

educational and therapeutic institutions is considered commercial when the above criteria are met. Profit making organizations are automatically classified as commercial, even if that part of their activity covered by the permit is not profit making. Nonprofit status of any group or organization under the Internal Revenue or Postal Laws or regulations does not in itself determine whether an event or activity arranged by such a group or organization is noncommercial. Any person, group, or organization seeking to qualify as noncommercial shall have the burden of establishing to the satisfaction of the authorized officer that no financial or business gain will be derived from the proposed use.

(b) *Actual expenses* are expenses necessarily incurred for the permitted activity or use. These include, but are not limited to, the actual costs of such items as expendable equipment and supplies. Actual expenses do not include any salaries, profit, increase of capital worth, allowances, or subsidies of any other activities of the permittee or sponsor, the purchase or amortization of nonexpendable supplies or equipment, any allowance for under-subscribed events or any monetary compensation for sponsors or participants.

(c) *Competitive use* is any formally organized or structured use, event, or activity on public land in which there are the elements of competition between two or more contestants, registration of participants, and/or a predetermined course or area is designated. The term also applies to one or more individuals contesting an established record such as speed or endurance.

(d) An *event* is a single, structured, organized, consolidated, or scheduled meeting or occurrence for the purpose of recreational use of the public lands. An event may be composed of several related activities.

(e) *Educational use* is an academic activity sponsored by an accredited institution of learning.

(f) An *operator* is a group, association, individual, corporation, or organization which provides recreational services.

(g) A *special area* is an area established as a component of the National

Trails System, the National Wild and Scenic Rivers System, the National Wilderness System, an area covered by joint agreement between the Bureau of Land Management and a State government as provided for in title II of the Sikes Act, or any other area where the authorized officer determines that the resources require special management and control measures for their protection.

(h) A *User day* is any calendar day, or portion thereof, for each individual accompanied or serviced by an operator or permittee on the public lands. Passenger day is synonymous with user day.

(i) An *off-road vehicle* is any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain excluding: (1) Any nonamphibious registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) any vehicle whose use is specifically authorized by the authorized officer or otherwise officially approved; (4) official use; or (5) any combat or combat support vehicle when used in times of national defense emergencies.

[43 FR 40738, Sept. 12, 1978, as amended at 49 FR 34337, Aug. 29, 1984]

§ 8372.0-7 Enforcement.

(a) *Prohibited acts.* On all public lands and related waters, it is prohibited to: (1) Fail to obtain a permit and pay any fee required by this subpart; (2) violate stipulations or conditions of a permit issued under authority of this subpart; (3) participate knowingly in an event or use subject to the permit requirements of this subpart where no such permit has been issued; (4) fail to post a copy of any commercial or competitive permit where all participants have the opportunity to read it; and (5) fail to show a copy of the special recreation permit to a Bureau of Land Management employee or a participant upon request.

(b) *Penalties.* (1) Any person convicted of committing any prohibited act in this subpart, and violators of regulations or permit terms or stipulations, may be subject to a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months. (2) Authorized as well

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as unauthorized users may be subject to civil action for unauthorized use of the public lands or related waters and their resources, or violations of the permit terms or stipulations.

[49 FR 34337, Aug. 29, 1984]

§ 8372.1 Permits required.

§ 8372.1-1 Public lands, general.

Special recreation permits are required for (a) commercial use, (b) competitive use, (c) off-road vehicle events involving 50 or more vehicles, and (d) special area use where the authorized officer determines the criteria of the Land and Water Conservation Fund Act, as amended, the Sikes Act, the Wild and Scenic Rivers Act, Federal Land Policy and Management Act, the Taylor Grazing Act, or National Trails Act require their issuance.

§ 8372.1-2 Special areas.

With the exception of use in special areas, special recreation permits are not required for recreational use by individuals, or individual immediate families. Notice will be given in the FEDERAL REGISTER and regional news media when special recreation permits are required for recreational use other than commercial, competitive, and off-road vehicle use in a special area. Access points in special areas will also be posted notifying the public of required permits for recreational use, other than commercial, competitive, and off-road vehicle use.

§ 8372.1-3 Exceptions.

(a) Special Recreation Permits are not required for uses that are sponsored or co-sponsored by the Bureau of Land Management.

(b) The authorized officer may determine that permits and fees are unnecessary where a 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 significant damage to public land or water resource values.

(c) The authorized officer may waive permit and fee requirements for competitive events that are not commercial when the events comply with off-road vehicle designations for the use area, no cash prizes are awarded, fewer

than 50 vehicles including those of participants and spectators are involved, there is no public advertising for the event and there is no likelihood of significant damage to public land or water resource values or need for monitoring.

[49 FR 34337, Aug. 29, 1984]

§ 8372.2 Applications.

(a) *Forms and maps.* Applications for special recreation permits shall be made to the authorized officer on forms approved by the Director, Bureau of Land Management. Applications shall include a map of sufficient scale and detail to allow identification of the proposed use area on the ground. The authorized officer may waive the requirement for maps where appropriate.

(b) *Supplemental information.* The authorized officer may require the applicant to submit supplemental information in sufficient detail to evaluate the impact of the proposed event upon the lands and environment, including measures the applicant would take to mitigate impacts on the lands and environment.

(c) *Filing.* (1) The application shall be filed in the office of the Bureau having jurisdiction over the lands to be used. The application shall be filed a minimum of 120 days in advance of intended use unless a shorter time is authorized by the authorized officer. Applications may be filed by mail or in person.

(2) Within 30 days of the filing date or within 15 days of the desired use date, whichever is earliest, the authorized officer shall inform the applicant if the decision on issuing the permit will be delayed.

(3) The authorized officer may establish a maximum time by which applications will be accepted prior to date of proposed use.

§ 8372.3 Issuance of permits.

The approval of an application and subsequent issuance of a special recreation permit is discretionary with the authorized officer.

§ 8372.4 Fees.

(a) *Fees.* (1) Fees for Special Recreation Permits shall be established and maintained by the Director, Bureau of