

**GENERAL INSTRUCTIONS FOR ALL APPLICATIONS FOR
COMMERCIAL USE AUTHORIZATION
U.S. DEPARTMENT OF THE INTERIOR**



**Lake Mead National Recreation Area
Attention: Heidie Grigg, CUA Program Manager
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(702) 293-8923
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A multi-part application form must be completed to apply for a Commercial Use Authorization (“CUA”). That form consists of two parts: (1) a brief general form requesting information common to all categories of CUAs that may be issued by this unit of the National Park System (“Part 1: General Information Form”); and (2) a supplemental category-specific form (“Part 2: Category-Specific Form”).

These are the general instructions for all required forms

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Section A: General Instructions

Who May Apply?

Federal laws and regulations prohibit engaging in or soliciting business in areas of the National Park System unless explicitly authorized, through a permit, contract, or other authorization.

Commercial Use Authorizations (“CUAs”) are one means by which the National Park Service may authorize commercial services. Use of CUAs is strictly limited by law, however, both as to

the type of commercial operation that may be authorized and as to the conditions under which the CUA may be granted. The criteria for issuance of CUAs and the limitations on their use was set out by Congress in Section 418 of the National Parks Omnibus Management Act of 1998 (Public Law 105-391) and codified in 16 U.S.C. §5966.

Two types of commercial operations are eligible to apply for CUAs: (1) those with annual gross receipts of not more than \$25,000 resulting from services originating and provided solely with a unit of the National Park System pursuant to such authorization; and (2) the incidental use of resources of the unit by commercial operations which provide services originating and terminating outside of the boundaries of the unit.

The National Park Service is allowed to issue CUAs to an eligible applicant only if specified criteria are met. Among other things, the National Park Service must determine that the commercial service will have minimal impact on resources and values of the unit of the National Park System and are consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations. In addition, the National Park Service is required to include terms and conditions in CUAs that address specified statutory criteria, including (for example) the preservation and conservation of park resources and values, protection of visitors, the liability of the United States arising from authorized services, and fees to be paid in connection with the CUA. The National Park Service is prohibited by law from issuing more CUAs than are consistent with the preservation and proper management of park resources and values.

Terms and Conditions of CUA

Issuance of any CUA is subject to terms and conditions, which must be accepted in writing by the CUA holder. The terms and conditions applicable to each of the various types of commercial service for which CUAs may be issued are appended to the Part 2: Category-Specific Forms for each commercial service.

Applicants must agree in advance, as part of their application, to accept (if the CUA is issued) the terms and conditions applicable to the CUA for which the applicant is applying. **Applicants should carefully review these terms and conditions, as they set out the CUA holder's rights and obligations in the event that a CUA is issued.** Among other things, CUA holders are required to carry specified types and levels of insurance and to indemnify and hold harmless the United States from liabilities in connection with the CUA. Applicants must accept any issued CUA in writing no later than thirty working days after that CUA is issued by the National Park Service.

Duration of CUA

Terms will vary depending upon the type or category of commercial service for which the CUA is sought. The maximum term legally allowed for a CUA is two years in duration. The law prohibits any preferential right of renewal or similar provisions for renewal of a CUA.

Fees

The National Park Service is required by law to charge a reasonable fee for issuance of a CUA, at a minimum to recover associated management and administrative costs. In addition, the National Park Service may charge fees to recover the costs for the maintenance and repair of park area resources impacted by the CUA holder's activities. Some units of the National Park System also may charge entrance fees. All of these fees must be submitted at the time of application for a CUA: (1) an Application Fee, to recover the costs incurred by the National Park Service in mailing, distribution and initial review of the application for completeness, (2) an Administrative Fee, to recover the costs associated with substantive review of the application and decision to approve or deny the CUA, (3) a Management/Monitoring Fee charged by some units of the National Park System to recover the costs incurred by all unit divisions involved in monitoring, supporting or cleanup and restoring after the use; and (4) an Entrance Fee charged by some units of the National Park System to reduce identified non-recurring maintenance, infrastructure repair, and to assist resource management. Specific fees required will be identified in the Part 2: Category-Specific Form applicable to the particular type of commercial service for which authorization is sought.

What Must Be Submitted To Apply

To be considered, applicants must submit to the National Park Service (1) a completed Part 1: General Information Form; (2) a completed Part 2: Category-Specific Form for the particular type of commercial service for which authorization is sought; and (3) the required fees, in the amount specified in the Part 2: Category-Specific Form. Fees may be paid by cashier's check, certified check or money order and should include the applicant's employer identification number and be made payable to the National Park Service.

Limited Possibility For Re-Fund Of Fees Submitted With Application

The Application Fee is non-refundable.

Where and How To Submit Applications and Fees

The completed application forms and fees should be sent by regular or express mail or other means of method of delivery to the unit of the National Park System in which the commercial service, if authorized, is to occur and should be sent to the attention of that unit's CUA Program Manager ("Park CUA Program Office"), as identified in the instructions to the Part 2: Category-Specific Form applicable to the particular type of commercial service for which authorization is sought.

When To Submit Applications

Applicants are responsible for submitting applications and any fees and certifications required to accompany the applications so as to reach the Park CUA Program Office by the time specified in the instructions to the Part 2: Category-Specific Form applicable to the particular type of commercial service for which authorization is sought.

Completion Of Forms

Unless otherwise specified in instructions to the application forms, each item in each form must be answered. To indicate that each item has been considered, enter “NA,” for not applicable, if a particularly item does not fit the circumstances or characteristics of the particular type of commercial service for which authorization is sought.

If Limited Number Of CUAs, A Multi-Step Process Applies To Issuance

The National Park Service is prohibited by law from issuing more CUAs than are consistent with the preservation and proper management of park resources and values. In the event that it is necessary to limit the number of CUAs to be issued for a particular type of commercial service, the number of available CUAs will be identified in the instructions to the applicable Part 2: Category-Specific Form and a multi step process will be used to select the applicants to whom the available CUAs will be issued.

In the first step of the selection process, applications will be reviewed for completeness and timely submission. An application for a CUA is complete when the applicant has furnished (1) all of the information required by the Part 1: General Information Form; (2) all of the information required by applicable Part 2: Category-Specific Form; and (3) the fees, in the amount specified in the Part 2: Category-Specific Form. An application for a CUA is timely when it is received by the National Park Service at the Park CUA Program Office by the time specified in the instructions to the applicable Part 2: Category-Specific Form.

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

In the second step of the selection process, Qualifying Applications will be evaluated and their relative qualities assessed on the factors specified in the instructions to the applicable Part 2: Category-Specific Form. The Qualifying Applications will be ranked by the National Park Service in an order that reflects this evaluation and assessment. CUAs then will be issued to the top ranked applicants in order of their ranking and in number corresponding to that set in the Part 2: Category-Specific Form as the number of available CUAs.

If Limited Number Of CUAs, Other Conditions Apply

In the event that it is necessary to limit the number of CUAs to be issued for a particular type of commercial service, the National Park Service must take appropriate measures to ensure that any authorized services are provided to visitors at reasonable rates and under appropriate operating conditions. These measures are included in the terms and conditions appended to the Part 2: Category-Specific Forms for each commercial service

Limitation On Number Of Applications

The National Park Service will accept only one application per category of commercial service from any individual, company or other legally recognized entity intending to engage in a commercial operation for which a CUA is required.

Not Assignable or Transferable

Neither the application for a CUA nor the CUA, once issued, may be transferred or assigned. Subcontracts or other third party agreements for the provision of any commercial services authorized by a CUA are prohibited.

Section B: Instructions for Part 1: General Information Form

This form must be completed by all applicants.

Completing This Form

Please type or print in ink.

Further Instructions and Explanations Regarding Individual Items in the Part 1 Form (numbered instructions/explanations correspond to item numbers on the form)

1. Indicate the year of issuance and requested duration or term of the CUA requested. The maximum term allowed will be specified in the Part 2: Category-Specific Form applicable to the particular type of commercial service for which authorization is sought.
2. Enter the name of the particular type of commercial operation for which the CUA is sought and the name of any Part 2: Category-Specific Form(s) being submitted with the Part 1: General Information Form.
3. Give the name, as it is legally referred to, of the person, firm, company or other legally recognized entity that operates the commercial operation for which the CUA is sought. In addition, clearly identify any secondary name under which you are doing business (*e.g.* any d/b/a).
4. Check the box that identifies your type of business and supply the information requested in any box you have checked.
5. Give the name, title and other requested contact information of a person who is thoroughly familiar with the commercial services for which authorization is sought and with the facts reported in this application and who can be contracted by reviewing offices if necessary.

6. Give the complete mailing address (both for the summer and the winter) where correspondence should be sent. This information may also be published in the NPS Commercial Services Directory.
7. Provide your Employer Identification Number (EIN). This is a requirement of the 1996 Debt Collection Act. The EIN that you provide will be used as needed to collect debts.
8. If the Applicant is a corporation, firm, partnership, association, or institution, give the name(s) of the registered agent for the service of process.
9. National Park Service Management Policy prohibits employees of the National Park Service and their spouses and minor children from acquiring or retaining any authorization conducting commercial services in a Park area.
10. Enclose a copy of the business license issued from the city or county in which the business is located. If your city or county does not require a business license, please provide this information in response to item 10.
11. Provide names and titles of employees who will work in the Park under the authority of the CUA, if issued. These are usually Guides or Drivers that are your employees (not contracted service). Use additional paper if needed. Each and every employee of the CUA Holder who provides commercial services within the Park must have an annual commercial entrance badge. The CUA Holder will be required to apply for any required commercial entrance badges by submitting to the NPS the name of the employee(s), a business card or business logo for the employee(s), and the fee for commercial entrance badges.
12. Provide the requested information.
13. Provide the requested information.
14. Provide the requested information.
15. Federal law provides for severe penalties for submitting false information on this application form. The Applicant must sign and date the application and print or type its name below the signature line. Applications signed by an agent must be accompanied by evidence of that agent's authority.

Section C: Instructions for Part 2: Category-Specific Forms

In addition to completing the Part 1: General Information Form, each applicant must complete a Part 2: Category-Specific Form for the particular type of commercial service for which authorization is sought
Selecting and Completing The Appropriate Part 2 Form

Select the Part 2: Category-Specific Form that addresses the particular type of commercial service for which authorization is sought. Further instructions and explanations for each available Part 2: Category Specific Form are set out below.

Please type or print in ink.

*Section D: Instructions for Part 2: Category-Specific Form for
YOUR SERVICE TYPE*

This form should be completed only by applicants for a CUA for the following type or category of commercial service: YOUR SERVICE TYPE

Commercial Services Included In This Category

The specific type of commercial service that will be authorized is referred to as YOUR SERVICE TYPE within Lake Mead National Recreation Area.

Number of CUAs For This Specific Category Is Not Limited

The National Park Service has determined the number of CUAs for this category of commercial service will not be limited to be consistent with the preservation and proper management of Park resources and values. The number of available CUAs for this commercial service is unlimited.

Applicant Selection Process

- (1) *Resource protection.* The National Park Service is required by law when issuing any CUA to require that the commercial services provided be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values. The National Park Service will evaluate and assess the impacts on preservation and conservation of the Park in general of the operations and any mitigating measures proposed in the Qualifying Applications.
- (2) *Visitor safety.* The National Park Service will evaluate any safety programs proposed and any examples provided as a measure of the Applicant's plan for and ability to safely manage incidents and emergencies in a manner minimizing injury.
- (3) *Past performance.* The National Park Service will evaluate past performance as a measure of the degree to which an Applicant has satisfied its customers in the past and complied with Federal, State and Local laws and regulations. An Applicant who states it has no record of relevant past performance will not be evaluated favorably or unfavorably on past performance. The National Park Service may (but is not obligated to) contact sources listed by the Applicant or otherwise available regarding Applicant's past performance.
- (4) *Relevant experience.* The National Park Service will evaluate that experience of the Applicant that is direct participation in comparable projects.

- (5) *Qualifications and Experience of Key Personnel.* The National Park Service will evaluate key personnel qualifications and experience based on scope, magnitude, and relevance to the commercial services that will be authorized under the CUA.

Duration of CUA

The term of the CUA for YOUR SERVICE TYPE within Lake Mead National Recreation Area will be limited to the term stated on the CUA, usually lasting 12 months from the time of initial authorization.

At the end of the earlier of either (i) the term referenced above or (ii) the \$25,000 gross receipt limit for in-park Commercial Use Authorizations, this Commercial Use Authorization will expire.

Where to Submit Applications and Application Fees

Completed applications should be submitted together with all required application fees to the following Park CUA Program Office:

Lake Mead National Recreation Area
Attention: Heidie Grigg, CUA Program Manager
601 Nevada Way
Boulder City, Nevada 89005

Deadline for Submission of Applications and Application Fees

Applications and any fees required to accompany the YOUR SERVICE TYPE CUA application must be submitted so as to reach the Park CUA Program Office at least 30 days in advance of your requested CUA issuance date.

Completing This Form

Please type or print in ink.

Further Instructions and Explanations Regarding Individual Items in the Part 2: Category-Specific Form for YOUR SERVICE TYPE services (numbered instructions/explanations correspond to item numbers on the form)

1. Give the same name as that provided in Part 1: General Information Form.
2. Applicants must agree in advance, as part of their application, to accept (if the CUA is issued) the terms and conditions applicable to the CUA for which the applicant is applying. A copy of the CUA for boat delivery, launch & retrieval services within Lake Mead National Recreation Area is attached to the Part 2: Category Specific Form. Applicants should review that CUA and initial the block provided in item 2, further indicating their awareness and acceptance of this provision. The Applicant's signature at the end of the Part 2 form evidences the Applicant's agreement, if selected for issuance of the CUA, to (1) accept the terms and conditions applicable to the CUA for which the Applicant is applying and (2) accept any issued CUA in writing no later than thirty working days after that CUA is issued by the National Park Service.
3. Supply all of the required information and check the appropriate boxes to indicate the information has been attached or is otherwise enclosed with the Part 2 application.
4. Federal law provides for severe penalties for submitting false information on this application form. The Applicant must sign and date the application and print or type its name below the signature line. Applications signed by an agent must be accompanied by evidence of that agent's authority.