

Attachment 4

State of California - The Resources Agency CALIFORNIA STATE PARKS DEPARTMENTAL NOTICE		MANUAL Operations
No. 90-5		
SUBJECT SPECIAL EVENTS PERMITS		CHAPTER 1400, Field Operations
ISSUED February 21, 1990	EXPIRES When Incorporated	REFERENCE DOM 1721 et seq.

DPR 375 (Rev. 11/97)(Word, 12/3/97)

WHEN APPLICABLE, ENTER THE NUMBER AND DATE OF THIS DEPARTMENTAL NOTICE IN THE MARGIN OF THE MANUAL PAGE, ADJACENT TO THE SECTION(S) AFFECTED BY IT.

This Departmental Notice has been re-created for transmittal in electronic format. The original notice was signed by Jack V. Harrison, Chief Deputy Director for Operations.

Effective immediately, Section 1721 et seq. is deleted from DOM Chapter 1700, Concessions, and the following is added to DOM Chapter 14, Field Operations.

SPECIAL EVENT PERMITS

Special event permits allow short term use of Department lands or facilities for such purposes as sporting events, historical pageants, fiestas, musical concerts, weddings, receptions, banquets, or similar types of activities. They should be viewed as a way to promote the Department, encourage public uses consistent with our mission, create and improve community and other constituency ties, and encourage new users to parks, thus increasing attendance and revenue. Special events held in units of the State Park System should be compatible and in keeping with the classification of the specific park unit.

A special event permit is required if any of the following exists:

1. The activity is significantly different from general park use;
2. Participants are charged additional fees beyond regular facility use fees;
3. There is a greater potential hazard or liability to the State than is incurred through typical daily park activities;
4. The event requires exclusive use of an area within the park;
5. The event interferes significantly with the public's use of an areas (this type of event should not occur during peak season or result in the entire closure of a unit to the public);
6. There is a need for additional staffing;
7. The activity has a significant impact on the resources;
8. The event involves the sale of items or services.

APPLICATION PROCEDURES

For simple events such as small fishing tournaments with no participant fees, weddings, outside agency or group picnics with special circumstances, or educational programs offered by outside groups (such as Wilderness Institute, colleges, or universities, etc.), the permittee must file a DPR 246; Special Event Permit (Sample A).

The permittee must also file a DPR 246A, Special Event Permit Supplement (Sample B), for events which:

1. Involve the sale or use of alcoholic beverages;
2. Require liability insurance;
3. Charge participant fees beyond regular day use fees;
4. Involve the sale of items or services; or
5. Have special conditions or requirements.

Special event permits will normally be approved by the District Superintendent (or designee). Events which involve the sale of alcoholic beverages for four days or less must be approved by the Regional Director. For events which involve the sale of alcoholic beverages for more than four days, the Regional Director, State Park and Recreation Commission, and Director must approve the permit. Events of a hazardous nature also require the approval of the Regional Director and the Department of General Services.

Once the permit is approved, the District Superintendent or his/her representative should schedule a walk through of the proposed use site with the permittee in advance of the event, and discuss both the permit and special event terms and conditions to prevent conflicts or misunderstandings.

Below are specific permit processing instructions for different types of events. If the permit is disapproved at any point in a process, the unit responsible for that action will notify the Regional Office or District Superintendent as appropriate. If a special even permit is denied, the applicant has ten days to appeal the decision through Department channels to the Chief Deputy Director for Operations.

(Two sections immediately below are not included in Attachment 4 except for their titles. They are irrelevant to the subject rulemaking file because the Department of Fish and Wildlife will not be issuing special use permits that involve the sale of alcohol or hazardous events (e.g. motorsports, fireworks displays))

PERMITS INVOLVING SALE OF ALCOHOL BEVERAGES

PROCESS FOR PERMITS FOR HAZARDOUS EVENTS (e.g. motorsports, fireworks displays)

FEES

Fees due to the State related to a special event permit should be collected in advance of the event except when the permittee is required to pay a percentage of the gross profits after the event. If the permittee is unable to make advance payment to the State, the permittee may be required to post a performance bond guaranteeing payment to the State upon default.

Fees may be waived by the District Superintendent for Department co-sponsored or cooperative association sponsored events.

FILING FEE

A special event permit filing fee of \$25 will be charged to the permittee. If the permit is filed less than 30 days prior to the event, this fee may be increased up to \$100.

ACTIVITY FEE

Special event permit activity fees (in addition to normal park fees) will be determined by the District Superintendent based on costs incurred by the State and consideration of prevailing fees for comparable facilities in the locality. If there are any special requests or requirements (extra portable sanitary facilities, additional patrol, etc.) which involve use of State personnel, the permittee will be charged an amount according to the number of hours and classifications involved using the SAM billing rate formula in SAM Section 8140. In no case shall the fee charged be less than operational costs.

For commercial events, activity fees may vary according to the circumstances. A commercial event is defined as any event where a participant fees are charged in addition to regular state park facility use fees, or the sponsoring organization has paid employees on staff and is a profit organization, or a nonprofit group is sponsoring a fundraiser for non-park purposes.

Activity fees for special events shall be based on the following:

1. The extent of area used;
2. The size and scope of the event;
3. The impact on resources and facilities;
4. Consideration of prevailing fees for comparable facilities in the locality;
5. The amount of permittee's equipment to be placed in the park;
6. The number of permittee's employees and vehicles using the park;
7. The worth of the park facilities to the permittee;
8. The amount of profit permittee expects to make from retail sales at the event;
9. The cost of services provided by the Department (if this includes use of State personnel, use SAM billing rate to calculate charges);

10. Any other considerations as appropriate.

The District Superintendent will charge the permittee a percentage of the gross profit from 10-25% for events designed to generate revenue with a profit-making incentive. Fees charged will be dependent upon the category of the event listed below:

1. Department or co-sponsored - Department absorbs cost.
2. Charitable nonprofit - Department recoups operating costs.
3. Nonprofit (non-charitable) - Sliding scale 10-25% of gross profit.
4. Commercial - Sliding scale charging between 10-25% of gross profits evaluated on a case-by-case basis considering factors listed above.

Fees may be waived for nonprofit events that are compatible with and contribute to the Department's community involvement goals.

DAMAGE DEPOSIT

The District Superintendent may charge the permittee a damage deposit in an amount at his/her discretion based on the activity and probability of occurrence. Costs for damage repair and any fines penalties for noncompliance with permit conditions will be deducted from this deposit. The District Superintendent (or designee) may authorize refund of all or a portion of the damage deposit.

REPORTING PROCEDURES

Any fees collected in connection with the permits are reported on a Report of Collections, DPR 197, with the source properly identified. The DPR 197 is sent directly to the Accounting Section's Cashiering Unit accompanied by either the remittance itself or a Report of Deposit (STD. 442 or 443).

PERMIT TERMINATION

The District Superintendent or authorized representative may terminate any permittee's activity when it is necessary for the safety and enjoyment of the public, for the protection of the park resources, or for violations of the permit or of any rules and regulation of the Department. In the event of an emergency or unforeseen disaster, the special event permit may be cancelled without prior notice.

Since the DPR 246 and 246A have been revised to accommodate the above procedures, copies of the new forms should be ordered from the Departmental Warehouse and existing supplies recycled.

LEGISLATIVE PROTOCOL PROCEDURE - Not included in Attachment 4. Not relevant to current rulemaking file -- addresses protocols to carry out when legislators visit state parks.