

From: [Sandra Hamilton](#)
To: [Mike Murray](#)
Cc: [Waanders, Jason](#); [Stevens, Mike](#); [Thayer Broili](#)
Subject: RE: Confirming timing of proposed rule
Date: 01/20/2010 08:27 AM
Attachments: [NEPA Planning Schedule_08-10_Jan08\[1\].pdf](#)

Good Morning, Mike.

I prefer releasing the proposed rule as soon as it's ready, whether it's during the comment period for the DEIS or after.

I don't think its necessary or productive to hold another set of public meetings on the proposed rule.

Sandy

Sandy Hamilton
Environmental Protection Specialist
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▼ [Mike Murray/CAHA/NPS](#)

**Mike
Murray/CAHA/NPS**

01/19/2010 10:02 AM

To "Stevens, Mike" <Mike.Stevens@sol.doi.gov>
cc "Waanders, Jason" <JASON.WAANDERS@sol.doi.gov>, "Hamilton, Sandra" <Sandra_Hamilton@nps.gov>, Thayer Broili/CAHA/NPS

Subject RE: Confirming timing of proposed rule

All,

For what it is worth, attached is the planning schedule that we distributed to the RegNeg Committee at the first meeting in January 2008, which was used as a basis for determining the consent decree deadlines. The dates have obviously slipped some since January 2008, but the sequence/ timing indicated that the proposed rule would be issued at the same times as the DEIS. If there are no legal concerns about overlapping comment periods, I can live with publishing the proposed rule whenever it is ready, whether it overlaps the DEIS comment period or not. If there are concerns about overlapping public comment periods, then I can live with releasing the proposed rule as soon as the DEIS comment period closes. Either way, I just don't want to have two sets of public meetings (are we having meetings for the proposed rule?) in a short period, since that would be confusing.

Sandy, I notice from the planning schedule that it is about time to prepare the CAMA federal consistency determination, I assume that is something we would

submit to the State once the DEIS is released (i.e., so the plan is available for public review, etc.). Your thoughts on timing? Is that something the park should prepare (or something that LB will draft)?



NEPA_Planning_Schedule_08-10_Jan08[1].pdf

Thanks,

Mike Murray
Superintendent
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
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▼ ["Stevens, Mike" <Mike.Stevens@sol.doi.gov>](mailto:Mike.Stevens@sol.doi.gov)

"Stevens, Mike"
<Mike.Stevens@sol.doi.gov>

01/19/2010 11:06 AM

To "Murray, Mike" <Mike_Murray@nps.gov>, "Waanders, Jason" <JASON.WAANDERS@sol.doi.gov>, "Hamilton, Sandra" <Sandra_Hamilton@nps.gov>

cc

Subject RE: Confirming timing of proposed rule

Michael Stevens
Attorney-Adviser
Office of the Regional Solicitor
Southeast Region
phone 404-331-4447, x238

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-----Original Message-----

From: Murray, Mike
Sent: Tuesday, January 19, 2010 9:16 AM
To: Waanders, Jason; Stevens, Mike; Hamilton, Sandra
Subject: Confirming timing of proposed rule

All,

I need to prepare (for the Court) a summary of the status of the EIS/plan and special regulation as part of the Consent Decree reporting requirements. Just checking to confirm what we decided about the timing of the publication of the proposed rule. Do we plan to wait until the comment period on the DEIS has closed before we release the proposed rule for comment (which is okay with me, since some stakeholders seem to be concerned about us having both the DEIS and proposed rule open for comment at the same time)? Sandy, would deciding to wait to publish the proposed rule until after the DEIS comment period has closed work okay in terms of overall timing and sequence of tasks that need to be done? If there are no concerns about overlapping comment periods and/or we need to issue the proposed rule while the DEIS comment period is still open, what is your best estimate of ballpark timing for preparation of the proposed?

Sandy, would you please update the estimated timeline (below), so I can use the information in the status report and say it is the latest estimate? Here is what we said in October 2009:

Below is the current list of "milestones" for the ORV management plan and special regulation:

Fall 2009 -

- the Draft Environmental Impact Statement (DEIS) is completed for internal NPS review and revised as needed
- drafting begins for the proposed rule
- the DEIS is approved by the Department of the Interior (DOI) and released for 60-day public comment
- the Notice of Availability for the DEIS is published in the Federal Register
- NPS requests formal consultation with the U.S. Fish and Wildlife Service on the DEIS preferred alternative

Winter 2010 -

- the Office of Management and Budget (OMB) reviews benefit/cost and regulatory analyses for the proposed rule
- The proposed rule is approved by the DOI and published in the Federal Register for 60-day public comment,
- NPS holds public meetings on DEIS (about midway through the public comment period)

Spring 2010 -

- analysis of public comment on the DEIS is completed
- NPS receives the biological opinion from the U.S. Fish and Wildlife Service
- analysis of public comment on the proposed rule begins
- preparation of the Final Environmental Impact Statement (FEIS) and responses to public comment begin

Summer 2010 -

- the FEIS and responses to public comments are completed
- the FEIS is approved by DOI and released to the public
- the Notice of Availability for the FEIS is published in the Federal Register

Fall 2010 -

- the Record of Decision (ROD) is drafted and signed
- the summary of the ROD is published in the Federal Register
- the final regulatory analyses and final rule are prepared for OMB review

Winter 2011 -

- the final rule is approved by DOI and published in the Federal Register

"Waanders, Jason"

0025276

<JASON.WAANDERS@sol.doi.gov>

01/06/2010 05:43 PM

"Murray, Mike"
<Mike_Murray@nps.gov>

"Hamilton, Sandra"
<Sandra_Hamilton@nps.gov>,
"Stevens, Mike"
<Mike.Stevens@sol.doi.gov>

To

cc

Subject
RE: call with Mike Tiernan on
timing of issuing notice of
proposed rulemaking and DEIS

Jason Waanders
U.S. Department of the Interior, Office of the Solicitor
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-----Original Message-----

From: Murray, Mike
Sent: Wednesday, January 06, 2010 4:53 PM
To: Waanders, Jason
Cc: Hamilton, Sandra; Stevens, Mike
Subject: Fw: call with Mike Tiernan on timing of issuing notice of proposed rulemaking and DEIS

Jason,

See message below and advice from Mike Tiernan. Does this affect our plans to issue our proposed rule some time after the DEIS is issued, but well

0025277

before the FEIS and ROD are issued? To put it another way, given our consent decree deadlines, what is your advice on the timing of the proposed rule relative to the steps in the NEPA process?

Thanks,

Mike Murray
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----- Forwarded by Mike Murray/CAHA/NPS on 01/06/2010 04:50 PM -----

Sandra
Hamilton/DENVER/N
PS

01/06/2010 04:26
PM

Mike Murray/CAHA/NPS@NPS

To

cc

Subject

Fw: call with Mike Tiernan on timing of issuing notice of proposed rulemaking and DEIS

FYI. Probably doesn't affect us, since we will likely have DEIS public comment in before proposed rule is published in the FR. I think this conversation was related to the bike rule which was proposed in the FR before any NEPA was done.

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----- Forwarded by Sandra Hamilton/DENVER/NPS on 01/06/2010 02:19 PM -----

Michael B
Edwards/WASO/NPS

01/06/2010 02:07
PM


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Thomas Flanagan/DENVER/NPS@NPS,
David Jacob/DENVER/NPS@NPS, Lindsay
Gillham/DENVER/NPS@NPS, Patrick
Walsh/DENVER/NPS@NPS, Melissa
Stedeford/DENVER/NPS@NPS

To

cc

Subject

call with Mike Tiernan on timing of issuing notice of proposed rulemaking and DEIS



(See attached file: Conversation with Mike Tiernan on issuance of a proposed rule 1.6.10.docx)

Michael B. Edwards
Environmental Protection Specialist
Environmental Quality Division, Planning & Compliance Branch WASO-NRPC
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