

From: AJ North
To: Doug Wetmore
Cc: Russ Wilson, Doug Murray
Subject: Re: please review
Date: 09/12/2011 11:51 AM

Doug:
I'm not sure where you are with this. I agree with Jason, it's my understanding, the agency name and RIN are not requisite for consideration of comments. If there is a nexus to the rule, any comment we receive should be considered unless its known to be fraudulent. Those notations are put in the Fed Reg notices to help link comments to the rule when it may be unclear. Also FYI, all comments to date have been posted to regulations.gov, and all new comments received at regulations.gov through today's date as of a short time ago, comment #'s 14860-14922 have been sent to Julie Fleming.

I'm away from WADO today, so if you need to catch up with me please feel free to call 570-426-2469.
A.J. North
NPS Regulations - WADO
202-208-5268 (o)
202-365-2008 (c)

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

To: Mike Murray/CAHA/NPS
From: Doug Wetmore/DENVER/NPS
Date: 09/12/2011 11:44AM
cc: JASON WAANDERS@sol.doi.gov, AJ North/WASO/NPS@NPS, Russ Wilson/WASO/NPS@NPS
Subject: Re: please review

Mike/Jason,

As far as the comment from Mr. Joyner on the "requirement" for the RIN and Agency Name in the correspondences (Per the FR notice), I can tell you that comments that come from Regs.gov are automatically tagged with that information, so that's probably sufficient. I'm not sure why that FR notice language says that the RIN# and Agency Name are a requirement, but I obviously understand that including that information guarantees that comments (especially hardcopies) make their way to the appropriate place for analysis and response.

Maybe AJ or Russ could speak to the RIN "requirement" language in the notices. Perhaps in the future notices it may be better to make this a suggestion rather than a requirement. I can't see the NPS (or any other agency) disqualifying comments because they didn't include the RIN# or agency name, especially when the comments were submitted through approved methods and it was very clear that these comments were directed at a specific rule.

Doug Wetmore
National Park Service
Natural Resource Stewardship & Science
Environmental Quality Division
P.O. Box 25287
Denver, CO 80225-0287
303.987.6955 (office)
303.968.5214 (cell)
Mike Murray/CAHA/NPS

Mike Murray/CAHA/NPS

To: Jason.waanders@sol.doi.gov, Doug Wetmore/DENVER/NPS@NPS
cc: Subject: please review

09/12/2011 07:37 AM

Jason and Doug, (I believe Mike Stevens is on leave this week)

See messages below. Please review my draft response to David Joyner's message (i.e. the second message down). At some point, particularly if there is an email writing campaign as implied in "Wheat's" message and blog, when do we start to consider these as "comments about other people's comments" on the proposed rule? In other words, should "comments about other people's comments" be considered as comments on the proposed rule that need to be submitted by the prescribed methods and, if substantive, will be responded to by NPS in the comment summary section of the final rule?

My inclination would be to at least respond to David Joyner (and a few others) using essentially the same response I sent to Bob Eakes last week about form letters. The downside of this is if there becomes an email campaign (multiple emails to me) about the form letters, then do we need to keep responding to them?

(draft response, if we think we should respond)

David,

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In closing, the public comment period on the proposed rule is not a vote. The same comment submitted multiple times carries no more weight than any other single comment.

(end of draft response)

Mike Murray
Superintendent
Cape Hatteras NPS/ Wright Brothers NMem/ Ft. Raleigh NHS
(w) 252-473-2111, ext. 148
(c) 252-276-5520
fax 252-473-2595

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----- Forwarded by Mike Murray/CAHA/NPS on 09/12/2011 09:20 AM -----

jeffrey golding <yerbaitstinks@gmail.com>

To: David Joyner <djoyner@beldar.com>
cc: Mike Murray@nps.gov, Warren Judge <warrenj@ndarenc.com>, Odblonde@aol.com, guitarcouch@earthlink.net, john@theheadagency.com, dheel@bigfoot.com, rataliesarspery@hotmail.com, imw@mail@peoplepc.com, ackky@sol.com, divaric@embarqmail.com, indianatown_galley@hotmail.com, Threebuoys@earthlink.net, wavercrest@embarqmail.com, donnybowers@hotmail.com, kmbythesea@charter.net, bluffs@live.com, obxavon@aol.com
Subject: Re: Final Rule Comments

forgot it the only way I know how at the moment, emails to Murray etc. will go out this week. I'm trying to get back home.

<http://wheatseyonhatteraslandnc.blogspot.com>.

On Sun, Sep 11, 2011 at 3:29 PM, Jeffrey golding <yerbaitstinks@gmail.com> wrote:

You may also notice that none of them are addressed to NPS AND none of them contain (RIN) 1024-85) as required but they are accepted anyway. Do we fight fire with fire?
<http://wheatseyonhatteraslandnc.blogspot.com>.

On Sun, Sep 11, 2011 at 12:51 PM, David Joyner <djoyner@beldar.com> wrote:

After taking a look at the comments, they are "form" letters from anti-access folks...they read almost verbatim: from the below e-mail one of our NCBBA members received...This is not supposed to be allowed! This is wrong and being accepted as comment by NPS. If this isn't a clear example of how NPS panders to the "Environmentalists", I don't know of a better example. I ask you Mr. Superintendent, when are you going to do what is right & give the American People their vehicular beach access back?

David K. Joyner
NCBBA President
Home: (757) 562 - 0987
Cell: (757) 617 - 9577

Date: Tue, 30 Aug 2011 09:47:17 -0500
From: dfenders@mail.defenders.org
To: kambin@vaimes.com
Subject: Off Road Vehicles Killing Shoreline Wildlife



Prevent Vehicle Death in Cape Hatteras

Threatened species like piping plovers rely on lands along Cape Hatteras National Seashore to survive. But if off road vehicles are permitted to use huge portions of the Seashore, their nests and chicks could be disturbed.

Help Save Birds and Wilderness
TAKE ACTION

Share your comments with the Park Service now through this regulations.gov form.

Share on Facebook

Dear Ken,
Cape Hatteras National Seashore is a national treasure visited by millions of people each year taking in the natural beauty, the wildlife diversity and 67 miles of shoreline. But the impacts of unrestricted off-road vehicle (ORV) use has taken its toll on the threatened and endangered shorebirds and sea turtles that nest on the seashore's beaches.
Speak out for wildlife. Visit regulations.gov to oppose unrestricted off road vehicle use that threatens sea turtles, shorebirds and other wildlife.

Finally, after years of advocacy and litigation by Defenders and our partners, the National Park Service is poised to adopt regulations for beach driving on Cape Hatteras National Seashore.

Yet the proposed regulation does little to protect wildlife nesting areas. The proposal only sets aside areas for ORVs and does not mandate any specific measures to protect wildlife from beach drivers. And it reserves just 26 of the Seashore's 67 miles of beach for pedestrians and wildlife year-round, setting aside the rest for year-round and seasonal beach driving. In recent years, a temporary plan that limits ORV use near protected wildlife nesting areas has been working to protect wildlife.

In 2007, protected sea turtles created just 82 nests on the shore. And in 2010, after 3 years of temporary protections, that number rose to 153. **If wildlife is not explicitly protected under the Park Service's plan, these numbers could easily decline.** All it takes is one wrong step by a piping plover into an area that is not protected, and it could be run over.

We have made great progress in winning important protections for Hatteras' wildlife, and we can't lose traction now. ORV advocates want the entire seashore open to beach driving. **Tell the Park Service instead that you support specific, enforceable, science-based protections for wildlife and additional vehicle-free areas for nesting.**

The Park Service is accepting comments until Tuesday, (September 6th) so we need you to make your voice heard now.

Comments are being accepted directly through [this regulations.gov form](#). All you have to do is fill out your contact information, and then write your comments in the supplied box.



Below is a sample letter for you to send to the Park Service, but **please customize your letter**. Be sure to mention if you vacation in Hatteras, if you live nearby, are an educator, a scientist, birdwatcher, or any other personal factor that connects you to the area.

[We need to make sure that our voices are heard by the Park Service, so please fill out this comment form now.](#)

Off road vehicle drivers are a small portion of those who visit Cape Hatteras National Seashore each year, but they are among the most vocal. In order to speak up for all of the piping plovers, sea turtles, sea and shore birds, and all of the other wildlife that relies on this region, [please send your message now.](#)

Sincerely,



Jason Rylander
Senior Staff
Attorney
Defenders of Wildlife

---Sample letter---

Dear Superintendent Murray,
I am very concerned about the National Park Service's proposed regulation for managing ORV use on Cape Hatteras National Seashore. Under the current interim plan, protected wildlife has seen huge gains in the area. Sea turtles that only created 82 nests in 2007, made 153 in 2010. Piping plovers and other shorebirds are rebounding. If you expand ORV use across the Seashore, threatened and endangered wildlife could be impacted. I strongly support regulation of ORVs at the Seashore, but the Park Service plan protects beach drivers more than it does wildlife. The proposed plan sets aside currently only 26 of the 67 total miles of the Seashore for year-round wildlife and pedestrian use with open to year-round or seasonal beach driving. More vehicle-free areas are needed for wildlife and pedestrians. As it is currently written, the proposed regulations treat wildlife protection as optional, which is unacceptable. Please revise this plan to include current buffers and other explicit protections for wildlife like piping plovers and sea turtles that rely on the Hatteras Seashore. Thank you for your consideration.



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This message was sent to kasmithva@msn.com.

Please do not respond to this message. [Click here to unsubscribe.](#)

Defenders of Wildlife is a national, nonprofit membership organization dedicated to the protection of all native wild animals and plants in their natural communities.

Defenders of Wildlife can be contacted at:
1130 17th Street, NW
Washington, DC 20036

From: [Waanders, Jason](#)
 To: [Wetmore, Doug](#); [Murray, Mike](#)
 Cc: [North, Arthur](#)
 Subject: RE: please review
 Date: 09/12/2011 09:37 AM

I agree with Doug. As for the RIN requirement, I don't think it's something we could or should enforce rigorously. I would never advise us to ignore comments that we know are responsive just because the number is missing; we should consider and respond to them just like all the others. If, after the fact, we realized that we accidentally lost a comment anyway, or couldn't tell it responded to our rule just because it didn't have that number, it could probably be a defense in litigation, but that's a different issue.

Also, I don't know how the RIN works in regs.gov--if you enter it as part of the process, such as in a web form, it might not show up in the body of the comment as it appears on regs.gov. So I suppose people might be complying with our FR notice, even if it's not obvious in their comment as posted (i.e., the complaints could be misguided). For hard-copy comments the requirement is clearer, but they don't have those, so that's not what they're complaining about, I assume.

Jason Waanders
 U.S. Department of the Interior, Office of the Solicitor
 1849 C Street, NW, Room 5319
 Washington, DC 20240
 (202) 208-7957
 (202) 208-3877 (fax)
jason.waanders@sol.doi.gov

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

From: Doug_Wetmore@nps.gov [mailto:Doug_Wetmore@nps.gov]
 Sent: Monday, September 12, 2011 10:13 AM
 To: Murray, Mike
 Cc: Waanders, Jason
 Subject: Re: please review

Mike.

These are not bulk comments, as you've stated in your proposed response. We are not tallying duplicate comments, so in the end, we won't know how many times a particular comment has been made, either for or against ORV use. We have received form letters from ORV access supporters as well. There is no prohibition against form letters as long as they are submitted by one person containing one signature.

We already have correspondences in the system that comment on other people's comments and we will respond to them if they are substantive. I would encourage Mr. Joyner et. al to submit their procedural comments to regulations.gov so that they can be processed accordingly, as we don't accept them via email.

Also, I'd like to get AJ and Russ' take (and Jason's) on the RIN# "requirement" as stated in the Federal Register notice under "public participation".

Doug Wetmore
 National Park Service
 Natural Resource Stewardship & Science
 Environmental Quality Division
 P.O. Box 25287
 Denver, CO 80225-0287
 303.987.6955 (office)
 303.968.5214 (cell)

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 jason.waanders@sol.doi.gov, Doug Wetmore/DENVER/NPS@NPS
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Mike Murray
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 (c) 252-216-5520
 fax 252-473-2595

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----- Forwarded by Mike Murray/CAHA/NPS on 09/12/2011 09:20 AM -----

jeffrey golding
<yerbaitstinks@gmail.com>

09/11/2011 04:26 PM

To
David Joyner <djoyner@beldar.com>
cc
Mike_Murray@nps.gov, Warren Judge <warrenj@darenc.com>, Obxblondie@aol.com, guitarcouch@earthlink.net, johnh@theheadagency.com, dheel@bigfoot.com, nataliesusanperry@hotmail.com, imwarmat@peoplepc.com, ackleyd@aol.com, davisrb@embarqmail.com, indiantown_gallery@hotmail.com, Threebuoys@earthlink.net, wavecrest@embarqmail.com, donnybowers@hotmail.com, kmbythesea@charter.net, blufis@live.com, obxavon@aol.com
Subject
Re: Final Rule Comments

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<http://wheatseyeonhatterasislandnc.blogspot.com>

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David K. Joyner

NCBBA President

Home: (757) 562 - 0987

Cell: (757) 617 - 9577

Date: Tue, 30 Aug 2011 09:47:17 -0500
From: defenders@mail.defenders.org
To: kasmithinva@msn.com
Subject: Off Road Vehicles killing Shoreline Wildlife

(Embed ded ed. Image moved to file: pic088097.jpg) Wildlife Alert

(Embed ded image moved to file: Prevent Vehicle Death in Cape Hatteras

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(Embedded image moved to file: pic00237.gif)
<http://action.defenders.org/site/PixelServer?j=AJ9vP6J1o274LrOVhngouQ>

(Embedded image moved to file: pic005578.gif)
http://action.defenders.org/images/2007redesign/emails



