

UPPER DELAWARE SCENIC & RECREATIONAL RIVER COMMERCIAL USE AUTHORIZATION

CONDITIONS FOR WATER-BASED ACTIVITIES

- 19. Location:** This permit is applicable only for the use of the area(s) and terms designated below:
- a) All lands and waters under the jurisdiction/management of the National Park Service (NPS) at the Upper Delaware Scenic & Recreational River.
- 20. Conditions:** It is expressly understood that the permittee is subject to any and all special conditions. The permittee and all participants authorized herein must comply with all of the conditions of this authorization including all amendments or written directions of the Park Superintendent.
- 21. Suspension and Revocation Policy:** The NPS retains the right to suspend or revoke the CUA for reasons such as non-compliance, legal violations, or threats to public safety and park resources. It is the Holder's responsibility to review and understand Upper Delaware's Suspension and Revocation Policy before signing the CUA found on the [Upper Delaware Scenic and Recreational River's CUA webpage](#).
- 22. Management Fee Calculation:** The NPS has the authority to implement user charges to recover costs associated with managing commercial operations, as outlined in 31 U.S.C. 9701 and 16 U.S.C. 3a. It is the Holder's responsibility to know and understand the management fee schedule, which is detailed on both the official NPS Upper Delaware website and the online CUA portal during the application process. Failure to pay the management fee within 30 days of the bill's issuance may result in suspension of the Holder's authorization or ineligibility to apply for the subsequent CUA cycle.
- 23. Damages:** The Holder shall be liable for any damages to any Government property or managed resources resulting from these activities.
- 24. Selling Goods or Services:** This authorization does **not** authorize the Holder to advertise, solicit business, collect any fees or sell any goods or services on lands owned and managed by the United States.
- 25. Licensing, Credentials and Identification:**
- a) The Holder must acquire all permits required from New York State (NYS) and/or the Commonwealth of Pennsylvania (PA) and must operate in compliance with all pertinent Federal, State, and local laws and regulations, including, without limitation, all applicable park area policies, procedures and regulations. Please provide 72 hour written notification to upde_permits@nps.gov of groups of 100 or more including the date, approximate time of arrival, and the location the group will be putting onto and taking out of the river.
 - b) Fishing Guides: The Holder is responsible for having and providing copies of current and valid state resident/non-resident charter boat/fishing guide licenses as well as valid state fishing licenses.
 - c) The Holder must also assure their *client* has a valid and current fishing license (NY or PA) on their person if fishing, and documentation to validate identity – such as a valid state issued identification with a photo.
 - d) All guides (fishing or camp) must maintain certifications in Basic First Aid, Cardiopulmonary Resuscitation (CPR) and provide copies upon request.
 - e) Liveries/Camps: All commercial vessels will be clearly marked with the livery/camp's identifying name/logo on both sides to promote visitor safety and for easy identification from a distance.
 - f) Commercial fishing guide vessels will display a current NPS Arrowhead sticker, purchased through the National Park Service, on both sides of the vessel approximately ½ the distance between the bow and the stern, high enough above the water line to be visible from the river shore. If vessels are used as a personal & guiding vessel, the sticker may be applied to a placard that can be hung over the gunwale during commercial guiding operations. The placard system will need to be used if a guide utilizes more than five (5) vessels in their operation.
 - g) All guides must either carry a copy or have available an electronic version of their Commercial Use Authorization at all times.

26. Employer Guidance:

- a) If the Holder operates with contracted employees, including those labeled as 1099 contractors, they must provide a comprehensive list of authorized agents when submitting their application to the NPS for this authorization. The Holder is responsible for notifying the NPS of any changes to the list of authorized agents, and said notification is not valid until the NPS has confirmed receipt.
- b) The Holder is responsible for reporting any and all revenue accumulated under their authorization, including the revenue of 1099 contractors. Additionally, the Holder must understand and abide by the reporting guidance available on the [Upper Delaware Scenic and Recreational River's CUA webpage](#) to ensure compliance with all applicable requirements.
- c) The Holder is responsible for ensuring that all authorized agents operating under this Authorization comply with the terms and conditions outlined herein and may be held accountable for any violations committed by their authorized agents.

27. Commercial Equipment:

- a) A vessel encompasses all types of watercraft utilized or capable of being used for transportation on water, including any buoyant device that allows for free flotation.
- b) All commercially supplied equipment provided to the lessee must be in good working condition and free from defects, including, but not limited to, any observable damage, such as holes, tears, or other forms of damage that may impair the equipment's functionality or safety.
- c) The Holder is obligated to perform routine inspections and maintenance on all vessels. They must implement all necessary measures to ensure that rental vessels are safe and suitable for use by novice operators.
- d) This application for Commercial Use Agreement (CUA) will apply to the use of **powered, non-powered vessels or foot access** for the purposes of providing fishing guide services. A different Commercial Use Agreement for US Coast Guard Captains would be necessary for the use of powered vessels of any type or kind, and proof of Captain's status must be provided to the CUA Coordinator and included in the CUA's file before the CUA would be amended.
- e) Commercial vehicles will at no time block access for pedestrians or other vehicles in National Park Service owned, leased or administered areas while waiting for pick-up or following delivery of customers, canoes or other vessels. The only time the launching ramp areas will be used by vehicles is during actual pick-up and delivery of customers.

28. Customer Instruction:

- a) All Upper Delaware CUA Holders are *highly recommended* to use the NPS Visitor Acknowledgement of Risk (VAR) form. While it is no longer a requirement, utilizing the VAR aligns with the policy emphasizing the notification of visitors about inherent dangers in high-risk activities.
- b) All customers must be advised that trespassing/camping on private land without the landowner's permission is illegal and is subject to arrest, fine, or other actions. Camping is only allowed at commercial campgrounds and Buckhorn Recreation Area with a permit from PA Department of Conservation & Natural Resources District Office, Swiftwater, PA - (570) 895-4000 or NPS Interpretation Office, Lackawaxen, PA - (570) 685-4871, press 2.
- c) All customers must be provided instruction as to length of the proposed trip, and the average time required in order to complete the trip.
- d) Customers shall be provided guidance on requesting pick up for early trip termination to include alternate pick-up points, if available for the designated river section, emergency contact number for the livery, and estimated time for pick up.
- e) All customers shall be informed as to the location of public access and facilities available at these sites.
- f) All customers must be advised of how best to call for help in the event of an emergency on the river and how to identify their location on the river to 911 emergency services or by calling NPS's 24-hour Emergency Communications Center at (570) 426-2457.
- g) All customers must be informed of any special river conditions that could pose as a unique danger or threat while recreating on the river, including river conditions, construction, etc.
- h) All customers must be provided access to information regarding safety during severe weather such as thunderstorms accompanied by lightning.
- i) All customers will be informed about the NPS "Carry In Carry Out" policy, which states that anything brought into or onto the river must be removed at the end of the trip. Littering is illegal and may result in arrest, fines,

or other consequences.

- 29. Seasonal Restriction:** The U.S. Coast Guard defines “cold water” as water temperatures below 70°F. No vessel rentals shall be permitted unless the user is wearing, or is provided with and instructed to use, appropriate cold-water clothing or a wetsuit to prevent hypothermia.
- 30. Intoxication:** All businesses will take necessary measures to prevent visitors who exhibit clear signs of drug or alcohol impairment from beginning their journey. CUA holders shall not provide vessels or services to customers who are clearly intoxicated.
- 31. Personal Flotation Devices (PFDS):**
- a) One personal flotation device (PFD) is required for each person on board. The Holder must provide PFDs that are in good and serviceable condition, which is defined as being fully operational and free of rips, tears, holes, or damage to seams, straps, and hardware (e.g., clips). PFDs must function properly, meet all U.S. Coast Guard (USCG) specifications, and display a legible USCG approval tag.
 - b) The Holder is responsible for understanding and complying with the U.S. Coast Guard (USCG) regulations outlined in 46 CFR Part 160.
 - c) The Holder is required to conduct regular maintenance checks on all Personal Flotation Devices (PFDs) throughout the season to ensure ongoing compliance with safety standards. These checks should assess the condition, functionality, and cleanliness of each PFD, verifying that they remain in *good and serviceable condition* as specified.
 - d) The Holder must issue PFDs that are the proper size for each user. Proper wearing and adjustments must be demonstrated or illustrated to all users. To ensure compliance with the above condition all customers, regardless of experience or age, must be properly wearing, on and fastened, their PFDs upon departing for their trip,
 - e) Customers must be advised that PFDs should be worn at *all* times and *never* tied to the vessels. By law, they are required to be readily accessible.
 - f) Children 12 years and younger are required to wear PFDs by law at all times. All persons in or on the waters of the Delaware River within the Upper Delaware Scenic and Recreational River during periods of high water are required to wear a Type I, II, III, or V U.S. Coast Guard approved Personal Flotation Device (PFD/life jacket), while a Type IV is required on vessels 16 feet and above. High water is defined as six (6) feet and above, as measured at the Callicoon Gage for all points upstream of the northern side of the Narrowsburg Bridge. For the river downstream of that point to the southern boundary of the park, high water is defined as six (6) feet and above as measured at the Barryville Gage above Lackawaxen.
 - g) All persons shall wear a properly fitted U.S. Coast Guard approved PFD/life jacket during the cold weather months from November 1st through April 30th while underway or at anchor on boats less than 18 feet in length or any canoe or kayak.
- 32. Glass Container Ban:** For safety of all recreationists, the possession of glass containers is prohibited on the river and to the ordinary high-water mark.
- 33. Construction:** The Holder shall not construct any structures, fixtures or improvements on NPS owned or managed property which includes state accesses. The Holder shall not engage in any groundbreaking activities without the express, written approval of the park Superintendent.
- 34. Missing, Abandoned or Stranded Equipment:** It is the Holder's responsibility to retrieve all rental equipment. If the equipment cannot be retrieved, the Holder must notify the NPS as soon as practical by calling the NPS's 24-hour Emergency Communication Center at (570) 426-2457 regarding any missing, abandoned, or stranded vessels or equipment.
- 35. Notification of Emergencies, Injuries & Overdue Boaters:** The NPS must be notified of any emergencies or injuries occurring on the river, and any overdue customers as made known to the Holder, as soon as practical, by calling the NPS's 24 Hour Emergency Communications Center at (570) 426-2457.
- 36. Preservation of Natural Resources:** The permittee is prohibited under 36 CFR 2.1 from possessing, destroying, injuring, defacing, removing, digging, or disturbing the river and its natural state, as well as natural resources such as living or dead wildlife (only exemption being fish harvested in accordance with the laws of New York and Pennsylvania), their parts or products (e.g., antlers or nests), and plants or their parts and products. The introduction of wildlife, fish, or plants, including their reproductive bodies, into a park area

ecosystem is strictly prohibited.

- 37. Preservation of Cultural and Archaeological Resources:** The permittee is prohibited from possessing, destroying, injuring, defacing, removing, digging, or disturbing cultural and archaeological resources, including non-fossilized and fossilized paleontological specimens, cultural or archaeological resources, and their parts. Walking on, climbing, entering, ascending, descending, or traversing any archaeological or cultural resource, monument, or statue is allowed only in designated areas and under conditions established by the Superintendent.

If archaeological resources are discovered on NPS lands or waters during activities associated with the CUA, Upper Delaware Scenic and Recreational River Natural and Cultural Resource Program Manager is to be notified at 570-493-0269. If human remains, funerary objects, sacred sites, or cultural patrimony items are inadvertently discovered, all CUA activities must cease, and the Superintendent must be informed immediately at 631-873-8299.

Unauthorized disturbance of archaeological sites on federal lands or the removal of artifacts from federally managed property without a valid permit constitutes a violation of the Archeological Resources Protection Act (16 U.S.C. 470 ee, ff, gg), the Antiquities Act (16 USC 433), and other statutes. Violators are subject to criminal and civil penalties, including forfeiture of personal property.

- 38. Heavy Use Periods:** During heavy use periods such as weekends and holidays during spring, summer and fall, it is recommended that launch starting times of customers be staggered to avoid congestion in high use areas, i.e., Skinner's Falls.
- 39. Aquatic Invasive Species:** Aquatic invasive species such as zebra mussels, Eurasian watermilfoil, and water chestnut represent a significant threat to the ecological resources (plant and wildlife communities, habitat, etc.) of the Upper Delaware River. Boats, trailers, waders and other fishing and boating equipment can spread aquatic invasive species from waterbody to waterbody unless properly cleaned, dried or disinfected after use. Anglers and boaters are asked to be aware of the part they may play in the spread of invasive species and take action to help stem their spread. Although some invasive species are readily visible to the human eye, many others are too small to be readily noticed. Therefore, to avoid spreading invasive species all vessels that have been used in another waterbody must be checked, cleaned, drained, dried, and/or disinfected prior to being put on the Delaware River. Additional information on these simple steps can be found on the [NY DEC Clean, Drain, and Dry webpage](#).
- 40. Safety Message:** In addition to the customer instructions in Condition 25, the Holder is required to notify all customers of the "Water Safety Orientation" prior to vessel launch for any permitted activity. To the maximum extent possible, the Holder should provide the orientation verbally.
- 41. Business/Watercraft Liability Insurance:** If a Holder transports passengers in their watercraft in the performance of the service in the park, they are required to have Business/Watercraft Liability Insurance: \$500,000 minimum for fishing guides and \$1,000,000 minimum for liveries and camps is required. Additional information regarding insurance requirements is found in attachment A.
- 42. Commercial Automobile Liability Insurance:** If a Holder transports passengers or uses a vehicle in the performance of the service in the park, they are required to have Commercial Automobile Liability insurance. If transporting clients to or from accesses a shore-side insurance rider will be required. The auto liability insurance must include coverage of "owned, leased, rented or hired" vehicles if the Holder rents or leases vehicles. Automobile liability insurance will be in the amount that reflects minimum liability for bodily injury and death in the state where the vehicle is registered and/or operated. Additional information regarding insurance requirements is found in attachment

A. Commercial auto insurance provides:

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

- 43. Noise Control and Mitigation:** The Holder must inform customers of noise level restrictions in compliance with

36 CFR § 2.12, which prohibits unreasonable noises that disrupts the natural soundscape of the national park or disturbs other visitors. Any noise considered unreasonable, given the nature and purpose of the visitors' activities, specific location, time of day or night, intended use of the area, and impact on other park users, is not permitted.