New York State Office of Parks, Recreation and Historic Preservation

POLICY ON PUBLIC / PRIVATE PARTNERSHIPS IN NEW YORK STATE PARKS AND HISTORIC SITES

I. INTRODUCTION

The New York State Office of Parks, Recreation and Historic Preservation ("State Parks" or the "agency") has a long and successful history of partnerships. These mutually beneficial public/private partnerships have resulted in substantial contributions to the diversity and excellence of recreational, stewardship, and preservation activities within the State Park System.

The primary intent of partnerships is to assist State Parks in meeting its mission of providing the public with diverse recreational opportunities and high quality interpretation programming, while protecting the natural and cultural resources found in the State Park System. Partnerships with State Parks include but are not limited to: not-for-profit organizations that provide operational support for Parks and Historic Sites and undertake fund raising activities on their behalf; donors whose contributions are dedicated to supporting specific activities or capital improvements; volunteers who supplement staffing; concessionaires selected through a competitive procurement process to provide services, products or programs; individual or corporate event sponsors; private sector interests investing in capital improvements that help preserve and reuse agency facilities for programs/services; and individuals or groups that further education, interpretation, and research activities in State Parks and Historic Sites.

First and foremost, State Parks has a mandate to provide responsible stewardship of the resources placed under its jurisdiction. In furtherance of this mandate, State Parks will continue to seek compatible, creative, and innovative partnerships to maintain and enhance park and historic site facilities and address increased recreational and interpretation demands. State Parks will meet this challenge without relinquishing ownership, control, or responsibility for the integrity and protection of the land and facilities under its stewardship. Partnerships are designed to supplement – not supplant – resources provided to the agency through the state budget process.

This policy statement articulates guidelines to assist the agency in its internal management and decision-making concerning public/private partnerships. The guidelines are general; the facts and circumstances of each partnership proposal must be considered in determining whether a particular public/private partnership is appropriate.

Note: State Parks also enters into agreements with public partners, including other state agencies, local governments, and federal agencies. While these multi-agency

partnerships share many similarities with "public/private" agreements, they also differ in certain aspects, and therefore are not governed by this policy document.

II. PUBLIC/PRIVATE PARTNERSHIP GUIDELINES

1. Partnership activities shall provide a public benefit consistent with State Parks' mission, goals, and objectives.

2. Partnership activities shall be compatible with the involved State Park or Historic Site and shall take into account the protection of the facility's recreational, natural, historic, and cultural resources.

3. Partnership activities being considered for a specific Park or Historic Site shall be evaluated within the context of ongoing management planning for that property.

4. Generally, partnership activities should be self-sufficient. Any increased maintenance and operational responsibility to State Parks shall be evaluated within the context of the agency's budget and the enhanced delivery of services.

5. Partnership activities shall be within the determined carrying capacity of State Parks and Historic Sites, including their facilities, landscapes, and natural and historic resources.

6. Partnership activities shall provide reasonable public access, use, and enjoyment.

7. Partnership recognition shall be commensurate with the enhancement to the Park or Historic Site and compatible with the facility's resources.

8. Activities associated with alcoholic beverage sponsorships may be allowed, provided that the sponsored event or activity is targeted primarily at an adult audience and includes messages advocating for the legal and responsible consumption of alcohol. Alcoholic beverage sponsorships require prior written approval from the Commissioner of Parks, Recreation and Historic Preservation (the "Commissioner").

9. Partnerships or sponsorships with the New York Lottery, as well partnerships with gaming industry sponsors, may be allowed provided they have received prior written approval from the Commissioner.

10. Partnerships or sponsorships associated with tobacco products are prohibited.

11. Partnership activities that increase scientific understanding of the ecological resources in State Parks for stewardship and educational programs will be encouraged.

Implementation of public/private partnership activities which directly impact facility resources require review by the State Parks Resource Management Group and are subject to the final approval of the Commissioner.

III. AGENCY ADMINISTRATION OF PARTNERSHIP PROJECTS

Other than situations similar to the Camper Assistance Program (see below), most public-private partnership projects should be formalized by an agreement that establishes the purpose of the partnership project and the benefits and responsibilities of each party in the implementation of the project.

These agreements take several forms depending on the nature of the project.

1. Concession Agreements. As authorized by Section 3.09(2) of the Parks, Recreation and Historic Preservation Law, concession partnerships generally involve for-profit entities. State Parks determines a need for services and solicits proposals from the private sector. The solicitation is called a "Request for Proposals" (RFP) and the solicitation, as well as the selection of the concessionaire, is implemented in accordance with the guidelines of the State Comptroller. The concession agreement is a formal contract. Agreements involving consideration with a value greater than $10,000 require approval by the Attorney General and the Office of the State Comptroller.

   The objective of State Parks' Concessions Management Program is to encourage competition for private sector investment and operation of public service facilities at State Parks and Historic Sites. These partnerships are achieved in a manner that ensures the best value for the state and its customers. "Best Value" in terms of State Parks' RFP process is defined as the basis for awarding concession licenses which optimizes quality, returned revenue to the state, and efficiency, among responsive and responsible proposers. Concession agreements are awarded based on an analysis of objective and quantifiable criteria as required by the State Finance Law and by the Office of the State Comptroller.

   Under state law, State Parks may enter into concession agreements for terms of up to 20 years. In cases with special legislation, State Parks may enter into agreements with a term of up to 40 years, typically upon a finding by the Commissioner that the project is compatible with public enjoyment and participation in adjacent park facilities, and in the case of structures listed on or eligible for the state register of historic places, that such an agreement will encourage investment by the private sector in restoring, preserving, and maintaining such properties.

2. Agreements with Not-For-Profit Organizations. Sections 3.09(6) and (16) of the Parks, Recreation and Historic Preservation Law encourage and authorize the agency to enter into mutually beneficial partnerships with not-for-profit organizations and foundations. Many State Parks and Historic Sites generate interest by individuals

dedicated to specific facilities. These individuals often form "Friends Groups" which support the agency's efforts at a specific park or site. In other instances, not-for-profit organizations support natural resource stewardship, environmental, and historical interpretation programming, or provide general support for multiple State Parks and Historic Sites. The agency memorializes arrangements with not-for-profit organizations by entering into a Friends Group Agreement to better coordinate the activities of the Friends Group with the goals of the agency. Where the partnership is more formal, such as where the not-for-profit provides for operations or other services at a park or historic site, or the agreement provides for exchange of consideration, the agency may enter into a more detailed Cooperative Agreement. Friends Group Agreements and Cooperative Agreements are approved by the Commissioner. In some instances, a Friends Group may enter into corporate sponsorships or other partnerships to benefit the operations of State Parks or Historic Sites. Such indirect sponsorships – secured by Friends Groups – should comply with the spirit and terms of this policy.

3. Natural Heritage Trust. The Natural Heritage Trust (the "Trust") is a state public benefit corporation established in Article 55 of the Arts & Cultural Affairs Law. It has tax exempt status under Section 501(c)(3) of the Internal Revenue Code. The purpose of the Trust is to support the work of State Parks, the Department of Environmental Conservation, and the Department of State. Individuals, corporations, foundations, and organizations donate money or property to the Trust for this purpose. By statute, the Trust is governed by the Commissioner of Parks, Recreation and Historic Preservation, the Commissioner of Environmental Conservation, the Secretary of State, and the Chair of the State Council of Parks. State Parks often utilizes the Trust to receive private contributions and corporate sponsorship funds to support projects and activities in Parks and Historic Sites.

4. Gifts to the Agency. The Commissioner is authorized to accept gifts as set forth in Section 3.17 of the Parks, Recreation and Historic Preservation Law. Conditional gifts must be approved by the Director of the Budget.

5. Sponsors. State Parks has had a long history of securing sponsorship of events in State Parks and Historic Sites by private businesses and other entities. Sponsored events advance the goals of these entities while providing additional activities for the public in our parks. Sponsorship arrangements are often handled at the regional or facility level through the issuance of permits in accordance with the agency's regulations and policies. Recognition is event-related and temporary in nature. In addition, Section 3.09(19) of the Parks, Recreation and Historic Preservation Law authorizes the agency to obtain advertising and corporate sponsorship for its publications and promotional materials.

6. Volunteers. In addition to more formal arrangements with not-for-profit organizations as described above, State Parks engages in numerous informal arrangements with volunteers at many of our facilities, which usually are handled at the facility or regional level. In addition, the agency promotes its own Camper

Assistance Program in which volunteer participants provide services to those camping in State Parks.

7. Beach Stewardship. The Adopt-a-Beach Stewardship Program as set forth in Section 3.25 of the Parks, Recreation and Historic Preservation Law describes the nature of activities that certain volunteers may undertake in stewardship agreements. Participants in this program may be recognized by appropriate signage as set forth in the statute.

8. Research Partnerships. State Parks will continue to seek public/private partnership proposals for the purpose of enhancing research and inventories within the agency's facilities. Research activities provide information for the protection of natural, recreational, and cultural resources. This information is also valuable for the development of environmental education and interpretive programs. In most instances, research in State Parks and Historic Sites does not result in any change or disturbance to the natural setting or resources under study. Research may, however, require collections of specimens or establishment of research plots. These proposals will be reviewed on a case-by-case basis. Research partnerships shall be approved by the Environmental Management Bureau or the Bureau of Historic Sites and will contain conditions to avoid or minimize adverse impacts to the environment.

   Research findings will be made available by the researcher to the agency for consideration in park operations, resource management, and environmental interpretation. State and federal grant programs will be reviewed for potential applicability to State Parks and Historic Sites.

IV. AGENCY REVIEW OF PARTNERSHIP PROPOSALS

State Parks has established a project review process that encompasses procedures mandated under the State Environmental Quality Review Act (SEQRA), the State Historic Preservation Law, and other regulations and agency polices pertaining to funding allocations and resource protection. This review process is guided by the Resource Management Group (RMG).

The RMG, which is comprised of representatives from a number of Albany Office bureaus and disciplines, has responsibility for reviewing agency capital and rehabilitation projects, including the implementation of partnership initiatives which directly impact facility resources. The RMG affords a collaborative, multi-discipline approach to project review and coordination.

Public/private partnership activities which directly impact facility resources require review by the State Parks Resource Management Group. The RMG assesses design and programmatic compatibility, determines the degree to which resources will be impacted, and assures that certain partnerships are within existing budgetary limits. If it is determined that an action exceeds thresholds under SEQRA, a more comprehensive

environmental assessment will be undertaken. The RMG review will also include a historic preservation review conducted pursuant to Section 14.09 of the Parks, Recreation and Historic Preservation Law. For instance, with respect to archaeology, if it is determined that significant ground disturbance will occur in a known archaeologically sensitive area, a comprehensive archaeological survey will be undertaken. The RMG submits recommendations on the implementation of each partnership proposal to State Parks' Executive Staff for consideration and further action.

V. PUBLIC PARTICIPATION AND PARTNERSHIPS

The nature of public participation depends on the type of partnership being considered. Certain types of partnerships have built-in procedures for public participation. For example, the Economic Development Law provides that notices of proposed bids and Requests for Proposals for contracts in excess of $15,000 be published in the Contract Reporter.

SEQRA and its implementing regulations provide for different types of public notice and participation depending on the nature of the project and the required environmental review. State Parks follows these procedures when undertaking partnership projects. For those partnerships requiring an Environmental Impact Statement, a public information/scoping meeting is typically held. At this meeting the public and interested parties assist the agency in identifying issues and impacts to be addressed in the Draft Environmental Impact Statement (DEIS). In other instances, the agency may hold informal, non-mandated public meetings in order to solicit public opinion on proposed projects. In addition, State Parks often receives suggestions directly from members of the public or organizations that approach the agency about specific projects.

VI. PUBLIC ACCESS

Partnerships are often designed to improve and enhance recreational and interpretation opportunities and resource protection in State Parks and Historic Sites. Standards of access with respect to public/private partnerships will be consistent with standards of access applied to normal State Parks operations.

In addition, there are certain legal restrictions on the agency's activities concerning public use of our facilities. For example, certain State Parks have benefited from federal support through the Land and Water Conservation Fund (LWCF). Federal law limits the ability of the agency to "convert" covered parkland to other than outdoor recreation use, unless the agency replaces the parkland that received LWCF funding with lands of equal recreational and fair market value. Any such substitution is subject to approval by the National Park Service. These provisions apply regardless of whether the agency's actions are being implemented by the agency alone, or as part of a public/private partnership.

In addition, there are instances where public access must be carefully managed. For example, public access may be limited where patron safety is at risk, or to protect environmentally sensitive areas.

VII. DONOR RECOGNITION

Donations are made to State Parks in the form of time, money, property, services, products, and equipment by individuals, foundations, corporations, not-for-profit organizations and Friends Groups. Donor acknowledgement will be provided by State Parks in an appropriate, consistent, and equitable manner that serves the best interests of the State of New York, the public, and the State Park System.

Most often, the acknowledgement is in the form of a simple letter of appreciation. The letter may be signed by the Commissioner, Regional Director, or Facility Manager acknowledging the gift, the donor, date of acceptance, and where applicable the dollar value.

State Parks receives a Deed of Gift from a donor for objects or artifacts gifted to the agency.

State Parks may acknowledge donors through press releases, newspapers, radio, television, internet, and other media as well as articles in State Parks publications. Press announcements, photo opportunities, ground-breakings, ribbon-cuttings, and other such activities in which the donor is acknowledged are acceptable, provided these events are held on State Parks property and are in accordance with current park or site practices. In some circumstances, as an expression of appreciation donors may be provided with prints, photographs, or plaques to commemorate the gift.

1. Signs

   In the event of a major gift of equipment or funding, a sign may be erected on-site to acknowledge the donor's contribution. The sign shall be designed and installed in a location that will not interfere with, and is subordinate to, the general use of the facility. Careful and standardized sizing and typology shall be used. A design standard that emphasizes consistency, simplicity of design, and minimal use of text and illustrative material shall be incorporated. All such signs are subject to approval by the Regional Director.

   The text of all signs should include language such as "New York State Parks expresses its appreciation to…" or, "New York State Parks acknowledges the contribution by…." The donor's name and any corporate logo may be used, but only when they appear in conjunction with the State Parks logo and/or identity.

2. Permanent Plaques/Monuments

State Parks policy restricts the construction or placement of monuments, statues, plaques, memorials, or the like on State Parks property except under the following conditions:

a. When the person(s) or event being memorialized is directly and significantly involved with a specific State Park facility, or;

b. When the monument, statue, plaque, memorial, or the like is in honor of an individual or a group who contributed significantly to the development of the State Park System or historic preservation program of State Parks.

All permanent plaques and monuments shall be approved by the Commissioner.

3. Donor Recognition Boards/Plaques

With the Regional Director's approval, the placement of donor boards or plaques in visitor centers, park administration buildings, or other appropriate public facilities is acceptable provided they are consistent with professional design standards. These items should allow the recognition of donors by the placement of small name plates, plaques, or other markers which can be added or removed with relative ease.

4. Naming of Structures, Places, or Park Facilities

A major donation which significantly contributes to new construction or modification of an existing facility, or to a State Park or Historic Site acquisition, may be recognized by naming the structure, improvement, or park after the donor, with the approval of the Commissioner. In each instance where the name is used to identify a structure, State Parks and its logo will also appear. State Parks will not name the whole of an Historic Site or State Park after a private corporate partner.

5. Friends Groups

In some instances, Friends Groups may raise major gifts to support the development or improvement of facilities within State Parks and Historic Sites. Recognition of donations to Friends Groups will be managed consistent with this policy. Friends Groups must secure written approval from the Commissioner prior to committing to the installation of donor recognition signage, or to committing to naming structures or facilities after donors.

This policy is effective immediately, and replaces: a) the former policy entitled "Guidelines for Public/Private Partnerships in the New York State Office of Parks, Recreation and Historic Preservation" that was adopted December 14, 1998; b) the former policy entitled "Monuments and Statues in State Parks and Historic Sites" adopted March 20, 1990; and c) the former policy entitled "Sponsorships by Tobacco and Alcoholic Beverage Companies" adopted March 15, 1990.

Dated: March 12, 2009

Carol Ash
Commissioner