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Subject: Follow-up to my previous e-mail
Date: 05/23/2008 08:50 AM

Hello Mike:

I know you're as busy as all-get-out with the holiday upon us, but I was wondering if you (or the Facilitators) have had a chance to give any consideration to my ponderings from the other day. I've not taken any additional steps regarding expert speakers for the next meeting while awaiting your feedback. I'll understand completely if you can't respond today. Hope the weekend goes well for you and your staff. Thanks,

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05/19/2008 05:27
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Subject
I'm confused - but have an idea and
request feedback

I've been talking to various people about lining up some technical experts to speak with the Committee at the June meeting. Through these discussions I became steadily more confused regarding the role of these discussions in the broader work of the Committee to the point that my brain essentially seized up over the weekend.

For obvious reasons, we never had the discussion of natural resource protection and management issues envisioned in the agenda for Day two of the last meeting. As such, and based on much of what was said by members of the Committee throughout the last meeting, there appears to me to be a wide array of views and opinions regarding how natural resource management issues factor into the work of the Committee, the EIS process, and ultimately the Regulation.

I am concerned that dropping any group of outside technical experts into such a confused situation is likely to lead to unpredictable, and quite possibly counter-productive results. Coming to this realization caused my mental machinery to come to a sputtering, squeaking, grinding, spark-spewing halt.

This morning David came by with an oil can and helped get me thinking productively again. I have a framework to propose to you guys, that I think puts the natural resource issues into some overall context and places the technical experts into some useful and constructive role within that context. Allow me to elaborate:

1. I believe I've heard Mike, Sandy and Jason Waanders state that the framework by which NPS will make natural resource management (closure) decisions needs to be clearly and explicitly articulated in the final decision. It would further appear that these decisions would need to be clearly expressed before there could be a full package put before the Committee for final concurrence. In short, everyone is going to need to see everything and how the parts related to each other before anyone agrees to anything.

I further believe that natural resource management decisions are the exclusive purview of the NPS; that they should be based in sound science; and must not be a product of negotiation. As such, I think it is the responsibility of NPS to develop the natural resource management guidelines. The FWS and the WRC could certainly assist and advise the NPS in this effort, but it makes sense that NPS should lead it. I'd recommend that the natural resource guidelines (or whatever they're called) have three components: 1) a review of the available literature and data (updated from the USGS Protocols) including an assessment of the relative strength of the underlying science (e.g., identification and characterization of uncertainty and risks); 2) the management guidelines including clear and measurable management objectives; and 3) an adaptive management framework that would provide a basis for on-going research and monitoring, and a process for revising/updating the guidelines based on improved data and knowledge.

2. The Committee could review and discuss the natural resource guidelines,

ask questions regarding the scientific underpinnings, and/or agree to have the guidelines reviewed by a panel of experts of the Committee's choosing. The Committee would not need to reach consensus on the guidelines. As stated in the Charter: "The Committee may also provide input, though not necessarily a consensus recommendation, on aspects of protected species management that may affect or be affected by ORV management and that are within the scope of the draft ORV Management Plan/Environmental Impact Statement being prepared concurrently with the proposed special regulations or that directly relate to the implementation of the Seashore's 2007 Interim Protected Species Management Plan."

I think you could break the process of developing the natural resource management guidelines into a number of parts that would provide useful points of engagement for the Committee, such as: 1) explanation and discussion regarding the process of developing the guidelines; 2) presentation/discussion of the updated literature/data review; 3) presentation/discussion of the draft guidelines and measures; 4) presentation/discussion of the adaptive management framework, and 5) presentation/discussion of the complete package and NPS decision. You could establish deadlines for reaching each of these milestones and place them on the agenda for each subsequent Committee meeting and each would provide a fine forum for engaging technical experts in a focused and constructive way. The goal would be to have it done by the end of 2008 or early 2009.

I think it would be important from the very start for NPS to clearly state that the natural resource management guidelines are the NPS's product; that NPS is seeking input in their development, and seeking to promote mutual understanding; but, the Committee's job is not to negotiate the contents of the guidelines. The NPS would also need to clearly state their decision regarding the contents of the "final" guidelines prior to the Committee completing its work on the Regulation and seeking final consensus.

As stated above, I think it needs to be made clear to the "ORV" caucus that NPS cannot negotiate legally mandated natural resource management decisions. Likewise, we need to convince the "Green" caucus to move forward with the routes and areas discussion and other aspects of the regulation while the resource management guidelines are being developed (secure in the knowledge that they will see the entire package before being asked to concur). I can help talk to the Green caucus, but note that at the last meeting at least some of the participants in that caucus were pretty firm in their view that the natural resource management guidelines needed to be in place before engaging the routes and areas discussion. I don't know if the process I've laid out above would give them sufficient comfort to move forward.

Anyway, all this leads me think that it isn't a good idea to bring the experts in for the June meeting. Instead, I'd prefer to engage them in a more structured process, such as the one I've laid out or another as you prefer. Regarding Patrick Paquette's request, the only specific things I recall him mentioning were an explanation of the difference between how things are in the Northeast vs. here, and the differences between the Protocols and the Recovery Plan. These could be easily handled with some written explanation at this time or in a face-to-face with the experts at a later meeting (perhaps the discussion of the literature and data).

I'm trying to think of the most productive way to help this process move forward, and that allows the FWS to play a constructive role. Let me know what you think.

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