



Business Management Frequently Asked Questions

Boat Brokering and the Sale of Vessels

1. What is the National Park Service (NPS) regulation that covers the sale of property within Glen Canyon National Recreation Area (NRA)?

16 United States Code, Subchapter 1, Section 1, requires that the service shall promote and regulate the use of the Federal areas known as national parks*, monuments, and reservations and that those regulations conform to the fundamental purpose to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

16 United States Code Subchapter 1, Section 3 requires the Secretary of the Interior to make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the NPS. The section also allows the Secretary of the Interior to grant privileges, leases, and permits for the use of land for the accommodations of visitors in various parks, monuments, or other reservations.

Code of Federal Regulations, Title 36, Part 1, Section 6 and Part 5, Section 3, both require a permit to authorize a prohibited or restricted activity. Part 5, Section prohibits the engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as specifically authorized under special regulations applicable to a park area.

2. All I want to do is sell my boat or partial ownership in my boat, which is personal property. Because I am not representing a business entity nor do I consider the transaction as engaging in a business activity, do NPS regulations apply?

Yes. 16 United States Code gives the Secretary of the Interior the authority to regulate the use of the Federal areas known as national parks, monuments, and reservations. It also allows the Secretary of the Interior to grant privileges, leases, and permits for the use of

*The National Park System includes parks, recreation areas, battlefields, historic sites, etc.

land for the accommodations of visitors in various parks, monuments, or other reservations. Marinas are a permitted visitor convenience under the law and at Glen Canyon NRA, those services and facilities are currently contracted to ARAMARK Sports and Entertainment Services, Inc. (ARAMARK), and Antelope Point Holdings, LLC. Under the contract, concessioners are responsible for the built facilities and services and the orderly operation of those responsibilities. Through the contract the concessioners are authorized to engage in a variety of activities, such as the selling of vessels, that have not been authorized to other individuals or entities. The NPS at Glen Canyon NRA has determined that the current concessioners are the only authorized brokers.

3. Why restrict brokering services when they haven't been restricted in the past?

In the past boat brokering services have been operating unauthorized and uncontrolled for vessels located in permanent storage (slips/buoys/dry storage) within Glen Canyon NRA. In many cases the practice of selling moored vessels included the unauthorized sale of the slip or buoy, which is United States property assigned to the concessioner to rent to the public.

4. Who are the authorized brokers within Glen Canyon NRA?

At the present time the authorized brokers within Glen Canyon NRA are ARAMARK and Antelope Point Holdings LLC.

5. What right do concessioners have to be involved in a sale?

16 USC Subchapter 1, Section 3 allows the Secretary of the Interior to grant privileges, leases, and permits for the use of land for the accommodations of visitors in various parks, monuments, or other reservations.

36 CFR 5.3 requires a permit, contract or other written agreement to engage in or solicit any business in park areas. Therefore, the NPS contracts with entities/companies that have successfully bid and received contracts to provide accommodations, facilities and services. Presently ARAMARK and Antelope Point Holdings, LLC, are authorized to provide accommodations, facilities and services within Glen Canyon NRA. Brokerage is one of many services authorized under these contracts.

6. Must I use ARAMARK or Antelope Point Holdings, LLC's brokering service?

No, if the private property is removed from Glen Canyon NRA prior to advertising, soliciting and/or sale of vessel.

7. What right do concessioners have to be involved in a slip/buoy transfer?

The concessioner, under contract, is responsible for government property (slip or buoy) and for assuring the appropriate use of government property. The concessioner is also responsible for the orderly operation of facilities and services and to ensure that other

personal and government properties are protected in partnership with the NPS. Therefore, it is necessary to have policies, procedures and processes in place such as slip and buoy transfer procedures to assist with the requirements of their contract.

8. If I am a current slip holder, what do I have to do to replace my boat with a new one. Are any fees involved?

Yes. If your intent is to maintain the license for the moorage with a new boat, the "transfer request" must be completed and submitted for approval and any applicable transaction fees paid.

9. If I already have a buyer, do I need to go through a concessioner when this is my personal property I'm selling?

Yes. This ensures that policies and procedures are followed, which include transfer of ownership, verifying number of owners, slip is properly transferred and the NPS is assured there is no added value to the purchase price of the vessel.

10. How are the brokering service costs and the slip/buoy transfer cost connected?

Brokering service fees are for costs associated with a number of brokering activities provided during the sale of a vessel. The slip/buoy transfer costs are fees associated with the requested transfer of a slip/buoy. The NPS does not guarantee that the slip or buoy will be transferred, only that slips and buoys may be transferred if the information presented by the buyer/seller is sufficient to make the determination that the sale is appropriate and legal. This transaction fee is independent of the brokerage fees and only provide a service to the slip or buoy renter having the concessioner ensure the request for the slip/buoy transfer is complete and made available to the NPS for a decision.

11. Our boat is out of the water two months every year. If we sell a share in our boat during that period of time, does ARAMARK have to be involved?

If the boat is returning to its moorage and has undergone a change in ownership of any type, then a slip/buoy transfer form must be completed. Be aware that the transfer form and associated costs do not guarantee that the NPS will approve the slip/buoy transfer. However, meeting with ARAMARK representatives, discussing the proposed boat sale/transfer, and completing all required paperwork early in the process will increase the chances that the NPS will have the appropriate information and fully understand the details of the transaction to make an informed decision.

12. What is the policy for the number of owners allowed for a vessel within Glen Canyon NRA?

The Glen Canyon NRA policy for boat brokering states that a multi-owner vessel consists of 2 to 18 owners. Individuals must hold a recognized ownership in the vessel. Annually, moorage customers are required (as part of their boat storage agreement) to

supply the concessioner(s) with a detailed listing of all owners. Multi-owner vessels with ownership in excess of 18 owners that existed on the lake as of the date of the Glen Canyon NRA policy for boat brokering will be grandfathered in and expected to reduce numbers over time to 18 or less owners.

13. How did NPS at Glen Canyon NRA determine the maximum number of owners for a multi-owned vessel?

36 Code of Federal Regulations, Chapter One, Parts 1-7, authorized by Title 16 United States Code, Section 3, and listed in the Glen Canyon NRAs Superintendent's Compendium limits occupancy of a slip, mooring buoy, or specific location, to include a campground, on a beach, or any other location within Glen Canyon NRA for no more than 14 consecutive days or no more than 30 days in any year. Based upon these limits an owner may only have access to their vessel 30 days per year. Since there are 365 days in a calendar year and a limit of 30 days per year, vessel ownership above 12 can be reasoned to be the selling of time (weeks) on a vessel rather than having paid for its ownership. In examining the numbers, the NPS's policy prohibiting timeshares, and the wish to balance a reasonable opportunity for individuals to have ownership in a vessel, it was determined that 12 multi-owners was overly restrictive and a maximum of 18 owners provided a more reasonable opportunity for the public to maintain ownership in a vessel. The Antelope Point Marina concessioner has decided that they will restrict ownership to 12 on Antelope Point rental slips, vessels with 13 to 18 owners will be launched and retrieved out of their dry storage area. The NPS has allowed individual concessioners to be more restrictive but not less.

14. If there are more than 18 owners and someone wants to sell out, under the policy it must be absorbed by the other owners. Do we still have to pay a fee to ARAMARK?

Yes, with a change in ownership a transaction fee is involved to complete the necessary transfer forms.

15. How do I list my vessel?

You can contact ARAMARK's Boat Brokerage Office and speak with Diana or Stacy at (928) 645-1039 or (928) 645-1088. You can also fax any questions and information to (928) 645-5175. Forms are available on ARAMARK's new website at www.lakepowellmarinas.com.

16. What is the cost for the brokerage services and what services are available?

The Brokerage Office will assist with a variety of services when a boat is intended to be sold and the buyer desires to keep the boat in the existing moorage. The fee will be from 1% to 10%, based on a negotiable scale depending on the services provided and the selling price of the boat.