

**APPLICATION INSTRUCTIONS**

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



**Dry Tortugas National Park  
Attn: Chief Ranger's Office/Everglades National Park  
40001 SR 9336  
Homestead, FL 33034  
305/242-7744  
Fax: 305/242-7716**

**2012**

**Quick reference to documents helpful in completing the application      Page No.**

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**Instruction Guide**

**COMMERCIAL USE AUTHORIZATION FOR SEAPLANE SERVICE**

**I. GENERAL INFORMATION**

- (1) One (1) Commercial Use Authorization (hereinafter "CUA") will be issued for seaplane service appropriate to the purposes for which the Park was created, as set forth in its enabling legislation. The CUA holder will be subject to established carrying capacity restrictions for the use of sites and areas within the Park.
- (2) The CUA will be valid for providing only seaplane services. Additional amenities provided at discretion of applicant .An application must be received by the established due date.

- (3) The CUA is valid for two years from the date of issuance.
- (4) The CUA holder has the option to enter into a separate fee agreement with the National Park Service (hereinafter "NPS") authorizing them to collect the entrance fee for the Park. If this option is not selected, the CUA holder is required to ensure that passengers pay the entrance fee. The CUA holder may be compensated for providing the fee collection service under the separate fee agreement.
- (5) Rates charged by the CUA holder for services in the Park must be reasonable as determined by the National Park Service.
- (6) Permits/reservations for camping and visits to Loggerhead Key are not included in the CUA. These permits must be applied for on a trip-by-trip basis and are not guaranteed.

## II. AIRCRAFT RENTAL AGREEMENT REQUIREMENT

The CUA holder must obtain a current Aircraft Rental Agreement (ARA) for the life of the CUA. This agreement is necessary for government employees to utilize this service. The holder shall operate in accordance with the ARA when flights are conducted with government passengers onboard. The National Park Service will advise the holder in advance when government passengers will be onboard.

For more information on ARA please go to:

[http://amd.nbc.gov/apmd/cwn/Library/ARA-Specifications\\_Terms\\_Conditions--May\\_08.pdf](http://amd.nbc.gov/apmd/cwn/Library/ARA-Specifications_Terms_Conditions--May_08.pdf)

## III. ADDITIONAL REQUIREMENTS

- (1) The permit holder is authorized to carry up to 60 visitors per day to Garden Key. (The number of trips will depend on the capacity of the planes).
- (2) Beach tie points will be assigned to the permit holder and a section of the beach near the dock will be dedicated to the operation.
- (3) Permit holder must comply with aircraft regulations found in CFR 36 7.27(k)(2)
- (4) All pilots must be in good standing with the FAA.
- (5) Pilots must avoid the areas marked on attached map (No Fly Zone) when landing, taking off or flying over the Dry Tortugas.
- (6) Pilots must abide by the FAA advisory that requires aircraft to fly at least 2000 feet above the surface of US Fish & Wildlife Services Refuges and National Park Service areas, including the Key West Nat'l Wildlife Refuge which includes the Marqueses Islands.

## IV. COMMERCIAL USE AUTHORIZATION PROCESS

- (1) **Complete, sign, and date Application Form.** Complete the application form and address the appropriate Supplemental Questions.
- (2) **Mail completed, signed forms and fees (including Supplemental Questions). Completed application must be received by MARCH 27, 2012** to be eligible for the initial CUA qualification.
- (3) **Multi-level NPS Qualification Process:** If more than the allowable number of applications is received for a commercial service, the National Park Service (NPS) will process the CUA applications in two stages in order to fully address Park safety and resource matters. The first stage represents an initial qualification using the information provided in the Application to ensure that

specific requirements are met and all of the required information has been provided. An Applicant's failure to complete the information required in the Application Form and the Supplemental Questions, and if the Application package is not received by **MARCH 27, 2012**, it may result in the rejection of the Application without further consideration. The NPS will determine an Applicant's initial qualification on a pass/fail basis. An Application is initially qualified when it provides all of the information required, including signature and completion of the Application Form, and is received by **MARCH 27, 2012**.

If there are more qualified applicants having passed the initial minimum qualifications, the NPS will perform a second qualification round, a panel will then rank the qualified applications using equally weighted factors for each of the three narrative responses:

- (a) Visitor Safety
  - (b) Resource Protection
  - (c) Applicant's Relevant Experience and Credit History
- (4) **Confirmation and Award:** All applications for a CUA will receive a response from our office. When conditionally awarded, the CUA will be mailed to the Applicant for signature and additional required documentation. *If the Applicant is not awarded a CUA, the Application/ Administration Fee will not be returned.* (See Section VII for Fee Schedule and Definitions).
- (5) **Additional Reporting Requirements:** Once a CUA is awarded, the CUA Holder is required to forward the following:
- (a) Brochure or online information site address showing how the activity is described and conducted (if the entity advertises the service). To be submitted immediately after the CUA has been awarded. Any material changes in advertising materials must be forwarded to the NPS within 5 days of the change.
  - (c) Annual Report: An annual report will be due to the Park **in early February** of each year for the preceding calendar year.

## V. APPLICATION FORM

**The explanations below 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) Check the box 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. Your contact information is also published in the NPS Commercial Services Directory.
- (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 as needed to collect debts.
- (5) Give the name(s) of person(s) designated as Authorized Agent(s) 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) Applicant must be licensed by the appropriate city or county agency if required by the municipality.
- (8) Provide names and titles of employees who will *work* in the Park under the authority of the CUA. *Use additional paper if needed. Please report any future changes to your list of employees by mailing an updated list, at least 7 days prior to any change of employees, to Dry Tortugas National Park – c/o Chief Ranger’s Office, Everglades National Park, 40001 SR 9336, Homestead, FL 33034.*
- (9) Describe the aircraft :manufacturer, engine, seating capacity and other data you feel is relevant
- (10) If the answer is “yes”, provide the details as requested.

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. If none, so state. Some CUAs may require this question to be further detailed in an Appendix. You must respond in both places.

- (11) Complete the enclosed Supplemental Questions that are attached to this Application.
- (12) Please sign and date the application. If the person signing this application is an Authorized Agent for the business, proof of signing authority must accompany this application.

## **VI. GROUP SIZE LIMITS**

The permit holder is authorized to provide one round-trip flight per hour but not to exceed 60 visitors per day to Garden Key.

## **VII. CONTRACT INSURANCE REQUIREMENTS**

The CUA holder must maintain aircraft insurance coverage as required in 14 CFR, Part 205, throughout the CUA performance.

The CUA holder is required to maintain liability insurance naming the United States of America (National Park Service, Dry Tortugas National Park, c/o Everglades National Park, 40001 SR 9336, Homestead, FL 33034) as an additional insured at no less than the coverage amounts described below:

- (1) General Liability (amounts: \$1,000,000 each person limit, \$300,000 property damage, \$5,000,000 aggregate)
- (2) If the limit required by the State where the CUA holder is incorporated is higher than the limit listed above, the CUA holder will provide the higher level of coverage. The CUA holder will provide copies of the certificates of insurance to the Park with the required endorsement, as noted above, before the CUA is issued.
- (3) Workers compensation coverage must be provided to eligible workers as required by applicable State law.
- (4) Coverage provided by insurance companies must meet the following minimum requirements:
  - (a) 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).
  - (b) Insurers for all coverages must have a Best’s Financial Size Category of at least VIII according to the most recent edition of Best’s Key Rating Guide (Property-Casualty edition).

- (c) All insurers must be admitted (licensed) in the State in which the CUA holder is domiciled.
- (5) 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.

### **VIII. FEE SCHEDULE**

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.

- (1) **Application Fee/Administrative Fee** 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) and the administrative process, including the determination and the approval of the authorization. This fee must accompany the application. This fee is non-refundable and non-returnable.
- (2) **Management/Monitoring Fee** is charged based on the actual costs incurred by all Park divisions involved in monitoring, supporting or cleanup and restoration after the use by the CUA holder. This fee is paid on an annual basis. Fees may range from between \$100.00 to \$250.00 per year, based upon the actual number of trips to the park and the actual costs incurred.

The following fees are in effect at Dry Tortugas National Park

- (1) Application/Administrative Fee - \$250.00  
 (2) Management/Monitoring Fee: Variable

### **IX. APPLICATION PACKAGE CHECK LIST**

Please submit the required documents identified below in your application package:

- Application (completed, signed and dated)
- Supplemental Questions
- Aircraft Registration
- Business Credit Report
- \$250.00 (non-refundable) Application Fee

*REMINDER: Please write your Employer Identification Number on your check.*

Documents and fee payments should be mailed to:

Dry Tortugas National Park CUA Program  
Chief Ranger's Office  
Everglades National Park  
40001 SR 9336  
Homestead, FL 33034

**X. DOCUMENTS TO BE PROVIDED IMMEDIATELY AFTER THE CUA HAS BEEN AWARDED BUT PRIOR TO EFFECTIVE DATE**

- (1) **Insurance certificate showing the NPS as additionally insured.**
- (2) **Business (Occupational) License**
- (3) **Pilot's Licenses for all pilots working under this authorization**
- (4) **CPR/AED/First Aid certificates for pilots**
- (5) **Brochure or online information site address showing how the activity is described and conducted (if the CUA holder advertises the service).**
- (6) **Copy of Aircraft Rental Agreement**

**XI. FREQUENTLY ASKED QUESTIONS**

- (1) **What is a "Commercial Use Authorization"?**

Section 418 of the National Parks Omnibus Management Act of 1998, Public Law 105-391 (Section 418), authorizes (but does not require) the NPS, upon request, to issue commercial use authorizations (CUAs) 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 the provision of suitable commercial services to visitors in Park areas. The CUA legislation contains limited circumstances 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, including park waters, and (4) no commercial solicitation occurs on Park lands, including park waters.

- (2) **What will be the term of this authorization?**

The CUA is valid for two years from the date of issuance.

- (3) **What is a "Commercial Visitor Service"?**

This type of service is one that (1) is determined to be an appropriate use of the park; (2) will have minimal impact on park resources and values; and (3) are consistent with the purpose for which the park was established, as well as all applicable management plans and park policies and regulations.

(4) **How long does it take to process my application?**

The time to process an application may vary and can take-up to 45 days. Submitting a complete packet greatly aids the NPS in assessing your application and issuing your authorization in a timely manner.

(5) **Is sub-contracting allowed under the authorization?**

The National Park Service does not allow subcontracting under CUAs.

(6) **May authorization be transferred between companies, individuals, or entities?**

Authorizations cannot be transferred between companies, individuals, or entities.

(7) **Is there a preferential right for renewal of a CUA?**

There is no preferential right for renewal of a CUA.

(8) **What type of insurance is required before this authorization can be approved?**

The CUA must provide commercial general liability insurance against claims arising out of or resulting from the acts or omissions of the CUA holder or the CUA holder's employees, agents, or contractors, in carrying out the activities and operations required and/or authorized under the authorization. See Section VIII for full insurance requirements.

(9) **Whom can I contact if I have further questions about CUAs or the CUA process?**

Questions should be directed to the Special Park Uses Program Manager at Everglades National Park. This position is currently held by Ms. Linda Roehrig, located in the Chief Ranger's Office at Everglades National Park. Ms. Roehrig can be contacted by phone at 305/242-7744. Her e-mail address is Linda\_Roehrig @nps.gov

Information can be mailed to: Dry Tortugas National Park CUA Program  
C/o Everglades National Park/Chief Ranger's Office  
40001 SR 9336  
Homestead, FL 33034

The Chief Ranger's Office phone number is: 305/242-7730