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Cc: 'Patrick Field'; 'Ona Ferguson'; 'Robert Fisher'
Subject: Extension for planning compliance in Consent Decree
Date: 08/08/2008 04:48 PM

Good afternoon. I have sent this message to the following people listed at their addresses above: John Couch, Jim Keene, Warren Judge, Larry Hardham, John Alley, Derb Carter, Mike Murray, Jason Rylander, Walker Golder, Patrick Field, Ona Ferguson, and Robert Fisher.

At the Natural Resources subcommittee meeting in Manteo on Tues., August 5, 2008, I asked the plaintiffs in attendance to reach out to the defendants and defendant-intervenors to extend the planning deadline in the consent decree so that my client, United Four Wheel Drive Associations, would have a meaningful opportunity as a stakeholder on the Reg/Neg Committee for input. I specifically made the request to Jason Rylander as representative for Defenders of Wildlife, and to Walker Golder as representative for The National Audubon Society. I made a similar request that day to Mike Murray as representative of the National Park Service defendant and to Warren Judge as Representative for Dare County defendant-intervenor. If my understanding of Jason's response to me is correctly remembered he indicated that the consent decree offered room for such discussions and that the defendants and/or defendant-intervenors would need to make such a request to the plaintiffs. I did not consult with, nor inform, any other committee stakeholder of my intention to make this request.

I am here for myself on behalf of my client United Four Wheel Drive Associations and feel it necessary to mention it as a gesture of my good intentions so you will know that in this instance I am not working at the bequest of any voting block or consolidated interests. I do however sincerely believe that all stakeholders on the committee would benefit from an extension to the planning deadline in the consent decree.

The current timeline under the consent decree makes it very difficult, if not impossible, for the committee, including myself on behalf of my client, to participate meaningfully with committee recommendations on draft alternatives and on formulating meaningful natural resource plans. And while the timeline extension would also have to be approved by DOI in terms of the life span of the committee and in the commitment of resources, that approval process can not start until the parties to the litigation agree to do so by modifying the consent decree.

The ORV Management Plan must be completed by 12/31/2010. In order to have the plan completed, NPS must move the rulemaking and the coordinated NEPA document through the public process. The draft EIS can not be completed until the committee has made a recommendation to NPS for a preferred alternative. It is anticipated that the committee will likely only reach consensus on segments of a preferred alternative thus requiring the agency to supplement the committee's recommendation so that an adequate preferred alternative is presented. I have worked in connection with Consensus Building Institute to draft a work plan for the committee for the time remaining to the consent decree deadline. Working backwards from the 2010 deadline and taking into account the public notice and comment requirements it is estimated that the work of the committee must be completed by January or February 2009. In order for the committee to provide a negotiated complete package to NPS by February 2009, the committee must finalize its deliberations in September and October 2008, and maybe even into November, 2008, leaving December 2008 and January 2009 meeting times for revisions and refinements to the total committee package recommendation to NPS. Therefore, in the ensuing 4 days of meetings (maybe 6) left for the committee in September and October, 2008, the following work must be accomplished – NPS finalizes and publishes draft alternatives to committee; NPS develops, vets, and publishes to the committee the desired future conditions pertaining to natural resource management; finalize and publish socioeconomic analysis; etc. The committee has the following tasks before it in just 2 or 3 meetings: Natural Resource areas; carrying capacity, routes and area, permits/passes, temporary closures, education/outreach and signage, village closure, and vehicle characteristics.

Would you be so kind as to consider the need for an extension of time to the planning deadline referred to in the consent decree?

Thank you for your time and attention to this matter.

Very truly yours,

Carla

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