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**Subject:** Message from Bob Davis  
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**Attachments:** [12-4-08 Mike re-enabling leg.docx](#)

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Dear Mike,

In reference to your email of Nov. 25: Although NPS reps. have several times mentioned the legal mandates, Organic Act and Executive Orders, there have never been any discussions as to NPS interpretations of the many ramifications of the Enabling Legislation. A few portions of this have been shown and are copied in the committee records (without comment).

In an early meeting I attempted to open such a discussion but Jim Lyons questioned you that "Resource was to be predominant over recreation". You agreed with him but did not acknowledge that your opinion was based upon policy rather than law. At the time I was unaware of that distinction and shut up to restudy the legislation thinking that I was wrong. That was a mistake.

In our first or second workshop I mentioned that there was a problem when NPS policies did not agree with law but that idea disappeared into a vacuum. I understand that it is perilous for a superintendent not to comply with NPS policy. We however, should adhere to the Laws of Congress which we expect would prevail in court.

Our Enabling Legislation is quite unique and apparently very difficult for NPS to handle. It is obvious that the restrictions placed upon the Organic Act by the subsequent Redwood Act and Enabling Legislation will need be argued by lawyers and judges. From the pitiful performance the public has witnessed here, I would hesitate to predict the outcome.

Your citations of committee ground rules does not change the reality that Pea Island physically exists within this park and is available as 13 miles of pedestrian only beach.

In the beginning of this committee I was hopeful that we could provide an ORV plan that would protect wildlife resources while providing public enjoyment for an increased population. This hope is fading as I have watched an intransigent minority distort and impede our purpose.

Regards,

Bob