



United States Department of the Interior



**National Park Service
Castillo de San Marcos National Monument
Fort Matanzas National Monument
1 South Castillo Drive
St. Augustine, Florida 32084
904-829-6506**

C3827

Attn: All companies anticipating conducting commercial service activities at Castillo de San Marcos or Fort Matanzas National Monument.

The National Park Service (NPS) has established guidelines for parks to issue a Commercial Use Authorization (CUA). The CUA allows businesses meeting NPS requirements to conduct commercial service activities within the park's boundaries.

In order to bring the park into compliance with NPS regulations, effective July 1, 2008, all businesses conducting commercial service activities in the park boundaries must apply for a CUA. All businesses that meet the CUA requirements will be issued a permit. This includes any commercial guided tours within the park's boundaries during and after normal business hours (e.g. all educational tour groups, night time ghost tours, Segway tours, etc).

The Code of Federal Regulations (CFR) Title 36, 5.3 prohibits the engaging in business activity within NPS areas except in accordance with a permit, contract or any other type of written agreement.

All businesses that are approved for a CUA will be required to obtain liability insurance. The liability insurance policy must list the U.S. Government as an additional insured. You will be notified in writing whether your request for a CUA is approved or not approved. Proof of insurance must be submitted prior to issuance of the CUA.

Businesses who are interested in conducting commercial service activities in the park boundaries for the 2008/2009 season must apply for a CUA by June 1, 2008. You must have a CUA prior to making your reservations. The non-refundable application fee of \$75 must accompany the application and will apply toward the total cost of the CUA which is \$700 for a two (2) year term.

If you have any questions or concerns, please contact me at (904) 829-6506, ext. 245 during the hours of 9:00 a.m. to 5:00 p.m., Saturday thru Wednesday or email me at: marlon_smith@nps.gov.

Please do not call the reservation line for CUA information.

Sincerely,

Marlon Smith
Fee Program Manager
Castillo de San Marcos NM

Castillo
www.nps.gov/casa



Ft Matanzas
www.nps.gov/foma

U.S. DEPARTMENT OF THE INTERIOR



Castillo de San Marcos NM
Fort Matanzas NM
1 S Castillo Dr
St Augustine, FL 32084
904-829-6506 (ext. 245)
Fax: 904-824-3817

Application Form

(Please type or print in ink. Answer all questions completely and mark "N/A" if not applicable.)

IMPORTANT: Before completing this application, please refer to **Section V** of the Instruction Guide 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 (904)829-6506 (ext. 245)

1) **Applicant (Legal Business Name)**

2) **What is your Business Type (please mark one below)**

- a) Sole Proprietor
- b) Corporation: State: _____
Entity Number _____
- c) Non-Profit (Please attach a copy of your IRS Ruling or Determination Letter.)
- d) Partnership/Association
Name: _____
- e) Other (Specify) _____

Note: If the business is a non-profit (within terms of the Internal Revenue Code, as determined by the IRS) that will not derive taxable income from the authorized use, then you are not required to obtain a CUA.

Names of Employees who will work under the authority of the permit (cont.):

Name	Title or Position

9) **Has the Applicant (current entity), parent company, any principals of the Applicant (whether as a principal or employee of the company or otherwise), or any of your current or proposed employees at any time in the last five years been charged with violating or alleged to have violated any state, Federal, or local law or regulation? Yes _____ No _____**
If “Yes”, please give a description of each alleged violation. Attach additional sheets if necessary.

Date of Violation: _____
 Place of Violation: _____
 Who is the Charge against? _____
 Who made the Charge? _____
 Provide Details of the charge(s): _____
 Current Status: _____

10) **Accident History.** Detail any accidents within the last five years that resulted in damages and/or claims to persons, property or the environment of \$1,000 or more that were brought against the Applicant (current entity, parent company, any of the principals of the company (whether as a principal or employee of the company or otherwise), or any of your current or proposed employees. List each accident and give the name of the person, date and place of occurrence, a copy of any relevant accident or incident reports, and explain what actions were taken to prevent the accident from being repeated in the future.

11) **Describe your Commercial Visitor Service.** Please describe the nature and scope of the Visitor Service your entity will provide.

- 12) Prospective Applicants should carefully examine the Application and fully inform themselves as to the conditions and matters which can in any way affect the authorized activities or the costs thereof. Should a prospective Applicant find discrepancies in or omissions from the Application or be in doubt as to their meaning the Applicant should at once notify the Superintendent and no later than prior to the closing date for submission of Applications.
- 13) The Applicant's signature set forth below indicates (1) the person signing the Application has the authority to commit the Applicant to all the provisions of the draft CUA attached hereto and any proposals made in the Application; (2) the Applicant agrees to comply with all of the terms and conditions of the Draft CUA as attached hereto; (3) the Applicant certifies the information furnished in the Application is complete, true and correct and recognizes that false statements may subject the Applicant to criminal penalties under 18 U.S.C. 1001 and may be grounds for denial or revocation of the CUA. The NPS will review the entire Application Form, Appendix, and any other attachments to determine whether your application in fact accepts without condition the terms and conditions of this Draft CUA. If not, your application may be rejected without further consideration.
- 14) Please be ready to show proof of liability insurance. The U.S. Government must be listed as an additional insured on your policy.

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

Printed Name

Date

Title

U.S. DEPARTMENT OF THE INTERIOR



Castillo de San Marcos NM

Fort Matanzas NM

1 S Castillo Dr

St Augustine, FL 32084

904-829-6506 (ext. 245)

Fax: 904-824-3817

Instruction Guide

COMMERCIAL USE AUTHORIZATION (CUA)

Effective July 1, 2008 all commercial companies must have a CUA in place to conduct business on any park property and all commercial tours inside the fort require a reservation. Certification classes will be conducted for tour guides as needed. Reservations for the 2008-2009 school year will not be accepted before a CUA is awarded.

I. GENERAL INFORMATION

- 1) Once an application has been received, the administrative fee that accompanied the application will be deposited and will not be refunded even if the entity decides not to offer the permitted activity.
- 2) Each CUA is valid for no more than two calendar years.
- 3) The CUA activity must be appropriate to the purposes for which the Park was created, as set forth in its enabling legislation.
- 4) All business activities (solicitation, exchange of funds, etc.) must begin and end outside of park boundaries.
- 5) Rates charged by the entity for services in the Park must be reasonable as determined by the National Park Service.
- 6) Non-Profit entities that will not be deriving taxable income from the activity are not required to obtain a CUA; however, the activity may require a Special Use Permit.
- 7) At this time there is no limit to the number of CUAs being issued for any given CUA activity; however, limits may be imposed if the NPS determines there are

an excess number of applicants that would adversely affect visitor safety, the quality of the visitor experience, or the protection of the resource.

II. COMMERCIAL USE AUTHORIZATION PROCESS

- 1) Complete, Sign, and Date Application Form.** Complete appropriate forms. Be sure to fill in all sections of the application, otherwise the application may result in a denial.
- 2) Mail completed, Signed Forms & Fees.** A CUA application will not be processed until the Application Fee is received. (See **Section IX Fee Schedule**)
- 3) NPS qualification process.** The Fee Management Office will determine if the applicant has provided all necessary documentation and all intended activities are appropriate to the mission of the park.
- 4) Confirmation and Award.** All requests for a CUA will receive a response from the Fee Management Office. If the Application results in award, the CUA will be mailed to the Applicant for signature. If the entity is not awarded a CUA, the application fee will not be returned.
- 5) Annual Reporting, Monitoring, and Fee Payment:** Once awarded, the CUA holder is required to forward the following before the CUA is validated:
 - a) Brochure or online information site address showing how the activity is described and conducted.
 - b) CUA Fee: the remainder of the CUA fee must be received before a CUA will be valid.
 - c) Proof of Liability Insurance as outlined in **Section IV** must be received before the CUA will become valid.
 - d) Annual Report: which includes a list of all tour guides and certifications from the City of St Augustine.
- 6) Once all fees and proof of insurance are received, the CUA will be officially validated and the applicant may begin conducting the approved activities.**

III. APPLICATION FORM

The following explanations correspond directly with the numbered items on the Application Form.

- 1) Give the legal name of your business. If you have a secondary name under which you are doing business (d.b.a.), please give that name also.
- 2) Mark the space that identifies your type of business.
- 3) Provide contact information. Over the term of your authorization it may be necessary to contact you to obtain or share information.
- 4) Provide your Employer Identification Number (EIN) or Social Security Number (SSN). This is a requirement of the 1996 Debt Collection Act. The EIN or SSN that you provide will be used to collect debts.

- 5) Give the names of all persons designated as Authorized Agents for your business.
- 6) NPS Management Policy prohibits employees of the NPS and their spouses and minor children from acquiring or retaining any authorization conducting commercial services in a Park area.
- 7) Each Authorization must be licensed by the appropriate city or county in which the primary business address and base of operation is located. If you do not have a current Business License, please contact your local city or county government offices for further information and assistance.
- 8) Provide names and titles of employees who will work in the Park under the authority of your authorization. These are usually the tour guides that are your employees (not a contracted service). Use additional paper if needed. Please report any future changes to your list of employees by mailing an updated list to our office address. **All tour guides conducting tours inside the fort must have a tour guide certification from the NPS.**
- 9) If the answer is “Yes”, provide the details as requested. If your business or business owners are currently under charges for violation of state, federal, or local law or regulation, please give details (does not include minor traffic tickets).
- 10) List each accident and give the names of the person, date and place of occurrence, a copy of any relevant accident or incident reports, and explain what actions were taken to prevent the accident from being repeated in the future. If none, so state.
- 11) Please describe your service in detail. Attach extra sheets if needed.
- 12) Prospective Applicants should carefully examine the Application and fully inform themselves as to the conditions and matters which can in any way affect the authorized activities or the costs thereof. Should a prospective Applicant find discrepancies in or omissions from the Application or be in doubt as to their meaning, the Applicant should at once notify the Superintendent and no later than prior to the closing date for submission of Applications.
- 13) 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.

IV. DOCUMENTS AND FEES TO BE PROVIDED AFTER THE CUA HAS BEEN APPROVED AND AWARDED

Information and fee payments should be mailed to:

Castillo de San Marcos National Monument
Attn: Fee Management Office
1 S Castillo Dr
St Augustine, FL 32084

- 1) Brochure or online information site address showing how the activity is described and conducted (if the entity advertises the service).
- 2) Management / Monitoring Fee (See **Section IX Fee Schedule**)
- 3) Proof of Liability Insurance as described in **Section VIII**.
- 4) Annual Commercial Use Authorization Survey – (required for renewal applicants)

V. APPROVED COMMERCIAL VISITOR SERVICES

- 1) Guided Educational Tours that enter the fort proper at Castillo de San Marcos National Monument. These tours require advanced reservations through the parks reservation service and incur additional fees associated with the reservation process. (Fort Matanzas National Monument provides free guided tours through the fort proper and does not allow commercial tours of any kind through the fort).
- 2) Guided Tours that do not enter the fort proper at Castillo de San Marcos NM but occur on park property that is accessible by the general public at either Castillo de San Marcos or Fort Matanzas National Monuments.
- 3) After hours Guided Tours that are on park property that is accessible by the general public. These tours are typically referred to as the “Ghost Tours” and take place after the park is closed. Fort Matanzas NM does not allow after hours tours.

The CUA activity must:

- (a) **Be appropriate to the purposes for which the Park was created as set forth in its enabling legislation;**
- (b) **Have minimal impact on the park’s resources and values;**
- (c) **Be consistent with all applicable park area management plans, policies, and regulations.**

VI. COMMERCIAL FREE ZONES

- 1) Commercial Activity may only take place in areas accessible to the general public at either Castillo de San Marcos or Fort Matanzas NM.
- 2) Fort Matanzas National Monument provides free guided tours through the fort proper and does not allow commercial tours of any kind through the fort.

VII. GROUP SIZE LIMITS

- 1) Guided Tours entering the fort proper at Castillo de San Marcos NM are restricted in size in accordance with the Reservation Guidelines detailed in the Park Standard Operating Procedures and the Superintendent’s Compendium.
- 2) At this time there are no group size limits on any commercial activities other than those described above. (However, any commercial activity that poses a risk of impact on park resources, impacts the quality of visitor experience, or jeopardizes visitor safety may incur size restrictions to help mitigate the adverse effects).

VIII. INSURANCE AND THE MINIMUM AMOUNT REQUIRED

All companies conducting business within the limits of either park boundary are required to maintain liability insurance naming the United States of America (NPS, Castillo de San Marcos NM and/or Fort Matanzas NM) as an additional insured at no less than the coverage amounts listed below. The CUA operator will provide proof of insurance with the required endorsement as part of the application process.

The National Park Service has established the minimum insurance coverage amounts to be as follows:

- General Liability\$2,000,000 annual aggregate**
- Products and Complete Operations\$1,000,000 per occurrence**
- Personal Injury and Advertising Injury Liability.....\$1,000,000 annual aggregate**
- Medical Payments.....\$5,000 per person**
- Fire Legal Liability.....\$50,000 per fire**

The entity assumes liability for and agrees to save, hold harmless, protect, defend and indemnify the United States of America, its agents and employees, for and against any and all liabilities, obligations, losses, damages or judgments (including, without limitation, attorney and expert fees) of any kind and nature whatsoever on account of fire or other peril, bodily injury, death or property damage, or claims for bodily injury, death or property damage of any nature whatsoever, and by whomever made, in any way connected with or arising out of the activities of the entity, its employees, agents, or contractors, under this permit. This indemnification will survive the revocation or expiration of this permit.

IX. FEE SCHEDULE

The authority of the NPS to recover associated management and administrative costs of the CUA program is found in PL 105-18 and 31 U.S.C.9701 and 16 U.S.C. 3a. The authority to charge Recreational Use Fees is found in PL 105-18 and the authority to charge CUA fees is found in PL 105-391.

Application Processing Fee (non-refundable) (due at time of application)	\$75
Cost for Managing Program, Monitoring and Compliance (due at time of CUA award)	<u>\$625</u>
Total cost for two year CUA permit	\$700

X. FREQUENTLY ASKED QUESTIONS

What is a “Commercial Use Authorization (CUA)”?

Section 418 of the National Parks Omnibus Management Act of 1998, Public Law 105-391 (Section 418), authorizes NPS, upon request, to issue commercial use authorizations to persons (referring to individuals, corporations and other entities) to provide commercial services to Park area visitors in limited circumstances. CUAs, although used to authorize commercial services to Park area visitors, are not concession contracts and are not transferable.

CUAs are intended to provide a simple means to authorize suitable commercial services to visitors in park areas. The CUA legislation contains limited circumstance in that commercial services (1) do not use fixed commercial facilities within a National Park unit, (2) the commercial activity originates and terminates outside the park area, (3) no money changes hands on park lands, and (4) no commercial solicitation occurs on park lands.

What will be the term of this authorization?

CUAs are issued for a term of up to two years. The cost of the CUA will be prorated to establish an expiration / renewal date to be June 30. The majority of our commercial activity is in the form of guided school groups entering the fort proper at Castillo de San Marcos. This expiration date was selected to coincide with the school year so that companies and schools could maintain a reasonable schedule for reservations and not have a CUA expiring during the school year.

What is a “Commercial Visitor Service”?

This type of service means accommodations, facilities and services the NPS has determined to be necessary and appropriate for public use and enjoyment of a Park area provided to Park area visitors for a fee or charge by person. The fee or charge paid by the visitor may be direct or indirect as part of the provision of comprehensive visitor services.

Is sub-contracting allowed under this authorization?

The Park Service does **not** allow sub-contracting under this authorization.

May authorization be transferred between companies?

No. Authorization may **not** be transferred between companies.