

GAO

Report to the Honorable
G. William Whitehurst, House of
Representatives

December 1986

PARKS AND
RECREATION

Access Permits to Back
Bay National Wildlife
Refuge Improperly
Granted

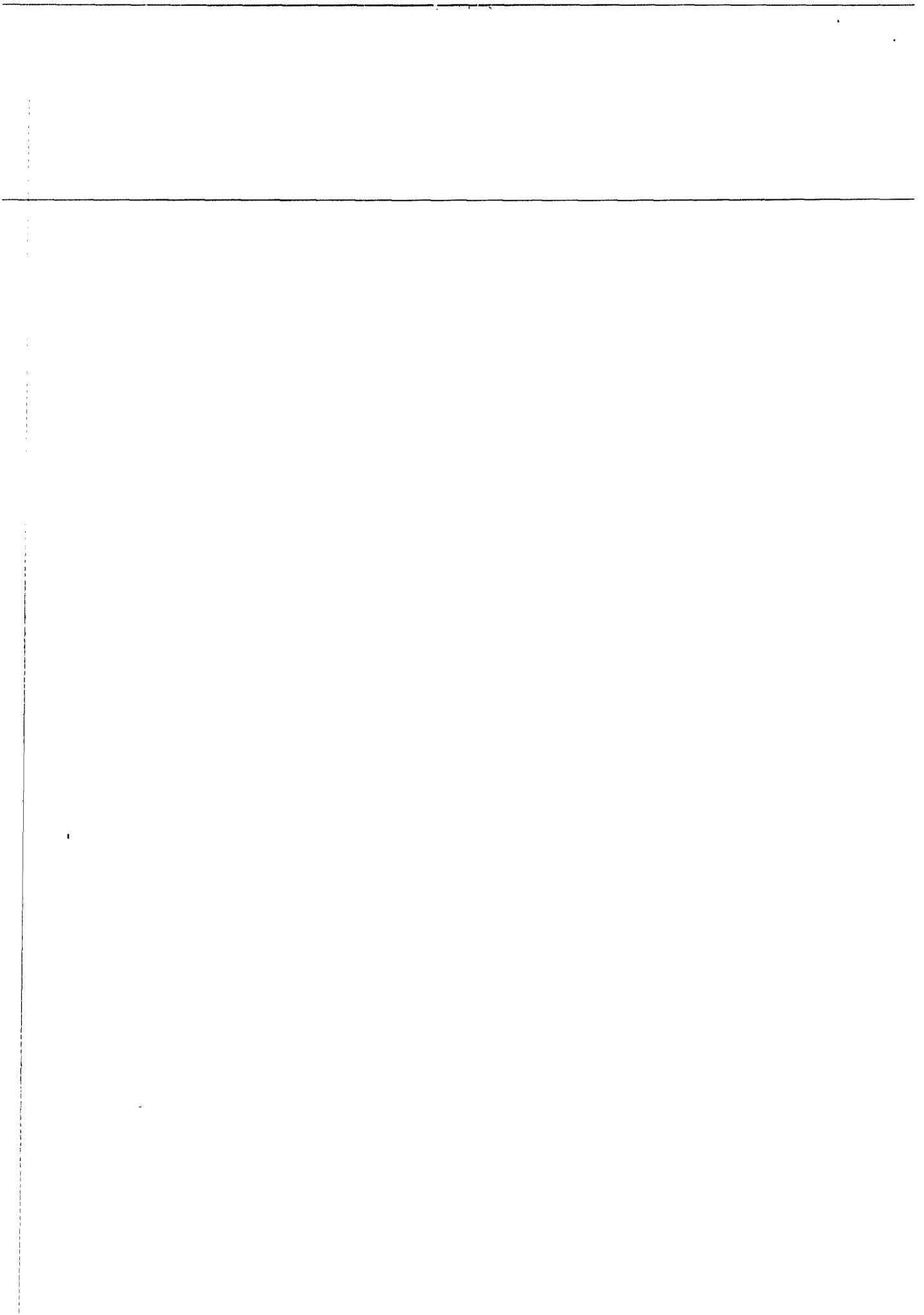


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**Resources, Community, and
Economic Development Division****B-225307**

December 29, 1986

The Honorable G. William Whitehurst
House of Representatives

Dear Mr. Whitehurst:

In your May 9, 1986 letter, you requested that we review the U.S. Fish and Wildlife Service's (FWS) access permit program at the Back Bay National Wildlife Refuge, located in southeastern Virginia along the Atlantic Coast. The access permit program was established to control environmental degradation and protect the refuge's wildlife population by limiting vehicular access through the refuge to individuals who can prove that they meet residential or commercial criteria prescribed by law and regulations. As agreed with your office, we looked at whether those who have been issued access permits met these criteria.

In summary, we found that 22 of the 54 access permits in effect as of August 1986 were issued without adequate documentation in FWS' files to establish that the applicants met all the requirements for access permits. FWS also granted eight other access permits, mostly for medical reasons, even though FWS' regulations do not specifically provide for such permits. In addition, 10 other permits were improperly renewed. Although FWS staff were aware of some of these problems, they took no action because of the sensitivity involved in trying to deny or revoke access permits.

Background

Back Bay National Wildlife Refuge is located on a 4.6-mile long strip of Virginia coastline several miles north of the Outer Banks of North Carolina. (See fig. I.1, app. I.) Concerned about damage to the dunes at the refuge and effects on the beach's ecosystem, FWS began to limit vehicular traffic across the refuge in 1973. Under its general refuge management authority, FWS issued regulations that prohibited recreational travel on the beach and required those who regularly crossed the refuge—primarily permanent full-time residents of North Carolina and commercial fishermen operating around the Outer Banks—to obtain access permits. Excluded from these restrictions were public utility, fire, military, law enforcement, and medical emergency vehicles on official business.

FWS' regulations provide for two types of access permits: residential and commercial. To obtain a residential permit, applicants must provide evidence that they (1) reside on the North Carolina Outer Banks in the area south of the refuge that extends to a point just beyond the Currituck Lighthouse, (2) are permanent full-time residents, and (3) have been living there continuously and continually since the end of 1979. The residential criteria were substantially enacted under Public Law 96-315 in 1980, which also adjusted the residential cut-off date from 1976 to 1979. The criteria were expanded in 1983, when the law was amended by Public Law 98-146 to add three other types of residential eligibility. (See app. II for a complete description of residential criteria.) Commercial permits are limited to commercial fisherman who can demonstrate that their operations are on the Outer Banks of Virginia or North Carolina and that they have been dependent on access to or across the refuge since 1972. All permit holders must renew their permits annually by submitting statements that conditions under which their permits were originally issued have not changed. Commercial permit holders fulfill this requirement by providing evidence of a continuing business.

Before 1983, residential and commercial permit applicants had to submit their supporting documentation to the refuge manager, who reviewed and approved the applications and issued permits. Since 1983, the Regional Director of FWS' Boston office has been responsible for reviewing and approving initial permits, while the refuge manager has continued to grant renewals.

Those who are issued permits receive magnetic cards that activate an electronic gate located at the end of the paved road in the refuge. According to an FWS study, without access through the refuge, travelers between the Virginia Beach-Norfolk area and the Outer Banks must drive an additional 62 to 76 miles each way. As of August 1986, FWS had issued cards to 41 residential permit holders and members of their immediate families, 6 commercial operations and their designated employees, and 7 others granted access permits for medical reasons. These 54 permittees held a total of 98 cards. All of the permits issued in 1986 were renewals of permits originally granted between 1973 and 1985.

Scope and Methodology

In conducting our review, we were concerned with how access permits were issued, rather than with how permits are used. We therefore examined pertinent laws and regulations and FWS permit holder files maintained in the offices of the Back Bay National Wildlife Refuge in

Virginia Beach, Virginia, and FWS' Boston regional office in Newton Corner, Massachusetts. We first reviewed the refuge office files on the 54 access permits to determine whether they contained the documentation required to establish each permit holder's eligibility; we did not, however, verify the accuracy or authenticity of the documents.

In those cases where we believed the documentation was inadequate or missing, we confirmed our findings with refuge staff, including the Acting Refuge Manager. We then checked regional office files to see whether they contained any additional support, this time confirming our findings with regional office staff and the Regional Director. Further, we obtained official agency comments on a draft of this report. (See agency comments section, below.) We conducted our review between June and October 1986 in accordance with generally accepted government auditing standards.

FWS Issued and Renewed Permits Without Required Documentation

Of the 54 permits in effect for 1986, 22 had been issued and continued to be renewed without adequate evidence of the applicants' eligibility. In four of these cases, FWS' staff, concerned about the eligibility of the permit holders, conducted investigations between 1982 and 1984. These investigations found the permit holders to be ineligible, but FWS took no action. In addition, FWS granted access without securing adequate documentation for 12 employees of four commercial permit holders, and renewed 13 permits (including 3 of the 22) without the required statements.

In order to obtain a permit, FWS requires applicants to provide documentation to support their eligibility claims, and suggests appropriate documentation in the application form for residential permits. To substantiate their place of residence, for example, applicants may provide a letter from the county tax office. The length of their residency may be established by notarized letters or statements from other residents, while their permanent residency status may be supported by a record of voter registration. (See app. I for additional examples.)

We found that two residential permit holders have been granted annual permits since 1981 and 1983, yet their files contain no documents substantiating their eligibility. The file of one of these permit holders contained records showing that FWS had attempted to obtain documentation but the applicant had refused to submit any. Since the applicant was an

elected county official, Boston regional office staff believed he was eligible for a permit and consequently issued one to him and have continued to renew it despite the lack of evidence. In the other case, regional office staff did not ask for documentation because they believed that one of the types of residential permits authorized by the 1983 law (listed as residential-3 in app. II) had been intended specifically for this one applicant. However, since the permit holder had not provided any documentation, we could not verify his eligibility for this type of permit.

FWS has also been issuing permits to 20 other permit holders without adequate documentation in FWS' files. Eighteen are residential permit holders whose files lack documentation to demonstrate that they are permanent full-time residents living on the Outer Banks continually and continuously for a required period of time. The other two are commercial permit holders who did not provide documents to establish that they are commercial fishermen dependent on access to the refuge since 1972. For example:

- An applicant granted a permit in 1980 submitted as evidence of eligibility an undated statement from another resident. Moreover, a letter written on the permit holder's behalf by another resident explained that the permit holder could not provide North Carolina tax records as evidence because the applicant had been living in the state only part of the year. Also, the permit holder submitted copies of checks with a Virginia Beach address, and the permit was sent by registered mail to a Florida address.
- In another case, an applicant who received a permit in 1983 furnished, among other documents, three letters from other residents and a voter registration certificate as evidence of meeting the eligibility criteria. However, according to a letter from the permit holder's spouse, a year after registering to vote in Currituck County, North Carolina, the permit holder was still living in Virginia half the year.

The eligibility criteria that were not supported by the documentation contained in each of the 22 files are summarized in appendix III.

Both refuge and regional office staff agreed with our assessments and acknowledged that the documentation was either missing or incomplete. At the time most permits were issued, they had believed the documentation provided was sufficient, but they have since learned from experience that most of the documents they have previously relied upon are

not by themselves conclusive evidence of eligibility. Despite this knowledge, staff said they did not ask permit holders to provide additional documentation because they were concerned that they might appear to be harassing the permit holders in an already sensitive and controversial situation.

Eligibility Checks

Four of the permit holders who had not submitted adequate evidence of eligibility had been the subject of FWS refuge staff investigations that concluded that these permit holders were ineligible. Although both refuge and regional office staff recommended revoking these permits, FWS' Regional Director has not done so.

In one case, the FWS investigation found that a permit holder maintained a residence in Virginia, was employed there full-time, and used the access permit primarily on weekends, even though the permit holder also claimed to be a permanent resident of North Carolina. In this case, as in the three others, refuge and regional office staff looked into the discrepancies and concluded that the permit holders were not qualified and should have their permits revoked. The Regional Director did not accept their recommendations, however, because he believed that the investigations were not conclusive. On the basis of our own review of these files, we do not believe that the permit holders have adequately justified their claims to access privileges. (See app. IV for a description of these four cases.)

Employment Documentation

During 1986, FWS renewed six commercial permits. According to FWS regulations, commercial permit holders may designate up to five employees as authorized to travel the refuge beach for commercial fishing purposes. In order to secure access for employees, commercial permit holders are required to submit documentation that demonstrates each employee's employment with the permit holder.

For 1986, the six commercial permit holders designated a total of 19 people as employees. However, only two permit holders had submitted documents to support the eligibility of seven employees. Of the other four, one permit holder had submitted W-4 tax forms for three of his employees, but refuge staff acknowledged that these are not proof of employment because they do not identify an employer. This permit holder, along with the three others, had provided no documentation for nine employees.

FWS' refuge staff agreed with our findings and believe that 10 of the 12 people for whom there is no employment documentation are not entitled to access. The staff have not taken any actions to disqualify them, however, because refuge and regional office staff believe that FWS' regional and headquarters officials have not supported such efforts in the past because the issuance and termination of permits is highly controversial.

Renewal Statements

Since 1979, FWS has required residential permit holders to renew their permits by submitting notarized statements each year declaring that the circumstances under which their permits were originally issued have not changed. Commercial permit holders have been required since 1983 to submit quarterly statements showing evidence of continuing business, including records of purchases and sales.

However, FWS often issued renewals without these required statements. We found that 9 of the 48 residential and medical permit holders did not submit renewal statements for 1986, and 5 of the 6 commercial permit holders had not submitted all required quarterly reports in 1985. We also found that FWS renewed permits in previous years without required statements. Neither refuge nor regional office staff could explain why this had occurred.

FWS Issued Some Permits Without Regulatory Authority

Eight of the 54 permits in effect as of August 1986 were issued for reasons not authorized under the agency's regulations. Seven of these permits were issued as medical waivers. These permits were issued to property owners on the Outer Banks who either maintain vacation homes there or have not been permanent residents long enough to qualify for an access permit under the regulation's eligibility criteria. Each of them was given a permit, however, after furnishing a physician's letter claiming that driving the extra distance around the refuge could pose a life-threatening situation. FWS issued them medical waiver permits, which grant them a limited number of trips across the refuge.

FWS regulations do not provide for medical waivers, however. While the regulations allow temporary access for emergency medical treatment, they contain no provisions for year-round access for a general health condition. In a June 1980 memorandum, the Deputy Associate Director of FWS pointed this out to the Chief, Division of Refuge Management and the regional office, but the Regional Director, who has continued to issue medical waiver permits since then, told us he had not been aware that he did not have the authority to issue them. In May 1986, however, the

Deputy Regional Manager, acting on behalf of the Regional Director, forwarded to FWS' headquarters proposed revisions to the regulations that would, among other things, allow FWS to issue access permits to noneligible residents whose lives could be threatened by traveling the longer route around the refuge to reach their summer homes or the Virginia Beach/Norfolk area. As of December 1986, the proposed regulations were being reviewed by the Department of the Interior. However, according to the Deputy Assistant Secretary for Fish, Wildlife and Parks, FWS intends to publish interim regulations by February 1987 that include eligibility criteria for medical waiver permits.

FWS regulations also limit commercial permits to commercial fishermen, but the Regional Director waived this requirement in order to grant a commercial permit to a cattle and construction company owner. The permit was originally issued in 1981 without any supporting documentation, and has been renewed annually since. Five employees also have access under this permit. The Regional Director acknowledged that he did not have the authority to issue this permit. While the May 1986 proposed revision to the regulations would also authorize permits for businesses other than commercial fishing operations that depend on access to the refuge, this permit holder's file contains no documentation to support eligibility even under the proposed criteria.

Conclusions and Recommendations

FWS has issued access permits to the Back Bay National Wildlife Refuge without adequate documentation—both at the time of original application and as the permits came up for renewal. The agency also issued a number of permits to individuals who are ineligible under current regulations. As a result, we believe that 22 of the 54 permits currently in effect lack justification to support their issuance. Another 8 permits are invalid because FWS did not have authority to issue them, and 10 others are missing renewal statements for 1986 in their files. Further, the four commercial permit holders among these 40 permits have not provided the evidence required to grant access to 12 of their employees.

In the interests of those who depend on continued access through the refuge and are entitled to it, we believe FWS should take immediate steps to establish their eligibility. At the same time, if the refuge is to be protected, FWS should make sure that only those who are entitled are granted access. We therefore recommend that the Secretary of the Interior instruct the Director, FWS to

- notify those 22 residential and commercial permit holders who we found had not provided sufficient evidence of eligibility, and those 10 who did not submit renewal statements for 1986, that they must furnish the required documentation within a prescribed period of time, and that those unable to do so will lose their access privileges. Commercial permit holders should also be required to provide documentation for their employees, or have their access privileges revoked.
- assure that the interim regulations to be issued in February 1987 allowing access for medical and other reasons include clear criteria for these types of permits, and that guidelines are issued to specify the type of documentation necessary to establish eligibility. Once the regulations are issued, notify the eight current holders of such permits that they will have to reapply within a prescribed period of time and document their eligibility under the interim regulations or have their access permits revoked.

Agency Comments

On December 9, 1986, we met with the Interior Deputy Assistant Secretary for Fish, Wildlife and Parks and fws headquarters officials to obtain their comments on a draft of this report. While they offered a few editorial comments and updated information, the Interior officials were primarily concerned with the report's second recommendation.

Rather than terminating their permits, as we proposed, Interior would prefer to issue interim regulations containing eligibility criteria, that allow continued access for those eight people to whom permits were issued without regulatory authority. In Interior's view, this approach would avoid penalizing the permit holders for an action which was FWS' responsibility. Interior's position that the eight permit holders should continue to have access until FWS issues its interim regulations appears reasonable. In this regard, Interior needs to move quickly to issue interim regulations which contain specific criteria for eligibility in order to assure that only those with clear needs are granted access. Further, FWS needs to provide clear guidelines regarding the types of documentation necessary to establish eligibility. Also, we believe these eight permit holders should be notified that within a certain time period they will be required to reapply for a permit by demonstrating that they meet the interim eligibility criteria. We revised our recommendation accordingly and made other changes as appropriate.

As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 7 days from

its issue date. At that time, we will send copies to interested parties and make copies available to others on request.

Sincerely yours,

A handwritten signature in cursive script that reads "J. Dexter Peach". The signature is written in black ink and is positioned above the printed name and title.

J. Dexter Peach
Assistant Comptroller General

Contents

Letter		1
<hr/>		
Appendix I		12
Background on Back Bay National Wildlife Refuge	Public Access to the Refuge	14
	Documentation Necessary for Obtaining Permit	15
<hr/>		
Appendix II		17
Types of Access Permits and Criteria		
<hr/>		
Appendix III		18
Eligibility Criteria Unsupported by Documentation in 22 Permit Files		
<hr/>		
Appendix IV		19
Permit Holders Whose Eligibility Was Investigated by Fish and Wildlife Service	Permit Holder 1	19
	Permit Holder 2	19
	Permit Holder 3	19
	Permit Holder 4	19
<hr/>		
Figure	Figure I.1: Map of Back Bay National Wildlife Refuge and Surrounding Geographic Area	13

Abbreviations

FWS	U.S. Fish and Wildlife Service
GAO	U.S. General Accounting Office
P.L.	Public Law

Background on Back Bay National Wildlife Refuge

Back Bay National Wildlife Refuge is located on the Atlantic Coast in the southeastern corner of Virginia. (See fig. I.1.) The refuge is bounded on the north by the community of Sandbridge, Virginia, and on the south by False Cape State Park, which is owned and operated by the State of Virginia. Access to the park, which extends for 5.6 miles to the North Carolina border, is controlled, and travelers must have a permit to drive through the park. South of this point, and continuing for about 30 miles are the Outer Banks of Currituck County, North Carolina, an area inhabited both year-round and seasonally.

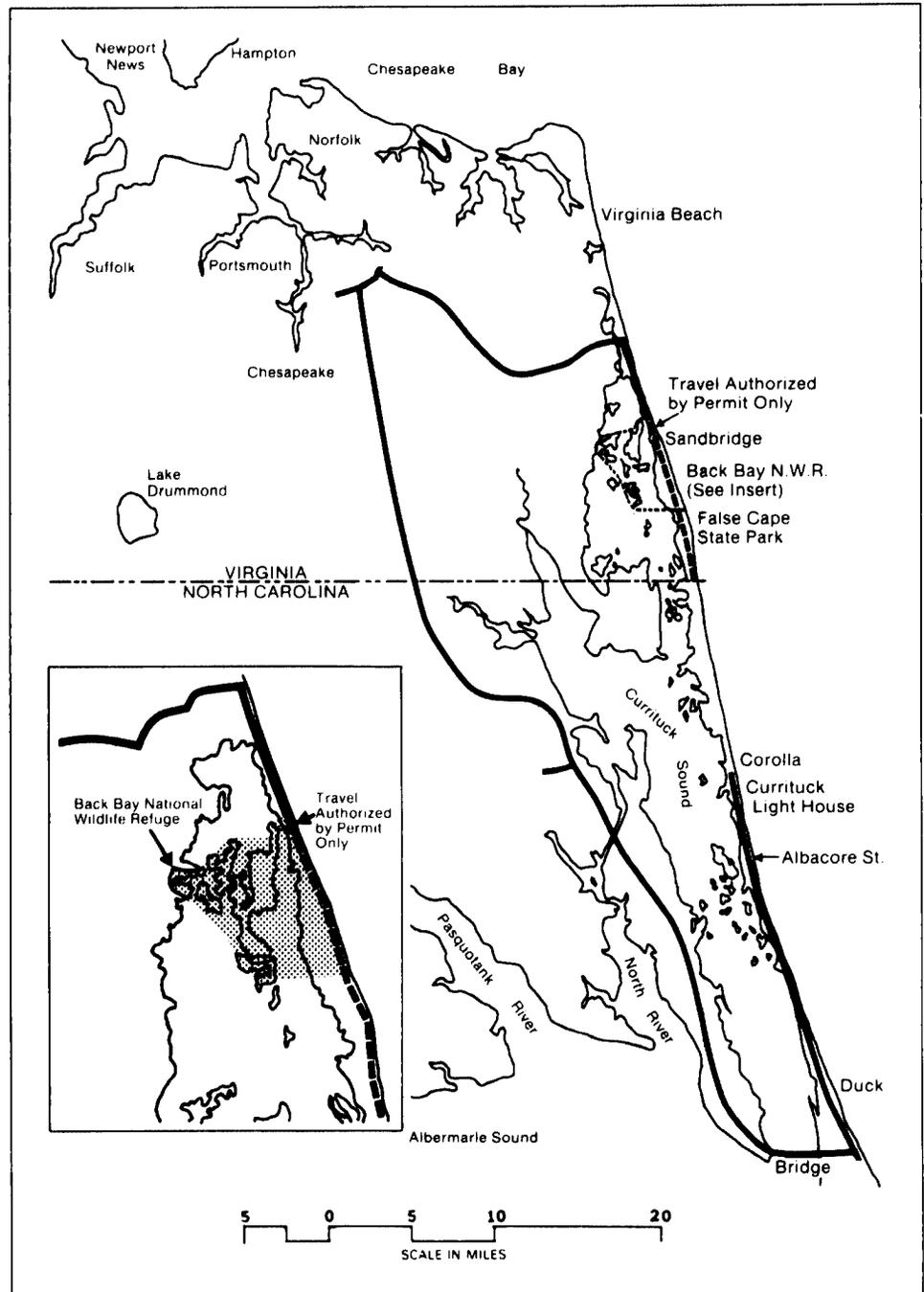
As one of 432 refuges under the National Wildlife Refuge System, Back Bay is managed and administered by the Department of the Interior's Fish and Wildlife Service (FWS) under the authority of the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd). Established in 1938 to provide sanctuary and wintering habitat for snow geese and other waterfowl, the refuge is on a 4.6-mile-long strip of coastline typical of the barrier islands found along much of the Atlantic Coast. The refuge contains approximately 9,200 acres of barrier beach, dunes, woodland, marsh, and the bay's waters. Much of the marshland consists of numerous islands lying within waters of Back Bay itself, forming a waterfowl habitat that supports thousands of migrating and wintering ducks, geese, and swans.

FWS' objectives for the refuge are to

- develop and manage the refuge for a full spectrum of wildlife, with emphasis on waterfowl and shorebirds;
- enhance conditions for all species of wildlife on the refuge listed as threatened or endangered;
- provide conservation education and wildlife-oriented recreational opportunities for refuge visitors;
- strike a reasonable balance between use of the refuge beach for wildlife-oriented recreation and maintain the basic needs of nesting shorebirds;
- provide environmental and research opportunities for various educational levels with an emphasis on wildlife management; and
- preserve portions of the refuge in their natural states.

**Appendix I
Background on Back Bay National
Wildlife Refuge**

**Figure I.1: Map of Back Bay National
Wildlife Refuge and Surrounding
Geographic Area**



Public Access to the Refuge

For many years, the refuge was open to the public for a variety of uses, and the public was allowed to drive through the refuge along the beach, to get to the North Carolina Outer Banks. By the late 1960's, however, public use had sharply increased, primarily because of the recreational homesite development south of the refuge and the increased availability and popularity of off-road recreational vehicles. Thus, while fewer than 10,000 people visited the refuge in 1961, by 1970 this total reached 235,000 visitors a year and in 1971, rose to 348,000. All but a small fraction of this total was attributable to off-road vehicle use across the beach portion of the refuge.

FWS became concerned that unrestricted public use was causing environmental degradation and conflicting with its management objectives. To reverse this trend, FWS decided to impose certain controls on vehicular access. On January 12, 1972, FWS published a notice in the Federal Register of its intent to restrict unauthorized vehicle access to Back Bay National Wildlife Refuge in order to protect the refuge's beach ecosystem. In February 1973, FWS published final regulations that established an access permit program. This program prohibited recreational travel on the beach and required local residents and users to obtain access permits. Those who could retain access privileges included property owners in the proposed False Cape State Park area, which was not completed at that time; permanent full-time residents of the Currituck Outer Banks in North Carolina who had lived there prior to January 12, 1972, and their visitors; commercial fishermen; emergency service and utility vehicles; and school buses. However, implementation of this program was halted in April 1973 by a U.S. District Court injunction, which required that FWS allow all homeowners passage through the refuge to the Outer Banks by permit; lot owners were allowed one trip per month. In February 1975, the court upheld the authority of the Secretary of the Interior to control vehicular access across Back Bay National Wildlife Refuge, a decision subsequently upheld on appeal. Regulations restricting access consequently went into effect and remained in effect until December 31, 1975.

The regulation of beach use at the refuge nevertheless remained controversial because many people were no longer able to reach their recreational or seasonal properties on the Outer Banks directly. In conjunction with Interior's need to publish new access regulations for 1976 and in an effort to include seasonal residents of the Outer Banks among those permitted access through the refuge, FWS conducted an analysis of the impacts of authorizing additional numbers of permittees. In 1976, Interior revised its regulations to allow limited access to all persons who had

owned improved property on the Outer Banks of Currituck County, North Carolina, from the Virginia state line south to and including the village of Corolla, North Carolina, as of October 6, 1975. Access continued to be granted to those who had been permanent, full-time residents of the Outer Banks as of January 12, 1972. According to refuge officials, these regulations established what became known as the "weekender" program for those who used their access permits principally to reach their vacation homes on the Outer Banks. In order to mitigate the impact on the beach by these additional permittees, FWS limited them to only one round trip a day.

In 1977 the regulations were again changed, this time to move the cut-off date for permanent full-time residency from January 12, 1972, to December 31, 1976, in order to allow access for those who had established residency during the time the court injunction was in effect. In the following year, 1978, FWS announced its intent to permanently close the refuge to all vehicular traffic after December 31, 1979, in order to reduce any further adverse impacts on the beach's ecosystem. However, by 1979, FWS decided that closing the refuge permanently could cause undue hardship for those permanent, full-time Outer Banks residents and commercial fishermen who already had access permits. As a result, FWS established an interim rule in December 1979, which became final on May 28, 1980, terminating access for weekenders, and allowing continued access only for qualified permanent full-time residents as of December 31, 1976, and commercial fishermen dependent on access to the refuge since 1972.

In July 1980, Section 3(a) of Public Law 96-315 enacted FWS regulations pertaining to residential permits and extended the cut-off date for permanent full-time residents from December 31, 1976, to December 31, 1979. In 1983, Public Law 98-146 authorized FWS to issue three other types of residential permits, not to exceed 15 in total; 11 permits currently in effect have been issued under this authority. Appendix II shows the criteria applicants must meet to obtain each of the four types of residential permits.

Documentation Necessary for Obtaining Permit

Commercial permits are by regulation limited to commercial fishing operators who have depended on access to the refuge since 1972. (See app. II.) In addition to showing evidence of eligibility, commercial fishing applicants must also submit a notarized statement indicating

- the length of time involved in commercial fishing,

- the approximate value of commercial fishing equipment,
- the length of time the applicant has been fishing on the refuge or traveling through the refuge for commercial fishing purposes,
- the approximate yearly income from commercial fishing on the refuge beach or from fishing that requires travel over the beach, and
- the number of vehicles used for commercial fishing and the number of crew members.

To obtain a residential permit, an applicant must submit an application form and documents to substantiate eligibility. According to the application form and FWS regulations, the burden of proof that an applicant meets residency requirements rests with the applicant. Although the application form does not require specific types and numbers of documents, it suggests the following as documents that may serve as evidence:

- a letter from the Currituck County tax office showing location (township, section, lot) of residence;
- copies of or receipts for electrical connection, building permit, and septic tank permit;
- a letter from the Currituck County Registrar reflecting the date of voter registration;
- a letter from the state agency reflecting the date of residency and the date of payment of North Carolina income tax;
- a letter or affidavit from the Corolla Postmaster concerning use of the post office;
- a letter from the North Carolina Division of Motor Vehicles verifying the date of issuance of a driver's license; and
- notarized letters or statements from other residents verifying the date of residency.

Types of Access Permits and Criteria

Type of permits		Eligibility criteria	Authority	Limitations on no. of permits that can be issued
Residential-1	Status Time Location	Permanent full-time resident. Residence commencing prior to December 31, 1979. Reside on the Outer Banks from the refuge boundary south to and including the village of Corolla, North Carolina. The southern boundary of the area is defined as a straight east-west line extending from Currituck Sound to the Atlantic Ocean and passing through a point 1,600 feet due south of the Currituck Lighthouse.	P.L. 96-315 50 CFR Part 26	No limits
Residential-2	Status Time Location	Permanent full-time resident. Residency as of July 1, 1982. Resident must have held a valid FWS access permit for improved property owners at any time during the period from July 29, 1976 thru Dec. 31, 1979. The property must be on the outer banks of Currituck County from the North Carolina border south to and including the village of Corolla.	P.L. 98-146 50 CFR Part 26	Total of 15 for types 2,3,4
Residential-3	Status Time Location	Continuous resident. Residency since 1976. Reside within the area bounded on the north by the refuge boundary and on the south by straight line passing through a point on the east-west prolongation of the centerline of Albacore Street, Whaleshead Club Subdivision, Currituck County, North Carolina.	P.L. 98-146 50 CFR Part 26	Total of 15 for types 2,3,4
Residential-4	Status Time Livelihood Location	Permanent full-time resident not otherwise eligible. Residency established as of April 1, 1983. Employment is to be full-time continuous in the Norfolk, Virginia, area. Residents must reside in the area bounded on the north by the refuge boundary and on the south by a straight line passing through a point on the east-west prolongation of the centerline of Albacore Street, Whaleshead Club Subdivision, Currituck County, North Carolina.	P.L. 98-146 50 CFR Part 26	Total of 15 for types 2,3,4
Commercial	Status Time Location	Commercial fisherman. Commercial fishing operations have been dependent on ingress, egress to, or across the refuge since 1972. Commercial fishing operations on the Outer Banks of Virginia Beach, Virginia, or Currituck County, North Carolina.	50 CFR Part 26	None

Eligibility Criteria Unsupported by Documentation in 22 Permit Files

Permit number	Effective date of residency or commercial fishing business	Permanent residency or commercial status	Location of residency or commercial fishing
1	X	X	
2	X		
3		X	
4	X	X	
5	X	X	X
6	X	X	X
7	X		
8	X	X	
9	X	X	
10	X	X	
11	X	X	
12		X	
13	X	X	X
14	X	X	
15			X
16	X	X	
17	X	X	X
18	X	X	
19	X	X	X
20	X	X	
21	X	X	X
22	X		

Permit Holders Whose Eligibility Was Investigated by Fish and Wildlife Service

Permit Holder 1

In a 1982 investigation, refuge staff found that a permit holder who claimed a Corova Beach, North Carolina, residence also maintained a residence in Virginia. Another investigation in 1984 found that the permit holder was still at the Virginia address, employed full-time in Virginia, and used the access permit primarily on weekends. Further, the permit holder's spouse, in a letter to the regional refuge supervisor, acknowledged that this was so, but claimed that she and her husband were still residents of Corova Beach, even though they had another home in Virginia. [The regulations require continuing and continuous residence without regard to intent.]

Permit Holder 2

FWS' investigation indicated that the permittee was not a permanent full-time resident of the Outer Banks. After interviewing neighbors, including a family member, and the permit holder's employer, refuge staff found that the permittee had a residence in Virginia, had lived there for more than 15 years, and was also employed in Virginia.

Permit Holder 3

The permit holder had both a North Carolina and a Virginia driver's license and could not provide copies of voter registration records or tax returns for North Carolina. An investigation in 1984 found that the permit holder was living in Virginia and had been living there for 10 years, according to one neighbor.

Permit Holder 4

In 1984, an investigation revealed that the permit holder had a long-standing pattern of mostly weekend permit use, with no daily commuting to work in Virginia. In addition, the investigation found that the permit holder and his spouse lived in Virginia and that the permittee was observed leaving that address to go to work. A neighbor also confirmed that the permit holder and spouse had lived at the Virginia address for the last 3 to 4 years.



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