



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 application)

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,
- If possible, provide a map and GPS location of sites,
- Identify whether or not short-term (portable) camps will be used within any State of Alaska Refuge, Sanctuary or Critical Habitat Area,
- 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 (see the current Director's Fee Order for applicable fees) 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 visitor day fee. See the current Director's Fee Order for applicable fees. This 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 by January 15th of the following calendar year.**

FOR ADDITIONAL INFORMATION, CONTACT THE DEPARTMENT OF NATURAL RESOURCES

<p>SOUTHCENTRAL PUBLIC INFORMATION CENTER 550 W. 7th Avenue, Suite 1360 Anchorage, AK 99501-3557 Phone: (907) 269-8400 Fax: (907) 269-8901 dnr.pic@alaska.gov</p>	<p>SOUTHEAST SOUTHEAST LANDS SECTION P.O. Box 111020 400 Willoughby Ave., 4th Floor Juneau, AK 99811-1020 Phone: (907) 465-3400 Fax: (907) 500-9011 sero@alaska.gov</p>	<p>NORTHERN PUBLIC INFORMATION CENTER 3700 Airport Way Fairbanks, AK 99709-4699 Phone: (907) 451-2705 Fax: (907) 451-2706 fbx-pic@alaska.gov</p>
<p>TTY: 711 for Alaska Relay or 800-770-8973</p>		

STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER

COMMERCIAL RECREATION PERMIT

Under AS 38.05.850

LAS: _____
(Receipt Code: 7A)

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: _____ Alaska Business License Number: _____
Main Contact (if not listed above): _____
Address: _____ City/State/Zip: _____
Telephone Number: _____ Email Address: _____
Fax Number #: _____ Date of Birth: _____ Guide License #: _____

SECTION #2: PERMITTED ACTIVITY AND PERMIT TERM: Identify commercial 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.)** _____

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

Identify any State Forest, State of Alaska Refuge, Sanctuary and/or Critical Habitat Area where short-term (portable) camps 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)

Permit fee of \$ _____ plus \$ _____ Visitor day fee. See current Director's Fee Order for applicable fees.

Signature of Authorized State Representative Date of Issuance

Permit Stipulations:

- 1) **Authorized Officer:** The Authorized Officer (AO) for the State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), is the Regional Manager or designee.
- 2) **Change of Contact Information:** The Grantee shall maintain current contact information with the AO. Any change of contact information must be submitted in writing to the AO.
- 3) **Valid Existing Rights:** This authorization is subject to all valid existing rights and reservations in and to the authorized area. The State makes no representations or warranties, whatsoever, either expressed or implied, as to the existence, number, or nature of such valid existing rights.
- 4) **Preference Right:** No preference right for subsequent authorizations is granted or implied by this authorization.
- 5) **Inspections:** The AO shall have reasonable access to the authorized area for inspection, which may be conducted without prior notice. If the Grantee is found to be in noncompliance the authorized area may be subject to reinspection. The Grantee may be charged for actual expenses of any inspection.
- 6) **Public Access:** The construction, operation, use, and maintenance of the authorized area shall not interfere with public use of roads, trails, waters, landing areas, and public access easements. The ability to use or access state land or public waters may not be restricted in any manner. However, if a specific activity poses a safety concern, the AO may allow the restriction of public access for a specific period of time. The Grantee is required to contact the AO in advance for approval. No restriction is allowed unless specifically authorized in writing by the AO.
- 7) **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, fishing, and other purposes. This authorization is subject to the principles of the Public Trust Doctrine regarding navigable or public waters. The AO reserves the right to grant other interests consistent with the Public Trust Doctrine.
- 8) **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, or archaeological site without written approval from the DNR Commissioner. Should any sites be discovered, the Grantee shall cease any activities that may cause damage and immediately contact the AO and the Office of History and Archaeology in the Division of Parks and Recreation.
- 9) **Compliance with Government Requirements:** The Grantee shall, at its expense, comply with all federal, state, and local laws, regulations, and ordinances directly or indirectly related to this authorization. The Grantee shall ensure compliance by its employees, agents, contractors, subcontractors, licensees, or invitees.
- 10) **Incurred Expenses:** The Grantor shall in no way be held liable for expenses incurred by the Grantee connected with the activities directly or indirectly related to this authorization.
- 11) **Waiver of Forbearance:** Any failure on the part of the AO to enforce the terms of this authorization, or the waiver of any right under this authorization by the Grantee, unless in writing, shall not discharge or invalidate the authorization of such terms. No forbearance or written waiver affects the right of the AO to enforce any terms in the event of any subsequent violations of terms of this authorization.
- 12) **Severability Clause:** If any clause or provision of this authorization is, in a final judicial proceeding, determined illegal, invalid, or unenforceable under present or future laws, then the Grantor and the Grantee agree that the remainder of this authorization will not be affected, and in lieu of each clause or provision of this authorization that is illegal, invalid, or unenforceable, there will be added as a part of this authorization a clause or provision as similar in terms to the illegal, invalid, or unenforceable clause or provision as may be possible, legal, valid, and enforceable.
- 13) **Notification of Discharge:** The Grantee shall immediately notify the Department of Environmental Conservation (DEC) and AO by phone of any unauthorized discharge of oil to water, any discharge of hazardous substances (other than oil), and any discharge of oil greater than 55 gallons on land. All fires and explosions must also be reported immediately.

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 Grantee shall report the discharge within 48 hours. Any discharge of oil greater than one gallon up to 10 gallons, including a cumulative discharge, solely to land, must be reported in writing on a monthly basis.

Notification of discharge during normal business hours must be made to the nearest DEC Area Response Team: Anchorage (907) 269-3063, fax (907) 269-7648; Fairbanks (907) 451-2121, fax (907) 451-2362; Juneau (907) 465-5340, fax (907) 465-5245. For discharges in state off shore waters call (907) 269-0667. The DEC oil spill report number outside normal business hours is (800) 478-9300.

Notification of discharge must be made to the appropriate DNR Office, preferably by email: Anchorage email dnr.scro.spill@alaska.gov, (907) 269-8503; Fairbanks email dnr.nro.spill@alaska.gov, (907) 451-2739; Juneau email sero@alaska.gov, (907) 465-3400. The Grantee shall supply the AO with all incident reports submitted to DEC.
- 14) **Returned Check Penalty:** A returned check penalty of \$50.00 will be charged for any check on which the bank refuses payment. Late payment penalties shall continue to accrue.
- 15) **Late Payment Penalty Charges:** The Grantee shall pay a fee for any late payment of \$50.00 and will be assessed on each past-due payment until

paid in full.

- 16) **Request for Information:** The AO, at any time, may require the Grantee to provide any information directly or indirectly related to this authorization, in a manner prescribed by the AO.
- 17) **Waste Disposal:** On-site refuse disposal is prohibited, unless specifically authorized. All waste generated during operation, maintenance, and termination activities under this authorization shall be removed and disposed of at an off-site DEC approved disposal facility. Waste, in this paragraph, means all discarded matter, including but not limited to human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and discarded equipment.
- 18) **Destruction of Markers:** The Grantee shall protect all survey monuments, witness corners, reference monuments, mining claim posts, bearing trees, and unsurveyed corner posts against damage, destruction, or obliteration. The Grantee shall notify the AO of any damaged, destroyed, or obliterated markers and shall reestablish the markers at the Grantee's expense in accordance with accepted survey practices of the DMLW.
- 19) **Site Maintenance:** The authorized area shall be maintained in a neat, clean, and safe condition, free of any solid waste, debris, or litter, except as specifically authorized herein.
- 20) **Maintenance of Improvements:** The Grantor is not responsible for maintenance of authorized improvements or liable for injuries or damages related to those improvements. No action or inaction of the Grantor is to be construed as assumption of responsibility.
- 21) **Amendment or Modification:** The Grantee may request an amendment or modification of this authorization; the Grantee's request must be in writing. Any amendment or modification must be approved by the AO in advance, and may require additional fees and changes to the terms of this authorization.
- 22) **Proper Location:** This authorization is for activities on state lands or interests managed by DMLW. It does not authorize any activities on private, federal, native, and municipal lands, or lands which are owned or solely managed by other offices and agencies of the State. The Grantee is responsible for proper location within the authorized area.
- 23) **Fire Prevention, Protection and Liability:** The Grantee shall take all reasonable precautions to prevent and suppress forest, structure, brush and grass fires, and shall assume full liability for any damage to state land and structures resulting from the negligent use of fire. The State is not liable for damage to the Grantee's personal property and is not responsible for forest fire protection of the Grantee's activity. To report a wildfire, call 911 or 1-800-237-3633.
- 24) **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.
- 25) **Short-Term (Portable) Camp Use:**
 - a) **Quantity:** This permit authorizes the simultaneous use of three short-term (portable) camps at any one point in time during the term of this permit.
 - b) **Duration and Relocation:** 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.
 - c) **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 two miles of a previously used camp site.
 - i) 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:
 - ii) In Public Use Sites #6, #9 and #21, identified in the Nushagak & Mulchatna Rivers Recreation Management Plan, the limit is 7 days.
 - iii) 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)
 - iv) On state-owned shorelands within the Togiak National Wildlife Refuge and the lower Goodnews River, the limit is 3 days.
 - v) 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.
- 26) **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.
- 27) **Solid Waste:** Prior to removal, all garbage and debris that are subject to decomposition will be stored in bear-proof containment. Trails and campsites must be kept clean and safe.
- 28) **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.

- 29) **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.
- 30) **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.
- 31) **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.
- 32) **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.
- 33) **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.
- 34) **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.
- 35) **Termination:** This permit is not a property right. It is a temporary authorization, revocable by the state with or without cause.
- 36) **Preference Right:** No preference right for long-term use or conveyance of the land is granted or implied by the issuance of this authorization.
- 37) **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*)
- 38) **Other Authorizations:** This permit does not eliminate the need to obtain other necessary authorizations from federal, state and local agencies and affected private entities.
- 39) **Fees:** See current Director's Fee Order for applicable fees. 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.
- a) **Permit Fees:** The permit fee will be due prior to issuance of the permit.
- b) **Visitor Day Use Fees:** This permit will be subject to a visitor day fee for each client present at any time during a calendar day authorized under this permit. Visitor day fees are due by January 15th of the following calendar year. This fee is subject to adjustment periodically pursuant to changes in any relevant fee schedule.
- Definition of visitor day (11 AAC 96.250(18)):** 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.
- 40) **Registration of Commercial Recreation "Day Use" Activities:** Registration is not required for commercial recreation activities associated with this permit.
- 41) **Completion Report:** a completion report shall be submitted to DMLW by January 15th of the following calendar year. Failure to submit a satisfactory report and/or required photographs subjects the site to a field inspection requirement of which the permittee may be assessed, at the Director's discretion, either the actual cost incurred by the Division or a minimum of \$100.00 (11 AAC 05.160). The permittee shall provide:
- i) a series of before, during, and after use aerial view or ground level photographs of every camp, confirming compliance with permit stipulations, and
 - ii) a written report disclosing:
 - (1) the date each camp was established and dismantled;
 - (2) the location of every camp either by marking a map or providing GPS (Lat/Long) coordinates;
 - (3) the number of clients served;
 - (4) the total number of days a client was served;
 - (5) the restoration of damaged vegetation or disturbed soil; and,
 - (6) the dates of any hydrocarbon or hazardous substance spills and the dates such spills were reported to DNR and DEC.

- iii) Penalty for not submitting completion report:
 - (1) 1st offense – official letter of non-compliance added to the file (may affect future permit considerations).
 - (2) 2nd offense – applicant will be required to submit a performance guaranty.
 - (3) 3rd offense – permittee shall pay for the AO to conduct a field inspection of the site(s).
 - (4) if the location(s) of camps on a map or GPS coordinates of camp locations are not provided for three out of five permit years, the permittee shall pay for the AO to conduct an inspection.

42) **Violations:** A violation of this authorization is subject to any action available to the State 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 State 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.

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.

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.

The Authorized Officer reserves the right to modify these stipulations or use additional stipulations as deemed necessary. The grantee will be advised before any such modifications or additions are finalized. DNR has the authority to implement and enforce these conditions under AS 38.05.850. Any correspondence on this permit may be directed to the Department of Natural Resources, Division of Mining, Land and Water, Southcentral Regional Land Office, 550 W. 7th Ave., Suite 900C, Anchorage, AK 99501-3577, (907) 269-8503.

FOR ADDITIONAL INFORMATION, CONTACT THE DEPARTMENT OF NATURAL RESOURCES

SOUTHCENTRAL	SOUTHEAST	NORTHERN
PUBLIC INFORMATION CENTER 550 W. 7 th Avenue, Suite 1360 Anchorage, AK 99501-3557 Phone: (907) 269-8400 Fax: (907) 269-8901 dnr.pic@alaska.gov	SOUTHEAST LANDS SECTION P.O. Box 111020 400 Willoughby Ave., 4 th Floor Juneau, AK 99811-1020 Phone: (907) 465-3400 Fax: (907) 500-9011 sero@alaska.gov	PUBLIC INFORMATION CENTER 3700 Airport Way Fairbanks, AK 99709-4699 Phone: (907) 451-2705 Fax: (907) 451-2706 fbx-pic@alaska.gov
TTY: 711 for Alaska Relay or 800-770-8973		

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 an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(8) and confidentiality is requested or AS 45.48). 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 or completeness under AS 40.25.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210.

In submitting this form, the applicant agrees with the Department to use “electronic” means to conduct “transactions” (as those terms are used in the Uniform Electronic Transactions Act, AS 09.80.010 – AS 09.80.195) that relate to this form and that the Department need not retain the original paper form of this record: the department may retain this record as an electronic record and destroy the original.