



PADRE ISLAND NATIONAL SEASHORE
 Division of Resource & Visitor Protection

SOP
6.3

SPECIAL USE PERMITS

SUBJECT AREA : Superintendent Office		DISTRIBUTION: Park Wide		
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I. Purpose

This policy sets forth guidelines for issuing Special Use Permits at Padre Island National Seashore. Current NPS regulations reflect a requirement to better understand park uses and provide appropriate visitor services while protecting resources. The Special Use Permit (SUP) insures that events do not affect each other and provide optimal enjoyment for the park user.

II. Authority

Director's Order #53 Special Park Uses (DO-53)
 Reference Manual #53 (RM-53)
 Superintendent Compendium

III. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

The following is a compilation of those activities for which a permit from the superintendent is required, subject to limitations imposed by National Park Service DO-53 and RM-53 on Special Park Uses:

- (1) Public Use Activities: fishing tournaments, athletic events, parades or other special events (§ 1.5).
- (2) Collecting research specimens (§ 2.5).
- (3) Operation of a public address system or amplification system in connection with a public gathering or special event for which a permit has been issued pursuant to 36 CFR 2.50/2.51 (§ 2.12).
- (4) Delivery or retrieval of a person or object by parachute, helicopter, or other airborne means (§ 2.17).
- (5) Non-commercial soliciting (§ 2.37).

- (6) Conducting a pageant, regatta, public spectator attraction, ceremony, wedding, organized event and similar activities (§ 2.50).
- (7) Public assemblies, meetings, gatherings, demonstrations and other public expressions of views (§ 2.51).
- (8) Sale or distribution of printed matter that is not solely commercial advertising (§ 2.52).
- (9) Memorialization - Scattering human ashes from cremation (§ 2.62).
- (10) Advertisements - Display, posting, or distribution (§ 5.1).
- (11) Engaging in or soliciting any business - requires a permit, contract, or other written agreement with the United States, or must be pursuant to special regulations (§ 5.3).
- (12) Commercial filming of motion pictures or television involving the use of professional casts, settings, or crews, other than bona fide newsreel or news television. (§ 5.5(a)).
- (13) Still photography of vehicles, other articles of commerce or models for the purpose of commercial advertising (§ 5.5(b)).

IV. 36 CFR § 2.51 PUBLIC ASSEMBLIES AND MEETINGS

Public assemblies and meetings are allowed by permit only in the following areas:

- North end of Malaquite Visitor Center parking lot
- See attached form to be completed 2 days prior to event (10-930)

V. PROCEDURES FOR ISSUING SPECIAL USE PERMITS

A. The procedures apply to visitors requesting special or individual uses of park facilities where the special use would not be available to the public at large. Such activities at Padre Island National Seashore could be but are not limited to:

- Weddings,
- Fishing tournaments
- Sport events i.e.: track meets/foot races,
- Reunions or organized events, or
- Large events/gatherings of 50 or more people, or
- Lumber drops for the Laguna Madre cabins to include commercial or private vehicles

- B. Definition: Large Event- A group consisting of 50 plus people. This number will produce an impact on trash collection, cleaning of restrooms, stocking of restrooms, monitoring by protection, etc...
- C. All groups or individuals planning a special use at a National Park area will complete and submit an application for a Special Park Use Permit, (10-930) before permission can be granted. Routine recreational activities such as hiking, camping, small gatherings for picnics, individual fishing and boating use are not considered special uses and are not subject to special use regulations.
- D. The National Park Service Form 10-930 Application for Special Use Permit is used when applying for a Special Use Permit at Padre Island National Seashore. The application must be completed in its entirety and the information will be used to issue the Special Use Permit. The application should be returned to the Park SPU Coordinator.
- E. The application is reviewed by PAIS's SUP Coordinator. The Superintendent will review the application before issuing the permit. A Special Use Permit Form 10-114 is issued to the permittee for signature. A copy of the permit is kept in the Ranger Activities files, and the administrative recovery costs are tracked for all Special Use Permits.
- F. The Park's SUP coordinator is responsible for compiling and maintaining the administrative record for the SUP event.
- G. SUP's issued without fees or cost recovery, along with associated documents, must be retained in park files for 1 year and 1 day. (RM-53 chapter 5)
- H. SUP's issued with fees and /or cost recovery involved, and associated documents must be retained in park files for 6 years and 3 months. (RM-53 chapter 5)
- I. Permits will be signed and finalized 30 days prior to the event. Last minute permit requests will be dealt with on a case by case basis.

VI. PERMIT FEES / PERFORMANCE BONDS: (PAIS Effective October 1, 2007)

- The NPS's ability to recover and retain all costs for special park uses is currently contained in 16 U.S.C. 3a. This authority says that if we spend a dollar to provide necessary services associated with the special park use, the park is allowed to recover (and retain)a dollar. The NPS will calculate the actual costs of providing necessary

services for each event and recover those costs on a case by case basis.

- Donations may not be accepted in lieu of cost recovery or permit fees. (RM-53 Chapter 5)
- A. There is a \$50.00 non-refundable application fee for processing all applications. (This can be a personal check)
 - B. Padre Island National Seashore special use permit costs will be collected **prior to the event.**
 - C. **A COST RECOVERY RECORD form will be completed for track/foot race events, large reunions (50 plus people), fishing tournaments, and any other large event that occurs in the park. This form will be completed for all divisions that will be involved in this special use event prior to the event. This form will give an estimate of what the permit fee will be.** (examples of additional charges) Only actual hours spent on the event can be charged to the permittee.
 - Personnel salaries and fringe benefits costs for additional maintenance staff, interpretation staff, resource management staff, protection staff, and any other support staff needed to cover the event,
 - Materials and supplies such as equipment rental or purchase, (i.e.: extra dumpster or vault toilets)
 - Disposal of materials and/or supplies,
 - Cost of official travel associated with the special park use,
 - Utilities cost and other physical overhead,
 - Vehicles and other equipment use costs,
 - Cost for preparation, review, and distribution of documentation of environmental and cultural compliance,
 - Post event clean-up.
1. The Permittee **will be required to pay the permit fee up front** in the form of a performance bond, a certified or cashier's check, bank draft, money order, or cash equal to the amount of the required bond. A personal check should not be acceptable.
 2. **The bond or check will be held secure and deposited by the Administrative Officer. (A list of bonding companies authorized to issue bonds to the US may be found in Treasury Circular 570. This Circular is issued annually. (RM-53 Chapter 9)**
 3. The permittee is expected to remit any shortfalls between the estimated and actual permit fee, and this will be stipulated in the

conditions of the permit. (RM-53 chapter 10 Collection and Disposition of Funds)

4. If the deposited amount exceeds the actual costs and charges, the park will return any excess according to standard cash collection and deposit procedures. (RM-53 chapter 10 Collection and Disposition of Funds)
5. The park will order any additional supplies that are needed for these events through current park contracts or request the permittee to purchase/rent additional supplies. These costs will be recovered from the permit fee. The park will attempt to use a requested company by the permittee as long as it follows the park's procurement guild lines. (I.e.: additional dumpsters, emptying of dumpsters, vault toilets, etc...)

VII. LIABILITY INSURANCE

- A. Liability insurance protects the government from negligent actions by permittee(s). Insurance in an amount sufficient to protect the interests of the U.S. may be required as a condition of the permit
 1. Large Events and Fishing tournaments held inside the park will be required to provide liability insurance that is established by the park.
 2. This amount is based on local conditions, the relative degree of risk involved in the purposed use, and industry standards. (RM-53 Chapter 9)
 3. Liability insurance will be issued in the name of the group and not the applicant.
 4. The US should be listed as additionally insured on the face of the policy (if needed more specific, Nat'l Park Service, Padre Island National Seashore)
 5. The permittee must carry general liability insurance issued by a United States company.
 6. Volunteer programs/events that are completing a service to the park will not be required to obtain liability insurance. i.e. beach clean-ups.

VIII. ENTRANCE FEES (DO 3.8 Recreation Fees and Non-Recreation Uses)

- A. Special park use permittees who enter a park for recreation purposes are subject to the same entrance fees, recreation use fees, and recreation permit fees as the general public. (Exceptions are events that are not recreational in nature. ie:

- First Amendment
- Agricultural
- Grazing
- Filming activities
- NPS authorized research
- Fed., State, and Local government business
- Outings conducted by schools and other educational institutions for educational purposes

B. SUP's for lumber drops will pay the park's entrance fee and BIB User Fee.

C. Weddings will pay the individual entrance fee, unless the superintendent agrees on a set fee for the entire group to access the park.

D. Fishing tournament participants will pay the parks entrance fee and if using BIB area will pay the BIB User Fee.

E. Fishing tournaments that are organized outside the park, the event is occurring outside the park, but the participants are utilizing the BIB boat ramp and parking lot are not required to have a special use permit. The participants are required to have the PAIS park pass and the BIB boat ramp pass and displayed appropriately.

IX. KNOWN PAIS ENTRANCE FEES WAIVED

- Flour Bluff Cross Country team, coaches, and spectators

Approved by Chief Ranger: _____	Date: _____
Approved by Superintendent: _____	Date: _____