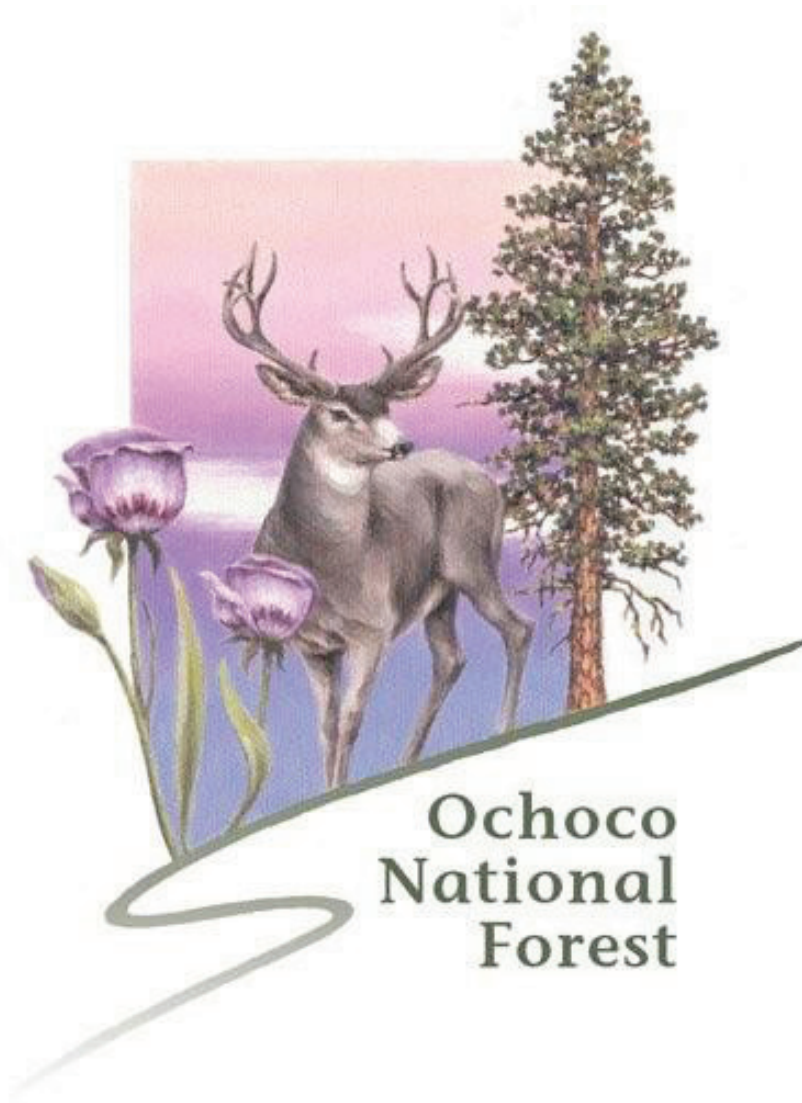


**Five Year/Five Year Extension**

**Prospectus for Campground and  
Related Granger-Thye Concessions  
Ochoco National Forest**

**U.S. DEPARTMENT OF AGRICULTURE  
Forest Service**



**August 2010**

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## I. Business Opportunity

### A. Introduction

This prospectus is being issued to solicit applications for a concession campground special use permit. A permit to provide high-quality public service in the operation and maintenance of Government-owned recreation facilities located on the Crooked River National Grassland, Ochoco National Forest and Bureau of Reclamation will be issued. The permit will include the following developed sites:

District	Recreation Site Name	Site Type
CRNG	HAYSTACK	CAMPGROUND
CRNG	HAYSTACK	DAY USE
CRNG	SKULL HOLLOW	CAMPGROUND
BOR	WEST SHORE	CAMPGROUND
BOR	WEST SHORE	DAY USE
BOR	SOUTH SHORE	GROUP CAMPGROUND
LOM	WALTON LAKE	CAMPGROUND
LOM	WALTON LAKE	DAY USE
LOM	WALTON LAKE	GROUP SITES
LOM	OCHOCO FOREST CAMP	CAMPGROUND
LOM	OCHOCO PAVILION	GROUP CAMPGROUND
LOM	OCHOCO DIVIDE	CAMPGROUND
LOM	OCHOCO DIVIDE	DAY USE
LOM	OCHOCO DIVIDE	GROUP SITE

BOR = Bureau of Reclamation in partnership with the Ochoco N.F. under agreement

District	Anticipated additional Recreation Sites	Site Type
BOR	* FISHING PIER (Haystack Reservoir)	DAY USE

\* This site currently lacks the necessary amenities required for a fee site. When these amenities become available, it will be required of the permit holder to manage this facility as a DAY USE fee site. Completion date is unknown.

The authorized officer for this business opportunity is the Forest Supervisor for the Ochoco National Forest, 3160 NE 3rd, Prineville, OR 97754.

The current permit for this concession expired on December 31, 2010. Over the past three years, the following are average gross revenues:

Recreation Site Name	Site Type	Number of Campsites	3-Year Annual Average Gross Revenue
Ochoco Divide	Campground	26	\$11,395
Ochoco Divide Day Use		3	Combined together

Walton Lake Walton Lake Day Use Walton Lake Group Sites	Campground	30	\$49,281 Combined together
Ochoco Forest Camp Ochoco Pavilion	Campground Group Site	5 1	\$1,675 Included together
* Skull Hollow	Campground	29	\$2,652 (1 <sup>st</sup> year non-concession)
Haystack	Campground	24	\$10,190
*West Shore *South Shore Haystack *Day Use	Campground Group Campground Day Use Area/Boat Launch	15 2	1 <sup>st</sup> year-fee site 1 <sup>st</sup> year-fee site 1 <sup>st</sup> year-fee site

\* Skull Hollow CG: new fee site starting 2009 (one year fee history)

\* These Sites are proposed new fee sites and thus no revenue history available

## B. Area Description

Located near the geographic center of Oregon, the Ochoco National Forest consists of 845,498 acres of land. The Ochoco National Forest is the get-a-way for Central Oregon. Located North and East of Prineville, Oregon, the Ochoco National Forest niche is “the edge of solitude”. It is a rural landscape with broad expanse of limited development and is tied closely with its local communities.

The Crooked River National Grassland (CRNG) of 111,379 acres of land and is managed by the Ochoco National Forest (ONF) and its landscape is dominated by open, rolling sagebrush and juniper hills. This desert landscape provides year round snow-free recreation.

Bureau of Reclamation (BOR) administers approximately 80 acres of land that comprises ¾ of the lake shore of Haystack Reservoir from the Dam on the West flank going South to the East and ending at CRNG property line at Haystack Campground. There is an **Interagency Acquisition (R07-PG-1C-832)** Agreement allowing Ochoco National Forest to oversee the prospectus and concessionaire permit for operations of its facilities.

Large expanses of majestic open Ponderosa pine stands, lush meadows, stunning displays of wildflowers, and oceans of grasses greet neighbors from near and far to the Forest and Grassland and provides excellent habitat for wildlife. Mountain Ranges, faulted valley and basins formed through time by volcanic activity have left some of the oldest rocks in Oregon in the Ochoco National Forest and a heyday for rock collectors. Remnants of this active volcanic history are scattered throughout the Forest. Stargazing on the forest is amazing due to distance from population centers. Destination nodes of special places dot the forest and include, in part, geologic wonders like Steins Pillar & Thunder Egg mines, the refreshing waters of Walton Lake, Rimrock Springs & Haystack Reservoir, desert canyons and 7,000’ peaks.

The Forest offers close-in and remote self-discovery. Roads and trails provide opportunities for scenic driving, hiking, biking, horseback riding, and Off Highway Vehicle (OHV) use. Designated OHV routes & areas on the forest are part of a system of motorized-use opportunities in Central Oregon region. Rustic camping provides opportunities for that “get away from it all” experience. Well known for its excellent hunting across the forest includes big game, turkey and upland birds. A variety of information helps visitors experience & discover the rich mining, homesteading, and grazing history. Strong ties and partnerships with growing communities and other agencies are a key to providing relevant and quality recreation on the Ochoco NF.

Given past growth trends, strong interdependence, and community relationships, providing quality recreation facilities and opportunities are a key component meeting the recreational needs of the community and visitors to Central Oregon.

The High Desert is a land of dry pine forest, open space and big sky. Major highways are dotted with small rural communities, and ranches with traditional family ties.

The closest large town to the Forest and Grassland is Bend, Oregon (population 81,000). Other towns of moderate size in the area are Redmond (population 26,000), Prineville (population 11,000), and Madras (7,000 population).

To the Haystack complex from Bend is about 45 miles from Redmond about 20 miles, from Prineville about 17 miles, and from Madras about 11 miles.

To Ochoco Forest Camp from Bend is about 60 miles, from Redmond about 45 miles, from Prineville about 23 miles, and from Madras 53 miles. Walton Campground is about 7 miles from Ochoco Forest Campground

Approximately 35-40% of the visitors to the Forest and Grassland come from the Portland and Willamette Valley areas. About 5% are out of state visitors and the remaining 55-60% are from the Central Oregon area.

### C. Description of Developed Recreation Sites and Facilities

The description of each developed recreation site included in this prospectus can be found in Appendix 22 Description of Developed Recreation Sites. Please use the descriptions in Appendix 22 together with the maps of the developed sites (Appendix 2) and the Inventory of Government-Furnished Property (Appendix 3) for the most complete description of each site and its layout. Every attempt has been made to make Appendices 2, 3 and 22 as accurate as possible. However, it is possible that some errors exist. If any errors are discovered a correction will be made available.

### D. Government-Furnished Property

The Forest Service will provide certain property in conjunction with the concession campground special use permit (*see* Appendix 3 of the prospectus). Included in this inventory are a description, the quantity, and the estimated replacement cost of the applicable property.

### E. Government-Furnished Supplies

The Forest Service will not furnish any supplies for day-to-day operation of the concession. Government-furnished supplies will be limited to those necessary for programmatic consistency, including:

- Forms to report use and revenue.
- A copy of the Forest Service publications, “Cleaning Recreation Sites,” “In-Depth Design and Maintenance Manual for Vault Toilets,” and “Vault Toilet Pumping Contract Specifications and Guidelines for Preparing Contracts.”

- A copy of “Recreation Opportunity Guides,” which the holder may reproduce at its expense.
- Title VI signs.

## **F. Utilities and Waste Management**

Certain utilities and infrastructure exist for the developed recreation sites identified in this prospectus. The permit holder will be responsible for securing, managing, and paying for these utilities. Applicants should contact current service providers to obtain estimated costs for the utilities. These utilities include:

Central Electric Cooperative, Inc.  
PO Box 846  
Redmond Oregon, 97756  
(541)549-2144  
(541)447-5321

Pacific Power  
825 NE Multnomah  
Portland, OR 97232  
1-888-221-7070

### **Telephone**

Qwest  
Order Phone Service 1 800-475-7526  
Billing and general customer service 1 800-491-0118

### **Propane**

Ferrellgas  
900 NE 1<sup>st</sup>  
Bend, Oregon 97701  
(541)382-1161

Amerigas  
(541) 382-3823

Northern Energy  
2912 S. HWY 97  
Redmond, OR  
541-548-7449  
Madras, OR  
541-475-7356

Ed Staub & Sons  
3305 S Hwy 97  
Bend, Oregon 97701  
(541)504-8265



## **Water Sampling Company**

Box R  
Water Analysis Laboratory  
1210 N. Main St.  
Suit F  
Prineville, OR 97754  
(541) 447-4911

Umpqua Research Company  
321 NE Franklin Bldg. B  
Bend, Oregon 97701

## **Garbage**

The permit holder will be responsible for garbage removal at all sites. The previous provider was

Prineville Disposal  
1751 N Main St.  
Prineville, OR 97754  
541-447-5208

Madras Sanitary Service  
1778 NW Mill St.  
Madras, OR  
541-475-2071

## **Liquid and Solid Waste Disposal**

The permit holder is responsible for pumping all vault toilets and septic systems at the developed recreation sites. Some previous providers were

Bledsoe's Sanitary Service  
Prineville, OR  
541-447-4613

Linn Septic Service  
800 NE Yucca Ave,  
Redmond, OR  
541-923-3160

Middleton Septic Pump Services  
2876 SW HWY 97  
Madras, OR  
541-475-5322

SepticPros  
1751 N. Main  
Prineville, OR 07754  
541-447-7600



## **II. Forest Service Concession Programs and Policies**

Government-owned concessions are authorized by special use permits issued under Section 7 of the Granger-Thye (GT) Act, 16 U.S.C. 580d, and implementing regulations at 36 CFR Part 251, Subpart B. In addition, there are certain Forest Service programs and policies that apply to campground concession. All applications must be consistent with these requirements.

### **A. National Recreation Reservation Service (NRRS)**

The Ochoco National Forest participates in the NRRS, which provides nationwide, toll-free telephone reservations for single-family or group camping sites, rental cabins, and other recreational facilities. Visitors pay the camping fee at the time they make a reservation, and no fees are collected at the site (although the permit holder may allow occupancy of any site in the NRRS that is unreserved and charge on site for that use). The current NRRS contractor is ReserveAmerica, 40 South St., Ballston Spa, New York 12020. Contact information for the NRRS follows.

Jocelyn Biro  
Region 6 NRRS Coordinator  
telephone: 503-808-2411  
email: [jbiro@fs.fed.us](mailto:jbiro@fs.fed.us)  
facsimile: 503-808-2429

John Cameron  
Forest Service Contracting Officer's Technical Representative  
telephone: 850-523-8589  
email: [jhcameron@fs.fed.us](mailto:jhcameron@fs.fed.us)

ReserveAmerica Inc.  
2480 Meadowvale Boulevard, Suite 120  
Mississauga, Ontario  
Canada L5N 8M6  
Inventory Help Desk: 877-345-6777  
Customer Service: 888-448-1474  
email: [nrrs-inventory@reserveamerica.com](mailto:nrrs-inventory@reserveamerica.com)  
facsimile: 888-742-5520

The NRRS is the only authorized reservation system for Forest Service developed recreation sites, including campgrounds, cabins, and group use areas. The Forest Service contract for the NRRS prohibits campground concession permit holders from using any other reservation system, establishing their own reservation system, or reserving campsites other than through the NRRS. Applicants may recommend adding sites to or deleting sites from the NRRS or changing the number of sites that may be reserved, the minimum number of days per reservation, or the location of sites that may be reserved. The permit holder also may make these recommendations during the term of the permit. The authorized officer will decide whether to accept or reject the recommendations.

Under the NRRS, the following guidelines must be followed, unless there are compelling operational reasons:

1. For each developed recreation site included in the NRRS, at least 60 percent of the units must be available for reservations. The rest of the units may be occupied on a first-come, first-served basis.

- Reservation windows vary by type of site and are as follows:
  - Individual campsites: up to 6 months in advance of arrival date.
  - Group use areas: from 360 to 4 days prior to arrival date.
  - Cabins on the Ochoco National Forest: up to 6 months in advance of arrival date. (not available under this prospectus)

2. When the NRRS is utilized, the permit holder is responsible for on-site administration and will be required to:

- Obtain daily arrival reports (DARs) from the NRRS contractor each morning by establishing at least one central facsimile location, email address, or other means of obtaining and distributing DARs.
- Develop a system for posting reservations at the sites so other visitors know which units are reserved.
- Post and hold reserved sites for 24 hours.
- Ensure that the party with the reservation is the party using the site.
- Resolve any disputes over the use of reserved sites by drop-in campers.
- Verify that visitors hold a Golden Age or Golden Access Passport or the National Parks and Federal Recreational Lands Pass (Federal Recreational Lands Pass) authorized under the Federal Recreation Enhancement Act (REA), 16 U.S.C. 6801-6814, before giving the discount on fees for those passes (*see* section II.B).
- Develop inventory data for sites being added to the NRRS, and update data for sites currently in the NRRS (including fees charged the public and temporary site closures). Submit data to the NRRS at least annually for data updates.
- Communicate to the NRRS any emergency closures or other relevant operational changes as they occur.
- Approve customer refunds as appropriate, and process them through the NRRS. NRRS refund policies can be found at <http://www.reserveusa.com/jsp/homepage.jsp?goto=/home/policies.html>.

Because reservations can be made up to a year in advance for group sites and up to 240 days in advance for family sites, the NRSS is currently accepting reservations for the 2011 operating season. Fees received by the NRSS for reservations after December 31, 2010, will be held by the Forest Service and distributed following issuance of a special use permit to the successful applicant. In the final year of the permit, fees will be held in the same manner until a new permit is issued. The permit holder will honor reservations made prior to issuance of the permit at the price in effect when the reservations were made.

The Ochoco National Forest is interested in increasing the number of single family campgrounds providing reservations as a service to the public. The following table reflects the recreation sites

that are currently included in the National Recreation Reservation System (NRRS) and those recreation sites, which at a minimum, will be required to be included in the National Recreation Reservation Service system. The permit holder may propose additional recreation sites to be included in the NRRS at any time by inclusion in the annual operating plan. It is also recommended that any additional campgrounds or sites an applicant would like to add to the reservation system, to include this within their proposal.

**NRRS EXISTING & ADDITIONAL RECREATION SITES**

<b>Unit</b>	<b>Site Name</b>	<b>Currently in System</b>
LOM	Walton Lake Group Sites	<b>Yes</b>
LOM	Walton Lake Campground	
LOM	Ochoco Forest Pavilion Group Site	<b>Yes</b>
LOM	Ochoco Forest Campground	
LOM	Ochoco Divide Campground	
LOM	Ochoco Divide Group Site	<b>Yes</b>
CRNG	Haystack Campground	
CRNG	Skull Hollow Campground	
BOR	South Shore Group Sites	<b>Yes</b>
BOR	West Shore Campground	

**B. Pass Discounts**

The permit holder must provide a 50 percent discount on recreation fees charged under REA at developed recreation sites covered by this prospectus to holders of Golden Age and Golden Access Passports, as well as holders of the Interagency Senior and Access Passes. Should REA fees structure change, such changes will be implemented and honored accordingly.

Specifically, holders of these passes are entitled to a 50 percent discount on the fee for a single campsite occupied by the pass holders. The pass holders are not entitled to a discount on the fee for a multiple-family campsite, double occupancy campsites, cabin, or group use area or any additional campsites occupied by those accompanying the pass holders. The 50 percent campsite discount does not include utility, water, or any other hookup fees. Furthermore, holders of these passes are not entitled to day use discounts, extra vehicle fee discounts or other services and amenities provided by the permit holder.

Any loss of fee revenue from honoring the passes should be factored into applicants’ bids.

The permit holder will not be required to offer discounts or free use to holders of the Annual or Volunteer Pass.

The following is a list of sites covered by this prospectus where the 50 percent discount for passes applies:

All of the sites included in this prospectus apply. They are listed in section I-Business Opportunity part A and described in Section C-Description of Developed Recreation Sites and Facilities.

### C. Camp Stamps

Camp stamps must be honored at their face value and submitted to the authorized officer for reimbursement.

### D. Site Closures

The Forest Service reserves the right to close all or a portion of any area in this prospectus for repair; construction; floods, snow, extreme fire danger, or other natural events; wildlife protection; or risks to public health and safety. The Forest Service shall not be liable to the permit holder for lost revenue, operating costs, or any other losses resulting from these closures. However, for fee calculation purposes, the permit shall be placed in non-use status as provided by FSH 2709.11, section 31.23.

Walton Lake Campground is currently closed and under reconstruction. It is anticipated to be closed for the entire use season of 2010. It is further anticipated that the campground will be fully functional at the starting date for 2011.

No other planned improvements that would affect the permit holder is known at this time, however there is a possibility of additional improvements to unidentified recreation facilities should and as funding for facility improvements are available.

### E. Administrative Use

If the Forest Service requires the permit holder to provide a service for the agency, the permit holder will be compensated for that use.

### F. Applicable Forest Orders

Forest Orders may be issued to address a variety of management concerns on a particular forest. Sample orders related to the offering are identified in Appendix 4. Additional applicable forest orders may be issued in the future.

### G. Fee Tickets and Compilation of Use and Revenue Data

The permit holder must provide fee tickets to visitors that include at least the following information:

- The site number and total amount paid.
- The date of issuance and number of days paid for.
- If a pass is used, the pass number.
- The number of people in the group.
- The number of vehicles and their license plate numbers.

The permit holder must provide use and revenue data to the Forest Service (*see* Appendix 5 of the prospectus for a sample use report). Use reports must be completed monthly and at the end of the operating season for each developed recreation site, provided that when the holder performs GT fee offset work in lieu of paying the land use fee in cash, use reports may be

submitted quarterly, rather than monthly. At a minimum, monthly and year-end use reports must include:

- The total number of units occupied based on daily counts.
- The total number of people based on daily counts.
- The percentage of occupancy by month.
- Total recreation fee revenue.
- Total fee revenue for other goods and services.
- The total number of Camp Stamps collected.
- The total number of passes used.

In addition, year-end use reports must include:

- Total fee revenue collected under the NRRS.
- Total taxes paid.
- Total gross revenue.
- Total net revenue.

#### H. Customer Service Comment Cards

The permit holder must provide a customer service comment card to visitors at each developed recreation site (*see* Appendix 6 of the prospectus).

#### I. Performance Evaluations

At a minimum, the Forest Service will perform a year-end performance evaluation within four months of the close of the operating season (*see* Appendix 7 of the prospectus). An unsatisfactory rating may be cause for suspension or revocation of the special use permit. Sustained satisfactory performance is required for a permit extension.

#### J. Accessibility

The Architectural Barriers Act of 1968 (ABA) and Section 504 of the Rehabilitation Act of 1973 require new or altered facilities to be accessible, with few exceptions. In 2004, the Architectural and Transportation Barriers Compliance Board (Access Board) issued revised accessibility guidelines for buildings and facilities subject to the ABA and the Americans with Disabilities Act (ADA). These new guidelines are called the ADA/ABA Accessibility Guidelines. In 2006, the Forest Service issued the Forest Service Outdoor Recreation Accessibility Guidelines (FSORAG). The FSORAG addresses types of recreational facilities, including developed recreation sites that are not covered by ADA/ABA Accessibility Guidelines.

Any Government maintenance, reconditioning, renovation, or improvement (*see* section III.C) must meet ADA/ABA Accessibility Guidelines, where applicable, as well as the FSORAG.

The FSORAG and the ADA/ABA Accessibility Guidelines are posted on the Forest Service’s website at <http://www.fs.fed.us/recreation/programs/accessibility>. Questions regarding ADA/ABA Accessibility Guidelines may be referred to the Access Board at [www.access-board.gov](http://www.access-board.gov). Questions regarding the FSORAG may be referred to the accessibility coordinator for the local National Forest.

The permit holder is responsible for ensuring effective communication with visitors with disabilities, including persons with impaired vision or hearing, so that all visitors may obtain information on accessible services, activities, and facilities.

## K. Camping Unit Capacity

### **Number of Vehicles Per Camping Unit**

A single-family camping unit may accommodate one vehicle. A “vehicle” is defined as any motorized conveyance, except that for purposes of vehicular capacity, two motorcycles are considered one vehicle. Additional vehicles may be allowed at a camping unit, if the camping unit can safely accommodate them. When extra vehicles are allowed, an extra fee of up to 50 percent of the camping unit fee may be charged for each extra vehicle. If an extra vehicle exceeds the camping unit capacity (i.e., the extra vehicle causes a safety hazard or resource damage), the customer may be required to pay for an additional camping unit or park in an overflow parking area, if available. One towed vehicle per single camping unit will be allowed for no extra charge if it can be parked completely on the surfaced area and does not create a safety hazard. Examples of towed vehicles include a boat trailer or a car towed by a motor home.

The following guideline is provided to help determine the appropriate charge for a variety of extra vehicle types:

#### **ADDITIONAL VEHICLE EXAMPLES**

A motor home .....	No extra charge
A motor home and a boat trailer .....	No extra charge
A motor home towing an extra car .....	No extra charge
A motor home with extra driven car .....	Charge for extra vehicle
A single car/truck .....	No extra charge
A car/truck and camp trailer .....	No extra charge
A car/truck and camp trailer and extra car .....	Charge for extra vehicle
A car/truck with boat trailer .....	No extra charge
A car/truck with camp trailer and extra car w/boat trailer .....	Charge for extra vehicle
A truck with camper .....	No extra charge
A truck with camper and boat trailer .....	No extra charge
Two cars or trucks .....	Charge for extra vehicle
Two motorcycles .....	No extra charge
3-4 motorcycles .....	Charge for 1 extra vehicle

### **Group Site Capacity**

The capacity established for group sites is as follows:

See Section I-C: Description of Developed Sites and Facilities.

## Day Use Site Capacity

See Section I-C: Description of Developed Sites and Facilities.

## L. Stay Limit

Campers at overnight sites will be limited to a 14-day continuous stay limit requiring 48 hours of vacancy thereafter. Camping on the Ochoco National Forest is also limited to a total of 30 days per calendar year at all recreation sites included in this prospectus. See Appendix 4 of the prospectus and note that we are not exercising the exemption for concessionaire.

## M. Fees Charged to the Public

The permit holder may charge the public fees only to the extent that the Forest Service can charge recreation fees under REA. All recreation fees must be specified per developed recreation site. The holder must honor the proposed pricing through the first full operating season. Thereafter, the holder may propose price adjustments with justification.

Permit holders may not charge for any of the following:

- Solely for parking, undesignated parking, or picnicking along roads or trailsides.
- General access, unless specifically authorized by REA.
- Dispersed areas with low or no investment, unless specifically authorized by REA.
- Persons who are driving through, walking through, boating through, horseback riding through, or hiking through NFS lands without using the recreational facilities and services for which a fee is charged.
- Camping at undeveloped sites that do not provide the minimum number of facilities and services prescribed by REA.
- Use of overlooks or scenic pullouts.
- Travel by private, noncommercial vehicle over any national parkway or any road or highway in the Federal-aid System that is commonly used by the public as a means of travel between two places, either or both of which are outside an area in which recreation fees are charged.
- Travel by private, noncommercial vehicle, boat, or aircraft over any road, highway, waterway, or airway to any land in which the person traveling has a property right, if the land is in an area in which recreation fees are charged.
- Any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.
- Any person who is engaged in the conduct of official federal, state, tribal, or local government business.
- Special attention or extra services necessary to meet the needs of the disabled.

## N. Law Enforcement



Forest Service Manual (FSM) 2342.1, Exhibit 01, addresses the law enforcement authorities and responsibilities of concessionaires, state and local law enforcement agencies, and the Forest Service at concession campgrounds. *See* Appendix 8 of the prospectus.

## O. Other Pertinent Information

### **Employee Housing**

*Other than camp host sites there is no employee housing available.*

Ochoco Forest Campground has one dedicated host site available that can accommodate a large RV, has water, electric and telephone connection.

West Shore has one dedicated host site available that can accommodate a large RV, has water, electric, and septic field and may have cell phone service.

Haystack Campground has one dedicated host site that has water, electric, septic, and may have cell phone service.

Walton has a dedicated Host site, but no hook up utilities.

### **Required Occupied Host Sites:**

Due to the public use dynamics and/or infrastructure investments, host sites at the following facilities are required to be occupied by the permittee during full operating season when fees are collected.

1. West Shore Campground
2. Walton Lake Campground

### **Resource Concerns**

Resource concerns and specific mitigation measures (if necessary) will be discussed and required through an environmental analysis and in the permit if/when any specific projects affecting permitted recreation sites are identified. Resources potentially affected by these recreation sites and facilities could be wildlife, endangered species, and archaeological resources.

Owls in Haystack C.G. or South Shore Group Sites nest in April and may require closing a campsite(s) but not the campground. This will need to be assessed on a yearly basis. Owls are usually gone by May.

### **Recreation Event**

Haystack Reservoir has had a large and popular high speed boat race every September following Labor Day weekend. Due to safety, this has necessitated the closing of West Shore and South Shore campgrounds for three days. This event is under permit by the BOR and will be held in 2010 while the campgrounds are concurrently managed by a concessionaire. This event will only be continued if both parties of the event and the campground concession come to agreeable terms.

### **Hazard Tree Removal**

The permit holder will be required to conduct pre-season inspection of the campgrounds to identify existing and potential hazards, including hazard trees. The permit holder also will be responsible for monitoring and identifying hazard trees during the operating season. After securing written approval from the authorized officer, the permit holder's financial responsibility for removing hazard trees and associated slash will not exceed **\$2,000 per year**. The annual operating plan will address appropriate disposal of hazard trees and slash.

### **Toilet Vault Pumping**

The permit holder is required at their expense to pump all toilet vaults within 30 days after the last day of fee collection prior to transfer of facilities back to the government upon termination of the permit.

### **Port-a-Potty Rental**

One port-a-potty rental is required of the permit holder to be provided at West Shore Campground from Memorial Day through Labor Day of each year.

### **Butane and Propane Installations**

For safety and regulatory reasons, the permit holder is not allowed to install or store bulk butane or propane.

### **Planned Projects**

- CXT –Single toilet installed at West Shore Campground
- Powered water fill station at Walton Campground
- Proposed New Fee Site: **Fishing Pier** Day Use, Haystack Reservoir, Bureau of Reclamation (improved to American Disabilities Act modifications) Implementation date unknown
- Camp host- site septic system to be installed

## **III. Special Use Permit**

In exercising the rights and privileges granted by the special use permit, the permit holder must 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.

### **A. Permit Term**

The permit term will be for up to 5 years, with an option to extend the term for up to an additional 5 years at the sole discretion of the authorized officer. The decision to extend the term will depend, in part, on sustained satisfactory performance of the permit holder. Upon expiration of the permit, continuation of the permitted activity will be at the sole discretion of the authorized officer and will be subject to a competitive offering. A new prospectus will be issued during the final year of the permit term.

If the decision to select a permit holder is appealed, a permit will not be issued until the appeal has been resolved, unless operation is needed during the appeal, in which case a permit with a term of one year or less may be issued.

## **B. Permit Holder Responsibilities**

This section highlights the requirements of the special use permit, which is contained in Appendix 10 of the prospectus. Applicants are responsible for familiarizing themselves with all permit requirements that govern the operation covered by this prospectus.

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

As a general rule, the holder will be required to conduct the day-to-day activities authorized by the permit. Some, but not all, of these activities may be conducted by someone other than the permit holder, but only with the prior written approval of the authorized officer. The permit holder will continue to be responsible for compliance with all the terms of the permit.

### **Permit Holder-Furnished Supplies and Equipment**

The permit holder will be required to provide all vehicles, equipment, and supplies necessary to operate the authorized developed recreation sites in accordance with the special use permit.

### **Holder-Furnished Vehicles**

The permit holder may not use all terrain vehicles, motorcycles, or motor-bicycles in the campgrounds. The holder may propose use of golf carts or other similar vehicles to facilitate daily maintenance of the facilities. If authorized, carts must stay on designated roads or trails while driving between sites or loops.

### **Holder Maintenance, Reconditioning, or Renovation (MRR)**

Maintenance, reconditioning, and renovation are defined in the permit (FS-2700-4h, clause IV.E.1(a), (c)). Holder MRR is defined as maintenance, reconditioning, or renovation 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. In fulfilling these responsibilities, the holder must 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 (FS-2700-4h, clause IV.E.1(d)). The permit holder, at its expense, will be required to perform holder MRR under a holder MRR plan (FS-2700-4h, clause II.D). The holder MRR plan will describe required holder MRR and its frequency. The holder MRR plan will become part of the permit holder's annual operating plan.

## **C. Granger-Thye Fee Offset Agreement**

The federal government owns all the improvements at the developed recreation sites covered by this prospectus. Under Section 7 of the Granger-Thye (GT) Act and the terms of the permit, the permit fee may be offset in whole or in part by the value of Government maintenance, reconditioning, renovation, and improvement (MRRI) performed at the permit holder's expense.

Government MRRI is defined as maintenance, reconditioning, renovation, or improvement that arrests deterioration, improves and upgrades facilities, and appreciably prolongs the life of the property. Government maintenance, reconditioning, renovation or improvement, whether performed by the holder or the Forest Service, shall be performed at the sole discretion of the authorized officer. *See* Appendix 4 of the prospectus and Appendix 10 FS-2700-4h, clause IV.E.

All Government MRRI shall be enumerated in an annual GT fee offset agreement signed by the holder and the Forest Service in advance of the operating season (*see* Appendix 12 of the prospectus and FS-2700-4h, Appendix B). Alternatively, a multi-year fee GT fee offset agreement can be prepared for consolidated fee payments. A list of sample Government MRRI projects is included in Appendix 13 of the prospectus.

Either the holder or the Forest Service may perform GT fee offset work. This determination will be made annually. When the holder performs GT fee offset work, if it includes construction that costs more than \$2,000, it is subject to the Davis-Bacon Act and the fee offset agreement must contain Davis-Bacon Act wage provisions. Additionally, indirect costs may be offset provided the holder submits either a currently approved indirect cost rate or accounting procedures and supporting documentation to determine an indirect cost rate (*see* Appendix 14 of the prospectus).

The holder's claims for GT fee offset must be documented using the FS-2700-4h, Appendix G, Granger-Thye Fee Offset Certification Form (*see* Appendix 15 of the prospectus). This form requires the holder to itemize allowable costs incurred for an approved GT fee offset project and to certify the accuracy and completeness of claims.

When the Forest Service performs GT fee offset work, the holder will deposit fee payments into a CWFS account. The Forest Service will perform GT fee offset work under a collection agreement and offset those costs against the permit holder's annual permit fee (*see* FS-2700-4h, clause IV.E.3, and Appendix 16 of the prospectus). The Forest Service's indirect costs may be offset at the agency's approved rate. The Forest Service and the holder will agree on the work to be performed in advance of each operating season.

#### D. Insurance

##### **Liability Insurance**

The successful applicant must have liability insurance covering losses associated with the use and occupancy authorized by the permit arising from personal injury or death and third-party property damage in the minimum amount of **\$ NA** for injury or death to one person per occurrence; **\$NA** for injury or death to more than one person per occurrence; and **\$NA** for third-party property damage per occurrence, or in the minimum amount of **\$1,000,000.00 (one million dollars)** as a combined single limit per occurrence. Insurance policies must name the United States as an additional insured (*see* Appendix 10 of the prospectus and FS-2400-4h, clause III.I).

##### **Property Insurance**

Property insurance will be required for the federal property listed below and federal lands covered by this permit in the amount of **\$,1800.00 (one thousand, eight hundred dollars)** for replacement in kind or functional replacement of the insured property. *See* Appendix 3, Inventory of Government-Furnished Property for a complete list of all property included in this prospectus.

**FEDERAL PROPERTY TO BE INSURED**

Facility To Be Insured	Quantity	In-Kind or Functional Replacement Value
Vault Toilet	1	\$500
Pavilion Shelter	1	\$1,000
Pump house	1	\$300
<b>Total: \$1,800</b>		

E. Bonding

The permit holder will provide a performance bond in the amount of **\$ (to be determined when and if necessary)**. The bond may take the form of corporate surety, Treasury bills, notes or other negotiable securities, cash deposits, irrevocable letters of credit, assignment of savings accounts, or assignment of certificates of deposit. The authorized officer may reevaluate the need for or the amount of the bond after the first operating season.

**IV. Application**

A. Instructions for Submitting Applications

Applicants must submit a written application for all developed recreation sites offered in this prospectus.

Applicants are strongly encouraged to visit the sites at least once before submitting an application (*see* Appendices 1 and 2, vicinity and area maps and maps of developed recreation sites).

The information in this prospectus is from generally reliable sources, but no warranty is made as to its accuracy. Each applicant is expected to make an independent assessment of the business opportunity offered in this prospectus.

All applications must be submitted to **Jeff Walter, Forest Supervisor, Attention: Kent Koeller, 3160 NE 3<sup>rd</sup>, Prineville, Oregon 97754.**

**Applications must be received by close of business (4:30 p.m.) on September 30, 2010.**

Applicants must submit **five (5)** copies of their application package and supporting documents.

Please ensure that all requested information is submitted. Missing or incomplete information will result in a lower rating for the corresponding evaluation criteria.

Applications must be signed. The person signing for an entity must have authority to sign for that entity. Applicants must include their address, telephone number, facsimile number, and email address.

Corporations also must include:

- Evidence of incorporation and good standing.
- If reasonably obtainable, the name and address of each shareholder owning 3 percent or more of the corporation's shares and the number and percentage of any class of voting shares that each shareholder is authorized to vote.
- The name and address of each affiliate of the corporation.
- If an affiliate is controlled by the corporation, the number of shares and the percentage of any class of voting stock of the affiliate owned, directly or indirectly, by the corporation.
- If an affiliate controls the corporation, the number of shares and the percentage of any class of voting stock of the corporation owned, directly or indirectly, by the affiliate.

Partnerships, limited liability companies (LLCs), associations, or other unincorporated entities must submit a certified copy of the partnership agreement or other documentation establishing the entity or a certificate of good standing under the laws of the state where the entity is located.

Applicants should contact **Kent Koeller at 541-416-6482** or **Mark Christiansen at 541-383-5571** regarding any questions related to this prospectus.

## **B. General Terms, Qualifications, and Reservations**

All applicants have an equal opportunity to apply. Except for members of Congress, Resident Commissioners, and current Forest Service employees, any individual or entity may apply.

The Forest Service does not guarantee a profitable operation. Rather, applicants are responsible for reviewing the prospectus and making their own determination concerning business viability.

The Forest Service will select the application that offers the best value to the Government. The Forest Service reserves the right to select the successful applicant based on a trade-off between the fee to the Government and technical merit.

The Forest Service is not obligated to accept the application with the highest return to the Government.

The Forest Service reserves the right to select the successful applicant based solely on the initial application, without oral or written discussions.

The Forest Service reserves the right to reject any or all applications and to rescind the prospectus at any time before a special use permit is issued.

Any oral statement made by a representative of the Forest Service shall not modify the requirements of this prospectus. If it is determined that an error or omission has been made or



additional information is required, a written amendment will be sent to each person or entity receiving a copy of this prospectus.

If there is a conflict between the terms of the prospectus and the special use permit, the terms of the permit will control.

The information contained in applications will be kept confidential to the extent permitted under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a).

### C. Application Package Requirements

Applications must be in writing and must include or address the following:

- A proposed annual operating plan (including required and optional services).
- A business plan, business experience, references, and Small Business Development Center (SBDC) review fee, if applicable (*see* section IV.C.2).
- Financial resources.
- Fees charged to the public.
- Fee to the government.
- Initial processing fee.

#### 1. Proposed Annual Operating Plan (Including Required and Optional Services)

Applicants must submit a proposed annual operating plan that addresses all required and optional services. Applicants must utilize the sample annual operating plan (*see* Appendix 9 of the prospectus) to organize their response to this section. The successful applicant's proposed operating plan will be attached to and become a part of the special use permit.

Applicants must specify whether another party will assist with any of the operational aspects of the concession, and if so, must include the other party's name, address, telephone number, email address, and relevant experience.

Below are highlights of what needs to be addressed in the proposed annual operating plan. For more detail, see the sample annual operating plan in Appendix 9 of the prospectus.

#### **Operating Season**

The minimum operating season for each recreation site included in this prospectus is outlined in Appendix 23 Recreation Site Amenity Table. With the mutual agreement of the Authorized Officer and the Holder, the operating season may be extended beyond the minimum operating season on a yearly basis. Holder, with the agreement of the Authorizing officer, may adjust these opening and closing dates depending on weather conditions and/or frequency of camper use.

Applicants need to propose the period in which they will operate the sites listed in the prospectus. All sites must be open and operational seven days per week during the minimum operating season, unless a Forest Service closure order is in effect.

#### **Staffing**



Applicants must address appropriate staffing to meet customer service and cleanliness standards. The holder will be responsible for furnishing all personnel for the developed recreation sites and for adequately training and supervising their activities under the terms of the permit. The holder must meet requirements of federal and state laws governing employment, wages, and worker safety. Based on past experience, recommended staffing is outlined in Appendix 23 Recreation Site Amenity Table of the prospectus. Applicants should address worker hours and schedules. Applicants also should address staff training for effective customer service, conflict resolution, area-specific emergency procedures, and dissemination of recreation and tourism information.

### **Supervision and Management**

Applicants must designate an individual to serve as the agent of the holder for purposes of administration of the permit by the Forest Service. The designated agent must periodically review attendant performance on site and must be available to resolve repair needs within 24 hours of discovery or notification. The holder will be responsible for the conduct of its employees, including preventing conduct prohibited by 36 CFR part 261, Subpart A, and ensuring that employees are not under the influence of intoxicating beverages or narcotic drugs while on duty or representing the holder. Applicants also must include a policy for removing employees who engage in inappropriate conduct.

### **Uniforms and Vehicle Identification**

Applicants should describe employee uniforms, insignia, name tags, and the applicants' policy for ensuring a clean, professional appearance by staff while on duty. The holder's employees may not wear any component of the Forest Service uniform. Additionally, applicants should address their policy for vehicle maintenance and appearance; types of vehicles to be used for operations (vehicles may not be driven off designated roads or trails); and signage to identify the concessionaire to the public.

## **2. Business Plan, Business Experience, and References**

Applicants must submit a business plan utilizing the format in Appendix 17 of the prospectus. This part of the application package must be a separate document. The business plan provides a thorough analysis of an applicant's vision of the proposed business. A good business plan is essential for running a successful business, maintaining and improving the business, and raising needed capital.

Applicants must furnish a detailed description of their experience relating to operating and maintaining developed recreation sites (*e.g.*, campgrounds, beaches, and marinas). The description must include experience in private business, public service, or any nonprofit or other related enterprises. Applicants are encouraged to contact their local SBDC if they need assistance in completing their business plans. Alternatively, applicants who have already received a review of their business plan from an SBDC or the Forest Service for the current fiscal year may submit a copy of the review report.

### **SBDC Review**

All business plans will be independently reviewed by an SBDC. Applicants are required to submit 2 copies of their business plan. If an applicant's current fiscal year business plan has already been reviewed by an SBDC, the applicant may submit a copy of the review report.

## **Performance Evaluations**

Applicants who have experience in managing Forest Service or other Government concessions must provide copies of the most recent annual written performance evaluations for each Forest Service or other concession the applicants have operated or are operating.

## **References**

Applicants also must furnish three business references with names, addresses, telephone numbers, and email addresses in support of relevant business experience. These references will be contacted for information regarding applicants' past performance. In addition, the Forest Service may consider past performance information from other sources.

## **3. Financial Resources**

Applicants must submit a complete set of all financial statements for the last three fiscal years that have been audited, reviewed, or compiled by a certified public accountant (CPA). For any financial statements that were only compiled by a CPA, applicants must complete FS-6500-24, Financial Statement (*see* Appendix 18 of the prospectus) for certification of the accuracy of the financial statements.

Applicants must complete FS-6500-24 for any of the last three fiscal years they were in business for which a financial statement was not audited, reviewed, or compiled by a CPA. An applicant who has had a financial ability determination (FAD) conducted within the past year should include a statement to that effect along with the forest name, contact name and telephone number. Additionally, applicants must identify any pending applications or new permits obtained from the Forest Service since the FAD was completed.

In completing FS-6500-24, LLC's must list the name of the company in block 1, the names and interests of the principals in block 5, and their members should be listed in block 6. In addition, LLC's must complete the certification in Part (D) (1) of FS-6500-24.

An applicant who has not been in business for the last three fiscal years, and therefore cannot submit audited, reviewed, or compiled financial statements or an FS-6500-24, must submit three fiscal years of projected financial statements compiled by a CPA using the forecast method.

Any financial information submitted by applicants must conform to generally accepted accounting principles (GAAP) or other comprehensive bases of accounting. Any previously prepared financial documents that are submitted must be unredacted and in their original form, including footnotes.

Applicants must show at least 25 percent of the first year's operating costs in liquid assets. Liquid assets are assets that are readily converted into cash.

Applicants also must complete blocks 1 through 5 of form FS-6500-25, Request for Verification (*see* Appendix 19 of the prospectus) and submit the signed and dated form with the application. The Forest Service will forward the FS-6500-25 for the most qualified applicant to the Albuquerque Service Center for processing. The auditor assigned to conduct the FAD will send a copy to each financial institution with which the applicant does business. The financial institutions must complete blocks 6 through 15 of the form and mail the completed form to

**USDA Forest Service, Albuquerque Service Center, Attention: Auditor, ASC-B&F, 101 B Sun AVE NE, ALBUQUERQUE, NM 87109.**

**4. Fees Charged to the Public**

Applicants must provide a list of all fees they propose to charge to the public for the first three years of operation, including fees for required and optional services (*see* Appendix 9, Sample Annual Operating Plan, for a list of required and optional services). Discuss any variable pricing, discounts, and passes. All proposed fees to be charged to the public also must be included in the business plan as an income item.

The Forest Service reserves the right to regulate the rates charged to the public.

**5. Fee to the Government**

The Government is obligated to obtain fair market value for the use of its land and improvements. The minimum fee is **\$ 4,212** per year. The minimum fee is the concession’s average gross revenue for the past three years multiplied by the current 30-year Treasury bond rate. The minimum fee will be adjusted at the end of the first five years of the permit term if the permit is extended for five years.

**Minimum Fee Calculation**

Site Name	Average 3-Year Gross Revenue
Ochoco Divide	\$11,395
Walton Lake	\$49,281
Ochoco Forest Camp	\$1,675
Ochoco Pavilion Group Site	\$3,425
* Skull Hollow	\$2,652 (1 <sup>st</sup> year)
Haystack	\$10,190
**West Shore	\$7,000
** South Shore Group Sites	\$2,000
<b>TOTAL</b>	<b>\$89,618</b>

\* Based on one year of fee history

\*\* No fee history available, based on projected average revenue (not guaranteed)

Average 3 year revenue **\$89,618**

Average gross revenue multiplied by the current 30-year Treasury bond rate = the minimum annual fee. In the following example, the 30-year Treasury bond rate is 4.7 percent.

$$\$ 89,618 \times 0.047 = \$ 4,212 \text{ minimum annual fee}$$

Applicants may propose a fee below the minimum, provided they can document why this amount represents fair market value. However, the Forest Service may reject the proposed fee if the agency determines that it does not reflect fair market value.

Applicants must propose the fee to the Government as a percentage of the concession's adjusted gross revenue. One percentage may be proposed for the entire permit term, or the percentage may vary each year. However, if a consolidated fee payment will be proposed, one percentage rate must be proposed for the entire period of consolidated payments.

The proposed fee to the Government also must be included in the business plan as an expense item in the cash flow projections.

The fee to the Government may be offset in whole or in part by the value of Government MRRI, performed at the permit holder's expense in accordance with a GT fee offset agreement (*see* section III of the prospectus).

## **6. Other Evaluation Criteria**

None

## **7. Application Fee**

### **Cost Recovery**

Applications submitted in response to this prospectus are subject to cost recovery pursuant to 36 CFR 251.58(c)(1)(ii) and (c)(3)(iii). Applicants must submit a processing fee of **\$500** to cover the cost of the prospectus and review of the application. Payments due the United States for this application must be paid in the form of a bank draft, money order, or cashier's check payable to the USDA-Forest Service. Payments will be credited on the date received by the designated Forest Service collection officer or deposit location. Additionally, the selected applicant will be responsible for the costs of preparing and issuing the permit and conducting a FAD, unless the Forest Service has conducted a FAD for the applicant within the past year. If a FAD has been completed for the applicant within the last 12 months, the applicant will be responsible for the cost of adjusting it to reflect any change this selection will have on the applicant's financial ability.

## **D. Evaluation of Applications**

A Forest Service evaluation panel will evaluate each application utilizing the **non-fixed weight** method.

**The following evaluation criteria are listed in descending order of importance:**

- Business plan, business experience, and references.
- Fee to the Government.
- Proposed annual operating plan (including required and optional services).
- Fees charged to the public.
- Financial resources.

Evaluation Criteria #1 and #2 are the most important of all the evaluation criteria. The remaining criteria are listed in descending order of importance.

The following are the qualitative factors for each criterion:

**BLUE** (Exceeds) - The proposal is very comprehensive, in-depth, clear and uniformly outstanding in quality. Consistently high quality performance can be expected. The proposal, as written, exceeds requirements and demonstrates an exceptional understanding of goals and objectives of the acquisition. One or more major strengths exist. No significant weaknesses exist.

**GREEN** (Acceptable) - The proposal meets all minimum requirements and generally is of high quality. Proposal demonstrates an acceptable understanding of goals and objectives of the acquisition. There may be both strengths and weaknesses, but the strengths outweigh the weaknesses. Deficiencies are minor and easily corrected. Proposal is acceptable as written. Satisfactory performance can be expected.

**YELLOW** (Marginal) - The proposal fails to meet minimum requirements. Proposal demonstrates a fair understanding of the goals and objectives of the acquisition. Weaknesses outbalance any strengths that exist. Weaknesses will be difficult to correct and would require negotiations.

**RED** (Unacceptable) - The proposal fails to meet minimum requirements. Proposal fails to meet an understanding of the goals and objectives of the acquisition. The proposal has one or more significant weaknesses that will be very difficult or impossible to correct. Major proposal revision(s) are required for minimum acceptability.

The Forest Service will consider only the applicant's written application package and any past performance information obtained by the Forest Service. During the evaluation process, the evaluation panel may contact any references, including all federal, state, and local entities that have had a business relationship with the applicant. The evaluation panel also may consider past performance information from other sources.

The evaluation panel will make a recommendation to the authorized officer as to which applicant offers the best value to the Government. The authorized officer will make the selection decision. All applicants will be notified of the successful applicant via certified mail.

The Forest Service will conduct a FAD on the selected applicant as a prerequisite to issuing a special use permit, unless the agency has a current fiscal year FAD conducted by the Albuquerque Service Center or SBDC for another Forest Service unit.

The Forest Service reserves the right to reject any and all applications.

The Forest Service reserves the right to rescind the prospectus at any time before a special use permit is issued. If the Forest Service rescinds the prospectus, application fees will be returned.

## **V. Post-Selection Requirements**

Once an applicant has been selected, the following information must be submitted and approved by the Forest Service prior to issuance of a special use permit:

- A final annual operating plan containing all the items included in the annual operating plan submitted in response to the prospectus.

- An annual GT fee offset agreement.
- Documentation of required liability insurance and, if applicable, property insurance.
- Documentation of bonding, if applicable.
- Required deposits and advance payments (*see* Appendix 10 of the prospectus and FS-2700-4h, clause IV.C.1).
- Documentation that utility services have been obtained in the name of the selected applicant.
- A state business license and any other required federal, state, or local certifications or licenses.

The successful applicant will be required to submit all these items within 30 days of the date of the selection letter. If these requirements are not met within the 30-day period, a special use permit will not be issued. The applicant who receives the next-highest rating may then be selected for the special use permit, subject to the same requirements.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not 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. The time required to complete this information collection is estimated to average 16 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a discrimination complaint, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 975-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

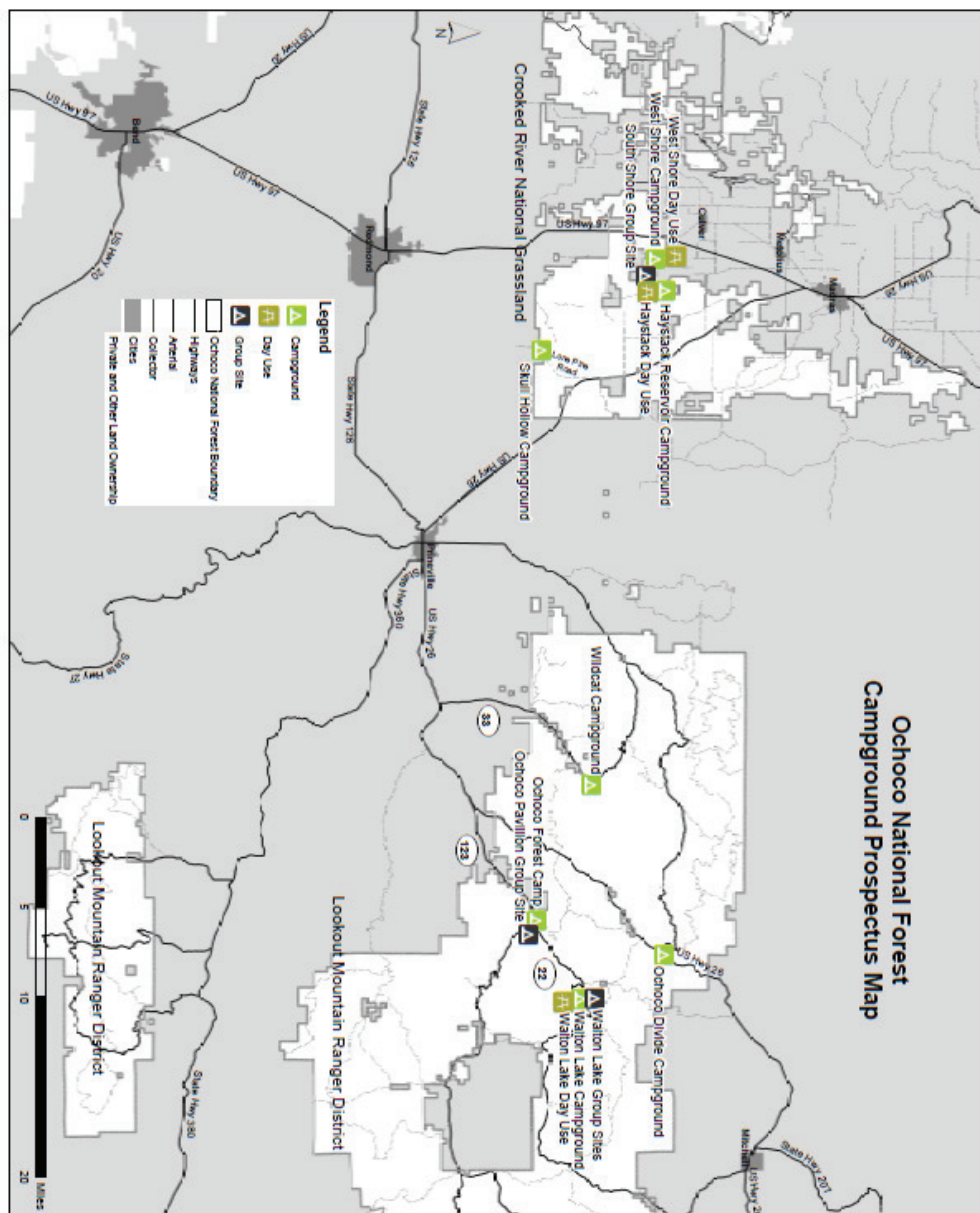
The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

# **Appendix 1**

## **Vicinity and Area Maps**



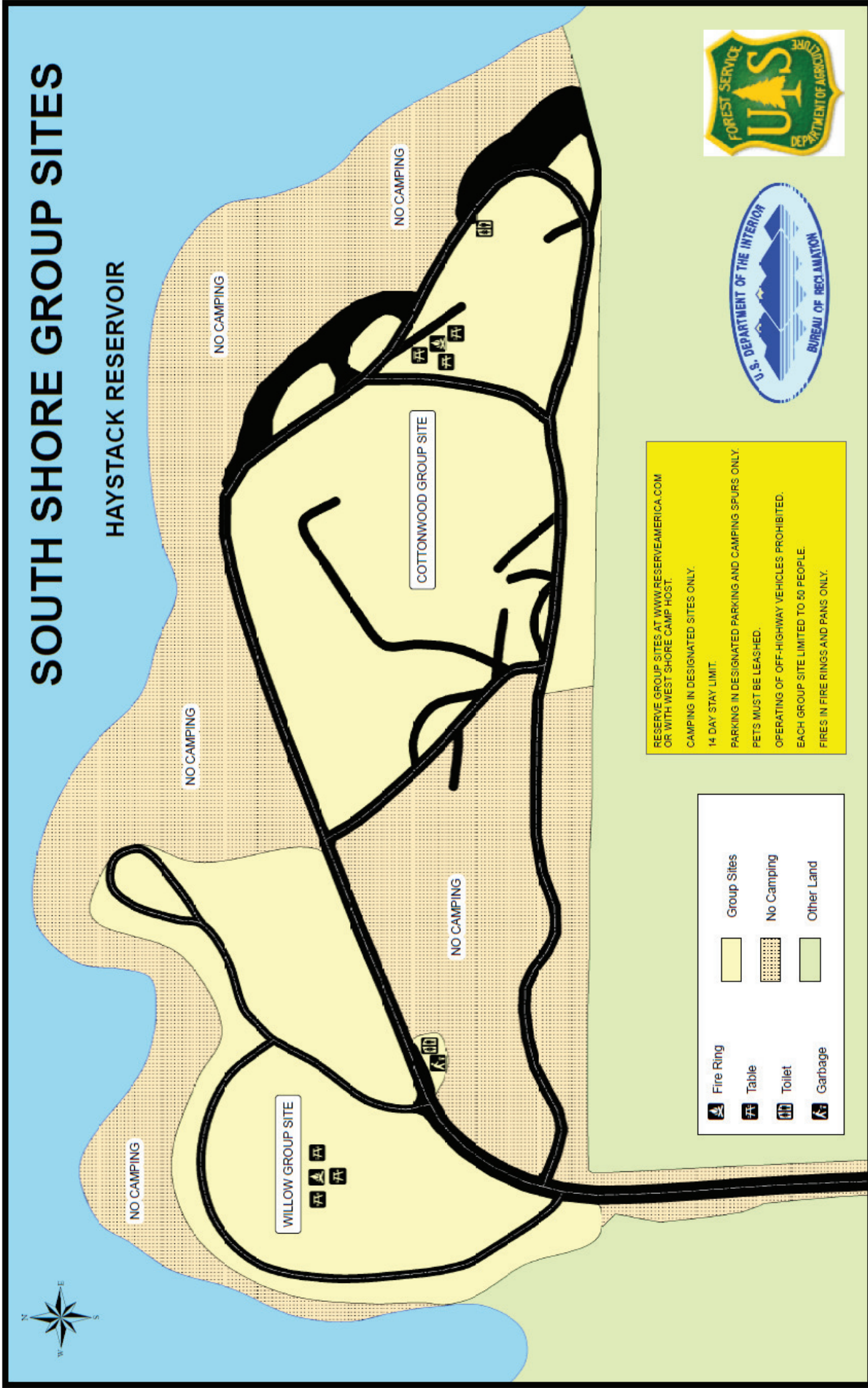




\*Wildcat Campground is withdrawn from this prospectus

## **Appendix 2**

# **Maps of Developed Recreation Sites**



# SOUTH SHORE GROUP SITES

## HAYSTACK RESERVOIR

WILLOW GROUP SITE

COTTONWOOD GROUP SITE

NO CAMPING

NO CAMPING

NO CAMPING

NO CAMPING

NO CAMPING

	Fire Ring		Group Sites
	Table		No Camping
	Toilet		Other Land
	Garbage		

RESERVE GROUP SITES AT [WWW.RESERVEAMERICA.COM](http://WWW.RESERVEAMERICA.COM) OR WITH WEST SHORE CAMP HOST

CAMPING IN DESIGNATED SITES ONLY

14 DAY STAY LIMIT

PARKING IN DESIGNATED PARKING AND CAMPING SPURS ONLY

PETS MUST BE LEASHED.

OPERATING OF OFF-HIGHWAY VEHICLES PROHIBITED.

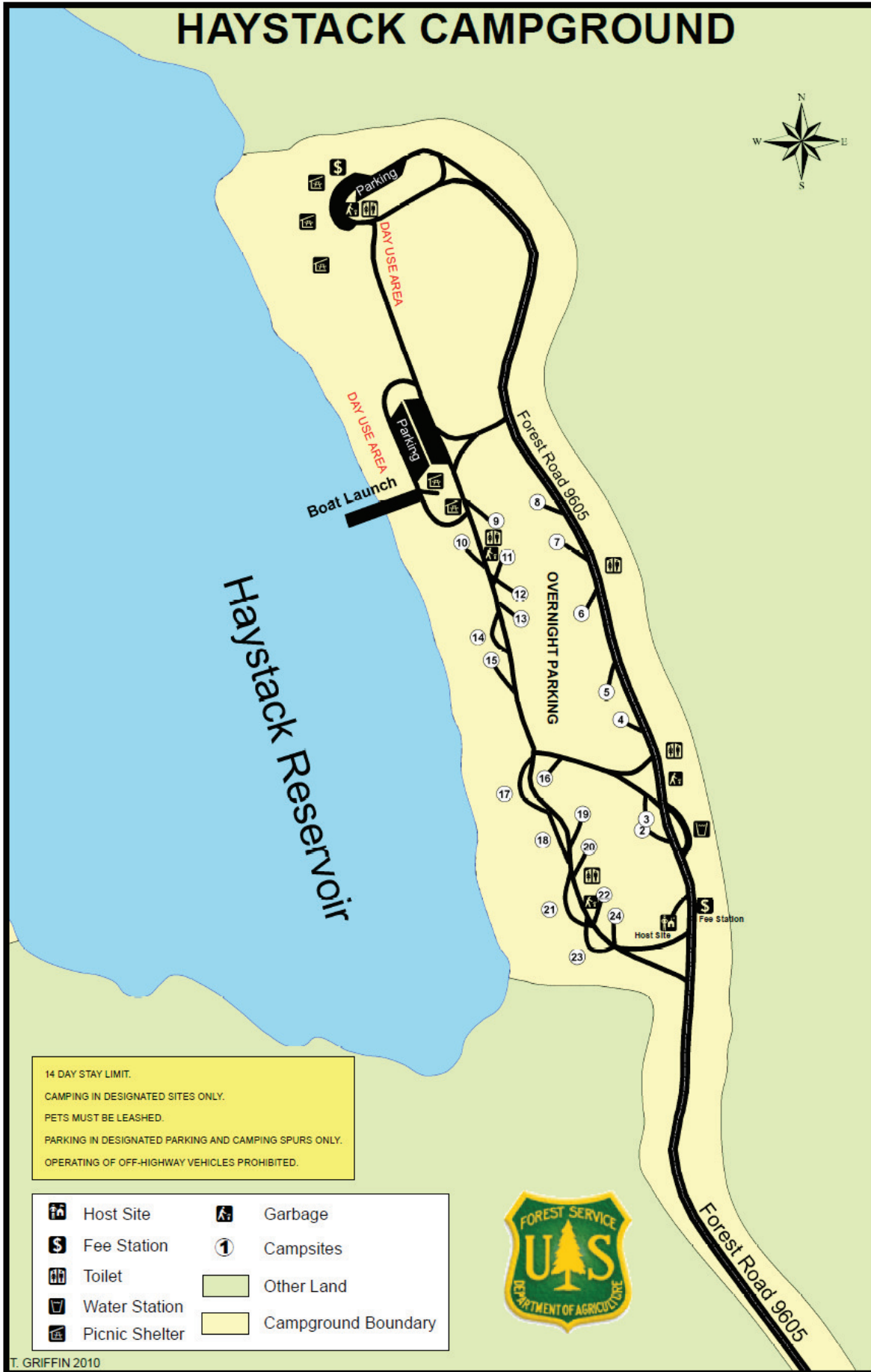
EACH GROUP SITE LIMITED TO 50 PEOPLE

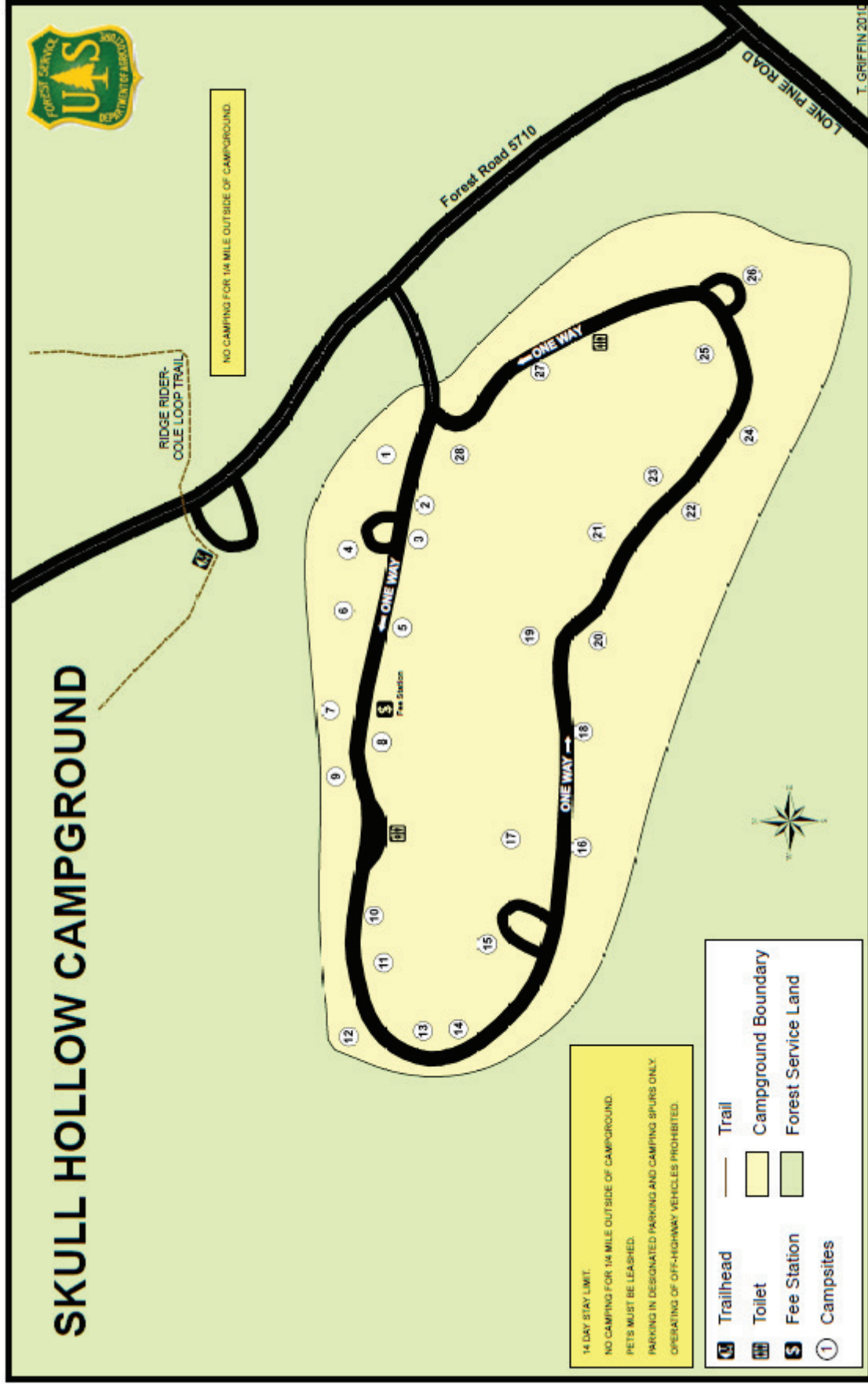
FIRES IN FIRE RINGS AND PANS ONLY.





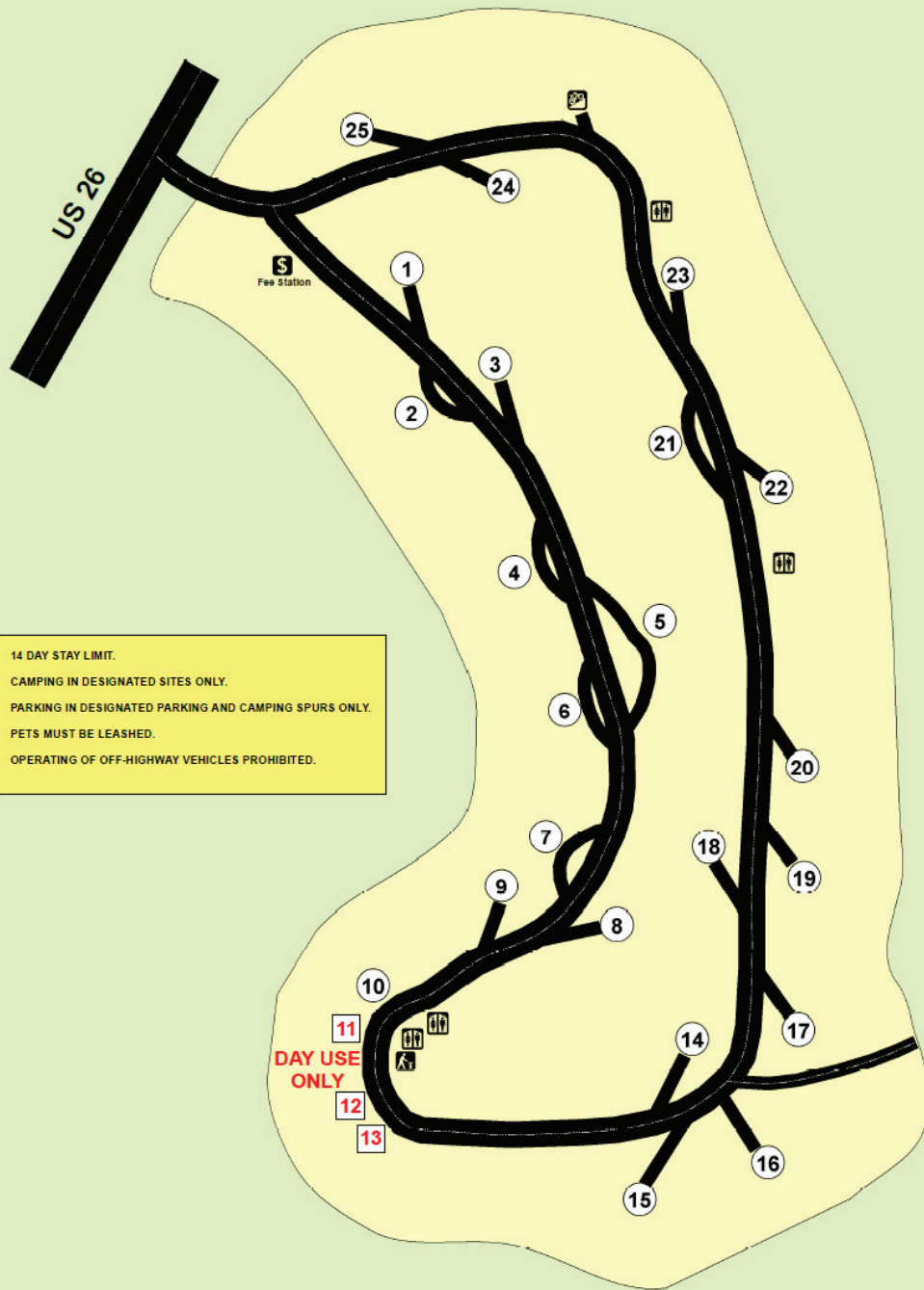








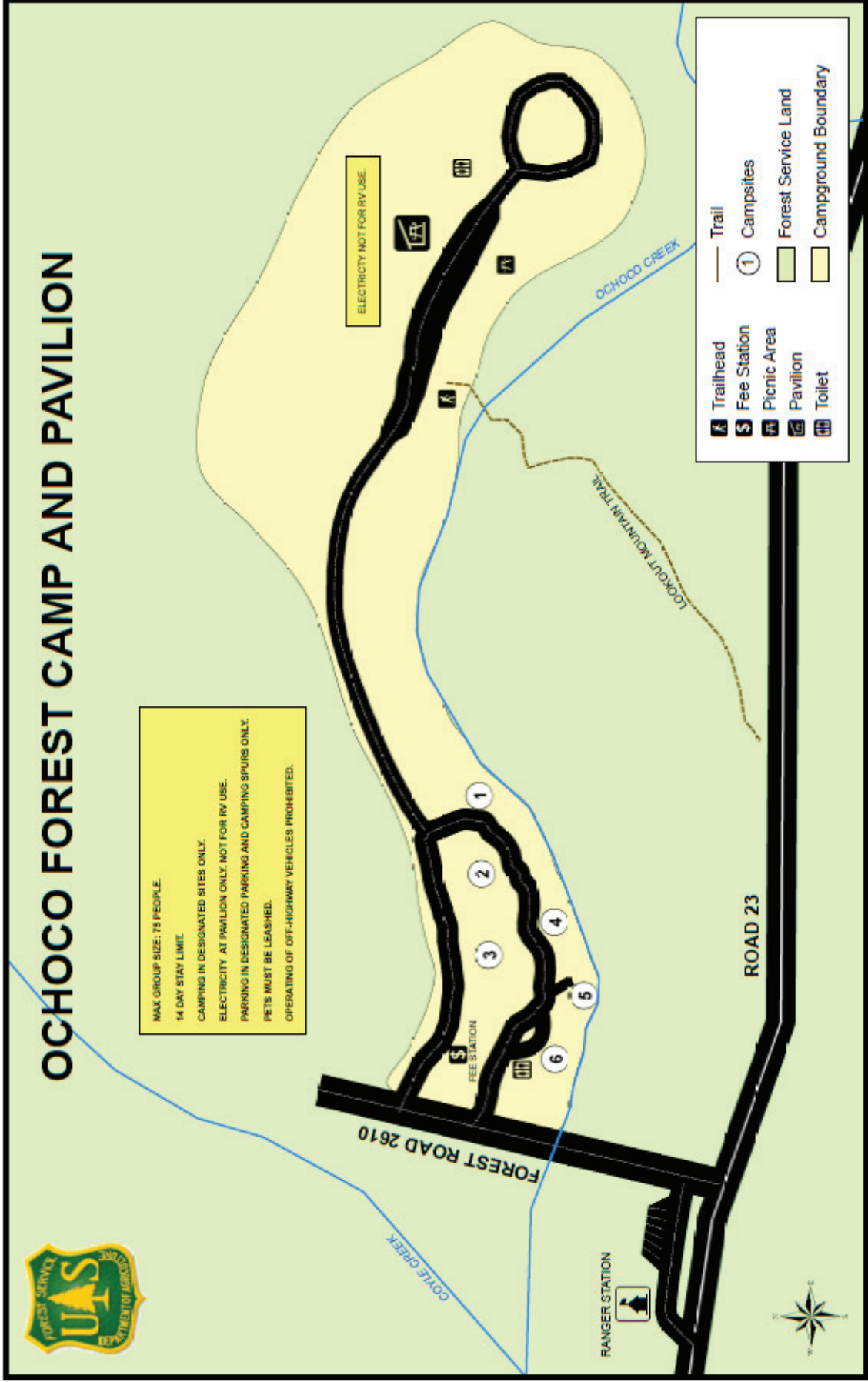
# OCHOCO DIVIDE CAMPGROUND

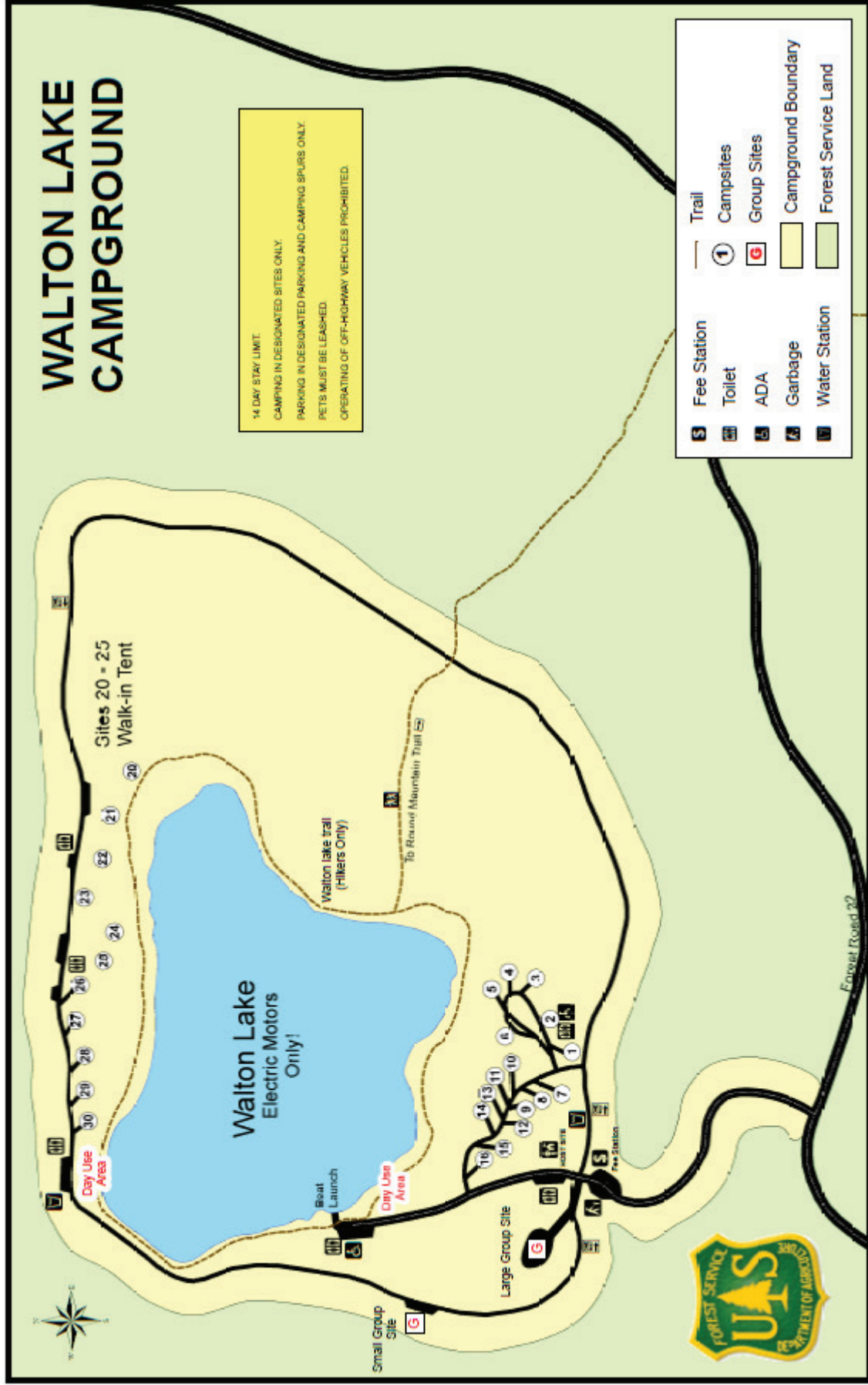


14 DAY STAY LIMIT.  
CAMPING IN DESIGNATED SITES ONLY.  
PARKING IN DESIGNATED PARKING AND CAMPING SPURS ONLY.  
PETS MUST BE LEASHED.  
OPERATING OF OFF-HIGHWAY VEHICLES PROHIBITED.

- |             |                     |
|-------------|---------------------|
| Fee Station | Campground Boundary |
| Toilet      | Forest Service Land |
| Garbage     | Campsites           |
| Bike Site   | Day Use Sites       |







## **Appendix 3**

# **Inventory of Government Furnished Property**



# **Appendix 4**

## **Applicable Forest Orders**



**OCCUPANCY & USE CLOSURE  
Ochoco National Forest**

**Length of Camping Stay**

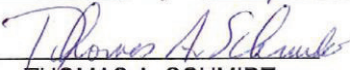
Pursuant to 36 CFR 261.50 (a) and (b), the following acts are prohibited within all land located within and/or administered by the Ochoco National Forest and Crooked River National Grassland, until further notice:

1. Camping for longer than 14 consecutive days in any one Developed Recreation site or campground, without vacating the site or campground for 48 consecutive hours. The maximum combined total stay limit, including Developed and Dispersed areas, shall not exceed 30 days per calendar year. 36 CFR 261.58(a).

Pursuant to 36 CFR 261.50(e), the following persons are exempt from this order:

1. Any federal, state, or local law enforcement officer or member of an organized rescue or fire fighting force in the performance of an official duty.
2. Persons with a permit authorizing a longer stay limit.
3. Persons staying in campgrounds that are operated by concessionaires.

Done at Prineville, Oregon this 9<sup>th</sup> day of April 1998.

  
THOMAS A. SCHMIDT  
Forest Supervisor  
Ochoco National Forest

This Order supersedes Ochoco National Forest Order 0607-01, dated May 9, 1997.

Violation of these prohibitions is punishable by a fine of not more than \$5000 or imprisonment for not more than six months or both. 16 USC 551



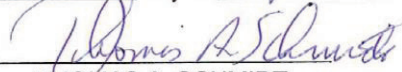
**OCCUPANCY & USE CLOSURE  
Ochoco National Forest**

**Motor boats on Walton Lake**

Pursuant to 36 CFR 261.58 (n), the following act is prohibited on waters of Walton Lake located on the Big Summit Ranger District until further notice.

1. Possessing or operating a motor boat, including any water craft propelled by an internal combustion engine.

Done at Prineville, Oregon this 9<sup>th</sup> day of April 1998.

  
THOMAS A. SCHMIDT  
Forest Supervisor  
Ochoco National Forest

This Order supersedes Ochoco National Forest Order 060701-03, dated August 4, 1978.

Violation of these prohibitions is punishable by a fine of not more than \$5000 or imprisonment for not more than six months or both. 16 USC 551

ORDER

FIRE REGULATIONS

USDA - FOREST SERVICE

REGION 6

Pursuant to 36 CFR Sec. 261.50(a) and (b) the following acts are prohibited within the National Forest System administered by the USDA Forest Service, Region 6, including all Forest development roads and trails:

Possessing, discharging, or using any kind of firework or other pyrotechnic device except emergency highway fuses and flares. 36 CFR 261.52(f)

Pursuant to 36 CFR 261.50(e) the following persons are exempt from this order:

Person with a permit to use fireworks.

Done at Portland, Oregon, this **1st** day of **June**, 1987.

**Robert W. Williams** for  
JAMES F. TORRENCE  
Regional Forester

This Order supersedes Regional Forester Order No. 1, dated the 6th day of May, 1981.

Violation of the prohibitions is punishable by fine of not more than \$500.00 or imprisonment for not more than six months or both.

Title 16 USC Section 551.

Regional Forester Order No. 1

FROM : JEFFERSON COUNTY SHERIFFS OFC

PHONE NO. : 503 475 6412

BEFORE THE COUNTY COMMISSIONERS FOR JEFFERSON COUNTY,  
STATE OF OREGON

IN THE MATTER OF PROTECTING THE )  
HAYSTACK RESERVOIR AND SURROUNDING )  
AREA AND DECLARING AN EMERGENCY )

ORDINANCE NO. 0-048-95

THE JEFFERSON COUNTY COMMISSION ORDAINS as follows:

**Section 1 - Purpose**

The purpose of this ordinance shall be to preserve and protect the Haystack Reservoir and surrounding natural areas and the health and safety of visitors to this area. The Haystack Reservoir area hereinafter referred to as the "reservoir area" is identified as the entire area delineated on the map incorporated herein and attached as Exhibit A.

**Section 2 - Prohibitions**

**(1) FIREARMS AND FIREWORKS**

No person shall except during recognized game seasons authorized by the appropriate State or Federal Agency:

- (a) Hunt, pursue, trap, kill, injure or molest any birds or animals or disturb their habitat upon the premises of the reservoir area.
- (b) Discharge any firearm, pellet or BB gun, bow and arrow, sling shot or any other weapon capable of injuring any person, bird or animal.

No person shall discharge any firecrackers, rockets or any other type of fireworks or explosive devices upon the premises of the reservoir area.

**(2) LITTER**

No person shall dispose of any garbage or waste in any place other than provided receptacles. If no receptacle is provided, persons are required to take with them any garbage or waste they have brought to the reservoir area.

**(3) OPERATING VEHICLES**

No person shall operate any motorized vehicle upon the premises of the reservoir area except upon designated roads unless said operation is directly in conjunction with authorized ranching activities. All motorized vehicles must be parked in authorized parking areas and in such a manner that they do not in any way impede traffic upon designated roads. Except as specifically authorized herein, motorized vehicles shall not be used for any other purpose other than to enter or exit the premises of the reservoir area.

**(4) CAMPFIRES**

No person shall start or build an unsafe, uncontained or uncontrolled fire in any area on the premises of the reservoir area. Types of safe fire containment areas include but are not limited to fire pits and fireplaces. No person after starting or building a fire shall leave it unattended. All fires shall be extinguished and the ashes covered by soil before the user leaves the reservoir area. All persons shall comply with all Federal, State and County fire regulations.

(5) **CAMPING**

Camping shall be allowed only in designated area surrounding the perimeter of the reservoir area as delineated in Exhibit A attached hereto. No person shall camp for any longer than 14 days within any 30 day period. No campsite shall be left unattended. Any and all materials including but not limited to garbage and debris brought to a campsite by an occupant must be removed upon departure.

(6) **DESTRUCTION OF PROPERTY**

Unless specifically authorized by the Bureau of Reclamation, no person shall pick, cut, mutilate or remove any flowers, shrubs, foliage, plant life or products of any kind from the reservoir area. No person shall disturb or remove any archeological or natural resource from the reservoir area. No person shall mutilate, damage, deface or remove any table, bench, building, sign, marker, monument, fence, structure or facility located within the reservoir area.

(7) **PUBLIC BEHAVIOR**

All visitors to the reservoir area shall observe quiet hours from 10:00 PM to 6:00 AM. All visitors shall at all times maintain a reasonable noise level so that all persons enjoying the reservoir area may enjoy their stay.

(8) **PETS AND ANIMALS**

No person shall bring any dog, cat or any other kind of animal to the reservoir area unless the animal is on a leash or under the close control of the owner at all times. All persons bringing pets or other animals shall be responsible for the removal and disposal of their animal's waste products. The release or abandonment of domestic animals is prohibited. This prohibition shall not apply to any movement of livestock across the reservoir area where such movement has been authorized by the Bureau of Reclamation.

(9) **BUSINESS ACTIVITIES**

No person shall sell or offer to sell any merchandise of any kind upon the premises of the reservoir area unless permitted to do so by Federal law or regulation.

(10) **SIGNS AND POSTERS**

No person shall post, place or erect any sign, poster or

FROM : JEFFERSON COUNTY SHERIFFS OFC

PHONE NO. : 503 475 6412

notice without obtaining a permit in compliance with Federal, State and County regulations.

(11) **WATER SAFETY**

All water activities are subject to Coast Guard regulations. All persons swim, dive, and snorkel at their own risk. Swimming in boat launch areas is strictly prohibited.

**Section 3 - Severability**

The provisions of this Ordinance are severable. If any section, sentence, clause or phrase of this Ordinance is found to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 4 - Enforcement**

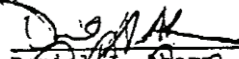
This Ordinance may be enforced in the same manner as any other County ordinance allowed pursuant to the Oregon Revised Statutes. Violation of the provisions of this Ordinance are hereby declared nuisances and may be abated as provided by law.

**Section 5 - Emergency**

This Ordinance being necessary for the immediate protection and preservation of the Haystack Reservoir area and for the preservation of the public health and safety, an emergency is declared to exist, and this Ordinance shall take effect upon passage.

DATED this 3rd day of May, 1995

JEFFERSON COUNTY COMMISSION

  
Daniel J. Ahern, Commissioner

  
Richard L. Allen, Commissioner

  
Jodi Egan, Commissioner

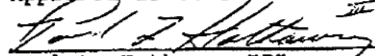
ATTEST:

  
Elaine L. Henderson, County Clerk

1st Reading April 19, 1995

2nd Reading May 3, 1995

Approved as to form:

  
Paul L. Hathaway III  
Jefferson County Counsel

# **Appendix 5**

## **Sample Use Report**





## SAMPLE Monthly or Annual Use/Fee Report

**Ochoco National Forest**

**Reporting Period:**

Campground	Total # of sites occupied	Total # of people	Percent occupancy	Camping fees collected on site	Fees for other goods & services	# Golden Age/ Access used	NRRS fees (monthly/ annually)
<b><u>TOTAL</u></b>							

Annual fees collected under the NRRS \_\_\_\_\_

Taxes paid (end of year report only) \_\_\_\_\_

Total gross/total revenue (end of year report only) \_\_\_\_\_

Total net revenue (end of year report only) \_\_\_\_\_

**Bureau of Reclamation  
Recreation Use Data Report, Part II - Concessionaires**

**To Be Completed By Concessionaires and Reclamation and/or Managing Partner, If Applicable**

Shaded areas to be completed by Reclamation and/or managing partner	Other areas to be completed by Concessionaire
---	---

**Paperwork Reduction Act:** The purpose of this form is to provide information to the Bureau of Reclamation for evaluating and improving the recreation services and programs that it provides to the public. Response is voluntary. No action may be taken against you for refusing to supply the information requested. The reporting burden for this form is estimated to average 30 minutes, which includes the time for reviewing instructions and completing and reviewing the form. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. Please direct comments regarding the burden estimate or any other aspect of these forms to the Bureau of Reclamation, Attention: 84-53000, PO Box 25007, Denver, CO 80225.

**Privacy Act Statement:** No Privacy Act Information is being collected; therefore, no direct link to the individual(s) filling out this form will be available.

<b>1. Background Information</b>				
<b>Reclamation Project:</b>				
<b>Recreation/Wildlife Area:</b>				
<b>Recreation/Wildlife Management Entity:</b>				
<b>Address:</b>				
<b>City:</b>		<b>State:</b>		<b>Zip Code:</b>
<b>E-Mail Address:</b>				
<b>Contact Name:</b>		<b>Contact Phone:</b>		
<b>Management Contract Agreement Number.:</b>				
<b>Approval Date:</b>		<b>Expiration Date:</b>		
<b>Last Reclamation Review/Inspection Date:</b>				

<b>2. Concessions Use Authorization</b>				
<b>Use Authorization Title:</b>				
<b>Use Authorization Number:</b>				
<b>Name of Concession Operation:</b>				
<b>Legal Name of Owner(s):</b>				
<b>Address:</b>				
<b>City:</b>		<b>State:</b>	<b>Zip Code:</b>	
<b>E-Mail Address:</b>				
<b>Issued By:</b>				
<b>Approval Date:</b>		<b>Expiration Date:</b>		
<b>Renewal Option:</b>		Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>Renewal Term Length:</b>				
<b>Concession Agreement Authority:</b>				
<b>Annual Financial Report Prepared:</b>		Yes <input type="checkbox"/> No <input type="checkbox"/>		

**3. Sub-Concessions:** Identify the sub-concessions that have been issued by the concessionaire. Leave table blank if there are no sub-concessions.

Business Name	Address	Contact Name	Authority	Service Provided

**4. Non-profit Organization/Facilities:** Identify the organization, authority used to enter into the use authorization, and the type of use provided within the concession area. Also identify the facilities owned or operated by the non-profit.

Organization	Authority and Type of Use Authorization	Type of Use Provided	Facilities Owned/Operated

*Prospectus for Campground and Related Granger-Thye Concessions, Ochoco National Forest 2010*

<b>5. Twelve Month Reporting Period:</b>	
From:	(Month/Day/Year)
	<input type="text"/>
To:	(Month/Day/Year)
	<input type="text"/>
Note: Report only requires an annual update, at the end of reporting period use, by the concessionaire	

6. Concession Area of Operation			
	Acres		Miles (decimal)
Total Area Occupied by Concession:		Concession Area Surfaced Roads:	
Total Concession Land Surface Area:		Concession Non-Surfaced Roads:	
Total Concession Water Surface Area:		Shoreline Occupied by Concession:	
		Total of all designated trails and paths:	

7. Length of Season for Concession Operation	From: Month and Day	To: Month and Day
Peak Season Months		
Off Season Months		

8. Number of Visitors	
Number for Peak Season Reporting Period	
Number for Off Season Reporting Period	
Total	

9. Concession Review and Evaluation	
Date of Last Review and Evaluation:	
Type of Review:	External: Yes <input type="checkbox"/> No <input type="checkbox"/>
	Local: Yes <input type="checkbox"/> No <input type="checkbox"/>
Significant Findings:	

10. Fees		
Fee Type (list all types of fees)	Fee Amount Daily	Fee Amount Annual (if applicable)

11. Revenues/Expenses For Peak and Off Season Reporting Period			
Gross Receipts:		Fees Paid To:	
Concession		Reclamation	
Sub-concession(s)		Managing Entity	
Other (identify)		Other (Identify)	
Total Gross Receipts of Concessionaire		Total Fees Paid by Concessionaire	

**12. Exclusive Uses:** If exclusive uses occur on the area, provide a description of the use and quantities:

13. Inventory of Recreation Facilities, Designated Areas, and Opportunities:										
Facility/Designated Area	No.	DW = Drinking			E = Electricity	Facility/Designated Area	No.	S = Sewer		
		DW	E	S				DW	E	S
<b>A. Camping</b>					<b>H. Boating</b>					
Campgrounds					Boat Launch Ramps					
Total number of campsites					Vehicle/Trailer Parking Lots					
Tent only campsites					Boat ramp courtesy docks					
RV Campsites					Vault Restroom Buildings					
RV Campsites w/Hookups					Flush Restroom Buildings					
Group campsites					Marine fueling station					
Boat in campsites					Sanitary Pump Out Stations					
Shade shelters					Dry Boat Storage Locations					
Vault Restroom Buildings					Rental slips in marina					

*Prospectus for Campground and Related Granger-Thye Concessions, Ochoco National Forest 2010*

13. Inventory of Recreation Facilities, Designated Areas, and Opportunities:									
No. = Total Number		DW = Drinking			E= Electricity			S = Sewer	
Facility/Designated Area	No.	DW	E	S	Facility/Designated Area	No.	DW	E	S
Flush Restroom Buildings					Rental moorings				
Shower Facility Locations					Watercraft Rental Locations				
Laundry Facility Locations					Floating restroom				
Campground Playgrounds					Boat cleaning station				
RV Dump Locations					<b>I. Lodging, Food, Supplies, Fuel, Other Services (On-Site)</b>				
Equestrian Campsites					Motels				
<b>B. Day Use Areas</b>					Educational Dorms/Lodges				
Designated day use areas					Full-Service restaurant or snack bar				
Picnic sites					Cabin Rental Sites				
Group picnic sites					Trailer Rental Sites				
Picnic Vehicle Parking Lots					Swimming pools				
Shade shelters					Water parks				
Vault Restroom Buildings					Vending Service Locations				
Flush Restroom Buildings					Groceries/supplies/gift store				
<b>C. Horseback Facilities</b>					Vehicle fueling station				
Horse Stable Locations					Yurts				
<b>D. Winter Sports</b>					<b>J. Fishing</b>				
Ski and snowshoe Rental Locations					Designated Fisherman Access Sites				
Snowmobile Rental Locations					Bait/Tackle Store Locations				
Snow park facilities					Fishing Guide Operations				
<b>E. Wildlife Viewing</b>					Fish cleaning stations				
Designated wildlife/fish viewing locations					Fishing pier				
<b>F. Other</b>					<b>K. Water Sports</b>				
Golf Courses					Designated Swim Beaches				
Rifle/Pistol Shooting Range Locations					Designated non-motorized Boating areas				
Trap/Skeet/Sport Clay Range Locations					Designated Water Skiing Areas				
Domestic Pet Exercise Areas					Designated wakeless areas				
Archery Range Locations					Wind surfing areas				
Sea Plane Landing Areas					Swimming dock/platform locations				
Sports fields									

*Prospectus for Campground and Related Granger-Thye Concessions, Ochoco National Forest 2010*

13. Inventory of Recreation Facilities, Designated Areas, and Opportunities:									
No. = Total Number		DW = Drinking			E= Electricity			S = Sewer	
Facility/Designated Area	No.	DW	E	S	Facility/Designated Area	No.	DW	E	S
Remote control model areas					<b>L. Use Authorization</b>				
<b>G. Trail Systems</b>					Guided Equestrian trips				
Trailheads (number)					Guided fishing trips				
Hiking/walking trails miles					Guided rafting trips				
Bicycle trails miles					Guided hunting trips				
Equestrian trails miles					Guided OHV trips				
OHV trails miles					Fishing tournaments				
Multi-use trails miles					Athletic events				
Hard surface trails miles					Competitive events				
Groomed Cross Country Ski Trails					<b>Other: Description</b>	<b>No.</b>	<b>DW</b>	<b>E</b>	<b>S</b>

**14. Activity Ranking:** For the facility/designated area activities listed above in Section 13, identify and rank the order of the four most popular activities by entering the letter in the boxes above. For example, if camping was the most popular activity, enter an A in the first column. If the fourth most popular activity was fishing, enter the letter J in the fourth column.

Highest Top Four>	First	Second	Third	Fourth	Lowest <Top Four

**15. Comments/Notes/Additional Data:** Please specify item number. Attach additional pages, if necessary.



*Prospectus for Campground and Related Granger-Thye Concessions, Ochoco National Forest 2010*

<b>16. Preparers Contact Information</b>			
Bureau of Reclamation or Non-Federal Partner: The person who supplied the information for the shaded areas of this form should fill out the contact information.			
Prepared By:		Date:	
Telephone No.:		E-mail:	
Concessionaire: The person who supplied the information specific to the concession operation should fill out the contact information.			
Prepared By:		Date:	
Telephone No.:		E-mail	

## RECREATION USE DATA REPORT

### PART II, Form 7-2535 - Concessionaires

#### INTERPRETIVE GUIDE FOR FILLING OUT THE QUESTIONS

**Paperwork Reduction Act:** The purpose of this form is to provide information to the Bureau of Reclamation for evaluating and improving the recreation services and programs that it provides to the public. Response is voluntary. No action may be taken against you for refusing to supply the information requested. The reporting burden for this form is estimated to average 30 minutes, which includes the time for reviewing instructions and completing and reviewing the form. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. Please direct comments regarding the burden estimate or any other aspect of these forms to the Bureau of Reclamation, Attention: 84-53000, PO Box 25007, Denver, CO 80225.

**Privacy Act Statement:** No Privacy Act Information is being collected; therefore, no direct link to the individual(s) filling out this form will be available.

#### **General Instructions for Completing Recreation Use Data Report, Part II – Concessionaires**

The following explanatory information will assist the preparer(s) when completing this form:

- This form will be completed by the concessionaire operating within the recreation or wildlife area. If there is more than one concessionaire, each concessionaire should complete a separate Form 7-2535.
- The shaded areas of this form will be completed by Reclamation or the managing partner.
- Information provided in this form dealing with sub-concessions and non-profit organizations will be supplied by the primary concessionaire that has been granted a use authorization as described in Section 2 of this form.
- Information provided in this form is applicable only to the concession operation that is authorized within a defined area on Reclamation lands and waterbodies.

#### **Definitions:**

Exclusive Use: Exclusive use, aka private recreational or residential use, means any use that involves structures or other improvements used for recreational or residential purposes to the exclusion of public uses and are not associated with the official management of a Reclamation project. Public uses include, but are not limited to, those uses specified in 43 CFR part 21, *Occupancy of Cabin Sites on Public Conservation and Recreation Areas*, and 43 CFR part 429, *Use of Bureau of Reclamation Land, Facilities, and Waterbodies*.

External Review and Evaluation: An external review would be a review that looks at the comprehensive management and condition of the concession area that is attended by a variety of specialized staff familiar with all aspects of the concession operation (i.e., life safety code expert, hazardous materials specialist, accessibility specialist, electrical engineer, water quality specialist etc.).

**Internal Review and Evaluation:** An internal review would be a reconnaissance-level type review that looks at the overall condition and management of the concession area and would be attended by a very limited number of individuals (i.e., park manager/ranger and/or a Reclamation representative). The findings of this type of review and evaluation may determine that a more comprehensive external review should be conducted.

**Non-profit Organization:** A non-profit organization is a Federal 501 (c) tax-exempt entity incorporated within the State in which it operates, and it is governed by a volunteer board of directors. Non-profit organizations assist in enhancing interpretative programs, providing visitor information, funding research, and supporting various resource themes.

**Non-Surfaced Roads:** Non-surfaced roads are those roads that have not been improved by the addition of road base from outside sources. A non-surfaced road can be a two tract road that is not maintained or a road that receives periodic maintenance such as grading.

**Reclamation Project:** A Reclamation project means any water supply, water delivery, flood control, or hydropower project, together with associated facilities for fish, wildlife, recreation, or water treatment, constructed or administered by Reclamation under the Federal reclamation laws (the Act of June 17, 1902 [32 Stat. 388, chapter 1093; 43 USC 371 et. seq.] and acts supplementary thereto and amendatory thereof).

**Surfaced Roads:** Surfaced roads are those roads that have been improved with the addition of source materials (e.g., gravel or asphalt) transported from other locations and maintained accordingly.

**Visitor:** A visitor is defined as an individual who visits the recreation/wildlife area to recreate no matter how long that individual stays at the area (e.g., a person that stays overnight, 2 days, or 1 hour should be counted as one visitor).

## **Specific Instructions for Completing Recreation Use Data Report, Part II Concessionaires.**

- 1. Background Information:** Identify background information related to the recreation area being reported. This part should be completed by Reclamation or the managing partner.
  - **Reclamation Project:** This is the official name of the Reclamation project where the reservoir/recreation area is located.
  - **Recreation or Wildlife Area:** Enter the most commonly used name of the recreation/wildlife area. This is typically the name of the reservoir where the defined recreation/wildlife area is located and not the name of the dam, or a unique name given by the managing partner. **Note:** The name of the recreation/wildlife area should have the same name that is indicated on Reclamation's January 2008 Recreation Area Brochure/Map.
  - **Recreation/Wildlife Management Entity:** Enter the primary managing entity of the recreation/wildlife area (Example: Reclamation, California State Parks, Delta County, Colorado Division of Wildlife Resources, City of Scottsdale, Shoshone/Heart Mountain Irrigation District etc.).

- **Address:** Enter the address of the local entity that is managing the recreation/wildlife area.
- **City, State, Zip Code:** Enter the City, State, and Zip Code of the local entity that is managing the recreation/wildlife area.
- **E-mail address:** Enter the e-mail address of the local entity that is managing the recreation/wildlife area.
- **Contact Name:** Enter the name of the person that can be contacted concerning the recreation or wildlife information provided in this form.
- **Contact Phone:** Enter the telephone number of the person that can be contacted about the recreation or wildlife area provided in this form.
- **Management Contract Agreement Number:** Enter the number that has been assigned to the contract agreement by Reclamation.
- **Approval Date/Expiration Date:** Enter the date that the last approving official signed the contract agreement and the date that the contract agreement will expire.
- **Last Reclamation Review/Inspection date:** Enter the date of the last "Recreation Review/Inspection" conducted at the site by Reclamation that is in compliance with Reclamation Manual Directive and Standard, *Recreation Program Management*, LND 01-03.

**2. Concession Use Authorization:** Identify information specific to the concessions use authorization.

- **Use Authorization Title:** Enter the title of the use authorization.
- **Use Authorization Number:** Enter the use authorization number provided by the managing entity (i.e., Reclamation or the managing partner).
- **Name of Concession Operation:** This is the name as it appears in the current use authorization.
- **Legal Name of Owners:** If this concession is part of a larger corporation, enter the name of the legal entity; otherwise just the legal name of the individual or corporation will suffice.
- **Address:** Enter the current street address of the concession owners listed above.
- **City/State/Zip Code:** Enter the City, State, and Zip Code of the concession owners listed above.
- **E-Mail Address:** Enter the E-mail address of the concession owners listed above.
- **Issued by:** Enter the entity that issued the concession use authorization (i.e., managing partner or Reclamation).

- **Approval Date/Expiration Date:** Enter the date of the last signatory to the concession use authorization and the date the use authorization will expire.
- **Renewal Option:** Check yes or no.
- **Renewal Term Length:** Enter the length that the renewal option may be in affect.
- **Concession Agreement Authority:** Enter the authority used to enter into the use authorization.
- **Annual Financial Report Prepared:** Indicate whether a Reclamation Financial Annual Report has been prepared for the current reporting year by checking yes or no.

**3. Sub-Concessions:** Identify any sub-concessions that have been authorized.

**Note:** Pursuant to Reclamation Manual Directive and Standard, *Concessions Managed by Reclamation*, LND 04-01, new sub-concessions are not permitted. Pursuant to Reclamation Manual Directive and Standard, *Concessions Managed by Non-Federal Partners*, LND 04-02, sub-concessions are authorized.

- **Business Name:** Enter the business name of the sub-concession.
- **Address:** Enter the complete address of the sub-concession including City, State, and Zip Code.
- **Contact Name:** Enter the name of the person(s) that are most familiar with the sub-concession operation.
- **Authority:** Enter the authority used to enter into a sub-concession use authorization.
- **Service Provided:** Enter the major service(s) provided by the sub-concession.

**4. Non-profit Organization/Facilities:** Identify any non-profit organizations that have been authorized.

- **Organization:** Enter the name of the non-profit organization.
- **Authority and Type of Use Authorization:** Enter the authority that allowed the non-profit to conduct business on Reclamation lands, and the type of use authorization that permitted such use.
- **Type of Use Provided:** Enter a description of the use that is provided to the public, managing partner, and/or Reclamation by the non-profit organization.
- **Facilities Owned/Operated:** Enter a description of the facilities that are operated by the non-profit organization.

**5. Twelve Month Reporting Period:** Enter the reporting period starting date (Month/Day/Year) and ending date (Month/Day/Year) that the concession is open to the public. This may not be for a period of 12 months. Any changes or irregularities

in reporting such changes in reporting periods and/or partial information etc. should be entered in Section 15, Comments/Notes/Additional Data.

**6. Concession Area of Operation:** Check for any changes, corrections, additions, or deletions in the following information related to the recreation/wildlife area that is being reported. This may require a review of Reclamation's Dataweb Site, Project Data Files, Definite Plan Reports, etc. and where necessary, field measurements. Any significant changes made to this section that differ from the previous year Part II report should be noted here and further explained in the Section 15, Comments/Notes/Additional Data.

- **Total Area Occupied by Concession:** Enter the total acres (water and land) for the concession operation. This may be stated in the concession contract or can be determined by measuring, calculating, or digitizing the area from a map that shows the concession area. This field should be completed by Reclamation or the managing partner.
- **Total Concession Land Surface Area:** Enter the total land surface acres that have been designated for the concession operation. This field should be completed by Reclamation or the managing partner.
- **Total Concession Water Surface Area:** Enter the total water surface acres that have been designated for the concession operation. This field should be completed by Reclamation or the managing partner.
- **Concession Area Surfaced Roads:** Enter the total number of miles, in decimals (e.g., 1.5), of surfaced roads within the defined concession area used by the general public. Do not include the miles of maintenance roads used solely by the concessionaire.
- **Concession Non-Surfaced Roads:** Enter the total number of miles, in decimals (e.g., 1.5), of non-surfaced roads within the defined concession area used by the general public. Do not include the miles of maintenance roads used solely by the concessionaire.
- **Shoreline Occupied by Concession:** Enter the miles of shoreline, in decimals, (e.g., 1.5), that are within the defined concession area that are available to the public. Do not include shoreline that are strictly reserved for use by the concessionaire and that may be closed to the public.
- **Total of all designated trails and paths:** Enter the total mileage, in decimals (e.g., 1.5), for all motorized vehicle trails (e.g. OHV trails) and non-motorized, multi-use trails (e.g. biking, hiking, jogging, and horse riding trails) managed by the concessionaire within the defined concession area. Do not include surfaced and non-surfaced roads that are used by the general public for ingress and egress to the concession area. **Note:** The mileage breakdowns for specific types of trails are accounted for in Section 13.G.

**7. Length of Season for Concession Operation:** It is recommended that any changes in operations from previous reporting periods should be identified and noted in Section 15, Comments/Notes/Additional Data.



- **Peak Season Months:** Enter the peak season month and day that the concession area is open to the public. The peak recreation season is typically Memorial Day weekend through Labor Day weekend.
- **Off Season Months:** Enter the off season month and day that the concession area is open to the public. Off season occurs prior to or after the peak recreation season.

**8. Number of Visitors:** Document in Section 15 any significant or unusual changes in use from previous reporting period(s). This can include such things as: bad weather on weekend/holidays, expanded facilities, closed facilities, poor fishing/hunting, low water, economy, etc.

- **Number of Peak Season Reporting Period:** Enter the number of visitors during the peak season reporting period.
- **Number of Off Season Reporting Period:** Enter the number of visitors during the off season reporting period.
- **Total:** Enter the total number of visitors during the entire season that the concession operation is open to the public (peak and off season period).

**9. Concession Review and Evaluation:**

- **Date of Last Review and Evaluation:** Enter the date of the last concession review and evaluation. This should be completed by the managing partner or Reclamation.
- **Type of Review:** In the appropriate box, check whether it was an external or local review and evaluation. This should be completed by the managing partner or Reclamation. Refer to Paragraph 30 of LND 01-03 for additional information concerning local and external reviews.
- **Significant Findings:** Briefly describe the major findings of the concession review and evaluation. If additional space is needed, Section 15 should be used. This should be completed by the managing partner or Reclamation.

**10. Fees:**

- **Fee Type:** Enter the type of fee charged to the public for a certain category of fees (e.g., boat rental, boat launch, or parking fee).
- **Fee Amount Daily:** Enter the appropriate daily dollar amount for each type of fee charged at the concession area. Examples may include a daily parking fee of \$5.00, a daily boat launch fee of \$10.00, or daily boat rental fee of \$20.00.
- **Fee Amount Annual (if applicable):** Enter the total amount of fees collected annually during the reporting period for each of the fee types listed.

**11. Revenues/Expenses For Peak and Off Season Reporting Period:**

Gross Receipts:

- **Concession:** Enter the total gross revenues collected by the concessionaire.
- **Sub-concession(s):** Enter the total gross revenues collected by the sub-concessionaire.
- **Other (identify):** Enter any other gross revenues from other sources that are a result of the concession operation.
- **Total Gross Receipts of Concessionaire:** Enter the total gross receipts from all sources that are the result of the concession operation.

Fees Paid To:

- **Reclamation:** Enter the total amount of fees that the concession operation paid to Reclamation.
- **Managing Entity:** Enter the total amount of fees the concession operation paid to the managing entity.
- **Other (identify):** Enter the total amount of fees the concession operation paid to other entities besides Reclamation or the managing partner. For example, this could include a fee or assessment paid to a county or city for fire protection, police protection, or sewer/water.
- **Total Fees Paid by Concessionaire:** Enter the total amount of fees the concession operation paid during the reporting period.

**12. Exclusive Uses:** If exclusive use exists within a defined concession area, provide a description of the use and the quantities.

**13. Inventory of Recreation Facilities, Designated Areas, and Opportunities:**

Enter the quantity/number of available items and place a check mark (✓) in the appropriate cell indicating whether the facility, area, or opportunity that is being provided has drinking water, electricity, or sewer available. If the item is not available, leave the appropriate cells blank. To avoid double counting, this information should reflect only those facilities, areas, and opportunities specifically provided by the concessionaire; not those provided by Reclamation or a managing partner.

- Several components are repeated for different activities (e.g., vault restrooms are mentioned in camping, and day use area). Therefore, if components, such as a vault toilet, service more than one activity, make sure that the component is only counted once and that it is accounted for in the most appropriate subsection of Section 13.
- If a campground has several loops and each loop has an individual name, it still should be considered as a single campground.
- If tents are allowed in an RV site, the site will be considered as an RV site and accounted for in the appropriate cell.

**14. Activity Ranking:** Enter the letter of the most popular four activities listed in Section 13 with the most popular listed first and the second most popular activity listed second etc.

**15. Comments/Notes/Additional Data:** Enter any information that is needed to explain any significant changes in information reported from the previous Concession Use Data Report. Care should be taken to indicate what section the explanatory notes refer too.

**16. Preparers Contact Information:** Enter the contact information of the person from Reclamation or managing partner who completed the shaded portions of this form and the contact information for the person who supplied the information specific to the concession operation.

# **Appendix 6**

## **Sample Customer Service Comment Card**

Logo of Permittee ***VISITOR COMMENT CARD***

Thank you for camping or visiting this recreation area. Please take a few moments to reflect on your recreation experience. We appreciate you taking time to evaluate, comment or share suggestions.

**Drop this off to your host, nearest Forest Service office or mail to: (Permittee Address) or Ochoco National Forest, Attn: Recreation, 3160 NE 3rd, Prineville, OR 97754.**

Campground or Recreation Area: \_\_\_\_\_

Date of Visit: \_\_\_\_\_ Type of Use (Check any that apply):

Camping  Day Use  Fishing  Boating  Hiking

Other: \_\_\_\_\_

Did you reserve a campsite through the reservation company?  Yes  No

	Excellent	Good	Fair	Poor
Employee Courtesy/Attitude				
Employee Knowledge				
Cleanliness of Campsite				
Cleanliness of Facilities				
Fee Payment Procedures				
Price/Value of Campsite				
Information Available/Present				
Sense of Security				
<b>OVERALL RATING</b>				
If you made reservations:				
Ease of making contact				
Processed in Timely Manner				
Operator Courtesy/Attitude				
Operator Knowledge				
Price/Value of this Service				
<b>OVERALL RATING</b>				
<b>Please make comments or suggestions on the other side of this form</b>				

Your Name (Voluntary) \_\_\_\_\_

Address/Phone: \_\_\_\_\_

It is the policy of the USDA Forest Service not to discriminate in employment or delivery of program services on the basis of race, color, sex, age, religion, national origin, marital status or disabling condition. Any person who believes he or she has been discriminated against in any Forest Service related activity should write to: Chief, Forest Service, Washington D.C. 20250

\_\_\_\_\_ is a concessionaire operating and maintaining these facilities under permit issued by the USDA Forest Service.

# **Appendix 7**

## **Standard Performance Evaluation Form**

## Performance Appraisal Concession Campgrounds

Forest:   Ochoco  

Permittee: \_\_\_\_\_

Appraiser: \_\_\_\_\_

Date \_\_\_\_\_

Performance Item	Above Standards	Meets Standards	Below Standards	Unacceptable
<b>PERMIT TERMS</b>				
Insurance requirements met				
Payments timely				
Use reports accurate & timely				
Title VI requirements met				
Advertising & signage acceptable				
Other permit terms met (specify below)				
Granger-Thye Projects				
<b>OPERATION &amp; MAINTENANCE PLAN</b>				
O&M Plan properly submitted				
Fees & services provided as represented				
Reservations Plan properly submitted, followed				
Employees knowledgeable of operating plan				
Pre- and post-season ops & maintenance performed correctly and in timely manner				
Proper ID of equipment and staff				
<b>MEANINGFUL MEASURES</b>				
<b>Health and Cleanliness</b>				
Humans free from exposure to human waste				
Water system managed in compliance w/ all state and Forest Service standards and requirements				
Sites meet <i>Cleaning Rec Sites</i> standards				
Garbage does not overflow containers				
Garbage containers are vermin proof				
Litter & waste removal is timely (within 24 hrs)				
Graffiti removal is timely (within 48 hours)				
Toilets & garbage containers clean, odor free				

! Denotes a Critical Element



Performance Item	Above Standards	Meets Standards	Below Standards	Unacceptable
<b>Setting</b>				
A. Site capacity limits maintained				
B. Plans and colors approved before work starts				
C. Services & recreation opportunities are consistent with ROS objectives				
D. Vegetation management plan adhered to				
E. Unacceptable soil compaction, erosion, vegetation loss, etc., prevented or corrected				
<b>Safety &amp; Security</b>				
!A Safety inspections completed & documented				
!B High-risk conditions corrected prior to use				
!C High-risk conditions occurring in season are corrected immediately, or identified, or the site is closed to the public				
D. Employees have dependable communications				
E. Employee presence provided as necessary to give users a sense of security				
F. Visitor compliance with FS regs obtained				
G. 36 CFR 261.14 infractions reported promptly				
<b>Responsiveness</b>				
!A Facilities posted as ADA compliant				
B. Bulletin boards contain required info and are neat, visible, and easy to read				
C. Info and signs readable, current, presentable				
D. Employees receive "Good Host" training and demonstrate good customer service				
E. Positive comments received from visitors				
G. Visitor comment cards made available to each party				
<b>Condition of Facilities</b>				
!A All facilities functional and in good repair				
B. Facilities maintained in good condition according to Holder M&R plans				
C. Vandalism corrected within 1 week of discovery				

! Denotes a Critical Element

Comments and/or corrective actions pertaining to specific items listed above:

---



---



---

Have all "Below Expectations" items from previous performance inspection/appraisal(s) been corrected?

---



---



---

Permittee's comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Continue on a separate sheet of paper if desired)

**Midyear Evaluation and Appraisal Overall Rating**

**Above Expectations ( )    Meets Expectations ( )    Below Expectations ( )    Unacceptable ( )**

Note:

1. If any Critical Element is rated "Below Expectations," the best possible overall rating is Below Expectations.
2. If any Critical Element is rated "Unacceptable," the best possible overall rating is Unacceptable.
3. If more than three noncritical elements are rated "Unacceptable," the best possible overall rating is Below Expectations.
4. If three or more Critical Elements are rated "Below Expectations," or over four other elements are rated "Unacceptable," the best possible rating is Unacceptable.

Below Expectations: The permittee is given notice regarding which element(s) justify the rating, and if performance in this element(s) is not improved prior to the next rating period, the Below Expectations rating shall be reduced to an Unacceptable rating.

Unacceptable: The permittee is issued written notice of the Opportunity to Take Corrective Action as stipulated in Section V (C) of the Special-Use Permit. This is the required first step in suspension and/or revocation of use over all or portions of the permit area. In some instances, such as a lack of adequate insurance, safety issues, etc., suspension or revocation may take place immediately.

Signatures:

Permittee Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Forest Representative: \_\_\_\_\_ Date: \_\_\_\_\_

The permittee's signature denotes that the Forest Service representative has discussed this evaluation/appraisal with the permittee or his/her representative. A signature does not necessarily constitute agreement or acceptance of the rating.

## **Appendix 8**

# **FSM 2342.1 Exhibit 1, Law Enforcement at Concession Campgrounds**

## 2342.1 - Law Enforcement

The responsibility for conducting law enforcement at concession campgrounds operated on National Forest System lands is borne by several governmental entities. It is the responsibility of the authorized officer to ensure that law enforcement activities at concession campgrounds are conducted in a manner consistent with the provisions of exhibit 01.

### **2342.1 - Exhibit 01**

#### **Law Enforcement at Concession Campgrounds**

##### 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 into the concessionaire's operating 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.

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. However, State and local law enforcement officers may enforce only State and local law.

3. Forest Service. The Forest Service retains all its authorities and responsibilities for enforcing Federal laws and regulations relating 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 relating to 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 261, 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 the 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. However, a concessionaire’s rule of use may be stricter than an order.

The Regional Forester or Forest Supervisor may exempt concession campgrounds from an order and may want to exempt them to place more 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 law enforcement 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, State and local law enforcement authorities, and concessionaires.

#### SUMMARY

Crimes involving persons and property are generally violations of State law. State and local law enforcement authorities have jurisdiction to enforce State laws at concession campgrounds. Forest Service personnel have the responsibility to enforce Federal laws and regulations relating 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 or 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 a campground.

## **Appendix 9**

# **Sample Annual Operating Plan**



## **Appendix 9 Annual Operating Plan And Annual Operating Plan Outline**

This appendix describes the minimum requirements of the holder's Annual Operating Plan and application regarding the operating season, staffing, operations and maintenance services provided, and minimum standards to be met. The Forest Service will use the information which the applicant provides to rate the applicant against the "Proposed Operating Plan" evaluation criteria. The successful applicant's proposal will become a part of his/her Annual Operating Plan. Please get in touch with Kent Koeller by email or phone at [kkoeller@fs.fed.us](mailto:kkoeller@fs.fed.us) or 541-416-6482, if you have any questions.

The holder must also meet the additional standards and requirements specified in this section for the recreation sites listed in this prospectus. Applicants are required to propose how they will meet or exceed the minimum standards described in this chapter, as well as those listed in Appendix 19 National Quality Standards for Recreation Site Management.

Appendix 19 includes a comprehensive list of the National Meaningful Measures Standards which are applicable to concession management of U. S. Forest Service developed recreation sites. At a minimum the holder will be required to meet all Meaningful Measures Standards as listed.

## Annual Operating Plan Table of contents:

1. Operating Season:
2. Staffing:
  - 2a. Supervision/Management
  - 2b. Personnel
  - 2c. Employee Training
  - 2d. Employee Conduct
  - 2e. Uniforms and Vehicle Identification
3. Minimum Operations and Maintenance Standards
  - 3a. Customer Service
4. Preseason Operations
  - 4a. Safety and Hazard Tree Inspections
  - 4b. Water Systems
  - 4c. General Facilities Maintenance
5. "Open" Season Operations
  - 5a. Water Systems
  - 5b. General Maintenance
  - 5c. Interference with Normal Use of Recreation Sites
  - 5d. Standards for Site Facility Cleaning and Maintenance
    - 5d1. All Facilities
    - 5d2. Toilets
    - 5d3. Tables
    - 5d4. Fire Rings and Grills
    - 5d5. Grounds
    - 5d6. Roads and Trails
    - 5d7. Barriers
    - 5d8. Water Hydrants
    - 5d9. Trash Receptacles
    - 5d10. Site Markers
    - 5d11. Signs, Bulletin Boards, and Fee Stations
    - 5d12. Fee Notification
6. Post-Season Operations
  - 6a. Water Systems
  - 6b. Utilities
  - 6c. Year-End Reports and Inspections
  - 6d. A joint end of season inspection
7. Site Hazards (Including Hazard Trees)
  - 7a. A annual site safety inspection
  - 7b. High risk site conditions - closed season
  - 7c. Removal of other similar natural or man-made objects
  - 7d. Identifying and removing all hazard trees
  - 7e. FS approval for cutting or pruning of any trees.
  - 7f. Stumps, slash and logs
  - 7g. Disposal of slash and bucked logs
8. Signs and Posters
  - 8a. Entrance board signing
  - 8b. Compliance with Title VI regulations

- 8c. Signing requirements
- 8d. Signs or other advertising on NF lands
- 9. Advertising
  - 9a. Accurate representation
  - 9b. Equal opportunity provider
- 10. Fire Prevention
  - 10a. Fire prevention plan
- 11. Road and Trail Maintenance
  - 11a. Safe and passable condition
  - 11b. Road maintenance schedule
- 12. Emergency Response
  - 12a. Responding to emergencies
- 13. Law Enforcement
  - 13a. Concessionaire's responsibility for law enforcement
- 14. Communication Systems
  - 14a. Ensuring complete, timely, and accurate communication
- 15. Bear, Cougar, and Other Predators
  - 15a. Managing predators.
- 16. Diseases (Hantavirus and Plague)
  - 16a. Managing diseases
- 17. Rodent Control
  - 17a. Controlling rodents
- 18. Herbicides, Pesticides, and Noxious Weeds
  - 18a. Manage noxious weeds
- 19. Boating Safety
  - 19a. Manage boating safety
- 20. Vandalism
  - 20a. Minimize vandalism
- 21. Use of Fee Sites by Non-fee Guests
  - 21a. Managing nonpaying customers.
- 22. Other Required Services
- 23. Other Optional Programs
  - 23a . Interpretive Programs
    - 23a1. Interpretive services plan
  - 23b. Recycling
    - 23b1. Proposed recycling services.
- 24. Additional revenue-producing sales, services, and/or fees

## **1. Operating Season:**

The dates specified in the prospectus under Appendix 22 Descriptions of Recreation Sites are the minimum operating seasons. All sites will be open and operational seven days per week, including holidays, between these dates. Applicants need to state the period of time in which they will plan to operate the sites listed in this prospectus, if different than those shown in II.B. Applicants may also list additional shoulder seasons that they would propose. The holder must keep the Forest Service informed of proposed extensions to the minimum season dates.

## **2. Staffing:**

The holder's proposal should ensure adequate staffing to meet the requirements outlined in this prospectus. The holder will be responsible for furnishing all personnel, and for adequately training and supervising their activities while performing under the provisions of the permit.

The holder must meet the requirements of state and Federal laws governing employment, wages, worker safety, etc. Applicable laws include, but are not limited to, laws governing equal opportunity, civil rights, fair labor standards, minimum wage, Davis-Bacon Wage Rates (for G/T fee off-set), workers' compensation, OSHA regulations, ADA, and immigration laws regarding employment of non-citizens.

### **2a. Supervision/Management**

The holder must designate a representative(s) who will serve as the liaison between the holder and the FS and have full authority to act on the terms of the special use permit.

There may be more than one designee, each of whom has the authority to act on one or more permit terms (ie; one person may deal with operations issues, one may deal with maintenance issues, and another may deal with financial issues). The designee(s) names, or the appropriate job title(s), must be included in the proposal.

### **2b. Personnel**

In addition to the requirements outlined in the Supervision/Management section above, the FS recommends that hosts/site managers be located at the sites listed below. A history of operations experience indicates that having personnel stationed at these sites is very useful in providing the quality of services required to meet standards due to the complexity of operations which occurs at these sites.

#### **Recommended Overnight Hosted Facilities:**

- **Walton Lake**
- **Ochoco Forest Camp**
- **Skull Hollow**
- **Haystack**
- **West Shore**
- **Ochoco Divide**

The holder is required to include his/her proposed staffing hours, schedules, and personnel locations for operations and maintenance in the application. The holder should include job descriptions and level of authority for all employee positions described.

The FS will regularly review employee performance and, when appropriate, recommend personnel action to the holder.

### **2c. Employee Training**

The proposal must identify any employee training program(s) which the holder will offer to employees.

The Forest Service may attend and/or participate in training sessions.

### **2d. Employee Conduct**

The holder is responsible for the conduct of his/her employees. They are expected to comply with all applicable Federal, state, and local laws, and to conduct themselves in a professional manner at all times. The special use permit does not shield the holder or his/her employees from prosecution if they violate any laws, either while performing their duties or while on their own time. Federal prohibitions include, but are not limited to:

- Engaging in conduct prohibited by the *Code of Federal Regulations* (36 CFR 261).
- Using, or being under the influence of, intoxicating beverages or narcotic drugs while on duty or representing the permittee;

### **2e. Uniforms and Vehicle Identification**

At a minimum, the holder should provide his/her employees with a professional uniform, which includes a name tag identifying them as concessionaire employees. The holder may not wear any component of the FS uniform (including official FS volunteer uniform components). They will maintain this uniform in a clean and presentable manner while performing duties. While conducting cleanup duties in the campground, the attendant could wear coveralls with the same insignia of the permittee.

At a minimum, holder vehicles should be clean, quiet, and well maintained. A professional quality sign containing the concessionaire's name must be displayed on each side of each vehicle used at concession sites. Due to CFR prohibitions, all-terrain vehicles and motorcycles may not be used at concession sites without prior written approval from the FS. If they are approved for use, they may not be driven off designated roads or trails.

A description of holder uniform components and vehicle identification devices should be included in the proposal and are subject to final approval by the FS.

## **3. Minimum Operations and Maintenance Standards**

The holder is responsible for meeting the following specific operations and maintenance standards and requirements.

### **3a. Customer Service**

The holder will need to develop and implement methods and mechanisms for responding to customer's needs in a helpful and professional manner, giving timely and courteous information and assistance, and doing those things necessary to ensure that customers have a safe and enjoyable stay on their National Forest.

The holder shall make Customer Service Comment Cards available to the public. (See Appendix 6 Sample Customer Service Comment Card.)

As part of a continuing effort to better serve the needs of the customer, the FS reserves the right to conduct random use counts and surveys in the areas included in this permit, and to converse with visitors on-site regarding the service they are receiving. Such surveys may be used for ongoing monitoring, as well as part of the holder's Annual Performance Evaluation.

#### **4. Preseason Operations**

Before opening a site for the season, the holder will be responsible for meeting the following pre-season inspections and maintenance standards:

##### **4a. Safety and Hazard Tree Inspections**

A safety inspection, to include hazard tree identification, will be performed on each developed site on an annual basis. This inspection should occur prior to the sites being opened to the public. Each inspection will be documented in writing, in a format acceptable to the FS. The holder will be responsible for correcting any safety deficiencies, including dropping hazardous trees (up to the limit), prior to opening the site to the public. Actions proposed to correct deficiencies must be approved by the Forest Service in order to ensure environmental protection and public safety.

##### **4b. Water Systems**

Many of the developed sites included in this offering have potable water systems. The holder is responsible for meeting all applicable health and safety standards. It is the responsibility of the holder to ensure that these water systems are properly shut down during the winter season and then turned back on before opening the sites. The holder should become familiar with the different water systems so he/she can be prepared to service and maintain them to standard. The FS will provide assistance during the initial year, to help the holder become familiar with each water system. If FS assistance is required in subsequent years, the holder may be billed for all government expenses related to these services.

Before water from a seasonal system is served to any employee or the public, the following steps will be performed on the system in order to meet water quality and safety standards:

- Clean the insides of the well and/or storage tank, where applicable.
- Thoroughly flush the entire system, to remove any foreign matter.

- A chlorine solution that tests in excess of 10 ppm at the most distant hydrant shall be distributed throughout the system and allowed to sit for a minimum of 24 hours, to sanitize the system.
- Satisfactory "safe" bacteriological test results must be obtained according to procedures required through a state certified lab.
- The requirements of Appendix 20 Water Testing Locations and Requirements must be met.

Further information about the potable water systems and state testing requirements may be obtained from the FS and the appropriate state department of health.

#### **4c. General Facilities Maintenance**

In order to ensure environmental protection and public safety, a thorough safety and maintenance inspection of each site and all facilities shall be completed and documented before the sites are opened to the public. These inspections shall be documented in a format acceptable to the Forest Service.

The Forest Service recommends that a thorough cleaning of all facilities should be completed at this time so sites meet standards when they are opened to the public. The Forest Service also suggests that all maintenance needs should be accomplished at this time and/or documented for future attention.

### **5. "Open" Season Operations**

Once a site is open for the season, the holder will be responsible for meeting the following operations and maintenance standards:

#### **5a. Water Systems**

The holder is responsible for compliance with all applicable Federal, state, and local drinking water laws and regulations for the operation and maintenance of a public water system. This includes the testing and maintenance of all potable water systems in accordance with **Oregon State Department of Public Health** and FS regulations. **If current regulations change and it becomes necessary to perform additional or different tests, the holder shall be responsible for compliance and associated costs.**

Current FS water testing requirements call for bacteriological water samples to be taken monthly. **One** bacteriological sample must also be taken prior to opening to the public. A Nitrate/Nitrite test for each potable water system is also required once per year. In the event of an "Unsafe" sample, the holder is required to complete all required notifications and retesting. (See FS-2700-4h, V.B, in Appendix A, for more information on notification-and-reporting requirements.)

The holder is responsible for all repairs of the water systems which are caused by vandalism, natural events, forces of nature, and events attributed to holder actions or negligence. Valves, water lines, or other system parts which break due to any water being left in the system and subsequently freezing over winter shall be the responsibility of the holder.



When a campground or other facility which typically has a potable water source does not have potable water available, due to system failure, "Unsafe" water samples, or any other reasons, fees charged to the public may not exceed 50% the of normal price. An alternative source of potable water may be provided to remove this fee restriction.

**A water systems operations-and-maintenance log shall be kept for all water systems.**

This log shall include, at a minimum, the following information: dates and results of all testing, inspections, cleanings, repairs, or adjustments to pressures; and chlorination amounts. The log will also be available for review at the request of the permit administrator or Authorized Officer.

**5b. General Maintenance**

Light-maintenance needs may be initiated without FS approval. The FS recommends that light maintenance needs be documented. Major maintenance or improvement projects may be applicable to Granger-Thye Fee Offset provisions. However, they *must* be documented and submitted to the FS for approval, prior to implementing.

**5c. Interference with Normal Use of Recreation Sites**

The holder shall make every reasonable and prudent effort to avoid interfering with the normal use and occupancy of recreation areas while engaged in the performance of permit responsibilities. This requirement will help to ensure meeting responsiveness standards.

If a facility is being used at the time the holder has scheduled site cleaning or maintenance, the holder is expected to request permission to work in the site at that time, or ask when it will be convenient to do so. The holder and his/her employees should project a "Good Host" image, especially when inconvenienced by the customer.

**5d. Standards for Site Facility Cleaning and Maintenance**

The holder shall be responsible for meeting the standards listed below when cleaning and maintaining facilities.

**5d1. All Facilities**

Graffiti is removed within 24 hours of discovery or notification.

Facilities are clean and well maintained.

Numbers of visitors and vehicles are kept at or below site capacity.

A site safety inspection is completed annually, and documented in a format acceptable to the FS. Documented high risk conditions are corrected prior to use.

High risk conditions that develop during the use season are mitigated, or the site is closed.

Electrical systems meet applicable state and local regulations.

Facilities, when signed as accessible, meet guidelines in Universal Access to Outdoor Recreation: A Design Guide.

All facilities, including parking and use areas, meet Forest Service design standards and guidelines in Universal Access to Outdoor Recreation: A Design Guide, per the transition plan.

Vandalism is corrected or mitigated within one week of discovery or notification.

Grass and over hanging brush must be kept trimmed around tables, bulletin boards, water hydrants, barriers, signs, buildings, parking areas, paths, living spaces, tent sites, and other facilities.

## **5d2. Toilets**

To keep humans from unhealthy exposures to human waste, the waste is removed immediately upon discovery or notification.

When a toilet vault becomes  $\frac{3}{4}$  full, complete pumping is required. In the final year of the permit, toilet vaults that are more than 50% full shall be completely pumped.

Paint toilet interiors 20% per year to ensure that each toilet is painted once every five years.

All other types of sewage treatment systems must meet state and federal standards.

Toilets are clean and free of objectionable odor.

Restrooms are functional and in good repair.

The outside step and exterior of buildings will be kept free of dirt and debris.

Walkways and trails shall be kept free of obstructions or excess vegetation.

Any fly strips, deodorants, disinfectants, and signs will be supplied by the permittee and approved by the FS in order to ensure environmental protection and public safety.

All sewage will be removed from the site and taken to an approved landfill, lagoon or treatment plant. Any sub-contractor must comply with USFS specifications.

At the beginning and end of the season, the toilets at each of the campgrounds will be reviewed with the USFS Permit Administrators. The purpose of these reviews is to determine the status of the toilets and determine which toilets need to be pumped at the beginning and end of the season, and identify who is responsible for payment, etc.

Septic tanks will be pumped on a five-year schedule, or as mutually agreed with the USFS. Copies of all paid sewage bills for pumping flush toilet septic fields will be sent to Kent Koeller, or the designated USFS staff person.

Coordinate with District Permit Administrators as to which interiors of toilets will be painted.

**5d3. Tables**

Excessive grass or vegetation shall be trimmed from around the table area.

There should be adequate vegetation, gravel, or other approved material around tables to prevent mud and erosion.

Tables shall be level.

*The Ochoco N.F would like to discontinue the high maintenance of Paint. To that end, a transparent wood preservative stain on wood tables that has not been previously painted will be used. However, for tables that are already painted, the option exists to sand and convert to a transparent stain or continue using paint. The following chart is based on a three year rotated treatment as follows:*

Campground	# Tables	Year
Ochoco Divide		three
Ochoco Forest Camp		three
Ochoco Pavilion		three
Skull Hollow		one
Walton Lake		two
Walton Lake Group Sites		two
Walton Lake Day Use		two
West Shore		one
West Shore Group Site		one
West Shore Day Use		one
Haystack		one

**5d4. Fire Rings and Grills**

Fire rings are free of litter.

Ashes, charcoal, and unburned wood shall be removed from fire rings and grills when there is less than four (4) inches of free side clearance.

All ashes must be disposed of off National Forest lands and in accordance with state and local laws and regulations. Ashes shall not be placed in dumpsters or trash cans while hot.

Clear all combustible materials and vegetation away from fire rings to a minimum of three (3) feet.

There should be adequate gravel, or other approved material around firerings to prevent mud and erosion.

Fire rings shall be level.

Eliminate any rock fire rings or modifications that were not installed or approved by the FS. Remove ashes from unauthorized fire rings and pits. Scatter the rocks and spread soil over these areas, to make them less conspicuous.

#### **5d5. Grounds**

Developed sites are free of litter and domestic animal waste.

If the "Pack In - Pack Out" program is used, the message is prominently displayed and any accumulations of trash are removed within 24 hours of discovery or notification.

Effects from recreation use that conflict with environmental laws are analyzed and mitigated as needed.

Offered recreation opportunities, site development, and management are consistent with ROS objectives and forest management plan development scale.

Landscape character at the developed site is managed consistent with the forest scenic integrity objectives.

Loss of vegetation and erosion caused by recreation use is prevented and/or corrected in accordance with approved vegetation management plans.

Nails, ropes, wire, etc. will be removed from trees whenever found.

Grass and other ground vegetation shall be maintained to a maximum height of eight (8) inches and a minimum distance of thirty-six (36) inches away from the items listed, unless otherwise agreed to, in writing, by the permit administrator.

#### **5d6. Roads and Trails**

Effects from recreation use that conflict with environmental laws are analyzed and mitigated as needed.

Ditches and culverts shall be cleaned and maintained to allow proper drainage.

#### **5d7. Barriers**

Excess vegetation around barriers shall be trimmed to keep the barrier visible.

#### **5d8. Water Hydrants**

Water hydrants meet state and federal standards.

Replace the gravel sump when sour smelling, filled with dirt, or when excess water does not properly drain (this item may qualify as a G/T off-set).

In order to ensure environmental protection and public safety, each hydrant should be posted with a sign that says "No washing dishes, bathing, washing hair or hands, or cleaning fish", or a similar message.

#### **5d9. Trash Receptacles**

Garbage does not exceed the capacity of the garbage containers.

Manage garbage in certain areas where dumpster service is not available or practicably managed by utilizing 35-55 gallon “bear resistant” receptacles with plastic liners and removed to refuse sites. (It may become necessary to temporarily close campgrounds if wildlife/human conflicts occur.)

Garbage locations are clean and free of objectionable odors.

All trash shall be removed from National Forest lands and disposed of in accordance with all state and local laws and regulations.

The type, size, number, and locations of garbage containers proposed should be included in the application.

#### **5d10. Site Markers**

Site markers shall be well maintained, neatly arranged, and meet Forest Service signage standards.

#### **5d11. Signs, Bulletin Boards, and Fee Stations**

Information boards look fresh, professional, uncluttered, and contain appropriate current/seasonal information. Multi-lingual information is provided as needed. Signs, bulletin boards, and fee stations are well maintained, neatly arranged, and meet Forest Service signage standards.

Shoulder season bulletin board signing shall include information as to whether or not potable water and trash service are available, and what the expected closing date is.

Rules of use must be posted to include at a minimum:

- Dogs not on leash
- Exceeding stay limit
- Parking or camping in non-designated sites
- Failure to pay fees
- Excessive noise
- Improper disposal of wastewater and sewage
- Improper use of all-terrain vehicles
- Overnight camping in parking areas
- Discharging firearms in recreation areas
- Excessive speeds in campgrounds
- Vandalism (with emphasis on chopping on trees and toilets)
- Improper use of hydrants, e.g. cleaning fish, etc.
- Illegal campfires
- Fireworks

#### **5d12. Fee Notification**

If visitors are present in the campground on the day that fees go into effect, they will be notified, either in person or by leaving a conspicuous note, that a fee will be required the following day.

## **6. Post-Season Operations**

When closing a site for the season, the holder will be responsible for meeting the following post-season inspections and operations and maintenance standards:

As services are reduced or campgrounds are closed, visitors should be contacted a day or two prior to the change in service level to let them know about the expected changes. Entrance stations should also have signs posted indicating the change in services. These requirements will help to ensure that the holder meets Meaningful Measures Responsiveness standards.

In addition, the following steps should be taken at all sites:

### **6a. Water Systems**

Shut down water systems prior to freezing temperatures, according to the procedures required for each individual system. These procedures include:

- draining all pumps, holding tanks, water lines, hydrants, faucets, etc. It is recommended to drain valves and lines by pressurizing them with an air compressor.
- securing hand pumps so water is not available to the public during the time that it is not being tested.
- Those outlined in Appendix 20 Water Testing Locations and Requirements.

### **6b. Utilities**

The FS recommends that the holder arrange for utility services to be shut down and final meter readings made. Official final meter readings are required during the final season of operation under the term of the permit.

The holder will maintain the electricity at all pump houses that have control panels to 40 degrees F. This will prevent the condensation from rusting the electric systems.

### **6c. Year-End Reports and Inspections**

Turn in year-end reports as required by the FS.

The Forest Service recommends that an annual final inspection of the campground be completed with the FS, and future maintenance needs be documented.

**6d. A joint end of season inspection** is required during the second to last, and last year of a permit term. These inspections will verify the condition of facilities and help to determine what additional maintenance needs may be required of the holder in order to fulfill the terms of the permit prior to expiration.

## **7. Site Hazards (Including Hazard Trees)**

### **7a. Annual site safety inspection**

An annual site safety inspection is required. Documented high risk conditions are to be noted and corrected prior to opening the following season. During the last year of the permit, the holder will be required to remove the hazards.

#### **7b. High risk sites – closed season**

High risk site conditions that develop during the closed season are mitigated or the site will not be opened the following year.

Both of these are critical standards. The safety inspection shall be documented in a format acceptable to the Forest Service. The holder should take all measures necessary to protect the health and safety of all persons affected by the concession activity. More specifically, holder is solely responsible for identifying, correcting, and reporting all safety hazards to the authorized officer. The Forest Service has no duty under the terms of the permit to inspect the permit area or operations of the holder for hazardous conditions or compliance with health and safety standards.

In order to meet safety and security standards, as safety hazards are identified, the holder should take the following steps:

- Inform those who are in immediate danger.
- Take necessary actions to protect the public, at least temporarily.
- Immediately report the hazard to the FS, even if there is no immediate danger to the public.
- Immediately report the hazard to any other employees who might be affected.
- If possible, remove the hazard and document the removal.

The holder will immediately close the affected sites and immediately notify the authorized officer and/or his permit administrator of any hazards in the area that the holder is not able to remedy.

#### **7c. Removal of hazardous objects**

Trees shall be kept free of nails, rope, wire, unsafe branches, and other hazards that might endanger users or damage the trees. Rocks, logs, sticks, or other similar natural or man-made objects that create a safety hazard or an unsightly condition should be removed from the permit area daily.

#### **7d. Identification and removal of hazardous trees**

The holder is responsible for identifying and removing all hazard trees, subject to Forest Service review. All sites and facilities within 200 feet or two tree lengths (whichever is less) of a standing hazardous tree shall be closed until the condition is corrected. Disposal methods and locations should be described in the Annual Operating Plan.

#### **7e. FS approval for cutting or pruning vegetation**



FS approval is required prior to cutting or pruning of any trees. If desired, the FS may perform the required cutting/removal work under a collection agreement with the holder.

The holder would not typically be responsible for hazard tree removal necessitated by atypical situations, such as a major blow down or a large insect infestation. However, responsibility will be determined on a case by case basis.

Limits to the Holder's hazard tree responsibility have been established in the prospectus. Hazard tree removal in excess of that limit may necessitate site closure until the work can be accomplished. Recent storms have caused considerable tree damage across the Forest and many campgrounds included in this prospectus were affected.

#### **7f. Stumps, slash and logs**

All stumps from hazard tree removal shall be flush cut to ground level in order to reduce tripping hazards. Slash and logs shall be bucked to a maximum 18" length and stacked for camper use, removed from the site, or scattered to a maximum height of 18".

#### **7g. Disposal of slash and bucked logs**

If slash and bucked logs resulting from hazard tree removal are not used by campers within a reasonable length of time, the holder must dispose of it by an approved method. This requirement is necessary in order to meet Setting standards and to reduce wild fire hazard.

### **8. Signs and Posters**

#### **8a. Entrance board signing**

The holder is required to have a sign posted on the entrance board of all sites, stating that the site is under permit from the U.S. Forest Service and including the name of the concessionaire and how to contact them.

#### **8b. Title VI compliance**

The holder is required to post signage with approved wording which indicates compliance with Title VI regulations. The *And Justice for All* poster would serve this requirement.

Entrance boards shall include the Unicorn P23-43 "Welcome To Your National Forests..." poster, or an approved equivalent, in order to inform the public of 36 CFR 261 prohibitions.

#### **8c. Signing requirements**

All signs must be maintained in a good condition (neat, clean, not faded or torn). Homemade signs or posters are not allowed.

These signing requirements help to ensure meeting Setting, Responsiveness and Safety and Security standards.

#### **8d. Signs and advertising**

Additional signs or other advertising posted on National Forest System lands should be reviewed by the authorized officer as to location, design, size, color, and content.

All signs must be supplied by the holder. The FS will furnish information on companies where these signs may be purchased, as needed. If the holder wishes to use "P Code" signs from Unicorn, a collection agreement may be entered into with the Forest Service for the purchase of these signs, if the holder is not able to purchase them on his/her own.

## **9. Advertising**

### **9a. Accurate representation**

The holder shall accurately represent the accommodations and services provided to the public within the permit area, in all advertisements, signs, brochures, and any other materials. The fact that the permit area is located on the Ochoco National Forest shall be made readily apparent in all advertising and signing.

### **9b. Equal opportunity provider**

All forms of advertising must contain the following words: "X Company is an equal opportunity provider."

## **10. Fire Prevention**

### **10a.**

In order to meet Safety and Security standards, the holder must include a fire prevention plan in the Operating Plan that addresses, at a minimum:

- How the applicant will prevent wildfires and structural fires
- Reporting procedures and emergency response, should a fire occur
- Training and experience of employees, relative to fire
- Prevention/suppression
- Do not allow the building, attending, maintaining or using a fire outside of a commercially available stove or grill owned by the public. Require campers to extinguish fires.
- Trash may not be burned without Forest Service approval.
- Fire prevention/suppression tools and equipment that will be on-site

Propose a fire plan that provides at one host site per campground a fire tool cache box. The box will be of sound construction and able to keep contents dry. The top will be hinged with a hasp in a manner that the box can be secured. The box shall be painted "red" and marked

“FOR FIRE USE ONLY” in white letters at least 4” high on the lid and front side. All tools shall be serviceable and in good working condition.

Tools shall include:

1. 2 - #2 shovels (long handle)
2. 1 - Pulaski
3. 2 - 5 gallon buckets
4. 1 - 1A-10BC fire extinguisher (5 pound)

In addition, each vehicle provided will carry the following:

1. 1 - Pulaski
2. 1 - #2 shovel (long handle)
3. 1 - 1A-10BC fire extinguisher (5 pound)

For security purposes the USFS will inspect the cache and certify its contents and secure the lid with a non-reusable fastener. The fastener can be broken with a stick or other object. If the seal is broken, the USFS will be notified within 24 hours of discovery so that the box can be re-certified and sealed.

Applicants should also include this plan in their application.

## **11. Road and Trail Maintenance**

**11a.** At a minimum, the holder is responsible for maintaining vehicular and pedestrian access in a safe and passable condition, and to FS standards. This responsibility includes, but is not limited to, mowing road shoulders and around parking barriers for visibility; and filling chuck holes with asphaltic materials on paved surfaces.

Culverts should be cleaned at the beginning of each season, and following large storm events.

**11b.** Applicants should propose a road maintenance schedule to accomplish these needs.

## **12. Emergency Response**

**12a.** In order to meet required standards, the holder should be prepared to respond to any emergencies (medical, law enforcement, facility breakdown, fire, flood, etc.) that might occur in and around the facilities covered under the permit.

Applicants should describe how they will be prepared to respond to such emergency situations.

## **13. Law Enforcement**

FS, state, and local law enforcement and the holder each have enforcement roles at concession recreation sites. Appendix 8 clarifies the law enforcement authorities and responsibilities at

concession operated recreation sites (FSM 2342.1 Exhibit 1, Law Enforcement at concession Campgrounds).

**13a.** Applicants should address how they will fulfill the concessionaire's responsibility for law enforcement, including rules of use to be imposed at the recreation sites.

To meet Safety and Security standards, the holder will be expected to inform visitors of the rules and regulations applicable to use and occupancy of the recreation sites under permit. Information regarding the FS "Good Host" and "Customer Service" programs will be given to the holder at the beginning of each operating season. If a visitor does not comply with the rules and regulations, the holder should gather as much information as possible on the violator without jeopardizing his/her own safety, and immediately (under 24 hours) contact the nearest appropriate law enforcement authority. The holder will be responsible for posting of Recreation Regulations and Rules in these areas, at the direction of the FS.

The holder shall be responsible for reporting acts of vandalism or destruction of Government or personal property to the appropriate Ranger District representative, after notifying the appropriate county sheriff's department. The report shall be made to the authorized FS official within 24 hours that such acts are discovered.

The holder will be responsible for ensuring that vehicle parking is not causing resource damage or inconvenience to other visitors. Vehicle parking will be restricted such that vehicles do not block through traffic, and do not damage vegetation.

#### **14. Communication Systems**

The holder is required to provide a means of communication (e.g., two-way radios, cellular phones, etc.) between all employees, the FS, the National Recreation Reservation System, and emergency response agencies. This requirement will help to fulfill the Safety and Security standard which states, "Concessionaires have dependable communications".

**14a.** Applicants should describe how they will ensure complete, timely, and accurate communication between all affected interests. Applicants should also describe who will be the holder's on-site representative(s) and how that person will communicate with the FS.

The use of radio frequencies and equipment owned by the FS will not be authorized.

#### **15. Bear, Cougar, and Other Predators**

Bears, cougars, raccoons birds etc. are known to inhabit these areas.

**15a.** Applicants should describe how they will manage for these predators.

Include posting information concerning bear precautions and adherence to the bear precaution guidelines as follows:

1. Do not feed the bears.
2. Report bears activity within 24 hours to US Forest Service.
3. Post messages relating to bear activity on signboards.
4. Use approved bear proof garbage containers if required.
5. Keep all food in secure containers.
6. Properly dispose of all garbage and wastewater containing food ASAP.

#### **16. Diseases (Hantavirus and Plague)**

none

## **17. Rodent Control**

Propose rodent control methods

**17a.** Applicants should describe how they will control rodents in the permit area.

## **18. Herbicides, Pesticides, and Noxious Weeds**

In order to ensure environmental protection and public safety, herbicides and pesticides may not be used to control undesirable vegetation, aquatic plants, insects, rodents, trash fish, and other pests and weeds, without prior written approval from the FS. 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. Any request for use shall cover a 12-month period of planned use, beginning 3 months after the reporting date. 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 (refer to FS-2700-4h, V.D).

The holder has the affirmative duty to prevent the infestation and/or spread of noxious weeds in the permit area. This duty includes demonstrating the ability to identify common noxious weeds in the area; performing timely treatment by mechanical or approved chemical means; and performing timely and successful revegetation of disturbed areas where noxious weed development can be expected. A collection agreement may be entered into with the Forest Service for certain noxious weed treatments, if agreeable with all parties.

**18a.** Applicants should describe how they will manage noxious weeds and/or other nuisance vegetation or pests in the permit area.

## **19. Boating Safety**

**19a.** Applicants should describe how they will manage boating safety in the permit area.

## **20. Vandalism**

The holder should take reasonable measures to prevent and discourage vandalism and disorderly conduct. When necessary, he/she should contact the appropriate law enforcement office. The holder is responsible for repairing all vandalism that occurs during the permit tenure.

**20a.** All applicants should describe what measures they will take to minimize vandalism in their permit area.

## **21. Use of Fee Sites by Non-fee Guests**

Use of toilets, picnic tables, and/or potable water facilities in campgrounds by nonpaying customers will not be allowed at no charge.

**21a.** Applicants should describe how they will manage nonpaying customers in the developed sites.

## **22. Other Required Services**

**22a.** Permitted recreation sites may require holder to plow snow from access roads to insure safe public access for opening of fishing season. Holder will be required to plow up to 12 inches of snow from designated access routes. Holder shall specify what measures they will take to minimize impacts to road surface.

## **23. Other Optional Programs**

### **23a . Interpretive Programs**

Interpretive services can help to meet several standards. They may enhance visitor experience, increase visitor understanding of their National Forests, aid in fire prevention, and deter damage to facilities and resources. Interpreters educate, entertain, exhibit, inform, and otherwise communicate important natural resource messages to visitors. Presentations may address natural and cultural resources, fisheries and wildlife, fire management, water resources, or other topics relative to the National Forest. Interpretive services can take the form of campfire programs, guided walks, brochures, children's activities, displays, or other similar items.

Interpretive programs shall meet participant accessibility requirements.

The holder may charge for interpretive services. The holder may subcontract the provision of interpretive services with other organizations such as museums, historic societies, or the Northwest Interpretive Association. Program content and subcontractors shall be approved by the FS.

Under limited circumstances, the holder may enter into a collection agreement with the FS to provide interpretive services at the concession sites. The holder may not, however, enter into a collection agreement whereby the FS provides routine, ongoing interpretive programs.

The FS retains the right to present programs at any campground or other recreation site on the National Forest, subject to coordination with the holder to avoid conflict with other scheduled activities.

**23a1.** Applicants should submit an interpretive services plan to describe any proposed services. The plan should describe the following:

- The location, type, and frequency of interpretive services.
- A synopsis of program contents.
- A description of program presenters, and their qualifications.

### **23b. Recycling**

Recycling of all materials is encouraged. It may be required that certain materials must be recycled. A recycling program will help to meet the intent of Health and Cleanliness, Setting, and Responsiveness standards.

**23b1.** Applicants should include a description of proposed recycling services.

The holder should provide and cover all costs for any recycling programs.

Holder-supplied recycling receptacles will be subject to approval by the FS. The holder will be responsible for emptying recycled materials from the receptacles and removing them from the campground to an appropriate recycling facility. Any proceeds from the sale of recycled materials may be retained by the holder.

## **24. Additional revenue-producing sales, services, and/or fees**

Describe and list all additional revenue-producing sales services or fees you propose to provide.

- ❖ sale of firewood
- ❖ sale of fee demo passports
- ❖ sale of informational and interpretive materials (ie, books)
- ❖ recycling services
- ❖ sale of other items approved by Forest Service



## **Appendix 10**

# **FS-2700-4h, Special Use Permit for Campground and Related Granger Thye Concessions**

Authorization ID: #AUTH\_ID#  
Contact ID: #HOLDER\_ID#  
Use Code: #USE\_CODE#  
Expiration Date: #EXPIRATION\_DATE#

FS-2700-4h (03/06)  
OMB No. 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE**  
**Forest Service**  
**SPECIAL USE PERMIT FOR**  
**CAMPGROUND AND RELATED GRANGER-THYE CONCESSIONS**  
**Authority: Section 7 of the Granger-Thye Act, 16 U.S.C. 580d**  
**(Ref. FSM 2710)**

#HOLDER\_NAME#, #HOLDER\_ADD\_LINE\_1#, #HOLDER\_ADD\_LINE\_2#, #HOLDER\_ADD\_LINE\_3#,  
#HOLDER\_CITY#, #HOLDER\_STATE# #HOLDER\_ZIP#

#HOLDER\_NAME# (the holder) is hereby authorized to use and occupy National Forest System lands, subject to the conditions below, on the [ ] National Forest.

#PURPOSE#

<u>FACILITY</u>	<u>LEGAL DESCRIPTION</u>	<u>ACRES</u>	<u>DISTRICTS</u>
[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

THIS permit covers #USE\_ACRES# acres or #USE\_MILES# 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 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 shall expire at midnight on December 31, [ ], [ ] years from the date of issuance, provided that the permit term may be extended up to 5 years by amendment 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 in 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 in control means the sale or transfer of a controlling interest in the partnership or limited liability company. If the holder is an individual, change in 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 cause this permit to terminate upon issuance of a new permit to another party for the use and occupancy authorized by 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  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.

3. The holder shall perform a condition survey of the water system each year before it is opened. The holder shall prepare a brief written report that notes all deficiencies that may render compliance with Appendix F of

this permit (Operation of Federally Owned Drinking Water Systems) and other applicable regulatory requirements infeasible. The condition survey report shall also include a detailed description of all water system deficiencies and/or repair work which the holder has identified as requiring corrective action in order for the system to be in compliance with Appendix F of this permit and applicable Federal and State safe drinking water regulation. If repair work is necessary, a repair plan shall be attached to the condition survey report. The repair plan shall identify all water system components requiring repair, estimated costs for repair and the approximate time schedule to complete the repair. The report shall be sent to the authorized officer at least two weeks prior to opening the system for the season. All deficiencies shall be corrected to the satisfaction of the Forest Service prior to opening the system. Corrections and the date they were made shall be recorded in the condition survey. If the system operates throughout the year, the condition survey shall be submitted to the Forest Service by January 15 each year.

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

The holder shall maintain all equipment and other facilities on site in good repair and free of leakage of lubricants, fuel, coolants, and hydraulic fluid. The holder shall properly dispose of all hazardous waste-contaminated soil, vegetation, debris; vehicle oil filters (drained of free-flowing oil); oily rags; and waste oil in accordance with local, State, and Federal regulations off of Government property and shall transport such substances, or arrange to have such substances transported in accordance with State and Federal regulations.

**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 authorized 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 his/her 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. The holder and its employees shall not discriminate against any person on the basis of race, color, sex (in educational activities), national origin, age, or disability or by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. In addition, the holder and its employees shall comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the

Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and the Age Discrimination Act of 1975, as amended.

2. The holder shall include and require compliance with the above nondiscrimination provisions in any third-party agreement made with respect to the operations authorized under this permit.

3. Signs setting forth this policy of nondiscrimination to be furnished by the Forest Service shall be conspicuously displayed at the public entrance to the premises, and at other exterior or interior locations as directed by the Forest Service.

4. 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.

**J. EQUAL ACCESS TO FEDERAL PROGRAMS.** In addition to the above nondiscrimination policy, the holder agrees to insure that its programs and activities are open to the general public on an equal basis and without regard to any non-merit factor.

**K. NATIONAL RECREATION RESERVATION SERVICE (NRRS).** The NRRS is the only authorized reservation service to be utilized by the holder. No other reservation service of any kind may be used by the holder. Operational procedures for the NRRS will be developed and placed in the annual operating plan.

### **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 the authorized improvements. Loss to the authorized improvements 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 the term of this permit or existing or occurring after the term of this permit and arising out of or relating to any activity, event, or condition existing or occurring during the term of this permit that causes or threatens to cause: a hazard to the safety of workers or to public health or safety; or, 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

Select the appropriate clause III.I below, in accordance with the type of insurance and holder.

**Selection Item 1: For policies with separate limits of coverage for personal injury or death and third party property damage, use the following clauses III.I, III.I.1, and III.I.2.**

**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.

**2. Property.** The holder shall have in force property insurance for [ ] in the minimum amount of [ ] which represents [ ] of the insured property. The types of loss to be covered by this clause shall include but not be limited to damage to Government-owned improvements identified herein. 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.

**Selection Item 2: For policies with combined single limits of coverage for personal injury or death and third-party property damage, use the following clauses III.I, III.I.1, and III.I.2.**

**If the prospective holder is a state or one of its political subdivisions 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 limitations on the liability or indemnification obligation 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.**

**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 \$ #LIAB INS AMOUNT# as a combined single limit per occurrence.

**2. Property.** The holder shall have in force property insurance for [ ] in the minimum amount of [ ] which represents [ ] of the insured property. The types of loss to be covered by this clause shall include but not be limited damage to Government-owned improvements identified herein. 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.

**Selection Item 3. If the prospective holder is a federal agency, use the following clause III.I.**

**I. 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 #PERF\_BOND\_AMOUNT#. 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 concession for the balance of the permit term. 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 balance of the permit term, 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 for the term of this permit 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. 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, as provided in clause IV.C. Payments due before commercial operations commence pursuant to clause IV.C.1 are not refundable, except to the extent they are subject to fee offset under clause IV.C.3 and 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.

### C. PAYMENT SCHEDULE

**1. Initial Payment.** An initial cash payment representing the portion of the estimated annual permit fee for one month of revenue during the operating season (but not less than \$1,500, unless the total permit fee is less than \$1,500) shall be paid in advance of use each year. This payment is not refundable except to the extent that all or part of the initial cash payment may be offset by the cost of work performed pursuant to a Granger-Thye fee offset agreement as provided in clauses IV.C.3 and IV.E.2.

#### USER NOTES FOR CLAUSE IV.C.2

Select one of the following two clauses based on the total estimated annual permit fee.

**Selection Item 1: Select the following clause where the estimated annual permit fee is less than \$10,000. Revise the payment due dates if the operating season is other than mid-May to mid-September. However, payments must be made at least quarterly. Each payment is due in advance of use.**

**2. Subsequent Payments.** The holder shall report sales, calculate fees due, and make payment in two installments, on , and on .

**Selection Item 2: Select the following clause where the estimated annual permit fee is more than \$10,000.**

**2. Subsequent Payments.** The holder shall report sales, calculate fees due, and make payment each month.

**3. Holder-Performed Fee Offset Work.**

**(a) Work in Lieu of Cash Payments.** Notwithstanding clause IV.C.2, the cost of work performed by the holder pursuant to a Granger-Thye fee offset agreement as provided in clause IV.E.2 may be credited in lieu of cash payments against the annual permit fee, provided that the work has been accomplished in accordance with the Granger-Thye fee offset agreement, and has been accepted as completed by the Forest Service before the end of the holder's fiscal year.

In the absence of a current, Granger-Thye fee offset agreement, payment must be made pursuant to clause IV.C.2.

**(b) Documentation of Expenses.** Prior to reimbursement or credit for Granger-Thye fee-offset work, the holder shall submit sufficient documentation to allow the authorized officer to determine that the costs claimed are allocable to the Granger-Thye fee offset agreement, actual, reasonable, and not unallowable.

**4. Final Payment.** The Forest Service shall reconcile annually the actual permit fee against permit fee payments made and credits for fee offset work. The holder shall pay any additional fees owed for the past year's operation within 30 days of billing.

**5. Overpayment.** Overpayment of the permit fee will be reimbursed by the Forest Service only if paid pursuant to clauses IV.C.1 and 2. Credit for offset work pursuant to clause IV.C.3 is limited to the amount of the annual permit fee; expenses will not be reimbursed if they are greater than the annual permit fee.

**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 90 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 renovation, reconditioning, improvement, and maintenance deemed to be the government's responsibility, as defined below, of government-owned improvements and their associated land.

### **1. Definitions**

**(a) Maintenance.** Actions taken to keep fixed assets in acceptable condition. Maintenance includes preventive maintenance, normal repairs, replacement of parts and structural components, and other activities needed to preserve a fixed asset so that it continues to provide acceptable service and achieves its expected life. Maintenance includes work needed to meet laws, regulations, codes, and other legal direction as long as the original intent or purpose of the fixed asset is not changed. Maintenance excludes activities aimed at expanding capacity of an asset or otherwise upgrading it to serve needs different from or significantly greater than those originally intended, such as construction of new facilities.

**(b) Improvement.** Advancing a fixed asset to a better quality or state. Improvement includes replacement. Replacement means substitution or exchange of an existing fixed asset or component with one having essentially the same capacity and purpose. Improvement is always the responsibility of the Government rather than the holder.

**(c) Reconditioning or Renovation.** A type of maintenance that rehabilitates an existing fixed asset or any of its components in order to restore the functionality or life of the asset. Reconditioning and renovation do not include construction of new facilities.

**(d) Holder Maintenance, Reconditioning, or Renovation.** Maintenance, reconditioning, or renovation 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.

**(e) Government Maintenance, Reconditioning, Renovation, or Improvement.** Maintenance reconditioning, renovation, or improvement that arrests deterioration, improves and upgrades facilities, 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; replacing vault toilets with flush facilities, paving interior roads, upgrading facilities, and installing utilities; 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, reconditioning, renovation or improvement, 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 written Granger-Thye fee offset agreement that specifies the government maintenance, reconditioning, renovation and improvement to be used to offset the permit fee. 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. The agreement shall enumerate the portion of the permit fee to be offset by the cost of work performed by the holder and the schedule for completion of offset work. Additionally, the agreement shall specify the portion of the permit fee to be offset by the cost of work performed by the Forest Service. The agreement shall specify which projects are to be used for offset that year and shall also include standards for completion of the projects and examples of allowable costs.

**3. Collection Agreements for Forest Service Oversight for Major Government Maintenance, Reconditioning, Renovation, and Improvements Performed by the Holder.** 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, reconditioning, and improvement projects and offset those costs against the holder's annual permit fee. For purposes of this clause only, a major government maintenance, reconditioning, and improvement 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. FEE PAYMENT ISSUES

**1. Crediting of Payments.** Payments shall be credited on the date received by the deposit facility, except that if a payment is received on a non-workday, the payment shall not be credited until the next workday.

**2. Disputed Fees.** Fees are due and payable by the due date. No appeal of disputed fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments will be made if dictated by settlement terms or an appeal decision.

#### 3. Late Payments

**(a) Interest.** Pursuant to 31 U.S.C. 3717 *et seq.*, interest shall be charged on any fee amount not paid within 30 days from the date it became due. The rate of interest assessed shall be the higher of the Prompt Payment Act rate or the rate of the current value of funds to the Treasury (i.e., the Treasury tax and loan account rate), as prescribed and published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Interest on the principal shall accrue from the date the fee amount is due.

**(b) Administrative Costs.** If the account becomes delinquent, administrative costs to cover processing and handling the delinquency shall be assessed.

**(c) Penalties.** A penalty of 6% per annum shall be assessed on the total amount that is more than 90 days delinquent and shall accrue from the same date on which interest charges begin to accrue.

**(d) 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. The holder shall be responsible for the delinquent fees, as well as any other costs of restoring the site to its original condition, including hazardous waste cleanup.

**4. Administrative Offset and Credit Reporting.** Delinquent fees and other charges associated with the permit shall be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 *et seq.* and common law. Delinquencies are subject to any or all of the following:

**(a)** Administrative offset of payments due the holder from the Forest Service.

**(b)** If in excess of 60 days, referral to the Department of the Treasury for appropriate collection action as provided by 31 U.S.C. 3711(g)(1).

**(c)** Offset by the Secretary of the Treasury of any amount due the holder, as provided by 31 U.S.C. 3720 *et seq.*

(d) Disclosure to consumer or commercial credit reporting agencies.

**G. 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

**A. COMPLIANCE WITH ENVIRONMENTAL LAWS.** The holder shall in connection with the use and occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 *et seq.*, the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.*, the Oil Pollution Act, as amended, 33 U.S.C. 2701 *et seq.*, the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9601 *et seq.*, the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 *et seq.*, the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 *et seq.*, and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f *et seq.*

## B. WATER SYSTEMS

1. The holder, as the water supplier and operator of the drinking water system, shall operate the system in compliance with Forest Service Manual (FSM) Chapter 7420, applicable federal, state, and local drinking water laws and all regulations applicable to public and nonpublic drinking water systems. This includes, but is not limited to, renovation, operating and maintaining the system and conducting drinking water testing, maintaining records to demonstrate compliance, and taking the appropriate corrective and follow-up actions in accordance with Appendix F of this permit (Operation of Federally Owned Drinking Water Systems) and federal, state, and any other applicable requirements. The holder shall be able to demonstrate compliance with Appendix F of this permit (Operation of Federally Owned Drinking Water Systems) and all other applicable requirements by maintaining all necessary records. 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. Requirements under FSM 7420 applicable to the holder are set forth in this section and Appendix F to the permit entitled "Operation of Federally Owned Drinking Water Systems."

2. 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 provide a copy of positive lab test to the Forest Service within one week of receiving the lab result. The holder shall notify the State drinking water program and Forest Service within 48 hours of any failure to comply with a federal or state drinking water requirement and make a written record that the notification occurred and place it in the system's record file. 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. The holder shall respond to the microbial contamination event as specified in Appendix F of this permit (Operation of Federally Owned Drinking Water Systems) and applicable regulations.

3. The holder shall retain all records as required by applicable laws and regulations. The holder agrees to make the records available upon request 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 all other drinking water sample results shall be forwarded to the Forest Service at the end of the operating season. If the operating season is longer than six months in length, copies of sample results must be provided to the Forest Service every six months. The holder shall clearly identify all sample results that violate FSM requirements or state, federal, and local requirements when the copies are submitted. Sample results that violate any of these requirements must have the results of required follow up samples attached. Copies of sample results that violate state requirements must have documentation attached to demonstrate that the state was informed of the violation within 48 hours of the lab notifying the holder of the results. The holder shall surrender all records for a federally owned system to the Forest Service upon permit termination or revocation.



4. 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. Operators shall be certified to operate drinking water systems for all water systems classified as community or non-transient noncommunity system or when otherwise required by the state in which the system is located. Records to demonstrate operator certification shall be kept by the holder and made available to Forest Service upon request.

**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.

**USER NOTE FOR CLAUSE V.G.**

**<Delete instructions and non-applicable clauses prior to printing>  
Add the clauses below when consenting to store hazardous materials.**

1. If the holder receives consent to store hazardous material, the holder shall identify to the Forest Service any hazardous material to be stored at the site. Such identification information shall be consistent with column (1) of the table of hazardous materials and special provisions given at 49 CFR 172.101 whenever the hazardous material appears in that table. For hazard communication purposes, the holder shall maintain Material Safety Data Sheets for any stored hazardous chemicals, consistent with 29 CFR 1910.1200(c) and (g). In addition, all hazardous materials stored by the holder shall be used, labeled, stored, transported, and disposed of in accordance with all applicable Federal, State, and local laws and regulations.

2. The holder shall not release any hazardous material as defined in clause III.F. onto land or into rivers, streams, impoundments, or into natural or man-made channels leading thereto. All prudent and safe attempts must be made to contain any release of these materials. The authorized officer in charge may specify specific conditions that must be met, including conditions more stringent than Federal, State, and local regulations, to prevent releases and protect natural resources.

3. The holder shall immediately notify all appropriate response authorities, including the national Response Center and the Forest Service authorized officer or designated representative, of any oil discharge or of the release of a hazardous substance at the site in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR part 153, subpart B, and 40 CFR 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The holder shall immediately notify the Forest Service designated representative upon knowledge of any release [or threatened release] of any hazardous material at or in the vicinity of the permit area which may be harmful to public health or welfare or which may adversely affect natural resources under the management authority of the United States.

**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:

1. For noncompliance with federal, state, or local laws and regulations.
2. For noncompliance with the terms of this permit.
3. For failure of the holder to exercise the privileges granted by this permit;
4. With the consent of the holder; or
5. At the discretion of the authorized officer, for specific and compelling reasons in the public interest.

**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 the action to be taken 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 48 hours 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 written decisions by the authorized officer relating to administration of this permit 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, type, and price of services provided to 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 holder shall not be required to charge prices significantly different from those charged by comparable or competing businesses.

**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 subsequent clauses or provisions in the appendices attached to this permit, the preceding printed clauses shall control.

#INSERT TERM HERE#

**<<Use this signature page for individual(s) and all non-corporate entities. Ensure all user notes are deleted prior to printing>>**

**This permit is accepted subject to all its terms and conditions.**

HOLDER: \_\_\_\_\_

U.S. DEPARTMENT OF AGRICULTURE  
Forest Service

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Authorized Officer)

Date: \_\_\_\_\_

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.]**

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not 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. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 975-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

**<<Use this signature block for corporations.>>**

**This permit is accepted subject to all its terms and 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 this permit; that \_\_\_\_\_, who signed this permit on behalf of \_\_\_\_\_ 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 signed, sealed, and attested to on behalf of \_\_\_\_\_ by authority of its board of directors.

(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.]**

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## **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 of the facilities, equipment, and operation and maintenance of the a drinking water system to evaluate the adequacy of those elements for producing and distributing safe drinking water and meeting FSM and regulatory requirements. 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. Population Served.** The holder shall use the drinking water system classification provided by the authorized officer to determine the system class and applicable FSM Chapter 7420 and state, federal, and local regulatory requirements.

**I. 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.

**J. 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 shall be collected within 24 hours of notification of a positive result.

**K. 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.

**L. 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.

**M. 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.

**N. 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 shall comply with the requirements of Appendix F of this permit (Operation of Federally Owned Drinking Water Systems), 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 Appendix F of this permit (Operation of Federally Owned Drinking Water Systems) which requires monthly total coliform sampling for non-public systems, among other requirements and to any federal, State, interstate, and local requirements that may apply.

**B. Classification.** All drinking water systems are classified by the Forest Service as either public water systems or non-public water systems. Public water systems shall be further classified in accordance with federal, state, or local requirements (*e.g.*, "community" or "non-community," and so on). Non-public water systems shall 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 shall be certified as required by federal, State, and local regulations. The permit 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.

**D. Initial Survey.** Sanitary surveys shall 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 shall 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 shall be conducted on all systems in accordance with applicable State regulations, or more frequently if there are recurring deficiencies. The Forest Service shall conduct regularly scheduled sanitary surveys and the holder shall assist the Forest Service by providing laboratory test results, locating components at the site, operating valves and equipment. 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 shall 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 shall 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 shall 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 shall institute a drinking water monitoring program according to Appendix F (Operation of Federally Owned Drinking Water Systems) 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 shall consult with the Forest Service to develop a written sample sitting plan for each public and non-public water system. The sitting 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 shall be collected and handled in compliance with laboratory requirements. The Forest Service authorized officer shall approve of the manner in which the laboratory notifies the permit holder of violations. The Forest Service requires that the laboratory notify the authorized officer of violations directly. The holder is responsible for providing the name and address of the authorized officer to ensure the laboratory sends copies of samples results that indicate violation to the Forest Service. 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, per the requirements of FSM Chapter 7420 and Appendix F (Operation of Federally Owned Drinking Water Systems).

1. **(a) Routine Sampling for All Systems.** The permit holder shall 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.

Microbiological sampling shall be conducted every month. Samples should be taken at approximately 30-day intervals. Samples shall be taken early in the month to allow sufficient time for follow-up samples to be taken. 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 shall be taken and shall 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.
- (c) **Microbiological Contaminant Monitoring for Non-Public Water Systems.** The permit holder shall monitor non-public water systems for microbial contamination in the same manner as is required in the Forest Service Manual Chapter 7420 for non-community public systems and any federal, State, and local regulations (except for reporting to the regulatory agency). In addition to federal and State requirements, the permit holder shall take the appropriate follow-up actions as described in **Exhibit 1** of this document whenever a routine sample tests total coliform positive.

**2. Disinfectant Residuals Monitoring for All Systems.** The permit holder shall perform residual disinfectant monitoring in accordance with federal, State, and local regulations for all public systems requiring disinfection, and shall monitor and take follow-up action for non-public systems requiring disinfection in the same manner (except for reporting to regulatory agencies).

**3. Turbidity Monitoring.** The permit holder shall 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 shall 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.

**H. Record-Keeping.** The permit holder shall establish a permanent file for each drinking water system including all test results, corrective actions taken, documentation that the state and Forest service were notified within 48 hours of a known violation, and annual condition surveys. The permit holder shall maintain original documents of records as required by 40 CFR 141.33 and applicable State and local regulations. The permit holder shall 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 15<sup>th</sup> 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.

**I. 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 shall 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 shall include a warning statement as to potability of undeveloped water sources. Undeveloped water sources shall not be identified on such information in a way that may mislead users into believing the water is protected and safe. The permit holder shall take any additional measures to protect the public as are required by Federal, State, or local law with regard to such water sources.

**J. 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 shall 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.

**K. Hoses and Similar Equipment.** Hoses that convey drinking water shall have a smooth interior surface made of food-grade standard materials. The permit holder shall keep pumps, hoses, fittings, valves, and similar equipment in a manner which prevents contamination, and shall 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 sitting 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:

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

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

PRIMARY CONTAMINANTS	SECONDARY CONTAMINANTS
Arsenic	Aluminum
Barium	Chloride
Cadmium	Color
Chromium	Copper
Fluoride	Foaming Agents (Surfactants)
Lead	Iron
Mercury	Manganese
Nitrate	Odor
Nitrite	pH
Selenium	Silver
Sodium	Sulfate
	Total Dissolved Solids
	Zinc

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 11**

## **FS-2700-4h, Appendix F, Operation of federally owned Drinking Water Systems**

## APPENDIX 11

### **SPECIAL USE PERMIT FOR CAMPGROUND AND RELATED GRANGER-THYE CONCESSIONS**

**Authority: Granger-Thye Act, 16 U.S.C. 580d**

**(Ref. FSM 2710)**

**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 of the facilities, equipment, and operation and maintenance of the a drinking water system to evaluate the adequacy of those elements for producing and distributing safe drinking water and meeting FSM and regulatory requirements. 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 Population Served.** The holder shall use the drinking water system classification provided by the authorized officer to determine the system class and applicable FSM Chapter 7420 and state, federal, and local regulatory requirements.

**I. 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.

**J. 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 shall be collected within 24 hours of notification of a positive result.

**K. 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.

**L. 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.

**M. 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.

**N. 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 shall comply with the requirements of Appendix F of this permit (Operation of Federally Owned Drinking Water Systems) , 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 Appendix F of this permit (Operation of Federally Owned Drinking Water Systems) which requires monthly total coliform sampling for non-public systems, among other requirements and to any federal, State, interstate, and local requirements that may apply.

**B. Classification.** All drinking water systems are classified by the Forest Service as either public water systems or non-public water systems. Public water systems shall be further classified in accordance with federal, state, or local requirements (*e.g.*, "community" or "non- community," and so on). Non-public water systems shall 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 shall be certified as required by federal, State, and local regulations. The permit 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.

- D. **Initial Survey.** Sanitary surveys shall 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 shall 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 shall be conducted on all systems in accordance with applicable State regulations, or more frequently if there are recurring deficiencies. The Forest Service shall conduct regularly scheduled sanitary surveys and the holder shall assist the Forest Service by providing laboratory test results, locating components at the site, operating valves and equipment. 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 shall 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 shall 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 shall 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 shall institute a drinking water monitoring program according to Appendix F (Operation of Federally Owned Drinking Water Systems) 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 shall consult with the Forest Service to develop a written sample siting plan for each public and non-public 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 shall be collected and handled in compliance with laboratory requirements. The Forest Service authorized officer shall approve of the manner in which the laboratory notifies the permit holder of violations. The Forest Service requires that the laboratory notify the authorized officer of violations directly. The holder is responsible for providing the name and address of the authorized officer to ensure the laboratory sends copies of samples results that indicate violation to the Forest Service. 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, per the requirements of FSM Chapter 7420 and Appendix F (Operation of Federally Owned Drinking Water Systems).



1. a. **Routine Sampling for All Systems.** The permit holder shall 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.  
  
Microbiological sampling shall be conducted every month. Samples should be taken at approximately 30-day intervals. Samples shall be taken early in the month to allow sufficient time for follow-up samples to be taken. 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 shall be taken and shall 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.
  - c. **Microbiological Contaminant Monitoring for Non-Public Water Systems.** The permit holder shall monitor non-public water systems for microbial contamination in the same manner as is required in the Forest Service Manual Chapter 7420 for non-community public systems and any federal, State, and local regulations (except for reporting to the regulatory agency). In addition to federal and State requirements, the permit holder shall take the appropriate follow-up actions as described in **Exhibit 1** of this document whenever a routine sample tests total coliform positive.
2. **Disinfectant Residuals Monitoring for All Systems.** The permit holder shall perform residual disinfectant monitoring in accordance with federal, State, and local regulations for all public systems requiring disinfection, and shall monitor and take follow-up action for non-public systems requiring disinfection in the same manner (except for reporting to regulatory agencies).

### **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:

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

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

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

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.

**Burden Statement**

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not 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. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

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The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

## **Appendix 12**

# **FS-2700-4H, Appendix B, Granger-Thye Fee Offset Agreement**

USDA Forest Service

OMB 0596-0082  
 FS-2700-4h, Appendix B (03/06)

Authorization ID [redacted]  
 Contact ID [redacted]  
 Expiration [redacted]

**APPENDIX B**  
**ANNUAL GRANGER THYE FEE OFFSET AGREEMENT**  
**SPECIAL USE PERMIT**  
**For Campground and Related Granger-Thye Concessions**  
**AUTHORITY: Section 7 of the Granger-Thye Act, 16 U.S.C. 580d**  
**<Reference FSH 2709.11 chapter 50>**

This Annual Granger-Thye (GT) Fee Offset Agreement is made by [name] (the Holder) and the U.S. Department of Agriculture, Forest Service, [name] National Forest (the Forest Service), under section 7 of the G-T Act, 16 U.S.C. 580d, and clause IV.E of the special-use permit issued to the holder on [date] (the permit).

The total estimated annual permit fee is [amount]. [ ] percent of that permit fee may be offset by the cost incurred by the Holder for the Government maintenance, reconditioning, renovation, or improvement (MRR) projects listed below in accordance with this agreement. Additionally, [ ] percent of that fee may be offset by the cost incurred by the Forest Service for the Government MRR projects under a separate collection agreement. Projects to be performed by the Holder shall be completed by the date specified and within the Holder's fiscal year for the year the fee is due. 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. Due dates and cost estimates for completion of each project are enumerated below. Examples of allowable costs include salaries and wages, materials and supplies, and subcontracts that are direct costs of a G-T fee offset project and indirect costs based on an approved indirect cost rate. The total cost for Government MRR projects to be performed under this agreement shall not exceed the annual fee.

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.

The Holder shall perform the work itemized below under this agreement.

Description of Project	Due Date	Estimated cost	Completion Date	Actual Cost
[itemize projects]				

Signed: \_\_\_\_\_ Date \_\_\_\_\_  
 Holder or Holder's Agent

Signed: \_\_\_\_\_ Date \_\_\_\_\_  
 Authorized Officer



USDA Forest Service

OMB 0596-0082  
FS-2700-4h, Appendix B (03/06)

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# **Appendix 13**

## **Potential Government Maintenance Reconditioning Renovation and Improvement Projects**

The projects anticipated for the near future are to reconstruct and repair the facilities and water systems listed in the following table:

<b>Campground</b>	<b>Est. Year</b>	<b>Activity</b>
Fishing Pier Day Use	2011/2012	Proposed New Fee Site: Day-Use Fishing Pier (improved to American Disabilities Act modifications)
West Shore Campground	2010/2011	CXT –Single toilet installed at West Shore Campground

# **Appendix 14**

## **Indirect Cost Reimbursement Letter**

File 2720/6500  
Code:  
Route  
To:

Date: July 11, 2002

Subject: Indirect Cost Reimbursement in Granger-Thye Permits

To: Regional Foresters

**Issue.** At the request of the National Forest Recreation Association (NFRA) we have evaluated how the Forest Service reimburses the indirect costs of permit holders who perform Granger-Thye (GT) fee offset work. Holders are concerned that forests are inconsistent on whether and how indirect costs are allowed and what documentation is necessary to support a claim for indirect costs.

**Background.** Under Section 7 of the GT Act, and when authorized by a permit and GT fee offset agreement (GT agreement), the Forest Service offsets all or part of the permit fee paid by campground concessionaires with the cost of Government renovation, reconditioning, improvement, and maintenance performed at the concessionaire's expense on facilities covered by the permit. When the holder performs the work, it is authorized by an attachment to the permit called a GT fee offset agreement. Alternatively, the Forest Service may enter into a collection agreement as authorized by Section 5 of the GT Act to perform work eligible for fee offset under Section 7.

**Historical Practice.** Typically the field has offset the holder's direct costs for approved offset work, but reimbursement for the holder's indirect costs has varied. Approaches have included limiting indirect costs to a maximum of 5 percent or 10 percent of the fee to be offset, limiting the type of indirect costs to be reimbursed, or reimbursement of a flat overhead rate without documentation. Review of this issue has shown that these methods are not appropriate, because holders should be reimbursed actual costs. There is a misconception among employees and holders that the Forest Service can reimburse a flat indirect cost rate without documentation. There is often disagreement between forests and holders about what costs may be reimbursed.

**Comparison.** The Office of Management and Budget (OMB) has issued circulars to guide cost reimbursement for several types of business entities, including Circular A-87 for State and Local Governments and Circular A-122 for Non-Profit Organizations. The Federal Acquisition Regulation (FAR) Part 31 guides cost reimbursement for Commercial (For-Profit) Entities. We evaluated how cost reimbursement is conducted in other agency programs. Regulations at 7 CFR 3019.27 were updated in August 2000 to address the determination of allowable costs for grants and agreements in conformance with applicable OMB circulars. FSH 1509.11, Chapter 70, provides that administration of costs in grants and agreements for commercial entities is subject to FAR Part 31, Contract Cost Principles and Procedures. Adopting these cost standards for GT offset will create consistency among the program areas of special uses, contracting, and grants and agreements and conform to OMB guidance.

Regional Foresters

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**Conclusion.** Offset of indirect costs is appropriate. Indirect costs are a customary charge in contracting and grants and agreements and should be eligible for offset under GT agreements. The following guidance applies to reimbursement of actual costs to commercial entities holding GT permits. The guidance (enclosed) is excerpted from FAR Part 31 and 48 CFR Part 9904 but has been tailored to address GT agreements. A simplified process for small concessions is included at the end of the document. Cost principles for non-profit entities and state or local governmental entities are not addressed. The guidance does not address the reimbursement of agency indirect costs. When the Forest Service performs the work, agency indirect costs will be assessed in accordance with FSH 1509.11, Chapter 33 and indirect cost rates established nationally (e.g., the FY2002 rate is 18 percent).

**Implementation.**

Before the holder's indirect costs may be offset under a GT agreement, the holder must submit its indirect cost rate and supporting documentation for approval. Determination of an indirect cost rate should comply with the Cost Accounting Standards (CAS) and this guidance. When claiming cost reimbursement, the holder must certify that costs claimed comply with this guidance. Indirect costs based on approved Indirect Cost Allocation Rates (ICAR) should be reimbursed starting with 2002 permit fees. This advice for reimbursement of indirect costs is not retroactive to prior year permit fees.

For New Permits: Applicants must disclose accounting procedures and historic indirect cost allocation rates in response to a prospectus.

For Existing Permits: Holders must submit their ICAR to the authorized officer. Because the ICAR will be the same for all permits held by a specific company, it is recommended that the regional external auditor review and approve the rate. Regional auditors should coordinate the review for companies operating in more than one region.

/s/ DAVID G. HOLLAND

/S/ TAMARA HANAN

DAVID G. HOLLAND  
Director, Recreation, Heritage,  
and Wilderness Resources  
cc: Carolyn Holbrook

TAMARA HANAN  
Director, Financial Policy  
and Analysis