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From: Mike Murray
To: pfield@cbuilding.org
Subject: follow-up on E.O. 11017
Date: 08/27/2008 04:31 PM

Here is Solicitor's response to Bob's question about the relevance of Executive Order 11017 to the CAHA ORV planning process.

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----- Forwarded by Mike Murray/CAHA/NPS on 08/26/2008 12:00 PM -----

**JASON
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To: MIKE P STEVENS/ATL/SOL/DOI@SOL
cc: Mike Murray/CAHA/NPS@NPS

08/26/2008 09:08 AM

Subject: Re: Fw: Question on E.O. 11017 

A quick Google search appears to dispose of this one. See the National Archives page on EOs from this period:
<http://www.archives.gov/federal-register/executive-orders/1969-nixon.html#11472>

E.O. 11017 was superseded by E.O. 11278, which was in turn revoked by E.O. 11472 in 1969. So the E.O. that Bob is citing is no longer in effect.

Moreover, the provision he cites would be void even if the E.O. were still in effect, because it would conflict with the 1970 General Authorities Act and would even more clearly conflict with the 1978 "Redwood Amendment" (16 USC 1a-1). The purpose of those statutes was to eliminate the NPS management category system, which included a recreational category that was indeed managed under terms similar to those cited by Bob from the E.O.

And it's basic constitutional law that a statute trumps an E.O.

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