

**EXHIBIT B  
RATIONING PLAN FOR COMMERCIAL BOATING USE  
IN THE  
ARKANSAS HEADWATERS RECREATION AREA**

I. Definitions

- Actual Use .....an Outfitter’s commercial use for a given day and section
- AHRA .....Arkansas Headwaters Recreation Area
- Boat .....raft or kayak
- b.p.d. ....boats per day
- Client.....person who is, including but not limited to a paying customer, complimentary customer, paying Guide Trainee or unpaid staff
- Demand .....a boat total equal to 80% of the b.p.d. capacity
- Guide Trainee .....person who is employed by the Outfitter and is excluded from Historic Use and Permit Fees. There will be no historic use exclusions for guide trainees on a Rationed Day. Therefore, any guide trainees on a Rationed day will be counted as clients.
- Historic Use .....a combination of Actual Use, loaned boat credits, purchased use and credit obtained through the Rationing Plan for running or loaning 80% of allocated use.
- Kayak.....plastic, fiberglass, or inflatable vessel capable of carrying two (2) or fewer people. Includes shredders, river boards (sledges) and Stand Up Paddle Boards (SUP’s).
- AHRA-MP .....Arkansas Headwaters Recreation Area Management Plan
- Outfitter .....AHRA Special Activity Permit Boating Permittee
- Raft .....multi-chambered, air inflated vessel capable of carrying three (3) or more people
- Rationed Day .....a day in which Rationed use allocations are in place
- Rationed Use .....an Outfitter’s allocation of boats based on Historic Use
- Rationing Plan .....the Rationing Plan for Commercial Boating Use in the Arkansas Headwaters Recreation Area
- Section.....refers to the Management Plan Segment and/or Section of the Arkansas River and will be used interchangeably
- Staff .....1 paid guide / instructor per boat (except for safety rafts)
- Trip Log.....report of Actual Use for an entire season

II. Introduction

The Rationing Plan provides the method by which Outfitters are allocated boats on Rationed Days based on Historic Use. Outfitters annually identify their own Actual Use. Actual Use is represented in terms of date, day of the week, rafts, kayaks, clients, staff, guide trainees and Sections of river utilized. To determine Rationed Use, Historic Use numbers are compared with Historic Use of all other Outfitters to determine the percentage of boats allocated to each Outfitter.

For purposes of Rationing, boats are the primary index. Rationing will be implemented the year after b.p.d. capacities are exceeded more than five (5) times in any given Section in one (1) year. Rationing will be implemented only in those Sections where b.p.d. capacities are exceeded. Rationing will be implemented only on those days where b.p.d. capacities are exceeded; other days in that Section will not be rationed until those days exceed b.p.d. capacity. Once Rationing is implemented in a Section, days that exceed the b.p.d. capacity will be added individually. However, when Demand dictates the elimination of all Rationed Days in a Section, Rationing will only be implemented again when b.p.d. capacities are exceeded more than five (5) times in a given Section in one (1) year.

Rationed Use is determined by averaging the Historic Use occurring on those days that exceed b.p.d. capacity. Rationed Use of all Outfitters will not exceed stated Management Plan b.p.d. capacities and will be adjusted so that the Management Plan capacities will not be exceeded. Furthermore, section 4b weekday b.p.d. capacities will be reduced by 20% from weekend b.p.d. capacities.

For purposes of Rationing, days that exceed b.p.d. capacities are indexed off July 4<sup>th</sup>. Each Rationed Day is referred to in terms of how many days of the week before or after July 4<sup>th</sup> the Rationed Day falls (three Saturdays after July 4<sup>th</sup>, etc.).

Instructions regarding implementation of the Rationing Plan are found in the Management Plan.

### III. Rationing Methodology

#### A. Averaging

1. Rationed Use will be based on the average of the Historic Use occurring on each Outfitter's high two (2) of the most recent five (5) years. In the event that the sum of all Outfitters' average use occurring on the high two of the most recent five (5) years is greater than 100% of the b.p.d. capacity, additional years will be added and averaged until average use is equal to or less than 100% of the b.p.d. capacity.
2. When averaging years of Historic Use by boat, fractions will be rounded up (i.e. .1 will round up to 1).
3. Should the sum of all Outfitters' average use remain in excess of b.p.d. capacity, every Outfitter's calculated average will be reduced equally (by 1/1,000<sup>th</sup> of a boat) until average use is equal to or less than 100% of the b.p.d. capacity.

#### B. Boat Distribution

1. Each Outfitter's average use as calculated in III. A. is calculated as a percent of the sum of all Outfitters' average use.
2. An adjusted boat total is calculated by multiplying each outfitter's percent of use by the section capacity. This total will be calculated to the nearest 1/100<sup>th</sup> of a boat.
3. The adjusted boat total is rounded to the nearest integer. Adjusted boat totals with decimals of .50 or above will be rounded up. Adjusted boat totals with decimal of .49 or below will be rounded down. This rounded total is each Outfitter's allocated use for the section on that day.
4. In the event that the sum of all Outfitters' rounded use is less than 100% of the b.p.d. capacity, a lottery will distribute available boats. A random selection method will be used to award lottery boat. Outfitters may receive only one (1) boat via the lottery per Rationed Day.

#### C. Lifecycle

1. Each Rationed Day will remain in effect for three (3) consecutive years except as outlined in the Extreme Flows condition and in condition III. D. 2.
2. Rationed Days will be discontinued if demand falls short of the b.p.d. capacity for two (2) consecutive seasons for any river Section.
3. In the event that the Management Plan b.p.d. capacity in a given Section increases by 100% or more, all existing Rationed Days in that Section will be eliminated.

#### D. Recalculation

1. Each Rationed Day will be recalculated every three (3) years utilizing Historic Use from the previous three (3) years except as outlined in the Extreme Flows/closure conditions.
2. For the purpose of recalculation, each Outfitter's Historic Use will be counted as 100% if Actual Use and loaned boat credit equals or exceeds 80% of an Outfitter's Rationed Use.
  - a. Each Outfitter's allocation of boats will be totaled by section for the entire season for rationed days that hit demand (high water days excluded). Each Outfitter must run or loan 80% of the total allocation by section for the entire season to receive 100% Historic Use credit.
  - b. An Outfitter will only receive 100% credit on Rationed Days that Demand is reached.

#### E. Increase or Reduction of Carrying Capacities / Redistribution of Previously Allocated Boats

1. In the event that current allocations need to be either increased or reduced due to a change in carrying capacities, or previously allocated boats need to be redistributed because of the revocation of a Special Activity Permit, an Overall Percent Methodology of distribution/redistribution will be implemented.

The Overall Percent Methodology is based on the mathematics of the current Rationing Plan, but instead of looking at each day independently, the methodology will consider the percent of allocated use each Outfitter has on the section in question for the entire season.

- a. Distribution or reduction will be based on the percentage of the current year's allocated use in the section in question. The percent of allocated use will be based on boats.
- b. The order in which boats will be distributed will be based on each Outfitters overall percent of allocated use. Selection will begin with the Outfitter with the highest percent of allocated use and will work down from there.
- c. In the event of multiple Outfitters having equal percentages of Historic Use, the order in which those Outfitters will receive use will be determined by random number generation.
- d. In the event that the total number of rounded boats is less than the total number of boats to be distributed these boats will be granted to all eligible Outfitters via lottery using random number generation.
- e. In the event that the total number of rounded boats is greater than the total number of boats to be distributed, these boats will be removed prior to distribution by using random number generation. Those Outfitters selected via lottery will reduce their rounded total by one.
- f. In the first round of distribution, each Outfitters highest use day(s) will be evaluated and boats will be distributed on these day(s).
- g. If, during the first round, an Outfitter's non-selected high number days of equal value is greater than the number of boats the Outfitter has available, the remaining boats will be distributed in the following rounds.
- h. An Outfitter will receive a maximum of one boat per day during round one.
- i. In the second series of distributions, Outfitters with boats remaining to be distributed may receive additional boats on allocated days. Each Outfitters percent of overall use and the

number of boats being distributed daily will determine if the Outfitter will receive multiple boats on a day.

- j. This series of distributions will continue until all multiple boat allocations have been assigned and/or all eligible multi-boat Outfitter's new allocations have been assigned.
- k. In the next series of distributions, boats will be allocated on a day-by-day basis. These rounds will start at the 4<sup>th</sup> of July and will work out towards the beginning and end of the season. The highest daily allocations that have not yet received boats will be considered.
- l. The final round will distribute the remaining boats through a random lottery.
- m. At the end of all rounds of distribution, Outfitters will be allowed to trade any newly allocated or reduced boats without incurring the \$300 transfer fee as detailed in the Exhibit B Provisions Common to All, 17. Assignment of Rationed Use and Historic Use. This trading session will take place at a specified time and location chosen by CPW. An Outfitter or a representative of the Outfitter must be present at the trading session in order to participate.
- n. A more detailed description of the above mentioned process is contained in the Rationing Plan (Appendix A).

#### F. Extreme Flows/Closures

##### 1. High Water Advisement

- a. Actual Use on Rationed Days that hit or exceed 3,200 c.f.s. at the Parkdale gauge for Section 5 (the Royal Gorge) or 2,400 c.f.s. at the Below Granite gauge for Section 1e (the Numbers), will not be used for purposes of demand or recalculation. If the Park Manager declares a Safe Boater Experience for any section(s) at least three days in advance of a Rationed Day, those days will not count for historic use nor would an Outfitter need allocation for those declared days that are under a Safe Boater Experience even if the water flow drops below the recommended safety levels.
- b. Each Rationed Day must have either two (2) years of Actual Use for purposes of demand or three (3) years of Actual Use for purposes of recalculation. The lifecycle of a Rationed Day will be extended until two (2) years of Actual Use are recorded for purposes of demand or three (3) years of Actual Use are recorded for purposes of recalculation.
- c. Outfitters without Rationed Use choosing to run commercial trips during a High Water Advisement or under a Safe Boater Experience in that specific section will not be in violation of the Rationing Plan, but will not accumulate Historic Use.

##### 2. Low Water Exception

- a. A season (Memorial Day through Labor Day) will be used for recalculation of rationed use if the river flow meets or exceeds 700 c.f.s. for at least 30 consecutive days, as measured at the Wellsville gauge. A season that does not meet this criteria will be subject to the Low Water Exception. The daily average (utilizing the mean daily flow value from Colorado Division of Water Resources' website) will be used to determine the c.f.s. for each day.
- b. In a low water season Actual Use on each Rationed Day will not be used for purposes of demand or recalculation.
- c. Each Rationed Day must have either two (2) years of Actual Use for purposes of demand or three (3) years of Actual Use for purposes of recalculation. The lifecycle of a Rationed

Day will be extended until two (2) years of Actual Use are recorded for purposes of demand or three (3) years of Actual Use are recorded for purposes of recalculation.

- d. In a low water season all Rationed Days will remain in effect for that entire season; b.p.d. capacities on each Rationed Day may not be exceeded.
  - e. Any new dates that exceed b.p.d. capacities in a low water season will be rationed the following year.
3. Section(s) Closure/Limitation
- a. If a section(s) of river is closed/limited due to a natural disaster (i.e. fires, rescue operations, hazardous materials, etc.), and the Park Manager deems necessary, a Section(s) Closure/Limitation will be declared.
  - b. In a Section(s) Closures/Limitation, Actual Use on each Rationed Day in that Section(s) will not be used for purposes of demand or recalculation.
  - c. Each Rationed Day in that Section(s) must have either two (2) years of Actual Use for purposes of demand or three (3) years of Actual Use for purposes of recalculation. The lifecycle of a Rationed Day will be extended until two (2) years of Actual Use are recorded for purposes of demand or three (3) years of Actual Use are recorded for purposes of recalculation.
  - d. During a Section(s) Closure/Limitation, all Rationed Days will remain in effect for that entire season; b.p.d. capacities on each Rationed Day may not be exceeded.
4. Public Health Exception
- a. If a season's demand is affected by a Public Health crisis, and the Park Manager deems necessary, a Public Health Exception will be declared.
  - b. In a Public Health Exception, Actual Use on each day including the Rationed Day in that Section(s) will not be used for purposes of demand or recalculation.
  - c. Each Rationed Day in that Section(s) must have either two (2) years of Actual Use for purposes of demand or three (3) years of Actual Use for purposes of recalculation.
  - d. The lifecycle of a Rationed Day will be extended until two (2) years of Actual Use are recorded for purposes of demand or three (3) years of Actual Use are recorded for purposes of recalculation.
  - e. During a Public Health Exception, all Rationed Days will remain in effect for that entire season; b.p.d. capacities on each Rationed Day may not be exceeded.
  - f. Any new dates that exceed b.p.d. capacities in a Public Health Exception will be rationed the following year.

#### H. 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.

I. 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.

J. July 4<sup>th</sup> Holiday Rule

1. Special treatment will be given to July 4<sup>th</sup> when July 4<sup>th</sup> falls on a Saturday if the below noted conditions exist:

a. That day is not already rationed by previously exceeding b.p.d capacities.

b. During the previous three years in that section, each of the Saturdays before and after the July 4<sup>th</sup> Holiday were rationed.

1) The Rationing Program will allocate boats by taking two to five years of historical use on the July 4<sup>th</sup> day. By calculating each company's percentage of use, the Rationing program will adjust additional allocations until 100% b.p.d. capacity is reached.

2) The newly rationed July 4<sup>th</sup> day will adhere to a three year lifecycle.

K. Memorial and Labor Day Holiday Rule

1. Special treatment will be given to rationed Saturdays, Sundays and Mondays of the Memorial and Labor Day Holiday weekends if the below noted conditions exist:

a. The Rationed date shifts 7 days away (forward or back) from the original Memorial or Labor Day holiday weekend. The Rationing Plan will shift the day back to the original holiday weekend day that is not rationed. For Example:

In Section 5, b.p.d capacity was exceeded on Sunday, September 2, 2007 (the ninth Sunday after July 4<sup>th</sup>). In 2009, the ninth Sunday was shifted back to August 30<sup>th</sup> (7 dates back of the holiday weekend). Therefore, if the current holiday Sunday (in this example September 6<sup>th</sup>) is not already rationed, then August 30<sup>th</sup> b.p.d. allocations (the ninth Sunday after July 4<sup>th</sup>) will be moved to September 6<sup>th</sup> (the tenth Sunday After July 4<sup>th</sup>) in order to maintain rationing for the original holiday weekend when capacity was reached.

1) The newly rationed day will adhere to a three year lifecycle.

L. Authorized Use of Rationed Sections

Outfitters without Rationed Use are not authorized to utilize any portion of Rationed Sections on Rationed Days.

## 1. Exceptions

- a. Outfitters putting in at Riverside (mile #16.0) may utilize Section 1e from Riverside to Railroad Bridge on Rationed Days.
- b. Outfitters putting in at Independent Whitewater (mile #41.5) may utilize Section 2b from Independent Whitewater to Stone Bridge on Rationed Days.
- c. Outfitters putting in at Adobe (mile #45.5) may utilize Section 2c from Adobe to Big Bend on Rationed Days.
- d. Outfitters putting in at Point Barr (mile #61.0) may utilize Section 3a from Point Barr to Rincon on Rationed Days.
- e. Outfitters taking out at Badger Creek (mile #62.0) may utilize Section 3b from Rincon to Badger Creek on Rationed Days.
- f. Outfitters putting in at Ford Crossing (mile #83.8) may utilize Section 4a from Ford Crossing to Texas Creek on Rationed Days.
- g. Outfitters putting in at Brown's Landing (mile #97.0) may utilize Section 4b from Brown's Landing to Parkdale on Rationed Days.
- h. Outfitters taking out at Royal Gorge Rafting (mile #99.0) may utilize Section 5 from Parkdale to Royal Gorge Rafting on Rationed Days.
- i. To accommodate self-contained, multi-day river trips during the "off season", two commercial trips per day above the established capacity limits will be allowed to enter the river stretch between Stone Bridge and Texas Creek (Sections 2c through 4a) for pass through camping. Such trips are reserved by day on a first come, first serve reservation with AHRA. Outfitters may obtain Pass Through Camping permission by sending an email to the AHRA Rationing & Agreement Coordinator or [ahra@state.co.us](mailto:ahra@state.co.us). Permission must be received via email from AHRA prior to Pass Through Camping use. For purposes of this exemption, trips shall consist of a maximum of six boats, boaters shall spend no more than two consecutive nights within the defined river stretch, and boats shall be completely self-contained (i.e. carry all necessary camping equipment and supplies). Trips only using vehicle support shall not be eligible for this exemption, and the six boats shall not be split among multiple outfitters or multiple trips. No historic use will accrue to outfitters for these trips, and penalties will be imposed for failure to comply with conditions and provisions.
- j. The Buena Vista Whitewater Park allows no capacity limits for private or commercial boats from 600 feet above the Midland Trail foot bridge to the Ramsour Bridge.
- k. The Salida Whitewater Park allows no capacity limits for private or commercial boats from the low-head dam above Salida to Salida East.
- l. The Canon City Whitewater Park allows no capacity limits for private or commercial boats from the Arkansas Riverwalk Trail Footbridge (upper) to MacKenzie Bridge.
- m. The Florence Whitewater Park allows no capacity limits for private or commercial boats from Pathfinder Regional Park to Florence River Park.
- n. In all Sections one (1) safety boat may be allowed per pod, in addition to the Outfitter's Rationed use.

- 1) A safety boat shall be a single boat with up to two (2) professional staff members paid by the Outfitter to accompany the trip and provide assistance and rescue to the trip participants as needed. The type of safety boat chosen shall be at the discretion of the Outfitter.
  - 2) A safety boat shall not utilize any type of image capturing device while on the trip.
  - 3) A red waterproof identification tag (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.
- o. Outfitters may temporarily borrow boats for the purpose of running commercial trips on days that the Outfitter does not have sufficient Rationed Use.
- 1) In order to borrow boats, Outfitters will utilize the Rationed Use Transfer (RUX) Program, an Internet based system for loaning and borrowing boats. The URL for the RUX program is <https://ahraoutfitters.org/>.
  - 2) An AHRA Rationed Use Transfer Form (paper form) will be used only if exigent circumstances exist which require its use and not the mandatory Internet based system. The borrowing outfitter must notify AHRA prior to midnight of the Rationed Day that this particular transfer occurred. Utilize the AHRA voice mail system (719) 539-7289 ext. 4706 to record the transfer information contained on this form. The form must be emailed or delivered to AHRA by the borrower within one day that the transfer occurred. AHRA will retroactively post a transfer to the Internet based Ration Use Transfer Program and generate a reference number. The reference number email will be sent to the loaner and borrower. A separate form is required for each occurrence of the loan of boat(s).
  - 3) The Outfitter loaning allocated Rationed boats will receive Historic Use for the boats loaned. An outfitter loaning borrowed rationed boats will not receive Historic Use for the boats loaned.
  - 4) An Outfitter who borrows a Rationed boat(s) must have at least one paying customer in the borrowed boat(s). Any boat not containing at least one paying customer will result in a Triple X Transfer. The AHRA Park Manager has the authority to waive Triple X Transfer violations, e.g. AVDI imaging vessels.
  - 5) An Outfitter commits a Triple X Transfer when an Outfitter borrows an equal number of boats, or more boats than allocated, and does not use the borrowed boats. Outfitters will be allowed to have three (3) Triple X Transfers each season. The fourth Triple X Transfer may place the Outfitter on Probation. The AHRA Park Manager has the authority to waive probation status based on the totality of the circumstances surrounding the Triple X Transfers.
- Outfitters committing multiple Triple X Transfers with one company in one season, or Outfitters committing multiple boat (more than 2 boats) Triple X Transfers more than three (3) times in one season, will be cause for Transfer privileges to be modified including, but not limited to, loss of the ability to transfer between companies, loss of ability to transfer boats completely, or loss of Historic Use credit for the loaning Outfitter.
- p. All other exceptions need to be approved in writing from the State.
- q. Outfitters who loan or rent boats for private trips, within the AHRA, must ensure the boats are not misrepresented as commercial boats.



## 2. Violations

Commercial boats (or private boats misrepresented as commercial boats) utilized in any portion of any Section on Rationed Days without Rationed Use will be in violation of the Rationing Plan in accordance with Condition Q (page 11).

## M. Historic Use Credit

For the purpose of Rationed Use and recalculation, Outfitters will receive Historic Use for Sections utilized for all trips.

### 1. Exceptions

- a. Outfitters conducting guide training will not receive Historic Use credit. Guide training boats and people will count towards b.p.d. capacities in each section. If guide training results in the day being rationed, then the outfitter will be allocated those boats. If historic use is accrued from guide training, those boats will also be calculated in the allocations. There will be no historic use exclusions for guide trainees on a rationed day. Therefore, all guide training on rationed days will be reported on trip logs as guided float trips which include guide trainees as clients.
- b. Outfitters taking out at Number 4 (mile #14.0) will not receive Historic Use credit for Section 1e.
- e. Outfitters putting in at Independent Whitewater (mile #41.5) will not receive Historic Use credit for Section 2b.
- f. Outfitters putting in at Riverside (mile #16.0) will not receive Historic Use credit for Section 1e.
- g. Outfitters putting in at Adobe (mile #45.5) will not receive Historic Use credit for Section 2c.
- h. Outfitters putting in at Point Barr (mile #61.0) will not receive Historic Use credit for Section 3a.
- i. Outfitters taking out at Badger Creek (mile #62.0) will not receive Historic Use credit for Section 3b.
- j. Outfitters putting in at Ford Crossing (mile #83.8) will not receive Historic Use credit for Section 4a.
- k. Outfitters putting in at Brown's Landing (mile #97.0) will not receive Historic Use credit for Section 4b.
- l. Outfitters taking out at Royal Gorge Rafting (mile 99.0) will not receive Historic Use credit for Section 5.
- m. Outfitters conducting commercial trips inside the Buena Vista Whitewater Park, from 600 feet above the Midland Trail foot bridge (mile #24) to the Ramsour Bridge (mile #24.5), will not receive Historic Use credit for either Section 1f or 2a.
- n. Outfitters conducting commercial trips inside the Salida Whitewater Park, from the low-head dam above Salida to Salida East (mile # 54.1) will not receive Historic Use credit for Sections 2d.

- o. Outfitters conducting commercial trips inside the Canon City Whitewater Park from the Arkansas Riverwalk Trail Footbridge (upper) to MacKensie Bridge will not receive Historic Use credit for either Section 5 or 6.
- p. Outfitters conducting commercial trips inside the Florence Whitewater Park, from Pathfinder Regional Park to Florence River Park., will not receive Historic Use credit for 6.
- q. All boats under Condition L.1. (page 6) shall not be counted towards the Outfitter's Historic Use credit, but must be recorded in the Trip Log.

## 2. Order of Exceptions

For the purpose of Rationing Trip Log Preparation, exceptions will be taken in the following order:

- a. Borrows
- b. Allocated
- c. Pass-Through

## N. Pod Size

Trip size will be limited to no more than 10 boats (including safety and imaging boats). These groups of boats, called pods, must have at least one (1) trip leader per pod. Guides will keep 300-foot spacing between all pods from the same company.

## O. Rationing Plan Compliance

### 1. Spot Checks

AHRA staff will contact commercial trips on the river. At these times Trip Leaders will provide the following information to AHRA staff: company name, date, location, put-in, take-out, number of rafts, number and type of kayaks, total number of people (Clients and Staff) and trip leader name. Trip Leaders will then be required to sign the Spot Check.

### 2. Photographs

The State will randomly monitor use with photographs and/or video in Sections for commercial use verification.

### 3. Trip Log Inspections

The State will conduct random Outfitter office inspections to verify proper Trip Log record keeping in compliance with River Outfitter Licensing regulation.

## P. Rationing Plan Violations

Outfitter's that operate in any portion of any Section on Rationed Days without Rationed Use, either allocated or borrowed, will be in violation of the Rationing Plan.

### 1. Two-Tiered Rationing Violation Schedule

- a. Tier One: Initial Rationing violations will be assessed in the amount of \$25.00 for each person and boat above allocations.
- b. Tier Two: Each Rationing violation after the initial violation will be assessed in the amount of \$50.00 for each person and boat above allocations.

- c. Outfitters who are in Tier Two will return to Tier One the following season.
    - d. New owners will begin with Tier One after receiving a Notice of Intent to Transfer Permit from AHRA.
  2. Violation Calculations

Violations will be assessed for each person and boat above allocations. The number of boats in violation will be determined by subtracting allocated and/or borrowed boats from Actual Use. The number of people in violation will be determined by multiplying the number of allocated and/or borrowed rafts by 8 and subtracting the total from the total number of people (Clients, Guide Trainees and Staff) on the trip.
  3. Repeated Violations

Consistent significant violations of more than one (1) boat and/or five (5) people three (3) times in any use season and/or repeated violations from year to year may result in Permit probation, suspension or revocation.
  4. Payment Schedule
    - a. For a Rationing Violation assessment of \$1,000 or less, an Outfitter may elect to split the assessment into two (2) payments over a one (1) year period. A minimum of \$50.00 shall be submitted to the State on or before the first Payment Cycle (April 1<sup>st</sup> for preseason or November 1<sup>st</sup> for end of season) with the remainder due on the next scheduled Payment Cycle.
    - b. For a Rationing Violation assessment between \$1,001 and \$5,000, an Outfitter may elect to split the assessment into four (4) payments over a two (2) year period. 50% of the assessment shall be submitted to the State on or before (2) Payment Cycles (April 1<sup>st</sup> for preseason or November 1<sup>st</sup> for end of season) with the remainder due one (1) year thereafter. A minimum of \$50.00 shall be paid by the first Payment Cycle. If an Outfitter chooses to split the assessment, a 10% late fee will be assessed on the outstanding balance each year.
    - c. For a Rationing Violation assessment over \$5,000, an Outfitter may elect to split the assessment into six (6) payments over a three (3) year period. 33% of the assessment shall be submitted to the State on or before (2) Payment Cycles (April 1<sup>st</sup> for preseason or November 1<sup>st</sup> for end of season) with 33% due one (1) year thereafter, and 34% due two years thereafter. A minimum of \$50.00 shall be paid by the first Payment Cycle. If an Outfitter chooses to split the assessment, a 10% late fee will be assessed on the outstanding balance each year.
    - d. Failure to pay violations by the above deadlines will result in the assessment of a 10% late fee on the outstanding balance and may result in Permit suspension or revocation.
  5. An appeal to a Rationing Violation may be made only if the Outfitter believes the State to be at fault for the Rationing Violation. An appeal to a Rationing Violation may be made only to the AHRA Park Manager who then may decide to have the appeal heard by the designated Division Region Manager. All appeals must be filed within thirty (30) days of the date of the outfitter's notification of the rationing violation.

Q. Additional Fees for Plan Administration

Additional Outfitter fees will pay for increased operation costs that may be created by administration of the Rationing Plan. As such, any costs attached to this program are new and must be paid for by the program itself.

R. Section 6

Up to five (5) new and additional Permits may be issued for commercial boating activities in Section 6. These Permits in Section 6 will be in addition to the Permits issued to allow for use in a single, unique, and underutilized Section of AHRA. These Permits will not allow use in other Sections.

S. No Use / Declaration of Non-Use

1. For the purpose of the Rationing Plan, No Use shall be defined as an Outfitter with a Permit for the Boating season runs zero boats commercially.
2. Declaration of Non-Use
  - a. A Declaration of Non-Use must be submitted in writing and be received by March 1<sup>st</sup>. An Outfitter may petition the AHRA Park Manager for discretionary approval for a Declaration of Non-Use in the event of an unforeseen emergency after the March 1<sup>st</sup> deadline.
  - b. The AHRA Park Manager has the authority to reverse a Declaration of Non-Use in the case of the sale of the business. All rationed boats that were added to the Red Boat pool will remain in the Red Boat Pool subject to conditions outlined below.
  - c. All Boating Outfitters requesting a declaration of non-use must pay the \$400.00 Application Fee by April 1<sup>st</sup>.
  - d. All Boating Outfitters declaring a season of non-use will receive 100% credit for all Rationed Use in all Sections.
  - e. Once an Outfitter declares a season of non-use their ability to transfer boats is deactivated and all loans and borrows that have occurred prior to the Declaration of Non-Use will be negated and retracted.
  - f. The AHRA Park Manager will decide within 10 business days whether to grant or deny the Declaration of Non-Use and will notify the Permittee of his decision by March 15<sup>th</sup>.
  - g. All Rationed boats belonging to the Outfitter making a Declaration of Non-Use will be placed into the Red Boat pool and made available on a date to be specified by the State.
  - h. Red Boats may be borrowed only one at a time and must be used or placed back in the pool 72 hours prior to the end of the Rationed Day for which the boats were borrowed.
  - i. An Outfitter commits a Red Boat Triple X Transfer when an Outfitter borrows an equal number of boats, or more boats than allocated and does not use the borrowed boats or does not place the boats back in the pool 72 hours prior to the end of the Rationed Day. Outfitters will be allowed to have three (3) Red Boat Triple X Transfers each season. The fourth Red Boat Triple X Transfer will place the Outfitter on Probation.
  - j. An Outfitter's Permit will be revoked if that Outfitter operates commercially within the AHRA after declaring a season of non-use.

3. An Outfitter may have either one (1) no use season or a Declaration of Non-Use Season once every five (5) years.
4. Any combination of no use or a Declaration of Non-Use twice in a five-year period will result in Permit revocation.
5. An Outfitter who has previously had either a No Use season or a Declaration of Non-Use in a five-year period may petition the AHRA Park Manager for discretionary approval for a second Declaration of Non-Use in the event of an unforeseen emergency.

**Arkansas Headwaters Recreation Area  
Rationing Plan - Appendix A**

**Overall Percent Distribution Methodology**

For the purposes of explanation, the 2005 capacity increase in section 1c will be used as an example. Below is a chart showing 2005 allocated boat totals for the entire year in section 1c.

<b>Outfitter</b>	<b>Total Boats</b>
TIMBERLINE TOURS	289
ARKANSAS VALLEY ADVENTURE	278
LAKOTA RIVER GUIDES	148
BRECKENRIDGE WHITEWATER	144
RIVER RUNNERS	96
BLACK DIAMOND EXP.	86
NOVA GUIDES	81
DVORAKS	77
COLORADO RIFF RAFT	74
AMERICAN ADVENTURE EXP.	52
PERFORMANCE TOURS	52
WILDERNESS AWARE	52
WHITEWATER ENCOUNTERS	51
CANYON MARINE	43
FOUR CORNERS	41
BUFFALO JOE	40
HIGHSIDE ADVENTURE TOURS	35
NOAHS ARK	26
ADVENTURE COMPANY	25
BLAZING PADDLES	23
INDEPENDENT WHITEWATER	20
GOOD TIMES	19
KODI RAFTING	16
ACQUIRED TASTES	13
ECHO CANYON	13
DVORAKS PRC	11
ROCKY MTN OUTDOOR CENTER	11
FAR FLUNG	7
SCENIC RIVER TOURS	7
VESSELS FOR HONOR	6
KEVIN FOLEY	5
PETERSON AFB	4
ROCKY MTN ADVENTURES	2
ARKANSAS RIVER TOURS	1
SUMMIT KAYAK SCHOOL	1
USAFA	1
<b>TOTAL</b>	<b>1850</b>

From the prior allocated boat totals, each outfitters percentage of the overall use is calculated. In this case, each outfitter's Total Boats is divided by the total of allocated boats (1,850). The following chart shows those percentages.

<b>Company</b>	<b>Total</b>	<b>Percent</b>
TIMBERLINE TOURS	289	15.622%
ARKANSAS VALLEY ADVENTURE	278	15.027%
LAKOTA RIVER GUIDES	148	8.000%
BRECKENRIDGE WHITEWATER	144	7.784%
RIVER RUNNERS	96	5.189%
BLACK DIAMOND EXP.	86	4.649%
NOVA GUIDES	81	4.378%
DVORAKS	77	4.162%
COLORADO RIFF RAFT	74	4.000%
AMERICAN ADVENTURE EXP.	52	2.811%
PERFORMANCE TOURS	52	2.811%
WILDERNESS AWARE	52	2.811%
WHITEWATER ENCOUNTERS	51	2.757%
CANYON MARINE	43	2.324%
FOUR CORNERS	41	2.216%
BUFFALO JOE	40	2.162%
HIGHSIDE ADVENTURE TOURS	35	1.892%
NOAHS ARK	26	1.405%
ADVENTURE COMPANY	25	1.351%
BLAZING PADDLES	23	1.243%
INDEPENDENT WHITEWATER	20	1.081%
GOOD TIMES	19	1.027%
KODI RAFTING	16	0.865%
ACQUIRED TASTES	13	0.703%
ECHO CANYON	13	0.703%
DVORAKS PRC	11	0.595%
ROCKY MTN OUTDOOR CENTER	11	0.595%
FAR FLUNG	7	0.378%
SCENIC RIVER TOURS	7	0.378%
VESSELS FOR HONOR	6	0.324%
KEVIN FOLEY	5	0.270%
PETERSON AFB	4	0.216%
ROCKY MTN ADVENTURES	2	0.108%
ARKANSAS RIVER TOURS	1	0.054%
SUMMIT KAYAK SCHOOL	1	0.054%
USAFA	1	0.054%

This calculated percentage is then multiplied by the total number of boats to be distributed. For our 2005, section 1c example, the percentage is multiplied by 370 (37 allocated days \* 10 boats per day increase).

<b>Company</b>	<b>Total</b>	<b>Percent</b>	<b>% times 370</b>
TIMBERLINE TOURS	289	15.622%	57.80
ARKANSAS VALLEY ADVENTURE	278	15.027%	55.60
LAKOTA RIVER GUIDES	148	8.000%	29.60
BRECKENRIDGE WHITEWATER	144	7.784%	28.80
RIVER RUNNERS	96	5.189%	19.20
BLACK DIAMOND EXP.	86	4.649%	17.20
NOVA GUIDES	81	4.378%	16.20
DVORAKS	77	4.162%	15.40
COLORADO RIFF RAFT	74	4.000%	14.80
AMERICAN ADVENTURE EXP.	52	2.811%	10.40
PERFORMANCE TOURS	52	2.811%	10.40
WILDERNESS AWARE	52	2.811%	10.40
WHITEWATER ENCOUNTERS	51	2.757%	10.20
CANYON MARINE	43	2.324%	8.60
FOUR CORNERS	41	2.216%	8.20
BUFFALO JOE	40	2.162%	8.00
HIGHSIDE ADVENTURE TOURS	35	1.892%	7.00
NOAHS ARK	26	1.405%	5.20
ADVENTURE COMPANY	25	1.351%	5.00
BLAZING PADDLES	23	1.243%	4.60
INDEPENDENT WHITEWATER	20	1.081%	4.00
GOOD TIMES	19	1.027%	3.80
KODI RAFTING	16	0.865%	3.20
ACQUIRED TASTES	13	0.703%	2.60
ECHO CANYON	13	0.703%	2.60
DVORAKS PRC	11	0.595%	2.20
ROCKY MTN OUTDOOR CENTER	11	0.595%	2.20
FAR FLUNG	7	0.378%	1.40
SCENIC RIVER TOURS	7	0.378%	1.40
VESSELS FOR HONOR	6	0.324%	1.20
KEVIN FOLEY	5	0.270%	1.00
PETERSON AFB	4	0.216%	0.80
ROCKY MTN ADVENTURES	2	0.108%	0.40
ARKANSAS RIVER TOURS	1	0.054%	0.20
SUMMIT KAYAK SCHOOL	1	0.054%	0.20
USAFA	1	0.054%	0.20



This calculated number is the rough number of boats that each outfitter should receive for the whole year. Since decimals can't be used, a rounding now takes place. The rough boat numbers are rounded to the nearest integer. Decimals of .500 or higher are rounded up and decimals of .499 or lower are rounded down.

<b>Company</b>	<b>Total</b>	<b>Total</b>	<b>370 Boats</b>	<b>Rounding</b>
TIMBERLINE TOURS	289	15.622%	57.80	58
ARKANSAS VALLEY ADVENTURE	278	15.027%	55.60	56
LAKOTA RIVER GUIDES	148	8.000%	29.60	30
BRECKENRIDGE WHITEWATER	144	7.784%	28.80	29
RIVER RUNNERS	96	5.189%	19.20	19
BLACK DIAMOND EXP.	86	4.649%	17.20	17
NOVA GUIDES	81	4.378%	16.20	16
DVORAKS	77	4.162%	15.40	15
COLORADO RIFF RAFT	74	4.000%	14.80	15
AMERICAN ADVENTURE EXP.	52	2.811%	10.40	10
PERFORMANCE TOURS	52	2.811%	10.40	10
WILDERNESS AWARE	52	2.811%	10.40	10
WHITEWATER ENCOUNTERS	51	2.757%	10.20	10
CANYON MARINE	43	2.324%	8.60	9
FOUR CORNERS	41	2.216%	8.20	8
BUFFALO JOE	40	2.162%	8.00	8
HIGHSIDE ADVENTURE TOURS	35	1.892%	7.00	7
NOAHS ARK	26	1.405%	5.20	5
ADVENTURE COMPANY	25	1.351%	5.00	5
BLAZING PADDLES	23	1.243%	4.60	5
INDEPENDENT WHITEWATER	20	1.081%	4.00	4
GOOD TIMES	19	1.027%	3.80	4
KODI RAFTING	16	0.865%	3.20	3
ACQUIRED TASTES	13	0.703%	2.60	3
ECHO CANYON	13	0.703%	2.60	3
DVORAKS PRC	11	0.595%	2.20	2
ROCKY MTN OUTDOOR CENTER	11	0.595%	2.20	2
FAR FLUNG	7	0.378%	1.40	1
SCENIC RIVER TOURS	7	0.378%	1.40	1
VESSELS FOR HONOR	6	0.324%	1.20	1
KEVIN FOLEY	5	0.270%	1.00	1
PETERSON AFB	4	0.216%	0.80	1
ROCKY MTN ADVENTURES	2	0.108%	0.40	
ARKANSAS RIVER TOURS	1	0.054%	0.20	
SUMMIT KAYAK SCHOOL	1	0.054%	0.20	
USAFA	1	0.054%	0.20	
				<b>368</b>

These rounded numbers now represent the minimum number of boats that each outfitter must receive to maintain their yearly overall allocated percentage.

The next step is to look at the percent of allocated use on a daily basis and determine the thresholds to be considered in order to gain one or more boats. For the 2005 distribution, the following were used.

- 13 boats – This is 26% of the 2004 allocation of fifty boats. If this 26% is multiplied by 10 (the number of new boats to be added each day) we come up with 2.6. When rounding occurs, the permittee of 13 or more allocated boats or more would gain three boats.
- 8 boats – This is 16% of the 2004 allocation of fifty boats. If this 16% is multiplied by 10, we come up with 1.6. When rounding occurs, the permittees of 8 – 12 allocated boats would gain two boats.
- 3 boats – This is 6% of the 2004 allocation of fifty boats. If this 6% is multiplied by 10, we come up with 0.6. When rounding occurs, the permittees of 3 - 7 allocated boats would gain one boat.

Keep in mind that the above numbers are only guidelines used in helping to distribute boats using this methodology. Outfitters with allocations below the one boat threshold (in this case one or two boat allocations) can still receive boats. These thresholds will be different for each section and are dependent upon each section's b.p.d. capacity.

The next step is to distribute the boats throughout the season. The newly allocated boats will be distributed to the eligible outfitters through a series of rounds. The first series of rounds will distribute boats on each outfitters highest allocated days, the second series of rounds will distribute any remaining boats on a daily basis, beginning with the 4<sup>th</sup> of July and working out. These rounds will continue until each outfitter's newly obtained boats have been distributed.

- In the first round of distribution, each Outfitters highest use day(s) will be evaluated and boats will be distributed on those days. For our 2005 distribution, using the above calculated threshold numbers; single boat allocations are granted to outfitters holding 3 boats or more on a particular day.
- In the next rounds of distribution, outfitters with boats remaining to be distributed may receive a second boat and/or third boat. Using the above thresholds for the 2005 example, allocations of eight or more boats are eligible to receive a second boat and allocations of thirteen boats or more are eligible to receive a third boat.
- Again, each outfitter's highest allocated day will be considered. An outfitter will be awarded a second or third boat on a day only if the day still has boats available and only if no outfitter with boats remaining to be distributed has a higher allocated number.
- There will be one round during which two boat allocations are awarded and a second round during which three boats allocations may be awarded.
- In the next series of rounds, boats will be distributed on a day-by-day basis. These rounds will begin at the 4<sup>th</sup> of July and will proceed outwards, day-by-day, towards the beginning and end of the season.
- The first round of this series will begin by adding boats to any remaining allocations of three or more boats that has yet to receive a boat. If there are any ties, the tie will be broken by a lottery.
- The second round of this series, starting at the 4<sup>th</sup> of July, will add remaining boats on days with two boat allocations. Again, ties will be decided by lottery.

- The third round in this series will add any remaining boats on days with one-boat allocations. Again, ties will be decided by lottery.
- The final round in this series will add any remaining boats on days where an outfitter may have no allocated use. If an outfitter still has a boat(s) remaining after all of the previous rounds and a day still has boat(s) that need to be distributed, that outfitter may receive a boat on that day even if the outfitter has no allocated use. By the end of this round, each Outfitter's share of newly allocated boats will have been distributed.
- The final round of this process will be a lottery round. In using the 2005 Numbers distribution numbers (page 14 of 18 above), we calculated 368 boats needing to be distributed, however a total of 370 boats (37 days \* 10 b.p.d.) need to be added. Therefore the two remaining boats will be distributed via lottery. All outfitters with any allocated use in the section in question will participate. The eligible outfitters will be numbered sequentially. A random number sequence generator will then produce a sequence of numbers. The outfitter(s) whose number(s) appear first in the sequence will receive the boat.