

INSTRUCTIONS



COMMERCIAL USE AUTHORIZATION APPLICATION

Apostle Islands National Lakeshore
415 Washington Avenue
Bayfield, WI 54814-4809
Teri Gage or Christina Helwig
Phone Number: (715) 779-9101 or (715) 779-9103

The following explanations correspond directly with the numbered items on the Application Form. Please read this entire document prior to completing the application. Include the nonrefundable application fee when submitting this application.

1. Enter the service you are proposing to provide. **See Attachment A for services which are currently approved in the park.**
2. Respond "No" or list other parks where you will be providing this service.
3. Enter the legal name of your business. If you have a secondary name under which you are doing business (d.b.a.), please enter that name also.
4. Give the name(s) of persons designated as Authorized Agents for your business. This may include the on-site general manager responsible for day to day operations.
5. Provide contact information for both the main season and the off-season. Over the term of your authorization, it may be necessary to contact you to obtain or share information. Your contact information may also be published in the NPS Commercial Services Directory.
6. Check the box that identifies your type of business.
7. If the state in which you operate or the state where your business is domiciled requires a state business license, provide the license number and year of expiration.
8. Provide your Employer Identification Number (EIN). The Debt Collection Improvement Act of 1996 requires us to collect an EIN or Social Security Number (SSN). The NPS will not collect SSNs, only EINs. The EIN is issued by the Internal Revenue Service. You may receive a free EIN at <http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/How-to-Apply-for-an-EIN>. We will use the EIN that you provide as needed to collect debts.
9. Provide proof of General Liability Insurance naming the United States of America, as additional insured in the amounts designated in the application. Provide proof of vehicle/vessel/aircraft liability insurance, if required by law, or if visitors are transported by vehicle/vessel/aircraft within the park, or if vehicle/vessel/aircraft are engaged in providing the service (i.e., hauling horses used in the activity). Insurance companies must be rated at least A- by the most recent edition of A.M. Best's Key Insurance Reports (Property-Casualty edition) or similar insurance rating companies (Moody's, Standard and Poor's, or Fitch). **Refer to "Attachment B".**
10. Provide a description of and registration number of each vehicle/vessel/aircraft you will utilize during the course of the proposed commercial service. **Refer to "Attachment D" – Vehicle and Vessel Registration Form.**
11. Provide copies of all licenses, vehicle/vessel registration, and certificates of training as required by park specific conditions.
12. NPS Management Policy prohibits employees of the NPS and their spouses and minor children from acquiring or retaining any authorization for conducting commercial services in a park area.
13. If your business or business owners or current employees or proposed employees have been convicted or are currently under charges for violation of State, Federal, or local law or regulation in the last 5 years, please give details (does not include minor traffic tickets).
14. Include payment of the Application/Administrative Fee \$175 **(see "Attachment C" – Fee Schedule and Payment Information).**
15. Please sign and date your application. If the person SIGNING this application is an Authorized Agent for the business, proof of signing authority must accompany this application.

Attachment A: List of Approved Services and Required Documentation

Attachment B: Insurance Requirements

Attachment C: Fee Schedule and Payment

Attachment D: Vehicle and Vessel Registration Form

Attachment E: Employee-Guide List

Attachment F: CUA Application Checklist

Attachment G: Operation Plan Instructions

Attachment H: Example of Client/Visitor Complaint Notice

Attachment I: Day Use Trip Itinerary

Attachment J: CUA Denial and Revocation Policy

Attachment K: Park Specific CUA Conditions (Apply to all CUAs issued by APIS)

Activity Specific CUA Conditions for each approved commercial service

Additional Information: The National Park Service has terms and conditions on all commercial service agreements. The following terms and conditions will apply to all Commercial Use Authorizations. There may be additional terms and conditions based on the services provided. These may include but are not limited to limits on locations, times, group size, and employee licenses and certifications and providing such information to the park superintendent for approval.

CONDITIONS OF THIS AUTHORIZATION

- 1. False Information:** The holder is prohibited from knowingly giving false information. To do so will be considered a breach of conditions and be grounds for revocation: [RE: 36 CFR 2.32(a) (3)].
- 2. Legal Compliance:** The holder shall exercise this privilege subject to the supervision of the park area Superintendent. The holder shall comply with all applicable laws and regulations of the area and terms and conditions of the authorization. The holder must acquire all permits or licenses of State or local government, as applicable, necessary to provide the services described above, and, must operate in compliance with all applicable Federal, State, and local laws and regulations, including, without limitation, all applicable park area policies, procedures and regulations.
- 3. Rates:** The holder shall provide commercial services under this authorization to visitors at reasonable rates and under operating conditions satisfactory to the area Superintendent.
- 4. Liabilities and Claims:** This authorization is issued upon the express condition that the United States, its agents and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury, injuries, or death to any person or persons or property of any kind whatsoever, whether to the person or property of the holder, its agents or employees, or third parties, from any cause or causes whatsoever while in or upon said premises or any part thereof during the term of this authorization or occasioned by any occupancy or use of said premises or any activity carried on by the holder in connection herewith, and the holder hereby covenants and agrees to indemnify, defend, save and hold harmless the United States, its agents, and employees from all liabilities, charges, expenses and costs on account of or by reason of any such injuries, deaths, liabilities, claims, suits or losses however occurring or damages growing out of the same.
- 5. Insurance:** Holder agrees to carry general liability insurance against claims occasioned by the action or omissions of the holder, its agents and employees in carrying out activities and operations under this authorization. The policy shall name the United States of America as additional insured. Holder agrees to have on file with the park copies of the above insurance with the proper endorsements.
- 6. Fees:** Holder shall reimburse the park for all costs incurred by the park as a result of accepting and processing the application and managing and monitoring the authorization activity. Administrative costs for the application process must be paid when the application is submitted. Monitoring fees and any additional costs incurred by the park to support the commercial activity will be paid annually.
- 7. Benefit:** No member of, or delegate to, Congress, or Resident Commissioner shall be admitted to any share or part of this authorization or to any benefit that may arise from this authorization. This restriction shall not be construed to extend to this Contract if made with a corporation or company for its general benefit.
- 8. Transfer:** This authorization may not be transferred or assigned without the written consent of the park area Superintendent.
- 9. Termination:** This authorization may be terminated upon breach of any of the conditions herein or at the discretion of the park area Superintendent.
- 10. Preference or Exclusivity:** The holder is not entitled to any preference to renewal of this authorization except to the extent otherwise expressly provided by law. This authorization is not exclusive and is not a concession contract.
- 11. Construction:** The holder shall not construct any structures, fixtures or improvements in the park area. The holder shall not engage in any groundbreaking activities without the express, written approval of the park area Superintendent.
- 12. Reporting:** The holder is to provide the park area Superintendent upon request (and, in any event, immediately after expiration of this authorization) a statement of its gross receipts from its activities under this authorization and any other specific information related to the holder's operations that the park area superintendent may request, including but not limited to, visitor use statistics, and resource impact assessments.
- 13. Accounting:** The holder is to maintain an accounting system under which its accounts can be readily identified within its system of accounts classification. This accounting system must be capable of providing the information required by this authorization. The holder grants the United States of America access to its books and records at any time for the purpose of determining compliance with the terms and conditions of this authorization.
- 14. Minimum Wage:** The holder is required to adhere to Executive Order 13658 – Establishing a Minimum Wage for Contractors. The implementing regulations, including the applicable authorization clause, are incorporated by reference into this contract as if fully set forth in this contract and available at <https://federalregister.gov/a/2014-23533>.

Exemption: Under Executive Order 13838, Executive Order 13658 shall not apply to contracts or contract-like instruments entered into with the Federal Government in connection with seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands, but this exemption shall not apply to lodging and food services associated with seasonal recreational

services. Seasonal recreational services include river running, hunting, fishing, horseback riding, camping, mountaineering activities, recreational ski services, and youth camps.

- 15. Visitor Acknowledgment of Risks (VAR):** The holder is not permitted to require clients to sign a waiver of liability statement or form, insurance disclaimer, and/or indemnification agreement waiving the client's right to hold the CUA holder responsible for accidents or injury occurring on NPS property. The holder is permitted to request or require a client to sign a form or statement acknowledging risk and/or indicating that certain prerequisite skills may be needed to participate in the commercial activity. The holder must provide the park with the current copy of all forms and/or statements used for this purpose and obtain written approval by the park. A sample Acknowledgment of Risk form may be obtained by contacting the CUA office at (715) 779-9103 or by going to the park CUA webpage at www.nps.gov/apis.
- 16. Intellectual Property of the National Park Service:** Except with the written authorization of the Director of the National Park Service, the Holder shall not assert any legal claim that the Holder or any related entity holds a trademark, tradename, servicemark or other ownership interest in the words "National Park Service", the initials "NPS", or official name of any unit or part thereof, including but not limited to any facility, logo, distinctive natural, archaeological, cultural, or historic site, within the National Park System, or any colorable likeness thereof, or the likeness of a National Park Service official uniform, badge, logo, or insignia.
- 17. Nondiscrimination:** The holder must comply with Applicable Laws relating to nondiscrimination in providing visitor services to the public and with all equal employment opportunity provisions of Title VII of the Civil Rights Act, as amended.

IMPORTANT: Before completing this application, please refer to the Application Instructions to verify that the service you are proposing is an approved commercial service. If the service you wish to provide is **not** listed on the table of approved commercial visitor services, contact us at the number above.



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Some parks have additional requirements for businesses that offer services to visitors relating to the safety and welfare of the visitors and protection of the resources. These requirements may include applicable operating licenses, certificates showing proof of training, operating plans, emergency response plans, group size limitations, etc.

1. Service for which you are applying: *[attach diagram, attach additional pages, if necessary, include locations within the park, frequency, estimated number of participants (per trip and annually), number of vehicles, support equipment (trailers, generators, etc.)]*

- Guided Kayak Tours – up to 10 trips per season
- Guided Kayak Tours – more than 10 trips per season
- Sailboat Charters
- Fishing Charters/Water Taxi/Motorboat Tours/SCUBA Diving
- Guided Backcountry Hiking/Camping (required for overnight commercial kayak trips)

2. Will you be providing this service in more than one park? Yes No *If "Yes", list all parks and services provided.*

3. Applicant's Legal Business Name: *[Include any additional names (DBA) under which you will operate.]*

4. Authorized Agents: *(Name and title of owner, and any onsite person authorized to manage the operation or service.)*

5. Mailing Addresses

PRIMARY CONTACT INFORMATION *(Dates to contact you at this address, if seasonal. _____)*

Address: _____
City, State, Zip: _____
Email: _____ Website: _____
Day Phone: _____ Evening Phone: _____ Fax: _____

ALTERNATE CONTACT INFORMATION *(Dates to contact you at this address, if seasonal. _____)*

If same as "Primary Contact Information, check here and go to question 6.

Address: _____
City, State, Zip: _____
Email: _____
Website: _____
Day Phone: _____ Evening Phone: _____ Fax: _____

6. What is your Business Type? *(Please check one below)*

- Sole Proprietor
- Partnership *(Print the names of each partner. If there are more than two partners, please attach a complete list of their names.)*

Name: _____
Name: _____

- Limited Liability Company: (State: _____ Entity Number: _____)
- Corporation: (State: _____ Entity Number: _____)
- Non-Profit (Please attach a copy of your IRS Ruling or Determination Letter)

7. State Business License Number: _____ Expiration Date: _____

8. Employer Identification Number (EIN): _____

9. Liability and Vehicle Insurance:

Provide proof of insurance. The CUA operator must maintain General Liability insurance naming the United States of America as additional insured. Minimum coverage amount for land based activities is \$500,000 per occurrence. Minimum coverage amount for water based activities is \$1,000,000 per occurrence. Some activities will require increased coverage; see Park Specific CUA Insurance Requirements ("Attachment B"). Auto Liability insurance is required, if applicable, in the minimum coverage amounts described below.

COMMERCIAL GENERAL LIABILITY INSURANCE

Single Purpose Activities (includes day and overnight hiking, photography and art classes, and group camping)	\$500,000
Commercial Vehicle Insurance – Passenger Transport (bodily injury and property damage)	Minimum per Occurrence Liability Limits*
Up to 6 passengers	\$1,000,000
7 – 15 passengers	\$1,500,000
16 – 25 passengers	\$3,000,000
26+ passengers	\$5,000,000

* Indicated minimum per occurrence liability limit or minimum State liability requirement (for intrastate operations only).

10. Will your business operate vehicles (car, truck, van, bus, taxicab, vessel, aircraft, etc.) within NPS boundaries?

Yes No

If "Yes," please give a description of each vehicle. **Please use Attachment D – Vehicle and Vessel Registration Form instead of the table shown below.** All vehicles and motorized vessels are required to be registered and the operators are required to have the proper licenses to operate them commercially, as required by law or regulation. All motor vehicles must be registered and insured in the name of the CUA Holder/Business Entity to whom the CUA is issued.

Make/Model of Vehicle	License Number	Year	Max # Passenger Capacity	Own/Rent

Make of Aircraft	Tail Number	Max # Passenger Capacity	Own/Rent

Make/Model of Vessel	Registration Number or USCG Documentation	Length	Max # Passenger Capacity	Own/Rent

11. Employee Licenses and Certifications:

Parks typically require proof of applicable licenses, registrations and certificates of training, such as; valid driver's or pilot's license, fishing license, vessel registration, dive certification, CPR certification, or others. **Please use Attachment E: CUA Employee-Guide List.**

12. NPS Employment:

Are you, your spouse, or minor children employed within the National Park Service?

Yes No If "Yes", please provide information below:

Employee Name: _____ Title: _____

Park and Office Where Employed: _____

13. Violations: To your knowledge, have you, your company, or any current or proposed employees been convicted or fined for violations of State, Federal, or local law within the last 5 years? Are you, your company, or any current or proposed employees now under investigation for any violations of State, Federal, or local law or regulation? See instructions.

Yes No If "Yes", please provide the following information. Attach additional pages, if necessary.

Date of violation or incident under investigation: _____

Name of business or person(s) charged: _____

Please identify the law or regulation violated or under investigation: _____

Please identify the State, municipality, or Federal agency that initiated the charges: _____

Additional Detail (optional): _____

(Results) Action Taken by Court: _____

14. Fee: Please include the Application/Administrative Fee as outlined in Attachment C.

15. Signature:

False, fictitious or fraudulent statements of representations made in this application may be grounds for denial or revocation of the Commercial Use Authorization and may be punishable by fine or imprisonment (U.S. Code, Title 18, Section 1001). All information provided will be considered in reviewing this application. Authorized Agents must attach proof of authorization to sign below.

By my signature, I hereby attest that all my statements and answers on this form and any attachments are true, complete, and accurate to the best of my knowledge.

Signature: _____ Date: _____

Printed Name: _____ Title: _____

NOTICES
Privacy Act Statement

Authority: The authority to collect information on the attached form is derived from 16 U.S.C. 5966, Commercial Use Authorizations.

Purpose: The purposes of the system are (1) to assist NPS employees in managing the National Park Service Commercial Services program allowing commercial uses within a unit of the National Park System to ensure that business activities are conducted in a manner that complies with Federal laws and regulations; (2) to monitor resources that are or may be affected by the authorized commercial uses within a unit of the National Park System; (3) to track applicants and holders of commercial use authorizations who are planning to conduct or are conducting business within units of the National Park System; and (4) to provide to the public the description and contact information for businesses that provide services in national parks.

Routine Uses: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, records or information contained in this system may be disclosed outside the National Park Service as a routine use pursuant to 5 U.S.C. 552a(b)(3) to other Federal, State, territorial, local, tribal, or foreign agencies and other authorized organizations and individuals based on an authorized routine use when the disclosure is compatible with the purpose for which the records were compiled as described under the system of records notice for this system.

Disclosure: Providing your information is voluntary, however, failure to provide the requested information may impede the processing of your commercial use authorization application.

Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501), please note the following. This information collection is authorized by The Concession Management Improvement Act of 1998 (54 USC 101911). Your response is required to obtain or retain a benefit in the form of a Commercial Use Authorization. We will use the information you submit to evaluate your ability to offer the services requested and to notify the public what services you will offer. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget control number. OMB has assigned control number 1024-0268 to this collection.

Estimated Burden Statement

We estimate that it will take approximately 2.5 hours to prepare an application, including time to review instructions, gather and maintain data, and complete and review the proposal. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information Collection Officer, National Park Service, 12201 Sunrise Valley Drive, MS-242, Reston, VA 20192. Please do not send your completed form to this address; but rather to the address at the top of the form.

ATTACHMENT A

Authorized Services & Required Licenses, Registrations and Training Certificates

AUTHORIZED COMMERCIAL SERVICE	REQUIRED DOCUMENTATION
Guided Kayak Tours	<p>Complete pages 1-3 of the CUA Application form and submit along with all applicable items on the CUA Application Checklist (Attachment F) Application Fee \$175 (submit payment with application) Management & Monitoring Fee: \$250 if conducting up to 10 trips per season; \$500 if conducting more than 10 trips per season. Bill of Collection for the Management & Monitoring Fee will be issued to CUA holder at the end of each season.</p>
Guided Backcountry Hiking/Camping (required for overnight commercial kayak trips)	<p>Complete pages 1-3 of the CUA Application form and submit along with all applicable items on the CUA Application Checklist (Attachment F) Application Fee \$175 (submit payment with application) NOTE: If you are already paying \$175 application fee for another activity, there will be no additional charge for Guided Backcountry Hiking/Camping as long as you request both activities on the same form at the same time. Management & Monitoring Fee: \$500 for a single activity CUA; if you are paying a Management & Monitoring Fee for another activity under the same CUA, you will not be assessed a Management & Monitoring Fee for Guided Backcountry Hiking/Camping. Bill of Collection for the Management & Monitoring Fee will be issued to CUA holder at the end of the season.</p>
Sailboat Charters	<p>Complete pages 1-3 of the CUA Application form and submit along with all applicable items on the CUA Application Checklist (Attachment F) Application Fee \$175 (submit payment with application) Management & Monitoring Fee: \$500 Bill of Collection for the Management & Monitoring Fee will be issued to CUA holder at the end of the season.</p>
Fishing Charters/Water Taxi/Motorboat Tours/SCUBA Diving	<p>Complete pages 1-3 of the CUA Application form and submit along with all applicable items on the CUA Application Checklist (Attachment F) Application Fee \$175 (submit payment with application) Management & Monitoring Fee: \$500 Bill of Collection for the Management & Monitoring Fee will be issued to CUA holder at the end of the season.</p>

ATTACHMENT B

CUA Insurance Requirements

Commercial General Liability (CGL) Insurance: Liability insurance is required for all CUA holders under the terms of the authorization. Such insurance should be of sufficient scope to cover all potential risks and in an amount to cover claims that can reasonably be expected in the event of serious injury or death. The minimum liability insurance is \$1,000,000. Liability insurance policies must name the United States of America as additional insured. The business or person that is providing the service must be the named insured (policy holder).

Protection & Indemnity Vessel Insurance (P&I): If you are using a motorized vessel to operate commercially within the park, you must have a P&I policy with minimum liability coverage of \$2,000,000. However, if your Commercial General Liability insurance provides a blanket watercraft endorsement and does not exclude watercraft liability, then a Commercial General Liability insurance policy in the amount of \$2,000,000 may be accepted in lieu of the P&I vessel policy. If your primary policy does not meet the Service established limits for commercial general liability, you may obtain additional coverage through an umbrella insurance policy.

Automobile Liability Insurance: Each CUA holder that transports passengers in the performance of the service in the park is required to meet state commercial automobile insurance requirements. You will need to contact your insurance provider to discuss the amount that is appropriate for your business needs. Please note that if the CUA holder does not transport passengers in the park, then only state minimum insurance requirements apply. Minimum commercial automobile insurance liability limits have been set by the Service for *interstate* (between two or more states) transportation of passengers. **If your business is providing services between two or more states**, the following minimum commercial auto liability insurance for passenger transport is reflected in the following table:

Commercial Vehicle Insurance – Passenger Transport (bodily injury and property damage)	Minimum per Occurrence Liability Limits*
Up to 6 passengers	\$1,000,000
7 – 15 passengers	\$1,500,000
16 – 25 passengers	\$3,000,000
26+ passengers	\$5,000,000

* Indicated minimum per occurrence liability limit or minimum State liability requirement (for intrastate operations only).

Workers Compensation Insurance: As required by state law; provide copy of insurance certificate with CUA application.

Insurance Company Minimum Standards: The NPS has established the following minimum insurance **company** requirements. All insurance companies must meet the following minimum standards. These standards apply to foreign insurance companies as well as domestic companies.

1. All insurers for all coverages must be rated no lower than A- by the most recent edition of Best's Key Rating Guide (Property-Casualty edition), or similar insurance rating companies (Moody's, Standard and Poor's, or Fitch), unless otherwise authorized by the Service.
2. All insurers for all coverages must have Best's Financial Size Category of at least VII according to the most recent edition of Best's Key Rating Guide (Property-Casualty edition), or similar insurance rating companies (Moody's, Standard and Poor's, or Fitch), unless otherwise authorized by the Service
3. The insurance ratings must be submitted with the CUA Application. The rating companies do not issue certificates. We require the insurance broker to note this rating in the Certificate. If the rating does not appear on the certificate, the insurance broker must provide it in another document.

Proof of Insurance Submission: Applicants must submit proof of insurance with the CUA Application. The proof of insurance must:

- Be written in English with monetary amounts reflected in U.S. dollars
- Reflect that insurance coverage is effective at time of CUA Application submission
- Name as insured the business or person that is providing the service
- Name the United States of America as additional insured
- Reflect a General Commercial Liability Policy with the minimum coverage amount required in the CUA Application
- Reflect required additional insurances (commercial vehicle, vessel, aircraft, etc.) with the minimum coverage amount required in the CUA Application
- Include insurance provider rating or provide in separate document

ATTACHMENT C

Fee Schedule and Payment Information

Application Fee and Cost Recovery: Public Law 105-391, Section 418, requires the National Park Service (NPS) to collect a reasonable fee for Commercial Use Authorizations (CUAs) at an amount at least sufficient to recover the NPS' costs in administering and managing the CUAs.

The two-year Commercial Use Authorizations that will be issued for the 2020/21 operating seasons will require a nonrefundable application fee of \$175, per CUA application, in addition to an annual management/monitoring fee. The \$175 application fee must be paid by check or credit card when the application is submitted. Each CUA holder will receive a bill of collection for the annual management/monitoring fee in November of each year (2020 and 2021). See Attachment A for the annual management/monitoring fee for each authorized commercial service.

- a. In accordance with the Federal Debt Collection Improvement Act of 1996, the Tax Identification Number must appear on the face of the check(s) presented as payment (handwritten is acceptable).
- b. Upon notification of a returned check for insufficient funds, the CUA Applicant/Holder must make good the debt (by money order, credit card or payment of cash in person; do not send cash via the mail) and applicable fees within 10 business days. Failure to make good the debt within 10 business days will result in suspension of the CUA. If the CUA Applicant/Holder does not make good the debt within the 5 business days immediately following suspension, the CUA is revoked and a new CUA application will be required.
- c. The National Park Service will assess a \$50 administrative charge, and any associated banking charges related to checks returned for insufficient funds. These charges will carry, regardless of the suspension or revocation, until payment of the debt is received by the National Park Service, and all fees are paid. Any application for a new CUA submitted by the CUA Applicant/Holder will not be processed until the Applicant/Holder has satisfied the debt and all fees related to the returned check are paid.

Late Processing/Incomplete Application Fee: N/A. Late or incomplete application packages will not be processed.

CREDIT CARD PAYMENT AUTHORIZATION

Please do not send credit card information via e-mail. Instead, use postal mail or hand deliver to park. Thank you!

Credit Card Authorization: Please provide Credit Card information below. (All credit card information is kept strictly confidential).

(Check One): VISA _____ MasterCard _____ Discover/NOVUS _____ AMEX _____

No. _____ Exp. ____ / ____
(Month/Year)

_____ CUA Application Fee: \$175.00

_____ Administrative Fee for NSF Checks: \$50.00

_____ Annual Management/Monitoring Fee: (please don't pay until you receive a Bill of Collection from NPS)

Total Amount Authorized: \$ _____ .00

Name as it appears on card (print clearly) _____

Authorization for Credit Card payment: _____
(Cardholder Signature)