



### Commercial Use Authorization Specific Conditions – Marine Towing/Salvage Service

The Permittee and their employees registered under this Permit will exercise this privilege subject to all of the following Specific Conditions:

1. **Definition of Services Authorized Under This Permit:** Marine Towing/Salvage Service consists of conducting towing/salvage operations within the boundaries of Apostle Islands National Lakeshore (NL) only when all necessary precautions are in place to prevent any contamination and/or discharge (inadvertent or purposeful) into the waters of Lake Superior and when such operations will not create an obstruction to navigation.
  - a. The Permittee must possess proof from the owner (or the insurance carrier) of the vessel or vehicle to be towed/salvaged indicating Permittee has the legal authority to conduct the towing/salvage operation.
  - b. Motorized boats/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 boats/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 boats/vessels used to support this service will be equipped with a marine band radio and cellular phone, for use in the event of any emergency.
  - e. All vessels used under this permit will carry a USCG approved personal flotation device (PFD), as specified by USCG requirements, for each operator and passenger as well as at least one throwable Type IV PFD. A Type V PFD may be used in lieu of any wearable PFD, if it is approved for the activity in which the boat is being used. A Type V hybrid must be worn to be legal.
  - f. When towing (on a trailer) the business support vessel into the lakeshore, the motorized tow vehicle(s) will be mechanically sound, of sufficient size, horsepower, and brake horsepower, commensurate to the size of the boat/vessel being towed (or as required by state law) to adequately and safely complete the tow from its place of storage outside the lakeshore, to designated public launch ramps within the lakeshore, and return.
  - g. Trailers used to transport the support boat/vessel(s) within the lakeshore will have current insurance, registration, license, and inspection in accordance with state law. The trailer(s) will be in sound mechanical condition, appropriately sized and configured for the type of boat/vessel being towed, with all lights and equipment in good working order. The trailer(s) will be properly connected to the tow vehicle at all times. A current state license will be properly affixed and displayed at all times.
  - h. 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.
2. **Use of Area:** The Permittee and employees registered under this Permit will only provide Marine Towing/Salvage Service on the waters of Lake Superior within the boundaries of the lakeshore as shown on the current Apostle Islands National Lakeshore Official Map and Guide (2004 edition or later). Marine Towing/Salvage is prohibited within any closed area without permission of the Superintendent.

3. **Authorized Hours of Operation:** The Permittee and their employees registered under this Permit are authorized to provide Marine Towing/Salvage Services during hours as specified under state law. Overnight stays are authorized only upon submission of the Trip Itinerary [Attachment C] and compliance with camping procedures as described in the Superintendent's Compendium for Apostle Islands National Lakeshore.
4. **Discharge of Materials:** These services will not involve a risk of inadvertent (or purposeful) discharge of fluids including oil and gas, solid materials, refrigerants, or other contaminants into the atmosphere or waters of Lake Superior. Dumping of any material, fluid, solvent, etc., on any lands within the lakeshore is specifically prohibited. All reasonable precautions will be taken to prevent any wastes from entering any waters. (Re: 36 CFR § 2.14 (a)(6))
5. **Waste Management:** The disposal of any material, fluid, solvent, etc., will be completed in full compliance with federal and state laws. The Permittee will manage solid (fecal) human waste to assure proper disposal at lakeshore provided toilet facilities or will provide its own portable toilets. All other activity generated debris will be collected and disposed of outside of the lakeshore.
6. **Removal of Salvaged Items:** The Permittee and their employees will ensure that all salvaged items or equipment relating to the operation are removed from the lakeshore immediately following the towing/salvage operation.
7. **Damage to Natural/Cultural Resources:** The Permittee and their employees registered under this Permit will ensure that no one working under this permit disturbs, climbs on, damages, or removes any natural/cultural resources, archeological or historic artifacts. Entering any closed area is prohibited by law.
  - a. If artifacts are discovered, the Permittee will ensure they are left in place undisturbed, and will immediately report the discovery to the Apostle Islands NL Resource Management Division (715) 779-3398 x 221 or park dispatch at (715) 779-3998 x 100
8. **Permits and/or Licenses:** Permittee and their employees registered under this Permit are required to possess the following:
  - a. For all persons working underwater, a nationally recognized certification that meets the minimum requirements for "Commercial Diver," i.e. Dive Master or better.
  - b. As applicable under the Clean Water Act and the Rivers and Harbors Act, any pertinent U.S. Army Corps of Engineers/U.S. Coast Guard permit necessary for work affecting navigable waters within the United States.
  - c. For towing/salvage and support vessel operators (including providing transportation for clients), the Permittee must provide current copies of the USCG License(s) to the Apostle Islands NL Commercial Services Manager for filing as part of the Permit.
  - d. When providing vehicle transportation for visitors/clients within the boundaries of the lakeshore, the Permittee will ensure all employees under this Permit performing services as drivers are currently qualified to perform the service and possess, if applicable, a **Commercial Driver's License** (CDL) as required by Wisconsin Department of Transportation regulations. A CDL is required for operation of motor vehicles that have the capacity to carry 16 or more passengers including the driver. The Permittee must ensure that current copies of the Commercial Driver's License are always on file in the Apostle Islands NL Commercial Services Manager.
9. **Operation Notification:** The Permittee is required to notify a Park Ranger or Apostle Island NL Dispatch by phone at (715) 779-3398 x 100, at the earliest possible opportunity of any towing/salvage operation.
10. **Operation Plan:** The Permittee is required to submit an Operation Plan [Attachment D] to the National Park Service (NPS) summarizing the operations to be conducted, products used/provided, safety plan of action, and methods of operation employed to prevent pollution and to reduce waste through source reduction and recycling. The operation plan is reviewed and approved/disapproved by the NPS. The operation plan will be kept on file and will become part of the record regarding the performance of this Permit; however, it is a separate document and will not become part of the Permit. The operation plan will specifically include:
  - a. Safety plan of action the Permittee will implement in the event of accident or injury.

11. **Trip Itinerary:** The Permittee is required to **update trip itinerary information when overnight camping permit is picked up** and submit Trip Itinerary [Attachment C] **1 business day prior to each day use guided canoe/kayak tour**. The Permittee will provide the completed trip itinerary either by Facsimile at (715) 779-3049, by mail or email to:
- National Park Service - Apostle Islands National Lakeshore  
Attn: Commercial Services Manager  
415 Washington Avenue  
Bayfield, Wisconsin 54814  
Email: apis\_commercial\_services@nps.gov
12. **Emergency Response:** All emergency situations such as accidents, fires, and search and rescues will be reported to a Park Ranger or Apostle Island NL Dispatch by phone at (715) 779-3398 x 100, or Bayfield County Sheriffs Dispatch (9-1-1) or (715) 373-6140, at the earliest possible opportunity.
13. **First Aid Requirements:** The Permittee and employees are required to possess current Basic first aid and CPR certification (adult and child) and will carry first aid equipment commensurate with the size of the group and training of the Permittee and guide(s). The Permittee must provide current copies of the Basic first aid certification(s) and CPR certification(s) to the Apostle Islands NL Commercial Services Manager for filing as part of the Permit. (*Refer to 46 CFR 10.205(h)(1)(ii) and 10.205(h)(2)(iii)*).
14. **Equipment Requirements:** The following equipment is mandatory when engaged in Marine Towing/Salvage Service:
- All vessels and towing equipment and accessories, including day markers, navigation lights, etc, are in full compliance and U.S. Coast Guard (USCG) requirements.
  - All equipment necessary to provide a safe dive in the environment.
  - The standard red and white "Diver Down" flag must be displayed and clearly visible when dive operations are in progress.
  - An adequate number of patrol or safety boats to warn other vessels and to assist the dive operation.
15. **Additional Equipment Recommendations:** The use of the following equipment is strongly advised when engaged in Marine Towing/Salvage Service:
- Diver watch or timer, dive knife, compass, and wet suit with hood (or other appropriate exposure protection for the given environment).
16. **Exotic Species Prevention:** The Permittee is responsible for knowing what waters any boat/vessel providing services under this Permit has been exposed to in the 30 day period prior to entering the lakeshore. The Permittee will make every effort to ensure their boats/vessels being brought into the lakeshore under the services of this Permit known to have been exposed to waters containing exotic species such as Zebra Mussels, Eurasian Watermilfoil (aquatic plant), etc., are free from infestation as outlined below.
- The Permittee is responsible for conducting a visual inspection and thorough cleaning of any boat/vessel that has been in any waters in the 30 day period **prior** to entering the lakeshore. All clinging vegetation will be removed. The cleaning will include as a minimum, washing with water heated to 170° or hotter all wet wells; hull, props, shafts, trim tabs, outdrives, outboard engines, and trailers as well as flushing motor/engine cooling systems.
  - The Permittee is responsible for clearly identifying to the NPS those boats/vessels being brought into the lakeshore area under the services of this Permit that have been in waters known to contain exotic species, and state for the record that a thorough cleaning has been conducted.

- c. The Permittee and their employees registered under this Permit will not launch any boat/vessel known to have been exposed to waters containing exotic species without first cleaning the boat/vessel as outlined above. Questions concerning cleaning methods, or requests for assistance in determining possible infestation should be directed to the Apostle Islands NL Resource Management Division by phone (715) 779-3398, fax (715) 779-3049, or by email to [apis\\_resource\\_issues@nps.gov](mailto:apis_resource_issues@nps.gov).

17. **Prohibited Activity:** The Permittee and employees registered under this Permit are specifically prohibited from providing, conducting, engaging in or effecting by any method of delivery, including by land, by water or by air, the following:

- a. Leaving activity generated debris and equipment in the water or along the shoreline within the lakeshore.
- b. Operating outside the authorized hours of operation as specified by state regulations.
- c. Causing any damage and/or harm to any natural, cultural and/or historic resource or facility.
- d. Traversing by vehicle anywhere other than on designated roads.
- e. Disturbing or collecting any artifacts by any means and/or any methods. The collection of trash and debris is acceptable and encouraged.
- f. The use of a mineral or metal detector, magnetometer, side scan sonar, other metal detecting devices, or subbottom profilers.
- g. Harassing, capturing, collecting, chasing and/or killing any wildlife.
- h. Feeding wildlife.
- i. Pets of any kind on any towing/salvage operation.
- j. Children under the age of eighteen on any towing/salvage operation.
- k. Entering by vehicle, boat/vessel or on foot, any closed areas.
- l. Service to any commercial film, research entity, or any agency without first ensuring the entity or agency possesses a valid Special Use Permit issued by the Apostle Islands NL Commercial Services Manager.
- m. Exceeding the boat/vessel recommended carrying capacity as defined by the manufacturer.
- n. Any services of any kind in parking lots, on launch ramps, at docks, or anywhere on any waters, or any other locations within the lakeshore outside those services specifically authorized under Section 1, at those areas specifically authorized under Section 2 in this Permit.
- o. Providing alcohol products of any kind to any client/passenger.

18. **Liability Insurance:** The following liability insurance is required for this service:

- a. **Comprehensive General Liability:** The minimum amount of Comprehensive General Liability insurance required for this service is **\$1,000,000 per occurrence**. Refer to Commercial Use Authorization Provisions, [[Attachment A](#)] Section 26 **Certificates of Insurance** for specific guidelines regarding content requirements of all Certificates of Insurance.
- b. **Watercraft Liability:** This insurance is required whenever any owned, non-owned, or hired vessel is used in the course of providing services under this Permit on waters within National Park Service (NPS) areas. Depending on the size, ownership, and use of the watercraft, this is covered by either a Protection and Indemnity (P&I) Liability Policy or by a Comprehensive General Liability policy. The minimum amount of Watercraft Liability insurance required for this service is **\$500,000, per occurrence** and must provide coverage for all owned, non-owned, and hired vessels. Refer to Commercial Use Authorization Provisions, [[Attachment A](#)] Section 26 **Certificates of Insurance** for specific guidelines regarding content requirements of all Certificates of Insurance.

## INSTRUCTIONS ON INSURING WATERCRAFT

Watercraft is insured under either a Protection and Indemnity (P&I) Liability Policy or a Comprehensive General Liability Policy. The determination of which policy is applicable depends on the size, ownership, and use of the watercraft. ***If your watercraft (any under 26') is covered under a general liability policy, the insurance certificate must include a statement that "watercraft liability is included" or similar documentation.*** The following chart will help in the determination of which policy you should obtain:

Length of Watercraft	Use	Required Coverage
26' and Over	Any	Protection & Indemnity Policy (P&I)
Less than 26' (Owned)	Any	Must be listed on Comprehensive General Liability Policy or have a P&I Policy. <b>(Your watercraft must be listed on the Certificate of Insurance if using Comprehensive General Liability.)</b>
Less than 26' (Not Owned)	Any	Must be listed on Comprehensive General Liability Policy or have a P&I Policy. <b>(The watercraft must be listed on the Certificate of Insurance if using Comprehensive General Liability.)</b>

***NOTE: The use of Personal Watercraft (PWC) is prohibited.***

- c. **Product and Completed Operations Liability:** If not provided under Comprehensive General Liability. The minimum amount of Product and Completed Operations Liability insurance required for this service is **\$500,000 per occurrence**. Refer to Commercial Use Authorization Provisions, [Attachment A] Section 26 **Certificates of Insurance** for specific guidelines regarding content requirements of all Certificates of Insurance.
  - d. **Public Livery Liability:** This insurance is required for all owned, non-owned, and hired vehicles used in providing services under this Permit to transport clients/passengers for hire within the lakeshore. The minimum amount of Public Livery Liability insurance required for this service is **\$750,000 per occurrence**, (or state minimum, whichever is greater). Refer to Commercial Use Authorization Provisions, [Attachment A] Section 26 Certificates of Insurance for specific guidelines regarding content requirements of all Certificates of Insurance.
  - e. **Uninsured Motorist/Under Insured Motorist:** In addition, tour operators are required to carry Uninsured Motorist/Under Insured Motorist coverage in the minimum amount of **\$300,000 per occurrence** to operate in the state of Arizona and/or Utah. Refer to Commercial Use Authorization Provisions, [Attachment A] Section 26 Certificates of Insurance for specific guidelines regarding content requirements of all Certificates of Insurance.
19. **Business Supplies and Materials:** The Permittee and employees registered under this Permit are authorized to carry into the lakeshore only those supplies and materials necessary to support the operation. Upon completion of the operation, all remaining supplies and materials will be removed immediately from the lakeshore. Caching supplies and materials is specifically not authorized.
20. **Storage:** No vehicles or other equipment may be stored within Apostle Islands NL between salvage operations.