

(d) An offer from a Native corporation under this section must document its total ownership of the business entity making the offer.

(e) The preferences described in this section may not be sold, assigned, transferred or devised, directly or indirectly.

§ 13.84 Preference to Cook Inlet Region, Incorporated.

(a) The Cook Inlet Region, Incorporated (CIRI), in cooperation with village corporations within the Cook Inlet Region, when appropriate, shall have a right of first refusal to provide new visitor services within that portion of Lake Clark National Park and Preserve that is within the boundaries of the Cook Inlet Region. In order to exercise this right of first refusal, CIRI must submit a responsive offer under the terms of an NPS public solicitation for offers to conduct such visitor services. A responsive offer is one that is timely made and meets the terms and conditions of the solicitation document. If CIRI makes such an offer and is determined by the Director to be capable of carrying out the terms of the visitor services authorization, it shall be awarded the authorization. If it does not, the authorization may be awarded to another person pursuant to usual National Park Service policies and procedures. An offer from CIRI under this section must document total ownership in the entity making the offer by CIRI and/or a village corporation. The CIRI right of first refusal shall have precedence over the rights of preferred operators.

(b) The right of first refusal described in this section may not be sold, transferred, devised or assigned, directly or indirectly.

§ 13.85 Most directly affected Native corporation.

(a) Prior to the award of a concession authorization for a visitor service in a

park area, the Director shall provide an opportunity for any Native corporation interested in providing such new visitor services within an applicable park area to submit an application to the Superintendent including, but not limited to, the following information:

(1) The name, address, and phone number of the Native corporation; the date of incorporation; its articles of incorporation and structure; and the name of the applicable park area;

(2) The location of the corporation's population center or centers; and

(3) The socio-economic impacts and their effects as a result of the expansion or establishment of the park area.

(b) Upon receipt of all applications from interested Native corporations, the Director will determine the "most directly affected" Native corporation based on the following criteria:

(1) The number of acres of surface land within and adjoining the park area that the Native corporation owns, or that has been selected under the Alaska Native Claims Settlement Act, unless such selection is determined to be invalid or is relinquished;

(2) The distance and accessibility from the corporation's population center and/or business address to the applicable park area; and

(3) The socio-economic impacts and their effects as a result of the expansion or establishment of the park area.

(c) In the event that more than one Native corporation is determined to be equally affected, each such Native corporation shall be considered as a preferred operator under this subpart. Preferred operators may form joint ventures with other preferred operators in applying for a visitor service authorization under this subpart.

(d) The Director's "most directly affected" Native corporation determination or, when requested, appeal decision for a park area is final for all applicable solicitations for all

future visitor services which are issued after the Director's determination or appeal decision.

§ 13.86 Appeal procedures.

Any person who considers that they have been improperly denied rights with respect to providing visitor services under this subpart may appeal the denial to the Director. Such an appeal must be submitted in writing within 30 days of receipt of the denial from which an appeal is sought. Appeals must set forth the facts and circumstances which the appellant considers supports the appeal. The appellant may request an informal meeting to discuss the appeal with the Director. After consideration of the materials submitted by the appellant and the National Park Service record of the matter, and meeting with the appellant if so requested, the Director shall affirm, reverse, or modify the denial appealed from and shall set forth in writing the basis of the decision. A copy of the decision shall be forwarded to the appellant and shall constitute the final administrative decision in the matter. No person shall be considered to have exhausted administrative remedies with respect to a denial of rights to provide visitor services under this subpart until a final administrative decision has been made pursuant to this section.

§ 13.87 Information collection.

[Reserved]

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