

Appendix E: Special Recreation Permit Stipulations for Outfitters and Guides

These stipulations are in effect for all permitted commercial guide operations that occur on public lands administered by Bureau of Land Management (BLM) that are included in the permit authorization for Special Recreation Permit #NVW-03500-XXXX, unless terminated earlier by the Authorized Official. Conduct of activities authorized by this permit signifies knowledge of and constitutes an express and implied agreement by the permittee, subguides and other employees to fully comply with permit conditions marked on the reverse side of Form 2930-1 and all special stipulations.

Guides and Sub-guides must possess a copy of the special recreation permit, permit stipulations, and the Individual Trip Plan during use in permitted areas.

Privileges granted by this permit are subject to the following annual requirements:

- A copy of a **Master Guide license** issued by NDOW must be received by the issuing BLM office prior to your first guided hunt.
- The **Individual Trip Plan**, on the form provided by BLM, must be received by the issuing BLM office 10 days prior to the first intended use date.
- Submission of post use information on the **Post-Use Report** form provided by BLM for your use within 30 days after the completion your permit activity or by *12/31 annually. Claims for fee deductions and discounts will require submission of a more detailed post use form supported by receipts, trip itineraries and vehicle log books. **If you are conducting lion hunts during the winter season, your post-use reports must be received by 5/1 annually.*
- A legible copy of your **Nevada Division of Wildlife (NDOW) client record form(s)** must also be submitted with your Post-Use Report.
- Payment of final fees, which is 3% of gross receipts (or \$5 per/person per/day, whichever is greater), must be received within 30 days of submission of the Post-Use Report.. Fees must be made payable to “U. S. Department of the Interior – BLM.”
- A current insurance policy must be maintained that provides for the minimum levels of liability insurance (**\$500,000 bodily injury for any one person, \$1,000,000 annual aggregate, and \$30,000 property damage for any one occurrence**) are in effect. Your policy must name the *United States Government*, as **additionally insured** and stipulate that you or your insurer will notify BLM at least 30 calendar days in advance of termination or modification of such insurance. The policy for liability insurance must remain in effect during the entire time the master guide is licensed to guide.
- Multi-year permits will be placed in **probationary** status during the next annual operating

period if the permittee fails to comply with the requirements in the special stipulations. A **probationary** permit shall automatically terminate without the necessity of prior notice when (1) annual or minimum use fees are delinquent for more than 30 calendar days from the required due date; or (2) a post use report has not been submitted by the required due date. The BLM may also refuse to issue a permit to permittee who have received unsatisfactory performance evaluations or have previously had their permit revoked.

- Permittee shall inform all employees and clients of the terms and conditions of the authorizing permit, and is responsible and liable for all actions of employees and clients on both public and private lands.
 - a. No one shall intentionally or knowingly destroy, deface, remove, or disturb any public building, sign, equipment, marker, or other government property, cultural site or artifact, historic structure, natural feature of the land, vegetation, or wildlife, except as legally taken. Livestock fences are not to be cut to allow access to a site.
 - b. Permittees and their clients will not interfere with other valid existing uses occurring on the public lands such as grazing, mining, or other recreational uses (including other outfitting-guide uses, hunting, fishing, etc.).

GENERAL

- 1) An Individual Trip Plan, on the form provided by BLM, must be received by the issuing BLM office prior to the first intended use date. The Trip Plan must include a map. Failure to submit an individual trip plan will result in loss of hunting privileges in the respective hunt units.
- 2) Any property of the permittee left unattended on BLM-administered lands longer than ten (10) days without permission of the Authorized Officer is subject to disposition under the Federal Property and Administrative Services Act of 1949 as amended; or at the option of BLM will be removed and delivered to the permittee at the permittee's expense. Removal of the property by the United States shall not relieve the permit holder of liability for the cost of its removal and restoration of the site.
- 3) This permit does not authorize the permittee, employees, or clients to use areas of the public lands which are otherwise restricted or closed (e.g., restrictive off-highway vehicle designation areas).
- 4) Granting the Special Recreation Permit by BLM does not guarantee the permittee's use of any specific campsite(s), nor the use of public lands in a given area, and not the exclusive use of any area by a single permittee. Reservation of permanent campsite(s) for exclusive use by the permittee will require specific authorization and payment of an annual fee for each reserved site. A permanent campsite is a location used for a period of fourteen (14) consecutive days or longer.
- 5) Issuance of a Special Recreation Permit does not establish nor imply recognition of any claimed historical use rights by an operator or the public. Public lands will be available to users on a first-come first-served basis, but this does not imply that the first permittee into an

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area is the only one authorized to use it. Unless an allocation system is implemented for an area, other commercial users and private individuals alike may use all public land areas.

- 6) Permittee agrees to make all relevant permit books and support records available to the BLM upon request for analysis by qualified representatives of the BLM or other agencies authorized to review BLM's permitting activities. All such permittee records will be furnished upon request as outlined in 43 CFR 2932.55.
- 7) The BLM reserves the right to alter the terms, conditions, or stipulations of a permit at any time for reasons such as significant policy changes, administrative procedure changes, stipulation changes, impacts to resource values, user conflicts, etc.
- 8) The BLM Authorized Officer reserves the right to close various sites and/or areas of the public lands to prevent resource damage and use conflicts, and to promote visitor safety.
- 9) Issuance of a permit by BLM does not guarantee legal access to public lands. Access to public lands by the permittee is assured only when legal access for the general public is available. Where legal public access is not available, it is the permittee's responsibility to obtain permission from the landowner(s) to travel through or use private lands.
- 10) The permittee shall comply with all Federal, State, County and local governmental agencies having jurisdiction, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP). The permittee must contact and receive concurrence and license, where required, from all other federal, state, county and local governmental agencies having jurisdiction. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients or customers under the permittee's supervision.
- 11) An SRP represents a nonexclusive privilege authorizing special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or in the event of noncompliance with permit stipulations.
- 12) No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM.
- 13) Only the authorized SRP holder may enter into a contract or advertise for outfitting and guide services in the area authorized by this permit.
- 14) All advertising and representations made to the public and to the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in

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advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list.

- 15) The permittee must assume responsibility for inspecting the permitted area, and any surrounding areas in which their clients might reasonably be expected to enter, for any existing or new hazardous conditions, e.g., land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, abandoned mine shafts or other hazards that present risks for which the permittee assumes responsibility. Identified hazards shall be marked and, if necessary, barriers erected to prevent entry.
- 16) Unless specifically authorized, an SRP does not authorize the permittee to erect, construct, or place any building, structure, or other fixture on the public lands. Any use of the public lands is subject to the condition that upon leaving, the lands must be restored as nearly as possible to preexisting conditions. All temporary structures (i.e. corrals, hunting blinds, frames, hitching rails, etc.) must be requested in writing by the permittee and are subject to approval by the authorized official.
- 17) The permittee must present or display a copy of the special recreation permit to a participant, authorized officer's representative, or law enforcement personnel upon request.
- 18) In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittees SRP.
- 19) The permittee shall notify the authorized officer of any accident which occurs while involved in activities authorized by this permit which results in death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500. Reports should be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage.
- 20) An SRP only authorizes the use, for the time and in the area, as specifically described in section 2 of special recreation permit Form 8340. Outfitters hunting across BLM district boundaries must have written authorization in advance from all affected offices. This permit does not apply to non-BLM lands (i.e. private, State, USFS etc.) unless provided for by cooperative or interagency agreements, etc.
- 21) The use of temporary blinds for hunting, photography, wildlife observation and similar purposes for a period of fourteen (14) days if they are packed or carried in and out and do not require the disturbance or destruction of native soil, rock, or vegetation is allowed in wilderness areas and wilderness study areas. Construction of structures is prohibited in wilderness areas and wilderness study areas.
- 22) Other than incidental browsing, riding and pack stock animals may only be fed with packed-in, certified weed-free feed. Do not stake livestock out to graze on riparian areas.

SANITATION & AESTHETICS

Operation and maintenance of all sanitation, food service, and water supplies, systems, and facilities shall comply with the standards of the local department of health and the United States Public Health Service.

Permittee shall submit a written explanation of how they intend to dispose of refuse resulting from the permitted use, including waste materials, garbage, and rubbish of all kinds in the following manner, and shall guard the purity of streams and waters.

- a. **All refuse must be carried out** of the area and disposed of in an approved disposal site. Burying or burning garbage is prohibited.
- b. The use of small portable toilets is encouraged. If a portable toilet is not available, **human waste must be buried 6-8 inches deep**, so that it is not visible on the surface. Toilet paper should be carried out. Nothing other than human waste should be buried.
- c. Soaps, detergents, food scraps, or any substances that would result in harm to fish and wildlife or to human water supplies will not be introduced into streams, rivers, or springs. **The permittee shall assure that neither staff or clients use soap, shampoos, chlorine or any other chemical to bath in any water source.**

Permittee shall protect the scenic aesthetic values of the area under permit and the adjacent lands, insofar as practical, while exercising privileges granted during setup, operation, and maintenance of the permitted operation. When camps or other facilities are dismantled, the area should be left in a natural state. Permittee shall practice basic Leave-No-Trace/Tread Lightly behavior while within designated wilderness or wilderness study areas.

CAMPING

- 1) In accordance with Nevada Revised Statute (NRS) 503.660, "It is unlawful for any person to camp within 100 yards of a water hole in such a manner that wildlife or domestic stock will be denied access to such water hole." (1975, pg. 14530).
- 2) Overnight use of the High Rock Canyon ACEC, the Lahontan Cuthroat Trout Instant Study Area (ie. Mahogany Crk), other LCT streams (i.e. Donnelly/Jackson creeks), and those areas near other hot springs sites in the NCA is limited to designated campsites. Overnight use of the Soldier Meadows ACEC (springs on public lands) by commercial users is prohibited, and other popular destinations may be restricted if user conflict or resource impacts occur.
- 3) No permanent base camps may be established without prior authorization. A permanent campsite is a location used for a period of fourteen (14) consecutive days or longer.
- 4) No camps or other facilities, either permanent or temporary, will be set up in a designated wilderness area or WSA without prior written approval by BLM.
- 5) Construction of permanent fences or corrals is not permitted. Temporary improvements including frames, hitching racks, and other pole structures may be constructed provided they

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are dismantled and removed within 30 days following the termination of yearly guiding operations. All temporary improvements must be requested in writing by the permittee and are subject to approval by the Authorized Official. Construction of structures is prohibited in Wilderness Areas and Wilderness Study Areas.

- 6) No trees may be cut for use in constructing temporary facilities.
- 7) Cook tents, pit-type toilets, tethered pack stock, hitching racks and horse corrals must be located at least 100 yards from the nearest spring source and other surface waters (lakes, streams, reservoirs, etc.). Camps must be located so as to avoid conflict with other users and should not block access on roads or trails.
- 8) Food and/or equipment caches will not be allowed unless prior approval is obtained from BLM's Field Office Manager. Location of proposed caches must be described in the permit application.

FIRES

- 1) Because of the impacts fires can create, their use should be kept to a minimum. Using cook stoves or fire stoves is recommended as an alternative to cooking over campfires. When allowed, campfires shall be small and kept under control. Use fire pans or existing fire rings only. No new fire rings will be made when existing rings are available in an area. Open fires are generally prohibited during periods of extremely high fire hazard by order of BLM or the State of Nevada. Please call (775) 623-3444 for information about current fire restrictions. Fires on the playa portion of the Black Rock Desert are permitted with the use of a fire pan, burn barrel, fire blanket, or other surface protecting device.
- 2) No campfires will be left unattended; permittees are solely responsible for all fires which they, their employees, or their customers start. Permittees may be held responsible for fire suppression costs resulting from wildfires caused by the permittee, or customers and participants.
- 3) Wildfire should be reported immediately to the nearest BLM office (Winnemucca Dispatch (775) 623-3444). Permittee is responsible for informing employees, clients, and participants of the current fire danger and required precautions that may be placed in effect by the BLM or the State of Nevada.
- 4) Fires and stoves are prohibited within old cabins or historic structures.
- 5) An axe, shovel and water bucket must be available at each camp for fire control.
- 6) Permittees are encouraged to bring their firewood. Cutting or gathering green trees or their parts, or removing dead limbs from standing trees for any purpose is prohibited [43 CFR 4140.1]. Additionally, cutting or gathering firewood from historic structures is prohibited.

MOTORIZED VEHICLE USE

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- 1) All **vehicle use is limited to existing or designated vehicle routes** (roads and ways). Contact the local BLM office for official maps depicting designated routes in the National Conservation Area and Wilderness Study Areas.
- 2) Vehicles shall not pull off the road surface more than **50 feet** to park, camp or to allow for another vehicle to pass.
- 3) Motorized vehicles, motorized equipment, and mechanized transport (including wheeled game carts) of any type are prohibited in designated Wilderness Areas or Wilderness Study Areas.
- 4) It is the permittees' responsibility to obtain current maps of designated wilderness areas, wilderness study areas, and closed or limited-use off-highway vehicle areas (i.e. NCA) prior to using the area for commercial purposes. Seasonal closures are in effect for several areas in the Winnemucca Field Office. High Rock Canyon Trail, portions of the National Historic Trails, and Water Canyon road all have seasonal closures during the wet season.
- 5) The BLM requires the use of "Tread Lightly" principles and "Leave No Trace" ethics. Staff and participants of commercial operations will be educated and held responsible for following Leave-No-Trace and Treadlightly! principles. Responsible off highway vehicle use means staying on existing and designated routes.
- 6) Vehicles (including ATVs) will be washed and cleaned before being transported to public lands to eliminate the possibility of noxious weeds being introduced to the hunting areas. All pack and saddle stock feed must be certified weed free.

CULTURAL AND HISTORIC

- 1) In addition to Stipulation # 15 on the back of Form 8370-1: All participants and support staff will be informed that collection, excavation or vandalism of archaeological artifacts or sites is illegal on public land. The BLM shall be notified immediately upon discovery of archaeological artifacts (objects greater than 50 years old) or human remains. If cultural resources are discovered that could be adversely affected by the operation of this permit, such operation will immediately cease and the Winnemucca District Manager notified immediately. All such artifacts are the property of the United States and are not to be collected.
- 2) Permittee shall not make available to the public any information concerning the nature and location of any archaeological resource.
- 3) Pursuant 43 CFR 10.4 (g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

WILD HORSE AND BURRO

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- 1) The Permittee shall inform all staff and clients that wild horses and burros (WH&Bs) are protected by Federal law and will prevent harassment of WH&Bs from permitted activities. Prohibited acts include but are not limited to: maliciously injuring or harassing a wild horse or burro; removing or attempting to remove a wild horse or burro from public lands; destroying a wild horse or burro; selling or attempting to sell a wild horse or burro; and, commercially exploiting a wild horse or burro. Crimes are punishable by fine and/or imprisonment. Examples of violations might include harassment by ATV, injury or death by a bullet or arrow, and illegal capture.
- 2) All guides shall possess a map indicating Herd Management Areas and Herd Areas. The permittee will discourage the discharge of firearms within HMAs during the foaling season (March 1 – June 31).
- 3) Stay at least 100 feet away from wild horses or burros.
- 4) Do not feed or try to attract animals towards you.
- 5) Keep dogs under control so they do not disturb or chase wild horses or burros.
- 6) Report sick or injured animals, or violations, to the BLM.
- 7) Do not bring sick or diseased animals into HMAs. Wild horses on the range are not vaccinated against any diseases

FIRST-AID EQUIPMENT

- 1) First-aid equipment will be part of the base camp equipment. The needs will be determined by the size of the party.
- 2) Guides should be trained in First-Aid and/or Cardio-Pulmonary Resuscitation procedures.

I have read and understand the above listed stipulations. I understand that my permit can be put on probation or revoked if my permitted activities violate the permit stipulations, including those activities conducted by subguides and clients. I will make my best effort to ensure that all staff and clients are in compliance with the permit stipulations.

Permittee Signature _____