



National Park Service
U.S. Department of the Interior

Outer Banks Group:

· Cape Hatteras National
Seashore
· Fort Raleigh National
Historic Site
· Wright Brothers National
Memorial

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Update on the Negotiated Rulemaking Process

Superintendent Mike Murray announces the following changes and decisions related to future meetings of the Cape Hatteras National Seashore Negotiated Rulemaking Advisory Committee:

1. The October 22-23 meeting is cancelled. This will allow NPS the time to complete its work on ORV management alternatives, so it can share that information with the Committee and the public, and shifts all remaining full committee meeting time until after those alternatives are made available. In addition, the cancellation will give the Committee members time to continue work in subcommittees, an informal opportunity to reflect on the Committee's efforts and progress to date, and a chance to renew their focus on the primary purpose of the Committee, which is to assist NPS with negotiating a consensus alternative for long-term ORV management and regulation. The next scheduled meeting will be held November 14-15, 2008.

2. All future meetings, beginning with the November meeting, will be held at the pavilion at Wright Brothers National Memorial. The location change for the scheduled November 14-15 and December 11-12 meetings, as well as any additional meeting dates, will be announced in the Federal Register. Relocation to this site will enable NPS to accommodate more of the general public at the meetings, as well as assume control of meeting security through NPS law enforcement and manage any perceived or actual threats to Committee members. In addition to a public comment period scheduled at noon each day of the meetings, there will also be a public comment period at 5:00 p.m. the first day of each meeting.

3. NPS will complete the executive summary of public comments received on the ORV management Alternatives Options Workbook and post it on the NPS Planning, Environment and Public Comment (PEPC) website by November 1, 2008. The full compilation of workbook comments are available on-line in a PDF format at:
<http://parkplanning.nps.gov/document.cfm?parkID=358&projectId=10641&documentID=23208>. NPS is also working to finalize and release to the Committee and the public the NPS draft ORV management alternatives to be later included in the Draft Environmental Impact Statement (DEIS) that is being developed under the National Environmental Policy Act (NEPA) process.

4. At the November meeting, NPS will ask Committee members to reaffirm their commitment to the groundrules. NPS believes the Committee needs to keep focused on the substantive issues at hand, more now than ever. These groundrules include the following responsibilities:

- Members commit to the principles of decency, civility, and tolerance. Parties must be willing to envision and shape a future for all users and people interested in the Seashore, including descendants of families living on the Outer Banks when the Seashore was established, current property owners and visitors, and those that care about the accessibility, ecology, and/or preservation of the national seashore and national parks.

- Parties also must be willing to accept there are different views (locally, regionally, and nationally) and the different stakeholders each have a legitimate interest and right to be part of determining the solutions. Committee representatives must exercise leadership within their respective constituencies to foster a climate of joint problem solving on the Committee and publicly, to keep their constituencies informed, and to ensure their constituents support rather than undermine the process.
- Members and alternates understand that a decision to take legal, political or media action may seriously compromise negotiations.
- Committee members will not attribute statements to others involved in this negotiated rulemaking, seek to present or represent the views or position of other members or alternates, nor attempt to speak on behalf of the Committee as a whole in or to the media.
- Personal attacks, name calling, and other such negative behaviors will be addressed immediately, either privately or publicly, by Committee members and facilitators.
- If a member does not abide by various provisions of the groundrules, then NPS, after consultation with the facilitators, will record this “breach” of these groundrules in writing, post it on the project website, include it in the administrative record, and distribute it to all Committee members and alternates for their use as they see fit, including use in any formal submittals to a court.

“NPS is committed to completing the negotiated rulemaking process and commends the Committee for its hard work on these very difficult issues,” said Superintendent Murray. “As the Designated Federal Officer (DFO), I want to ensure that the remaining meetings are managed to give the Committee its best chance of success. I intend, and encourage all Committee members, to make the most of the remaining opportunity to negotiate an ORV management alternative and regulation that everyone can accept.”

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