
Appendix 7C
Sample Noncompliance Letter



United States
Department of
Agriculture

Forest
Service

San Juan - Rio Grande
National Forests

701 Camino del Rio
Durango, CO 81301
(970) 247-4874
(TTY) 385-1257

Reply to: 2720

Date:

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Paid M. Late
President
XYZ Camping, Inc.
Anywhere, USA 00932

Dear Mr. Late:

Subject: Notice of Noncompliance

This letter constitutes notice of noncompliance with the terms of the permit issued to XYZ Camping, Inc. on **[DATE]** for operation of the developed recreation sites in the _____ Ranger District, _____ National Forest (the permit).

[AS SHOWN BELOW, CITE AND QUOTE SPECIFIC PERMIT CLAUSES THAT SERVE AS BASIS OF NONCOMPLIANCE, AND SPECIFY HOW THE HOLDER HAS VIOLATED THOSE CLAUSES, BASED ON DOCUMENTATION IN THE PERMIT FILE.]

Forest Service records indicate that XYZ Camping is in noncompliance with the following clauses of the permit:

1. Clause III.I.1, Insurance. "The holder shall have in force liability insurance covering losses arising from personal injury or death associated with the use and occupancy authorized by this permit in the minimum amount of \$ _____ for injury or death to one person and \$ _____ for injury or death to more than one person. . . ."

You have not submitted an acceptable liability insurance policy for the 1996 operating season.



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2. Clause IV.A, Permit Fees. "The holder shall pay to the USDA, Forest Service, an annual permit fee based on the fair market value of the use and occupancy authorized by this permit of ____ percent of adjusted gross revenue, as defined in clause IV.B, for the term of this permit."

Permit fees for 1996 have not been paid.

My staff has telephoned you ([DATES]) and written you ([DATES]) repeatedly to obtain compliance with the terms of the permit. You did not respond to **[INCLUDE WHATEVER APPLIES, E.G., ANY OF THOSE CONTACTS/THE LETTERS DATED APRIL 5, 1995, AND MAY 8, 1995]**, and none of the items of noncompliance listed above has been corrected.

Failure to comply with the terms of the permit is grounds for its suspension or revocation under Forest Service regulations (36 CFR 251.60(a)(2)(i)) and clause VI.A.2 of the permit. Forest Service regulations (36 CFR 251.60(e)) and clause VI.B of the permit require the authorized officer to give the holder written notice of the grounds for suspension or revocation and a reasonable time to correct any noncompliance. Clause VI.B specifies that the time to correct any noncompliance shall not exceed 30 days.

Therefore, if the above noncompliance is not remedied by **[HOLDER MUST RECEIVE WRITTEN NOTICE OF NONCOMPLIANCE AND REASONABLE OPPORTUNITY TO COMPLY. USUALLY NOT MORE THAN 30 DAYS ARE GRANTED TO CORRECT NONCOMPLIANCE.]**, the Forest Service will suspend or revoke the permit. Specifically, enforcement action will be taken if **[SPECIFY WHAT SHOULD BE DONE TO CORRECT THE NONCOMPLIANCE]** are not corrected by **[DATE]**

If you believe this notice to be in error, please notify me immediately. I will be happy to meet with you.

Sincerely,

District Ranger / Forest Supervisor

[THE LINE OFFICER WITH DELEGATED AUTHORITY SHOULD SIGN THIS LETTER. A PERMIT SUSPENSION OR REVOCATION LETTER MUST BE SIGNED BY THE LINE OFFICER WITH DELEGATED AUTHORITY, AND ONLY AFTER REVIEW BY THE REGIONAL OFFICE AND OGC. VERIFY FOREST/DISTRICT DELEGATIONS OF AUTHORITY.]

cc: Forest Supervisor

[DO NOT GIVE APPEAL RIGHTS WITH THIS NOTICE-OF-NONCOMPLIANCE LETTER. APPEAL RIGHTS ACCRUE ONLY WHEN ENFORCEMENT ACTION IS TAKEN, SUCH AS ISSUANCE OF A PERMIT REVOCATION LETTER.]

