



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

El Centro Field Office

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<http://www.blm.gov/ca/st/en/fo/elcentro.html>

FREQUENTLY ASKED QUESTIONS FOR THE EL CENTRO VENDOR PROGRAM 2011-2012

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GENERAL

1. **What is my Filing Date?** *The date the El Centro Field Office receives a complete Special Recreation Permit application package.*
2. **What is the difference between a Vendor Permit and a Special Recreation Permit?** *The vendor permit is actually a Special Recreation Permit. They are commonly called vendor permits because it distinguishes the type of activity being authorized under the Special Recreation Permit (SRP).*
3. **If I fill out the forms and pay the fees, does BLM have to issue a Special Recreation Permit?** *No. The authorized officer has discretion to approve, modify, or reject an application.*
4. **Why does BLM refuse to accept faxed or e-mailed applications?** *The BLM must have original signatures and dates on the original application. Copies and e-mails are not considered as legal proof of a vendor's agreement. Update/Change forms will be accepted over the telephone, by email or by fax. It is the vendor's responsibility to ensure phone calls, emails or faxes have been received and that the SRP is approved.*
5. **Can I leave a phone message, email, or fax the Update/Change Request with a credit card number for the fees?** *Any requests and /or changes must be submitted 14 days prior to the desired vending dates. Phone messages, emails, and faxes are not a guaranteed way to obtain your permit. It is the vendor's responsibility to have the permit in hand before vending. Please do not leave multiple phone messages as it will delay processing time.*
6. **How do I know if my request for specific vendor days was approved?** *You would receive an Update/Change Request with the authorized representatives' signature approving or denying your request. Cashed checks or charges against a credit card number only show that an application or request was received and processing has started. They are not proof of approval. It is the vendor's responsibility to have their permit in their possession before they begin vending.*
7. **Can I sell at more than one location with a permit?** *If on any given day you sell at only one location with only one vendor unit, you only need one Special Recreation Permit. For each additional unit added to an approved Special Recreation Permit separate payments of fees are required as well needed documentation. This applies for multiple units at the same location, roving, different locations, or some combination.*
8. **What does the BLM consider as appropriate vending activities in the Imperial Sand Dunes?** *Vending activities at the Imperial Sand Dunes Recreation Area (ISDRA) need to contribute to the visitor's experience and provide for an improved recreational experience. To be consistent with commercial activity goals in the ISDRA, items sold or services provided should:*
 - *Directly enhance the visitors' experience.*
 - *Directly relates to the activity or area where vending is to take place.*

- *Not be detrimental to the health and safety of visitors, employees or nearby residents.*
- *Not detract from resource sustainability.*
- *Complies with BLM Manual requirements that vendor policies take into account the viability of nearby privately owned businesses.*
- *Complies with the Imperial Sand Dunes Recreation Area Management Plan followed by the BLM El Centro Field Office.*

SPECIAL RECREATION APPLICATION FORM

- 9. How many days prior to vending must I submit a complete application packet to the BLM El Centro Field Office. 180 days**
- 10. What number should I place in the “Permit No” box on the form’s upper right hand corner?** *None. The number will be filled in by the El Centro Field Office. Once this number is assigned please keep it in your records and use it to identify your permit. Permit numbers will stay on file for 3 consecutive years pending the file is updated and kept current.*
- 11. I am worried about supplying my Social Security Number.** *Social Security Numbers and Taxpayer Identification Numbers are required to process your application. They are treated as confidential information.*
- 12. How can I list more phone/fax numbers and e-mail addresses than will fit in Items 4 thru 8?** *The Vendor Supplemental Information Form has space for listing additional phone numbers and e-mail addresses.*
- 13. For item 11, what type of permit is a vendor permit?** *Check Commercial and Vending. Vending and vendor permits are a type of commercial permit.*
- 14. In Item 12, do I have to provide a map and the legal description of where I will be vending?** *No. Only the location of the authorized vendor area such as Glamis Flats Vendor Area, Buttercup Vendor Area or Dunebuggy Flats. Roving vendors should list the management areas within the Imperial Sand Dunes Recreation Area (ISDRA). Roving vending excludes Mammoth Wash Management Area, the proposed Adaptive Management Area, the Ogilby Management Area and the North Algodones Dunes Wilderness Area. For example, list ISDRA or the Long Term Visitor Areas (LTVA’s) and race pit areas for vending outside the ISDRA. In a few cases, more detailed information may be needed and you will be requested to provide a map.*
- 15. What should I list as the purpose in Item 13?** *Describe what you will be doing and/or selling (e.g., the sale of food, clothing, repairing vehicles, or just distributing advertising).*
- 16. I can list only one arrival and departure time in Item 14, but I intend to do business on more than one weekend. How do I list those other weekends?** *BLM recommends that the first day you intend to vend should be entered in the Beginning Date space and*

the last day of the vendor season (May 31, 2009) be entered in the Ending Date space. The permit is normally authorized for the entire season, but is only valid for the dates listed on an approved Vendor Update/Change Request. Authorizing a Special Recreation Permit for the entire season means only one original application package is completed, however; vendors must submit the Update/Change Request Form each time they request specific days and locations to vend.

- 17. How detailed should the description of Facilities in Item 15 be?** *A description or sketch of your vendor site, at a minimum, should show where the public would park, the parking of your vehicles and trailers. Show where tables, awnings, and trash cans will be located. Include the dimensions of the area you intend to use. The space in Item 6 may be too small but you can put the details on a separate piece of paper with a note in Item 6 to see the attachment.*
- 18. When do I need to send the Post Use Report to the El Centro Field Office?** *For those authorized to use Post Use Reports, they should be monthly reports and received at the El Centro Field Office no later than the 14th of each month. Those who do not submit their reports on-time are considered to be in violation of the SRP agreement.*
- 19. Why are some vendors allowed to file a Post Use Report when others have to pay in advance?** *All vendors are required to pay in advance. The Post Use Reports are used to make adjustment for actual use. The decision to allow septic haulers to file post use reports is based primarily upon public health and safety considerations. Several laws and regulations require visitors to properly dispose of waste in their holding tanks (grey and black water) based upon the health hazards created by depositing the contents on public lands. Visitors who stay for a short duration and do not keep track of the status of their holding tank are unable to make arrangements two weeks in advance for an approved septic hauler to service their holding tanks. With a full holding tank, there is a temptation for a visitor to illegally empty a holding tank on public land. Such actions create health and safety hazards. By allowing septic haulers to file post use reports, they can service, when needed, a visitor's holding tank. The temptation and potential for visitors to illegally empty their holding tanks on public lands is reduced. The same is true for the servicing and removal of rental trailers.*
- 20. Why do I need to fill in the Vendor Supplemental Information Form?** *The form allows BLM to collect additional information that relates to vending such as information about permits from other agencies. It also provides a means for vendors to list additional telephone numbers, e-mail, and web site information. In addition the Vendor Supplementary Information Form must include the California Board of Equalization Seller's Permit number, and a dated signature agreeing to comply with the stipulations, regulations and rules listed Special Stipulations packet. **Keep Special Stipulations packet for yourself. Do not include it with your application package.***
- 21. Do I have to fill every item on the form?** *Information about your business name, address, and permits/licenses from other agencies are required. If an item is not appropriate for your business, leave it blank or enter "N/A" in the space. For example, a vendor who does not sell food would leave blank the Food Permit information.*

VENDOR UPDATE/CHANGE REQUEST

- 22. What is a Vendor Update/Change request Form?** *The Vendor Update/Change Request must identify the dates, location(s), and type of operation (stationary or roving). The completed form must be submitted with the original application and any time there are subsequent changes (adding dates, locations, items being sold).*
- 23. Should I select stationary vending or roving vending if customers come to me and I deliver my services to them?** *You should select stationary and base your operations in an established vendor area (Glamis Flats, Buttercup, and Dunebuggy Flats). Some vendors sell firewood and as a service then deliver the firewood to the customer's camp. All the business transactions except for delivery are done within the vendor area. Another example would be vendors providing demonstration rides of vehicles they are selling or promoting. The customers are parking and making arrangement for the rides in the vendor area. The rides begin and end at the vendor's location within the vendor area. It is important to accurately and completely describe operations that may take place, in part or away from an established vendor area.*
- 24. What if I cannot put all the dates I am requesting in the space provided?** *You can write on the back of the form or attach an additional page with your information.*
- 25. What if the change I need to make is not on the form?** *Check the "Other" box and describe the change. If your certificate of insurance is changed or another license/permit is renewed, attach a copy to the form.*
- 26. How far in advance can I change dates that have been purchased?** *Changes can be requested at any time during the season but must be received at the El Centro Field Office 14 days in advance. For Example, if you wish to vend on the 15th of the month, BLM El Centro must receive your application on the 1st of the month.*

VENDOR VEHICLE SHEET

- 27. What happens if I use a vehicle that is not listed?** *License numbers for vehicles and trailers for each unit must be provided on the Vendor Vehicle Sheet. Use the comments box to identify which, if any, will be used to prepare or store food and which units are for personal camping purposes only. Any vehicle not listed has not been reviewed and, therefore, is not approved to be part of the vendor operations. All of the vehicles listed do not have to be used. Some vendors list alternate or backup vehicle that may be used if there is a break down. **Commercial vehicles must be removed off of BLM land during all non-vending days.***
- 28. How do I change or add vehicles to the list?** *Use the Vendor Update/Change Request form to make additions or deletions of vehicles and trailers for approval or you can fill out a new Vendor Vehicle Sheet and attach it to the Vendor Update/Change Request.*

29. At the fee check points, is there a way I can quickly show that I am a vendor and do not need to have a recreation fee permit too? *No. In addition to the commercial Special Recreation Permit for vending, you will have to obtain either a Weekly \$ 25.00 or a Seasonal \$90.00 Imperial Sand Dunes Recreation Area (ISDRA) non-commercial Special Recreation Permit for each vehicle you or your employees drive into the ISDRA. Permits cost an additional fee if obtained once on-site; season \$120.00 or \$40.00 weekly. For each primary vehicle, you need to display the vehicle's permit. If your vending is outside the ISDRA, you do not need the non-commercial Special Recreation Permit. To obtain information on where to purchase a permit, visit www.imperialsanddunes.net or call 1-800-832-7664.*

FEES

30. Have the vendor fees increased from last season? *The daily fees are the same. The fees are still \$25.00/day for non-holiday days; Monday 12pm through Wednesday, however; vending is not allowed on Tuesday or Wednesday within the ISDRA. For non-holiday days fees are \$30.00/day; Thursday at noon through Sunday. For holiday/high visitation periods, fees are \$60.00/day. The minimum fee is now \$100.00 and the exclusive site fee is \$200.00.*

31. If I want to sell in two locations do I need more than one permit? *Vendors having more than one unit (roving or stationary) conducting business on a given day must obtain a Special Recreation Permit for each unit and pay the daily fees for each business.*

32. Why does the fee schedule consider Thursday and Friday as weekend days? *Weekend use by vendors frequently begins on Thursdays and Fridays when they arrive, set up operations, and begin selling. The higher visitation pattern for weekends has normally included Thursdays and Fridays. For planning and operational purposes, Thursday and Fridays are considered part of weekend visitation and use.*

33. Since roving (moving) vending and vending at Glamis Flats, Buttercup, and Dunebuggy Flats is prohibited from noon Monday to noon Thursday, why is there a weekday fee? *Within the ISDRA, vendors at the Gecko Road Vendor Pad can conduct business seven days a week. Outside of the ISDRA, vending can be authorized seven days a week.*

34. Why does BLM charge vendors for days when they are only setting up or taking down their equipment? *The regulations require BLM to charge fees whenever commercial or business activities are occurring on public lands. Setting up and taking down are business activities.*

35. Why does BLM require a permit and charge fees if nothing is being sold or charged? *The regulations require BLM to charge fees whenever commercial or business activities are occurring on public lands. The regulations apply to any form of doing business such as handing out advertisement or literature. Another example would be doing free adjustment to dune buggies previously sold at the vendor's store.*

36. What is a vendor day? *A vendor day is a day that a vendor's request to vend has been approved and all fees have been paid for a specific date. This is any day the commercial vehicle is placed on BLM lands.*

37. Can I pay the fees with a credit card? *Yes. The funds have to be in United States currency.*

38. If I pay with a credit card, do I have to list my credit card number on the Update/Change Request? *Vendors are encouraged to list only the credit card name (e.g., Visa, MasterCard) on the Update/Change Request. You will need to contact the BLM to provide the credit card number.*

39. When do I pay my fees? *All fees and the Vendor Update/Change Request form must be received by BLM 14 days before the days you are requesting.*

40. Are refunds or credits available for days not used? *No, refunds or credits will only be used in cases of overpayment.*

INSURANCE

41. Can BLM just be listed on my certificate of insurance? *No. The insurance shall name the United States (U.S.) Department of Interior, Bureau of Land Management as additional insured (not co-insured) and provide for specific coverage for the permittee's contractually assumed obligation to indemnify the United States. The policy shall also contain a specific provision or rider to the effect that the policy will not be canceled or its provisions changed or deleted before thirty (30) days written notice by the insurance company to the BLM.*

SRP Event or Activity GENERAL BUSSINESS LIABILITY POLICY	Per Occurrence	Per Annual Aggregate
Low Risk: general non-competitive and non-commercial activities such as, vending, group camping, group activities, or backpacking.	\$300,000	\$600,000
Moderate Risk: whitewater boating, horse endurance rides, OHV events, mountain bike races, rock climbing (with ropes), ultra-light outings, rodeos.	\$500,000	\$1,000,000
High Risk: bungee jumping, speed record events, unaided rock climbing, aviation assisted activities, or the rental of equipment.	\$1,000,000	Starting at: \$2,000,000 - \$10,000,000

The table above provides guidelines and minimums for Per Occurrence and Per Annual Aggregates only. Additional coverage should be required if it is determined that the activity or event is an unusually high risk or for other compelling reason considered as High Risk and could be required to have a \$1,000,000/Occurrence and up to \$10,000,000/Annual Aggregate policy.

42. Are there situations where BLM may require an insurance policy greater than \$600,000? *Yes. For example, vendors renting off-road vehicles.*

43. Will my automobile insurance satisfy BLM's insurance requirements? *No. An automobile insurance policy only covers your vehicle. It may have an exclusion or restriction if you use the vehicle for business. In addition, it does not cover the products/services you provide. For example, if you are selling food, the automobile policy does not protect you or the BLM for claims of food poisoning.*

NON-BLM PERMITS

44. If I am exempt from having a permit such as a Seller's Permit or a Business License, how should I fill in the space? *Write in Exempt. This information is provided to various State and County agencies upon request. If upon review a vendor is found to make a false statement, the vendor's permit may be cancelled.*

45. If I have a business license, do I need to obtain an Imperial County Business License? *You are required to have a current Imperial County Business License to operate on BLM managed lands in Imperial County. Imperial County Peddler's Permits are no longer appropriate for vendors. If you have a business license from a city within Imperial County, you still need to obtain an Imperial County Business License because you will be conducting business in unincorporated portions of Imperial County. Business licenses from other counties or states will not be honored. **NOTE:** For all questions regarding non-BLM permits, you should ask the appropriate agency for the definitive answer.*

46. How many Business Licenses do I need to obtain? *One license is required for a business. You need to contact the Imperial County Tax Collector's office to confirm this answer and for specific details that may apply. Contact the Tax Collector's Office at 760-482-4303 for details.*

47. Does the health department require me to get a permit? *Yes. The Imperial County Environmental Health Services will continue to require vendors preparing and/or selling food and other consumable goods to have a valid Food Permit. Initial permits may require 3-4 weeks to process. For more information please contact 760-336-8530.*

48. Do I need an Imperial County Food Permit for each vendor location/unit I operate? *You need to check with Imperial County Environmental Health Services to determine what their requirements are. Food Permits can take 3-4 weeks for processing.*

49. Can I use my Seller's Permit from another state? *No. You must have a Sellers Permit and number issued by the California Board of Equalization. Only the Board collects sales taxes within California. Seller's Permit numbers provided to BLM will be verified with the California Board of Equalization.*

50. Do I need a permit to pump sewage from RV holding tanks? *Yes. A permit is required from the Imperial County Environmental Health Service. BLM has not attempted to identify every non-BLM permit/license that a vendor may be required to obtain.*

VENDING OPERATIONS AT VENDOR AREAS

51. If the trash dumpsters are full, where do I dispose of trash? *You need to take the trash/garbage to a solid waste landfill or make arrangements for the trash/garbage to be properly disposed of. Leaving bags of trash/garbage piled around a filled trash dumpster is unsanitary, subject to animals tearing the bags apart, and it is illegal.*

52. How frequently does BLM check vendors for having valid permits?

Specific schedules and frequencies of enforcement action, such as monitoring, is confidential information. Weekly lists showing approved vendors, their vendor days, and location are circulated among BLM employees and other agencies. Most monitoring is non-intrusive where employees can check for approved vendors with the weekly list. Vendors may be contacted and required to produce copies of State and County permits in addition to BLM permits and approval form.

53. If I have an Imperial Sand Dune Recreation Area Non-Commercial Use Permit for when I camp between vending on weekends, do I have to be present or can someone look after my camping unit? *Someone must be camping and/or staying in the camping unit every night. Otherwise, the BLM will consider the camping unit as abandoned property or as reserving a space. This applies to the situation where a “security” person is checking on camping units but does not stay in them.*

54. Can I leave my Commercial Vehicle on Public Lands during non-vending days? *No. Vendors are limited to having only the RV or other vehicle for camping. Any trailer with them has to contain toys that are used for recreating in the sand dunes or in some other way directly supporting the recreational experience. Vendors or their employees may not camp within the boundaries of a designated vending area on non-vending days. All commercial vehicles, trailers, and equipment are required to be removed from public lands while a vendor is camping on non-vendor or unapproved days. Any setup for the business and equipment used by the business and not for camping must be removed from the ISDRA. If the vehicles, trailers, and equipment are not removed from public lands while camping, the vendors are in violation of the stipulations, conducting business (storing their equipment) on public lands without authorization or payment for the vendor days.*

LOCATIONS

55. Is Dunebuggy Flats and Gordon’s Well the same location? *No. Dunebuggy Flats is the flat area between the west side of the Imperial Sand Dunes east of the Coachella Canal, and north of the All American Canal. The Gordon’s Well Exit is the freeway access point into Dunebuggy Flats. Dunebuggy Flats is frequently, but incorrectly, called*

Gordon's Well. When vendors mention "Gordon's Well", BLM realized that Dunebuggy Flats is meant because there is no vendor area at the true Gordon's Well.

- 56. Are there any locations closed to vending?** *Yes. Vending will not be authorized in the Mammoth Wash Management Area or the Ogilby Management Area. For several years, the North Algodones Dunes Wilderness was and still is closed to roving and stationary vending.*
- 57. Is there a set area to vend in at the Glamis Flats Vendor Area?** *Yes. The Glamis Flats Vendor Area has been designated with the cooperation of vendors and private land owners. Please pay attention to the signed area for vendors.*
- 58. If I am vending on within the El Centro Resource Area (ECRA) are there any rules on where I can set up?** *Yes. In the recent years, vending near Wheeler Road in the Superstition Open Area has created multiple safety traffic issues. Please stay a minimum of 50 feet off of Wheeler road.*
- 59. Can I win more than one site in the lottery for Gecko Road Vendor Pad sites?** *The stipulation is that a vendor can reserve only one site at the Gecko Road Vendor Pad. Separate businesses are considered, by law, as separate persons even though they are owned or operated by the same individuals. In this situation, each separate business would be considered as a different vendor. Each separate business name must be displayed on the vendor unit.*

PRODUCTS/SERVICES

- 60. How detailed does my list of sales items have to be?** *A list of all the items sold is needed. For example, a food vendor needs to list what is proposed for sale (e.g., chili, hot dog). Another example would be to say "a variety of prepackaged chips will be sold in a variety of sizes." Ingredients, quantities or the secret recipe for the chili is not required.*
- 61. Why does BLM require me to submit copies of all graphics and text to be used on clothing and other items?** *BLM prohibits the sale and display of obscene and pornographic material. Reviewing the submissions allows BLM to inform the business and business holder if some material cannot be sold on public lands prior to vending.*
- 62. I have many combinations of graphics and wording. Do I need to submit a copy of each combination?** *Providing BLM with a copy of each graphic to be used and a list of all the text to be used would be adequate. For example, a graphic of a dune buggy on the sand and a list all of the texts to be used with the graphic such as "Glamis Halloween 2012" or "Glamis Thanksgiving "2012" would meet the requirement.*