BLM

Recreation Permit Administration Handbook

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Recreation Permit Administration (Public)

2006

RECREATION PERMIT ADMINISTRATION

(Public)

BLM Handbook

H-2930-1

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Guidelines for Using this Handbook

The Federal Lands Recreation Enhancement Act (P.L. 108.447) definitions and policy are incorporated into Chapter 2 of this handbook. Policy regarding the Recreation Resource Advisory Committees (RRAC) and the America the Beautiful Pass – The National Parks and Federal Recreational Lands Pass (ATB) will be incorporated into this handbook/manual as policy is developed.

The Appendix sections are a major part of this handbook. Many of the documents contained in the appendices have been developed by BLM Field Offices for specific permit situations with special resource or procedural factors that are unique to their office. ***Some of the appendices are sample documents to aid in issuing and/or administering a permit. Therefore, be careful when you copy stipulations or State-specific material from these appendices. If you have questions, be sure to check with your Field Office or State Office Recreation Lead.***

States may have issued State-specific supplemental guidance. Consult your state-specific guidance for any direction that pertains to Special Recreation Permits.

SUMMARY OF HANDBOOK

(Chapter 1) – Special Recreation Permits

Special Recreation Permits (SRPs) are authorizations which allow for recreational uses of the public lands and related waters. They are issued as a means to control visitor use, protect recreational and natural resources, and provide for the health and safety of visitors. Organized Groups and Special Area permits are usually issued in high use areas or where recreation use requires special BLM management. Commercial SRPs are also issued as a mechanism to provide a fair return to the United States for the commercial recreational use of public lands.

(Chapter 2) – Recreation Use Permits

Recreation Use Permits (RUPs) are authorizations for the use of developed facilities which meet the fee criteria established by the FLREA (Federal Lands Recreation Enhancement Act) of 2004. RUPs are issued to ensure that the people of the United States receive a fair and equitable return for the use of these facilities to help recover the cost of construction, operation, maintenance, administration, and management of the permits.

(Chapter 3) – Concession Leases

Concession leases authorize the operation of recreation-oriented services and facilities by the private sector, on BLM public lands, in support of BLM recreation programs. The concessionaire is authorized through a concession lease which is administered on a regular basis and which requires the concessionaire to pay fees to the BLM in exchange for the opportunity to carry out business activities.

(Chapter 4) – Decisions, Protests, and Appeals

The decisions of the authorized officer regarding special recreation permits may be protested to the authorized officer and/or appealed to the Interior Board of Land Appeals (IBLA).

(Chapter 5) – Recordkeeping

Documents related to the issuance and administration of SRPs and RUPs are official Government records. This chapter provides the guidance for creating, maintaining, and safeguarding recreation permit-related records.

CHAPTER 1. SPECIAL RECREATION PERMITS

I. TYPES OF PERMITS

Special Recreation Permits (SRPs) are authorizations which allow specified and often time-restricted recreational uses of the public lands and related waters. They are issued as a means to manage visitor use, protect natural and cultural resources, as a means to achieve the goals and objectives of the field office recreation program as outlined in a land use plan, and as a mechanism to authorize the types of recreational uses described here. The six major variations of SRP permits are discussed below. A decision tree to assist you in identifying the types of permits is found in Appendix B-1.

A. Commercial Use

Commercial use is defined as recreational use of the public lands and related waters for business or financial gain. Financial gain includes gratuities, donations, gifts, bartering, etc.

When any person, group, or organization makes or attempts to make a profit, receive money, amortize equipment, or obtain goods or services, as compensation for recreational activities occurring on public lands, the use is considered commercial. Compensation for recreation services may come from participants and/or other sources.

An activity, service, or use is commercial if anyone collects a fee or receives other compensation that is not strictly a sharing of, or is in excess of, actual expenses incurred for the purposes of the activity, service, or use.

Commercial use is also characterized in situations where a duty of care or expectation of safety is owed participants by service providers as a result of compensation. It may also be characterized by public advertising for participants.

Use by scientific, educational, and therapeutic institutions or non-profit organizations are considered commercial when the above criteria are met and are subject to permit requirements when the above conditions exist. Non-profit status of any group or organization does not, in itself, determine whether an event or activity arranged by such a group or organization is noncommercial. Profit-making organizations are automatically classified as commercial, even if that part of their activity covered by the permit is not profit making.

Examples of commercial activities include any fund-raising activity, outfitters and guides, college back-packing course for credit, jeep tours, horse trail and wagon train rides, and cattle drives.

B. Competitive Use

Competitive use means any organized, sanctioned, or structured use, event, or activity on public land in which two or more contestants compete and either 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.

One or more individuals contesting an established record such as speed or endurance is also considered to be a competitive use.

Examples of competitive events include off-highway vehicle races, horse endurance rides, mountain bike races, rodeos, poker runs, orienteering, land speed records, and Eco-Challenge events.

Note: Competitive events may also be commercial. See Section III, Paragraph G, Fees.

C. Vending

Vendor permits are temporary, short-term, non-exclusive, revocable authorizations to sell goods or services on public lands in conjunction with a recreation activity. Vendor permits do not authorize permanent structures and do not grant preferential rights for renewal or any possessory interests in real property on the public lands or related waters. The authorized officer shall place stipulations on the SRP to provide for the health and safety of visitors and protection of natural resources.

1. Vending in association with permitted event. In most cases, vending is associated with a commercial event. Examples of vendor permits include T-shirt sales in conjunction with a raft race, a food or souvenir stand at a motocross event, firewood or ice sales in a BLM campground, vehicle fuel sales, or vehicle repair at an OHV event. If the permittee for the event will control the vending, the vending may be included in the SRP for the event. In this case, revenue from vending would be included in the permittee's gross receipts. If the permittee is not responsible for the vending, each vendor must acquire their own permit and provide their own insurance, if required.

2. Vending not associated with permitted events. Vendors may apply to vend at recreation attraction sites, not in conjunction with an event. In such cases, you should consider the application carefully. The vending should directly support or enhance the recreation experience and be appropriate for the Recreation Opportunity Spectrum (ROS) class of the area. Examples might be equipment rentals and repairs, shuttle services, and firewood sales. Sales of food, souvenirs, clothing, and convenience items are usually not appropriate since they are not necessary for most outdoor recreation experience. It is also important to consider the impact of vending on established business in nearby gateway communities.

3. Other considerations for vending permits. To support the application, all vendors must provide a complete list of all the goods and services to be sold. Review these lists carefully and assure all the items are appropriate and legal. Do not allow sales of single use, disposable items that translate into litter or other management problems. Confetti poppers or blowers, *Silly String*, fireworks, and similar products would fall into this category. If the items sold would generate waste (napkins, wrapping, packaging, etc.), the vendor must provide and maintain adequate waste containers and be responsible for clean up of a reasonable area around the vending site. Vending is almost always regulated by state and local commercial laws and regulations. Vendors should be able to demonstrate compliance with these requirements.

4. Insurance requirements for vendors. Insurance may be waived where the opportunity for injury and property damage is particularly low. Examples might be T-shirt sales and sales of commercially-prepackaged food items. Sale of food and beverage items prepared by the vendor, either on or off-site always requires insurance. Equipment rental and repair services must also meet insurance requirements. Shuttle services may or may not require insurance depending upon the nature of the services provided and the insurance laws of the state.

D. Special Area Use

Permits may be required for individual (private, noncommercial) recreation use in Special Areas. Special Areas are areas officially designated by statute or Secretarial order including components of the National Trails System; the National Wild and Scenic Rivers System; the National Wilderness System; National Conservation Areas, National Monuments, or National Recreation Areas; an area covered by joint agreement between the BLM and a State Government as provided for in Title II of the Sikes Act (16 U.S.C. 670a et seq.); or any area where the authorized officer determines that the resources require special management and control measures for their protection and a permit system for individual use would achieve management objectives. Requirements for Special Areas can be found in 43 CFR 2932.5. Special areas can be designated by the State Director through Supplementary rules 43 CFR 2932.3. Examples of individual permits for Special Areas include camping in Long Term Visitor Areas (LTVA) in California and Arizona, floating many BLM-managed rivers, backpacking in Grand Gulch Primitive Area, hiking in the Aravaipa Canyon Wilderness Area, OHV use in Little Sahara or Imperial Dunes, and recreational mining in designated areas in California.

E. Organized Group Activity and Event Use

Organized group or event permits are intended for group outdoor recreation activities or events which are neither commercial nor competitive. The authorized officer determines when a permit is required based on planning decisions, resource concerns, potential user conflicts, or public health and safety issues. A group is loosely defined as more than one person participating in a recreation activity or event. The threshold size of a group requiring a permit would be impossible to establish on a national basis. The threshold, if any, must be determined for each area (for example, 10 people in a sensitive riparian area may constitute an organized group, but a less sensitive upland area may be able to handle 200 people without the need for special

management). Thresholds must be based upon planning, resource concerns, potential user conflicts, and public health and safety. Field Offices are encouraged to develop thresholds through land use planning for when permits are required for organized groups and events for specific types of recreation activities, land areas, or resource settings.

Other examples of groups or events that may require a permit include a large scout campout, a fraternity activity, a large family reunion held at a BLM recreation site or participating in recreation activities on public lands, reenactments, or a dual sport event. Before issuing an SRP for an activity or group event, consider if it is primarily recreational in nature. If not, it may be more appropriate to authorize the activity or event as a land use permit (see 43 CFR 2920).

F. Relationship with Other Permits

1. Commercial Filming Permits Issued in Conjunction with an SRP

Commercial photography or filming can be authorized under the SRP guidelines. The 43 CFR 2920 regulations, in section 2920.8, state that fair market rental will be collected for filming projects. Consequently, multiple schedules have been developed, by state, through appraisals. Rental schedules are not found in the regulations or the handbook. The best fee information is found in the following BLM web site: www.blm.gov/nhp/what/commercial/filming/fees.html or the filming fee schedule for the appropriate state where the permit is being issued. In the event that commercial filming or photography is permitted under another authorization (43 CFR 2920), that authorization may take precedence over and remove the need for a filming permit under the SRP regulations. This will be determined on a case-by-case basis for each Field Office. Filming permits may be issued in conjunction with any (Commercial, Competitive, Vending, Group, or Special Area) SRP.

An SRP is required for commercial still photography if the recreation activity being photographed takes place on public land and the product is sold to those participating in the activity. The location of the activity being photographed, not the location of the camera or photographer, is the determining factor for requiring an SRP. If the activity occurs on public land, an SRP is required. In this case, there is a clear commercial correlation between the photographer, the recreation participant, and recreation activity occurring on BLM public lands. (**Note**: this is not in conflict with P.L. 106-206 which states that "a permit is not required for still photography on lands administered by the Secretary if such photography takes places where members of the public are generally allowed." This law does not address commercial photography.) The recreation permit regulations at 43 CFR 2932.5 are clear about permit requirements of commercial recreation uses of the public lands.

BLM may include a film permit with the SRP whenever there is commercial photography being produced and the photography takes place at the same time, location, and in association with the activity permitted under the SRP. In these instances, both the SRP fee (43 CFR 2930) and commercial filming fee (43 CFR 2920) will be charged.

When an SRP holder plans to film at times and locations that are not part of a commercial recreation activity, a separate film permit should be obtained. In such cases, the SRP holder must acquire a separate film permit covering all commercial filming including the filming of SRP permitted actions. BLM will require a commercial film permittee to acquire an SRP or contract with an SRP holder when commercially filming a recreation activity, such as hunters pursuing game on public lands.

When a film permit is issued in conjunction with an SRP, the stipulations attached to the SRP are applicable to the filming permit. In addition, a stipulation covering the filming should be added as follows: Filming is limited to the use of handheld and tripod mounted cameras. Use of dollies, tracks, cranes, high lines, aircraft and other camera support devices are not allowed, unless the camera support device is part of the recreation activity authorized under the SRP. Construction or removal of vegetation for the creation of a camera platform or to clear a shot is not allowed. Filming is generally done using only ambient light sources. No more than two, battery-powered, auxiliary lighting sources may be used. If the filming project is more complex than allowed for under this stipulation, then a separate 2920 permit should be issued.

Any photography taken by the SRP holder for use in the permittee's own promotional material or given to guests as a memento of the trip, and any motion or still picture photography done by guests or using a guest's camera equipment for non-commercial purposes does not require a film permit.

2. Recreation Permits Issued in Conjunction with Other Programs

If a use authorized by another program has a commercial recreation component (i.e., paleontology or archaeology tour or excavation or recreational mining) an SRP will be required in addition to the program permit.

II. WAVING THE REQUIREMENT TO OBTAIN A PERMIT

(**Note**: The following exceptions may not apply for special areas where permits are required or in areas where carrying capacity has been reached and use is allocated.)

The authorized officer may waive permit requirements when:

A. The use or event begins and ends on non-public lands or related waters, traverses less than a total of one mile of public lands or one shoreline mile, and poses no threat of significant damage to public land or water resource values. Example: An outfitter crosses 40 acres of BLM on an existing trail to access his/her hunting camp on State land.

1. Events and activities that occur entirely on county or state roads generally do not require a Special Recreation Permit (SRP.) However, when the roads are located on or are adjacent to public lands, the BLM may require and issue an SRP to protect public land resources, insure public health and safety, and to avoid conflicts with other public land users. The BLM must require an SRP if the event will involve monitoring, stipulations, insurance, or bonding.

2. Most rights-of way, including county roads, non binding determinations, and adjudicated RS-2477 highways are non-exclusive ROWs. BLM may permit any activity not provided for in the ROW grant. This includes any highway claimed under R.S. 2477 that has not been adjudicated or issued to another entity through a right-of-way.

B. The use is sponsored or co-sponsored by the BLM. BLM will co-sponsor an event only when there is a clear benefit to the BLM public lands and a direct association to accomplishing a management objective or purpose as outlined in a land use planning process. Sponsorship may increase agency liability and should not be taken lightly or used as a means to avoid issuing a permit. If a decision is made to sponsor an activity or event, then a written agreement must be developed that spells out the terms and conditions of the sponsorship, and the responsibilities of each party, e.g., insurance requirements, health and safety requirements, or environmental stipulations. Examples include the following: service work associated with a National Public Lands Day Event, National Trails Day, National River Cleanup Week, or a university group that BLM has asked to do scientific or social impact studies for an area or project.

C. A non-commercial competitive event complies with land use plan decisions and designations, does not award cash prizes, is not publicly advertised, poses no risk for damage to public land or related water resource values, and requires no management and monitoring. Examples include a fun run, which is held on county roads crossing BLM lands, when the participants do not leave the road right of way; a scout troop challenges another troop in an orienteering event.

D. An organized group activity or event is not commercial, is not publicly advertised, poses no appreciable risk for damage to public land or related water resource values, and requires no specific management or monitoring. Examples include the following: A family reunion held in a non-fee BLM recreation site or a bird watching outing on BLM lands sponsored by the local Audubon Society. Field Managers may issue a Letter of Agreement (see Appendix C-8) to document that the proposed activity has been determined to not require a permit. A letter of agreement does not constitute an authorization.

E. Non-recreation uses such as research projects are requested by BLM, or for administrative use by other federal or state agencies. Examples include fish sampling, bird counts, boating safety patrols, and law enforcement patrols. These do not generally require special recreation permits as such uses are not managed under these regulations. However, individual permits in special areas may still be required.

BLM will not waive SRP requirements or SRP fees in exchange for volunteer work.

III. RECREATION PERMIT ADMINISTRATION

A. Permit Availability

1. Issuing an SRP is a discretionary action. Applications for an SRP may be denied based upon factors such as non-compliance with land use plans or designations; a moratorium on permits issued as part of a planning process; the results of an environmental analysis; other resource values; an allocation system; public health and safety concerns; the applicant's past performance; or the inability of the managing office to issue, manage, and monitor the proposed use. The authorized officer may also consider previous convictions for violating federal or state laws or regulations concerning the conservation or protection of natural resources, the environment, endangered species or antiquities or other related or germane uses to the proposed permit.

2. Other factors that the authorized officer may consider when deciding whether or not to accept an SRP application include existing recreation conflicts in the proposed area of operations, diversity of services provided to the public, number of similar services already offered, and whether the public land area available is sufficient to accommodate the proposed use. If an application for an SRP is denied, the applicant must be notified in writing stating the reason(s) for denial. The decision to not issue a permit is appealable (See Chapter 4, Decisions, Protests and Appeals).

3. SRPs may be issued on a first-come, first-served basis until the affected area's desired use level is reached. The desired use level is determined in resource management plans (RMPs), recreation area management plans (RAMPs), or in their absence, through analysis of resources and visitor use for each area using the ROS, limits of acceptable change (LAC) or other valid methods. When an area's desired use level has been reached, no additional permits will be issued. New permits may become available when:

a. An area's desired use level is increased; for example, by changing management objectives to increase the number of allowable users within a use season or by lengthening the use season.

b. A permit is revoked or not renewed because of noncompliance.

c. A permittee voluntarily relinquishes a permit.

d. New areas for use become available.

4. In some situations, commercial or competitive SRPs may be issued on a competitive basis. When new opportunities for obtaining a permit become available and the authorized officer determines there is enough interest, interested parties may be invited to submit proposals for obtaining the available permits. Field Offices should develop their own SRP award criteria; however, revenue to the Government is <u>not</u> a consideration in the outfitter bid submission. Criteria shall be developed to award the permit to the applicant serving the public needs and

resource management objectives.

5. No competitive event or motorized event will be authorized in a Designated Wilderness Area.

B. Processing the Application

1. Application Processing. Applications for commercial use (including vending), competitive use, and organized group event or activity permits should be submitted using the standard BLM SRP form. Applications for Special Area Permits issued to individuals are processed according to the area-specific land use and/or business plan, or guidelines approved by the State Director. BLM offices may also use application forms used by other agencies where permits are jointly administered. Applications must be submitted at least 180 days before the intended use, except where the authorized officer approves a shorter time period. In addition, BLM may, with public notice in the local media and on-site posting as necessary, require that applications for specific types of activities be submitted in advance of 180 days if more time is needed for environmental assessments, threatened and endangered species consultation, event coordination, etc. For example, the Moab Field Office requires event applications for the coming year to be filed by September 1 of the current year so that they may work with applicants to avoid having multiple events in the same area at a scheduled time. Applications must be received early enough for the authorized officer to complete the processing, environmental analysis, consultation with other agencies, and determine whether or not cost recovery fees apply prior to the start of the event or use. The applicant must include maps or legal descriptions of the area to be used in sufficient detail for the authorized officer to evaluate the proposed use. See Illustration 1 for the step-by-step process for issuing an SRP.

2. Supplemental Information. For any permit application (other than Special Area Permits issued to individuals), the authorized officer may require the applicant to submit supplemental information in sufficient detail to evaluate the extent and impact of the proposed activity. Examples include the following:

a. Statements of financial capability

b. Signed operating plan (see Appendices C-13 and 14)

c. Certificates of safety training

d. List and condition of equipment or livestock that will be used

e. Layout and description of facilities (site plan) that will be used at requested sites

ILLUSTRATION 1

Steps for Issuing Special Recreation Permits
(for other than individuals using Special Areas)

Step	Responsible Person	When (Unless Otherwise Approved)	Action
1	Authorized Officer	As appropriate.	Provides information to affected users of permit requirements.
2	Authorized Officer	180 days or more prior to the desired use date.	Mails or hands out SRP application forms and other information (maps, pamphlets, stipulations) and requirements for supplemental information on request.
3	Applicant	180 days prior to the desired use date, unless a shorter period is approved or a longer period is required.	Contacts local BLM office regarding requirement for and availability of permits prior to making use of the public lands and related waters. Submits completed application and required supplemental information to appropriate BLM office.
4	Authorized Officer	Within 30 working days of receipt of application.	Checks application for completeness, reviews proposed operating plan for consistency with planning, checks on past performance or bills due. May reject application at this stage or require additional materials.
5	Authorized Officer	Within 30 working days of receipt of all required application materials.	Notifies applicant if substantial processing work is involved due to extensive NEPA, consultation, or other requirements and if cost recovery charges may apply.
6	Authorized Officer and Applicant	As appropriate.	Discuss and coordinate with the applicant any problems with the application, and ensure that permittee has coordinated with other landowners and managers. Conducts environmental analysis, if necessary.
7	Authorized Officer	Upon completion of permit processing or 31 days before desired use date.	Provides written notification of disapproval, or requests: insurance policy, certificate of insurance, or bonds if not submitted in Step 3, and requests full or partial payment, if applicable, of estimated fees.
8	Applicant	At least 10 working days before desired use date.	Provides to BLM: policy or certificate of insurance (as appropriate), bond (if required), other requested information, and full or partial payment of fees.
9	Authorized Officer	As appropriate before desired use date.	Issues approved permit with stipulations signed by the authorized officer, also issues required reporting forms (daily trip logs and post-use report).

f. Samples of proposed advertising, brochures, entrance fees, prizes, and customer rates

g. A letter or permit granting permission to use private or other agency land in conjunction with public land

h. Experience relating to the activity, and references

i. Identification of other required Federal, State, or local licenses

j. Documentation of business agreements or contracts such as names of owners, partnership agreements, or articles of incorporation

k. Demonstration of ability to obtain insurance or bonding

3. National Environmental Policy Act (NEPA) Requirements for Permit. The issuance of an SRP is a Federal action and subject to NEPA analysis. Some permitted activities may qualify as a categorical exclusion (CX). A list of categorically excluded items may be found in 516 DM. If existing NEPA documentation is adequate to describe the impacts of issuing the SRP, then a Determination of NEPA Adequacy (DNA) may be prepared.

If neither the CX nor DNA is available, most often, an environmental assessment (EA) will be prepared. An applicant may prepare an EA to accompany their application. If the applicant furnishes the EA, it must be approved by the BLM using current Council on Environmental Quality guidelines.

Note: A revised SRP CX is being worked on at the time of printing of this handbook.

a. Commercial Permits. The review of commercial applications must include an appropriate environmental analysis.

(1) If desired use levels are set in land use or recreation management plans, issuance of permits should have been analyzed in the related environmental document, and no further environmental assessment of individual permits would normally be required.

(2) Programmatic environmental assessments may be prepared for a geographic area to cover similar uses. For example, a programmatic EA might cover land tours and campsites for jeep and mountain bike tour operations or river running within a recreation area. Programmatic EAs eliminate the need for redundant analysis. A separate new EA need not be prepared for applications where the proposed activities are within the range of uses and impacts analyzed in the programmatic EA.

(3) If the permit is to be issued for new or additional use beyond that covered in a management plan, or if the permit is for a use or area not covered in a land use plan, then an environmental analysis commensurate with the amount of use and anticipated impact must be completed. The level of analysis may range from a categorical exclusion to an environmental impact statement.

b. Competitive Permits. Unless an event is recurring and covered in a land use plan, a competitive permit will require an environmental assessment commensurate with the level of use and potential environmental and social impact. The level of analysis may range from a categorical exclusion to an environmental impact statement (EIS). For areas where competitive uses take place on a recurring basis, development of a programmatic EA should be considered.

c. Vending Permits. The analysis required for vending permits should be covered in the analysis for the recreation event or use with which the vending is associated. For vending use not associated with another permitted use, the level of analysis may range from a categorical exclusion to a full environmental analysis.

d. Special Area Permits. The analysis for issuing Special Area Permits is normally completed through the Bureau planning process. In circumstances where control measures are needed immediately, an environmental assessment can be completed and the requirement to obtain a permit under this circumstance may be published in the Federal Register.

e. Organized Group/Event Permits. See requirements for competitive permits. If group use or events are recurring, a programmatic EA should be considered. Recurrent group use or events should also be covered to the extent possible in land use plans or recreation area management plans.

C. Award of Permits

After processing the application and completing the necessary environmental analysis, the authorized officer will make a final decision to approve or disapprove the permit application and so notify the applicant. An SRP will not be issued for an area larger than the authorized officer determines is necessary for the contemplated use (See Paragraph P, Coordination and Joint Permits for details on multi-jurisdictional permit areas.) The authorized officer may also approve an activity under different conditions or terms than those proposed in the application. In the case of corporations and limited liability companies, the permit should be issued in the name of the organization, not to a specific individual. When issuing a permit to a sole proprietorship company, a partnership, or an incorporated organized group, the SRP must show the name of the individual responsible for the permit, e.g., Jane Doe d.b.a. Far Western Adventures, meets this requirement.

Prior to issuing a commercial or competitive permit, the authorized officer must ensure the applicant has:

1. Submitted a signed operating plan;

2. Provided a copy of an appropriate insurance policy for new permits or a valid certificate of insurance; (See Paragraph N. Insurance and Liability section.)

3. Financial capacity to complete and maintain the proposed project or carry out the activity;

4. Complied with terms or stipulations of previous permits issued by the BLM or other land managing agencies or State agencies for similar activities;

5. Paid estimated fees in advance;

6. Obtained necessary Federal, State, or local licenses;

7. Obtained bonds or cash deposit, if required; and (See Paragraph M. Bonds)

8. Submitted other information required by the authorized officer in advance of issuing the permit. This may include a list of names, i.e., employees or others, authorized to do business on behalf of the applicant and any limitations upon their authority.

For vending uses and organized group activities and event permits, the above items may be required as appropriate.

D. Permit Duration

1. Commercial SRPs may be issued for a term not to exceed 10 years. The authorized officer may consider issuing one-year permits prior to issuing multi-year permits to become familiar with operators and activities and to assure that the terms and stipulations of the permits are appropriate. Criteria used to determine appropriate permit length include management objectives, resource management planning time frames, environmental risks involved, public need for the intended use, and a permittee's past or current performance rating.

In determining the permit term, BLM will consider the following factors:

a. The previous track record of the permittee in the area and in other jurisdictions. *(A permittee must be able to demonstrate success in a similar business venture in order to be considered for a ten-year term.)* New applicants are generally not issued a multi-year permit.

b. How well the proposed activity supports land use planning goals for the specific area. *(Issue a 10-year permit if the activity is specifically provided for in the land use plan or activity plan or upon showing a direct benefit to achieving goals.)*

c. The type, complexity, and extent of the proposed activity. Races, festivals or other events which may occur annually should be authorized under annual permits if there are (or may be) substantive changes from year to year in the activity (e.g., different sponsors, changes in routes or course, changes in event location, or changes in types of vehicles or activities).

d. Existing and future resource conditions and geographic location. *(Potential conflicts such as the threatened and endangered species, other resource development projects, or changing recreation use patterns must be considered.)*

e. Anticipated changes in time frames in land use allocations or planning decisions.

f. The level of permittee investment in relation to the activity conducted on public land. *(Permittees without an established track record and a business capitalization of less than $100,000 should not be granted a term of more than five years.)*

A multi-year permit must be validated annually; the permittee must have paid annual fees, forwarded post-use reports, submitted bonds if required, provided copies of any necessary insurance policies, licenses, etc., and received an acceptable annual performance rating before the permit will be validated. The authorized officer may modify a multi-year permit during the term of the permit. The permittee may also request changes to a multi-year permit through submission of an updated plan of operation or other material.

2. Special Area Permits may be issued for a single trip or other specified length of time, up to one year as appropriate, to achieve management objectives and public service. Examples include a weekly or seasonal permit for camping in a LTVA, one trip through Westwater Canyon, and/or an annual permit to use Little Sahara Recreation Area.

3. Vending, Competitive, Event, or Organized Group SRPs should be issued for the period of time required to complete the use or event (including set-up and break-down time). If an event recurs annually, with no changes in use, area, or participants, the authorized officer may issue a permit for up to five years with annual validation.

E. Renewal of Permits

1. The authorized officer should consider the following factors when determining if a permit may be renewed:

a. The permittee has satisfactorily met the requirements of the previous permit, including an acceptable performance evaluation. The authorized officer may also consider conformance with applicable laws and regulations on all other Federal, State, or county-

administered lands or related waters.

b. The continued use is consistent with the RMP, RAMP, or other plans, including the desired use level.

c. The amount of use available in allocated areas.

2. Processing a Renewal. The application procedures for renewals are similar to those for a new permit. The authorized officer may establish application deadlines for permit renewal. Multi-year permits should not be issued until the permittee has demonstrated the ability to meet annual permit terms.

In allocated areas, the authorized officer should generally show preference to a permittee seeking renewal when the permittee is in full compliance under the current permit. When expired permits are renewed or reissued, the amount of use allocated in the new permit is at the discretion of the authorized officer, and in accordance with resource planning or recreation management plans. The objective is to allocate an amount consistent with available capacity and/or the level of use the holder was able to effectively use under the former permit.

F. Transfer of Permits

1. Commercial Permits. 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. Failure to do so can lead to denial of the requested transfer. The existing permittee must advise the authorized officer in advance of any action that would ultimately result in a change in ownership or controlling business interest. The proposed permittee must apply for the permit following standard application procedures. The approval of a transfer is discretionary with the authorized officer. The authorized officer must consider the following items in determining whether to allow the permit transfer:

a. Adequate documentation must be provided to the authorized officer that a bona fide business transfer or sale is intended. The transfer or sale must include a substantial portion of the equipment and other tangible assets needed to conduct the business. No value may be attached to a permit. Any attempted transfer or sale of authorized use alone shall not be allowed. BLM will use standard business valuation methods to assess whether the transaction is an actual sale of a business rather than a sale of a permit.

b. The current permittee must have operated at an acceptable standard for at least one full year prior to the transfer request. The permit must be in good standing with all fees paid and no unresolved issues or concerns.

c. Transfer of permit allocation is limited to no more than the historical use (see the

Glossary) of the past five years.

d. The proposed permittee must provide a written operating plan to the authorized officer, including any anticipated operational changes from the present permittee.

e. A permit that is transferred may contain terms and conditions, and/or allocations which are different from the original permit.

f. If the permittee's business enters bankruptcy under the provisions of Chapter Eleven (11) of the Federal bankruptcy laws for the purpose of reorganizing, the permittee may make use of the permit during the period the company is under the protection of the bankruptcy court–provided that all terms of the permit continue to be met. During this period, the permit may not be transferred to the control of a new individual or business entity. However, if ownership of the business returns to the control of the former owner(s), from whom the permit was transferred, BLM may transfer the permit back to the previous owner. The previous owner(s) must bring the permit into good standing before the BLM will consider an application for a future permit transfer. If the permittee's business enters bankruptcy under Chapter Seven (7) of the Bankruptcy Laws, the SRP will automatically be terminated. No permit transfers will be approved for permittees entering Chapter Seven Bankruptcy.

2. Non-Commercial Permits. Permits issued for non-commercial use of special areas where use is allocated may only be transferred with the approval of the issuing BLM office. Non-commercial permits or individual permits for special areas cannot be sold or transferred. The specific procedures for transfer of permits for commercial use described in Paragraph F.1 are not required for transfer of individual special area permits. Field Offices anticipating permit transfers should establish a transfer policy consistent with this section.

G. Fees

All fees associated with commercial use, competitive use, and organized group activities or events, are established by the Director, updated every three years based on the Implicit Price Deflator Index, and published in the Federal Register. These uses require a minimum SRP fee ($90 as of March, 2005) also set by the Director. Fees associated with individual use of Special Areas are set by State Directors and published in the Federal Register six months before the fee is established. Fees may be adjusted from time to time to reflect changes in costs and to ensure a fair return for the use of the public lands. See Appendix A for the current "Automatic Fee Adjustment for Special Recreation Permits (SRP). The cost recovery charge is based upon the actual personnel, vehicle, travel, and materials costs required to issue, administer and monitor the SRP.

1. Cost Recovery. If more than 50 hours of staff time is required for processing a permit, cost recovery of direct expenses related to the permit will be charged. If the 50-hour cost recovery threshold is anticipated to be exceeded then recovery of costs begins with the first hour.

a. In 43 CFR 2932.31, regulations state that BLM "may charge a fee for recovery of the processing costs." Accordingly, the BLM has established a national policy that cost recovery of direct expenses related to the permit will be charged when the other conditions for requiring cost recovery, as established in the subject regulations and handbook are met.

b. For commercial users, cost recovery charges are in addition to the fees in the national recreation fee schedule. For competitive or organized group permits, which exceed the 50-hour threshold, cost recovery will be charged unless anticipated fees exceed the cost recovery charge. In that case, use fees will be charged rather than cost recovery. When cost recovery is necessary, the authorized officer shall notify the applicant of potential charges in writing within 30 days of receipt of the application. Further work on the project, e.g., starting on an environmental assessment, should not take place until the cost recovery fees are received by the BLM.

c. Cost-recovery charges will generally be associated with new or substantially different activities or events and shall be levied to compensate the government for the costs of authorizing and administering the new use. Cost-recovery fees are most likely to be applicable to large, short-term uses that require extensive environmental analysis and monitoring. For example, a long-distance, multi-mode, cross-country race involving large numbers of participants, that traverses sensitive areas may require formation of an environmental analysis team, field trips to assess the potential for site damage, a major law enforcement element, and monitoring at specific sites along the route. The cost of administering such a large-scale event would likely exceed revenues from the fee schedule. Cost-recovery charges should not be assessed for conducting routine business with permittees or for long-term monitoring.

d. Cost recovery covers all federal activities that convey special benefits to recipients beyond those accruing to the general public. Therefore, the purpose of cost recovery is to have individuals or groups that are clearly the beneficiary of an activity on BLM public lands shoulder the costs associated with providing, administering, and monitoring that activity or event. However, OMB Circular A-25 6a(4) states "No charge will be made for a service when the identification of a specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public."

e. Cost recovery, including application fees, may also be charged when necessary to cover the costs of a permit lottery system, site reservation systems, or other special services for use of Special Areas. In these cases, fees should be based upon an analysis of the direct cost of

the entire service and spread across the estimated number of beneficiaries. Such a charge may be implemented as a cost recovery application fee. See Paragraph H 1. for further direction on cost recovery, and Illustration 6 for an example of cost recovery calculations.

2. Recreation Fees. Fees for recreation use of public lands and related waters are charged to (1) commercial users, (2) competitive event participants and spectators, (3) vendors, and (4) participants in organized group activities and events which require a permit. Fees can also be charged for individual use of Special Areas, reservation or assignment of sites, and livestock grazing when associated with recreational use.

a. Commercial Use Fees (also referred to as "franchise fees"). Use fees due in excess of the minimum fee based upon a percentage of the adjusted gross revenue derived from use authorized under the SRP. Fees for commercial use permits are intended to provide a fair return to the government for the opportunity to make a profit for using public lands. Although commercial permittees normally pass this cost of doing business on to their guests, they are not use fees on guests.

(1) The minimum annual fee for any commercial SRP is established by the Director ($90 as of March 2005). All commercial permittees will pay at least the amount established as the minimum fee plus any fees due in excess of the minimum fee.

(2) For some university, school, and community recreation programs, it may be nearly impossible to determine the gross receipts as enrollees are paying for tuition, room and board, lab fees, activity fees, etc., and there is revenue from other sources such as trust funds, endowments, and tax revenue. In these cases, you may charge the organized group fee. This approach should not be used in situations where there is a clear fee for service being charged by the permittee. When use takes place in a Special Area where special area fees are required, the special area fee will be due <u>in addition to the commercial use fee.</u>

b. Competitive Use Fees. Competitive use fees, including minimum fees, are set by the Director and published in the national fee schedule. Fees are charged on a per user-day basis for participants ($4.00/person/day in 2005); as a percentage of gross receipts; or the minimum fee, whichever is greater. **When use is both commercial and competitive, the higher fee should be charged.**

c. Vendor Use Fees. Vendor use fees are the same as commercial use fees, including the minimum fee, and are calculated using gross receipts of onsite sales associated with the permitted activity. Vender fees may also include an assigned site fee ($180 as of March 2005) and/or exclusive use fee, both in addition to the percentage of gross income.

d. Organized Groups/Events Fees. Organized group fees**,** including minimum fees, are set by the Director. Fees are charged on a per person bases ($4.00/person/day in 2005). Permittees will pay the minimum fee plus any fees due in excess of the minimum fee. State Directors may establish a higher fee when warranted by circumstances. Factors to be considered

for setting fees may include such factors as: costs of operating permit systems, special management costs related to the area, and comparability with what other agencies charge.

e. Special Area Permit Fees. Special Area permit fees for individuals shall be set by the State Director. Factors to be considered for setting fees include: costs of operating the permit system, special management costs related to the Special Area, comparability with other agencies or similar Special Areas, and fairness and equity among all users.

(1) Special Area fees shall not be imposed or changed without appropriate public notice. Fees charged in a Special Area shall apply to all users of the area including private, non-commercial visitors, clients or guests of commercial permittees, and/or participants or spectators in a competitive event. Fees collected for the use of Special Areas are credited to the collecting office and are available to cover management costs.

(2) The authorized officer may require commercial operators or the holder of a competitive permit to collect Special Area fees from their guests, spectators, or participants. When Special Area fees are applicable, commercial permittees may list that fee as a separate item assessed by BLM on trip invoices. At the end of each use season, the permittees using a Special Area must include a trip by trip accounting of the number of guests using the Special Areas in their year-end report. BLM must reconcile its records with the permittee's records and include the Special Area fee payment as a separate line item in its post season billing statement for the permittee.

(3) The Special Area fees collected by commercial permittees will only be due BLM at the end of the use or permit season. When calculating the standard commercial use fee, commercial permittees should not count collected Special Area fee revenues as part of their regular total customer payments.

f. Other Fees Associated with SRPs

(1) Application Fees. Application fees are set by the State Director and are used to offset the cost of processing SRP applications. Application fees may be charged in addition to the fees set in the Director's national recreation fee schedule. These fees might be assessed for processing permit renewals or transfers, lottery or reservation systems, or any other special service rendered to process the SRP.

(2) Assigned Site Fees. The BLM may charge an assigned site fee for exclusive commercial use of a site. Assignment of a site for commercial use does not preclude public use. The fee for assigned sites is specified in the BLM Director's national recreation fee schedule ($180 as of March 2005) and is revised every three years using the Implicit Price Deflator Index. Assigned site fees are in addition to commercial use fees. Use of assigned sites shall be temporary in nature, and any temporary structures or improvements shall be removed immediately upon the conclusion of the event or activity.

(3) Exclusive Use Fees. Normally, SRPs are issued for nonexclusive use of an area. On occasion, the BLM may determine that to protect public health or safety or to eliminate user and resource conflicts, organized groups, event organizers, commercial permittees, or competitive permittees require exclusive recreation use of a site to conduct their activity. In that case, an annual or per occurrence exclusive use fee, established by the State Director, will be charged in addition to other permit fees. State Directors will base fees upon fair market value for exclusive use. The exclusive use fee must be equal to or higher than the assigned site fee in the Director's national recreation fee schedule.

(a) Exclusive use fees are in addition to commercial, competitive, Special Area, or organized group use fees.

(b) Exclusive use of sites related to an SRP shall be temporary in nature, and any temporary structures or improvements shall be removed immediately upon the conclusion of the event or activity.

(4) Grazing Fees. Fees charged for livestock grazing or trailing associated with an SRP will be calculated based on the grazing fee formula in effect at the time the SRP is issued. The authorized officer will consider impacts to existing grazing leases before issuing a permit for recreational stock use of a lease area; livestock use associated with an SRP does not supersede an existing grazing lease.

H. Fee Payment and Calculation

Recreation fees due the Government must be paid in advance of any authorized use to ensure that the Government receives payment.

1. Cost Recovery Procedures. The recreation program uses the same cost recovery procedures as the Lands and Realty Program. The billing and collections procedures, as well as other direction can be found in BLM Manual 1323. It is important to remember the correct term is "cost recovery," not "cost reimbursable." We should not be processing a cost recovery project unless and until sufficient funds are on deposit in the cost recovery account. In the event a balance remains in the account at the end of the project, that amount will be returned to the applicant.

a. Included costs. In determining what to include as costs, keep in mind that only those costs that are directly related to the proposed activity that do not broadly benefit the general public can be charged. Further clarification of this point is discussed below:

(1) If BLM is unable to process the permit in a timely manner, or to expedite the permit process or to reduce or avoid cost recovery, applicants may provide required products such as environmental analyses, clearances, global positioning systems or graphic information system maps or other required products.

(2) Law enforcement directly related to the activity or event is an appropriate cost. Permittee should not be required to pay for the cost of law enforcement presence precipitated by actions from outside groups or individuals.

(3) The pre-application consultation process is not a charge of cost recovery; cost recovery starts upon receipt of a completed application.

(4) Programmatic environmental assessments are not charged to cost recovery.

(5) Inventories required under the Endangered Species and Natural Historic Preservation Acts will generally not be a cost recovery charge. However, clearances and reasonable mitigation measures required in the decision record are legitimate cost recovery charges.

(6) Monitoring an event for damage to inventoried resources or permit compliance that might occur as a direct result of the permitted event is an appropriate charge, but routine monitoring of resources as required by law or policy is not an appropriate cost recovery charge.

(7) Where BLM has a duty to inventory public land resources, inventories generally benefit the public and not just the applicant. Baseline inventories for natural and cultural resources are not paid for under cost recovery. As an example, if existing areas, roads, and trails are designated as open for OHV use, the applicant would not be charged for these same roads and trails to be inventoried for cultural, heritage, or endangered species as the inventory benefits the general public.

b. Factors to consider in estimating costs. Guides to estimating direct and indirect costs are found in BLM Manual 1323. In considering costs, you have considerable discretion to allow the applicant to provide products rather than having the agency provide them. For example, on a cost recovery OHV event, the applicant could choose to provide global positioning system (GPS) or graphic information system (GIS) products rather than the agency gathering the information. Cultural resources surveys could be conducted by qualified contractors hired by the applicant rather than by BLM archaeologists. An example of a spreadsheet used to estimate costs is included with Illustration 6- Cost Recovery for a Competitive Event, in this Handbook.

(1) Direct costs. Examples of direct costs may include personnel costs in the form of wages paid to BLM personnel working on the project, with allowances provided for fringe benefits and BLM's leave surcharge rate and any overtime associated with processing the application. Labor costs will be determined by each individual's salary rate. Direct costs also

include travel expenses (including vehicle costs); purchased services if necessary, such as printing, automated data products (ADP) services, or copies; and any miscellaneous supplies and equipment of a specialized nature, the use of which is directly applicable to processing the application.

(2) Indirect costs. Indirect costs represent those administrative and program costs which can be attributed to processing the application. Indirect costs include a portion of the costs of equipment, space rental, telephone services, postage, personnel transfer costs, administrative and clerical support, training, safety, public information, cartography and basic series mapping, aviation management, telecommunications, equipment maintenance, and systems design and implementation. Excluded from indirect costs are management overhead, managerial work, evaluations of office activities, program coordination, technical program direction, environmental education and interpretation, interagency planning, studies and research, preparation of NEPA documents relating to general program planning, law enforcement and firefighting.

Indirect costs would be charged when the event is large enough that the indirect costs can easily be attributed to the support of the permitted activity or event; these would generally be activities such as a large cross-country challenge course or an event such as Eco-Challenge.

c. Establishing the cost recovery account. Once you have determined a proposal will take more than 50 hours of staff time, and you have prepared an estimate of direct and indirect costs, it is time to contact the applicant. Advise the applicant of estimated cost recovery. At this point, the applicant may choose to abandon the project or participate in cost recovery. If the applicant wishes to proceed, you will draft a Cost Recovery Agreement outlining the terms and conditions, estimated costs and any revenue sharing with other agencies. Next, you will establish a cost recovery account under Sub-Activity 5105 and obtain a project code from the State Office from their block of unassigned project numbers. Use the account number and project code on any items charged to the cost recovery special recreation permit project. The applicant will deposit the estimated amount into the project account.

d. Monitoring the cost recovery. The applicant is entitled to a thorough accounting of the use of cost recovery funds. Staff charging time to the project must maintain a log of the time spent on the project and a description of what they were doing during that time. Time logs, copies of receipts, vehicle reports, and any other documentation that reflects charges to the project must be maintained by the project manager.

2. Estimated Fees. For commercial use, fee estimates should be based on either the amount of fees paid the previous year, or an annual revenue estimate agreed to by both the permittee and the authorized officer before any use occurs. When revenues are uncertain, e.g., for the first year of a new operation, the minimum fee or an estimate agreed to by both parties is appropriate. For competitive use, fee estimates will be based on projected gross revenues or numbers of participants and spectators as agreed upon by the applicant and the authorized officer. In any case, the prepaid fee cannot be less than the minimum fee.

3. Periodic Payments. For commercial use, periodic payments may be allowed as long as at least 25 percent of the estimated fee, when the total fee estimate is $1,000 or greater, is paid up front. For example, a permittee, whose estimated annual fee is $1,000, may pay $250 at the beginning of the season, and schedule the remainder of the payments over the rest of the season. Specific payment dates should be established before issuing the permit. For multi-year permits, Field Offices may find it useful to schedule a final payment after the end of the use season to provide an opportunity to reconcile the estimated payment with the final total of payments due for the season. This reduces the need to carry over payments to the following season through a year-end settlement process.

4. Deductions. For commercial use, deductions shall be allowed for actual transportation and lodging costs incurred before the client's arrival at the beginning of a trip, and after departure at the end of a trip. For example, airplane travel from a gateway airport to the permittee's headquarters and lodging in a motel the night prior to the start of the trip are allowable deductions.

a. Costs incurred between the permittee's headquarters or local community and the public lands, or costs incurred during the permitted activity or trip, regardless of public or private land status, cannot be deducted. Costs incurred for lodging on non-public land during the trip shall not be deducted; however, the time spent on non-public land may be applied to the discount for non-public land use. (See Table 1, Discount for Non-Public Land Use). Pre-trip and post-trip requests for lodging deductions may need to be supported with lodging receipts as specified by the authorized officer. Transportation and lodging deductions are not allowed for competitive uses, vendors, or organized groups.

b. Transportation Costs deductions are allowed to provide transportation for clients to the local community or permittee's headquarters. The intent is to allow adjustments for costs paid or borne by commercial permittees in bringing their clients to local communities or the permittee's headquarters prior to the trip, or returning them from such points after the trip. Enter either the actual amount paid to others or the current mileage rate allowance that the General Services Administration (GSA) allows for advantageous use of a privately owned vehicle (or aircraft) for Government travel. The reason for using the GSA privately-owned vehicle rate is for consistency purposes.

c. The intent is to not allow deductions for transportation costs between the local community or permittee's headquarters and the public lands.

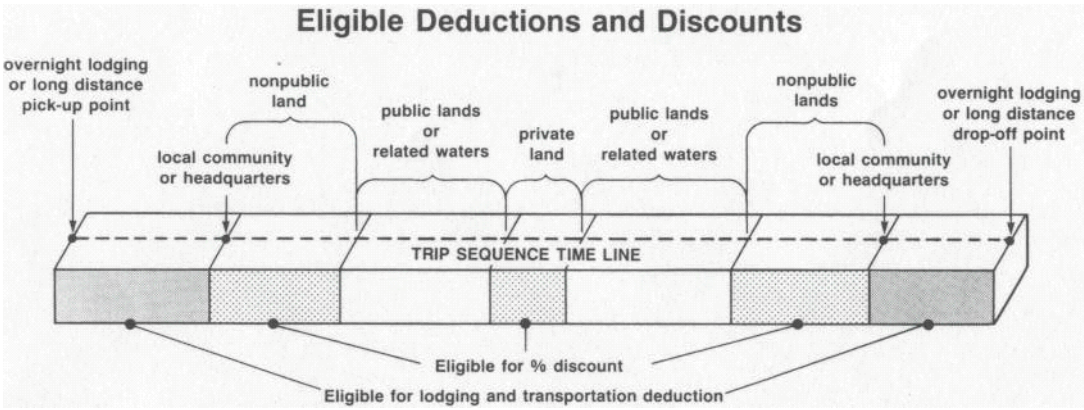
d. The transportation cost adjustment is to be used for pre-trip and post-trip transportation only. Adjustments for the percent of time spent off public lands discussed below (Discounts) does not apply to pre-trip and post-trip transportation, as this would create a double deduction. Allowable transportation adjustments apply to both single-day and multiple-day trips.

e. For further clarification for calculating the percent of time off public lands use fee adjustment, a trip is defined as: The time the client or participant spent with the permittee that starts either after the first night's lodging or when the client begins participating in the advertised use. For example, the trip is usually advertised by the permittee as a five-day hunt or a three-day river trip. Each day of permitted service is not considered a trip. A trip is usually the culmination of several consecutive days. A trip ends when the client returns to the permittee's headquarters or lodge for the last night's lodging.

5. Discounts. A discount for time off public lands and related waters is appropriate for commercial, competitive, and organized group events. A discount will be allowed for time spent off public land and related water from the time and date of entry to the time and date of exit from public lands (see Table 1). The key to successfully determining the time off public lands is to reach agreement with the permittee, prior to issuing the permit, when and where the trip or event starts and ends on public lands. For time spent on non-public lands, the authorized officer may require the permittee to submit a signed Trip Log or Operating Plan specifying this nonpublic land use. Commercial permittees, who rent equipment, deliver, and pick-up customers on public lands or related waters are not eligible for this non-public land use discount. The discount fee adjustment will be based on the percent of total time on public lands from the following table:-

Table 1 – DISCOUNT FOR NON-PUBLIC LAND USE

Percent of Total Time on Public Lands or Related Waters	Fee Reduction	Multiplication Factor
Less than 6%	80%	.20
6 - 60%	40%	.60
61 – 100%	None	None



6. Fee Calculation. Fees should be calculated as follows:

a Total all payments received by the permittee, their employees, or agents for goods or services provided in connection with commercial activities authorized by the SRP on public lands or related waters.

b. Adjust the total customer payments by subtracting allowable deductions for transportation and lodging, if any.

c. Adjust the total customer payments by applying applicable discounts for non-public land use, if any.

A deduction may be allowed for time spent off public land or related waters which occurs between the time when a customer leaves a permittee's headquarters or local community at the beginning of a trip, and when they return at the end of a trip. (See Table 1 – Discount for Non-Public Land Use) Make sure there is no overlap or double deduction with transportation costs in Paragraph 4 above.

d. Multiply the adjusted total by .03 (The 2005 fee is three (3) percent of adjusted gross revenue).

e. Subtract any prepaid fees from the total of amount of fees due. This is the balance due BLM.

Illustrations 2-6 provide examples of fee calculations for commercial fees.

ILLUSTRATION 2–EXAMPLE OF MINIMUM FEE (Using 2005 minimum fee)

Prior to the start of its use season, Petite Tours informed BLM that it expected to have total customer payments (see glossary) of $2,200 for commercial activities authorized by its Special Recreation Permit. Based upon this estimate of total customer payments, BLM first calculated an estimated fee by following the percentage of customer payment method and arrived at an estimated payment of $66 ($2,200 x 0.03 = $66). BLM then determined that the appropriate amount due prior to permit authorization was the $90 minimum annual fee as the minimum annual fee was larger than the calculated fee.

Petite Tours paid the minimum annual fee. At year-end, in its post-use report, Petite Tours reported its actual total of all customer payments as $1,710. As part of its closeout procedure for the year for the permit, BLM found that no additional fees were due.

FEE CALCULATION

Step 1 Total all customer payments received by the permittee = $1,710

Step 2 Multiply the total customer payments received by the commercial use fee percentage (3 percent).

$1,710
x .03
$ 51.30 fee due based upon commercial use percentage

$90 minimum fee prepaid
$ 0 balance due BLM
$90 amount retained by BLM

Note: If the product of the total customer payments received and the commercial use percentage is less than the minimum fee, then no additional payments are due and no further calculations are necessary.

ILLUSTRATION 3–EXAMPLE OF NO DEDUCTIONS OR DISCOUNTS

Prior to the start of its use season, Bigger Tours, an established land tour company with a multi-year permit, informed BLM that it expected to have total customer payments of $10,000 for a series of one-day commercial trips authorized by its Special Recreation Permit. In its discussions with the permittee and its review of Bigger Tours' operations plan and brochure, BLM determined that all authorized trips were planned to begin and end at Bigger Tours' office in County Seat, Utah and that 85 percent of the time spent on the trips would be on public land. Based upon the estimated amount for total customer payments and the likelihood of no allowable deductions for transportation and lodging or a discount for non-public land use, the BLM calculated the pre-payment of fees to be $300 ($10,000 x .03). In its post-season use report, the company reported its actual total of all customer payments as $8,850 and did not claim any discounts or deductions. At the end of the year, the owner of Bigger Tours informed the BLM that he intended to continue operations the following year. As part of its post-use closeout procedure, BLM reviewed the post use report submitted by the company and credited Bigger Tours $34.50 towards the next seasons use fee.

FEE CALCULATION

Step 1 Total all customer payments received by the permittee = $8,850

Step 2 Multiply the total customer payments received by the commercial use fee percentage (3 percent).

$8,850
X .03
$ 265.50 fee due based upon commercial use percentage

Step 3 Subtract the fees pre-paid.

$ 265.50
- 300.00 pre-paid

Step 4 $ (34.50) over payment, credited to Bigger Tours towards next seasons fees.

Note: "All customer payments" means the total of all customer payments received by the permittee, their employees, or agents for goods or services provided in connection with commercial activities authorized by the SRP occurring on BLM public lands.

ILLUSTRATION 4–EXAMPLE OF ELIGIBLE DEDUCTIONS AND DISCOUNTS

Big Joe Outfitter and Guide Company have a hunting guide business. They had 90 customers that paid $1,000 each for the guide-hunting trip. They also rented camping supplies and equipment to their customers, charged game processing fees, and sold them souvenir clothes. Total receipts came to $100,000. They paid an estimated fee prior to the season of $1,600. Part of the $90,000 collected in trip fees were costs associated with transportation and lodging at the beginning and ending of the trip ($5,000). They traversed public lands 55 percent of the time and the remainder of the trip was on private land.

FEE CALCULATION

Step 1 Total all customer payments received by the permittee = $100,000.

Step 2 Subtract from the total customer payments determined in Step 1, all allowable transportation and lodging deductions claimed by the permittee and reported as part of total payments.

$ 100,000
$- 5,000 (transportation and lodging deductions)
$ 95,000

Step 3 To the amount derived in Step 2, apply any applicable discounts for non-public land and related water use.

$ 95,000
x.60 (permittee used public lands
$ 57,000 and waters 55 percent of the trip)

Step 4 Multiply the amount derived in Step 3 by the current commercial use fee percentage (3 percent in 2005) to derive the amount due BLM.

$ 57,000
x.03
$ 1,710 = total fees due for permitted activity

Step 5 Subtract any prepaid fees from the amount due BLM derived in Step 4 to determine the balance due.

$ 1,710
-$1,600 (amount prepaid)
$ 110 balance due BLM

Note: Deductions and discounts must be documented by the permittee and approved by the BLM in advance of use occurring. Permittees are required to provide trip duration, itinerary, or other such information as may be specified by BLM to support requests for fee reductions based on use of non-public lands or related waters.

ILLUSTRATION 5–EXAMPLE OF DEDUCTIONS, DISCOUNTS, AND PERIODIC PAYMENTS

Mega River Tours, Inc. runs trips on the Green, San Juan, and Colorado Rivers in areas administered by the BLM. Over the past several seasons, Mega Tours has averaged $100,000 in total customer payments for activities authorized under its permit. Considering this past use, the company's past use of deductions, and the non-public land discount, BLM determined that since the estimated fee was greater than $250, a periodic payment could be made. BLM and Mega Tours agreed that Mega would pay 50 percent of their estimated use fee before the season, and the remaining 50 percent at mid season.

River flows were good and Mega River Tours, Inc. had a better than expected year. In its post-use report, the company showed total customer payments of $110,650. As part of its close-out procedure for the year for the permit, BLM allowed documented deductions of $5,150 for pre- and post-trip transportation and lodging expenses that had been included as part of total customer payments. Mega River Tours also showed with trip itineraries that customers spent an average of 55 percent of their time on public lands and related waters during their trips. Using the Discount for Non-public Land Use Table, BLM determined that 55 percent use on public lands or related waters entitled Mega River Tours to a 40 percent discount for non-public land use.

EXAMPLE OF FEE CALCULATION

Step 1 Total all customer payments received by the permittee = $110,650.

Step 2 Subtract all documented allowable transportation and lodging deductions claimed by the permittee and reported as part of total payments.

$110,650
$ 5,150 (subtract transportation and lodging deductions)
$105,500

Step 3 Apply any applicable discounts for non-public land and related water use.

$105,500
x.60 (reflects 40 percent discount)
$ 63,300 (permittee used public lands and related waters 55 percent of trip)

Step 4 Multiply the amount derived in Step 3 by 3% to derive the amount due BLM.

$63,300
x.03
$ 1,899 = total fees due for permitted activity

Step 5 Subtract prepaid fees from total due (Step 4) to determine balance due.

$1,899 total fee for season
- 855 amount prepaid, beginning of season
- 855 periodic payment, mid season
$ 189 = balance due BLM

ILLUSTRATION 6–COST RECOVERY FOR A COMPETITIVE EVENT

Soaring Cliffs Resource Area has received an application for a new permit for a rim-to-rim competitive race across Gravel Gulch Canyon from the local Chapter of Iron Men. The Iron Men estimate that 100 individuals will enter the contest, and that the event will last 3 days. The Canyon is known habitat for the six-toed lizard and an endangered species of the toad-flax genus. The local office will need a team of six individuals for an interdisciplinary team to conduct field surveys, write the environmental assessment, and monitor the race. The team estimates that they will need a total of 147 hours to process, administer, and monitor the event.

FEE CALCULATION

Step 1 Create a spreadsheet like the one below outlining all the estimated costs of administering the permit. Note: the spreadsheet assumes all hourly costs are paid at regular time rate. If overtime or differentials are involved, they should be calculated separately. Hourly rate includes leave surcharge and benefits.

Proposed Action for Iron Man Rim to Rim Race

Staffing Costs							
Employee	Hourly Salary Rate	Application Review	EA Development, Site specific survey Baseline Monitoring	Event Monitoring	Post Event Monitoring	Total Hours	Salary Cost
Rec. Planner	$38.93	16	16	16	4	52	$2,024.36
Rec. Tech	$22.36		8	16	12	36	$804.96
Archaeologist	$37.62	1	8		8	17	$639.54
Wildlife Biologist	$38.93		8		8	16	$622.88
Botanist	$36.45	1	8		5	14	$510.30
GIS Specialist	$38.93		12			12	$467.16
Subtotal		18	60	32	37	147	$5069.20
Other Costs							Totals
Vehicles @$36/trip		1	10	4	6		$756
Plotter		$25	$50		$25		$100
Supplies/Lab Anal			$30		$30		$60
Copying		$15	$85				$100
Postage			$30				$30
Subtotal							$1,046
Estimated Cost Recovery		$6115.20					

Step 2 Estimate the use fees at the current rate for competitive events ($4 per participant, per day in 2005). 100 participants X 3 days = 300 user days X $4/person/day = $1200.

Step 3 Compare the estimated cost recovery to the estimated SRP fees. In this case, since the cost recovery is more than the permit fee, you would charge the cost fee of $6115.20. If this event had been commercial as well as competitive, you would charge both the cost recovery fee and the commercial use fee. ($6115.20 + $1200.00 = $7315.20)

Step 4 Notify the applicant that cost recovery applies and that a total payment of $6115.20 will be necessary for BLM to process the application and monitor the event. This amount must be received prior to BLM investing any more time or effort on this event.

I. Fee Collections

Fee Revenue Deposits. All recreation fees, excluding cost recovery collections, are deposited into a separate 1232 Treasury account for your recreation site or area for immediate use on that site or area only.

J. Refunds

1. Application and/or minimum annual commercial fees are not refundable.

2. For multi-year commercial permits, over-payment of fees will be applied to the following year's use. Refunds should be granted for overpayment of commercial fees for single-year or one-time permits.

3. Commercial use fees and fees for vending, competitive use, and organized group event use may be refunded less the direct cost of processing the permit, if the estimated use is less than calculated or the event or activity is canceled. If the event or activity is in a fully allocated area, and the cancellation occurs without sufficient time for the authorized officer to reallocate the use, the fees will not be refundable. The standard for a refund in this case is–did the permittee notify BLM in sufficient time for the use to be reallocated regardless of whether or not it actually was reallocated. This time frame shall be established by the local Field Office.

4. Refunds are not made for Special Area permits issued to individuals in allocated use areas except when BLM actions prevent the permittee's use of the permit. Credit towards future use may be authorized where use was canceled in sufficient time to reallocate it to others.

5. When cost recovery is charged, all costs incurred up to the time of cancellation will not be refundable.

K. Approval to Vary or Waive Fees

1. Approval must be obtained in writing from the Director or State Director to vary fees, or the method to determine them, from those prescribed in the respective national or state recreation fee schedules.

2. The authorized officer may waive fees only for special recreation permits issued for research and/or scientific, therapeutic, or administrative use directly related to management of the permit area or if the event or activity is co-sponsored by the BLM. Although fees may be waived, applicants on this basis must compete for use allocations where applicable. Non-profit, educational, or public agency status is not, on its own, a basis for waiving fees.

3. We will not waive SRP requirements or SRP fees in exchange for volunteer work. We will recognize significant volunteer contributions through the BLM Volunteer Recognition

program. Local managers may reward volunteer work by a group or individual with a local or regional recreation pass (Recreation Use Permit) or with Secretary approval, a national recreation pass.

L. Terms and Stipulations

1. General Terms. In addition to the terms included on a Special Recreation Application and Permit (currently BLM form 2930-1), the following general terms should be applicable to and made a part of all special recreation permits except permits for individual use of Special Areas. State Directors should develop stipulations for Special Area permits.

a. 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 SRP. 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, customers, participants, or spectators under the permittee's supervision.

b. An SRP authorizes 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 modification of the amount of use. 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.

c. 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.

d. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the federal land by other users. The United States reserves the right to use any part of the area for any purpose.

e. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.

f. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in 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 if requested by the authorized officer.

g. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.

h. 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 permittee's SRP.

i. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.

j. The permittee must present or display a copy of the SRP to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.

k. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three years after expiration of the permit.

l. The permittee must submit a post-use report to the authorized officer for every year the permit is in effect. If the post-use report is not received by the established deadline, the permit will be suspended and/or fines assessed. (**Note**: State Directors are encouraged to establish a statewide late fee schedule, for consistency between Field Offices.)

m. The permittee shall notify the authorized officer of any accident that occurs while involved in activities authorized by these permits which result in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than $2,500 (lesser amounts if established by State law). Reports should be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage. (**Note:** The authorized officer shall report accidents to the Bureau safety officer.)

2. Special Stipulations. In addition to the general terms listed in Paragraph 1 above, the authorized officer may require the permittee to comply with any reasonable stipulations or

conditions necessary to protect the lands or resources involved (e.g., compliance with applicable Leave No Trace, Tread Lightly! and other practices), reduce user conflicts, or minimize health and safety hazards. The permit terms and conditions are developed by the authorized officer in consultation with the permittee(s), and others as appropriate, including State and Federal land managing agencies, state outfitter licensing boards, outfitter/guide associations, State fish and game agencies, and advisory councils. Any such stipulations will also be made part of the permit and used in the evaluation process. The BLM shall not additionally stipulate or otherwise regulate matters that are the responsibility of other Federal, State, or local agencies. The BLM stipulations should not conflict with other agency regulations and requirements where other agencies have clear jurisdiction.

M. Bonds

Bonding is a type of guarantee that protects the United States against financial loss resulting from defaulted obligations associated with special use authorizations, and the requirement to post a bond is written into the permit stipulations. A bond ensures obligations or payments associated with these authorizations. Bonds are frequently used to assure there will be adequate funds available for the rehabilitation of resource damage or repair of damaged government facilities (43 CFR 2932.44). BLM may require bonds to protect its interests in the public lands, resources ,and BLM owned or managed facilities against damage caused by the permittee's actions. BLM does not use bonding to protect third-party interests (landowners, other BLM permitted users, counties, etc.).

Do not use bonds to enforce general terms of an SRP. Rather, use bonds to enforce readily identifiable requirements that are specified in an authorization. In particular, use bonding if it is necessary to protect the United States from a complete default under the authorization. A bond is not a substitute for proper and timely administration of an SRP's terms and conditions. The holder must fulfill the requirements of the authorization, and the BLM must monitor, document, and enforce compliance, regardless of whether there is a bond. Do not use bonds as a substitute for suspension or revocation of an authorization or for recreation use fee requirements, as recreation use fees should be paid in advance of the authorized use and occupancy. Inconsistent or lax administration may prejudice the ability of the BLM to obtain recourse from the bonding company.

1. Types of Bonds

a. Cash Bond – amount of money deposited with the Government that can be drawn upon to defray costs of restoration and rehabilitation of the lands affected by a permitted use.

b. Payment Bond – amount of money deposited or a promissory arrangement entered into to guarantee payment of fees associated with an SRP.

c. Surety Bond – promissory note of a financial institution that guarantees payments of an amount of money to defray the costs of restoration of the lands affected by the permitted use.

2. Acceptable Securities for Bonds. The following are acceptable forms of security for bonds:

a. Cash deposits

b. Corporate Security

c. Irrevocable letters of credit

d. U.S. Treasury Bills

e. Notes, bonds, or other negotiable securities

f. Certificates of Deposits.

3. Bond Requirements

a. The authorized officer may require the posting of any of the above types of securities for bonds or guarantees in such form and in such amount as the authorized officer determines to be sufficient to defray the costs of restoration, reclamation, or rehabilitation of the lands affected by the permitted use. Base the amount of the bond on the estimated cost to the United States to perform or have others perform the defaulted obligations of the holder. In addition, consider inflation, availability of BLM personnel and other resources, technical aspects and other characteristics of the site and improvements, and the cost to the holder. If multiple authorizations are covered by a blanket bond ensure that the amount of the bond is sufficient to cover the anticipated loss under all authorizations covered by the bond.

b. Ensure that the bond provides that, at the BLM's option, the surety must pay the United States for any loss covered by the bond or, in the event of a complete default under the SRP, must pay a third party (not the BLM) to operate under the authorization. Ensuring that the bond also provides the selection of a third party to operate under the authorizations is subject to authorized officer's approval.

c. Failure to provide adequate bonding as required is grounds for denying an SRP application. If, after sufficient notice and opportunity to comply, the holder of an SRP fails to provide adequate bonding as required, BLM should suspend or revoke the authorization.

d. Require bonding only for the period and in the amount needed to satisfy the SRP requirements. Write into the stipulations the conditions under which BLM would return the bond or a portion of the bond. Also, provide in writing the conditions under which BLM will

require a partial or complete forfeiture of the bond. When a bond is no longer necessary or the amount of the bond may be reduced, provide a statement to the SRP holder and the bonding company that the bonding requirement has been met or is being reduced, and release or reduce the amount of the bond. Return the bond only upon satisfactory compliance with all permit stipulations, including any reclamation and/or rehabilitation requirements.

e. If approved by the authorized officer and SRP holder in advance, a payment bond or other guarantee may be used to secure the fee payments in lieu of advanced fees in excess of the minimum annual permit fee.

N. Insurance and Liability

1. A property damage, personal injury, and comprehensive public liability insurance policy is required of all commercial and competitive permittees and may be required for vending or organized group activities and events (depending upon the kind of activity and risk to the Government). The policy will provide restitution for damage or injury to participants, spectators or both, or to privately owned resources, and protect the United States from litigation resulting from actions taken or caused by the permittee or participants in a permitted use. The reviewing office should consult with the State Government insurance authority in determining the acceptability of standard or unique policy provisions, clauses, and industry practices.

2. Self-insured, Federal, and State Government agencies are not required to list the US Government as an additional insured. In lieu of insurance, require a written statement from the comptroller or risk manager that the SRP activity is in fact State sponsored and the State accepts liability. If a state or state subdivision, or quasi-governmental agency is not self insured, all insurance requirements apply.

3. The BLM shall require that all commercial and competitive use authorization holders indemnify the United States for all liability for third-party property damage (damage to property other than that owned by the holder or the United States) and for all personal injury, loss of life, or property damage that arises in any way from activities connected with the authorized use and occupancy. To meet this obligation, the permittee must secure liability insurance in an amount adequate to protect the interests of the United States, unless the insurance requirement is waived. Furthermore, the BLM may require liability insurance for other types of uses based on a risk assessment.

4. At a minimum, the permittee shall have in force public liability insurance covering:

a. Damage to property in the amount of $30,000 (may be included in an annual aggregate);

b. Damage per occurrence (persons, bodily injury, or death) in the amount of (minimum) $300,000; (Note: a certificate of insurance that shows only an "annual aggregate" and not "per occurrence" is fine as long as it meets the minimum annual aggregate requirement) and

c. A minimum annual aggregate limit of $600,000. The coverage shall extend to property damage, bodily injury, or death arising out of the permittee's operations under the permit, including, but not limited to, the occupancy or use of the lands, structures, facilities, or equipment authorized by the permit.

d. The insurance shall name the United States as additional insured (not co-insured) and provide for specific coverage for the permittee's contractually assumed obligation to indemnify the United States. BLM shall not require any third party to be covered as additionally insured.

e. The policy shall also contain a specific provision or rider to the effect that the policy will not be canceled or its provisions changed or deleted before thirty (30) days written notice by the insurance company to the BLM.

f. Table 2 provides guidelines and minimums for Per Occurrence and Per Annual Aggregates only. Additional coverage should be required if it is determined that the activity or event is an unusually high risk or for other compelling reason.

TABLE 2 – GENERAL GUIDELINES FOR MINIMUM INSURANCE REQUIREMENTS

SRP Event or Activity	Per Occurrence	Per Annual Aggregate
Low Risk: general non-competitive and non-commercial activities such as group camping, group activities, mounted orienteering, backpacking, or dog trials.	$300,000	$600,000
Moderate Risk: whitewater boating, horse endurance rides, OHV events, mountain bike races, rock climbing (with ropes), ultra-light outings, rodeos	$500,000	$1,000,000
High Risk: bungee jumping, speed record events, unaided rock climbing, heli-skiing, or aviation assisted activities	$1,000,000	$2,000,000 - $10,000,000

5. Authorized uses are considered low risk when injuries generally associated with authorized activities are not likely to result in death or permanent disability. Authorized uses are considered high risk when injuries generally associated with authorized activities may result in death or permanent disability.

6. The permittee must submit a valid certificate of insurance covering the authorized activity prior to initiating operations. The authorized officer may require the permittee to furnish a copy of the insurance policy.

a. The policy should stipulate that the authorized officer will be notified 30 days in advance of the termination or modification of the policy.

b. The name on the insurance policy or certificate of insurance must be the same as the name on the permit.

c. Those permittees holding insurance policies which only insure the permittee and not the permittee's employees must ensure that their employees also have the required insurance in effect, and that a certificate of insurance is furnished to the authorized officer. The insurance need only be valid during periods of actual use.

d. Because of the importance of the time factor in filing claims, protection of the permittee, and visitors, permittees should be encouraged to immediately report to their insurance company any incident that could possibly result into a claim at a later date.

O. Permit Monitoring, Performance Evaluation, and Compliance

1. Monitoring. Permits are monitored for compliance with stipulations, terms, and conditions. The amount of such monitoring is commensurate with the resource values at risk, the permittee's past record of compliance, and the ability to obtain monitoring services through other means such as local police, other permittees, the public, and other factors. The Bureau's capability to monitor terms and conditions may be a determining factor in deciding whether or not to issue a permit. Failure to comply with stipulations or conditions may result in administrative penalties, civil suit, or criminal sanctions (see Chapter 4).

Consideration should be given to having the permittee or one of his representatives present during informal compliance evaluations. Permittees will be contacted prior to formal compliance inspections and invited to be present during formal inspections of operations or facilities. Inspections will be limited to the business records, operations, and facilities related to the permittees use of public lands or related waters.

The permittee will be given a written notice of conduct or conditions that, if not corrected, might lead to an unacceptable or probationary performance rating. The notice will be documented in the permittee's file and include an explanation of needed corrections and provide a reasonable time period in which the corrections may be made without penalty. Severe permit deficiencies

may require immediate suspension, termination, or other disciplinary action.

2. Performance Evaluation. A performance evaluation is required of all commercial and competitive permittees and may be required for other types of permits. The purpose of a performance evaluation is to evaluate a permittee's performance and compliance with the stipulations and terms of the permit. At a minimum, an annual evaluation must be completed. Performance evaluations may also be conducted at the end of the permit term, when there are changes in operating plans or procedures, when violations of the permit occur, prior to the issuance of a new use authorization to an existing permittee, or prior to permit renewal.

a. The permittee will be given written notice of results of annual performance evaluations not later than 90 days after the conclusion of the permittee's operating season, including the level of performance and the status of corrections that may be required to retain the multi-year permit.

b. Compliance with other federal, state, local laws, or regulations is a key consideration in performance evaluations. However, BLM shall not conduct detailed inspections or evaluations to ensure compliance with other agency's regulations as part of the SRP administration process. BLM's role is to request or arrange for, as necessary, the other agency to carry out its responsibility. Certain exceptions may be outlined and provided for in cooperative agreements or memoranda of understanding.

c. Important considerations in the development of the evaluations are the degree of compliance with conditions of the permit and operating plans, the protection of resource values, and quality of services rendered to the public. The authorized officer should attempt to develop consistency in evaluation formats with other BLM offices whenever possible.

d. Three different performance levels are recognized: acceptable, probationary, and unacceptable. An opportunity to address probationary or unacceptable performance items may be given to the permittee consistent with other stipulations in the permit, and prior to any decision regarding cancellation or other disciplinary measures. Ratings are confidential between the BLM and the permittee, to the extent allowable by law or regulation. If a permittee receives a probationary or unacceptable summary rating, notification of such rating may be forwarded to the State outfitter licensing board, and/or related outfitter/guide associations. A copy of the completed evaluation will be maintained in the permittee's file.

(1) 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.

Permittees with acceptable ratings are generally eligible for permit renewal and transfer where continued use is consistent with planning and other appropriate factors.

(2) 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 does not pose a threat of significant resource damage. Corrective action by the holder is mandatory and continued operation at this level of performance is unacceptable. Examples of items that could lead to a probationary rating include: required reports and fee payments are repeatedly delinquent, approved itineraries and/or schedules are not followed, changes to camp layout or operating plans are made without communicating with the authorized officer, or allocation limits are exceeded. The basis for the rating will be clearly documented on the rating form or attachments.

A permittee given a probationary performance rating will only qualify for a permit not to exceed one year, and permits with remaining periods of more than one year will be amended. If the permittee receives a probationary level two years in a row, the authorized officer may suspend or terminate the permit and/or deny future permit applications. Permits in probationary status shall not be transferred.

(3) 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. Examples include failure to obtain necessary licenses or registration; recurrent or serious violations of fish and game laws, outfitter-guide laws and regulations; failure to pay fees, failure to comply with insurance requirements, falsification of records, and public endangerment.

An unacceptable performance rating will result in suspension, termination, or revocation of permit privileges as appropriate to the circumstances.

d. States may establish a fourth performance level to recognize superior performance. Appendix B-2 provides a sample performance evaluation form used by Wyoming.

3. Compliance

a. Reporting Requirements. The authorized officer will establish reasonable reporting requirements for permittees. Post-use reports should include all information necessary for the authorized officer to calculate use numbers and permit fees. Information may be requested on the number of clients served, number of participants or spectators, entrance fees collected, gross revenue per trip or client, and related matters. The authorized officer will establish reasonable time requirements for the submission of these reports such as on a daily basis, within 10 working days after an event, monthly, seasonally, or annually. For competitive events, vendors, and individual commercial events, the post-use questionnaire contained in

BLM's Special Recreation Permit and Application (currently Form 2930-1) may be sufficient.

(1) The authorized officer should ensure that the information collected from permittees is of sufficient detail to allow for the preparation and submission of the BLM's Recreation Management Information System (RMIS) annual reports.

(2) The permittee shall notify the authorized officer of any accident that occurs while involved in activities authorized by this permit which resulted in death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than $2,500 (lesser amounts if established by state law). Reports should be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage. The authorized officer shall report accidents on Form DI 134 to the Bureau safety officer.

b. Inspection of Records and Audits. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, of the permittee or the permittee's operator, employee, or agent for up to three years after expiration of the permit. Random audits of a sample of permittees should be conducted regularly on a statewide level. Such reviews should, at a minimum, include an audit of revenues and visitor use. Independent auditors may be contracted to conduct such work. If payment or other discrepancies are found, BLM will make an effort to ensure proper payment or permit compliance.

c. Violations and Penalties

(1) Violation of the operating plan requirements, permit terms, and stipulations, or other federal, state, or local regulations by a permittee or a permittee's employees or agents on any federally administered lands or related waters can result in penalties issued against the permittee(s) by the authorized officer.

(a) Minor administrative penalties in the form of service charges may be identified as part of the terms and conditions of the permit. States may establish their own recreation fee schedules for charging service fees for late payments, late reports, failure to cancel reservations, etc., through state recreation fee schedules. In addition, interest is also charged at the current Federal Reserve Prime Interest rate. These administrative penalties may be in addition to civil and criminal charges which may be brought against a permittee by the BLM.

(b) Other administrative penalties may include probation, suspension, or termination actions for violations of federal, state, or local laws, regulations, or permit stipulations. See the Glossary for definitions. A permittee who loses permit privileges on other Federal or State land due to permit violations may also be denied permit privileges on BLM-administered land. Administrative penalties such as denying or limiting permit rights should be reciprocal, whenever possible, between BLM offices or other federal, state, or local administering agencies. In other words, if an administrative penalty is imposed by one agency then the other agencies may do likewise as appropriate.

(c) Criminal penalties, as provided for in 43 CFR 9268, are a third type of action that may be taken by the authorized officer to rectify violations of the terms and conditions of the permit. Administrative remedies should normally be pursued prior to using criminal penalties. Permittees serving court-ordered probation for violation of federal regulations pertaining to public lands and resources may have permit privileges denied for the duration of the probation period.

(2) Alleged violations will be brought to the attention of the involved permittee(s) by the authorized officer, either by telephone, personal contact, or in writing. Based upon available information, the authorized officer will notify the involved permittee(s), in writing (by registered mail if necessary), explaining the nature of the violation and any steps the permittee(s) must take to remedy the situation. If an adverse administrative penalty is to be assessed a permittee, the authorized officer should follow the procedures outlined in Chapter 4, Decisions, Protests, and Appeals.

d. The permittee must take immediate steps to rectify the situation to the satisfaction of the authorized officer. Depending upon the severity of the violation and/or the permittee's ability to rectify the violation, the authorized officer reserves the discretionary authority to impose specific penalties upon the permittee, including, but not limited to: permit privilege denial, probation, suspension, or revocation, in whole or in part, and without compensation.

e. All communications should be documented in the permittees' file. Information on violations shall be made part of a permittee's annual performance evaluation.

P. Coordination and Joint Permits

Permitted recreation activities involving more than one jurisdiction (i.e., two BLM offices, other agency lands, private lands, etc.) may require the development of joint permits. Joint permits must be worked out ahead of time between or among participating agencies before processing any type of recreation permits. Local or state governing bodies or private property owners may also require separate permits or authorizations. Should separate authorizations be necessary, the permittee is responsible for securing appropriate agency clearances and/or permits, and provide proof on demand by BLM.

Blanket statewide permits will not be issued for commercial, competitive, or organized group activities or events held on public lands. Joint permits are appropriate only in cases where a permitted, individual activity crosses jurisdictional boundaries. Examples are linear events (Pony Express, handcart reenactments, point-to-point races, or endurance events) or when the permitted activity occurs in more than one jurisdiction, such as where a big game hunting unit crosses a field office boundary and the guide is hunting over the entire unit. In such cases, joint permits are used when it is a benefit to the BLM in the proper and orderly administration of the permit. <u>It is not done solely for the convenience of the permittee.</u> Joint permits are not appropriate unless a specific activity (an individual hunt, tour, etc.) crosses an administrative

boundary. A guide who hunts elk in one field office and antelope in another is not a candidate for a joint permit. Likewise, a guide that hunts cougar in all field office areas within a state is not eligible for a single, statewide permit.

1. Coordination between BLM Field Offices/States. The authorized officer should give consideration to improved public service through issuance of a single permit, and reduction in administrative costs both for the BLM and the permittee. Normally, the office or state having the most significant portion of the activity (i.e., river mileage or acreage) should issue the permit. The BLM Field Office issuing the permit will contact the other affected Field Offices to ensure that the SRP may be issued for areas outside of their jurisdiction.

2. Coordination with other Federal Agencies. Commercial or competitive activities involving multiple agencies (e.g., BLM/United States Forest Service) may require the development of interagency agreements for joint permits. The agency having the greatest amount of the proposed use will generally process the application and issue the permit. Additionally, fee revenues should be distributed in accordance with agreed upon criteria (e.g., percent of use area, staff time involved in permit processing, and administration) and deposited and reported in accordance with applicable agency procedures. One stop shopping and fee collection is encouraged where joint agencies are involved. Interagency transfer of permit processing fees can be avoided by requesting the permittee to issue separate checks to each administering office or offices can agree which agency will collect and retain the fee.

CHAPTER 2. RECREATION USE PERMITS

I. ISSUANCE OF PERMITS

A. Purpose

1. Recreation Use Permits (RUPs) are issued for the short-term recreational use of specialized sites, facilities, equipment, or services furnished at federal expense.

2. RUPs are most frequently used in BLM to authorize individual and group recreational use of recreation facilities, commonly known as "fee sites." At such sites, RUPs are the fee envelopes (BLM Form 1370-036) used at campgrounds for the collection of daily use fees. RUPs may also be used for collections at facilities such as group shelters or boat launch areas where daily use fees are charged. Fees are always collected in conjunction with RUPs.

B. Availability of Recreation Use Permits

RUPs are normally available on a first-come, first-served basis from fee envelope dispensers at fee stations. In some cases, it may be appropriate to distribute permit envelopes directly to visitors or from an off-site location. Where advance reservation systems are in place, such as for the use of group sites, visitors may be required to reserve a site and pay in advance of their arrival. Visitors should be informed about the location of any off-site distribution facility by means appropriate to the situation.

C. Permit Procedures

1. Standard procedures are described on the fee envelope for the RUP and may be supplemented by instructions posted at the fee station. Examples of supplementary instructions are where site managers request that permittees clip the envelope stub on a site number post instead of on their vehicle or pay camp hosts or employees in person.

2. If alternate procedures for obtaining a permit are available, the RUP should be posted onsite or made available to the public via other appropriate means.

D. Duration of Recreation Use Permits

1. RUPs may be issued for a day, season of use, year, or any other time period that BLM deems appropriate for the particular use. Most RUPs are short term in nature. For example, many offices limit use of developed sites to 14 days. Sites and facilities in high demand may have much shorter use limits, e.g., use of a day use picnic shelter might be limited to one day. Information about allowed length of stay should be posted at sites where appropriate.

2. The requirement to obtain a RUP and pay fees may be suspended during times of low public use, when certain services such as water systems and garbage collection are not provided, or for other reasons approved by the authorized officer.

II. FEES

A. General Fee Policy and Guiding Parameters

1. Policy and Purpose. BLM collects fees at all recreation sites which meet fee collection guidelines as provided for in the Federal Lands Recreation Enhancement Act (REA). The collection of recreation fees support BLM's Mission and Corporate Agenda and is in conformance with the BLM's "Priorities for Recreation and Visitor Services" strategic plan. Fee programs should support protection of natural resources, provide for public health and safety, and facilitate access to public lands.

The intent of the fee program is not to maximize revenue, but rather to provide needed public services while protecting and enhancing public lands and recreation opportunities. Fees should be balanced and affordable for all members of the public, and should not be an impediment to visiting public lands. Fees should not be used as a means to allocate recreation opportunities. Those who actively utilize recreation opportunities should make a greater but reasonable contribution to protect and enhance those opportunities than those who do not make use of such opportunities.

Fees are only one part of a comprehensive funding strategy to support recreation sites and services. Other parts of the strategy include appropriated funding, volunteer assistance, interagency cooperation, grants, partnerships with the private sector, commercial operations, and leveraged funding.

2. Recreation Use Permit Fee Guidelines.

a. Fees must be designed and implemented for the visitor's convenience; should be consistent and similar among agencies and private providers; and provide convenient payment options where appropriate (e.g., credit cards, Internet, or off-site sales).

b. Fee revenues will not be used to supplant normal appropriations, i.e., sites that collect fees will not have fee revenues offset by reductions in appropriations or a redirection of base funds.

c. Each BLM Field Office will provide a range of outdoor recreation opportunities including areas where there is no fee charged for participating in recreational activities.

d. Decisions to charge or not to charge a fee will be based upon the criteria set forth in REA Section 3. (b). (refer to Paragraph II. E.). Services and amenities provided at recreation

sites are required to protect the health and safety of the visiting public. Likewise, protection of resources is of primary concern.

e. Recreation fee revenues will be retained for use at the recreation site where they are collected and will be used to provide benefits visible to and desired by visitors.

f. The BLM's goal will be to use 100 percent of the fee revenues at the site of collection but only as long as they can be used efficiently and effectively. Revenues are to be used first at the site of collection, second to establish new fee sites within the Field Office of collection, and third in the state where fees are collected to offset existing and new fee site costs.

g. Business plans are to be used in determining the appropriateness and level of fees. Plans will include, but not be limited to, the level and type of development; cost and security of collection; type, season, duration, and intensity of visitor use; compliance and enforcement capability; partnerships; stakeholder input; impacts to underserved communities and local businesses; private sector alternatives; and a communication and marketing plan.

h. BLM Field Offices and Districts will involve the public in decisions about fee project design and how the fee money will be invested.

i. BLM will be accountable for monitoring fiscal integrity, efficiency, implementing national policy, revenue distribution, and evaluation of the fee program.

j. Reports will be provided to the public through annual feedback on revenue collected, expenditures, projects completed, and priority projects for the following fiscal year. Reporting will be in the form of an accountability statement posted at the recreation site of revenue collection. Reporting could also include brochures, newspaper articles, radio spots, and oral presentations.

B. Establishing Fee Collection Sites

Each State Director is responsible for implementing a recreation fee policy that is consistent with REA and includes the following:

1. An opportunity for the public to participate in the development of or changing of a recreation fee established under REA.

2. A review of recreation areas to identify those areas that can be designated as fee sites and to analyze the potential for permits and/or fees at those sites.

3. A Comprehensive business and communication plan that includes a thorough discussion of and explanation of how fees are consistent with the criteria set forth in REA, Section 3(b)(1-6) and Section 3(c), "Basis for Recreation Fees."

4. Publishing a notice in the Federal Register of the establishment of a new recreation fee area six months before establishment.

5. Publishing a notice of a new recreation fee or change to an existing recreation fee in local newspapers and publications located near the site at which the recreation fee would be established or changed.

6. A biennial review of all current recreation fee sites and services for fee comparability.

7. An assurance that there is accountability for money collected from recreation sites.

8. Recreation Resource Advisory Committee (RRAC) participation, once established, as applicable, consistent with the provisions of REA and Agency guidance.

C. Fee Categories

Public lands recreation sites and services provide an array of benefits and amenities ranging from collective societal good to personal use. This forms a spectrum of benefits for the provision of visitor services.

1. Category 1- Free Sites and Services. This category reflects the broad societal benefits of providing general taxpayer-supported recreational opportunities and the principle that a portion of all BLM Public Lands should be available free of charge to all of the public. In Category 1, we would NOT charge a fee for:

a. General access to BLM Public Lands.

b. Drive-through, walk or hike-through, horseback ride-through, or float-through only, without using the facilities and services unless specifically authorized. **This does not apply to Special Areas, designated as such through the land use planning process, where SRPs are issued to authorize special uses of the public lands, i.e., outfitting or guiding permits, and individual use of special areas.**

c. Solely for parking (parking that does not immediately support and/or adjoin a fee site or area), undesignated parking or picnicking along roadsides.

d. Overlooks, scenic pullouts, or interpretive waysides.

e. Dispersed areas with low or no expenditures in facilities or services.

f. Information offices and small centers that provide general area information, regulations, orientation, and limited services and/or interpretive exhibits (does not include BLM's larger Interpretive or Visitor Centers).

g. Camping at undeveloped sites that do not provide a minimum number of facilities and services as outlined in Paragraph 3a.

h. For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

i. For special attention or extra services necessary to meet the needs of the disabled.

2. **Category 2 - Standard Amenity Recreation Sites and Services Fee**. This category reflects a mix of societal and personal benefits, where it is appropriate for users to share in some of the costs. The decision on whether or not to charge a standard amenity fee meeting the following criteria is based on business plan analysis, which includes local considerations.

Fees for standard amenity recreation sites and services will largely be assessed through a system of passes. These passes would generally be accepted for all passengers in a private vehicle, singly as walk-ups, or for mandatory transportation systems. Standard amenity fees may be assessed for sites and services that meet one of the following criteria:

a. Designated National Conservation Areas and National Volcanic Monuments.

b. Destination visitor or interpretive center that provides a broad range of interpretive services, programs, and media.

c. Area or Developed day-use recreation sites and services as defined in Table 3. These areas provide significant opportunities for outdoor recreation, have substantial federal investments, and require intensive management to enhance visitor experiences, address environmental needs and manage conflicting uses. These sites will contain all of the following amenities:

(1) Designated developed parking

(2) Permanent toilet facility

(3) Permanent trash receptacle

(4) Interpretive sign, exhibit, or kiosk

(5) Picnic tables and

(6) Security services

TABLE 3 DEVELOPED DAY-USE SITES AND SERVICES	
Sites and Services Category	Sites and Services Descriptors
Developed Day-Use Sites	All "Standard Amenity" recreation sites and services must: ❑ Facilitate day use recreation or serve day use recreationists ❑ Consist of site modifications that protect resources and provide for public health and safety ❑ Be a well defined recreation site ❑ Allow for fees to be convenient & efficiently collected ❑ Have permanent toilet facilities ❑ Have designated developed parking (paved or well-surfaced) ❑ Have identification and informational signs ❑ Provide picnic tables ❑ Provide security services ❑ Have interpretive sign(s), exhibit(s), or kiosk(s) ❑ Have permanent trash receptacle Examples: Day-use National Monuments, National Conservation Areas, and recreation areas; Trailheads for basic cross-country ski, hiking, biking, horseback riding, or multiple use trails; interpretive, river, lake or reservoir parking sites, swimming beaches, boat launches, or developed picnic sites.
Destination Visitor/Interpretive/ Discovery Centers	❑ Sites and facilities designed and managed to provide a broad range of information and interpretive programs. These facilities may have a natural or cultural attraction as a major theme, and provide basic services. Basic interpretive services include short interpretive talks at campgrounds and visitor centers that are not charged separately from the Standard Amenity use fee.
High Impact Recreation Areas, Travel and Waterway Corridors	❑ A collection of developed recreation sites situated along heavily used and contiguous travel, waterway, or canyon corridors that support concentrated recreation use directly associated with a natural, geographical, or cultural feature. The use of the corridor, including the associated complex of sites, requires intensive management and expenditures of significant federal funds. Fees are not charged for use of the travel or waterway or access to private land or business. ❑ Examples: a collection of sites along a highly scenic road, canyon, or lake.

d. Prohibitions: BLM will not charge a standard amenity fee for 1) persons under 16 years of age, 2) outings conducted for noncommercial educational purposes by schools or bona fide academic institutions, and 3) any person engaged in a non-recreational activity authorized under a valid permit issued under any other Act, *unless that activity is commercial*, including a valid grazing permit.

3. Category 3 - Expanded Amenity Recreation Sites and Services Fees. This category includes sites and services that provide direct benefits primarily to individuals or groups rather than to society as a whole. The individual or group receiving a direct service or using a specialized facility should bear a greater share of the direct costs of providing the service or facility.

Expanded amenity fees cover specialized outdoor recreation sites and services. The decision on whether a basic or expanded amenity fee applies at sites that could fall into category 2 or 3 must take into account local considerations, including fees charged at nearby sites that are similar in nature, value for fee paid, and degree of development. Expanded amenity recreation sites and services include the following:

a. Developed campgrounds where a majority (five of nine) of the following amenities are provided: tent or trailer spaces, picnic tables, drinking water, access road, refuse containers (refer to trash receptacle), toilet facilities, fee collection by an employee or agent of the BLM, reasonable visitor protection, and (if campfires are permitted in the campground) simple devices for containing a campfire.

b. Highly developed boat launches with specialized facilities or services such as mechanical or hydraulic boat lifts or facilities, multi-lane paved ramps, paved parking, refuse containers, restrooms and other improvements such as boarding floats or docks, loading ramps, fish cleaning stations. In addition to the facilities identified, the following contribute to defining "highly-developed boat launches:" ramp or parking lighting, security services, changing rooms, mooring floats, picnic area, or playground areas.

c. Developed swimming or hot spring sites with a majority (four of seven) of the following amenities: bathhouse with plumbing (showers and/or flush toilets), changing rooms, refuse containers, picnic areas, paved parking, attendants (including lifeguards), swimming floats and decks.

d. Rental cabins, boats, stock animals, lookout towers, historic structures, trail shelters, audio tour devices, portable sanitation devices, or any equipment.

e. Group day-use sites.

f. Group overnight sites.

g. Use of hookups for electricity, cable or sever.

h. Use of sanitary dump stations.

i. Participation in an enhanced interpretive program such as guided tours, movies, and seminars.

j. Use of reservation services.

k. Use of transportation services.

l. Use of areas where emergency medical or first-aid services are administered from facilities staffed by public employees under a contract or reciprocal agreement with the Federal Government.

D. Fee Structure – Passes

1. Standard Amenity Fees. Consistent with the principle of a single fee for standard recreation sites and services, a pass system may also be used for standard amenity sites (see Fee Category 2 above). The pass system will be implemented to minimize fee layering and avoid multiple fees at nearby sites. Golden Age and Access Passports valid at the time of REA shall be valid in accordance with the terms agreed to at the time of issuance of the passport. *Once available, the BLM will ensure that the America the Beautiful Pass – The National Parks and Federal Recreational Lands Pass shall cover the Standard Amenity recreation fee in a manner consistent with the standard definitions and the criteria set out under Section 3 of REA for all its units collecting reaction fees.*

A visitor may purchase the following passes:

a. BLM Site Specific Recreation Pass. A BLM Recreation Pass may be developed, per an agreement, for basic recreation sites and services on a specific BLM recreation site for which it has been purchased. This pass may be valid for a single day, for a period of up to 12 months from the date of purchase, or for calendar year as determined in the business plan.

b. Multi-BLM or Interagency or State Passes. These passes may be developed by travel region or state and may include multiple federal, state, and county agencies.

c. National Passes An interagency "America the Beautiful - National Parks and Federal Recreational Lands Pass" will be developed. Until this pass is available, the Golden Passports, i.e., Golden Eagle, Golden Age, and Golden Access Passports, will be accepted as the national pass for all sites and areas that meet the definition for standard amenity fees. Until they are replaced, Golden Age and Golden Access passports will continue to provide benefits as currently authorized for expanded amenity recreation fee sites.

Golden Passports and the America the Beautiful pass are NOT valid for the following:

(1) Group day-use or overnight sites or facilities, such as pavilions, or reserved group/multi-family campsites.

(2) Use of hookups for electricity, cable, or sewer.

(3) Use of sanitary dump stations.

(4) Use of areas where emergency medical or first-aid services are administered from facilities staffed by public employees or employees under a contract or reciprocal agreement with the Federal Government.

(5) Facility or equipment rentals, such as cabins, lookouts, and historic structures, and specialized equipment such as hookups for water, electricity, cable, and sewer, sanitary dump stations, audio tour equipment, portable sanitation devices, boating equipment, binoculars, and similar recreation equipment.

(6) Specialized services that require significant non-routine agency expenditures and/or additional attention by agency staff such as intensive management of off highway vehicle (OHV) recreation areas (including snowmobiles), routinely groomed cross-country ski trails, and extensive conservation programs, and all Special Recreation Permits.

(7) Optional transportation services/systems.

(8) Reservation services, use or application fees (where Special Recreation Permit fees are required, they shall be in lieu of any basic fees assessed to access the expanded fee site). The fee level should fund an appropriate portion of the expenses directly related to the activity for which the fee is being charged, and may include a single permit-processing or reservation fee.

(9) Concessionaire services are not included in the recreation fee program and are not covered by passes, except as agreed to in advance between parties.

Passes will be sold as an Internet transaction and at sites or points-of-contact most convenient for the public. Passes may be sold per vehicle or person(s) and compliance will be based accordingly. Where vehicle-based passes are impractical or not enforceable (as in walk-up sites), fees may be assessed on a per-person daily fee basis or with a basic fee pass (valid for the number specified on the pass). State and Field Offices may set policies for issuing agency passes in exchange for volunteer services. Issuance of Golden Eagle or America the Beautiful passes for volunteers will be based on Department-level interagency policy.

2. Expanded Amenity Fees. Expanded Amenity Fees will be assessed on an individual point-of-service basis. They apply to expanded amenity sites covered in Fee Category 3 above.

A multi-visit annual pass may be developed to provide value where expanded amenity fees are charged.

E. Establishing Fee Rates for Recreation Use Permits

RUP fees are set considering the following criteria. New or proposed fee sites should be developed in the context of a business plan to analyze the proposed site.

1. Direct and Indirect Cost to the Government

a. Direct costs include those costs that would not exist if the program was not offered such as: salaries and benefits for time actually involved in fee collection, patrol, maintenance, and resource management of the site and/or activity; equipment such as pipe safes, honor vaults, lock boxes, safes, money bags, etc., used in the collection of fees; transportation costs and vehicle mileage charges required for travel to and from the collection sites and banks or post offices; supplies and materials necessary to operate a fee collection program, including tickets, forms, collection boxes, etc.; and maintenance and utilities for the site and capital improvements such as signs and roads.

b. Indirect costs are sometimes referred to as overhead. These costs, normally much less than direct costs, are not directly incurred by the program or facility, but may be charged to it. Indirect costs usually benefit a number of programs or services in the area and a portion may be charged to each program. Indirect costs include an estimated percentage of expendable materials and administrative staff time needed for supervising, accounting, reporting, and auditing functions and for simply employing additional personnel.

2. Fees to be Commensurate with the Benefit and Services Provided to the Recipient

Fees should be reasonable and fair with the services received. A visitor in a minimally-developed campground would expect to pay less than one in a highly-developed campground with individual site hookups. Likewise, a walk-in tent camp would be less than the minimally developed campground. The assessment of comparable charges should take into account differences in amenities provided, e.g., a site with a paved access road could have a higher fee than one with a graveled access road where other features are similar. A visitor might expect to pay to see a professional film of the area but would not likely pay for a short slide show of the area. Simple guided-tour maps that are copied maybe offered free, but a professionally-developed or a color, detailed map that is printed would likely be sold. A visitor might expect to pay if they take a professional BLM guided tour of length and duration but not for a walk on the nature trail around the visitor center.

3. Public Policy, Interest, or Management Objective Served

a. The assessment of the public policy or interest served by fees should consider who the beneficiaries of the current or proposed services are and what their share of the cost should be. It should also evaluate the appropriateness of the level and kind of service to be maintained or provided. The Federal Lands Recreation Enhancement Act established that persons taking advantage of federal facilities and services should pay a greater share of the associated costs than the public as a whole.

b. Apart from cost recovery, fee collection may achieve other management objectives such as improving security for all visitors through controlled access; reducing crime, vandalism, wildlife poaching, and other unauthorized or undesirable activities; spreading usage more evenly over time and place so the resource is better protected; and increasing visitor contact at staffed fee stations. Fee collection can also prevent problems before they occur. Collection stations are convenient places to remind visitors about area rules and may discourage visits for unauthorized uses or purposes.

4. Comparable Recreation Fees Charged by Other Federal Agencies, Non-Federal Public Agencies, and the Private Sector Located Within the Service Area

a. When setting a recreation fee under REA, BLM must consider charges being made for the use of similar sites, services, facilities, and equipment made by other Federal agencies, non-federal public agencies, and the private sector within the service area so that public facilities do not impose unfair competition with the private sector.

b. The comparability analysis is the primary basis for any proposed changes in fee rates or the implementation of a fee program. In conducting this analysis, the basic objective is to determine whether or not differences exist in an area's current or proposed recreation fee schedule when compared to those of similar facilities and programs in the area or region. Comparability studies should attempt to compare like facilities and activities and make adjustments for differences in the quality and kind of sites, services, equipment, and facilities. The analysis need not be complicated or time-consuming. A few phone calls to nearby areas can provide the information needed. To ensure a reasonable degree of comparability, consistent criteria should be applied. When available within the service area, a minimum of three comparable services should be evaluated.

5. Economic and Administrative Feasibility of Fee Collection

Fee collection is administratively feasible if the collection method is workable and cost effective. At a minimum, it is economically feasible if the anticipated revenue is greater than the cost of collection. Determining the feasibility and cost effectiveness of initiating or raising fees should consider factors such as the effect on visitation, collection procedures, enforcement capability, availability of staff, and overall revenue potential. The question of feasibility should be decided after all reasonable methods of collection have been considered. The feasibility of more than

one method of collection, such as closing entrance stations during the off-season and directing visitors to pay their fees at a center or a replaceable locked box fee tube should be considered. Common collection methods include staffed fee stations, various honor systems, reservation systems, permit systems, and automated devices such as toll gates or coin-operated ticketing machines. The collection method chosen should be tied to the type of fee being collected.

6. Obtain Input from the Appropriate Recreation Resource Advisory Committee

Consider the recommendation from the appropriate advisory committee. In addition, consider the input from friends groups, county commissioners, and the public as you establish the fees for the recreation area.

7. Other Pertinent Factors to Consider

Fees should be re-evaluated at least every two years to determine appropriate rates. Public notification and coordination, as appropriate, regarding the establishment and subsequent modification of fee rates is an integral part of the evaluation process. Particular attention should be given to reviewing the cost of providing the service or facility and to charges assessed elsewhere within the service area by other public and private providers for similar services or facilities.

F. Payment for Recreation Use Permits

1. Permittees may pay on-site by cash, check, or money order. Payment by credit card may be made where arrangement for such payments have been established. Offices operating advance reservation systems or collecting for other services may also take payment by credit card either in person or over the telephone.

2. Fees must be paid upon occupying a fee site or when services are received or upon participation in a reservation system.

G. Refunds

RUP fees may be refunded when a fee site is closed to public use after fees have been paid.

H. Posting of Sites and Projects

The BLM must post clear notice of any standard or expanded amenity fee and the passes that are acceptable at appropriate locations in each unit or area where a standard or expanded amenity recreation fee is charged. BLM will identify recreation fee sites by posting signs notifying the public that Federal recreation fees are charged. The specifications for U.S. Fee Area signs are provided in 36 CFR Part 71. These "U. S. Fee Area" signs are available from the BLM's National Sign Center located in Rawlins, Wyoming; phone 307-328-4312. The standard form poster can be obtained from the Printed Material Distribution Service (PMDS).

***Note**: The Department of the Interior is in the process of changing the subject fee sign. Further guidance will be given when it is appropriate for the new sign is to be used.*

The BLM, to the extent practicable, will post clear notice of locations or projects where work is performed using recreation fees.

III. EXPENDITURES

A. Field Office Expenditures

BLM retains 100 percent of recreation fee receipts at the site of collection for each Field Office. Of this amount, at least 85% shall be used directly for recreation related facilities, services, and programs related directly to visitor enjoyment, visitor access, and health and safety:

1. Backlogged repair, maintenance, and enhancement projects

2. Repair, maintenance, and enhancement projects

3. Interpretation, visitor information, visitor services, and signs

4. Habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography

5. Law enforcement directly related to public use and recreation

6. Direct, operating or capital, costs associated with the cost of collecting the recreation fee

a. Direct Costs: The direct operating or capital costs, also known as "cost of collection," associated with the recreation fee program are the costs that occur as a direct result of collecting, remitting, transporting, protecting, storing, or securing fee funds at a site.

b. These expenses may include the following:

(1) Salaries, benefits, and training

(2) Fee collection equipment and upkeep

(3) Security services and equipment

(4) Communication needs such as signage and phones

7. Support of volunteer and Challenge Cost Share projects, and similar partnership authorities related to recreation.

B. Administration, Overhead, and Indirect Costs

1. The BLM may use not more than an average of 15 percent of total recreation generated revenues collected under this Act for administration, overhead, and indirect costs related to the recreation fee program. Examples are shown below:

a. Budget development and program planning to include the administration of regional and national recreation fee programs

b. Administrative support (e.g., procurement, contracting, office services, property management, preparation, and distribution of reports, and document control)

c. Public notification and information.

2. They do not include the costs which can be directly attributed to providing a specific service or executing a specific project such as a campground rehabilitation project.

C. Limitation on Use of Fees

The BLM may NOT use any recreation fees for the following purposes:

1. Biological monitoring of listed or candidate species under the Endangered Species Act (ESA) of 1973 on Federal recreational lands and waters. Under the ESA, "monitoring" is defined as a distinct action with an established frequency or repetition, and monitoring is associated with recovery activities for listed or candidate species.

2. Implementing NEPA requirements that require significant expenditures on mitigation efforts for a listed or candidate species under the ESA. However, the National Environmental Protection Act (NEPA) requires one-time actions termed survey, clearance, or inventory of the listed or candidate species as a part of the compliance process. These one-time actions are not considered monitoring as defined under the ESA. This allows recreation fees to be used for required NEPA-related activities that assess the environmental impacts of recreation fee funded events or projects (consistent with REA Section 8(a)(3) which lists permissible uses of recreation fees). In such cases, agencies could use recreation fees for the following:

a. NEPA required threatened and endangered clearances or inventory, and only for event or project threatened and endangered monitoring. For example, at a jeep safari, endurance motorcycle race, or a large group gathering, agencies could use recreation fees to clear the event for threatened and endangered species and, if required, to use fees to monitor during the event to ensure participants follow applicable permit stipulations and avoid sensitive threatened and endangered species habitat.

b. Completing NEPA required threatened and endangered clearances for recreation-related projects such as campgrounds, playgrounds, or parking facilities associated with recreation areas.

3. Paying for employee awards and bonuses. For the implementation of REA, the one-time payment of performance-based awards to an employee will be considered a bonus. A Quality Step Increase award will not be considered a bonus since they are embedded as recurring salary. This exception applies only to Quality Step Increase awards for those employees whose job is directly tied to the recreation fee program and whose salary is paid from recreation fee dollars.

D. State Expenditures

If states elect to retain any portion of the recreation fees in their respective states, a committee will be formed with representatives from state recreation personnel, line management, and State Office representation and will develop guidelines for retention and distribution of funds. State-wide expenditures of recreation fees shall be used (1) to reduce recreation deferred maintenance; (2) for a revolving fund focused on recreation projects authorized by legislation that provide a demonstrable improvement to BLM Public Land recreation sites and services that would otherwise take years to realize; (3) for funding recreation enhancements through volunteer projects and the Challenge Cost Share program.

IV. ALLOCATION OF USE

A. Establishment of Fee Site Capacity

Capacities for the number of people, vehicles, tents, etc., may be established to protect resources, facilities, or other values. For example, campsite use may be limited to 2 vehicles and 10 people to keep vehicles from parking on campground roads and prevent overcrowding at sites. Restrictions of this type must be posted at entrance stations or other appropriate areas.

B. Reservation Systems

Offices may establish or participate in advance reservation systems for the use of fee sites. Separate non-refundable fees may be charged for reservation services, e.g., a site reservation fee may be assessed in addition to site use fees.

V. TERMS AND CONDITIONS OF USE

Holders of RUPs must abide by the standard rules for the use of developed sites as published in 43 CFR 8365.1-6. These standard rules of conduct will be posted at developed recreation sites.

Permit holders may also be subject to published supplementary rules applicable to the site. Procedures for publishing special rules are covered in 43 CFR 8365.1-6. Supplementary rules must also be posted at the developed recreation site.

VI. RENEWAL AND TRANSFER OF PERMITS

RUPs may not be transferred or renewed.

VII. PERMIT SUSPENSION AND REVOCATION

RUPs may be suspended to protect public health, public safety, the environment, or permit holders.

RUPs may be revoked if permit holders violate any of the acts prohibited in 43 CFR 8365/9268.

VIII. RECORD KEEPING AND STORAGE OF RECREATION USE PERMITS

Prior to disposal, visitor use and fee information such as number of visitors, length of stay, and fees collected should be extracted from the RUP envelopes and summarized for reporting through the Recreation Management Information System (RMIS). RUP envelopes must be kept until the end of the fiscal year, at which time all fee and visitor use information should have been recorded. The total fees collected for each fee area are also recorded on the Recreation Fee Collection Affidavit (see Illustration 7) each time funds are collected and counted.

IX. FINANCIAL CONTROLS

It is critical that controls are used in the collection and depositing of fee collections. The use of double fee boxes, two individuals to collect fees, or persons bonded should be used in handling fees. The procedures in the Collections Handbook and other collections instruction memoranda must be followed.

A. Designation of Collection Personnel

1. BLM employees (including seasonal and volunteer employees.)

a. Any employee who collects funds as a routine part of their job must be designated as a Collection Officer. Collection Officers are designated by the State Director following a request by employee's supervisor. (See Illustration 8 for a sample memorandum.)

ILLUSTRATION 7

RECREATION FEE COLLECTION AFFIDAVIT

CAMPGROUND NAME _____

TOTAL COLLECTIONS * RECEIVED FROM PERMIT FEE ENVELOPES (1370-6)

_____ON _____
DATE

I hereby certify that the envelopes were opened, collections counted, taped and reconciled by the following two employees:

_____
Signature Date

_____
Signature Date

CASH _____

CHECKS _____

- TOTAL COLLECTIONS = $ _____

OTHER (List Unacceptable Forms of Payment received, e.g., stamps, lottery tickets, etc.)

_____

ILLUSTRATION 8

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

In Reply Refer To:

1384 ( )

Memorandum

To: State Director

Through: (Field Manager)

From: (Supervisor)

Subject: Notice of Designation

In accordance with the Bureau's recommendation, (employee name) has been designated as a Collection Officer effective (__Date__). A general description of the functions of accountable officers and agents is contained in BLM Manual 1384 and in the Collections Reference Guide. The specific criteria for Collection Officers are in BLM Manual 1372.

(Employee name) is familiar with the contents of the BLM Manual concerning the responsibilities/liabilities of their duties. Also, since the Federal Government no longer provides surety bond coverage, the employee is aware that, if found responsible, employees may be held liable for irregularities, shortages, or losses of public funds. Accountable officers and agents who desire to do so may obtain a personal bond at their own expense; however, there is no requirement for such a bond.

Signing this memorandum certifies that the employee has been advised of their duties/ responsibilities; accepts the responsibilities/liabilities; has been trained in collection procedures and has been furnished adequate facilities for safeguarding public funds.

Employee _____ Date_____

Supervisor _____Date_____

State Director Approval _____ Date_____

b. Any employee who has the responsibility to accept money and make change must be designated as a Class D Cashier (must also be designated as a Collection Officer). Supervisors must submit a memorandum to the National Business Center (NBC) requesting that an employee be designated as a Cashier. A memorandum authorizing the designation will be returned to the supervisor to be counter-signed by the employee.

2. Other Federal Employees. If another agency employee is designated as a Collection Officer with their own agency, they do not need to be designated as a Collection Officer with BLM. However, if they are to have a BLM change-making fund, they need to be designated as a Collection Officer and Class D Cashier with BLM. Collection duties must be addressed in intra- or interagency agreements. The agreement must include who is designated and who is responsible for collections for each agency.

3. Volunteers

a. Bonding. Volunteers collecting Federal fees are covered by a surety bond contracted for by the Washington Office on a yearly basis. The bond covers a loss of $10,000 per incident with a $250 deductible. BLM may grant relief to volunteer Collection Officers. Losses in excess of $750 must be referred to the Comptroller General for decision. The office to which the volunteer is assigned shall be responsible for providing a funding source for relieved losses. In the event that a claim is filed for loss, follow the instructions of Administrative Officers who retain responsibilities for the collection of Government fees. (See BLM Manual 1114-Volunteers)

b. Designations of Volunteers to Collect Fees - Volunteer Agreement. The designation of a volunteer to collect fees will be authorized in the Volunteer Agreement ("Individual Volunteer Agreement," BLM Form 1114-4). Volunteers who collect fees must be given a notice of liability, clearly informing the volunteer of the risk they assume for Federal funds when they assume the duties of collection agents. The notice must be signed by the volunteer and a copy retained in the office files with the following clause:

> "I certify that I have received adequate training on the proper handling and safeguarding of Government funds in my possession and understand that I am automatically liable for any loss or shortage of such funds. However, I may be relieved of such liability if the loss occurred without fault or negligence on may part and while I was acting in the discharge of my official duties."

A list of all volunteers authorized to collect Federal fees must be maintained at each State Office. Volunteers may not make deposits of Federal funds.

c. Designation of Volunteers as Cashiers. Volunteers must be designated as Cashiers through the NBC. (See Paragraph A.1 above for procedures.)

4. Contractors. Procedures and responsibilities for Federal fees collected by contractors

must be detailed in the contract. The contractor must purchase a bond and show proof of bonding. Contractors who collect fees must be given a notice of liability, clearly informing the contractors of the risk they assume for Federal funds when they assume the duties of collection agents. The notice must be signed by the Contractor and a copy retained in the office files with the following clause:

> "I certify that I have received adequate training on the proper handling and safeguarding of Government funds in my possession and understand that I am automatically liable for any loss or shortage of such funds."

5. Associations. Procedures and responsibilities for Federal fees collected by associations must be detailed in the agreement. The association must be bonded. Associations which collect fees must be given a notice of liability, clearly informing the association of the risk they assume for Federal funds when they assume the duties of collection agents. The notice must be signed by the association and a copy retained in the office files with the following clause:

> "I certify that I have received adequate training on the proper handling and safeguarding of Government funds in my possession and understand that I am automatically liable for any loss or shortage of such funds."

B. Collections from Recreation Sites

Every effort should be made to handle money in the field as little as possible. This can be accomplished through the use of replaceable locked box fee tubes, collection of permit fees through the mail, acceptance of payment by credit cards, such as the automated pay stations, or collection of permit fees through the Internet. (Contact the Washington Office recreation lead concerning E-Commerce opportunities and how to set up a secure web site.)

1. Treasury regulations require that deposits be made every Thursday or when collections reach $5,000, which ever comes first.

2. Replaceable locked box fee tubes should be used at fee stations. If double lock box is not available, two people must be present to collect fees. No one should have sole access to funds collected.

3. Money must be transmitted to the office in a locked bag or locked box. Receipts, log, or register tape from direct collections from the public must be included with the money.

4. Funds must be counted in the office by two people. Funds kept overnight must be kept in a safe which meets Treasury regulations.

C. Fee Reconciliation

1. At staffed sites, reconciliation must be performed on a daily basis, balancing collections to receipts.

2. Campground Envelopes (the nationally approved campground fee envelopes must be used) - Two people must open envelopes, count remittances, and document collections on the Recreation Fee Collection Affidavit. The Affidavit information must be entered into the BLM Collection and Billing System. A copy of the Affidavit and the envelopes should be returned to the Recreation Specialist. The fee collection envelopes should be kept until the end of the fiscal year at which time visitor use information should have been entered into the Recreation Management Information System (RMIS).

D. Deposits

Deposit procedures are covered in the BLM Collections Reference Guide. All fees collected will be deposited into Field Office 1232 accounts.

E. Liabilities and Responsibilities

1. Federal employees must follow procedures and safeguard funds. If a loss occurs, they must report the loss to the field manager and law enforcement, and document the incident. This places responsibility and liability on line managers to take subsequent action. Procedures for loss of funds and employee relief are addressed in BLM Manual 1385.

2. Line managers have the following responsibilities:

a. Ensuring that procedures are in place and training is provided

b. Providing adequate safeguarding facilities

c. Investigating incidents to determine if a problem exists and notifying the Group Administrator at NBC (BC-610) if a loss of funds occur

3. In the event of a loss of funds involving volunteers, contact the Volunteer Office at 202-452-5163 for assistance in filing with the insurance company under the terms and conditions of the surety bond.

X. COOPERATIVE AGREEMENTS

The Secretary has delegated to the individual agencies the authority for policy development and implementation of Cooperative Agreements. **BLM will identify the appropriate management tool (business plan or implementation plan) to be utilized by each of its units to identify**

pending or signed cooperative agreements including the terms of these agreements, and period covered by these agreements, REA Section 6(a)-(c).

1. Fee Management Agreement (REA Section 6(a) – This section grants broader latitude for agencies to enter into fee management agreements/contracts with governmental or non-governmental entities, including those in gateway communities for fee collection, fee processing (including reservation services pursuant to Office of Budget and Management (OMB) Circular No. M-03-03), and for emergency medical services. Agencies may enter into an agreement or contract with any governmental entity, including those in gateway communities for law enforcement services. Such agreement may provide a reasonable commission, reimbursement, or discount.

2. Revenue Sharing (REA Section 6(b) – A State or legal subdivision thereof (county, parish, borough, township, etc.) that enters into an agreement with a participating Federal agency may share the revenue collected on site as delineated in the fee management agreement.

3. County Proposals REA Section 6(c) – The respective agency will send a written response within two months of the request to any county that submits a proposal as listed in Section 6(a)(1)-(3). The response will include reason(s) for any decision made to reject the proposal. Fee management agreements with counties may include cooperative site planning and management provisions.

XI. RECREATION RESOURCE ADVISORY COMMITTEE (RRAC)

***Note**: The BLM and the US Forest Service is currently in the process of establishing policy and guidance for the establishment of the RRAC or using existing BLM Resource Advisory Councils. Further guidance will be issued as the policy is developed. It is expected that the Resource Advisory Committee will be an important resource in the recreation fee program. The committee's duties will be to make recommendations regarding implementation of a fee site, elimination of a recreation fee, and the expansion or limitation of the recreation fee program only as it relates to standard or expanded amenity recreation fees.*

XII. NATIONAL CONSISTENCY/LOCAL FLEXIBILITY

Adherence to these guidelines will help achieve national consistency. Major exceptions to respond to local situations must comply with legal authority, have demonstrated local support, and first be reviewed and recommended by the local Field Office, the RRAC and any special friends or special interest groups, District Managers and the State Director prior to final approval by the BLM Director.

CHAPTER 3. CONCESSION LEASES

***Note**: As of January 2005, the BLM has been undertaking a complete reform of the concessions program and will issue up-to-date policy that is in concert with other DOI agency concession policy when it is completed. The new policy will be incorporated as "Chapter 3. Concession Leases" into this handbook.*

I. CONCESSION LEASES DEFINITION AND DESCRIPTION

Recreation concession leases are long-term authorizations for private parties to possess and use public lands to provide recreation facilities and services for a fixed period authorized under 43 CFR 2920, and the Land and Water Conservation Fund Act. Recreation concession leases establish the obligations the BLM and the concessionaire agree to assume in providing visitor services necessary for full enjoyment of the public lands and/or related waters.

II. WHEN CONCESSION LEASES ARE USED

A. The BLM may enter into recreation concession leases to provide products, facilities, programs, management, and/or visitor services, which enhance visitor use of the public lands for recreation.

B. Recreation concession leases involving developments, program, or services may be offered to the general public where compatible with resource management objectives and applicable planning documents. Recreation concession leases should not be approved under the assumption that only high-revenue services will be provided. The concessionaire should offer a diversity of opportunities whether they provide high revenues or not. Concession leases related to recreation are authorized under 43 CFR 2920, and the LWCFA provides authorization for collecting fees. Recreation concession leases are appropriate where strong public demand for products or services can be documented and not for speculative purposes.

C. Recreation concessionaire partnerships are established to provide better services to the recreation visitor and customer. While the BLM has no obligation to guarantee financial success, it is in the best interest of the BLM and the public for recreation concessions to be able to provide high-quality services and make a fair and reasonable profit. Such private sector initiatives will not create any financial burden or liabilities to the Federal Government, and may reduce costs or generate revenues that aid in maintaining and expanding the recreation program.

D. Concession leases should not be used where either Land Use Permits (LUP - 43 CFR 2920 authorizations) or Special Recreation Permits (SRP - 43 CFR 2930) are sufficient.

III. PLANNING FOR CONCESSION LEASES

A. Resource Management Planning

Proposals and potential areas for commercial development for recreation concession leases on public lands and related waters are described and analyzed in resource management plans and associated environmental analyses. Public demand for such facilities and services are quantified to the extent possible.

B. Recreation Activity Plans

Activity plans for recreation are completed as necessary to implement the decisions in the RMP. These plans address the need for recreation concession leases. Specific recreation activity plans are subdivided into two levels:

1. RAMPs. The RAMP identifies the specific recreation management actions to be taken and provides overall project parameters to guide the development of specific concession project plans.

2. Project Plans. Project plans identify general locations of facilities for a site, design requirements, and parameters for the survey and design. Visitor profiles are covered to document user needs and to ensure the project designs meet recreation management objectives. The applicant prepares the project plan and submits it to the BLM for review. These plans are detailed descriptions of the proposed development containing site-specific information on utilities, engineering designs, architectural drawings, landscaping, rights-of-ways, sanitation, health and safety, and water systems. Operation and maintenance requirements are included. The information in the project plan becomes part of the lease and is an integral part of lease administration.

C. NEPA

Concession leases must comply with NEPA requirements. A simple lease to operate a previously developed campground or other facility may require only an Administrative Determination (AD) that appropriate analysis had been completed when the development occurred. A lease that includes development of a facility must be analyzed in the RAMP or Project Plan. If a new development that is not covered in a RAMP is proposed, a Project Plan with NEPA analysis must be completed. Preparation of the Project Plan and NEPA documents may be completed by the concession proponent, following BLM guidance, as part of the fee schedule for the lease.

IV. LEASING ACTIONS

A. Lease Award

Recreation concession leases will be awarded on a competitive bid basis. A bid prospectus is used to attract offers from qualified applicants. Lease award is not solely determined by monetary bid, but on a complete assessment of the concessionaire's ability to provide quality services, financial stability and integrity, past or present performance record, and compliance with contract stipulations.

B. Lease Duration

The duration of concession leases range from 10 to 30 years depending upon the type of operation proposed, the capital investment involved, and the possessory interest, but a longer period may be necessary to fully amortize facilities. The term of the authorization is for an extended use of the public lands and related waters and should be sufficient to provide reasonable amortization of the capital investment as provided for in an approved activity plan consistent with 43 CFR 2920.

C. Lease Renewal Procedures

Leases may be renewed if the concessionaire has successfully met performance stipulations. If the renewal is done on a modified competitive basis, the incumbent concessionaire is allowed to match the highest bid from a qualified applicant or have the right of first refusal. For small businesses (see your contracting officer to determine which businesses qualify), the authorized officer may renew the lease every three years depending on the site-specific or individual situation.

V. LEASING FEES

Fees for recreation concessions are based on fair market value (FMV), including land use rental, a recreation use fee for use of public lands or facilities, and cost reimbursement for administrative costs. The fees are set using actual or estimated FMV using comparable commercial practices available at the time of the appraisal.

VI. INSURANCE

A property damage, personal injury, and comprehensive public liability insurance policy is required of all recreation concession lessees to provide restitution for damage or injury to: users, spectators, privately owned resources, or public land resources, and to protect the United States from litigation resulting from actions taken or caused by the lessee, permittee, or participants associated with their use.

The recreation concessionaire furnishes a copy of the insurance policy directly to the authorized officer. The insurance policy must be provided the first year before the lease or permit goes into effect, but for each subsequent year the authorized officer may accept a valid Certificate of Insurance.

The BLM is named as additional insured on the Certificate of Insurance. The recreation concession lessee and/or vendor permittee shall indemnify and hold harmless the United States against any liability for personal injury, loss of life, or property damage to him or his employees arising in any way from activities under the lease or permit. All liability insurance policies are to specify that the insurance company shall have no right of subrogation against the United States of America. If the insurance company declines to issue the waiver of subrogation, the United States Government must be named as additional insured on the lessee's or permittee's policy.

Minimum BLM general liability limits, unless State minimum requirements are less, are as follows: $300,000 per occurrence and $600,000 annual aggregate for bodily injury, $30,000 property damage per occurrence and $50,000 annual aggregate, if the policy specifies aggregate limits. The authorized officer may require larger amounts where the potential for risk or loss is high, or where the value of the business is jeopardized.

VII. SURETY BONDS.

A. Purpose

The purpose of the surety bond is to secure performance and fulfillment of the recreation concessionaire's obligations under the lease. The bond is a written instrument executed by the concessionaire and a surety company to ensure fulfillment of obligations to the Government. If the concessionaire's obligations under the lease are not met, the surety bond will provide the funds necessary to complete performance.

B. When Required

A bond may be required for leases where Government property is provided to the recreation concessionaire and when the lease requires construction, reconstruction, maintenance, rehabilitation, restoration, dismantling, demolition, or removal of improvements.

C. Amount

The amount of the bond is generally to be a minimum of 20 percent of the value of the lease; however, actual amounts are discretionary with the authorized officer.

CHAPTER 4. DECISIONS, PROTESTS, AND APPEALS

I. FINAL DECISIONS OF THE AUTHORIZED OFFICER

The final decision of the authorized officer to approve a permit, modify, cancel or deny a permit or take action against a permit may be protested or appealed. Interlocutory decisions are not a final determination so they are not subject to appeal, but they may be protested. An interlocutory decision is one prepared as an, "if, then," statement. An example might be a decision to modify or cancel a permit if some deficiency is not corrected. (If you do not provide proof of insurance, we will cancel your permit.) If the permittee does not comply, you would then issue a final decision actually canceling the permit. A decision should include information on the procedure for making a protest or filing an appeal. This may be accomplished by enclosing a copy of Form 1842-1, "Information on Taking Appeals to the Board of Land Appeals" with the decision.

II. PROTESTS AND APPEALS

The decisions of the authorized officer regarding Special Recreation Permits may be protested to the authorized officer and/or appealed to the IBLA in accordance with the following procedures:

A. Protests

1. Decisions of the authorized officer may be protested (including published proposed decisions in the Federal Register or a newspaper of general circulation).

2. Protests shall be filed with the authorized officer.

3. Protests must be received by the authorized officer within 15 days of: (a) receipt of the proposed decision by the affected party, or (b) the published proposed decision in the Federal Register or a newspaper of general circulation. Protests received more than 15 days after notification of the proposed decision do not have to be considered.

4. Upon filing of a protest, the authorized officer shall reconsider the decision to be implemented in light of the evidence submitted by the protestor, and in view of other information pertinent to the case. At the conclusion of the review of the protest, the authorized officer shall prepare a recommended decision on the protest, and it shall be reviewed by the next higher level authority. The decision of the higher level authority shall be the final decision of the BLM. This decision may be appealed. Final decisions on protests should be made within 15 days of receipt of protests.

B. Appeals

1. Individuals who believe they are adversely affected by a BLM decision to issue or deny an SRP may appeal the decision. Appeals are made to the IBLA under Title 43 CFR, Part 4.

2. The appellant's notice of appeal must be received by the authorized officer within 30 days of receipt of the final decision, or within 30 days of publishing the final decision in the Federal Register or a newspaper of general circulation.

3. The authorized officer has 10 days to forward the Notice of Appeal along with the decision appealed, and case file to the IBLA. A copy is also sent to the Regional Solicitor.

4. Within 30 days after filing the notice of appeal with the authorized officer, the appellant files a complete statement of reasons for the appeal with the IBLA and provides a copy to the Regional Solicitor.

5. Decisions to issue a permit take effect immediately upon execution if BLM determines that the proposed use is in conformance with BLM plans, policies and programs, local zoning ordinances and any other requirements, and will not cause appreciable damage or disturbance to the public lands, resources, or improvements. All final decisions of the authorized officer shall remain effective pending the appeal unless the Secretary rules otherwise. Petitions for stay of decisions may be made to the Secretary, through the Director, Office of Hearings and Appeals. (43 CFR 2931.8).

6. To avoid appeals, concerns and issues that surface during the permit issuance process including the public review and NEPA process should be resolved at the lowest management level possible.

CHAPTER 5. RECORDKEEPING

I. GENERAL POLICY

Documents relating to the issuance and administration of SRPs and RUPs are official Government records. It is imperative that records be properly created, maintained, and safeguarded. Records and case files should be inventoried as part of your office's central files.

II. PURPOSE

Records related to SRPs have multiple purposes. These records are used to administer SRPs, report recreation use for the public land statistics and budgetary planning and reporting.

III. PRIVACY ACT CONSIDERATIONS

A. RUPs and Non-commercial SRPs

Information provided by an SRP or RUP holder in response to our information requests or requirements is subject to the Privacy Act. Under the Privacy Act, we must disclose how we will routinely utilize the information. Personal identifying information provided on RUPs and non-commercial SRPs should generally not be made public. Names, addresses, and other personal contact information from these records are not made available to the public. You may receive requests for lists of non-commercial SRP holders. The requestor may want to send solicitations or retail sales information to these permit holders. We may not provide such lists unless the permit holder has specifically been informed or given permission for the release of the information. Expired SRPs are kept for three years and then may be destroyed.

B. Commercial SRPs

The identity of a commercial SRP holder may be released to the public, published on lists, or posted on websites. The SRP holder's operating plan and financial reporting may contain proprietary information that may be held confidential.

IV. ESTABLISHMENT AND MAINTENANCE OF CASE RECORDS

A. Commercial and Competitive SRPs

Each commercial SRP should be established as an individual case file. For simple, single-use SRPs, record may be bound in a simple, single fold file folder. For more complex and multiple-year permits, a six way case file should be used. A suggested organization for a six-way case file is shown in Appendix C-18. The official file documents include a copy of the permit and stipulations, insurance certificate, fee payment records, signed correspondence, telephone conversation logs, maps, NEPA documentation, operating plan, state guide license, hunting unit map, advertisements, monitoring, and post-use annual reports. Case files must be kept in a neat

and current condition and secured in a centralized location when not in use. All information in the file may be released under the Freedom of Information Act (FOIA) except for copies of money/checks, financial information, personal identification, and law enforcement incident reports. Be sure to check with your FOIA representative at the field or state office level before responding to FOIA requests.

B. Special Area SRPs, Organized Group SRPs and RUPs

Special Area SRPs and Organized Group SRPs may be filed individually or as a collective record for the Special Area or site.

V. PUBLIC LAND STATISTICS AND BUDGETARY RECORDS

The number of SRPs and RUPs issued, and the recreation use made under these permits is reported in the public land statistics. The Public Land Statistics are taken from the RMIS system. Issuance of SRPs, RUPs, and the recreation use associated with the permits must be entered into RMIS. RMIS also relates to the Management Information System (MIS) and Collections and Billing System (CBS). There are reportable units under MIS that are not reported through RMIS. It is important to work with your budget and collections staff to assure fees are accounted for correctly and units of accomplishment are reported accurately.

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.

Administrative, Overhead, and Indirect Costs associated with the recreation fee program are necessary costs for the administration of the recreation fee program and are those costs of the general operation of the program which can not be directly attributed to a specific recreational service (i.e., campground or SRP) or executing a project (i.e., campground rehabilitation or trail construction). Examples of these costs include but are not limited to budget development and program planning (i.e., activity, business, and communication plans and associated NEPA requirements); administrative support (e.g., procurement, contracting, office services, property management, preparation and distribution of reports, and document control); and public notification and information.

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, which 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.

Area: Recreation Area/Site an area of recreation may be a site, complex of sites, or a high impact recreation area that, at a minimum, meets all of the conditions in REA Chapter 3(f)(4)(A-D). Further Definition: *High-Impact Recreation Area, Geographic area, or Waterway Corridor:* A high impact recreation area or geographic area or waterway corridor of concentrated recreation use which includes a variety of developed sites providing a similar recreation opportunity. High-impact recreation areas incur significant expenditures for restoration, public safety, sanitation facilities, education, maintenance, and other activities necessary to protect the health and safety of visitors, cultural resources and the natural environment. They may contain

sub-areas of little development and use which results in environmental impacts such as noticeable litter, vandalism, soil compaction, or erosion. These areas require intensive management to enhance visitor experiences, address environmental impacts, and manage conflicting uses. An area of high recreation impact is not an administrative unit such as a National Forest, BLM Field Office, or Reclamation Project. In addition, it is contiguous areas directly associated with a clearly identified special, natural, or cultural features, place or activity that is the focal point of recreation use and have clearly defined access points and clearly described area boundaries.

Typically, a high impact recreation area is comprised of a complex of individual sites and displays one or more of the following characteristics:

(1) Has a population of one million or more within two hours of driving time;
(2) Contains rivers, streams, lakes or interpreted scenic byways corridors;
(3) Designed and conducted to maintain or enhance the recreational opportunities through Natural Resource Management Activities;
(4) Has regionally or nationally recognized recreation resources; and
(5) Is regionally or locally marketed for its tourism value.

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.

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.

Collection of Fees by Employee or Agent a federal employee, or agent of the agency such as a campground host, volunteer, recreation technician who personally collects the fees from the user and or routinely collects fees from automated self-service fee stations (i.e., drop boxes or "iron rangers").

Commercial Photography is any motion picture filming intended for sale or commercial broadcast. Any still photography which uses models or props that is intended for commercial sale or commercial broadcast. Use of a paid, professional photographer to document an event also renders the filming commercial.

Commercial Use is defined as recreational use of the public lands and related waters for business or financial gain. When 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, the use is considered commercial. An activity, service, or use is commercial if anyone collects a fee or receives other compensation that is not strictly a sharing of, or is in excess of, actual expenses incurred for the purposes of the activity, service or use. Commercial use is also characterized by situations where a duty of care or expectation of safety is owed participants as a result of compensation. It may also be characterized by public advertising for participants.

Use by scientific, educational, and therapeutic institutions or non-profit organizations is considered commercial when the above criteria are met and subject to a permit when the above conditions exist. Non-profit status of any group or organization does not, in itself, determine whether an event or activity arranged by such a group or organization is noncommercial. Profit-making organizations are automatically classified as commercial, even if that part of their activity covered by the permit is not profit-making.

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.

Cost of Collection associated with the recreation fee program are those costs that occur as a direct result of collecting, remitting, transporting, protecting, storing, or securing, fee funds at a site. The test is, "If fee collection were to cease, would this activity still continue?" If the answer is "yes", then the activity or position should NOT be charged to the cost of collection account. The following is a list of examples of the kind of expenses associated with direct costs or the "cost of collection." Examples of expenses included but are not limited to salaries, benefits, and training; fee collection equipment and upkeep; security services and equipment; and communication needs such as signage and phones.

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 Developed Parking a parking area that has a graded surface, clearly delineated boundaries, and natural or constructed surfacing.

Designated Entrance Fee Area is an area or closely-related group of areas administered by the NPS or FWS where an entrance fee may be charged.

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.

Destination Visitor or Interpretive Centers provides a central location for communicating a specific theme and introducing important stories to the public, a direct visual or physical link to

the resources, and often contains a variety of interpretive media, such as exhibits, audiovisual programs, resources libraries, observation areas, and trailheads, and often provides basic public services such as an emergency telephone.

Dock or Boarding Float is any floating or fixed facility such as a dock, deck, quay, or pier designed to allow people to transfer from land or shore onto a vessel.

Duty of Care is an expectation of safety is owed participants by service providers as a result of compensation and the trip leader has a moral obligation for the safety of the participants.

-E-

Emergency Medical or First-Aid Services Administered from Facilities Staffed by Public Employees or Their Agents must have at least one certified emergency medical person on site during hours of operation, and that has an emergency vehicle for transportation to an emergency facility and/or reliable communication to an emergency facility.

Enhanced Interpretive Program or Special Tour presentations or special field trips conducted by BLM personnel (or agents) that are in-depth, detailed, and/or highly specialized in nature. These programs and tours provide activities, services or information that is clearly beyond the basic level of information and services provided to the public for free.

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.

Fee Layering occurs where multiple fees are charged for similar facilities or services

Federal Employee or Agent of the Federal Land Management Agency a Federal employee or agent includes a campground host, volunteer, recreation technician, and automated self-service fee/drop box fee stations.

Financial Gain occurs when an individual or entity receives or attempts to receive money, donations, gratuities, or gifts, amortizes equipment, or barters for goods or services.

-G-

Gross Receipts means the total of all financial gains received by the permittee, their employees, or agents for goods or services provided in connection with commercial activities authorized by the SRP, whether or not provided on public land or related waters. Financial gain includes payments of money, revenue from sale of images or broadcast rights, on-site sales or rentals, as well as gratuities, donations, gifts, bartering, trophy fees, etc., regardless of source.

-H-

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

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

-I-

Interpretive Sign, Exhibit or Kiosk is at least one public display designed to develop a visitor's interest, enjoyment, and understanding of the natural or cultural environment. This requirement is in addition to facilities needed to inform visitors of recreation opportunities, facilities, and applicable regulations and restrictions. Messages should be relevant to the setting and the visitor; generic posters and safety information are not adequate. The design, content, and medium should be of professional quality.

-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 Area (LTVA) 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-

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.

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.

-P-

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 includes, but is not limited to, communication by cable and non-cable television systems, radio, computer media, Internet sites available to the general public, listing on public event calendars, printed brochures, newspapers, leaflets, flyers, circulars, billboards, banners, or signs.

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.

Permanent Toilet Facility a toilet building that is permanently affixed or that is available year after year during the primary season of use, or that may be moved during the off season because of environmental or weather concerns.

Permanent Trash Receptacle a garbage container of durable design and construction that is permanently available (year after year) in locations that serve visitors during the primary use season, or that may be moved during the off season because of environmental or weather concerns.

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.

Portable Sanitation Devices: self-contained portable toilet.

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.

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-

Reasonable Visitor Protection (see security services)

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.

-S-

Secretary means the Secretary of the Interior.

Security Services public safety services routinely provided by designated security personnel (e.g., Federal employee, campground host, volunteer on site; routine scheduled visits by law enforcement or other Federal employee; a reliable communication to a law enforcement officer, Federal employee, or an after hours emergency call service). The level of security services provided should be commensurate with the use levels. Security service facilities such as gates, fences, etc., may be appropriate.

Special Areas are designated by statute, Executive, or Secretarial order, State Director special rule making authority, or 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.

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

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.

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.

Transportation Service services designed to move (shuttle) visitors between a parking lot and the destination recreation area and/or to move (shuttle) visitors around from one location to another.

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-

Vend means to sell or rent recreation related goods or services such as firewood, equipment repair, shuttles, rentals, etc. on the public lands or related waters.

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 officer 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.

The appendices are available only in hard copy. To receive a hard copy of the appendices please contact:

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