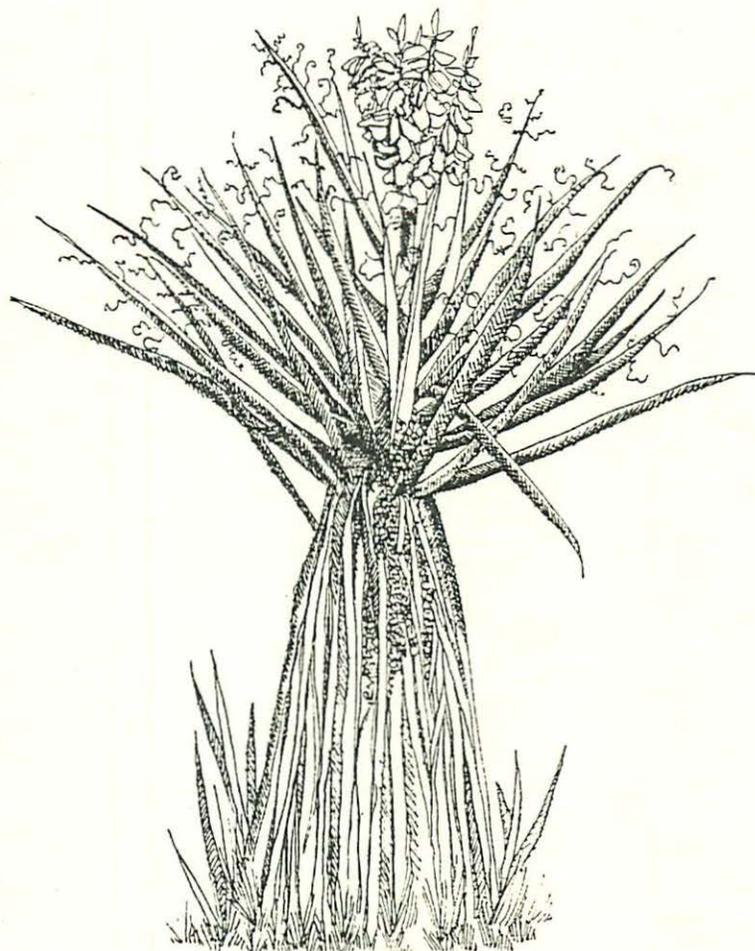


Special Park Uses Guideline



Joshua Tree National Park

SPECIAL PARK USES GUIDELINE
JULY 1995

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Superintendent

DATE: 7/28/95

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CHAPTER 1

GENERAL OVERVIEW

1.1 PURPOSE - This guideline was developed to guide management in the implementation of the special park use program in a manner that preserves the visitor experience while providing for resource protection. Chapters 3, 4, and 5 are written in the form of permit/license application instructions and can be lifted independently from the text and used on an as needed basis, without supporting documentation, by permit/ license applicants. For this reason, there may be some redundancy from chapter to chapter.

The guideline identifies commercial filming, commercial use, and special use activities that may be deemed appropriate within the park and establishes management direction related to these activities. In addition, an administrative fee and cost structure have been established to ensure that costs associated with the special uses program are recovered.

Special park uses within Joshua Tree National Park will be permitted when consistent with the Management Policies of the Department of the Interior, National Park Service Guideline, and Joshua Tree National Park's enabling legislation, as well as guidelines and standard operating procedures established within Joshua Tree National Park (Backcountry/Wilderness and General Management Plans, drafts 1995). Special park use activities should not conflict with visitor or administrative use of the area, nor will any activities be allowed to derogate the values and purposes for which the Park was established. Program direction as defined within this guideline is intended to complement existing NPS policies and regulatory tools as described in NPS-12, 20, 21, 53, NPS Management Policies, OMB Circular A-25, Title 36 CFR, Part 5.5 and Title 43, Part 5. This guideline is also seen as an attempt to standardize the Joshua Tree National Special Park Uses Program with other NPS and Department of Interior programs within the California Desert Conservation Area.

1.2 DEFINITION - The term special park use is defined as "any activity that is proposed for, or exists within, a park and that requires written permission from an NPS official in order to take place (Management Policies 1988). " **The term special park use is applied throughout this document to mean the full spectrum of uses of park land by other parties and includes special use activities, events, commercial use and filming.**

1.3 PROGRAM OBJECTIVES - The Joshua Tree National Park Special Park Uses Guideline was developed in accordance with the following program objectives:

- A. To provide for management consistency as it relates to permit processing and compliance.
- B. To ensure program cost effectiveness and recovery; establish fees and cost structures that are realistic and responsive to market values.
- C. To reduce or eliminate the administrative burden associated with managing special

- park uses.
- D. To establish standards and provisions to ensure that proposed special park uses can be properly reviewed for environmental clearance (cultural and natural).
 - E. To establish a clear, orderly and sufficiently scheduled permit application and review process which guarantees timely and efficient service to applicants.
 - F. To greatly reduce or eliminate the need to conduct post permit rehabilitation efforts by taking a proactive, aggressive approach to permit monitoring and post permit site inspection.
 - G. To ensure program conformance with other park programs and plans (Backcountry/Wilderness and General Management Plans).

1.4 GENERAL GUIDELINES AND PROVISIONS - The Special Park Uses Program is managed by the Visitor Protection Division in cooperation with the Management Assistant and the Resources Management Division (see Chapter 2.1, Roles and Responsibilities). The approval authority is maintained by the Superintendent or his/her designee. A calendar of Special Park Uses will be maintained in the Chief Rangers Office. The following general conditions apply to all special park uses:

A. Permits may be requested for all lands open to public use, but are *generally* restricted from designated wilderness. When special park uses are approved away from roads and developed areas, the Permit Addendum will reflect provisions which ensure that the activity conforms with the protection of park resources.

Permit conditions will vary on a case by case basis. Permit Addendums will be constructed for each permit and will describe specific conditions and compliance requirements. For example, the addendum may prescribe sites or portions of sites designated for permittee use, a breakdown of hours, dates and types of activities permitted, deviations from normal park regulation, etc.

B. All special park use will be authorized by permit. Permits will be issued regardless of fee waivers approved for some government, research and/or non-profit activities. Forms and formats used for permitting will vary depending on type of special park use. Application requirements will also vary.

C. The quantity and size of the special park use to occur within the park is to be regulated. No more than one special park use will be permitted at a given location at one time. Most special park uses will be restricted during peak visitor use seasons. Approved special park uses will not unreasonably impact or prevent normal visitor use.

D. Permittees and licensees are required to provide proof of liability insurance for some forms of special park use. Bonding is required for some forms of special park use; amounts vary with the type of use and complexity.

E. Administrative fees/costs and processing time for special park use permits also may vary with the type of use and complexity. In most instances, the permittee will be responsible for some if not all costs incurred by NPS (budgeted and unbudgeted) in conjunction with the permit.

F. Special park uses may be prohibited or restricted based on weather or seasonal conditions (fire danger, nesting or mating seasons in sensitive resource areas, etc.)

G. Minor changes to permits can be approved by the Permit Monitor or the District Ranger. Major changes to a new site, date or activity will require reapplication by the permittee and initiation of a new application.

1.5 PERMIT CONSIDERATION - When considering whether or not to issue or deny a special park use, the park will consider if the application is to be classified as either the exercise of a right or a privilege. Generally, privileges arise as a result of the exercise of discretion provided by a statutory authorization. In other words, a park manager is provided with the discretion in such cases either to permit or deny a specific special park use. Rights however, may arise under the Constitution, a treaty or some other legal entitlement, such as a property right, and generally do not allow the park manager the discretion to deny the special park use.

Although the exercise of a right allowing a special park use may not be denied, under most circumstances it may be managed. Therefore, an important first step that must be taken by park management when considering each permit application is to determine the applicable authority or entitlement for that proposed use. If an entitlement for a special park use is identified as a right, the park must determine the extent to which the right will be managed. In consideration of an authorized privilege, the park has the additional task of determining whether or not the use should be allowed. A comprehensive listing of permit considerations is found in the Permit Consideration Checklist (Appendix A) and should be revisited during the consideration phase of the application process and documented as a part of the administrative record. A list of appropriate authorities for authorizing special park use is found in Permitting Authorities (Appendix B). Authorizing authorities must be listed on each and every permit issued.

Park staff will make every effort possible to expedite the special park use permit process. It is recognized that some special park uses and events are planned or conceived on short notice. However, the limited staff at Joshua Tree National Park may not permit a short turn around time for special park use permits. Therefore, maximum permit processing times have been established according to the type and complexity of the proposed use. Processing times are reflected in the remaining text (see General Guidelines, Chapters 3.2, 4.2, 5.2).

1.6 PERMIT DENIAL OR REVOCATION - The staff at Joshua Tree National Park will make every effort to accommodate special use requests but will do so only after all precautions are taken to protect resources and ensure public use of the area. A special use permit will be denied or revoked by NPS if it:

- a). poses a threat to park resources or visitor health and/or safety
- b). places unreasonable burden on the administrative, supervisory and/or regulatory capability of the park staff.
- c). would unreasonably conflict with the public's normal use and/or appreciation of the park.

The following activities are examples of uses that have the potential to significantly impact, alter or damage park resources or visitor experiences and therefore would be prohibited:

- use of pyrotechnics/fireworks in natural areas (Special Directive 92-12)
- use of aircraft
- harassment or manipulation of wildlife for purposes other than approved research
- off road vehicle use
- use of insecticides, herbicides, etc.
- stunts or organized activities that present obvious risks to the visitors
- use of any wildlife captured elsewhere, trained or untrained

Should the permittee/licensee exceed the conditions of the permit, the Permit Monitor may temporarily halt the permitted activities until such time when the condition or situation is corrected (refer to 36 CFR 1.6 (g) (2) and 36 CFR 1.6 (h)). At that point, the deviation can be corrected or the permit suspended or revoked by the Special Programs Ranger, Chief Ranger or Superintendent. Deviations, resolutions and permit suspensions and/or revocations will be documented on a Case Incident Report which will become a critical element of the administrative record.

1.7 ADMINISTRATIVE RECORD - All special park use requests will receive careful and equal consideration. The documentation of decisions and related thought processes relative to approval/disapproval of a special park use request is of critical importance. This documentation will occur in the form of a park generated file known as the administrative record. The documentation process begins with the receipt of a request for special use of park lands or facilities and normally ends with a copy of the fully executed permitting document.

An administrative record for a special park use will be generated in every instance, regardless of the size of the area or the length of time requested. This record includes written notes and documents detailing the decision process which results in final approval or disapproval of the request. It should also include input from all divisions in the park, if applicable, particularly those divisions affected

by the use, and most particularly, where budgeted and unbudgeted costs are involved.

In addition to guiding the managerial process, the administrative record provides a file of support in cases of challenge by the applicant or other park interest groups. The record is also a useful reference for determining the status of a final decision for any given special park use application, at any point in time. This file exists as the parks prime source of information and documentation in cases of investigation and/or litigation and can be used as established precedence relative to future permit requests. The record is equally important whether the use is approved or denied.

A typical administrative record compiled during the review and approval process for a special park use would consist of the following:

- A. An application form completed to the satisfaction of park management
- B. A managerial decision that the use will not be a derogation of park values and it is compatible with the public interest
- C. Citation of a specific law or authority that allows the activity
- D. The park has completed a Finding of No Significant Impact (FONSI) for National Environmental Policy Act (NEPA) approval or made a statement that the use is a categorical exclusion
- E. The park has completed a Section 106, National Historic Preservation Act (NHPA) and approval process or made a statement that the use is a categorical exclusion
- F. The park has determined that the user is or is not exempt from fees and/or charges, and exactly what the fees or charges will be
- G. The final permitting document or letter of denial and all supporting notes and documentation associated with the application process
- H. Final documentation that the file/permit has been closed, the site rehabilitated (when necessary) and all deposits returned to the applicant/permittee or licensee

1.8 PERMIT RENEWALS - The Special Programs Ranger will conduct a bi-annual analysis of existing special park uses to determine the need for permit renewals. While the act of requesting renewal is the responsibility of the permittee/licensee, the bi-annual summary is required for enforcement reasons.

Whenever possible, special park use permits at Joshua Tree National Park will be issued for the shortest term possible (see Chapter 3, Section 1). This is necessary due to the fragility of the desert and the need to closely monitor, and if necessary, rehabilitate environmental damage resulting from special park use. Short term permits will provide management with maximum flexibility as it relates to monitoring and managing impacts.

Once a renewal request is received from a permittee/licensee, the Special Programs Ranger will consider the following issues prior to making recommendations to the Chief Ranger and Superintendent:

1. Is the activity mandated or legally permissible?
2. Is the special park use still appropriate and compatible with the park?
3. Was the original permit/license granted with the correct permitting instrument?
4. Have new requirements arisen that require additional safeguards or provisions?
5. Can the provisions be improved?
6. Is the fee appropriate?
7. Review the previous administrative record, if any.

1.9 PROGRAM REVIEW - Program review and oversight is an interdivisional responsibility which will occur at two levels:

A. Routine permit review - Every *complex* special park use application will be routed to division chiefs for review and staff input as they are received by the Protection Division. The Interdivisional Evaluation Form (Appendix C) will be completed and attached to the permit before it is sent to the Superintendent for approval. This routine review should not be confused with Park Project Clearance Review which will be required when it is determined by the Special Programs Ranger that a proposed special park use cannot be categorically excluded from NEPA/cultural resource compliance. In such cases, the Park Environmental Compliance Coordinator will be consulted.

Resource and/or operational concerns listed during the interdivisional review process must be addressed before the final permit is approved. This can occur by either including permit provisions which provide for direct mitigation of the concern or when necessary, requiring a Permit Monitor to be present during the event. The Special Programs Ranger will attempt to involve the staff responsible for generating resource/operational concerns in the permit monitoring and compliance process.

B. Annual guideline review - This guideline will be reviewed and revised as needed with input from all divisions. The Special Programs Ranger will coordinate the interdivisional review of this text and will forward a comprehensive listing of changes together with the

revised text to the Superintendent for approval no later than December 1st of each year. In addition, the Special Programs Ranger will notify frequent commercial, film and special users of the changes during the release of revised application packets.

C. Superintendent's Compendium - The Superintendent's Compendium will be periodically reviewed to ensure that it supports the intent and policies described within this text. When necessary, the Compendium will be used to establish park specific fees, to designate applicable areas and to establish other special use limits and regulations not specifically addressed within the Special Park Uses Guideline. The Compendium also should be referenced for decisions made by the Superintendent specifically to protect the resource and accordingly, the compendium should be cited within the context of special use application denials. The legislative authorization establishing the compendium as park policy is 16 USC 1 and 3, and 36 CFR 1.5-1.8, 2.10(b)9.

CHAPTER 2 ADMINISTRATION

2.1 ROLES AND RESPONSIBILITIES

Administration and implementation of the Special Park Use program is the responsibility of the entire park staff; all divisions must be actively involved in the review and regulation of this program. To properly evaluate an application and establish conditions for such use, park management should solicit input from as many knowledgeable sources as possible. Each division chief will be given the opportunity to comment on every complex Special Park Use application (Complexity Worksheet, Appendix K) before approval by the Superintendent. Specific program responsibilities by position are listed below:

SUPERINTENDENT

- 1). Interprets NPS-20, NPS-21, and NPS-53 and applies them to Joshua Tree National Park.
- 2). Reviews and approves Special Park Use Guideline.
- 3). Approves *complex* special park use permits and project clearance reviews.
- 4). *May* delegate additional permit approval authorities to the Chief Ranger and/or Special Programs Ranger.
- 5). *May* revoke special park use permits.

MANAGEMENT ASSISTANT

- 1). Responsible for the rights of way and easement special use permits.
- 2). *May* revoke special park use permits as Acting Superintendent.

CHIEF PARK RANGER

- 1). Supervises overall operations of the special park use permit system.
- 2). Reviews and makes recommendations to Superintendent relative to project clearance reviews, cost recovery schedules, and guideline, etc.
- 3). Assists field staff and monitors in negotiating resolutions to difficult situations.
- 4). *May* revoke film/special use permits.
- 5). Meets with division chiefs on complex or controversial permit proposals

CHIEF OF RESOURCES MANAGEMENT

- 1). Serves as a key support to the Superintendent in evaluating special park use applications, determining the potential impacts to the proposed use and whether these impacts are in derogation of park values.
- 2). Recommends permitting conditions and mitigation measures to be taken by the permittee.
- 3). Monitors existing permitted uses and reports existing or potential resource impacts to the

Superintendent.

- 4). Issues all scientific collecting permits.
- 5). May initiate some Special Use Permits for scientific researchers, in collaboration with the Special Programs Ranger.

SPECIAL PROGRAMS RANGER

- 1). ✕As the park special use coordinator, responsible for overall operation of the film, special use permit, and commercial use license system.
- 2). Sets program goals and objectives.
- 3). Maintains and reports statistical information on inquiries, permits issued, permit use days, etc. Annually summarizes operation in comprehensive report to the Superintendent.
- 4). Reviews guidelines/SOPs and prepares revisions for approval by Superintendent
- 5). Facilitates use of NPS lands by special park users:
 - receives inquiries from potential permittees/licensees
 - evaluates requests for compatibility with NPS guidelines
 - handles negotiations and communicates restrictions and guidelines for use of NPS lands and facilities
 - estimates unbudgeted costs and recovers appropriate sum from permittee
 - issues permits and verifies insurance
 - maintains the special use scheduling calendar; keeps district rangers informed of significant permit approvals and scheduling
 - keeps Superintendent, Chief Ranger and District Rangers informed of significant program revisions/issues and complex permit applications/approvals
 - acts as NPS liaison to the permittee throughout the duration of the permit
 - *if necessary, may revoke film/special use permit*
 - tracks budgeted and unbudgeted permit costs and ensures that charges are obligated to appropriate accounts
 - maintains filming, special use and commercial license logs and ensures that log numbers are consistent with numbers placed on final permits/license
- 6). Delegated the responsibility for approval of *simple* special use permits.
- 7). Provides direction and guidance for personnel assigned to monitor permit activities:
 - establishes scheduling of NPS personnel assigned as permit monitors
 - provides technical assistance and support to field personnel assigned to monitor permit activities

- is available to personally monitor the more complex and/or resource threatening permits; assists assigned monitors in negotiating resolutions to difficult situations.
- 8). Coordinates permit system operations with other park divisions:
- Coordinates the development of damage assessments
 - consults with Resources Management on unusual requests from potential permittee that might impact ongoing programs (integrated pest management, seasonal faunal activity, etc)
 - coordinates with Administration on the prompt reimbursement by permittee of unbudgeted costs
- 9). Works with other agencies, community groups, and industry representatives to facilitate appropriate use of NPS lands for filming, commercial and special use:
- represents Joshua Tree NP to various filming interests and chambers of commerce
 - assists park staff in understanding special park uses program and guideline

PARK ECOLOGIST

- 1). Completes the National Environmental Policy Act (NEPA) process when it is required.
- 2). Together with the Cultural Resources Management Specialist , coordinates with the Special Programs Ranger on the environmental and cultural aspects of the permitting process.

PROTECTION DIVISION ADMINISTRATIVE CLERK

- 1). Assists Special Programs Ranger with the day-to-day *administration* of the Special Park Uses Program. Accordingly, the Administrative Clerk provides the following functions:
 - screens incoming phone calls to identify individuals seeking permit/license application(s)
 - forwards permit/license applications to requesting party(s)
 - maintains a log for permit application fees, bonds and associated program costs received from Special Programs Ranger to place in the safe
 - makes weekly deposits of fees collected (undeposited checks kept secure at the Ranger Office will not exceed \$1000, excludes deposits/bonds)
 - based on file notes and written recommendations from Special Program Ranger (included in application format), prepares permit or license and forwards this material to the Special Programs Ranger, Chief Ranger or Superintendent for routing and/or final approval.

- prepares Bills of Collection and receipts for all fiscal transactions associated with this program
 - assists Chief Ranger and Special Programs Ranger with the maintenance of Special Use Account; conducts account audits to ensure that expenditures are appropriate and are obligated in a timely fashion (including overtime for permit monitors/ranger escorts).
- 2). Provides recommendations to Special Programs Ranger relative to overall quality control of the program.

PERMIT MONITOR

Assigned by the Special Programs Ranger on an as needed basis. Monitors daily activities of the permittee to assure compliance with the terms of the permit. Permit monitors may be any NPS employee or potentially a park volunteer assigned to observe the operations of a permittee.

- 1). The monitor is familiar with special park use guidelines and the provisions of the permit and performs the following functions:
- works with the person designated by the permittee as set contact to obtain compliance with the provisions of the permit
 - opens and secures areas and/or structures as designated in the permit
 - has authority to temporarily halt activities which are not in compliance with permit provisions (as opposed to revoking or suspending permit)
 - requests assistance from Special Programs Ranger (Chief Ranger/District Ranger if Special Programs Ranger is unavailable) in resolving unusual or difficult situations
 - utilizes expertise of the Park FMO, Safety Officer and other staff technical experts to assist in permit monitoring
- 2). Works to minimize visitor impacts related to filming and special use:
- provides basic orientation and park background information to permittee upon request
 - contacts other park visitors to avoid conflict of activities
 - serves as NPS authority to regulate activities and use of the site
- 3). Documents activities:
- promptly reports time and attendance for permit monitoring to Special Programs Ranger
 - promptly submits Case Incident Reports or noncompliance documentation to the

- Special Programs Ranger promptly alerts Special Programs Ranger of unresolved issues or problems requiring follow-up with the permittee
- makes minor on-site changes to the film permit

2.2 CLEARANCES AND COMPLIANCES

A. PROJECT CLEARANCE - All special park use must be subjected to an established project clearance and environmental compliance process. Park management and especially the Special Programs Ranger must support an established interdivisional special use permit review process within the park. This process must ensure that each use as proposed is subjected to the proper NEPA and/or Section 106 of the NHPA approval review, prior to approval by the Superintendent. These reviews are required by Federal law and specifically mandated by Departmental policy.

B. ENVIRONMENTAL COMPLIANCE - Procedural compliance with the National Environmental Policy Act (NEPA) may follow one of three routes:

- Categorical exclusion
- Preparation of an environmental assessment; or
- Preparation of an EIS

Traditionally, most special events have been categorically excluded from NEPA in accordance with DM 516, Chapter 6, Appendix 7, Section 7.4, Paragraph D(5). However, the Special Programs Ranger is responsible for ensuring proper documentation of this exclusion for each and every proposed use via the form found as Appendices D and E. This documentation will be attached to the 10-114 and thereafter becomes a critical element of the administrative record. When it is determined that a proposed use cannot be categorically excluded from additional NEPA review, the standard park Project Clearance Review form (Appendix F) will be attached and routed to the other divisions for more detailed input relative to the permit provisions and resource concerns and the potential preparation of an Environmental Assessment or Environmental Impact Statement.

The following list of proposed special park uses are examples of actions which may not be categorically excluded from NEPA or covered in the Stipulations of the Programmatic Agreement of the Advisory Council on Historic Preservation within the context of a Special Use Permit without first receiving a park Project Clearance Review:

- manipulation or use of park resources (natural/cultural)
- use of cultural sites or designated critical habitat for T&E Species
- use of unnatural or non-native resources (specifically introduced to the park in

- support of permit)
- construction of structures other than basic props
- ground disturbance or soil manipulation
- activities to occur in designated wilderness

Applicants must provide management with sufficient information to support the NEPA and Section 106 of the NHPA process and the decision of whether or not the proposed use will threaten or impact park resources. The Special Program Ranger must make an initial determination as to what type and how much information is critical to the process. The following information is basic to **all** special park use applications:

- detailed description of the proposed activity
- schedule for use and cleanup
- resource protection measures and plans for rehabilitation/restoration

Prior to initiating specific work on either an EA or EIS, the applying party(s) will be informed of projected preparation costs and at that point given the option to proceed with or terminate the request as originally proposed. The initial cost estimate will be prepared by the park NEPA Coordinator (Ecologist, Resources Management Division). Costs associated with the preparation of EA's/EIS's will be paid by the permit applicant, regardless of whether or not the use is eventually approved.

EA's/EIS's are prepared by the Park NEPA Coordinator with input from various members of the park staff or can be contracted. This determination will be made cooperatively by the Chief of Resources Management and Chief Ranger. The NEPA Coordinator will assist the Special Programs Ranger with cost recovery; records of all budgeted and unbudgeted costs associated with the preparation and review of NEPA documentation will be maintained and provided to the Special Programs Ranger at the termination of the process. When it is determined that the proposed special park use is not categorically excluded, the staff specialist assigned to the required NEPA documentation will request that the applicant complete the NEPA Preparation Questionnaire found as Appendix G. This questionnaire must be completed and returned by the applicant before further processing of the permit can begin. The time required by the applicant to complete/return the form is not considered to count against minimum processing times.

C. CULTURAL COMPLIANCE - Cultural compliance requirements vary, depending upon the potential for cultural impact. A full discussion of documentation and mechanical processes for considering cultural impacts is found in NPS-28. It is important to note that NEPA compliance takes for granted that a Cultural Compliance document (Section 106, NHPA) has been done, when required. The Chief of Resources Management and Special Programs Ranger will review each proposed special use for the need to conduct Cultural Resource Compliance and when necessary, refer questionable applications to the Cultural Resources Management Specialist for the coordination and processing of the Section 106, NHPA review.

2.3 FISCAL MANAGEMENT AND ACCOUNTING

Look at this for filming Special Events

A. FEES DEFINED - A fair market value fee is a charge collected for the use of park lands and facilities, set at "fair market value" or the tangible or intangible worth of the land rental. Fair market value fees are assessed in comparison to the private sector cost when providing park access, buildings, fields, roads, etc. not accessible to the normal visitor and are collected on a per day basis.

Fair market value fees and location fees are calculated using the following schedule (Fees for desert landscape established by BLM specifically for use within the CDCA):

~~Commercial Still Photography and Special Use Activities (weddings, sporting, etc.)~~

Daily Permit Rate:	01-15 People	\$100/day
	16-30 People	\$150/day
	Over 30 People	\$250/day

~~Motion Pictures - Documentaries - Video Commercials~~

Daily Permit Rates:	01-15 People	\$300/day
	16-30 People	\$500/day
	Over 30 People	\$600/day

In addition to fair market value fees assessed for the specific use of park lands and facilities, the sum of the application cost and the administrative cost (discussed below, 2.3 B; Costs Defined) is referred to as an application fee. This is done since it is difficult to itemize and quantify routine administrative costs on a case by case basis (use of phone, postage, copies, etc.); instead, these costs are combined into one figure that represents an average. The application fee is a non-refundable fee (regardless of permit approval or denial) which is assessed once at the beginning of the application process but must occur before processing is initiated.

Joshua Tree National Park subscribes to the application fees calculation formulas established by the Bureau of Land Management, 1994 (43 CFR Ch. 11 (1D-1-94 Edition)). Joshua Tree National Park has integrated this application fee structure into the Fees/Costs Calculation Worksheet (Appendix H).

In general, entrance fees will not be waived in association with Special Park Use Permits. Certain exceptions can be made for accredited non-profit institutions of learning that meet predetermined criteria. In addition, some special park uses may initiate and terminate via non fee station roads; in these instances, entrance fees cannot be collected efficiently. In either case, entrance fee waivers will be managed by the Park Fees Supervisor and/or Chief Ranger and apart from the Special Park Use Permit Process.

B. COSTS DEFINED - A cost is the amount that represents the expenditures made by the NPS in order to accommodate a special park use. Costs can be budgeted or unbudgeted and include, but are not limited to, charges for permit administration, monitoring and rehabilitation. Costs are considered budgeted when they are associated with work within an employee's scheduled tour of duty. On the other hand, the preparation of an Environmental Assessment would involve unbudgeted costs to NPS. In either case, the permittee/licensee may be required to pay all or portions of both budgeted and unbudgeted costs. The following costs are common to many special park use activities:

Handwritten: \$100
The application cost (\$100) is a one-time cost incurred during the period which starts with receipt of the letter or phone call requesting the use of park resources and ends with the mailing of the application form to the requesting party. It includes time spent in receiving and analyzing the request, comprising, printing or reproducing the applications and assorted material and mailing the application form and assorted materials.

Handwritten: \$1200
The administrative cost is a one-time cost incurred during the period which starts with the receipt of the completed *simple* applications and ends with the signing/approval or denial of the request by the Superintendent. Includes all costs for routine investigations, consultations and associated research in support of the application. It does not include costs associated with processing complex applications which require specialized consultation not available within the Service or NEPA compliance documentation.

The monitoring cost (continuous on-site) is incurred during the period which starts with the beginning of use and ends when the use stops. Calculated on a per hour basis with a minimum cost of two hours (\$100). An incidental, short-term commercial filming monitoring cost is also described in Chapter 4, Section 2A.

On site monitoring will be required when the Special Programs Ranger determines that an NPS presence is needed to prevent resource damage or unsafe activities associated with the special park use. The per hour rate for monitoring includes the costs of NPS vehicle use and other misc. equipment used by the Permit Monitor.

The rehabilitation cost is one time cost incurred during the period which starts with the termination of the event or activity and is concluded when the site is restored to its near as possible original condition. This cost is not necessarily one that will be reimbursed to the NPS but rather may be paid directly by the permittee or deducted from the permittee performance bond.

The Fees/Costs Calculation Worksheet (Appendix H) is a critical element of each permit issued. When costs in addition to basic permit processing (application fees) are required or anticipated (NEPA consultation/documentation, monitoring, extensive park review or other agency consultation, etc.), they will be documented on the Fees/Costs Calculation Worksheet and provided to the

applicant at such time when he/she is required to sign the permit (before any of the itemized costs are incurred).

Only the application fee is to be reflected on the Special Use Permit Form 10-114 (Appendix I); other costs, such as monitoring, will be reflected on the worksheet. When the application fee is waived for a special park use, the 10-114 should read "fee waived" where appropriate. Application fee waivers may be approved only by the Superintendent and may be applicable in the following instances:

- permits granted to the military or a government agency
- 1st Amendment Rights permits
- Native American Rights permits
- research/scientific collections permits
- documentaries which promote NPS programs, policies or philosophies
- charity events
- NPS co-sponsored activities
- in exchange for service project work

C. DONATIONS - The park can receive a donation, regardless of amount from Special Park Use Permittee/Licensees. All donations stay at the individual park and used for projects to improve the visitor experience or to protect park resources.

D. ACCOUNTABILITY AND SECURITY - Upon receipt of fees, bonds or costs, the check or payment will be logged into the administrative record and the Register of Receipts and Transfers (Appendix J). Upon request for a receipt, a copy of the Fees/Costs Calculation Worksheet signed received, including documentation of check number and received date can be provided to the applicant. All monies will be deposited into the Protection Division safe and recorded on a separate log maintained by the Protection Division Administrative Clerk. They will be returned to the permittee by hand delivery or registered mail. The Special Programs Ranger will maintain the Register of Receipts (Appendix J) for all monies given to the Administrative Clerk.

For accountability reasons, fair market value fees must be received separately from the monitoring costs, application fees and rehabilitation costs; fair market value fees are deposited to the US General Treasury while the remainder of the costs/fees are deposited and kept in the park. While the monitoring costs and application fee may be combined in one check, the rehabilitation costs usually occur after permit closure and therefore also may be received separately. The typical special use permit requires separate checks for the following:

1. Fair market value fee: can be a personal, cashiers or certified check
2. Application and Administrative Costs: can be a personal, cashiers, or certified check

3. Bonding/Cash Deposit: Cashiers or certified check only

All checks must be made payable to the *National Park Service*. Checks written in any other form will be returned to the applicant and a new check requested.

2.4 PROGRAM LIABILITY AND DAMAGE MITIGATION

A. BONDS/DEPOSITS - Refundable deposits or bonds will be required for many special park uses. Bond/deposit requirements will be calculated in accordance with the Special Park Use Complexity Worksheet (Appendix K). Bond/deposit amounts are based on a static estimate of rehabilitation costs in the event that a permitted special park use results in damage to the resource or park facilities. Only government agencies are categorically exempt from bond/deposit requirements:

Deposits will be refunded by the Protection Division Administrative Clerk following the verbal approval of the Special Programs Ranger or Chief Ranger and documented in writing on the Special Park Uses Application Worksheet. In most cases, this will occur at the conclusion of the activity and must in all instances be prompted by a verbal request from the permittee. If resources damage has occurred as a result of the permitted activity and the permittee fails to perform any of the required rehabilitation, the Superintendent will direct the Chief Ranger to proceed with the work, assess the charges, deduct it from the bond or cash deposit and return the balance to the permittee with an itemization of costs and expenditures. If site restoration costs exceed the amount of the bond/deposit, a bill for collection for the amount exceeded will be issued to the permittee or the permittee's liability insurance carrier will be contacted for reimbursement costs.

B. INSURANCE - Some forms of special park use will require that the permittee carry liability insurance. Typically, these are special park uses that can be associated with levels of permittee/licensee risk (hang gliding, tour bus companies, climbing guides) or potential for damage to the resource or park facilities (commercial filming). When necessary, film permittees will carry a minimum of \$1,000,000 combined liability, with the National Park Service listed as the additional party insured. Commercial use licensees are required to maintain no less than ~~\$500,000~~^{\$1,000,000} per occurrence covering both bodily injury and property damage, with the insurance company specifying that they have no right of subrogation against the United States of America or naming the United States of America as an additional insured. Short term permits must show coverage on an occurrence basis. The certificate, not facsimile, must be filed with the NPS. Some parties may be exempt from insurance requirement; for example, a government agency. When discretion is appropriate (depending on the type of special park use), a case by case determination of insurance requirements will be made by the Chief Ranger or Special Programs Ranger.

CHAPTER 3

SPECIAL USE PERMIT

SPECIAL USE PERMITS

DEFINITION - The NPS Special Use Permit (SUP), 10-114, revised August 1986 (Appendix I), is the only authorized form to be used for permitting the wide variety of special events and activities listed and described within this chapter. Special Use Permits are issued to authorize activities that are neither mandated or prohibited by NPS and/or Departmental policies and for which there is a statutory or legal basis.

3.1 PERMIT CONSIDERATION PROCESS

In addition to the consideration and qualification criteria discussed in Chapter 1, there are two additional considerations or "tests" to govern the issuance of permits for special events:

- there must be a meaningful association between the park and the event or...
- the event must contribute to visitor understanding/appreciation or significance of the park.

Special Use Permits are issued as either short term (one year or less) or long term (one to five years). Almost without exception, permits at Joshua Tree National Park are to be prepared as short term or on a per event basis. **All long term permits, regardless of complexity, must be approved by the Superintendent.**

A complete special use permit application packet will consist of the following documentation:

- Special Park Use Application Worksheet
- Certificate of Insurance (if required)
- non-refundable application fee of \$225.00 (minimum required)

3.2 GENERAL GUIDELINES

A. FEES/COSTS - The application fee charged for a special use permit is calculated according to the Fees/Costs Calculation Worksheet (Appendix H). This is a non-refundable fee. This fee includes both the Administrative Cost and the Application Cost (\$100).

Some special use permits may require a Permit Monitor to be present to assure full compliance with the terms and conditions of the permit. This determination will be made by the Special Programs Ranger during the application process. In the event that a Permit Monitor is required, payment in the amount of \$50.00/hour per monitor (minimum cost of

\$100) will be charged to the permittee.

A fair market value fee will be charged for each Special Use Permit issued. These Charges are based on a 1992 appraisal (established by the BLM specifically for the CDCA) and are as follows:

~~Commercial Still Photography and Special Use Activities (weddings, sporting, etc.)~~

Daily Permit Rate:	01-15 People	\$100/day
	16-30 People	\$150/day
	Over 30 People	\$250/day

~~Motion Pictures - Documentaries - Video Commercials~~

Daily Permit Rates:	01-15 People	\$300/day
	16-30 People	\$500/day
	Over 30 People	\$600/day

The fair market value fee must be paid separate from the application and monitoring fees.

B. INSURANCE - Proof of general liability insurance (minimum of ~~\$300,000~~ ^{\$1,000,000}) will be required for special use permits. When necessary, the Special Programs Ranger will specify that a Certificate of Insurance with the National Park Service named as the additional insured be forwarded along with the application. This must be an original not a facsimile copy.

C. DEPOSIT - A deposit/bond will be required whenever the proposed special use poses a risk to resources. The amount of the deposit/bond will be determined by complexity rating and calculated at the time of application (see Complexity Worksheet, Appendix K). The deposit must be made in the form of a cashier's check, money order or certified check. The deposit will be returned after all conditions of the permit have been fulfilled and all financial responsibilities have been met.

D. PROCESSING TIME - The processing time for special use permits is as follows:

- a minimum of 5-10 working days for *simple* forms of special use (see Special Park Use Complexity Worksheet, Appendix K)

- up to 120 working days for *complex* forms of special park use (excluding applications which require additional NEPA compliance documentation, "external" consultation or investigation and/or Section 106, NHPA clearances)

Events should be planned in accordance with these time frames. When possible the park staff will make every effort to expedite the permit process.

3.3 APPLICATION/PERMIT PROCESS

Step 1. Applicant to request special use permit application package from Protection Division Administrative Clerk (Chief Rangers Office) by phone or mail. Package will be sent to applicant via regular U.S. mail only. **Under no circumstances will application be faxed or sent express mail, regardless of whether or not the applicant is willing to pay for such services.** *amended
JS

The application package will consist of a park map, the specific guidelines for obtaining an SUP and the Special Park Use Application Worksheet (Appendix L).

Step 2. The Special Park Use Application Worksheet, **non-refundable** application fee (personal check acceptable), and the original Certificate of Insurance are to be returned to Special Programs Ranger by applicant.

Step 3. Application is reviewed by the Special Programs Ranger on a first come, first serve basis. *Complex* special use permits applications are forwarded to the Division Chiefs for their review/concurrence. Final approval recommendations and permit conditions as specified by the Division Chiefs and/or Special Programs Ranger will be documented on the Interdivisional Evaluation Form. *Simple* permits may be approved by the Special Programs Ranger or Chief Ranger. *Complex* permits are forwarded to the Superintendent for final approval.

Step 4. Special Programs Ranger notifies applicant by phone of permit status (approval/denial). Final approval of the permit may require additional permit conditions or revisions, additional fees/costs, bonding/insurance requirements, etc. Specified fair market value fees and the deposit/bond (cashiers or certified check only) are due at this time.

Step 5. The Administrative Clerk prepares the final permit and returns it to the Special Programs Ranger. The Special Program Ranger contacts the applicant to arrange for applicant's signature (**by appointment only**). The Administrative Clerk will make additional copies of permit for permittee and district rangers/division chiefs as specified by the Special Programs Ranger. The original permit will be maintained on file in the Special Program Ranger's Office.

Step 6. **Applicant must first agree to the permit conditions in writing (permit signature required) before final approval of the permit can be obtained.** If the permit is sent to the permittee for signature, it must be returned to the NPS office for final approval. If the permittee appears in person to sign the permit, final approval can usually occur simultaneously. The method of signature (in person vs. regular mail) will have a significant influence on the amount of time required for processing any given permit. In either case, the permittee must be in possession of the approved permit before and during the initiation of the special use activity.

Step 7. Following completion of the event or special use, the Permittee must make a formal request

(verbally or in writing) to the Special Programs Ranger for the return of bond/deposit. The Special Programs Ranger will formally document the closure of the permit on the Administrative Record including satisfactory site rehabilitation and/or cleanup when necessary. The Administrative Clerk will then issue a Bill of Collection or return the deposit/bond whichever is applicable. In the event of permit non-compliance or resource/facility damage, the Special Programs Ranger will coordinate and document the cost recovery schedule and attach it to the Bill of Collection sent to the permittee.

3.4 CONDITIONS OF USE

PERMIT ADDENDUM

The Permit Addendum will be custom tailored for each permit from the clauses in Appendix M.

CHANGES TO PERMITS

Changes in weather or scheduling can lead to permittee requests for changes in the conditions of the permit. Requests for changes to the permit are directed to the Special Programs Ranger and are managed as follows:

- Minor changes (adjusts start time, move to different part of same NPS site, etc.) can be noted by hand on the permanent copy of the permit and relayed verbally to the field.
- Major changes (change the start or ending date, move to a different NPS site, etc.) require the Special Programs Ranger to attach an amendment to the permanent copy of the permit with a copy distributed to the District Ranger.

GROUP SIZES

Group size restrictions may be imposed based upon permit complexity, location, resource sensitivity, and potential for impacting the visitor's experience.

HOLIDAYS AND WEEKENDS

Special use permits may be restricted on holiday weekends and during weekends of peak visitor use. (October through May).

3.5 NATIVE AMERICAN RIGHTS

The American Religious Freedom Act of 1978, P. L. 95-341, 42 U.S.C. 1966 is a statement of Congressional policy that reaffirms the religious rights of Native Americans. The act was developed in response to the particular concern that Federal agency administrative policies and procedures were unnecessarily denying Native Americans access to traditional sacred places or the freedom to conduct Native American ceremonies/customs.

Joshua Tree National Park has a rich Native American history and contains many significant cultural sites worthy of the highest degree of protection afforded by the National Park Service. In addition, issues involving Native American rights are *complex*. Special Park Use applications requesting the use of these sites or the permission to conduct commemorative religious ceremonies will be approved following careful consideration of the application. In all instances, permit review will be coordinated with the park Cultural Resources Management Specialist. Permits which establish precedence in this area may involve additional consultation with Washington Office (WASO) and/or outside the agency.

The Superintendent is responsible for final approval of a Native American Rights Special Park Use Permit (cannot be delegated to Chief Ranger or Special Programs Ranger). Applicants must provide NPS with enough information (via the Special Park Use Application Worksheet) for park staff to establish and/or verify legitimacy of the activity proposed. The NPS Special Use Permit Form 10-114 will be used for a Native American rights permit. Since Native American legitimacy must be established by the park prior to issuance of the permit, application fees and bonds are usually waived and the permit is managed by a "good faith" relationship with the applicant. It is important therefore, that the Superintendent and his/her staff establish and maintain on-going consultative relationships with local Native American communities and spokespersons before and after the issuance of a Native Americans Rights SUP.

3.6 FIRST AMENDMENT RIGHTS

The First Amendment to the United States Constitution guarantees freedom of speech, press, religion and assembly. These are basic rights guaranteed to every United States Citizen. However, the courts have recognized that activities associated with the exercise of the rights may be reasonably regulated to protect legitimate government interests. At Joshua Tree National Park, a SUP will be used to regulate the time, place and manner in which these activities are to occur and to ensure that they do not conflict with normal visitor use/appreciation or threaten park resources. It is important to note that it is the conduct associated with these activities that is regulated, not the content or the purpose of the activity or message.

The locations of First Amendment Rights activities are to be held in the designated First Amendment

areas as listed in the Superintendent's Compendium.

The overall responsibility for the development and compliance of First Amendment Permits rests with the Special Programs Ranger and Chief Ranger. However, only the Superintendent can grant final approval for such activity (cannot be delegated). It may also be necessary to carefully coordinate permitted activities with the park Criminal Investigator and/or District Rangers. The NPS Special Use Permit Form 10-114 will be used for a First Amendment Rights SUP.

- 3.7 EASEMENTS - to be completed in CY 96 release
- 3.8 MINING AND MINERAL ACTIVITIES - to be completed in CY 96 release
- 3.9 RIGHTS OF WAY - to be completed in CY 96 release

3.10 SCIENTIFIC/RESEARCH/ACADEMIC

The National Park Service encourages qualified individuals, museums and scientific institutions to conduct research or academic studies related to the natural/cultural or sociological conditions in the park. At Joshua Tree National Park, the Superintendent will issue a SUP for all formal research and studies conducted, including efforts funded/sponsored by the NPS and those that are funded through private sponsorship. In doing so, the following issues will be considered during the permit application process:

- Research not funded or sponsored by NPS should be accommodated only when it cannot be performed outside the park
- Research must contribute to a better understanding of park resources and environments and should be identified in the park's resources management plan
- Research which is destructive in nature or will derogate park values should be greatly restricted or denied

The permitting of academic or research related special park uses is a complex process which will often involve NPS personnel outside the park and/or interagency personnel from other departments. Depending on the nature and intensity of proposed research, additional or alternative permitting formats may be required:

1. Scientific Collections Permit (10-741) - required to collect specimens of plants, minerals or animals. This is a complex permit requiring approval of the Park Superintendent. The Chief of Resources Management will ensure that the permit contains the necessary conditions and restrictions as to locations, timing, methods and number and type of

- specimens collected.
2. Assessment of Effect on Cultural Resources (10-58) - allows research of archeological resources without physical disturbance. This is a complex permit requiring approval by the Park Superintendent.
 3. Antiquities Act Permit (10-71) - for the survey or excavation of vertebrate paleontological specimens. This permit must be approved by the Field Director, Pacific West Field Office.
 4. Federal Antiquities Permit (DI-1928) - required for surface collection of archeological material on sites less than 100 years old. This permit must be approved by the Field Director, Pacific West Field Office.
 5. Federal Archaeological Resources Protection Act Permit (DI-1927) - required for surface collection of archeological material on sites more than 100 years old. This permit must be approved by the Director, National Park Service.

The development and/or coordination of any scientific or academic related Special Park Use permit will be the responsibility of the Chief of Resources Management. This individual will ensure that each permit issued contains permit provisions and safeguards necessary for the protection of the resource and the confidentiality of sensitive resource data which is gathered as a result of the research. The Special Use Permit must require the researcher to submit to the park staff a research proposal, progress report and final report and copies of all related materials in accordance with the approved Western Region Research Proposal Format and Guidelines (1992). The Special Programs Ranger will work with the Chief of Resources Management to prepare the permitting documentation and to collect any fees or bonds associated with this process. The Special Programs Ranger will also lend support related to permit monitoring and/or enforcement actions required.

3.11 SPECIAL EVENTS

Definition - Special events are special park use activities, which include, but are not limited to, weddings, sporting events, ceremonies/gatherings (includes religious activities), entertainment, public spectator attractions, large group camps or rendezvous. These special events fall under the category of privileges (see Chapter 1, Section 4 Permit Considerations). The Special Programs Ranger must thoroughly evaluate these requests to assure that they comply with the National Environmental Policy Act (NEPA). If these requests are categorically excluded under NEPA, then the Special Programs Ranger must further determine if these requests meet the criteria as written in Chapter 3, Section 1 Permit Consideration Process.

Permit Consideration - It is the National Park Service's intention that special events will not

unreasonably interfere with or be given priority over the use of the area for activities involving participation of visitors.

The denial of special event permit requests can be based on the following:

- can cause injury or damage to park resources
- provides a clear and present danger to public health and safety
- results in a significant conflict with other uses
- unreasonably impairs the area's atmosphere or tranquility
- unreasonable interference with the park's program activities
- substantially impairs the operation of public use facilities or services

Special events can be permitted under the authority of NPS-53 Appendix 20 if approved after the consideration process.

3.12 MILITARY OPERATIONS

Joshua Tree National Park historically has had close ties with the military especially the United States Marine Corps. This in large part is due to the proximity of the largest Marine Corps Base in the world and it's renown as a training ground for the Armed Forces. Joshua Tree National Park has always maintained a close relationship with the military as they have helped the park with resources and equipment needs on numerous occasions. The park will consider all military training requests as long as the training is related to the resource (i.e. climbing, search and rescue, etc.), the need for using park lands are clearly demonstrated and it does not endanger the park resources or visitors. These training requests will be reviewed in the same way as all other special use requests and will be evaluated with the same criteria. Group camping sites and administrative fee waivers to support military operations should be requested at the time of the application. The following conditions will always apply to military groups permitted to train in the park:

- no weaponry of any type will be brought into the park
- group size limits will be adhered to
- no fees, insurance, deposits/bonds will be required
- all park rules and regulations will be followed
- the military activities will not interfere with normal visitor use
- the military activity will not consume the resource to a greater extent than normal public use

Military training can be permitted under the authority of NPS-53 Appendix 21 if the training is approved under the consideration process.

CHAPTER 4

FILMING AND PHOTOGRAPHY

3 day Permit Process

Illegal Portrayals.

Informed in writing, REASONS FOR DENIAL

applicant can be billed for substantial Staff
Resources even if the permit is denied.

FILMING AND PHOTOGRAPHY

Definition - Commercial film permits are required when the filming or photography involves product or service advertisement and the use of models, sets, or props, or when such filming or photography could result in damage to the resources or significant disruption of normal visitor use. Permits are also required for photographers granted access to areas normally closed to the public. Permits are not required of photographers who are only doing what members of the public are generally allowed to do without a permit.

4.1 PERMIT CONSIDERATION PROCESS

The 10-753, Application for ^{Worksheet for Photography/Filming Permit (Sup Form 1)} ~~Permission to Film for Commercial Purposes (Appendix N)~~, is used in lieu of the 10-114 Special Use Permit Form. The remaining portion of a completed Commercial Filming Permit is identical to the documentation required for a Special Use Permit and includes the following:

- Special Park Use Permit Application Worksheet (a summary of proposed permit activities and other critical information is required to process each permit)
- Certificate of Insurance (if required)
- non-refundable Application Fee of \$225.00 (minimum required)

The following filming activities must be described in detail within the Special Park Uses Application Worksheet and pre-approved in the Commercial Film Permit Addendum. The use of any activity listed below is likely to require at a minimum internal park review, if not additional National Environmental Policy Act (NEPA) and Section 106, National Historic Preservation Act (NHPA) documentation. Therefore, the processing of applications which propose these activities may be significantly delayed.

- use of stunts and/or special effects and the safety measures to be taken to protect park resources, crew and visitors (first aid, support from law enforcement, etc.)
- nudity
- use of children or animals
- the display of weapons
- set construction
- night photography

A stunt is defined as any action involving an element of risk to the performer(s). In contrast, a special effect usually involves some mechanical reaction which moves, shakes breaks or falls on cue. When special effects or stunts are involved, the NPS may require additional correspondence with the applicants insurance to ensure that the effects are covered by the liability policy maintained by

the insured. However, NPS will not judge the level of danger to stunt performers/filming crews represented by stunts and/or special effects.

4.2 GENERAL GUIDELINES

A. FEES/COSTS - The *application fee* charged for a Commercial Film Permit is calculated according to the Fees/Costs Calculation Worksheet Formulas (Appendix H). This fee includes both the Administrative Cost and Application Cost (\$100).

The *monitoring costs* of Commercial Film Permits may occur in one of either two forms:

-Continuous, on-site: Some filming activities may require a Permit Monitor to be present for the duration of the shoot to assure full compliance with the terms and conditions of the permit. This determination will be made by the Special Programs Ranger during the application process. In the event a Permit Monitor is required, payment in the amount of \$50.00/hour per monitor (minimum cost of \$100) will be charged to the permittee. When it is determined this form of intensive monitoring is required, bonding and incidental, short term monitoring described below may not be required.

The breakdown of the \$50/hour continuous monitoring costs are as follows:

-Salary and Benefits (Ranger Escort GS-9/5)	\$42/hour
-Equipment Rental (Vehicle and Mileage)	\$8/hour

-Incidental, short-term: The National Park Service has the need to conduct routine monitoring of Commercial Film permits, consisting primarily of periodic inspections of short duration by a ranger. These costs are assessed on a per day basis and include the time associated with locating the activity and the actual on-site spot inspection. The duration of time that a Ranger may remain on site is highly variable. Therefore fees are assessed as an average cost of \$100/day (minimum 2 hours of monitor time) rather than itemized on a case by case basis:

The *fair market value fee*-Joshua Tree National Park location costs for desert landscape are based upon a 1992 California based appraisal of costs (BLM CDCA Information Bulletin No. CA 92-116).

~~Commercial Still Photography and Special Use Activities (weddings, sporting, etc.)~~

Daily Permit Rate:	01-15 People	\$100/day
	16-30 People	\$150/day
	Over 30 People	\$250/day

~~Motion Pictures - Documentaries - Video Commercials~~

Daily Permit Rates:	01-15 People	\$300/day
	16-30 People	\$500/day
	Over 30 People	\$600/day

The fair market value fees must be paid separate than the application and monitoring fees.

B. INSURANCE - Proof of general liability insurance (one million dollars) will be required for complex film permits and most simple film permits. When necessary, the Special Programs Ranger will specify that an original Certificate of Insurance with the National Park Service named as the additional insured be forwarded along with the application.

C. DEPOSITS/BONDS - A bond or deposit will be required whenever the proposed film permit poses a risk to resources. The amount of the deposit will be determined by complexity rating and calculated at the time of application (see Complexity Worksheet, Appendix K). The deposit must be made in the form of a cashier's check, money order or certified check. The deposit will be returned after all conditions of the permit have been fulfilled and all financial responsibilities have been met.

D. PROCESSING TIME - The processing time for Commercial Film and Photography Permits are as follows:

- a minimum of 5-10 working days for *simple* forms of special use (see Special Park Use Complexity Worksheet, Appendix K)

* - up to 120 working days for *complex* forms of special park use (excluding applications which require additional NEPA compliance documentation, "external" consultation or investigation and/or Section 106, NHPA clearances)

Events should be planned in accordance with these time frames. When possible the park staff will make every effort to expedite the permit process.

4.3 APPLICATION/PERMIT PROCESS

Step 1. Applicant to request Commercial Film Permit application package from Protection Division Administrative Clerk (Chief Rangers Office) by phone or mail. Package will be sent to applicant via regular U.S. mail only. **Under no circumstances will application be faxed or sent express mail, regardless of whether or not the applicant is willing to pay for such services.***

The application package will consist of a park map, these specific guidelines for obtaining a

Commercial Film Permit and the Special Park Uses Application Worksheet (Appendix L).

Step 2. The Special Park Use Application Worksheet, **non-refundable** application fee (personal check acceptable), and the original Certificate of Insurance are to be returned to Special Programs Ranger by applicant.

Step 3. Application reviewed by Special Programs Ranger on a first come first serve basis. *Complex* Commercial Film Permits are forwarded to the Division Chiefs for review/concurrence. Final approval recommendations and permit conditions as specified by the Division Chiefs and/or Special Programs Ranger will be documented on the Interdivisional Evaluation Form (Appendix C). *Simple* permits may be approved by the Special Programs Ranger or Chief Ranger. *Complex* permits are forwarded to the Superintendent for final approval.

Step 4. Special Programs Ranger notifies applicant by phone of permit status (approval/denial). Final approval of the permit may require additional permit conditions or revisions, additional fees/costs, bonding/insurance requirements, etc. Specified fair market value*fees and the deposit/bond (cashiers or certified check only) are due at this time.

Step 5. The Administrative Clerk prepares the final permit and returns the permit to the Special Programs Ranger. The Special Programs Ranger contacts the applicant to arrange for applicants signature (**by appointment only**). The Administrative Clerk will make additional copies of permit for permittee and district rangers/division chiefs as specified by the Special Programs Ranger. The original permit will be maintained on file in the Special Program Rangers Office.

Step 6. **Applicant must first agree to the permit conditions in writing (permit signature required) before final approval of the permit can be obtained.** If the permit is sent to the permittee for signature, it must be returned to the NPS office for final approval. If the permittee appears in person to sign the permit, final approval can usually occur simultaneously. The method of signature (in person vs. regular mail) will have a significant influence on the amount of time required for processing any given permit. In either case, the permittee must be in possession of the approved permit before and during filming.

* Step 7. Following completion of the filming use, the permittee must make a formal request (verbally or in writing) to the Special Programs Ranger for the return of bond/deposit. The Special Programs Ranger will formally document the closure of the permit on the Administrative Record including satisfactory site rehabilitation and/or cleanup when necessary. The Administrative Clerk will then issue a Bill of Collection or return the deposit/ bond whichever is applicable. In the event of permit non-compliance or resource/facility damage, the Special Programs Ranger will coordinate and document the cost recovery schedule and attach it to the Bill of Collection sent to the permittee.

4.4 CONDITIONS OF USE

PROHIBITED ACTIVITIES

The following activities are examples of uses that have the potential to significantly impact, alter or damage park resources or visitor experiences and therefore would be prohibited:

- use of aircraft
- harassment or manipulation of wildlife for purposes other than approved research
- off road vehicle use
- use of insecticides, herbicides, etc.
- stunts or organized activities that present obvious risks to the visitors
- introduction of any wildlife captured elsewhere, trained or untrained
- filming or photography in campgrounds or within 200 yards of campgrounds
- commercial filming in designated wilderness

Applications for film permits that include superimposing pictures, developing innovations, depiction of activities that are illegal in the park, etc. and that conflict with the mission and goals of the park management are prohibited.

PERMIT ADDENDUM

The Permit Addendum will be custom tailored for each permit from the list of clauses in Appendix M. This Permit Addendum communicates specific permit conditions and restrictions to the permittee. The typical Commercial Film Permit Addendum may include but is not limited to the following information:

- Sites or portions of sites designated for permittee's use
- Temporary changes permitted
- Deviations from standard permit guidelines
- Breakdown of dates, hours, and types of activities associated with filming

CHANGES TO PERMIT

Changes in weather, script, or scheduling can lead to permittee requests for changes in the conditions of the permit. Requests for changes to the permit are directed to the Special Programs Ranger or Chief Ranger and are managed as follows:

- Minor changes (adjust start time, move to different part of same NPS site, etc.) can be approved by the Permit Monitor or District Ranger.

- Major changes (change the start or ending date, move to a different NPS site, etc.) require the Special Programs Ranger or Chief Ranger to attach an amendment to the permanent copy of the permit with a copy distributed to the District Ranger.

GROUP SIZES

Group size restrictions may be imposed based upon permit complexity, location, resource sensitivity, and potential for impacting the visitor's experience.

LOCATIONS

Only three filming sites can be specified per film permit, per day. Site specifications must be specific in nature (by mile marker, site name, turn-out or parking lot, etc). No more than one permit will be approved for a given site at any one time. A specific filming schedule must be provided per site on the Special Park Use Application Worksheet. Any break in continuous filming activities and/or filming schedules will necessitate the application for an additional and entirely new permit.

SCHEDULING

Commercial Film and Photography Permits will be restricted from weekends during October and November and February through May of each year.

Permittees are encouraged to schedule their activities between 7:00am and 5:00pm (winter hours) and 8:00pm (summer hours). Requests for use after these hours will be considered on a case by case basis taking into consideration the availability of monitors and potential conflicts with visitors. The regulations governing noise after these hours will not be waived.

NEWS MEDIA AND EDITORIALS

Bona fide news or editorial photography (which does not include models, props, sets, or product/service advertisement) is not commercial and is therefore not subject to the provisions of this policy. However, documentaries filmed specifically for sale to a news station or educational channel will be considered as a commercial venture and therefore must be permitted. For the most part, news photography is considered to be spontaneous or urgent/timely coverage of an emerging issue and is typically filmed for immediate release to the public.

4.5 STUDENT FILMING AND PHOTOGRAPHY PERMITS

Definition - Student filming/photography is an activity which must be pre-approved by NPS. Approvals will be granted for legitimate student filming activities specifically sponsored by an

accredited educational institution. Proof of sponsorship in the form of a memorandum (on letterhead from the accredited institution), signed by the appropriate Department Head, must accompany the Special Park Use Application Worksheet and include the following information:

- the course for which the film is being made
- the name of the instructor or counselor to whom the student is reporting
- a statement that the film is required of the student

A. GENERAL GUIDELINES - The Special Use Permit Form, 10-114, is to be used for approving the Student Filming/Photography Permit. In addition, the permit will include the following:

- Special Park Use Application Worksheet (a summary of proposed permit activities and other critical information required to process each permit).
- copy of the liability insurance policy held by the educational institution or in lieu of the policy, a "hold harmless" statement signed by the appropriate authority (Appendix O) A refundable damage bond must support the "hold harmless" statement).
- approval memorandum from the Chief Ranger or Special Programs Ranger

Although filming or photography by students does not fall under the NPS definition of commercial photography, it is an activity with the potential to impact NPS resources and/or conflict with visitor use. Since the application fee and bonding is usually waived in these instances, Student Film Permits are governed by a more restrictive set of guidelines than guidelines for commercial filming. Generally speaking, student filming activities that require NEPA documentation other than a categorical exclusion are prohibited.

The guidelines for student projects are designed to minimize the need for NPS monitoring and bonding by not granting students the flexibility granted to commercial film permittee (stunts, special effects, display of firearms, access to building interiors, etc.). However, permits will be issued to students for projects that include use of props, sets, lighting, actors, models, or products. Student projects involving not more than five people, fewer than four business hours, and using only hand-held equipment are exempt from proof of insurance requirements.

CHAPTER 5 COMMERCIAL USE

COMMERCIAL USE

Definition - Commercial Use is use conducted by companies or individuals physically located outside the park that provide visitor services in the park. It is for operations that originate and terminate outside of park boundaries and for those situations in which all aspects of business take place outside of the park (e.g. advertisement, exchange of money, etc.). A Commercial Use License (CUL) is indicated for business operations involving any or all goods, activities, services, agreements, or other thing offered to the general public which takes place at least in part in the park, uses park resources, and is undertaken for or results in compensation, monetary gain, benefit or profit to an individual, organization, or corporation, whether or not such entity is organized for purposes recognized as non-profit under local, state, or federal law. The CUL is essentially a Special Use Permit with additional conditions concerning incidental business operations. A CUL does not come under the purview of the Concessions Policy Act (P.L. 89-249); it is issued pursuant to 36 CFR Section 5.3.

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5.1 LICENSE CONSIDERATION PROCESS

The following conditions will be considered during the review of license applications:

- Activities authorized must be appropriate to the mission of the park particularly with regard to resource protection, visitor protection and interpretation, in accordance with 36 CFR 1.6(a).
- The Commercial Use License must not be used to circumvent the planning process of the park or to authorize activities that will have a major negative impact on park resources.
- The activity must be directly related to the reasons for which Joshua Tree National Park was established and the service provided. The activity must be consistent with park planning documents.
- The number of Commercial Use Licenses must not be limited, and there must be no intent to limit the number. However, CUL's may be restricted to specific or limited areas within the park.
- The services provided must not compete or conflict with the preferential rights provided under any concession contract(s).
- The operator must be duly licensed by California State or local authorities, where applicable, to conduct business within California (i.e. tour buses must be licensed by the Public Utilities Commission and/or the Interstate Commerce Commission).

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- The licensee shall not construct any temporary or permanent structures in the park and will not be assigned any facilities or portions thereof, located in the park, except as allowed to the general public.

- Licensees and their employees shall not discriminate against any individual because of race, creed, color, religion, sex, age, national origin, or physical or mental handicap. Licensees should have affirmative action programs and should adhere to applicable Federal and California labor laws.

The complete Commercial Use License Application should include the following documentation:

- Operating Plans
- Leader Qualifications and Certifications (if applicable)
- Rates and Promotional Literature
- Course Outlines and Agendas
- Commercial Use License (See Appendix P)
- Certificate of Insurance
- Non-refundable application fee of \$225.00 (minimum required)
- Proof of PUC or ICC registration for vehicles carrying 11 or more passengers

5.2 GENERAL GUIDELINES

A. FEES/COSTS - The application fee (minimum of \$225.00) will be based on the Fees/Cost Calculation Worksheet (appendix H). This processing fee must accompany a commercial use license application packet in order to be considered for licensing. The commercial use license fee will be \$50.00. The monitoring cost will be \$150.00 per year. **The Commercial Use License fee needs to be paid by separate check made payable to the National Park Service.** The license fee is not retained in the park, it is mandated to be remitted to the General Treasury.

The Commercial Use License does not exempt the user from entrance fees into the park nor campground reservation fees.

B. INSURANCE REQUIREMENTS - The licensee will provide proof of Comprehensive General Liability insurance. This insurance shall be commensurate with the degree of risk and the size and scope of their activities, but not less than ~~\$300,000~~ ^{\$1,000,000} per occurrence covering both bodily injury and property damage. All insurance policies shall specify that the insurance company shall have no right of subrogation against the United States of America or shall provide that the United States of America be named as an additional insured.

The Commercial Use License program does not permit the use of Waivers of Liability for

companies. Licensees are permitted to have participants sign an Acknowledgement of Risk Form warning participants of the dangers inherent in an activity and for the participants to assume responsibility for their own negligence (See Appendix Q). } SK

C. PROCESSING TIME - The maximum processing time for commercial use licenses are as follows:

If the requested business use *is currently* being conducted in the park, then the commercial use application will be considered within 30 days.

If the requested business use *is not currently* being conducted in the park, then the commercial use application will be considered within 120 days. However, there is an exclusion to the 120 days, if an environmental or cultural resource compliance is required for this requested use. If these documents are required then the processing time will be dependent on the completion of these required documents. } SK

5.3 APPLICATION/LICENSE PROCESS

Step 1. Applicant to request license application packet from the Protection Division Clerk or Special Uses Ranger by phone or by mail. Package will be sent to the applicant by U.S. Mail only.

Step 2. The application packet which includes all the items listed above under General Guidelines with the non-refundable application fee should be submitted to the Special Programs Ranger. The application fee is immediately logged and turned over to the Program Clerk.

Step 3. The application is reviewed by the Special Programs Ranger, he/she makes comments and assures that all guidelines for commercial use licensees are met. If the activity requested is currently licensed in the park then the completed license and conditions of use are forwarded to the Division Chiefs for their review/concurrence. If the requested activity is not currently licensed in the park then the application must go through a formal review process which includes all environmental and cultural compliances. At this time, the licensee will be contacted and notified of any additional fees associated with their license application. The Superintendent has final approval on Commercial Use Licenses. } OK

Step 4. The Special Program Ranger will notify the applicant of the final decision on the requested activity. If the license application is denied, a file will be retained with the administrative record and the application packet for future reference. If the license application is approved, the applicant will sign three copies of the Commercial Use License and submit the Commercial Use License Fee and the monitoring cost.

5.4 CONDITIONS OF USE

LENGTH OF LICENSES

The Commercial Use License will be valid for one year from the issue date. Upon annual review of this program and the renewing licensee, Commercial Use Licenses may be valid for two years from issue date, this will be dependent upon the careful study of the licensee's operations for the preceding time period. The administrative record will be reviewed to ensure that no major changes have taken place, all expectations are being met, and the use is still appropriate.

REPORTS

The licensee will provide the park with user days information on a monthly basis. This information should be submitted on the Monthly Use Report (See Appendix R) provided to the licensee by the park. This information should be received by the Special Programs Ranger no later than the seventh day of the following month. This can be mailed or faxed. Licensees are also required to submit a yearly summary of all user days in the park by January 20 of each year and a reporting of annual gross revenues on the Commercial Use License Survey Form (See Appendix T).

All accidents/injuries sustained in the park by the licensee or their clients or students must be reported to the Special Programs Ranger within 24 hours of the accident/injury.

GROUP SIZES

Group sizes in the park are set in accordance with the Backcountry/Wilderness Management Plan (draft, 1995). The following is a brief synopsis of the group sizes allowed:

Frontcountry Family Campsites - 6 people, two tents, and two vehicles per site

Frontcountry Group Campsites - limited to the number of people and vehicles posted at the campsites or printed on the reservation ticket

Backcountry Transition Zone (defined as 200 yards to 1 mile beyond a developed area) - 20 people maximum and no camping allowed

Wilderness Zone (defined as beyond 1 mile; refer to BWMP) - 12 people maximum and dispersed camping, registration at backcountry boards is required

Primitive Wilderness Zone (refer to BWMP) - 6 people maximum and dispersed camping, registration is also required at the backcountry boards. Only Environmental Education licensees will be allowed to use this zone.

FRONTCOUNTRY CAMPING

Group campsites are available at Sheep Pass, Indian Cove, and Cottonwood. These can be reserved through ~~MISTIX~~ (1-800-365-CAMP) ^{5 months} ~~12 weeks~~ in advance. Licensees may camp at Black Rock Canyon (by reservations through ~~MISTIX~~), Indian Cove, Jumbo Rocks, and Cottonwood Campgrounds any time of the year. However, the licensee's group size must not exceed 12 people. Camping at Hidden Valley, Ryan, Belle, and White Tank Campgrounds is limited to Sunday through Thursday nights. This excludes holidays and holiday weeks such as Easter break.

BACKCOUNTRY CAMPING

The field staff of the licensee is responsible for knowing all the backcountry regulations and the backcountry zones according to the Backcountry/Wilderness Management Plan (BWMP, draft 1995). This also includes but is not limited to the day use boundaries, closed areas, fire regulations, and the camping rules and regulations of the park.

All licensees utilizing the backcountry must provide the park with an itinerary prior to their arrival in the park. This should include where the group is going, the activity, the camp sites, the cache sites, the number of participants, the dates, and the leader names. The itinerary may be mailed or faxed to the Special Programs Ranger.

REFUSE AND SUPPLY CACHES

Licensees should not use the park trash dumpsters for their refuse. This includes boxes, crates, and containers for their resupply. Individual waste is allowed to be deposited in the dumpsters.

Supply cache sites should not be visible to the general public. They should be well marked with the date and the licensee's name. All supply caches should be retrieved within seven days of use.

LEADER QUALIFICATIONS AND CERTIFICATION

The licensee shall guarantee the competency of the leaders of their trips, both as to ability and knowledge in the activity they are licensed to conduct. Minimum qualifications for backpacking, hiking, scrambling, and rock climbing must include:

- (a) Current Standard First Aid or equivalent
- (b) Current CPR at the BLS-C level
- (c) American Mountain Guides Association Accreditation or Certification or Accreditation through the Association for Experiential Education (see Special Stipulations for Commercial Rock Climbing)
- (d) Knowledge of the use of minimum impact practices pertaining to desert ecosystems

(e) Knowledge of all applicable National Park Service rules and regulations

Copies of the First Aid and CPR cards for the leaders and the AMGA or AEE Accreditation or Certification must be sent the Special Programs Ranger prior to any trips. These cards must be in the possession of the leaders when they are conducting a trip in the park.

AREA RESTRICTIONS AND SCHEDULING

The Superintendent reserves the right to delay or cancel any trip, limit the operation of the licensee in a specific area or during a specific time period, close any camping area, trail, road, or climbing routes in the interest of preventing adverse environmental or sociological impact to the park resources, or visitor safety, to facilitate research projects, or respond to any unforeseen circumstances. If at all possible the licensee will be notified in advance of these actions.

Currently, licensees conducting climbing activities are prohibited from using the following rock formations on weekends, holidays, and holiday weeks:

- (a) Quail Springs Picnic Area (Trashcan Rock)
- (b) Feudal Wall (Indian Cove)
- (c) Short Wall (Indian Cove)
- (d) Pixie Rock (Indian Cove)

SPECIAL STIPULATIONS FOR COMMERCIAL ROCK CLIMBING

Commercial users licensed to conduct rock climbing must be accredited by the American Mountain Guides Association (AMGA) or the leader of the trip must be certified by the AMGA. This is required as of January 1, 1995. Licensees who do not have AMGA accreditation or certification can hire certified guides on an as needed basis. A certified guide can be located by contacting the AMGA at (303)271-0984 or 710 Tenth Street, Suite 101, Golden, Colorado 80401.

Commercial users who strictly top rope may receive accreditation through the Association of Experiential Education. AEE can be reached at (303) 440-8844 or 2885 Aurora Ave. Suite 28, Boulder, CO 80303-2252. The Commercial Use License must state that the company conducts top rope climbing only for AEE accreditation to be valid.

These commercial users are authorized to conduct activities in climbing areas which are in accordance with the Backcountry/Wilderness Management Plan. (draft, 1995); this includes group size restrictions and commercial user restrictions in certain backcountry zones and frontcountry areas (see Area Restrictions and Scheduling). All climbing regulations must be followed according to the Climbing Management Plan.

SPECIAL STIPULATIONS FOR COMMERCIAL TOUR COMPANIES

A commercial tour is defined as consisting of one or more persons traveling on an itinerary that has been packaged, priced, or sold for leisure/recreational purposes by an organization that realizes financial gain through the provision of the service. Falling within this definition are tours which require the use of a vehicle (i.e. bus, van, sedan) as the primary means of transport during the tour. This fee essentially applies to road based tours. The tour operator is also using National Park Service roads as the primary means of accomplishing the tour. } SIC

Each tour vehicle carrying passengers must be properly licensed, registered, and inspected in accordance with the Public Utilities Commission of the State of California (PUC) or the Interstate Commerce Commission (ICC). These tour companies must also meet the liability insurance requirements of the PUC or ICC.

The Commercial Tour Entrance Fees will increase as of April 15, 1995. The Commercial Tour Entrance Fees will be as follows:

<u>Passenger Capacity</u>	<u>Commercial Tour Fee</u>
1 - 6	\$30.00
7 - 25	\$45.00
26 and over	\$100.00

These changes in the flat rate fees were made to comply with the requirements of the Omnibus Budget Reconciliation Act of 1993.

All other commercial use vehicles (non-road based) CUL's such as rock climbing, camping, etc. are to be charged the standard entrance fees (\$3/person). All commercial use vehicles will be charged an entrance fee except for those which present an administrative or educational fee waiver.

APPENDIX

LIST OF APPENDICES

Appendix A.	Permit Consideration Checklist
Appendix B.	Permitting Authorities
Appendix C.	Interdivisional Evaluation Form (informal park review)
Appendix D.	Categorical Exclusion Checklist
Appendix E.	Listing of Categorical Exclusions
Appendix F.	Project Proposal Form
Appendix G.	NEPA Preparation Questionnaire
Appendix H.	Fees/Costs Calculation Worksheet
Appendix I.	Special Use Permit, Form 10-114
Appendix J.	Register of Receipts and Transfers
Appendix K.	Complexity Worksheet
Appendix L.	Special Park Uses Application Worksheet
Appendix M.	List of Clauses for Permit Addendums
Appendix N.	Application for Permission to Film for Commercial Purposes 10-753
Appendix O.	Hold Harmless Clause for Student Film Permit
Appendix P.	Commercial Use License
Appendix Q.	Acknowledgement of Risk Form
Appendix R.	Monthly Use Report Form
Appendix S.	Costs/Fees Summary for NPS-CDCA
Appendix T.	Commercial Use License Survey

- ✓ What is the real purpose of the proposed special park use?
- ✓ How does this proposed activity relate to the legislative purposes for which Joshua Tree National Park was established?
- ✓ How does this proposed activity relate to the park's other special designations, to include such items as legislated wilderness, Class I air quality classification, biosphere reserve designation?
- ✓ What guidance for this type of activity is found in management policies?
- ✓ How does the proposed activity relate to the "desired park visitor experience?" Is the activity in conflict with the primary values of the park?
- ✓ What is the relation of the proposed activity to the park's General Management Plan, the park's management zoning plan, and to other relevant park planning documents?
- ✓ What is the value to the park of the proposed activity?
- ✓ Does the proposed activity depend upon park specific resources and enhance the desired "park experience" or would it make use of the park simply because it is a conveniently located public place?
- ✓ If the proposed activity does not depend upon the park's specific resources, does it meet the tests for non-traditional recreation uses outlined in Chapter VII of the NPS Management Policies?
- ✓ What are the possibilities of accomodating this proposed activity outside of the park?
- ✓ Would the proposed activity conflict with established appropriate uses and how would this use affect the balance between established appropriate uses?
- ✓ Would this proposed activity require a commitment of public resources and public facilities for the exclusive benefit or use of a few persons and how would this commitment be viewed by other park users?
- ✓ What are the long and short term and the irreversible effects (both beneficial and adverse) that this special park use could cause to park resources, facilities, and programs?
- ✓ What NEPA, Section 106, or other compliance is necessary?
- ✓ Is it possible to mitigate or to repair any adverse effects upon park or adjacent resources, facilities, and programs caused by the proposed special park use? If so, would the commitment of any NPS resources be required?
- ✓ What would be the difficulties of terminating this special park use activity once approved?
- ✓ Do circumstances exist where wherein this applicant or this request needs to receive special consideration? If so, what would be the criteria for and the effects of permitting this request and denying others of a similar nature?
- ✓ Is it possible that the approval of this special park use would establish an unacceptable precedent for your park or for other parks? If so, what criteria would allow this specific activity to occur and not allow similar, but unacceptable, activities to occur elsewhere?
- ✓ Would the approval of this proposed use allow the occurrence of a subsequent activity or event that would be detrimental to the park's resources or programs?
- ✓ Would the proposed activity be consistent with any applicable Federal, state, or local laws, regulations, or plans? If so, have all necessary permits been obtained?
- ✓ If otherwise approvable, should this special park use be granted to a different person or organization than the one who made the application?
- ✓ What would the cost to the park in personnel time and financial resources for monitoring the proposed special park use?
Could this cost be recovered?
- ✓ If this is a commercial activity, does the applicant have liability insurance?

The following list of authorities has been approved by both the MARO and WASO Solicitors to authorize documents as shown.

16 U.S.C. § 5 – Electrical Power lines and Communication including radio, television and other forms of communications
WHEREAS, 16 U.S.C. § 5 authorizes the Director of the National Park Service (or his delegate) having jurisdiction over subject land, to grant an easement for rights-of-way for a period not exceeding 50 years, over, across and upon the lands and reservations of the United States for *((the transmission and distribution of electrical power))* or *((for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities))* upon a finding by the Director (or his delegate) that the right-of-way is not incompatible with the public interest; and

16 U.S.C. § 79 – Electrical and telephone and water (sewer)
WHEREAS, 16 U.S.C. § 79 authorizes the use of rights-of-way through the Park for *((electrical poles and lines))* or *((for telephone and telegraph purposes))* or *((Pipes and Ripe lines or other water conduits to supply water for domestic, public or any other beneficial use))* or *((for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits))* provided that the Director (or his delegate) finds that the same is not incompatible with the public interest; and

16 U.S.C. § 4601 [460 “L”] – Outdoor Recreation Coordination
WHEREAS, pursuant to 16 U.S.C. § 460 L, The congress finds and declares that it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people; and

RECIPROCAL EMS AGREEMENTS 16 U.S.C. § 1a-1 1978 PUBLIC LAW 95-250

WHEREAS, 16 U.S.C. § 1a-1 as amended by 1978 Public Law 95-250 provides for the promotion and regulation of the various areas of the National Park System so that the authorization of activities be construed and the protection, management, and administration of these areas be conducted in the light of the high public value and integrity of the National Park System; and

Also:

WHEREAS, 16 U.S.C. § 1b(1) authorizes the Secretary of the Interior to render emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire prevention agencies and for related purposes outside of the National Park System.

RECIPROCAL FIRE AGREEMENTS 42 U.S.C. § 1856a

WHEREAS, 42 U.S.C. § 1856a authorizes reciprocal agreements for mutual aid for fire protection with agencies maintaining fire protection facilities in the vicinity of Service property and for other property for which said agency normally provides fire protection; and

See also 16 U.S.C. § 1b(1) above.

See also 16 U.S.C. § 1b(2) dealing with the erection and maintenance of fire protection facilities, etc. adjacent to any area of the said National Park System, where necessary, to provide service in such area.

RECIPROCAL LAW ENFORCEMENT AGREEMENTS 16 U.S.C, S 1b(1)

WHEREAS, 16 U.S.C. 1b(1) authorizes the National Park Service to render emergency cooperative assistance to nearby law enforcement agencies outside of the National Park System

See also 16 U.S.C. S 1a-6(a)

Note that the above two statues cite Federal authority for NPS law enforcement personnel to act outside service property, and designates and defines the powers of the same personnel as law enforcement officers. The authority for non-service law enforcement officials to enter onto and act within Service property is usually contained in state statues. These state statues must be quoted in any Service law enforcement reciprocal agreement. In addition, if the state has a statue relating to Federal officers acting on state property, that should be cited as well.

AUTHORITIES FOR MILITARY (NAVY)

WHEREAS, Executive Order No. 8972, issued December 12, 1941 and published in the Federal Register of December 16, 1941 (6 F.R. 6420), as amended and supplemented by Executive Order No. 9074, issued February 25, 1942, and published in the Federal Register of February 28, 1942 (7 F.R. 1587), gives the Secretary of the Navy full authority to establish patrols and to take all other measures necessary to protect Navy shore establishments throughout the United States; and

WHEREAS, Executive Order No. 8972 as amended and supplemented by Executive Order No. 9074 further states that all Government agencies are required to assist and support the Secretary of the Navy so far as their facilities and personnel will permit; and

COAST GUARD

WHEREAS, 14 U.S.C. § 141(b) authorizes the Coast Guard, with the consent of the head of the agency concerned, to avail itself of such facilities of any Federal agency as may be helpful in the performance of its duties; and

16 U.S.C. § 432 – Antiquities Act

WHEREAS, 16 U.S.C. § 432 permits the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under the Secretary of the Interior to institutions properly qualified to conduct such examination, excavation, or gathering subject to such rules and regulations as may be prescribed; and

16 U.S.C. § 462(e) – Cooperative Agreements for Historic sites

WHEREAS, 16 U.S.C. § 462(e) permits the Secretary of the Interior to contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, *with proper bond where deemed advisable*, to protect, preserve, maintain, or operate any historic or archaeological building, site, object, or property used in connection therewith for public use.

16 U.S.C. § 464(a) – Cooperative Agreements for Historic Sites continued

WHEREAS, 16 U.S.C. § 464(a) authorizes the Secretary of the Interior to cooperate with and seek and accept the assistance of any Federal, State, or municipal department or agency, or any educational or scientific institution, or any patriotic association or any individual in preserving for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

16 U.S.C. § 470 – National Historic Preservation Act

The Comprehensive Environmental Response, Compensation, and Liability Act – CERCLA

42 U.S.C. @ 9620(a)(1) – Applicability of law to Feds

WHEREAS, all guidelines, rules, regulations, and criteria which are applicable to preliminary assessments and carried out under this Act for facilities at which hazardous substances are located, shall also be applicable to facilities which are owned or operated by a department of the United States,

16 U.S.C. § 9620CU – State and local participation

WHEREAS, 42 U.S.C. § 9620(f) affords to relevant State and local officials the opportunity to participate in the planning and selection of the remedial action, including but not limited to the review of all applicable data as it becomes available and the development of studies, reports, and action plans,

39 U.S.C. § 411 – Post Office Dept, Coop, with other Agencies

WHEREAS, Executive agencies are authorized to furnish property, both real and personal, and personal and non-personal services to the Postal Service, and the Postal Service is authorized to furnish property and services to them.

The following is a list of general authorities compiled by the MARO Solicitor and others, and may be used depending on the circumstances.

16 U.S.C. § 1a-2(g) – Exhibits and demonstrations; sales of products and services; contracts and cooperative arrangements; credits to appropriation

16 U.S.C. § 1b(5) – Supplies and rental of equipment

16 U.S.C. § 3 – Sales, leases and permits

16 U.S.C. § 3, § 9(a) – Rules, Regulations, Fines

16 U.S.C. § 6a – Gifts and Donations of money and real property

16 U.S.C. § 7a-e – Airports

16 U.S.C. § 12 – Aid to Visitors

16 U.S.C. § 13 – Medical Attention to Employees

16 U.S.C. § 17c – Procurement of supplies and special services to permittees and licensees in emergencies

16 U.S.C. § 20 – Concessions Permit

16 U.S.C. § 4601-1 – Public Recreation Research and Technical Assistance

16 U.S.C. § 4601-6a – Admission and Special Recreation Fees

16 U.S.C. § 462(e) – Cooperative Agreements to preserve, maintain or operate historic site on property

16 U.S.C. § 4 62 (k) – General authority regarding historic preservation

16 U.S.C. § 464 – Cooperation with governmental and private parties re: historic sites

16 U.S.C. § 470h-3 – Lease of Historic Property

16 U.S.C. § 670c – Public outdoor recreation resources

**JOSHUA TREE NATIONAL PARK
INTERDIVISIONAL EVALUATION FORM**

After reviewing the proposed Special Park Use Guidelines, indicate your concurrence or not.

Division Chief - Protection

concur

do not concur

Comments:

Signature_____

Date_____

Division Chief - Resources Management

concur

do not concur

Comments:

Signature_____

Date_____

Division Chief - Interpretation

concur

do not concur

Comments:

Signature_____

Date_____

Facility Manager

concur

do not concur

Comments:

Signature_____

Date_____

Administrative Officer

concur

do not concur

Comments:

Signature_____

Date_____

Proposed Special Use: _____

Will the proposed special use have an adverse effect on:

- An historic or cultural resource?
- Properties listed or eligible for the National Register of Historic Places?
- Park flora or fauna?
- Park facilities or programs?
- Natural Landmark acreage?
- Listed or proposed endangered or threatened species or critical habitat?
- Visitor use?
- Visual quality?
- Floodplains?
- Public health or safety?

Will the proposed special use:

- Have highly controversial environmental effects?
- Pose uncertain or unknown environmental effects?
- Establish precedent for significant environmental effects?
- Directly relate to cumulative environmental effects?
- Threaten to violate a Federal, State, local, or environmental law?

Cite appropriate categorical exclusion(s):

Special Programs Ranger

Date

The following Departmental categorical exclusions are a direct quote from 516 DM 6, Appendix 7, Section 7.4. They are listed here for quick reference. Exclusions relating to development and especially overhead and underground utility lines are found in Part C.

The correct wording to use when quoting a categorical excusion is as follows:

The (type of use) is categorically excluded from NEPA compliance under 516 DM 6, Appendix 7, Section 7.4.

Section 7.4 Categorical Exclusions

In addition to the actions listed in the Departmental categorical exclusions in Appendix 1 of 516 DM 2 (this Appendix E), many of which the Service performs, the following NPS actions are designated categorical exclusions unless the action qualifies as an exception under Appendix 2 of 516 DM 2 (also listed in this Appendix E).

A. Actions Related to General Administration

1. Changes or amendments to an approved action when such changes would cause no or only minimal environmental impact.
2. Land and boundary surveys.
3. Minor boundary changes.
4. Reissuance/renewal of permits, rights of way, or easements not involving new environmental impacts.
5. Conversion of existing permits to rights of way, when such conversions do not continue or initiate unsatisfactory environmental conditions.
6. Issuances, extensions, renewals, reissuances or minor modifications of concession contracts or permits not entailing new construction.
7. Commercial use licenses involving no construction.
8. Leasing of historic properties in accordance with 36 CFR 18 and NPS-38.
9. Preparation and issuance of publications.
10. Modifications or revisions to existing regulations or the promulgation of new regulations for NPS administered areas, provided the modifications, revisions or new regulations do not:
 - a. Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;
 - b. Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;
 - c. Conflict with adjacent ownerships or land uses; or
 - d. Cause a nuisance to adjacent owners or occupants.
11. At the direction of the NPS responsible official, actions where NPS has concurrence or coapproval with another bureau and the action is a categorical exclusion for that bureau.

B. Plans, Studies, and Reports

1. Changes or amendments to an approved plan, when such changes would cause no or minimal environmental impact.
2. Cultural resources maintenance guides, collection management plans and historic furnishings reports.
3. Interpretive plans.
4. Plans, including priorities, justifications and strategies, for non-manipulative research, monitoring, inventorying and information gathering.
5. Statements for management, outlines of planning requirements and task directives for plans and studies.
6. Technical assistance to other Federal, state, and local agencies or the general public.
7. Routine reports required by law or regulation.
8. Authorization, funding or approval for the preparation of Statewide Comprehensive Recreation Plans.
9. Adoption or approval of surveys, studies, reports, plans and similar documents which will result in recommendations

or proposed actions which would cause no or only minimal environmental impact.

10. Preparation of internal reports, plans, studies, and other documents containing recommendations for action which NPS develops preliminary to the process of preparing a specific Service proposal or set of alternatives for decision.
11. Land protection plans which propose no significant change to existing land or visitor use.
12. Documents which interpret existing mineral management regulations and policies and do not recommend action.

C. Actions Related to Development

1. Land acquisition within established park boundaries.
2. Land exchanges which will not lead to significant changes in the use of land.
3. Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds and trails.
4. Routine maintenance and repairs to cultural resource sites, structures, utilities and grounds under an approved Historic Structures Preservation Guide or Cyclic Maintenance Guide; or if the action would not adversely affect the cultural resource.
5. Installation of signs, displays, kiosks, etc.
6. Installation of navigation aids.
7. Establishment of mass transit systems not involving construction, experimental testing of mass transit systems, and changes in operation of existing systems.
8. Replacement in kind of minor structures and facilities with little or no change in location, capacity or appearance.
9. Repair, resurfacing, striping, installation of traffic control devices, repair/replacement of guardrails, etc. on existing roads.
10. Sanitary facilities operation.
11. Installation of wells, comfort stations, and pit toilets in areas of existing use and undeveloped areas.
12. Minor trail relocation, development of compatible trail networks on logging roads or other established routes, and trail maintenance and repair.
13. Upgrading or adding new overhead utility facilities to existing poles, or replacement poles which do not change existing pole line configurations.
14. Issuance of rights of way for overhead utility lines to an individual building or well from an existing line where installation will not result in significant visual intrusion and will involve no clearance of vegetation other than for placement of poles.
15. Issuance of rights of way for minor overhead utility lines not involving placement of poles or towers and not involving vegetation management or significant visual intrusion in an NPS administered area.
16. Installation of underground utilities in previously disturbed areas having stable soils or in existing overhead utility right of way.
17. Construction of minor structures, including small improved parking lots, in previously disturbed or developed areas.
18. Construction or rehabilitation in previously disturbed or developed areas, required to meet health and safety regulations, or to meet requirements for making facilities accessible to the handicapped.
19. Landscaping and landscape maintenance in previously disturbed or developed areas.
20. Construction of fencing enclosures or boundary fencing posing no effect on wildlife migrations.

D. Actions Related to Visitor Use

1. Carrying capacity analyses.
2. Minor changes in amounts or types of visitor use for the purpose of ensuring visitor safety or resource protection in accordance with existing regulations.
3. Changes in interpretive and environmental education programs.
4. Minor changes in programs and regulations pertaining to visitor activities.

5. Issuance of permits for demonstrations, gatherings, ceremonies, concerts, arts and crafts shows, etc. entailing only short term or readily mitigatable environmental disturbance.
6. Designation of trailside camping zones with no or minimal improvements.

E. Actions Related to Resources Management and Protection

1. Archaeological surveys and permits, involving only surface collection or small scale test excavations.
2. Day to day resource management and research activities.
3. Designation of environmental study areas and natural research areas.
4. Stabilization by planting native plant species in disturbed areas.
5. Issuance of individual hunting and/or fishing licenses in accordance with state and Federal regulations.
6. Restoration of noncontroversial native species into suitable habitats within their historic range and elimination of exotic species.
7. Removal of park resident individuals of non-threatened/endangered species which pose a danger to visitors, threaten park resources or become a nuisance in areas surrounding a park, when such removal is included in an approved resource management plan.
8. Removal of non-historic materials and structures in order to restore natural conditions.
9. Development of standards for, and identification, nomination, certification and determination of eligibility of properties for listing in the National Register of Historic Places and the National Historic Landmark and the National Natural Landmark Programs.

F. Actions Related to Grant Programs

1. Proposed actions essentially the same as those listed in paragraphs A-E above.
2. Grants for acquisition of areas which will continue in the same or lower density use with no additional disturbance to the natural setting.
3. Grants for replacement or renovation of facilities at their same location without altering the kind and amount of recreational, historical or cultural resources of the area, or the integrity of the existing setting.
4. Grants for construction of facilities on lands acquired under a previous NPS or other Federal grant provided that the development is in accord with plans submitted with the acquisition grant.
5. Grants for the construction of new facilities within an existing park or recreation area, provided that the facilities will not:
 - a. conflict with adjacent ownerships or land use or cause a nuisance to adjacent owners or occupants, e.g. extend use beyond daylight hours;
 - b. introduce motorized recreation vehicles;
 - c. introduce active recreation pursuits into a passive recreation area;
 - d. increase public use or introduce noncompatible uses to the extent of compromising the nature and character of the property or causing physical damage to it; or
 - e. add or alter access to the park from the surrounding area.
6. Grants for the restoration, rehabilitation, stabilization, preservation and reconstruction (or the authorization thereof) of properties listed on or eligible for listing on the National Register of Historic Places, at their same location and provided that such actions:
 - a. will not alter the integrity of the property or its setting;
 - b. will not increase public use of the area to the extent of compromising the nature and character of the property; and
 - c. will not cause a nuisance to the adjacent property owners or occupants.

ADDITIONAL CATEGORICAL EXCLUSIONS

The following categorical exclusions are a direct quote from 516 DM 2, Appendix 1. They are listed here for quick reference.

The following actions are categorical exclusions pursuant to 516 DM 2.3(A). However, environmental documents will be prepared for individual actions within these categorical exclusions if the exceptions listed in 516 DM 2, Appendix 2 apply.

- 1.1 Personnel actions and investigations and personal services contracts.
- 1.2 Internal organizational changes and facility and office reductions and closings.
- 1.3 Routine financial transactions, including such things as salaries and expenses, procurement contracts, guarantees, financial assistance, income transfers, audits, fees, bonds and royalties.
- 1.4 Law enforcement and legal transactions, including such things as arrests, investigations, patents, claims, legal opinions, and judicial activities including their initiation, processing, settlement, appeal or compliance.
- 1.5 Regulatory and enforcement actions, including inspections, assessments, administrative hearings and decisions; when the regulations themselves or the instruments of regulations (leases, licenses, permits, etc.) have previously been covered by the NEPA process or are exempt from it.
- 1.6 Non-destructive data collection inventory (including field, aerial and satellite surveying and mapping), study, research and monitoring activities.
- 1.7 Routine and continuing government business, including such things as supervision, administration, operations, maintenance and replacement activities having limited context and intensity; e.g. limited size and magnitude or short term effects.
- 1.8 Management, formulation, allocation, transfer and reprogramming of the Department's budget at all levels. (This does not exclude the preparation of environmental documents for proposals included in the budget when otherwise required.)
- 1.9 Legislative proposals of an administrative or technical nature, including such things as changes in authorizations for appropriations, and minor boundary changes and land transactions; or having primarily economic, social, individual or institutional effects; and comments and reports on referrals of legislative proposals.
- 1.10 Policies, directives, regulations and guidelines of an administrative, financial, legal, technical, or procedural nature; or the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case by case.
- 1.11 Activities which are educational, informational, advisory or consultative to other agencies, public and private entities, visitors, individuals or the general public.

EXEMPTIONS FROM CATEGORICAL EXCLUSIONS

The following is a listing of exceptions to individual actions which may be included within categorical exclusions. Environmental documents must be prepared for any actions involving these exceptions. This listing is taken from 516 DM 2.3A(3). What this means is that while the majority of the use may well be categorically excluded from NEPA compliance, a certain part of that action might fall under one of these categories listed below. If this is the case, then that certain part might require full NEPA compliance while the rest of the action remains categorically excluded.

The following exceptions are found in 516 DM Chapter 2.3A(3), Appendix 2. They apply to individual actions within categorical exclusions and environmental documents must be prepared for which actions may:

- 2.1 Have significant adverse effects on public health or safety.
- 2.2 Have adverse effects on such unique geographic characteristics as historic or cultural resources, park recreation or refuge lands, wilderness areas, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks.

2.3 Have highly controversial environmental effects.

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

2.5 Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.

2.6 Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.

2.7 Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.

FORM JOTR-1

**JOSHUA TREE NATIONAL PARK
PROJECT PROPOSAL**

Project Number: _____

Project Name: _____ Location: _____

Proposed Start Date: _____ Target Completion Date: _____

Prepared by: _____ Date: _____

BRIEF STATEMENT OF PROJECT

(Include alternatives, project location maps, detailed drawings, etc., as applicable. Use attachments as necessary.)

CLEARANCE PREVIOUSLY COMPLETED: _____ Yes _____ No

Attach documentation _____

DIVISION CHIEF _____ DATE: _____

The following information must be provided to Joshua Tree National Park in order for our staff to evaluate your special use request. Use this outline as a guide and type your responses on separate pages. If you have any questions please contact the Special Programs Ranger at (619)367-3523. This information will be used for park comments regarding the preparation of an environmental assessment (EA). Be brief, but complete.

1. Type of project
2. Project Name (brief descriptive title)
3. Proposal submitted by (include name, mailing address, telephone, and organization)
4. Area of park to be impacted by this project
5. Proposed starting date
6. Proposed ending date
7. Why is this project necessary?
8. What are the alternative routings outside the park? Why are they not acceptable?
9. What are the consequences if the project is not done?
10. Indicate the scope, location and dimensions of this project.
11. Describe what is to be done.
12. Describe the preferred method of accomplishing the project.
13. Describe alternative methods for accomplishing this project and state reasons for selecting the method above.
14. List all major equipment to be used and its purpose.
15. Describe the effects of your project on the park and area during the project (potential physical damage, environmental impacts, effects on visitor use, traffic control, visual, noise, air, soil wildlife disturbances. Note both the short term and the long term effects).
16. What impacts will this project have on rare, threatened, or endangered flora, fauna, or habitats?
17. What impact will this project have on historic, cultural, or archaeological sites?
18. Describe the long term effects of the project on the area after completion of the project.
19. What specific steps will you take to protect the project area, to minimize harmful effects, and mitigate any permanent damage or loss?
20. What specific steps will be taken to restore the project area and eliminate the evidence of work after the project is completed?
21. Attach supporting documents, references, maps, photographs, drawings, or other items to clarify your proposal or support your conclusions. Include a list of any persons consulted about this project.

PARK USE ONLY:

NEPA analysis suggests that an EA or EIS is required for NEPA compliance. The EA/EIS must address the following items:

- Engineering Problems
- Federal Funding Involved
- Historic and Cultural Resources Affected
- Park Facilities/Programs Affected
- Properties listed or eligible for National Register of Historic Places
- Public Health and Safety Affected
- Traffic/Use Patterns Affected
- Visitor Use Impacts
- Visual Impact

Environmental Impacts

- Air Quality
- Water Quality
- Floodplain
- Threatened or Endangered Federal or State listed flora or fauna
- Fauna
- Vegetation
- NEPA 106 clearance requirements

APPLICANT:

INSTRUCTIONS: Circle "X" opposite applicable statement. The highest numbered category containing a circled "X" is the administrative cost category. Determine the fee amount from the table below.

ADMINISTRATIVE PROCESSING ACTIVITIES	CATEGORIES					
	I	II	III	IV	V	VI
1. NEPA documentation requirement						
a. All existing data in office of Authorized Officer.	X	X	X			
b. Limited amount of original data available. No interdisciplinary team required.				X		
c. Existing documentation not sufficient without substantial compilation of original data and supplemental documentation. Interdisciplinary team required.					X	
d. Processing costs exceed \$5000.						X
e. Requires Environmental Impact Statement.						X
2. Field examination requirement						
a. Field examination is not required.	X					
b. One field examination is required.		X				
c. Two field examinations are required.			X			
d. Two or three field examinations are required.				X		
e. Three or more field examinations are required.					X	

Administrative cost by category: I = \$125 II = \$300 III = \$550 IV = \$925

Authorized Officer	Title	Date

Special Use Fees/Costs:

Application Cost	\$100	
Administrative Cost by Category (from above)		
Continuous Monitoring Costs (\$50 X escort hours) =		
Incidental Monitoring Costs (\$100 X use days) =		
Fair Market Value Fees (calculation amount: X use days) =		
Total		
Rehabilitation Costs (calculated below)		

Remarks:

Form 10-114
Rev. Aug. 86
OMB No. 1024-0026

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service

Special Use Permit

Name of Use _____ Date Permit Reviewed 19 _____
Reviewed 19 _____
Reviewed 19 _____
Expires 19 _____

Long Term _____
Short Term _____

Permit # - - - - -
Region Park Type No #

Name of Area

Name of Permittee of _____ Address _____ Phone _____

is hereby authorized during the period from (Time _____ day _____ Month _____ 19 __), through (Time _____ day _____ Month _____ 19 __), to use the following described land or facilities in the above named area:

For the purpose(s) of:

Authorizing legislation or other authority (RE- NPS-53 Appendix 1):

NEPA Compliance: CATEGORICALLY EXCLUDED _____ EA/FONSI _____ EIS _____ OTHER APPROVED PLANS _____

PERFORMANCE BOND: Required _____ Not Required _____ Amount \$ _____

LIABILITY INSURANCE: Required _____ Not Required _____ Amount \$ _____

ISSUANCE of this permit is subject to the conditions on the reverse hereof and appended pages and when appropriate to the payment to the U.S. Dept. of the Interior, National Park Service of the sum of \$ _____.

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

PERMITTEE _____
Signature Date

Authorizing Official _____
Signature Superintendent Date

Additional Authorizing Official _____
(If Required) Signature Title Date

PERMITTEE

Consideration	COMPLEXITY	
	Simple	Complex
Vehicles	1-5	6+
People	1-15	16+
Impacts	equipment <200 lbs	stock animals stunts special effects road closures caterer chemicals sanitation service
Duration	1-7 days	8+ days
Dates		weekends October through May
Location	non-wilderness 1-3 locations	wilderness 4+ locations campgrounds
Activity		1st Amendment Native American Research Filming Commercial Use
Equipment		constructed on site anchored to the site moved off improved surface wheeled equipment

Requirements	COMPLEXITY	
	Simple	Complex
Approval Authority	Special Programs Ranger or Chief Ranger	Superintendent
Bonding	\$2000	\$5000
Fee Waiver	possible	not possible
Interdivisional review	not necessary	required
Permit Monitor	depends	required
NEPA	categorically excluded	documentation/ consultation required
Permit processing time	10 working days	120 days

Will not be used Film/Photo.

Joshua Tree National Park
APPENDIX L

Special Park Use Guidelines
APPLICATION WORKSHEET

APPLICANT: Type/print in black ink the information requested in items 1-7. Sign in black ink in item 8.

1. APPLICANT Name: _____ 2. ORGANIZATION Name: _____

Street/P.O. Box: _____ Street/P.O. Box: _____

City/State/Zip: _____ City/State/Zip: _____

Phone: () _____ Phone: () _____

3. On-site supervisor: _____ Phone: () _____

4. Type of activity for which the permit is requested (circle all that apply):

FILMING/PHOTO: Stills	SPECIAL EVENT: Wedding	First Amendment
Video/Motion	Sporting Event	Native American
Student	Organized Gathering	Military

OTHER: _____

5. List dates, times, and specific locations requested:

Dates (Month/Day/Year):	Times:	Locations:
_____	from _____ (am/pm) to _____ (am/pm)	_____
_____	from _____ (am/pm) to _____ (am/pm)	_____
_____	from _____ (am/pm) to _____ (am/pm)	_____

6. Describe activity in detail: (if filming attach story board) _____

7. Maximum number of people at each location: _____ Maximum number of vehicles at each location: _____

8. Will alcohol be consumed during the event? Y N

9. Describe each vehicle including size: _____

10. Describe support equipment required (generators, photo equipment, props, caterers, restrooms, etc.): _____

11. Are event participants charged? Y N

12. Circle one: Nudity? Y N Road closed or obstructed? Y N Animals used? Y N

Vegetation introduced? Y N On site construction? Y N

Explain any yes answers above: _____

13. FILM/PHOTO PERMIT APPLICANTS:

A. Describe stunts or special effects: _____

B. Describe scaffolding, staging, sets, and props: _____

14. CERTIFICATION

In submitting this application, the applicant by his or her signature certifies that:

- A. All the information given is complete and correct, and that no false or misleading information or false statements have been given,
- B. All estimates are reliable to the best of his or her knowledge and belief as of the date of this application, and
- C. All the attached terms and conditions have been read, are understood, and will be complied with fully.

NOTICE: Giving false information or making false statements, in connection with this permit application, is a violation of 36 CFR §2.32[a](3)(ii) and 18 USC §1001 respectively. Violations will be a basis for denial or revocation of a permit and may result in criminal prosecution.

Applicant's Signature _____ Date _____

14. AGENCY USE ONLY

A. Permit monitors: Monitors: _____ X Hours: _____ X \$50 = _____

B. Valid insurance policy: Yes No

C. Deposit/Bond required: \$ _____

D. Special considerations/restrictions: _____

E. Recommend Approval: Yes No

Date: _____

Page 2 of 2

PERMIT ADDENDUM

Applicable clauses to be initialed by Special Park Uses Program Coordinator.

- _____ A permit monitor is required and must be present before any activity is initiated.
- _____ No area will be closed to the public. All activities staged under this permit will be conducted in such manner as to not interfere with normal access and use of the area by park visitors.
- _____ Filming from a moving vehicle is permitted.
- _____ Wheeled vehicles and/or carts of all types are restricted to maintained roads and parking lots.
- _____ All evidence of off trail foot traffic will be obliterated by raking tracks after the activity is completed.
- _____ All equipment will be carried to any off road sites via established trails, hard surfaces, or wash routes.
- _____ Road closures are authorized but limited to five minutes duration with ten minute intervals between closures.
- _____ Intervals may vary with permission of the assigned law enforcement officer only.
- _____ Traffic control duties shall be conducted by peace officers recognized by the State of California.
- _____ Permittee must provide a minimum of two officers from the park or the California Highway Patrol.
- _____ All Federal and State vehicle laws apply.
- _____ No more than one half of any parking area at any one location may be utilized by the permittee. Excess vehicles may be located at other parking areas by permission only.
- _____ In those instances where the National Park Service is given credit for films or photos produced in whole or in part on Service lands, the credit format shall read as follows: Joshua Tree National Park, National Park Service, U.S. Department of the Interior.
- _____ A generator is permitted in the following location: _____
- _____ No vehicles or heavy objects are permitted off the road or out of parking areas.
- _____ A copy of the permit must be on site at all times.
- _____ NPS dumpsters will not be used for trash generated by permittees.
- _____ Use of the following animal(s) is authorized: _____
- _____ Moving or rolling shots are limited to one mile.
- _____ The use of scaffolding is authorized under the listed conditions.
- _____ The use of a catering service is authorized.
- _____ The following types of lighting equipment are authorized: _____
- _____ The use of a dolly system is permitted.
- _____ Additional stipulations are listed on the opposite side of this document.

APPLICATION FOR PERMISSION TO FILM FOR COMMERCIAL PURPOSES
(Motion or Motion & Sound Pictures or Commercial Still Photography)

Permit # _____

Date: _____

1. Permission is requested to film in Joshua Tree National Park. A description and the title of the production follow:

2. The scope of the filming activity and the manner and extent that the production will involve park land follow: (attach additional sheets as required)

Weather conditions permitting, work will commence _____ and end _____
(Extension of the permit requires written permission by the Superintendent of Joshua Tree National Park.)

3. The undersigned will comply with the following conditions:
- a. Permittee will exercise the utmost care to see that no natural, historic, or cultural features are injured and that the area used is restored to its condition prior to the filming activity.
 - b. Acknowledgement of the Department of Interior and the National Park Service will _____; will not _____ be given through the use of an appropriate title or announcement.
 - c. Wildlife will not be molested, harmed, or disturbed by any photographing or filming activity. Wildlife captured elsewhere will not be used in any filming activity. Any domestic animals used will be treated humanely.
 - d. Any special instructions received from the official in charge of the area will be complied with.
 - e. Any additional information relating to this filming activity will be furnished upon the request of the official in charge.
 - f. No employee of the National Park Service will perform work for the permittee in any capacity whatsoever while in uniform or while directly involved in supervising the permittee.
 - g. No personal gratuity, of any nature, will be offered to any employee of the federal government in connection with the exercise of the privilege granted.
 - h. No part of the film will imply, in any manner, endorsement of any service or product by the National Park Service or the Department of the Interior.
4. A member of the park staff will supervise any filming activity conducted within park boundaries. He/she will have authority to regulate the filming activity to assure compliance with the permit, applicable regulations, and Park Service filming policy. Any overtime expense incurred due to such supervision will be borne by the permittee.
5. The permittee will post a refundable bond to insure that the area is left in as good condition after filming as it was in before such activity.
6. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of the Interior, the National Park Service, and all Federal, State, county and municipal laws, ordinances, or regulations which are applicable to the area of operations covered by this permit.
7. This permit is revocable at the discretion of the Director of the National Park Service or his designee upon 24 hours notice, or without notice if damage to resources or facilities is threatened, notwithstanding any other term or condition of the permit.
8. The permittee hereby agrees to save and hold harmless the United States of America, its agents, and its employees from any and all claims, damages, suits at law or equity, of whatever nature, for damages to or loss of property or injury or death to persons resulting directly or indirectly from or attributable to the permittee or its employees in connection with the filming activities authorized by this permit. In addition, the permittee agrees to carry a general liability insurance policy in the amount of one million dollars in which the United States is named a coinsured.

- 9. Driving off established roadways and parking outside of designated parking areas is prohibited.
- 10. Blocking normal traffic and pedestrian flow or access is prohibited unless prior approval is obtained.
- 11. Use of the National Park Service Arrowhead or Department of Interior Buffalo symbol is prohibited without prior written approval of the Superintendent.
- 12. A permit addendum IS/IS NOT attached as page 2 of this permit.

Applicant:

Signature _____

Company Name _____

Address _____

City, State, Zip _____

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

AGENCY USE ONLY

Approval:

Signature _____

Title _____

Date _____

Deposit Amount _____ Date Received _____

Application Fee Amount _____ Date Received _____

Ranger Escort Provided:

hours _____

amount _____

billing date _____

payment received _____

Bond Returned:

Date returned _____

Address _____

City, State, Zip _____

Signature _____

HOLD HARMLESS CLAUSE FOR STUDENT FILM PERMIT

This agreement is made 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 Permittee, 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 agreement or occasioned by any occupancy or use of said premises or any activity carried on by the Permittee in connection herewith, and the Permittee 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.

Student's Signature: _____

Date: _____

Special Program Ranger: _____

Date: _____

**COMMERCIAL USE LICENSE
JOSHUA TREE NATIONAL PARK**

LICENSE NUMBER #WRO-JOTR-_____ EXPIRATION DATE:_____

In accordance with National Park Service regulations as contained in Title 36 Code of Federal Regulations (36 CFR) Chapter 1, Section 5.3, permission is granted to:

Name:_____ DBA:_____

Street Address:_____ City, State, Zip:_____

Phone:_____

to conduct the following commercial use activities within Joshua Tree National Park:

1. _____
2. _____
3. _____

from:_____ to:_____

This is subject to the advance payment of the application fee (minimum \$225.00), the license fee of \$50.00, and the monitoring fee of \$150.00. These checks need to be made payable to the National Park Service. Please refer to the guidelines in the fees/costs section for payment methods.

This license is granted subject to the following conditions:

1. General Provisions:
 - A. Reference in this license to "Superintendent" shall mean the National Park Service official executing this license and shall also mean his/her duly authorized representatives.
 - B. Operations under this license shall be subject to the laws of Congress governing the area and the rules and regulations promulgated thereunder, whether now in force or hereafter enacted or promulgated; provided, however, that this license does not constitute a concession contract or permit within the meaning of Title 16 United States Code (U.S.C.) Section 20 et.seq. and specifically that no preferential right of renewal attaches to this license.
 - C. No member of, or delegate to, Congress shall be admitted to any share or part of this license or to any benefit that may arise herefrom, but this restriction shall not be construed to extend to this license if made with a corporation or company for its general benefit.
 - D. The Licensee is subject to any and all special conditions attached hereto.
2. The Licensee and all participants authorized herein must comply with all the conditions of this license and with all directions of the Superintendent. The Licensee must have obtained all permits or licenses of state or local governments, as applicable, necessary to conduct the activities specified above and must operate in compliance with all Federal, state, and local laws and regulations.
3. The Park must be left in substantially the same condition as it was prior to the activities authorized herein. The Licensee shall be liable for any damages to property of the United States resulting from activities authorized herein.
4. This license is applicable only for the specified use and term designated above.
5. It is expressly agreed and understood that this license does not authorize the Licensee to advertise, solicit business, or sell any goods on lands owned and controlled by the United States.
6. Indemnification: The Licensee shall save, hold harmless, defend and idemnify the United States, its agents and employees for losses, damages, or claims for personal injury, death, or property damage of any nature whatsoever and whomsoever made, arising out of the activities of the license, its employees or agents under this license. The National Park Service will be named in the insurance policy as a beneficiary. See Exhibit "A".
7. Nondiscrimination: See Exhibit "B".
8. Construction: No building or other structures will be erected under this license within the Park.
9. Revocation: It is expressly understood and agreed that this license may be revoked at any time at the discretion of the

Superintendent without compensation to the licensee or liability to the United States.

- 10. Assignment: This license may not be transferred, extended, or assigned under any circumstances.
- 11. Soil Erosion: The Licensee shall take adequate measures, as directed and approved by the Superintendent, to restrict and prevent soil erosion on the lands covered hereby and shall so utilize such lands as to not contribute to erosion on adjoining lands.
- 12. Nonexclusive Authorization: This license shall not be construed as limiting the obligation of the Superintendent to issue similar licenses at the request of all other persons seeking to conduct same and similar activities in the Park.
- 13. The Licensee shall not employ or retain in their service or permit to remain upon any of the Park's premises herein provided for, any person determined by the Superintendent to be under the influence of either intoxicants or narcotics, or otherwise objectionable. The Licensee assumes direct and full responsibility for his employees and their conduct while in the Park. Guides shall be responsible for the proper conduct of individuals accompanying their parties while on any Park premises and shall ensure that the rights and privileges of other Park visitors are recognized.
- 14. Accident Reporting Procedures: All injuries sustained in the Park by the Licensee or their clients or students are to be reported to the Special Programs Ranger within 24 hours of the accident. The Licensee will need to provide the name, address, date of birth, sex, telephone number, extent of injuries, location of accident, time and date of accident, medical treatment given, medical provider's name and level of medical training.
- 15. Leader Qualifications and Certifications: The Licensee shall guarantee the competency of the leader(s) for each trip, both as to ability and knowledge in the activity or activities as listed herein. Minimum qualifications for backpacking, hiking, scrambling, and rock climbing leaders include:
 - A. Current Standard First Aid or equivalent
 - B. Current CPR at the BLS-C level
 - C. American Mountain Guides Association Accreditation or Certification
 - D. Knowledge of the use of minimum impact practices pertaining to desert ecosystems
 - E. Knowledge of all applicable National Park Service rules and regulations
- 16. Reports: Licensees will provide the Park with the user day information on a monthly basis. The Monthly Use Report can be mailed or faxed to the Special Programs Ranger by the seventh day of the month following the activity. Licensees must also provide the Park with a yearly summary of all user days by January 20.
- 17. Frontcountry and Backcountry Camping: Licensees must abide by the regulations as stated in the Special Park Uses Guideline, Chapter 5 Commercial Use.
- 18. Group Size: Licensees must abide by the group size limits as specified in the Special Park Uses Guideline, Chapter 5 Commercial Use.
- 19. Area Restrictions: Licensees must abide by the current area restrictions as listed in the Special Park Uses Guideline, Chapter 5 Commercial Use.
- 20. Licensees are required to pay all applicable camping and entrance fees. This license does not constitute a fee waiver.

I, the Licensee and all agents thereof, agree to abide by all the conditions listed in this license, the guidelines as set forth in Chapter 5, Commercial Use, of the Special Park Uses Guideline, and all National Park Service rules and regulations.

LICENSEE:

Signature: _____

Date: _____

Printed Name: _____

Title: _____

SUPERINTENDENT:

Signature: _____

Date: _____

Copy sent to Licensee on: _____

Copy sent to Region on: _____

Original to File on: _____

VISITOR'S ACKNOWLEDGEMENT OF RISK

In consideration of the services of _____ their officers, agents, employees, 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 you with appropriate equipment and skilled guides so you can enjoy an activity for which you may not be skilled, we wish to remind you this activity is not without risk. Certain risks cannot be eliminated without destroying the unique character of this activity. The same elements that contribute to the unique character of this activity can be causes of loss or damage to your equipment, or accidental injury, illness, or in extreme cases, permanent trauma or death. We do not want to frighten you or reduce your enthusiasm for this activity, but we do think it is important for you to know in advance what to expect and to be informed of the inherent risks. The following describe some, but not all, of those risks:
(description of risks)

I am aware that _____ entails risks of injury or death to myself. I understand the description of these risks is not complete and that other unknown or unanticipated risks may result in injury or death. I agree to assume responsibility for the risks identified herein and those 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 the risks.

I possess at least the following qualifications, which I understand are prerequisites to participate in this activity:

a. _____ b. _____

I certify that I am fully capable of participating in this activity. Therefore, I assume full responsibility for myself, including my minor children, for bodily injury, death and loss of personal property and expenses thereof as a result of those inherent risks and dangers and of my negligence in participating in this activity.

I have read, 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 minors accompanying me.

Signature: _____

Date: _____

Minor: _____

Date: _____

(signature of parent/guardian)

**JOSHUA TREE NATIONAL PARK
MONTHLY USE REPORT**

COMPANY NAME: _____

COMMERCIAL USE LICENSE #: _____

USER DAYS:

- _____ FRONTCOUNTRY DAY USE ONLY
- _____ FRONTCOUNTRY DAY USE; FRONTCOUNTRY CAMPING
- _____ BACKCOUNTRY DAY USE ONLY
- _____ BACKCOUNTRY DAY USE; FRONTCOUNTRY CAMPING
- _____ BACKCOUNTRY DAY USE; BACKCOUNTRY CAMPING

A user day is defined as one person utilizing the park for one day. For example: a group of 6 people including the group leader using the backcountry for a seven day trip is 42 user days (6 people x 7 days/nights = 42 user days). Frontcountry is defined as a developed zone such as a campground.

The Monthly Use Report is due the seventh day of each month. If you did not have any activity during a particular month, a report is not necessary.

It can be faxed to: (619)367-4403

or mailed to:

Special Programs Ranger
Joshua Tree National Park
74485 National Park Drive
Twentynine Palms, California 92277

If you have questions, you may call the Special Programs Ranger at (619)367-3523.

Joshua Tree National Park Special Use/Commercial Filming Fees/Cost Schedule-1995

1. APPLICATION FEE (PWE 456)

Commercial Still Photography and Special Use Activities (weddings, sporting, etc.)

*Administrative Cost \$125 (**minimum**-one time cost calculated from fees/costs worksheet)

Application Cost \$100 (Mohave Desert Park Average)

Application Fee \$225 **TOTAL (minimum if Administrative cost is \$125)**

Motion Pictures - Documentaries - Video Commercials

Application Fee \$600 (minimum)

2. FAIR MARKET VALUE FEE - (PWE 891)

***Fair market value* for desert landscape established by BLM specifically for use within the CDCA:

Commercial Still Photography and Special Use Activities (weddings, sporting, etc.)

Daily Permit Rates: 01-15 People \$100/day

15-30 People \$150/day

Over 30 People \$250/day

Motion Pictures - Documentaries - Video Commercials

Daily Permit Rates: 01-15 People \$300/day (minimum established by NPS- WASO)

15-30 People \$500/day

Over 30 People \$600/day

Fair Market Value Fee needs to be paid by separate check

3. MONITORING COST - (PWE 457) To be determined by Park Special Park Uses Coordinator (simple vs. complex). **Every SUP or Film Permit issued will be assessed a monitoring cost.**

Continuous Monitoring (on site) - \$50/hr./ranger

or

Incidental Monitoring (ranger drive by) - \$100/day

*Formula for determining Administrative Cost is standardized by BLM and established specifically for the CDCA (43CFR Ch. 11 (1D-1-94).

**Reference BLM CDCA Informational Bulletin No. CA 92-116.

NATIONAL PARK SERVICE
JOSHUA TREE NATIONAL PARK
COMMERCIAL USE LICENSE SURVEY

Licensee Name: _____

Company Name: _____

Address: _____

License Number: _____ Expiration Date: _____

1. What service do you provide to the park visitors?

2. How many visitors do you serve per year in the park area?

3. How much time do you or your customers spend in the park (days/hours)?

4. Is the park or its resources a primary or exclusive destination?

5. Is the park only incidental to the service you provide? _____ Yes _____ No

If yes, why? _____

What percent of the activity actually takes place in the park overall?

6. What are the annual gross receipts generated as a result of being in the park?

7. How is the answer to # 6 calculated?
