



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 COMMERCIAL VESSEL OPERATING CONDITIONS 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.

**COMMERCIAL VESSELS** will be defined as including “six pack” and multi- passenger day sail boats, SCUBA vessels, kayaks, crewed charter sailboats and powerboats, and vessels associated with water sports operations. Bareboat charter vessels are not included and not subject to permit as commercial services.

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](http://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 the 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. **Docking Restrictions:** Due to requirements in the Marine Transportation Security Act of 2002, Commercial vessels carrying more than 12 passengers may not embark passengers for International voyage (BVI Islands) from the National Park Service (NPS) dock facilities in Cruz Bay. This restriction includes the (NPS) bulkhead and 15 minute courtesy pier. Vessels carrying 13 or more passengers should contact the Cruz Bay Port Authority Harbor Master by radio for instructions on embarking passenger for international voyages.



## 5. Specific Conditions:

- a. Permittee shall ensure that one staff member for every 50 passengers are certified in both CPR and lifesaving skills and techniques. These individuals must be capable of and available to perform first aid procedures aboard the vessel, on the beach and in the water. They shall be available to monitor passengers at all times when on the beach or in the water.
- b. Use of the National Park Service dock at Red Hook is by Special Use Permit only and is not covered by this Commercial Use Authorization.
- c. 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.
- d. A \$5.00 per passenger fee is to be paid to the National Park Service for passengers entering Trunk Bay. Permittee is responsible for coordinating a payment program with the Recreation Fee Program office at the Park.
- e. The permittee (and employees) shall be knowledgeable of the Park and its resources, and especially knowledgeable of the areas of operation. The permittee and employees shall be in sufficient physical condition to perform the services authorized.
- f. The permittee shall be knowledgeable of their boating equipment and shall inspect all equipment on a routine basis to ensure it is in serviceable condition and well maintained.
- g. All boats must have flotation devices for each person. Signal devices and lighting devices must also be on board for emergency purposes, and vessels shall meet all US Coast Guard requirements as well as USVI registration requirement.
- h. Vessel passengers and crew will comply with Virgin Islands National Park Service or territory anti-nudity laws.
- i. No alcoholic beverages shall be served to visitors during or prior to snorkeling or swimming activity and visitors should be warned of the danger associated with this behavior.
- j. 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.
- k. Permittee's VINP serial numbered decal must be permanently affixed on the port side of the vessel in a highly visible location and may not be used for any other vessel, even if owned by the same company.
- l. The permittee shall conform to the provisions of CFR, Title 36; Section 2.14, which requires the removal of all refuse and to have a holding tank aboard capable of holding all wastes while in Virgin Islands National Park. Draining, pumping or discharging of any wastes while in such waters is prohibited.
- m. Commercial Use Authorizations may not be transferred, extended or assigned under any circumstances. Once vessel ownership changes the permit is considered terminated.
- n. Pick up and drop off of passengers who will be visiting the National Park areas should be limited to the NPS finger Pier for a maximum limitation of 15 minutes. The NPS bulk head should only be utilize as an overflow dock when space is available and when the finger pier is fully occupied. National Park Service docks are for the sole purpose of facilitating access to the NPS 200 plus moorings and waters. **Use of the NPS dock for other purposes is not authorized.**
- o. Title 46 CFR 117.71 and 180.71:"(a) An adult life jacket must be provided for each person carried on board a vessel (b) In addition, a number of child-size life jackets equal to at least 10 percent of the number of persons permitted on-board must be provided, or such greater number as necessary to provide a life jacket for each person being carried that is smaller than the lower size limit of the adult life jackets provided to meet this section.
- p. All automated underwater propulsion units, including but not limited to underwater scooters, are forbidden in the park.

- q. This Permit authorizes use of the blue commercial mooring and any white mooring from 8am to 5:00 pm. Mooring fees are applicable for commercial vessels after 5:00 pm. Commercial vessels are prohibited from using Concessions moorings that are blue marked with a red ring.

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

- a. Commercial advertising within park boundaries, including banner advertising on vessels.
- b. Commercial group use of Francis Bay beach.
- c. Spear fishing or possession of a spear gun.
- d. Sale or use of balloons.
- e. Camping, other than in designated sites at Cinnamon Bay.
- f. Glass bottles and/or containers or pets on Park beaches.
- g. Dumping trash, garbage, refuse and the discharge of sewage of any kind.
- h. Loud recorded or live music as described in 36 CFR 2.12.
- i. Disturbing or removing historic structures or their contents.
- j. Disturbing or removing shipwrecks or parts thereof or their contents.
- k. Feeding, touching, teasing, frightening, chasing or intentionally disturbing wildlife, including fish and sea turtles.
- l. Damaging, breaking, or taking of any marine or terrestrial, flora or fauna except for allowable fruits and berries.
- m. Waterskiing, towing boogie-boards, parasailing and use of personal watercraft (jet-skis, wave runners, etc.).
- n. Tying ropes or lines to shoreline vegetation.
- o. Smoking on the beach or within 50 feet from restaurants, public restrooms or picnic tables in the Park.

**7. Vessel Restrictions in National Park Waters:**

- a. Operating a vessel in excess of 5 MPH and/or creating a wake within 100 feet of a diver's marker or swimmer are prohibited.
- b. 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 for vessels 12' or less in length and only in sand.
- d. Park moorings may only be used by vessels up to 60 feet in length overall.
- e. Rafting of boats, setting of anchors or fishing is prohibited while on a mooring.
- f. 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.
- g. Vessels up to 60 feet in length may use the beach access channel at Honeymoon Beach to drop off and pick up passenger, provided that not more than one boat is in the channel at one time. Boats must then exit the channel immediately and moor vessels.
- h. Dinghies may not be secured in any way to any natural feature, including rocks and vegetation.

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

8. **Monthly Reporting:** Permittee will provide a monthly report indicating the date, number of passengers carried, and the bays visited, for the preceding month of operation. Reports must be received no later than the 15<sup>th</sup> 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](mailto: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.**

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Signature of Permittee

Date