



IN REPLY REFER TO:

United States Department of the Interior National Park Service

Virgin Islands National Park
Virgin Islands Coral Reef National Monument
1300 Cruz Bay Creek
St. John, Virgin Islands 00830



EXHIBIT A OPERATING CONDITIONS SCUBA OUTFITTERS Commercial Use Authorization 2016

The Virgin Islands National Park (VINP) was established to protect and preserve the scenic and natural environment and cultural heritage for future generations to enjoy. We are all privileged to live and work in this beautiful environment. Our livelihood depends on keeping these islands and surrounding waters naturally healthy and beautiful for generations to come. Given this charge, we thank you for complying with the following operating conditions. Please share applicable regulations with your guests.

1. **Compliance:** Permittee, captain, crew, employees, and visitors must comply with regulations for the protection and management of the natural, historic and physical resources of the Virgin Islands National Park as contained in the Title 36 of the Code of Federal Regulations, the Superintendent's Compendium, and U.S. Virgin Islands Territorial regulations, and all applicable U.S. Coast Guard regulations. These documents are available at the Superintendent's office or at the park's website at: www.nps.gov/viis.
2. **Insurance:** The permittee must carry insurance against public liability, employee liability, and other hazards. Minimum amounts of coverage will be established in accordance with NPS-48, Concessions Guidelines, and may vary depending upon capacity of vessel and type of activities occurring within the Park.
3. **Reporting Incidents:** All incidents such as collision, accident, fire, or other casualty that result in damage to natural resources, property or personal injury or death of any person must be reported to the Chief Ranger (340-776-6201 ext. 254) or Law Enforcement Rangers (1-866-995-8467) immediately. Filing this report does not satisfy applicable Territorial or Coast Guard accident reporting requirements.
4. **Specific Conditions:**
 - a. Permittee shall ensure that one staff member certified in both CPR and Scuba related lifesaving skills and techniques is present on all SCUBA outings. These individuals must be capable of and available to perform first aid procedures aboard vessel, on the beach and in the water, and training maneuvers must be conducted on sand only.
 - b. All advertising materials relative to the Park will be submitted to the Park's Concessions Office for review and approval prior to use and publication.
 - c. Vessel passengers and crew shall comply with Virgin Islands anti-nudity laws.
 - d. Serving alcoholic beverages during or prior to diving excursions is prohibited.
 - e. Authorized persons may at any time stop or board a vessel to examine documents, licenses or permits relating to operation of the vessel, and to inspect such vessel to determine compliance with regulations pertaining to safety equipment and operation.



- f. Operators must provide an orientation on proper snorkeling and diving instructions and reef damage prior to guest being discharge in the water.
- g. Permittee's VINP serial numbered decal must be displayed on the port side of the vessel in a highly visible location. Any decals that are not displayed incorrectly will be considered invalid.
- h. Guides must maintain a 1 to 8 ratio for guides and passengers.
- h. Vessel must be Coast Guard certified.
- i. Permittee must comply with USCG, OSHA regulations for marine vessels and commercial Scuba operations, and also NPS, Virgin Islands National Park mooring and anchoring regulations.
- j. Permittee must always fly the international Scuba or Alpha flag from vessel when diving, and be sure to use a surface float with line to enhance diver safety during drift dives.
- k. Permittee and passengers shall not touch, feed or harass any wildlife or any other marine creatures at any time. Artifacts or wildlife, whether living or dead, shall not be collected within Virgin Islands National Park.
- l. All automated underwater propulsion units, including but not limited to underwater scooters, are forbidden in the park.
- m. Smoking is prohibited on Park beaches, between the water's edge and 50 feet landward.
- n. The Park authorizes the use of the ----- Scuba moorings and

5. Prohibited Activities: (See Title 36, Code of Federal Regulations for additional regulations):

- a. Spear fishing or possession of a spear gun.
- b. Sale or use of balloons.
- c. Smoking within 50 feet from the shoreline.
- d. Camping other than at Cinnamon Bay Campground.
- e. Glass bottles or containers or pets on Park beaches.
- f. Dumping trash, garbage, refuse and the discharge of sewage of any kind.
- g. Loud recorded or live music as described in 36 CFR 2.12.
- h. Disturbing or removing historic structures or their contents.
- i. Disturbing or removing shipwrecks or parts thereof or their contents.
- j. Feeding, touching, teasing, frightening, chasing or intentionally disturbing wildlife, including fish and sea turtles.
- k. Damaging, breaking, or taking of any marine or terrestrial, flora or fauna except for regulated marine species and allowable fruits and berries.
- l. Waterskiing, towing boogie-boards, parasailing and use of personal watercraft (jet-skis, wave runners, etc.).
- m. The Commercial Use Authorization cannot be transferred, extended or assigned under any circumstances.

6. Vessel Restrictions in National Park Waters:

- a. Operating a vessel in excess of 5 MPH and/or creating a wake within 500 feet of a diver's marker or swimmer is prohibited.
- b. Anchoring is permitted in north shore bays in sand only and where a mooring is not available. Vessels may not anchor within 200 feet of any mooring buoy or 100 feet of any beach or boat exclusion buoy.
- c. No anchoring is permitted off the south shore between Cocoloba Point and Nanny Point. Vessels must use moorings provided, except vessel 16' or less may anchor in sand.
- d. Commercial vessels with a LOA greater than 125 feet are prohibited from anchoring or mooring in the Park.
- e. Park moorings may be used by vessels no greater than 60 in overall length.
- f. Rafting of boats or setting of anchors is prohibited while on a mooring.

- g. Fishing is prohibited while on a mooring.
- h. Vessels less than 26 feet in length overall may access the beach using the channels designated by red and green buoys. Vessels may not anchor in these channels.
- i. Dinghies may not be secured in any way to any natural feature, including rocks and vegetation.
- j. Scuba diving and snorkeling is prohibited in designated boat channels, shipping lanes and dock areas and at Trunk Bay beach.
- k. Hookah underwater breathing systems which are powered by internal combustion compressors are prohibited.

See Superintendent's Compendium and Park brochures for complete details on anchoring and mooring in the park, available at the Superintendent's office.

- 7. Monthly Reporting:** Permittee will provide a monthly report indicating the date, number of passengers carried, and the bays visited, for the preceeding month of operation. Reports must be received no later than the 15th day of the following month. Send reports to Concessions Office, Virgin Islands National Park, 1300 Cruz Bay Creek, St. John, VI 00830 or e-mail to paul_p_jones@nps.gov or fax to 340-714-0545.

These Operating Conditions are hereby attached to and made a part of the Commercial Use Authorization for commercial activities in the Virgin Islands National Park. The Superintendent may amend these conditions during the operating year. Failure to comply with National Park Service regulations, policies, and conditions of this permit shall constitute cause for a warning, immediate suspension and/or revocation of the commercial use authorization.

I have read, understand and intend to comply with these conditions for operation of my commercial vessel activity in the Virgin Islands National Park.

Signature of Permittee

Date