ahead to ensure that your group can secure a spot without interfering with other visitors.
2. Avoid building new fire rings. **USE A FIRE PAN** to eliminate scars on the soil. **NO GATHERING OF WOOD** for campfires is allowed. Burn wood to ashes and douse with water, making sure that your fire is **DEAD OUT** and that the area is restored to a natural condition before leaving. If you are a vehicle-based camp, haul out all charcoal and ash from your fire pan.
3. Proper disposal of human waste is critical. At your activity, this will be accomplished by: **PROVIDING TEMPORARY TOILET FACILITIES OR USING TOILETS AT THE CAMPGROUND**. One toilet for every 25 persons attending will be required at all sites serviced by vehicle.
4. Help us clean up public lands by **REMOVE ALL TRASH**. Picking up trash left by less thoughtful people helps maintain the scenic beauty of your public lands.
5. If any directional signs are erected as part of this activity, they must be removed at the completion of the activity.
6. Natural hazards and phenomenon could be encountered that present risks to the participants. Participants must be advised of hazards that might be encountered and risks associated with the activity.
7. Nothing in this agreement shall be construed to imply permission to build any structure or conduct any activity not specifically named.
8. Disorderly, or otherwise objectionable, conduct (such as harassment of wildlife, livestock, or other lawful users of public land) will not be tolerated, and could be the basis for denial of similar agreements in the future.
9. Precautions must be made in order to protect natural resource values, cultural or historic objects, aesthetic values, and any facilities on BLM-managed public lands.
10. If there is any question concerning regulations on BLM-managed public lands, please contact our office immediately.
11. This agreement is not an authorization to use BLM-managed public lands. Failure to abide by all activity parameters in this agreement may result in permits being required for future activities.

Activity Organizer Signature

Date

Field Manager

Date