



NANCY & UIDEAN  
**CHRISTIAN  
TOURS**  
  
P.O. BOX 890 • NEWTON, N.C. 28658  
PHONE: (828) 465-3900

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Thursday, July 25, 2019

Ms. Phadrea Ponds  
Acting NPS Information Collection Clearance Officer  
National Park Service  
1201 Oakridge Drive  
Fort Collins, CO 80525  
EMAIL: [phadrea\\_ponds@nps.gov](mailto:phadrea_ponds@nps.gov)

**RE: OMB Control Number 1024-0268, Agency Information Collection Activities; Commercial Use Authorizations**

Dear Ms. Ponds,

Christian Tours/Burke International Travel opposes the National Park Service's (NPS) request to renew its information collection authority, in support of the Commercial Use Authorization (CUA) program, as published in the Federal Register on May 28, 2019, under OMB control number 1024-0268. We do not believe NPS fairly describes the burden involved, nor are the forms identified in the notice appropriate. We also believe NPS does not need to collect all this information, as it is already available and not necessary to manage the CUA program.

Our company is a family-owned business that has offered travel opportunities for families, senior citizens and student groups in North Carolina & across our region for over 40 years. We employ over 150 people in our company (including more than 50 "on-tour" staff from our roster of professional motor coach drivers and tour escorts), and provide opportunities to the customers we serve that most of them would not be able to enjoy without our services. Since we opened in 1977, we have grown into one of the largest tour operators in the Southeast, offering over 100 different tour itineraries across the United States and around the world. We offer motorcoach tours, as well as fly trips, cruises and international travel. The National Parks are a big part of our domestic tours, particularly those that go to the Midwest and West Coast, with more than half of the 400+ NPS sites currently listed on your website included on at least

one of our retail catalog trips. Many of the most popular NPS sites (like the Grand Canyon, Yosemite, etc.) are included on multiple departures and itineraries, and we estimate that in an average year, we take between 200-300 separate groups onto NPS sites across the country. The National Parks have been an essential part of our tour planning, and are one of the more popular items that our passengers want included in the tours that they purchase. The current proposed changes to the National Park Service's CUA process will completely devastate our business in regards to these trips in particular.

The May 28 Information Collection Request (or ICR) notice is inaccurate in a number of ways, but most notably because not all of the associated costs are included in the burden calculation, the number of CUA applicants is underestimated, and the time burden estimates for both the CUA application and CUA annual report are grossly miscalculated. From what we can tell, it looks like NPS republished the same information it used in 2016 to renew authority, and **did not make any adjustments for the significant CUA changes it made last April**, namely requiring a CUA at every NPS site, along with new fees and reporting requirements attached to each one. Also, there are a number of errors in the notice, like the telephone number, cost of a CUA application and identification numbers for the forms.

## **COSTS**

As mentioned, the ICR notice does not accurately reflect the real cost burdens under the new CUA requirements. The estimates are entirely wrong. There are several areas of the proposed changes which will negatively impact our business from a cost standpoint, each of which will be addressed below.

The most significant area that will impact our industry most negatively is the CUA application process itself, which imposes a separate commercial use authorization permit for **each and every park** for road-based commercial tour operators. This change alone requires our company to apply for a permit with an application fee of \$300 for ANY NPS SITE we visit, which will impact the base cost of our tours significantly. **This figure was COMPLETELY MISREPRESENTED in the NPS's ICR notice submitted on May 28<sup>th</sup>** (it lists the CUA application fee as \$100 per park, which wasn't changed from the last submission it made in 2016, and **was changed to \$300 per park BY THE NPS ITSELF IN 2018!!**) On top of that, there is another significant increase in cost that we've never had before, because under the new policies we will be required to prepare CUA's and pay application fees (\$300 each) **at all other NPS sites that are not classified as "national parks", which do not currently require any of these things** (such as the Wright Brothers Memorial in Kitty Hawk, the FDR Home & Museum in New York, Fort Sumter Historic Site in SC, a myriad of memorials and historic sites in Washington DC, and a host of others that we send groups to annually which don't fall under what we would call "National Parks"). Considering that we had no CUA application costs to any of these sites last year, this will be a

significant increase to our burden, and we know our business is not the only one affected. Combining all of these sites with the actual “parks” that we visit, our company alone will visit over 100+ NPS sites on our current retail itineraries, with another 100+ sites that we could potentially include with more customized itineraries that we build for specialty groups (like schools or church organizations, which design their own tours individually in addition to those which we advertise in our catalog).

Looking at just our 2019 retail tours will illustrate the impact that the CUA application fee requirement **ALONE** will have on our business. In our 2019 catalog, we visit more than 30 different National Parks, with another 75-100 NPS “sites” included as well. Just to show how inaccurate the cost impact is in the NPS ICR documents, let’s compare how those numbers affect our operating costs under the current system and the new proposed system. Under the current NPS system, we are required to get a Commercial Use Authorization (CUA) permit to operate in 5 of the national parks **and NONE of the other NPS “sites”** which we visit, at a cost of \$300 per application fee. This is a cost of \$1500 annually in CUA application fees for a calendar year. The new NPS proposal would have a CUA required for ALL of the NPS sites that we visit (national parks, battlefields, homes or historical sites alike), **so in application fees alone, we are looking at a 2000% increase in cost (we would go from paying \$1500 annually to over \$30,000 annually for the PERMIT APPLICATION FEES ALONE).**

In addition to this, under the new NPS policies, all CUA holders will also now be required to pay a \$5 per person “CUA Management Fee” for every person who visits an NPS site throughout the calendar year. For parks that charge admission fees, this will be built into the fee that is paid on arrival with each group. For NPS sites which do not charge an admission fee to visit, we will still be required to pay the \$5 per person fee at the end of each year (in other words, if we took 500 people to a “free” NPS site during the year, we’ll have to submit a report and pay \$5 per person at the end of the season in one lump sum, since the park doesn’t collect a fee at the gate on arrival). **This fee ISN’T EVEN MENTIONED in the May 28<sup>th</sup> ICR notice from NPS, but will add a significant amount to our costs as well.** As an added “wrinkle” to complicate things even further, **this \$5/passenger CUA fee is applied to ALL passengers in a group, regardless of whether or not any of the passengers are currently exempt from the park entrance fee on the day that their tour visits the NPS site** (due to age or some other exemption). In other words, if we have 10 school-aged children on a tour that visits an NPS site, they would not be charged any admission fee on arrival (since they are younger than 16 years old and are exempt from that as a result). **HOWEVER, we would have to note them on our Annual Report, and WOULD STILL BE REQUIRED to pay the \$5 fee for those passengers at the end of the year.**

To put the full scope of the impact that just the proposed CUA fee changes will have on our business into context, let me provide another example.

- For a tour itinerary which includes 4-5 national parks, **we would face an additional cost of \$2750 MINIMUM, and that figure does not include the increased entrance fees (which is unknown as they differ per park).**

- That increase would include \$1200-1500 in CUA application fees (\$300 for each park CUA), as well as the additional \$5/passenger for the CUA administrative fee (so if 50 passengers are on the trip, at an additional \$250 for each park, resulting in an total cost of \$1000-1250 for a 4-5 park tour).
- In addition, we would be required to file a report on this tour and keep track of whether any of the parks did not charge the entrance fee, because the requisite \$5/passenger fee would then need to be submitted as part of the CUA report to that park at the end of the year.

Finally, **the new NPS proposal also SIGNIFICANTLY changes the entrance fees for anyone visiting a national park**, and this will impact our business negatively as well. Under the current system, tour operators like our company pay a flat fee to enter each park, which is based on vehicle size. As such, the motor coaches that we operate pay a flat rate based on a vehicle that has an occupancy of 25 or more people, regardless of how many people are actually in the vehicle. These costs range from \$100-300 per group, depending on the demand/popularity of the park we are visiting, and on average are around \$150 per visit to a park. **Under the new NPS proposal, any park or NPS site which charges admission fees will be changing to a per person fee, which will average about \$15 per person (rates vary from site to site, and MANY ARE STILL UNDETERMINED AT THIS TIME.**

I'll give an example of how these admission fee changes would affect our business on one visit to one park, from the current policy to the new proposed policy (this is based off of 35 people on 1 bus visiting 1 park for 1 day):

- Current Proposal--\$150 for motor coach group
- New Proposal--\$525 for the same group (paying \$15 per person w/ 35 people paying)—*note that this amount DOES NOT include the \$300 CUA fee which we will pay for this NPS site, whether we visit it only once during the year or with 30 busses over the course of that same year.*

Please keep in mind that these numbers would be even more severe if our groups are sold out, which many are when we travel to the west coast (our coach can hold up to 48 paying customers, so for groups that are full, the discrepancy between what we pay currently and what we'd pay under the new proposal is even more significant). **Even with the modest estimate shown above, we would have an increase of 350% PER VISIT, and that's just one park for one day. Based on just this conservative estimate, we will pay well over \$100,000 more annually in PARK ENTRANCE FEES ALONE under the new proposed changes**, a burden that was **NOT ACCURATELY OUTLINED** in the May 28<sup>th</sup> NPS ICR notice either!

**When you extend the figures outlined above out to the approximately 150 NPS sites we include in our itineraries, and the 300+ group visits planned to those sites each year, the numbers become staggering, and it becomes clear why our concerns are warranted! In short, collectively, the NPS's actions are designed to penalize travel by motorcoach.**

As a small business, because of these increased costs (which we may or may not be able to pass on to customers) we are going to be rethinking our trips to National Park sites. These additional costs are not easily passed on to our customers, since many of them are retired folks who are living on fixed incomes and are therefore sensitive to costs. The administrative challenges (and quite frankly the anticipated loss of customers due to an increase in prices) will likely force our company to discontinue all operations involving visits to NPS sites. **Rather than helping to assuage the budget problems the NPS faces, the current proposal will likely complicate them further.**

This brings up another significant burden that the proposed NPS changes will place on our industry, **and one that is not outlined accurately or adequately in their May 28<sup>th</sup> ICR notice either.** Under the new CUA permit process, tour operators ***will now have to file an annual report at each and every park where they hold a CUA at the end of each calendar year,*** reporting exactly how many visitors we had in each site over the course of that year. In addition to that, we will be expected to keep track of whether or not each group was charged an entrance fee (and if so, how many people were “exempted” from it due to the circumstances outlined above), in order to pay the additional \$5 CUA management fee for any visitors to NPS sites who did not already pay it earlier in the year. **The increased workload and man-hours that will be added to prepare more than 20 times the number of CUA applications and Annual Reports that we are currently required to submit is SIGNIFICANT,** and puts another unneeded strain on our business. Our most CONSERVATIVE estimates indicate that we will need to commit at least 2 hours per month **PER CUA SITE** in order to maintain the information that the NPS proposal requires, so for our company, **we’re anticipating AN ADDITIONAL 280 HOURS PER MONTH (35 8-hour workdays for an individual person) in man-hours required to meet this requirement, one that goes unaddressed as a “hidden cost” in the May 28<sup>th</sup> NPS ICR communication.** At the current time, there is no definitive answer to whether or this process will be standardized or streamlined to make it more efficient, although it certainly could be (see below for suggestions on how best to do so).

## **NEED FOR THE DATA**

In addition to the cost impact outlined above, the information NPS plans to collect using the CUA application form is unnecessary, burdensome and unpractical. Our business is based largely on customer interest, which means that we plan tours a 6-months to a year in advance of when they actually depart, with no way of knowing whether or not each individual departure will sell well enough to send out on the road. As such, many of the specifics that the NPS forms ask for are unrealistic.

A few simple examples of this situation are the driver and/or vehicle specifics requested on the CUA application and annual report forms (Forms 10-550 and 10-660). Both of these forms request specifics on vehicles and drivers that will be impossible to provide as far in advance as the CUA application will need to be submitted, based on the current projections and timeline for having it approved and back to us for use. Our drivers, for example, are assigned (at most) 6 weeks-2 months prior to a given tour departure, based on which tours are selling well, which tours each individual driver has driven immediately preceding the one that the CUA addresses, and a host of other variables that come into play which are too numerous to list out here. The vehicle used by each group is even more unpredictable, with maintenance schedules, repairs needed and a variety of other factors playing into that decision as well. Asking for this information several months in advance of each CUA, as part of the application process in particular, is going to be impossible to provide accurately. **This is EVEN MORE TRUE when we have to use a charter bus company** (hiring a vehicle and driver from outside of our own fleet), which is required from time to time on some of our tours that operate further from our base of operations.

In addition to the unrealistic nature of requiring this information, it's also redundant. **Much of the vehicle and company-safety information being required as part of the CUA process is ALREADY ON FILE with the Department of Transportation & the Federal Motor-Carrier Safety Administration.** Both of these are organizations **have the SPECIFIC PURPOSE** to oversee the safety & protection of the public traveling on commercial vehicles, overseeing insurance requirements, monitoring the safe disposition of commercial equipment, and enforcing compliance with training and procedures for commercial drivers. **The information that the NPS is requiring for submission as part of the CUA application and report is actually a duplication of what is required of us already by the DOT/FMCSA in terms of commercial passenger vehicles.** As such, we see no reason that NPS can't obtain the data that they are requesting from DOT directly, rather than increasing the burden on the motorcoach travel industry with this CUA information collection request.

This is just one example of many that are problematic in the current NPS changes being proposed. Others include insurance requirements (some of which may not be possible to comply with or would require additional extra cost to do so), copies of our insurance coverage for each group coming into a park, and gross receipts from the company's operations, which fall exclusively outside of anything that the NPS has purview to require.

## **MINIMIZING THE BURDEN**

In the ICR notice, NPS asks how it can minimize the CUA burden. **If the Agency is serious about this, then it should STRONGLY CONSIDER delaying the implementation of the proposed changes,** in order to allow policies and infrastructure to be put into place to make this a reality.

Several changes that could be made immediately which we believe would help to greatly minimize the burden include:

- Providing an online portal where ALL CUA RELATED INFORMATION can be handled in one place (this has been proposed by NPS, but is not likely to be in place prior to the projected October 1<sup>st</sup>, 2019 implementation of the organization's new policies).
- **A Universal CUA application which can be completed ONCE** and then sent/applied to all NPS sites visited in a calendar year (similar to what many states, including North Carolina, have in place for applying to in-state colleges for high school graduates)
- **A Universal Annual Report, which can be completed once** and updated for all NPS sites visited in a year (similar to the CUA proposed above)
- Tiered or graduated CUA fee requirements (for example, rather than \$300 per park, a fee of \$1000 for up to 10 parks, \$2000 annually for up to 20 parks/sites, etc.). This would actually ENCOURAGE more NPS site visits, if including more of them gave a greater COST BREAK to those applying for them.
- Standardized fee structures across all NPS sites
- ELIMINATION of the CUA Management Fee altogether, or application of it at all NPS sites on arrival, as opposed to end of year (having this tied to the Annual Reports is problematic in MANY ways, as outlined above).

Christian Tours/Burke International Travel is not opposed to reasonable fees under the CUA, or the collection of necessary information, as we support the NPS. However, the burdens outlined in this ICR are not only inaccurate in terms of estimating the new CUA requirements, they are unrealistic and burdensome as well, **and demonstrate that NPS does not understand our industry or the burdens they are imposing.**

Christian Tours/Burke International Travel opposes this ICR for all the reasons described above. In addition, NPS should review the notice and clean up the errors, as it has made it more difficult to submit comments on time. Finally, like all other federal agencies asking for comments, NPS should put these notices on regulations.gov to make it easier to submit comments.

Sincerely,



Benjamin T. Keisler

Director of Tour Operations