

**EXHIBIT D**  
**ARKANSAS HEADWATERS RECREATION AREA**  
**SPECIAL USE AGREEMENT**  
**BOATING**

**PURPOSE OF EXHIBIT:** To authorize **Company Legal** operating as **Company dba** for the following activities for **2019** within the AHRA:

- Whitewater Rafting
- Guide Training
- Kayak Instruction
- Guided Duckie Trip
- Image Boating
- Safety Boating
- River Boarding
- Float Fishing Trips
- After Hours Fishing
- Whitewater Rescue Training
- Stand Up Paddling
- Moonlight Float Trips\*
- Out Of Windows Training\*
- Kayak Instruction and Raft Flip Training on Trout Creek Reservoir

as detailed in the AHRA Operating and Safety Plan, within the Agreement term, launch windows where applicable, capacities on the Arkansas River and pursuant to the provisions of the Arkansas Headwaters Recreation Area Management Plan (AHRA-MP) and the following Conditions:

**CONDITIONS:**

1. AHRA Special Use Agreement Application

As an addendum to Condition 1 of the Special Use Agreement, any person or business entity conducting any of the authorized commercial operations listed above shall meet the following requirement(s):

- a. Submit a copy of a current Colorado River Outfitters License. This is unnecessary for businesses and persons whose sole service is providing commercial imaging and/or commercial instruction in canoeing or kayaking skills. Violation of the terms of the Colorado River Outfitters License may be cause for Agreement probation, suspension or revocation.
- b. Submit a copy of a current Colorado Outfitters Registration issued by the Office of Outfitter Registration. This is required for any Holder involved in the taking of fish on public lands or waters within the State of Colorado. Violation of the terms of the Colorado Outfitters Registration may be cause for Agreement probation, suspension or revocation.
- c. Submit a copy of a current Colorado Division of Parks and Wildlife (CPW) Temporary Wildlife Special Use Permit issued by the appropriate Area Wildlife Manager. This is required for any Holder utilizing State Wildlife Areas within the AHRA in commercial operations. Violation of the terms of the CPW Temporary Wildlife Special Use Permit may be cause for Agreement probation, suspension or revocation.

## 2. Imaging Sales

Any AHRA Boating Holder that engages the services of an Imaging Holder for the purpose of offering images to their clients may only enter into this type of an agreement with an Imaging Holder holding an AHRA Special Use Agreement.

### a. Solicitation Agreements

- 1) The Imaging Holder shall submit to CPW signed Solicitation Agreements (letter) from authorized representatives of all Boating Holders prior to personally soliciting business from any of their Clients or staff while these Clients or staff are within the AHRA.
- 2) The Imaging Holder shall submit to CPW signed Exclusive Imaging Agreements (letter) from authorized representatives of all Boating Holders specifying that exclusive imaging rights of the signatory Boating Holder(s) have been granted to the Imaging Holder.
- 3) Solicitations by Imaging Holders without signed Solicitation Agreements may result in Agreement probation, suspension or revocation. Solicitation Agreements are valid for one season; yearly renewal is mandatory prior to any solicitation.
- 4) The capturing of images within the AHRA of the Clients or staff of a Boating Holder holding an Exclusive Imaging Agreement with another Imaging Holder is prohibited and may result in Agreement probation, suspension or revocation.
- 5) Either the Boating Holder or the Imaging Holder may cancel Solicitation Agreement(s) and/or Exclusive Imaging Agreement(s) at any time upon notification to the other party and CPW.
- 6) AHRA will notify Imaging Holders by email and/or website informing them of all Imaging Holders holding either a Solicitation Agreement(s) or an Exclusive Imaging Agreement(s) with Boating Holders.

## 3. Shuttle Services

Any AHRA Boating Holder that engages the services of a Shuttle Holder for the purpose of transporting clients and/or vehicles may only enter into this type of an agreement with a Shuttle Holder holding an AHRA Special Use Agreement.

## 4. Site Specific Requirements

### a. Use of Ruby Mountain by all Holders is prohibited except under the following conditions:

- 1) During low flow periods of less than 700 cfs at the Wellsville gauge, the AHRA managers, on a year-to-year basis, may allow Holders to utilize the Ruby Mountain Recreation Site, for the purpose of launching commercial Whitewater & Float Fishing trips and taking out commercial Float Fishing Trips. Permission is only authorized when the AHRA managers send an email authorizing such use.
  - a) Commercial trips may stage (offload boats and people), conduct safety talks, top-off, etc. in the vehicle parking lot upstream of the boat ramp. Commercial trips may also stage, conduct safety talks, top-off, etc. on the boat ramp; no more than fifteen minutes is allowed for this activity.
  - b) Commercial vehicles may only be at Ruby Mountain long enough to stage and must exit as soon as possible. No parking of commercial vehicles or trailers is allowed; except shuttle vehicles that will be allowed a one hour parking limit.

- c) The Holder, any of the Holder's agents, employees, or clients may not walk through campsites.
  - d) All launches and take-outs must be conducted from the boat ramp.
  - e) Holders who meet clients at AHRA sites should plan to rendezvous with those clients at Fisherman's Bridge, not Ruby Mountain. Holders may not meet clients at the Ruby Mountain Recreation Site unless Ruby Mountain Recreation Site ADA Permission has been granted. Holders may request Ruby Mountain ADA Permission by sending an email to the AHRA Rationing & Agreement Coordinator. Permission must be received via email from AHRA prior to Ruby Mountain ADA use.
  - f) All commercial vehicles must strictly adhere to posted speed limits and yield to oncoming traffic when entering and exiting the Ruby Mountain Recreation Site.
  - g) All current commercial launch windows remain in effect.
- 2) Holders may utilize the Ruby Mountain Recreation Site for adding special population clients to trips that have launched upstream. Special populations refer to persons having a disability as defined in the Americans With Disabilities Act of 1990. Holders may obtain Ruby Mountain ADA Permission from the AHRA Rationing & Agreement Coordinator. Permission must be received via email from AHRA prior to Ruby Mountain ADA use.
- 3) Float Fishing Holders may also be allowed to use Ruby Mountain as a take-out under the following conditions:
- a) Holders must notify AHRA of Ruby Mountain Float Fishing Take-Out prior of use by sending an email to the AHRA Rationing & Agreement Coordinator.
  - b) A maximum of ten (10) boats per day is allowed to take-out at Ruby Mountain.
  - c) Weekends and holidays are excluded from this use exception during the "in season" (May 15 – Sept 7), except as authorized in Site Specific Requirements 13 a.1).
  - d) Weekends and holidays are not excluded from this use exception during the "off-season" (Sept 8 – May 14).
  - e) A maximum of two (2) boats per trip is allowed to take-out.
  - f) Each Holder may be granted authorization for only four (4) boats per day.
  - g) No commercial Float Fishing trip will be allowed to take-out prior to 12:00 p.m. or later than 6:00 p.m. at the Ruby Mountain Boat Ramp (Recreation Site).
  - h) Only vans and SUV / Truck type vehicles may be used to take-out commercial float fishing trips (no bus use is allowed).
  - i) No more than one (1) commercial vehicle per company is allowed to park in the Ruby Mountain Recreation Site at any one time and parking is restricted to the large parking lot.
- h. V. Paul Moltz has granted permission for AHRA authorized and approved Holders to enter upon and use the land and Trout Creek Reservoir owned by V. Paul Moltz located at Trout Creek Pass in Johnson Village, CO for the purpose of conducting kayak instruction activities and raft flip training. Such access shall be in accordance with the terms and conditions listed below.

- 1) All water use within Trout Creek Reservoir will be restricted to the northeast side of the reservoir. No activities will be allowed on the southwest side of the reservoir near the dam. A buoy(s) will be placed near the middle of the reservoir to denote the northeast and the southwest line.
- 2) All Holders must park in the area designated for parking by the AHRA.
- 3) All refuse must be collected and packed out by Holders.
- 4) Access to the land and reservoir is limited to 8:30 am to 5 pm. Holders are prohibited from leaving any personal property or constructing any facilities of any kind on site.
- 5) All sales for kayak instruction and raft flip training will be included in total gross receipts and recorded in daily trip logs.
- 6) Permission granted by V. Paul Moltz to access the site is voluntary in nature and can be revoked or further conditions can be added at any time by V. Paul Moltz. In addition, the AHRA may, upon written notice to Holders, apply additional terms and conditions to individual Holders or all Holders based on the level of use and other management concerns regarding the land or reservoir. The permission of any Holder to access the land or reservoir is subject to immediate suspension for failure to comply with the applicable terms and conditions, including, but not limited to, acquiring and maintaining required comprehensive liability insurance.
- 7) V. Paul Moltz is allowing access to the land and reservoir in accordance with §§ 33-41-101 to 106, C.R.S., and is protected by the limits on liability expressed therein. As a condition of accessing the land or reservoir, all Holders expressly acknowledge and accept such limits on liability. All Holders accessing the land or reservoir, in addition to acquiring and maintaining comprehensive general liability insurance naming the State of Colorado and the U.S. Government as additional insured or additional named insured as required by the AHRA Special Use Agreement, shall acquire and maintain a Comprehensive General Liability Insurance Policy in accordance with the terms and conditions listed below and submit a certificate of insurance prior to accessing the land or reservoir.
- 8) Submit a copy of a current Comprehensive General Liability Certificate of Insurance.

a) General Liability

Commercial General Liability Insurance written on ISO occurrence form CG 00 01 10/93 or equivalent, covering premises operations, fire damage, independent Holders, products and completed operations, blanket contractual liability, personal injury, and advertising liability with minimum limits as follows: (a) \$1,000,000 each occurrence; (b) \$1,000,000 general aggregate; (c) \$1,000,000 products and completed operations aggregate; and (d) \$50,000 anyone fire.

b) Additional Insured

V. Paul Moltz shall be named as additional insured on all Commercial General Liability policies.

V. Paul Moltz  
P.O. Box 1914  
Buena Vista, CO 81211

c) Primacy of Coverage

Coverage required of Holder shall be primary over any insurance or self-insurance program carried by V. Paul Moltz.

d) Cancellation

The above insurance policies shall include provisions preventing cancellation or non-renewal without at least 30 days prior notice to the Holder who shall forward such notice to V. Paul Moltz within 7 days of Holder's receipt of such notice.

e) Subrogation Waiver

All insurance policies in any way related to this Agreement and secured and maintained by Holders as required herein shall include clauses stating that each carrier shall waive all rights of recovery, under subrogation or otherwise, against V. Paul Moltz, the State, the United States Government, and their agencies, institutions, organizations, officers, agents, employees, and volunteers.

f) Certificates

The Holder shall provide certificates showing insurance coverage required hereunder to the AHRA within seven business days of the Effective Date of this Agreement. No later than 15 days prior to the expiration date of any such coverage, the Holder shall deliver to the AHRA certificates of insurance evidencing renewals thereof. In addition, upon request by the AHRA at any other time during the term of this Agreement, the Holder shall, within 10 days of such request, supply to the AHRA evidence satisfactory to the State of compliance with these provisions.

If proof of insurance is not provided by the Holder as required by CPW within the stated time period, the Special Use Agreement will be suspended until such time that an adequate certificate of insurance is received.

- i. Failure to follow the Site Specific Requirements conditions may be cause for the Boating Holder's privileges to be modified including, but not limited to, loss of the ability to use Site Specific locations.

5. Authorized Activity Requirements

a. After Hours Float Fishing Trips

After hours float fishing trips (AHF) are fishing trips that launch outside of the launch windows established in the Management Plan.

- 1) No more than four (4) licensed fishing clients are allowed in each boat.
- 2) The Holder's Trip Log shall separately indicate this authorized activity in the Trip Type field as an After Hours Float Fishing Trip. Revenues from this activity shall be included in the calculation of the Total Gross Receipts.

b. Moonlight Float Trips (Adventure Company, Noahs Ark, Whitewater Adventure Outfitters and Wilderness Aware)

Moonlight Float Trips (MFT) are trips that launch outside of the launch windows established in the Management Plan.

- 1) Moonlight Float Trips are prohibited unless the activity has been grandfathered in accordance with the Management Plan.
- 2) The Holder shall provide a Certificate of Comprehensive General Liability Insurance with this activity listed.
- 3) The Holder's Trip Log shall separately indicate this authorized activity in the Trip Type field as a Moonlight Float Trip. Revenues from this activity shall be included in the calculation of the Total Gross Receipts.

c. Out of Windows Training Trips (Dvoraks Expeditions, Noahs Ark and Wilderness Aware)

Out of Windows Training Trips (OWT) are training trips that launch outside of the launch windows established in the Management Plan.

- 1) Out of Windows Training Trips are prohibited unless the activity has been grandfathered in accordance with the Management Plan.
- 2) The Holder's Trip Log shall separately indicate this authorized activity in the Trip Type field as an Out of Windows Training Trip. Revenues from this activity shall be included in the calculation of the Total Gross Receipts.

d. Swift Water Rescue Training (SWRT)

Swift Water Rescue Training Holders must notify AHRA by email of the location, date and time of any requested training classes two weeks prior to conducting this activity. Holders may request Swift Water Rescue Training (SWRT) permission by sending an email to the AHRA Rationing & Agreement Coordinator. Permission must be received via email from AHRA prior to conducting the activity.

e. Canoeing and Kayaking

Commercial instruction in canoeing and kayaking trips are river trips where clients maneuver themselves on the river on a variety of hard hulled or inflatable vessels primarily designed to carry less than three passengers while receiving instruction from a qualified canoeing or kayaking instructor.

f. River Boarding

Commercial instruction in river boarding (sledging) trips are river trips where clients maneuver themselves down the river on river boards using fins for propulsion while receiving instruction from a qualified river boarding instructor.

g. Stand Up Paddle Board (SUP) Trips

Commercial instruction in stand up paddling (SUP) trips are river trips where clients maneuver themselves down the river on specially designed boards using a paddle for propulsion while receiving instruction from a qualified SUP instructor.

- 1) Group (pod) size shall be no more than any combination of 10 boats. Pods shall remain at least 300 feet apart and shall be led by a qualified canoeing or kayaking, river board, or SUP instructor.
- 2) Rafts that are used to accompany instructional canoeing or kayaking, river boarding or SUP trips shall be equipped, guided and operated as required by the Colorado River Outfitter Licensing statutes and regulations.

- 3) All Commercial instruction trips, depending upon the activity, shall be led by a qualified canoeing or kayaking, river board, or SUP instructor.
- 4) Prior to conducting commercial instruction on a section of river, each canoeing or kayaking, river board, or SUP instructor, depending upon the activity, shall have operated a canoe or kayak, river board or SUP board at least twice over the course of each section of river that will be instructed.
- 5) Each canoeing and kayaking, river board or SUP instructor shall have the following minimum qualifications:
  - a) Canoeing and kayaking, river boarding, or SUP instructors shall be eighteen (18) years of age or older.
  - b) Canoeing and kayaking, river board or SUP instructors shall have successfully completed an American Canoe Association (ACA), British Canoe Association (BCA) or equivalent certifying body instructor's course designed for Class II or above whitewater.

In lieu of certification, a canoe and kayak instructor shall have a minimum of 50 hours of kayak instructor training, on river, from a qualified kayak instructor who has 1,500 miles of river experience, of which 750 miles is as a commercial kayak instructor. The instructor training must be appropriate for the type of vessel and class of water in which they will be instructing.

In lieu of certification, a river board instructor shall have a minimum of 50 hours of river board instructor training, on river, from a qualified river board instructor who has 1,500 miles of river experience, of which 750 miles is as a commercial river board instructor. The instructor training must be appropriate for the type of vessel and class of water in which they will be instructing.

In lieu of certification, an SUP instructor shall have a minimum of 50 hours of SUP instructor training, on river, from a qualified SUP instructor who has 150 miles of river experience, of which 75 miles is as a commercial SUP instructor (or equivalent). The instructor training must be appropriate for the type of vessel and class of water in which they will be instructing.

- c) Any canoeing and kayaking instructor who has documented instructional experience prior to 2010 may continue to instruct in the areas in which they have this experience.
- d) Minimum canoeing and kayaking, river boarding, and SUP instructor training shall include the following areas of instruction:
  - i. Background information – AHRA requirements and river etiquette.
  - ii. Proper fitting and use of client equipment, PFDs, helmets, wetsuits, etc.
  - iii. Types and causes of river rapids.
  - iv. Reading surface and underwater river currents.
  - v. River hazards: natural and manmade.
  - vi. Ropes, knots and rope management.
  - vii. Maneuvers and techniques for controlling the vessel.
  - viii. River rescue/self rescue and emergency procedures.
  - ix. Minimizing outdoor recreation resource impacts.
  - x. Private property awareness for the river sections to be run; to include public land boundary locations, river signage used to indicate public vs. private lands and use allowed on public vs. private property.
  - xi. Equipment repair.

- e) Canoeing and kayaking, river board and SUP instructors shall be trained and hold current certifications in basic first aid and cardiopulmonary resuscitation (CPR) issued by any institution recognized as a provider of such training, for example the American Red Cross or the American Heart Association.
  - f) During each canoe and kayak, river board and SUP instructor's first commercial trip with clients, a qualified instructor must be on the same trip.
- 6) Instructor qualification records shall be maintained by the primary employer (AHRA SUA Holder) for each canoeing or kayaking, river boarding and SUP instructor. Such records shall include:
- a) Instructor's full legal name and date of birth.
  - b) A photocopy of the front and back of the instructor's valid first aid and CPR certification cards.
  - c) In lieu of the required card(s) or certificates a copy of a dated letter signed by the medical care instructor(s) stating that the instructor has successfully completed the emergency medical care training required and stating the medical care instructor's address and telephone number.
  - d) Written documentation that the instructor is qualified by meeting the minimum training requirements established in 5) on page 12 of this document. Such documentation shall include:
    - i. A copy of the instructor's ACA, BCA or equivalent certification(s) for the appropriate vessel and class of water in which they will be instructing (i.e. Level 4: Whitewater Kayaking for class II to III water).
    - ii. OR Fifty (50) river hours with a qualified instructor on the same trip to include the date of trips, section of river, put-in and take-out locations, training hours and the name and signature of the qualified instructor.
    - iii. The instructor's first commercial trip date, location and the name and signature of the qualified instructor that was on the trip.
  - e) An outfitter shall maintain all instructor qualification records during the period of such employee's employment and for a period of three years after his/her termination. These records shall be maintained at the outfitter's place of business. The outfitter or any employee having access to such records shall provide those at all reasonable times to any representative of CPW.
- 7) Each instructional trip shall carry at minimum the following equipment in serviceable condition; a throw bag with a minimum 50 feet of ¼ inch rope, a first aid kit with the contents required by the River Outfitter Licensing Program to include a solid human waste container, an air pump (if applicable) and repair kit suitable for the types of vessels being used, a spare paddle (if applicable) per every 5 client vessels and a spare set of fins/fin retainers (if applicable) on the trip.
- 8) Each instructor shall carry a suitable river knife and whistle.
- 9) All clients and staff shall wear helmets designed for whitewater use and type III or V U.S. Coast Guard approved PFDs.
- 10) River boarding clients and staff shall wear kneepads.

- 11) All clients shall receive an orientation talk and practical demonstration before leaving the put-in. The orientation talk shall at minimum include:
  - a) The conditions of weather, river, terrain, equipment and travel that the commercial clients may expect to encounter.
  - b) The proper use, fit and operation of the personal equipment they will be using.
  - c) Operation and techniques for maneuvering the vessel.
  - d) River swimming techniques for self-rescue.
  - e) Instructions on what to do in the event of an emergency.
  - f) Sanitation, human refuse disposal and litter prevention.
  - g) Accident reporting requirements.
  - h) River etiquette and user interface.
  - i) Private property awareness for the river sections to be run; to include public land boundary locations, river signage used to indicate public vs. private lands and use allowed on public vs. private property.
- 12) Accident reporting requirements shall be the same as those required by River Outfitter Licensing in Parks Board Regulation #307.
- 13) The Holder's Trip Log shall separately indicate this authorized activity in the Vessel Type field as Kayak Instructional for the instructor. Clients are to be recorded as River Boarding, SUP, duckies or other kayaks in the Vessel Type field. Revenues from these activities shall be included in the calculation of the Total Gross Receipts.

## 6. Guide Requirements

- a. Within all river sections in the AHRA, minimum requirements for all Holders, guides, trip leaders, guide instructors, clients, etc. shall be as outlined in Title 33, Article 32, CRS and in related Parks Board (Parks and Wildlife) Regulations. In the river sections listed below, additional safety and guide training requirements shall be required and documented (AHRA Guide Qualification and Guide Documentation Form). Any guide who has documented guiding experience in these river sections prior to 1993 may continue to guide in the areas in which they have this experience.
  - 1) The Royal Gorge – Section 5
    - a) All guides must have 750 Class III or greater river miles of which at least 50% were logged while acting as a qualified guide prior to guiding regulated trips in the Royal Gorge. All other Class III or greater river miles will be counted towards the remaining river miles.
    - b) All guides must take two (2) practice runs while operating a raft without clients (except guide trainees) in the Royal Gorge prior to guiding regulated trips in that section.
    - c) All guides operating a raft on their first regulated trip with clients in the Royal Gorge must have a Guide Instructor aboard, who is qualified in this section, prior to making any such run without a Guide Instructor.
    - d) All guides must have operated a raft on five (5) regulated trips in the Royal Gorge or have logged a minimum 1500 river miles while acting as a qualified guide prior to acting as trip leader in that section.
  - 2) The Numbers – Section 1c
    - a) All guides must have 1,000 Class III or greater river miles of which at least 50% were logged while acting as a qualified guide prior to guiding regulated trips in the Numbers. All other Class III or greater river miles will be counted towards the remaining river miles.

- b) All guides must take two (2) practice runs while operating a raft without clients (except guide trainees) in the Numbers prior to guiding regulated trips in that section.
- c) All guides operating a raft on their first regulated trip with clients in the Numbers must have a Guide Instructor aboard, who is qualified in this section, prior to making any such run without a Guide Instructor.
- d) All guides must have operated a raft on five (5) regulated trips in the Numbers or have logged a minimum 1500 river miles while acting as a qualified guide prior to acting as trip leader in that section.

3) Pine Creek – Section 1b

- a) All guides must have 1,250 Class III or greater river miles of which at least 50% were logged while acting as a qualified guide prior to guiding regulated trips in Pine Creek. All other Class III or greater river miles will be counted towards the remaining river miles.
- b) All guides must take two (2) practice runs while operating a raft without clients (except guide trainees) in Pine Creek prior to guiding regulated trips in that section.
- c) All guides operating a raft on their first regulated trip with clients in Pine Creek must have a Guide Instructor aboard, who is qualified in this section, prior to making any such run without a Guide Instructor.
- d) All guides must have operated a raft on five (5) regulated trips in Pine Creek or have logged a minimum 1500 river miles while acting as a qualified guide prior to acting as trip leader in that section.

b. Safety Boaters

Safety boaters utilized in commercial operations must have current and valid first aid and CPR certification cards. Safety boaters must also have an appropriate level of experience and knowledge for the section of river they will be serving as a safety boater.

7. Guide Trainees Exclusion

- a. All Guide Trainees will be excluded from historic use credit except as noted in the Rationing Plan under N. Historic Use Credit, 1. Exceptions, condition b. The Holder's daily trip logs must identify Guide Trainees.
- b. Guide Trainees will be excluded from the Agreement Fee except as noted in the Rationing Plan under N. Historic Use Credit, 1. Exceptions, condition b.
- c. Failure to report Guide Trainees on the daily trip log will result in a Guide Trainee violation. A Holder is allowed to have three Guide Trainee violations each season. The fourth Guide Trainee violation will place the Holder on probation.
- d. If, while on probation for Guide Trainee violations, another Guide Trainee violation is assessed, the Guide Trainee Exclusion privilege for that Holder will be suspended for one year.

8. Vessel Identification / Boat Marking

- a. All vessels used within AHRA by the Holder shall be marked with the vessel owner's name, current address, and telephone number in a legible, clearly visible and durable fashion.

- b. Hard shell kayaks and hard shell SUP's used commercially within the AHRA by the Holder shall, at all times within the AHRA, have the Holder's name, initials or an easily identifiable logo, above the waterline, on the front or back of their boats for visibility and recording accuracy. Such name, initials or an easily identifiable logo must be approved by AHRA.

Inflatable rafts, catamarans, dories, open canoes, inflatable kayaks, inflatable SUP's and similar vessels used commercially within the AHRA by the Holder shall, at all times within the AHRA, have the Holder's name, initials or an easily identifiable logo, above the waterline, on either both sides or on the front and back of their boats for visibility and recording accuracy. Such name, initials or easily identifiable logo must be approved by AHRA.

- 1) Such lettering or logos must be of contrasting color to the background and must be maintained so as to be clearly visible and legible from a distance of at least 150'.
  - 2) Letters must be at least four (4) inches in height and the name and/or logo must be a minimum of six (6) inches in width.
  - 3) Holders will submit with their application an electronic image depicting their name, initials or easily identifiable logo utilized on all commercial vessels within AHRA.
- c. Each commercial river boarder shall be identified by the Holder's name, initials or an easily identifiable logo on both the left and right sides of the helmet with at least three (3) inch characters of contrasting color that are clearly visible at a distance of 100 feet. When on private trips, the Holder's name, initials or an easily identifiable logo shall be taped through to indicate the trip as non-commercial.
- d. All kayaks, canoes, safety rafts, SUPs and river boards used commercially within the AHRA by the Holder shall be clearly identified in the following manner:
    - 1) Blue identification tags for an imaging vessel (minimum size - 1 inch wide by 5 inches long) attached to the front and rear grab loops will identify imaging boats. No clients may ride in an imaging boat.
    - 2) Red identification tags for a safety vessel (minimum size - 1 inch wide by 5 inches long) attached to the front and rear grab loops will identify safety boats. No clients may ride in a safety boat.
    - 3) Clients or guides in instructional kayaks, canoes, river boards or SUP's without a company boat marking, as outlined in Condition 18.b., are required to attach yellow identification tags (minimum size - 1 inch wide by 5 inches long) to the bow and stern of the vessel.
- e. Holders with the same initials will be required to further identify boats or helmets. Should companies having the same initials not be able to arrive at mutually agreed upon identification, CPW will make the final decision as to proper identification.
  - f. Holders who utilize boats and equipment belonging to other Holders, other companies or independent guides shall ensure that the borrowing company's identity, and only the borrowing company's identity, is appropriately displayed on the borrowed boats or helmets for auditing and monitoring purposes.
  - g. Boats or helmets belonging to another company or individual shall have any name, initials and/or logo blocked off from view.

- h. Holders who loan or rent boats for private trips within the AHRA must ensure the Holder's name, initials and/or logo are completely blocked off from view for the duration of the private trip. Alternately, Holders may use a green identification tag, minimum 1 inch wide by 5 inches long and attached to the front and rear grab loops, to identify a vessel as private.

For commercial vessels that cannot apply the green identification tags, the Holders who loan or rent helmets or other gear for private trips within the AHRA must ensure that the Holder's name, initials, and/or logo are completely blocked off from view for the duration of the private trip.

- i. Prior to the sale of commercial equipment to the public, all logos, company names, and initials must be completely removed from the equipment utilized within the AHRA.
9. Single boat trips are prohibited in a particular section of the river if there is a High Water Advisement in that section of river. Single boat trips are not recommended on all sections of the river when the Wellsville gage is 3200 cfs or greater. Utilizing a safety boat or combining a one boat single regulated trip (Holder A) with another one or more boat regulated trip (Holder B) will qualify for more than one vessel as long as these vessels remain in reasonably close proximity to one another.

#### 10. High Water Advisement

- a. Pine Creek Rapid: It is recommended that Pine Creek Rapid (within Section 1B) not be run when the river is flowing over 1250 cfs at the Numbers/Below Granite gage as read at 7:00 a.m. for full day or morning trips.
- b. Numbers: It is recommended that the Numbers (Section 1C) not be run when the river is flowing over 2400 cfs at the Numbers/Below Granite gage as read at 7:00 am for full day or morning trips and at 12:00 noon for afternoon Numbers trips.
- c. Royal Gorge: It is recommended that the Royal Gorge (Section 5) not be run at flows over 3200 cfs at the Parkdale gage as read at 7:00 a.m. for full day or morning trips and at 12:00 noon for afternoon Royal Gorge trips.

#### 11. High Water Equipment Advisement

- a. Pine Creek Rapid (within Section 1B) and the Numbers (Section 1C)
  - 1) Helmets must be worn at all water levels.
  - 2) Wetsuits/drysuits are optional at all water levels depending upon weather and water conditions and advised when water levels are above 900 cfs as measured at the Numbers/Below Granite gage.
- b. Royal Gorge (Section 5)
  - 1) Helmets must be worn at all water levels.
  - 2) Wetsuits/drysuits are optional at all water levels depending upon weather and water conditions and advised when water levels are above 2800 cfs as measured at the Parkdale gage.

## 12. Safe Boater Experience

To provide a safe boating experience for the public, the AHRA managers may declare a “Safe Boater Experience” to make temporary modifications on an as needed basis in segment(s)/section(s) boundaries and/or capacities that do not unduly impact other user groups or resources. A Safe Boater Experience includes, but is not limited to, “high water” [flows exceeding 2,400 cfs at the Numbers (Below Granite) gauge; flows exceeding 2,500 cfs at the Wellsville gauge; flows exceeding 3,200 at the Parkdale gauge], fires, rescue operations and hazardous materials in the river. No historic use will accrue to Outfitters during these times and at these locations.

## 13. Quality Water Fishing Experience

To provide a quality water fishing experience for the public, the AHRA managers may declare a “Quality Water Fishing Experience” to make temporary modifications on an as needed basis in segment(s)/section(s) boundaries and/or capacities that do not unduly impact other user groups or resources. A Quality Water Fishing Experience includes, but is not limited to, poor water quality from heavy rains and the associated runoff. No historic use will accrue to Outfitters during these times and at these locations. This exception applies only to Section 2C through Section 4A.

Authorized outfitters will contact the Rationing & Agreement Coordinator via phone or email the day they are requesting Quality Water Fishing Experience. A notification email will then be sent to all outfitters describing the section(s) under Quality Water Fishing Experience.

## 14. Rationing Plan

The Rationing Plan for Commercial Boating Use in the Arkansas Headwaters Recreation Area developed as directed by the AHRA-MP and approved in 1993 by the Bureau Land Management and Colorado Department of Natural Resources shall be adhered to by each Holder. The AHRA Park Manager and the BLM River Manager will be responsible to ensure compliance with the Rationing Plan.