

Yellowstone National Park



National Park Service
U.S. Department of the Interior

Commercial Use Authorization (CUA) Information and Application Package

Information and Application Package Contents

- I. Commercial Use Authorization Information and Instructions
- II. Sample Commercial Use Authorization
- III. Application for Commercial Use Authorization
- IV. Experience Questions*

(All applications must be type-written. Forms may be filled in on a computer and printed for mailing)

Commercial Use Authorization Information and Instructions

What is a Commercial Use Authorization (CUA)?

Public Law 105-391, Section 418, which was signed in 1998, provides for the issuance of Commercial Use Authorizations (CUA) to a private person, corporation, or other entity to provide suitable commercial services for park area visitors. Commercial activities are generally prohibited in National Parks unless authorized by a CUA or concession contract. Prior to 2006, an Incidental Business Permit was used to authorize the type of activities that are now authorized under a CUA.

What types of activities are authorized in Yellowstone National Park under a CUA?

- Day Hiking
- Painting & Photography
- Motorized Boating
- Non-motorized boating
- Biking
- RV Appliance Repair
- Water Access
- Overnight Backcountry Trips
- Road-based Transportation
- Towing
- Skiing/Snowshoeing
- Stream and Shoreline Fishing
- Locksmith

What are the general requirements for the issuance of a CUA?

- The authorization is issued to a qualified operator to permit the provision of suitable commercial services to park area visitors. (A qualified operator is a person that the superintendent determines has the ability to satisfactorily provide visitor services and carry out the terms of the CUA.)
- The superintendent determines that commercial services: (a) will have minimal impact on park area's resources and values; (b) are consistent with the purposes for which the park area was established; and, (c) are consistent with all applicable park area management plans, policies, and regulations.

For what length of time is a CUA issued? CUAs are issued for a two-year period.
Application period – October 1 – March 1 each year.

What are the fees for a CUA?

An annual fee of \$300 for each service category is due when the CUA is issued.

Additional fee – A percentage of gross receipts will be due by January 31 each year with the year-end financial statement. The additional fee is due January 31, 2015.

- Businesses with gross receipts of \$125,000 or less pay 2% of gross receipts.
- Businesses with gross receipts between \$125,001 and \$250,000 pay 3% on the amount exceeding \$125,000 in addition to the prior amount.
- Businesses with gross receipts between \$250,001 and \$499,999 pay 4% on the amount exceeding \$250,000 in addition to the two prior amounts.
- Businesses with gross receipts of more than \$500,000 or more pay 5% on the amount exceeding \$500,000 in addition to the three prior amounts.

“Gross receipts” means the total amount of all revenues received from services offered within Yellowstone National Park, excluding services provided by other concessioners. Those services might include transportation, lodging & meals. Services conducted outside the park are not included in the gross receipts amount when calculating the assessed fee.

How are fees determined?

The above fees are based on an estimate of the Park’s costs per CUA. CUA fees are subject to change in the future if the park’s costs for managing and administering this program changes.

Why does the park charge a fee for a CUA?

National Park Service Policy requires the Superintendent to charge a reasonable fee for CUA’s. The park retains these fees to help pay for the cost of the CUA program including administration, evaluations, monitoring and training.

What are the insurance requirements?

- General liability insurance \$1,000,000 minimum coverage limits
- Commercial Automobile liability insurance* \$300,000 (vehicle capacity 5 passengers or less)
*Required if you transport clients
within park boundaries \$500,000 (vehicle capacity 6 to 12 passengers)
\$750,000 (vehicle capacity 13 to 20 passengers)
\$1,500,000 (vehicle capacity 21 to 50 passengers)

- Other insurance Other insurance may be required for specialized types of activities and is specified in the CUA conditions.
- Additional insured requirement The U.S. Government (*National Park Service, Yellowstone National Park, P.O. Box 168, must be listed as an additional insured.*)

What are the other CUA requirements?

- The holder must comply with all of the general and specific conditions described in the sample CUA included in this application package. You should familiarize yourself with these conditions before applying for a CUA.
- The holder must comply, review and sign the specific operating plans for each service category.
- The holder must complete and submit a monthly Commercial Use Authorization Park Use Report to the Concessions Management Specialist by the 4th day of each month. “No use” reports are not required.
- The holder must complete and submit a Commercial Use Authorization Annual Park Use Report to the Concessions Management Specialist by January 31 of each year, for business you conducted in the Park the preceding year.

How long does it take to obtain a CUA?

You should anticipate that you will receive the issuance of a CUA from December 1 to April 1 of the issuing year (depending on when you submitted your application). The actual time required for issuance is a minimum of 30 days. Delays often occur because all the required paperwork is not returned promptly or because there are errors or omissions in items submitted.

How do I obtain a CUA?

#1. Understand the CUA requirements, general and specific conditions before you apply

- Review these instructions and the sample CUA carefully to make sure you understand the CUA requirements.
- Contact Concessions Management Specialist Sue Williams with any questions;
Telephone: (307) 344-2671
Email: Sue_f_Williams@nps.gov

#2. Apply for the CUA

In order to apply for a CUA, you should submit the following items:

- Application for Commercial Use Authorization
- Application Questions and Statement of Experience
 - **Forms must be filled in on a computer and can be emailed as an attachment, or printed for mailing**

**Mail forms to:
Yellowstone National Park
P.O. Box 168
Yellowstone National Park, WY 82190**

Attention: Sue Williams

- #3. If NPS approves the CUA, you need to provide the following items to the Park:**
- Payment of \$300 paid through *pay.gov* (instruction booklet on the NPS website)
 - Commercial Use Authorization: Pages 1 and 2 of the CUA with your signature.
 - Signed Operating Plans for each service category for which you are applying.
 - Certificate of Insurance documenting that the required coverage is in force and listing Yellowstone National Park as an additional insured (The ACCORD certificate is a standard form used by the insurance industry).
 - Acknowledgement of Risk form (sample shown on the website).
 - Advertising – website addresses for the business activities you will conduct in the Park.
 - A list of guides and expiration dates of first-aid/CPR certification for each.

A copy of the CUA will be returned to you for your records.

- #4.** You are not authorized to begin providing commercial services in the Park until you receive the CUA that has been approved by the Superintendent, and your requested guide cards.
- #5. Review your CUA**
Review the CUA conditions before you begin conducting business in the Park and make sure that your employees are also familiar with the CUA conditions.
- #6. Begin providing commercial services in the Park.**

What are my responsibilities as a CUA holder?

- **Carry a copy of your signed CUA and guide card** while you are working in Yellowstone National Park.
- **Comply with all CUA conditions.**

Your CUA may be revoked and/or you may become ineligible for issuance of a new CUA if you fail to comply with the CUA conditions.

- **Keep good records for the Monthly Use Reports and the CUA Annual Report**
 - Submit the monthly use report; use only this form. This is a fillable report and needs to be filled out on-line. Please do not recreate this form.
 - Review the Commercial Use Authorization Annual Report and familiarize yourself with the information you will need to submit later.
 - Keep good records during the year to make it easy to complete your report at the end of the year.

- **Submit the CUA Annual Report**

Submit the Commercial Use Authorization Annual Report by January 31 for the preceding year. If you fail to return this Report, you may lose your CUA and/or become ineligible for issuance of a new CUA.

- **Submit insurance documents when policies change or renew.**

You are responsible for submitting new certificates of insurance whenever policies for the required coverage changes or the policies renew. Although your insurance company should send certificates automatically to the park as an additional insured, you must make sure that new certificates have been mailed to the park.

- **Update CUA Application Form as needed**

Submit a new CUA Application form to the Concessions Management Office if any of the following change during the term of your CUA:

- Business name
- Business or individual name, address, telephone numbers
- Guide, employee, or associated business information
- Business changes in ownership
- Vehicle information

- **Who do I contact with questions?**

Sue Williams
Concessions Management Specialist
Telephone (307) 344-2671
Email: sue_f_williams@nps.gov

Does a non-profit organization need to obtain a CUA?

- A **non-profit organization** is not required to obtain a CUA to conduct activities in a park area even if the activities would otherwise be subject to authorization by a CUA if the non-profit organization does not derive taxable income from the activities.
- A non-profit organization is required to obtain a CUA or other appropriate authorization as may otherwise be required by applicable NPS policies and regulations when engaging in activities on park area lands. Note that 36 CFR 5.3, in the absence of special regulations, prohibits engaging in or soliciting any business in park areas except in accordance with a permit, contract, or other written agreement.

