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**From:** [Mike Murray](#)  
**To:** [Doug Wetmore](#)  
**Cc:** [jason.waanders@sol.doi.gov](mailto:jason.waanders@sol.doi.gov); [mike.stevens@sol.doi.gov](mailto:mike.stevens@sol.doi.gov)  
**Subject:** Re: CAHA rule comments  
**Date:** 08/05/2011 10:48 AM

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Doug,

This sounds like a good start for organizing/coding comments as they come in. I think it would be good to have a phone call with the Solicitors when you get back from vacation so we can discuss how to handle comments that are "off target". It looks like we will be receiving a number of comments that are really about FEIS content (such as comments about buffer size) that are not really applicable or open to comment for the proposed rule. I would think that those kind of comments would not require a detailed response and could be addressed in general terms by saying something like "Comments on the content of the final ORV management plan/EIS were addressed in Appendix C of the November 2010 FEIS". In contrast, I expect we will also receive comments about the fact that the FEIS buffers have not been included in the proposed rule. Comments about what parts of the FEIS are included (or not included) in the proposed rule seems like a relevant comment about the proposed rule to me and would need to be addressed in the response to comments.

It would be best if we decide how to handle "off target" comments soon, rather than at the end of the comment period, so that LB categorizes the comments correctly the first time. My recommendation is that we have a discussion with the Solicitors about it when you get back from vacation. As they process incoming comments, would it be possible for LB to develop a short list of sample comments about the FEIS that do not seem applicable to the proposed rule? Having some examples to consider when we talk with the Solicitors might help inform our discussion.

Please let me know when you will be back in the office, so I can have Cyndy schedule a call with Jason and Mike for soon after you are back.

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

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▼ [Doug Wetmore/DENVER/NPS](#)

**Doug  
Wetmore/DENVER/NPS**

To: Mike Murray/CAHA/NPS@NPS  
cc

08/04/2011 02:41 PM

Subject: caha rule comments

Hi Mike.

We've recently transferred the first 200+/- public comments from regs.gov into PEPC and Berger has started coding them. After looking over our schedule, we're going to need to be fairly aggressive in generating responses to comments in order to meet the November 15 deadline. My thought was to be in a position to submit the final rule package to AJ/Russ on September 30, giving them six weeks to get it through the review, surnaming, and publishing process. It's difficult to get an estimate on how long that process will take, due to the uncertainties inherent with OMB review (or even Solicitor review). That gives us about 3.5 weeks after the comment period closes to generate all of our responses and craft the final rule. I know it took us a long time to develop responses to the DEIS comments, but I would anticipate that we could use many of those responses, as the comments will most likely be similar. I would also not expect that we would have to address questions related to buffers and other species protection measures that only appear in the plan. So, that may speed us up a bit. I've made contact with Jason and Mike S to perhaps set up a brief discussion on how we want to deal with comments that are related to the NEPA document (buffers, prenesting closures, etc) but don't address anything specific in the rule.

I've already started revising the proposed rule and can send it to you whenever you want, realizing that none of the changes at this point are substantive or related to any public comments received.

Do you have any thoughts on the process?

Thanks.

Doug Wetmore  
National Park Service  
Natural Resource Stewardship & Science  
Environmental Quality Division  
303.987.6955 (office)  
303.968.5214 (cell)  
Doug\_Wetmore@nps.gov