

## SPECIAL CONDITIONS of AUTHORIZATION HALEAKALĀ NATIONAL PARK

### I. Administrative

The Commercial Use Authorization (CUA) Holder shall have a commitment to safety not only for his/her clients, but also for all 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. Example: Visitors may not expect some hazards unique to Hawai'i and high altitude. These hazards may include:

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

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 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.

F. Bi-Annual Safety Report: A summary of the most recent safety inspection will be submitted to the Superintendent twice a year. Timetable: One inspection due on or before March 1 and the second on or before November 1.

Page 6 of 9

Commercial Filming: The Holder will notify NATIONAL PARK SERVICE in writing 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 permit may be required for this activity.

H. Area Use: The area(s) authorized for 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 as 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 either by check or in the form of a debit voucher deducted from a debit account. (*Holder may establish a debit account from which to draw entrance fees, with the Fee Collection Supervisor at 808-572-4440*). **Companies utilizing 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 an adequate balance of funds in the account.

1. Summit Area: Pay at 'Āhinahina Entrance station during hours of operation—Check, Cash or Voucher
2. Summit Area—After hours: Pay by Check or Voucher at drop box at Entrance Station or Park HQ.
3. Kīpahulu: **Pay by Check or Voucher** to the Fee ranger. If they are not present, you may drop it in the drop box.

J. Revocation: CUA is subject to revocation, suspension, and/or non-re-issuance 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.

K. Suspension Policy: Tours will cease if any conditions of authorization are not met. After two suspensions within a 12 month period, the CUA will automatically be revoked.

1. Company Immediate: Any of the following will result in an immediate suspension of the permit, and permit will not be reinstated until the situation is remedied: lack of proper insurance coverage, expired IBP or CUA, revocation of PUC license, violation notices issued on consecutive days for the same infraction; voucher debit account has a negative balance.
2. Individual: Any individual not in compliance with the conditions of authorization will not be able to conduct tours within the park (e.g. a driver with no Medical Examiner card). If actions cannot be remedied on-site, the tour will cease.

3. Company – Major: Any one of the following infractions will result in a three-day suspension effective 30 days from the date of the infraction. (example: infraction on July 23 will have a suspension on August 23). Infractions include though are not limited to: more passengers than the number of seat belts; false documentation; and lack of training as required in conditions of permit.
  4. Company – Minor: After 10 violation of conditions issued (verbal or written) to a company within a 12-month period, a one-day suspension 30 days from the date of the 10<sup>th</sup> infraction will occur.
- 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 employees' first name and initial of last name clearly readable, displayed on their outer garments. Nicknames may be added to the nametag in addition to the employees' legal name.
  - N. The employees of the Holder will comply with any special instructions 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 and/or contractors 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.

## II. Vehicles

- A. Proof of Operating Authority: The Holder shall provide proof of current operating authority from the Hawai'i Public Use Commission (PUC) and from the Department of Transportation (DOT) as applicable. All companies must show proof of State Insurance Registration. 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 the office.
  - i. **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 Hawaii 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 for 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 to vehicles with trailers. At NO time are any vehicles (of any size) allowed to drop off passengers along bridges in the 'Ohe'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 24 passenger seats will be allowed to park at the Summit. Vehicles may be parked in established parking stalls or along edges of the island. At Sunrise, only vehicles with 15 or less passengers are allowed.
  2. Haleakalā Visitor Center Parking Lot: Commercial users must be parked in designated parking stalls and they may not park in or across auto designated parking spaces.
  3. Headquarters Visitor Center: Small vehicles and vans without trailers will park in the parking lot. Buses and vans with trailers may park in the bus zone located on either side of the main road in front of the visitor center. At no time shall vehicles parking in the bus zone be parked facing the opposite direction of traffic.
  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 will occur anywhere along the Hosmer Grove Road.
- 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 in 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 vans 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. Violation will result in enforcement of State and Federal laws regarding emissions.

- J. Commercial Tour Vehicle 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. Drivers' licenses, medical certificates, etc. are checked. A blank copy of the safety inspection form 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 on the side.

## II. 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 safety inspection is to be made at the departure point of the tour. Minimally, the inspections shall be documented on a monthly basis.

## III. Training

- A. New leaders will be required to have training on the tour a minimum of three (3) times with experienced 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. Bike tour training trips will be comprised of a minimum of three persons: tour leader, trainee leader and driver. Leaders and drivers of all tours will make a sustained effort to become knowledgeable about the park by reading, attending relevant courses and/or attending park talks, hikes, etc. The experienced guide will inform the entrance station upon arrival (or Park Ranger) that they have a trainee. The entrance station staff or Park Ranger will initial the training documentation provided by the Holder.
- 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 soloing in that role. Training trips will be documented showing date and time of trips, and signature or the experienced employee(s) conducting the trip. Bike tour training trips will be comprised of a minimum of three persons: tour leader, driver and trainee driver. The experienced guide will inform the entrance station upon arrival (or Park Ranger) that they have a trainee. The entrance station staff or Park Ranger will initial the training documentation provided by the Holder. If a driver is to participate in sunrise, at least one of their three training trips must take place at sunrise.

## IV. Conduct of 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 found on the park website at [www.National Park Service.gov/hale](http://www.NationalParkService.gov/hale) or you may contact the Interpretation division at (808) 572-4456. A variety of publications is 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 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 as prior to the activities authorized herein. Holders providing food service of any type are responsible for collection and disposal of their own refuse at a location off site.
2. Protection of Natural & Cultural Resources<sup>1</sup> – 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 (alive or dead) 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 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 of their own refuse (including toilet paper).
5. Cigarette Butts – Holder will not allow passengers and/or drivers 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.
6. Feeding 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.
8. Water Conservation- Holder shall comply with National Park Service water conservation guidelines.
9. Pest Management – Holder shall comply with National Park Service guidelines.

C. Waivers: The Holder may require that participants sign a liability release or waiver prior to participating in the activity, provided that the National Park Service approves the language. 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 permit application and/or renewal. Multiple waivers are not permissible.

- D. Restroom facilities: Restroom facilities are located at all Visitor Centers as well as Hosmer Grove, Halemau'u Trailhead and Kalahaku Overlook. Wilderness outhouses are located at all Wilderness cabins and campgrounds. **Under no circumstances 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 park guidelines for burial of waste.** 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 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 and cigarettes surrounding commercial vehicle areas.
- I. Permit may be temporarily suspended during adverse fire danger conditions and/or 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.

## V. 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 and wilderness areas. Holders with approved overnight activities may not exceed 12 persons and cannot utilize both 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 operator'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, cans, etc.) must be taken with the Holder and deposited at approved areas outside the park. Recycling is available for aluminum cans within the park.

## VI. 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, clientele, and/or employees. 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 National Park Service personnel.
- I. 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. 911 for emergencies and/or Park Dispatch 1-877-428-6911 if a Park Ranger is needed.
- 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).
- I. Training & Certification Requirements

Astronomy Tours:	CPR & Standard First Aid
Bike Tours:	CPR & First Responder
Hiking and Backcountry Tours:	CPR & Standard First Aid;
Recommended:	First Responder or Wilderness Advanced First Aid
Horse Tours:	CPR & Standard First Aid
Vehicle Tours:	CPR & Standard First Aid
- E. CPR Certification must meet Federal Department of Transportation standards. Acceptable certification would include American Red Cross Workplace Training or Community First Aid & Safety, the American Heart Association Heartsaver CPR for Adults & Pediatrics or PADI Emergency First Response.
- F. First Responder Certification must meet Federal Department of Transportation standards. Acceptable certification would include American Red Cross Emergency Response course, Kapiolani Community College (Maui EMS Training Center) First Responder course, Heartbeat Hawaii 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 standards. It is the responsibility of the Holder to ensure that the training they receive meets these requirements.
- G. First Aid Certification must meet Federal Department of Transportation standards. Acceptable certification includes any American Red Cross first aid course. Other courses are accepted providing they meet the Federal DOT standards and have hands-on skill

practice. It is the responsibility of the Holder to ensure that the training they receive meets these requirements.

- H. Wilderness Certification may be received through Wilderness Medical Associates or SOLO Schools. Both of these providers offer Wilderness First Aid, Advanced First Aid, First Responder and EMT courses. These courses are recommended (not required) for any Holder that has approved tours for backcountry/wilderness or remote areas.

**Violation of any regulation and/or condition of this permit may constitute grounds for suspension or revocation of this permit. 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 CONDITION OF AUTHORIZATION  
ADDENDUMS ATTACHED FOR  
ASTRONOMY, BICYCLE & HORSE ACTIVITIES