

Recreation Permitting Refresher Course

*How recreation permitting should
work for you, instead of vice
versa.*

Casper, WY April 2008



Content

- Review 2930 Manual
- Revisions and clarifications in the new Manual and Handbook 2930-1
- Discuss FLREA public participation requirements.
- Questions and group discussion.



Objectives

Upon completion, participants should be able to:

- Identify, locate and utilize current guidance.
- Understand the role of recreation permitting in a recreation program.
- Be able to manage permitting to achieve broader goals and objectives.



Sources of Information

- Regulations 43-CFR-2930
- 2930 Manual and Handbook
- *WO IM No. 2005 – 066 (SRP's)*
- *WO IM No. 2005 -063 (FLREA)*
- *WO IM No. 2005 – 017 (SRP Fee adjustments)*
- *WO IM No. 2005 – 092 (Geocaching)*
- *WO IM No. 2006 – 102 (Fee increases & new fee sites interim guidance under FLREA)*
- Appendix C, Land Use Planning Handbook



Finding Sources of Information

- Course workbook.
- WO Directives web page.
(http://web.blm.gov/internal/wo-500/Directive_Mgt.html)
- On line permits tool.
(<http://ilmntcc3ap2.blm.doi.net/documents/srp.nsf>), also linked from NTC internet with access limited to BLM employees.



Land Use Planning and SRP's

2930 Manual states FM's must:

1. Provide for recreation permits in RMP.
2. Ensure staff receive training.
3. Develop, implement, and monitor actions related to recreation permits.



General Recreation Permit Policy

BLM Manual 2930

Permits and Permitted Use:

- A privilege to use public lands.
- Consistent with management objectives and plans.
- Used to manage visitor use, protect resources, provide for health & safety.



Guiding Parameters

BLM Manual 2930

- Focus on quality experience for current and future users. Results, not process.
- Achieve healthy ecosystems which provide settings for high quality experience.
- Resource dependent niche – unique to each area.
- Each office must identify niche within framework of a National role.



The Upshot

If you have not done all four items from the previous slide, your time would be better spent doing some recreation planning instead of administering permits!



Policy Implementation and Clarifying SRP Guidance

Revisions to Manual / Handbook 2930-1

Planning

- SRP's not a separate activity. They are a means to implement recreation goals and objectives.
- Permits must serve the public interest.
- Make allocation decisions in LUP process, not one application at a time.



Policy Implementation and Clarifying SRP Guidance

Revisions to Manual / Handbook 2930-1

Multiyear Permits

- May be issued for recurring events.

Re-enactments

- Are by definition, “recreational.”

Poker Rides

- Are by definition, “competitive.”



Policy Implementation and Clarifying SRP Guidance

Revisions to Manual / Handbook 2930-1

Waivers of SRP's and Fees

- Don't barter for volunteer work.
- None for educational, therapeutic or fundraising events
- If it requires an SRP, it requires fee payment!

Co-sponsorship of events

- Only when there is a clear, direct benefit to the public lands.
- BLM manager's or staff's good feelings about an event does not constitute a clear, direct benefit to public lands.



Policy Implementation and Clarifying SRP Guidance

Revisions to Manual / Handbook 2930-1

Cost Recovery

- BLM will charge cost recovery if permit administration exceeds 50 hours.
- Pre-application consultation not subject to cost recovery.
- Charge only for items that directly benefit applicant and not public at large.



Policy Implementation and Clarifying SRP Guidance

Revisions to Manual / Handbook 2930-1

Cost Recovery continued:

- Based on actual wm costs not averages.
- Do not charge for LE unless it is required by the applicant's activity.
- Baseline inventories benefit the public.
- Use 5105 account, not 7100, not 1232.

Policy Implementation and Clarifying SRP Guidance

Revisions to Manual / Handbook 2930-1

Statewide Permits

- Just say, “No.”
- Multi-jurisdictional permits are not done solely for permittee convenience.

Discount for time off Public Land

- Apply to all SRP's, not just commercial.



SRP Fees for Vending

Since they are commercial, the fee is:
3% of gross revenue or the minimum SRP
fee, whichever is greater.

Plus

You may charge an assigned site fee if the
vendor requests an assigned location or
you decide an assigned site is appropriate.



Two types of vending

1. Vending associated with another SRP
 - Typically with a large commercial or competitive event.
 - If the permittee accepts responsibility for all vending; then vending may be included in the SRP.
 - If not, each individual vendor must obtain a vending SRP.



Two types of vending

2. Vending not associated with a permitted event.

- Usually at a recreation attraction site like a sand dunes area.
- Vending should *directly* support or enhance the recreation experience.
- Must be appropriate to the settings prescriptions.



Vending at Attraction Sites (cont.)

- Examples might be equipment rentals, shuttle services, fire wood sales etc.
- Sales of food, souvenirs, clothing and convenience items are seldom appropriate since they are not necessary for most outdoor recreation experience.
- Consider impact of vending on established business in gateway communities.



Vending at Attraction Sites (cont.)

Vending must be identified in recreation planning process. When you allow vending you are changing:

- The natural, social and managerial settings of the site.
- Your marketing of the site.

Resulting in a change of experience, the visitors you attract, and those you displace or repel.



Policy Implementation and Clarifying SRP Guidance

Revisions to Manual / Handbook 2930-1

Letters of Agreement

- May be used for organized groups.
- Are not an authorization.
- An agreement that an SRP is not required.



Organized Group SRPs

- Parameters for organized groups established in Land Use Plans.
- Any organized group may be required to obtain an SRP.
- Not every group requires an SRP.
- Based on agency discretion.



Example of Some Organized Group Criteria

1. Is use appropriate to the site?
2. Does it further recreation program objectives?
3. Is monitoring needed?
4. Health & Safety Concerns?
5. Bonding desirable for reclamation or damage to government property?
6. Insurance desirable to protect US?
7. Special services required such as law enforcement, fire protection, exclusive use?



Organized Groups – The bottom line

If an organized group requires:

- Stipulations*
- Monitoring*
- Bonding*
- Insurance*
- Special services...*

...Then it requires an SRP



Policy Implementation and Clarifying SRP Guidance

Revisions to Manual / Handbook 2930-1 County Roads and Claimed Highways

- Events 100% on county road ROW do not usually need permits, however.....
- Most ROW are non-exclusive. BLM may require SRP if there is a concern for safety or resources.
- Un-adjudicated claims (RS-2477) are public lands and subject to SRP.

Policy Implementation and Clarifying SRP Guidance

Revisions to Manual / Handbook 2930-1

Public Advertising

- Strong indicator of commercial activity but not by itself definitive.

Permitted use by other programs

- Use authorized by another program (paleo, archaeo, filming, etc.) that has a commercial recreation component also requires an SRP.



Current SRP Fees

- Minimum, annual SRP fee for all SRP's except for Special Area SRP's is \$90.
- Minimum assigned/reserved site fee for commercial use is \$180.
- These fees are in effect 3/1/05 through 2/28/08.
- Minimum competitive and organized group fee remains unchanged at \$4. per person, per day.

See WO Instruction Memo 2005-017.



Limitations on Expenditures of 1232 Funds

- Still returned to the site/program that generated the funds.

New limitations on expenditures as per FLREA:

- May not be used for Endangered Species inventory/monitoring.
- May not be used to pay employee bonus.



SRP Handbook Revisions

Chapter 1 and 2 of the 2930 Handbook has been revised to address:

- Issues and concerns, requests for clarification from the field.
- Implementation of FLREA.
- Includes all material from the IMs,

Plus.....



2930 Handbook.

Chapter 1 Revisions

- Clarification of *financial gain*, in commercial definition.
- Further direction on Letter of Agreement for organized groups.
- More detail for incorporating film permits.
- Direction on determining permit duration.
- More direction, better examples for cost recovery.
- More direction on multi-jurisdictional and state-wide permits.



2930 Handbook.

Chapter 1 Revisions (continued)

Expanded discussion on bonding:

1. Bonding for reclamation of resources and repair of BLM facilities.
2. We do not require bonding to cover third party interests.

Expanded discussion on insurance.

1. Property damage and general aggregate requirements.
2. We do not require indemnification of third parties.



Establishing or Changing Fees

Any changes to fees for recreation use should be accompanied with public participation and outreach.

Fees authorized by FLREA have very specific requirements, the topic of this discussion.



Public Participation in Recreation Fees Under FLREA

- Includes: Standard Amenity Fees, Expanded Amenity Fees and Special Area SRP Fees.

Does Not Include

- *Commercial, competitive, group SRP fees.*
- *Fees for National Reservation Services.*
- *Concessions contracts.*
- *Cost recovery.*



Public Notification of Fee Program Accomplishments

Must be posted at the fee site or area.

Included in periodic reports to Congress.

In addition, you may:

- Post on office website.
- News releases, dedication ceremony for major accomplishments.
- Report to local tourism officials, local governance.



Other Public Notification

In addition to required notifications it is strongly recommended you:

- Reach out to the community of interest, be it a geographic, or user group community. Use your skills in community ecology!
- Package similar proposals for presentation to RRAC and public.
- Incorporate public participation at the planning rather than implementation phase.
- Use an index for routine adjustments and get buy off on the index instead of each adjustment



Audits of SRPs

43 CFR 2933.55

1. Permittee must make permit records available to BLM for up to three years after the permit expires.
2. BLM may examine any books, papers documents or records pertaining to the SRP or related transactions regardless of where those records are held.



Audits of SRPs

Random audits of a sample of permittees should be conducted regularly on a statewide level. Such reviews should, at a minimum, include an audit of revenues and visitor use. Independent auditors may be contracted to conduct such work. If payment or other discrepancies are found, BLM will make an effort to ensure proper payment or permit compliance.



Audits – Lessons Learned

Under payment of SRP fees is a problem.

Over payment is a problem but much less
so.



Revenue Loss to Utah BLM

In Utah, a 10% sample revealed underpayment of \$28,500.

Over payments of \$184.28 were returned to permittees.

Ratio of over to under payments \$154 to \$1

Extrapolated statewide loss = \$283,000

Audits – Lessons Learned

- BLM is inconsistent in application of policy.
- Basis for fee calculation is not documented in the permit or stips.
- Basis for deductions and discounts not documented in case file.
- Revenue stream is not documented.
- Sloppy record keeping by BLM and permittee.



Audits – Lessons Learned

- Billing system (CBS) not being used or used ineffectively.
- Collecting only the minimum fee up front and balance based on post use report.
- Confusion on net vs. gross.

