

## 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. The AO reserves the right to modify these stipulations or use additional stipulations as deemed necessary. The Permittee will be advised before any such modifications or additions are finalized.
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>. This permit does not exempt the Permittee from paying camping or boat launch fees, nor does it exempt clients from paying day-use parking or other park fees.
3. **Insurance Required.** Without limiting indemnification, commercial operators providing services in park lands and waters must maintain liability insurance with coverage and limits adequate to protect both the Permittee and the State (including its officers, agents, and employees) from liabilities arising from operations on park lands and waters. A Certificate of Insurance (COI), on an ACORD form, must be submitted with the permit application. The COI must designate the State of Alaska as the additional named insured with respect to the Permittee's operations on or in conjunction with the permitted premises, using the following address:

State of Alaska  
Department of Natural Resources  
Division of Parks and Outdoor Recreation  
550 West 7th Ave., Suite 1380  
Anchorage, AK 99501

The COI must include provisions for notice of cancellation, non-renewal, or material change as required by the policy. Insurance must be maintained continuously throughout the permit term. Policies must be written on an "occurrence" basis unless otherwise approved by the Department of Administration, Division of Risk Management. Failure to provide or maintain satisfactory insurance is a material breach and may result in permit suspension or revocation.

4. **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.
5. **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.
6. **False Statement.** Making a false statement or presenting false or purposefully altered documents is prohibited and may be grounds for immediate revocation of a 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.
7. **Non-Exclusive Use.** This permit shall not be construed as limiting the rights of the AO 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.
8. **Preferential Rights.** No preferential rights to additional services of a proprietary interest right in the lands are attached to this permit.
9. **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.

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- 10. 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.
- 11. Lawful Operations / Documentation.** This permit authorizes activities only on the specific park lands and waters listed on the permit. It does not grant permission to use private, federal, native, municipal, or other lands not listed on the permit. The Permittee is responsible for ensuring all activities occur within the authorized areas and for complying, at their own expense, with all applicable laws. This includes obtaining all required local, state, and federal licenses, permits, tags, registrations, and certifications. The Permittee must ensure that employees, agents, contractors, clients, licensees, and invitees also comply with these requirements. All required documentation, which includes this permit, must be carried while on park lands and waters and presented upon request to any State Park official or Peace Officer.
- 12. Term and Renewal.** This permit is valid from the date of issuance through December 31<sup>st</sup> of the same calendar year. 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.
- 13. Amendment or Modification.** The Permittee may request an amendment or modification of this authorization. It must be approved by the AO in advance and may require additional fees and changes to the terms of this authorization.
- 14. Assignment.** This permit may not be transferred, extended, or assigned without prior written approval from the AO. The Permittee shall not sublet or enter into any third-party agreements involving the privileges authorized by this permit.
- 15. Cooperation and Professional Behavior.** The Permittee agrees to cooperate with agency representatives for the purpose of permit compliance, 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, 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.
- 16. Advertising Prohibited.** The Permittee may not post, display, or distribute any advertisements or promotional materials on lands and waters managed by DPOR unless specifically authorized in this permit.
- 17. Protection of Lands, Facilities, and Resources.** The Permittee shall protect land, facilities, and resources, and avoid disturbing cultural or paleontological materials (e.g., human remains, artifacts, archaeological or paleontological resources). If such materials are discovered, 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 AO and the Office of History and Archaeology (907-269-8721).
- 18. 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 lands and waters 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. Ground fires are prohibited unless built on unvegetated gravel bars. When fires cannot be built on gravel bars, an approved metal fire ring or raised fire pit shall be used to contain the fire. Only dead or down trees are approved for wood fire. The site must be returned to its natural state after use.
- 19. Report Abnormal Sightings.** The Permittee shall notify the AO of any problems, abnormal conditions, or unusual conditions observed while operating on/over park lands and waters.
- 20. Structures, Storage, and Camps.** Temporary structures, storage, or camps require prior written approval and may be allowed only under a special use permit with additional conditions and fees. Permanent structures are prohibited. All property must be removed from park lands and waters at the end of activities. Vehicles, boats, aircraft, and supplies may not be stored without authorization. Permitted vehicles may be legally parked during operations.
- 21. Natural Hazards.** The Permittee recognizes and understands that natural hazards are likely to exist within the 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.

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- 22. Firearms and other Weapons.** A person may discharge a weapon in a state park for the purpose of lawful hunting or trapping, except that a person may not discharge a weapon in a state park within one-quarter mile of a developed facility or where prohibited by 11 AAC 12.190.
- 23. 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 legal hunting and fishing.
- 24. 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.
  - (e) Where not prohibited by area stipulations, deposit solid human waste in catholes 6-8 inches deep and located at least 200 feet from water, camps, and trails. Cover and disguise the cathole upon completion.
- 25. Motor Vehicle and Vessel Identification.** All motor vehicles and vessels used in connection with this permit shall be identified on the application and display issued decals.
- (a) **Motor Vehicle:** A vehicle decal will be supplied upon permit issuance and shall be affixed to the bottom left-hand corner of the windshield. Decals are only valid for parking at DPOR facilities while conducting commercial activities.
  - (b) **Vessel:** Kenai River Guide decals will be supplied upon permit issuance, and a three-digit vessel number will be assigned if needed. Both must be visible when operating in DPOR waters.
    - i. The assigned three-digit guide vessel number will be placed on both sides of the vessel, just aft of the midpoint and above the water line. The number is to be permanently displayed in six-inch-high by one-inch-wide block-style figures of a contrasting hull color. Duct tape, electrical tape, and other temporary numbers are not acceptable.
    - ii. The decals issued shall be placed directly forward of the assigned three-digit guide vessel number and above the water line.
- 26. Accident and Injury Notification.** The Permittee must immediately notify the nearest State Park office of any trip involving injury, vessel accidents (collision, swamping, overturning, or damage), threatening wildlife encounters, or lost equipment that could suggest someone is missing or in danger. Injuries requiring urgent medical care or evacuation, as well as knowledge of anyone injured, lost, overdue, or deceased in the park, must be reported at once to State Parks or Alaska State Troopers.
- 27. First Aid Certification.** All individuals operating under this permit within State Park lands and waters must hold a current first aid certification recognized by a state or national authority.
- 28. Client Information and Safety.** 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. Guides must always remain within sight and sound of clients.
- 29. 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 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.

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**Appeals**

An eligible person affected by this decision may appeal to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department.

Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b). A .pdf or print copy of 11 AAC 02 may be obtained by contacting DNR's Appeals Program via phone at (907) 269-3565, via email at [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov), and is also available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.