



United States Department of the Interior
NATIONAL PARK SERVICE



Yellowstone National Park
P O Box 168
Mammoth, WY 82190

March 30, 2021

YELLOWSTONE NATIONAL PARK POLICY MEMORANDUM

SUBJECT: Commercial Use Authorization (CUA) Application Denial and CUA Revocation Standard Operating Procedures (SOP)

National Park Service Policy

The requirement for a Commercial Use Authorization (CUA) is derived from the current general regulations of the National Park Service found in 36 CFR Sections 1.5(d), 1.6 (a), and 5.3. In compliance with 36 CFR, the terms and conditions of the permit are included in the application package and must be agreed upon by each applicant, as evidenced by the applicant's signature.

Authority to revoke a permit is provided for via the signed statement on the permit. Failure on the part of the permittee to abide by the provisions of the permit is citable under 36 CFR Section 1.6 (g) and Section 5.3. and may result in revocation or denial.

Yellowstone National Park Procedures

Denial of CUA Application due to Inadequate Licensing or Documentation

Upon application for a CUA, submitted documents are reviewed. Inadequate or expired documentation may result in denial of a CUA. An applicant who has been denied will be notified, with stated reasons for denial. Applicants who are denied a CUA due to inadequate documentation may reapply at any time but may be subject to an additional non-refundable application fee.

Denial of CUA Application due to Past Criminal Violations

Upon application for a CUA, the applicant's criminal record for the previous three prior calendar years will be reviewed for violations within the Park. Individuals will not be issued a CUA if any of the following criteria or combination thereof is met:

- Payment of collateral, an accepted plea of nolo contendere, or a conviction in Federal or State court of no more than TWO (2) occurrences in the last three calendar years with NO occurrences in the last calendar year of a violation of resource protection or fisheries laws.
- Payment of collateral, an accepted plea of nolo contendere, or a conviction in Federal or State court of no more than TWO (2) occurrences in the last three calendar years with NO occurrences in the last calendar year of a violation of boating safety, equipment rules, or traffic laws.
- Payment of collateral, an accepted plea of nolo contendere, or a conviction in Federal or State court of any ONE (1) charge of a Boating Under the Influence (BUI) or Driving Under the Influence (DUI).
- Payment of collateral, an accepted plea of nolo contendere, or a conviction in Federal or State court on charges of any ONE (1) violation of controlled substance laws.
- Payment of collateral, an accepted plea of nolo contendere, or a conviction in Federal Court of TWO (2) charges of a violation of terms and conditions of past CUA permit conditions.

Individuals who meet any of the above criteria will not be issued a CUA. An applicant who has been denied will be notified via letter from the Chief Ranger, with stated reasons for denial. An applicant may appeal this by addressing an appeal in writing to:

Yellowstone National Park
Superintendent's Office
P O Box 168
YNP, WY 82190

Applicants who are denied a CUA due to past criminal violations may reapply at any time but are subject to an additional non-refundable application fee. Applications may be approved once the applicant does not meet the identified criteria for application denial.

Denial of Permit Application due to Previous Park-wide Ban

Individuals will not be issued a CUA if they have been banned from entering Yellowstone National Park at any point in time, even if the ban has expired. An applicant may appeal this by addressing an appeal in writing to:

Yellowstone National Park
Superintendent's Office
P O Box 168
YNP, WY 82190

Revocation of a Current CUA

A CUA may be revoked if any of the following occur during the time the CUA is valid, even if involving activity completely unrelated to the visitor service authorized under the CUA, depending on the egregiousness of the violation:

- Payment of collateral, an accepted plea of nolo contendere, or a conviction in Federal or State court of any charge(s) of a violation of resource protection or fisheries laws.
- Payment of collateral, an accepted plea of nolo contendere, or a conviction in Federal or State court of any charge(s) of a violation of boating safety or equipment rules, or traffic laws.
- Payment of collateral, an accepted plea of nolo contendere, or a conviction in Federal or State court of any charge(s) of a Boating Under the Influence (BUI).
- Payment of collateral, an accepted plea of nolo contendere, or a conviction in Federal or State court on charge(s) of any violation of controlled substance laws.
- Payment of collateral, an accepted plea of nolo contendere, or a conviction in Federal Court of charge(s) of a violation of terms and conditions of CUA contract.

Each case will be reviewed by the Chief of Business and Commercial Services, Chief Ranger, and the Law Enforcement Specialist. Each review will consider the actions of the CUA holder and its employees. The Chief Ranger's office will prepare a recommendation, supported by documentation, for the review and approval of the Superintendent. The permittee will be notified via a letter from the Superintendent should the CUA be revoked. Permittees may reapply for a CUA during the following permit cycle.

Suspension of Processing a CUA Application

In the event of pending charges for a CUA applicant, the park may suspend processing of the authorization or suspend the current permit until which time the case is resolved, depending on the nature of the offense.