

VIRGIN ISLANDS RULES AND REGULATIONS
NAVIGATION

CHAPTER 15. MOTORBOATS

Section 297-1. *Authority of the Commissioner.*

Pursuant to Title 3 V.I.C. § 401, the administration and enforcement of all laws pertaining to coastal zone management, coastal lands and off-shore islands and cays are vested in the Commissioner of the Department of Planning and Natural Resources. The Commissioner, with the approval of the Governor, is authorized, as may be necessary or appropriate for the implementation and effectuation of the powers of the Department of Planning and Natural Resources, to issue rules and regulations.

Pursuant to Title 25 V.I.C. § 297, reckless or negligent operation of any motorboat or vessel is prohibited. The Commissioner is authorized to designate areas within the harbors and bays of the Virgin Islands where operation of vessels or motorboats in excess of six (6) statute miles per hour is prohibited.

Section 297-2. *Purpose and scope:*

There has been a proliferation of motorboats, including personal watercraft and thrillcraft within the waters and adjacent shores of the United States Virgin Islands. The safety of the citizens of the Virgin Islands and the operators of these vessels and other vessels requires the implementation and promulgation of rules and regulations for their safe and reasonable operation. The forming of associations of watercraft operators for purposes of educating members of environmental concerns, safe operating procedures and particular instruction with respect to specialized watercraft is recognized by the Commissioner and encouraged. Active participation by watercraft operators with adherence to organizational guidelines and safety programs will go far in promoting safe boating in our territorial waters and beyond. It is hoped that these rules and regulations will be used by these organizations to assist in their safety programs and that these organizations will not only promote safe boating in our waters, but they will assist in not only educating their members with respect to these rules and regulations but also actively encourage full compliance.

Unregulated marine craft operation in shallow waters can resuspend bottom sediment, resulting in the reintroduction of toxic substances into the water column. It can increase turbidity, which affects the photosynthetic activity of algae and submerged aquatic vegetation (SAV). SAV provides habitat for fish, shellfish and turtles and plays an important role in maintaining water quality through assimilating nutrients. It also reduces wave energy, protecting shorelines and bottom habitats from erosion. Replacing SAV once it has been uprooted or eliminated from an area is difficult, and the science of replacing it artificially is not well-developed. It is therefore important to protect existing SAV. Further, other fragile marine ecosystems are easily disturbed by such marine craft activities. Such activities include the unregulated use of personal watercraft in sensitive areas such as shallow grass beds, coral reefs and places where sea turtles, juvenile fish and seabirds customarily feed. These activities further

endanger sea turtles through potential collisions, disrupt the schooling behavior of baitfish, and thus the feeding potential of seabirds on baitfish.

While recognizing the rights of the operators of motorboats, including personal watercraft and other thrillcraft to operate their vessels in a prudent and lawful manner, in view of the foregoing, it has become necessary to issue rules and regulations for their operation within the territorial waters of the United States Virgin Islands. A purpose of these rules and regulations is also to reduce conflicts among ocean users, especially in areas of high activity. These rules and regulations are intended to accomplish this purpose and have been duly promulgated after public hearings within the jurisdictions of St. Croix and St. Thomas & St. John.

Section 297-3. Definitions

Closed Area: A designated bay or enclosed body of water within which operation by motorboats having internal combustion engines (including PWC & other thrillcraft) is not allowed. These areas shall be as designated by the Commissioner or as provided in the rules and regulations governing a marine reserve and wildlife sanctuary (or as posted).

Commissioner: The Commissioner of Planning and Natural Resources.

DPNR, Department: The Department of Planning and Natural Resources.

Marine Reserve & Wildlife Sanctuary: An area subject to additional regulation, which may include being completely closed to motorboats. Area designations and rules & regulations governing the respective area are available at DPNR, Division of Fish & Wildlife.

Ocean recreation management area: see "Operations area".

Operations area: **St. Thomas and St. John:** an area seaward two hundred (200) feet of any fringing or shallow reef, but in no case less than five hundred (500) feet from the shoreline (including off-shore cays and islands); and, an area five hundred (500) feet from any designated non-motorized recreational watersports activity area, *e.g.*: swimming, snorkeling, diving, surfing and sailboarding (windsurfing). Such other areas as may be specifically so designated by the Commissioner.

St. Croix: an area two hundred (200) from any fringing or shallow reef but in no case less than four hundred (400) feet from the shoreline (including off-shore cays and islands); and, an area five hundred (500) feet from any designated non-motorized recreational watersport activity area, *e.g.*: swimming, snorkeling,

diving, surfing and sailboarding (windsurfing). Such other areas as may be specifically so designated by the Commissioner.

Parasail: towing a person in a parachute harness behind a watercraft, usually a motorboat with a platform from which parachute riders are launched and retrieved, and from which they are towed while tethered aloft.

Personal Watercraft (PWC): (also known as "water scooter", "jet-ski", "wave runner", "sea-doo", etc.) an engine-driven watercraft, usually driven by an inboard motor powering a water jet pump, capable of quick maneuverability and reaching speeds of up to, and in excess of, forty (40) miles per hour and upon which the driver (and passengers) sits, kneels or stands rather than in the conventional manner of sitting or standing inside of the vessel.

Prohibited area: a designated area where no operation of motorboats, including personal watercraft or other thrillcraft, is allowed (except for engaging in fishing or diving activities), and which includes: (a) areas designated for non-motorized recreational watersports activity, such as: swimming, snorkeling, diving, surfing and sailboarding (windsurfing); (b) such areas designated as special areas where any boat wake will have a deleterious effect on the organisms which live there, e.g., on mangrove roots, and where motor noise of any volume disturbs the animals that nest or roost in these areas and on mangrove trees. Except to get to or from an area of operation or other permitted area, operation over seagrass beds and coral in depths less than four feet is prohibited.

Reduced speed: when used herein means a speed substantially less than the maximum speed capable of being reached by a particular type of vessel and less than the normal operating speed but not at the slowest or no-wake speed of the vessel. In the event a speed limit is posted, this shall be the reduced speed required. Except where specifically stated otherwise, speeds posted shall be in statute miles per hour.

Restricted areas: a designated harbor or bay within which operation by motorboats, including personal watercraft and other thrillcraft is limited. Operation in these areas shall be in as straight a line as is practicable under the circumstances and shall in no event interfere with swimming and other non-motorized activities; operation in these areas shall be at a reduced speed, without excessive wake and, whenever safety requires it, or in a designated mooring or anchoring area, shall be in a slow, no-wake manner.

Thrillcraft: includes "Personal Watercraft", other specialty prop-craft which is similar in appearance and operation to a personal watercraft but which is powered by an

outboard or propeller driven motor, water-skis, and parasail. This term will include new watercraft inventions designed to be quick, maneuverable and usually occupied by one, two or three persons. This term also includes small single or two-passenger-enclosed engine driven crafts operated in a manner similar to personal watercraft and all types of towed recreational watercraft, such as waterskis or boards of any nature.

Section 297-4. *Designation of restricted areas*

The following harbors and bays in the United States Virgin Islands are designated restricted areas:

St. Croix:

- Beaugard Bay (inside a line from Fort Louise Augusta Point to Shoy Point)
- Butler Bay/Hams Bay (Butler Bay Point to Hams Bluff)
- Chenay Bay (inside a line from Punett Point to Pull Point)
- Christiansted Harbor (inside the fringing reef from Little Princess to Fort Louise Augusta Point)
- Davis Bay/Cane Bay (inside a line from Sweet Bottom to Cane Bay Point)
- Fareham Bay/Spring Bay (inside a line from Milord Point to Surlaine Point)
- Frederiksted (from Stoney Ground, Vincent Mason Recreational Complex to Frederiksted Pier and from Frederiksted Pier to Sprat Hole)
- Grapetree Bay (inside a line from Hughes Point to Grapetree Point)
- Great Pond Bay (inside a line from Mt. Fancy Point to Milord Point)
- Green Cay
- Halfpenny Bay/Manchenil Bay (inside a line from Surlaine Point to Vagthus Point)
- Isaac Bay (inside the fringing reef from Point Cudejarre to Isaac Point)
- Jack Bay (inside a line from Isaac Point to Hughes Point)
- Judith Fancy/LaGrande Princess (from Judith Fancy Point to Little Princess)
- Knight Bay/Cottongarden Bay (inside a line from Romney Point to Cottongarden Point)
- La Vallee/Rust-op-Twist/Clairmont (from Cane Bay Point to Judith Fancy Point)
- Prune Bay/Coakley Bay (inside a line from Pull Point to Pow Point)
- Punett Bay (inside a line from Shoy Point to Punett Point)
- Rod Bay/Robin Bay (inside a line from Grass Point to Mt. Fancy Point)
- Salt River Historical Park and Ecological Preserve
- Sandy Point
- Solitude Bay/ Yellowcliff Bay (inside a line from Pow Point to Tague Point)
- Tague Bay (inside a line from Tague Point to Romney Point)
- Turner Hole (inside a line from Grapetree Point to Grass Point)

St. John:

Chocolate Hole (inside a line from Bovocoap Point to Maria Bluff)
Coral Bay (including Hurricane Hole and Round Bay; inside a line drawn between Long Point and Lagoon Point)
Cruz Bay (inside a line from Moorehead Point to Lind Point)
Fish Bay (inside a line from Dittlif Point to NPS boundary)
Great Cruz Bay (inside a line from Maria Bluff to Contant Point)
Hurricane Hole (inside a line from Turner Point to Harbor Point)
John's Folly Bay (inside the fringing reef)
Newfound Bay (inside the fringing reef)
Rendezvous Bay (inside a line from Dittlif Point to Bovocoap Point)

St. Thomas:

Bolongo Bay (see Stalley Bay)
Botany Bay (inside a line from Little St. Thomas to Botany Point)
Brewers Bay (inside a line from Range Cay to Black Point)
Charlotte Amalie Harbor (see St. Thomas Harbor)
Coconut Bay, Hans Lollik Island (inside a line between the two points that define the bay)
Cowpet Bay (inside a line from Water Point to Deck Point)
Dorothea Bay (inside a line from Ruy Point to Dorothea Point)
Eva Bay, Thatch Cay (inside a line from Eva Point to Lee Point)
Great Bay (inside a line from Cabrita Point to Water Point)
Great St. James Island: inside any of the bays and Christmas Cove and Bareass Bay
Fortuna Bay (inside a line from Lucas Point to David Point)
Hull Bay (inside a line from Dorothea Point to Tropaco Point)
Jersey Bay (inside a line from Red Point on Cas Cay to Compass Point); also designated as a marine reserve and wildlife sanctuary; special restrictions apply.
Little St. James Island (inside lines connecting the southwest and northeast points of the island and Great St. James Island); also designated as a marine reserve and wildlife sanctuary; special restrictions apply.
Lindbergh Bay (inside a line from Mosquito Point to Red Point)
Lovango/Congo Cays (inside lines connecting the eastern and western points of the islands)
Magens Bay (Inside a line from Lerkenlund Bay to Picara Point)
Mandal Bay (inside a line from the point on the west side of the bay to Mandal Point)

Morningstar/Frenchman Bays (inside a line from Green Cay to Muhlenfels Point)
Nazareth Bay (inside a line from Beverhout Point to Compass Point)
Neltjeberg Bay (inside a line from Kastel point to Ruy Point)
Perseverance Bay (inside a line from Black Point to Lucas Point)
St. John/Red Bays (inside a line from Cables Point to Redhook Point)
St. Thomas Harbor/Gregerie Channels (inside a line from Muhlenfels Point, St. Thomas, to Cowell Point, Hassel Island, to Sprat Point, Water Island, to Flamingo Point, Water Island, to Mosquito Point, St. Thomas)
Santa Maria Bay (inside a line from Vluck Point to Stumpy Point)
Stalley/Bovoni/Bolongo Bays (inside a line from Long Point to Coculus Point)
Stumpy Bay (inside a line from Stumpy Cay to Stumpy Point)
Tutu/Sunsi/Spring/Coki Bays (inside a line from Mandal Point to Coki Point)
Vessup/Redhook Bays (inside a line from Redhook Point to Cabrita Point)
Water/Smith Bays (inside a line from Coki Point to Cables Point)

Section 297-5. *Prohibited areas:*

St. Croix:

The following are designated as non-motorized (except for fishing and diving activities) recreational watersports activity areas (specifically for wave surfing or windsurfing); when wave surfing or windsurfing activities are being conducted (by one or more persons) in these areas, except for fishing and diving related activities, motorized recreational vessels are prohibited from using these areas:

Cane Bay/LaVallee/Baron Bluff (from Cane Bay east to Baron Bluff);
Grapetree Bay (from Hughes Point to Grapetree Point);
Grass Point (west side of Grass Point);
Hams Bay (from headlands on east and west sides of Hams Bay);
Jack Bay (from Isaac Point to Hughes Point);
Judith Fancy/St. Croix By The Sea (from Judith Fancy Point to Little Princess);
Salt River (east and west sides of the entrance to Salt River Bay within the boundary of the Salt River Historical Park and Ecological Preserve);
Shoy Bay (from headlands on east and west sides of Shoy Bay);
Sprat Hole (Williams Beach north to Butler Bay).

297-6. *Closed Areas:*

St. Croix:

Altona Lagoon
Great Pond
West End Salt Pond

St. Thomas:

Mangrove Lagoon and Jersey Bay (inside a line from the western point of Cas Cay to the eastern point of Bovoni Cay to the eastern side of the Turpentine Run drainage system); also designated a marine reserve and wildlife sanctuary.

Section 297-7. Personal Watercraft and other thrillcraft (except parasail) regulated

- (a) A person may not operate a personal watercraft or other thrillcraft unless each person riding on or being towed behind such vessel is wearing a type I, type II, type III, or type V personal flotation device approved by the United States Coast Guard.
- (b) A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch must attach such lanyard to his person, clothing, or personal flotation device as is appropriate for the specific vessel.
- (c) A person may not operate a personal watercraft or other thrillcraft at any time between the hours from one-half hour after sunset to one-half hour before sunrise unless such vessel properly displays United States Coast Guard approved running lights installed by the manufacturer or specifically approved by the United States Coast Guard or DPNR.
- (d) A personal watercraft must at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb, or property, including, but not limited to, weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed, and swerving at the last possible moment (or close thereto) to avoid collision shall constitute reckless operation of a vessel, as provided at Title 25 V.I.C. § 297.
- (e) No person under the age of 18 shall operate a personal watercraft on the waters of the United States Virgin Islands, except that persons between the ages of 14 and 18 who have completed an approved safe boating education course (approved by DPNR) and with written parental approval and acknowledgment of liability may operate such watercraft. (A person under age may be allowed to ride as a passenger on a personal watercraft with parental or guardian consent.)
- (f) It is unlawful for the owner of a personal watercraft or any person having charge over or control of a personal watercraft to authorize or knowingly permit the same to be operated by a person under 18 years of age (except as provided above) in violation of this section.

(g) Operation within designated swim areas is prohibited.

(h) Operation within restricted areas except to get to and from a designated area of operation is limited. Operation in these areas shall be in as straight a line as is practicable under the circumstances and shall in no event interfere with swimming and other non-motorized activities and, whenever safety requires it, or in a designated mooring or anchoring area, shall be in a slow, no-wake manner.

(i) Circular turns (360 degrees turns) with steering mechanism held to the extreme, also known as "doughnuts" are prohibited, except in operations areas and only when conditions are such as to permit their safe execution. Such maneuvers may not be performed in close proximity to other vessels, swimmers, shore or reef nor interfere with the safe use of territorial waters by non-motorized watercrafts or of other conventional motorized vessels.

(j) Wake jumping (crossing the wake of another vessel at high speeds) or zig-zagging at high speeds is prohibited within one hundred (100) feet of the boat creating the wake and as otherwise provided herein.

(k) Operation of one PWC at speed in excess of six (6) statute miles per hour within one hundred (100) feet from another PWC is prohibited.

(l) Operation of loud or unmuffled craft is prohibited. No craft nor motor of a PWC or other thrillcraft may be modified in a manner which causes the craft or motor to operate at an increased noise level.

(m) Beaching of a personal watercraft, thrillcraft or other motorboat by driving onto shore is prohibited.

(n) Causing excessive wakes in restricted areas is prohibited.

(o) Operating at a speed in excess of idle speed within ten (10) feet of a legally anchored or moored vessel is prohibited; such operation shall be in a slow, no-wake manner.

(p) Except for travel to and from operations areas, and as otherwise provided herein, all operation of personal watercraft and other thrillcraft shall be in the ocean recreation management area. Travel to and from (ingress and egress) operation areas shall be by the most direct route consistent with safety considerations and these rules and regulations.

(q) This section does not apply to a performer engaged in a professional exhibition preparing to participate or participating in a regatta, race, marine parade, tournament, or exhibition held in compliance with Title 25 V.I.C. § 301 and pursuant to a permit issued by the Commissioner.

(r) Except where made specifically applicable to a particular type of vessel or watercraft, this section generally applies to all motorboat operations in territorial waters. Operation (or prohibition of operation) in Marine Reserve & Wildlife Sanctuaries are as provided in rules and regulations for the respective areas.

Section 297-8. *Parasailing activities regulated*

Parasailing activities shall be conducted in territorial waters in compliance with rules and regulations promulgated by the United States Coast Guard. Commercial parasailing activities may be conducted only by duly licensed personnel.

Section 297-9. *Waterskiing behind personal watercraft.*

Only personal watercraft which are designed by the manufacturer to specifically allow for the towing of water skiers may do so. When engaged in water skiing operations, a passenger facing the person being towed on water skis is required.

Section 297-10. *Operator permit requirements*

No person shall offer for a fee any motorized vessel, water craft or water sports equipment unless the person has been issued an operator permit by the Department of Planning and Natural Resources. Application for an operator permit shall be on a form provided by the Department. Each applicant shall be examined by the respective Coastal Zone Management Committee for the jurisdiction in which the applicant resides to determine if the applicant is qualified to receive an operator permit. Recommendations of the Committees shall be provided to the Commissioner who shall make the final determination and issue the operator permit. Pending processing of application, an operator presently engaged in such rental activity shall be allowed to continue such operation, provided, however, a permit application is submitted to DPNR.

Section 297-11. *Mooring of rafts and platforms*

The permanent mooring of rafts and platforms for use in thrillcraft, parasailing and other water sports activities is prohibited. Rafts and platforms shall be removed daily from territorial waters or located in a designated anchorage or mooring area in accordance with a valid permit issued by DPNR.

Section 297-12. *Safety and enforcement*

The restrictions cited in these rules and regulations shall not apply in the event of an emergency to law enforcement or rescue craft, or to vessels participating under a valid ocean waters event permit issued by the DPNR or the United States Coast Guard.

Section 304. Penalties

Penalties shall be as provided at Title 25 V.I.C. § 304, or as amended hereafter, and as otherwise provided by law. Civil penalties shall be assessed by the Commissioner by Notice of Violation and Assessment pursuant to the Civil Penalty Policy and Matrix of the Department of Planning and Natural Resources, except that in no event may penalties assessed be in excess of those provided by statute.

Any penalty imposed shall be in addition to the suspension or revocation of licenses, permits, certificates or registrations as authorized by law and to any confiscation and forfeiture proceedings authorized by law.