



White River National Forest

FREQUENTLY ASKED QUESTIONS REGARDING RECREATION EVENTS ON NATIONAL FOREST SYSTEM LANDS

The Forest Service authorizes a number of recreational activities on National Forest System (NFS) lands. The following set of Frequently Asked Questions (FAQ) will help you determine whether your proposal would be considered a recreation event.

What are recreation events and who needs a permit?

Recreation events are commercial activities requiring temporary special use authorizations for use of NFS lands. Examples of recreation events include, but are not limited to, animal, bicycle, motocross, or triathlon type races; jeep rallies; dog trials; fishing contests; rendezvous; rodeos; adventure games; youth treks; wagon trains; concerts; and other similar events. A permit is required for these types of events regardless of the number of people involved in the activity.

What is a commercial use or activity?

A *commercial use* or activity on NFS land occurs when (a) an applicant intends to charge an entry or participation fee, or (b) the primary purpose is the sale of a good or service, regardless of the intent to produce a profit. It makes no difference if the money collected is used to cover expense categories such as food, transportation, prizes, raffle items, advertising, purchase of equipment, or compensation for the leader or organizers of the activity.

Use may be considered *noncommercial* if any fees charged are used only for the purpose of paying for actual expenses directly related to operating or staging the activity, with all excess funds returned to participants. The fees charged may not include costs for employees or people who stage or run the event.

How do I apply?

Initially, you should contact the Forest Service office in the area where you wish to hold your activity by the listed deadline dates and prior to working out the details. Through this initial contact you will learn whether your activity meets the required pre-application screening requirements found in the Code of Federal Regulations 36 CFR 251.54 and applicable to all special uses:

- the proposed use is consistent with federal, state, and local laws, regulations, orders, and policies that apply to national forests and grasslands;
- the proposed use is consistent or can be made consistent with the Forest Plan that established standards and guidelines for management of the land where the activity will take place;
- the proposed use will not create a serious and substantial risk to public health or safety;
- the proposed use will not create an exclusive or perpetual right of use or occupancy;
- the proposed use will not unreasonably conflict or interfere with administrative use by the Forest Service, other authorized existing uses, or uses of adjacent non-NFS lands;
- the proponent must not owe any fees to the Forest Service from a prior or existing special-use authorization;
- the proposed use does not involve gambling or providing of sexually-oriented commercial services, even if permitted under state law;
- the proposed use does not involve military or paramilitary training or exercises, unless such training is federally funded;
- the proposed use does not involve disposal of solid waste or disposal of radioactive or other hazardous substances.

The Aspen-Sopris Ranger District does not intend to entertain proposals for new recreation events through the 2016 calendar year due to administrative limitations.



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Assuming your proposal meets the initial screening requirements; Forest Service staff will provide guidance on what information will be required to complete your application. If your proposal does not meet the initial screening requirements you will be informed that the proposal, as submitted, is denied.

Any proposal that passes the initial screening proceeds to second level screening and considered against the following criteria:

- (1) the proposed use would be consistent or compatible with the purposes for which the lands are managed; and
- (2) the proposed use would be in the public interest; and
- (3) the proponent is qualified; and
- (4) the proponent can demonstrate technical or financial capability to undertake the use and fully comply with the terms and conditions of the permit; and
- (5) there is someone authorized by the proponent to sign a permit or there is someone willing to accept the responsibility of the terms and conditions of the permit.

Upon satisfactory passing of this second screen the Forest Service will accept your proposal as a formal application and begin processing your request. **However, whether or not an individual District Ranger ultimately issues a permit is discretionary and may be dependent on a variety of factors.** Some of these factors could include:

- The application package was not sufficiently complete. Incomplete packages requiring additional follow-up time by Forest staff may not be considered.
- Forest Service staff has other previously scheduled or higher priority work.
- Just because a permit for a recreation event is issued one year does not guarantee that another permit will be issued for a similar event in future years.
- Proposals for events occurring off open, designated routes may be considered, but will normally require a more in-depth analysis of potential impacts pursuant to the National Environmental Policy Act (NEPA) and be subject to Cost Recovery Fees per FSH2709.11, Chapter 20. Proponents considering submitting a proposal for this type of activity should submit packages well in advance of the deadline to provide sufficient time for NEPA analysis.
- Proponent cannot or will not demonstrate they can satisfactorily mitigate potential physical, biological or social environmental impacts of the proposal.

Is a fee required?

Once an application is accepted, an appropriate level of analysis pursuant to the National Environmental Policy Act (NEPA) will be required; dependent upon the complexity, location and/or anticipated and potential social or environmental impacts of the proposed event. That can be very easy or very involved and time consuming depending upon the complexity of what is proposed. Cost Recovery regulations passed in 2006 direct that if the analysis and processing of the permit takes more than 50 staff hours the applicant is responsible for paying the full cost regardless of whether a permit is ultimately issued or not. Cost Recovery regulations may be found under Title 36 of the Code of Federal Regulations at 36 CFR 251.58.

If a decision is made to issue the permit, then a land use rental fee is required. There are two ways to determine the land use fee: (1) 5% of adjusted gross receipts for one time events and 3% of adjusted gross receipts for multiple events under a single permit; or (2) using the minimum fees for recreation events that have been established, by the Forest Service.

There may be other costs for which you are responsible as part of your authorized activity. Liability insurance coverage is required and a performance bond to ensure protection of the environment and site cleanup may be required. Depending on the size and duration of your activity, costs associated with law enforcement, crowd control, safety issues, and sanitation may also be required.



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Where can I look for more information regarding special use permits and recreation events on National Forests?

Complete regulations on special use permits and recreation events on national forests are published at 36 CFR 251. You may obtain copies from your local Forest Service office, law library, or by visiting the National Archives & Records Administration's Code of Federal Regulations home page at <http://www.gpo.gov/nara/cfr>.

The Forest Special Uses Home Page provides information and links regarding the special use permit process. You can access the home page at <http://www.fs.fed.us/specialuses/index.shtml>

To promote efficiencies associated with the timely submittal and review of proposals made to use National Forest System lands on the White River National Forest, for Recreation Events, and to promote consistency between neighboring Forests, the following time frames for considering proposals have been established:

SUMMER/FALL USES Occurring between May 1 through October 31:

1. FEBRUARY 15 – New groups (not under permit the previous year) submit information to Forest Service. Required information includes proposed use, itinerary, specific information on location including trails, name of group, reason why the use cannot be accommodated on Non-Federal lands, and all other basic information.
2. MARCH 15 – Recurring groups submit information to the Forest Service. Required information includes proposed use, itinerary, specific information on location including trails, name of group, reason why the use cannot be accommodated on Non-Federal lands, and all other basic information.
3. APRIL 15 – Forest Service alerts proponent as to whether proposal was:
 - a. Accepted
 - b. Denied
 - c. Needs Modification. In this case, additional information must be submitted within 15 days.

WINTER/SPRING USES Occurring between November 1 through April 30:

1. AUGUST 15 – New Groups (not under permit in the previous year) submit information to Forest Service. Required information includes proposed use, itinerary, specific information on location including trails, name of group, reason why the use cannot be accommodated on Non-Federal lands, and all other basic information.
2. SEPTEMBER 15 – Recurring groups submit information to Forest Service. Required information includes proposed use, itinerary, specific information on location including trails, name of group, reason why the use cannot be accommodated on Non-Federal lands, and all other basic information
3. OCTOBER 15 – Forest Service alerts proponent as to whether request was:
 - a. Accepted
 - b. Denied
 - c. Needs Modification. In this case, additional information must be submitted within 15 days.

Until Further Notice - the Aspen-Sopris Ranger District does not intend to entertain proposals for new recreation events through the 2016 calendar year due to administrative limitations.

White River National Forest Administrative Units:

Aspen & Sopris Ranger Districts	- (970) 925-3445 or (970) 963-2266
Blanco Ranger District	- (970) 878-4039
Dillon Ranger District	- (970) 468-5400
Eagle/Holy Cross Ranger District	- (970) 328-6388 or (970) 827-5715
Rifle Ranger District	- (970) 625-2371