



Commercial Use Under the Wilderness Stewardship Plan

Sequoia and Kings Canyon National Parks



Wilderness Commercial Use Authorization (CUA)
Program Updates, Clarifications and Changes for 2020-2021

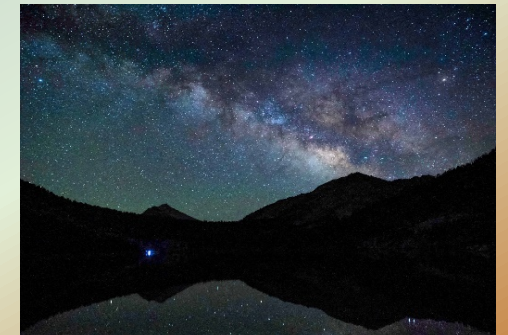
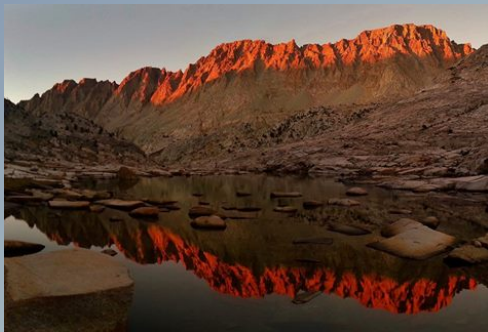
Presentation Overview

- Background on Wilderness Stewardship Plan and Extent Necessary Determination
- Provide background on Implementation of the 2018-2019 CUA and CSD allocation cycle
- Provide updates on changes proposed for the 2020-2021 CUA and CSD allocation cycle
 - Make official comments in PEPC

Wilderness Stewardship Plan Final Environmental Impact Statement (WSP/FEIS) Background

The National Park Service uses the developed framework established by the WSP/FEIS to manage the parks' wilderness to meet the mandates of the Wilderness Act and other associated laws;

- To preserve Wilderness Character
- To provide opportunities for and encourage public use and enjoyment of the wilderness
- To improve conditions in areas where there may be unacceptable levels of impacts on Wilderness Character.



Wilderness Stewardship Plan Final Environmental Impact Statement (WSP/FEIS) Background

- Wilderness Stewardship Plan (WSP/FEIS) was approved in 2015
- Extent Necessary Determination (END)
 - Set limits on commercial use in wilderness.
 - Established Mount Whitney Management Area
- The Service developed several allocation alternatives vetted through public meetings and comment



2018 Extent Necessary Determination (END) CUA Implementation Summary

- Designated an “open season” for wilderness CUA applications
- Introduced a competitive selection process for award of CUAs
- Moved to the Market Price method for collecting fees
 - A fee of 3%-5% of gross receipts
 - The non-refundable application fee of \$600 deducted from Gross Receipts
- Enhanced minimum skills required for guides (first-aid)
- Modified Reporting Requirements
- Continue to engage stakeholders through public meetings and public comment on adjustments to CSD allocations or other changes.

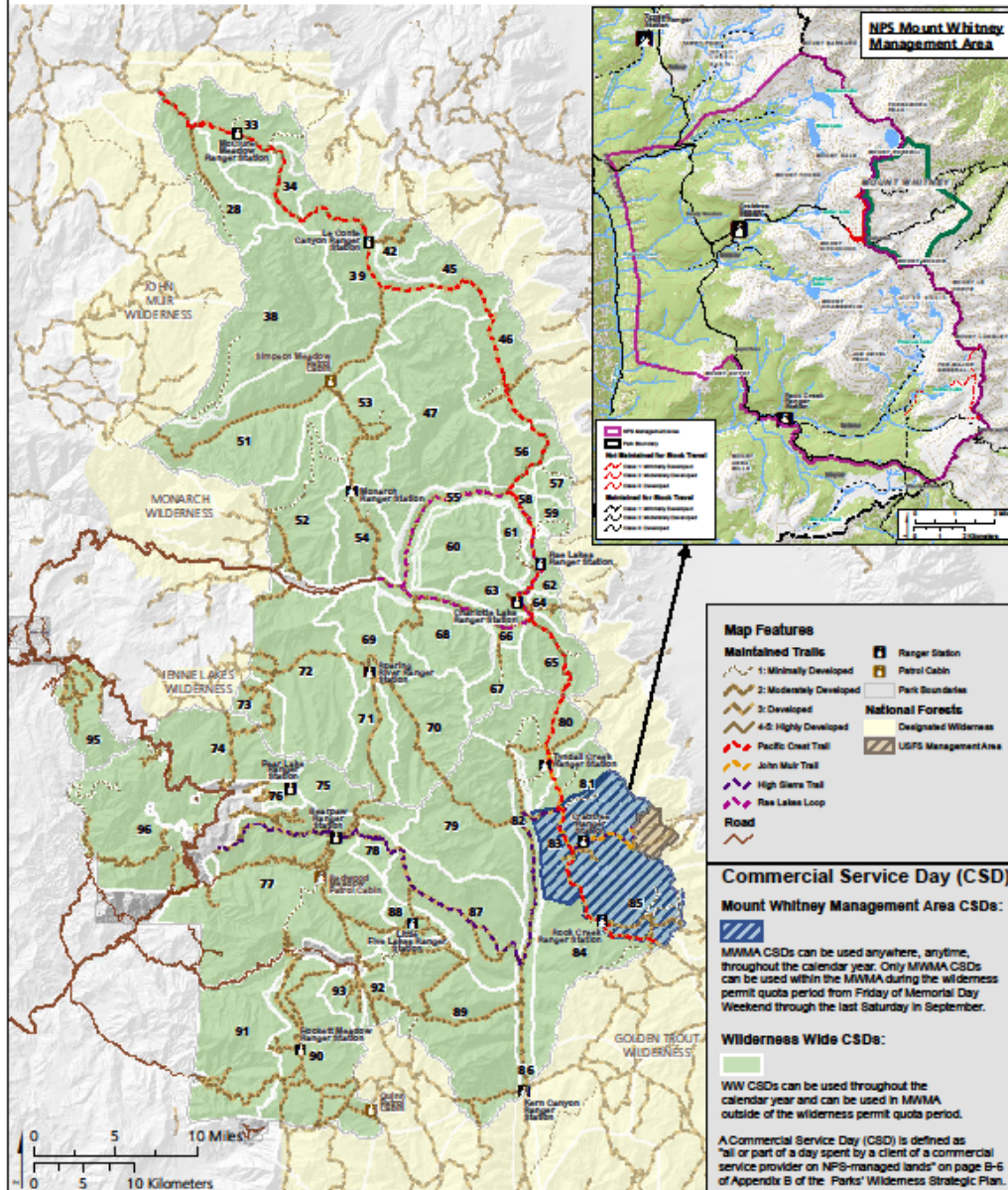
2018-2019 CSD Allocation

- Selected Alternative: Limited CUAs with base CSD allocation, plus first-come, first-served CSD pool.
- Limit CUAs to the average number of operators at time of END analysis (2010-2013)
- 70% of CSDs allocated evenly across issued CUAs
- 30% of CSDs allocated to a first-come, first-served pool open for CUA holders





Wilderness Travel Zones - Commercial Service Days (CSD)



Map of CSD Allocations

- Wilderness Wide Allocations: Green
- Mount Whitney Management Area Allocations: Hatched Blue

Program Updates for the 2020-2021 CUA Cycle

- Timing of open season and award notification
- Change in Conditions re: minimum wage
- Educational Trips
- *DeMinimus* Reporting
- Wilderness Variance for Trailheads with No Overnight Use
- Application fee increase

Program Updates for the 2020-2021 CUA Cycle

WSP CSD Limits

No Changes Being Considered

Commercial Service Day (CSD) Limits	Stock	Non-Stock	Total
Wilderness-Wide (WW) CSDs: Can be used anywhere/anytime except in MWMA during wilderness permit quota period.	2,200*	4,200	6,400
Mount Whitney Management Area (MWMA) CSDs: CSDs that can be used in MWMA during the wilderness permit quota period or WW.	650	975	1,625
Total	2,850	5,175	8,025

The figure 2,200 reflects a reduction of 600 Wilderness Wide (WW) Stock Commercial Service Days (CSDs) from the revised allocation cap in the Final Supplemental Information Report; these 600 days will be allocated to the SEKI pack station concessioner in order to allow the concessioner to operate at current levels.

Program Updates for the 2020-2021 CUA Cycle

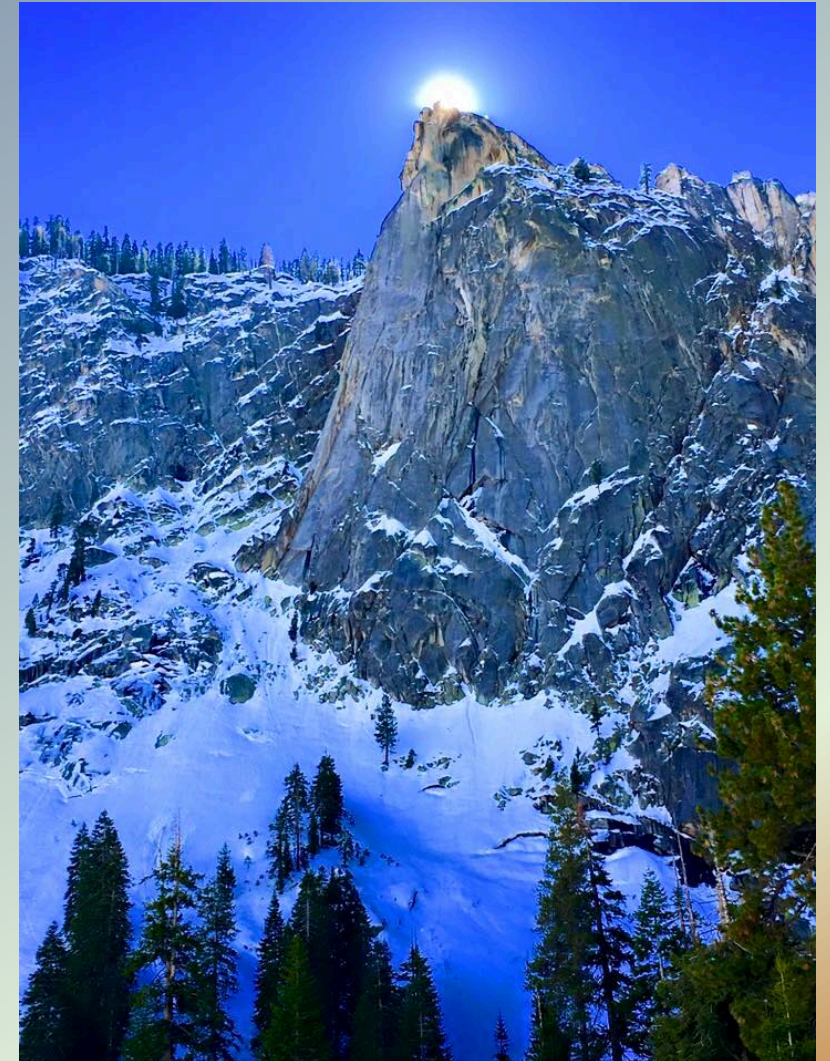
Application and Award Dates

- **2020-2021 CUA “Open Season”**

Target Timeframe: *February 11, 2019 – April 12, 2019*

- **2020-2021 CUA CUA Award Notifications**

Target Timeframe: *May, 2019*



Program Updates for the 2020-2021 CUA Cycle

NPS Notice of Change of Conditions

Condition 14. Minimum Wage: The holder is required to adhere to Executive Order 13658 – Establishing a Minimum Wage for Contractors. The implementing regulations, including the applicable authorization clause, are incorporated by reference into this contract as if fully set forth in this contract and available at <https://federalregister.gov/a/2014-23533>.



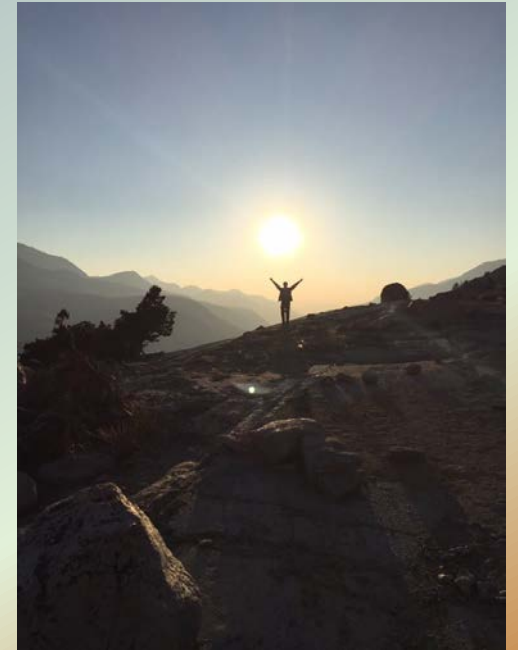
Exemption: Under Executive Order 13838, Executive Order 13658 shall not apply to contracts or contract-like instruments entered into with the Federal Government in connection with seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands, but this exemption shall not apply to lodging and food services associated with seasonal recreational services. Seasonal recreational services include river running, hunting, fishing, horseback riding, camping, mountaineering activities, recreational ski services, and youth camps.

See <https://www.nps.gov/aboutus/commercial-use-authorizations.htm>

Program Updates for the 2020-2021 CUA Cycle

Educational Trip Guidance

- Criteria are outlined in 2018 Educational Trips guidance document. To qualify as an Educational Trip, a trip must offer:
 - 1) Academic goals related to environmental education as its primary purpose;
 - 2) Qualified educator to deliver the academic content;
 - 3) Educational nexus to SEKI wilderness.
- Proposals not meeting criteria will be rejected
- Previously approved proposals need to be resubmitted for 2019 with Updates
 - Dates, locations, instructors, and content as needed.
 - OK to reuse last years documents if unchanged.
- Operators should submit educational trip proposals well in advance of proposed trips. Review may take up to 45 days.
- It is recommended that companies maintain more than one qualified educator.
- The NPS may conduct audits of trips via monitoring.



Program Updates for the 2020-2021 CUA Cycle

Reporting *DeMinimus*

- *DeMinimus* entry is a term used by SEKI to distinguish use along the Sierra Crest where entry into the park is unverifiable and too trivial or minor to merit consideration in reporting of CSDs
 - Continue to identify *DeMinimus* entry on self reporting forms
 - SEKI will make the ultimate determination of whether use meets the criteria for *DeMinimus* during review and error checking of the data
 - If *DeMinimus* criteria are not met, CSDs will be charged to CSD allocation
 - If in doubt, submit proposed trip itinerary to the Commercial Services Office to determine whether it would be eligible for *DeMinimus* reporting
- Operators must have a MWMA CSD Allocation to report DeMinimus in the MWMA (during the Wilderness Permit Quota Period)

Program Updates for the 2020-2021 CUA Cycle

Wilderness Variance for Trailheads with No Overnight Use

- Commercial use on trailheads that enter wilderness but do not offer overnight use was not available and therefore not reflected in the baseline data used to establish CSD allocations in SEKI wilderness.
- In order to not adversely impact the amount of commercial services determined to be necessary for meeting the purposes of the Wilderness Act as described in the END, these trailheads will not be subject to the CSD limitations of the END for day hiking commercial use.
- The list of trailheads with no overnight use can be found in Table 19, on page 116 of the WSP, and **includes Buena Vista, Big Baldy, Lost Grove, Muir Grove, Little Baldy, Tokopah, Giant Forest and Crystal Cave areas, and Marble Falls.**
- Both front country CUAs and wilderness CUAs will authorize operators to lead day hiking tours on these trails. For those operators using wilderness CUAs, no CSDs will be required.
- SEKI will establish a trail encounter rate monitoring program for these trails and will require all CUA-holders to report all commercial use on these trails. This data will allow for evaluation of the trails for establishing the extent of allowable commercial use in a future update to the END. When the update to the END is completed, this temporary variance will sunset.

Program Updates for the 2020-2021 CUA Cycle

CSD Trip Reporting - No Change

Example: Template Trip Report Form

National Park Service Sequoia and Kings Canyon National Parks Wilderness Non-Stock Commercial Use Authorization Trip Report 2018						
Company/Permit Name			CUA Permit Number			
Trip Identifier (Number/Client Name)			Wilderness Permit Number			
Number of Guides			Pack Stock Supported			
Activity			CSD Exempt (Admin, Education, etc.)			
A commercial service day (CSD) is one visitor spending part or all of a day in the parks as a client of a commercial service provider.						
Day	Date (DD/MM/Y Y)	# of Clients	# of WW CSDs	# of MWMA CSDs	Wilderness Travel Zones	Comments
1						
2						
3						
4						
5						

Program Updates for the 2020-2021 CUA Cycle

Fees

2020-2021

- **Application cost \$800**
- Market price fee
- < \$250,000 earned from park-based operations - 3% of gross receipts (minus application fee)
- \$250,000 to \$500,000 earned from park-based operations - 4% of gross receipts (minus application fee)
- > \$500,000 earned from park-based operations - 5% of gross receipts (minus application fee)
- Annual CUA report (NPS Form 10-660)

2018-2019

- **Application cost \$600**
- Market price fee
- < \$250,000 earned from park-based operations - 3% of gross receipts (minus application fee)
- \$250,000 to \$500,000 earned from park-based operations - 4% of gross receipts (minus application fee)
- > \$500,000 earned from park-based operations - 5% of gross receipts (minus application fee)
- Annual CUA report (NPS Form 10-660)

Program Updates

Preliminary 2018 FCFS CSD Pool Summary

Mount Whitney Management Area

100% of the Pool CSD were exhausted quickly after the “opening” date

CSDs were returned to the Pool during the season

MWMA Stock: 29% Available (56 Stock CSD, 9/17/2018)

Wilderness Wide

A portion of WW Days for Stock and Non-Stock remain available

WW Non-Stock: 68% Available (861 Non-Stock CSD, 9/17/2018)

WW Stock: 8% Available (51 Stock CSD, 9/17/2018)

Program Updates

2018 CSD FAQs

Common Questions in Reporting CSDs (2018)

Q: Is there a specific form or format that you'd like us to use when requesting FCFS CSD Pool Requests?

A: No, information provided in the requesting email is sufficient.

Q: If a packer doesn't stay overnight with the clients, does it count as CSD?

A: It depends on the trip type. Whether that packer stays with the clients overnight or not, if the packer [company] is supporting the trip each day, CSDs will be required for each day.

Proposed Changes for the 2020-2021 CUA Cycle

- Changes considered:
 - Increase the number of CUAs that may be issued with WW CSD Allocations
 - Reallocate Base CSD and First Come First Served (FCFS) Pool split using an 80% 20% Allocation model for WW Allocations
 - Minor modification to certification requirements for Mountaineering and Ski Mountaineering
 - First-Aid and Medical Minimum Requirements by Activity
 - Changes to frequency of reporting for Trip Itineraries and Guide List/Certifications
- No other changes will be considered during this application cycle.

Proposed Changes for the 2020-2021 CUA Cycle

Increase Number of CUAs with WW CSD allocations

Wilderness Wide

- Analyze CSD use at the close of CY 2018
- Determine if unused WW CSDs would support up to a maximum of two additional CUAs without reducing base allocations across the current 18 authorized CUAs.
- Goal is to allow for full use of WW CSD allocation.

Mount Whitney Management Area (no change)



Proposed Changes for the 2020-2021 CUA Cycle

Adjust 70/30 WW CSD Split to 80/20

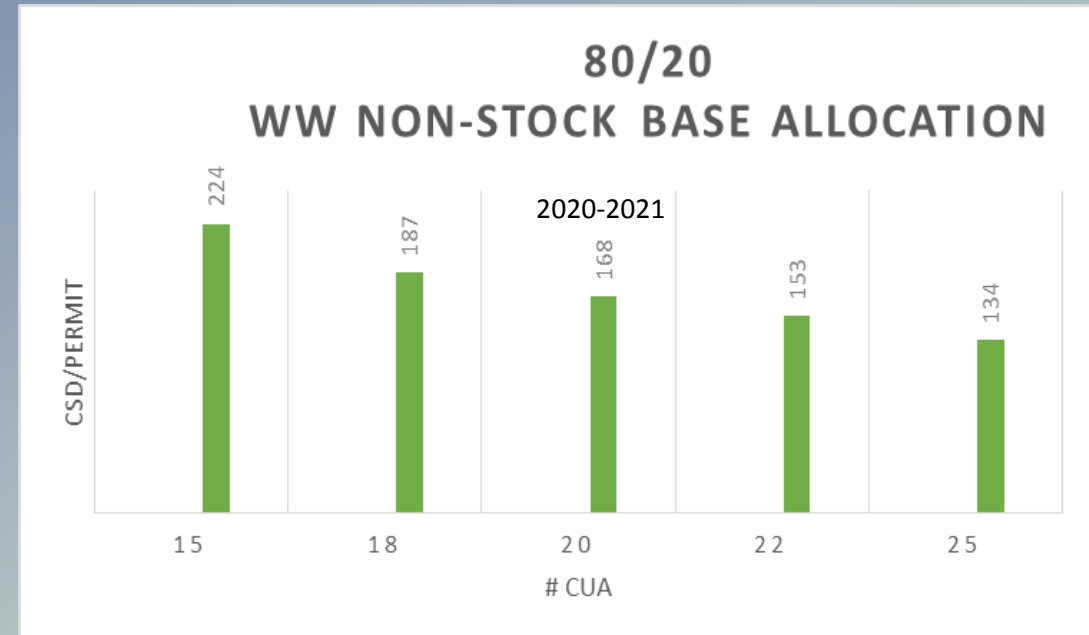
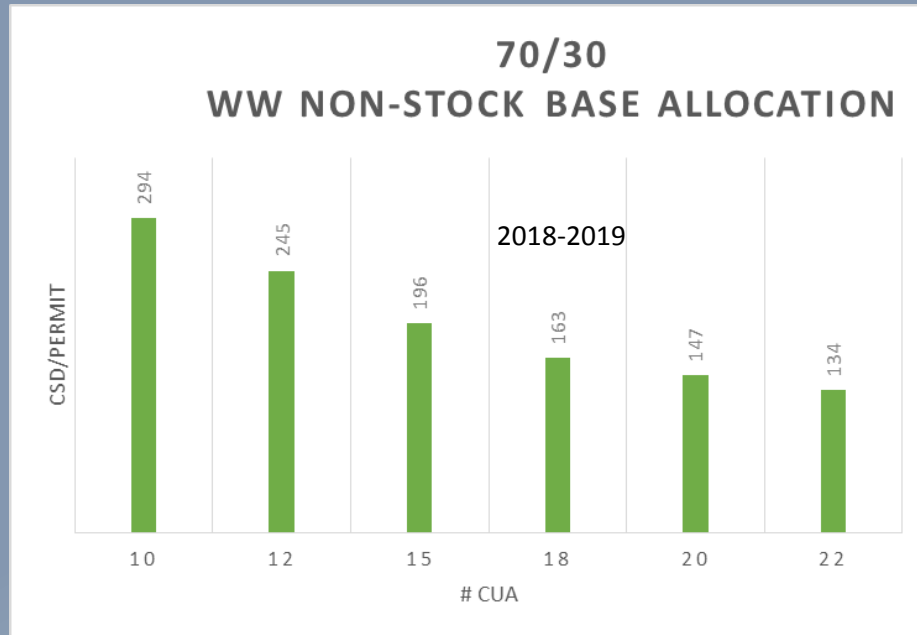
Wilderness Wide

- Adjust Allocation % between Base Allocations and FCFS Pool
- **80%** of CSDs allocated evenly across issued CUA (Whether 18 or 20)
- **20%** of CSDs allocated to a first-come, first-served pool
- Goal is to allow for two additional WW CUAs to better utilize WW CSD allocation.

Mount Whitney Management Area (no change)

Proposed Changes for the 2020-2021 CUA Cycle

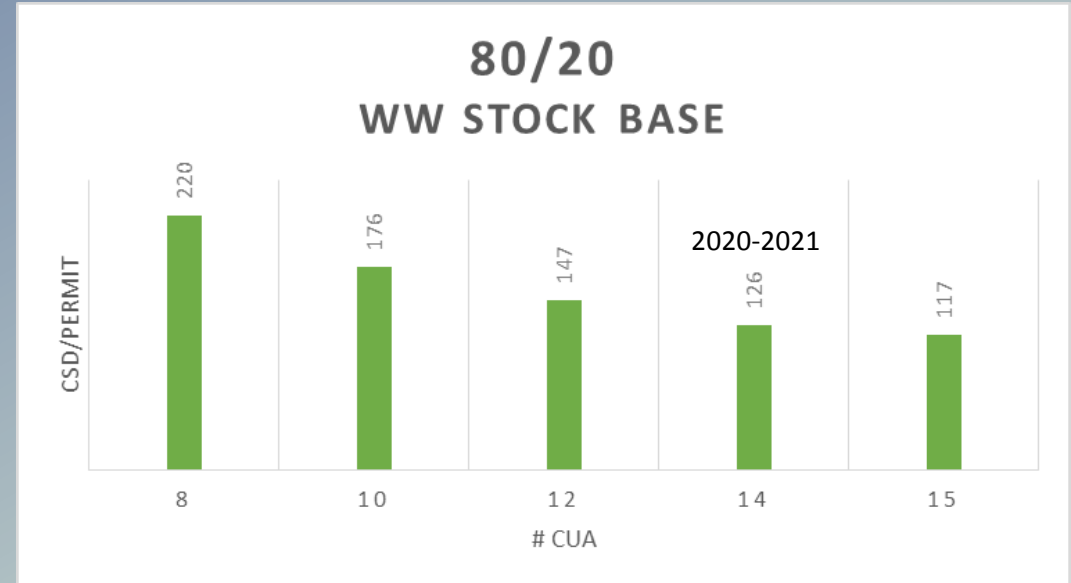
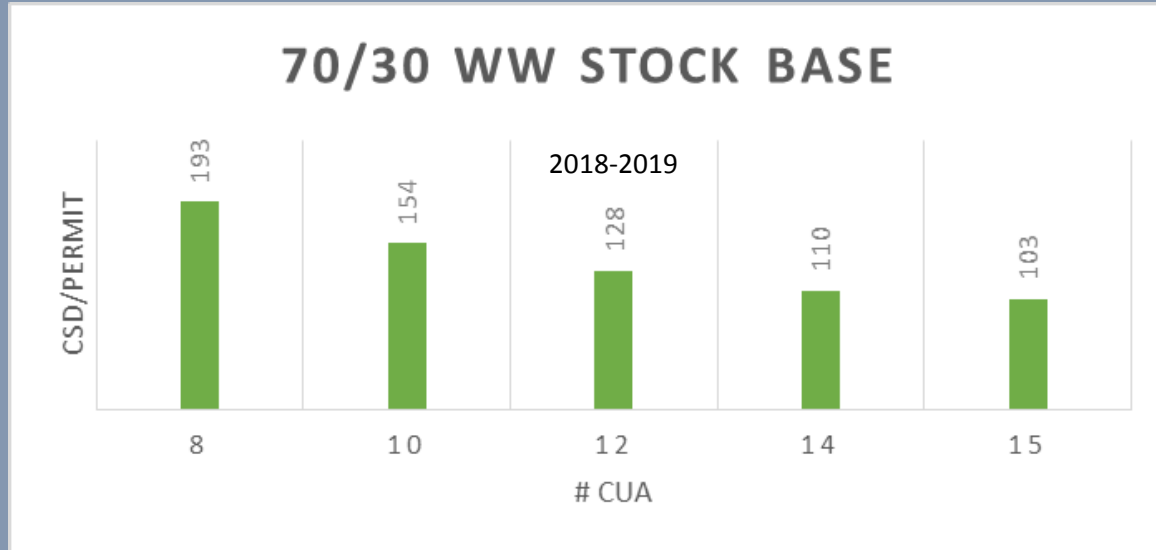
Impact on CSDs: WW Non-Stock



- Base Allocation increases from 163 to 168.
- FCFS Pool decreases from 1,265 CSDs to 840 CSDs.

Proposed Changes for the 2020-2021 CUA Cycle

Impact on CSDs: WW Stock



- Base Allocation decreases from 128 to 126.
- FCFS Pool decreases from 655 CSDs to 440 CSDs.

Proposed Changes for the 2020-2021 CUA Cycle

Guide Qualifications

Mountaineering and Ski Mountaineering

2020-2021

- Client to Guide ratio 1:6
- Use of PSIA/AMGA/IFMGA (or equivalent) Certification under re-consideration

2018-2019

- Client to Guide ratio 1:3
- PSIA/AMGA/IFMGA Guide Certifications or equivalent required



Proposed Changes for the 2020-2021 CUA Cycle

Medical Certifications

2018-2019

- ☐ Wilderness First Aid and CPR
 - Dunnage, Guided Portering
 - Photography Instruction (workshops)
 - Guided Fishing
 - Day Hiking
 - Snowshoeing/Skiing
- ☐ Wilderness First Responder and CPR
 - Guided Pack and Saddle Stock Services
 - Backpacking
 - Mountaineering
 - Backcountry Ski / Winter Mountaineering

2020-2021

- ☐ Basic First-Aid and CPR
 - Dunnage, Guided Portering
 - Photography Instruction (workshops) (Day-Use)
 - Guided Fishing (Day-Use)
 - Day Hiking (Day-Use)
 - Snowshoeing/Skiing (Day-Use)
- ☐ Wilderness First Responder and CPR
 - Backpacking
 - Mountaineering
 - Backcountry Ski / Winter Mountaineering

Proposed Changes for the 2020-2021 CUA Cycle Trip Reporting

2018-2019

- Monthly Report due the 15th of each month
- Trip Report due with monthly report

2020-2021

- Trip Report due within 30 days of each trip



Proposed Changes for the 2020-2021 CUA Cycle Reporting and Required Documentation

- Templates will replace information previously required in the Operating Plan
- Example: Trip Itinerary, Guide List
- Templates will standardize reporting and information requests, goal is to make both submission and collection more efficient.



Proposed Changes for the 2020-2021 CUA Cycle Trip Itineraries

2018-2019

- Trip itinerary required for party size greater than 10
- Required by July 1 or within 30 days of trip



2020-2021

- Trip itinerary required for each trip conducted under a CUA
 - Itineraries help the parks and operators by facilitating field coordination
 - Itineraries will not constrain operators ability to adjust plans during trips.
- Required within 30 days of trip (for pre-booked trips)

Proposed Changes for the 2020-2021 CUA Cycle Trip Itinerary Template

Example: Trip Itinerary Template

[illegible]

Proposed Changes for the 2020-2021 CUA Cycle

Guide Lists and Certifications



2018-2019

- Guide list and copies of certifications required to be submitted within 30 days of operating

2020-2021

- Guide and certification ***list*** required to be submitted within 30 days of operating
 - Copies of certificates need not be submitted, but may be requested by the NPS
 - Updated when staff turnover
 - Template provided with CUA Application

Proposed Changes for the 2020-2021 CUA Cycle

Guide List and Certifications Template

Example: Guide Certification and Medical Training Template

*Guide Type and Name	Guide Certifications		First Aid /Medical Training		Years Experience
Guide 1 Type	Certification	Expiration Date	Certification	Expiration Date	Years Experience
Guide 1 Name	Certification	Expiration Date			
	Certification	Expiration Date			
	Certification	Expiration Date			
Guide 2 Type	Certification	Expiration Date	Certification	Expiration Date	Years Experience
Guide 2 Name	Certification	Expiration Date			
	Certification	Expiration Date			
	Certification	Expiration Date			

Extending CUA Term- Future Analysis

The National Parks Omnibus Management Act of 1998, passed in 1998, provides NPS the authority to issue CUAs to allow business operations for a term of up to 2 years; and requires NPS to collect a reasonable fee for CUA administration and management

- SEKI submitted a legislative proposal to adjust SEKI wilderness CUA term to up to 5 years. Initial favorable review, but will move slowly through process of Administration review, approval, proposal to Congress, and inclusion in a bill.
- SEKI continues to examine opportunities for Concessions Contracts in recreational guide services.
 - Category III contract - Concessioner is not assigned land or buildings
 - Term 1-10 years; typically 5-10 years
 - For more information <https://www.nps.gov/aboutus/commercial-use-authorizations.htm>

Proposed Changes for the 2020-2021 CUA Cycle

Public Comment & Feedback

- CUA Limits
 - Increase CUAs operating in WW
 - Maintain current limits in MWMW
 - CSD Allocation
 - Base Allocation and FCFS Pool (80/20) WW & (70/30) MWMA
 - First-Aid and Guide Requirements
 - Changes to minimum requirements
 - Forms and Reporting
 - Trip Itineraries
 - Guide List and Certifications
 - Future CSD Allocation Models
 - Concessions Contracts
 - Questions in Reporting CSDs
- Submit official feedback in PEPC

- https://parkplanning.nps.gov/SEKI_WildernessCUAS





Questions?

