

## Commercial Use Policy for DuPont State Recreational Forest

July 2012

**Definition of commercial use** – A person (individual, firm, partnership, corporation, association, public or private institution, political subdivision or government agency) that sells or offers to sale, hire or lease any object or merchandise, property, privilege, service or any other thing, or engages in any business.

Examples of commercial use are

- Guided hikes, rides or other outings that involve a fee.
- Events that charge an entry fee.
- On site sale of any items or services.

A permit is required for commercial use of DuPont State Recreational Forest (DSRF). The permit will specify places, time periods and the expected number of participants. Permitted activities must be within the scope of the DSRF mission.

**Forest Mission Statement** - DuPont State Recreational Forest will provide an exemplary model of scientifically sound, ecologically-based natural resource management for the social and economic benefit of its diverse community of users.

A DSRF permitted commercial use must not:

- 1) Have an unmanageable social impact on other forest visitors
- 2) Have an unmanageable negative impact on natural resources
- 3) Exceed the ability of the DSRF staff to monitor the activities
- 4) Violate federal, state or local laws

### **Permit Conditions**

1. The permittee and participants must abide by the forest administrative rules.
2. The permittee agrees to exercise the privileges granted in this permit, subject to the supervision of representatives from the NC Department of Agriculture and Consumer Services and the NC Forest Service.
3. The permittee agrees to comply with Federal Laws and regulations and all the laws, ordinances and regulations of the State and County.
4. The permittee agrees to keep buildings and grounds clean and in a sanitary condition. The NC Forest Service reserves the right to charge a clean up or repair fee if buildings and grounds are not left in as good a condition as they were prior to the event or activity.
5. The permittee is responsible for removing all trash generated by the activities and removing all temporary signs or trail markers used for the event. Garbage must be removed from the forest.
6. No building or structure shall be altered, erected or constructed except as specified in the permit.
7. The permittee shall use said premises only for authorized recreational purposes, and shall not operate any concession or profit making enterprise, which involves sales to the general public, unless authorized by the permit.
8. The permittee shall not transfer or assign this permit, nor sublet said premises or any part thereof or grant use of any part of this permit to any person(s) not subject to this permit.
9. The Permittee shall comply with the site plan, if one is provided by the Forest Supervisor, in regard to parking, traffic flow and placement of portable toilets and other facilities.

10. The Permittee does not have the exclusive right for the use of any forest road, trail or facility, unless specifically stated in the permit. The exception is use of picnic shelters that have been reserved and paid for in advance.
11. The Permittee shall not discriminate against any persons because of race, religion, color, sex, age or national origin in the conduct of its operation under this permit.
12. The Permittee shall and hereby does waive and release any and all claim against the State of North Carolina, the NC Department of Agriculture and Consumer Services, the NC Forest Service or its employees for any and all damages, loss, cost to person or property arising either directly or indirectly from the use of said premises and/or the exercise of privileges granted by this permit.
13. The Permittee will be required to carry a minimum of \$500,000 in general liability coverage and furnish a Certificate of Liability Insurance listing DSRF as a certificate holder.
14. A nonrefundable permit preparation fee will be paid in advance of the activity or event. Additional fees, not paid in advance, will be billed at the conclusion of the activity or event, and will be due within 30 days of the invoice date.
15. Permits are not valid until a signed copy and the initial fee is received in the Forest Supervisor's office.
16. A copy of the Commercial Use Permit or permit card must be in the possession of group leaders, and provided for inspection upon request by NC Forest Service rangers or NCDA&CS officials.
17. Permits may be terminated in writing by the Forest Supervisor prior to the expiration date, if the permittee does not follow the terms of the permit.

The Forest Supervisor or his designee will determine what activities will be permitted, the days they will be permitted and the number of participants allowed.

The permit preparation fee is \$27 per hour with a one hour minimum. The preparation fee will include time spent conversing with the applicant to discuss the proposed activity or event (trails and facilities to be used and potential dates, etc.) and the time spent preparing and mailing the permit. The permit preparation fee will be paid at the time the permit is issued and is non refundable.

The permit monitoring fee is a three tier system based on the average time spent monitoring the activity and the impact of the event on the forest, its trails, facilities, resources and visitors. Monitoring cost vary depending on the type users and the number of participants per group. On average larger groups require more monitoring, so larger groups pay higher fees. The permit monitoring fees are listed below.

Users	Users per Group		
	Tier I	Tier II	Tier III
On Foot	15 or less	16-45	>45
On Bikes	8 or less	9-16	>16
On Horses	4 or less	5-8	>8
In Vehicles	15 or less	16-45	>45

Users	\$ per user		
	Tier I	Tier II	Tier III
On Foot	\$1.25	\$1.50	\$2.00
On Bikes	\$1.50	\$2.00	\$3.00
On Horses	\$1.75	\$2.50	\$4.00
In Vehicles	\$2.00	\$3.00	\$5.00

Permit periods - Permits may be for one day, or may be issued for up to one year for reoccurring activities. Permits may not be issued for more than 12 consecutive months.

Contact person - The permittee must designate a contact person to be responsible for compliance with the permit provisions. The contact person will be responsible for tracking and reporting the number of

participants and for making payments. The attached commercial use record may be used for recording the number of persons per group by type of activity.

Commercial Use Permit cards will be issued with each permit. A permit card must be displayed on the dash of commercial vehicles parking in forest access areas. A permit card must be displayed on motor vehicles accessing interior forest roads. Guides or group leaders must also have a permit card with them while in the forest.

Failure to abide by permit provisions shall be grounds for immediate permit revocation. Permit revocations will be documented in writing by the Forest Supervisor or his designee. Failure to pay permit fees will be grounds for denying future permit applications.

Sales from which all proceeds are used to support the forest or sales conducted or contracted by the NC Department of Agriculture and Consumer Services are exempt from the commercial use permit requirement.