

APPENDIX E

New Commercial Services Evaluation Process

There are four procedural steps that Big Cypress National Preserve (BICY) will use in reviewing and analyzing proposals for new or expanded commercial operations within the Preserve.

These procedures are designed to provide a consistent and fair evaluation of all requests. Primary in this evaluation process is the focus on effects the proposed activities will have on Preserve resources and non-commercial visitor activities.

Commercial use authorizations (CUAs) that are being reissued or applications for new CUAs that are identical or nearly so to an approved activity do not go through the evaluation process. However, if there are notable changes to an activity previously approved in the Commercial Services Plan, or if some aspects of a proposed activity have not previously been evaluated, some level of additional review and NEPA compliance may be required.

The four steps in the evaluation process are:

1. Initial Screening

A cursory review by Preserve managers will take place upon receipt of any proposal, and a determination made on whether the application is for a commercial service or a special Preserve use. A special Preserve use is a specific activity that uses NPS land or facilities, generally for one-time events that do not involve commercial services. If determined to be a special Preserve use, a Special Use Permit application will be forwarded to the applicant.

If the request is for a commercial service (except requests for a concession authorization), the Commercial Services Plan will be referenced to determine if the activity has been identified as appropriate in the Preserve. If listed as an appropriate activity, an application form and associated documents will be sent to the applicant. If the activity is listed as an inappropriate use, the applicant would be notified and the reason for denying the request explained.

2. Application Evaluation

After the application, required documentation and application fees are submitted, a multi-disciplinary evaluation process will begin. An evaluation form will be used to ensure a consistent review of all activities and applications. The criteria used in the evaluation include legal, recreation, resource, management, and other components. These criteria are derived from the Preserve purpose, significance, and desired future conditions.

3. Decision

Upon evaluation of the completed application and supporting documents, a decision will be made as to whether or not to authorize the activity.

The decision to approve or reject a proposal will be based on the evaluation process, with the final determination made by the Preserve Superintendent. If the Superintendent decides that a service should be authorized within the Preserve, the Right of First Refusal shall then be offered to both recognized Tribes. The right of first refusal will take between 90 and 180 days to complete. If additional environmental clearance is required, costs for compliance with the National Environmental Policy Act (NEPA) will be borne by the applicant.

4. Applicant Notification

Commercial Use Authorizations: An acceptance letter and completed commercial use authorization will be sent to successful applicants for signature. Also included are the indicators and standards for the VERP process that must be monitored for the activity being performed. Preserve staff will be available to discuss monitoring, thresholds, and management actions that directly relate to the revenue producing visitor service activities that will be permitted under the CUA. The application process will be completed when the applicant returns the signed permit, submits all required documentation, shows proof of liability insurance with the NPS listed as an additional insured party, and remits the required fees. Applicants denied permits will receive written notification. Such responses will identify specific reasons for the denial.

Concession Contracts: Concession contracts will be issued for concession type activities that are determined to be necessary and appropriate. Concession contracts are only issued in accord with the Commercial Services Plan and NPS regulations and policies and will typically be subject to a competitive bidding process.

Evaluation Criteria

All proposed new commercial activities at Big Cypress National Preserve will be evaluated based upon the following criteria to determine if they are appropriate and necessary.

LEGAL / POLICY MANDATES

Federal, state, and local laws, rules, codes, and regulations will be reviewed to determine if the activity will comply with law and NPS policies related to that activity. Any violation or conflict with a law or regulation will result in rejection of the proposal or application.

- Land Use Zoning

The General Management Plan divided the Preserve into land use zones and subzones. Each of these zones has criteria and guidelines that define the land use activities allowed. These guidelines are used to determine if a proposed action is consistent with authorized uses in the zone, if it will be consistent with development constraints, and if it will complement the management strategy for the particular zone(s) involved.

- Preserve Mission

If a proposed activity is in conflict with the stated mission of the Preserve as outlined in the General Management Plan and other documents it will not be authorized unless changes can be made to mitigate the conflict.

- Concession Contracts

The evaluation will be used to identify proposals that may conflict with an authorized service already being provided by a concessionaire under a concession contract.

VISITOR USE / EXPERIENCE

These criteria help with the measurement of impacts on the visitor experience and ensure compliance with NPS goals and objectives for suitable visitor activities. Appropriate Interpretive themes would also be reviewed.

- Public Safety

Promoting safety is a very high priority, and all proposals should incorporate safety measures to assure safe visitor experiences.

- Education

Education is a high priority. CUA proposals and concession bids should address the educational activities the operator is proposing to provide, by identifying which BICY Interpretive Themes (p 56) the proposed service would address and detailing how the proposed service would benefit the NPS goal of furthering the identified themes. Staff training to assure quality educational services, will be required.

- Use Limitations

Some locations and activities in BICY are extremely popular, resulting in conflicts among users and localized crowding and congestion. Use limits (limitations on the number of available CUAs, persons-at-one-time capacity limitations, and area closures) are established by the VERP framework to protect both visitor experiences and Preserve resources. Authorizations of new commercial activities will be denied if they would exceed or conflict with these use limitations.

RESOURCES

- Cultural Resources

The presence of numerous cultural resources lends significance to BICY and its management for the public trust. There are cultural resources in all of the designated zones; therefore, all proposed commercial activities will be evaluated for potential impacts on these fragile, non-renewable resources.

- Natural Resources

Current resource surveys will be consulted, or a survey will be conducted by staff as part of any proposal review when needed. The information will assist in the determination of potential effects of the proposed activity on upland and/or wetland resources.

- Visitor Experience

Impacts on aesthetic resources can have a significant impact on the experiences of commercial clients and other visitors. Such resources include quiet, solitude, scenery, space, a sense of history, sounds of nature, and clear night skies. Commercial activity requests will be evaluated for impacts on aesthetic resources. If such impacts appear likely, the proposal will be adjusted to mitigate those impacts or not approved.

MANAGEMENT ISSUES

The NPS has responsibility for assuring commercial services are of high quality and appropriate to the Preserve unit. Because of this responsibility, commercial activities of all types require NPS oversight. Time and effort are required to issue various authorizations, monitor activities for compliance with permit restrictions, collect fees, assign and maintain support facilities, etc. These management activities require the attention and commitment of Preserve staff; the expense of these activities will be borne by commercial operators.

- Land Requirements

Facilities, including all developments, are not dedicated by commercial use authorizations. They are, however, typically authorized for exclusive use by concession contracts and special use permits. If facilities are needed for the business to operate, a determination will be made about which type of concessions authorization will be applicable. Final approval will depend on an assessment of benefits to the Preserve and appropriateness of the proposed activity.

- Staffing Needs

The process of monitoring individual commercial use authorizations and concession contracts will be examined to determine NPS staff requirements. The amount of staff time required is often dictated by the complexity of the operation. To assess the amount of staff time for processing an application, the approval

/ rejection and evaluation process, and subsequent authorization and monitoring requirements, the following definitions of complexity will apply:

1. High — Successful monitoring of the activity will include administrative review annually, and compliance and onsite contact with the operation on a biweekly to monthly basis.
2. Medium — Successful monitoring will include administrative, compliance, and onsite contact on a monthly to quarterly basis.
3. Low — Successful monitoring will include administrative review annually, and compliance and onsite contact with the operation on a quarterly to annual basis.

The Concessions Management Improvement Act of 1998 and the Cost Recovery Act (16 USC 3a) requires that applicants and permittees bear the costs of these activities.

- Management Plans

Land management plans will be reviewed to assist in the determination of whether an operation will be allowed in a particular area and under what conditions. Examples of such plans include the General Management Plan, the Commercial Services Plan, Recreational ORV Management Plan, Long Range Interpretive Plan, Resource Management Plan, Land Protection Plan, and other plans or studies.

- Support Facilities / Services

Many commercial activities require support facilities and/or services, such as parking spaces, restrooms, changing rooms, and picnic areas. Such support activities have an impact on Preserve budgets, staff, and facilities. When the demand for commercial services exceeds the supply of support facilities and services, the proposed commercial activity will be modified or denied.

OTHER ISSUES

Local situations and conditions that are not anticipated will be identified on a case-by-case basis. Among issues to be considered:

- Effects on Neighbors

The NPS will accomplish its mission at BICY partly through partnerships with the state and local government, agencies, organizations, and individuals. Activities and proposals will be evaluated not only for their effects on the Preserve but for effects on neighbors, especially when issues are the subject of cooperative arrangements.

- New Activities

Proposals for activities not currently available at BICY could create new and different effects on resources and visitor experiences. New activities will be critically evaluated.

- Cumulative Effects

Activities and proposals will be evaluated to determine if they could contribute to adverse cumulative effects when added to other commercial services in the entire south Florida ecosystem.

APPLICATIONS

Applications to provide visitor services for the Preserve under a CUA will be accepted only at certain times of the year. Applications will be accepted during the months of September, December, March, and June. Commercial operators wishing to submit applications for permits during other months will be asked to resubmit during the four months open for receiving applications. This is intended to expedite processing by Preserve staff as well as allowing for more focused attention for each proposed activity. Any changes in the processing of applications will be announced, and posted on the Preserve website with enough time for businesses to respond appropriately. The website for the Preserve is www.nps.gov/bicy. Once at the Preserve website, users should navigate to the tab entitled, “Doing Business in the Park”.

Initially, applications will be accepted in sequenced groups according to activity in order to be most efficient in phasing in commercial activities in the Preserve.

The first open month will be accepting applications for water-based visitor services. This will include canoe and kayak rentals, livery, and tours in appropriate management zones. The second open month will be accepting applications for bicycle based activities. This will include bicycle rentals, livery, and tours in all appropriate preserve management zones. The third open month will be accepting applications for land based hiking tours, both one day and multi day operations in all appropriate preserve management zones. This may include birding, wildlife viewing, or photography tours on foot. Also during this open month, applications for providing firewood sales in campgrounds will be accepted. The fourth open month will be accepting applications for those revenue producing visitor services that are not mentioned in the previous three open months.

This schedule may change at any time, if the number or complexity of applications calls for a different schedule. Commercial operators are encouraged to visit the Preserve website, including the link for “Doing Business in the Park” for updates and changes throughout th

