



IN REPLY REFER TO:
L7615(YOSE-PM)

United States Department of the Interior NATIONAL PARK SERVICE

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

Memorandum

To: Ruth Middlecamp, Project Manager, Yosemite National Park

From: Superintendent, Yosemite National Park

Subject: NEPA and NHPA Clearance: 2012-015 Commercial Use Authorization - Chain Installation (41528)

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

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

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

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

- No mitigations identified.

For complete compliance information see PEPC Project 41528.

//Don L. Neubacher//
Don L. Neubacher

Enclosure (with attachments)

cc: Statutory Compliance File

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



National Park Service
U.S. Department of the Interior

Yosemite National Park
Date: 07/13/2012

Categorical Exclusion Form

Project: 2012-015 Commercial Use Authorization - Chain Installation

PEPC Project Number: 41528

Project Description:

The Commercial Use Authorization (CUA) is a tool required by the National Park Service to regulate and oversee the commercial use of National Park Service lands, not regulated under a Concessions Management contract. This CUA, also known as a permit, is issued to companies or individuals conducting a commercial in-park business. As an in-park business the CUA Holder is allowed to offer their service to install and uninstall Caltrans approved traction control devices known as tire chains or tire cables to the public and collect payment for their service inside of Yosemite National Park boundaries. This service is offered as a roadside service along designated chain installation areas. This CUA does not authorize the Holder to rent, sell or repair tire chains or cables. The permitted activity is to be conducted only in those areas of Yosemite National Park authorized by the CUA. The CUA holder is required to obtain a chain installation training certificate from Caltrans along with any additional permits or license required by law.

Project Locations:

Mariposa 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.

//Don L. Neubacher//
Don L. Neubacher

//7/23/12//
Date

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National Park Service
U.S. Department of the Interior

Yosemite National Park
Date: 07/13/2012

ENVIRONMENTAL SCREENING FORM (ESF)

DO-12 APPENDIX 1

Date Form Initiated: 06/27/2012

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

A. PROJECT INFORMATION

Park Name: Yosemite National Park
Project Title: 2012-015 Commercial Use Authorization - Chain Installation
PEPC Project Number: 41528
Project Type: Permit - Commercial Use Authorization (CUP)
Project Location:
County, State: Mariposa & Tuolumne Counties, California
Project Leader: Ruth Middlecamp

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

B. RESOURCE EFFECTS TO CONSIDER:

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

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

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
aesthetic resources					
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				
26. Other agency or tribal land use plans or policies	No				
27. Resource, including energy, conservation potential, sustainability	No				

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
28. Urban quality, gateway communities, etc.	No				
29. Long-term management of resources or land/resource productivity	No				
30. Other important environment resources (e.g. geothermal, paleontological resources)?	No				

C. MANDATORY CRITERIA

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
A. Have significant impacts on public health or safety?		No		
B. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?		No		
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?		No		

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
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 (Executive Order 12898)?		No		
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		No		
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native		No		

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
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)?				

D. OTHER INFORMATION

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

E. INTERDISCIPLINARY TEAM SIGNATORIES

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

F. SUPERVISORY SIGNATORY

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

Recommended:

Compliance Specialists	Date
<u>//Renea Kennec//</u> Compliance Specialist – Renea Kennec	<u>//7/16/12//</u>
<u>//Ann Roberts//</u> Acting Compliance Program Manager – Ann Roberts	<u>//7/18/12//</u>
<u>//Randy Fong//</u> Chief, Project Management – Randy Fong	<u>//7-23-12//</u>

Approved:

Superintendent	Date
<u>//Don L. Neubacher//</u> Don L. Neubacher	<u>//7/23/12//</u>

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National Park Service
U.S. Department of the Interior

Yosemite National Park
Date: 07/13/2012

PARK ESF ADDENDUM

Today's Date: July 13, 2012

PROJECT INFORMATION

Park Name: Yosemite National Park
Project Title: 2012-015 Commercial Use Authorization - Chain Installation
PEPC Project Number: 41528

Project Type: Permit - Commercial Use Authorization (CUP)
Project Location:
County, State: Mariposa & Tuolumne Counties, California
Project Leader: Ruth Middlecamp

PARK ESF ADDENDUM QUESTIONS & ANSWERS

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
SPECIAL STATUS SPECIES CHECKLIST				
Listed or proposed threatened or endangered species (Federal or State)?		No		
Species of special concern (Federal or State)?		No		
Park rare plants or vegetation?		No		
Potential habitat for any special-status species listed above?		No		
NATIONAL HISTORIC PRESERVATION ACT CHECKLIST				
Entail ground disturbance?		No		
Are any archeological or ethnographic sites located within the area of potential effect?		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		
WILD AND SCENIC RIVERS ACT CHECKLIST				
Fall within a wild and scenic river corridor?	Yes			Merced River
Fall within the bed and banks AND will affect the free-		No		

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
flow of the river?				
Have the possibility of affecting water quality of the area?		No		
Remain consistent with its river segment classification?	Yes			
Fall on a tributary of a Wild and Scenic River?		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			
WILDERNESS ACT CHECKLIST				
Within designated Wilderness?		No		
Within a Potential Wilderness Addition?		No		

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service
YOSEMITE NATIONAL PARK
Commercial Use Authorization
(20## TIRE CHAIN INSTALLATION)

1. Holder
NAME

COMPANY NAME	BIB #
ADDRESS	
TELEPHONE NUMBER	
FAX NUMBER	

Park Alpha Code: **YOSE**

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

Type of Use: Visitor Services

Date Authorization Approved: 10/20##

PEPC 41528 Yose Project ID 2012-015

Reviewed: 10/20##

Expires: **06/20##**

2. The Holder is hereby authorized to use the following described land or facilities in the above named area:
Areas within Yosemite National Park 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 on **October 15, 20##**

4. The authorization expires after **June 30, 20##**

5. SUMMARY OF AUTHORIZED ACTIVITY: (see attached sheets for additional information and conditions) **The Holder is authorized to 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 34 & 35

9. APPLICATION FEE Received ☐ Not Required ☐ Amount **\$ 50.00 for new applications**

10. LIABILITY INSURANCE: Required **NA** Amount \$

11. COST RECOVERY: Required **X** Amount **\$ 150.00**

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

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

12. Signatures.

Authorization Holder: _____
Signature (Print Name) Date

Authorizing NPS Official: _____
Signature (Chief of Business & Revenue Mgmt) 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 park area Superintendent. The Holder 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. 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 authorization 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 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 designated in Special Park Condition #17 of this Authorization 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, California 95318) 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 park area Superintendent.
8. This authorization may be terminated upon breach of any of the conditions herein or at the discretion of the park area Superintendent.
9. 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. 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.)
11. 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.
12. 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.
13. 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.

APPENDIX SPECIAL PARK CONDITIONS

Definitions:

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

CUA: Abbreviation for 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 in Yosemite National Park.

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

14. **Proof of Authorization** – Chain installers must carry a copy of this entire CUA and be prepared to present it at all park entrance stations and to any National Park Service (NPS) Ranger upon request.
15. **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.
16. **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.
17. **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 the authorized activity.

18. **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. Gross yearly earnings generated from sales within the park **may not exceed \$25,000.00.**
19. **Rates** – All rates charged to the public by the CUA Holder for commercial services authorized by this CUA shall be reasonable and appropriate for the type and quality of services required and authorized under the CUA. Rates must be submitted to the National Park Service for review..
20. **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 to avoid paying required entrance fees will result in the revocation of the CUA and the Holder will be subject to criminal prosecution.**
21. **Safety** - The Holder shall take every reasonable precaution to ensure the safety of its clients, other Park visitors, and Park employees.
22. **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.
23. **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.
24. **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.)
25. **Zone Assignments** – The Superintendent reserves the right to limit the number of CUA's 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. The Holder may not work within any park concessioner's land assignment without prior written approval from an authorized concessioner's representative.
26. **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.
27. **Fee Receipt** - Upon completing the installation 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.
28. **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.
29. **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.**
30. **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.

31. **Holder Vehicle** - The Holder may park a single vehicle in a location designated by the National Park Service, within a chain control area, if safe to do so, while engaged in the activities authorized by this CUA.
32. **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 greater visibility when working in traffic areas and during inclement weather.)*
33. **Clean up** – All areas used by the Holder to conduct the authorized activity must be left clean and all debris and garbage carried out of the Park for disposal.
34. **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 archeological resources are not disturbed.
35. **Protection of Natural Resources & Cultural Artifacts (Historic and Prehistoric)** - 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.
36. **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.
37. **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.
38. **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.
39. **Annual Survey** – The Holder is required to complete and return the annual survey form to the Office of Special Park Uses by close of business on **July 15, 20##**. The information required by this document will include the total number of customers serviced and the gross income from chain installations within the park, along with a request from the Holder to issue a permit for the following year if desired.

