

## **Stipulations for Kenai River Commercial Fishing Guide Permits Alaska State Parks**

The following stipulations apply to all Non-Competitive Park Use Permits for Commercial Activities issued by the Division of Parks and Outdoor Recreation (DPOR). Noncompliance with the terms described below may result in a citation being issued to the operator for violation of 11 AAC 18.030(c) and the suspension or revocation of this permit.

- 1. Authorized Officer.** The Authorized Officer (AO) for the State of Alaska (State), Department of Natural Resources (DNR), Division of Parks and Outdoor Recreation (DPOR), is the Deputy Director or designee.
- 2. Payment of Commercial Use Permit Fees.** Commercial Use Permit fees must be paid in full prior to issuance of any permit. Permit fees are specified by the Director's Order and available on the DPOR website: <https://dnr.alaska.gov/parks/permit/index.htm>.
- 3. Insurance Required.** Without limiting indemnification, the liability insurance required of commercial operators that provide commercial services in State Park Units shall secure or purchase at its own expense and maintain in force at all times during the term of this permit, liability coverage and limits consistent with what is professionally recommended as adequate to protect the permittee (the insured) and Grantor (the State, its officers, agents and employees) from the liability exposures of ALL the insured's operations on state land. Certificates of Insurance (COI) must be furnished to the AO prior to the issuance of this permit and must provide for a notice of cancellation, non-renewal, or material change of conditions in accordance with policy provisions. COI should be provided on an ACORD Insurance Form. The Permittee must provide for a 60-day prior notice to the State before they cancel, renew, or make material changes to the conditions to the policy. Failure to furnish satisfactory evidence of insurance, or lapse of the policy, are material breaches of this permit and shall be grounds, at the option of the State, for termination of the permit. All insurance policies shall comply with, and be issued by, insurers licensed to transact the business of insurance under Alaska Statute, Title 21. The policy shall be written on an "occurrence" form and shall not be written as a "claims-made" form unless specifically reviewed and agreed to by the Division of Risk Management, Department of Administration. The State must be named as an additional named insured on the policy with respect to the operations of the permittee on or in conjunction with the permitted premises. **A copy must be sent to:** [parkpermitting@alaska.gov](mailto:parkpermitting@alaska.gov). Please include your permit number (LAS #) in the description box. Email is preferred, but if also being mailed, it can be sent to the following address:

State of Alaska  
Department of Natural Resources  
Division of Parks and Outdoor Recreation  
550 West 7<sup>th</sup> Ave. Suite 1380  
Anchorage, AK 99501
- 4. Term.** This permit is valid from the date of issuance through December 31st of the same calendar year.
- 5. Preferential Rights.** No preferential rights to additional services of a proprietary interest right in the lands are attached to this permit.
- 6. Assignment.** This permit may not be transferred, extended, or assigned without prior written approval from the authorizing officer. The permittee shall not sub-let or enter into any third-party agreements involving the privileges authorized by this permit.
- 7. Lawful Operations/Documentation.** The permittee agrees to operate in accordance with all local, state, and federal laws and regulations. The issuance of this permit does not alleviate the necessity of the permittee to obtain all required local, state, and federal licenses, tags, permits, registrations, and certifications that are applicable to the permittee's activities. Permittee shall ensure compliance by its employees, agents, contractors, subcontractors, licensees, or invitees. The permittee shall further require all individuals operating under this permit to have all such documentation in their possession while operating in the park and upon request shall present it for inspection to any state park official or Peace Officer.
- 8. First Aid Certification.** All individuals operating under this permit within a state park unit must hold a current

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first aid certification recognized by a state or national registration. The permittee shall ensure that all individuals operating under this permit have proof of their first aid certification in their possession while operating in the park and upon request shall present it for inspection to any state park official.

- 9. Non-Exclusive Use.** This permit shall not be construed as limiting the rights of the authorizing officer to issue similar permits for the same or similar activities in the area covered by this permit. The permittee, agents, or clients shall not interfere with free public use or other authorized use of roads, trails, lands, or waters in the area of their activities.
- 10. Geographic Limit.** This permit is for activities on state lands or interests managed by DPOR. It does not authorize any activities on private, federal, native, municipal lands, or lands which are owned or solely managed by other offices and agencies of the State. The permittee is responsible for proper location within the authorized area.
- 11. Advertising/Selling Prohibited.** This permit does not authorize the permittee to solicit business, advertise, collect any fees, or sell any goods or services on lands authorized for use by this permit unless specified on this permit. The permittee shall not make any misrepresentation in his/her advertisements, signs, circulars, brochures, letterhead, or like materials regarding this permit.
- 12. Structures.** No temporary structures shall be erected in the area under this permit without prior written permission of the authorizing officer. Under no circumstances will permanent structures be built. Temporary structures are permitted through DPOR regional offices with additional permit stipulations and fees.
- 13. Indemnification.** The permittee shall indemnify, hold harmless, and defend the State, its officers, agents, and employees from liability of any nature or kind, including costs and expenses for or on account of all legal actions or claims of any character whatsoever resulting from injuries or damages sustained by any person or persons or property as a result of any error, omission, or negligent act of the permittee relating to this permit.
- 14. Protection of Lands, Facilities, and Resources.** The permittee shall exercise diligence in protecting damage to lands, facilities, and resources in the areas that are used in connection with this permit. Cultural resources, such as human remains, historic artifacts, archaeological materials, or paleontological resources shall be avoided and may not be disturbed, altered, destroyed, or collected. If human remains, historic resources, archaeological resources, or paleontological resources are encountered during permitted activities, all activities that may disturb or damage the site shall cease in the immediate area and you shall immediately (within one business day of discovery) notify the Park and the Office of History and Archaeology (907-269-8700).
- 15. Repair of Damage.** The permittee shall be liable for the repair of any damage to lands, facilities or resources resulting from the activities of the permittee, his/her agents, employees, or clients.
- 16. Vessel Operations / Identification.** All vessels (including non-powered boats with auxiliary power units) used on any water of the state, including rivers, lakes and salt water within 3 miles of land, and all sport fishing and hunting guide boats (powered and non-powered) must be registered with the Division of Motor Vehicles (<http://doa.alaska.gov/dmv/reg/boat.htm>). Permittee shall list and identify all vessels to be used in conjunction with this permit on the application. The permittee is responsible for ensuring that all vessels are equipped, maintained, and operated in accordance with all applicable state and federal laws and regulations. This includes adherence to the U.S. Coast Guard manufacturer's capacity information plate.
  - (a) A guide vessel shall be identified by displaying the issued Department of Natural Resources Kenai River guide decals, ADF&G sport fishing guide decals and the assigned three-digit guide vessel number on both sides of the vessel just aft of the midpoint and above the water line anytime the vessel is being operated in the Kenai River Special Management Area. The issued DPOR guide decals shall be placed directly forward of the assigned three-digit guide vessel number. The assigned guide vessel number is to be permanently displayed in six-inch high by one-inch-wide block style figures of contrasting color to the color of the vessel hull. Duct tape, electrical tape, and other temporary numbers are not acceptable.

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- 17. Motor Vehicle Operations / Identification.** All motor vehicles operated or parked on State Park lands and used for commercial activities shall be identified by a Commercial Use Vehicle decal or placard supplied with the final permit. The decal shall be affixed to the bottom left-hand corner of the vehicle windshield. The placard shall be printed and placed on the driver's side dashboard. Decals or placards shall not be altered or affixed to unauthorized vehicles, and all information must be visible. Any motor vehicle and attached trailer that is found in violation of this requirement may be impounded and removed from the State Park at the registered owner's expense. If a vehicle bearing an authorized decal has a mechanical breakdown, the permittee may temporarily substitute another vehicle without a decal upon notification and approval from State Parks.
- 18. Report Abnormal Sightings.** The permittee shall notify DPOR of any problems, abnormal conditions, or unusual conditions observed while operating on/over park lands and waters.
- 19. Natural Hazards.** The permittee recognizes and understands that natural hazards are likely to exist within permit area. The permittee agrees to take all reasonable precautions to make himself/herself aware of these hazards and to advise all clients of the hazards. The permittee is responsible for ensuring the safety of the clients under his/her supervision.
- 20. Camps, Caches & Equipment Storage.** Unless otherwise authorized, the permittee agrees not to establish temporary or permanent camps or caches within the permit area. All property of the permittee is to be removed from park lands and waters upon completion of permitted activities. Vehicles, boats, aircraft, or any equipment or supplies may not be stored on State Park lands or waters without authorization. Vehicles may be legally parked during operations in the park.
- 21. Refuse and Waste.**
- (a) No person may bring waste or refuse from household, commercial, industrial, or construction activities into a state park for disposal.
  - (b) No person may place waste or refuse in state park water, or on land or water capable of contaminating state park water.
  - (c) Unless it is deposited in a park waste receptacle, waste or refuse created in the course of activities in a state park must be removed from the state park by those responsible for its creation.
  - (d) The provisions of this section do not apply to animal waste normally discarded by hunters, trappers, or fishermen in the course of legal hunting, trapping, or fishing, except that waste must not be left within 100 feet of a trail, road, or developed facility.
- 22. Wildlife Interactions.** No wildlife species will be baited, harassed, or approached closely enough to disrupt the animal's natural activity or to endanger human life except for a legal hunt for game.
- 23. Accident and Injury Notification.** The permittee shall notify the nearest State Park area office immediately after completing any trip in which accidents have occurred involving personal injury, boat collision, overturning or swamping, or damage to the guide vessels, aircraft or other vessel; or any threatening incidents involving wildlife or of incidents involving the loss of equipment such as canoes, rafts, tents or other gear which could create the impression that someone may be lost or in danger. Injuries requiring immediate medical attention or evacuation shall be reported to State Parks or Alaska State Troopers immediately. The permittee is requested to immediately report to State Parks or Alaska State Troopers any knowledge of anyone injured, lost/overdue, or fatalities within the park.
- 24. Client Information.** The permittee agrees to provide clients with information regarding rules, regulations and other information pertaining to the area and with basic safety information relative to the client's visit.
- 25. Cooperation and Professional Behavior.** The permittee agrees to cooperate with agency representatives for the purpose of permit compliance, and operations evaluation, or to gather current information on the area for park management purposes. The permittee shall not verbally or physically harass, assault, or abuse clients, employees,

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outfitters, other guides and their clients, members of the public, or any state or federal agency representative. This includes the use of profanity, aggressive, threatening, and/or disruptive behavior.

- 26. Firearms and other Weapons.** No person may use or discharge a weapon in a state park, except as otherwise provided in 11AAC 12.190.
- 27. Renewal.** The issuance of this permit does not confer any rights of renewal or references for renewal despite investments made by the permittee or for other reasons.
- 28. Fire Prevention, Protection and Liability.** The permittee shall take all reasonable precautions to prevent and suppress forest, brush, and grass fires, and shall assume full liability for any damage to park 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.
- 29. Compliance with Government Requirements.** The permittee shall, at its expense, comply with all federal, state, and local laws, regulations, and ordinances directly or indirectly related to this permit. The permittee shall ensure compliance by its employees, agents, clients, licensees, or invitees.
- 30. False Statement.** Making a false statement or presenting false or purposefully altered documents is prohibited and may be grounds for immediate revocation of commercial use permit under 11 AAC 18.030(c). This provision applies to all persons working under the authority of this permit, including guides, assistant guides, employees, etc.
- 31. Suspension and Revocation of this permit by the State.** Failure to abide by any part of this use permit, to comply with any of the general or special stipulations, or the willful violation of any state regulation may result in immediate suspension or revocation of this permit and may result in denial of future permits.
- 32. Revocable at will.** This permit may be revoked at any time at the discretion of the director or his/her designee without compensation to the permittee or liability to the State.
- 33. Supervision:** A permitted guide must be aboard a guide vessel whenever it is being used for guiding activities. The permitted guide must always have his/her Kenai River Special Management Area Guide permit and a photo identification card in his/her possession while guiding within the Kenai River Special Management Area. The permittee must present the permit and identification card to any Peace Officer upon request.
- 34. Conviction:** Under 11 AAC 20.885 (c)(7) &(8) is that to obtain a Kenai River Guide Permit a person may not have been convicted of any felony nor have I had more than one misdemeanor violation of a provision of 5 AAC 47 through 5 AAC 75 (Sport fishing) within the last five years of this date.
- 35. Fishing From a Guide Vessel:** The permittee, their paid support staff or employees are not allowed to fish from a registered guide vessel from May 1<sup>st</sup> through November 30<sup>th</sup> while the vessel is being used for guiding activities in the Kenai River Special Management Area.
- 36. Outboard Motor Inspections:** All Kenai River Guides must permit the random inspection of their outboard motors by any Peace Officer for verifying the prop shaft horsepower rating. Failure or refusal to comply with an outboard motor inspection may result in an immediate permit suspension.
- 37. Boat Launch Fees:** The permittee must pay boat launch fees for the use of State Park boat launches in the KRSMA or purchase a State Parks boat launch decal. The State Park boat launch decal is to be permanently affixed to the tongue of the boat trailer for which it was purchased. Temporary placement of the boat launch decal is not allowed. Boat launch decals that are not permanently mounted or affixed may be confiscated by State Park Staff. The State Parks boat launch decal is not honored at the Pillars and Eagle Rock Boat Launches. Due to limited parking facilities,

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no guide or guide employee vehicles may be placed at the Izaak Walton Unit parking lot from June 1<sup>st</sup> through August 15<sup>th</sup>.

- 38. Sanitation:** Public restrooms are in most of the heavily fished areas of the Kenai River Special Management Area. The permittee agrees to use the restrooms and take his/her clients to the public restrooms. If the restrooms are not available, the permittee must COLLECT and PROPERLY dispose of all SOLID human waste and refuse generated by themselves or their clients within the permit area. All solid human waste will be disposed of in the appropriate facility outside of the permit area.
- 39. Sale or transfer of a Kenai River guide boat:** A current or former holder of a Kenai River guide permit may not sell or otherwise dispose of a registered boat without first removing the three-digit guide boat number and identification sticker from the boat, unless the sale or transfer of the registered boat is to another current holder of a Kenai River guide permit, and the Division is notified of the sale or transfer of the boat. The Division must be notified at [parkpermitting@alaska.gov](mailto:parkpermitting@alaska.gov) within 15 days of the sale or transfer.