United States Department of the Interior
Bureau of Land Management
Las Cruces District Office
1800 Marquess Street
Las Cruces, NM 88005

Programmatic Environmental Assessment for

Outfitter and Guide Operations on Public Land in the Las Cruces District

Legal Location: Las Cruces District Office
NEPA NUMBER

DOI-BLM-NM-L000-2012-0094-EA

Signature and Title of Project Lead	Date
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1 INTRODUCTION

This EA is being prepared to analyze the opportunity for properly permitted commercial outfitters and guides to access all public land under BLM administrative jurisdiction within the Las Cruces District.

The BLM manages public land and regulates certain activities that take place thereon. The New Mexico Department of Game and Fish manages hunting on public land and establishes appropriate seasons for various types of game hunts (muzzleloader, bow, etc.). Hunters may conduct licensed and/or recreational hunts on public land without specific permit or authorization from the BLM. However, when a hunt is guided and/or outfitted by a commercial enterprise, the BLM requires that the activity be authorized through a Special Recreation Permit (BLM Handbook H-2920-1).

Permit Availability

Issuing a Special Recreation Permit (SRP) is a discretionary action for the BLM. Applications for a SRP may be denied based upon factors such as: non-compliance with land use plans, the results of an environmental analysis (EA), an allocation system, public health and safety concerns, the conservation and protection of natural resources, and the inability of the managing office to issue, manage, and monitor the proposed use. Other factors that the BLM may consider when deciding whether or not to accept an SRP application include: the public interest served (e.g. economic or the need to provide recreation opportunities), the demand for the activity, the number and diversity of similar services already provided, the availability of public land and access sufficient to accommodate the proposed use, and anticipated recreation use conflicts (BLM Manual, H-2930-1).

When videos or filming of individual activities on public land are made for personal use, no permit is required. However, a permit is required for all commercial video or filming activities on public lands. Commercial filming is defined as the use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasts for news programs.

The time and effort required for film processing applications and permits will vary depending on such things as location, time, type of production, and the level of activity associated with the production. BLM may impose additional requirements, such as bonding or reimbursement for BLM monitoring.

For minimal impact filming, the applicant may complete the following and submit by mail or by fax:

1. Land Use Application Form 2920 (from Forms Central). Complete only the application section and sign the form. BLM will complete the "permit" portion.
2. Detailed description of filming activity (pdf file 54KB). Use this form and submit with application.
3. Provide a map showing the specific location(s) requested (consult BLM contact for map of area if needed).
4. Cost recovery and rental fees (as discussed with the local BLM film permit coordinator).
5. Certificate of Insurance naming Department of the Interior - BLM as additional insured.

Specific areas of public land, including Wilderness Study Areas, may be selectively excluded from any SRP based upon recommendations from appropriate BLM specialists. Such exclusions may be necessary for protection of wilderness values, BLM Special Status Species, seasonal fire conditions, range treatments, etc.

Special Recreation Permits (SRP) for outfitter and guide business operations on public land outside of Special Management Areas (SMA) may be analyzed as Categorical Exclusions (CX) for purposes of National Environmental Policy Act (NEPA) compliance (BLM NEPA Handbook 1790-1, Appendix 4 (H)(1).

H. Recreation Management

(1) Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. ***This CX cannot be used for the establishment or issuance of Special Recreation Permits for ``Special Area'' management*** *(43 CFR 2932.5).*

The exclusion cited above specifically prohibits use of a CX for management of "Special Areas" i.e. Wilderness Study Areas. Moreover, for activities proposed within a Wilderness Study Area (WSA), BLM requires the preparation of an Environmental Assessment (EA) to analyze the impacts of the proposed action.

Within the Las Cruces District Office, there are approximately 5.4 million surface acres of public land under the administrative jurisdiction of the BLM. While some public lands are inappropriate for hunting, the vast majority of the District is available for dispersed recreational activities that include hunting.

According to BLM Manual 8550, *Interim Management Policy and Guidelines for Lands Under Wilderness Review:* "Uses and/or facilities found to be nonimpairing may be permitted on lands under wilderness review. To be nonimparing, "the use, facility, or activity must be temporary. This means a temporary use that does not create surface disturbance or involve permanent placement of facilities may be allowed if such use can easily and immediately be terminated upon wilderness designation." Furthermore, "when the use, activity, or facility is terminated, the wilderness values must not have been degraded so far as to significantly constrain the Congress's prerogative regarding the area's suitability for preservation as wilderness."

The current process for issuing a SRP in a WSA is to analyze the impacts of the SRP in an Environmental Assessment. The EA is then provided to Wilderness stakeholders (the IMP mailing list) for a 30 day comment period before a decision is issued.

1.1 Purpose and Need

The purpose of the proposed action is to authorize new and existing SRPs for commercial hunting related activities on public lands within the LCDO. SRPs provide a means to manage visitor use, protect natural and cultural resources, and achieve the goals and objectives outlined in the Land Use Plan. Commercial outfitters and guides have an ongoing interest in outfitting and guiding hunting activities on public lands. The BLM recognizes the public value of providing opportunities for professional guided hunting services - services and activities that promote safe and responsible outdoor activity, and are in the best interest of sportsmen and the future management of game species on public lands. Currently the LCDO administers approximately 20 Special Recreation Permit (SRP) covering hunting related activities.

1.2 Decision to be Made

Based on this analysis and its incorporated Stipulations as Condition of Approval, the BLM LCDO will decide whether or not to issue commercial SRPs, and under what conditions, for outfitter/guide operations on all public within the LCDO. All activities described in BLM Handbook H- 8550-1 as acceptable and /or to be encouraged will be considered.

This analysis does incorporate BLM NEPA Handbook 1790-1, Appendix 4 (H)(1) as a related component of NEPA analysis.

H. Recreation Management

(1) Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for ``Special Area" management (43 CFR 2932.5).

Proposed actions that combine activity areas both within a WSA and on public land outside a special management area may be considered as a single action, with a properly documented Categorical Exclusion authorization incorporated into the DNA. A wider range of activities (overnight camping outside of special management areas, for instance) may be authorized through reference to the (H)(1) CX.

1.3 Plan Conformance

This proposed action conforms to the ***Mimbres Resource Management Plan*** (RMP) approved April 1993 because it is clearly consistent with the following decisions, objectives, and conditions of the RMP: Page 2-49 – DISPERSED RECREATION – "Current management direction for dispersed recreation opportunities is provided for in the regulations and subsequent BLM manuals. The major form of dispersed recreation in the Resource Area is hunting."

The proposed action conforms to the ***White Sands Resource Area Resource Management Plan*** (RMP) approved October 1986 because it is clearly consistent with the following decisions, objectives, and conditions of the RMP: Page 2-47 – RECREATION – General Management Guidance – "A wide range of recreation opportunities will be provided for all segments of the public. Impacts to recreation opportunities will continue to be evaluated on a case-by-case basis when EAs are written for specific projects or proposals….Stipulations will be attached as appropriate to ensure compatibility of projects with recreation management objectives. Recreation use is managed …..to promote public use and enjoyment of the public land."

The Federal Land Policy and Management Act (FLPMA) establishes outdoor recreation as one of the principle uses of public land and directs the Department of Interior to regulate commercial use of public land through the use of permits or other administrative instruments and authorizations.

1.4 Scoping and Issues

BLM Handbook H-8550-1, Interim Management Policy [IMP} and Guidelines for Lands Under Wilderness Review, requires notification of interested parties of proposed actions on and within WSAs.

A draft and final of this Programmatic Environmental Assessment will be posted on line at:

http://www.blm.gov/nm/st/en/fo/Las_Cruces_District_Office/LCDO_NEPA.html

and will be available for a 30 day comment period. Copies of this EA will be sent via Certified Mail – Return Receipt Requested, to each interested party on the IMP mailing list; a 30 day comment period will be in effect from the date of the post marked Return Receipt.

1.4.1 Internal Scoping

The Proposed Action was presented to the LCDO NEPA Interdisciplinary team on April 2, 2012. Issues identified include:

- Number of participants
- Vehicle use (both OHV and ATV)
- Surface disturbance
- Introduction of invasive and/or noxious weed species
- Collateral wildlife disturbance
- Capability of the BLM to adequately monitor the proposed actions.
- It seems plausible to reason that escorted (guided) pedestrian activities (such as hunting) may, individually, be considered nonimpairing. However, will the cumulative effect of multiple such activities over a relatively short time period (such as a hunting season) impart a cumulative effect that is not compliant with the "nonimpairment" mandate?

1.4.2 External Scoping

Comments received from the IMP mailing list will be considered.

2 PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

Outfitter/Guide businesses that are licensed with the New Mexico Department of Game and Fish may apply for a Special Recreation Permit to conduct commercial activities on public land within the Las Cruces District Office (see attached map). Currently, applications for commercial activities on public land outside special management areas may be reviewed as Categorical Exclusions for purposes of NEPA compliance.

Proposed actions within special management areas, including Wilderness Study areas, must be reviewed as Environmental Assessments for NEPA compliance. This latter category of activities may also be subject to Interim Management Policy (IMP) regulations for certain areas.

The proposed action would authorize up to 50 SRPs to guide hunting activities on public lands within New Mexico Game and Fish big game hunting units within the Las Cruces District (Figure 1).

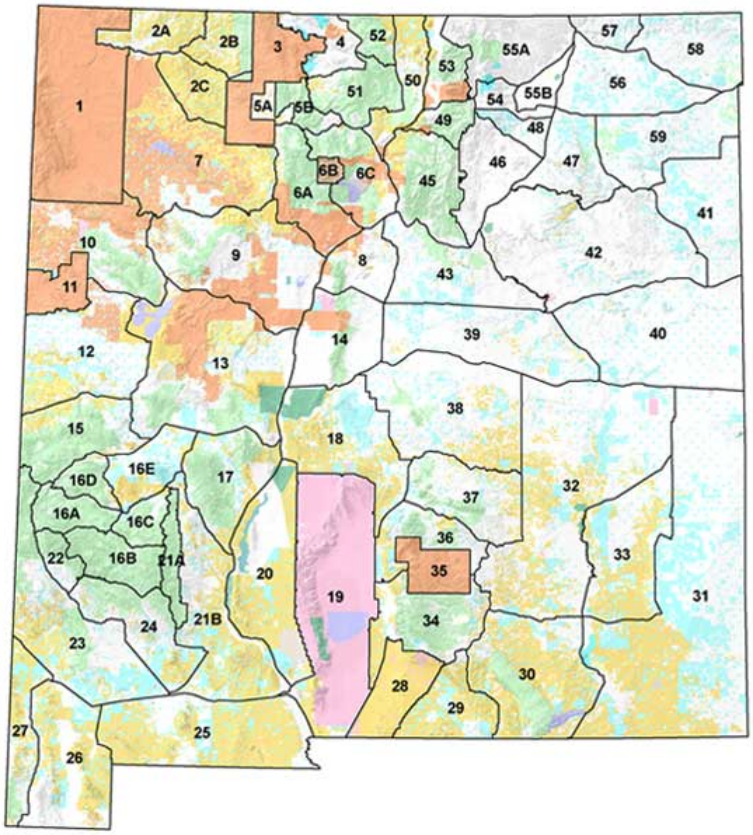

Figure 1 New Mexico Game and Fish Hunting Units.

According to LCDO post-use reports, a typical hunting party consists of 1-4 hunters, 2-6 guides, 1-3 support vehicles, and, occasionally, 1-2 pack animals to retrieve game. Hunting activity and locations are widely dispersed across public and non-public lands and vary in any given year depending on location of game, game populations, and the availability of access through public and non-public lands. Permits may be issued or renewed annually, and would be valid though the licensed hunting season which occurs between September and February for most species, but under certain circumstances, is open year around. Clients may be pursuing elk, mule deer, ibex, Oryx, bighorn sheep, antelope and/or javelina.

Should circumstances warrant, a permit may be modified by the BLM at any time - including modification of the amount of use or activity. The authorized officer may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or because of non-compliance with permit stipulations. Actions by the BLM to suspend or terminate an SRP are appealable.

Under all SRPs, the permittee shall comply with all Federal, State, and local laws; ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP or permit). The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee would be required to make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients and participants.

Stipulations are found in the Appendix.

Rather than preparing an individual EA for each new SRP application or renewal, this programmatic EA would consolidate an authorization process for all hunting related commercial outfitter and guide operations in the LCDO. This would serve to expedite the SRP process and reduce the amount of time, burden, and expense required for applicants, existing permittees, and BLM staff.

Camping associated with a commercial activity within any special management area would not be allowed under this authority, except as provided in 4.1. Camping on public land outside special management areas may require site specific analysis, but may be authorized under provisions of BLM NEPA Handbook 1790-1, Appendix 4 (H)(1).

2.2 No Action Alternative

In the No Action Alternative, SRPs for commercial activities would continue to be analyzed on a case by case basis. A Categorical Exclusion level of NEPA analysis would normally apply to public lands outside WSA's, while an Environmental Assessment would be prepared for each separate proposal within a WSA or other special management area.

3 AFFECTED ENVIRONMENT

Based on the LCDO GIS data, there are 45 Special Management Areas (SMA) in the LCDO, encompassing more than 714,000 acres of the BLM administered public land in SW New Mexico (Table 1 and 2). With the exception of Aden Lava Flow, Blue Creek, Gila Lower Box and Jornada del Muerto, the WSAs encompass upper elevations of the sky islands of the LCDO. They are typically characterized by higher elevation Chihuahuan Desert vegetation such as pinion, juniper, succulents and oaks. Aden Lava Flow and Jornada del Muerto are notable for their basaltic lava flows; Blue Creek and Gila Lower Box are characterized by riparian and aquatic habitats. More information is available on line at:

http://www.blm.gov/nm/st/en/prog/wilderness/wilderness_study_areas.html

Each WSA possesses combinations of both common and unique characteristics that qualify the area for special management consideration (***New Mexico Statewide Wilderness Study, Volume 4*** (1988) and the ***Mimbres Resource Management Plan*** (1993). The unifying management principle throughout all the WSAs is that these individual characteristics must be maintained so as not to impair the original sum of defining elements that merit consideration as a special management area. For the purposes of this assessment, this means that not only "actions' (otherwise known as Federal undertakings), but also "casual" activities must be taken into consideration when assessing cumulative impacts on the Area.

Commercial activities in WSAs must be analyzed in an EA to assure there is no impairment of wilderness characteristics. Section 603(c) of FLPMA tells the BLM how to manage lands under wilderness review, in these words: - "*During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness*." This language is referred to as the "nonimpairment" mandate.

Table 1 Wilderness Study Areas of the Las Cruces District Office

Wilderness Study Area	Total Size	Other SMA	Size of SMA	County
Aden Lava Flow	25, 287 acres			Dona Ana County
Alamo Hueco Mountains	16, 264 acres	ACEC	13,094 acres	Hidalgo County
Apache Box	7, 161 acres			Grant County
Big Hatchet Mountains	65, 872 acres	ACEC	27,404 acres	Hidalgo County
Blue Creek	14, 896 acres			Grant County
Brokeoff Mountains	31, 606 acres			Otero County
Cedar Mountains	14, 957 acres			Luna County
Cookes Range	20114 acres	ACEC	17,561 acres	Luna County
Cowboy Spring	6, 699 acres	ACEC	6,705 acres	Hidalgo County
Culp Canyon	10, 937 acres			Otero County
Florida Mountains	22, 447 acres	ACEC	15,601 acres	Luna County
Gila Lower Box	8, 555 acres	ACEC/SRMA	16,147 acres	Hidalgo County
Gray Peak	14, 678 acres			Hidalgo County
Guadalupe Canyon	4, 146 acres	ACEC	4,165 acres	Hidalgo County
Hoverrocker	22 acres			Grant County
Las Uvas Mountains	11, 067 acres			Dona Ana County
Mount Riley	8, 488 acres			Dona Ana County
Organ Mountains	7, 307 acres			Dona Ana County
Organ Needles	5,891 acres			Dona Ana County
Peloncillo Mountains	4, 061 acres	ACEC	783 acres	Hidalgo County
Pena Blanca	4, 780 acres			Dona Ana County
Robledo Mountains	12, 946 acres			Dona Ana County
West Potrillo Mountains	141,683 acres			Dona Ana / Luna County
Jornada del Muerto	31,147 acres (total)		8,401 (in LCDO)	Sierra County

A comprehensive summary of the affected environment for each WSA was addressed during the analysis phase of ***New Mexico Statewide Wilderness Study, Volume 4*** (1988) and the ***Mimbres Resource Management Plan*** (1993). Each WSA possesses combinations of unique characteristics that qualify the area for special management consideration. The unifying management principle throughout all the WSAs is that these individual and congregate characteristics must be maintained so as not to impair the original sum of defining elements that merit consideration as a special management area. For the purposes of this analysis, this means that both "actions' (otherwise known as Federal undertakings), as well as casual "activities" must be evaluated for both singular and cumulative impacts on the Area. These documents are incorporated by reference to provide details of specific aspects of the Affected Environment, including:

- Wilderness Characteristics – Each WSA has been evaluated for such mandatory values as Naturalness, Solitude, and suitability for Primitive and Unconfined Recreation.
- Topography / Geology - Each WSA was assessed for unique and/or desirable physiography.

- Water – Both ground water resources (where present) and drainage characteristics were analyzed.
- Soils – Major soil types were described and assessed.
- Vegetation – Characteristics of native plants associations, including the presence of and/or suitable habitat for special status plants.
- Visual Resource Management – Scenic quality ratings were assigned for each WSA.
- Cultural Resources – Cultural and paleontological resources are present, but incompletely inventoried in each WSA. Cultural Resources can be a supplemental value to the wilderness values in a WSA. Cultural resources values in each of the WSAs are identified in the Wilderness Analysis Reports for the WSAs in the Las Cruces District [*Volume 4: Appendices - Wilderness Analysis Reports* of *New Mexico Statewide Wilderness Study* (1986)]. Cultural resources on public lands managed by the Bureau of Land Management are protected under various federal statutes. No one may disturb, remove, or otherwise alter cultural resources on public lands without a permit.
- Livestock/Grazing – Existing valid grazing rights are associated with most WSAs.
- Minerals – Mineral potential has been analyzed for some WSAs and existing valid rights are recognized.

Prior to their designation as WSAs, many of these areas were managed as Areas of Critical Environmental Concern (ACEC). These older management protocols remain valid and are concurrent with the WSA management, with the most restrictive management prescription ruling.

The remaining Special Management Areas (SMA) were defined and described in the Mimbres RMP and/or the White Sands RMP. These areas exhibit distinctive characteristics or resources that qualify them for special management. These areas are open to the general public and are frequent destinations for tourists and local visitors alike. While hunting may not be appropriate in any area that is host to casual recreational activities, it is only prohibited in National Monuments: (http://www.wildlife.state.nm.us/publications/documents/rib/2012/sections/lands.pdf). Therefore, although the Prehistoric Trackways National Monument is included in the list of Special Management Areas, no Special Recreation Permit for commercial outfitter/guide operations associated with hunting will be considered for this area.

Use restrictions apply to some SMAs. Those restrictions, found in the Mimbres RMP, the White Sands RMP and associated RMP amendments, are hereby incorporated by reference into any permit based on this analysis

Table 2 Other Special Management Areas of the Las Cruces District Office. ACEC=Area of Critical Environmental Concern. NNL=National Natural Landmark. RNA=Research Natural Area

Special Management	Size	County
Central Peloncillo Mountains ACEC	12, 335 acres	Hidalgo County
Antelope Pass RNA	8,652 acres	Hidalgo County
Granite Gap ACEC	1,731 acres	Hidalgo County
Lordsburg Playa RNA	4,516 acres	Hidalgo County
Gila Middle Box ACEC	841 acres	Grant County
Bear Creek ACEC	2,635 acres	Grant County
Uvas Valley ACEC	1,598 acres	Luna County
Old Town ACEC	322 acres	Luna County
Fort Cummings SRMA	243 acres	Luna County
Kilbourne Hole NNL	5,460 acres	Dona Ana County
San Diego Mountain ACEC	621 acres	Dona Ana County
Rincon ACEC	855 acres	Dona Ana County
Prehistoric Trackways National Monument	5,254 acres	Dona Ana County
Dona Ana Mountains ACEC	12,925 acres	Dona Ana County
Organ/Franklin Mountains ACEC	62,808 acres	Dona Ana County
Three Rivers Petroglyph ACEC	1,043 acres	Otero County
Sacramento Escarpment ACEC	5,424 acres	Otero County
Black Grama ACEC	3,558 acres	Otero County
Cornudas Mountain ACEC	852 acres	Otero County
Alamo Mountain ACEC	2,530 acres	Otero County
Wind Mountain ACEC	2,309 acres	Otero County
Alkali Lakes ACEC	6,353 acres	Otero County
Aden Lava Flow RNA	3,745 acres	Dona Ana County

4 ENVIRONMENTAL EFFECTS

The analysis of impacts of commercial outfitter and guide activities is specific to the issues identified by the LCDO Interdisciplinary NEPA Team:

- Will off-road vehicle use cause surface disturbance?
- What is the likelihood of invasive and/or noxious weed species introduction?
- What will be the types of disturbance to non-target wildlife species?
- Will individual actions that are non-impairing to WSAs cause impacts on a cumulative basis that is not compliant with the “nonimpairment” mandate?

4.1 Impacts of Proposed Action

Impacts of Hunting
Based on Plan of Operations submitted by previous outfitter/guide applicants to this Office, a typical hunting party may consist of 1-3 hunters supported by 2-6 guides with 1-3 vehicles and perhaps 1-2 pack animals. A typical scenario using these elements might be that an outfitter contracts with 2 clients to provide guide services. To accomplish this, the outfitter dispatches two 4WD SUVs and a 4WD truck with a horse trailer. The SUVs each require a driver, as does the truck. Those three support personnel will accompany the 2 clients to the end of a cherrystem road into a wilderness. OHV use on roads would not impact surface disturbance. Outside of SMAs, in Sierra and Otero Counties, most public lands are open to OHV use at this time and therefore off-road activities in support of hunting would degrade soil and vegetation conditions. A base camp will be established on public land outside the SMA.

During the actual hunt, one guide typically remains at the base camp, one guide serves to scout ahead of the party and the third guide assists the clients along the route following the scout. When a good shooting location is identified by the scout, the clients are typically brought into position. If the hunt is successful, the game will be recovered by one or both of the guides, and processed for the return to base camp.

If conditions and/or circumstance dictate, a smaller "spike" camp may be established to overnight near the game. The purpose of such a "spike" camp is to provide a rapid response to area game as early as possible the following day. By their very nature, these camps leave little discernible evidence of their presence. Use of such expedient camps may actually lessen overall surface impacts if the hunting party hiked out in the evening, only to have to re-group and muster another attempt the following day, it could easily result in divergent foot trails from the previous day, and could necessitate pursuing the game a greater distance into the SMA than would have been the case if the party had camped discreetly and allowed the target animals to remain close to their original positions.

In total, temporary foot trails will be identifiable in some contexts. In most situations these foot trails will rapidly fade, leaving the surfaces indistinguishable from their former condition. Expedient "spike" camps can be positioned to avoid crushing vegetation and thus lessen even further the temporary impacts on exposed surfaces. Pack animals, although rarely used may be appropriate in some circumstances. Inasmuch as most SMAs retain grazing allotments, and since most game animals are also hoofed, the temporary added impact from horse/mule hooves does not challenge the "nonimpairment" criteria for the most restrictive management proscriptions.

The anticipated impacts from 3-7 individuals hiking into the SMA for commercial hunting purposes do not differ in scope from the same number of hunters hiking into same area for the same activity without commercial guidance. The distinguishing feature of this analysis is the commercial nature of the activity and its attendant requirement for a Special Recreation Permit.

Outfitter/guide (O/G) operations are results oriented. The objective is to minimize the time spent maximizing the client's experience. Based on plans of operation submitted to this District Office over the past 3 years, a typical outfitter/guide operation may consist of 1-3 support staff accompanying 1-4 hunters. It is not uncommon for the client hunters to be visitors to the region, and unfamiliar with both the terrain and the resource protection protocols associated with special management areas. The O/G, on the other hand, are highly motivated by economic vestment in being proficient both in their wilderness skills and knowledge and their efficiency in providing services with minimal expenditure of time coupled with maximum customer service in terms of harvesting a trophy specimen.

In order to secure and maintain a competitive edge in reputation and service, the O/G may hike and camp the ranges during the off seasons to familiarize themselves with specific population behaviors and movements. These scouting or "glassing" activities prepare the O/G for the next hunt by identifying the most accessible routes that are compatible with his anticipated client's level of skill and ability. In some areas it is possible that entry trails to special management areas may be used year around by recreational hikers, but the majority of commercial hunts must venture deeper into rugged mountainous areas in order to track big game species. Even if the same routes are used during consecutive hunting seasons, it is likely that natural erosional processes will erase any sign of human foot traffic during intervening months.

Game populations naturally move about within a home range or territory, experienced O/G observe these patterns and plan hunts that are simple and efficient in their objective. Most often, that objective is an opportunity to harvest a trophy class game species. On occasion, a pack animal may be employed if recovery of the entire game animal is planned, or if the party intends to set up an overnight camp near, but outside, the special management area. With proper permissions from the respective owners/managers, adjacent private or NM State Land Office parcels may be used for such temporary camps. Where the O/G proposes to use pack animals, that request must be clearly identified in the Plan of Operation, and the decision to allow such use will be made during the course of NEPA analysis.

On the typical day hunt, the O/G will escort his client(s) on a single-file hike into a perspective area. Supplies such as packaged energy bars, fruit, and water are carried along for the trip. Formal campsites are avoided in favor of concealed cover. Even small campfires serve to alert wild game, and are likewise shunned by the more experienced and successful O/G.

Mitigations for the Impacts of Surface Disturbance and Weed Invasion

Ground disturbing activities are not permitted within a WSA. "Spike" campsites, when necessary within a WSA, will be positioned to avoid vegetation and soil impacts. Vehicle traffic is limited to designated routes and ways, and vehicles that have been driven in areas of known noxious and/or invasive weed infestations will have their undercarriage and tires power-washing prior to entering any SMA. Only pelletized feed for pack animals will be permitted in a WSA. Certified weed free hay may be used in other SMAs and on public land outside SMAs.

Mitigation for Impacts to non-Game Wildlife

As described in the *Mimbres RMP* (pages 2-39 through 2-42) the BLM acknowledges a responsibility for wildlife habitat management. Habitat management plans (HMP) address specific programs and actions designed to enhance such critical aspects of wildlife sustainability as water, forage, and introduction of domestic and/or non-native species.

No motorized vehicles are permitted to operate off designated ways and routes, thus reducing the possibility of collateral mortality to non-game vertebrates such as lizards and snakes as well as minimizing disturbance of larger mammal and bird species. Although the BLM does regulate the hunting of any species (this is a function of the individual State game and fish/wildlife departments) the BLM does encourage responsible stewardship of all natural resources.

Impacts of Photography
Still photography and videography equipment and techniques have evolved substantially over the past decade. It is no longer necessary to carry cumbersome tripods and multiple lenses to achieve professional quality results. Pocket size digital cameras and compact digital video recorders, which may be mounted on the bow or rifle, eliminate the need for complicated "staging" effects and enable the hunter and/or guide to document the hunt in real time without creating any additional disturbance to the environment.

It is not expected that the use of video photography in conjunction with a guided hunt will have an adverse effect on any public resource.

4.1.1 Cumulative Impacts of the Proposed Action

With stipulations protecting vegetation, soils, water and other resources in place, negative cumulative impacts are unlikely. It is possible that the process of permitting guides and outfitters may result in a more conscientious activity. While a hunter unfamiliar with the resource protection protocols for public land in general and SMA land in particular might create unacceptable levels of disturbance and impacts, a professional guide/outfitter is more likely to be sensitive to those resource values (through the familiarization provided by the SRP application process) and thus encourage a more responsible approach to the activity.

Cumulative impacts from any sort of repetitious activity can be difficult to assess. A legitimate question may always be framed in the context, of "What were the original conditions and how does the specific activity in question exceed the threshold of acceptable change from those conditions?" In order to establish a baseline for comparison, some type of sequential monitoring data should be available for initial reference. For permitted actions within SMAs, the requirement for GPS data related to activity areas will help focus subsequent resource inspections and thus contribute to the formation of a database that may inform on environmental changes directly attributable to a specific action.

Where cumulative impacts from casual levels of recreational activity have been demonstrated to impair the pertinent characteristics common and unique to each SMA, these impacts will be considered in the decision to issue or deny a SRP.

There has been a single reported incident of campsite abandonment within a WSA (personal communication – E. Ernst). It was ultimately removed (presumably by its owner) and it cannot be confirmed that the camp was associated with a permitted activity.

It is possible that the addition of a licensed guide/outfitter may result in a more conscientious activity. While a hunter unfamiliar with the resource protection protocols for public land in general and SMA land in particular might create unacceptable levels of disturbance and impacts, a professional guide/outfitter is more likely to be sensitive to those resource values (through the familiarization provided by the SRP application process) and thus encourage a more responsible approach to the activity.

It is not expected that the simple, singular presence of a commercial guide/outfitter will have a significant adverse effect on any public resource.

4.2 Impacts of No Action

If the Proposed Action is denied, applications for outfitter/guide SRPs will continue to be processed on a case-by-case basis. This will entail at least an EA level of NEPA analysis for each application requesting access to a Special Management Area.

The absence of a professional guide may result in inconvenience to or endangerment of the hunt participants. In addition to permit stipulations that require safety and first aid training for the outfitter in the field, an experienced, professional guide may be better equipped to minimize the time necessary to harvest the game and may be able to provide safety and logistical planning skills that would contribute to the wilderness experience of the hunter.

Given the array of affordable digital photographic equipment that can yield professional grade results, even when in the hands of an amateur photographer, it is likely that every hunt, whether guided or not, will be equipped with one or more cameras/video recorders to capture the singular opportunity presented by a big game hunting experience. The No Action alternative would not affect the ability of a hunter to document his/her experience, but could limit that hunter's ability to share images of the hunt in a commercial context.

5 TRIBES, INDIVIDUALS, ORGANIZATIONS OR AGENCIES CONSULTED

The public had the opportunity to contact the LCDO and provide input on this project. The project was listed on the New Mexico BLM Website NEPA Log:
http://www.blm.gov/nm/st/en/prog/planning/nepa_logs.html

Those parties (the IMP Mailing List) requesting individual notification of proposed actions within WSAs have been sent hard copies of this Environmental Assessment.

6 LIST OF PREPARERS

John V. Thacker

7 REFERENCES

1. *Mimbres Resource Management Plan* – Las Cruces District Office, Bureau of Land Management (1993).
2. *White Sands Resource Area Resource Management Plan* – Las Cruces District Office, Bureau of Land Management (1986).
3. *New Mexico Statewide Wilderness Study, Volume 4: Appendices – Wilderness Analysis Reports* – New Mexico State Office, Bureau of Land Management (1988.)
4. http://www.blm.gov/nm/st/en/prog/wilderness/wilderness_study_areas.html

APPENDIX

SPECIAL RECREATION PERMIT TERMS, CONDITIONS AND STIPULATIONS FOR ALL PERMITTED OUTFITTER ACTIVITIES

Stipulations: The following set of standard stipulations is automatically included and applies to all permits (some additional stipulations are specific to only certain activities). Failure to comply with these stipulations may result in remedial actions listed on page 9. Per 2932.40, violations of permit terms or stipulations may be subject to fines and imprisonment, in addition to administrative penalties.

APPLICANT NAME:_____

I. RISKS, HAZARDS AND SAFETY

A. Hazards related to climate, topography and terrain, waters, vegetation and wildlife, and manmade features are found on public lands and present risks which the permittee assumes. The permittee shall be responsible for inspecting sites, trails, roads, rivers and other authorized use areas for dangers and hazardous conditions, ensuring awareness by employees and clients of such risks and hazards, and promoting safe practices at all times.

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

C. All guides and employees responsible for clients in the field shall be trained in First Aid and CPR, and hold a valid certification of training from the American Red Cross or its equivalent.

D. In case of human death, or wildfire, involving the permitted operation, the County Sheriff shall be notified immediately, and the BLM shall be notified immediately after the Sheriff is notified.

E. The permittee shall notify the BLM of any accidents involving the permitted operation which result in loss of consciousness, injury disabling individuals in excess of 24 hours, requiring medical treatment or search and rescue, and/or property damage in excess of $100, and shall submit a detailed written report to the BLM within 10 days from the date of the accident. Other accidents shall be reported in the Post Use Report.

II. INDEMNIFICATION

A. The permittee shall indemnify, defend, and hold harmless the United States and/or its agencies and representatives from any and all demands, claims, or liabilities of every nature whatsoever, including, but not limited to damages to property, injuries to or death of persons, arising directly or indirectly from, or in any way connected with the authorized use and occupancy of the lands authorized for use under this permit.

B. Insurance: Coverage shall be obtained for the permitted operations in the minimum liability coverage amounts of:
(1) $ 300,000 for persons, bodily injury or death for any one occurrence;
(2) $ 600,000 annual aggregate and;
(3) $ 30,000 property damage for any one occurrence.

C. An insurance certificate shall be submitted, stating the limits of coverage, identifying the “United States Government” as additional insured, and that the insurer will give BLM thirty (30) days’ notice prior to cancellation or modification of such insurance. The certificate will also list the permitted activities that the policy covers.

III. APPLICABLE LAWS AND REGULATIONS

A. This Permit is subject to all applicable provisions of the regulations (43 CFR Group 2930 and 8300) which are made a part hereof. All restrictions, guidelines, and regulations contained in: *New Mexico Statewide Wilderness Study, Volume 4: Appendices – Wilderness Analysis Reports – New Mexico State Office, Bureau of Land Management* (1988), *White Sands Resource Area Resource Management Plan –* Las Cruces District Office, Bureau of Land Management (1986), and the *Mimbres Resource Management Plan –* Las Cruces District Office, Bureau of Land Management (1993), shall apply to all permits.

B. The permittee shall observe all applicable Federal, State, and local laws and regulations while performing any authorized activity, including but not limited to: (1) operation, use and registration of motor vehicles, OHVs, aircraft, and boats; (2) hunting and fishing; (3) use of firearms; (4) injury to persons or destruction of property; (5) noise, air and water pollution; (6) littering; (7) drinking water and sanitation; (8) food service; (9) use of fire; and (10) business practices.

C. Permits involving the taking of game, including fish, shall be valid only when accompanied by a valid State of New Mexico Guide/Outfitter Registration Card.

D. All hunters shall comply with the New Mexico Department of Game and Fish hunter safety requirements.

E. Permittee shall comply with restrictions while operating in a Wilderness or Wilderness Study Area (WSA) as prescribed in 43 CFR 8500. Maps and information on the Wilderness or WSA boundaries and restrictions are available at the LCDO.

F. Permittee shall comply with Off-Highway Vehicle (OHV) designations and restrictions in the area of operation as identified in the applicable Resource Management Plan and prescribed in 43 CFR 8340.

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 and any water developments that may exist on said land.

E. Access to Public Lands: The BLM does not guarantee legal access to public lands unless legal access for the general public is available. Where legal public access is not available, the permittee is responsible for obtaining permission from the landowner(s) to travel through or use private lands.

F. Multi-Year Permits: A multi-year permit is not valid unless accompanied by a current Annual Operating Authorization.

G. Joint Permit Requirement: This permit authorizes use of public lands in this Field Office; use of public lands in other Field Office or National Forest lands must be approved under a separate or joint permit. Code of Federal Regulation citations for both the BLM and Forest Service are valid and will be enforced for joint permits on associated public lands.

H. If a lion outfitter does not own their own dogs, they must furnish copies of all lease or rental arrangements for the dogs that they plan on using.

V. ASSIGNMENT AND SUBLETTING OF PERMIT PRIVELEGES

A. The permittee may not assign permit privileges to a third party. For purposes of this permit, an assignment of permit privileges is indicated if one or more of the following occur:

1. A third party advertisement used to book a trip does not clearly indicate that the trip will be operated by the company holding the permit;
2. A third party provides both passenger transportation to the trip departure point and equipment used on the trip;
3. More than two (2) representatives or employees of the third party act as guides/crew on the trip. Representatives' employees must constitute less than 50 percent of the guides/crew on trip;
4. A trip is represented to the participants as being conducted by other than the permittee.
5. Equipment or guide clothing carries a name, markings or logo of the third party involved with the trip (this does not apply to booking agents who are permitted outfitters in the permit area). See B. below for the use of equipment not marked with the permittee name or approved abbreviation;
6. The passengers or guides/crew are not covered by the insurance carried by the permittee.

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.

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.). If the markings are those of an outfitter not permitted to operate in that area, the markings of equipment used must not be visible while on the BLM-administered lands and waters.

VI. NON-EXCLUSIVE USE

A. The permittee, employees and clients shall not interfere with other valid uses of public land, including but not limited to grazing, mining, and other recreational uses by the general public or other permitted commercial operations.

B. Roads, trails and trailheads, or campsites commonly in public use shall not be blocked or enclosed by the permittee.

C. This SRP does not guarantee the permittee's sole use of public land areas, nor does it grant the exclusive use of any area.

D. Public lands will generally remain available on a first-come, first served basis to other commercial and private recreational users. Nothing herein implies that the first permittee in any area has been granted

exclusive use or priority use.

VII. CONDUCT AND MANNERS

A. The permittee is at all times responsible for the actions of himself, his employees, clients and guests in connection with the authorized operations, and shall not cause a public disturbance or engage in activities which create a hazard or nuisance.

B. The permittee should practice the TREAD LIGHTLY and LEAVE NO TRACE land ethics and inform their clients about these practices and ensure that they follow them.

VIII. MODIFICATION OR AMENDMENT

A. The BLM reserves the right to alter the terms, conditions, and stipulations of this permit at any time upon notice for reasons such as changes in law, policy or administrative procedure, to prevent use conflicts, to protect public safety, or to prevent resource damage.

B. The permittee shall request amendment or modification of the permit to provide for changes prior to issuance of annual operating authorization in: use areas or sites, season of use, services provided, fee structure, or any other changes in operations.

C. The BLM may restrict use or close sites or areas on public land, or require relocation of use sites or areas to prevent use conflicts, protect public safety, or prevent resource damage.

IX. PAYMENTS

A. Use Fee Payments: Permit fees are due and payable in advance based on estimated use gross receipts. Payments shall be sent to the Field Office by check, money order or cashier's check, made payable to the "Bureau of Land Management".

B. Basis for Fee: The annual permit fee shall be three percent (3 %) of total client charges or $100.00 annual minimum for commercial permits, or $5.00 per person per day for events whichever is greater. Gross receipts shall be the sum of all payments made by clients for services rendered in connection with the permitted operations, before disbursement to private landowner for use of private land, payment to employees, and any other disbursement.

C. Periodic Payments: At the Field Manager's discretion, when the estimated use fee is greater than one thousand dollars ($1,000), a schedule for periodic payments may be arranged.

D. End of Season Payment: The actual use fee shall be determined from the use reports. Payment should accompany the post-use reports and trip logs due 30 days after the last day of use or as specified on SRP.

E. Refunds:

1. No refunds of less than ten dollars ($10.00) will be made.
2. Unless requested in writing all overpayments will be credited for use for the following operating season.

F. Late Payments

Late payment of fees may result in additional fee penalties, permit probation, suspension, and/or revocation, and interest and administrative handling charges.

G. Deductions
Allowable deductions in permit fees shall be agreed upon in advance, and may include costs related to the permitted operations incurred by the permittee for long distance offsite transportation, and off-site lodging, per Handbook H-2930-1.

H. Discounts for Non-Public Lands use (For Upland Use Only) must be requested and approved prior to use. No discounts are allowed for river related permits.

X. USE REPORTS
A. Trip Logs
Trip Logs shall be submitted within 30 days of the authorized use season or as specified on the permit, on a form provided by the BLM, or an approved equivalent. Trip logs shall indicate accurately the dates of use, location, type of use, number of clients, number of staff, vehicles and livestock used, total receipts, and any deductions claimed. Penalty fees may be charged for late reports.

B. Post Use Report
The Post Use Report shall be submitted as specified or within 30 days of the last day of use authorized or as specified on permit, on a form provided by the BLM, or an approved equivalent. The post use report shall indicate accurately the total number of clients served during the term of the permit, total staff and total use, total receipts and total deductions claimed, discounts for time off public lands, and describe any accidents or injuries occurred, and management problems or concerns. Penalty fees will be charged for late reports.

C. Late Use Reports
Late submission of use reports may be cause for action against the permittee, including probation, suspension, and/or revocation, and criminal penalties.

D. Non-Use
Zero use must be requested in writing prior to the issuance of Annual Operating Authorization. Minimum payments still apply. The authorized officer may cancel a permit after two consecutive seasons of unapproved non-use. In certain areas covered by Special Recreation Management Plans, travel management plans, or other site-specific plans, special provisions regarding non-use of permits may apply.

XI. INSPECTION OF RECORDS AND PREMISES
A. The BLM, or duly authorized representative, may examine upon request any of the records, including but not limited to bookings, client registers, financial records, leases or contractual agreements, licenses, or other documents related to the permitted operations, as outlined in 43 CFR 2932.55.

B. The BLM and its cooperators, including the USDA Forest Service, New Mexico Department of Game and Fish, and the New Mexico State Parks Division shall at all times have the right to enter the premises located on public land on official business. The permittee shall allow reasonable access to private lands owned or utilized in the permitted operation for purposes related to administration of the permit.

C. The permittee and all employees shall post a copy of the Permit, Annual Operating Authorization in plain view at the base of operations and camps, where clients, BLM and Division of Wildlife officers have the opportunity to read it. All guides and employees must carry a copy of the Permit and Annual Operating Authorization while conducting operations on public lands, and they must be familiar with the

Permit terms, conditions and stipulations that pertain to this permit.

XII. SIGNING AND ADVERTISING

A. Signs or advertising devices on public land require advance approval on the location, design, size, shape or color, and message.

B. All advertising shall be accurate and not misrepresent in any way the services or accommodations provided, or the area authorized for use. Brochures and other advertising materials shall include the following disclosure: All or part of this operation is conducted on Public Lands under special permit from the U.S. Bureau of Land Management.

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. Only "spike" camps are permitted within a WSA. 'Spike" camps will be positioned to avoid compression of vegetation and compaction of soils. Location of a "spike" camp within a WSA will be GPS'd in UTM coordinates (NAD 1983) and will be reported to the BLM within 48 hours.

B. Camps shall be located to avoid conflict with public road and trail traffic, shall not be located within **300 yards** of a man-made water source (tank, trough guzzler, etc.), 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 **300 yards** from the nearest natural water source (spring, stream, lake, pond or reservoir) unless specifically authorized otherwise.

E. All campsites (except "spike" camps) must be approved prior to use. Clearances may be required, such as inventories for cultural resources and/or for threatened or endangered species.

XIV. CAMPFIRES

A. Unless permanent fire rings are designated, open campfires shall be built only in areas free of hazardous fuels. Fire rings or pits shall be set on bare mineral soil. After use, fire rings or pits shall be obliterated and the site rehabilitated. Open fires may be prohibited during periods of extremely high fire hazard by order of the BLM, the applicable county or the State of New Mexico.

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. ONLY pelletized feed will be permitted for use within a WSA.

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. Repeated use of the same encampment during one season will require an inspection by the BLM after the first use, and written permission by the BLM for repeated use.

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 (temporary corrals, hitching racks, pickets, high lines) must be at least **300 yards** from natural water sources, and at least **300 yards** from any man-made water source. Whatever method of livestock control is used, it will not result in removal or death of the under story vegetation.

F. Pack stock may be grazed if permitted by the SRP. If electric fences are used, they will be moved every 3 days to a new area. If picket ropes are used, they will be moved every other day to a new area. If high lines are used; their location must be approved in advance.

XVI. EQUIPMENT CACHES

Food and/or equipment caches require advance authorization. When authorized, caches shall be neatly stored out of sight of roads and trails. Food caches must be “wildlife proof.”

XVII. RESOURCE PROTECTION

A. Aesthetics: Permittee shall protect the scenic and aesthetic values of the public lands used in the operations, and maintain premises on permitted areas to acceptable standards of repair, orderliness, and cleanliness.

B. Rehabilitation: After camps and other temporary facilities are dismantled, insofar as practical, the area shall be left in a natural state. Reseeding with BLM approved seed mix may be required of any areas disturbed by campsites.

C. Sanitation: Self-contained or pit type toilets/privies, with or without tent coverings, shall be used at all campsites on public land. The permittee will be responsible for establishing a latrine for all permitted camps and for final rehab when the camp is removed. Waste from self-contained toilets must be disposed of at a State approved sewage disposal facility. When abandoned, toilet pits shall be covered with a minimum of 12 inches of topsoil and back filled to pre-existing grade. While in use, human waste in pits shall be covered with a layer of topsoil or lime after each individual use.

D. Trash Disposal: Camps and other permitted areas shall be regularly cleaned and no trash or litter shall be allowed to accumulate. Combustible trash may be burned when campfires are authorized. All noncombustible 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 **300 yards** 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 vehicles driven in areas of known noxious and/or invasive weed infestations will have their undercarriage and tires power washed prior to entering a WSA. **No damage to any vegetation will be authorized within a Wilderness Study Area (WSA).** 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 or WSA.

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 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.

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 revocation, 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 canceled or suspended, permit applications will not be approved for any person connected to or affiliated with the operation under a canceled or suspended permit.

> **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. Permittee will only quality for a 1 year permit. 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, termination, or revocation of permit privileges as appropriate to the circumstances.

C. Permit holders will be notified with a certified letter of any deficiencies in pre-season, permitted activities, or post-use requirements. If the requirement is not met within 15 days after receipt of certified letter, a penalty of $100 will be assessed. After 30 days of the receipt of the letter, the penalty is $200. If at the end of the 30 day period after receipt of certified letter, the deficiency is still not corrected and penalty fee not paid, the permit will be temporarily suspended, in whole or in part without compensation, for any failure to comply with the terms, conditions and stipulations. Operations on public land shall cease immediately upon suspension. After a permit is suspended, any commercial use of public lands shall be in violation of federal regulations. The BLM may reinstate the permit for use, after corrective action is taken by the permittee and the operation is in compliance with the terms, conditions and stipulations. Probationary status will follow for one year after the deficiency is corrected. Repeated permit violations may also result in suspension.

XVIII. CERTIFICATION

I have read these terms, conditions and stipulations and understand that I must abide by them while performing activities in connection with the permitted operations.

Date:_____

Signature:_____

Print Name:_____

Company Name:_____