



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
TRES RIOS FIELD OFFICE
29211 Highway 184
Dolores, CO 81323
<https://www.blm.gov/colorado>

August 01, 2019

Dear Permittee:

The BLM, Tres Rios Field Office and Canyons of the Ancients National Monument have updated our procedures for processing Special Recreation Permits (SRPs). This update will enhance our ability to efficiently process an increasing number of SRPs while also allowing our staff to provide more effective resource management. The policy, updated March 2019, is enclosed for your reference.

In order to efficiently manage workloads related to processing Special Recreation Permit (SRP) Applications, including permit renewals or requests for modifications of existing permits, the Tres Rios Field Office has instituted the following requirements:

- BLM, Tres Rios Field Office & Canyons of the Ancients National Monument will accept commercial Special Recreation Permit Applications and modification requests for the following year during the month of September (September 1 – September 30). This includes existing permittees requesting permit modifications such as requesting additional use areas or proposing changes to the preexisting purposes and/or activities authorized.

Please note that this timeframe requirement does not apply to SRP Applications for competitive events, organized groups, or vendor permits.

- SRP applicants must ensure that all commercial permit application requirements are submitted in accordance with the updated policy.

These changes are designed to encourage future and current SRP holders to think broadly about the scope of their requests early in the application process to allow our resources staff to comply with the necessary land management reviews, policies and laws. Please review the attached policy for additional information and return a signed copy of the signature page to the BLM, Tres Rios Field Office for filing purposes.

Please contact Justin Hunt, Park Ranger, at (970) 882-1125 with any questions regarding your permit.

Sincerely,

Connie Clementson
Tres Rios Field Manager

Enclosures:

Tres Rios Field Office & Canyons of the Ancients Special Recreation Permit Policy

Tres Rios Field Office & Canyon of the Ancients National Monument

Special Recreation Permit Policy March 2019



BLM Special Recreation Permit Policy:

All commercial, competitive, special area use, and organized group activity on BLM-administered Public Lands, meeting the criteria listed below, must be authorized by a Special Recreation Permit (SRP) before any activity occurs. SRPs are issued at the discretion of the authorized officer who may, at any time and without prior notice, choose not to issue permits for certain activities or use areas. Such decisions could be based on a variety of factors such as planning decisions, potential resource impacts, existing outfitters in the same area, determination that demand is being met, overcrowding, past poor performance, climatic conditions and others. These permits authorize recreation use of specific public lands areas administered by the BLM. They convey no use privileges on other lands (e.g., private, state, USDA Forest Service, etc.).

Uses Requiring an SRP:

1. **Commercial Permit:** A commercial permit is required when anyone intends to use public lands and related waters, on a recreational basis, for business or financial gain. If any of the following conditions are met, a commercial permit is required.
 - 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 and led, sponsored by, or organized by that person, group, or organization.
 - Anyone collects a fee or receives other compensation that is not strictly a sharing of actual expenses, or exceeds actual expenses, incurred for the purpose of the activity, service, or use.
 - There is paid public advertising to seek participants or participants pay for a duty of care or an expectation of safety.
 - Use of public lands by scientific, educational, and therapeutic institutions or non-profit organizations is commercial and subject to a permit requirement when any of the conditions listed above exist. Non-profit status of any group or organization does not alone determine that an event or activity arranged by such group or organization is noncommercial. Profit making organizations and organizations seeking to make a profit are automatically classified as commercial, even if that part of their activity covered by the permit is not profit-making or the business as a whole is not profitable.

2. **Competitive Permit:** Competitive use means any organized, sanctioned, or structured use, event, or activity on public lands in which 2 or more contestants compete and any of the following apply:
 - Participants register, enter, or complete an application for the event; or
 - A predetermined course or area is designated; or
 - One or more individuals are contesting an established record such as speed or endurance.
3. **Special Area Use:** Individual special recreation permits may be required for individual (private, noncommercial) recreational use in Special Areas. Special Areas are areas officially designated by statute, Presidential decree, or Secretarial order and include components of the National Trails System; national conservation areas, national monuments; or national recreation areas. Special Areas can also be an area where the authorized officer determines that resources need to be protected by special management and control measures and that a permit system for individual use would achieve management objectives.
4. **Organized Group Activity and Event Use:** Organized group or event permits are intended for group outdoor recreation activities that 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, and or the need for monitoring. A group is defined as more than 1 person participating in a recreation activity or event.

Timelines and Application Requirements for Permits

1. Commercial Permits

- ***BLM will not accept Special Recreation Permit Applications from potential new permittees, until a pre-application consultation has occurred.*** The pre-application consultation helps the BLM fully understand the nature and scope of the applicant's proposal and fosters communication between the potential permittee and the BLM. It ensures the proposed application is consistent with BLM management objectives and allows time for the applicant to become familiar with BLM practices and responsibilities and the terms, conditions and stipulations that are required in a Special Recreation Permit.

- (September 1 – September 30) BLM accepts applications from new and renewing applications for the following year. Current SRP holders requesting to make significant changes to their Operating Plans and/or requesting additional use areas will need to submit their request in accordance with this timeframe.
- (October 1 – October 31) BLM will notify the applicant if a decision on issuing the permit must be delayed and request any additional information as necessary. If the BLM anticipates cost recovery associated with the review of the proposal, notification will be sent during this period.
- (November 1 – January 31) BLM reviews applications. BLM will notify the applicant if further environmental review is necessary.
- (February 1 – February 28) BLM begins issuing commercial permits.

Please note that:

Current SRP holders requesting to make significant changes to their Operating Plans including the request for additional use areas will be required to submit their proposed changes through a new SRP submission in accordance with the timelines and application requirements for commercial permits.

A. New and Renewing (ie, renewal of an expiring permit) Commercial Permit Application Requirements:

1. Applicable valid certifications and proof of relevant federal, state, or local licenses.
2. Application (BLM Form 2931-1)
3. A signed and detailed Operating Plan
4. A map providing sufficient scale and detail identifying the proposed use area
5. A signed copy of the SRP Terms, Conditions and Stipulations for all Permitted Activities.
6. Payment of all required fees.
7. A signed copy of the signature page of this policy.
8. Insurance
9. Client Reference Checks (Multi-year permit renewal requests only) as needed.
10. Samples of proposed advertising, brochures, entrance fees, prizes, and customer rates.
11. Arrangements to cross or access private or other agency land in conjunction with public lands (if requested by BLM)

12. Any other supplemental information required by the authorized officer to sufficiently evaluate the extent and impact of the proposed activity and determine the viability and qualifications of the applicant to provide the proposed services. For example the Administrative Officer may require statements of financial capability, or a business plan, and/or a copy of the corporate charter filed with the state for corporate entities.

How do I apply for a permit renewal?

Renewal of an SRP requires the following: (1) You must apply for a permit renewal on the same form as for a new permit, (2) you must include information that has changed since your last application or your most recent renewal. If information about your operation or activities has not changed, you may merely state that and refer to your most recent application or renewal, and (3) you must provide payment for the permit renewal fee (SRP permit renewal fee currently is \$50.00 as of March 2019).

B. Commercial Permit Annual Operating Authorization:

All multi-year commercial permits must be validated annually in order for the permit to be valid. An Annual Operating Authorization will be issued to permittees after the BLM receives post and pre-season fees, updated proof of insurance, a bond (if required) copies of valid licenses and/or any applicable permits from administered by other agencies, updated guide and/or transportation lists, current price list/brochure and a copy of the client contract or liability waiver.

Note: Annual Operating Authorization required documents must be submitted no later than 30 days prior to the first day of permitted operations. Failure to meet this timeline may result in delayed issuance of the annual operating authorization and could delay scheduled trips.

2. Competitive Event, Organized Groups and Vendor Permits.

- **BLM will not accept Special Recreation Permit (SRP) Applications from potential new permittees, until a pre-application consultation has occurred.** The pre-application consultation helps the BLM fully understand the nature and scope of the applicant's proposal and fosters communication between the potential permittee and the BLM. It ensures the proposed application is

consistent with BLM management objectives and allows time for the applicant to become familiar with BLM practices and responsibilities and the terms, conditions and stipulations that are required in a Special Recreation Permit.

- BLM accepts applications at least 180 days prior to the proposed date of use
- (Days 1-30) following receipt of a SRP Application, BLM will notify the applicant if a decision on issuing the permit must be delayed and request any additional information as necessary. BLM will notify the applicant if cost recovery is required.
- 30-90 days after receipt of the SRP application, BLM reviews the proposal and conducts any necessary environmental review.
- 90 days prior to use date, BLM notifies the applicant of permit approval or denial.
- 30 days prior to use date, proof of insurance, bond (if required), and applicable pre-payment fees must be received by the BLM. An insurance policy must be in place prior to the permit authorization.

The following are required 60 days prior to proposed use:

1. Copy of any applicable state, county, or city licenses, permits, or registrations.
2. Copy of current advertising brochure and websites used for advertising
3. Price list information
4. Copy of client contract and/or participant registration/waiver

The following is required 30 days prior to use:

1. Proof of insurance meeting or exceeding all minimum coverage requirements
2. Payment of advance billing
3. Bond (if required)

*****Note to reader: If the SRP application and supporting documentation is submitted less than the 180 days specified above, the application may be denied or processing may be delayed.***

Cost Recovery Requirements:

If BLM needs more than 50 hours of staff time to process a Special Recreation Permit for commercial use in any one year, BLM will charge a fee for recovery of the processing costs. If cost recovery applies, the authorized officer will notify affected applicants or permit renewals of these charges in writing within 30 days of receipt of the application or intent to renew. Cost recovery begins after the BLM receives an application and does not include a pre-application

consultation meeting. It is a charge based upon the actual personnel, vehicle, and travel and material costs required to issue, administer and monitor an SRP.

Permit Term:

The BLM, Tres Rios Field Office may issue permits on a yearly or multi-year term for up to 10 years (5 years for competitive events). Permit terms are at the discretion of the authorized officer.

Post Use Reporting:

Post use trip logs are required to be submitted within 30 days after the last day of authorized use or on a date agreed to by the authorized officer.

A BLM use day is defined as any calendar day, or portion thereof, for each individual accompanied or serviced by a permittee on BLM-administered public lands or waters.

If no use occurs during a use period, a post use report still must be submitted stating non-use for the period. The minimum SRP commercial fees apply to permits reporting non-use.

All event, group and vendor related post use reports are due 30 days following the event or last day of use.

Discounts for time off Public Lands:

A discount for SRP fees for time off public lands and related water may be appropriate for commercial, competitive, or group events. A discount is allowed for time spent off public lands and related waters from the time and date of entry to the time and date of exit from public lands. A trip is considered to be the time the client or participant spent with the permittee that starts either, after the first nights lodging, or when the client begins participating in the advertised use. BLM will reach agreement with the permittee before issuing the permit regarding any discounts that may apply.

Deductions:

Deductions may be allowed and must be approved in writing and in advance. Certain transportation and lodging costs may be deductible. These must be incurred before arrival at the beginning of a trip and after departure at the end of a trip from the permittee's headquarters or local community. Costs incurred between the permittee's headquarters or local community and public lands and costs incurred during the permitted activity, whether on or off public lands, do not qualify.

Stipulations:

Along with national and statewide terms and stipulations, additional terms, conditions and stipulations may be assigned to a permit based on land use planning prescriptions, environmental analysis or other factors.

Failure to adhere to any term, condition and stipulation or this policy may result in remedial action(s). BLM reserves the right to revoke or alter the terms, conditions and stipulations of Special Recreation Permits at any time as necessary.

Permittee Evaluation:

BLM, Tres Rios Field Office will evaluate permittees annually. Operating conditions that each permittee must abide by include: (1) The Operating Plan submitted with each permit application, (2) Conditions that are printed on the reverse side of the permit application and permit, (3) Standard Stipulations attached to all permits, (4) Field Office Supplemental Stipulations, additional terms and conditions for specified public land use areas which also may be included with your permit at the discretion of the authorized officer and (5) Permit documents and Annual Operating Authorizations.

Three performance levels are recognized:

Acceptable means that the permittee has generally operated in accordance with the terms and conditions established for the permit.

Probationary means the permittee has not operated in full accordance with the terms and conditions of the permit. Corrective action by the holder is mandatory and continued operation at this level is unacceptable. If this performance level is received 2 year in a row, the authorized officer may suspend or terminate the permit and/or deny future permit applications.

Unacceptable means that the permittee has not operated in accordance with the terms and conditions of the permit and cannot be allowed to continue. This performance level will result in suspension, termination, or revocation of permit privileges as appropriate to the circumstances.

When will BLM amend, suspend, or cancel my permit?

- BLM may amend, suspend, or cancel your Special Recreation Permit if necessary to protect public health, public safety, or the environment.
- BLM may suspend or cancel your Special Recreation Permit if you violate permit stipulations or are convicted of violating any Federal or State law or regulation

concerning the conservation or protection of natural resources, the environment, endangered species, or antiquities.

SRP Application Fees:

Fees are required for all SRPs to ensure that the public receives fair return for commercial use of public land and to ensure that the taxpayer does not bear the burden for the cost of processing permits for commercial use. The BLM Director establishes fees, including minimum annual fees for Special Recreation Permits for commercial activities, organized group activities or events, and competitive events. The BLM Director may adjust the fees as necessary to reflect changes in costs and the market.

- New SRP – \$100.00
- SRP Renewal (re-issuance of expired permits or re-issuance of permits due to applications for changes to existing permits) – \$50.00
- SRP Transfer from one person to another – \$100.00

Use Fee Payments (as of 3/18/2019)

- Minimum SRP Commercial Fee = \$110.00 -or- 3% of adjusted gross receipts*, whichever is greater.
- Minimum SRP Competitive and Organized Group Fee = \$110.00 -or- \$6.00/per person/per day, whichever is greater.
- Assigned Site Fee = \$220.00. 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.
- Permittees with a commercial permit may pay fees due the Government in installations with annual written approval from the authorized officer.
- Fees may also be charged for individual use of Special Areas, reservation/assignment of sites and livestock grazing when associated with recreational use.
- All payments exceeding the amount owed the BLM for commercial permits will be credited to the next year unless a refund is requested. Any refund or overpayment for a commercial permit must be submitted in writing.
- Refunds will be made for overpayment of fees for one-time competitive and organized group permits.

*Gross Receipts means the total of all financial gains received by the permittee, its employees, and/or its agents for goods or services provided in connection with commercial activities authorized by a special recreation permit on public lands and related waters. Non-refunded

deposits or cancellation fees for an activity on public lands and related waters are also included in gross receipts for the activity. Financial gain includes payments of money, revenue from the sale of images or broadcast rights, onsite sales or rentals, sponsorships, and gratuities, donations, gifts, bartering, trophy fees, etc., regardless of source, associated with the use of public lands and related waters.

Contact Information:

Mailing Address:

Bureau of Land Management

Tres Rios Field Office

29211 Highway 184

Dolores, CO 81323

Phone: (970) 882-1120

E-Mail (BLM Recreation related permitting):

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