

United States Department of the Interior

NATIONAL PARK SERVICE

Yosemite National Park P. O. Box 577 Yosemite, California 95389

Memorandum

To: Ruth Middlecamp, Project Manager, Yosemite National Park

From: Superintendent, Yosemite National Park

Subject: NEPA and NHPA Clearance: 2012-017 Commercial Use Authorization - Step-On Guide

Service (41523)

The Executive Leadership Team has reviewed the proposed project/action and completed its environmental assessment documentation, and we have determined that there:

- Will not be any effect on threatened, endangered, or rare species and/or their critical habitat.
- Will not be any effect on historical, cultural, or archeological resources.
- Will not be serious or long-term undesirable environmental or visual effects.

The subject proposed project, therefore, is now cleared for all NEPA and NHPA compliance requirements as presented above. Project plans and specifications are approved and construction and/or project implementation can commence.

For the proposed project actions to be within compliance requirements during construction and/or project implementation, the following mitigations must be adhered to:

No mitigations identified.

For complete compliance information see PEPC Project 41523.

//Don L. Neubacher//

Don L. Neubacher

Enclosure (with attachments)

cc: Statutory Compliance File

The signed original of this document is on file at the Environmental Planning and Compliance Office in Yosemite National Park.



Yosemite National Park Date: 07/13/2012

Categorical Exclusion Form

Project: 2012-017 Commercial Use Authorization – Step On Guide Service

PEPC Project Number: 41523

Project Description:

The Commercial Use Authorization (CUA) is a tool required by the National Park Service to regulate and oversee the commercial use of National Park Service lands, not regulated under a Concessions Management contract. This CUA, also known as a permit, is issued to companies or individuals conducting commercial step-on guiding services in Yosemite National Park. This service is offered to commercial and private tour groups and individuals conducting road based tours of the park. The guide must insure that the information provided to park visitors is accurate and reflects the most current information available to depict park flora, fauna, culture and history. This CUA does not authorize the guide to conduct transportation services in the park. The permitted activity is to be conducted only in those areas of Yosemite National Park open to the public and authorized by the CUA. The CUA holder is required to obtain any additional permits or license required by law.

Project Locations:

Mariposa and Tuolumne Counties

Mitigations:

No mitigations identified.

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):

A.6 Commercial use licenses involving no construction.

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 (e.g. 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.

_//Don L. Neubacher//	_//8/1/12//	
Don L. Neubacher	Date	

The signed original of this document is on file at the Environmental Planning and Compliance Office in Yosemite National Park.



ENVIRONMENTAL SCREENING FORM (ESF) DO-12 APPENDIX 1

Date Form Initiated: 06/27/2012

Updated May 2007 - per 2004 Departmental Manual revisions and proposed Director's Order 12

changes

A. PROJECT INFORMATION

Park Name: Yosemite National Park

Project Title: 2012-017 Commercial Use Authorization - Step-On Guide Service

PEPC Project Number: 41523

Project Type: Permit - Commercial Use Authorization (CUP)

Project Location:

County, State: Mariposa & Tuolumne Counties, California

Project Leader: Ruth Middlecamp

Is project a hot topic (controversial or sensitive issues that should be brought to attention of Regional Director)? No

B. RESOURCE EFFECTS TO CONSIDER:

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
1. Geologic resources – soils, bedrock, streambeds, etc.	No				
2. From geohazards	No				
3. Air quality	No				
4. Soundscapes	No				
5. Water quality or quantity	No				
6. Streamflow	No				

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
characteristics					
7. Marine or estuarine resources	No				
8. Floodplains or wetlands	No				
9. Land use, including occupancy, income, values, ownership, type of use	No				
10. Rare or unusual vegetation – old growth timber, riparian, alpine	No				
11. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat	No				
12. Unique ecosystems, biosphere reserves, World Heritage Sites	No				Yosemite National Park is a World Heritage Site.
13. Unique or important wildlife or wildlife habitat	No				
14. Unique or important fish or fish habitat	No				
15. Introduce or promote non-native species (plant or animal)	No				

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
16. Recreation resources, including supply, demand, visitation, activities, etc.	No				
17. Visitor experience, aesthetic resources	No				
18. Archeological resources	No				Permit holder will not allow employees or clients to disturb or remove from the park any natural and/or historic and/or cultural artifacts.
19. Prehistoric/historic structure	No				
20. Cultural landscapes	No				
21. Ethnographic resources	No				
22. Museum collections (objects, specimens, and archival and manuscript collections)	No				
23. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure	No				
24. Minority and low income populations, ethnography, size, migration patterns, etc.	No				

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
25. Energy resources	No				
26. Other agency or tribal land use plans or policies	No				
27. Resource, including energy, conservation potential, sustainability	No				
28. Urban quality, gateway communities, etc.	No				
29. Long-term management of resources or land/resource productivity	No				
30. Other important environment resources (e.g. geothermal, paleontological resources)?	No				

C. MANDATORY CRITERIA

Mandatory Criteria: If	Yes	No	N/A	Comment or Data Needed to Determine
implemented, would the				
proposal:				
A. Have significant impacts on		No		
public health or safety?				
B. Have significant impacts on		No		
such natural resources and unique				
geographic 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				

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?				
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?		No		
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		No		
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		No		
F. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		No		
G. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office?		No		
H. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		No		
I. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?		No		
J. Have a disproportionately high and adverse effect on low income		No		

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
or minority populations (Executive Order 12898)?				
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		No		
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		No		

D. OTHER INFORMATION

- 1. Are personnel preparing this form familiar with the site? Yes
- **1.A.** Did personnel conduct a site visit? No
- 2. Is the project in an approved plan such as a General Management Plan or an Implementation Plan with an accompanying NEPA document? No
- 3. Are there any interested or affected agencies or parties? No
- 4. Has consultation with all affected agencies or tribes been completed? No
- 5. Are there any connected, cumulative, or similar actions as part of the proposed action? (e.g., other development projects in area or identified in GMP, adequate/available utilities to accomplish project) No

E. INTERDISCIPLINARY TEAM SIGNATORIES

Interdisciplinary Team	Field of Expertise
Don L. Neubacher	Superintendent
Woody Smeck	Deputy Superintendent
Michael Gauthier	Chief of Staff
Kathleen Morse	Chief of Planning
Randy Fong	Chief of Project Management
Teri Austin	Chief of Administration Management
Ed Walls	Chief of Facilities Management
Linda C. Mazzu	Chief of Resources Management & Science
Tara Riggs	Chief of Business and Revenue Management
Tom Medema	Chief of Interpretation and Education
Charles Cuvelier	Chief of Visitor and Resource Protection
Ruth Middlecamp	Project Leader
Ann Roberts	Acting Environmental Planning and Compliance Program
	Manager
Renea Kennec	NEPA Specialist

F. SUPERVISORY SIGNATORY

Based on the environmental impact information contained in the statutory compliance file and in this environmental screening form, environmental documentation for this stage of the subject project is complete.

Recommended:

//Don L. Neubacher//_

Compliance Specialists	Date
Renea Kennec// Compliance Specialist – Renea Kennec	
//Ann Roberts// Acting Compliance Program Manager – Ann Roberts	_//7/23/12//
//Randy Fong// Chief, Project Management – Randy Fong	_//7-27-12//
Approved:	
Superintendent	Date

//8/1/12//_

Don L. Neubacher	

The signed original of this document is on file at the Environmental Planning and Compliance Office in Yosemite National Park.



PARK ESF ADDENDUM

Yosemite National Park

Date: 07/13/2012

Today's Date: July 13, 2012

PROJECT INFORMATION

Park Name: Yosemite National Park

Project Title: 2012-017 Commercial Use Authorization - Step-On Guide Service

PEPC Project Number: 41523

Project Type: Permit - Commercial Use Authorization (CUP)

Project Location:

County, State: Mariposa & Tuolumne Counties, California

Project Leader: Ruth Middlecamp

PARK ESF ADDENDUM QUESTIONS & ANSWERS

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
SPECIAL STATUS SPECIES CHECKLIST		1		ı
Listed or proposed threatened or endangered species (Federal or State)?		No		
Species of special concern (Federal or State)?		No		
Park rare plants or vegetation?		No		
Potential habitat for any special-status species listed above?		No		
NATIONAL HISTORIC PRESERVATION ACT	CHE	CKL	IST	
Entail ground disturbance?		No		
Are any archeological or ethnographic sites located within the area of potential effect?	Yes			This CUA is applicable parkwide; the park's resources have been documented.
Entail alteration of a historic structure or cultural landscape?		No		
Has a National Register form been completed?			N/A	
Are there any structures on the park's List of Classified Structures in the area of potential effect?		No		
WILD AND SCENIC RIVERS ACT CHECKLIST	Γ			
Fall within a wild and scenic river corridor?	Yes			Merced and Tuolumne Rivers

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes		
Fall within the bed and banks AND will affect the free-flow of the river?		No				
Have the possibility of affecting water quality of the area?		No				
Remain consistent with its river segment classification?	Yes					
Fall on a tributary of a Wild and Scenic River?	Yes			Parkwide		
Will the project encroach or intrude upon the Wild and Scenic River corridor?		No				
Will the project unreasonably diminish scenic, recreational, or fish and wildlife values?		No				
Consistent with the provisions in the Merced River Plan Settlement Agreement?	Yes					
WILDERNESS ACT CHECKLIST						
Within designated Wilderness?		No				
Within a Potential Wilderness Addition?		No				

Form 10-114 (CUA) Rev. 1/2004

UNITED STATES DEPARTMENT OF THE INTERIOR

National Park Service

YOSEMITE NATIONAL PARK

Commercial Use Authorization 20## Commercial Guiding Step-On Guide Service

1. Holder (Fill in information below. Please print legibly.)						
↓NAME (Authorized Agent)	Park Alpha Code: YOSE					
↓ORGANIZATION/COMPANY	Type of Use: Visitor S	<u>services</u>				
↓MAILING ADDRESS	Permit #: 8800-##-	(Official Use Only)				
WIAILING ADDRESS		Approved <u>07/2012</u>				
↓TELEPHONE NUMBER ↓ FAX NUMBER		(PEPC # <u>41523</u>) Reviewed <u>12</u> /2011 Expires <u>01</u> /20##				
2. The holder is hereby authorized to use the following	lescribed land or facilities in th					
Areas within Yosemite National Park designated	by the attached permit.					
3. The authorization begins on JANUARY 31, 20##						
4. The authorization expires after JANUARY 31, 20## .						
5. SUMMARY OF AUTHORIZED ACTIVITY: (see att The Holder is authorized to conduct Step-On Gui		ormation and conditions)				
(Guided rock climbing is not authorized under this		ns #22.)				
XX Out- of- Park: The visitor services described aboundaries of the park area. This authorization does not a collect fees, or sell any goods or services within the boundaries	uthorize the holder to advertise					
In-Park: The visitor services described above muboundaries of the park area.	st originate and be provided so	olely within the				
6. Authorizing legislation or other authority: Section 418, P.L. 105-391: 16 USC 5966; 36 CFR Parts 1-7 7. NEPA Compliance: CATEGORICALLY EXCLUDED X EA/FONSI EIS OTHER APPROVED PLANS 8. NHPA Section 106 Compliance: No Effect No Adverse Effect, pursuant to Special Conditions: 29B, 30A & 37G. 9. APPLICATION FEE Received Not Required Amount 50.00 for new applications 10. LIABILITY INSURANCE: Required X Amount 1,000,000 minimum (reference page 2, paragraph 4 of permit) 11. COST RECOVERY: Required X Amount 350.00 12. FACILITY USE FEE: Required NA Not Required X Amount 4 Amount 5						
ISSUANCE of this authorization is subject to the attac authorization subject to the terms, covenants, obligations, (*This permit is not valid until signed by the Superinten	and reservations, expressed or	r implied herein.				
13. Signatures.						
Authorization Holder: ()					
Signature	(Print Name)	Title Date				
Authorizing NPS Official:						
Signature (Chief of Business and F	Revenue Management Div. for Superi	intendent) Date				

CONDITIONS OF THIS AUTHORIZATION

- 1. <u>False Information</u>: The Holder is prohibited from knowingly giving false information, to do so will be considered a breach of conditions and be grounds for revocation: [RE:36 CFR 2.32(a)(3)].
- 2. <u>Legal Compliance</u>: The Holder shall exercise this privilege subject to the supervision of the park area Superintendent, and shall comply with all applicable laws and regulations of the area and terms and conditions of the Authorization. The Holder must acquire all permits or licenses of State or local government, as applicable, necessary to provide the services described above, and, must operate in compliance with all applicable Federal, State, and local laws and regulations, including, without limitation, all applicable park area policies, procedures and regulations. The commercial services described above are to be provided to park area visitors at reasonable rates and under operating conditions satisfactory to the park area Superintendent.
- 3. <u>Liabilities & Claims</u>: This Authorization is issued 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 (Holder), 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 (Holder) in connection herewith, and the (Holder) 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.
- 4. <u>Insurance</u>: Holder agrees to carry **commercial general liability** insurance against claims occasioned by the action or omissions of the Holder, its agents and employees in carrying out activities and operations under this authorization. The policy shall be in the amount of, not less than \$1,000,000.00 per occurrence, covering both bodily injury and property damage, and underwritten by a United States company naming the "United States of America" (National Park Service, Yosemite National Park, P.O. Box 700, El Portal, CA 95318) as "Additional Insured".
 - a) If the Holder operates a motor vehicle used to transport clients, the Holder shall also obtain the following coverages at the same limits as required for the comprehensive general liability insurance unless other limits are specified:
 - (i) Automobile Liability To cover all owned, non-owned and hired vehicles by the Holder; Comprehensive Automobile Liability as required by the State of California and/or the U.S. Dept. of Transportation.

(Vehicle Coverage for Passenger Carriers; base on Federal Motor Carrier Safety Administration regulations)

- (1) \$1,500,000 per occurrence for any vehicle with capacity of fifteen (15) passengers or less.
- (2) \$5,000,000 per occurrence for any vehicle with a capacity of sixteen (16) passengers or more.
- (3) Carriers operating only within the State of California are required to, at least, meet the minimum insurance requirements set by the California Public Utility Commission.

The Holder shall provide insurance coverage based upon the largest capacity vehicle it will operate in the Park. The Superintendent reserves the right to revise the minimum required limits.

If claims reduce available insurance below the required per occurrence limits, the Holder shall obtain additional insurance to restore the required limits. An umbrella or excess liability policy, in addition to a comprehensive general liability policy, may be used to achieve the required limits.

b) Holder agrees to have on file with the park copies of the above insurance with the proper endorsements.

- 5. <u>Cost Recovery</u>: Cost incurred by the park as a result of accepting and processing the application and managing and monitoring the authorized activity will be reimbursed by the Holder. Administrative costs and estimated costs for activities on site must be paid when the Authorization is approved. If any additional costs are incurred by the park, the Holder will be billed at the conclusion of the Authorization.
- **6.** <u>Benefit</u>: Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this Authorization or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the Authorization be for the benefit of such corporation.
- 7. <u>Transfer of Authorization</u>: This Authorization may not be transferred or assigned without the written consent of the park area Superintendent.
- **8**. <u>Termination of CUA</u>: This Authorization may be terminated upon breach of any of the conditions herein or at the discretion of the Superintendent.
- 9. <u>Renewal/Exclusion</u>: The Holder is not entitled to any preference to renewal of this Authorization except to the extent otherwise expressly provided by law. This Authorization is not exclusive and is not a concession contract.
- **10.** <u>Rates</u>: The commercial services described above are to be provided to park area visitors at reasonable rates and under operating conditions satisfactory to the park area superintendent.
- **11**. **Construction**: The Holder shall not construct any structures, fixtures or improvements in the park area. The Holder shall not engage in any groundbreaking activities without the express, written approval of the park area superintendent.
- 12. Report of Gross Receipts: The Holder is to provide the park area superintendent upon request (and in any event, immediately after expiration of this Authorization) a statement of its gross receipts from its activities under this Authorization and any other specific information related to the Holder's operations that the park area superintendent may request, including but not limited to, visitor use statistics and resource impact assessments. (See conditions # 47.)
- 13. <u>Accounting System</u>: The Holder is to maintain an accounting system under which its accounts can be readily identified with its system of accounts classification. This accounting system must be capable of providing the information required by this Authorization. The Holder grants the United States of America and the General Accounting Office access to its books and records at any time for the purpose of determining compliance with the terms and conditions of this Authorization.
- 14. Acknowledgement of Risk (Release of Liability): NPS policy states that operators cannot require visitors (clients) to waive their right to hold CUA holders responsible for actions. The Holder is not permitted to require clients to sign a waiver of liability statement or form, insurance disclaimer and/or indemnification agreement. The Holder is permitted to request or require clients to sign an acknowledgement of risk statement or form prior to participation. The Holder may require or request a client sign a form or statement indicating that the client has certain prerequisite skills that may be required to participate in the commercial activity. If the Holder uses an acknowledgement of risk form, a current copy of the form must be sent to the Office of Special Park Uses for written approval prior to issuance of the CUA. A CUA will not be approved if the Acknowledgement of Risk for is not approved by the park. A sample Acknowledgement of Risk form may be obtained by contacting the Office of Special Park Uses at 209-379-1851 or by going to the park website http://www.nps.gov/yose/planyourvisit/permits.htm.

APPENDIX

SPECIAL PARK CONDITIONS (Step-On Guide Service)[PEPC #2####]

Regulations: Reference copies of the <u>Yosemite National Park 36 C.F.R. 1.7(b) Compendium</u> is available on the internet at http://www.nps.gov/yose/parkmgmt/lawsandpolicies.htm. The <u>Wilderness Management Plan</u> (approved 1989) is available from the Research Library. (209-372-0280). A copy of 36 CFR Part 1 to 199 may be found on the internet at: http://home.nps.gov/applications/npspolicy/getregs.cfm.

DEFINITIONS:

[Holder]: For the purpose of this Authorization the word "Holder" shall include employees and/or agents of the company issued this Authorization.

{<u>Authorization/Permit</u>}: The terms "Authorization" and "Permit" shall be used interchangeably in reference to the Commercial Use Authorization.

<u>{Commercial Transportation}</u>: For the purpose of this Authorization the term "Commercial Transportation" shall mean the transportation by the Holder of any client, by any motor vehicle owned, operated or hired by the Holder, within areas of Yosemite National Park, whether, or not, it is incidental to the commercial operation.

{Backpacking/Backpacker}: For the purpose of this Authorization the term(s) "Backpacking" and or "Backpacker" refer to the use of the backcountry by any person or group for trips which occur overnight and where a Yosemite Wilderness Permit is required.

{<u>Day Hike/Day Hiker/ Hiker</u>}: For the purpose of this Authorization the term(s) "Day Hike", "Day Hiker" and or "Hiker" refers to the use of the frontcountry and/or backcountry by any person or group for day trips only, and where a Yosemite Wilderness Permit is not required.

Frontcountry: For the purpose of this Authorization the term frontcountry is defined as those areas and trails outside of developed areas, such as road side vistas or developed visitor facilities and/or walkways, e.g. the Yosemite Village area.

[Backcountry]: For the purpose of this Authorization the term backcountry is defined as those areas designated as Wilderness and/or areas where wilderness use permits are required and/or where backcountry/wilderness regulations apply, e.g. the Mist Trail or Four Mile Trail.

<u>Commercial Bus</u>: For the purpose of this authorization the term "Commercial Bus" shall mean any type of commercial transportation service provided to Park Area visitors where passengers are conveyed into and/or out of the Park Area by motor vehicle for a direct to indirect fee or charge and, except for onboard interpretative services, no other services are provided. This definition includes, but is not limited to sedans, SUVs, mini-vans, vans, mini-buses, motor coaches, taxis and limousines used for commercial transportation services. This definition does not allow for guided hiking, backpacking or bicycling activities conducted by the Holder.

<u>Commercial Tour</u>: For the purpose of this authorization the term "Commercial Tour" shall consist of one or more persons traveling on an itinerary that has been packaged, priced or sold for leisure/recreational purposes by an organization that realizes financial gain through the provision of the service. (Tours involving guided hiking, backpacking, photography workshops or bicycling activities are required to obtain a separate CUA for those activities.)

<u>Private Charter Tour</u>: For the purpose of this authorization the term "Private Charter and/or Private Charter Tour" shall mean a private, non-commercial, non-profit tour. The tour must be initiated and planned by private individual and/or group and must be operated on a not-for-profit basis. The use of a commercial bus for transportation of the private charter group does not constitute a "commercial tour". <u>Tour Group:</u> Unless otherwise specified, for the purpose of this authorization the term "Tour Group" shall mean any group of passengers, private or commercial, using any mode of commercial transportation to travel in Yosemite National Park.

The Step-On Guide Service CUA allows the Holder to conduct road based tour guiding services for bus companies and private individuals or organizations. The Holder is not permitted to transport clients in any vehicle while operating under this permit unless the Holder also holds a valid Commercial Transportation CUA and the vehicle is registered with the California Public Utilities Commission. The Holder must also be issued a Hiking/Backpacking CUA to conduct guided overnight stays in the Yosemite wilderness or conduct day hike trips along park backcountry trails. While the guide is not responsible for the operation of the transporting vehicle, unless they are the operator; the guide must be familiar with Park regulations regarding vehicle length restriction, bus parking and passenger loading and unloading. The Holder is responsible for the actions of their clients while they are out of the vehicle and participating in the guided activity.

This permit is only applicable for, use of the area(s), the activities and terms designated in this permit.

- **15.** <u>Carry Permit:</u> The Holder is required to carry a valid copy of this Authorization or, a copy of the valid "Field Guide Permit", if issued, while conducting guiding services within the Park.
- **16.** <u>Use Limits</u> It is expressly understood that the Superintendent may impose public use limits based upon his authority stated in Title 36 of the Code of Federal Regulations, Section 1.5. (Under adverse weather, high water and fire conditions, the Superintendent may temporarily suspend this permit until the situation improves.)
- 17. <u>Compliance</u> —The Holder shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with all applicable regulations of the area. The Holder and all participants authorized herein must comply with all of the conditions of this Authorization including all exhibits, amendments, or written directions of the Park Superintendent. The Holder will comply with any special instructions received from the Superintendent, or representative thereof, both written and or verbal, concerning operations within Yosemite National Park.
- **18.** <u>Acknowledgement</u> In accepting this Authorization, the Holder acknowledges that the proposed activity, in order to qualify for a Commercial Use Authorization (CUA), must bear a direct relationship to the purpose for which the Park was established; *for example*, visitor understanding and enjoyment of the Park. Even though the activity may be primarily recreational in nature, the Holder agrees to provide time, stops, and talks to accurately explain the natural ecosystems, history and culture within the Park, to their clientele.
- **19.** <u>Business/Revenue Base</u> It is understood that the Holder shall not develop a business based on revenues generated through visiting Yosemite National Park.
- **20.** <u>Solicitation</u> This Authorization does not permit the Holder to advertise, solicit business, collect any fees, or sell any goods or services on lands owned and controlled by the United States.
- **21.** Advertising Advertising for the authorized activity (CUA) shall not state or imply endorsement by the National Park Service or Yosemite National Park. Commercial photography or commercial filming, within the Park, may require a separate filming permit and must be approved by the Superintendent. (Contact the Office of Special Park Uses for information.)
- 22. Additional Permits It is the responsibility of the Holder to obtain any additional permits for activities not covered under this CUA. (Note) Guided commercial and/or organized group bicycle tours, and guided commercial and/or organized climbing or climbing lessons are not activities permitted by Yosemite National Park. Groups wishing to offer guided climbing activities for their clients should contact the park concession service's Mountaineering School at 209-372-8344 or 8435. For information regarding additional permits or permitted tour activities contact (209) 379-1851.

- 23. Entrance Fees Holder agrees to pay all applicable entrance fees in effect at the time of arrival at the Park entrance station or designated fee collection site. The Park entrance fee for a commercial vehicle is ten (10) dollars per person over the age of fifteen (15) and allows for a seven (7) consecutive day visit. Company guides will not be charged the entrance fee when entering for purposes of conducting the activity authorized under this CUA. Clients entering in their person vehicles will be charged the \$20 private vehicle rate. Attempting to avoid payment of appropriate fees is a violation of federal law. Any attempt at fee fraud will result in the revocation of this Authorization and the Holder will be subject to criminal prosecution.
- **24.** <u>Harassment of NPS Employees</u> Any harassment and/or threats to any National Park Service employee by the Holder will result in the suspension and/or revocation of this Authorization.
- **25.** <u>Safety</u> The Holder shall take every reasonable precaution to ensure the safety of its clients, its employees, other Park visitors, and Park employees
- **26.** <u>Damage</u> The Holder shall pay the United States Government for any damage(s) resulting from this special use which would not reasonably be inherent in the use which the Holder is authorized to make, as described in this Authorization.
- **27.** Addition of Clients: Additional customers may not be added to the tour while the Holder is in the Park. All bookings and financial transactions must take place outside of the Park.
- **28.** <u>Visitor Information</u> Information provided through tour leaders, brochures, literature or advertising will insure that the information that is provided to Park visitors is accurate and reflects the most current information available to depict Park flora, fauna, culture and history. (Information may be found on the internet at http://www.nps.gov/yose/index.htm.)

29. Employee - Agent Responsibility

- **A.**) Guides must be the direct employees of the CUA Holder. Guides must be a minimum of eighteen (18) years old. The Holder shall ensure that their guides possess the knowledge, skills and experience necessary to safely lead groups on day trips into the Park. The Guides must have experience in the areas in which they guide. Guides, leading clients into the Park must understand the hazards involved and be properly trained and prepared for conditions and situations, which may be encountered.
- **B.)** The Holder shall train their employees and educate their clients to ensure that the Park's geological, biological, historical and archeological resources are not disturbed. The Holder is responsible for informing their employees and clients of Park regulations and assuring compliance on full service trips. The Holder shall insure that all employees and clients entering the Park are informed of all applicable "Special Park Conditions" of this Authorization. The company may be cited for any violations committed by their employee(s). (The Holder is responsible for the actions of its client(s) while they are under the direction of the guide.)
- 30. (Regarding Supervision/Compliance: Common regulations include, but are not limited to the following.
 - A.) <u>Protection of Natural Resources & Cultural Artifacts (Historic and Prehistoric)</u> Holder will not allow employees or clients to disturb or remove from the Park any natural and/or historic and/or cultural artifacts including arrowheads, rock mortars, glass bottles/jars or similar artifacts. Rocks, flowers, plants and parts of plants (alive or dead) as well as other natural resources may not be removed.
 - B.) <u>Construction</u> No structures may be built, including rock walls, trenches, new fire rings or trail markers, such as cairns or ducks; this also includes balanced rocks.
 - C.) <u>Food Storage</u> Food must be stored properly when left in vehicles during day use activities. Food must be stored out of sight with windows completely closed. Food may not be left in an open top truck bed or cargo racks. Food may not be left out, unattended while being prepared or eaten.

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- D.) <u>Sanitation</u> In non-developed areas, human waste must be disposed of at least one hundred (100) feet from any water source, (including seasonal dry creek beds, etc.) high water mark of any body of water, campsite, or trail and must be buried six (6) inches deep in the soil.
- E.) <u>Clean Areas</u> The areas used by the Holder's clients shall be left in substantially the same condition as prior to the activities authorized herein.
- F.) <u>Trash Items</u> Food refuse including wrappings and containers must not be placed into opentopped dumpsters. The clients must not leave any items on top-of or next-to garbage cans, this is considered improper disposal. All garbage and refuse must be placed into bear resistant garbage cans, or transported out of the Park by the Holder or the client. Open top dumpers may not be used to food garbage which includes food wrappers and containers.
- G.) <u>Feeding Wildlife</u> Park regulations prohibit the feeding or disturbing of any wildlife in Yosemite National Park.
- H.) <u>Cigarette Butts</u> The Holder will **not allow clients who smoke to discard their cigarette butts on the ground.** A container must be provided for this purpose and clients be made aware of this regulation.
- I.) <u>Controlling Clients</u>
 - I. The Holder shall ensure that clientele and vehicles do not obstruct vehicular or pedestrian traffic on roads, trailheads or along trails.
 - II. The Holder will be responsible for controlling clients at those places where the tour travels in the Park. This will include keeping clients from walking in posted sensitive areas including ecological restoration areas, where resource destruction may result.
 - III. The Holder shall share the roads and trails with other groups ranging from private/commercial hikers to private/commercial stock user.
 - IV. The Holder is expected to exercise courtesy and sound judgment to avoid and alleviate risks when encountering other groups and stock along Park trails.
- J.) Fireworks Possession and/or use of fireworks is prohibited in the Park.
- K.) <u>Audio Disturbances</u> The Holder will not transport external speaker audio devices, such as AM/FM radios and/or CD/MP3 players. Devices used with personal headphones/earplugs are allowed.
- L.) <u>Cell Phones</u> Except in the case of an emergency, the Holder should discourage the use of cell phones in areas where other visitors experience might be negatively impacted by the use.
- M.) <u>Glacier Point Road Restriction</u> Private vehicles over thirty (30) feet and/or vehicles pulling trailers are prohibited beyond the Sentinel Dome parking area, located along the Glacier Point Road. Buses over 30 feet are prohibited beyond the Badger Pass access road.
- N.) <u>Hetch Hetchy Road Restriction</u> Vehicles or the combination of a vehicle and trailer exceeding twenty-five (25) feet and/or ninety-six (96) inches in width are prohibited on the Hetch Hetchy Road unless the vehicle has a commercial use authorization and authorized pilot vehicle.
- O.) <u>Bear Damage Reports</u> The Holder shall report all bear contacts and/or bear damage incidents. (Reports may be made at any Wilderness Permit Station or by contacting the Yosemite Wildlife Office at (209) 379-0497 or (209) 372-0322.)

31. Group Size - -

- A.) On Park Hiking Trails Group size shall not exceed thirty five (35) persons, including guides on Park front-country walking trails.
- B.) Roadbased Bus Tours Groups touring the Park by bus and not hiking on Park backcountry trails may walk together in front-country areas such as the Lower Yosemite Falls Trail, Yosemite Village area and all way-side stops. No more than one bus group is allowed to congregate in the same location at one time. When several buses are travelling together the tour should separate their buses to allow for staggered stops along Park way-side stops.
- **32.** <u>Back-country Trials</u> This CUA does not allow groups to be guided along back-country trails. A separate CUA must be obtained. See Condition #22.
- **33.** <u>Wilderness Use Permits</u> This CUA does not allow overnight stays in the wilderness. A separate CUA must be obtained. See conditions #22.
- **34.** <u>Mitigation</u> The Holder shall be responsible for costs associated with mitigation of damage to resources resulting from violation of park rules and or regulations. The Holder is responsible for the employee/guide knowing, understanding and following all Park regulations, and for their awareness and practice of Leave No Trace principles.
- **35.** <u>Caches</u> Equipment or food caches shall not be established or maintained within Yosemite National Park. Property left unattended for more than twenty-four (24) hours will be considered abandoned and may be confiscated.

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(Regarding Commercial Transportation)

- **36.** <u>Commercial Transportation</u> The Holder shall ensure that any commercial passenger transportation company that they or their client uses has a current Yosemite Commercial Use Authorization to transport passengers in the Park.
- **37.** <u>Scenic View Stops</u> Buses travelling through the Yosemite Valley are limited to the use of the following locations: (The availability of these areas is dependent upon activities in these areas.)
 - A.) Wawona Road (Hwy 41), Tunnel View and Inspiration Point.
 - B.) **Bridalveil Straight** (Bridalveil Fall and El Capitan View area), on either side of one-way road (Southside Drive, eastbound). Buses are prohibited from entering the Bridalveil Fall parking lot.
 - C.) **Sentinel Bridge,** to view Half Dome. Buses must only park in the marked bus parking spaces, located on the North side of the bridge.
 - D.) **Devils Elbow**, Northside Drive (westbound), on the right side leaving Yosemite Valley and prior to El Capitan Meadow.
 - E.) El Capitan Meadow Straight, Northside Drive (westbound), on left side of roadway in paved parking area.
 - F.) Valley View, Northside Drive (westbound), in paved parking area on the left side of the road, leaving Yosemite Valley, and prior to the Hwy 41/140 split.
 - G.) *Fern Springs, No stopping is allowed at the Fern Springs turnout located on Southside drive, just past the Pohono Bridge. (This includes all commercial buses and vans.)

20##-Commercial Use Authorization (Step-On Svc CUA) (Rev. 04/25/2012)

- ****Designated Drop Off Points:** The National Park Service reserves the right to specify in-park drop-off and pick-up points for use by the Holder. Clients operating **mini-buses and/or motor coaches** must use designated passenger loading/unloading zones and bus parking areas. The Holder must follow instructions from Park Rangers and/or Traffic Managers regarding loading/unloading passengers and bus parking.
 - A.) (Yosemite Valley refer to the 2012 Yosemite Valley Commercial Tour Bus, Parking, Loading and Unloading Information Sheet.) Unless prior written authorization is given by the Superintendent or the exceptions listed below in paragraphs 2-4 are met, all mini-buses, full-size buses and motor coaches must drop off their passengers at the "Yosemite Lodge..." bus loading/unloading zone. For passenger safety, drivers are not allowed to use the bus parking lots to load and unload passengers.

(Regarding "Designated Drop-Off Points", the following exceptions apply;)

B.) (The Ahwahnee Hotel) Buses with groups that have hotel or meal reservations at the Ahwahnee Hotel may drive to the Ahwahnee shuttle bus stop or area directed to by a bellman to off-load or load their passengers. The bus must then be driven to the "Yosemite Lodge..." bus parking lot. Passengers should be instructed to be at the designated pick-up point at least fifteen (15) minutes prior to the buses arrival to pick up the group. Buses may be cited if they block the Ahwahnee shuttle bus stop for longer than five (5) minutes.

(Regarding "Designated Drop-Off Points", the following exceptions apply;)

- C.) (Curry Village) Buses with groups that have hotel or meal reservations at Curry Village may drive to the Curry Village Tour Deck bus stop to off-load or load their passengers. After unloading their passengers the bus must be driven to the "Yosemite Lodge" bus parking lot. Passengers must be instructed to arrive at the designated gathering point at least fifteen (15) minutes prior to the buses arrival to pick up the group. Because this location is shared by the DNC Tram-tour, buses may be cited if they block the Curry Village Tour Deck bus stop for longer than ten (10) minutes.
- **D.)** (Nature Bridge aka Yosemite Institute, & School Buses) Buses transporting Yosemite Institute groups and school groups to their lodgings at Curry Village should contact Ranger Dave Henderson (209-379-0600) for information regarding passenger drop-off and bus parking

(Note: Parking conditions are subject to change due to long-term construction projects slated for Yosemite National Park for the next several years.)

- **39.** <u>Bus Parking:</u> Possession of this authorization <u>does not</u> guarantee the availability of bus parking within Yosemite National Park.
 - **A.)** (Yosemite Valley) (Vans or smaller vehicles are not included in this condition.) Except when picking-up or dropping-off passengers, client buses must be parked in authorized parking lots. Drivers may not use their bus for personal transportation within Yosemite Valley. When the shuttle bus system is operating, drivers must use the free shuttle bus or arrange other transportation.
 - **B.)** (Mariposa Grove of Big Trees) Client buses and other vehicles over forty (40) feet in length are prohibited on the Mariposa Grove Road. Vehicles towing trailers are prohibited on the Mariposa Grove Road. Parking at the Mariposa Grove of Big Trees is limited. When the bus parking lot at the Mariposa Grove fills to capacity, the inbound lane to the Grove will be closed to all buses. Buses will be directed to the free Big Trees (Grove) Shuttle Bus, located at the Wawona Store parking lot, to off-load their passengers when this service is available.
 - C.) (Wawona Store Parking Lot) Client buses may not park in or across designated car spaces or on the roadways. Unless directed otherwise by a Park Ranger, buses should park in the dirt lot across from the store, on the west side of the Wawona Road (Hwy 41) after unloading their passengers at the Big Trees Shuttle Bus Stop or Pioneer History Center.

- **D.)** (Developed areas) The Holder may not allow client vehicles to park in residential areas.
- **E.)** (Parking Lots) The Holder may not allow client buses to park in, or across, designated car parking spaces.
- F.) (Double parking) The Holder may not allow client buses to double park.
- **G.)** (Roadside Turnouts) When travelling with multiple client vehicles the Holder will not allow more than one bus at a time, per company, to park at the following scenic turnouts:
 - **1. Devils Elbow**, located along Northside Drive approximately ¼ mile west of the El Capitan Picnic Area.
 - 2. Bridalveil View, located approximately ½ mile west of El Capitan Meadow on Northside Drive
 - **3. Valley View**, located along Northside Drive approximately ¼ mile east of the Pohono Bridge/Hwy 140 cross over.

The popularity of these locations requires that large vehicles be kept to a minimum to allow for use by the general public. Company buses should plan to stagger their stops at these locations when traveling in groups.

- 40. Off-loading Passengers The Holder will be responsible for controlling clients at those places where the vehicle stops and off-loads passengers. The Holder shall ensure that clients do not obstruct vehicular or pedestrian traffic. This will include keeping passengers from walking into the roadway and obstructing traffic, and from walking in the areas posted as sensitive, where resource damage may result. Loading or unloading of passengers on to roadways, driveways, handicapped parking stalls, etc. is prohibited.
- **41.** <u>Idling</u>: The Holder may not allow client buses to idle more than five (5) minutes per stop. Vehicle engines must be shut off if the stop will last longer than five (5) minutes. This includes idling while waiting in parking areas or wayside turnouts.
- **42.** Length and Size Limits: (Some Park roads are narrow and/or winding. Some large sized vehicles cannot safely negotiate these roads. The following restrictions are necessary to safeguard human life, protect Park resources and reduce damage to personal and public property.) The following is listed as reference information for the benefit of the guide/Holder.

Commercial passenger carrying vehicles exceeding forty-five (45) feet in length or 102 inches in width are prohibited within Yosemite National Park.

- **A.)** Hwy 140, EI Portal Road: On Highway 140, within Yosemite NP, commercial passenger carrying vehicles exceeding twelve (12) feet six (6) inches in height, and/or 102 inches in width are prohibited.
- **B.)** Hetch Hetchy Road: Buses and other vehicles, and combination of vehicles over 25 feet in length, and 96 inches wide (including mirrors) are prohibited on the Hetch Hetchy Road.
- **C.)** Mariposa Grove Road: Unless permitted by the Superintendent, buses and other vehicles over forty (40) feet in length are prohibited on the Mariposa Grove Road. Vehicles towing trailers are prohibited on the Mariposa Grove Road. There is a seven (7) ton weight limit on the road.

(Parking at the Mariposa Grove of Big Trees is limited. When the bus parking lot at the Mariposa Grove fills to capacity, the inbound lane to the Grove will be closed to all buses at the gate located near the South Entrance Station. Buses will be directed to the free Grove Shuttle Bus location to off-load their passengers when this service is available. This does not include buses operated by the concessioner.)

D.) Glacier Point Road: Due to the narrow road conditions, private buses, commercial buses and school buses exceeding thirty (30) feet in length are prohibited from driving beyond the Badger Pass Turnoff to the Glacier Point area. Vehicles towing trailers are prohibited beyond the Sentinel Dome park lot.

- 43. Glacier Point: Due to the limited parking the following conditions exist;
 - **A.)** Mini-Buses and Vans may not use the bus passenger drop-off area in front of the Glacier Point restrooms to drop-off or pick-up passengers, unless loading or off-loading persons with mobility impairments, the vehicle must then be moved and parked in an approved parking space. This area is to be used for concessioner buses and emergency vehicles only.
 - **B.**) Mini-Buses must park within the designated bus parking lanes located at the upper parking lot and may not park in a manner so as to block traffic flow or blocking individual auto parking spaces.
 - **C.**) There is limited parking at Glacier Point. In the event that there is no available parking at the Glacier Point parking lot, mini-buses and vans must park at Washburn Point while waiting for their group. Passengers are to be picked up at the upper Glacier Point parking lot in the bus parking area. Mini-Buses and vans are not to be left unattended during this pick up time if parking is unavailable, and may not park in any manner so as to block traffic flow.
- **44.** <u>Swinging Bridge Picnic Area:</u> Buses are prohibited from using the Swinging Bridge parking lot located in Yosemite Valley on Southside Drive approximately ¼ mile west of the Yosemite Chapel.
- 45. Picnicking:
 - **A.)** Unless authorized by the Superintendent in writing, motor coaches and mini-buses are prohibited from entering the following picnic areas:
 - 1.) Cathedral Beach Picnic Area (Yosemite Valley)
 - 2.) **Sentinel Beach Picnic area** (Yosemite Valley)
 - 3.) Murphy Creek Picnic Area (Tenaya Lake)
 - **B.)** The Holder may not allow clients to use the shuttle bus bench areas for picnicking. These areas are for shuttle bus loading and unloading only.
- 46. Report of Incidents: The Holder is required to report ANY personal injury and/or property damage incident occurring within the Park involving client vehicles and/or clients. The report must be made to a Law Enforcement Ranger at the first available opportunity before leaving the Park. A report will consist of a written or verbal description of the incident. (If a Park Ranger is unavailable, a report may be made by calling the Park Desk Officer at (209) 372-0608 or a brief written report stating the basics of the incident: who, what, where, when, and how, may be left with the nearest Entrance/Exit Station or faxed to this office.) The Holder must cooperate with any investigation of the incident by National Park Service personnel.
- 47. <u>Restroom Facilities:</u> Due to health and safety issues the following areas are specifically closed to motor coach and mini-bus passenger use:
 - A.) Tuolumne Grove Parking area restrooms located at Crane Flat.
 - **B.)** Swinging Bridge picnic area restrooms located in Yosemite Valley.
 - **C.)** All Park Entrance Station restrooms.

<u>Under no circumstances</u> will the Holder allow clients to dispose of human body waste anywhere except in approved restroom facilities, provided for that purpose.

(Small, Park roadside restroom facilities, such as those at the Park entrance stations and other roadside turnouts, cannot handle the sudden large volume of use that occurs when large groups use the facilities. Groups should try to plan rest stops at larger facilities prior to entering the Park or use those facilities listed below while in the Park.

Bus passengers may use facilities that are built to handle the large volume of use, such as those located at the:

>Chinquapin/Glacier Point Rd. Junction

><u>Valley Visitor Center</u> ><u>Yosemite Village Store & Village Grill Area</u>

><u>Yosemite Lodge</u> (Degnan's Deli)

> Yosemite Falls Picnic Area, > Tuolumne Meadows Visitor Center

- 48. Emergency Medical Response The Holder shall provide at least one guide per group who is trained and currently certified in Cardio Pulmonary Resuscitation (CPR certification by either Red Cross or American Heart Association will be accepted). Groups conducting day-hikes must include at least one guide, per group, certified for basic first-aid, as a minimum. Guides must carry a copy of their current certifications (First Aid & CPR) and present them to any Park Ranger upon request. The tour leader will carry and maintain a readily accessible emergency medical care kit with a sufficient depth of medical supplies and equipment to meet the basic first aid needs of the group.
- 49. Report of Injury The Holder is required to make a report of ANY serious personal injury (an injury requiring professional medical attention) and/or property damage incident occurring within the Park involving Holder vehicles, clientele, and/or employees. The report must be made at the first available opportunity before leaving the Park. A report will consist of a verbal description of the incident given to a Park Ranger, at the nearest Ranger Station or a Park Desk Officer. The Park Desk Officer is located in Yosemite Valley and may be contacted by phone at (209) 372-0608. The Holder must cooperate with any investigation of the incident by the National Park Service. A written report must be mailed or emailed to the Office of Special Park Uses within 7 business days after the incident.
- **50.** <u>Search and Rescue Cost Recovery</u> The Holder shall assume all costs incurred by the National Park Service associated with rescues, evacuations and/or searches for persons participating in trips guided by the Holder and resulting from the Holder's negligence.
- 51. Monthly Commercial Use Reports

 At the end of each month that the authorized activities occurs the Holder must complete the Yosemite Monthly Use Report form and send it to the Office of Special Park Uses. (Failure to submit the Monthly Use Report is a violation of this Authorization and compromises the Park's ability to manage park resources.) Send the completed report to the address, email or fax number listed on the report form.
- 52. Permit Renewal The Holder shall give written notice of his/her intent to renew the Authorization for the next calendar year. This notification serves as your application for permit renewal for the following year and must be received in this office by December 1, 20XX. Companies providing trips to the Park through December may turn in their report by January 15, 20XX, with prior notification to the Office of Special Park Uses.
- 53. Annual Survey The annual survey is a separate requirement from the monthly use report. (Information from the Monthly Use Report is collected by the Wilderness Division to assist in the management of Wilderness resources in the park. Information collected from the Annual Survey is used to assist the Office of Special Park Uses in updating records and to assist in park management efforts.) The Holder shall submit the annual survey to the Office of Special Park Uses. The completed report form is due by December 1, 20XX and includes a summary of total in-park visitor use and gross revenues for the year. (Companies providing trips to the Park through December may turn in their report by January 15, 20XX, with prior notification of the delay to the Office of Special Park Uses.

[A strict cut-off date will be observed. A new application and fee will be required if the Survey is sent in after the December 1, 20XX deadline without prior approval.] (A blank Annual Survey Form will be sent to you by November or, you may contact this office to receive a copy prior to that date if preferred. This form must be used to report your 20## annual use of the park. All information must be completed. We recommend that the survey be completed and sent in as soon as possible after your final Yosemite trip for 20XX.)