

BRIEF SUMMARY

Routes and Areas Subcommittee, October 23, 2008 Meeting

Participants: Pat Field, Robert Fisher, Walker Golder, David Goodwin, Burnie Gould, Larry Hardham, Destry Jarvis, Jim Keene, Jim Lyons, Mike Murray, Paul Stevens

Confidentiality:

The Subcommittee confirmed that (1) documents and proposals distributed to the Committee are available to the public and (2) the set of maps distributed at the meeting showing the proposals from the Access subgroup and the Environmental-Pedestrian subgroup are confidential because they are incomplete and not accurate.

Action Items:

Action items from the meeting were distributed by email on October 24, 2008.

Discussion:

Mike Murray reported that he asked the Solicitor's Office to review both subgroup proposals. There are concerns about both proposals and whether they meet the ORV Executive Orders. One problem is that both proposals rely on overlays. Other concerns include:

- Wilderness Act and including a wilderness study area, although the Park does need to do a wilderness study it is often a separate study or part of developing a general management plan for the Park.
- National Historic Preservation Act and evaluating whether the seashore meets the requirements of a Traditional Cultural Property, even though there is a rich cultural heritage it may not qualify. For example, after an ethnography study of the dune shacks on Cape Cod through an extensive evaluation and public process, the keeper of NPS cultural resources determined that they did not qualify due to a set of factors. A review of this issue has been initiated, and it also might be included as part of developing the Park's general management plan.
- As part of the NEPA process, NPS will have to identify the "environmental preferred" alternative, but not necessarily select it, as long as there is a strong basis for selecting another alternative, which could include cultural and historic use, economic impacts, diverse user experience, access, natural resource protection, etc.
- To have a diversity of user experiences, there will have to be year-round pedestrian only areas, particularly if there are seasonal pedestrian/ORV areas.

Mike Murray also indicated that the recent Executive Order on recreational fishing does not directly affect ORV management or designating routes and areas. It provides a conceptual framework, especially for Parks that do not provide access to recreational fishing. It does not require compromising resource protection or take precedence over other Executive Orders.

The Subcommittee briefly discussed the idea of providing a periodic review of designated areas, which might affect what Committee members could agree to, and what would happen if the Committee does not reach full consensus on an alternative.

The Subcommittee reviewed draft maps that displayed the subgroup proposals.