



Madison River Special Recreation Permit Operations Manual

January 31, 2008

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Purpose of This Document

The title of this document is “The Madison River Special Recreation Permit (SRP or permit) Operations Manual.” The manual includes implementation policies and procedures and provides guidance to agency staff responsible for administering the SRP program. It is a working document that will be amended over time to reflect changes in the program. The Operations Manual provides a comprehensive view of the SRP and is primarily intended for internal use. Separate documents will be developed to educate the public about the SRP Program. Those documents will have fewer details and instead will focus on the procedures for obtaining a permit and complying with the permit requirements.

The SRP Program is sponsored by Montana Fish, Wildlife & Parks Region 3, (FWP) and the Bureau of Land Management, Dillon Field Office (BLM). The Operations Manual blends the policies and rules of both agencies hence it is supported by the rules of both FWP and the BLM.

Introduction and Background

In a collaborative effort, FWP and the BLM will require Special Recreation Permits beginning in 2008. These permits will be required for commercial, competitive, and organized group use of all public lands and related water (except Bear Trap Canyon Wilderness) from the Forest Service boundary below Quake Lake to the river access site (boat ramp) at Missouri Headwaters State Park. Permits for the wilderness reach are limited and will continue to be administered and managed by the BLM.

The BLM and FWP have made the decision to manage recreation on the Madison River and the 25 river access sites along the river cooperatively. Each agency has the authority and responsibility to manage and regulate commercial, competitive, and organized group use within the river corridor via a permit system. Refer to the Madison River Special Recreation Permit Program Environmental Assessment (EA) for a complete list of related plans and policies.

In 2007 the agencies prepared an EA to analyze the effects of administering and implementing a joint process commonly referred to as the Special Recreation Permit Program (SRP Program). The EA also analyzed the effects of authorizing common activities likely to require permits. The decision to collaborate is based on careful consideration of the EA, public comments, agency management goals, and objectives for the river corridor. Common activities analyzed in the EA may be authorized without further analysis. Activities that fall outside the scope of the EA will need to be analyzed through an independent process.

What are Special Recreation Permits?

Special Recreation Permits are authorizations that allow for commercial, competitive, and organized group recreational use of public lands and related waters. They are subject to the terms and conditions specified by the BLM and FWP.

Why Require Permits?

Permits are issued as a means to manage visitor use, protect natural and cultural resources, and to provide a mechanism to accommodate commercial recreational uses.

There are three types of affected uses: (1) Commercial Use, (2) Competitive Use, and (3) Organized Group Activity. Objectives of the SRP Program are to satisfy recreational demand within allowable use levels in an equitable, safe, and enjoyable manner while minimizing adverse resource impacts and user conflicts. Authorized uses must be consistent with management objectives for the operating area including all resource management plans, recreation area management plans, and/or other recreation management direction for the area.

When is a SRP Required?

A permit is required for all commercial, competitive, and organized group activities that take place on public lands and related waters. This includes lands owned or managed by either agency. To determine whether or not an activity may require a SRP the following questions can be used as a general pre-application checklist:

- Will a fee be charged or will any other compensation be gained?
- Is money expected to be made, or will there be a fee to cover expenses?
- Will there be a competition?
- Will the activity be advertised?
- Will a course be marked?
- Will there be 15 or more people attending?

If the answer to any of the questions was yes, a SRP will most likely be required.

Definitions of Permitted Uses

Commercial Use

Commercial use is defined as recreational use of public lands and related waters, for business or financial gain. This includes lands owned or managed by either agency. A use is considered commercial if any person, group or organization, including nonprofit organizations and academic institutions that make or attempt to make a profit, vend a service or product, receive money, amortize equipment, or obtain goods or services as compensation from participants in recreational activities occurring on public lands and related waters.

Examples include: Fishing outfitters and guides, whitewater or scenic guided float trips, boat rentals when delivered to public access sites, fishing or rowing lessons when a fee is charged, and shuttle services (BLM only).

Indicators of Commercial Use:

- (a) Recreational use of public lands and related waters for business or financial gain.
- (b) When any person, group, or organization makes or attempts to make a profit, receives money, amortizes equipment, or obtains goods or services as compensation from participants in recreational activities occurring on public lands.

- (c) Anyone who collects a fee or receives other compensation that is not strictly a sharing of, or is in excess of, actual expenses incurred for the purpose of the activity, service, or use.
- (d) There is paid public advertising to seek participants.
- (e) Participants pay for a duty of care or an expectation of safety.
- (f) Profit-making organizations and organizations seeking to make a profit are automatically classified as commercial, even if that part of their activity covered by the permit is non profit-making or the business as a whole is non profitable.
- (g) Use by scientific, educational, and therapeutic institutions or non-profit organizations are considered commercial when any of the above criteria are met and would be subject to permit requirements. The non-profit status of any group or organization does not alone determine that an event or activity arranged by such a group or organization is noncommercial.

Vending Permits

Vendor permits are authorizations to sell goods or services on public lands in conjunction with a recreation activity that directly supports or enhances the recreation experience. Examples might be equipment rentals and repairs, vehicle shuttle services (BLM only), and firewood sales.

NOTE: Shuttle service permits are required **ONLY** on BLM-administered public lands and recreation sites. This includes but is not limited to Windy Point, Palisades, Ruby Creek, Storey Ditch, Clute’s Landing, Kobayashi Beach, Fall Creek, Bear Trap Canyon Wilderness Launch, Warm Springs, and Canaday. This requirement does not apply to FWP owned or managed lands. The FWP commission specifically exempted the transferring of vehicles or people to or from an FWP site. All shuttle permits will be issued and administered by the BLM, Dillon Field Office.

- (a) **Vending in association with a permitted event.** In most cases, vending is associated with a permitted event. Examples of vendor permits include T-shirt sales in conjunction with a raft race, a food or souvenir stand at an event, etc. The vending may be included in the permit for the event. If not, the vendors must acquire their own permit.
- (b) **Vending NOT associated with permitted events.** Vendors not in conjunction with an event should directly support or enhance the recreation experience and be appropriate for the area. Examples might be equipment rentals and repairs, shuttle services, and firewood sales. Sales of food, souvenirs, clothing, and convenience items are usually not appropriate since they are not necessary for most outdoor recreation experiences.

Competitive Use

Competitive use is defined as any organized, sanctioned, or structured use, event, or activity on public lands or related waters in which two or more contestants compete. One or more individuals contesting an established record such as speed or endurance is also considered to be a competitive use. Competitive use may also be commercial. See the section above on commercial use.

Examples include: Orienteering, whitewater or flat water races or rodeos, and multi-sport events.

Indicators of Competitive Use:

- (a) Any organized, sanctioned, or structured use, event, or activity on public land in which two or more contestants compete.
- (b) Participants register, enter, or complete an application for the event.
- (c) The event is publicly advertised.
- (d) The event awards cash prizes.
- (e) The event is commercial.
- (f) The activity poses an appreciable risk for damage to public lands or water resource values.
- (g) The activity requires specific management or monitoring.
- (h) A predetermined course or area is designated.

Organized Group Activity or Event

Organized group or event permits are intended for group outdoor recreation activities or events that are neither commercial nor competitive. The River Manager will determine when a permit is required based on planning decisions, resource concerns, potential user conflicts, or public health and safety issues. A group is loosely defined as 15 or more people participating in a recreation activity or event.

Examples include: A large scout camp out, a fraternity activity, or a large family reunion.

Indicators of Organized Group Activity and Event Use:

Any structured, ordered, or consolidated group or scheduled event on, or occupying the Madison River or associated sites for the purpose of recreational use that is not commercial or competitive.

More specifically, it must also meet any of the following criteria:

- (a) The activity is publicly advertised.
- (b) The activity poses an appreciable risk for damage to public lands or water resource values.
- (c) The activity requires specific management or monitoring.
- (d) The group consists of 15 or more people.

Screening Criteria for Permit Proposals

Group size limits for all activities will be individually evaluated. Some activities and group sizes may require additional environmental analysis. **All** activities that fall outside the scope of the programmatic Madison River SRP EA will need to be analyzed through

an independent process regardless of group size. The following is a list of criteria that may be considered with regard to groups.

- (a) Whether the site or area is capable of accommodating the proposed number of people and vehicles without site damage and/or degradation.
- (b) Whether the proposed activity and group size is compatible with the site facilities and management objectives for an area.
- (c) If the proposed activity is to occur in critical native fish recovery areas, the activity is to be consistent with animal recovery considerations.
- (d) The season of year, the day of the week, and the time of the day of the proposed event.
- (e) The duration of the event.
- (f) The benefits and/or impacts to the public and river resources.

Relationship to other Permits

FWP Fishing Access Site Permit

The Fish, Wildlife & Parks Commission adopted new commercial rules for Department owned and managed lands. This includes water-based outfitters and guides (angling and non-angling) that use FWP fishing access sites. Information on the permit requirements follows:

1. **Water-based outfitters** (both angling or non-angling) using FWP fishing access sites that provide access to *non-restricted* water bodies are required to obtain an annual \$100 Fishing Access Site (FAS) Permit. This permit allows a water-based outfitter to conduct water-based outfitting at any fishing access site that provides access to a *non-restricted water body*.

Effect on Madison River Outfitters:

- *If a water-based outfitter (angling or non-angling) only operates on the Madison River, they do not have to obtain a FAS Permit. A Madison River SRP is still required.*
- *If they operate on FWP fishing access sites on other water bodies, outfitters must obtain a FAS Permit.*
- *Please Note: the FAS Permit does not authorize a water-based outfitter to serve as an outfitter on restricted use water bodies: Alberton Gorge, Beaverhead, Big Hole, Blackfoot, Madison, and Smith Rivers.*

- *A Special Recreation Permit is required for the Madison and the Blackfoot Rivers. A Restricted Use Permit is required for the Beaverhead, the Big Hole, the Smith Rivers, and the Alberton Gorge.*
2. **Water-based guides** (both angling and non-angling) using FWP fishing access sites are required to obtain an annual \$100 Fishing Access Site (FAS) Permit. This permit allows a water-based guide, acting under the authority of a water-based outfitter, to conduct water-based guiding at any FAS for which the outfitter is authorized to conduct use.

Effect on Madison River Guides:

- *All water-based guides using FWP sites must have a FAS Permit for the permitted year. This requirement applies to both restricted and non-restricted waters, including the Madison*
- *This only applies to guides who are guiding clients. It does not apply to persons operating gear boats, camp helpers, etc.*
- *Please Note: The FAS Permit does not authorize a guide to serve as a licensed outfitter- a person must be licensed by the Montana Board of Outfitters to serve as a hunting or fishing outfitter.*

FAS Permits are available at any FWP Regional Office and on the FWP web site: www.fwp.mt.gov. Angling outfitters and guides will need to provide their Montana Board of Outfitters License Number. The permit is valid for the FWP License Year (March 1-February 28).

Waiving the Requirement to Obtain a Permit

FWP or the BLM may waive the requirement to obtain a permit for any activity if the event or activity meets **ALL** of the following:

- (a) Is not commercial
- (b) Does not award cash prizes
- (c) Is not publicly advertised
- (d) Poses no appreciable risk for damage to lands owned or managed by FWP or the BLM or related water resource values
- (e) Requires no specific management or monitoring
- (f) Is consistent with management plans and/or objectives
- (g) Poses no appreciable risk to public health and safety

Insurance and Liability Requirements

A property damage, personal injury, and comprehensive public liability insurance policy is required for all commercial and competitive permits and may be required for vending

or organized group activities and events (depending upon the kind of activity and risk to the government). The policy will provide restitution for damage or injury to participants or spectators, to privately owned resources, and to protect the United States and State of Montana from litigation resulting from actions taken or caused by the permittee or participants in a permitted use.

At a minimum, commercial and competitive event permittees shall have in force public liability insurance covering: (1) damage to property in the amount of \$30,000; and (2) damage to persons (bodily injury or death) in the amount of \$1,000,000 per occurrence, and (3) a minimum aggregate limit of \$2,000,000, amounts may change with assessed risk. The coverage shall extend to property damage, bodily injury, or death arising out of the permittee's operations under the permit, including, but not limited to, the occupancy or use of the lands, structures, facilities, or equipment authorized by the permit.

The insurance shall name the United States and the State of Montana as additional insured (not co-insured) and provide for specific coverage for the permittee's contractually assumed obligation to indemnify and hold harmless the United States and State of Montana against any liability for personal injury, loss of life, or property damage arising in any way from activities under the permit.

The insurance shall also contain a specific provision or rider to the effect that the policy shall not be canceled or its provisions changed or deleted before (30) days written notice by the insurance company to FWP and BLM.

The permittee must submit a valid certificate of insurance covering the authorized activity prior to initiating operations. The authorized officer may require the permittee to furnish a copy of the insurance policy.

The policy should stipulate that the authorized officer will be notified 30 days in advance of the termination or modification of the policy.

The name on the insurance policy or certificate of insurance must be the same as the name on the permit.

Those permittees holding insurance policies which only insure the permittee and not the permittee's employees must ensure that their employees also have the required insurance in effect and that a certificate of insurance is furnished to agencies. The insurance need only be valid during periods of actual use.

Applying for a Permit

Required Materials to apply for a permit

- SRP Application Form completed and signed (either commercial or competitive event/group use)
- Application fee payment
- Copy of current advertising or brochure and price list itemized for all services offered

- Copy of insurance listing the State of Montana and the U. S. Government as additionally insured (if required).

Organized Groups and Competitive Uses also require the following items:

- Damage/security deposit (\$100 minimum)
FWP and the BLM plans to offer workshops pre and post season to help with the application process and complete the end of the year reports.

Timeline for Applying for a SRP

- Commercial users can submit applications beginning January 1 of the permitted year. **Applications are due March 1.** *In 2008, the applications will not be due until April 15, 2008. The agencies may consider applications received after this deadline on a case-by-case basis.*
- The commercial permit is valid from March 1 to the last day of February, however the deadline for end of the season reporting is December 31. Any income incurred in January or February should be reported with the next years permit.
- Competitive Use and Organized Group permits can be applied for at any point during the year. Because some applications will require an environmental analysis, the application should be submitted 180 days before the date of the activity. In most cases the agencies will process an application within 30 days provided no additional environmental analysis is required. To insure your application has time to be processed contact the Madison River Manager to discuss the activity proposed and determine a timeline for approval.

Permit Fees

Permit fees are periodically evaluated against the Gross National Product (GNP) Index and are subject to FWP commission rulemaking. They may be adjusted occasionally to reflect changes in costs and to ensure a fair return for the use of the public lands.

Madison River Special Recreation Permit fees are as follows:

- Commercial use fees including fees for shuttle operators (BLM only) are 3% of gross revenue derived from use authorized under the SRP; or the minimum annual fee of \$90; **whichever is greater.**
Note: Shuttle operators may reduce their reported trip revenue by 50% whenever a trip includes BLM administered land and begins or ends on a FWP Fishing Access Sites or private land.
- The competitive use fee is \$90 per event or 3% of gross income or \$4/day/person, **whichever is greater.**
- The organized group use fee is \$90 per group or \$4/day/person, **whichever is greater.**

Payment of Fees

Commercial Users

A minimum of \$90 is due at the time of application. The balance of money owed at the end of the permitted season will be due by December 31 of that year. Any income incurred in January or February should be reported with the next years permit.

Competitive Events and Organized Groups

A minimum of \$90 is due at the time of application. For some groups the post use fee will be higher than the minimum fee of \$90. If so the amount due will be subtracted from the deposit and any remaining balance will be due within 14 days following the event.

Award of Permits

Once the SRP application has been processed the permit recipient will receive an authorization packet including the information and supplies.

All permit recipients will receive:

- A signed copy of the SRP application to serve as a receipt for application and payment
- A copy of the permit, also on file with FWP
- A copy of the standard Terms, Conditions and Stipulations along with any additional Special stipulations if applicable

Commercial User will also receive:

- Boat tags
- Guide Logbooks

Competitive Events and Organized Groups will also receive:

- A SRP use report card

Permit Duration

Your SRP is valid from the first day in March through the last day in February or as specified on your permit.

Permit Identification

All permittees and/or representatives of permittees are required to have and be able to show verification of their authorization while conducting an authorized activity. For river users this means a boat tag. All other users are required to carry a copy of their permit.

Permittees are responsible for the actions of individuals that are representing their business or organization. Permittees should only issue Boat tags and/or copies of their permit to individuals they trust to represent their business.

Commercial river users

- (a) Boat tag serves as proof of a valid Madison River SRP. These tag must be displayed at all times while conducting activities authorized by the permit. It is not necessary to have the SRP on their person when conducting commercial use so long as boat tags are displayed. Exception: Commercial river users conducting commercial use without a boat (e.g. wade trip) must have a copy of the permit or the boat tag on their person.
- (b) Boat tag must be visible in a conspicuous location.
- (c) The tag shall be affixed to the watercraft on a removable plaque or in such a way that if the craft is sold or is not being used by the licensee while the licensee is providing services, the tag may be removed or concealed to prevent misidentification of the occupant(s) as licensees.
- (d) Montana Board of Outfitter tags do not constitute proof of a Madison River SRP. Board of Outfitter tags are to be displayed in conjunction with the SRP boat tag.
- (e) Lost or damaged tags may be replaced by providing written notification to the Madison River Manager. A fee will be charged for replacement SRP boat tags.

Reporting Use

Commercial Permittees:

1. A post-use report will be mailed to you at the end of the operating season. It is the only acceptable form of post-use report. Do not submit spreadsheet or database printouts or any other reporting form.
2. The post-use report must be submitted by December 31st of the permitted year or by the due date stated on your permit.
3. Late reporting and payment of end of season fees (if applicable) will subject the permittee to remedial action; probation, suspension, and/or revocation. A late fee will be assessed for late payments.

FWP and the BLM plans to offer workshops pre and post season to help with the application process and complete the end of the year reports.

Logbook

In addition to displaying the boat tags from the boat, river based outfitters or guides conducting commercial use must maintain and have on their person a trip logbook to document trips on the Madison as they occur.

- (a) This log must be filled out prior to conducting commercial use on the Madison River, e.g. prior to launching a boat or conducting any commercial fishing activity.

- (b) Log must be filled out in ink.
- (c) Each entry must be complete before fishing starts at the beginning of each trip and include all date, guide, outfitter, client, and location information. *Filling out the log when the guide and clients arrive at the days fishing location helps avoid crossing out entries due to a change in plan.*
- (d) Log must accompany the person conducting the use and be produced for inspection immediately upon request by any official enforcement official.
- (e) Each log is outfitter specific with the name of the authorized outfitter printed on the cover. A guide must complete a separate log for each outfitter they conduct use for (guides are not allowed to use one logbook for multiple outfitters).
- (f) Authorized outfitters must turn in all logs to Montana FWP Region 3 by December 31 annually.
- (g) It is the authorized outfitter's responsibility to make sure that any guide conducting use under the authorized outfitter's permit is recording the use in this log. A violation of the log requirements may result in a Notice to Appear and/or the suspension or revocation of the authorized outfitter's privileges on the Madison River.
- (h) A guide who fails to comply with the log requirements may be issued a Notice to Appear and/or lose their guiding privileges on the Madison River.

Competitive and Organized Group Use Permittees:

A post use report will be mailed with your authorization packet and is due within 14 days following the event. Complete and submit the post use report card to FWP.

Provided you meet the terms, conditions, and stipulations of your permit including no significant impacts to your event site, your deposit will be refunded.

Permit Monitoring, Performance Evaluation, and Compliance

Monitoring

FWP and BLM representatives will randomly conduct permit compliance checks throughout the season and citations will be issued for violations of the permit program. A violation of BLM and/or FWP rules of permitted requirements may result in loss of operating privileges on the Madison River. Examples of what an officer conducting spot checks will be looking for include but are not limited to:

- Does the individual have a boat tag or a permit?

- Is the individual conducting business authorized by the permit?
- Do they have a logbook with current, accurate information if a commercial river outfitter?
- Is the individual operating under a specific permit is authorized to do so?

Any contact with law enforcement or citation issued in regard to the SRP will be reported to the Madison River Manager and will be included in the final evaluation.

Performance Evaluations

A performance evaluation will be conducted at the end of the year for each SRP participant. The purpose of a performance evaluation is to evaluate a permittee's performance and compliance with the stipulations and terms of the permit. At a minimum, an annual evaluation will be completed. Performance evaluations may also be conducted at the end of the permit term, when there are changes in operating plans or procedures, when violations of the permit occur, prior to the issuance of a new use authorization to an existing permittee, or prior to permit renewal. A Special Recreation Permit may be revoked, amended, or suspended at any time for cause.

- (a) The permittee will be given written notice of results of annual performance evaluations not later than 90 days after the conclusion of the permittee's operating season, including the level of performance and the status of corrections that may be required to renew their permit.
- (b) Compliance with other federal, state, local laws, or regulations is a key consideration in performance evaluations.
- (c) Important considerations in the development of the evaluations are the degree of compliance with conditions of the permit and operating plans, the protection of resource values, and quality of services rendered to the public.
- (f) Three different performance levels are recognized: acceptable, probationary, and unacceptable. An opportunity to address probationary or unacceptable performance items may be given to the permittee consistent with other stipulations in the permit, and prior to any decision regarding cancellation or other disciplinary measures. Ratings are confidential between the FWP/BLM and the permittee, to the extent allowable by law or regulation. If a permittee receives a probationary or unacceptable summary rating, notification of such rating may be forwarded to the Board of Outfitters. A copy of the completed evaluation will be maintained in the permittee's file.
 - i. Acceptable Performance means that the permittee has generally operated in accordance with the terms and conditions established for the permit. This may include some minor deficiencies that need correction. Permittees with acceptable ratings are generally eligible for permit renewal.

- ii. Probationary Performance means that the permittee has not operated in full accordance with the terms and conditions of the permit. Performance does not pose an immediate threat to the safety of guests or others, is not in violation of law and does not pose a threat of significant resource damage. Corrective action by the holder is mandatory and continued operation at this level of performance is unacceptable. Examples of items that could lead to a probationary rating include: required reports and fee payments are repeatedly delinquent, approved itineraries and/or schedules are not followed, changes to operating plans are made without communicating with the authorized officer, or allocation limits are exceeded. The basis for the rating will be clearly documented on the rating form or attachments.
- iii. Unacceptable Performance means that the permittee has not operated in accordance with the terms and conditions of the permit and cannot be allowed to continue. The level of performance is a threat to the safety of guests or others or involves a serious violation of law, significant resource damage, or major violation of administrative or financial obligations. Examples include failure to obtain necessary licenses or registration; recurrent or serious violations of fish and game laws, outfitter-guide laws and regulations; failure to pay fees, failure to comply with insurance requirements, falsification of records, and public endangerment.

Compliance

Inspection of Records and Audits.

The authorized officer or other duly authorized representative of FWP or BLM, may examine any of the records or other documents related to the permit, of the permittee or the permittee's operator, employee, or agent for up to three years after expiration of the permit. 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, FWP and BLM will make an effort to ensure proper payment or permit compliance.

Violations and Penalties

Permit and rule violations may result in a citation and/or permit suspension or revocation.

A Special Recreation Permit is not a property right and may be revoked, amended, or suspended at any time for cause. Causes for revoking, amending, or suspending a permit include but are not limited to the following:

1. Failure to comply with the FWP and/or BLM rules;
2. Failure to pay required permit fees;

3. Falsifying records of use;
4. Failure to comply with the terms of the permit;
5. Failure to comply with state or federal rules or laws pertaining to resource and land management;
6. Failure to obtain other required state or federal permits;
7. Negative impacts on resources or the public; or
8. Changing conditions or management objectives at a site.
9. Loss of permit privileges on other Federal or State land due to permit violations..

Alleged violations will be brought to the attention of the involved permittee(s), either by telephone, personal contact, or in writing. Based upon available information, the River Manager will notify the involved permittee(s), in writing (by registered mail if necessary) explaining the nature of the violation and any steps the permittee(s) must take to remedy the situation.

The permittee must take immediate steps to rectify the situation to the satisfaction of the River Manager. Depending upon the severity of the violation and/or the permittee's ability to rectify the violation, FWP and BLM reserve the discretionary authority to impose specific penalties upon the permittee, including, but not limited to: permit privilege denial, probation, suspension, or revocation, in whole or in part, and without compensation.

All communications shall be documented in the permittees' file. Information on violations shall be made part of a permittee's annual performance evaluation.

Public Involvement and Agency Accountability

FWP and the BLM are committed to public involvement in the SRP process. As the program evolves opportunities for feedback and dialog will be provided. These opportunities could come in the form of a technical advisory group, an annual report, or community meetings.

Appendix A

Madison River Special Recreation Permit Terms, Conditions and Stipulations

All persons receiving a Special Recreation Permit for the Madison River shall comply with the following stipulations. Failure to comply may result in penalties and loss of operating privileges.

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.
2. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or permits. The permittee is responsible for ensuring that all agents of the permittee comply with the terms of the permit. The permittee shall make every reasonable effort to ensure compliance with these requirements by all clients, customers, participants, or spectators under the permittee's supervision.
3. Fishing and hunting outfitters and guides must be licensed by the Montana Board of Outfitters. The commercial use authorized by this permit must be identified in the Board of Outfitters Operations Plan prior to conducting said use.
4. A Special Recreation Permit (SRP) authorizes uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by FWP or BLM at any time for cause, including the amount of use. The authorized officer may suspend a SRP if necessary to protect public resources, health, safety, the environment, or noncompliance with permit stipulations.
5. The SRP is not a property right and no value shall be assigned to or claimed for the permit, or for the occupancy or use of federal and state 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 FWP or BLM.
6. The permit is not transferable and is void when a business is sold or transferred. Upon the sale or transfer of a permitted business, the permittee shall notify the new owner that they are required to obtain a new permit.
7. 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 Federal or State lands or waters by other users. The United States reserves the right to use any part of the Federal lands for any purpose.
8. The permittee or permittee's representative may not assign, contract, sell, lease, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. The permittee may hire or contract persons to provide authorized services provided that said persons do not recruit clients, make agreements with clients concerning monetary consideration or services provided, collect fees from clients, or advertise any business other than the permitted business when conducting the authorized services. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
9. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the FWP or 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 FWP or BLM.

10. The permittee may not portray or represent the permit fee as a special Federal or State tax charged to the user. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.
11. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions (e.g., trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards) that present risks for which the permittee assumes responsibility.
12. 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.
13. 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 preexisting conditions.
14. The permittee must present a copy of the Special Recreation Permit to an authorized representative or law enforcement personnel upon request. The permittee must display an FWP-provided identification tag on watercraft used during the period of authorized use, or on their person in the absence of watercraft.
15. The authorized officer, or other duly authorized representative of FWP or 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 3 years after the expiration of the permit.
16. Permittee will notify the FWP Madison River Manager or the BLM Recreation Planner within 24 hours of any observed hazards, safety problems, accidents or incidents.
17. The permittee must immediately discontinue operations upon written notice from the Authorized Officer that threatened or endangered species protected under the Endangered Species Act of 1973, as amended, may be affected by their operation and a determination is made that consultation is required prior to continuing operations.
18. The permittee shall submit a post-use report and any outstanding permit fees no later than December 31 of each year.
19. A SRP is not valid until the permittee has submitted all required application material and the partial fee payment. Late payment of end-of-season payments may subject the permittee to remedial action and/or permit probation, suspension, or revocation. Interest and administrative handling charges may be assessed for late payments.
20. The FWP and BLM reserve the right to put a permittee on probation, suspend or revoke a permit, refuse to issue a permit for subsequent years, or file a complaint with the Montana Board of Outfitters for reasons such as, but not limited to the following: violation of FWP or BLM rules, regulations or policies; failure to meet permit terms, conditions, or stipulations; falsifying records of use; or untimely permit reporting or use fee payments.
21. Penalties for Violations and Non-compliance may include: notice to appear for violating a commission rule or Federal rule; suspension of commercial operating privileges on the Madison River; permanent revocation of commercial operating privileges on the Madison River.
22. Any contact with law enforcement or citation received in regard to the SRP will be reported to the Madison River Manager and will be included in the final evaluation.

23. The FWP and BLM reserve the right to alter the terms, conditions, or stipulations of a permit at any time for reasons such as significant policy changes, administrative procedure changes, stipulation changes, impacts to resource values, user conflicts, etc.
24. The permittee will provide for the safety and well being of the public participating in the activity. This includes having adequate first aid and safety equipment on hand while performing the permitted activities.
25. If required, the permittee must possess and maintain a liability policy that names the State of Montana and the US Government as additionally insured. Permittee must provide FWP a copy of the policy or Insurance Certificate when submitting this application. At a minimum, commercial (with the exception of shuttle operators) and competitive event permittees shall have in force public liability insurance covering: (1) damage to property in the amount of \$30,000; and (2) damage to persons (bodily injury or death) in the amount of \$1,000,000 per occurrence, and (3) a minimum aggregate limit of \$2,000,000, amounts may change with assessed risk.
26. The permittee must possess and maintain workers' compensation insurance for all people employed by the permittee during the terms of this permit. Independent contractors utilized by the permittee must have a valid Independent Contractor Exemption Certificate. The permittee and Independent Contractors providing services authorized by this permit must comply with State of Montana Worker's Compensation laws. This can be accomplished through purchasing a Worker's Compensation insurance policy, having an exemption under the law, or obtaining an Independent Contractor Exemption Certificate. Contact the Montana Dept. of Labor and Industry for specific details at **406-444-2840**.
27. No fires are permitted outside of the metal fire rings located in established campgrounds.
28. All garbage shall be packed out by the permittee or deposited in agency provided receptacles.
29. No historic artifacts will be disturbed or removed on public lands.
30. The permittee is at all times responsible for the actions of him/herself, employees, clients, contractors, participants and guests on both public and private lands.
31. The Madison River is productive of exceptional natural resources of national significance. The permittee will ensure that special natural features, such as but not limited to bald eagle nests, heron rookeries, and other wildlife and wildlife habitat are observed from an appropriate distance and left undisturbed
32. Permitted river users will be required to use precautions that mitigate the spread of noxious weeds and invasive plants and animals. Please refer to the pamphlet produced by Pulling Together Against Noxious Weeds, *What is so Dangerous About the Impacts of Noxious Weeds on the Ecology and Economy of Montana?* and the pamphlet *Whirling Disease in Montana* for more information.