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NOTICE OF A REGULAR MEETING OF THE COMMON COUNCIL
OF THE TOWN OF CLARKDALE
Tuesday, January 13, 2015 at 6:00 P.M.
Clark Memorial Clubhouse, Men's Lounge

PURSUANT TO A.R.S. §38-431.02, NOTICE IS HEREBY GIVEN to the members of the Common Council of the Town of Clarkdale and to the general public that the Town of Clarkdale Common Council will hold a Regular Meeting open to the public on **Tuesday, January 13, 2015, at 6:00 p.m.** in the **Clark Memorial Clubhouse, Men's Lounge, 19 N. Ninth Street, Clarkdale, Arizona.** Members of the Clarkdale Common Council will attend either in person or by telephone, video or internet conferencing. Pursuant to A.R.S. §38-431.03, the Council may vote to recess the meeting and move into Executive Session on any item, which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at www.clarkdale.az.gov and the Town Clerk's Office.

The undersigned hereby certifies that a copy of this notice was duly posted on the Community Development Building bulletin board, located at 890 Main Street, Clarkdale, Arizona on January 8, 2015 at 1:00 p.m.

Kathy Bainbridge
KATHY BAINBRIDGE
CLERK/FINANCE DIRECTOR

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you turn it off at this time to minimize disruption to this meeting.

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR DISCUSSION AND POSSIBLE ACTION, UNLESS OTHERWISE NOTED.

1. **CALL TO ORDER**
2. **PUBLIC COMMENT** – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.
3. **REPORTS**
 - Current Events** – A brief summary of current events. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary.
 - Mayor's Report
 - Vice-Mayor's Report
 - Councilmembers' Report
 - Town Manager's Report

Organizational Reports – Reports regarding regional organizations.

CAT/VVTPO – Cottonwood Area Transit and the Verde Valley Transportation Planning Organization & other transportation affiliations.

NACOG - Northern Arizona Council of Governments.

NAMWUA - Northern Arizona Municipal Water Users Association.

VRBP – Verde River Basin Partnership.

VVLP – Verde Valley Land Preservation.

YC Advisory Board – A report from the Yavapai College Advisory Board representative.

4. **CONSENT AGENDA** - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.
- A. **Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held December 9, 2014 and Special Meetings held December 9th and 16th 2014.
 - B. **Claims** - List of specific expenditures made by the Town during the previous month. December, 2014 check log and PPE dated December 13, 2014 and December 27, 2014.
 - C. **Board and Commission Minutes** – Acknowledgement of receipt of minutes and draft minutes of the previous month’s Board and Commission Meetings.
Board of Adjustments Notice of Cancellation of meeting December 24, 2014
Design Review Board Notice of Cancellation of meeting December 3, 2014
Planning Commission minutes of the meeting held December 16, 2014
Parks and Recreation Committee minutes of the meeting held jointly with Council on December 16, 2014 (see Consent Agenda item A)
 - D. **Resolution adopting a change to the Salary Range Placement Table** – approval of Resolution # 1489, adopting the Salary Range Placement Table.
 - E. **Resolution making appointments to various regional organizations** – Approval Resolution # 1490, A Resolution of the Mayor and Common Council of the Town of Clarkdale, Arizona, amending Resolution #1398 making appointments to various regional organizations.
 - F. **Personnel Policy and Procedural Manual amendments** – Approval of amendments to the Town’s Personnel Policy and Procedural Manual.
 - G. **Local Food Days Proclamation** – Approval of a Local Food Days Proclamation in support of improving the growth, processing, distribution, consumption and waste management of healthy, local grown foods.
 - H. **“Start by Believing” Proclamation** - Approval of “Start by Believing” Proclamation to elevate public awareness of the trauma of sexual assault victims, in order to improve the responses of friends, family members, and community professionals.

NEW BUSINESS

5. **COMMERCIAL RIVER RUNNER CAPACITIES FOR THE VERDE RIVER @ CLARKDALE** – Consideration and possible action relating to the establishment of Commercial River Runner Capacities on the Verde River @ Clarkdale.
6. **WORKSESSION ON COMMERCIAL OUTFITTER REGULATIONS** – Discussion of a proposed ordinance that establishes the Town's policies for regulating outfitters that offer commercial outdoor recreation services in the Town of Clarkdale and on lands operated by the Town of Clarkdale.
7. **FUTURE AGENDA ITEMS** - Listing of items to be placed on a future council agenda
8. **ADJOURNMENT**

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 639-2400 (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.



Staff Report

Agenda Item: **COMMERCIAL RIVER RUNNER CAPACITIES FOR THE VERDE RIVER @ CLARKDALE** – Consideration and possible action relating to the establishment of Commercial River Runner Capacities on the Verde River @ Clarkdale.

Staff Contact: Gayle Mabery, Town Manager

Meeting Date: January 13, 2015

Background: The Clarkdale Town Council and Parks and Recreation Commission held a Joint Worksession on Tuesday, December 16, 2014 to discuss recommendations that the Town Staff had developed relating to the establishment of Commercial River Runner Capacities on the Verde River @ Clarkdale. The purpose of the December 16th worksession was to receive comments and input from the Council, Parks and Recreation Commission and the general public so that the Town Staff could then revise the capacity recommendations and present the revised recommendations to the Town Council for possible approval at their January 13, 2015 Council meeting.

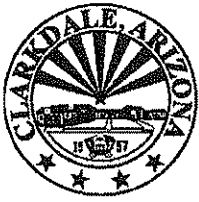
While the initial capacity recommendations that were the subject of the December 16th discussion were developed with a long-term capacity in mind, the Council and Commission expressed support for taking a more conservative approach to setting initial capacities on the river. With that in mind, the Town Staff is recommending that, instead of setting long-term capacities, that the Council consider setting a capacity limit to be applied only to the 2015 river season. Acknowledging that the Town of Clarkdale is on the leading edge of river recreation issues in the Verde Valley, it makes sense to move more slowly, and re-look at capacity issues on a year-by-year basis during the initial years of the Verde River @ Clarkdale project.

Clarkdale Town staff recommends that the following commercial river outfitter capacities be set for the Verde River @ Clarkdale for the 2015 calendar year:

- Maximum capacity of 9,200 commercial customers during the 2015 season, allocated as follows:
 - 7,820 commercial recreational (maximum)
 - 1,380 commercial interpretive/educational (minimum)
- Maximum guided trip size of sixteen (16) people per trip, including trip guides.
- Maximum of up to thirty-six (36) unguided commercial recreational customers (in a vessel that meets the Arizona definition of a watercraft) per day.
- Maximum of 20% of the total commercial recreational capacity may be allocated for unguided commercial recreational customers.

Taken at potential maximum levels, these recommended capacities are approximately 80% lower than the capacities that were discussed during the December 16, 2014 Joint Worksession. Under the recommendation, the commercial recreational capacities would increase from 6,367 in 2014 to 7,820 in 2015.

During the 180 days of the peak boating season (April 1 – Sept. 30...when 85% of the commercial activity took place in 2014), these capacities could result in an average of 8 more commercial recreational customers per day on the 3-mile stretch of the Verde River @ Clarkdale than we experienced in 2014 (we averaged 36 commercial recreational customers per day in the peak season in 2014 and could average 44 commercial recreational customers per day under the recommended capacity).



Staff Report

Our recommendations are designed to put a strong emphasis on creating capacity in our system for additional interpretive/educational tours. While only 2.11% of the commercial activity on the Verde River @ Clarkdale was the result of interpretive tours in 2014, an increase in that percentage would be in keeping with the principles of the Verde River @ Clarkdale project. A minimum of 15% of the commercial capacity in 2015 will be available for interpretive/educational tours, and if there is unused capacity for the commercial recreational tours, the capacity available for interpretive/educational tours will increase. We understand that some of the capacity designated for interpretive/educational tours may go unused during the year, but feel it is important to reserve this capacity early in our process and work with outfitters to grow the demand for these important types of tours each year.

The capacity recommendations for unguided operations are designed to balance the demand for these activities with the inherent differences between unguided and guided trips (which were articulated in the report) and require that unguided trips be taken in vessels that meet the Arizona definition for "watercraft". This will eliminate the use of standard inner tubes and other "water toys" on a commercial basis on this stretch of river. During busy summer weekends, there were often more than 36 unguided customers on the river in 2014. The recommended capacities will add a new level of control to that use in 2015.

Unlike the recommendations presented in December which had strict regulations of launch times built into the capacity schedule, launch times for commercial trips will be regulated through the 2015 permit process. Every permittee is required to file an operational plan, and those plans will be required to address steps to be taken to ensure that appropriate time spacing occurs between launches (in order to ensure appropriate social encounter levels). With the 80% reduction in recommended capacity levels, this method of regulating launch times should be very effective for the 2015 season.

After the Council takes final action on establishing the 2015 commercial capacities on the Verde River @ Clarkdale, staff will begin the process for soliciting bids for the outfitter permits that will be available in 2015. Although the permits themselves will not require Council action, the Town Manager plans to appoint a committee to work with her during the 2015 permit process. In addition to representatives from other land management agencies in the Verde Valley, the Town Manager plans to include at least one Council Member, one Parks and Recreation Commission member and one member of the public on this manager-appointed committee.

Recommendation: Staff recommends that the Town Council establish the following 2015 Commercial River Runner Capacity:

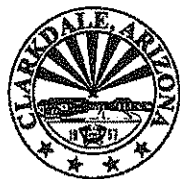
- Maximum capacity of 9,200 commercial customers during the 2015 season, allocated as follows:
 - 7,820 commercial recreational (maximum)
 - 1,380 commercial interpretive/educational (minimum)
- Maximum guided trip size of sixteen (16) people per trip, including trip guides.
- Maximum of up to thirty-six (36) unguided commercial recreational customers (in a vessel that meets the Arizona definition of a watercraft) per day.
- Maximum of 20% of the total commercial recreational capacity may be allocated for unguided commercial recreational customers.

Commercial River Runner Capacity for the Verde River @ Clarkdale

Report Dated: January 7, 2015

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1 EXECUTIVE SUMMARY

The Town of Clarkdale opened the 110-acre Lower TAPCO River Access Point on June 18, 2014, providing the public with access to diverse year-round recreational activities on the river. As expected, the site quickly became popular as a kayak launch point for boaters who wanted to float the 3-mile stretch of river between the boat launch areas of Lower TAPCO River Access Point and the downstream Tuzigoot River Access Point. In addition, the Town of Clarkdale and Arizona State Parks issued the first special use permits to allow commercial outfitters to operate at the Lower TAPCO RAP and the Tuzigoot RAP, resulting in 6,548 commercial customers (6,367 commercial recreational, and 181 commercial interpretive/educational) either kayaking or tubing this stretch in 2014. During peak boating season (from June 1 – September 30) this first year, we experienced an average of 257 commercial customers per week launching from the Lower TAPCO RAP.

With demand for commercial permits increasing, the Town of Clarkdale has determined the need to establish commercial river runner capacities for the Verde River @ Clarkdale between the Lower TAPCO River Access Point and the Tuzigoot River Access Point. Commercial operations in 2014 included both guided and unguided operations, and, due to the distinct differences between these two types of operations and potential resulting impacts from each, staff feels it is prudent to establish capacities for both categories going forward.

Based on current data, private boater usage accounts for approximately 25% of the usage on the river. While Town staff is not recommending the implementation of total capacities (which would include both commercial and private boaters) at this time, we will continue to collect data as indicated in the “Key Management Actions to Monitor Indicators” section of this report and take steps to adjust river use capacities over time should it become necessary.

In evaluating appropriate capacities for the Verde River @ Clarkdale, Clarkdale Town Staff took the following into consideration:

- Consultation with outfitter permit managers on other public lands in the Verde Valley;
- Review of the management standards for recreational activity in the Comprehensive River Management Plan (CRMP) for the Verde Wild and Scenic River;
- Review of the U.S. Forest Service recreation and wilderness experience criteria that can be appropriately expected on the Verde River @ Clarkdale;
- Social encounter levels for paddlers as they float the 3 miles between the launch sites at the two river access points on the Verde River @ Clarkdale;
- The characteristics of this section of river, including the need for boaters to portage at the Brewer’s Tunnel Diversion Dam, and the safety practices used that require boaters to congregate in groups in the large pools that precede significant rapid sections (allowing boaters to proceed single-file and with appropriate spacing between boaters through more technical sections); and,
- Input from the Clarkdale Town Council, Clarkdale Parks and Recreation Commission and the public during a December 16, 2014 public meeting.

Clarkdale Town staff recommends that the following commercial river outfitter capacities be set for the Verde River @ Clarkdale for the 2015 calendar year:

- Maximum capacity of 9,200 commercial customers during the 2015 season, allocated as follows:
 - 7,820 commercial recreational customers (maximum)
 - 1,380 commercial interpretive/educational customers (minimum)
- Maximum guided trip size of sixteen (16) people per trip, including trip guides.
- Maximum of thirty-six (36) unguided commercial recreational customers (in a vessel that meets the Arizona definition of a watercraft) per day.
- Maximum of 20% of the total commercial recreational capacity may be allocated for unguided commercial recreational customers.

2 PROJECT HISTORY

The Verde River corridor is one of Arizona's most important resources, both in its richness and in its usefulness. It provides innumerable benefits to the state's economy, its residents' quality of life, and the natural, cultural, and scenic environment. The Verde is known for its beauty and diversity of landscape, its opportunities for recreation, the bounty of its water and riparian lands, for fish and wildlife populations as well as for human communities, and for the link it provides with the past and the path it opens to the future.

In 1991, a grassroots effort was initiated by community leaders and individuals who recognized a need for coordinated planning and management along the Verde River Corridor. Local residents and organizations, with assistance from the Arizona State Parks Board and the Arizona Department of Commerce, established the Verde River Corridor Project to take a closer look at the issues facing the Verde River, and to develop recommendations and a plan of action for dealing with them.

The Action Plan for the Verde River Corridor Project, compiled after extensive citizen-based participation in all phases of the plan's development, included a project Vision, Mission, Guiding Principles, Priority Actions, Subcommittee Recommendations, and Major Goals. The entire plan can be viewed at <http://verderiverinstitute.org/VRCP1.pdf>.

20 years later, in 2011, Clarkdale identified the 2.2 miles of the Verde River that flows through the Town as a key resource that was under-utilized, inaccessible, and as a result, economically, socially and culturally undervalued by the Town, its residents and the entire State.

With many of the issues identified in the 1991 Verde River Corridor Project still facing the Verde River, the overarching principle of the Verde River @ Clarkdale project is that public knowledge and understanding is vital to the protection and preservation of the Verde River. Simply stated; getting people onto the river to form personal connections is key to its future sustainability.

From its inception, Clarkdale's project dream was that it's possible to protect, preserve and restore the river and its habitat, while:

Honoring existing water rights;

Enhancing the public's experience; and,
Improving the economy of Clarkdale.

The first major milestone of the Verde River @ Clarkdale project was the approval of an Intergovernmental Agreement in July, 2012 between Arizona State Parks and the Town of Clarkdale wherein the two agencies agreed to cooperatively manage the 69 acre Tuzigoot River Access Point. The agreement was embraced as a benefit to both agencies, offering them to join together in the face of limited resources to manage the site.

In April, 2013, the Town of Clarkdale and the landowner Freeport McMoRan, Inc. entered into a Verde River Access License Agreement, designating a portion of private property on the river that was once restricted access as public park land under the management of the Town of Clarkdale. In February, 2014, that agreement was amended to move the site to a 110 acre piece of property located approximately 3 miles upstream from the Tuzigoot River Access Point.

The Town of Clarkdale opened the 110-acre Lower TAPCO River Access Point on June 18, 2014, providing the public with access to diverse year-round recreational activities on the river. As expected, the site quickly became popular as a kayak launch point for boaters who wanted to float the 3-mile stretch of river between the Lower TAPCO River Access Point and the downstream Tuzigoot River Access Point. Coinciding with the establishment of the Lower TAPCO River Access Point, the Town of Clarkdale and Arizona State Parks issued the first special use permits to allow commercial outfitters to operate at the Lower TAPCO RAP and the Tuzigoot RAP, resulting in 6,548 commercial customers either kayaking or tubing this stretch in 2014. During peak boating season (from June 1 – September 30) this first year, we experienced an average of 250 commercial customers per week launching from the Lower TAPCO RAP.

Only one commercial outfitter expressed initial interest in operating commercial recreational tours on the Verde River @ Clarkdale at the beginning of the project, and Arizona State Parks and the Town of Clarkdale worked together to draft a permit that provided for the approval of an Annual Operating Plan for the outfitter, compliance with State Natural Area Policies and Guidelines, River Guide Standards, Appropriate Insurance Coverage and Indemnification, and a Fee Schedule to Guarantee Appropriate Compensation for Commercial Use of Public Lands. That outfitter, Verde River Adventures, Inc., offered both guided kayak tours and unguided inner tube rentals from April – November, 2014.

The Verde River @ Clarkdale quickly became recognized as an ideal year-round boating opportunity due to its consistent river flows that are relatively free from the impacts of summer irrigation diversions. By the third quarter of 2014, numerous other commercial outfitters began expressing interest in operating commercially on the Verde River @ Clarkdale.

3 VERDE RIVER GREENWAY STATE NATURAL AREA

The Tuzigoot River Access Point (RAP), which serves as the downstream anchor for the Verde River @ Clarkdale project, is part of the Verde River Greenway State Natural Area. Recognizing the Verde River as a significant resource, and one of the Arizona's last free-flowing rivers, Arizona State Parks began purchasing land along this important riparian resource beginning in 1986. The Verde River Greenway State Natural Area now encompasses over 800 acres of land and includes properties in all three communities along the river – Clarkdale, Cottonwood and Camp Verde. The Verde River Greenway is now 35 river miles rather than the original 6 river miles that were planned in 1986. The Greenway sustains a large regional wildlife population and a lush riparian community.

The most significant natural resource in the Greenway, besides the year-round flowing river, is the dense forest of riparian trees and shrubs along its riverbank. This Fremont Cottonwood & Gooding Willow Riparian Gallery Forest is one of five remaining stands in Arizona and one of 20 such stands in the world.

According to the Arizona State Parks website, the 3,300 foot elevation means mild temperatures for hiking along the Verde River, kayaking, canoeing, picnicking, fishing, or just wading in the cool water. Life along the river changes with the season, giving visitors a glimpse of great blue heron, black hawks, coyotes, raccoons, mule deer, beavers, ducks, frogs, and toads.

The Verde River and surrounding riparian corridor support numerous threatened or endangered species including, but not limited to razorback sucker, Colorado pikeminnow, Southwestern willow flycatcher, yellow-billed cuckoo, Mexican gartersnake, and narrow-headed gartersnake. Other special status species include Arizona gray squirrel, Western red bat, southwestern bald eagles, black-hawks, peregrine falcons, lowland leopard frogs, Gila monsters, and roundtail chub.

The State Natural Area designation of the Greenway exists to keep the Verde River riparian corridor in its most natural state, and to protect the fragile ecosystem that exists therein. "Soft" recreation that has minimal impact on the environment is allowed, and a "pack it in, pack it out" philosophy is encouraged so that visitors pick up litter and leave nothing behind after visiting the area. Park rules include:

- Keep pets on a leash.
- Damaging or removing the natural rocks, vegetation or public property on the park is prohibited.
- Obey all hunting and fishing regulations.
- Prevent loud, nuisance noises.
- No overnight camping.
- No fires.
- Off road vehicles are prohibited.

Arizona State Parks points out that the Verde River is a fantastic place to canoe/kayak, and directs visitors to the Tuzigoot River Access Point as a place for put-in and take-out. In April, 2014, Arizona State Parks issued their first Special Use Permit for a commercial outfitter to

operate guided hikes, tours, river trips, canoeing, bicycling, and hiking on roadways and trails within the Tuzigoot River Access Point and other Arizona State Parks properties.

4 RIVER CLASSIFICATIONS UNDER THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

Rivers may be designated by Congress or, if certain requirements are met, the Secretary of the Interior. Each river is administered by either a federal or state agency. Designated segments need not include the entire river and may include tributaries. For federally administered rivers, the designated boundaries generally average one-quarter mile on either bank in the lower 48 states and one-half mile on rivers outside national parks in Alaska in order to protect river-related values.

Rivers that are classified under The National Wild and Scenic Rivers System are designated as *wild, scenic, or recreational*.

Wild River Areas – Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

Scenic River Areas – Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Recreational River Areas – Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

A forty-one (41) mile segment of the Verde River has been federally designated as part of the National Wild and Scenic Rivers System. Due to low levels of development present along the Verde River at the time of its designation in 1984, the Arizona Wilderness Act divided the 41-mile stretch of river into a Wild segment and a Scenic Segment. The Scenic River area begins near Beasley Flat, and continues downstream about 18.8 miles to the boundary of the Mazatzal Wilderness. The Wild River area lies within the Mazatzal Wilderness, beginning at the wilderness boundary and continuing downstream about 22.2 miles to the confluence of Red Creek. There is no federally designated Recreational classification along the Verde River.

As required under the Arizona Wilderness Act, the Coconino, Prescott and Tonto National Forests completed a Comprehensive River Management Plan for the Verde Wild and Scenic River in June, 2004.

Among many other things, the CRMP includes management standards for commercial and private recreational activity in the Verde River's Wild and Scenic river segment, including a limit of up to 60 persons launching per day in the stretch designated as a "Wild River" and 250 persons launching per day in the stretch designated as a "Scenic River". In the "Wild River" section, the maximum trip size is 12 persons per trip. In the "Scenic River" section, the maximum trip size is 25 persons per trip.

5 RECREATIONAL OPPORTUNITY SPECTRUM (ROS)

The U.S. Forest Service has established a classification system for describing a variety of recreation experience opportunities. The Recreation Opportunity Spectrum categorizes these opportunities into six classes on a continuum from primitive to urban. Each class describes the type of recreation experience one is likely to have in these areas. This is measured based on the extent to which the natural environment has been modified, the type of facilities provided, the degree of outdoor skills needed to enjoy the area, and the relative density of recreation use. (FSM 2311.1 and USDA Forest Service, 1982, ROS User Guide) The six classes are:

Primitive - Area is characterized by an essentially unmodified natural environment of fairly large size. Interaction between users is very low, and evidence of other users is minimal. The area is managed to be essentially free from evidence of management restrictions and controls. Motorized use within the area is not permitted.

Semi-primitive Non-motorized - Area is characterized by a predominantly natural or natural-appearing environment of moderate to large size. Interaction between users is low, but there is often evidence of other users. The area is managed in such a way that minimum onsite controls and restrictions may be present, but subtle. Motorized recreation use is not permitted.

Semi-primitive Motorized - Area is characterized by a predominantly natural or natural-appearing environment of moderate to large size. Concentration of users is low, but there is often evidence of other users. The area is managed in such a way that minimum onsite controls and restrictions may be present, but subtle. Motorized recreation use of local primitive or collector roads with predominantly natural surfaces is permitted.

Roaded Natural - Area is characterized by predominantly natural-appearing environments with moderate evidence of the sights and sounds of humans. Such evidence usually harmonizes with the natural environment. Interaction between users may be moderate to high, and evidence of other users prevalent. Resource modification and utilization practices are evident but harmonize with the natural environment. Conventional motorized use is allowed and incorporated into construction standards and design of facilities.

Rural - Area is characterized by a natural environment that has been substantially modified by development of structures, vegetative manipulation, or pastoral agricultural development.

Resource modification and utilization practices may be used to enhance specific recreation activities and to maintain vegetative cover and soil. Sights and sounds of humans are readily evident, and the interaction between users is often moderate to high. Facilities for intensified motorized use and parking are available.

Urban – Area is characterized by a substantially urbanized environment, although the background may have natural-appearing elements. Renewable resource modification and utilization practices are often used to enhance specific recreation activities. Vegetative cover is often exotic and manicured. Sights and sounds of humans are predominant onsite and in nearby areas. Facilities for highly intensified motor use and parking are available with forms of mass transit often available to carry people throughout the site.

While ROS designations do not apply to the Verde River @ Clarkdale section of the river, they do provide a framework for comparison. During a Master Planning workshop hosted by the Town of Clarkdale in May, 2014, participants voiced preference for the river access points on the Verde River @ Clarkdale to remain predominantly in their natural state. On review of the USFS's ROS categories, the Verde River @ Clarkdale project best fits the definition of a "Roaded Natural" area, and also includes some elements of what would be described as a "Rural" area under the ROS system.

6 KEY INDICATORS IN DETERMINING CHARACTER OF RECREATION OPPORTUNITIES

The Verde River and its lush riparian habitat provide a great diversity of outdoor recreation opportunities and connect residents and visitors with nature in a beautiful setting. From its inception, Clarkdale's project dream was that it's possible to protect, preserve and restore the river and its habitat, while honoring existing water rights; enhancing the public's experience; and, improving the economy of Clarkdale.

In order to ensure that the character of recreational opportunities remains consistent with the commitments outlined in our original project dream, the following are key indicators that should be monitored over time:

Waste Removal and Vehicle Restrictions – The Town of Clarkdale should continue to monitor visitors' adherence to regulations on waste removal and vehicle restrictions. Impacts (trash, compacted soils, and damaged vegetation) associated with higher use in the developed recreation areas should not expand to dispersed recreation areas.

Social Encounter Levels – Overall, social encounter levels should be monitored to ensure they continue to be consistent with the levels identified for Roaded Natural or Rural recreation area (i.e. interaction between users may be moderate to high in dispersed recreation areas; whereas, sights and sounds of humans are readily evident, and the interaction between users is often moderate to high in developed recreation areas).

Resource Condition – Landscape is natural appearing and built improvements in the developed recreation areas are limited in scope. Presence of human feces, trash and charcoal and/or fire pits are at levels consistent with a managed recreation site and violations of regulations are the exception, not the norm. High use areas and their adjacent environment are properly managed to protect natural and cultural resource values, while allowing for recreation use.

Key Management Actions Going Forward – Key actions need to be taken as the Town of Clarkdale continues to sustain the character of the recreation opportunities of the Verde River @ Clarkdale. Recommended actions to be phased in over the next 3 years include:

- Capacity studies including vehicle and visitor counts should be conducted at launch points, on the river and on roads.
- Use of a registration system for kayak/boat launches at all developed river access points on the Verde River @ Clarkdale should be implemented.
- Condition surveys should be conducted annually to sample dispersed recreation use areas.
- Visual observations and photo points should be established within and adjacent to high use areas for visual comparisons over time.
- An inventory of motor vehicle track locations should be developed and thereafter be monitored and updated at least annually.
- Inventory and map adjacent riparian zones and any commercial operations in those areas to determine distance to non-commercial segments of river for wildlife and non-commercial human recreation.
- Establish an active volunteer program.
- Apply management practices on the Verde River @ Clarkdale that align with and balance the goals of preservation, restoration, recreation, and economic development.
- Collaborate with other regional land management partners, citizens, organizations and other local governments to ensure stewardship for well-managed recreational and educational opportunities that sustainably connect people to nature along the Verde River and upland ecosystems.

Management Actions In the Future – The Town of Clarkdale should stay committed to an adaptive management approach to the Verde River @ Clarkdale project, which will allow it to simultaneously meet existing resource management objectives while accruing information and experience needed to improve future management. Some types of management actions that should be considered when addressing issues in the future include:

- Increase visitor information through multiple venues, both at developed and dispersed recreation sites;
- Sponsor interpretative and education programs at the project sites;
- Implement/expand river launch site check in/registration procedures;
- Increase patrols and enforcement at developed and dispersed river recreation areas;
- Adjust river use capacities; and,
- Further restrict vehicular access in sensitive areas.

7 RECOMMENDATIONS FOR COMMERCIAL RIVER RUNNER FEE SCHEDULE

Three different types of fee schedules are being used by different land management agencies in the Verde Valley when issuing commercial permits for boating outfitters on the Verde River.

The U.S. Forest Service uses a percentage of gross revenue schedule and relies on accurate outfitter reporting to determine the payments under the fee schedule. Audit provisions are provided in the permits, but can be difficult to navigate.

Arizona State Parks established a flat annual permit fee of \$3,750, payable quarterly. With the flat annual fee, audits are unnecessary, as the payments do not depend on usage or gross revenues. However, this system does not recognize increasing impacts to river access points as the volume of commercial use increases.

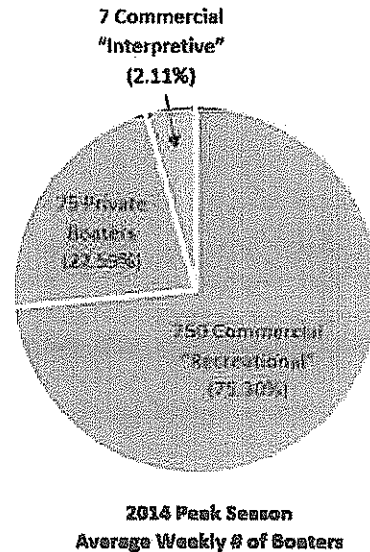
The Town of Clarkdale established a fixed rate of \$5 per commercial customer in our 2014 permits. Although the fixed rate per customer system still relies on accurate outfitter reporting, it is relatively easy for the Town to perform random audits through on-site observations and data collection by our Verde River Ambassadors. Additional on-site registration of launches and changes in the reporting system can be implemented in future years to aid in additional audit accuracy. The fixed rate per customer system provides revenue streams to match increased impacts on management of the river access points (i.e. commercial outfitter revenues increase to correspond with increased customer usage and increased resource demands at the project sites).

Clarkdale's 2014 permits required that the outfitters report and pay their fees on a quarterly basis, due immediately after the activity for the quarter was complete.

Clarkdale Town Staff supports the continued use of the \$5 per customer fixed rate fee for 2015. Changes to the payment schedule will be modified in the 2015 permits to require monthly usage reporting, and some sort of advance payment system as opposed to the delayed payment system that was used in 2014. This change to the payment schedule will reduce the risk of default payments for use of public lands by the commercial outfitters.

8 VERDE RIVER @ CLARKDALE 2014 USAGE DATA

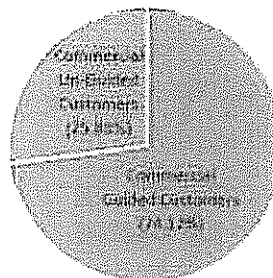
Commercial and Private Boater Usage - Commercial outfitters were permitted to operate at the TAPCO RAP and the Tuzigoot RAP beginning in April, 2014, resulting in 6,367 commercial recreational customers and 181 commercial interpretive customers either kayaking or tubing this stretch from April-December, 2014. During peak boating season (from May 1 – September 30), we experienced an average of 250 commercial recreational customers and 7 commercial interpretive customers launching per week from the Lower TAPCO RAP.



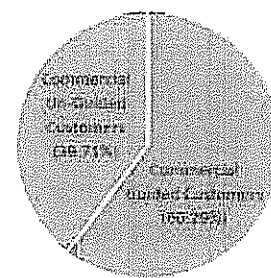
Visitor data collected at the Lower TAPCO River Access Point's Self-Pay Station indicates peak season visitation from private users at approximately 600 individual visitors per month. The Town of Clarkdale did not start collecting data on the primary purpose for visitation until October, 2014. During that month, 48% of visitors listed kayaking/canoeing as their primary reason for visiting the park. Other responses included: photography (16%); picnicking (13%); fishing (10%); swimming/wading (6%); dog walking (3%); special event/education (3%).

Collection and analysis of the statistics of private boaters will continue as part of our future management action plan. Based on currently available information, we assume that 50% of the private individuals visiting the Lower TAPCO RAP are there to canoe/kayak, which adds approximately 75 boaters per week during peak season. The heaviest usage occurs on Friday, Saturdays, Sundays and major holidays, and we do not have current data on peak daily usage, although measurement tools to capture that data in the future will also be added.

Guided vs. Unguided Commercial Recreational Users - Commercial recreational users fell into two categories during 2014 operations. Guided commercial trips consisted of kayak tours for customers in either single or tandem kayaks, led by professional guides with no more than a 1 to 8 guide-to-client ratio. Guided trip customers met at an off-site location and were transported by shuttle both to and from the launch/landing sites. Unguided trips consisted of customers who rented a standard inner tube or "Tube Trackers" from the outfitter and were transported by shuttle both to and from the launch/landing sites, but no professional guides accompanied these customers.



April 19, 2014 –
June 30, 2014



July 1, 2014 –
September 30, 2014

It should be noted that Arizona law and Arizona Game and Fish Commission

rules classify “watercraft” as “any boat designed to be propelled by machinery, oars, paddles...”, and the laws state that everyone in/on a watercraft must have a properly-fitted and serviceable US Coast Guard-approved PFD (personal floatation device) available aboard the watercraft, and that those passengers 12 years of age or younger must wear their PFDs whenever the watercraft is underway. Because of the manufacturers design, the “Tube Trackers” that were used on the Verde River @ Clarkdale in the 2014 season are classified as “watercraft” in Arizona. However, standard inner tubes, which are not designed to be propelled by oars or paddles, are classified as “water toys” and are not subject to the state requirements for use of PFD’s.

During late spring and early summer, guided tours accounted for approximately 74% of the commercial customer base. As summer progressed, the number of unguided customers increased, resulting in approximately 60% of customers on guided tours and 40% unguided tubing customers.

Observations Relating to Unguided Commercial Trips - While the unguided tubing operations were a popular recreational activity for commercial customers, several observations were made during the 2014 season that weigh into the staff’s recommendations relating to unguided commercial operations in the future:

- The 3-mile length of the Verde River @ Clarkdale generally includes a series of long, still pools of water followed by a rapids chute. These long pools result in slow progress for anyone that is not using a watercraft equipped with a paddle or oar for propulsion. During windy days, forward progress can be challenging on some stretches of the river for watercraft equipped with paddles, and extremely difficult for people on water toys (i.e inner tubes), which delays total trip time.
- Watercraft that are propelled with paddles/oars experience an average trip length of two-three hours, depending on the type of watercraft and the experience level of the boater. Trips taken strictly on water toys (like inner tubes) can take up to 4 hours.
- Many unguided boaters are unfamiliar with this section of river, and having no guide to rely on, can be more easily confused about their location on the river and the distance to the landing site at the Tuzigoot River Access Point. We had several reports of unguided commercial customers trespassing on private lands along the river as they tried to establish their location.
- The alcohol restrictions and lifejacket requirements that are required in the outfitter permit are more difficult for commercial outfitters to enforce with unguided customers (because of a lack of supervision along the route).
- Having large percentages of un-guided commercial customers can, and did, lead to higher social encounter levels for commercial and public boaters on the river due to the difference in speed of travel.
- Children in unguided groups can get more easily separated from supervising adults than they can on guided trips.

While the unguided trips experienced on the Verde River @ Clarkdale this year were all as a result of “Tube Tracker” and inner tube rental operations, other land management agencies along the Verde River report increasing demands for other forms of unguided commercial river trips.

Local citizens and visitors are increasingly expressing interest in unguided opportunities to rent kayaks and canoes from outfitters who provided shuttles to launch and landing sites. Similar to commercial tubing activities (and consistent with the National Forest Service's definition), these types of operations would be classified as unguided commercial operations.

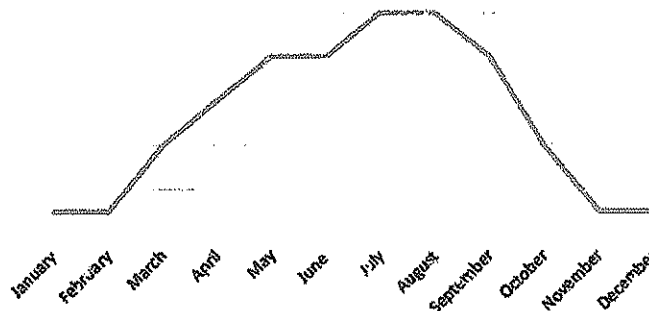
Taking all observations into consideration relating to unguided commercial trips, staff believes it is prudent to limit future unguided commercial trips to vessels that meet the definition of "watercraft" under Arizona law. In doing so, trip time for customers will be more reasonable, and requirements for use and availability of PFD's will be clear.

In addition, staff believes that capacity limits should be implemented to control the total number of unguided customers as a percentage of guided customers, as well as establishment of a per day limit for unguided commercial customers.

Seasonal Demands for Commercial Operations - Some of the more technical rapid sections on the Verde River @ Clarkdale make boating during cold weather/cold water months less desirable. As a result, commercial and private boater use of the river, while permitted year-round, is expected to be very limited during the months of January, February, November and December.

May through September are generally categorized as "peak season" for on-river recreation, with July and August having the highest volumes of visitors.

The chart at right is a depiction of the annual trends for on-river recreation.



9 RECOMMENDATIONS FOR COMMERCIAL RIVER RUNNER CAPACITY

In evaluating appropriate capacities for the Verde River @ Clarkdale, Clarkdale Town Staff took the following into consideration:

- Consultation with outfitter permit managers on other public lands in the Verde Valley;
- Review of the management standards for recreational activity in the Comprehensive River Management Plan (CRMP) for the Verde Wild and Scenic River;
- Review of the U.S. Forest Service recreation and wilderness experience criteria that can be appropriately expected on the Verde River @ Clarkdale;
- Social encounter levels for paddlers as they float the 3.0 miles between the two river access points on the Verde River @ Clarkdale; and,
- The characteristics of this section of river, including the need for boaters to portage at the Brewer's Tunnel Diversion Dam, and the safety practices used that require boaters to

congregate in groups in the large pools that precede significant rapid sections (allowing boaters to proceed single-file and with appropriate spacing between boaters through more technical sections).

- Input from the Clarkdale Town Council, Clarkdale Parks and Recreation Commission and the public during a December 16, 2014 public meeting.

Clarkdale Town staff recommends that the following commercial river outfitter capacities be set for the Verde River @ Clarkdale for the 2015 calendar year:

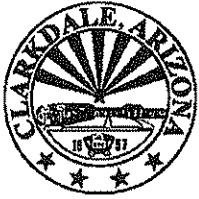
- Maximum capacity of 9,200 commercial customers during the 2015 season, allocated as follows:
 - 7,820 commercial recreational (maximum)
 - 1,380 commercial interpretive/educational (minimum)
- Maximum guided trip size of sixteen (16) people per trip, including trip guides.
- Maximum of up to thirty-six (36) unguided commercial recreational customers (in a vessel that meets the Arizona definition of a watercraft) per day.
- Maximum of 20% of the total commercial recreational capacity may be allocated for unguided commercial recreational customers.

Taken at potential maximum levels, the commercial recreational capacities would increase from 6,367 in 2014 to 7,820 in 2015.

During the 180 days of the peak boating season (April 1 – Sept. 30...when 85% of the commercial activity took place in 2014), these capacities would result in approximately 8 more commercial recreational customers per day on the river than we experienced in 2014 (we averaged 36 commercial recreational customers per day in the peak season in 2014 and would average 44 commercial recreational customers per day under the recommended capacity).

Our recommendations are designed to put a strong emphasis on creating capacity in our system for additional interpretive/educational tours. While only 2.11% of the commercial activity on the Verde River @ Clarkdale was the result of interpretive tours in 2014, an increase in that percentage would be in keeping with the principles of the Verde River @ Clarkdale project. A minimum of 15% of the commercial capacity in 2015 will be available for interpretive/educational tours, and if there is unused capacity for the commercial recreational tours, the capacity available for interpretive/educational tours will increase. We understand that some of the capacity designated for interpretive/educational tours may go unused during the year, but feel it is important to reserve this capacity early in our process and work with outfitters to grow the demand for these important types of tours each year.

The capacity recommendations for unguided operations are designed to balance the demand for these activities with the inherent differences between unguided and guided trips (which were articulated in the report) and require that unguided trips be taken in vessels that meet the Arizona definition for “watercraft”. This will eliminate the use of standard inner tubes and other “water toys” on a commercial basis on this stretch of river. During busy summer weekends, there were often more than 36 unguided customers on the river in 2014. The recommended capacities, and the establishment of a daily capacity, will add a new level of control to that use in 2015.



Staff Report

Agenda Item: **WORKSESSION ON COMMERCIAL OUTFITTER REGULATIONS –**
Discussion of a proposed ordinance that establishes the Town's policies for regulating outfitters that offer commercial outdoor recreation services in the Town of Clarkdale and on lands operated by the Town of Clarkdale.

Staff Contact: Gayle Mabery, Town Manager

Meeting Date: January 13, 2015

Background: With the establishment of the Verde River @ Clarkdale project in 2011, the Town of Clarkdale is receiving increasing levels of interest from commercial outfitters who are interested in operating outdoor recreation services on public lands in the Town of Clarkdale and on lands operated by the Town of Clarkdale. While regulation and permitting of outfitters is nothing new to land management agencies across the state and country, it is a new venture for the Town of Clarkdale.

While the Town Staff is well versed in the administration of various permit and license rulemaking and procedures, the Town of Clarkdale does not have an adopted policy to provide a framework for outfitter permitting at this time. To provide clear authority and guidance in the future, the staff has developed a draft ordinance for the Council's discussion tonight and, ultimately, for future adoption.

While most of the interest we are experiencing is focused on river outfitters at this time, the Town has also received inquiries about other types of outfitting services (for example: guided hikes, guided bird watching, and guided horseback tours). The ordinance has been drafted to apply to all types of outdoor recreation outfitting. Special details that are specific to a given type of outfitting activity would be included as part of the administrative rulemaking, and included in the Commercial Outfitter Permit for that particular activity.

For instance, Section 8-7-4 deals with Fees, Terms and Capacities. It acknowledges that the Council may set annual and/or seasonal capacity or volume limitations for certain activities. In cases where capacities are set, like the river capacities currently under discussion by the Council, the staff would reflect the adopted capacities in the permits that are issued. This is a good example of the Council setting the policy (i.e. adopting a capacity limit) and the Staff administering that policy through the administrative permit process.

The ordinance provisions are drafted to provide the level of guidance necessary to establish appropriate policy level decisions, and leave flexibility for appropriate administration of those policies by the staff. The inherent differences and need for specific types of regulation for each type of outfitting operation would be captured in the Commercial Outfitter Permits for that particular type of activity.



Staff Report

For instance, if we were issuing a Commercial Outfitter Permit for a guided hiking activity that crossed into an area with a special resource designation or specially protected area, the Permit criteria would include regulations to address those specifics. There is no need, nor is it practical to assume, that we could include every type of regulation needed in the body of the ordinance. The goal is to draft an ordinance that lays the solid policy foundation for adoption by the Council, and then have the staff perform the administrative rulemaking and implementation of the policies.

This item is scheduled for discussion only on tonight's agenda. The Clarkdale Parks and Recreation Commission will review the draft ordinance at their meeting on January 14, 2015, and make a recommendation to the Council relating to the ordinance. We expect to bring the ordinance before the Council for action at the January 27, 2015 Council meeting.

Recommendation: This item is for discussion and direction to staff. No formal action is required.

Article 8-7 Commercial Outfitters

Article 8-7 Commercial Outfitters

Section 8-7-1 Purpose and Intent

Section 8-7-2 Definitions

Section 8-7-3 Establishment of Rules; License and Permits Required

Section 8-7-4 Fees and Terms

Section 8-7-5 Exemptions

Section 8-7-6 Minimum Qualifications and Conditions for Issuance of a Commercial Outfitter Permits

Section 8-7-7 Skill Instructors, Guides, Trip Leaders, and Guide Instructors

Section 8-7-8 Prohibited Operations

Section 8-7-9 Enforcement

Section 8-7-10 Denial, Suspension or Revocation of Permit – Disciplinary Actions

Section 8-7-1 Purpose and Intent

The Town Council declares that it is the policy of the Town to promote and encourage residents and nonresidents alike to participate in outdoor recreation in this community. The purpose of these regulations is to provide specific prohibitions, requirements, provisions, limitations, restrictions and conditions for approval for commercial outfitters; to safeguard the health, safety, and welfare of participating residents and nonresidents; and, to ensure appropriate compensation for commercial use of our public lands. It is the Town's policy to license and regulate those persons who operate as Commercial Outfitters, providing commercial outdoor recreation services in the Town of Clarkdale and on lands operated by the Town of Clarkdale.

Section 8-7-2 Definitions

As used in this article, unless the context otherwise requires:

(1) "Advertise" or "advertisement" means any message in any printed materials or electronic media used in the marketing and messaging of outfitter operations.

(2) "Commercial Outfitter" or "Outfitter" means any person advertising to provide or providing outdoor recreation services in the nature of facilities, guide services, or transportation for the purpose of outdoor recreation; except that "commercial outfitter" or "outfitter" does not include any person whose only service is providing motor vehicles, vessels, and other equipment for rent, any person whose only service is providing instruction in outdoor recreation skills, or any person who is providing outdoor recreation services exclusively for family or friends.

(3) "Commercial Outfitter Permit" means a permit issued by the Town of Clarkdale to any person advertising to provide or providing outdoor recreation services in the nature of facilities, guide services, providing instruction in outdoor recreation skills, or providing transportation for the purpose of outdoor recreation on public lands owned or operated by the Town of Clarkdale.

(4) "Guide" means any individual, including but not limited to subcontractors, employed for compensation by any outfitter for the purpose of providing assistance on regulated trips.

(5) "Guide instructor" means any qualified guide whose job responsibilities include the training of guides.

(6) "Peace officer" means any town, city, county and state law enforcement officer certified by the Arizona Peace Officers Standards and Training Board.

(7) "Person" means any individual, sole proprietorship, partnership, corporation, nonprofit corporation or organization, limited liability company, firm, association, or other legal entity either located within or outside of this state.

(8) "Regulated trip" means any trip for which outdoor recreation services are provided which has been the subject of an advertisement or for which a fee has been charged regardless of whether such fee is:

- a. Charged exclusively for the trip or as part of a packaged trip, recreational excursion, or camp; or,
- b. Calculated to monetarily profit the outfitter or is calculated merely to offset some or all of the actual costs of the trip.

"Regulated trip" does not include a trip in which a person is providing outdoor recreation services exclusively for family or friends as part of a social gathering of such family or friends.

(9) "Trip leader" means any guide whose job responsibilities include being placed in charge of a Regulated Trip.

(10) "Skill Instructor" means any person who is providing instruction in outdoor recreation skills.

(11) "Vessel" means every description of watercraft used or capable of being used as a means of transportation of persons and property on the water, other than single-chambered air-inflated devices or seaplanes.

(12) "Watercraft" means any boat designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on water, or as may be defined by rule of the Arizona Game and Fish Commission, in compliance with A.R.S. 5-301.21

Section 8-7-3 Establishment of Rules; Licenses and Permits Required

- A. The Town Manager, or designee, shall promulgate rules to govern the permitting of commercial outfitters, to regulate commercial outfitters, skill instructors, guides, trip leaders, and guide instructors, and to ensure the safety of associated outdoor recreation activities.
- B. The Town Manager may grant variances from adopted rules to any outfitter, on a case-by-case basis, if the Town Manager determines that the health, safety, and welfare of the general public will not be endangered by the issuance of such variance. Any such variance must be issued in writing, with reasons for said variance listed, and be signed and dated by the Town Manager.
- C. No person shall act in the capacity of a paid Commercial Outfitter or advertise or represent himself or herself as an outfitter in this Town without first obtaining a license as required in Section 8-3-1 of the Clarkdale Town Code and a valid Arizona Transaction Privilege Tax License.
- D. For purposes of appropriately filing Arizona Transaction Privilege Taxes, the outfitter shall ensure that Regulated Trips under any Commercial Outfitter Permit issued by the Town of Clarkdale either begin in the Town of Clarkdale or take place entirely in the Town of Clarkdale.
- E. Commercial outfitters desiring to operate on public lands owned or operated by the Town of Clarkdale must first obtain a Commercial Outfitter Permit in accordance with rules prescribed by the Town Manager, or designee.
- F. An applicant for a Commercial Outfitter Permit shall meet the minimum qualifications established by the Town of Clarkdale and shall apply on a form prescribed by the Town Manager, or designee.
- G. Every Commercial Outfitter Permit shall, at all times, be conspicuously displayed as set forth in the permit.
- H. A Commercial Outfitter found guilty of violating or failing to comply with the requirements of this section or any stipulations of the Commercial Outfitter Permit, shall be guilty of a Class 2 Misdemeanor offense, plus applicable surcharges. Said violation may result in revocation of the permit, as outlined in Section 8-7-10.

Section 8-7-4 Fees, Terms and Capacities

- A. All applicants for Commercial Outfitter Permits shall pay permit fees in an amount determined by resolution of the Clarkdale Town Council, and on the schedule as outlined in the Commercial Outfitter Permit.
- B. Permit terms shall not exceed five years. The Town Manager may offer licenses that differ in the length of their terms and may stagger the length of license terms.
- C. All Commercial Outfitter Permits are subject to annual and/or seasonal capacity or volume limitations which may be set from time to time by the Clarkdale Town Council. The Town Manager may approve Commercial Outfitter Permits and Special Event Permits that differ in capacity and volume, up to the amounts identified in any annual and/or seasonal capacity or volume limitations as set by the Clarkdale Town Council.

Section 8-7-5 Exemptions

Any person whose only service is providing motor vehicles, vessels, and other equipment for rent, any person whose only service is providing instruction in outdoor recreation skills on lands not owned or operated by the Town of Clarkdale, or any person who is providing outdoor recreation services exclusively for family or friends is exempt from the requirement to secure a Commercial Outfitter License from the Town of Clarkdale.

Section 8-7-6 Minimum Qualifications and Conditions for Issuance of a Commercial Outfitter Permit

- A. A Commercial Outfitter's Permit may be granted to any outfitter, either within or without this state, meeting the following minimum qualifications and conditions:
 - 1. The outfitter, if a corporation, shall be incorporated pursuant to the laws of this state, or is duly qualified to do business in this state, and must be properly licensed to do business in the Town of Clarkdale.
 - 2. The outfitter shall submit the required evidence of indemnification and insurance in the minimum amount prescribed in the Commercial Outfitter Permit.
 - 3. The outfitter shall meet the safety standards and other permit conditions as established by the Town.
 - 4. Outfitters operating on rivers must ensure that all vessels used for Regulated Trips meet the Arizona Game and Fish Department's definition of a watercraft.

Section 8-7-7 Skill Instructors, Guides, Trip Leaders, and Guide Instructors

- A. Individuals providing the services of skill instructors, guides, trip leaders, or guide instructors shall meet the minimum qualifications for such positions as outlined in the Commercial Outfitter Permit.
- B. All Commercial Outfitters who employ or contract with skill instructors, guides, trip leaders, or guide instructors shall employ or contract only with such individuals who meet the minimum qualifications as detailed in the Commercial Outfitter License.

Section 8-7-8 Prohibited Operations

- A. It is unlawful for any outfitter, skill instructor, guide, trip leader, or guide instructor to:
1. Violate the safety, safety equipment, and prohibited acts provisions outlined in the Commercial Outfitter Permit.
 2. Operate in a careless or imprudent manner without due regard for existing conditions or other attending circumstances, or in such a manner as to endanger any person, property, or wildlife.
 3. Operate with wanton or willful disregard for the safety of persons or property.
 4. Operate or maintain physical control of, or allow any other person to operate or maintain physical control of, a vessel on a regulated trip if such outfitter, guide, or person is under the influence of alcohol or any controlled substance or any combination thereof.
 5. Violate any provisions as outlined in the Commercial Outfitter Permit.

Section 8-7-9 Enforcement

- A. Any Peace Officer, Code Enforcement Officer or other duly authorized agent of the Town of Clarkdale who observes a violation of this article is empowered to enforce the provisions of this article and, in the exercise of such authority, is authorized to stop and board any vehicle or vessel.
- B. Prior to issuing a citation, the officer, official or agent may, in his discretion, issue a written notice of violation allowing the violator ten (10) days to remedy the violation. If the violation is not remedied in ten (10) days, a citation may be issued.
- C. Nothing in this Section shall require the issuance of a notice of violation prior to the commencement of civil or criminal violation proceedings.

Section 8-7-10 Denial, Suspension or Revocation of Permit – Disciplinary Actions

- A. The Town Manager may deny, suspend, or revoke an Outfitter Permit, place a permitted outfitter on probation, or issue a letter of admonition to a permitted outfitter if the applicant or holder:
1. Uses fraud, misrepresentation, or deceit in applying for or attempting to apply for licensure;
 2. Unlawfully acts as an outfitter if such violation results in a conviction;
 3. Violates any provision of law regulating the practice of outfitting in another jurisdiction if such violation resulted in disciplinary action against the

applicant or holder. Evidence of such disciplinary action shall be prima facie evidence for the possible denial of a permit or other disciplinary action if the violation resulting in the disciplinary action in such other jurisdiction would be grounds for disciplinary action in the Town of Clarkdale.

4. Violates any order of the Town of Clarkdale, any other provision of this article, or any rules promulgated under this article.

5. Does not meet the requirements specified in this Article or the rules promulgated to govern the permitting of commercial outfitters, regulate commercial outfitters, guides, trip leaders, and guide instructors, and to ensure the safety of associated outdoor recreation activities.

B. A Commercial Outfitter whose permit has been denied, suspended, or revoked, or who has been placed on probation or issued a letter of admonition by the Town Manager may appeal that decision to the Common Council of the Town of Clarkdale.