

## SPECIAL PARK USES GUIDELINE

July 15, 2004

APPROVED: \_\_\_\_\_

  
Superintendent

DATE: \_\_\_\_\_



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# CHAPTER 1

## GENERAL OVERVIEW

**1.1 PURPOSE** - This guideline was developed to guide management in the implementation of the special park use program in a manner that preserves the visitor experience while providing for resource protection.

This guideline identifies filming, incidental business use, and special use activities that may be deemed appropriate within the park and establishes management direction related to these activities. In addition, an administrative cost structure has been established to ensure that costs associated with the special park use program are recovered.

Special park uses within Joshua Tree National Park will be permitted when consistent with the Department of the Interior Guidelines, Management Policies of the National Park Service, and Joshua Tree National Park's enabling legislation, as well as guidelines and standard operating procedures established within Joshua Tree National Park (Backcountry/Wilderness and General Management Plans, (January 14, 2000), and the Superintendent's Compendium. Special Park Use activities should not conflict with visitor or administrative use of the area, nor will any activities be allowed to derogate the values and purposes for which the Park was established. Program direction as defined within this guideline is intended to complement existing NPS policies and regulatory tools as described in DO-12, 20, 21, 28, 53, NPS Management Policies, OMB Circular A-25, Title 36 CFR, Parts 1-7 and 14, and Title 43, Part 5. This guideline is also seen as an attempt to standardize the Special Park Use Program of Joshua Tree National Park with other NPS and Department of Interior programs within the California Desert Conservation Area.

**1.2 DEFINITION** - The term special park use is defined as "any activity that is proposed for, or exists within, a park and that requires written permission from an NPS official in order to take place (Management Policies 2001)." The term special park use is applied throughout this document to mean the full spectrum of uses of park land by other parties and includes special use activities, events, incidental business use and filming.

**1.3 PROGRAM OBJECTIVES** - The Joshua Tree National Park Special Park Use Guideline was developed in accordance with the following program objectives:

- A. To provide for management consistency as it relates to permit processing and compliance.
- B. To ensure program cost effectiveness and recovery; establish cost structures that are realistic and responsive to market values.
- C. To reduce or eliminate the administrative burden associated with managing special park uses.
- D. To establish standards and provisions to ensure that proposed special park uses can be properly reviewed for environmental clearance (cultural and natural).

- E. To establish a clear, orderly and sufficiently scheduled permit application and review process which guarantees timely and efficient service to applicants.
- F. To greatly reduce or eliminate the need to conduct post permit rehabilitation efforts by taking a proactive, aggressive approach to permit monitoring and post permit site inspection.
- G. To ensure program conformance with other park programs and plans. (Backcountry/Wilderness and General Management Plans),

**1.4 GENERAL GUIDELINES AND PROVISIONS** - The Special Park Use Program is managed by the Visitor Protection Division in cooperation with the Management Assistant and the Resources Management Division (see Chapter 2.1, Roles and responsibilities). The approval authority is maintained by the Superintendent or his/her designee. A calendar of Special Park Uses will be maintained in the Special Park Use Office. The following general conditions apply to all special park uses:

A. Permits may be requested for all lands open to public use but are *generally* restricted from designated wilderness. When special park uses are approved away from roads and developed areas, the Permit Addendum will reflect conditions, which ensure that the activity conforms with the protection of park resources.

Permit conditions will vary on a case by case basis. A Permit Addendum will be constructed for each permit and will describe specific conditions and compliance requirements. For example, the addendum may prescribe sites or portions of sites designated for permittee use, a breakdown of hours, dates and types of activities permitted, deviations from normal park regulations, etc.

B. All special park use will be authorized by permit. Permits will be issued regardless of fee waivers approved for some government, research and/or non-profit activities. Forms and formats used for permitting will vary depending on type of special park use. Application requirements will also vary.

C. The quantity and size of the special park use to occur within the park is to be regulated. No more than one special park use will be permitted at a given location at one time. Most special park uses will be restricted during peak visitor use seasons. Approved special park uses will not unreasonably impact or prevent normal visitor use.

D. Permittees are required to provide proof of liability insurance for some forms of special park use. Bonding is required for some forms of special park use; amounts vary with the type of use and complexity.

E. Administrative costs and processing time for special park use permits also may vary with the type

of use and complexity. In most instances, the permittee will be responsible for some if not all costs incurred by NPS in conjunction with the permit.

F. Special park uses may be prohibited or restricted based on weather or seasonal conditions (fire danger, nesting or mating seasons in sensitive resource areas, etc.)

G. Minor changes to permits can be approved by the Permit Monitor or the District Ranger. Major changes to a new site, date or activity may require reapplication by the permittee and initiation of a new application.

**1.5 PERMIT CONSIDERATION** - When considering whether or not to issue or deny a special park use request, the park will consider if the application is to be classified as either the exercise of a right or a privilege. Generally, privileges arise as a result of the exercise of discretion provided by a statutory authorization. In other words, a park manager is provided with the discretion in such cases either to permit or deny a specific special park use. Rights however, may arise under the Constitution, a treaty or some other legal entitlement, such as a property right, and generally do not allow the park manager the discretion to deny the special park use.

Although the request for the exercise of a right may not be denied, under most circumstances it may be managed. Therefore, an important first step that must be taken by park management when considering each permit application is to determine the applicable authority or entitlement for that proposed use. If an entitlement for a special park use is identified as a right, the park must determine the extent to which the right will be managed. In consideration of an authorized privilege, the park has the additional task of determining whether or not the use should be allowed. A comprehensive listing of permit considerations is found in the Permit Consideration Checklist (Appendix A) and should be revisited during the consideration phase of the application process and documented as a part of the administrative record. A list of appropriate authorities for authorizing special park use is found in Permitting Authorities (Appendix B). The pertinent authorities must be listed on each and every permit issued.

Park staff will make every effort possible to expedite the special park use permit process. It is recognized that some special park uses and events are planned or conceived on short notice. However, the limited staff at Joshua Tree National Park may not be able to accommodate a short turn around time for special park use permits. Therefore, maximum permit processing times have been established according to the type and complexity of the proposed use. Processing times are reflected in the remaining text (see General Guidelines, Chapters 3.2, 4.2, 5.2).

**1.6 PERMIT DENIAL OR REVOCATION** - The staff at Joshua Tree National Park will make every effort to accommodate special use requests but will do so only after all precautions are taken

to protect resources and ensure public use of the area. A special use permit will be denied or revoked by NPS if it:

- a). poses a threat to park resources or visitor health and/or safety
- b). places unreasonable burden on the administrative, supervisory and/or regulatory capability of the park staff.
- c). would unreasonably conflict with the public's normal use and/or appreciation of the park.

NPS policy defines natural resources as plants, animal, water, air, soils, topographic features, geologic features, paleontologic resources and aesthetic values, such as scenic vistas, natural quiet and clear night skies. The primary managerial concern is to prevent loss or degradation of these resources. (RM-53, Appendix 13 Release Number 1, April 2000)

The following activities are examples of uses that have the potential to significantly impact, alter or damage park resources or visitor experiences and therefore would be prohibited:

- use of pyrotechnics/fireworks in natural areas (Special Directive 92-12)
- use of aircraft
- harassment or manipulation of wildlife for purposes other than approved research
- off road vehicle use
- use of insecticides, herbicides, etc.
- stunts or organized activities that present obvious risks to the visitors
- use of any wildlife captured elsewhere, trained or untrained

Should the permittee violate the conditions of the permit, the Permit Monitor may temporarily halt the permitted activities until such time when the condition or situation is corrected (refer to 36 CFR 1.6 (g) (2) and 36 CFR 1.6 (h)). At that point, the violation can be corrected or the permit suspended or revoked by the Special Programs Ranger, Chief Ranger or Superintendent. Violations, resolutions and permit suspensions and/or revocations will be documented on a Case Incident Report, which will become a critical element of the administrative record.

**1.7 ADMINISTRATIVE RECORD** - All special park use requests will receive careful and equal consideration. The documentation of decisions and related thought processes relative to approval/disapproval of a special park use request is of critical importance. This documentation will occur in the form of a park-generated file known as the administrative record. The documentation process begins with the receipt of a request for special use of parklands or facilities and normally ends with any rehabilitation, clean-up and settling of incurred costs.

An administrative record for a special park use will be generated in every instance, regardless of the size of the area or the length of time requested. This record includes written notes and documents,

detailing the decision process, which results in final approval or disapproval of the request. It should also include input from all divisions in the park, if applicable, particularly those divisions affected by the use, and most particularly, where costs are involved.

In addition to documenting the managerial process, the administrative record provides a file of support in cases of challenge by the applicant or other park interest groups. The record is also a useful reference for determining the status of a final decision for any given special park use application, at any point in time. This file exists as the park's prime source of information and documentation in cases of investigation and/or litigation and can be used as established precedence relative to future permit requests. The record is equally important whether the use is approved or denied.

A typical administrative record compiled during the review and approval process for a special park use would consist of the following:

- A. An application form completed to the satisfaction of park management
- B. A managerial decision that the use will not be a derogation of park values and it is compatible with the public interest
- C. Citation of a specific law or authority that allows the activity
- D. The park has completed a Finding of No Significant Impact (FONSI) for National Environmental Policy Act (NEPA) approval or made a statement that the use is a categorical exclusion
- E. The park has completed a Section 106, National Historic Preservation Act (NHPA) and approval process or made a statement that the use is a categorical exclusion
- F. The park has determined that the user is or is not exempt from charges, and exactly what the charges will be.
- G. The final permitting document or letter of denial and all supporting notes and documentation associated with the application process
- H. Final documentation that the file/permit has been closed, the site rehabilitated (when necessary) and all deposits returned to the applicant/permittee

*1.8 PERMIT RENEWALS* - The Special Programs Ranger will conduct a bi-annual analysis of existing special park uses to determine the need for permit renewals. While the act of requesting

renewal is the responsibility of the permittee, the bi-annual summary is required for program management reasons.

Whenever possible, special park use permits at Joshua Tree National Park will be issued for the shortest term possible (see Chapter 3, Section 1). This is necessary due to the fragility of the desert and the need to closely monitor, and if necessary, rehabilitate environmental damage resulting from special park use. Short term permits will provide management with maximum flexibility as it relates to monitoring and managing impacts.

Once a renewal request is received from a permittee, the Special Programs Ranger will consider the following issues prior to making recommendations to the Chief Ranger and Superintendent:

1. Is the activity mandated or legally permissible?
2. Is the special park use still appropriate and compatible with the park?
3. Was the original permit granted with the correct permitting instrument?
4. Have new requirements arisen that require additional safeguards or provisions?
5. Can the provisions be improved?
6. Is the cost appropriate?
7. Review the previous administrative record, if any.
8. Was NEPA compliance and NHPA Section 106 completed?

**1.9 PROGRAM REVIEW** - Program review and oversight is an interdivisional responsibility which will occur at two levels:

A. Routine permit review - Every complex special park use application, including incidental business and film permits, will be routed to the interdisciplinary team for review and staff input as they are received by the Protection Division unless categorically excluded through a Programmatic Exclusion. The Environmental Screening Form (Appendix C) will be completed and attached to the permit before it is sent to the Superintendent for approval. A Programmatic (CE) Categorical Exclusion would have a Categorical Exclusion Form (Appendix D) included in the file.

Resource and/or operational concerns listed during the interdisciplinary team review process must be addressed before the final permit is approved. This can occur by either including permit provisions which provide for direct mitigation of the concern or when necessary, requiring a Permit Monitor to be present during the event. The Special Programs Ranger will attempt to involve the staff responsible for generating resource/operational concerns in the permit monitoring and compliance process.

**B. Annual guideline review** - This guideline will be reviewed and revised as needed with input from all divisions. The Special Programs Ranger will coordinate the proposal for review of this text and will forward a comprehensive listing of changes together with the revised text to the Superintendent for approval no later than December 1st of each year. In addition, the Special Programs Ranger will notify frequent incidental business, film and special users of the changes during the release of revised application packets.

**C. Superintendent's Compendium** - The Superintendent's Compendium will be annually reviewed to ensure that it supports the intent and policies described within this text. When necessary, the Compendium will be used to establish park specific fees, to designate applicable areas and to establish other special use limits and regulations not specifically addressed within the Special Park Use Guideline. The Compendium also should be referenced for decisions made by the Superintendent specifically to protect the resource and accordingly, the compendium should be cited within the context of special use application denials. The legislative authorization establishing the compendium as park policy is 16 USC 1 and 3, and 36 CFR 1.5-1.8.

## CHAPTER 2 ADMINISTRATION

## **2.1 ROLES AND RESPONSIBILITIES**

Administration and implementation of the Special Park Use program is the responsibility of the entire park staff; all divisions must be actively involved in the review and regulation of this program. To properly evaluate an application and establish conditions for such use, park management should solicit input from as many knowledgeable sources as possible. Each Special Use Permit application having potential for impact to visitors or the environment will undergo a National Environmental Policy Act (NEPA) review. This review will be accomplished through the park's Interdisciplinary (ID) Team. The information submitted for review will be done through an Environmental Screening Form. Application types which have received a Categorical Exclusion (CE) will operate under the CE until it comes up for review again. Specific program responsibilities by position are listed below:

### **SUPERINTENDENT**

- 1). Interprets DO-20, DO-21, DO-28 and DO-53 and applies them to Joshua Tree National Park.
- 2). Reviews and approves Special Park Use Guideline.
- 3). Approves special park use permits of a complex nature and project clearance reviews.
- 4). *May* delegate additional permit approval authorities to the Chief Ranger and/or Special Programs Ranger.
- 5). *May* revoke special park use permits.

### **ASSISTANT SUPERINTENDENT**

- 1). Assumes Superintendent responsibilities as delegated by the Superintendent

### **CHIEF PARK RANGER**

- 1). Supervises overall operations of the special park use permit system.
- 2). Reviews and makes recommendations to Superintendent relative to project clearance reviews, cost recovery schedules, and guideline, etc.
- 3). Assists field staff and permit monitors in negotiating resolutions to difficult situations.
- 4). *May* revoke film/special use permits.
- 5). Meets with division chiefs on complex or controversial permit proposals

### **CHIEF OF RESOURCES MANAGEMENT**

- 1). Serves as a key support to the Superintendent in evaluating special use permit applications, determining the potential impacts to the proposed use and whether these impacts are in

- derogation or impairment of park values.
- 2). Recommends permitting conditions and mitigation measures to be taken by the permittee.
  - 3). Monitors existing permitted uses and reports existing or potential resource impacts to the Superintendent.
  - 4). Issues all scientific collecting permits
  - 5). May process some Permits for scientific researchers, in collaboration with the Special Programs Ranger.

### SPECIAL PROGRAMS RANGER

- 1). As the park special use coordinator, responsible for overall management of the film, special use permit, and incidental business permit system.
- 2). Sets program goals and objectives.
- 3). Maintains and reports statistical information on inquiries, permits issued, permit use days, etc. Annually summarizes operation in comprehensive report to the Superintendent.
- 4). Reviews guidelines/SOPs and prepares revisions for approval by Superintendent
- 5). Facilitates use of NPS lands by special park users:
  - receives inquiries from potential permittees
  - evaluates requests for compatibility with NPS guidelines
  - handles negotiations and communicates restrictions and guidelines for use of NPS lands and facilities
  - estimates costs and recovers appropriate sum from permittee
  - produces permits and verifies insurance
  - maintains the special use scheduling calendar; keeps district rangers informed of significant permit approvals and scheduling
  - keeps Superintendent, Chief Ranger and District Rangers informed of significant program revisions/issues and complex permit applications/approvals
  - acts as NPS liaison to the permittee throughout the duration of the permit
  - *if necessary, may* revoke film/special use permit
  - tracks permit costs and ensures that appropriate accounts are credited
  - maintains filming, special use and incidental business permit logs and ensures that log numbers are consistent with numbers placed on final permits/license
- 6). Delegated the responsibility for approval of simple special use and filming permits.
- 7). Provides direction and guidance for personnel assigned to monitor permit activities:

- schedules available NPS personnel as permit monitors
  - provides technical assistance and support to field personnel assigned to monitor permit activities
  - is available to personally monitor the more complex and/or resource threatening permits; assists assigned monitors in negotiating resolutions to difficult situations.
- 8). Coordinates permit system operations with other park divisions:
- Coordinates the development of damage assessments
  - consults with Resources Management on unusual requests from potential permittees that might impact ongoing programs (integrated pest management, seasonal faunal activity, etc)
  - coordinates with Administration on the prompt reimbursement by permittee of costs
- 9). Works with other agencies, community groups, and industry representatives to facilitate appropriate use of NPS lands for filming, commercial and special use:
- represents Joshua Tree NP to various filming interests and chambers of commerce
  - assists park staff in understanding special park uses program and guideline

INTERDISCIPLINARY TEAM

1). Team members consist of Division Chiefs and representatives of the park staff who are directly related to conservation planning and environmental impact analysis. The team's purpose is to make decisions as to how to conserve the environment of the park. Evaluations are made from presentations that include Environmental Screening Forms (ESF) along with any accompanying information that is available for presentation by Project Proponents.

PERMIT MONITORS

Are assigned by the Special Programs Ranger on an as needed basis. Oversees daily activities of the permittee to assure compliance with the terms of the permit. Permit monitors may be any trained and qualified NPS employee temporarily assigned to observe the operations of a permittee.

- 1). The monitor is familiar with special park use guidelines and the provisions of the permit and performs the following functions:
- works with the delegate assigned by the permittee for assuring compliance with the provisions of the permit
  - opens and secures areas and/or structures as designated in the permit

- has authority to temporarily halt activities which are not in compliance with permit provisions (as opposed to revoking or suspending permit)
  - requests assistance from Special Programs Ranger (Chief Ranger/District Ranger if Special Programs Ranger is unavailable) in resolving unusual or difficult situations
  - utilizes expertise of the Park FMO, Safety Officer and other staff technical experts to assist in permit monitoring
- 2). Works to minimize visitor impacts related to filming and special use:
- provides basic orientation and park background information to permittee, staff and crew upon request
  - contacts other park visitors to avoid conflict of activities
  - serves as NPS authority to regulate activities and use of the site
- 3). Documents activities:
- promptly reports time and attendance for permit monitoring to Special Programs Ranger
  - promptly submits Case Incident Reports or noncompliance documentation to the Special Programs Ranger
  - promptly alerts Special Programs Ranger of unresolved issues or problems requiring follow-up with the permittee
  - makes minor on-site changes to the activities allowed by the film permit
- 4) Works to minimize negative impacts to park natural and cultural resources.

## 2.2 CLEARANCES AND COMPLIANCES

**A. PROJECT CLEARANCE** - All special park use must be subjected to an established project clearance and environmental compliance process. Park management and especially the Special Programs Ranger must support an established interdivisional special use permit review process within the park. This process must ensure that each use as proposed is subjected to the proper NEPA and/or Section 106 of the NHPA approval review, prior to approval by the Superintendent. These reviews are required by Federal law and specifically mandated by Departmental policy.

**B. ENVIRONMENTAL COMPLIANCE** - Procedural compliance with the National Environmental Policy Act (NEPA) may follow one of three routes:

- Categorical exclusion
- Preparation of an EA (Environmental Assessment); or

- Preparation of an EIS (Environmental Impact Statement)

Special events may be categorically excluded from NEPA in accordance with DO-12, Section 3.4, Paragraph D(3) which, lists actions related to visitor use. Evaluation of permit requests require an interdisciplinary approach to determine if a Categorical Exclusion is appropriate. However, the Special Programs Ranger is responsible for ensuring proper documentation for this approach. Each and every proposed use will be presented via the form found as Appendix C, Environmental Screening Form until a Programmatic Categorical Exclusion has been approved. This documentation will be included in each permit file and thereafter becomes a critical element of the administrative record. When it is determined that a proposed use cannot be categorically excluded from additional NEPA review, an Environmental Assessment or an Environmental Impact Statement may be considered.

DO-12, 1.3 states "Whenever the NPS considers an action that could have impacts on the human environment, NEPA is triggered." Some events that require a permit will have no requirement for NEPA because it is apparent that it has no potential for environmental or visitor impact. (Example: Five people gathering at a picnic site for a wedding ceremony.) This would have no potential impact beyond that of a normal family having a picnic, but the activity, because it is a ceremony requires a Special Use Permit. The Special Programs Ranger will review each permit to determine if there is potential for an environmental impact. If there is a determination that no potential for impact exist, a letter to this effect will be included in the applicant's file, but no additional NEPA documentation would be required. Any situation in which such a determination is made would be limited to activities that are completely contained within developed areas and mirrors common visitor activities.

The Programmatic Agreement among the National Park Service, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers of 1995 covers Cultural Resource preservation. In light of this agreement, the following list of proposed special park uses are examples of actions which may not be categorically excluded from NEPA nor covered by the stipulations of the above mentioned agreement. All of the following would require that an Environmental Screening Form be addressed by the Park's Interdisciplinary Team (DO-12, 1.4(H)):

- manipulation of park resources (natural/cultural)
- use of cultural sites or designated critical habitat for T&E (Threatened and Endangered) Species
- use of unnatural or non-native resources (specifically introduced to the park in support of permit)
- construction of structures other than basic props
- involves ground disturbance or soil manipulation
- activities to occur in designated wilderness

Applicants must provide management with sufficient information to support the NEPA and Section

106 of the NHPA process and the decision of whether or not the proposed use will threaten or impact park resources. The Special Programs Ranger must make an initial determination as to what type and how much information is critical to the process. The following information is basic to all special park use applications:

- detailed description of the proposed activity
- schedule for use and cleanup
- resource protection measures and plans for rehabilitation/restoration
- detailed site-specific locations such as park trails, climbing areas, cache sites, backcountry camping locations
- numbers of people, vehicles and vehicle types involved
- itinerary dates including locations, activity and equipment for each day listed

Prior to initiating specific work on either an EA (Environmental Assessment) or EIS (Environmental Impact Statement), the applying party(s) will be informed of projected preparation costs and at that point given the option to proceed with or terminate the request as originally proposed. The initial cost estimate will be prepared by the park NEPA Coordinator (Ecologist, Resources Management Division). Costs associated with the preparation of EA's/EIS's will be paid by the permit applicant, regardless of whether or not the use is eventually approved.

EA's/EIS's may be prepared by the Park NEPA Coordinator, or delegated staff with input from various members of the park staff or they can be contracted. This determination will be made cooperatively by the park's interdisciplinary team. The NEPA Coordinator will assist the Special Programs Ranger with cost recovery; records of all costs associated with the preparation and review of NEPA documentation and will be provided to the Special Programs Ranger on a regular schedule of the process. When it is determined that the proposed special park use is not categorically excluded, the staff specialist assigned to the required NEPA documentation will request that the applicant complete the NEPA Preparation Questionnaire found as Appendix E. This questionnaire must be completed and returned by the applicant before further environmental assessment can begin. The time required by the applicant to complete/return the form is not considered to count against minimum processing times.

**C. CULTURAL COMPLIANCE** - Cultural compliance requirements vary, depending upon the potential for cultural impact. A full discussion of documentation and mechanical processes for considering cultural impacts is found in DO # 28. It is important to note that NEPA compliance takes for granted that a Cultural Compliance document (Section 106, NHPA) has been done, when required. The Chief of Resources Management or Cultural Resource Specialist will review each proposed special use for the need to conduct Cultural Resource Compliance and when necessary, refer questionable applications to the Cultural Resources Management Specialist for the coordination and processing of the Section 106, NHPA review.

## 2.3 FISCAL MANAGEMENT AND ACCOUNTING

**A. FEES DEFINED** - Once approved by NPS Solicitors a land/facility use fee may be collected for the use of park lands and facilities. These fees are set at "fair market value" or the tangible or intangible worth of the land rental. Land/facility use fees are assessed in comparison to the private sector cost when providing park access, buildings, fields, roads, etc. not accessible to the normal visitor and are collected on a per day basis. When these costs are incurred, the land/facility use fees must be paid separate than the application and management costs. Implementation of land/facility use fees are awaiting Solicitor approval at the time of writing this guideline.

In addition to land/facility use fees assessed for the specific use of park lands and facilities, each permit process will include an application cost and an administrative/processing cost (discussed below, 2.3 B; Costs Defined). Application and Administrative costs have been itemized and quantified as routine administrative (processing) costs for most types of applications. The application cost is a non-refundable part of the cost recovery process (regardless of permit approval or denial) which is assessed once at the beginning of the application process but must occur before processing is initiated. Once processing has occurred, the administrative (processing) cost also becomes a part of the cost recovery process and is non-refundable.

In general, entrance fees will be waived in association with non-recreational Special Park Use Permits. Non-recreational permits such as film/photo, weddings, research and military training permits would be exempt from paying entrance fees. Accredited non-profit institutions of learning that meet predetermined criteria may also be exempt from paying entrance fees through the fee waiver process. Entrance fee waivers will be managed by the Park Fees Supervisor and/or Chief Ranger and apart from the Special Park Use Permit Process.

**B. COSTS DEFINED** - A cost is the amount that represents the expenditures made by the NPS in order to accommodate a special park use. Costs can include, but are not limited to, charges for evaluating permit applications and administrative processing, monitoring and rehabilitation. Additional costs might be for actions taken such as the preparation of an Environmental Assessment, or an Environmental Impact Statement. In all NPS proceedings, the permittee will normally be required to pay all or portions of any cost incurred. The following costs are common to many special park use activities:

**Application Costs:** Since the park uses an application form to gather information about the scope of special park uses, it is appropriate to charge for its cost in reviewing that application. This amount represents the average costs incurred by the park in the development and distribution of the application package, communication of information pertaining to the application process and initial review of the request for a special park use. Costs incurred during this process should result in recovery of costs as a one time non-refundable charge.

This charge when submitted with the completed application, does not preclude the recovery of other costs associated with issuance of the permit. The applicant should always be advised of additional anticipated costs once the initial review of the process is completed. The Special Park Use office will establish and maintain a written record documenting how costs and charges are established for each permit issued. The park may have special use requests that represent a "standard" for that park. These are a type or category of use that the park may issue with regularity. If the standard cost measure is used, this amount should be recalculated each year based upon changes in fixed costs.

The standard Application Cost (\$120.00) is a one-time cost that covers the ongoing costs of providing the program, office space, utilities, supplies and equipment engaged in providing and keeping up to date the program in an current manner. These costs are incurred to each applicant during the period which starts with receipt of the letter or phone call requesting the use of park resources and ends with the receipt and initial review of the completed application from the requesting party. It includes time spent in compiling, printing and reproducing and mailing applications and assorted materials, or providing the applicant with instructions for obtaining the application from the NPS website. The application cost includes costs assigned to phone discussions, utilities, office resources, salaries, benefits, materials and ends with the initial review of the application.

Administrative (Processing) Costs: Costs associated with researching, processing and approving or denying applications for special park uses should be recovered. Administrative charges should reflect an accurate calculation of the actual costs associated with the administrative process of approval and preparation of the permit. These costs may include environmental, (NEPA), cultural (106) and other compliance as appropriate, as well as meetings, travel, clerical, telephone discussion time, site visits, and other costs factors.

The standard Administrative (Processing) Cost (\$195 – for permits other than special events) is a one-time cost incurred during the period which starts after the receipt and initial review of the completed application and ends with the signing/approval or denial of the request by the Superintendent. Includes all costs for routine investigations, consultations and associated research in support of the application. It does not include costs associated with processing complex applications, which require specialized consultation not available within the Service, project reviews or NEPA compliance documentation.

For a complete cost breakdown for calculating standard Application and Administrative costs, see Appendix L. (Application Cost Recovery Schedule) and Appendix M. (Administrative Cost Recovery Worksheet for Standard Permits).

The Application and Administrative Cost Recovery Schedule (Appendix L) is a critical

element of each permit issued. When costs in addition to basic permit processing (application and administration costs) are required or anticipated (NEPA consultation/documentation, monitoring, extensive park review or other agency consultation, etc.), they will be documented on the Administrative Record/Worksheet included in each file. The Application and Administrative (Processing) Costs are non-refundable. The standard cost for a simplified special use permit, such as a small wedding ceremony, which includes processing a permit after receipt of the application is \$120.00 (Application and Administration Costs combined). This permit normally requires minimal time for review and preparation than an IBP or Film/Photography permit.

The application and administrative cost are normally reflected on the Special Use Permit Form 10-114 (Appendix G). Other costs, such as monitoring may be included in cases where the amount of time and cost is known at the time of offering the permit. When the application/administration cost is waived for a special park use, the 10-114 should read "cost waived" where appropriate. Application cost waivers may be approved only by the Superintendent and may be applicable in the following instances:

- permits granted to the military or a government agency
- 1st Amendment Rights permits
- Native American Rights permits
- documentaries which promote NPS programs, policies or philosophies
- NPS co-sponsored activities
- service project work

The Management Cost is based on the actual costs incurred by all park divisions involved in monitoring, supporting or cleaning up after the use. It should include all costs for personnel, all equipment and material charges, and if applicable, the cost of utilities. In cases where actual costs to be incurred cannot be determined in advance, then a condition may be added to the permit that allows the NPS to recover from the permittee all costs associated with managing the use.

The rehabilitation portion of the management cost is a one time cost incurred during the period which starts with the termination of the event or activity, and is concluded when the site is restored to its near as possible original condition. All permittees are responsible to return any property to its original condition.

The management cost for monitoring of special use activities may occur in one of either two forms:

- Incidental, short-term: The National Park Service has the need to conduct routine monitoring of

permitted activities, consisting primarily of periodic inspections of short duration. These costs are assessed on a per hour basis and includes driving time and the time associated with locating the activity and the actual on-site spot inspection. Round trip driving time to most locations is approximately 1 hour. The duration of time that a Permit Monitor may remain on site is highly variable, but in most cases a minimum of 1 hour.

-Continuous, on-site: Some special use permits may require a Permit Monitor to be present for the duration of the activity to assure full compliance with the terms and conditions of the permit. This determination will be made by the Special Programs Ranger during the application process. In the event a Permit Monitor is required, payment in the amount of \$50.00/hour per monitor will be charged to the permittee.

Continuous on-site monitoring charges are incurred during the period which when the monitor departs for the permit site and concludes when they return. Calculated on a per hour basis with a minimum cost in most cases of two hours (\$100, or \$50 per hour).

On site monitoring will be required when the Special Programs Ranger determines that an NPS presence is needed to prevent resource damage or unsafe activities associated with the special park use. The per hour rate for monitoring includes the costs of NPS vehicle use and other miscellaneous equipment used by the Permit Monitor.

The breakdown of the \$50.00/hour continuous monitoring costs are as follows:

-Salary and Benefits (Ranger Escort GS-9/5 overtime rate)	\$42/hour
-Equipment Rental (Vehicle and Mileage)	\$ 8/hour

*C. DONATIONS* - The park can receive a donation, regardless of amount from Special Park Use Permittees. All donations stay at the individual park and used for projects to improve the visitor experience or to protect park resources. However, "NPS managers shall not initiate discussion of a possible donation with any permit applicant. If a permit applicant voluntarily indicates an interest in making a donation to the park, the NPS shall refrain from discussing the donation until after the permitted activity is completed. This will help to ensure that the prospect of a donation does not cause a lapse in objectivity and thereby create an ethical dilemma." RM-53, Chapter C5-2. Donations are not to be considered in lieu of cost recovery or lands/facility use fee.

*D. ACCOUNTABILITY AND SECURITY* - Upon receipt of fees, bonds or costs, the check or payment will be logged into the administrative record and the Register of Receipts and Transfers (Appendix F). All monies will be deposited into the Protection Division safe and recorded on a separate log maintained by the Special Programs Ranger. Bonds will be returned to the permittee by hand delivery, or certified mail with return receipt. The Special Programs Ranger will maintain the Register of Receipts (Appendix F) for all monies received and dispersed.

For accountability reasons, Location fees checks must be received separately from the monitoring, application and rehabilitation costs. Location fees checks are deposited to the US General Treasury while the remainder of the costs/fees are deposited and kept in the park. While the estimated monitoring costs and application/processing costs may be combined in one check, the rehabilitation costs usually occur after permit closure and therefore should be received separately. The typical special use permit requires separate checks for the following:

1. Lands/Facility Use Fee (fair market value): can be a personal, cashiers check or money order.
2. Application and Administrative/processing Costs: can be a personal, cashiers check or money order.
3. Bond/Deposit: Cashiers check or money order only

All checks must be made payable to the *National Park Service*. Checks written in any other form will be returned to the applicant and a new check requested.

## 2.4 PROGRAM LIABILITY AND DAMAGE MITIGATION

*A. BONDS/DEPOSITS* - Refundable deposits or bonds will be required for many special park uses. Bond/Deposit amounts will be estimated through an analysis of risk for potential resource rehabilitation in the event that a permitted special park use results in damage to the resource or park facilities. Only Federal, State, County or local government agencies are normally considered categorically exempt from bond/deposit requirements:

Deposits will be refunded by the Special Programs Ranger or Chief Ranger and documented in writing on the Register of Receipts (Appendix F). In most cases, this will occur at the conclusion of the activity and may be prompted by a verbal request from the permittee. If resources damage has occurred as a result of the permitted activity and the permittee fails to perform any of the required rehabilitation, the Superintendent will direct the Chief Ranger to proceed with the work, assess the charges, deduct it from the bond or cash deposit and return the balance to the permittee with an itemization of costs and expenditures. If site restoration costs exceed the amount of the bond/deposit, a bill for collection for the amount exceeded will be issued to the permittee by the park's budget officer or the permittee's liability insurance carrier will be contacted for reimbursement costs.

*B. INSURANCE* - Some forms of special park use will require that the permittee carry liability insurance. Typically, these are special park uses that can be associated with levels of permittee risk (hang gliding, tour bus companies, climbing guides ) or potential for damage to the resource or park facilities which would include filming and photography permits. When necessary,

permittees will carry a minimum of \$1,000,000 combined liability, with the U.S. Government or the United States of America listed as the additional insured.

**\*\*Indemnification and liability of the government.** The permittee will comply with all applicable Federal, State, and local laws and regulations, as well as all permit conditions. In addition, the permittee will indemnify, defend, and hold the U.S. Government harmless for any violations incurred under any such laws and regulations or for any costs, damages, claims, liabilities or judgments arising from acts or omissions of the permittee in connection with the use and/or occupancy provided by a permit.

Incidental Business Permittees are required to maintain no less than \$1,000,000 per occurrence covering both bodily injury and property damage, with the insurance company specifying that they have no right of subrogation against the United States of America. The United States of America or the U.S. Government shall be named as an additional insured. Certificates naming the U.S. Government as "certificate holder" only are not acceptable. It must state the "additional insured" clause.

Short term permits must show coverage on an occurrence basis. A facsimile copy of the insurance certificate may be used to begin the administrative process with an original certificate from the insurance company to be received before the permit is issued. Some applicants may be exempt from insurance requirements; for example, a government agency. A case by case determination of insurance requirements may be made by the Chief Ranger or Special Programs Ranger.

## **HOLD HARMLESS/INDEMNIFICATION**

The following is a legal statement intended to be used as a condition of a permit:

This agreement is made 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, or death to any person or property of the Permittee, 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 agreement or occasioned by any occupancy or use of said premises or any activity carried on by the Permittee in connection herewith, and the Permittee 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.

**CHAPTER 3**  
**SPECIAL USE PERMIT**

## SPECIAL USE PERMITS

*DEFINITION* - The NPS Special Use Permit (SUP), 10-114, revised December 2000 (Appendix G), is the only authorized form to be used for permitting the wide variety of special events and activities listed and described within this chapter. Special Use Permits are issued to authorize activities that are neither mandated nor prohibited by NPS and/or Departmental policies; and for which there is a statutory or legal basis.

### 3.1 PERMIT CONSIDERATION PROCESS

In addition to the consideration and qualification criteria discussed in Chapter 1, there are two additional considerations or "tests" to govern the issuance of permits for special events:

- there must be a meaningful association between the park and the event or...
- the event must contribute to visitor understanding, appreciation or significance of the park.

Special Use Permits are issued as either short term (two years or less) or long term (two to five years). Almost without exception, permits at Joshua Tree National Park are to be prepared as short term or on a per event basis. **All long term permits, regardless of complexity, must be approved by the Superintendent.**

A complete special use permit application packet will consist of the following documentation:

- Special Park Use Application
- Certificate of Insurance (if required)
- non-refundable application cost of \$120.00 (minimum required)

### 3.2 GENERAL GUIDELINES

**A. COSTS** – The cost for an application is the charges made to recover the costs of providing the program up through the first review of the application worksheet (Appendix L). This is a non-refundable charge based on actual cost recovery.

**B. INSURANCE** – Proof of general liability insurance (minimum of \$1,000,000) will be required for most special use permits. When required, the Special Programs Ranger will specify that a Certificate of Insurance be forwarded along with the application. The insurance certificate must name either the United States of America or the U.S. Government as additional insured.

C. **DEPOSIT** – A deposit/bond will be required whenever the proposed special use poses a risk to resources. The amount of the deposit/bond will be determined by complexity rating and calculated at the time of application. Normally the range will be from \$2,000 to \$5,000. The deposit must be made to the National Park Service in the form of a cashier's check or money order. The deposit will be returned after all conditions of the permit have been fulfilled and all financial responsibilities have been met

D. **PROCESSING TIME** - The processing time for special use permits is as follows:

- At a minimum, for simple projects, the application should be received in the park's headquarters office at least four (4) working days in advance of any project. More time may be required depending on the complexity of the project and the availability of personnel. (DO-53, Appendix 13, Page A13-7)

- up to 120 working days for *complex* forms of special park use (excluding applications which require additional NEPA compliance documentation, "external" consultation or investigation and/or Section 106, NHPA clearances).

Events should be planned in accordance with these time frames. When possible the park staff will make every effort to expedite the permit process.

### 3.3 APPLICATION/PERMIT PROCESS

Step 1. Applicant to request special use permit application package from the Special Programs Ranger or (Chief Rangers Office) by phone or mail. Package will be sent to applicant via regular U.S. mail. If applicant requests a more expedient or overnight delivery the application can be federal expressed on the applicant's fed-ex account number, but not at the expense of the U.S. Government.

The application package will consist of the specific guidelines for obtaining an SUP, the potential costs involved and the Special Park Use Application.

Applicants having internet access may acquire the application package from the NPS website. For obtaining applications for Joshua Tree National Park, the web address is: <http://www.nps.gov/jotr>

Step 2. The Special Park Use Application, **non-refundable** application cost (personal check acceptable), and the original Certificate of Insurance are to be returned to Special Programs Ranger by applicant.

Step 3. Application is reviewed by the Special Programs Ranger on a first come, first served basis. Special Use Permit applications not eligible for a Categorical Exclusion are forwarded to the

Interdisciplinary Team through an Environmental Screening Form for their review/concurrence. Final approval recommendations and permit conditions as specified by the Interdisciplinary Team and/or Special Programs Ranger will be documented on the Environmental Screening Form. Simple permits may be approved by the Special Programs Ranger or Chief Ranger. Permits of a complex nature are forwarded to the Superintendent for final approval.

Step 4. Special Programs Ranger notifies applicant by phone of permit status (approval/denial). Denials of permit are followed up by a letter of notification. Final approval of the permit may require additional permit conditions or revisions, additional fees/costs, bonding/insurance requirements, etc. Specified location fees and the deposit/bond (money order, cashiers or certified check only) are due at this time.

Step 5. The Special Program Ranger prepares the final permit and contacts the applicant to arrange for applicant's signature (**by appointment only**) unless there is ample time to mail and receive the returned signed permit. The permit is a two-party contract and does not allow for a faxed signature.

Step 6. Applicant must first agree to the permit conditions in writing (permit signature required) before final approval of the permit can be obtained. If the permit is sent to the permittee for signature, the signed permit must be returned to the NPS office before it is considered as having final approval. If the permittee appears in person to sign the permit, final approval can usually occur simultaneously. The method of signature (in person vs. regular mail) will have a significant influence on the amount of time required for processing any given permit. In either case, the permittee must be in possession of the approved permit before and during the initiation of the special use activity. The Special Programs Ranger may make additional copies of permit for permittee and district rangers/division chiefs as needed or requested after approval by the Superintendent. The original permit will be maintained on file in the Special Program Ranger's Office.

Step 7. Some special use permits may require a Permit Monitor to be present to assure full compliance with the terms and conditions of the permit. This determination will be made by the Special Programs Ranger during the application process. In the event that a Permit Monitor is required, payment in the amount of \$50.00/hour per monitor (minimum cost of \$100) will be charged to the permittee.

Step 8. Following completion of the event or special use, the Special Programs Ranger will formally document the closure of the permit on the Administrative Record including satisfactory site rehabilitation and/or cleanup when necessary. The Special Programs Ranger will then issue a Bill of Collection or return the deposit/bond whichever is applicable. In the event of permit non-compliance or resource/facility damage, the Special Programs Ranger will coordinate and document the cost recovery schedule and attached it to the Bill of Collection sent to the permittee. The deposit/bond when returned will be sent by certified mail or returned to permittee in such a way that a signature for receipt is obtained.

### 3.4 CONDITIONS OF USE

#### *PERMIT ADDENDUM*

The Permit Addendum will be custom tailored for each permit from the clauses in Appendix H for Film/Photo permits and Appendix I for Special Events.

#### *CHANGES TO PERMITS*

Changes in weather or scheduling can lead to permittee requests for changes in the conditions of the permit. Requests for changes to the permit are directed to the Special Programs Ranger and are managed as follows:

- Minor changes (adjusts start time, move to different part of same NPS site, etc.) can be noted by hand on the permanent copy of the permit and relayed verbally to the field.
- Major changes (change the start or ending date, move to a different NPS site approved for special use permit activities, etc.) can be noted by hand on the permanent and permittee's copy, or if deemed necessary, rewritten and signed off by the Superintendent.

#### *GROUP SIZES*

Group sizes restrictions may be imposed based upon permit complexity, location, resource sensitivity and potential for impacting the visitor's experience.

#### *HOLIDAYS AND WEEKENDS*

In general, special use permits are not issued for holiday weekends (Friday – Monday) and weekends of peak visitor use. Simple permit applications such as weddings or other short-term events may be considered during these times.

### 3.5 NATIVE AMERICAN RIGHTS

The American Religious Freedom Act of 1978, P.L. 95-341, 42 U.S.C. 1966 is a statement of Congressional policy that reaffirms the religious rights of Native Americans. The act was developed in response to the particular concern that Federal agency administrative policies and procedures were unnecessarily denying Native Americans access to traditional sacred places or the freedom to conduct Native American ceremonies/customs.

Joshua Tree National Park has a rich Native American history and contains many significant cultural sites worthy of the highest degree of protection afforded by the National Park Service. In addition,

issues involving Native American rights are complex. Special Park Use applications requesting the use of these sites or the permission to conduct commemorative religious ceremonies will be approved following careful consideration of the application. In all instances, permit review will be coordinated with the park Cultural Resources Management Specialist. Permits which establish precedence in this area may involve additional consultation with Washington Office (WASO) and/or outside the agency.

The Superintendent is responsible for final approval of a Native American Rights Special Park Use Permit (cannot be delegated to Chief Ranger or Special Programs Ranger). Applicants must provide NPS with enough information (via the Special Park Use Application Worksheet) for park staff to determine logistics and prepare for proper management of the activity proposed. The NPS Special Use Permit Form 10-114 will be used for all Native American rights permits. Application costs and bonds for these permits are usually waived and the permit is managed by a "good faith" relationship with the applicant. It is important therefore, that the Superintendent and his/her staff establish and maintain on-going consultative relationships with local Native American communities and spokespersons before and after the issuance of a Native Americans Rights Special Use Permit.

### 3.6 FIRST AMENDMENT RIGHTS

The First Amendment to the United States Constitution guarantees freedom of speech, press, religion and assembly. These are basic rights guaranteed to every United States Citizen. However, the courts have recognized that activities associated with the exercise of the rights may be reasonably regulated to protect legitimate government interests. At Joshua Tree National Park, a Special Use Permit will be used to regulate the time, place and manner in which these activities are to occur and to ensure that they do not conflict with normal visitor use/appreciation or threaten park resources. It is important to note that it is the conduct associated with these activities that is regulated, not the content or the purpose of the activity or message.

First Amendment Rights activities are to be held in the designated First Amendment areas as listed in the Superintendent's Compendium. First Amendment activities are not subject to cost recovery, insurance requirements, bonds or any other fees.

The overall responsibility for the development and compliance of First Amendment Permits rests with the Special Programs Ranger and Chief Ranger. However, only the Superintendent can grant final approval for such activity (cannot be delegated). It may also be necessary to carefully coordinate permitted activities with the park Criminal Investigator and/or District Rangers. The NPS Special Use Permit Form 10-114 will be used for a First Amendment Rights Special Use Permit.

The following sections numbered as 3.7, 3.8 and 3.9 are being developed for addition to this policy:

### 3.7 EASEMENTS

- 3.8 MINING AND MINERAL ACTIVITIES
- 3.9 RIGHTS OF WAY
- 3.10 SCIENTIFIC/RESEARCH/ACADEMIC

The National Park Service encourages qualified individuals who are official representatives of a reputable scientific or educational institution, museum or State or Federal agency to conduct research or academic studies related to the natural/cultural or sociological conditions in the park. At Joshua Tree National Park, the Superintendent will issue a permit for all formal research and studies conducted, including efforts funded/sponsored by the NPS and those that are funded through private sponsorship. In doing so, the following issues will be considered during the permit application process:

- Research not funded or sponsored by NPS should be accommodated only when it cannot be performed outside the park
- Research must contribute to a better understanding of park resources and environments and should be identified in the park's resources management plan
- Research which is destructive in nature or will derogate park values should be greatly restricted or denied

The permitting of academic or research related special park uses is a complex process which will often involve NPS personnel outside the park and/or interagency personnel from other departments. Depending on the nature and intensity of proposed research, additional or alternative permitting formats may be required:

1. Scientific Collections Permit (10-741) - required to collect specimens of plants, minerals or animals. This is a complex permit requiring approval of the Park Superintendent. The Chief of Resources Management will ensure that the permit contains the necessary conditions and restrictions as to locations, timing, methods and number and type of specimens collected.
2. Assessment of Effect on Cultural Resources (10-58) - allows research of archeological resources without physical disturbance. This is a complex permit requiring approval by the Park Superintendent.
3. Antiquities Act Permit (10-71) - for the survey or excavation of vertebrate paleontological specimens. This permit must be approved by the Field Director, Pacific West Field Office.
4. Federal Antiquities Permit (DI-1928) - required for surface collection of archeological material on sites less than 100 years old. This permit must be approved by the Field

Director, Pacific West Field Office.

- 5 Federal Archaeological Resources Protection Act Permit (DI-1927) - required for surface collection of archeological material on sites more than 100 years old. This permit must be approved by the Director, National Park Service.

The development and/or coordination of any scientific or academic related Special Park Use permit will be the responsibility of the Chief of Resources Management. Permit provisions necessary to safeguard the protection of the resource and the confidentiality of sensitive resource data under these permits will be ensured by the Chief of Resources Management. The Special Use Permit must require the researcher to submit to the park staff a research proposal, progress report and final report and copies of all related materials in accordance with the approved Western Region Research Proposal Format and Guidelines (1992). The Special Programs Ranger will work with the Chief of Resources Management in preparing the permitting documentation and to collect any fees or bonds associated with this process. The Special Programs Ranger will also lend support related to permit monitoring and/or enforcement actions required.

### 3.11 WHEN IS A RESEARCH AND COLLECTING PERMIT REQUIRED?

A Scientific Research and Collecting Permit is required for most scientific activities pertaining to natural resources or social studies in NPS areas that involve fieldwork, specimen collection, and/or have the potential to disturb resources or visitors. This research and collecting permit applies when cultural resource activities involve natural resources fieldwork, specimen collection, and/or have the potential to disturb natural resources. when permits are required for scientific activities pertaining solely to cultural resources (archeology, history, cultural museum objects, cultural landscapes, historic and prehistoric structures, etc.) or to special park uses, other permit procedures apply. Reply to 43 CFR Parts 3, 7 and 10 and 36 CFR Part 79 for regulations on conducting and managing research activities involving archeological resources. Refer to Special Park Uses Guideline (DO-53) for other approval processes. Other permits may also be required by the NPS or by other agencies depending on the specific activities described in the proposal. It is the responsibility of the principal investigator to secure all required permits prior to the initiation of the project. The park's Research and Collecting Permit Office or Headquarters can provide copies of most NPS research-related permit applications, and general information regarding some other permits. NPS superintendents may authorize their staff to carry out routine duties without requiring an NPS research and collecting permit. All other research and data collection in a park requires a Scientific Research and Collecting Permit and will be allowed only pursuant to the terms and conditions of the permit.

### 3.12 SPECIAL EVENTS

**Definition** - Special events are special park use activities, which include, but are not limited to, weddings, sporting events, ceremonies/gatherings, entertainment, public spectator attractions, large group camps or rendezvous. These special events fall under the category of privileges (see Chapter 1, Section 4 Permit Considerations). Special Event privileges differ from public assemblies and public meetings in that the latter activities fall under the mantle of Rights protected by the First Amendment to the United States Constitution (See Appendix 3, DO-53). The Special Programs Ranger must thoroughly evaluate these requests to assure that they comply with the National Environmental Policy Act (NEPA). If these requests are categorically excluded under NEPA, then the Special Programs Ranger must further determine if these requests meet the criteria as written in Chapter 3, Section 1.B Permit Consideration Process.

**Permit Consideration** - It is the National Park Service's intention that special events will not unreasonably impact visitor use or be given priority over the use of an area.

The denial of special event requests can be based on the following:

- can cause injury or damage to park resources
- provides a clear and present danger to public health and safety
- results in a significant conflict with other uses
- unreasonably impairs the area's atmosphere or tranquility
- unreasonable interference with the park's program activities
- substantially impairs the operation of public use facilities or services

“The National Park Service will not permit the public staging of special events that are conducted primarily for the material or financial benefit of the organizers or participants, or which involve commercialization or in-park advertising or publicity.” (DO-53, page A10-1)

### 3.13 MILITARY OPERATIONS

Military training can be permitted under the authority of DO-53 Appendix 11. The park will consider all military training requests as long as the training is related to the resource (i.e. climbing, search and rescue, etc.), the need for using park lands are clearly demonstrated and it does not endanger the park resources or visitors. These training requests will be reviewed in the same way as all other special use requests and will be evaluated with the same criteria. National Park Service policy specifies that use of the park for military training purposes will be done in such a manner that does not conflict with public use and enjoyment of the park.

The following guidelines will be used for managing military training requests:

1. A special use permit is required for all military training activities that occur within the park.
2. Firearms, munitions or explosives are prohibited in the park.
3. Vehicles must remain on roadways or designated parking areas. No off-road travel is permitted.
4. Training, assembly or staging area will be designated by the National Park Service.
5. Camping is restricted to designated campgrounds only; overnight use of park backcountry is prohibited. Day use of backcountry requires familiarization and compliance with the Backcountry and Wilderness Management Plan, Leave No Trace ethics and pertinent rules and regulations. A complete list may be obtained from a park official. Campsites will be reserved by the Special Programs Ranger.
6. Public/civilian use and demand of the park is at its peak during the month of March, April and November. Consequently, use of park facilities and resources are the most stressed during these peak times or on holidays. Any week including a holiday as well as the months of March, April and November will be off limits to military training. During the months of October, December, January, February and May, military use of the park is restricted to Monday through Thursday. During the months of June, July, August and September military training will be available from Monday through Sunday. Group size limits for military training shall not exceed 30 persons per day in the developed zone, 25 persons in the backcountry transition subzone and 12 persons in wilderness subzone.
7. Reservations may be made for no more than four days during October, eight days per month during December, January, February and May, and fourteen days per month from June through September. After an accumulation of eight permit days in a two-week period (fourteen days in June through September) there will be a two-week "No Permit" interval between permits.
8. No permanent installations, structures or disturbance to resources are permitted (placement of climbing bolts is prohibited).
9. Military units using the park for training are responsible to know and abide by park rules and regulations.
10. All accidents/injuries that require emergency room or physician attention must be reported to the Ranger Activities office at (760) 367-5541 or to the Federal Interagency Communications Center at (909) 383-5652 within 24 hours.

11. Requests for a special use permit will be done in writing to the Special Programs Ranger. Requests may be faxed to the Special Programs Ranger at (760) 367-5546 or applicants shall mail requests to:

Special Programs Ranger  
Joshua Tree National Park  
74485 National Park Drive  
Twentynine Palms, CA 92277

### 3.14 CAMPGROUND USE

The Superintendent may require permits, designate sites or areas, and establish conditions for camping. Each camper using Park campgrounds is responsible for knowing and abiding by the camping regulations of the Park. Failing to obtain a permit, where required, as well as violating any of the terms and conditions of a permit is prohibited.

At certain times of the year and within areas not likely to impact resources or visitor use, some activities not normally allowed in campgrounds could be authorized through a Special Use Permit. During seasons of lower visitor use from June through September, some variations to normal campground use could be considered, such as permits to allow community special events to take place in a campground that may not otherwise be allowed. These requests would be considered under the normal methods of consideration involved in the application process, which includes the NEPA (National Environmental Policy Act) compliance review. No permits for special events in campgrounds will be issued during the months of October through May due to the high visitor use during those times.

### 3.15 LOST HORSE EMPLOYEE CAMPGROUND USE

At the effective date of this document, the use of the Lost Horse Employee Campground is in the process of being transferred to the Special Park Use Office. At the completion of this process, the specifics of that program will be inserted into these Guidelines.

## CHAPTER 4

# FILMING AND PHOTOGRAPHY

## FILMING AND PHOTOGRAPHY

*Definition* – Film permits are required when the filming or photography involves (product or service advertisement – 36 CFR 5.5) and the use of models, sets, or props, or when such filming or photography could result in damage to the resources or significant disruption of normal visitor use. Permits are also required for photographers granted access to areas normally closed to the public.

**\*\*** It is the policy of the National Park Service (NPS) to allow filming and photography when it is consistent with the protection and public enjoyment of park resources. The NPS encourages filming when it is for the specific use of the park or when it assists the NPS in fulfilling its mission. The NPS has the authority and responsibility to manage, permit and/or deny filming projects consistent with the principles of the protection of resources and the public's right of enjoyment of the park without undue conflict.

The NPS will not require a permit for photographers, commercial or non-commercial, to go anywhere or to do anything that members of the public are generally allowed to go or do without a permit. This is true whether or not the photographer uses tripods, strobe lights, reflectors or interchangeable lenses.

A permit is required if the filming, video taping, sound recording or still photography involves the use of a model (or any on-camera talent), set, or prop, or when the filming, video taping, sound recording, or still photography could result in damage to park resources or significant disruption of normal visitor use. A permit is also required if the photographer wants to go into areas not open to the public or before or after normal visitation hours. (DO-53 Appendix 13, Page 13-2)

### 4.1 PERMIT CONSIDERATION PROCESS

The 10-931 or 10-932, Application for Photography/Filming Permit, is used to initiate the application process. The application package must include the following items to be considered for obtaining a Special Use Permit.

- Special Park Use Permit Application (a summary of proposed permit activities and other critical information is required to process each permit)
- Certificate of Insurance (if required)
- non-refundable Application cost of \$120.00

The following filming activities must be described in detail within the Special Park Uses Application Worksheet. The use of any activity listed below is likely to require at a minimum internal park review, if not additional National Environmental Policy Act (NEPA) and Section 106, National Historic Preservation Act (NHPA) documentation. Therefore, the processing time of applications which propose these activities may be significantly lengthened.

- use of stunts and/or special effects and the safety measures to be taken to protect park resources, crew and visitors (first aid, support from law enforcement, etc.)
- nudity
- use of children or domestic animals
- the display of weapons
- set construction
- night photography

A stunt is defined as any action involving an element of risk to the performer(s). In contrast, a special effect usually involves some mechanical reaction which moves, shakes, breaks or falls on cue. When special effects or stunts are involved, the NPS may require additional correspondence with the applicant's insurance to ensure that the effects are covered by the liability policy maintained by the insured. However, NPS will not judge the level of danger to stunt performers/filming crews represented by stunts and/or special effects.

#### 4.2 APPLICATION/PERMIT PROCESS

Step 1. Applicant should request a Film Permit application package from the Special Programs office by phone, mail, email or internet website. The application package will consist of instructions for obtaining a Film Permit and an application/worksheet for making the request.

**PROCESSING TIME** – The processing time for Filming and Photography Permits are as follows:

- a minimum of four (4) working days for simple activities
- up to 120 working days for complex forms of special park use (excluding applications which require additional NEPA compliance documentation, "external" consultation or investigation and/or Section 106, NHPA clearance)

Events should be planned in accordance with these time frames. When possible the park staff will make every effort to expedite the permit process.

Step 2. The Special Park Use Application, **non-refundable** application cost (\$120.00 - personal check acceptable), and the original Certificate of Insurance are to be submitted to the Special Programs Ranger by applicant.

Step 3. Application reviewing will be done by the Special Programs Ranger on a first come first served basis. Complex Film Permits or any requests not covered under a Programmatic Environmental Assessment are forwarded to the Interdisciplinary Team for review/concurrence. Final approval recommendations and permit conditions as specified by the Interdisciplinary Team and/or Special Programs Ranger will be documented on the Environmental Screening Form

(Appendix C). Simple permits may be approved by the Special Programs Ranger or Chief Ranger. Complex permits are forwarded to the Superintendent for final approval.

Step 4. Special Programs Ranger notifies applicant by phone of permit status (approval/denial). Final approval of the permit may require additional permit conditions or revisions, additional fees/costs, bonding/insurance requirements, etc. Specified monitoring costs (personal, cashiers check or money order) and the deposit/bond (Cashiers Check or money order) are due at this time.

Step 5. The Special Programs Ranger prepares the final permit, obtains Superintendent's signature and contacts the applicant to arrange for applicants signature (by appointment only). The Special Programs Ranger may make additional copies of the permit for the permittee, district rangers and division chiefs as needed. The original permit will be maintained on file in the Special Program Rangers Office.

Step 6. Applicant must first agree to the permit conditions in writing (permit signature required) before final approval of the permit can be obtained. If the permit is sent to the permittee for signature, the signed permit must be returned to the NPS office before being considered as having final approval. If the permittee appears in person to sign the permit, final approval can usually occur simultaneously. The method of signature (in person vs. regular mail) will have a significant influence on the amount of time required for processing any given permit. In either case, the permittee must be in possession of the approved permit before and during filming.

Step 7. Following completion of the filming use, the Special Programs Ranger will formally document the closure of the permit on the Administrative Record including satisfactory site rehabilitation and/or cleanup when necessary. The Special Programs Ranger will then issue a Bill of Collection or return the deposit/bond whichever is applicable. In the event of permit non-compliance or resource/facility damage, the Special Programs Ranger will coordinate and document the cost recovery schedule and attach it to the Bill of Collection sent to the permittee. The deposit/bond when returned will be sent by certified mail or returned to permittee in such a way that a signature for receipt is obtained.

#### 4.3 CONDITIONS OF USE

##### *PROHIBITED ACTIVITIES*

The following activities are examples of uses that have the potential to significantly impact, alter or damage park resources or visitor experiences and therefore would be prohibited.

- use of aircraft
- harassment or manipulation of wildlife for purposes other than approved research

- off road vehicle use
- use of insecticides, herbicides, etc.
- stunts or organized activities that present obvious risks to the visitor
- the use of any wildlife and/or exotic animals, trained or untrained
- introduction of any plant materials from outside park boundaries
- filming or photography in campgrounds or within 200 yards of campgrounds
- filming in designated wilderness

Applications for film permits that propose superimposing pictures or developing innovations, that present a depiction of activities that are illegal in the park and that conflict with the mission and goals of the park management are prohibited.

#### PERMIT ADDENDUM

The Permit Addendum will be custom tailored for each permit from the list of clauses in Appendix H. This Permit Addendum communicates specific permit conditions and restrictions to the permittee. The typical Film Permit Addendum may include but is not limited to the following information:

- Sites or portions of sites designated for permittee's use
- Temporary changes permitted
- Deviations from standard permit guidelines
- Breakdown of dates, hours, and types of activities associated with filming

#### CHANGES TO PERMIT

Changes in weather, script, or scheduling can lead to permittee requests for changes to the permit and/or permit conditions. Requests for changes to the permit are directed to the Special Programs Ranger or Chief Ranger and are managed as follows:

- Minor changes (adjust start time, move to different part of same NPS site, etc.) can be approved by the Permit Monitor or District Ranger.
- Major changes (change the start or ending date, move to a different NPS site, etc.) require the Special Programs Ranger or Chief Ranger to attach an amendment to the permanent copy of the permit with a copy distributed to the District Ranger.

#### GROUP SIZES

Group size restrictions may be imposed based upon permit complexity, location, resource sensitivity, and potential for impacting the visitor's experience.

## LOCATIONS

Normally, no more than three filming sites may be specified per film permit. Site locations must be specific in nature (by mile marker, site name, turn-out or parking lot, etc). No more than one permit will be approved for a given site at any one time. Filming in campgrounds is not considered as appropriate use and therefore will not be permitted. Only one additional non-road filming permit will be issued on any day when filming on the road is permitted. A specific filming schedule must be provided per site on the Special Park Use Application Worksheet. Any break in continuous filming activities and/or filming schedules will necessitate the application for an additional and entirely new permit.

## SCHEDULING

Film and Photography Permits will be restricted from weekends during October, November, and February through May of each year, and may be otherwise limited due to a lack of permit monitoring personnel.

Permittees are encouraged to schedule their activities between sunrise and sunset. Requests for use after these hours will be considered on a case by case basis taking into consideration the availability of monitors and potential impacts. The regulations governing noise after these hours will not be waived.

## NEWS MEDIA AND EDITORIALS

Bona fide news or editorial photography (which does not include models, props, sets, or product/service advertisement) will not require a permit. For the most part, breaking news photography is considered to be spontaneous or urgent/timely coverage of an emerging event that cannot be covered at any other time or location, and is typically filmed for immediate release to the public. However, documentaries filmed specifically for sale to a news station or educational channel will require a permit. The superintendent may reduce or waive fees for projects that provide benefit to the NPS based on the amount of value received by the NPS.

### 4.4 STUDENT FILMING AND PHOTOGRAPHY PERMITS

*Definition* - Student filming/photography is an activity which must be pre-approved by NPS. Approvals will be granted for legitimate student filming activities specifically sponsored by an accredited educational institution. Proof of sponsorship in the form of a memorandum (on letterhead from the accredited institution), signed by the appropriate Department Head, must accompany the Special Park Use Application and include the following information:

- the course for which the film is being made
- the name of the instructor or counselor to whom the student is reporting
- a statement that the film is required of the student

**A. GENERAL GUIDELINES** – The Special Use Permit Form, 10-114, is to be used for approving the Student Filming/Photography Permit. In addition, the permit will include the following:

- Special Park Use Application (a summary of proposed permit activities and other critical information required to process each permit).
- copy of the liability insurance policy held by the educational institution or in lieu of the policy, a "hold harmless" statement signed by the appropriate authority (Appendix N) A refundable damage bond must support the "hold harmless" statement).
- approval memorandum from the Chief Ranger or Special Programs Ranger

Although filming or photography by students does not fall under the NPS definition of commercial photography, it is an activity with the potential to impact NPS resources and/or conflict with visitor use. Student Film Permits are governed by a more restrictive set of guidelines than guidelines for commercial filming. Student Film Permits will be charged cost recovery as well as management costs for addressing concerns of monitoring and clean-up, but will normally not require posting a bond/deposit. Monitoring may be necessary to educate students of the fragile resources, potential impacts and to assure their compliance with the park's guidelines for filming and clean-up. These costs should be held to a minimum. Generally speaking, student filming activities that require NEPA documentation other than a categorical exclusion are prohibited. Locations to be considered as permissible in Joshua Tree National Park are: Quail Springs, Hidden Valley, Live Oak and Split Rock picnic areas, and Cap Rock parking area.

The guidelines for student projects are designed to minimize the need for NPS monitoring and bonding by not granting students the flexibility granted to other film permittees (stunts, special effects, display of firearms, access to building interiors, etc.). However, permits may be issued to students for projects that include use of props, sets, lighting, actors, models, or products.

Permit signing and review of permit requirements will take place by appointment only in the Special Program Ranger's office prior to any activity by Student Film Permittees.

## CHAPTER 5

# INCIDENTAL BUSINESS PERMITS

## **INCIDENTAL BUSINESS**

**Definition – Incidental Business is a special park use conducted by companies or individuals physically located outside the park that provides visitor services in the park. It is for operations that originate and terminate outside of park boundaries and for those situations in which all aspects of business (e.g. marketing, advertisement, negotiation of compensation with the customer or the solicitation or receipt of money or other compensation) take place outside of the park. Incidental Business Permits at Joshua Tree National Park consist of three types: Outdoor Education & Recreation, Visitor Assistance Services and Commercial Transportation of Passenger.**

**“The businesses that should be included in this program are those operations that provide any or all goods, activities, services, agreements or other things offered to the general public which take place at least in part in the park, uses park resources, and is undertaken for or results in compensation, monetary gain, benefit or profit to an individual, organization, or corporation, whether or not such entity is organized for purposes recognized as non-profit under local, state or Federal law.” (RM-53 Revised September 1997)**

**The IBP is essentially a Special Use Permit with additional conditions concerning incidental business operations. An IBP does not come under the purview of the Concessions Policy Act (P.L. 89-249); it is issued pursuant to 36 CFR Section 5.3.**

### **5.1 PERMIT CONSIDERATION PROCESS**

**The following conditions will be considered during the review of permit applications:**

- Activities authorized must be appropriate to the mission of the park particularly with regard to resource protection, visitor protection and interpretation, in accordance with 36 CFR 1.6(a).**
- The Incidental Business Permit must not be used to circumvent the planning process of the park or to authorize activities that will have a major negative impact on park resources.**
- The activity must be directly related to the reasons for which Joshua Tree National Park was established and the service provided. The activity must be consistent with park planning documents.**
- The number of Incidental Business Permits must not be limited, and there must be no intent to limit the number. However, IBP's may be restricted to specific or limited areas within the park.**

- The services provided must not compete or conflict with the preferential rights provided under any concession contract(s).
- The operator must be duly licensed by California State or local authorities, where applicable, to conduct business within California (i.e. tour buses must be licensed by the Public Utilities Commission and/or the Interstate Commerce Commission).
- The permittee shall not construct any temporary or permanent structures in the park and will not be assigned any facilities or portions thereof, located in the park, except as allowed to the general public.
- Permittees and their employees shall not discriminate against any individual because of race, creed, color, religion, sex, age, national origin, or physical or mental handicap. Permittees should have affirmative action programs and should adhere to applicable Federal and California labor laws.

The complete Incidental Business Permit Application for all types of outdoor education/recreation permits should include the following documentation:

- Operating Plans including Details of Activities, Emergency Preparedness Plans and show Knowledge of Park Regulations
- Leader Qualifications and Certifications (if applicable)
- Rates and Promotional Literature
- Course Outlines and Agendas
- Certificate of Insurance
- non-refundable application cost of \$120.00
- A full itinerary of each course must be received with application, or within 7 days of but no later than 24 hours prior to arrival in the park.

For Road Based Incidental Business Permits, the Application should include the following documentation:

- Certificate of Insurance
- Road Based Incidental Business Permit Essentials
- PUC (Public Utilities Commission) or ICC (Interstate Commerce Commission license)
- Promotional literature and Rates when published for advertising

Educational Groups involved in recreational activities, such as but not limited to rock climbing or overnight backcountry camping, will require a permit when they enter the park. "While parks have the option of waiving costs for educational groups coming from or sponsored by bonafide educational institutions, a permit is still required, if only to impose conditions and ensure insurance.

These groups are required to carry insurance to protect the park from possible liability claims and torts. Some institutions offer statements that they are either self-insured or require their students to be either self-insured or waive their (student) right to pursue legal action. Those types of insurance do not protect the United States against claims and are unacceptable." (RM-53 Revised September 1997)

## 5.2 GENERAL GUIDELINES

**A. FEES/COSTS** - The standard IBP application cost (\$120.00) and standard administrative processing cost (\$195.00) is based on the Joshua Tree Application Cost Recovery Schedule (Appendix L) and the Administrative Cost Recovery Worksheet for Standard Permits (Appendix M). The application cost must accompany an incidental business permit application packet in order to be considered for a permit.

The management cost for monitoring and charting of IBP use will be \$150.00 per year. Management costs include field monitoring, reviewing Monthly Use Reports (Appendix K), and Itineraries (Appendix P), charting backcountry routes for hiking and camping, visiting those sites to observe impacts, and compiling databases for management of IBP usage. These costs should be made payable to the National Park Service. The Incidental Business Permit does not exempt the user from campground reservation fees. The maximum number of family sites that are allowed for reservation by any group's members through Spherics, Inc. will be 25% of family sites for any campground that is on the reservation system. Permittee instructor/guides with a copy of the permit and a current itinerary should be exempted from paying entrance fees. These costs are reviewed annually for readjustment to actual cost recovery and may experience changes on an annual basis.

**B. INSURANCE REQUIREMENTS** - The permittee will provide proof of Comprehensive General Liability insurance. This insurance shall be commensurate with the degree of risk and the size and scope of their activities, but not less than \$1,000,000 per occurrence covering both bodily injury and property damage. All insurance policies shall specify that the insurance company shall have no right of subrogation against the United States of America and shall provide that the U.S. Government be named as an additional insured. Naming the park only as additional insured will not be accepted without the United States of America or U.S. Government also being named.

The Incidental Business Permit program does not permit the use of Waivers of Liability for companies. Permittees are encouraged to have participants sign an Acknowledgement of Risk Form warning participants of the dangers inherent in an activity and for the participants to assume responsibility for their own negligence (See Appendix O).

**C. PROCESSING TIME** - The maximum processing time for incidental business permittees are as follows:

If the requested business use is currently being conducted in the park, then the incidental business application will be considered within 60 days. If the requested business use is not currently being conducted in the park, then the incidental business application will be considered within 120 days. However, there is an exclusion to the 120 days, if an environmental or cultural resource compliance is required for this requested use. If these documents are required then the processing time will be dependent on the completion of these required documents.

### 5.3 APPLICATION PERMIT PROCESS

**Step 1.** Applicant should request a permit application packet from the Special Programs Ranger by phone or by mail. The package will be sent to the applicant by U.S. Mail or by email only. Should the applicant require a more expedient method, and overnight delivery may be sent Federal Express on the applicant's fed-ex account number, or the applicant may download the application from the NPS website at <http://www.nps.gov/jotr>.

**Step 2.** The application packet with the non-refundable application cost of \$120.00 should be submitted to the Special Programs Ranger. The application cost is immediately logged and deposited to the safe.

**Step 3.** The application is reviewed by the Special Programs Ranger. He/she makes comments and assures that all guidelines for Incidental Business Permittees are met. Each application must go through a formal review process which includes all environmental and cultural compliances. Information pertaining to the detailed activities, all locations of hiking trails, climbing routes, camping areas (front or back country) and itinerary of events will be presented with an Environmental Screening Form to the park's Interdisciplinary Team for cultural and environmental analysis. At this time, the permittee will be contacted and notified of any additional costs associated with their permit application. The Superintendent has final approval on Incidental Business Permits.

**Step 4.** The Special Program Ranger will notify the applicant of the final decision on the requested activity. If the permit application is denied, a file will be retained with the administrative record and the application packet for future reference. If the permit application is approved, the applicant will sign three copies of the Incidental Business Permit and submit the remaining (administrative / processing and/or monitoring) cost.

### 5.4 CONDITIONS OF USE

## LENGTH OF PERMITS

When a company request a first Incidental Business Permit, it will be valid for one year from the issue date. Upon request for renewal of the permit, the permittee may qualify for a two-year permit, providing usage of the park has been minimal (no more than 2 visits in a calendar year) and previous permit is in good standing. This will be dependent upon the careful study of the permittee's operations for the preceding time period. The administrative record will be reviewed to ensure that no major changes have taken place, conditions of the permit have been complied with, and the use is still appropriate. A two-year permit will not incur the cost of the application or processing cost but will be charged the Monitor/Management fee in the second year

## REPORTS

There are four reports that are required of Incidental Business Permittees. Submitting these reports are a condition of each permit. The reports are:

- (1) a Monthly Use Report (See Appendix K),
- (2) an Incidental Business Permit Annual Survey (See Appendix J),
- (3) an Itinerary (Appendix P)
- (4) an accident report whenever there is an accident or injury that requires medical attention.

These reports are necessary for monitoring of the IBP program and for protection of the resources. They are a condition of the permit and failure to provide these reports could result in a revocation of the permit.

The permittee will provide the park with user days information on a monthly basis. This information should be submitted on the Monthly Use Report form (See Appendix K) provided to the permittee by the park. This information must be received by the Special Programs Ranger **no later than the seventh of the following month**. This can be mailed, faxed or emailed. Permittees are also required to submit a yearly summary of all user days in the park and a reporting of annual gross revenues on the Incidental Business Permit Annual Survey (Appendix J) by January 20 of each year.

All Incidental Business Permittees utilizing the park must provide an itinerary within 7 days and no later than 24 hours prior to arrival in the park. This should include specific information of where the group is going including hiking routes, climbing areas (not individual routes), backcountry hiking/camping sites, the activity, frontcountry camp sites, the cache sites, the number of participants, the dates, and the leader names. The itinerary (Appendix P) may be mailed, faxed or emailed to the Special Programs Ranger. This information is very important in management of backcountry and wilderness activities.

All accidents/injuries requiring medical attention that are sustained in the park by the permittee or their clients or students must be reported to the Ranger Activities office at (760) 367-5541 or the Federal Interagency Communications Center (FICC) within 24 hours of the accident/injury at (909) 383-5652. The accident must be documented on a case incident report by a protection ranger within this time-frame.

## GROUP SIZES

Group sizes in the park are set in accordance with the Backcountry/Wilderness Management Plan (January 14, 2000). The following is a brief synopsis of the group sizes allowed:

*Frontcountry Group Campsites* - limited to the number of people and vehicles posted at the campsites or printed on the reservation ticket

*Backcountry Transition Zone (Natural Environment Subzone)* - Backcountry overnight group camping would be permitted anywhere in the backcountry transition subzone that is otherwise open to the public and that is more than 1 mile from an open road and 500 feet from a designated trail or a natural water source (25 people group size limit). No limits have been determined for group size day use. All users are encouraged to use and teach the Leave No Trace ethics for wilderness.

*Wilderness Zone (defined as beyond 1 mile; refer to BWMP)* - 12 people maximum and dispersed camping to prevent the appearance of a campsite, registration at backcountry boards is required. More than 12 people must be divided into two groups with each group camping at least 1 mile apart.

## FRONTCOUNTRY CAMPING

Group campsites are available at Sheep Pass, Indian Cove, and Cottonwood. These can be reserved through SPHERICS, INC. at 1-800-365-CAMP (2267) up to 5 months in advance from the 5th day of each month. Incidental Business Permittee's should camp at group campsites whenever sites are available. Permittee may also camp at Black Rock Canyon and Indian Cove family campgrounds by reservation. A maximum of 25% of the family sites will be available for reservation by a group's members in these campgrounds.

Camping at Hidden Valley, Ryan, Belle, and White Tank Campgrounds is limited to Sunday through Thursday nights. This excludes holidays and holiday weeks such as Easter break and/or the weeks of Thanksgiving or Christmas.

## BACKCOUNTRY CAMPING

The field staff of the permittee is responsible for knowing all the backcountry regulations and the backcountry zones according to the Backcountry/Wilderness Management Plan (BWMP, adopted by the Superintendent's Compendium of May 27, 2004). This also includes but is not limited to the day use boundaries, closed areas, fire regulations, and the camping rules and regulations of the park. Backcountry registration is required for overnight use. The permittee should include the company name and the IBP number on the overnight backcountry registration. Parking within the park for overnight backcountry/wilderness use is restricted to backcountry registration boards. No camping is allowed in any caves or rock shelters.

## **REFUSE AND WASTE**

Permittees should not use the park trash dumpsters for items such as boxes, crates, and containers. Normal usage (trash) products are allowed by permittees to be deposited in the dumpsters.

## **CACHING GUIDELINES**

Caching in Joshua Tree National Park is discouraged whenever an alternative is available. Leaving property unattended for longer than 24 hours is prohibited by Code of Federal Regulations 36, Part 2. Caches can be vandalized and damaged by the environment and can be a visual impact to visitors. Caches can detract from the scenery, attract wildlife and create a nuisance to other park visitors. Incidental Business Permittees operating in the backcountry who wish to leave caches such as extra water, food, fuel and certain types of equipment necessary for the trip will do so at their own risk and must be authorized by their permit. Whenever possible, caches should be in parked vehicles at backcountry boards or delivered person to person at a predetermined location. When caches must be deposited in the backcountry, all permittees must utilize the following guidelines:

- The application for the Incidental Business Permit (IBP) must specify the need for caching and the locations where caching will be requested.
- Caching permitted by the IBP must be secured so as not to be visible by other visitors to the park.
- Water containers must be without leaks. Leaking water containers can entice bees as well as other wildlife to the site.
- No caching should be done in any way in which any wildlife, burrows, dens, nests, plants, archaeology or historical features would be disturbed.
- No digging, moving of resources, piling of rocks or other artificial manipulations of resources is allowed for covering or hiding the cache.

- Caching will not be allowed near any water source, historical, cultural or archaeological site, nature trail, picnic grounds or any place where the public or wildlife is likely to gather.
- Caching if necessary and approved by the permit may be done in areas such as sandy washes out of view of other visitors, rock outcrops where there are no designated trails or climbing routes established; or by cache vehicles making drop-offs to a member of the permittee's group.
- Caches may not be left in the field for more than 24 hours without prior authorization and must be clearly labeled including company name, date/time placed, and date/time of intended pickup. Labels must be adequately secured to the cache.
- Food must be placed in odor-proof and animal-proof containers.
- "Property determined to be left unattended in excess of a 24 hour period of time without being designated by permit may be impounded by the superintendent." 36 CFR 2.22 Impounded property may result in revocation of permit.

## LEADER QUALIFICATIONS AND CERTIFICATION

The permittee shall certify the competency of the leaders of their trips, both as to ability and knowledge in the activity they are permitted to conduct through a current accreditation or certification program for rock climbing such as AMGA or AEE or other approved programs meeting the high risk industry standards for guiding or instruction. Minimum qualifications for guiding in backpacking, hiking, scrambling, and rock climbing must include:

- (a) Current Standard First Aid or higher
- (b) Current CPR at the Community level
- (c) Certifications from American Mountain Guides Association (AMGA), Association of Experiential Education (AEE) or other approved companies that may be found to meet industry standards for Accreditation or Certifying of Guides (Rock Climbing only) (see Special Stipulations for Commercial Rock Climbing)
- (d) Knowledge of the use of minimum impact practices pertaining to desert ecosystem
- (e) Knowledge of all applicable National Park Service rules and regulations

Copies of the First Aid and CPR cards for the leaders and the AMGA or AEE Accreditation or Certification must be sent to the Special Programs Ranger with the application for permit or prior to any trips. These cards must be in the possession of the leaders when they are conducting a trip in the park. All certifications must remain current for the duration of the permit.

## AREA RESTRICTIONS AND SCHEDULING

The Superintendent reserves the right to delay or cancel any trip, limit the operation of the permittee in a specific area or during a specific time period, close any camping area, trail, road, or climbing routes in the interest of preventing adverse environmental or sociological impact to the park resources, or visitor safety, to facilitate research projects, or respond to any unforeseen circumstances. If at all possible the permittee will be notified in advance of these actions.

Currently, permittees conducting climbing activities are prohibited from using the following rock formations on weekends, holidays, and holiday weeks:

- (a) Quail Springs Picnic Area (Trashcan Rock)
- (b) Feudal Wall (Indian Cove)
- (c) Short Wall (Indian Cove)
- (d) Pixie Rock (Indian Cove)

## SPECIAL STIPULATIONS FOR COMMERCIAL ROCK CLIMBING

Commercial users permitted to conduct rock climbing must be accredited by the American Mountain Guides Association (AMGA), the Association of Experiential Education (AEE) or other approved certifiers; or the leader of the trip must be certified by the AMGA, AEE or other approved certifiers. Permittees who do not have the above accreditation or certification can hire certified guides on an as needed basis. A certified guide can be located by contacting the AMGA at (303)271-0984 or 710 Tenth Street, Suite 101, Golden, Colorado 80401 or the AEE at (303) 440-8844 or at 2885 Aurora Ave, Suite 28, Boulder, Colorado 80303-2252.

These commercial users are authorized to conduct activities in climbing areas which are in accordance with the Backcountry/Wilderness Management Plan. (January 14, 2000); this includes group size restrictions and commercial user restrictions in certain backcountry zones and frontcountry areas (see Area Restrictions and Scheduling).

## ENTRANCE FEES FOR GUIDES

Rock Climbing or Hiking Guides operating in the park on business will not be required to pay an entrance fee for themselves if they have in their possession a copy of their company's IBP and a current copy of the itinerary. The IBP and itinerary are used to notify entrance station rangers of arriving permittees and their clients. The itinerary designates a business interest in the park and is of importance for valid communication between the entrance stations and incoming clients of the IBP holder. Guides in the park for recreation will be required to pay an entrance fee or present a park pass. All entrances without the IBP and itinerary in hand will be considered recreational and will require a fee to be paid, or a pass to be presented.

**RESERVATION POLICY FOR IBP CAMPGROUND USE**

Incidental Business Permit use in the campgrounds has become an issue that affects many visitors. To provide camping opportunities to all the visitors to Joshua Tree National Park, a more complete management system is required. As of the effective date of this Special Park Use Guideline, the following system will be in effect for all IBPs during the busy season starting on October 1<sup>st</sup> and ending the last day of May:

IBP use will not exceed the approximation of 50% of any Group campground and 25% of any Family campground that is on the reservation system. This would equate to the following:

- Indian Cove Group Sites: maximum of 6 Group sites
- Indian Cove Family Sites: maximum of 25 individual sites
  
- Sheep Pass Group Sites: maximum of 3 Group sites
  
- Cottonwood Group Sites: maximum of 2 Group sites
  
- Black Rock Campground: maximum of 25 individual sites

The Indian Cove Group Campground can hold a total of 325 campers. Six campsites there would range from a minimum of 110 campers in the smallest 6 campsites, or a maximum of 195 campers in the 6 largest campsites.

Sheep Pass Campground can hold a total of 210 campers. Three campsites would range from a minimum of 80 campers or a maximum of 130 campers in the 3 largest sites

Cottonwood Group Campground can accommodate a total of 60 campers in the three campsites. Two group sites at Cottonwood would be a total of 66% of that group camp, however no family sites are on the reservation system.

Black Rock Campground can accommodate a total of 588 campers. All sites are family/individual sites. Twenty-five percent of this campground would be 25 campsites.

Permittees under the IBP program will need to give their IBP number when making reservations with Spherics, Inc. And as always, a copy of the IBP should be with each permittee at all times while operating in the Park.

**5.6 COMMERCIAL OPERATIONS**

**A. VISITOR ASSISTANCE SERVICES** - Services other than recreational sport guiding and instruction, beginning outside the park and providing services to park visitors. The Special Programs Ranger will provide to park staff lists of IBP holders available to provide visitor assistance.

(1) **TOWING SERVICES** – Those companies desiring to operate in the Park as an on-call towing service for visitor needs must apply for an annual Incidental Business Permit in order to service those visitors who will from time to time find an immediate need to call on their services.

(2) **LOCK AND KEY SERVICES** - Locksmiths are often needed for services with visitors. A locksmith, whether required to pay for offering services in the park or not, would still need an IBP.

The above services are most often a valuable service not only to visitors but to the Park as well. At the Superintendent's discretion, an IBP may be issued without requirement of cost recovery if the service is warranted as beneficial to the NPS. However a certificate of insurance and any other authorizations deemed necessary by the Superintendent must be provided.

**B. COMMERCIAL TRANSPORTATION OF PASSENGERS:**

(1) **TAXI SERVICES** – Taxi service companies are considered appropriate as Incidental Business Permittees because their service is one, which is initiated and terminated outside the Park. As with all IBP services, the commercial aspects of the service (marketing, advertising, negotiation of compensation, or the solicitation or receipt of money or other compensation) must take place outside of the Park. Each driver will need to have in their possession, a copy of the permit

(2) **ROAD BASED TOURS** - Each commercial tour is defined as consisting of one or more persons traveling on an itinerary that has been packaged, priced, or sold for leisure or recreational purposes by an organization that realizes financial gain through the provision of the service. Falling within this definition are tours that require the use of a vehicle (i.e. bus, van, sedan) as the primary means of transport during the tour. The commercial transportation fee essentially applies to road based tours.

Since the tour operator is using National Park Service roads as the primary means of accomplishing the tour, each tour vehicle that carries passengers must be properly licensed, registered, and inspected in accordance with the Public Utilities Commission of the State of California (PUC) or the Interstate Commerce Commission (ICC).

These tour companies must also meet the liability insurance requirements of the PUC or ICC.

The Commercial Tour Entrance Fees increased as of April 15, 1995. The Commercial Tour Entrance Fees are as follows:

Passenger Capacity	Commercial Tour Fee
1 - 6	\$ 25.00 plus \$5.00 per person
7 - 15	\$ 50.00
16 - 25	\$ 60.00
26 and over	\$150.00

These changes in the flat rate fees were made to comply with the requirements of the Omnibus Budget Reconciliation Act of 1993.

All commercial use vehicles will be charged an entrance fee except for those which present an administrative or educational fee waiver, or who are operating under a permit with a valid itinerary designating the use.

**(3) BACKCOUNTRY OFFROAD VEHICLE TOURS -** Offroad vehicle tour companies using any portion of the park will be required to obtain an IBP. A network of approximately 92 miles of paved roads and 76.8 miles of unpaved roads are available. Only established paved, dirt or 4-wheel drive roads may be used. **Driving off road anywhere within the Park boundaries is prohibited.** No offroad driving or driving in desert washes will be permitted at any time. Tracks caused from one or two vehicle passes do not establish a road. Tour guides have responsibility to know the designated park roads and their conditions before guiding tours in the park.

**APPENDIX**

**LIST OF APPENDICES**

Appendix A.	Permit Consideration Checklist
Appendix B.	Permitting Authorities
Appendix C.	Environmental Screening Form
Appendix D.	Categorical Exclusion Form
Appendix E.	NEPA Preparation Questionnaire
Appendix F.	Register of Receipts and Transfers.
Appendix G.	Special Use Permit 10-114
Appendix H.	List of Clauses for Permit Addendum (Film/Photo)
Appendix I.	List of Clauses for Permit Addendum (Special Events)
Appendix J.	Incidental Business Permit Annual Survey
Appendix K.	Monthly Use Report Form
Appendix L.	Application Cost Recovery Schedule
Appendix M.	Administrative Cost Recovery Worksheet for Standard Permits
Appendix N.	Hold Harmless Clause for Student Film Permit
Appendix O.	Acknowledgement of Risk Form
Appendix P.	Itinerary for Incidental Business Permittees
Appendix Q.	Letter of "No Impact"

The following list of authorities has been approved by both the MARO and WASO Solicitors to authorize documents as shown.

**16 U.S.C. § 5** – Electrical Power lines and Communication including radio, television and other forms of communications WHEREAS, 16 U.S.C. § 5 authorizes the director of the National Park Service (or his delegate) having jurisdiction over subject land, to grant an easement for rights-of-way for a period not exceeding 50 years, over, across and upon the lands and reservations of the United States for *((the transmission and distribution of electrical power)) or ((for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities))* upon a finding by the Director (or his delegate) that the right-of-way is not incompatible with the public interest; and

**16 U.S.C. § 79** – Electrical and telephone and water (sewer)  
WHEREAS, 16 U.S.C. § 79 authorizes the use of rights-of-way through the Park for *((electrical poles and lines)) or ((for telephone and telegraph purposes)) or ((Pipes and Ripe lines or other water conduits to supply water for domestic, public or any other beneficial use)) or ((for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits))* provided that the director (or his delegate) finds that the same is not incompatible with the public interest; and

**16 U.S.C. § 4601 [460 “L”]** – Outdoor Recreation Coordination  
WHEREAS, 16 U.S.C. § 460 L, The congress finds and declares that it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people; and

**RECIPROCAL EMS AGREEMENTS 16 U.S.C. § 1a-1 1978 PUBLIC LAW 95-250**  
WHEREAS, 16 U.S.C. § 1A-1 as amended by 1978 Public Law 95-250 provides for the promotion and regulation of the various areas of the National park System so that the authorization of activities be construed and the protection, management, and administration of these areas be conducted in the light of the high public value and integrity of the National Park System; and

Also:

WHEREAS, 16 U.S.C. § 1b(1) authorizes the Secretary of the Interior to render emergency rescue, fire fighting , and cooperative assistance to nearby law enforcement and fire prevention agencies and for related purposes outside of the National Park System.

**RECIPROAL FIRE AGREEMENTS 42 U.S.C. § 1856a**  
WHEREAS, 42 U.S.C. § 1856a authorizes reciprocal agreements for mutual aid for fire protection with agencies maintaining fire protection facilities in the vicinity of “Service

property and for other property for which said agency normally provides fire protection;  
and

See also 16 U.S.C. § 1b(1) above.

See also 16 U.S.C. § 1b(2) dealing with the erection and maintenance of fire protection facilities, etc. adjacent to any area of the said National Park System, where necessary, to provide service in such area.

#### **RECIPROCAL LAW ENFORCEMENT AGREEMENTS 16 U.S.C. S 1b(1)**

WHEREAS, 16 U.S.C. 1b(1) authorizes the National Park Service to render emergency cooperative assistance to nearby law enforcement agencies outside of the National Park System

See also 16 U.S.C. S 1a-6(a)

Note that the above two statues cite Federal authority for NPS law enforcement personnel to act outside service property, and designates and defines the powers of the same personnel as law enforcement officers. The authority for non-service law enforcement officials to enter onto and act within Service property is usually contained in state statues. These state statues must be quoted in any Service laws enforcement reciprocal agreement. In addition, if the state has a statue relating to Federal officers acting on state property, that should be cited as well.

#### **AUTHORITIES FOR MILITARY (NAVY)**

WHEREAS, Executive Order No. 8972, issued December 12, 1941 and published in the Federal Register of December 16, 1941 (6 F.R. 6420), as amended and supplemented by Executive Order No. 9074, issued February 25, 1942, and published in the Federal Register of February 28, 1942 (7 F.R. 1587), gifves the Secretary of the navy full authority to establish patrols and take all other measures necessary to protect Navy shore establishments throughout the United States; and

WHEREAS, Executive Order No. 8972 as amended and supplemented by Executive Order no. 9074 further states that all Government agencies are required to assist and support the Secretary of the Navy so far as their facilities and personnel will permit; and

#### **COAST GUARD**

WHEREAS, 14 U.S.C. § 141(b) authorizes the Coast Guard, with the consent of the head of the agency concerned, to avail itself of such facilities of any Federal agency as may be helpful in the performance of its duties; and

#### **16 U.S.C. § 432 - Antiquities Act**

WHEREAS, 16 U.S.C. Section 432 permits the examination of ruins, the excavation, of archaeological sites, and the gathering of objects of antiquity upon the lands under the Secretary of Interior to institutions properly qualified to conduct such examination, excavation, or gathering subject to such rules and regulations as may be prescribed; and

**16 U.S.C. § 462(e) – Cooperative Agreements for Historic sites**

WHEREAS, 16 U.S.C. § 462(e) permits the Secretary of the Interior to contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, *with proper bond where deemed advisable*, to protect, preserve, maintain, or operate any historic or archaeological building, site, object, or property used in connection therewith for public use.

WHEREAS, 16 U.S.C. § 464(a) authorizes the Secretary fo the Interior to cooperate with and seek and accept the assistance of any Federal, State, or municipal department or agency, or any educational or scientific institution, or any patriotic association or any individual in preserving for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

**16 U.S.C. § 470 – National Historic Preservation Act**

**The comprehensive Environmental Response, compensation, and Liability Act – CIRCLA**

**42 U.S.C. @ 9620(a)(1) – Applicability of law to Feds**

WHEREAS, all guidelines, rules, regulations, and criteria which are applicable to preliminary assessments and carried out under this Act for facilities at which hazardous substances are located, shall also be applicable to facilities which are owned or operated by a department of the United States.

**16 U.S.C. § 9620CU – State and local participation**

WHEREAS, 42 U.S.C. § 9620(f) affords to relevant State and local officials the opportunity to participate in the planning and selection of the remedial action, including but not limited to the review of all applicable data as it becomes available and the development of studies, reports, and action plans,

**39 U.S.C. § 411 – Post Office Dept. Coop. with other Agencies**

WHEREAS, Executive agencies are authorized to furnish property, both real and personal, and personal and non-personal services to the Postal Service, and the Postal Service is authorized to furnish property and services to them.

The following is a list of general authorities compiled by the MARO Solicitor and others, and may be used depending on the circumstances.

**16 U.S.C. § 1a-2(g) - Exhibits and demonstrations; sales of products and services; contracts and**

- cooperative arrangements; credits to appropriation
- 16 U.S.C. § 1b(5) – Supplies and rental of equipment**
- 16 U.S.C. § 3 - Sales, leases, and permits**
- 16 U.S.C. § 3 and 9(a) - Rules, regulations and Fines**
- 16 U.S.C. § 6a - Gifts and donations of money and real property**
- 16 U.S.C. § 7a-e – Airports**
- 16 U.S.C. § 12 – Aid to Visitors**
- 16 U.S.C. § 13 – Medical Attention to Employees**
- 16 U.S.C. § 17c – Procurement of supplies and special services to permittees and licensees in emergencies**
- 16 U.S.C. § 20 – Concessions Permit**
- 16 U.S.C. § 4601-1 - Public Recreation Research and Technical Assistance**
- 16 U.S.C. § 4601-6a - Admission and Special Recreation Fees**
- 16 U.S.C. § 462(e) – Cooperative Agreements to preserve, maintain or operate historic site on property**
- 16 U.S.C. § 462(k) – General authority regarding historic preservation**
- 16 U.S.C. § 464 – Cooperation with governmental and private parties re: historic sites**
- 16 U.S.C. § 470h-3 – Lease of Historic Property**
- 16 U.S.C. § 670c – Public outdoor recreation resources**

Project Tracking Number \_\_\_\_\_

**Joshua Tree National Park  
ENVIRONMENTAL SCREENING FORM**

**PART I.** (To be filled out by the project proponent. Provide sufficient information that the Interdisciplinary Team (IDT) is able to make an informed decision regarding the proposal. Be prepared to present your proposal to the IDT. Each proposal should have a map, and may include, pictures, video, drawings, etc)

**Project Name:** \_\_\_\_\_

**Funding Source/Fiscal Year Funded/PMIS Number** \_\_\_\_\_

**Proposed Start Date** \_\_\_\_\_

**Location** \_\_\_\_\_

**Quad Sheet** \_\_\_\_\_ **UTM: N** \_\_\_\_\_ **E** \_\_\_\_\_

**Project Proponent** \_\_\_\_\_ **Date** \_\_\_\_\_

**Project Proponent's Supervisor** \_\_\_\_\_ **Date** \_\_\_\_\_

**PROJECT DESCRIPTION**

**Purpose and need:**

(see DO-12, 2.2)

**Project Description:**

(see DO-12. 2.3)

**Describe an Alternative to the Proposed Project:**

Project Tracking Number \_\_\_\_\_

**Part II.** (To be filled out by the ID Team following the directions in DO-12, section 3.2)

Environmental Issue	Mitigation	Park Contact	Date Expected	Date Delivered

**Please answer the following questions.**

- Are the personnel preparing this form familiar with the site, and/or has a site visit been conducted? (Attach additional pages noting when site visit took place, staff attending, etc.)  
 Yes  No, see attached deliverables sheet
- Has consultation with all affected agencies or tribes been completed? (Attach additional pages detailing the consultation, including the name, date, and summary of comments from other agency or tribal contacts.)  
 Yes  No, consultation is not required
- Does an interested or affected public exist? If so, make a diligent effort to contact them and obtain their input. (Attach additional pages detailing the contact, including the name, date, and summary of comments from the interested public.)  
 Yes  No, an interested public is not thought to exist
- Are Cumulative, connected, or similar actions part of the proposed action?  
 No  Yes, consideration has been given to doing an EA or EIS.

Project Tracking Number \_\_\_\_\_

<b>MANDATORY NATIONAL CRITERIA</b> <i>Would the proposal, if implemented...</i>	<b>Yes</b>	<b>No</b>	<b>Data Needed to Determine</b>
A. Have material adverse effects on public health or safety?			
B. Have adverse effects on such unique characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks?			
C. Have highly controversial environmental effects?			
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?			
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?			
F. Be directly related to other actions with individually insignificant, but cumulatively significant, environmental effects?			
G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?			
H. Have adverse effects on species listed or proposed to be listed on the List of Endangered or threatened Species, or have adverse effects on designated Critical Habitat for these species? Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?			
J. Threaten to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment.			
K. Involve unresolved conflicts concerning alternative uses of available resources (NEPA sec. 102(2)(E))?			
L. Have a disproportionate, significant adverse effect on low-income or minority populations (EO 12898)?			
M. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO130007)?			
N. Contribute to the introduction, continued existence, or spread of Federally listed noxious weeds (Federal Noxious Weed Control Act)?			
O. Contribute to the introduction, continued existed, or spread of non-native invasive species or actions that may promote the introduction, growth or expansion of the range of non-native invasive species (EO 13112)?			
P. Require a permit from a federal, state, or local agency to proceed, unless the agency from which the permit is required agrees that a CE is appropriate?			
Q. Have the potential for significant impact as indicated by a federal, state, or local agency or Indian tribe?			
R. Have the potential to be controversial because of disagreement over possible environmental effects?			
S. Have the potential to violate the NPS Organic Act by impairing park resources or values?			

Project Tracking Number \_\_\_\_\_

<b>JOSHUA TREE NATIONAL PARK CRITERIA - <i>Are measurable impacts possible in the following categories?</i></b>	<b>Yes</b>	<b>No</b>	<b>Data Needed to Determine</b>
A. Geological resources – soils, bedrock, streambeds, etc.			
B. Air quality, traffic, nuisance dust, or from noise?			
C. Water source, water quality or quantity?			
E., Wash, drainage, , wetlands, or aquifer?			
F. Land use, including occupancy, income, values, ownership, type of use, adjacent property owners (either public or private)?			
G. Rare or unusual vegetation, i.e., Joshua trees, fan palms, cacti?			
H. Species of special concern (plant or animal; state or federal listed or proposed for listing), i.e., desert tortoise, foxtail cactus, rock pennyroyal, speckled rattlesnake, etc.?			
J. Biosphere reserves, World Heritage sites?			
K. Unique or important wildlife or wildlife habitat?			
M. Recreation resources, including supply, demand, visitation, activities, etc.?			
N. Visitor services			
O. Alter parking or traffic flows, either temporarily or permanently?			
P. Visitor experience, aesthetic resources, such as visual, smell, sound?			
Q. Socio-economics, including employment, occupation, income changes, tax base, infrastructure, etc.?			
R. Facility maintenance requirements?			
S. Energy resources, utility costs?			
U. Other important environmental resources?			
V. Wilderness			
W. Park programs not represented by the ID team?			

Project Tracking Number \_\_\_\_\_

**Instructions:** When you have completed a site visit (or if staff are familiar with the specifics of the site) and consultation with affected agencies and/or tribes, and if the answers in the checklist above are all "no," you may proceed to the categorical exclusion form if the action is described in section 3-3, 3-4 of DO-12.

If any answer on the checklist is "yes" or if the impact is not mitigated below a level of significance, and the action is not described in section 3-3, or 3-4, prepare an environmental assessment or environmental impact statement. Only minimal mitigation should be part of an action categorically excluded, and the effectiveness and enforcement of the mitigation must carry a high degree of certainty .

**Signatory:** In signing this form, you are saying you have completed a site visit or are familiar with the specifics of the site, that you have consulted with affected agencies and tribes and that the answers to the questions posed in the checklist are, to the best of your knowledge, correct.

The proposed project is the environmentally preferred alternative and is Categorically Excludable under DO-12, 3.4. The proposal meets the purpose and need for the project, will have no measurable environmental effects, and will not violate the Organic Act by impairing park resources.

The alternative may be the environmentally preferred alternative. More scoping and project development is needed prior to the approval of this alternative.

The proposal could have measurable environmental impacts, is not covered by a Categorical Exclusion, or an exceptional circumstance exists. It is therefor better analyzed through an Environmental Assessment.

Management Team Member		ID Team Member	
Administration	Monica Rapp	Cultural Resource Manager	Jan Sabala
Interpretation	Joe Zarki	Natural Resource Manager	
Maintenance	Harry Carpenter	Physical Resource Manager	Chris Holbeck
Visitor Protection	Judy Bartzatt	Project Proponent	
Resource Management			

Conservation Planning Officer \_\_\_\_\_ Date \_\_\_\_\_

Project Tracking Number \_\_\_\_\_

## Categorical Exclusion Form

Project Title and \_\_\_\_\_

Tracking No. \_\_\_\_\_ Date 07/13/04 \_\_\_\_\_

Describe the category used to exclude action from further NEPA analysis and indicate the number of the category (see section 3-4 of DO-12):

DO-12, 3.4???

Describe any public or agency involvement effort conducted (reference the attached ESF):

Describe the alternative selected (reference the attached Environmental Screening Form (ESF), if appropriate):

### The proposal

Minimal mitigations or stipulations listed on the ESF are a part of this categorical exclusion and the project is contingent on the following conditions being met. Mitigations will be effective and the enforcement of these mitigations carries a high degree of certainty. The Leadership Team has considered the appropriateness of an Environmental Assessment and is confident that these mitigations protect environmental quality, and there is no potential for measurable impacts. Therefore, a CE is appropriate in this matter.

On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I am categorically excluding the described project from further NEPA analysis. No exceptional circumstances (i.e., all boxes in the ESF are marked "no") or conditions in section 3-6 apply, and the action is fully described in section 3-4 of DO-12.

Park Superintendent: \_\_\_\_\_

Date: \_\_\_\_\_

Return Original to MOJA Team Leader

Copy:  Project Proponent  Central Files  Web Manager

Project Tracking Number \_\_\_\_\_



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**

Mojave National Preserve  
222 East Main Street  
Barstow, California 92311

IN REPLY REFER TO:  
L7615

July 13, 2004

Memorandum

To: NEPA Project Proponent  
From: Superintendent  
Subject: Results of Leadership Team, Conservation Planning Process,  
for (Project Name and ID Number)

- 
- The above named project , is approved and complies with NEPA, NHPA, the Directors Orders, and Council on Environmental Quality regulations at 40 CFR.
  - Monitoring is required during the implementation of this project. As the project proponent it is your responsibility to coordinate with the parks Cultural or Natural Resource Manager to facilitate that monitoring.
  - The above named project, is disapproved.
    - More information is needed
    - A higher level of analysis is needed (EA)
    - A higher level of scoping is needed

It is also your responsibility to ensure that the project is carried out in the manner in which it is described on the Environmental Screening Form (ESF), and that the stipulations made part of that ESF are complied with.

The following information must be provided to Joshua Tree National Park in order for our staff to evaluate your special use request. Use this outline as a guide and type your responses on separate pages. If you have any questions please contact the Special Programs Ranger at (760) 367-5545. This information will be used for park comments regarding the preparation of an environmental assessment (EA). Be brief, but complete.

1. Type of project
2. Project name (brief descriptive title)
3. Proposal submitted by (include name, mailing address, telephone, and organization)
4. Area of park to impacted by this project
5. Proposed starting date
6. Proposed ending date
7. Why is this project necessary?
8. What are the alternative routings outside the park? Why are they not acceptable?
9. What are the consequences if the project is not done?
10. Indicate the scope, location and dimensions of this project.
11. Describe what is to be done.
12. Describe the preferred method of accomplishing the project.
13. Describe alternative methods for accomplishing this project and state reasons for selecting the method above.
14. List all major equipment to be used and its purpose.
15. Describe the effects of your project on the park and area during the project (potential physical damage, environmental impacts, effects on visitor use, traffic control, visual, noise, air, soil, wildlife disturbances. Note both the short term and the long term effects).
16. What impacts will this project have on rare, threatened, or endangered flora, fauna, or habitats?
17. What impact will this project have on historic, cultural, or archaeological sites?

18. Describe the long term effects of the project on the area after completion of the project.
19. What specific steps will you take to protect the project area, to minimize harmful effects and mitigate any permanent damage or loss?
20. What specific steps will be taken to restore the project area and eliminate the evidence of work after the project is completed?
21. Attach supporting documents, references, maps, photographs, drawings, or other items to clarify your proposal or support your conclusions. Include a list of any persons consulted about this project.

**PARK USE ONLY:**

NEPA analysis suggests that an EA or EIS is required for NEPA compliance. The EA/EIS must address the following items:

- Engineering Problems
- Federal Funding Involved
- Historic and Cultural Resources Affected
- Park Facilities/Programs Affected
- Properties listed or eligible for National Register of Historic Places
- Public Health and Safety Affected
- Traffic/Use Patterns Affected
- Visitor Use Impacts
- Visual Impact

**Environmental Impacts**

- Air Quality
- Water Quality
- Floodplain
- Threatened or Endangered Federal or State listed flora or fauna
- Fauna
- Vegetation
- NEPA 106 clearance requirements



Form 10-114  
Rev. DEC. 99

Page 1 of \_\_\_\_

UNITED STATES DEPARTMENT OF THE INTERIOR  
National Park Service

Special Use Permit

Name of Use \_\_\_\_\_

Date Permit Reviewed 20 \_\_\_\_  
Reviewed 20 \_\_\_\_  
Reviewed 20 \_\_\_\_  
Expires 20 \_\_\_\_

Long Term \_\_\_\_

Short Term X

Permit # PWR JOTR \_\_\_\_\_  
Region Park Type No. #

JOSHUA TREE NATIONAL PARK  
Name of Area

\_\_\_\_\_ of \_\_\_\_\_ ( \_\_\_\_\_ )  
Name or Permittee Address Phone

is hereby authorized during the period from (Time \_\_ day \_\_ Month \_\_ 2000), through (Time \_\_ day \_\_ Month \_\_ 20\_\_), to use the following described land or facilities in the above named area:

For the purpose(s) of:

Authorizing legislation or other authority (RE - DO-53):

NEPA Compliance: CATEGORICALLY EXCLUDED \_\_\_\_ EA/FONSI \_\_\_\_ EIS \_\_\_\_ OTHER APPROVED PLANS \_\_\_\_

PERFORMANCE BOND: Required \_\_\_\_ Not Required \_\_\_\_ Amount \$ \_\_\_\_\_

LIABILITY INSURANCE: Required \_\_\_\_ Not Required \_\_\_\_ Amount \$ \_\_\_\_\_

ISSUANCE of this permit is subject to the conditions on the reverse hereof and appended pages and when appropriate to the payment to the U.S. Dept. of the Interior, National Park Service of the sum of \$ \_\_\_\_\_

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

PERMITTEE \_\_\_\_\_  
Signature Date

Authorizing Official \_\_\_\_\_, \_\_\_\_\_  
Signature Superintendent Date

Additional Authorizing Official \_\_\_\_\_, \_\_\_\_\_  
(if Required) Signature Title Date

## CONDITIONS OF THIS PERMIT

- 1. The permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with all applicable laws and regulations of the area.**
- 2. Damages - The permittee shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.**
- 3. Benefit –No Member of Congress shall be admitted to any share or part of this permit or to any benefit that may arise therefrom: but this provision shall not be construed to extend to this grant if made with a corporation for its general benefit.**
- 4. Assignment - This permit may not be transferred or assigned without the consent of the Superintendent, in writing.**
- 5. Revocation - This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Superintendent.**
- 6. The permittee is prohibited from giving false information; to do so will be considered a breach of conditions and be grounds for revocation [Re: 36 CFR 2.32(a)(4)].**
- 7. Permittee will comply with applicable public health and sanitation standards and codes.**
- 8. It is the responsibility of all participants of this permit to know and abide by all conditions pertaining this permit. Violation by any participants may result in revocation of this permit.**
- 9. This agreement is made 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, or death to any person or property of the Permittee, 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 agreement or occasioned by any occupancy or use of said premises or any activity carried on by the Permittee in connection herewith, and the Permittee 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.**

**Instructions for Special Use Permit Form**  
 (Discard before issuing permit)

1. This form may be used to permit either **LONG TERM** (not to exceed 5 yrs) or **SHORT TERM** (not to exceed 1 yr) uses. Check the appropriate space at the top of the form.
2. The permit number requires 14 digits, designed for computerization. The first 4 digits represent the Region symbol or may reflect the purpose of the permit (FILM, EVNT etc.). The next 4 digits represent the park area, the next 4 digits the type of permit (see code below), and the last three the sequential number of the permit e.g. # RMR GRTE 1100 105, a stock driving or trailing permit.
3. Note that uses addressed in 36 CFR are identified by the first two or three numbers of the applicable regulation as the first part of the "type of use" code.
4. If a performance or resource protection/clean up bond is required so indicate along with amount.
5. Generally the NPS will recover all costs associated with issuing a special use permit. (See Chapter 10 of Reference Manual 53). If no fee is appropriate, insert **WAIVED** in the appropriate block.
6. Park areas will append any **ADDITIONAL CONDITIONS**, local instructions and applications.
7. A **LONG TERM** designation is appropriate for the following type of uses (list is not all inclusive):

<u>Code</u>	<u>Type of Use</u>	<u>Code</u>	<u>Type of Use</u>
1000	Agricultural (Gen)	5100	Advertisements
1100	Stock Driving or Trailing	5200	Alcoholic Beverages
1200	Stock Watering Dev.	5300	Business Operations
1300	Stock Corrals & Loading Chutes	5600	Commercial Vehicles
2600	Grazing/Pasturing Livestock	5610	Chemical Storage Bins
2610	Residing in Park	6000	Other

8. A **SHORT TERM** designation is appropriate for the following types of uses (list is not inclusive):

<u>Code</u>	<u>Type of Use</u>	<u>Code</u>	<u>Type of Use</u>
1100	Stock Driving or Trailing	4110	Load, Weight, Length, Width Limitations
1300	Trail Rides	5100	Advertisements (5.1)
2170	Air Delivery	5101	Eating, Drinking, and Lodging
2171	Salvage of Downed Aircraft	5200	Alcoholic Beverages
2173	Hang Gliding, Ballooning, Ultralights, & Parachuting	5300	Business Operations
2380	Explosives, Fireworks	5400	Commercial Passenger-Carrying Motor Vehicle
2400	Weapons, Traps, and Nets	5500	Commercial Photography
2410	Transport Game	5600	Commercial Vehicles
2500	Research Specimens(2.5)	5700	Construction
2501	Special Events	6000	Military Activities
2510	Public Assembly	7000	Climbing
2520	Sell/Distribute Printed Material	7100	Caving
2620	Scatter Human Ashes	8000	Gate Key
3300	Vessels/Boat Use	9500	Other

Date: \_\_\_\_\_

PERMIT ADDENDUM

Applicable clauses to be initiated by Special Park Uses Program Coordinator.

SPECIAL PARK USE

\_\_\_\_\_ All Federal and State vehicle laws apply.

\_\_\_\_\_ A permit monitor is required and must be present before any activity is initiated.

\_\_\_\_\_ No area will be closed to the public. All activities staged under this permit will be conducted in such manner as to not interfere with normal access and use of the area by park visitors.

\_\_\_\_\_ No more than one half of any parking area at any one location may be utilized by the permittee. Excess vehicles may be located at other parking areas by permission only.

\_\_\_\_\_ Wheeled vehicles and/or carts of all types are restricted to maintained roads and parking lots.

\_\_\_\_\_ All evidence of off trail foot traffic will be obliterated by raking tracks after the activity is completed.

\_\_\_\_\_ All equipment will be carried to any off road sites via established trails, hard surfaces, or wash routes.

\_\_\_\_\_ NPS dumpsters will not used for trash generated by permittee.

\_\_\_\_\_ A copy of the permit must be on site at all times.

\_\_\_\_\_ A generator is permitted in the following location: \_\_\_\_\_

\_\_\_\_\_ The use of a catering service is authorized.

\_\_\_\_\_ No vehicles or heavy objects are permitted off the road or out of parking areas.

\_\_\_\_\_ The following types of lighting equipment are authorized: \_\_\_\_\_

\_\_\_\_\_ Night activity prohibited

\_\_\_\_\_ Display no weapons or military ordinance while in the park.

FILMING ONLY

\_\_\_\_\_ Traffic stop intervals may vary with permission of the assigned law enforcement officer only.

\_\_\_\_\_ Moving or rolling shots are limited to one mile.

\_\_\_\_\_ Permittee must finance a minimum of two commissioned law enforcement rangers from the park or the California Highway Patrol.

\_\_\_\_\_ Traffic control duties shall be conducted by peace officers recognized by the State of California.

\_\_\_\_\_ Use of the following animal(s) is authorized: \_\_\_\_\_

\_\_\_\_\_ In those instances where the National Park Service is given credit for films or photos produced in whole or in part on Service lands, the credit format shall read as follows: Joshua Tree National Park, National Park Service, U.S. Department of Interior.

\_\_\_\_\_ Road closures are authorized but limited to five minutes duration with ten minute intervals between closures.

\_\_\_\_\_ The use of a dolly system is permitted.

\_\_\_\_\_ The use of scaffolding is authorized under the listed conditions: \_\_\_\_\_

\_\_\_\_\_ Filming from a moving vehicle is permitted

\_\_\_\_\_ No filming in campgrounds.

Company Name: \_\_\_\_\_

PERMITTEE: \_\_\_\_\_ DATE: \_\_\_\_\_

Signature

Date: \_\_\_\_\_

**PERMIT ADDENDUM**

Applicable clauses to be initialed by Special Park Uses Program Coordinator.

**SPECIAL PARK USE**

\_\_\_\_\_ All Federal and State vehicle laws apply.

\_\_\_\_\_ A permit monitor is required and must be present before any activity is initiated.

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\_\_\_\_\_ The use of a catering service is authorized.

\_\_\_\_\_ No vehicles or heavy objects are permitted off the road or out of parking areas.

\_\_\_\_\_ The following types of lighting equipment are authorized: \_\_\_\_\_

\_\_\_\_\_ Night activity prohibited

\_\_\_\_\_ Display no weapons or military ordinance while in the park.

**SPECIAL EVENTS ONLY**

\_\_\_\_\_ Live music is authorized at \_\_\_\_\_ location.

\_\_\_\_\_ Recorded / amplified music is authorized at volume level consistent with other visitor's needs.

\_\_\_\_\_ Monitoring by NPS for potential impacts is required due to the following activities:

\_\_\_\_\_ Restricted Use Area

\_\_\_\_\_ Night Activity

\_\_\_\_\_ Recorded or Amplified music

\_\_\_\_\_ Resource Sensitive Area

\_\_\_\_\_ Campground Use is authorized at \_\_\_\_\_ Site # \_\_\_\_\_

\_\_\_\_\_ Permittee is authorized to set-up: \_\_\_\_\_ chairs / benches, \_\_\_\_\_ tables, \_\_\_\_\_ archway, \_\_\_\_\_ artificial walkway,

\_\_\_\_\_ Introduction of rice, birdseed or other means of showering wedding participants is forbidden.

\_\_\_\_\_ Other: \_\_\_\_\_

Permittee Name: \_\_\_\_\_

PERMITTEE: \_\_\_\_\_  
Signature

DATE: \_\_\_\_\_

Joshua Tree National Park  
74485 National Park Drive  
Twentynine Palms, California 92277-3597

**Incidental Business Permit Annual Survey**

Permittee Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Permit Number: PWR JOTR IBP \_\_\_\_\_ Expiration Date: \_\_\_\_\_

1. What service do you provide to the park visitors? \_\_\_\_\_

2. How many visitors did you serve in the park during the past year? \_\_\_\_\_

3. How much time did you or your customers spend in the park (days/hours)? \_\_\_\_\_

4. Is the park only "incidental" to the service you provide? \_\_\_\_ Yes \_\_\_\_ No

OR is it a primary (Exclusive) destination? \_\_\_\_ Yes \_\_\_\_ No

If incidental, Explain \_\_\_\_\_

What percent of the activity actually takes place in the park overall? \_\_\_\_\_

5. Annual gross receipts generated as a result of being in the park in 2004 = \$ \_\_\_\_\_

6. How is the answer to # 5 calculated? \_\_\_\_\_

### JOSHUA TREE NATIONAL PARK MONTHLY USE REPORT

COMPANY NAME: \_\_\_\_\_

INCIDENTAL BUSINESS PERMIT #: PWR JOTR IBP ( \_\_\_\_\_ )

USER DAYS FOR THE MONTH OF : \_\_\_\_\_

**USER DAYS:** A user day is defined as one person utilizing the park for one day. To determine your user days, multiply the total number of people X the total number of days in the appropriate identifiers below. (Frontcountry includes the developed zone which includes campgrounds, picnic areas and parking lots. All areas beyond the developed zone should be considered Backcountry.)

	Total People	Total Days	User Days
<b>FRONTCOUNTRY DAY USE ONLY:</b>	_____	X _____	= _____
<b>FRONTCOUNTRY DAY USE; FRONTCOUNTRY CAMPING:</b>	_____	X _____	= _____
<b>FRONTCOUNTRY DAY USE; BACKCOUNTRY CAMPING:</b>	_____	X _____	= _____
<b>BACKCOUNTRY DAY USE ONLY:</b>	_____	X _____	= _____
<b>BACKCOUNTRY DAY USE; FRONT COUNTRY CAMPING:</b>	_____	X _____	= _____
<b>BACKCOUNTRY DAY USE; BACKCOUNTRY CAMPING:</b>	_____	X _____	= _____
<b>User Days Total:</b>			_____

**FRONTCOUNTRY CAMP SITES USED:** \_\_\_\_\_

**BACKCOUNTRY CAMP SITES USED: GPS / MAP COORDINATES:** \_\_\_\_\_

**BACKCOUNTRY TRAILS USED:** \_\_\_\_\_

The Monthly Use Report **is due the seventh day of each month**. If you did not have any activity during a particular month, a null report is not necessary. This report is required as a part of the terms and conditions of each Incidental Business Permit.

It can be faxed to (760) 367-5546, emailed to [don\\_roberts@nps.gov](mailto:don_roberts@nps.gov) or mailed to:

Special Park Uses Department  
Joshua Tree National Park  
74485 National Park Drive  
Twentynine Palms, CA 92277

If you have any questions, you may call the Special Park Use Department at (760) 367-5545.

## Application Cost Recovery Schedule

### Items included in determining recovery of cost for an application:

Update: 8/3/04

The costs of making the Special Park Uses Program available:

- 1) Initial phone request, mailing or faxing an application: \$17.04  
Regular pay, benefits and resources used \$17.04 (1/2 hr wage + 30% benefits)  
Basis: 1/2 hour at \$26.43 hr. wage = \$13.22. 30% of hrly. wage for benefits (\$26.43) X 1/2 hour = \$3.97  
\$13.22 + \$3.97 = \$17.19 for personnel cost for 1/2 hour.  
\* Personnel costs for providing application = **\$17.19 per permit**
- 2) Cost of providing phone service: \$31.00 month X 12 mos. = \$372.00 div. 120 permits = **\$3.10 per permit.**
- 3) Copy machine: \$1500.00 div. by 120 permits = \$12.50 X 60% usage = **\$7.50 per permit**  
Copy paper: 3 reams per mon. X 12 mos @ \$4.00 per ream = \$12.00 X 12 = \$144.00 div. by 120 permits = **\$1.20 per permit.**
- 4) Copy maintenance agreement incl. toner: \$95.00 X 12 mos = \$1140 X 60% usage, div. by 120 = **\$5.70 per permit**
- 5) SPU Printer cartridges: \$32.50 X 5 per 6 mon. period = 10 per yr. = \$325.00 div. by 120 = **\$2.71 per permit.**
- 6) Fax machine: Cost of Fax machine = \$384.00 div. by 3 yrs = \$128.00  
\$10.65 mon. X 12 mos = \$128.00 yr. X 75% usage = \$95.85 div. by 120 permits = **\$.80 per permit.**  
Fax paper: 1 ream per month X 12 mos. @ \$4.00 per ream = \$4.00 X 12 = \$48.00 div. by 120 permits = **\$.40**  
Fax print cartridge: \$30.76 X 3 (75% usage) yearly = \$92.28 div. by 120 permits = **\$.77**
- 7) Mailing: One hundred annual certified mailings to IBPs at end of year, and return deposits to Filmmakers at \$4.42 per certified mailing per permit divided by 120 permits = **\$3.68 per permit.**
- 8) Utilities – Water: One year cost = \$4,006.56 div 43 offices = \$93.17, div. 120 permits = **\$.78 per permit.**  
Electric: One year cost = \$ 7.28 per permit  
(HQ 1 yr cost = \$37,580.44 div. by 43 offices = \$873.96 yr. div. by 120 permits = \$7.28)
- 9) Computer/Printer = \$2100. div. by 3 yrs = \$700. div. by 120 permits = **\$5.83 per permit**
- 10) Travel/Training = \$2,000 per yr. div. by 120 permits = **\$16.60 per permit.**
- 11) Special Use vehicle costs: \$400. per mon. X 12 mos. = \$4800. X 98% use = \$4704. div. by 120 permits = **\$39.20 per permit.**
- 12) Superintendent Conferencing: Ave. 5 min. per permit X 120 permits (120 Perm. X 7 min = 840 min. = 14 hrs. @ \$50. hr = \$700.00 annually) div. by 120 permits = **\$5.83 per permit.**
- 13) Total application costs = **\$118.57 per permit. Round off to \$120.00 (compensation for salary increase in October 2004)**

**Formula:** The annual cost of each item is divided by the number of permits processed the previous year. The resulting figure is the cost per permit.

**Definition:** The application costs reflects the estimated costs incurred for making available the park's special use program for all permittees.

**Application Costs:** When a park uses an application form to gather information about the scope of special park uses, it may be appropriate to charge for its cost in reviewing that application. This amount would represent the average costs incurred by the park in the development, distribution and initial review of the request for a special park use. Making the program available to users should incur the recovery of costs for doing so as a one time non-refundable charge. This charge when submitted with the completed application, does not preclude the recovery of other costs associated with issuance of the permit. The permittee should always be advised of additional anticipated costs prior to issuance of the permit. Each park must establish and maintain a written record documenting how costs and charges are established for each permit issued. Each park may have use requests that represent a "standard" for that park. These are a type or category of use that the park may issue with regularity. If the standard cost measure is used, this amount should be recalculated each year based upon changes in fixed costs.

**Administrative Costs:** These costs should be recovered due to their association with reviewing and approving or denying applications for special park uses. Administrative charges should reflect an accurate calculation of the actual costs associated with the administrative process of approval and preparation of the permit. These costs may include environmental, (NEPA), cultural (106) and other compliance and approval, as appropriate, as well as meetings, travel, clerical, telephone discussion time, site visits, and other costs factors.

- 1. \$ 17.19 per permit
- 2. \$ 3.10 per permit
- 3a. \$ 7.50 per permit
- 3b. \$ 1.20 per permit
- 4. \$ 5.70 per permit
- 5. \$ 2.71 per permit
- 6a. \$ .80 per permit
- 6b. \$ .40 per permit
- 6c. \$ .77 per permit
- 7. \$ 3.68 per permit
- 8a. \$ .78 per permit (water)
- 8b. \$ 7.28 per permit (elec)
- 9. \$ 5.83 per permit
- 10. \$ 16.60 per permit
- 11. \$ 39.20 per permit
- 12. \$ 5.83 per permit

**\$118.57 Total per permit of actual costs expended – Round off to \$120.00 (compensation for salary increase in October 2004)**

**Total application costs = \$120.00**

List of items involved in the Administrative Process:

Update: 8/4/04

1. First scoping of the application, following initial review
2. Dialogue with applicant to fully understand the request and to convey necessary information of park concerns
3. Setting up an Administrative record and file
4. Calling or faxing a request for additional items, or corrections, insurance, certificates, etc.
5. NEPA compliance reviews
6. Sections 106 compliance reviews
7. Evaluating the application for impact potential, safety, guide's instructions, Operating Plans, locations
8. Responding to applicant upon review and noting possible conflicts, problems or costs
9. Construction of the permit with conditions of permit and addenda included
10. Obtaining authorizing signature for the permit with review of permit with Superintendent
11. Mailing permit for permittee's signature; or meeting for signing and review in park.
12. Filing permit with accompanying materials, follow-up and managing reviews
13. Deposit of checks paid to NPS for cost recovery

**Time frame of activities related to each permit** (Benefits = determined at 30% of hourly wage = \$7.93)

- # 1 15 minutes = 1/4 of \$26.43 = \$ 6.61 + \$1.98 (benefits) = \$ 8.59
- # 2 15 minutes = 1/4 of \$26.43 = \$ 6.61 + \$1.98 (benefits) = \$ 8.59
- # 3 15 minutes = 1/4 of \$26.43 = \$ 6.61 + \$1.98 (benefits) = \$ 8.59
- # 4 15 minutes = 1/4 of \$26.43 = \$ 6.61 + \$1.98 (benefits) = \$ 8.59
- # 5 60 minutes = 1 of \$26.43 = \$26.43 + \$7.93 (benefits) = \$34.36
- # 6 15 minutes = 1/4 of \$26.43 = \$ 6.61 + \$1.98 (benefits) = \$ 8.59
- # 7 60 minutes = 1 of \$26.43 = \$26.43 + \$7.93 (benefits) = \$34.36
- # 8 30 minutes = 1/2 of \$26.43 = \$13.22 + \$3.97 (benefits) = \$17.19
- # 9 15 minutes = 1/4 of \$26.43 = \$ 6.61 + \$1.98 (benefits) = \$ 8.59
- # 10 15 minutes = 1/4 of \$26.43 = \$ 6.61 + \$1.98 (benefits) = \$ 8.59
- # 11 30 minutes = 1/2 of \$26.43 = \$13.22 + \$3.97 (benefits) = \$17.19
- # 12 15 minutes = 1/4 of \$26.43 = \$ 6.61 + \$1.98 (benefits) = \$ 8.59
- # 13 30 minutes = 1/2 of \$26.43 = \$13.22 + \$3.97 (benefits) = \$17.19

Program support = construction and mailing of newsletters and information packages twice annually = \$ 7.30

	<u>Benefits</u>
# 1	\$ 8.59
# 2	\$ 8.59
# 3	\$ 8.59
# 4	\$ 8.59
# 5	\$34.36
# 6	\$ 8.59
# 7	\$34.36
# 8	\$17.19
# 9	\$ 8.59
# 10	\$ 8.59
# 11	\$17.19
# 12	\$ 8.59
# 13	<u>\$17.19</u>

\$189.01

\$ 7.30 program support

TOTAL: \$196.31 Round off to \$195.00

Total for filming/IBP = \$120.00 App. + 195.00 Admin = \$315.00

### HOLD HARMLESS CLAUSE FOR STUDENT FILM PERMIT

This agreement is made 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 Permittee, 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 agreement or occasioned by any occupancy or use of said premises or any activity carried on by the Permittee in connection herewith, and the Permittee 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.

Student's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Special Programs Ranger: \_\_\_\_\_

Date: \_\_\_\_\_

### VISITOR'S ACKNOWLEDGEMENT OF RISK

In consideration of the services of \_\_\_\_\_ their officers, agents, employees, stockholders, and all other persons or entities associated with those businesses (hereinafter collectively referred to as "\_\_\_\_\_") I agree as follows:

Although \_\_\_\_\_ has taken reasonable steps to provide you with appropriate equipment and skilled guides so you can enjoy an activity for which you may not be skilled, we wish to remind you this activity is not without risk. Certain risks cannot be eliminated without destroying the unique character of this activity. The same elements that contribute to the unique character of this activity can be causes of loss or damage to your equipment, or accidental injury, illness, or in extreme cases, permanent trauma or death. We do not want to frighten you or reduce your enthusiasm for this activity, but we do think it is important for you to know in advance what to expect and to be informed of the inherent risks. The following describe some, but not all, of those risks: (description of risks)

I am aware that \_\_\_\_\_ entails risks of injury or death to myself. I understand the description of these risks is not complete and that other unknown or unanticipated risks may result in injury or death. I agree to assume responsibility for the risks identified herein and those risks not specifically identified. My participation in this activity is purely voluntary, no one is forcing me to participate and I elect to participate in spite of the risks.

I possess at least the following qualifications, which I understand are prerequisites to participate in this activity.

a. \_\_\_\_\_ b. \_\_\_\_\_

I certify that I am fully capable of participating in this activity. Therefore, I assume full responsibility for myself, including my minor children, for bodily injury, death and loss of personal property and expenses thereof as a result of those inherent risks and dangers and of my negligence in participating in this activity.

I have read, understand and accepted the terms and conditions stated herein and acknowledge that this agreement shall be effective and binding upon myself, my heirs, assigns, personal representative, and estate and for all members of my family, including minors accompanying me.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Minor: \_\_\_\_\_ Date: \_\_\_\_\_  
(signature of parent/guardian)

L30 (JOTR-P)

Date:

From: Special Park Use Office - Joshua Tree National Park

To: Special Use Files, Permit Named: \_\_\_\_\_

Permit #: IBP PWR JOTR IBP 0\_ - \_ \_

Re: Letter of "No Impact" to Permit File

In review of this permittee's request it has been determined that no part of this activity would result in any environmental or visitor impacts. The activities, locations and numbers of people involved are no different than that which is allowed consistently by the general visitation of Joshua Tree National Park. All activities approved under this Special Park Use Permit are being done in developed areas of the Park and in such numbers as would not impose any impacts to park resources or visitors. In light of this determination, there is no further need of any NEPA assessment.

The particular file information for this permittee is as follows:

Name of Permittee's Contact person: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: ( ) \_\_\_\_\_

Presented by: Don Roberts  
Special Programs Ranger