

From: [Mike Murray](#)
To: [Russ Wilson](#); [AJ North](#)
Cc: [Paul Stevens](#); [Doug Wetmore](#); jason.waanders@sol.doi.gov; mike.stevens@sol.doi.gov
Subject: fish house receipts language
Date: 02/08/2011 02:47 PM

Russ and AJ,

To follow up on our conversation yesterday, the fish house receipts language in the current draft of the proposed rule in Section (8) *Authorized commercial vehicles*, Subsection (iii), originates in the FEIS, Chapter 2, Table 8, page 124, under "Authorized Commercial Vehicles", which states:

The superintendent may allow commercial fishing vehicles to enter the beach at 5 a.m. when night driving restrictions are in effect for the general public, for those actively engaged in authorized commercial fishing activity involving haul seine and gill nets and able to present fish house receipts for the previous 30 days.

As background, the concept of allowing "early access" (relative to the night driving restriction) for commercial fishermen and using fish house receipts as the indicator of recent commercial fishing activity originated in the *Stipulation and Order to Modify the Consent Decree*, signed on June 4, 2009. The stipulation required that NPS could authorize early access for commercial fishermen "who are actively engaged in authorized commercial fishing activity with nets, who can produce five or more fish house receipts (or equivalent certification from the fish house) from a single, continuous thirty-day period during the previous year" and included several other detailed requirements in addition to the receipts. We did not want the language in the plan/EIS or special regulation to be as complicated as the stipulation language, but the wording in Table 8 is perhaps a little too vague.

Paul and I have discussed how to clarify the wording and recommend the following (in **BLUE**) be added:

The superintendent may allow commercial fishing vehicles to enter the beach at 5 a.m. when night driving restrictions are in effect for the general public, for those actively engaged in authorized commercial fishing activity involving haul seine and gill nets and able to present one or more fish house receipts for the previous 30 days.

Paul and I believe the added language will give the park an adequate and adequately specific standard by which to determine if a commercial fishermen is "actively fishing" and therefore qualifies for the early access privilege. I hope this resolves the question, but feel free to suggest other wording if you think it is still unclear. As we discuss any further refinements or wording revisions in the proposed rule, I'd like to keep the Solicitors and EQD in the loop, so I've copied them on this message.

Thanks,

Mike Murray
Superintendent
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
(w) 252-473-2111, ext. 148
(c) 252-216-5520
fax 252-473-2595

0030574

CONFIDENTIALITY NOTICE

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure.