

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

DETERMINATION OF NEPA ADEQUACY (DNA)

Cat Track Outfitters and Andy Julius Outfitter-Mountain Lion Special Recreation Permits

DOI-BLM-CO-N05-2015-0025-DNA

Identifying Information

Project Title: Cat Track Outfitters and Andy Julius Outfitter-Mountain Lion Special Recreation Permits

Legal Description: All portions of the following Game Management Units (GMUs) that lay within the boundaries of the White River Field Office only: GMUs 10, 11, 211, 12, 22, 23, 24, 31, 32, and 33.

Applicant: Fred Wallace doing business as (dba) Cat Track Outfitters, and Andy Julius dba Andy Julius Outfitter

Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

Land Use Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP)

Date Approved: July 1997

Decision Language: "Special recreation permits (SRPs) will be issued to qualified guides and outfitters based on need and demand for services." (page 2-43)

Proposed Action

Project Components and General Schedule

Fred Wallace, dba Cat Track Outfitting has applied for a Special Recreation Permit (SRP) to conduct commercial mountain lion guided hunting operations on BLM lands within the White River Field Office (WRFO) (see Figure 1). Andy Julius dba Andy Julius Outfitter has applied for a Special Recreation Permit (SRP) to conduct commercial mountain lion, small game, bobcat, and coyote guided hunting operations and commercial guided wildlife photography on BLM lands within the White River Field Office (WRFO) (see Figure 1).

Both applicants have been permitted to conduct commercial mountain lion guided hunting within the WRFO for many years. However, both applicants were permitted by other BLM Colorado field offices and not WRFO. The actions to be taken are the issuance of new multi-year (5 year) SRPs within WRFO only for Fred Wallace, dba Cat Track Outfitting, and Andy Julius dba Andy Julius Outfitter. The intended period of use and operation for Cat Track Outfitters is during the Colorado Parks and Wildlife (CPW) mountain lion hunting season, generally late November through April of each year. The primary period of use and operation for Andy Julius Outfitter would also be the CPW mountain lion season, with potential occasional use throughout various times of the year for guided small game, bobcat, coyote hunting and wildlife photography.

Typical mountain lion hunting involves traveling on existing roads in search of mountain lion tracks. This initial tracking may also be done on snowmobiles, depending on snow and resource conditions, both on and off roads, except in Wilderness Study Areas (WSAs), Moosehead Mountain road closure area, and Oakridge State Wildlife Area. Once fresh mountain lion tracks are identified, no more than eight off-leash dogs are typically used to track the mountain lion. Then the outfitter, guide, and/or client will follow the dogs via motorized vehicles, or on foot or horseback until the dogs "tree'd" the mountain lion. Once the mountain lion is "tree'd", the client approaches the tree or terrain to dispatch the animal with any legal method of take. The animal is then retrieved, dogs are placed back under physical control, and the hunt is over.

All usage will be casual and dispersed in nature within the permitted areas, for day use only. No drop camps will be authorized with the issuance of these permits and no ground disturbance will occur. Per the WRFO RMP, no motorized use is permitted in WSAs, designated road closure areas (i.e., Moosehead, Indian Valley), Oakridge State Wildlife Area, or in portions of certain ACECs (i.e., Deer Gulch, East Douglas, Ryan Gulch, Blacks Gulch, Yanks Gulch).

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant is responsible for informing all persons who are associated with project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.

Review of Existing NEPA Documents

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: June 1996

Name of Document: Special Recreation Permits within the WRFO Involving Special Areas, More than 14 days Consecutive Use, and/or Staging Areas Greater than Three Acres (DOI-BLM-CO-N05-2014-0057-EA)

Date Approved: July 31, 2014

NEPA Adequacy Criteria

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

The Proposed Action is essentially similar to the selected alternative analyzed in the environmental assessment DOI-BLM-CO-N05-2014-0057-EA. It is within the same analysis area and there are no substantial differences.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

Two alternatives (Proposed Action and No Action Alternative) were analyzed in DOI-BLM-CO-N05-2014-0057-EA. No reasons were identified to analyze additional alternatives and these alternatives are considered to be adequate and valid for the Proposed Action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

Additional projects have been analyzed in the WRFO since environmental assessment DOI-BLM-CO-N05-2014-0057-EA was completed, but no known changes in circumstances or information have been found that would change any of the analysis in this EA, thus the original analysis is still valid. Please see the comments below regarding cultural resources, Native American religious concerns, threatened and endangered wildlife, and threatened and endangered plants species for further discussion.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

The direct, indirect, and cumulative effects that could result from implementing this Proposed Action would still remain similar to EA: DOI-BLM-CO-N05-2014-0057-EA.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

A copy of the completed DNA will also be posted to the online NEPA register.

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 01/05/2015. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	01/06/2015
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	01/06/2015
Matthew Dupire	Ecologist	Special Status Plant Species	01/07/2015
Aaron Grimes	Outdoor Recreation Planner	Project Lead	01/07/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	01/07/2015

Cultural Resources: Because the Proposed Action will not allow the use of drop camps or permit any ground disturbance there will be no cultural resource related issues or concerns with the current Proposed Action.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Tribal authorities. Should recommended inventories or

future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Threatened and Endangered Wildlife Species: There are no wildlife related issues or concerns associated with the Proposed Action. All wildlife issues were adequately addressed in the original environmental assessment ((DOI-BLM-CO-N05-2014-0057-EA).

Threatened and Endangered Plant Species: There are no special status plants related issues or concerns associated with the Proposed Action. All special status plant issues were disclosed in EA number DOI-BLM-CO-N05-2014-0057-EA.

Mitigation

1. All commercial use of Public Lands will comply with the current version of the BLM Colorado Special Recreation Permits, Conditions and Stipulations for all permitted activities (Attachment 1).
2. During the month of April, the SRP holder and others authorized to operate under the lion hunting permit will attempt to avoid sensitive special status plant species areas, be familiar with the plants and their habitat, and if a lion is taken within these areas, disturbance at the kill site will be kept to a minimum on white shale outcrops.
3. When working on lands administered by the BLM WRFO, notify Craig Interagency Dispatch (970-826-5037) in the event of any fire. The reporting party will inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type, and provide their contact information. The reporting party, or a representative of, should remain nearby, in a safe location, in order to make contact with incoming fire resources to expedite actions taken towards an appropriate management response. The applicant will not engage in any fire suppression activities outside the approved project area. Accidental ignitions will be suppressed by the applicant only if safety is not endangered and if the fire can be safely contained using hand tools and portable hand pumps. If chemical fire extinguishers are used the applicant must notify incoming fire resources on extinguisher type and the location of use. Natural ignitions caused by lightning will be managed by Federal fire personnel. The use of heavy equipment for fire suppression is prohibited, unless authorized by the Field Office Manager.
4. SRP holders should ensure all equipment and animals that may be carrying seeds are free from noxious weeds seeds and propagules before coming onto BLM lands
5. The permittee/guide shall inform all staff and clients that wild horses are protected by Federal law and will prevent harassment of wild horses from permitted activities. Prohibited acts include but are not limited to: maliciously injuring or harassing a wild horse or burro; removing or attempting to remove a wild horse or burro from public lands; destroying a wild horse or burro; selling or attempting to sell a wild horse or burro; and, commercially exploiting a wild horse or burro. Crimes are punishable by fine and/or imprisonment. Examples of violations might include harassment by ATV, injury or death by a bullet or arrow, and illegal capture.

- a) All guides shall possess a map indicating boundary of the HMA as well as the HAs.
- b) The permittee will discourage the discharge of firearms within HMAs during the foaling season (March 1 – June 15) that is not directly associated with the permitted commercial activity. For example, discourage target shooting or sighting in of firearms in these areas during this time when permitted for commercial mountain lion hunting.
- c) Stay at least 100 feet away from wild horses.
- d) Do not feed or try to attract any wild horse towards you.
- e) Keep dogs under control so they do not disturb or chase wild horses.
- f) Report sick, injured animals, or other violations against wild horses to the BLM.
- g) Do not bring sick or diseased animals into the HMA. Wild horses on the range are not vaccinated against diseases.
- h) Camps, within the HMA, shall be at least ¼ mile away from wild horse water sources.

Tribes, Individuals, Organizations, or Agencies Consulted

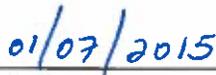
The BLM Grand Junction Field Office and BLM Colorado River Valley Field Office special recreation permit administrators were consulted to identify and discuss past performance ratings, compliance with SRP terms and conditions, amount of past use in WRFO, and any other information. Both offices had no issues or concerns with either applicant or their operation.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.



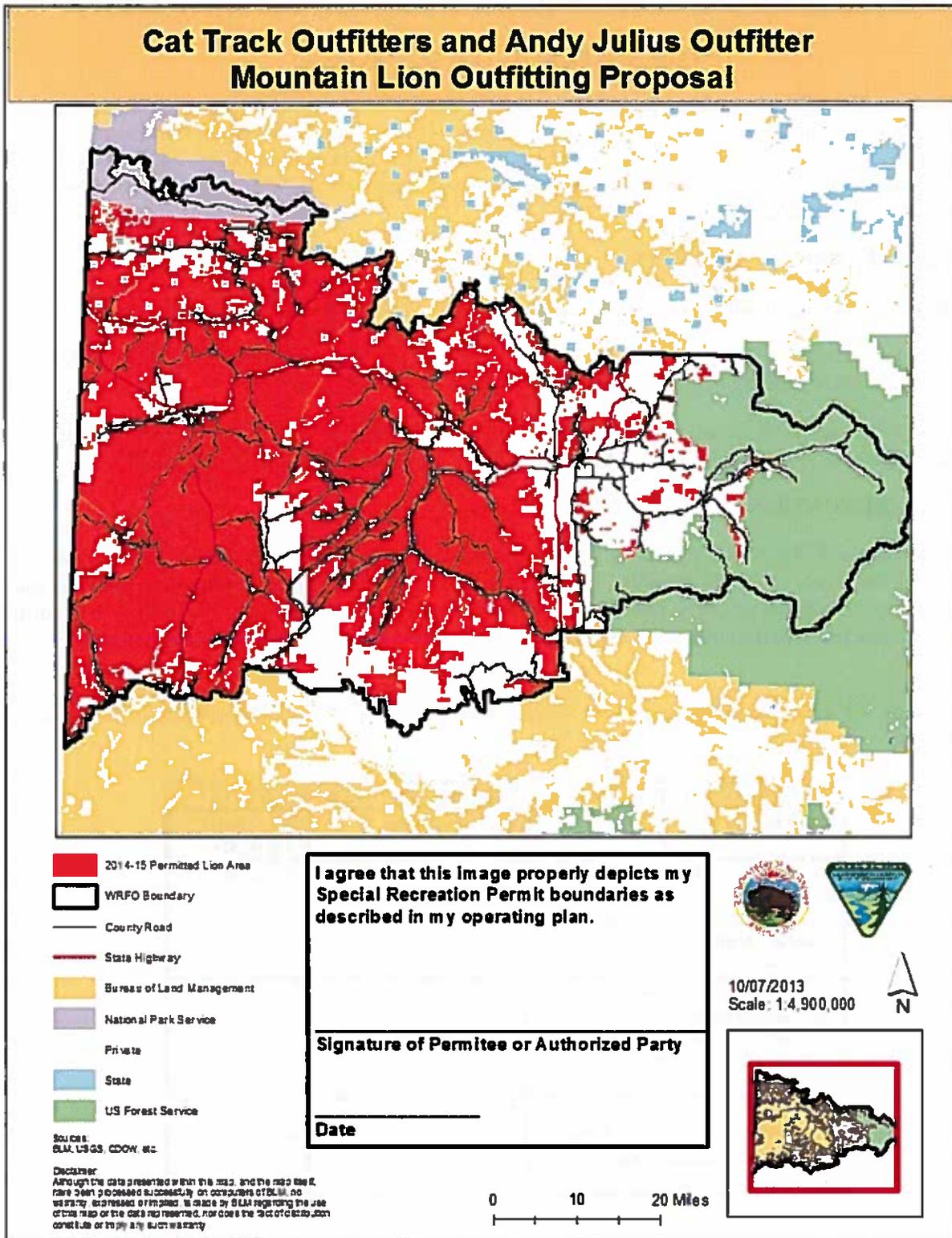
Field Manager



Date

Appendix A. Figures

Figure 1-Cat Track Outfitter and Andy Julius Outfitter proposed area of operation.



Attachment 1: BLM Colorado Special Recreation Permits, Conditions and Stipulations for all permitted activities (2014 version)

**SPECIAL RECREATION PERMIT TERMS, CONDITIONS AND STIPULATIONS
FOR ALL PERMITTED ACTIVITIES**

Stipulations: The following standard stipulations are automatically included and apply to all permits (some additional stipulations are specific to only certain activities). Failure to comply with these stipulations may result in remedial actions listed below under Performance Evaluation, Section XVIII. B. Per 2932.40, violations of permit terms or stipulations may be subject to fines and imprisonment, in addition to administrative penalties.

I. RISKS, HAZARDS AND SAFETY

- A. Adequate first aid and safety equipment shall be provided while performing the permitted activities.
- B. All guides and employees responsible for clients in the field shall be trained in First Aid and hold a valid certification of training from the American Red Cross or its equivalent.
- C. 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.

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:

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

C. An insurance certificate shall be submitted, stating the limits of coverage, identifying the "Department of the Interior, Bureau of Land Management" as additional insured, that includes the minimum shown above, expiration date, and a list of the activities that are permitted and insured.

D. The permittee will ensure the BLM will be notified 30 days in advance of termination or modification of the policy, or modification of such insurance.

E. The insured on the insurance certificate must match the permitted name of business or organization on the permit form.

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 permit and authorized by an Annual Operating Authorization.

B. If an existing commercial permittee wishes to sell or otherwise terminate his or her business and desires that permit privileges be transferred to a new owner, the permittee must notify the authorized officer in advance, in writing, and receive advance written approval for the permit transfer from the authorized officer.

C. Use of Non-Public lands: This permit does not authorize use of non-BLM land (i.e. private, city, county, state, or other federal land).

D. The applicant shall provide upon request the name(s) and address(s) 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: Code of Federal Regulation citations for both the BLM and Forest Service are valid and will be enforced for joint permits on associated public lands.

H. If a lion outfitter does not own their own dogs, the permittee must furnish copies of all lease or rental arrangements for the dogs and/or dog handler(s) that they plan on using upon request. Dog handlers must be listed as guides.

V. ASSIGNMENT AND SUBLETTING OF PERMIT PRIVILEGES

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

The following is required:

A. A third party advertisement used to book a trip must clearly indicate that the trip will be operated by the company holding the permit;

B. Guides and employees must fall under federal and state employment regulations and be listed in the operating plan prior to each operating season. (i.e. IRS Form-1099, independent contractor form).

C. If you are proposing to employ guides or employees who are licensed and/or permitted outfitters elsewhere that must be disclosed at the time you submit their name and information on your guide list.

D. Written notice must be given to the BLM to use equipment with outfitter markings (company names, logos, etc.) other than those of the permit holder prior to the time of use (hunt, launch, tour, etc.).

VI. NON-EXCLUSIVE USE

A. Roads, trails and trailheads, or campsites commonly in public use shall not be blocked or enclosed by the permittee.

B. Public lands will generally remain available on a first-come, first served basis to other commercial and private recreational users.

VII. CONDUCT AND MANNERS

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

B. The permittee shall practice the TREAD LIGHTLY and LEAVE NO TRACE land ethics and inform their clients about these practices and ensure that they follow them.

C. An outfitter shall maintain accurate and up to date records.

D. An outfitter shall maintain a regular place of business at which mail and phone calls can be received and provide address and physical location of such business to the BLM. Any change of mailing address, place of residence, or telephone number shall be reported to the BLM within thirty (30) days of such change.

VIII. MODIFICATION OR AMENDMENT

A. If needed, the permittee shall request amendment or modification of the permit prior to issuance of the annual operating authorization for changes in: use areas or sites, season of use, services provided, fee structure, or any other changes in operations.

B. Check with individual field offices for permit amendment deadlines.

IX. PAYMENTS

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

B. Periodic Payments: At the Field Manager's discretion, when the estimated use fee is greater than one thousand dollars (\$1,000), a schedule for periodic payments may be arranged.

C. End of Season Payment: The post-use reports and/or trip logs are due 30 days after the last day of use or as specified on SRP. The actual use fee shall be calculated from the reports by the field office and billed accordingly.

D. Refunds:

1. All overpayments will be credited for use for the following operating season.
2. Refunds may be issued in the case of permit transfers, permit cancellations, and expired non-renewing permits. Refunds must be requested in writing.

E. Late Payments Late payment of fees may result in additional fee penalties, permit probation, suspension, and/or cancellation, and interest and administrative handling charges.

F. 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, and off-site lodging, per Handbook H-2930-1.

G. Discounts for Non-Public Lands use (For Upland Use Only) must be requested and approved prior to use. No discounts are allowed for river related permits.

X. USE REPORTS

A. Commercial Trip Logs: The permittee shall submit trip logs within 30 days of the authorized use season or as specified on the permit, on a form provided by the BLM, or an approved equivalent.

B. Event Post Use Report: A Post Use Report shall be submitted as specified or within 30 days of the last day of use authorized or as specified on permit, on a form provided by the BLM, or an approved equivalent.

C. Trip log and post use reports shall indicate accurately the dates of use, location, type of use, the total number of clients served during the term of the permit, total staff, total receipts and total deductions claimed, discounts for time off public lands, and describe any accidents or injuries occurred, and management problems or concerns.

D. Late Use Reports: Late submission of use reports may be cause for action against the permittee, including probation, suspension, and/or cancellation, and criminal penalties.

E. Non-Use: Zero use must be requested in writing. Minimum fees still apply. The authorized officer may cancel a permit after two consecutive seasons of non-use. In certain areas covered by Special Recreation Management Plans, travel management plans, or other site-specific plans, special provisions regarding non-use of permits may apply.

XI. INSPECTION OF RECORDS AND PREMISES

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

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

XII. 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, web pages and other advertising materials shall include the following disclosure: "All or part of this operation is conducted on Public Lands under special permit from the U.S. Bureau of Land Management".

C. Official BLM agency symbols may not be used in advertising.

XIII. CAMPSITES

A. Camps may be set up for no longer than necessary, and no earlier than 5 days prior to the first day of use authorized and must be removed within five days after the authorized use period. 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 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.

D. All campsite facilities including but not limited to tents, latrines, livestock control facilities, shall be located at least 200 feet from the nearest spring, stream, lake, pond or reservoir unless specifically authorized otherwise.

E. All campsites must be approved prior to use. Clearances may be required, such as inventories for cultural resources and/or for threatened or endangered species.

XIV. CAMPFIRES

A. Unless permanent fire rings are designated, 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 in certain areas or during periods of extremely high fire hazard by order of the BLM, the applicable county or the State of Colorado.

B. Campfires shall be completely extinguished when left unattended. The permittee is responsible for all fires started by him/herself, 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.

XV. 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, all feed supplied as part of permitted operations must be certified weed free. The permittee shall prevent localized over grazing and damage to vegetation by permitted livestock.

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

C. The permittee may be required to pay additional fees for forage consumed by livestock during the permitted operations. This fee will be at the current rate for grazing use.

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 feet from springs, streams, lakes, reservoirs or other water sources. Whatever method of livestock control is used, it will not result in removal or death of the under story vegetation.

F. Pack stock may be grazed if permitted by the SRP. If electric fences are used, they will be moved every 3 days to a new area. If picket ropes are used, they will be moved every other day to a new area. If high lines are used, their location must be approved in advance.

XVI. EQUIPMENT CACHES

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

XVII. RESOURCE PROTECTION

A. Aesthetics: Permittee shall protect the scenic and aesthetic values of the public lands used in the operations, and maintain premises on permitted 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. Reseeding with BLM approved seed mix may be required of any areas disturbed by campsites.

C. Sanitation: Self-contained or pit type toilets/privies, with or without tent coverings, shall be used at all campsites on public land. The permittee will be responsible for establishing a latrine for all permitted camps and for final rehab when the camp is removed. Waste from self-contained toilets must be disposed of at a State approved sewage disposal facility. When abandoned, toilet pits shall be covered with a minimum of 12 inches 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: Camps and other permitted areas shall be regularly cleaned and no trash or litter shall be allowed to accumulate. Combustible trash may be burned when campfires are authorized. All non-combustible trash, including but not limited to tin cans, spent brass, glass bottles, foil, and wire shall be packed out. Trash shall not be buried on public land.

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

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

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

H. **Vegetation Damage/Removal:** All operations shall be conducted in a manner which prevents damage to or loss of vegetation cover. Poles may be cut for temporary facilities if these are authorized by permit on public land. Cutting, clearing or defacing of standing trees, alive or dead, or clearing and cutting of shrub/groundcover for any other reason shall require specific advance authorization. When tree cutting is authorized, stumps shall be left no higher than 6 inches above ground level and slash shall be lopped and scattered. A separate permit is required for removal and transportation of woodland/tree products from public land.

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 trees shall be cut for firewood, with stumps left no higher than 6 inches above ground level, and the slash shall be lopped and scattered.

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

K. **Cultural Resources:** All persons associated with operations under this permit must be informed that any objects or sites of cultural, paleontological, and scientific interest, such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed or disturbed. If in connection with operations under this permit any of the above resources are discovered, the permittee shall immediately stop operations in the immediate area of the discovery, protect such resources, and notify the BLM authorized officer of the discovery. The immediate area of the discovery must be protected until the operator is notified in writing to proceed by the authorized officer.

L. **Wilderness and Wilderness Study Areas (WSA):** Use of electric generators, all motorized and mechanized equipment including chainsaws and vehicles is prohibited within a Wilderness and most WSAs. Check with your local office to see if there are exceptions. If supplemental livestock feed is used, cubed, pelletized, or processed feed or certified weed free hay shall be used.

M. Permittee is responsible for knowing where Public Land, Wilderness, and WSA boundaries are and the restrictions that may apply to an area of operation within these boundaries. Maps and information concerning restrictions are available at the local Field Office.

XVIII. 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.

Evaluation Ratings are as follows:

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

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

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

B. Violations and Penalties: Any violation of the permit terms, conditions and stipulations may be subject to penalties prescribed in 43 CFR 2932.40, which may include fines up to \$1,000 and/or imprisonment up to 12 months. Additionally, any such violation may result in permit cancelation, suspension, or probation. Violations may also be cause for the BLM to deny approval of a Special Recreation Permit or Operating Authorization for subsequent years. If a permit is terminated, permit applications will not be approved for any person connected to or affiliated with the operation under a cancelled or suspended permit.

XVIII. CERTIFICATION

I have read the terms, conditions, and stipulations of the Special Recreation Permit Information Colorado handbook and understand that I must abide by them while performing activities in connection with the permitted operations.

Signature_____

Print Name_____

Company Name_____

Date_____

Revised: January 2014

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DECISION RECORD

***Cat Track Outfitters and Andy Julius Outfitter-Mountain Lion Special
Recreation Permits
DOI-BLM-CO-N05-2015-0025-DNA***

Decision

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2015-0025-DNA, authorizing the issuance of a commercial multi-year (five year) Special Recreation Permit for mountain lion guided hunting and outfitting for Fred Wallace dba Cat Track Outfitters and for mountain lion, small game, bobcat, and coyote guided hunting and outfitting and commercial guided wildlife photography for Andy Julius dba Andy Julius Outfitter.

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the

operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

4. The applicant is responsible for informing all persons who are associated with project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.

Mitigation Measures

6. All commercial use of Public Lands will comply with the current version of the BLM Colorado Special Recreation Permits, Conditions and Stipulations for all permitted activities (Attachment 1).
7. During the month of April, the SRP holder and others authorized to operate under the lion hunting permit will attempt to avoid sensitive special status plant species areas, be familiar with the plants and their habitat, and if a lion is taken within these areas, disturbance at the kill site will be kept to a minimum on white shale outcrops.
8. When working on lands administered by the BLM WRFO, notify Craig Interagency Dispatch (970-826-5037) in the event of any fire. The reporting party will inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type, and provide their contact information. The reporting party, or a representative of, should remain nearby, in a safe location, in order to make contact with incoming fire resources to expedite actions taken towards an appropriate management response. The applicant will not engage in any fire suppression activities outside the approved project area. Accidental ignitions will be suppressed by the applicant only if safety is not endangered and if the fire can be safely contained using hand tools and portable hand pumps. If chemical fire extinguishers are used the applicant must notify incoming fire resources on extinguisher type and the location of use. Natural ignitions caused by lightning will be managed by Federal fire personnel. The use of heavy equipment for fire suppression is prohibited, unless authorized by the Field Office Manager.
9. SRP holders should ensure all equipment and animals that may be carrying seeds are free from noxious weeds seeds and propagules before coming onto BLM lands
10. The permittee/guide shall inform all staff and clients that wild horses are protected by Federal law and will prevent harassment of wild horses from permitted activities. Prohibited acts include but are not limited to: maliciously injuring or harassing a wild horse or burro; removing or attempting to remove a wild horse or burro from public lands; destroying a wild horse or burro; selling or attempting to sell a wild horse or burro; and, commercially exploiting a wild horse or burro. Crimes are punishable by fine and/or imprisonment. Examples of violations might include harassment by ATV, injury or death by a bullet or arrow, and illegal capture.
 - i) All guides shall possess a map indicating boundary of the HMA as well as the HAs.

- j) The permittee will discourage the discharge of firearms within HMAs during the foaling season (March 1 – June 15) that is not directly associated with the permitted commercial activity. For example, discourage target shooting or sighting in of firearms in these areas during this time when permitted for commercial mountain lion hunting.
- k) Stay at least 100 feet away from wild horses.
- l) Do not feed or try to attract any wild horse towards you.
- m) Keep dogs under control so they do not disturb or chase wild horses.
- n) Report sick, injured animals, or other violations against wild horses to the BLM.
- o) Do not bring sick or diseased animals into the HMA. Wild horses on the range are not vaccinated against diseases.
- p) Camps, within the HMA, shall be at least ¼ mile away from wild horse water sources.

Compliance with Laws & Conformance with the Land Use Plan

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

Environmental Analysis and Finding of No Significant Impact

The Proposed Action was analyzed in DOI-BLM-N05-2014-0057-EA and it was found to have no significant impacts, thus an EIS is not required.

Public Involvement

This project will be posted on the WRFO's on-line National Environmental Policy Act (NEPA) register.

Rationale

The proposal for issuing these Special Recreation Permits conforms to the land use plan and the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA. These commercial operations are intended to provide recreational services to the public that may otherwise not be realized. Commercial SRPs are also issued to provide a fair return to the United States for the commercial recreational use of public lands.

Monitoring and Compliance

On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff before, during, and after the permitted seasons. The applicants will be placed on a probationary status for a minimum of two consecutive years prior to the conversion of the permits to a five year status. Annual reviews will be conducted of each applicant's operations to insure compliance with the agreed upon terms, stipulations, and conditions of the permit. WRFO recreation staff and law enforcement personnel will also conduct periodic, random on-site inspections of each permittee's operations to insure compliance. The issuance of these permits is discretionary and can be revoked by the WRFO Authorized Officer at any time.

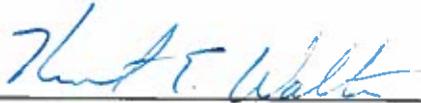
Administrative Remedies

Process for Appeals

An appeal is an opportunity for a qualified party to obtain a review of a BLM decision by an independent board of Administrative judges within the Department of Interior's Board of Land Appeals (IBLA). The IBLA determines whether the BLM followed applicable laws and regulations, adhered to established policies and procedures, and considered relevant information in reaching a decision.

Individuals, who believe they are adversely affected by a BLM decision to deny, modify or cancel a Special Recreation Permit (SRP) may appeal the decision. Appeals are made to the IBLA under Title 43 C.F.R., Part 4, pursuant to 43 C.F.R. §4.411. A person who wishes to appeal to the IBLA must file in the office of the officer who made the decision a notice that he wishes to appeal. "Information on Taking Appeals to the Board of Land Appeals" is enclosed for your convenience.

Signature of Authorized Official



Field Manager



Date

