



## United States Department of the Interior

National Park Service  
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### COMMERCIAL USE AUTHORIZATION INTERIM POLICY

November 30, 2009

Earlier this year the Refuge and Seashore attempted to implement a Commercial Use Authorization Policy. Several legal questions arose from this policy, and it was sent to our solicitor for legal review. We anticipate that this legal review could take up to a year. Until this legal review is completed, the Refuge and Seashore are implementing an Interim Commercial Use Authorization Policy to address permit holders who have a history of multiple resource or other related convictions. The interim policy is listed below and will also be posted on the Refuge and Seashore websites. Please familiarize yourself with this policy. It will be implemented on December 1, 2009.

Layne Hamilton, Refuge Manager  
Merritt Island NWR Complex

Carol A. Clark, Park Superintendent  
Canaveral National Seashore

## COMMERCIAL USE AUTHORIZATION INTERIM POLICY

Subject: Termination of Commercial Use Permits

Policy Statement: Under Title 50 Code of Federal Regulations Part 25.43, the Refuge Manager has the authority to terminate a permit for noncompliance with the terms of the permit or of the regulations in sub-chapter C of Title 50 Code of Federal Regulations; for nonuse; for violation of any law, regulation, or order applicable to the refuge; or to protect public health or safety or the resources of the refuge. As a general practice, permits will be terminated for the third offense of any resource, refuge, public safety, or permit noncompliance violation within a five-year period. Violations of an egregious nature will be handled on a case by case basis. If terminated, the permit holder may not re-apply for a new commercial permit for one year from the date of the third conviction. Applicants may be denied a commercial permit if the refuge manager has knowledge of an applicant's violation history including three or more violations within the five year period prior to application. If a commercial permit is terminated, the permit holder will have no claim for reimbursement for any portion of the commercial permit that remains unused.

Merritt Island National Wildlife Refuge and Canaveral National Seashore share land and water boundaries. The issuing of Commercial Use Permits is jointly managed by the two agencies. The authority for the park superintendent to suspend or revoke a permit is covered under Title 36 Code of Federal Regulations §1.6 (h). This Policy Statement covers both the Refuge and the Seashore.