

From: [Mike Murray](#)
To: [Doug Wetmore](#); [Thayer Broili](#)
Cc: [Britta Muiznieks](#); [Cyndy Holda](#); [Paul Stevens](#); [DOI/SER Mike Stevens Ext 238](#); [DOI/SOL Jason Waanders](#)
Subject: Re: Fw: Fw: Date Inconsistencies in Alt F
Date: 01/03/2011 07:11 PM

Doug

I'm out of the office for a few days. Would you please run this by Jason Waanders and Mike Stevens to see what they recommend would procedurally be the best option (of the following):

1. In the proposed rule (PR), leave the applicable dates (for seasonal route reopening and night driving reopening) exactly as described in the ROD (then see what kind of comments we get on the PR about aligning the dates); or
2. Tweak the seasonal ORV route date in the PR for the 3 seasonal routes at BI Spit, Hatteras Inlet and South Point so they reopen to ORV access on Sept 16 to be consistent with the provisional start of night driving (if no turtle nests in the area) instead of Sept 15 as stated in the ROD. Are there any concerns if we tweak the date in the absence of official public comment about it?

I'm okay with either approach. I don't have strong feelings that #2 would be any better than #1, but can see a little value in trying to align the seasonal reopening date with the potential reopening date for night driving.

We should do whatever is least likely to create a procedural issue.

Thanks

Sent from my BlackBerry Wireless Handheld
▼ [Doug Wetmore](#)

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

From: Doug Wetmore
Sent: 01/03/2011 02:32 PM MST
To: Thayer Broili
Cc: Britta Muiznieks; Cyndy Holda; Mike Murray; Paul Stevens
Subject: Re: Fw: Fw: Date Inconsistencies in Alt F

Thanks Thayer and Paul.

After further thought, this may be something to discuss with the Solicitor's Office. The ROD contains the dates for night driving restrictions, so a change in the rule would result in a difference between the ROD and rule, albeit a minor one. It might be completely fine from a procedural standpoint, but it may require checking with Jason Waanders to see what would be an appropriate method for documenting the deviation from the ROD. In this particular case, the change is not necessary and isn't based on an error in the FEIS or ROD, so we don't need to take any action at all.

I expect that we'll get numerous comments during the comment period on the proposed rule, some of which could require a change in the final rule. This is a peculiar situation due to the timing of the ROD and rule. We obviously have to be ready to change the rule based on

public comment, but we need to determine the protocol for deviation from the ROD. I'll see if we can get an answer to this now, so that we'll know how to proceed when we get official comments when the rule is published in the FR.

Also, I spoke with AJ North (WASO - NPS Regulations) today and he's ready to proceed with the CAHA proposed rule as soon as we have a version that we're satisfied with. He's already given a heads up to folks in the Exec Secy office and OMB. I'll work on addressing everyone's comments on the proposed rule and will send it out for a final review in the next couple of days.

As an aside, AJ thought the proposed rule looked very well written.

Thanks.

Doug Wetmore
Environmental Protection Specialist
National Park Service - Environmental Quality Division
P.O. Box 25287
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Cell: (303) 968-5214

▼ Thayer Broili/CAHA/NPS

**Thayer
Broili/CAHA/NPS**

01/03/2011 12:45 PM

To Paul Stevens/CAHA/NPS@NPS
cc "CAHA Britta" <britta_muiznieks@nps.gov>, "CACA
Cyndy x148" <cyndy_holda@nps.gov>, Mike
Murray/CAHA/NPS@NPS, Doug
Wetmore/DENVER/NPS@NPS

Subject Re: Fw: Fw: Date Inconsistencies in Alt F 

If Doug W. doesn't think it will cause NEPA problems, I see no problem. I'd still like Britta to weigh in on this - I doubt it will be an issue with her either.

Thayer Broili
Chief of Resource Management
Cape Hatteras National Seashore
Phone 252-473-2111 ext.137
Fax 252-473-2595

▼ Paul Stevens/CAHA/NPS

**Paul
Stevens/CAHA/NPS**

To Mike Murray/CAHA/NPS@NPS
cc "CAHA Britta" <britta_muiznieks@nps.gov>, "CACA

0030393

01/03/2011 12:03 PM

Cyndy x148" <cyndy_holda@nps.gov>, "CAHA Thayer Broili" <thayer_broili@nps.gov>

Subject

Re: Fw: Fw: Date Inconsistencies in Alt F 

September 16 is fine with me.

Paul K. Stevens
Chief Ranger
National Park Service
Outer Banks Group
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(252) 473-2111 ext. 119 (office)
(252) 475-8307 (cellular)

▼ Mike Murray/CAHA/NPS

**Mike
Murray/CAHA/NPS**

01/03/2011 11:56 AM

To "CAHA Paul Stevens" <paul_stevens@nps.gov>, "CAHA Britta" <britta_muiznieks@nps.gov>
cc "CAHA Thayer Broili" <thayer_broili@nps.gov>, "CACA Cyndy x148" <cyndy_holda@nps.gov>
Subject Fw: Fw: Date Inconsistencies in Alt F

Paul and Britta

Any thoughts or concerns with Doug's suggestion? (I could live with it, or could live with changing the BI Spit route to reopen on Sept 16 so it coincides with the currently stated relaxation in night driving restriction). Any preference?

Sent from my BlackBerry Wireless Handheld

▼ Doug Wetmore

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

From: Doug Wetmore
Sent: 01/03/2011 09:33 AM MST
To: Cyndy Holda
Cc: Mike Murray
Subject: Re: Fw: Date Inconsistencies in Alt F

Hi Cyndy.

If Mike agrees, we can change the rule to reflect that the last day of night driving restrictions would be September 14, and starting on the 15th, seasonal routes would be open 24/7 (with permits and not in areas where there are turtle nests)

~Doug

Doug Wetmore
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▼ Cyndy Holda/CAHA/NPS

**Cyndy
Holda/CAHA/NPS**

To Doug Wetmore/DENVER/NPS@NPS
cc

01/03/2011 06:54 AM Subject Fw: Date Inconsistencies in Alt F

Doug,
Happy New Year to Ya!
Just passing this along to "keep you on the same page with us" until Mike returns to the office and we begin to move forward on the final rule. Mike's mother is not well and he will be out of the office until Wed/Thurs. of this week.

Just wanted to touch base with you.....hope your holidays were joyful and somewhat relaxing!

Cyndy M. Holda
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----- Forwarded by Cyndy Holda/CAHA/NPS on 01/03/2011 08:52 AM -----

Ted Hamilton
<tedsalvo@earthlink.net>

To Cyndy_Holda@nps.gov
cc mike_murray@nps.gov

01/02/2011 10:27 AM Subject Date Inconsistencies in Alt F

Please respond to
Ted Hamilton <tedsalvo@earthlink.net>

Cyndy

I know you folks are not accepting any comments on Alt F but I stumbled across a couple things that could be easily corrected in the Proposed Final Rule.

You might have received them but here goes.

Examples of Date inconsistencies

Oregon Inlet South of Ramp 4 is closed to vehicles 15 Mar to 14 Sep.

Night driving is prohibited 1 May to 15 Sep.

It would avoid confusion to have the end dates coincide.

Alt F provides for a 7 day vehicle permit. The state fishing license is 10 days.

It would be better for the NPS permit to be 10 days.

Cheers Ya'll

Ted A. Hamilton
(aka Salvo Jimmy)