

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
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EMS TRANSMISSION 11-19-2010
Instruction Memorandum No. 2011-019
Expires: 09/30/2012

To: All Washington Office and Field Officials
From: Director
Subject: Special Recreation Permit Administration

Program Area: Recreation and Visitor Services – Special Recreation Permits

Purpose: The purpose of this Instruction Memorandum (IM) is to re-emphasize agency requirements for the administration of special recreation permits for commercial, competitive use, and organized group activities and events. Changes to current guidance are shown in *italics*.

Policy/Action: Officials are directed to 43 CFR Part 2930, the BLM Manual 2930, and the H-2930-1 Recreation Permit Administration Handbook for detailed guidance on issuance of special recreation permits.

The issuance of a special recreation permit (SRP) is a discretionary action that is used by the Bureau of Land Management (BLM) to authorize commercial, competitive, and group recreation events and activities on public lands and related waters. An SRP is an important part of BLM's multiple-use mission, and is one of many tools used to implement land use plans, achieve the goals and objectives of the field office's recreation program, manage visitor use, protect resources, and help ensure the health and safety of the visiting public.

The proper administration of an SRP requires numerous steps and the full engagement of the BLM staff and managers. The authorized officer may issue an SRP only when it has been their determination that the BLM has the capacity to properly administer the permit. *If the field office cannot fulfill, or complete, all the necessary steps of a use authorization, then no SRP shall be issued.* A complete description of permit administration procedures is contained in the Recreation Permit Administration Handbook, which is highlighted below with references to where specific information can be found in the handbook.

The steps include, but are not limited to:

- Cost recovery – If more than 50 hours of staff time are required for processing and managing a permit, cost recovery of direct expenses related to the permit will be charged. In this case, recovery of costs begins with the first hour, and the estimated cost recovery charge is paid by the applicant in advance of permit processing. Direct expenses charged to cost recovery include monitoring and law enforcement costs for managing participants and spectators at events. (Chapter 1.III.H.1)
- National Environmental Policy Act – The issuance of an SRP is a Federal action and subject to NEPA analysis. (Chapter 1.III.B.3)
- Permit stipulations – General terms that are applicable to and should be included with all SRPs are listed in H-2930-1. (Chapter 1.III.L) For effectiveness in permit administration, additional permit stipulations may be developed by state or local offices. *A copy of the permit terms and stipulations signed and dated by the permittee shall be included in the permit file.*
- Operating plan – A signed operating plan must be submitted for commercial and competitive SRPs, and may be required for other types of permits. (Chapter 1.III.C) *An operating plan must contain specific information relevant to the specific application, and implementation becomes a condition of the permit. Operating plans must include detailed information such as the structure of the event/activity, maps, equipment, resource protection measures, participant and spectator safety, event monitoring personnel, hazard identification and mitigation measures, parking areas, pit area procedures, sanitation, communications, fire, emergency procedures, or other elements, depending on the type of activity.*
- Monitoring – Permits are monitored by the BLM for compliance with stipulations, terms and conditions. Permits for commercial, competitive, and large group events typically require pre-event monitoring, compliance monitoring during the event, and post-use monitoring. (Chapter 1.III.O.1)
- Insurance – A specified level of insurance must be obtained by a permittee, and a copy of the insurance policy or certificate of insurance must be on file 10 days prior to the authorized use. (Chapter 1.III.N) *The policy shall list the U.S. Department of the Interior, Bureau of Land Management as an additional insured.*
- Bonding – The authorized officer *shall* require the posting of a bond sufficient to defray the costs of anticipated rehabilitation or repair of resource or government facility damage, if such damage is expected to be caused by the permittee's actions. (Chapter 1.III.M)
- Estimated fees – Fees are to be estimated by the BLM and paid by the permit applicant in advance of any authorized use. (Chapter 1.III.H.2)

- Compliance – Violation of permit terms, stipulations, operating plans, or other regulations can result in administrative or criminal penalties (43 CFR 2932.57). Information about violations shall be made a part of a permittee’s performance evaluation. Permittees are required to provide post-use reports to the BLM. (Chapter 1.III.O.3).
- Performance evaluation – A performance evaluation is completed by BLM for all commercial and competitive permittees. The permittee will be given written notice of results of performance evaluations no later than 90 days after the conclusion of the permittee’s operating season *or permitted use*. For multi-year permits, an annual evaluation is required. Three performance levels are recognized: acceptable, probationary, and unacceptable. (Chapter 1.III.O.2)
- Documentation/Record Keeping – The official file includes a copy of the permit and stipulations, insurance certificate, fee payment records, correspondence (*including e-mail*), telephone conversation logs, maps, NEPA documentation, operating plan, advertisements, monitoring, post-use reports, and annual evaluation. Case files must be kept neat and up-to-date, and secured in a centralized location when not in use. (Chapter 5)

Additionally, pre-application consultation with potential permit applicants is highly recommended to ensure clear communication of permitting requirements and timeframes. Pre-application consultation can improve permit processing efficiency. (Illustration 1 and Appendix B-1)

The Knowledge Resource Center hosted by the National Training Center includes online SRP training and references related to special recreation permit administration. We have expanded the reference section to include samples of special stipulations and operating plans. Field office recreation staff is requested to forward examples to their State Lead Recreation Planner. State Leads are requested to post the examples on the WO-250 SharePoint site SRP folder for inclusion.

Please refer any constituent or applicant questions about implementation of full cost recovery or permit administration that cannot be resolved at the field office or state office level to the Director’s Office.

Timeframe: Effective immediately.

Budget Impact: This policy has no impact on budget.

Background: The BLM is responsible for policy, direction, and guidance for managing recreation fees and issuing and administering special recreation permits for commercial, competitive use, and organized group activities and events as a means of authorizing uses on public lands and related waters. Under the authority of the Federal Lands Recreation Enhancement Act, the BLM uses the recreation permitting system to satisfy recreational demand within allowable use levels in an equitable, safe, and enjoyable manner while minimizing

adverse resource impacts and user conflicts. The use of public lands and/or related waters is a privilege subject to the terms and conditions of the permits.

Manual/Handbook Sections Affected: BLM Recreation Permit Administration Handbook H-2930-1.

Coordination: This policy was coordinated with the Office of the National Landscape System, Division of Safety, Health, and Emergency Management, the Office of Law Enforcement and Security and the Executive Leadership Team.

Contact: If you have questions concerning this IM, please contact Bob Ratcliffe, Chief, Division of Recreation and Visitor Services, at 202-912-7250, or Judith Zuckert, SRP Program Lead, at 202-912-7093.

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Division of IRM Governance, WO-560