

Cape Hatteras National Seashore Proposed ORV Negotiated Rulemaking Process

REPRESENTATIVE AND ALTERNATE PROPOSAL FORM

This form is to be used by an organization to propose to CBI/RESOLVE a representative and alternate for participation in a possible negotiated rulemaking to develop a regulation for off-road driving within Cape Hatteras National Seashore. This is the first step in convening a negotiated rulemaking, should the process proceed. However, completing this form does not commit an organization to participating in the potential reg neg, as neither the National Park Service (NPS) nor the stakeholders have decided to go forward with the process yet.

The proposed representative is the person suggested to represent your organization or stakeholder group, who would be the primary contact and “sit at the negotiating table” during the potential regulatory negotiation process. The individual would serve on a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA). This person, if recommended by CBI/RESOLVE to NPS, and recommended by NPS to the Department of the Interior, and selected by the Secretary of the Interior, would be appointed to and participate on the Committee. Your organization might also want to propose an alternate who might fill in for the member in the event that he or she is unavailable to attend meetings. FACA requires that all members and alternates be named in the Federal Register. Alternates cannot be designated ad hoc, from time to time, and “at will.”

Please note that proposing a representative does not guarantee a seat on the Committee. CBI/RESOLVE will work with the proposed representatives *within each stakeholder group* to select among those proposed by individual organizations. On each stakeholder group’s behalf, CBI/RESOLVE will submit the proposed names to NPS in the final Assessment Report. Should NPS decide to go forward with the negotiated rulemaking process, it is then NPS’ responsibility to officially recommend members and alternates to the Secretary of the Interior and for the Secretary to make the final selection of Committee members and alternates. The final selection would be made after a 30-day public comment period following publication in the Federal Register of the Notice of Intent to establish a negotiated rulemaking committee. During the public comment period, if members of the public believe the committee members do not represent their interests they may suggest others for membership. After analyzing the comments received during the comment period, a recommendation would be made by the NPS and a final decision made by the Secretary. The ultimate authority and decision-making for any such Committee membership always rests with the head of the federal department or agency (i.e. the Secretary of the Interior, in this case).

Instructions: to propose a representative and alternate for your organization to the negotiated rulemaking process, please:

- I. Review the Criteria for Representation below
- II. Provide the information requested on the form(s) below
- III. Submit a cover letter on the letterhead of your organization
- IV. Sign the forms below, preferably by the head of your organization

- V. Include contact information for the organization and any brief description of the organization (mission statement, charter, etc.).
- VI. Submit it to the address found at the bottom of this document.

CRITERIA FOR REPRESENTATIVES

Please keep in mind the following membership criteria for representatives in the Negotiated Rulemaking process as described in the draft Assessment Report, with the exception of the criterion of meeting location, which we are in the process of reviewing.

- Able to represent their organization or constituency.
- Able to speak with authority and make commitments on behalf of their organization or constituency.
- Seen as a legitimate and capable representative in the eyes of their organization or constituency.
- Willing to complete any necessary federal paperwork for FACA membership.
- Able and willing to abide by the ground rules of the process.
- Able to commit to the Negotiated Rulemaking as the primary focus of their efforts at addressing off-road driving on Cape Hatteras National Seashore.
- Able to advocate effectively for their organization or constituency's interests and *also* able to consider the perspectives of others and seek common ground wherever possible.
- Willing to submit and have made available to the public on the NPS website a short bio (during the public comment period on the Notice of Intent)

In short, we recommend that representatives be capable of effectively representing their group's interests and also be able to work effectively and collaboratively with others, including those whose views and opinions may be quite different.

In the attached convening chart, within stakeholder or "sub" stakeholder categories, we have recommended further specific criteria, when we thought it useful and appropriate. Please note that you need to identify for which stakeholder category on the chart you are submitting your proposal.

Proposed Representative Information

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| Stakeholder Group (please see attached convening chart – please identify one group only) | User Groups – Off-Road Vehicle Use |
| Name: | Carla Boucher |
| Mailing Address: | P.O. Box 15696 Chesapeake, VA 23328 |
| Phone number (work): | 757-546-7969 |
| Phone number (home): | 757-546-7969 |
| Email address: | attorney@ufwda.org |
| Fax number: | |

In addition to the below information, please provide the following: 1) **a short resume** or biography (**one page or less**) that can be shared publicly with others who ask about the proposed individuals; 2) for transparency and openness, **disclosure of any affiliations** with other similar groups or groups that might also have a stake in the issues (for instance, driving or environmental advocacy groups). We do assume that many individuals will have multiple affiliations, and want to ensure that such affiliations are known; 3) **disclosure of any affiliations** with the involved federal agencies (NPS and FWS) such as recent or current consulting contracts, current employment contracts, or familial relations to any current agency staff or appointees.

Carla Boucher

Signature

Attorney
Title

United Four Wheel Drive Associations
Organization

9/10/05
Date

Please submit this completed form to **Ona Ferguson** via mail, email, or fax at:

The Consensus Building Institute
238 Main St, Suite 400
Cambridge, MA 02142

Fax: 617-492-1919
Email: oferguson@cbuilding.org

CARLA BOUCHER

Attorney

P.O. Box 15696, Chesapeake, VA 23328
(757) 546-7969 ~ ccboucher@cox.net

OBJECTIVE

A seat on the committee offering national representation with knowledge of Off-Road Vehicle (ORV) management and an outstanding ability to represent a broad range of recreation interests coupled with the skill to work cooperatively with the National Park Service with a professional and consensus-building attitude.

SUMMARY

An attorney and excellent self-starter with 10 years experience in administrative law including federal agency planning regulations and rulemaking. Especially skilled at representing various modes of recreation and consensus building with diverse groups. A talent for analyzing information, simplifying large amounts of details, and preparing written documentation of complex information. Committed to the highest levels of professionalism and fairness.

PROFESSIONAL HISTORY

Mountain-Bay Legal Services, 1995-present, Chesapeake, VA. Owner, attorney. Counsel for United Four Wheel Drive Associations since 1995.

LEGAL EDUCATION

JURIS DOCTOR, 1997, Regent University School of Law. Only person accepted into school of law prior to completion of undergraduate degree based upon special qualifications of grade point average and work experience.

AWARDS/COMMENDATIONS

Off-Road Motorsports Hall of Fame, inductee, 2004. Established to recognize and honor those individuals whose lifelong contributions to off-road Motorsports have set a standard for others to follow. Prior inductees include recreation legends Walker Evans, Mark Smith, Parnelli Jones, Dick Cepek, Steve McQueen, and Malcolm Smith.

Four Wheeler of the Year, 2001. United Four Wheel Drive Associations' most prestigious award recognizing the recipients' contribution to organized four wheeling.

Commendation, 1998, South Hampton Roads Habitat for Humanity for public service in providing pro bono services for real estate closings on Habitat for Humanity homes.

PUBLICATIONS

Volunteer Trail Patrol Handbook and Help Tips, 2003. Eleven page training manual for United Volunteer Trail Patrol, an observation and reporting program to protect our natural resources from illegal use and improper user ethics.

Public Land Owner's Manual, A Private Citizen's Guide to Participating in Public Land Management Decision Making, 2000. Two hundred page educational manual to train the general public in administrative involvement, understanding federal statutes pertaining to land use management, and understanding and participating in the administrative process, among other things.

Proposed Alternate Information

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|--|--------------------------------------|
| Stakeholder Group (please see attached convening chart – please identify one group only) | User Groups – Off-Road Vehicle Use |
| Name: | Lyle Piner |
| Title (if any, within organization): | |
| Mailing Address: | 11091 Windsor Way, Windsor, VA 23487 |
| Phone number (work): | |
| Phone number (home): | 757-242-9088 |
| Email address: | lylep@charter.net |
| Fax number: | |

In addition to the below information, please provide the following: 1) **a short resume** or biography (**one page or less**) that can be shared publicly with others who ask about the proposed individuals; 2) for transparency and openness, **disclosure of any affiliations** with other similar groups or groups that might also have a stake in the issues (for instance, driving or environmental advocacy groups). We do assume that many individuals will have multiple affiliations, and want to ensure that such affiliations are known; 3) **disclosure of any affiliations** with the involved federal agencies (NPS and FWS) such as recent or current consulting contracts, current employment contracts, or familial relations to any current agency staff or appointees.

Lyle Piner

Lyle Piner was born in Virginia Beach, Virginia August 19, 1950. Growing up within 5 blocks of the Virginia Beach oceanfront, Lyle developed an appreciation for the coastal Virginia and North Carolina beaches early on. He attended Virginia Beach public schools, including Virginia Beach High School and graduated from the then new First Colonial High School in 1968. Lyle continued his education at East Carolina University in Greenville, NC.

Lyle's working career included senior management, sales, and professional positions. As a software engineer, Lyle was involved in over 30 major software development projects as both a stakeholder representative and as a project manager in a career spanning 25 years. His many professional certifications include Microsoft's Certified Professional certification and the Computing Technology Industry Association's A+ certification. Since retiring in late 2003, Lyle has returned to his native Virginia, and lives in Windsor with his wife of 30 years, Nena.

While Lyle has been involved in off highway driving since the late 1960's, he has become more actively involved in organized off roading since 1998, having served as a Trail Guide / Leader at major events including four Jeep Jamborees, three Camp Jeep events, and three Virginia Four Wheel Drive Association Annual Trail Runs. Since 2004, Lyle has served as assistant to the Legal Advocate for United Four Wheel Drive Associations, assisting with various land use projects. Lyle was certified as a Chief Instructor of United's Safety / Awareness Education Program in April, 2003.

Currently, Lyle serves as Treasurer of Tidewater Fourwheelers, a four wheel drive club headquartered in Virginia Beach. Lyle is also a member of Virginia Four Wheel Drive Association, United Four Wheel Drive Associations, and the Outer Banks Preservation Association.

Signature

Title

Organization

Date

Please submit this completed form to **Ona Ferguson** via mail, email, or fax at:

The Consensus Building Institute
238 Main St, Suite 400
Cambridge, MA 02142

Fax: 617-492-1919
Email: oferguson@cbuilding.org



UNITED FOUR WHEEL DRIVE ASSOCIATIONS, INC.

... An International Organization

www.ufwda.org

Wayne Groom – President

7135 S. PR Royal Springs Dr. Shelbyville, IN 46176 1-800-448-3931

The Consensus Building Institute
Attn.: Ms. Ona Ferguson
238 Main Street, Suite 400
Cambridge, MA 02142

August 2, 2005

Dear Ms. Ferguson,

This nomination is being made by Wayne Groom, President, United Four Wheel Drive Associations (United). United is an international organization of wheel drive enthusiasts dedicated to the conservation and utilization of public lands. Our membership base is located in every state in the U.S. as well as abroad in 5 other countries.

Our nominee for the Cape Hatteras National Seashore Proposed ORV Negotiated Rulemaking Process is Carla Boucher. Carla Boucher, located at P.O. Box 15696, Chesapeake, Virginia, 23328, is the attorney on retainer for United and has held this position with us since 1995.

Ms. Boucher is particularly suited for this committee due to her extensive knowledge pertaining to the planning regulations for the National Park Service, the Administrative Procedure Act (APA), and the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) Implementing regulations. Ms. Boucher has represented United in over 200 administrative issues before federal agencies since 1995, including major rulemakings.

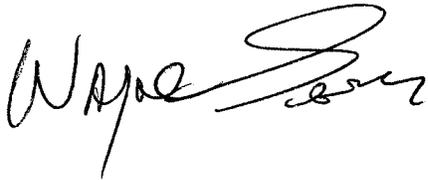
Ms. Boucher has demonstrated her ability to work with other diverse groups by participating in several significant cooperative movements. For example, Ms. Boucher was the principal author of one of five pillar documents submitted by nine recreation groups to Kathleen Clarke for the Bureau of Land Management Director's National Recreation Forum. She also worked cooperatively with two other national organizations in the creation and promulgation of guidance to the U.S. Forest Service on its Proposed Rule for Designated Routes and Areas for Motor Vehicle Use. Ms. Boucher participated in the Tread Lightly! Convergence Dialogue Series, meeting designed by Tread Lightly! to bring together representatives of outdoor recreation interests for the purposes of opening lines of communication and building common ground, particularly between interests with opposing

philosophies such as non-motorized and motorized recreation organizations and environmental organizations. Finally, and most recently, Ms. Boucher has been nominated for a seat on the Roadless Area Conservation National Advisory Committee being convened by the U.S. Forest Service and Department of Agriculture.

Attached please find a resume for Ms. Boucher, a signed, dated, and completed Proposed Representative Information form, as well as letters of recommendation for appointment to the committee from 4-Plus Four Wheel Drive Club and Capital City Four Wheelers.

We are pleased to be able to nominate Carla Boucher for the Cape Hatteras National Seashore Proposed ORV Negotiated Rulemaking Process.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Groom". The signature is fluid and cursive, with a large initial "W" and a long, sweeping underline.

Wayne Groom, President
United Four Wheel Drive Associations
president@ufwda.org