



United States Department of the Interior

National Park Service
Chattahoochee River
National Recreation Area
1978 Island Ford Parkway
Sandy Springs, GA 30350
678-538-1200



Refer To:
C3827 (CHAT)

Dear Applicant:

Thank you for your interest in applying for a Commercial Use Authorization (CUA) to provide commercial services to the visitors within the Chattahoochee River National Recreation Area. The following items are needed to complete your application. Please use this list to ensure that you are prepared to submit your application:

- Application (completed, signed and dated)
- Signed Code of Ethics
- Signed 2016 Permit Clauses (initial each clause)
- Proof of Insurance
- County or City Occupational License
- Other certificates as necessary
- Brochures/ Advertising materials

A written application for a commercial use authorization will be accepted no later than ten (10) business days prior to the desired use.

Sincerely,

William L. Cox
Superintendent

Enclosures

COMMERCIAL USE AUTHORIZATION

Holder shall read and sign below

CODE OF OPERATIONAL AND ETHICAL STANDARDS

1. Holder and representatives will conduct business practices in full compliance with all applicable federal, state, and county laws and regulations.
2. Holder and representatives will not use deceptive or misleading statements relating to offered services.
3. Holder and representatives shall not use advertising language and methods which are deceptive or misleading.
4. Holder and representatives shall conduct all business dealings with members of the public in a fair, consistent, professional and ethical manner.
5. Holder and representatives shall use his/her best efforts to provide coverage with appropriate available resources to prevent damage or loss to life or property.
6. A violation of these Standards will be considered to be a violation of the terms of the CUA and subject to condition 16.

Signature of Holder: _____ Date _____

Print Name of Holder's Company _____

(If Holder is a Corporation, signer must provide a copy of the corporate minutes giving him/her authority to act on behalf of the Corporation.)

Signature of Holder's Representative _____ Date _____

Print Name of Holder's Representative _____

Print Name of Holder's Company _____

**COMMERCIAL USE AUTHORIZATION
U.S. DEPARTMENT OF THE INTERIOR**



**Chattahoochee River National Recreation Area
ATTN: Office of Commercial Services
1978 Island Ford Parkway
Sandy Springs, GA 30305
Phone: 678-538-1210
Fax: 770-392-7045**

GENERAL INFORMATION

Payments can be made in the form of a **certified cashier's check or money order** made out to the National Park Service or **credit card** by calling the Chattahoochee River National Recreation Area Visitor Center at 678-538-1200. Be sure to provide your business name so that payments can be matched to the correct application.

APPROVED COMMERCIAL VISITOR SERVICES

36 CFR § 5.3 Business Operations states:

“Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.”

The Superintendent of Chattahoochee River NRA establishes the following guidelines as they relate to business operations within the park: CUAs are limited authorizations to provide specific commercial visitor services within the boundaries of the Chattahoochee River National Recreation Area while preserving and protecting park resources.

Permittees are not concessioners authorized under the Concessions Management Improvement Act of 1998.

The General criteria for obtaining a CUA are:

1. The authorized activity and service must be necessary and appropriate and be consistent with the purpose for which the park was established.
2. The CUA must not be used to circumvent the planning process of the park or to authorize activities that would impair park resources.
3. The National Environmental Policy Act (NEPA) requires that all Federal activities undergo an environmental review prior to the activity taking place. A CUA is considered a Federal activity and thus must comply with NEPA. Through the NEPA process the park determines if any adverse environmental effects might be caused by the proposed CUA. If the determination is “No Potential Adverse Effects”, a Categorical Exclusion is made. The paperwork for a Categorical Exclusion takes approximately two to three (2 to 3) weeks to complete. If, however, the determination is “Potential Adverse Effects” may occur, an Environmental Assessment (EA) is required. An EA takes between six (6) months and two (2) years depending upon how long it takes the permittee to work through the process and complete the EA. The expense of completing an EA will be borne by the CUA applicant with no guarantee of permit approval.

4. The term for CUAs may not exceed twelve (12) months by calendar year. The NPS authority to grant CUAs is temporary and may be rescinded at any time. New commercial use regulations are currently being developed at the NPS Washington Office.
5. A list of conditions for a CUA is available for review in a separate file that should be evaluated prior to application. This list may not be all inclusive of the conditions in the final permit authorization.
6. The CUA Holder shall have, hold harmless, defend and indemnify the United States of America, its agents and employees for losses, damages or judgments and expenses on account of fire or other peril, bodily injury, death or property damages, or claims for bodily injury, death or property damage of any nature whatsoever, and by whomsoever made, arising out of the activities of the Permittee, his employees, subcontractors or agents under this PERMIT.

The CUA Holder shall provide the National Park Service with a Statement/Certificate of Insurance at the inception of this PERMIT and annually at its renewal date thereafter, and shall provide the National Park Service thirty (30) days advance written notice of any material change in the CUA Holder's insurance program hereunder. Failure to keep your insurance certificate on file current (i.e. for length of permit) shall be considered a breach of conditions and be grounds for revocation.

The National Park Service will not be responsible for any omissions or inadequacies of insurance coverage if amounts of such prove to be inadequate or otherwise insufficient for any reason whatsoever.

Workers compensation coverage must be provided to eligible workers as required by applicable State law.

Coverage provided by insurance companies must meet the following minimum requirements:

The CUA requires the holder to assume liability for and agree 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 the CUA.

The CUA Holder shall provide comprehensive general liability insurance against claims occasioned by actions or omissions of the Permittee in carrying out the activities and operations authorized hereunder. Such insurance shall be in the amount commensurate with the degree of risk and the scope and size of such activities authorized herein, but in any event, the limits of liability shall not be less than **\$1 million per occurrence / \$2 million aggregate** covering both bodily injury and property damage. If claims reduce available insurance below the required per occurrence limits, the Permittee shall obtain additional insurance to restore the required limits. An umbrella or excess liability policy, in addition to a comprehensive general liability policy, may be used to achieve the required limits.

Required Clauses: All liability policies shall specify that the insurance company shall have no right of subrogation against the United States of America or **shall provide that the United States of America/National Park Service/Chattahoochee River National Recreation Area, is named as additional insured and the NPS shall be identified**

CUA holders should understand that there is no assurance that the category of risks is precise or that meeting minimum limits of insurance will be sufficient protection to cover claims which could arise from a single serious accident. The CUA holder should consult with an insurance advisor for further opinion on adequacy of limits.

Proof of Insurance - Before your CUA permit can be issued and/or renewed, the certificate of insurance with the proper coverage and clauses must accompany your application

7. The permittee shall provide a current Business License. Should the Business License not yet be available, a copy of the Business License application showing payment made may be provided.
8. The permittee shall keep on record for National Park Service review a copy of adult/child CPR and first aid certifications for ALL employees working the park.

FEE AUTHORITY

The authority for the NPS to recover associated management and administrative costs of a CUA is found in PL 105-18 and 31 U.S.C.9701 and 16 U.S.C. 3a. The Director must charge a reasonable fee for the issuance of a commercial use authorization in order to recover associated management and administrative costs. The authority to charge Recreational Use Fees is found in P.L. 105-18 and the authority to charge CUA fees is found in P.L. 105-391.

Permit application fee of \$225.00 is based on costs associated with processing the application (i.e. mailing, distribution and initial review to ensure that the information supplied is sufficient to form a decision). **This fee must accompany the application and is non-refundable and non-returnable.**

Administrative Fee of \$420.00 is based on costs for the administrative process, including the determination and the approval of the authorization. It includes all NPS costs for personnel, training, and material utilized for that specific activity, as well as any costs required for investigations and approvals, meetings, and travel. **This fee shall be submitted when the permit is issued.**

Monitoring Fee of \$675.00 based on 8 hours of monitoring throughout the year and the fixed costs of monitoring. This includes all NPS costs for personnel and materials. This cost can range higher depending on the complexity of the request to provide commercial services. Should issuance of this permit require substantial more monitoring; the Holder will be billed accordingly. **This fee shall be submitted when the permit is issued.**

River Management Fee of \$1.00 per person based on monthly visitation of holders who rent river equipment and/or provide river trips to customers. It includes all NPS costs for personnel oversight and supervision, transportation, material, and returning the area to its original condition. **This fee shall be submitted monthly by the 15th of the subsequent month along with the monthly report form.**

Fees may change per year, based upon the actual the actual costs incurred. This fee will be billed to the CUA holder.

The following fees are in effect at Chattahoochee River National Recreation Area through **December 31, 2016.**

<u>Commercial Use Authorization Fee Schedule</u>	
<u>Permitting Fee</u>	\$225.00
<u>Administrative Fee</u>	\$420.00
<u>Monitoring Fee:</u>	\$675.00
<u>Total Base Fee for 2016</u>	<u>\$1320.00</u>
Additional Fees:	
<u>River Management Fee</u>	<u>\$ 1.00 per person served</u>

Please Note:

Each year a Cost Recovery analysis report will be calculated to determine possible price increase.

COMMERICAL USE AUTHORIZATION PROCESS

- **Complete, Sign and Date Application Form.** Complete the application form and address the appropriate Supplemental Questions.
- **Notification of Authorization:** All applications for a CUA will receive a response from our office. The CUA will not be **issued** until all applicable documents and fees are received by this office. *If the Applicant is not issued a CUA, the Permitting Fee will not be returned.*
- **Annual Report -** The operating period ends on **December 31st each year**. It is the responsibility of each CUA Holder to provide the Annual Report, which is due by **January 30th each year**. The Annual Report form is provided when the Authorization is issued. Please contact the Park if a replacement form is needed.