



APPLICATION INSTRUCTIONS COMMERCIAL USE AUTHORIZATION

OMB Control No. 1024-0268
Exp. Date: 08/31/2017

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:

Service Type and Location	Number of Available CUAs *	What Must Be Submitted to Apply	Terms and Conditions Applicable to CUA
<u>Guided Hiking</u> : guided hiking within the area of the Park shown on Exhibit 01-Map	6	<ul style="list-style-type: none"> Completed Application Form (OMB #102-0268) Additional Information Required by Section IV of Appendix 3: Park-specific Instructions Proof of General Liability Insurance Application Fee 	<ul style="list-style-type: none"> Conditions Of This Authorization Appendix 2: Special Park Conditions for Guided Hiking
<u>Astronomy Tours</u> : tours at the Haleakalā Visitor Center and Red Hill for celestial events and stargazing	4	<ul style="list-style-type: none"> Completed Application Form (OMB #102-0268) Additional Information Required by Section IV of Appendix 3: Park-specific Instructions Proof of General Liability Insurance Application Fee 	<ul style="list-style-type: none"> Conditions Of This Authorization Appendix 2: Special Park Conditions for Guided Hiking

* The National Park Service is prohibited by law from issuing more CUAs than are consistent with the preservation and proper management of park resources and values. Appropriate levels and types of CUAs available for hiking and astronomy tours have been set in the Haleakalā National Park Commercial Services Plan (December 2013).

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 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, National Park Service, as additionally insured in the amounts designated in the application.
10. 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.
11. 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).
12. Please sign and date your application. If the person SIGNING this application is not an Authorized Agent for the business, proof of signing authority must accompany this application.
13. Fee Schedule and Payment: The National Park Service is required by law to charge a reasonable fee for issuance of a CUA, at a minimum to recover associated management and administrative costs. In addition, the National Park Service may charge fees to recover the costs for the maintenance and repair of park area resources impacted by the CUA Holder's activities.
 - a) **Application Fee** represents the costs incurred by the National Park Service in mailing, distribution and initial review to make sure the information supplied is sufficient to form a decision. The Application Fee is due at the time the application is submitted. Applications submitted without the Application Fee will not be considered. The nonrefundable application fee for this CUA is **\$250.00**
 - b) **Administration/Monitoring Fee** is a cost recovery fee to cover the costs of administering and monitoring the CUA. The administration and monitoring fee for this CUA is **\$1000.00** annually. The Administrative/Monitoring Fee is due upon the issuance of the CUA; it is not refundable if the applicant decides not to use the CUA once issued.

Write your Employer Identification Number on all checks. Fees may be paid by cashier's check, certified check or money order and should be made payable to the National Park Service.

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 to locations, times, group size, and employee licenses and certifications.

CONDITIONS OF THIS AUTHORIZATION

1. 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. 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. The commercial services described above are to be provided to park area visitors at reasonable rates and under operating conditions satisfactory to the park area Superintendent.
3. 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.
4. 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 at least \$1,000,000 and naming 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.

5. Costs incurred by the park as a result of accepting and processing the application and managing and monitoring the authorization activity will be reimbursed by the holder. Administrative costs and estimated costs for activities onsite must be paid when the authorization is approved. If any additional costs are incurred by the park, the holder will be billed at the conclusion of the authorization.
6. Benefit – Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this authorization or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the authorization be for the benefit of such corporation.
7. This authorization may not be transferred or assigned without the written consent of the park area Superintendent.
8. This authorization may be terminated upon breach of any of the conditions herein or at the discretion of the park area Superintendent.
9. 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.
10. 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.
11. 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.
12. 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 and the Government Accountability Office access to its books and records at any time for the purpose of determining compliance with the terms and conditions of this authorization.
13. Executive Order 13658 – Establishing a Minimum Wage for Contractors, and its implementing regulations, including the applicable contract clause, are incorporated by reference into this contract as if fully set forth in this contract. The applicable contract clause is available at <https://federalregister.gov/a/2014-23533>.

**APPENDIX 1 through 3
SPECIAL PARK CONDITIONS
COMMERCIAL USE AUTHORIZATION**

Appendix 1
Park-Specific Terms and Conditions for Astronomy Tours

Astronomy: In addition to the Conditions Of This Authorization, the holder of any Commercial Use Authorization authorizing astronomy tours shall comply with the following terms and conditions:

- Group size will be limited to a maximum of 12 people, including employees.
 - Each authorized astronomy tour provider will have access to the summit district five days per week and could offer one trip per day.
 - Astronomy tours will not be permitted to use the summit area at sunrise or during park-sponsored special evening programs.
 - Exhibit 02– Annual Report Commercial Use Authorization must be completed annually and submitted by [January 31 , 2017],.
 - The CUA holder may not request or require Park visitors participating within the Park in astronomy tours to sign a liability waiver, insurance disclaimer, and/or indemnification. However, the CUA holder may require such Park visitors to sign an acknowledgement of risk form provided that acknowledgement of risk form either is in the form attached as Exhibit 03 – Acknowledgement of Risk for has ben approved in writing by the Park superintendent.
 - Transfers or assignments of the CUA prohibited without the written consent of the Park superintendent include (1) a transfer of the CUA holder’s assets that permits the exercise of managerial authority over the actions and operations of the CUA holder; and (2) arrangements where the CUA holder employs or contracts with a third-party (other than an employee of the CUA holder) to operate and/or manage the visitor services authorized by this CUA.
1. Conduct of the Tour—Nighttime:
- a. Nighttime activities shall commence no earlier than 1 hour prior to sunset. All tours must be completed no less than 2 hours prior to sunrise. Official sunrise/sunset times can be found at <http://www.bishopmuseum.org/planetarium/planetarium.html>
 - b. Nighttime activities will be restricted to the following locations:
 - 1) Paved sidewalks at Haleakalā Visitor Center, Summit (Red Hill), and Kīpahulu Visitor Center.
 - c. If tour utilizes a paved parking area, group may use no more than 3 adjacent parking stalls.
 - d. For safety reasons, tours may not utilize the following trails: Pā Ka`oao (White Hill), Keonehe`ehe`e (Sliding Sands), Leleiwi, and Halemau`u.

- e. Vehicle Headlights and flash lights should be turned off at all times once in an authorized and safe location.
2. Operation Plan: The Holder is required to submit an Operation Plan to the National Park Service (NPS) summarizing the operations to be conducted, routes to be taken, products used/provided, safety plan of action, and methods of operation employed to prevent pollution and to reduce waste through source reduction and recycling. The operation plan is reviewed and approved/disapproved by the NPS. The NPS shall keep the operation plan on file and will become part of the record regarding the performance of this Authorization; Any routes not delineated in Attachment D shall be provided to the NPS at least 30 days prior to the trip for approval. The operation plan will specifically include:
 - i. Safety plan of action the Holder will implement in the event of accident or injury, including:
 - ii. a list communications, first aid, and safety equipment to be carried by Holder on every trip.
 - iii. certifications and trainings required of staff
 - iv. protocols for all possible emergency scenarios

3. Endangered Birds On and Near the Road:

If a Nene or 'Ua'u is hit by a vehicle or injured in any other way, the Holder and/or employees, shall, upon discovery or awareness, immediately contact Park Dispatch (1-808-985-6170).

a. *Nene:*

- i. The Permittee shall inform all drivers that *Nene* are frequently on the Park's road and do not readily move when approached by vehicles. If there is a *Nene* on the road, drivers shall stop and allow the *Nene* to move away on its own.
- ii. The Permittee shall especially caution all drivers that *Nene* routinely suddenly appears from the bushes into the road, and be especially vigilant of this behavior on foggy and/or rainy days.

b. *'Ua'u:*

- i. The Permittee shall inform all drivers *'Ua'u* nests occur along the road side from MM 16.5 to the summit.
- ii. The *'Ua'u* are active at night within the Park, sometimes land on the road, and do not move when approached by vehicles.
- iii. Exhaust from vehicles may harm nesting *'Ua'u*.
- iv. If an *'Ua'u* is on the road, drivers should stop, call Park Dispatch directly and await instruction and assistance.
- v. *'Ua'u* are usually absent from the Park in December and January of each year.

4. Safety: Activities shall not block/hinder vehicular traffic flow on the roadways or “people flow” on sidewalks and trails or on handicap accessible routes. Activities may not take place within buildings or near building entrances/exit areas.
5. First Aid Requirements: The Holder, trip leader(s), guide(s), or operator(s) are required to possess current Advanced or First Responder first aid certification and CPR certification and will carry first aid equipment commensurate with the size of the group and training of leader(s), guide(s), or operator(s). The Holder shall ensure current copies of the Advanced or First Responder first aid certification(s) and CPR certification(s) are always on file in the Park Business & Revenue Office as a matter of record for this Authorization.

Appendix 2
Park-Specific Terms and Conditions for Guided Hiking

Hiking: In addition to the Conditions Of This Authorization, the holder of any Commercial Use Authorization authorizing guided hiking shall comply with the following terms and conditions:

- A maximum of up to one guided hiking trip per day is authorized.
- Hiking tour providers will not be permitted to take groups up to the summit area at sunrise. After sunrise, hiking tour providers can park their vehicles at the Haleakalā Visitor Center and Red Hill, competing with noncommercial vehicles for available parking spaces.
- Exhibit 01 – Area where guided hiking is authorized on Summit District.
- Exhibit 02– Annual Report Commercial Use Authorization must be completed annually and submitted by [January 31, 2017]
- The CUA holder may not request or require Park visitors participating within the Park in guided hiking to sign a liability waiver, insurance disclaimer, and/or indemnification. However, the CUA holder may require such Park visitors to sign an acknowledgement of risk form provided that acknowledgement of risk form either is in the form attached as Exhibit 03 – Acknowledgement of Risk form or has been approved in writing by the Park superintendent.
- Transfers or assignments of the CUA prohibited without the written consent of the Park superintendent include (1) a transfer of the CUA holder’s assets that permits the exercise of managerial authority over the actions and operations of the CUA holder; and (2) arrangements where the CUA holder employs or contracts with a third-party (other than an employee of the CUA holder) to operate and/or manage the visitor services authorized by this CUA.

1. Conduct of the Tour:

- a. The Holder shall provide clients with a specific time and location for meeting at the start of the trip.
- b. The Holder shall not use the interior of any Visitor Center as a meeting location.
- c. The Holder shall advise visitors/clients to inspect their footwear and remove any dirt, debris, and seeds BEFORE entering the Park. This will also be included in company brochures and on the company website.

- d. The Holder, or registered employee, trip leader, guide, operator, or representative of the business shall maintain the required continuous presence with the visitors/clients from the moment of entering the boundaries of the Park until the moment of exiting the boundaries of the Park.
 - e. Tours are limited to 12 people, including staff.
 - f. When the Holder provides visitor/client transportation to a starting point within the Park, tours are limited to 3 vehicles, of which only 1 may be a support vehicle. When no transportation is being provided to the visitor/client within the Park, tours are limited to 1 support vehicle.
 - g. The Holder and their employees registered under this Authorization **shall only provide Guided Hiking Tours on designated trails**, as shown on the current Haleakalā National Park Official Map and Guide, enclosed with this Authorization.(Exhibit 01). Authorized trails on the Kipahulu District include the Pipiwai and Kuloa trails.
2. Damage to Natural/Cultural Resources: The Holder and their employees registered under this Authorization will ensure that no visitor/client disturbs, damages, or removes any natural/cultural resources, archeological or historic artifacts. Entering any closed area is prohibited by law.
 - a. If artifacts are discovered, the Holder shall ensure they are left in place undisturbed and will immediately report the discovery to the Park Dispatch (808) 985-6170.
 3. Operation Plan: The Holder is required to submit an Operation Plan to the National Park Service (NPS) summarizing the operations to be conducted, routes to be taken, products used/provided, safety plan of action, and methods of operation employed to prevent pollution and to reduce waste through source reduction and recycling. The operation plan is reviewed and approved/disapproved by the NPS. The NPS shall keep the operation plan on file and will become part of the record regarding the performance of this Authorization; Any routes not delineated in Attachment D shall be provided to the NPS at least 30 days prior to the trip for approval. The operation plan will specifically include:
 - a. Detailed maps with routes and campsites delineated.
 - b. Safety plan of action the Holder will implement in the event of accident or injury, including:
 - 1) A list communications, first aid, and safety equipment to be carried by Holder on every trip.
 - 2) Certifications and trainings required of staff
 - 3) Protocols for all possible emergency scenarios
 4. First Aid Requirements: The Holder, trip leader(s), guide(s), or operator(s) are required to possess current Advanced or First Responder first aid certification and CPR certification and will carry first aid equipment commensurate with the size of the group and training of leader(s), guide(s), or operator(s). The Holder shall ensure current copies of the Advanced or First Responder first aid certification(s) and CPR certification(s) are always on file in the Park Business & Revenue Office as a matter of record for this Authorization.

5. Trip Itinerary: A minimum of **7 business days prior to each guided hiking tour** the Holder shall submit a completed Trip Itinerary [Attachment B]. The Holder shall provide the completed trip itinerary either by Facsimile at (808) 572-4438 or by email to: hale_commercial_manager@nps.gov
6. Emergency Response: The Holder shall report all emergencies such as accidents, fires, and search and rescues by calling 911 or to a Park Ranger or Park Dispatch by phone at (877) 428-6911.
 - a. The NPS shall arrange and direct any helicopter evacuation or other emergency or special operation.
 - b. The Holder shall assume financial responsibility for helicopter evacuation or other emergency or special operation when such service becomes necessary/is provided to a visitor/client of the tour.
7. Prohibited Activity: The Holder and their employees registered under this Permit are specifically prohibited from providing, conducting, engaging in, or effecting by any method of delivery, including by land, by water or by air, the following:
 - a. Traversing by vehicle anywhere other than on designated public roads.
 - b. Cutting and/or creating new trails in any form, by any means.
 - c. Marking trails by flagging or by use of marking paint of any kind, by any means.
 - d. Pets of any kind on guided hiking tours.
 - e. Filming or still photography by the Holder for **commercial purposes**. A separate Special Park Use Permit is required for this activity and can be obtained through the Park Business & Revenue Office.
 - f. Guided hiking service to any commercial film, research entity, or any agency without first ensuring the entity or agency possesses a valid Special Park Use Permit issued by the Park Business & Revenue Office.
 - g. Allowance of clients/visitors to enter waters within the park.
 - h. Providing alcohol products to any visitor/client.
8. Business Supplies and Materials: The Holder and their employees registered under this Authorization are authorized to carry into the Park only those supplies and materials necessary to support the duration of the tour. At the completion of the tour, all remaining supplies and materials will be removed immediately from the Park. The Holder shall not cache supplies and materials by any means, whatsoever, within the Park boundaries.
9. Storage: The Holder shall not store vehicles or other equipment overnight within the Park when not engaged in the commercial activity permitted by this Authorization. The Holder shall coordinate with the tour visitors/clients participants to carpool or shuttle to reduce the number of vehicles left in the park, as practical.

Appendix 3

Park-Specific Application Instructions: Applications for CUAs authorizing Guided Hiking and Astronomy Tours

I. GENERAL INFORMATION

1. The National Park Service is prohibited by Federal law from issuing CUAs other than to an eligible applicant and then only if specified criteria are met. The criteria for issuance of CUAs and the limitations on their use has been set by Congress in a law codified at 16 U.S.C. §5966 (recently re-codified as 54 U.S.C. §101925) *available at* <http://www.gpo.gov/fdsys/>. Among other things, the National Park Service must determine that the commercial service will have minimal impact on resources and values of the unit of the National Park System and are consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations. In addition, the National Park Service is required to include terms and conditions in CUAs that address specified statutory criteria, including (for example) the preservation and conservation of park resources and values, protection of visitors, the liability of the United States arising from authorized services, and fees to be paid in connection with the CUA. The National Park Service is prohibited by law from issuing more CUAs than are consistent with the preservation and proper management of park resources and values
2. The levels and types of commercial tour services that are appropriate in the non-wilderness areas of Haleakala National Park and that meet the eligibility criteria for authorizations under available legal authorities are identified in the Park's Commercial Services Plan, *available at* www.nps.gov/hale/parkmgmt. Some of the limitations set in that Commercial Services Plan are on hiking and astronomy tours. Both types of tours may be authorized by CUAs but the number of CUAs available for issuance is limited: for hiking tours, the number of CUAs may not exceed 2009 levels and for astronomy tours, the number may not exceed four. Additional conditions on those two types of commercial services also are set in the Commercial Services Plan
3. No more than one CUA per activity will be issued to an Applicant (inclusive of its individual owners and employees). However, Applicants can apply for and receive CUAs for more than one type of activity.
4. Federal law limits the duration of any CUA to a maximum of 2 years. The duration and date of expiration of any CUA issued to an applicant will be specified in the CUA. The law prohibits any preferential right of renewal or similar provisions for renewal of a CUA.

5. If the business is a non-profit that will not be generating taxable income from the activity, then you are not required to obtain a CUA. Non-profit entities may be required to obtain a Special Use Permit for their activity even if they are not required to obtain a CUA. Please contact the park for additional information concerning this issue.
6. Each authorization must be licensed by the State of Hawaii. Please contact the Maui County Business Resource Center at: (808) 873-8247 or get more information online at <http://www.co.maui.hi.us>
7. An Application for a guided hiking or astronomy tour CUA will be considered complete when the applicant has submitted the Following:
 - (a) All of the information required on the Application Form.
 - (b) All of the Additional Information Required For Application identified in Section VII of this Appendix 3.
 - (c) Proof of General Liability Insurance naming the United States of America, National Park Service, as additionally insured in the amounts designated in the application.
 - (d) Check for Application Fee of \$250.

Completed applications should be sent by regular or express mail or other means of method of delivery providing for overnight delivery to:

Haleakalā National Park
Attention: Greg Page, Business & Revenue Program Manager
PO Box 369
Makawao, HI 96768

8. An Application for a guided hiking or astronomy tour CUA will be considered timely if it reaches the Park Business & Revenue Program Manager All information must be received in our office by **Wednesday Oct 19, 2016**
9. If a CUA is awarded, the CUA Holder is required to report activity levels and remit payment:
 - (a) **Annual Reporting** – Annual Report Commercial Use Authorization (NPS Form 10-660)– Due annually by [January 31, 2017]
 - (b) **Monitoring and Management Fee** - \$1000 – Due upon issuance of CUA and Annually
10. All requests for this CUA will receive a response from our office. If the Application results in award, the CUA will be mailed to the Applicant for signature.

II. REQUIRED GENERAL LIABILITY INSURANCE: INCREASED COVERAGE AMOUNTS FOR GUIDED HIKING AND ASTRONOMY CUAs

Service Description	Minimum per Occurrence Liability Limits
Guided Hiking	\$1,000,000
Astronomy	\$1,000,000

III. MULTI-LEVEL NPS QUALIFICATION AND AWARD PROCESS

The number of CUAs available for issuance is limited: for hiking tours, the number of CUAs may not exceed six and for astronomy tours, the number may not exceed four. A multi step process will be used to select the applicants to whom the available CUAs will be issued.

In the first step of the selection process, applications will be reviewed for completeness and timely submission (as specified above).

Applications that are determined in the first step of the selection process to be complete and to be timely submitted (“Qualifying Application(s)”) qualify, depending on their number, either for issuance of a CUA or further consideration in a second step, or round, of the selection process. If the number of Qualifying Applications is equal to or less than the total number of CUAs available for a particular type of commercial service, then a CUA will be issued to each of the applicants who submitted a Qualifying Application. If, however, the number of Qualifying Applications is greater than the total number of CUAs available for issuance for that type of commercial service, there will be a second step to the selection process.

In the second step of the selection process, Qualifying Applications will be evaluated and their relative qualities assessed on the following factors (discussed more fully below, in section III), each of which is equally important:

- (1) Resource Protection
- (2) Visitor Safety
- (3) Relevant Experience
- (4) Submission of Operating Plan.

The Qualifying Applications will be ranked by the National Park Service in an order that reflects this evaluation and assessment. CUAs then will be issued to the top ranked applicants in order of their ranking and in number corresponding to the number of available CUAs.

IV. ADDITIONAL INFORMATION REQUIRED FOR APPLICATION: NARRATIVE RESPONSE

Provide in writing the following information:

- (1) **Resource Protection** – The Park is prohibited by law from issuing more CUAs than are consistent with the preservation and proper management of Park resources and values. One objective of the Park in evaluating this is to assure the protection of fragile and sensitive terrestrial resources.
 - (a) Describe any formal or informal training, education, and/or experience that you have obtained about the National Park Service and specifically, Haleakala National Park.
 - (b) What experience, training and/or certification do you have in the realm of environmental ethics and practices (e.g. Leave No Trace training). *Proper certificates or course completion documents for owners and/or employees must be submitted to receive full consideration.*
 - (c) Describe the manner and content of marine bird, mammal, and wildlife protection orientation you will provide to clients and guides.
- (2) **Visitor Safety** – The Park is concerned, among other things, about the safety of visitors.
 - (a) Describe the safety record of your company. How many incidents per thousand clients in the past five years have you had? List injuries, severity of injuries, and how many times you required professional emergency medical care to assist clients.
 - (b) What formal processes/procedures do you employ onsite to reduce risk on a daily basis? What environmental indicators do you assess to determine if the activity can be carried out and how do you assess client ability prior to undertaking the activity? Provide the list of equipment that will be issued to each client. Will that list change based on weather? If so, how?
 - (c) Provide two examples that demonstrate your ability to safely manage incidents and emergencies that minimized injury, natural resource or equipment loss.
 - (d) What type and level of training do your guides receive relating to emergency medical treatment and CPR, group management, and industry standards of service? *Proper certificates or course completion documents must be submitted to receive full consideration.*
 - (e) How many guides do you employ? How many of these guides are considered advanced level guides and what is their average number of years of experience? Provide resumes of key individuals that you will employ. Specifically identify the manager and describe their decision-making authority. The Park will evaluate key personnel qualifications and experience based on scope, magnitude, and relevance to the work that will be authorized under the CUA.

(3) **Relevant Experience and Credit History.** The Park is looking for a business entity that has experience and competence in providing guided Astronomy or Hiking services and demonstrates a satisfactory business credit history with sufficient financial resources to meet the requirements of the authorization.

- (a) Provide the total number of years that your company has provided guided tours. In your response, provide specific examples of relevant experience in providing guided tours in remote areas. Where has your company provided these guided services? What types of sea and weather conditions were encountered? What are your company's weather condition cancellation parameters?
- (b) What experience does your company have in guiding excursions? Where was this experience gained? How many years of experience?
- (c) In the last 5 years has your company held any previous business guided Astronomy or Hiking permit with any public agency (submit proof)? If yes, has that permit ever been revoked? Why?

(4) **Operating Plan.** Applicant must prepare an *Operating Plan*. The *Operating Plan* will be reviewed for compatibility with the guidelines for commercial services, interpretation, and resource protection at the Park. CUAs will not be issued and trips must not begin until the Operating Plan has been approved. The CUA Holder will be required as a condition of the CUA to comply with the approved Operating Plan.

The *Operating Plan*, at a minimum, should include:

- a. Explanation of services to be provided.
- b. Beginning and ending dates of service.
- c. Copy of your rate sheet.
- d. Average and maximum size of group(s) for each type of activity planned.
- e. Qualifications roster of individuals guiding in the Park.
- f. Outline of environmental education information that will be provided to your clients.
- g. Describe your accident prevention program, including safety and/or sanitation precautions/procedures that apply to your service.
- h. Explanation of the procedures to be taken in case of accidents or other emergencies.
- i. Visitor Acknowledgement of Risk Form. (if applicable) This form must meet the requirements of the National Park Service approved form. Please see the Application Instructions and the draft CUA for more information.
- j. Resource protection measures including measures/guidelines that will be taken to avoid impacts to ecosystem.
- k. Visitor experience measures, including measures/guidelines that will minimize impacts on other park visitors (e.g. non-guided star gazers, or hikers)



APPLICATION FORM COMMERCIAL USE AUTHORIZATION

DEPARTMENT OF THE INTERIOR
National Park Service
Haleakala National Park
Attention: Greg Page
PO BOX 369
Makawao, HI 96768
808-572-4440

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. Please submit your non-refundable application fee **\$250** with this application.

Some parks have minimum 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 documentation of first aid training, an emergency response plan, limits to group size, etc.

(1) **Service for which you are applying**

(2) **Will you be providing this service in more than one park? Yes ___ No ___ If yes, list all.**

(3) **Applicant** (Legal Business Name and DBA)

(4) **Authorized Agents** (Owner and any onsite person authorized to manage the operation)

(5) **Mailing Address:**

PRIMARY CONTACT INFO (Dates at this address _____)

Address: _____

City, State, Zip: _____

Email: _____

Website: _____

Day Phone: _____ Evening Phone: _____

Fax: _____

ALTERNATE CONTACT INFO (Dates at this address _____)

If same as "Primary Contact Info", check here and go to number (6).

Address: _____

City, State, Zip: _____

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 their names.)

(Name _____)

(Name _____)

Corporation: (State: _____ Entity Number _____)

Limited Liability Corporation: (State: _____ Entity Number _____)

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

Other (Specify)

(7) **State Business License Number:** _____ Expiration Date: _____

(8) **Employer Identification Number (EIN)** _____

(9) **Insurance and Vehicles**

Provide proof of insurance. The CUA operator must maintain General Liability insurance naming the United States of America, National Park Service as an **additional insured**. Minimum coverage amount is \$1,000,000 per occurrence. Some activities will require increased coverage, see Park-Specific instructions. Auto Liability insurance is also required at a minimum coverage amounts described below.

Will your business operate vehicles (car, truck, van, bus, taxicab, boats, 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 licenses to operate them commercially as required by law or regulation.

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 _____

(12) **FEE:** Please include the Application fee as outlined in the Park-Specific instructions.

(13) **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

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 (16 USC 5966). 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 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. 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. You may submit comments on any aspect of this information collection, including the accuracy of the estimated burden hours and suggestions to reduce this burden. Send your comments to: Information Collection Clearance Officer, National Park Service, 1849 C Street NW, Mail Stop 2601, Washington, D.C. 20240.