



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: 2013-042 Programmatic CE: Commercial Use Authorization - Art Activity Workshop (49377)

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 49377.

//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 - Art Activity Workshop -
PEPC ID: 49377



Categorical Exclusion Form

Project: 2013-042 Programmatic CE: Commercial Use Authorization - Art Activity Workshop

PEPC Project Number: 49377

Project Description:

This five year programmatic categorical exclusion (CE) will cover commercial use authorizations (CUA) to commercial art workshop groups conducting activities in Yosemite National Park. This programmatic CE will cover CUAs issued 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 Art Workshops in Yosemite National Park.

The permitted activity is to be conducted only in those areas of Yosemite National Park open to the public and authorized by the CUA. The CUA holder is required to obtain any additional permits or license required by law. 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 National Park Protection Division.

The CUA holder must obtain additional authorizations for commercial activities not covered under this CUA. Art activity workshops groups are limited to a maximum of 15 people including instructors. The CUA holder is not permitted to use artificial lighting when conducting the activity out of doors and must avoid setting up in sensitive resource areas. The CUA holder is required to submit proposed trip itineraries prior to beginning any trips into the park, and an 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.

Categorical Exclusion Form - Programmatic CE: Commercial Use Authorization - Art Activity Workshop
- PEPC ID: 49377

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

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Environmental Planning and Compliance Office in
Yosemite National Park.*



ENVIRONMENTAL SCREENING FORM (ESF)

DO-12 APPENDIX 1

Date Form Initiated: 02/21/2014

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: Programmatic CE: Commercial Use Authorization - Art Activity Workshop
PEPC Project Number: 49377
Project Type: Permit - Commercial Use Authorization (CUP)
Project Location:
County, State: Mariposa, Tuolumne, Madera 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				

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
7. Marine or estuarine resources	No				
8. Floodplains or wetlands	No				
9. Land use, including occupancy, income, values, ownership, type of use	No				
10. Rare or unusual vegetation – old growth timber, riparian, alpine	No				
11. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat	No				
12. Unique ecosystems, biosphere reserves, World Heritage Sites	No				Yosemite National Park is a World Heritage Site.
13. Unique or important wildlife or wildlife habitat	No				
14. Unique or important fish or fish habitat	No				
15. Introduce or promote non-native species (plant or animal)	No				
16. Recreation resources, including supply, demand, visitation,	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
activities, etc.					
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				
26. Other agency or tribal land use plans or policies	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
27. Resource, including energy, conservation potential, sustainability	No				
28. Urban quality, gateway communities, etc.	No				
29. Long-term management of resources or land/resource productivity	No				
30. Other important environment resources (e.g. geothermal, paleontological resources)?	No				

C. MANDATORY CRITERIA

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

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?				
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		No		

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

D. OTHER INFORMATION

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

E. INTERDISCIPLINARY TEAM SIGNATORIES

<u>Interdisciplinary Team</u>	<u>Field of Expertise</u>
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	Project Leader
Madelyn Ruffner	Acting Environmental Planning and Compliance Program Manager
Renea Kennece	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: 2013-042 Programmatic CE: Commercial Use Authorization - Art Activity Workshop
PEPC Project Number: 49377
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				

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
Fall within a wild and scenic river corridor?	Yes			Merced and Tuolumne Rivers
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			
WILDERNESS ACT CHECKLIST				
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: 2013-042 Programmatic CE: Commercial Use Authorization - Art Activity Workshop

Prepared by: Laura Kirn **Date Prepared:** 12/17/2013

Telephone: 209.379.1314

PEPC Project Number: 49377

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:

4. **Potentially Affected Resource(s):**

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

Destroy, remove, or alter features/elements from a historic structure

Replace historic features/elements in kind

Add non-historic features/elements to a historic structure

Alter or remove features/elements of a historic setting or environment (inc. terrain)

Add non-historic features/elements (inc. visual, audible, or atmospheric) to a historic setting or cultural landscape

Disturb, destroy, or make archeological resources inaccessible

Disturb, destroy, or make ethnographic resources inaccessible

Potentially affect presently unidentified cultural resources

Begin or contribute to deterioration of historic features, terrain, setting, landscape elements, or archeological or ethnographic resources

Involve a real property transaction (exchange, sale, or lease of land or

_____ structures)
Other (please
No 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: 01/13/2014

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:

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:

Assessment of Effect Form - Programmatic CE: Commercial Use Authorization - Art Activity Workshop - PEPC
ID: 49377

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 //Kimball Koch// Date: 2/26/2014

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.*

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service
YOSEMITE NATIONAL PARK
Commercial Use Authorization
(20## Commercial Art Activity Workshop)

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

↓NAME (Authorized Agent) _____

↓ORGANIZATION/COMPANY _____

↓MAILING ADDRESS _____

↓TELEPHONE NUMBER _____ ↓ FAX NUMBER _____

Park Alpha Code: YOSE

Type of Use: Visitor Services

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

Date Authorization: Approved

Reviewed: ##/20##

Expires : ##/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.

3. The authorization begins on JANUARY 1, 20##

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

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

The Holder is authorized to conduct Commercial Art Activity Workshops –
(Not authorized for overnight stays in the wilderness)

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

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

6. Authorizing legislation or other authority: **Section 418, P.L. 105-391: 16 USC 5966; 36 CFR Parts 1-7**

7. NEPA Compliance: **CATEGORICALLY EXCLUDED** X EA/FONSI _ EIS _ OTHER APPROVED PLANS ___

8. NHPA Section 106 Compliance: No Effect ___ No Adverse Effect, pursuant to Special Conditions: 30B & 31A

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

10. LIABILITY INSURANCE: Required X Amount \$ 1,000,000 minimum (reference page 2, paragraph 4 of permit)

11. COST RECOVERY: Required X Amount \$ 250.00

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.

(This permit is not valid until signed by the Superintendent or authorized agent thereof.)

13. Signatures.

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

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

CONDITIONS OF THIS AUTHORIZATION

1. **False Information:** The Holder is prohibited from knowingly giving false information, to do so will be considered a breach of conditions and be grounds for revocation: [RE:36 CFR 2.32(a)(3)].

2. **Legal Compliance:** The Holder shall exercise this privilege subject to the supervision of the park area Superintendent, and shall comply with all applicable laws and regulations of the area and terms and conditions of the Authorization. The Holder must acquire all permits or licenses of State or local government, as applicable, necessary to provide the services described above, and, must operate in compliance with all applicable Federal, State, and local laws and regulations, including, without limitation, all applicable park area policies, procedures and regulations. The commercial services described above are to be provided to park area visitors at reasonable rates and under operating conditions satisfactory to the park area Superintendent.

3. **Liability Claims:** This Authorization is issued upon the express condition that the United States, its agents and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury, injuries, or death to any person or persons or property of any kind whatsoever, whether to the person or property of the (Holder), its agents or employees, or third parties, from any cause or causes whatsoever while in or upon said premises or any part thereof during the term of this agreement or occasioned by any occupancy or use of said premises or any activity carried on by the (Holder) in connection herewith, and the (Holder) hereby covenants and agrees to indemnify, defend, save and hold harmless the United States, its agents, and employees from all liabilities, charges, expenses and costs on account of or by reason of any such injuries, deaths, liabilities, claims, suits or losses however occurring or damages growing out of the same.

4. **Insurance:** Holder agrees to carry **commercial general liability** insurance against claims occasioned by the action or omissions of the Holder, its agents and employees in carrying out activities and operations under this authorization. The policy shall be in the amount of, not less than \$ 1 million per occurrence, covering both bodily injury and property damage, and underwritten by a United States company naming the **"United States of America, National Park Service, Yosemite National Park"** (P.O. Box 700, El Portal, CA 95318) as **"Additional Insured"**.

a) If the Holder operates a motor vehicle used to transport clients, the Holder shall also obtain the following coverages at the same limits as required for the comprehensive general liability insurance unless other limits are specified:

(i) Automobile Liability - To cover all owned, non-owned and hired vehicles by the Holder; Comprehensive Automobile Liability as required by the State of California and/or the U.S. Dept. of Transportation.

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

(1) \$1,500,000 per occurrence for any vehicle with capacity of fifteen (15) passengers or less.

(2) \$5,000,000 per occurrence for any vehicle with a capacity of sixteen (16) passengers or more.

(3) Carriers operating only within the State of California are required to at least meet the minimum insurance requirements set by the California Public Utility Commission.

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

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

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

5. Cost Recovery: Cost incurred by the park as a result of accepting and processing the application and managing and monitoring the authorized activity will be reimbursed by the Holder. Administrative costs and estimated costs for activities on site must be paid when the Authorization is approved. If any additional costs are incurred by the park, the Holder will be billed at the conclusion of the Authorization.

6. Benefit: Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this Authorization or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the Authorization be for the benefit of such corporation.

7. Transfer of Authorization: This Authorization may not be transferred or assigned without the written consent of the park area Superintendent.

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

9. Renewal/Exclusion: The Holder is not entitled to any preference to renewal of this Authorization except to the extent otherwise expressly provided by law. This Authorization is not exclusive and is not a concession contract.

10. Rates: The commercial services described above are to be provided to park area visitors at reasonable rates and under operating conditions satisfactory to the park area superintendent.

11. Construction: The Holder shall not construct any structures, fixtures or improvements in the park area. The Holder shall not engage in any groundbreaking activities without the express, written approval of the park area superintendent.

12. Report of Gross Receipts: The Holder is to provide the park area superintendent upon request (and in any event, immediately after expiration of this Authorization) a statement of its gross receipts from its activities under this Authorization and any other specific information related to the Holder's operations that the park area superintendent may request, including but not limited to, visitor use statistics and resource impact assessments. (See conditions # 49.)

13. Financial Accounts: The Holder is to maintain an accounting system under which its accounts can be readily identified with its system of accounts classification. This accounting system must be capable of providing the information required by this Authorization. The Holder grants the United States of America and the General Accounting Office access to its books and records at any time for the purpose of determining compliance with the terms and conditions of this Authorization.

14. Acknowledgement of Risk (Release of Liability): NPS policy states that operators cannot require visitors (clients) to waive their right to hold CUA holders responsible for actions. **The Holder is not permitted to require clients to sign a waiver of liability statement or form, insurance disclaimer and/or indemnification agreement for activities conducted on lands managed by the National Park Service.** The Holder is permitted to request or require clients to sign a visitor acknowledgement of risk statement or form prior to participation. The form or statement may indicate 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 authorized if the Visitor Acknowledgement of Risk submitted is not approved by the park. A sample Acknowledgement of Risk form may be obtained by contacting the Office of Special Park Uses at 209-379-1851 or by going to the park website <http://www.nps.gov/yose/planyourvisit/permits.htm>.

APPENDIX
SPECIAL PARK CONDITIONS (Photography Workshop)

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

DEFINITIONS:

{Holder}: For the purpose of this Authorization the word “Holder” shall include employees and/or agents of the company issued this Authorization.

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

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

{Art Activity}: For the purpose of this Authorization the term “Art Activity” will refer to modes of painting, sketching or drawing pictures using oil paints, water colors; ink, pencil, chalk or charcoal.

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

{Day Hike/Day Hiker/ Hiker}: For the purpose of this Authorization the term(s) “Day Hike”, “Day Hiker” and or “Hiker” refers to the use of wilderness and non-wilderness areas by any person or group for day trips only.

{Developed Areas}: For the purpose of this Authorization the term “Developed Area” is defined as those areas and trails outside of wilderness such as road side vistas, developed visitor facilities and/or walkways; for example: the Yosemite Village area, Tunnel View, Lower Yosemite Fall Trail, Bridalveil Fall trail, etc.

{Wilderness}: For the purpose of this Authorization the term “Wilderness” is defined as those areas designated as Wilderness and/or areas where wilderness use permits are required and/or where wilderness regulations apply, e.g. Half Dome Trail, Four Mile Trail, Lyell Canyon, Ostrander Lake etc.

{Guide}: For the purpose of this Authorization the term “Guide” shall refer to group leader, guides and instructors.

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

15. **Carry Permit:** The Holder is required to carry a valid copy of this Authorization or, a copy of the valid “Field Guide Permit”, if issued, while conducting guiding services within the park.
16. **Use Limits** - It is expressly understood that the Superintendent may impose public use limits based upon his authority stated in Title 36 of the Code of Federal Regulations, Section 1.5. (Under adverse weather, high water and fire conditions, the Superintendent may temporarily suspend this permit until the situation improves.)
17. **Compliance** –The Holder shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with all applicable regulations of the area. The Holder and all participants authorized herein must comply with all of the conditions of this Authorization including all exhibits, amendments, or written directions of the park Superintendent. The Holder will comply with any special instructions received from the Superintendent, or representative thereof, both written and or verbal, concerning operations within Yosemite National Park.
18. **Acknowledgement** - In accepting this Authorization, the Holder acknowledges that the proposed activity, in order to qualify for a Commercial Use Authorization (CUA), must bear a direct relationship to the purpose for which the park was established; *for example*, visitor understanding and enjoyment of the park. Even though the activity may be primarily recreational in nature, the Holder agrees to provide time, stops, and talks to accurately explain the natural ecosystems, history and culture within the park, to their clientele.
19. **Business/Revenue Base** - It is understood that the Holder shall not develop a business based on revenues generated through visiting Yosemite National Park.

20. **Solicitation** - This Authorization does not permit the Holder to advertise, solicit business, collect any fees, or sell any goods or services on lands owned and controlled by the United States.
21. **Advertising** - Advertising for the authorized activity (CUA) shall not state or imply endorsement by the National Park Service or Yosemite National Park. Commercial photography or commercial filming, within the park, may require a separate filming permit and must be approved by the Superintendent. (Contact the Office of Special Park Use for information.)
22. **Additional Permits** – It is the responsibility of the Holder to obtain any additional permits for activities not covered under this CUA. A Hiking/Backpacking CUA must be obtained in addition to this Art Activity Workshop CUA for trips involving overnight stays in wilderness areas where a wilderness permit is required. **(Note) Guided commercial and/or organized group bicycle tours, and guided commercial and/or organized climbing or climbing lessons are not commercial 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. **Entry 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 entrance fee for a commercial passenger vehicle, larger than a van, is ten (10) dollars per person over the age of fifteen (15) and allows for a seven (7) consecutive day visit. If clients are travelling using their personal vehicles, or vans up to 16 passengers, the standard private vehicle fee will be charged. National Park Passes may be used by private individuals when the individual or private vehicle fee rate is charged. Attempting to avoid payment of appropriate fees is a violation of federal law **and may result in the revocation of this Authorization, and the Holder may be subject to criminal prosecution.**
24. **Harassment** – Harassment of and/or threats to any park visitor or 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 who may be encountered during the activity.
26. **Damage** - The Holder shall pay the United States Government for any damage(s) resulting from this special use which would not reasonably be inherent in the use which the Holder is authorized to make, as described in this Authorization.
27. **Addition of Clients:** Additional customers/clients may not be added to the tour while the tour is in the park. All bookings and financial transactions must take place outside of the park.
28. **Trails:** When leading groups along park hiking trails the Holder *should* avoid trails with high public use, such as the Mist Trail during the peak visitation months of July and August. Trips utilizing these trails during July and August may not be advertised.
29. **Yosemite Valley:** The Holder *should minimize the use of* Yosemite Valley areas (from El Capitan Crossover to the east end of the Valley Floor) during the peak visitation period of **Memorial Day Weekend through September 15.**
30. **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 into the park. The Guides must have experience in the areas in which they guide. Guides, leading clients into the park must understand the hazards involved and be properly trained and prepared for conditions and situations, which may be encountered.

B.) The Holder shall train their employees and educate their clients to ensure that the park's geological, biological, historical and archeological resources are not disturbed. The Holder is responsible for informing their employees and clients of park regulations and assuring compliance. The Holder shall insure that all employees and clients entering the park are informed of all applicable "Special Park Conditions" of this Authorization. (The company may be cited for any violations committed by their employee(s). The Holder is responsible for the actions of its client(s) when the group is dispersed or unmonitored unless the Holder can show proof that the client has signed an acknowledgement of having received, understood and agreed to abide by current park regulations.)

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

- A.) **Protection of Natural Resources & Cultural Artifacts (Historic and Prehistoric)**- Holder will not allow employees or clients to disturb or remove from the park any natural and/or historic and/or cultural artifacts including arrowheads, rock mortars, glass bottles/jars or similar artifacts. Rocks, flowers, plants and parts of plants (alive or dead) as well as other natural resources may not be removed.
- B.) **Campsites/Campfires** – *(Not Applicable for this activity).*
- C.) **Construction** - No structures such as walls, trenches or new fire rings may be constructed. Trail markers, such as cairns and ducks may not be built. Balanced rocks whether used for trail markers or for artistic purposes may not be built.
- D.) **Food Storage** – Food must be stored properly in all locations of the park. Food may not be left unattended during the day if not stored in an approved method. You may store food *inside* your car (out of sight, with windows completely closed) only during daylight hours. You may not leave food in a pickup truck bed or strapped to the outside of a vehicle at any time. Do not store food in your car after dark: use a [food locker](#). Remember to clear your car of food wrappers, crumbs in baby seats, and baby wipes. Even canned food and drinks must be removed from your car (Information regarding food storage may be found at <http://www.nps.gov/yose/planyourvisit/bears.htm>).
- E.) **Sanitation** – In non-developed areas, human waste must be disposed of at least one hundred (100) feet from any water source, (including seasonal dry creek beds, etc.) high water mark of any body of water, campsite, or trail and must be buried six (6) inches deep in the soil. Toilet tissue must be carried out.
- F.) **Removal of Refuse** - All refuse must be disposed of in a proper receptacle. Refuse means trash garbage, rubbish, waste papers, bottles or cans, debris, litter, oil, solvents, liquefied waste or other discarded materials.(Paint liquids must not be poured out or spattered on the ground, rocks, trees or plants.)
- G.) **Motorized/ Equipment** - Wilderness Area regulations prohibit the use of motorized equipment in designated wilderness.
- H.) **Minimum Impact** - The Holder must use minimum impact techniques when using painting equipment along trails, meadows, rivers, streams and other sensitive areas. The Holder may only use hand-carried equipment. Wheeled carts of any kind may not be used to carry supplies & equipment in wilderness areas. The Holder is prohibited from using generators, props or audio devices in out-of-door settings in the park.

- I.) **Feeding Wildlife** - Park regulations prohibit the feeding or disturbing of any wildlife in Yosemite National Park.
 - J.) **Bear Damage Reports** - The Holder shall report all bear contacts and/or bear damage incidents. (Reports may be made at any Wilderness Permit Station or by contacting the Yosemite Wildlife Office at (209) 379-0497 or (209) 372-0322.)
 - K.) **Controlling Clients** - The Holder will be responsible for controlling clients at those places where the group travels and conducts the authorized activity in the park. Clients may not set up for their activity in such a manner as to block trails or hinder visitor access to viewing areas. Clients must not be allowed to walk in posted sensitive areas, including restoration areas, where resource destruction may result. The Holder shall share the roads and trails with other groups ranging from private/commercial hikers to private/commercial stock user. The Holder is expected to exercise courtesy and sound judgment to avoid and alleviate risks when encountering other groups and stock along park trails
 - L.) **Fireworks** – Possession and/or use of fireworks is prohibited in the park.
 - M.) **Audio Disturbances** – External speaker audio devices, such as AM/FM radios and/or CD/MP3 players, etc. may not be used during outdoor activities. Devices used with personal headphones/earplugs are allowed.
 - N.) **Cell Phones** – Except in the case of an emergency, the Holder should discourage the use of cell phones in areas where other park visitor's wilderness experience might be negatively impacted by their use.
 - O.) **Glacier Point Road Restriction** – Vehicles over thirty (30) feet and/or vehicles pulling trailers are prohibited beyond the Sentinel Dome parking area, located along the Glacier Point Road. Trailers may not be left at Sentinel Dome or along the Glacier Point Road. Trailers may be dropped off and parked at the Badger Pass parking area in the first lot on the left, except during holiday weekends. (Contact the Office of Special Park Uses for additional information.)
 - P.) **Hetch Hetchy Road Restriction** – Vehicles or the combination of a vehicle and trailer exceeding twenty-five (25) feet and/or ninety-six (96) inches in width are prohibited on the Hetch Hetchy Road, unless the vehicle has a commercial use authorization, an authorized pilot vehicle and prior clearance from the District Ranger.
32. **Group Size** - Group size shall not exceed fifteen (15) persons, including guides. Groups traveling cross-country shall not exceed eight (8) persons. (Trails such as Mt. Hoffman, Mt Dana and Cathedral Peak are considered cross-country routes.) Only one party at a time may congregate at a particular trail location. Groups will not be combined to accommodate larger numbers. Groups exceeding permitted group size limits must separate into allowable sizes and use separate trails and locations. These groups must not be within ½ mile of each other while the authorized outdoor activity is being conducted. (Hikers (day users) may have groups of up to thirty (30), but are required to divide them into groups of no more than fifteen (15) people each and follow the regulations stated previously.)
33. **Half Dome Permits** - Permits for hiking up Half Dome must be obtained separately from this Commercial Use Authorization. Half Dome permits must be in possession of the guide or hikers and presented to the Ranger stationed at the base of Subdome. Attempting to hike up Half Dome without a valid permit is a violation of park regulations and may result in the suspension of this authorization. (Visit the park's website at <http://www.nps.gov/yose/planyourvisit/hdpermits.htm> for information on how to purchase permits along with the rules and regulations regarding hiking Half Dome.)

34. **Mitigation** - The Holder shall be responsible for costs associated with mitigation of damage to resources resulting from violation of park rules and or regulations. The Holder is responsible for the employee/guide knowing, understanding and following all park regulations, and for their awareness and practice of Leave No Trace principles.
35. **Caches** - Equipment or food caches shall not be established or maintained within Yosemite National Park. Food must be properly stored. Property left unattended for more than twenty-four (24) hours will be considered abandoned and may be confiscated.
36. **Commercial Photography** - The Holder is prohibited from conducting commercial filming or photography activities for the purpose of commercial resale or advertisement under this authorization. (Commercial filming and photography is regulated under a separate permit which may be obtained by contacting the Office of Special Park Uses, at 209-379-1858.)
37. **Signs and Banners** - The Holder is prohibited from using signs or banners to designate their group when conducting activities in public areas. This does not include the legal use of signs mounted on company vehicles as required by law.
38. **Visitor Information** - Information provided through tour leaders, brochures, literature or advertising will insure that the information that is provided to park visitors is accurate and reflects the most current information available to depict park flora, fauna, culture and history. (Information may be found on the park's website at <http://www.nps.gov/yose/index.htm>.)
39. **Commercial Transportation** - The Holder shall not transport clients in motor vehicles within the boundaries of Yosemite National Park unless proof of Federal and/or State transportation authority and a valid commercial vehicle insurance certificate is on file with the Office of Special Park Uses.
40. **Vehicle Markings** - Vehicle markings, transportation authority number and company name and/or logo, must be displayed on both right and left side of all company operated vehicles used to transport passengers. Minimum size lettering for logos will be four inches and must be visible from a distance of fifty (50) feet in daylight.
41. **Commercial Vehicle Safety Inspections** - Holder shall fully cooperate regarding the inspection of commercial passenger vehicles in Yosemite National Park, this includes vehicles owned, leased or hired by the Holder for transportation of clients. (Commercial passenger vehicles in Yosemite National Park are occasionally inspected by law enforcement rangers for mechanical deficiencies and compliance with current laws, regulations and permit conditions.)
42. **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.
43. **Emergency Medical Response** - The Holder shall provide at least one guide per group who is trained and currently certified in basic first aid and cardio pulmonary resuscitation (CPR) (Certification by either Red Cross or American Heart Association will be accepted). Groups conducting day-hikes must include at least one guide, per group, certified for basic first-aid, as a minimum. Guides must carry a copy of their current certifications (CPR and First Aid etc.) and present them to any Park Ranger upon request. The tour guide/instructor will carry and maintain a readily accessible emergency medical care kit with a sufficient depth of medical supplies and equipment to meet the basic first aid needs of the group.

44. **Report of Injury** - The Holder is required to make a report of ANY serious personal injury (an injury requiring professional medical attention) and/or property damage incident occurring within the Park involving Holder vehicles, clientele, and/or employees. The report must be made at the first available opportunity before leaving the Park. A report will consist of a verbal description of the incident given to a Park Ranger, at the nearest Ranger Station or a Park Desk Officer. The Park Desk Officer is located in Yosemite Valley and may be contacted by phone at (209) 372-0608. The Holder must cooperate with any investigation of the incident by the National Park Service. **A written report must be mailed or emailed to the Office of Special Park Uses within 7 business days after the incident.**
45. **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.
46. **Trip Itinerary** - The Superintendent may prohibit the Holder from using areas of heavy visitor use during certain periods of the year. The Holder must submit a "proposed" trip itinerary prior to the beginning of the season or as soon as is feasible, prior to any trip beginning in the park. The itinerary must be submitted using the form included with this permit. The itinerary must provide a schedule of planned trips. The Office of Special Park Uses must be notified immediately by phone, fax or email of any unscheduled trip, booked less than thirty (30) days prior to the trip and not already submitted on the itinerary form. (The contact information may be found on the itinerary report form.).
47. **Monthly Commercial Use Reports** At the end of each month that the authorized activities occurs the Holder must complete the Yosemite Monthly Use Report form and send it to the Office of Special Park Uses. Send the completed report to the address, email or fax number listed on the report form.
48. **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 1st of the current permit year. *Companies providing trips to the park through December may turn in their report by January 15th of the new year with prior approval from the Office of Special Park Uses.*
49. **Annual Survey** – The annual survey is a separate requirement from the monthly use report. Information collected from the Annual Survey is used to assist the Office of Special Park Uses in updating records and to assist in park management efforts.) The Holder shall submit the annual survey to the Office of Special Park Uses by December 1st 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 15th of the new permit year, with prior approval from the Office of Special Park Uses.