

Upper Mississippi River National Wildlife and Fish Refuge
U.S. Fish and Wildlife Service
Region 3

Commercial Fishing Float Permit Conditions and Standards

1. Reporting and General Permit Conditions

The following special conditions are required of fishing float permit holders. Permits are non-transferrable.

1.1 Reporting Requirements

- 1.1.1 By December 15 of each year, permit holder will provide to the respective District Manager:
- a. A report of the gross revenue generated by operation of the fishing float for the permit year.
 - b. A report of the number of clients that visited the fishing float, by month, for the permit year. This information may also be requested from fishing float owners at various times during the year.
 - c. A copy of the waste disposal record (see Section 4.5), including proof of service (see Section 4.5). This information may also be requested from fishing float owners at various times during the year.
 - d. A listing of all employees during the permit year.
 - e. A current copy of comprehensive public liability insurance policy covering the operations of the fishing float (see section 5.1).
 - f. A copy of the U.S. Coast Guard license held by the permit holder and all other vessel operators acting under this permit. U.S. Coast Guard license(s) will be valid for the area of operations and type(s) of vessel operated (see section 3.5). Per U.S. Coast Guard license requirements, a letter or copy of documentation showing participation in a random drug testing program or results of a current drug test.
- 1.1.2 Failure to meet the reporting requirements or reporting of false, misleading or inaccurate information may result in permit suspension, cancellation or denial.

1.2 General Requirements

- 1.2.1 The permit holder agrees to comply with all rules and regulations of the U.S. Coast Guard, the U.S. Corps of Engineers, State Departments of Health, State Departments of Natural Resources, all other State and Federal agencies and the U.S. Fish and Wildlife Service as they may be applicable to operations authorized by this permit. Intentional or willful violation of rules and regulations by the permit holder is cause for permit revocation.
- 1.2.2 A \$100 administrative fee will be charged for issuance of any Special Use Permits.
- 1.2.3 In addition to the administrative fee, permit holders will be charged a Refuge permit fee. Section 5 RM 17.5 of the refuge manual states: "The Service should attempt to recover the costs of administering specialized uses of a refuge. Generally the fee rate charged is determined by the fair market value of the products, services, facilities, and privileges involved. In most cases the fair market value will recover the government costs ..."

The Refuge permit fee will be \$500 or 3% of the gross annual revenue of the float, whichever is greater. Gross revenue will be adjusted annually based on permit holder reports of the total number of clients served and the fees charged in the previous year. EXAMPLE: Permit holder A reports 1,000 clients

served in the previous year. Permit holder A charged \$18/client in the previous year. Permit holder A's gross revenue = \$18,000 (1,000 clients X \$18/client). Permit fee = \$540 (0.03 X \$18,000). Total fee = \$640 (\$100 administrative fee + \$540 permit fee). Under this example, the total fee per client served would equal \$0.64 (\$640 total fee/1,000 clients served). In cases where the 3% Refuge permit fee does not exceed \$500, a minimum Refuge permit fee of \$500 (plus \$100 administrative fee) will be charged.

1.2.4 Permit holder agrees to adhere to State, County or Federal fish and game laws. Intentional or willful violation of these laws by permit holder is cause for permit revocation.

1.2.5 Other than uses specifically authorized by the attached Special Use Permit, the permit holder has no special rights or use of waters surrounding the fishing float. Persons using the area, including those on the fishing float, on adjacent lands, and in boats, may not interfere with other persons engaged in authorized activities, per 50 CFR 27.84 and other applicable laws or regulations. Permit holder and attendants should use diplomacy in addressing conflicts, and if unresolved, record pertinent identifying information and report serious incidents to the appropriate Refuge district office for follow-up.

1.2.6 Fishing floats and adjacent shoreline areas will be kept in a sanitary and litter-free condition at all times, and the permit holder agrees to retrieve and dispose of float-related litter on waters and shoreline adjacent to the fishing float.

1.2.7 Plans for all major construction, improvements, and changes exceeding \$2,500 in material and/or labor must be approved by the respective District Manager in writing prior to commencing the work. Sections of the float under major repair or construction will be cordoned-off from the public during hours of operation. All new construction must comply with requirements identified in Sections 2.1 through 2.3 of this document.

1.2.8 Cutting, destruction or removal of shoreline vegetation is prohibited. The permit holder must have written permission from the District Manager prior to addressing tree or vegetation issues affecting the fishing float.

1.2.9 The variable and diverse access conditions at customer pick-up or loading areas, and fluctuating river conditions, can present challenges for less-abled customers and float operators alike. However, permit holder will make reasonable accommodations, both operationally and structurally, to help meet the needs and safety of less-abled customers.

1.2.10 Any gamefish held at the fishing float will be done in a manner whereby fish can readily be matched with a fishing float customer. In no case may live gamefish be held in tanks, nets, or other containment apparatus when the customer who caught the fish is not present, in accordance with applicable State fishing regulations.

1.2.11 The U.S. Fish and Wildlife Service reserves the right to terminate this permit for non-compliance with permit conditions or standards, or as changes in Service policy or regulations may dictate. Any adverse action that may be taken will follow the permit appeals process outlined in the Code of Federal Regulations, 50 CFR 25.45, which will be provided in full to the permit holder when the notice of intent is made. This process includes the following appeal options and maximum response time:

- a. notification of the District Manager's intent to take an adverse action
- b. 20 days for permit holder's response to the District Manager
- c. 20 days for District Manager to respond to permit holder with final decision
- d. 30 days for permit holder to appeal District Manager's decision to the Refuge Manager
- e. 30 days for Refuge Manager to respond to the permit holder with a decision
- f. 30 days to appeal the Refuge Manager's decision to the regional director
- g. 30 days for Regional Director's final decision to the permit holder.

2. Design and Construction Standards for Fishing Floats

2.1 Guardrails

- 2.1.1 Guardrails will surround the entire fishing float and any attached shoreline walkways or gangways and will be a minimum of 32 inches in height from deck surface to top of railing.
- 2.1.2 Openings in guardrails for access points will have closing gates or chains to prevent users from falling from the fishing float.
- 2.1.3 Guardrails will be able to withstand a minimum pressure of 250 pounds of pressure to the top rail in any direction.
- 2.1.4 All sections of guardrail will have at least one horizontal intermediate rail or brace located approximately half-way between, and parallel to, the deck and top rail. This intermediate rail must meet the 250-pound pressure standard.
- 2.1.5 Top and intermediate rails will be attached to the deck-facing side of support posts to prevent pullout of fasteners when exposed to pressure.
- 2.1.6 The top rail will be smooth surfaced throughout and free of pinch points.

2.2 Decking

- 2.2.1 Decking surface on portions of the float normally used for fishing will be free of excessive slope, unevenness, and trip points, and foster ease of use by less-able customers, including any confined to wheelchairs.
- 2.2.2 The maximum spacing between deck boards will be ½ inch (allow for shrinkage of wood).
- 2.2.3 Individual fishing float units will be connected by a hinged plate or equivalent connection (chains, cables, pins, etc.) that will permit the sections to move together and provide a secure level transition between fishing float sections. The connections will not compromise the structural integrity of the fishing float. Pinch points will be protected by matting or other means.
- 2.2.4 Lumber will be sound and free of rot. The use of pressure-treated wood for use in marine environments, weather-resistant plastic composites, or metal is encouraged. Metal used must be sound and replaced if deep rust or corrosion markedly compromises structural strength.
- 2.2.5 Decks will be securely fastened to the under structure.
- 2.2.6 Passenger unloading areas and walkways/gangways used by the public will include measures to make surfaces non-slip.

2.3 Flotation and Anchoring

- 2.3.1 Fishing floats will be designed to provide a stable floating platform at full capacity.
- 2.3.2 Fishing floats will be securely anchored to withstand current, fluctuating river levels, waves and wakes, and high wind.
- 2.3.3 Fishing floats will not be anchored to trees at any time.
- 2.3.4 Fishing floats will resist a 400 pound concentrated vertical load at any point on the deck surface without violating a 12 inch freeboard requirement.
- 2.3.5 All floats (barrels, bulk heads, Styrofoam floats, etc.) will be securely attached. If any floats detach from their design location, or break loose and separate from the structure, fishing float operations will be suspended on the applicable portion of the fishing float until flotation is restored.

2.3.6 All replacement floats and existing floats which are easily accessible or become accessible during structural repair or replacement work, will be marked with the permit holder's name and address. Any floats separating from the fishing float will be immediately retrieved by the permit holder.

3. Safety Standards for Fishing Floats

3.1 When fishing float customers are present for night or after-dark operations, a first aid/CPR-trained attendant will be present on the fishing float at all times.

3.2 Fishing floats used in after-dark operations will have an illumination system operating when customers are present. The system should provide enough light to allow safe movement and fishing equipment handling across all areas of the float used by customers.

3.3 When fishing float customers are present for daylight operations, a first aid/CPR-trained attendant will remain on the fishing float at all times, except that operators may leave the fishing float unattended for brief periods for out-and-back transport of customers to and from the regularly used pick-up point.

3.4 Camping is prohibited within the permit area. The use of fishing floats and associated structures as sleeping or living quarters by any owner, employee or visitor to the fishing float is prohibited.

3.5 All watercraft used in fishing float operations will meet state permit requirements.

3.6 All watercraft operators will meet U.S. Coast Guard licensing requirements.

3.7 U.S. Coast Guard approved flotation throw rings with 50 foot retrieval lines will be located on all customer transport watercraft. A flotation throw ring will also be available and hung in plain sight on the fishing float, in a location central to fishing areas.

3.8 Watercraft used for fishing float operations will adhere to U.S. Coast Guard and state regulations for personal flotation devices, fire extinguishers, and emergency signal devices.

3.9 The fishing float will have at least two fire extinguishers UL rated 3A:40B:C readily available for emergency use (tri-class dry chemical, 40 square foot coverage, usually 10 pounders).

3.10 The fishing float will have at least one first aid kit readily available.

3.11 All fishing float attendants will be trained in first aid and CPR.

3.12 The fishing float will maintain a communication system that can immediately access emergency responders.

3.13 Fishing float operators will prepare and post on the float a short emergency action sheet that addresses procedures and contact numbers for emergencies (severe weather, evacuation, off-float boating mishap, person overboard, oil or other contaminant spill, etc.). This is a notification plan, not a containment plan.

3.14 When customers are present, a boat will be readily available to perform water rescues.

3.15 All containers used to store flammables/combustibles will meet OSHA safety can regulations.

3.16 All electrical service panels, electrical lines, junction boxes and accessories will be installed in compliance with the latest edition of the National Electric Code (NFPA 70).

4. Public Health/Sanitation Standards

4.1 Any cooking facilities that provide food to the public will pass a State Department of Health inspection and have on display a current certificate of approval issued by the State. All facilities are bound by local ordinances regulating food sales.

4.2 Concession stand sales will be limited to food, non-alcoholic beverages, bait, services, and other incidentals as approved by the District Manager.

4.3 The sale or dispensing of alcohol is prohibited within the permit area. The possession and consumption of alcohol is allowed in accordance with current refuge regulations.

- 4.4 Garbage and trash will not be disposed of on Refuge lands, but must be hauled to shore for proper disposal in a recognized disposal area.
- 4.5 Toilet facilities will meet accessibility standards to meet the needs of all customers, and may be unisex or separate sex facilities.
- 4.6 The use of land toilet facilities on or adjacent to the permit site is prohibited. Toilet facilities will meet the following criteria as well as national and refuge general regulations governing disposal of waste (50 CFR 27.94):
- 4.6.1 Toilet facilities will be in compliance with all State and Federal laws pertaining to their use and proper storage and disposal of waste water or toilet holding tank waste.
 - 4.6.2 Toilet facilities will be serviced as needed to prevent overflow or unsanitary conditions. All waste will be properly disposed of in State-approved manner off U.S. Government property.
 - 4.6.3 Permit holder will notify the District Manager 48-hours prior to having waste removed from toilet facilities so managers or employees may be present, at their discretion.
 - 4.6.4 A written record documenting waste disposal will be available for inspection during normal business hours to any law enforcement officer with jurisdiction.
 - 4.6.5 The following information will be documented in the waste disposal record: a. date holding tanks were emptied or waste was collected, and b. hauler of waste including address and telephone number.
 - 4.6.6 Permit holder will submit with annual report an invoice number(s) or other proof of all toilet-emptying services provided during the year.
- 4.7 The fishing float will provide washing facilities or hand sanitizer as needed to maintain healthful and sanitary conditions.

5. Liabilities

- 5.1 Operators of fishing floats and concession stands will carry comprehensive public liability insurance of not less than \$500,000 per person and \$1,000,000 per accident to insure against any claim which may arise by reason of operation of the fishing float or concession stand. Policy is required to name the United States as co-insured. A copy of the current and in-effect insurance policy is to be furnished to the District Manager.
- 5.2 The U.S. Government will not be responsible for loss or damage of any kind suffered by the permit holder due to termination of this permit or due to any other cause whatsoever.

6. Annual Inspection

Refuge personnel will conduct an annual, comprehensive inspection of each fishing float each year. The inspection will include a checklist of all design and structure and health and safety conditions and standards so that owners/operators will have time to address any non-compliance items that may affect permit renewal.