

010506 @11:00 EST

I called and spoke to Deputy Assistant Secretary for Fish, Wildlife & Parks Hoffman.

I reviewed the 4 major concerns with the petition:

Complete prohibition, no reasonable 'time, manner, place' restrictions.

Substantive due process – we don't know where the park boundaries are, and when we do, we're not seeing a posting of prohibition. When we do, we're already in the Park!

Our petition is ripe, well researched, thought out, not frivolous, and it's been practically a year.

The so called 'regulatory relief' emergency permit to transport pack animals was not available in reality, and there was not a time frame to issue it, it's discretionary etc. 11th circuit ruled this unconstitutional under reg. 2.51 because the permit scheme was too intrusive and didn't have sufficient safeguards.

We then discussed where we were at. It's been a year, the petitioners want to see some progress, but aren't seeing it. When last we spoke Mr. Hoffman indicated that 'they(DOI) would like to wait until after the '06 elections to publish the rule for comment', so I asked, point blank - We think that it is reasonable to get the petition published for comment now, so we're asking can we find a way to do this(get it published before '06 elections. He wasn't hostile to the idea, but he reiterated they have a bunch of stuff to publish for comment, and he was concerned that it would simply be too difficult and controversial with all the other stuff they are dealing with. 3 separate congressional offices confirmed that Hoffman has been an oft spoken name of late so I acknowledged this. His indication was that the best chance for success was to proceed post November, '06. At that point we both agreed we were no worse off than before I asked, so I launched into what we could do from here.

I pointed out a couple of situations – Hatteras Seashore, state road runs through it and there is no way to get through there, or live there with the current regs. However, NC has indicated that they are able to transit 12 without interference from NPS. A common theme on the morning reports for weapons violations was pot smugglers, drunks, other forms of criminals doing "other things" to get arrested for and weapons charges added. Basically, what could we do in the interim, while this petition is delayed. We covered a number of suggestions, but he pointed out that anything I had suggested was also going to require a rule change and it would undermine the position of the current petition. I guess it would be fair to say I kind of 'pushed' this a little, and asked what can we do, a lot of the petitioners want to see some meaningful progress. He indicated that he is working on this, and that it is squarely on his agenda. He offered to meet with the petitioners any time (scheduled, of course) to discuss any aspects of the petition, and that he hoped that the petitioners knew he wasn't sacking the petition(my phrase).

I discussed that I personally didn't feel any animosity from Mr. Hoffman, nor did I feel like I was pitching to an unfriendly crowd. I also pointed out that Senator Allen's office as well as Congressman Davis's office indicated that this change wouldn't have been so well received in other administrations. We both commiserated a feeling of 'herding cats' in our respective roles with this petition's progress, that most of them see just the submitted petition, and a bunch of support letters but no progress. Of course, from his perspective 'he had his idea of how fast a review should take place, but that wasn't necessarily the same pace that the rest of the other elements of the agency felt'. I expressed that if the petitioners saw some form of consideration from the Department, while still waiting for the petition, there really wouldn't be any cause to complain, but that without it we were in the same place as before. I asked that he consider this further, and he agreed to look into it and see if there was anything that could be done and still keep the petition on track. I added that (at least) Senator Allen had asked for a commitment from DOI to consider this petition, by the 'post November '06' time frame, which we discussed and then moved on. We recapped, and ended with me saying that again I felt that we were certainly advancing a good petition, that at least Mr. Hoffman felt was legitimate, and that we weren't far apart. He concurred that we were on the same page of music without much separating us. We agreed to stay in touch about this, and follow up on anything that might be able to be done in the interim, etc.