

## **PART 2930—PERMITS FOR RECREATION ON PUBLIC LANDS**

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**Authority:** 43 U.S.C. 1740; 16 U.S.C. 460 / –6a.

**Source:** 67 FR 61740, Oct. 1, 2002, unless otherwise noted.

### **Subpart 2931—Permits for Recreation; General**

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#### **§ 2931.1 What are the purposes of these regulations?**

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The regulations in this part—

- (a) State when you need a permit to use public lands and waters for recreation, including recreation-related business;
- (b) Tell you how to obtain the permit;
- (c) State the fees you must pay to obtain the permit; and
- (d) Establish the framework for BLM's administration of your permit.

#### **§ 2931.2 What kinds of permits does BLM issue for recreation-related uses of public lands?**

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The regulations in this part establish permit and fee systems for:

- (a) Special Recreation Permits for commercial use, organized group activities or events, competitive use, and for use of special areas; and
- (b) Recreation use permits for use of fee areas such as campgrounds and day use areas.

#### **§ 2931.3 What are the authorities for these regulations?**

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(a) The statutory authorities underlying the regulations in this part are the Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.*, and the Land and Water Conservation Fund Act, as amended, 16 U.S.C. 460 *l*–6a.

(1) The Federal Land Policy and Management Act (FLPMA) contains the Bureau of Land Management's (BLM's) general land use management authority over the public lands, and establishes outdoor recreation as one of the principal uses of those lands (43 U.S.C. 1701(a)(8)). Section 302(b) of FLPMA directs the Secretary of the Interior to regulate through permits or other instruments the use of the public lands, which includes commercial recreation use. Section 303 of FLPMA contains BLM's authority to enforce the regulations and impose penalties.

(2) The Land and Water Conservation Fund (LWCF) Act, as amended, authorizes BLM to collect fees for recreational use (16 U.S.C. 460 *l*–6a(a), (c)), and to issue special recreation permits for group activities and recreation events, and limits the services for which we may collect fees (16 U.S.C. 460 *l*–6a(a), (b), (g)).

(3) The Sentencing Reform Act (18 U.S.C. 3571) is the authority for the possible penalties for violations of these regulations.

(b) The regulations at 36 CFR part 71 require all Department of the Interior bureaus to use the criteria in that part to set recreation fees. These criteria are based on the LWCF Act and stated in §§71.9 and 71.10 of that part.

### **§ 2931.8 Appeals.**

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(a) If you are adversely affected by a decision under this part, you may appeal the decision under parts 4 and 1840 of this title.

(b) All decisions BLM makes under this part will go into effect immediately and will remain in effect while appeals are pending unless a stay is granted under §4.21(b) of this title.

### **§ 2931.9 Information collection.**

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The information collection requirements in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1004–0119. BLM will use the information to determine whether we should grant permits to applicants for Special Recreation Permits on public lands. You must respond to requests for information to obtain a benefit.

### **Subpart 2932—Special Recreation Permits for Commercial Use, Competitive Events, Organized Groups, and Recreation Use in Special Areas**

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### **§ 2932.5 Definitions.**

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*Actual expenses* means money spent directly on the permitted activity. These may include costs of such items as food, rentals of group equipment, transportation, and permit or use fees. Actual expenses do not include the rental or purchase of personal equipment, amortization of equipment, salaries or other payments to participants, bonding costs, or profit.

*Commercial use* means recreational use of the public lands and related waters for business or financial gain.

(1) The activity, service, or use is commercial if—

(i) Any person, group, or organization makes or attempts to make a profit, receive money, amortize equipment, or obtain goods or services, as compensation from participants in recreational activities occurring on public lands led, sponsored, or organized by that person, group, or organization;

(ii) Anyone collects a fee or receives other compensation that is not strictly a sharing of actual expenses, or exceeds actual expenses, incurred for the purposes of the activity, service, or use;

(iii) There is paid public advertising to seek participants; or

(iv) Participants pay for a duty of care or an expectation of safety.

(2) 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 not profit-making or the business as a whole is not profitable.

(3) Use of the public lands by scientific, educational, and therapeutic institutions or non-profit organizations is commercial and subject to a permit requirement when it meets any of the threshold criteria in paragraphs (1) and (2) of this definition. 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.

*Competitive use means* —

(1) Any organized, sanctioned, or structured use, event, or activity on public land in which 2 or more contestants compete and either or both of the following elements apply:

(i) Participants register, enter, or complete an application for the event;

(ii) A predetermined course or area is designated; or

(2) One or more individuals contesting an established record such as for speed or endurance.

*Organized group activity* means a structured, ordered, consolidated, or scheduled event on, or occupation of, public lands for the purpose of recreational use that is not commercial or competitive.

*Special area means:*

(1) An area officially designated by statute, or by Presidential or Secretarial order;

(2) An area for which BLM determines that the resources require special management and control measures for their protection; or

(3) An area covered by joint agreement between BLM and a State under Title II of the Sikes Act (16 U.S.C. 670a *et seq.* )

*Vending* means the sale of goods or services, not from a permanent structure, associated with recreation on the public lands or related waters, such as food, beverages, clothing, firewood, souvenirs, photographs or film (video or still), or equipment repairs.

## **§ 2932.10 When you need Special Recreation Permits.**

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## § 2932.11 When do I need a Special Recreation Permit?

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(a) Except as provided in §2932.12, you must obtain a Special Recreation Permit for:

- (1) Commercial use, including vending associated with recreational use; or
- (2) Competitive use.

(b) If BLM determines that it is necessary, based on planning decisions, resource concerns, potential user conflicts, or public health and safety, we may require you to obtain a Special Recreation Permit for—

- (1) Recreational use of special areas;
- (2) Noncommercial, noncompetitive, organized group activities or events; or
- (3) Academic, educational, scientific, or research uses that involve:
  - (i) Means of access or activities normally associated with recreation;
  - (ii) Use of areas where recreation use is allocated; or
  - (iii) Use of special areas.

## § 2932.12 When may BLM waive the requirement to obtain a permit?

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We may waive the requirement to obtain a permit if:

(a) The use or event begins and ends on non-public lands or related waters, traverses less than 1 mile of public lands or 1 shoreline mile, and poses no threat of appreciable damage to public land or water resource values;

(b) BLM sponsors or co-sponsors the use. This includes any activity or event that BLM is involved in organizing and hosting, or sharing responsibility for, arranged through authorizing letters or written agreements; or

(c) The use is a competitive event that—

- (1) Is not commercial;
- (2) Does not award cash prizes;
- (3) Is not publicly advertised;
- (4) Poses no appreciable risk for damage to public land or related water resource values; and
- (5) Requires no specific management or monitoring.

(d) The use is an organized group activity or event that—

- (1) Is not commercial;
- (2) Is not publicly advertised;
- (3) Poses no appreciable risk for damage to public land or related water resource values; and
- (4) Requires no specific management or monitoring.

### **§ 2932.13 How will I know if individual use of a special area requires a Special Recreation Permit?**

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BLM will publish notification of the requirement to obtain a Special Recreation Permit to enter a special area in the Federal Register and local and regional news media. We will post permit requirements at major access points for the special area and provide information at the local BLM office.

### **§ 2932.14 Do I need a Special Recreation Permit to hunt, trap, or fish?**

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(a) If you hold a valid State license, you do not need a Special Recreation Permit to hunt, trap, or fish. You must comply with State license requirements for these activities. BLM Special Recreation Permits do not alone authorize you to hunt, trap, or fish. However, you must have a Special Recreation Permit if BLM requires one for recreational use of a special area where you wish to hunt, trap, or fish.

(b) Outfitters and guides providing services to hunters, trappers, or anglers must obtain Special Recreation Permits from BLM. Competitive event operators and organized groups may also need a Special Recreation Permit for these activities.

### **§ 2932.20 Special Recreation Permit applications.**

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### **§ 2932.21 Why should I contact BLM before submitting an application?**

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If you wish to apply for a Special Recreation Permit, we strongly urge you to contact the appropriate BLM office before submitting your application. You may need early consultation to become familiar with BLM practices and responsibilities, and the terms and conditions that we may require in a Special Recreation Permit. Because of the lead time involved in processing Special Recreation Permit applications, you should contact BLM in sufficient time to complete a permit application ahead of the 180 day requirement (see §2932.22(a)).

### **§ 2932.22 When do I apply for a Special Recreation Permit?**

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(a) For all uses requiring a Special Recreation Permit, except private, noncommercial use of special areas (see paragraph (b) of this section), you must apply to the local BLM office at least 180 days before you intend your use to begin. Through publication in the local media and on-site posting as necessary, a BLM office may require applications for specific types of use more than 180 days before your intended use. A

BLM office may also authorize shorter application times for activities or events that do not require extensive environmental documentation or consultation.

(b) BLM field offices will establish Special Recreation Permit application procedures for private noncommercial individual use of special areas, including when to apply. As you begin to plan your use, you should call the field office with jurisdiction.

### **§ 2932.23 Where do I apply for a Special Recreation Permit?**

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You must apply to the local BLM office with jurisdiction over the land you wish to use.

### **§ 2932.24 What information must I submit with my application?**

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(a) Your application for a Special Recreation Permit for all uses, except individual and noncommercial group use of special areas, must include:

- (1) A completed BLM Special Recreation Application and Permit form;
- (2) Unless waived by BLM, a map or maps of sufficient scale and detail to allow identification of the proposed use area; and
- (3) Other information that BLM requests, in sufficient detail to allow us to evaluate the nature and impact of the proposed activity, including measures you will use to mitigate adverse impacts.

(b) If you are an individual or noncommercial group wishing to use a special area, contact the local office with jurisdiction to find out the requirements, if any.

### **§ 2932.25 What will BLM do when I apply for a Special Recreation Permit?**

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BLM will inform you within 30 days after the filing date of your application if we must delay a decision on issuing the permit. An example of when this could happen is if we determine that we cannot complete required environmental assessments or consultations with other agencies within 180 days.

### **§ 2932.26 How will BLM decide whether to issue a Special Recreation Permit?**

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BLM has discretion over whether to issue a Special Recreation Permit. We will base our decision on the following factors to the extent that they are relevant:

- (a) Conformance with laws and land use plans;
- (b) Public safety,
- (c) Conflicts with other uses,
- (d) Resource protection,

(e) The public interest served,

(f) Whether in the past you complied with the terms of your permit or other authorization from BLM and other agencies, and

(g) Such other information that BLM finds appropriate.

### **§ 2932.30 Fees for Special Recreation Permits.**

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### **§ 2932.31 How does BLM establish fees for Special Recreation Permits?**

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(a) The BLM Director establishes fees, including minimum annual fees, for Special Recreation Permits for commercial activities, organized group activities or events, and competitive events.

(b) The BLM Director may adjust the fees as necessary to reflect changes in costs and the market, using the following types of data:

(1) The direct and indirect cost to the government;

(2) The types of services or facilities provided; and

(3) The comparable recreation fees charged by other Federal agencies, non-Federal public agencies, and the private sector located within the service area.

(c) The BLM Director will publish fees and adjusted fees in the Federal Register .

(d) The State Director with jurisdiction—

(1) Will set fees for other Special Recreation Permits (including any use of Special Areas, such as per capita special area fees applicable to all users, including private noncommercial visitors, commercial clients, and spectators),

(2) May adjust the fees when he or she finds it necessary,

(3) Will provide fee information in field offices, and

(4) Will provide newspaper or other appropriate public notice.

(e)(1) *Commercial use.* In addition to the fees set by the Director, BLM, if BLM needs more than 50 hours of staff time to process a Special Recreation Permit for commercial use in any one year, we may charge a fee for recovery of the processing costs.

(2) *Competitive or organized group/event use.* BLM may charge a fee for recovery of costs to the agency of analyses and permit processing instead of the Special Recreation Permit fee, if—

(i) BLM needs more than 50 hours of staff time to process a Special Recreation Permit for competitive or organized group/event use in any one year, and

(ii) We anticipate that permit fees on the fee schedule for that year will be less than the costs of processing the permit.

(3) *Limitations on cost recovery.* Cost recovery charges will be limited to BLM's costs of issuing the permit, including necessary environmental documentation, on-site monitoring, and permit enforcement. Programmatic or general land use plan NEPA documentation are not subject to cost recovery charges, except if the documentation work done was done for or provides special benefits or services to an identifiable individual applicant.

(f) We will notify you in writing if you need to pay actual costs before processing your application.

### **§ 2932.32 When must I pay the fees?**

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You must pay the required fees before BLM will authorize your use and by the deadline or deadlines that BLM will establish in each case. We may allow you to make periodic payments for commercial use. We will not process or continue processing your application until you have paid the required fees or installments.

### **§ 2932.33 When are fees refundable?**

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(a) *Overpayments.* For multi-year commercial permits, if your actual fees due are less than the estimated fees you paid in advance, BLM will credit overpayments to the following year or season. For other permits, BLM will give you the option whether to receive refunds or credit overpayments to future permits, less processing costs.

(b) *Underuse.* (1) Except as provided in paragraph (b)(2) of this section, for areas where BLM's planning process allocates use to commercial outfitters, or non-commercial users, or a combination, we will not make refunds for use of the areas we allocate to you in your permit if your actual use is less than your intended use.

(2) We may consider a refund if we have sufficient time to authorize use by others.

(c) *Non-refundable fees.* Application fees and minimum annual commercial use fees (those on BLM's published fee schedule) are not refundable.

### **§ 2932.34 When may BLM waive Special Recreation Permit fees?**

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BLM may waive Special Recreation Permit fees on a case-by-case basis for accredited academic, scientific, and research institutions, therapeutic, or administrative uses.

### **§ 2932.40 Permit stipulations and terms.**

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### **§ 2932.41 What stipulations must I follow?**

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You must follow all stipulations in your approved Special Recreation Permit. BLM may impose stipulations and conditions to meet management goals and objectives and to protect lands and resources and the public interest.

### **§ 2932.42 How long is my Special Recreation Permit valid?**

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You may request a permit for a day, season of use, or other time period, up to a maximum of 10 years. BLM will determine the appropriate term on a case-by-case basis.

[69 FR 5706, Feb. 6, 2004]

### **§ 2932.43 What insurance requirements pertain to Special Recreation Permits?**

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(a) All commercial and competitive applicants for Special Recreation Permits, except vendors, must obtain a property damage, personal injury, and public liability insurance policy that BLM judges sufficient to protect the public and the United States. Your policy must name the U.S. Government as additionally insured or co-insured and stipulate that you or your insurer will notify BLM 30 days in advance of termination or modification of the policy.

(b) We may also require vendors and other applicants, such as organized groups, to obtain and submit such a policy. BLM may waive the insurance requirement if we find that the vending or group activity will not cause appreciable environmental degradation or risk to human health or safety.

### **§ 2932.44 What bonds does BLM require for a Special Recreation Permit?**

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BLM may require you to submit a payment bond, a cash or surety deposit, or other financial guarantee in an amount sufficient to cover your fees or defray the costs of restoration and rehabilitation of the lands affected by the permitted use. We will return the bonds and financial guarantees when you have complied with all permit stipulations. BLM may waive the bonding requirement if we find that your activity will not cause appreciable environmental degradation or risk to human health and safety.

### **§ 2932.50 Administration of Special Recreation Permits.**

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### **§ 2932.51 When can I renew my Special Recreation Permit?**

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We will renew your Special Recreation Permit upon application at the end of its term only if—

- (a) It is in good standing;
- (b) Consistent with BLM management plans and policies; and
- (c) You and all of your affiliates have a satisfactory record of performance.

### **§ 2932.52 How do I apply for a renewal?**

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(a) You must apply for renewal on the same form as for a new permit. You must include information that has changed since your application or your most recent renewal. If information about your operation or activities has not changed, you may merely state that and refer to your most recent application or renewal.

(b) BLM will establish deadlines in your permit for submitting renewal applications.

### **§ 2932.53 What will be my renewal term?**

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Renewals will generally be for the same term as the previous permit.

### **§ 2932.54 When may I transfer my Special Recreation Permit to other individuals, companies, or entities?**

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(a) BLM may transfer a commercial Special Recreation Permit only in the case of an actual sale of a business or a substantial part of the business. Only BLM can approve the transfer or assignment of permit privileges to another person or entity, also basing our decision on the criteria in §2932.26.

(b) The approved transferee must complete the standard permit application process as provided in §2932.20 through 2932.24. Once BLM approves your transfer of permit privileges and your transferee meets all BLM requirements, including payment of fees, BLM will issue a Special Recreation Permit to the transferee.

### **§ 2932.55 When must I allow BLM to examine my permit records?**

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(a) You must make your permit records available upon BLM request. BLM will not ask to inspect any of this material later than 3 years after your permit expires.

(b) BLM may examine any books, documents, papers, or records pertaining to your Special Recreation Permit or transactions relating to it, whether in your possession, or that of your employees, business affiliates, or agents.

### **§ 2932.56 When will BLM amend, suspend, or cancel my permit?**

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(a) BLM may amend, suspend, or cancel your Special Recreation Permit if necessary to protect public health, public safety, or the environment.

(b) BLM may suspend or cancel your Special Recreation Permit if you—

(1) Violate permit stipulations, or

(2) Are convicted of violating any Federal or State law or regulation concerning the conservation or protection of natural resources, the environment, endangered species, or antiquities.

(c) If we suspend your permit or a portion thereof, all of your responsibilities under the permit will continue during the suspension.

## § 2932.57 Prohibited acts and penalties.

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(a) *Prohibited acts.* You must not—

- (1) Fail to obtain a Special Recreation Permit and pay the fees required by this subpart;
- (2) Violate the stipulations or conditions of a permit issued under this subpart;
- (3) Knowingly participate in an event or activity subject to the permit requirements of this subpart if BLM has not issued a permit;
- (4) Fail to post a copy of any commercial or competitive permit where all participants may read it;
- (5) Fail to show a copy of your Special Recreation Permit upon request by either a BLM employee or a participant in your activity.
- (6) Obstruct or impede pedestrians or vehicles, or harass visitors or other persons with physical contact while engaged in activities covered under a permit or other authorization; or
- (7) Refuse to leave or disperse, when directed to do so by a BLM law enforcement officer or State or local law enforcement officer, whether you have a required Special Recreation Permit or not.

(b) *Penalties.* (1) Under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), if you are convicted of committing any prohibited act in paragraph (a) of this section, or of violating any regulation in this subpart or any condition or stipulation of a Special Recreation Permit, you may be subject to a fine under 18 U.S.C. 3571 or other penalties in accordance with 43 U.S.C. 1733.

(2) You may also be subject to civil action for unauthorized use of the public lands or related waters and their resources, for violations of permit terms, conditions, or stipulations, or for uses beyond those allowed by the permit.

(3) If you are convicted of failing to obtain a permit or paying a fee required in this subpart, you may be subject to a fine under 18 U.S.C. 3571, pursuant to the Land and Water Conservation Fund Act, as amended.

## Subpart 2933—Recreation Use Permits for Fee Areas

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### § 2933.10 Obtaining Recreation Use Permits.

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### § 2933.11 When must I obtain a Recreation Use Permit?

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You must obtain a Recreation Use Permit for individual or group use of fee areas. These are sites where we provide or administer specialized facilities, equipment, or services related to outdoor recreation. You may visit these areas for the uses and time periods BLM specifies. We will post these uses and limits at the entrance to the area or site, and provide this information in the local BLM office with jurisdiction over the area or site. You may contact this office for permit information when planning your visit.

### **§ 2933.12 Where can I obtain a Recreation Use Permit?**

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You may obtain a permit at self-service pay stations, from personnel at the site, or at other specified locations. Because these locations may vary from site to site, you should contact the local BLM office with jurisdiction over the area or site in advance for permit information.

### **§ 2933.13 When do I need a reservation to use a fee site?**

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Most sites are available on a first come/first serve basis. However, you may need a reservation to use some sites. You should contact the local BLM office with jurisdiction over the site or area to learn whether a reservation is required.

### **§ 2933.14 For what time may BLM issue a Recreation Use Permit?**

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You may obtain a permit for a day, season of use, year, or any other time period that we deem appropriate for the particular use. We will post this information on site, or make it available at the local BLM office with jurisdiction over the area or site, or both.

### **§ 2933.20 Fees for Recreation Use Permits.**

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### **§ 2933.21 When are fees charged for Recreation Use Permits?**

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You must pay a fee for individual or group recreational use if the area is posted to that effect. You may also find fee information at BLM field offices or BLM Internet websites.

### **§ 2933.22 How does BLM establish Recreation Use Permit fees?**

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BLM sets recreation use fees and adjusts them from time to time to reflect changes in costs and the market, using the following types of data:

- (a) The direct and indirect cost to the government;
- (b) The types of services or facilities provided; and
- (c) The comparable recreation fees charged by other Federal agencies, non-Federal public agencies, and the private sector located within the service area.

### **§ 2933.23 When must I pay the fees?**

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You must pay the required fees upon occupying a designated recreation use facility, when you receive services, or as the BLM's reservation system may require. These practices vary from site to site. You may contact the local BLM office with jurisdiction over the area or site for fee information.

#### **§ 2933.24 When can I get a refund of Recreation Use Permit fees?**

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If we close the fee site for administrative or emergency reasons, we will refund the unused portion of your permit fee upon request.

#### **§ 2933.30 Rules of conduct.**

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#### **§ 2933.31 What rules must I follow at fee areas?**

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You must comply with all rules that BLM posts in the area. Any such site-specific rules supplement the general rules of conduct contained in subpart 8365 of this chapter relating to public safety, resource protection, and visitor comfort.

#### **§ 2933.32 When will BLM suspend or revoke my permit?**

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(a) We may suspend your permit to protect public health, public safety, the environment, or you.

(b) We may revoke your permit if you commit any of the acts prohibited in subpart 8365 of this chapter, or violate any of the stipulations attached to your permit, or any site-specific rules posted in the area.

#### **§ 2933.33 Prohibited acts and penalties.**

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(a) *Prohibited acts.* You must not—

(1) Fail to obtain a use permit or pay any fees that this subpart or the Land and Water Conservation Fund Act, as amended, requires ( see paragraph (d)(3) of this section);

(2) Fail to pay any fees, after you first occupy a designated use facility, within the time set by the local BLM office ( see paragraph (d)(3) of this section);

(3) Fail to display any required proof of payment of fees ( see paragraph (d)(3) of this section);

(4) Willfully and knowingly possess, use, publish as true, or sell to another, any forged, counterfeited, or altered document or instrument used as proof of or exemption from fee payment ( see paragraph (d)(1) of this section);

(5) Willfully and knowingly use any document or instrument used as proof of or exemption from fee payment, that BLM issued to or intended another to use ( see paragraph (d)(1) of this section); or

(6) Falsely represent yourself to be a person to whom BLM has issued a document or instrument used as proof of or exemption from fee payment ( see paragraph (d)(1) of this section).

(b) *Evidence of nonpayment.* BLM will consider failure to display proof of payment on your unattended vehicle parked within a fee area, where payment is required under paragraph (a)(2) of this section, to be *prima facie* evidence of nonpayment.

(c) *Responsibility for penalties.* If another driver incurs a penalty under this subpart when using a vehicle registered in your name, you and the driver are jointly responsible for the penalty, unless you show that the vehicle was used without your permission.

(d) *Types of penalties.* You may be subject to the following fines or penalties for violating the provisions of this subpart.

<b>If you are convicted of . . .</b>	<b>then you may be subject to . . .</b>	<b>under . . .</b>
(1) Any act prohibited by paragraph (a)(4), (5), or (6) of this section	a fine under 18 U.S.C. 3571 or other penalties in accordance with 43 U.S.C. 1733(b)(5) for individuals or (c)(5) for organizations	the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)).
(2) Violating any regulation in this subpart or any condition of a Recreation Use Permit	a fine under 18 U.S.C. 3571 or other penalties in accordance with 43 U.S.C. 1733(b)(5) for individuals or (c)(5) for organizations	the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)).
(3) Failing to obtain any permit or to pay any fee required in this subpart	a fine in accordance with 18 U.S.C. 3571(b)(7) for individuals or (c)(7) for organizations	the Land and Water Conservation Fund Act, as amended, 16 U.S.C. 4601–6a(e).