



STATE OF ALASKA
Department of Natural Resources
Division of Mining, Land and Water

Dear Applicant:

A **Commercial Recreation Permit (CRP)** is required for any commercial recreation operator or business using State owned land managed by the Division of Mining, Land and Water (DMLW) to locate short term (portable) camps that will remain overnight or up to, but no longer than, 14 days in any one location. The CRP can be issued to cover short-term (portable) camp use on a seasonal or year round basis.

Please do not use this form for floating facilities on tide and submerged lands. (Instead use Land Use Permit)

If you are planning to conduct a commercial recreation activity that will require the use of short-term (portable) camps on state land, please complete the enclosed Commercial Recreation Permit form. **In Section 2:**

- identify the location where short term (portable) camps will be used on state land and the recreation activity/activities these camps will support,
- identify whether or not short term (portable) camps will be used within any portion of the Bering Straits CRSA and/or any State of Alaska Refuge, Sanctuary or Critical Habitat Area which are located completely or partially in the coastal zone. (*If yes, please complete and submit an Alaska Coastal Management Coastal Project Questionnaire.*),
- circle the month(s) of the calendar year short term (portable) camps will be used, and
- sign and date the permit form.

The completed permit form and the annual permit fee (*either \$500 for a period of six months or less within a calendar year, or \$1,000 for up to 12 months within a calendar year*) can be returned to one of the offices listed below. Checks or money orders should be made payable to the State of Alaska.

Please Note: This permit is subject to a \$2.00/day “Visitor Day” fee. This two dollar fee is assessed for each calendar day, or portion of a calendar day, that an individual client is served at any short term (portable) camp authorized under the permit. Visitor Day fees will be due within the thirty (30) day period following the end of the authorized term of use in each calendar year covered under the permit. Visitor Day fees (*for those permits with multiple terms of use within a calendar year*) will be due within the thirty (30) day period following the end of the last authorized term of use in each calendar year covered under the permit.

Public Information Center
550 W. 7th Ave, Suite 1200
Anchorage, AK 99501
(907) 269-8400

Public Information Center
3700 Airport Way
Fairbanks, AK 99709
(907) 451-2705

Southeast Region
PO Box 111020
Juneau, AK 99811-1020
(907) 465-3400

STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER
COMMERCIAL RECREATION PERMIT
 Under AS 38.05.850

LAS: _____

(Receipt Code: 7E)

This permit is issued for the purpose of authorizing the use of short-term (portable) recreational camps on state owned land managed by the Division of Mining, Land and Water. It is not to be used for floating facilities on tide and submerged lands.

SECTION #1: PERMITTEE INFORMATION

Name of Commercial Recreation Guide/Operator: _____

Business Name: _____

Address: _____ City/State/Zip: _____

Telephone Number: _____ Email Address: _____

FAX: _____ Date of Birth _____ EIN _____

SECTION #2: PERMITTED ACTIVITY AND PERMIT TERM: Identify commercial recreation activity/activities for which short term (portable) camps **will be** established to accommodate employees and clients, and provide a general description of the location(s) (e.g. guide use area, game management sub-unit, river, stream, lake, etc.) the recreational activity/activities and short term (portable) camp use will occur.

___ **Big Game Guiding: (List up to 3 Guide Use Areas.)** _____

___ **Sportfishing (List river corridors, lakes, etc.)** _____

___ **Boating/Rafting/Kayaking: (List river corridors, lakes, etc.)** _____

___ **Other Recreation: (Type and general geographic description.)** _____

- Will activities include use of state land in the Haines Borough? Yes ___ No ___

If yes, please contact the Southeast Regional Land Office at (907) 465-3400.

- Is all or a portion of any of the above identified areas located within the Bering Straits CRSA? Yes ___ No ___

- Identify any State of Alaska Refuge, Sanctuary and/or Critical Habitat Area short term (portable) camps that will be used.

Circle Months Short-Term (Portable) Camps will be Used: Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.

This permit is valid for the following calendar year: _____

By signing this form, the permittee agrees to conduct the activity in accordance with the stipulations on Pages 2 – 4.

Signature of Permittee _____

Date _____

SECTION #3: PERMIT FEES AND ISSUANCE (for State use only)

Per Stipulation 26, annual fee of ___ \$500 or ___ \$1,000 plus \$2.00/day "Visitor Day" fee

Signature of Authorized State Representative _____

Date of Issuance _____

Permit Stipulations:

- 1) **Permit Term.** The term of this authorization is from the first day to the last day of each month of the above identified months, during the calendar year authorized. Use of short-term (portable) camps on state land shall be limited to the months identified on Page 1.
- 2) **Short Term (Portable) Camp Use: Quantity.** This permit authorizes the simultaneous use of three short-term (portable) camps by the permittee and one additional short-term (portable) camp for each assistant guide employed by the permittee at any one point in time during the term of this permit.

Duration and Relocation. (a) On most state owned land, short-term (portable) camps may remain in one specific location for **up to 14 days**. On or before the last day allowed, short-term (portable) camps must be dismantled and moved at least **two miles**. All short-term (portable) campsites shall be left vacant and in a clean, safe condition. Relocation starts a new 14-day period.

Time Away: Short term portable camp locations must be vacated a minimum of 4 days (96 hours), prior to returning to the same site. The same site is defined as any location within 2 miles of a previously used camp site.

(b) In Game Management Sub-Units where the "spring bear-hunting season" is 21 days or less, a short-term (portable) camp may remain at the same site for the term of the "spring bear-hunting season." **NOTE:** This exception to the 14-day limit does not apply to state owned land located within the Nushagak and Mulchatna Rivers Recreation Management Plan, or other areas where shorter than 14-day limits have been established. Shorter than 14 day limits exist in the following areas:

- In Public Use Sites #6, #9 and #21, identified in the Nushagak & Mulchatna Rivers Recreation Management Plan, the limit is 7 days.
 - On state-owned land subject to the Susitna Basin Recreation Rivers Management Plan, the limit is 4 days from May 15th through August 31st. (Little Susitna, Deshka, Talkeetna, Lake Creek, Talachulitna and Alexander Creek)
 - On state-owned shorelands within the Togiak National Wildlife Refuge and the lower Goodnews River, the limit is 3 days.
 - On state-owned land within the Lower Talarik Special Use Area, commercial camps are not allowed from August 1st through October 31st. From August 1st through October 31st commercial recreation activities are allowed on a "day use" basis only.
- 3) **Site Disturbance.** Site disturbance shall be kept to a minimum amount of ground necessary to protect local habitats. All activities shall be conducted in a manner that will minimize the disturbance of soil and vegetation and changes in the character of natural drainage systems. Particular attention must be paid to prevent pollution and siltation of streams, lakes, ponds, seeps and marshes, and to prevent disturbances to fish and wildlife populations and habitats.
 - 4) **Solid Waste.** Prior to removal, all garbage and debris that are subject to decomposition will be stored in bear-proof containment. All solid waste, debris and hazardous substances generated from short-term (portable) camp use or other activities conducted in accordance with this authorization shall be removed to a facility approved by the Alaska Department of Environmental Conservation (DEC). Trails and campsites must be kept clean and safe.
 - 5) **Timber Use.** Only dead and down timber may be used. Brush clearing is allowed, but must be kept to the minimum necessary to set up a camp.
 - 6) **Greywater and Human Waste Disposal.** All greywater or human waste must be disposed of in a pit, cathole, or containment that can easily be transported to allow for disposal at a DEC approved disposal site. If a pit or cathole is used, it must be located at least 100 feet from the ordinary high water mark of the nearest waterbody, and back-filled prior to leaving the site. For additional information, contact the local DEC District Office.
 - 7) **Fuel Storage.** The total combined fuel stored at a short-term (portable) campsite shall not exceed 50 gallons. All containers must be clearly marked with the contents and the permittee's name. The permittee is responsible for preventing spillage and contamination of contiguous land and water as well as cleaning up any oil or other pollutants that result from activities associated with this permit. Drip pans and absorbent pads must be available to contain and clean up spills from any transfer or handling of fuel.
 - 8) **Spill Notification.** The permittee shall immediately notify DEC by telephone, and immediately afterwards send DEC a written notice by facsimile, hand delivery, or first class mail, informing DEC of: any unauthorized discharges of oil to water, any discharge of hazardous substances other than oil; and any discharge or cumulative discharge of oil greater than 55 gallons solely to land and outside an impermeable containment area. If a discharge, including a cumulative discharge, of oil is greater than 10 gallons but less than 55 gallons, or a discharge of oil greater than 55 gallons is made to an impermeable secondary containment area, the permittee shall report the discharge within 48 hours, and immediately afterwards send DEC a written notice by facsimile, hand delivery, or first class mail. Any discharge of oil, including a cumulative discharge, solely to land greater than one gallon up to 10 gallons must be reported in writing on a monthly basis. The posting of information requirements of 18 AAC75.305 shall be met. Scope and Duration of Initial Response Actions (18 AAC 75.310) and reporting requirements of 18 AAC 75, Article 3 also apply.

The permittee shall supply DEC with all follow-up incident reports. Notification of a discharge must be made to the nearest DEC Area Response Team during working hours: Anchorage (907) 269-7500, fax (907) 269-7648; Fairbanks (907) 451-2121, fax (907) 451-2362; Juneau (907) 465-5340, fax (907) 465-2237. The DEC oil spill report number outside normal business hours is (800) 478-9300.
 - 9) **Removal of Personal Property.** All components of short-term (portable) camps, personal property (e.g. camp gear, fuel storage containers, etc.), hazardous substances and solid waste must be removed from state owned land on or before the end of each authorized term of use, or on or before permit termination.

- 10) **Operation of Vehicles.** Vehicles shall be operated without disturbing the vegetative mat and underlying substrate. The permittee must obtain a permit from the Division of Mining, Land and Water for any off road vehicular travel with the exception of generally authorized vehicles.
- 11) **Inspections.** All short-term (portable) camps on state-owned land are subject to inspection by state agency personnel at any time.
- 12) **Public Access.** Landing areas or trails shall not be closed nor shall the permittee prevent overland access used by the general public. The ability of the general public to use and access state land or public water must not be restricted in any manner.
- 13) **Alaska Historic Preservation Act.** The Alaska Historic Preservation Act (AS 41.35.200) prohibits the appropriation, excavation, removal, injury, or destruction of any state owned historic, prehistoric (paleontological) or archaeological site without a permit from the commissioner. Should any sites be discovered during the course of field operations, activities that may damage the site will cease and the Office of History and Archaeology in the Division of Parks and Recreation (907) 269-8721 and the appropriate coastal district shall be notified immediately.
- 14) **Fire Prevention, Protection and Liability.** The permittee shall take all reasonable precautions to prevent and suppress forest, brush and grassfires, and shall assume full liability for any damages to state land resulting from negligent use of fire. The State of Alaska is not liable for damage to the permittee's personal property and is not responsible for forest fire protection of the permittee's activity. *In Southeast Region, no campfires are allowed beneath the forest canopy, or areas with forest soils. Small campfires are only allowed on intertidal beach areas, or sand and gravel bars located along streams and rivers.*
- 15) **Compliance with Requirements.** The permittee shall comply with all applicable laws, regulations, rules and orders, and the requirements and stipulations included in this authorization. The permittee shall inform and ensure compliance with these stipulations by his agents, employees and guests. This authorization is revocable immediately upon violation of any of its terms, conditions, and stipulations or upon failure to comply with any applicable laws, statutes and regulations (state and federal).
- 16) **Indemnification.** Permittee assumes all responsibility, risk and liability for all activities of the permittee, its employees, agents, guests, contractors, subcontractors or licensees directly or indirectly conducted in conjunction with this permit, including environmental and hazardous substance risks and liabilities, whether occurring during or after the term of this permit. Permittee shall defend, indemnify and hold harmless the State of Alaska, its employees and agents from and against any and all suits, claims, actions, losses, costs, penalties and damages of whatever kind of nature including all attorney fees and litigation costs, arising out of, in connection with or incident to any act or omission by permittee, its employees, agents, guests, contractors, subcontractors or licensees unless the sole proximate cause of the injury or damage is the negligence or willful misconduct of the State or anyone acting on the States behalf. Within 15 days, Permittee shall accept any such cause action or proceeding upon tender by the state. This indemnification shall survive the expiration or termination of this permit.
- 17) **Valid Existing Rights.** This authorization is subject to all valid existing rights in and to the land covered under this authorization. The State of Alaska makes no representations or warranties, whatsoever, either expressed or implied, as to the existence, number or nature of such valid existing rights.
- 18) **Reservation of Rights.** The division reserves the right to grant additional authorizations to third parties for compatible uses on or adjacent to the land covered under this authorization. Authorized concurrent users of state land; their agents, employees, contractors, subcontractors and licensees shall not interfere with the operation or maintenance activities of each user.
- 19) **Public Trust Doctrine.** The Public Trust Doctrine guarantees public access to and the public right to use navigable and public waters and the land beneath them for navigation, commerce and other purposes. This authorization is issued subject to the principles of the Public Trust Doctrine regarding navigable or public waters. The Division of Mining, Land and Water reserves the right to grant other interests consistent with the Public Trust Doctrine.
- 20) **Termination.** This permit is **not a property right**. It is a temporary authorization, **revocable by the state with or without cause**.
- 21) **Preference Right.** No preference right for long term use or conveyance of the land is granted or implied by the issuance of this authorization.
- 22) **Assignment.** This permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party. It is issued to authorize specific activities requested by the permittee that are not included in the category of "generally permitted (allowed) uses." (11AAC 96.010 - .020)
- 23) **Other Authorizations.** This permit does not eliminate the need to obtain other necessary authorizations from federal, state and local agencies and affected private entities.
- 24) **Change of Address.** Any change of address must be submitted in writing to the office of responsibility.
- 25) **Amendments.** The permittee must have the prior written approval of the appropriate regional office of the Division of Mining, Land and Water to use short-term portable camps in areas other than those specified in this authorization.
- 26) **Permit Fees:** Pursuant to 11 AAC 05.010(e)(3)(C)(i – iii), this permit is subject to: (a) a permit fee of: **\$500** for a permit authorizing short term (portable) camp use for six months or less in a calendar year, or **\$1,000** for a permit authorizing short term (portable) camp use for up to 12 months within a calendar year. The annual permit fee will be due on or before the first day of the first month identified on Page 1.

(b) a Visitor Day fee. This permit will be subject to a **\$2.00/day “Visitor Day” fee** for each client present (*at a permitted camp*) at any time during a calendar day authorized under this permit. Visitor Day fees will be due within the thirty (30) day period following the end of the authorized term of use covered under the permit

Definition of Visitor Day (11 AAC 96.250(18)): “Visitor Day” means all or any part of a calendar day which a commercial recreation client is present, with each client representing a separate visitor day if multiple clients are present at any time during a calendar day.

- **Penalty for Late Payment of the annual permit fee:** The greater of either the fee specified in 11 AAC 05.010 or interest at the rate set by AS 45.45.010 will be assessed on past due accounts until the payment is received by the State of Alaska.
- **Returned Check Penalty:** A returned check fee as provided in 11 AAC 05.010 will be assessed for any check on which the bank refuses payment.
- **Failure to Pay:** Failure to pay either the annual permit fee and/or visitor day fees when due is a default of the terms and condition of this permit. Failure to pay fees subjects this permit to termination.

The non-receipt of a courtesy billing notice does not relieve the permittee from the responsibility of paying fees on or before the due date.

27) **Registration of Commercial Recreation “Day Use” Activities:** Prior to beginning seasonal operations covered under this permit, the permittee shall register commercial recreation “day use” activities in accordance with 11 AAC 96.018. Registration may be completed on line at www.dnr.state.ak.us/mlw/commrec or at one of the DNR public information offices. For more information call 269-8400 or email PIC@dnr.state.ak.us.

Advisory Regarding Violations of the Permit Guidelines: Pursuant to 11 AAC 96.145, a person who violates a provision of a permit issued under this chapter (*11 AAC 96*) is subject to any action available to the department for enforcement and remedies, including revocation of the permit, civil action for forcible entry and detainer, ejectment, trespass, damages, and associated costs, or arrest and prosecution for criminal trespass in the second degree. The department may seek damages available under a civil action, including restoration damages, compensatory damages, and treble damages under AS 09.45.730 or 09.45.735 for violations involving injuring or removing trees or shrubs, gathering geotechnical data, or taking mineral resources.

(b) If a person responsible for an unremedied violation of 11 AAC 96 or a provision of a permit issued under this chapter (*11 AAC 96*) applies for a new authorization from the department under AS 38.05.035 or 38.05.850, the department may require the applicant to remedy the violation as a condition of the new authorization, or to begin remediation and provide security under 11 AAC 96.060 to complete the remediation before receiving the new authorization. If a person who applies for a new authorization under AS 38.05.035 or 38.05.850 has previously been responsible for a violation of this chapter or a provision of a permit issued under this chapter, whether remedied or unremedied, that resulted in substantial damage to the environment or to the public, the department will consider that violation in determining the amount of the security to be furnished under 11 AAC 96.060 and may require the applicant to furnish three times the security that would otherwise be required.

The Regional Manager reserves the right to modify the stipulations attached and made a part of this permit or attach additional stipulations when deemed necessary. The permittee will be advised before any such modifications or additions are finalized. Any correspondence on this permit may be directed to the appropriate regional land office.

Northern Region
3700 Airport Way
Fairbanks, AK 99709-4699
(907) 451-2740

Southcentral Region
550 W. 7th Ave, Suite 900C
Anchorage, AK 99501-3577
(907) 269-8503

Southeast Region
PO Box 111020
Juneau, AK 99811-1020
(907) 465-3400

This form must be filled out completely and submitted with the applicable fees. Failure to do so will result in a delay in processing your permit. AS 38.05.035(a) authorizes the director to decide what information is needed to process a request for the sale or use of state land and resources. This information is made part of the state public land records and becomes public information under AS 09.25.110 and 09.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(9) and confidentiality is requested). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy and completeness under AS 44.99.310, by giving a written description of the challenged information, the changes that need to be corrected, and a name and address where the person can be contacted. False statements made in a request for a benefit are punishable under AS 11.56.210.