



Guided Kayak Tours – Specific CUA Conditions

The Holder and their employees registered under this Commercial Use Authorization (CUA) will exercise this privilege subject to all of the following conditions:

1. **Definition of Services Authorized Under This CUA:** Guided Kayak Tours consist of guiding clients to destinations within the boundaries of the national lakeshore by kayak on the waters of Lake Superior, and maintaining a required continuous presence at all times with the clients as specified below.
 - a. The Holder or registered employee(s) will maintain the required continuous presence with the clients for the entire duration of the scheduled trip. If clients self-transport, the Holder or registered employee(s) will maintain the required continuous presence from the moment of first contact within the lakeshore until the clients complete their trip.
 - b. Guiding day use or overnight tours on water for clients to destinations within the national lakeshore, by means of a seaworthy, non-motorized kayak of sufficient size to adequately and safely move the client on water while carrying the required safety equipment and activity-associated gear and supplies.
 - c. Employee and Passenger Safety: All commercial operators are responsible for the safety of their employees and customers while recreating in Apostle Islands National Lakeshore. Launching of non-motorized vessels from the beaches at Little Sand Bay and Meyers Beach is prohibited while those areas are under a small craft advisory or gale warning as forecast by the National Weather Service. <http://marine.weather.gov/>

It is the responsibility of the CUA holder to be aware of small craft advisories at both Little Sand Bay and Meyers Beach and to not launch trips from those locations while small craft advisories are in effect. It is also the responsibility of the CUA holder to recognize that emergency assistance from the NPS may be delayed or not possible during small craft advisories and gale warnings, for all locations within the park. CUA holders are responsible for reasonably ensuring the safety of their clients at all times.
 - d. Each tour group size is limited to 21 individuals (including guides) with at least one guide for every six clients. Under special circumstances (such as a class trip), Holder may request written permission from the Commercial Services Manager to increase group size but these instances should be infrequent. Special conditions may apply.
 - e. In-park kayak launching is only permitted at Meyers Beach and Little Sand Bay. Whenever a park ranger is present and visible at the launch area, the lead guide must check in with the park ranger before proceeding to the beach and provide requested trip information to the park ranger.
 - f. Holder must ensure that all clients on Guided Kayak Tours are able to understand basic instructions, can sit upright in a kayak, and can remove spray skirt from kayak in event of capsize.
2. **Authorized Hours of Operation:** The Holder and their employees registered under this CUA will not provide any Guided Kayak Tours between sunset and sunrise and will ensure that all guides and clients will be physically off the waters of Lake Superior by sunset. EXCEPTION: From June 15 through Labor Day, each CUA Holder may conduct guided sunset kayak tours from Meyers Beach under the following conditions:
 - a. Holder checks the marine forecast and determines that paddling conditions are suitable for a sunset tour.
 - b. Holder notifies the Commercial Services Manager (via email to APIS_Commercial_Services@nps.gov) of their intent to conduct a sunset tour at least 6 hours in advance of the trip and provides names of guides, number of clients, and an 'after hours' emergency contact telephone number for the CUA Holder.
 - c. Tour group size is limited to 12 clients and 2 guides. Two guides are required for every sunset tour, regardless of the number of clients. An additional guide may be added if Holder determines it is appropriate due to client experience level or ability.
 - d. Each kayak is equipped with a solid white light that can be turned on/off if needed.
 - e. In addition to all regularly required safety equipment, each guide is equipped with a sound-emitting device and a high quality, waterproof headlamp.
 - f. All guides and visitors/clients must be physically off the waters of Lake Superior within 30 minutes after official sunset.
3. **Website:** Holder must maintain a functioning website with information about their guided kayak tour services. The website must include rates for tours offered, the legal business name as shown on the CUA, a valid physical address for the business, and a working telephone number and email address.

4. **Trip Confirmations:** Any trip confirmations that are electronically transmitted to the client must include the legal business name as shown on the CUA, and a working telephone number and email address.
5. **Day Use Group Size Limitations:** The Holder and their employees and clients are authorized for day use activities with group size up to 60 total people at one time in Frontcountry Zones (Meyers Beach and its parking lot and Little Sand Bay public developed areas) and the waters immediately offshore of them (Re: 2011 APIS GMP/WMP). At Meyers Beach, the Frontcountry Zone does not extend to the mainland sea caves.
6. **Required Equipment:**
 - a. Each kayak in the Holder's party shall be equipped with the following:
 - i. Kayak paddle(s)
 - ii. Spray skirt(s)
 - iii. Adequate flotation bags or solid water tight bulkhead
 - iv. Bilge pump or bailing device
 - b. All guides and clients are required to wear a properly fitted U.S. Coast Guard (USCG) approved PFD at all times during on-water activities of a Guided Kayak Tour.
 - c. Each traveling group shall have one marine radio, a cell phone, a group first aid kit, one flare kit, one safety throw rope, and one spare paddle for every three kayaks in the group.
 - d. Wet suits are required (to be on hand) for all overnight trips and required to be worn any time the combined air and water temperatures equal less than 120 degrees Fahrenheit.
7. **Guide Certifications:** When submitting the Employee-Guide List [Attachment E-2], Holder must identify guides as one of the four classifications listed below. Criteria for each classification is detailed in Attachment E-2.
 - a. **Apprentice Guide**
 - b. **Assistant Guide**
 - c. **Lead Guide**
 - d. **Senior Lead Guide/Instructor:** Holder must identify at least one person as Senior Lead Guide/Instructor. That person must possess an ACA Level 4 Instructor certification (or equivalent) OR ACA Level 3 Instructor Trainer certification (or equivalent). Each Senior Lead Guide/Instructor must present their original certifications to the Commercial Services Manager before the beginning of the operating season each year. The Senior Lead Guide/Instructor will be responsible for assessing and verifying the skills of Apprentice Guides, Assistant Guides, and Lead Guides.
8. **Safety Briefing:** Prior to each tour, the guide will provide a safety briefing for clients. At a minimum, the safety briefing must include:
 - a. Basic paddling instruction
 - b. How to exit the vessel in event of capsize
 - c. Group paddling parameters
 - d. Emergency procedures
 - e. Use of equipment (how to adjust seat, use foot pedals, operation of rudder, must wear PFD)
 - f. Basic understanding of kayak stability and how to maximize it.
 - g. Expected paddling conditions, weather briefing, and approximate route and time frame for the tour.
9. **Motorized Support Vessels:**
 - a. Support vessels are authorized and, for safety reasons, can be used to transport visitors/clients.
 - b. Vessels used to provide or support this service will be inspected, equipped, and licensed in accordance with U.S. Coast Guard requirements, applicable federal and state laws and regulations. Vessels will display current state registration or possess a U.S. Coast Guard Declaration.
 - c. The use of motorized vessels will be conducted in accordance with applicable U.S. Coast Guard (USCG) requirements, including, but not limited to operation, vessel capacity, safety equipment, and rules of the road. A minimum of a captains (six pack) license is required in order to transport clients/visitors.
 - d. Motorized vessels will adhere to Uninspected Charter Regulations (Six Packs) for vessels less than 100 gross tons as issued by U.S. Coast Guard. The vessel is subject to boarding and inspection at any time within the lakeshore.
10. **Vehicles/Trailers:**
 - a. When towing kayak trailers and/or the support vessel, the motorized tow vehicle will be mechanically sound, of sufficient size, horsepower, and brake horsepower, commensurate to the size of the trailer with boat/vessels being towed (or as required by state law) to adequately and safely complete the tow from its place of storage outside the

national lakeshore, to designated public launch ramps and return. Total length of vehicle plus trailer must not exceed 45 feet.

- b. Motor vehicles used to provide this service will be street legal and have current insurance, registration, license, inspection, equipment, and will be properly permitted in accordance with state law. The license will be properly affixed and displayed as required by state law. All motor vehicles used to transport kayaks and/or clients in the park must be registered and insured in the name of the CUA Holder/business entity to whom this CUA is issued.
- c. Trailers used to transport kayaks and the support vessel will be in sound mechanical condition, appropriately sized, and configured for the type of vessel being towed, with all lights and equipment in good working order. The trailer will be properly connected to the tow vehicle at all times.

11. **Permits and/or Licenses:** Holder is required to possess the following:

- a. For operators of motorized support vessels, the Holder must provide current copies of the U.S. Coast Guard License(s) to the Apostle Islands Commercial Services manager for filing as part of the CUA.
- b. When providing vehicle transportation for visitors/clients within the boundaries of the lakeshore, the Holder will ensure all employees under this CUA performing services as drivers are currently qualified to perform the service, possess a valid driver's license, and that a copy of the valid driver's license is on file with the Apostle Islands NL Commercial Services office. A Commercial Driver's License (CDL) is required for operation of motor vehicles that have the capacity to carry 16 or more passengers including the driver.

12. **Use of Area:** The Holder will not use or be assigned any facilities or portions thereof, located within the national lakeshore, except as allowed to the general public. For example, a picnic table in a day use area that is intended for recreational use by visitors may not be converted to use as office space for the CUA Holder. This CUA does not authorize priority use of park areas. The Holder is prohibited from blocking access or impeding the flow of traffic along any roads, trails, walkways, greenways, parking lots, stairwell access, beaches, and/or waterways of any NPS facilities. Once safety briefing is complete and the tour is underway, any surplus equipment/supplies (wet suits, PFDs, etc.) must be properly stored in/on the Holder's vehicle or trailer or transported out of the park. It is acceptable for kayaks to be staged on the beach at Meyers Beach and Little Sand Bay, but they must be removed from the park at the end of each day.

13. **Congestion:** CUA Holders are expected to work cooperatively and professionally to (1) stagger launch times to avoid congestion at the Meyers Beach sea caves and (2) stage kayaks on beach to minimize any negative impacts to beachgoers.

14. **Overnight Stay (Camping):** The Holder and their employees registered under this CUA will not stay overnight within the boundaries of the national lakeshore while engaged in the commercial activities unless the Holder is specifically authorized (by CUA) to conduct guided backcountry camping and is in possession of a valid backcountry camping permit. The Holder, registered employees, and their clients must comply with all camping rules as provided with the camping permit. The Lead Guide for any overnight trip must possess valid certification as a Wilderness First Responder (or an equivalent approved by the Commercial Services Manager). Permanent or seasonal base camps are not authorized.

15. **Reporting Requirements:** In addition to the annual CUA report that is required of all CUA Holders, the Guided Kayak Tours CUA has additional reporting requirements. If the CUA Holder guides ten (10) or fewer trips per season, they must file a Trip Itinerary (Attachment I) at least 24 hours in advance of each trip launch. If the CUA Holder guides more than ten (10) trips per season, they are NOT required to file a Trip Itinerary but must submit a monthly visitor use report that includes number of trips, number of clients, launch point, and number of day trips vs. overnight trips. The report for each month of operation will be due on the 15th day of the following month. The Commercial Services Manager will provide a form for this reporting.