

COMMERCIAL USE AUTHORIZATIONS (CUA)

Questions and Answers

What happened to the Incidental Business Permit (IBP)?

The National Park Service (NPS) replaced Incidental Business Permits (IBP) with Commercial Use Authorizations (CUA) and Special Use Permits (SUP) for non-profit entities to comply with Section 418, Public Law 105-391, "National Park Service Concessions Management Improvement Act of 1998".

What is a Commercial Use Authorization (CUA)?

A Commercial Use Authorization is a business permit with the National Park Service which authorizes an individual, group, company or other for profit entity to provide specific visitor services and operate within a National Park area.

What does the Federal law (PL 105-391, Section 418) require?

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105_cong_public_laws&docid=f:publ391.105.pdf

The law requires that CUAs:

- Are accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values.
- Are consistent with the purpose for which the unit (Apostle Islands N.L.) was established.
- Ensure compliance with all applicable management plans, park policies and regulations.
- Establish conditions for the protection (safety) of visitors and appropriate visitor services.
- Limit the liability of the United States Government.
- Require payment of a reasonable fee for issuance of an authorization and recover associated management and administrative costs.

Does my company, group or organization need a CUA permit?

A permit is required if you as an individual, organization or corporation provide any goods, activities, services, agreements, or other function for members, clients or the public which takes place at least in part of the lakeshore (national park area), uses lakeshore (park) resources and results in compensation, monetary gain, benefit or profit.

My group or organization is non-profit. Do we need a permit?

Yes, non-profit institutions that do not derive taxable income from a leisure/recreational tour or service within the lakeshore are required to obtain a Special Use Permit (SUP) and provide documentation from the Internal Revenue Service (IRS) of their non-profit status. The same regulatory and safety provisions apply under both CUA and SUP application procedures.

What are typical public (CUA) services at Apostle Islands National Lakeshore?

The most common services include adventure tours, canoe and kayak expeditions (trips), fishing and sailboat charters, SCUBA/diving services, towing/salvage operations, water taxi transportation, backcountry activities and other client/visitor related services.

What constitutes a commercial tour or service?

A commercial tour or service consists of one or more persons traveling on an itinerary that has been packaged, priced, or sold for leisure/recreational purposes by an organization that realizes financial gain through the provision of the service.

Do you expect the CUA process to change in the future?

Yes. The National Park Service is in the process of drafting final regulations that cover appropriate operations under the CUA process. For additional information see:
<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2002/02-29783.htm>

Are there limits on the number of CUA permits that can be issued?

Yes. In response to Public Law 105-391, section 418, the superintendent cannot issue more CUA permits than are consistent with the preservation and proper management of park resources and values. It may be necessary for the superintendent to establish limits on the number of private individuals, institutional use and commercial use. One tool is to limit the number of commercial operators. Other tools may include limiting use of all types by time period, area, number of trips, user days, party size or other parameters.

Is there a cost for the permit?

Yes. In 2011, the administrative processing fee for a CUA permit remains at \$100, this is the same level as an IBP in previous years. New and/or additional fees may be required in future years when the final NPS regulations go into effect.

Are there new application requirements for CUA permits?

Yes. In response to Public Law 105-391, section 418, Apostle Islands National Lakeshore has developed specific application and reporting requirements for CUA and SUP entities.

What is required for a CUA at Apostle Islands National Lakeshore?

As part of the CUA/SUP package, applicants must submit (as applicable for the type of service):

- Copies of operator, diver, vehicle and vessel licenses and registration (state and USCG).
- Current Vehicle and Vessel registration list.
- Certificates of Insurance for: Workers compensation, general, automobile, watercraft, product, operations and public livery liability.
- Copies of employee First Aid, CPR and Food Handling Certificates.
- Annual Operating Plan (Explain how your operation will protect park resources and the safety of clients/visitors).
- Trip Itineraries (Provides the park with the means to find and/or contact groups and leaders during a trip).
- Annual Report (Statement of gross receipts and client/visitor totals relating to use of NPS areas)

How to I obtain application materials? What is the first step?

An authorized representative of the company/group/organization must complete and return the CUA/SUP Application Request Form, APIS 88a, see attached. The NPS will forward appropriate CUA/SUP information and materials to the representative (official) of record listed on the application request form. Do not send any money until requested. Payment must be included with CUA/SUP permit package.