



PRACTICE CONTACTS

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ENVIRONMENT

NATIONAL PARKS AND FEDERAL LAND CONCESSIONS

Private businesses play a critical role in facilitating visitor enjoyment of our national treasures. In the National Park System alone, private businesses provide a range of visitor services under more than 500 contracts, 5,000 commercial use authorizations, and 150 leases. For 40 years, Van Ness Feldman has represented providers of visitor services in the National Parks, National Forests, and other Federal land areas in dealing with the highly specialized legal, regulatory, and strategic business issues they face in their operations.

We have represented clients—large and small—providing a broad range of visitor services, across the United States and its territories.

Services provided by our clients in this area include lodging, marinas, food and beverage, merchandising/retail, outfitting and guiding (whitewater rafting, scenic float trips, and other), cruise ships, tour vessels, ferries, watersports, and camping.

Areas in which our clients have operated include:

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| Big Bend National Park | Grand Teton National Park |
| Bryce Canyon National Park | Isle Royale National Park |
| Buck Island Reef National Monument | Lake Berryessa, California |
| Canyon de Chelly National Monument | Lake Mead National Recreational Area |
| Dry Tortugas National Park | Mammoth Cave National Park |
| Denali National Park & Preserve | Olympic National Park |
| Gateway National Recreation Area | Virgin Islands National Park |
| Glacier Bay National Park | Wolf Trap National Park for the Performing Ar |
| Glen Canyon National Recreation Area | Yellowstone National Park |
| Grand Canyon National Park | |

Building and Fostering Cooperative Relationships Between Our Clients and the Federal Land Managing

Agencies.With the ongoing nature of contract and permitting relationships, maintaining positive and cooperative relationships with agency partners, at the local, regional, and national levels is critically important. At Van Ness Feldman, we pride ourselves on our ability to build and foster partnerships between private sector entities and the National Park Service (NPS), U.S. Forest Service, and other federal agencies. Building on our nearly forty years of practice in this area, we continue to enjoy pursuing both traditional and innovative approaches to working with federal agencies to attempt to address issues in a mutually satisfactory manner. We also recognize, however, that there are times when such cooperative resolution is not possible, and we have the expertise and experience to pursue other routes when appropriate or necessary.

Forty Years of Extensive, Specialized Experience as Advisors to the Concessions Industry. Having represented concessioners since the firm's inception, Van Ness Feldman's attorneys possess substantial knowledge in matters relating to the Concessions Management Improvement Act (CMIA), the now-repealed Concessions Policy Act, the National Environmental Policy Act, the Wilderness Act, the National Park Service Organic Act, and the many other federal laws, regulations and policies affecting the NPS and other federal land management agencies and their unique relationship with concessioners.

WINNING CONCESSION CONTRACTS AND PERMITS

Preparing winning proposals for the award of concession contracts or permits in today's competitive business environment is an increasingly resource-intensive task, requiring specialized knowledge of the industry and of agency mandates, policies, and priorities. We have worked with prospective or existing concessioners on strategy and development of successful proposals to obtain contracts and permits, employing our familiarity with the federal agencies and the process, and our understanding of what might provide a winning edge in a competitive bidding situation.

CONCESSION CONTRACT AND PERMIT ADMINISTRATION

Operating under a concession contract or permit involves an ongoing relationship with a federal agency with interests that sometimes do not align with those of your business. Operating in accordance with the terms and conditions of your contract or permit, and navigating the many implementation issues that may arise over the term of a contract or permit, require an awareness and understanding of the many complex laws, regulations, and policies that govern these authorizations. Van Ness Feldman has a strong understanding of these laws, regulations, and policies, as well as the ability to help clients work cooperatively with agency officials when possible—and employ alternative strategies if necessary. Whether the issue involves amending an existing contract or permit, seeking a contract or permit interpretation, addressing a rate administration issue, dealing with an operational problem, addressing leasehold surrender interest issues, securing a contract extension, responding to or appealing an unfavorable annual rating, or other contract or permit administration matter, Van Ness Feldman's attorneys possess the tools to address the situation.

RESOLUTION OF POSSESSORY INTEREST VALUATION

Resolving the valuation of possessory interest, in expectation of the expiration of existing NPS contracts issued under the 1965 Concessions Policy Act and issuance of new contracts under the CMIA, can be difficult for all parties involved. Van Ness Feldman attorneys (some of whom are also certified public accountants) help clients obtain fair value for their possessory interest property in accordance with established legal and accounting standards, and have significant experience and success in negotiating with the NPS regarding such interests.

TRANSFERS/ASSIGNMENTS

Our firm assists clients in obtaining required agency approval of assignments of interests in concession contracts or in concessioners themselves. Van Ness Feldman attorneys provide strategic advice on such transfers and can prepare and submit the necessary documentation to obtain agency approval. Where appropriate, we can assist clients in structuring innovative transactions to advance both the client's interest and conservation and other resource goals.

LITIGATION

Van Ness Feldman regularly represents clients in a variety of disputes involving the federal land management agencies over matters such as ratings, franchise fee adjustments, rates, provision of new services, management planning, and routine contract administration issues.

ADVOCACY

Our firm has significant experience advocating client interests before Congress, the Departments of the Interior and Agriculture, the National Park Service, U.S. Forest Service, Bureau of Reclamation, and other governmental entities. Having worked for decades in both the public and private sectors to create, influence, shape, implement, and comply with the laws governing the provision of visitor services on Federal lands, our firm's professionals have an in depth understanding of the nuances of policymaking in both Congress and the Executive Branch and are well-equipped to effectively advocate concessioners' interests.

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