



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: 2016-032 Non-Tour Park Transportation Service Commercial Use Authorization (67138)

The Executive Leadership Team has reviewed the proposed project 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 on historical, cultural, or archeological resources.
- 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 67138.

//Woody Smeck//
Woody Smeck

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.*



Categorical Exclusion Form

Project: 2016-032 Programmatic Non-Tour Park Transportation Service Commercial Use Authorization
(2017-2021)

PEPC Project Number: 67138

Project Description:

This is a request for a 5 year programmatic Categorical Exclusion (CE) to issue Commercial Use Authorizations (CUA) for a non-sightseeing tour, In Park Transportation Service in Yosemite National Park. This programmatic CE will cover CUAs issued beginning on January 1, 2017.

This CUA authorizes the holder to operate commercial, for profit, passenger transportation service provided to park visitors where passengers are transported into the park by motor vehicle to be dropped off at a specified park location, or picked up from a specified park location and transported (1) out of the park; or (2) from a location inside the park to a second location in the park. Example: a backpacker is driven into the park and dropped off at a trailhead to begin a trip ending outside the park or a backpacker ending a trip inside the park is picked up at a trailhead and transported back to their car or start point. No other services are authorized. The service is intended to be a point-to-point transportation service and is not a ride-hailing service or a commercial sightseeing tour service. Authorized vehicle sizes include sedans, SUVs, mini-vans and vans. The use of larger sized vehicles must be approved by the Superintendent prior to their use in the park.

The CUA holder will only be authorized to transport clients inside the park who have pre-booked the transportation. The holder is required to conduct all business, advertisement, bookings and financial transactions outside of the park. The holder is regulated by the terms and conditions of the CUA which is administered and managed by Yosemite National Park, Commercial Use Office in conjunction with the Yosemite Protection Division. Each CUA holder is required to submit an annual use report listing the actual number of trips and clients transported in and out of the park during the permitted year. The CUA is a tool required by the National Park Service to regulate and oversee commercial visitor services conducted within areas managed by the National Park Service, not regulated under a concession contract. The CUA, also known as a permit, is issued to companies or individuals (holders) conducting commercial services in Yosemite National Park. Yosemite National Park currently issues CUAs for 1 year period. Companies must request a new CUA for each new operational year.

Note: While this service will allow visitors to be dropped off and picked up at in park lodging facilities, the primary purpose is to assist backpackers. Yosemite NP is a primary terminal for backpackers starting or ending their trips. They are often only travelling in one direction and need transportation to or from trailheads back to their cars. Yosemite does offer limited hiker shuttle service in the park; however the times and service areas often do not meet the need of many backpackers and don't operate during the shoulder seasons.

Project Locations:

County:	Mariposa & Tuolumne Counties	State:	CA
		Other:	Park Roads

Mitigations:

- No mitigations identified.

CE Citation: A.6 Commercial use licenses involving no construction.

Decision: I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply.

Signature

Superintendent: //Woody Smeck// **Date:** 12/15/16
Woody Smeck

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Yosemite National Park*

Extraordinary Circumstances:

If implemented, would the proposal...	Yes/No	Notes
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	
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, 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 (EO 12898)?	No	
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 130007)?	No	
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	No	



ENVIRONMENTAL SCREENING FORM (ESF)

Updated Sept 2015 per NPS NEPA Handbook

A. PROJECT INFORMATION

Project Title: 2016-032 Non-Tour Park Transportation Service Commercial Use Authorization
PEPC Project Number: 67138
Project Type: Commercial Use Authorization (CUP)
Project Location:
County, State: Mariposa & Tuolumne Counties, California **Other:** Park Roads
Project Leader: Ruth Middlecamp

B. RESOURCE IMPACTS TO CONSIDER:

Resource	Potential for Impact	Potential Issues & Impacts
Air Air Quality	None	
Biological Nonnative or Exotic Species	None	
Biological Species of Special Concern or Their Habitat	None	
Biological Vegetation	None	
Biological Wildlife and/or Wildlife Habitat including terrestrial and aquatic species	None	
Cultural Archeological Resources	None	
Cultural Cultural Landscapes	None	

Resource	Potential for Impact	Potential Issues & Impacts
Cultural Ethnographic Resources	Potential	No ethnographic sites will be affected by the proposed action. Tribal consultation took place in the November Tribal Spreadsheet mailed on October 25th, 2016, to date no tribal comments or concerns have been expressed regarding the proposed action.
Cultural Museum Collections	None	
Cultural Prehistoric/historic structures	None	
Geological Geologic Features	None	
Geological Geologic Processes	None	
Lightscapes Lightscapes	None	
Other Human Health and Safety	None	
Other Operational	None	
Other Other	None	
Socioeconomic Land Use	None	
Socioeconomic Minority and low-income populations, size, migration patterns, etc.	None	
Socioeconomic Socioeconomic	None	
Soundscapes Soundscapes	None	
Viewsheds Viewsheds	None	
Visitor Use and	None	

Resource	Potential for Impact	Potential Issues & Impacts
Experience Recreation Resources		
Visitor Use and Experience Visitor Use and Experience	None	
Water Floodplains	None	
Water Marine or Estuarine Resources	None	
Water Water Quality or Quantity	None	
Water Wetlands	None	
Water Wild and Scenic River	None	
Wilderness Wilderness	None	

Recommended:

Compliance Specialists	Date
<u>//Renea Kennec//</u> Compliance Specialist – Renea Kennec	<u>12/13/16</u>
<u>//Madelyn Ruffner//</u> Compliance Program Manager – Madelyn Ruffner	<u>12/13/16</u>
<u>//Ron Gaunt//</u> Chief, Project Management – Ron Gaunt	<u>12/14/16</u>

Approved:

Superintendent	Date
<u>//Woody Smeck//</u> Woody Smeck	<u>12/14/16</u>

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Yosemite National Park.*



ASSESSMENT OF ACTIONS HAVING AN EFFECT ON HISTORIC PROPERTIES

A. DESCRIPTION OF UNDERTAKING

1. **Park:** Yosemite National Park

2. **Project Description:**

Project Name: 2016-032 Non-Tour Park Transportation Service Commercial Use Authorization
Prepared by: Renea Kennec **Date Prepared:** 12/06/2016 **Telephone:** 209-379-1038
PEPC Project Number: 67138

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

CUA formalizes existing commercial transportation services in the park. Operations are within the Wawona, Yosemite Valley Historic District, Tuolumne Meadows Historic District. No new effects to historic properties are anticipated.

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

☐ No

☒ Yes

Source or reference:

4. **Potentially Affected Resources:**

Archeological resources affected:

Name and numbers: Park-Wide permit; presence/absence of resources determined on a site by site basis.

Archeological Resources Notes: CUA formalizes existing commercial transportation services in the park. Operations are within the Wawona, Yosemite Valley Historic District, and Tuolumne Meadows Historic District. No new effects to historic properties are anticipated.

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

☐ No Disturb, destroy, or make ethnographic resources inaccessible
☐ Yes Potentially affect presently unidentified cultural resources
☐ No Begin or contribute to deterioration of historic features, terrain, setting, landscape elements, or archeological or ethnographic resources
☐ No Involve a real property transaction (exchange, sale, or lease of land or structures)
☐ Other (please specify): _____

6. Supporting Study Data:

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

B. REVIEWS BY CULTURAL RESOURCE SPECIALISTS

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

☒ [X] 106 Advisor
Name: Kimball Koch
Date: 12/01/2016

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

☒ [X] Anthropologist
Name: Eirik Thorsgard
Date: 12/01/2016

Comments: No ethnographic sites will be affected by the proposed action. Tribal consultation took place in the November Tribal Spreadsheet mailed on October 25th, 2016, to date no tribal comments or concerns have been expressed regarding the proposed action.

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

☒ [X] Archeologist
Name: Sara Dolan
Date: 12/01/2016

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

Assessment of Effect Form - Non-Tour Park Transportation Service Commercial Use Authorization - Programmatic CE -
PEPC ID: 67138

[X] Historian
Name: Scott Carpenter
Date: 11/08/2016

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

[X] Historical Architect
Name: Scott Carpenter
Date: 11/08/2016

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

[X] Historical Landscape Architect
Name: Kimball Koch
Date: 12/01/2016

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

No Reviews From: Curator, Other Advisor

C. PARK SECTION 106 COORDINATOR'S REVIEW AND RECOMMENDATIONS

1. Assessment of Effect:

_____ **No Potential to Cause Effects**
 X **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.

Explanation: 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

SHPO/THPO Notes:

3. Additional Consulting Parties Information:

Additional Consulting Parties: No

4. Stipulations and Conditions:

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

5. Mitigations/Treatment Measures:

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

No Assessment of Effect mitigations identified.

D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:

Compliance Specialist:

NHPA

Specialist

Kimball Koch //Kimball Koch//

Date: 12/8/16

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: //Woody Smeck//

Date: 12/15/16

Woody Smeck

*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

Phone Number: 209-379-1851

COMMERCIAL USE AUTHORIZATION

UNDER THE AUTHORITY OF P.L. 105-391 Section 418 (54 U.S.C. 101925)

1. AUTHORIZED ACTIVITY:

In park Transportation Service

Permit Number: **YOSE-17-**

(Official Use Only)

2 Authorization Holder Information:

Business Name ↓

Authorization Begins: **January 01, 2017**

Contact Name ↓

Authorization Expires: **January 31, 2018**

Mailing Address ↓

City, State, Zip ↓

Telephone ↓

↓ FAX

Calif. PUC Authority # | or

TCP-

Taxi Lic.#

3. The holder is hereby authorized to use the following described land or facilities in the above named area: **Areas within Yosemite National Park open to the general public and designated by the attached permit conditions and attachments.**

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

The holder is authorized to operate prearranged, private commercial transportation service using a sedan, van, SUV or "Taxi" for the purpose of picking up and dropping off park visitors within Yosemite National Park. This is strictly a point-to-point transportation service. Conducting sightseeing tours in the park is not authorized. No new clients may be added inside the park. This service is not to interfere with park shuttle service operations.

XX Out-of-Park: The commercial services (*business transactions*) described above must originate and terminate outside of the boundaries of the park area. This permit 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 commercial service described above must originate and be provided solely within the boundaries of the park area.

5. NEPA/NHPA COMPLIANCE: ☐ **Categorical Exclusion** ☐ EA/FONSI ☐ EIS ☐ Other Approved Plans

PEPC NUMBER 41792 (NHPA Section 106 Compliance: No historic property affected)

6. COST RECOVERY (REQUIRED):

Application Fee ☒ Required ☐ Not Required Amount \$ 100.00

Administrative Fee ☒ Required ☐ Not Required Amount \$ 450.00

7. INSURANCE

Liability ☒ Required ☐ Not Required Coverage Amount \$ 1 million (ref. page 2, condition #4)

Auto ☒ Required ☐ Not Required Coverage Amount: As required by CA PUC for vehicle size

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

10. SIGNATURES.

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

Authorizing NPS Official: _____
Signature (for) Superintendent Yosemite National Park Date

CONDITIONS OF THIS AUTHORIZATION

- 1. False Information:** The holder is prohibited from knowingly giving false information. To do so will be considered a breach of conditions and be grounds for revocation: [RE: 36 CFR 2.32(a) (3)].
- 2. Legal Compliance:** The holder shall exercise this privilege subject to the supervision of the park area Superintendent. 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. Liabilities & Claims:** This authorization is issued upon the express condition that the United States, its agents and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury, injuries, or death to any person or persons or property of any kind whatsoever, whether to the person or property of the (holder), its agents or employees, or third parties, from any cause or causes whatsoever while in or upon said premises or any part thereof during the term of this 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. General Liability Insurance:** Holder agrees to carry comprehensive 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 no less than \$1 million per occurrence and underwritten by a United States company naming the United States of America, National Park Service, as additionally insured (mail to: P.O. Box 700, El Portal, California, 95318). The holder agrees to have on file with the park copies of the above insurance with the proper endorsements. (Refer to conditions #23 for vehicle liability insurance requirements.)
- 5. Cost Recovery:** Costs 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 onsite 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 park area Superintendent.
- 9. Preference to Renew:** 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. 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.
- 11. 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.

12. Accounting System: The holder is to maintain an accounting system under which its accounts can be readily identified within 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 Government Accountability 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. Executive Order 13658 – Establishing a Minimum Wage for Contractors, and its implementing regulations, including the applicable contract clause, are incorporated by reference into this contract as if fully set forth in this contract. The applicable contract clause is available at <https://federalregister.gov/a/2014-23533>

APPENDIX SPECIAL PARK CONDITIONS

14. Definitions:

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

In Park Transportation Service: For the purpose of this authorization the term “In Park Transportation Service” shall refer to commercial, for profit, passenger transportation service provided to park visitors where, on a pre-arranged basis, passengers are transported into the park by motor vehicle to be dropped off at a specified park location, or picked up from a specified park location and transported (1) out of the park; (2) from their vehicle to a location inside or out of the park or, (3) back to their vehicle from a location inside or out of the park or. *(Example: a backpacker is driven into the park and dropped off at a trailhead to begin a trip ending outside the park or a backpacker ending a trip inside the park is picked up at a trailhead and transported back to their car or start point.)* No other services are authorized. The service is intended to be a point-to-point transportation service and is not a ride-hailing service or a commercial sightseeing tour service. Authorized vehicle sizes include sedans, SUVs, mini-vans & vans. The use of larger sized vehicles must be approved by the Superintendent prior to their use in the park. (Some park roads may have vehicle size restrictions or may have limited parking areas that could safely allow a large vehicle to pull completely off the road and/or safely allow passengers and their equipment to be loaded or unloaded.

Commercial Tour: For the purpose of this authorization the term “Commercial Tour” shall consist of one or more persons traveling on a road based sightseeing tour itinerary that has been packaged, priced or sold for leisure or recreational purposes by a company that realizes financial gain through the provision of the service. **This also includes stops at vistas and sightseeing area outside of the designated transportation route for the service. The In Park Transportation CUA does not authorize commercial tour services.**

Taxi: For the purpose of this authorization the term “Taxi” or “Taxicab” shall refer to a motor vehicle designed for carrying not more than eight persons, excluding the driver and used to carry passengers for hire. A Taxi shall not include a charter-party carrier of passengers. (Reference California Vehicle Code 27908.) The vehicle must be have the company name and the word “Taxi” displayed on both sides of the vehicle if a Taxi top light is not used.

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

15. Carry Permit - The holder shall carry a copy of the complete 2017 Commercial Use Authorization, including attachments, onboard all vehicles while operating inside Yosemite National Park.

16. 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, *i.e.*, visitor understanding and enjoyment of the park.

17. **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. Furthermore, **it is understood that possession of this Authorization does not guarantee entry into Yosemite National Park or access to all areas of the park.** It is also understood that access to Yosemite National Park and designated areas within the park may be restricted to protect park resources and assure quality visitor experiences, or due to the implementation of special park projects.
18. **Visitor Acknowledgement of Risk (Waivers of Liability)** – The CUA holder shall not request or require guests or clients to sign a liability waiver form, insurance disclaimer and/or indemnification (hold-harmless) agreement covering activities occurring within lands managed by the National Park Service.
19. **Employee / Agent Responsibility** - The holder and all participants authorized herein must comply with the conditions of this authorization including all exhibits, amendments and/or written directions of the Park Superintendent. The holder shall insure that all employees entering the park are informed of all “Special Park Conditions” of this authorization. (The holder may be cited for any violations of the authorization committed by their employee and/or agent while acting under this authorization.
20. **Out-of-Park Business** – All business transactions, reservations and payments, must occur outside of the boundaries of Yosemite National Park. The holder may not advertise, solicit business, collect fees, or sell any goods or services within the boundaries of the park. The holder is not authorized to pick up unscheduled clients inside of the park.
21. **Client Pick Up** – When entering the park without passengers to pick up clients the driver must carry a bill of lading listing the number and name of clients to be picked up and the location of the pick up, and show it to any Ranger if requested. The appropriate individual entrance fees must be paid upon exiting with passengers. Park passes may be applied.
22. **Client Drop Off** - When entering the park to drop off clients the clients must pay the appropriate fees or show their park passes.
23. **Shuttle Service** - Operating a scheduled shuttle service route inside the park is not authorized.
24. **Taxi Service** – Taxi companies conducting transportation of visitors into and out of the park must obtain an In Park Transportation CUA and pay the appropriate entrance fee for their passengers.
25. **Entrance Fees** - The 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. It is mandatory that drivers or clients have in their possession an authorized method of payment; cash, credit card, check or park pass.
Commercial Fee:
 - Commercial sedan/Taxis (up to six (8) seats) \$15 per individual 16 years or older.
 - Commercial van (seven (7) to fifteen (15) seats) \$15 per individual 16 years or older, \$125 maximum.
 - Commercial mini-bus (sixteen (16) to twenty five (25) seats) \$15 per individual 16 years or older, \$200 maximum.*(The park entrance fee allows for a consecutive seven-day visit. Entrance receipts the person or group it is purchased for and is not transferable.)*
26. **Failure to Pay Fee** - Attempting to avoid payment of established fees is a violation of federal law. **Any attempt to avoid paying the required fees will result in the termination of this authorization and the holder will be issued a citation for a mandatory court appearance before the U.S. Magistrate in Yosemite National Park.**
27. **Safety** - The holder shall take every reasonable precaution to ensure the safety of its clients, its employees, other park visitors, and park employees.
28. **Harassment** - Any harassment or threats to any park visitor or NPS employee by the holder will result in the suspension and/or termination of this authorization.

29. **Damages** - The holder shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the holder is authorized to make of the park area described in this authorization.
30. **Indemnification** - The holder shall save, hold harmless, defend and indemnify the United States of America, its agents and employees for losses, damages or judgments and expenses on account of fire or other peril, bodily injury, death or property damage, or claims for bodily injury, death or property damage of any nature whatsoever, and by whomsoever made, arising out of the activities of the holder, his employees, subcontractors or agents under this authorization. (Refer to condition #4 for General liability coverage requirements.)
- A. (1) The holder shall purchase at a minimum the types and amounts of insurance coverage as stated herein and agree to comply with any revised insurance limits the Director may require during the term of this authorization.
- (2) The holder shall provide the Superintendent with a Statement of Insurance and Certificate of Insurance at the inception of this authorization and upon renewal of insurance thereafter, and shall provide the Superintendent thirty (30) days advance written notice of any material change in the holder's insurance program hereunder.
- (3) The Superintendent will not be responsible for any omissions or inadequacies of insurance coverage and amounts if such prove to be inadequate or otherwise insufficient for any reason whatsoever.
- B. **Vehicle Liability.** (Taxis are included in the following requirements.) The holder shall provide comprehensive vehicle liability insurance against claims occasioned by actions or omissions of the holder in carrying out the activities and operations authorized hereunder. The holder shall provide insurance coverage based upon the largest capacity vehicle it will operate in the park. Such insurance shall be in the amount commensurate with the degree of risk and the scope and size of such activities authorized herein, but in any event, the limits of liability shall not be less than limits set by the Federal Motor Carrier Safety Administration (FMCSA) for interstate motor carriers and by the California Public Utilities Commission (CPUC) for California based motor carriers.
- | <u>Amount of Coverage</u> | <u>Vehicle Seating Capacity</u> |
|---------------------------|--|
| (1) \$750,000 | for any vehicle with a seating capacity of 7 passengers or less. (CPUC) |
| (2) \$1,500,000 | for any vehicle with a seating capacity of 15 passengers or less. (FMCSA) |
| Or - | for any vehicle with a seating capacity 8 passengers through 15 passengers, inclusive (CPUC) |
| (3) \$5,000,000 | for any vehicle with a seating capacity of 16 passengers or more.(FMCSA & CPUC) |
- C. 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.
- (1) All liability policies shall specify that the insurance company shall have no right of subrogation against the United States of America and shall provide that the "*United States of America, National Park Service*" is named as Additional Insured.
31. **Advertising** - Advertising for the authorized activity shall not state or imply endorsement by Yosemite National Park or the National Park Service. Commercial photography or commercial filming of advertisements within Yosemite National Park requires a separate filming permit which must be approved by the Superintendent. Contact the Yosemite Commercial Filming Permit Manager at (209) 379-1858 for information.)
32. **Use of NPS Arrowhead Symbol:** The NPS Arrowhead symbol is protected by the trademark laws of the United States as a registered service mark. The permittee is not authorized to use the NPS Arrowhead symbol in any manner unless first approved in writing by the Director of the National Park Service. (Refer to Title 36 CFR, part 11.)
33. **Additional Permits** – The commercial tour operator is required to obtain a separate Commercial Use Authorization s to conduct any of the following activities: guided hiking on park hiking trails, guided backpack, guided snow shoeing, guided cross-country skiing, photography workshops and art workshops. (**Note**) **Commercial bicycle tours are not authorized within Yosemite National Park.** For information regarding additional authorized tour activities in Yosemite National Park contact the Commercial Use Office at (209) 379-1851.

34. **Vehicle Identification** – Vehicles used for In park transportation must display the company name or logo on both sides of the vehicle and must display a California PUC authority number according to regulations. Taxis must display a taxi light on the top of the vehicle and must display the company name or logo on both sides of the vehicle. The driver must identify their service to the entrance ranger as a In park transportation service and be prepared to show the valid CUA.
35. **Proof of Operating Authority**: The holder shall provide the Superintendent with proof of current passenger transportation operating authority from the California Public Utilities Commission (PUC), for companies providing **intrastate** trips within California, and/or from the Department of Transportation (DOT) for all companies providing **interstate** trips. Taxis must provide proof of It is the responsibility of the holder to update this office regarding any changes, updates or additions to their carrier authority. Failure to do so may result in the suspension of this authorization until the updated information is received in this office.
36. **Suspension or Revocation of CA-PUC and/or U.S. DOT Authority**: If, for any reason, the holder's California PUC and/or U.S. Department of Transportation authority is placed in any status other than "Active", this Commercial se Authorization will be immediately suspended and the holder will not be authorized to enter Yosemite National Park. No prior notice of this suspension by Yosemite National Park is necessary. After such a suspension has occurred, the holder must apply for reinstatement of their CUA by sending proof of their 'active' PUC and/or DOT status and receive written authorization from Yosemite National Park of the reinstatement of their CUA, **prior** to entering the park.
37. **Rules of the Road** - All vehicles will comply with posted traffic and parking regulations. **The holder must park their vehicle completely off the road and may not block traffic when loading or off loading passengers.**
38. **Use of Official Shuttle Stops** – The holder may not schedule pick up or drop off of clients at officially designated shuttle bus stops during YARTS or Hiker Shuttle scheduled times. It is the holder's responsibility to check the appropriate online sites for time schedules.
39. **Tuolumne Store Parking Area** - Due to the high volume of traffic, the Tuolumne Store parking area is not to be used by the holder as a pick up or drop off location.
40. **Closed or Unauthorized Areas** – The holder is not authorized to enter closed roads or areas not open to the general public, such as Valley shuttle bus roads, fire roads , closed campground roads and maintenance access roads.
41. **Scenic View Stops** – **This CUA does not authorize sightseeing tour service. Stops for that purpose are prohibited.**
42. **Designated Drop Off Locations**: The National Park Service reserves the right to specify in-park drop-off and pick-up locations for use by the holder.
43. **Idling**: The holder is prohibited from allowing their vehicle engine to idle more than five (5) minutes per stop. Vehicle engines must be shut off if the stop will last longer than five (5) minutes. This includes idling while waiting in parking areas or wayside turnouts.
44. **Vehicle Exhaust**: All vehicles will be properly maintained to ensure that the exhaust produced is not beyond what is allowed by law. Excessive exhaust from vehicles will be immediately corrected. Violation will result in enforcement of State and Federal laws regarding emissions.
45. **Length, Size & Weight Limits**: *The following restrictions apply to park roadways:*
- A. **Hwy 140, El Portal Road**: On Highway 140, within Yosemite NP, commercial passenger carrying vehicles exceeding twelve (12) feet six (6) inches in height, and/or 102 inches in width are prohibited.
 - B. **Hetch Hetchy Road**: Buses and other vehicles, and combination of vehicles over 25 feet in length, and 8 feet wide are prohibited on the Hetch Hetchy Road.
 - C. **Mariposa Grove Road**: The Mariposa Grove Road is closed to the public while a major restoration project takes place. The project will progress in phases and is expected to be completed by the spring of 2017.

- 46. (Winter Driving) Tire Chains (tire traction device):** The holder's vehicle(s) must be equipped with, and be carrying approved traction control devices when entering chain control areas within Yosemite National Park. **Bus may use Caltrans approved cable chains.** Vehicles with an unladen weight over 6,000 pounds (6,500 lbs. for four wheel drive) must use approved tire traction devices when restriction level 1 (R-1) conditions exist, Chain Control Signs will read "Autos with Snow Tires or Chains .O.K." Note: **In the event that conditions exist that necessitate the use of metal link chain traction control devices, cable chains will not be allowed.**

[Chain controls are "Active" when the chain control signs are displayed, facing oncoming traffic. Yosemite National Park does not use an electronic flashing light system to notify drivers of "Active" chain control areas. Vehicles must chain up at the first safe turnout available nearest the "Active" chain control sign.]

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

Supervision includes, but is not limited to:

- A. **Area Use:** The area(s) authorized for use under this authorization must be left in substantially the same condition as it was prior to the activities authorized herein, with all refuse properly disposed of as required by the Superintendent.
 - B. **Protection of Natural Resources and Cultural Artifacts (Historic and Prehistoric) -** Holder will not allow passengers to disturb or remove any natural, cultural and/or historic items from the park, including arrowheads or similar artifacts. Rocks, flowers, plants and parts of plants (alive or dead) as well as other natural resources may not be removed.
 - C. **Feeding Wildlife -** Park regulations prohibit the feeding of any wildlife in Yosemite National Park; holder will enforce this regulation with its passengers.
 - D. **Unattended Food:** Food may not be left unattended if not stored in approved storage containers.
 - E. **Trash Items – Food refuse including wrappings and containers must not be placed into open-topped dumpsters.** The holder must not leave any items on top-of or next-to garbage cans or dumpsters, this is considered improper disposal. All garbage and refuse must be placed into bear resistant garbage cans, or transported out of the park by the holder.
 - F. **Cigarette Butts –** The holder will **not allow passengers and/or drivers who smoke to discard their cigarette butts on the ground.**
- 48. Report of Incidents:** The holder is required to report ANY personal injury and/or property damage incident occurring within the park involving holder vehicles, clientele, and/or employees. The report must be made to a Law Enforcement Ranger at the first available opportunity before leaving the park. A report will consist of a written or verbal description of the incident. *(If a Park Ranger is unavailable, a report may be made by calling the Park Desk Officer at (209) 372-0608 or a brief written report stating the basics of the incident: who, what, where, when, and how, may be left with the nearest Entrance/Exit Station or faxed to this office.)* The holder must cooperate with any investigation of the incident by National Park Service personnel. A report must also be sent to the Office of Special Park Uses within 3 business days of the incident.
- 49. Park Information:** The holder will insure that information provided through tour leaders, brochures, literature, or advertising to park visitors is accurate and reflects the most current information available to depict park flora, fauna, geology, culture, and history. *(Some information may be found on the park web-site at www.nps.gov/yose).*
For Road and weather information inside of Yosemite call (209) 372-0200.)
- 50. Commercial Passenger Vehicle Safety Inspections:** The holder shall cooperate fully regarding the inspections of commercial passenger vehicles in Yosemite National Park. (For visitor safety the Superintendent has authorized a program for commercial passenger vehicle safety inspections to be conducted, unannounced, each year in the park. Vehicles are checked for safety and mechanical deficiencies, compliance with current state and federal laws and regulations. Driver's licenses, medical certificates and logbooks are also checked.)