OMB Control No. 1024-0268
Expiration Date: 11/15/2019

INSTRUCTIONS
COMMERCIAL USE AUTHORIZATION APPLICATION

Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, TN 37738
Commercial Services Office
Phone Number: 865-436-1296

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.

1. Enter the service you are proposing to provide. These are the services which are currently approved in the park:

Transportation Services	**Frontcountry Educational Workshops**
Guide Services: Hiking, Backpacking, Fishing	**Backcountry Educational Workshops**
Guided Bicycle Tours	**Emergency Road Service and Towing**
Portrait Photography	
** Each of these services are defined in Attachment A	** Each of these services are defined in Attachment A

2. Respond "No" or list other parks where you will be providing this service.
3. 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.
4. Give the name(s) of persons designated as Authorized Agents for your business. This may include the on-site general manager responsible for day to day operations.
5. Provide contact information for both the main season and the off-season. Over the term of your authorization, it may be necessary to contact you to obtain or share information. Your contact information may also be published in the National Park Service (NPS) Commercial Services Directory.
6. Check the box that identifies your type of business.
7. If the state in which you operate or the state where your business is domiciled requires a state business license, provide the license number and year of expiration.
8. 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. We will use the EIN that you provide as needed to collect debts.
9. 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 required by law, or if visitors are transported by vehicle/vessel/aircraft within the park, or if 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 company (Moody's, Standard and Poor's, or Fitch). Refer to "Attachment B".
10. Provide a description of and registration number of each vehicle/vessel/aircraft you will utilize during the course of the proposed commercial service. Any changes to policy, registration, or make/model should be reported to the concessions office.
11. Provide copies of all licenses, vehicle/vessel registration, and certificates of training as required by "Attachment A".
12. NPS Management Policy prohibits employees of the NPS and their spouses and minor children from acquiring or retaining any authorization for conducting commercial services in a park area.
13. 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, please give details (does not include minor traffic tickets).
14. Include payment of the Application/Administrative Fee (see "Attachment C" – Fee Schedule and Payment Information).
15. 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

OMB Control No. 1024-0268
Expiration Date: 11/15/2019

COMMERCIAL USE AUTHORIZATION APPLICATION

Great Smoky Mountain National Park
107 Park Headquarters Road
Gatlinburg, TN 37738
Commercial Services Office
Phone Number: 865-436-1296

IMPORTANT: Before completing this application, please refer to the Application Instructions 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 the number above.

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)*

Transportation Services

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. **Authorized Agents:** *(Name and title of owner, and any onsite person authorized to manage the operation or service.)*

5. **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:

6. **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 names.)*

Name:

Name:

☐ Limited Liability Company: *(State: Entity Number:*

☐ Corporation: *(State: Entity Number:*

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

7. **State Business License Number: Expiration Date:**

8. **Employer Identification Number (EIN):**

9. Liability and Vehicle Insurance:
Provide proof of 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; see Park-Specific CUA Insurance Requirements ("Attachment B"). Auto Liability insurance is required, if applicable, in the minimum coverage amounts described below.

COMMERCIAL GENERAL LIABILITY INSURANCE

Minimum Coverage Amount (See Park Specific Conditions)	$500,000
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

** Indicated minimum per occurrence liability limit or minimum State liability requirement (for intrastate operations only).*

10. Will your business operate vehicles (car, truck, van, bus, taxicab, vessel, aircraft, etc.) within NPS boundaries?
Yes ☐ No ☐

If "Yes," please give a description of each vehicle. Use additional paper, if necessary. All vehicles 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.

Make/Model of Vehicle	License Number	Year	Max # Passenger Capacity	Own/Rent

Make of Aircraft	Tail Number	Max # Passenger Capacity	Own/Rent

Make/Model of Vessel	Registration Number or USCG Documentation	Length	Max # Passenger Capacity	Own/Rent

11. Employee Licenses and Certifications:
Parks typically require proof of applicable licenses, registrations and certificates of training, such as; valid driver's or pilot's license, fishing license, vessel registration, dive certification, CPR certification, or others. Provide copies of licenses and certifications required by "Attachment A".

12. NPS Employment:
Are you, your spouse, or minor children employed within the National Park Service?
Yes ☐ No ☐ If "Yes", please provide information below:

Employee Name: Title:

Park and Office Where Employed:

OMB Control No. 1024-0268
Expiration Date: 11/15/2019

13. 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:

14. Fee: Please include the Application/Administrative Fee as outlined in Attachment C.

15. 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 to the best of my knowledge.

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.

OMB Control No. 1024-0268
Expiration Date: 11/15/2019

Additional Information: The National Park Service (NPS) has terms and conditions on all commercial service agreements. Conditions 1-17 apply to all Commercial Use Authorizations (CUA) across the NPS. All remaining terms and conditions pertain to Great Smoky Mountains National Park specifically. The word "Superintendent", when used in this application, refers to the Superintendent of Great Smoky Mountains National Park or his/her representative. The term "holder" means the person whose signature appears on the CUA or his/her representative.

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 park 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.

3) **Rates:** The holder shall provide commercial services under this authorization to visitors at reasonable rates and under operating conditions satisfactory to the area Superintendent.

4) **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.

5) **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.

6) **Fees:** 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 authorization 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.

7) **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.

8) **Transfer:** This authorization may not be transferred or assigned without the written consent of the park area Superintendent.

9) **Termination:** This authorization may be terminated upon breach of any of the conditions herein or at the discretion of the park area Superintendent.

10) **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.

11) **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 park area Superintendent.

12) **Reporting:** The holder is to provide the park area Superintendent upon request (and, in any event, immediately after expiration of this authorization) 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 park area superintendent may request, including but not limited to, visitor use statistics, and resource impact assessments.

13) **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.

14) Minimum Wage: The holder is required to adhere to Executive Order 13658 – Establishing a Minimum Wage for Contractors. The implementing regulations, including the applicable authorization clause, are incorporated by reference into this contract as if fully set forth in this contract and available at https://federalregister.gov/a/2014-23533.

Exemption: Under Executive Order 13838, Executive Order 13658 shall not apply to contracts or contract-like instruments entered into with the Federal Government in connection with seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands, but this exemption shall not apply to lodging and food services associated with seasonal recreational services. Seasonal recreational services include river running, hunting, fishing, horseback riding, camping, mountaineering activities, recreational ski services, and youth camps.

15) Visitor Acknowledgment of Risks (VAR): The holder is not permitted to require clients to 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. A sample Acknowledgment of Risk form may be obtained by contacting the CUA office at [insert phone number 865-436-1296 or by going to the park CUA webpage at https://www.nps.gov/grsm/getinvolved/dobusinesswithus.htm

16) 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.

17) 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.

PARK SPECIFIC CONDITIONS

Conditions specifically pertaining to Great Smoky Mountains National Park

18) Legal Requirement: Failure to obtain authorization to provide commercial services is prohibited under Code of Federal Regulation [36 CFR 5.3 and 36 CFR 1.6 (g) (1)]. The holder, and all its agents, must comply with the conditions of this authorization including all amendments, application requirements, and written or verbal directives from the Superintendent. Failure to adhere to the conditions of the authorization is a violation, pursuant to 36 CFR 1.6 (g) (2), for which a citation may be issued, and may subject the commercial operator to additional citations/penalties as prescribed by law or regulation, including exclusion from doing business in the park. The holder may be cited for any conditions violated by their employees and/or agents while they are operating under the provisions of this permit.

19) Permits and Licenses: The holder must obtain all permits or licenses from the state(s) of Tennessee and/or North Carolina or local governments, as applicable to conduct said business activities and must operate in compliance will all pertinent Federal, State, and local laws and regulations. Interstate motor coach companies are required to obtain both USDOT registration and operating authority registration from the Federal Motor Carrier Safety Administration (FMCSA) before transporting passengers for compensation in interstate commerce.

20) Fees: A fixed rate, non-refundable application fee is required irrespective of the outcome of the approval process or length of the CUA. CUA management fees are a required fee separate from the application fee. Refer to the park website for further information: https://www.nps.gov/grsm/getinvolved/dobusinesswithus.htm

21) Company Identification: The holder, and/or their employees, must clearly be identifiable as a commercial entity from a minimum of 25 feet away. Small items such as pins, name tags, and accessory stickers are not acceptable.

22) Authorization Compliance: NPS field personnel will be provided with a current list of holders on a routine basis. The Commercial Services Office will receive notice of any written warnings or citations issued to holders and these documents will become part of the holder's park record.

1. A first violation may result in a warning letter to the holder from the Commercial Services Office and/or a possible 30-day suspension of the CUA. The course of action will be based on the violation and the company's cumulative history.

2. A second violation within any two year period may result in a 30-90 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 minimum period of 12 months. If conditions warrant, the Superintendent has the authority and holds the right to permanently revoke a permit.

3. In addition, the NPS may, at any time, terminate this authorization at the discretion of the Superintendent or upon breach of any of the conditions based on the seriousness of the violation and the company's cumulative history. The NPS shall not be held liable for any damages or loss of revenue resulting from the suspension or revocation of a CUA.

23) Authorization Approval: A full copy of the approved CUA must be carried by the holder, or their employees, when operating in the park. The holder, and all company employees, should be well informed of the conditions of this authorization and are required to obey the guidelines within. A copy of the approved CUA, including all conditions, must be presented to any park employee upon request. Failure to carry a complete authorization is a violation of the terms and conditions of this permit.

24) 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 exchanges hands on park lands, and no commercial solicitation occurs on park lands.

25) Service Providers: The holder will maintain an updated list of all employees, and/or subcontractors, rendering services under the provisions of this authorization on file with the Commercial Services Office. The use of individuals who have been convicted of violations of any state or federal natural resource laws or regulations is prohibited. The park reserves the right to prohibit the use of specific service providers should it document a history of misconduct or an unwillingness to abide by park regulations. The park will discuss the situation with the holder before barring any specific service provider.

26) Unauthorized Activity: Service providers employed by the holder are prohibited from conducting business inside the National Park while operating under the purview of their personal business firm. Advertising[1] on personal websites or social media platforms without a valid CUA for that specific enterprise will be grounds for removal from being an authorized agent under the provisions of this authorization.

27) Advertisement: The holder will provide the Commercial Services Office a copy of any existing company brochure, internet advertising[1], or other promotional material as it pertains to Great Smoky Mountains National Park at the time of application. The holder will, at the request of the park, make corrections to any promotional material deemed inappropriate, such as; containing inaccurate or misleading statements regarding the services provided under the terms of this authorization, material that is non-complimentary to the park's mission and visitor service objectives, or that depicts illegal or unauthorized activities. Promotional material consisting of landscape and/or portrait subject(s) only may be used, with client approval, without the need to obtain further authorization from the park. (See condition 28).

28) Commercial Filming & Still Photography: All activities listed under the following conditions require a separate Commercial Filming and Still Photography Special Use Permit (SUP) pursuant to 43 CFR 5.2.

1. The use of model(s)[2], set(s), or prop(s)[3] that are not part of the locations natural or cultural resources or administrative facilities,
2. Takes place at a location where or when members of the public are not allowed
3. The agency would incur costs for providing on-site management and oversight to protect agency resources or minimize visitor use conflicts.
4. All Commercial Filming activities require a SUP.

The use of a model, set, prop, and/or product placement with the intent to advertise a product or service is prohibited under a CUA except under limited circumstances as described in condition 27. More information can be obtained by visiting our website at: https://www.nps.gov/grsm/planyourvisit/commercial-filming-and-still-photography.htm

29) Quality Assurance: Certain conditions contained herein are intended to assure that the activities authorized by the NPS are conducted with reasonable quality assurance. However, no judgment is made of the quality of the service by the NPS and none should be implied in advertising or other statements made to the public by the holder.

---

[1] *Advertisement is defined as the utilization of any photographic material containing portrait subject(s) that is taken inside the boundary of Great Smoky Mountains National Park, including Foothills Parkway, or any other promotional material which references Great Smoky Mountains National Park, posted on a company website, social media platform or any print material established to promote said company's services.*

[2] *Model is defined as a person or object that serves as the subject for still photography for the purpose of promoting the sale or use of a product or service. Models include, but are not limited to, individuals, animals, or inanimate objects, such as vehicles, boats, articles of clothing, and food and beverage products, placed on agency lands so that they may be photographed to promote the sale or use of a product or service. For the purposes of this part, portrait subjects such as wedding parties and high school graduates are not considered models.*

[3] *Sets and props means the items constructed or placed on agency lands to facilitate commercial filming or still photography including, but not limited to, backdrops, generators, microphones, stages, lighting banks, camera tracks, vehicles specifically designed to accommodate camera or recoding equipment, rope and pulley systems, and rigging for structures. Sets and props also include trained animals and inanimate objects, such as camping equipment, campfires, wagons, and so forth, when used to stage a specific scene. The use of a camera on a tripod, without the use of any other equipment is not considered a prop.*

30) Annual Report: The holder will complete a Commercial Use Authorization Annual Report form for each year, or portion of a year, for which the holder is issued a CUA and submit the completed form to the Commercial Services Office no later than March 1, of the following year.

31) Behavior and Conduct: The holder and its agents are required to exercise courtesy and consideration in their relations with the public and with 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 NPS to be inconsistent with the safety, experience, enjoyment, and protection of visitors and stewards of public land.

32) Complaints: Copies of any written complaints regarding activities conducted under the purview of this authorization must be provided to the Commercial Services Office within a reasonable period of time after receipt by the holder. Likewise, the NPS will provide copies of any written complaints received by it to the holder.

33) Area Use: This authorization is applicable only for the use of the area, term, and conditions designated herein. 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. The holder shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the CUA holder is authorized to make of the land described in this authorization.

34) Drones: The use of an unmanned aircraft (UAS) or drone of any kind is strictly prohibited

35) Public Use: A CUA does not grant the holder exclusive use of any areas of the park and holders are prohibited from restricting visitor use. Virtually the entire park is open to public use. Holders may not interrupt a permitted private event or sanctioned NPS program and must move to another location if a special event is occurring. Commercial clientele are encouraged to join any NPS guided tour offered during their visit.

36) Public Health: The holder will comply with applicable public health and sanitation standards and codes. The holder will promptly report information about any human illness, whether employees or guests, to the park Commercial Services Office at 865-436-1296 for reporting to the NPS Southeast Region's Public Health Consultant. This information, along with other information received, will be evaluated by the Public Health Consultant to help identify outbreaks of illness associated with contaminated water or food sources or caused by other adverse environmental conditions.

37) POSSESSION OF FIREARMS

a. The holder and any other individuals who are providing services under the terms of this authorization are prohibited from possessing firearms within the park.
b. The holder will have a written policy regarding the possession of firearms by employees and other individuals providing services under the terms of this authorization in accordance with (a.) above. New employees and other individuals operating under this authorization will be provided with a copy of this policy. The holder will provide the park with a copy of this policy upon request.
c. The holder will be familiar with federal and state laws regarding the possession of firearms and will inform customers of any provisions of these laws that are applicable to the services the holder provides under this authorization. Customers who do not comply with these federal and state laws may be denied service by the holder.

38) Park Resources: The holder will ensure no natural, historic, or cultural features are injured as a result of their activities.

39) Leave No Trace: The holder will conduct all authorized activities in strict accordance to the principles and guidelines of "Leave No Trace" ethics and will ensure that its employees and clients abide by the same guidelines while in the park. Please visit the official Leave No Trace website at https://lnt.org/why/7-principles/ for more information.

40) Wildlife: Willfully approaching within 50 yards of wildlife, including bear or elk, or within any distance that results in their disturbance or displacement, is prohibited. Harassing (e.g. intentional touching, teasing, frightening, or disturbing) or feeding wildlife is prohibited pursuant to 36 CFR 2.2(a)(2). The holder will ensure that its employees and clients are familiar with the park rules and responsibilities of food storage and personal behavior as they relate to all wildlife, particularly bears. The holder will report any information about unusual bear activity to the Emergency Communications Center at 865-436-1230 as soon as is practical after the activity.

41) Camping: Frontcountry camping in designated campgrounds is allowed with a valid reservation. Group sizes of 7 individuals or more, including all staff members, are asked to camp in designated "Group Sites" only. Groups with 6 individuals or fewer are allowed to reserve one family site. Advance reservations can be obtained at: www.recreation.gov. Backcountry camping by commercial organizations requires a separate Guide Service CUA and will also require a valid backcountry permit.

42) Trash: The holder is responsible for the removal of all trash associated with their visit to the park and is prohibited from depositing commercial waste into park trash containers. All food scraps (fruit peels, nut shells, etc.) are considered trash and must be carried out. It is a violation to feed wildlife, including squirrels. The holder is not authorized to use park dump stations.

43) Parking: All vehicles associated with the permitted activity must park in established parking lots or roadside pull outs. Vehicles may not be parked on road shoulders, may not obstruct or impede traffic flow, and may not be driven off-road or into fields. Parking spaces may not be reserved or blocked off, nor can parked vehicles interfere with normal public use. Carpooling is encouraged. All vehicles are prohibited from idling. Drivers must turn off vehicle engines when parked or when not actively loading or unloading passengers.

44) Vehicles: For holders authorized to transport clients, transportation vehicles longer than 25 feet are prohibited on the following park roads: Chimneys Picnic Area, Elkmont Road above the campground, Balsam Mountain Road, Little Greenbrier, Parson Branch Road, Rich Mountain Road, Roaring Fork Motor Nature Trail, Toms Branch Road, Twin Creeks, Wear Gap Road from the park boundary to and including Metcalf Bridge, and Greenbrier Road from the Ranger Station south. Transportation vehicles longer than 25 feet must park in areas designated for oversized parking at park visitor centers. Vehicles under 25 feet are allowed in all locations in which the general public are permitted.

45) Accident Reporting: All accidents resulting in personal injury, death, property damage, or injury to park wildlife or resources must be reported to park law enforcement immediately, per 36 CFR 2.33, 3.5, and 4.4, by calling the Emergency Communications Center at 865-436-1230 or by dialing 911. Commercial operators must remain on scene until law enforcement officials arrive.

SPECIAL PARK CONDITIONS

Conditions specifically pertaining to Transportation Commercial Use

46) 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 be in the amounts of at least:

$500,000 for Road Based Commercial Tours

Holders that provide solely *taxis or shuttle services* are only required to have auto liability insurance. The commercial general liability covers out-of-vehicle activities and taxis/shuttle services do not provide out-of-vehicle activities.

Proof of automobile insurance must be provided for any holder who transports passengers or uses a vehicle in the performance of the service in the park. Auto insurance must cover all “owned, leased, rented, or hired” vehicles if the CUA holder rents or leases vehicles. The minimum policies must be in the amounts determined by the capacity of the vehicle:

Up to 6 Passengers	$1,000,000
7-15 Passengers	$1,500,000
16-25 Passengers	$3,000,000

Protection & Indemnity (P&I) Vessel Insurance must be included for any CUA holder who transports passengers aboard a motor vessel to cover claims for bodily injury, death, and property damage arising from the use of the vessel. A minimum policy of $500,000 per occurrence is required.

Policies must name the United States of America (National Park Service, Great Smoky Mountains National Park, Commercial Services Office, 107 Park Headquarters Road, Gatlinburg, TN 37738) as additional insured. Holder agrees to have on file with the park copies of the above insurance with the proper endorsements. Upon lapse or cancellation of either the automotive or general liability insurance policies, the authority to operate in the park is automatically suspended until new insurance is in place and proof is provided to the Commercial Services Office.

47) River Tubers: The transportation of river tubers into the park is prohibited.

48) Motorized Boat: Motorized boats used in connection with this permit on Fontana Lake shall be used for the transportation of passengers and equipment from point to point only and not for the purpose of providing a thrill ride. Fast turns, spins, or similar maneuvers that the Park judges to be unnecessary for the safe transportation of passengers and equipment may result in revocation of this permit. Boats must be operated at less than 5 mph or at no wake speed within 100 feet of backcountry campsites located near the north shore of Fontana Lake. The holder must comply with applicable U.S. Coast Guard, State of North Carolina, and Tennessee Valley Authority regulations pertaining to the use and operation of watercraft on Fontana Lake.

49) Tour Group Leaders: All transportation service providers which are authorized to conduct out-of-vehicle activities must have at least one person identified as the group leader with each tour group. Group sizes should not exceed what is practical for each group leader to instruct and manage while touring and stopping in the park. The group or trip leader will ensure that all members of the group have adequate food, water, and clothing for the proposed itinerary. Group leaders must provide an orientation to clients on the proposed itinerary for the day, park rules and regulations, Leave No Trace ethics, safe behavior in bear country, and what to do in the case of an emergency or separation from group. Leaders are encouraged to incorporate other educational programing related to park resource and values and Great Smoky Mountains National Park’s vast human history, flora, fauna, and wilderness characteristics. The holder is responsible for verifying the accuracy of any information provided to clients and assuring that the holder’s employees are qualified to conduct educational activities.

50) Emergency Medical Training: Group leaders are encouraged to possess:

A. American Red Cross Standard First Aid Certificate (or equivalent).
B. Adult CPR Certification.
C. Training in basic park safety, resource protection, park rules and regulations, and in the requirements of CUA conditions.

51) First Aid Kit: An appropriate group size first aid kit will be carried by each group leader**.**

52) Authorized Locations: Frontcountry tour groups are only permitted on the following trails under a Transportation CUA.

Cataract Falls Trail
Clingmans Dome Trail
Deep Creek Trail (from trailhead to junction with Indian Creek Trail)
Fighting Creek Nature Trail
Gatlinburg Trail
Oconaluftee River Trail
Sugarlands Valley Trail (accessible)
Trails leading to historic structures around the Cades Cove Loop Road
Within ¼ mile of the trailhead on any designated park trail

53) Dump Stations: The holder is not authorized to use park dump stations.

OMB Control No. 1024-0268
Expiration Date: 11/15/2019

ATTACHMENT A

Authorized Services & Required Licenses, Registrations and Training Certificates

AUTHORIZED COMMERCIAL SERVICE	REQUIRED DOCUMENTATION
Transportation Services: Two part A**)** Non-touring Services are defined as the service of providing one or more persons direct transportation to and/or from a park trailhead or other destination by vehicle or boat for compensation or as a part of a larger package of recreation/lodging services. Examples include hike shuttle, Taxi or Uber service. B) Touring Services are defined as one or more persons traveling by improved roadway on an itinerary that is packaged, priced or sold for leisure/recreational purposes and provides ***no other services*** except those incidental to road-based travel in a NPS area (on-board interpretation and incidental stops at visitor centers, wayside exhibits, etc.). Tour groups are only permitted on a few designated short trails listed under special conditions of permit.	1. Proof of Insurance(s): General and Automotive 2. Insurance Provider Rating (see Attachment B) 3. Promotional material related to services rendered at Great Smoky Mountains National Park (i.e. brochures, internet advertising) 4. List of service providers
Guide Services: Hiking, Backpacking, Fishing: Defined as one or more persons travelling on an itinerary that has been packaged, priced or sold for leisure/recreational purposes and takes place along waterways (fishing) or in the backcountry more than ¼ mile from the nearest trailhead (hiking/backpacking).	1. Proof of Insurance(s): General and Automotive 2. Insurance Provider Rating (see Attachment B) 3. Promotional material related to services rendered at Great Smoky Mountains National Park (i.e. brochures, internet advertising) 4. Attachment D: Guide Registration Form 5. Proof of CPR Training 6. Proof of First Aid Certification 7. List of service providers
Frontcountry Educational Workshops: Defined as one or more persons travelling on an itinerary that has been packaged, priced or sold for leisure/recreational purposes and takes place along the overlooks, historic areas, roadways, or within ¼ mile of the trailhead on any designated trail. Examples include Photography instruction, birding classes, art instruction, etc.	1. Proof of Insurance(s): General and Automotive 2. Insurance Provider Rating (see Attachment B) 3. Promotional material related to services rendered at Great Smoky Mountains National Park (i.e. brochures, internet advertising) 4. List of service providers
Backcountry Educational Workshops: Defined as one or more persons travelling on an itinerary that has been packaged, priced or sold for educational/recreational purposes and a portion of the trip takes place in a backcountry area more than ¼ mile from the trailhead on any designated trail. Examples include Photography instruction, birding classes, art instruction, etc.	1. Proof of Insurance(s): General and Automotive 2. Insurance Provider Rating (see Attachment B) 3. Promotional material related to services rendered at Great Smoky Mountains National Park (i.e. brochures, internet advertising) 4. Attachment D: Guide Registration Form 5. Proof of CPR Training 6. Proof of First Aid Certification 7. List of service providers
Portrait Photography: Portrait are defined as photographers that are hired (receiving compensation) to take portraits (photos) of individuals. This includes engagement photography, student and family portraits and documentary style portraiture.	1. Proof of Insurance(s): General and Automotive 2. Insurance Provider Rating (see Attachment B) 3. Promotional material related to services rendered at Great Smoky Mountains National Park (i.e. brochures, internet advertising) 4. List of service providers
Guided Bicycle Tours:	1. Proof of General Insurance 2. Insurance Provider Rating (see Attachment B) 3. Promotional material related to services rendered at Great Smoky Mountains National Park (i.e. brochures, internet advertising) 4. Proof of CPR Training 5. Proof of First Aid Certification 6. List of service providers
Emergency Road Service & Towing:	1. Proof of Insurance(s): General, Automotive, Garage Keepers, and On Hook 2. Insurance Provider Rating (see Attachment B) 3. Promotional material related to services rendered at Great Smoky Mountains National Park (i.e. brochures, internet advertising) 4. List of service providers

OMB Control No. 1024-0268
Expiration Date: 11/15/2019

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 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). Professional Liability insurance is not accepted in lieu of Commercial General Liability insurance.

Automobile Liability Insurance

If a CUA holder transports passengers or uses a vehicle in the performance of the service in the park, they are required to have Automobile Liability insurance. The auto liability insurance must include coverage of "owned, leased, rented or hired" vehicles if the CUA holder rents or leases vehicles. Insurance policies must name the United States of America as additional insured. The minimum commercial auto liability insurance for passenger transport is reflected in the following table:

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

** Indicated minimum per occurrence liability limit or minimum State liability requirement (for intrastate operations only).*

Commercial auto insurance provides:

1. Liability insurance, which includes coverage for bodily injury, property damage, uninsured motorists, and underinsured motorists;
2. Physical damage insurance, which includes collision insurance; and;
3. Other coverage, which includes medical payments, towing and labor, rental reimbursement, and auto loan coverage.

Taxis that do not provide tour services are only required to have Auto Liability insurance. The Commercial General Liability covers out of vehicle activities and taxis do not provide out of vehicle activities.

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 of America" 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
- ☐ Typically, evidence of liability insurance is provided through an ACORD 25: Certificate of Liability Insurance

OMB Control No. 1024-0268
Expiration Date: 11/15/2019

ATTACHMENT C
Fee Schedule and Payment Information

CUA SERVICE TYPE	APPLICATION FEE	MANAGEMENT FEE TYPE
Transportation Services	$250 Nonrefundable Application Fee	Market Price Fee (see below)
Guide Services: Hiking, Backpacking, Fishing	$250 Nonrefundable Application Fee	Market Price Fee (see below)
Frontcountry Educational Workshops	$250 Nonrefundable Application Fee	Market Price Fee (see below)
Backcountry Educational Workshops	$250 Nonrefundable Application Fee	Market Price Fee (see below)
Portrait Photography	$250 Nonrefundable Application Fee	Market Price Fee (see below)
Guided Bicycle Tours	$250 Nonrefundable Application Fee	Market Price Fee (see below)
Emergency Road Service and Towing	$250 Nonrefundable Application Fee	Market Price Fee (see below)

Application Fee: Application fee is due at application submission for each type of CUA being applied for and is payable via pay.gov, check or money order.

Market Price Fee: CUA holders are subject to a market price fee calculated by gross receipts earned from park-based operations. Application fees are credited to the CUA holder upon payment of market price fee. Market fees are based on the following:

- Market Price Fee (% of gross receipts earned from park-based operations)

Gross Receipts Earned From Park Operations	Market Price Percentage Charged
< $250,000	3% of gross receipts
$250,000 to $500,000	4% of gross receipts
> $500,000	5% of gross receipts

- A market fee calculator has been developed to help estimate your annual market fees and can be found on the park website: https://www.nps.gov/grsm/getinvolved/dobusinesswithus.htm

- CUA holders are required to submit an Annual Financial Report by March 1 of each year to the park. This report will be used to generate a Bill of Collection for the appropriate market price from Great Smoky Mountains National Park. The bill should be received by the CUA holder by April 1 with payment due by May 1 of each year.

- Market Price payments may be made via pay.gov, check, or money order.

Payment Methods

Payment via Debit, Credit Card, Paypal, or Direct Deposit:

Visit **www.pay.gov**, search for "Great Smoky Mountains NP Commercial Use Authorization Fees" to find the appropriate payment form.

Submit emailed confirmation of payment with the CUA Application to **GRSM_Concessions@nps.gov** or by regular mail.

Payment via Check or Money Order:

Make checks payable to “National Park Service” and mail along with a completed CUA Application to:

Great Smoky Mountains National Park
Commercial Services Office
107 Park Headquarters Road
Gatlinburg, TN 37738