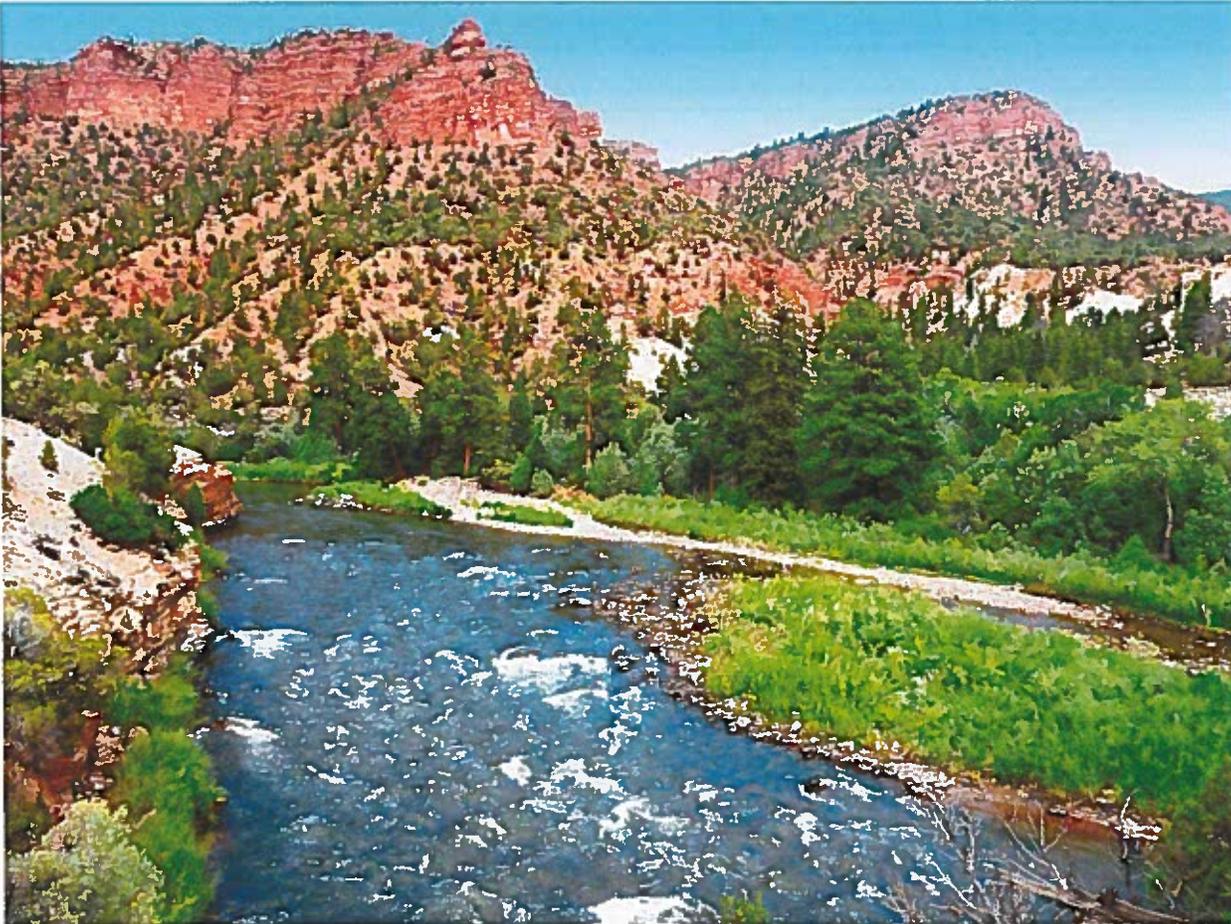


CATEGORICAL EXCLUSION

DOI-BLM-CO-040-2016-0056 CX

Commercial and Competitive Special Recreation Permits



Prepared by:

United States Department of the Interior
Bureau of Land Management
Colorado River Valley Field Office
2300 River Frontage Road
Silt, Colorado 81652

BLM

Colorado River Valley Field Office • COLORADO



LOCATION.

The permit holders would use Bureau of Land Management (BLM) lands and related waters within the Colorado River Valley Field Office as described below in Table 1. Also see map in Attachment A.

PURPOSE AND NEED FOR ACTION.

The purpose of the action is to provide recreational opportunities for the public on public lands through offering commercial guided or competitive use. The need for the action is established by the BLM's responsibility under the Federal Land Policy and Management Act, 43 U.S.C. 1701(a)(8), section 302(b), section 303, and the Federal Land Recreation Enhancement Act, 16 U.S.C. 6801, 6802(f), 6802(g)(2), 6802(h), to respond to applications for renewals of Special Recreation Permits in order to continue to provide this opportunity for the public.

SCOPING AND PUBLIC INVOLVEMENT AND ISSUES.

The BLM ePlanning NEPA Register (https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do) lists NEPA documents that have been initiated. No public comments have been received specific to this proposed action.

PROPOSED ACTION.

The proposed action (Table 1) is to renew, transfer, or amend the special recreation permits (SRP's) as listed below. All put-ins, take-outs, and campsites (not authorized to camp longer than 14 days) are located in developed recreation sites or previously approved campsites. Developed recreation sites are as follows: South Canyon (day use only), Wingo Junction (day use only), Wolcott, Community (day use only), Lyon's Gulch, Cottonwood Island (day use only), Pinball, Catamount, and Windy Point. Previously approved primitive campsites include Jack Flats #1 and #2, Before Bond, Cottonwood Bend and Cottonwood Island and will not be camped in longer than 14 days. All other BLM lands listed are for day use only, including wade fishing, picnic stops, etc.

Table 1. List of Proposed Permit Holders.

| Company Name | Permit # | Activity | Permitted Locations | Permit Period | Previous NEPA |
|---|--|---|--|--------------------------------|------------------------------|
| Eagle Valley Trout Unlimited | Renew joint permit administered by the BLM Kremmling Field Office; Extend from Two Bridges to Catamount. | Fundraising event for one day fly fishing tournament. Day use only. | Upper Colorado River (State Bridge to Catamount) | May 1, 2016 – October 31, 2021 | DOI-BLM-CO-N040-2016-0036-CX |
| 2016 River Permit Transfers | | | | | |
| Kodi Rafting to McGrath Outdoor Ltd. DBA KODI Rafting | CO-120-CO07-12-132; Joint permit administered by the Kremmling Field Office | Guided whitewater floatboating trips. | Upper Colorado (State Bridge to Dotsero) | May 1, 2016 - October 31, 2016 | DOI-BLM-CO-N040-2014-0051-CX |

PLAN CONFORMANCE REVIEW.

The proposed action is subject to, and has been reviewed for, conformance with this plan (43 CFR 1610.5, BLM 1617.3).

Name of Plan. Colorado River Valley Field Office (CRVFO) Record of Decision (ROD) and Approved Resource Management Plan (RMP).

Date Approved. June 2015

Decision Number/Page/Decision Language.

Decision Number REC-MA-11. Special Recreation Permits decisions which begins on page 100.

SRPs are issued as a discretionary action for activities that:

- are consistent with resource/program objectives (e.g., SRPs may not be authorized/amended if desired use levels are meeting or projected to exceed desired levels of RMAs or recreation sites)
- are within budgetary/workload constraints (e.g., If the CRVFO is unable to fulfill or complete all the necessary steps of issuing and managing an SRP, then an SRP may not be issued)
- would satisfy a public demand that the applicant can factually demonstrate is not being met (e.g., SRPs may not be authorized/amended if a similar service is being offered in an area and there is no market research, demand analysis, recreation monitoring, or staff knowledge indicating a public demand exists)
- would not cause public health and safety issues or create user conflicts (e.g., An SRP may not be issued if BLM lands together with projected public use levels are insufficient to accommodate the proposed use).

COMPLIANCE WITH NEPA.

The proposed action qualifies as a categorical exclusion under 516 DM 11, Appendix 4, Number H. Recreation Management.

Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Table 2. Exclusions.

| EXCLUSIONS | YES | NO |
|--|-----|----|
| 1. Have significant impacts on public health or safety. | | X |
| 2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical | | X |

| EXCLUSIONS | YES | NO |
|---|-----|----|
| areas. | | |
| 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. | | X |
| 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. | | X |
| 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. | | X |
| 6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. | | X |
| 7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office. | | X |
| 8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. | | X |
| 9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. | | X |
| 10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). | | X |
| 11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007). | | X |
| 12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). | | X |

INTERDISCIPLINARY REVIEW.

Table 3. BLM Interdisciplinary Team Authors and Reviewers.

| Name | Title | Area of Responsibility |
|---------------------|--|---|
| Kimberly Leitzinger | Outdoor Recreation Planner | Wild and Scenic Rivers, Wilderness, Recreation |
| Greg Wolfgang | Outdoor Recreation Planner | Visual Resources, Access and Transportation, Recreation |
| Erin Leifeld | Archaeologist | Cultural Resources and Native American Religious Concerns |
| Carla DeYoung | Ecologist | ACECs, T/E/S Plants, Vegetation, Wetlands & Riparian Zones, Land Health Standards |
| Hilary Boyd | Wildlife Biologist | Aquatic Wildlife Including T/E/S, Migratory Birds, and Terrestrial Wildlife Including T/E/S |
| Carmia Woolley | Physical Scientist | Soils, Water, Air |
| Brian Hopkins | Planning and Environmental Coordinator | NEPA Compliance |

REMARKS/MITIGATION.

The following mitigations will be carried forward within the permit under special conditions:

1. The Special Recreation Permit Terms, Conditions and Stipulations for all Permitted Activities (Attachment B) will apply to the permits. In addition, the Colorado BLM Special Stipulations Competitive, Organized, and Off-Highway Vehicle Event For All Permits will apply to the event. A copy of these terms is signed by the permittee and is in their file.
2. Additional Special Stipulations will apply to the permits. See Attachment C for details.
3. The Proposed Action would meet Wild and Scenic eligibility management criteria because the action would not alter the preliminary classification of Recreational, the free flowing nature of the river, or the Outstandingly Remarkable Values (ORV's) associated with the river segment of Scenic, Geologic, Wildlife, Historic or Botanical. The ORV of Recreational will be enhanced and benefit through this Proposed Action.
4. The Proposed Action would not alter the Lands with Wilderness Characteristics findings in 2011 because these locations have been historically used by both the public and commercial outfitters, even before 2011, when Pisgah Mountain was found to have wilderness characteristics; and the Proposed Action does not intend to impact naturalness

or outstanding opportunities for solitude or primitive, unconfined recreation on the public lands off of the river.

5. *Threatened and Endangered Plants.* If future botanical surveys find populations or individuals of the threatened Ute ladies'-tresses at any of the identified camp sites, Section 7 consultation with U.S. Fish and Wildlife Service (USFWS) will be required. Following consultation, these sites may be removed from the approved camp site list or other mitigation may be required.
6. *Cultural Resources and Native American Discovery Stipulations.* If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer (SHPO) and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.
7. Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

SUMMARY OF FINDINGS AND DECISION.

I considered this action and determined that it may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

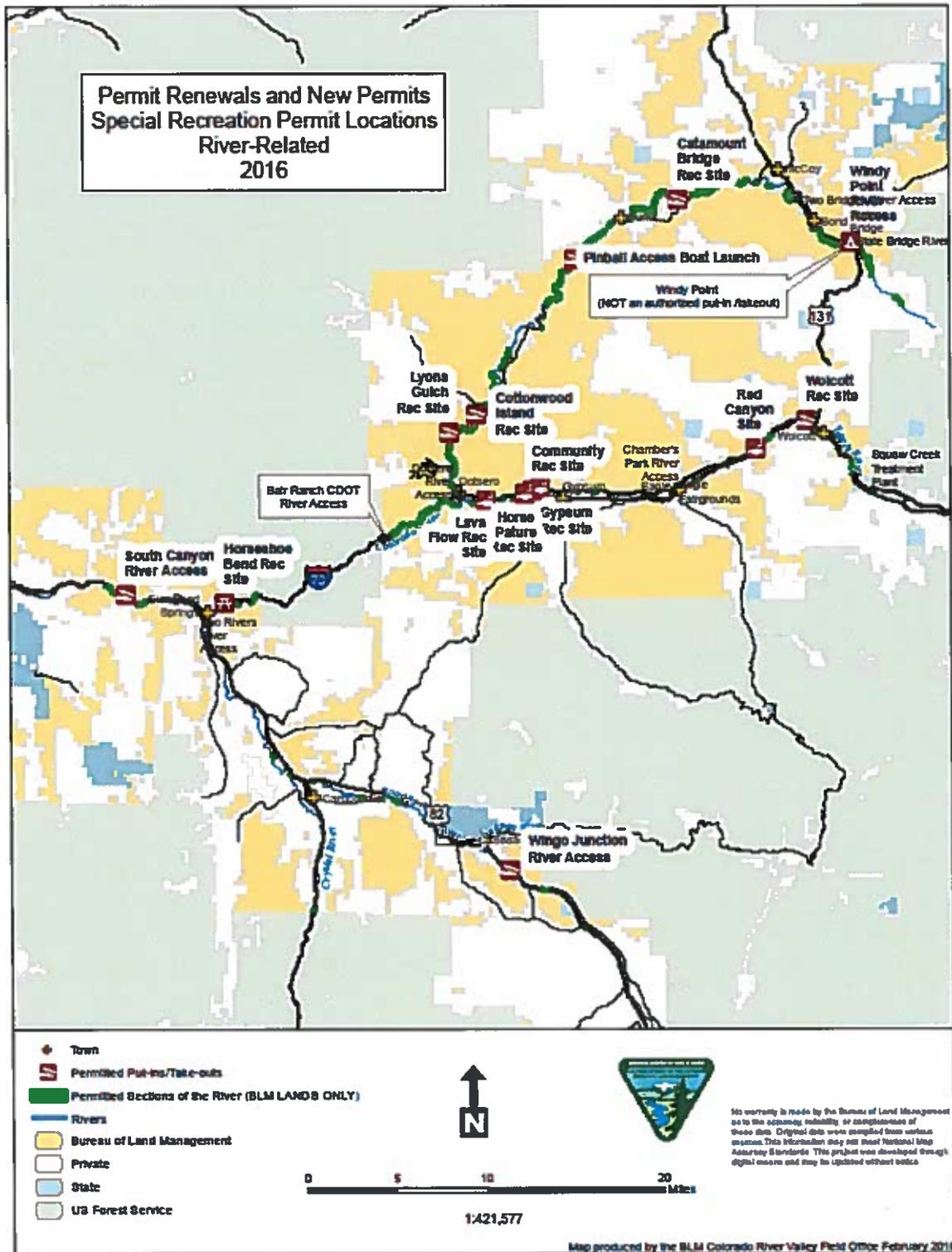
Signature.

Authorizing Official:  Date: 6-14-16
Brian R. Hopkins, Assistant Field Manager

Contact Person.

For additional information concerning this CX review, contact Kimberly Leitzinger, Outdoor Recreation Planner, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652, (970) 876-9075.

Attachment A



Attachment B

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. 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.

Colorado employment law prohibits subcontracting with an individual or business that does not have a

current and valid BLM Permit themselves for that activity and location, and other state requirements such as River Outfitters License or Department of Regulatory Agencies Registration.

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. (ie. 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/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.

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, standing trees must not be cut 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.**

- N. **Special Stipulations.** The AO may require the permittee to comply not only with the general terms described on BLM Form 2930-1 and BLM Form 2930-2 but also with any reasonable stipulations or conditions necessary to protect the lands or resources involved (e.g., required compliance with applicable Leave No Trace, Tread Lightly! and other practices, or required rehabilitation of lands damaged by the permitted event), to reduce user conflicts, or to minimize health and safety hazards.

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 cancellation, 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.

Date _____ Signature _____

Print Name _____

Company Name _____

Revised: January 2016

**COLORADO BLM SPECIAL STIPULATIONS
COMPETITIVE, ORGANIZED, AND OFF-HIGHWAY VEHICLE EVENTS
FOR ALL PERMITS**

Staffing Requirements:

1. The operating plan will include a section to address event monitoring. The event monitoring section will address how the permittee will accomplish the following: Permittee is in charge of maintaining control of the permitted event area at all times. Permittee will have adequate staff to ensure that all rules are followed. During the event, permittee will provide on-the-ground staff monitoring to ensure that use is confined to areas actually authorized by permit.

2. Permittee is responsible for crowd control, ensuring that the event is orderly, does not endanger bystanders or participants, and is conducted in a peaceable manner to enhance recreation satisfaction and promote the public well being. Road crossings will be identified on the map and flag workers will be used where appropriate.

Operating Plans:

3. Permittee will be responsible for implementing the approved operating plan that includes, a medical plan to address response to and transportation of any injured participants or spectators, emergency response staff, level of training of staff, and type of medical equipment on site (ambulance/air ambulance), and a safety plan that includes advising the local sheriff, fire, and emergency medical service of the event.

4. Permittee agrees to reroute and/or relocate use areas to avoid sensitive areas identified by BLM before or during the event.

5. Permittee will mark approved routes, staging areas, parking areas, etc. with non-defacing markers and signs. Permittee is responsible for the prompt removal of these markers and signs immediately upon completion of event.

6. Permittee will monitor all range fence gates opened for the event to prevent passage by livestock and closed immediately at the end of the event.

7. Permittee is responsible for ensuring the safety of all spectators, entrants, vendors, and/or support personnel, and ensuring that all permit actions are in conformance with local, state, and federal health and safety standards.

8. Permittee is responsible for furnishing self-contained chemical sanitation facilities and trash receptacles at locations as necessary, to keep these serviced neat and clean during the event, and to provide for off-site disposal of all refuse and human waste generated from the event, in accordance with all applicable local, state, and federal ordinances, laws, and regulations.

9. Operation and maintenance of all sanitation, food service, water supply systems, and facilities by the permittee or his/her vendors shall comply with the standards of the local department of health and the United States Public Health Service and have the necessary permits to operate on Public Land.

10. Permittee will provide first-aid/EMT services adequate to meet emergency needs arising from the event, including CPR and medi-vac transportation for hospital care.

11. At the conclusion of the event, all trash and evidence of the event will be removed by the permittee and inspected by the Field Manager, or delegated authorized personnel, to meet the specifications established in the environmental document.

12. Pit areas will be open to authorized event participants and pit crews only. Permittee will provide a list of authorized personnel and participants who are permitted within each pit area. Storage areas for pit supplies will be identified on the map.

13. Spectator locations, and distances from track, will be identified by the use of snow fence or ropes, road delineators, setbacks and personnel to monitor said areas. Spectator viewing areas will be identified on attached map. The Event Operation Plan shall clearly identify in detail how spectator's safety will be provided for and what control measures will be utilized. Permittee must establish a safe distance for spectators and set speed limits in pits and other sensitive areas.

14. The permittee shall be responsible for clean-up and remediation in the event of an accident or mechanical failure resulting in the spillage of fuels, lubricants, coolants, hydraulic fluids, or other petroleum-based or synthetic organic compounds. Tarps are required under vehicles in the pit area to aid cleanup in the event of a spill.

15. All pits must have the equivalent of a UL approved two (2) 10-lb. ABC fire extinguisher at all times. Extinguisher(s) must be manned during all pit stops. This capability may be accomplished using fire extinguishers of any combination (minimum 5-lb. extinguisher that equals 20 lbs. (i.e. two 10 lb., four 5 lb.)). If 5 LB extinguishers are to be utilized, then the pit crew must man two fire extinguishers and be at the ready. All pit fire extinguishers must have current (less than one year old) seal in place, and be fully charged.

16. Permittee will provide the BLM with a medical plan to address response to and transportation of any injured participants or spectators. This plan will include number of emergency response staff, level of training of staff, and type of medical equipment on site (ambulance/air ambulance).

17. Welding and use of open flames will be monitored by permittee and confined to areas void of vegetation to prevent the ignition of vegetation in the surrounding areas.

Communication:

18. Permittee will conduct a mandatory participant meeting where all participants will sign in. If a participant is not signed in, they will not participate in the event. This meeting will be documented. Key personnel and procedures will be identified such as medical, safety and incident command individuals. In case of an incident, permittee will be considered the key contact for Law Enforcement, Sheriff, BLM and event organizers. If permittee chooses to designate another individual for this duty the operation plan must be amended and signed to reflect this change. This contact will have the authority to stop the race if necessary and will be in radio or phone contact with event organizers.

19. Permittee is responsible for ensuring that participants do not drive off designated use areas and/or course routes; participant and spectator use will be restricted from sensitive areas.

20. Permittee will take all reasonable measures to inform other recreationists in the area of the event and associated temporary road restrictions, including publication of notices to this effect in the local news media.

21. Permittee will take all reasonable measures to ensure that entrants, spectators and casual users attracted by the event will not harass wildlife or livestock in the vicinity, including publication of notices discouraging such actions in the local news media.

22. State and local law enforcement will always be advised of upcoming events. Permittees are required to submit communication and safety plans that include advising the local sheriff, fire, and emergency medical service of the event.

23. Permittee will advise all spectators of current fire restrictions and regulations in effect. Special emphasis should be placed on any prohibition of smoking and campfires using solid fuels (wood, charcoal, etc).

Notifications:

24. Permittee is responsible for ensuring that all authorized motorized use conforms to the Conditions of Use set forth in 43 CFR Subpart 8341.1.
25. Nothing in this permit will be construed as a license for the permittee, employees, or clients to use areas of the public lands which are otherwise limited or closed (e.g., limited or closed off-highway vehicle designation areas).
26. State and local laws and ordinances apply to all BLM-administered public land, subject to overriding federal law. This includes, but is not limited to, laws and ordinances governing (a) operation and use of motor vehicles, aircraft, and boats; (b) hunting and fishing; (c) use of firearms; (d) injury to persons or destruction of property; (e) air and water pollution; (f) littering; (g) sanitation; and (h) use of fire. See 43 CFR 8341.1(d)
27. The Field Manager reserves the right to postpone or cancel the event if environmental conditions develop in which the event would subject the land to substantial resource damage or the public to unacceptable risk. These would include factors such as heavy rains, flooding, early thawing, etc.
28. Permittee shall protect the scenic and aesthetic values of the area under permit and the adjacent lands while exercising privileges granted during setup, operation, and maintenance of the permitted operation. When facilities for the event are dismantled, the area should be left in a natural state.
29. Permittee will restore any resource damage from the event as specified by the Field Manager.
30. Permittee assumes responsibility for coordinating the event with all adjacent landowners and securing access needed across privately owned lands, ensuring that trespass does not occur.
31. Proof of insurance shall be provided at least 30 days prior to the event. Insurance shall be consistent with requirements stated in the

Colorado BLM Special Recreation Permit information booklet or as amended by the Field Manager.

32. All event officials will receive a copy of applicable stipulations prior to competitive event(s). Permittee will ensure that the "Additional Standard Stipulations for Competitive and Off-Highway Vehicle Events" are posted on the event promoter's website and provided in participant material.
33. Permittee, entrants, and/or spectators will not interfere with other valid uses occurring on the public land such as grazing, mining, and other recreational uses.
34. BLM reserves the right to revoke a permit for reasons such as, but not limited to, noncompliance with stipulations (before and/or during the event), failure to provide services specified in the operating plan, or untimely permit reporting.
35. Permittee agrees to make all relevant books, documents, papers, and records of his/her operation available to BLM upon request (as outlined in 43 CFR Subpart 2932.55) for analysis by qualified representatives of BLM and other agencies authorized to review BLM's permitting activities.
36. Permittee shall post a copy of the authorizing permit in plain view where all clients and BLM and CPW employees have the opportunity to read it.
37. Permittee will notify BLM immediately of any accident resulting in loss of life.

Certification: 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.

Signature

Print Name

Date

Revised: January 2016

Attachment C

SPECIAL RECREATION PERMIT

ADDITIONAL SPECIAL STIPULATIONS

Use authorized under this permit will be subject to standard SRP terms, conditions and stipulations and the special stipulations described below:

1. The outfitter shall maintain accurate and up to date records.
2. When using the boat ramps and/or parking areas, persons responsible for representing this business must coordinate with other outfitters and the general public to minimize congestion on the boat ramps and within the parking areas. If conflicts arise, the BLM retains the authority to suspend or terminate the permit. If congestion becomes problematic, the BLM will terminate the most recent permits to commercial outfitters for that area first.
3. Precautions will be taken to minimize the spread of aquatic invasive species via proper cleaning and disinfecting procedures. BLM recommends that equipment be cleaned and disinfected between uses particularly if moving to new water bodies.
4. Fishing outfitters will use established fish handling protocols designed to minimize stress associated with the playing of fish, removal of hooks, and release of fish back into the water.
5. All put-ins, take-outs, and campsites (not authorized to camp longer than 14 days) are located in developed recreation sites or previously approved campsites. Developed recreation sites are as follows: Lyon's Gulch, Cottonwood Island (day use only), Pinball, Catamount, and Windy Point. Previously approved primitive campsites include Before Bond, Cottonwood Bend and Cottonwood Island (on the actual island) and will not be camped in longer than 14 days. All other BLM lands listed are for day use only, including wade fishing, picnic stops, etc.
6. The permittee will keep at their place of business (address provided to the BLM) current copies of First Aid training cards, blank client waivers, and permission to use or access private land or other agency land related to operations on BLM public land. The permittee must provide proof of these items to the BLM upon request.
7. The permittee will require the use of a properly-sized whitewater wearable life jacket (approved on the label for paddling, whitewater, kayaking, etc. as required) in good working condition for each member of the party (including on all tubing trips). Inflatable life jackets are not allowed. Life jackets must be worn by both clients and guides at all times while in and on the water.
 - Exception for tubing trips only: The permittee will require that each person carry a properly-sized whitewater type I, III, or V life jacket (approved on the label for paddling, whitewater, kayaking, etc. as required) in good working condition. Inflatable life jackets are not allowed. Life jackets must be worn by all guides (no matter the age) and clients 18 years or younger.
8. Operating or being in actual physical control of a floatation device is prohibited while the operator or guide is under the influence of alcohol or a drug or any combination thereto to a degree that renders the operator or guide incapable of safe operation.
9. Stand Up Paddleboarding trips will be limited to 1 instructor, trip leader or guide for

- every 5 commercial passengers.
10. Stand Up Paddleboarding trips must comply with all Colorado State regulations and the following additional stipulations:
 - Whitewater wearable personal flotation device must be worn by all clients and guides.
 - Must carry a first-aid kit.
 - Must carry a throwbag.
 - If inflatable, must carry a patch kit and pump per trip. (A patch that contains glue on the material and is made for wet conditions is acceptable.)
 - A helmet must be worn by all clients and guides.
 - Adequate passenger orientation must be provided.
 - Provide proper trash and human waste containers.
 - Vessel owners name, address and phone number must be permanently attached to each vessel.
 - All retention devices, if worn, must be of coiled cord and quick-release style, fastened at or above the waist.
 - Must follow all state and federal definitions of a vessel for Stand Up Paddleboards.
 11. The permit holder must take precautions to not spread noxious weeds to public lands.
 12. The permit holder will make sure all guides, employees, volunteers, clients, and participants display the BLM parking pass on their vehicles when conducting operations while using the vehicle on BLM public lands or at the Eagle County properties of Two Bridges and Dotsero.
 13. Cultural Resources and Native American Discovery Stipulations. If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer (SHPO) and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

14. All associated activities shall use existing hardened trails within riparian areas. Do not create new trails or surface disturbances in riparian vegetation. (Riparian areas are defined as the interface between land and a river or stream; the river bank.)

15. Pet owners must clean up and properly dispose of pet feces within the site to maintain site sanitation.
16. When making vessel landings on the river banks outside of developed sites, use gravelly or rocky sites along the bank that are naturally hardened to this activity. Groups with multiple vessels must keep the landing site to its absolute minimum necessary and must not spread out up and down the river bank. Keep landing areas and sites to the minimum area necessary to complete your activity safely.
17. Permit transfers will initially be limited as follows:
 - Upper Colorado River Special RMA (Recreation Management Zone 1 – State Bridge to Pinball Recreation Site): Limit SRP transfers to no more than 50 trips per year with up to 25 people per trip (including guides), no matter the historical use level, until monitoring indicates additional use can be accommodated while still maintaining recreation objectives and desired recreation setting character.
 - Upper Colorado River Special RMA (Recreation Management Zone 2 – Pinball Recreation Site to Bair Ranch): No use limitations on SRP transfers.

Event Specific Stipulations.

1. Event will initially be limited as follows:
 - Upper Colorado River Special RMA (Recreation Management Zone 1 – State Bridge to Pinball Recreation Site): Limit SRP event to no more than 50 trips per year with up to 25 people per trip (including guides) until monitoring indicates additional use can be accommodated while still maintaining recreation objectives and desired recreation setting character.
2. Event route(s) may be cancelled/discontinued if future monitoring determines they are having adverse effects on values.
3. When using the staging areas, persons responsible for representing this business must coordinate with other outfitters and the general public to minimize congestion. If conflicts arise, the BLM retains the authority to suspend or terminate the permit.
4. Filming is limited to the use of handheld and tripod mounted cameras. Use of dollies, tracks, cranes, high lines, aircraft and other camera support devices is not allowed, unless the camera support device is part of the recreation activity authorized under the SRP. Construction or removal of vegetation for the creation of a camera platform or to clear a shot is not allowed. Filming is generally done using only ambient light sources. No more than two, battery-powered, auxiliary lighting sources may be used.
5. If the filming project is more complex than allowed for under this stipulation, then a separate permit under 43 CFR 2920 is required.
6. Film permits are not required for any photography taken by the SRP holder while conducting operations under the SRP, for use in the permittee's own promotional material, given to guests as a memento of the trip, or for any motion or still picture photography done by guests or using a guest's camera equipment for noncommercial purposes.

7. If a drone is used as part of the recreation activity authorized under the SRP, operation by a licensed pilot with an FAA Section 333 exemption is required. For safety, private drone usage is not authorized under the SRP.

Date

Permittee



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
2300 River Frontage Road
Silt, Colorado 81652

NOTICE OF PROPOSED DECISION

Project Name.

Commercial and Competitive Special Recreation Permits

Categorical Exclusion Number.

DOI-BLM-CO-N040-2016-0056-CX.

Proposed Decision.

It is my decision to renew, transfer, or amend the special recreation permits (SRP's) as listed below. All put-ins, take-outs, and campsites (not authorized to camp longer than 14 days) are located in developed recreation sites or previously approved campsites. Developed recreation sites are as follows: South Canyon (day use only), Wingo Junction (day use only), Wolcott, Community (day use only), Lyon's Gulch, Cottonwood Island (day use only), Pinball, Catamount, and Windy Point. Previously approved primitive campsites include Before Bond, Cottonwood Bend and Cottonwood Island and will not be camped in longer than 14 days. All other BLM lands listed are for day use only, including wade fishing, picnic stops, etc.

BLM has authority to grant such permits in accordance with 43 U.S.C. 1201; 43 U.S.C. 1701; 16 U.S.C. 460 L-6(a); and 43 CFR Group 2930.

| Company Name | Permit # | Activity | Permitted Locations | Permit Period | Previous NEPA |
|------------------------------|---|---|--|--------------------------------|------------------------------|
| Eagle Valley Trout Unlimited | Renew joint permit administered by the BLM Kremmling Field Office; Extend from Two Bridges to | Fundraising event for one day fly fishing tournament. Day use only. | Upper Colorado River (State Bridge to Catamount) | May 1, 2016 – October 31, 2021 | DOI-BLM-CO-N040-2016-0036-CX |

| Company Name | Permit # | Activity | Permitted Locations | Permit Period | Previous NEPA |
|---|---|---------------------------------------|--|--------------------------------|------------------------------|
| | Catamount. | | | | |
| 2016 River Permit Transfers | | | | | |
| Kodi Rafting to McGrath Outdoor Ltd. DBA KODI Rafting | CO-120-CO07-12-132; Joint permit administered by the Kremmling Field Office | Guided whitewater floatboating trips. | Upper Colorado (State Bridge to Dotsero) | May 1, 2016 - October 31, 2016 | DOI-BLM-CO-N040-2014-0051-CX |

Process for Appeals.

Notice of the decision to be made on the action described in this categorical exclusion will be posted on the BLM's national register for land use planning and NEPA documents at https://www.blm.gov/epl-front-office/eplanning/lup/lup_register.do. The action is subject to appeal under 43 CFR 2931.8, parts 4 and 1840 of this title. A decision made under this part will go into effect immediately while appeals are pending unless a stay is granted under 4.21 (b) of this title.

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.

See Information on Taking Appeals to the Interior Board of Land Appeals (Form 1842-1) for further information. A copy of this form is available at the Colorado River Valley Field Office.

Signature.

Authorizing Official:  Date: 6-14-16
Brian R. Hopkins, Assistant Field Manager