

**From:** [Mike Murray](#)  
**To:** [irenen@mindspring.com](mailto:irenen@mindspring.com)  
**Cc:** [cyndy\\_Holda@nps.gov](mailto:cyndy_Holda@nps.gov)  
**Subject:** Re: public comments  
**Date:** 05/13/2010 01:23 PM

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Irene,

The portion of my previous message that was underlined follows the sentence that says "Final rules normally take effect 30 days after their publication in the Federal Register." The underlined portion is this: **"This is also a waiting period. It's purpose is to give those whose actions are affected by the rule the opportunity to be informed of the new requirements."** The point of the underlining was to make clear that the statement about the "purpose" of the waiting period applies to the final rule, not to the FEIS.

There will be a 60-day public comment period for this proposed rule. We are not contemplating it being less than 60 days.

NPS cannot be more specific at this time about when the proposed rule will be published, in part, because of the amount of time allotted for some of the prepublication review requirements. Once the proposed rule is prepared by NPS, it is submitted to OMB for review. I'm told that OMB has up to 90 days to complete its review, with a possible extension of 30 days.

Mike Murray  
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▼ ["IRENE C NOLAN" <irenen@mindspring.com>](mailto:irenen@mindspring.com)

**"IRENE C NOLAN"**  
**<irenen@mindspring.com>**

To "Mike\_Murray@nps.gov"  
<Mike\_Murray@nps.gov>

cc cyndy\_Holda@nps.gov

Subject Re: public comments

05/13/2010 01:24 AM

Please respond to  
[irenen@mindspring.com](mailto:irenen@mindspring.com)

Mike,  
Thank you. I have posted an updated correction to what Ted said on my blog and I want to write more about this next week since I think people are confused. In fact, I know they are!

Here is what I get from your email last Nov., your email today, the newsletter distributed at the meetings, and your comments at the meetings and if it's still not right I will write more next week:

Salvo Jimmy,

There will not be a public comment period after the Final Environmental Impact Statement is published in the fall, maybe late fall. But there will be a 60-day public comment period after the NPS publishes the proposed rule in the Federal Register, presumably earlier in the fall.

I will write more about this next week, but this is the way the future is shaping up for ORV rulemaking - more or less. NPS has had a hard time meeting the deadlines it has set so far:

Summer 2010 - DEIS Comment Analysis.

Fall 2010 - NPS publishes proposed rule in Federal Register. 60-day public comment period. Mike Murray says it could be shortened to 30 but he doesn't think this one will.

Fall 2010-FEIS published. 30-day waiting period (not public comment) before Record of Decision.

Before Dec. 31. Sign ROD.

Final Regulation by April 1, 2011 (as ordered in the consent decree).

Also, can you be any more specific on when the proposed regulation might be published?

Finally, I sent you an earlier message that none of the underline came through in your message back to me this afternoon, so I hope I am not still missing something.

Thank you for your patience.

Irene

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> [Original Message]

> From: <Mike\_Murray@nps.gov>

> To: <irenen@mindspring.com>

> Cc: <cyndy\_Holda@nps.gov>

> Date: 5/12/2010 5:25:19 PM

> Subject: Re: public comments

>

> Hi Irene,

>

> Your explanation described below is reasonably correct, with a few minor > corrections needed per Sandy Hamilton.

> There is no Notice of Availability with the proposed rule - the proposed

> rule is published in the Federal Register in full.

> There is a 30-day waiting period after the FEIS is published before the

> ROD is published and after the final rule takes effect; however, the

> explanation that the waiting period is to provide notification to those

> who will be affected by it applies to the Final Rule, not to the FEIS.

> See full explanation from November message.

>

> Language from the November message (underline added for emphasis):

>

> There would be a 60-day comment period on the DEIS and a 60-day comment

> period on the proposed rule. There is a 30-day waiting period between the

> publication in the Federal Register of the EPA Notice of Availability for

> the FEIS and when the Record of Decision for the FEIS is signed. A  
> comment analysis and a "response to comments" is prepared by NPS for  
> comments on the DEIS. A "response to comments" is also prepared on the  
> proposed rule and published in the preamble to the final rule. A comment  
> analysis and a "response to comments" are not prepared for any comments on  
> the FEIS. The 30 days between the FEIS and the Record of Decision is  
> termed a "waiting period," rather than a "comment period." Although  
> people sometimes choose to send comments during the 30-day "waiting  
> period," it's not a "comment period." Final rules normally take effect  
> 30

> days after their publication in the Federal Register. This is also a  
> waiting period. It's purpose is to give those whose actions are affected  
> by the rule the opportunity to be informed of the new requirements. There  
> is some flexibility with the 60-day comment period for the proposed rule  
> which may be a shorter period in special cases requiring more timely  
> action. In these cases, the reasons for the shorter comment period must  
> be  
> explained in the preamble to the proposed rule. I expect we would do the  
> full 60-day comment period on the proposed rule.

>  
> With regard to a tally of public comments, the response to comments report  
> accompanying the FEIS will have a tally of the total number of comments.

>  
> Mike Murray  
> Superintendent  
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> "IRENE C NOLAN"

> <irenen@mindsprin

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To

> "mike\_murray"

<mike\_murray@nps.gov>

> 05/12/2010 04:23

cc

> PM cyndy\_Holda@nps.gov

> Subject

> public comments

> Please respond to

> irenen@mindspring

> .com

> Mike,

> Ted Hamilton posted on my blog today that everyone should be prepared to

> make further public comments on the FEIS. This is how I answered him on  
> the blog, based on your email to me In late November:  
>  
> According to what Mike Murray emailed to me back in November in response  
> to  
> a question about public comment on the documents, there will NOT be a  
> public comment period after the FEIS and Notice of Availability are  
> released.  
>  
> There will be another 60-day public comment period after the proposed rule  
> and Notice of Availabiliy are posted. At the public meetings, NPS said  
> that would be in the fall.  
>  
> When the FEIS is released late in the fall, there will be a 30-day  
> "waiting  
> period" between that and the record of decision. That, Murray said, is  
> for  
> everyone who will be affected to be notified. Some, he said, may choose  
> to  
> make public comment, but there will be no formal public comment period.  
>  
> Thirty days after the release of the Final Environmental Impact Statement,  
> as he explained it, will come the Record of Decision. And that will be  
> that.  
>  
> So, the next opportunity to comment will apparently come in the fall when  
> the proposed rule is published in the Federal Register.  
>  
> I am double checking with Mike about this, but I have saved his email from  
> last November " and that is what it says.  
>  
> Is this still correct?  
>  
> Also, will NPS have a tally of the number of public comments on DEIS or do  
> we just wait until the FEIS  
>  
> Thanks.  
>  
> Irene  
>  
>  
>  
>  
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