

COMMERCIAL USE AUTHORIZATION APPLICATION

Castle Mountains National Monument

2701 Barstow Road Barstow, CA. 92311 Matt Caire, CUA Coordinator Phone Number: 760-221-4740



OMB Control No. 1024-0268

Refer to application instructions at the end of this application. Some parks have additional requirements for businesses that offer services to visitors relating to the safety and welfare of the visitors and protection of the resources. These requirements may include applicable operating licenses, certificates showing proof of training, operating plans, emergency response plans, group size limitations, etc.

1.	Service for which you are applying: [attach diagram, attach additional pages, if necessary, include locations within the park, frequency, estimated number of participants (per trip and annually), number of vehicles, support equipment (trailers, generators etc.)]					
2.	Will you be providing this service in more than one park? Yes ☐ No ☐ If "Yes", list all parks and services provided.					
3.	Applicant's Legal Business Name: [Include any additional names (DBA) under which you will operate.]					
4.	Owner and Authorized Agents: (Give the name(s) of the owners and name(s) of the persons designated as Authorized Agent for your business. Authorized Agents have the power to sign on your behalf.)				esignated as Authorized Agents	
5.	PRIMARY CONTACT INFORMATION (Dates to contact you at this address, if seasonal. Address:					
	Email	State, Zip:	\\/.	ebsite:		
		Phone:	Evening Phone:	bsite.	Fax:	
	If sam Addre City, S Email Webs	State, Zip:)
6.	What	is your Business Type? (Ple	ease check one below)			
	 □ Sole Proprietor □ Partnership (Print the names of each partner. If there are more than two partners, please attach a complete list of their names.) Name: Name: □ Limited Liability Company □ Corporation □ Non-Profit (Please attach a copy of your IRS Ruling or Determination Letter) 					attach a complete list of their
7.	□ Busir	Other ness License – State and Nur	nber:	Expiration [Date:	

RECORDS RETENTION. TEMPORARY. Destroy/Delete 3 years after closure. (NPS Records Schedule, Commercial Visitor Services,

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8.

9.

8.	Employer Identification Number (EIN):						
9.	Liability Insurance: Provide proof of liability insurance. The CUA operator must maintain General Liability insurance naming the United States of America as additional insured. Minimum coverage amount is \$500,000 per occurrence. Some activities will require increased coverage or other types of liability insurance; see Park-Specific CUA Insurance Requirements ("Attachment A").						
10. Will your business operate vehicles/vessels/aircraft within NPS boundaries? Yes □ No □							
	nformation for vehicles/vessels/aircraft chartered from and operated by another company is NOT required. If "Yes," please give a description of each vehicle. Use additional paper, if necessary.						
	Make/Model of Vehic	ele	Y	'ear	Max # Passenger Capacity	Own/Rent/Lease	
	Make of Aircraft		Tail	Number	Max # Passenger Capacity	Own/Rent/Lease	
	Make/Model of Vessel	Registration USCG Docum		Length	Max # Passenger Capacity	Own/Rent/Lease	
11.	11. Additionally Required Documentation: Parks may require proof of licenses, registrations and certificates, etc. Provide copies of additionally required documentation identified in "Attachment B".						
12.	OOI Employment: Are you, your spouse, or minor children employed within the U.S. Department of the Interior?						
	Yes ☐ No ☐ If "Yes", please provide information below:						
	Employee Name: Title:						
	Bureau or Office where employed:						
If you selected yes, to 12., please contact your servicing ethics office for further guidance prior to submitting this servicing ethics offices can be found at, https://www.doi.gov/ethics.				is form. A list of			
13.	Violations: To your knowledge, have you, your company, or any current or proposed employees been convicted or fined for violations of State, Federal, or local law within the last 5 years? Are you, your company, or any current or proposed employees now under investigation for any violations of State, Federal, or local law or regulation? See instructions.						
	Yes ☐ No ☐ If "Yes", please provide the following information. Attach additional pages, if necessary.						
	Date of violation or incident under inve	estigation:					
	Name of business or person(s) charge	ed:					

RECORDS RETENTION. TEMPORARY. Destroy/Delete 3 years after closure. (NPS Records Schedule, Commercial Visitor Services, (Item 5D) (N1-79-08-4))

Please identify the law or regulation violated or under investigation:

Please identify the State, municipality, or Federal agency that initiated the charges:

Additional Detail (optional):

(Results) Action Taken by Court:

14. Fee: Please include the Application Fee as outlined in Attachment B.

15. Signature:
False, fictitious or fraudulent statements of representations made in this application may be grounds for denial or revocation of the Commercial Use Authorization and may be punishable by fine or imprisonment (U.S. Code, Title 18, Section 1001). All information provided will be considered in reviewing this application. Authorized Agents must attach proof of authorization to sign below.

By my signature, I hereby attest that all my statements and answers on this form and any attachments are true, complete, and accurate.

Signature

Date

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NOTICES

Privacy Act Statement

Authority: The authority to collect information on the attached form is derived from 16 U.S.C. 5966, Commercial Use Authorizations.

Title

Printed Name

Purpose: The purposes of the system are (1) to assist NPS employees in managing the National Park Service Commercial Services program allowing commercial uses within a unit of the National Park System to ensure that business activities are conducted in a manner that complies with Federal laws and regulations; (2) to monitor resources that are or may be affected by the authorized commercial uses within a unit of the National Park System; (3) to track applicants and holders of commercial use authorizations who are planning to conduct or are conducting business within units of the National Park System; and (4) to provide to the public the description and contact information for businesses that provide services in national parks.

Routine Uses: In addition to those disclosures generally permitted under 5 U.S.C.552a(b) of the Privacy Act, records or information contained in this system may be disclosed outside the National Park Service as a routine use pursuant to 5 U.S.C. 552a(b)(3) to other Federal, State, territorial, local, tribal, or foreign agencies and other authorized organizations and individuals based on an authorized routine use when the disclosure is compatible with the purpose for which the records were compiled as described under the system of records notice for this system.

Disclosure: Providing your information is voluntary, however, failure to provide the requested information may impede the processing of your commercial use authorization application.

Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501), please note the following. This information collection is authorized by The Concession Management Improvement Act of 1998 (54 USC 101911). Your response is required to obtain or retain a benefit in the form of a Commercial Use Authorization. We will use the information you submit to evaluate your ability to offer the services requested and to notify the public what services you will offer. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget control number. OMB has assigned control number 1024-0268 to this collection.

Estimated Burden Statement

We estimate that it will take approximately 2.5 hours to prepare an application, including time to review instructions, gather and maintain data, and complete and review the proposal. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information Collection Officer, National Park Service, 12201 Sunrise Valley Drive, MS-242, Reston, VA 20192. Please do not send your completed form to this address; but rather to the address at the top of the form.

The following explanations correspond directly with the numbered items on the Application Form. Please read this entire document prior to completing the application. Include the nonrefundable application fee when submitting this application.

COMMERCIAL USE AUTHORIZATION APPLICATION INSTRUCTIONS

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- 1. Enter the service you are proposing to provide. These are the services which are currently approved in the park:
- PLEASE email moja_permits@nps.gov or call 760-221-4740 to ask whether an activity is approved at the Monument.
 If the service you are proposing to provide is not a currently approved service listed above, contact the park CUA office at the number above.
- 3. Respond "No" or list other parks where you will be providing this service.
- 4. Enter the legal name of your business. If you have a secondary name under which you are doing business (d.b.a.), please enter that name also.
- 5. Give the name(s) of owners and name(s) of persons designated as Authorized Agents for your business. Authorized Agents have the power to sign on your behalf.
- 6. Provide contact information for both the main season and the off-season. Your contact information may also be published in the NPS Commercial Services Directory.
- 7. Check the box that identifies your type of business.
- 8. If the state in which you operate or the state where your business is domiciled requires a state business license, provide the state, license number and year of expiration.
- 9. Provide your Employer Identification Number (EIN). The Debt Collection Improvement Act of 1996 requires us to collect an EIN or Social Security Number (SSN). The NPS will not collect SSNs, only EINs. The EIN is issued by the Internal Revenue Service. You may receive a free EIN at http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/How-to-Apply-for-an-EIN. We will use the EIN that you provide as needed to collect debts.
- 10. Provide proof of General Liability Insurance naming the United States of America, as additional insured in the amounts designated in the application. Provide proof of vehicle/vessel/aircraft liability insurance if you own, rent, or lease vehicles/vessels/aircraft and transport visitors by those means or if those owned, rented, or leased vehicle/vessel/aircraft are engaged in providing the service (i.e., hauling horses used in the activity). Insurance companies must be rated at least A- by the most recent edition of A.M. Best's Key Insurance Reports (Property-Casualty edition) or similar insurance rating companies (Moody's, Standard and Poor's, or Fitch). You may be subject to additional insurance requirements. Refer to "Attachment A".
- 11. Provide a description of each owned, rented, or leased vehicle/vessel/aircraft you will utilize during the course of the proposed commercial service. Information for vehicles/vessels/aircraft chartered from and operated by another company is not required.
- 12. Provide copies of additional documentation as required by "Attachment B".
- 13. Indicate if you, your spouse, or parent (if you are a minor child) is employed by the U.S. Department of the Interior (Department). Departmental ethics regulations at 5 C.F.R. § 3501.103(c) prohibit Department employees, their spouses, and minor children, from acquiring or retaining permits, leases, and other rights in Federal lands granted by the Department. This prohibition includes any commercial use authorization to conduct commercial activities or services on Department property.
- 14. Provide details if your business or business owners or current employees or proposed employees have been convicted or are currently under charges for violation of State, Federal, or local law or regulation in the last 5 years. Do not include minor traffic tickets.
- 15. Include payment of the Application Fee \$305.00 See "Attachment" B.
- 16. Please sign and date your application. If the person SIGNING this application is an Authorized Agent for the business, proof of signing authority must accompany this application.

Attachment A: Insurance Requirements

Attachment B: List of Approved Services, Additionally Required Documentation, and Fee Information

Additional Information: The National Park Service has terms and conditions on all commercial service agreements. The following terms and conditions will apply to all Commercial Use Authorizations. There may be additional terms and conditions based on the services provided. These may include but are not limited to limits on locations, times, group size, and employee licenses and certifications and providing such information to the park superintendent for approval.

CONDITIONS OF THIS AUTHORIZATION

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- 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 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. All vehicles/vessels/aircraft are required to be registered and the operators are required to have the proper licenses to operate them commercially, as required by law or regulation.
- 3. Rates: The holder shall provide commercial services under this authorization to visitors at reasonable rates satisfactory to the area Superintendent.
- 4. Operating Conditions: The holder shall provide the authorized commercial services to visitors under operating conditions satisfactory to the area Superintendent.
- 5. Liabilities and 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.
- 6. Insurance: Holder agrees to carry 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 name the United States of America as additional insured. Holder agrees to have on file with the park copies of the above insurance with the proper endorsements.
- 7. CUA Fees: At a minimum, the holder shall reimburse the park for all costs incurred by the park as a result of accepting and processing the application and managing and monitoring the authorized activity. Administrative costs for the application process must be paid when the application is submitted. Monitoring fees and any additional costs incurred by the park to support the commercial activity will be paid annually or on a more frequent basis as determined by mutual agreement between the Holder and the area Superintendent.
- 8. Benefit: No member of, or delegate to, Congress, or Resident Commissioner shall be admitted to any share or part of this authorization or to any benefit that may arise from this authorization. This restriction shall not be construed to extend to this Contract if made with a corporation or company for its general benefit.
- 9. Transfer: This authorization may not be transferred or assigned without the written consent of the area Superintendent.
- **10. Termination:** This authorization may be terminated upon breach of any of the conditions herein or at the discretion of the area Superintendent.
- 11. **Preference or Exclusivity:** 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.
- **12. 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 area Superintendent.
- 13. Reporting: The holder is to provide the area Superintendent upon request 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 area Superintendent may request, including but not limited to, visitor use statistics, and resource impact assessments. The holder must submit annually the CUA Annual Report (NPS Form 10-660) and upon request the CUA Monthly Report (NPS Form 10-660A).

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14. Accounting: 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 access to its books and records at any time for the purpose of determining compliance with the terms and conditions of this authorization.

- 15. Visitor Acknowledgment of Risks (VAR): The holder is not permitted to require clients sign a waiver of liability statement or form, insurance disclaimer, and/or indemnification agreement waiving the client's right to hold the CUA holder responsible for accidents or injury occurring on NPS property. The holder is permitted to request or require a client to sign a form or statement acknowledging risk and/or indicating that certain prerequisite skills may be needed to participate in the commercial activity. The holder must provide the park with the current copy of all forms and/or statements used for this purpose and obtain written approval by the park to use the form and/or statement. A sample Acknowledgment of Risk form may be obtained by contacting the CUA office at 760-221-4740 or by going to the park CUA webpage at Fees & Passes Castle Mountains National Monument (U.S. National Park Service) (nps.gov).
- 16. Intellectual Property of the National Park Service: Except with the written authorization of the Director of the National Park Service, the Holder shall not assert any legal claim that the Holder or any related entity holds a trademark, tradename, servicemark or other ownership interest in the words "National Park Service", the initials "NPS", or official name of any unit or part thereof, including but not limited to any facility, logo, distinctive natural, archaeological, cultural, or historic site, within the National Park System, or any colorable likeness thereof, or the likeness of a National Park Service official uniform, badge, logo, or insignia.
- 17. Nondiscrimination: The holder must comply with Applicable Laws relating to nondiscrimination in providing visitor services to the public and with all equal employment opportunity provisions of Title VII of the Civil Rights Act, as amended.
- 18. Notification of Employee Rights: The holder must comply with all provisions of Executive Order 13496 of January 30, 2009, (Notification of Employee Rights Under Federal Labor Laws) and its implementing regulations, including the applicable contract clause, codified at 29 CFR part 471, appendix A to subpart A, all of which are incorporated by reference into this authorization as if fully set forth in this authorization.

SPECIAL PARK CONDITIONS

COMMERCIAL USE AUTHORIZATION

- 19. This permit holder will notify Castle Mountains National Monument at least 24 hours before each entry into Castle Mountains National Monument. EMAIL CONTACT: moja_permits@nps.gov. TELEPHONE CONTACT: Matt Caire: 760-221-4740.
- **20.** The authorization holder must carry a copy of this authorization while conducting commercial services in Caste Mountains National Monument. This copy may be either hard copy (i.e., paper) or digital.
- 21. This authorization is applicable for the use of the area(s) and terms designated herein. Activities allowed under this authorization are restricted to existing roads and trails within Castle Mountains National Monument that are open to public access.
- 22. No employee of the National Park Service may conduct commercial services in Castle Mountains National Monument under this authorization. NPS employees may not work on matters involving a business in which they, their spouse, or their minor children have a financial authorization (NPS Management Policies 2006 10.2.8.3).
- and its contractor(s) must orient themselves with the biology of tortoises, threats to tortoises, and tortoise-protective measures before arriving at Castle Mountains National Monument. Brief videos are available on the Internet good examples include: Desert Tortoise 101 Everything You Need To Know YouTube and/or Video (U.S. National Park Service) (nps.gov).
- 24. The permitted activities might be conducted at a time when the desert tortoise is active above ground (typically March 1 October 31) or in areas that may disturb habitat. ______ or its contractor(s) must exercise care to prevent injury or death to tortoises and preserve their habitat. A threatened species and protected by state and federal laws, this reptile is susceptible to disturbance, vehicle strikes, human induced predation, and loss of habitat. Juvenile tortoises are especially vulnerable. Tortoises are active throughout the day when temperatures are mild (mid 70sF 90sF). They are often seen on or near paved road areas, particularly after rains. Participants in the activities approved in this authorization must be informed of and comply with the conditions in this authorization.
- 25. It is illegal to disturb a tortoise or its habitat. This includes handling, moving, or possessing a tortoise, and altering or destroying habitat.
- **26.** Tortoises sometimes crawl under parked vehicles. Always check under vehicles, especially around the tires, before moving the vehicle if it has been parked longer than two minutes.

27. Motorized vehicles must remain on existing roads, designated routes, and vehicle ways. Vehicles will remain on established roads or parking areas. Vehicle operators must watch for tortoises on the road or road shoulder area. Vehicle operation off established roadways and parking outside designated parking areas are prohibited.

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- 28. Speed limits must be strictly followed to allow time to respond if a tortoise is seen on the roadway. Generally, Castle Mountains National Monument's speed limits are 55 MPH on paved roads, 35 MPH on most graded-maintained roads, and likely slower on two-track roads. Vehicle operators must look for posted speed limits on roadways.
- 29. When vehicles travel in a group, each vehicle will be spaced far enough apart to ensure visibility of the road surface to avoid desert tortoises.
- **30.** Secure, carry out, and properly dispose of food scraps. Scraps attract predators of desert tortoises, which can lead to greater predation pressures.
- **31.** Permit-related tortoise injuries and/or deaths must be reported to Castle Mountains National Monument as soon as possible. Contact Matt Caire: matthew_caire@nps.gov or 760-221-4740.
- 32. Wildlife, particularly animals with young and nesting birds, should not be harassed in any form.
- 33. Parking shall take place only on previously disturbed sites.
- 34. Vehicle parking must occur more than 200 yards from natural and constructed water sources.
- **35.** Permittee will ensure that no damage to vegetation or wildlife occurs. Vegetation in the Monument may not be cut, trimmed, or moved. No disturbance of soil or mineral matter is allowed, including pounding stakes into the soil. All disturbances will be reported to the National Park Service for possible restoration.
- 36. Collection of plants, animals, or mineral specimens is prohibited. Destruction of vegetation or natural areas is not permitted.
- 37. No exotic plants or animals will be introduced into or left behind in Castle Mountains National Monument.
- 38. Permission for travel on or across private property must be obtained from the appropriate landowner.
- **39.** Activities under this authorization will be conducted in accordance with the California Desert Protection Act of 1994 and comply with all State and Federal laws.
- **40.** Collecting, defacing, or destroying historic or prehistoric artifacts is prohibited. Archeological historic structures and artifacts will be left undisturbed. Rubbings or other types of transfer of form of rock art is prohibited. Permittee will immediately bring to the attention of Castle Mountains National Monument any archeological resources encountered during commercial operations and maintain the integrity of such resources pending subsequent investigation. CONTACT: david_r_nichols@nps.gov. ALTERNATE CONTACT: 760-252-6145.
- **41.** Discarding or spilling of any fuel or hazardous materials is prohibited. Any discharge or spill must be reported immediately. CONTACTS: (909) 356-3805, San Bernardino County Communications Center and 909-383-5651, Federal Interagency Communications Center. In case of emergency, call 9-1-1.
- **42.** Areas that are visited will be left as if no one had been there. Garbage, including food materials, must be carried out and disposed of in a proper manner. Human waste must be disposed of properly in public toilets available in the Monument (e.g., Kelso Depot Visitor Center, Kelso Dunes trailhead). Cigarette butts are litter; permittee will provide butt cans for disposal. Permittee is responsible for removing all trash.
- **43.** Permittee will provide for basic first aid and initial transport at the standard first aid level. For other emergencies, Permittee will call 9-1-1.
- **44.** No sales of promotional items or promotional filming of activities is authorized under this authorization.
- **45.** Pets must be confined to or on a leash no longer than six feet in length.
- 46. ___ and its clients must read Castle Mountain National Monument's Leave No Trace worksheet (attached).

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47. The Permittee agrees that the terms and conditions of the authorization will not establish a precedent for a future authorization at Castle Mountains National Monument or another unit of the National Park Service. Failure to follow the conditions of this authorization may result in revocation of this authorization and denial of future authorizations.

48. Other park-specific conditions are possible, depending on conditions in Castle Mountains National Monument and the proposed activities.

ATTACHMENT A CUA Insurance Requirements

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Commercial General Liability (CGL) Insurance

Liability insurance is required for all CUA holders under the terms of the authorization. Such insurance should be of sufficient scope to cover all potential risks and in an amount to cover claims that can reasonably be expected in the event of serious injury or death. The minimum commercial general liability insurance is \$500,000. Liability insurance policies must name the United States of America as additional insured. The business or person that is providing the service must be the named insured (policy holder). Companies that provide transportation only are not required to have Commercial General Liability as long as the passengers do not disembark.

Other Required Insurance

Commercial Auto Liability Insurance is required if a CUA holder transports passengers or uses in the performance of the service in the park owned/leased/rented vehicles. If a CUA holder charters the vehicle and those chartered vehicles are owned and operated by another company, the CUA holder is not required to have Commercial Automobile Liability insurance. The minimum Commercial Auto Liability Insurance for passenger transport is:

Commercial Vehicle Insurance – Passenger Transport (bodily injury and property damage)	Minimum per Occurrence Liability Limits*
Up to 6 passengers	\$1,000,000
7 – 15 passengers	\$1,500,000
16 – 25 passengers	\$3,000,000
26+ passengers	\$5,000,000

Insurance Company Minimum Standards

The NPS has established the following minimum insurance **company** requirements. All insurance companies must meet the following minimum standards. These standards apply to foreign insurance companies as well as domestic companies.

- All insurers for all coverages must be rated no lower than A- by the most recent edition of Best's Key Rating Guide (Property-Casualty edition), or similar insurance rating companies (Moody's, Standard and Poor's, or Fitch), unless otherwise authorized by the Service.
- All insurers for all coverages must have Best's Financial Size Category of at least VII according to the most recent edition of Best's Key Rating Guide (Property-Casualty edition), or similar insurance rating companies (Moody's, Standard and Poor's, or Fitch), unless otherwise authorized by the Service
- 3. The insurance ratings must be submitted with the CUA Application. The rating companies do not issue certificates. We require the insurance broker to note this rating in the Certificate. If the rating does not appear on the certificate, the insurance broker must provide it in another document.

Proof of Insurance Submission

Applicants must submit proof of insurance with the CL	UA Application. The	proof of insurance must:
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Be written in English with monetary amounts reflected in USD
Reflect that insurance coverage is effective at time of CUA Application submission
Name as insured the business or person that is providing the service
Name the United States as additional insured
Reflect a General Commercial Liability Policy with the minimum coverage amount required in the CUA Application
Reflect required additional insurances (commercial vehicle, vessel, aircraft, etc.) with the minimum coverage amount required
in the CUA Application
Include insurance provider rating or provide in separate document

ATTACHMENT B List of Approved Service, Additionally Required Documentation, and Fee Information

AUTHORIZED COMMERCIAL	REQUIRED DOCUMENTATION	REQUIRED CUA FEES
SERVICE		

Email (moja_permits@nps.gov) or call (760-221-4740) Castle Mountains National Monument.	Email (moja permits@nps.gov) or call (760-221-4740) Castle Mountains National Monument.	
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