



Bulletin to Private and Charter Sailing and Motor Vessels Protocols for USVI Marine Regulatory Enforcement Program

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THE UNITED STATES VIRGIN ISLANDS
GOVERNMENT OF THE VIRGIN ISLANDS
Charlotte Amalie, VI 00802

June 20, 2022

BULLETIN 22:01:

**TO PRIVATE AND CHARTER SAILING AND MOTOR VESSELS, YACHTS,
WATER TAXIS, AND VESSELS ENTERING THE TERRITORY TO CHARTER IN
THE BVI AND MARINAS**

SUBJECT: Protocols for USVI Marine Regulatory Enforcement Program

1. **Purpose:** In an effort to provide notice and to highlight various applicable provisions to all vessels using the waters of the US Virgin Islands, the Territory sets out the following summary of provisions that are to be broadly enforced by an Inter-Agency Federal and Local Marine Enforcement Program.
2. **Authority:** This Bulletin is based on federal and local laws and regulations applicable to each agency.
3. **Applicability:** The provisions of this Bulletin apply to non-governmental vessels that enter waters within the boundaries of the USVI.
4. **Effective Date:** The provisions of this Bulletin are effective on **June 20, 2022**.
5. **Inquiries:** Further interagency information relative to this Bulletin may be obtained from each agency, whose contact information is mentioned within their respective subsection of this Bulletin.
6. **Copies:** Individual copies of this Bulletin may be obtained from the Office of the Governor's website at <https://www.vi.gov/resources/>.



Table of Contents

Department of Health	3
Department of Tourism	4
Department of Planning & Natural Resources.....	6
Department of Licensing & Consumer Affairs.....	8
Virgin Islands Port Authority	9
Section I: General Provision.....	10
Section II: Ferry Schedule	12
Section III: Tarriff Fees	12
United States Coast Guard	15
United States Customs & Border Protection	19
Emergency Contact Numbers.....	21



GOVERNMENT OF
THE VIRGIN ISLANDS OF THE UNITED STATES
— ♦ —
VIRGIN ISLANDS DEPARTMENT OF HEALTH
OFFICE OF THE COMMISSIONER

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CHRISTIANSTED, ST. CROIX, VI. 00820-4370
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ST. THOMAS OFFICE
1303 HOSPITAL GROUND,
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ST. THOMAS, VI00802-6722
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- **All International Travelers entering the Virgin Islands of United States of America (including travelers entering from the British Virgin Islands), whether by air or by sea (regardless of vaccination status or citizenship), must comply with all the federal requirements for entering the United States of America as set forth by the United States Department of Homeland Security, the Centers for Disease Control and Prevention, and the United States Department of State.**

For more information, please visit:

- C.D.C. International Travel and Requirements:
<https://www.cdc.gov/coronavirus/2019-ncov/travelers/international-travel/index.html>
 - CDC Requirement for Proof and Documentation:
<https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html>
 - U.S. Department of Homeland Security:
<https://www.dhs.gov/news/2022/04/21/dhs-extends-covid-19-vaccination-requirements-non-us-travelers-entering-united> or
<https://www.dhs.gov/coronavirus>
 - U.S. Department of State COVID-19 Travel Information:
<https://travel.state.gov/content/travel/en/traveladvisories/covid-19-travel-information.html>
- **Each vessel is required to report any health issues of passengers and crew on board to the DOH, via the DPNR or the VIPD, using the forms prescribed by the DOH.**

DEPARTMENT OF TOURISM



U.S. VIRGIN ISLANDS COVID-19 UPDATE Information for Marine Vessels and Passengers May 25, 2022

The Territory is in the Safer-at-Home Phase of its State of Emergency.
*Please refer to Information for Leisure Travelers for information regarding
air travel to the Territory and land-based stays.*

Open Doors Travel Restrictions

- The Territory is open to leisure travel
- Accommodations providers include hotels, villas, bed-and-breakfast establishments, Airbnb and sharing economy providers, guest houses, temporary vacation housing, charter vessels, and any similar businesses known by any other terminology.

Travel Documents

- As a United States Territory, travel to the U.S. Virgin Islands does not require a passport from U.S. citizens arriving from Puerto Rico or the U.S. mainland.
- Immigration entry requirements for non-U.S. citizens are the same as for entering the United States from any foreign destination. Upon departure, a passport is required for all but U.S. citizens.

Departing from the U.S. Virgin Islands

- Travelers departing from the USVI are advised to check with their intended destination to determine what, if any, COVID-19 travel, or testing requirements are in place.
- Should testing be required, a list of labs in the Territory that offer COVID-19 testing can be found here: <https://www.covid19.usvi.care/testing>.

All Marine Vessels

- Shall comply with applicable laws of the U.S. Virgin Islands and the United States of America.
- A reporting of any health issues of passengers and crew on board is required to be submitted to the DOH, via the DPNR or the Virgin Islands Police Department ("VIPD"), using forms prescribed by the DOH.
- ***No marina shall accept a vessel from outside the territorial waters of the U.S. Virgin Islands prior to the vessel's compliance with all applicable federal and local laws. Any marina found in violation shall be fined up to \$1,000 per incident. Violators are subject to all applicable civil and criminal penalties under U.S. Virgin Islands and federal laws.***

Tourism-Related Queries

- Contact information: Travelers who have travel or tourism-related inquiries are asked to visit www.usviupdate.com, email info@usviupdate.com or call the Department of Tourism at (340) 774-8784 (St. Thomas-St. John District); (340) 772-0357 (St. Croix); or toll-free at 1-800-372-USVI (8784).

Like other destinations experiencing this unprecedented pandemic, the Territory continues to evaluate its policies. All guidance is subject to the Executive Orders of the Government of the U.S. Virgin Islands.

PLEASE STAY SAFE AND CONTINUE TO MONITOR USVIUPDATE.COM.

DEPARTMENT OF PLANNING & NATURAL RESOURCES



EFFECTIVE IMMEDIATELY

Anchoring (25 VIC 16 Sec. 404-405)

All persons currently anchoring, or seeking to anchor, in the waters of the United States Virgin Islands are required to obtain an anchoring permit through the *USVI Online Mooring Portal* at the webpage <https://my.onlinemooring.com/vi>. Boaters may also refer to the Division of Environmental Enforcement's webpage for a list of anchoring and mooring areas in the territory. (<https://dpmr.vi.gov/environmental-enforcement/anchoring-mooring/>)

We encourage you to stay safe and continue to monitor www.usviupdate.com.

Questions and applications may be emailed to: St. Thomas/St. John deestt@dpmr.vi.gov or St. Croix dee@dpmr.vi.gov.

Short-Term Anchoring

- Short-term Anchoring is defined as less than 14 days.
- You can apply for this anchoring permit through the [USVI Online Mooring Portal](#).

Long-Term Anchoring

- Long-term is defined as 14 days or more.
- You can apply for this anchoring permit through the [USVI Online Mooring Portal](#).

Commissioner Jean-Pierre L. Oriol of the Department of Planning and Natural Resources is pleased to announce that the Division of Environmental Enforcement (DEE) has launched an online vessel registration and mooring portal.

Boaters may now submit or apply for renewals, new vessel registrations, anchoring permits, and mooring applications at DEE's new online service "ONLINE MOORING" at the following webpage <http://my.onlinemooring.com/vi>.

The boating community is also reminded that anyone applying for or renewing a mooring application must submit GPS coordinates of the mooring in Geographic Coordinate System 1984 (GCS_WGS_1984), to the Division of Environmental Enforcement.

Registration is currently open until June 30, 2022; after June 30th it will be considered late and may be subject to a late fee.

For more assistance with the New Online Mooring system feel free to contact Juan Cruz, Outreach Coordinator, at (340) 773-5774 on St. Croix or Jessica A.M. Parris, Assistant Director at (340) 774-3320 on St. Thomas.

Compliance

All vessels are required to abide by orders and compliance requests of:

- United States Coast Guard (USCG)
- U.S. Customs and Border Protection (CBP)
- Department of Planning and Natural Resources (DPNR)

Clearing of Vessels

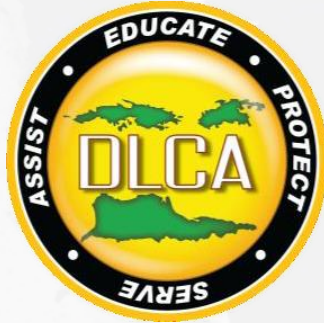
- Vessels regardless of size must clear with CBP.
- Marine vessels 300 tons and over are required to clear with USCG.
- Vessels that are registered with marinas must be cleared by appointment.

Vessels

- For U.S.-owned and -flagged vessels with U.S. persons as crew:
 - There are no restrictions to entry into the USVI waters and cruising those waters, whether without charge or on charter for a fee, provided such vessel is registered to do business in the U.S.V.I.
 - Such vessels can be registered in the USVI for homeporting management purposes and be licensed for chartering by the USVI Government.
- For foreign-owned or -flagged vessels with U.S. persons as crew:
 - Vessels may enter the USVI and cruise USVI waters with no immigration restrictions on operations so long as the vessel makes the appropriate entry and the passengers on the vessel comply with applicable immigration documentation, provided such vessel is registered to do business in the U.S.V.I.
 - Such vessels can be registered in the USVI for homeporting management purposes and be licensed for chartering by the USVI Government.
- For foreign-owned or -flagged vessels with non-U.S. crew:
 - Vessels may enter the USVI and cruise the USVI waters so long as crew have H-1/B-1 or B-1/B-2 or other visas, and no chartering fees are paid; or the vessel is used by the owner and guests at no charge.
- For foreign-owned or -flagged charter vessels with non-U.S. crew:
 - Vessels may only enter the USVI for purposes of picking up or dropping off passengers and provisioning or undergoing maintenance, provided such vessel is registered to do business in the U.S.V.I. when picking up passengers.
 - Chartering or establishing registration for homeporting is strictly prohibited and contrary to current immigration law.

VISIT [HTTPS://DPRN.VL.GOV/ENVIRONMENTAL-ENFORCEMENT/](https://dprn.vl.gov/environmental-enforcement/) FOR MORE INFORMATION.

DEPARTMENT OF LICENSING & CONSUMER AFFAIRS



FROM: The Honorable Richard T. Evangelista, Esq.
Commissioner

SUBJECT: Marine Regulatory Implementation Program

Effective immediately and pursuant to and in accordance with **Title 27 Section 307** of the Virgin Islands Code, the Enforcement Division of the Department of Licensing and Consumer Affairs (DLCA) shall increase its presence at seaports throughout the Territory.

AIM OF ENFORCEMENT: In accordance with Title 27 VIC Section 301 all charter vessels, water taxis, and similar watercraft chartering for hire in the USVI waters or transporting passengers and crew into the USVI waters, disembarking passengers from any foreign port, or embarking passengers for a fee in the USVI for return to a point outside the USVI waters, must register such vessel to do business in the USVI waters and shall obtain a business license for such business activities.

INSPECTIONS: DLCA shall inspect incoming vessels into United States Virgin Islands (USVI) and inquire whether or not it possesses a valid USVI business license to pick up and/or discharge fare paying passengers in the USVI.

PENALTIES: If a vessel fails to produce a valid business license, the operator/owner of the vessel shall be issued a citation by DLCA for failing to obtain a valid business license; the penalty for such failure to comply with applicable law is \$500.00. Additionally, if the operator/owner of the vessel willfully fails or refuses to comply with and obtain a business license, the operator/owner of the vessel shall be guilty of a misdemeanor and shall be liable for a fine not to exceed \$500.00 and imprisonment not to exceed 30 days or both.

NOTE: ALL PARTIES INCLUDING INDIVIDUALS AND ENTITIES WHO CONDUCT BUSINESS IN U.S. VIRGIN ISLANDS WATERS ARE DEEMED TO BE CONSENTING TO COMPLIANCE WITH ALL APPLICABLE TAXES AND FEES FOR DOING BUSINESS IN SUCH WATERS.

FOR MORE INFORMATION, PLEASE VISIT WWW.DLCA.VI.GOV,
CALL (340) 725-5129 OR EMAIL RICHARD.EVANGELISTA@DLCA.VI.GOV.

VIRGIN ISLANDS PORT AUTHORITY



TABLE OF CONTENTS

SECTION I	10
A. Jurisdiction	10
B. Administration	10
C. Application and Interpretation	10
D. Consent of Terms of Tariff	10
E. Access to Records	10
F. Harbor Use Fees	11

H. Delinquent Invoice	11
I. Fees Not Specified	11
J. Separate Agreements	11
SECTION II	12
FERRY SCHEDULE	12
SECTION III	12
TARIFF FEES	12

B. Ship Dues	12

D. Wharfage	13
E. Marine Terminal Tax	13
F. Docking Fees	13

SECTION I

GENERAL PROVISIONS

A. Jurisdiction

The Virgin Islands Port Authority was created by Act. No. 2375 of the Legislature of the Virgin Islands in 1968 as a body corporate of the Territory of the Virgin Islands. The Virgin Islands Port Authority has jurisdiction over the harbors and public marine facilities under its ownership or control. This Tariff is published by the Virgin Islands Port Authority pursuant to Section 543, Chapter 10, Title 29, V.I. Code.

B. Administration

The administration of the harbors of the Virgin Islands is under the direction of a Marine Manager who is responsible to the Executive Director of the Virgin Islands Port Authority.

C. Application and Interpretation

The rates, rules and regulations contained in this Tariff shall apply equally to all users of the harbors, terminals and marine facilities (and to any individual, person, firm, corporation or other business entity engaged in and/or responsible for the handling of a vessel and/or movements of its cargo) and shall apply to all traffic within the harbors on the effective date shown in this Tariff or amendments thereto. Interpretations of this tariff shall be made by the Marine Manager under the direction of the Executive Director of the Virgin Islands Port Authority. Any appeals to such interpretation should be directed to the Governing Board of the Virgin Islands Port Authority.

D. Consent of Terms of Tariff

The use of the harbors, terminals and marine facilities under the jurisdiction of the Virgin Islands Port Authority shall constitute a consent to the terms and conditions of this Tariff, and evidences as agreement on the part of all vessels, their owners or agents, and other users of the harbors, terminals and marine facilities to pay all charges specified, and be governed by all rules and regulations contained therein.

E. Access to Records

(1) All vessel agents or representatives shall within five (5) business days after arrival or departure of a vessel, report to Virgin Islands Port Authority the amount of all cargo and/or passengers loaded or unloaded. Such reports shall be in the form of copies of the ship's manifest or certified statements showing cargo, number of passengers and all other information which Virgin Islands Port Authority deems necessary for the compilation of billing and commercial statistics for other purposes.

Failure to furnish the above required documentation in a timely manner will result in (i) a late charge of \$100 per business day or any portion thereof for which such documents have not been submitted or remain incomplete, (ii) waiver of free time, and (iii) immediate assessment of wharfage charges based on 110% of applicable charges.

(2) All vessels, and all other users of the facilities and waterways, shall be required to permit access to manifests of cargo and all other documents by the Marine Manager or his designee for the purpose of audit for ascertaining the correctness of reports filed and assessment of

published charges. Any such information acquired shall not be disclosed to any person other than a member of the Virgin Islands Port Authority or its staff in carrying out official duties required by law.

F. Harbor Use Fees

All vessels 100 gross tons and over which are exempted from the use of a pilot or granted a waiver from the required use of a pilot under Section 131-12 of the Virgin Islands Port Authority's Rules and Regulations shall pay a harbor use fee.

H. Delinquent Invoice

Any bill unpaid on the 30th day following the day on which an invoice is issued is delinquent. A delinquent invoice is subject to a penalty charge of one and one-half percent (1.5%) for each month that said invoice remains delinquent at the end of the month. The Virgin Islands Port Authority reserves the right to refuse the use of Port facilities and services to any Port user on the delinquent list and to demand payment charges in advance before further services will be performed or facilities used.

I. Fees Not Specified

Fees not specified in this tariff for use(s) of the harbor or port facilities shall be made applicable by a marine manager subject to approval by the Executive Director of the Virgin Islands Port Authority.

J. Separate Agreements

Nothing contained herein shall prevent the Port Authority from entering into individual agreements with entities, which agreements may contain rates differing from those set forth in the current tariff.

**FOR A COPY OF THE FULL VERSION OF THIS VIPA DOCUMENT, PLEASE EMAIL
INFO@VIPORT.COM. YOU MAY CALL (340) 774-1629 FOR ST. THOMAS, (340) 778-
1012 FOR ST. CROIX, OR VISIT WWW.VIPORT.COM FOR MORE INFORMATION.**

SECTION II

FERRY SCHEDULE*



INTERNATIONAL FERRY SCHEDULE - As of February 15, 2022

Departing Port	Time	Days	Arrival Port	Est. Arrival Time	Direction	Ferry Operator
ROAD TOWN JETTY						
Road Town	7:30am	M,T,W,T,F,S,S	Charlottle Amalie	8:30am	Outward	NSI, RTFF, SFS
Charlotte Amalie	9:00am	M,T,W,T,F,S,S	Road Town	10:00am	Inward	NSI, RTFF, SFS
Road Town	9:00am	M,T,W,T,F,S,S	Cruz Bay/Red Hook	9:45am	Outward	ARL
Red Hook	11:00am	M,T,W,T,F,S,S	Road Town	11:45am	Inward	ARL
Road Town	11:30am	M,T,W,T,F,S,S	Charlottle Amalie	12:30pm	Outward	NSI, RTFF, SFS
Charlotte Amalie	2:30pm	M,T,W,T,F,S,S	Road Town	3:30pm	Inward	NSI, RTFF, SFS
Road Town	2:30pm	M,T,W,T,F,S,S	Charlottle Amalie	3:30pm	Outward	NSI, RTFF, SFS
Charlotte Amalie	5:00pm	M,T,W,T,F,S,S	Road Town	6:00pm	Inward	NSI, RTFF, SFS
Road Town	3:30pm	M,T,W,T,F,S,S	Cruz Bay/Red Hook	4:15pm	Outward	ARL
Red Hook	6:00pm	M,T,W,T,F,S,S	Road Town	6:45pm	Inward	ARL
WEST END JETTY						
Red Hook	8:30am	M,T,W,T,F,S,S	West End	9:00pm	Inward	NSI
West End	10:30am	M,T,W,T,F,S,S	Cruz Bay/Red Hook	11:00am	Outward	NSI
Red Hook	2:00pm	M,T,W,T,F,S,S	West End	2:30pm	Inward	NSI
West End	3:30pm	M,T,W,T,F,S,S	Cruz Bay	4:00pm	Outward	NSI
JOST VAN DYKE - Dog Hole Jetty Note: This voyage originates in Red Hook at 7:30am						
Cruz Bay	8:00am	Tu, F, Sun	Jost Van Dyke	8:35am	Inward	IIBS
Jost Van Dyke	3:30pm	Tu, F, Sun	Cruz Bay	4:00pm	Outward	IIBS
VIRGIN GORDA - Spanish Town Jetty						
Cruz Bay	7:30am	2nd Thu monthly	Virgin Gorda	9:00am	Inward	IIBS
Virgin Gorda	2:45pm	2nd Thu monthly	Cruz Bay	4:00pm	Outward	IIBS
ANEGADA Note: This voyage will be processed in VG, then onwards to NGD (Anegada)						
Cruz Bay	7:30am	1st Sun monthly	Anegada	9:30am	Inward	IIBS
Anegada	2:00pm	1st Sun monthly	Cruz Bay	4:00pm	Outward	IIBS
<small>NSI= Native Son Inc. RTFF = Road Town Fast Ferry SFS = Smith's Ferry Service Ltd. ARL Aquatic Rentals Ltd IIBS = Inter Island Boat Service</small>						

*Please note that schedule is subject to change as situations arise.

SECTION III

TARIFF FEES

B. Ship Dues

All vessels, except for cruise vessels, entering a harbor or port under the control of the Virgin Islands Port Authority, shall pay ship dues which are applied to cargo and passengers.

The fee shall be assessed as follows:

(1) Cargo:

One dollar and twenty-five cents (\$1.25) per ton

Vessels carrying cargo between St. Thomas and St. John are exempted.

(2) All others including Inter-island passenger vessels:

Two dollars (\$2.00) per passenger
(Vessels carrying passengers within the U.S.V.I. are exempted.)

D. Wharfage

(2) All vessels using the berthing facilities of the Virgin Islands Port Authority shall pay an unloading charge of \$2.10 per ton, provided that, when the freight is charged on a basis other than weight or measurement, the wharfage shall be paid on the freighted basis and provided that the minimum charge will be ten dollars (\$10.00).

(3) All vessels using the berthing facilities of the Virgin Islands Port Authority for unloading or loading the types of cargos listed below, shall pay the charges as herein specified as Special Commodity Cargo Rates, provided that when the freight is charged on a basis, other than weight or measurement, the wharfage shall be paid on the freighted basis and provided the minimum charge will be eight dollars (\$8.00).

E. Marine Terminal Tax

SPECIAL COMMODITY & PASSENGER RATES – WITHIN THE US. VIRGIN ISLANDS

(1.) All inter-island passenger vessels, excluding ferryboat passengers traveling within the U.S.V.I. shall pay the following fees:

Three dollars (\$3.00) per revenue passenger inbound and

Three dollars (\$3.00) per revenue passenger outbound

(2.) Barges engaged in the movement of vehicles and cargo between St. Thomas and St. John: Masters or agents or barges engaged in the movement of vehicles and cargo between St. Thomas and St. John and using the Authority's facilities shall pay to the Virgin Islands Port Authority, each way, the following fees:

<u>Measurement</u>	<u>Fees</u>
Per cars, small-medium SUVs, & motorcycles	\$ 3.00
Per pick-up trucks and vans (large SUVs)	\$ 4.00
Per heavy trucks and equipment	\$20.00
Other vehicles	\$ 6.00
Containers, 20 feet and less	\$20.00
Containers, more than 20 feet	\$30.00

The fees shall be collected directly by the Virgin Islands Port Authority. Fees not specified shall be determined by the Marine Manager.

F. Docking Fees

(1.) Any vessel, except cruise vessels, berthing at or making fast to a Virgin Islands Port Authority wharf, pier, or bulkhead structure, or mooring to another vessel so berthed, shall pay a docking fee of \$1.00 per running foot per each 24-hour period or part thereof.

(2.) Non-commercial vessels shall pay docking fees as follows:

a. 0-20 ft. per day \$3.00 per foot/ or per annum - \$150.00

b. 21-30 ft. per day \$5.00 per foot/ or per annum - \$200.00

The authorized ports of entry from the BVI are:

- Edward Wilmoth Blyden Terminal (Charlotte Amalie, STT)
- Victor William Sewer Marine Facility (The Creek, STJ)

VIRGIN ISLANDS PORT AUTHORITY TERMINAL AND MARINE SERVICES AT ST. THOMAS/ST. JOHN (SUMMARY)		
Marine Terminal Tax	Cruise Ship	Every passenger transported by a cruise ship using the facilities of a marine terminal operator in the District of St. Thomas and St. John shall pay to VIPA a marine terminal user's tax at the rate of \$1 per passenger collected by VIPA. 33 V.I.C. § 57.
Ship Dues	Cargo Ships	\$1.25 per cargo ton
Ship Dues	Passenger Ships (Non-Cruise and Vessels travel within the U.S.V.I.)	\$2.00 per passenger
Port Dues	Cruise Ships	\$6.60 per passenger
Wharfage	Cruise Ships	\$6.80 per passenger
Wharfage	Inbound General Cargo	\$2.10 per ton
Wharfage	Inter-Island Cargo	\$0.25 per ton
Wharfage	Outbound Cargo	\$1.10 per ton
Wharfage	Passenger Ships (BVI, inbound/outbound, Vessels traveling within the U.S.V.I. are exempted.)	\$3.00 per passenger
VIRGIN ISLANDS PORT AUTHORITY TERMINAL AND MARINE SERVICES AT ST. THOMAS/ST. JOHN (SUMMARY - CONTINUED)		
Wharfage	STT/STJ Cargo Barge	<ul style="list-style-type: none"> • \$2.00 per car, small-medium SUVs & motorcycles • \$20.00 per heavy truck & equipment • \$6.00 other vehicles • \$20.00 – Containers, 20 feet and less • \$30 – Containers, 30 feet and more
Dockage *	Commercial & Recreational Vessels (yachts)	\$1.00 per foot per day
Dockage *	Non-Commercial Vessels (small crafts):	<ul style="list-style-type: none"> • 0-20' LOA - \$3.00 per foot per day • 0-20' LOA - \$150.00 per annum • 21-30' LOA - \$5.00 per foot per day • 21-30' LOA - \$200.00 per annum

UNITED STATES COAST GUARD



REGULATIONS FOR VESSELS

All UPV's operating in USVI waters can carry 12 or less passengers if in compliance with the Code. See CVC Policy Letter 15-04 Enclosure 1 attached. The USCG headquarters policy CG-CVC Policy Letter 15-04 Guidance on Port State Control Examinations for Foreign Flagged Yachts dtd 18 Nov 2015 supersedes Sector San Juan work instruction SECSJ-WI-CVC1-32(01) dtd 14 Nov 2015.

LAW AND POLICY (Most Common Violations Bolded)

- 46 United States Code (USC) 4105 Uninspected Passenger Vessels (UPV)
- 46 Code of Federal Regulations (CFR) Subchapter C Uninspected Passenger Vessels
- 46 United States Code 3301, et seq Vessels subject to inspection
- 46 United States Code Appendix 877 Coastwise laws extended to island Territories and possessions
- Marine Safety & Information Bulletin 03-15 Update 1
- MMS Work Instruction SECSJ-WI-CVC1-01(03) U.S. Coastwise Passenger Trade Laws
- MMS Work Instruction SECSJ-WI-CVC1-32(01) U.S. Virgin Islands "12 Pack" Uninspected Passenger Vessel (UPV) Operations
- MMS Work Instruction SECSJ-WI-CVC1-10(01) Issuance of Certificates of Inspection (COI) to Foreign Small Passenger Vessels
- CG-CVC Policy Letter 15-04 Guidance on Port State Control Examinations for Foreign Flagged Yachts
- Guidelines for Foreign Charter Vessels/Company British Virgin Islands Customs
- 46 CFR 15.401 Employment of an individual, or service in a position by an individual, without the appropriate MMC
- 46 CFR 15.515(b) Failure of vessel on a voyage and subject to inspection, to be under the direction and control of an individual with the appropriate MMC**
- 46 CFR 15.605 Failure to have an uninspected passenger vessel under the control of a properly licensed individual—These violations would be issued to a legitimate uninspected vessel that is being operated by someone without a license (e.g., six pack vessel not being operated by someone holding an OUPV).
- 46 CFR 26.20-1 Failure to have a Merchant Mariner Credential onboard
- 46 CFR 176.100(a) Small passenger vessel failed to have valid USCG Certificate of Inspection (COI) on board**
- 46 CFR 170.120 Failure to have a stability letter issued before an inspected vessel is placed in service or have the information placed on COI or Load Line Certificate**
- 46 US Code 2302(a) Operating, or interfering with, operations of a vessel in a negligent manner that endangers life, limb, or property of a person
- 46 CFR 16.201 Failure of a marine employer to comply with the requirement of chemical testing personnel**

EXECUTIVE SUMMARY

The USCG District Seven emphasis on combatting illegal uninspected passenger vessels (UPV) resulted in the USCG Marine Safety Detachment (MSD) St. Thomas's review of relevant law and regulation. UPV's are a large portion of the USVI passenger vessel fleet, approximately three times the size of the inspected fleet. While the USCG regulates UPV's, we do not regularly inspect them, hence the term uninspected; however, the USCG does have the authority to conduct enforcement action against UPV's operating illegally in US waters.

USCG DISTRICT SEVEN AND BVI

The USCG District Seven views illegal passenger vessels as a serious threat throughout the nation and in US waters under its jurisdiction. Before COVID closed international waters, UPV's were allowed, mostly, open access between USVI and BVI waters, with the exception being Customs entry. BVI posture towards US flagged charter vessels changed in late 2021 and early 2022, (*see Foreign Boat Requirements*), and USCG District Seven emphasis on combatting illegal passenger vessel operations led to MSD St. Thomas in-depth review of UPV operations. The goal was to determine if all UPV's were operating in compliance with US laws and USCG policy. These illegal charter operations undermine legal commercial vessel operators who comply with existing law and regulations. To ensure vessels are operating safely and in compliance with US law and regulations, enhanced oversight and enforcement is necessary to align with the USCG goal of zero tolerance to illegal charters regardless of flag.

US FLAGGED VESSELS IN USVI WATERS

6-Pack Vessels

Vessels under 100 gross tons operating in US Virgin Islands waters can carry no more than 6 passengers as uninspected vessels commonly call "6-pack" vessels, see 46 CFR Subchapter C. In 2014, the Howard Coble Act allowed all 6-pack vessels in the USVI to carry up to 12 passengers if the vessel was in compliance with the UK Blue or Yellow Code, see 46 USC 4105. The UK Blue / Yellow Code is now consolidated under MGN280; however the US law and USCG policy still refer to Blue or Yellow Code, hereinafter "the Code." UPV's are regulated but not inspected, hence the term uninspected vessels, and are not issued Certificates of Inspection (COI). Vessels that carrying between 7-12 passengers can carry documentation showing compliance with the Code and are not required to obtain a Certificate of Inspection (COI), while vessels without proof of compliance are required to obtain a COI.

Third Party Organizations

The USCG requires vessels carrying between 7-12 passengers to comply with the Code. The USCG relies upon certificates issued by the Flag state third party organizations (TPO) to verify the vessels are compliant. In the case of US flagged vessels, the USCG relies on recognized TPO's. The Commercial Vessel Licensing Authority (CVLA) operated by Chad Blake from the USVI is recognized by the USCG to conduct these exams and issue documentation. Mr. Blake is an Associate Member into the International Institute of Marine Surveying (IIMS). The IIMS is a certifying authority by the MCA to appoint persons for the purpose of examining vessels and issuing certificates to vessels in compliance with the Code. After the BVI stopped issuing certification in late 2021 to US flagged vessels, the USCG began accepting CVLA documentation to demonstrate compliance with the Code. The BVI has recognized other TPO's from Jamaica, the Bahamas, and the Turks and Caicos.

T and K Vessels

The USCG inspects and regulates vessels carrying over 6 passengers, if not in compliance with the Code, or vessels carrying more than 12 if in compliance with the Code. These vessels must carry a valid COI. Vessels under 100 Gross Tons are inspected and regulated under 46 CFR Subchapter T, carrying 150 or less passengers, or 46 CFR Subchapter K, if more than 150 passengers. In order to obtain a COI a vessel must submit the necessary plans to the Marine Safety Center, undergo a USCG inspection, and stability test. Foreign flagged yachts engaged in carrying 12 or fewer passengers that are between 100 and 300 Gross tons are treated as UPV's, see 46 USC 3301 and CVC Policy Letter 15-04.

COASTWISE SHIPPING

Coastwise shipping regulations, also known as cabotage laws and in the Jones Act in US waters, do not extend to the US Virgin Islands. see 46 USC App 877. As a result, there is no law prohibiting foreign documented vessels from operating or engaging in coastwise trade in the waters of the U.S. Virgin Islands. Only within USVI waters are foreign documented vessels allowed to operate, they cannot operate in Puerto Rico or the US mainland.

Certificate of Documentation Exemption

UPV's operating in USVI waters are not required to hold a Certificate of Documentation (COD). Vessels without a COD less than 5 net tons must have a State Number or certificate issued by the issuing authority. See 33 CFR 173.21.

US re-flag for vessels under 200 Gross Tons

A vessel that is sold or placed under a foreign registry and that is less than 200 Gross Tons can be eligible to reflag US for operation solely within USVI territorial waters. See 46 USC 12132. The vessel operator must contact the National Vessel Documentation Center and follow their process. There is no limit to the number of times a vessel under 200 Gross Tons may re-flag US. For example, a vessel under 200 Gross Tons (a UPV, T or K vessel) may depart USVI waters, re-flag in the Turks and Caicos to operate in their waters. That vessel may return to the USVI waters, re-flag US and operate here. There is no time limit so these vessels can change operational areas with the change in tourist seasons.

FOREIGN FLAGGED VESSELS IN USVI WATERS

US law requires the inspection and certification of certain passenger vessels which embark passengers in US ports. see 46 USC 3301. Foreign vessels that do not comply with the Safety of Life at Sea (SOLAS) are prevented from departing a US port with US passengers. see 46 USC 3505. The law provides reciprocity if the vessel has a SOLAS Passenger Ship Safety Certificates (PSSC), if the vessel does not have a PSSC then it must apply for a US COI. This includes plan review, construction oversight, stability tests, and a USCG inspection.

12-Pack Vessels

Foreign flagged vessels can carry 12 or less passengers if they are in compliance with the Code, in order for a foreign flagged vessel to carry more than 12 passengers in US waters they are required to meet 46 CFR Subchapter T or K requirements, as applicable. Foreign flagged vessels may carry passengers in US waters because the Jones Act does not apply to USVI waters. The USCG COI is for domestic service in US waters and not for a SOLAS international route.

ENFORCEMENT

Enforcement of UPV regulations takes place primarily through underway boardings or dock visits but the USCG does recognize credible and specific reports of non-compliance from websites and online reviews. Vessels which are found noncompliant are prevented from carrying passengers and issued a Captain of the Port (COTP) order which requires the vessel must pass a UPV exam carried out by a qualified USCG Marine Inspector before the vessel can return to passenger service. A vessel found violating a COTP faces up to a civil penalty of up to \$103,050 for each day the vessel is in violation, a class D felony, punishable by up to six years in prison, and vessel detention.

Uninspected Vessels

- Passenger Count
 - a. Vessels **without** a Yellow/Blue Code carrying 6 or less passengers
 - b. Vessels **with** Yellow/Blue Code carrying up to 12
- Certificates
 - a. Proof of compliance with Yellow/Blue Code issued by Flag State or recognized Third Party Organization if carrying between 7-12 passengers
 - b. Vessel to be under the direction and control of an individual licensed by the Coast Guard

Inspected Vessels

- Vessels without a Yellow/Blue Code carrying more than 6 passengers, or vessels with Yellow/Blue Code carrying more than 12
 - a. USCG Certificate of Inspection
 - b. Operator to hold USCG Merchant Mariner's Credential (MMC) of at least Master

CAPTAIN OF THE PORT (COTP)

Uninspected passenger vessels (UPV) found unsafe by the USCG will be issued a COTP to immediately cease operations until the vessel can show to the satisfaction of the Coast Guard that the vessel is operating in compliance with all applicable federal laws and regulations. The failure to comply with the COTP issued under the Ports and Waterways Safety Act is punishable by a civil penalty, 46 U.S.C. 70036(a) of up to \$103,050 for each day the vessel is in violation, and a willful and knowing violation is a class D felony punishable by up to six (06) years in prison, 18 U.S.C. 3581 or fines of up to \$250,000 for an individual or \$500,000 for an organization, 18 U.S.C. 3571.

Mariner Requirements

For vessels entering the USVI from a foreign port or departing the USVI to a foreign port with passengers for hire, the master and crew must have all of the required license credentials and STCW endorsements, including Master level license and STCW A-II/3 endorsement for the master and, for all crew, STCW Basic Training and all other required STCW endorsements depending on vessel size, passenger count and type. This would include foreign and USVI based charter vessels and water taxis.

FOR MORE INFORMATION, PLEASE VISIT [THE US COAST GUARD WEBSITE](#) OR CALL (787) 289-2041 FOR 24-HOUR EMERGENCIES, (787) 289-2040 OR (787) 279-7778.

UNITED STATES CUSTOMS & BORDER PROTECTION



Reporting Requirements for all Vessels Operators in the US Virgin Islands

U.S. Customs and Border Protection (CBP) has implemented enhanced security procedures for small vessels arrivals and inspection of associated crew and passengers. These procedures require physical reporting to a designated local CBP location unless enrolled in an Alternative Inspection System Program that would allow arrival reporting by phone.

Alternative Inspection Systems for the US Virgin Islands:

Reporting Offsite Arrival Mobile (ROAM)

Participating in this program does not preclude the requirements for physical report upon request by CBP. This program is available only for private vessels and is not available for commercial charter yachts.

For more information relating to the ROAM Program, visit the CBP website

<https://www.cbp.gov/travel/pleasure-boats-private-flyers/pleasure-boat-overview/roam>

Who Reports?

All travelers (including United States citizens and lawful permanent residents) seeking entry to the United States MUST REPORT their arrival.

When is Reporting required?

Pursuant to 19 CFR 4.2, operators of small pleasure vessels, arriving in the United States from a foreign port or place to include any vessel which has visited a hovering vessel or received merchandise outside the territorial sea, are required to report their arrival to CBP immediately (19 U.S.C. 1433).

Reporting Procedures:

The master and occupants of the vessel may go ashore only to report the arrival to CBP either in person or if participating in the ROAM program. No person may leave or board the boat and no baggage or merchandise may be removed or loaded until the report of arrival is made and release granted by a CBP Officer. Pursuant to 8 CFR 235.1, an application to lawfully enter the United States must be made in person to a CBP officer at a U.S. port-of-entry when the port is open for inspection.

Failure to Report:

Failure to report can result in civil penalties as define in Title 19, United States Code, Section 1436 to include a penalty of \$5,000 for the first violation and \$10,000 for each subsequent violation with the conveyance subject to seizure and forfeiture. In addition to being liable for a civil penalty, any master who intentionally commits a violation under subsection (a) of the above stated section upon conviction is liable for a fine of not more than \$2,000 or imprisonment for 1 year of both.

Where to Report:

Master, crew, and passengers may report in person to the following locations.

Port of St. John	Port of St. Thomas		Port of St. Croix
Cruz Bay Creek CBP Office	Edward Wilmoth Blyden Marine Terminal	Yacht Haven Grand Marina (By Appointment Only via YHG)	Henry E. Rohlsen Airport
1 (340) 776-6741	1 (340) 774-6755	Call YHG Marina	1 (340) 778-0216
8:00am to 4:30pm	8:00am to 4:00pm	11:00am & 2:00pm	8:00am to 4:00pm

Reporting Requirements for all Commercial Vessels Operators in the US Virgin Islands

Any vessel engaged in commercial trade or that carries passengers for hire may not enroll in any alternative Inspection system in leu of an in-person inspection in the Virgin Islands.

Advance Passenger Information System (APIS)

Pursuant to 19 CFR 4.7b, an appropriate official of each commercial vessel arriving in the United States from any place outside the United States must transmit to Customs and Border Protection (CBP) an electronic passenger arrival manifest and an electronic crew member arrival manifest. For all commercial vessels (regardless of size) arriving from or departing for a foreign port or place, APIS manifests must be submitted through the eNOA/D web portal (www.nvmc.uscg.gov).

For Departures from the United States:

An APIS manifest must be submitted no later than 60 minutes before the vessel departs from the United States.

Pursuant to 19 U.S.C. 1436 and 19 CFR 4.3a, any master of a commercial vessel who fails to comply with, or violate, the CBP Regulations prescribed at 19 CFR 4.7b and 19 CFR 4.64 or who presents or transmits electronically or otherwise, any forged, altered, or false document, paper, information, data or manifest to CBP is liable for a civil penalty of \$5,000 for the first violation, and \$10,000 for each subsequent violation. Any conveyance used in connection with any such violation is subject to seizure and forfeiture.

**FOR MORE INFORMATION, PLEASE VISIT [HTTPS://WWW.CBP.GOV/CONTACT/PORTS/VI](https://www.cbp.gov/contact/ports/vi). OR
CALL (340) 774-6755 FOR ST. THOMAS, (340) 778-0216 FOR ST. CROIX, OR (340) 776-6741
FOR ST. JOHN**

EMERGENCY NUMBERS

V.I. Port Authority*	St. Thomas/St. John: (340) 774-1629 St. Croix: (340) 778-1012
Yacht Haven Grande Marina*	Main: 340-774-9500 24/7 Security: 340-775-8211
Local Government Agencies	
V.I. Department of Health	St. Thomas: (340) 774-0117 St. Croix: (340) 718-1311 St. John: (340) 776-6400
V.I. Department of Licensing and Consumer Affairs	Main: (340) 774-9500 24/7 Security: (340) 775-8211
V.I. Department of Planning and Natural Resources*	St. Thomas: (340) 774-3320 St. Croix: (340) 773-1082
Virgin Islands Police Department	Emergencies: 911 St. Thomas: (340) 774-2211 St. Croix: (340) 778-2211 St. John: (340) 693-8880
V.I. Department of Tourism	St. Thomas/St. John: (340) 774-8784 St. Croix: (340) 772-0357 Toll-Free at 1-800-372-USVI (8784)
V.I. Territorial Emergency Management Agency	St. Thomas: (340) 774-2244 St. Croix: (340) 773-2244 St. John: (340) 776-2244
V.I. Hospitals	
Schneider Regional Medical Center, St. Thomas	(340)776-8311
Governor Juan F. Luis Hospital, St. Croix	(340) 778-6311
Myra Keating Smith Clinic, St. John	(340) 776-6400
Federal Government Agencies	
U.S. Coast Guard Sector San Juan*	(787) 289-2040/41 or (787) 279-7778
U.S. Customs and Border Protection	St. Thomas: (340) 774-6755 St. Croix: (340) 778-0216 St. John: (340) 776-6741
Federal Bureau of Investigation (FBI)	(340) 777-3363 or (787) 754-6000
U.S. National Park Service	
St. John VI National Park Enforcement	(866) 995-8467
St. Croix Fort Christianvaern	(340) 719-1791 or (340) 773-1460

*Agency monitors Marine Frequency VHF Channel 16 as of date of publication.

