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**Subject:** draft reg table  
**Date:** 02/12/2010 03:45 PM  
**Attachments:** [draft table for Proposed Rule 2.12.10.mbm.docx](#)

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Sandy,

Attached is a revised draft table for the regulation that Paul Stevens, Jon Anglin and I reviewed and revised today. We added a new "topic" column to your earlier version of the table and have re-organized the order of the topics so they are listed in the same order that they are presented in Table 8 in the DEI. Hopefully, this will make it easier to follow and compare where the information comes from in Table 8. I think it may be better (easier to follow, etc.) if the regulation is organized in similar order (i.e., similar to order of Table 8), though am open to other points of view about that. In any case, please let me know if there are any questions.



draft table for Proposed Rule 2.12.10.mbm.docx

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DRAFT 2/12/10 mbm What Would/Wouldn't be in the Proposed Rule / Compendium / Plan

NOTE: This is a summary and may not be complete. Use in conjunction with Tables 7 and 8 and the text description of Alt F in Chapter 2.

Table 8 Topic	Goes in Proposed Rule	Goes in Compendium	In Plan or ROD Only	Proposed Rule Topics: Where Found (alt F)	Notes
Definitions and Designation of ORV routes	✓			Table 7; and Table 8, page 102	Include: definitions of <i>ORV route</i> and <i>ORV corridor</i> ; description of width can drive on; linear description of designated routes, include oceanside and soundside ramps as <i>routes</i> (see below for <i>interdunal roads</i> ); and prohibition on driving outside posted corridor
Maps of ORV routes	✓		Would ROD include these maps?	Alt F maps 1 – 7 at end of DEIS Chapter 2	Incorporate by reference dated and numbered maps that show the linear routes. See Appalachian Trail example.
Seasonally restricted routes (general location and date-to date)	✓			Table 8, page 102	AKA “village beaches”
Closure of designated ORV routes	✓				Authority of Superintendent to close designated routes (refer to 36 CFR 1.5 early in the rule)
Oceanside Access	✓			Table 8, page 103	“Routes” need to be designated and listed in Reg
Soundside Access	✓			Table 8, page 103	“Routes” need to be

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					designated and listed in Reg
Interdunal Roads	✓			Table 8, page 103	"Routes" need to be designated and listed in Reg
Hours of Allowable ORV operation	✓	✓		Table 8, page 104	In REG: Date-to-date for night driving restrictions and language that says Hours of allowable night driving will meet turtle protection goals. In COMPENDIUM: Hours of allowable night driving. See Glacier Bay cruise ship rule / whales for example.
ORV Safety Closures	✓	✓		Table 8, page 105	Mention "safety closures" in Reg; however, details would be in compendium under 36 CFR 1.5
Pedestrian safety	✓ "shall" and "must" items		✓ "should" items	Table 8, page 106	Include "musts" and "shalls" for ORV operators in the reg; "shoulds" for pedestrians in plan
Administrative closures			✓	Table 8, page 106	
Temporary Emergency ORV Closures	✓			Table 8, page 106	Specifics should be in

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					Reg, though can relate "authority" for such restrictions to 36 CFR 1.5
Ramp Characteristics			✓	Table 8, page 107	
ORV Permit Requirement	✓			Table 8, page 107	Include: Prohibition on driving off road without a permit; must satisfy the educational requirements for the permit as established by Supt; statement (and signature line) that the permit holder has read and understands conditions of the permit would be on the permit itself. For example, see 1998 Cape Cod National Seashore regulation.
ORV Permit education requirement	✓			Table 8, page 107	Plan says under alt F that there would be a mandatory test. Also see "Resource Education" section on page 110
ORV Permit Distribution, Types and Form			✓	Table 8, pp. 107-108	
ORV Permit Number Limits and Fees	✓			Table 8, page 107	Need to mention "no

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					limit" on the number of permits; and that there will be a fee, but no specifics about the fee amount
ORV Permit Issuance Requirements and Revocation	✓			Table 8, pp.107- 108	Permits are issued in accordance with 36 CFR 1.6. Use standard permit revocation language
Beach parking	✓			Table 8, page 108	Need language that states "parking in a manner that obstructs two-way traffic is prohibited" (similar to language for Temporary Emergency ORV closures on p. 106)
Vehicle Carrying Capacity	✓	✓		Table 8, page 108	Need general (authority) language in Reg; put specific use limits (#'s) in compendium
Vehicle Characteristics	✓			Table 8, page 109	
Equipment Requirements	✓			Table 8, page 109	
Tire pressure	✓		✓	Table 8, page 109	"tire pressure must be lowered sufficiently to maintain adequate tractions" in Reg; recommended <i>psi</i> in plan

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Speed Limit	✓			Table 8, page 110	
Essential Vehicles			✓	Table 8, page 110	Covered by 36 CFR 1.2(d)
Non-ORV Areas			✓		
Resource Education			✓		Education <i>requirement</i> for ORV operators would be included in Reg
Temporary ORV Use of Non-ORV Area	✓			Table 8, page 111	
Parking for Non-ORV Access			✓	Table 8, page 111	
Alternative Transportation			✓	Table 8, page 111	
Camping and Nighttime Beach Use		✓		Table 8, page 112	Addressed under 36 CFR 2.10; overnight ORV use is already addressed under Hours of Allowable ORV Use
Beach Fires		✓		Table 8, page 112	Addressed under 36 CFR 2.13
Pets		✓		Table 8, page 113	Addressed under 36 CFR 2.15
Horses		✓		Table 8, page 113	Addressed under 36 CFR 2.16
Commercial Fishing Vehicles	✓	✓		Table 8, page 114	In REG: Commercial fishing vehicles are <i>nonessential vehicles</i> and prohibited from entering resource closures. Authorized commercial fishermen

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					<p>are exempt from the ORV <u>permit</u> requirement, as their use of vehicles is managed under their commercial fishing special use permit issued under 36 CFR 7.58(b). Supt is authorized to modify hours of allowable night driving for commercial fishermen by up to two hours in evening and/or morning.            COMPENDIUM: Hours of allowable night driving established, as well as any modification of those hours of up to 2 hours, etc.</p>
Periodic Review			✓	Table 8, page 114	
Resource Protection Measures (Breeding and Nonbreeding)			✓	Table 8, page 115 and Table 10	Violation of resource protection closures is prohibited under 36 CFR 1.5
Vegetation			✓		Covered adequately 36 CFR 1.5 and 2.1