

# FREQUENTLY ASKED QUESTIONS FOR PARK PARTNERSHIPS

## INTRODUCTION

These Frequently Asked Questions (FAQs) are provided to clarify various issues related to State Park closures and the development of partnerships to keep parks open.

The District Superintendent is the main point of contact for developing partnership agreements. If clarification is required for any issues outlined below, the potential partner is encouraged to contact the District Superintendent directly. A list of park units on the closure list, along with the District and District Superintendent's contact information is located on the Parks' website at [www.parks.ca.gov/partnerworkshops](http://www.parks.ca.gov/partnerworkshops) and will be a handout at the public workshops.

These FAQ's are a work in progress, and will be updated as needed and as additional questions are received.

All references to the Public Resources Code will be designated as PRC.

**February 22, 2012**

## Partnership Options

### 1. What is a donor?

*A donor is any individual or corporation that makes a cash or in-kind contribution to State Parks.*

### 2. What are the rules for donors?

*Donors must complete a "Donor Agreement" with State Parks that sets forth the obligations of both parties. Generally, a donor agreement is required of any party (including an existing cooperating association) which would like to make a commitment related to keeping a park unit open and off the closure list. State Parks requires that all recognition for these donations adhere to the Donor Recognition Guidelines established by the Department ([www.parks.ca.gov/donorguidelines](http://www.parks.ca.gov/donorguidelines))*

### **3. What opportunities exist for concessionaires?**

*There are 29 units currently on the closure list that may be offered as concession opportunities. In addition, other, non-closure related park concession opportunities are regularly posted on the Department's website.*

### **4. What are the "rules" for concessionaires?**

*PRC 5080 et seq. governs concessions in State Parks. Concession agreements are not entered into solely for the purpose of generating revenue; however, they are sought by the Department when they provide for the public's use and enjoyment of a park and if they will enhance the recreational and educational experiences there.*

### **5. How was the Request for Proposals (RFP) developed for the "bundled" parks?**

*The geographic proximity of parks and potential for economic success were the primary considerations when bundling parks for a concession opportunity. Clearly, some parks being considered for closure generate substantial revenue and some do not – State Parks bundled parks to allow a concessionaire to maximize revenue and "spread" administrative costs. However, potential concessionaires may also submit proposals for any individual unit within the bundle.*

### **6. Can nonprofits bid on concessions contracts?**

Yes.

### **7. What happens if there are no bids on an RFP?**

*State Parks has the authority to negotiate a contract under certain conditions, including when the bid process does not produce a "best responsible bidder" as that term is defined. In this case, the Department may directly identify a concessionaire and work with them to develop a proposal under the general terms of the RFP as a 2-year negotiated contract.*

### **8. Do concessionaires have to follow the same rules as State Parks?**

*Concessionaires are governed by statute and by their contract with State Parks. While no party can discriminate in hiring practices, a concessionaire does not have to follow State civil service requirements in hiring employees like the State does and they are not bound by employee bargaining agreements. Concessionaires are subject to an audit by the Department, and are required to*

*follow all local, State and Federal requirements for corporations, including paying taxes.*

## **Operating Agreements**

### **9. What is the deadline for entering into a partnership agreement?**

*There is no specific date to complete a partnership agreement. An agreement to operate a park designated as closed should be completed by mid-April 2012 in consideration of the July 1, 2012 closure date. After April, State Parks will begin the process of closing down units for which no partner is identified. However, even if a park unit is closed, an agreement can be negotiated after the fact to provide for operation of the park unit.*

### **10. Can an operator substitute a park to be kept open in trade for another park being placed on the closure list?**

*No.*

### **11. Can an operator operate just a portion of a park?**

*Yes, under certain circumstances this may be possible. The District Superintendent for the park in question should be contacted. The District Superintendent can discuss whether there are programs or services at the park unit that may lend itself to partial operation.*

### **12. Must an operator follow laws, regulations and policies that apply to State Parks?**

*Generally, yes. However, many laws, regulations and policies apply only to parks operated by the Department. Laws, regulations and policies which must be followed will be spelled out in the Operating Agreement.*

### **13. Is there an administrative overhead fee charged in operating agreements?**

*The Operating Agreement will spell out the reimbursement of costs expected by the Department. Administrative overhead is included in reimbursed costs.*

**14. Why are non-profit operators and for profit concessions being pursued at the same unit?**

*State Parks absolutely commits itself to continuing to explore all possible partnership options—whether with non-profits, local governments, for-profit companies or hybrids thereof—to ensure the maximum possible benefit for the public from keeping parks open and serving visitors. This mission-driven approach, and nothing else, will drive State Parks’ decision making.*

*State Parks will continue its ongoing discussions with all parties, including non-profits, cooperating associations and local agencies, aimed at finding the best possible partnerships to continue the operation of parks which the State can no longer afford to operate on its own.*

*Parks has not chosen any particular partnership approaches for certain parks. State Parks looks forward to working with all potential partners to best serve California’s citizens and best protect the resources of the State Park System.*

## **Eligible Partners**

**15. Are requirements different for the new nonprofit operators and those nonprofits with a cooperating association agreement?**

*Yes the requirements are different, although they can overlap. Nonprofits can support a park either through a cooperating association agreement or through an operating agreement. Generally, cooperating associations provide interpretive and educational services within a park. A nonprofit operator may also provide these services, but the scope of their work includes actually operating the park. A cooperating association that enters into an operating agreement will continue to have a separate contract to address its role as a cooperating association. A nonprofit can also support a park through a concession agreement.*

**16. What are the rules for nonprofits and cooperating associations?**

*Nonprofit cooperating associations which provide interpretive and educational materials and services within park units are governed by PRC 513, 5010.1 and the cooperating association agreement.*

*Nonprofits may operate all or portions of a park, and would do so under PRC 5080.42.*

# Financial Considerations

## **17. Can an operator charge whatever fees it wants?**

*Fees must be reasonable and approved by the State.*

## **18. Can an operator collect fees?**

*Yes. That duty must be spelled out in the operating agreement for the park.*

## **19. What happens to fees revenue?**

*All revenue received from a unit can be expended only for the care, maintenance, operation, administration, or development of the park.*

## **20. Must an operator use Reserve America for reservations?**

*Yes. Reserve America has an exclusive contract with California State Parks.*

## **21. Can an operator charge school groups?**

*State Parks does NOT have the authority to charge school groups for day use. Operators will also be required to grant free basic admission to K-12 organized school groups with advance reservations. However this does not preclude offering value-added programming to these schools for an additional charge.*

## **22. Does an operator have to follow the State contracting process?**

*Other than an Operating Agreement or Concession Contract, no. An operator is a private entity that is not subject to state contracting rules for such things as maintenance or construction contracts. However, any functions which will be handled by the Department as defined in the Operating Agreement will have to follow State contracting rules.*

# Core Functions Plan: Administration and Management

## **23. Can any “caretaker” cost that State Parks would spend, if the park had been closed, be used by the partner?**

*There are no funds set aside for that task that would be available to transfer to a partner who is operating a park unit.*

**24. Are there in-kind services State Parks can provide to an operator?**

*There may be in-kind services available to an operator. For most park units, the Department's contribution of in-kind services will be limited. Such in-kind services will only be in the form of staff time or other services, and not cash payments. For example, staff who are certified to maintain a water system may be made available to operate the water system for the park unit. The level of in-kind services that may be available will be determined when a potential operator enters into negotiations with the Department for an operating agreement related to a particular park unit.*

**25. Will State Parks provide administrative services at the park?**

*The Department has limited resources to provide in-kind services at parks operated by others, including administrative services. An operator should have the capacity to provide necessary administrative support that the park unit requires. However, there may be specific circumstances where the Department provides in-kind administrative services for an operator for a particular park unit. For example, it may be necessary to have contracts that the operator enters into reviewed by State Park administrative staff. The level of administrative in-kind services that may be available will be determined when a potential operator enters into negotiations with the Department for an operating agreement related to a particular park unit.*

**26. What levels of coverage and what types of insurance will be required for an operator (i.e. General Liability, Property Insurance, Collections/Fine Arts, Fidelity Bond or Performance Bond, Hazardous Materials or Environmental Insurance)?**

*Limits and types of insurance may vary depending on specific circumstances. Good business practice dictates that entities explore specific insurance for the kind of operation it proposes to undertake. In most cases, a General Liability policy is required and other insurance as outlined above will be negotiated based on the needs of the specific park unit and a risk assessment performed by the Department.*

**27. What is State Park's liability exposure for parks that are being operated by others?**

*For parks that have been designated closed, State Parks is not liable for activities that take place in the park. This protection was added at the time specific parks were identified for closure. This protection does not extend to parties who are operating parks.*

**28. Will State Parks cover any insurance for an operator?**

*State Parks cannot cover insurance costs for operators.*

**29. What is the extent of coverage carried by State Parks?**

*The California Department of Parks and Recreation is self-insured as a State department.*

**30. Will State Parks provide staff support?**

*If the potential operator wants staff support from State Parks (patrol, maintenance, administration, etc.) this request must be included in the proposal and explained in detail. Contact the District Superintendent for the park unit in question for assistance in understanding staff functions and associated cost.*

**31. Can an operator select specific staff (State Parks employees) to stay at a park as “in-kind” contribution from State Parks?**

*No. However, if your agreement specifies that the services and/or function normally provided by a State Park employee are to be included, the Department will honor that agreement. Since the Department must follow California State Department of Personnel Administration employment regulations and bargaining unit contracts, it cannot promise, name, or include specific employees within any agreements.*

**32. Who will State Parks employees report to?**

*Permanent and seasonal park employees are employed by the Department and will continue to report to State Parks personnel.*

**33. How should an operator’s employees be identified through uniforms and other identification?**

*State Parks encourages operators to have a distinctive uniform and identification for their employees and volunteers. An operator’s employees and volunteers will not wear a State Park uniform. Requests to use the California State Parks trademarked logo must be approved in advance.*

**34. Are rangers available to work special events?**

*Possibly, but only on a reimbursable basis. The Department will have limited resources to provide services at parks with an operator, including assistance with special events. Generally, an operator should have the capacity to provide the necessary support needed for their planned operation of the park, including supporting special events. However, there may be specific circumstances, for a special event, when the Department will provide a ranger for public safety services.*

**35. Are State Park volunteers still State Park volunteers in parks operated by a partner?**

*Yes, under certain circumstances. Volunteers may continue to be State Park volunteers if State Parks staff is available to continue to provide program oversight as part of the Volunteer in Parks Program. If this is not feasible, volunteers will not be State Park volunteers but may continue to volunteer for the operator.*

**36. Do volunteers work for State Parks or do they work for the operator?**

*Either the operator or State Parks (or in some cases both) may operate a volunteer program. Therefore a volunteer may work for both entities at different times. A clear distinction must be drawn so everyone knows who is responsible for a volunteer and his/her work.*

**37. Will volunteers still get workers' compensation coverage?**

*Yes, long-term State Park volunteers who are properly registered in the Volunteers in Parks Program are eligible under the Volunteer Service Agreement for workers' compensation coverage maintained by State Parks. For other volunteers, there will be no coverage unless the operator specifically purchases workers' compensation insurance to cover volunteers injured during the course and scope of their volunteer service. It is recommended the potential operator consult with an attorney and insurance carrier about worker's compensation issues.*

**38. How can volunteers help?**

*This will depend on the individual park and the scope of services provided. Each park is unique, with specific needs, which means an exciting variety of possibilities exist for dedicated volunteers. Operators are encouraged to conduct a needs assessment of desired tasks, projects or activities and identify tasks previously performed by State Park employees to be taken over by volunteers and tasks not currently performed by State Park employees that volunteers may safely and capably perform.*



### **39. Who handles volunteer background checks?**

*For State Park volunteers, the Department works in partnership with the California Department of Justice to implement the Applicant Live Scan system for the electronic submission of fingerprints and an automated background check and response. Confidential volunteer information is securely transmitted and protected.*

*A potential operator should carefully develop and implement risk management strategies for providing individual comprehensive national criminal background screenings of volunteers serving their organization. Background and screening resources and tools are available commercially. Contact the Volunteers in Parks Program Coordinator in the Interpretation and Education Division for additional information.*

### **40. Who supervises volunteers?**

*State Park volunteers should be supervised by California State Parks employees. Depending on staff availability, the Department may ask an operator to handle day-to-day oversight of volunteer activities.*

### **41. Who trains volunteers?**

*Orientation and training of State Park volunteers is a State responsibility outlined in the State Government Volunteers Act. For an operator-run volunteer program, the Department advises operators to consult with park specialists in areas of cultural and natural resource management, park operations, interpretation and public safety before developing a comprehensive training program for their volunteers.*

### **42. Can volunteers still operate equipment and vehicles?**

*Because the Department is not able to provide State-owned equipment and vehicles for use by operators, volunteers will not be using State-owned equipment and vehicles. Operators should develop sound management policies and procedures governing their volunteers' use of the operator's vehicles and equipment. Safety training and accident prevention, including procedures for reporting accidents, injuries and unsafe conditions, should be implemented. Advanced training should be completed, and records maintained, for volunteers involved in more specialized or potentially hazardous assignments, such as operating power tools and equipment.*

# Cultural and Natural Resources

## **43. Will State Parks provide resource management services at the park?**

### Natural Resources:

*State Parks, as a trustee agency, will continue to be the stewards of the natural resources in a park unit operated by others. Since State Parks will have only limited resources to manage natural resources over the next 3-5 years in parks on the closure list State Parks has identified the highest priority natural resources work that must continue in those parks. State Parks will continue this priority work as long as resources such as staff and both internal and external funding are available. Additional appropriate resource management work in a park unit can be undertaken to the extent that funding, expertise, and oversight capacity (on the part of State Parks) allows. Any specific natural resources management and restoration activities that an operator or partner seeks to carry out in a park are subject to the approval, authorities, and discretion of State Parks.*

### Cultural Resources:

*State Parks, as a trustee agency, will continue to be the steward for the cultural resources (historic buildings and landscapes, archaeological sites and museum collections) in operator-run parks. Because the Department will have limited resources to provide in-kind cultural resource management, an operator will need to coordinate with the Department for the maintenance of these resources at the parks. State Parks will provide the minimum necessary oversight and guidance for cultural resource work carried out by the operator. The specifics of how cultural resource in-kind services will be provided will be determined when a potential operator enters into negotiations with the Department for an operating agreement related to a specific park unit.*

## **44. As operators, can we let people bring unleashed dogs to the state beaches?**

*No, Beach and trail closures to dogs are based on resource stewardship criteria and are still the prerogative of state parks.*

# Interpretation and Education

## **45. Can an operator participate in statewide children's program such as Junior Rangers and Litter-Getters?**

*Yes, provided that the programs follow Departmental guidelines such as the "Junior Ranger Program Handbook."*

## **46. Can an operator use California State Parks Junior Ranger and Litter-Getter program materials such as Junior Ranger badges?**

*Depending on quantities requested and availability of supplies, materials may be made available to an operator. Reimbursement for these supplies may also be necessary.*

## **47. Will California State Parks still produce brochures for the park?**

*Yes. The Department may request that the operator assist with funding for printing.*

## **48. Who sets standards for and evaluates programs?**

*Interpretive and educational programs and activities should support interpretive themes and periods identified in each State Park's general plan and interpretation management plans. The Department offers a wealth of materials including the Department's Operating Manual, handbooks, and guidelines, all of which are available from the District Superintendent. Evaluation of interpretive services may be included in periodic contract performance reviews, as specified in the operating agreement/concession contract.*

## **49. Can an operator make changes to interpretive exhibits, self-guided trails, outdoor panels and other interpretive facilities?**

*Yes, but only with the approval of the District Superintendent and following review by the Accessibility Section for compliance with the Department's Americans with Disabilities Act implementation policies. Consistency with the general plan, interpretation management plans, and museum collection management policies must be considered.*

# Maintenance and Facilities

## **50. Will State Parks maintain any responsibility for facilities and structures?**

*Yes. As a landowner, the Department will continue certain park stewardship duties at closed parks (See previous question about cultural and natural resource stewardship.). However, parks on the closure list will not have budget allocations for staffing and maintenance.*

## **51. Can an operator use equipment (including vehicles)?**

*All state-owned equipment, with rare exception, will be removed from closed parks and reallocated to other open units.*

## **52. Can an operator use State Parks Information Technology infrastructure?**

*No.*

## **53. Will State Parks continue to pay for an alarm contract for an operator?**

*No.*

## **54. Will State Parks continue to pay for the phone system for an operator?**

*No.*

## **55. Will State Parks pay the utilities costs for an operator?**

*Generally, no. However, there may be special circumstances where the State is still involved in some utility systems (such as water treatment). This should be discussed with the District Superintendent and spelled out in the operating agreement.*

# Public Safety & Law Enforcement

## **56. What role will State Park Peace Officers (SPPO) have for law enforcement in closed parks?**

*Unless otherwise stipulated in an operating agreement, SPPOs will not be available for service calls.*

## **57. What will the response be by State Parks for emergencies?**

*Operators should call 9-1-1 for emergencies. These dispatches may go to an SPPO nearby or another law enforcement officer. Depending on the nature of the emergency, State Parks may choose to respond apart from the 9-1-1 call, subject to availability of staff.*

## **58. What will the response be by other local law enforcement?**

*Local law enforcement agencies may respond to calls for service within their jurisdiction based on their agency protocols and mutual aid agreements. It is advised that each operator contact the District Superintendent for information about any agreements which affect the specific park unit.*

## **59. What role will local Fire Department or State Cal-Fire have in responding to emergencies in a closed park?**

*Cal-Fire has responsibility to perform fire suppression response in what are known as State Responsibility Areas (SRAs). Most State Parks are SRAs; however, a few are Local Response Areas. The level of response will be based on agency protocols and mutual agreements within a specific jurisdiction. It is advised that each operator contact the District Superintendent for information about any agreements which affect the specific park unit.*

## **60. Can an operator hire private security to maintain law enforcement within a park?**

*An operator may contract with State Parks for security services, or they may contract with a local law enforcement agency or another qualified entity. Security duties must be specified in the operating agreement.*

# Recreation

## **61. Does an operator have to maintain trails or other recreational facilities or property?**

*If park facilities are open to the public, they will require maintenance. The operator and the Department will negotiate how to best meet the specific maintenance requirements as part of the operating agreement.*

## **62. Can an operator change the use of trails and other facilities to include new uses such as OHV use?**

*No. State Parks has established a change of use trail policy and that should be used as a template to propose a change in use. Proposed changes must be approved by the Department. As with all activity, the proposed change must be consistent with the park's general plan and classification.*

## **63. Can an operator enter into exclusive use agreements or rent the entire site for exclusive use such as a private club facility or a corporate facility?**

*No. State Parks are for general public use and access. The operating agreement essentially transfers this public responsibility to a private entity, but that does not mean that it results in private use. Exceptions authorizing private use for a limited duration in a specific location may be covered under a Special Event Permit. The intent is to allow events which support the long term sustainability of the park, and it is understood that operators need the ability to conduct events to raise revenue to operate the park. However, exclusive private use must be limited and balanced with the requirement that parks are public spaces and are intended to be accessed by all people.*

## **64. Does an operator need approvals for special events in “closed” parks?**

*If events are proposed that could adversely impact historic buildings and/or landscapes, they are subject to project review (see FAQs on Planning, Regulatory Compliance). Depending on the type of event and its frequency of occurrence, an Annual Special Events Plan may be the best mechanism for obtaining approval in advance. Please work with the District Superintendent.*

# Planning, Regulatory Compliance

## **65. What about CEQA and Environmental compliance?**

*The California Environmental Quality Act (CEQA) is the State's environmental protection law. It is designed to help ensure that public agencies which carry out "projects" describe the environmental impacts of those projects, and mitigate those impacts that cannot be avoided or minimized to a level that is considered less-than-significant. CEQA and all applicable environmental laws and permitting requirements will continue to be in effect for closed parks with operators.*

## **66. Does an operator have to follow CEQA?**

*CEQA applies only to public agencies. In general, State Parks will be the appropriate lead CEQA agency for project taking place in a park. Operators who want to perform "project" may be expected to reimburse Parks for CEQA-related costs for that project.*

## **67. What about Public Resources Code 5024, et seq.?**

*PRC 5024, et seq. requires state agencies to preserve and maintain state-owned historic resources (buildings, landscapes, and archaeological sites), and requires review of projects that alter original or significant features of historic resources, or relocate or demolish historic resources owned by the State. Because the Department retains ownership of and stewardship responsibilities for cultural resources in State Parks, it will serve as lead agency for review of proposed projects that have the potential to impact historic resources. PRC 5024 review is done concurrently with CEQA review for environmental impacts. The operator may be required to pay project review costs for projects it proposes.*

## **68. Can an operator be exempted from the State Park project review process?**

*No. The operator will be required to have all its proposed projects reviewed through the Department's review process to ensure that all actions/projects of the Department and its operators are in compliance with applicable requirements.*

## **69. Must an operator adhere to the Americans with Disabilities Act (ADA)?**

*Yes, operators will be required to ensure that their operations are in compliance with ADA. State Parks has a long-standing plan to bring facilities within State Parks into compliance with ADA. This work by Parks is legally required by a court action. The work pursuant to this court action will continue at the Department's expense.*

# Public Works, Capital Development

## **70. May an operator make revenue-producing capital improvements within the park?**

*Possibly. However, all capital improvements must be consistent with the Park's general plan and must be approved by the District Superintendent. The Department is not authorized to make permanent capital improvements unless it is consistent with the intent of an approved general plan. All other laws regarding such improvements will apply.*

## **71. May an operator remove features or structures within the park?**

*Even if you do not wish to use any existing structures, systems or features of the park, in most cases this state property must remain. Operators will not be allowed to alter or remove any state facilities or property without approval.*

## **72. Are operators required to pay prevailing wage on its construction projects?**

*Payment of prevailing wage is required on public works projects. For purposes of prevailing wage, Labor Code 1720 defines "public works" as construction, alteration, demolition, or repair work done under contract and paid for in whole or in part out of public funds. State Parks does not anticipate, except in very rare exceptions, that an operator will be doing this kind of work. In the event an operator performs a "public work", the determination of whether prevailing wage shall be paid will be made at that time.*

# Real Property

## **73. What is an easement and right of entry permit?**

*Private parties, public utilities and other governmental agencies may, for their own purposes, require the use or occupancy of State Park lands. Such use may be permanent such as an easement or a temporary use. Right-of-Entry (ROE) Permits, issued by the Department, are for a short-duration use of State Park property. An example of an easement would be when a county requires regular, ongoing entry onto State Park property in order to access and clean out drainage structures they own and maintain. An example of an ROE permit is when a local agency is engaged in a construction project, such as bike trail, and they need*



*access to the State Park property on a temporary basis in order to complete the project.*

**74. Will an operator have authority to issue easements and/or right of entry permits?**

*No. State Parks will issue all easements and ROE permits for operator-run park units. Operators will receive a copy of any known easements or ROEs issued by the Department.*

**75. Must operators honor existing easements and/or right of entry permits?**

*Yes. Operators will be required to honor all existing easements and ROE permits within a specific park.*

**76. Who will issue film permits?**

*The California Film Commission has permitting authority for filming activities on all state-owned property. The Department reserves the right to prepare a film permit when it does not interfere with the business of an operator. A public agency operating a park unit may work directly with the California Film Commission to obtain a film permit.*

**77. Does an operator have to waive site fees for filming if the park is operated privately, not by State Parks?**

*Yes, the operator must waive site fees for filming because the California Film Act applies to all state-owned property regardless of who is operating it. For more information, see "Guidelines for Filming in California State Parks" <http://www.parks.ca.gov/filmguidelines>.*

**78. Can an operator make money on filming?**

*No, except that the operator may collect reimbursement of operating costs associated with filming.*

# Marketing and Revenue Generation

## **79. What can an operator do to add their brand within the park?**

*With approval of the District Superintendent, the operator's name and/or logo may be placed on park signs. The name of the park and the California State Parks logo shall always be the prominent feature in any signs or print media.*

## **80. Can an operator use the State's intellectual property?**

*The circumstances and conditions under which the operator may use intellectual property owned by the State, including the name of the park, the logo of the park and or State Parks logo, and other intellectual property will be defined in the agreement.*

## **81. Can an operator make their own signs and install them in the park?**

*The Department is responsible for approving any regulatory, safety and directional signs. The review ensures that established State Park sign standards (font, colors, size, etc.) are maintained in all State Park units and accessibility requirements are met. Once the sign design is approved, the purchase can be made from a vendor of choice.*

## **82. Will the State Parks monument sign remain?**

*Yes. With the approval of the District Superintendent, additional signs or additional logos may be added to existing signs, and may be used to identify the operator. The State Park sign will remain the prominent feature in the park unit.*

## **83. Does an operator need to follow California State Parks Donor and Sponsorship Recognition Guidelines?**

*Yes. Please see [www.parks.ca.gov/donorguidelines](http://www.parks.ca.gov/donorguidelines)*

## **84. Are there limitations on an operator's marketing and advertising program?**

*Marketing plans and advertising must be approved by the District Superintendent. Depending on scale and scope, submittal of an annual marketing plan to the District Superintendent may be the most efficient method of gaining approval.*

**85. Can an operator use the California State Parks logo?**

*Yes. A license to use the logo will be included in the operating agreement. Each use of the logo must be approved by the District Superintendent (or designee).*

**86. Can an operator use park property for agricultural income such as cattle grazing leases, medical marijuana cultivation, or forest harvesting?**

*Commercial exploitation of resources within units of the State Park system is prohibited (PRC 5001.65). Generally, agricultural use for income will likely be inconsistent with the classification of the State Park unit and will not be permitted.*

**87. Can an operator build and lease or construct new facilities to generate income such as cell towers, Ferris wheels, zip lines, or tent cabins?**

*If approved by the Department, certain capital outlay development projects may be pursued, consistent with the park's classification and general plan. The Public Resources Code section 5019.50 et seq. defines each classification and the general restrictions on development projects. Any proposal for development should also include a general discussion regarding the ability to secure the necessary permits.*

**88. Can an operator convert historic buildings to overnight facilities?**

*This may be done, and uses of historic buildings must be consistent with the classification of the park unit and the general plan of the park. In addition, modifications to an historic building to accommodate overnight use are subject to project review (see FAQs on Planning, Regulatory Compliance). Changes to a historic building also must adhere to the U.S. Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties, and the California Historic Building Code.*