

14 Jun 2013

Chapter 15**MARINAS AND RECREATION SAILING PROGRAM**

Ref: (a) DoD Instruction 1015.10 of 6 July 2009
(b) EPA 840-B-92-002, Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters, EPA), January 1993
(c) OPNAVINST 1700.16A
(d) JAGINST 5800.7E
(e) CNICINST 5890.1
(f) DoD Instruction 1000.15 of 24 October 2008

1501. Mission

- a. Provide professionally managed marina and sailing programs that foster family and individual well-being, unit cohesion, and personal readiness through water sports.
- b. Provide access to information, equipment, and instruction making available a wide-range of sailing opportunities and marina programs.
- c. Introduce authorized patrons to the benefits of sailing and marina activities by providing affordable marine rental equipment and development of safe boating skills.
- d. Teach appropriate skills for proper conduct of water based sports and recreation activities.
- e. Organize and conduct appealing water sports and water based recreation activities and programs.
- f. Provide marina facilities for patrons interested in berthing of privately owned boats (slip/mooring).

1502. Marina Program Descriptions. Marina programs offer rental craft appropriate for the local boating/sailing environment. These activities include sailing, power boating and fishing. Marina facilities may also provide services such as boat launching ramps, slips, moorings, storage facilities and retail sales. Marina patrons are required to meet applicable local, State, National/Federal requirements, safety standards, licensing, and/or certification. In accordance with reference (a), marinas are categorized as follows:

14 Jun 2013

a. MWR Category "B" Marinas. Boating activities without resale and private berthing slips authorized APF support. This program is eligible for appropriated fund (APF) support in accordance with reference (a).

b. MWR Category "C" Marinas. Boating activities with resale or private boat berthing and storage are classified as Category "C". Marina operations with private berthing slips, storage facilities for privately owned boats, and retail sales (e.g., specialty items such as fuel, ice, tackle, bait, and fishing licenses) are required to maintain self-sufficient operations with only indirect APF support.

1503. Clean Marina Program. CNIC HQ (N9) has established that all marinas in states with the National Oceanic and Atmospheric Administration's "Clean Marina Program" shall be certified in accordance with management measures in chapter 5 of reference (b). Where Clean Marina Programs exist, MWR marinas shall submit the necessary application, conduct self-assessment, schedule confirmation visit, and become a certified clean marina and maintain the certification.

1504. Marina Personnel. The key to a successful marina program is knowledgeable, well-trained, and motivated staff.

a. Staff members and volunteers must have read and signed all Standard Operating Procedures (SOPs) relating to their jobs before they start work.

b. All marina personnel must be trained in spill response and proper reporting procedures.

c. All marina staff should be easily identifiable by wearing a uniform to make staff identification easy for customers and strengthen program recognition.

1505. Marina Program Development

a. Marina program development must begin by assessing the installation's marina needs. A plan for facilities, services, and activities should be designed around a well-defined demand. Market needs and interests should be assessed annually through surveys, interviews, focus groups, comment cards, participation data, trends, industry publications, and networking.

b. An inventory of local marina programs and services should be taken to generate new program/facility ideas.

14 Jun 2013

c. The marina manager should publish and distribute a quarterly or seasonal schedule.

d. Marina professionals should schedule their work hours around customers' schedules to include weekends and holidays.

1506. Alcoholic Beverages. Alcohol is a primary contributing factor in many boating accidents. Marina managers must address alcoholic beverage control in the program's standard operating procedures, as outlined in reference (c) and local policy.

1507. Sailing Instruction

a. Recreational sailing should be an element of the overall marina program. Basic, intermediate and advanced instruction in sailing skills will be administered using an approved sailing curriculum certified by the United States Naval Sailing Association (USNSA), American Sailing Association (ASA), or the United States Sailing Association (USSA).

b. The United States Naval Sailing Foundation (USNSF) is a NFE that accepts gifts from the private sector of boats, property, or cash that can be put to use either directly or by conversion to cash for the benefit of the USNSA. The USNSA subsequently provides these donated boats to MWR activities under written bailment agreements as public vessels to be used in support of objectives of the Navy sail training program. All bailment agreements must clearly specify each of the parties' respective duties as to maintenance, insurance, slip fees, vessel improvements and the financial responsibilities for the upkeep, maintenance, repair, and operation of the vessel.

1508. Insurance. This section sets forth uniform legal procedures and guidelines that must be followed by all REGCOMS/Installation COs in administering Navy recreation sailing programs that are financially supported in whole or part with NAFs.

a. Admiralty Claims. In general, all incidents involving waterborne recreational boating and sailing vessels and harborage are within the purview of admiralty law. The Judge Advocate General of the Navy (NAVY JAG) (Code-11) issues policies and procedures for processing and adjudicating all admiralty incidents that may result in claims within the Navy. The provisions set forth in reference (d) apply in all cases of potential governmental liability arising out of waterborne

14 Jun 2013

boating and harborage. Per reference (d), there is a command reporting requirement for any admiralty incident that gives rise to a claim. Early communication and coordination with the command's legal service provider is essential.

b. Contracts and Agreements. The provisions of the contracts and agreements provided by CNIC HQ (N922) will be the minimum used by all commands responsible for recreational boating and sailing Marinas financially supported in whole or part with NAF. These agreements cover boat mooring and storage, boat and equipment rental to patrons, and volunteer services agreements. The purpose of these agreements is to record and acknowledge the rights and liabilities of all patrons, instructors, crews, and guests using MWR or other recreational boats and sailing facilities, and to protect the government's interest in any incident involving a possible claim.

c. REGCOMs/Installation COs. REGCOMs/Installation COs administering Navy recreational boating and sailing vessels and facilities will:

(1) Ensure compliance with provisions of the contracts and agreements. These agreements will be used by naval activities for rentals of mooring and storage spaces, boat and equipment rentals, and for voluntary sailing instruction, where such activities receive any financial or other support from the MWR fund.

(2) Report any incident of personal injury or property damage, which may potentially result in an admiralty claim according to the provisions of chapter XII of reference (d). Questions concerning these matters should be directed to the command's legal services provider, who will coordinate with Admiralty Division, Office of the Judge Advocate General (OJAG (Code-11)) at commercial (202) 685-5040 or DSN 325-5040. Admiralty Claim procedures are also available online at www.jag.navy.mil/organization/code_11.htm.

(3) Be responsible for thorough investigation of any admiralty claim arising from recreational boating and sailing vessels or activities. Authority to negotiate settlement of admiralty claims is vested in the JAG and the United States Attorney. Sailing clubs and sailing associations should not conduct their own investigations in cases that may lead to admiralty claims against CNIC HQ Support Services Center (N94) central NAFs. The Admiralty Division of JAG should provide advice for any admiralty report (investigation). The

14 Jun 2013

investigation should be routed to OJAG (Code-11) via the Installation CO and chain of command. Investigation must contain facts and must not contain any opinions of liability and offers of settlement. Investigations should be confined strictly to fact-finding, and labeled "For Official Use Only" or "Attorney Work Product", depending on advice from OJAG (Code-11).

(4) Publish local operating procedures, rules, and regulations applicable to the recreational boating and sailing program, and ensure that local instructions or notices are not in conflict with any of the provisions within this instruction.

(5) Not solicit, accept, or use privately-owned boats. (Navy recreation program is self-insured and there are no provisions for extension of insurance coverage to privately-owned boats. Navy will neither protect nor defend owners of such vessels in any claim, admiralty or otherwise. USNSF-owned craft may be chartered to MWR activities and operated as a "public vessel" under the terms of a charter agreement).

(6) Upon acquisition, identify and report any MWR-maintained vessels over 27 feet in length to CNIC HQ (N922) by written memorandum. Include acquisition source/date, make/model/year and function as an MWR vessel, e.g., sail training, charter, and fishing. In addition, installations must identify and report any vessels qualifying as Naval Sea System Command (NAVSEA) Service craft and Boat Accounting Report (SABAR) boats. These are public vessels having the same status as a utility boat assigned to a naval station operations department. They may have been purchased with APFs, donated, chartered from USNSF, or transferred to the Navy from another activity (e.g., Drug Enforcement Agency). Installation COs are advised that SABAR boats are typically obtained for "training" purposes and may be assigned to MWR activities for operational control.

(7) Competitive racing of MWR sailboats is authorized subject to region approval and in accordance with reference (e).

1509. Instructors. Sailing instructors are required to have current valid instructor certifications obtained from a nationally recognized organization such as the USNSA or ASA, in addition to Red Cross, U.S. Coast Guard, and U.S. Coast Guard Auxiliary certification as applicable. Marina managers must ascertain that instructors are certified and competent. MWR

14 Jun 2013

marina staff members should obtain instructor trainer certification in order to facilitate local instructor training.

1510. Waivers. REGCOMs/Installation COs or their designated representatives may waive specific requirements of the inshore ratings at their discretion based on the experience of the candidate. REGCOMs/Installation COs may also issue local qualifications for offshore-capable boats. Waivers for the offshore ratings will not be granted.

1511. Disqualification. If REGCOMs/Installation COs should decide to reduce qualified skippers in rating, they may do so at their discretion for both inshore and offshore ratings.

1512. Yacht Clubs. Yacht Clubs may operate at Navy Marinas as NFEs or private organizations, when they are established in response to local MWR patron interest on the part of sailing enthusiasts. These Yacht Clubs are authorized to operate on Navy installations when they have secured the express written consent of the installation commander or higher authority.

a. The Yacht Club must follow the procedures that have been established for NFE operation on DoD installations, in accordance with the detailed provisions of reference (f), enclosure (2).

b. Liability

(1) Per reference (f), enclosure (2), paragraph 9, the NFE shall have adequate insurance to protect against liability and property damage claims or other legal actions.

(2) Per reference (e), enclosure (1), paragraph 801, commercial liability insurance is required of private organizations to indemnify and protect MWR and the Navy.

(3) Per reference (e), enclosure (1), paragraph 806, private organizations are not covered by the MWR insurance program.

(4) MWR may also contract with the Yacht Club to provide specified sailing or instructional services. However, in accordance with chapter 8 of enclosure (1) to reference (e), MWR contractors must meet specific insurance requirements. If any MWR contractor's general liability insurance required coverage is reduced or waived by the Installation CO, after review and recommendation of the cognizant OGC or JAG attorney, this

14 Jun 2013

reduction or waiver still must be reviewed and approved by higher authority. In such situations where general liability coverage is waived by the Installation CO and approved by higher authority, the contractor shall be required to execute a Hold Harmless Agreement. The contractor must then be informed that neither the local MWR activity nor the CNIC Central Fund assumes any contractor's liability.

1513. Program Guidelines

a. Relationship with Naval Reserve Officer Training Corps (NROTC) Units and the Fleet. Occasionally, use of MWR equipment for fleet and NROTC official training may be more efficient than creation and maintenance of an independent fleet of small boats. Such use must be the subject of a written agreement for services if APFs are used to pay for rentals. Also, such use must be on a non-interference basis. Arranging recreational equipment use outside peak hours should not adversely affect MWR patrons and will provide additional income for the MWR marina facility. In the case of NROTC students, they are considered members of Reserve components during periods of "inactive duty training".

b. Involvement of Minors in Boat Operations. Participation of minors as skippers is not allowed unless a parent submits a specific statement of parental responsibility to the MWR activity for the minor. This statement must be renewed before each rental and should be kept on file by the marina manager. The marina manager has the authority to not permit a minor to skipper a boat, even with parental approval, if the minor is not sufficiently qualified for the watercraft and sailing conditions. A listing of those minors whose responsibility statements are held on file should be available at the marina, and managers should verify parental consent before checkout of a boat to a minor. For transient personnel, parents may make on-the-spot statements of responsibility for their children who are otherwise qualified.

Statement of Parental Responsibility

<p>"I give permission for my minor child _____ to participate in the <small>(Child's Name)</small></p> <p>Recreational Sailing Program at _____ <small>(Installation)</small></p> <p>The MWR fund does not provide any liability coverage of the Renter against claims, which may arise from the use of the boat and/or equipment. The parent or guardian of the Renter further agrees to defend and indemnify the MWR fund, the United States, the Department of the Navy,</p>

14 Jun 2013

its officers, enlisted, and civilian personnel from any and all liabilities and costs of defense for any damages arising in any manner whatsoever incurred in the course of, or in any way incidental to, the rental, use, or operation of the boat, or equipment rented herein arising out of and through any negligent act of omission by the Renter, the Renter's crew, guests, and/or invitees."

c. Marina Operation. Sailing programs and MWR marina supports the mission objectives in section 1501. Providing berths for privately-owned boats enables naval personnel to make the significant investments involved in boat ownership, knowing that they will find accommodations for their boats in their transient active duty careers. Expansion of the marina to the limits of local demand is strongly recommended, as berthing/mooring income goes far in supporting the marina and sailing programs.

d. Risk Management. An active risk management program for all elements of marina operations is essential to ensure the well being of employees and patrons. Activities are encouraged to develop safe boating and sailing procedures, which should include:

(1) Equipment inspection and documented maintenance program.

(2) Equipment usage qualification process.

(3) Education program to include classes in marine "rules of the road", use of float plans, proper use of flotation devices, water survival techniques, trailer towing, drinking and boating, use of distress signals, etc. Such rules shall be consistent with safe boating courses approved by the National Association of the State Boating Law Administrators (NASBLA), or public education courses conducted by the U.S. Power Squadron, American Red Cross, U.S. Coast Guard, and local requirements.

(4) Patrons renting MWR boats will be provided qualification training by MWR staff members to comply with applicable NASBLA requirements. Training shall include basic rules of the road, knowledge of personal flotation devices, applicable safety requirements and emergency procedures. Qualifications will be noted and evaluated. State agencies, U.S. Coast Guard Auxiliary, U.S. Power Squadrons, and the American Red Cross offer classroom type courses. Completion of such a course is evidence of a general orientation about boating

14 Jun 2013

safety, however, this is not a substitute for an "on the water" sail training qualification.

(5) MWR staff members should perform a pre-seasonal and post-seasonal safety survey of boats and equipment. During season, equipment should be inspected daily prior to use. The marina manager should keep records of each vessel's safety checks and assign duties to maintenance personnel accordingly. MWR safety coordinator will document semi-annual inspections and forward discrepancies through the chain of command.

(6) U.S. Coast Guard-approved personal flotation devices (PFDs) will be worn while operating canoes, paddleboats, personal watercraft, rowboats and sailboats without fixed keels which rely on crew weight for stability such as sailboards, monohulls, catamaran, and motorboats less than 16 feet in length. PFDs will be ready for immediate use by operators and crew of all other MWR watercraft. All boats, regardless of size, when used for training or if operated between the hours of sunset and sunrise (except for charter boats), will require the use of PFDs. Marina operators may set stricter requirements for use of PFDs based on evaluation of patron qualifications and weather conditions. For boats 16 feet and longer, a Type IV throwable device will also be provided. PFDs will be free of rips, tears, and other unserviceable conditions. In addition to the requirement for patrons of Navy MWR boating operations to wear a PFD, Navy personnel using recreational watercraft rented or borrowed from other DoD facilities will wear U.S. Coast Guard-approved PFDs. Coast Guard rules and regulations will be followed concerning required safety equipment on any MWR vessel.

(7) Motorboats (except outboard and diesel) will be equipped with a U.S. Coast Guard-approved carburetor backfire flame arrestor. For boats with enclosed gasoline engines, a ventilation system is required. A U.S. Coast Guard or Underwriter's Laboratories "marine type" fire extinguisher will be provided on boats with enclosed or permanently installed gas tanks. A load-capacity plate with occupancy limits (weight and number of persons and horsepower) will be posted in each boat. Boats 16 feet and longer navigating on coastal waters or the Great Lakes will carry three daytime and three nighttime visual distress signals. Boats less than 16 feet in length only will carry night signals when operating at night. Shelf-life date for pyrotechnic signals will be current. Flares should be stored in fireproof containers while in the facility if not provided with a suitable storage container. Fire department personnel should determine if a fire symbol should be located on

14 Jun 2013

the outside door of the storage area. "No smoking" signs will be posted.

(8) Boats used between sunset and sunrise will be equipped with lights. All boats less than 12 meters in length will have a sound-signaling device such as a horn or whistle. A bell as well as a whistle or horn will be provided for boats over 12 meters in length. A float plan should be provided so boaters can indicate departure time, destination, and time of return.

(9) Charter boats less than 65 feet in length carrying six or fewer passengers require an operator who holds a U.S. Coast Guard Operator of Uninspected Passenger Vessel (OUPV) license or in OCONUS locations, a non-US citizen operator meeting the USCG OUPV license requirements and subsequently approved as an operator by the Installation CO. If more than six passengers are carried, a Master's license is required and the boat must be classified as a vessel and inspected by the U.S. Coast Guard. Charter boats that carry passengers for hire will comply with special Federal operating requirements including safety orientation, stowage locations of PFDs, proper donning of PFDs, and posting of emergency instructions.

(10) All walking surfaces on piers and docks will be free of protruding nails, splinters, holes or loose boards and have a slip-free surface. Adequate lighting will be provided on piers and docks. Standard handrails with intermediate railings should be provided for main entrance walkways to docks and piers. At least one U.S. Coast Guard-approved throwable device such as a life ring with 60 feet of 3/8-inch diameter floating rope should be available on each dock. On docks more than 200 feet in length, a device should be located every 200 feet. For piers and docks, the local fire department should be asked to determine fire extinguisher requirements.

(11) Marina or boatyard operator will post in a prominent location or provide boat operators a list of safe operating procedures including the use of portable charcoal grills for cooking, trash disposal, no-smoking areas, location of fire extinguishers and hoses, instructions for turning in a fire alarm, and fueling instructions.

(12) Gasoline delivery nozzles will be equipped with a self-closing control valve that will shut off the flow of fuel when the operator's hand is removed from the nozzle. An emergency fuel shut-off control switch will be installed more

14 Jun 2013

than 20 feet but less than 100 feet from the gasoline dispenser. The control switch will be readily labeled and accessible at all times of operation.

(13) Electrical wiring located near boat ramps will be installed underground to avoid possible contact with masts and other parts of boats. If electrical wiring is not installed underground, the wiring within yard areas will be routed to avoid wiring within or across any point of the yard that may be used for moving boats. Additionally, avoid overhead wiring closer than 20 feet from the outer edge or any portion of the yard that may be used for moving boats or stepping or unstepping masts. Clearance for wiring in other portions of the yard will be not less than 18 feet above grade in open areas and not less than 8 feet above the highest point of roofs when above buildings. Warning signs to alert people of wire clearance will be located so as to be clearly visible.

e. Useful Life. Generally, boats and sails have limited lifetimes. As a rule, small centerboard boats have a useful life cycle of 7-10 years; large day-sailors, 10-15 years; and cruising-type boats, 6-8 years. Larger, un-powered boats such as Shields sloops have very long life spans. Beyond these time standards, boats require increasing maintenance and will lose attractiveness rapidly with "make-do" maintenance. Sometimes, major rehabilitation may extend the lifetime of a boat by half again. A sail replacement plan as well as a boat bottom cleaning and painting schedule should be an integral part of every sailing program. Sails last about 5 years in normal use and are competitive for about 2 years.

1514. Registration of MWR-Owned Boats with State Authorities

a. Federal law requires all military and public recreational-type vessels equipped with "propulsion machinery" of any type used on waters subject to the jurisdiction of the U.S. to be numbered and registered.

b. U.S. Department of Homeland Security (U.S. Coast Guard), which is responsible for this law, has delegated authority to each State to act as their agent in administering the law.