



Commercial Licence Agreement for Kittiwake Attraction



DATE: _____

BETWEEN: _____

("Licenced Operator")
and the

CAYMAN ISLANDS TOURISM ASSOCIATION ("CITA")

Company Representative: _____

Company Mailing Address: _____

Insurance Company: _____ Policy Number: _____

Insurance valid from _____, through _____.

Vessel Name(s): (CI\$150 for first vessel, CI\$75 for each additional vessel)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

TOTAL CI\$ _____

1. I have reviewed the Licence Agreement to visit the Kittiwake and signed and initialed in the appropriate places.
2. I am a paid member of the CITA.
3. I have attached a copy of my insurance that shows a fully paid policy that co-insures the Cayman Island Tourism Association and the Cayman Islands Government, with underwater liability insurance of \$1,000,000 per diving incident and \$2,000,000 per snorkeling incident.

Signature: _____

CITA Office Use Only

Licence Received _____/_____/_____	CITA Staff initial _____
Licence Granted _____/_____/_____	OR Licence Denied: ___/___/___ *
* Reason: _____	
Licence Number(s): _____	Annual Dive Token Numbers: _____
Annual Fee paid \$ _____	Valid until ___/___/_____

SAFETY STANDARDS, REGULATIONS AND OPERATING GUIDELINES ("Operating Guidelines") FOR VISITS TO THE KITTIWAKE

CAYMAN ISLAND TOURISM ASSOCIATION (CITA)

Neither the Cayman Islands Government nor the CITA shall be liable for any personal injury, death or damage to property arising out of or in the course of or by reason of the commercial operation of this Licence or from the Licencee's use or occupation of Kittiwake Site.

At all times during the term of this Licence, Licenced Operators will maintain a fully paid in advance third party underwater liability insurance policy with the Cayman Islands Government and the Cayman Islands Tourism Association co- insured on the policy.
(signed copy must be attached to application)

Definitions:

Watersports Company: A company duly licenced in the Cayman Islands to take dive, snorkel or submarine passengers out on a paid for excursion.

Dive Master: A certified dive master, or higher rating, from a recognized training agency, that is current and insured and lawfully employed by a watersports company in the Cayman Islands.

Snorkel Guide: An in-water guide provided by a current and insured and lawfully employed watersports company in the Cayman Islands.

Staff: All employees of a watersports company that are licenced to visit the Kittiwake, including but not limited to dive masters, snorkel guides, captains or boat operators, surface support staff and the like.

Vessel: A boat that carries paid or unpaid guests to visit the Kittiwake site, and that is licenced by the CITA to visit the Kittiwake site.

Passenger: All guests aboard a vessel, whether paid or unpaid.

Licence: An annual licence issued by the CITA that allows vessels the right to visit and take passengers to the Kittiwake attraction.

Lease: A legally binding exclusive lease between the Cayman Islands Government and the CITA that permits the CITA to operate, manage, charge fees for entry, maintain and enforce the rights of the lease.

Kittiwake: The underwater shipwreck sunk as an artificial reef and under lease to the CITA, operated as a private attraction that requires a licence and a per visitor entry fee to visit. The Kittiwake is located off Sand Chute dive site at the northern end of Seven Mile Beach at GPS coordinates 19° 21.714'N 081° 24.073W (Bow) and 19° 21.688'N 081° 24.044W (Stern).

Kittiwake Site: The area demarcated for the Kittiwake including the surrounding reefs and moorings as identified in **Schedule 1** of these operating guidelines.

All watersports companies must adhere to the marine laws and regulations of the Cayman Islands and the CITA safety guidelines and procedures.

Where any discrepancies exist between the CITA safety guidelines and procedures and these operating guidelines, these guidelines will supersede the general CITA safety guidelines for visits to the Kittiwake.

Private boat operators will follow these standards as if they are the dive master and/or snorkel guide and/or a licenced watersports company as the condition applies.

Additionally, special considerations for safety and operations whilst on the Kittiwake are as follows:

1 Dive Master and Snorkel Guide Passenger Ratio

a. Supervised External/Topside Dives (No Penetration)

The **required** maximum in-water Dive Master / Passenger ratio is 1 Dive Master to 10 certified divers. A surface support staff on lookout must remain on the Vessel while divers are in-water.

b. Supervised Wreck Entry Dives (Penetration)

Supervised Wreck Entry Dives (Penetration) 'The required maximum in-water dive master / passenger ratio for this dive is 1 dive master to 8 certified divers'.

b (2) The second Kittiwake dive within a six month period by a certified diver who has completed the guided orientation dive within that period can be done in a buddy team provided the buddy has also completed the guided orientation dive within the same period. A Dive master must be in the water monitoring the divers in buddy pairs and a surface support staff on lookout must remain on the Vessel while divers are in the water.

c. Night dives

The **required** maximum in-water dive master / passenger ratio is 1 dive master to 6 certified divers. A surface support staff on lookout must remain on the vessel while divers are in-water.

d. Supervised Snorkelers

The **required** maximum of Dive Master / Snorkel Guide to snorkelers is 1 Dive Master / Snorkel Guide to 25 snorkelers for supervision. A maximum of 100 Passengers per Vessel is allowed. One surface support staff on lookout must remain on the Vessel while snorkelers are in-water.

e. Supervised Free Divers (breath hold divers)

The required maximum of dive master / snorkel guide to free divers is 1 dive master / snorkel guide to 8 free divers with in-water supervision. A surface support staff on lookout must remain on the Vessel while Free Divers are in-water.

2 Minimum Qualifications for Staff

- a. Dive Masters must have a Wreck Specialty certification from a recognized training agency.
- b. All Snorkel Guides, Dive Masters and Surface support staff must have current CPR/O2 and Emergency First Response or Medic First Aid training. All Staff supervising Free Divers must be capable of free diving to the maximum depth of the dive plan.

3 Mandatory Requirements - Dive Masters, Snorkel Guides & Vessels

A large map of the Kittiwake Site will be provided with the Licence by CITA. Individual smaller maps/slates are available for purchase.

Dive Masters

- a. A slate with a map of the Kittiwake (in-water)
- b. An underwater signaling device
- c. Visual pink band secured around the tank
- d. A primary and back up dive light
- e. Safety recall system for divers – a meeting point on the Kittiwake site briefing and
- f. buddy system procedure with emergency recall Kittiwake Site entry medallion or wrist
- g. band for each diver that must be worn on the individual Passenger

Snorkel Guides

- a. A slate with a map of the Kittiwake (in-water)
- b. A signaling device
- c. Visual pink band on wrist for in-water Snorkel Guides
- d. Safety recall system for snorkelers
- e. Kittiwake site briefing and buddy system procedure with emergency recall

- f. Kittiwake Site entry medallion or wrist band for each snorkeler that must be worn on the Passenger

Mandatory Requirements for Vessels

- a. In addition to all the safety requirements of the Marine Laws and/or Port Authority regulations, all Vessels visiting the Kittiwake Site must have:
 - i. A large map of the Kittiwake Site showing the moorings, Kittiwake orientation, dive buoys and navigational markers.
 - ii. All Passengers must be given a briefing of their Vessel location on the map, their Vessel name and shown areas in the Kittiwake Site that they are allowed to dive/snorkel/free dive in as well as any off-limit zones and Vessel traffic zones. The minimum requirements for the briefing are identified in Schedule 2 of this Agreement.
 - iii. Snorkelers must be briefed about the danger of accepting compressed air from a diver, and told that they must not breathe from a scuba tank while snorkeling.
 - iv. Captain of the Vessel must take a written, logged count of all Passengers entering the water, and must recount that all Passengers are back on board prior to leaving the Kittiwake Site. Missing divers or snorkelers will be reported to 911 Emergency immediately.
 - v. All Vessels must have the Kittiwake entry decal, that is issued with the annual Licence, to be affixed in plain sight. The entry decal must valid be for the current year.
 - vi. All Passengers should be encouraged to complete a marine life / reef census survey to assist in the evaluation of marine life growth on and around the Kittiwake Site. Reef survey cards can be obtained from the CITA office and completed surveys must be returned to the CITA office by month end each month.

4 Certification Level and Wreck Penetration

- a. Open Water divers are only able to dive on decks 1 to 3 of the Kittiwake and must be supervised.
- b. Advanced Open Water divers may dive on all decks of the Kittiwake but must be supervised and should be taken only in areas of the Kittiwake where there is direct surface access.

- c. A diver holding a Wreck Specialty certification or higher rating may have unsupervised access to all decks of the Kittiwake after a guided orientation dive. Guided orientation dives must be within 2 years of the previous dive on the Kittiwake.
- d. Absolutely no solo diving is allowed on the Kittiwake Site; all divers must be in buddy teams.
- e. Unsupervised divers must each have a slate map of the Kittiwake in their possession on all dives and must each carry a dive light, backup dive light and signaling device and file a dive plan with the Vessel prior to the dive. Dive plans must at a minimum include the divers names, entry time, starting tank pressure, proposed exit time and emergency responses.
- f. Snorkelers must be able to swim and should have a safety floatation device if, in the opinion of the Watersports Company, they are not comfortable snorkeling without one. Snorkelers must stay over the Kittiwake and not venture out towards surrounding reefs due to Vessel traffic.
- g. Free Divers must be able to free dive comfortably and have a buddy or Staff immediate overhead providing in-water supervision on each free dive, directly overhead. Free Divers must stay over the Kittiwake and not venture out towards surrounding reefs due to Vessel traffic.
- h. Night Dives on the Kittiwake are allowed. HOWEVER, all night dives will be guided/supervised regardless of the qualifications of the divers. All divers must carry a back up light in addition to a primary light and each Vessel shall affix an underwater strobe to the Vessel.

5 Mooring Etiquette

- a. **NO UNLICENCED VESSELS MAY ENTER THE KITTIWAKE AREA.**
- b. The maximum number of Passengers at the Kittiwake Site at any one time is 300.
- c. No Vessels may anchor in the sand within 300 feet of the Kittiwake except those that have been granted a special permit to do so. Sand anchoring permits will be issued by the CITA upon approval of the request that shows the need for the anchoring. CITA reserves the right to refuse any request.
- d. Once Vessels have verified that all Passengers are back onboard and the ladders are raised they must immediately depart the Kittiwake area.
- e. No dive or snorkel Vessels may pass directly over the Kittiwake, except as required to pull on / off a mooring. The only exception to this is an emergency Vessel or other boat if it is on assisted duty.

- f. Vessels may only tie up to moorings and not tie up to any navigation buoys or ship marker buoys. Moorings are yellow commercial moorings identified as ***Kittiwake*** and the number ***one (1) through seven (7)*** on them.
- g. Waiting Vessels must remain at least 300 feet away from a mooring buoy which is occupied. Vessels not on a mooring or with a sand anchoring permit must not allow customers to enter the water.
- h. The maximum speed limit upon entering the Kittiwake Site is 5 mph and NO WAKE is permitted. As the Kittiwake Site has a large number of Passengers and Vessels visiting the area, all Vessels must be aware and on lookout for in-water passengers that are in the Kittiwake Site.
- i. Commercial vessels with passenger limits of less than 4 persons (including personal water craft, kayaks and inflatables) permitted to raft together off a designated mooring #5 or #7, or other moorings as designated by CITA. Rafting vessels must not exceed 40 ft in overall length of the raft and not more than 4 vessels are permitted to be rafted together.
- j. Private Boat Operators (non- commercial) will only be allowed to visit the Kittiwake Site after 2:00pm.

6 Time Limit on Mooring Buoys

- a. The maximum time that a Vessel with divers is permitted to stay on a mooring is 1.5 hours. The maximum time that a Vessel with snorkelers is permitted to stay on a mooring is 1 hour. Maximum time is from tie up to departure.
- b. Exceptions to 6a. above will be by prior arrangement with the CITA office and for reef survey and maintenance purposes. All Licenced Watersports Companies will be notified by CITA in the event of an exception to the maximum time limit being granted.
- c. To apply for special permission to remain at the Kittiwake for longer than the maximum time, a request must be sent to CITA including the date and time of the requested visit, Vessel name, contact information and reasons for the request in sufficient detail for evaluation.
- d. Exceptions to 6a. above are allowed in the event of an emergency.

7 Kittiwake Site Closures

- a. The Kittiwake site may be closed from time to time for emergencies, safety concerns or maintenance and repair that is needed. All Licenced Watersports Companies will be notified of the closure by email and VHF radio broadcast.
- b. When the Kittiwake site is re-opened, notices will be given to all Licenced Watersports Companies.

- c. All Licenced Watersports Companies must abide by the Closure notices and not visit the Kittiwake Site during any closure times.

8 Reporting of damage

- a. All Licenced Watersports Companies visiting the Kittiwake are required to report to the CITA office immediately if any damage, jagged edges, loose parts, deterioration or environmental or safety issues of any nature are noticed. This also includes any problems noted with mooring balls/rope/chain/shackles for safety

9 No touching or taking of anything on the Kittiwake

- a. Under no circumstances are divers or snorkelers allowed touch or take anything from the Kittiwake Site.
- b. Exceptions to 9a. above will be made for maintenance and repair teams.
- c. Exceptions to 9a. above will be made for Marine Conservation Board Licenced lionfish cullers.
- d. If loose debris or a maintenance problem is noted while visiting the Kittiwake, Staff are not to remove anything from the water but instead are to notify CITA immediately.
- e. No gloves may be worn in-water at the Kittiwake Site unless approved under permit from the Marine Conservation Board.

SIGNATURE REQUIRED

The above Operating Guidelines for the Kittiwake have been reviewed and will be adhered to by the Company or Private Boat Operator and all Staff working on behalf of the Company as attested by my signature below. Failing adherence to these Operating Guidelines, I understand that my Licence can be revoked by CITA with no funds due back to me.

Date: _____

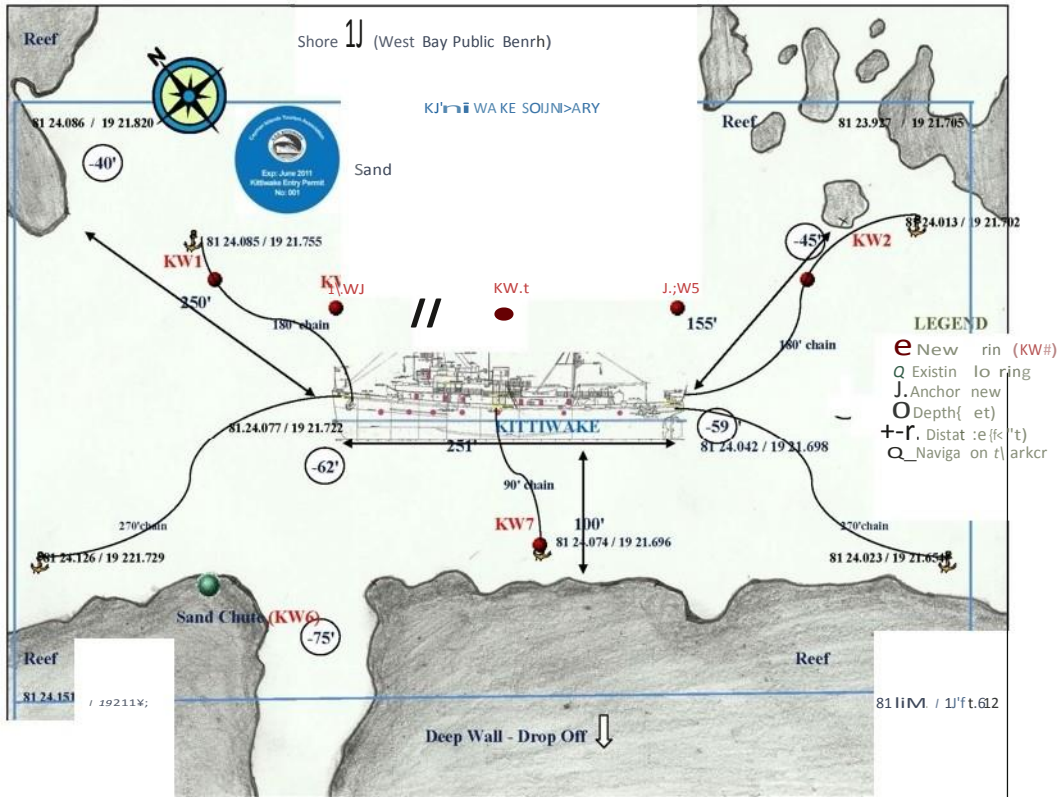
Company Name: _____

Company Representative: _____

Signed: _____

Schedule 1

KITTIWAKE SITE:



Schedule 2

KITTIWAKE BRIEFING MINIMUM REQUIREMENTS

Staff will give all Passengers that visit the Kittiwake Site a briefing before passengers enter the water. Individual Watersports Companies are encouraged to add additional information to the minimum requirements to make their trip specific to their operation and comply with their standard briefings for diving/snorkeling at any site. In addition, individual watersports companies are encouraged to provide some historical information on the Kittiwake to Passengers and to encourage collection of marine data by completing a Reef Survey card.

- a) **MOORING:** The specific mooring that the Passengers are located on will be identified and shown to all Passengers in relation to where they are located top side on the Kittiwake Site. Using the Kittiwake Site map, Passengers will be orientated as to their location on the Kittiwake Site and identification of specific feature of their Vessel will be noted for safe return.
- b) **NAVIGATION:** The Kittiwake has been labeled to show all decks (A-E) from top to bottom and compartments 1-7 from bow to stern, which correspond to the maps/slides. Navigation must be explained to all Passengers to show how the ship is labeled on board to assist in identifying where Passengers are on the ship should disorientation occur.
- c) **BUDDY TEAMS:** The briefing will include telling Passengers that they must remain in buddy teams at all times and within visual site of their buddy.
- d) **SAFETY:** Staff will brief Passengers on safe wreck diving practices, including not entering areas that they are not certified to enter, orientation and remaining within their comfort zone for diving, procedures for turn around and egress from dead end areas, observance of any overhead environments for safety and good buoyancy control.
- d) **EQUIPMENT:** The briefing will include a verbal and visual check of dive equipment on Passengers entering the water, to insure that all equipment is functioning as expected and that all needed equipment is being carried by each diver as required.
- e) **RECALL:** An emergency recall must be discussed with all Passengers to insure that in the event of an emergency, Passengers understand the recall system and will return to the Vessel or have instructions on what to do if the Vessel has departed the Kittiwake site for an emergency.

f) **ENTRY PERMIT:** In all instances, Passengers must be given their entry permit (wrist band or medallion) and given an explanation that the entry permit allows the CITA to maintain this attraction and protect the surrounding reefs for the safety of the Passengers, Staff and natural reefs.

g) **WHERE PASSENGERS CAN GO:** All Passengers must be briefed on the decks that they are allowed to enter, given their certification level. Snorkelers must be informed of the requirement to stay over the Kittiwake and not venture out to surrounding reefs given the boat traffic in the area.

h) **NO TOUCHING/ TAKING of ANYTHING:** Passengers must be briefed that it is illegal to touch or take anything from the Kittiwake Site. Good buoyancy must be encouraged for divers and divers need to be reminded that even though this is a wreck, it is also an artificial reef and needs to be preserved for marine life growth.

i) **NO GLOVES:** Passengers must be reminded that no gloves are allowed, with the exception of lion fish culling under permit from the Marine Conservation Board.

j) **TIME:** Passengers must be advised of the maximum allowable time that they can spend at the Kittiwake Site and then that they must return to the Vessel for departure.