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August 24, 2016

The Honorable Daniel Ashe
Director
U.S. Fish and Wildlife Service
1849 C Street, NW Room 3331
Washington, DC 20240

The Honorable Benjamin Tuggle
Regional Director
U.S. Fish and Wildlife Service
500 Gold Avenue SW
Albuquerque, NM 87102

Dear Director Ashe and Regional Director Tuggle:

Thank you for your August 2, 2016 response that I received this week to the letter sent by 21 bipartisan members and me on July 11, 2016.

I would like to take this opportunity to respond, raise some other concerns and ask some follow-up questions on this matter.

First and foremost, in your response you state "The Service is currently in the process of evaluating this [May 2015] restriction and its necessity in ensuring the safety of all visitors."

This is the first I've heard of said evaluation. Accordingly, I would like to ask some questions that I would like a response to as soon as possible.

1. When did the Service begin this evaluation?
2. What is the process for the evaluation?
3. When will a determination be made about the necessity or non-necessity of this restriction?

In your response, you claim "near-misses, fear by the general public and conflicts with the Refuge purpose" led to your arbitrary closure that failed to comply with the law, solicit public comments and provide prior public notice. Please provide documentation of all instances supporting these claims.

You also claim in your letter that the May 2015 restriction “is not expected to impact movement or commerce of the greater Lake Havasu City.”

4. How did you arrive at this conclusion?
5. Did your agency comply with the Regulatory Flexibility Act or NEPA prior to implementing the May 2015 restriction?
6. Did the agency perform a formal economic impact analysis?

As stated in the July 11th letter, the Arizona Game and Fish Department recently [submitted formal comments refuting this claim](#), stating there were only four incidents in the last three years in this area, three groundings and one swamping. The Department went on to state that “the temporary restriction imposed in May, 2015...includes a safe, traditional, very popular waterskiing and wakeboarding flat-area...[The Service] does not adequately justify this additional restriction and that the impacts to recreation could be significant...The reported events do not support the existence of a safety concern.”

7. Do you disagree with this assessment by the Arizona Game and Fish Commission? If so, please provide a detailed response as to why you believe the Department is mistaken.

Further, a [July 20, 2016, economic impact analysis](#) prepared for the Lake Havasu City Partnership for Economic Development found that boaters on Lake Havasu spend more than \$150 million annually, support over 2,000 jobs and generate more than \$63 million for Lake Havasu City's economy. Any new boating restrictions on Lake Havasu jeopardize those jobs and that revenue for the economy. I have heard from countless citizens who have said they are considering selling their summer homes or no longer coming to Lake Havasu as a result of the arbitrary May 2015 restrictions enacted by your agency.

8. Again, how did your agency arrive at the conclusion that the May 2015 restriction will not impact “commerce of the greater Lake Havasu City?”

My next line of questions and comments relates to former Havasu Refuge Manager Linda Miller. On August 17, 2016, the [Service issued a press release](#) announcing “the appointment of Linda Miller as the agency’s Deputy Wildlife Refuge Manager for the Southwest Arizona National Wildlife Refuge (NWR) Complex.” At that time Director Tuggle stated, “This new assignment is a good opportunity for her, our team in Yuma, and for all of us in the Southwest Region as she is a valuable asset.”

1. Why was Linda Miller reassigned?
2. Is this a promotion?
3. If so, what performances by Linda Miller in her previous role warranted a promotion?
4. What grade of employee was Linda Miller and what salary was she making while manager of the Havasu Refuge?
5. What grade and what salary will she be making as the Deputy for the Southwest Arizona National Wildlife Refuge (NWR) Complex?

6. Why wasn't she fired for her role in enacting lawless and arbitrary restrictions on Lake Havasu?
7. Why was she reassigned to manage other refuges in my district?

My constituents don't want her down there either. If you all weren't going to fire her, you should have reassigned her to another state.

8. Why wasn't that the case?

My constituents, other bipartisan members of Congress and I are still extremely concerned about the arbitrary May 2015 restrictions. In fact, on July 14, 2016, the House of Representatives unanimously passed my amendment prohibiting funds for the Fish and Wildlife Service to continue restricting tubing, waterskiing and wake boarding on Lake Havasu as a result of the May 2015 restrictions and attached this provision to the Department of Interior, Environment and Related Agencies Appropriations Act for Fiscal Year 2017.

Until your agency withdraws the May 2015 restrictions, you will continue to hear from people in Arizona, other members of Congress and me about this lawless decision by our agency. Again, it is my hope that we can arrive at a community driven solution that keeps Lake Havasu open for all users.

As always, I appreciate your attention to this matter and look forward to hearing from you as soon as possible. As always, we ask that this matter be handled in strict accordance with agency rules, regulations, and guidelines.

Sincerely,

A handwritten signature in blue ink, reading "Paul A. Gosar, D.D.S.", with a large, stylized initial "P" and "G".

Paul A. Gosar, D.D.S.
Member of Congress