

**2009**

**REPORT OF THE  
RIVER OUTFITTER  
LICENSING PROGRAM**



RIVER OUTFITTER LICENSING PROGRAM 2009  
INTRODUCTION

**MISSION STATEMENT**

The River Outfitter Licensing Program (ROL) was established by the Colorado Legislature in 1984. This program gave responsibility to the Colorado Board of Parks and Outdoor Recreation for enacting rules and regulations necessary to:

- Govern the annual licensing of river outfitters;
- Regulate river outfitters;
- Ensure the safety of associated river running activities; and,
- Carry out the licensing program.

The state statutes pertaining to the licensing of river outfitters may be found in Article 32 of Title 33, Colorado Revised Statutes. The regulations adopted by the Colorado Board of Parks and Outdoor Recreation may be found in chapter 3 – River Outfitters.

A river outfitter is defined in 33-32-102(6), C.R.S. to mean: Any person advertising to provide or providing, river-running services in the nature of facilities, guide services, or transportation for the purpose of river-running; except that “river 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 canoeing or kayaking skills, or any person who is providing river-running services exclusively for family or friends.

All river outfitters operating in Colorado are required to first obtain a river outfitter license from Colorado State Parks.

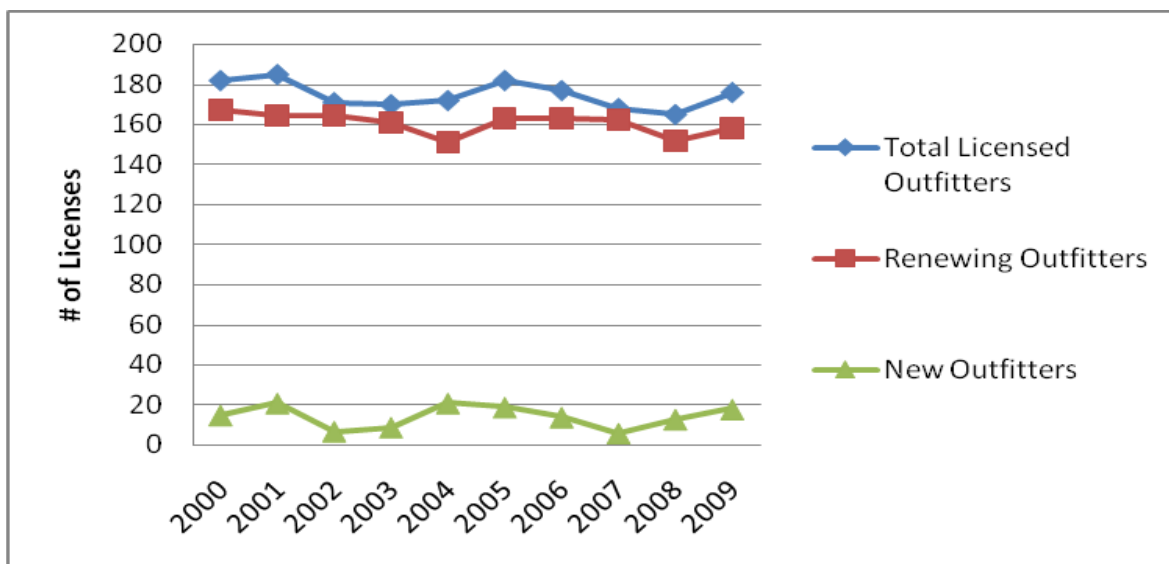
The legislative declaration contained in 33-32-101, C.R.S., states: “It is not the intent of the general assembly to interfere in any way with private land owner rights along rivers or to prevent the owners of whitewater equipment from using said equipment to accommodate friends when no consideration is involved...”

## 2009 RIVER OUTFITTER LICENSING PROGRAM END OF SEASON REPORT

The River Outfitter Licensing (ROL) Program has successfully concluded another season with the support of the ROL River Rangers, Arkansas Headwaters Recreation Area (AHRA) Rangers and Yampa River State Park Rangers. This year the program licensed 176 Outfitters to conduct regulated river trips in Colorado. Of those, 159 were standard licenses and 17 were limited licenses (a limited license costs \$100.00 and is only for companies who put-in in Colorado and the next available take-out is in another state). These were all an increase over 2008, when there were 165 Outfitters licensed. A standard license costs \$400.00 and allows Outfitters to launch and take-out in any legal location within the state. In 2009, there were 158 license renewals and 18 Outfitters who were starting new.

Licenses go on sale on November 1<sup>st</sup> for the coming year. Applicants complete an application and send it along with other supporting documentation to the ROL's office in Littleton. There, the application and supporting documents are reviewed individually and processed. If there are problems that prevent the license from being processed, the applicant is notified as soon as possible. Depending on the number of pending applications and complexity, a license could be issued from 1 day to 3 weeks after receiving the application.

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total Licensed Outfitters	182	185	171	170	172	182	177	168	165	176
Renewing Outfitters	167	164	164	161	151	163	163	162	152	158
New Outfitters	15	21	7	9	21	19	14	6	13	18
Standard Licenses	N/A	N/A	N/A	N/A	157	163	N/A	N/A	152	159
Limited Licenses	N/A	N/A	N/A	N/A	15	19	N/A	N/A	13	17

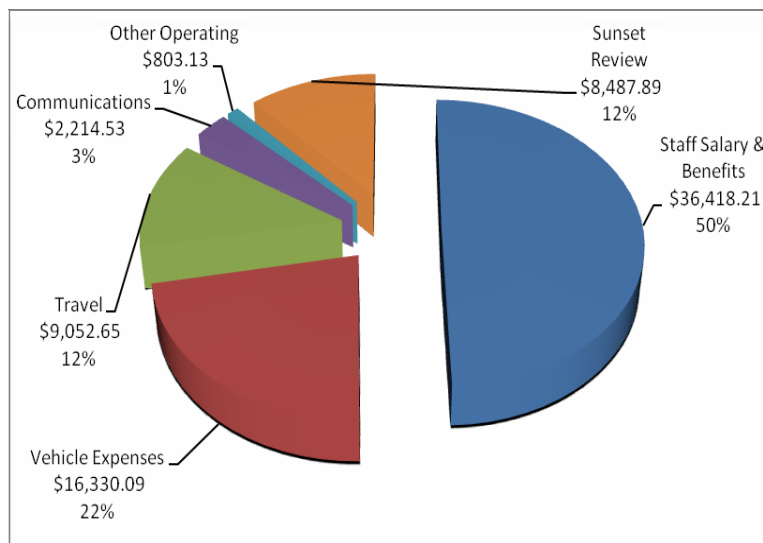


In 2009, the ROL program was allocated a budget of \$74,466.00, which was the sole source of funding for the program. Of that, \$73,306.50 was expended, 96% of which was in 4 categories;

- 50%, or \$36,418.21, for Temporary Work Program (TWP) salary and benefits. This was the hourly pay plus required contributions to PERA retirement and Medicare for 3 temporary Rangers from May until mid-October.
- 22%, or \$16,330.09, for vehicle expenses. The 3 Rangers are provided state vehicles to complete their responsibilities throughout the state. In 2009, over 32,000 miles were driven for these various duties. This amount takes into account the state fleet per mile cost, parking fees and automotive equipment and supplies.
- 12%, or \$9,052.65, for travel expenses. While the Rangers are travelling, they spend their own money for meal, lodging, camping, faxes, copies and other necessities. This expense is to reimburse them for what was spent while conducting state business. It isn't unusual for a Ranger to be in the field/away from home for 4-5 days at a time on patrols, inspections or investigations.
- 12%, or \$8,487.89, for the Legislative Sunset Review. This was an expense directly from the Department of Regulatory Agencies for professional services used during the 2009/2010 Sunset Review of the ROL program.

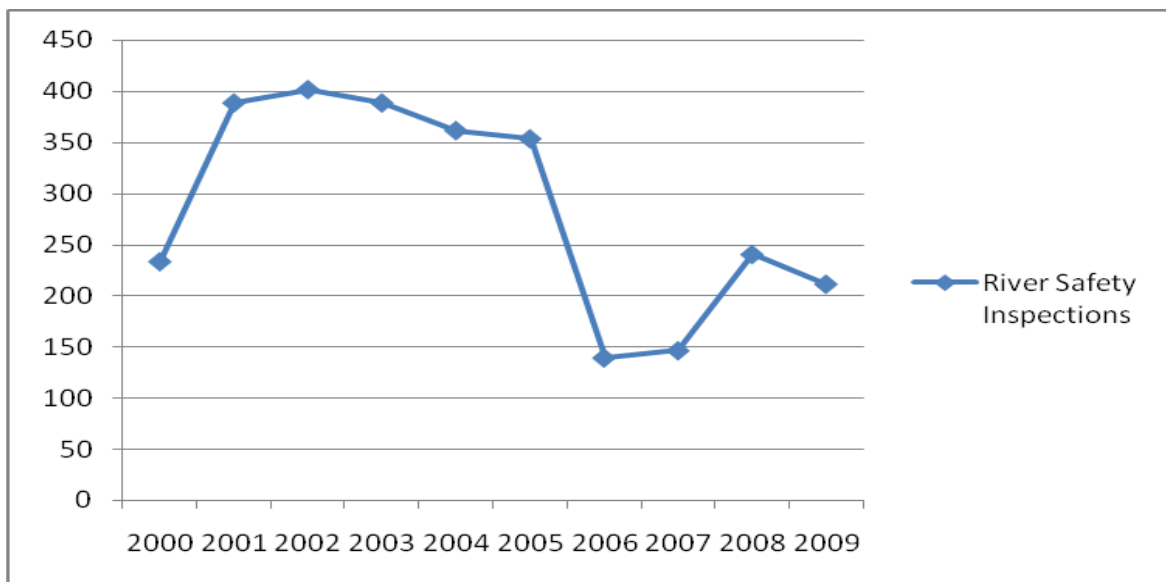
The remaining 4% was used for communications (cell phones and computer air-cards), uniforms and equipment repair or replacement.

	2004	2005	2006	2007	2008	2009
Program Expenditures	\$52,254.96	\$76,065.41	\$55,833.40	\$50,649.22	\$75,852.91	\$73,306.50



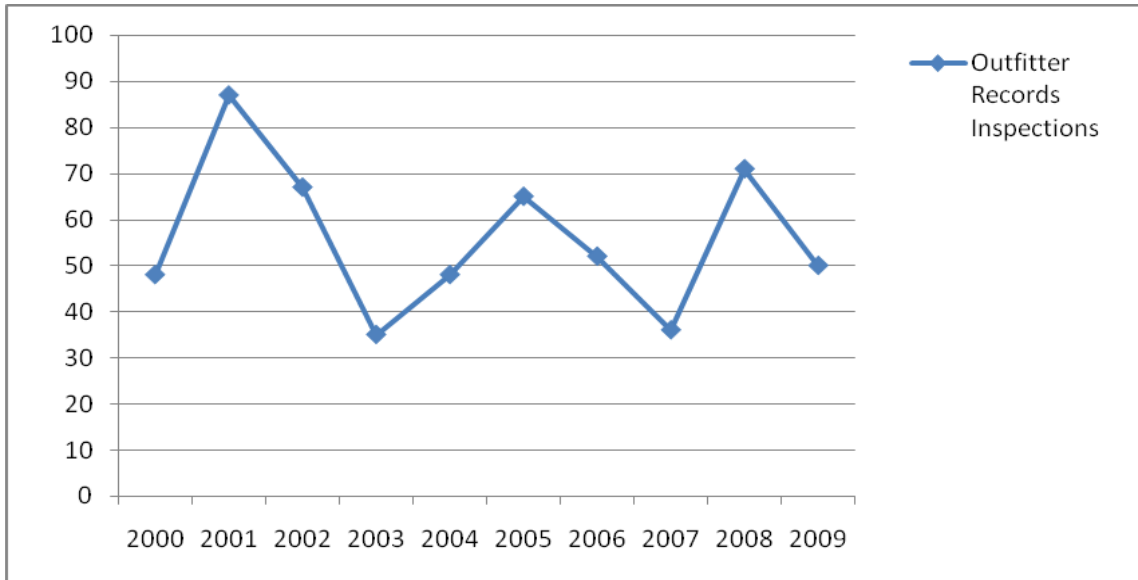
This year, Rangers completed 156 documented River Safety Inspections (RSI), down from 240 documented in 2008. These inspections are most often completed at various river put-ins and take-outs on nearly all drainages throughout the state. They can also be completed during a river patrol, but are not as common because of the unique logistics associated with it. These inspections are done for a variety of reasons, the biggest of which is to ensure each vessel and/or trip has the required safety equipment. Items such as throw-bags, a well stocked first aid kit, and proper personal flotation devices (PFD) are necessary to make the trip as safe as possible for the customers. Inspections document guides and trip leaders on the river and ensure that the trips are following proper safety procedures. Rangers also monitor for unlicensed activity. Many of the unlicensed outfitter cases made begin as a RSI.

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
River Safety Inspections	233	388	401	388	361	353	139	146	240	211



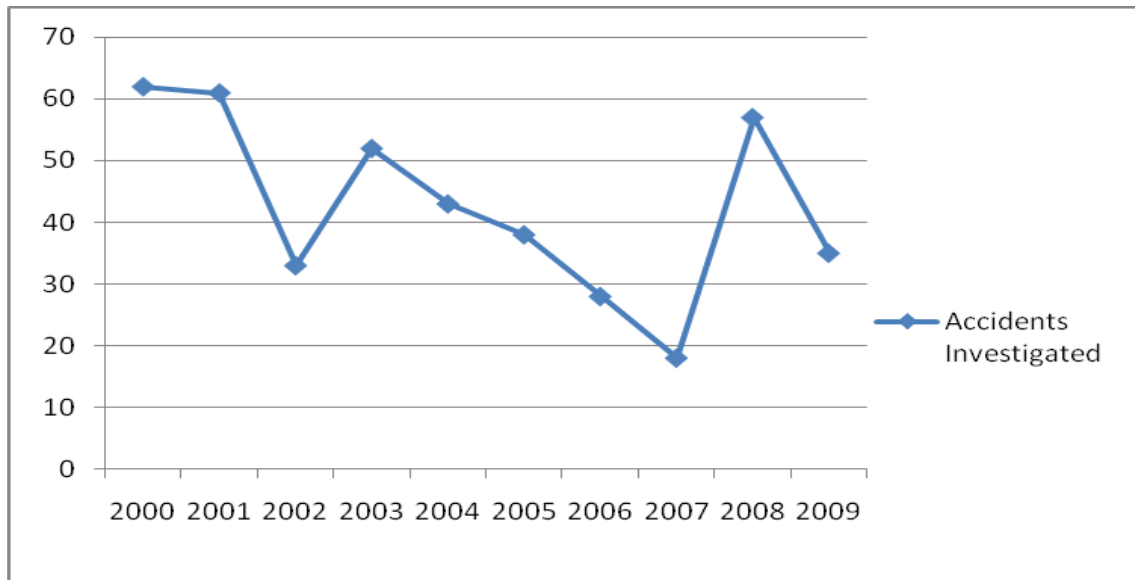
It is the responsibility of the outfitters to ensure that all personnel they use meet the minimum qualifications and experience levels required by the state. These qualifications and experience levels are confirmed periodically by conducting an Outfitter Records Inspection, or ORI. Staff from the ROL program and AHRA completed 46 of these this year, down from 71 in 2008. These inspections review a company’s trip logs and records, ensuring that they meet state standards. These inspections may vary from 2 – 12 hours, depending on the size of the outfitter, number of Rangers involved, and the quality of the outfitter’s records.

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Outfitter Records Inspections	48	87	67	35	48	65	52	36	71	50



In Colorado, a reportable boat accident is one that includes either \$500 of aggregate property damage, an injury requiring a physician’s attention, a death or disappearance indicating death, or any combination thereof. There were 35 of these accidents involving River Outfitters in 2009, all thoroughly investigated by ROL and/or AHRA Rangers. There were 18 accidents on the Arkansas River and 17 accidents on other drainages throughout the state. There were 17 injury accidents resulting in 17 victims on the Arkansas River while there were 16 injury accidents resulting in 16 victims elsewhere in the state. There were 2 accidents that resulted in 2 fatalities, one on the Arkansas River, the other on the Upper Animas. No property damage accidents were reported in 2009. In a welcome relief, all accidents were down from 2008. In 2008, there were 57 accidents; 52 injury accidents with 68 victims and 6 fatal accidents with 6 victims. Both river and lake recreational boating saw a slight increase in number of accidents during the same time frame.

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Accidents Investigated	62	61	33	52	43	38	28	18	57	35



The ROL program received 10 complaints regarding a river outfitter, which was up from 3 in 2008. Complaints included drug use, safety issues, river etiquette and unlicensed activity. Each complaint was thoroughly investigated which resulted in criminal cases, warnings, or dismissal if unfounded. This is an area that has not been documented in the past, but is necessary to observe trends in activity.

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Complaints	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3	10

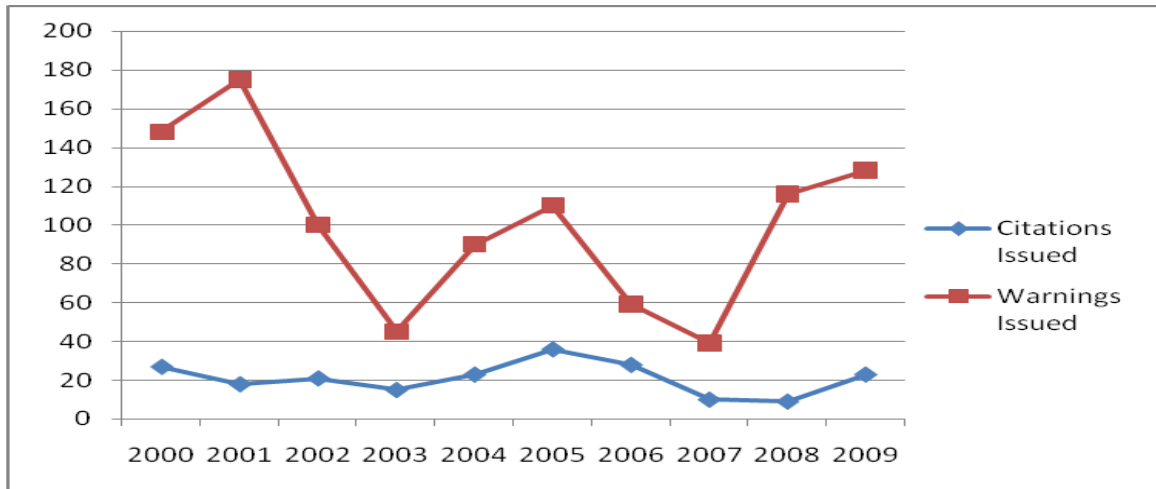
One of the tools that Rangers have available to them is the ability and authority to issue penalty assessments (PA) and summons for offenses. It has long been the position of the program and of Colorado State Parks that issuing a PA or summons is primarily at the discretion of the Ranger (a few violations are mandatory) and should be used when they believe it is necessary and the most efficient way to change the violator’s behavior. PA’s come with a prescribed fine that can be paid through the mail. Summonses require a mandatory appearance in court. Rangers issued 23 citations for 27 violations, which was up from 9 citations in 2008. Two summonses were issued for operating without a valid River Outfitter License, both of which were dropped by district attorneys. One of the companies was later issued a ROL. There were 2 of these summonses issued in 2008 for operating without a ROL.

Regarding River Outfitters, the three most common violations found in 2009 were;

1. Failure to maintain adequate trip leader records.
2. Failure to maintain adequate guide qualification records.
3. Operating a regulated trip without one qualified guide aboard each vessel.

Rangers issued 128 warnings in 2009, up from 116 in 2008. Two license holders were placed on 3 year probation.

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Citations Issued	27	18	21	15	23	36	28	10	9	23
Warnings Issued	27	175	100	45	90	110	59	39	116	128
Letters of Admonition	2	0	0	0	4	0	0	0	0	0
License Probation	5	6	1	1	1	0	0	0	0	1
Cease and Desist Orders	1	0	0	0	0	0	0	0	0	0
License Denial	1	0	0	0	0	0	0	0	0	0



A significant project that ROL staff took up this past year was the ROL Ranger reference manual. This manual ensures the efficient use of Ranger resources and provides continuity in enforcement activities. This is basically a document that all of the Ranger's can use & add to and contains a lot of area specific details to make a patrol trip more effective & efficient. In the future, it will also include GPS mapping of drainages and their features for use in route finding and accident investigation.

The ROL program is engaged in two Memorandums of Understanding (MOU) s between agencies and user groups. Both of these MOU's call for the open exchange of information on a number of different subjects. In addition to many informal phone calls and e-mails, members of the ROL program formally participated in the following events in 2009:

- Presentation at the Bureau of Land Management (BLM) Special Recreation Permitting meeting in January
- Presentation/work group at the Colorado River Outfitters Association (CROA) annual conference in February
- Participation in Colorado Outfitters Association Law Enforcement meeting in March
- Participated in US Forest Service (USFS) permitting meeting in May
- Provided license holders with a season wrap-up/reminder e-mail/letter in October
- Provided MOU member agencies a list of violations in November
- Participated in a Sunset meeting with CROA representatives in December



While we've come a long way, we still have plenty of room for improvement. An issue that began in 2008 and increased in 2009 is unintentionally "doubling up" ORI's on companies. Other agencies have adopted our paperwork and will conduct an ORI pursuant to their permitting requirements. On a number of occasions, ROL staff has contacted an Outfitter to schedule an ORI and learn that another agency conducted one just a few days before. Ways to address this problem are being developed and should be implemented for the 2010 season.

A major administrative project for 2009 was going through the Legislative Sunset Review process of the program. All regulatory programs in the state are periodically reviewed by staff at the Department of Regulatory Agencies – Office of Policy, Research and Regulatory Reform. This is primarily done to end, or sunset, unneeded programs, but is also used as a means for the program to be independently evaluated to determine if any changes are necessary. The last review of the ROL program was done in 2003. We first met with the reviewer in October of 2008 and learned what was going to be done and the process to do it. After months of research, interviews, observations, and surveys, the final report was made public in October 2009. It's available at <http://www.dora.state.co.us/opr/oprpublications.htm#SS>. The report contains six recommendations from the reviewer:

1. Continue the River Outfitter License program for nine years, until 2019.
2. Establish a separate Drift-Float Guide category and qualification guidelines. Due to shorter trips, it tends to be more difficult for guides of drift fishing trips to accumulate the mileage/experience to be a trip leader. This was meant to address that.
3. Required all guides, trip leaders and guide instructor be trained in CPR. Currently it's required in rule but not statute.
4. Repeal the guide qualification exemption for higher education faculty members. In statute it states that higher education faculty members do not need to meet minimum guide qualifications. This will remove that exemption.
5. Redefine "advertising" to include all printed materials and electronic media. This is meant to address current electronic marketing media.
6. Amend sections to make language consistent. This will be done in hopes of eliminating confusion between 2 sections of the statute.

Currently we are working with user groups and other agencies, preparing for this to go to the Colorado Legislature in the 2010 session.

At the end of each season, the ROL Rangers are encouraged to be candid about the season and give some feedback as to what worked and what could be done differently. All of their suggestions were reviewed and taken into consideration. The following are ranger recommendations and our responses.

- "We started in early May so that we could get Ranger and swiftwater training done before the rivers and visitors were at their peak. Starting early also helps

because it allows for contact of guide training trips, literally a boat load of guides. Contacting them early and explaining the process seems to be received well when they don't have clients." *Response* -We'll be starting staff at about the same time so long as the resources are there.

- "Our inability to travel into other states to conduct ORI's, most notably Utah, and lack of enforcement has left some Colorado companies upset. They feel that the guides from those companies do not meet the same qualifications as Colorado guides and are unfairly being held to a separate level." *Response* – The ROL program manager is meeting with a representative from Utah State Parks, boating program in January 2010 to discuss the possibility of reciprocity on this issue. We're also considering requiring Limited License holders to send in all guide qualifications to be reviewed in Colorado.
- "The ROL Rangers all use much of their personal equipment, be it for the water or camping, while performing their duties. During the course of the summer, there's wear and tear if not complete destruction on that gear. This can be very expensive for a temporary worker to replace, since it tends to be specialized." *Response* - The program will continue to purchase new and replacement equipment as possible for staff to use seasonally. We're also considering providing an allowance for personal perishable equipment, i.e. water shoes, etc. If the gear is still usable at the end of the season, it would be available for staff the following year.
- "While conducting river patrols, ROL Rangers will not float alone. Sometimes they will float with a commercial trip to provide mutual support. In these cases, shuttling back to the vehicle can be difficult. At times it requires nothing short of hitch hiking back in a commercial shuttle bus. Many Rangers bring their bikes to help, but many times it's a difficult ride and a very inefficient way to conduct a patrol." *Response* – We're considering small, street legal dirt bikes with a trailer hitch mount as an alternative. It does have large impacts on budget and training, so the outcome has yet to be determined.
- "Currently, the records for Outfitters, ORI's and RSI's are maintained in a Microsoft Access database on a State Parks network drive. To use it, Rangers must use their computers to access it through the internet, using an aircard. On a network drive that has as much activity as that one, it is incredibly slow. For example, it's 1.5 hours for 1 simple report to load. It is also notorious for losing information and simply not working properly. It's become such a hassle; staff doesn't use it even though they need the information on it." *Response* - In November 2009, the ROL program manager provided a write-up of a web based database, similar to others we use within State Parks, to IT staff. We haven't been told what it would include, but I believe the cost of the project may prohibit it from moving forward. If it isn't an option, we intend to experiment with alternative ways to access the current system and step up user training.
- "While working on the reference list project, the staff realized that the available GPS's were difficult to use and learn." *Response* - The ROL program manager is going to involve staff from the Natural Areas Program who are more familiar with GPS technology to provide specialized training to ROL staff next spring.

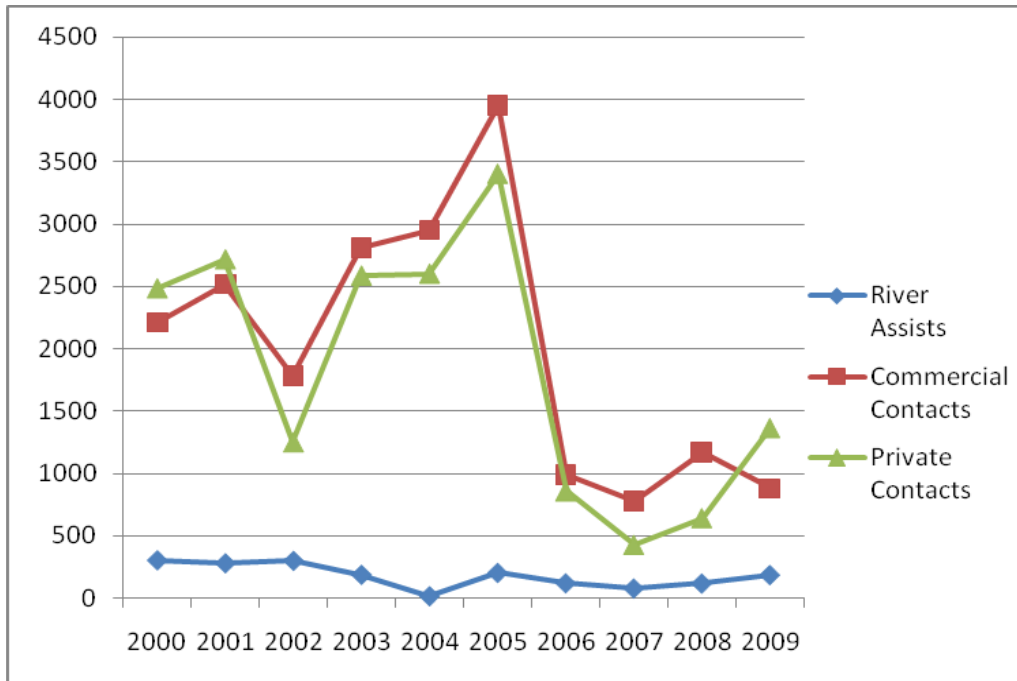
- Staff asked for a contact list of agencies and field offices that have river safety responsibilities, including land managers, sheriff’s offices, search and rescue organizations, etc. This is a project that should be complete by summer 2010.

The ROL Rangers in 2009 have been tremendous. Their passion for the job and its mission is evident with every professional contact that they make. The ROL program manager received no complaints and several compliments on the staff this year. Other areas they’ve provided assistance at included:

- Safety at the Gore Canyon Race
- Safety at an event on Tenmile Creek
- Safety at the FIBARK Pine Creek Race
- Assistance upon request at AHRA
- Assistance at the river clean-up day on the upper Colorado

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
River Assists	27	277	296	185	15	200	118	77	116	183
Commercial Contacts	27	2,517	1,787	2,808	2,950	3,950	993	780	1,170	884
Private Contacts	27	2,714	1,247	2,584	2,600	3,400	855	425	640	1,362

\*Contains only ROL Program Stats, no numbers received from AHRA or Yampa River State Parks



The program took on a new look this fall with the design of the first ROL program logo. This logo was designed by Colorado State Parks Creative Services program and was originally for outfitters who wanted to market that their company met state qualifications but were unable to post the State Parks logo due to permitting requirements. The logo is now being integrated into all of the ROL paperwork. Creative Services also designed a

new layout of the license and minimum guide qualification form, both of which are in use now. We are going to try and implement new formats of the boat accident report form and the on-river log form by April 2010. While the formats are being upgraded, we're also trying to make them digital forms, giving the user the choice of continuing to hand write everything or typing and only needing to sign. I attempted this on the 2010 license application with limited success. Ultimately, the goal is to make the system as paperless as possible.

In closing, we'd like to stress how much this program accomplishes with so little. The ROL operates with a staff of 4 and a \$75,000 budget. According to CROA, in 2008 there were over 507,000 commercial users of Colorado Rivers and streams that had an economic impact of \$144,325,828. While the numbers for 2009 will probably be slightly less due to the declining economy, lower snowpack and early run off, the safety of these 507,000 people lies directly with the quality of Outfitters this state has to offer, staff from managing agencies, and the River Outfitter Licensing Program.