



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352-5284
(208) 732-7200



In Reply Refer To:
8300 (IDT030)

DECISION
Special Recreation Permit

Daniel Butler : Special Recreation Permit
Spring Cove Outfitters :
283 East Spring Cove Road :
Bliss, Idaho 83314 :

The Bureau of Land Management Shoshone and Four Rivers Field Offices (BLM) received and evaluated a Special Recreation Permit (SRP) application from Spring Cove Outfitters to amend their existing permit. The commercial Spring Cove Outfitters SRP will be amended to add pronghorn, bear, predator hunting, incidental fishing and horseback trail rides. Hunting and fishing would be within Idaho Department of Fish and Game Hunt Unit 45 and comply with Idaho Department of Fish and Game seasons, rules and regulations. Trail rides would occur in the spring, summer and fall. There would be approximately 2 – 8 trips/year with no more than 8 clients and 2 guides. The permit includes the following stipulations:

1. 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 or permit). 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.
2. 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.
3. 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 privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price, or compensation. The use of a permit as collateral is not recognized by the BLM.

4. 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. The BLM reserves the right to close various sites and/or areas of the public land to prevent resource damage and use conflicts, and to promote visitor safety.
5. 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.
6. All 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, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. 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 any current brochure and price list if requested by the authorized officer.
7. 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.
8. 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.
9. 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.
10. The permittee 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.
11. 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 or the permittee's operator, employee, or agent for up to three years after expiration of the permit.
12. The permittee must submit a post-use report 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.

13. 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.

ADDITIONAL STIPULATIONS

14. The permittee, employees, and clients will not interfere with other valid uses occurring on the public land such as grazing, mining, and other recreational uses (including commercial and private).
15. The permittee will be responsible for the prompt repair of any damages to utilities, fences and other improvements. The permittee shall take every reasonable precaution to protect natural resource values and any improvement on both private and public lands. Gates will be left open or closed, as they were found.
16. The permittee will notify BLM of any accidents occurring on the public lands which result in loss of life, loss of consciousness, disabling of individuals in excess of 24 hours, having to secure medical treatment, or property damage in excess of \$100, and will submit a detailed written report to BLM within 10 days from the date of the accident. A Post Use Report will be submitted within 30 days after the end of your use season or no later than December 31. End of season use fee payments must be received by BLM when the Post Use Report is submitted.
17. The permittee is required to notify BLM of scheduled hunts, number of clients, and general area of use prior to the trip. This is to help BLM conduct possible compliance checks of the permit. A copy of any brochure or magazine advertisements and current schedule of fees must be provided to the BLM.
18. No collection/removal of archaeological resources is authorized under this permit. No vandalism, surface disturbance, or excavation of archaeological materials is allowed. All outfitters, guides, and clients shall abide by all current federal regulations pertaining to archaeological resources as provided in BLM Manual 8110 and the Archaeological Resources Protection Act (ARPA).
19. No flint knapping shall be conducted at any archaeological site, aboriginal quarry source, campsite, or non-site location that might be mistaken for an archaeological site as a result of such activities.
20. Should human remains be inadvertently discovered on BLM lands, the remains should be left in place, a GPS position recorded, and the find reported to the BLM authorized officer immediately as required by the Native American Graves Protection and Repatriation Act (NAGPRA). Recorded locations of such finds shall be kept confidential, reported to the BLM, and any subsequent records disposed of after reporting.
21. Should any illegal excavation or vandalism of BLM archaeological sites be discovered during the course of business, a GPS position will be recorded and reported to the BLM authorized officer immediately. Recorded locations of such finds shall be kept confidential, reported only to the BLM, and any subsequent records disposed of after reporting.

22. The outfitter is expected to work cooperatively with the Idaho Department of Fish and Game (IDFG) to address wildlife resource management goals.
23. Camps should be located out of riparian areas with latrines a minimum of 300 feet from perennial streams, 150 feet from wetlands and no camping within riparian exclusions. In situations when this is not feasible based on topographical constraints notify the BLM a minimum of 30 days in advance so campsites can be considered and potentially approved on a case-by-case basis.
24. The permittee must adhere to the 14 day limit of camping on BLM land. Campsites established as an assigned site/exclusive use may be used for the entire hunting season. Use of assigned sites shall be considered temporary in nature, and any temporary structures or improvements shall be removed immediately upon the conclusion of the hunting season. Site fees are specified in the BLM Director's national recreation fee schedule (\$190 as of 11/20/09).
25. Notify the Shoshone Field Office prior to the hunting season of all exclusive use camp locations. Depending on the proposed location Botany clearances and Archeological clearances may have to be complete before the outfitter is authorized to establish a campsite.
26. Overnight areas must be away from popular general public areas unless otherwise authorized. Camps must be clean at all times and Leave No Trace principles followed. When camping in riparian areas all solid human waste must be carried out.
27. All Trash will be removed by the permit holder.
28. Operation and maintenance of all sanitation, food service, and water supplies, systems and facilities shall comply with the standards of the local department of health and the United States Public Health Service.
29. Food and/or equipment caches will not be allowed unless prior approval is obtained from BLM's authorized officer. Location of proposed caches must be described in the permit application.
30. Standing trees (alive or dead) may not be cut for use in constructing temporary facilities.
31. Standing dead trees may not be used for firewood. All firewood must be woody material that is dead and down.
32. Use certified "weed-free" feed for all livestock.
33. Construction of permanent fences or corrals is not permitted. Temporary improvement including frames, corrals or hitching racks may be constructed, provided they are dismantled when the camp is vacated.
34. When camping in riparian areas livestock must be restrained at least 100 feet away from camp. Consider highlines on dry hardened ground away from riparian vegetation and wet and boggy soil or a site where the least ground cover will be disturbed.

35. Because of the impacts campfires create, their use should be kept to a minimum. Using cook stoves is recommended as an alternative to cooking over campfires. When allowed, campfires shall be small and kept under control. Use existing fire rings, do not build new rock fire rings. Open fires may be prohibited during certain periods depending on fire danger.
36. No campfires will be left unattended. The permittee is solely responsible for all fires which permittee, employees or clients start.
37. The permittee may be held responsible for fire suppression costs resulting from wildfire caused by permittee, employees or clients.
38. Wildfire should be reported immediately to the Interagency Fire Dispatch Center in Shoshone or Boise. The permittee is responsible for informing employees and clients of the current fire danger and required precautions that may be placed in effect by the BLM.
39. The permittee is limited to one guide per two clients.
40. The permittee is limited to guide no more than 10% of the IDFG licenses available in Hunt Unit 45.
41. The permittee is limited to no more than 8 trail ride trips/year with no more than 8 clients and 2 guides/trip.
42. The permittee shall be restricted from vehicle use within 2 miles of occupied and undetermined status greater sage-grouse leks from 6 p.m. to 9 a.m., March 15 – May 1.
43. The permittee shall be restricted from camping within one mile of occupied and undetermined status greater sage-grouse leks from March 15 – June 15.
44. The permittee shall be restricted from camping or day use from February 1 – July 31 within:
 - 0.5 miles of golden eagle nest sites.
 - 0.5 miles of prairie falcon nest sites.
 - 0.33 miles of red-tailed hawk nest sites.
 - 0.125 miles of American kestrel nest sites.
 - 0.125 miles of long-eared owl nest sites.
 - 0.125 miles of northern saw-whet owl nest sites.
45. If nests of other raptors species are documented near the proposed permit area, the size of spatial buffers will follow Whittington and Allen (2008), per IM 2010-039.
46. Nesting sites may be monitored by BLM personnel annually to determine raptor presence. If raptors are not present, restrictions will be lifted until February 1st of the following year.
47. The permittee is restricted from camping or day use activities within 0.2 miles (300 meters) of pygmy rabbit burrows.

48. The permittee is prohibited from inhibiting, limiting or reducing access to public lands within the permit area.
49. Issuance of a permit by BLM does not guarantee legal access to public lands. Access to public land by the permittee is assured only when legal access for the general public is available. Where legal public access is not available it is the permittee's responsibility to obtain permission from the landowner(s) to travel through or use private lands.
50. Vehicles must stay on existing roads and ways. No cross country use of motorized or mechanical vehicles is authorized except in an emergency situation.
51. Issuance of a permit by BLM does not guarantee the permittee's use of specific public areas, nor does it grant the exclusive use of any area by the permittee.
52. If the permittee owns private property adjacent to public land the permittee shall provide reasonable administrative access across private and leased lands to the BLM for the monitoring of this permit.
53. The BLM recognizes and endorses the use of the principles of Leave No Trace and Tread Lightly as appropriate wildland ethical behavior for the recreating public. The principles of these two programs are listed below.

LEAVE NO TRACE

Reference the full LNT booklet at: <http://www.lnt.org/TeachingLNT/LNTEnglish.php>

Plan Ahead and Prepare

Know the area and what to expect, travel in small groups, select appropriate equipment, and repack food to reduce litter at the source.

Camp and Travel on Durable Surfaces

Concentrate use in popular areas, spread use in remote areas, avoid places where impact is just beginning.

Pack It In, Pack It Out

Reduce litter at the source by repackaging food, dispose of trash and garbage properly.

Properly Dispose of What You Can't Pack Out

Dispose of human waste responsibly, minimize soap and food scraps in waste water, avoid contaminating water sources when washing, and dispose of fishing and hunting waste appropriately.

Leave What You Find

Minimize site alterations, avoid damaging trees and plants, leave natural objects and cultural artifacts, avoid disturbing wildlife, reduce your impact on other users.

Minimize Use and Impact From Fires

Be aware of regulations and weather conditions. Stoves are often the best option. If you must build a fire, use existing fire rings. Collect only dead and downed wood or bring your own.

TREAD LIGHTLY!

Reference the details of principles at: <http://www.treadlightly.org/edu.mv?edu=Recreation%20Tips>

Travel only where permitted.

Know what areas/roads/trails are open to vehicles.

Respect the rights of others.

Be considerate of others on the roads/trail that you travel. Vehicles yield the right-of-way to bicycles, hikers, and horses.

Educate yourself.

Obtain information on your destination before you go. If you have questions contact the managing agency of the area(s) you are visiting.

Avoid streams, meadows, wildlife areas, etc.

Be aware of wildlife habitat. Crashing through underbrush or across open meadows upsets the balance of nature, destroys nesting sites, and disturbs wildlife.

Drive and travel responsibly.

Use common sense. Avoid muddy roads and trails and stay out of meadows and wetlands.

These principles of Leave No Trace and Tread Lightly! programs are recommended as a guide to minimizing signs of visitation to the expansive and varied BLM-administered public lands. These principles are intended to support and complement BLM regulations. Additional information on the Leave No Trace and Tread Lightly! programs are available at the Shoshone Field Office or on their respective internet sites.

The issuance of a SRP is a Federal action and subject to National Environmental Policy Act analysis. It has been determined that the proposal qualifies as a categorical exclusion (CX) because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The CX (DOI-BLM-ID-T030-2016-0008-CX) describing the permit is available at the following website: https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do or at the Shoshone Field Office.

Based on review of the project and field office staff recommendations, we have determined that the project is in conformance with the applicable land use plan and is categorically excluded from further environmental analysis. We have decided to approve the actions as proposed.

Permit fees and a proof of insurance certificate naming the U.S. Department of the Interior, Bureau of Land Management as an additional insured shall be required of the applicant prior to permit authorization.

The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed form 1842-1. If an

appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error. In addition, within 30 days of the receipt of this decision, the appellant has the right to file a petition for a stay (suspension) of the decision together with the appeal in accordance with the regulations at 43 CFR 4.21.

Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor, at the same time the original documents are filed with this office. If you request a stay you have to have the burden of proof to demonstrate that a stay should be granted.

A petition for a stay of a decision pending appeals shall show sufficient justification based on the following four standards:

1. The relative harm to the parties of the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Contact John Kurtz, Outdoor Recreation Planner, at (208) 732-7296 or jkurtz@blm.gov with any questions.

/s/ Codie Martin
Codie Martin
Shoshone Field Manager

/s/ Tate Fischer
Tate Fischer
Four Rivers Field Manager

Enclosures:
Form 1842-1