

2009 NON-COMPETITIVE PARK USE PERMIT STIPULATIONS  
ISSUED TO FISHING GUIDES IN THE  
KENAI RIVER SPECIAL MANAGEMENT AREA

- 1) **SUPERVISION:** A permitted guide must be aboard a guide vessel whenever it is being used for guiding activities. A permitted guide must remain in sight and sound of his/her clients at all times. The permitted guide must have his/her Kenai River Special Management Area Guide identification card and a photo identification card in his/her possession at all times while guiding within the Kenai River Special Management Area. The permittee must present this card to any Peace Officer upon request.
- 2) **GUIDE VESSEL IDENTIFICATION:** The Department of Natural Resources (DNR) Kenai River guide sticker must be securely affixed on top of the Department of Fish and Game sport fishing guide decal and in the area on the ADF&G sticker designated for the current year sticker. The current DNR Kenai River guide sticker may not be covered or obstructed. A guide vessel shall be identified by displaying the issued DNR Kenai River guide stickers and ADF&G sport fishing guide stickers on both sides of the vessel just aft of the midpoint and directly forward of the assigned three-digit guide vessel number anytime the vessel is being operated in the Kenai River Special Management Area. 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. Any vessel used for guiding in the Kenai River Special Management Area is considered registered from the time the guide is permitted and must display current year Kenai River Guide stickers and the three-digit identification number. Once it is registered, it will be registered for the rest of the year.
- 3) **VEHICLE IDENTIFICATION:** Motor vehicles that are operated or parked on state park lands and used in conjunction with permitted activities shall be identified by a numbered Commercial Operator sticker. This identification sticker shall be affixed on the bottom left hand corner of the vehicles windshield. Stickers shall not be altered or affixed to unauthorized vehicles. Stickers that are altered or affixed to unauthorized vehicles may be confiscated by State Park staff.
- 4) **FISHING FROM A GUIDE VESSEL:** The permittee, his/her paid support staff or employees are not allowed to fish from a registered guide vessel from May 1 through October 31 while the vessel is being used for guiding activities in the Kenai River Special Management Area.
- 5) **BOAT TIE-UPS, CAMPS AND CACHES:** The permittee agrees not to establish temporary or permanent camps or caches within the permit area. Guide vessels may not be moored on property that is not owned, leased or rented by the guide without first obtaining written permission from the property owner. Annual letters of permission must be on file with the Division of Parks at the Kenai River Center.
- 6) **OUTBOARD MOTOR INSPECTION:** All Kenai River Guides must permit the random inspection of their outboard motors by any Park Ranger or Peace Officer for the purpose of verifying the propshaft horsepower rating. Failure or refusal to comply with an outboard motor inspection may result in a immediate permit suspension.
- 7) **LAWFUL OPERATIONS:** The permittee agrees to operate in accordance with the regulations of the Alaska Department of Fish and Game and all other local, state and federal laws and regulations including U.S. Coast Guard licensing requirements. Guides are responsible for verifying that clients have fishing licenses and adhere to fishing regulations.
- 8) **SAFETY EQUIPMENT:** The permittee is responsible to ensure that the guide vessel or vessels is/are equipped, maintained and operated in accordance with all applicable state and federal laws and regulations. This includes loading of the vessel not to exceed the U.S. Coast Guard/Manufacturer's Capacity information plate.

- 9) **BOAT LAUNCH FEES:** The permittee is responsible for paying boat launch fees for the use of the 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 it was purchased for. Clear cellophane tape or temporary placement of the boat launch decal is not acceptable. 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 Boat Launch. The launches are located at: The Pillars Boat Launch, Izaak Walton State Recreation Site, Bing's Landing State Recreation Site, and the Cooper Landing Boat Launch. Due to limited parking facilities, no guide or guide employees' vehicles may be placed at the Izaak Walton Unit parking lot from June 1 through August 15. All clients will be required to pay the daily parking fee for their vehicles.
- 10) **SANITATION:** Public restrooms are located in most of the heavily fished areas of the Kenai River Special Management Area. Public restrooms are located at the Kenai River Flats, Cunningham Park, Pillars, Ciechanski (directly upriver from Riverquest), Big Eddy (upriver from Harry Gaines), Centennial Park, Swiftwater Park, Moose Range Meadows Public Fishing Facility (at the far end of East Redoubt), Funny River, Morgan's Landing, Izaak Walton, and Bing's Landing. In the Upper River, public restrooms are located at the Cooper Landing Boat Launch, Kenai River-Russian River Ferry Crossing and Jim's Landing. 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.
- 11) **NON-EXCLUSIVE USE:** This permit shall not be construed as limiting the rights of the officer to issue similar permits for same or similar activities in the area covered by this permit. The permittee and his or her agents or clients shall not interfere with free public use or other authorized use of roads, trails, parking areas or other lands and waters in the area of their activities. A guide may not stop with clients to bank fish if doing so will crowd out other anglers already fishing at that location.
- 12) **ADVERTISING:** It is agreed and understood that this permit does not authorize the permittee to solicit business, advertise, collect any fees or sell any goods or services on lands and water authorized to be used by this permit unless specified on the permit. The permittee shall not make any misrepresentations in their advertisements, signs, circulars, brochures, letterhead, and like materials regarding this permit. This restriction shall not apply to business names, graphics, logos or telephone numbers that are applied to guide vessels or vehicles.
- 13) **CLIENT INFORMATION:** The permittee agrees to provide clients with information regarding rules, regulations and other information pertaining to the area as well as basic safety information relative to the client's visit.
- 14) **ACCIDENT NOTIFICATION:** The permittee will notify the Kenai Area Superintendent immediately after completing a trip in which accidents involving personal injury, boat collision, overturning or swamping, or damage to the guide vessels or other vessel occur; or of 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.
- 15) **INDEMNIFICATION:** The permittee shall indemnify, save 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 any and 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 its performance of this permit. All legal actions or claims including defense cost resulting from injuries or damages sustained by a person(s) or property arising from the permittee's performance of this permit which will result in joint liability of the State and permittee shall be apportioned on a comparative fault basis. Any such joint liability on the part of the State must be due to the active negligence on the part of the State.

- 16) **QUALITY OF SERVICE:** The permittee shall observe such requirements respecting quality and standards of service as dictated by laws or regulations or as necessary to protect the public health, safety and welfare.
- 17) **PROFESSIONAL BEHAVIOR:** The permittee shall not verbally or physically harass, assault, or abuse clients, employees, outfitters, other guides and their clients, or members of the general public. This includes aggressive and disruptive behavior.
- 18) **REPAIR OF DAMAGE:** The permittee shall exercise diligence in protecting from damage lands, waters, facilities and resources in the permit area and used in connection with this permit. The permittee shall be liable for the repair of any damage to lands, water, facilities or resources resulting from the activities of the permittee, his/her agents, employees or clients.
- 19) **NATURAL HAZARDS:** The permittee recognizes and understands that natural hazards are likely to exist within the area of his/her operation. The permittee agrees to take all reasonable precautions to make himself/herself aware of these hazards and to avoid injury to persons or property. The permittee is responsible for ensuring the safety of the clients under his/her supervision.
- 20) **CO-OPERATION:** The permittee agrees to co-operate with all state and federal agency representatives for the purpose of permit compliance and to gather information on fisheries and natural resources.
- 21) **ANCHOR BUOYS:** State regulation allows for an anchored buoy to be left for up to 20 minutes while pursuing a hooked fish. All anchor buoys will be marked permanently with the AK registration number of the guide vessel that is utilizing the buoy. This regulation applies to all users. 11 AAC 20.862 (d)
- 22) **FIRES:** The permittee may only use gas or propane stoves for cooking. Ground fires are prohibited. However, dead and down wood may be gathered and fires of wood or charcoal may be built if contained in a metal-bottom container (firepan). All ashes must be removed and properly disposed of. In the event the State Forester declares a burning ban on the Kenai Peninsula, the permittee shall comply and discontinue use of any firepans until the burning ban is lifted.
- 23) **SUSPENSION OR REVOCATION:** The permittee has read and agreed to the terms of the permit and understands that the breach of any terms is cause for suspension or revocation under 11 AAC 20.885. Further, it is expressly understood and agreed that this permit may be revoked with cause at the discretion of the authorizing officer without compensation to the permittee or liability to the authorizing agency. The following penalties pertain only to violations that occur while providing guide services in the Kenai River Special Management Area.
- 24) **RENEWAL:** The issuance of this permit does not confer any rights of renewal or preferences for renewal despite investments made by the permittee or for other reasons.
- 25) **END OF SEASON REPORTS:** **Any person operating under a Commercial Use Permit must submit their State Park Use Report prior to any permits being issued for the following season. This report is due on or before December 1 of the permitted season. Commercial sport fishing guides who in conjunction with their Kenai River Guide permit list that they guide from Deep Creek SRA, Ninilchik SRA, Anchor River SRA, Kasilof River SRS, Crooked Creek SRS, Johnson Lake SRS, or Captain Cook SRA must submit a State Park Use Report for each area they are registered. If you are an employer make sure you list ALL your employee's names on the use report.**
- 26) **OTHER PERMITS:** The permittee understands that guiding, outfitting or other commercial activities conducted within the boundaries of the Kenai National Wildlife Refuge may require an additional Special Use Permit from the U. S. Fish and Wildlife Service, or the U. S. Forest Service within the Chugach National Forest.

- 27) **NONDISCRIMINATION IN EMPLOYMENT AND SERVICES:** The permittee and his/her employees shall not discriminate against any employee providing services under this permit or applicant for employment to provide services under this permit because of race, color, religion, sex, national origin, age, or disability. The permittee and his/her employees shall not discriminate by segregation, by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally because of race, religion, sex, national origin, age, or disability.
- 28) **RESTITUTION FOR UNSWORN FALSIFICATION:** The permittee agrees to provide restitution of permit fees owed to DNR/DPOR upon a conviction for unsworn falsification for year(s) claiming Alaska residency. Restitution will be considered the monetary difference between Alaska resident and non-resident fees paid for this permit. Subsequent permits will not be issued until restitution is made.

This permit is non-transferable and the permittee shall not sublet or enter into any third party agreements involving the privileges authorized by this permit. This permit is issued in accordance with 11 AAC 12.300 and 11 AAC 18.030. I have read and understand and agree to comply with Commercial Use Permit Stipulations #1 through #27 and confirm that I am a:

\_\_\_ Resident of the State of Alaska

\_\_\_ Non-resident of the State of Alaska

“Resident” is defined in AS 16.05.940. “Resident” means a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person’s domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Permittee’s Signature

**One of the requirements 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 or had no more than one misdemeanor fishing violation within the last five years:**

I understand and acknowledge that I have not been convicted of a felony or have had no 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. I understand that this is a requirement under Kenai River guide permits 11 AAC 20.885 (c)(7)&(8).

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Amended 1/5/2009