

**NEPA COMPLIANCE RECORD  
CATEGORICAL EXCLUSION (CX)**

Tucson Field Office

**NEPA #:** DOI-BLM-AZ-G020-2013-0008

**Serial/Case File No.** See list under applicants below.

**Proposed Action Title/Type:**

Renew 5 year Special Recreation Permits for Bird Dog Trials and Hunt Tests in Las Cienegas NCA.

**Locations of Proposed Action** (Empire Ranch 7.5 topographic map)

Las Cienegas NCA Designated Group and Camp sites and surrounding areas (within 1.5 mile) of each site.

Air Strip Group Site *T 19 S R 17 E Sec 8*

Maternity Well Group Site *T19 S R 16 E Sec 24*

Road Canyon Camp Area *T19 S R17 E Sec 35*

Agricultural Fields Group Site *T18 S R17E Sec 26*

Cieneguita Camp Area *T 19 S R 17 E Sec 29*

Oil Well Camp Area *T 19 S R 17 E Sec 22*

**Description of Proposed Action:**

Renew Special Recreation Permits on Las Cienegas National Conservation Area for 6 Bird Dog Clubs for the next 5 years. Dog Trail and Hunt Test events would be subject to the guidelines found in the LCNCA RMP that guide where this type of activity can occur and permits are subject to the general Tucson Field Office Special Recreation Permit Terms, Conditions and Stipulations and supplemental guidance for Field Dog trials and Hunt Test events.

Bird Dog Club activities normally take place Oct 1 –March 30 in Las Cienegas NCA due to the need to conduct events in cooler fall and winter temperatures and due to the LCNCA Pronghorn Fawning management guidelines of not authorizing dog events between April 1-June 30. An average schedule of events are: one per weekend, two events in one month. There is an average that two events may be scheduled on the same week end but in separate designated areas.

All events average are staged from a designated Recreation sites, vehicles are parked in the staging areas and participants walk with their dogs or ride horses within 1.5 mile from each recreation site. Road Canyon Designated Camp Area use includes authorization to operate one ATV in a drainage to a gate between the Johnson and Hilton pastures. The smallest event can average 25 people and the larger event may host average 60 participants and spectators per event. Generally events are scheduled as follows:

Southern Arizona German Short Haired Pointer Club **AZ28260** One event in Oct, One event in Jan

Az Region NSTRA **AZA32220** One event each month Nov-March

Rio Salado Vizsla Club **AZA 29551** One event in Nov

Greater Phoenix Brittany Club, **AZA 28327** One event in Jan

Cochise Bird dog Club **AZA 032900** One event each month from Oct-March

Sahuaro Brittany Club **AZ28278** One event in Oct, One event Jan )

Events are reserved on a first-come first serve basis with BLM, and most of the Dog Clubs coordinate with each other before they propose event dates to BLM, then, the Outdoor Recreation Planner coordinates with LCNC staff to finalize event date and site, then adds their event date to a shared calendar that the BLM staff have access to for reference and continued coordination.

**Applicants (if any):** Applications from other groups or clubs other than listed below may be considered and issued under this action.

Southern Arizona German Short Haired Pointer Club **AZ28260**

Az Region NSTRA **AZA32220**

Rio Salado Vizsla Club **AZA 29551**

Greater Phoenix Brittany Club, **AZA 28327**

Cochise Bird dog Club **AZA 032900**

Sahuaro Brittany Club **AZ28278**

**PART I: PLAN CONFORMANCE REVIEW.** This proposed action is subject to the following land use plan: Las Cienegas Resource Management Plan ROD, July 2003.

See Pages 44- Special Recreation Permits considered on case by case basis and issuance of permits is discretionary. Page 45 Table 6 Group Site activities may take place in Zone 2 or 3.

The proposed action has been reviewed and determined to be in conformance with this plan (43 CFR 1610.5, BLM MS 1617.3).

/s/Catie Fenn

12/11/09

Specialist Signature

Date

PROGRAM CONSULTATION & COORDINATION/CX CHECKLIST  
 BUREAU OF LAND MANAGEMENT  
 TUCSON FIELD OFFICE

**PART II: CATEGORICAL EXCLUSION REVIEW**

NEPA #: DOI-BLM-AZ-G020-2013-0008

ASSIGNMENT AND REVIEW

Subactivity: 1220

**Case/Project Numbers:**

- Southern Arizona German Short Haired Pointer Club **AZ28260**
- Az Region NSTRA **AZA32220**
- Rio Salado Vizsla Club **AZA 29551**
- Greater Phoenix Brittany Club, **AZA 28327**
- Cochise Bird dog Club **AZA 032900**
- Sahuaro Brittany Club **AZ28278**

**Project Name:** Renew 5 year Special Recreation Permits for Bird Dog Trials and Hunt Tests on Las Cienegas National Conservation Location (legal description): Air Strip Group Site *T 19 S R 17 E Sec 8*, Maternity Well Group Site *T19 S R 16 E Sec 24*, Road Canyon Camp Area *T19 S R17 E Sec 35*, Agricultural Fields Group Site *T18 S R17E Sec 26*, Oil Well Camp Area *T 19 S R 17 E Sec 22*, Cieneguita Camp Area *T 19 S R 17 E Sec 29*

**NLCS Unit:** LCNCA

Quad Name: Empire Ranch

**Project Lead:** Catie Fenn

Draft Review: Unit Manager/Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Technical Review:

Applies?		NAME	EXCEPTION	SIGNATURE	DATE
Yes ( )	No ( )	Dan Moore	(1) Have Significant adverse effects on public health or safety?		
( )	( )	Keith Hughes	(2) Have adverse effects on such unique geographic characteristics as historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains or ecologically significant or critical areas including those listed on the Department's National Register of Natural Landmarks.		
( )	( )	Catie Fenn	(3) Have highly controversial environmental effects		
( )	( )	Keith Hughes	(4) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
( )	( )	Catie Fenn	(5) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
( )	( )	Karen Simms	(6) Individually Insignificant, but cumulatively significant effects.		
( )	( )	Amy Sobiech	(7) Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.		
( )	( )	Jeff Simms	(8) Have adverse effects on species listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		
( )	( )	Amy Sobiech	(9) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		
( )	( )	Dan Moore	(10) Have a disproportionately high and adverse effect on low income or minority populations.		
( )	( )	Amy Sobiech	(11) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners.		
( )	( )	Keith Hughes	(12) Contribute to the introduction, continuation existence, or spread of noxious weeds or non-native invasive species.		

Final Review:

Unit Manager/Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Environmental Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

This proposed action qualifies as a categorical exclusion under 516 DM 6,

**Appendix 5.4.\_ H. Other**

(5) Issuance of special recreation permits to individuals or organized groups for search and rescue training, orienteering or similar activities and for dog trials, endurance horse races or similar minor events.

It has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply.

The action does not have significant adverse effects on public health and safety nor does the action adversely affect such unique geographic characteristics as historic or cultural resources, parks, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department’s National Register of Natural Landmarks. The action does not have highly controversial environmental effects nor have highly uncertain environmental effects or involve unique or unknown environmental risk nor does it adversely affect a species listed or proposed to be listed on the list of endangered or threatened species. It does not establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects or related to other actions with individually insignificant but cumulatively significant environmental effects. The proposed action does not adversely affect properties listed or eligible for listing in the National Register of Historic Places or threaten to violate a Federal, State, local or tribal law or requirements imposed for the protection of the environment or which require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands) or the Fish and Wildlife Coordination Act.

**Mitigation Measures/Stipulations:**

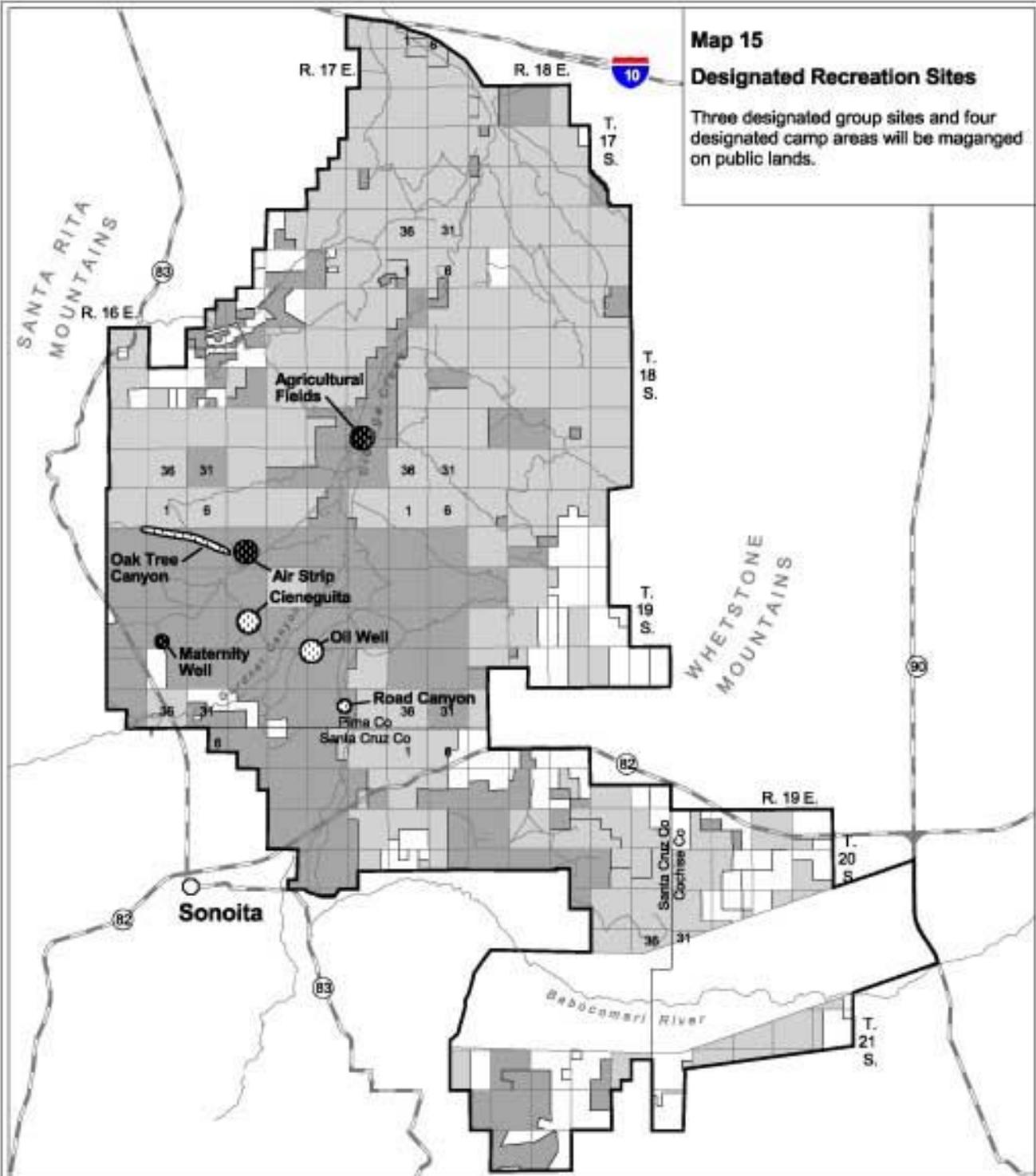
See all measures/stipulations beginning on page 6 of this document.

**Part III: DECISION.** I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed action does not conflict with major land-use-plans and will not have any major adverse impacts on other resources. Therefore, it does not represent an exception, and is categorically excluded from further environmental review. It is my decision to implement the project, as described, with the mitigation measures attached.

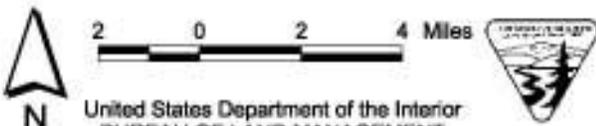
Authorized Official: \_\_\_\_\_ Date: \_\_\_\_\_

**Map 15**  
**Designated Recreation Sites**

Three designated group sites and four designated camp areas will be managed on public lands.



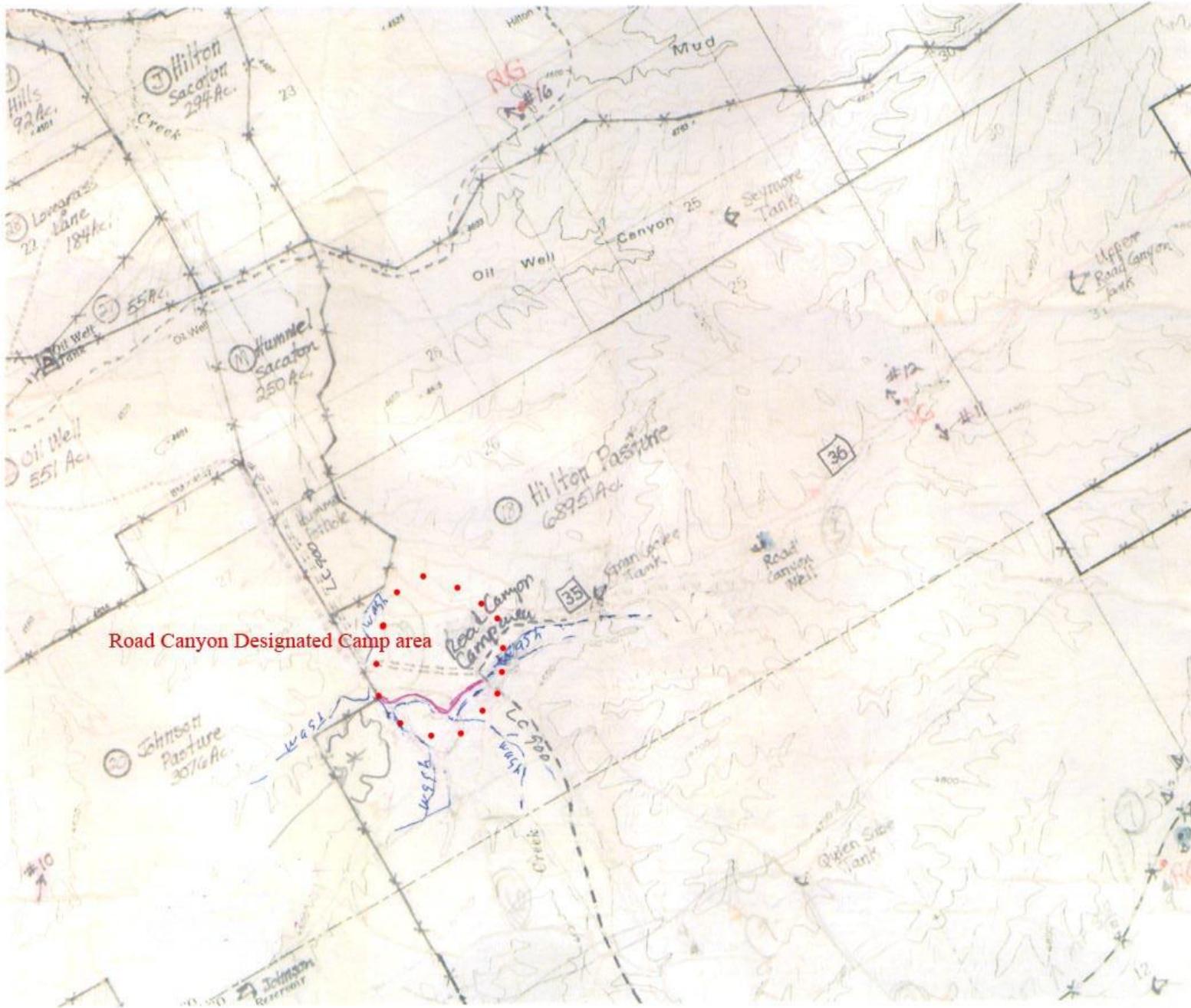
**LAS CIENEGAS**  
**RESOURCE MANAGEMENT PLAN**



United States Department of the Interior  
 BUREAU OF LAND MANAGEMENT  
 TUCSON FIELD OFFICE

- LEGEND**
- Planning Area Boundary
  - BLM Land
  - State Land
  - Private Land
  - Designated Group Site
  - ⊙ Designated Camp Area
  - Road

February 2003



Road Canyon Designated Camp area

 ATV Dog Shuttle Route , 1 ATV per event (once a year) authorized to shuttle dog to the start of a trial

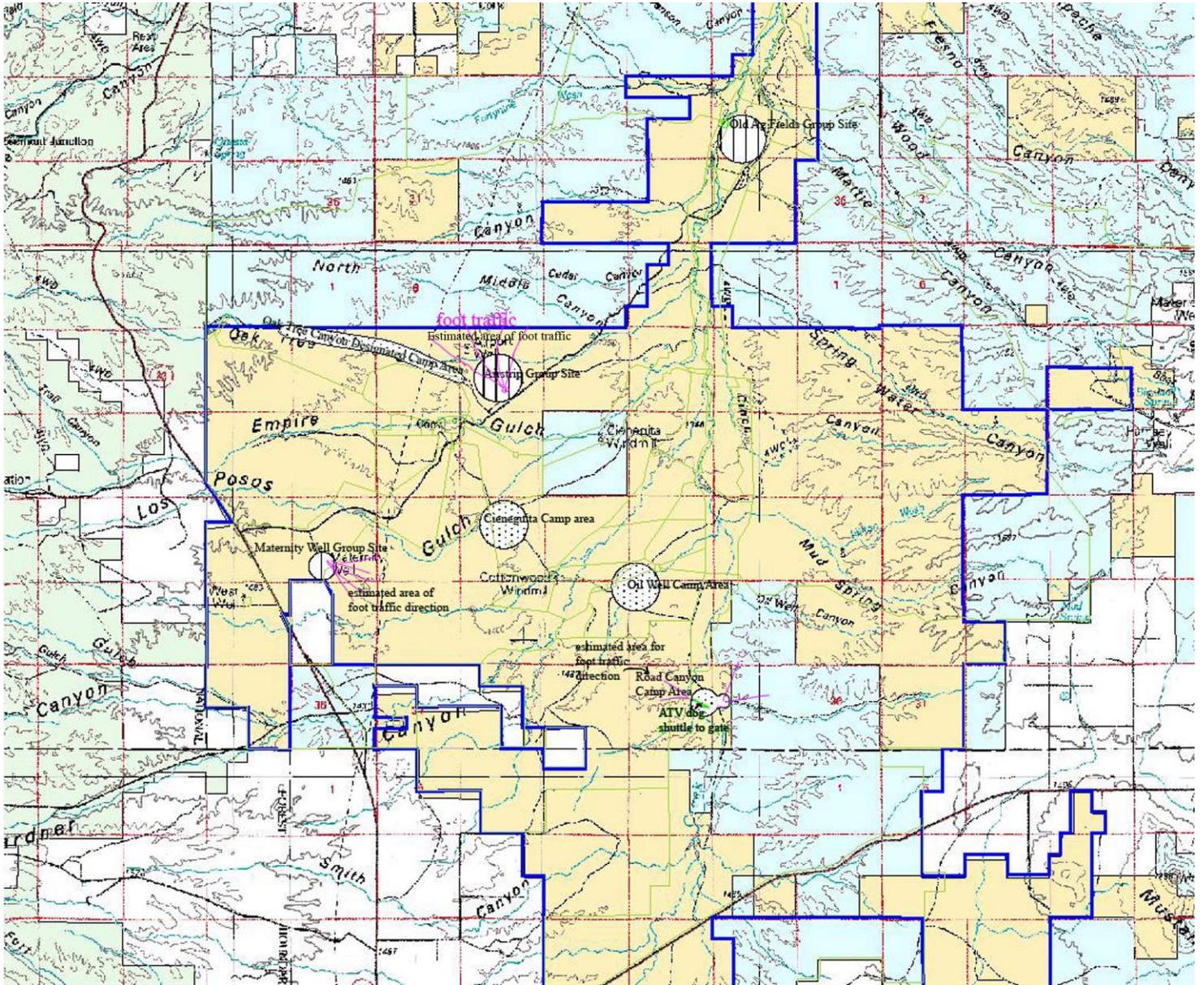


Figure 1. Las Cienegas NCA Bird Dog Trial Special Recreation Permit Map showing general walking patterns from primary staging areas

Tucson Field Office  
Bureau of Land Management

SPECIAL RECREATION PERMIT  
TERMS, CONDITIONS AND STIPULATIONS (Rev.1/2013)

Special Stipulations and Operating Guidelines  
For Field Dog Trials and Hunting Test Events in Las Cienegas NCA for 2010-2015

These supplement the applicable general Special Recreation Permit terms, conditions and stipulations.

**Scheduling Events**

All permit holders are required to contact the Las Cienegas NCA Outdoor Recreation planner to schedule an event at least 14 days prior to an event, then, the Outdoor Recreation Planner coordinates with LCNCA staff to check with the grazing program and the vegetation removal program and other staff, then places the date on an electronic calendar that the Tucson Field office staff has access to help continue to coordinate uses on LCNCA.

**Air Strip Group Site:** Set up camps inside the fenced group area. Please do not allow participants to camp around the public restroom. Livestock water is available within the group site. Potable water is available at Empire Ranch Headquarters

**Vendors:** Your permit is for field dog trial or hunt test events only, and does not include commercial enterprise authorizations unless you advise BLM and amend your permit to include vending activities. Advise potential vendors to apply with the BLM before selling products or training services at dog events held on Public Lands, otherwise they may be subject to fines.

**Clean up:** You are responsible to remove trash generated by your event. Any needed rehabilitation will be completed within one week after the event, including obliterating campfires, raking up, bagging and removing waste by either taking to authorized dumpster on Las Cienegas NCA or authorized use of county land fill. Waste includes dog and horse manure and residual hay to prevent weed invasion and to maintain an aesthetically acceptable area for the next visitors.

**Arizona OHV rules:** Permittee and all participants must follow the new Arizona OHV rules and regulations that went in to effect Jan 1 2009, including displaying proper decals on each OHV/ATV [http://www.azgfd.gov/outdoor\\_recreation/ohvFAQ.shtml](http://www.azgfd.gov/outdoor_recreation/ohvFAQ.shtml)

**OHV use other than on primary roads:** Permittees staging from Road Canyon Camp are authorized to use a short section of a drainage and no more than one ATV to shuttle dogs to a start gate between Johnson and Hilton Pastures for the purpose of conforming to field trial time limits and to reduce foot traffic trampling cross country to the gate.

**I. RISKS, HAZARDS AND SAFETY**

A. Hazards related to climate, topography and terrain, waters, vegetation and wildlife, and man-made features are found on public lands and present risks which the permittee assumes. The permittee shall be responsible for inspecting sites, trails, roads, rivers and other authorized use areas for dangers and hazardous conditions, ensuring awareness by employees and clients of such risks and hazards, and promoting safe practices at all times.

B. Adequate first aid and safety equipment shall be provided while performing the permitted activities.

C. All guides and employees responsible for clients in the field shall be trained in First Aid/cardiopulmonary resuscitation (CPR), and hold a valid certification of training from the American Red Cross or its equivalent.

Proof of first aid training shall be submitted to the BLM for all field guides and employees.

D. In case of human death, or wildfire, involving the permitted operation, the County Sheriff shall be notified immediately, and the BLM shall be notified immediately after the Sheriff is notified.

E. The permittee shall notify the BLM of any accidents involving the permitted operation which result in loss of consciousness, injury disabling individuals in excess of 24 hours, requiring medical treatment or search and rescue, or property damage in excess of \$100, and shall submit a detailed written report to the BLM within 10 days from the date of the accident. Other accidents shall be reported in the "Post Use Report".

## II. INDEMNIFICATION

A. The permittee shall indemnify, defend, and hold harmless the United States and/or its agencies and representatives from any and all demands, claims, or liabilities of every nature whatsoever, including, but not limited to, damages to property, injuries to or death of persons, arising directly or indirectly from, or in any way connected with the authorized use and occupancy of the lands authorized for use under this permit.

B. Insurance: Coverage shall be obtained for the permitted operations in the minimum liability coverage amounts of:

- (1) \$300,000 general liability per occurrence,
- (2) \$600,000 bodily injury annual aggregate,
- (3) \$30,000 property damage per occurrence,

General Guidelines for Minimum Insurance Requirements		
SRP Event or Activity	Per Occurrence	Per Annual Aggregate
<b>Low Risk:</b> general non-competitive and non-commercial activities such as group camping, group activities, orienteering, back packing	\$300,000	\$600,000
<b>Moderate Risk</b> White water boating, horse endurance rides, OHV events, mountain bike races, ultra light outings	\$500,000	\$1,000,000
<b>High Risk:</b> bungee jumping, speed record events, unaided rock climbing	\$1,000,000	\$2,000,000- \$10,000,000

C. A certificate of liability insurance shall be submitted, stating the limits of coverage, identifying the "United States Government" as additional insured, and that the insurer will give BLM thirty (30) days notice prior to cancellation or modification of such insurance.

## III. APPLICABLE LAWS AND REGULATIONS

- A. This Permit is subject to all applicable provisions of the regulations (43 CFR Group 2930) which are made a part hereof.
- B. The permittee shall observe all applicable Federal, State, and local laws and regulations while performing any authorized activity, including but not limited to: (1) operation, use and registration of motor vehicles, OHV's, aircraft, and boats; (2) hunting and fishing; (3) use of firearms; (4) injury to persons or destruction of property; (5) noise, air and water pollution; (6) littering; (7) drinking water and sanitation; (8) food service; (9) use of fire; and (10) business practices.
- C. All hunting activities shall comply with the Arizona Game and Fish hunter safety requirements.
- D. Permittee shall comply with Off Highway Vehicle (OHV) use designations and restrictions in the area of operation as identified in the Resource Management Plan and prescribed in 43 CFR 2930.
- E. The permittee shall notify the BLM of any conviction for any violation of Federal, State and local laws and regulations committed by himself, employees, clients and guests in connection with the authorized operations. Notification shall be in writing, describing the nature of the violation and submitted within 30 days of such conviction.
- F. Permittee shall comply with all administrative procedures and requirements for permit application and/or renewal in a timely manner, and shall maintain current all permit requirements including but not limited to the operating authorization, operating plan, State permit or license, insurance, and first aid training certifications

#### **IV. LIMITATIONS**

- A. This permit authorizes only temporary use in connection with the operations, during the period(s), and in the area(s) identified in the Operating Authorization and approved operating plan.
- B. Reassignment or Transfer: This permit may not be reassigned or transferred by the permittee for any reason whatsoever.
- C. Use of Nonpublic lands: This permit does not authorize use of non-BLM land (i.e. private, city, county, state, or other federal land) unless specifically provided for through a joint use permit.
- D. The applicant shall provide upon request the name(s) and address(es) of private landowners whose property is used in connection with the permitted operations, and evidence of permission to use such land.
- E. Access to Public Lands: The BLM does not guarantee legal access to public lands unless legal access for the general public is available. Where legal public access is not available, the permittee is responsible for obtaining permission from the landowner(s) to travel through or use private lands.
- F. Multi-Year Permits: A multi-year permit is not valid unless accompanied by a current Annual Operating Authorization.
- G. Joint Permit Requirement: This permit authorizes use of public lands only in the Tucson Field Office; use of public lands in another Field Office must be approved under a separate or joint use permit.

#### **V. NON-EXCLUSIVE USE**

- A. The permittee, employees and clients shall not interfere with other valid uses of public land, including but not limited to grazing, mining, and other recreational uses by the general public or other permitted commercial operations.
- B. Roads, trails and trailheads, river access or campsites commonly in public use shall not be blocked or enclosed by the permittee.
- C. This SRP does not guarantee the permittee's sole use of public land areas, nor does it grant the exclusive use of any area.

D. Public lands will generally remain available on a first-come, first served basis to other commercial and private recreational users. Nothing herein implies that the first permittee in any area has been granted exclusive use, or priority use.

## **VI. CONDUCT AND MANNERS**

A. The permittee is at all times responsible for the actions of himself, employees, clients and guests in connection with the authorized operations, and shall ensure compliance with the permit stipulations as applicable and not cause a public disturbance or engage in activities which create a hazard or nuisance.

## **VII. MODIFICATION OR AMENDMENT**

A. The BLM reserves the right to alter the terms, conditions, and stipulations of this permit at any time upon notice for reasons such as changes in law, policy or administrative procedure, to prevent use conflicts, to protect public safety, or to prevent resource damage.

B. The permittee shall request amendment or modification of the permit to provide for changes in use areas or sites, season of use, services provided, or any substantive changes in the operating plan.

C. The BLM may restrict use or close sites or areas on public land, or require relocation of use sites or areas to prevent use conflicts, protect public safety, or prevent resource damage.

## **VIII. PAYMENTS**

A. Use Fee Payments: Permit fees are due and payable in advance annually based on estimated use gross receipts. Payments shall be sent to the Tucson Field Office and may be made by credit card, check, money order or cashier's check made payable to "The Bureau of Land Management".

B. Basis for Fee: The annual permit fee shall be three percent (3%) of total client charges or \$95.00 annual non-refundable minimum, whichever is greater. Gross receipts shall be the sum of all payments made by clients for services rendered in connection with the permitted operations, before disbursement to others for use of non-public land, payment to employees, and any other disbursement. The permit fee for competitive events and organized group events or activities is \$5.00 per participant per day.

C. Periodic Payments: At the Field Office Manager's discretion, when the estimated annual use fee is greater than five hundred dollars (\$500.00), a schedule for periodic payments may be arranged.

D. End of Season Payment: The actual use fee shall be determined from the use reports. If the actual use fee is greater than the advance payment(s) the permittee will be billed for the balance due, and payment shall be due within 30 days of the billing date.

E. Refunds:

1. In the event a SRP is not approved after advance payment is made during the application process, all payments except a \$10.00 processing and filing fee shall be refunded to the applicant without interest.

2. Advance payments in excess of actual use fees due shall be applied towards the following year's permit payments unless a refund is requested in writing by the permittee. No refunds of less than ten dollars (\$10.00) will be made.

F. Late Payments: Late payment of fees may result in permit probation, suspension, and/or revocation, and interest and administrative handling charges.

G. Deductions: Allowable deductions in permit fees shall be agreed upon in advance, and may include costs related to the permitted operations incurred by the permittee for long distance off-site transportation, off-site lodging, and use of non-public lands, per Handbook H-8372-1.

## **IX. USE REPORTS**

A. Trip Logs: Trip Logs shall be submitted within 30 days of the last day of use authorized on a form provided by the BLM or an approved equivalent. Trip logs shall indicate accurately the dates of use, location, type of use, number of clients, number of staff, equipment, vehicles and livestock used, total receipts, and any deductions claimed.

B. Post Use Report: A Post Use Report shall be submitted within 30 days of the last day of use authorized, on a form provided by the BLM or an approved equivalent. The post use report shall indicate accurately the total number of clients served during the term of the permit, total number of staff and total use, total receipts, and total deductions claimed; describe any accidents or injuries occurred, and any management problems or concerns.

C. Late Use Reports: Late submission of use reports may be cause for action against the permittee, including probation, suspension, and/or revocation, or law enforcement penalties.

D. Non-Use: A permit may be canceled after two consecutive seasons of non-use.

## **X. INSPECTION OF RECORDS AND PREMISES**

A. The BLM, or duly authorized representative, may examine upon request any of the records, including but not limited to bookings, client registers, financial records, leases or contractual agreements, licenses, or other documents related to the permitted operations.

B. The BLM and its cooperators, including the Arizona Game and Fish, USDA Forest Service, and the Arizona State Parks, shall at all times have the right to enter the premises located on public land on official business. The permittee shall allow reasonable access to private lands owned or utilized in the permitted operation for purposes related to administration of the permit.

C. The permittee shall post a copy of the permit or Operating Authorization in plain view at the base of operations and camps, where clients, BLM and the Game and Fish officers have the opportunity to read it.

D. All guides and employees must carry a copy of the permit or Operating Authorization while conducting operations on public lands, and they must be familiar with the Permit terms, conditions and stipulations.

## **XI. SIGNING AND ADVERTISING**

A. Signs or advertising devices on public land require advance approval on the location, design, size, shape or color, and message.

B. All advertising shall be accurate and not misrepresent in any way the services or accommodations provided, or the area authorized for use. Brochures and other advertising materials shall include the following or a similar disclosure: "Use of Public Lands Under Permit by the Bureau of Land Management".

## **XII. CAMPSITES**

A. Camps may not be set up for any longer than necessary and no earlier than the day of the trip's arrival, and must be removed on the day of the trip's departure, unless specifically authorized otherwise. No year-round, permanent camps may be established on BLM lands; only temporary facilities are permitted.

B. Camps shall be located to avoid conflict with public road and trail traffic, and stream, river or lake access, and to the extent possible shall be located out of sight of major trails.

C. All campsites and temporary improvements shall be as described in the approved operating plan.

## **XIII. CAMP FIRES**

A. Unless designated permanent fireplaces are available, open campfires shall be built only in areas free of hazardous fuels. Fire rings or pits shall be set on bare mineral soil. After use, fire rings or pits shall be obliterated and the site rehabilitated. Open fires may be prohibited during periods of extremely high fire hazard by order of the BLM or the State of Arizona.

B. Campfires shall be completely extinguished when left unattended. The permittee is responsible for all fires started by him/her self, employees, or clients, and may be held responsible for fire suppression costs resulting from wildfire caused by his/her operations.

C. An axe, shovel, water bucket or extinguisher for fire control shall be available at each campfire.

D. Wildfire caused by the permitted operation shall be reported immediately to the nearest BLM office. The permittee is responsible for informing employees, clients, and participants of the current fire danger and required restrictions or precautions that may be in effect.

#### **XIV. LIVESTOCK USE**

A. Authorized pasture use of livestock is temporary and limited to transportation purposes, and will not establish a priority for future use of the range. Rangeland grazing may be restricted and feed may be required to be packed in. The permittee shall prevent localized over grazing and damage to vegetation by permitted transportation livestock.

B. Construction of permanent fences or corrals is not permitted. Temporary livestock control structures may be erected, including corrals and hitching racks, provided they are dismantled after the use season.

C. The permittee may be required to pay additional fees for rangeland forage consumed by livestock during the permitted operations.

D. Livestock shall not be tied to trees for other than short term, temporary stops. Hobbles, pickets, high-lines or corrals shall be used to control livestock.

E. Livestock control structures (corrals, hitching racks, pickets, high-lines) must be at least 200 ft from springs, streams, lakes, reservoirs or other water sources.

#### **XV. EQUIPMENT CACHES**

A. Food and/or equipment caches require advance authorization. When authorized, caches shall be neatly stored out of sight of roads and trails.

#### **XVI. RESOURCE PROTECTION**

A. Aesthetics: Permittee shall protect the scenic, visual and aesthetic values of the public lands used in the operations, and maintain premises on permitted grounds and areas to acceptable standards of repair, orderliness, and cleanliness.

B. Rehabilitation: After camps and other temporary facilities are dismantled, insofar as practical, the area shall be left in a natural state.

C. Sanitation: Permanent toilet facilities shall be used wherever available. If permanent toilets are not available, self contained or pit type toilets/privies or latrines shall be used at all campsites on public land. Waste from self contained toilets must be disposed of at a State approved sewage disposal facility. Pit type toilets must be located at least 200' from any water source. When abandoned, toilet pits shall be covered with a minimum of 12" of topsoil and back filled to pre-existing grade. While in use, human waste in pits shall be covered with a layer of topsoil or lime after each individual use.

D. Trash Disposal: All trash generated by the permitted operation shall be packed out of public land. No trash or litter shall be allowed to accumulate on the grounds. Combustible trash may be burned when campfires are authorized. Trash shall not be buried on public land.

E. Dead animals and their remains shall be disposed of at least 200' away from springs, streams, lakes, ponds, campsites, river access sites and roads/trails.

F. Waste or by-products of any kind shall not be discharged into any river, stream, reservoir, lake or pond.

G. Soils: Permittee shall conduct the permitted operations in a manner which prevents severe rutting, or severe soil erosion.

H. Vegetation Damage/Removal: All operations shall be conducted in a manner which prevents damage to or loss of vegetation cover. Cutting or clearing of standing trees, alive or dead, or clearing and cutting of shrub/groundcover for any reason shall require specific advance authorization.

I. Firewood Cutting: Firewood may be cut on public land only for campsite use while on public land, and may not be transported off the public lands without a separate firewood cutting permit. Only dead and down wood shall be cut for firewood.

J. Protection of Public Property: Signs, equipment, markers, fences, and livestock watering facilities or any other property found on public land shall not be damaged, destroyed, defaced, removed, or disturbed.

K. Cultural Resources: Archeological and historical values including, but not limited to, petroglyphs, ruins, historic structures, cabins and artifacts shall not be damaged, destroyed, removed or disturbed. Any hidden cultural values uncovered through authorized operations shall be left in place, and the Field Office Manager shall be notified of their discovery. Fires and stoves are prohibited inside old cabins or historic structures. Cutting or gathering firewood or lumber from historic structures, standing or collapsed, is prohibited.

L. Wilderness Areas: In addition to restrictions pursuant 43 CFR 6300 and 8560, use in designated wilderness areas may be subject to special restrictions established in area management plans.

M. Facility Construction: Construction of permanent facilities or improvements of any kind, including but not limited to roads, trails or structures, is not authorized by this permit and shall require separate authorization.

## **XVII. PERFORMANCE EVALUATION**

A. The BLM shall conduct periodic inspections and performance evaluations of the permittee's operations and compliance with the terms, conditions and stipulations of the permit.

B. Prohibited acts and Penalties: Any violation of the permit terms, conditions and stipulations may be subject to penalties prescribed in 43 CFR 2932.57. Additionally, any such violation may result in permit revocation, suspension or probation. Violations may also be cause for the BLM to deny approval of a Permit or Operating Authorization for subsequent years. If a permit is canceled or suspended, permit applications will not be approved for any person connected to or affiliated with the operation under a canceled or suspended permit.

1. Revocation: This permit may be canceled or revoked without compensation for any failure to comply with the terms, conditions and stipulations hereof, and operations on public land shall immediately cease upon cancellation. After a permit is canceled or revoked, any commercial use of public lands shall be in violation of federal regulations, and the Bureau may deny future authorization for use of public lands.

2. Suspension: This permit may be temporarily suspended, in whole or in part, without compensation for any failure to comply with the terms, conditions and stipulations hereof, and operations on public land shall cease immediately upon suspension. After a permit is suspended, any commercial use of public lands shall be in violation of federal regulations. The Bureau may reissue authorization for use of public lands after corrective action is taken by the permittee and the operation is under compliance with the terms, conditions and stipulations.

3. Probation: The permit may be placed under special scrutiny for any failure to comply with the terms, conditions and stipulations hereof, and operations on public land shall be allowed to continue while under probation.

**XVIII. CERTIFICATION**

**A. I have read these terms, conditions and stipulations and understand that I must abide by them while performing activities in connection with the permitted operations.**

\_\_\_\_\_

Date

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Signature