

National Park Service



Concession Management

Commercial Use Authorizations

National Parks Over-Flight Advisory Group
June 15, 2007

Concession Management Program



■ Concessions Management Improvement Act of 1998

- The provision of ... services shall be provided under controlled safeguards including
 - visitation will not unduly impair these resources and values; and
 - ... services within such units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of such units
 - are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located; and
 - are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit.

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- Concession Management Improvement Act of 1998, Section 418 provides the authority for the Secretary to issue Commercial Use Authorizations (CUA) to provide services to visitors
- Replaces the IBP program authorized under Special Directive 95-10
 - **Services provided to park visitors**
 - **Business activities and transactions begin and end outside park boundaries**
 - **Unlimited number of permits**

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Section 418 of PL 105-391:

- Services will:
 - have minimal impact on resources and values of the **unit** of the National Park System
 - be consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations
 - be accomplished consistent with preservation and conservation of park resources and values :
- Liability of the government is limited
- A reasonable fee must be collected by the NPS for the issuance of an authorization to recover costs

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Section 418 requirements continued:

- Two types of authorizations will be issued
 - Incidental activity commercial use authorizations (requiring that services originate and terminate outside the park)
 - In-park commercial use authorizations when gross revenue are less than \$25,000 per year.;
- Non-profit institutions are not required to obtain a CUA
- No construction will be allowed within these authorizations and;
- Maximum duration of these authorizations will be two years and do not provide for a preference in renewal.
- Number of authorizations issued must be consistent with the preservation and conservation of park resources and values

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Commercial Use Authorization	Concession Contract
Up to two year term	Up to 20 year term, typically 10 years
Reasonable Fee to at a minimum recover costs	Franchise Fees
Superintendent has Authority to Issue	Regional Director has authority where annual gross receipts are less than \$3m, Director anything above
Appropriate – consistent with the park units purpose and values	Necessary and Appropriate
Competitive only if limited number of permits issues	Competitive – some operators have a preference – right to match any better offer as a result of competition



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- Examples of Commercial Use Activities
 - Guided hiking
 - Photography instruction
 - Horseback and backpacking
 - Rafting
 - Alaska Air Taxi



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- Proposed Rule issued in 2002
- Substantial comment received
- 2003 Working group convened which included operators, NPS, commercial bus tour industry
- New proposed rule drafted
- Comments to be taken and final rule will follow
- Interim Guidance issued to implement authority

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Changes and clarifications from previous published rule:

- Limiting number of authorizations issued:
 - Limiting the number of authorizations will be addressed through existing regulation and policy (i.e. NEPA/106, DO-2 and DO-12 Planning and Compliance)
 - In the absence of a plan, civic engagement and public comment will be sought prior to limitations being imposed.

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- Commercial tour operators:
 - Will be administered through the CUA program.

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

- Random Selection:
 - Replaced with a process based on experience, performance criteria, and qualifications

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■ Interim Guidance allows for parks to:

- Limit the number of permits for resource protection
 - NEPA, Section 106 and other planning procedures must be followed in the CUA decision-making process
- Issue in-park CUA when gross receipts are expected to be less than \$25,000 annually
- Continue current application and fee process
- Management at the local level with consultation for some of the new provisions required with regional staff for limitations and issuance of in-park CUAs for consistency

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Next Steps:

- Publish new draft proposed rule in the *Federal Register* for comment

