



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Togiak National Wildlife Refuge

P.O. Box 270

Dillingham, Alaska 99576

Phone 907-842-1063

Fax 907-842-5402

**Prospectus and Request for Proposals**

**INVITATION FOR PROPOSALS  
TO CONDUCT  
COMMERCIAL SPORTFISH GUIDING SERVICES  
WITHIN AREAS OF  
THE TOGIAK NATIONAL WILDLIFE REFUGE**

Issued by: Refuge Manager  
Togiak National Wildlife Refuge

Date: December 21, 2011

Location: Dillingham, Alaska

Submittal: **Sealed proposals must be postmarked or hand delivered to the address indicated below by March 30, 2012.**

Togiak National Wildlife Refuge  
P.O. Box 270  
Dillingham, Alaska 99576.  
Attention: Refuge Manager

For More Information: Contact the Refuge Manager at the address above or by telephone at (907) 842-1063 8 during weekdays.

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PROSPECTUS FOR COMMERCIAL SPORT FISH GUIDING SERVICES  
AT  
TOGIAK NATIONAL WILDLIFE REFUGE  
ALASKA

I. INTRODUCTION

The Togiak National Wildlife Refuge (Refuge), located in southwestern Alaska, is offering an opportunity for sport fishing guides to provide commercial services on the Togiak River within the refuge consistent with the Public Use Management Plan (PUMP). The offerings include five-year permit awards; with an opportunity for a non-competitive renewal for an additional five years upon application and showing that the permit holder has complied with all applicable permit terms and conditions, and has a satisfactory record of performance.

**Unit Offerings** (5-year permits)

Offering Number 1: Upper Togiak River Fly-in Motorboat Use (Unit 5)

Offering Number 2: Upper Togiak River Motorboat access (Unit 5)

Offering Number 3: Upper Togiak River Float Trips (Unit 5)

The objectives of this prospectus are to provide public opportunities to visit areas of the refuge for different types of guided sport fishing through a reasonable variety of quality guided services and ensure that sport fishing uses are compatible with the refuge's purposes, resources and management objectives.

A Public Use Management Plan (PUMP) and Environmental Assessment (EA) were prepared to analyze the need for these services and were approved in 1991. An updated PUMP and EA were completed in 2010. The plan identifies that guiding services would provide beneficial recreation opportunities to the public consistent with the management direction for the refuge. The PUMP and EA including related Decision Notices shall, by reference, be a part of this prospectus.

The PUMP, EA and Decision Notices identify various management concerns for Togiak Refuge. Proposals will be reviewed based on management direction, existing U.S. Fish and Wildlife Service policy, and the evaluation criteria identified in Section VI. Copies of the PUMP, EA and Decision Notices are available from the Togiak National Wildlife Refuge Office in Dillingham, Alaska.

All prospective applicants are advised to read this prospectus in its entirety.

All use allocations assigned through this prospectus do not commit the U.S. Fish and Wildlife Service to authorize that amount of use beyond the life of this prospectus.

Permit holders cannot sublet any part of an area and are prohibited from subcontracting clients with any other guide without prior authorization from the Refuge Manager.

Pursuant to Title 50 CFR 36.41(e)(10), after five years the U.S. Fish and Wildlife Service will renew multi-year permits awarded under this prospectus for an additional five years upon application and showing that the permit holder has complied with all applicable permit terms and conditions, and has a satisfactory record of performance. The original operations plan (including any authorized modifications), conditions, and special conditions associated with awarded permits will also apply during this five year renewal period.

Special Use Permits awarded under this prospectus are subject to published regulations as provided in 50 CFR, Subchapter C, The National Wildlife Refuge System.

All applicants are responsible for making their own investigations as to the economic feasibility of any proposal, facts about the area, and estimates of probable business opportunity.

For additional information contact the Refuge Manager, Togiak National Wildlife Refuge at P.O. Box 270, Dillingham, Alaska, 99576 or phone (907) 842-1063 weekdays.

## II. AREA DESCRIPTION

On December 2, 1980 Congress passed the Alaska National Interest Lands Conservation Act (ANILCA). This law designated about 4.1 million acres of public lands as the Togiak National Wildlife Refuge. The Northern 2.3 million acres of the refuge comprise the second largest wilderness area in the National Wildlife Refuge System. The eastern boundary of the refuge is about 400 air miles southwest of Anchorage, Alaska. The refuge is bordered on the north by Yukon Delta National Wildlife Refuge and on the east by Wood-Tikchik State Park.

### **Refuge Resources**

The refuge contains a variety of landscapes, including glacial valleys, tundra uplands, lakes, wetlands, sand and gravel beaches, rugged mountains and coastal cliffs. The Kanektok, Goodnews, and Togiak drainages provide habitat necessary for five species of Pacific salmon that spawn in the refuge. The refuge also supports populations of rainbow trout, lake trout, grayling, pike, Dolly Varden and Arctic char which are important resources to local residents and visitors. At least ten raptor species use the refuge, including peregrine falcons and bald and golden eagles. Over 30 species of mammals are present including brown bear, caribou, moose, and lynx. Walrus, Steller's sea lions, and harbor seals inhabit the Bering Sea shoreline. The refuge's lagoons, estuaries, wetlands, and lakes are also heavily used by migrating waterfowl.

### **Refuge Purposes**

In Section 101 of ANILCA, Congress made clear its intent to preserve within conservation system units in Alaska, including the Togiak Refuge, "nationally significant" scenic, wilderness, recreational, wildlife and other values for the benefit of present and future generations. Section 101 further states that "it is the intent of Congress in this Act to preserve . . . wilderness resource values and related recreational opportunities including but not limited to hiking, canoeing, fishing and sport hunting, within large arctic and subarctic wildlands and on free-flowing rivers . . ."

Section 303(6)(B) of ANILCA sets forth the following major purposes for which Togiak Refuge was established and shall be managed:

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, salmonids, marine birds and mammals, migratory birds and large mammals (including their restoration to historic levels);
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.

## **Local Communities**

The Togiak Refuge essentially surrounds the communities of Quinhagak, Goodnews Bay, Platinum, Manokotak, Togiak, and Twin Hills. These communities (and others nearby) are heavily dependent upon subsistence resources including the fish resources sought by sport anglers. Decisions made by the U.S. Fish and Wildlife Service in the PUMP were designed to reduce conflicts between sport anglers and subsistence users as well as those among sport anglers using different means of transportation.

It will be the responsibility of the permit holder selected under this prospectus to work diligently to minimize conflicts by strict adherence to the terms of permits and by enhancing the visitor's experience by explaining the role of subsistence in the local culture and economy.

### III. DEFINITIONS

**Boat storage site.** A site on refuge lands where a guide is authorized by special use permit to keep boats during the season of use. A small tent camp may also be authorized for a guide or guides to remain overnight to watch the boats and for emergency shelter for clients. Clients are not to remain overnight under normal circumstances.

**Commercial recreational uses.** Recreational uses of lands, waters, and resources for business or financial gain; includes guided sport fishing, guided and outfitted sport hunting, other guided recreation, and air taxi services.

**Controlling Interest.** In the case of a corporation, it means an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the business, so as to permit exercise of final managerial authority over the actions and operations of the corporation, or election of a majority of the Board of Directors of the Corporation. Controlling interest in the case of a partnership, limited partnership, joint venture or individual entrepreneurship, means a beneficial ownership of or interest in the entity so as to permit the exercise of final managerial authority over the actions and operations of the entity. In other circumstances, controlling interest means any arrangement under which a third party has the ability to exercise general management authority over the actions or operations of the business.

**Employee.** A person who works directly for the permittee for wages or other salary compensation in providing visitor services and is covered by the State of Alaska workmen's compensation regulations.

**Non-commercial recreational uses.** Recreational uses of lands, waters and resources not for business or financial gain, includes sport fishing and hunting, floating, camping, hiking, photography and sightseeing.

**Operations Plan.** A narrative description of the proposed commercial fishing or hunting operations which contains all information required in Form C of this prospectus.

**Ordinary high water mark.** The mark along the bank or shore up to which the presence and action of the non-tidal water are so common and usual, and so long continued in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics [from 11 Alaska Administration Code 53.900 (23)].

**Party Size.** The number of people (including guides, clients, pilots, and any other employees of the permit holder) who are authorized to be in a use area, by the terms of a special use permit.

**Permit Holder or Permittee.** An **individual** who is selected through this prospectus and who is issued a special use permit.

**Primitive tent camps.** Portable camps, normally consisting of small tents, that are used by non-guided and guided visitors. They usually remain in place for one to two days and are then disassembled and moved to another location on the river. Nothing is left in place when the camp is moved.

**Proposal.** A document which identifies a proposed operations plan and addresses specific criteria as identified through a prospectus. The terms **Application** and **Proposal** are used interchangeably and mean the same thing.

**Prospectus.** A document the agency uses in soliciting competition to award commercial visitor services on a refuge.

**Shorelands.** Land belonging to the State which is covered by non-tidal water that is navigable under the laws of the United States up to the ordinary high water mark as modified by accretion, erosion, or reliction (from Alaska Statute 38.05.965).

**Special Use Permit (Permit).** A U.S. Fish and Wildlife Service authorization required for all commercial uses of refuge lands and waters.

**Sport Fishing Guide.** A commercial operator who accompanies sport fishing clients in the refuge for either day or overnight trips.

**Subcontracting.** Any activity in which the permittee provides financial or other remuneration to anyone other than employees to conduct the specific commercial services authorized by the U.S. Fish and Wildlife Service. The Permittee's primary authorized activities must be conducted in a genuine employer/employee relationship where the source of all remuneration for services provided to clients is from the permittee. Subcontracting does not apply to booking services or authorized secondary services provided to clients in support of the Permittee's primary authorized activities (e.g. a guide paying a marine or air taxi operator to transport clients).

**Subletting.** Any activity in which the permittee receives financial or other remuneration in return for allowing another commercial operator to conduct any of the permittee's authorized activities in the permittee's use area.

**Subsistence Uses.** The customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of non edible byproducts of fish and wildlife resources taken for personal or family consumption; and for barter, or sharing for personal or family consumption; and for customary trade (from Section 803 of Alaska National Interest Lands Conservation Act).

**Temporary base camps.** Serves as the center of operations and overnight accommodation for guides and clients. They usually remain in place for the full season of use (90 to 120 days) but may be removed within 48 hours. They generally consist of larger tents than primitive camps and often have tent platforms and/or other rigid floors. A typical camp would include several large guest tents, a cook tent, and a few smaller tents for staff use, showers, waste disposal, storage, etc. In some cases, smaller camps that include only 4 or 5 tents and related facilities are used by a lodge to fly clients for overnight visits of a few days. The primary distinction between temporary base camps and primitive camps is the period of occupancy.

**Use Area.** An area designated by the U.S. Fish and Wildlife Service and offered to a commercial operator to provide guided sport fishing services for the public.

**Use day.** One calendar day (24 hours), or portion thereof, for each person using the refuge. Used as a measure of human use. Includes use of the refuge by guides, clients, and any other individuals associated with the permit holder for any part of one day (24 hour period from midnight to midnight). NOTE: For the purpose of determining Client Use Fees, only Client Use Days are considered.

**U.S. Fish and Wildlife Service (Service).** U.S. Department of the Interior, Fish and Wildlife Service, Togiak National Wildlife Refuge.

## IV. OFFERINGS

Three offerings are described below. Each area offered is within management unit 5 (i.e. Upper Togiak River). An individual or a business may apply for one or all of the offerings; however, it is the intent of the U.S. Fish and Wildlife Service to have more than one operator permitted in each management unit.

### **Unit 5 Description**

The Togiak River drains approximately 2,000 square miles of the south central portion of the refuge into Bristol Bay. The upper river is generally in excess of 100 feet in width, and is primarily in a single channel. Currents are swift and occasional gravel bar islands are present. Riffles and glides with few pools characterize the majority of the river. The river bottom is comprised of gravel with some large cobble and boulders. Sweepers are found along cut banks. Five major tributaries drain into the Togiak River downstream from Togiak Lake. They are Gechiak and Pungokepuk creeks, and the Nayorurun, Kemuk and Ongivinuck rivers. Several smaller tributaries also enter the river. River depth is sufficient to run propeller driven boats to Togiak Lake in most years.

Fish, such as coho salmon, hold primarily in back waters, eddies, and below the mouths of tributary streams, all of which are limited on the upper river. Spawning concentrations of char hold in the upper river during the late summer and over the winter. There are several locations in the upper river where spawning Chinook salmon concentrate. Five species of salmon, char, rainbow trout, and grayling are taken in the sport fishery. Sport fishing occurs primarily from June to September. Most anglers access the area by float plane, either to camps on the river, or they put in at Togiak Lake and float down. There are numerous landing spots on the river where anglers access fishing sites with float planes.

The river braids into several side channels below the refuge wilderness boundary - for the remaining 20 miles to Togiak Bay. The substrate composition changes to sand and fine gravel near the bay.

The village of Togiak is located at the mouth of the Togiak River in Togiak Bay. The village of Twin Hills is located across the river from Togiak. Residents of both communities use the river drainage for subsistence activities such as fishing, hunting, berry picking, trapping, and firewood gathering.

A more detailed description of each Refuge management unit can be found in the Togiak National Wildlife Refuge Public Use Management Plan. A map depicting management unit 5 (Upper Togiak River) is found in Appendix C of this prospectus.

**Offering Number 1: Guided Fly-in/Motorboat Sport Fishing - Upper Togiak River (Unit 5)**

- Term of the permits: **January 1, 2013 through December 31, 2017 (5 years)**

Three permits are offered for the fly-in/motorboat day use sport fishing zones on the Upper Togiak River established around Kashaiaik Creek, Kemuk River, and Ongivinuk River, as indicated on the attached map. One permit is offered for each zone. Fly-in/motorboat permit holders will be authorized no more than two motorboats daily with a maximum party size of eight people (includes guides, clients, pilots, etc.) per zone. Only one party per boat per day will be allowed. One boat storage site will be allowed on refuge land within each zone. Two boats per storage site will be allowed. One overnight camp will be allowed on refuge land within each zone for guides, and may be used by clients in the case of an emergency or when conditions do not permit safe transport of clients from the camp.

**Offering Number 2: Guided Motorboat Sport Fishing - Upper Togiak River (Unit 5)**

- Term of the permit: **January 1, 2013 through December 31, 2017 (5 years)**

One permit is offered for daily guided motorboat sport fishing access to the Upper Togiak River. The permit holder will be limited to one boat and four people (includes guides, clients, etc.) per day. No camping or facilities will be authorized.

**Offering Number 3: Guided Float Boat Sport Fishing - Upper Togiak River (Unit 5)**

- Term of the permit(s): **January 1, 2013 through December 31, 2017 (5 years)**

Permits are offered for guided float boat sport fishing on the Togiak River within Togiak National Wildlife Refuge. Maximum guided float party size is eight people (includes guides, clients, etc.) and two rafts. Two float trips per 7-day start period listed below will be awarded. Start dates will be awarded starting with the highest scoring applicant. A maximum of six start dates will be awarded to each applicant. Two trips may be selected for a 7-day start period but both will count toward the six maximum allowed. Each float trip must be started within the awarded 7-day start period, but need not be completed during that period. Trip duration will be determined by the permittee's approved operations plan.

From June 15 through September 15, camping (other than authorized base camps) on refuge lands within 1/4 mile of the Togiak River is limited to three consecutive days at one location. After three consecutive days, camps must be moved a minimum of one mile.

Float Start Periods (two float starts will be awarded per 7-day period):

6/19-6/25, 6/26-7/2, 7/3-7/9, 7/10-7/16, 7/17-7/23, 7/24-7/30, 7/31-8/6, 8/7-8/13, 8/14-8/20, 8/21-8/27, 8/28-9/3, 9/4-9/10

## V. SPECIAL REQUIREMENTS AND CONSIDERATIONS

**Minimum Requirements (unless indicated otherwise, the applicant must submit copies of all documents with the application in order to be evaluated)**

- Current Alaska sport fishing business license.
- Current Alaska sport fish guide license.
- Applicant must submit an affidavit signed by the applicant that affirms the applicant's financial ability to perform according to the operations plan.

**Items that do not have to be submitted with the application, but which must be submitted prior to permit issuance:**

- Applicant shall show proof of liability insurance (\$300,000 each occurrence, \$500,000 aggregate) with the U.S. Fish and Wildlife Service named as co-insured. Insurance does not have to be purchased prior to applying.
- Applicant or camp manager must possess a current first aid and CPR certification prior to issuance of the special use permit, and maintain currency through the authorized use period.
- Current Alaska sport fish guide license for all river guides who will be conducting sport fishing guiding activities as part of the proposal.

### Use Record and Fees

Fees are required for commercial use of refuge lands. Holders of special use permits awarded under this prospectus will be required to pay a one time \$100 administrative fee and client use day fees annually. In addition, the holder of the permits issued under offering 1 will also be assessed a \$250 reserved site fee annually.

Client Use Fees are based on the type of commercial activity and actual client numbers. For the purpose of determining use fees, "client use days" are defined as one calendar day (24 hours), or portion thereof, for each client using the refuge. Per our Regional Policy RW-7(a), Revised Special Use Permit Fees for Commercial Guiding, Outfitting, and Transporting Operations on National Wildlife Refuges in Alaska, client use day fees are to be adjusted every three years based on the Department of Commerce Implicit Price Deflator Index (IPDI). Currently all guided sport fishing operators are charged \$2.75 per client use day. Client Use Fees may be adjusted prior to the 2013 season.

The holder shall be required to furnish to the Refuge Manager a report for the current year showing the actual number of client use days, and the number of each species caught and harvested, before November 15 of each calendar year. This report shall be certified by the permit holder as being complete and accurate. The holder will also provide the specific information on the holder's activities requested in forms attached to the special use permit (see Appendix B).

### Performance Evaluations

Permit holders will be checked periodically to determine compliance with permit conditions, operating plans, and care and protection of refuge resources. Evaluations will be based upon compliance inspections, discussions with clients, etc. The Service reserves the right to require a list of clients that you have guided in the last three years including full names, contact information, dates guided, and waters fished. A client list does not need to be provided at this time. The permit holder will be advised of the evaluation, deficiencies and any legal or administrative actions resulting from the review.

### Total Allowable Use

The Service anticipates use allowed under a special use permit will remain the same throughout the time period authorized in the permit, but it is not guaranteed. Use may be adjusted at any time by the Service, if necessary, due to regulation changes, subsistence needs, other environmental effects, or management needs which may warrant adjustment.

### Change in Type/Location of Service

If a holder is selected through this prospectus to provide a given type of service, the holder is restricted to that type of service. A holder will not be able to significantly change the type or location of service or proposed operations until the term of the permit issued under this prospectus expires. Any change to the permit holder's operation plan requires prior approval by the Refuge Manager.

### Obligation of Use

Holders of permits are obligated to do all in their power to provide the public with the service authorized. External factors outside the control of the holder such as the general guiding market, economic fluctuations and weather may have an adverse affect on the ability of the holder to make full use of the assigned use. Where such factors can be determined in advance, the holder shall give written notification to the Service sufficiently in advance of such use to allow waiver of the holder's obligation to exercise all or part of the assigned amount. Use not consistently utilized by the holder may be relinquished to the Service and made available to other permittees.

### Sublease

Permit holders cannot sublet any part of an area and are prohibited from subcontracting clients with any other guide without prior authorization from the Refuge Manager.

### Ownership/Authorization

If the applicant is other than an individual, (e.g., corporation, partnership, or other type of business), the application must include proof of ownership including the names of all corporate officers and all major stock holders (if applicable). This information must be in sufficient detail

for the Service to be able to clearly determine who the controlling interest is (See III. DEFINITIONS - Controlling Interest).

### Fuel Storage

Permit holders will be required to follow guidelines established in the Service's Regional Fuel Storage Policy (R7-4), which addresses fuel spill prevention/containment at fuel storage locations on Service lands, and follow additional conditions or restrictions required in the refuge special use permit.

### General Terms

1. The government reserves the right to not award portions or all of some use areas being offered; extend the date for receiving the proposals; and to reject any or all proposals.
2. Applications containing false or incomplete information may be rejected by the Service. If a permit has been issued based on false or incomplete information, it may be terminated at any time.
3. The Service will use the information submitted with the original applications to rank applicants and award permits. However, the Service also reserves the right to contact all applicants for any offering for additional information, or to evaluate other sources of information prior to award.
4. Soliciting business, or conducting a commercial enterprise on a national wildlife refuge is prohibited except as authorized by a special use permit (50 CFR 27.97). Successful applicants will be issued special use permits authorizing and governing use and occupancy of refuge lands under the National Refuge System Administration Act (16 U.S.C. 668dd-668ee) and the Refuge Recreation Act (16 U.S.C. 460k-3). Such uses are subject to fees established by the Service. Permits issued in response to this prospectus will only authorize commercial sport fish guiding activities. Conducting other commercial activities (i.e., incidental guiding for small game/waterfowl hunting) will be prohibited without the prior written approval of the Refuge Manager.
5. The permit does not authorize use of lands conveyed to Alaska Native corporations, or other private or state lands.
6. Any oral statement by any representative of the Government, modifying or changing any conditions of this prospectus is an expression of opinion only and confers no right upon any applicant.
7. In the event that a contradiction exists between conditions in the prospectus or sample permit and the conditions in the permit holder's special use permit, the conditions in the special use permit will govern.

8. The permit holder's operation plan, as amended and accepted by the Service, will be incorporated as a special condition of the holder's permit. By accepting the permit, the holder must conduct his/her commercial guiding operations in adherence with the plan of operations, as well as other permit conditions. Any deviation from the permit conditions or approved operations plan requires prior written approval from the Refuge Manager. In the event that a contradiction exists between the permit holder's proposal and the conditions in the holder's special use permit, the conditions in the special use permit will govern.
9. All costs incurred by the applicants for items submitted for this prospectus shall be the sole responsibility of the applicant.

### Freedom of Information Act

All proposals submitted in response to this prospectus will be disclosed by the Department of the Interior to any person upon request pursuant to the Freedom of Information Act. The Service believes that it is not necessary for applicants to provide trade secrets or confidential commercial or financial information when completing their proposals. Therefore, inclusion of such information is highly discouraged. However, if the applicant chooses to include commercial or financial information in the application which the applicant believes to be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), the cover page of each copy of the proposal shall include an attachment with the following statement:

"The information specifically identified on pages \_\_, \_\_, \_\_, etc., of this proposal constitutes trade secrets or confidential commercial and financial information which the applicant believes to be exempt from disclosure under the Freedom of Information Act. The applicant requests that this information not be disclosed to the public, except as may be required by law."

The applicant shall also specifically identify trade secret information and confidential commercial and financial information on the page of the proposal which it appears and shall mark each page with the following legend:

"This page contains trade secrets or confidential commercial and financial information which the applicant believes to be exempt from disclosure under the Freedom of Information Act and which is subject to the legend contained on the cover page of this proposal."

In the event of a request for documents under the Freedom of Information Act, the burden will be on the applicant to establish that the information he/she requests to be withheld as a trade secret, or as privileged commercial or financial information, qualifies for nondisclosure under the Freedom of Information Act. Information included in the proposals relating to personal privacy such as social security numbers, home telephone numbers, certain items in law enforcement reports, etc. is protected under the Freedom of Information Act and the Privacy Act and will automatically be withheld.

## VI. SELECTION OF SUCCESSFUL APPLICANTS

A panel comprised of Service employees will evaluate all properly completed proposals using scoring factors and guidance developed by the Service for each of the criteria listed below. The average score assigned by panel members will determine the applicant's final score for each of the criteria. The sum of scores for all criteria will determine the applicant's total score. After scoring and ranking all applications for a guide use area, the ranking panel will recommend a list of the "best qualified applicants" to be considered for final selection for that area. The refuge manager will make the final selections. The refuge manager may either limit his/her selection to the list of best qualified applicants recommended by the ranking panel, or consider all applicants for the area that meet the minimum scores and qualifications. The refuge manager will base his/her final selection on the results of the ranking panel evaluations, the manager's own examination of the applications, interviews of the applicants, and other records or sources of information (e.g., permit files) that can document the applicant's performance and qualifications. Applicants must attain the minimum scores indicated below in all of the criteria to be eligible for consideration by the refuge manager.

Evaluations will be based on the following criteria (190 points total):

1. Demonstration of applicant's<sup>1</sup> experience in this or related fields and the qualifications possessed to best meet the public need. Include experience in Togiak National Wildlife Refuge and in the management units in which guiding services are proposed. Consideration will be given regarding an applicant's previous performance while operating under permits (i.e., compliance with terms of a permit, prompt fee payment, and reasonable record keeping and reporting). (Maximum 30 points; minimum 12 points)
2. Knowledge of the refuge resources, including the fisheries, wildlife, subsistence uses, etc.. (Maximum 30 points; minimum 9 points)
3. Ability to provide a high quality guiding service to the public. The proposal, in the opinion of the Service, is compatible with existing management direction for the area and provides the best service to the public. (Maximum 30 points; minimum 12 points)
4. Impacts of the proposed operation on other refuge visitors, including subsistence users and local residents. Specific consideration will be given to an applicant's proposed methods for preventing conflicts. (Maximum 20 points; minimum 12 points)
5. Impacts of the proposed operation on refuge resources. Knowledge of and experience in using minimum impact outdoor skills including, but not limited to, clean bear-proof camp set-up and maintenance (if camping is proposed), campfire policy, human waste disposal, trash disposal, outdoor ethics, food storage, catch-and-release methods, and fish cleaning and disposal methods. (Maximum 20 points; minimum 12 points)

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<sup>1</sup> If the applicant is not an individual, (e.g., a corporation), the evaluation will be based upon the experience of the person(s) who directly manages the guiding business (see Form A for details).

6. Safety of the proposed operation including pertinent experience, qualifications, and training of each of the guides, pilots, and/or boat operators who will operate on the refuge as part of the proposed operation. This should include, but not be limited to, their ability to provide for the general safety of clients, provide for medical emergencies, as well as their capability to provide adequate equipment and accessories and their ability to meet and maintain all applicable Federal, State, and local requirements for the entire operation proposed (e.g., Federal Aviation Administration and State requirements). (Maximum 20 points; minimum 12 points)
7. History of compliance with State and Federal fish, game, guiding, and permitting requirements, laws, and regulations. (Maximum 20 points; minimum 9 points)
8. Demonstrated knowledge and ability to effectively communicate information about Togiak National Wildlife Refuge, its goals and objectives, public use management, the specific management unit, and, where appropriate, wilderness values and management. (Maximum 20 points; minimum 12 points)

## VII. INSTRUCTIONS: HOW TO SUBMIT PROPOSALS

All proposals must be submitted in writing to:

Refuge Manager  
Togiak National Wildlife Refuge  
P.O. Box 270  
Dillingham, Alaska 99576

**All proposals must be postmarked or hand delivered to the address above by March 30, 2012. An original and two copies of the complete application package(s) must be submitted for each offering.** Proposals must be submitted in sealed envelopes and must be signed by the individual submitting the proposal. Each sealed envelope shall be clearly marked "**Togiak Refuge Guiding Proposal.**" Each package should be marked with the name, address and telephone number of the applicant. Applications mailed must be sent by certified or registered mail, return receipt requested.

**Incomplete proposals will not be returned to the applicant for more information.** Material submitted with the proposals will not be returned to the applicant. All proposals must be legible, either neatly printed or typed in dark ink. **Proposals received after the above deadline will be considered late and will be returned to the sender without evaluation.**

The following instructions are provided to help you in completing the enclosed forms in Section VIII. **The Service will not accept any form of proposal except as specified in the format under Section VIII.** Elements of the proposal may be incorporated as conditions of the special use permit.

Proposals shall include:

Cover Sheet. By signing this form, the applicant attests that all information provided with the application is true and complete and authorizes the Service to verify any information provided. The form also contains a checklist for the applicant to verify that all required forms have been completed and are attached.

Application for Offering. Enclose the applicable application form(s) for each Offering applied for.

Form A - Proposed Operations Plan. Information on this form should describe the full service offered to the public, even if only a portion of that service is on the refuge. Impacts to wildlife resources, other Refuge resources, and other Refuge users will be evaluated using the information provided. Instructions on the form indicate the information required. All services which may influence the visitor's experience should be included.

Form B - Guiding History - General Experience & Specialized Experience in Refuge Units. Information on this form should demonstrate the applicant's ability and experience in this or related fields and that they possess the qualifications required to best meet the public need. Information on this form should include the applicant's experience, if any, for specific management units within the refuge. All past experience operating under Service or other agency special use permit(s) must be listed.

Form C - Knowledge of Resources & Togiak National Wildlife Refuge. Information on this form should demonstrate the applicant's knowledge of important refuge resources. The applicant should also demonstrate knowledge of the Service, specifically the Togiak National Wildlife Refuge, the purpose for which it was established and goals and objectives. The applicant should address how this information would be communicated to their clients.

Form D - Ability to Provide a High Quality sport fishing Guiding Service. Use this form to describe your ability to provide a high quality and available guiding service. Guiding philosophy, educational curriculum, educational affiliation, employee/client training and/or orientation etc. should be discussed on this form.

Form E - Ability to Minimize Impacts and Avoid Conflicts. Information on this form will be used to determine what impacts the proposed operation will have on the refuge (including wilderness character within the Wilderness), other refuge users especially subsistence users, and refuge resources including fish and wildlife.

Form F - Safety Record and Training. Use the enclosed form to describe the experience, qualifications and training of the guides, pilots, and/or boat operators serving the public. Information on this form will be used to evaluate your past safety record and your ability to provide clients with a safe experience.

Form G - List and Description of Property, Equipment, and Accessories. Applicants must demonstrate that they will be able to meet all applicable Federal, State, and local requirements pertinent to their full operation. Applicants must also be able to demonstrate that all the equipment and accessories proposed for use in the operation are safe and adequate for the public.

Form H - History of Violations. Applicants must complete the enclosed form by describing any violations of Federal, State or local fish (including commercial fishing), game or guiding rules; special use permit terms; regulations and/or laws received by the applicant or any of his/her employees since January 1, 2002.

## VIII. INFORMATION REQUIRED

Please read the following forms carefully. Additional information relative to the questions found in these forms can be found in Section V. Be sure to provide in written form the information requested under each element in the format specified. **Additional pages should be used if extra space is needed (use copies of or the same format as the continuation sheet form provided in Appendix A).** Information beyond the minimum requested will be evaluated. All information is subject to verification by the Service and additional supporting data may be required. **Be sure to retain a copy of the application for your records.** The Service is under no obligation to return applications.

TOGIAK REFUGE SPORT FISH GUIDING PROSPECTUS – TOGIAK RIVER - 2012  
APPLICATION COVER SHEET

I certify that the information furnished is true and complete to the best of my knowledge and belief. I authorize the U.S. Fish and Wildlife Service to verify the information furnished herewith.

BY: \_\_\_\_\_  
(Sign in ink as typed or printed below)

\_\_\_\_\_  
(Individual Responsible for Activities)

\_\_\_\_\_  
(Type or print full name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Doing business as)

\_\_\_\_\_  
(Social Security Number)

\_\_\_\_\_  
(Date)

Permanent mailing address

Summer Address (if different)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Numbers:

Telephone Numbers:

Daytime \_\_\_\_\_

Daytime \_\_\_\_\_

Evening \_\_\_\_\_

Evening \_\_\_\_\_

**Enclosed are one original and two copies of the Following Forms:**

**Forms A - I (for each offering applied for):**

- \_\_\_ Form A - Proposed Operations Plan
- \_\_\_ Form B - Guiding History
- \_\_\_ Form C - Knowledge of Resources
- \_\_\_ Form D - Ability to Provide a High Quality Guide Service
- \_\_\_ Form E - Ability to Minimize Impacts and Avoid Conflicts
- \_\_\_ Form F - Safety Record and Training
- \_\_\_ Form G - List and Description of Property and Equipment
- \_\_\_ Form H - History of Violations

**Submit an application for at least one offering:**

- \_\_\_ Application for Offering 1
- \_\_\_ Application for Offering 2
- \_\_\_ Application for Offering 3

**APPLICATION FOR OFFERING NUMBER 1**

**Offering Number 1: Guided Fly-in/Motorboat Sport Fishing - Upper Togiak River (Unit 5)**

- Term of the permits: **January 1, 2013 through December 31, 2017 (5 years)**

Three permits are offered for the fly-in/motorboat day use sport fishing zones on the Upper Togiak River established around Kashaik Creek, Kemuk River, and Ongivinuk River, as indicated on the attached map. One permit is offered for each zone. Fly-in/motorboat permit holders will be authorized no more than two motorboats daily with a maximum party size of eight people (includes guides, clients, pilots, etc.) per zone. Only one party per boat per day will be allowed. One boat storage site will be allowed on refuge land within each zone. Two boats per storage site will be allowed. One overnight camp will be allowed on refuge land within each zone for guides, and may be used by clients in the case of an emergency or when conditions do not permit safe transport of clients from the camp.

Applicant's Name \_\_\_\_\_

**APPLICATION FOR OFFERING NUMBER 2**

**Offering Number 2: Guided Motorboat Sport Fishing - Upper Togiak River (Unit 5)**

- Term of the permit: **January 1, 2013 through December 31, 2017 (5 years)**

One permit is offered for daily guided motorboat sport fishing access to the Upper Togiak River. The permit holder will be limited to one boat and four people (includes guides, clients, etc.) per day. No camping or facilities will be authorized.

Applicant's Name \_\_\_\_\_

**APPLICATION FOR OFFERING NUMBER 3**

**Offering Number 3: Guided Float Boat Sport Fishing - Upper Togiak River (Unit 5)**

- Term of the permit(s): **January 1, 2013 through December 31, 2017 (5 years)**

Permits are offered for guided float boat sport fishing on the Togiak River within Togiak National Wildlife Refuge. Maximum guided float party size is eight people (includes guides, clients, etc.) and two rafts. Two float trips per 7-day start period listed below will be awarded. Start dates will be awarded starting with the highest scoring applicant. A maximum of six start dates will be awarded to each applicant. Two trips may be selected for a 7-day start period but both will count toward the six maximum allowed. Each float trip must be started within the awarded 7-day start period, but need not be completed during that period. Trip duration will be determined by the permittee's approved operations plan. Successful applicants will be contacted to select up to six start dates from the 7-day start periods listed below.

From June 15 through September 15, camping (other than authorized base camps) on refuge lands within 1/4 mile of the Togiak River is limited to three consecutive days at one location. After three consecutive days, camps must be moved a minimum of one mile.

- Number of float trips requested (up to 6) \_\_\_\_\_  
Minimum number of float trips acceptable \_\_\_\_\_  
Earliest 7-day period you would accept \_\_\_\_\_  
Latest 7-day period start date you would accept \_\_\_\_\_

Float Start Periods (two float starts will be awarded per 7-day period):

June: 6/19-6/25, 6/26-7/2,

July: 7/3-7/9, 7/10-7/16, 7/17-7/23, 7/24-7/30,

August: 7/31-8/6, 8/7-8/13, 8/14-8/20, 8/21-8/27,

September: 8/28-9/3, 9/4-9/10

Applicant's Name \_\_\_\_\_

## FORM A - Proposed Operations Plan

Provide in narrative form a description of the services you propose to offer. Be sure to explain the services for each offering for which you are applying. This narrative should address at a minimum, the type and extent of services, including:

- Dates of operation
- Trip itinerary(s)
- Fish species and method of fishing proposed
- Maximum number of clients proposed annually; note: This should not exceed the number per day, week, or season as outlined in the prospectus
- Number/type/location of temporary campsites (offering 2 - marked on USGS 1:63,360 scale maps)
- Provisions to minimize impacts on refuge resources and visitors including subsistence and sport anglers. Include provisions for dealing with human waste, garbage, and fire prevention
- Access points and mode(s) of transportation proposed within the area
- Access points to be used (mark on USGS 1:63,360 scale maps)
- Number, type, capacity and use of watercraft
- Number, type, capacity and use of aircraft
- Location of boat storage sites to be used (offering 2)
- Length of trips and percent of each trip that will be within the refuge
- Do you have private property associated with offered services?
- Services provided by others (referral of clients, transportation, food services, etc., give specific details)

Additional information will be considered.

*Attach additional sheets as necessary*

Applicant's Name \_\_\_\_\_

## FORM B - Guiding History

Please list the number of years you or your business (under current management) has operated under Service Special Use Permit on the Togiak National Wildlife Refuge or on other Federal, State, or private lands. Copies of the permit for each year of guiding should be attached to verify your guiding history. Also indicate the number of use days authorized and used at these locations each year. Guiding experience on other than refuge lands will also be considered and should be detailed as above with a copy of the permit (if any) attached.

For each section, describe the number of years of experience, guiding service(s) provided, locations used, etc. If the experience described is for more than one person, use a separate form for each person and list the name of the person.

- Experience under permit guiding within Togiak National Wildlife Refuge
- Experience guiding within or adjacent to the Togiak National Wildlife Refuge where a permit was not required
- Experience under permit guiding on other National Wildlife Refuges
- Experience under permit guiding on other areas
- Experience guiding in other areas where a permit was not required
- Experience, other than guiding, that you believe is relevant

*Attach additional sheets as necessary*

Applicant's Name \_\_\_\_\_

**FORM C - Knowledge of Resources & Togiak National Wildlife Refuge**

Briefly describe your knowledge of refuge resources and wilderness values (including at least fisheries and wildlife), their uses (including subsistence uses), the specific refuge planning units for which you are applying, and how you obtained this knowledge. Be specific and include the names of persons with the knowledge if this application is on behalf of a corporation not an individual.

The applicant should also demonstrate their knowledge of the Service, specifically the Togiak National Wildlife Refuge, the purpose for which it was established and goals and objectives and how this information would be communicated to their clients.

*Attach additional sheets as necessary*

Applicant's Name \_\_\_\_\_

## FORM D - Ability to Provide a High Quality Guiding Service

Provide in narrative form a description of the service(s) you propose to offer. Be sure to explain the services for each offering for which you are applying. This narrative should address at a minimum, the type and quality of services, including:

- Business practices including: proposed client rates; payment options; reservation, cancellation and refund policies; and acknowledgment of risk forms. Submit current advertisement leaflets, client price lists, contract forms, business charter, promotional material, or other literature which you have that reflects your business practices
- Mode(s) of transportation proposed within the area
- Guide/client ratio per trip
- Provisions for physically impaired clients
- Describe drinking water supplies and method of treatment (if appropriate)
- Methods and facilities for food, fish, and gear storage
- Description of temporary camps (if appropriate)
- Type(s) of visitor briefing or interpretive/educational program
- Describe your knowledge, experience and ability to teach fishing, and catch and release techniques (if applicable).
- Describe any Refuge, wildlife, wilderness, natural history, or educational aspect of your operation that aligns it with Refuge information and education goals.

Additional information will be considered.

*Attach additional sheets as necessary*

Applicant's Name \_\_\_\_\_

## FORM E - Ability to Minimize Impacts and Avoid Conflicts

Please examine your proposed operation and state how you will minimize impacts such as crowding, noise, conflicts with subsistence users, as well as resource damage within the refuge. At a minimum, please address your ability to minimize impacts regarding the following:

- Other user groups (noise, crowding, etc.)
- Campsites, camp maintenance and campfire safety (if applicable)
- Human waste and garbage disposal
- Bear avoidance
- Fish cleaning and disposal
- Subsistence users
- Fuel storage (number of gallons proposed to be stored and type of containment -if applicable)
- Refuge resources
- Wilderness values
- Stream bank protection
- Fish mortality (methods and tackle used for catch and release fishing)

Additional information will be considered.

*Attach additional sheets as necessary*

Applicant's Name \_\_\_\_\_

## FORM F - Safety Record and Training

Provide information on hiring standards, training program and employee's abilities to carry out the service(s) proposed. This information should include pertinent experience for guides, pilots, boat operators, etc. Additional information can be offered regarding the ability of the employer and/or their employees which may demonstrate additional or unique values of the proposed operation to the public.

- List all safety accidents, violations, and safety related enforcement actions involving your guiding operation that have occurred since January 1, 2002.
- Submit reports from the Federal Aviation Administration (FAA), U.S. Coast Guard (USCG), and State of Alaska Department of Public Safety for all safety violations and/or accidents involving you or your guiding operation that have occurred since January 1, 2002. Please request this information early to ensure your proposal will be complete. If records cannot be obtained from the agency involved, describe the violation/accident in detail and provide the name and telephone number of the person you contacted who informed you that the record could not be provided. You should not submit reports if you do not have any accidents, violations or enforcement actions. Agencies typically do not provide reports unless there is an incident on record.
  - FAA reports may be obtained by writing a letter to FAA, P.O. Box 25082, Oklahoma City, Oklahoma 73125, Attention: AVN 124. The letter must include the full name of the person the records are being requested for, certificate numbers, return address, stipulation that you request records for accidents, incidents and enforcement actions occurring since January 1, 2002, and be signed. You may call (405) 954-3261 if you need further information. A minimum of ten working days is required to receive this information.
  - Information on how to obtain USCG reports may be received by calling the 17th Coast Guard District legal office at (907) 463-2050. The address is: Commander (dl), 17<sup>th</sup> Coast Guard District, P.O. Box 25517, Juneau, Alaska 99802-5517.
  - Department of Public Safety reports may be obtained from any State Troopers office (a personal visit may be required – see form H).
- List all safety related training that you or your employees have taken (e.g., advanced first aid, CPR, ETT, EMT, field survival, wilderness medicine, cold water survival, etc.). Give dates of training and indicate if certification is current (if applicable).
- Describe your emergency preparedness. List emergency communications equipment and address your plans, if any, in the event of mechanical failures, oil product spills, or other types of accidents/incidents.

- Describe methods of bear protection and familiarity with camping, cooking, fishing (and fish cleaning), and trash management in brown bear habitat.

*Attach additional sheets as necessary*

Applicant's Name \_\_\_\_\_

**FORM G - List and Description of Property, Equipment and Accessories**

- **Property:** Include a detailed description of any private lands (if any) which are to be used as part of your operation including a copy of the lease, contract, or other instrument that authorizes your use of private lands. Applicants who own facilities in the area which will be used to support their proposed operations plan should describe the facilities and submit written documentation for proof of ownership and date it was constructed/acquired. Also submit a USGS topographical map with the location of the facilities marked.
- **Equipment and Accessories:** This information should be presented in tabular or narrative form and should list quantity, quality, age and type of equipment such as aircraft, boats, other vehicles, radio equipment, major camp equipment, first aid equipment, survival equipment, and other accessories which are available for use in the proposed operation. Indicate if equipment meets applicable Federal, State or local regulations (e.g., FAA, USCG) and provide all applicable boat or plane registration numbers.

*Attach additional sheets as necessary*

Applicant's Name \_\_\_\_\_

## FORM H - History of Violations

1. Since January 1, 2002, have **you or any of your former, current or proposed business partners**, been convicted, forfeited collateral, pled nolo contendere, had a guiding license or privilege suspended, or been administratively penalized for violation of any federal, state, or local laws, regulations, or permit conditions, related to hunting, fishing (including commercial fishing), guiding, or for any DUI offense? Are you or any of your former, current or proposed business partners under pending charges for any violation as indicated above? If the answer to either of these questions is yes, list each incident and give the name of the person, place of occurrence and name/address of the law enforcement agency and/or court involved (you may provide an explanation).
2. Since January 1, 2002, have any of your **employees** while in your employment, been convicted, forfeited collateral, pled nolo contendere, had a guiding license or privilege suspended, or been administratively penalized for violation of any federal, state, or local laws, regulations, or permit conditions, related to hunting, fishing and guiding? Are any current or proposed employees presently under pending charges for any violation as indicated above? If the answer to either of these questions is yes, list each incident and give the name of the person, place of occurrence and name/address of the law enforcement agency and/or court involved (you may provide an explanation, including how you handled the situation).
3. Since January 1, 2002, has any **client or other individual** been convicted, forfeited collateral, pled nolo contendere, or is now under pending charges for any violation that occurred while being guided or accompanied by you or individuals associated with your guiding business? If yes, list each incident and give the name of the person, place of occurrence and name/address of the law enforcement agency and/or court involved (you may provide an explanation).
4. **All Applicants, including those with no violations**, must attach copies of official background reports documenting history of violations or convictions for yourself, and all current and proposed business partners associated with your guide operations. You and each of your business partners must obtain a copy of an **“Any Persons Report”** from the Alaska Department of Public Safety (i.e., Alaska State Troopers) and specify that hunting, fishing and guiding related records (i.e., **“Fish and Wildlife Report”**) are to be included. These reports must be obtained in person and you are responsible for any required report cost. Information on “walk-in” locations can be found on-line at <http://www.dps.state.ak.us/Statewide/background/walkin.aspx>. You must provide a copy of these background reports for yourself and all partners identified in your application to be considered for a refuge permit.

*Attach additional sheets as necessary*

Applicant's Name \_\_\_\_\_



United States Department of the Interior  
U.S. Fish and Wildlife Service  
**National Wildlife Refuge System**  
**Commercial Activities Special Use**  
**Application and Permit**

OMB Control Number 1019-0102  
Expiration Date: 06/30/2014

Name of Refuge \_\_\_\_\_

Address \_\_\_\_\_

Attn: (Refuge Official) \_\_\_\_\_

Phone # \_\_\_\_\_ E-mail \_\_\_\_\_

**Application**

(To be filled out by applicant. Note: Not all information is required for each use. See instructions at the end of the notice.)

1)  New  Renewal  Modification  Other \_\_\_\_\_

**Applicant Information**

2) Full Name: \_\_\_\_\_ 7) Business Phone #: \_\_\_\_\_

3) Title: \_\_\_\_\_ 8) Business Fax #: \_\_\_\_\_

4) Business Name: \_\_\_\_\_ 9) E-mail: \_\_\_\_\_

5) Address: \_\_\_\_\_ 10) Business Tax ID #: \_\_\_\_\_

6) City/State/Zip: \_\_\_\_\_

11a) Within the past 5 years, has the company (entity) or any of the owners of the business been convicted, pled nolo contendere, forfeited collateral, or are currently under charges for any violations of any State, Federal, or local law, or regulations related to fish and wildlife or permit activities?  Yes  No

11b) If you answered "YES" to question #11a, provide: a) individual's name, b) date of charge, c) charge(s), d) location of incident, e) court, and f) action taken for each violation.

12) Assistants/subcontractors/subpermittees: (List full names, addresses and phone #'s and specifically describe services provided if subcontractors are used.)

**Activity Information**

(Depending on the activity for which you are requesting a permit, we may ask you for the following activity information. Please contact the specific refuge where the activity is being conducted to determine what information is required.)

13) Activity type:  Guiding hunters  Guiding anglers  Guiding other outdoor users  
 Commercial filming  Agriculture  Cabins  Other \_\_\_\_\_

14a) State, Federal or tribal licenses required for activity:  Yes  No

14b) License type: \_\_\_\_\_ Number: \_\_\_\_\_ Date: \_\_\_\_\_

FWS Form 3-1383-C  
03/11

15) Describe activity: (Specifically identify timing, frequency, and how the activity is expected to proceed.)

16) Location: (Specifically identify location; GPS location preferred.)

17a) Is map of location(s) required?

Yes  No  N/A

17b) Is map of location(s) attached?

Yes  No

18) Estimated number of clients: Per Day \_\_\_\_\_ Per Season \_\_\_\_\_

19) Activity/site occupancy timeline: (Specifically identify beginning and ending dates, site occupation timeline, hours, clean-up and other major events.)

20a) Is Plan of Operation required?

Yes  No  N/A

20b) Is Plan of Operation attached?

Yes  No

21a) Is trip schedule required?

Yes  No  N/A

21b) Is trip schedule attached?

Yes  No

**Insurance Coverage/Certifications/Permits**

22a) Is grounding/flight insurance required?

Yes  No  N/A

Carrier type: \_\_\_\_\_ Policy #: \_\_\_\_\_

22b) Is contaminants insurance required?

Yes  No  N/A

Carrier type: \_\_\_\_\_ Policy #: \_\_\_\_\_

22c) Is medical evacuation insurance required?

Yes  No  N/A

Carrier type: \_\_\_\_\_ Policy #: \_\_\_\_\_

23a) Is rat free certification required?

Yes  No  N/A

Copy of certification provided:

Yes  No

23b) Is hull inspection certification required?

Yes  No  N/A

Copy of certification provided:

Yes  No

23c) Is EMT/first aid certification required?

Yes  No  N/A

Copy of certification provided:

Yes  No

23d) Are other certifications required?

Yes  No  N/A

Copy of certification provided:

Yes  No

24a) Are State permits required?

Yes  No  N/A

Copy of permits provided:

Yes  No

24b) Are Federal permits required?

Yes  No  N/A

Copy of permits provided:

Yes  No

24c) Are tribal permits required?

Yes  No  N/A

Copy of permits provided:

Yes  No

24d) Are other permits required?

Yes  No  N/A

Copy of permits provided:

Yes  No

CMB Control Number 1018-0102  
Expiration Date: 06/30/2014

**Logistics and Transportation**

25a) Does activity require personnel to stay overnight onsite?  Yes  No  
25b) Personnel involved:

26) Specifically describe all equipment/gear and materials used:

27a) Transportation description(s) and license number(s) to access refuge(s): (Provide description of and specific auto license/boat/plane registration number(s).)

27b) Specifically describe ship-to-shore transportation:

27c) Specifically describe intersite transportation:

27d) Specifically describe onsite transportation:

28a) Is fuel cache needed?  Yes  No  N/A  
28b) Specific location(s) of fuel caches: (GPS Coordinates preferred)

29a) Is Safety Plan required?  Yes  No  N/A  
29b) Is Safety Plan attached?  Yes  No

**Work and Living Accommodations**

30) Specifically describe onsite work and/or living accommodations, including spike camps:

31) Specifically describe on or offsite hazardous material storage or other on or offsite material storage space: (Including on and offsite fuel caches.)

32) Signature of Applicant \_\_\_\_\_ Date of Application: \_\_\_\_\_

Sign, date, and print this form and return it to the refuge for processing.  
Do not fill out information below this page.

PRINT FORM

FWS Form 9-1383-C  
03/11

CMB Control Number 1018-0102  
Expiration Date: 06/30/2014

**For Official Use Only** (This section to be filled out by refuge personnel only.)

**Special Use Permit**

Permit #: \_\_\_\_\_

1) Date: \_\_\_\_\_ 2)  Permit Approved  Permit Denied 3) Station #: \_\_\_\_\_

4) Additional special conditions required: (Special conditions may include activity reports, before and after photographs, and other conditions.)

Additional sheets attached:

Yes  No  N/A

Yes  No

5) Received details on any Conviction(s) and/or Notice of Violation(s):  Yes  No  N/A

6) Other licenses/permits required:

Verification of other licenses/permits, type:

Yes  No  N/A

7) Insurance/certifications required:

Verification of insurance/certification, type:

Yes  No  N/A

8) Minimum requirements analysis has been conducted:

Assessment attached:

Yes  No  N/A

Yes  No

9) Record of Payments:  Exempt  Partial  N/Full

10) Bond Paid:  Yes  No  N/A

Amount of payment: \_\_\_\_\_ Record of partial payment: \_\_\_\_\_

This permit is issued by the U.S. Fish and Wildlife Service and accepted by the applicant signed below, subject to the terms, covenants, obligations, and reservations, expressed or implied herein, and to the notice, conditions, and requirements included or attached. A copy of this permit should be kept on-hand so that it may be shown at any time to any refuge staff.

Permit approved and issued by (Signature and title):

\_\_\_\_\_  
Date: \_\_\_\_\_

Permit accepted by (Signature of applicant):

\_\_\_\_\_  
Date: \_\_\_\_\_

OMB Control Number 1018-0102  
Expiration Date: 06/30/2014

#### Notice

In accordance with the Privacy Act (5 U.S. C. 552a) and the Paperwork Reduction Act (44 U.S. C. 3501), please note the following information:

The issuance of a permit and collection of fees on lands of the National Wildlife Refuge System are authorized by the National Wildlife Refuge System Administration Act (16 U.S. C. 668dd-ee) as amended, and the Refuge Recreation Act (16 U.S. C. 460k-460k-4).

The information that you provide is voluntary; however submission of requested information is required to evaluate the qualifications, determine eligibility, and document permit applicants under the above Acts. It is our policy not to use your name for any other purpose. The information is maintained in accordance with the Privacy Act. All information you provide will be considered in reviewing this application. False, fictitious, or fraudulent statements or representations made in the application may be grounds for revocation of the Special Use Permit and may be punishable by fine or imprisonment (18 U.S.C. 1001). Failure to provide all required information is sufficient cause for the U.S. Fish and Wildlife Service to deny a permit.

No Members of Congress or Resident Commissioner shall participate in any part of this contract or to any benefit that may arise from it, but this provision shall not pertain to this contract if made with a corporation for its general benefit.

The Permittee agrees to be bound by the equal opportunity "nondiscrimination in employment" clause of Executive Order 11246.

Routine use disclosures may also be made: (a) to the U.S. Department of Justice when related to litigation or anticipated litigation; (b) of information indicating a violation or potential violation of a statute, rule, order, or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulations, order, or license; (c) from the record of the individual in response to an inquiry from a Congressional office made at the request of the individual (42 FR 19083; April 11, 1977); and (d) to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal Claim against the debtor, or to consumer reporting agencies to prepare a commercial credit report for use by the Department (48 FR 54716; December 6, 1983).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This information collection has been approved by OMB and assigned control number 1018-0102. The public reporting burden for this information collection varies based on the specific refuge use being requested. The relevant public reporting burden for the Commercial Activity Special Use Permit Application form is estimated to average 4 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Comments on this form should be mailed to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MS 2042-PDM, Arlington, Virginia, 22203.

#### General Conditions and Requirements

1. **Responsibility of Permittee:** The permittee, by operating on the premises, shall be considered to have accepted these premises with all facilities, fixtures, or improvements in their existing condition as of the date of this permit. At the end of the period specified or upon earlier termination, the permittee shall give up the premises in as good order and condition as when received except for reasonable wear, tear, or damage occurring without fault or negligence. The permittee will fully repay the Service for any and all damage directly or indirectly resulting from negligence or failure on his/her part, and/or the part of anyone of his/her associates, to use reasonable care.

2. **Operating Rules and Laws:** The permittee shall keep the premises in a neat and orderly condition at all times, and shall comply with all municipal, county, and State laws applicable to the operations under the permit as well as all Federal laws, rules, and regulations governing national wildlife refuges and the area described in this permit. The permittee shall comply with all instructions applicable to this permit issued by the refuge official in charge. The permittee shall take all reasonable precautions to prevent the escape of fires and to suppress fires and shall render all reasonable assistance in the suppression of refuge fires.

3. **Use Limitations:** The permittee's use of the described premises is limited to the purposes herein specified and does not, unless provided for in this permit, allow him/her to restrict other authorized entry onto his/her area; and permits the Service to carry on whatever activities are necessary for: (1) protection and maintenance of the premises and adjacent lands administered by the Service; and (2) the management of wildlife and fish using the premises and other Service lands.

4. **Transfer of Privileges:** This permit is not transferable, and no privileges herein mentioned may be sublet or made available to any person or interest not mentioned in this permit. No interest hereunder may accrue through lien or be transferred to a third party without the approval of the Regional Director of the Service and the permit shall not be used for speculative purposes.

5. **Compliance:** The Service's failure to require strict compliance with any of this permit's terms, conditions, and requirements shall not constitute a waiver or be considered as a giving up of the Service's right to thereafter enforce any of the permit's terms or conditions.

6. **Conditions of Permit not Fulfilled:** If the permittee fails to fulfill any of the conditions and requirements set forth herein, all money paid under this permit shall be retained by the Government to be used to satisfy as much of the permittee's obligation as possible.

7. **Payments:** All payment shall be made on or before the due date to the local representative of the Service by a postal money order or check made payable to the U.S. Fish and Wildlife Service.

8. **Termination Policy:** At the termination of this permit the permittee shall immediately give up possession to the Service representative, reserving, however, the rights specified in paragraph 11. If he/she fails to do so, he/she will pay the government, as liquidated damages, an amount double the rate specified in this permit for the entire time possession is withheld. Upon yielding possession, the permittee will still be allowed to reenter as needed to remove his/her property as stated in paragraph 11. The acceptance of any fee for the liquidated damages or any other act of administration relating to the continued tenancy is not to be considered as an affirmation of the permittee's action nor shall it operate as a waiver of the Government's right to terminate or cancel the permit for the breach of any specified condition or requirement.

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9. **Revocation Policy:** This permit may be revoked by the Regional Director of the Service without notice for noncompliance with the terms hereof or for violation of general and/or specific laws or regulations governing national wildlife refuges or for nonuse. It is at all times subject to discretionary revocation by the Director of the Service. Upon such revocation the Service, by and through any authorized representative, may take possession of the said premises for its own and sole use, and/or may enter and possess the premises as the agent of the permittee and for his/her account.

10. **Damages:** The United States shall not be responsible for any loss or damage to property including, but not limited to, growing crops, animals, and machinery or injury to the permittee or his/her relatives, or to the officers, agents, employees, or any other who are on the premises from instructions or by the sufferance of wildlife or employees or representatives of the Government carrying out their official responsibilities. The permittee agrees to save the United States or any of its agencies harmless from any and all claims for damages or losses that may arise to be incident to the flooding of the premises resulting from any associated Government river and harbor, flood control, reclamation, or Tennessee Valley Authority activity.

11. **Removal of Permittee's Property:** Upon the expiration or termination of this permit, if all rental charges and/or damage claims due to the Government have been paid, the permittee may, within a reasonable period as stated in the permit or as determined by the refuge official in charge, but not to exceed 60 days, remove all structures, machinery, and/or equipment, etc. from the premises for which he/she is responsible. Within this period the permittee must also remove any other of his/her property including his/her acknowledged share of products or crops grown, cut, harvested, stored, or stacked on the premises. Upon failure to remove any of the above items within the aforesaid period, they shall become the property of the United States.

#### Instructions for Completing Application

You may complete the application portion verbally, in person or electronically and submit to the refuge for review. Note: Please read instructions carefully as not all information is required for each activity. Contact the specific refuge headquarters office where the activity is going to be conducted to determine applicability of a particular item. Special conditions or permit stipulations may be added to permit prior to approval.

1. Identify if permit application is for new, renewal or modification of an existing permit. Permit renewals may not need all information requested. Contact the specific refuge headquarters office where the activity is going to be conducted to determine applicability of this requirement.

2-9. Provide applicant or business full name, organization or business name (if applicable), address, phone, fax, and e-mail.

10. Provide tax identification number of business or individual.

11a-11b. Check box answering the question regarding any violations of State, Federal, or local law, or regulations related to fish and wildlife or permit activities, if required. If you answered yes to question 11a, supply the detailed information requested in question 11b. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if information on violations of State, Federal, or local law, or regulations related to fish and wildlife or permit activities is required.

12. Provide the names and addresses of assistants, subcontractors or subpermittees. Names and address are only required if the assistants, subcontractors or subpermittees will be operating on the refuge without the permittee being present. Volunteers, assistants, subcontractors or subpermittees that are accompanied by the permittee need not be identified.

13. **Activity type:** Identify activity type (such as, guiding hunters, anglers, or other outdoor users, commercial filming, providing other visitor services, agriculture activities such as haying, grazing, crop planting, logging, beekeeping, and other agricultural products, building or occupying cabins, or other commercial uses). Describe other commercial uses if not one of the listed categories. Applicants in Alaska should contact the specific refuge headquarters office where the activity is going to be conducted if you have questions regarding commercial or subsistence activities.

14a-14b. Specifically identify types and numbers of other Federal, State or tribal licenses, as required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine the types of Federal, State or tribal licenses required, and to coordinate the simultaneous application for multiple types of Federal, State or tribal licenses. This SUP may be processed while other Federal, State or tribal licenses are being sought, but may, or may not, be issued until other appropriate Federal, State or tribal licenses are obtained.

15. **Describe Activity:** provide detailed information on the activity, including timing, frequency, how the activity is expected to proceed, etc. Permit renewals may not need activity description, if the activity is unchanged from previous permit. Most repetitive activities do not require an activity description for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine applicability of this requirement.

16. **Location:** Identify specific location (GPS coordinates preferred), if not a named facility. Most repetitive activities may not require identification of a location. In addition, permit renewals may not require a location if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a location is required.

17a-17b. Attach a map of location, if required and activity is not conducted at a named facility. Most repetitive activities may not require a map. In addition, permit renewals may not require a map if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a map is required.

18. Estimate number of clients per day or per season.

19. **Activity/site occupancy timeline:** Identify beginning and ending dates, site occupation timeline, hours, clean-up and other major events. Permit renewals may not need an activity/site occupancy timeline, if the activity is unchanged from previous permit. Most repetitive activities do not require an activity/site occupancy timeline for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if an activity/site occupancy timeline is required.

20a-20b. Attach Plan of Operation, if required. Most repetitive activities do not require Plans of Operations for each visit. In addition, permit renewals may not require Plans of Operations if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office listed where the activity is going to be conducted to determine if a Plan of Operations is required.

21a-21b. Attach trip schedule, if required. Most repetitive activities will require trip schedules for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if trip schedules are required.

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22a-22c. Provide name, type and carrier of insurance, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if and type of insurance required.

23a-23d. Specifically identify types and numbers of other certifications, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine the types of certifications required, and to coordinate the simultaneous application of multiple certifications. This Special Use Permit may be processed while other certifications are being obtained.

24a-24d. Specifically identify types and numbers of other State, Federal or tribal permits, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine the types of certifications required, and to coordinate the simultaneous application of multiple State, Federal or tribal permits. This Special Use Permit may be processed while other State, Federal or tribal permits are being sought, but may or may not be issued until other appropriate State, Federal or tribal permits are obtained.

25a-25b. Provide name(s) of any personnel required to stay overnight, if applicable.

26. Identify all equipment and materials, which will be used, if required. Most repetitive activities do not require a list of equipment. In addition, permit renewals may not require a list of equipment if the event is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a list of equipment is required.

27a-27d. Describe and provide vehicle descriptions and license plate or identification numbers of all vehicles, including boats and airplanes, if required. Motor vehicle descriptions are only required for permittee vehicle, and/or if the vehicle will be operated on the refuge without the permittee being present. Motor vehicles that are accompanied by the permittee as part of a group (convoy) activity need not be identified if cleared in advance by refuge supervisor. Specifically describe ship-to-shore, intersite (between islands, camps, or other sites) and onsite transportation mechanisms, and license plate or identification numbers, if required.

28a-28b. Identify specific location(s) of fuel cache(s) (GPS coordinates preferred), if required.

29a-29b. Attach safety plan, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a safety plan is required.

30. Specifically describe onsite work and/or living accommodations, if required. Include descriptions and locations (GPS coordinates preferred) of spike camps or other remote work and/or living accommodations that are not part of the base of operations. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if descriptions of on-site work and/or living accommodations are required.

31. Specifically describe onsite or offsite hazardous material storage, or other material storage space (including on and offsite fuel caches), if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if descriptions of hazardous material storage or other on-site material storage are required.

32. Date and sign the application. Click on the Print button to print the application (if using the fillable version). The refuge official will review and, if approved, fill out the remaining information, sign, and return a copy to you for signature and acceptance.

**The form is not valid as a permit unless it includes refuge approval, a station number, a refuge-assigned permit number, and is signed by a refuge official.**

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Attachment No. 1  
TOGIAK NATIONAL WILDLIFE REFUGE  
Special Conditions  
Special Use Permit Number XXXXX  
Regional Standard Special Conditions

1. Failure to abide by any part of this special use permit; violation of any refuge related provision in Titles 43 (Part 36) or 50 (Subchapters B and C) Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will, with due process, be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
2. The permittee is responsible for ensuring that all employees, party members, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
3. The permittee may not sublet any part of the authorized use area and is prohibited from subcontracting clients with any other guide.
4. Any problems with wildlife and/or animals taken in defense of life or property must be reported immediately to the Refuge Manager and/or Alaska Department of Fish and Game, and be salvaged in accordance with State regulations.
5. The permittee and permittee's clients do not have the exclusive use of the site(s) or lands covered by this permit, except for the authorized camp facilities.
6. This permit may be canceled or revised at any time by the Refuge Manager in case of emergency (e.g., high fire danger, flooding, unusual resource problems, etc.).
7. The permittee shall notify the refuge manager during refuge working hours in person or by telephone before beginning and upon completion of annual activities allowed by this permit.
8. The permittee shall maintain comprehensive general liability insurance (\$300,000 each occurrence, \$500,000 annual aggregate) throughout the use period specified on the permit, with the Fish and Wildlife Service named as coinsured.
9. Annually, prior to beginning any activities allowed by this permit, the permittee must provide the refuge manager with: 1) aircraft and other vehicle types to be used, with identification information, if different from the original permit or previous year; 2) changes in names of assistant guides and other employees; and 3) any other changes in information provided in the original permit/proposed operations plan.
10. The permittee is responsible for accurate record keeping and will provide the Refuge Manager with a comprehensive summary report of the number of clients, and number of client days per activity type by November 15 for all uses during that calendar year unless stated otherwise in the permit.

11. The permittee will remit all required annual fees (client use day; and reserved land site, where applicable) within 30 days after receiving a bill for collection.
12. This permit authorizes use on State selected lands. If any of these lands are conveyed during the term of this permit, the permittee will no longer be authorized to use those State lands, and must seek authorization from the Alaska Department of Natural Resources.
13. This permit authorizes use only on the Native corporation selected lands specifically identified in the description block of this permit. If any of these lands are conveyed during the term of this permit, the permittee will no longer be authorized to use those private lands, and must seek authorization from the appropriate Native corporation landowner.
14. In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the removal or disturbance of archeological or historic artifacts is prohibited. The excavation, disturbance, collection, or purchase of historical or archaeological specimens or artifacts on refuge lands is prohibited.
15. Permittees shall maintain their use areas in a neat and sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams to avoid contamination of water resources. All property (except cabins and/or tent frames) of the permittee must be removed from refuge lands upon completion of permitted activities.
16. The construction or clearing of landing strips or pads is prohibited. Incidental hand removal of rocks and other minor obstructions may be permitted.
17. The use of off-highway vehicles is prohibited unless specifically authorized in writing in this permit.
18. The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for take-off and landing, maintain a minimum altitude of 2,000 feet above ground level (AGL).
19. All aircraft being used in a commercial guiding operation must have 12" identification numbers in contrasting colors which are readily visible.
20. Construction of cabins or other permanent structures is prohibited.
21. The permittee's operation plan, as amended and accepted by the U.S. Fish and Wildlife Service, is hereby incorporated in its entirety as a special condition. All deviations from the operations plan must receive prior written approval by the Refuge Manager or his designee.
22. Any action by a permittee or the permittee's employees which unduly interferes with or harasses other refuge visitors or impedes access to any site is strictly prohibited. Examples of prohibited acts include, but are not limited to, low flights over camps or persons at less than 500 feet (unless landing), parking aircraft or placing other objects (rocks, tents, etc.) on any landable area so as to restrict use by other aircraft or persons, and the placement of ghost camps (i.e., unoccupied tents) to falsely indicate the use of an area.

- 23. Fuel caches must be approved in advance by the Refuge Manager. Preparations to prevent and respond to a fuel spill must be fully adequate at all sites for the amount of fuel stored on site.
- 24. All food and garbage will be secured in a manner that minimizes attraction to wildlife and must be removed from the field before vacating the site for the season.
- 25. As soon as practicable, but in no case to exceed 30 days, the permittee shall notify the refuge manager of any state or federal fish or wildlife related violations by the permittee or persons employed by the permittee as a guide or assistant guide (if know to the permittee), who have been convicted, pled nolo contendere, forfeited collateral, or had a guide license suspended or revoked. Notification is required for violations without regard to where they occurred.
- 26. As soon as practicable, but in no case to exceed 30 days, the permittee shall notify the refuge manager of any accidents or other safety related incidents associated with permitted activities on the refuge. Reportable incidents include those that result in a death or physical injury requiring immediate medical attention beyond basic first aid, or that involve significant property damage or loss.

**Refuge Specific Special Conditions** (Examples only)

- 27. The discharge of firearms, fireworks or other explosive devices is prohibited, except in conjunction with authorized hunting seasons or for protection of life or property.
- 28. Fixed-wing aircraft, motor boats, and snow machines (during periods of adequate snow cover), are permitted in refuge areas designated as part of the National Wilderness Preservation System. All other motorized transportation equipment, or other motorized equipment, such as: washing machines, electric generators, water pumps, chain saws, etc., are prohibited.
- 29. No guiding activities may be conducted within one-half (1/2) mile of any Sea Bird Rookery areas prior to August 1, of any year. No guiding activities may be conducted within two (2) miles of Cape Peirce.

I have read special conditions (1-29) included with this permit and agree to abide by them.

Permittee: \_\_\_\_\_ Date: \_\_\_\_\_

Issuing Officer: \_\_\_\_\_ Date: \_\_\_\_\_



TOGIAK NATIONAL WILDLIFE REFUGE  
SPECIAL USE PERMIT  
GUIDE INFORMATION REPORT FORM  
ATTACHMENT NO. 3

Company Name:

PERMIT No.

Can be contacted throughout the field season by the following means:

Name: \_\_\_\_\_ Phone No. (\_\_\_\_)

Address: \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

Number of Assistant Guides Reporting: \_\_\_\_\_

Number of Camp Helpers: \_\_\_\_\_

Names: \_\_\_\_\_

Names: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Number of Pilots Reporting: \_\_\_\_\_

Plane Description & "N" Numbers:

Names: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CAMPS:

Locations:

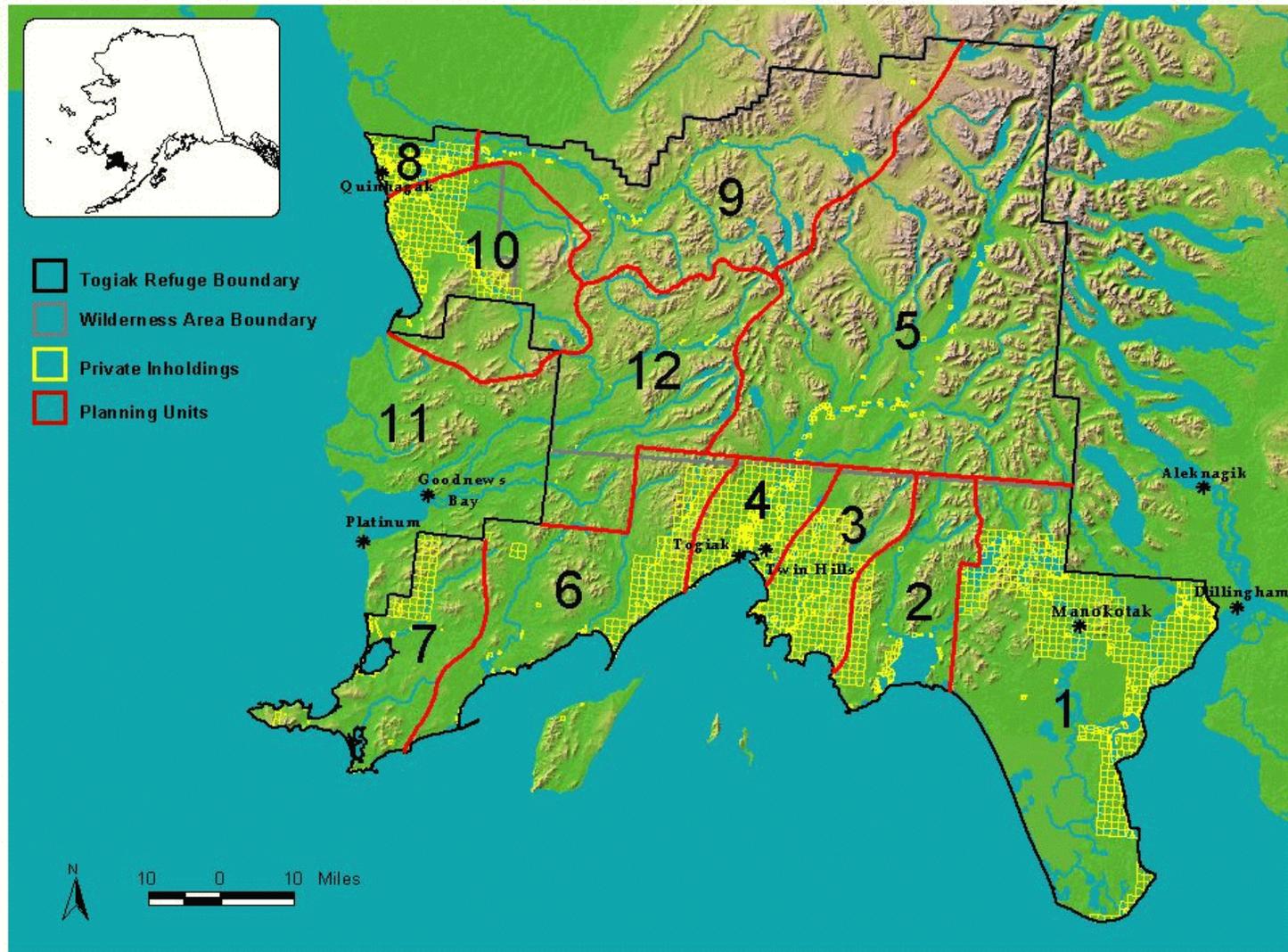
Boat Description:

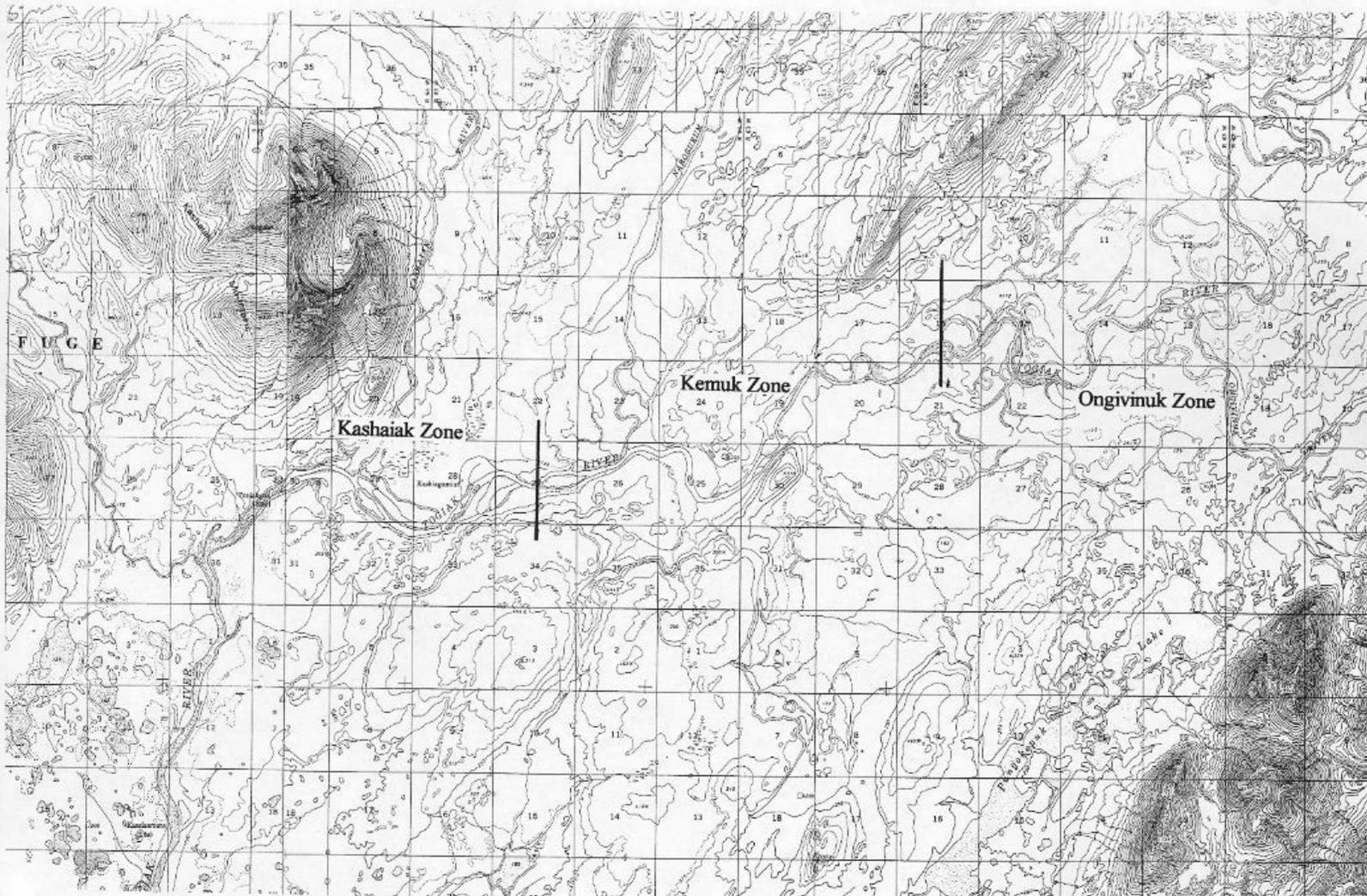
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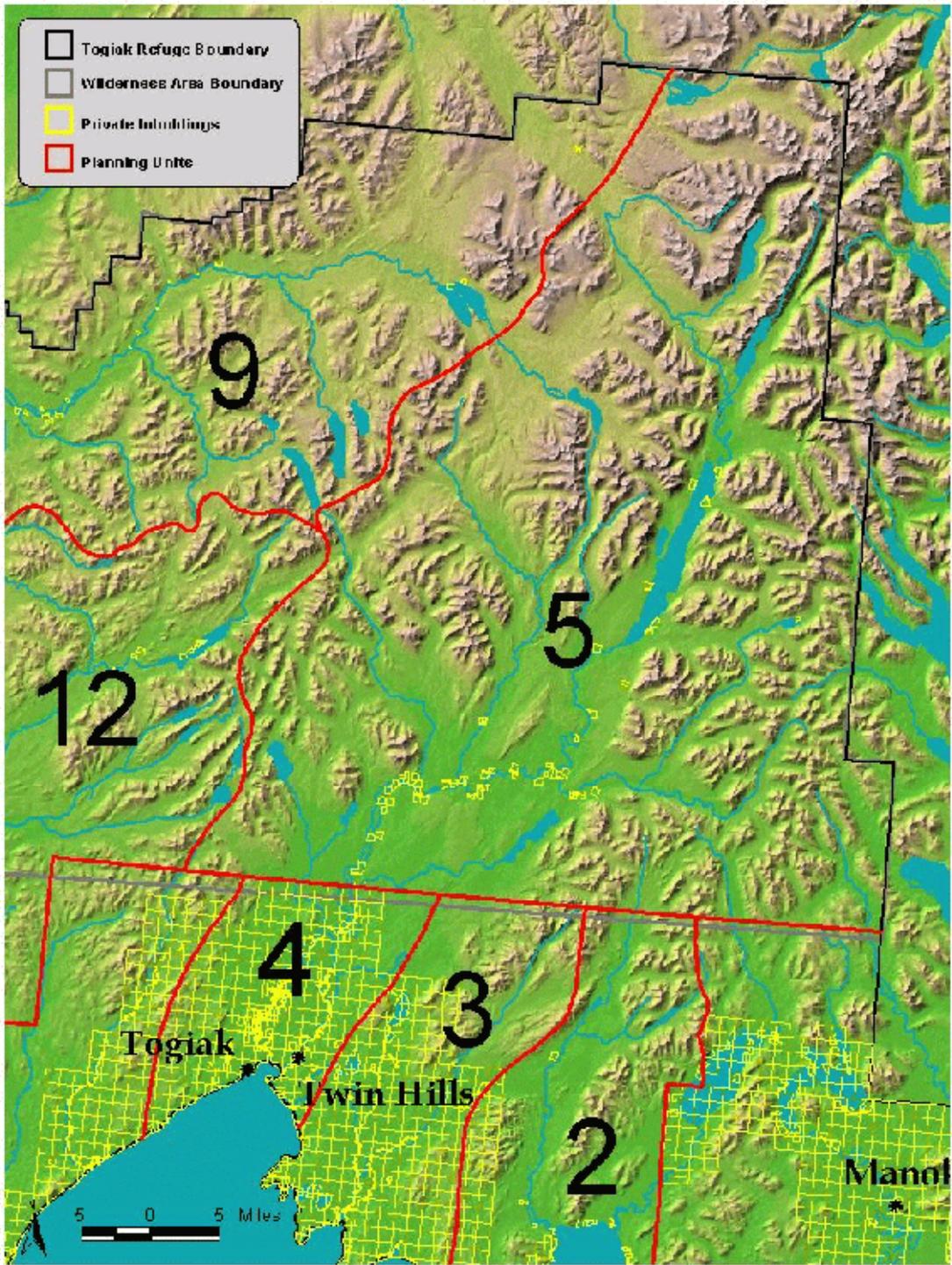
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Management Unit 5 Fly-In/Motorboat Day Use Zones (Upper Togiak River)

Appendix C



Togiak National Wildlife Refuge Management Unit 5 Map (Upper Togiak River)- Appendix C