

Commercial Recreation Activities Frequently Asked Questions

What are recreation events and who needs a permit?

Recreation events are commercial activities requiring temporary, authorized use of NFS land. Examples of recreation events include, but are not limited to , animal bicycle , motocross, triathlon races, jeep rallies, dog trails, fishing contests, rendezvous, rodeos, adventure games, youth treks, wagon trains, concerts, and other similar activities. 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 1) an applicant intends to charge an entry or participation fee or 2) the primary purpose is the sale of a good or service, regardless of the intent to produce a profit. Money collected may cover expense categories, such as food, transportation, prizes, advertising, purchase replacement of equipment, or compensation for the leader of the activity.

Use is considered noncommercial if the fees charged are used only for the purpose of paying for actual expenses directly related to operating or staging the activity, with any excess funds returned to participants. He fees charged should not include costs for employees or personnel who stage or run the event.

How do I apply?

To begin the process, you are required to contact the Forest Service office in the area where you wish to have your activity before you have worked out the details. This contact will determine whether your activity meets the following pre-application screening requirements applicable to all special uses:

1. The proposed use is consistent with federal, state, and local laws, regulations, orders, and policies that apply to national forests and grasslands;
2. 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;
3. The proposed use will not create a serious and substantial risk to public health or safety;
4. The proposed use will not create an exclusive or perpetual right of use or occupancy;
5. 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;
6. The proponent must not owe any fees to the Forest Service from a prior or existing special-use authorization;
7. The proposed use does not involve gambling or providing of sexually-oriented commercial services, even if permitted under state law;
8. The proposed use does not involve military or paramilitary training or exercises, unless such training is federally funded;
9. The proposed use does not involve disposal of solid waste or disposal of radioactive or other hazardous substances.

If you meet the initial screening requirements, the Forest Service administrator will provide guidance on what information will be required to complete your application. If your proposed event does not meet the screening requirements you will be notified that the proposal, as submitted, is denied.

A proposal that passes the initial screening proceeds to second level screening. Your proposal will be accepted as an application if it meets all of the following:

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 screen the Forest Service will process your request.

Is a fee required?

Yes, land use rental fees are required and there are two ways to determine the fees:

Five percent of adjusted gross receipts for one time events and 3 percent of adjusted gross receipts for multiple events under a single permit; or using the minimum fees for recreation events that have been established, but may vary, by National Forest.

There may be other costs for which you are responsible as part of your authorized activity. Liability insurance coverage 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, cost associated with law enforcement, crowd control, safety issues, and sanitation may also be required.