

**EXHIBIT A
ARKANSAS HEADWATERS RECREATION AREA
PROVISIONS COMMON TO ALL**

GRANT AND TERM:

This Special Activity Permit, hereinafter referred to as the Permit, is granted subject to the conditions and limitations set forth herein and provided for the term:

November 1, 2021 through October 31, 2022

The term may be modified by the State whenever necessary to conform to the Arkansas Headwaters Recreation Area Management Plan (AHRA-MP) as that Plan is amended or to reflect current conditions.

For the purpose of any and all payments made to the State, only cash, credit cards (MasterCard, Discover and Visa by phone or in person only during established AHRA business hours), checks, money orders or certified checks written to the Colorado Parks and Wildlife will be accepted. No Electronic Fund Transfers will be accepted.

A Probationary Permit will be issued to a Permittee no more than two consecutive seasons after which time the Permit will be revoked (a Probationary Permit will not be issued three consecutive seasons).

DEFINITIONS:

“Application Fee” shall be defined as a nonrefundable fee of \$400 for Boating and \$250 for all other activities. An Application Fee is charged to cover the costs involved in processing the application. The Application Fee will not supplement the use fee.

CONDITIONS:

1. AHRA Special Activity Permit Application

Any person or business entity conducting a commercial operation which in any way utilizes the surface of the Arkansas River, as well as public lands or waters within the AHRA, must apply for a Special Activity Permit located on the Internet website <https://ahraoutfitters.org/>.

Application Requirements:

- a. Submit a completed, signed, and dated AHRA Special Activity Permit Application.
- b. Submit one (1) original Special Activity Permit signature page, completed and signed. Digital signatures accepted.
- c. Submit fee payment.

The State will provide an invoice to each Permittee indicating the amount of Preseason Payment due.

- 1) The Preseason Payment is calculated as follows: the previous season’s Permit Fee divided by two. This Application Fee must be received by April 1st.
 - a) Preseason Payment Schedule

All Boating Permittees must pay \$400.00 (Application Fee) at time of application. This payment must be received by April 1st. All other Permittees (Imaging, Walk & Wade Fishing, Shuttle Service, Rock Climbing, Hiking and Mt. Biking) must pay \$250.00 (Application Fee) at time of application. All applications must be submitted by April 1st.

The Preseason Payment balance may be made in two payments: A minimum of fifty percent (50%) of the remaining balance must be received by 5:00 p.m. mountain daylight time on May 31st and the remaining balance must be received by 5:00 p.m. mountain daylight time on June 25th.

The administrative penalty for non-payment of the May 31st payment is suspension of the Special Activity Permit until payment is made plus a late fee of \$100. Operating under suspension shall be deemed a material breach of this Permit by the Permittee and may warrant revocation of the Permit.

The administrative penalty for non-payment of the June 25th payment is suspension of the Special Activity Permit until payment is made plus a late fee of \$100. Operating under suspension shall be deemed a material breach of this Permit by the Permittee and may warrant revocation of the Permit.

Failure to submit 1) a) by June 25th shall be deemed a material breach of this Permit by the Permittee after which time the Permit will be revoked.

- 2) Payment must be made to Colorado Parks and Wildlife.
- d. Submit a completed AHRA Operating and Safety Plan (form located on the Internet website <https://ahraoutfitters.org/>). Any changes to the authorized operations or activities must be requested in writing. The Permittee must then submit an updated AHRA Operating and Safety Plan prior to receiving approval from CPW to commence operations. Approval from the State will be made via email and/or website notification.
- e. Submit a Permittee's Operating Plan for all commercial operations, including all paid guide training programs offered on the Arkansas River within the AHRA. The Permittee shall provide a detailed written description to the State of the company's intended operations both on and off public lands and waters as they pertain to the AHRA. Any changes to the authorized operations or activities must be requested in writing. The Permittee must then submit an updated Permittee's Operating and Safety Plan prior to receiving approval from the State to commence operations. Approval from the Division will be made via email and/or website notification.
- 1) **PROPOSED ACTIVITIES:** In detail, describe what types of trips will be offered. Describe the company's intended operations and uses of Public Lands and Waters as they pertain to the AHRA. Provide full descriptions of all proposed activities. Include operations on and off Public Lands and Waters (i.e. Locations where guests are met and shuttled from). The Permittee's Operating Plan must include, but is not limited to:
 - a) Day-To-Day Operations
 - b) Guide Training Programs
 - c) Multi-Day Use
 - d) Put-Ins and Take-Outs
 - e) Meeting Guests at AHRA Sites
 - f) Lunch Stops
 - g) Camp Sites
 - h) Hours of Intended Operations
 - i) Subcontracted Operations with other AHRA Shuttle and Imaging Permittees.
 - j) Instructional Classes
 - k) Services for People with Disabilities
 - l) Services for Other Special Populations
 - m) Physical Location (Addresses) of All Operation Centers the Company Will Utilize to Conduct Business
 - n) Temporary Facilities, Caches, or Staging Areas
 - o) Hazard Identification (i.e. Scouting Locations)
- f. Submit a copy of all current brochures and price lists.

- g. Submit a copy of your Motor Carrier U.S. DOT (U.S. Department of Transportation) Identification Number.
- h. Submit a list of all Permittee-owned and/or non-owned vehicles to be utilized in their commercial operations. List the year, make, model, and license plate number of each vehicle, as well as noting whether the vehicle is commercially marked or unmarked. All vehicles used in commercial operations must, at all times within the AHRA, have a valid registration, proof of commercial insurance, and be visibly marked on the exterior of the vehicle with the Permittee's name, initials or an easily identifiable logo.
 - 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 feet.
 - 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.
- i. Submit, and keep current, a list of all Commercial Guides, Trip Leaders, Guide Trainees and Guide Instructors (not to include Rent-a-Guides who are from a primary Permittee with guide qualifications records at their location). Such list must be updated and submitted to AHRA within two (2) weeks of hiring or firing of these employees. This list shall be updated with changes for the current season on the ahraoutfitters.org website.
- j. Deadline for submission of all application materials (1.a through 1.i) is April 1st. Incomplete Applications will not be processed or refunded.

Failure to comply with any of the above (1.a through 1.i) by April 1st will result in an assessment of a late filing fee of \$100.00. Once late, the Application Fee must include the assessed late fee to be considered complete.

Failure to comply with any of the above (1.a through 1.i) by May 1st will result in an assessment of an additional late filing fee of \$100.00. Once late, the Application Fee must include the assessed late fees to be considered complete.

Failure to comply with any of the above (1.a through 1.i) by June 1st will result in Permit revocation. A Permit in the process of being transferred in accordance with the Special Activity Permit Assignment Policy, will be exempt from this June 1st deadline.

Minimum application processing is thirty (30) days. The Permittee must then receive approval from the State to commence operations. Approval from the State will be made via email, US Mail and/or website notification.

2. End of Season Reporting

All Permittees must submit an End of Season Report.

- a. Submit a completed Trip and/or Sales Log. Deadline for submission of the Trip and/or Sales Log is November 1st.
 - 1) For Boating Permittees, the Trip Log must be submitted utilizing the Internet-based Trip Log reporting program located at <https://ahraoutfitters.org/> unless written authorization has been granted from CPW authorizing an alternative electronic method. Such alternative electronic methods must fully integrate with the web-based Trip Log reporting program.

Boating Permittees must report Guide Trainee boats on a separate record entry for the purpose of Historic Use exclusion and Permit Fee exclusion. Guide Trainees on commercial boats must also be reported on a separate record entry for the purpose of Historic Use exclusion and

Permit Fee exclusion. Failure to report Guide Trainees and Guide Trainee boats on a separate record entry will result in the Guide Trainee being recorded as a Client in the Trip Log.

- a) After submission of the Trip Log, the State will email an electronic spreadsheet of the Permittee's Trip Log report to the Permittee. The Permittee is to make any necessary changes, modifications, and/or Trip Log amendments utilizing the supplied Trip Log spreadsheet by November 15th.
 - b) If Trip Log modifications have not been made and resubmitted by November 15th, the State will make corrections to data necessary for the running of the Rationing Program.
 - c) Modifications made to a Trip Log, at the request of a Permittee, after November 15th will require the approval of the Park Manager. Any Permittee granted a request for modification of a Trip Log after November 15th will be charged an administrative fee of \$250.00 per boat. Trip log modifications will only be made to the current year trip log. No historic use credit will be credited to prior years.
- 2) For Imaging Permittees, the Sales Logs will be available on the Internet website at <https://ahraoutfitters.org/>.

Imaging Permittees must report daily sales derived from the capturing of images of recreational activities occurring on public lands or waters within the AHRA. The location of the recreational activity being photographed, not necessarily the location of the camera or photographer, may be the determining factor for reporting daily sales. Additionally, if the imaging product sold is that of another AHRA Commercial Permittee, the Imaging Permittee must identify the AHRA Commercial Permittee in the daily sales report.

Imaging Permittees who perform wholesale services shall submit to the State a compensation report from each imaging sales retailer detailing all monetary gain or other compensation received from an AHRA Commercial Permittee for providing an imaging product or service that resulted in a retail sale to clients. The total monetary gain or other compensation received from this wholesale service is not to be included in the Imaging Permittees' Total Gross Receipts.

- 3) For Walk and Wade Fishing Permittees, the Trip/Sales Logs will be available on the Internet website at <https://ahraoutfitters.org/>.
 - 4) For Shuttle Permittees, the Sales Logs will be available on the Internet website at <https://ahraoutfitters.org/>.
 - 5) For Climbing, Hiking and Mt. Biking Permittees, the Trip/Sales Logs will be available on the Internet website at <https://ahraoutfitters.org/>.
 - 6) All commercial use of lands authorized under the CPW's Temporary Wildlife Special Use Permit issued by the appropriate Area Wildlife Manager must be reported on the appropriate activity Trip Log, in the State Wildlife Area field.
- b. Submit a completed, signed, and dated End of Season Report. Deadline for submission of the End of Season Report is November 1st. The End of Season Report is available for downloading from the Internet website <https://ahraoutfitters.org/>. Either signed hardcopies or an electronic submission will be accepted.
- c. Submit the Final Payment due. The End of Season Payment must be received by November 1st.
- 1) End of Season Fee Determination
 - a) End of Season Fee is calculated by multiplying the Total Gross Receipts by the appropriate percentage for the authorized activities {5.25% for Boating (5.00% Permit Fee and .25%

Supplemental Flow Program Water Fee), 5.0% for all other activities}, except as outlined in Condition 2.c.2.

- b) Total Balance Due is shown on Line 12 (Boating), Line 7 (Walk & Wade), Line 4 (Imaging and Shuttle), and Line 7 (Rock Climbing, Hiking and Mt. Biking) of the End of Season Report payable to the Colorado Parks and Wildlife.
 - c) If the Balance as shown on Line 13 (Boating), Line 8 (Walk & Wade), and Line 5 (Imaging and Shuttle), and Line 8 (Rock Climbing, Hiking and Mt. Biking) of the End of Season Report is a refund due to the Permittee, a Refund Request Affidavit form will be provided to the Permittee. The signed Refund Request Affidavit form must then be submitted to the State.
 - d) Permittees shall not advertise fees as a tax. The Permittees may not portray or represent the Permit Fee as a tax in an itemized customer billing.
- 2) Minimum Per Client Fee
- a) A Permittee's Per Client Fee is calculated by dividing the Preliminary Permit Fee shown on Line 4 of the End of Season Report by the total number of clients shown on the End of Season Report.
 - b) For Boating, Walk & Wade Fishing, Rock Climbing, Hiking and Mt. Biking Permittees, the Minimum Per Client Fee shall not be less than four (4) dollars (equivalent to the 2020 Individual Daily Pass fee set by the Colorado Parks and Wildlife Commission). Changes to the Individual Daily Pass fee set by the Colorado Parks and Wildlife Commission will require the Minimum Per Client Fee to be reviewed.
 - c) Boating Permittees shall pay 5.00% of Total Gross Receipts, OR four (4) dollars multiplied by the total number of clients, whichever is greater. Also, all Boating Permittees shall pay an additional 0.25% of Total Gross Receipts as a Supplemental Flow Program Water Fee.
 - d) Walk & Wade Fishing Permittees shall pay 5% of the Total Gross Receipts OR four (4) dollars multiplied by the total number of clients, whichever is greater.
 - e) Rock Climbing, Hiking and Mt. Biking Permittees shall pay 5% of the Total Gross Receipts OR four (4) dollars multiplied by the total number of clients, whichever is greater.
- d. Failure to comply with 2.a by November 1st shall be deemed a material breach of this Permit by the Permittee and will result in an assessment of a late filing fee of \$100.00.
 - e. Failure to comply with any of the above (2.a through 2.d) by December 1st shall be deemed a material breach of this Permit by the Permittee after which time the Permit will be revoked.

3. Permittee Vehicle Decals

- a. AHRA will issue one decal per unmarked vehicle on the vehicle list to each Permittee to be utilized only within the AHRA. Each decal will have the company name displayed. Permittee vehicle decals are to be utilized only for circumstances that require the use of a vehicle not permanently marked with the Permittee's name and/or logo. (For example, personal vehicles commercially insured utilized within the AHRA for commercial operations by fishing guides and/or photographers). (Please see 10.C. on page 7 of the SAP for additional information regarding Permittee-owned and non-owned vehicles).
- b. Permittee vehicle decals may only be used by the Permittee or any agent or employee of the Permittee while conducting commercial operations within the AHRA. It is the responsibility of the Permittee to ensure that all Permittee vehicle decals are used only for specified Special Activity

Permit uses. Non-commercial use or misuse of the vehicle decal will result in the confiscation of the decals and may result in the required return of all current year Permittee vehicle decals that have been issued to the particular Permittee.

- c. Permittee vehicle decals may be used on commercial vans, buses and motor coaches chartered by or belonging to clients of the Permittees as long as those vehicles are being used as an integral part of the trip (i.e. both dropping off and picking up clients) and are not left parked at an AHRA site without a driver. While those vehicles are within an AHRA site, that vehicle and the driver are acting as an agent of the Permittee and are subject to all of the rules and regulations contained in the SAP, associated Exhibit(s), and State and Federal Laws/Regulations.

For any vehicle that falls within this description and is not listed in the Permittee vehicle list, a written request may be submitted to the Rationing and Agreement Coordinator for consideration of the issuance of a temporary or floater Permittee vehicle decal to be used on said vehicle.

- d. Permittee vehicle decals cannot be used by clients in private vehicles for parking at AHRA sites. Decals used in this manner will be confiscated and may result in the required return of all current year Permittee vehicle decals that have been issued to the particular Permittee. All client vehicles entering AHRA sites requiring a park pass are required to have a valid park pass.
- e. For any Permittee vehicle that falls outside of the parameters listed in Conditions 3.a through 3.d, a written request may be submitted to the Rationing and Agreement Coordinator for consideration of the issuance of a temporary or floater Permittee vehicle decal to be used on said vehicle.
- f. All Permittee vehicle decals must be plainly visible through the front windshield on the lower passenger side of the corresponding vehicle.

4. Use Authorizations

- a. It is the Permittee's responsibility to obtain written permission from the landowner(s), including railroad right of way, to travel through or use private lands unless otherwise authorized by the State. Conviction of the Permittee, any of the Permittee's agents, employees, or clients of trespass while engaged in activities under this Permit may be cause for suspension or revocation of this Permit.
- b. The Permittee, any of the Permittee's agents, employees, clients or vehicles will not interfere with other uses occurring on AHRA lands and waters such as grazing, mining, and other recreational uses, commercial and private.
- c. A CPW Temporary Wildlife Special Use Permit issued by the appropriate Area Wildlife Manager must be obtained for any Permittee utilizing State Wildlife Areas within the AHRA for commercial operations.

5. Soliciting and Advertising

Any Permittee utilizing the services of Booking Agents must ensure the Agent's advertisements, signs, statements, circulars, brochures, letterhead, website, and like material, whether oral, electronic, or written, must not misrepresent in any way the services provided by either the Agent or the Permittee. Additionally, the above materials must clearly state an authorized AHRA Permittee will conduct the trip (services) and that the trips (services) are not conducted by the Agent.

6. Environmental Awareness

The Permittee will stress the value of staying on the trail, not collecting natural items, and picking up all trash and disposing of it properly. Permittees and their clients shall endeavor to "leave no trace."

7. Food Service

Operation and maintenance of all sanitation, food services, and water supplies, systems and facilities shall comply with all applicable laws and regulations including the standards of the local department of health, Colorado Department of Public Health and Environment and the United States Public Health Service.

8. Refuse

- a. The Permittee shall guard the purity of waters and dispose of refuse resulting from the authorized commercial operations, including waste materials, garbage and rubbish of all kinds in the following manner:
 - 1) Refuse, such as cans, bottles, metal, foil, ashes, charcoal, food and all other solid materials will be packed out, not buried. Such waste shall be properly disposed of outside the AHRA in compliance with law.
 - 2) Portable toilets and their use are mandatory at all camps at which AHRA does not provide established toilet facilities.
 - 3) Permittees are required to provide approved containers for all solid human waste. Permittee's agents, employees, or clients must utilize these approved containers for the collection of all solid human waste. Solid human waste shall be carried out and disposed of outside the AHRA in compliance with law. Collection and disposal methods must be disclosed to CPW in the AHRA Operating and Safety Plan.
 - 4) Clients must be informed of sanitation, litter prevention and human refuse disposal methods prior to embarking on commercial trips.
- b. No materials will be discharged onto AHRA lands or waters if they contain any substances in concentrations that would result in any significant harm to fish and wildlife or to human water supplies, including streams, reservoirs and lakes.

9. Fires

- a. No fire may be constructed or tended on AHRA administered public lands unless the fire is contained in a CPW-furnished grill or fireplace or in a fire pan with rigid sides at least two (2) inches in height that is elevated above ground level.
- b. All ashes must be carried out and properly disposed of outside the AHRA in compliance with law.
- c. Fires and stoves are prohibited within old cabins or historic structures.
- d. Cutting or gathering firewood is prohibited except that driftwood from the river may be gathered as firewood.
- e. No fire will be left unattended. The Permittee is solely responsible for all fires started by the Permittee, or any Permittee agents, employees, or clients. The Permittee may be held responsible for fire suppression costs resulting from wildfires caused by the Permittee, or any Permittee agents, employees, or clients.
- f. Wildfires shall be reported immediately to the nearest available Law Enforcement Agency. The Permittee is responsible for informing employees and clients of the current fire danger and required precautions that may be in effect by CPW, BLM, USFS, counties and/or the State of Colorado.
- g. Open fires may be prohibited during certain periods depending on fire danger.

10. Wildlife

- a. In order to minimize disturbances, the Permittee or any Permittee agents, employees and clients will limit the level of noise made within 100 yards of any big game animal or any concentration of herons or other sensitive wildlife species.
- b. Harassment of any wildlife or livestock is prohibited by the Permittee or Permittee's agents, employees and clients.
- c. In Browns Canyon (Section 2b), the Permittee or Permittee's agents, employees and clients shall restrict use east of the river to areas between the river and the railroad tracks to avoid Bighorn sheep disturbance.
- d. No use on public lands will be allowed on river left between the Five Points Recreation Site and the Parkdale Recreation Site to avoid Bighorn sheep disturbance.

11. Day Use / Camp Areas on AHRA Administered Public Lands

- a. No year-round, permanent day use or camp areas or equipment caches may be established on AHRA administered public lands without written permission from the State. The State bears no responsibility for equipment left unattended.
- b. All day use and camp areas are to be on a first-come, first-served basis with the exception of designated reserved campsites within the AHRA. Issuance of this Permit may specify the Permittee's use of specific imaging locations.
- c. All day use facilities must be set up, taken down and removed on the same day.
- d. Camp areas may not be held overnight unless the site is occupied by an overnight camp group on a commercial trip the night before.
- e. The Permittee shall maintain all premises to standards of repair, orderliness, neatness and sanitation acceptable to the State. Day use and camp areas must be kept clean while in use and the Permittee shall not allow trash or litter to remain.
- f. When day use or camp facilities are dismantled, the area shall be left in substantially the same condition as it was prior to the activities authorized.
- g. Any Permittee utilizing an AHRA campground site within established recreation sites (developed campgrounds) for lunch or other day use activities must reserve a campsite for the day during which the site is occupied.

12. Site Specific Requirements

- a. Permittees need to be aware of flash flood dangers, especially at Chalk Creek, Badger Creek, Bernard Creek and Texas Creek.
- b. Permittees may utilize the Vallie Bridge Campground for boat-in or walk-in camping. Permittee vehicles may be driven into the Vallie Bridge Campground circle drive for loading and unloading gear only. Vehicles left onsite must be parked upstream in the designated parking area.
- c. Commercial river access at the Five Points Day-Use Recreation Site (Section 4b) is prohibited.
- d. Commercial river access at the Five Points Campground (Section 4b) south of Highway 50 is authorized. Access to the river is authorized via the walkway underpass.
- e. Commercial river access at the Old Parkdale site (Section 4b) is prohibited.

- f. The Permittee, or any Permittee agents, employees and clients will limit the level of noise made within 100 yards of any residential dwelling to minimize disturbances.
- g. Any Imaging Permittee must have written authorization and approval by The Royal Gorge Express (RGX) and/or The Union Pacific Railroad (UP) to enter upon premises within the right-of-way in order to conduct imaging activities.
 - 1) Written authorization from RGX or UP must be submitted to the State as part of the SAP application materials.
- h. Scouting rapids, portaging or scouting for fishing locations on the riverbank must be done as much as possible below the high-water line to prevent resource damage.

13. Site Conflict Resolution

Should specific sites of commercial operations become overcrowded, the State will identify and designate allowable use at these sites in order to reduce conflicts, promote safety and protect the resource. Competitive bidding may be used by the State to resolve site conflict.

14. Permittee Workshop

The Permittee or a management representative shall attend the Permittee Workshop presented by CPW. The Permittee is responsible for all information/policy discussed and shall ensure that the information is shared with all employees immediately following the Permittee Workshop or before each employee conducts operations within the AHRA. Permits will not be issued until the Permittee or a management representative has attended the workshop. If a Permit has been issued prior to the workshop and the Permittee does not attend, any and all Permits will be immediately suspended and may be revoked. The location, date, and time of this workshop will be provided by separate notification. There will be one scheduled make-up Permittee Workshop.

15. Parking

- a. No vehicle parking is allowed at any boat ramp within the AHRA unless the trip is loading or launching.
- b. Parking elsewhere along the river should be in highway pullouts, not on the highway shoulder so as not to impede traffic.
- c. No vehicle shall be parked in AHRA sites such that it impedes the flow of traffic in any way.

16. Assignment / Transfer of Permit Privileges Policy

- a. All defined terms used herein have the same meaning as set forth in the State's Special Activity Permit template. Special Activity Permits ("SAPs") are personal in nature and cannot be assigned without the prior express written consent of the State. A \$300 processing fee applies to the assignment of SAPs.
 - 1) If an existing Permittee wishes to assign their SAP to a third party ("Assignee"), the current Permittee shall notify the State in advance in writing. The Permittee and Assignee shall schedule a meeting between the State, the Permittee and the Assignee prior to any finalized business transactions (i.e. signed contracts, bills of sale).

- 2) Adequate documentation shall be provided to the State showing that a bona fide business transfer or sale is intended, including but not limited to contracts, bills of sale, terms, and a breakdown of all items that are being sold and their respective costs. The transfer or sale must include a substantial portion (more than 75%) of the equipment and other tangible assets needed to conduct a business and a substantial portion (more than 75%) of the Historical and Allocated Use associated with the Permit averaged over the last five years of operation.
 - 3) The SAP must not be under probation or suspension to be able to be assigned. If the Assignee has an existing AHRA Special Activity Permit(s), such Permit(s) must not be under probation or suspension for the Assignee to be eligible for the acquisition of additional Special Activity Permit(s).
 - 4) The Assignee shall provide a detailed written description to the State of the type of services to be offered; including any anticipated operational changes from the present Permittee's Approved Use.
 - 5) The Assignee must be able to meet all standards required in conformance with the Arkansas Headwaters Recreation Area Management Plan (AHRA-MP), outfitter licensing requirements and other regulations of Federal, State, and Local agencies.
 - 6) The Assignee shall provide sufficient personal information and referrals, including resumes, business references, a listing of other commercial or private Agreements/Permits held in the last five (5) years with other public land resource agencies and disclosure of pending legal actions against the Assignee for the State to assess the Assignee's qualifications to operate.
 - 7) The Assignee shall provide adequate documentation of business agreements or contracts such as names of owners, partnership agreements, or articles of incorporation. The Assignee shall disclose the proposed business name and all d.b.a. (s).
 - 8) An SAP that is transferred may contain terms and conditions that are entirely different from the original SAP. Upon transfer of a SAP, subsequent Use Fee payments will be determined by the State based upon the previous season's Total Gross Receipts for Permittee and any anticipated operational changes that are submitted by the Assignee.
 - 9) The Permittee must pay to the State all outstanding debt in terms of Rationing violations, late fees, etc. prior to receiving written approval for the SAP assignment from the State.
 - 10) The Assignee must receive written approval for the SAP assignment from the State.
- b. Failure to submit any of the above (2.a.1 through 2.a.10) may lead to termination of the transfer process.
 - c. If the Assignee knowingly, with intent to defraud, provides any false information that facilitates assignment of the SAP, whether it is written or oral, the false information will void the assignment and the SAP will be revoked.
 - d. No one individual, partnership, corporation or company will hold multiple Exhibit Permits for the same activity unless a new and distinct business entity is formed requiring a separate tax identity. A separate and distinct AHRA Operating and Safety Plan and Permittee Operating Plan for each business entity shall be submitted and approved by the State.
- 1) A unique and valid Colorado River Outfitter License must be held for each entity.

- e. The approval of a SAP assignment, and/or the approval for a business entity to hold multiple SAPs and/or Exhibits is discretionary with the State.

17. Assignment of Rationed Use and Historic Use (Boating)

- a. A Permittee's Rationed Use and Historic Use are described in the Rationing Plan for Commercial Boating Use in the Arkansas Headwaters Recreation Area, which is incorporated herein by reference.
- b. A Permittee not under probation or suspension with the State may sell or otherwise transfer a portion of its Rationed Use or Historic Use within AHRA to another existing Boating Permittee not under probation or suspension with the State.
- c. Written notice of a sale and/or transfer of any part of the Permittee's Historic Use must be provided to AHRA 30 days prior of the sale and/or transfer:
 - 1) This notice must be accompanied by a copy of the transfer agreement with original signatures, by all the Permittees involved, approving the terms of the agreement.
 - 2) The transfer agreement will specify the terms of the transfer, including the section, boats, days to be transferred, and the effective date of the sale or transfer.
- d. There will be a \$300.00 processing fee for the sale or transfer of Rationed Use or Historic Use.
- e. Leasing, renting or other forms of remuneration for loaning Rationed Use or Historic Use is prohibited.