

§ 14.6

(b) *Managerial findings.* After completing review of an application, the NPS will notify the applicant in writing that the right-of-way permit is:

- (1) Conditionally approved; or
- (2) Denied, with an explanation.

(c) *Execution of right-of-way permits.* The applicant must sign a conditionally approved right-of-way permit prior to execution by the NPS. No right-of-way permit is valid until it has been executed by the NPS.

(d) *Behavior and conduct.* At any time during the application process for a right-of-way permit, the NPS may, in its discretion, suspend or end the application process if the applicant:

- (1) Is delinquent in paying any cost recovery, use and occupancy fees, or other debts to the Federal Government;
- (2) Has an unresolved criminal or civil violation with the Federal Government;
- (3) Has been notified that they are liable for damages under the System Unit Resource Protection Act (SURPA), 54 U.S.C. 100721–100725, for injuries to park area resources, or have not resolved or fully paid response costs and damages under SURPA; or
- (4) Has caused unpermitted resource damage, impacts to visitors, management problems, or the applicant has violated the terms and conditions of any permit issued by a Federal agency, including the NPS.

§ 14.6 Application withdrawal.

(a) An applicant may withdraw an application at any time during the permitting process.

(b) If at any time during the permitting process an applicant does not respond to a written communication from the NPS within 90 days, the NPS may presume that the application has been withdrawn without further notice to the applicant.

(c) When an application is withdrawn or presumed withdrawn, the permitting process is terminated and the applicant must resubmit a new application pursuant to § 14.4 of this part.

§ 14.7 Cost recovery.

(a) The NPS will recover all costs from applicants and permittees pursuant to 54 U.S.C. 103104, according to

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NPS cost recovery policy, even in the case of withdrawn or denied applications, and suspended or terminated right-of-way permits. In addition to the application charge referred to in paragraph (b) of this section, the NPS may recover other actual costs incurred in processing an application for a right-of-way permit or special use permit for construction, including, but not limited to, costs incurred from completion of required compliance and reviews, appraisal or valuation related costs, and costs incurred from monitoring or managing permittee activities during the term of a permit.

(b) An applicant must pay an application charge with each application for a right-of-way permit unless this charge is waived by the NPS pursuant to NPS cost recovery policy. The application charge will include costs incurred by the NPS for review of the application to determine if it is complete. At its discretion, the NPS also may include costs incurred for initial discussions (including pre-application meetings) in the application charge.

(1) The minimum application charge for a right-of-way permit is the cost of two hours of the System unit permit coordinator's time, plus one hour of their supervisor's time, including overhead costs.

(2) If the System unit permit coordinator is the superintendent, then the minimum application charge is the cost of two hours of the superintendent's time, including overhead costs.

(3) The application charge addresses the costs incurred by the NPS in initially discussing and reviewing an application for completeness and does not constitute all of the costs that the NPS may recover.

§ 14.8 Use and occupancy fee.

(a) Every permittee must pay a use and occupancy fee to the NPS for the use and occupancy of federally owned lands and waters within the National Park System, except as provided in paragraph (e) of this section.

(b) The use and occupancy fee will be the fair market value of the use and occupancy of federally owned lands and waters under the right-of-way permit.