

From: [Garry Oye](#)  
To: [Mike Murray](#)  
Cc: [Sandra Hamilton](#); [jason.waanders@sol.doi.gov](#); [mike.stevens@sol.doi.gov](#); [Darrell Echols](#); [Thayer Broili](#); [Cam Sholly](#)  
Subject: Re: CAHA Wilderness issue  
Date: 10/27/2008 09:22 AM

---

Mike,

As we discussed, it's your call on timing for Eligibility. You know the situation better than I do. My suggestion would be to conduct Eligibility assessment in 2009, clearly identifying the ORV route(s) and South Point Ocracoke as eligible for Wilderness.

Not knowing the specifics of the ORV route(s), things for you to consider:

1. how much visitor use on the ORV route(s): past, current and future?
2. will you develop a constituency of ORV users in the area that will have issues with future Wilderness Designation
3. noise impacts to Wilderness Character
4. ORV trespass issues into eligible Wilderness (will you close the route if it creates additional incursions) .

And then follow up with a Suitability study in your GMP EIS.

Here's a quick summary of NPS 2006 Management Policies for Wilderness Eligibility, Wilderness Suitability, Wilderness Recommendations and Wilderness Designations.

Eligibility:

1. Brief memorandum from the Regional Director to the Director
2. Public notification of "intentions to conduct the assessment" in Federal Register and News Releases
3. Public notification of "final eligibility determination" in Federal Register

Suitability:

1. Studies supported by appropriate documentation of compliance w/ NEPA and NHPA
2. CEQ requires an EIS
3. Findings reviewed by Director, then forwarded to Dept of the Interior (Assistant Secretary's Office) as proposed Wilderness

Wilderness Recommendation:

1. Secretary of the Interior recommends to President: suitable lands
2. President is responsible for transmitting his recommendation to both houses of Congress

Wilderness Designation:

1. Congress enacts legislation to include lands within the National Wilderness Preservation System as "designated"
2. Congress also enacts legislation to identify lands as "potential" Wilderness, that can become "designated" once non-conforming uses are removed.

Let me know if you want to discuss further. Garry

.....

Garry Oye, National Park Service, Department of the Interior  
 Chief of Wilderness Stewardship & Recreation Management  
 1201 Eye (I) Street NW, Rm1004 Washington DC 20005  
 Office 202-513-7090 Cell 202-329-3731 FAX 202-371-6623

.....

▼ [Mike Murray/CAHA/NPS](#)

**Mike Murray/CAHA/NPS**

10/24/2008 09:16 AM EST

To Sandra Hamilton/DENVER/NPS@NPS, jason.waanders@sol.doi.gov, mike.stevens@sol.doi.gov, Garry Oye/WASO/NPS@NPS  
 cc Darrell Echols/CAHA/NPS@NPS, Thayer Broili/CAHA/NPS@NPS  
 Subject CAHA Wilderness issue

All,

Destry Jarvis was here for RegNeg subcommittee meetings the last two days. I was able to meet with him privately to discuss several issues of interest to him (transportation planning) and some of interest to me (his take on wilderness and fee issues). We talked about the Wilderness Study Area that he proposed in the pedestrian/environmental group's proposal for ORV Routes & Areas. Destry indicated that he felt that South Point Ocracoke was the "only suitable area" in the Seashore to consider for wilderness eligibility since it is undeveloped, relatively pristine, and relatively remote from development (not adjacent to a village or a highway, etc.). I said that I planned to defer the wilderness eligibility issue to the GMP, which is currently targeted for funding in 2011. Destry said that "ephemeral vehicle use" does NOT disqualify an area for future consideration, and that he would like to see the possibility of future consideration left open. He thought a way to do that would be to state in the ORV Management Plan something to the effect that "NPS policy indicates that present designation of an ORV route in an area does not disqualify that area from future consideration for wilderness eligibility." He expressed that it would be politically difficult to make a future decision to identify South Point as eligible for wilderness, if the possibility of it occurring is not clearly identified in the ORV plan. In other words, we need to manage public expectations and let people know it is still an issue to be addressed in a later planning process.

My sense is that some sort of placeholder statement, appropriately worded with Solicitor review, in the ORV plan would satisfy Destry's interest and he would not hold out for the Wilderness Study Area proposal at South Point (which would be good because that is one of several big sticking points in the negotiations, if he were to insist on that). His suggestion seems like a reasonable approach to me, and a way to put this issue aside for now.

Any thoughts? Are we comfortable with including some language in the ORV plan to address it, more or less as conceptualized above?

Mike Murray  
Superintendent  
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS  
(w) 252-473-2111, ext. 148  
(c) 252-216-5520  
fax 252-473-2595

CONFIDENTIALITY NOTICE

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure.