

Valdez Small Boat Harbor Commercial Kayak Operations Policy

- **Commercial kayak operators will not knowingly disrupt the operation of Valdez Small Boat Harbor. Continued use of the harbor by a commercial kayak operation will depend on adherence to this standard of care.**

Harbors should be operated in a businesslike manner. Our first responsibility is not to facilitate private business, but to ensure the City of Valdez is being responsive to the concerns of risk management and efficient use of expensive facilities. A private business operating in a public harbor can only be tolerated if the risk of their operations does not negatively impact public resources.

- **Kayaks and related equipment will not be left on floating docks. Finger floats and other structures as provided by the harbor department will be used for this purpose.**
- **Instruction in the use of kayaks or related equipment will not occur within the harbor. Upland kayak business property will be utilized for this purpose.**

Floating docks are designed and constructed to accommodate all harbor customers. They cannot be blocked or rendered impassable by a commercial business. Clear docks are also required to facilitate timely response to medical and fire emergencies. Operators will be contacted immediately if main floating docks are blocked. Operators that repeatedly abuse this policy will be excluded from operation within the harbor. Both kayak companies need to inform their employees regarding the rules for kayaks in the harbor and on the docks.

- **Kayaks paddled out of the mooring basin, as part of a commercial operation, will cross the entrance channel of the harbor only when it is safe to do so. Each operator of a kayak is responsible for the safe operation of the craft. Kayaks will avoid active power vessel operations at all times.**

Governments have a duty to operate public facilities with due regard to safety. Valdez Small Boat Harbor can develop traffic safety schemes without indemnifying operational negligence. The overarching navigation rule is termed the rule of prudent seamanship. The basic premise is that the operator or master of a vessel is obligated to conform to traffic schemes promulgated by the government. However, this responsibility does not mean the operator can sail into harms way because the rules of the road favor their position.

The rule of prudent seamanship says two things. First, you need to operate your vessel in a manner that accounts for the special limitations that may be present. If you cannot paddle your kayak out of the path of a powerboat, you need to plan not to interfere with the powerboat to begin with. Secondly, the rule says the operator is responsible for the safe operation of the vessel under their command regardless of any outside influence.

Kayaks enjoy no privileges under the US Coast Guard navigation rules. Kayaks are to yield to any powerboat they encounter. Operations should be planned to avoid placing kayaks into the path of powerboats. Combined with the problem of kayak visibility, you can see that operation of kayaks within a boat harbor basin is problematic. Under the rules of the road, it must be stressed that when a kayak comes into contact with a powerboat, the kayak is responsible to avoid any risk of collision.

- **The limit for commercial kayak companies operating within Valdez Small Boat Harbor will be two. The harbor department will consider the use of a request for proposal process, if additional commercial operators demand the use of harbor facilities.**

Harbor staff is concerned with allowing additional kayaks within the harbor. Two commercial kayak operators, each with 20 watercraft, is the upper limit for the harbor. Moving beyond this limit will negatively impact other users. It is the goal of the harbor to simplify operations and moorage collection. Historically the current commercial operations moor up to 20 kayaks within the boat basin. Each operator pays for a similarly sized area at \$1,200 per year. Starting in the FY2001, the harbor department will charge each commercial kayak operation \$1,200 to operate within the harbor. The harbor department will designate appropriate areas, consistent with the goals of this policy, to accommodate 20 kayaks for each operator. Each operator will be assigned specific areas of use. If the harbor department finds that an operator has exceeded the 20-kayak limit or has moored outside the designated area, they will be charged normal moorage fees for each kayak.

- **Commercial kayak operators will provide and require the use of industry approved safety equipment. Kayaking customers will be briefed on harbor and operational safety procedures prior to departure.**
- **The harbor department will provide public information (signage, brochures, etc.) promoting safe kayak operation within the harbor and Prince William Sound. Input on the substance of this effort will be gathered from all known stakeholders.**

It is in the best interest of Valdez Small Boat Harbor to encourage safe operating practice by all users within the harbor. Public information must be provided to both commercial and private kayakers using the harbor. Signage will be placed near the Tour Float and Launch Ramp for the use of all visitors.

- **Commercial kayak operators will carry one million dollars in public liability insurance, list the City of Valdez as an additional insured on their policy and provide a current certificate of insurance to the harbor department.**

Any private business operating within a public harbor can only be tolerated if the risk of their operations does not negatively impact public resources. Assumption of liability by the City of Valdez for a private business is contrary to accepted practice and common sense. A prudent business offering space for the operation of another business requires substantial liability insurance, indemnification and listing as additional insured on certificates of insurance. One million dollars of public liability insurance should be considered the minimum coverage provided by the business.