



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE Mountain-Prairie Region



IN REPLY REFER TO:

MAILING ADDRESS:

Post Office Box 25486  
Denver Federal Center  
Denver, Colorado 80225-0486

STREET LOCATION:

134 Union Blvd.  
Lakewood, Colorado 80228-1807

File # 013-02

June 19, 2001

Eric Wingerter, National Field Director  
Public Employees for Environmental Responsibility (PEER)  
2001 S. Street, NW, Suite 570  
Washington D.C., 20009

Dear Eric Wingerter,

This responds to your February 7, 2002 Freedom of Information Act (FOIA) request in which you requested information on *"a summary of all incidents of violence or threats against USFWS employees which occurred between January 1 to December 31, 2001. The summary should include the date, location and the nature of the incident or threat together with the summary of what, if any outcomes stemmed from the incident or threat."* This response letter is on behalf of all of US Fish and Wildlife Service, not just for Region 6. I have received a fax from Mariana Valdes-Fauli (FOIA Officer) from our Washington Headquarters today (6/19/01) and Mariana has received negative responses from all of our other regions.

In accordance with 43 CFR 2, the attachments are all pertinent information available from our files. We have withheld no information with the exception of names of employees based on the phone conversation I had with you on 6/18/02. Therefore, this constitutes a full disclosure. Any fee that may have been associated with your request has been waived under 43 CFR 2.21(a).

If you have any questions or need additional information, please contact Shirlee Terada at (303) 236-8116, extension 253.

Sincerely,

Shirlee Terada  
FOIA Coordinator for Region 6  
134 Union Blvd. #210 (Safety)  
Lakewood, CO. 80228  
E-mail: Shirlee\_Terada@fws.gov  
Fax: (303) 236-6958

Attachments: 1, 2 & 3

| <u>Date</u> | <u>Location</u> | <u>Incident/Threat</u> | <u>Outcome</u>                        |
|-------------|-----------------|------------------------|---------------------------------------|
| 1. unknown  | Utah            | harassed two times     | none                                  |
| 2. 8/3/01   | Utah            | threaten               | reported to FPS & Utah Highway Patrol |

**Description:** “In my USFWS uniform, someone would come up to me and start jerking on my uniform sleeve and start raising heck with me for wasting their tax dollars on endangered fish or something to that effect.”

**Description:** “ I was traveling west on Highway 6, a semi hauling two gravel or rock tankers sped past to where he was just ahead and to the left of the vehicle I was driving. He slowed down to maintain that distance, abruptly turned halfway around his seat until he was looking at me, started shaking his fist, then flipped me off with repeated thrusting gestures. His manner was of someone enraged. As I had been traveling the speed limit, my immediate thoughts were that he was either generally mad at the federal government, or under the influence of stimulants and was angry that he had been unable to drive faster than the speed limit. I was too frightened to do much more than get his license number and pull off the road at the next intersection.”

3. unknown Quivira NWR, Kansas threaten investigation resulted in no prosecution. Individual was informed of pertinent regulations, advised any future threats toward employees/visitors will be prosecuted.

**Description:** “USFWS Quivira NWR staff were conducting a prescribed burn. A person (male) drove by the Refuge vehicle several times; he then stopped and approached Refuge firefighter, demanding to know who started the fire and advising he should “kick his...”(backside). A couple additional comments were made and the person left. Several additional contacts were made with the person by phone. However, he did not return to the fire.”

The individual involved is a resident of the area, owns land adjacent to the Refuge. He has a history of unpredictable behavior and has been accused of assault on multiple occasions in the past.

4. 9/25/01 Quivira, Kansas phone threats still under investigation by USFWS, BOI, Kansas Animal Health Dept., Stafford County Sheriff

**Description:** “ A Message was left on the Refuge answering machine advising ‘We got rid of ... (permittee’s name) - now guess who’s next .. (Refuge manager’s name)’. The permittee removed his cattle from the Refuge, in response to the continued harassment. The tone and inference of the message led investigators to believe that the “who next” may well refer to the Refuge staff member.”

| <u>Date</u> | <u>Location</u> | <u>Incident /Threat</u> | <u>Outcome</u>                       |
|-------------|-----------------|-------------------------|--------------------------------------|
| 5. 5/22/01  | Quivira, Kansas | threaten                | case still open, under investigation |

**Description:** Negative letters and phone calls regarding the use of cattle on the Refuge. A typical letter was received by the Refuge dated May 22, 2001. Letter read "Wildlife doesn't need barbed wire fences. Refuge don't need cattle. Where's the beef?"

The permittee related that he had received similar letters and phone calls similar to "A.243 will take care of a cow on the Refuge." One fence was found cut and cattle belonging to permittee were found out on a public road; several gates were open, allowing cattle to leave designated areas.

Jon,

My initial response to your request for information about violence or threats of violence to service employees was negative for 2001.

However, the following incident has recently come to my attention.

"Gate security at Rocky Mountain Arsenal is a responsibility of the U.S. Army. The Fish and Wildlife Service (Service) and Army have agreed through their Cooperative Agreement that the Service will provide staff to check vehicles and personnel entering the Arsenal, so staff of both agencies work together to provide access control.

On December 3, an Army Security Police officer made a threatening comment to a Service employee: "if I had my way, I would go down to the South Gate and shoot the old man, close and lock the gate and then come back to the west gate and shoot the blind guy". This comment was taken as referring to two Service employees, one over 80 years old and the other who was visually impaired. On December 7, the same Army Security Police Officer made another comment to the same Service employee: "you are worthless at this gate and I should just shoot you now". Later on December 7, the Army employee said that he was sorry if he had offended the Service employee.

About 1 week after these incidents, the Service employee advised the Service's Project Leader of the threatening comments. The employee was asked to file a written report, which he did the same day. Immediately upon receipt of the report, the Service notified Army supervisors of the threat. The Army Security Police Officer who made the threats was immediately relieved of duty, had his badge and firearm taken away and was the subject of formal disciplinary action by the Army. The Service is well satisfied with the rapid and effective response made by Army management."

I don't know if this minor incident is of concern, but I wanted you to have the information.

Vic

## Threat of Violence Report for 2001

November 6, 2001 - Walsh County ND, near private land while working on an easement violation case. Two USFWS employees had left the scene after completing the days work of restoring wetlands that had been drained by the landowner in violation of the FWS Easement Contract. One Refuge Officer remained behind to complete field notes. The Officer noted the landowner leaving his residence and headed for the restoration site. To avoid a confrontation alone, the Officer decided to leave the scene. As the Officer left the scene the landowner drove down the middle of the road and did not attempt to move over as he was passing the Refuge Officer. The Refuge Officer had to move to the shoulder of the road in order to avoid a possible collision. No action was taken against the landowner for this confrontation.

November, 2001 - Walsh County ND, on private land while working an easement violation case. Two USFWS Refuge Officers were meeting with a contractor to discuss the restoration of wetlands that were drained in violation of the easement. While talking with the contractor the landowner came driving to the scene. The landowner drove straight for the Refuge Officers and was not willing to stop. Both Officers had to jump out of the way to the landowners moving vehicle to avoid being struck. No action was taken against the landowner for the event.

September 19, 2001 - Benson County ND, at the Mud Lake Waterfowl Production Area (WPA). The Devils Lake Prescribed Fire Team was attempting to complete a prescribed fire on the WPA. A local resident noticed the team getting ready to ignite the fire and rushed to the scene. The local resident contacted a member of the fire team and said that his mother lived in that house (he pointed to a house nearby). He said she has asthma and if any smoke got near the house he would come back and take care of the situation. The subject was agitated and the team felt he was serious about coming back if the fire was started. The decision was made to stop the fire and avoid this confrontation. No other action was taken.



Mariana ValdesFauli  
06/04/02 09:06 AM

To: Shirlee Terada/R6/FWS/DOI@FWS  
cc:  
Subject: Re: FOIA Request - Violence/Threats

Since you are the only region who has responded with any info on this - I think you will have to be the lucky one to send out a response! LE has already sent a negative response on behalf of their office.

Your response should be on behalf of the FWS (not just R6). I will fax you copies of all the other emails I have received so that you have proof of response from the other regions for your file.

Call with questions - thanks!

Mariana Valdes-Fauli  
Fish and Wildlife Service  
4401 N. Fairfax Drive, Ste. 222  
Arlington, VA 22203  
(703) 358-2501

Shirlee Terada



Shirlee Terada  
06/04/2002 10:57 AM

To: Mariana ValdesFauli/ARL/R9/FWS/DOI@FWS  
cc:  
Subject: Re: FOIA Request - Violence/Threats

And another....

----- Forwarded by Jean Dennis/R6/FWS/DOI on 06/04/02 06:54 AM -----  
Don't Expand



Jon Storey  
06/03/02 08:47 AM

To: Jean Dennis/R6/FWS/DOI@FWS  
cc:  
Subject: Re: FOIA Request - Violence/Threats

Jean: FOIA - Quivira

Jon Storey  
Region 6 Refuge Law Enforcement Specialist  
Voice: (303)236-8145, ext. 228  
Fax: (303)236-4792

----- Forwarded by Jon Storey/R6/FWS/DOI on 06/03/02 08:47 AM -----

Jim Sellers  
05/29/02 12:51 PM

To: Jon Storey/R6/FWS/DOI@FWS  
cc: David Hilley/R6/FWS/DOI@FWS  
Subject: Re: FOIA Request - Violence/Threats

Jon,

See attached memo for Quivira - two incidents - include as appropriate.



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Office of Law Enforcement  
4401 N. Fairfax Drive, Room 520  
Arlington, VA 22203



In Reply Refer To:  
FWS/LE ADM 4-08-2002-K-078

APR 29 2002

Mr. Eric Wingerter  
National Field Director  
PEER  
2001 S Street, N.W., Suite 570  
Washington, D.C. 20009

Dear Mr. Wingerter:

This is in response to your Freedom of Information Act (FOIA) request for a summary of all incidents of violence or threats against Fish and Wildlife Service employees which have occurred during 2001. This response addresses employees of the Division of Law Enforcement only. We understand the Service's FOIA Officer Johnny Hunt has referred your request to the seven Regional FOIA Officers for information relating to the remaining employees of the Fish and Wildlife Service.

We have only one incident to report for 2001.

|                            |   |
|----------------------------|---|
| Date:                      | August 29, 2001   |
| Location:                  | Klamath Headgate, Klamath Falls, Oregon   |
| Nature of Incident/Threat: | Physical assault  |
| Outcome:                   | Case closed. The subject identified was not prosecuted because of his age. Others involved were not identified. |

Since costs associated with searching and reproducing the records for this response did not meet the minimum required for reimbursement, fees have been waived.

If we may be of further assistance, please contact Ms. Circee Pieters, Chief of the Branch of Technical and Field Support, at (703) 358-1949.

Sincerely,

Kevin R. Adams  
Assistant Director for Law Enforcement

CERTIFIED MAIL 7001-0360-0004-7017-9081