



SAN ANTONIO RIVER AUTHORITY

Leaders in Watershed Solutions

Concessions Permit for Commercial Watercraft Rentals and Guide Services on the San Antonio River

Area of Operations

This document covers approximately ten miles of the San Antonio River (RIVER) with Nueva Street serving as the northern boundary and the southern boundary being approximately 700 yards south of Camino Couhilateca, which equates to the southern boundary of the Mission Reach Ecosystem Restoration and Recreation Project.

The San Antonio River Authority (SARA) operates and maintains (including concessionaire operations) over nine miles of the section of RIVER covered within this document from S. Alamo Street to the southern boundary of the Mission Reach.

SARA and The City of San Antonio (COSA) regularly coordinate operations, maintenance and policy decisions along the section of RIVER covered within this document with Bexar County (BC), the National Parks Service (NPS) and other stakeholder groups such as the San Antonio River Oversight Committee and its sub-committees.

Duration of Permit

The permit is valid from The January 1, 2017 to December 31, 2017.

Permit Holders can elect to automatically renew their permit at their current location for one additional year (total of 2 years under the same permit) if they make their request in writing to SARA before November 1st, 2017. This renewal will require payment of a permit fee for second year of the permit at the time the request is made. After 2 years, the vendor must reapply for their permit through the normal application process.

Permit Fee

The fee for a permit to operate a commercial watercraft service on the RIVER is a non-refundable \$250 per permit period.

Permit Application/Renewal

Permits must be applied for between November 1st and November 30th of every year. Each application must represent a unique applicant that meets all of the qualifications for the permit independent of other applicants. Each applicant may only apply for a single permit each year.

For this first permit period, Vendors will have from June 1st - June 30st to submit their completed application.

Permit Application/Renewal

On July 8th, 2015 at 6pm all qualified applicants will be included in a lottery drawing for the available vending locations.

The lottery will be administered through the following process.

- All present applicants will draw a piece of paper from a drum, if an applicant is not present then one will be drawn for them by a SARA representative.
- All numbers will be recorded along with the name of the applicant who drew it.
- The numbers associated with the applicants will be put back in the drum and then drawn at random by a SARA representative with the first applicant selected choosing their location, the second selected applicant choosing from the remaining 3 locations, the third selected applicant choosing from the remaining 2 locations, and the 4th applicant taking the final location. There will also be up to 4 alternates drawn (if there are that many applicants) in case an applicant that was awarded a spot is unable to provide the proper documentation or payment by the due date.
- If an applicant is not present and their number is drawn, they will get the remaining site after the other selected applicants have chosen theirs. If there are multiple selected applicants who are not present they will be assigned sites in a North to South order with the first applicant selected getting the northernmost available location.

The applicants who receive vending locations in the lottery must make payment by check during business hours for the assigned paddling location permit by no later than 5:00 p.m. on July 24th, 2015. Failure to submit the permit fee before the deadline will result in loss of the vending location and a transfer to the next available alternate.

Reporting

Quarterly reports on the number of participants, the type of use, and the location of use will be due to SARA no later than 15 days after the end of each quarter. Quarter one is from January 1 to March 31, and quarterly reports will be due by April 15. Quarter two is from April 1 to June 30, and quarterly reports will be due by July 15. Quarter 3 is from July 1 to September 30, and quarterly reports will be due by October 15. Quarter four is from October 1 to December 31, and quarterly reports will be due by January 15. This report should be submitted either in hardcopy or digitally in a .pdf or Microsoft Office compatible format.

Insurance Requirements

Permit Holders are required to carry commercial liability insurance with SARA, COSA, and BC listed as additional insured with limits no less than \$2,000,000 in aggregate and \$1,000,000 per occurrence. If customers are going to be transported by the Permit Holder, the Permit Holder must also show proof of automotive liability coverage greater than \$500,000 Combined Single Limit.

License and Certification

Permit Holders must have one individual on staff with proof of the following certifications at the time of permit application and throughout the duration of the assigned permit:

All-Water Paddlecraft guide license from Texas Parks and Wildlife Department (TPWD).

Or a combination of the following:

TPWD Boater Safety course (required)

AND

At least one of the following:

American Canoe Association River Canoe Day Trip Leading

American Canoe Association Coastal Kayak Day Trip Leading

American Canoe Association River Kayak Day Trip Leading

American Canoe Association Level 2: Essentials of Stand Up Paddleboarding

British Canoe Union Four Star Leader Sea Kayak Certification

United States Coast Guard vessel operator's license

All employees, agents, or volunteers who interact with the public onsite must also have a CPR and First Aid certification from the American Red Cross, American Heart Association, or other certifying body.

Food and Drink Vending

The Permit Holder may sell prepackaged food and drinks from their assigned paddling concessionaire location given that they provide the following documentation:

- Copy of their Current Mobile Vending Permit issued by the Metropolitan Health District with current background screening.
- Valid TX Driver's License in the name of the person approved for mobile vending.
- Copy of the Permit Holder's Texas Sales and Use Tax Permit issued by the Texas Comptroller's Office.
- Evidence of Insurance in the Permit Holder's name for the vehicle approved for the mobile vending permit.

Safety Equipment

Permit Holders will provide, instruct in the appropriate use, and require that their customers wear a properly fitting lifejacket in their vessel at all times. Permit holders will also provide contact information

for both themselves and local emergency personnel to all customers. The appropriate emergency numbers are:

- Parks Police Emergency Dispatch: 911
- Parks Police Non-Emergency: 210-207-8590

Specific and Exclusive locations for rentals

Permit Holders will receive access to operate from an exclusive area of a parking lot along the RIVER. At these locations, vendors will be able to use a maximum of 2 parking spaces. Under no condition can Permit Holders use park water or electrical amenities for their vending operations. The four locations from north to south are Roosevelt Park, the parking lot north of VFW Blvd., Padre Park, and Espada Park. Please see Appendix A for more details.

On Site Marketing

Up to two thin, temporary signs (no larger than 18" x 24" real estate or political yard signs with wire stands) or similar sized sandwich boards may be used to advertise the Permit Holder's rental location/rates. These signs must only be on site when the rentals are available and must be located within 30 feet of the rental location. These signs cannot obstruct traffic either on the trail or on the roads/parking areas or contain any foul or offensive material.

Special Events

Permit Holders may request in writing to provide services for special events (e.g. large paddling races, multi-sport events, fundraisers, etc.) along the RIVER that fall under the rules and regulations found on SARA's website at: www.sara-tx.org/parks_and_trails/reservations/rules_and_regulations/index.php?type=event.

Permission to operate outside of the provisions of this document in coordination with a large scale event will be considered on an individual basis and administered by SARA and require a separate permit.

Guided Tours/ Shuttle Services/ Alternate Access site Operations

Permit Holders can use Alternate sites within the boundaries of the river designated in this document in addition to the one they are assigned to under the following conditions:

- No marketing, or sales can happen at an alternate site
- No loitering may be performed at an alternate site, Vendors have 30 minutes before a scheduled group to deliver equipment and must vacate the area 30 minutes after a scheduled group
- No equipment can be left at an alternate site, nor are there any allowances for parking.
- If the desired site is utilized by another Vendor, that Vendor with the permit for that site must give permission in writing for it to be used temporarily by another Vendor.

Abuse of alternate sites to infringe on locations that are assigned to another Permit Holder will result in revocation of the offending Holder's permit.

Boat Inspection and Maintenance

For the safety of customers, equipment provided by the Permit Holder must be inspected after each use. Equipment with visible damage must be repaired or replaced before it is provided to another customer.

To prevent the spread of Zebra Mussels and other noxious wildlife, Permit Holders agree to follow these best practices as far as cleaning their equipment in between uses:

- Cleaning their boats of plants, animals and foreign objects.
- Drain all water from boats including storage areas, bait buckets, bilges and other areas that can store water before leaving the premises.
- If moving vessels between different bodies of water:
 - Dry boats and trailers for a week or more.
 - If unable to dry for at least a week, washing with a high pressure washer and hot (140 degree plus) soapy water
 - Areas that cannot be washed with hot soapy water can be a 1 part bleach to 10 parts water solution
- Applying approved anti-foulants that prevent Zebra Mussel attachment is recommended.

Usage Regulations

The following rules apply to Permit Holders and all RIVER users. Violations are subject to citation by San Antonio Parks Police. Assigned Permit Holders are required to inform their customers of these regulations and are encouraged to report violations they see to the San Antonio Parks Police:

- The operating hours for the RIVER south of the pedestrian bridge at Eagleland Drive are from sunrise to sunset. All customers must be off the river early enough that they can leave the site (hike and bike trails) before sunset.
- Vehicle access at Camino Coahuilteca closes at 5:00 p.m. daily. If Permit Holders are using this location, they will need to clear the area before 5:00 p.m.
- Permit holders are required to provide all of their clients with a properly fitting personal floatation device as well as instructions for it's use.
- State Law requires that all paddlers under the age of 13 be wearing a properly fitting personal floatation device while participating in a paddling activity.
- This permit authorizes the use of two parking spots by the Permit Holder for operation of their business.
- Motor vehicles and trailers are allowed in designated parking areas only and must be parked within the designated parking spaces, not perpendicular or at an irregular angle that limits the use of adjacent parking spots.
- Hike and Bike Trails must be kept free of vessels, equipment, and other objects that might impede the passage of other recreational users.
- No alcohol or glass containers are allowed.
- Feeding wildlife is prohibited, as it leads to unhealthy populations of wildlife along and in the river that harm the natural ecosystem.
- Swimming, bathing, wading or any other water contact activities are not allowed per San Antonio Code of Ordinances, Ch. 22, Art. V, Sec. 22-87(a).
- Only non-motorized watercrafts are allowed to operate on the RIVER.
- No inflatable watercrafts are allowed on the RIVER.

- Blue buoys located upstream of grade and flood control structures (dams) are the boundary of where paddlers are allowed to be on the water. To continue paddling, users will have to exit the river and portage around these obstacles.
- Trash should be properly disposed of in trash receptacles on land. Proper recycling is also encouraged.
- Permit Holders are solely responsible for the safety of their participants and should not operate under adverse conditions determined by the weather forecast, flow conditions or other site maintenance issues that may arise.
- Permit Holders should notify SARA if they see any maintenance issue that adversely affects the safety of recreational users.
- Permits are non-transferrable. If a Permit Holder wants to cease their operation, their permit can be returned to SARA.

Termination

This permit may be terminated by SARA upon thirty (30) days' written notice should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating the termination, and may be terminated with or without cause upon sixty (60) days' written notice.

This permit may be terminated by SARA immediately upon written notice if the paddling concession Permit Holder fails to abide by and perform the public safety measures identified within this permit.

Indemnity

THE PERMIT HOLDER COVENANTS AND AGREES TO FULLY INDEMNIFY, DEFEND, AND HOLD HARMLESS, SARA, CITY OF SAN ANTONIO, AND BEXAR COUNTY, THEIR BOARDS OF DIRECTORS, OFFICIALS, EMPLOYEES, AND AGENTS (COLLECTIVELY REFERED TO AS THE "INDEMNIFIED PARTIES") INDIVIDUALLY AND COLLECTIVELY, FROM AND AGAINST ANY AND ALL COSTS, CLAIMS, LIENS, DAMAGES, LOSSES, EXPENSES, FEES, FINES, PENALTIES, PROCEEDINGS, ACTIONS, DEMANDS, CAUSES OF ACTION, LIABILITY, AND SUITS OF ANY KIND OF NATURE, INCLUDING BUT NOT LIMITED TO, PERSONAL OR BODILY INJURY, DEATH, AND PROPERTY DAMAGE, MADE UPON THE INDEMNIFIED PARTIES DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM, OR RELATED TO THE PERMIT AND THE PERMIT HOLDER'S ACTIVITIES UNDER THIS DOCUMENT, INCLUDING ANY ACTS OR OMISSIONS FROM THE PERMIT HOLDER, THE ORGANIZATION AND THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS, AND REPRESENTATIVES WHILE IN THE EXERCISE OF THE RIGHTS OF PERFORMANCE OF THE DUTIES UNDER THIS DOCUMENT.

The provisions of this Indemnification are solely for the benefit of the Parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity. The Permit Holder shall advise Indemnified Parties in writing within 24 hours of any claim or demand against Indemnified Parties or organization known to the Permit Holder related to or arising out of the Permit Holder's activities under this document and shall see to the investigation and defense of such claim or demand at the Permit Holder's cost. Indemnified Parties shall have the right, at their option and at their own expense, to participate in such defense without relieving the Permit Holder of any of its obligations under this paragraph.

Other Governing Rules

All other public use rules and regulations implemented along the RIVER by the COSA must be followed. For a list of the city ordinances, visit <http://library.municode.com/index.aspx?clientId=11508>.

All County, State and Federal laws apply as well.

Responsibility

SARA reserves the right to cancel any permits at any time without refund due to repeated, severe, or intentional violations of the policies set forth in this document.

Permit Holder will use best efforts to stay informed of any large scale events, safety issues, closures and other restrictions that will temporarily affect the ability of the Permit Holder to operate along the River.

SARA is not responsible for delay, interruption, damage or termination of the permit or the Permit Holder as a result of force majeure, which shall mean acts of God, fire or other calamity strikes, lockouts, material or labor restrictions by any governmental authority, civil, riot, floods, and any other cause not reasonably within the control of SARA which by the exercise of due diligence SARA is unable, wholly or in part, to prevent or overcome. In such event, the permit will be cancelled. The Permit Holder waives any claim against SARA for damages by reason of such cancellation.

The termination of the associated permit shall not relieve the Permit Holder from the payment of any sum or sums that shall then be due and payable or become due and payable to SARA, or any claim for damages then or therefore accruing against the Permit Holder, and any such sums or claim for damages by any remedy provided for by law, or from recovering damages plus reasonable attorney's fees from Permit Holder for any default hereunder. All rights, options and remedies of SARA contained in this document and associated permit shall be cumulative of the other, and SARA shall have the right to pursue any one or all of such remedies or any other remedy or relief available at law or in equity, whether or not stated in this document or associated permit. No waiver by SARA of a breach of any of the covenants, conditions, or restrictions of this document or associated permit shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other covenant condition, or restriction herein contained.



Concessions Permit Application for commercial watercraft rentals and guide services on the San Antonio River

Name of Company: _____ Responsible Individual: _____

Address: _____ City, State, Zip: _____

E-mail: _____ Phone: _____

Renewal: Yes No

By my signature below, I am indicating that I have all the necessary certifications and I agree to abide by the rules that govern commercial paddling concessions along the San Antonio River and wish to participate in the lottery to select vendors.

Signature: _____ Date: _____

Printed Name: _____

To Be Filled Out by SARA Staff only:

Licenses and Certifications provided? Y/N

Commercial Liability Insurance documentation provided? Y/N

If renewal, has the applicant fulfilled all prior reporting requirements to date? Y/N N/A

Optional Qualifications:

Is the applicant planning on selling/ distributing pre-packaged food onsite? (needs food permit from COSA) Y/N

Is the applicant going to offer a shuttle service for customers? (Requires automotive liability documentation) Y/N

Signature of SARA representative

Printed name, title, and date

Appendix A: Map and Diagram of Paddling Locations:

