



IN REPLY REFER TO:
L7615(YOSE-PM)

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: 2012-019 Commercial Use Authorization - Guided Fishing (41520)

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 41520.

//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.*



National Park Service
U.S. Department of the Interior

Yosemite National Park
Date: 07/13/2012

Categorical Exclusion Form

Project: 2012-019 Commercial Use Authorization - Guided Fishing

PEPC Project Number: 41520

Project Description:

This is a request for a 5 year programmatic Categorical Exclusion (CE) to issue Commercial Use Authorizations (CUA) for Commercial Guided Fishing activities in Yosemite National Park. This programmatic CE will cover CUAs issued beginning on January 1, 2013. The CUA is a tool required by the National Park Service to regulate and oversee commercial visitor services on National Park Service lands, not regulated under a Concessions contract. The CUA, also known as a permit, is issued to companies or individuals (Holders) conducting commercial guided fishing activities in Yosemite National Park. The permitted activities are to be conducted only in those areas of Yosemite National Park open to the public and authorized by the permit. The permit holder is required to obtain any additional permits or license required by law. Commercial guiding companies or individuals are required to obtain a CUA each year prior to bringing clients into Yosemite National Park. The CUA will only be issued for a period of one year at a time. Companies must apply for a new CUA each year that they plan to offer trips to Yosemite. The Holder is required to conduct all business (advertisements and bookings) and financial transaction outside of the park. The Holder is regulated by the terms and conditions of the CUA which is administered and managed by Yosemite National Park, Office of Special Park Uses in conjunction with the Yosemite Protection Division. The Holder must obtain a Wilderness Permit separately and in addition to the Hiking/Backpacking CUA when conducting overnight stays in the wilderness. The Holder is required to provide their proposed trip itinerary to the Yosemite Wilderness Office prior to their trip(s) beginning in the park. Each Holder is required to submit monthly use reports listing the areas fished and the number of clients guided for the month.

Project Locations:

Mariposa, Madera, 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//
Don L. Neubacher

//8/1/12//
Date

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Environmental Planning and Compliance Office in
Yosemite National Park.*



National Park Service
U.S. Department of the Interior

Yosemite National Park
Date: 07/13/2012

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: 2012-019 Commercial Use Authorization - Guided Fishing
PEPC Project Number: 41520
PMIS Number:
Project Type: Permit - Commercial Use Authorization (CUP)
Project Location:
County, State: Mariposa, Tuolumne & Madera County, 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	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
quantity					
6. Streamflow characteristics	No				
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-	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
native species (plant or animal)					
16. Recreation resources, including supply, demand, visitation, activities, etc.	No				
17. Visitor experience, aesthetic resources	No				
18. Archeological resources	No				
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,	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
migration patterns, etc.					
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 implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
A. Have significant impacts on public health or safety?		No		
B. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands;		No		

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime 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		

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
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 or minority populations (Executive Order 12898)?		No		
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		

For the purpose of interpreting these procedures within the NPS, any action that has the potential to violate the NPS Organic Act by impairing park resources or values would constitute an action that triggers the DOI exception for actions that threaten to violate a federal law for protection of the environment.

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

<u>Interdisciplinary Team</u>	<u>Field of Expertise</u>
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:

Compliance Specialists	Date
<u>//Renea Kennec//</u> Compliance Specialist – Renea Kennec	<u>//7/25/12//</u>
<u>//Ann Roberts//</u> Acting Compliance Program Manager – Ann Roberts	<u>//7/25/12//</u>
<u>//Randy Fong//</u> Chief, Project Management – Randy Fong	<u>//7-27-12//</u>

Approved:

Superintendent	Date
<u>Don L. Neubacher//</u> Don L. Neubacher	<u>//8/1/12//</u>

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



National Park Service
U.S. Department of the Interior

Yosemite National Park
Date: 07/13/2012

PARK ESF ADDENDUM

Today's Date: July 13, 2012

PROJECT INFORMATION

Park Name: Yosemite National Park
Project Title: 2012-019 Commercial Use Authorization - Guided Fishing
PEPC Project Number:

Project Type: Permit - Commercial Use Authorization (CUP)
Project Location:
County, State: Mariposa, Tuolumne & Madera County, 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				
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 CHECKLIST				
Entail ground disturbance?		No		
Are any archeological or ethnographic sites located within the area of potential effect?	Yes			This CUA is parkwide; all the archeological and/or ethnographic sites have been documented.
Entail alteration of a historic structure or cultural landscape?		No		
Has a National Register form been completed?	Yes			
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				
Fall within a wild and scenic river corridor?	Yes			Merced and Tuolumne Rivers.
Fall within the bed and banks AND will affect the		No		Fishing activity does not affect the

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
free-flow of the river?				free flow of the river.
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?	Yes			This activity does not require a Minimum Requirement Analysis.
Within a Potential Wilderness Addition?		No		

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service
YOSEMITE NATIONAL PARK
Commercial Use Authorization
(20XX Commercial Guiding-Fishing)

1. Holder (Fill in information below. Please print legibly.)

↓NAME (Authorized Agent)

↓ORGANIZATION/COMPANY

↓MAILING ADDRESS

↓TELEPHONE NUMBER

↓ FAX NUMBER

Park Alpha Code: YOSE

Type of Use: Visitor Services

Permit #: 8800-XX- (Official Use Only)

Date Authorization: Approved ##/2012
(PEPC # 41520)

Reviewed 05/2012

Expires 01/20XX

2. The holder is hereby authorized to use the following described land or facilities in the above named area:

Areas within Yosemite National Park designated by the attached permit.

3. The authorization begins on JANUARY 31, 20XX

4. The authorization expires after JANUARY 31, 20XX.

5. SUMMARY OF AUTHORIZED ACTIVITY: (see attached sheets for additional information and conditions)

The Holder is authorized to conduct Guided Fishing Services (DAY TRIPS ONLY)

XX Out- of- Park: The visitor services described above must originate and terminate outside of the boundaries of the park area. This authorization does not authorize the holder to advertise, solicit business, collect fees, or sell any goods or services within the boundaries of the park area.

In-Park: The visitor services described above must originate and be provided solely within the boundaries of the park area.

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: 28B & 29A

9. APPLICATION FEE Received Not Required X 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 \$ 150.00

12. FACILITY USE FEE: Required NA Not Required X Amount \$

ISSUANCE of this authorization is subject to the attached conditions. The undersigned hereby accepts this authorization subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

13. Signatures.

Authorization Holder: _____
Signature (Print Name) Title Date

Authorizing NPS Official: _____
Signature (Chief of Business and Revenue Management Div. for Superintendent) Date

CONDITIONS OF THIS AUTHORIZATION

1. **False Information:** 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. **Legal Compliance:** 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. **Liabilities & Claims:** 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. **Insurance:** 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. Cost Recovery: 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. Benefit: 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. Transfer of Authorization: This Authorization may not be transferred or assigned without the written consent of the park area Superintendent.

8. Termination of CUA: This Authorization may be terminated upon breach of any of the conditions herein or at the discretion of the Superintendent.

9. Renewal/Exclusion: 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. Rates: 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 # 60.)

13. Accounting System: 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 (Guided Fishing)

Regulations: Reference copies of the *Yosemite National Park 36 C.F.R. 1.7(b) Compendium* is available on the internet at <http://www.nps.gov/yose/parkmgmt/lawsandpolicies.htm>. The *Wilderness Management Plan* (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.

{Authorization/Permit}: The terms “Authorization” and “Permit” shall be used interchangeably in reference to the Commercial Use Authorization.

{Commercial Transportation}: 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.

{Day Hike/Day Hiker/ Hiker}: 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.

This permit is only applicable for, use of the area(s), the activities and terms designated in this permit. This permit is not valid until signed by the Superintendent or authorized agent thereof.

15. **Carry Permit:** 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. **Use Limits** - 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. **Legal Compliance** –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. **Acknowledgement** - 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. **Business/Revenue Base** - It is understood that the Holder shall not develop a business based on revenues generated through visiting Yosemite National Park.
20. **Solicitation** - 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 personal 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. **Harassment of NPS Employees** - 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. **Safety** - The Holder shall take every reasonable precaution to ensure the safety of its clients, its employees, other Park visitors, and Park employees
26. **Damage** - 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. **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 or overnight 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 "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) when the group is dispersed or unmonitored unless the Holder can show proof that the client has signed an acknowledgement of having received, understood and agreed to abide by, a copy of current regulations for the area.)

29. Regarding Supervision/Compliance: *Common regulations include, but are not limited to the following.*

- A.) **Protection of Natural Resources & Cultural Artifacts (Historic and Prehistoric)** - 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.) **Construction** - No structures such as walls, trenches or new fire rings may be constructed. Trail markers, such as cairns and ducks may not be built. Balanced rocks whether used for trail markers or for artistic purposes may not be built.
- C.) **Food Storage** – Food may not be left unattended during the day if not stored in approved storage containers. (Information regarding approved food storage methods may be found at <http://www.nps.gov/yose/planyourvisit/bears.htm>.)
- D.) **Sanitation** – 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.) **Removal of Trash and Refuse** - All articles that are transported into the backcountry by the Holder must be transported out. This includes all refuse and trash.
- F.) **Motorized/ Equipment** - Wilderness Area regulations prohibit the use of motorized equipment in designated wilderness.
- G.) **Rafts and Float tubes** - The Holder will not transport rafts, boats, float tubes or other floatation devices into the wilderness.
- H.) **Feeding Wildlife** - Park regulations prohibit the feeding or disturbing of any wildlife in Yosemite National Park.
- I.) **Bear Damage Reports** - 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.)
- J.) **Controlling Clients** - The Holder shall ensure that clientele and vehicles do not obstruct vehicular or pedestrian traffic on roads, trailheads or along trails. 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 restoration areas, where resource destruction may result. The Holder shall share the roads and trails with other groups ranging from private/commercial hikers to private/commercial stock user. The Holder is expected to exercise courtesy and sound judgment to avoid and alleviate risks when encountering other groups and stock along Park trails.
- K.) **Fireworks** – Possession and/or use of fireworks is prohibited in the Park.
- L.) **Audio Disturbances** – 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.
- M.) **Cell Phones** – Except in the case of an emergency, the Holder should discourage the use of cell phones in areas where other visitor's experience might be negatively impacted by the use.

- N.) **Glacier Point Road Restriction** – Vehicles over thirty (30) feet and/or vehicles pulling trailers are prohibited beyond the Sentinel Dome parking area, located along the Glacier Point Road.
- O.) **Hetch Hetchy Road Restriction** – 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.

- 30. Group Size** - - Group size shall not exceed eight (8) including the guide. (Guided fishing is considered a cross-country activity due to the majority of the activity taking place off trail along riverbanks and streams.) Groups may not be combined to accommodate larger numbers. Groups exceeding permitted group size limits must separate into allowable sizes and use separate trail heads. These groups must travel and fish a minimum of ½ mile from each other at all times.
- 31. Guiding License** – A copy of the Holder's/Guide's valid California State Guiding License must be placed on file with this office.
- 32. Client License** Clients must have a valid California State fishing license in their possession while fishing in Yosemite National Park.
- 33. Fishing Regulations** - California State fishing regulations and Title 36 of the Code of Federal Regulations apply. (A copy of 36 CFR 2.3 may be found online at http://www.nps.gov/pub_aff/e-mail/regulations.htm.)
- 34. Yosemite Fishing Regulations** – The Holder must abide by all area closures designated by the Superintendent of Yosemite National Park.
- 35. Open Season**
- From the Happy Isles footbridge downstream to the western boundary of Yosemite National Park at El Portal: Last Saturday in April through November 15.
 - From the western boundary of Yosemite National Park at El Portal downstream to Foresta Bridge: All year.
 - From O'Shaughnessy Dam (Hetch Hetchy Reservoir) downstream to early Intake Diversion Dam: Last Saturday in April through November 15.
- 36. Fishing Limits –**
- From the Happy Isles footbridge downstream to the western boundary of Yosemite National Park at El Portal: Zero (0) Rainbow Trout; Five (5) Brown Trout per day; Ten (10) Brown Trout in possession.
 - From the western boundary of Yosemite National Park at El Portal, downstream to Foresta Bridge: Zero (0) Rainbow Trout; Five (5) Brown Trout per day; Ten (10) Brown Trout in possession.
 - From O'Shaughnessy Dam (Hetch Hetchy Reservoir) downstream to early Intake Diversion Dam: Maximum size limit: Twelve (12) inches total length. Bag limit is two (2).
- 37. Commercial Fishing In Yosemite Valley** – Guided fishing is not allowed east of the El Capitan Bridge.
- Limits for the area from the El Capitan Bridge to the Pohono Bridge the following apply:
 - For Rainbow Trout, a limit of zero (0) (catch-and-release only).
 - For Brown Trout, a limit of five (5) per day, or a total of ten (10) in possession.
- 38. Use of Hooks** – Fishing in any manner other than by hook and line, with a rod or line being closely attended is prohibited. Only artificial lures, or flies, with barbless hooks may be used.
- 39. Use of Bait** - No live or dead minnows or other bait fish, amphibians, non-preserved fish eggs, or fish roe may be used or possessed.

40. **Chumming** – Chumming or placing preserved or fresh fish eggs, fish roe, food, fish parts, chemicals, or other foreign substances in fresh waters for the purposes of feeding or attracting fish for any purpose is prohibited.
41. **Catch and Release** – Fish that do not meet the size or species restriction or that the person chooses not to keep must be returned carefully and immediately to the water from which it was taken.
42. **After Limit Fishing** – When in possession of a daily bag limit, continued catch and release fishing for the same type of fish is prohibited.
43. **Bridges, Docks & Dams** – Fishing from bridges, docks or dams is prohibited. (Beaches for swimming must be designated as such; otherwise, fishing from a beach is permitted.)
44. **Resources** – Areas used for fishing must remain essentially in the same condition as prior to its use by the Holder. Logs and/or rocks may not be moved. Tree limbs and/or bushes may not be cut down or broken off to improve fishing experience. Digging for bait is prohibited.
45. **Hetch Hetchy** – The Holder must abide by all closures and restriction in and around the Hetch Hetchy area. *Due to ongoing security measures being conducted in the Hetch Hetchy area special closures or restrictions may occur without advanced notice. The Holder is responsible for checking with the area rangers regarding special closures or restriction.*
46. **Mitigation** - 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.
47. **Caches** - Equipment or food caches shall not be established or maintained within Yosemite National Park. Food must be properly stored. Property left unattended for more than twenty-four (24) hours will be considered abandoned and may be confiscated.
48. **Visitor Information** - 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> .)
49. **Commercial Transportation** - The Holder shall not transport clients in motor vehicles within the boundaries of Yosemite National Park unless proof of Federal and/or State Transportation Authority and a valid commercial vehicle insurance certificate is on file with the Office of Special Park Use.
50. **Vehicle Markings** - Vehicle markings, transportation authority number and company name and/or logo, must be displayed on both right and left side of all company operated vehicles used to transport passengers. Minimum size lettering for logos will be four inches and must be visible from a distance of fifty (50) feet in daylight.
51. **Commercial Vehicle Safety Inspections** – Holder shall fully cooperate regarding the inspection of commercial passenger vehicles in Yosemite National Park, this includes vehicles owned, leased or hired by the Holder for transportation of clients.
52. **Equipment Inspection** - Holder shall ensure equipment used in the authorized activity, including vehicles, shall be inspected to ensure that it is mechanically sound and in safe operating condition before each trip. Inspection documents, recording when equipment was placed into service, when equipment was inspected and/or repaired and who inspected it, will be maintained by the Holder and will be made available for Park inspection upon request.

- 53. Wilderness Use Permits** – A separate Commercial Use Authorization and wilderness use permit is required for backcountry camping. Yosemite Wilderness Permits are required for all commercial users of the Yosemite Wilderness who conduct backcountry overnight trips in Yosemite National Park.
- 54. 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). While Wilderness First Responder certification is recommended, groups conducting day-hikes must have at least one guide, per group, certified for basic first-aid, as a minimum. Guides must carry a copy of their current certifications (CPR and First Aid etc.) and present them to any Park Ranger upon request. The guide 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.
- 55. 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.**
- 56. Search and Rescue Cost Recovery** - 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.
- 57. Trip Itinerary** - The Superintendent may prohibit the Holder from using areas of heavy use during certain periods of the year. The Holder must submit a "proposed" trip itinerary prior to the beginning of the season or as soon as is feasible, prior to any trip beginning in the park. The itinerary must be submitted using the form included with this permit. The itinerary must provide a schedule of planned trips. Any changes to the proposed itinerary **MUST** be faxed, mailed or emailed to the **Office of Special Park Use** at least 30 days in advance of the scheduled trip(s). Trips beginning on the same day of sale may be reported on the Monthly Use Report. (The contact information may be found on the itinerary report form.).
- 58. 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. The form may be used to notify this office regarding any proposed trips that are cancelled (Failure to submit the form is a violation of this Authorization and compromises the Park's ability to manage the park resources.) Send the completed report to the address, email or fax number listed on the report form.
- 59. 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 31, 20XX, with prior notification to the Office of Special Park Uses.*
- 60. Annual Survey** – 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. **The annual survey is a separate requirement from the monthly use report.** 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.)