

Commercial Special Use Permit Application Guidance
Guided Education, Recreation (non-hunting), Sport Fishing and Air Operations
Arctic National Wildlife Refuge

This document offers further guidance to assist you in filling out the Special Use Permit Application, FWS Form 3-1383-C and provides other useful information about Special Use Permits.

When submitting the application, we suggest that you send all of your permit attachments in a single email to make sure you've captured all of your necessary documents before sending.

Application deadlines:

Arctic Refuge processes permit applications during either of two permit application periods in each calendar year:

January 1 to April 15 (generally for activities beginning after May)

October 1 to November 30 (generally for activities beginning after January of the following year)

Complete applications received during these dates will be processed within 45 days of receipt. Incomplete applications will be returned to you after the application period closing date. Applications received outside these dates will be processed within the next permit application period.

Use the checklist below to insure that your application is complete before you submit it to the Refuge. Your completed application should include:

- A completed application that **describes your activity in detail***
- The signature and date of the person whose name is on the permit
- \$100.00 payment - call to provide credit card information to staff (administrative fee); or check payable to Arctic National Wildlife Refuge (mention in email)
- Insurance carrier and date of activation noted— (must insure before activity begins copy of active policy on file at Refuge)
- State Business License
- FAA Air Carrier Certificate (air operators only)
- State of Alaska Air Carrier Certificate of Compliance (air operators only)
- State of Alaska Air Transporter Certificate (air transporters only)
- State of Alaska Sport Fishing Business License (guided fishing only)
- State of Alaska Sport Fishing Guide License (guided fishing only—for each guide working under the permit)
- U.S. Coast Guard License, or date of expected arrival noted (businesses operating in motor vessels only—credential required for each boat operator working under the permit)—must insure before activity begins copy of active policy on file at Refuge

NOTE: If you plan to conduct two distinct activities, such as air transporting and guided backpacking, expect to submit detailed activity descriptions for each activity type.

Contact information if you have additional questions

If you have questions about the application process email Alfredo Soto at <alfredo_soto@fws.gov> or call him at (907) 456-0303 (direct), or (800) 362-4546.

Guidance for filling out the application form

The following information provides clarification when filling out certain lines within the different sections of the application.

Refuge information for top left-hand corner of the first page:

Arctic National Wildlife Refuge
101 12th Avenue, Room 236
Fairbanks, AK, 99701-6237
Attn: Alfredo Soto
Phone: (907) 456-0303
E-mail: Alfredo_Soto@fws.gov

Section I: Application

Line 1a: Mark “New” if you are a new permittee. If your business had a valid commercial recreational permit with Arctic Refuge for the previous year, and plans to conduct the same operations with the same business name and ownership the following year, you can select "Renewal" in line 1a. Only details listed on the original permit will be approved via renewal for the following year, so if you anticipate changes to your operations, business name, or ownership please submit a new application. **1b:** Mark "Yes" or "No." **1c:** This will help refuges coordinate with one another this can greatly support your operation occurring on multiple refuges. There may be coordination of Client Use Reporting and other permit deadlines to consolidate your administrative workload.

Section II: Applicant Information

Line 2: Fill in the full name and title of the person who is legally responsible for the company’s activities and compliance with the permit special conditions. This person, the “Applicant,” is normally the owner or president. Multiple owners of a company should identify one owner as the authorized agent to fulfill this role. Permits will be issued only to the person identified on line two, followed by the business name on line four, and only the applicant is allowed to sign the permit (unless proof of authorized agent is provided for surrogate representatives).

Lines 7 and 9: Specify public and official correspondence contacts; Refuge staff will post to web the information entered in these lines if public business correspondence contacts are not specified.

Line 12: Please list **subcontractors as well as assistants** who will be with clients on Refuge lands and waters without the presence of the permittee. We offer the following information to help you determine if any of these conditions exist for your operation:

Assistants means the permittee’s employees.

Subcontracting means 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 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 = subpermittee (not allowed with our SUP permits) means 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. Subletting is not allowed under these permits.

Section II: Activity Information (continued)

Line 13: For air operations, including air transporters and water taxi transporters, including polar bear guides that are boat operators, mark an X for *Transportation Services*. All other recreational and educational guide applicants mark an X for *Guided Recreation*.

Line 14: Describe the general activity you would like to conduct (i.e.: guided backpacking or air operations). Specifically identify timing, frequency, and how the activity is expected to proceed:

1. Bracket the proposed activity by identifying starting and ending dates of your proposed activities. Permits are issued only for the period needed, not to extend beyond the end of the calendar year (all applicants).
2. If your proposed itineraries involve base camps (guide applicants), attach USGS topographic map(s) identifying planned areas of use or provide GPS location.

Line 15: List major drainages or regions of the Refuge that you expect to use as part of your business. GPS locations are not necessary, unless using a base camp or requesting a fuel or gear cache.

Line 18: For air operators: answer “No.” For guide applicants: answer “Yes.” You will provide this Plan of Operation as a detailed answer for Line 29, which asks you to provide work and living accommodations. this description of your operations plan should include: 1) a description of the precautions you will use to reduce the risk of human-bear interactions and optimize bear safety; 2) how you plan to deal with food storage and food / human waste. *For guided polar bear viewing applicants, your answer to Question 29 will include specific Safety Plan information.*

Line 19: For air operators: answer “No.” For guide applicants: answer “Yes,” attach a summary of your estimated or proposed trip offerings including start and end dates of each trip along with number of clients and guides per trip.

Section III: Insurance Coverage/Certifications/Permits

Line 20: Enter all licenses applicable –

- State Business License (all applicants)
- FAA Air Carrier Certificate (air operators only)
- State of Alaska Air Carrier Certificate of Compliance (air operators only)
- State of Alaska Air Transporter Certificate (air transporters only)
- State of Alaska Sport Fishing Business License (guided fishing only)
- State of Alaska Sport Fishing Guide License (guided fishing only—for each guide in field)
- U.S. Coast Guard License (motorized water taxi transportation; guided polar bear viewing; and guided fishing if carrying fishing clients in motor vessel— for each boat operator in field)

Section III: Insurance Coverage/Certifications/Permits (continued)

Line 21: Air/motorboat operators and guides refer to the Liability Insurance Requirements below for carrier type. This directs you to attach a copy of your insurance certificate; and to identify certifications or permits additionally required. We understand that you may not have an active policy in place for the dates of your proposed activity at the time of application. Know that your application will be considered complete without proof of insurance. However, you should review the Liability Insurance Requirements below and note that you must have a policy in place before your proposed activity begins *and your policy must name the U.S. Fish and Wildlife Service named as coinsured. Your signed permit will not be valid until proof of your insurance is received.*

Line 23: Tribal Permits for **Alaska Native and State Selected Lands:** In accordance with the regulations at 43 CFR 2650.1, if the proposed activity would occur on Refuge lands that have been selected by an Alaska Native Corporation, the applicant is required to obtain a signed statement from each appropriate Native Corporation documenting their views on the proposed activity, prior to the special use permit being issued. On State selected lands, permission must be obtained from the Alaska Department of Natural Resources for any activities that involve construction of permanent facilities, or the removal of minerals or materials. If you are not familiar with the land status of your proposed use area, please contact the refuge office well in advance (at least six weeks) of your activity so the appropriate contacts can be made.

Section IV: Logistics and Transportation

Line 24a: Though all activities may require personnel to stay overnight onsite (whether planned or not), answer “Yes” if overnight, onsite use is a *regular* part of your operation; and answer “No” if your operation is typically day-use.

Line 24b: Please provide names of **employees** required to stay overnight.

Line 25: Guides: list the gear caches you may need, identified on a USGS topographic map, or provide GPS location(s). Note: all caches must be approved in writing by the Refuge Manager before they can be established. Leave blank if plan no gear caches.

Line 26a: This line applies to air operators and to businesses operating motor vessels to conduct activities such as guided polar bear viewing by boat. Air operators: list the aircraft you will use by make/model, registration number (N-number) and color; you may attach aircraft descriptions on a separate sheet if aircraft are numerous. Motorboat operators: list the boats you will use by make/model, registration number and color; you may attach descriptions on a separate sheet if aircraft are numerous. For other applicants, select “N/A,” even if you plan to subcontract businesses operating motor vessels or aircraft.

Line 26b-d: Can be filled in addition to 26a if applicable.

Line 27a: Air operators and guides answer “Yes” if requesting fuel caches.

Line 27b: Air operators: list the fuel you may need, identified on a USGS topographic map, or provide GPS location(s). Note: Caches must be approved in writing by the Refuge Manager before they can be established (all applicants), and then must be properly labeled.

Line 28: Polar bear guides answer “Yes.” Provide specific Safety Plan instructions. All others answer “No.” The answer you provide to Line 29 will serve as your safety plan.

Section V: Work and Living Accommodations

Line 29: For all applicants overnighing on the Refuge who answered “Yes” to Line 24a and 24b, specifically describe your Plan of Operations for your onsite work and/or living accommodations:

1. Describe how you plan to manage food and other attractants.
2. Describe how you plan to deal with human waste.
3. Describe precautions you will use to reduce the risk of human-bear interactions and optimize bear safety.

For guided polar bear viewing day-use activities, provide specific Safety Plan instructions.

Line 30: Hazardous material storage, excepting pre-approved onsite fuel caches, will not be authorized (see Line 28). Answer “N/A.”

Line 31: The person listed on the application in Line 2 must be the person who signs the permit. Proof of Agent must be provided with the application packet if someone else signs.

IF MAILING APPLICATION: A signed application and all accompanying paperwork must be postmarked during either of two permit application periods in order to be accepted.

Mail your completed application packet to:

Alfredo Soto, Wildlife Refuge Specialist
Arctic National Wildlife Refuge
101 12th Avenue, Rm 236
Fairbanks AK 99701-6237

Please submit your application complete, with the items listed above, even if you are unsure about some trips or have not hired all of your personnel. Changes to personnel, activities, locations and dates are not restricted to application period closing dates and can easily be made by amendment via written notification or email with a follow-up telephone call to ensure that the change was noted in Refuge permit files (email Alfredo Soto at <alfredo_soto@fws.gov> and call (907) 456-0303, (907) 456-0250, or (800) 362-4546). If, due to personnel changes, you are submitting a last-minute copy of a State of Alaska Sport Fishing Guide License or U.S. Coast Guard License, it may be faxed to (907) 456-0428 or emailed.

Review both the liability insurance requirements, and the permit fee policy, shown below. When a permit is issued, a sample client use report form will be included with the permit packet. Client use information needs to be submitted to Arctic Refuge by October 31, or within 30 days after the end of the permit period (whichever date is earliest) so the actual client use day fees can be calculated and billed.

Note that commercial permit operations within the Arctic Refuge do not guarantee, nor explicitly or implicitly imply, levels of use or privileges to operate in the future.

Liability Insurance Requirements for Commercial Recreation (non-hunting), Air Taxi and Guided Sport Fishing Operations within Arctic National Wildlife Refuge

Insurance is required for all commercial operators who provide services to the public on Refuge lands. All policies must: 1) cover every aspect of the services provided to clients, and 2) contain a notification clause stating that the Arctic Refuge will be given 30 days' notice before coverage is canceled (documentation provided to the Refuge must verify this clause).

Proof of insurance provided to the Refuge can be either a Certificate of Insurance or a letter issued by the insurance company. The documentation must name the insured and the insurer, indicate the extent and kind of coverage (for example, "recreational guiding, including river floating"), and list the United States Fish and Wildlife Service as an "additional insured" unless accompanied by a waiver of subrogation naming the United States Fish and Wildlife Service.

The following outlines the minimum liability insurance requirements for commercial recreation (non-hunting), air taxi and guided sport fishing operators. The requirements apply throughout Alaska on all lands administered by the U.S. Fish and Wildlife Service.

Type of operator minimum insurance required:

GUIDE/OUTFITTER Guide/Outfitter Liability: \$300,000/occurrence, (without air or boat transport of clients) \$500,000 aggregate/year

GUIDE/OUTFITTER Guide/Outfitter Liability: \$300,000/occurrence, (with air transport of clients) \$500,000 aggregate/year plus Aviation

GUIDE/OUTFITTER Guide/Outfitter Liability: \$300,000/occurrence, (with boat transport of clients plus \$500,000 aggregate/year plus Marine Liability: other services) \$300,000 (if boat transportation is not covered by the guide/outfitter insurance)

AIR TAXI Aviation Passenger Liability: \$150,000/seat plus (without on-the-ground services) Property Damage: \$100,000

ALL OTHER COMMERCIAL OPERATORS Comprehensive Liability: \$300,000/occurrence, PROVIDING SERVICES TO THE PUBLIC \$500,000 aggregate/year

Permit Fee Policy for Commercial Guided (non-hunting) and Air Operations within Arctic National Wildlife Refuge

Permits will be issued only after payment of a non-refundable \$100 administrative fee.

Commercial guide and air operations client use day fees are computed by multiplying the actual client use days by the activity fee rate.

A client use day fee for guided activities (Recreation, Education and Sport Fishing) is charged each calendar day (24 hours), or any portion thereof, that a client uses the Refuge.

A client use day fee for air operators is charged for each client for each calendar day (24 hours), or any portion thereof, when the operator is on Refuge lands for a drop-off, shuttle, or pick-up of people and gear or animals. In the case that no clients are on board but the plane lands to pick up or drop off gear or animals, one client use day fee will be applied for each day landings occur when no other client use day fee is applied.

Client use day fees are to be paid annually and adjusted every three years based on the Department of Commerce Implicit Price Deflator Index (IPDI) for the gross domestic product. Based on IPDI increases through 2015, client use day fees will be charged at a daily rate for guiding each client in commercial recreation and air operations at \$2.65 for 2016-2018.

| TYPE OF ACTIVITY | <u>FEE RATE</u> |
|--|------------------------|
| Sport Fishing | \$2.65/client use day |
| River Floating | \$2.65/client use day |
| Backpacking, Photography, Birding, Other | \$2.65/client use day |
| Air Operations | \$2.65/client use day |

Commercial recreation (non-hunting), sport fishing, and air operator permittees are required to keep accurate records and report client use days to Arctic Refuge. When a permit is issued, a sample client use day report form will be included with the permit package. A report needs to be submitted to the Refuge at the end of the permit period so the actual client use day fees can be calculated and billed to the permittee.