



Commercial Use Authorization and Special Use Permit Specific Conditions – Guided SCUBA-Diving 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: Guided SCUBA-Diving Service consists of providing instruction, practice, boat transportation, and recreational dive tours to destinations within the boundaries of Apostle Islands National Lakeshore (NL) or any submerged cultural resource within 1 ½ statute miles of the boundary as managed by the NPS under agreement with the Wisconsin Historical Society while maintaining a required continuous presence at all times with the visitors/clients as specified below:

- a. The Permittee, or registered guide(s), of the business will maintain the required continuous presence with the visitors/clients from departing the launch ramp/dock/marina until the moment of returning to the launch ramp/dock/marina. If visitors/clients self-transport, the Permittee, or registered employee(s), or instructors will maintain the required continuous presence from the moment of first contact within the lakeshore until the visitors/clients complete their trip and have returned to their vehicles.

Presence is defined as the captain remaining aboard the vessel and the vessel remaining at the dive site. Presence when providing diving instruction is defined as the dive instructor remaining in constant proximity to divers for the duration of the dive.

- b. Support vessels are authorized and, for safety reasons, can be used to transport visitors/clients.
- c. 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.
- d. 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 U.S. Coast Guard captain's (six pack) license or Masters Certificate is required in order to transport clients/visitors.
- e. 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.
- f. 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.
- g. 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.
- h. Trailers used to transport the support vessel 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.
- i. 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.

- j. Guided SCUBA Services will be conducted utilizing "Leave No Trace" outdoor ethics as a matter of practice.
- k. Services are limited to a group size of 6 visitors/clients per trip.

Note: The Apostle Islands Cruise Service serves the authorized park concessioner with the exclusive contract to provide services for 7 or more passengers.

- 2. **Use of Area:** This permit applies to the lands and waters under the management and jurisdiction of the National Park Service. The Permittee and employees registered under this Permit are authorized to provide Guided SCUBA-Diving 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) and any submerged cultural resource within 1 ½ statute miles of the boundary as managed by the NPS under agreement with the Wisconsin Historical Society. Guided SCUBA-Diving is prohibited within any closed area without permission of the Superintendent.
- 3. **Overnight Stay:** The Permittee and their employees registered under this Permit are authorized for overnight stays at campsites only upon updating trip itinerary information when overnight camping permit is picked up and compliance with camping procedures as described as follows:
 - a. Camping is only authorized as described in the Superintendent's Compendium for Apostle Islands National Lakeshore.
 - b. A permit is required for all camping activities. Permits are non-transferable.
 - c. Individual campsites are limited to a maximum of seven campers and three tents.
 - d. Group campsites are limited to parties comprised of eight up to twenty-one total campers per site, including guides.
 - e. Permanent base camps are not authorized.
- 4. **Designated Camping Zone Limitations:**
 - a. Maximum of five campers and two tents.
 - b. Maximum of one permit per night will be issued per designated zone.
 - c. May camp on the sand beach below the vegetation line.
- 5. **Camping Restrictions:** No camping:
 - a. Within view of any designated trail.
 - b. Within 1/4 mile of any building, historic structure, individual or group campsite.
 - c. Within 100 feet of a flowing stream.
 - d. On Federally owned lands under terms of a USE and OCCUPANCY lease.
 - e. On Eagle, Gull, or North Twin Islands.
 - f. In areas posted as closed to protect archeological sites, bird nesting areas, sensitive vegetation, or threatened or endangered species. Specific areas and the extent of the closures will be identified each camping season.
 - g. Within the boundaries of the 200 acre Outer Island Hemlocks Unit as described in the Apostle Islands Natural Area Management Plan.
- 6. **Food Service:** (NPS-83 Public Health Guidelines) Food service provided shall be in accordance with current U.S. Public Health Service Food Code. Food service is subject to inspection by the NPS Public Health and Safety Officer.
 - a. Any food items provided by the Permittee to the visitors/clients will only originate from an approved source (i.e., supermarket, grocery store, etc.).

- b. The Permittee is required to obtain a Food Handlers certification for preparing, handling and/or providing to the visitors/clients food items. The only exception is for individual pre-packaged food, like a granola bar, that the visitors/clients open and consume without any other person handling it. The Permittee must ensure that current copies of the Food Handler's Certificate(s) are always on file with the Apostle Islands NL Commercial Services Manager.
 - c. Alcohol must not be provided.
7. **Waste Management:** The Permittee will manage solid (fecal) human waste to assure proper disposal at lakeshore provided toilet facilities or will provide its own portable toilets. In areas without toilets, solid (fecal) human waste will be buried at least 6 inches below ground, no less than 200 yards from any water source. **Toilet paper must be packed out of the lakeshore.** All bathing and washing, including dishwashing, will be done with biodegradable soaps no less than 200 feet from any water source to prevent wash water from being introduced into the water source. All other activity generated debris will be collected and disposed of outside of the lakeshore.
8. **Damage to Natural/Cultural Resources:** The Permittee and their employees registered under this Permit will ensure that no visitor/client 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.
9. **Permits and/or Licenses:** Permittee and their employees registered under this Permit are required to possess the following:
 - a. The permittee will obtain a "Dive Permit" from Park Dispatch before engaging in any dive operations within the boundaries of Apostle Islands NL or on any submerged cultural resource within 1 ½ statute miles of the boundary as managed by the NPS under agreement with the Wisconsin Historical Society.
 - b. For all persons working underwater, the Permittee must provide current copies of a nationally recognized certification that meets the minimum requirements for "Dive Master" or better.
 - c. For support vessel operators (if providing transportation for clients/visitors), the Permittee must provide current copies of the U.S. Coast Guard License(s) for all employees registered under this Permit to the Apostle Islands 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 appropriate **Commercial Driver's License** 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.
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.
11. **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.
12. **First Aid Requirements:** The Permittee and employees are required to possess current Basic first aid certification 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 and CPR certification(s) to the Apostle Islands NL Commercial Services Manager for filing as part of the Permit.

13. **Equipment Requirements:** The following equipment is mandatory when engaged in SCUBA/Diving 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.
14. **Additional Equipment Recommendations:** The use of the following equipment is strongly advised when engaged in SCUBA/Diving Service:
- Diver watch or timer, dive knife, compass, and wet suit with hood (or other appropriate exposure protection for the given environment).
15. **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.
 - 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.
16. **Recovered Items:** Any personal items found that are not the legal property of the Permittee, their employees or clients (i.e., wallets, keys, cellular phones, jewelry, etc.) that are recovered during the course of a recreational dive or instruction shall be turned into the NPS for recording under its Lost and Found program. Contact Dispatch at 715-779-3398 x 100 to report the recovery of such items.
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:
- Dropping off or allowing visitors/clients to travel without the required presence of the Permittee, or registered employees, operators or instructors of the business while those visitors/clients are within the boundaries of the lakeshore or areas within 1 ½ statute miles of the boundary as managed by the NPS under agreement with the Wisconsin Historical Society.
 - Operating outside the authorized hours of operation as specified in section 3 of this Permit.
 - Causing any damage and/or harm to any natural, cultural and/or historic resource or facility.
 - Traversing by vehicle anywhere other than on designated roads.
 - Disturbing or collecting any artifacts by any means and/or any methods. The collection of trash and debris is acceptable and encouraged.
 - The use of a mineral or metal detector, magnetometer, side scan sonar, other metal detecting devices, or subbottom profilers.

- g. Salvage for hire operations of any kind. Such activity is authorized only under a separate Marine Towing/Salvage permit.
- h. Harassing, capturing, collecting, chasing and/or killing any wildlife.
- i. Feeding wildlife.
- j. Pets of any kind on any SCUBA/Diving Service.
- k. Entering by vehicle, boat/vessel or on foot, any closed areas.
- l. Guided SCUBA-Dive 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 **\$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.
- 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. (Your watercraft must be listed on the Certificate of Insurance if using Comprehensive General Liability.)
Less than 26' (Not Owned)	Any	Must be listed on Comprehensive General Liability Policy or have a P&I Policy. (The watercraft must be listed on the Certificate of Insurance if using Comprehensive General Liability.)

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 duration of the trip. At the completion of the trip, 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 overnight within Apostle Islands NL. The Permittee will coordinate with the tour visitors/clients participants to carpool or shuttle to reduce the number of vehicles left in the park, as practical.