



Cooperative Public Use Management on the National Forests and Grasslands

A GUIDE TO SPECIAL USE AUTHORIZATIONS, COOPERATIVE AGREEMENTS, AND PARTNERSHIPS FOR OUTDOOR RECREATION AND TOURISM UTILIZED BY THE UNITED STATES FOREST SERVICE



Prepared on behalf of the U.S. Forest Service International Programs for the Brazilian Ministry of Environment, Chico Mendes Institute for Biodiversity Conservation, and U.S. Agency for International Development's Partnership for the Conservation of Amazon Biodiversity (PCAB)

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Cover photo by Tom Iraci

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I. Introduction



Photo by Elena Todorova

The benefits of managing protected areas for recreation and tourism have been well documented, both in the United States and around the world. Known benefits include enhancing economic opportunities on the local, regional, and national scales, protecting natural and cultural heritage, and improving the quality of life for participants and adjacent communities.

In the United States in 2017, hundreds of millions of recreation and tourism visits to public lands and waters supported 880,000 jobs and generated \$51 billion in direct spending in local communities. For the United States Forest Service (USFS) alone, those figures were 143,000 jobs and \$10.3 billion .

The USFS has provided outdoor recreation and tourism opportunities since its inception in 1905. For much of its existence, most of the facilities and services were provided by the agency's staff and through capital investments funded directly through the federal budget. As demand for recreation and visitors' desires for better services grew, the agency began developing policies and mechanisms to engage the private sector and other partners to help provide recreation services and facilities.

Many developing countries lack the organizational and funding capacity to provide the access as well as all of the facilities and services needed for a quality tourism program that provides the benefits listed above. In such a case, engaging the private sector, both for-profit and nonprofit entities, can help achieve those outcomes.

This guide reviews specific measures the USFS has developed to utilize the private sector as a partner in providing outdoor recreation services and facilities. It also includes case studies on a variety of mechanisms for doing so and describes “lessons learned” over the course of its history. The author hopes this is valuable in helping others on the path to providing sustainable recreation tourism that benefits the land and the people.

This guide was developed as a reference to support the partnership between the U.S. Forest Service, U.S. Agency for International Development and the Government of Brazil Ministry of Environment’s Chico Mendes Institute for Biodiversity Conservation.

Background and Purpose of the Guide

The United States Forest Service (USFS) hosts approximately 193,000,000 site visits per year for outdoor recreation and tourism, according to the agency’s National Visitor Use Monitoring (NVUM) system. Some National Forest units experience millions of annual visits, while some in more isolated areas have visitation rates around 100,000 per year. For example, the White River National Forest in the State of Colorado, USFS Rocky Mountain Region, receives an estimated 12,400,000 annual visits.

To meet this high level of demand and generate health, economic, and social benefits while protecting the natural and cultural environment, the

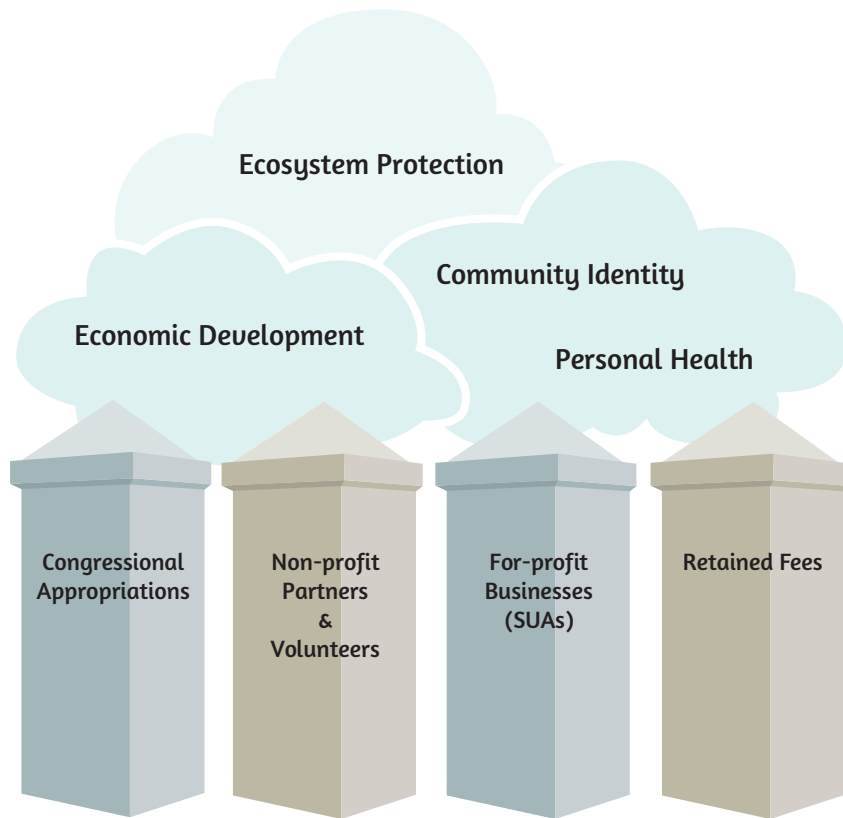
USFS has developed a sustainable delivery model to provide recreation facilities and services, built on four cornerstones:

- **Appropriated funds** from the United States Congress based on taxes and fees collected by the US Treasury
- **Fees collected and retained directly by the agency** for specific uses in the recreation program. Fees are collected from the general public and permit holding businesses.
- **Agreements with nonprofit organizations** and volunteer groups to do facilities maintenance and environmental restoration work or raise funds for such work
- **Special Use Authorizations (SUAs) with for-profit businesses** to provide facilities and services for public use

All these components are necessary to deliver a quality outdoor recreation program. The last three have evolved over time as people, communities, and businesses have increasingly forged connections with the natural and cultural landscapes managed by the USFS. This has created demands for increased facilities and services and impacts on natural resources beyond the capability of the agency to meet based on appropriated funds alone. The growing demands have also brought new resources to the agency, and provoked significant change and exciting innovation as the agency continues to adapt to societal change and evolving expectations of government. All four components of the sustainable delivery model deserve consideration by any country or entity contemplating developing an outdoor recreation/tourism program and may have applicability, with adaptations for local conditions, in varying degrees.

Figure 1: The Cornerstones of the USFS Sustainable Delivery Model and its Outcomes

Outcomes of Recreation and Tourism Programs



The first cornerstone, appropriated funds from Congress, provides for the core organization – staffing, offices, and equipment – that supports the delivery and oversight of the other three. None of those would be possible without adequate and trained agency personnel. There is often a direct relationship between investments in staffing and returns in the form of

economic and social benefits. In the words of a private businessman, “No investment, no return!”

Other than services and facilities provided by the government, *Special Use Authorizations* with for-profit private sector businesses are the primary source of facilities and services for public use on the National Forest System (NFS). An estimated 25-33% of all visits to the NFS are provided through the private sector. The remaining visitation to the NFS is by members of the public independently exploring with their own transportation and equipment, engaging in the recreation activity of their choice without any guide.

In many developing countries, private sector involvement may offer the greatest potential to develop additional facilities and deliver expanded public use services, while protecting the environment, and it is therefore the primary focus of this guide.

The USFS has worked in partnership with the private sector to provide outdoor recreation services and facilities since its inception in 1905. Today, it utilizes a broad array of Special Use Authorizations to offer everything from highly developed alpine skiing resorts and privately managed developed campgrounds to professionally guided trips into pristine Wilderness. The agency also utilizes innovative public-intergovernmental-nonprofit cooperative agreements that have emerged in recent years to foster investment capital for development of outdoor recreation and other ecosystem services.

The intent of this guide is to document the types of agreements and authorizations in use and describe how the USFS administers them to:

- provide sustainable outdoor recreation opportunities to local citizens and visitors from across the country and the world

- protect the environment
- create economic and other social benefits for local communities and states

The Special Use Authorization program will be discussed in the context of the other three cornerstones of the USFS's sustainable delivery model where appropriate.

The guide was developed for the USFS International Programs division to inform protected area managers in Brazil as a replacement for an intended seminar on the subject scheduled for April 2020 in Brasilia, canceled due to the COVID-19 pandemic. It hopefully can also serve as a guide for other countries seeking ways to integrate the private sector in the management of their protected areas as well. Finally, it is hoped that it will also prove useful to USFS managers and special use administrators in the National Forest System.

United States Forest Service – An Overview

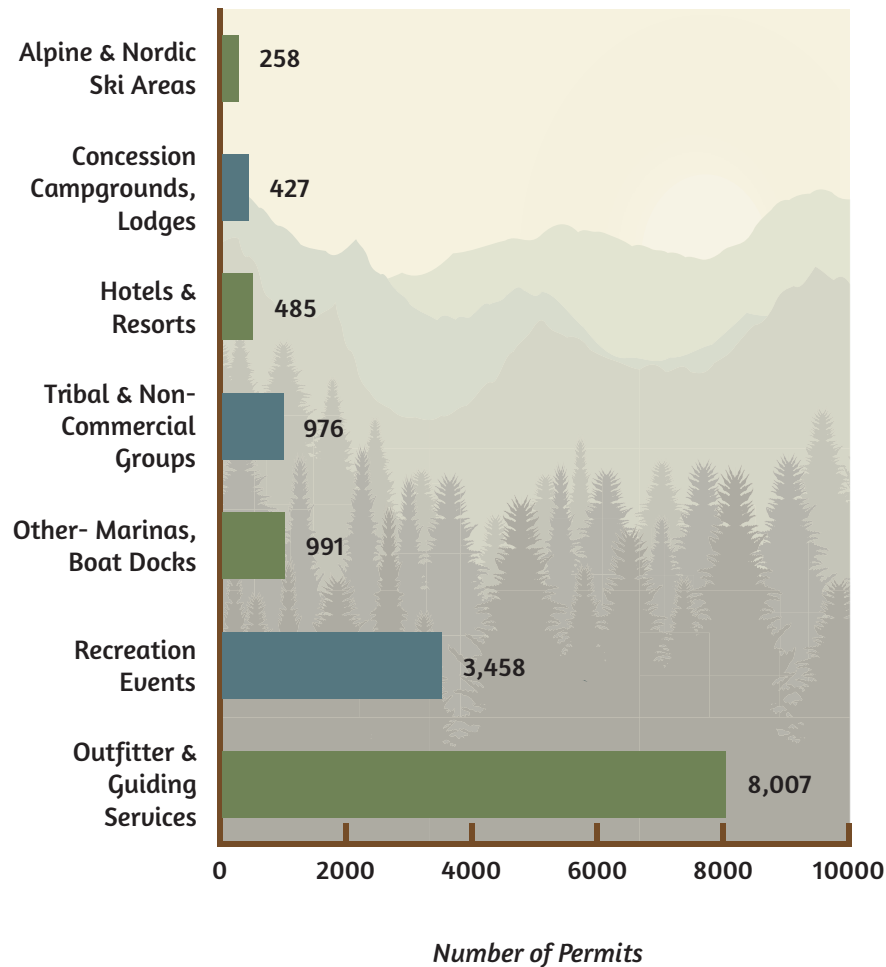
The USFS was created in the Department of Agriculture 1905 as the agency to manage the growing collection of U.S. federal Forest “Reserves”, first established in 1891. The purpose of the reserves was “to improve and protect the forests ... for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber” Numerous laws since that time have modified the agency’s mission, most notably the Multiple Use- Sustained Yield Act of 1960 and the National Forest Management Act of 1976, which codified the existing management of other resources such as grazing, minerals, wildlife, and outdoor recreation. In short, the Forest Service has long been a “multiple-use” agency with a long-term conservation ethic. The agency’s mission is:

To sustain the health, diversity, and productivity of the nation’s forests and grasslands to meet the needs of present and future generations.

Today, the National Forest System (NFS) is comprised of 154 National Forest and Grasslands covering over 193,000,000 acres (> 77,000,000 hectares) in 42 of the 50 states and in the territory of Puerto Rico. The Outdoor Recreation program is a major emphasis area across the entire NFS and is an important factor in the identity and relevance of the USFS to many Americans. The outdoor recreation program contributes \$10.3 billion in economic activity annually and supports 143,000 full and part-time jobs, nearly half of the USFS’s contribution to the Gross Domestic Product (GDP) and employment.

The USFS engages the private sector in the delivery of recreation facilities and services but also authorizes many other non-recreation uses (called Land Uses) of the NFS, such as utility and road easements, communications towers, and water developments through special use authorizations. Together, there are nearly 78,000 Lands and Recreation special use authorizations in place across the NFS. Nearly 15,000 of those provide for public recreation use. In addition, there are over 15,000 permits for recreation residences, which essentially comprise exclusive use of public lands. For that reason, no new recreation residence permits are being issued. The categories and numbers of the public recreation use SUAs are shown in Figure 2 on the next page.

Figure 2: Types of USFS Special Uses



The applications, terms, and conditions of these SUA types will be discussed in later sections.

Definitions

Many different terms are used within the USFS and in other agencies to describe the types of authorizations for use of the public lands. Some are general while others have strict legal definitions. For consistency and clarity, the following definitions will be used in this guide:

- **Partnership** – A general term referring to any two or more entities with a mutual interest, public and/or private, working together for mutual benefit. Often utilized to emphasize a spirit of cooperation without any legal agreement in place or to promote a culture of goodwill between the USFS and special use permit holders. Also more specifically used for formal cooperating agreements with nonprofit organizations and volunteer groups to do environmental restoration work, trail and facility maintenance, or provide information to the public. Such cooperating agreements define areas of mutual benefit, specific commitments of each partner, and terms and conditions. The agreements provide a critical component of the USFS sustainable recreation delivery model and promote connections between the agency and local communities. They are currently an area of great innovation for public-private and public-public cooperation.
- **Volunteers and Volunteer Agreements** – Individuals or organizations that donate time without compensation to do work on the ground or in offices to support USFS programs. Volunteerism is a large component of the USFS sustainable recreation delivery model, with more than 110,000 volunteers donating approximately 5,000,000 hours of work at an estimated value of around \$120,000,000 annually. Beyond the work and economic outputs, volunteerism helps forge bonds with local communities and is sometimes referred to as “Citizen Stewardship”.

- **Special Use Authorization** – A written permit, term permit, lease, or easement which allows use or occupancy of National Forest System land, including terms and conditions under which that use or occupancy may occur. There are several categories of SUAs:
 - **Concession** – A type of SUA where the permit holder operates a facility that has been developed and is owned by the government. The holder charges the public for use of the facility and associated services and uses the receipts to maintain the facility as well as provide a fee to the government agency. Examples include government developed campgrounds, lodges, and visitor centers. Terms vary from 5-30 years.
 - **Special Use Permit** – A SUA which provides permission to occupy and use National Forest Service land for a specified purpose without conveying an interest in land and which is revocable, terminable, and non-compensable. The holder charges a fee for the services provided and pays a percentage to the USFS. Examples include outfitting and guiding services. These may be issued for 1-20 years.
 - **Term Permit** – A SUA where the holder develops and retains ownership of facilities for long term use and provides services to the public on NFS land. The holder charges the public to cover the costs of development and services and make a profit. A land use fee plus a percentage of revenues is then paid to the USFS annually. Normally issued for 20-30 years, with ski areas having a term of 40 years due to the level of investment required. Examples include ski areas, lodging resorts, and marinas.
 - **Temporary Permit** – A short term (1 day to 1 year) SUA which provides for use and temporary occupancy of NFS lands to support an event or service to the public. Fees to the USFS can include a flat rate, one based on numbers of participants, or

a percentage of receipts. Examples include recreation events such as long-distance foot or bicycle races and “challenge” outdoor skills events. Temporary permits are also used for weddings, commercial photography and filming, and short-term outfitting and guiding.

- **Leases, Easements, and Rights-of-Way** – Types of Term Permits that are utilized for long term land use authorizations (as opposed to recreation) such as for roads and highways developed by another government agency, utilities such as powerlines, pipelines, and reservoirs, and communications sites. These are outside the scope of this guide, but worth noting in that they share many of the same regulatory



Photo by Ralph Lee Hopkins

authorities with the Recreation SUAs and are often referred to together.

- Contracts – Unlike the above SUAs where a permit holder pays the agency a fee for use of land and/or facilities, the USFS also contracts with the private sector, paying a bid or negotiated amount for construction of facilities or provision of services. The term may be for a few days or multiple years. Contracts are one of the tools an agency may utilize to deliver services such as security, waste management, construction, maintenance, or transportation, and so are mentioned here but are outside the scope of this guide.

II. The Context for USFS Special Use Authorizations and Their Administration



Photo by Tomas Castelazo

The Regulatory Framework

As previously noted, the United States Forest Service has utilized the private sector to deliver improvements, facilities, and services since its inception in 1905. The authority to do so is rooted in the Organic Administration Act of June 4, 1897 (generally referred to as the “Organic Act”) which authorized the Secretary of Agriculture “to issue rules and regulations for the occupancy and use of the National Forests”. Many specific laws have been passed and regulations developed since then regarding specific types of use. The most relevant ones for outdoor recreation and public use are summarized in Table I on the next page.

Table 1: Relevant Laws for Outdoor Recreation and Public Use

Authority Laws	Types of Use	Types of SUA
Term Permit Act (Act of March 4, 1915)	Privately Developed Facilities, for example: <ul style="list-style-type: none"> ▪ Boat Docks and Marinas ▪ Hotels, Lodges, Resorts ▪ Restaurants 	Term Permit – Use and occupancy up to 80 acres (32 hectares) for a Maximum of 30 years
Granger-Thye Act of 1950	Government Owned Facilities, for example: <ul style="list-style-type: none"> ▪ Campgrounds and Picnic Areas ▪ Lodges and Resorts ▪ Visitors Centers 	Permit (G-T permit) – Use of government owned facilities and improvements for up to 30 years. Term of campgrounds has been established by policy as 5 years, extendable to 10 based on performance.
National Forest Ski Area Permit Act of 1986	Privately Developed Facilities and Services at Alpine and Nordic Ski Areas	Term Permit – acreage as needed for activity as determined by authorized officer for up to 40 years
Federal Lands Recreation Enhancement Act of 1994	Use of NFS land with temporary facilities or no facilities, for example: <ul style="list-style-type: none"> ▪ Outfitter and Guiding Services ▪ Recreation Events ▪ Vendors ▪ Transportation and Livery 	Temporary Permits from 1 day to 1 year, or - Permits for up to 10 years for Outfitter-Guides

From these and other applicable laws, the USFS has developed regulations and policies which govern the administration of the permits. Links to these are in the Bibliography and a brief description of coverage is provided in Table 2.

Table 2: USFS Permit Administration Regulations and Policies

Regulations and Policies	Short Name	Items Covered
Code of Federal Regulations (CFR) 251, Subpart B	36 CFR 251, Subpart B	Direction for all special uses management on NFS lands: <ul style="list-style-type: none"> ▪ Application process ▪ Terms & Conditions ▪ Fees and Fee waivers ▪ Termination, revocation, and suspension ▪ Administration
Forest Service Manual 2700	FSM 2700 – Special Uses Management	<ul style="list-style-type: none"> ▪ Authorities ▪ Responsibilities ▪ Handbooks
Forest Service Handbook 2709.11	FSH 2709.14 – Recreation Special Uses Handbook	<ul style="list-style-type: none"> ▪ Application Process ▪ Evaluation (Screening) of Proposals ▪ Proposal Content ▪ Environmental Analysis ▪ Terms & Conditions ▪ Administration ▪ Fee Determination
Forest Service Handbook 2709.14	FSH 2709.14 – Recreation Special Uses Handbook	<ul style="list-style-type: none"> ▪ Chapter 50 – Outfitting and Guiding Services - Permits, Administration, and Fees ▪ Chapter 60 – Winter Recreation Resorts - Permit Requirements, Environmental Analysis, and Operating Plans

In addition to the Special Use Authorizations, Partnership Agreements are another area of engaging external resources to deliver a broad array of services. There are many laws that authorize these agreements for the USFS. A few key ones, and the policy that has developed to utilize them are:

Table 3: Relevant Laws for Partnership Agreements

Law or Policy	Features
Cooperative Funds and Deposits Act of 1975	<ul style="list-style-type: none"> ▪ Partnership Agreements including: <ul style="list-style-type: none"> • Participating • Challenge Cost Share • Joint Venture
Federal Grants and Cooperative Agreements Act of 1978	
Consolidated Appropriations Act of 2014	<ul style="list-style-type: none"> ▪ Amended Cooperative Funds Act for increased authority for interpretive associations
Forest Service Handbook 1509.11 <ul style="list-style-type: none"> ▪ Chapter 20 Grants and Cooperative Agreements Handbook ▪ Chapter 70 Partnership Agreements Handbook 	<ul style="list-style-type: none"> ▪ Authorities ▪ Initiation, Negotiation, Execution ▪ Award Processes and Agreement Administration

The Organizational Framework – USFS National Forest System

The National Forest System is managed by a four-level organization under the Department of Agriculture (USDA). Each level is led by a “line officer” who has legal authority and responsibility for environmental, financial, and

personnel matters. Line officers are the *authorizing official* for SUAs. Each has professional staffing representing the major mission program areas as well as technical and clerical staff. The four levels and their primary roles are:

National Headquarters

Headed by the *Chief Forester* and *Deputy Chiefs* overseeing the major mission areas, the “WO” (Washington DC Office) has responsibility for development of policy, oversight of the field units, and direction to the field. It is the primary link to USDA and the U.S. Congress, developing annual budgets and distributing them, along with accomplishment goals, to the field units.

The Director of Recreation, Heritage, and Volunteer Resources has primary responsibility for policy, oversight, and direction related to recreation special uses and other agreements.

International Programs is part of the National Headquarters. The director reports directly to the Chief.

Regions - Regional Offices

There are nine regions of the USFS led by a *Regional Forester* and with a Regional Director of Recreation, Heritage, and Volunteers (program combinations vary some by region) among the professional staff. The regions provide oversight of the National Forests and Grasslands to assure compliance with law and policy, proper utilization of budget to achieve accomplishment goals, and training of Forest and District level staff.

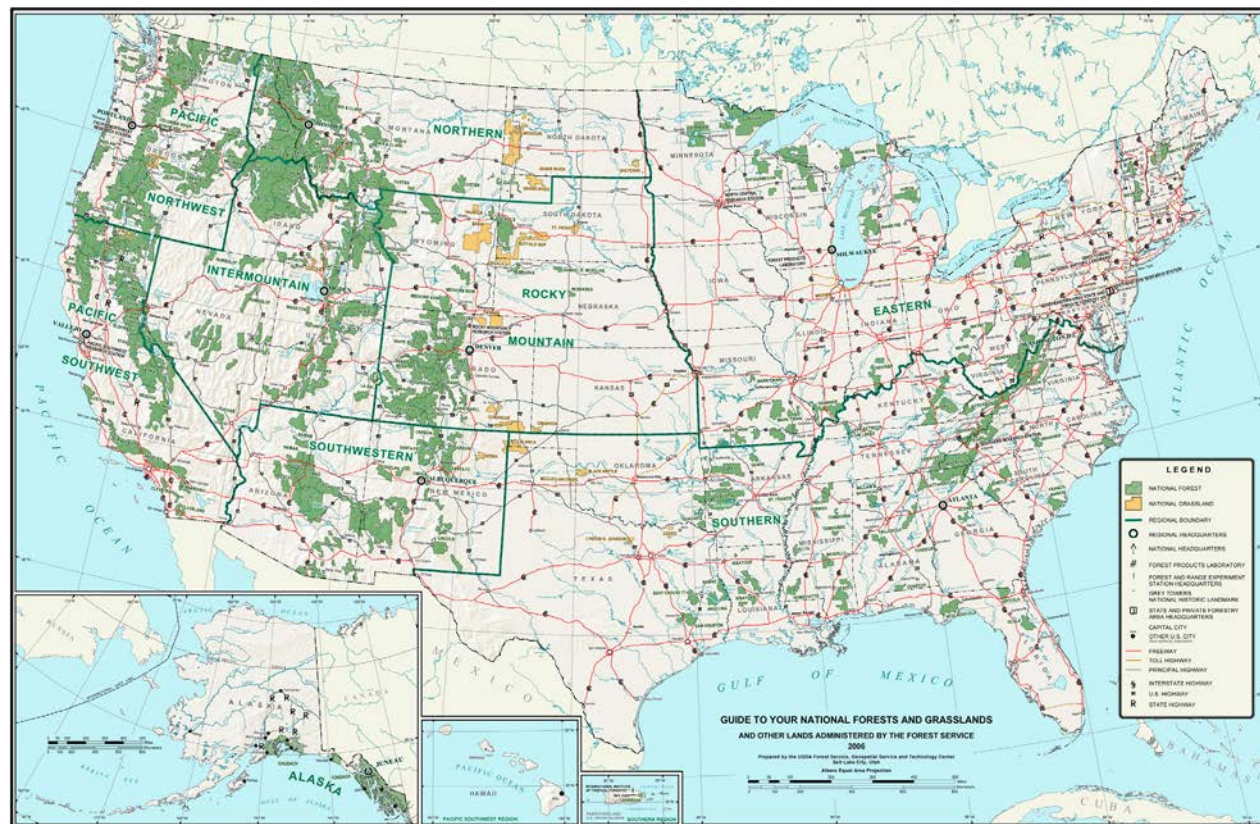
Regional Foresters have the authority for large scale special use authorizations such as the creation of new ski areas or reservoirs, but the authority for most SUAs is delegated to the National Forest Supervisors

and District Rangers. Appeals for decisions regarding SUAs are heard and decided upon by the Regional Forester.

Regional Offices also have a State and Private Forestry and Tribal Relations staff that coordinates with state forestry agencies to provide consultation services and grants to private forest landowners. The Tribal Relations branch ensures consultation occurs with tribes concerning management actions occurring on the national forests in their areas of interest, as well as providing technical services and grants to tribes.

National Forests and Grasslands – Supervisor's Offices

Forest Supervisors lead the National Forest and Grassland units and have a professional staff, including a Recreation or Public Service Staff Officer. They have direct oversight of field operations to ensure legal compliance with policy and accomplishment goals are met. They also provide support to the ranger districts with professional resource specialists such as engineers, landscape architects, soil scientists, planners, and others that it is impractical to have on every district.



Map from the U.S. Forest Service

Forest Supervisors generally serve as the authorizing official for larger SUAs such as ski areas, resorts, and forest-wide campground concessions as well as lands SUAs such as road and utility easements.

Ranger Districts

District Rangers and their staff on the Ranger Districts are the front line of field work, public contact, and managing SUAs. They have professional staffing such as foresters, wildlife biologists, recreation planners, and range conservationists as well as technicians and seasonal staffing to get the field work done.

District Rangers are the *authorizing official* for the majority of SUAs, including outfitting and guide permits, recreation events, and boat docks. Depending on the number and type of permits, the Ranger District may have 1-3 special use administrators to oversee both recreation and lands SUAs, working under a District Recreation or Public Services Staff Officer.

Roles and Contributions of Other Agencies

While the USFS has the primary authority and responsibility for the management of the National Forests and Grasslands, there are relationships with other local, state, and federal agencies that affect how some Recreation SUAs are administered. Some examples include:

State Fish & Wildlife Agencies – The 50 states have authority delegated from the federal government to manage fish and wildlife, including the determination of healthy population levels and issuance of licenses to hunt, trap, and fish. Anyone hunting or fishing within the state for select species must hold a state license. Outfitters and guides conducting business on the

National Forest System must have a SUA and ensure that all clients have the appropriate state license.

County Health and Public Safety Agencies – Counties are the political subdivision below the state. By delegated authority or other agreements, counties often have the lead responsibility for health and sanitation regarding food service, construction code enforcement, search and rescue, and some levels of law enforcement on National Forest System lands. Ranger districts coordinate closely with the counties for such services regarding permit administration for ski areas, resorts, campground concessions, and outfitter-guides.

U.S. Department of Commerce, Small Business Administration (SBA) – Nearly all the USFS's Recreation SUAs are categorized as small businesses, with ski areas and some resorts being exceptions. They are often based in rural communities near the National Forest. The owners or staff may have skills or passion for activities such as hunting, fishing, bird watching, or whitewater boating, but little business experience or capital. The USFS therefore has an agreement with the SBA to provide business training and development. They, along with other agencies such as USDA's Rural Economic Development agency can also offer start-up loans and other financial support. Many state economic development agencies have similar programs.

III. The Practice of the USFS Special Uses Program

How does an agency determine the need for specific facilities and services? How does it determine what can be provided by the private sector and what should be the responsibility of the public agency? How is the scope or capacity of facilities and services determined? Should there be one “master permit” for a protected area or many permits for different activities? Once the permit or permits are in place, how does the agency ensure the permit holder is performing in a satisfactory manner? How does the agency take corrective measures with the permit holder if there are shortcomings in performance?

These questions drive the content of the following chapter. As is often the case, there is no one correct answer, as circumstances vary in terms of host agency capacity, availability of potential permit holders, demand for specific activities, and environmental concerns. Resource and economic analysis and planning are key, but often an evolutionary process of trial, monitoring, and adaptation is necessary.

It is important to understand that the USFS has been going through that evolutionary process in its Special Uses program for over a century and that it continues to adapt as economic and other societal changes occur. A simplified overview of the major processes currently utilized in



Photo by Melvin Wahlin

administering the program are described here. For detail, see the Forest Service Manual and Handbook links in the Bibliography. In addition, the case studies provided in the following chapter may provide insight into how other components of the sustainable recreation delivery model offer alternatives for meeting contemporary challenges in providing sustainable recreation and tourism.

The major categories of processes that describe the USFS management of the Special Uses Program are:

- Determination of Need and Capacity and Allocation of Use
- Finding the Right Business or Nonprofit Entity
- Administration of the Permit

Need, Capacity, and Allocation of Use

There are four steps or processes the USFS uses to reach a decision regarding the amount and location of commercial services within its National Forests and Grasslands (protected areas):

1. Needs Assessment
2. Capacity Analysis
3. Allocation of Use
4. Environmental Assessment

Determination of Need and Scope

The basis on which any new use or additional use is permitted is the Forest Service's determination of public need for such services. This determination should include an analysis of resource capability to sustain such use, analysis of social carrying capacities to handle such additional use, and many other factors.

The determination of need can be a complex issue and subject to many factors. The analysis should not be made any more complex than necessary, however. It is important for the agency to do it professionally and in an unbiased manner, keeping in mind that most clients of a good outfitter consider their visit to the National Forest a highly memorable experience.

As stated previously, the USFS currently already administers nearly 30,000 Recreation SUAs. Therefore, it does not initiate many requests for proposals to start new businesses on the National Forest System. Rather, most proposals for new authorizations come from businesses or individuals interested in starting a business or in expanding an existing business working outside the NFS lands to include activities on public lands. Nonprofit organizations and educational or religious institutions also may be interested in utilizing NFS lands. There are many reasons a new authorization may be proposed. These include, but are not limited to:

- Agency planning or analysis that discloses an opportunity
- Individuals, businesses, civic or religious organizations, or other institutions make a proposal
- Local community or regional request for service or economic development
- Known or suspected illegal/unauthorized activity occurring
- Identification of sensitive habitats, species, or settings which require interpretation and/or protection, best visited with a knowledgeable guide.

Prior to investing significant time in conducting a needs analysis, there are basic criteria, or "screens" that must be met for any proposal:

- Does the proposed use conform with the National Forest or Grassland land and resource management plan? Is the type of use or facility appropriate for NFS lands?
- Is there a need to use National Forest System lands for the activity

or can it be accommodated on private or other lands?

- Does the proposed use conflict with other established uses?
- Will the proposal result in an acceptable level of environmental and cultural impacts?

If the proposal or agency developed concept meets those criteria, the next step is to proceed with a Needs Assessment or determine if there is any need for a SUA at all (see Nominal Effect section below).

Factors which are considered in a Needs Assessment are:

- A demonstrated or potential public demand for services or facilities
- The capacity of the land and water to support the activity in a sustainable manner
- The degree of access and usable terrain in an area
- Current types and levels of service offered and used by other permit holders in the area

See FSH 2709.14, Chapter 50, for detailed information on needs assessments. A website link is provided in the Bibliography.

Nominal Effect

Many groups seeking authorization may be noncommercial in nature and may have a “nominal effect” on the land and other users. An example might include a nonprofit group, civic, or religious organization that organizes a group camping trip on the National Forest, sharing costs among participants. In such a case, the authorizing official may waive the need for a SUA. Criteria for doing so include:

- Meeting the screening criteria shown above
- A group size that does not exceed 75 people

- The use would not lead to visitor conflicts or adversely affect the experience of other visitors
- The use would have only nominal or no effect on NFS lands, resources, or programs
- The use would be consistent with the intended use of facilities and nor exceed the capacity of infrastructure

Capacity Analysis

A capacity analysis is used to determine the number of people that can be accommodated within a protected area, such as a National Forest, without adversely affecting the natural and social environment. This is done for each type of activity or groups of activities occurring in the same area and will help inform the types of SUAs, the number of SUAs, and the number of people allowed to be served in each SUA. This again is a complex analysis and no process has been created to derive the “perfect answer”. Two USFS analysis and planning systems, The Recreation Opportunity Spectrum (ROS) and Limits of Acceptable Change offer methodologies to consider.

Generally, there are two aspects of to consider in the development of a capacity for an area – Land and Resource Capability and Social Capacity.

Land and Resource Capability

Land and water bodies can sustain varying amounts of public use depending on levels of development and interaction with other management objectives. Areas with sensitive or wet soils cannot support much use or development. Critical habitat for rare, threatened, or endangered species may need to be excluded from public use altogether, along with areas with significant religious or cultural meaning. Steep topography and dense

vegetation may limit the number of acres (hectares) that can accommodate public use. A limit on annual fish harvest and amount of harvest per person will determine the number of fishing permits available. These kinds of factors will help determine the amount of area (acres/hectares) suitable for public use.

Social Capacity

Social capacity is determined by the amount of interaction between visitors and groups desired by them or set by the managing agency. Those areas where a quiet sense of isolation, exploration, and discovery are desired, such as on a bird watching tour or remote river boating journey, will have a much lower capacity than those where group participation and social interaction are desired. Examples of the latter are ski areas, visitor centers, or group camps where people go to “see and be seen” or have a shared experience with others.

Social capacity is culturally defined, as some cultures have a higher desire and tolerance for social interaction in natural settings than others. It can be quite subjective and requires some knowledge of current use levels, historical levels of use, and the social expectations of the target market. If the target audience is composed of local communities, then a public engagement process is advisable to determine the types of experiences desired. If the target market is primarily for tourists coming from distant cities or even other countries, such engagement is more difficult, but dialogue with potential or existing local officials, guides, or other service providers is still advised. Both the size of the group and the number of groups are important considerations.

Resultant Capacity Determination

The land and social capacities are used to determine the desired level of development and services, including those delivered through special use authorizations. Building a hotel and restaurant complex instantly changes the capacity of the area, as do roads and trails, by increasing access and concentration of people. Requiring that tours of sensitive natural areas be done with guides can increase the capacity of the area by ensuring the behavior of visitors is appropriate and low impact, assuming there are enough trained guides available to meet demand. If not, such a measure could decrease capacity.

The *Recreation Opportunity Spectrum* (ROS), a planning and analysis process developed by the USFS, is based on a range of settings from highly concentrated developed sites to large primitive areas, with consistent management objectives regarding levels of development and access, social interaction, and types of evident management controls. The *Limits of Acceptable Change* (LAC) process followed ROS using some of the same concepts, but incorporating monitoring of physical, biological, and social indicators to evaluate acceptable use levels and monitoring measures to signal the need for adjustments. LAC sets up the means to do adaptive management of recreation use over time as effects are seen (or not) for critical indicators.

What is important is the balance of capacities between the land and resources, the social capacity based on user expectations and desired amounts of human interactions, and the development that serves them. Capacity is generally defined as “people-at-one-time” in a facility or area. That is an easy concept to grasp for a constructed facility such as a lodge, restaurant, parking lot, or campground. For use of a large undeveloped area or along a linear feature such as a road, trail, or river, it is helpful

to think of the number and frequency of encounters between people that is desired, or the distribution of people in the area. For guided activities, capacity is expressed in “service-days”, or the number for people allowed per day multiplied by the number of days per year the holder is allowed to operate. Again, the balance of capacities between the services provided in the protected area and the facilities that support them is important for quality experiences.

The same is true for the number, type, and capacities of SUAs. What are the types of activities that are desired by the public, or target market? By the local communities? What is the capability of the land and resources to support those activities? Then, what social experience do you want to create? What are the types and numbers of facilities and services (SUAs) needed to support them? Can some of those, such as lodging and restaurants, be provided within the communities and others best suited for the protected area?

Allocation of Use

Finally, a decision is often needed regarding the amount of capacity, or desired amounts of use that is allocated to guided, outfitted, or facility-based use and that by the general public. As stated previously, the United States has a long history of people engaging in outdoor recreation experiences on the National Forests and Grasslands utilizing their own transportation, equipment, and knowledge. Such use is approximately 2/3 of the total annual visitation on the NFS, with the remainder supported by the private sector operating under SUAs. Even many technical activities requiring significant skill and equipment, such as whitewater rafting and alpine mountaineering, are conducted independently.

Therefore, in the United States, seldom can all the capacity for specific activities in an area be allocated to private sector SUAs. This situation may not be the case in many developing countries, or it may vary from place to place within those countries as well. The amount of capacity, or permitted use, allocated to public use versus private/commercial use is determined by:

- Historical use levels for each sector
- Projected use trends for each sector
- Amount of capacity currently utilized and the amount available
- Desire of communities for business creation
- Degree of risk of activity to participants or the environment
- Degree of control of participants' behavior in sensitive environments desired by the managing agency

Beyond the allocation of total capacity between public and private use, there is often the need to allocate the portion dedicated to private/commercial use between competing permit holders. This is again a sensitive area as questions about business viability, competition, and size of the market arise. Key considerations here are:

- Historical use levels by each permit holder
- Projected use trends for the activity
- Minimum business viability level
- Desire for consumer choice
- Maintaining quality standards through competition

Some final thoughts about allocation of use for outfitted and guided services in protected areas:

- It is wise to not allocate all the identified capacity in an area during initial development phases, and
- There should be a mechanism for adjusting allocated service days if a permit holder is not using the days allocated to them.

These measures allow the protected area manager flexibility to respond to changing situations such as new proposals, growing demand, or a guide service not performing to expectations. It further enables adaptive management approaches, which is very important when dealing with the many unknowns of a newly developing protected area or program.

Environmental Assessment

The National Environmental Protection Act (NEPA) of 1970 required that any federal action or action by other parties on federal lands be analyzed for its effects on the natural environment. Those effects and measures to mitigate them must be documented in an Environmental Assessment (EA) with a Decision Notice and Finding of No Significant Effect or an Environmental Impact Statement (EIS) with a Record of Decision. Some actions may be of such a scale that effects are minimal, and the action may be “categorically excluded” from further analysis. This is still a NEPA action and analysis of effects does occur, but documentation requirements are reduced, and the decision is recorded by a Decision Memo.

In subsequent decades, the scope of NEPA has been expanded to include analysis of effects on human health, social, and economic environments. Litigation and court decisions have refined and altered the requirements of its application for many agencies, including the Forest Service. Public involvement is key to any such analysis.

Over 100 countries have developed laws based on NEPA, requiring the analysis and disclosure of environmental effects related to government actions. What is important here is that the degree of effect, both positive and negative, on the natural and social environments of a protected area

and its surrounding communities be carefully considered when making decisions regarding development and increased visitation.

Finding the Right Business or Nonprofit Entity

Once the above processes have determined the need and scope for commercial or third party provided activities, whether the agency has determined the need or a business has proposed one unsolicited, the process of identifying qualified entities and awarding a permit begins. The objective is to obtain the best qualified permit holder, in terms of service to the public, protection of the environment, and other community goals. An equitable return to the government in the form of fees for use of the public lands is also a consideration.

The steps in this process are as follows:

1. Determination of Competitive Interest
2. Development of a Prospectus
3. Evaluation and Award of Special Use Authorization
4. Post Award Requirements

Determination of Competitive Interest

Often the level of competitive interest is obvious. Are there several individuals or businesses that have expressed an interest in delivery an activity on the protected area? Are there people with the skills and knowledge in the communities to do so? Conversely, is that not apparent at all? Unless there is only one entity within an area or region that stands out as having the capability to deliver a desired set of facilities and/or services it is best to proceed with an open solicitation process to determine interest.

This gives an agency the best chance of considering various approaches to their identified need and avoids the appearance of favoritism.

A *solicitation of interest* can be simple. As a minimum, one publication of the notice will be made in a newspaper of general circulation in the locality or region of interest. It may also be distributed through business journals and local business development agencies. The notice statement should be brief and include but not be limited to the following:

- Location and description of the services needed.
- Explanation that a prospectus will be issued if competitive interest justifies it
- The place at which interested applicants may indicate interest and secure additional information.

Development of a Prospectus

If there is competitive interest, a prospectus is prepared and issued. The issuance of a prospectus should be given adequate publicity, including at least one public notice in a newspaper of wide local or regional circulation for a minimum of 30 days. Essential elements of every prospectus should include but not be limited to the following:

- General Description of Area – The description would include the name of the area and characteristics which would have a bearing on the proposed service opportunity. It might include but not limited to location, accessibility, climate, topography, and vegetation.
- Offering – The offering shall describe the services and facilities (if any) needed.
- Applicable Agency Policies and Regulations that will affect the operation of the SUA
- Permit – Include a sample permit and a discussion of specific

requirements including but not limited to the type of permit, fees, accountability, tenure, renewability, insurance, operating plan and other key provisions.

- Submission of Bids – Include directions on when and where to submit bids. Specify the material to be submitted with the bid, including proposed services that would be provided, a proposed operating plan, expected number and type of users, a financial statement, financing plans, and business and personal references.
- Evaluation Criteria – Disclose the criteria by which proposals will be evaluated and the selection of the awardee will be made. This will not only improve the quality of the proposals received, it will provide an objective and consistent way to compare proposals. The USFS often uses the following as evaluation criteria. There may be others that are added to respond to local conditions or goals of the hosting agency, such as plans for local employment and business development:
 - Proposed annual operating plan (including required and optional services). The operating plan should include information about the proponent's technical expertise to provide the identified services.
 - Business plan, business experience, and references.
 - Financial resources. This and the foregoing item indicate the proponents financial and management capability to provide the identified services.
 - Proposed fees charged to the public.
 - Proposed fee paid to the government.

A website link for an example prospectus for concession operation of USFS campgrounds can be found in the Bibliography. See also FSM 2712.2 and FSH 2709.11, Chapter 41.53f for direction regarding the determination and preparation of prospectuses.

Evaluation of Proposals and Selection of Special Use Authorization

The Forest Service generally convenes a panel of 3-5 qualified staff to evaluate the proposals at the level of the authorizing official. If there are concerns about undue influence on local officials, it may be advisable to raise the evaluation panel to the next level up in the organization. The panel may call on other expertise within the agency for specific purposes such as analysis of financial data. The evaluation panel can consider only the applicant's written application package and any past performance information obtained by the Forest Service and utilize only the criteria spelled out for evaluation in the prospectus. 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 authorizing official for the permit as to which applicant offers the best services to the public and value to the government. The authorized officer will make the selection decision. All applicants will be notified of the successful applicant via official mail. The selected proponent is notified through written correspondence with a selection letter that provides further instruction regarding items needed to complete the permitting process.

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

Post Selection Requirements

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

- A final annual operating plan containing all the items included in the annual operating plan submitted in response to the prospectus, modified as appropriate based on comments from the agency
- Any financial documents required regarding processing of fees
- Documentation of required liability insurance and, if applicable, property insurance.
- Documentation of performance bonding, if applicable. Performance bonding is insurance paid to a surety company, or a deposit of a sum of money, that will cover costs incurred by the government in the event the permit holder fails to complete their work.
- Required deposits and advance payments
- Documentation that any utility services have been obtained in the name of the selected applicant.
- A 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 authorization 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.

Per USFS policy, selections for special use authorizations are appealable to the next higher level of the organization. This helps ensure that policies and procedures were followed and no undue favoritism toward any applicant occurred.

Administration of the Permit

The relationship of the agency to the permit holder is both one of partnership and one of compliance monitor, or regulator. Balancing the two takes skill and experience. The strongest relationships are based on shared understanding of each other's roles, mutual objectives, and good lines of communication. Successful administration occurs when all parties communicate diligently, are aware of their responsibilities, and fulfill those responsibilities as partners in public service.

The following principles have been identified through time as keys to successful permit holder USFS-relationships:

- Both parties must establish a professional business relationship from the start, beginning with pre permit interviews
- Forest officers should help the permit holder (the holder) to fully understand the special use permit, clause by clause, and holders should feel free to request such help.
- Forest officers should work with the holder in preparation of the annual operating plan.
- Forest officers must understand special use policies, procedures, regulations, insurance requirements, forms, and financial processes.
- Forest officers should be knowledgeable of enough about the operation the special use authorization is permitted for to understand what is feasible and reasonable for the holder to accomplish.
- Forest officers need to establish contact with the permit holder at their place of operation for inspection and administration purposes.
- The permit holder should initiate contact with their authorized officer to keep the lines of communication open and positive.
- Authorizing officials should take a personal active role in special use program administration.

- Forest officers and holders need to be responsive to each other in a timely manner.
- Good documentation is very important in good administration.
- Permit holders need to adequately instruct their personnel in Forest Service objectives, land ethics, and the terms and conditions of the special use permit and operating plan.

Preparation of the Special Use Authorization (SUA) – Terms and Conditions

The USFS has developed many different standardized permits for the range of services and facilities authorized by commercial and nonprofit entities, under the various authorities listed in Table 1 of this guide. Several, including those for campgrounds, outfitter-guides, marinas and resorts, and ski areas are available in the Bibliography, along with a link to the USFS website for all types of authorizations. All permit forms have been developed in an automated “fillable” format to facilitate completion by field staff while protecting the legal wording of required clauses. It is not the intent to repeat the outline for those permits here, but rather highlight sections that form the essence of the agreement between the agency and permit holder as to what is expected and how they will be monitored.

The Terms and Conditions (T&C) of the SUA, or permit, identify what is expected of the permit holder, how the permit will be monitored, potential actions the USFS can take to enforce performance, and how fees will be determined and processed. There is some variation in the Terms and Conditions for different types of permits based on the attributes of the different activities, but the following items are found in all permits:

- *General Terms*, including the area under permit, the authority under which it is granted, and the expiration date of the permit

- *Improvements*, including those provided by the government and those by the permit holder. The process for approval of plans to develop or reconstruct improvements, expectations for maintenance, and protections of historical and environmental values may be found here
- *Operations*. The main component of this section is the requirement for preparation and approval of an annual operating plan. The operating plan spells out season of use, locations for operations, safety measures, environmental protection considerations, and many other items. The responsibility and expectations for inspections by the USFS and other regulatory agencies are also located in this section.
- *Rights & Liabilities*. Key elements found here are insurance and performance bonding requirements.
- *Resource Protection*, including responsibilities of the holder for protection of vegetation and other environmental resources, cultural resources, and Native American religious rights.
- *Land Use Fees and Accountability*. How they will be calculated, when they will be paid, and record-keeping requirements, and the rights of the USFS to review financial records and perform audits.
- *Revocation, Suspension, and Termination*. Definition of terms, authorizing official rights, permit holder rights, and processes required.
- *Miscellaneous Provisions*. Anything that does not meet the above categories can be included here but requires review and approval by the National Headquarters and their legal counsel. Requirements for local hiring preference or business development could be placed here.

Monitoring Performance

The Terms and Conditions of the permits described above comprise the elements by which the Ranger District staff and authorizing official monitor and evaluate the performance of the permit holder. Monitoring and evaluation is done through inspections and annual performance reviews.

Inspections

Forest Service Responsibility: It is the responsibility of the authorized officer to ensure that the Terms and Conditions of the SUA are met, that the operating plan is being followed, that the operation is consistent with applicable Federal, State, and local laws and regulations, and that the clients are receiving the services contracted for in a safe manner.

These responsibilities are carried out by performing inspections and by monitoring the holder's self inspections. The results of inspections provide the basis for the annual performance rating.

Inspection Frequency: It is desirable to inspect all authorized operations at least once annually, including visits to the places of the holder's field operations.

Due to the number of SUAs the Forest Service administers and the limited staffing in many areas, this is not always possible. The Forest Service staff often utilize "Risk Management" when evaluating which holders and operations to inspect, and how often. Criteria they use include:

- *Complexity of SUA operations and degree of risk to the clients*. For instance, a ski area permit will be visited and inspected frequently during their operating season, perhaps as much as weekly. A guided bird watching operation may just be inspected once or not at all.

- *Experience and history of the permit holder.* Once a holder has demonstrated quality operations with attention to satisfying all the T&C's of the permit, frequency of inspection may be reduced. Conversely, if a holder has a poor record, more frequent inspections and discussions about successful performance may be required. This is especially true if the holder is in a probationary period or has received warnings regarding the need to improve.
- *Feedback from clients or other members of the public.* Although the USFS does not have a formal customer satisfaction survey for its SUAs, complaints from clients about the conduct and quality of their experience are made to USFS officials. Similarly, other people recreating on the National Forest may observe and report disagreeable behavior or impacts to the environment. Follow-up to this feedback may require an onsite inspection.

Another aspect of inspection frequency that has developed in response to staffing challenges is the area of “self-inspection” or inspection by other entities (third parties). This approach recognizes that the USFS is not the sole source of expertise, that operations cannot just stop while awaiting a required inspection, and that other agencies may have jurisdiction over part of the operation. For self-inspection, a checklist for an activity may be developed and the holder is required to review its elements and record findings monthly. Other examples include food safety inspections by a local county; ski lift inspections by the holder's certified insurance inspector or a state agency responsible for lifts and tramways; and water quality testing done by the holder and inspected by a state agency. The USFS can review all the monthly checklists or other inspections as part of their overall review at the end of the year or operating season.

Conduct of Inspections: Forest officers may visit a holder's operation at any time, but it is preferable to inform the holder in advance and invite

them to participate. Most SUAs contain the clause titled “Forest Service Right of Entry and Inspection,” or a similar clause. This clause states “The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.” This right of entry should be made known to the holder. The right extends all aspects of the SUA located on NFS lands. It is good business for the inspector to have the holder or a designated agent accompany the inspector during the inspection as a courtesy and to avoid undue disruption to clients.

Forest officers doing inspections must be knowledgeable, qualified, well trained and capable of conducting the inspection in a personable and professional manner. Clients and guides may be engaged in conversation by the inspector, but business pertinent to the operation should only be discussed with the permit holder or a designated agent.

While inspections are made for permit compliance, they can also be helpful to the holder in managing his/her operations. A poor understanding of permit terms and conditions often is the cause of non compliance. It is advisable for the inspector to have a copy of the permit in their possession on the site. The operating plan, area or site plan, and permit terms and conditions may all need to be referred to during on site discussion.

If significant deficiencies are found during an inspection, the holder will be instructed by the authorized officer on proper procedures for compliance and will be expected to comply with the instructions. Depending on the nature of the deficiency, the holder could receive a verbal warning, a written warning notice, or a Notice of Violation. The severity of the infraction depends on the risks to public health and safety and the potential or actual impacts on resources. In some cases, flagrant non compliance or violation of law could result in immediate suspension of operations.

Copies of the inspections are placed in the permit file and given to the permit holder.

Outfitter Responsibility Regarding Inspections: Holders have the responsibility of inspecting the areas covered by their permit, to ensure that public safety, health, and welfare are adequately protected. Holders and their clients must also protect forest resources. Forest officers should inform the holder of these responsibilities at the time of permit issuance. The obligations of the holder are not contingent upon any duty of the Forest Service to inspect the premises. A failure by the Forest Service to inspect is not a defense in non compliance with the terms and conditions of the permit.

Inspection of Records: For purposes of administering the permit (including ascertaining that fees paid were correct and evaluating the propriety of the fee base), the holder is required to make all of the accounting books and supporting records to the business activities available (when requested to do so) for analysis by qualified representatives of the Forest Service. Review of accounting books and supporting records will be made at dates convenient to the holder and reviewers. Financial information so obtained will be treated as confidential.

The USFS requires that holders retain the above records and keep them available for review for five years after the end of the year involved.

If improper bookkeeping/reporting is suspected a formal audit may be conducted. In such a case, the Forest officer requests assistance from a USFS agency auditor, located in Regional Offices.

In the event of suspected fraudulent reporting, reports may be cross checked with reports from the appropriate State Fish and Game Departments, State

Licensing Boards, State Employment Security Divisions, and the U.S. Internal Revenue Service as required to fully establish the parameters of the problem.

Civil Rights Compliance Reviews: Compliance Reviews are implemented as a monitoring function. As a grantor of federal assistance, the Forest Service is obligated to monitor program recipient performance to ensure that they fulfill their responsibility to abide by civil rights laws, regulations, and policy. The Forest Service has established policies which provide for periodic reviews of all assistance applicants and assistance recipients. There are two types of compliance reviews: pre authorization and post authorization. These reviews result in a written report that show the compliance status of recipient and beneficiary programs. Each outfitter and guide permit will also include a nondiscrimination clause.

Performance Evaluation and Rating

Generally, permit holders will have annual performance evaluations. Holders with temporary use permits must comply with terms and conditions of the permit, but a formal performance evaluation is optional.

The performance rating is based on inspections conducted during the operating season, any letters or reports received, and compliance with financial and other reporting requirements. Key to the evaluation and rating is how well the holder complied with terms and conditions of the permit and with the operating plan.

Performance evaluations and ratings are of great importance to the holder. They should be conducted by the authorized officer in face to face settings if possible. Topics may include a review of the season, items needing

improvement, ideas offered by the outfitter, changes in the operating plan, special efforts worthy of commendation, and USFS plans in the area. The outfitter should be able to offer comment on the conduct of the inspectors if they wish.

A mid season review is particularly helpful if there are concerns surfacing with an holder's operation. If deficiencies are noted which could result in a probationary or unacceptable overall rating, it is important to notify the holder and provide a time frame for correcting the deficiencies.

Rating Categories and Elements

Rating categories are intended to be objective and measurable, based on facts, information available, observations by inspectors and results of investigations. A rating will be assigned to each category based on the holder's performance in relation to the various considerations listed under those categories. Holders who go above and beyond what is normally expected to provide an extra measure of quality or service should be commended during their rating. Rating categories vary by type and scale of an SUA, but following are some typical ones for service providers like outfitter-guides:

Compliance with Permit Conditions. The holder's compliance with all special use permit terms and conditions of other applicable permits is reviewed. Elements reviewed include: 1) fee payment, 2) insurance, 3) advertising, 4) civil rights compliance, 5) use records, 6) compliance with laws and regulations, 7) minimum use requirements, 8) accurate and adequate records for audit, and 9) other permit provisions.

Compliance with Operating Plans. All elements of the operating plan will be reviewed including such items as: 1) following itinerary/schedules, 2) party size, 3) actual vs. authorized use, 4) public safety

measures, 5) resource protection measures, 6) adequate and accurate fee calculation information, 7) management of improvements, and 8) other provisions.

Service to Public. This rating is based on the outfitter guide's professional interaction with clients, other permit holders, Forest Service staff, community members, and noncommercial visitors. This includes but is not limited to operating in a professional and business like manner, providing emergency assistance when appropriate, showing courtesy to other user groups, and providing rates, services and/or accommodations to guests as represented. Any complaints received during the season may be included but should be evaluated to determine if they are legitimate before using them in an evaluation.

Safety. The holder's performance regarding the safety, health, and welfare of guests, employees, and the general public is reviewed. Considerations include: 1) handling of emergencies; 2) safety procedures followed; 3) first aid certification and supplies as required by licensing board rules; 4) accident record; 5) safety equipment adequacy, availability, and use; and 6) compliance with safety standards for the activity.

Resource Protection. This rating will be based on the holder's use and protection of natural resources, protection of cultural resources, and compliance with fire regulations. Since clients are the direct responsibility of the holder, their actions while on a scheduled trip will also influence the rating.

Major Incidents. Each major incident involving the conduct of permitted activities is reviewed. They should be described in detail on attachments to the rating form. Types of incidents which would fall

into this category include, but are not limited to: boating accidents; injury to guests or employees; recurrent or serious violation of fish and wildlife laws and regulations; reckless operation of equipment; confrontations with other users; accidental death; significant resource damage; or other violations of law or permit terms. It is important for responsible USFS staff to coordinate investigations/reviews with appropriate licensing boards or other cooperating agencies as soon as possible.

A sample performance evaluation form for an outfitter-guide permit is included in the Bibliography.

Overall Rating

An overall rating is assigned, considering the individual category ratings and their respective importance to overall performance. A probationary or unacceptable rating in any one category does not necessarily require an overall rating of probationary or unacceptable. Three different levels of performance are recognized as follows:

Acceptable – Performance is satisfactory and meets at least minimum established standards for the permitted activities. This may include some minor deficiencies that need correction. If these deficiencies persist over a reasonable time following notification, they may result in a probationary rating.

Probationary – Performance is less than acceptable for one or more significant rating categories but does not pose an immediate threat to the safety of the guests or others, is not in violation of law and does not pose a threat of significant resource damage. However, corrective action by the holder is mandatory and continued operation at this level of performance would be unacceptable. Examples include

the following: submission of required reports and fee payments is repeatedly delinquent; itineraries and/or schedules are routinely incorrect; and changes to site improvements or operating plans are made without approval of the authorized officer. The basis for the rating will be clearly documented on the rating form or attachments.

A holder who is given an overall performance rating of probationary is given a specific time period, not exceeding one year, to remedy the situation. If a holder continues to operate at the probationary level, the authorized officer may suspend or revoke the permit.

Unacceptable – Performance is clearly unacceptable for one or more significant rating categories and cannot be allowed to continue. This level of performance may pose a threat to the safety of guests or others, involve a serious violation of law or pose a threat of significant resource damage. Failure to obtain necessary licenses or registration, recurrent or serious violations of fish and wildlife or other applicable laws and regulations, failure to pay fees, failure to comply with insurance requirements, and falsification of records can result in an unacceptable rating.

An overall performance rating of unacceptable will result in suspension or revocation of the permit.

Although there is no official rating category of “Outstanding”, positive aspects of a holder’s service and outstanding performance are noted in written evaluations. Holder performance that exceeds the acceptable standard for all major categories, activities performed in a manner that exemplifies leadership in the industry, holder respect for the NFS resources, and the highest level of quality public service are all indications of outstanding performance.

Corrective Actions

Any legal action contemplated against a SUA holder or the premature cancellation of a permit has a high probability of being controversial and perhaps will result in litigation. Therefore, it is vital to prepare careful documentation, including records of specific items of non compliance with dates and places of occurrence, documentation of communication regarding efforts taken to gain compliance, and any holder responses. Adverse or corrective permit actions require sound judgement, management commitment and complete and timely documentation. Officials at the next higher level of the agency are notified, as legal counsel is often needed, or “political” appeals for relief are made.

Notice of Non-compliance – When the permit holder is in non-compliance with terms of the permit and prior to suspension, revocation, or termination, the authorized officer gives the holder written notice of the grounds for such potential action and reasonable time to cure any non compliance. The grounds, remedies, and time period must be specific and well documented.

Special use permits may be suspended, revoked or terminated for any of the following reasons:

- Non-compliance with the terms and conditions of the permit
- Failure to provide the agreed upon services
- With consent of the holder
- When, by its terms, a fixed or agreed upon time, event, or condition occurs
- Reasons in the public interest.

The authorizing officer may suspend and revoke special use permits. These are defined as:

Suspension – The temporary revocation, either entirely or partially, of occupancy or use privileges granted under a special use permit. Holder is provided an opportunity to correct items of non compliance. Official notification is required.

Revocation – The cessation of a special use authorization by action of an authorized officer before the end of the specified time period of occupancy or use due to the holder’s noncompliance with the terms and conditions of the permit, failure to exercise the privileges granted, consent of the holder, or for specific and compelling reasons in the public interest. Holders will be provided an opportunity to cure any non-compliance. Official notification is required.

SUAs can also be terminated or be allowed to “terminate on their own terms” (expire).

Termination – The cessation of a special use permit through agreement with the holder or when a condition or term in the permit that provides for termination is met. This does not constitute a decision or adverse action by the authorizing official, so terminations are not appealable. However, official notification and documentation is needed.

Renewal, Transfer and Termination of SUAs

With the variety of types of permits utilized by the USFS, it is difficult to simply portray the rules regarding Special Use Authorization renewals, transfers, and terminations. A primary determinant for renewals and transfers of permits is whether there are improvements (facilities) on the NFS land and whether those improvements are owned by the government or the private business.

No Permanent Improvements and Government Owned Improvements
 Outfitting and guiding services, recreation events, and Granger-Thye permits fall in this category. The permits are issued for terms from 1 day to 10 years and imply no ownership or interest in the land. The temporary and standard permits are not transferable. In other words, they cannot be sold or given away by the current or previous holder. If they terminate because the time of the permit has expired, it is within the USFS's discretion to reissue a permit. If there is no competitive interest, they may reissue it to the previous permit holder. If there is competitive interest or conditions in the area of interest have changed, the USFS may issue a prospectus or allow the permit to terminate. In any event, any changes to the area where the SUA was operated or to SUA policy may be reflected in updated terms and conditions when a permit is reissued.

Private Sector Owned Improvements on NFS Land

Examples of this category are alpine ski areas, lodges, cabins, and marinas built and developed on the NFS by private business. These are governed by the term permit authorities. As the term of the permit nears expiration, the permit holder can request renewal of the SUA. If conditions of the operation and performance have been acceptable, the permit is generally reissued to the holder. However, if there have been changes in conditions or policy relating to the type of term permit, new terms and conditions are included in the reissued SUA.

Like the previous category, the SUA itself is not transferable by the current holder. It alone has no cash value. The owner can sell the improvements to a new buyer, but the USFS has the discretion to review the technical and financial capability of the prospective buyer and reject their application for an SUA. For this reason, prudent sellers

request a review by the USFS of the prospective buyer's qualifications before completing the sale of their assets.

There are cases where the USFS has determined that existing facilities are no longer serving the public interest and do not merit occupancy of public land. This generally happens when an SUA holder is having financial difficulties, demand is decreasing, and facility conditions are poor. It has occurred with alpine ski areas and lodges, among other uses. The holder may voluntarily terminate the SUA or the USFS may allow it to terminate on its own terms. In such cases, the holder is required to remove all improvements from NFS lands and restore the site to natural conditions, to the extent practicable.

Staffing and Roles of Levels of the USFS Organization

Refer to Section II for a description of the USFS organization and its levels.

Nearly all the administration of Recreation Special Use Authorizations occurs at the field level of the USFS, primarily at the Ranger District level, with support from the Supervisor's Offices. The authorizing official for the permits is usually the District Ranger, with Forest Supervisors serving that role for larger SUAs like ski areas. Even when the Forest Supervisor is the authorizing official, day to day administrative activities such as inspections for compliance with the permit, review of development plans, oversight of construction projects related to the SUA, and response to incidents generally occur at the Ranger District level. In such cases, the Forest Supervisor may still conduct the Annual Performance Evaluation and Review, accompanied or at least informed by the District Ranger.

The Supervisor's Office may provide services in support of the District

Ranger, particularly those requiring specialized planning or environmental analysis skills. Examples include landscape architects and engineers providing expertise for site development planning for improvements or soil scientists and hydrologists consulting on impacts on wetlands or streams.

Regional Offices often house the technical staffing to help the Forests and Ranger Districts to choose the correct type of permit for a specific proposed activity, prepare a prospectus, conduct the evaluation and selection process, and administer corrective actions. They do this through periodic training of field level staff, review of key documents, and consulting when questions or problems arise. Regional Offices also serve as the connection point to the agency's legal counsel and draw on that expertise in response to field level permit issues. Related to the legal functions, Regional Foresters serve as the reviewing and deciding officials for appeals of lower level SUA decisions and for litigation. Finally, auditors and financial experts are located at the regional level, where they conduct both routine periodic audits of the more complex SUAs like ski areas and resorts and respond to requests for audits when potential issues arise on other permits.

Database

The USFS uses a standardized database, the Special Use Data System (SUDS) across the entire National Forest System. SUDS is used to maintain an inventory of all SUAs, record inspections and performance evaluations, report information to key decision makers and the U.S. Congress, and for automated billing and accounting for receipts of fees. Although it has been plagued by faulty data caused by downloading information from previous systems, such an integrated database is ultimately a time saving and quality control measure for the program.

Data entry is done by the permit administrators at the Ranger District and National Forest levels. Technical support, advice and counsel, and oversight is generally done at the Regional Office levels. Programming is done through the National Headquarters Information Technology staff. Use of the data occurs at all level of the organization, including the National Headquarters where it is used for budget justification and other reporting to the Chief, USDA, and the U.S. Congress.

Fees for Special Uses Authorizations and Public Use

Fee Determination

The way fees are determined and used varies by the type of facility and the underlying authority that created it (See Table 1). Fee determination can be very complex, such as for ski areas, or very simple, such as the flat or per person fees used for recreation events or group picnic sites. The methods for calculating fees for the different activities can be found in the Special Uses Handbook (FSH 2709.11, Chapter 30). A simplified summary of fee determination methods and uses is in Table 4.

Location of Fee Retention and Use of the Fees

Table 4 represents a sampling of the types of uses and facilities for which the USFS utilizes SUAs or otherwise charges fees. For more information on the range of facilities and services where the agency requires an SUA, see Exhibit 2, Chapter 10, of FSH 2709.11. It should be apparent to the reader that there is a large range of permit types, methods by which the fee is calculated, where the fees are retained, and how the fees may be utilized. This is due in part to the long history of use of the NFS and an evolving series of laws and regulations created to enable adaptation to changing conditions over time. For a country or agency just starting out with a

Table 4: Types of Uses and Facilities for Which the USFS Utilizes SUAs

	Type of Permit	Fee Method	Disposition of Fees	Use of Fees
Campgrounds, Picnic Areas et al owned by USFS, Concession operated	Granger-Thye (GT) Permit	Determined through competitive bid in response to prospectus	100% retained at National Forest unit	Improvement of facilities where collected
Campgrounds, Picnic Areas et al USFS owned and operated	None*- USFS operated	As defined in FLREA**, fair market value, and public involvement	100% retained by USFS. 80% minimum retained at NF unit where collected	Facility and service improvements on the NF where collected
Privately owned and operated campgrounds, marinas, resorts on NFS lands	Term permit	Varies. Generally, a fixed fee for use of NFS land plus a % of gross revenues	100% to U.S. Treasury	As appropriated by Congress to any agency in the government
Ski Areas	Ski Area term permits	Tiers based on Gross Revenues ranging from 1.5% to 4%	100% to U.S. Treasury	As appropriated by Congress to any agency in the government
Outfitters and Guides	Permit, under FLREA**	3% of Gross Revenue with adjustments	100% retained by USFS. 80% minimum** retained at NF unit where collected	Improvements to administration. Can be used for facility improvement benefitting outfitters
Recreation Events	Permit, under FLREA**	Charge per person or flat rate tiered to number of participants	100% retained by USFS. 80% minimum** retained at NF unit where collected	Improvements to administration of permit

* Nearly half of USFS developed campgrounds are operated by the agency staff, along with a much larger percentage of picnic areas, trailheads, and visitor centers.

** The Federal Lands Recreation Enhancement Act of 1994 (FLREA), as amended, enables the USFS to collect and retain fees for a defined set of facilities and permits. FLREA requires that a minimum of 80% of the fees be retained at the National Forest unit where collected, with the remaining 20% available to be used for administrative purposes or moved to other units. Normally the agency returns 90-95% of fees to the unit where fees are collected, minimizing overhead costs, to show maximum benefits to the visitors who pay the fees.

system of concessions and recreational use permits, a simplified system of regulations using international best management practices and experience would reduce complexity for all involved and is recommended.

Through most of its history, the USFS was not authorized to retain fees (beyond a nominal amount to cover the costs of collection) collected from either Special Use permit holders or the public. Fees collected were sent to the U.S. Treasury for further appropriation by Congress according to national priorities. With the passage of the Federal Lands Recreation Enhancement Act (FLREA) in 1994, the agency was able for the first time to set and retain fees for improvements to recreation services and facilities on the National Forest where collected. This promoted greater incentive among field staff to improve their programs and provided the revenue to do it. It enabled USFS staff to repair and replace aging facilities and create new services for the public.

However, not all types of SUAs or all types of public use were included under FLREA. Some of the largest revenue generators, like ski areas, resorts, lodges, and marinas remained under their previous authorizations. The existing permit holders for some of those uses were resistant to change. Also, for use by the nonguided public, only the most highly developed facilities were eligible for fees. Therefore, a large percentage of the use of the NFS occurs free of charge.

It is important to mention that unlike other U.S. federal protected areas, such as some administered by the National Park Service, entrance fees are not authorized for NFS lands due to issues of social equity and the long-established right to access and use public lands. Those factors are worth careful consideration by any protected area management agency in the matter of charging fees. Even the NPS does not charge fees at the majority of its over 400 protected areas.

Another vehicle for retaining and utilizing fees for direct improvement of visitor facilities worth noting is the Granger-Thye authority shown above. It has been utilized primarily for campgrounds developed and owned by USFS but operated by a permit holder, or concessionaire. It may also be used for other government owned facilities operated by the private sector, such as some historic lodges and visitor centers. The fees owed by the concessionaire are either paid to the USFS or held in a dedicated account to be used for repair, reconstruction, or improvements at the site where collected. In the first case, improvements can be made by contracting out the work or by USFS staff itself. In the latter case, the work to be done and the value of that work is determined by the USFS permit administrator. Negotiation may occur and the work is then completed by the concessionaire with oversight by the USFS.

IV. Case Studies and Lessons Learned

Case Studies

The following case studies illustrate how agreements between public agencies, private sector for-profit business and non-profit entities can greatly leverage investment capital, business acumen, personnel, technical skills, and community knowledge to provide enhanced public services on protected areas such as the National Forest System. While all the cases here are USFS related and build on the foregoing content of this guide, there are numerous other exemplary cases around the world. See *Stimulating Sustainable Development through Tourism Concessions* in the Bibliography section for outstanding case studies presented by the World Bank.

Some of the USFS case studies presented here do not use Special Use Authorizations to engage external partners, but rather Cooperative Agreements or other types of partnerships. Some use a combination of agreements, including SUAs. This is an area of extensive potential with different authorities and practices from the SUA approach. Hopefully, a companion guide to this volume with more information on these other types of partnerships and cooperative agreements will be forthcoming.



Photo by Tom Iraci

Table 5: USFS Case Studies

Case Study	National Forest or Region	Type of Authorization	Partners	Effects
Red Rocks Ranger District	Coconino NF, Southwestern Region	<ul style="list-style-type: none"> ▪ FLREA Permits for outfitters and guides ▪ Partnership Agreement with “Friends of Red Rocks” 	<ul style="list-style-type: none"> ▪ Multiple Outfitting and Guiding Companies ▪ City of Sedona ▪ Friends organization 	<ul style="list-style-type: none"> ▪ Funds for USFS staffing ▪ Improvements and maintenance of roads, trails, trailheads
Hanging Lakes Shuttle System	White River NF, Rocky Mountain Region	<ul style="list-style-type: none"> ▪ FLREA permit ▪ Cooperative Agreement 	<ul style="list-style-type: none"> ▪ Town of Glenwood Springs ▪ Colorado Department of Transportation (CDOT) 	<ul style="list-style-type: none"> ▪ Reduced environmental impacts ▪ Improved visitor experience ▪ Community relationship
Mendenhall Glacier Recreation Area Plan	Tongass NF, Alaska Region	<ul style="list-style-type: none"> ▪ FLREA permits for guides and transport 	<ul style="list-style-type: none"> ▪ Multiple outfitting, guiding, and transport companies ▪ Interpretive Association 	<ul style="list-style-type: none"> ▪ Funding for improvements ▪ Increased tourism opportunities ▪ Focused service
The Baileys Mountain Bike Trail System	Wayne NF, Eastern Region	<ul style="list-style-type: none"> ▪ Cooperative Agreements 	<ul style="list-style-type: none"> ▪ Nonprofit coordinating and bonding organization ▪ Local towns and counties 	<ul style="list-style-type: none"> ▪ Funding for improvements ▪ Increased tourism opportunities ▪ Focused service
HistoriCorps	USFS-wide	<ul style="list-style-type: none"> ▪ Participating Agreement ▪ Challenge Cost Share Agreement 	<ul style="list-style-type: none"> ▪ Nonprofit organization 	<ul style="list-style-type: none"> ▪ Preservation and use of historic structures

Case Study	National Forest or Region	Type of Authorization	Partners	Effects
Campground Concession Program	USFS-wide	<ul style="list-style-type: none"> ▪ Granger-Thye (G-T) permit 	<ul style="list-style-type: none"> ▪ Multiple Private Companies as Concessionaires 	<ul style="list-style-type: none"> ▪ Retention of camping opportunities ▪ Maintenance and improvement of facilities ▪ Economic development
Lost Lake Recreation Complex	Mt. Hood NF, Pacific Northwest Region	<ul style="list-style-type: none"> ▪ Term Permit ▪ G-T Permit 	<ul style="list-style-type: none"> ▪ Lodge owners and permit holders 	<ul style="list-style-type: none"> ▪ Service to public ▪ See campground concessions above ▪ Concentrated use protects other undeveloped areas

Red Rocks Ranger District (RRRD) Special Uses Program

The Red Rocks Ranger District of the Coconino National Forest lies in Central Arizona, 60 miles south of the Grand Canyon, in an area of great geological interest and natural beauty.

The national forest surrounds the town of Sedona, a tourism-based destination with a \$600 million tourism industry, that produces an estimated 10,000 jobs with \$200 million in payroll and \$14.5 million in tax revenues for the town.

The district receives 2,000,000 visitors a year, many seeking guides for jeep touring, hiking, viewing prehistoric rock art, equestrian touring, bicycling, and metaphysical experiences. Prior to the year 2010, there were 22 outfitter guide services, most providing motorized jeep and ATV touring.



Photo by Tomas Castelazo

Current Management Approach

The number of outfitter and guiding services has now doubled to 45, and the fee receipts to the RRRD have grown from \$500,000 per year to more than \$1,000,000. The outfitters, under leadership from the RRRD, now work cooperatively to improve the condition of roads, trails, trailheads and related facilities. Some key benefits:

- Increased range of guiding services, from primarily motorized touring to the full range previously listed.
- Increased RRRD staffing in the recreation special use program, from 2 in 2010 to 6 currently. The increased staffing improves permit administration and supports the entire recreation program through recreation planning and improved cleaning and maintenance of



Photo by Julie Rowe of the U.S. Forest Service



Photo by Julie Rowe of the U.S. Forest Service

trailheads and other facilities used by all visitors, not just guided ones.

- Cooperative road maintenance and management funded by the fee receipts. Seven of the motorized touring guide companies also have road maintenance agreements whereby they undertake minor road maintenance and repair.
- Funding of archeological and biological surveys.

Keys to Success

- The RRRD made a dramatic shift in attitude and approach with its permit holders, regarding them as partners in public service and

caring for the land and encouraging cooperative behavior among them.

- A Needs Assessment and Capacity Analysis were done to inform a Special Uses Management Plan. The Plan defined a vision for increased guiding activities and total opportunities. It then allocated use between activities, defined the number of service days per activity and the number of permits needed to provide them.
- Prospectuses were then developed and marketed. Resulting proposals were evaluated by an interdisciplinary panel and awards were made to qualified entities.
- The improvements to services and facilities were well communicated and evident to the permit holders, visitors, and the community.
- A very large “Friends of the Forest” volunteer agreement complements the special use program. Volunteers staff heritage sites and visitors’ centers, monitor wildlife and water impacts, pick up litter, and make visitor contacts on trails.

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Mendenhall Glacier Recreation Area

Mendenhall Glacier, located on the Tongass National Forest just outside of Juneau, Alaska, is one of the world’s most accessible glaciers. Excursions from cruise ships, touring companies, and self-guided vacationers account for over 600,000 visitors annually, within a five-month period.

The Forest Service constructed a visitor center in the 1960’s where visitors could view the glacier while learning about area ecology and cultural history. Trails and vista decks allowed closer contact with the glacier and ecosystem.

The glacier has been retreating for decades and is now barely visible from the Visitor Center. This has caused the USFS to rethink the array of recreation opportunities there, and how to provide them to remain an attractive destination.

Current Management Approach

Approximately 20 permit holders transport visitors from cruise ships and downtown Juneau and guide them on a variety of activities. These



Photo by Brad Orr of the U.S. Forest Service

include interpretive walks, kayaking and canoeing, glacier treks, helicopter touring, and bicycle touring, among others. Fee receipts have totaled \$4 million annually for the entire Juneau Ranger District and are retained under FLREA. The Tongass NF and Alaska Region have continued to adapt to changes in the glacier and recreation/tourism patterns.

- Utilizing consultants, the array of permitted activities, numbers of permits needed, and fees charged were reviewed and adjusted.
- Another consultant facilitated public involvement and prepared a master plan for the area, identifying and locating new facilities and activities needed with the recreation area.
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Photo by Rey Was



Photo by Adam Morgan of the U.S. Forest Service

- A third consultant has prepared plans to update and refresh the interpretive center exhibits to include effects of climate change and reflect the new recreation opportunities in the area.
- A nonprofit Natural History Association operates in the visitor center under an interpretive association (IA) agreement. IA agreements allow the partner to sell books, maps, and souvenirs relevant to the area with profits returned to the USFS for maintenance and improvement of the facility.

Keys to Success

- Retention of fees collected from outfitter-guides under FLREA has provided funds to update exhibits, hire sufficient staff for the

recreation area, and hire outside consultants to facilitate professional planning processes.

- Open communication and dialogue with all the permit holders, community stakeholders, and the City of Juneau has enabled joint problem solving on issues of mutual interest.
- A multi-faceted approach to delivering services, including outfitters and guides, transportation providers, the natural history association, and USFS staff has created capacity and flexibility to respond to changing challenges.

Lessons Learned

- The existence of multiple transport providers causes confusion and traffic congestion in Juneau and at the recreation area. The City of Juneau is considering using one contractor for such services, which will reduce congestion at the recreation area but may negatively impact USFS receipts.
- Receipts from tourism related SUAs are vulnerable to large economic fluctuations, such as COVID-19 impacts, affecting USFS staffing and project implementation and causing negative impacts on local tax revenue, jobs and regional economic well-being.
- Capital investment funds through government appropriations to implement new facilities in the site master plan are difficult to obtain. Inviting private investment and operation of the entire recreation area is under consideration.

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The Baileys Mountain Biking Trail System

The Wayne National Forest is located in the southern part of the state of Ohio among some of the state's poorest rural counties. Once-thriving coal mines in the area are now abandoned. Hardwood forests now cover the rolling hills and mountains, hiding the old mining scars but offering little in the way of economic activity.

In the last five years, community stakeholders, along with the USFS, began to look at alternative ways to increase sustainable economic activity in the area. One alternative that gained support was for a mountain biking trail system through an area of the National Forest, called Baileys. This area lies within a day's drive of approximately 50 million people. Despite



Photo by Dawn McCarthy of the U.S. Forest Service

the growth in popularity of mountain biking in the United States, large scale, well designed mountain biking trail systems in the region are scarce. The Baileys area provided a virtual blank canvas on which to create such a system, but government funding was very limited.

Current Management Approach

The USFS has a nationwide congressionally chartered nonprofit fundraising partner, the National Forest Foundation (NFF). NFF leverages government funds with private donations and innovative partnerships to advance key USFS programs, including outdoor recreation. They have been exploring new approaches involving bonding to make funds available for large capital investments, with the project beneficiaries repaying the investors over time.

One such approach, called Pay for Success, has been initiated with support from NFF to plan and construct the Baileys Trail System on the Wayne National Forest. The Baileys system will include 88 miles (142 km) of trails designed for mountain biking (as well as hiking) and two trailheads located in the adjacent villages. Total funding for the improvements is expected to be \$5.4 million. A local Council of Governments (two cities, two villages, and a county) has set up an entity called the Outdoor Recreation Council of Appalachia (ORCA) which coordinates with the USFS, pursues grants, and will be responsible for the repayment of the investment funds. The USFS also pursues grants on its own through the National Forest Foundation and other sources.

Together, the USFS and ORCA have contracted with an expert mountain bike trail planning and design consultant to develop plans for the system, obtained grants, arranged funding, and constructed 14 of the 88 miles of trail. The Pay for Success bonding process is not completely in place, but it will be counted on to provide substantial funds to finish the trail and

trailheads. However, its potential and the stakeholder collaboration built to support it has already helped attract funding and grants from a variety of sources.

When completed and marketed, the Bailey's Trail System is projected to attract over 180,000 mountain bikers per year. In the first ten years, that use will stimulate these economic benefits in the surrounding communities:

- \$6.9 million in increased wages
- \$20.1 million more spending for retail activities, lodging, restaurants, and bars
- 66 new jobs
- \$7.3 million increased tax revenues for local governments



Photo by Dawn McCarthy of the U.S. Forest Service

Keys to Success

- Willingness on the part of the USFS to try innovative approaches to improve recreation opportunities and local economies. This project has included support from all levels of the agency, from the National Partnership Office in Washington DC to the local Athens Ranger District on the Wayne NF.
- Dedication of a USFS project manager to coordinate the very complex project with all the different entities involved.
- Contracting with a highly professional trail planning and design consultant to develop the entire system plan with the engagement of all stakeholders.
- A high level of engagement and ownership in the project by the local communities. The commitment has been shown in many ways, including supporting the project with local voters, developing plans, committing funding, and developing a website. Many of these would have been difficult or impossible for the USFS to accomplish alone.

Lessons Learned

- Building a base of support in the local communities is vitally important and pays many unexpected dividends over time.
- Maintaining focus and cohesion within all the stakeholders is difficult and necessary. It's important to agree upon mutual goals from the beginning and maintain the commitment to achieve them all in an integrated fashion. This includes a commitment to shared responsibility for maintaining and operating the trail system long after "the ribbon-cutting ceremony" marking the completion of construction is over.

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Hanging Lake Sustainable Management Plan

Hanging Lake is a beautiful travertine formed lake on the White River National Forest (WRNF) with aqua blue water and bridal veil waterfalls cascading into it. It lies approximately 1,000 feet above the Colorado River in Glenwood Canyon between the world-renowned ski resort towns of Vail and Aspen, and just east of the historic tourism-based town of Glenwood Springs. Interstate Highway 70 (I-70), the main east-west transportation artery through the Rocky Mountains, follows the river and provides easy access to the trailhead parking that serves Hanging Lake.

Due to its beauty, status as a National Natural Landmark, proximity to I-70, and social media, use has exploded in recent years, doubling in the five years leading to 2015, when 184,000 visits occurred, an average of 1,000 people per day. All the use passes up a steep trail corridor 1.2 miles long (2 kilometers), to a lake only an acre (0.4 hectares) in size.



Photo by Bryce R. Bradford

Impacts to the fragile environment and facilities quickly became unacceptable and visitor satisfaction due to crowding plummeted.

Current Management Approach

Seeing the developing crowding issues and impacts to the environment, the WRNF began a collaborative planning effort in 2014. Key partners included the City of Glenwood Springs (the City) and the Colorado Department of Transportation (CDOT). Major objectives of the Sustainable Visitor Management Plan (the Plan) included:

- Protect the natural resource
- Improve the visitor experience by reducing crowding
- Enhance tourism in Glenwood Springs

Upon completion of the plan, the WRNF signed a Cooperative Agreement with the City of Glenwood Springs, who then contracted with a private operator to provide transportation services from Glenwood Springs to Hanging Lake. In addition, the operator provides interpretive and user safety messages, and operates the reservation system.

Visitation was capped at 615 persons per day from May 1 – August 31st, resulting in 61,500 visitors in 2019. There is no longer onsite parking during this period. The City provides parking in town, receiving rent from the private operator, and bringing people into the town. The USFS receives a fee of 5% of gross revenues.



Photo by Joshua Hicks

In addition, the USFS has reduced impacts to the environment and facilities, and obtains customer satisfaction data from the reservation system, useful for adaptive management.

The adaptive strategy includes monitoring of impacts on:

- physical and biological resources
- facilities
- visitor satisfaction

Visitation levels may be adjusted up or down over time based on the monitoring results.

The project has received broad recognition and awards, including one from



Photo by Kay Hopkins of the U.S. Forest Service

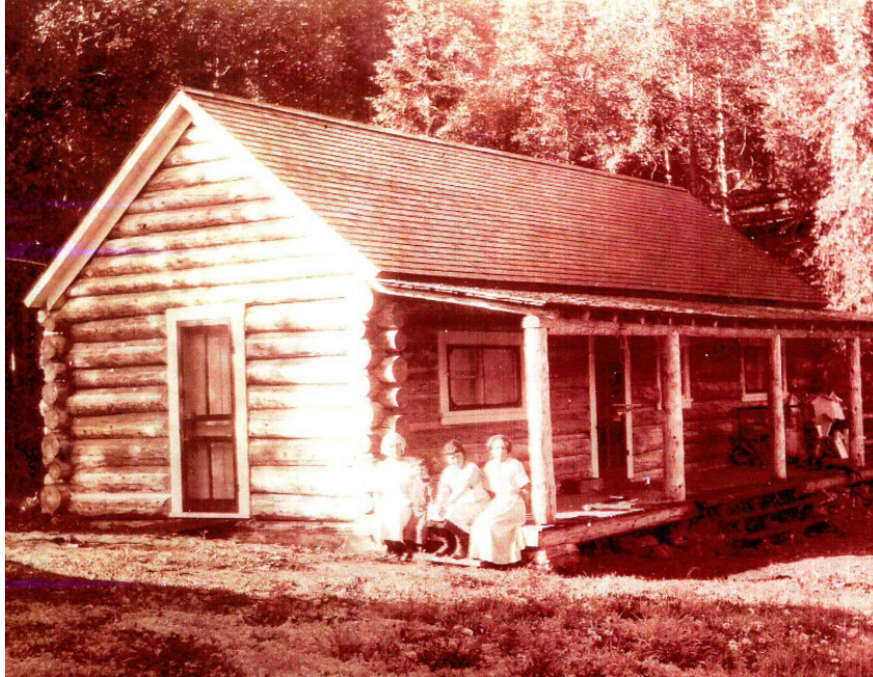
the Colorado Tourism Board.

Keys to Success

- The WRNF conducted a thorough collaborative planning process incorporating key stakeholders and the public in an open, transparent way. The project objectives were kept paramount throughout the process.
- The plan was supported by science-based analysis, including transportation and visitor movement studies conducted by the Volpe Center of the U.S. Department of Transportation that helped establish capacity for the site. The result was trust and credibility between the key partners and the public.
- The WRNF considered a special use authorization for transportation only but was flexible enough in its approach to utilize a cooperative agreement when the City expressed interest. This allowed the City to utilize its resources of parking and contracting, resulting in increased tourism benefits to them.
- The prospectus was quite open in scope, allowing proponents to offer additional services beyond the base requirement of transportation. The winning proponent offered interpretive services, parking management, and operation of the reservation system (on the City's website), all of which have been greatly beneficial to the partners and to the public.

Lessons Learned

- It is vital, but difficult, to maintain commitment from all the partners throughout the process. To do so requires comprehensively addressing all the issues in an integrated fashion, rather than solving one partner's problem while creating them for others.
- The support of the key decision makers, such as the Forest Supervisor and the Mayor, for flexibility and mutual problem solving, is vital.



Historical photo provided by Molly Westby of the U.S. Forest Service

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HistoriCorps – Historic Preservation and Public Use

The USFS has thousands of historic buildings on National Forest System lands. These include historic cabins, lookout towers, barns, recreation facilities, and offices. While some have been in continuous use and are

well-maintained, many have fallen into disuse and poor condition. Deferred maintenance for these structures is estimated in the millions of dollars.

There are many organizations and individuals in the United States dedicated to history and interested in the rehabilitation, preservation, and use of historic structures. However, other than a few dedicated individuals, it has been difficult to organize volunteers to work on the often distant and scattered historic structures on the National Forest System.

Based on volunteer work on the Pike-San Isabel National Forest in the early 2000s, the USFS Rocky Mountain Regional Heritage Program Manager approached Colorado Preservation Inc. (CPI) with the idea to form a



Photo by Molly Westby of the U.S. Forest Service

“corps” modeled after community service programs like the renowned Depression-era Civilian Conservation Corps. Some “seed money” to start the effort was obtained from the National Headquarters Recreation, Heritage, and Volunteer Resources program in 2009, and an organization named “HistoriCorps” was formed as a division of CPI.

Current Management Approach

HistoriCorps has continued to evolve and grow, meeting the need for an organization that could conduct “turnkey” projects to save historic structures on public lands and provide resources including volunteers, expertise, tools, and equipment.

Becoming an independent nonprofit organization in 2013, HistoriCorps is now building the capacity of public land management agencies to preserve their historic resources, advance green technologies, and foster stewardship among local communities. By working with constituents, partners and alternative workforces, HistoriCorps is implementing meaningful solutions that save special places for generations to come.

As of 2020, HistoriCorps has contributed 187,908 volunteer hours across 268 preservation projects in 31 states and U.S. territories.

While HistoriCorps has moved beyond just working with the USFS, they retain a strong partnership, and operate under a Master Participating Agreement and Master Challenge Cost Share Agreement at the national level, with supplemental agreements for specific projects on the National Forests.

Representative projects include the restoration of the Alpine Guard Station on the Gunnison National Forest and the Hahn’s Peak Fire Lookout on the Routt National Forest, both in Colorado. The Alpine Guard Station was

built in the 1913, with additional structures built by the CCC, serving as a remote ranger station high in the Rocky Mountains. In 2010, HistoriCorps began restoring the main cabin, barn, and shed to its historic conditions. It is now ready for use as lodging by the public under FLREA permits, enabling a revenue flow to maintain it.

Hahn’s Peak Fire Lookout was once listed on Colorado’s Most Endangered Historic Places, as it had fallen into a dangerous state of disrepair and was unsafe for use by agency personnel and the public.



Photo by Molly Westby of the U.S. Forest Service

Following stabilization and restoration by HistoriCorps and USFS staff, it is now open for public use, offering wonderful views of the mountains and valleys of Northern Colorado.

Keys to Success

- Imagination among agency staff to capture the passion and energy of historic preservationists in an organization for an unmet need.
- Initiating the new organization under an existing nonprofit entity for support and fundraising capability.
- Filling a unique niche in historic preservation that combines love of history and outdoor environments with the preservation of disappearing rustic construction skills.

Lessons Learned

- Volunteers are not contractors or employees. Arrangements are made for specific timeframes of work and not scope of work. Agency personnel must be flexible in gauging progress and success.
- Nonprofit organizations fill a niche that is not profitable for private companies. They must do fund-raising based on interests of philanthropists and by producing results. Grants from the agencies are seldom adequate to cover all costs.

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The Forest Service Campground Concessions Program

In the early 1980's, due to public interest in reducing the size of government and the taxes which support it, the USFS outdoor recreation budget began to shrink. By the mid-1980's the agency was looking at ways to continue providing the services desired by the public while reducing costs.

The agency's developed sites program, including campgrounds, picnic areas, and visitor centers, was a large cost area and soon became a focus for potential cost reductions. The agency manages approximately 4,800 campgrounds across the country. While a fee was charged to the public for overnight camping, the agency was authorized to retain only a small percentage to cover administrative costs. The remaining receipts went



Photo by Bryan Collings



Photo by Devyn F. Duvall

to the U.S. Treasury for reallocation by Congress across government according to their priorities.

Individual national forests began to experiment with volunteer and nonprofit operations, with mixed success. It was clear that a more consistent policy was required.

Current Management Approach

The Granger-Thye Act of 1950, (G-T) a law originally created to ensure fees paid by grazing permittees were used to improve the rangeland where

they are generated, is utilized to permit private companies to operate 54% of the USFS's campsites. Many of the campgrounds are the larger, more complex sites with high volume use at popular recreation and tourism destinations. The Forest Service continues to operate the remaining campgrounds, many of them remote and smaller than the concession operated sites. The USFS retains ownership of all the campgrounds – it is only the operations and maintenance which is outsourced.

Because of the business interest in operating USFS campgrounds, a prospectus is prepared that identifies the campgrounds and related facilities (nearby picnic areas and trailheads) that are under consideration for private operation. Following review and award by the USFS staff, a G-T permit is signed for a 5-year period, extendable to 10 based on performance. This “5+5” term promotes quality of service by the concessionaire. At the end of 10 years, the process is repeated.

The amount of fees paid to the USFS for use of the government-owned facilities is part of the prospectus and proponents' responses. They typically range from 5-15% of the gross receipts.

G-T authority allows fees to be retained at the local level for direct improvement of the facilities where they are collected. They can be held by the concessionaire (permit holder) and then directed to the site improvements after review and agreement on costs with the USFS permit administrator or paid to the local unit for improvements done by them or contracted out. The \$3 million collected per year is helping reduce agency's deferred maintenance for recreation sites.

Keys to Success

- Private concession operators bring capital, business knowledge, and a financial incentive to present a clean, well maintained facility to attract visitors.
- The G-T authority keeps the fee receipts on the ground where generated, leading to direct improvement of the places the public is utilizing.
- The mutual benefit in deciding upon use of the fees shared by the concessionaire and the USFS administrator strengthens the relationship. Over time, this relationship has evolved from a regulatory approach accompanied by mistrust between USFS staff and concessionaires to one of partnership in public service.



Photo by Brian Egge

- The public service offered by the concessionaires is not subject to the fluctuations of national budgets, political swings, staffing vacancies, or temporary reassignment of recreation managers for things such as firefighting. In addition to improved facilities, the public receives consistent, continuous service which has been increasingly difficult for the USFS to provide.

Lessons Learned

- Attitude is everything! At first many USFS recreation personnel resented “giving over their facilities to private business”. Loss of agency identity and presence across the landscape were key concerns. Over time, these concerns have been resolved through adaptation by both parties and it’s understood that public service is a shared responsibility.
- The “bundling” in a prospectus of enough recreation sites within a geographical area is important for business viability and consistency of operations. For the USFS, the National Forest and Grassland unit is generally of sufficient size and scale – the average unit is 1.5 million acres (600,000 hectares) with 40-60 campgrounds and related fee sites. Including several protected area units in an area may be necessary to attract quality operators.
- The USFS maintains its agency identity through quality signing, presence in the online reservation system, and presence in the field.

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Photo by Jennifer Watts of the U.S. Forest Service

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Lost Lake Recreation Complex, Mt. Hood National Forest

A privately owned resort at Lost Lake on the Mount Hood National Forest has been in operation since 1921 under a resort term permit. The resort is on the edge of a beautiful 245-acre lake with views of Mount Hood. The Lost Lake Resort features a lodge, cabins, food service, a boat launch, and an accessible fishing dock, all developed by the permit holder, and numerous trails on the national forest.

The resort is adjacent to a 125-site campground, owned and developed by the Forest Service. Over time, and with reductions in the agency budget, the resort owners began operating the campground under a Granger-Thye permit.



Photo by Jennifer Watts of the U.S. Forest Service

The Lost Lake recreation complex (resort facilities, day use facilities, and campground) are very representative of lakeside resorts in the Pacific Northwest Region of the United States. There are dozens of similar resorts on National Forests in this area. Along with many other recreation activities, outdoor recreation (in the form of visitor spending) has become the largest single source of economic activity associated with National Forest and Bureau of Land Management lands in the Pacific Northwest.

Current Management Approach

Resort Permit: This is a 30-year term permit for private facilities to occupy National Forest System lands. The fees go to the U.S. Treasury. The fees



Photo by Jennifer Watts of the U.S. Forest Service



Photo by Jennifer Watts of the U.S. Forest Service

are based on a percentage of the value of the land, and a percentage of the revenue generated for the business.

Granger-Thye Campground Permit: This is a 10-year permit for the operation of government-owned facilities. The fees can be offset by investments by the concessionaire in facility maintenance. The fees are based on a percentage of revenue.

Outside of ski areas, this is the most visited recreation site on the Ranger District. The Forest Service works closely with the permit holders to find ways to better manage the parking and visitation to the area, balancing the

demands for visitor access and business development with the protection of resources.

Key Success Factors

- The financial and technical abilities of the permit holder. The Lost Lake permittee had previous business experience, funding to invest in deteriorating facilities, and the ability to develop additional amenities.
- Diversity of recreation opportunities, and income sources at the Lost Lake recreation complex: camping, hiking, fishing, boating, cabin rentals, recreation equipment rentals, and wedding services.
- High demand. The area provides a unique recreation opportunity because of the scenic setting and lake access. This area has been a destination for recreation uses since the 1920's, and quality facilities and services guarantee repeat visitation.
- Concentrating use. A small increase in visitor use can have high impact on vegetative cover in low-use areas. We can increase use and reduce impacts simultaneously if we encourage visitation in high-use areas that are well-managed, such as a recreation complex like Lost Lake.

Lessons Learned

- Ensure financial and technical abilities of a permit holder through careful screening of proponents.
- Leverage the permit holder's business expertise by supporting diverse opportunities and revenue sources.
- Focusing recreation use on areas of concentrated development and services helps protect natural resources in undeveloped areas of the National Forest. Ensure the permit operations support providing services, protecting the natural resources, and social carrying capacities.

- An operator's desire to provide more services and generate more revenue may conflict with the management goals for an area. Consistency with the purpose of a protected area must balance business viability.
- Granger-Thye fees do not always cover all maintenance needs, such as replacement of a water system or repaving roads. A partnership approach where the USFS pays for and accomplishes the heavy maintenance through its capital investment processes can help the overall quality of public service. Alternatively, a longer permit term for the permit holder may allow for them to amortize such larger costs.

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Lessons Learned -- Evolution and Adaptation

The foregoing case studies contain many lessons learned specific to their setting and situation, but also more general lessons learned that can be useful to other protected areas and agencies working to expand partnerships for provision of outdoor recreation and tourism programs and facilities around the world. In addition, the USFS has continued to evolve and adapt its overall special uses program over time. Some of the adaptation has occurred out of necessity – shrinking federal budgets and expanding and evolving recreational demand have forced agency staff to find other means to continue to maintain the facilities and provide public service.

However, much of the change can be attributed to maturing relationships between the agency, the private sector, and adjacent communities as each has gained greater understanding of the capabilities and limitations of the other and found ways to work together for mutual benefit. At times those “new ways” have required changes in laws, regulation, or policy but often it has been only the attitudes and perspectives of the entities that have needed to change. Following are some key lessons learned by the USFS in engaging external entities in the delivery of recreation facilities and programs and providing a sustainable outdoor recreation program. Hopefully, these lessons learned by one of the world’s oldest and largest protected area management agencies, with over a century of experience in managing outdoor recreation and nature-based tourism on public lands, can prove useful to colleagues around the world confronting similar challenges.

Partners or Regulators?

USFS staff in the special uses program perform the role of the regulator, upholding the legal terms and conditions of the permit. It is a necessary role because the permit holder is operating on public lands and the terms and conditions protect the rights and concerns of all the citizens of the United States. There have been instances of permit holders performing badly with unacceptable service or impacts to the environment. The permit administrator therefore must act to correct the unacceptable actions.

However, most successful programs engender a spirit of professional partnership and trust with their permit holders and promote positive relationships. Honest communication from the beginning helps build understanding of mutual expectations, goals, values, and limitations. For example, the permit administrator must understand that the holder must make a profit to continue offering quality service. The holder must understand the administrator values service and resource protection and

is required to comply with laws, plans and policies. Maintaining open communication and fulfilling obligations by both parties in a timely manner demonstrate respect. The role of regulator is always there, but it should not be at the forefront of the relationship. Service to the public, client and employee safety, business viability, and protection of the resources must be shared values and the basis of the relationship. Sound relationships make all the difference!

Common Sense Flexibility in Applying Policy

A key aspect of not being overly regulatory in the successful management of a special uses program is applying common sense and flexibility to policy.

The steps of a Needs Assessment, Capacity Analysis, Allocation of Use, Environmental Analysis, and recreation planning described in Sections III and IV are valid and appropriate for complex situations and those with many competing interests. They form the basis for fair and equitable treatment of all proponents and provide transparency for public interests. They were vital in addressing the complex challenges in the Red Rocks, Mendenhall Glacier, and Hanging Lake case studies.

Repeated calls over the years from interest groups and political leaders for “process streamlining” in the permitting process, however, have underscored the need for greater flexibility in applying special use policies. In response, the USFS has adapted policy, sought new authorities, and implemented risk management thinking.

There are many ways a USFS authorizing official may apply risk management in administering special uses:

- If there is a proposal for a new commercial use in an area where no such uses currently exist and public use would not be in conflict, there is no need for a capacity analysis or allocation of use.
- If the proposed use is consistent with the purposes of the National Forest System and poses little environmental threat the needs assessment may not be necessary and any environmental assessment minimal.
- Following the first two items above, the line officer may decide that no permit is required at all. Past special uses policy addressed “incidental use” for infrequent use by groups of a manageable size. The recent (2016-present) Special Uses Reinvention efforts have pinpointed “nominal effect” for noncommercial groups not exceeding 75 persons where their use will have no, or only nominal effect, on NFS lands, resources, or programs.
- Where there are more permit holders on a unit than the administrator can possibly inspect annually, criteria such as client complaints, reports of unacceptable behavior, and performance history can be used to prioritize frequency and nature of inspections.
- Other approaches for cooperation, such as Partnership Agreements for achieving sustainable engagement of communities should also be considered (see below).

Some protected area management agencies in the U.S. and other countries prohibit or severely limit the ability of communities, for-profit entities, and NGOs to propose new cooperative ventures. However, being open to proposals for use and access to protected areas, like the U.S. National Forest System, as long as impacts to land and resources are minimal, can also advance positive relationships with nearby communities, the business sector, civil society and visitors, helping gain support and credibility for the agency and the protected areas they manage.

Partners Have Great Potential

Beginning in its early years over a century ago, the USFS has utilized special use authorizations to enable the private sector to deliver services beyond its own capability. As demand for recreation and tourism has grown, impacts on resources have increased, and agency budgets and staff levels have decreased, the need for working with private sector partners has increased. The national-level campground concession program, the management of Hanging Lake, and the HistoriCorps agreement are good examples of that for the USFS.

As such “outsourcing” arrangements have grown, the potential of the external partners has developed or become more apparent as well. Some aspects of this that are found in all the foregoing case studies include:



Photo by Juliano Marini

- Knowledge of business and marketing that increases efficiency, visitation, and customer satisfaction
- Access to capital and incentives to make service and facility improvements to attract and retain more visitors and increase local economic benefits and public support for conservation agencies and efforts
- Knowledge of trends and ideas from other aspects of their business outside of the NFS that they can introduce within
- Flexibility to hire and allocate personnel as needed, make procurements quickly, and utilize income directly, all of which can be difficult for government agencies
- Business and social networks with local community thought leaders and influencers which broadens and deepens connections to and support of the protected areas. This provides even more reason to keep relationships positive!

Policy adaptations have occurred or are under consideration to allow greater utilization of those areas of potential. For instance, ski resorts were originally held to a 30-year term on their permits. Based on the large amounts of investments they were making on the NFS and in nearby communities, the term was extended to 40 years, but recreational activities outside of skiing and in summer months were still limited. Then, decades later, realizing the amount of infrastructure that had developed, the risk posed by climate change to the ski industry long-term and the degree of attraction the resorts had during the summer, new laws and regulations were developed to enable ski resort operators to build and operate ziplines, ropes courses, and other summer facilities. The use and diversity of visitors increased greatly and along with those exposure to the NFS for new audiences.

Similarly, extension of the terms of other types of permits, such as campground concessionaires, is being considered to enable higher levels of investment in new camp facilities. Once again, flexibility and understanding of the needs of partners is key not only to specific situations but for broad policy development as well.

Be Adaptive! Adaptive Management Enables both Government and Its Partners Freedom to Make Appropriate Changes

Consistent with the concepts of Flexibility in Applying Policy and Partners Have Great Potential, adaptive management approaches are often more appropriate than rigid numbers and constraints. This is especially true when setting up a new management structure for a protected area, trying a new approach like that illustrated in the Hanging Lake case study, conducting a capacity analysis, or allocating use between SUA holders or other partners. In such cases, there may be a great number of unknown factors, including:

- Demand for the activity or rate of growth in demand
- Number and quality of potential permit holders
- Managerial or public concerns about crowding
- Degree of impact or resiliency of the natural system or cultural resources
- Support or acceptance of local communities
- Capacity of the managing agency to provide oversight

In place of rigid numbers or constraints, defining critical indicators and thresholds regarding physical, biological, and social effects in the protected area and its surrounding communities may be more successful. Engaging the communities and other key stakeholders in dialogue to develop the indicators promotes understanding and support of the issues involved in the protected area and their importance.

Following the development of key indicators, best management practices (BMPs) can be developed for all permit holders and partners to utilize. Then, monitoring of the key indicators and BMPs over time can guide growth, reduction, or other adjustments to numbers, activities, and areas used.

An adaptive management approach enables an agency and its partners to take action without the sometimes-paralyzing effect of having to get it exactly right from the beginning. It emphasizes collaboration with enough planning and analysis to make a good professional judgement while providing safeguards to important resources and outcomes. As such, it builds shared responsibility among the agency and stakeholders in achieving those outcomes in a long-term sustainable manner.

Retaining Fees at the Local Level Incentivizes Agency Staff, Partners, and Communities to Improve Services and Facilities

USFS authorities originally required that all fees collected, from the public and permit holders, be sent to the U.S. Treasury for use and appropriation by the Congress. This situation persisted for many decades. The result was a lack of financial resources to operate and maintain facilities and a disincentive for local managers to develop additional recreational facilities and programs or to grow visitor numbers.

The utilization of the Granger-Thye authority in the campground concession program in the 1980s and then the passage of the Federal Lands Recreation Enhancement Act in 1994 provided for the first time substantial funds for the maintenance of the facilities and expansion of services directly in the areas where the fees were collected.

Retention and use of fees where they were collected improved the public's motivation to pay, as they were seeing "return on investment" and better

services. It also provided incentives for USFS managers and their private sector partners to expand services and improve maintenance to attract and retain more satisfied customers. The "bottom line" of more people enjoying the outdoors, engaging in healthy activities, and benefitting local communities has grown accordingly.

Policy development for protected area management should strongly consider retention and utilization of most fees for investments directly related to public use programs and facilities in the areas where they are generated. The retention and use of fees must occur in a transparent manner, bearing in mind that there are also administrative costs of fee and partnership management which need to be covered.



Photo by Jennifer Watts of the U.S. Forest Service

Special Use Authorizations Are Not the Only Way to Engage Others in National Forest Recreation Management

A country or agency developing new laws and policies to engage the private sector, civil society and other governmental partners in the delivery of recreation/tourism services should think about the array of possibilities as well as their own organizational capacity and build in flexibility to adapt to different situations over time.

As exemplified by the Bailey's Trail System, Hanging Lake, and HistoriCorps case studies, other types of authorities and agreements, aside from special use authorizations, may be more suitable to design, build, maintain, operate and monitor impacts of recreation and tourism facilities and programs in protected areas.

Section II, Table 1 contains some of the laws and regulations that define the USFS Special Use Program. Some of the laws and policy documents that define cooperative partnerships and volunteer agreements are listed in Table 2 of that section and additional sources of information are listed in the Bibliography.

As stated in the beginning of this section, this guide focused on USFS Special Use Authorizations, particularly with for-profit partners. However, there are many other types of partnerships that USFS uses to provide recreation and tourism opportunities on public lands. In many cases, the other types of partnerships may be the best means of achieving sustainable outcomes for planning, building, managing, maintaining, and monitoring impacts of recreation and tourism facilities and programs on public lands. The partnership agreements can often complement SUAs. These partnerships -- with universities, NGOs, foundations, tourism promotion organizations, protected area friends associations, land trusts, museums, botanical gardens, research centers, recreation user groups, the outdoor industry

and local, state and tribal governments, are important components of a protected area agency's toolkit of partnership approaches. It is hoped that USFS experience with these other types of partnerships can be the subject of a complementary publication in the future.

V. Conclusion

The United States Forest Service has a long history of utilizing the resources of the private sector to help deliver recreation/tourism services and facilities on the protected areas it manages. Special Use Authorizations are the primary means for doing so, with nearly 30,000 recreation authorizations worth nearly \$2 billion to their holders.

This guide has described the major elements and processes used by the USFS in the special uses program as well as provided insights into other instruments, such as various partnership agreements, for providing a sustainable recreation program.

History provides a deep resource of values and traditions, but at times it can bind an agency to maintaining entrenched rules and processes that may no longer be relevant, or in some cases are no longer the best approach. All the steps and processes described in Section III are sound, professional approaches for providing quality results and protecting the public interest. However, all are not necessary for every instance, and if too stringently applied can inhibit the opportunities and potential strengths of the agency partners. If the USFS were starting anew, it might well adopt an approach less focused on regulation and more on partnership.



Photo by Anonymous

Therefore, this guide should be considered a reference for possible means and approaches for developing policies in evolving protected area management. The laws and regulations cited are only meant to provide examples and stimulate thought about the right means for attaining sustainability for protected areas and communities; each protected area, conservation agency, and country needs to carefully examine the range of options. The body of literature and experience on a wide range of partnership approaches to managing recreation and tourism in protected areas is growing in countries rich and poor, small and large and with different legal traditions, levels and types of recreation and tourism in protected areas, and forms of government. While all protected area management agencies, including the USFS, often feel only scarcity of staff and funding, making the right choices in partnership policy (and partners) can open an abundance of resources.

We would like to acknowledge all of the Chico Mendes Institute for Biodiversity Conservation (ICMBio) specialists who participated in the concession program trainings who then shared their expertise with their colleagues across the agency helping to develop a strong program for all Brazilians. The USFS and partners appreciate the knowledge and experience shared.

Finally, we would like to thank the U.S. Agency for International Development (USAID) staff who provided both financial and leadership support to the USFS and the Partnership for Conservation of Amazon Biodiversity partnership over the past five years. Thank you for your vision and support.

VI. Contributors to this Guide

In 2014, the U.S. Agency for International Development (USAID) entered into a comprehensive partnership agreement – the Partnership for the Conservation of Amazon Biodiversity (PCAB or “the Partnership”) – with the Government of Brazil to support protected area conservation and biodiversity in the Amazon. The focus of the Partnership was to conserve Brazil’s protected areas by connecting Brazilians to their public lands and to expand opportunities for economic growth through well-managed, sustainable tourism. USAID needed an implementing partner with extensive public-use management experience. The U.S. Forest Service (USFS), which manages 155 multi-use national forests and 20 grasslands and has partnered with Brazil for 40 years on natural resource management, was an obvious choice. To implement the program, USFS partnered with several U.S.-based universities to provide additional expertise on protected area management, including Colorado State University’s Center for Protected Area Management.

The Government of Brazil’s implementing partner for the project was the Chico Mendes Institute for Biodiversity Conservation (ICMBio), an agency of the Ministry of Environment. ICMBio was formed in 2007 to manage the enormous range of Brazil’s federal protected areas, from extractive reserves to marine areas to strict preservation conservation units such

as national parks and ecological reserves. ICMBio manages 334 protected areas comprising 1,714,242 sq. km (661,873 sq. miles), an area the size of the U.S. States of California, Texas, Montana, and Colorado (or the countries of France, Germany, Spain, and the United Kingdom) combined. Many of the largest conservation units are located in northern Brazil, with a total of 641,436 sq. km (37.4% of the federal protected area system) located within the Amazon biome.

Through the Partnership, USFS and university partners enhanced the institutional capacity of ICMBio to use innovative tools, critical thinking approaches, public engagement, and global best practices to better manage protected areas and plan for public use. ICMBio tested its learning at demonstration sites and incorporated new concepts and adapted U.S. practices into its own public use and management practices and policies. ICMBio also used its learning to better engage the Brazilian public and incorporate communities in the stewardship of the protected areas that surround them. Those communities benefited from the increased visitation that better management brought in the form of job opportunities and economic gain.

This document is part of the suite of capacity building tools meant to serve ICMBio's evolving needs.

The author appreciates the following people who have given their time, content, and thoughts to develop this guide. Many have experience working with International Programs and provide great resources for future support in this program area. Their insights and passion for their work have provided not only information but also inspiration. Thank you!

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The Lessons Learned and Conclusion chapters are the result of conversations with many of the USFS contributors during the preparation of this guide and reflections by the author over the final years of his career in the USFS, but they do not represent official positions of any contributor or those of the USDA Forest Service.

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Jim Bedwell retired in 2017 after a 38-year career with the USDA Forest Service. Academically trained as a landscape architect, Jim served on National Forests in the states of Arizona and New Mexico and the territory of Puerto Rico in recreation planning, design, and visual resource management. After serving as the agency's Chief Landscape Architect, he moved into leadership positions, beginning as the Forest Supervisor of the Arapaho & Roosevelt National Forests and Pawnee National Grassland in the state of Colorado. From there he moved to the National Headquarters in Washington DC as the Director of Recreation, Heritage, and Volunteer Resources, ending his career as the Regional Director of Recreation, Heritage, Volunteers, Lands, and Minerals for the Rocky Mountain Region. Throughout his career, Jim had responsibility for recreation and special uses programs.

Jim has worked extensively with Forest Service International Programs in Latin America and the Middle East with service trips to Venezuela, Brazil, Colombia, Panama, Jordan, and Egypt. He has done international service work outside of the USFS on the Caribbean island of Saba (Netherlands) and in Mongolia. He now lives happily among the pines in Golden, Colorado.

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Code of Federal Regulations, Title 36 – Parks, Forests, and Public Property

- 36 CFR 251, Subpart B – Regulations for all USFS Special Uses
<https://www.archives.gov/federal-register/cfr/subject-title-36>

USDA Forest Service Regulations and Policies

<https://www.fs.usda.gov/about-agency/regulations-policies>

USDA Forest Service Directives, Handbooks & Manuals

- FSM 2700 – Special Uses Management Manual
- FSH 2709.11 – Special Uses Handbook
- FSH 2709.14 – Recreation Special Uses Handbook
 - Chapter 10 – Application and Authorizing Process
 - Chapter 30 Fee Determination
 - Chapter 50 – Outfitting and Guiding Services
 - Chapter 60 – Winter Recreation Resorts
- FSH 1509.11
 - Chapter 20 -- Grants and Cooperative Agreements Handbook
 - Chapter 70 – Partnership Agreements Handbook

Practice and Application:

USDA Forest Service Forms

https://www.reginfo.gov/public/do/PRAViewIC?ref_nbr=201204-0596-002&icID=37098

Many Special Use Authorization forms are indexed at the above Office of Management and Budget (OMB) website. Those most relevant to this guide:

- FS-2700-3c. Special Use Application and Permit for Recreation Events
- FS-2700-4. Special Use Permit
- FS-2700-4h. Special Use Permit Campgrounds and Related Granger-Thye Concessions
- FS-2700-4j. Special Use Permit for Outfitting and Guiding
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- FS-2700-5c. Term Special Use Permit for Resort/Marina
- FS-2700-19. Fee Calculation for Concession Permits
- FS-2700-25. Temporary Special Use Permit
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Forest Resilience Bonds: Similar to the pay for success model, provides insight and examples of bond investing for the provision of ecosystem services www.blueforestconservation.com/#frb.

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HistoriCorps: Nonprofit partner website includes projects, background, and “How We Work” <https://historiccorps.org/>

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