

Categorical Exclusion

(Version: OCT06)

Compliance Tracking Number: 2007-120

PEPC Project Number: 20127

A. PROJECT INFORMATION

Title: Commercial Use Authorization for Chain Installation and Sales

Location: Parkwide, Mariposa, Tuolumne, and Madera Counties, California

Project Manager: Ruth Middlecamp, Business and Revenue Management, Yosemite National Park

B. COMPLIANCE DETERMINATION

This project is an action that has been determined to result in no measurable environmental effects. It is therefore categorically excluded from further National Environmental Policy Act (NEPA) analysis under Categorical Exclusion: DO12 3.4 A (6) - *Incidental business permits (formerly called commercial use licenses) involving no construction or potential for new environmental impact.*

Necessary compliance coordination has been completed regarding the National Historic Preservation Act, the Wilderness Act, the Wild and Scenic Rivers Act, and the Endangered Species Act, as applicable. Environmental impacts will be negligible or less when the project is implemented with the conditions stipulated under **Project Mitigations and Conditions** in **Section I** at the end of the attached *Environmental Screening Form*.

Additional supporting information for this determination and the stipulated conditions can be found in the following attachments (when checked):

- Environmental Screening Form*
- Preservation Assessment Form (YOSE-XXX)*
- Wilderness Minimum Requirement Analysis*
- Wild and Scenic River Section 7 Determination*
- Other:

DECISION

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 or conditions in DO12 3.5 or 3.6 apply and the action is fully described in DO12, Section 3.4.

//R. Kevin Cann//

Michael J. Tollefson, Superintendent

11/02/07

Date

Original: Statutory Compliance File

cc: Project Proponent

Attachments (2)

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



United States Department of the Interior

NATIONAL PARK SERVICE

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

IN REPLY REFER TO:
L7617 (YOSE-PM)

Memorandum

To: Ruth Middlecamp, Project Manager, Business and Revenue Management, Yosemite National Park

From: Superintendent, Yosemite National Park

Subject: Notice to Proceed, 2007-120 Commercial Use Authorization for Chain Installation and Sales

Your proposed project is an action that has been determined to result in no measurable environmental effects. It is therefore categorically excluded from further National Environmental Policy Act analysis under Categorical Exclusion: DO12 3.4 A (6) - *Incidental business permits (formerly called commercial use licenses) involving no construction or potential for new environmental impact.*

Necessary compliance coordination has been completed regarding the National Historic Preservation Act, the Wilderness Act, the Wild and Scenic Rivers Act, and the Endangered Species Act, as applicable. This project clearance is valid providing that you adhere to any conditions that may be stipulated in the enclosed *Categorical Exclusion Form* and associated documents when implementing this project.

//R. Kevin Cann//
Michael J. Tollefson

11/02/07
Date

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.

Environmental Screening Form

(Version: NOV06)

Compliance Tracking Number: 2007-120

PEPC Project Number: 20127

A. PROJECT INFORMATION

Title: Commercial Use Authorization for Chain Installation and Sales

Location: Parkwide, Mariposa, Tuolumne, and Madera Counties, California

Project Manager: Ruth Middlecamp, Business and Revenue Management, Yosemite National Park

B. PROJECT DESCRIPTION AND BACKGROUND

The issuance of this Commercial Use Authorization (CUA, previously titled Incidental Business Permit) is to regulate and oversee the commercial operations involved in installing, removing, and/or selling tire traction devices on private and commercial vehicles within the jurisdiction of Yosemite National Park. This authorization will be reviewed in 5 years pending no changes to this Commercial Use Authorization. If changes are to be made, then at that time a new authorization will be completed and approved. The permitted activities are designated to occur in paved chain control turnouts along the El Portal Road, Wawona Road, Big Oak Flat Road, Badger Pass/Glacier Point Road and Valley Loop Roads. Chain installation/removal activities may take place within the Concessioner's land assignment parking areas only if requested by the Concessioner.

Table B1 – Background Information

	Yes	No	N/A	Explanation/Notes
1. Did NPS staff conduct a site visit? If yes, list attendees. If no, explain.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2a. Is the project providing compliance for an action associated with but not covered by an approved plan? (Identify the plan and provide a section or page citation.); OR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2b. Is the project in an approved plan? (Identify the plan and provide a section or page citation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2c. Is the project consistent with that plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2d. Is the Plan's CE, FONSI, or ROD current?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a. Are there any interested or affected parties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3b. Has a diligent effort been made to communicate with them?	<input type="checkbox"/>			
4a. Are there any affected agencies or tribes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4b. Has consultation been completed?	<input type="checkbox"/>			

Table B2 – Environmental Screening Form Attachments (provide Attachment letter—A, B, etc.)

	Yes	No	N/A	Explanation/Notes
1. Maps	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Drawings (e.g., design, construction)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Site Plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Photographs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Non-NEPA/NHPA Approvals (Explain)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Other (Explain)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Commercial Use Authorization; see Attachment A.

C. ASSESSMENT OF POTENTIAL RESOURCE EFFECTS

Are any impacts possible on the following resources?	Yes	No	N/A	Data Needed to Determine/Notes
1. Geologic resources: soils, bedrock, streambeds, etc	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. From geohazards	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Soundscapes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Water quality or quantity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Stream flow characteristics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Marine or estuarine resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. Floodplains or wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Land use, including occupancy, income, values, ownership, type of use	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Rare or unusual vegetation – old growth timber, riparian, alpine	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. Unique ecosystems, biosphere reserves, World Heritage Sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yosemite National Park is a World Heritage site; no historic properties would be adversely affected by implementing this project; see Section F, National Historic Preservation Act Checklist, below.
13. Unique or important wildlife or wildlife habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Unique or important fish or fish habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15. Introduce or promote non-native species (plant or animal)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Recreation resources, including supply, demand, visitation, activities, etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Visitor experience, aesthetic resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
18. Cultural resources including cultural landscapes, ethnographic resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
20. Minority and low income populations, ethnography, size, migration patterns, etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
21. Energy resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
22. Other agency or tribal land use plans or policies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
23. Resource, including energy, conservation potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
24. Urban quality, gateway communities, etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
25. Long-term management of resources or land/resource productivity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
26. Other important environment resources (e.g. geothermal, paleontological resources)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Comments, Mitigations and Conditions:

- None

D. MANDATORY CRITERIA

If implemented, would the proposed action:	Yes	No	N/A	Data Needed to Determine/Notes
1. Have material adverse effects on public health or safety?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Have adverse effects on such unique 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; floodplains; or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Have highly controversial environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Be directly related to other actions with individually insignificant, but cumulatively significant, environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species or have adverse effects on designated Critical Habitat for these species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Threaten to violate a federal, state, local, or tribal law or requirement imposed for the protection of the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Involve unresolved conflicts concerning alternative uses of available resources (NEPA sec. 102(2)(E))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. Have a disproportionate, significant adverse effect on low-income or minority populations (EO 12898)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 130007)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Contribute to the introduction, continued existence, or spread of federally listed noxious weeds (Federal Noxious Weed Control Act)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15. Contribute to the introduction, continued existence, or spread of non-native invasive species or actions that may promote the introduction, growth or expansion of the range of non-native invasive species (EO 13112)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Require a permit from a federal, state, or local agency to proceed, unless the agency from which the permit is required agrees that a CE is appropriate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Have the potential for significant impact as indicated by a federal, state, or local agency or Indian tribe?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
18. Have the potential to be controversial because of disagreement over possible environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
19. Have the potential to violate the NPS Organic Act by impairing park resources or values?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Comments, Mitigations and Conditions:

1. None

E. SPECIAL STATUS SPECIES CHECKLIST

Within the area of potential effect, are there:	Yes	No	N/A	Data Needed to Determine/Notes
1. Listed or proposed threatened or endangered species (Federal or State)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Species of special concern (Federal or State)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Park rare plants or vegetation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Potential habitat for any special-status species listed above?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If "yes" to any of the above questions, a Special-Status Species Checklist must be completed and attached.				
Comments, Mitigations and Conditions:				
1. None				

F. NATIONAL HISTORIC PRESERVATION ACT CHECKLIST

Within the area of potential effect:	Yes	No	N/A	Data Needed to Determine/Notes
1. Will there be ground disturbance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Are there any archeological sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Are there any Native American Indian traditional cultural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Is there a historic property (a building, structure, feature, or all or any part of an archeological district or site, or a historic district or site, or any associated landscape element) that is listed or eligible for listing on the <i>National Register</i> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This authorization is effective parkwide; the assessment of effect is "No Adverse Effect;" see the attached XXX.
5. Is there a National Historic Landmark?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Is there a structure(s) on the park's <i>List of Classified Structures</i> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Is there any cultural resource requiring an evaluation of eligibility as a historic property under NHPA, Section 106, before an affect determination can be made?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. Would there be alteration of any historic property or associated landscape element covered by 2-7, above?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If "yes" to <u>any</u> of the above, then an Assessment of Effects form (YOSE-XXX) must be completed and attached.				
Mitigations and Conditions:				
1. None				

G. WILDERNESS ACT CHECKLIST

Is the proposed project:	Yes	No	N/A	Data Needed to Determine/Notes
1. Within designated Wilderness?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Within a Potential Wilderness Addition?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If "yes" to either of the above, then a Wilderness Minimum Requirements Analysis must be completed and attached.				
Mitigations and Conditions:				
1. None				

H. WILD AND SCENIC RIVERS ACT CHECKLIST

Does the proposed project:	Yes	No	N/A	Data Needed to Determine/Notes
1. Fall within a wild and scenic river corridor? If "yes", name the river(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Merced River
2. Fall within the bed and banks AND affect the free-flow of the river?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Potentially affect water quality of the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Diminish or other wise change the values for which the river was designated as a Wild and Scenic River? If "yes", explain.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5a. Fall on a tributary of a Wild and Scenic River?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5b. If 5a is "yes", will the project affect the Wild and Scenic River corridor?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5c. If 5a is "yes", will the project unreasonably diminish scenic, recreational, or fish and wildlife values?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If "yes" to questions 2, 5b, or 5c, then a WSRA Section 7 determination must be completed and attached.

Mitigations and Conditions:

1. None

I. NEPA Analysis and Approval Conditions

When implemented as detailed in the project description and following all Project Mitigations and Conditions listed below, this project meets the terms and conditions of a categorical exclusion to NEPA.

Applicable Categorical Exclusion:

DO12 3.4 A (6) - *Incidental business permits (formerly called commercial use licenses) involving no construction or potential for new environmental impact.*

Project Mitigations and Conditions:

1. None

This project has been reviewed in accordance with the above criteria and it has been determined that the project will result in no or minimal environmental effects. Therefore, it is categorically excluded from further environmental review required under the National Environmental Policy Act. Additionally, the necessary compliance coordination has been completed with regard to the National Historic Preservation Act, the Wilderness Act, the Wild and Scenic Rivers Act, and the Endangered Species Act.

//Renea Kennec// *10/24/07*
Compliance Specialist **Date**

//Mark A. Butler// *10/25/07*
Compliance Program Manager **Date**

//Glen Rothell *10/30/07*
Chief, Project Management **Date**

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

Attachment A

Form 10-114 (CUA) UNITED STATES DEPARTMENT OF THE INTERIOR
Rev. 1/2004 National Park Service

YOSEMITE NATIONAL PARK
Commercial Use Authorization
(2008 TIRE CHAIN INSTALLATION & SALES)

1. Holder
NAME

BIB#

Park Alpha Code: YOSE

Permit #: 8800-08- (Official Use Only),

Type of Use: Visitor Services

Date Authorization Approved: 10/2007

Reviewed: 10/2007

Expires: 07/2008

TELEPHONE NUMBER

FAX NUMBER

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 conditions and by Authorized Protection Division Rangers.

The area must be restored to its original condition at the end of the authorization.

3. The authorization begins at 12:00 (A.M.) on October 15, 2007

4. The authorization expires at 12:00 (A.M.) on June 15, 2008

5. SUMMARY OF AUTHORIZED ACTIVITY: (see attached sheets for additional information and conditions) **The Holder is authorized to sell, install and remove Caltrans and Yosemite National Park approved tire traction devices on private and commercial vehicles within Yosemite National Park.**

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.

XX 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 18, P.L. 105-391; 16 USC 1, 1A; 36 CFR Parts 1-7
7. NEPA Compliance: CATEGORICALLY EXCLUDED EA/FONSI EIS OTHER APPROVED PLANS
8. NHPA Section 106 Compliance: No Effect No Adverse Effect pursuant to Special Conditions 20 & 21
9. APPLICATION FEE Received Not Required Amount \$ 50.00 for new applications
10. LIABILITY INSURANCE: Required NA Amount \$
11. COST RECOVERY: Required Amount \$ 150.00
12. FACILITY USE FEE: Required Not Required 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.

12. Signatures.

Authorization Holder: _____ (_____)
Signature (Print Name) Title Date

Authorizing NPS Official: _____
Signature (for) Superintendent Date

CONDITIONS OF THIS AUTHORIZATION

1. The holder is prohibited from 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. The holder shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with all applicable laws and regulations of the area and terms and conditions of the authorization.
3. 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. Holder agrees to carry 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 designated in Special Park Condition #3 of this Authorization and underwritten by a United States company naming the United States of America (National Park Service, park name and address) as additionally insured. Holder agrees to have on file with the park copies of the above insurance with the proper endorsements.
5. Cost incurred by the park as a result of accepting and processing the application and managing and monitoring the authorization 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. This authorization may not be transferred or assigned without the written consent of the Superintendent.
8. This authorization may be terminated upon breach of any of the conditions herein or at the discretion of the Superintendent.
9. Holder will comply with applicable public health and sanitation standards and codes.
10. 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.
11. 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.

(Conditions Continued)

12. 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. The holder shall not alter the physical condition of park resources or infrastructure. The removal of snow for access and safety will be allowed.

13. 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.

14. 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.

**APPENDIX
SPECIAL PARK CONDITIONS**

Definitions:

PERMIT/AUTHORIZATION: these terms may be used interchangeably when referring to the Commercial Use Authorization.

CUA: Abbreviation for new permitting instrument, Commercial Use Authorization.

Holder: For the purpose of this authorization the word "Holder" shall mean the person and or company whose name is listed on page one of this permit as the Holder. The Holder shall be the responsible party in matters agreed to in this authorization.

Chains: For the purpose of this permit the word "Chains" will signify any temporary traction control device, approved by Caltrans (California Dept. of Transportation) and Yosemite National Park to be used for winter driving conditions.

Chain Services: For the purpose of this permit the term "Chain Services" or "Tire Chain Services" denotes chain installation and/or chain removal.

1. **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 will comply with any Special Instructions received from the Superintendent, or representative thereof, concerning commercial operations within Yosemite National Park.
2. **Certification** – The Holder shall complete and pass the Caltrans Chain Installation course. A copy of the Caltrans certificate shall be placed on file with the Office of Special Park Uses.
3. **Liability Coverage** – It is the intent of this program to maintain consistency with the Caltrans chain installation requirements. As such, there is no requirement at this time for the Holder to purchase Liability Insurance, however, it is strongly advised. The Holder understands that they may be held liable for property damage and/or physical injury which may occur as a result of their participation in this activity.
4. **Business/Revenue Base** - It is understood that the holder of this CUA shall not develop a business based on revenues generated through sales within Yosemite National Park which exceed the gross yearly earnings of \$25,000.00.
5. **Rates** – The rates of the authorized activity will be subject to approved by the National Park Service. The Holder must provide the Office of Special Park Uses with a list of prices to be charged.

Special Park Conditions continued

6. **Entry Fees** – Entrance fees are waived for the Holder while conducting the authorized activity. Attempting to avoid payment of appropriate fees is a violation of federal law. Any attempt at fee fraud will result in the revocation of the CUA and the Holder will be subject to criminal prosecution.
7. **Safety** - The Holder shall take every reasonable precaution to ensure the safety of its clients, other Park visitors, and Park employees.
8. **Authorization** - The Holder is authorized to install and/or remove tire chains at the point of need on roadways or within parking lots as authorized or assigned. Only the authorized Holder may conduct business under this permit. Each chain installer must have his/her own permit.
9. **Age Restriction** – The Holder must be at least 18 years of age. The parent or legal guardian of any Holder under the age of 21 must co-sign the CUA.
10. **Location** - In all cases, the Holder is required to adhere to the instructions of on-site NPS Rangers or road maintenance personnel, with regard to appropriate location for tire chain services. (The Holder is expected to coordinate with the National Park Service (NPS) to determine where and when there is a need for tire chain services. A recorded message about park road and weather conditions may be reached by calling (209) 372-0200. Contact NPS Communications office at (209) 379-1992 regarding availability.)
11. **Zone Assignments** – The Superintendent reserves the right to limit the number of CUAs issued per Zone assignment. The Holder may work only in the Zone(s) designated on page one of his/her Chain Installer CUA. No changes in assigned Zones will be allowed unless approved by the Superintendent or agent thereof.
12. **Pre-notification** - The Holder must advise clients of the fee for service provided in advance and display a sign with the fees for each service. The sign must measure a minimum of 12" x 24" up to a maximum of 18" x 36". The letters shall be a minimum of 4 inches high with a minimum brush stroke of 5/8 inch. The Holder may not display any advertising other than this required signage.
13. **Fee Receipt** - Upon completing the installation, repair or removal of tire chains, the Holder must give the motorist a receipt showing the Holder's name, the service rendered and fee that was charged.
14. **Interference with Traffic** – The Holder is not allowed in the lanes maintained for through traffic. He/she must remain in the area designated for chain service. Interference with, stopping, or controlling traffic by flagging, signs, arm movements, lights, etc. so as to interfere with the orderly movement of traffic is prohibited.
15. **Vending or Renting of Tire Chains** – Unless specifically authorized in writing by the Superintendent, vending or renting of tire chains, accessories or other items within the park boundary is prohibited.
16. **Complaints** – The Holder shall conduct business in a professional and courteous manner. Any person issued a CUA who is found to have displayed poor workmanship in installing or removing chains, giving misleading statements concerning the necessity for altering chains, misrepresenting road conditions or requirements regarding chain regulations, or causing complaints relative to his/her conduct may be required by the Superintendent to surrender his/her CUA.
17. **Holder Vehicle** - The Holder may park a single vehicle within a designated chain control point designated by the National Park Service, if safe to do so, while engaged in the activities authorized by this CUA.
18. **Professionalism** - Due to the public image of persons conducting business in Yosemite National Park, the Holder shall present a positive image in both dress and demeanor while providing tire chain installation and removal services, commensurate with the tasks associated the activity, and considering the climatic conditions. The Holder must wear the issued high visibility bib vest number over a professional looking outdoor weather jacket and pants set. while providing snow chain installation service. *(As a safety measure, the holder should consider wearing high visibility color clothing for for greater visibility when working in traffic areas and during inclement weather.)*
Special Park Conditions continued

19. **Clean up** – All areas used by the Holder for the authorized activity must be left clean and all debris and garbage carried out of the Park for disposal.
20. **Natural, Cultural & Historic Resource Protection**
To the degree that the permitted activity may impact the natural, cultural and/or historic resources of the park; the Holder shall ensure that the Park's geological, biological, historical and archeological¹ (See footnote at the bottom of this page.) resources are not disturbed.
21. **Protection of Natural Resources & Cultural Artifacts (Historic and Prehistoric)**¹(See Footnote at the bottom of this page.) - The Holder will not disturb or remove, or allow clients to disturb or remove any natural and/or historic and/or cultural artifacts from the Park 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.
22. **Cigarette Butts** – The Holder must provide a container for disposal of cigarette butts. Cigarette butts are considered to be litter and must not be left on the ground.
23. **Warming Fires** – The Holder may use an OSHA approved propane heater for personal warmth during inclement weather. The heater must be kept in an area away from the main chain service area. The use of an open flame fire is prohibited.
24. **Drugs & Alcohol** – The Holder may not consume any alcoholic beverage while engaged in providing tire chain services. He/she may not provide tire chain services while under the influence of alcohol (BAC 0.01 or higher) and/or a controlled substance. Possession and/or use of a controlled substance and/or evidence of being under the influence of alcohol (BAC 0.01 or higher) or drugs will result in the immediate termination of this CUA.
25. **End of Year Report** - An income summary of all fees collected for services must be completed and returned to the Office of Special Park Uses upon expiration of the CUA (Due by July 15, 2008).
26. **Discrimination** – The Holder may not discriminate in the provision of his/her services to the public on the basis of race, color, religion, sex, national origin, or disability.
27. **Proof of Authorization** – Chain installers must carry a copy of this entire CUA and be prepared to present it at all park entrances and to any National Park Service (NPS) Ranger upon request.



TIRE CHAIN SALES CONDITIONS

(All preceding conditions, attached to this authorization, must be followed when applicable to the activity.)

As noted on the permit cover page the Holder is authorized to sell tire traction control devices within the boundaries of Yosemite National Park under the following conditions.

1. **Tire Chain Sales:** For the purpose of this authorization the term "Tire Chain Sales" signifies the sale within Yosemite National Park of new link chain and/or cable style traction control devices. Sale of used devices is prohibited.
2. **Tire Chain Rentals:** Rental of traction control devices under this authorization is prohibited.
3. **Location:** This authorization allows sales by Hwy 120 Towing to be conducted at roadside chain control areas along the Big Oak Flat Road between the Big Oak Flat Entrance Station and the Crane Flat Intersection. Sales

¹ Cultural Resources in Yosemite National Park are protected by the Historic Preservation Act of 1996 (16 USC 470), and the Archeological Resources Protection Act of 1979, as amended (16 USC 470aa), which carries criminal and civil penalties for removing or damaging archaeological resources.

outside of the authorized area may be made on an emergency basis if requested by an authorized Park Ranger.

4. **Sizing:** Tire chains may only be sold for the tire size specified by the manufacturer of the device.
5. **Sales Receipts:** Receipts for tire chain sales must be kept separate from tire chain installation receipts.
6. **Annual Report:** An Annual Report Form showing sales of tire chains must be completed by the Holder and sent into the Office of Special Park Uses by July 30, 2008. The information on this report must not include monies collected for chain installations. (Hwy 120 Towing may combine information from all company permits and combine it into one report.)

Preservation Assessment Form (YOSE XXX)

(Version: AUG06)

Compliance Tracking Number: 2007-120

PEPC Project Number: 20127

A. DESCRIPTION OF UNDERTAKING

Title: Commercial Use Authorization for Chain Installation and Sales

Project Location and Area of Potential Effect:

Park Wide, Mariposa, Tuolumne, and Madera Counties, California

Paved Chain Control turnouts along El Portal Road, Wawona Road, Big Oak Flat Road, Badger Pass/Glacier Point Road and Valley Loop Road

Project Manager: Ruth Middlecamp, Business and Revenue Management, Yosemite National Park

Project Description: The issuance of this Commercial Use Authorization (CUA, previously titled Incidental Business Permit) is to regulate and oversee the commercial operations involved in installing, removing, and/or selling tire traction devices on private and commercial vehicles within the jurisdiction of Yosemite National Park. This authorization will be reviewed in 5 years pending no changes to this Commercial Use Authorization. If changes are to be made, then at that time a new authorization will be completed and approved. The permitted activities are designated to occur in paved chain control turnouts along the El Portal Road, Wawona Road, Big Oak Flat Road, Badger Pass/Glacier Point Road and Valley Loop Roads. Chain installation/removal activities may take place within the Concessioner's land assignment parking areas only if requested by the Concessioner.

1. Attached Sensitive Information**	Yes	No	Explanation/Source/Notes
a. Maps	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Drawings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Site Plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. Photographs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e. Sample	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
f. List of Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
g. Other (Explain)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

** Sensitive documents not for duplication or distribution beyond park management, subject matter experts, and the project statutory compliance file.

B. DESCRIPTION OF EFFECTS

	Yes	No	N/A	Explanation/Notes
1. Has the Area of Potential Effect been surveyed to identify historic properties? If Yes, provide reference for the Survey (s).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
a. Would the proposed action affect a known historic property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

2. List all Historic Properties in the Area of Potential Effect:	Affected?			Explanation/Notes
	Yes	No		
a.	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
b.	<input type="checkbox"/>	<input type="checkbox"/>		
c.	<input type="checkbox"/>	<input type="checkbox"/>		

3. List resources in the Area of Potential Effect to which American Indians attach cultural and religious significance:	Affected?			Explanation/Notes
	Yes	No		
a.	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
b.	<input type="checkbox"/>	<input type="checkbox"/>		
c.	<input type="checkbox"/>	<input type="checkbox"/>		

4. The proposed action will:	Yes	No	N/A	Explanation/Note
• Destroy, remove, or alter features or elements from a historic structure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Replace historic features/elements in kind	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Add nonhistoric features/elements to a historic structure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Alter or remove features/elements of a historic setting or environment (including terrain)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Add nonhistoric features/elements (including visual, audible, or atmospheric) to a historic setting or cultural landscape	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Disturb, destroy, or make archeological resources inaccessible, or alter associated terrain	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Disturb, destroy, or make ethnographic resources inaccessible, or alter associated terrain	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Begin or contribute to the deterioration of historic fabric, terrain, setting, landscape elements, or archeological or ethnographic resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Involve a real property transaction affecting historic cultural properties (i.e., the exchange, sale, or lease of land or structures)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Potentially affect presently unidentified historic resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vandalism and inadvertent damage or destruction.

5. Describe any measures that are incorporated as part of this project that will be taken to prevent or minimize loss or impairment of prehistoric or historic fabric, setting, integrity, or data:

CUA has protective clauses

Checklist prepared by: Jeannette Simons

Date: 10 10 07

Title: Historic Preservation Officer

C. SPECIALIST SECTION

Specialists: Your comments here (or attached) show that you have reviewed this proposal for conformity with requirements of *National Historic Preservation Act, Section 106*; with the 1995 *Service-wide Programmatic Agreement* (if applicable); with applicable parts of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*; with the *NPS Management Policies* and *Cultural Resource Management Guideline*; and have given your best professional advice about this project and the issues relevant to the Section 106 process, including identification and evaluation of historic properties and further consultation needs.

Archeologist

Name: **Laura Kirn**

Date:

Comments:

Ground Disturbance Involved Yes: No:

Assessment of Effect: **No Effect**

Recommended Conditions:

Signature of Archeologist: //signed original signature on file//

Cultural Anthropologist

Name: **Sonny Montague**

Date:

Comments:

Assessment of Effect: <Choose Effect> or write it here >>

Recommended Conditions:

Signature of Cultural Anthropologist: _____

Curator

Name: **Jonathan Bayless**

Date:

Comments:

Assessment of Effect: <Choose Effect> or write it here >>

Recommended Conditions:

Signature of Curator: _____

Historian

Name: **Charles Palmer**

Date: 10/15/07

Comments:

Assessment of Effect: **No Effect**

Recommended Conditions:

Signature of Historian: //signed original signature on file//

Historic Architect

Name: **Sueann Brown**

Date: 10/15/07

Comments:

Assessment of Effect: **No Effect**

Recommended Conditions:

Signature of Historic Architect: //signed original signature on file//

Historical Landscape Architect

Name: **Dave Humphrey**

Date: 10/11/07

Comments:

Assessment of Effect: **No Effect**

Recommended Conditions:

Signature of Historic Landscape Architect: //signed original signature on file//

Preservation Specialist

Name: **Rod Kenec**

Date: 10/10/07

Comments:

Assessment of Effect: **No Effect**

Recommended Conditions: Recommended Conditions

Signature of Preservation Specialist: //signed original signature on file//

Native American Liaison

Name: **Jeannette Simons**

Date:

Comments:

Assessment of Effect: **<Choose Effect> or write it here >>**

Recommended Conditions:

Signature of Native American Liaison: _____

<Enter Specialist Title>

Name:

Date:

Comments:

Assessment of Effect: **<Choose Effect> or write it here >>**

Recommended Conditions:

Signature of <Enter Specialist's Title>: _____

**D. RESOURCES MANAGEMENT AND SCIENCE DIVISION AND PARK 106
COORDINATOR REVIEWS AND RECOMMENDATIONS**

- 1. Review by specialists:** The appropriate subject-matter experts have reviewed the project and entered their comments and recommendations in Section C, above.

The foregoing assessment is adequate: the proposed action is consistent with all applicable NPS management policies, standards, guidelines, or US DOI standards and guidelines, Rehabilitation of Historic Buildings, or others, and incorporates measures to avoid Adverse Effects.

Reviewed and Accepted by:

Signature: //Niki Stephanie Nicholas// **Date:** 10/17/07
Chief of Resources Management & Science Division

- 2. Compliance Requirements:** The following is the park's assessment of Section 106 process needs and requirements for this undertaking.

Standard 36 CFR Part 800 Consultation

Consultation under 36 CFR is needed subsequent to the preparation of this form and its review by appropriate historic resource management advisors.

Undertaking related to the 1995 NPS Programmatic Agreement

The above action meets all conditions for a programmatic exclusion under Stipulation IV. A of the 1995 NPS programmatic agreement, and is listed in Stipulation IV. B, as:

Plan-Related Undertaking

Consultation and review of the proposed undertaking were completed in the context of a plan review process, in accordance with the 1995 NPS programmatic agreement and 36 CFR Part 800.

Undertaking Related to Another Agreement

The proposed undertaking is covered for Section 106 purposes under a document such as a statewide agreement written in accordance with 37 CFR Part 800.7 or counterpart regulations.

Agreement: <Enter Agreement Information>

Flood-Recovery Related Undertaking

The proposed undertaking is covered for Section 106 purposes under the letter-based agreement between the NPS, the State Historic Preservation Office, and the Council for Historic Preservation for "Highwater 97" flood repair and recovery

Undertaking Related to the 1999 Yosemite Programmatic Agreement

The proposed undertaking is covered for Section 106 purposes under the park's 1999 programmatic agreement for planning, design, construction, operations and maintenance; the undertaking meets the stipulations identified in Article VII.C.2.

3. Assessment of Effects: No Adverse Effect

4. Project Stipulations and Conditions

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

- a. No Adverse Effect contingent on compliance with Special Conditions 20 and 21 in the CUA.

Recommended by Park Section 106 Coordinator:

Name: **Jeannette Simons**

Title: **Historic Preservation Officer**

Signature: //Jeannette Simons// Date: 10/31/07

E. SUPERINTENDENT'S APPROVAL

The proposed work conforms to NPS Management Policies and NPS-28 and I approve the recommendations, stipulations, and conditions noted in Section B of this form.

Signature of Superintendent: //R. Kevin Cann//

Date: 11/02/07

Michael J. Tollefson