

0025677

**From:** [David Carter](#)  
**To:** [Steve D Thompson](#)  
**Cc:** [Mike Murray](#); [Kenny Ballance](#); [Jon Anglin](#); [Paul Stevens](#)  
**Subject:** Re: Commercial Use Authorizations on the beach  
**Date:** 03/18/2010 11:19 AM

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Businesses that offer Surfing, kiteboarding, windsurfing, surffishing, birdwatching, sightseeing, etc., lessons, tours or trips do use the beach and ORV use is common for transporting equipment. ORV use by the "business" could be done through the CUA requirements/permit for the ORV PERMITTING. The question would be if the "client" was operating personal vehicle would they also need their own ORV PERMIT. In any event the areas of operation would be the same as for the common visitor with no special areas or allowances set aside for their activities.

David W. Carter, Hatteras District Ranger  
Cape Hatteras National Seashore  
PO Box 190  
46500 Lighthouse Road  
Buxton, NC 27920  
252-475-8326

-----Steve D Thompson/CAHA/NPS wrote: -----

To: Mike Murray/CAHA/NPS@NPS  
From: Steve D Thompson/CAHA/NPS  
Date: 03/18/2010 10:12  
cc: David Carter/CAHA/NPS@NPS, Kenny Ballance/CAHA/NPS@NPS, Jon Anglin/CAHA/NPS@NPS, Paul Stevens/CAHA/NPS@NPS  
Subject: Commercial Use Authorizations on the beach

Mike,

I have forwarded this to David Carter and Kenny Ballance for their thoughts. We have a number of other CUA such as eco tours and surfing lessons, but I can't tell you if they use their vehicles on the beach as part of their classes or tours. I am initially reluctant to call them as they may just want special access even if they haven't used it in the past.

Maybe the three District Rangers could respond by email as to their thoughts on this (to all addressees) and then we can make a decision on what to do next.

As for my part in answering your question, except as I noted below, most other CUA access the sound side beaches for their tours or lessons. The exceptions would be surfing lessons and kite boarding lessons on the ocean beaches. I assume they park in the ramp parking lots and walk out, but I don't know that for a fact.

Steve Thompson  
Special Park Uses/Lands

National Park Service  
1401 National Park Drive  
Manteo, NC 27954

252 473-2111x121

Fax: 252 473-2595

E-mail: steve\_d\_thompson@nps.gov

----- Forwarded by Steve D Thompson/CAHA/NPS on 03/18/2010 09:47 AM -----

**Mike  
Murray/CAHA/NPS**

ToSteve D  
Thompson/CAHA/NPS@NPS  
ccJon Anglin/CAHA/NPS@NPS

03/16/2010 01:42 PM SubjectRe: please schedule



**Steve** , I hope Maureen is doing well. With regard to the CUAs, when we have the discussion with Solicitors and others about the Regulatory Flexibility Act requirements, I just want to be sure that we have a complete list of current CUAs that drive on the beach in the course of conducting their authorized commercial activities. The RFA analysis, if needed, will focus directly on small businesses that are directly regulated by the proposed rule (i.e., the proposed rule would create new regulatory requirements, such as the ORV permit requirement, for those businesses). How about Real Kiteboarding? Do they, or any other commercial entities that conduct lessons on the beach, drive on the beach to conduct their lessons?

**Jon** , see Steve's message below. Any other commercial operators that come to mind?

Mike Murray  
Superintendent  
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS  
(w) 252-473-2111, ext. 148  
(c) 252-216-5520  
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Steve D Thompson/CAHA/NPS

**Steve D  
Thompson/CAHA/NPS**

ToMike Murray/CAHA/NPS@NPS  
ccCyndy Holda/CAHA/NPS@NPS  
SubjectRe: please schedule

03/13/2010 02:27 PM



Maureen has had a knee replacement (partial) and will come home Sunday from the hospital. It now appears it will require my presence at home for several days until she can become partially mobile. She is doing well but currently cannot be left alone, certainly through the coming week.

However, do schedule the call and I will attend from home.


The information requested:

1. Spa Koru (Joe Thompson) Avon - they acquire a CUA for transport guests/patrons to and from the beach via our park ramps open to the public using two 4WD's Suburbans.
2. Equine Adventures (Sylvia Mattingly) - they come into the Park via ramps and public trails and horseride on the beach at approved locations at Buxton. No motor vehicles going onto the beach - I just don't know if a horse is a vehicle under our plan.

3. Hatteras Island Horseback (Jeffrey Scholten) - same as above accessing the beach at Ramp 55.
4. Outer Banks Fishing School (Joe Malat) - they access the beach open to the public with 4WD's (3-4) to teach surf fishing to groups of fisherman, once maybe twice a year for a day and one-half.

Steve Thompson  
Special Park Uses/Lands

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 Mike Murray/CAHA/NPS

**Mike  
Murray/CAHA/NPS**

ToCyndy Holda/CAHA/NPS@NPS  
ccSteve D  
Thompson/CAHA/NPS@NPS  
Subjectplease schedule

03/11/2010 09:07  
AM

Cyndy,

Please schedule a 1-hour conference call, either middle of next week (need to keep Thursday open for court preparation) or early the week of March 22, with Sandy Hamilton, Mike Stevens, Jason Waanders, Carol Mansfield, Steve Thompson, and Paul Stevens to discuss the Regulatory Flexibility Act (RFA) requirements for the proposed ORV rule. The issue: Do we need to do an RFA analysis for any small businesses that would be directly regulated by the proposed ORV rule (e.g., if CUAs would be required to get an ORV permit [yes]; or if the references to commercial fishermen in the reg would create new requirements for commercial fishermen [yes; fairly minor new requirements, such as fish house receipts needed in order for commercial fishermen to obtain a +/- 2 hour modification of the night driving restriction])?

From **Steve** , we would need a list of current CUAs that operate vehicles on the beach, so we can discuss the full range of small businesses that would be directly regulated by the new regulation.

Thanks,

Mike Murray  
Superintendent  
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS  
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