## Concessionaire Desk Guide
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Chapter 1

Introduction

Preface

This Campground Concession Desk Guide is a compilation of agency regulations and policy. It is not new policy, but rather guidance on application of existing policy in a specific context. The desk guide will be periodically reviewed and modified as new regulations or policy are promulgated.

An electronic copy of the desk guide is available. For more information, please contact the Washington Office Recreation Special Uses staff at (202) 205-1706.

Program Objective

The objective of the agency’s concession program is to offer quality recreation services to the public by providing a business opportunity on National Forest System lands. To meet this objective, the agency must establish an effective business relationship with concessionaires.

Purpose of the Desk Guide

The concession program is growing. Two decades ago, Forest Service (FS) personnel operated and maintained the vast majority of recreation facilities on National Forest System lands. Today, concessionaires operate the majority of campgrounds where use fees are charged. Concession management will continue to be a vital means of accommodating visitor demands into the twenty-first century.

With continued budget reductions, the number and complexity of sites managed as concessions have grown. Additionally, some concessionaires have evolved from local businesses to national businesses. Both factors contribute to complexity in the concession program. This desk guide is intended to ensure proficiency and consistency in issuing and administering special-use permits for concessions at Government-owned recreational facilities, without sacrificing the flexibility to manage individual situations.

In addition to following the desk guide, understanding each other’s needs will help forge an effective

Acknowledgements

This desk guide would not have been possible without the contributions of many talented people in the Washington Office, regional offices, field offices, and the Office of the General Counsel, who gave their most limited resource: time.

We wish to give special acknowledgment to the employees of the Wasatch-Cache National Forest who helped formulate many of the ideas and appendices in this desk guide and who have acted as a sounding board during its formulation.

Finally, we wish to give our utmost appreciation to Randy Welsh, chief visionary, inspiration, and author of the first draft of this desk guide, and to Carolyn Holbrook and Ellen Hornstein, who as primary authors made this final version possible. Thanks.
business relationship between the FS and its concessionaires. Some of these needs may include the types and hours of services offered, consistent administration, clear understanding of performance criteria, an appreciation of fee offset priorities, understanding each other's procedures, and the difference between Government management and concessionaire management, which involves operation of a business. Make this guide available to the permit holder. Use it together to enhance mutual understanding in connection with administration and operation of the concession.

This guide:

☐ Applies to concessions involving strictly Government-owned facilities authorized by a special-use permit issued under Section 7 of the Granger-Thye (G-T) Act, 16 U.S.C. 580d. Since most of these facilities are campgrounds, this document is entitled "Campground Concession Desk Guide." However, much of the information found in the desk guide can be used for other related G-T concessions.

☐ Provides guidance on establishing and administering concession operations, including selection of applicants and proper fee calculation and offset.

☐ Ensures consistency in concession management by providing standard direction and standard tools, including a standard permit.

☐ Emphasizes enhancement of visitor services.

Where there is management of public and private improvements on National Forest System lands, refer to the Private/Public Ventures Desk Guide. Concessions involving strictly privately owned improvements are covered in FSM 2340 and 2700.

As appropriated dollars and the Federal workforce shrink, local managers are relying more on the private sector to provide recreation opportunities to the public on the National Forests. Thus, the agency's ability to offer quality recreation services depends on a vibrant concession program.

Operating a concession program is a different way of doing business. Rather than supervising a maintenance crew, the FS administers a special-use permit. Operating a concession program therefore requires good permit administration. While concession operation of campgrounds may improve services, it also requires users to pay the true cost for those services.

A concession program gives the managing unit different options for spending allocated funds. Instead of spending funds on collecting garbage, cleaning toilets, and sanding picnic tables, the manager disburses funds for permit administration and more significant maintenance.

This guide results from years of good work by many Forests and Ranger Districts. Samples from around the nation have been used to develop the standard permit. Examples of other tools from around the country have also been included. The Washington Office and the Office of the General Counsel (OGC) must review any changes to standard forms.

## Benefits of Campground Concessions

Concessionaire management of campgrounds offers important benefits:

☐ The ability to continue to provide recreation facilities and services in the face of reduced Federal appropriations.

☐ The enhanced ability to maintain and recondition Federal facilities through the G-T fee offset.

☐ The potential for improved public service, in terms of both quality and quantity.

☐ The potential for more staff on site.

The FS is constantly looking for innovative ways to accomplish the concession program objective explained above. An entrepreneurial approach is needed to manage FS facilities and reduce costs to the Federal Government.
Authority for Campground Concessions

Section 7 of the G-T Act is the authority for issuing campground concession permits. The G-T Act authorizes the FS to issue permits to individuals or entities for the use and occupancy of Government-owned structures and their associated lands. All or part of the permit fee may be offset by the cost of maintenance and reconditioning (M&R) paid by the holder of the Government-owned structures and their associated land covered by the permit. Chapter 5 addresses calculation of the G-T permit fee and what type of M&R qualifies for offset under applicable law and agency policy.
This chapter addresses three levels of concession feasibility analysis:

- Programmatic feasibility.
- Site-specific feasibility.
- NEPA documentation.

The need for and extent of concession feasibility analysis will vary. If the feasibility of a concession needs to be determined, it should be done before commencing the process required by the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq. If a complete feasibility determination for a G-T concession has been made, skip to the discussion on NEPA documentation in this chapter (page 24).

**Programmatic Feasibility**

The first step in feasibility analysis is programmatic. At this level of analysis, review management options to determine whether a concession is appropriate, and, if so, which type best provides facilities and services.

The FS has several options for providing recreation facilities and services. Which option is most suitable for a given site should be determined before preparing a prospectus. Economic viability of a site is key in selecting the appropriate program.

Management options range from site closure to concession operation of strictly privately owned improvements. The most common options are G-T concessions and FS management. If a G-T concession is the best management option, consult the Site-Specific Feasibility section of this chapter (page 2-3).

**Conversion to Dispersed Use**

A site's design may render it infeasible for fee collection. The amount of use fees may be insufficient to cover the cost of collection or the cost of a site's operation and maintenance. If a site cannot be redesigned to be efficient, it may be appropriate to close it and convert it to dispersed use.

**FS Management**

Sometimes called force account management, under this program operating and maintenance costs are paid from FS-appropriated funds, and use fees are paid directly to the Treasury. On-site staffing may be provided by volunteer hosts or other FS programs, such as the Senior Community Service Employment Program (SCSEP) or Youth Conservation Corps.

A host-managed campground fulfills two goals: it benefits the agency by providing a service to the public, and it benefits the host by offering an opportunity to engage in recreational activities on the National Forests, while contributing to the agency's recreation program. This option may be appropriate for sites that are popular with the public, but do not have the economy of scale to support a concession.

**Recreation Fee Demonstration Program**

The recreation fee demonstration program is authorized by the Omnibus Consolidated Rescissions and Appropriations Act of 1996, Public Law 104-134. A provision of the Act authorizes the FS to charge use fees for the use of outdoor-recreation sites, facilities, visitor centers, equipment, or services. Up to 100 projects may be approved under this legislation. The authority for the fee demonstration program expires September 30,
1999. Under the fee demonstration program, revenues collected above previously established levels may be retained by the agency and reinvested in the demonstration sites. Also, 15 percent of current-year collections can be retained to cover fee collection costs.

Per a February 25, 1997, letter from the Chief to Regional Foresters, existing concession sites may not be placed in the recreation fee demonstration program. Modifying permits or not extending permits, as well as reissuing a prospectus for the purpose of incorporating a site in the demonstration program, would conflict with this letter. There may be other ways to involve concessionaires in the fee demonstration program that do not adversely affect the concession program.

Sites that are not currently managed as concessions may be considered for the fee demonstration program.

G-T Concessions

Under this program, permits are issued for the operation and maintenance of existing recreation facilities that are solely Government-owned. The permit is authorized under Section 7 of the G-T Act. This program may be appropriate for sites where expansion is not anticipated, or where the length of season or pattern of use do not generate sufficient revenues to support facility construction.

To be successful, G-T concessions require levels of use and economy of operation sufficient to recover the cost of operation and maintenance. The G-T concession program has been popular with the public, due to improved cleanliness and the presence of on-site staff at FS campgrounds. The program has been popular with the FS because concessionaires can invest use fees directly on site to pay for their staff, daily cleaning, and other services, and because the fee to the Government may be offset by the cost of Government maintenance and reconditioning (M&R) paid for by the holder and performed at the site.

Receipts to states and counties would be reduced to the extent that they would receive only 25 percent of the permit fee paid to the FS, rather than 25 percent of all use fees collected. The payment to states and counties would be further reduced to the extent the permit fee is offset by qualifying M&R. Reductions in 25 Percent Fund payments may be offset by state and local taxes collected from concessionaires.

Private/Public Ventures (PPV)

PPV provides for joint Government and private ownership of facilities that are managed by the private sector. Existing Government-owned facilities are authorized under the G-T Act, and new privately owned facilities are authorized under the Term Permit Act, 16 U.S.C. 497. Where all Government improvements are sold to the private sector, PPV provides for sole private ownership and management of recreation facilities, authorized by the Term Permit Act.

Existing recreation facilities in need of reconstruction or expansion may be good candidates for PPV. To be viable as a PPV candidate, a site must have sufficient volume of use, length of season, and latent demand for the service or facility offered to recover the capital required for reconstruction or expansion. Permit tenure varies with the amount of capital invested in improvements, and may be authorized for up to 30 years. Chapter 2 of the PPV Desk Guide is a useful reference for project evaluation, as it discusses consistency with the applicable Forest land and resource management plan (Forest plan), needs assessment, area analysis, market analysis, and preliminary economic viability.

Term Permit Program

Permits are issued under the Term Permit Act for up to 30 years and for the use of up to 80 acres. In contrast to PPV, improvements in the term permit program are solely privately owned: there is no public/private ownership of facilities, and there are no existing Government facilities that may be sold to the private sector. The length of the permit term varies with the amount invested in capital improvements, and may be for up to 30 years.
Site-Specific Feasibility

This section assumes that a G-T concession has been selected as the preferred management option. In this step, evaluate the factors pertinent to a site-specific action. Use successful concessions as models for determining site-specific feasibility.

The needs assessment outlined in FSM 2341.21 and 2341.23 helps in evaluating a new concession, or one that needs to be changed to improve efficiency or customer service. The success of a concession depends on the following:

- Local site and facilities.
- Agency management.
- Economic viability.
- Customer service needs.
- Effects on the local community.

Local Site and Facilities

FSM 2344.33, "Selecting Concession Campground Sites," provides guidance on selecting recreation sites for concessions. Generally, FSM 2344.33 recommends sites with a "Development Scale" of 3, 4, or 5 for concessions and states that all sites with a Development Scale of 4 and 5 should be considered for concessions. Sites with a lower development scale may lack sufficient returns and service levels to support a concession.

Condition of the Facility

Sites should be in satisfactory condition to be considered for concessions, i.e., they should not have health and safety problems or be in a state of disrepair. Is it feasible to maintain the facilities to a satisfactory standard? Does the site need Government M&R? Are projected permit fees sufficient to cover Government M&R for the anticipated permit term? Are capital improvements through FS appropriated funds needed? Would these improvements disrupt a concession?

Review of Concession in Context of Recreation and Infrastructure Maintenance Program

Would infrastructure such as sewer and water systems be shared between the proposed concession and other Government or private facilities? What would be the advantages and disadvantages to each of the parties maintaining the systems?

Site History

Have there been user conflicts at the site? Are design or management changes needed to improve site management? Have there been law enforcement problems at the site? Review the proximity and response of local law enforcement agencies to law enforcement problems.

Scope of the Concession

To simplify administration and create economies of scale, sites within close proximity, including sites across Ranger District and Forest boundaries, should be considered for consolidated operations. If consolidated operations are being considered, the potential consequence of concentrating the market and dampening competition should also be considered. Is it to the agency's advantage to maintain competition by offering smaller packages? Would multiple sites or areas offered as a package be more or less attractive as a concession?

Agency Management

Budgetary Constraints

In recent years, budgets have failed to keep up with the growing operation-and-maintenance workload. The maintenance backlog sometimes devolves into a replacement need; as a result, the agency has been forced to lower its standards for developed sites, to keep them open. A viable concession program can allow the agency to offer high-quality recreation sites and services, despite declining budgets.
Conversion from FS management to concessionaire operation often eases the District's operation-and-maintenance budget because the concessionaire covers the cost of day-to-day operations, and because the fee to the Government may be offset by the cost of eligible Government M&R at the site. However, conversion to a concession requires a shift in staff expertise and funding from operating and maintaining recreation sites to expertise in permit administration. When making this shift, training in permit administration is essential.

Other Considerations

What is the public-service rationale for establishing a concession? What type of control over the concession does the FS need? How much oversight can the FS provide? Are there potential conflicts with existing uses?

Economic Viability

Is there enough revenue to cover the cost of operations? Is the operating season long enough to promote a viable business? How much staff will be required at a particular site (or combination of sites) to provide adequate public service, and are site revenues sufficient to afford the necessary staff? Is there competitive interest in this site as a concession?

What type of company is likely to be interested in operating the site? Consider the recreation market. Are there private-sector recreation providers on private land who are competing for the same customers? How will they be affected? Are there special taxes or required licenses that add cost to the operation? Will local zoning laws or health and safety ordinances affect economic viability?

Customer Service Needs

What are the minimum levels of acceptable customer service at these sites? Are revenues sufficient to provide an acceptable level of service? If not, should changes be made in design, management, or user expectations? What additional services would interest the public, e.g., interpretive programs or additional daytime activities?

Would a concessionaire be able to provide quality programs? Will these services generate enough revenue to cover expenses? If not, are total site revenues sufficient to cover these programs? Will a concessionaire be able to provide a higher quality of customer service than the FS?

Effects on the Local Community

Would the community support having a private business operate FS recreation sites in the area? Will users of the site be receptive to a concessionaire? How will county commissioners and other local officials react to a concession? Will revenues to counties be affected? It is important to develop a good communication strategy in advance.

NEPA Documentation

In general, under NEPA’s implementing regulations a federal agency conducts an environmental assessment (EA) to determine whether a proposed action may constitute a major federal action significantly affecting the quality of the human environment. If so, an environmental impact statement (EIS) must be prepared for the proposed action.

Additionally, NEPA’s implementing regulations allow federal agencies to categorically exclude from documentation in an EA or EIS certain types of proposed actions which do not individually or cumulatively have a significant effect on the human environment. Forest Service NEPA procedures, found in Forest Handbook (FSH) 1909.15, categorically exclude certain types of proposed actions from documentation in an EA or EIS, absent extraordinary circumstances. A list of examples of extraordinary circumstances are set out at FSH 1909.15, section 31.03, paragraph 2.1

Three categories may be applicable to issuance of a permit for existing campground concessions when no or minor changes to the physical environment are proposed:

- Repair and maintenance of recreation sites and facilities. FSH 1909.15, sec. 31.1b, para 5. A project or case file and decision memo are not required but may be prepared. FSH 1909.15, sec. 31.1b.
- Approval, modification, or continuation of minor, short-term (one year or less) special uses of National Forest System lands. FSH 1909.15 sec. 31.1b, para. 8 This category may apply, for example, when it is anticipated that after one year or less of authorized use a capital investment project and associated NEPA
Chapter 3

The Prospectus

If a G-T concession is the best management approach, issue a prospectus to select a concessionaire. Competitively advertising recreation concession permits will:

☐ Ensure equal opportunity.
☐ Enhance customer service.
☐ Ensure a fair-market-value return to the Government.

FSM 2712.2 directs the FS to solicit competitive interest for operation of recreation concessions by issuing a prospectus. FSM 2712.2 also provides general direction on development of a prospectus. FSM 2344 addresses issuing a prospectus for concessions involving Government-owned facilities.

This chapter covers:

☐ Considerations for issuing a prospectus.
☐ Development of a prospectus.
☐ Advance public notice.

Chapter 4 will address evaluation of applications and issuance of a permit.

Considerations for Issuing a Prospectus

Developing a List of Potential Applicants

Establish and maintain a mailing list of potential applicants. Retain it electronically, to facilitate printing of form letters and mailing labels. Many Forests have developed applicant mailing lists for previously advertised opportunities. Check Regional Office contacts for lists of existing concessionaires. Include all people who respond to any announcements about the opportunity, or who have expressed interest in concession opportunities in the past. Other entries on the mailing list may include:

☐ Advertisers in camping magazines.
☐ American Camping Association.
☐ American Recreation Coalition.
☐ Campground managers (consult Woodall’s Campground Directory for North America).
☐ Chambers of commerce.
☐ County extension service agents.
☐ National Association of Recreational Vehicle Parks and Campgrounds (ARVC).
☐ National Forest Recreation Association.
☐ National Park Hospitality Association.
☐ Rural economic development councils (state or regional).
☐ Small businesses.

(See Appendix 3A on page 3-23 for the addresses and telephone numbers for these entities.)

Customer Service

Tailor the prospectus to emphasize the customer services desired. Consideration should be given to the changing interests of recreation customers.

Application Evaluation Plan

Develop an application evaluation plan before issuing the prospectus. This plan consists of two parts:
Chapter 3: The Prospectus
Considerations for Issuing a Prospectus: Application Evaluation Plan

1. A description of membership and responsibilities of the evaluation team.

2. A description of evaluation criteria, their relative importance, and procedures for evaluating applications.

With the exception of evaluation procedures, which are covered in Chapter 4, these two parts of the plan are discussed below.

The Evaluation Team

Members of the evaluation team should represent all pertinent disciplines, such as recreation special uses, accounting, economics, business, and contracting, and should be highly qualified. Team members must be free of bias and possess no real or apparent conflict of interest. To maintain objectivity, it may be helpful to include a member from an unrelated discipline, a different agency, or outside the Federal Government. This individual must also be objective and free from actual or apparent conflict of interest.

Team members should be educated in selection procedure and should not have contact with applicants during the evaluation process. Inquiries about the prospectus should not be referred to evaluation team members. Rather, these questions should be handled by a single person who is not connected with the evaluation process, such as the permit administrator.

The Evaluation Criteria

Develop and document evaluation criteria, their relative importance or weights, and scoring methods. Evaluation criteria must be documented in the prospectus. The criteria should allow the FS to assess the applicants’ ability to meet the public's needs and provide a basis for determining the merits of competing applications. Once the prospectus is issued, the criteria may not be changed without amending and reissuing the prospectus. This effort may be justified if unanticipated information in the applications reveals a need for modifications to the criteria to achieve the agency's goals for the concession.

Each evaluation criterion should be clearly described in narrative form. The criteria should not favor any potential applicant. Nor should the criteria on their face exclude an applicant from competition. The same criteria must apply to all applications.

Include verification of financial resources, rather than financial ability, as an evaluation criterion, as discussed below. Require applicants to submit documents necessary to make a financial ability determination (FAD), but use these documents solely to make a FAD per 36 CFR 251.54(e)(3), and not to select a permit holder.

Specify in the prospectus that a FAD will be made only on the selected applicant as a prerequisite to permit issuance, unless that applicant is deemed financially incapable. In that event, refer to Appendix 4D (pages 4-13-14) for appropriate procedures. Appendix 4D discusses the FAD in detail.

The following standard evaluation criteria must be included in every prospectus. They are listed in approximate order of importance.

3. Financial Resources.
4. Fee to the Government.
5. Fees Charged to the Public.

Other criteria may be used. However, they should be used sparingly, as additional criteria increase the complexity of evaluation and the time for an applicant to respond. Additional criteria should help distinguish the applications. Other criteria that may be used include:

6. Willingness to Manage Multiple Sites.
7. Special Services, e.g., Interpretive Services, Security, Use of Specialized Professionals for G-T Fee Offset Work, and Accelerated Schedule for G-T Fee Offset Work.

These evaluation criteria are discussed below.
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Considerations for issuing a Prospectus: Application Evaluation Plan


2. Business Plan and Business Experience

The quality and quantity of required and optional services are assessed under this criterion. Ask applicants to explain how required and optional public services will be delivered. Have applicants demonstrate quality customer service and timely compliance with permit and operating plan requirements. See Development of a Prospectus, Proposed Operating Plan Provisions, in this chapter for detailed information on this topic.

Business Plan

Require applicants to submit a business plan. For each part of the project, the project business plan must specify whether the applicant will perform the work or meet the requirement via a third party. The applicant must identify any third parties who will be responsible for any of the operational aspects of the concession, and describe their relevant experience.

The plan should estimate the costs of operating the facilities. It should identify all interim and permanent sources of funds.

The plan should include information concerning the business organization and organizational structure required by 36 CFR 251.54(e)(1) and 251.54(e)(2)(ii), such as applicant name and mailing address, designated agent, evidence of incorporation and good standing, and the name and address of each affiliate of the applicant. Applicants that are limited-liability companies should provide the names and interests of the companies’ principals.

State that if the applicant is not incorporated in the state where the concession is located, the applicant must submit a license to do business in that state.

Business Experience

Instruct applicants to furnish a detailed description of experience relating to operation of recreation sites, such as campgrounds, beaches, boat ramps, and associated facilities. The description should include experience in private business, public services, or any nonprofit or other related enterprises. For each business venture, have applicants provide:

- The dates for the business experience.
- The location of the business.
- A description of services provided.
- A description of customers served.
- The number of employees supervised.
- The volume of business.

For experience in managing FS or other Government campgrounds and associated facilities, applicants should also provide copies of annual written performance evaluations, or state that an evaluation was not completed for the years referenced.

Require applicants to furnish three business references with names, addresses, and telephone numbers in support of applicable business experience.

3. Financial Resources

Under this criterion, evaluate applicants based on the amount of funding that is readily available to them. Funding can take the form of cash, letter of credit, stocks, or mutual funds. Use completed form FS-6500-25, “Request for Verification,” or other verifiable information submitted to assist in making this assessment. Include the form as an appendix to the prospectus. Review of the completed FS-6500-25 forms or acceptable substitute will also be one of the components of the FAD made on the selected applicant. (Appendix 3B, pages 3 - 24-25, contains a copy of FS-6500-25.)

Specify in the instructions for FS-6500-25 the FS address to which the completed forms should be sent. Require all applicants to complete blocks 1 through 5 of the form and to send a copy to each financial institution with which they do business. Each of these financial institutions should
considerations for lashing a prospectus: application evaluation plan

complete blocks 6 through 15 of the form, and return it to the address specified in the form.

4. Fee to the Government

This criterion addresses the fee the concessionaire will pay for the use of Government-owned improvements and their associated land, as well as work that will be required to offset that fee. Refer to Chapter 5, Permit Fees and G-T Fee Offset, for further discussion of these topics.

State that the Government is obligated to obtain fair market value for the use of its land and improvements. Specify how the fee will be determined, and the minimum fee. The prospectus should state that applicants may propose any fee they wish, but that the fee proposed may not be below fair market value. State that applicants may propose a fee higher than the FS stated minimum fee. The prospectus should also inform applicants that they may propose a fee below the stated minimum if they believe this lower fee represents a fair market value. However, state that an application with a proposed fee that is below the minimum fee may be rejected if the FS determines that the proposed fee does not reflect fair market value.

Applicants should also be asked to describe how they will plan and complete any G-T fee offset items. See “Development of a Prospectus,” “The Opportunity,” “G-T Fee Offset Agreement,” in this chapter for information on this topic.

5. Fees Charged to the Public

Under this criterion, the services that will be provided are compared to the prices that will be charged for them. For example, an applicant that provides a wide range of quality services at a moderate price would receive a higher rating under this criterion than an applicant that provides a limited range of services for a high price.

Generally, the FS does not regulate prices, but reserves the right to do so. Market mechanisms should dictate what users are charged at concession sites. In some locations, lack of competition may create a monopoly. It is appropriate in these circumstances to state that prices and price increases are subject to FS approval. Prices may be compared to prevailing rates for comparable services and facilities in the area, to determine if the public will receive a good value for the service provided.

Ask applicants to provide a list of all proposed fees to be charged to the public, including pricing policies, use fees, other service fees/rentals, and sundries. See “Development of a Prospectuses Proposed Operating Plan Provisions,” “Concessionaire Income and Expenses,” for a discussion of these types of fees. The proposed fees should be tied to the proposed operating plan provisions.

6. Willingness to Take Multiple Sites

Multiple sites may be included in the same prospectus. Separate permits may be issued for each site or administrative unit advertised in the prospectus. Alternatively, the FS may put multiple sites or all sites included in the prospectus under the same permit.

Putting several recreation sites or complexes under one permit may simplify administration or enhance the business viability of an opportunity. In determining whether to consolidate recreation sites, balance the advantages of simplified administration and enhanced viability against the disadvantage of reduced competition and impacts to small business.

The prospectus should specify whether a single permit or multiple permits will be issued, and if the latter, for which sites each permit will be issued. The prospectus must specify whether applicants may apply for any site or sites they wish, or whether applicants must apply for a minimum number of sites, a certain combination of sites, or all sites. If applicants may apply for any site or sites they wish, state whether or not applying for more sites or a certain combination of sites will result in a higher rating.
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Considerations for Issuing a Prospectus: Application Evaluation Plan

If the prospectus contains requirements concerning the number or combination of sites for which applicants may apply, applicants that do not meet those requirements may be deemed nonresponsive and disqualified from the competition. The prospectus must state that applicants that fail to meet these requirements will be deemed nonresponsive and disqualified from the competition.

7. Special Services

Special services that will be given significant weight in selecting an applicant should be enumerated as separate evaluation criteria and treated as required services. However, if special services are not going to be weighted significantly, they may be evaluated as a component of the proposed operating plan provisions without creating additional evaluation criteria. Such special services could include the following.

Interpretive Services

Include minimum specifications concerning interpretive services, such as the number and length of programs, days services will be offered, program content, target audience, and required experience for interpretive specialists. (Refer to Appendix 8C, pages 8-5.7.)

Security

Security could be used as a criterion if there is a need at a concession site for specialized safety skills and services, such as patrols, telephone communications, first aid, or security guards. Specify the types and levels of required skills and services.

Use of Specialized Professionals for G-T Fee Offset Work

If there are G-T fee offset projects that involve replacement of facilities, it may be desirable to have a qualified engineer or architect design or construct the projects.

Specify the minimum acceptable standard the design professional or firm must meet.

Accelerated G-T Fee Offset Work

This criterion may be useful if there is a major G-T fee offset project to complete. It may be important to evaluate applicants on the basis of how quickly the work will be done, especially if the work is essential. Accelerated G-T fee offset work requires a modified fee schedule, i.e., a large fee payment the first year and smaller fee payments in subsequent years. The large fee payment does not constitute an advance payment of fees and is not refundable should the permit terminate, or be revoked or relinquished. The cost of accelerated G-T fee offset work may not exceed the total estimated permit fees for the tenure of the permit. (See Chapter 5 for more information on G-T fee offset and long-term Government maintenance and reconditioning [M&R].)

Relative Importance of Evaluation Criteria

None of the evaluation criteria should be designated as "Pass/Fail," i.e., failure to satisfy one or more criteria may not result in disqualification of the applicant. The evaluation team should evaluate each application under all the evaluation criteria. Governmental entities and nonprofit organizations, such as interpretive associations, should compete under the same criteria as all other applicants.

In addition, failure to submit any of the information required in the prospectus should not result in disqualification of the applicant. A statement to the contrary should not be included in the prospectus. Each application may be evaluated based on what is submitted. Ratings may take into account the weakness or absence of required submissions. Consult with the local OGC and Procurement and Property staff before including a basis for disqualification in the prospectus, or disqualifying an application on any basis other than unwillingness to take multiple sites when taking multiple sites is required in the prospectus.
State in the prospectus the relative importance of each criterion. A statement that the criteria are listed in descending order of importance is acceptable, as long as there is not much difference in the importance assigned to any two consecutive criteria. If there is a significant difference, narratively describe that difference.

Numerical weights need not be disclosed in the prospectus. However, the relative weight must be disclosed in narrative form, e.g., Criterion 1 is more important than Criterion 2, and both are more important than Criterion 3. Where the prospectus is silent as to the relative importance of the criteria, they must be considered and evaluated as equal in importance.

Time Frame for Preparing a Prospectus

The lead time required to assemble a prospectus varies by area. Generally, it is best to begin the season prior to anticipated operation by a concessionaire. Allow potential applicants to visit during the operating season the sites that will be advertised in the prospectus.

In accordance with FSM 2344.32, allow time for the Regional Forester to review the prospectus.

The suggested application period is 30 to 45 days. Complex opportunities may require more time. If applications are due during an operating season, allow extra time to give current concessionaires an opportunity to respond.

Allow about 45 days for evaluation and selection.

A permit should not be issued until any administrative appeals involving the selection decision have been resolved through all levels. Therefore, allow time for resolution of administrative appeals. Allow at least 45 days from the date applicants are notified of the selection, since administrative appeals must be filed 45 days from that date. Review histories of administrative appeals for campground concessions, to determine how much time to allow for resolution of any appeals. It could take approximately another 90 days to resolve the appeal through the final level of review.

If the selection decision is not appealed, give the selected applicant sufficient preparation time by issuing the permit three months before the start of the operating season.

(Appendix 3C, pages 3–26-27, contains a sample time line for preparing a prospectus.)
Development of a Prospectus

To generate a sufficient number of applications that are acceptable to the FS and in the public interest, the concession opportunity must be clearly defined. The prospectus must specify the kind of special-use opportunity that is being advertised and what will and will not be permitted.

A prospectus should include relevant information regarding the concession. At a minimum, the prospectus should identify the scope and location of a proposed project, the minimum and maximum services that must be provided, performance standards, fees to the Government, and permit administration requirements. Information requirements should be presented cleanly and clearly, so as to elicit responsive applications.

Prospectuses should be prepared using a clear and easily followed format, to ensure that all applicants compete on an equal basis. The entire package should be designed so that applicants compete under the same terms. To enhance consistency in program administration and to facilitate applying for concession opportunities in different Forests, a standard prospectus outline has been developed for concessions covered by this desk guide and is included as an appendix to this chapter (see pages 3–28-32). It includes generic headings, as well as subheadings tailored to a specific concession.

Keep the prospectus format simple to reduce printing costs. Refrain from including detailed maps or photographs that do not duplicate well. Keep all pages the same size, preferably 8 1/2" x 11". Keep binding simple, as applicants may pull the prospectus apart when preparing applications. The prospectus should be provided upon request in alternative formats such as Braille or audio tape.

When necessary, modification of the prospectus must be made in writing, before applications are due. Send amendments to everyone who has been sent a prospectus. When only a short time remains before the due date, consider extending the due date. Extensions must be mentioned in the amendment; information given to one applicant must be furnished promptly to all others. Do not issue a permit unless amendments have been provided in sufficient time to allow all applicants to consider them in submitting or modifying their applications.

The following discusses sequentially the items found in a typical prospectus. (See Appendix 3D, pages 3–28-32, for a prospectus outline.)

Cover Sheet

At a minimum, the cover sheet should include the title of the prospectus, the name of the Forest and District where the concession is located, and the date the prospectus is issued.

Table of Contents

The table of contents lists headings and their corresponding page numbers in the prospectus, as well as any appendices, including maps and illustrations.

Introduction

The introduction is an overview of the information contained in the prospectus, including the opportunity being advertised and the selection process. Include a statement of the minimum fee to the Government. Reference any NEPA decisions that were made to approve issuance of the concession permit. Summarize the rationale for advertising the concession.

The introduction should also contain instructions for submitting applications. These instructions should specify the address to which applications should be sent, any labeling or packaging instructions, the date and time applications are due, the conditions under which the prospectus may be modified, and any rights reserved or conditions imposed by the FS in connection with issuance of the prospectus.

At a minimum, such rights and conditions should include the following statements:
that all applicants have an equal opportunity to apply;

that except for Members of Congress, Resident Commissioners, and current FS employees, any individual or entity may apply;

that the FS does not guarantee a profitable operation; rather, applicants are responsible for reviewing the prospectus and making their own determination concerning business viability;

that the FS is not obligated to accept the application with the highest return to the Government;

that the FS reserves the right to issue the permit on the basis of a tradeoff between the fee to the Government and technical merit;

that the FS reserves the right to issue a permit based solely on initial applications, without oral or written discussions;

that the FS reserves the right to reject any or all applications; and

that the FS reserves the right to rescind the prospectus at any time before a permit is issued.

The instructions should identify individuals to contact for more information. When more than one recreation site is advertised, include a contact person knowledgeable about each site. Provide the full name, title, address, telephone and telecopier numbers, and area of expertise for each contact.

Site Descriptions and Income-and-Expense Data

Describe the physical setting for the concession. At a minimum, describe the area, the sites advertised, the facilities on site, and supporting utilities (on and off site). In addition, provide data on income and expenses associated with management of the sites. The more complete and accurate the information, the more responsive the applica-
tions will be to the agency's and the public's needs.

Area Description

Describe the general location of the areas and sites included in the prospectus. Provide markers, such as the Forest, Ranger District, and county where the sites are located. Include a description of access to the area, major travel routes, proximity to urban areas, and where visitors come from. Consider adding information on climate, topography, vegetation, drainage, and other local attractions and recreation opportunities that affect use or operations. Also identify problems specific to the sites, such as plague, tree failures, and drought.

FS Site Descriptions

Describe each of the sites advertised in the prospectus. For each, specify whether use fees may be charged.

Government-Furnished Property

Provide an inventory of facilities at each advertised site, such as tables, fire rings, dumpsters, parking capacity, toilets, water systems and other utilities, docks, fish-cleaning stations, lagoons, trails, and campsites. Itemize and describe the facilities by type, condition, and accessibility.

Identify any special operating or maintenance requirements associated with the facilities in the inventory. This inventory should be placed in an appendix to the prospectus. Appendix 3E (pages 33-33-34) contains a sample inventory of Government-furnished property.

Government-Furnished Supplies

List supplies that will be provided by the FS to the concessionaire during the term of the permit, such as customer service comment cards, signs, and posters. The FS should not be furnishing any supplies for day-to-day operation of the concession. FS-furnished supplies should be limited to those necessary
for programmatic consistency or program administration.

Utilities
Identify available utilities, who owns them, who operates them, and the typical costs.

Generally, responsibility for operating utilities should be transferred to the concessionaire. However, in some cases the FS may retain responsibility for operating and maintaining utility systems. For example, the FS may continue to operate water and sewer systems where specialized knowledge, skill, or qualifications possessed only by the FS are required.

The FS may also continue to provide a utility such as electricity, if it supports FS administrative facilities or concession sites not included in the prospectus, such as electricity provided under a common power drop or through membership in a cooperative. State whether the concessionaire will be responsible for operating the water system year-round or just during the operating season.

Income-and-Expense Data
For existing concessions, provide either a three-year average of income or occupancy rates and price structure for the last three years for the sites included in the prospectus.

For new concessions, provide data on FS income and expenses for the sites advertised in the prospectus. Use actual costs when available; identify whether costs are actual or estimated. The Cost/Benefit Analysis for Conversion to a Concession completed by the FS (see Chapter 2, Appendix 2C, pages 2–11-12) summarizes FS income and expenses and should be attached as an appendix to a prospectus for new concessions.

Include a statement that a concessionaire may have income and expenses that the FS does not have, and vice versa; that the FS makes no guarantees with respect to the information provided in the cost/benefit analysis; and that applicants are responsible for reviewing the prospectus and making their own determination concerning economic viability. The following applies to FS data on income and expenses.

Income
Income data should be based on data compilations for the last three years, if available. Include data on total use and total revenue collected, and a use fee schedule for that period.

Expenses
Cost data should be based on expenses incurred by the FS for operating the site. Display expenses in tabular format. At a minimum, show costs for personnel, contracts, vehicles, and supplies.

The Opportunity
This section describes FS policy, programs, and permit documents that govern operation of the concession. These operational aspects of the concession are standardized and not subject to variation. These operational aspects include (1) FS program and policy considerations, (2) the special-use permit, (3) the G-T Fee offset agreement, and (4) standard operating plan provisions.

FS Programs and Policy
National Recreation Reservation Service
The National Recreation Reservation Service (NRRS) is the only authorized reservation system for concessions. Each Forest may decide whether participation is optional or required; the prospectus must state whether participation is optional or required. If participation is required, identify the sites (and which units, if not all) must be in the system. In either case, describe the reservation service and inventory condition reporting requirements, and provide a list of all sites currently enrolled.

The prospectus should explain how use fees for campsites in the system will be disbursed to the concessionaire, and any requirements applicable to sites in the reservation system. Discuss the procedures for making and
canceling a reservation. Appendix 8B is reserved for additional information on the NRRS, which will be developed in conjunction with award of the new NRRS contract. A National Recreation Reservation Service Guidebook has been drafted that provides detailed information on the NRRS. Consult the chapter on permit administration for specific language to insert in prospectuses, operating plans, and reservation plans with respect to the NRRS in general and to ensure holder compliance with changes to the NRRS in particular.

Golden Age / Golden Access Passports

State that concessionaires must honor Golden Age and Golden Access Passports. These entitlements are available to holders at a 50 percent discount on use fees that are charged per vehicle, per person, or per single-family unit.

Camp Stamps

Concessionaires must honor Camp Stamps, and may submit them to the FS for reimbursement.

Free Fishing/Camping Day Policy

Note Forest policy on free fishing/camping days. Until national policy is adopted, mandatory participation in these events by concessionaires is discouraged, but voluntary participation is encouraged.

Customer Service Comment Cards

State that the concessionaire will be required to make available to the public Form FS-1300-5, Customer Service Comment Cards (see Appendix 8F, pages 8-16-17). Some Forests and Regions have other forms besides the Customer Service Comment Card. Indicate whether there are other customer feedback forms that must be made available to the public.

Any required forms must have an Office of Management and Budget (OMB) control number for Paperwork Reduction Act compliance. Indicate whether applicants will receive additional evaluation credit for instituting a customer feedback program of their own, as part of their business.

Compilation of Use and Revenue Data

This section describes requirements for compiling and submitting use and revenue data. A standard form is provided in Appendix 8A (page 8-3), which is being submitted for an OMB control number for Paperwork Reduction Act compliance. Supply copies of this form, and instruct applicants that they must use it or provide comparable data in an alternate format. Indicate that the FS may require participation in recreation use surveys that the agency conducts.

Performance Evaluations

Indicate that a mid-year and an annual performance evaluation will be performed, and that an unsatisfactory annual rating may be cause for suspension or revocation of the permit. Also state that a sustained satisfactory performance is necessary an extension. (See Chapter 7 for a complete discussion of performance evaluations.)

Accessibility

Offering accessible programs is required by law, makes good business sense, and provides better customer service.

The Forest Service is responsible for ensuring that any Government M&R performed at concession sites meets both Uniform Federal Accessibility Standards (UFAS) and Americans With Disabilities Act Accessibility Guidelines (ADAAG), where applicable, and that outdoor recreation opportunities (e.g., trails or fishing stations) meet the agency’s accessible outdoor-recreation guidelines, Universal Access to Outdoor Recreation; A Design Guide, until the Architectural and Transportation Barriers Compliance Board (Access Board or ATBCB) finalizes ADAAG for outdoor recreation.

It is the responsibility of the FS to perform a self-evaluation of programs and facilities for accessibility, and to develop a transition plan. Use the transition plan as appropriate to develop requirements for program accessibility in the prospectus.
ADAAG, and the agency’s accessibility guidelines. (See Chapter 5 for discussion of Government M&R and G-T fee offset.)

Additionally, state that it is the concessionaire's responsibility to ensure effective communication with interested persons, including individuals with impaired vision or hearing, so that all visitors may obtain information on accessible services, activities, and facilities. Concessionaires must ensure effective day-to-day communication with individuals with disabilities, in accordance with 7 CFR 15e, Section 504 of the Rehabilitation Act, as amended, and other related Federal and state laws. Information should be provided, upon reasonable request, in alternative formats such as braille, audio tape, and large print. Sign language interpreters require advance notice (usually 48 hours) for scheduling. Inform the concessionaire of available services in the area and the lead time required to obtain them.

**Special-Use Permit to Be Issued**

State that the selected applicant will be required to comply with a special-use permit, and that a standard permit for this type of concession is attached as an appendix to the prospectus. When completed, Appendix 3F will contain the standard special-use permit, FS-2700-4h, Special-Use Permit for Campground and Related Granger-Thye Concessions.

This section discusses permit provisions specific to concessions covered by this desk guide (permit term and renewal), and a fairly new provision (responsibility for day-to-day activities).

**Permit Term**

Refer to Clause I.C of FS-2700-4h. The agency reserves the right to set the term for the permit. The prospectus must specify the permit term. The initial term will typically be five years, with an option to extend the permit term for five years at the sole discretion of the authorized officer. The decision to extend the term must be based on sustained satisfactory performance. (Refer to Chapter 7 for a detailed discussion of performance evaluations.) The agency may issue a permit for a shorter term, based on administrative need. For example, the opportunity may be for a three- or one-year permit with no extension, when a capital investment project is anticipated.

Until agency policy has been changed, issue permits with a one-year term, with an option at the agency's sole discretion to extend the permit term for four consecutive one-year periods, or with a three-year term, with an option at the agency's sole discretion to extend the permit term for two consecutive one-year periods. (Refer to Chapter 7 for a detailed discussion of performance evaluations.)

**Renewal**

Refer to Clause I.D of FS-2700-4h. FS-2700-4h does not provide for renewal. Once the permit expires, continuation of the type of use and occupancy authorized by the permit is at the sole discretion of the authorized officer, and must be subject to a competitive offering.

**Responsibility for Day-to-Day Activities**

Refer to Clause II.F of FS-2700-4h. As a general rule, the holder must conduct the day-to-day activities authorized by the permit. Some, but not all, of these activities (such as boat rentals or garbage disposal) may be conducted by a party other than the holder, but only with prior written approval of the authorized officer. The holder will continue to be responsible for compliance with all the terms of the permit.

**G-T Fee Offset Agreement**

As owner of the improvements, the Government bears responsibility for M&R that extend the life of the improvements. All or part of the permit fee may be offset by the cost of Government M&R. (See Chapter 5 for a detailed discussion of these topics.) G-T fee offset projects must be documented in an annual G-T fee offset agreement that will become part of the permit. The agreement may be amended at the agency's discretion.
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Development of a Prospectus: The Opportunity

The following should be specified in this section:

☐ A description of Government M&R.

☐ The portion of the permit fee that will be offset by Government M&R.

☐ A prioritized list of G-T fee offset projects that may be required. Describe the work and its location, estimated cost, specifications, and deadlines. This list should be included in an appendix to the prospectus. (Appendix 5A contains a sample list of G-T fee offset projects, and Appendix 5B contains a sample G-T fee offset agreement.)

☐ Specification of requirements for G-T fee offset projects, including use of a particular brand or color of paint to match existing facilities, a particular brand or model for a replacement item, or a certain technique for a particular job. Note that placing too many limitations on the concessionaire may unnecessarily increase the cost of projects. Provide available design standards.

☐ Indicate whether the concessionaire will be required, or has the option, to enter into a collection agreement with the FS to perform Government M&R. (See Chapter 6 for a discussion of collection agreements.)

☐ A description of G-T fee offset accounting procedures. (See Chapter 5 for more information on this subject.)

### Standard Operating Plan Provisions

An annual operating plan (AOP) must be prepared by the concessionaire and approved by the authorized officer. The AOP will become part of the permit. This section of the prospectus addresses FS requirements for the AOP that have no bearing on the selection process.

The AOP will elaborate on agency policy and permit clauses by establishing schedules, due dates, and details concerning implementation. These items do not need to be addressed in applications. Rather, they may be coordinated with the selected applicant. However, providing an outline of standard AOP provisions will give prospective applicants a complete understanding of the operational requirements governing the concession sites.

Not every AOP will have the same combination of standard provisions. The selection of standard AOP provisions may vary, depending on the nature of the concession. The following is a list of some standard AOP provisions that are of general interest, and instructions on how to draft them. Where appropriate, they are keyed to corresponding clauses in FS-2700-4h.

#### Site Capacities

Identify any unit capacities for sites, including single and multiple units, group areas, and parking areas. This information may be provided in an appendix to the prospectus. Describe any use restrictions, such as boating or floating restrictions, and how the concessionaire should enforce them.

#### Reserved Administrative Use

if the FS anticipates using campsites or other facilities for administrative purposes, specify the number of sites and days that will be reserved by the FS. For example, "Campsite #10 is reserved from June 15 to July 15 for a Forest Service field biologist at no cost to the agency, or "The Forest Service reserves the right to use Group Shelter #3 for three days during the season."

#### Capital Investment Projects

Where G-T fee offset cannot generate enough funds to cover the cost of needed Government M&R at a concession site, capital investment projects may be required. Anticipate these projects before issuing a prospectus, and describe them in the prospectus. Stagger the work so that most of the concession is operational during construction. Notify applicants of the sequence in which the work will be done, and state that once a portion is finished, it will become available for operation.

If income-producing sites will be affected, inform applicants of how many sites will be closed each season. For example, "Loop C
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(25 units) will be under construction in 1999. Once completed and operational, Loop C will be opened, and Loop B (30 units) will be closed for renovations. State that the Forest Service shall not be liable for any claim for damages associated with closure of sites under construction. Include the same statement in the AOP.

Holder-Furnished Property

State that the concessionaire will be expected to provide all supplies, equipment, and vehicles necessary to operate the concession sites in accordance with permit and AOP requirements. All-terrain vehicles, motorcycles, motorbikes, and similar vehicles may not be used at concession sites without prior written approval from the FS. Vehicles must be attractive, clean, quiet, and well maintained. A professional-caliber sign containing the concessionaire’s name must be displayed on the door of each vehicle used at concession sites.

A sample list of holder-furnished property may be included as an appendix to the prospectus. (Appendix 3G, on page 3-54, contains a sample list of holder-furnished property.)

Holder M&R

Refer to Clauses II.C and IV.E.1(c) of FS-2700-4h. The concessionaire, at its expense, will be required to perform holder M&R under a holder M&R plan developed by the FS that will become part of the AOP. This section defines holder M&R and describes required holder M&R responsibilities and their frequency. A holder M&R plan should be included as an appendix to the prospectus. (Appendix 3H, pages 3 - 55-56, contains a sample holder M&R plan.)

Preseason Preparation and Post-Season Cleanup

List the work to be done to open each site. List the work to be done at the end of the season for each site. Describe activities and minimum standards.

Other Special Uses

Refer to Clause I.G of FS-2700-4h. Describe any other scheduled or existing special uses in the permit area, such as grazing, outfitting and guiding, and recurring recreation events.

Site Protection

Clauses II.G, III.F, III.G, and V of FS-2700-4h address the concessionaire’s site protection responsibilities. Note whether a vegetation management plan exists, and whether it contains conditions the concessionaire must meet. Acknowledge threatened-and-endangered-species protocols that may exist.

Erosion Control

Refer to Clause III.G of FS-2700-4h. The AOP should address appropriate erosion control practices during and after site construction and other ground-disturbing projects.

Site Hazards

Refer to Clause II.G and III.E of FS-2700-4h. The concessionaire should conduct a preseason inspection of the sites to identify existing and potential hazards, including hazard trees. The concessionaire is responsible for monitoring and identifying hazard trees. The concessionaire will also remove hazard trees, subject to prior FS approval. The AOP should address appropriate disposal, e.g., the AOP may state that the FS will sell commercial-grade timber. The FS may conduct timber sales following significant blowdown. Monitoring, identification and removal of hazard trees are holder M&R. Discuss frequency and cost of hazard tree removal at each site, if atypical. Describe any conditions, such as stand age, density, and weather patterns, that would tend to increase the number of hazard trees.
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Wind Damage

Refer to Clauses III.E and III.F of FS-2700-4h. Describe whether and how the concession sites are susceptible to wind damage.

Fire Prevention

Refer to Clauses III.E and III.F of FS-2700-4h regarding fire prevention requirements. The AOP should address how the concessionaire should report fires, and the concessionaire’s responsibility for fire tools and equipment and fire suppression.

Butane and Propane Installations

Refer to Clause V.G of FS-2700-4h, which applies if the concessionaire is allowed to install butane or propane tanks. Specify any approved sites for these installations.

Herbicide/Insecticide Use

Refer to Clause V.D of FS-2700-4h. The prospectus should cite any restrictions on herbicide and insecticide use, such as type, use, and timing of treatments; disposal of waste products; and any certifications that are required. The AOP should address proposed herbicide or insecticide treatments. Include appropriate provisions for protection of National Forest System resources.

Construction Safety

Refer to Clause III.G of FS-2700-4h. The AOP should describe appropriate construction safety standards.

Boating Safety

The AOP should address restrictions and requirements that apply to boating safety, including certifications required for providing services.

Diseases (Hantavirus and Plague)

The AOP should address the history of and procedures for infestation areas that would affect a concession.

Advertising

The concessionaire must address proposed advertising in the AOP, in conformance with Clauses II.H and VII.B of FS-2700-4h.

Signs and Posters

Refer to Clause II.H of FS-2700-4h. The AOP should address who is responsible for furnishing signs and posters. The FS is responsible for providing all Title VI signs and posters. Describe required signs and sign standards. Content, location, and quantity of signs and posters must be approved by the FS.

Proposed Operating Plan Provisions

This section identifies operational aspects of the concession that are not standardized and that therefore may vary by applicant. Require applicants to submit proposed operating plan provisions that respond to each of the items covered in this section of the prospectus. For some items, the prospectus will specify minimum requirements and allow...
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applicants to propose services that exceed the minimum. For other items, the prospectus will ask applicants to address a given topic.

Operating Season

Describe the minimum acceptable operating season. Specify the beginning and ending dates for a typical season; any foreseeable conditions, like snow depth, that may affect the season of use; and use patterns, such as peaks and valleys. List restrictions on use outside the typical operating season and any capacity limits during the shoulder season. Indicate whether an extended season may be proposed.

Staffing

This section describes minimum staffing levels for the concession, and FS expectations for concessionaire employee conduct.

Supervision/Management

Specify whether a site or area manager will be required to supervise concessionaire employees and to serve as the principal contact with the FS. Specify FS requirements for the site or area manager, including experience and qualifications. Ask applicants to describe how managers and employees will communicate.

Personnel

Specify the minimum number of employees required to manage the concession sites. Specify FS requirements for concessionaire employees, including experience and qualifications. State that the concessionaire must comply with all applicable Federal and state labor laws. (See Appendix 8D, pages 8-8-10, for more information on concessionaire compliance with labor law.)

Employee Training

Ask applicants to describe the training employees will receive, to meet the minimum requirements of the prospectus.

Employee Housing and Services

State whether campsites and other Government facilities and services (such as toilets, electricity, and refuse disposal) are available for concessionaire employees and, if so, at what cost. If the concessionaire must provide employee housing and services, describe limitations on usage (such as seasonal restrictions), and other requirements.

Employee Conduct

Specify FS expectations for concessionaire employee conduct, both on the job and off duty on the premises. State that concessionaires, not the FS, are responsible for the conduct of their employees.

Uniforms

Do not require or allow concessionaire employees to wear FS uniforms or FS uniform components. Any work apparel worn by concessionaire employees must be distinctly different from the FS uniform in design, color, and insignia; must include identification of the concessionaire by patch or name tag, and identification of the employee by name tag; and must be approved by the authorized officer.

Required Services

This section specifies operating requirements for the concession sites, including all minimum service levels. The FS must clearly articulate minimum acceptable standards for required services and, as appropriate, for optional services. Ask applicants to propose services above the minimum standards. Minimum standards set in the prospectus should track with minimum standards in the AOP and standards in the performance evaluation.

Operation of the Concession

In this section, describe work relating to operation of the concession.
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Hours of Operation

Specify the minimum hours that the sites must be open, including daily hours of operation for all sites, fee booths, and visitors’ centers. Indicate whether extended hours may be proposed.

Cleaning and Maintenance

Specify minimum standards for cleaning and maintenance. In developing these, refer to the standard performance evaluation form contained in Appendix 7A (pages 7 - 4-7). Have applicants describe how the facilities and surrounding areas will be cleaned and maintained to these standards. Have applicants address refuse disposal, toilet pumping, and other periodic cleaning.

Emergency Response

All emergencies at concession sites should be reported to local authorities. In this section, ask applicants to describe how they will respond to emergency situations, how they will provide information and assistance to the public, and how they will handle public criticism of emergency response. Applicants should show how hours of operation, communications, and employee training and supervision will be integrated in these situations.

Law Enforcement

The FS, state and local law enforcement officials, and the concessionaire each have specific enforcement roles at concessions. (Refer to Appendix 8E for a detailed discussion of this topic.) Specify the respective enforcement responsibilities of the FS, state and local officials, and the concessionaire. Discuss any issues or requirements that may affect the cost of concessionaire enforcement responsibilities, including enforcement of site capacities. Ask applicants to address how they will fulfill the concessionaire’s role and responsibility for law enforcement, including rules of use they will impose at the sites.

Customer Feedback

Ask applicants to specify how they will handle customer complaints.

Other Required Services

Describe any additional services that are required.

Optional Services

If any of the items in this section are considered essential, move them into the section on required services. List requirements for optional services and the minimum standards that apply. These may include interpretive services, law enforcement patrols, and rental of equipment such as boats and bicycles. Specify that if the FS selects an application that includes optional services, they will be included as required services in the APO.

Interpretive Services

Describe any requirements for interpretive or environmental-education programs or materials within the permit area. Ask applicants to describe how they will enhance the visitor’s enjoyment of the National Forests, and what kinds of information they will provide. (See Appendix 8C, pages 8 - 5-7, for further details.)

Communication Systems

The concessionaire is responsible for communication systems needed for concession operations. Describe communication equipment or services that applicants may propose. FS radios and frequencies may not be used by concessionaires under any circumstances.

Managing Non-Fee Sites

Management of non-fee sites may be required for a concession with multiple sites. If so, include this item in the section on required services, and describe any applicable requirements. Management of non-fee sites may also be proposed as an optional service. If so, describe which sites may be included. In either case, identify any conditions the conces-
sionaire must meet to charge a fee at these sites in the future. List any sites where fees may not be charged under any circumstances. (See "Development of a Prospectus," "Proposed Operating Plan Provisions," "Concessionaire Income and Expenses," for more information on this topic)

Recycling

State requirements for continuing existing recycling programs, and for establishing new ones.

Accelerated G-T Fee Offset Work

Unless it is already covered as a separate evaluation criterion, specify the accelerated schedule for G-T fee offset work that may be proposed. The cost of G-T fee offset work under the schedule may not exceed the total estimated permit fees for the initial term of the permit, which will typically be five years once current policy has been revised. (See Chapter 5 for more information on G-T fee offset and long-term Government M&R.)

Other Optional Services

Describe other optional services that may be provided, such as boat or bike rentals or firewood sales.

Concessionaire Income and Expenses

In this section, require applicants to forecast income and expenses for the concession and other business obligations. State that the income-and-expense forecast will be used in assessing the proposed fee to the Government and in making a FAD on the selected applicant.

The forecast should display expected monthly volume of business, revenue, and cash needs, including a detailed breakdown of expenditures by category or expense, for at least the first year of the concession and for all other business obligations. The forecast should enumerate the use fee structure and estimated annual visitation by fee class. If the requisite cash is not readily available, the cash flow forecast should identify how equipment and working capital will be funded.

The following are typical income-and-expense categories and a description of requirements in those categories, which applicants should address in their forecast.

Income Estimates

Pricing Policies

Request applicants to describe their pricing policies, including senior or family discounts, season passes, and variable pricing (such as for proximity to water, weekday versus weekend use, location, or availability of utility hookups or other amenities). State that pricing must be non-discriminatory (senior discounts must be made available to all who qualify, for example).

Use Fees

State that concessionaires may charge use fees only to the extent that the FS could charge them under the Land and Water Conservation Fund Act. Specifically, proposed fees must be specified per vehicle, per person, or per recreation unit.

Campgrounds designated for charging fees must have a majority of the following:

- Tent or trailer spaces.
- Picnic tables.
- Drinking water.
- An access road.
- Refuse containers.
- Toilet facilities.
- Personal fee collection by an employee.
- Reasonable visitor protection.
- Simple devices for containing a campfire, where campfires are permitted.

Concessionaires may not charge for any of the following, whether used singly or in any combination:

- Drinking water.
- Wayside exhibits.
- Roads.
- Overlook sites.
Expense Estimates

Fee to the Government

Ask applicants to include their proposed fee to the Government in their expense estimates.

Deposits and Advance Payments

Specify any required deposits and advance payments, such as special assessments for FS-provided utilities. If any advance payments are required, describe how they will be estimated and the schedule of payments. (See Chapter 5 for a detailed discussion of advance permit fee payments.) Ask applicants to estimate these costs.

Federal, State, and Local Taxes, Fees, and Licenses

Describe any Federal, state, and local taxes, fees, and licenses for which the concessionaire will be responsible, such as a certificate for operating a water system. Consult the local county assessor for a list of applicable local taxes and fees. Some counties have initiated transient room taxes that apply to campgrounds. Sales tax and personal-property taxes will also apply. Have applicants estimate these costs.

Holder M&R

Ask applicants to estimate holder M&R costs identified under "Required Services" above.

Insurance

Specify any insurance requirements, including the types of insurance and coverage amounts, inclusion of the FS as an additional insured in any policies, and proof that insurance requirements are met. Have applicants estimate insurance costs. (See Chapter 6 for a detailed discussion of insurance.)

Bonding

Specify any bonding requirements, including the types of losses to be covered and the coverage amounts. Ask applicants to estimate...
bonding costs. (See Chapter 6 for a detailed discussion of bonding.)

Pre- and Post-Season Operations

Ask applicants to include in their estimates any special costs relating to opening or closing the concession sites, such as treatment of water or sewer systems.

Storage

Have applicants estimate any costs associated with on- or off-site storage of concessionaire equipment and supplies at the concession sites.

Utilities

Provide a list of any utility systems that will be the concessionaire’s responsibility. Describe any cost components or technical requirements that will affect operation of these systems. Reference applicable operating standards in an appendix to the prospectus. State whether the concessionaire may have third parties perform certain functions, such as water testing or garbage collection, and if so, what standards must be met. Identify any shared utilities and other users. Identify if there is separate metering for utilities, or if a cost-share agreement will be necessary. Ask applicants to estimate costs associated with utilities that are the concessionaire’s responsibility.

The following is additional guidance by type of utility.

Garbage Collection/Disposal

If dumpsters or garbage cans are available from the FS, describe their location, quantity, size, and condition. Describe any special garbage collection and disposal fees. If the concessionaire must offer garbage disposal service, identify the nearest landfill. Provide an estimate of unit cost.

Water System Operation and Testing

Describe any costs associated with water system operation, testing, monitoring, pre-season opening, and post-season closure. Costs should reflect operating the system to state standards.

Electricity

Specify whether electrical service is provided, and if so, who provides it and the typical cost per kilowatt. State whether the concessionaire will be charged for year-long use or just during the operating season. Specify the number and location of any sites with electrical service.

Natural Gas/Propane

Specify whether natural gas or propane service is provided and, if so, who provides it and the typical unit cost. Specify the number and location of any sites with natural gas or propane service. State whether the concessionaire will be charged for year-long use, or just during the operating season.

Sewage

Specify whether sewer service is provided and, if so, who provides it and its monthly cost. State whether the concessionaire will be charged for year-long use, or just during the operating season. Specify the number and location of any sites with sewer service.

State whether there is a recreation vehicle dump station at any of the concession sites or in the area, and specify the operating costs for the station.

Toilet Pumping

If toilet pumping is required, identify who will supply the service, the typical cost per vault, and how often the concessionaire will have to pump the vaults. List the number and location of vault toilets.
Personnel

Ask applicants to estimate personnel costs associated with any requirements identified under "Development of a Prospectus," "Proposed Operating Plan Provisions," and "Staffing."

Employee Housing

Ask applicants to estimate any costs associated with employee housing.

Other Required Submissions

The prospectus must identify any additional required submissions. These requirements may vary with the scope and nature of the project. The following discusses additional submissions that should be required in every prospectus.

Financial Documents

In addition to a completed FS-6500-25, certain financial information should be submitted by applicants to make the FAD. Any financial information submitted by applicants should conform to generally accepted accounting principles or other comprehensive bases of accounting. Any previously prepared financial documents that are submitted should be unredacted and in their original form; any footnotes in the original should be included.

Financial statements may be audited, reviewed, or compiled by certified public accountants (CPAs). Auditing entails the greatest amount of CPA involvement, and compilation the least. Whether and how much a CPA is involved in the preparation of financial statements, and whether financial statements are required, depend on the size of the concession and the degree of expected risk associated with it. See FSH 6509.18 and consult with a local FS accountant to determine whether CPA involvement is preferred (and, if so, to what degree), and what type of documentation is required. The following outlines documentation that should be requested when CPA involvement is preferred, and when it is not.

When CPA Involvement Is Preferred

Request a complete set of all financial statements for the last three fiscal years that have been audited, reviewed, or compiled by a CPA. For financial statements that have merely been compiled by a CPA, request applicants to complete Parts (D)(1) or (D)(2) of Form FS-6500-24, "Financial Statement," to obtain certification from applicants as to the accuracy of the financial statements. (Appendix 3I contains a copy of FS-6500-24.)

If financial statements have not been audited, reviewed, or compiled by a CPA for the last three fiscal years, request a completed FS-6500-24 for any fiscal year applicants were in business during the last three fiscal years for which an audited, reviewed, or compiled financial statement was not prepared. Limited-liability companies should list the name of the company in Block 1 and the names and interests of the principals in Block 5, and complete the certification in Part (D)(1) of FS-6500-24.

In addition to any documentation provided under the above two paragraphs, for applicants that have not been in business for the last three fiscal years and therefore cannot submit audited, reviewed, or compiled financial statements and/or an FS-6500-24 for that period, request two fiscal years of projected financial statements, compiled by a CPA using the forecast method.

When CPA Involvement Is Not Preferred

If financial statements are required, request a completed Form FS-6500-24 for any fiscal year applicants were in business during the last three fiscal years. Limited-liability companies should list the name of the company in Block 1 and the names and interests of the principals in Block 5, and complete the certification in Part (D)(1) of FS-6500-24.

In addition to any documentation provided under the paragraph above, for applicants that have not been in business for the last three fiscal years and therefore cannot submit
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Development of a Prospectus: Over Req. Submissions t Eval. Criteria / Permit-Issuance Prerequisites / Appendices & Other Doc's

an FS-6500-24 for that period, request two fiscal years of projected financial statements, compiled by a CPA using the forecast method.

**Miscellaneous Submissions**

There may be additional required submissions, depending on the concession.

**Evaluation Criteria**

Enumerate the criteria and their relative importance, and discuss the rating method to be used, as developed in the application evaluation plan. State the minimum fee in the criterion on Fee to the Government.

**Prerequisites to Issuance of a Permit**

Enumerate prerequisites to issuance of a permit. State that if these prerequisites are not met within 30 days of the date of the selection letter, a permit will not be issued to the selected applicant, and that the applicant that receives the next highest rating will be selected for a permit, subject to a FAD and other prerequisites to permit issuance specified in the prospectus.

Prerequisites to permit issuance should include:

- A determination of financial ability.
- A special-use permit, executed first by the selected applicant and then by the FS.
- An annual operating plan, completed and signed by the selected applicant and submitted to the FS for approval.
- An annual agreement for any G-T fee offset work required by the FS, executed first by the selected applicant and then by the FS.
- Meeting all insurance requirements.
- Meeting all bonding requirements.
- Making any required deposits and advance payments.
- Obtaining any required certifications, and meeting any other prerequisites.

**Appendices and Other Documents**

Following are a list of mandatory and optional appendices to the prospectus, a list of documents that are available to applicants upon request, and a list of documents that should be sent to the selected applicant. Other mandatory and optional appendices may be attached to the prospectus.

**Mandatory Appendices**

☐ Form FS-2700-4h, Special-Use Permit for Campground and Related Granger-Thye Concessions.
☐ Annual Operating Plan Outline
☐ Annual G-T Fee Offset Agreement
☐ Sample Holder M&R Plan
☐ Facility and Improvement Inventories “Operation of Federally Owned Drinking Water Systems”
☐ Vicinity Map
☐ Recreation Site Maps
☐ Form FS-6500-25, Request for Verification.
☐ Form FS-6500-24, Financial Statement.
☐ Standard Performance Evaluation Form for Campground and Related G-T Concessions.
☐ Cost/Benefit Analysis for Conversion to a Concession Completed by FS (for New Concessions).

**Optional Appendices**

☐ A Sample Business Plan
☐ Sample List of Holder-Furnished Property
☐ Sample Collection Agreement
☐ Forest Orders that Apply to the Concession
☐ Vegetation Management Plan

**Documents Available upon Request**

☐ EA and NEPA Decision Notice for the Concession Opportunity
☐ National Recreation Reservation Service Plan (reserved)
☐ Accessibility Self-Evaluation and Transition Plan
☐ Recreation Site Use Reporting Form
Advance Public Notice

Notice of the Opportunity

Advance public notice generates interest from potential applicants in the business opportunity that will be advertised in the prospectus. At a minimum, advance public notice requires publication in a local or regional newspaper of general circulation in the vicinity of the opportunity. Give further notice by advertising in the Commerce Business Daily and The Wall Street Journal, or by posting in public places. Submit the notice for publication 15 to 30 days before issuance of the prospectus.

Include the following:

☐ Location and type of special-use opportunity.

☐ Extent and duration of the opportunity.

☐ How potential applicants can obtain information.

Target Audience

To reach an interested audience, a targeted mailing may also be appropriate. Include parties who have expressed interest, trade organizations, and past and current concessionaires. Some techniques to generate interest include:

☐ Advertising in a trade journal or association newsletter. Contact the National Forest Recreation Association and advertise in its newsletter.

☐ Developing an information handout.

☐ Sending a solicitation-of-interest letter to all parties who might be interested (see Appendix 3J). Describe the proposed concession, and invite them to write for more information. All sites that are being considered for inclusion in the prospectus should be listed, to give potential applicants a chance to inspect them before the prospectus is issued. The FS is not obligated to include all those sites in the prospectus.

☐ Holding an on-site event or providing a map so that interested parties may tour the site on their own. Field visits give potential applicants an opportunity to observe administration and operation of the campground firsthand during the operating season. Have the following information available for interested parties:

   † Location and maps of campgrounds being considered for the prospectus.

   † Number and type of units and facilities.

   † Operating season and amount of use.

   † Average receipts collected per campground.

☐ Sending a prospectus to those at the event who asked for one, and to those who have expressed interest.

This process ensures that the largest group of potential applicants will be reached, and that the group will be narrowed to those who are genuinely interested in participating.
Chapter 4

Selecting a Concessionaire

This chapter discusses the selection process. See Appendices 4A through 4D on pages 4-6 -- 4-14 for a more detailed discussion of the selection process.

Evaluation Method

Rank the criteria using the fixed-weight or non-fixed-weight method described below.

Fixed Weights

The simplest method is to assign a certain percentage to each criterion, based on a total of 100 percent; or to assign specific points representing the importance of each criterion, e.g., Criterion 1 = 50 points, Criterion 2 = 30 points, and Criterion 3 = 20 points. Because this method requires exactness, it is fairly restrictive in terms of how applications are evaluated.

Non-Fixed Weights

The non-fixed-weight method uses adjectives to describe the relative importance of criteria, without assigning specific points or percentages, such as:

The proposed operating plan is the most important criterion; it is more important than business experience. Both of these criteria are more important than the availability of financial resources, and the least important criteria are the fee to the Government and use fees charged to the public, with the former being more important than the latter.

The evaluators then score each application based on this descriptive ranking of the criteria, rather than on a numeric ranking. A point total may still be assigned to each application.

Thus, an application evaluated under the non-fixed weights in the above example, with an excellent operating plan and business experience, good availability of financial resources, a fairly low proposed fee to the Government, and an average proposal for use fees charged to the public may be given a total of 80 out of 100 total points. Another application with an average operating plan and business experience, fair availability of financial resources, a fairly high proposed fee to the Government, and an excellent proposal for use fees charged to the public might be rated 65 out of 100 points.

The non-fixed-weight method is a more subjective means of evaluation, but has the advantage of allowing evaluators to rank applications without being constrained by precise numerical weights. It has the disadvantage of being less defensible than the fixed-weight method, because of its greater subjectivity. An applicant who receives a score that is only a few points lower than the successful applicant’s (e.g., 20 points lower when the total possible score is 100) may complain that the evaluation was unfair. Without fixed weights, it is more difficult to justify the evaluation process that led to the lower score.

Regardless of which method is used, the evaluation team may wish to consider using a tradeoff analysis, to weigh technical merit and the fee to the Government. This process is explained in the next section.

Tradeoff Analysis

Include a statement in the prospectus reserving the right of the FS to issue the permit on the basis
of a tradeoff between the fee to the Government and technical merit. This approach allows the FS to determine whether an application with a high technical rating justifies accepting a lower fee. For example, assume the following ranking for three applications:

<table>
<thead>
<tr>
<th>Application</th>
<th>Technical Score</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>900</td>
<td>$25,000</td>
</tr>
<tr>
<td>2</td>
<td>700</td>
<td>$40,000</td>
</tr>
<tr>
<td>3</td>
<td>600</td>
<td>$35,000</td>
</tr>
</tbody>
</table>

Tradeoff analysis allows evaluators to determine whether the higher technical rating for Application 1 (900) justifies the lower fee ($25,000), or whether the higher fee for Application 2 ($40,000) justifies the lower technical rating (700). It may be necessary to look at the annual fee and the fee over the life of the permit, to make this determination. Document the rationale for any tradeoff between the fee to the Government and technical merit.

### Evaluation of Applications

To be considered for issuance of a permit, applications must be received on time. Applications will be considered late if received after the due date specified in the prospectus, unless late receipt is due solely to mishandling by the FS. If only one application is received and it is late, the FS has the discretion to accept it.

Rating forms may be developed for the evaluation process. Ratings should be consistently applied to elements of applications and among applications, to ensure a thorough and fair evaluation. Each evaluation team member must support the ratings assigned with a concise narrative addressing strengths and weaknesses in the application. (A sample rating form is included in Appendix 4A, pages 4-6–4-9.)

The evaluation must primarily be based on the information in the application submitted to the FS. Information may be obtained from other sources, if the use of such information is part of the normal evaluation process or if the applicants are notified of such use. If outside information—references, for example—is used to evaluate one application, it must be used to evaluate all of them.

Technical components of applications, such as the operating plan, require:

- Documentation of the basis for evaluation.
- An analysis of what is acceptable and unacceptable, including an assessment of each applicant’s ability to accomplish the technical requirements.
- A summary or matrix of the ratings.
- A summary of findings.

The FS will establish a minimum permit fee in the prospectus as a flat dollar amount. The minimum fee will establish a floor for the fee proposed by applicants. Although the permit fee will be proposed as a percentage of gross revenue, that percentage should equate to a value that at least equals the minimum fee.

Before deciding which application to accept, evaluate the proposed fee to the Government separately from technical merit. Examine the proposed fee to determine what the Government will likely receive. Evaluate the percentage of gross revenue proposed in light of the projected net revenue for the concession submitted by the applicant in the applicant’s forecast of concessionaire income and expenses. Determine whether the revenue and expense projections are realistic. In addition, assess whether visitation and other assumptions are accurate and reasonable, and whether the proposed fee equals or exceeds the minimum fee.

Whenever all or most of the applicants propose a fee that is less than the minimum, the FS should ask all those applicants why they believe the minimum fee is higher than fair market value. If these discussions convince the FS that its estimate is too high, the FS should withdraw the prospectus, establish a new minimum fee, and issue a new prospectus, if the FS believes the concession is still viable in light of the new minimum fee.

If only one applicant responds to the prospectus, the proposed AOP provisions for the concession may be negotiated with the applicant. If no applicants respond to the prospectus, reevaluate
the concession opportunity. Consider whether the prospectus can and should be modified to make it attractive, and reissued; or whether the opportunity cannot be made viable, and should not be readvertised. If there are no applicants, inquiries may be made of potential applicants strictly as to why they did not apply.

**Selection of an Applicant**

Upon completion of the evaluation, the selecting official must decide whether to issue the permit without oral or written discussions. Issuing the permit based on initial applications is appropriate if it would produce the most advantageous result for the FS, and the prospectus includes a provision that reserves the FS's right to do so.

If any uncertainty exists concerning the technical or fee aspects of an application, the permit should not be issued without further discussion. *Discussion* includes any oral or written communication between the FS and an applicant that allows the applicant to revise or modify his/her application.

Do not issue a permit based on initial applications if discussions have been conducted with one or more applicants for any purpose other than clarification. *Clarification* means communication with an applicant for the sole purpose of eliminating minor irregularities, informalities, or clerical mistakes in the application. Under these circumstances, do not allow the applicant to modify his/her application.

**Establishing a Competitive Range**

When a permit should not be issued on the basis of initial applications, the selecting official must decide which potential applicants should be included in the competitive range, for the purpose of conducting written or oral discussions. The competitive range must be determined on the basis of the fee and other factors that were stated in the prospectus, and must include all applications that have a reasonable chance of being selected. The selecting official may limit the number included in the competitive range to a number that allows proper evaluation.

Selecting officials have broad discretion in determining whether to place an application in the competitive range. However, the selecting official may not treat similarly situated applications differently. Do not exclude applicants from the competitive range on the basis of a predetermined cut-off score. Base inclusion or exclusion of a particular application on the array of scores obtained from applicants.

Exclusion is appropriate if the deficiencies are so material as to preclude any possibility of upgrading, except through major revisions or additions. Exclude applications that contain requirements or conditions that could not be met without detracting from technical acceptability.

**Written or Oral Discussions**

There is no need to conduct oral or written discussions with applicants outside the competitive range. Oral or written discussions should be conducted with all applicants in the competitive range whose applications contain technical deficiencies (parts of the application that do not satisfy the FS's minimum requirements). Ensure that discussions disclose only deficiencies. During discussions, point out all deficiencies in the applications, not just in selected areas.

Determine deficiencies only from evaluation of each application against the specific evaluation criteria established in the prospectus. Do not determine deficiencies in an application by comparison with competing applications. Do not disclose the strengths and weaknesses of, or any information from, competing applications. Unless an application is removed from the competitive range after uncertainties are resolved, allow an applicant to revise his/her initial application.

After written or oral discussions have been conducted, solicit best and final applications. Invite all applicants in the competitive range, including those with whom no discussions were held, to submit a best and final application. The request for best and final applications must include
Chapter 4: Selecting a Concessionaire

☐ A statement that discussions are concluded.

☐ A statement that best and final applications should be submitted.

☐ A due date and time that give a reasonable opportunity for submission of best and final applications.

☐ A statement that if any modification is submitted, it must be received by the date and time specified.

If there is any additional discussion with an applicant after the submission of best and final applications and before issuance of a permit, there must be additional discussions with all applicants remaining in the competitive range, and another round of best and final applications. Do not discuss deficiencies remaining from the initial applications if the applicant has already been informed of the deficiencies.

☐ Garbage and Toilet Pumping Standards.

☐ Form FS-1300-5, *Customer Service Comment Card.*

☐ Daily Use and Fee Collection Form.

Follow-Up

Furnish the basis for the selection decision to any unsuccessful applicant who requests it in writing. Include the FS’s evaluation of significant deficiencies in the requester’s application. Do not make comparisons with other applications or reveal the evaluation scoring. Return unsuccessful applications after the appeal period has expired.

FOIA Requests

The following is a summary of general legal principles applicable to requests for information from applications, either selected or unsuccessful, under the Freedom of Information Act (FOIA). Determinations of whether to release requested information depend on the circumstances of each situation. Consult with the local Office of the General Counsel (OGC) and the local FOIA coordinator in the event information from applications is requested. See FSM 6270 and FSH 6209.13 on FOIA and the Privacy Act for additional information.

Do not guarantee in the prospectus or otherwise the confidentiality of information submitted in applications. State that this information may be kept confidential only to the extent permitted under applicable law, i.e., FOIA and the Privacy Act.

Information submitted in response to a prospectus may be withheld if it qualifies as confidential business information under exemption (b)(4) of FOIA. Financial statements would probably qualify under exemption (b)(4).

However, information that qualifies under exemption (b)(4) must be released if the information becomes part of the public record, e.g., by being
attached to the permit issued to the selected applicant. For example, information contained in an operating plan attached to a permit does not qualify as confidential business information under exemption (b)(4), because the operating plan and permit are public documents.

Information may also be withheld under exemption (b)(5) of FOIA if it is involved in the FS's deliberative process. To justify use of exemption (b)(5), it must be shown that release of the information would harm the FS's ability to make a decision based on that information. This justification is also necessary to meet the Attorney General's foreseeable-harm policy on exemption (b)(5). (This policy is inapplicable to exemption (b)(4) concerning release of confidential business information.)

A request for evaluation scores and ratings before or after a decision is made to issue a permit would probably qualify under exemption (b)(5). As a general rule, the application evaluation process should be protected from disclosure before, during, and after the evaluation, to maintain the integrity of the process.

If a decision is made to release information submitted in an application, applicable regulations require the FS to give the submitter prior notice and an opportunity to respond. Consult with the local OGC on the regulations and procedures to follow.

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**Appeals**

A decision to issue a permit through issuance of a prospectus is subject to the agency's administrative-appeal procedures at 36 CFR Part 251, Subpart C. Do not issue a permit until all prerequisites for the permit have been met and the appeal period (and if an appeal is filed, the appeal itself) have concluded.

If a bid protest is filed with the General Accounting Office involving issuance of an FS campground concession permit, the affected Forest should immediately notify the Recreation, Heritage, and Wilderness Resources Management staff in Washington.

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**Prerequisites to Issuance of a Permit**

The prerequisites to issuance of a permit discussed in Chapter 3 must be met by the selected applicant. If not, the applicant that receives the next highest rating should be selected, subject to a financial-ability determination (FAD) and the prerequisites to permit issuance.
Chapter 5
Permit Fees and G-T Fee Offset

This chapter discusses establishing the permit fee, G-T fee offset, and permit fee payments.

Establishing the Permit Fee

Permit fees charged under Section 7 of the G-T Act have two components: the value of the use of Federal improvements, and the value of the use of Federal land. (See FSM 2715.13 and FSH 2709.11.) A permit fee should be calculated based on all land and improvements under permit, even sites that do not qualify for charging use fees under the Land and Water Conservation Fund Act.

The permit fee will be determined by competition: applicants will propose the fee to the Government as a percentage of gross revenue. The FS will evaluate that percentage in light of the projected net revenue for the concession, submitted by the applicant in the applicant's forecast of concessionaire income and expenses.

The FS will establish a minimum fee in the prospectus in the Evaluation Criteria section and in FS-2700-4h, clause IV.A. The minimum fee will be stated as a dollar amount in both the prospectus and the permit. The minimum fee will establish a floor for the fee proposed by applicants, and for the permit fee paid by the holder. Although the permit fee will be proposed as a percentage of gross revenue, that percentage should equate to a value that at least equals the minimum fee, and the concessionaire will not pay a permit fee less than the stated minimum. For fee calculation purposes, “gross revenue” is defined in FS-2700-4h, clause IV.B.

The following describes the process and rationale for establishing the minimum fee.

The FS is required by law to obtain fair market value for the use of land and improvements under FS administrative control. Current fee policy is contained in FSM 2715 and 2720. FSM 2721.41 provides that FSH 2709.11, Chapter 30, should be used to compute fees for uses that involve primarily camping and picnicking (whether the facilities were developed by the FS or by non-Federal entities).

Several methods for determining fair market value are discussed in FSH 2709.11, section 31.1. These include appraisal, income, schedules, competition, and negotiation. Three methods are proposed for establishing a minimum fee for G-T campground concessions.

Establishing a Minimum Fee Based on Appraisal

Appraisal is the most professional and defensible, although the most expensive, method of valuation. See Chapter 5 of the PPV Desk Guide, “Step 2: Determining Whether a Formal Appraisal is Needed,” for a discussion of appraisals. If available, appraisals should be used to establish the minimum fee for the use of the land and improvements. The capitalization rate, or percentage applied to the appraised value to determine the permit fee, should be based on current market data.

If current market data are unavailable, Office of Management and Budget Circular A-25, which implements Federal statutory authority for charging fees, provides that the 30-year Treasury rate, also known as the long-term bond rate, may serve as the capitalization rate. As of July 1, 1997, the 30-year Treasury rate was approximately 6.78 percent. Check the current rate at the time of fee determination. Examples of minimum fee calculations follow.
Fee Component for the Use of Government Land

Acres of land to be permitted = 27

Appraisal value of land = $3,000 per acre

30-year Treasury rate = 6.78 percent

Fee = value of land times Treasury rate

Fee = 27 x $3,000 x .0678 = $5,492

Fee Component for the Use of Government Improvements

One approach to valuation is replacement cost less all forms of depreciation:

Replacement cost = $1,000,000

Depreciation = 80 percent

  = $1,000,000 x .80
  = $800,000

Current value = $1,000,000

  $800,000
  = $200,000

Fee = value of improvements times Treasury rate

Fee = $200,000 x 0.0678 = $13,560

Combined fee

Combine the components for the use of the land and the use of improvements to obtain the minimum fee: $5,492 + $13,560 = $19,052.

Establishing a Minimum Fee Based on Gross Receipts

Basing recreation concession fees on a percentage of gross receipts is a common practice for Federal as well as state agencies. If appraisals are unavailable, the minimum fee may be based on the three-year average of gross receipts times the current 30-year Treasury rate, as shown below.

<table>
<thead>
<tr>
<th>Year</th>
<th>Gross receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>$120,500</td>
</tr>
<tr>
<td>1995</td>
<td>$125,600</td>
</tr>
<tr>
<td>1996</td>
<td>$130,300</td>
</tr>
</tbody>
</table>

Average = $376,400 ÷ 3 = $125,467 x .0678 = 8,506.66.

Establishing a Minimum Fee Based on a Schedule

An alternative to using the average of gross receipts times the 30-year Treasury rate is to develop a regional or market area schedule of minimum fees, based on capitalization rates for comparable concessions on land managed by the FS, other Governmental entities, and the private sector.

G-T Fee Offset

Once the permit fee is calculated, it may be offset in whole or in part by the value of Government M&R, as defined in FS-2700-4h, that is performed at the holder's expense. The permit defines “maintenance," "reconditioning," "holder maintenance or reconditioning," and "Government maintenance or reconditioning" as follows:

Maintenance is preserving; keeping in proper condition; or rebuilding, repairing, or replacing. Maintenance does not include construction of new facilities.

Reconditioning is restoring a facility to its original condition, or to meet current national or state standards, such as UFAS, ADMG, the Uniform Building Code, or state water quality standards. Reconditioning does not include construction of new facilities.

Holder maintenance or reconditioning is maintenance or reconditioning that NEITHER MATERIALLY ADDS TO THE VALUE OF THE PROPERTY NOR APPRECIABLY PROLONGS ITS LIFE. The work serves only to keep the facility in an ordinary, efficient operating condition. From an accounting or tax perspective, it is work that may be expensed, but not capitalized.
Examples include but are not limited to interior decorating, interior painting, vandalism repair, repair of broken windows, light bulb replacement, cleaning, unplugging drains, drive belt replacement, preventive maintenance, lubrication of motors, greasing, servicing, inspecting, oiling, adjusting, tightening, aligning, watering, weeding, sweeping, waxing, refinishing picnic tables, routine housekeeping, and general snow removal.

In fulfilling these responsibilities, the holder shall obtain any licenses and certified inspections required by regulatory agencies, and follow state and local laws, regulations, and ordinances and industry standards or codes applicable to the permitted operation.

**Government maintenance or reconditioning** is maintenance or reconditioning that ARRESTS DETERIORATION AND APPRECIABLY PROLONGS THE LIFE OF THE PROPERTY. From an accounting or tax standpoint, the expenditures may be capitalized.

Examples include but are not limited to installing a new roof, new floor, or new siding; rebuilding boilers; replacing pipes, pumps, and motors; repairing or maintaining the paths, lands, walks, walls or landscaping adjacent to other Government-owned structures; and performing exterior painting and refinishing. Exterior painting that repairs unsightly visual marks caused by everyday use does not meet the definition outlined above.

Government maintenance or reconditioning, whether performed by the holder or the FS, is at the sole discretion of the authorized officer.

(Appendix 5A, pages 5 - 6-7, contains a sample list of Government M&R projects.)

**Alteration of Government Improvements during M&R**

Any materials, equipment, or fixtures made a part of existing Government improvements during holder or Government M&R become the property of the United States (see FS-2700-4h, clause II.E). However, it is unlawful for the FS to accept construction of new facilities by the holder, just as it is inappropriate to use the cost of new construction to offset the permit fee.

If approved, new facilities built by the holder would be owned by the holder, and therefore could not be included in the opportunity advertised in the prospectus. If these new facilities are an integral part of the operations, it could be difficult to attract applicants, thereby reducing competition for the concession. If new construction is needed at the site and FS funding is not available, consider including the site in PPV.

**G-T Fee Offset Agreement and Certification**

Before issuance of the permit and before each succeeding operating season, the FS and the concessionaire should enter into an annual G-T fee offset agreement that includes the list of Government M&R projects and their estimated cost developed by the FS and included in the prospectus. The agreement should enumerate the portion of the fee that will be offset by Government M&R and should specify which projects are to be used for offset that year. The agreement should also specify whether the concessionaire will be required or has the option to enter into a collection agreement with the FS to perform the work. (The G-T fee offset agreement should not be confused with the holder M&R plan referenced in Chapter 3, which lists projects that are not eligible for fee offset.)

The following is a list of additional provisions that must be included in any G-T fee offset agreement under which the holder will perform some or all of the work:

- Standards for completion of the projects.
- Examples of allowable costs, such as salaries and wages, travel, vehicles and equipment, materials and supplies, subcontracts, and overhead directly associated with a G-T fee offset project.
- A statement that upon a determination by the FS that a project has been satisfactorily completed, the holder must submit documentation of its actual cost to the FS and must certify that the representations in the documentation are accurate and complete.
- A statement that the certification must be signed and dated, and must state that failure to sign the certification will vitiate the fee offset claim.
Chapter 5: Permit Fees and G-T Fee Offset

☐ A statement that the FS will verify the documentation before giving any fee offset credit.

☐ A statement that the FS reserves the right not to grant any fee offset if any of the representations in the documentation are inaccurate or incomplete.

The G-T fee offset agreement should become a part of the permit. Appendix 5B, pages 5-8-9, contains a sample G-T fee offset agreement.

Claims for fee offset must be documented using FS-2700- _, “Granger-Thye Fee Offset Certification Form.” This form requires the holder to itemize and document allowable costs directly associated with each G-T fee offset project and to certify as to the accuracy and completeness of the representations in the documentation supporting the fee offset claim. The certification form is subject to all the provisions in the fee offset agreement executed by the FS and the holder. Appendix 5C, pages 5-10-11, contains a sample certification form.

Long-Term Government M&R

The FS must plan for replacement of its capital improvements. An M&R plan should be developed estimating the year for replacement of various components. If the cost of a project exceeds the amount of the permit fee eligible for offset in a given year, establish a modified fee schedule for accelerated G-T fee offset work.

Establishing a modified fee schedule for accelerated G-T fee offset work allows enough funds to be collected in the first year of operations to complete a large project. Establish the fee schedule so that there is a large fee payment the first year and a smaller fee paid in subsequent years. For example, the minimum fair-market-value fee is $10,000 per year, and the permit term is five years. Develop a fee schedule that requires an initial annual payment of $30,000 and four subsequent annual payments of $5,000 per year. The larger payment must be made in advance, not in arrears.

Include the modified fee schedule as a separate evaluation criterion. (See Evaluation Criterion 7 in Chapter 3, page 3-5.)

The cost of the project should be documented in the G-T fee offset agreement. Either the holder may perform the work, or the FS may perform the work under a collection agreement. If the FS performs the work, the funds should be deposited into a cooperative work account (FS accounting code CWFS), and expended each year in the following year.

2. FS Performs Work under Collection Agreement

This second alternative allows the FS to obligate enough funds to complete a large project by the end of the permit term. When the FS anticipates that a Government M&R project will extend beyond the current fiscal year, the FS may require that permit fees be paid into a cooperative work account (FS accounting code CWFS) under a binding collection agreement, in order for the FS to perform the work. To use the funds for financing long-term Government M&R, the specific project and its cost must be obligated each fiscal year for the next fiscal year in the G-T fee offset agreement (unobligated funds go to the Treasury at the end of each fiscal year).

Offset for Concessions Involving Multiple Sites

All or part of the permit fee may be offset by the value of eligible MAR performed on the land and improvements authorized under a G-T permit. Thus, if multiple sites are authorized under one permit, the value of Government M&R performed at any site under the permit—even those that generate very little of the permit fee—may be used as offset. However, where multiple sites are authorized under more than one permit, each permit fee may be offset only by the cost of Government M&R performed at sites under the corresponding permit.

Collection Agreements for G-T Fee Offset Projects

Collection agreements may be used for G-T fee offset projects, i.e., the concessionaire may enter into an agreement with the FS to pay the FS to
perform Government M&R on the land and improvements covered by the permit, and the value of that work may be used to offset the permit fee. Collection agreements for G-T fee offset projects may be either optional or required. The FS may require concessionaires at their expense to recondition and maintain the land and improvements covered by the permit. The FS has the discretion to determine how that authority will be implemented, including requiring the concessionaire to deposit money under a collection agreement for Government M&R performed by the FS.

The amount deposited in a given year under a collection agreement for G-T fee offset work should not exceed the permit fee for that year. Therefore, avoid entering into collection agreements for Government M&R predicated on a certain level of concession revenue (i.e., agreements that the concessionaire will pay the FS 50 percent of all concession revenue over $100,000 for Government M&R performed by the FS). In addition, collection agreements for Government M&R predicated on a certain level of concession revenue may result in assessment of an inappropriate permit fee. Fees for G-T permits must be based on the value of the use of land and improvements under permit, rather than on a percentage of revenue over a certain threshold.

Chapter 6 discusses in more detail the legal parameters that apply to the use of collection agreements.

### Permit Fee Payments

Permit fees should be paid in accordance with requirements in the permit and agency fiscal policy. These include:

- **Payment in advance of the authorized use.**
- **Prompt reimbursement (as required by applicable law).**

Payment should be required without demand. The payment schedule must be included in the permit (see FS-2700-4e, clause IV.C). Follow the schedule below for permit fee payments. Where the estimated annual fee is $2,500 or less, all of the permit fee should be paid in advance of the operating season. Where the estimated annual fee is more than $2,500, a portion of the fee should be paid in advance of the operating season, and the remainder over the course of the operating season.

<table>
<thead>
<tr>
<th>Estimated Annual Fee</th>
<th># of Payments</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through $2,500</td>
<td>1</td>
<td>Prior to opening</td>
</tr>
<tr>
<td>$2,501 - $10,000</td>
<td>3</td>
<td>Prior to opening, at End of first 30 days, And at mid-season.</td>
</tr>
<tr>
<td>Over $10,000</td>
<td>Variable</td>
<td>Prior to opening and every 30 days through operating season.</td>
</tr>
</tbody>
</table>

Advance and interim permit fee payments should be kept in a suspense account. The holder must be reimbursed for these fee payments up to the amount of any offset claims approved by the FS during the operating season. The FS must reimburse the holder within 30 days of approval of an offset claim, unless the holder asks the FS to hold the funds and apply them to the next fee payment.

At the end of the operating season, determine the final fee by reconciling fee payments as necessary against actual concession revenue reported by the holder, in accordance with FS-2700-4h, clause IV.D, and offset claims approved by the FS. (Appendix 8A contains a standard form for the collection of use and revenue data. Concessionaires may use this form or provide the same data in an alternate format.)

Any excess of the final fee over the value of offset claims approved by the FS should be returned to the Treasury. Funds in a suspense account may not be obligated for future years.
Chapter 6

Technical Issues

This chapter addresses the following technical subjects:

☐ Insurance.
☐ Bonding.
☐ Collection Agreements.

Insurance

By law and policy, the holder of a special-use permit must indemnify the United States for any losses incurred by the United States associated with the holder’s use and occupancy. Generally, the holder is required to obtain insurance to cover these losses. Requirements vary, depending on the type of insurance, regional specifications, and the type of use and occupancy authorized by the permit.

The two main types of insurance are liability insurance and casualty insurance. Liability insurance covers losses arising from injury to persons and damage to third-party property, i.e., property other than that of the insured and additional insured. Casualty insurance covers losses arising from damage to personal and real property owned by the insured and additional insured. The FS must ensure that insurance coverage is adequate before issuing a permit.

Master Policy Review

The national master policy list is maintained by the Gifford Pinchot National Forest in Region 6. The master policy list consists of liability insurance policies that have been approved by the FS for national use (casualty insurance policies are not included on the master policy list at this time). Each of these policies is assigned a national policy number, which should appear on the certificate of insurance issued for that policy. Even if a policy is on the master policy list, the policy should be checked for endorsements and exclusions that may reduce or eliminate coverage required for the use and occupancy authorized by the permit. Policies that are not on the master policy list require more detailed review. Consider obtaining local OGC review if the insured use and occupancy has a significant degree of risk, or the insured property has appreciable value.

A good tool for reviewing liability insurance policies is the Region 5 Liability Insurance Companion, prepared by the agency’s Pacific Southwest Region in January 1990. Check for the following in reviewing an insurance policy.

☐ The United States should be named as an additional insured, and the additional-insured provision should provide for the required amount and type of insurance coverage for the United States.

☐ The policy should have a master policy number.

☐ The policy and the permit should be issued to the same person.

☐ All activities authorized by the permit should be covered by the policy. Exclusions and endorsements are common, and need to be checked by someone who understands the holder’s operation.

☐ The area covered by the policy should match the permitted area.

☐ The policy period should cover the entire operating season.

☐ The policy should meet Regional and national requirements. Authorized officers may set higher coverage limits, depending on the
Chapter 6: Technical Issues

nature of the authorized activity and the degree of attendant risk.

☐ The policy should require 30 days' prior written notice of cancellation (other than for nonpayment of premiums, which should require 10 days' prior written notice).

☐ The policy should be an occurrence policy, rather than a claims-made one. Under an occurrence policy, a claim can be made after the policy period has expired, as long as the loss occurred while the policy was in effect. Under a claims-made policy, a claim must be made while the policy is in effect. Claims-made policies are unacceptable unless they have an extended reporting period. Check Section V of the policy to see if the insured has at least 60 days to report claims after the policy has expired.

☐ A violation of a warranty in the policy should not void coverage.

☐ If claims are reduced by the cost of defending them, coverage should be increased commensurately.

Liability Insurance

Permit Clause 111.1.1 of FS-2700-4h requires the holder to obtain liability insurance for any losses arising out of the holder's use and occupancy of National Forest System lands. See also FSM 2713.32 and 2721.41.

Under FSM 2713.32, the minimum amount of liability insurance coverage is $100,000 for injury or death to one person, and $200,000 for injury or death to two or more people. Check for any Regional supplements that may have increased these amounts. If there is a need, higher limits may be required. The actual amount of liability coverage should be determined by the authorized officer, and in many cases may be significantly higher than the minimum requirements in national policy. In exercising that discretion, the authorized officer should consider:

☐ The level of inherent risk associated with the use and occupancy.

☐ The potential for an incident that may cause injury or death arising out of the use and occupancy.

☐ If such an incident were to occur, the potential for injury or death to only one person, versus the potential for injury or death to more than one person.

Examples of accidents at concession campgrounds could include trees felled by wind damaging automobiles or killing people; a swimmer attacked by an alligator at a developed swim area; and a bear attack at a concession site. In cases involving death, multimillion-dollar claims are not uncommon.

Casualty Insurance

Permit Clause 111.1.2 of FS-2700-4h requires casualty insurance for Government property covered by the permit, including the land and Government-owned improvements. The types of loss to be covered include but are not limited to fire suppression costs, damage (including vandalism) to Government-owned improvements covered by the permit, and to the extent provided in clause III.I.2, costs associated with the release or threatened release of hazardous material.

To ensure the rapid repair or replacement of essential visitor facilities, the holder will normally need to purchase either full-replacement or current-value coverage. Full-replacement coverage pays up to the dollar limit in the policy for the cost to restore or replace the damaged or destroyed property, without deduction for physical depreciation. Current-value coverage pays up to the dollar limit in the policy for the current value of the damaged or destroyed property, taking into account physical depreciation.

Full-replacement coverage provides the greatest protection to the Government and the public for repair or replacement of needed facilities. However, full-replacement coverage may be expensive. Review the concession feasibility analysis (or concession revenue, for existing concessions) to determine whether the concession income can support full-replacement coverage. Current-value coverage may be an acceptable alternative, depending on the circumstances. In the event of
catastrophic loss, the site will be evaluated for rebuilding. (See FS-2700-4h, Clause III.E.)

To determine an appropriate amount of coverage, evaluate which facilities are essential to the concession, and the risk of damage to multiple improvements, such as toilet and shower buildings. Determine replacement values for essential improvements. Document the basis of property damage insurance, and attach a list of facilities and their replacement values to the permit.

Historic structures may be prohibitive in cost to reconstruct in kind. Insurance premiums may exceed what could reasonably be expected to be paid by the holder. In some cases, it may be best to replace an historic structure with a modern building, which can accommodate the functions and capacity of the original structure.

The minimum amount of casualty insurance coverage should be the value of the most expensive building at the site. The authorized officer should require a higher amount where there is a high risk of loss associated with the use and occupancy that could exceed the minimum.

Combined-Single-Limit Policies

Many liability insurance policies offer coverage that does not have separate limits for personal injury or death to one person, personal injury or death to more than one person, and third-party property damage. Rather, all three types of loss in the aggregate are subject to a single limit. A claim of up to that limit can be made for either type of loss, or both types of loss combined. The insurance provided by such policies is known as combined-single-limit (CSL) coverage.

For CSL policies, the minimum amount of coverage should equal the amount of coverage desired for personal injury or death to more than one person plus the amount desired for third-party property damage. Evaluate the risk associated with both types of loss, and establish an amount of coverage that is adequate for both. Thus if $200,000 is desired for personal injury or death to more than one person and $100,000 is desired for third-party property damage, the CSL minimum should be $300,000.

Insurance for Multiple Permits

If the holder is using one policy to insure more than one permit, add a rider that lists each site and that states that each site is covered up to the dollar limits in the policy.

Insurance for Permits Issued to States

If the prospective holder is a state or one of its political subdivisions, a risk assessment and insurance policy may be required if the state or its political subdivision has statutory or constitutional authorities limiting its liability or obligation to indemnify. See the user notes for Clause III.I in FS-2700-4h.

Insurance for Permits Issued to Federal Agencies

If the prospective holder is a Federal agency, insurance is not required. Substitute language should be used that addresses limitations imposed by Federal law on assumption of liability by a Federal agency under the permit. See the user notes for Clause III.I in FS-2700-4h.

Administering Insurance Coverage

Adequate insurance coverage is a prerequisite to permit issuance; Within 30 days of the selection decision, the selected applicant must provide a copy of the insurance policy for the use and occupancy to be authorized under the permit to the FS for review.

If the policy is included in the master policy list, it has been reviewed by the FS, and a quick comparison can be made with the master policy to check for any exclusions or endorsements that might affect required coverage. If the policy is not included in the master policy list, review the policy in detail, to ensure that it affords the required coverage.

Proceeds recovered by the United States under liability insurance policies must be deposited into the Treasury as miscellaneous receipts. For casualty insurance policies, the FS has the discretion either to require the concessionaire to use all proceeds recovered to repair, rebuild,
restore, or replace damaged Government property covered by the policy, or to obtain payment of the proceeds from the concessionaire or the insurance company. (See FS-2700-4h, Clause 111.1.2.) Casualty insurance proceeds paid to the FS must be deposited into the Treasury as miscellaneous receipts, rather than spent at the site to rectify the damage.

**Bonding**

In the context of the agency’s concession program, bonding is a type of guarantee that protects the United States against financial loss resulting from defaulted obligations associated with special-use permits. A bond ensures obligations or payments associated with these permits.

Do not use bonds to enforce general terms of the permit. Rather, use bonds to enforce readily identifiable requirements that are specified in FS-2700-4h, Clause J. Also, do not use bonds as a substitute for enforcement action under the permit, such as suspension or revocation. Bonding should not be necessary for permit fee requirements, as permit fees should be paid in advance of the authorized use and occupancy. Bonding is particularly appropriate to protect the United States from a complete default under the permit. (See FSM 2344.2, item 4; FSM 2713.34; and FSH 6509.11k, Chapter 80, for direction on the use of bonding.)

The agency has the discretion to require bonding. If it is required, it should be addressed in the prospectus. The amount of the bond should be sufficient to cover the anticipated loss. For example, the bond may be based on the cost of operating the sites for the remainder of a season, the cost for a new holder to start operating, the amount of cash on hand required by the FAD, or the amount of services that the holder is committed to provide, based on reservations. If multiple permits are covered by a blanket bond (see FSH 6509.11 k, sec. 81.2), the amount of the bond should be sufficient to cover the anticipated loss under all permits covered by the bond.

Review the economic-feasibility analysis to determine whether bonding should be required, and, if so, an appropriate amount. It is the agency’s option to require bonding; however, it should be addressed in the prospectus. After a satisfactory operating season, the authorized officer may reevaluate the need for, or reduce the amount of, the bond.

The bond should provide that at the agency’s option, the surety must pay the United States for any loss covered by the bond, or, in the event of revocation or suspension of the permit or complete default under the permit, must pay a third party (NOT THE FS) to operate the concession. ANY BOND PROCEEDS RECOVERED BY THE FS MUST BE DEPOSITED INTO THE TREASURY AS MISCELLANEOUS RECEIPTS. THE FS MAY NOT USE BOND PROCEEDS TO OPERATE THE SITE.

The bond should also provide that selection of a third party to operate the site is subject to FS approval. Upon approval, the FS would issue a temporary permit to the third party to operate the concession for a period up to the balance of the permit term. After a new holder is in place, the operational costs of the concession will be covered by concession revenues. In addition, the new holder will be responsible for all obligations under the permit. Once the permit term expires, a new prospectus must be issued for the concession (see FS-2700-4h, Clause J).

**Type of Bond**

A performance bond may be required to secure obligations imposed under the permit, in accordance with FS-27004h, Clause J. Either the FS will develop a performance bond form for special uses or adapt General Services Administration (GSA) Form SF-25, Performance Bond (see Appendix 6A, page 6-7). (Although GSA Form SF-25 is approved for use for special-use permits, before it can be used in conjunction with this desk guide, the FS must obtain approval from GSA to modify the form to make it consistent with that use, and to allow the FS to require the surety to pay a third party to operate the concession in the event of a complete default.) The term of the bond should cover the period needed to secure obligations under the permit, which typically would be the length of the permit term.
Forms of Bonding

Bonds may take the form of corporate surety, U.S. Treasury bills, notes, bonds or other negotiable securities, cash deposits, irrevocable letters of credit, assignment of savings accounts, or assignment of certificates of deposit. See FSH 6509.11k, Chapter 82, for direction on requiring and administering bonds.

Collection Agreements

Under certain criteria, the FS may enter into agreements to accept funds and other types of contributions from non-Federal sources, to finance FS activities. When specific requirements of statutory authorities are met, the FS may enter into agreements whereby the FS deposits funds into a trust account as advances or accepts funds as reimbursements, rather than depositing funds into the Treasury as miscellaneous receipts, as required by 16 U.S.C. 498. This type of agreement is known as a collection agreement. A collection agreement is a type of cooperative agreement.

There are several authorities for collection agreements, including the Cooperative Funds Act of 1914, 16 U.S.C. 498, and Section 5 of the G-T Act, 16 U.S.C. 572. Section 5(b) of the G-T Act is the appropriate authority for collection agreements between permit holders and the FS. Section 5(b) of the G-T Act and FSM 1584.12 establish the legal parameters that apply to collection agreements between the FS and permit holders.

Section 5(b) of the G-T Act, 16 U.S.C. 572(b), authorizes collection agreements for work performed in connection with the occupancy or use of National Forest System lands. Under the agency's special-use program, a collection agreement under section 5(b) typically would be executed in connection with a permit. Consult with the local grants-and-agreements staff and OGC if a collection agreement outside the context of a permit relationship is contemplated.

Under collection agreements authorized under section 5(b), the permit holder deposits in one or more payments a sufficient amount to cover the total estimated cost of work, or reimburses the FS for moneys spent from appropriated funds. The work must be done for the benefit of the permit holder (because Section 5(b) authorizes the collection agreement in the context of the use and occupancy authorized by the permit), and the work must benefit the public interest. In addition, the work must be for administration, protection, improvement, reforestation, and other kinds of work that the FS is authorized to do on National Forest System lands. The work must be performed in connection with the use and occupancy of National Forest System lands authorized under the permit, i.e., the work must be done on the land and improvements authorized under the permit.

Although the principal reason for these collection agreements is the holder's desire to have work done on land under the permit, there must be some public benefit, even though indirect, from accomplishment of the work. The FS cannot do work for the holder merely as a matter of accommodation, or because the FS is better equipped, or can do the work at lower cost.

Under FSM 1584.12a, item 2, agreements should not be initiated solely for the benefit of the holder or the FS, i.e., to supplement the use of FS crews or equipment not otherwise justified on a full-time basis for normal FS activities. Thus, collection agreements that in effect fund an FS employee's position or an FS program are inappropriate. In other words, collection agreements are improper if, but for the collection agreements, the FS employee's position or the FS program would not be funded or would not be fully funded.

It is not lawful for the FS to enter into collection agreements for nearly every aspect of the campground concession operation. Section 5(b) of the G-T Act contemplates that the collection agreement is ancillary to the permit, rather than vice versa. If collection agreements are used for most or all of the work that is the holder's as well as the Government's responsibility, they defeat congressional intent in authorizing the FS to issue permits for concessions under Section 7 of the G-T Act.

Thus collection agreements should not be used to cover the costs of ordinary operational aspects of the concession. Examples of such ordinary aspects include holder M&R, fee collection, and required or optional interpretive services that are offered on a routine or frequent basis. Generally,
collection agreements are inappropriate for services that the concessionaire must provide under the prospectus, the permit, and the AOP.

With the exception of collection agreements for G-T fee offset, which may be required as discussed in Chapter 5, collection agreements executed under Section 5 of G-T must be voluntary, because the statute contemplates a cooperative relationship between the parties. Since collection agreements other than for G-T fee offset must be voluntary, the willingness of applicants to enter into collection agreements should not be factored into the evaluation process. Otherwise, the incentive to enter into collection agreements will be so great as to make them, in effect, mandatory.

Ask two questions to start the analysis for determining whether collection agreements are appropriate: (1) Are the FS personnel or equipment being used under the collection agreements entirely funded by those agreements? and (2) Do the services provided by the FS under the collection agreements constitute a majority of the work required by the permit? If the answer is "Yes" to either question, do not enter into the collection agreements. If the answer to both questions is "No," conduct further analysis based on the foregoing discussion in its entirety.

G-T fee offset projects are a common example of work that may be covered by a collection agreement executed under Section 5 of the G-T Act. Examples of appropriate and inappropriate collection agreements for other activities follow.

☐ An example of an appropriate collection agreement for interpretive services would be an agreement whereby the FS receives funds to provide a special interpretive presentation particularly within the agency’s expertise as a minor part of the concessionaire’s overall interpretive program (e.g., once or twice during the operating season where the program is offered five days a week).

☐ An example of an inappropriate collection agreement for interpretive services would be an agreement whereby the FS receives funds to provide ongoing or routine interpretive services at the concession, and in effect provides services that the concessionaire must furnish under the permit and AOP (e.g., conducting programs four days a week when the overall program is offered five days a week).

☐ An example of an appropriate collection agreement for maintenance services would be an agreement whereby the FS receives funds to provide specialized equipment, such as highway mowing, tree felling, or specialized cleaning equipment once or twice during the operating season.

☐ An example of an inappropriate collection agreement for maintenance or other services would be an agreement whereby the FS receives funds to provide ongoing maintenance or other services, such as toilet cleaning, fence building, or fee collection, and in effect provides services that the concessionaire must furnish under the permit and AOP.

See FSM 1584.12a, paragraph 8, for additional requirements applicable to collection agreements with permit holders. Appendix 6B (pages 6–8–9) contains a sample collection agreement. For further guidance, consult with the local grants and agreements staff, auditor, and OGC.
There are seven aspects of effective permit administration:

☐ Training.
☐ Orientation.
☐ Annual operating plan (AOP) review.
☐ Performance evaluations.
☐ Adverse actions.
☐ Claims against the holder.
☐ Health and safety inspections.

Training

FS concessions should be professionally managed and should meet the public’s expectations. To achieve these goals, the FS requires competent and well-trained FS personnel administering special-use permits. At a minimum, permit administrators should have command of the laws, regulations, and agency policy governing special uses.

In addition, permit administrators should be competent in their verbal and written skills, and have the ability to negotiate and resolve conflict. The FS offers courses in both areas. Skills in accounting, business, and fee computation are also needed.

Orientation

The permit holder should also be familiar with laws, regulations, and agency policy governing special uses. Information can be provided through an orientation or informal contacts between the permit holder and the permit administrator. A joint walk-through of the concession sites is recommended, to familiarize the holder with the location and operation of facilities. The process should be initiated early to ensure permit compliance and effective communication.

Permit and AOP Review

The permit and AOP establish the basis of performance evaluation. At the beginning of each operating season, these documents should be reviewed with the concessionaire; annual components, such as the G-T fee offset agreement, must be updated. Review reporting requirements. Timelines, such as due dates for submission of use data, should be specified in the AOP. A sample AOP will be developed and, when completed, will be included as an appendix to this chapter.

Performance Evaluations

The FS must monitor and evaluate the concessionaire's performance in accordance with requirements in the prospectus and permit, including any documents incorporated in the permit, such as the AOP and G-T fee offset agreement. Establish a formal evaluation process that measures achievement of public-service goals and compliance with the terms of the permit. In addition to formal evaluations, conduct ongoing monitoring and inspections, to the extent feasible. FSM 1950 contains additional guidance on permit administration.

An annual performance evaluation is essential because it will serve as the basis for extending the permit in accordance with the prospectus and permit, or allowing it to expire. In addition, an annual performance evaluation is important to
ensure compliance with the permit and documents attached to the permit.

National performance standards have been developed, and are incorporated in the Standard Performance Evaluation Form in Appendix 7A. These performance standards are based on Meaningful Measures. Additional standards may be added to the form, to address local needs or issues unique to a particular concession. Include these performance standards in the AOP. Evaluate the holder’s performance under each standard, and the holder’s overall performance, using three ratings: Good, Satisfactory, and Unsatisfactory.

In determining ratings, use the guidelines in the standard performance evaluation form. The overall rating should not give undue weight to matters of limited importance. If standards are assigned greater weight, that greater weight should be reflected in the overall rating.

The performance evaluation procedure must be provided to the concessionaire prior to an evaluation period, and the concessionaire should be notified prior to on-site evaluations. Generally, a mid-year and an annual performance evaluation should be performed. More frequent reviews may be necessary to achieve compliance with permit terms.

A mid-year evaluation should be conducted and written feedback provided on any deficiencies, so that the holder will have notice and an opportunity to correct them. The holder should be given a time frame for correcting deficiencies.

An annual performance evaluation should be conducted at the end of each operating season, and should address the status of deficiencies identified at mid-year. Written feedback should be provided on any deficiencies identified at mid-year and not remedied, and on any new deficiencies identified during the annual evaluation. If previously identified deficiencies have been corrected, so state. If deficiencies have been corrected, they may not serve as the basis for suspension or revocation of the permit.

Rate every holder at the end of the operating season. Give the holder a copy of the rating, and include notification of the holder’s right to appeal.

Annual ratings of Unsatisfactory that are based in whole or in part on uncorrected deficiencies identified during the mid-year evaluation may serve as the basis for suspension or revocation of the permit.

Annual ratings are appealable under 36 CFR Part 251, Subpart C. If the permit will be revoked or suspended as a result of the annual rating, implement the revocation or suspension decision concurrently with the rating. Both the rating and the enforcement action based on it will then be appealable simultaneously.

### Adverse Actions

#### Revocation and Suspension

Revocation is the cessation of a permit by action of an authorized officer before the end of the permit term, typically due to the holder’s noncompliance with the terms of the permit. Suspension is a temporary revocation.

A permit may be revoked or suspended for noncompliance with applicable statutes, regulations, or terms of the permit. Noncompliance may be identified during performance evaluation or at any other time during the operating season. Regardless of when it is identified, noncompliance should be taken into account in the performance evaluation.

When noncompliance occurs, follow the direction at 36 CFR 251.60 and in FSM 2721.23. Refer to FSM 2716.3 for direction on revocation and suspension. As discussed in the preceding section, the holder must receive written notice of noncompliance and a reasonable opportunity to comply. Usually not more than 30 days is granted to correct noncompliance. Revocation and suspension require careful documentation and review by the local OGC. Revocation and suspension of a permit are subject to administrative appeal under 36 CFR Part 251, Subpart C. Appendix 7B contains a checklist for enforcement action. Appendix 7C contains a sample noncompliance letter.
Termination

Termination is cessation of a permit by its terms when a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. See FS-2700-4h, Clause VI.E. Examples include but are not limited to expiration of the permit by its terms on a specified date (FS-2700-4h, Clause I.C) and termination upon change of control of the business entity (FS-2700-4h, Clause I.H). Termination of a permit is not subject to appeal.

Claims against the Holder

Failure to pay permit fees is cause for revocation or suspension of the permit. Outstanding payments become claims by the United States against the holder. Interest, penalty, and administrative-cost provisions in FS-2700-4h, Clauses IV.F and IV.G, apply to all delinquent debts. Interest is assessed in accordance with the Debt Collection Act. Assess a minimum annual rate of interest on delinquent debts that is equal to the higher of the Treasury current-value-of-funds rate or the prompt-payment interest rate in effect on the date the debt accrued.

The interest rate as initially assessed remains fixed for the duration of the period of debt. To determine the total due, add accrued interest and applicable penalties and administrative costs to the principal to be paid. Do not assess interest on interest, penalties, or administrative costs.

FSH 6509.11h, Chapter 20, and FS-2700-4h, Clauses IV.F and IV.G, contain additional guidance on late payments and administrative offset.

Health and Safety Inspections

Depending on the nature of the authorized activities and improvements under permit, there may be agencies other than the FS that will conduct safety inspections of various aspects of the concession, such as food service and boater safety. When such inspections are conducted, include the findings from them in the annual performance evaluation.
Chapter 8

Operations Library

This chapter includes references for various aspects of concession operations. Topics are organized in appendices as follows:

Appendix 8A, Use and Revenue Data
Appendix 8B, National Recreation Reservation Service (reserved)
Appendix 8C, Interpretive Services at Concession Campgrounds
Appendix 8D, Concessionaire Compliance with Labor Law
Appendix 8E, Law Enforcement at Concession Campgrounds
Appendix 8F, Customer Service Comment Cards
Appendix 2A

Feasibility Assessment

This appendix provides a framework for assessing management options and developing a management strategy. Appendix 2C contains a cost/benefit-analysis form for use in assessing site-specific feasibility.

Programmatic Feasibility

To evaluate whether to develop a concession, use previously established goals for operating the recreation sites. Typical goals for managing recreation sites are:

- To optimize quality recreation facilities and services. It may be desirable to keep as many sites open as possible, to provide quality opportunities.
- To collect fees where feasible and consistent with policy, to cover operational costs.
- To convert sites that are not efficient to manage as developed sites to dispersed use, or naturalize them.

Criteria for evaluating management options should include:

- programmatic-feasibility factors,
- agency objectives, and
- an estimate of O&M costs to the Government for program alternatives.

Programmatic-Feasibility Factors

Consider the following management options, and decide whether a concession is the best way to meet the agency's goals.

Closure of the Site and Conversion to Dispersed Use

FS Management

- Human resource programs (volunteers, SCSEP).
- Change in managed season/site closures (temporary closures, shorter managed season, partial closures based on use levels).

Recreation Fee Demonstration

G-T Concession

- Site capacity. (Generally, larger sites are more efficient to operate.)
- Managed season of use.
- Potential as a fee site or feasibility of increasing fees.
- Current use.
- Is the site a destination area or transient-use site?
- Impact on 25 Percent Fund.

PPV Concession

- Suitability of site for expansion.
- Market demand for additional capacity.
- Managed season and use fees balance
required staff and construction costs.

Term Permit Program Concession

- Demand for facilities and services, and fees generated, support construction and management costs.
- Business opportunity is attractive to the private sector.

Agency Objectives

- What role does this site serve?
- Is it part of a larger recreation complex?
- What market segment is served?
- What range of opportunities (ROS) will the FS provide?
- What range of accessible recreation opportunities will be provided?

Cost to the Government

Include all inspections and monitoring that should be accomplished, both by District Rangers and Forest Supervisors, such as:

- Annual hazardous-tree and health-and-safety inspections prior to the managed use season (FSM 2332.1).
- Updating of infrastructure facility condition records.
- Potable water testing.
- Waste treatment and disposal inspections, where appropriate.

Calculate the costs of the current operation-and-maintenance plan, including policing, cleanup, maintenance, and administration costs at each site. This plan is typically kept in workbook form for field use and contains:

- A clear statement of goals and site management objectives. This section will normally identify ROS class development level and accessibility objectives.
- Inspection documents for the current year.
- Job lists for the year, both for recurring needs and special projects.
- Work schedules.
- Policing and cleanup standards for the site (see the updated version of Cleaning Recreation Sites).

Review other documentation on the site, and consider how it affects the potential concession operation.

- Complete or update the site plans. They will assist in establishing an inventory of FS improvements.
- Review any permanent working file on the site, and include the cost of updating it annually.

Site-Specific Feasibility

Estimate the minimum required costs for the recreation site operation, as well as FS expectations for a standard level of service. Use Meaningful Measures standards.
Appendix 2A: Feasibility Assessment

- Review or complete a vegetation management plan (FSM 2331.4). This plan may affect the cost of operations and long-term objectives for managing the sites. Consider the effects of prescribed treatments on the overall cost of the operation.

Review water, sewer, and other utility-oriented infrastructure for the site.

- Include the cost of meeting current laws and regulations.

- Assess the likelihood of changes in laws or regulations that could affect the cost of operation, and include any likely additional costs.

- Consider any special skills that a concessionaire would need, or FS workloads that would be affected by a concession, and adjust costs accordingly.

Consider the effect of a concession on law enforcement operations, including any changes required in the law enforcement plan for the site.

- Assess any change in the need for orders and regulations for visitor and resource protection.

- Assess the effect on the schedule for monitoring recreational activities.

Consider the change in returns to the Treasury from using a different fee authority (G-T versus Land and Water Conservation Fund Act), and the implications for the 25 Percent Fund, and of fee offset work.

- Analyze the use fees to be charged. Will they differ from those charged by the FS?

- What are the agency's costs for collecting use fees? These costs are usually contained in a use fee compliance plan.

Consider the cost of audits.

- FS audits. Include annual audits that are performed on a representative sample of fee sites in each District.

- Concession audits. Include periodic audits of financial information, permit fee payments, and fee offset.

Scope of the Concession Opportunity

Consider the inventory of developed sites and the scale of the proposed concession. The concession could be a single site or multiple sites in a single geographic area, a whole Ranger District, multiple Districts, a whole Forest, or multiple Forests.

- Review the Forestwide inventory of all developed sites to determine existing opportunities, priorities, and needs.

- Identify market segments currently being served, and those that could potentially be served by a concession.

- List the current use by recreation visitor day (RVD) and type for each site. This information will be needed to determine potential revenues. (Note, however, that concession income corresponds to rights a unit is rented, not the number of users.)

- List ROS class, and accessibility and management objectives, for each site. This information will assist in developing concession operating plans.

- Consider vegetation management objectives.

- Consider capital investment needs for each site.

- Identify similar or complementary opportunities offered by other recreation providers, both private and Government.

Economic Feasibility

To determine whether conversion to a concession would be cost effective for the Government and whether a concession would be economically viable, conduct an economic feasibility analysis as discussed in Appendix 2B (pages 2 – 9-10).
Additional Documentation

Decisions resulting from the site-specific feasibility assessment must be accompanied by:

- A communication plan. Potential users must be advised of changes in management. Local chambers of commerce and resort permittees also need this information.

- A law enforcement plan. Changes in management may result in shifts in law enforcement responsibilities, or increases in law enforcement workload.

- Recreation Data.
  
  ‡ Recreation data going into regular Forest and District recreation reports must be updated to reflect changes in management.
  
  ‡ Consider updating recreation maps.
  
  ‡ Signs at sites may require modification.
Appendix 2B

Economic Feasibility of Conversion to a Concession

This appendix amplifies the site-specific feasibility assessment in Appendix 2A.

The first part of this appendix addresses assessment of whether conversion to a concession would be cost effective for the Government. Appendix 2C contains a cost/benefit analysis form for evaluating whether conversion to a concession would be cost effective for the Government. Form 2C enumerates return and expense items associated with campground operation and maintenance. Enter on the form the data acquired during the preliminary phases of the site-specific feasibility assessment, to determine if a concession can reduce the total cost to the Government of operating the recreation site.

The second part of this appendix addresses assessment of whether the concession would be economically viable. Appendix 2D contains an income/expense worksheet to assist in making this assessment.

Government Expenses

Compare the cost to the Government of FS management versus concessionaire management of the site. Consider the cost of overhead (such as the cost of office space, electricity, and computers) for both FS and concession operations. Include the cost of preparing and administering the permit when assessing costs associated with concessionaire management. Most concessionaires are responsible for utilities, materials, and supplies required for operating the site. Contact other units with a track record for concessions, and ask about their experience.

Total Expenses Versus Total Return

To justify conversion to a concession, total net return to the Government should be higher. Compare total net return under FS management with total net return under concessionaire management. If FS management yields a lower net return than concessionaire management, conversion to a concession will have a positive economic effect.

If FS management yields a higher net return than concessionaire management, conversion to a concession will have a negative economic effect. In the event of the latter outcome, reevaluate the scope of the concession, consider whether the return to the Government may be increased, or reconsider whether a concession is appropriate.
Economic Viability

FSM 2344.33 requires an economic-viability assessment before a decision is made to convert to a concession. This section addresses assessment of a planned concession’s economic viability.

Concessionaires may have multiple ways of generating revenue. They often provide additional services, such as rentals and the sale of firewood, ice, and sundries, which can add revenue. Estimate the potential revenue from use fees and any additional services that the concessionaire is likely to provide. Assume that the income levels reflect the cost of goods sold and use fees collected. Do not include amounts collected to pay taxes, which are forwarded to the state tax commission.

Concessionaires may have a different cost structure from the FS. They may pay lower salaries to their employees, perform labor themselves, or be able to search for the best deals on supplies and materials. It may be helpful to consult current concessionaires or other private-business people for estimates of expenses in the area.

Appendix 2D contains an income/expense worksheet for use in assessing the economic feasibility of a concession. As complexity is added to the offering, either by increasing the number of sites or service options, the analysis may become complicated. In that event, seek help from the Forest economist or another person trained in economic analysis. If income and revenue figures are uncertain, ask business people, including current concessionaires, for assistance in validating the estimates.

After estimating total anticipated income and expenses, determine the net income, exclusive of taxes and other liabilities. If total income exceeds total expenses, the concession is likely to be economically viable. If the concession is likely to be economically viable, proceed with development of a prospectus.

If total expenses exceed total revenues, the concession is not likely to be economically viable. Reevaluate income and expense criteria and the scope of the concession to determine whether modifications are appropriate, or reconsider whether a concession would be appropriate.
Appendix 2C

Cost/Benefit Analysis for Conversion to a Concession

On the following page is a cost/benefit analysis form for use in assessing site-specific feasibility.
<table>
<thead>
<tr>
<th>Date</th>
<th>Rec. Site or Complex</th>
</tr>
</thead>
</table>

### TOTAL RETURN TO THE Government

(Use fees for FS management or permit fees and value of offset work for concessionaire management)

<table>
<thead>
<tr>
<th>FS-Operated</th>
<th>Concessionaire-Operated</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ _____</td>
<td>$ _____</td>
</tr>
</tbody>
</table>

### Government EXPENSES

#### Labor

1. District Res./Rec. Off.  ___ days @ $___/day:  $ _____
2. Rec. For./Rec. Tech.  ___ days @ $___/day:  $ _____
3. Seasonals  ___ days @ $___/day:  $ _____
4. LE officer  ___ days @ $___/day:  $ _____
5. Other  ___ days @ $___/day:  $ _____
6. Overtime  ___ hours @ $___/day:  $ _____
7. Sunday differential  ___ days @ $___/day:  $ _____
8. Uniforms  ___ days @ $___/day:  $ _____

#### Utilities

9. Garbage service  ___ weeks or months @ $___
10. Vault toilet / septic tank pump # ___ @ $___
11. Water testing  ___ tests @ ___ each
12. Electricity $____/mo. for ___ months:
13. Other

#### Equipment

14. Equip. use  ___ miles @ $___ / mile:
15. For ___ months @ $____ / month:
16. Vehicle repairs:
17. Volunteer host expenses:

#### Supplies

18. Cleaning supplies
19. Toilet paper, paper towels
20. Maintenance materials (e.g., paint, sandpaper, signs)
21. Grounds maintenance materials (e.g., gas, mtce.)
22. Other
23. Other
24. Overhead

### TOTAL Government EXPENSES (sum of Items 1-23)

$ _____  $ _____

### NET Government RETURN (subtract Total Government Expenses from Total Return to the Government)

$ _____  $ _____
Appendix 2D

**Income/Expense Worksheet for Determining Economic Viability of a Concession**

On the following page is an income/expense worksheet to assess whether a concession would be economically feasible.
Appendix 2D: Income/Expense Worksheet for Determining Economic Viability

<table>
<thead>
<tr>
<th>Date</th>
<th>Rec. Site or Complex</th>
</tr>
</thead>
</table>

| National Forest | |

**CONCESSIONAIRE INCOME**

<table>
<thead>
<tr>
<th>Use Fees</th>
<th>$</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Campground Sites</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Picnic Sites / Day Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Fees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat Ramps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales and Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Firewood Sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Groceries/Sodas/Ice</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Rentals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL CONCESSIONAIRE INCOME**

$  

**CONCESSIONAIRE EXPENSES**

<table>
<thead>
<tr>
<th>Employee Salaries/Wages</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Living Quarters / Trailer Rentals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance Materials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance Supplies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cleaning Supplies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uniforms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communications (Radios, Cellular Phones, CBs)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telephones/Fax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Charges (Testing, Usage)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water System Maintenance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vault Toilet / Septic Tank Pumping</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewer Charges</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewer Maintenance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garbage Service / Dump Fees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electricity, Natural Gas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Insurance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liability Insurance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bonding</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxes and Permits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advertising</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounting and Legal Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Contracting Costs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mailing and Postage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Expenses/Overhead</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest Service Fees / Fee Offset Maintenance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contingency (5-10% of Expenses)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL CONCESSIONAIRE EXPENSES**

$  

**NET CONCESSIONAIRE INCOME** (before taxes)

$  

2 - 14
Sources for Potential Applicants

American Camping Association
5000 State Road 67 North
Mattinsville, IN 46151
317-342-8456

American Recreation Coalition
1225 New York Avenue, NW, Suite 450
Washington, DC 20005
202-682-9530

National Association of RV Parks and Campgrounds (ARVC)
11307 Sunset Hills Road, Suite B7
Fairfax, VA 22030
703-471-0143

National Forest Recreation Association
P.O. Box 191455
Sacramento, CA 95819
916-344-5050

National Park Hospitality Association
1225 New York Avenue, NW
Washington, DC 20005
202-682-9507
Appendix 3B

FS 6500-25, "Request for Verification"

On the following page is a blank FS-6500-25 form.
US DEPARTMENT OF AGRICULTURE, FOREST SERVICE
REQUEST FOR VERIFICATION
(Reference FSH 6509.18)

Instructions: Applicant - Complete items 1 thru 5. Forward directly to bank or lending institution.
Lender - Please complete Items 6 thru 15. Return directly to National Forest, ATTN:
National Forest, ATTN:

PART I - REQUEST

1. TO: Name and Address of Bank or other Lending institutions
2. FROM: (Name and Address of Applicant)

3. STATEMENT OF APPLICANT

<table>
<thead>
<tr>
<th>TYPE OF ACCOUNT</th>
<th>ACCOUNT NUMBER</th>
<th>CURRENT BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHECKING ACCOUNT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SAVINGS ACCOUNT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OTHER</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I have applied for a timber sale contract or concessionaire permit (please cross one out) with the National Forest and state that my balance with the bank or lending institution named in Item 1 are as shown in Item 3. My signature below authorizes verification of the information. Your response is solely a matter of courtesy for which no responsibility is attached to your institution or any of your officers.

4. Signature of Applicant
5. Date

PART II - VERIFICATION

6. Does applicant have any outstanding loans? [ ] Yes [ ] No If yes, fill Item 7.

10. Is the account less than 2 months old? [ ] Yes [ ] No If Yes, fill in Item 11.

<table>
<thead>
<tr>
<th>TYPES OF LOANS</th>
<th>MONTHLY PYMT.</th>
<th>PRESENT BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secured</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unsecured</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

11. Date account was opened:

8. Is applicant’s statement in Item 3 correct? [ ] Yes [ ] No If no, fill Item 9.

12. Payment Experience: [ ] Favorable [ ] Unfavorable
If unfavorable, please explain in remarks.

9. CURRENT BALANCES

<table>
<thead>
<tr>
<th>CHECKING</th>
<th>SAVINGS</th>
</tr>
</thead>
</table>

13. REMARKS:

THE INFORMATION ON THIS FORM IS CONFIDENTIAL. IT IS TO BE TRANSMITTED DIRECTLY, WITHOUT PASSING THROUGHT THE HANDS OF THE APPLICANT OR ANY OTHER PARTY.

14. Signature of bank or lending official.
15. Date

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance officer, OIRM, AG Box 7630, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork reduction project (OMB# 0596-0012), Washington, D.C. 20503.
## Appendix 3C

### Time Frame for Issuance of a Prospectus

The time line below assumes a typical recreation operating season of May 15 to September 15. Adjust the schedule if appropriate, but note that a late start does not assure adequate time for the successful applicant to prepare for the operating season.

<table>
<thead>
<tr>
<th>Date</th>
<th>Activity Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before May 1</td>
<td>Complete NEPA analysis.</td>
</tr>
<tr>
<td>May 1</td>
<td>Make decision to operate as concession for following season. Notify National Recreation Reservation Service that sites will be operated by concessionaire the following year. All fee collections for upcoming season must be deposited in escrow in lockbox so that fees can be sent to proper concessionaire. Start to collect information on services required and fixed operating costs. Assemble applicant mailing list.</td>
</tr>
<tr>
<td>June 15</td>
<td>Send out letter to potential applicants inviting them to inspect sites being offered for concessionaire management. Formal on-site tour is helpful. Begin preparation of prospectus. Select evaluation team.</td>
</tr>
<tr>
<td>July 1</td>
<td>Publish notice of opportunity.</td>
</tr>
<tr>
<td>July 15</td>
<td>Schedule on-site tour.</td>
</tr>
<tr>
<td>Aug. 1</td>
<td>Send prospectus to those on mailing list and those who have requested copy. Allow 45 days for preparation of applications.</td>
</tr>
<tr>
<td>Sept. 30</td>
<td>Application deadline. Convene evaluation team.</td>
</tr>
<tr>
<td>Oct. 15</td>
<td>Determine whether best and final applications are warranted. Notify appropriate applicants and request submissions.</td>
</tr>
<tr>
<td>Nov. 1</td>
<td>Any best and final applications are received and evaluated.</td>
</tr>
<tr>
<td>Nov. 15</td>
<td>Notify all applicants by certified letter of selection decision, which begins 45-day appeal period under administrative appeal regulations. This notification also begins the 30-day period in which the selected applicant must meet all prerequisites to permit issuance.</td>
</tr>
</tbody>
</table>
### Appendix 3C: Time Frame for Issuance of a Prospectus

<table>
<thead>
<tr>
<th>Date</th>
<th>Task Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec. 15</td>
<td>Deadline for selected applicant to meet prerequisites to permit issuance. If prerequisites are met, submit selected applicant’s name, mailing address, telex number, and bank deposit information to the National Reservation Center. Transfer any reservation funds held in lockbox to selected applicant.</td>
</tr>
<tr>
<td>Jan. 1</td>
<td>Deadline for filing administrative appeal of selection decision. If appeal filed, District/Forest has 30 days to prepare response. If no appeal filed, issue permit to selected applicant. Completed and fully executed AOP should be attached to permit.</td>
</tr>
<tr>
<td>Feb. 1</td>
<td>Deadline for response to appeal.</td>
</tr>
<tr>
<td>March 1</td>
<td>Appeal decision notice filed.</td>
</tr>
</tbody>
</table>
Appendix 3D

Prospectus Outline

i. COVER SHEET

ii. TABLE OF CONTENTS

I. INTRODUCTION

A. Overview of Opportunity
B. Statement of Minimum Annual Permit Fee
C. Overview of Selection Process
D. Instructions for Submitting Applications

1. Application Information
2. Submission of Applications
3. Individuals to Contact for Information

II. SITE DESCRIPTIONS AND INCOME-AND-EXPENSE DATA

A. Area Description
B. FS Site Descriptions

1. Government-Furnished Property
2. Government-Furnished Supplies
3. Utilities

C. Income-and-Expense Data

1. Income
2. Expenses
III. THE OPPORTUNITY

A. FS Programs and Policy

1. National Recreation Reservation Service
2. Golden Age/Access Passports
3. Camp Stamps
4. Free Fishing/Camping Day Policy
5. Customer Service Comment Cards
6. Compilation of Use and Revenue Data
7. Performance Evaluations
8. Accessibility

B. Special-Use Permit to Be Issued

1. Permit Term
2. Renewal
3. Responsibility for Day-to-Day Activities

C. G-T Fee Offset Agreement

1. Description of Government M&R
2. Portion of Fee to be Offset
3. Project List
4. Specifications or requirements
5. Willingness of FS to Perform Work
6. Accounting procedures

D. Standard Operating Plan Provisions

1. Site Capacities
2. Reserved Administrative Use
3. Capital Investment Projects
4. Holder-Furnished Property
5. Holder M&R
6. Preseason Preparation and Post-Season Cleanup
7. Other Special Uses
8. Site Protection
9. Erosion Control
10. Site Hazards
11. Wind Damage
12. Fire Prevention
13. Butane and Propane Installations
14. Grizzly Bear, Black Bear, Cougar, and other Predators
15. Diseases (Hantavirus and Plague)
16. Rodent Control
17. Herbicide/Insecticide Use
18. Construction Safety
20. Advertising
21. Signs and Posters
IV. PROPOSED OPERATING PLAN PROVISIONS

A. Operating Season

B. Staffing

1. Supervision/Management
2. Personnel
3. Employee Training
4. Employee Housing and Services
5. Employee Conduct
6. Uniforms

C. Required Services

1. Operation of the Concession
   (a) Hours of Operation
   (b) Cleaning and Maintenance
2. Emergency Response
3. Law Enforcement
4. Customer Feedback
5. Other Required Services

D. Optional Services

1. Interpretive Services
2. Communication Systems
3. Managing Non-Fee Sites
4. Recycling
5. Accelerated G-T Fee Offset Work
6. Other Optional Services

E. Concessionaire Income and Expenses

1. Income Estimates
   (a) Pricing Policies
   (b) Use Fees
   (c) Other Service Fees/Rentals
   (d) Sundries
   (e) Fee Collection and Refunds

2. Expense Estimates
   (a) Fee to the Government
   (b) Deposits and Advance Payments
   (c) Federal, State, and Local Taxes, Fees, and Licenses
   (d) Holder M&R
   (e) Insurance
   (f) Bonding
Appendix 3D: Prospectus Outline

(g) Pre- and Post-Season Operations
(h) Storage
(i) Utilities
(1) Garbage Collection
(2) Water System Operation and Testing
(3) Electricity
(4) Natural Gas/Propane
(5) Sewage
(6) Toilet Pumping

(j) Personnel
(k) Employee Housing

V. OTHER REQUIRED SUBMISSIONS

A. Financial Documents
B. Miscellaneous Submissions

VI. EVALUATION CRITERIA

VII. PREREQUISITES TO ISSUANCE OF A PERMIT

VIII. APPENDICES AND OTHER DOCUMENTS

A. Mandatory Appendices

1. Form FS-2700-4h, Special-Use Permit for Campground and Related Granger-Thye Concessions"
2. Annual Operating Plan Outline
3. Annual G-T Fee Offset Agreement
4. Sample Holder M&R Plan
5. Facility and Improvement Inventories “Operation of Federally Owned Drinking Water Systems"
6. Vicinity Map
7. Recreation Site Maps
8. Form FS-6500-25, “Request for Verifications"
10. Standard Performance Evaluation for Campground and Related G-T Concessions
11. Cost/Benefit Analysis for Conversion to a Campground Concession Completed by FS For new concessions only).

B. Optional Appendices

1. Sample Business Plan
2. Sample List of Holder-Furnished Property
3. Sample Collection Agreement

3 - 31
Appendix 3D: Prospectus Outline

4. Forest Orders That Apply to the Concession
5. Vegetation Management Plan
6. Water Systems Requirements

C. Documents Available Upon Request

1. EA and NEPA Decision Notice for the Concession Opportunity
2. Forest Recreation Reservation Service Plan (reserved)
3. Accessibility Program Evaluation
4. Recreation Site Use and Revenue Reporting Form
An inventory of Government-owned property should be included as an appendix to the prospectus, and later as an attachment to the permit. The following inventory is typical for facilities at a small campground. Record information by site for prospectuses involving multiple sites. The estimated fair market value is the replacement cost less all forms of depreciation.

<table>
<thead>
<tr>
<th>Item</th>
<th>Type</th>
<th>Quantity</th>
<th>Fair Market Value</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gate</td>
<td>Wooden/Metal</td>
<td>1</td>
<td>$500</td>
<td></td>
</tr>
<tr>
<td>Cattle Guard</td>
<td>Concrete/Metal</td>
<td>2</td>
<td>2,000</td>
<td>20 ft wide</td>
</tr>
<tr>
<td>Fire Ring</td>
<td>Metal</td>
<td>15</td>
<td>50</td>
<td>750</td>
</tr>
<tr>
<td>Fire Grill</td>
<td>Metal</td>
<td>15</td>
<td>50</td>
<td>750</td>
</tr>
<tr>
<td>Standing Grill</td>
<td>Wooden</td>
<td>15</td>
<td>50</td>
<td>750</td>
</tr>
<tr>
<td>Stove Tables</td>
<td>Metal</td>
<td>15</td>
<td>100</td>
<td>1,500</td>
</tr>
<tr>
<td>Lantern Holder</td>
<td>Concrete</td>
<td>15</td>
<td>50</td>
<td>750</td>
</tr>
<tr>
<td>Tent Pad</td>
<td>Vinyl Mesh</td>
<td>5</td>
<td></td>
<td>Sand pads</td>
</tr>
<tr>
<td>Tables</td>
<td>Wooden</td>
<td>15</td>
<td></td>
<td>Moveable</td>
</tr>
<tr>
<td>Campsite # Signs</td>
<td>Native</td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camping Spurs</td>
<td>Gravel</td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Area (including spurs)</td>
<td>Paved</td>
<td>1</td>
<td></td>
<td>7,500 sq ft</td>
</tr>
<tr>
<td>Parking Barriers</td>
<td>Wooden/Concrete/Rock</td>
<td>35</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road Surface</td>
<td>Native/Gravel/Paved</td>
<td>1</td>
<td></td>
<td>20,000 ft (linear)</td>
</tr>
<tr>
<td>Trash Containers</td>
<td>Metal</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reservation Signing</td>
<td>Wooden</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small Information Signs</td>
<td>Wooden</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Entrance Signs</td>
<td>Wooden</td>
<td>4</td>
<td>500</td>
<td>2,000</td>
</tr>
</tbody>
</table>
### Appendix 3E: Inventory of Government-Furnished Property

<table>
<thead>
<tr>
<th>Item</th>
<th>Type</th>
<th>Quantity</th>
<th>Fair Market Value Each</th>
<th>Fair Market Value Subtotal</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entrance Fee Tubes</td>
<td>Wooden</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee Station Signs</td>
<td>Wooden</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee Station Kiosk</td>
<td>Wooden</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pit Toilet</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vault Toilet</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flush Toilet</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trails</td>
<td>Native/Gravel/Paved</td>
<td></td>
<td></td>
<td></td>
<td>2,000 ft (linear)</td>
</tr>
<tr>
<td>Fence</td>
<td>Wooden/Wire Metal Mesh</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spring Box</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Wells</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Distrib. Line</td>
<td>ABS Pipe/Metal</td>
<td>1</td>
<td></td>
<td></td>
<td>5,000 ft (linear)</td>
</tr>
<tr>
<td>Water Hydrants</td>
<td>Hand Pump</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Faucets</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overhead Sec. Lights</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrical Line</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrical Pads/Outlets</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stairways</td>
<td>Wooden/Rock</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Campfire Area</td>
<td></td>
<td>1</td>
<td></td>
<td>4,000</td>
<td>Seats 40</td>
</tr>
<tr>
<td>Amphitheater</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Shelters</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Shelters</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Footbridges</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish Cleaning Station</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fishing Platforms</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fishing Piers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat Docks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horseshoe Pits</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Volleyball Court</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tot Lot</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playground</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baseball Field</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appendix 3F</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FS 2700-4h “Special-Use Permit for Campground and Related Granger-Thye Concessions”</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The following 14 pages contain form FS-2700-4h, “Special-Use Permit for Campground and Related Granger-Thye Concessions.” The last 8 pages contain FS 2700-4h Appendix F, Operating a Federally Owned Water System
### Holder No. | Issue Date | Expir. Date
---|---|---

### Type Site | Authority | Auth. Type
---|---|---

### Region/Forest/District | State/County
---|---

### Cong. Dist. | Latitude | Longitude
---|---|---

---

| Holder Name | Billing Address - 1 |
---|---|

| Billing Address - 2 | City | State | Zip Code |
---|---|---|---|

---

The holder is hereby authorized to use and occupy National Forest System lands, subject to the conditions below, on the National Forest.

| FACILITY | LEGAL DESCRIPTION | ACRES | DISTRICTS |
---|---|---|---|

---

**THIS permit** covers _______ acres or _______ miles, which are described above and are as shown on the location map attached to and made a part of this permit. The above described area shall be referred to herein as the permit area.

**This permit** is issued for the purpose of operating and maintaining a Forest Service developed recreation site(s) as provided herein and in the attached annual operating plan (Appendix A), annual Granger-Thye fee offset agreement (Appendix B), holder maintenance and reconditioning plan (Appendix C), recreation site maps (Appendix D), facility and improvement inventory (Appendix E), and "Operation of Federally Owned Drinking Water Systems" (Appendix F) [ADD AND ANY OTHER APPENDICES AS NEEDED OR DELETE HIGHLIGHTED TEXT], all of which are hereby made a part of this permit.

---

### I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

#### A. AUTHORITY

This permit is issued under Section 7 of the Granger-Thye Act, 16 U.S.C. 580d, and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

#### B. AUTHORIZED OFFICER

The authorized officer is the Forest Supervisor who issued this permit or a delegated subordinate officer.

#### C. TERM

This permit will expire at midnight on December 31, _______ _______ years from the date of issuance, provided that the permit term may be extended for _______ years at the sole discretion of the authorized officer based on sustained satisfactory performance or administrative need. Expiration of this permit shall not require notice, a decision document, or any environmental analysis or other documentation.

#### D. RENEWAL

This permit is not renewable. After it expires, continuation of the type of use and occupancy authorized by this permit shall be at the sole discretion of the authorized officer. After expiration, issuance of a new permit for the type of use and occupancy authorized by this permit shall be subject to competition.
E. **AMENDMENT.** This permit may be amended in whole or in part by the Forest Service when at the discretion of the authorized officer such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, forest land and resource management plans, or other management decisions.

F. **COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS.** In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

G. **NON-EXCLUSIVE USE.** The use and occupancy authorized by this permit is not exclusive. The Forest Service reserves a continuing right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder’s rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the authorized officer agree are necessary to protect the installation and operation of authorized structures and developments, the lands and waters covered by this permit shall remain open to the public for all lawful purposes. To facilitate public use of this area, all existing roads shall remain open to the public, except for roads that may be closed by joint agreement of the holder and the authorized officer.

H. **CHANGE IN CONTROL**

1. **Notification.** The holder shall notify the authorized officer when a change in control of the business entity that holds this permit is contemplated. If the holder is a corporation, change of control means the sale or transfer of a controlling interest in the corporation. If the holder is a partnership or a limited liability company, change of control means the sale or transfer of a controlling interest in the partnership or limited liability company. If the holder is an individual, change of control means the sale or transfer of the business to another party.

2. **Termination.** This permit is not transferable. Any change in control of the business entity as defined in clause I.H.1 shall result in termination of this permit. The party who acquires control of the business entity must submit an application for a permit for the type of use and occupancy authorized by this permit. Issuance of a new permit to the party acquiring control shall be at the sole discretion of the authorized officer. The authorized officer shall determine that the applicant meets requirements under federal regulations. If a new permit is issued to the party acquiring control, the term shall be for no more than the balance of the term of this permit. Once the permit issued to the party acquiring control expires, issuance of a new permit for the type of use and occupancy authorized by this permit shall be subject to competition.

I. **LIMITATIONS.** Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically provided for in this permit. Any use not specifically identified in this permit must be approved by the authorized officer through a new permit or a permit amendment.

II. **OPERATIONS, MAINTENANCE, AND RECONDITIONING**

A. **ANNUAL OPERATING PLAN**

1. The holder or his/her designated representative shall prepare and annually revise by DATE an annual operating plan. The annual operating plan shall be prepared in consultation with the authorized officer or his/her designated representative and shall cover all operations authorized by this permit, regardless of season. The annual operating plan shall be submitted by the holder and approved by the authorized officer or his/her designated representative prior to the operating season.

2. The annual operating plan shall specify the operational requirements governing the sites covered by this permit. At a minimum, the annual operating plan shall enumerate the minimum operating seasons; how the holder will provide services to the public; protect public health and safety and the environment; and repair, maintain, or enhance the function of the improvements covered by this permit. The annual operating plan shall contain standards and sufficient detail to enable the Forest Service to monitor operations for compliance.

B. **MINIMUM USE AND OCCUPANCY.** Use and occupancy of the permit area shall be exercised at least _______ days each year, unless otherwise authorized in writing under additional terms of this permit.
C. **GRANGER-THYE FEE OFFSET AGREEMENT.** Government maintenance and reconditioning projects shall be performed in accordance with an annual Granger-Thye fee offset agreement as provided in clause IV.E.2 of this permit.

D. **HOLDER MAINTENANCE AND RECONDITIONING PLAN.** The holder at its expense shall perform holder maintenance and reconditioning as defined in clause IV.E.1(c) of this permit under a holder maintenance and reconditioning plan approved by the Forest Service. The holder maintenance and reconditioning plan shall describe required holder maintenance and reconditioning responsibilities and their frequency. The work performed under this plan shall not be subject to fee offset under clause IV.E.

E. **ALTERATION OF GOVERNMENT IMPROVEMENTS.** If during the term of this permit any government-owned improvements are altered in any way, the material, equipment, fixtures or other appurtenances that are affixed to or made a part of those improvements in connection with the alteration shall become the property of the United States, regardless of whether the work is performed by the holder or any other party. The holder shall not be entitled to any compensation for that property, other than to the extent it qualifies for fee offset under clause IV.E.

F. **RESPONSIBILITY FOR DAY-TO-DAY ACTIVITIES.** As a general rule, the holder shall conduct the day-to-day activities authorized by this permit. Some but not all of these activities may be conducted by a party other than the holder, but only with prior written approval of the authorize officer. The holder shall continue to be responsible for compliance with all the terms of this permit.

G. **REMOVAL AND PLANTING OF VEGETATION.** This permit does not authorize the cutting of timber or other vegetation. Trees or shrubbery may be removed or destroyed only after the authorized officer or her/his designated agent has approved and marked what may be removed or destroyed. Timber cut or destroyed shall be paid for at current stumpage rates for similar timber in the National Forest. The Forest Service reserves the right to dispose of the merchantable timber to those other than the holder at no stumpage cost to the holder. Unmerchantable material shall be disposed of as directed by the authorized officer. Trees, shrubs, and other plants may be planted in the permit area as approved by the authorized officer.

H. **SIGNS.** Signs or other advertising posted on National Forest System lands shall be subject to prior written approval of the authorized officer as to location, design, size, color, and content. Erected signs shall be maintained to standards determined by the Forest Service.

I. **NONDISCRIMINATION**

1. In accordance with Title VII of the Civil Rights Act of 1964, as amended, the holder shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, or handicap in connection with the use and occupancy authorized by this permit, including maintenance and operation of the authorized improvements.

2. In accordance with Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments, and the Age Discrimination Act of 1975, the holder and the holder’s employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, religion, sex (in educational programs), national origin, age, or handicap by curtailling or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally.

3. The holder shall include and require compliance with the above nondiscrimination provisions in any agreement made with a third party with respect to the use and occupancy authorized by this permit.

4. Signs enumerating this nondiscrimination policy shall be conspicuously displayed at the public entrance to the premises and at other exterior or interior locations as directed by the Forest Service.

5. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States or the state in which the violation occurs.

III. **RIGHTS AND LIABILITIES**

A. **LEGAL EFFECT OF THE PERMIT.** This permit is revocable and terminable. It is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

B. **THIRD-PARTY RIGHTS.** This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.

C. **ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS.** The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit, including any party who has responsibility for any day-to-day activities authorized by this permit, if approved by the authorized officer under clause II.F.
D. **WATER RIGHTS.** This permit does not confer any water rights on the holder. Water rights must be acquired under state law. Upon revocation or termination of this permit, the holder shall transfer any water rights associated with the use and occupancy authorized by this permit to the succeeding permit holder. If there is no succeeding permit holder, the holder shall relinquish those water rights to the Forest Service.

E. **RISKS.** The holder assumes all risk of loss of the property. Loss to the property may result from but is not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and acts of God. If the authorized improvements are destroyed or substantially damaged, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed. If rebuilding is not allowed, this permit shall terminate.

F. **DAMAGE TO UNITED STATES PROPERTY.** The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs, damage to government-owned improvements covered by this permit, and all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder’s heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. For purposes of clauses III.F, III.I, and V, "hazardous material" shall mean any hazardous substance, pollutant, contaminant, hazardous waste, oil, and/or petroleum product, as those terms are defined under any federal, state, or local law or regulation.

   1. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder’s use and occupancy of the site. If the environment or any government property covered by this permit becomes damaged during the holder’s use and occupancy of the site, the holder shall immediately repair the damage or replace the damaged items to the satisfaction of the authorized officer and at no expense to the United States.

   2. The holder shall indemnify the United States for any damages arising out of the use and occupancy authorized by this permit, including damage to government-owned improvements covered by this permit. The holder shall be liable for all injury, loss, or damage, including fire suppression, or other costs in connection with rehabilitation or restoration of natural resources associated with the use and occupancy authorized by this permit. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney’s fees), and other costs in connection therewith.

   3. With respect to roads, the holder shall be liable for damage to all roads and trails of the United States open to public use caused by use of the holder or the holder’s heirs, assigns, agents, employees, contractors, or lessees to the same extent as provided under clause III.F.1, except that liability shall not include reasonable and ordinary wear and tear.

G. **HEALTH, SAFETY, AND ENVIRONMENTAL PROTECTION.** The holder shall take all measures necessary to protect the environment, natural resources, and the health and safety of all persons affected by the use and occupancy authorized by this permit. The holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any physical or mechanical procedure, activity, event, or condition existing or occurring before, during, or after the term of this permit that causes or threatens to cause: (a) a hazard to the safety of workers or to public health or safety or (b) harm to the environment (including but not limited to areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources). The holder shall immediately notify the authorized officer of all serious accidents that occur in connection with such activities. The responsibility to protect the health and safety of all persons affected by the use and occupancy authorized by this permit is solely that of the holder. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations and activities of the holder for hazardous conditions or compliance with health and safety standards.
H. INDEMNIFICATION OF THE UNITED STATES. The holder shall indemnify, defend, and hold the United States harmless for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use and occupancy authorized by this permit. This indemnification and hold harmless provision includes but is not limited to acts and omissions of the holder or the holder’s heirs, assigns, agents, employees, contractors, or lessees in connection with the use and occupancy authorized by this permit which result in: (1) violations of any laws and regulations which are now or which may in the future become applicable, and including but not limited to those environmental laws listed in clause V.A of this permit; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous substance, pollutant, contaminant, oil in any form, or petroleum product into the environment. The authorized officer may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

USER NOTES FOR CLAUSE III.I:

FOR POLICIES WITH SEPARATE LIMITS OF COVERAGE FOR PERSONAL INJURY OR DEATH AND THIRD-PARTY PROPERTY DAMAGE, USE CLAUSES III.I AND III.I.1, AND DELETE CLAUSE III.I.1(1).

FOR POLICIES WITH COMBINED SINGLE LIMITS OF COVERAGE FOR PERSONAL INJURY OR DEATH AND THIRD-PARTY PROPERTY DAMAGE, USE CLAUSES III.I AND III.I.1(1), AND DELETE CLAUSE III.I.1.

IF THE PROSPECTIVE HOLDER IS A STATE OR POLITICAL SUBDIVISION THAT HAS STATUTORY OR CONSTITUTIONAL AUTHORITIES LIMITING ITS LIABILITY OR OBLIGATION TO INDEMNIFY, THE AUTHORIZED OFFICER SHALL PREPARE A RISK ASSESSMENT TO DETERMINE THE POTENTIAL FOR LOSS TO THE UNITED STATES FROM PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE CAUSED BY THE PROSPECTIVE HOLDER’S USE AND OCCUPANCY. IF THE AUTHORIZED OFFICER DETERMINES BASED ON THE RISK ASSESSMENT THAT THE POTENTIAL FOR PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE CAUSED BY THE PROSPECTIVE HOLDER’S USE AND OCCUPANCY EXCEEDS THE LIABILITY OR INDEMNIFICATION LIMITATION OF THE STATE OR ITS POLITICAL SUBDIVISION, THE PROSPECTIVE HOLDER SHALL, AS A PRECONDITION TO ISSUANCE OF THIS PERMIT, PROCURE INSURANCE UNDER THE TERMS OF CLAUSE III.I OF THIS PERMIT IN THE AMOUNT DETERMINED IN THE RISK ASSESSMENT THAT EXCEEDS THE LIABILITY OR INDEMNIFICATION LIMITATION OF THE STATE OR ITS POLITICAL SUBDIVISION.

IF THE PROSPECTIVE HOLDER IS A FEDERAL AGENCY, USE CLAUSE III.I(1), AND DELETE CLAUSE III.I IN ITS ENTIRETY.

TURN OFF USER NOTES TO REMOVE THESE HIGHLIGHTED INSTRUCTIONS FROM THE PRINTED VERSION BEFORE PROVIDING THE PERMIT TO A PROSPECTIVE HOLDER.

I. INSURANCE. The holder shall furnish proof of insurance, such as a certificate of insurance, to the authorized officer prior to issuance of this permit and each year thereafter that this permit is in effect. The Forest Service reserves the right to review and approve the insurance policy prior to issuance. The holder shall send an authenticated copy of any insurance policy obtained pursuant to this clause to the Forest Service immediately upon issuance of the policy. Any insurance policies obtained by the holder pursuant to this clause shall name the United States as an additional insured, and the additional insured provision shall provide for insurance coverage for the United States as required under this clause. Such policies shall also specify that the insurance company shall give 30 days’ prior written notice to the Forest Service of cancellation of or any modification to the policies. Minimum amounts of coverage and other insurance requirements are subject to change at the sole discretion of the authorized officer on the anniversary date of this permit.

1. Liability. The holder shall have in force liability insurance covering losses associated with the use and occupancy authorized by this permit arising from personal injury or death and third-party property damage in the minimum amount of

$ ____________ for injury or death to one person,
$ ____________ for injury or death to more than one person, and
$ ____________ for third-party property damage.

1(1) Liability. The holder shall have in force liability insurance covering losses associated with the use and occupancy authorized by this permit arising from personal injury or death and third-party property damage in the minimum amount of $ ____________ as a combined single limit.
2. **Casualty.** The holder shall have in force casualty insurance for the federal government property covered by this permit, including the land and government-owned improvements in the minimum amount of $___________. The types of loss to be covered by this clause shall include but not be limited to fire suppression costs and damage to government-owned improvements and lands covered by this permit. At the sole discretion of the authorized officer, the Forest Service may require the holder to use all proceeds from property damage insurance policies to repair, rebuild, restore, or replace damaged government property covered by the policy, or may obtain payment of those proceeds from the concessionaire or the insurance company.

Depending on the holder’s operations, the Forest Service may require the holder to demonstrate the availability of funds to address any release or threatened release of hazardous materials that may occur in connection with the holder’s use and occupancy. Any requirements imposed would be established on a case-by-case basis by the authorized officer based on the degree of environmental risk from the holder’s operations. The use and storage of normal campground maintenance items in nominal amounts would generally not trigger financial assurance requirements.

I(1) **DAMAGE TO NATIONAL FOREST INTERESTS, PROPERTY, OR RESOURCES.** As an agency of the United States, the holder is limited by federal law as to the assumption of liability for its acts or omissions. The holder agrees, within its legal limitations and limitations of appropriations, to be responsible for all damages arising from injury to persons or property associated with the use and occupancy authorized by this permit. The holder further agrees, to the extent legally permissible, to use its appropriations and resources as required to pay any claims and to repair damage to the land within the permit area. This provision is intended to shield the appropriations of the Forest Service from any burdens, other than administrative costs, which may arise in connection with the use and occupancy authorized by this permit.

J. **PERFORMANCE BOND.** The authorized officer may at any time during the term of this permit require the holder to furnish a bond or other security to secure any or all of the obligations imposed by the terms of this permit or any applicable law, regulation, or order. The following terms shall apply if a bond is required.

1. **Amount and Form of Bonding.** As a further guarantee of compliance with the terms of this permit, the holder agrees to deliver and maintain a surety bond or other acceptable security in the amount of $__________. In lieu of a bond, the holder may deposit and maintain in a federal depository cash in the foregoing amount or negotiable securities of the United States having a market value at the time of deposit of at least the foregoing dollar amount.

2. **Sufficiency of Bonding.** The authorized officer may periodically evaluate the adequacy of the bond and increase or decrease the amount as appropriate. Should the bond or other security delivered under this permit become unsatisfactory to the Forest Service, the holder shall within 30 days of demand furnish a new bond or other security issued by a surety that is solvent and satisfactory to the Forest Service.

3. **Remedies.** The bond shall provide that at the Forest Service’s sole discretion the surety shall pay the United States for any loss covered by the bond or, in the event of complete default under the permit, shall pay a third party to operate the site for the remaining term of the permit. The bond shall also provide that selection of a third party to operate the site is subject to Forest Service approval. If the holder fails to meet any of the requirements secured under this clause, the Forest Service has the discretion to require the surety to pay the United States for any loss covered by the bond or, in the event of complete default under the permit, to pay a third party to operate the concession for the remaining term of the permit, without prejudice to any other rights and remedies of the United States.

K. **SANITATION.** The operation and maintenance of all sanitation and food service systems and facilities shall comply with applicable standards set by state and local health departments.

L. **REFUSE DISPOSAL.** The holder shall comply with all applicable federal, state, and local requirements related to disposal of any refuse resulting from the use and occupancy authorized by this permit.

IV. **PERMIT FEES AND ACCOUNTING RECORDS**

A. **PERMIT FEES.** The holder shall pay to the USDA, Forest Service, an annual permit fee based on the fair market value of the use and occupancy authorized by this permit of ________ percent of adjusted gross revenue as defined in clause IV.B, for the term of this permit. The minimum annual permit fee for the authorized use and occupancy shall be $___________. If the percentage of gross revenue in a given year is less than the
minimum annual permit fee, the holder shall pay the minimum annual permit fee. The holder shall pay the permit fee in advance of the authorized use and occupancy without demand, as provided in clause IV.C. Payments due before commercial operations commence are not refundable, except to the extent they are subject to fee offset under clause IV.E. The Forest Service may adjust the minimum permit fee every five years from the due date of the first annual payment to make the annual permit fee commensurate with the fair market value of the authorized use and occupancy.

**B. DEFINITIONS**

1. **Adjusted Gross Revenue.** Gross revenue plus applicable revenue additions, minus applicable revenue exclusions.

2. **Gross Revenue.** The total amount of receipts from the sale of goods or services provided by the holder or third party under the permit.

3. **Revenue Additions.** The following are added to gross revenue:
   
   (a) The value of goods and services that are donated or bartered; and
   
   (b) The value of gratuities, which are goods, services, or privileges that are not available to the general public.

4. **Revenue Exclusions.** The following are excluded from gross revenue:
   
   (a) Amounts paid or payable to a state licensing authority.
   
   (b) Revenue from the sale of operating equipment and from capitalized or other assets used in authorized operations.
   
   (c) Refunds of use fees provided to the public by the holder.

**USER NOTES FOR CLAUSE IV.C:**

USE THE PAYMENT SCHEDULE THAT APPLIES, BASED ON THE TOTAL ESTIMATED FEE, AND DELETE THE OTHERS. DELETE THE HIGHLIGHTED INSTRUCTIONS BEFORE PROVIDING THE PERMIT TO A PROSPECTIVE HOLDER.

**C. PAYMENT SCHEDULE**

**[FOR ESTIMATED ANNUAL PERMIT FEES THAT ARE $2,500 OR LESS]**

The entire estimated annual permit fee shall be paid prior to commencing operations.

**[FOR ESTIMATED ANNUAL PERMIT FEES THAT ARE MORE THAN $2,500, BUT NO MORE THAN $10,000]**

The estimated annual permit fee shall be paid in three installments, once prior to commencing operations, once at the end of the first 30 days of the operating season, and once at mid-season.

**[FOR ESTIMATED ANNUAL PERMIT FEES THAT ARE MORE THAN $10,000]**

The estimated annual permit fee shall be paid in multiple installments. The first installment shall be paid prior to commencing operations, and the remainder shall be paid at the beginning of each quarter.

**D. DOCUMENTATION OF REVENUE.** The holder shall provide documentation of use and revenue for purposes of permit fee verification.

1. **Use and Revenue Data.** The holder shall submit to the authorized officer on a monthly basis use and revenue data covering each week of the operating season. At a minimum, such data shall consist of the number of sites occupied, all extra vehicle charges, the total number of Golden Age and Golden Access Passports honored, the total amount of use fees collected from the public, and the total amount of other types of revenue collected from the public.

2. **Income Statements.** No later than 30 days after the close of the holder’s fiscal year, the holder shall submit to the authorized officer a statement of income reporting the results of the holder’s annual operations. The statement shall include all adjustments, such as taxes deducted, and shall be broken down by categories of sales.
E. **GRANGER-THYE FEE OFFSET.** Pursuant to 16 U.S.C. 580d, the Forest Service may offset all or part of the permit fee by the amount paid by the holder for maintenance or reconditioning deemed to be the government’s responsibility, as defined below, of government-owned improvements and their associated land.

1. **Definitions**

   (a) **Maintenance.** Preserving or keeping in proper condition or rebuilding, repairing, or replacing. Maintenance does not include construction of new facilities.

   (b) **Reconditioning.** Restoring a facility to its original condition or to meet current national or state standards, such as the Uniform Federal Accessibility Standards, Americans With Disabilities Act Accessibility Guidelines, the Uniform Building Code, or state water quality standards. Reconditioning does not include construction of new facilities.

   (c) **Holder Maintenance or Reconditioning.** Maintenance or reconditioning that neither materially adds to the value of the property nor appreciably prolongs its life. The work serves only to keep the facility in an ordinary, efficient operating condition. Examples include but are not limited to interior decorating, interior painting, vandalism repair, repair of broken windows, light bulb replacement, cleaning, unplugging drains, drivebelt replacement, preventive maintenance, lubrication of motors, greasing, servicing, inspecting, oiling, adjusting, tightening, aligning, watering, weeding, sweeping, waxing, refinishing picnic tables, routine housekeeping, and general snow removal. In fulfilling these responsibilities, the holder shall obtain any licenses and certified inspections required by regulatory agencies and follow state and local laws, regulations, and ordinances and industry standards or codes applicable to the permitted operation.

   (d) **Government Maintenance or Reconditioning.** Maintenance or reconditioning that arrests deterioration and appreciably prolongs the life of the property. Examples include but are not limited to installing a new roof, new floor, or new siding; rebuilding boilers; replacing pipes, pumps, and motors; repairing or maintaining the paths, lands, walks, walls, or landscaping adjacent to other government-owned structures; and performing exterior painting and refinishing. Exterior painting that repairs unsightly visual marks caused by everyday use does not meet the definition outlined above. Government maintenance or reconditioning, whether performed by the holder or the Forest Service, shall be performed at the sole discretion of the authorized officer.

2. **Granger-Thye Fee Offset Agreement.** Before issuance of this permit and before each operating season thereafter, the Forest Service and the holder shall enter into an annual Granger-Thye fee offset agreement. The agreement shall enumerate the portion of the permit fee that shall be offset by government maintenance and reconditioning and shall specify which projects are to be used for offset that year. The agreement shall also include standards for completion of the projects and examples of allowable costs. The agreement shall specify whether the concessionaire shall be required or has the option to enter into a collection agreement to have the Forest Service perform the work.

3. **Collection Agreements for Forest Service Oversite for Major Government Maintenance and Reconditioning Projects.** The Forest Service may require the holder to enter into a collection agreement with the Forest Service to pay the cost of a Forest Service employee administering and overseeing major government maintenance and reconditioning projects and offset those costs against the holder’s annual permit fee. For purposes of this clause only, a major government maintenance and reconditioning project is one costing $________ or more. Allowable costs include monitoring to ascertain that work is being done to Forest Service standards. Allowable costs do not include routine permit administration by the Forest Service. If the Forest Service exercises this option, a separate collection agreement shall be executed by the parties and made a part of this permit.

F. **LATE PAYMENT INTEREST, ADMINISTRATIVE COSTS, AND PENALTIES.** Pursuant to the Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982, 31 U.S.C. 3717, and regulations at 7 CFR Part 3, Subpart B, and 4 CFR Part 102, an interest charge shall be assessed on any payment not received by the due date. Interest shall be assessed using the most current rate prescribed by the United States Department of Treasury’s Fiscal Requirements Manual (TFRM-68020.20). Interest shall accrue from the date the payment was due. In the event that two or more billings are required for delinquent accounts, administrative costs associated with processing and handling the delinquent debt shall be recovered. In addition, a penalty of 6 percent per year shall be assessed on any fee amount more than 90 days overdue from the payment due date.

G. **TERMINATION FOR NONPAYMENT.** This permit shall terminate without the necessity of prior notice and opportunity to comply when any permit fee payment is 90 calendar days from the due date in arrears.
H. ADMINISTRATIVE OFFSET AND CREDIT REPORTING. Pursuant to the Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982, 31 U.S.C. 3716, and regulations at 7 CFR Part 3, Subpart B, and 4 CFR Part 102, any monies that are owed by the United States under this permit to any person or legal entity other than an agency or subdivision of a state or local government may be administratively offset by any delinquent debt the person or legal entity owes to the United States. Information on the person or legal entity’s responsibility for the delinquent debt owed the United States may be disclosed to consumer or commercial credit reporting agencies. Under common law, any monies that are owed by the United States under this permit to an agency or subdivision of a state or local government may be administratively offset by any delinquent debt the agency or subdivision of a state or local government owes to the United States.

I. ACCOUNTING RECORDS AND ACCESS. The holder shall follow generally accepted accounting principles or other cash basis of accounting in recording financial transactions. When requested by the Forest Service, the holder at its own expense shall have its annual accounting records audited by an independent public accountant acceptable to the Forest Service. The holder shall require any party who has responsibility for any day-to-day activities under clause II.F of this permit to comply with these same requirements. The holder shall make all of the accounting books and supporting records for the business activities authorized by this permit, as well as those of any parties authorized to operate under clause II.F of this permit, available for audit by the Forest Service or other federal agencies authorized to review Forest Service activities. The holder shall retain these records and make them available for review for five years after the end of the year they were generated, unless disposition is otherwise authorized by the Forest Service in writing.

V. RESOURCE AND IMPROVEMENT PROTECTION


B. WATER SYSTEMS

1. The holder, as the water supplier and owner or operator of the drinking water system, is responsible for compliance with all applicable federal, state, and local drinking water laws and regulation for the operation and maintenance of a public water system. This includes, but is not limited to, developing, operating and maintaining, and conducting drinking water testing, and taking the appropriate corrective and follow-up actions in accordance with federal, state, and any other applicable requirements. For the purposes of this authorization, public water systems are as defined in the Safe Drinking Water Act, 42 U.S.C. 300f et seq., as amended, and in the National Primary Drinking Water Regulations, 40 CFR Part 141, or by state regulations if more stringent.

2. When the holder operates federally-owned systems (e.g., when the permit is authorized under the Granger-Thye Act), the holder shall meet additional requirements for public and non-public water systems consistent with Forest Service Manual (FSM) 7420. Requirements under FSM 7420 applicable to the holder are set forth in Appendix F to the permit entitled “Operation of Federally Owned Drinking Water Systems.

3. For federally owned systems, the holder shall notify and consult with the Forest Service within 24 hours or on the next business day after notification by the laboratory of a sample that tests positive for microbiological contamination. The holder shall notify and consult with the Forest Service within 48 hours of notification of a maximum contaminant level violation or an acute violation.

4. The holder shall retain all records as required by applicable laws and regulations. The holder agrees to make the records available to the Forest Service and to any other regulatory agency authorized to review Forest Service activities. Copies of microbiological test results for federally owned water systems shall be forwarded monthly to the Forest Service by the 15th of the month following the sampling date. Copies of other required records for federally owned systems shall be forwarded annually to the Forest Service within 15 days of the end of the operating season for seasonal sites or within 15 days of the end of the calendar year for year-round operations. The holder shall surrender all records for a federally-owned system to the Forest Service upon permit termination or revocation.

5. For federally owned systems, the holder shall provide the name of the water system operator in writing to the Forest Service and notify the authorized officer within 72 hours of a change in personnel.
C. **VANDALISM.** The holder shall take reasonable measures to prevent and discourage vandalism and disorderly conduct and when necessary shall contact the appropriate law enforcement officer.

D. **PESTICIDE USE.** Pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, trash fish, and other pests and weeds without prior written approval from the authorized officer. A request for approval of planned uses of pesticides shall be submitted annually by the holder on the due date established by the authorized officer. The report shall cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests or weeds require control measures that were not anticipated at the time an annual report was submitted. Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned shall be considered for use on National Forest System lands. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers.

E. **ARCHAEOLOGICAL-PALEONTOLOGICAL DISCOVERIES.** The holder shall immediately notify the authorized officer of any antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this permit. The holder shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.

F. **PROTECTION OF HABITAT OF ENDANGERED, THREATENED, AND SENSITIVE SPECIES.** Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA), 16 U.S.C. 531 et seq., as amended, or as sensitive by the Regional Forester under the authority of Forest Service Manual Chapter 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this permit, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the sole responsibility of the holder. If protective measures prove inadequate, if other such areas are discovered, or if new species are listed as federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection, regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.

G. **CONSENT TO STORE HAZARDOUS MATERIALS.** The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

H. **CLEANUP AND REMEDIATION.** Except with respect to any federally permitted release as that term is defined under Section 101(10) of CERCLA, 42 U.S.C. 9601(10), the holder shall clean up or otherwise remediate any release, threat of release, or discharge of hazardous materials that occurs either on site or in connection with the holder's activities, whether or not those activities are authorized under this permit. The holder shall perform cleanup or remediation immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The holder shall perform the cleanup or remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the holder shall deliver the site to the Forest Service free and clear of contamination.

I. **CERTIFICATION UPON REVOCATION OR TERMINATION.** If the holder uses or stores hazardous materials at the site, upon revocation or termination of this permit the holder shall provide the Forest Service with a report certified by a professional or professionals acceptable to the Forest Service that the site covered by this permit is uncontaminated by the presence of hazardous materials and that there has not been a release or discharge of hazardous materials upon the site, into surface water at or near the site, or into groundwater below the site during the term of the permit. If a release or discharge has occurred, the professional or professionals shall document and certify that the release or discharge has been fully remediated and that the site is in compliance with all federal, state, and local laws and regulations.

VI. **REVOCATION, SUSPENSION, AND TERMINATION**

A. **REVOCATION AND SUSPENSION.** The Forest Service may suspend or revoke this permit in whole or in part for:

1. Noncompliance with federal, state, or local laws and regulations.
2. Noncompliance with the terms of this permit.
3. Reasons in the public interest.
4. Abandonment or other failure of the holder to exercise the privileges granted.
B. OPPORTUNITY TO TAKE CORRECTIVE ACTION. Prior to revocation or suspension under clause VI.A, the authorized officer shall give the holder written notice of the grounds for each action and a reasonable time, not to exceed 30 days, to complete corrective action prescribed by the authorized officer.

C. IMMEDIATE SUSPENSION. The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision must be in writing. Within 10 days of the request of the holder, the superior of the authorized officer shall arrange for an on-the-ground review of the adverse conditions with the holder. Following this review the superior shall take prompt action to affirm, modify, or cancel the suspension.

D. APPEALS AND REMEDIES. Any discretionary decisions or determinations by the authorized officer are subject to the administrative appeal regulations at 36 CFR Part 251, Subpart C, or revisions thereto. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

E. TERMINATION. This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date and termination upon change of control of the business entity. Termination of this permit is not subject to administrative appeal.

VII. MISCELLANEOUS PROVISIONS

A. REGULATING SERVICES AND RATES. The Forest Service reserves the right to regulate the adequacy and type of services provided the public and to require that these services conform to satisfactory standards. The holder may be required to furnish a schedule of prices for sales and services authorized by this permit. Such prices and services may be regulated by the Forest Service, provided that the the holder shall not be required to charge prices significantly different from those charged by comparable or competing enterprises.

B. ADVERTISING. The holder orally and in advertisements, signs, circulars, brochures, letterheads, and other materials shall not misrepresent in any way the accommodations or services provided or the status of the permit or permit area. The fact that the permit area is located on the National Forest shall be made readily apparent in all the holder’s brochures and print advertising regarding use of the permit area.

C. CURRENT ADDRESSES. The holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for payment of fees.

D. HOLDER REPRESENTATIVE. The holder or a designated representative shall be present on the premises at all times when the facilities are open to the public. The holder shall notify the authorized officer in writing as to who the representative will be.

E. LIQUOR SALES PROHIBITED. The sale of liquors or other intoxicating beverages is prohibited in the permit area.

F. GAMBLING. Gambling or gambling devices shall not be permitted on National Forest System lands, regardless of whether gambling or gambling devices are lawful under state or local law.

G. FIREWORKS. The sale of fireworks is prohibited on land covered by this permit. Possession or use of fireworks on land covered by this permit is also prohibited without prior written approval from the authorized officer.

H. DISORDERLY CONDUCT. Disorderly or otherwise objectionable conduct by the holder or those occupying the premises with the holder’s permission shall upon proof thereof be cause for revocation of this permit.

I. SERVICES NOT PROVIDED. This permit does not provide for the furnishing of road maintenance, water, fire protection, or any other such service by a government agency, utility, association, or individual.

J. MEMBERS OF CONGRESS. No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

K. SUPERIOR CLAUSES. In the event of any conflict between any of the preceding printed clauses and any provisions in the appendices attached to this permit, the preceding printed clauses shall control.

L. PAPERWORK REDUCTION ACT COMPLIANCE. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety.
This information is required to obtain or retain a benefit. The authority for that requirement stems from the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate regulations for managing National Forest System lands. These statutes, along with the Granger-Thye Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture’s regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.


Public reporting burden for collection of information, if requested, is estimated to average 1 hour per response for annual financial information; 1 hour per response to prepare or update operating and maintenance plans; 1 hour per response for inspection reports; and 1 hour for each request that may include such items as reports, logs, facility and user information, and other similar information requests. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB # 0596-0082), Washington, D.C. 20503.

This permit is accepted subject to all the foregoing conditions.

HOLDER: ________________________________

By: ________________________________

(Title)

Date: _____ / _____ / ______

U.S. DEPARTMENT OF AGRICULTURE
Forest Service

By: ________________________________

(Authorized Officer)

Date: _____ / _____ / ______

This permit is accepted subject to all the foregoing conditions.

Date: _____ / _____ / ______

CORPORATE NAME:

________________________________________

(CORPORATE SEAL)

By: ________________________________

(Vice) President
ATTEST:

(Assistant) Secretary

The following certificate shall be executed by the Secretary or Assistant Secretary of the Corporation:

I, ________________________, certify that I am the ___________________ Secretary of the Corporation that executed the above permit; that __________________________, who signed this permit on behalf of the Corporation was then ___________________ of that Corporation; that I know his/her signature; that his/her signature on this permit is genuine; and that this permit was duly signed, sealed, and attested to on behalf of the __________________ Corporation by authority of its governing body.

(CORPORATE SEAL)

(Assistant) Secretary

U.S. DEPARTMENT OF AGRICULTURE
Forest Service

By: ________________________________

(Authorized Officer)

Date: ___ / ___ / ______

[ATTACH ANNUAL OPERATING PLAN, ANNUAL GRANGER-THYE FEE OFFSET AGREEMENT, HOLDER MAINTENANCE AND RECONDITIONING PLAN, RECREATION SITE MAPS, FACILITY AND IMPROVEMENT INVENTORY, “OPERATION OF FEDERALLY OWNED DRINKING WATER SYSTEMS,” AND ANY OTHER APPENDICES.]
APPENDIX F:

OPERATION OF FEDERALLY OWNED DRINKING WATER SYSTEMS

I. INTRODUCTION

The requirements set forth in this Appendix pertain to holders of Forest Service special use permits that authorize the holder to operate federally owned drinking water systems. This includes special use permits authorized under the Granger-Thye Act, 16 U.S.C. § 580d.

The requirements set forth below are derived from Chapter 7420 of the Forest Service Manual (FSM), which describes the Forest Service Drinking Water Program. The objective of the Forest Service Drinking Water Program is to protect the health of the public and Forest Service personnel by ensuring that water provided by the Forest Service for human consumption is safe and protected. Where this objective cannot be met, the Forest Service policy is to make such waters unavailable for human consumption. “Human consumption” includes the use of water for drinking, food preparation, dishwashing, oral hygiene, or bathing/showering.

When a permit holder operates federally owned water systems, both the Forest Service and the permit holder are considered suppliers of the water. Therefore, permit holders authorized to operate federally owned water systems must operate and maintain the systems to meet the objective and policy of the Forest Service Drinking Water Program. Failure to operate these drinking water systems accordingly may result in revocation of the permit.

In addition to fulfilling the requirements set forth below, permit holders operating federally owned water systems must comply with all applicable federal, State, interstate, and local requirements applicable to drinking water systems, and must follow the Operation and Maintenance Plan developed in conjunction with the Forest Service to address the specific system(s).

Nothing in this Appendix should be interpreted as diminishing any obligation imposed by federal, State, interstate, or local authority.

II. APPLICABLE DEFINITIONS

A. Average Daily Population (ADP). For classification purposes, the sum of the daily transient and daily resident population served or having access to the drinking water system, per month, divided by the days of the month. Where actual or sample counts are not available at recreation sites, determine ADP by multiplying Persons-At-One-Time (PAOT) by the percentage of site use where PAOT equals four people per site.

B. Condition Survey. An onsite review performed by the Forest Service. Condition surveys are an integral part of the sanitary surveys and serve as a supplement to the last current sanitary survey.

C. Confluent Growth. A continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete. This does not necessarily include coliform growth. Non-coliform growth is often called heterotrophic growth.

D. Drinking Water System. A system for providing water suitable for human consumption via service connections (including handpump wells).

E. Human Consumption. Use of water for drinking, food preparation, dishwashing, oral hygiene, or bathing/showering.

F. Maximum Contaminant Level (MCL). As defined by federal, State, or local law, but generally: The maximum permissible level of a contaminant in water which is delivered to any user of a public water system.

G. Non-Public Water System. A system not meeting the public water system definition. A non-public water system is subdivided into the following categories:

   · Non-Public, Non-Transient (NPNT). A system serving less than 25 year-round residents or serving less than 25 of the same persons ADP more than 180 days per year (for example, some housing sites).

   · Non-Public, Transient (NPT). A system serving less than 25 individuals ADP and not meeting the requirements of NPNT water system (for example, some smaller recreation sites).
H. Public Water System. As defined in the Safe Drinking Water Act, 42 U.S.C. § 300f et seq., as amended, and in the National Primary Drinking Water Regulations, 40 CFR Part 141, or by State or local regulation if more stringent.

I. Repeat samples. A set of samples taken when a routine sample is total coliform-positive or when a repeat sample is total coliform-positive. Repeat samples must be collected within 24 hours of notification of a positive result.

J. Routine sample. A sample that is representative of the water throughout the distribution system, taken by properly trained personnel on a routine basis when the system is operational, used to determine the microbial quality of the water.

K. Sanitary Survey. As defined by applicable Federal, State, or local regulations, but generally: An onsite review performed by the State or qualified Forest Service engineer of the water source, facilities, equipment, operation, and maintenance of a public water system for the purpose of evaluating the adequacy of the source, facilities, equipment, operation, and maintenance for the purpose of ensuring the distribution of safe drinking water.

L. Service connection. The structure by which drinking water is conveyed from the distribution system to the user. Examples of service connections include: an individual building (residence, crew quarters, office, or mobile home -- not including utility hose bibs stubbed from building plumbing); a building exterior drinking fountain provided for public use; an individual yard or campground hydrant; a handpump on a well.

M. Special sample. A sample collected to determine the success of corrective actions. Special samples may also be taken to determine whether seasonal systems are ready to be opened, or whether disinfection practices are sufficient following pipe or tank repair or replacement. Special samples must be marked as such when sent in to the laboratory for analysis.

III. Requirements for Operating Federally owned Drinking Water Systems

A. Compliance with applicable standards. All federally owned public water systems must comply with the requirements of the Safe Drinking Water Act, 42 U.S.C. § 300f et seq.; the National Primary Drinking Water Regulations (NPDWR), 40 CFR 141; the National Secondary Drinking Water Regulations (NSDWR), 40 CFR 143; any other applicable federal law; and applicable State, interstate, and local requirements, in addition to the standards stated in this document.

Federally owned non-public water systems shall conform to the standards stated in this document and to any federal, State, interstate, and local requirements that may apply.

B. Classification. All drinking water systems must be classified as either public water systems or non-public water systems. Public water systems must be further classified in accordance with federal, state, or local requirements (e.g., "community" or "non-community," and so on). Non-public water systems must be further classified as NPNT or NPT. The regulatory authorities and the Forest Service are responsible for making the final determination of how a water system is classified.

C. Certified water system operators. All personnel operating and testing water systems must be certified as required by federal, State, and local regulations. The permit holder must provide the name of the water system operator in writing to the Forest Service and notify the authorized officer within 72 hours of a change in personnel.

D. Initial survey. Sanitary surveys must be performed and documented for a new drinking water supply source and system before it becomes available for public use. If deficiencies are found, the Forest Supervisor must approve a corrective action plan prepared to address the deficiencies, and the system may not be used until corrective action is completed and is demonstrated to have corrected any deficiencies.

·Subsequent sanitary surveys. Sanitary surveys will be conducted on all systems in accordance with applicable State regulations, or more frequently if there are recurring deficiencies. The Forest Service conducts regularly scheduled sanitary surveys. However, the permit holder is responsible for coordinating with the Forest Service to ensure that additional sanitary surveys are performed as required in the event of system violations, in accordance with the required follow-up actions set forth below.
E. **Condition surveys.** The permit holder must coordinate with the Forest Service to ensure performance of condition surveys. Condition surveys must be performed whenever:

1. Routine bacteriological analysis indicates, and a bacteriological repeat sample confirms, that coliform bacteria exist.
2. A seasonal system is opened for the season.
3. There is a significant event or change in conditions that may affect the supply or system (e.g., a significant earthquake).

F. **Treatment and Disinfection.** Drinking water systems having surface water sources or groundwater sources under the direct influence of surface water must be disinfected and filtered in accordance with federal, State, and local regulations. Direct influence of surface water for individual sources shall be determined by the State and/or qualified Forest Service Engineer. The determination is typically based on State criteria which may include site-specific measurements of water quality and/or documentation of source construction, characteristics and geology.

Water systems utilizing ground water sources not under the direct influence of surface water must be disinfected if there is a history of microbiological contamination, or when a condition or sanitary survey determines that microbiological contamination could occur, or as required by other applicable law.

The permit holder is responsible for ensuring that water systems are disinfected and treated as required. The permit holder is responsible for operating and monitoring any treatment and disinfection system installed by the Forest Service, and for notifying the Forest Service in the event of any treatment system malfunction.

G. **Sampling, Monitoring, and Follow-up Actions.** As indicated above, the permit holder must institute a drinking water monitoring program according to the NPDWR, NSDWR, and State and local regulations to monitor the level of primary and secondary contaminants in the water system and take appropriate follow-up actions.

The permit holder must consult with the Forest Service to develop a written sample siting plan for each water system. The siting plan should be designed to ensure that the system is routinely sampled at varied representative locations and that contamination in any portion of the distribution system is eventually detected.

Testing laboratories must be EPA and/or State approved. Samples must be collected and handled in compliance with laboratory requirements. The Forest Service authorized officer must approve of the manner in which the laboratory notifies the permit holder of violations. In some cases, the Forest Service may require the laboratory to notify the Forest Service of violations directly. The laboratory should be able to report results immediately if a test result is total or fecal coliform positive.

The Forest Service imposes additional sampling, monitoring, and follow-up actions, set forth below.

1. **Microbiological Contaminant Monitoring for Non-Public Water Systems.** The permit holder must monitor non-public water systems for microbial contamination and take follow-up action for these systems in the same manner as is required for non-community public systems in federal, State, and local regulations (except for reporting to the regulatory agency). In addition to federal and State requirements, the permit holder must take the appropriate follow-up actions as described in **Exhibit 1** of this document whenever a routine sample tests total coliform positive.

   a. **Routine Sampling for All Systems.** The permit holder must perform microbiological testing for total coliform bacteria at a minimum of one routine sample per month for every full or partial calendar month of operation, for all systems. Each handpump should be considered a separate water system.

   This minimum frequency assumes that monthly tests are taken at approximately 30-day intervals. Samples should be taken early in the month to allow sufficient follow-up time. A higher frequency of routine sampling may be required for public water systems by NPDWR and State regulation.

   The permit holder shall notify and consult with the Forest Service within 24 hours or on the next business day after notification by the laboratory of a sample that tests positive for microbiological contamination. The permit holder shall notify and consult with the Forest Service within 48 hours of notification of a MCL violation or an acute violation.
b. **Special Samples for All Systems.** At least one special sample must be taken and must test total coliform negative before that system may be opened. Special samples do not count in determining MCL violations or in meeting the monthly sampling requirements.

3. **Turbidity Monitoring.** The permit holder must perform turbidity monitoring and follow-up in compliance with federal, State, and local regulations for all public systems, and also for non-public systems using surface water sources ground water sources determined to be under the direct influence of surface water, and for any systems designated by the State.

4. **Additional Monitoring of Primary and Secondary Contaminants, Regulated and Unregulated Organic and Inorganic Chemicals, and Other Contaminants.** All public water systems are required to be monitored for primary and secondary contaminants in accordance with the NPDWR, NSDWR, and applicable State and local regulations. Comply with federal, State, and local monitoring schedules for all contaminants in public systems.

   Additionally, the permit holder must perform one baseline sampling, as a minimum, for the primary and secondary contaminants shown in Exhibit 2 of this document on all non-public systems and public transient non-community systems. For new systems, conduct the sampling and analyses before opening the system. If the one-time test results exceed the MCL established for public systems, perform follow-up monitoring and take action in accordance with the regulations applicable to public water systems (except for reporting to the regulatory agency).

5. **Radioactivity.** At a minimum, perform radionuclide monitoring on public community and public non-transient, non-community water systems in accordance with the federal, State, and local standards.

G. **Recordkeeping.** The permit holder must establish a permanent file for each drinking water system including all test results and corrective actions taken. The permit holder must maintain original documents of records as required by 40 CFR 141.33 and applicable State and local regulations. The permit holder must maintain original documents of records pertaining to additional requirements imposed by the Forest Service for public and non-public water systems in a comparable fashion.

   The permit holder shall forward copies of microbiological test results for federally owned water systems to the Forest Service by the 15th of the month following the sampling date. Copies of other required records for federally owned systems shall be forwarded annually to the Forest Service within 15 days of the end of the operating season for seasonal sites or within 15 days of the end of the calendar year for year-round operations. The holder shall surrender all records for a federally owned system to the Forest Service upon permit termination or revocation.

H. **Infeasibility.** Where compliance with any applicable standard is physically infeasible, such as in certain wilderness areas, cross-country trails, or roadside springs, in addition to coordinating with the Forest Service to secure any necessary variances or exemptions to ensure compliance with the law, the holder must keep such water sources in an undeveloped condition indicating the water source is unprotected. When providing the public with information about these water sources through trail guides, brochures, maps, etc., the permit holder must include a warning statement as to potability of undeveloped water sources. Undeveloped water sources must not be identified on such information in a way that may mislead users into believing the water is protected and safe. The permit holder must take any additional measures to protect the public as are required by Federal, State, or local law with regard to such water sources.

I. **Range and wildlife water systems.** The requirements stated herein should not be applied to range or wildlife water systems if their design and construction features clearly indicate that they are not for human use. However, if range or wildlife water systems are an integral part of a drinking water system, such integral parts must meet the requirements for drinking water. The Forest Service and/or State shall make the final determination of which water systems must be treated as water systems that supply water for human consumption.

J. **Hoses and similar equipment.** Hoses that convey drinking water shall have a smooth interior surface made of food-grade standard materials. The permit holder must keep pumps, hoses, fittings, valves, and similar equipment in a manner which prevents contamination, and must keep them closed or capped when not in use.
Exhibit 1
Follow-up Actions for Microbiological Sampling

A. Public Systems. Whenever a routine sample result is total coliform-positive, take follow-up action as required by federal, State, and local regulation, but at a minimum take a set of four repeat samples within 24 hours of notification by the lab. Take the samples at locations as directed by law, in accordance with the sample siting plan, and as follows:

1. One at the same tap where the contamination occurred.
2. One at a downstream tap.
3. One at an upstream tap.
4. One within five service connections of the original sample.

If a system has only one service connection (such as a handpump), sample according to applicable law, but at a minimum collect a single 400 milliliter sample.

In addition, take follow-up action as indicated in the chart and instructions below within 24 hours, based on the results of repeat sampling.

For any routine sample that is total coliform-positive, perform a minimum of five routine samples during the next month the system is open.

B. Non-public systems. Whenever a routine sample result is total coliform positive, take one repeat sample within 24 hours of notification of the result.

In addition, take follow-up action as indicated in the chart and instructions below within 24 hours, based on the results of repeat sampling.

C. All systems. Temporary closure of a water system for the purpose of performing corrective action or seasonal closure does not relieve the responsibility for compliance with repeat sampling, additional routine sampling, reporting to EPA or the State, and public notification as set forth in the federal, State, and local regulations.

At sites with water-carried sewage systems, if follow-up action is to close the system, the toilet supply may be left open if all points of drinking, including sinks and showers, can be isolated and shut off. Otherwise, shut off the entire system.

In the case of a waterborne disease outbreak at a federally owned water system, close the system, contact the Forest Service and the State for special provisions for public notification and monitoring, and take whatever additional measures the law requires.
Follow-up Actions for Microbiological Sampling

Based on the results of the repeat sampling, initiate the appropriate follow-up actions within 24 hours:

<table>
<thead>
<tr>
<th>ROUTINE SAMPLE</th>
<th>REPEAT SAMPLE</th>
<th>MCL VIOLATION</th>
<th>ACUTE VIOLATION</th>
<th>FOLLOW-UP ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>TC-</td>
<td>None</td>
<td>No</td>
<td>No</td>
<td>None. Quality Satisfactory.</td>
</tr>
<tr>
<td>TC+ FC-EC</td>
<td>TC-</td>
<td>No</td>
<td>No</td>
<td>Public systems must have five routine samples taken the next month the system is open.</td>
</tr>
<tr>
<td>TC+ FC-EC</td>
<td>TC+ FC-EC</td>
<td>Yes</td>
<td>No</td>
<td>See Action 1 (below).</td>
</tr>
<tr>
<td>TC+ FC+/EC</td>
<td>TC+ FC+/EC</td>
<td>Yes</td>
<td>Yes</td>
<td>See Action 2.</td>
</tr>
<tr>
<td>TC+ FC+/EC</td>
<td>TC-</td>
<td>No</td>
<td>No</td>
<td>Public systems must have five routine samples taken the next month the system is open.</td>
</tr>
<tr>
<td>TC+ FC+/EC</td>
<td>TC+ FC+/EC</td>
<td>Yes</td>
<td>Yes</td>
<td>See Action 2.</td>
</tr>
<tr>
<td>Confluent Growth</td>
<td>See Action 3</td>
<td>No</td>
<td>No</td>
<td>See Action 3.</td>
</tr>
</tbody>
</table>

TC = Total Coliform
EC = E. Coli
FC = Fecal Coliform

- = Negative test results
+ = Positive test results
ACTION 1: MCL VIOLATION

A. **All systems.** Search for the source of the contamination by having a condition survey done. Take corrective action when the source of contamination is found. Take daily special samples until two consecutive special samples are TC negative. If three samples are TC positive, close the system. Open the system only after the problem has been corrected and two consecutive daily special samples are TC negative.

   Notify users according to appropriate State or NPDWR notification procedures including: posting, hand delivery, or media (newspaper, radio, or television), depending on the classification of the system and corresponding State direction. For non-public systems where State or EPA regulations have not established public notification procedures, notify users as soon as possible but always within 14 days by posting signs at the facility, visitor information site, etc. For systems serving residential populations, make notification by letter, in addition to posting signs.

B. **Public systems.** Notify, consult, and coordinate with the State within the time period required by law after notification of the positive result. Take five routine samples the next month the system is open.

ACTION 2: ACUTE VIOLATION

A. **All systems.** Close the water system. At sites with water-carried sewage systems, the toilet supply may be left open if all points of drinking, including showers and sinks, can be isolated and shut off. Otherwise, shut off the entire system. Search for the source of contamination by having a condition survey done. Take corrective action when the source is found. Open the system only after the problem has been corrected and two consecutive daily special samples are TC negative.

   Notify users according to appropriate State or NPDWR notification procedures including: posting, hand delivery, or media (newspaper, radio or television), depending on the classification of the system and corresponding State direction. For non-public systems where State or EPA regulations have not established public notification procedures, notify users as soon as possible but always within 72 hours by posting signs at the facility, visitor information site, etc. For systems serving residential populations, make notification by letter, in addition to posting signs.

B. **Public systems.** Notify, consult, and coordinate with the State within the time period required by law after notification of the positive result. Take five routine samples the next month the system is open.

ACTION 3: CONFLUENT GROWTH. Take another routine sample at the same location within 24 hours of being notified of the result. If the second sample has confluent growth, search for the cause and correct it. Continue sampling until a valid sample is obtained. If the valid sample is TC positive, take follow-up actions as required by law and as outlined above.
**Exhibit 2**

Primary and Secondary Contaminants.

<table>
<thead>
<tr>
<th>PRIMARY CONTAMINANTS</th>
<th>SECONDARY CONTAMINANTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>Aluminum</td>
</tr>
<tr>
<td>Barium</td>
<td>Chloride</td>
</tr>
<tr>
<td>Cadmium</td>
<td>Color</td>
</tr>
<tr>
<td>Chromium</td>
<td>Copper</td>
</tr>
<tr>
<td>Fluoride</td>
<td>Foaming Agents (Surfactants)</td>
</tr>
<tr>
<td>Lead</td>
<td>Iron</td>
</tr>
<tr>
<td>Mercury</td>
<td>Manganese</td>
</tr>
<tr>
<td>Nitrate</td>
<td>Odor</td>
</tr>
<tr>
<td>Nitrite</td>
<td>pH</td>
</tr>
<tr>
<td>Selenium</td>
<td>Silver</td>
</tr>
<tr>
<td>Sodium</td>
<td>Sulfate</td>
</tr>
<tr>
<td></td>
<td>Total Dissolved Solids</td>
</tr>
<tr>
<td></td>
<td>Zinc</td>
</tr>
</tbody>
</table>

Whenever the maximum contaminant is exceeded, analyze a repeat sample for confirmation of the test results. Judge the acceptability of the water quality using the MCLs established in the NPDWR and NSDWR. These MCLs shall apply to both public and non-public systems.

For both public and non-public systems serving residential populations, correct any deficiency in water quality that would result in noncompliance with federal, State, and local regulations for public water systems. Report any system with a contaminant in excess of established MCLs to the Forest Service for review on a case-by-case basis.

For public systems, send sampling results to the State and follow the applicable public notification requirements if there is an MCL violation. For non-public water systems, follow the public notification requirements applicable to public non-community systems if contaminants exceed the MCL levels.
Appendix 3G

Sample List of Holder-Furnished Property

At a minimum, the holder is typically responsible for the following:

- All utility costs, including electricity, water, and sewer costs.

- All telephone costs, including installation charges, access fees, and use charges.

- All supplies and tools necessary to operate and maintain the sites listed in the prospectus, including but not limited to toilet paper, paper towels, anti-bacterial cleansers, cleansing powder, cleansing and deodorizing solution, shovels, brooms, mops, mop bucket and wringer, rakes, axes, toilet brushes, paint brushes, paint, ladders, hand tools, and wheelbarrows.

- All equipment necessary to operate and maintain the sites listed in the prospectus, including but not limited to power saws, cement mixers, blowers and compressors, generators, chainsaws, mowers, tractors, power sweepers, power hoses, and welders.

- All communication equipment, including but not limited to radios, citizens band radios, cellular telephones, telecopier machines, and telephones.

- All office equipment necessary to fulfill reservation, fee collection, and record-keeping responsibilities described in the prospectus.

Depending on the prospectus, the holder may be required to provide the following:

- Dumpsters or other approved waste disposal receptacles.

- Vehicles necessary for the work described in the prospectus.

- Storage buildings and containers, tool chests, and temporary buildings.

- Employee housing.

- Signs required by the FS to identify fees charged, rules of use, and the holder as the concessionaire.
Sample Holder Maintenance-and-Reconditioning Plan

Holder maintenance requirements listed below are examples only. Actual holder maintenance requirements will be included in the annual operating plan. Standards for these requirements will be provided by the Forest Service (FS).

<table>
<thead>
<tr>
<th>Maintenance Requirements</th>
<th>Frequency</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Straighten/replace broken/missing barriers, site markers signs, and posts.</td>
<td>Within one week of discovery.</td>
<td>FS must approve materials.</td>
</tr>
<tr>
<td>Refinish and paint all wooden tables, prioritizing those in worst condition.</td>
<td>1-5 times per year.</td>
<td>FS must approve materials.</td>
</tr>
<tr>
<td>Paint exterior of all toilets.</td>
<td>1-5 times per year.</td>
<td>FS must approve materials.</td>
</tr>
<tr>
<td>Paint all benches.</td>
<td>Every 3 years, or as needed.</td>
<td>FS must approve materials.</td>
</tr>
<tr>
<td>Paint over all graffiti.</td>
<td>As needed.</td>
<td>FS must approve materials.</td>
</tr>
<tr>
<td>Inspect and repair or replace all toilet door locks.</td>
<td>Prior to opening, and as needed.</td>
<td>FS must approve materials.</td>
</tr>
<tr>
<td>Paint all sign boards and fee station signs.</td>
<td>1-2 times per year.</td>
<td>FS must approve materials.</td>
</tr>
<tr>
<td>Repair sign boards.</td>
<td>As needed.</td>
<td>FS must approve materials.</td>
</tr>
<tr>
<td>Remove and properly dispose of ashes in fire rings when half full. Clean grills.</td>
<td>Prior to opening, after closing, and as needed.</td>
<td>To FS standards.</td>
</tr>
<tr>
<td>Remove visitor-made fire rings.</td>
<td>Prior to opening, and after each one is built.</td>
<td>To FS standards.</td>
</tr>
<tr>
<td>Pump vault toilets and properly dispose of waste.</td>
<td>Prior to opening, after closing, and as needed during season when ⅔ full.</td>
<td>To FS standards.</td>
</tr>
<tr>
<td>Inspect and repair all damaged or leaking plumbing fixtures.</td>
<td>Prior to opening, and as needed.</td>
<td>FS must approve materials.</td>
</tr>
<tr>
<td>Maintenance Requirements</td>
<td>Frequency</td>
<td>Remarks</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>Winterize all hydrants.</td>
<td>Prior to closing.</td>
<td>FS must approve materials.</td>
</tr>
<tr>
<td>Inspect all vehicle gates, repair bent sections, and paint gates.</td>
<td>Prior to opening, and as needed.</td>
<td>FS must approve materials.</td>
</tr>
<tr>
<td>Repair substandard tables.</td>
<td>As needed.</td>
<td>FS must approve materials.</td>
</tr>
<tr>
<td>Remove hazard trees.</td>
<td>Prior to opening each year, and as needed during season.</td>
<td>To FS standards.</td>
</tr>
<tr>
<td>Fill in potholes in campground and picnic area roads and walkways.</td>
<td>Prior to opening, and as needed.</td>
<td>To FS standards.</td>
</tr>
<tr>
<td>Cover all signs with six-millimeter plastic.</td>
<td>End of operating season.</td>
<td>FS must approve materials.</td>
</tr>
<tr>
<td>Clean and maintain culverts in roadways and trails.</td>
<td>As needed.</td>
<td>To FS standards.</td>
</tr>
<tr>
<td>Excavate and clean water faucet sumps.</td>
<td>Annually, and as needed.</td>
<td>To FS standards.</td>
</tr>
<tr>
<td>Patrol for, collect, and remove litter.</td>
<td>Daily or more often, as needed.</td>
<td>To FS standards.</td>
</tr>
<tr>
<td>Clean toilets.</td>
<td>At least once per day, mid-morning.</td>
<td>To FS standards.</td>
</tr>
<tr>
<td>Remove garbage.</td>
<td>Weekly or more frequently, as needed</td>
<td>Prevent trash from overflowing containers.</td>
</tr>
<tr>
<td>Test potable water.</td>
<td>According to state/Federal standards.</td>
<td></td>
</tr>
<tr>
<td>Mow.</td>
<td>Weekly.</td>
<td>To FS standards.</td>
</tr>
</tbody>
</table>
Appendix 3I

FS-6500-24, "Financial Statement"

On the following four pages is form FS-6500-24, "Financial Statement."
Appendix 3J

Sample Notification of a Concession Opportunity

<table>
<thead>
<tr>
<th>United States Department of Agriculture</th>
<th>Forest Service</th>
<th>San Juan - Rio Grande National Forests</th>
<th>Pagosa Ranger District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>P. O. Box 310</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Pagosa Springs, CO 81147</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(970) 264-2268 (TTY) 264-1539</td>
</tr>
</tbody>
</table>


Reply to:

Date:

Dear [CONCESSION LIST]:

The __________ Ranger District, __________ National Forest, will be advertising a concession opportunity in the near future. You have expressed interest in these opportunities in the past.

The following sites are being considered for inclusion in the prospectus:

[List SITES]

See the enclosed map for specific locations.

You are encouraged to visit these sites during this field season to determine your interest in this opportunity. We anticipate issuing the prospectus by [INSERT DATE], with an anticipated due date for submitting applications of [INSERT DATE].

For more information, contact [INSERT NAME] at [INSERT TELEPHONE NUMBER AND ADDRESS].

Thank you for your interest in National Forest management.

Sincerely,

[AUTHORIZED OFFICER]

Enclosure [MAP OF SITES]
Appendix 4A

Sample Rating Sheet

The sample rating sheet on the following pages may be used for either the fixed-weight or non-fixed-weight method. If the fixed-weight method is used, assign points to the evaluation criteria.

Relative Importance of Evaluation Criteria

The criteria are listed in descending order of importance.

3. Financial Resources.
4. Fee to the Government.
5. Fees Charged to the Public.
## Evaluation Criteria Checklist

The evaluation criteria are merely summarized here for the convenience of the evaluation team. The standards specified in the prospectus will form the basis of the evaluation.

### Proposed Operating Plan Provisions

#### Operating Season
- Meets minimum season requirements
- Extended season (pre- or post-)

#### Law Enforcement and Security
- Concessionaire rules of use and their enforcement of security
- Use of county sheriff and FS law enforcement officers

#### Public Information, Health, and Safety
- Emergency services
- Training of employees in CPR and first aid
- Public-comment system
- Responsiveness to public comment
- Interpretive program
- Communication system
- Maintenance of communications equipment

#### Equipment, Supplies, Storage, and Maintenance
- Daily check for safety hazards
- Appearance of camping and maintenance area
- System for inspecting and maintaining facilities
- Schedule for holder M&R
- Equipment and supplies for holder M&R
- Equipment and supplies for G-T fee offset projects

#### Signs
- Type/quality/materials
- Proposed wording
Appendix 4A: Sample Rating Sheet

Personnel Management

○ Neat/clean/courteous
○ Uniform/vehicles identifiable to public
○ Name tags
○ Experience and training of employees
○ Staffing specified (number of employees, duties, etc.)
○ Sufficient coverage
○ Work schedule
○ Designated representative for holder on site
○ Availability of staff after hours for emergencies

Site Cleaning

○ Pre-season site preparation
○ Maintenance and sanitation plans
○ Frequency of cleaning
○ Post-season closeout and security measures

Waste Disposal and Recycling

○ Garbage collection method
○ Frequency of garbage collection
○ Frequency of toilet/septic tank pumping
○ Recycling

Water Testing

○ Adequacy of water-testing schedule and equipment
○ Sufficiency of staff expertise and certifications, if required

Use Data

○ Data collection/sampling method for day-use sites
○ Facility inventories completed
○ Submitted per requirements

Fee Collection

○ Use fees and special service fees
○ Fee collection and enforcement of payment
○ Method of documenting compliance
○ Money secured on site
○ Accounting system
Other Services

- Reservations
- Firewood
- Groceries, maps, and supplies
- Rental of recreational equipment
- Other

Other Required Elements

- Site limitations
- Accessibility
- Other

Business Plan and Business Experience

Quantity

- Number of years managing and operating campgrounds (public or private)
- Over three years of substantial business experience with employees who deal with the public
- One to three years of substantial business experience with employees who deal with the public

Quality

- As indicated by references and contacts with administrators of current/past permits

Financial Resources

- Sufficiency of financial resources as shown in completed FS-6500-25

Fee to the Government

- Over minimum stated in prospectus
- Based on accurate and reasonable assumptions, including assumptions about visitation
- Provides fair-market-value return to the Government

Fees Charged to the Public

- Fee schedule is market based
Dear __________________:

We have selected your application for operation and maintenance of [NAME OF RECREATION SITES] in the [RANGER DISTRICT] in the [NATIONAL FOREST]. If you have any concerns about this decision, please don’t hesitate to contact me.

Within 30 days of the date of this letter, we must have:

1. A signed special-use permit (enclosed), which must also be executed by the Forest Service.

2. A completed and signed annual operating plan, which must be prepared by you and approved by the Forest Service.

3. A signed annual agreement for Granger-Thye fee offset work required by the FS (the agreement is enclosed).

4. A binder for insurance coverage.

5. A binder for bonding [IF REQUIRED].

6. A $ ___ deposit on the annual special-use permit fee [IF REQUIRED].

[7. ANY OTHER ITEMS TO BE SUBMITTED AS REQUIRED BY THE PROSPECTUS.]
Appendix 4B: Sample Notification Letter: Selected Applicant

Submit all required documents to [NAME AND ADDRESS OF PERMIT ADMINISTRATOR]. For more information, contact [NAME AND TELEPHONE NUMBER OF PERMIT ADMINISTRATOR]. He/she will work with you to begin scheduling commencement of your operations.

The selection decision is subject to administrative appeal under 36 CFR Part 251, Subpart C. An administrative appeal of this decision must be filed with [NAME AND ADDRESS OF REGIONAL FORESTER OR FOREST SUPERVISOR] within 45 days from the date of this decision. A copy of the appeal must be filed simultaneously with [NAME AND ADDRESS OF DECIDING OFFICER].

Sincerely,

[AUTHORIZED OFFICER]

Enclosures
Sample Notification Letter: Non-Selected Applicant

United States Forest Service
San Juan - Rio Grande National Forests
701 Camino del Rio
Durango, CO 81301
(970) 247-4874
(TTY) 385-1257

Reply to: 2340

Date:

Dear

We would like to notify you that _______ was selected for operation and maintenance of the [NAME OF RECREATION SITES] in the [RANGER DISTRICT] in the [NATIONAL FOREST].

The selection decision is subject to administrative appeal under 36 CFR Part 251, Subpart C. An administrative appeal of this decision must be filed with [NAME AND ADDRESS OF REGIONAL FORESTER OR FOREST SUPERVISOR] within 45 days from the date of this decision. A copy of the appeal must be filed simultaneously with [NAME AND ADDRESS OF DECIDING OFFICER].

For more information, contact our office at [TELEPHONE NUMBER].

Thank you for your interest in management of Forest Service developed recreation sites.

Sincerely,

________________________________________

[AUTHORIZED OFFICER]
Appendix 4D

Determination of Financial Ability

The selected applicant must provide sufficient evidence of financial ability to satisfy the authorized officer, per 36 CFR 251.54(e)(3). Make a financial-ability determination (FAD) solely on the selected applicant.

If the selected applicant is deemed financially capable, issue a letter to all applicants notifying them of the agency’s selection decision. If the selected applicant is deemed financially incapable, a FAD may be performed on the applicant that received the next highest rating, or the remaining applications may be rejected. Depending on the outcome, follow the appropriate procedures above.

In case they are selected, all applicants should provide sufficient documentation for a FAD.

The FAD is made by an accountant. The analysis entails review of three elements: (1) financial statements, (2) cash flow, and (3) payment history.

Financial Statements

In making a FAD, review information reflecting the current financial condition of the selected applicant. The following specifies the documentation that should be analyzed, depending on whether the involvement of a Certified Public Accountant (CPA) is preferred, per FSH 6509.18.

When CPA Involvement Is Not Preferred

Review a complete set of all financial statements for the last three fiscal years that have been audited, reviewed, or compiled by a CPA. For financial statements that have merely been compiled by a CPA, verify that applicants have completed Parts (D)(1) or (D)(2) of FS-6500-24.

When financial statements have not been audited, reviewed, or compiled by a CPA for the last three fiscal years, review the completed FS-6500-24 for any fiscal year applicants were in business during the last three fiscal years for which an audited, reviewed, or compiled financial statement was not prepared.

In addition to any documentation provided as described in the above two paragraphs, for applicants who have not been in business for the last three fiscal years and therefore cannot submit audited, reviewed, or compiled financial statements and/or an FS-6500-24 for that period, review two fiscal years of projected financial statements that have been compiled by a CPA using the forecast method.

When CPA Involvement Is Preferred

If financial statements are required, review a completed Form FS-6500-24 for any fiscal year applicants were in business during the last three fiscal years.

In addition to any documentation provided as described in the above paragraph, for applicants who have not been in business for the last three fiscal years and therefore cannot submit an FS-6500-24 for that period, review two fiscal years of projected financial statements that have been compiled by a CPA using the forecast method.
Regardless of Whether CPA Involvement Is Preferred

In all cases, to assess sufficiency of financial resources, review the FS-6500-25 forms submitted by the applicant.

**Cash Flow**

In addition to the applicant's current financial condition, evaluate the applicant's forecasted cash flow. Review the expected monthly volume of business, revenue, and cash needs, including the breakdown of expenditures by category or expense, for at least the first year of the concession and for all other business obligations. Review the proposed use fee structure and estimated annual visitation by fee class. If the requisite cash is not readily available, assess how equipment and working capital will be funded. The greater the availability of funding sources, the better the forecast.

**Payment History**

Assessment of financial ability will also involve review of the applicant's payment history. This assessment includes review of any record of the applicant's payments to the Government under current or prior permits, the applicant's performance record for G-T fee offset work, payments made by the applicant in connection with other businesses, and a credit report for the applicant. The credit report may be obtained from such companies as Dunn & Bradstreet, Experian, and Equifax. Poor payment history will detract from the assessment of financial ability.
### Appendix 5A

**Sample Government M&R Projects**

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replace deteriorated entrance/fee station bulletin boards and supporting structures per FS specifications (5 panels).</td>
<td>$1,125</td>
</tr>
<tr>
<td>Replace campground information orientation sign at entrance/fee station with fiberglass-embedded signs per FS design and specifications. FS will provide camera-ready design.</td>
<td>2,500</td>
</tr>
<tr>
<td>Rehabilitate trails accessing Campsites 8, 9, and 10.</td>
<td>825</td>
</tr>
<tr>
<td>Install Class 6 rock rip-rap for erosion control at end of and along parking spur at Campsite 21.</td>
<td>1,320</td>
</tr>
<tr>
<td>Convert Campsites 20 and 21 into a two-family, accessible campsite per FS specifications. Relocate one table and one pedestal grill. Level pad at Campsite 21. Construct accessible route to site, and sign as accessible.</td>
<td>1,335</td>
</tr>
<tr>
<td>Relocate Campsite 32 to shady area. Replace table, fire ring, and pedestal grill with accessible furnishings. Level campsite, and construct accessible route.</td>
<td>1,135</td>
</tr>
<tr>
<td>Replace double gate on main road to upper loops.</td>
<td>1,500</td>
</tr>
<tr>
<td>Remove post-and-rail barrier in parking spur for Campsite 59 and rock spur.</td>
<td>250</td>
</tr>
<tr>
<td>Replace existing grills with accessible pedestal grills at Campsites 26, 29, 44, 47-53, and 58.</td>
<td>1,800</td>
</tr>
<tr>
<td>Replace rip-rap and culvert at washed-out road near Campsite 6.</td>
<td>1,000</td>
</tr>
<tr>
<td>Level ground around fire rings, pedestal grills, and table pads at 22 campsites.</td>
<td>2,400</td>
</tr>
<tr>
<td>Replace worn-out group cooking stoves and grills with group pedestal grills at Group Campsites 1, 2, and 3.</td>
<td>2,700</td>
</tr>
<tr>
<td>Repair and/or replace three wash racks (one per group campsite) with drainage sumps for improved sanitation.</td>
<td>3,300</td>
</tr>
<tr>
<td>Remove existing pit toilet and replace with single-unit, accessible SST.</td>
<td>13,000</td>
</tr>
<tr>
<td>Project</td>
<td>Estimated Cost</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Replace two pit toilets with two sealed-vault toilets, using FS SST design and specifications.</td>
<td>18,000</td>
</tr>
<tr>
<td>Replace two unadaptable vault toilets with accessible, 60-inch-turning-radius models using FS design and specifications.</td>
<td>25,000</td>
</tr>
<tr>
<td>Weed-treat (as preparation for paving) and repave 40,000-square-foot parking lot.</td>
<td>40,000</td>
</tr>
</tbody>
</table>
This Annual Granger-Thye (G-T) Fee Offset Agreement is made by [HOLDER'S NAME] (the holder) and the U.S. Department of Agriculture, Forest Service, ____________ National Forest (the Forest Service) under the G-T Act, 16 U.S.C. 580d, and clause IV.E of the special-use permit issued to the holder on [DATE OF ISSUANCE] (the permit).

The total estimated annual permit fee is $ ___________ . ________ percent of that fee may be offset by the cost of the Government maintenance and reconditioning projects listed below in accordance with this agreement. These projects shall be completed by the holder by the date specified. The Forest Service may modify the projects and dates as necessary, after consultation with the holder.

The actual cost of each project that is satisfactorily completed as determined by the Forest Service may be offset against the holder's permit fee. Standards for completion of each project are enumerated below. Examples of allowable costs include salaries and wages, travel, vehicles and equipment, materials and supplies, subcontracts, and overhead directly associated with a G-T fee offset project. The holder and the Forest Service may enter into a collection agreement to have the Forest Service perform the work.

Upon a determination by the Forest Service that a project has been satisfactorily completed by the holder, the holder shall submit documentation of its actual cost to the Forest Service and shall certify that the representations in that documentation are accurate and complete. The certification shall be signed and dated, and shall state that failure to sign the certification shall vitiate the fee offset claim. The Forest Service shall verify that documentation before giving any credit against the holder's permit fee, and reserves the right not to grant any fee offset if any of the representations in the documentation is inaccurate or incomplete.

### Description of Project

<table>
<thead>
<tr>
<th>Package #1: Conifer and Evergreen Swim Beach</th>
</tr>
</thead>
</table>

Conifer Swim Beach

Reconstruct one group area for accessible grade and furnishings. Remove asphalt and tables. Regrade. Replace with six 10-foot steel tables, one 10-foot sewing table, one 1,000-square-inch pedestal grill, and one 36-inch fire circle. Using a 5/-bag mix of cement, pour under the tables a 48-foot semicircular cement pad, 31/z inches thick, with steel reinforcing wire. Design to be provided by Forest Service.

<table>
<thead>
<tr>
<th>Description of Project</th>
<th>Due Date</th>
<th>Estimated Cost</th>
<th>Actual Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conifer Swim Beach</td>
<td>June 1</td>
<td>$7,000</td>
<td></td>
</tr>
</tbody>
</table>
## Description of Project

<table>
<thead>
<tr>
<th>Description</th>
<th>Due Date</th>
<th>Estimated Cost</th>
<th>Actual Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Evergreen Swim Area</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Modify one restroom to accessible design similar to Red Arrow toilets. Reroof with metal panels, widen both doorways, and install metal doors, handrails, and signs. Finish and paint interior.</td>
<td>Sept. 15</td>
<td>4,000</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL FOR PACKAGE #1</strong></td>
<td></td>
<td></td>
<td><strong>11,000</strong></td>
</tr>
<tr>
<td><strong>Package #2:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Aspen Cove Campground</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replace 20 table planks. Location designated by Forest Service. Paint with approved color and brand.</td>
<td>May 1</td>
<td>1,200</td>
<td></td>
</tr>
<tr>
<td>Replace bulletin board. Design to be supplied by Forest Service.</td>
<td>May 1</td>
<td>900</td>
<td></td>
</tr>
<tr>
<td>Replace 20 of existing sprinkler heads with Rainbird #44s, including sprinklers and quick-connect heads. Install additional 10 quick-connect heads as designated by Forest Service.</td>
<td>June 1</td>
<td>6,300</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL FOR PACKAGE #2</strong></td>
<td></td>
<td></td>
<td><strong>8,400</strong></td>
</tr>
<tr>
<td><strong>TOTAL FOR BOTH PACKAGES</strong></td>
<td></td>
<td></td>
<td><strong>19,400</strong></td>
</tr>
</tbody>
</table>

Signed:  
President, [HOLDER]  
Date

Signed:  
District Ranger, [RANGER DISTRICT]  
Date

[ADD IF FOREST SUPERVISOR PERMIT]

Signed:  
Forest Supervisor, [NATIONAL FOREST]  
Date
Appendix 5C

Granger-Thye Fee Offset Certification Form

On the next page is a proposed Granger-Thye Fee Offset Certification Form.
[FORM NEEDS OMB APPROVAL AND CONTROL NUMBER]

FOREST: ________________________________

DISTRICT: ________________________________

PERMIT NUMBER: ________________________________

Project Name: ________________________________ Year: ________

Provide an itemized list of expenses other than overhead directly associated with the above-mentioned Granger-Thye Fee offset project. Attach supplemental sheets as necessary. Attach documentation of those expenses. Approval of the fee offset claim for those expenses is subject to all the provisions in the Annual Granger-Thye Fee Offset Agreement executed by the U.S. Department of Agriculture, Forest Service, ______________ National Forest, and [HOLDER] on [DATE].

SALARIES & WAGES:

Subtotal: _______________

TRAVEL:

Subtotal: _______________

VEHICLES & EQUIPMENT:

Subtotal: _______________

MATERIALS & SUPPLIES:

Subtotal: _______________

SUBCONTRACTS:

Subtotal: _______________

OVERHEAD:

Subtotal: _______________

GRAND TOTAL: _______________

Subject to the penalties prescribed in the False Statements Act, 18 U.S.C. 1001, the holder certifies to the best of its knowledge that the representations in the documents supporting its claim for fee offset are accurate and complete. The Forest Service reserves the right not to grant the fee offset if any of these representations is inaccurate or incomplete. Failure to sign the certification shall viti ate the fee offset claim.

__________________________

[TITLE]

for [HOLDER NAME]

__________________________

Date
Appendix 6A

Performance Bond for Special-Use Permits

[Reserved]
Sample Collection Agreement for G-T Fee Offset Work

Collection Agreement

between

[HOLDER]

and

_______________ National Forest

THIS COLLECTION AGREEMENT is made by _______________ (the holder) and the U.S. Department of Agriculture, Forest Service, ______________ National Forest (the Forest Service), under Section 5 of the Granger-Thye Act, 16 U.S.C. 572.

WHEREAS, the holder operates a Forest Service campground under a special-use permit dated ________________ (the permit);

WHEREAS, the holder is required to perform certain Government maintenance and reconditioning projects listed in the attached Annual Granger-Thye Fee Offset Agreement (the fee offset agreement);

WHEREAS, [SELECT EITHER: (1) THE HOLDER HAS REQUESTED THE FOREST SERVICE TO PERFORM AND THE FOREST SERVICE IS WILLING TO PERFORM UNDER A COLLECTION AGREEMENT OR (2) THE FOREST SERVICE IS REQUIRING THAT IT PERFORM UNDER A COLLECTION AGREEMENT] the following projects listed in the fee offset agreement: ________________________________;

WHEREAS, those projects will be performed from funds deposited or to be deposited by the holder;

WHEREAS, the cost of those projects may be used to offset the permit fee in accordance with the fee offset agreement;

THEREFORE, in consideration of the above, the parties agree as follows:

The holder shall:

1. Make advance payments, in accordance with the permit, in amounts sufficient to cover the total cost of performing the Government maintenance and reconditioning work listed in this agreement, including overhead as determined by the Forest Service up to ___ percent of project costs.
Appendix 6B: Sample Collection Agreement

The Forest Service shall:

1. Deposit payments received from the holder under this agreement into the Forest Service cooperative work fund.

2. Upon receipt of payment from the holder, perform the Government maintenance and reconditioning projects listed in this agreement.

3. Upon completion of a project listed in this agreement, reimburse the holder for any amount paid under this agreement that exceeds the cost of the project, provided that in the alternative the holder may ask the Forest Service to hold the funds and apply them to the next permit fee payment.

It is mutually agreed that:

1. No member of or delegate to Congress or resident commissioner shall receive any benefit that may arise from this agreement; provided, that this provision shall not apply to this agreement if it is made with a corporation for its general benefit.

2. This agreement in no way restricts the Forest Service or the holder from participating in similar activities with other public or private agencies, organizations, or individuals.

3. Any holder contributions made under this agreement do not directly or indirectly convey Forest Service endorsement of the holder’s products or activities.

4. Modifications to this agreement shall be made by mutual consent of the parties and shall be signed and dated by both parties. The Forest Service is not obligated to fund any modifications that are not made in accordance with this clause.

5. Either party may terminate the agreement, in whole or in part, by providing 60 days’ written notice. If the agreement is terminated in part, the Forest Service shall not incur any new obligations for the terminated portion of the agreement after the effective date of termination. If the agreement is terminated in whole or in part, the Forest Service shall cancel as many of its obligations as possible. Full credit shall be allowed for all Forest Service expenses and non-cancelable obligations properly incurred up to the effective date of termination. Any funds on deposit may be held by the Forest Service beyond the termination date to meet obligations incurred prior to termination, and to pay any other obligations the holder may owe the United States.

6. Unless terminated by written notice, this agreement shall remain in effect until the end of the initial permit term is extended, this agreement may be extended for the same period as the permit term.

7. Per 16 U.S.C. 572, the United States shall not be liable to the holder or the holder’s heirs, assigns, agents, employees, contractors, or lessees for any loss, personal injury, or death occurring in connection with performance of work under this agreement, and the holder on behalf of itself and its heirs, assigns, agents, employees, contractors, and lessees hereby waives any and all claims against the United States for compensation for any loss, personal injury, or death occurring in connection with performance of work under this agreement.

8. The principal contacts for this agreement are:

IN WITNESS WHEREOF, the parties have executed this agreement as of the last date written below.

_________________________________  __________________________________________________
Date [Title] for [HOLDER NAME]

_________________________________  __________________________________________________
Date Authorized Officer

____________________  National Forest
6 - 9
Appendix 7A

Standard Performance Evaluation Form for Campground and Related Granger-Thye Concessions

Concessionaire: ___________________________ Date: ______________

Concessionaire Representative: ___________________________

Name

Recreation Site: _______________________________________

Rating Key:  \( G \) = Good;  \( S \) = Satisfactory;  \( U \) = Unacceptable.

* designates a critical performance standard that will be given more weight in the evaluation. Critical performance standards should be identified in advance, and may vary by concession.

Unsatisfactory critical performance standards or overall ratings must be corrected by the next evaluation, or the permit will be subject to suspension or revocation.

Performance Standards

<table>
<thead>
<tr>
<th>Permit Terms</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>* 1. Insurance requirements met.</td>
<td>G ( )  S ( )  U ( )</td>
</tr>
<tr>
<td>* 2. Payments timely.</td>
<td>G ( )  S ( )  U ( )</td>
</tr>
<tr>
<td>3. Use reports accurate and timely.</td>
<td>G ( )  S ( )  U ( )</td>
</tr>
<tr>
<td>4. Title VI requirements met.</td>
<td>G ( )  S ( )  U ( )</td>
</tr>
<tr>
<td>5. Advertising and signing acceptable.</td>
<td>G ( )  S ( )  U ( )</td>
</tr>
<tr>
<td>6. Other permit terms met.</td>
<td>G ( )  S ( )  U ( )</td>
</tr>
</tbody>
</table>

Annual Operating Plan

<table>
<thead>
<tr>
<th></th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>* 1. Operating plan properly submitted.</td>
<td>G ( )  S ( )  U ( )</td>
</tr>
<tr>
<td>2. Employees knowledgeable of operating plan.</td>
<td>G ( )  S ( )  U ( )</td>
</tr>
<tr>
<td>3. Rates charged and services provided as represented in operating plan.</td>
<td>G ( )  S ( )  U ( )</td>
</tr>
</tbody>
</table>
### Health and Cleanliness

1. *Human waste is removed immediately upon discovery or notification.*  
   Rating: G ( )  S ( )  U ( )
   Rating: G ( )  S ( )  U ( )
3. Garbage does not exceed capacity of containers.  
   Rating: G ( )  S ( )  U ( )
4. Garbage containers are animal resistant.  
   Rating: G ( )  S ( )  U ( )
5. Developed sites are free of litter and domestic animal waste.  
   Rating: G ( )  S ( )  U ( )
6. Graffiti are removed within 48 hours of discovery or notification.  
   Rating: G ( )  S ( )  U ( )
7. Toilets and garbage locations are clean and free of objectionable odor.  
   Rating: G ( )  S ( )  U ( )
8. If the Pack In / Pack Out rule applies, message is prominently displayed, and any accumulations of trash are removed within 24 hours of discovery or notification.  
   Rating: G ( )  S ( )  U ( )
9. All other facilities are clean and well maintained.  
   Rating: G ( )  S ( )  U ( )

### Setting

1. Numbers of people and vehicles are kept at or below site capacity.  
   Rating: G ( )  S ( )  U ( )

### Safety and Security

1. Site safety inspection is completed annually. Documented high-risk conditions are corrected prior to operating season.  
   Rating: G ( )  S ( )  U ( )
2. High-risk conditions that develop during the operating season are corrected or mitigated, or the site is closed.  
   Rating: G ( )  S ( )  U ( )
3. Employees have dependable communications.  
   Rating: G ( )  S ( )  U ( )
4. Concessionaire law enforcement role is handled effectively.  
   Rating: G ( )  S ( )  U ( )
5. Concessionaire presence provided as necessary to give users sense of security.  
   Rating: G ( )  S ( )  U ( )
6. Patrols conducted as required to maintain sufficient level of law enforcement.  
   Rating: G ( )  S ( )  U ( )
7. Electrical systems meet state and local requirements.  
   Rating: G ( )  S ( )  U ( )
Appendix 7A: Standard Performance Evaluation Form for Campground and Related G-T Concessions

Responsiveness

* 1. Facilities signed as accessible meet accessibility standards.  
   G ( )  S ( )  U ( )

2. Entrance is well marked.  
   G ( )  S ( )  U ( )

3. Information boards look professional and uncluttered, and  
   contain current information pertaining to site. Information is  
   provided in other languages, as needed.  
   G ( )  S ( )  U ( )

4. Personnel demonstrate good customer service practices.  
   G ( )  S ( )  U ( )

5. Visitor comment cards are available, and customer complaints  
   are handled effectively.  
   G ( )  S ( )  U ( )

6. Recreation information pertaining to the site is available.  
   G ( )  S ( )  U ( )

Facility Condition

* 1. All facilities, including restrooms, signs, and information boards,  
   are functional and in good repair, and meet Forest Service  
   standards.  
   G ( )  S ( )  U ( )

2. Facilities are properly maintained according to maintenance  
   schedules.  
   G ( )  S ( )  U ( )

3. Granger-Thye fee offset work is completed and approved  
   by Forest Service.  
   G ( )  S ( )  U ( )

4. Damage caused by vandalism or accidents is corrected or  
   mitigated within one week of discovery or notification.  
   G ( )  S ( )  U ( )

List deficiencies identified during the last performance evaluation. Have they been corrected? Yes/No;  
if no, document specifics:  


Elaborate on any items given an unsatisfactory rating. Provide specific reasons underlying the rating,  
and specify corrective action needed:  


7 - 6
Appendix 7A: Standard Performance Evaluation Form for Campground and Related G-T Concessions

Additional comments on performance:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Overall Rating: Good, Satisfactory, or Unacceptable

Mid-Year Evaluation Annual Evaluation

__________________________ __________________________

Signatures

Concessionaire: ________________________________ Date: ________________
[TITLE]

Evaluator: ________________________________ Date: ________________
[TITLE]

Authorized Officer: ________________________________ Date: ________________
[TITLE]

[U.S. Forest Service]

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Appendix 7B

Enforcement Action Checklist

___ Review correspondence in permit file and performance evaluations for adequate description of permit noncompliance.

___ Notify holder by certified letter of possible revocation or suspension due to noncompliance with applicable statutes, regulations, or terms of permit. Refer to 36 CFR 251.60 and FSM 2716.3.

___ Quote and cite specific provisions in regulations and permit or its attachments that authorize suspension or revocation for noncompliance.

___ Enumerate items of noncompliance.

___ Specify date and type of any prior efforts (e.g., by letter or telephone) to obtain compliance.

___ Give holder reasonable opportunity, usually not more than 30 days, to correct noncompliance.

___ Give holder opportunity to meet with authorized officer.

___ Do not give appeal rights with the notice-of-noncompliance letter. Appeal rights accrue when a suspension or revocation is imposed.

If noncompliance has not been corrected within established time frame, send a certified letter to holder stating that permit is being revoked or suspended.

___ Quote and cite specific provisions in regulations and permit or its attachments that authorize suspension or revocation for noncompliance.

___ Enumerate items of noncompliance that serve as basis for enforcement action.

___ Reference actions taken by authorized officer or Forest staff to obtain holder compliance. Include specific dates of such actions, and attach all documentation. In particular, reference dates that FS gave notice of these items of noncompliance and opportunity to comply to holder. State that these items have not been corrected within specified time frame.

___ Letter should be signed by authorized officer next highest in rank to issuing officer, unless permit provides that enforcement action may be taken by issuing officer.

___ Give holder opportunity to meet with authorized officer.

___ Notify holder of appeal rights under 36 CFR Part 251, Subpart C.
Appendix 7C

Sample Noncompliance Letter

United States Forest Service San Juan - Rio Grande National Forests
Department of Agriculture

701 Camino del Río
Durango, CO 81301
(970) 247-4874
(TTY) 385-1257

Reply to: 2720
Date:

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Paid M. Late
President
XYZ Camping, Inc.
Anywhere, USA 00932

Dear Mr. Late:

Subject: Notice of Noncompliance

This letter constitutes notice of noncompliance with the terms of the permit issued to XYZ Camping, Inc. on [DATE] for operation of the developed recreation sites in the ______ Ranger District, ______ National Forest (the permit).

[AS SHOWN BELOW, CITE AND QUOTE SPECIFIC PERMIT CLAUSES THAT SERVE AS BASIS OF NONCOMPLIANCE, AND SPECIFY HOW THE HOLDER HAS VIOLATED THOSE CLAUSES, BASED ON DOCUMENTATION IN THE PERMIT FILE.]

Forest Service records indicate that XYZ Camping is in noncompliance with the following clauses of the permit:

1. Clause III.1, Insurance. "The holder shall have in force liability insurance covering losses arising from personal injury or death associated with the use and occupancy authorized by this permit in the minimum amount of $ _______ for injury or death to one person and $ _______ for injury or death to more than one person. . . ."

You have not submitted an acceptable liability insurance policy for the 1996 operating season.
2. **Clause IV.A, Permit Fees.** *The holder shall pay to the USDA, Forest Service, an annual permit fee based on the fair market value of the use and occupancy authorized by this permit of ____ percent of adjusted gross revenue, as defined in clause IV.B, for the term of this permit.*

Permit fees for 1996 have not been paid.

My staff has telephoned you ([DATES]) and written you ([DATES]) repeatedly to obtain compliance with the terms of the permit. You did not respond to [INCLUDE WHATEVER APPLIES, E.G., ANY OF THOSE CONTACTS/THIE LETTERS DATED APRIL 5, 1995, AND MAY 8, 1995], and none of the items of noncompliance listed above has been corrected.

Failure to comply with the terms of the permit is grounds for its suspension or revocation under Forest Service regulations (36 CFR 251.60(a)(2)(i)) and clause VI.A.2 of the permit. Forest Service regulations (36 CFR 251.60(e)) and clause VI.B of the permit require the authorized officer to give the holder written notice of the grounds for suspension or revocation and a reasonable time to correct any noncompliance. Clause VI.B specifies that the time to correct any noncompliance shall not exceed 30 days.

Therefore, if the above noncompliance is not remedied by [HOLDER MUST RECEIVE WRITTEN NOTICE OF NONCOMPLIANCE AND REASONABLE OPPORTUNITY TO COMPLY. USUALLY NOT MORE THAN 30 DAYS ARE GRANTED TO CORRECT NONCOMPLIANCE.], the Forest Service will suspend or revoke the permit. Specifically, enforcement action will be taken if [SPECIFY WHAT SHOULD BE DONE TO CORRECT THE NONCOMPLIANCE] are not corrected by [DATE].

If you believe this notice to be in error, please notify me immediately. I will be happy to meet with you.

Sincerely,

District Ranger / Forest Supervisor

[THE LINE OFFICER WITH DELEGATED AUTHORITY SHOULD SIGN THIS LETTER. A PERMIT SUSPENSION OR REVOCATION LETTER MUST BE SIGNED BY THE LINE OFFICER WITH DELEGATED AUTHORITY, AND ONLY AFTER REVIEW BY THE REGIONAL OFFICE AND OGC. VERIFY FOREST/DISTRICT DELEGATIONS OF AUTHORITY.]

cc: Forest Supervisor

[DO NOT GIVE APPEAL RIGHTS WITH THIS NOTICE-OF-NONCOMPLIANCE LETTER. APPEAL RIGHTS ACCRUE ONLY WHEN ENFORCEMENT ACTION IS TAKEN, SUCH AS ISSUANCE OF A PERMIT REVOCATION LETTER.]
<table>
<thead>
<tr>
<th>Appendix 8A</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use and Revenue Data</strong></td>
</tr>
</tbody>
</table>

Records of use and revenue should be kept for purposes of determining the actual annual permit fee and auditing. On the next page is a standard form for recording use and revenue data.
<table>
<thead>
<tr>
<th>Appendix 8B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>National Recreation Reservation Service</strong></td>
</tr>
</tbody>
</table>

[Reserved]
Appendix 8C

Interpretive Services at Concession Campgrounds

This appendix should be read in conjunction with Chapter 3.

Benefits of Providing Interpretive Services

Interpretive Services enhance a visitor’s recreation experiences and appreciation of FS natural and cultural resources. Interpreters educate, entertain, exhibit, inform, and communicate with people by provoking thought. Depending on the FS site, visitors may enjoy guided walks and campground talks, information, exhibits, and programs at visitor centers. Interpretive presentations on subjects such as local history, archaeology, natural and cultural resources, and wildlife management attract visitors to campgrounds and encourage repeat visits. Concessionaires who provide interpretive services may see the economic benefits resulting from satisfied customers.


All interpretive programs and materials must reflect a high degree of expertise and professionalism, and the content must be approved by the FS. The FS will provide the site (such as an amphitheater or a nature trail) for interpretive programs. The FS may also make available to the selected applicant interpretive programs and materials pertinent to the concession.

Required Interpretive Services

If interpretive services are required, they should be listed under the "Required Services" section of the proposed AOP provisions in the prospectus. The FS should specify in the prospectus the minimum requirements for interpretive services, including the number and length of programs, days services will be offered, program content, target audience, and required experience for interpretive specialists. Applicants must describe how they will meet the minimum requirements in this section. Applicants may propose services beyond the minimum required level of services.

Determining How Interpretive Services Will be Addressed in the Prospectus

The FS should determine whether providing interpretive services should be included in the prospectus, and, if so, whether interpretive services should be treated as required or optional. If interpretive services will be given significant weight in selecting an applicant, they should be enumerated as a separate evaluation criterion and treated as a required service in the prospectus. For more information on this topic, refer to Chapter 3.

Optional Interpretive Services

If interpretive services are optional, they should be included in the "Optional Services" section of the proposed AOP provisions in the prospectus. Applicants may describe what services they would propose. If the FS selects an application that includes optional interpretive services, the holder
will be required to provide those services as proposed.

**Interpretive / Environmental-Education Services Plan**

Applicants should submit an interpretive/environmental-education services plan to describe the programs and services they propose to provide, regardless of whether interpretive services are treated as required or optional services in the prospectus. The plan should describe the following:

- The delivery and frequency of interpretive/environmental-education presentations, and how they will involve the public.

- The development, design, and quantity of brochures that provide information on interpretive subjects, such as the flora, fauna, geology, and history of the area, and nearby attractions that would be of interest to Forest visitors.

- The design-and-development process for self-guided-nature-trail brochures and the development, implementation, and frequency of interpreter-led nature talks.

- Audiovisual equipment to be used, including projectors, sound systems, projection screens, and microphone systems.

- Any additional interpretive/environmental-education services.

**Standards for All Interpretive Services**

Prospectuses that include interpretive services as either required or optional should specify applicable standards for those services, i.e., applicable Meaningful Measures standards developed for the interpretive-services program. The evaluation team should use these standards to evaluate an applicant’s interpretive/environmental-education services plan and to evaluate provision of interpretive services under the permit in a performance evaluation. (See Chapter 7 for more information on performance evaluations.) Applicable Meaningful Measures standards for interpretive services are listed below.

- Interpretation and education are accurate and based on current scholarship and research data.

- Interpretation and education convey clear messages and are organized around explicitly defined themes.

- Interpretation and education are consistent with the agency’s mission and local and national goals for interpretation and education.

- Interpretation and education meet the customer’s needs.

- On-site interpretive and educational messages relate to site-specific resources and resource issues.

- Basic information about public-land opportunities is available to all visitors.

- Interpretation and education are accessible (i.e., meet the requirements of the Americans with Disabilities Act and, as appropriate, accommodate a variety of learning styles and meet the needs of those of diverse cultural backgrounds, non-English speakers, and children).

- Interpretive delivery systems are maintained at a level that meets professional standards for quality and appropriateness. These standards include but are not limited to:
  - U.S. Army Corps of Engineers interpretive-graphics standard for interpretive signs.
  - National Park Service interpretive-competency standards for personal services.
Appendix 8C: Interpretive Services at Concession Campgrounds

- U.S. Department of Agriculture/FS exhibit design standards.

- Principles of interpretive communication outlined in Freeman Tilden's *Interpreting Our Heritage*.

- Costumed-interpretation/living-history standards developed by the National Park Service.

- Appropriate safety measures are taken for visitors participating in interpretive and educational activities.

For more information, refer to "Meaningful Measures Standards," June 7, 1997.

### Fees for Interpretive Services

Concessionaires may charge for interpretive programs and materials provided directly by concessionaires. Concessionaires may not charge for interpretive programs or materials that are provided by the FS under a collection agreement with the concessionaire.

### Collection Agreements for Interpretive Services

Under limited circumstances, the concessionaire may enter into a collection agreement with the FS whereby the concessionaire pays the FS to provide interpretive services at the concession site. Refer to Chapter 6 on collection agreements for the legal parameters that apply to this type of collection agreement.
Concessionaire Compliance with Labor Law

The following provides preliminary guidance on concessionaire compliance with labor law. Consult with the local OGC if specific questions arise concerning labor law.

Roles and Responsibilities in Ensuring Compliance with Labor Law

The state and Federal Departments of Labor have the authority and expertise to enforce labor laws and to determine their applicability in a specific context. The FS administers special-use permits. Clause I. F of FS-2700-4h requires holders to comply with all local, state, and Federal laws, regulations, and ordinances -including labor laws - that apply to the permit area. Therefore, concessionaires are required to assume responsibility for compliance with applicable Federal, state, and local labor laws, regulations, and ordinances.

While the FS lacks the authority to enforce labor laws (and through clause I.F of FS-2700-4h, explicitly assumes no responsibility for enforcing them), the FS should require and monitor compliance with clause I.F. Therefore, permit administrators need to be generally aware of applicable law, including applicable labor law. Consultation with state or Federal agencies responsible for enforcing labor laws and regulations may be helpful in ensuring compliance with clause I.F. In enforcing clause I.F, require concessionaires to document their approach to ensuring legal employment practices in their AOPs.

Permit administrators may become aware of concerns regarding concessionaire compliance with labor law during a performance evaluation, or through a complaint lodged by a member of the public or concessionaire employee. Permit administrators should handle these concerns as they would concerns about compliance with food safety requirements, building codes, tax laws, or civil rights requirements. Permit administrators should notify the holder first to allow the holder the opportunity to investigate the complaint and make any needed corrections. If the situation persists, permit administrators should notify the appropriate enforcement authority, which in the case of labor law compliance is the state and/or Federal Department of Labor. The enforcement authority will make case-specific findings. Federal labor law governs, unless state labor law is more generous to the employee. Thus, at a minimum, Federal labor law standards apply.


Key elements of the Fair Labor Standards Act (FLSA) follow.

Minimum Wage

Requires employers to pay minimum wage to their employees 129 U.S.C. 206].

Overtime

Requires employers operating concessions on National Forest System lands under contract with the FS to pay employees at least time and a half for each hour worked in excess of a 56-hour week [29 U.S.C. 213(b)(29)]:

8 - 8
On-Call Pay

Requires employers to compensate employees for all hours worked. As a general rule, the term "hours worked" includes:

- All time during which an employee is required to be on duty, or to be on an employer's premises or at a prescribed work place; and

- All time during which an employee is "suffered or permitted" to work, whether or not the employee is required to do so.

- Even if a campground concession permit requires one of the concessionaire's employees to reside on the premises, the employee is not necessarily on call for 24 hours. Hours during which the employee performs specific duties, such as general cleanup, maintenance, or fee collection, are compensable. Hours during which the employee is free to eat, sleep, read, or engage in other personal activities are not compensable. Agreements between the employer and the employee should specify hours the employee is expected to work and when he/she will be compensated.

Volunteers

The Volunteers in the National Forest Act of May 18, 1972, does not apply to concessionaires operating on National Forest System lands. Generally, a person working at a campground concession (such as a campground host) is more likely to be an employee, rather than a volunteer, and therefore subject to the provisions of the FLSA, if most or all of the following conditions apply:

- The concession is operated as a business, i.e., to generate revenue, even if it is operated by a not-for-profit entity, such as an interpretive association.

- The person is performing services that enhance or support the concessionaire's business, e.g., collecting fees, cleaning toilets and other facilities, and resolving problems with sites.

- The person is receiving some benefit from the concessionaire, either monetary, in-kind (such as free use of a site), or both.

A person who is performing minimal services that do not enhance the business (such as greeting visitors) and who is not receiving a monetary or in-kind benefit from the concessionaire may not be an employee for purposes of the FLSA.

Compliance with OSHA Regulations

Concessionaires' employees are covered by the standards in the Occupational Safety and Health (OSHA) Act that apply to private, rather than Federal, employees.

An authorized state OSH program has jurisdiction over concessionaires' employees, unless the work being performed is at a facility under exclusive Federal jurisdiction (such as a Federal building). If the work is being performed at a facility under exclusive Federal jurisdiction, the employees are subject to Federal standards for private employees. To determine whether work is under exclusive Federal jurisdiction, the Regional Administrator for the Occupational Safety and Health Administration (OSHA) refers to the applicable state plan operational agreement. If the agreement is unclear, the legal staff for the agency with management authority over the Federal facility (USDA's OGC) is consulted.

If no authorized state OSH program exists, the employees are subject to Federal standards for private employees.

Federal standards preempt any state OSH program that is less restrictive than the Federal standards. State OSH programs that are equally or more restrictive are not preempted by the Federal standards.

The permit administrator should coordinate with OSHA personnel to monitor compliance with OSHA requirements.
Compliance with Immigration Laws

Concessionaires must comply with all laws related to employment of citizens of foreign countries. Concessionaires are responsible for ensuring that all their workers are citizens of the United States, or have the proper documentation to work in the United States if they are not United States citizens.

Compliance with Workers' Compensation Laws

Concessionaires are required to comply with state laws related to compensation for workers who are injured on the job. Compliance with state workers' compensation laws includes payment of insurance by the concessionaire.

Compliance with Davis-Bacon Act

The Davis-Bacon Act (DBA) requires payment of specified minimum wages to laborers and mechanics engaged in construction, alteration, or repair under a Government contract for more than $2,000 (40 U.S.C. 276a). The Department of Labor publishes prevailing wages for types of construction, alteration, or repair work for each locality. If no prevailing wages have been published for a particular locality, the Department of Labor will make a determination of the prevailing wages for that locality.

Generally, the DBA applies only where the Government is a party to the construction, alteration, or repair contract. For example, the DBA applies to FS contracts for construction, alteration, or repair of Government improvements at campground concessions, funded with appropriated money or money from a collection agreement.

The FS cannot, however, in an attempt to avoid the DBA, have the permit holder use FS funds to perform that work or contract it out, and claim that the DBA does not apply. Since the work is for Government benefit and is Government-funded, the DBA applies. For example, if the permit holder is using Granger-Thaye offset funds to construct, alter, or repair Federally owned improvements at a campground concession or to contract out the work, the DBA probably applies.

If there is any question as to the applicability of the statute, the local Department of Labor office should be consulted.
The following interim directive governs law enforcement at campground concessions. The permit administrator should coordinate with Ranger District and/or Forest law enforcement personnel concerning law enforcement issues when reviewing campground concession prospectuses and permits.
FOREST SERVICE MANUAL
Washington, D.C.

INTERIM DIRECTIVE: 2340-96-1

EFFECTIVE DATE: May 22, 1996

EXPIRATION DATE: November 22, 1997

CHAPTER: 2340 - PRIVATELY PROVIDED RECREATION OPPORTUNITIES

POSTING NOTICE: Last ID was 2320-95-1 to FSM 2320.

This interim directive (ID) to FSM 2340.1, Authority, clarifies the law enforcement authorities and responsibilities of concessionaires, State and local law enforcement agencies, and the Forest Service at concession campgrounds (ex. 01).

/s/ Jerry A. Sesco

JERRY A. SESCO
Acting Chief
2340.1 - Authority. FSM 2701 lists the Federal laws and regulations that allow occupancy and use of National Forest System lands by entities other than the Forest Service.

Exhibit 01 clarifies the law enforcement authorities and responsibilities of concessionaires, State and local law enforcement agencies, and the Forest Service at concession campgrounds.

2340.1 - Exhibit 01

LAW ENFORCEMENT AND INVESTIGATIONS

LAW ENFORCEMENT AT
CONCESSION CAMPGROUNDS

BACKGROUND

This paper clarifies the law enforcement authorities and responsibilities of concessionaires, State and local law enforcement agencies, and the Forest Service at concession campgrounds. The paper is based on a December 15, 1993, memorandum issued by the Office of the General Counsel (OGC) and an April 28, 1995, letter issued by Region 5 on the same subject. This paper has been reviewed and approved by OGC.

ROLES AND RESPONSIBILITIES

1. Concessionaires

In responding to violations of Federal, State, and local laws, ordinances, and regulations, concessionaires have the same authority as a private citizen. Concessionaires generally cannot enforce Federal, State, or local laws or regulations, including 36 CFR Part 261, Prohibitions on National Forest System lands. Concessionaires should be knowledgeable of applicable Federal, State, and local laws and regulations, including 36 CFR Part 261, and should report violations of these laws and regulations to the appropriate law enforcement authorities.

Concessionaires may enhance public safety at concession campgrounds in a number of ways. For example, they may hire a private security firm, hire off-duty State or local law enforcement personnel, or enter into a cooperative agreement with the county for additional patrols.

Under the terms of the campground concession permit, the authorized officer may allow or require a concessionaire to establish certain restrictions on conduct or rules of use. For instance, the concessionaire may establish a rule of use that limits the number of vehicles per campground site, establishes a limit on the length of stay, or prohibits washing food at a water hydrant. The rules of use may be incorporated in the concessionaire's operations and maintenance plan, and the concessionaire may be held accountable for ensuring compliance under the terms of the special use permit.

Conduct that violates rules of use may also violate Federal, State, or local laws. When such conduct occurs, the concessionaire should report those violations to the appropriate law enforcement authority. For example, violation of a rule of use may constitute a disturbance of the peace in violation of State law or disorderly conduct in violation of Forest Service regulations at 36 CFR 261.4.

To minimize confusion between criminally enforceable Federal, State, and local laws and concessionaire-established rules of use, each should be separately posted within the campground.
Appendix 8E: Law Enforcement at Concession Campgrounds

2. State and Local Law Enforcement Agencies

Generally, State and local law enforcement agencies have authority to enforce applicable State and local laws, ordinances, and regulations on National Forest System lands. Under 16 U.S.C. 480, States retain their civil and criminal jurisdiction over persons on the national forests. Thus, crimes involving persons and their property are generally the primary responsibility of State and local law enforcement authorities.

Where a concessionaire has established rules of use, there is no authority for a State or local law enforcement agency to take enforcement action, unless the conduct giving rise to the violation of a rule of use also constitutes a violation of State or local law.

There is no authority for the Forest Service to allow State and local law enforcement personnel to enforce Federal laws and regulations, including 36 CFR Part 261. Some conduct may be prosecuted under Federal or State law because the conduct violates both Federal and State law. State and local law enforcement officers may enforce only State and local law, however.

3. Forest Service

The Forest Service retains all its authorities and responsibilities for enforcing Federal laws and regulations related to administration of National Forest System lands. The role and responsibilities of the Forest Service do not change simply because the Forest Service has issued a special use permit to a concessionaire. Forest Service personnel should continue to enforce all Federal laws and regulations related to the administration of National Forest System lands within concessionaire-operated campgrounds.

Forest Service personnel should not assume, however, that all laws and regulations applicable to facilities operated by the Forest Service are also applicable to sites operated by concessionaires. For example, as a matter of policy the Forest Service does not interpret failure to pay a camping fee charged by a concessionaire to be a violation of 36 CFR 261.15 because the camping fee charged by the concessionaire is not an admission or recreation use fee for "a site, facility, . . . or service furnished by the United States." The agency construes "furnished by the United States" to mean "owned and operated by the United States." Therefore, the Forest Service would not cite someone for failure to pay a camping fee at a concession campground because the site is operated by a concessionaire, rather than the Forest Service, and the concessionaire, rather than the Forest Service, retains the campground fees.

The regulations at 36 CFR Part 261, Subpart A, apply at both Forest Service and concessionaire-operated campgrounds. In contrast, orders issued under 36 CFR Part 251, Subpart B, may or may not apply at concession campgrounds. A Subpart B order must clearly state the area to which it applies. 36 CFR 261.50(c)(1). If the order is forest-wide, it applies to all campgrounds, including concession campgrounds, within that forest. Operating plans for concession campground permits should be consistent with any orders that apply. A concessionaire may not allow an activity prohibited by an order. A concessionaire’s rule of use may be stricter than an order, however.

The Regional Forester or Forest Supervisor may exempt concession campgrounds from an order and may want to exempt them to place more of the responsibility for the site on the concessionaire. Rules of use rather than the order would then govern. This approach is consistent with one of the purposes of the campground concession program, which is to reduce expenditure of limited Forest Service resources in administering developed recreation sites. When issuing a Subpart B order, the Regional Forester or Forest Supervisor should consider whether the order should apply at concession campgrounds.

If concession campgrounds are exempted from a Subpart B order, the rules of use established by concessionaires may differ from the restrictions contained in the order that applies elsewhere. For example, the restriction established by an order on the number of vehicles allowed per campsite at a Forest
Service-operated campground may differ from the same type of restriction adopted as a rule of use at a concession campground. Forest Service personnel should ensure that they enforce only those Subpart B orders that apply to concession campgrounds.

36 CFR Part 261, Subpart C, regulations should be handled the same way as Subpart B orders. Subpart C regulations are issued by the Chief or Regional Forester to prohibit acts or omissions in all or any part of an area over which the Chief or Regional Forester has jurisdiction.

Forest Service law enforcement personnel should cooperate with State and local agencies to the extent authorized by Forest Service policy (FSM 5360) and State and Federal law, such as 16 U.S.C. 559g(c), which authorizes acceptance of a law enforcement designation from States, and 16 U.S.C. 553, which authorizes the Forest Service to aid in the enforcement of State laws in certain respects.

Prospectuses and permits for concession campgrounds should clearly describe the respective responsibilities of Forest Service law enforcement personnel, local law enforcement authorities, and concessionaires.

SUMMARY

Crimes involving persons and property are generally violations of State law. State and local law enforcement agencies have jurisdiction to enforce State laws at concession campgrounds. Forest Service personnel have the responsibility to enforce Federal laws and regulations related to the administration of National Forest System lands. Concessionaires may establish and enforce rules of use that are subordinate to Federal, State, and local laws and regulations. Rules of use are not enforceable by Federal, State, or local law enforcement authorities unless violations of rules of use constitute violations of Federal, State, or local laws.

Concessionaires should contact Federal, State, and local law enforcement authorities to address criminal violations under their respective jurisdictions. Concessionaires may also consider hiring a private security firm or contracting with off-duty State or local law enforcement personnel to address day-to-day public safety concerns at concession campgrounds.

Campground concession prospectuses and permits should clearly describe the respective responsibilities of Forest Service law enforcement personnel, local law enforcement authorities, and concessionaires. In order to minimize visitor confusion between criminally enforceable Federal, State, and local laws and concessionaire-established rules of use, each should be separately posted within the campground.
Appendix 8F

Customer Service Comment Cards

FS-1300-5, "Customer Service Comment Card," is an official FS form. If a concessionaire does not have a customer service feedback component in its AOP, use this form. Cards are available in packages of 500 from:

Consolidated Forms and Publications Distribution Center
Washington Commerce Center
3222 Hubbard Road
Landover, Maryland 20785
(301) 436-8450

A sample FS-1300-5 is included on the next page.
[This page reserved for sample customer service comment card.]