

**From:** [AJ North](#)  
**To:** [Doug Wetmore](#)  
**Subject:** Re: CAHA rule and ROD  
**Date:** 12/17/2010 12:43 PM

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Doug:

I spoke to Jason, and to Mark Lawyer DOI Exec Sec's Office. Mark will share your information with the OMB Desk Officer next week, and simultaneously or soon thereafter OMB will receive a summary of your rule it writing as it appears on the NPS 90 day list and marked as significant.

The 90 day list is how the Bureau's communicate with OMB through the Department what rules they anticipate publishing, in this case January through March 2011.

A.J. North  
NPS Regulations - WASO  
202-208-5268 (o)  
202-365-2008 (c)

-----Doug Wetmore/DENVER/NPS wrote: -----

To: AJ\_North@nps.gov  
From: Doug Wetmore/DENVER/NPS  
Date: 12/17/2010 01:41PM  
cc: Sandra Hamilton/DENVER/NPS@NPS  
Subject: CAHA rule and ROD

Hi AJ.

Sandy and I are working on the ORV Management Plan/EIS for Cape Hatteras National Seashore. Kym Hall has suggested, based on her past experience with OMB on the pwc rules, that it would be a good idea for us to ask you to give OMB a heads up that this proposed rule will be coming to them for review. She also suggested we ask you to let OMB know that we're publishing the proposed rule **after** the ROD is signed (next week) because --

- We originally planned to publish the proposed rule at the same time as the DEIS but the court ordered deadline of December 31, 2010 for completing the NEPA process precluded waiting until we could prepare and clear a proposed rule.
- After considering public comment on the DEIS, NPS determined to make changes in the DEIS preferred alternative for the FEIS and it no longer made sense to publish a proposed rule for public comment based on the old DEIS preferred alternative.
- Neither publishing a proposed rule based on the revised FEIS preferred alternative (before the FEIS was available to the public to provide complete details), nor delaying the ROD until after a proposed rule could be published and comment considered, was feasible.
- The ROD makes it clear that it's not the final agency action for those elements of the plan that require promulgation of a regulation to be effective. If (based on public comment on the proposed rule) the final rule is different from the proposed rule, NPS NEPA procedures permit us to amend the ROD. Such an amendment could be written easily in-house at the same time as preparation of the final rule, if needed.

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We'd like to discuss this with you at your convenience. Do you have any free time today to talk about it?

Thanks.

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