

U.S. DEPARTMENT OF THE INTERIOR



Castillo de San Marcos NM
Fort Matanzas NM
1 South Castillo Drive
St Augustine, FL 32084
904-829-6506 (ext. 223)
Fax: 904-823-9388

(Please type or print in ink. Answer all questions completely and mark "N/A" if not applicable.)

Instruction Guide

COMMERCIAL USE AUTHORIZATION (CUA)

Effective July 1, 2008 all commercial companies must have a CUA in place to conduct business on any park property and all commercial tours inside the fort require a reservation.

I. GENERAL INFORMATION

- 1) Once an application has been received, the administrative fee that accompanied the application will be deposited and will not be refunded even if the entity decides not to offer the permitted activity.
- 2) Each CUA is valid for no more than one calendar year.
- 3) The CUA activity must be appropriate to the purposes for which the Park was created, as set forth in its enabling legislation.
- 4) All business activities (solicitation, exchange of funds, etc.) must begin and end outside of park boundaries.
- 5) Rates charged by the entity for services in the Park must be reasonable as determined by the National Park Service.
- 6) Non-Profit entities that will not be deriving taxable income from the activity are not required to obtain a CUA; however, the activity may require a Special Use Permit.
- 7) At this time there is no limit to the number of CUAs being issued for any given CUA activity; however, limits may be imposed if the NPS determines there are

an excess number of applicants that would adversely affect visitor safety, the quality of the visitor experience, or the protection of the resource.

II. COMMERCIAL USE AUTHORIZATION PROCESS

- 1) **Complete, Sign, and Date Application Form.** Complete appropriate forms. Be sure to fill in all sections of the application, otherwise the application may result in a denial.
- 2) **Mail completed, Signed Forms & Fees.** A CUA application will not be processed until the Application Fee is received. (See **Section IX Fee Schedule**)
- 3) **NPS qualification process.** The Administrative Officer will determine if the applicant has provided all necessary documentation and all intended activities are appropriate to the mission of the park.
- 4) **Confirmation and Award.** All requests for a CUA will receive a response from the Administrative Officer. If the entity is not awarded a CUA, the application fee will not be returned.
- 5) **Annual Reporting, Monitoring, and Fee Payment:** Once awarded, the CUA holder is required to forward the following before the CUA is validated:
 - a) Brochure or online information site address showing how the activity is described and conducted.
 - b) CUA Fee: the remainder of the CUA fee must be received before a CUA will be valid.
 - c) Proof of Liability Insurance as outlined in section VIII must be received before the CUA will become valid.
 - d) Annual Report: which includes a list of all tour guides and certifications from the City of St Augustine.
- 6) **Once all fees and proof of insurance are received, the CUA will be officially validated and the applicant may begin conducting the approved activities.**

III. APPLICATION FORM

The following explanations correspond directly with the numbered items on the Application Form.

- 1) Give the legal name of your business. If you have a secondary name under which you are doing business (d.b.a.), please give that name also.
- 2) Mark the space that identifies your type of business.
- 3) Provide contact information. Over the term of your authorization it may be necessary to contact you to obtain or share information.
- 4) Provide your Employer Identification Number (EIN) or Social Security Number (SSN). This is a requirement of the 1996 Debt Collection Act. The EIN or SSN that you provide will be used to collect debts.
- 5) Give the names of all persons designated as Authorized Agents for your business.

- 6) NPS Management Policy prohibits employees of the NPS and their spouses and minor children from acquiring or retaining any authorization conducting commercial services in a Park area.
- 7) Each Authorization must be licensed by the appropriate city or county in which the primary business address and base of operation is located. If you do not have a current Business License, please contact your local city or county government offices for further information and assistance.
- 8) Provide names and titles of employees who will work in the Park under the authority of your authorization. These are usually the tour guides that are your employees (not a contracted service). Use additional paper if needed. Please report any future changes to your list of employees by mailing an updated list to our office address. **All tour guides conducting tours must have a tour guide certification from the City of Saint Augustine.**
- 9) If the answer is “Yes”, provide the details as requested. If your business or business owners are currently under charges for violation of state, federal, or local law or regulation, please give details (does not include minor traffic tickets).
- 10) List each accident and give the names of the person, date and place of occurrence, a copy of any relevant accident or incident reports, and explain what actions were taken to prevent the accident from being repeated in the future. If none, so state.
- 11) Please describe your service in detail. Attach extra sheets if needed.
- 12) Prospective Applicants should carefully examine the Application and fully inform themselves as to the conditions and matters which can in any way affect the authorized activities or the costs thereof. Should a prospective Applicant find discrepancies in or omissions from the application or be in doubt as to their meaning the Applicant should at once notify the Fee Program Manager no later than prior to the closing date for submission of Applications.
- 13) 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.

IV. DOCUMENTS AND FEES TO BE PROVIDED AFTER THE CUA HAS BEEN APPROVED AND AWARDED

Information and fee payments should be mailed to:

Castillo de San Marcos National Monument
 Attn: Administrative Officer
 1 South Castillo Drive
 St. Augustine, FL 32084

- 1) Brochure or online information site address showing how the activity is described and conducted (if the entity advertises the service).
- 2) Management/Monitoring Fee (See **Section IX Fee Schedule**)
- 3) Proof of Liability Insurance as described in Section VIII.
- 4) Annual Commercial Use Authorization Survey – (required for renewal applicants)

V. APPROVED COMMERCIAL VISITOR SERVICES

- 1) Guided tours that enter the fort property at Castillo de San Marcos National Monument. These tours require advanced reservations through the parks reservation service and incur additional fees associated with the reservation process. (Fort Matanzas National Monument provides free guided tours through the fort property and does not allow commercial tours of any kind through the fort).
- 2) Guided tours that do not enter the fort property at Castillo de San Marcos NM but occur on park property that is accessible by the general public at either Castillo de San Marcos or Fort Matanzas National Monuments.
- 3) After hours guided tours that are on park property that is accessible by the general public. These tours are typically referred to as the “Ghost Tours” and take place after the park is closed. Fort Matanzas NM does not allow after hours tours.

The CUA activity must:

- (a) Be appropriate to the purposes for which the Park was created as set forth in its enabling legislation;**
- (b) Have minimal impact on the park’s resources and values;**
- (c) Be consistent with all applicable park area management plans, policies, and regulations.**

VI. COMMERCIAL FREE ZONES

- 1) Commercial activity may only take place in areas accessible to the general public at either Castillo de San Marcos or Fort Matanzas NM.
- 2) Fort Matanzas National Monument provides free guided tours through the fort property and does not allow commercial tours of any kind through the fort.

VII. GROUP SIZE LIMITS AND TIME RESTRICTIONS

- 1) Guided tours entering the fort property at Castillo de San Marcos NM are restricted in size. A maximum of 57 people per time slot are permitted. Each time slot is limited to one hour in the Castillo.
- 2) There are four (4) CUA time slots available at 9:00 AM, 9:30AM, and 10:00 AM. From 10:30AM through 4:00 PM there are three (3) CUA slots per half hour.
- 3) These CUA slots can only be reserved and used by current CUA holders. CUA holders will be charged \$20 per time slot reserved. This is a non-refundable fee.
- 4) At this time there are no group size limits on any commercial activities other than those described above. (However, any commercial activity that poses a risk of impact on park resources, impacts the quality of visitor experience, or jeopardizes visitor safety may incur size restrictions to help mitigate the adverse effects).

VIII. INSURANCE AND THE MINIMUM AMOUNT REQUIRED

All companies conducting business within the limits of either park boundary are required to maintain liability insurance naming the United States of America (NPS, Castillo de San Marcos NM and/or Fort Matanzas NM) as an additional insured at no less than the coverage amounts listed below. The CUA operator will provide proof of insurance with the required endorsement as part of the application process.

The National Park Service has established the minimum insurance coverage amounts to be as follows:

- General Liability\$2,000,000 annual aggregate**
- Products and Complete Operations\$1,000,000 per occurrence**
- Personal Injury and Advertising Injury Liability.....\$1,000,000 annual aggregate**
- Medical Payments.....\$5,000 per person**
- Fire Legal Liability.....\$50,000 per fire**

The entity assumes liability for and agrees to save, hold harmless, protect, defend and indemnify the United States of America, its agents and employees, for and against any and all liabilities, obligations, losses, damages or judgments (including, without limitation, attorney and expert fees) of any kind and nature whatsoever 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 whomever made, in any way connected with or arising out of the activities of the entity, its employees, agents, or contractors, under this permit. This indemnification will survive the revocation or expiration of this permit.

IX. FEE SCHEDULE

The authority of the NPS to recover associated management and administrative costs of the CUA program is found in PL 105-18 and 31 U.S.C.9701 and 16 U.S.C. 3a. The authority to charge Recreational Use Fees is found in PL 105-18 and the authority to charge CUA fees is found in PL 105-391.

Application Processing Fee (non-refundable) (due at time of application)	\$75
Cost for Managing Program, Monitoring and Compliance (due at time of CUA award)	<u>\$275</u>
Total cost for one year CUA permit	\$350

Reservation Fees

Reservations made in advance are preferred. Unscheduled “walk up” CUA groups will be allowed in the Castillo if a time slot is available. Either way the company will be charged a \$20 fee for guiding a tour into the Fort.

Commercial groups entering the Fort pay the per person rate of \$7 per adult, children 15 and younger are free of charge. Standard pass regulations apply for pass holders. (ex. An IA Senior Pass holder will cover entrance fees for 4 adults)

Monthly Billing Cycle

We will invoice each CUA holder for any reservations occurring for that month on or before the 3rd of the next month. The CUA holder should contact the reservationist with any invoicing discrepancies within 7 days of receiving the invoice. That invoice will be due by the first of the following month. This allows on average 30 days for paying their bill. *Example: Tours during June will be invoiced and sent by July 3rd. That payment will be due by August 1st.* Please return a copy of the invoice with your cashier check or money order payable to the National Park Service. Any new reservations made after the invoice has been created and any charges for adults during the month already invoiced will be added on the next month’s invoice.

Failure to pay an invoice after 30 days will generate a follow up letter indicating your payment is past due. After 60 days of delinquency on that invoice your CUA will be suspended, and your company will not be allowed to operate on park grounds until payment is received.

For any extra adults the CUA group needs to be charged for; we have two options available:

- Pay at the window with any standard payment of cash, cashier check, money order or credit card. Credit cards are preferred as the NPS transitions to cash handling reductions nationwide.
- Request a voucher. In which case we will track the additional charges in our Point of Sale System and then add them to the next monthly invoice. With this method an additional receipt will be given to the tour guide for verification of the number of adults, as well as being able to take those expected charges to their company’s bookkeeper.

XI. FREQUENTLY ASKED QUESTIONS

What is a “Commercial Use Authorization (CUA)”?

Section 418 of the National Parks Omnibus Management Act of 1998, Public Law 105-391 (Section 418), authorizes NPS, upon request, to issue commercial use authorizations to persons (referring to individuals, corporations and other entities) to provide commercial services to Park area visitors in limited circumstances. CUA although used to authorize commercial services to Park area visitors, are not concession contracts and are not transferable.

CUAs are intended to provide a simple means to authorize suitable commercial services to visitors in park areas. The CUA legislation contains limited circumstance in that commercial services (1) do not use fixed commercial facilities within a National Park unit, (2) the commercial activity originates and terminates outside the park area, (3) no money changes hands on park lands, and (4) no commercial solicitation occurs on park lands.

What will be the term of this authorization?

CUA are issued for a term of one year. The cost of the CUA will be prorated to establish an expiration/renewal date to be September 30th each year. The majority of our commercial activity is in the form of guided school groups entering the fort property at Castillo de San Marcos NM. This expiration date was selected to coincide with the school year so that companies and schools could maintain a reasonable schedule for reservations and not have a CUA expiring during the school year.

What is a “Commercial Visitor Service”?

This type of service means accommodations, facilities and services the NPS has determined to be necessary and appropriate for public use and enjoyment of a Park area provided to Park area visitors for a fee or charge by person. The fee or charge paid by the visitor may be direct or indirect as part of the provision of comprehensive visitor services.

Is sub-contracting allowed under this authorization?

The National Park Service does not allow sub-contracting under this authorization.

May authorization be transferred between companies?

No. Authorization may **not** be transferred between companies.