

# **Grand Staircase-Escalante National Monument Special Recreation Permit Policy**

**March 2003**

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## INTRODUCTION

The authority for the Bureau of Land Management to administer the Special Recreation Permit system comes from the Code of Federal Regulations, Title 43, Part 2930:

### TITLE 43--PUBLIC LANDS: INTERIOR

#### CHAPTER II--BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

#### PART 2930--PERMITS FOR RECREATION ON PUBLIC LANDS--Table of Contents

##### Subpart 2931--Permits for Recreation; General

Sec. 2931.3 What are the authorities for these regulations?

(a) The statutory authorities underlying the regulations in this part are the Federal Land Policy and Management Act, 43 U.S.C. 1701 et seq., and the Land and Water Conservation Fund Act, as amended, 16 U.S.C. 4601-6a.

(1) The Federal Land Policy and Management Act (FLPMA) contains the Bureau of Land Management's (BLM's) general land use management authority over the public lands, and establishes outdoor recreation as one of the principal uses of those lands (43 U.S.C. 1701(a)(8)). Section 302(b) of FLPMA directs the Secretary of the Interior to regulate through permits or other instruments the use of the public lands, which includes commercial recreation use. Section 303 of FLPMA contains BLM's authority to enforce the regulations and impose penalties.

(2) The Land and Water Conservation Fund (LWCF) Act, as amended, authorizes BLM to collect fees for recreational use (16 U.S.C. 4601-6a(a), (c)), and to issue special recreation permits for group activities and recreation events, and limits the services for which we may collect fees (16 U.S.C. 4601-6a(a), (b), (g)).

(3) The Sentencing Reform Act (18 U.S.C. 3571) is the authority for the possible penalties for violations of these regulations.

(b) The regulations at 36 CFR part 71 require all Department of the Interior bureaus to use the criteria in that part to set recreation fees. These criteria are based on the LWCF Act and stated in Secs. 71.9 and 71.10 of that part.

##### Subpart 2932--Special Recreation Permits for Commercial Use, Competitive Events, Organized Groups, and Recreation Use in Special Areas

Sec. 2932.26 How will BLM decide whether to issue a Special Recreation Permit?

BLM has discretion over whether to issue a Special Recreation Permit. We will base our decision on the following factors to the extent that they are relevant:

- (a) Conformance with laws and land use plans;
- (b) Public safety,
- (c) Conflicts with other uses,
- (d) Resource protection,
- (e) The public interest served,
- (f) Whether in the past you complied with the terms of your permit or other authorization from BLM and other agencies, and
- (g) Such other information that BLM finds appropriate.

The objective of the Bureau of Land Management's (BLM) Special Recreation Permit (SRP) system is to satisfy recreational demand within allowable use levels in an equitable, safe and enjoyable manner while minimizing resource impacts and user conflicts. Fees for each SRP are intended to recover at least part of the cost of issuing and administering the SRP in addition to providing a fair return to the Federal government for the opportunity of the permittee to make a profit while using BLM administered lands.

SRPs are authorizations that allow specific recreational uses of public lands and related waters. They are issued as a means to manage visitor use, protect natural and cultural resources, and as a mechanism to accommodate specific commercial and noncommercial recreational uses.

This document outlines the policy governing SRPs for outfitting and guiding, organized group activities and special events occurring within Grand Staircase-Escalante National Monument (hereafter referred to as GSENM). Policy addressing all aspects of SRP issuance, monitoring, maintenance, and administration will be covered in this guideline. This policy will not supercede existing Utah BLM State guidelines or Federal regulations pertaining to SRPs as may be amended. This policy is intended to work within these parameters to address needs and issues pertinent to GSENM.

**NOTE:** Policy within this document may be affected by future GSENM decisions regarding visitor use allocation and resource management. Decisions may be based on monitoring of indicators including, but not limited to resource damage, conflicts with threatened and endangered plant or animal species and unacceptable numbers of social encounters

## **GOALS**

Goals of the SRP policy outlined in this guideline are as follows:

- Make GSENM's issuance, maintenance and governance of SRPs consistent and subject to existing BLM National guidelines, Federal regulations and objectives set forth in the GSENM Management Plan, as may be amended.
- Develop a process that allows GSENM to issue and manage SRPs efficiently, effectively and equitably.
- Ensure that present and future visitors (guided and non-guided) have opportunities for safe, high quality recreational experiences.
- Develop and maintain a working relationship with permittees to meet GSENM resource management objectives.

- Ensure that natural and cultural resources are not compromised.
- Ensure that SRP policy is consistent with the Wilderness Study Area-Interim Management Plan.

## **WHEN A SRP IS REQUIRED**

SRPs are required for all commercial recreation activities, as well as some organized groups and special events. The discussion that follows provides additional information for determining when a SRP is required.

### **Commercial Operators**

Commercial use is defined as recreational use of public lands and related waters for business or financial gain. An activity, service, or use is commercial if any of the following apply:

- 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.
- Profit-making organizations are automatically classified as commercial, even if that part of their activity covered by the SRP is not profit-making.

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

Use by scientific, educational, therapeutic institutions, or nonprofit organizations are considered commercial and require a SRP when any of the above criteria are met.

Nonprofit 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.

### **Colleges and Universities**

College and university groups are classified as commercial and require a SRP if any the criteria above for defining an activity as commercial are met, and if the proposed activity is associated with a recreational use. Therefore, if the proposed activity is part of a course where students are paying tuition and it is associated with a recreational use (i.e., camping, backpacking, hiking), then the activity is commercial and requires a SRP. If the proposed activity is part of a course where students are paying tuition and is not associated with a recreational use, then a Letter of Authorization is required, and a SRP is not required. Activities not associated with a recreational use include the following:

- Interpreting GSENM resources (geology, biology, paleontology, archaeology, history) from a vehicle or roadside.
- Traveling by foot less than ¼ (0.25) mile from a designated road for the sole purpose of interpreting GSENM resources.

To obtain a Letter of Authorization, contact the Special Recreation Permit Coordinator for GSENM at (435) 826-5600.

### **Organized Groups and Special Events**

SRPs are required for organized group and special event activities that may significantly impact GSENM resources, require monitoring, or cause user conflicts. “Organized group and special event activity” is defined as a structured, ordered, consolidated, or scheduled meeting for the purpose of recreational or other use that is not commercial or competitive.

At minimum, SRPs are required for groups exceeding the size limits of the GSENM management zones in which they will operate.

Examples of organized group and special event activity include, but are not limited to scouting activities, family reunions, student recreation clubs and fraternity activities.

To determine if an organized group or special event activity requires a SRP, contact the SRP Coordinator at (435) 826-5600.

### **WHEN A SRP IS NOT REQUIRED**

A SRP may not be required if any of the following apply:

- The use or event traverses less than 1 mile on GSENM lands and poses no threat of significant damage to GSENM resources.
- Applicants that hold an authorized permit for Glen Canyon National Recreation Area and do not camp in GSENM would not require a SRP if using the following trailheads (See Map 1):
  - Egypt
  - Forty Mile Ridge
  - Red Well
- The use is sponsored or cosponsored by GSENM and is determined to be noncommercial.
- The use entails traveling along sections of U.S. Route 89, Utah State Highway 12, and the Burr Trail that traverse GSENM and does not include making any stops within GSENM (i.e., scenic viewpoints, trail heads, etc.).

To determine if your intended use does not require a SRP, contact the SRP Coordinator at (435) 826-5600.

### **ACTIVITIES FOR WHICH A SRP WILL NOT BE ISSUED**

SRP's will not be issued for competitive use or river trips.

### **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 applies:

- Participants register, enter, or complete an application for the event
- A predetermined course or area is designated.

Competitive use also includes activities in which one or more individuals seek to set or break an established record, such as for speed or endurance.

Competitive events are prohibited on GSENM in accordance with Plan Decision # EVENT-3 of the GSENM Management Plan effective February 2000.

### **River Trips**

There are no rivers within GSENM that consistently offer adequate flow for the purpose of navigation. As a result, SRPs for commercial river trips will not be issued.

### **Climbing Activities**

As of this printing, SRPs will not be issued for climbing activities. Upon completion of a climbing plan for GSENM, commercial climbing activities may be considered on a case-by-case basis.

### **NEW SRPs**

The information below provides a proactive approach for issuing new SRPs. A schedule for issuing SRPs and specific criteria for evaluating SRP applications provide the basis for this approach. This approach should benefit GSENM, potential and existing permittees, and the public by providing an efficient, effective and equitable means of issuing new SRPs.

### **Application and SRP Issuance Schedule**

The following schedules will be strictly adhered to for the issuance of new SRPs based on the category of user.

## One-time Users

A “one-time user” is defined as a commercial user required to obtain a SRP, who intends only to operate in GSENM once in a single year, not to exceed 14 days and not return for a time period of three years. This category includes commercial organized groups and special events.

Applications for this user category are accepted at any time, but are subject to submission of SRP application materials at least 180 days before the intended use is to begin.

**NOTE:** The time frame for selecting applicants could be extended if GSENM determines that additional time is required to complete an environmental assessment or consult with other agencies.

A commercial "one-time user," organized group, or special event that obtains a SRP and then applies for a second SRP within three years will be denied.

Noncommercial organized groups and special events may apply for a SRP in consecutive years.

## One-year and Multi-year Users

A “one-year user” is defined as a commercial user intending to operate in GSENM for a period of up to one year.

A “multi-year user” is defined as a commercial user intending to operate in GSENM during a period greater than one year. A one-year permit holder may apply for a multi-year permit after two successful years of operation.

A five-year permit will not be issued in the following cases:

- The applicant has received written notification that their performance is unacceptable, based on monitoring by GSENM staff.
- The applicant has less than two years of successful operation prior to application for a five-year permit.
- Changes in the applicant’s operating plan are not in compliance with GSENM Management Plan.

## Timeline for Applicants and Issuance

Time Frame	Action Taken
Year-round	“One-time user” applications accepted. Application processing may require up to 180 days of lead-time prior to approval.
December 31	Deadline for accepting “one-year” and “multi-year” SRP applications. All multi-year SRP applications must be received by close of business. All applications received by GSENM after close of business will be accepted though not reviewed until after December 31, the following year.
January 1	GSENM staff begins reviewing all new one-year and multi-year SRP applications using the SRP Evaluation Process outlined below.
July 1	Selection of applicant(s) most qualified to offer services and issuance of

Time Frame	Action Taken
	SRPs.

**NOTE:** This deadline for selecting applicants could be extended if additional time is required to complete an environmental assessment or consult with other agencies. All new one-year and multi-year SRPs issued are activated through issuance of an operating authorization.

Example: SRPs applications submitted by December 31, 2003 are reviewed starting January 1, 2004. Selection and issuance of SRPs made by July 1, 2004.

This timeline will be applied in present and future years.

### **How to Apply for a New SRP**

To apply for a SRP for activities located on GSENM (See Map 2), all of the application materials listed below must be submitted. If your proposed activity is located on BLM land outside GSENM (See Map 3), you should contact the appropriate BLM Office. Information on how to contact the Utah BLM Field Offices is located in Appendix 1. Also see the "Joint Permits" section.

**NOTE:** If all requested SRP application materials are not submitted, or if incomplete information is provided, the application may not be considered. Application forms are located in Appendix 2.

1. The Special Recreation Application Form (8370-1) must be completed, signed, and dated.

**NOTE:** New applicants must limit their proposed "dates" of operation under item number four of form 8370-1, to a time period of one year or less. See the discussion in the section entitled "SRP Term."

2. The Operating Plan Form must be completed, signed, and dated.

3. Detailed topographic map(s) showing:

- travel routes
- primary use areas
- camp locations
- Planned visits to archaeological, cultural and paleontological sites
- cache locations
- staging facilities
- parking areas
- any private, state, or agency administered public lands used in the proposal.

Applicants must use U.S. Geological Survey 1:24,000 or 1:100,000 scale topographic maps, BLM Special Edition 1:100,000 scale topographic maps, or other maps of similar content, scale and quality.

4. Written permission to use or cross private, state, or other agency administered public lands.

5. A fee of \$80.00, or 3% of estimated gross income (whichever is higher), will be applied toward the first year's minimum SRP fee if authorized. The fee is returned if not authorized.

*Cost Recovery:* In addition to the SRP fee, if the BLM needs more than 50 hours of staff time to process a Special Recreation Permit for commercial use in any one year, we may charge a fee for recovery of the processing costs [43 CFR, 2932.31(e)]. You will be notified in writing if you need to pay actual costs before processing your application.

**NOTE:** If after GSENM decides to issue and activate a SRP, the applicant declines to accept the SRP, the \$80.00 minimum fee will not be returned. For fees paid in excess of the minimum, all will be returned except for \$80.00.

**NOTE:** The BLM adjusts fees for all SRPs every three years based on the change in the implicit price deflator index. Therefore, the next adjustment to the SRP fees identified above is scheduled for March 1, 2005.

The following address should be used for mailing SRP applications:

Grand Staircase-Escalante National Monument  
SRP Coordinator  
SRP Application Enclosed  
P.O. Box 225  
Escalante, UT 84726

The option to submit some or all of the required SRP application materials in digital format may become possible in the near future. To determine if this option is currently available refer to GSENM Internet Site at [www.ut.blm.gov/monument](http://www.ut.blm.gov/monument).

When a SRP application is approved, the applicant will be notified in writing of conditional approval and required to meet the following conditions before its SRP will be activated:

- Provide a copy of insurance certificate, identifying the United States Government as additional insured.
- Commercial permittees- provide the balance of 3% anticipated gross revenues if greater than \$80.00 fee already paid. If the balance of the 3% anticipated gross revenue is greater than \$500.00, the permittee may make quarterly fee payments following the schedule provided in the quarterly fee payment schedule, or pay the entire amount at once.
- Organized group and special event permittees- provide the balance of charges by applying the \$4.00 per person per day fee to the estimated number of persons and days they propose to operate within GSENM.
- Provide copies of Food Handlers Card(s). Any commercial permittee directly preparing meals for customers is required to have a Food Handler Card(s) for any person(s) assisting in food preparation or cleanup. For information on how to obtain a Food Handlers Card, or to determine if certification and training received in another state is

sufficient, contact the Southwest Utah Public Health District Office at (435) 586-2437 or any other Utah Public Health District Office.

- Provide a copy of American Red Cross Standard First Aid and CPR Training Cards for all authorized representatives working in the field.

If all conditions listed above are not met by the time the activity is permitted to begin, conditional approval will be revoked and applicant will be required to reapply for a new SRP.

Any questions concerning how to apply for a SRP should be referred to the SRP coordinator at (435) 826-5600.

### **SRP Application Evaluation Process**

All new SRP applications will be evaluated using the application review criteria identified below. These criteria offer a framework for SRP application evaluation. (SRP Evaluation Form located in Appendix 4.) This form provides for both a qualitative and quantitative evaluation of SRP applications. By using this form, along with the professional judgment of GSENM staff, applications that best comply (possibly with modifications) with the application review criteria will be approved.

### **Application Review Criteria**

#### 1. Compliance History

The applicant has demonstrated, through its operating plan that the applicant is (or will be) in compliance, and/or has a history of compliance, with local, state, and Federal laws/regulations in connection with the proposed activity.

#### 2. Safety and Safety History

The applicant's operating plan demonstrates a history of providing (or ability to provide) a reasonable level of safety for clients. The applicant's operating plan demonstrates sufficient experience in the proposed activity and that the environment the applicant will be operating within provides a reasonable level of safety for clients.

#### 3. Compliance with GSENM SRP Policy, Stipulations and the GSENM Management Plan

The applicant's operating plan demonstrates that the proposed activity is consistent with GSENM SRP Policy, Stipulations and the GSENM Management Plan.

#### 4. Conflicts

Applications will not be approved in areas where conflicts currently exist or would potentially occur as a result of permitting the proposed activity. Valid conflicts include, but are not limited to:

- unacceptable use levels during specific time periods, or overall unacceptable resource impacts

- GSENM inability to properly monitor an activity and/or enforce regulations.

5. Interpretation and Education

The applicant's operating plan demonstrates that he/she will provide clients with accurate interpretation/education of one or more of the following GSENM resources: geology, biology, paleontology, archaeology, or history.

6. Resource Protection

The applicant's operating plan demonstrates that he/she will adequately mitigate impacts, if any, to the following GSENM resources: geological, biological, paleontological, archaeological, or historic.

7. Appropriate agencies will be contacted to verify the status of applicants for all activities requiring licensure from the state (hunting, fishing, therapeutic recreation, etc.).

**SRP Term**

The SRP term for "one-time users" will be a specified period not to exceed 14 days.

The SRP term for new applicants, other than one-time users, will initially be a one year period.

In the event GSENM determines that the permittee's performance is acceptable, GSENM may reissue the SRP for a second year, by submittal of an updated Special Recreation Application Form (8370-1) that must be completed, signed, and dated. During this second year, GSENM will continue to evaluate the permittee's performance. If the permittee's performance is acceptable, GSENM may reissue the SRP for a five-year period, upon submittal of an updated Form (8370-1) that must be completed, signed, and dated. It is then considered to be a multi-year permit

In all cases, if there is a considerable change in the original operating plan (i.e., a new operating area, business activity), a new operating plan must also be furnished with the updated Special Recreation Application Form (8370-1).

**NOTE:** Based on monitoring of indicators including, but not limited to, resource damage, conflicts with threatened and endangered plant or animal species, and unacceptable numbers of social encounters, SRPs may be affected by future GSENM decisions regarding visitor use allocation (i.e., terms, operating areas, activities).

Even though "multi-year users" may be issued a SRP for multiple years, they are still required to obtain a new SRP Operating Authorization before operating each season. This Annual SRP Operating Authorization will identify specific dates and locations, in which the permittee is allowed to operate during the season. Furthermore, all SRPs are subject to revocation for noncompliance with any terms, conditions, or stipulations applicable to the respective SRP.

**Operating Area**

A SRP will authorize use of the minimum area necessary to perform the proposed activity.

**NOTE:** GSENM reserves the right to close various sites and/or areas located within its jurisdiction to prevent resource damage, use conflicts and to promote visitor safety.

### **Joint SRPs**

GSENM will consider authorizing joint SRPs for activities operating within both GSENM and adjacent public lands (BLM Field Offices, Dixie National Forest, Glen Canyon National Recreation Area, Bryce Canyon National Park, Capitol Reef National Park). GSENM's ability to authorize such SRPs is contingent upon the development and maintenance of individual cooperative agreements with these agencies. Applicants should contact GSENM prior to submitting an application for a joint SRP to determine if a cooperative agreement currently exists between GSENM and adjacent Federal land management agency. Joint SRPs will be processed and issued through the agency office where the majority of the proposed activity will occur (i.e., trail miles, acreage).

**NOTE:** GSENM has no authority to permit or regulate use of land outside its jurisdiction (i.e., private, state, and other Federal land, unless provided for through a cooperative agreement).

### **Modification or Cancellation of SRPs**

If GSENM determines that a SRP needs to be modified (i.e., operating area, suspended or canceled to protect human health or safety), GSENM shall notify the permittee in writing. Permittees are required to comply with amendments to SRPs immediately in the case of human health and safety. Examples of such cases are wildland fires, floods creating inaccessible roadways, etc.

### **Five-year SRP Renewal**

To renew a "multi-year" SRP, permittees must submit to GSENM the application materials listed below by December 31<sup>st</sup> prior to the year their current SRP is scheduled to expire.

1. The Special Recreation Application Form (8370-1) must be completed, signed, and dated.
2. The Operating Plan Form must be completed, signed, and dated.
3. Detailed topographic map(s) showing:
  - travel routes
  - primary use areas
  - camp locations
  - Planned visits to archaeological, cultural and paleontological sites
  - cache locations
  - staging facilities
  - parking areas
  - any private, state or agency administered public lands used in the proposal.

Applicants must use U.S. Geological Survey 1:24,000 or 1:100,000 scale topographic maps, BLM Special Edition 1:100,000 scale topographic maps, or other maps of similar content, scale and quality.

4. Evidence of permission to use or cross private, state, or other agency administered public lands.

All existing and new "multi-year" SRPs will be scheduled to expire on December 31<sup>st</sup> of their last permitted year. Therefore, if a SRP is scheduled to expire on December 31, 2004, application materials for renewal must be received by GSENM by December 31, 2003.

**NOTE:** If all requested SRP application materials are not submitted on time, or if incomplete information is provided, the application will not be considered.

SRP renewals will be evaluated using the same application review criteria and SRP Evaluation Form used to review new SRP applications. Based on field monitoring and professional judgment of GSENM staff, a determination of whether a SRP renewal should be authorized (possibly with modifications) shall be made. Permittees will be notified in writing no later than February 1<sup>st</sup> of their last permitted year of the decision of whether to authorize their renewal. In the event that during the five-year SRP term, the permittee received two written notifications that their performance is unacceptable, based on monitoring by GSENM staff, the SRP will not be renewed as a multi-year permit.

#### **SRP ADMINISTRATION**

In order to adequately manage SRPs, permittees will be required to comply with all administrative requirements outlined in this section.

Permittees classified as "one-time users" must submit the forms and fees identified below by close of business within 30 days after their last permitted day of use. One-year and multi-year permit holders are required to submit the forms and fees identified below, no later than close of business January 31<sup>st</sup> following each year of use.

- Post Use Report Form
- Trip Log Form
- Preseason Update Form
- End of season fee (amount shown on line seven of the Post Use Report Form)
- Preseason estimated fee
- Special Recreation Application Form (8370-1), completed, signed, and dated (required only for those applying for or renewing a new one-year or multi-year permit).

All SRP maintenance forms listed here are provided in Appendix 3. For permittees who choose to submit forms using their own computer generated reporting programs, reports must contain the same information (in a similar format) requested on the forms provided in Appendix 3. If any form or fee is not submitted by the specified deadline, an Annual SRP Authorization will not be issued until the form or fee is received and processed. Late fees will be assessed using the following schedule:

- 2 weeks late = \$100.00 additional fee
- 3 weeks late = \$250.00 additional fee
- 4 weeks late = \$500.00 additional fee

Any form not completely filled out will not be accepted and returned to the permittee.

## **Fees**

SRP Permittees must pay 3% of their anticipated gross revenues or an \$80.00 annual minimum, whichever is greater. New permittees with a 3% anticipated gross revenue greater than \$500.00 (based upon amount calculated on the Preseason Update Form) may make equivalent quarterly fee payments using the schedule below, or pay the entire amount prior to February 1<sup>st</sup>.

- |   |                         |                          |                           |
|---|-------------------------|--------------------------|---------------------------|
| • | 1 <sup>st</sup> Quarter | January through March    | payment due by January 31 |
| • | 2 <sup>nd</sup> Quarter | April through June       | payment due by April 30   |
| • | 3 <sup>rd</sup> Quarter | July through September   | payment due by July 31    |
| • | 4 <sup>th</sup> Quarter | October through December | payment due by October 31 |

Both organized groups and special events required to obtain a SRP must pay in advance an estimated amount of \$4.00 per person per day while operating within GSENM.

In addition to SRP fees, permittees are required to pay the site specific, visitor use, or entrance fees for each of their clients and guides recreating in or entering a fee area. Calculation and payment of visitor use fees will be completed by permittees using the post use report form. At this time, the only fee areas within GSENM are Calf Creek and Deer Creek recreation areas.

For one-time users and one-year users who are not renewing, overpayment of fees greater than \$10 will be refunded. For multi-year users and renewing one-year users, overpayment of fees will be applied to the following year. All fees must be paid by check and made payable to **BLM USDI**.

**NOTE:** Permittees are subject to random audits, which at a minimum will include a review of financial records and visitor use.

The BLM may waive fees for SRPs issued for academic, scientific, therapeutic, or administrative uses that meet the following conditions:

- The permitted use must be directly related to management of GSENM, or be co-sponsored by GSENM (i.e., nonprofit organization performing trail maintenance).
- The permittee must not be commercial.

## **Insurance**

All permittees are required to obtain an insurance policy for their permitted operations with the minimum liability coverage amounts of:

- \$25,000 property damage for any one occurrence,
- \$500,000 damage to persons (bodily injury or death) per occurrence,
- \$1,000,000 annual aggregate.

A current certificate of insurance must on file, for the applicant or permittee to be issued an Annual SRP Authorization. The certificate of insurance must:

- state the limits of coverage
- identify the United States Government as additional insured
- have the insurer notify GSENM 30 days prior to cancellation or modification of the insurance policy.

It is the responsibility of the permittee to maintain insurance coverage. If a permittee has a lapse in insurance coverage, the SRP is suspended until such time as insurance coverage is reinstated.

### **Annual SRP Operating Authorization**

GSENM will issue an Annual SRP Operating Authorization to "multi-year" permittees by March 1<sup>st</sup>, of each year. Though permittees may have a "multi-year" SRP, this SRP shall not be valid unless an annual SRP authorization is provided each year. An annual SRP authorization might not be granted if the permittee receives an Annual SRP Evaluation rating of less than acceptable. Also, if a permittee has requested a change of operations in their Preseason Update Form (i.e., operating area), then a decision regarding this request will be reflected in the Annual SRP Authorization. Appendix 5 provides an example of an Annual SRP Authorization.

### **Annual Field Monitoring**

To assist in evaluating a permittees' performance and provide an opportunity for GSENM staff to further communicate its expectations, field monitoring will be performed. Field visits may be scheduled with permittees or made unannounced.

### **Annual Workshop**

To assist in promoting an effective partnership with "multi-year" permittees GSENM will host a preseason Outfitter and Guide Workshop each year. This workshop will last one or two days depending on the amount and complexity of information and training to be provided (i.e., GSENM research activities, Leave No Trace Training, safety and emergency procedures, etc.). Permittees will be notified in writing by December 1<sup>st</sup> of each year concerning the date and location of the workshop.

### **SRP Transfers**

Permittees may request that their SRP be transferred, in the case of an actual sale of a business or a substantial part of the business. All such transfers are at the discretion of GSENM. Changes of company stock that result in a different individual or business acquiring 50 percent or more of the shares outstanding or who otherwise acquire controlling interest shall be treated as a transfer, whether the changes in ownership take place all at one time or as the result of several actions. This requirement does not generally apply to companies with shares commonly traded on public stock exchanges that continue to do business under the same company name. A SRP transfer will not be considered if the SRP is less than two years old, if performance is unacceptable based on field monitoring, or if the permittee is terminating its business.

If the permittee's business enters bankruptcy under the provisions of Chapter Eleven of the Federal bankruptcy laws for the purpose of reorganizing, the permittee may make use of the SRP during the period the company is under the protection of the bankruptcy court, provided that all terms of the SRP continue to be met. During this period, the SRP 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 SRP was transferred, the BLM may transfer the SRP back to the previous owner. The

previous owner(s) must bring the SRP into good standing before the BLM will consider an application for a future SRP transfer. If the permittee's business enters bankruptcy under Chapter Seven of the bankruptcy laws, the SRP will automatically be terminated. No SRP transfers will be approved for permittees entering Chapter Seven Bankruptcy.

Permittees wishing to transfer their businesses must do the following:

- The permittee should notify GSENM in writing, 60 days prior to completing an agreement which would result in a change of ownership or controlling interest in the business. This written notification must include adequate documentation that a bona fide business transfer or sale is intended.
- Upon receiving written notification from GSENM that a SRP transfer will be considered, the proposed permittee/transferee must follow the procedure identified under the section entitled "How to Apply for A SRP".
- Within 60 days of receiving the proposed permittees application, GSENM will apply the SRP Evaluation Process to determine if the application should be approved, approved with modifications, or denied.
- New owners must have written notification from the BLM prior to operation on GSENM.

GSENM shall have discretion to include in the transferred SRP terms, conditions, and/or stipulations, which are entirely differently from the original SRP.

### **VISITING ARCHAEOLOGICAL, CULTURAL, AND PALEONTOLOGICAL SITES**

GSENM is currently working to develop baseline information on all archaeological, cultural and paleontological sites within GSENM. At present, only a small percentage of these sites have been cataloged. In an effort to identify new sites and maintain the integrity of known sites, GSENM would like to further its working relationship with permittees in this area. With this in mind, permittees are required to identify within their operating plan all archaeological, cultural and paleontological sites they propose to visit as part of their trips. Also, permittees should promptly notify GSENM of any archaeological, cultural, or paleontological site they identify while operating in the field. Once identified, it may be appropriate for a permittee to collaborate with GSENM in documenting, preserving, studying and/or monitoring a site.

### **GSENM EDUCATION OPPORTUNITIES**

GSENM would like to provide permittees and their clients the opportunity to learn, first hand, about research activities in GSENM. With this in mind, GSENM will notify existing permittees in writing when there is an opportunity for them and their clients to visit a research effort in the field (e.g., excavation of an archaeological site). GSENM will require interested permittees to submit a plan, detailing how this site visit will be incorporated into their trip. This practice should further the effort to educate permittees and their clients about GSENM resources.

## **ILLEGAL OUTFITTERS**

In the event GSENM determines a person or organization is operating or undertaking a use within GSENM, without a properly authorized SRP for that use, or is undertaking a use for which a SRP will not be issued (see the section “Activities for Which a SRP Will Not Be Issued”), the person or organization will be subject to the following:

- eligibility for a new SRP through GSENM shall be suspended for a time period of at least three years
- all existing SRPs in the name of the person and/or organization which he or she is associated with shall be cancelled
- GSENM will notify all Utah BLM field offices and other affected land management agencies concerning the violation.

Pursuant to the Code of Federal Regulations (43 CFR 2932.57), any person(s) operating within GSENM without a required SRP or who are in violation of any SRP Stipulation located in Appendix 6 may be subject to the following:

- a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months, and
- civil action for unauthorized use of public lands or related waters and their resources.

## **CONFLICT RESOLUTION PROCESS**

The steps outlined below will be followed when a conflict exists between permittees.

1. The permittees will meet independently, or with the assistance of a mediator to work out a solution. During this step, permittees may choose an existing permittee to serve as mediator.  
  
**NOTE:** Any solution developed shall comply with all SRP terms, conditions and stipulations.
2. If unresolved, permittees will meet with GSENM’s authorized officer to develop a workable solution.
3. If a workable solution cannot be developed through consensus, GSENM’s authorized officer will draft a proposed resolution to the matter for review by GSENM Manager.
4. GSENM Manager will review, and either approve or deny the proposed resolution or make his or her own final decision regarding the matter. Any decision made will be done in accordance with GSENM SRP Policy, the GSENM Management Plan and state and Federal regulations and guidelines. Written notice of GSENM Manager’s decision shall be provided to the permittees.

## **SRP STIPULATIONS**

SRP Stipulations located in Appendix 2 apply to all permittees. Failure to adhere to any stipulation will result in remedial action(s). GSENM reserves the right to revoke or alter the terms, conditions, or

stipulations of SRPs at any time necessary. **GLOSSARY OF TERMS** *Commercial use* means recreational use of public lands and related waters for business or financial gain.

*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 applies:

- Participants register, enter, or complete an application for the event
- A predetermined course or area is designated.

Competitive use also includes activities in which one or more individuals seek to set or break an established record, such as for speed or endurance.

*Multi-year user* means a commercial user intending to operate in GSENM during a period greater than one year.

*One-time user* means a commercial user required to obtain a SRP, who intends only to operate in GSENM once in a single year, not to exceed 14 days and not return for a time period of three years. This category includes commercial organized groups and special events.

*One-year user* means a commercial user intending to operate in GSENM for a period of up to one year.

*Organized group and special event activity* means a structured, ordered, consolidated, or scheduled meeting for the purpose of recreational or other use that is not commercial or competitive.

## APPENDICES

### *Appendix 1:*

*Utah BLM Field Office Directory*

### *Appendix 2:*

*SRP Application Forms*

### *Appendix 3:*

*SRP Maintenance Form*

### *Appendix 4:*

*SRP Evaluation Forms*

### *Appendix 5:*

*Annual SRP Authorization Example*

### *Appendix 6:*

*No Campfire Zone Definitions*

### *Appendix 7:*

*Land Use Ethics*