



Special Recreation Permit (SRP) Application Reform Report

February 5th, 2019

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Background

In May 2018, Professional Staff with the Off-Road Business Association (ORBA) met with lawmakers and their staff in Washington DC to discuss pressing issues that the Off-Highway Vehicle (OHV) Community is currently faced with. As a result of these meetings, ORBA staff had the honour of meeting with Acting Director Brian Steed of the United States Department of Interior (USDI), Bureau of Land Management (BLM) in a two-part discussion in developing guidelines and recommendations for revamping the Special Recreation Permit (SRP) Application Process. ORBA staff presented the case for developing consistent guidelines for an independent monitoring program and discussed specific action steps in streamlining the Special Recreation Permit Application Process. Proceeding the meeting with Director Steed and support from Congressman McCarthy's office, ORBA facilitated a series of public meetings to gather important feedback from OHV professionals and enthusiasts across the western United States. This resulted in a collective preliminary report covering enthusiast feedback and recommendations on how to improve the SRP application process.

Process

ORBA held a series of four workshops in three states; Nevada, Colorado, and California. Enthusiasts participated in a dynamic discussion on what is currently not working, improvements that can be made within the permit application process, and recommendations on how the permit process can be streamlined and modified. The purpose of this approach was to gather valuable feedback from the OHV community and develop a clear set of recommendations for the BLM's consideration. OHV enthusiasts, organizational principals, club leaders, club volunteers, race coordinators and professionals were invited to participate in the public workshops. Each meeting location provided ORBA valuable information specific to the area and the various events that take place on BLM managed lands. The workshops were held between August and November 2018 where seventy plus participants engaged in the process. Meeting locations were determined based on frequency and location of events and permit applications within the field offices of the BLM.

Public Meeting Location	Date	Participating Organizations and Representatives
Reno, Nevada	August 24, 2018	Pine Nut Mountain Trails Association, Western States Racing Association, Sierra Stompers, NV 4WD Association, CAL 4WD, ORBA, AMA D-36
Grand Junction, Colorado	September 13, 2018	CO 4WD Association, MTRA, United 4WD Association, NITB Racing, Ride with Respect, Sage Riders Motorcycle Club
Pomona, California	September 28, 2018	Tread Lightly, AMA D-37, King of Hammers, American Sand Association
Las Vegas, Nevada	November 1, 2018	SEMA Show attendees

Workshops

The workshops were divided into two components. Meeting facilitators provided an overview of the desired objectives and outcomes of each workshop, the history of OHV related events and issues that have surfaced before and after the permits have been issued, and how these instances have impacted the entire OHV community. The second part of the meeting focused on engaging participants in group discussion, answering questions pertaining on the objective of identifying what is currently not working within the application process. These discussions resulted in development of recommendations on how permits are issued and managed. Participants engaged in a positive discussion outlining the needs to be addressed and how to incorporate the changes within the application process. Each workshop location drew a diverse range of perspective, knowledge, and experience from the OHV community resulting in specific and substantive comments to general comments regarding the need for policy change, updating the BLM Handbook, improving communication between the Agency and the applicant, and redefining/refining categories, parameters, and the guidelines within the application process.

Participants were asked to consider the following questions and fill out the individual questionnaire:

- Have you participated in an OHV Event on BLM Land? Where? Type of Event?
- Were you the organizer of this event?
- Which BLM office did you work with?
- Approximately how much did the permit cost your organization?
- What was the time frame from filling out the application to receipt of the permit?
- Who performed the monitoring? How many staffers were onsite?
- If you could change anything about the permit process, what would it be?
- Other/Additional Comments?

After the individual forms were completed, the group reconvened and engaged in an open discussion on what is currently not working within the permit process and provided recommendations on how to address what is not working.

Issues

Tracing back to the purpose of why the SRP Application Process needs to be restructured comes down to cost recovery. Most organizations that participate in the application process are primarily non-profit and are organizing events for fundraising efforts, social rides, education and community development. Cost recovery is initiated after fifty hours of Agency staff time and the work accomplished within this time frame is ambiguous and inconsistent between districts and field offices. Typically, cost recovery is triggered and the financial burden to the organization hosting the event is beyond what they would collect for event enrollment fees. For a non-profit club dependent on membership dues, grants, donations, and events, it ends up financially impacting the club to the point where their expenses outweigh their proceeds. The issue of cost recovery was ubiquitously raised within the four workshops. To address the cost recovery issue, meeting participants collectively support an Independent Monitoring program where a third party (outside the Agency and the permittee), performs all event monitoring. This would allow outside organizations to partner with BLM by training volunteers to take over

any non-law enforcement BLM staff monitoring activities, therefore reducing the overall burden of cost recovery.

In addition to cost recovery, participants shared personal and organizational experiences related to the permit process. Discussion points varied within each meeting dependent on the organization present and the type of event held on BLM managed lands. Comments ranged from the general; inconsistency between districts, interpretation of the handbook, restructuring and defining the categories based on type of organization applying for the permit (non-profit versus commercial) to specific; the need for independent monitoring, arbitrary time and no established guidelines for cost recovery, identifying consistent criteria for a permit to name a few. For the purpose of providing detail in a concise manner, all comments were considered, compiled, and categorized based on subject/issue, specificity while providing corresponding examples relative to the issue.

Recommendations

While it is important to outline the issues, it is imperative to develop ideas regarding improvements to the current system. This provides an opportunity for stakeholders to participate and offer input based on experience, knowledge and identifying what isn't working. In addition to developing an Independent Monitoring program, a detailed list of recommendations is listed below.

As emphasized within the identified issues, the need for an Independent Monitoring program is a critical component of reducing cost recovery. Working with a certified third-party entity and developing a standard protocol outlining succinct guidelines that can be applied consistently based on the type of event is a proactive and beneficial solution. The following considerations have been recommended during the process:

- Develop a train-the-trainer program in certifying entities for event monitoring. Tread Lightly is a national non-profit educational and credible organization that could participate in managing the certification program.
- Create standard operating procedures for ground truthing during the reconnaissance phase of the protocol in preparation for the event.
- Develop post-action report outlining successful practices and identify future improvements.

SRP Meeting Comment Compilation

What is not working?

Issue	What?	Examples
Lack of Consistency	Between Field Offices and Districts	<ul style="list-style-type: none"> • BLM is not following own handbook • Cost Recovery (no guidelines used for planning, estimating time) • 40-hr rule vs 50-hr rule • Interpretation of types of events • Interpretation from Specialists (Sage Grouse & Raptor Nest Surveys) • Interpretation of cultural sites • Arbitrary decision making • Insurance requirements • Interagency discrepancies and conflict • Variation of requirements based on activity within the event <ul style="list-style-type: none"> ○ Motorized – mechanized – non-motorized
Non-Issuance of Multi-Year Permits	Historical and Consistent Race/Event held annually	<ul style="list-style-type: none"> • Comply with adequate racing clause • Comply with three-year rule
Lack of Communication	Between Permittee & BLM Staff	<ul style="list-style-type: none"> • Significant staff turn-over • No acknowledgement of permit application received • Last minute issuance (day before event) • Permit Status • Clubs wanting to assist with maintenance projects and no response
BLM Staff Time, Overhead & Liability	Cost Recovery	<ul style="list-style-type: none"> • Inexperience with race and events • Personal liability on staff when authorizing permit • Long lag time – post event report shared with permittee • Lack of internal audit process • Sometimes not enough staff or too many staff members

		<ul style="list-style-type: none"> • Rates are unrelated to skillset being provided • LEO rates are exorbitant • Volunteer efforts aren't considered (provide in-kind service) • Monitoring costs tend to rise with each consecutive event
Permit Triggers	What requires an SRP?	<ul style="list-style-type: none"> • Definition of Advertising • Definition of Events • Staffing Matrix • Charge Admission • Number of participants
Application Process Time	Length and lack of communication	<ul style="list-style-type: none"> • Currently – the same process for all applicants – regardless of type, size and who is applying for permit • Lack of acknowledgement of permit and no place to check status of application • Blackout dates are not posted in advance
Permit Categories	More conducive to actual events	<ul style="list-style-type: none"> • Current configuration is illogical • Consider Non-profit/Social
Race Course Identification	Match conceptual vs actual course	<ul style="list-style-type: none"> • Need ground truthing • Consistent process • Allow for flexibility
Permit Requirements	Overloading permittee with unnecessary documentation	<ul style="list-style-type: none"> • Insurance requirements • EA required and performed by Permittee • Sage Grouse inventory

Recommendations

How to address what is currently not working.

#1) Improve Consistency

- Engage the Motorized Community in the process of re-writing the BLM Handbook
- Emphasis on BLM providing post-action report after the event occurred. Discuss what went well, what can be improved, and document report in a place where other staff has access to it. This will address consistent flow of information if there is a change in staff.
- Create online application form with clear and concise questions. Consider drop down menu (Y or N) questions.
- Standardize insurance requirements
 - Consistent nomenclature for additional insureds
- Need consistency for permit process for bicycle events (sometimes using the same course) vs motorized events

#2) Non-Issuance of Multi-Year Permits

- Develop category for Multi-year permit for reoccurring events
- Comply with adequate rating clause. If permittee meets requirements under this 3 year clause, multi-use permit should be granted.

#3) Lack of Communication

- Create one place for SRP's
 - Create email srp@blm.gov
 - Acknowledgement and time stamp
 - Online permit process with drop down menus
 - Place to check permit status (tracking)
 - Compliance with current 30-day response time from BLM
 - Include cost recovery
- Develop formalized resolution/appeal process in the event permit is delayed, revoked or denied
- Interagency communication. If an event is held that crosses jurisdictional boundaries, all agencies should be made aware and have a plan

#4) BLM Staff Time, Overhead & Liability

- Evoke Independent Monitoring
- Relieve burden of personal liability from staff
- Develop consistent parameters for staff time for cost recovery
- System of checks and balances for staff time
- Develop internal audit process; this will promote trust between the permittee and staff

#5) Permit Triggers

- Develop clear definition of advertising and use a realistic and tiered approach (posting on social media for a jeep ride should not trigger a permit)
- Clear definition of an Event (is this a social get together, or for-profit event)
 - Consider: number of people, money exchange, small/non-profit
- Appropriate staffing related to the event

#6) Application Process Time

- Shorten application time for small/non-profit events to 30-days
- Develop automated system for permittees to check status of permits
- Develop template and post blackout dates in advance and utilize consistent format

#7) Permit Categories

- Consider changing categories:
 - Small:
 - Less than 500 participants/spectators
 - 30-day application process
 - Applicable to poker runs, trail rides, social events, fundraisers
 - Decrease fees associated with permit
 - Eliminate event specific insurance
 - Medium:
 - Less than 4,000 participants combined
 - 180-day application process
 - Motorcycle, car/truck race
 - Large:
 - Greater than 4000 participants combined
 - 180-day application process
 - Commercial
- Create sub-categories based on combination:
 - Number of Spectators & Participants
 - Revenue generated
 - *Base on expected net proceeds, ie 3% of bottom line*
- Define non-profit/charitable and include it in either small category or category on its own

#8) Race Course Identification

- Have educated staff familiar with the area and the event ground truth the course
- Allow for flexibility in event of a storm, disaster, identified habitat area

#9) Permit Requirements

- Base permit fee on net proceeds versus gross proceeds
 - In-house NEPA/EIS conducted by the BLM
 - Reduce financial burden on clubs
 - Address process internally
 - For small non-profit events, consider a reduced fee based on the percentage of use/time on public land. This is applicable for an event held in multiple locations across private and public lands.