

## Glossary of Terms

### A

**Acceptable Performance** means that the permittee has generally operated in accordance with the terms and conditions established for the permit. This may include some minor deficiencies that need correction. If deficiencies persist after a reasonable time period following notification, they may result in a probationary rating.

**Actual expenses** means expenses directly related to the permitted activity. These may include costs of such items as food, rentals, transportation, and permit or use fees. Actual expenses do not include the rental or purchase of personal equipment, amortization of equipment, salaries or other payments to participants, or profit.

**Affiliate** means any entity or person that controls, is controlled by, or is under common control with, an applicant or permittee.

**Allocation** is the assignment of use between and rationed among competing users for a particular area of public lands or related waters. Allocation includes both direct and indirect methods.

**Applicant** means any individual of legal age, a State or local Governmental entity, a partnership, corporation, association, or other business entity subject to the laws of any State or of the United States, that applies for a permit or lease. On public land in the State of Alaska, the applicant includes the United States Department of Defense and its agencies or the Commandant of the Coast Guard.

**Assignment (subletting)** is the prohibited practice whereby a permittee assigns, subleases, sells, or otherwise transfers authorized use to another individual, group, or business.

**Authorized officer** means any employee of the BLM to whom authority has been delegated to perform the duties described in this part.

**Authorized Representative** means any person(s) authorized by a permittee to conduct permit related business with the BLM.

### B

**BLM co-sponsored recreational activity or event** means an activity or event that BLM is involved in organizing and hosting, arranged through authorizing letters or written agreements.

**Bond** is a contractual arrangement between the Government, the permittee and a financial institution that provides monetary protection for the public for allowing use of the public lands.

**Bond (cash, payment, surety)**

**Cash Bond** is an amount of money deposited with the Government which can be drawn upon to defray the cost of restoration and rehabilitation of the lands affected by a permitted use.

**Payment Bond** is an amount of money deposited or a promissory arrangement entered into to guarantee payment of fees associated with a special recreation permit.

**Surety Bond** is a promissory note of a financial institution that guarantees payment of an amount of money to be used to defray the costs of restoration of the lands affected by the permitted use.

**Booking Agent** any individual, firm, business, partnership, or corporation that makes arrangements for the use of the services of a licensed outfitter and receives compensation therefore. A booking agent does not supply personnel or facilities and service to outfitter clientele.

**Business Plan** as used in this manual is a written document that describes the objectives of the BLM fee program and how management intends to achieve them. A business plan is tailored to address the complexity of the venture described and the major features of the financial and environmental surroundings within which it will be implemented.

**C**

**Certificate of Insurance** is an official documentation from a licensed insurance company that proves the applicant/permittee has a valid current insurance policy covering the activity or event specified in the Special Recreation Permit, and that the United States Government is listed as an additional insured.

**Commercial Recreation Photography** means motion picture and video photography, advertising still photography, and still, motion picture, or video photography taken of public land recreation users for sale to those users.

**Commercial Use** means recreational use of the public lands and related waters for business or financial gain.

- (1) The activity, service, or use is commercial if--
  - (i) Any person, group, or organization makes or attempts to make a profit, receive money, amortize equipment, or obtain goods or services, as compensation from participants in recreational activities occurring on public lands led, sponsored, or organized by that person, group, or organization;
  - (ii) Anyone collects a fee or receives other compensation that is not strictly a sharing of actual expenses, or exceeds actual expenses, incurred for the purposes of the activity, service, or use;
  - (iii) There is paid public advertising to seek participants; or
  - (iv) Participants pay for a duty of care or an expectation of safety.

(2) Profit-making organizations and organizations seeking to make a profit are automatically classified as commercial, even if that part of their activity covered by the permit is not profit-making or the business as a whole is not profitable.

(3) Use of the public lands by scientific, educational, and therapeutic institutions or non-profit organizations is commercial and subject to a permit requirement when it meets any of the threshold criteria in paragraphs (1) and (2) of this definition. The non-profit status of any group or organization does not alone determine that an event or activity arranged by such a group or organization is noncommercial.

**Common Pool** is a method or mechanism to reallocate user days from those who cannot use previously assigned user days to those who desire new or additional user days.

**Competitive use** means any organized, sanctioned, or structured use, event, or activity on public land in which two or more contestants compete and any of the following elements apply:

- (1) Participants register, enter, or complete an application for the event; or
- (2) A predetermined course or area is designated.

It also means one or more individuals contesting an established record such as speed or endurance.

**Compensation** means making, or attempting to make, a profit, salary, or increase in business or financial standing, or supporting any part of other programs or activities, to include receiving fees, charges, dues, service swaps, or something which is not strictly sharing of actual expenses incurred from amounts received from or for outfitting services rendered or to be rendered.

**Cost Recovery** means fees charged by the BLM to cover the costs of processing a Special Recreation Permit. Processing charges may include the cost of environmental analysis, consultation with other agencies, and conducting public participation. For short-term high intensity uses (e.g., large one-day motorcycle race), processing costs may also include monitoring, use supervision, permit compliance, and post use reports and close-out.

## **D**

**Designated Entrance Fee Area** is an area or closely related group of areas administered by the BLM where BLM may charge an entrance fee.

**Designated Recreation Use Facility** is a posted U.S. fee area.

**Desired Use Level** is the amount and type of recreational use an area can accommodate without altering either the environment or the user's experience beyond the degree of change deemed acceptable by the management objectives for the area; can also be called the maximum allowable use level. Desired use levels are developed through the use of "Limits of Acceptable Change" or a "Recreation Opportunity Spectrum" analysis.

## **E**

**Event** means a single, structured, organized, consolidated or scheduled meeting or occurrence for recreational use of public land and water resources; may be composed of several related activities.

## **F**

**Fee area** means a site that contains or provides specialized facilities, equipment, or services for or related to outdoor recreation, and that is administered by BLM.

## **G**

**Gross Receipts** is the total amount of money and/or the value of other considerations received by a permittee for undertaking a permitted activity, including, but not limited to: entrance fees; gate fees; revenue from sale of images or broadcast rights; donations of cash, goods, rental fees, advertising rights, or commercial services, on-site sales conducted under the permit, etc.

**Guide** any individual providing services or assistance for and outfitter such as supervision, protection, education, training, packing, touring, subsistence, interpretation, or other assistance to individuals or groups in their pursuit of a natural resource-based outdoor activity. The term “guide” includes the permit holders employees, agents, and instructors.

## **H**

**Historical Use** is the average of the highest two use seasons in the preceding 5-year period.

**Holder** means the party who has received a permit or lease.

## **L**

**Land use authorization** means either a permit or a lease issued under the lands regulations in 43 CFR 2920.

**Limits of Acceptable Change** the amount of human-caused change to biological, physical, or social components which are tolerable within an acceptable level without degrading the recreational experience.

**Long term visitor use area** means a designated special area where visitors pay a fee to camp for a designated period in excess of the usual occupancy limits, as authorized by permit.

## **N**

**New Application** is a new application for a new use that has not been previously authorized.

**Noncommercial use** means a recreational activity on public land or related waters where actual expenses are shared equally among all members or participants. Any person, group, or organization seeking to qualify as noncommercial must establish to the satisfaction of BLM that no financial or business gain will be derived from the proposed use. Fund raising for any purpose renders an activity a commercial use.

## **O**

**Off Highway Vehicle** (a.k.a. off-road vehicle) is any motorized vehicle capable of, or designed for travel on or immediately over land, water or other natural terrain excluding: any non-amphibious registered motorboat; any military, fire, emergency or law enforcement vehicle while being used for emergency purposes; any vehicle whose use is expressly authorized by the authorized officer or otherwise officially approved.

**Operating Plan** is an applicant's/permittee's plan to conduct their activity or event on public lands or related waters in conjunction with a Special Recreation Permit. An operating plan will describe at a minimum how services will be delivered, how an event will be conducted, and describes measures that will be implemented to protect resources and provide for public health and safety.

**Organized group activity or event** means a structured, ordered, consolidated, or scheduled event or occupation of public lands for the purpose of recreational use that is not commercial or competitive, and which BLM has determined needs a special recreation permit based on planning decisions, resource concerns, potential user conflicts, or public health and safety.

**Outfitter** any individual providing through rental or livery any saddle or pack animal, vehicle or boat, tents or camp gear, or similar supplies or equipment, for compensation. The term "outfitter" includes the permit holders employees, agents, and instructors.

**Outfitting Services** means providing transportation of individuals, equipment, or similar supplies, or wildlife by means of vehicle, vessel, or pack animal, facilities including but not limited to tents, cabins, camp gear, food, or similar supplies, equipment or accommodations, and guiding, leading, packing, protecting, supervising, instructing, or training persons or groups of persons in the take or attempted take of wildlife

## **P**

**Payment Bond** is an amount of money deposited or a promissory arrangement entered into to guarantee payment of fees associated with a special recreation permit.

**Permit** means an authorization, revocable by or at the discretion of BLM, to utilize public lands for a fixed period of time. A permit conveys no possessory interest in the land.

**Permittee** is an individual, group or organization who has fulfilled all the requirements for and has been awarded a permit.

**Probationary Performance** means that the permittee has not operated in full accordance with the terms and conditions of the permit. Performance does not pose an immediate threat to the safety of guests or others, is not in violation of law and doesn't pose a threat of significant resource damage. Corrective action by the holder is mandatory and continued operation at this level of performance is unacceptable. Permits under probation are not transferable.

**Paid Public Advertising** is any written, oral, or graphic statement or representation made by any person or representative on their behalf in connection with the solicitation of participants. It computer media, internet sites available to the general public, listing on public event calendars, printed brochures, newspapers, leaflets, flyers, circulars, billboards, banners, or signs.

**Public lands and Related Waters** means any lands or interests in land owned by the United States and administered by the Secretary through the Bureau of Land Management, without regard to how the United States acquired ownership, except: (1) lands located on the Outer Continental Shelf; and (2) lands held for the benefit of Indians, Aleuts, or Eskimos.

## **R**

**Recreation Opportunity Spectrum (ROS)** is a continuum used to characterize recreation opportunities in terms of setting, activity and experience opportunities. Refer to BLM Manual Handbook 8320.

**Recreation Use Permit (RUP)** means a permit issued to individuals or groups for the short term recreational use of specialized sites, facilities, equipment, or services furnished at Federal expense. Recreation Use Permits are commonly used at campgrounds and other “fee areas” and are often self-issued onsite by the visitor, e.g., as campground envelopes.

**Related Waters** are waters which lie directly over or adjacent to public lands and require some management control to protect Federally administered resources or to provide for enhanced visitor safety.

**Renewal** is a reauthorization of an expired permit with no significant changes.

## **S**

**Secretary** means the Secretary of the Interior.

**Special Area** means:

- (1) An area officially designated by statute, or by Presidential or Secretarial order;
- (2) An area for which BLM determines that the resources require special management and control measures for their protection; or
- (3) An area covered by joint agreement between BLM and a State under Title II of the Sikes Act (16 U.S.C. 670a et seq.)

**Special Recreation Permit** means an authorization that allows specified recreational uses of the public lands and related waters. Special Recreation Permits are issued as a means to manage visitor use, protect natural and cultural resources, and as a mechanism to authorize commercial, competitive, and vending use; organized group activities and events; and individual or group use of special areas.

**Sponsor** means a person or entity who assumes or shares responsibility for a permitted recreation activity or event.

**Surety** means one who agrees to pay money or to do any other required action in the event that the permittee fails to do so.

**Sublease** means a transaction whereby the holder allows another party to exercise the rights authorized under a lease.

**Surety Bond** is a promissory note of a financial institution that guarantees payment of an amount of money to be used to defray the costs of restoration of the lands affected by the permitted use.

**Suspension** means to withdraw authority to operate a permitted activity for a specified period of time.

## **T**

**Termination** means to revoke the authorization of use.

**Transfer** is when permit privileges are transferred to a new owner or entity.

**Trespass** means any use, occupancy, or development of the public lands or their resources without authorization from the United States if authorization is required, or exceeding such authorization, non-compliance, or causing unnecessary or undue degradation of the land or resources.

## U

**Unacceptable Performance** means that the permittee has not operated in accordance with the terms and conditions of the permit and cannot be allowed to continue. The level of performance is a threat to the safety of guests or others or involves a serious violation of law, significant resource damage, or major violation of administrative or financial obligations. Unacceptable performance may be grounds for permit termination and permits with unacceptable performance are not subject to transfer.

**Unnecessary or undue degradation** means disturbance of land or interest in land greater than that which would normally result when the same or a similar activity is conducted in a prudent and proficient manner.

## V

**Vending** means the sale of goods or services, not from a permanent structure, associated with recreation on the public lands or related waters, such as food, beverages, clothing, firewood, souvenirs, photographs or film (video or still), or equipment repairs.

**Violation Notice:** (violation notice BLM form 9260-9) is a process permitted by law and serves to bring the violator before the court without the necessity of an office immediately taking the arrested person before a magistrate. This method will be utilized only when sufficient probable cause exists that the violation occurred and that the subject apprehended is the violator. Authorization to issue violation notices is granted only to commissioned law enforcement officers.