

NATIONAL PARK SERVICE VOYAGEURS NATIONAL PARK

COMMERCIAL USE AUTHORIZATION GENERAL INFORMATION

WHO MUST APPLY: This document provides the regulations and procedures necessary to apply for an authorization to conduct commercial activities anywhere within the boundaries of Voyageurs National Park. Any individual, business, organization or other entity that wishes to conduct a commercial activity or engage in any business or solicit for any business within the boundaries of Voyageurs National Park must possess authorization from the National Park Service. A Commercial Use Authorization is needed if an operator provides some personal service with the expectation of compensation within the park, such as boat or plane tours and guiding operation (including winter), scenic boat rides, boat repair and towing, rental of ice fishing houses, shuttle of persons to trailheads, and so on. A Commercial Use Authorization is not required if all the commercial activity takes place outside the park, such as the rental of boats or other equipment which the customer then brings into the park without any further service from the commercial operator.

A commercial operator who is not an employee of a second party, but is conducting business for a second party within Voyageurs National Park must also possess a Commercial Use Authorization such as guiding for a resort when not employed by the resort.

Operating a commercial activity within the park without authorization is a violation of the Code of Federal Regulations Title 36, Part 5, Sections 1 through 14.

RESTRICTIONS: Approval for any individual to operate within the park is not effective until written authority from the Superintendent has been issued to that individual or company name. The Authorization does not grant any preferential use of facilities, authorize activities not otherwise authorized the general public, or confer any right of continuation. Failure to abide by the special conditions (copy attached) of the Authorization may result in revocation of the Authorization or other action.

TERMS: Commercial Use Authorizations are granted for a term of two (2) years. Processing an application may take up to two (2) weeks. The processing time depends on the time period in which your application is received. Applicants are encouraged to submit their application at the earliest convenience in order to ensure timely processing and issuance of the Authorization. Early submittal also ensures your business will be listed in the park's Rendezvous publication, printed in March of each year and distributed to the general public upon request. Mail the completed application/attachments to the attention of the Chief Ranger, Voyageurs National Park, 360 Highway 11 East, International Falls, MN 56649- 8802.

FEE: A fee of \$150.00, payable by check to the National Park Service, is required for the two-year Authorization. The Application and Administration fee should be submitted along with your application for the Authorization. Make the remittance payable to: the National Park Service. The Application and Administration fee is non-refundable.

RE-APPLICATION: Holders of a Commercial Use Authorization may be notified of application procedures as their Authorizations expire.

INSURANCE: Part II of the enclosed form, Statement of Insurance, providing verification of a minimum of liability insurance in the amount of \$300,000 per occurrence, must be completed and the form submitted with the Commercial Use Authorization application. The holder shall provide the Park with a Statement of Insurance and Certificate of Insurance at the inception of the Authorization and annually thereafter.

SPECIAL CONDITIONS: All holders of a Commercial Use Authorization must comply with the special conditions for commercial operation. These special conditions appear as an attachment to this document and should be read completely before an application is made. Participation in an annual general information meeting for commercial operators is a mandatory requirement as well as completion of the annual Commercial Use Authorization Survey attached to this document. Failure to comply with these special conditions will result in the revocation of the Authorization.

**NATIONAL PARK SERVICE
VOYAGEURS NATIONAL PARK**

**COMMERCIAL USE AUTHORIZATION
APPLICATION**

Mail or deliver completed application to: Chief Ranger
Voyageurs National Park
360 Highway 11 East
International Falls, MN 56649-8802

1. Business or Organization name: _____

Address: _____

Phone: _____

2. Owner's or manager's name: _____

Address: _____

Phone: _____ Date of Birth: _____

3. Individual(s) other than applicant proposed to perform commercial services:

Name: _____

Address: _____

Phone: _____ Date of Birth: _____

Name: _____

Address: _____

Phone: _____ Date of Birth: _____

4. Describe clearly the commercial services or activities you wish to perform in the park: _____

5. Authorizations and Certificates of each individual performing commercial services – **Copies must be attached.**
Refer to Types of Authorized Commercial Services for the list of requirements.

- Current annual CPR Certification
- Current annual First Aid
- Current Coast Guard Boat Operator's License, six passengers or fewer
- Current Coast Guard Boat Operator's License and Certification, over 6 passengers
- Current Aircraft Pilot's License and Certification
- Current annual proof of participation in U.S. Coast Guard approved Drug Testing program for all operators if operating a vessel
- Completed Commercial Use Authorization Survey (attached)

6. Boats, aircraft, or other equipment to be used:

| Make/Model | Size/Passenger Capacity | Registration Number |
|-------------------|--------------------------------|----------------------------|
| | | |
| | | |
| | | |
| | | |

7. Location of activity to be performed: _____

8. Within the past five (5) years, have you, your business, or any of your employees been convicted of, or forfeited collateral for any violation of state, federal, or local law or regulation? Yes No

9. Are you, your business, or any of your employees, or proposed employees now under charges for any violation of state, federal, or local law or regulation? Yes No

If you answered "YES" to either of the above questions (8 and/or 9), you, your employee(s) and/or business may be excluded from working in any capacity relevant to those activities authorized by the Commercial Use Authorization.

False, fictitious or fraudulent statements of representations made in this application may be grounds for revocation of the Commercial Use Authorization and may be punishable by fine or imprisonment (U.S. Code, Title 18, Section 1001). All Information you provide will be considered in reviewing this application.

Signature: _____ Date: _____

BE SURE TO ATTACH PROOF OF INSURANCE TO THIS APPLICATION

**COMMERCIAL USE AUTHORIZATION
TYPES OF AUTHORIZED COMMERCIAL SERVICES**

GUIDE SERVICES

Fishing Guide

Requirements:

- a. Guides must have current annual CPR certification.
- b. Guides must have current annual First Aid certification.
- b. Guides must be licensed by the U.S. Coast Guard for operation of "Uninspected" boats ("Six Pack License").
- c. No more than six (6) will be transported in a boat.
- d. Participation in an annual general information meeting for commercial operators is required.

Winter Guide

Requirements:

- a. Guides must have current annual CPR certification.
- b. Guides must have current annual First Aid certification.
- c. Participation in an annual general information meeting for commercial operators is required.

Kayaking/Canoeing Guide

Requirements:

- a. Guides must have current annual CPR certification.
- b. Guides must have current annual First Aid certification.
- c. Participation in an annual general information meeting for commercial operators is required.

Camping Guide

Requirements:

- a. Guides must have current annual CPR certification.
- b. Guides must have current annual First Aid certification.
- c. For summer camping guide service, guide must be licensed by the U.S. Coast Guard for operation of "Uninspected" boats ("Six Pack License").
- d. No more than six (6) will be transported in a boat.
- e. Participation in an annual general information meeting for commercial operators is required.

Dog Sled Guide

Requirements:

- a. Dog sled trips may only go on frozen lake surfaces and snowmobile safety portages. No travel is allowed on Mica Bay to Kettle Falls, from Net Lake to Spring Lake, Moose Bay Portage from Rainy Lake to Kabetogama Lake or within restricted use areas.
- b. Excrement from the dogs must be removed immediately from the park.
- c. All dogs must be vaccinated and have a certificate issued by a USDA Animal and Plant Health Inspection Service certified veterinarian for canine distemper, infectious canine hepatitis, leptospirosis, canine parvovirus, canine coronavirus, and rabies, at least one (1) month prior to start of trips each year.
- d. All dogs will have a health certificate issued by a USDA Animal and Plant Health Inspection Service certified veterinarian attesting that the dog is free from ectoparasites and does not show any evidence of disease. This examination will be performed within two (2) weeks of the start of trips each year.
- e. All dogs will have had a negative fecal parasite examination within two (2) weeks prior to commencing guided trips and retested annually. The examination will consist of the following tests, performed on three consecutive days:
 - Day 1 - Direct smear for protozoa.
 - Day 2 - Centrifugal sedimentation for trematodes, cestodes, coccidia, and nematodes.
 - Day 3 - Baermann technique for Strongyloides and lungworm.The dogs will be dewormed monthly by the operator for the remainder of the year.
- f. Guides must have current CPR certification.
- g. Guides must have current First Aid certification.
- h. Participation in an annual general information meeting for commercial operators is required.

TRANSPORTATION SERVICES

Water Taxi/Shuttle Service

Requirements:

- a. This may be a scheduled service to park trailheads. All other services will be on an unscheduled basis.
- b. Services will be limited to six (6) passengers or fewer per trip.
- c. Water taxi or shuttle service to Kettle Falls will be permitted as follows:
 1. Rainy Lake - Only on the days the concessioner does not have scheduled trips to Kettle Falls or if referred by the concessioner to a water taxi service on days with scheduled trips.
 2. Kabetogama Lake - Only when service is not available from any of the concessioners.
 3. Namakan Lake - Services are permitted anytime.
 4. Sand Point Lake - Services are permitted anytime.All other requirements of this section will apply to all lakes.
- d. Passengers may only be dropped off or picked up on a given trip, i.e., continuous round trip, guided tour, or scenic rides are not authorized under this service.
- e. Shuttle service may be advertised provided advertisements are approved in advance by the National Park Service.
- f. Boat operator must have current CPR certification.
- g. Guides must have current First Aid certification.
- h. Boat operators must be licensed by the U.S. Coast Guard for operation of "Uninspected" vessels ("Six Pack License").
- i. Holders may not solicit or board new passengers at park visitor centers, ranger stations, Kettle Falls, or any other points designated by the Superintendent.
- j. Participation in an annual general information meeting for commercial operators is required.

Boat Charter Service

Requirements:

- a. Services will not be provided on a regular and/or publicized schedule.
- b. Service is permitted only on Namakan and Sand Point Lakes.
- c. Boat operators must have current certification in CPR.
- d. Guides must have current First Aid certification.
- e. Boat operators must be licensed by the U.S. Coast Guard. Operation of "Uninspected" vessels and transporting six (6) or fewer passengers requires a "Six Pack License" while the AU.S. Coast Guard Masters License" is required to transport more than six (6) passengers.
- f. Transportation of more than six (6) passengers will be done in vessels meeting U.S. Coast Guard inspection requirements. Additional liability insurance between \$500,000.00 and \$1,500,000.00 is required.
- g. Holders may not solicit or board new passengers at park visitor centers, ranger stations, Kettle Falls, or any other points designated by the Superintendent.
- h. Participation in an annual general information meeting for commercial operators is required.

Aircraft Service

Requirements:

- a. Holder will comply with FAA recommendations, regulations and meet FAR Part 135 requirements.
- b. Holder must provide the park with copies of all aircraft and pilot licenses and registrations.
- c. Aircraft may not dock or operate within 500 feet of any of the park visitor centers.
- d. Holder will comply with park regulations involving aircraft (36CFR 2.17 and 7.33[c]).
- e. Participation in an annual general information meeting for commercial operators is required.

OTHER SERVICES

Marine Repair & Towing

Requirements:

- a. Equipment must be adequate to safely and professionally carry out responsibilities.
- b. Towed vessels must be unoccupied.
- c. Boat operator must be licensed by the U.S. Coast Guard for operation of "Uninspected" boats ("Six Pack License").
- d. Participation in an annual general information meeting for commercial operators is required.

Ice Fishing Shelter Rental

Requirements:

- a. Holder must comply with appropriate State and Federal laws and Authorization requirements.
- b. Ice blocks must be broken up as soon as they are cut to reduce hazards they impose upon other park users.
- c. Plowing of roads on ice surfaces require a Special Use Authorization, obtained in advance.
- d. All debris, refuse and other waste must be removed from the park.
- e. Participation in an annual general information meeting for commercial operators is required.

Resort Related Tour Boat Services

Requirements:

- a. This activity is authorized only as an incidental aspect of some other principle business activity located outside of park boundaries and is intended for the customers of that business.
- b. Services will not be provided on a regular and/or publicized schedule.
- c. Services will be limited to six (6) passengers or fewer at any one time.
- d. Holder may not solicit or board new passengers anywhere in the park.
- e. Tour vessel must leave from and return to principal business site.
- f. Advertising specifically for these services is not permitted.
- g. Boat operator must have current CPR certification.
- h. Guides must have current First Aid certification
- i. Boat operator must be licensed by the U.S. Coast Guard for operation of "Uninspected" boats ("Six Pack License").
- j. Participation in an annual general information meeting for commercial operators is required.

Houseboat Support Services

Requirements:

- a. Boat operator must comply with all U.S. Coast Guard requirements.
- b. Transportation and handling of food and alcohol must comply with State requirements
- c. Boat operations, fuel dispensing, fuel storage and spill containment must comply with State and Federal requirements.
- d. Participation in an annual general information meeting for commercial operators is required.

Barging/Hauling Services

Requirements:

- a. Boat operator must comply with all U.S. Coast Guard requirements.
- b. Boat operations, fuel dispensing, fuel storage and spill containment must comply with State and Federal requirements.
- c. Participation in an annual general information meeting for commercial operators is required.

Other

Requirements:

- a. Holder must comply with all appropriate State and Federal laws and Authorization requirements.
- b. Participation in an annual general information meeting for commercial operators is required.

NATIONAL PARK SERVICE VOYAGEURS NATIONAL PARK

COMMERCIAL USE AUTHORIZATION INSURANCE REQUIREMENTS

The types of activities authorized and party sizes determine the types and minimum amounts of liability coverage required by the National Park Service. Refer to the chart on the reverse for the specific coverage requirements that fit your operation. Several types of policies may be available to you. Minimum National Park Service requirements are listed on the reverse. PLEASE SHARE THIS INFORMATION WITH YOUR INSURANCE AGENT.

Comprehensive General Liability (Commercial General Liability) coverage, required for most activities authorized by Commercial Use Authorizations, is usually sold as a Guides & Outfitters (G&O) type of policy. The minimum required liability coverage for bodily injury is \$300,000 per occurrence; higher limits may be required for some activities.

- Aircraft Liability coverage is required for operators who fly clients into National Park Service areas. Minimum coverage for Part 135 Air Taxis and “incidental air” activities must conform to state and federal aviation requirements for air taxis. The current NPS minimum requirement is \$150,000 per passenger seat.
- Automobile Liability is required for all owned, non-owned and hired vehicles used in the operation within National Park Service areas, including tour buses.
- Watercraft Liability coverage is required for boating activities on waters within NPS areas. Depending on the size, ownership and use of the watercraft, this is covered by either a Protection and Indemnity (P&I) Liability Policy or by a Comprehensive General Liability policy (SEE ATTACHED CHART).
- Worker’s Compensation coverage as required by state law you employ one or more individuals.

The insurance policy must contain a waiver of subrogation clause specifying that the insurance company shall have no right of subrogation against the United States. If this is not possible, the U.S. Government, National Park Service must be named on the policy as an additional insured. Premiums are generally lower with the waiver approach. The certificate of insurance provides the NPS with proof this requirement is met.

The National Park Service should be listed as a certificate holder with the following address:

National Park Service
Voyageurs National Park
360 Highway 11 East
International Falls, Minnesota 56649-8802

Some insurance companies may prefer to fax a copy of your certificate to us at (218) 285-7407. A certificate of insurance is usually sufficient proof of coverage.

If you need any further information, contact the Chief Ranger at (218) 283-6650.

REQUIRED INSURANCE COVERAGE

| | |
|-------------------------------|--|
| ACTIVITIES: | Backpacking, Guided Hiking, Photography, Group Camping, Dog Sled Tours, Winter Backcountry Guide, Sportfishing without boat. |
| <u>PARTY SIZE</u> | <u>AMOUNT OF MINIMUM COVERAGE REQUIRED</u> |
| Any Party Size: | \$300,000/Occurrence |
| <u>INSURANCE TYPE:</u> | <i>Comprehensive General Liability (Guides & Outfitters)</i> |

| | |
|--|--|
| ACTIVITIES: | Touring, Tour Boats, Charter Boats, Cruise Ships, Sportfishing with boat |
| <u>PARTY SIZE</u> | <u>AMOUNT OF MINIMUM COVERAGE REQUIRED</u> |
| Up to 5 passengers: | \$300,000/Occurrence |
| 6 to 12 passengers: | \$500,000/Occurrence |
| 13 to 20 passengers: (motor vehicles) | \$750,000/Occurrence |
| 13 to 20 passengers: (other transportation) | \$1,000,000/Occurrence |
| 21 to 50 passengers | \$1,500,000/occurrence |
| <u>INSURANCE TYPE:</u> | Vessels - <i>Protection & Indemnity (P&I)</i> or <i>Comprehensive General Liability</i> (depending on size of vessel); other activities - <i>Comprehensive General Liability</i> . |

| | |
|-------------------------------|--|
| ACTIVITIES: | Air Taxi, Flightseeing. Use of aircraft to transport clients in conjunction with another authorized activity (“incidental air”) also requires aircraft liability insurance. |
| <u>PARTY SIZE</u> | <u>AMOUNT OF MINIMUM COVERAGE REQUIRED</u> |
| Any party size: | \$150,000/passenger seat |
| <u>INSURANCE TYPE:</u> | <i>Aircraft Liability</i> Required minimum coverage is Comprehensive General Liability of \$500,000/occurrence and Aircraft Liability insurance of \$150,000/per passenger seat. |

INSURING WATERCRAFT

Watercraft is insured under either a Protection and Indemnity (P&I) Liability Policy or a Comprehensive General Liability Policy. The determination of which policy is applicable depends on the size, ownership and use of the watercraft. This chart will help in the determination of which policy you should obtain:

| Length of Watercraft | Use | Required Coverage |
|---|--------------------------------|--|
| 26' and over | Any | P&I Policy |
| Less than 26' | Any | Must be listed on Comprehensive General Liability or have P&I Policy |
| Less than 26' | Carrying persons for a fee | Must be scheduled on Comprehensive General Liability or have a P&I Policy |
| Less than 26' | Not carrying persons for a fee | Included in Standard Liability Policy. Need not be listed separately. |
| Rented items such as tubes, rafts, snorkeling equipment, etc. | In Water | Included in Comprehensive General Liability Policy. Need not be listed separately. |

**NATIONAL PARK SERVICE
VOYAGEURS NATIONAL PARK**

**COMMERCIAL USE AUTHORIZATION
STATEMENT OF INSURANCE ~ PART I**

The holder shall purchase at a minimum the types and amounts of insurance coverage as stated herein. The following insurance coverages **are required** for approval of a Commercial Use Authorization by Voyageurs National Park. These coverages may either be in the basic policy, by endorsement, or by separate policies.

1. All the services and activities listed below must be covered by insurance policy/policies. The National Park Service will not be responsible for any omissions or inadequacies of insurance coverages and amounts if such prove to be inadequate or otherwise insufficient for any reason whatsoever.
2. Both the United States and the applicant must be named as insured "as their interests may appear" on the policy.
3. The policy/policies must specify that the insurance company shall have no right of subrogation against the United States as an additional insured. If a claim is filed, the applicant must periodically provide Voyageurs National Park with a copy of the Claims Status Report.
4. The policy/policies must provide comprehensive general liability insurance against claims occasioned by actions or omissions of the holder in carrying out the activities and operation authorized and must include a minimum required limit for liability coverage of \$300,000.00 per occurrence covering both bodily injury and property damage.
5. The policy/policies must also have liability coverage for Worker's Compensation.
6. The policy/policies must contain a Loss Payable Clause which requires the insurance company to pay proceeds to the applicant, not jointly to the applicant and the United States.
7. The Park will be provided thirty (30) days advanced written notice of any material change in the holder's insurance program.

STATEMENT OF INSURANCE ~ PART II

To be completed by applicant.

1. Business or Organization name: _____
Address: _____
Phone: _____
2. Owner's or manager's name: _____
Address: _____
Phone: _____
3. Describe clearly the commercial services or activities you wish to perform in the park:

STATEMENT OF INSURANCE ~ PART III

To be completed by applicant's insurance agent.

1. Preparing agency: _____
Address: _____
Contact Person: _____
Telephone: _____

2. Underwriter: _____

3. Policy expiration date: _____

| | Bodily Injury | | Property Damage |
|----------------|----------------|-----------|-----------------|
| | Per Occurrence | Aggregate | |
| Basic Coverage | \$ _____ | \$ _____ | \$ _____ |
| Umbrella | \$ _____ | \$ _____ | \$ _____ |
| Excess | \$ _____ | \$ _____ | \$ _____ |

5. The following additional coverages are provided in the amount of the basic coverage unless a different amount is stated below. Explain if limits, underwriter, or expiration date are different from basic policy.

- Product Liability \$ _____
- Protection and Indemnity (Watercraft) \$ _____
- Automobile \$ _____
- Worker's Compensation \$ _____

6. Policy Type:
- Current Occurrence
 - "New" Occurrence
 - "Claims Made"

7. Please check the following requirements which **must** be included in the policy/policies.

- The United States is listed as an additional insured.
- A Loss Payable Clause is included.
- Voyageurs National Park will be provided copies of Claims Status Reports.
- The foregoing coverages meet all the requirements for Liability Insurance set forth in Part I.
- Voyageurs National Park will be provided 30 days advance notice of any material change in the applicant's insurance program.

TO BE SIGNED BY THE INSURANCE REPRESENTATIVE:

(Signature)

(Title)

(Date)

This statement has been examined and, to the best of my knowledge, the coverages provided meet or exceed the stated requirements.

(Applicant)

(Date)

**NATIONAL PARK SERVICE
VOYAGEURS NATIONAL PARK**

**COMMERCIAL USE AUTHORIZATION
SURVEY**

Year: _____

This report must be submitted prior to January 31st of each year

MAIL OR FAX TO: **Chief Ranger
Voyageurs National Park
360 Highway 11 East
International Falls, MN 56649-8802
Fax - (218) 285-7407**

Holder/Company: _____

Address: _____

CUA Number: _____

Expiration Date: _____

1. What services do you provide to the park visitor?
2. How many trips did you make to the park this year?
3. Total amount of visitors brought to the Park (land/water) this year?

Cost per visit? \$ _____

4. How much time did your customers spend in the park each visit?

(Days/hours) _____

5. Is the park your primary or exclusive destination? Yes No
If No, please explain.

6. Is the park only incidental to the service you provide? Yes No
If the answer is yes, why?

What percentage of the activity actually takes place in the park overall? _____ %

7. What are the annual gross receipts generated as a result of being in the park?

8. How is the answer to #7 calculated?