Read all application instructions (at the end of this application) as well as all conditions of the authorization before completing and submitting the 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 Agents for your business. Authorized Agents have the power to sign on your behalf.)*

**5.** Mailing Addresses

 **PRIMARY CONTACT INFORMATION** *(Dates to contact you at this address, if seasonal.      )*

 Address:

 City, State, Zip:

 Email:       Website:

 Day Phone:       Evening Phone:       Fax:

**ALTERNATE CONTACT INFORMATION** *(Dates to contact you at this address, if seasonal.      )*

*If same as “Primary Contact Information, check here [ ]  and go to question 6.*

Address:

City, State, Zip:

Email:

Website:

Day Phone:       Evening Phone:       Fax:

**6.** What is your Business Type? *(Please 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)*

[ ]  Other

**7.** Business License – State and Number:       Expiration Date:

**8.** Employer Identification Number (EIN)**:**

**9.** Liability Insurance**:**

 Provide proof of liability insurance. We recommend obtaining an Acord form from your insurance provider. 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”).

1. Will your business operate vehicles/vessels/aircraft within NPS boundaries?

Yes [ ]  No [ ]

*Information 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 Vehicle** | **Year** | **Max # Passenger Capacity** | **Own/Rent/Lease** |
| --- | --- | --- | --- |
|       |       |       |       |
|       |       |       |       |
|       |       |       |       |

| **Make of Aircraft** | **Tail Number** | **Max # Passenger Capacity** | **Own/Rent/Lease** |
| --- | --- | --- | --- |
|       |       |       |       |
|       |       |       |       |
|       |       |       |       |

| **Make/Model of Vessel** | **Registration # or****USCG Documentation** | **Length** | **Max # Passenger Capacity** | **Own/Rent/Lease** |
| --- | --- | --- | --- | --- |
|       |       |       |       |       |
|       |       |       |       |       |
|       |       |       |       |       |

**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. DOI 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 form. A list of servicing ethics offices can be found at, https://www.doi.gov/ethics.

**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 investigation:

 Name of business or person(s) charged:

 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.

1. **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

 Printed Name Title

## 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.

**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**

1. Enter the service you are proposing to provide. These are the services which are currently approved in the park:

Livery, Camp,or Fishing Guide

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.

1. Respond “No” or list other parks where you will be providing this service.
2. 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.
3. 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.
4. 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.
5. Check the box that identifies your type of business.
6. 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.
7. 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](http://www.irs.gov/Businesses/Small-Businesses-%26-Self-Employed/How-to-Apply-for-an-EIN). We will use the EIN that you provide as needed to collect debts.
8. 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”.
9. 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.
10. Provide copies of additional documentation as required by “Attachment B”.
11. 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.
12. 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.
13. Include payment of the Application Fee - $100. See “Attachment ” B.
14. 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 Service by type of activity

Attachment C: Fee Structure

Attachment D: Visitor's Acknowledgement of Risks

Attachment E: Safety Message

**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

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. **Employee Conduct:** The holder must ensure that its employees are hospitable and exercise courtesy and consideration in their relations with the public. The holder must establish appropriate screening, hiring, training, safety, employment, termination and other policies and procedures. The holder must review the conduct of any of its employees whose action or activities are considered by the holder or the Director to be inconsistent with the proper administration of the Area and enjoyment and protection of visitors and must take such actions as are necessary to correct the situation. The holder must maintain, to the greatest extent possible, a drug free work environment.
4. Rates: The holder shall provide commercial services under this authorization to visitors at reasonable rates satisfactory to the area Superintendent.
5. **Operating Conditions:** The holder shall provide the authorized commercial services to visitors under operating conditions satisfactory to the area Superintendent.
6. 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.
7. 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.
8. 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.
9. 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.
10. Transfer: This authorization may not be transferred or assigned without the written consent of the area Superintendent.
11. Termination: This authorization may be terminated upon breach of any of the conditions herein or at the discretion of the area Superintendent.
12. 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.
13. 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.
14. Reporting: The holder must submit annually the CUA Annual Report (NPS Form 10-660) by January 31 for the prior CUA season and also must submit upon request the CUA Monthly Report (NPS Form 10-660A). The holder is to provide the area Superintendent upon request 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.
15. 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.
16. 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 570-729-7134] or by going to the park CUA webpage at [Commercial Use Authorizations - Upper Delaware Scenic & Recreational River (U.S. National Park Service) (nps.gov)](https://www.nps.gov/upde/getinvolved/cua.htm)
17. 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.
18. 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.
19. **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.

## UPDE SPECIAL PARK CONDITIONS

COMMERCIAL USE AUTHORIZATION

**20. Location:** This permit is applicable only for the use of the area(s) and terms designated below:

(a) All lands and waters under the jurisdiction/management of the National Park Service (NPS) at the Upper Delaware Scenic & Recreational River.

**21. Conditions:** It is expressly understood that the permittee is subject to any and all special conditions. The permittee and all participants authorized herein must comply with all of the conditions of this authorization including all amendments or written directions of the Park Superintendent.

**22. Damages**: The CUA holder shall be liable for any damages to any Government property or managed resources resulting from these activities.

**23. Selling Goods or Services**: This authorization does not authorize the CUA holder to advertise, solicit business, collect any fees or sell any goods or services on lands owned and managed by the United States.

**24. Licensing, Credentials and Identification:**

The CUA holder must acquire all permits required from New York State (NYS) and/or the Commonwealth of Pennsylvania (PA) and must operate in compliance with all pertinent Federal, State, and local laws and regulations, including, without limitation, all applicable park area policies, procedures and regulations. Please provide 72 hour written notification to upde\_permits@nps.gov of groups of 100 or more including the date, approximate time of arrival, and the location the group will be putting onto and taking out of the river.

* 1. Fishing Guides: The CUA holder is responsible for having and providing copies of current and valid state resident/non- resident charter boat/fishing guide licenses as well as valid state fishing licenses.
	2. The CUA holder must also assure their *client* has a valid and current fishing license (NY or PA) on their person if fishing, and documentation to validate identity – such as a valid state issued identification with a photo.
	3. All guides (fishing, livery or camp) must maintain certifications in Basic First Aid, Cardiopulmonary Resuscitation (CPR) and Basic Water Safety or higher.
	4. All guides must either carry a copy or have available an electronic version of their Commercial Use Authorization at all times.
	5. Liveries/Camps: All commercial vessels will be clearly marked with the livery/camp’s identifying name/logo on both sides to promote visitor safety and for easy identification from a distance.
	6. Commercial fishing guide vessels will display a current NPS Arrowhead sticker, purchased through the National Park Service, on both sides of the vessel approximately ½ the distance between the bow and the stern, high enough above the water line to be visible from the river shore. If vessels are used as a personal & guiding vessel, the sticker may be applied to a placard that can be hung over the gunwale during commercial guiding operations. The placard system will need to be used if a guide utilizes more than five (5) vessels in their operation.

**25. Commercial Equipment:**

1. All commercially supplied equipment supplied to the lessee must be in good repair.
2. This application for Commercial Use Agreement (CUA) will apply to the use of powered, non-powered vessels or foot access for the purposes of providing fishing guide services. A different Commercial Use Agreement for US Coast Guard Captains would be necessary for the use of powered vessels of any type or kind, and proof of Captain’s status must be in the CUA’s file at NPS Headquarters before the CUA would be amended.
3. Commercial vehicles will at no time block access for pedestrians or other vehicles in National Park Service owned, leased or administered areas while waiting for pick-up or following delivery of customers, canoes or other vessels. The only time the launching ramp areas will be used by vehicles is during actual pick-up and delivery of customers.

**26. Customer Instruction:**

1. An orientation/introduction to river safety and conditions must be given to all river users and Visitor Acknowledgement of Risks form must be signed by each customer and kept on record at the CUA holders business.
2. All customers must be advised that trespassing/camping on private land without the landowner’s permission is illegal and is subject to arrest, fine, or other actions. Camping is only allowed at commercial campgrounds and Buckhorn Recreation Area with a permit from PA Department of Conservation & Natural Resources District Office, Swiftwater, PA - (570) 895-4000 or NPS Interpretation Office, Lackawaxen, PA - (570) 685-4871, press 2.
3. All customers must be provided instruction as to length of the proposed trip, and the average time required in order to complete the trip each day before dark.
4. Customers shall be advised of alternate pick-up points for early trip termination.
5. All customers shall be informed as to the location of public access and facilities available at these sites.
6. All customers must be advised of any special river conditions or construction areas they may encounter; i.e., high water or bridge construction.
7. All customers must be provided access to information regarding safety during severe weather such as thunderstorms accompanied by lightening.
8. All customers will be advised of the NPS “Carry In Carry Out” policy and that littering is illegal and is subject to arrest, fine or other actions. Anything that is packed into-onto the river must be packed off/out at the end of the trip.
9. All customers must be advised of how best to call for help in the event of an emergency on the river and how to identify their location on the river to 911 emergency services or by calling NPS’s 24-hour Emergency Communications Center at (570) 426- 2457.
10. **Overnight Camping:** Due to private property within the park, camping is *only* allowed at commercial campgrounds and the Buckhorn Recreation Area with a permit from PA Department of Conservation & Natural Resources District Office, Swiftwater, PA -

(570) 895-4000 *or* NPS Interpretation Office, Zane Grey Museum, Lackawaxen, PA - (570) 685-4871, press 2.

1. **Seasonal Restriction:** When the combination of air and water temperatures equals less than 100º degrees F, no vessel\* rentals shall be permitted unless the user is wearing or is provided, and instructed to use proper cold weather, river canoeing clothing or wet suit to prevent hypothermia. \*A vessel includes every type of description of watercraft, used or capable of being used as a means of transportation on water, including a buoyant device permitting or capable of free flotation.
2. **Intoxication:** No vessel or services are to be provided to a customer who is obviously intoxicated or under the influence of drugs.

**29. Personal Flotation Devices (PFDS):**

1. One PFD is required to be on-board for each person. The CUA holder must issue PFDs that are in good and serviceable condition, meet U.S. Coast Guard (USCG) specifications, and have a USCG approval tag in legible condition.
2. The CUA holder must issue PFDs that are the proper size for each user. Proper wearing and adjustments must be demonstrated or illustrated to all users. To ensure compliance with the above condition all customers, regardless of experience or age, must be wearing their PFDs upon departing for their trip.
3. Customers must be advised that PFDs should be worn at *all* times and *never* tied to the vessels. By law, they are required to be readily accessible.
4. All persons in or on the waters of the Delaware River within the Upper Delaware Scenic and Recreational River during periods of high water are required to wear a Type I, II, III, or V U.S. Coast Guard approved Personal Flotation Device (PFD/life jacket), while a Type IV is required on vessels 16 feet and above. High water is defined as six (6) feet and above, as measured at the Callicoon Gage for all points upstream of the northern side of the Callicoon Bridge. For the river downstream of that point to the southern boundary of the park, high water is defined as six (6) feet and above as measured at the Barryville Gage.
5. All persons shall wear a U.S. Coast Guard approved PFD/life jacket during the cold weather months from November 1st through April 30th while underway or at anchor on boats less than 18 feet in length or any canoe or kayak. In New York, vessels 21 feet and below must always wear a PFD.
6. **Glass Container Ban:** For safety of all recreationists, the possession of glass containers is prohibited on the river and to the ordinary high-water mark.
7. **Construction:** The CUA holder shall not construct any structures, fixtures or improvements on NPS owned or managed property which includes state accesses. The CUA holder shall not engage in any groundbreaking activities without the express, written approval of the park Superintendent.
8. **Missing, Abandoned or Stranded Equipment**: The NPS must be notified, as soon as practical, by the CUA holder of any missing, abandoned or stranded vessels or equipment by calling the NPS’s 24 hours Emergency Communication Center at (570) 426-2457.
9. **Notification of Emergencies, Injuries & Overdue Boaters:** The NPS must be notified of any emergencies or injuries occurring on the river, and any overdue customers as made known to the CUA holder, as soon as practical, by calling the NPS’s 24 Hour Emergency Communications Center at (570) 426-2457.
10. **Preservation of Natural, Cultural and Archaeological Resources:** The permittee is prohibited under 36 CFR 2.1 from possessing, destroying, injuring, defacing, removing, digging, or disturbing the river from its natural state and natural, cultural and archeological resources such as: Living or dead wildlife or fish, or the parts or products thereof, such as antlers or nests; plants or the parts of products thereof; Non-fossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof; introducing wildlife, fish or plants, including their reproductive bodies, into a park area ecosystem; walking on, climbing, entering, ascending, descending or traversing an archeological or cultural resource, monument, or statue, except in designated areas and under conditions established by the Superintendent, or possessing, destroying, injuring, defacing, removing, digging, or disturbing a structure or its furnishing or fixtures, or other cultural or archeological resources.

There is the potential for presence of archaeological resources in the area. If suspected archaeological resources

are discovered on park land, the park's cultural resources manager must be notified: **Alex Garcia- Maldonado, 570- 493-6963**, and an appropriate action plan will be taken. Unauthorized disturbance of archeological sites on

federal lands, or the removal of artifacts from federally managed property without a valid permit is a violation of the Archeological Resources Protection Act (16 U.S.C. 470 ee, ff, gg), the Antiquities Act (16 USC 433), and other statues. Those in violation are subject to criminal and civil penalties, including forfeiture of personal property.

1. **Heavy Use Periods:** During heavy use periods such as weekends and holidays during spring, summer and fall, it is recommended that launch starting times of customers be staggered to avoid congestion in high use areas; i.e., Skinner’s Falls.
2. **Aquatic Invasive Species:** Aquatic invasive species such as zebra mussels, Eurasian watermilfoil, and water chestnut represent a significant threat to the ecological resources (plant and wildlife communities, habitat, etc.) of the Upper Delaware River. Boats, trailers, waders and other fishing and boating equipment can spread aquatic invasive species from waterbody to waterbody unless properly cleaned, dried or disinfected after use. Anglers and boaters are asked to be aware of the part they may play in the spread of invasive species and take action to help stem their spread. Although some invasive species are readily visible to the human eye, many others are too small to be readily noticed. Therefore, to avoid spreading invasive species all vessels that have been used in another waterbody must be checked, cleaned, drained, dried, and/or disinfected prior to being put on the Delaware River. Additional information on these simple steps can be found at [http://www.dec.ny.gov/animals/48221.html.](http://www.dec.ny.gov/animals/48221.html)

**37. Safety Message**: The holder is required to provide/display/notify the attached “CUA Safety Orientation” to all customers prior to

any activity, including guiding, boating, tubing, kayaking, canoeing, fishing, tubing.

**38. Business/Watercraft Liability Insurance**: If a CUA holder transports passengers in their watercraft in the performance of the service in the park, they are required to have Business/Watercraft Liability Insurance: $500,000 minimum for fishing guides and

$1,000,000 minimum for liveries and camps is required. Additional information regarding insurance requirements is found in attachment A.

**Commercial *Automobile* Liability Insurance:** If a CUA holder transports passengers or uses a vehicle in the performance of the service in the park, they are required to have Commercial Automobile Liability insurance. If transporting clients to or from accesses a shore-side insurance rider will be required. The auto liability insurance must include coverage of “owned, leased, rented or hired” vehicles if the CUA holder rents or leases vehicles. Automobile liability insurance will be in the amount that reflects minimum liability for bodily injury and death in the state where the vehicle is registered and/or operated. Additional information regarding

insurance requirements is found in attachment A.

Commercial auto insurance provides:

* 1. Liability insurance, which includes coverage for bodily injury, property damage, uninsured motorists, and underinsured motorists;
	2. Physical damage insurance, which includes collision insurance; and;
	3. Other coverage, which includes medical payments, towing and labor, rental reimbursement, and auto loan coverage.

## ATTACHMENT A

### CUA INSURANCE REQUIREMENTS

**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 *interstate* passenger transport is:

| **Commercial Vehicle Insurance – Passenger Transport****(bodily injury and property damage)** | **Minimum per Occurrence Liability Limits\*** |
| --- | --- |
| 15 or fewer passengers | $1,500,000 |
| 16 or more passengers | $5,000,000 |

The NPS has not established standard commercial automobile liability minimums for intrastate auto use by CUA holders because each state has unique rules and regulations. Intrastate CUA holders must meet individual state requirements for Commercial Automobile Liability Insurance or the interstate requirements above, whichever are greatest.

If the CUA applicant or holder will use rented or leased vehicles in performance of the authorized service, the applicant or holder must secure appropriate insurance for that rented or leased vehicle in the amount required by the CUA application. Proof of insurance secured directly from the rental or lease company may not be available upon application submission, but applicants are required to provide proof of insurance coverage after application submission upon NPS request.

CUA holders authorized to transport passengers aboard or use in the park an owned/rented/leased vessel are required to have **P&I Vessel Insurance**. The minimum P&I Vessel Insurance is      .

**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.

1. 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.
2. 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 CUA Application. The proof of insurance must:

* 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.

**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 for fishing guides and a minimum of $1,000,000 for liveries/camps.

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 *intrastate* passenger transport is as follows:

* NY State minimum:
* $10,000 property damage
* $25,000 bodily injury & $50,000 for a person involved in an accident
* $50,000 for death or a person involved in an accident
* $50,000 for bodily injury & $100,000 for death for two or more people in an accident
* PA State minimum:
* Bodily injury liability coverage: $15,000 per person, $30,000 per accident
* Property damage liability coverage: $5,000
* Uninsured motorist coverage: $15,000 per person, $30,000 per accident
* Underinsured motorist coverage: $15,000 per person, $30,000 per accident

The minimum Commercial Auto Liability Insurance for *interstate* 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 |

CUA holders authorized to transport passengers aboard or use in the park an owned/rented/leased vessel are required to have **Protection & Indemnity (P&I) Vessel Insurance**. The minimum P&I Vessel Insurance is $500,000.

PLEASE NOTE: Commercial General Liability and Commercial Auto Liability Insurance policies must name the “United States of America-National Park Service-Upper Delaware S&RR” as additionally insured and must be on an ACCORD insurance certificate. A copy of your insurance bill, Declarations page or other statements will NOT be accepted as proof of insurance.

**SAMPLE:**



## ATTACHMENT B

**List of Approved Service, Additionally Required Documentation, and Fee Information**

**AUTHORIZED COMMERCIAL SERVICE - Fishing Guides – Fly/Spin**

**REQUIRED FEES:** See Attachment D for 2023-2024 Fee Structure.

**REQUIRED DOCUMENTATION:**

1) The CUA applicant must operate in compliance with all pertinent Federal, State, and local laws and regulations, including, without limitation, all applicable park area policies, procedures and regulations.

2) The CUA applicant must acquire all current and updated permits/licensing required from New York State (NYS) and/or the Commonwealth of Pennsylvania (PA). The CUA Holder will provide proof of all of the following that applies by providing a copy of same front and back, if applicable.

 a) **Fishing Guides License**: A current valid state resident/non-resident charter boat/fishing *guide* license for any state where the CUA holder uses any boat launch (public or private) in that state.

 b) **State Fishing License**: Fishing guides must have *either* a NY ***or*** PA fishing. They are reciprocal in either state within the park area. Customers must also have a valid NY or PA fishing license, and documentation to validate identity - such as a valid state issued identification with a photo.

 d) **PA Motorized Vessel** **Registration:** If the vessel/boat is commercial or motorized, it needs to be registered with the PA Fish & Boat Commission to use their accesses.

 3) All fishing guides must maintain certifications in Basic First Aid, Cardiopulmonary Resuscitation (CPR) and Basic Boater/Water Safety or higher, however the National Park Service does not collect this information.

4) Motorized Vessels: The use *of powered vessels of any type or kind, requires a Captain’s license issued by the US Coast Guard.* Proof of a Captain’s status must be provided to use a motorized vessel on US Coast Guard waters.

5) Commercial General Liability (CGL)

Insurance and Commercial Vehicle insurance certificates of liability are required (See Attachment A for details).

6) A business Acknowledgement of Risks form must also be included in the application packet– see Attachment C for sample.

**AUTHORIZED COMMERCIAL SERVICE – Liveries/Boat Rental – Non-motor -Boat/Canoe/Kayak/Raft/Tube Rentals**

**REQUIRED FEES:** See Attachment D for 2023-2024 Fee Structure.

1) The CUA applicant must acquire all permits required from New York State (NYS) and/or the Commonwealth of Pennsylvania (PA) and must operate in compliance with all pertinent Federal, State, and local laws and regulations, including, without limitation, all applicable park area policies, procedures and regulations.

2) All trip guides/monitors for liveries must maintain certifications in Basic First Aid, Cardiopulmonary Resuscitation (CPR) and Basic Boater/Water Safety or higher. The National Park Service does not collect this information however.

4) Commercial General Liability (CGL)

Insurance and Commercial Vehicle insurance Certificates of Liability are required (See Attachment A for details).

5) A business Acknowledgement of Risks form must also be included in the application packet– see Attachment C for sample.

***(See Special Park Conditions for additional requirements)***

**AUTHORIZED COMMERCIAL SERVICE –**

**Boat Rental – Children’s Camps (*owning their own equipment)* & guiding trips**

**REQUIRED FEES:** See Attachment D for 2023-2024 Fee Structure.

1) The CUA applicant must acquire all permits required from New York State (NYS) and/or the Commonwealth of Pennsylvania (PA) and must operate in compliance with all pertinent Federal, State, and local laws and regulations, including, without limitation, all applicable park area policies, procedures and regulations.

2) All guides for camps must maintain certifications in Basic First Aid, Cardiopulmonary Resuscitation (CPR) and Basic Water Safety or higher, however the National Park Service does not collect this information. One counselor per every 15 children is required by: 55 PA Code § 3270.51-52 and NY Part 7, Subpart 7 - 2 for counselor/child ratio.

3) Commercial General Liability (CGL)

Copies of insurance and commercial vehicle insurance certificates of liability are required (See Attachment A for details).

4) A business Acknowledgement of Risk form sample must also be included in the application packet that will be signed by each river user by the business prior to their trip on the river– see Attachment C for sample.

***(See Special Park Conditions for additional requirements)***

**AUTHORIZED COMMERCIAL SERVICE - Scuba Diving Schools**

**REQUIRED FEES:** See Attachment D for 2023-2024 Fee Structure.

1) The CUA applicant must acquire all permits required from New York State (NYS) and/or the Commonwealth of Pennsylvania (PA) and must operate in compliance with all pertinent Federal, State, and local laws and regulations, including, without limitation, all applicable park area policies, procedures and regulations.

2) The CUA holder must have a PADI Dive Instructor certification and must provide copies as proof of *all* certifications before an authorization can be issued.

3) All diving schools must maintain certifications in Basic First Aid, Cardiopulmonary Resuscitation (CPR), Basic Water Safety or higher and NAUI certifications, however the National Park Service does not collect this information.

4) Commercial General Liability (CGL): Insurance and Commercial Vehicle insurance Certificates of Liability are required and a copy must accompany your application. (See Attachment A for details).

5) A business Acknowledgement of Risk form sample must also be included in the application packet that will be signed by each river user by the business prior to their trip on the river– see Attachment C for sample.

***(See Special Park Conditions for additional requirements)***

**ATTACHMENT C**

2023-2024 CUA Fee Structure



## ATTACHMENT D

**SAMPLE: VISITOR’S ACKNOWLEDGEMENT OF RISKS**

 In consideration of the services of *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*  their officers, agents, employees, and stockholders, and all other persons or entities associated with those businesses (hereinafter collectively referred to as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ I agree as follows:

 Although *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* has taken reasonable steps to provide me with appropriate equipment and skilled guide so I can enjoy an activity for which I may not be skilled, *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* has informed me this activity is not without risk. Certain risks are inherent in each activity and cannot be eliminated without destroying the unique character of the activity. These inherent risks are some of the same elements that contribute to the unique character of this activity and can be the cause of loss or damage to my equipment, or accidental injury, illness, or in extreme cases, permanent trauma or death. *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*does not want to frighten me or reduce my enthusiasm for this activity, but believes it is important for me to know in advance what to expect and to be informed of the inherent risks. The following describes some, but not all, of those risks:

1. *Falling into moving, cold water and becoming hypothermic or in extreme cases drowning;*
2. *Water hazards in boating and wading in the river, bays, oceans, lakes and other bodies of water;*
3. *Injuries from fishing equipment from self or other participants such as possible flies and hooks becoming lodged in various body parts;*
4. *Encounters with wildlife, animals, plants, and insects;*
5. *Temperature extreme;*
6. *Inclement weather conditions and unavailability of immediate medical attention in case of injury.*

I am aware that fishing entails risks of injury or death to any participant. I understand the description of these inherent risks is not complete and that other unknown or unanticipated inherent risks may result in injury or death. I agree to assume and accept full responsibility for the inherent risks identified herein and those inherent risks not specifically identified. My participation in this activity is purely voluntary, no one is forcing me to participate, and I elect to participate in spite of and with full knowledge of the inherent risks.

 I acknowledge that engaging in this activity may require a degree of skill and knowledge different than other activities and that I have responsibilities as a participant. I acknowledge that the staff of *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*  has been available to more fully explain to me the nature and physical demands of this activity and the inherent risks, hazards, and dangers associated with this activity.

 I certify that I am fully capable of participating in this activity. Therefore, I assume and accept full responsibility for myself, including all minor children in my care, custody, and control, for bodily injury, death or loss of personal property and expenses as a result of those inherent risks and dangers identified herein and those inherent risks and dangers not specifically identified, and as a result of my negligence in participating in this activity.

 I have carefully read, clearly understood and accepted the terms and conditions stated herein and acknowledge that this agreement shall be effective and binding upon myself, my heirs, assigns, personal representative and estate and for all members of my family, including minor children.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Date

## ATTACHMENT E

**CUA SAFETY ORIENTATION REQUIREMENT**

**CUA SAFETY ORIENTATION**

**OVER 70 PEOPLE HAVE DROWNED IN THIS SECTION OF RIVER SINCE 1980.  NONE OF THEM WERE WEARING A PROPERLY FITTED LIFE JACKET.**

**Wear your life jacket, it can save your life.**

* Life jackets are **required** for all boaters and ***must***be worn by those 12 and under in *every type of* vessel, including inner tubes.
* It is **strongly recommended** that l**ife jackets** be worn by adults however, if not, life jackets must be readily accessible and in good serviceable condition.
* Never use your life jacket to tie boats together.

*(A vessel includes every type of description of watercraft used or capable of being used as a means of transportation on water, moving from one point to another. This includes any buoyant device permitting or capable of free floatation.)*

**The Delaware River has strong currents, slippery surfaces, and steep drop-offs.**

* Always wear your life jacket while swimming - most drownings on the Upper Delaware are swimming related.
* **Never swim or wade across the river.**
* **Do not attempt to swim against the current**, fast-moving water can fatigue even the strongest of swimmers.
* **Never swim alone**, always wear your life jacket, it can help save your family and friends.

**If you capsize…**

* Stay upstream of your boat, float on your back with your feet pointed towards the sky this will help fend off rocks while you steer yourself to shore. Your boat and belongings can be recovered later, always save people first.
* **Never attempt to stand in the rapids** or fast-moving water, your foot can become trapped between rocks and the force of the water can hold you under.

**Boating plus alcohol or drugs don’t mix.**

* It is recommended that you limit your consumption of alcohol while boating or swimming on the river. Heat can increase the effects of alcohol on your body.
* You will be ticketed if you are in possession of controlled substances, if you are intoxicated or drinking alcohol underage.
* Marijuana and other drugs are controlled substances and are illegal to possess.

**Respect private property** - Never pull off the river near homes or businesses.

**Glass bottles are prohibited on the river -** Broken bottles can cause serious injury to boaters and fisherman and are difficult to remove from the river. You will be ticketed if you are in possession of glass.

**Pack it in Pack it out -** Please bring out any trash that you brought with you.