

STANDARD OPERATING PROCEDURES FOR
MARINE RESOURCE DAMAGE ASSESSMENTS

VIRGIN ISLANDS NATIONAL PARK
SEPTEMBER 1997

STANDARD OPERATING PROCEDUES FOR MARINE RESOURCE DAMAGE ASSESSMENTS

INTRODUCTION

The purpose of this manual is to provide guidance in investigating damage to marine resources from boats, boat anchors, and individuals touching or breaking the resources. Along with the guidance from the Southeast Regional Office (attached as Appendix A) this Standard Operating Procedures (SOP) will assist Virgin Islands National Park personnel in conducting consistent investigations in an efficient and thorough manner. It is important that damage to marine resources cases are treated the same as any other criminal investigation. These types of cases may go to court as either a criminal or civil case or both.

Damage to coral reefs, seagrass beds, and gorgonian plains in Virgin Islands National Park can be caused by an individual breaking coral, a vessel dropping and/or dragging anchor, and a vessel running aground on a reef. Anchor damage to benthic resources from small boats to cruise ships constitute the greatest source of damage. This manual deals mostly with the investigation of damage caused by vessels running aground on near shore fringing reefs or the prominent patch reef, Johnsons Reef. However, the procedures for investigating anchor damage to reefs or seagrass beds, or individuals damaging the reef while swimming/snorkeling are similar.

LAWS

Several criminal laws apply to these cases; 36 CFR 2.1(a)(1)(i) prohibits the destroying of living or dead wildlife, 36 CFR 3.6(a) prohibits reckless or negligent operation of a vessel, 36 CFR 3.6(b) prohibits operating a vessel under the influence of alcohol or controlled substances, and 36 CFR 3.4, failure to report an accident.

(36 CFR 7. Special regulations to be added regarding anchoring and vessel size limits)

Further, Public Law 101-337 National Parks Marine Resource Protection Act, allows the National Park Service (NPS) to file civil cases in a United States District Court to recover costs associated with responding to an incident, and the cost to restore and replace damaged resources (Appendix C).

The Standard Operating Procedures for Coral Reef Damage prepared by the Southeast Regional Office will be used for investigating damage to marine resources. A copy of these procedures are attached (Appendix A). More specifically, the following additional procedures and responsibilities will be used in Virgin Islands National Park to assess marine resource damages.

RESPONSIBILITY

The Division of Protection has the responsibility to initially investigate all boat accidents and file any criminal charges. All information from the investigation is ultimately given to the Superintendent with recommendations on whether a civil case should be pursued. The investigation should be started as soon after the accident as possible. The Superintendent should be given a brief report of what happened within

24 hours and a final report will be submitted within one week of the incident.

Law Enforcement Rangers (LE Rangers) on daily boat patrols will randomly do checks of anchors for damage to the marine resources. When possible, someone from Resource Management will assist in checks. LE Rangers will keep snorkel gear and an underwater camera on the boat, and must be prepared to enter the water to inspect anchor placement at all times. If there is damage to marine resources the LE Ranger will decide what action to take. If ~~a non-LE Ranger~~ *OTHER VESSEL PERSONNEL* finds the damage they will contact an LE Ranger.

REPORT OF INCIDENT

FIRST REPORT

When the incident is reported the following information is needed: (Appendix B - Report of Damage to Marine Resources, Vessel Grounding Report)

1. Are there any injuries to persons or damage to resources?
2. Location of the incident. *AND SIZE LENGTH/DRAFT*
3. Did the vessel run aground or is an anchor causing the damage?
4. Name, type, and color of vessel involved.
5. Is the vessel rented or chartered? If yes, what company.
6. Is the vessel still on the reef or submerged? *Stationary or floating free?*
7. Has the Coast Guard been notified?
8. Name, address, and phone number of reporting individual. (Information to contact reporting party in case more information is needed.)

Is oil/fuel leaking? Estimate of amount or brand.

The Chief of Protection, Chief of Resource Management, and the Assistant Superintendent will then be notified. If there are injuries, appropriate emergency medical response will be administered or arrangements made to transport injured persons to the nearest emergency medical facility.

The U.S. Coast Guard will be notified, via radio or telephone (809-729-6817) by the responding LE Ranger(s), that park personnel are responding.

If the vessel involved is rented or chartered the rental company will be notified.

FIRST LAW ENFORCEMENT (LE) RANGER ON SCENE

The first LE Ranger(s) responding should determine if there are any injuries. If so, the LE Ranger should contact the Park base station on St. John (KID-722), describe injuries, request assistance if necessary, give location, and plan of action. The base dispatcher will contact the ambulance, clinic, or hospital if the incident requires. After proper medical care has been administered, floats or peanut buoys will be used to record the location of the incident/accident. If the vessel is in danger of sinking or capsizing all personnel on board *may* should be evacuated. If available the LE Ranger should take a video and Polaroid camera to document the location of the incident. If salvage equipment is needed have someone contacted. (A list of companies will be developed with the Concession Specialist and the Chief of Resource Management and attached to the manual). *The area and extent of damage should be located as accurately as possible and cleared/authorized through Resource Mgmt/Concessions personnel.*

possible. If a Geographical Positioning System (GPS) unit is available 4 readings 2 minutes apart should be ^{carefully} taken. At least three (3) compass readings using land fixes ^{must} be ^{recorded} taken regardless if a GPS unit is used or not. If flotation marker buoys have not been deployed by this time, they should be used to mark the area. This will help relocate the area of damage in the future. Marker buoys will be attached to the bottom with polypropylene line tied to a weight or tied to a bottom feature in a way that will not further damage the resources. ^{When a large area is damaged, two separate surface buoys must be used, and at least one subsurface}
INVESTIGATION ^{div.}

The responding LE Ranger(s) must ensure that:

1. Personal injuries are attended to or treated appropriately.
2. There is no immediate concern for further personnel injury, property damage, and/or release of hazardous materials.
3. That appropriate agencies are notified.

The responding LE Ranger(s) must also determine:

1. How much and what type of damage occurred to the natural resources?
2. What type of damage occurred to the vessel?
3. What factors were involved that caused the damage?
4. Was carelessness or negligence of the operator a factor?
5. That the vessel is salvaged, if necessary, with minimal additional damage to the resource.

This information will be recorded on the Report of Damage to Marine Resources and/or Vessel Grounding Report (Appendix B).

Discuss the salvage operation, when required, with personnel from Resources Management and the company/person conducting the salvage operation. They must understand they are operating in a National Park and must take all precautions possible to prevent additional damage. The operation will be stopped if it is felt that the method being used will cause more damage than necessary. Park Resource Management personnel should monitor any salvage effort.

The responding LE Ranger(s) will keep a time log of all personnel involved in the investigation and of all expenditures (i.e. equipment, boat costs, film, etc.). The responding LE Ranger(s) will conduct or have someone conduct a visual inspection of the resource damage and determine what necessary procedures are required for a successful damage assessment.

The following procedures will be followed to the extent needed for successful prosecution.

Filing a Vessel Grounding Report and Report of Damage to Marine Resources will be filled out (Appendix B).

Witness(es) statements will be taken (privately if possible).

Note condition of operator and administer sobriety tests if appropriate.

Determine if there are charts on board the vessel that show the location of the reef. Observe and record as evidence any nautical

charts or other charts that show the marine resource, and any other navigational equipment in use(i.e. Radar, GPS unit). Record name of charts and books on board. If a chartered or rental boat is involved, secure a copy of the contract and all information that indicates that the charter or rental company provided information on locations of reefs. Note any buoys or other navigational aids in the area.

Collect paint scrapings from the point of vessel contact to marine resources and any pieces of the vessel broken off which can be handled easily.

If an underwater camera is available, and it is safe to do so, underwater pictures will be taken.

Collect broken coral with paint scrapings if possible.

Inspect the vessel for all other physical evidence in relation to damages.

If damage is from an anchor, pictures of the vessel, anchor, anchor line, and anchor damaged will be taken. Any physical evidence will be collected if feasible.

COLLECTING OF PHYSICAL EVIDENCE

All physical evidence collected will be dried and placed in a bag. The bag will be marked with an evidence sticker, the date, time, case #, location it was collected from (reef name and if a GPS unit is available approximate latitude and longitude, description of the vessel, and name and address of the boat operator.)

SKETCH OF AREA

A sketch of the damaged area will be made by the LE Ranger(s) or person(s) conducting the assessment. The sketch can be done the same as for a traffic accident on land or any other method that provides a good idea of the damage. The sketch will also include overall area damaged, approximate size of individual coral damaged, the types of coral damaged, and all information necessary for a document that could be used in a court of law.

PHOTOGRAPHING AREA

VIDEO

If video is available, the make, model and serial number of the video camera used should be written down and included in the case incident report. While on the surface a slate with the following information should be videotaped: date, time, camera operator's name, case number, and location of incident. Mark video cassette as evidence. Videotape landmarks surrounding the incident. Underwater videotaping should be conducted if equipment is available. Once underwater videotaping has started the camera should not stop until all damage has been recorded. Videotape underwater damage at established reference points, either along the keel scar or anchor drag, or whatever situation is applicable. A measuring tape should

be used for establishing reference points. Using a compass, indicate directions between each point. Videotaping should be done along the measuring tape between points of damage or the reference points. When showing areas of damage a compass should be used to show the direction. A meter stick marked off in centimeters should be used to show size comparison. Mark damaged areas as "A", "B", "C" etc.

STILL PHOTOS

Start from reference point #1 and photograph damage starting with area A. Photographs will show path of boat keel scar, width of path, and/or path of anchor and compass direction. Keep a photo log indicating film type, case number, photographer and area being photographed. Use a centimeter stick to show scale. Mark developed pictures with the date of the incident, time, case number, photographer's name and label describing photo.

HANDLING OF EVIDENCE

All evidence collected including notes, tapes, and photographs will be secured in a locked safe and a chain of custody will be established. No more than two people should have access to the safe. A form is kept in the safe with collected evidence indicating date and time items were received, who received items, and from whom items were delivered. At any time the safe is opened or evidence is removed or additional evidence is added the date, time, name of person opening the safe and reason for opening the safe must be recorded. If any evidence is sent to a laboratory a Chain of Custody receipt will be sent along with it. The evidence can be sent to the FBI or the USFWS lab. All evidence will be handled according to established and accepted procedures.

PROSECUTION

The LE Ranger(s) handling the case will determine what criminal charges to file. If the Ranger handling the case believes that a civil case may also be filed all information will be shown and discussed with the Chief of Resource Management. If the Chief of Resource Management believes that the damage warrants it, Resource Management will do further investigation into the type of marine resource damaged and approximate cost of damage. If the investigating Ranger and Chief of Resource Management agree that the case should be pursued further all information will be given to the Assistant Superintendent for review. The Assistant Superintendent will have one week to review the case and recommendation and either concur with ~~the~~ *or modify the* recommendation ~~or not~~. The information will be forwarded to the Superintendent for review and/or concurrence. The Superintendent will have one week to decide if a civil case should be pursued and send the information on to the Southeast Regional Office for further prosecution.

APPENDIX A

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a third party, or if the damage was caused by an activity authorized by state or federal law. Id. Personnel should investigate to determine whether the damage to park system resources was caused under any of these circumstances. This information should be forwarded with any request to the Regional Office, to proceed with the case.

8. The Act places a broad duty to mitigate damages upon the Department of the Interior by requiring the Department to "undertake all necessary actions to minimize the destruction, loss of, or injury to park system resources, or to minimize the imminent risk of such destruction, loss or injury." S 19jj-2(b) (1). Once damage has been identified, efforts must be made to minimize existing damage and avoid additional damage to park system resources. If an incident occurs placing park system resources in imminent risk, all necessary acts must be taken to reduce that risk. All efforts to minimize or avoid damage should be coordinated with the Park Resource Management Division.
9. Because response costs are recoverable in an action under the Act, Section 19jj(b) (2), detailed time and expense records must be maintained. These records should be in writing and should be prepared as soon as possible after the work is performed. Records should include the name and grade of the employee, the date the work was performed, the amount of time spent responding to an incident or assessing damage, and a detailed description of the tasks performed. Detailed records must also be maintained of any other expenses incurred by the Park Service in responding to the incident and assessing damage.
10. If damage is observed in a National Marine Sanctuary, such information should be forwarded to National Marine Sanctuary officials.

B. Park Resource Management Division

1. Assess and document damage to the site, with the park protection division if possible. Underwater photographs and videos of the damage should be taken. The affected reef area should be measured with measuring tapes and the bearing of the path of any anchor, keel or boat bottom damage should be determined.
2. Assist the Park Protection Division in taking any necessary steps to minimize damage to park system resources. If an incident occurs placing park system resources in an imminent risk, assist the Protection Division in taking all necessary steps to reduce the risk.

CORAL REEF DAMAGE
STANDARD OPERATING PROCEDURE

The Park Systems Resource Protection Act, 16 U.S.C. 19jj et seq, authorizes the Secretary of the Interior, through the Attorney General, to file civil actions in district court to recover money for damage to park system resources and to recover costs expended responding to incidents causing damage to park system resources or incidents placing those resources at imminent risk. Section 19jj-2(a). "Park system resource" is defined to include any "living or nonliving resource that is located within or is a living part of a marine regimen....within the boundaries of a unit of the National Park System...." S 19jj(d). "Regimen" is defined as "a water column and submerged lands up to the high-tide or high-water line." S 19jj(e).

The Act authorizes the Secretary of the Interior to use any funds recovered for the restoration and replacement of the damaged resources and to reimburse response costs. S 19jj-3. However, before the Department can refer a case to the Attorney General for legal action, there must be a finding "of damage to a park system resource, or that absent the undertaking of response costs, damage to a park system resource would have occurred...." S 19jj-2 (a) (1) - (2).

Due to a large number of incidents causing damage to coral reef resources within units of the national park system in the Southeast Region, the following SOP has been developed to reduce confusion, to provide adequate and accurate information for the decision makers, and to assure consistency and thoroughness in preparing the case for litigation.

1. Park responsibility - generally

Park staff should document and be aware of coral reef resources within park boundaries and jurisdictions.

2. Park responsibility - incident avoidance

The Act charges the Department of the Interior with the duty to "undertake all necessary actions to prevent destruction, loss of, or injury to park system resources." S 19jj-2(b) (1). In order to discharge this duty, the superintendent and park staff should take all necessary steps to prevent incidents causing damage to park system resources from occurring.

Solicitor's office. This letter should be accompanied by a copy of all documents forwarded by the park concerning the case and all documents prepared by the Regional Office in reviewing the case. A copy of that letter should be provided to the park, the regional law enforcement specialist and the regional chief scientist.

4. Role of the Solicitor's Office and the Department of Justice

A. Solicitor's Office

The role of the Solicitor's office is to review the case and determine whether the Department of the Interior should pursue legal proceedings. If the decision is made to go forward, the case is referred to the Department of Justice. Additionally, the Solicitor's Office is available to answer questions of provide guidance to Service personnel in connection with incidents causing damage to park system resources.

B. Department of Justice/U.S. Attorney's office.

The role of the Department of Justice is to represent the United States in any legal proceedings.

APPENDIX B

VESSEL GROUNDING REPORT

DATE _____ LOCATION _____

OPERATOR IDENTIFICATION: _____ OWNER?

LAST _____ FIRST _____ MIDDLE _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

DOB _____ RACE _____ SEX _____

EYES _____ HAIR _____ OTHER _____

PHONE (H) _____ (W) _____

DRUG/ALCOHOL USE _____

VESSEL NUMBERS _____ NAME _____

YEAR _____ MAKE _____ MODEL _____

ENGINE(S) _____ FUEL TYPE _____

LENGTH _____ COLOR _____ POB _____

REGISTERED OWNER: (If Not Operator) (Name, Address, DOB, Phone)

WEATHER _____ WATER _____

WIND (speed/direction) _____ VISIBILITY _____

OCCUPANTS: (Name, Address, City, State, Zip, Phone, DOB, Witness)

INJURIES _____

OTHER HAZ/MAT

EFFORTS TAKEN TO GET FREE:

AMOUNT AND DESCRIPTION OF DAMAGE TO VESSEL:

DESCRIPTION OF DAMAGE TO RESOURCE (SKETCH ON REVERSE):

NAVIGATION EQUIPMENT ON BOARD:

CHART (what issue) _____ in use

COMPASS (what heading)

 LORAN (display)

RADAR (range)

 AUTOPILOT (course/speed)

DEPTH FINDER (on/alarm on)

VHF (on)

OTHER

AIDS TO NAVIGATION:

LOCATED AS CHARTED

LIGHTS OPERATIONAL

DAYBOARDS IN PLACE AND LEGIBLE.

SALVAGE COMPANY(S) _____

CAPTAIN IN CHARGE _____

ADDRESS _____ PHONE _____

STATEMENT OF OPERATOR:

STATEMENTS OF WITNESSES:

TIME OF GROUNDING _____

TIME OPERATOR REPORTED (TO WHOM) _____

TIME REPORT RECEIVED BY EVER _____

TIME RECEIVED BY INVESTIGATOR _____

TIME ARRIVED ON SCENE _____

TIME OPERATOR ADVISED NOT TO APPLY POWER _____

TIME VESSEL REFLOATED _____

TIME CLEAR OF SCENE _____

OTHER INFORMATION:

APPENDIX C

HR 2844

AT THE SECOND SESSION

Began and held at the City of Washington on Tuesday, the twenty-third day of January,
one thousand nine hundred and ninety

An Act

To improve the ability of the Secretary of the Interior to properly manage certain
resources of the National Park System.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled.*

SECTION 1. DEFINITIONS.

As used in this Act the term:

(a) "Attorney General" means the Attorney General of the United States.

(b) "Damages" includes the following:

(1) Compensation for—

(A)(i) the cost of replacing, restoring, or acquiring the equivalent of a park system resource; and

(ii) the value of any significant loss of use of a park system resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(B) the value of the park system resource in the event the resource cannot be replaced or restored.

(2) The cost of damage assessments under section 3(b).

(c) "Response costs" means the costs of actions taken by the Secretary of the Interior to prevent or minimize destruction or loss of or injury to park system resources; or to abate or minimize the imminent risk of such destruction, loss, or injury; or to monitor ongoing effects of incidents causing such destruction, loss, or injury.

(d) "Park system resource" means any living or nonliving resource that is located within or is a living part of a marine regimen or a Great Lakes aquatic regimen (including an aquatic regimen within Voyageurs National Park) within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.

(e) "Regimen" means a water column and submerged lands, up to the high-tide or high-water line.

(f) "Secretary" means the Secretary of the Interior.

SEC. 2. LIABILITY.

(a) IN GENERAL.—Subject to subsection (c), any person who destroys, causes the loss of, or injures any park system resource is liable to the United States for response costs and damages resulting from such destruction, loss, or injury.

(b) LIABILITY IN REM.—Any instrumentality, including but not limited to a vessel, vehicle, aircraft, or other equipment that destroys, causes the loss of, or injures any park system resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury to the same extent as a person is liable under subsection (a).

(c) DEFENSES.—A person is not liable under this section if such person can establish that—

THE WHITE HOUSE
JUL 16 1990

(1) the destruction, loss of, or injury to the park system resource was caused solely by an act of God or an act of war;

(2) such person acted with due care, and the destruction, loss of, or injury to the park system resource was caused solely by an act or omission of a third party, other than an employee or agent of such person; or

(3) the destruction, loss, or injury to the park system resource was caused by an activity authorized by Federal or State law.

(d) **SCOPE.**—The provisions of this section shall be in addition to any other liability which may arise under Federal or State law.

SEC. 3. ACTIONS.

(a) **CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.**—The Attorney General, upon request of the Secretary after a finding by the Secretary—

(1) of damage to a park system resource; or

(2) that absent the undertaking of response costs, damage to a park system resource would have occurred;

may commence a civil action in the United States district court for the appropriate district against any person who may be liable under section 2 for response costs and damages. The Secretary shall submit a request for such an action to the Attorney General whenever a person may be liable or an instrumentality may be liable in rem for such costs and damages as provided in section 2.

(b) **RESPONSE ACTIONS AND ASSESSMENT OF DAMAGES.**—(1) The Secretary shall undertake all necessary actions to prevent or minimize the destruction, loss of, or injury to park system resources, or to minimize the imminent risk of such destruction, loss, or injury.

(2) The Secretary shall assess and monitor damages to park system resources.

SEC. 4. USE OF RECOVERED AMOUNTS.

Response costs and damages recovered by the Secretary under the provisions of this Act or amounts recovered by the Federal Government under any Federal, State, or local law or regulation or otherwise as a result of damage to any living or nonliving resource located within a unit of the National Park System, except for damage to resources owned by a non-Federal entity, shall be available to the Secretary and without further congressional action may be used only as follows:

(a) **RESPONSE COSTS AND DAMAGE ASSESSMENTS.**—To reimburse response costs and damage assessments by the Secretary or other Federal agencies as the Secretary deems appropriate.

(b) **RESTORATION AND REPLACEMENT.**—To restore, replace, or acquire the equivalent of resources which were the subject of the action and to monitor and study such resources: *Provided*, That no such funds may be used to acquire any lands or waters or interests therein or rights thereto unless such acquisition is specifically approved in advance in appropriations Acts and any such acquisition shall be subject to any limitations contained in the organic legislation for such park unit.

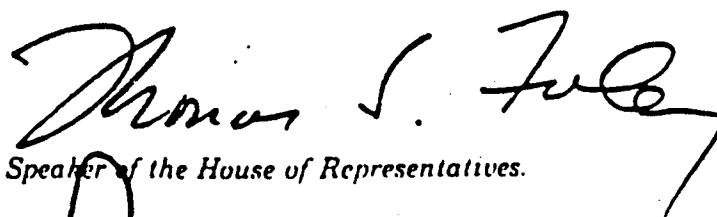
(c) **EXCESS FUNDS.**—Any amounts remaining after expenditures pursuant to subsections (a) and (b) shall be deposited into the General Fund of the United States Treasury.

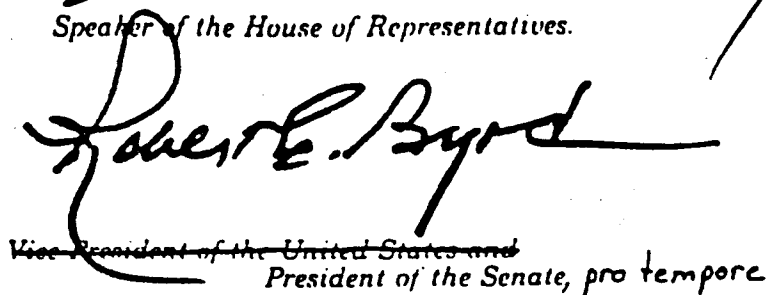
(d) **REPORT TO CONGRESS.**—The Secretary shall report annually to the Committee on Appropriations and the Committee on Energy and Natural Resources of the United States

Senate and the Committee on Appropriations and the Committee on Interior and Insular Affairs of the United States House of Representatives on funds expended pursuant to this Act. The report shall contain a detailed analysis and accounting of all funds recovered and expended, including, but not limited to, donations received pursuant to section 5, projects undertaken, and monies returned to the Treasury.

SEC. 5. DONATIONS.

The Secretary may accept donations of money or services for expenditure or employment to meet expected, immediate, or ongoing response costs. Such donations may be expended or employed at any time after their acceptance, without further congressional action.


Speaker of the House of Representatives.


~~Vice President of the United States and~~
President of the Senate, pro tempore

INTRODUCTION

The purpose of this manual is to provide guidance in investigating damage to marine resources from boats. Along with the Standard Operating Procedures this will assist Virgin Islands National Park personnel in conducting consistent investigations in an efficient and thorough manner. It is important that damage to marine resources cases are treated the same as any other criminal investigation. These type of cases may go to court as either a criminal or civil case or both.

Damage to reefs in Virgin Islands National Park is caused by a range of activities, from an individual stepping on coral to a vessel running aground on a reef. The reefs receive damage from anchors on small boats to anchors of large cruise ships. This manual deals mostly with the investigation of damage caused by vessels running aground. Though, the procedures for investigating damage by an anchor are the similar. Damage caused by a person walking on coral would not be as extensive.

LAWS

Several criminal laws apply to these cases; 36 CFR 2.1(a)(1)(i) prohibits the destroying of living or dead wildlife, 36 CFR 3.6(a) prohibits reckless or negligent operation of a vessel, 36 CFR 3.6(b) prohibits operating a vessel under the influence of alcohol or controlled substances, and 36 CFR 3.4, failure to report an accident.

CFR 7. *(Special regulations to be added regarding anchoring and vessel size limits)*

Further, Public Law 101-337 National Parks Marine Resource Protection Act, allows the NPS to file Civil Cases in United States District Court to recover costs associated with responding to an incident and the cost to restore and replace damaged resources.

The Standard Operating Procedures for investigating damage to marine resources will be followed. Copy of these procedures are attached. (Appendix A)

RESPONSIBILITY

The Division of Protection has the responsibility to investigate all boat accidents and file any criminal charges. All information from the investigation is given to the Superintendent with recommendations on whether a civil case should be pursued. The investigation should be started as soon after the accident as possible. The Superintendent should be given a brief report of what happened within 24 hours and a final report should be submitted within one week.

Law Enforcement Rangers on daily boat patrols will randomly do checks of anchors for damage (When possible someone from Resource Management personnel will assist in checks). If there is damage to marine resources the LE Ranger will decide what action to take. If a non-LE Ranger finds the damage they will contact a LE Ranger.

REPORT OF INCIDENT

FIRST REPORT

When the incident is reported the following information is needed:
(Appendix B)

1. Location of the incident.
2. Did the vessel run aground or is an anchor causing the damage?
3. Are there any injuries to persons or damage to resources?
4. Name, type, and color of vessel involved.
5. Is the vessel rented or chartered? If yes, what company.
5. Vessel still on reef or submerged?
6. Has Coast Guard been notified?
7. Name, address, and phone number of reporting individual. (Information to contact reporting individual in case more information is needed.)

The Chief of Protection, Chief of Resource Management, and the Assistant Superintendent will then be notified. If there are injuries the EMS, 776-6222 or clinic, 693-8900 will also be notified or 911.

If the U.S. Coast Guard has been notified the Ranger in Protection will notify them by radio or phone (809) 729-6817 that park personnel are responding.

If the vessel is rented or chartered the company will be notified.

FIRST LAW ENFORCEMENT RANGER ON SCENE

The first Law Enforcement Ranger responding should take a video and Polaroid camera to take photos of the location of the boat. If available a Geographical Positioning System (GPS) unit and floats should be taken to record the location of the boat. It should be determined if there are any injuries. If there are and the clinic has not been notified have the KID 722 or someone monitoring the radio contact them. Arrangements should be made to transport an EMT to the scene or the injured to the clinic. If the vessel is in danger of sinking or capsizing all personnel on board should be evacuated. If salvage equipment is needed have someone contacted. (List of companies of companies will be developed with the Concession Specialist and the Chief of Resource Management and attached to manual) The area and extent of damage should be located as accurately as possible. If a Geographical Positioning System (GPS) unit is available 4 readings 2 minutes apart should be taken. At least three (3) compass readings using land fixes should be taken regardless if a GPS unit is used. The area should be marked with floats in addition to the other readings. This will help relocate the area of damage in the future.

INVESTIGATION

The responding Ranger must ensure that:

1. Personal injuries are treated as appropriate.
2. There is no immediate concern for further personnel injury, property damage, and/or release of hazardous materials.
3. That other agencies are notified as appropriate.
4. That the vessel is salvaged, if necessary, with minimal additional damage to the resource.

The responding Ranger must also determine:

1. How much and what type of damage occurred.
2. What type of damage occurred to the vessel.
3. What factors were involved that caused the damage.
4. What degree of carelessness or negligence was involved in the incident.

Discuss salvage operation, when required, with person doing salvage operation. Be sure they understand they are in a National Park and must do all that is possible to prevent additional damage. The operation can be stopped if it is felt that the method being used will cause more damage than necessary.

Park personnel should monitor any salvage effort.

The responding LE Ranger will keep a log of the time of all personnel involved in the investigation and of all expenditures on equipment (i.e. boat costs, film, etc..) The responding LE Ranger will do or have someone do a visual inspection of the damage and determine what action to take.

The following procedures will be followed to the extent needed for successful prosecution.

A Vessel Grounding Report will be filled out (Appendix C)

Witness statements will be taken, privately if possible.

Note condition of operator and administer sobriety tests if appropriate.

Determine if there are charts on board the vessel that show the location of the reef. Secure any charts that were in use that show the marine resource as evidence. Make note of any other navigation equipment in use (i.e. Radar, GPS unit) Record name of charts and books in use and available for use. If chartered boat or rental secure the copy of the contract and information that indicates that the charter or rental company provided information on locations of reefs. Note will be made of any buoys or other markers in the area.

Paint scrapings from the hull of the involved vessel will be taken.

If an underwater camera is available, and it is safe to do so, underwater pictures will be taken.

Any pieces of the vessel that are broke off will be collected.

Broken Coral with paint scrapings will be collected.

Any other physical evidence that can connect damage to vessel.

If damage is from an anchor pictures of the vessel, anchor and damaged caused, and anchor line will be taken if a camera is available. Any physical evidence will be collected.

COLLECTING OF PHYSICAL EVIDENCE

All physical evidence will be dried and placed in a bag. The bag will be marked with an evidence sticker, the date, time, case #, location it was collected from (reef name and if a GPS unit is available approximate Latitude and Longitude), name of vessel involved, a brief description of what it is, and by whom collected.

SKETCH OF AREA

A sketch of the damaged area will be done. The sketch can be done the same as for a traffic accident on land or any other method that provides a good idea of the damage. The sketch will also include overall area damaged, approximate size of individual coral damaged, and as much as possible the types of coral damaged and all information necessary for a document that could be used in a court of law.

PHOTOGRAPHING AREA

VIDEO

The make, model and serial number of the video camera used should be written down and included in the case incident report. While on the surface a slate containing the date, time, name of person operating the camera, case number, and area should be Video taped. This information should also be placed on the outside of the video cassette and the cassette marked as evidence. Then the surrounding area with landmarks should be video taped. Once underwater video taping has started the camera should not stop until all damaged has been recorded. The video taping of damage should start at point #1. A compass should show the direction of between point #1 and point #2. Video taping should be done along the measuring tape between points #1 and #2. When showing areas of damage a compass should be used to show the direction and a meter stick marked off in centimeters should be used to show size comparison.

STILL PHOTOS

Start from point #1 and photograph damage starting with area A. Photographs will show path of boat keel scar, width of path, and/or path of anchor. Keep a photo log indicating film type, case number, photographer and area being photographed. Use a meter stick marked off in centimeters to show scale. When pictures are developed they should be marked with date taken, time, case number, photographer's name and what they are showing.

HANDLING OF EVIDENCE

All evidence collected including notes, tapes, and photographs will be secured in a locked safe and a chain of custody will be established. No more than two people should have access to the safe. A form will be kept in the safe which will have the date, time, who the item was received from, and by whom received recorded on it. Any time the safe is opened or any evidence is removed the date, time, by whom it was opened, and reason it was opened or evidence was removed. If any evidence is sent to a lab a Chain of Custody receipt will be sent along with it. The evidence can be sent to the FBI or the USFWS lab. Addresses to be added. All evidence will be handled according to established and accepted procedures.

PROSECUTION

The Law Enforcement Ranger handling the case will determine what criminal charges to file. If the Ranger handling the case believes that a civil case may also be filed all information will be shown and discussed with the Chief of Resource Management. If the Chief of Resource Management believes that the damage warrants it Resource Management will do further investigation into the type of marine resource damaged and approximate cost of damage. If the investigating Ranger and Chief of Resource Management agree that the case should be pursued further all information will be given to the Assistant Superintendent for review. The Assistant Superintendent, or Acting Assistant Superintendent will have one week to decide whether a civil case should be pursued and forward the information to the Superintendent. The Superintendent, or Acting Superintendent, will have one week to decide if a civil case should be pursued and send the information onto the Southeast Field Office.

Virgin Islands National Park

Report of Damage to Marine Resources

Date: _____ Time: _____

Location of The Incident: _____

Vessel Aground: _____ Anchor Causing Damage: _____

Injuries: NO _____ YES _____ If Yes: Number _____

Types of Injuries: _____

Name of Vessel: _____ Color of Vessel: _____

Type of Vessel: _____ Approximate Length: _____

Vessel Still at Location: No: _____ Yes: _____ If vessel ran aground
on a reef, is Vessel Still Grounded: No: _____ Yes: _____

U.S. Coast Guard Notified: No _____ Yes _____

Any Other Agencies Notified: No _____ Yes _____

Name of Reporting Individual: _____

Local Address: _____

Local Phone Number: _____

If Visiting Island, Home Address: _____

Home Phone: _____ Business Phone: _____

Person Taking Report: _____

Date: _____ Time: _____

Protection Notified: Ranger: _____

Date: _____ Time: _____ Notified by: _____

Resource Management Notified: Person: _____

Date: _____ Time: _____ Notified By: _____

Assistant Superintendent Notified: Date: _____ Time: _____

Notified By: _____

EQUIPMENT LIST FOR DOCUMENTATION OF UNDERWATER DAMAGE FROM BOAT GROUNDINGS, ANCHORS, ETC.

1. Buoy, line and weight.
2. Underwater camera (disposable Kodak point-and-shoot are fine)
3. Clipboard, underwater "paper (mylar) and pencil
4. Mask/fins/snorkel
5. Fiberglass tape measure
6. Underwater compass

WHAT TO DO

1. Photograph boat at damage site, with anchor on coral, whatever is causing damage to the substrate.
2. Mark site with buoy.
3. Take marks on land to aid in finding site later. GPS is not presently accurate enough in VI, also, often difficult to get a boat into site damaged.
4. Record:
 - a. Date
 - b. Time
 - c. Location
 - d. What has happened
 - e. Who is involved and role
5. Get information on boat:
 - a. Type (eg. power/sail)
 - b. length
 - c. NAME of vessel
 - d. rental or owned by captain onboard
 - e. rental/charter company
 - f. Captain's name and address and contact information (ask for registration or documentation and get a copy)
 - g. Owner's name and contact information
 - h. color of bottom paint (very important)
6. Get in water and assess situation:
 - a. Best way for boat to be pulled or kedged out - for LEAST DAMAGE TO REEF.
 - b. Will boat sink if it is pulled to deeper water? Obviously need to call someone with large bilge pump, in-water repair capabilities, etc. Don't do it yourself and don't get close to boat (big chance of injury).
7. Once the boat or anchor is off reef/bottom and secure, go in water to assess damage.
 - a. **BE CAREFUL.** Boats usually cause damage in shallow areas and you can be hurt assessing damage.
 - b. Map extent of damage: length and width of scar/damage path(s), direction (compass reading - always write "approximately")
 - c. Count number of broken coral heads, sponges ripped up, etc.
 - d. Take dimensions of areas of total destruction.
 - e. Photograph or videotape damage to substrate. Be sure to include date, site, vessel name and video operator name on slate that is videotaped. Include tape and compass when possible.
8. Write summary report including:
 - a. All of above information
 - b. redrawn map
 - c. number of personnel assessing damage, number of person hours, number of boat hours.