



MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB 12/10/09
Item # 2 Revised

MEMORANDUM

DATE: December 1, 2009

TO: Montgomery County Planning Board

VIA: Mary Bradford, Director

FROM: Terry H. Brooks, Chairman
Public/Private Partnership Committee

SUBJECT: Unsolicited Public/Private Partnership Proposal for an
Adventure Sports Rope Climbing Facility at Rock Creek Regional Park

ACTION REQUESTED:

Conditional Approval – Staff recommends approval of this project subject to:

- a. The execution of a lease agreement with the Commission, which will include a base monthly rent and a percentage of gross profits annually;
- b. Operating revenue should go to the Property Management fund, who will administer the lease agreement;
- c. Other Park fund divisions incurring maintenance costs should chargeback the Property Management fund, or Facilities Management can contract out the services;
- d. Any concession revenue should go to the Enterprise Fund;
- e. The terms of the agreement should include a distinction between normal operations and special events. Special events should follow the Special Events Policy and additional services needed should be charged to the tenant as appropriate (this includes events requiring the services of the Park Police);
- f. The lease will require the establishment of a life cycle replacement charge on the lease payment and a transfer of funding on an annual basis from the

Property Management fund to Life Cycle Replacement Fund for future repairs and renovations; and

- g. The execution of a park permit is required in order to allow for the construction of the facility.**

Background:

In October of 2008, the Department was approached by Mr. Dan D'Agostino, a representative of "Go Ape, Inc.," a national adventure sports rope climbing company based in London, England, with an unsolicited proposal. (See Attachment #1)

Unsolicited Public/Private Partnership Proposals are allowed under the Commission's September 19, 2007 Adopted Policies for Public/Private Partnerships under Sections: 1.3.4 Lease-Design-Build-Operate; Section 4.1 Incorporation into Commission Regulations; and 4.2 Public Review and Comment. (See Attachment #2)

The Go Ape organization is a national franchise operation with several facilities across England in several of England's national parks.

Mr. D'Agostino expressed, on behalf of Go Ape, Inc., that they would like to open their first franchise operation for Go Ape in the United States here in the Montgomery County Park System. Go Ape, Inc. has submitted an unsolicited partnership proposal to establish their first facility in the United States in the Montgomery County, Maryland Park System.

Go Ape Adventure Sport facilities consist of a parking lot for approximately 12-15 people (including staff); a small office building/equipment/training area; and several rope climbing stations constructed in several trees, which serve as platform/landing areas between connected roped exercise platform station areas. Go Ape patrons make reservations for a 1-2 hour rope climbing experience, receive rope climbing training, sign waiver forms, and are guided through a defined rope climbing adventure course. Go Ape staff are assigned to be present along the route for safety and guidance.

Go Ape is requesting the use of 6-10 acres of parkland to create their facility. Go Ape would build, operate, and maintain the facility in exchange for revenue sharing their profits from their operation with the Commission.

Go Ape, along with park staff from the Park Planning and Stewardship Division, Park Development Division, and the Development Review Division, have met and identified an appropriate, environmentally suitable 6-10 acre plot of land in Rock Creek Regional Park to locate their operation.

Park Planning Policy Framework

The Park Planning and Stewardship Division found the proposed use, adventure sports, to be in alignment with the mission of the Department's objective to provide a full array of recreational opportunities for the public within the Park System.

Proposed Business Terms

Go Ape Adventure Course - Go Ape would like to enter into a partnership with the Commission to operate a Go Ape adventure course (occupying the airspace of 6-10 acres of land, course trails, and directional signage throughout the park) at Rock Creek Regional Park, Lake Needwood. The proposal is to provide the Commission with a percentage of Go Ape's annual site gross revenue.

It should be noted that significant secondary income will be obtained as Go Ape customers frequent snack bars, pay for parking (where applicable), and use other concessions such as boat rentals, etc.

Go Ape Branded Merchandise - Go Ape would like to sell branded merchandise out of their operations cabin. This would include: t-shirts, sweatshirts, caps, gloves, and other apparel and branded merchandise. The intent of selling merchandise is to provide a service to their customers and to further grow the Go Ape brand in the local community. As such, Go Ape does not anticipate a significant return of revenue.

Pre-packaged Snacks and Cold Drinks - on days where the Lake Needwood snack bar is not open, Go Ape proposes to sell pre-packaged snacks and cold drinks out of the Go Ape Operations Cabin. Similar to their merchandise sales, the intent of selling snacks/drinks is to provide a service to their customers.

Fiscal Analysis

The financial strength of Go Ape, Inc. was evaluated by the Commission's Secretary-Treasurer. Go Ape was found to be financially sound and fully capable to developing, managing, and operating the proposed facility (including covering their own operational insurance liabilities) in support of the proposal.

Project Coordination & Public Participation

On September 14, 2009, the Department met with staff from the Montgomery County Department of Recreation (MCDR) in order to obtain comments on the proposal. MCDR approved the project. On November 5, 2009, the Department and representatives from Go Ape met with the Montgomery County Northern Area Recreation Advisory Board and provided them with a briefing on the proposal. On November 9, 2009, a general public information meeting was conducted with attendance of approximately 25 residents (See Attachment #3 - sign-in sheet).

Notices were sent out to approximately 407 residents. Notices were sent to: (1) properties bordering the park and (2) to Home Owners Associations (HOC) and local civic association's within one mile radius from the proposed site. The attendees unanimously approved of the proposal. The Commission also received several e-mail comments (See Attachment #4).

An Introduction To:



at Rock Creek Regional Park
Lake Needwood

Dan D'Agostino
USA Managing Director
www.GoApe.com



A Montgomery County Native, Dan D'Agostino



- Raised in Derwood and attended the Magruder cluster of schools
- While working for the London 2012 Olympics in England, experienced Go Ape...
- ...arranged a Joint Venture with Go Ape founders to bring the adventure "across the pond"
- February 2009, returned to Derwood to bring the first Go Ape course to Montgomery County!



What is Go Ape?

- **Go Ape is a high ropes forest based adventure course**
- **Course training, led by instructors**
 - Building confidence and understanding of how to safely experience the course
- **Visitors navigate the course by way of Ziplines, Tarzan Swings, Rope Ladders and other Obstacles**
- **Up to 3 hours of outdoor adventure fun**
 - A physical, educational and rewarding challenge



Go Ape is the Leading Ropes Course Operator in the World

- **Founded in 2002 in the United Kingdom**
 - with the goal of “encouraging everyone to live life more adventurously”
- **22 existing courses in the UK**
 - 2010 plans include 6 additional courses in the UK and the first course in the USA and in Australia
- **One of the UK’s most popular Outdoor Adventure activities with over 1.9 million people having gone ape since inception**
 - Popular with Families, Young Professionals, Scout Groups, Church Groups, Outdoor Ed and School programs, etc.



Safety Record is Outstanding

- **Rigorous and mandatory training for all employees**
- **Robust safety and operational procedures**
- **Excellent 9 year track record of delivering a safe and enjoyable visitor experience**



Environmental Principles Put into Action

- Go Ape is built on the principles of high quality, low impact, habitat improving recreation
- Trees are protected and independently inspected by leading arborists annually to ensure their continuing good health
- An environmental management report is conducted as part of the development process



Worked Closely with M-NCPPC to Identify Lake
Needwood Section of Rock Creek Regional Park





Why Lake Needwood at Rock Creek Regional Park?

- **Scenic location with an existing Outdoor Adventure feel**
 - 6-10 acres of forest
- **A mutually beneficial relationship with other park amenities**
 - Boat rental
 - Hiker/biker trail
 - Picnic areas
 - Snack bar
- **Location within park will not disrupt current park visitors**
- **Under-utilized parking lot and restrooms located next to forest**
- **Central location within the County, I-270 and Metro nearby**
- **Local economic benefit**
 - 12 new jobs created
 - Secondary spend at local businesses (restaurants, shops)
 - Significant revenue to the County / State



Go Ape at Rock Creek Regional Park, Lake Needwood – Proposed Timeline

- Oct 22, 2009 – Initial Planning Board Review for Community Input
- Nov 5, 2009 – Recreation Advisory Board Briefing Review
- Nov 9, 2009 – Community Meeting and Input
- Dec 10, 2009 – Planning Board Review and Public Hearing

If Planning Board Approves, Go Ape could be open in 2010!



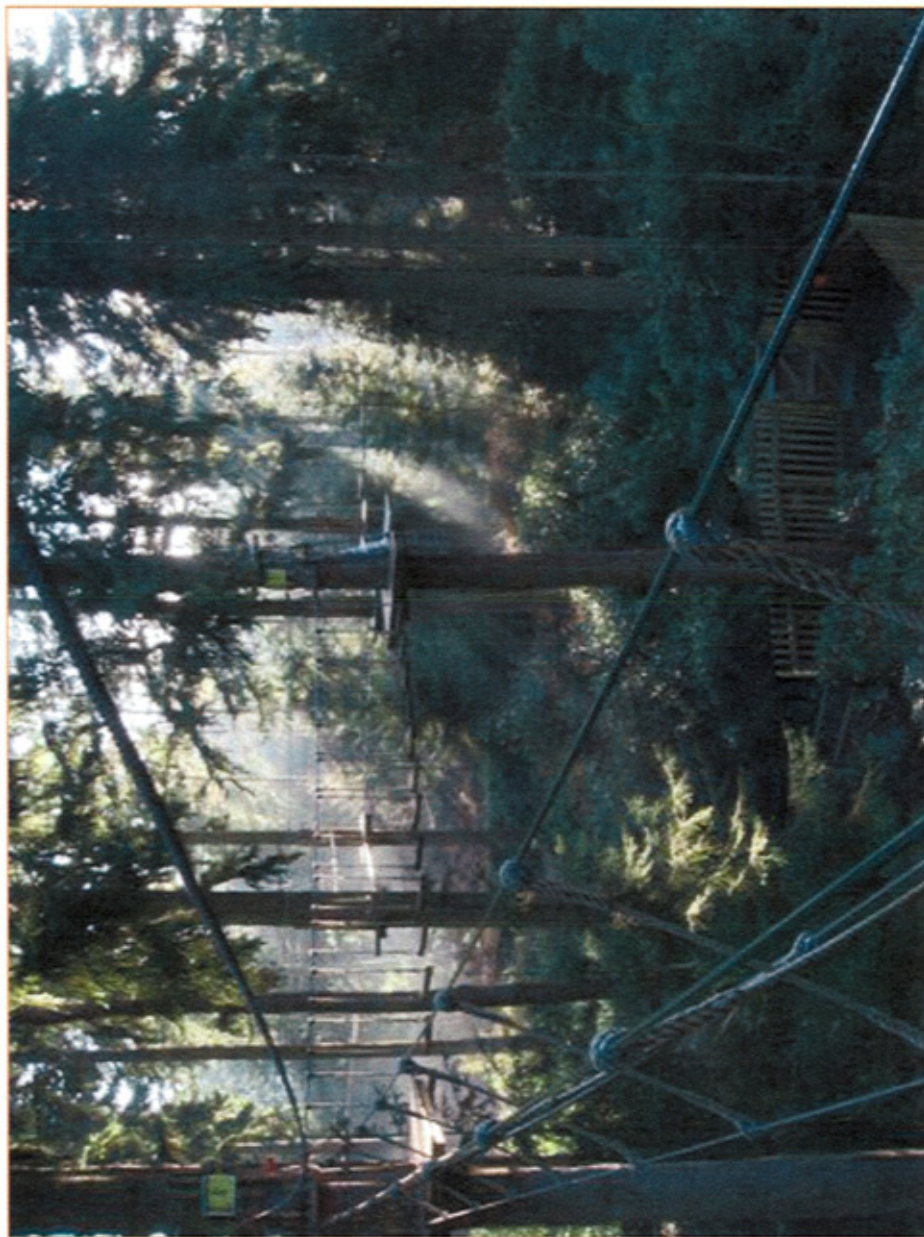
The Course...



Actual Go Ape UK course photo



The Course...



Actual Go Ape UK course photo



Different Degrees of Challenge to Suit Each Individual



Actual Go Ape UK course photo

Green, Blue, Black



Adjustable Tree Protection



Actual Go Ape UK course photo



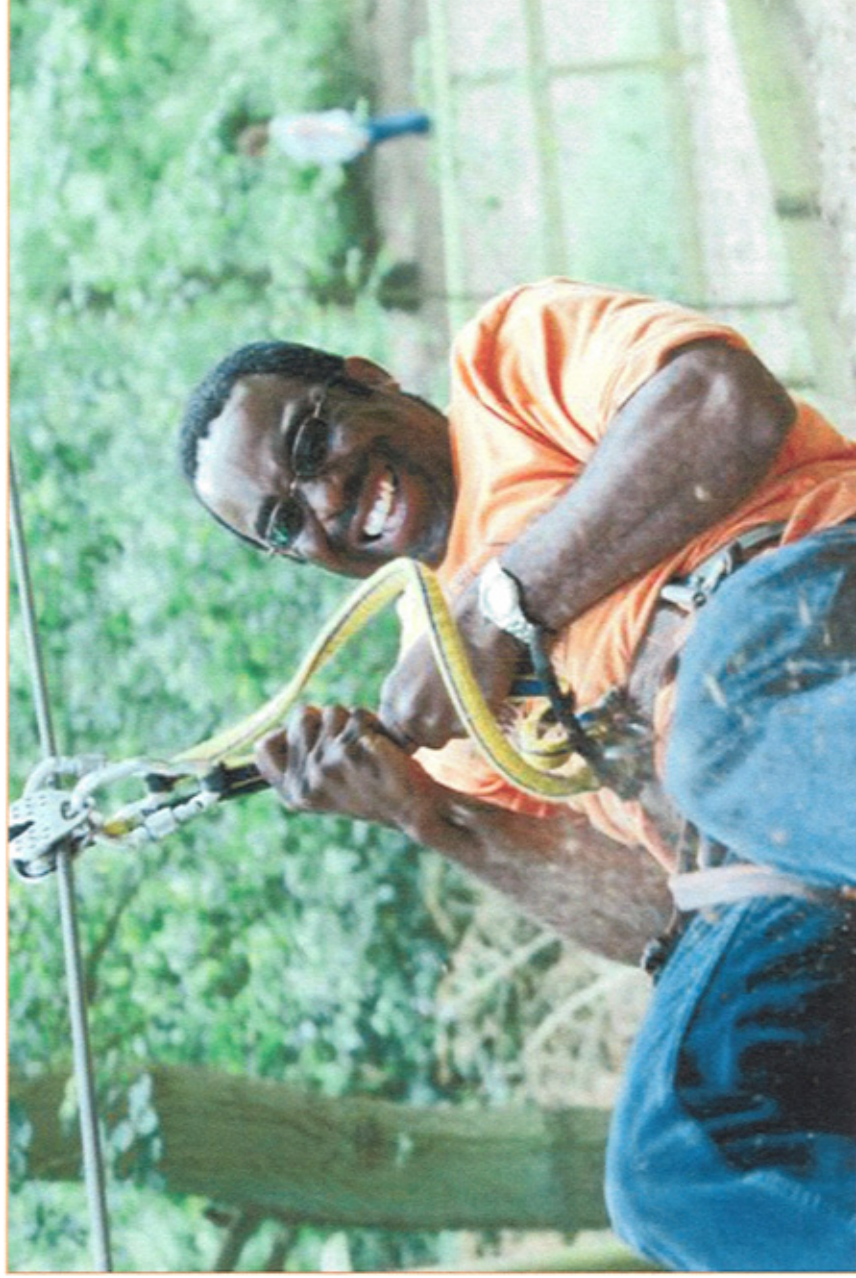
Natural Materials Used to Blend into Landscape



Actual Go Ape UK course photo



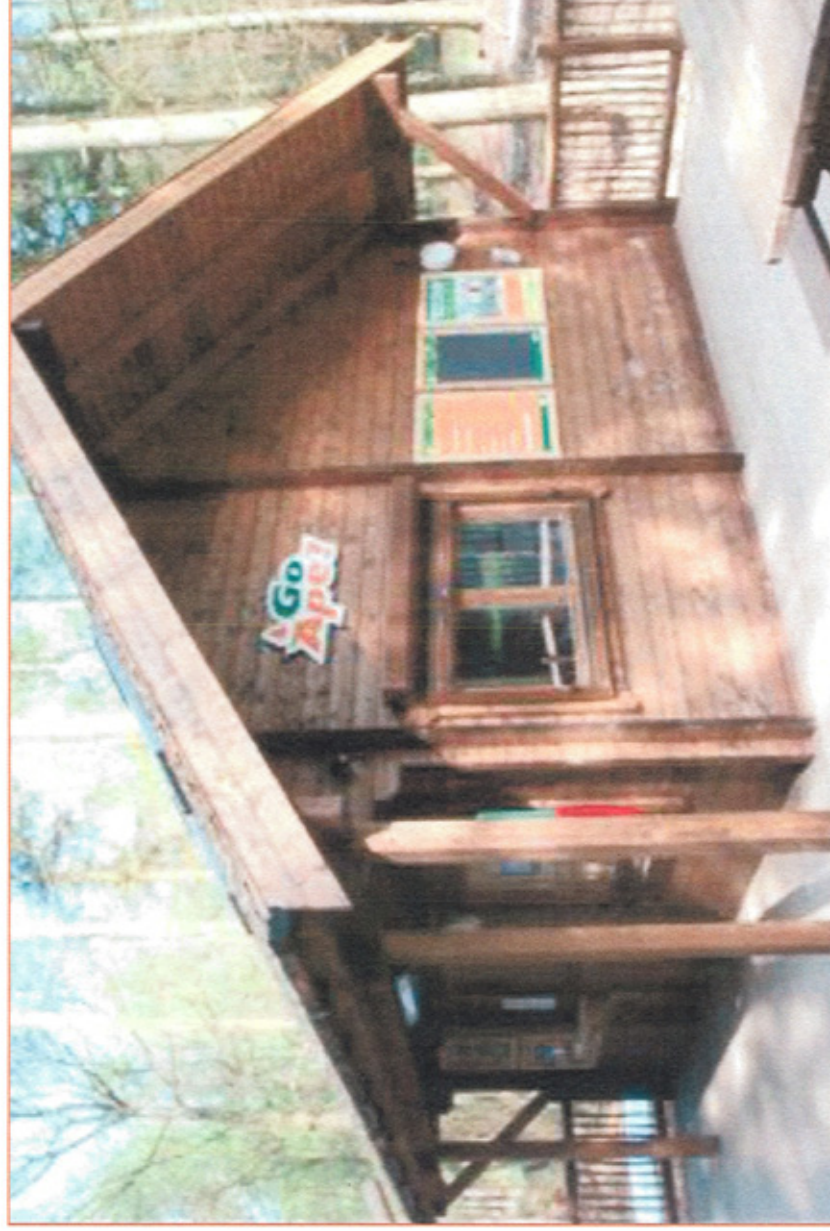
Appeals to Kids of All Ages (min 10);
Oldest We Know of: 90



Actual Go Ape UK course photo



Timber from Sustainable Sources Used for Site Build



Actual Go Ape UK course photo



Wood Chips Used in Landing Zones



Provides a natural impact absorbing surface and is a great habitat for bugs and beetles, benefiting birdlife

Actual Go Ape UK course photo



Benefits to Montgomery County Residents

- Builds self confidence, conquering fear of heights
- Physical, healthy, anti-obesity, outdoor activity (ties in with State and National initiatives such as Maryland's "Leave No Child Left Inside")
- Risk awareness & management and personal responsibility skills
- Provides for and appeals to the hard to engage tweenagers, teenagers and twenty somethings
- Introduction to climbing for many



Further Significant Local Benefits

- Local Employment (team of 12 instructors at the course)
- 450 free tickets per year for allocation to disadvantaged local residents
- Creates awareness of Lake Needwood's other park uses
- Environmental education component
- All weather activity
- Go Ape park space still accessible to all park users



Go Ape Can Deliver a Unique Experience

- **Courses are designed and built by Go Ape**
 - 9 years of course development
 - Unrivalled understanding of course flow
 - Periodic updates of our courses to maintain customer 'wow'
 - In-house construction team to ensure timely completion of course and ongoing maintenance



Go Ape is...

- A safe and fun outdoor adventure for "kids" of all ages, building confidence and physical fitness
- An excellent fit and added activity to Rock Creek Regional Park, Lake Needwood
- The world's leading ropes course brought to Montgomery County by a Derwood enterprise



...Let's Go Ape!



Thank You

Discussion, Questions and Next Steps



New Adopted Policy for Public/Private Partnerships

Effective September 19, 2007

Policy for Public Private Partnerships

Section 1: Introduction

1.1 Purpose

A partnership is a cooperative relationship between people or groups who agree to share responsibility for achieving some specific goals, while also achieving the respective goals of each partner. Public Private Partnerships are contractual arrangements between public agencies and private sector entities that provide the prospect for greater opportunities for the general public and greater benefits to the private sector partner by combining and leveraging the resources and risks of each through cooperation and consolidation of their respective resources.

We have entered an era of growing demand for additional programs, enhanced parks and recreational facilities, and limited resources in competition with the growing demand for other publicly funded projects. Public Private Partnerships, when properly applied, will work to the mutual advantage of the Maryland-National Capital Park and Planning Commission ("Commission"), users of services generally offered by the Commission, the taxpayers, and private companies seeking new business opportunities or a means in which to contribute to its community. However, only by establishing clear priorities and a user-friendly framework within which both the Commission and the private sector partner can reasonably operate, will Public Private Partnerships work and best serve the interests of all parties. The Public Private Partnership provide added value to each partner through its participation in the partnership.

According to the National Council for Public Private Partnerships, five critical components are required for successful public private partnerships:

- Political leadership;
- Public sector involvement;
- A well thought out plan that outlines all the expectations for the public private partnership project;
- Communication with all stakeholders, including affected employees, residents of the impacted community, the portion of the public receiving the service, and relevant interest groups; and
- Selection of the right partner.

This Policy for Public Private Partnerships (this "Policy") addresses all of these critical components by defining the expectations of the Commission and setting forth the parameters under which the Commission's program of public private partnerships will operate in order to assure success of its public private partnerships. This Policy is intended to achieve these results while adhering to the principles of preservation and use of parkland, Commission facilities and resources in the best interests of the public.

Public Private Partnerships should not be considered a 'silver bullet' remedy, but they can offer innovative and competitive solutions when:

- The value of the Partnership is demonstrated;
- Risk is allocated to the partner best able to manage and mitigate it; and
- Processes are open, fair and transparent.

Clearly, there are roles for both the public and private sectors. The challenge, which the Policy is designed to address, is to determine the optimum mixture of public and private resources that will lead to the optimum method of providing public services at acceptable levels of quality, cost, and risk. Furthermore, the Commission recognizes that public private partnerships require significant investment, and the Commission must consider all costs, including opportunity costs and operating budget impacts before committing its resources to a proposed Public Private Partnership. Prior to the Commission's entry into a Public Private Partnership, the essential terms of the Partnership as set forth in this Policy will be presented in open session to the Commission or the relevant Planning Board for approval after public review and comment.

1.2 Public Private Partnerships Defined

A Public Private Partnership (sometimes referred to herein as a "Partnership") is an agreement between the Commission and a private sector entity (sometimes referred to herein as "Partner" or "Private Partner"), through which the skills, assets and resources of the Commission and the Partner are shared in delivering a service or facility for the use of the general public¹. It is a cooperative relationship between the Commission and its Partner, who agree to share responsibility for achieving specific goals. The Commission and the Private Partner share in the risks assumed and rewards gained by the delivery of the service and/or facility. The roles, risks and rewards must be contractually agreed, setting forth incentives for maximum performance while allowing for the flexibility necessary to achieve the desired results.

Not every agreement between the Commission and a private entity is a public private partnership. For example, private donations or private sponsorships of Commission programs do not necessarily create a public private partnership. The proposal by the private entity must be evaluated to determine the true nature of the relationship, and what, if any, risks, resources, and responsibilities are shared. For example, donations may appear to be partnership. But they may be conditional donations instead of partnerships. A concessionaire, where a private party is simply given the right to undertake and profit from a particular activity on Commission property, is not a public private partnership. Leases that do not extend beyond a typical landlord-tenant relationship with the typical rights and obligations of the respective parties are not public private partnerships. And

¹ The Commission's entry into any agreement with a private entity under this Policy is not intended to, and does not create a legal partnership.

agreements with other public entities do not qualify as public private partnerships. That does not mean that any of those arrangements are not, or should not be guided by a clear set of priorities and establish the roles and responsibilities of each party. But such relationships do not fall within the framework of this Policy.

1.3 Types of Partnerships

Public private partnerships are developed in a wide variety of forms. The following are examples of existing or potential types of Partnerships appropriate for the Commission, which may be in the form set forth below, or take another form, so long as the terms of the Partnership and all Partnership Agreements (as defined later in this Policy) are in compliance with this Policy.

1.3.1. *Adopt a Field/Playground/Facility.* Private Partner agrees to maintain or upgrade a specified Commission-owned field, playground or facility, either due to the location of the field, playground or facility or in exchange for the benefit of use at particular times, and the maintenance or upgrade is in accordance with established Commission standards.

1.3.2. *Operations and Maintenance.* Private Partner operates and maintains a specified Commission-owned facility.

1.3.3. *Design-Build-Donate.* Commission provides access to the land to a Private Partner. The design and construction of the facility is fully or partially funded by the Private Partner, who donates the facility to the Commission. The Commission may be responsible for, or have oversight and review for a portion of the design or construction of the facility (including necessary infrastructure), as agreed in a development agreement between the Commission and the Partner, and the Commission operates the facility.

1.3.4. *Lease-Design-Build-Operate.* Commission leases the land to a private partner for the design, construction and, ultimately, operation of the facility. Responsibility of the respective partners for the design and construction of the facility (including necessary infrastructure) is negotiated through a development agreement. The Private Partner maintains and operates the facility under the lease.

1.3.5. *Commission Investment.* Commission provides resources, such as redevelopment or construction funding to a Private Partner to use on the privately owned property in exchange for an in-kind benefit to the Commission. For example, the Commission may prepay rent to the private partner to be used for construction funding of a facility in exchange for a long-term leasehold to the Commission in the facility.

Section 2: Guiding Principles

2.1 Review of Public Private Partnerships

In order for the Commission to efficiently and effectively manage its Public Private Partnership opportunities, all proposals will be vetted through an initial review process. The following questions must be addressed before the Commission considers the substantive benefits of entry into a Public Private Partnership:

- Is the proposal defined clearly enough for evaluation?
- Is the proposal aligned with the mission and values of the Commission?
- Is the proposed relationship a Public Private Partnership, or is the proposal best served through another arrangement with the Commission?
- Does the Commission have the legal authority to enter into the Partnership as proposed?
- Can the Secretary-Treasurer ensure that the tax exempt status of bonds or other financing mechanisms issued for the Commission assets to be impacted by the proposal will not be at risk?²

2.2 Benefits of Public Private Partnerships

If benefits inure to both partners, the Public Private Partnership may be justified.

2.2.1. *Benefits to the Commission.* First and foremost, a Public Private Partnership must have a clearly defined public purpose. An objective of the Commission is to provide standardized public services and facilities while making the most efficient use of public resources in an equitable manner with a strong emphasis on a stable baseline level of service. At the same time, staff and budgetary resources are often limited or fixed, and public regulations sometimes inhibit rapid innovation or technology upgrades. This does not mean that challenges related to delivery of services are unimportant, but rather that the Commission must consider alternative means of delivering services, or delegating them to appropriate non-public sector partners. Public private Partnerships allow the Commission the flexibility to minimize these constraints while achieving its public objectives.

2.2.2. *Benefits to the Private Partner.* Private businesses are generally seeking a return on company resources and/or a means by which to contribute to the community of which it is a part. Private businesses that operate as non-profit entities generally have purposes and goals aligned with the public sector. Private

² There are strict IRS regulations regarding tax exempt bond financing and the impact from private uses on projects with outstanding tax exempt bonds. There are some ways to structure a transaction with private use without triggering a tax-exempt bond problem, but the terms of the transaction must be vetted through the Commission's Secretary-Treasurer. They would involve very limited "private payments" to the Commission and/or an operating contract based on a fixed fee. Private payments include not just rent, but other investment such as private construction of facilities and private party operation/maintenance responsibilities.

businesses meet these objectives by making strategic investment decisions, seeking new business opportunities, and/or supplying needed services to its clients. Public private partnerships offer private businesses the opportunity to improve profitability, expand their markets, and meet their clients' needs.

2.3 Justification for Public Private Partnerships.

However, a Public Private Partnership should be considered if there is no legal, regulatory or legislative prohibition to involving the Private Partner in the provision of the service or the project, and one or more of the following conditions exist:

- a. The Partnership leverages the assets of both the public and the private sector while increasing the quality or level of service over that which the public resources alone would provide, such as relief for overburdened Commission staff in the development, construction or operations of parks facilities, or providing access to private investment and innovative financing to augment public resources;
- b. There is support from the users of the service for the involvement of a Private Partner;
- c. A project can be expedited by grouping multiple responsibilities in a single agreement (such as combined design and construction);
- d. The Commission will receive access to a specialized expertise, not otherwise available;
- e. The Partnership is reflective of new and emerging trends in the parks and recreation field and provides an opportunity for innovation;
- f. The Partnership provides access to proprietary technology not otherwise available;
- g. The Partnership provides the ability to apply special incentives and disincentives to improve project performance; or
- h. A service or project can be implemented sooner than the Commission's resources alone would allow.

2.4 Constraints

2.4.1. *Equity of Service.* The Commission attempts to maintain equity of service throughout Montgomery and Prince George's Counties, respectively. Partnership Agreements should include means to ensure that Partnerships do not create an imbalance of services and projects so that the county residents with greater economic needs are not underserved in relation to those residents who are more able to raise private funds for Partnerships.

2.4.2. *Access Not Limited.* Participation in the activity that is the subject of the Public Private Partnership must be available to all constituents of the Commission. The Private Partner cannot limit access in the form of a "private club," which would require membership in a particular organization in order to participate.

2.4.3. *Legal Authority.* Participation in the activity that is the subject of the Public Private Partnership, and all obligations of the Commission must be within the legal authority of the Commission.

2.4.4. *Lease Limitations.* Pursuant to Section 5-110, Article 28 of the Maryland Annotated Code, all leases exceeding 20 years must be approved by the County Council for the County in which the property is located, no lease of Commission land can be for a term exceeding 40 years, and at the expiration or termination of the lease, all improvements to the property must convey to the Commission at no cost to the Commission, regardless whether the improvements were added by the lessee during the term of the lease.

2.4.5. *Level of Maintenance.* All Partnership Agreements must include a requirement for the Private Partner, if responsible for maintenance of Commission assets, to maintain them at a level no less than the Commission's standards for maintenance. In order to assure such level of maintenance, in addition to specific maintenance obligations in a lease, the Private Partner will be required to maintain capital and operating reserve funds during the term of lease.

2.4.6. *Environmental Stewardship.* The mission of the Commission includes the responsibility to protect and steward natural resources. The Commission operates its parks and facilities consistent with that mission and in compliance with sound environmental practices. Therefore, all operations at or on parks or park facilities will be in a manner consistent with the environmental guidelines and programs of the Commission.

2.4.7. *Tax-Exempt Bonds.* A Public Private Partnership that includes or anticipates the use of Commission assets must be reviewed and approved by the Commission's Secretary-Treasurer to ensure that the tax-exempt status of Commission or publicly issued bonds is not impacted by the private contribution of or through such Partnership.

2.4.8. *Taxes.* Any taxes that are assessed or charged against the Partnership due to the activities of Public Private Partnership will be the responsibility of the Private Partner.

2.5 Compliance with Laws

The Partnership Agreements and the activities of all Partnerships must be within the authority of the Commission under Article 28 of the Maryland Annotated Code, and must be in compliance with Commission regulations, federal, state, and, if applicable, local laws. Partners must comply with Commission regulations such as the Commission's Anti-Discrimination Program, federal, state, and local laws.

Section 3: Communications Strategy and Public Accountability

3.1 Reporting and Monitoring

Once a Public Private Partnership has been established, the Commission must remain actively involved in the Partnership and the activities provided by the Partnership. On-going monitoring of the performance of the Partnership is important means of assuring its success by maintaining open, fair and transparent processes and sustaining the support of relevant interest groups, including the public receiving the service. Therefore, all Partnership Agreements must include provisions for regular reporting to the Commission and the right of the Commission to periodically audit the Partner's books and records.

3.1.1. *Financial Reporting.* In accordance with a reasonable schedule to be established between the Commission's Secretary-Treasurer and the Partner, the Partner will provide the following financial reports to the Commission's Secretary-Treasurer for review and comment. The extent of the financial information will be dependent on the type of partnership and complexity of the transaction. Required reporting may include:

- a. Audited financial statements, including an independent certification of the amount of payments, if any, due to the Commission that are based on performance;
- b. Annual Budget
- c. Quarterly income statements;
- d. Applicable income and/or operating projections, compared to budget, and prior year actual results; and
- e. Any other information reasonably requested by the Secretary-Treasurer.

3.1.2 *Audit.* The Commission, through its Secretary-Treasurer, will have the right to access the Partner's books, records, and financial accounts pertaining to any matters related to or derived from the Partnership and the Partnership Agreements to ensure compliance with the Agreements and this Policy. The Partner will maintain supporting data and accounting records for a period of three (3) years in accordance with generally accepted accounting practices.

3.1.3 *Public Reporting.* More people are affected by a public private partnership than the Commission and the Partner. Portions of the public receiving the service, impacted communities and relevant interest groups will all have opinions about a Public Private Partnership and its value to the public. It is important to communicate openly and candidly with these stakeholders to maximize continuing support for, and minimize potential resistance to establishing and maintaining a Partnership. Therefore, the Partner must make an annual presentation to the Commission, in open session before the appropriate Planning Board to report significant activities conducted in support of the Partnership during the previous year, provide details about its business plan for the forthcoming year, and any other information reasonably requested by the

Commission, including but not limited to volunteer activity and patronage use. Additionally, if requested by the Commission, the Partner will participate in the meetings of relevant advisory boards to advise the Commission on matters of interest to the Commission that impact the continued successful operations of the Partnership, including its impact on neighboring communities.

Section 4: Processes and Procedures

4.1 Incorporation into Commission Regulations

Public Private Partnerships are generally exempt from the Commission's procurement regulations under its Purchasing Manual [see Section 1-500(o)]. However, because public assets are involved, Public Private Partnerships are subject to certain competition procedures as outlined in Section 9 of the Purchasing Manual. If a prospective Private Partner is uniquely qualified, or if an unsolicited proposal is received, unless upon the recommendation of the Director of Parks/Parks and Recreation and after consultation with the appropriate Planning Board, the Executive Director determines that it is in the best interest of the Commission to competitively compete the partnership opportunity, an RFP for the partnership opportunity does not need to be issued. However, the Private Partner must engage in competitive processes in the provision of services to be provided by the Partnership, and MFD and Non-Discrimination requirements must be included in all Partnership Agreements. In order to assure the proper and uniform implementation of this Policy, upon adoption by the Commission, this Policy will be managed through amendments to Section 9 of the Commission Purchasing Manual.

4.2 Public Review and Comment

Subject to Section 4.5.3, prior to the Commission's entry into a Public Private Partnership, the essential terms of the Partnership will be presented in open session to the Commission or the relevant Planning Board for approval after public review and comment. The Planning Board may require that the Partnership Agreements be presented in open session, as well.³

4.3 Managing the Public Private Partnerships

4.3.1 *Staffing the Public Private Partnership Program.* Effective management of Public Private Partnerships requires special expertise at many levels. This includes evaluation of the proposed Partnership, project development and implementation, and ongoing contract management. It is essential to involve personnel that clearly understand the Commission's objectives and regulations, and private business and contracting conventions. Most Public Private Partnerships require assessment of the financial capabilities of the Private Partner, as well as impacts to public financing and budgets. At a minimum, staff from the following departments/divisions should be involved with Public Private Partnerships:

³ The Montgomery County Planning Board will review all of its Partnership Agreements.

- a. Prince George's County Department of Parks and Recreation or Montgomery County Department of Parks, as appropriate
 - i. Park Planning
 - ii. Park Development
 - iii. Park/Property/Facility Management
- b. Finance/Office of the Secretary-Treasurer
- c. Office of General Counsel
- d. Procurement
- e. Risk Management

To create responsive, efficient and effective management of Public Private Partnerships, any of the following organizational options could be undertaken and should reflect the present organizational structure and decision-making process within each County:

- a. Create a special or select committee to deal with Public Private Partnerships;
- b. Expand the role of an existing committee to include responsibility for Public Private Partnerships; or
- c. Delegate responsibility for Public Private Partnerships to a department with support from other departments and/or divisions.

4.3.2 Responsibilities of the Public Private Partnership Staff. The Commission must know what to expect of a Public Private Partnership before the Partnership is established. A carefully evaluated and developed plan for the Partnership and ongoing monitoring of the performance of the Partnership will substantially increase the Partnership's probability of success. Within the parameters of this Policy, and in order to make appropriate and timely recommendations to the Commission or the relevant Planning Boards, the Public Private Partnership staff will:

- a. Act as the single point of entry for the private sector to approach the Commission with Public Private Partnership initiatives;
- b. Identify existing and future Public Private Partnership opportunities, and develop Requests for Expressions of Interest (REOIs) and/or Requests for Proposals (RFPs) to provide competitive Partnership opportunities that allows the Commission to compare and select the proposals that best serve the public interests;
- c. Evaluate proposals for Public Private Partnerships, whether such proposals are solicited or unsolicited, based on the criteria established in this Policy;
- d. Monitor existing Partnerships to ensure compliance with Partnership Agreements and this Policy, and evaluate revisions, expansions or changes to such Partnerships, whether requested by the Private Partner or by the Commission;
- e. Develop implementation strategies for specific Public Private Partnerships, including recommendations for designation of a project

manager and project team who will be responsible on behalf of the Commission to work directly with the Private Partner to assure successful project implementation and success of the Partnership on an ongoing basis; and

- f. Keep the Commission and/or the Planning Board regularly informed about the Public Private Partnership program and initiatives.

4.4 Evaluations and Recommendations

4.4.1 *Initial Submission.* In order for the Commission to appropriately evaluate proposals for Public Private Partnerships, whether solicited or unsolicited, the initial Partnership proposal must include, at a minimum:

- a. A clear and complete description of the purpose and outline of the expectations of the respective partners, sufficient to vet the proposal through an initial review process as set forth in Section 2.1 of this Policy;
- b. Justification why a Public Private Partnership is the appropriate mechanism for delivery of the project or activities of the proposed Partnership consistent Section 2.3 of this Policy;
- c. A description of the proposed Partner, including relevant experience and references, and the proposed form of the Partnership;
- d. A business plan, including a market analysis of the proposed activities and a financial plan for the Partnership;
- e. A facility plan, if relevant; and
- f. Any other information required by the Commission for staff to complete its evaluation of the initial submission.

4.4.2 *Review of the Proposal.* The following comprises the minimum criteria and/or conditions of a proposal that staff should consider in its evaluation of a specific Partnership proposal when making its recommendation to the Planning Board:

- a. Whether the proposal meets the guiding principles outlined in this Policy and is otherwise consistent with this Policy;
- b. Whether the activities and terms of the proposal are acceptable for coverage of the Commission's risk by the Montgomery County Self Insurance Fund;
- c. Whether a proposed project is consistent with existing Commission policy plans, or has been identified by the Commission and/or Planning Board for a potential Partnership;
- d. Whether the proposed project and the Partnership is commercially reasonable;
- e. Whether the Private Partner has the financial capability, a sound financial plan and an appropriate level of experience to deliver the project and/or conduct the activities required of it in the Partnership;
- f. Anticipated short and long-term costs to Commission in resources, including workload and CIP or operating budget impacts;

- g. Whether the proposed project has a clearly identified and dedicated funding source to support the obligations of the Private Partner;
- h. Whether the level of entitlements and rights of the Private Partner are supported by economic value consistent with such Partner's contribution to the Partnership in resources and risks;
- i. Whether the output of the service can be measured and valued in a manner that allows the Commission to easily determine compliance with the purpose of the Partnership;
- j. The level of support for the Partnership from the proposed users of the service or project proposed;
- k. Whether the Partnership provides opportunities for access for underserved communities;
- l. Park Police must be involved in review of the proposed partnership activities and the Partnership Agreements so that, if appropriate, Crime Prevention through Environmental Design Concepts (CPTED) are utilized; and
- m. Whether the Commission has the availability to effectively oversee the Partnership, including design and construction of the project, and on-going activities of the Partnership.

4.5 Implementation

4.5.1. *Public Private Partnership Agreements.* Public Private Partnerships are contractual arrangements. Allocating and assigning the proper roles, risks and rewards to the respective partners provides incentives for maximum performance, flexibility necessary to achieve the desired results, and is vital to the success of the Partnership. Therefore, every Partnership requires appropriate written documentation that sets forth the terms of the Partnership and the respective rights and obligations of the Commission and the Private Partner ("Partnership Agreements"). The Partnership Agreements can be in the form of one or more written agreements such as memoranda of understanding, leases, development agreements, joint use agreements and funding agreements. The Partnership Agreements, in addition to standard contractual provisions required in agreements between the Commission and third parties, will include, at a minimum the following detail of expectations and deliverables:

- a. The purpose of the Partnership;
- b. A description of the services to be provided or the activities to be conducted by the Partnership;
- c. Designation of the roles and responsibilities/risks and rewards of each partner, which should be based on a fair deal structure;
- d. A level of quality for the project consistent with standards established by the Commission for projects of a similar nature;
- e. The Partner must assign experienced and, if applicable, licensed professionals, dedicated to the project, to support the private sector responsibilities;

- f. Project milestones to assure the timely delivery of a Partnership project;
- g. Benchmarks that can be measured and valued to demonstrate the success of the Partnership, and that the purpose of the Partnership is being met;
- h. Appropriate obligations for sound financial management of the project or service offered by the Partnership;
- i. Obligations of the private Partner to provide regular reporting consistent with this Policy in order to assure that the activities and processes of the Partnership are open, fair and transparent to the community;
- j. Risk allocation to the partner best able to manage and mitigate such risks, with appropriate supporting indemnifications;
- k. The Private Partner must provide insurance with the types and amounts of coverage required by the Commission's Risk Management Office naming the Commission as an additional insured or loss payee, as appropriate;
- l. Provision of services or development of facilities in the park system must address the public's interests with regard to access, affordability, customer service, hours of operation, variety of programming, and diversity of staff;
- m. The Park Police must maintain jurisdiction in the parks;
- n. A clearly defined method of dispute resolution;
- o. The Private Partner will have no right to assign or otherwise transfer its obligations in the Partnership without the Commission's consent; and
- p. Provisions addressing the requirements that are otherwise set forth in this Policy.

4.5.2. *Construction on Park Property.* A hearing and review by the Planning Board of the proposed plans for the project may be required, which will follow the standards of review applicable to private development in the applicable County. Prior to commencement of construction on Commission-owned property, the Private Partner must apply to the appropriate department for a Permit to Construct on Park Property ("Park Permit"). Along with the application, the Private Partner must submit construction plans, a project schedule, and a project budget for review and approval. Construction of any improvements will be completed in a good and workmanlike manner, and in accordance with all applicable laws, regulations, approval and permitting processes, including any applicable CIP process for the County in which the property is located. Facilities must be constructed in accordance with the design, safety, maintenance standards, and construction specifications established or approved by the Commission. The Commission's issuance of a Park Permit will be conditioned upon the following:

- a. All necessary Partnership Agreements have been reviewed and endorsed by the Office of General Counsel, the Secretary-Treasurer, and Risk Management;
- b. All necessary Partnership Agreements have been fully executed by all authorized parties;
- c. The Commission has approved the construction plans and project schedule;

- d. The Commission has approved the project budget, and the Secretary-Treasurer has confirmed the Private Partner's certification that all funds as set forth in the approved budget are available for use in the project;
- e. The Commission has received all required insurance certificates and completion bonds;
- f. The Private Partner has provided the Commission with copies of all required governmental permits and approvals⁴;
- g. Any other requirements required by the Partnership Agreements have been met, such as public hearings and approvals of the appropriate Planning Board, or CIP funding approval by the County Council;
- h. The Private Partner must provide the Commission with as-built plans and assignment of any warranties upon completion of the construction of the improvements; and
- i. The Private Partner must, in a timely manner, meet all conditions required by relevant governmental agencies to close all permits issued for the project.

4.5.3. *Administrative Management.* Partnerships will be managed administratively if they do not meet a minimum threshold dollar value to the Commission of \$100,000 or more, or the active relationship will not extend beyond a six month time period.

⁴ The Private Partner will be the named applicant on such governmental permits. However, under extraordinary circumstances, including but not limited to financial hardship, the Private Partner may apply to the Commission for a waiver and request that the Commission be the named applicant. Regardless, the Partner must post any bonds that would be required for the issuance of such permits, without regard to the Commission being exempt from any such bonding requirements.

M-NCPPC

11-9-09

7:00 PM MTG. GO APE!

SIGN-IN

SHEET

NAME

~~PHONE~~

E-MAIL

- | | | |
|------------------------|----------------|---------------------------|
| 1. Tricia Boyle | 443-535-8545 | tricia@aol.com |
| 2. Bruce Apostino | 301 865 1652 | blapostino@comcast |
| 3. Geoff Tobias | 301-237-5955 | geoff.tobias@gmail.com |
| 4. LINDSAY STOVALL | 240-687-8489 | Lindsay.Stovall@gmail.com |
| 5. Cheyue Griswold | 301-524-1455 | cheyue@friedepa.com |
| 6. Bruce McLeod | 703/288-0962 | bmcLeod@cwconsult.com |
| 7. Rich Parsons | 301/315-9298 | rparsons@comcast.net |
| 8. Don + Maria Wortman | (301) 424 4719 | mariabkw@comcast.net |
| 9. Bryan Shipley | (301) 254-1967 | bpshipley@gmail.com |
| 10. K. Carroll | 301-704-4582 | katieonkenyon@gmail.com |
| 11. L. ANDERSEN | 443-878-8152 | andersenlm@gmail.com |
| 12. Mike Grady | 434-825-9424 | mpatrickgrady@h-trail.com |
| 13. NEKE ELLINGTON | 703-772-7727 | ane4m@virginia.edu |
| 14. Jim DALTON | 301 258 6460 | |
| 15. Ethan Sonawala | 202-469-7522 | ethan@cheesha.com |

ATTACHMENT #4

PRO

Marbourg, Kristine

From: Brooks, Terry
Sent: 2009-11-18 11:39 AM
To: Marbourg, Kristine
Subject: FW: Go Ape

From: Matt Solomon [mailto:msolomon13@gmail.com]
Sent: Wednesday, November 18, 2009 8:52 AM
To: Brooks, Terry
Subject: Go Ape

Hi Terry,

I just read about that Go Ape program the parks department is thinking about doing:
http://www.gazette.net/stories/11182009/rocknew212558_32535.shtml

I have to say as a active person in Needwood Park, I think this would be an awesome thing to bring to the park. Sounds like a challenging/fun experience and would just add more luster to Needwood Park.

I figure you typically get more emails with complaints to I thought I would write this time around when I saw something positive.

Matt Solomon

Marbourg, Kristine

From: Brooks, Terry
Sent: 2009-11-18 1:05 PM
To: Marbourg, Kristine
Subject: FW: Go Ape proposal

-----Original Message-----

From: Sonnichsen, Ethan [mailto:ESonnich@naic.org]
Sent: Wednesday, November 18, 2009 12:59 PM
To: Brooks, Terry
Subject: Re: Go Ape proposal

Mr. Brooks:

I read with the interest the Gazette article on the proposal to bring Go Ape to Montgomery County. As a resident, I think this is a great way to get more people out of their homes and into our park system. I also think it's good for local businesses near the parks, it's good for residents' appreciation of our remaining green spaces in the county, and it's obviously going to be a lot of fun for people who participate. I'm hopeful the Planning Board moves forward in support.

Regards,
Ethan Sonnichsen
2802 Jennings Road
Kensington, MD 20895

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MCP-Proposal Comments,

From: dryner8774@aol.com
Sent: 2009-11-20 9:44 AM
To: MCP-Proposal Comments,
Subject: Going APE all the way

Dear Mr. Brooks,

I received a card in the mail asking me to go to the MP site and I read over the Go APE proposal and I'm all for it. They seem like a good group and a safe group. Safety first is a good motto - they seem to live by it. Since I live by the park and we walk/run/bike it twice weekly at least I find something like this is important and useful in too many ways to mention. I know my kids would attend the park more often and with their friends.

Please proceed I say.

Dave Ryner
New Bedford Drive
Derwood/Rockville

MCP-Proposal Comments,

From: Ruthe & Bob Kaplan [thekaplans1@gmail.com]
Sent: 2009-11-20 10:33 AM
To: MCP-Proposal Comments,
Subject: Go APE

This looks like fun. We love to take our grandchildren there.

Ruthe and Bob Kaplan

MCP-Proposal Comments,

From: Maria Wortman [mariabkw@comcast.net]
Sent: 2009-11-21 4:42 PM
To: MCP-Proposal Comments,
Subject: Go Ape proposal

We think this looks like a great activity, and we're all for it. We live near the proposed area and are familiar with it. That particular part of the park is not very utilized, and there is plenty of parking nearby. We have 14 grandchildren, and even if we do not use it we are sure they will love having such an exciting and fun activity nearby.

Maria and Donald Wortman
15609 Amelung Lane
Rockville, MD 20855

MCP-Proposal Comments,

From: Bob Goley [n-4ih@comcast.net]
Sent: 2009-11-21 7:57 PM
To: MCP-Proposal Comments,
Subject: For T. H. Brooks, re: Go APE

Mr. Brooks,

I've received the postcard concerning the Go APE project and have reviewed the information in the .pdf file describing the facility. I think the project will be beneficial if built and operated as described. I'd only suggest that there be sufficient legal wording in the agreement to protect the county and the park system from liability.

Bob Goley
Rockville, Maryland
n-4ih@comcast.net

The content of this email has been scanned by the latest McAfee VirusScan version.

MCP-Proposal Comments,

From: Matthew Giordano [matthew@nopostageneeded.com]
Sent: 2009-11-22 10:18 AM
To: MCP-Proposal Comments,
Subject: Go Ape Support

Terry Brooks -

I understand the Go Ape proposal will be presented to the planning board for approval on December 10th. I would like to formally voice my support for this proposal.

As a nature lover, family man and firm believer in community... I believe this is exactly what Rockville needs. I can't wait to see my kid's faces when they're high up in the trees!

I'm excited for it!!

Thanks.

Matthew Giordano
(Maryland resident for 10 years)

MCP-Proposal Comments,

From: Daniel Elbaz [daniel.elbaz@gmail.com]
Sent: 2009-11-23 1:04 PM
To: MCP-Proposal Comments,
Subject: Go Ape

Dear Planning Board,

I am writing to communicate the excitement I have for Go Ape's Lake Needwood course. As a Montgomery County resident and a huge advocate for more outdoor activities, I welcome an organization who will bring creativity to local parks. Additionally, having Go Ape will help the Parks draw more locals who have yet to discover the beauty of our local parks. I can only imagine how beautiful the park will look from 40' up in the trees...AMAZING!

My family and I are excited to Go Ape! I will bring family and friends and spread the word to coworkers and neighbors.

Montgomery County just hit a home run in my eyes and I can't wait to visit Go Ape in the spring.

Nice work.

Dan Elbaz
7641 Miller Fall Rd
Derwood, MD 20855

MCP-Proposal Comments,

From: Marshall, Jessica N. [Jessica_N_Marshall@mcpsmd.org]
Sent: 2009-11-23 3:53 PM
To: MCP-Proposal Comments,
Subject: go ape project

I am in favor of this project! I think it will greatly increase the number of visitors to Needwood and once there, they will stay for the beauty of the area. I would particularly like to try the zip line! I can see myself doing this many times and taking friends and family along as well. I am fully in support of this project.

J. Marshall ; Gaithersburg

MCP-Proposal Comments,

From: Hambrecht, Robert [Robert.Hambrecht@WatkinsMeegan.com]
Sent: 2009-11-23 4:30 PM
To: MCP-Proposal Comments,
Subject: GO APE Adventure Course

Mr. Brooks,

I saw recently an article in the Montgomery County Gazette (Olney edition) regarding the proposed course to be put in place in Needwood Park. As a resident of Olney (3020 Gatehouse Ct.), I think Go Ape sounds like fun, something new for the area and I'm looking forward to trying it. This will definitely encourage people to get outside during those summer months and the fact that that no trees will be cut down is a plus. This will give me a reason to visit the park again as its been some time since I've walked the trails within the park. With that being said, I definitely support this Montgomery County based business.

Thank you for listening.

Bob Hambrecht, CPA
Manager, Not-For-Profit Group
Watkins Meegan LLC
Direct: 301.664.8130 | Fax: 301.656.9115
Robert.Hambrecht@WatkinsMeegan.com
www.WatkinsMeegan.com

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MCP-Proposal Comments,

From: Stayeas, Annemarie V [Annemarie_V_Stayeas@mcpsmd.org]
Sent: 2009-11-24 9:22 AM
To: MCP-Proposal Comments,
Subject: GO-Ape!

I heard about this program and thought that it sounded like a wonderful addition to the Lake Needwood/Rock Creek Park. It sounds like fun and will bring new energy to the parks. I used to visit Lake Needwood regularly to rent paddle boats but over the years have found no reason to attend, this would give me a new reason to join the parks. I have participated in a course like this in West Virginia a few years back and it provided a great team building environment. I look forward to being able to use this park for recreational purposes and possible team building. It also appears that this would be built in a way that would not harm the trees and with all the new I-CC construction it would be nice to see something go in that was not harmful to the environment.

Anna Stayeas
School Counselor
Candlewood Elementary

MCP-Proposal Comments,

From: Higgins, Christopher B. [Christopher_B_Higgins@mcpsmd.org]
Sent: 2009-11-24 9:57 AM
To: MCP-Proposal Comments,
Subject: In support of Go Ape!

Ms. Brooks,

I just heard about Go Ape, and it sounds like fun! I look forward to trying it! As a teacher in Montgomery County Public Schools, I also will encourage my students to try it as well. The proposal is good for other area businesses near Lake Needwood, and I'd like to support this Montgomery County based business.

Sincerely,
Chris Higgins

5015 Battery Lane, Apt. 406
Bethesda, MD 20814

Chris Higgins
Grade 3 Teacher
Wyngate Elementary School

MCP-Proposal Comments,

From: Jordan Klinger [jordan.klinger@gmail.com]
Sent: 2009-11-24 10:02 AM
To: MCP-Proposal Comments,
Subject: Support of Go Ape! Proposal

Mr. Brooks,

I am writing to you in support of the Go Ape! proposal. I grew up off of Needwood Road across from the golf course and believe that this type of activity would do great things for the area. I look forward to bringing my children to enjoy Go Ape and Lake Needwood when it opens.

I think the idea of encouraging people to get outside and enjoy the beautiful Lake Needwood and Rock Creek Regional Park is a great idea. A business that is able to create jobs, encourage visitation and keep the landscape intact is something that should be encouraged and approved.

Please approve the Go Ape proposal!!

Please feel free to contact me if I can be of any help in helping Go Ape to move forward.

Regards,
Jordan Klinger

MCP-Proposal Comments,

From: Amy Klinger [amyklinger@gmail.com]
Sent: 2009-11-24 10:20 AM
To: MCP-Proposal Comments,
Subject: In Favor of Go Ape Proposal

Mr. Brooks,

I am writing to you in support of the Go Ape! proposal. I look forward to bringing my family and friends to enjoy Go Ape and Lake Needwood when it opens. I think the idea of encouraging people to get outside and enjoy the beautiful Lake Needwood and Rock Creek Regional Park is a great idea. A business that is able to create jobs, encourage visitation and keep the landscape intact is something that should be encouraged and approved.

Please approve the Go Ape proposal!!

Regards,
Amy Klinger

MCP-Proposal Comments,

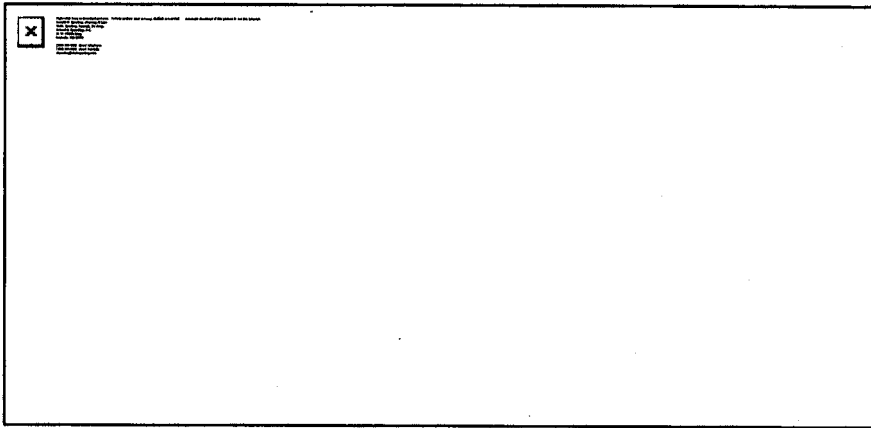
From: Donald N. Sperling [DSperling@SteinSperling.com]
Sent: 2009-11-24 10:47 AM
To: MCP-Proposal Comments,
Subject: I support Go Ape

Dear Mr. Brooks,

I think that the Go Ape project at Lake Needwood would be a great, outdoor activity center for our Community. I would look forward to visiting the park and bringing my friends and family. It would create another wonderful reason to get away from computers and enjoy and experience the outdoors, and what better way than in the Park. And it would also represent a great way to get exercise.

Thank you.

Don



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Marbourg, Kristine

From: Brooks, Terry
Sent: 2009-11-24 11:11 AM
To: Marbourg, Kristine
Subject: FW: Go Ape

-----Original Message-----

From: Grogan, Brian [mailto:Brian.Grogan@hq.doe.gov]
Sent: Tuesday, November 24, 2009 11:11 AM
To: Brooks, Terry
Subject: Go Ape

Mr. Brooks,

My wife recently found an article (in the Gazette) about a project to bring an "adventure park" to the local area. As a long time rock climber, mountaineer and retired Navy SEAL (May 2007) - and more importantly a father of a very energetic four year old son I would like to volunteer my services to help the "Go Ape" project come to fruition.

I live in Rockvillen now, but moved from San Diego, California just over a year ago. We love the area and plan to make it our home for sometime.

My son and I hike, ski, and climb (just small bouldering right now :)) as well as play on our own zip line and cargo net I assembled in the backyard. So needless to say we are avid outdoors people and I am sure my son would be delighted to be part of a project like this, more importantly - play on it!!

Anyway, Thank you for your effort and time on this project I am sure it will be appreciated by many.

Please don't hesitate to call or write.

I look forward to your response,

Sincerely.

Brian Grogan
grogbp@yahoo.com
619 318 3031

MCP-Proposal Comments,

From: Higgins, Peggy [Peggy_Higgins@mcpsmd.org]
Sent: 2009-11-24 11:12 AM
To: MCP-Proposal Comments,
Subject: Go Ape

Dear Mr. Brooks,

We would like to ask that you strongly consider approving the Go Ape forest adventure course at Rock Creek Regional Park, Lake Needwood. We live very close to this park and think it is a great idea for the county to partner with Go Ape. We like the idea of supporting a Montgomery County business, too. It will also encourage people to be outside enjoying a beautiful park while getting exercise. Thank you in advance for your support.

Peggy and John Higgins
16528 Jilrick Street
Rockville, Maryland 20853

MCP-Proposal Comments,

From: Shanahan, Anne M [Anne_M_Shanahan@mcpsmd.org]
Sent: 2009-11-24 1:14 PM
To: MCP-Proposal Comments,
Subject: Support Go Ape

I live in the Needwood Park vicinity and am writing to express my support for this undertaking. I hope it is successful.

MCP-Proposal Comments,

From: Bryan Duce [bduce15@gmail.com]
Sent: 2009-11-24 8:27 PM
To: MCP-Proposal Comments,
Subject: Go Ape - Lake Needwood

Dear Mr. Brooks,

I am writing to voice my support for the Go Ape project at Lake Needwood. As a county resident who grew up less than 5 miles from Lake Needwood, I think Go Ape is a great idea. I think this is a good idea for the county to encourage people of all ages to get outside and experience the beautiful park from a different perspective.

I hope this email finds you well and that on December 10th at the Planning Board Meeting an approval vote is cast for Go Ape.

Regards,

Bryan Duce

Montgomery County Resident
6712 Glen Oak Court
Derwood, MD 20855

MCP-Proposal Comments,

From: Sairyn Langis [sernbean@yahoo.com]
Sent: 2009-11-25 9:53 AM
To: MCP-Proposal Comments,
Subject: Attention: Terry Brooks; Support for GoApe!

Hello Terry,

My name is Sairyn Leber and I grew up in Derwood, MD. I now live not far in Olney. I love to visit Needwood Parks and the surrounding areas. I support GoApe and think it would bring so much to the County and Park. I would definitely visit the Park much more to participate in the outdoor activities of GoApe. This is exactly what the Park desperately needs and could attract all age groups. I look forward to when it's available. I think it would draw from all over the region (MD, DC, and VA) and would be a great success. Needwood needs a revitalization just as this. Over the years, the Park's attractions have diminished. This would encourage people to get out and take part in more outdoor activities. It would also bring more opportunities for the park and allow it to flourish. I really hope you take this into serious consideration and look forward to hearing about the possibility of GoApe coming to Derwood. Thank you for your time and have a nice Holiday season.

-Sairyn Leber

MCP-Proposal Comments,

From: Geoffrey Tobias [geoff.tobias@gmail.com]
Sent: 2009-11-30 10:27 AM
To: MCP-Proposal Comments,
Subject: GoApe at Lake Needwood

Mr. Brooks,

I'm writing to you to voice my support of the proposal to build a Go Ape site at Lake Needwood. I believe this is a great opportunity for area residents such as me to enjoy the park from an entirely new perspective while maintaining the natural habitat. I'm very excited to see the parks system take an interest in adding a ropes course at Lake Needwood, and hope that this is the first of many courses in the Montgomery County Parks system.

Please feel free to contact me by phone if you have any questions.

Regards,

Geoffrey Scott Tobias
12209 Eagles Nest Ct. Apt. F
Germantown, MD 20874
301-237-5955

MCP-Proposal Comments,

From: Alicia Ellington [ane4m@virginia.edu]
Sent: 2009-11-30 1:52 PM
To: MCP-Proposal Comments,; Michael Grady
Subject: Support for Go Ape

Dear Mr. Brooks,

I just wanted to send you a short message in support of the Go Ape proposal at Lake Needwood. My husband and I think that this is exactly the sort of business that our county government should be encouraging and supporting -- Go Ape will encourage people to get outside and enjoy our community's parks, while providing local jobs and revenue for the county. This really is a win-win endeavor, and we hope the county will act quickly to clear the way for this worthwhile proposal.

Thank you for your attention and service to our community,

Nikki Ellington & Mike Grady
8910 Sudbury Road
Silver Spring, MD 20901

MCP-Proposal Comments,

From: Cheryl Sailer [cleesailer123@yahoo.com]
Sent: 2009-11-30 8:17 PM
To: MCP-Proposal Comments,
Subject: "Go Ape" at Lake Needwood

To whom it may concern;

I strongly support this proposed venture at Lake Needwood. We do not have access to anything like "Go Ape" in Montgomery County. As a high school varsity sports coach, I think this course would be a great team building activity that many MCPS teams and groups could take advantage of.

I am looking forward to this operation being approved and open!

Sincerely,

Cheryl Sailer
7641 Miller Fall Road
Rockville, MD 20855

CON

MCP-Proposal Comments,

From: Ralph Architzel [ralpharchitzel@yahoo.com]
Sent: 2009-11-23 7:13 AM
To: Nick Radonic
Cc: Laszlo Harsanyi; Dave Peterson; board@hollybrooke.org; Brooks, Terry; MCP-Proposal Comments.; Dave & Becky Minier; Bob and Carol Day
Subject: Re: Go Ape in Rockcreek Park/Lake Needwood area

Nic - Thanks for looking into this. Now that I know where it is planned - and it doesn't affect my nearby walking areas - I am much less concerned personally. The thoughts of using public lands for a private enterprise still bothers me somewhat. I would be less concerned if the county decided that's what they want for the citizenry and moved forward. Mayvbe below indicates that has been the consideration of the county planners in this instance

However, I would generally be loath to the encouragement of such enterprises. What's next - a corn maze as you suggest in PA? Other similar facilities? I prefer leaving the parkland undeveloped and accessible Ralph Architzel

----- Original Message -----

From: Nick Radonic <hoa_nick_radonic@comcast.net>
To: Ralpharchitzel <ralpharchitzel@yahoo.com>
Cc: Laszlo Harsanyi <laszloh@comcast.net>; Dave Peterson <kmpdhp@hotmail.com>; board@hollybrooke.org; terry.brooks@montgomeryparks.org; MCP-proposalcomments@mncppc-mc.org; Dave & Becky Minier <d_minier@comcast.net>; Bob and Carol Day <bobcarolday@yahoo.com>
Sent: Mon, November 23, 2009 1:51:14 AM
Subject: Re: Go Ape in Rockcreek Park/Lake Needwood area

Ralph Architzel

I read your note, and looked up the proposal online. For discussion sake and for the HOA Board member's reference here's the MC Parks link to the proposal:
<http://tinyurl.com/ygylqvc>

I was intrigued by the idea. In some ways it is the next step in outdoorsmanship [?]. This technique roughly parallels those used in Amazon jungles and California Redwood forests to examine treetop habitats. I suppose it is the next step after climbing walls. Not to mention the Orangutan climbing wires at the National Zoo downtown.

As for the proposed park location, it is right next to the archery range (see the location on the proposal diagram) on the far side of the park road from the picnic areas. 10 Acres ~ 400 000 sq ft. ~ 650 ft x 650 ft. From the Google Map scale this is the same size as the archery range in size. Your walking time past or through it would be about 2 minutes in a straight line. If there were no significant tree removal and dedicated upkeep and tree evaluation, it seems to not be an environmental disruption. You make the plea for a smaller footprint in any case, but safety would require excluding people beneath the suspended areas as they do for amusement park rides, in case of falling objects.

For reference here is a map view courtesy Google: <http://tinyurl.com/yjfdy3o>

The Lake Needwood area is already a park, and gets a lot of visitors during the summer. As the county increases population, it's usage will go up. So to have a reasonable attraction at the park seems to be a benefit, especially for us that live within walking range. I was down

there today having walked with my wife from our neighborhood, along the pipeline right of way, down to the boat house, past the proposed installation, up to the canoe berths, and back.

My take on this is prima facia I'm not bothered by the development proposal or even the idea of fences at the base of the establishment. There are fences in that area already - my son was in an outdoor camp further up the road last summer, and there was a fence at the edge of the forest. The hit on walking will be minor. Certainly no one would want to walk behind the archery range in any case.

Yes, there is private forested land in MC but it is also nice to think of putting this near or in an existing county facility. The economics of this type of adventure playground are unknown at this time. Can they generate enough interest to cover operating costs? Can they generate enough long term interest to sustain themselves over time? From the economic perspective I would not mind if they used the forest at a low or non-existent cost until the operating conditions are sorted out. If they make money I would expect private installations to blossom all over. Think of how many corn mazes have popped up around us, up from the single original in Pennsylvania about 10 years ago. Plus I would expect the County to ask for some rent in the future if they haven't asked for any at this time, to cover at least incidental upkeep on facilities. Certainly this could be revisited each time the lease comes up for renegotiation.

The MC website lists the next meeting date as:

Public Hearing on Adventure Sports Rope Climbing Facility at Rock Creek Regional Park
Thursday, December 10, 2009
MRO Auditorium
8787 Georgia Avenue
Silver Spring, MD 20910

A time is not given. But I encourage you to go if you are interested. Some good points come up during the presentations and questioning that follows.

This is not an official position of the HOA Board as this is the first I have heard about this proposal, but as you sent it to me in the context of my being the HOA Board President this year, I have responded to your points as best I can.

Sincerely

Nick Radonic
President Derwood Station South HOA

On Nov 22, 2009, at 11:10 PM, Ralpharchitzel wrote:

>
>
> From: Ralpharchitzel [mailto:ralpharchitzel@yahoo.com]

> Sent: Sunday, November 22, 2009 11:09 PM
> To: 'terry.brooks@montgomeryparks.org'
> Cc: 'Harsanyi, Laszlo'; 'ralph.architzel@nrc.gov'; 'letters@gazette.net'
> Subject: Go Ape in Rockcreek Park/Lake Needwood area
>
> This is in regards for the article in the November 18th Gazette
>
> At the outset - I am really surprised that the county would even consider subsidizing (via a low or no cost lease of significant acreage) such a commercial enterprise in the park. After all there is plenty of private forested land in Montgomery County and in my opinion that is where this Go Ape facility should be placed.
>
> If it does go on public land the impact to citizens and access to the existing land should not be affected, or minimally affected if necessary for safety. I don't mind ropes up in the trees; but I do object to not being able to walk freely through the woods; especially if it is anywhere near where I currently do take walks through the woods. And the woods around Lake Needwood represent a fairly unique woodland for Montgomery County that is currently accessible without restriction to the public.
>
> The worst situation would be a fenced in facility of major acreage that does have restricted access. If such is the proposal then I firmly believe it is not in the public interest and should not be approved. Let it be built on private lands. Six acres seems a very unreasonable allocation of land for such a facility. After all it should be linear, and doubtless could be accomplished with a minimal loss of public access on much less land if a public subsidy is the only way to afford County residents access to such a facility. Surely 1/2 acre would be enough for such a linear application.
>
> Ralph Architzel
> 7335 Oskaloosa Dr Derwood MD

Marbourg, Kristine

From: Brooks, Terry
Sent: 2009-11-24 11:51 AM
To: Marbourg, Kristine
Subject: FW: Lake Needwood

From: Marilyn Goldstein [mailto:marilyngoldstein@hotmail.com]
Sent: Tuesday, November 24, 2009 11:49 AM
To: Brooks, Terry
Subject: Lake Needwood

Hi Terry,

This is in response to your article in the Wheaton Gazette on Nov. 18th about a proposal for an adventure course near Lake Needwood. On August 15th my husband Paul and I had a different sort of adventure in Lake Needwood Park on the trail around the lake. On Saturday, August 15th, a very hot summer's day, we went for a walk around the lake on the trail; this was our first trip to Lake Needwood. After going a third of the way around the lake we became tired and turned around to go back. We saw a bench and sat down. Shortly thereafter a fox came out of the bushes across the trail and sat down on the ground about 3 feet from us and stared at us. We sat quietly for a while and Paul said that he didn't look well - he was mangy and thin. We'd better leave. He got up first and began to walk fast; I got up more slowly as to not agitate the fox. However, the fox then jumped up and tore after me, grabbing me by the seat of my denim shorts. I screamed and Paul came back and kicked at the fox until he let go. We both took off running, the fox behind us, and ran quite a while until we came to a tall man with a big dog and 3 small children. The fox, who was not well, stopped and the man picked up a stick and held it over the fox so he couldn't move. I was bitten on my right upper thigh and Paul had a blood spot on his ankle where he kicked the fox. We walked further on the trail until we came to someone who had a cell phone so we could call the park police. They came, shot the fox, and the Humane Society came to pick it up for testing. We had to go right away to Holy Cross Hospital to receive 4 pre rabies shots and a tetanus shot. Two days later we learned (no surprise) that that the fox had rabies so we had to go to the health department to pick up the rabies vaccine. The 5 shots, administered in the upper arm, were given over a period of a month.

So we had a very different kind of adventure in Lake Needwood Park than anyone could imagine and we will not be going back there anytime soon! Good luck with your proposal. Sincerely, Marilyn & Paul Goldstein

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Marbourg, Kristine

From: Brooks, Terry
Sent: 2009-11-25 4:22 PM
To: Dale Hall
Cc: 'Dan D'Agostino'
Subject: FW: Let's Not Go Ape

Mr. Hall:

I have shared your concerns and comments with Mr. D'Augustino (Go Ape! Representative) in order to respond to your concerns/issues. His responses are stated below: I have included my responses to your questions /concerns as well from the M-NCPPC perspective.

Thank you for your comments. I hope these responses help address your concerns/issues.

*Terry H. Brooks, Division Chief
Special Programs Division
The Maryland National Capital Park & Planning Commission
Montgomery County Department of Parks
Suite 517
1400 Spring Street
Silver Spring, Md. 20910
O: 301-650-5675
Fax:301-650-5685*



Please consider the environment before printing this e-mail. Thank you.

Mr. Hall,

Thank you for taking the time to write to Terry Brooks regarding the Go Ape proposal for Lake Needwood. Please allow me an opportunity to address each of the issues you raise.

"The park experience for the many will be degraded for the benefit of a few."

- **Go Ape Response:** Based on the experience of our courses in the UK, it is true that children and adults will be laughing and having a good time on the Go Ape course. However, the area of the park where we hope to design the course (if approved) is far from any existing park uses. As you know, I am a frequent visitor to the park and the area (approximately 6 acres in diameter) is far from existing picnic areas, hiking trails and other park uses. The sounds of people laughing or having a good time on the course, will not be heard by any visitors to the park's existing activity areas.
- **M-NCPPC Response:** The Commission, through various forms of public/private partnerships tries to use partnership opportunities to create recreational diversity of park amenities that appeal to a wide array of park users. In this particular case, the Go Ape group is offering the first adventure sport venue in our park system. A venue we believe may be appealing to teenagers, an underserved park user population. While we recognize this park use may not necessarily cater to all county residents **[Brooks, Terry]** who use our traditional active recreation facilities, i.e. ballfields, trails, golf courses, tennis courts, playgrounds, etc.) **[Brooks, Terry]**, we believe this proposal offers a unique opportunity to provide a recreational venue we believe to be needed now and in the immediate future.

"The park belongs to our citizens, not the Parks Department or any for-profit venture."

- **Go Ape Response:** I agree with you that Lake Needwood belongs to our fellow County residents. If approved and similar to our existing 22 courses, Go Ape will not use the 6 acres in an exclusive manner. We only require the use of the aerial tree-space. Furthermore, we will be working with the County to create additional trails and bridges over streams in the 6 acre area for our instructors to monitor the course and for non-participants such as dog-walkers, friends and family of participants and other park users to enjoy an area of the park that is currently not easily accessible. In the UK, many park users enjoy watching others on the course as much as taking part in the course.
- **M-NCPPC Response:** M-NCPPC already has approximately 77 partnership facility operations within the Park System. We have had partnerships in the Park System for well over 15 years. Examples of these types of facilities are: The 325 acre SoccerPlex in South Germantown Recreational Park; all of our equestrian facilities; and the 12 acre Red Wiggler Farming operation at Ovid Hazen Wells Recreational Park to name a few.

“The park already suffers from environmental and usage problems.”

- **Go Ape Response:** I have worked closely with the M-NCPPC Park Planning and Stewardship Division (PPSD) to target an appropriate park within the County and an area within that selected Park that will best allow a balance between stewardship and recreation. Our work together began in March 2009 and consisted of multiple field studies at multiple parks and park locations. Furthermore, these field studies were complimented with multiple discussions and staff meetings with PPSD. The project was not allowed to proceed past the Environmental Review phase until after we satisfied environmental standards as set forth by PPSD. As well, it is my understanding that the lake will be dredged in 2011. As with all of our courses, Go Ape establishes an environmental management plan prior to design of the course. Furthermore, we will manage the area to ensure that it remains free of invasive and non-native species of vegetation which the County’s staff is not currently able to maintain.
- **M-NCPPC Response:** All partnership projects undergo an environmental impact review by our park environmental staff as well as the Planning Department’s regulatory review environmental staff (the same staff that review all developer initiated proposals for subdivision approval). This project was found to be environmentally suitable.

“And before putting in a Go Ape facility, how about extending the popular Rock Creek bike and walking path.”

- **M-NCPPC Response:** *While the installation of this path is planned, the funds needed are not available yet. The funds for this project are totally privately provided and costs the taxpayer nothing. Go Ape! Will use its own resources to design, construct, manage, and maintain the proposed facility.*

“The estimate \$40-\$50 charge for the course is excessive and exclusionary.”

- **Go Ape Response:** Go Ape wants to make the course experience accessible to everyone. In order to accomplish this, we will be incorporating with the County’s fee-assistance program. This will ensure that any disadvantaged person who is a part of the County’s fee assistance program will be provided with the ability to experience the course. Also, throughout the season Go Ape will be providing 2 for 1 discounts and 20% off discounts to make the experience accessible to all. Go Ape also provides a standard 20% off discount to Scout Groups, Recreation programs, Church groups, Outdoor Education programs and many other groups. The 450 free tickets will be provided to the County for disbursement through the County’s Recreation programs. When compared to eco-adventures in Hawaii, Alaska or Colorado, who’s price reaches well beyond \$100 a person, Go Ape believes that our price is appropriately priced to allow visitors to enjoy an eco-adventure, within the County and without excessive travel/vacation fees.

"If Go Ape fails, who will pay to restore the park to its original condition?"

- Go Ape Response: Go Ape has not had to close any of our existing 22 courses in the UK for any reason. If the County decides not to continue the partnership in the future, Go Ape will remove the course from the trees. The course is designed in such a way that trees are allowed to grow freely without constraint. No screws, nails or stakes are driven through the trees. We use wood chips to reduce impact on the roots and soil. Independent arborists have determined that if the course/trails are removed, no trace of the course will be left after 12 months of re-vegetation growth. Additionally, the course is designed so there is minimal impact on the area and the natural beauty of Lake Needwood is not affected. Our designers take pride in creating an experience that allows people to appreciate nature, from an otherwise unobtainable vantage point.
- M-NCPPC Response: *Site restoration will be part of the lease agreement and will be material part of the lease. The expense for site recovery and restoration will be borne by Go Ape!*

"If Go Ape is allowed to use park land, on what basis will you turn down proposals for an ATV, BMX, etc."

- M-NCPPC Response: *Like all other partnership proposals we have project review and evaluation criteria, including environmental impact review. All proposals must pass this stringent review criteria first. May I direct you to our web site: www.montgomeryparks.org look for the partnerships page; there you will find our application criteria and project review process.*

"Go Ape's business model shouldn't depend on access to public land."

- Go Ape Response: Go Ape's business model does not depend on access to public land. In the UK, we have partnerships with many private landowners such as Matfen Hall Hotel and Woburn Safari Park. Both Go Ape and M-NCPPC are excited about developing a public private partnership as we believe that the partnership will be a mutually beneficial arrangement, adding to the existing outdoor adventure feel of Lake Needwood and providing an additional recreational and educational activity for existing and new park visitors.

"Complete details and any revenue the county might receive have not been worked out."

- M-NCPPC Response: Conceptually, the Department has found the business terms to be satisfactory. All partnership proposals go through the same process. Upon the review and potential approval of the Planning Board the Department will commence detailed lease term negotiations. The lease will be completed before any development will be allowed in the park.

"Environmental impact study."

- Go Ape Response: Prior to targeting Lake Needwood as an appropriate location to host Go Ape, the Park and Planning Stewardship Division (PPSD) did an independent environmental analysis of the site and the activity before the County even considered the project. That analysis entailed the development of a preliminary program of requirements which detailed exactly what type of forest Go Ape could do in, what trees to avoid, where there is already ample parking, etc.
- M-NCPPC Response: *See my prior response on environmental impacts above.*

"Traffic study."

- Go Ape Response: The Go Ape course is designed in such a way that the absolute maximum number of visitors who can go through the course during the day is 270 people. However, based on the averages of our UK courses and past traffic studies, the number of total daily visitors on a weekend and during the summer months is closer to 200. As many Go Ape visitors come with family and friends, averaging 3 to a car, the average number of additional cars in the park during the day will be ~67 cars or 4 every 30 minutes. Furthermore, a Go Ape course can only handle 15 people every 30 minutes during the day. This means that the maximum number of cars coming through the park, every 30 minutes, is 5. Because of these course limitations and in working with the County, they do not believe that a traffic study specific to Lake Needwood is warranted.
- M-NCPPC Response: ***Park managers, park planners, park police, and the Department of Planning's traffic planners reviewed the plan and found the plan acceptable from a traffic management perspective.***

"What up-front costs the taxpayers might incur to provide parking, widen roads and make other improvements."

- Go Ape Response: Based on the relatively minimal number of new visitors who will be enjoying the park, no parking infrastructure improvements are needed. The only up-front costs that have been determined at this time is the requirement to create a cross-walk at the stop signs on Needwood Drive Circle. All other costs associated with the Go Ape course will be paid for by Go Ape.

"What is the County's potential liability for accidents?"

- Go Ape Response: Go Ape has an excellent safety record, providing almost 2 million visitors with an enjoyable and safe experience at one of our existing 22 courses. We take safety extremely seriously and we ensure everyone who comes to Go Ape knows what they're doing and has the skills to complete a course without putting themselves or anyone else in danger. Before visitors enter the course, they are provided with a half-hour safety briefing by one of our qualified instructors. During this briefing, visitors will learn and try the obstacles at low levels, and get comfortable with the equipment. As we have done with our existing 22 courses, Go Ape will indemnify the County of all liability, should an accident occur.

"Our parks and open land, in as natural a state as possible, are precious resources in this congested and heavily populated area."

- Go Ape Response: Mr. Hall, I appreciate your concern for our parks and I agree with you that they are precious resources not to be treated carelessly. I partnered with Go Ape after getting to know the founders and many of the personnel within the organization. My first time experiencing one of the existing courses in the United Kingdom, I found the experience to be one that brought people into the outdoors, encouraged them to experience nature in a new and engrossing way and helped to educate visitors on the importance of our forests and environment. The company's respect for the environment in the UK is exceptional and it is a priority of mine and my UK partners to ensure that this reputation holds true at Lake Needwood. Overall, I believe that we are not diminishing our joint experiences of fond memories at Needwood, rather adding to the park's appeal. If our proposal is approved, I hope that you accept my offer to show you around the course and experience Lake Needwood Park from a new vantage point.
- M-NCPPC Response: ***This proposal was scrutinized by the Departments park managers, the ultimate managers for all activities within the park and they found the proposal acceptable and manageable.***

Best regards,
Dan

On 24/11/2009 12:36, "Terry Brooks" <terry.brooks@mncppc-mc.org> wrote:

Mr. Hall:

Thank you for your comments. I believe it might be beneficial for Mr. Augustino to respond to each of your issues directly. By way of this e-mail I am copying him on this e-mail. I want to make sure you have all the facts relative to this proposal and not just a very brief news article summary.

Terry H. Brooks, Division Chief
Special Programs Division
The Maryland National Capital Park & Planning Commission
Montgomery County Department of Parks
Suite 517
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Please consider the environment before printing this e-mail. Thank you.

Dan D'Agostino
USA Managing Director



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