

**BRIEF SUMMARY**

Permits, passes, fees Subcommittee  
October 10, 2010

Carla, Dwight, Mike Murray, Destry

The below is a brief summary of the discussion of the Subcommittee's call on this topic. This is not meant to be a comprehensive summary. Please also note that discussion of ideas is BY NO MEANS an endorsement or agreement to any or all ideas included herein.

**Action Items**

- CBI to do brief notes from call.
- CBI to revise working document from Subcommittee that was released to the full Committee, striking the general entrance fee option.
- Destry to detail means for charging a dispersed, parking "entrance fee" in CAHA.
- CBI/NPS to clarify education as a topic.
- Subcommittee to meet again Thursday, 10/23, 7 AM in person and via conference phone.

**NPS Research**

Mike researched questions posed by the subcommittee with various NPS authorities on NPS fees, permits, passes, and regulations.

- FLREA is generally used for general entrance fees and it's hard to imagine using it for a specific "beach access" fee. However, under FLREA, at a few parks NPS does charge an "entrance" fee at major parking lots ~~and is allowed to do so.~~ Canaveral NS Some Parks had to tried to charge a general ~~consider this a~~ "day use" fee but this was disallowed by the NPS, and the park was redirected to collect an "entrance fee" at major parking areas. ~~via legal proceedings, it was clarified that such fees can be charged but that they fall under a general entrance fee.~~ Mt. Rushmore collects a fee for parking in a parking garage. It is unclear if this is considered an "entrance fee" under FLREA or a fee charged by the concessioner operating the parking garage. ~~for instance, has an "entrance fee" that is practically a parking fee at a major structure.~~ Cape Cod National Seashore collect an "entrance fee" for ~~has fees for a few, six~~ large parking lots, considered "entrance fees," but does not charge ~~any~~ typical entrance fee outside of these lots. One could imagine ~~such a~~ similar "entrance fee" -at the major, life-guarded beaches at Cape on Hatteras NS. Given Cape Hatteras has numerous small, dispersed parking facilities, with potentially more planned, it is logistically challenging to imagine how to collect an "entrance fee" at all these locations, ~~charge these general entrance parking fees.~~ It should also ~~be~~ noted that FLREA is currently under heavy scrutiny by Congress, primarily for alleged abuses in the West by BLM and USFS, and may be revised or replaced before the CAHA ORV

Formatted: Bullets and  
Numbering

~~plan is completed or goes into effect. Because of this political scrutiny and the uncertainty of the law, the Director of the NPS has placed a moratorium on by the Director on imposing any new FLREA fees at this time. Under FLREA the park would retain up to 80% of "entrance fee" revenue, and FLREA monies can only be used to pay for cost of collection and for project costs that can be related or unrelated to the fee generating program. Under current policy, FLREA funds cannot be used to pay to staffing ongoing operations such as for primarily capital projects and not for law enforcement, staff, operations and maintenance, or interpretation, etc. These revenues can be used for education and collection of fees.~~

- ~~Special use permits (SUPs) typically cannot be used to collect for general parking fees or to collect a "general use " fee. SUPs are typically used to manage They are for special groups or activities that require written authorization and some degree of management control from NPS in order to protect park resources and the public interest. The NPS units that require ORV permits issue them under the SUP authority needed special management. SUP fees are collected for the express purpose of recovering the costs of managing the respective program or activity, and can be used to cover a variety of things including staffing, amenities for permittees, supplies, equipment, infrastructure improvements (such as ramps, air stations, etc.), publications, education programs, signing, and research related to the specific activity or program. The monies can only be used for amenities/efforts for permittees. Because of federal budgeting, tSUP these fees must be spent in the year they are collected and cannot be carried over in a trust fund or special account. NPS is required to keeping separate accounting for the use of these fees, be audited and keep clear track of the nexus between the monies spent and monies received, and can be audited by GAO or OIG. Collected monies under special use permits can be used for personnel and enforcement costs, printing, infrastructure, ramp maintenance, air stations, and education programs.~~

- While recognizing that this is an ORV plan we are working on, parking is a highly related issue regarding access and vehicles. Thus, since we have no ~~current~~ ~~g~~General ~~M~~management ~~P~~plan (GMP) for the Seashore, we hope to include parking and ramps in this EIS recognizing we would have to do an EA for the actual design/construction of the specific ramps and parking areas later.

## Questions and Comments

- *Is the implication under special use permit, you cannot charge pedestrians?* Typically, you can't use one for the general public. ~~SUPs are~~ There are "pedestrian" permits required for backcountry hiking and camping in some national parks, ~~but we are not aware of any general "pedestrian permits."~~
- *Is the issue of an entrance versus parking fee one of semantics?* One can imagine an "entrance fee" under Park regulations that is in practical effect a parking fee. It is

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"

harder to imagine a special use permit for all beach users, since the use would be so general.

- This is really an issue of fairness. Everyone who uses amenities such as access ramps, restrooms, etc. should bear a modest fee for that use ~~and the amenities of ramps, bathrooms, etc.~~ Regardless of the means of access to the beach (walking, driving, etc.), everyone needs to know the rules, behave and help pay for amenities rendered/costs imposed. The question is how to operationally achieve this.
- *In fact, ORV's are not a special use at this Park but a very general use. What makes ORV use at CAHA special?* The things that make ORV use and thus management special are; 1) legally and by precedent, ORV use is regulated via special regulations via Executive Orders; 2) use requires more substantial infrastructure such as ramps, signs, and interdunal roads; 3) they have greater potential harm to resources due to their size, speed, visibility regarding natural resources. There are three NPS guidance reasons for permits: 1) impose conditions to manage activity and prevent impairment; 2) obtain signature of permittee for commitment; 3) to account for use in administrative record.
- One should not assume ORVs are the major source of problems. The data on enforcement suggests that dogs and pedestrians tend to be higher reported kinds of violations, recognizing that an ORV might be an intermediary means of access to those folks who later have violations.
- What about separating out permits and fees. Fees should and can be treated separately from permits such that maybe ORVs could be required to have a special use permit, but fees are charged to everyone who parks or drives on the beach

## Education

Subcommittee members discussed the Tread Lightly program and noted it could be useful but that the ~~irre~~ general programs would have to be tailored to CAHA. It was suggested that Treat Lightly, which is focused on motorized recreation, would need to work with Leave No Trace, which is focused on non-motorized recreation, in order to ~~to~~ ensure fair and broad education coverage across all access groups, from ORVs to pedestrians. It was noted that if this subcommittee takes up education, the NPS or someone needs to define better what falls under this category: signage, outreach, education, etc.?