

**From:** [Mike Murray](#)  
**To:** [Jane Moore](#)  
**Cc:** [Jane Anderson](#); [Lee Dickinson](#); [Pat Ludwick](#); [Paul Stevens](#)  
**Subject:** More beach fee issue  
**Date:** 10/16/2008 10:06 AM  
**Importance:** High  
**Attachments:** [CAHA fee proposal tdj 101008.doc](#)

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Hi Jane,

Our Negotiated Rulemaking Advisory Committee, Permits/Passes/Fees Subcommittee, remains intent on finding an equitable way to collect fees from all beach users at CAHA. Their thinking is that so many people use ORVs to access the beach that it is more of a "general use" than a special use, and we do have significant resource protection compliance problems with pedestrians, as well as with ORVs. The Subcommittee would like to come up with a fee program that transcends user groups, so that all are paying to support infrastructure needs and implementation costs.

Destry Jarvis is the representative for NRDC and The Wilderness Society on the committee (and he has extensive experience with NPS policy). Destry has drafted a fee proposal (attached). Pat Ludwick, CAHA Fee program supervisor, has reviewed it and offered some comments (see below). I hate to keep bugging you on this, but feel strongly that I need to have a definitive NPS response to Destry's proposal (or at least as definitive as possible, given the uncertainty about FLREA).

**I would greatly appreciate it if you could have someone review Destry's proposal and provide specific written comments about its feasibility, and any suggestions for some other approach that would be more likely to be feasible.** Is it permissible under current law and policy? If not, why not? If not, is there some other way that is permissible under current law and policy, and that would be operationally feasible, to collect a fee that meets the group's objective of transcending users groups and spreading program support costs over a greater percentage of visitors. **It would be very helpful to have a response by COB on Wednesday, October 22**, since the subcommittee will meet via conference call the next day.

The subcommittee tentatively has its next **conference call scheduled for 1:00 p.m. on Thursday October 23. It would be extremely helpful if you (or your designee) could participate in that call for an 1/2 hour or so to explain the policies, answer questions, etc.** We have had other NPS or FWS program managers or specialists participate on issues in this fashion, and the participation has been well received and appreciated (people on the committee just want to understand what we can do, what we cannot do, and why), as opposed to it being a difficult debate. We could schedule your participation during the call and manage the time to your convenience (based on how much time you are available). I feel that me being the middle-man (coming to you with their questions, which provoke follow-up questions to bring back to you) is inefficient and time consuming for us all. I think that by participating in one call, people could hear your explanation and get all their follow-up questions answered too.

Thank you for your ongoing assistance and for your consideration of this request.

Mike Murray

Superintendent  
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS  
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----- Forwarded by Mike Murray/CAHA/NPS on 10/16/2008 08:30 AM -----

**Pat  
Ludwick/CAHA/NPS**

10/15/2008 11:23 AM

To: Mike Murray/CAHA/NPS@NPS  
cc: Norah Martinez/CAHA/NPS@NPS, Paul  
Stevens/CAHA/NPS@NPS

Subject: Re: Fw: fee proposal outline 

Mike,

My response is being written with the assumption that the author's proposal is to ensure that ORV users are not being singled out, so the feeling is that all visitors to the seashore should be charged a fee for use. Charging a fee is something I would view as a last resort when other options (such as education for all visitors and the ORV free permit system) have been tried, evaluated, and deemed a failure. I may be off base as to the intent of the proposal but I don't feel a fee should necessarily be used as an enforcement tool. However; if the intent is to manage use, then a fee may very well be an appropriate method of accomplishing that goal.

In reviewing the proposal I continue to have some concerns with the administration of fees for the seashore. Regardless of the direction taken in managing the program, there would need to be oversight of the program which would include training, tracking, auditing, and compliance with park and national procedures and policies and ensuring a consistent program with the various entities involved. While the provisions of FLREA law may pave the way for charging various types of fees, I don't feel it is quite that simple. It seems that there is buy in (at least from the individual who wrote the proposal) that a traditional entrance-station based fee isn't feasible for CAHA. The other options presented were an "expanded amenity recreation fee". This fee is, as stated, an amenity based fee. I don't feel that charging a fee to access the beach (without offering any amenities) would meet the criteria for charging that particular fee. The "Special Recreation Permit" fee may be more relevant in that these permits are issued to 1) control visitor use 2) protect recreational, natural and cultural resources and 3) provide for the health and safety of visitors. Annual and/or lifetime passes would not apply for this type of access and use. Even this type of fee would need to go through the comparability and civic engagement process. Comparability may be difficult to conduct as we do not (as far as I know) have nearby public sector operators which charge for beach access. That being said, charging a fee for accessing the beach could have a detrimental affect on our visitation, as well as, the economy of the local area.

Clarification would need to be made on:

- is this proposal for all vehicles, all visitors who access the beach, only for vehicles which drive on the beach, etc. (several comments in the proposal seemed contradictory and made this unclear)
- fees for local residents?
- do campers in park service campgrounds pay a separate fee to access the beach
- if stickers are sold for all vehicles and are not per person, how will compliance take place on the beach
- if trying to address problems with visitors who access the beach on foot and cause resource damage would we not need a per person fee vs. a vehicle pass

My intent is not to say it can't be done or to be negative in my response. I think I am only stating the obvious that it would require a commitment of time and resources. With a park of this size spreading over such a disperse area, implementing a "fair and consistent" program of this type would be difficult at best. Should the decision be made to implement a fee program, I'm also not sure that turning over the entire fee program for the seashore to another entity would be a step in the right direction. I feel it should continue to be managed by the park service with cooperative agreements in place as appropriate.

Given my limited knowledge of the issues, I hope this was somewhat helpful. I would certainly encourage you to contact Jane Moore. She is the expert and has her finger on the pulse of what is happening in Washington.

Pat Ludwick  
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▼ [Mike Murray/CAHA/NPS](#)

**Mike  
Murray/CAHA/NPS**

10/10/08 02:55 PM

To Pat Ludwick/CAHA/NPS@NPS  
cc Norah Martinez/CAHA/NPS@NPS, Paul  
Stevens/CAHA/NPS@NPS

Subject Fw: fee proposal outline

Pat,

Please evaluate the feasibility of the attached fee proposal generated by on of the RegNeg committee members, and offer some comments to me about any issues or concerns. After getting your comments, I may run the proposal further up the chain to Jane Moore, but would appreciate hearing your thoughts first.

Mike Murray  
Superintendent

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----- Forwarded by Mike Murray/CAHA/NPS on 10/10/2008 01:51 PM -----

"Destry Jarvis"  
<destryjarvis@earthlink.net>

To "Mike\_Murray" <Mike\_Murray@nps.gov>  
cc "Patrick Field" <pfield@cbuilding.org>

10/10/2008 01:15 PM

Subject fee proposal outline

Please respond to  
destryjarvis@earthlink.net

See attached, I will leave it to the two of you for any further distribution of this. and would welcome any comments.

Destry

Destry Jarvis  
[destryjarvis@earthlink.net](mailto:destryjarvis@earthlink.net)



CAHA fee proposal tdj 101008.doc

## Designing a Workable Fee and Permit Program for Cape Hatteras National Seashore

### Guiding Principles

- All visitors to CAHA should pay a modest recreation (Pass) fee for entrance/use
- Visitor recreation (Pass) fees and ORV (free) permits do not have to be linked
- Separate ORV permits (free) are required for management of this use.
- Traditional park entrance station-based fee collection system will not work at CAHA.

### Relevant Provisions of FLREA – P.L. 108-447 Section 801

- FLREA Sec. 802 (8) states *“The term recreation fee means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.”*
- FLREA Sec. 803 (g)(1) states that *“the Secretary of the Interior may charge an expanded amenity recreation fee, either in addition to or by itself, at Federal recreation lands and waters under the jurisdiction of the National Park Service....when the Secretary determines that the visitor uses a specific or specialized facility, equipment, or service.”*
- FLREA Section 803 (h) states that *“The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreation lands and waters, such as group activities, recreation events, motorized recreational vehicle use.”*
- FLREA Section 805 (c) states *“The Secretary may establish and charge a fee for a site-specific pass that will cover the entrance fee or standard amenity recreation fee for particular Federal recreation lands and water for specific period not to exceed twelve months.”*
- FLREA Section 806 (a) States that *“...the Secretary may enter into a fee management agreement, including a contract, which provides for a reasonable commission, reimbursement or discount with the following entities for the following purposes: (1) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining fee collection and processing services...”*
- FLREA Section 806 (c) states that *“The Secretary shall consider any proposal submitted by a county to provide services described in Subsection (a).....The fee management agreement may include cooperative site planning and management provisions.”*

### Outline of a Fee Collection System at CAHA

- Visitor Pass fees will be collected in multiple ways.
- CAHA can rely largely on advance sale of vehicle-based sticker Pass – CAHA annual (\$75), seasonal (\$50), or week (\$25) long. Windshield display required to avoid ticket from LE.
- Two types of vehicle Pass stickers to be issued for sale– Vehicle parking sticker for parking only, and ORV sticker, for either parking or ORV access (color-coded), with identical pricing structure.
- The America the Beautiful/National Parks and Federal Recreation Lands Pass will be acceptable for both types of access and use, including parking and ORV beach access fees (ORV still need separate free permit)

- Sale of Passes will be both in NPS offices, and through authorized agents, including area hotels, bait and tackle shops, outfitters, and tour operators, as well as the CVB visitor center. Seller keeps a percentage.
- On site day-use (only) Pass (\$5) fee collection will occur at parking lots and ramps, for all that do not make advance purchase. Fee deposit envelopes (with tear-off sticker for vehicle windshield) are available from kiosk dispensers at ramps and parking lots; envelope with fee placed in in-ground pipe, or other secure deposit device. Alternatively, an electronic fee machine can issue windshield sticker when fee is paid in cash or with credit card.
- LE Rangers will patrol parking lots and beaches throughout the day and issue tickets for failure to pay as needed.
- No on-site fee collection personnel needed, except at NPS offices.
- For parking in town lots that abut the Seashore beaches, a cooperative agreement will have to be negotiated with Dare County; this agreement should cover the fee structure differences, if any, and revenue sharing, as appropriate.
- CAHA, Dare County, and all authorized sales outlets should cooperate in a joint marketing and educational effort to maximize the % of Pass sales that occur in advance of actual parking or beach access.
- Under FLREA Sec 806 (c) CAHA could enter into an agreement with Dare County to manage the entire fee program for the National Seashore.