

Commercial Permit Issuance/Suspension/Termination Policy

This Policy addresses issuance, suspension, and termination of commercial permits including Commercial Use Authorization, Commercial Harvest Permits, Commercial Photography Permits and other Commercial Use Authorizations/Special Use Permits for commercial activities.

Background: Commercial activities on Merritt Island National Wildlife Refuge (Refuge) and Canaveral National Seashore (Seashore) are increasing and collectively the Refuge/Seashore issues more than 100 commercial permits each year. The Refuge and Seashore share in the management of Mosquito Lagoon and work in cooperation to issue commercial permits for fishing guides (Commercial Use Authorizations) and individuals that harvest crabs, clams, fish and oysters (Commercial Harvest Permits). The Refuge and Seashore also issues Commercial Use Authorizations/Special Use Permits for commercial kayaking, commercial land tours, commercial waterfowl hunting guides, and commercial photography. There have been several occasions when a person holding a commercial permit has been convicted of several offenses of violating Refuge, Seashore, State of Florida (State), and/or other federal resource regulations. These resource violations include, but are not limited to, Refuge, Seashore, State or federal fishing and/or hunting violations, Refuge Pole and Troll Zone or No Motor Zone(s) violations, failure to obtain required Refuge/Seashore permits, or federal and/or State manatee zone violations. The Refuge/Seashore needs a policy for dealing with commercial permit holders that chronically violate resource and other laws and regulations.

Policy Statement: Applicants for commercial permits on Merritt Island National Wildlife Refuge and/or Canaveral National Seashore will undergo background checks for previous law and regulation violations, i.e., manatee speed zone violations, pole-troll zone/no motor zone violations, state and federal game and fish violations, commercial permit non-compliance violations, safety violations, DUI/BUI violations, firearms violations, felony convictions, and convictions involving resisting a law enforcement officer. Commercial permits will not be issued to individuals with more than three resource or other violations within the past five years. For those individuals receiving a commercial permit, the Refuge and Seashore will suspend a commercial permit for 60 days effective on the date of conviction for a second instance of a violation as outlined above within a 5-year period. The Refuge and Seashore will terminate a commercial permit for one year effective on the date of conviction for a third instance of a violation as outlined above within a 5-year period. If a Commercial Permit is suspended or terminated, the permit holder will have no claim for reimbursement for any portion of the commercial permit that remains unused. Authority to suspend or terminate permits is given in 50CFR25.43 and 36CFR, 1.6.