



APPLICATION FORM COMMERCIAL USE AUTHORIZATION

OMB Control No: 1024-0268
Exp. Date: 08/31/2016

DEPARTMENT OF THE INTERIOR

National Park Service

Big Bend National Park

Attention: Jennette Jurado

PO Box 129

Big Bend National Park, TX 79834

432-477-1109

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. Please submit your application fee of \$ 100 with this application.

Some parks have minimum 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 documentation of first aid training, an emergency response plan, limits to group size, etc.

(1) **Service for which you are applying**

- | | |
|---|---|
| <input type="checkbox"/> Boat Livery/Tours/Charters | <input type="checkbox"/> Art Classes |
| <input type="checkbox"/> Fishing Guides/Charters | <input type="checkbox"/> Astronomy |
| <input type="checkbox"/> Boat Repair/Cleaning/Salvage | <input type="checkbox"/> Bird Watching |
| <input type="checkbox"/> Camping | <input type="checkbox"/> Environmental Education |
| <input type="checkbox"/> Bike Rentals/Tours | <input type="checkbox"/> Outdoor Skills |
| <input type="checkbox"/> Backpacking | <input type="checkbox"/> Photo/Natural History |
| <input type="checkbox"/> Fishing | <input type="checkbox"/> Rescue/Survival Training |
| <input type="checkbox"/> Hiking (guided) | <input type="checkbox"/> Wilderness Education/Therapy |
| <input type="checkbox"/> Mountain Biking | <input type="checkbox"/> Bus/Vehicle Tours |
| <input type="checkbox"/> Photography | <input type="checkbox"/> Shuttle Service |
| <input type="checkbox"/> Rock climbing | <input type="checkbox"/> Visitor Transport |

Length of permit requested

- One-time use
 Year-round permit (yearly permits run October 1 to September 30)

(2) **Will you be providing this service in more than one park? Yes No If yes, list all.**

1.
2.

(3) **Applicant** (Legal Business Name and DBA)

(4) **Authorized Agents** (Owner and any onsite person authorized to manage the operation)

(5) **Mailing Address:**

PRIMARY CONTACT INFO (Dates at this address _____)

Address:

City, State, Zip:

Email:

Website:

Day Phone: _____ Evening Phone: _____

Fax: _____ Cell Phone: _____

ALTERNATE CONTACT INFO (Dates at this address _____)

If same as "Primary Contact Info", check here and go to number (6).

Address:

City, State, Zip:

Day Phone: _____ Evening Phone: _____

Fax: _____ Cell Phone: _____

(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 _____)

Corporation: (State: _____ Entity Number: _____)

Limited Liability Corporation (State: _____ Entity Number: _____)

Non-Profit (Please attach a copy of your IRS Ruling or Determination Letter)

Other (Specify)

(7) **State Business License Number:** _____ Expiration Date:

(8) **Employer Identification Number (EIN)**

(9) Insurance and Vehicles

Provide proof of insurance. The CUA operator must maintain General Liability insurance naming the United States of America, National Park Service as an **additional insured**. Minimum coverage amount is \$300,000 per occurrence. Some activities will require increased coverage, see Park-Specific instructions. Auto Liability insurance is also required at a minimum coverage amounts described below.

Number of Passengers	Minimum per Occurrence Liability Limits
Single Purpose Activities General Liability (includes day and overnight hiking, photography and art classes, bicycling, and group camping.)	\$300,000
Up to 5 passengers	\$300,000
6 to 12 passengers	\$500,000
13 to 20 passengers	\$750,000
Over 21 passengers	\$1,500,000

Will your business operate vehicles (car, truck, van, bus, taxicab, boats, aircraft etc.) within NPS boundaries? Yes No

If "yes," please give a description of each vehicle. Use additional pages if necessary. All vehicles are required to be registered and the operators are required to have the licenses to operate them commercially as required by law or regulation.

MAKE OF VEHICLE	MODEL	YEAR	MAX # PASSENGERS	OWN	LEASE
				Yes/No	Yes/No
				Yes/No	Yes/No
				Yes/No	Yes/No
				Yes/No	Yes/No
				Yes/No	Yes/No
				Yes/No	Yes/No

(10) NPS Employment

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

Yes No If Yes, please complete below:

Employee:

Title:

Park and Office where employed:

(11) **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:

(12) **FEE:** Please include the Application/Administrative fee as outlined in the Park-Specific instructions.

(13) **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

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 (16 USC 5966). 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 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. 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. You may submit comments on any aspect of this information collection, including the accuracy of the estimated burden hours and suggestions to reduce this burden. Send your comments to: Information Collection Clearance Officer, National Park Service, 1849 C Street NW, Mail Stop 2601, Washington, D.C. 20240.

CONDITIONS OF THIS AUTHORIZATION

1. 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. 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. The commercial services described above are to be provided to park area visitors at reasonable rates and under operating conditions satisfactory to the park area Superintendent.
3. 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.
4. 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 be at least \$300,000 and naming 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.
5. Costs incurred by the park as a result of accepting and processing the application and managing and monitoring the authorization activity will be reimbursed by the holder. Administrative costs and estimated costs for activities onsite must be paid when the authorization is approved. If any additional costs are incurred by the park, the holder will be billed at the conclusion of the authorization.
6. Benefit – Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this authorization or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the authorization be for the benefit of such corporation.
7. This authorization may not be transferred or assigned without the written consent of the park area Superintendent.
8. This authorization may be terminated upon breach of any of the conditions herein or at the discretion of the park area Superintendent.
9. 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.
10. 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.
11. 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.
12. 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 and the Government Accountability Office access to its books and records at any time for the purpose of determining compliance with the terms and conditions of this authorization.
13. Executive Order 13658 – Establishing a Minimum Wage for Contractors, and its implementing regulations, including the applicable contract clause, are incorporated by reference into this contract as if fully set forth in this contract. The applicable contract clause is available at <https://federalregister.gov/a/2014-23533>.

APPENDIX
SPECIAL PARK CONDITIONS
COMMERCIAL USE AUTHORIZATION

CONDITIONS FOR RIVER OUTFITTERS

I. INTRODUCTION

This attachment shall serve as a supplement to your Commercial Use Authorization. (You are hereinafter referred to as “Outfitter” and the National Park Service hereinafter referred to as the “Service.”) This plan describes operations authorized under the Commercial Use Authorization (CUA) between the Outfitter and the Service. In the event of any apparent conflict between the terms of the CUA and this Attachment, the terms of the CUA will prevail.

II. STAFFING AND EMPLOYMENT

The Service may require the Outfitter to exclude an employee, officer, agent, or other representative from working in any capacity relevant to the activity authorized in the CUA if that person violates conditions of the CUA or this Attachment. An employee, officer, agent, or other representative may also be excluded if the Service feels he/she operates in a manner that is unsafe to Park visitors or Park resources.

- A. General Staff Standards - All Outfitter guides who conduct commercial float trips on the Rio Grande within Big Bend National Park and/or Rio Grande Wild and Scenic River must meet the following standards:

All commercial guides must possess a valid first aid certificate equivalent to the 40-hour “Emergency Response” or a 36-hour “Wilderness Advanced First Aid” and a current CPR certificate (Adult and Pediatric). More advanced training such as Emergency Care Attendant, Emergency Medical Technician, etc., are also accepted. Documentation of current certifications must be carried by each guide. (This requirement is waived for a trainee or guides in a boat without passengers.)

- B. Guide Qualifications – Guides must have the knowledge and skills to safely conduct river trips in compliance with all applicable regulations. Guides are required to know and comply with all GENERAL REGULATIONS OF RIVER USE for Big Bend National Park and Rio Grande Wild and Scenic River. No person shall serve as a guide without previous experience on that portion of river in the type of craft utilized.

III. OPERATING PROCEDURES

- A. Orientation - An orientation will be provided to clients on basic safety rules, resource protection, Park rules and regulations, and the property rights of all landowners in the United States and Mexico along the park boundary and Rio Grande Wild and Scenic River.
- B. Equipment - The Outfitter must display the company name or logo on all company watercraft so that trips can be identified on the water as belonging to the Outfitter. The Outfitter will carry all equipment required by the general regulations for river use. All required equipment will be provided with boat rentals by the Outfitter. No equipment may be stored within the boundaries of Big Bend National Park.

IV. REPORTS AND PERMITS

- A. Permits - Before each trip, a Backcountry use Permit (Form 10-404) must be obtained at a ranger station or be completed by the Outfitter. The permit must contain the names of both the company and the trip leader. In the coding boxes, an accurate entry must be made for the number of nights, planned campsite locations, the river section run, the types and number of craft, and the total number of people on the trip. The Outfitter shall break down the number of guides and clients and record the number to the left of the coding box. If an Outfitter conducts more than twelve trips annually, they may request electronic accounting of their permits. These electronic permits must contain all the required information (see above) and must be submitted monthly. The white carbon copies must be forwarded each week to Park Headquarters; all permits for the month must be submitted by the 24th.

- B. Annual Use Reports - To document visitor use, the Outfitter will submit an annual report within 60 days of the expiration of their Permit to the Service, which reflects the following information. Much of this information should be identical to the information submitted on the Backcountry River Permits.
- The number of day use trips, guides, passengers in the four primary canyons and other river sections on a monthly basis.
 - The number of overnight trips, nights on the river, guides, and passengers for the four primary canyons and other river sections on a monthly basis.
- C. Incident Reports - If an incident results in evacuation from the river, a personal injury requiring more than first aid treatment, property damage more than \$100, a tort claim against the United States, etc., the Outfitter must report the incident verbally to the Service within 48 hours. A written report should be provided to the Service within seven days.

V. ENTRY FEES

We recommend that tour operators brief their clients of the requirement for the payment of entrance fees at any open entrance station or visitor center. Clients should have sufficient funds for their entrance fee. Entry fees are required from anyone who is 17 years or older.

VI. LOWER CANYONS ASSUMPTION OF RISKS

- A. Policy - Persons who go through all or any part of the Lower Canyons of the Rio Grande in the Rio Grande Wild and Scenic River Management Area (between La Linda and Dryden Crossing) must sign an "Assumption of Risks and Agreements of Release and Indemnity." This release is required through this particular section of the Rio Grande because much of the trip traverses private lands.
- B. Compliance - The following steps will be followed to maintain compliance:
1. Before the trip departs, the client will read and fill out the "Assumption of Risks" form. More than one person can read and sign the same form. There is also a place for the names of minor children; a parent or legal guardian must sign for each minor child. If the parent or legal guardian will not be available at the meeting place for the trip departure, please mail a copy of the form to that parent or guardian to be returned before the trip departure.
 2. Please submit the completed form(s) to Big Bend National Park when you are procuring your backcountry river permit at a visitor center.
 3. Outfitters who provide NPS river permits for themselves or for unguided trips must attach the read, signed, and completed form(s) to the permit and submit to Big Bend National Park within one month of the trip's departure.

VII. MEXICO

This permit does not allow for use of the Mexican side of the river. The exception is for emergencies (for example: to scout rapids, bail out a boat, repack gear, and for other safety reasons). Persons may not plan to camp in Mexico or on the Mexican shore. Persons may not hike into Mexico or Mexican side canyons. Possession of a passport and filing of U.S. Customs declaration forms are no longer required for river trips.



APPLICATION INSTRUCTIONS COMMERCIAL USE AUTHORIZATION

OMB Control No. 1024-0268
Exp. Date: 08/31/2016

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. For specific definitions of authorized activities, see Attachment A.
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, National Park Service, as additionally insured in the amounts designated in the application.
10. 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.
11. 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).
12. Include payment of the Application/Administrative Fee (see Attachment B).
13. Please sign and date your application. If the person SIGNING this application is not an Authorized Agent for the business, proof of signing authority must accompany this application.

Attachment A: List of Approved Services

Attachment B: Fee Schedule and Payment

ATTACHMENT A
DEFINITIONS OF AUTHORIZED ACTIVITIES

Boat Livery/Tours/Charters – canoe, raft, or kayak rentals/tours/charters with guide service or delivering/outfitting river equipment within Big Bend National Park / Rio Grande Wild and Scenic River boundaries.

Fishing Guide/Charters – canoe, raft, or kayak tours/charters with guide specifically for fishing within Big Bend National Park / Rio Grande Wild and Scenic River boundaries.

Boat Repair and/or Salvage – repair/salvage service of canoe, raft, kayak, etc within Big Bend National Park / Rio Grande Wild and Scenic River boundaries.

Camping – obtaining developed/frontcountry (individual or group) campsite(s) on behalf of clients within Big Bend National Park. PLEASE NOTE: Issuance of a CUA for this activity does not guarantee the Permittee the availability of campsites nor does it entitle the Permittee to supercede the general public in obtaining campsites.

Bike Rentals/Tours – bike rental/tours, with or without guide service.

Backpacking – backcountry camping with guide service or delivering/outfitting backcountry camping equipment within Big Bend National Park / Rio Grande Wild and Scenic River boundaries. PLEASE NOTE: Issuance of a CUA for this activity does not guarantee the Permittee the availability of campsites nor does it entitle the Permittee to supercede the general public in obtaining campsites.

Fishing – fishing from land with guide service or delivering/outfitting fishing equipment within Big Bend National Park boundaries.

Hiking – day hiking with guide service within Big Bend National Park boundaries.

Mountain Biking – mountain biking with guide service or delivering/outfitting mountain biking equipment within Big Bend National Park boundaries.

Photography – non-commercial photography trip/tour with guide service within Big Bend National Park / Rio Grande Wild and Scenic River boundaries. (Commercial Photography requires a Special Use Permit. Contact the Superintendent's office at (915) 477-1101 for more information.)

Rocking Climbing – Rocking climbing with guide service or delivering/outfitting climbing equipment within Big Bend National Park boundaries.

Bus/Vehicle Tours – road (paved or dirt) based tours with or without guides service within Big Bend National Park boundaries.

Shuttle Service – provide transportation for visitors to and from Big Bend National Park independent of any other activities.

Visitor Transport – provide transportation for clients as part of other activity/service within Big Bend National Park boundaries. This applies only if the vehicle used is owned or rented on behalf of the CUA holder. (Example – river outfitter that transports clients to and from the river as part of boat livery service.)

ATTACHMENT B FEE SCHEDULE AND PAYMENT

General Information

All fees must be paid by check, made payable to “National Park Service.”

Application Fee

A \$100 non-refundable application fee is due with the CUA application. Applications will not be processed without this fee.

Administrative Fee

Annual administrative fees are due with the approval of the CUA permit according to the following schedule:

- \$200 for One-Time Use permit. This allows for one trip within our Fiscal Year.
- \$300 for Year-Round permit. The year of authorization coincides with our fiscal year, October 1 to September 30th.
- \$400 for Year-Round permit with river use authorization.

Cost-Recovery Fee

A cost-recovery fee, not to exceed \$5 per client per day, will be charged for all river use.