

ATTACHMENT B

Commercial Use Authorization Buffalo National River Special Park Conditions

All stipulations and conditions are subject to change

1. Holder shall ensure that each of their employees receive a copy of this authorization and understands the authorization contents, conditions and stipulations. Holder also shall ensure that each of their employees receives training in and reviews a copy of this authorization including all conditions and stipulations.
2. Holder shall provide written certification to the NPS (upon request) that each employee received training in and reviewed a copy of this authorization including all conditions and stipulations.
3. Holder must inform the National Park Service within 24 hours when an employee (those working under this permit) is added or is no longer an employee of the business.
4. Engaging in an activity for which you are NOT specifically permitted is prohibited.
5. Proof of authorization approval must be with the Holder and their employees when operating in the park unit. A copy of the signature page is acceptable and must be presented to any park employee on demand.
6. **The Holder shall have none of the rights or privileges of P.L. 105-391 specified for concession contracts. The National Park Service does not grant the Holder a preferential or exclusive right to conduct business in any National Park Service administered areas.**
7. This authorization may not be transferred, extended or assigned under any circumstances. This stipulation supersedes item #7 of Attachment A (Conditions of this Authorization).
8. This authorization does not authorize the holder to advertise, solicit business, collect any fees, or sell any goods or services on lands owned and controlled by the United States. The authorization is for the incidental use of park area resources by operations that provide commercial services originating and terminating outside of the park unit (or within an inholding).
9. **REVOCATION** - The CUA may be revoked at any time at the discretion of the superintendent without compensation to the Holder or liability to the United States.
10. **REPORTS** - Monthly Activity Summary Reports must be submitted to and **received by the NPS** by the 5th of each month for the preceding month's activities. A negative report must be submitted if no activity occurred during any given month. Non-submission of any report may be grounds for suspension or revocation of the CUA. (This includes any other reports that may be required as specified in the park-specific stipulations attached to this CUA.)

Report Description	Due Date
Annual Survey/Gross Receipt Report (Negative Report Required)	Dec. 15 th
Monthly Activity Summary Report (Negative Report Required)	5 th of the month for the preceding month's activity

Submit Reports to: Buffalo National River, **ATTN: Concessions Management Office**, 402 N. Walnut Street, Suite 136, Harrison, AR 72601 or FAX: 870-365-2701 or BUFF_Superintendent@nps.gov

11. **FEES**

A. Management Fees: RESERVED

B. Late Fees for Reports:

Monthly Activity Summary Report **\$25 per report** for each 30-day period or portion thereof that the report(s) is late.

Annual Survey/Gross Receipts Report **\$25** for each 30-day period or portion thereof that the report is late.

12. **INSURANCE**

A. Minimum Insurance Requirements:

Hiking, Camping	Comprehensive General Liability	\$300,000/Occurrence
Rappelling	Comprehensive General Liability	<u>PARTY SIZE - Amount</u> Up to 5: \$300,000/Occurrence 6 to 8: \$500,000/Occurrence
Motor Vehicles	<u>Auto Liability</u> Coverage is required for all owned, non-owned and hired vehicles.	<u>PARTY SIZE - Amount</u> Up to 5: \$300,000/Occurrence 6 to 12: \$500,000/Occurrence 13 to 20: \$750,000/Occurrence 21 to 25: \$1,500,000/Occurrence
Employee Coverage	Worker's Compensation	Statutory worker's compensation and employees' liability as required by the State of Arkansas.

B. General Provisions

The Holder must obtain and maintain during the entire term of the Commercial Use Authorization (CUA), the types and amounts of insurance coverage necessary to fulfill the obligations of the CUA. The National Park Service will not be responsible for any omissions or inadequacies of insurance coverage and amounts in the event the insurance purchased by the Holder proves to be inadequate or otherwise insufficient for any reason whatsoever.

C. Liability Insurance

This insurance must be in the amount commensurate with the degree of risk and the scope and size of the activities required and/or authorized under this Authorization. The name of the Insured on the certificate of insurance must match the business name of the Holder, including those names used under "doing business as".

D. Insurance Minimums

The following applicable Liability Coverage and limits are to be maintained at a minimum. The Holder may attain the limits specified below by means of supplementing the respective coverage(s) with Excess or Excess "Umbrella" Liability. Furthermore, the commercial general liability package must provide no less than the coverage and limits described.

E. Maintaining Current Policy

Holder must cease operating in the park should liability insurance be cancelled or suspended for any

reason.

F. Visitor Acknowledgement of Risk

- i. The CUA Holder **may require** guests/clients participating in activities authorized under this CUA to sign a Visitor Acknowledgement of Risks form.
- ii. The CUA Holder **may NOT request or require** guests/clients participating in activities to sign a liability **waiver** form, insurance disclaimer and/or indemnification (hold-harmless) agreement.
- iii. The CUA Holder must submit to the Concessions Program Manager for approval, its "proposed" Visitor Acknowledgement of Risks form, if any, prior to beginning operations in the park and at least 30 days in advance of any proposed changes in the form. The Concession Program Manager is located at **Buffalo National River, 402 N. Walnut Street, Suite 136, Harrison, AR 72601**. If no Visitor Acknowledgement of Risks form will be used, the CUA Holder will advise the Concession Program Manager of this intention prior to beginning operations in the park.
- iv. A sample NPS-approved Visitor Acknowledgement of Risk form is provided as Attachment C to this CUA.

GENERAL CONDITIONS

13. Buffalo National River Compendium: The CUA Holder will comply with all provisions of 36 CFR and Buffalo National River compendium.
14. Communication Equipment: The group leader involved in backcountry or wilderness activities (such as rappelling, hiking, or camping) must carry some type of electronic communication equipment, including a backup source of power, capable of communicating with the outside world should an emergency arise. Each group participant should be instructed on the use of these devices. It should be noted that carrying this communication equipment should in no way influence the level of risk to be undertaken by any individual or group; all decisions made should assume that self-sufficiency is the expectation for all backcountry/wilderness users.
15. Any incident involving a fatality or serious injury must be reported to the Superintendent immediately by calling **Midwest Region Ozark Communication Center (MROCC) at 1-888-692-1162**.
16. It is the Holder's responsibility to obtain prior approval from landowners for access to or across private lands within the Park.
17. The Holder shall inform clients of the general park regulations and safety concerns before beginning trip.
18. The Holder shall practice and ensure their employees practice Leave No Trace procedures while operating within the park under this authorization.
19. The area(s) authorized for use under this authorization must be left in substantially the same condition as it was prior to the activities authorized herein.
20. Live vegetation shall not be cut neither shall any soil be excavated.
21. Human waste will either be removed as trash or deposited in individual one time use cat-holes at least 6 inches deep in the organic soil layer not closer than 100 feet from any surface water source

and 50 feet from any trail.

- 22 The Holder will ensure participants take safe drinking water during hikes away from developed areas.
- 23 Equipment or food caches shall not be maintained within Buffalo National River.

GUIDED HIKING

24. Hiking groups are limited to no more than twelve (25) persons, including guides. The guide to client ratio shall not exceed one (1) guide per ten (10) clients, or fraction thereof.
25. The Holder will provide the Superintendent with a schedule of proposed trips and tentative routes at least 10 days in advance of beginning field operations.
- 26 Hiking is to be scheduled so as not to conflict with NPS-conducted activities.
- 27 The Holder will use official NPS trailheads and parking areas.

GUIDED CAMPING

- 28 Guided camping groups in the backcountry are limited to 25 persons including guides. The guide to client ratio shall not exceed one (1) guide to ten (10) clients, or fraction thereof.
- 29 Camping is allowed in established campgrounds, on gravel bars along the river at least one-half mile from any developed areas and in backcountry areas unless otherwise posted. Camping outside of established campgrounds must be a least one-half mile from any developed area. Developed areas include roadways, campgrounds, boat launch areas, bridges, etc. Camping is not permitted in hay fields, pastures, caves, bluff shelters, buildings, and designated historic landscapes within Buffalo National River. **Campsites in established campgrounds are available on a first come-first served basis except for campsites on the park reservation system.** Group camping sites are available in various locations in the park. Backcountry campsites are first-come first-served and cannot be held unless occupied. Developed campgrounds have a fee per site, per night as well as group occupancy limits. Holder must check in advance to determine if the area you plan to camp is subject to fees. (www.nps.gov and/or 870-439-2502)
- 30 All food and trash containing food materials must be stored in such a manner that it is not readily accessible to wildlife. Use caution and common sense with food stores in the backcountry or on the gravel bar. When in the campground, food should be stored in the vehicle, preferably in the trunk.
- 31 Campfire use may be subject to conditions such as burn bans. Under no conditions will wood be removed from historic, abandoned, or any other buildings in the park. Use downed and/or dead wood for campfires.
- 32 Camps must be left clean, all fires completely extinguished, and all fire rings broken up and scattered.
- 33 Prior to beginning field operations, the CUA Holder must meet at least once annually with a park ranger to review the field operating elements of this CUA.

GUIDED RAPPELLING

- 34 Guided Rappelling groups are limited to no more than eight (8) persons, including guides. Ratio shall not exceed one (1) guide to four (4) clients or fraction thereof.
- 35 An Operating Plan for guided rappelling must be submitted to the NPS for review and approval at

the time the CUA application is submitted. The Plan will include, but is not limited to:

- a. Previous rappelling experience for each guide.
- b. Guides must have, at a minimum, Advanced First Aid and CPR certificates. Wilderness First Responder (WFR) training is preferred. Other courses may be acceptable, but they must meet or exceed the standards in Advanced First Aid and CPR.
- c. Emergency operation plan
- d. Safety plan.
- e. Equipment inspection procedures and replacement plan.

- 36 The Holder will provide the Superintendent with rappelling and climbing site locations prior to each operating season for review and approval.
- 37 Placement of permanent artificial anchors (i.e. pitons or bolts) is prohibited.
- 38 Rappelling ropes will be designed for rappelling or rock climbing and will be in new or like new condition. Ropes will be replaced as needed. Ropes will be inspected prior to each rappelling activity.
- 39 Rappellers will wear a commercially available sewn harness, designed for rock climbing, rescue, or rappelling.
- 40 All rappellers will have a second rope tied into their harness as a belay in case of failure of the primary rappel system or problems with the rappeller.
- 41 All rappellers will wear a climbing helmet buckled with four-point chin strap while on rope, belaying, or in the rock fall zone at the base of the bluff.
- 42 All belayers will be trained in safe belay techniques. Proof of training will be presented to the NPS upon request.
- 43 Rappelling activity will be supervised by experienced group leaders. Proof of group leader rappelling experience will be provided to the NPS upon request.
- 44 Rappelling flags will be set up to alert park visitors that they are near a rappelling area. Rappelling flags will be removed at the end of the activity.
- 45 Vegetation will not be cut or altered in any way to modify a rappelling/climbing route.
- 46 Ropes attached to trees must not cause harm to the bark of the tree.