# COMMERCIAL USE AUTHORIZATION APPLICATION

**Devils Tower National Monument**

P.O. Box 10 Devils Tower, WY 82714

Phone: 307-467-5283 x741

Email: [DETO\_Fee\_Office@nps.gov](mailto:DETO_Fee_Office@nps.gov)

Refer to application instructions at the end of this application. 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.)]*
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. **Owner and Authorized Agents:** *(Give the name(s) of the owners and name(s) of the persons designated as Authorized Agents for your business. Authorized Agents have the power to sign on your behalf.)*

## 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:

1. **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 Corporation

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

Other

1. **Business License – State and Number: Expiration Date:**
2. **Employer Identification Number (EIN):**
3. **Liability Insurance:**

Provide proof of liability insurance. The CUA operator must maintain General Liability insurance naming the United States of America as additional insured. Minimum coverage amount is $500,000 per occurrence. Some activities will require increased coverage or other types of liability insurance; see Park-Specific CUA Insurance Requirements (“Attachment B”).

## Will your business operate vehicles/vessels/aircraft within NPS boundaries?

Yes No

*Information for vehicles/vessels/aircraft chartered from and operated by another company is NOT required. If “Yes,” please give a description of each vehicle. Use additional paper, if necessary.*

|  |  |  |  |
| --- | --- | --- | --- |
| **Make/Model of Vehicle** | **Year** | **Max # Passenger Capacity** | **Own/Rent/Lease** |
|  |  |  |  |
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| --- | --- | --- | --- |
| **Make of Aircraft** | **Tail Number** | **Max # Passenger Capacity** | **Own/Rent/Lease** |
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|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Make/Model of Vessel** | **Registration # or USCG Documentation** | **Length** | **Max # Passenger Capacity** | **Own/Rent/Lease** |
|  |  |  |  |  |
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## Additionally Required Documentation:

Parks may require proof of licenses, registrations and certificates, etc. Provide copies of additionally required documentation identified in “Attachment A”.

## DOI Employment:

Are you, your spouse, or minor children employed within the U.S. Department of the Interior? Yes No If “Yes”, please provide information below:

Employee Name: Title:

Bureau or Office where employed:

If you selected yes to 12., please contact your servicing ethics office for further guidance prior to submitting this form. A list of servicing ethics offices can be found at, https:/[/www.doi.gov/ethics.](http://www.doi.gov/ethics)

1. **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:

1. **Fee:** Please include the Application Fee as outlined in Attachments A and C.

## 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.*

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.

**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.**

# COMMERCIAL USE AUTHORIZATION APPLICATION INSTRUCTIONS

1. Enter the service you are proposing to provide. Enter on the application form which of these categories you are applying for. Please note that Activity-Based CUAs and Service-Based CUAs have different fees and CUA requirements as described Attachment A. These are the services which are currently approved in the park:

## Activity-Based CUAs:

|  |  |
| --- | --- |
| * Bicycle Tours | * Painting and Photo Workshops |
| * Environmental Education Tours | * Guided Climbing |

If the service you are proposing to provide is not a currently approved service listed above, contact the park CUA office at the number above.

1. Respond “No” or list other parks where you will be providing this service.
2. 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.
3. Give the name(s) of owners and name(s) of persons designated as Authorized Agents for your business. Authorized Agents have the power to sign on your behalf.
4. Provide contact information for both the main season and the off-season. Your contact information may also be published in the NPS Commercial Services Directory.
5. Check the box that identifies your type of business.
6. If the state in which you operate or the state where your business is domiciled requires a state business license, provide the state, license number and year of expiration.
7. 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.](http://www.irs.gov/Businesses/Small-Businesses-%26-Self-Employed/How-to-Apply-for-an-EIN) We will use the EIN that you provide as needed to collect debts.
8. 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 you own, rent, or lease vehicles/vessels/aircraft and transport visitors by those means or if those owned, rented, or leased 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). You may be subject to additional insurance requirements. Refer to “Attachment B”.
9. Provide a description of each owned, rented, or leased vehicle/vessel/aircraft you will utilize during the course of the proposed commercial service. Information for vehicles/vessels/aircraft chartered from and operated by another company is not required.
10. Provide copies of additional documentation as required by “Attachment A”.
11. Indicate if you, your spouse, or parent (if you are a minor child) is employed by the U.S. Department of the Interior (Department). Departmental ethics regulations at 5 C.F.R. § 3501.103(c) prohibit Department employees, their spouses, and minor children, from acquiring or retaining permits, leases, and other rights in Federal lands granted by the Department. This prohibition includes any commercial use authorization to conduct commercial activities or services on Department property.
12. Provide details 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. Do not include minor traffic tickets.
13. Include payment of the Application Fee - $100. See “Attachments A and C”.
14. 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 Information

**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 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. All vehicles/vessels/aircraft 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.
3. **Rates:** The holder shall provide commercial services under this authorization to visitors at reasonable rates satisfactory to the area Superintendent.
4. **Operating Conditions:** The holder shall provide the authorized commercial services to visitors under operating conditions satisfactory to the area Superintendent.
5. **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.
6. **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.
7. **CUA Fees:** At a minimum, the 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 authorized 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 or on a more frequent basis as determined by mutual agreement between the Holder and the area Superintendent.
8. **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.
9. **Transfer:** This authorization may not be transferred or assigned without the written consent of the area Superintendent.
10. **Termination:** This authorization may be terminated upon breach of any of the conditions herein or at the discretion of the area Superintendent.
11. **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.
12. **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 area Superintendent.
13. **Reporting:** The holder is to provide the area Superintendent upon request 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 area Superintendent may request, including but not limited to, visitor use statistics, and resource impact assessments. The holder must submit annually the

CUA Annual Report (NPS Form 10-660) and upon request the CUA Monthly Report (NPS Form 10-660A).

1. **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.
2. **Minimum Wage:** For CUAs awarded prior to January 30, 2022, the holder must comply with all provisions of Executive Order 13658 of February 12, 2014, (Establishing a Minimum Wage for Contractors) and its implementing regulations, including the applicable contract clause, codified at 29 C.F.R. part 10, all of which are incorporated by reference into this authorization as if fully set forth in this authorization. For CUAs awarded on or after January 30, 2022, the holder must comply with all provisions of Executive Order 14026 of April 27, 2021, (Increasing the Minimum Wage for Federal Contractors) and its implementing regulations, including the applicable contract clause, codified at 29 C.F.R. part 23, all of which are incorporated by reference into this authorization as if fully set forth in this authorization.
3. **Visitor Acknowledgment of Risks (VAR):** The holder is not permitted to require clients 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 to use the form and/or statement. A sample Acknowledgment of Risk form may be obtained by contacting the CUA office at

307-344-2320 or by going to the park CUA webpage at Commercial Use Authorizations (CUAs) - Yellowstone National Park (U.S. National Park Service) (nps.gov)

1. **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.
2. **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.

2022 SPECIAL PARK CONDITIONS FOR ACTIVITY-BASED COMMERCIAL USE AUTHORIZATIONS

Devils Tower National Monument – Specific conditions below:

## All Activities:

1. **Permits/Licenses**: The holder must obtain all permits or licenses of State or local governments, as applicable, necessary to conduct the business activities specified above and must operate in compliance with all pertinent Federal, State, and local laws and regulations. **The holder must carry a complete copy of their Commercial Use Authorization (CUA) with them at all times while operating in the park. The CUA is to be shown at the entrance station fee booth. Vehicle, operator, license, and authorization compliance inspections may occur at any time by National Park Service or law enforcement personnel.**
2. **Operating Plan:** All applicants must submit an operating plan with their application that, at a minimum, includes:
   * Description of proposed services to be provided
   * Proposed itinerary for planned trips, itinerary should include beginning and ending dates, routes, etc.
   * Group size, including guide to client ratio.
   * Lesson plan in Leave No Trace practices, including park rules and regulations, sanitation precautions/procedures, and other resource protection measures.
   * Safety procedures.
   * Emergency procedures including but not limited to contact points, use of cellular or satellite phones, first aid equipment and training.
   * Outline of client orientation.
3. **Required Documentation:** See “Attachment B”.
4. **Rates:** The holder must submit a rate sheet describing client charges and fees.
5. **Advertisements:** The holder must submit a current brochure and advertising materials or provide a website. All guided climbing CUA holders must disclose the June Voluntary Climbing Closure in their advertising material related to Devils Tower. At minimum, advertisements must identify that there is a voluntary climbing closure during the month of June and refer prospective clients to the Devils Tower National Monument website at [www.nps.gov/deto](http://www.nps.gov/deto) for more information.

## If applying for a Special Use Permit (SUP) in lieu of a CUA, please also include the following:

1. A statement attesting that no taxable income will be derived from activities within the NPS boundary.
2. Proof of the organization’s Federal tax-exempt status that shows the section of the IRS code under which the organization is exempt.

Note: SUPs in lieu of CUAs will need to pay the **application fee** for activities just like a CUA. Check the FEE SCHEDULE (Attachment C).

1. **Confirmation and Award:** All requests for CUAs will receive a response within 30 days of receiving all application materials.
2. **Business Operations:** 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 incidental business operations when there are no fixed commercial facilities within a national park area, the commercial activity originates and terminates outside the park, no money changes hands on park lands and no commercial solicitation occurs on park lands.
3. **Monitoring:** The holder will be monitored for:
   * Compliance with terms and conditions of permit;
   * Impact on resources; and
   * Impact on non-commercial users
4. **Company Identification:** The company name or logo must appear on each guide’s clothing or gear.
5. **Incident reporting:** The holder and their employees will immediately report all incidents involving damage to private or governmental property, injury to persons and/or injury or damage to park natural or cultural resources. CUA holders are responsible for damages to government property or park resources caused by the holder or clients.
6. **Damages**: The holder shall pay the United States for any damage resulting from use which would not reasonably be inherent in the use which the holder is authorized to make of the land described in this authorization.
7. **Separated Passengers / Rescues:** The holder is responsible for providing their clients with the necessary information to locate or contact their group if they become delayed or separated. Commercial operators may not abandon their clients in the park and are solely responsible for making arrangements for their clients to rejoin their group after being separated. Lost, injured, or missing clients must be reported to park law enforcement as soon as possible and without unnecessary delay, at 307-467-5283 ext. 636 or 911. While self-rescue is encouraged in cases where no additional resources are needed, the National Park Service retains the authority to make the determination to employ additional resources when the situation warrants.
8. **Authorization Compliance:** The holder and all participants authorized herein must comply with all of the conditions of this authorization, including all exhibits, amendments, application requirements, and written or verbal directives from the superintendent. Failure to obtain an authorization to provide commercial services, and have a copy of the document available for inspection at any time while in the park, are violations of the authorization terms for which a citation may be issued, and may subject the commercial operator to penalties as prescribed by law or regulation, including exclusion from doing business in the park. National Park Service field personnel will be provided with a current list of holders by the CUA Coordinator. The CUA Coordinator will receive a notice of any written warnings or citations issued to holders and these documents will become part of the holder's park record.
9. A first violation may result in a warning letter to the CUA holder and/or a possible 30-day suspension of the CUA. The appropriate course of action will be based on the violation and the company’s cumulative history.
10. A second violation within any two year period may result in a 30 to 90-day suspension or revocation of the CUA, depending on the seriousness of the violation and the company’s cumulative history. Upon revocation of the privileges granted by a CUA, a new application will not be considered for a period of 12 months.
11. In addition, the National Park Service may, at any time, terminate this authorization at its discretion or upon breach of any of the conditions based on the seriousness of the violation and the company’s cumulative history
12. **Leave No Trace:** All employees who accompany clients at Devils Tower must be trained in Leave No Trace (LNT) Awareness, demonstrate through actions, and teach LNT etiquette appropriate to their activity and environment. Operations must be conducted with regard to minimizing the impact on park resources and other visitors. LNT Awareness online course can be found at: [https://lnt.org/learn/online-awareness-course.](https://lnt.org/learn/online-awareness-course)
13. **Solid Waste Management:** The holder is responsible for the removal all trash and garbage generated by their activities within the park, including food waste.
14. **Supplies:** Caching of supplies, materials, equipment, etc. is prohibited.
15. **Closures:** The National Park Service reserves the right to close routes, trails, roads, or areas within the park due to safety or resource concerns. Holders are responsible for checking on route, trail, road, and area conditions, access, and closures.

The maintenance/housing access road, the maintenance shop/yard, south road property storage yard, leach field, leach field service road and the housing area is closed to public access. The South Road is closed to all public traffic with the exception of traffic going to the Camp Stool Ranch.

The Old Stake Ladder Route on the Tower is closed to climbing-related and any non-governmental activity year-round.

Areas of the Tower may be closed approximately each March 15th to protect falcon nesting sites. The areas of closure will be more closely defined when all active nesting sites are identified. The active site closure will be lifted following successful fledging. It is the holder’s responsibility to check for updates on climbing route closures.

1. **Employee/agent responsibility**: The holder shall ensure that all company employees and commercial vehicle operators entering the park are informed of all of the conditions of this authorization
2. **Employee Behavior and Conduct:** The holder and its agents are required to maintain the highest professional standards of conduct in their relations with clients, visitors, and NPS employees, volunteers or other park agents. The holder will review and correct the conduct of any of its employees whose actions or activities are considered by the Service to be inconsistent with the safety, experience, enjoyment, and protections of visitors and stewards of public land.
3. **Public Use Obstruction:** Permitted groups are sharing visitor facilities with the general public. This authorization does not convey any priority use of any park areas including park trails, road side pullouts, parking areas, picnic areas, etc. The holder and its agents are responsible for the conduct of their clients.
4. **Entrance Fees:** When entering the park each time, holders must identify themselves and show a copy of the CUA. This will enable the entrance station personnel to verify that you are on the approved list for commercial activities and are to be charged the appropriate entrance fee**.** Clients are required to pay entrance fees, regardless of any national or park pass in possession of the CUA holder or guide. Clients transported by guides will be charged the individual entry fee of $15 per client (no charge for paid guides and/or drivers, or anyone under 16 years of age). Clients entering by private vehicle will be charged the vehicle entry fee of $25 per vehicle. Clients entering on bicycle or foot will be charged the individual entry fee of $15 per client (no charge for paid guides and/or drivers, or anyone under 16 years of age). The holder may pay for entrance fees for clients but may not use any pass to cover the fees for its clients. If the entrance station is not open, fees can either be paid when exiting or by cash or check via the self-pay station.
5. The holder will abide by the applicable activity-specific operating plan with their approved CUA.
6. Reporting Requirements

* CUA holders must meet the following reporting requirements in order to maintain a valid authorization. Reporting requirements include:

|  |  |
| --- | --- |
| **Document** | **Due Date** |
| Annual Report (AR) | January 31 following the calendar year |
| Management Fee Calculation Tool | January 31 following the operating year |
| General Commercial Liability Insurance Certificate | Proof due with application packet and updated as policy  renews or changes are made |
| Automobile Liability Insurance Certificate | Proof due with application packet and updated as policy renews or changes are made |

1. Annual Fees

* CUA holders must remit required fees each year in order to maintain a valid authorization. Required fees are calculated based on the following schedule:

|  |  |
| --- | --- |
| **Application Fee** | |
| **$100 per activity for activity-based CUAs (nonrefundable) -** Due with application | |
| **Management Fee based on percentage of gross receipts Due by January 31 following the operating year**  **($100 per activity application fee is credited towards management fees owed at the end of that operating year)** | |
| Less than $250,000.00 | 3% of gross receipts |
| Between $250,000.00 and $500,000.00 | 4% of gross receipts in addition to the prior amount |
| Over $500,000.00 | 5% of total gross receipts in addition to the two prior amounts |

# ATTACHMENT A

**List of Approved Services, Additionally Required Documentation, and Training Certifications**

|  |  |
| --- | --- |
| **AUTHORIZED COMMERCIAL SERVICE** | **REQUIRED CERTIFICATIONS AND DOCUMENTATION** |
| **Environmental Education Tours**  *Activity-Based CUA issued up to 1 year*  *$100 Application Fee* | * CPR and First Aid Certification * Leave No Trace Certification (Recommended) * Wilderness First Aid or Wilderness First Responder Certification (Recommended) * Commercial General Liability Insurance Certificate * Automobile Liability Insurance Certificate * Annual Report and Management Fee– Due January 31st following the operating year |
| **Painting & Photography Workshops**  *Activity-Based CUA issued up to 1 year*  *$100 Application Fee* | * CPR and First Aid Certification * Commercial General Liability Insurance Certificate * Automobile Liability Insurance Certificate * Annual Report and Management Fee – Due January 31st following the operating year |
| **Guided Climbing**  *Activity-Based CUA issued up to 1 year*  *$100 Application Fee* | * CPR and First Aid Certification * Leave No Trace Certification (Recommended) * Wilderness First Aid or Wilderness First Responder Certification (Recommended) * Commercial General Liability Insurance Certificate * Annual Report and Management Fee – Due January 31st following the operating year |
| **Guided Bicycle Tours**  *Activity-Based CUA issued up to 1 year*  *$100 Application Fee* | * CPR and First Aid Certification * Commercial General Liability Insurance Certificate * Automobile Liability Insurance Certificate * Annual Report and Management Fee – Due January 31st following the operating year |

# 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 commercial general liability insurance is $500,000**. 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). Companies that provide transportation only are not required to have Commercial General Liability as long as the passengers do not disembark.

**CUA holders authorized to transport passengers aboard or operate an owned/rented/leased vessel in the park are required to have P&I Vessel Insurance. The minimum P&I Vessel Insurance is $1,000,000**. If General Liability policy additionally covers a P&I vessel policy, ensure submitted Certificate(s) of Insurance states this clearly.

**Commercial Auto Liability Insurance** is required if a CUA holder/guide transports clients or uses a owned/leased/rented vehicle in the performance of the service in the park. If a CUA holder charters the vehicle and those chartered vehicles are owned and operated by another company, the CUA holder is not required to have Commercial Automobile Liability insurance. The minimum Commercial Auto Liability Insurance for *interstate* passenger transport is:

|  |  |
| --- | --- |
| **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 |

## 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 USD
* 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 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: **Activity-Based CUAs** - A mandatory non-refundable fee of $100 for each service category must be submitted with the complete application packet for a CUA. The CUA will be issued for a maximum of one operating year, expiring on December 31st of the operating year regardless of the date the CUA was issued. The CUA holder should deduct the application fee from the percentage of gross receipts (or market price fee) before remitting at the end of the season.

**Service-Based CUAs** – A mandatory non-refundable fee of $100 for each service category must be submitted with the complete application packet for a CUA. The CUA will be issued for a maximum of two years, expiring on December 31st of the second operating year regardless of the date the CUA was issued.

Management Fee: For activity-based CUAs, a year-end annual report and management fee (% of gross receipts) will be due by January 31st following the operating year. The NPS will provide a calculation tool to determine the percentages of gross receipts. For service-based CUAs, a year-end annual report will be due by January 31st following the operating year. Management fees are not required for service-based CUAs.

The percentage of gross receipts for activity-based CUAs will be calculated by:

* Businesses with gross annual receipts of $250,000 or less will pay 3% of their gross receipts.
* Businesses will pay 4% of gross receipts for amounts between $250,001 to $500,000, this is in addition to the 3% for gross receipts under $250,000 listed above.
* Businesses will pay 5% of gross receipts for the amount of gross receipts over $500,000.01, this is in addition to the amounts listed above.

“Gross receipts” means the total amount of all revenues received from services CUA holder is permitted to offer within Devils Tower National Monument. Services conducted outside Devils Tower National Monument should not be included when calculating gross receipts