SPECIAL CONDITIONS OF AUTHORIZATION
HALEAKALĀ NATIONAL PARK

I. Administrative

The Commercial Use Authorization (CUA) Holder shall have a commitment to safety not only for its clients, but also for the visitors and employees of Haleakalā National park. The operator is responsible for informing clients of hazards likely to be encountered during their visit/tour and to provide guidelines, rules and practices that will mitigate and manage risk. Hazards unique to high altitude and Hawai`i may include:

- High elevation issues: influences on medical conditions (e.g. known cardiac or respiratory conditions), extreme temperature changes (30°- 70° F) or wind conditions (15- 80 mph or greater).
- Weather Conditions: Localized heavy rains, falling rocks and flash flooding (even when the sky is blue), fog drip, black ice, sleet, ice or on occasion—snow.
- Steep, narrow roadways, limited shoulders, limited sight distance, etc.
- Varied trail conditions: steep, high- altitude drop- offs, trail tread consisting of cinder, lava flow, soil, boardwalk, mud, exposed roots or covered with vegetation.

The park has determined that this CUA may not be assigned or transferred to a third- party. Prohibited assignments or transfers 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.

Any inconsistency in the terms of this CUA shall be resolved by giving precedence in the following order: (1) 16 U.S.C. §5966; (2) the first two pages of the CUA; (3) the section of the CUA captioned "Conditions of This Authorization"; and (4) the section of the CUA captioned "Special Conditions of Authorization."

Commercial tours share the road with a variety of other traffic including private/commercial vehicles & buses, large horse trailers, private/commercial cyclists and share the trails with hikers and horses. The employees of the Holder are expected to exercise courtesy and sound judgment to avoid and mitigate risk.

A. Special Conditions: It is expressly understood that the CUA Holder is subject to all special conditions.

B. Guarantee of Entry: It is understood that possession of this Commercial Use Authorization does not guarantee entry into Haleakalā National Park (Summit or Kīpahulu Areas). Entrance into the park may be closed or restricted from time to time in response to natural or national security events or for traditional cultural events. It is also understood that access to Haleakalā National Park and areas within the park may be restricted in the future

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to protect park resources and assure quality visitor experiences. *(Natural conditions that cause the park or sections of the park to be closed may occur at any time. Every attempt will be made to notify the Holder of these closures as soon as reasonably possible.)*

C. Carry Permit: All Holder vehicles shall carry a copy of the entire "Commercial Use Agreement" including Conditions of Authorization and any addendum.

D. Park Surveys: The Holder agrees to cooperate in surveys conducted by Haleakalā National Park designed to assist in park management actions.

E. Annual Report: The Holder is required to submit annually, but not later than THIRTY (30) days after December 31, an annual report which summarizes visitor use. The Holder is required to include number of clients and gross revenues for the year in the report. The report format is available on the park website.

F. Bi- Annual Safety Report: A summary of the most recent company conducted safety inspection will be submitted to the park twice per year. DUE DATES: **April 1 and October 1**.

G. Commercial Filming: The Holder will notify the NATIONAL PARK SERVICE in writing three (3) weeks prior to any proposed commercial filming of, or for, the activity of its promotion. The Holder will not arrange or accommodate any filming, audio or video recording or photography related activity without first assuring that it complies with the Commercial Film Permits. A separate Film Permit may be required for this activity.

H. Area Use: The area(s) authorized for the use under this CUA must be left in the same condition as it was prior to the activities authorized herein, with all refuse properly disposed of or otherwise required by the Superintendent. *(See section V.B.- Supervision/Conditions).*

I. Entrance Fees: The Holder is responsible to insure that each tour vehicle/group pays the park entrance fees regardless of the time and place of entry. Fees are due and payable upon Park entry. Entry fees may be paid by credit card (summit only), check, cash or debit voucher. *(Holder may establish a debit account from which to draw entrance fees, with the Fee & Revenue Business Manager at 808- 572- 4440).* Companies using a debit account shall be turned around without prior warning at the Entrance Station if the debit account is in the negative. It is the responsibility of the Holder to maintain and adequate balance of funds in the account.

1. Summit Area: Pay at 'Āhinahina Entrance Station during hours of operation—Credit Card, Cash, Check or Voucher.
2. Summit Area—After hours: Pay by Check or Voucher at drop box on Entrance Station or by credit card at Automated Fee Machine.
3. Kīpahulu: Pay at Kīpahulu Entrance Station during hours of operation—Cash, Check or Voucher.

J. Revocation/Suspension: The CUA is subject to revocation, suspension and/or non-reissuance for violations(s) of any terms and conditions of the permit and/or violation of any Federal law by the operator, his/her employees, and/or clientele of the Holder. Any employee under the influence or in possession of alcohol/controlled substance's while operating a vehicle will result in the automatic suspension of the CUA for a minimum of 30 days; any second offense will result in revocation of the permit. No commercial liability/vehicle insurance will result in immediate revocation of your permit.

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K. Table of Penalties

All penalties are based on each CUA authorized period.

VIOLATION	1st Offense	2nd Offense	3rd Offense
DOT Safety	Citation	3- day suspension	Up to 30 day suspension or revocation of CUA
No insurance documentation for vehicles	Citation or Written Warning	Citation	3- day suspension
Expired vehicle registration	Citation or Written Warning	Citation	3- day suspension
No CUA in vehicle	Citation or Written Warning	Citation	3- day suspension
Vehicle lights, signals, etc.	Citation or Written Warning	Citation	3- day suspension
Extinguishers, triangles & other DOT requirements	Citation or Written Warning	Citation	3- day suspension
First Aid Kit—missing or depleted	Citation or Written Warning	Citation	3- day suspension
Drivers License	Citation or Written Warning	Citation	3- day suspension
DOT Medical for Driver	Citation or Written Warning	Citation	3- day suspension

* A fourth violation will result in a suspension of up to 30 days or revocation of the CUA. Any safety violation could result in the termination of that tour.

L. Advertising for the permitted activity shall not state or imply endorsement by the National Park Service and may not depict or suggest prohibited activities. Photographs or filming of advertisements are subject to the terms of a filming permit—issued separately.

M. Tour guides/leaders and drivers will have nametags with the company name and the employee's first name and initial of the last name clearly readable, displayed on their outer garment(s). Nicknames may be added to the nametag in addition to the employee's legal name.

N. The employees of the Holder will comply with any special instructors received from the Superintendent or their representative concerning tour operations within the park.

O. It is the responsibility of the Holder to ensure that all employees are informed of the Conditions of the Authorization for Haleakalā National Park.

P. Holder must provide names, addresses and phone numbers of tour clients or employees and any other statistical information upon request.

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II. Vehicles

A. Proof of Operating Authority: The Holder shall provide proof of current operating authority from the Hawai`i Public Utilities Commission (PUC) and from the Department of Transportation (DOT) as applicable. All companies must show proof of State registration and insurance. It is the responsibility of the Holder to update this office regarding any changes, updates or additions to their carrier authority. Failure to do so may result in the suspension of the permit until the updated information is received in this office.

1. The Holder shall comply with all applicable federal, state and local regulations governing any aspect of the operation. These shall include, but not be limited to, motor vehicle and traffic regulations; State of Hawai`i Rules & Regulations; Motor Carrier General Order # 2 (DOT) with regard to passenger limits, driver licensing requirements, and vehicle equipment; and/or County of Maui requirements for Taxi's.

B. Suspension or Revocation of PUC and/or DOT Authority: If for any reason, the Holders' PUC and/or Department of Transportation authority is placed in any status other than "Active", this CUA will be immediately suspended and the Holder will not be allowed to enter Haleakalā National Park. No prior notice of this suspension by Haleakalā National Park is necessary. After such a suspension has occurred, the Holder must apply for reinstatement of the CUA, show proof of their reinstatement by PUC and/or DOT and receive written authorization from Haleakalā National Park prior to entering the park.

C. The Holder will establish a system of inspection and maintenance of transportation used in the activity. Minimally, the inspections shall be documented on a semi- annual basis. The inspection shall list all vehicles/trailers used, the condition in which it was found, repairs made, etc. The system shall be traceable by vehicle/trailer license number. These documents will be maintained by the Holder and will be made available for park inspection upon request.

D. Rules of the Road: All vehicles will comply with posted traffic regulations, including speed limits and double- yellow centerline markings. Holder shall take every safe opportunity to use roadside turnouts to allow faster traffic to pass. Failure to comply with traffic regulations will result in citations to the driver with possible suspension to the Holder.

E. Overlooks, Scenic Views & Parking Lots: The Summit and Kalahaku parking areas are closed to vehicles with a passenger carrying capacity greater than 25 and vehicles with trailers. At NO time are any vehicles (of any size) allowed to drop passengers off along the road or bridges in the `Ōhe`o Gulch area of Kīpahulu.

F. Vehicle Parking: Holder will abide by special parking requirements as designated by the Superintendent.

1. Summit Parking Lot: Only vehicles with less than 25 passenger seats will be allowed to park at the Summit. Vehicles may only be parked in established parking stalls. At Sunrise, only vehicles with a capacity of 15 passengers or less will be permitted. Parking along the island curb is not permitted.

2. Haleakalā Visitor Center Parking Lot: Commercial users, with any size vehicle, must be parked in designated commercial parking stalls. Commercial vehicles are NOT permitted to park in or across private vehicle designated parking spaces. *(CUA holders for Horses see your Supplemental conditions for designated parking).*

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3. Headquarters Visitor Center: Vehicles with a passenger capacity of 15 or less shall park in designated stalls within the visitor parking lot. Vehicles with a passenger capacity of greater than 15 shall park in the commercial bus zone located on either side of the main road in front of the visitor center. At no time shall vehicles park in opposing lane zones.

4. Hosmer Grove: Commercial users wishing to visit the Hosmer Grove area are welcome. Absolutely no 'staging' or long- term parking of vehicles or equipment along the Hosmer Grove Road. Large motor coach buses may not be able to turn around at Hosmer Grove.

G. Off- loading Passengers: Holder will be responsible for controlling passengers at those places where the vehicle stops and off- loads. Holder shall ensure that clientele do not obstruct vehicular or pedestrian traffic. This will include keeping passengers from walking into the roadway and obstructing traffic, from walking into areas posted as sensitive where resource destruction may result, and from walking beyond fenced areas. Loading and unloading of passengers on to roadways, handicapped parking stalls, etc. is prohibited.

H. Idling: All drivers of buses, mini buses, and other commercial vehicles are prohibited from allowing their engines to idle for extended periods of time. Idling shall not exceed 5 (five) minutes and is allowed at the top (:00) and bottom (:30) of the hour.

I. Vehicle Exhaust: All vehicles will be properly maintained to insure that the exhaust produced is not beyond what is allowed by law. Excessive exhaust from vehicles will be immediately corrected. Violations will result in enforcement of State and Federal laws regarding emissions.

J. Commercial Vehicle Tour Inspections: The Holder shall cooperate fully regarding the inspections of commercial tour vehicles in Haleakalā National park. Commercial vehicle safety inspections are conducted unannounced for visitor safety. Vehicles are checked for safety and mechanical deficiencies, compliance with current State and Federal laws and regulations. A blank copy of the safety inspection is available upon request.

K. Holder shall comply with all applicable Federal, State and public health requirements for food service.

L. All passenger vehicles must display readily visible markings identifying the business name (Company or dba) on both exterior sides (driver's and passengers') of the vehicle. Minimum letter size is 4 inches. Vehicles that transport 7 or less passengers may display PUC number on the front & rear bumper; all larger vehicles must display PUC number on the side.

III. Equipment

A. Each piece of equipment / stock used (bikes, horses, hiking gear, etc.) in the activity shall be inspected to assure that it is mechanically sound and in safe operating condition before each trip. A final safety inspection is to be made at the departure point of the tour. Minimally, the inspection shall be documented on a monthly basis.

IV. Training

A. New drivers, leaders and guides will be required to have training on the tour a minimum of three (3) times with experienced drivers/leaders prior to soloing in that role. Training trips will be documented showing date and time of trips and signature(s) of the experienced employee conducting the trip.

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B. New drivers will be required to have driven the tour vehicle on the route with clientele a minimum of three (3) times with experienced drivers prior to independent driving. Training trips will be documented showing date and time of trips, and signature of the experienced employee.

V. Conduct of the Tour & Education

A. Park Information: Holder will insure that information provided through tour leaders, brochures, literature or advertising to park visitors, is accurate and reflects the most current information available to depict park flora, fauna, geology, culture, and history. This includes the proper use of Hawaiian words and place names. *(Some information may be available on the park website at* **http://www.nps.gov/hale** *or you may contact the Interpretation division at (808) 572- 4456. A variety of publications are available through our park cooperator Hawai`i Natural History Association.)*

B. Supervision / Compliance: The Holder shall provide adequate supervision of its employees and clients to ensure that the Park's geological, biological, historical and archeological resources are not disturbed. The Holder is responsible for informing its employees and clients of the Park regulations and assuring compliance. Supervision includes but is not limited to:

1. Clean Areas—The areas used by the Holder shall be left in the same condition (or cleaner) as prior to the activities authorized herein. Holders providing food service of any type are responsible for the collection and disposal of their own refuse at a location offsite. Recycling containers for aluminum are available throughout the park.

2. Protection of Natural & Cultural Resources—Holder will not allow clients to disturb or remove any natural and/or cultural items from the Park. Rocks, flowers, plants and parts of plants (dead or alive) as well as other natural resources may not be removed. Stacking of rocks is NOT permitted.

3. Out of Bounds Travel—Travel off designated roads, trails or public areas is prohibited (includes all lava tubes, archeological sites and streams). The Holder and/or driver/tour guide shall provide adequate supervision of employees and clients to ensure the parks natural and cultural resources are not disturbed.

4. Trash Items—All articles transported into the Park by the Holder will be transported out. This includes all food, beverage containers, refuse and trash. Food service is confined to the vehicle or designated picnic areas. Holders with approved backcountry/wilderness trips (guided horseback or hiking trips) must pack out all their own refuse including toilet paper.

5. Smoking/Cigarette Butts—Holder will not allow clients and/or employees who smoke to discard their cigarette butts on the ground. A container must be provided for this purpose and passengers made aware of this regulation. Smoking is NOT PERMITTED within 25 feet of any public building.

6. Feeding of Wildlife—Park regulations prohibit feeding of any wildlife within Haleakalā National Park. Holder will enforce this regulation with their clients.

7. Soil Erosion—The Holder shall take adequate measures, as directed and approved by the Superintendent, to restrict and prevent soil erosion on lands covered hereby.

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8. Water Conservation—Holder shall comply with National Park Service water conservation guidelines. During periods of draught, CUA holders will be requested to use alternative facilities in the summit area.

9. Pest Management—Holder shall comply with National Park Service guidelines.

C. Acknowledgement of Risk/ Waivers: The holder may require that participants sign and "Acknowledgement of Risk" prior to participating in the activity. If the Holder chooses to use such a form, the Superintendent must approve it. A sample of the "Acknowledgement of Risk" form shall be attached to the completed CUA application. Multiple "Acknowledgement of Risk" forms are not permitted.

D. Restroom Facilities: Restroom facilities are located at all Visitor Centers as well as Hosmer Grove, Halemau`u Trailhead and Kalahaku Overlook. During times of draught, CUA Holders for the Summit Area will be requested to use facilities at Headquarters. Wilderness outhouses are located at all Wilderness cabins and campgrounds. Under no circumstance will the Holder allow for clients to dispose of human body waste anywhere except in approved restroom facilities provided for that purpose. Holders for Wilderness excursions shall follow Leave No Trace ethics and guidelines. All paper products shall be carried out. Burning of paper products is not acceptable. *(Groups should try to plan rest stops at Visitor Centers as smaller facilities cannot handle large volume use.)*

E. Picnicking: Unless authorized by the Superintendent in writing, motor coaches, mini-buses and multi- van tours are discouraged from using Hosmer Grove campground and picnic area. The picnic area does not accommodate large vehicle parking and is not designed for large groups.

F. Participants who fail to observe safety rules set by the tour, requirements of the conditions of authorization or park regulations may be promptly removed from the tour by the tour leader.

G. No equipment may be set up in public walkways, visitor centers and shelters or in such a way as to create a tripping hazard or traffic obstruction.

H. Superintendent may require Holders to participate in cleanup days when there is excessive refuse surrounding commercial vehicle areas.

I. Permit may be temporarily suspended during adverse fire danger conditions and/or drought conditions with limited water supply until situation improves. It is the Holder's responsibility to keep informed of current travel and water restrictions, and to comply with fire danger and water conservation directives.

VI. Limitations

A. Bike Tours: Tours departing within the park boundaries may not exceed thirteen (13) clients, one (1) guide and one (1) driver for a total of 15 persons.

B. Hike & Backcountry Tours: Group size shall not exceed twelve (12) persons including employees. This includes trails, campgrounds, and all backcountry wilderness areas. Holders with approved overnight activities may not exceed 12 persons and cannot utilize cabins and campgrounds simultaneously. Holder shall abide by park restrictions of campfires, reservation procedures, length of stay, camp locations, etc.

C. Horse Tours: Group size shall not exceed the smaller of twelve (12) horses or the maximum allowable by the Holder's insurance coverage. The total number of horses per day shall not exceed 24 per Holder.

D. Picnicking: Day tours providing lunch stops within the park may use designated picnic areas at Park Headquarters or at Kīpahulu. All lunch materials (boxes, bags, containers, bottles, etc.) must be taken with the Holder and deposited at approved areas outside the park. Recycling is available for aluminum cans within the park.

VII. Emergency Medical & Safety

A. Report of Incidents: The Holder is required to report ANY personal injury and/or property damage incident occurring within the park involving Holder vehicles, clients, employees or private vehicles. The report must be made to a Law Enforcement Ranger at the first available opportunity before leaving the park. A report will consist of a written or verbal description of the incident. The Holder must cooperate with any investigation of the incident by the National Park Service personnel.

1. If the Holder has clients in distress or need of medical attention that would not warrant an ambulance, it is the Holder's responsibility to provide transportation to a lower elevation, or to further care. The needs of a distressed client will supersede the regular completion of the tour. (Ambulances will not transport a patient that does not have an emergency medical condition.)

B. Each vehicle/tour associated with the permit shall carry and maintain a kit for emergency medical care. The kit shall be of sufficient size for the number of persons in the group and the nature of the activity. Tours operating during hours of darkness will be equipped with a minimum of one flashlight.

C. Holder shall telephone **Park Dispatch 1- 877- 428- 6911 or 911** if a Park Ranger is needed for a medical emergency or traffic accident.

D. At least one person from each tour/vehicle shall have the appropriate training/certifications as listed below. That person must carry the original card (CPR card must be separate from other training certifications). If companies maintain original cards, original cards must be available for inspection upon request by NPS staff.

1. Training & Certification Requirements

Astronomy Tours	CPR & Standard First Aid
Bike Tours	CPR & First Responder
Hiking & Backcountry Tours Recommended	CPR & Standard First Aid Wilderness /First Responder
Horse tours Recommended	CPR & Standard First Aid Wilderness Advanced First Aid
Vehicle Tours:	CPR & Standard First Aid

E. CPR & First Aid Certification must meet Federal Department of Transportation standards. CPR Certification must be renewed annually and first aid courses every three years. First responder courses at minimum every two years. Agencies approved by the NPS for training include: American Red Cross, American Heart Association, American Safety & Health

Institute, National Safety Council, National Ski Patrol, Wilderness Medical Associates, SOLO, PADI Emergency First Response, Kapiolani Community College—Maui EMS Training Center.

F. First Responder Certification must meet Federal Department of Transportation and NHSTA standards. Acceptable certifications would include American Red Cross Emergency Responder, Kapiolani Community College (Maui EMS Training) First Responder course, Heartbeat Hawai`i or a Wilderness First Responder course offered through Wilderness Medical Associates or SOLO Schools. Other First Responder courses are accepted providing they meet the Federal DOT and NHSTA standards. A curriculum outline from another agency and approval by the Federal DOT must be submitted to the park in order to be considered. It is the responsibility of the Holder to ensure that the training they receive meets these standards.

G. Wilderness Certification may be received through Wilderness Medical Associates or SOLO Schools. Both of the providers offer Wilderness courses from First Aid through EMT. These courses are recommended (not required yet) for any Holder that has approved CUAs for hiking, backcountry/wilderness or horse tours.

VIII. Official Contact Information

Electronic Mail & Phone

HALE_Commercial_Manager@nps.gov
808- 572- 4440 (phone)
808- 572- 4438 (fax)

USPS Mailing Address

Revenue & Fee Business Manager
Haleakalā National Park
Post Office Box 369
Makawao, HI 96768- 0369

Fedex or UPS Address

Revenue & Fee Business Manager
Haleakalā National Park
Mile Marker 11, Crater Road
Kula, HI 96790

Website Information

http://www.nps.gov/hale/parkmgmt/businesswithpark.htm

Violation of any regulation and/or condition of this permit may constitute grounds for suspension revocation of this permit. The Holder employees and clients are subject to the same laws and penalties that apply to all park visitors. Repeat violations or problems may result in a suspension of the permit for an undetermined amount of time.

SPECIAL CONDITIONS OF AUTHORIZATION
ADDENDUMS ATTACHED FOR
ASTRONOMY, BICYCLE & HORSE ACTIVITIES

Signature Date Company Name