



July 28, 2014

The O.A.R.S. Family of Companies

Mary Ziegler
Director, Division of Regulations, Legislation, and Interpretation
Wage and Hour Division
U.S. Department of Labor -Room S-3510
200 Constitution Avenue NW
Washington, DC 20210

RE: Establishing a Minimum Wage for Contractors; Proposed Rule
RIN 1235-AA10

Dear Director Ziegler:

I am writing regarding Executive Order 13658, which directs the Director of Labor to implement a minimum wage of \$10.10 per hour for federal contractors. As noted below, it would be very difficult for us to comply with this Executive Order, as a relatively small family-run recreational service provider on federal lands. O.A.R.S. operates trips in several National Parks in the West under concession contracts and under commercial use authorizations (CUAs), and on land administered by the USFS and BLM under special use permits. We hope that the wording of the Executive Order will be clarified to make it clear that it was not intended to cover our small recreational businesses.

Although we have done work in the past for the federal government under contracts performed for the Bureau of Reclamation and the United States Geological Survey, and we understand that these contracts would be covered under the new Executive Order, at this time we only operate under the concession contracts, CUAs and special use permits noted above. Operating as we do on federal lands as a rafting, sea kayaking and hiking operator and provider of various other interpretive tours, we are not able to pass on the extra costs that would be imposed on us if the Executive Order was interpreted to apply to our services. For trips where we operate on National Park Service lands, we need to go through an annual price approval process that is done either in August for the following year or, in the case of our Grand Canyon National Park trips, in October - 15 months before the year when the trips operate. We already pay concession contract and special use fees to the Federal Government – generally 3 - 4% – but in the case of the Grand Canyon National Park, as high as 18%.

The members of the general public who choose to go on our tours have many non-Park options also available to them. If we attempt to raise our prices ever higher, domestic amusement parks win at the expense of the nation's National Parks and other protected areas. This can have spillover effects – unwittingly reducing the franchise fees that we pay to the Federal Government and working in opposition to the President's stated goal to "Get Kids Outdoors" to counteract the negative effects of obesity in America's youth. As fewer people enjoy our National Parks and gain a deep love and understanding of their value, there will be fewer advocates for preserving the nation's park lands in the future.

The world's best rafting, sea kayaking and multi-sport adventures since 1969

Other recreational options also become more attractive if we have to try to raise our prices to meet new higher minimum wage requirements. Specifically, cruise ships have become more popular and affordable, and as you know, their crew members, overwhelmingly, aren't United States citizens. As higher costs on domestic trips progressively deter more people from using the services of outdoor outfitters, the effect of this new Executive Order just leads to more jobs being outsourced from the U.S.

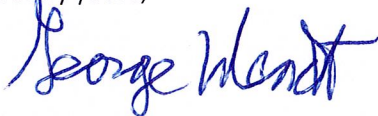
Further complicating the financial impacts of a much higher minimum wage requirement on our outdoor tours is the fact that we are a seasonal business that operates in a number of areas for just 3 – 4 months during June – mid-September. The financial impact under Executive Order 13658 on our business would be significant.

We hope that the proposed rules will clearly provide an exemption for seasonal outfitter businesses operating in National Parks and on lands administered by the USFS and BLM under section 13(a)(3) of the FLSA.

We believe that the record-keeping and compliance costs for our seasonal business, which employs up to 250 seasonal staff members would be monumental. We work hard to train a seasonal staff, drawing from rural areas and provide valuable customer service experience for many young workers. We earnestly seek clarification from the Department of Labor that it does not intend for our federal permits to be caught up in the regulations applying to federal contractors.

Please let us know if we can supply any additional information or answer any questions for you. We will look forward to hearing back from you so that we can follow procedures for commenting further on the rule making on which you are working.

Sincerely yours,



George Wendt
President
O.A.R.S. Companies, Inc.