

Nov. 17, 2009

Congressman Norm Dicks

Chair, House Interior Appropriations Sub Committee

2467 Rayburn House Office Building

Washington, DC 20515

Dear Congressman Dicks:

I am requesting that your committee investigate waste, abuse and illegalities regarding the Washington County Habitat Conservation Plan (HCP) in southern Utah. This was a federal USFWS permit issued to Washington County for the purpose of "taking" over 1,100 threatened Mojave desert tortoises while mitigating this action by establishing a reserve of 62,000 acres – now referred to as the Red Cliffs Desert Reserve. This reserve is moving to an official National Conservation Area (NCA) Status. I request that a full audit and investigation be made before official status is provided.

I was the administrator of this permit for over 14 years and reported to the Washington County commission. I was forced out of my position and threatened because I refused to participate in or cover up illegal activities. These included the following:

1. The Washington County commission illegally removed \$10,000 from the HCP account to another non HCP county account without the required public review (as stipulated in the permit). This was done secretly with the assistance of county staff in charge of coordinating audits.
2. \$200,000 of HCP money officially designated by the federal permit to be used for the benefit of sensitive species, was instead authorized by the Washington County commission to be given to the state of Utah (the Department of Natural Resources - UDNR) to build a building. Further, although the money was approved by the commission in a public meeting to go to UDNR, the money instead – at the specific request of UDNR and secretly endorsed by the commission – was redirected to the local Washington County Water Conservancy District. To make matters worse, the county commission approved and provided this money when the commission was actively lobbying UDNR and the water conservancy district to support an illegal freeway (as stipulated in writing by the USFWS) through the reserve to property owned by a commissioner. Although UDNR and the USFWS were fully aware of this misuse of money and that it was a violation of the permit and were required to investigate all HCP violations, they never investigated this matter. Indeed the USFWS supported the \$200,000 transfer to gain political favor with UDNR and the local water district. This trail of events is recorded in minutes of meetings and county financial records.
3. The Washington County Water Conservancy District violated a county ordinance on two occasions which resulted in the illegal take of tortoise habitat and perhaps killed tortoises. I

forced the commission to enforce their ordinance. UDNR and the USFWS were aware of this ordinance violation which was required to be enforced by the federal HCP permit, but refused to investigate or enforce the violation.

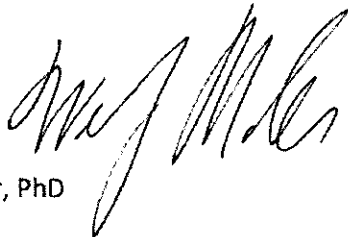
4. As a result of insisting that these matters be addressed, I was directed in writing – in clear violation of the federal HCP permit which required specific lines of staff reporting – to report to a non-biologist with no experience who had recently been hired on a part time basis. Again, UDNR and the USFWS, although required to investigate all permit violations, refused to investigate this permit violation.

Further, over \$50,000,000 of federal money (tax money) was used to buy private property in the reserve with the specific purpose of protecting it for conservation purposes as stipulated by the federal permit. Instead, the county commission and UDNR actively worked (as recorded in public meeting minutes) to build a freeway through the reserve in direct violation of the permit. This matter is particularly deplorable because UDNR had been given title to these properties after they were purchased with the federal funds, to specifically protect them. Instead they actively worked (again, recorded in minutes) to obtain approval for a freeway through the reserve and property they were obligated to protect.

I am also concerned that there is insufficient public comment and oversight regarding the drafting of language for the Red Cliffs NCA and that actions are being taken behind closed doors to compromise the extraordinary investment that tax payers made.

I am available to offer documentation and testimony.

Yours sincerely,



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