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Congress of the United States
House of Representatives
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**COMMITTEE ON OVERSIGHT
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The Honorable Benjamin Tuggle
Regional Director
U.S. Fish and Wildlife Service
500 Gold Avenue SW
Albuquerque, NM 87102

Dear Director Tuggle:

I appreciate you taking the time today to meet with me regarding my concerns about the draft recreational boating Compatibility Determination (CD) for Havasu National Wildlife Refuge announced by the U.S. Fish and Wildlife Service (Service) on April 12, 2016.

As we discussed, the proposed CD aims to close significant portions of Lake Havasu within the Refuge to motorized boating and prevent water-skiing, tubing, wake boarding and other recreational towed devices within the 4,000-acre manmade Topock Marsh and on an additional 520 acres of the Havasu Reservoir. Motorized boating is already restricted by the Service in this area on 17 ½ miles.

As we discussed in the meeting, the map issued in conjunction with the CD is poorly done, unclear and has generated much confusion. Some of my constituents believe the CD could be interpreted as making the entire Refuge a no wake zone. Others believe this proposal allows the Service to buoy significant areas within the Refuge as no wake zones at a later date. Some constituents believe the Mesquite Bay non-motorized areas will be expanded by the CD, while others say the CD maintains the current restrictions. The map makes no reference to the 17 ½ miles currently that are no wake zones. The Service has also stated that areas on the map depicted as closed will actually be open. Further, despite multiple requests, the Service failed to disclose the exact acreage that will be closed to motorized boating under this proposal. This information was finally made somewhat available in a press release on April 25th announcing a venue change for the May 2nd meeting.

The CD also fails to consider the cumulative impacts on recreational boating. The Service acknowledges recreational boating on the reservoir was a historic use prior to the establishment of the Refuge. Yet, the Service has not taken into account the impacts to these activities from past restrictions, as a cumulative impact assessment should, nor considered the fact that existing no wake zones such as in Thompson Bay, Copper Canyon, along some BLM shorelines, and other areas are restricted from waterskiing and other activities by other agencies. Considering all of the restricted areas already in place, the cumulative impact of further restrictions proposed in

the CD is significant to the recreating public. Furthermore, the Service should have gone through the normal scoping process given the magnitude of these restrictions and the fact that the Service knew the CD would likely generate significant controversy. This includes issuing a notice of intent, preparing an environmental impact statement and fully complying with the National Environmental Policy Act.

As we discussed, the CD falls on the heels of a closure made by the Service last May that restricted motorized boating within the reservoir in a ½ mile area that had been utilized by recreational enthusiasts for several decades. Specifically, on May 20, 2015, the Service posted an alert on its website that established new boating restrictions and expanded the “no wake zone.” This order was “effective immediately” and the newly closed areas were quickly marked with regulatory buoys and signs. The Service enacted these restrictions two days before Memorial Day Weekend without engaging local stakeholders or providing any opportunity for public comment. To make matters worse these new restrictions were not based on science or merit. The way this closure was handled by the current refuge manager and some staff was not appropriate or consistent with the law.

As I mentioned, the backwaters in which the Service is trying to prevent wake activities from occurring are areas where families have learned to water-ski and wakeboard for decades. Ryder Bliss is a special needs child who learned to wakeboard in the ½ mile area your agency shut down last May. Ryder and families like his no longer has a safe place to wakeboard on Lake Havasu, as the Service now expects them to be out on the open lake where boats are traveling around 70 miles per hour.

As we discussed, citing a response from your agency to my letter to you objecting to the May 2015 boating restrictions, the Service stated this arbitrary decision was lawful under its regulations in the form of 50 CFR 32.22. In the CD, the Service is now citing 50 CFR 25.21 (e) for the May 2015 restrictions. The CD states the May 2015 restrictions are justified under this regulation in the “event of a threat or emergency endangering the health of the general public or Refuge resources.” This isn’t the EPA Animas spill and there is no pending threat or emergency. Further, the draft CD states that a NEPA categorical exclusion was allowed for the May 2015 restrictions “**due to the absence of controversy** related to environmental impacts.” As we discussed, there was plenty of controversy and the local refuge manager knew about it as documented in multiple Freedom of Information Act requests.

The CD states that the two mile no-wake extension from the southern regulatory buoy line was requested by the President of Anglers United. Yet, it fails to mention that other anglers oppose this extension and will also likely oppose the proposed restrictions for Topock Marsh that will prohibit bass boats and other large fishing boats.

Lake Havasu City Mayor Mark Nexsen and the Lake Havasu Area Chamber of Commerce have also raised serious concerns about this proposal and process. Both have asked for an immediate 60-day extension of the public comment period scheduled to end May 12.

According to the Services’ own estimates, nearly three million visitors vacation at Lake Havasu each year and a typical holiday weekend draws nearly 50,000 boaters to the area. According to a

2008 Lake Havasu City Tourism Survey, nearly 75% of tourists are interested in water skiing, wakeboarding or boating while visiting Lake Havasu. The survey also revealed tourists spend more than \$200 million and support nearly 4,000 full-time equivalent jobs. As we discussed, the proposed CD will harm tourism and threatens the livelihoods of my constituents.

I am pleased to hear you will be attending the meeting in Lake Havasu City on Monday so you can hear many of the concerns from the local communities firsthand.

Having said that, I would like to reiterate the three requests I made in our meeting today and ask that you carefully consider each one:

1. Stop moving forward with the current draft recreational boating Compatibility Determination (CD) announced April 12, 2016. As we discussed, if the Service is intent on pursuing such significant restrictions, the agency should instead go through the normal scoping process, prepare an environmental impact statement and fully comply with National Environmental Policy Act from the outset.
2. If you choose to move forward with the CD, I ask that you personally make the final decision as to whether or not to implement the CD and remove that decision from the current refuge manager. The current refuge manager has demonstrated a clear conflict of interest and disregard for public involvement in this process.
3. I would like to again request a 60-day extension of the public comment period.

Thank you again for taking the time to meet with me, hear my concerns and learn more about what is going on with the proposed boating closures and restrictions for Lake Havasu. Don't hesitate to contact me at any time if I can answer any questions or be of assistance moving forward in this process.

Sincerely,

A handwritten signature in blue ink that reads "Paul A. Gosar, MS". The signature is stylized and includes a large, looped initial "P" at the beginning.

Paul A. Gosar
Member of Congress