



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: 2013-043 Programmatic CE: Commercial Use Authorization - Motorcycle Tour (49376)

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

- There will not be any effect on threatened, endangered, or rare species and/or their critical habitat.
- There will be no adverse effect to historic properties.
- There 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.

### Recommendations for Conditions or Stipulations:

None

For complete compliance information see PEPC Project 49376.

//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.*

Letter of Compliance Completion - Programmatic CE: Commercial Use Authorization - Motorcycle Tour - PEPC  
ID: 49376



National Park Service  
U.S. Department of the Interior

Yosemite National Park  
Date: 02/21/2014

## Categorical Exclusion Form

**Project:** 2013-043 Programmatic CE: Commercial Use Authorization - Motorcycle Tour

**PEPC Project Number:** 49376

**Project Description:**

This five year programmatic categorical exclusion (CE) will cover commercial use authorizations (CUA) to commercial guided motorcycle tour companies conducting road-based tours in Yosemite National Park. This programmatic CE will cover CUAs issued beginning on May 1, 2014 through December 31, 2018, at which time a new compliance review will be initiated. The 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 guided motorcycle tour services in Yosemite.

The permitted activity is to be conducted only in those areas of the 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. This CUA will be issued as an "out-of-park" CUA. (The visitor service must originate and terminate outside of the boundaries of the park area. The authorization holder is not authorized to advertise, solicit business, collect fees, or sell any goods or services within the boundaries of the park area.) The CUA will only be issued for a period of one calendar year. Companies must apply for a new CUA each new year. The CUA holder is regulated by the terms and conditions of the CUA which is administered and managed by the Yosemite National Park, Office of Special Park Uses in conjunction with the Yosemite's Visitor and Resource Protection Division.

The CUA holder must obtain additional authorizations for commercial activities not covered under this CUA. Motorcycle tour groups will be limited to a maximum of sixteen motorcycle and one support vehicle. Motorcycles operated on park roads will be required to meet California Vehicle Code requirements including noise limits and vehicle modifications. The CUA holder is required to submit proposed trip itineraries prior to beginning any trips into the park, and annual report listing the total number of trips to the park, the total number of visitors, and the annual gross receipts collected from conducting their business in the park.

**Project Locations:**

Mariposa, Madera, and Tuolumne Counties, CA

**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.**

**Superintendent:** //Don L. Neubacher// **Date:** 3/3/14  
Don L. Neubacher

*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: 02/21/2014

## ENVIRONMENTAL SCREENING FORM (ESF)

### DO-12 APPENDIX 1

Date Form Initiated: 02/11/2014

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:** 2013-043 Programmatic CE: Commercial Use Authorization - Motorcycle Tour  
**PEPC Project #:** 49376  
**Project Type:** Permit - Commercial Use Authorization (CUP)  
**Project Location:**  
**County, State:** Mariposa, Madera, and 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		Negligible			The CUAs state that “all vehicles will be properly maintained to insure that the engine noise produced is not greater than 80 decibels. Excessive engine noise from vehicles will be

<b>Identify potential effects to the following physical, natural, or cultural resources</b>	<b>No Effect</b>	<b>Negligible Effects</b>	<b>Minor Effects</b>	<b>Exceeds Minor Effects</b>	<b>Data Needed to Determine/Notes</b>
					immediately corrected.”
5. Water quality or quantity	No				
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-native species (plant or	No				

<b>Identify potential effects to the following physical, natural, or cultural resources</b>	<b>No Effect</b>	<b>Negligible Effects</b>	<b>Minor Effects</b>	<b>Exceeds Minor Effects</b>	<b>Data Needed to Determine/Notes</b>
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, migration patterns, etc.	No				
25. Energy resources	No				

Environmental Screening Form (ESF) - Programmatic CE: Commercial Use Authorization - Motorcycle Tour -  
PEPC ID: 49376

<b>Identify potential effects to the following physical, natural, or cultural resources</b>	<b>No Effect</b>	<b>Negligible Effects</b>	<b>Minor Effects</b>	<b>Exceeds Minor Effects</b>	<b>Data Needed to Determine/Notes</b>
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**

<b>Mandatory Criteria: If implemented, would the proposal:</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comment or Data Needed to Determine</b>
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; 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		No		

<b>Mandatory Criteria: If implemented, would the proposal:</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comment or Data Needed to Determine</b>
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 or minority populations		No		



<b>Mandatory Criteria: If implemented, would the proposal:</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comment or Data Needed to Determine</b>
(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? No
- 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**

<b><u>Interdisciplinary Team</u></b>	<b><u>Field of Expertise</u></b>
Don L. Neubacher	Superintendent
Michael Gauthier	Chief of Staff
Kathleen Morse	Chief of Planning
Randy Fong	Chief of Project Management
Teri Austin	Chief of Administration Management
Lou Summerfield	Acting Chief of Facilities Management
Linda C. Mazzu	Chief of Resources Management & Science
Kris Kirby	Chief of Business and Revenue Management
Tom Medema	Chief of Interpretation and Education
Kevin Killian	Chief of Visitor and Resource Protection

Ruth Middlecamp Madelyn Ruffner Renea Kennec	Project Leader Acting Environmental Planning and Compliance Program Manager 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>2/21/14</u>
<u>//Madelyn Ruffner//</u> Acting Compliance Program Manager – Madelyn Ruffner	<u>2/27/14</u>
<u>//Madelyn Ruffner// for</u> Chief, Project Management – Randy Fong	<u>2/27/14</u>

### Approved:

Superintendent	Date
<u>//Don L. Neubacher//</u> Don L. Neubacher	<u>3/3/14</u>

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



## PARK ESF ADDENDUM

Today's Date: February 21, 2014

### PROJECT INFORMATION

**Park Name:** Yosemite National Park  
**Project Title:** 2013-043 Programmatic CE: Commercial Use Authorization - Motorcycle Tour  
**PEPC Project Number:** 49376  
**Project Type:** Permit - Commercial Use Authorization (CUP)  
**Project Location:**  
**County, State:** Mariposa, Madera, & Tuolumne Counties, California  
**Project Leader:** Ruth Middlecamp

### PARK ESF ADDENDUM QUESTIONS & ANSWERS

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
<b>SPECIAL STATUS SPECIES CHECKLIST</b>				
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		
<b>NATIONAL HISTORIC PRESERVATION ACT CHECKLIST</b>				
Entail ground disturbance?		No		
Are any archeological or ethnographic sites located within the area of potential effect?		No		
Entail alteration of a historic structure or cultural landscape?		No		
Has a National Register form been completed?		No		
Are there any structures on the park's List of Classified Structures in the area of potential effect?		No		
<b>WILD AND SCENIC RIVERS ACT CHECKLIST</b>				
Fall within a wild and scenic river corridor?	Yes			Merced and Tuolumne River corridors.

<b>ESF Addendum Questions</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Data Needed to Determine/Notes</b>
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?		No		
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			
<b>WILDERNESS ACT CHECKLIST</b>				
Within designated Wilderness?		No		
Within a Potential Wilderness Addition?		No		



# ASSESSMENT OF ACTIONS HAVING AN EFFECT ON HISTORIC PROPERTIES

## A. DESCRIPTION OF UNDERTAKING

1. **Park:** Yosemite National Park

### 2. **Project Description:**

**Project Name:** 2013-043 Programmatic CE: Commercial Use Authorization - Motorcycle Tour

**Prepared by:** Laura Kirn

**Date Prepared:** 02/11/2014

**Telephone:** 209.379.1314

**PEPC Project Number:** 49376

**Area of potential effects (as defined in 36 CFR 800.16[d])**

### 3. **Has the area of potential effects been surveyed to identify historic properties?**

☐ No

☒ Yes

**Source or reference:** Motorcycle tours will be contained within the roadways of the park.

### 4. **Potentially Affected Resources:**

### 5. **The proposed action will: (check as many as apply)**

☐ No Destroy, remove, or alter features/elements from a historic structure

☐ No Replace historic features/elements in kind

☐ No Add non-historic features/elements to a historic structure

☐ No Alter or remove features/elements of a historic setting or environment  
(inc. terrain)

☐ No Add non-historic features/elements (inc. visual, audible, or atmospheric)  
to a historic setting or cultural landscape

☐ No Disturb, destroy, or make archeological resources inaccessible

☐ No Disturb, destroy, or make ethnographic resources inaccessible

☐ No Potentially affect presently unidentified cultural resources

☐ No Begin or contribute to deterioration of historic features, terrain, setting,  
landscape elements, or archeological or ethnographic resources

☐ No Involve a real property transaction (exchange, sale, or lease of land or

\_\_\_\_\_ structures)  
\_\_\_\_\_ Other (please  
\_\_\_\_\_ specify): \_\_\_\_\_

**6. Supporting Study Data:**

(Attach if feasible; if action is in a plan, EA or EIS, give name and project or page number.)

**B. REVIEWS BY CULTURAL RESOURCE SPECIALISTS**

**The park 106 coordinator requested review by the park's cultural resource specialist/advisors as indicated by check-off boxes or as follows:**

---

[ X ] Archeologist  
Name: Sonny Montague  
Date: 01/09/2014

*Check if project does not involve ground disturbance* [ X ]  
Assessment of Effect:  X  No Potential to Cause Effect    \_\_\_ No Historic Properties  
Affected    \_\_\_ No Adverse Effect    \_\_\_ Adverse Effect    \_\_\_ Streamlined Review  
Recommendations for conditions or stipulations:

---

[ X ] Historical Architect  
Name: Gabrielle Harlan  
Date: 01/13/2014

*Check if project does not involve ground disturbance* [ ]  
Assessment of Effect:  X  No Potential to Cause Effect    \_\_\_ No Historic Properties  
Affected    \_\_\_ No Adverse Effect    \_\_\_ Adverse Effect    \_\_\_ Streamlined Review  
Recommendations for conditions or stipulations:

---

[ X ] Historical Landscape Architect  
Name: Kevin McCardle  
Date: 01/09/2014

*Check if project does not involve ground disturbance* [ ]  
Assessment of Effect:  X  No Potential to Cause Effect    \_\_\_ No Historic Properties  
Affected    \_\_\_ No Adverse Effect    \_\_\_ Adverse Effect    \_\_\_ Streamlined Review  
Recommendations for conditions or stipulations:

---

**No Reviews From:** Curator, Historian, 106 Advisor, Other Advisor, Anthropologist

---

## **C. PARK SECTION 106 COORDINATOR'S REVIEW AND RECOMMENDATIONS**

### **1. Assessment of Effect:**

- ☒ **No Potential to Cause Effects**  
☐ **No Historic Properties Affected**  
☐ **No Adverse Effect**  
☐ **Adverse Effect**

### **2. Documentation Method:**

☐ **A. STANDARD 36 CFR PART 800 CONSULTATION**  
Further consultation under 36 CFR Part 800 is needed.

☐ **B. STREAMLINED REVIEW UNDER THE 2008 SERVICEWIDE PROGRAMMATIC AGREEMENT (PA)**

The above action meets all conditions for a streamlined review under section III of the 2008 Servicewide PA for Section 106 compliance.

APPLICABLE STREAMLINED REVIEW Criteria  
(Specify 1-16 of the list of streamlined review criteria.)

☐ **C. PLAN-RELATED UNDERTAKING**

Consultation and review of the proposed undertaking were completed in the context of a plan review process, in accordance with the 2008 Servicewide PA and 36 CFR Part 800.  
Specify plan/EA/EIS:

☒ **D. UNDERTAKING RELATED TO ANOTHER AGREEMENT**  
The proposed undertaking is covered for Section 106 purposes under another document such as a statewide agreement established in accord with 36 CFR 800.7 or counterpart regulations.  
Specify: 1999 Programmatic Agreement

☐ **E. COMBINED NEPA/NHPA Document**  
Documentation is required for the preparation of an EA/FONSI or an EIS/ROD has been developed and used so as also to meet the requirements of 36 CFR 800.3 through 800.6

☐ **G. Memo to SHPO/THPO**

☐ **H. Memo to ACHP**

### **3. Additional Consulting Parties Information:**

**Additional Consulting Parties:** No

### **4. Stipulations and Conditions:**

Following are listed any stipulations or conditions necessary to ensure that the assessment of effect above is consistent with 36 CFR Part 800 criteria of effect or to avoid or reduce potential adverse effects.

**5. Mitigations/Treatment Measures:**

Measures to prevent or minimize loss or impairment of historic/prehistoric properties:  
(Remember that setting, location, and use may be relevant.)

No Assessment of Effect mitigations identified.

**D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:**

Acting Historic Preservation Officer:

//Kimball Koch//      **Date:** 2/21/14  
Kimball Koch

**E. SUPERINTENDENT'S APPROVAL**

The proposed work conforms to the NPS *Management Policies* and *Cultural Resource Management Guideline*, and I have reviewed and approve the recommendations, stipulations, or conditions noted in Section C of this form.

**Superintendent:** //Don L. Neubacher//      **Date:** 3/3/14  
Don L. Neubacher

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



National Park Service  
YOSEMITE NATIONAL PARK  
Commercial Use Authorization**(20XX COMMERCIAL - MOTORCYCLE TOUR)****1. Holder** (Fill in information below. Please print legibly.)

OWNER NAME ↓

Park Alpha Code: YOSE

COMPANY ↓

Authorization #: 8800-XX- (Official Use

MAILING ADDRESS ↓

Only)

Type of Use: Commercial Services

TELEPHONE NUMBER ↓

↓ FAX NUMBER

Date Compliance Approved: ##/20##  
(PEPC# 49376)

Calif. PUC Authority # | Dept of Transportation Authority# (Support Veh)

Reviewed 09/20##

TCP-

DOT-

MC-

Expires 12/31/20##

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

**Areas within Yosemite National Park open to the general public and designated by the attached permit conditions.**3. The authorization begins on May 1, 20##4. The authorization expires after December 31, 20##

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

**The Holder is authorized to conduct commercial motorcycle tours, with support vehicle, in Yosemite National Park.****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 conditions 39(B), 40).9. APPLICATION FEE Received    Not Required X Amount10. LIABILITY INSURANCE: Required X Amount \$ **(Reference Condition # 3 & 4)**11. COST RECOVERY: Required X (Amount \$ **200.00**)**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.**12. Signatures.**Authorization Holder: \_\_\_\_\_ ( \_\_\_\_\_ )  
Signature (Print Name & Title) DateAuthorizing NPS Official: \_\_\_\_\_  
Signature (for) Superintendent Yosemite National Park 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 \$ 1million 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 or as support for the authorized activity, the Holder shall also obtain the following coverage 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.

**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 # 44)

**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. Visitor 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 approval prior to issuance of the CUA. A CUA will not be approved if the Visitor Acknowledgement of Risk form is not approved by the park. An NPS approved, fillable 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 (Motorcycle Tours)**

**National Park Service Regulations:** Information on National Park Regulations (Title 36, Code of Federal Regulations, sections 1-7) and the Superintendent's Compendium for Yosemite National Park may be accessed at <http://www.nps.gov/yose/parkmgmt/lawsandpolicies.htm>.

*This authorization is only applicable for use of the area(s), the activities and terms designated in this Commercial Use Authorization.*

**Definitions:**

**Holder:** For the purpose of this authorization the word "Holder" shall mean a person, company and/or corporation to whom this Commercial Use Authorization (CUA) has been issued. This definition shall include employees and/or agents of the person, company and/or corporation to whom this authorization is issued.

**Commercial Motorcycle Tour:** For the purpose of this authorization the term "commercial motorcycle tour" or "motorcycle tour group" shall mean any type of commercial tour activity involving the use motorcycles where a paid guide/leader and or support vehicle travels with the group.

**Commercial Tour:** For the purpose of this authorization the term "Commercial Tour" (road-base tour) shall consist of one or more persons traveling on an itinerary that has been packaged, priced or sold for leisure or recreational purposes by an private organization or commercial business that realizes financial gain through the provision of the service. (Tours involving guided hiking, backpacking, photography workshops or other types of non-road-based guided activities are required to obtain a separate CUA for those activities.) (See Special Park Condition 22.)

**Non-commercial (Private) Tour:** For the purpose of this authorization the term "non-commercial tour, and/or private tour" shall mean a group that is traveling together that has created its own itinerary and where no fees beyond cost sharing are derived. The tour must be initiated and be planned by a private individual and/or group and must be operated on a not-for-profit basis. The use of commercially rented or leased motorcycles alone does not necessarily constitute a "commercial tour". (Nonprofit tours involving guided hiking, backpacking, photography workshops or other non-road-base guided activities may be required to obtain a separate Special Use Permit for those activities.) (See Special Park Condition 22.)

**Support Vehicle** For the purpose of this authorization the term "support vehicle" shall mean a vehicle or vehicles, other than a motorcycle, used by the holder to aid the motorcyclist in carrying gear, equipment or disabled motorcycles. The support vehicle must pay the appropriate commercial vehicle entrance fee. If the support vehicle is used to transport passenger the Holder must adhere to all State and Federal passenger transportation regulations.

**Tour Group:** Unless otherwise specified, for the purpose of this authorization the term "tour group" shall mean any group of motorcycle operators and/or their passengers, private or commercial, using any mode of commercial transportation to travel in Yosemite National Park, this includes the support vehicle(s) if being used.

**Road-based Tour:** For the purpose of this authorization the term "road-based tour" shall mean any tour whose primary itinerary is based on travelling along park roads, making stops at wayside vistas and developed public areas. Guided hiking on wilderness trails is not included in this activity.

<><><>

15. **Carry Permit:** The Holder (tour leader & support vehicle driver) is required to carry a valid copy of this Authorization while conducting the authorized activity 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. (For example; under adverse weather, high water, fire and other conditions, the Superintendent may temporarily suspend this permit until the situation improves.)
17. **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 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. (Updated park information may be found on the Yosemite NP website at <http://www.nps.gov/yose/index.htm>.)
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 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 motorcycle is \$10 dollars per person. The commercial support vehicle is \$10 dollars per person, excluding the driver. Clients may use **America the Beautiful - National Parks and Federal Recreational Lands** passes if owned by the client. Passes may not be owned by the holder and temporarily issued to clients. Attempting to avoid payment of appropriate fees is a violation of federal law, and will result in the revocation of this Authorization and the Holder will be subject to criminal prosecution.
24. **Harassment** – Harassment of and/or threats to park visitors or 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 commercial use which would not reasonably be inherent in the use which the Holder is authorized to conduct, as described in this Authorization.

27. **Group Limit** – Group size is limited to a maximum of sixteen (16) motorcycles per group, including guides.
28. **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.
29. **Proof of Operating Authority:** If transporting clients in the support vehicle for other than emergency purposes, the Holder shall provide the Superintendent with proof of current operating authority from the California Public Utilities Commission (PUC), for companies providing **intrastate** trips within California, and/or from the Department of Transportation (DOT) for all companies providing **interstate** trips. It is the responsibility of the Holder to update this office regarding any changes, updates or additions to their carrier authority. Failure to do so may result in the suspension of this authorization until the updated information is received in this office.
30. **Motorcycle Operator Licensing and Operation** – The Holder will assure that all clients and guides operating motorcycles on park roads hold valid motorcycle licenses or certifications recognized by the State of California.
31. **Motorcycle Operation** – The Holder will assure that all motorcycles operating on park roads meet all California Vehicle Code requirements including noise limits and vehicle modifications. Motorcycle operators and passengers must wear helmets when operating or riding on a motorcycle on park roads.
32. **Rules of the Road** - All vehicles will comply with posted traffic and parking regulations.
33. **Vehicle Use** – Motorcycles may travel on any roadway open to the general public for vehicle use. Off-road travel is prohibited.
34. **Sweep Vehicle** – The Holder shall employ a sweep vehicle, using either a motorcycle or support vehicle, to provide support to motorcyclist who may require assistance.
35. **Group Communication** - Cell phone coverage can be limited in various areas of the park, therefore the Holder should set up a backup method for clients to contact the guide or sweep vehicle should they become separated from the group or need assistance.
36. **Parking** – California vehicle code applies, in addition:
- A. **(Developed areas)** The Holder may not park in residential areas.
  - B. **(Parking Lots)** Motorcycles must park one vehicle to a parking space.
  - C. **(Double parking)** is prohibited.
  - D. **(Yosemite Village)** – (Motorcyclists should utilize the “motorcycle only” designated parking area in Lot-E located in the Camp 6 parking lot, near the Yosemite Village Store. The Yosemite Village Store parking lot may not be used to park group motorcycles. When the shuttle bus system is operating clients should use the free shuttle bus to travel to locations at Yosemite Village, Yosemite Lodge, Curry Village and the Ahwahnee Hotel.
  - E. **(Roadside Turnouts)** The Holder shall ensure that clients do not obstruct vehicular or pedestrian traffic.
  - F. **(Mariposa Grove of Big Trees)** Parking at the Mariposa Grove of Big Trees is limited; therefore; the Holder may park up to two motorcycles per space. Parking may not interfere with access to adjoining parking spaces or vehicles. When the parking lot at the Mariposa Grove fills to capacity, the inbound lane to the Grove will be closed to all vehicles. Visitors will be directed to the free Big Trees (Grove) Shuttle Bus, located at the Wawona Store parking lot when this service is available.
37. **Vehicle Exhaust:** All vehicles will be properly maintained to insure that the exhaust produced is not beyond what is allowed by law. Excessive exhaust from vehicles will be immediately corrected. Violation will result in enforcement of State and Federal laws regarding emissions.
38. **Vehicle Engine Noise:** All vehicles will be properly maintained to insure that the engine noise produced is not greater than 80 decibels, as allowed by the State of California for motorcycles manufactured after 1980. Excessive engine noise from vehicles will be immediately corrected. Violation will result in enforcement of State and Federal laws regarding noise limits.



**39. 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 trips in 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. The Holder shall insure that all employees and clients entering the park are informed of all applicable conditions of this Authorization. (The company may be cited for any violations committed by their employee(s).

**40. Supervision/Compliance: *The Holder shall provide adequate supervision of its employees and clients to ensure that the park's geological, biological, historical and archeological resources are not disturbed. The Holder is responsible for informing its employees and clients of park regulations and assuring compliance.***

***Supervision includes, but is not limited to:***

- 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. Trampling Vegetation** – Leave No Trace principles should be used by all tour participants. The Holder will keep clients from walking in the areas posted as sensitive or under re-vegetation management, and in areas where resource damage may result.
- C. Feeding Wildlife** - Park regulations prohibit the feeding of any wildlife in Yosemite National Park. The Holder must enforce this regulation with their clients.
- D. Unattended Food** - Food may not be left unattended if not stored in approved storage containers. Food will be considered to be unattended when it is placed outside and is not within arm's reach of the guide or client. Food, such as lunch boxes, left unattended may be confiscated and the guide and/or company cited for improper food storage.
- E. Trash Items** – Food refuse including wrappings and containers must not be placed into open-topped dumpsters. *The Holder 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.*
- F. Cigarette Butts** – The Holder will not allow clients who smoke to discard their cigarette butts on the ground. Cigarette butts must be snuffed out and disposed of properly.

**37. Restroom Facilities: *Under no circumstances* will the Holder allow clients to dispose of human body waste outside of restroom facilities provided for that purpose.**

**38. 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.

39. **Report of Injury or Damage** - 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 or written description of the incident given to a Park Ranger, at the nearest ranger station, entrance station or a park Desk Officer. *(If a Park Ranger is unavailable, a report may be made by calling the park Desk Officer at (209) 372-0608 or the Yosemite Emergency Communication Center at 209-379-1992. Dial 9-1-1 to report life-threatening injury or incidents.)* 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.**
40. **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.
41. **Park Information:** The Holder will insure that information provided through tour leaders, brochures, literature, or advertising to park visitors is accurate and reflects the most current information available to depict park flora, fauna, geology, culture, and history. *(Some information may be found on the park web-site at [www.nps.gov/yose](http://www.nps.gov/yose). For Road and weather information inside of Yosemite call (209) 372-0200.)*
42. **Client Information:** Upon request, the Holder must provide names, addresses, and phone numbers of tour clientele or any other reasonable statistical information regarding authorized, permitted activities conducted within Yosemite National Park.
43. **Permit Renewal** - The Holder shall give written notice of his/her intent to renew the Authorization for the next calendar year. This notice is included in the Annual Survey form and serves as your application for permit renewal for the following year and must be received in this office by **December 1<sup>st</sup> of the current permit year.** *Companies providing trips to the park through December may turn in their report by January 15<sup>th</sup> of the new year with prior approval from the Office of Special Park Uses.*
44. **Annual Survey** – The Holder shall submit the annual survey to the Office of Special Park Uses by **December 1, of the current permit year.** The report will include 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<sup>th</sup> of the new year, with prior approval from the Office of Special Park Uses.*



## 20## COMMERCIAL MOTORCYCLE TOUR SURVEY

**Owner Name:** \_\_\_\_\_ **Contact Person** (if different): \_\_\_\_\_

**Company Name:** \_\_\_\_\_ **Tax ID #** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_ **Email:**(Contact Person) \_\_\_\_\_

\_\_\_\_\_ **Email:**(Company) \_\_\_\_\_

\_\_\_\_\_ **Website:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

EMERGENCY PHONE NUMBER (\_\_\_\_\_) \_\_\_\_\_ (24 hr contact for emergencies)

- 1) What type(s) of commercial vehicles do you operate in Yosemite NP? (Check all that apply)  
Motorcycle \_\_\_\_; Tricycle \_\_\_\_; Side car \_\_\_\_; Support Van \_\_\_\_; Other (list) \_\_\_\_\_;
- 2) Do you own, or are you planning to acquire, alternative fueled vehicle(s) Yes No (circle one)
- 3) Besides road based sightseeing tours, does your company engaged in any of the following commercial guiding activities in Yosemite NP? (If YES check all that apply) Guided Backpacking \_\_\_\_  
Guided Day-hiking \_\_\_\_ Guided Nordic Activities \_\_\_\_ Photography Workshop \_\_\_\_  
Other \_\_\_\_\_

**The following is required information and must be completed if you visited Yosemite during 20##. Failure to complete all information will result in the denial of your permit application.**

7) How many trips did your company make into Yosemite during 20##? ..... \_\_\_\_\_

8) How many clients did you bring to Yosemite during 20##? ..... \_\_\_\_\_

9) On average, how much time did your clients spend in the Park per trip? Give information for both types of trips if they apply.

For day-use-only trips, show average number of hours per day trip: \_\_\_\_\_(hrs/day)  
(Overnight visits to the park, where clients stay outside of the park should be shown as day trips)

For trips involving overnight stays inside the park, show only the average number of nights per trip. (Even if your clients spent part or all of the day in the park.) \_\_\_\_\_(nights)

10) What were the annual gross receipts generated as a result of bringing clients to Yosemite in 20## (This is required information.) \$ \_\_\_\_\_

11) How was the answer to #10 calculated?

12) Did you have any reportable motor vehicle accidents or personal injuries occur within the park during your visit(s) in 20##? Yes \_\_\_\_ No \_\_\_\_ (If yes, please use a separate sheet of paper to explain the circumstances, be sure to include the date and type of accident or injury and a brief statement of the incident.)