

Future Special Use Permits

As a result of the 1994 special use permit, the concessionaire and Sanctuary manager provided a number of recommendations for future special use permits to address the concerns raised during the 1994 dives. Consequently, based on its review of the activities conducted under the 1994 special use permit and recommendations from the Sanctuary manager, NOAA determined that it is possible to establish a viable, ongoing special use permit procedure to allow non-research dives on the Monitor. NOAA believes this can be accomplished without causing serious adverse effects to the wreck or creating an unmanageable administrative burden to NOAA, the concessionaire or the divers. NOAA will issue a three-year special use permit to a qualified dive concessionaire, selected competitively, for non-intrusive dives at this site for a total of two (2) weeks (14 days) each year. Recommendations from the Sanctuary manager based on the 1994 special use permit are reflected in the conditions outlined below, and will be further reflected in the 1996–1998 special use permit terms and conditions.

NOAA will supply the concessionaire with informational packets to be distributed to each participating diver. Each packet will provide a history of the ship, a description of the sanctuary, illustrations of the wreck as it lies on the seabed with unstable areas identified, and sanctuary regulations. In addition, prohibitions against all contact with the wreck will be specified in more detail, including specific prohibitions against entering the wreck, diving beneath the wreck and all types of disturbance including fanning the silt in or around the wreck with hands, fins or other methods. Finally, by issuing a three-year special use permit, NOAA will reduce the administrative burden and costs on the agency, the concessionaire, and the divers.

Recent research, by both private research expeditions and by NOAA, has shown that the Monitor's hull has become unstable in some areas, especially in the stern area near the propeller. During 1995, NOAA attempted to remove the Monitor's skeg and propeller in an effort to stabilize the stern, but adverse weather prevented the recovery. Another expedition is being planned for 1996. Although non-research divers will be prohibited from touching or otherwise contacting the Monitor, the special use permittee shall, in the dive safety briefings, be required to specifically advise divers to use extra

caution if opting to dive near the stern area of the wreck.

III. Special Use Permit

NOAA plans to issue a special use permit pursuant to section 310 of the NMSA, 16 U.S.C. 1441, to allow non-research dives to the Monitor. Activities conducted pursuant to the special use permit will be limited to non-intrusive, non-destructive access, observation and photography of the Monitor, and must be consistent to the highest practicable degree with the preservation and conservation of the MNMS. Touching or disturbing the Monitor or its associated debris field will be prohibited.

A qualified applicant will be selected on a competitive basis and allowed to bring qualified divers to the Monitor during a 2-week period (14 days) between May and October in the three-year period 1996–1998. The two week period will be determined by NOAA in consultation with the selected permittee. Applicants are requested to include their preferred dates for the 1996 season. In addition, should the permittee be unable to conduct dives on 4 or more days of that 2-week period due to weather or environmental conditions, NOAA will attempt to accommodate the permittee by scheduling another 2-week period to conduct the remainder of the dives [Note: Due to scheduled research dives at the Monitor, which must take precedence, make-up dives may not be able to be scheduled]. No more than a total of 14 days of diving per year may be conducted under special use permit. The permittee will be authorized to conduct one trip by one vessel to the MNMS per day, during which daylight-only dive activities may be conducted. The permittee will be fully responsible for ensuring that all divers are appropriately qualified and for ensuring the safety of all divers.

At a minimum, the following conditions will be included in the special use permit:

1. The permittee may use only vessel captains that meet all applicable U.S. Coast Guard (USCG) certification and license requirements and that are appropriately certified and licensed;
2. The permittee shall provide documentation verifying that all vessel captains are (a) thoroughly familiar with the local environmental conditions at the sanctuary and (b) experienced in supporting dive operations in deep water (up to 250 feet);
3. The permittee shall use only vessels of less than 45 feet in length that meet all applicable U.S. Coast Guard (USCG) certification and license requirements and that are appropriately

inspected, certified, and licensed. A low profile vessel to reduce wind drag is preferred;

4. The permittee shall carry a maximum of 18 divers each day and shall allow a maximum of 6 divers to dive at the same time;

5. The permittee shall be responsible for screening divers to ensure that they meet minimum requirements for diving skills and experience that the permittee deems necessary for making dives on the Monitor;

6. The permittee shall not anchor in the sanctuary. The permittee shall utilize the permanent mooring at the Monitor site for a diver descent/ascent line when conducting dive activities. The permittee may secure a surface float or small inflatable boat to the mooring line, but at no time may the trip vessel be secured to the permanent mooring;

7. The permittee shall not allow any dives to be made if currents at the surface are greater than one (1) knot;

8. The permittee shall ensure activities conducted in the MNMS pursuant to the special use permit are limited to non-intrusive, non-destructive access, observation and photography of the Monitor. The permittee shall ensure that all divers maintain neutral buoyancy, do not penetrate the wreck, and do not touch, otherwise contact, disturb, attempt to recover, or recover any portion of the Monitor, its associated debris field, or any artifact which may be found;

9. The permittee shall conduct a briefing for all divers before the first day of diving, as well as a briefing before each dive, these briefings must stress the importance of avoiding any contact with or disturbance of the Monitor, its associated debris field, or any artifact(s) which may be observed;

10. Upon request of the Sanctuary Manager, the permittee shall carry an individual designated by the Sanctuary Manager as an observer on board the permittee's vessel during trips to and from the MNMS and when the vessel is in the MNMS for the purpose of observing, monitoring, and documenting the activities conducted pursuant to the special use permit. The permittee shall allow the observer free and unobstructed access to all portions of the vessel at any time, and facilitate observation and documentation by the observer of all activities conducted pursuant to the special use permit. The permittee shall provide the observer all reasonable assistance to enable the observer to carry out his/her duties. (Other requirements of the permittee with respect to the observer such as advance notification of trip dates and departure times and responsibilities