

**FISH AND WILDLIFE SERVICE
PUBLIC USE MANAGEMENT**

Public Use Management

Part 630: Public Use - General

Chapter 6 Overview of Concessions, Authorities, and Responsibilities

630 FW 6

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OVERVIEW

6.1 What is the purpose of this chapter? This chapter establishes U.S. Fish and Wildlife Service (Service) policy, scope, authorities, and responsibilities for concession operations within the National Wildlife Refuge System (NWRS).

6.2 What are concessions? Concessions:

A. Are businesses operated by private enterprise that provide recreational, educational, and interpretive enjoyment of our lands and waters for the visiting public.

B. Provide commercial visitor services, such as lodging, food, transportation, and supplies and equipment for the enjoyment of the visiting public.

6.3 What is the scope and organization of the chapters about concessions (630 FW 6 - 8)?

A. Service Manual chapters 630 FW 6 through 8 apply to concession operations at national wildlife refuges and at other NWRS sites.

B. The chapters do not apply to:

(1) NWRS lands and waters in Alaska. The Alaska National Interest Lands Conservation Act (ANILCA) exempts Alaskan lands and waters from this policy. We administer permits and contracts for those refuges under 50 CFR 36 Subpart D and Subpart F.

(2) Commercial recreation guides. We issue commercial special use permits (SUP) for commercial recreation guides or special recreation permits (SRP) if a site under the Federal Lands Recreation Enhancement Act charges a permit fee. However, if there are so many commercial SUPs or SRPs issued that a site has difficulty managing them, the Project Leader may consider issuing a concession contract or permit for recreation guides.

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C. In addition to this chapter, which provides an overview of concessions, our concessions policy also includes:

(1) 630 FW 7, Soliciting and Awarding Concession Contracts, and

(2) 630 FW 8, Administering Concessions.

6.4 What is the overall policy?

A. Project Leaders may allow concession contracts to provide or enhance appropriate and compatible wildlife-dependent recreation and other activities detailed in the National Wildlife Refuge System Improvement Act of 1997.

B. We allow private businesses to provide and operate facilities and services to accommodate visitors.

C. We offer concessions only where visitation is sufficient for a sustainable venture, where they will have minimal impact on refuge wildlife resources, and where additional recreational opportunities will enhance the visitor’s appreciation of the Refuge System.

D. We generally require some capital investment by the concessionaire for structures, boat docks, boats, etc., as approved in advance by the Project Leader.

E. Obtaining revenue from concessions is never as important to the Service as the refuge objectives of protecting wildlife resources and providing necessary and appropriate services for visitors at reasonable rates.

6.5 What are the authorities for this chapter?

A. National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee).

B. Refuge Recreation Act of 1962 (16 U.S.C. 460k-460k-3).

C. Refuge Revenue Sharing Act (16 U.S.C. 715s).

D. Regulations on Concessions – General Provisions (50 CFR Part 25.61).

RESPONSIBILITIES

6.6 Who is responsible for the concessions policy and its implementation? See Table 6-1.

Table 6-1 Responsibilities for Concessions

These employees...	Are responsible for...
A. The Director	Approving or declining to approve our national concessions policy.

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These employees...	Are responsible for...
B. The Chief – NWRS	<p>(1) Developing and updating Service policy on concessions; and</p> <p>(2) Providing staff who oversee concession management at the national level to:</p> <p style="padding-left: 40px;">(a) Maintain national consistency in the concession program;</p> <p style="padding-left: 40px;">(b) Develop strategies for requesting legislation related to concessions;</p> <p style="padding-left: 40px;">(c) Establish general standards for paying the Service franchise fees; and</p> <p style="padding-left: 40px;">(d) Oversee allocation of funds to Assistant Regional Directors (ARD) – NWRS for cost recovery of necessary expenses associated with prior year concession revenues.</p>
C. The Chief, NWRS Division of Visitor Services and Communications	<p>(1) Keeping this chapter up-to-date;</p> <p>(2) Providing national expertise and guidance to Regional and field staff on concession management and operations; and</p> <p>(3) Consulting with Solicitors, as needed, on the interpretation of law, regulations, and policies related to concessions.</p>
D. The Chief, NWRS Division of Budget, Performance, & Workforce	Allocating funds to ARDs – NWRS for cost recovery of necessary expenses associated with prior year concession revenues.
E. Regional Directors	<p>(1) Approving plans to solicit concessions and approving concession contract awards in their Regions;</p> <p>(2) Maintaining consistency in the concession program within the Regions and with national policy and guidance; and</p> <p>(3) Approving in writing any sale or transfer of interest to another party, or placing appropriate conditions on any approval with input from the Contracting Officer.</p>
F. Assistant Regional Directors, NWRS (ARDs – NWRS)	<p>(1) Approving concession operations by:</p> <p style="padding-left: 40px;">(a) Working with the Project Leader and Concession Manager to prepare a prospectus (solicitation of offers),</p>

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These employees...	Are responsible for...
	<p>(b) Reviewing proposals, and</p> <p>(c) Selecting the best offer based on established criteria;</p> <p>(2) Sending proposed contracts to the Regional Solicitor's Office for review before contract award;</p> <p>(3) After receiving approval from the Regional Director and the Solicitor on the proposed contract, working with a Contracting Officer to award them;</p> <p>(4) Overseeing concession contracts within the Regions;</p> <p>(5) Signing modifications to concession contracts and substantive administrative documents; and</p> <p>(6) Ensuring that funds allocated by Headquarters for cost recovery of necessary expenses are disbursed to the appropriate field stations.</p>

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These employees...	Are responsible for...
G. Project Leaders	<p>(1) Serving as the Concession Manager or assigning and supervising a Concession Manager (see section 6.6H);</p> <p>(2) Ensuring any proposed concession(s) on his/her duty station is appropriate and compatible with the mission of the site;</p> <p>(3) Performing National Environmental Policy Act (NEPA) reviews for proposed concessions;</p> <p>(4) Ensuring concessions comply with our Environmental Management Program. The objectives of the Environmental Management Program are to:</p> <ul style="list-style-type: none">(a) Protect human health and environment;(b) Incorporate best management practices in a concessionaire's operation, construction, maintenance, acquisition, provision of visitor services, and other activities under the concession contract; and(c) Account for all concessionaire activities that have potential environmental impacts (e.g., using recycled products, using environmentally sensitive materials, battery powered vs. gasoline powered engines); and <p>(5) Depositing all net receipts from concession revenues into the Service's Refuge Revenue Sharing account.</p>

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These employees...	Are responsible for...
H. Concession Managers (may be the Project Leader or another employee)	<p>(1) Preparing public notices about intent to solicit concessions;</p> <p>(2) Developing the prospectus based on the established activities for the refuge;</p> <p>(3) Working with the servicing Contracting staff to coordinate posting the prospectus solicitation and contract selection process, as well as to prepare the concession contract;</p> <p>(4) Making recommendations to the Regional Chief about awarding concession contracts;</p> <p>(5) Prior to final contract approval, negotiating the franchise fee(s) and percentage payment of gross receipts using the fair prevailing rates for local, comparable enterprises;</p> <p>(6) Coordinating with the Regional Engineering office and concessionaire for facility improvements and cyclical maintenance work that involve life safety issues and building code compliance issues; and</p> <p>(7) Administering the contract.</p>

/sgd/ Margaret Everson
PRINCIPAL DEPUTY DIRECTOR

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