

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SPECIAL RECREATION PERMIT APPLICATION
(16 U.S.C. 6801 et seq., 43 U.S.C. 1701 et seq., 43 CFR Group 2930)

FORM APPROVED
OMB NO. 1004-0119
Expires: April 30, 2023

Permit No. _____

Instructions: Complete and return to appropriate BLM Office. (Use additional sheets, as necessary.)

Type or Print Plainly in Ink

1. ☐ New Application ☐ Permit Renewal

2. Name of Business
or Organization

3. First Name

Last Name

Middle Initial

4. Address

5. Phone No. _____

6. FAX No. _____

7. Email Address

8. Website

9. Applicant is: ☐ Individual ☐ Corporation ☐ Government Agency

(If corporation, attach copy of Articles of Incorporation and Certificate unless already on file.)

10. Name(s) and phone number(s) (include area code(s)) of person(s) authorized to conduct business with BLM concerning the permit:

11. Application is for (check all that apply): ☐ Commercial Use ☐ Competitive Use ☐ Organized Group Activity or Event ☐ Vending
(Definitions of these permit types are provided on page 4 of this form.)

12. To use the following public lands/related waters (provide name, legal description and/or attach map or GIS data file as required by BLM):

13. For the following purpose (attach a complete Operations Plan as required by the issuing BLM Office):

14. Dates of proposed use

Beginning Date:

Ending Date:

☐ Check if applying for a multiple year
permit, subject to annual authorization.

Other schedule:

15. Do you have a permit with BLM/USFS/NPS? ☐ Yes ☐ No

15a. Have you had a permit previously? ☐ Yes ☐ No

15b. Have you ever been denied or had a permit revoked? ☐ Yes ☐ No

15c. Have you forfeited a bond or other security? ☐ Yes ☐ No

15d. Do you have any unresolved, criminal, civil or
administrative actions related to a permit or the
activities you plan to conduct under this permit? ☐ Yes ☐ No

15e. Have you been convicted, or paid a fine, or
forfeited a bond, for violations regarding natural
resources, cultural resources or any activity
related to your proposal? ☐ Yes ☐ No

If the answers to any of the above questions are, "Yes:" Provide a detailed explanation on a separate piece of paper.

16. **Certification of Information:** I CERTIFY the information in this application and supporting documents is true, complete, and correct to the best of my knowledge and belief and is given in good faith.

I acknowledge that I (we) am (are) required to comply with any conditions or stipulations required by the BLM, including but not limited to the General Terms and Permit Stipulations listed on the following pages of this form. I agree my activity, service, or use will conform to the information I have provided in this application, operations plan, and any attachments.

(Signature of Applicant)

(Date)

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL TERMS AND PERMIT STIPULATIONS

- A. Compliance with laws, regulations, and other legal requirements.** The permittee shall comply with all Federal, State, and local laws; ordinances; regulations; orders; postings; or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP). 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, and spectators under the permittee's supervision.
- B. Modification, Suspension, Termination.** 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. Permit Value & Operating Rights.** 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 is not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price, or compensation, and may not be used as collateral for a loan. 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. This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license.
- D. Non-Exclusive Use.** 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. Subcontracting.** Where the BLM authorizes a permittee to subcontract a portion of the permitted activities, the permittee must retain operational control of the permitted activities and must also comply with any applicable special stipulations related to contractors and subcontractors, which may include, but are not limited to, provisions regarding permit compliance, fee payment, reporting requirements, and insurance requirements.
- F. Advertising.** All printed, electronic, and oral 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, the permittee will not seek or obtain trademark rights, use or incorporate the names, trademarks, or logos of the BLM, the Government, or their employees in any advertising, promotional, sales literature, or on any product without the prior written approval of the BLM for the specific use. The permittee shall not state or imply that the Government or any of its organizational units or employees endorses any product, service, or activity as being conducted by the BLM. The BLM does not directly or indirectly endorse any product or service provided, or to be provided, by the permittee whether directly or indirectly related to this Special Recreation Permit. 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 a current brochure, or website, including price list.
- G. Responsibility of Permittee.** The permittee assumes responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous flora/fauna, abandoned mines, or other hazards that present risks for which the permittee assumes responsibility.
- H. Resource Protection:** 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.
- I. Display of Permit:** The permittee, permittee's employees, agents, and Authorized Officer approved subcontractors, 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.
- J. Operating Plan.** The operating plan submitted in the application corresponding to this permit is incorporated as the operating plan for this permit. Any changes to your operations as described in this plan must be requested in writing to the BLM. This request must receive prior written approval from the BLM Authorized Officer, before the operating plan changes may take effect.
- K. Accounting Records:** The authorized officer, or other duly authorized representative of the BLM, may examine any of the books, documents, papers, or records pertaining to the permit or transactions related to it, in the possession of the permittee or its employees, business affiliates, or agents for up to three years after expiration of the permit. For permits with fees greater than \$10,000 annually, when requested by the BLM, the holder at its own expense shall have its annual accounting records audited by an independent public

accountant acceptable to the BLM. The permit holder must maintain internal accounting records pertaining to this authorized use, and these records must be readily discernable from accounting transactions with other permits, business endeavors or personal use. Accounting records must include the following:

1. A recordkeeping procedural outline or process plan.
2. Customer receipt deposit log or similar detailed information, which includes at a minimum: A) Customer identifier; B) Location identifier; C) Dated deposit and amount; D) Gross fee collected; E) Subtotal after each customer transaction; F) Grand total after each deposit; G) Grand total of year-end receipts.
3. Corresponding monthly bank statement ledgers to the customer receipt deposit log or other compensation attributed to activities conducted under this permit.
4. Price advertisements
5. Original customer reservation listings or event registration sheets.
6. A record of all financial relationships with booking agents, advertisers, subcontractors, and business affiliates connected to permitted use.
7. A record of all receipts or compensation including payments, gratuities, donations, gifts, bartering, etc., received from any source not captured in the customer receipt deposit log for activities conducted under the permit.
8. A record of all payments made by the permit holder and claimed as a deduction in the permit holder fee submission. Records consist of receipts, debit transaction logs, bank statements, or similar records.
9. W-2 records or other similar records of employment for all employees conducting activities under the permit.

L. Revenue Reporting: The permittee must submit a post-use report and any other required forms to the Authorized Officer according to the due dates shown on the permit. If the post-use report is not received by the established deadline, the permit will be suspended and/or late fees assessed. The post-use report must contain a trip-by-trip log of trip location, beginning and ending dates of each trip, number of clients, number of guides, and gross receipts for the trip. Deductions based on pre- and post-trip transportation and lodging expenses and percentage of time on public land, if being claimed, must be described in advance in the permittee's Operations Plan. Transportation and lodging deductions must be accompanied by copies of supporting receipts documenting proof of payment.

M. Resource Damage and Injury Reporting: The permittee shall notify the Authorized Officer of any incident that occurs while involved in activities authorized by this permit, 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 24 hours.

N. Insurance. If required by the Authorized Officer, the permittee shall carry general liability insurance against claims occasioned by the action or omissions of the holder, its agents, employees, volunteers, and contractors in carrying out activities and operations under this permit. The policy shall name the "Bureau of Land Management – DOI" as additional insured. Permittee agrees to have on file with the BLM copies of the above insurance with the proper endorsements.

O. Fee Payment: The permittee must pay the required fees before the BLM will authorize your use. For installment payments when more than \$1,000 is owed, the permittee must submit a BLM promissory note, which must be signed by the Authorized Officer. For multi-year permits, final payments may be adjusted based on post-use reports. For multi-year commercial permits, excess payments will be applied toward the following years or seasons estimated fee. For permits other than multi-year commercial permits, the BLM will give the permittee the option whether to receive refunds or credit overpayments to future permits, less processing costs.

P. Equal Opportunity and Nondiscrimination

The permittee, its employees, and affiliates shall not discriminate against any person on the basis of race, color, sex, national origin, age, or disability or by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. In addition, the holder and its employees shall comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments Act of 1972, as amended, and the Age Discrimination Act of 1975, as amended.

DEFINITIONS

Commercial Use is defined as recreational use of the public lands and related waters for business or financial gain. The activity, service, or use is commercial if 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 led, sponsored, or organized by that person, group, or organization. An activity, service, or use is commercial if anyone collects a fee or receives other compensation that is not strictly a sharing of, or exceeds, actual expenses incurred for the purposes of the activity, service or use. Commercial use is also characterized by situations where there is paid public advertising to seek participants or participants pay for a duty of care or an expectation of safety. 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. Use of the public lands by scientific, educational, and therapeutic institutions or non-profit organizations is commercial and subject to a permit requirement when it meets any of the threshold criteria above. The non-profit status of any group or organization does not alone determine that an event or activity arranged by such a group or organization is noncommercial.

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

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.

Organized Group Activity or Event means a structured, ordered, consolidated, or scheduled event on, 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.

Vending means selling or renting recreation related goods or services such as firewood, equipment repair, shuttles, rentals, etc. on the public lands or related waters.

NOTICES

The Privacy Act and 43 CFR 2.48(d) require that you be furnished the following information in connection with the information requested by this form.

AUTHORITY: (16 U.S.C. 6801 et seq., 43 U.S.C. 1701 et seq., 43 CFR Group 2930)

PRINCIPAL PURPOSE: BLM will use your information to determine whether or not to issue you a Special Recreation Permit. BLM will use some of the information to determine your qualifications for the permit and other information to determine the merits of your proposal.

ROUTINE USES: BLM will disclose the information in accordance with the regulations at 43 CFR 2.56(d).

EFFECT OF NOT PROVIDING INFORMATION: Disclosing the information is necessary to receive a benefit. Not disclosing the information may result in BLM rejecting your application.

The Paperwork Reduction Act requires us to inform you that:

BLM will use the information to determine whether or not to issue you a Special Recreation Permit. Response to this request is required to obtain the benefit of receiving a Special Recreation Permit.

You do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a valid OMB control number.

BURDEN HOURS STATEMENT

Public reporting burden for this form is estimated to average 30 minutes per response and 3 hours and 30 minutes for accompanying information. You may submit comments regarding the burden estimate or any other aspect of this form to:

U.S. Department of the Interior, Bureau of Land Management, 1849 C Street, NW. Attention: Bureau Information Collection Clearance Officer (HQ-630), Washington, D.C. 20240.