



U.S. OFFICE OF SPECIAL COUNSEL

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May 20, 2010

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-08-2659

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), the Office of Special Counsel (OSC) is forwarding to you an agency report concerning disclosures from Mr. Randolph August, a Special Agent with the Department of the Interior (DOI), Bureau of Land Management (BLM), Red Rock Canyon National Conservation Area (Red Rock NCA), Las Vegas, Nevada. Mr. August, who consented to the release of his name, alleged that BLM knowingly constructed several new buildings at the Red Rock NCA without a sufficient and safe water supply or communications capability. Mr. August also alleged that the construction was accomplished without proper environmental safeguards in place, resulting in the destruction of local plant life.

Mr. August's disclosures were referred to the Honorable Ken Salazar, Secretary of the Interior, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). Secretary Salazar delegated responsibility for conducting the investigation to the DOI Office of the Inspector General and responsibility for determining appropriate responsive action to the Assistant Secretary-Land Minerals and Management. We received a report of the investigation on March 10, 2010. Mr. August provided comments on the report to this office pursuant to 5 U.S.C. § 1213(e)(1). As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the report and Mr. August's comments to you.

The report substantiated Mr. August's allegation that BLM constructed a new Ranger Station and Fire Station (Stations) at Red Rock NCA without municipal or commercial electricity, communications, or water connections. The investigation discovered that management was unable to determine the appropriate procurement vehicle for supplying the Stations with commercial utilities prior to construction, and thus the Stations were supplied with power from a generator and water was transported to the Stations and stored in tanks. The report noted that BLM is currently in discussions with the Southern Nevada Water Authority regarding the possibility of having water piped to the Stations. The report also stated that BLM is installing solar panels at both Stations and recently had the Ranger Station connected to a satellite communication system.

The report did not substantiate Mr. August's allegation that the water being used to supply the Fire and Ranger Stations (Stations) was unsafe. The investigation included a review of water quality reports on water samples taken from the Red Rock NCA Visitor Center well and

the Fire Station water tank. The quality report for the Fire Station water showed that it was safe; the report for the Visitor Center well water showed the presence of chloroform and nitrates. However, the investigation discovered that positive tests for chloroform are frequently due to human error, while natural events such as heavy rain can cause nitrate levels to spike. Repeat tests were taken which showed no indication of chloroform in the Visitor Center water, and only one positive test for nitrates in the Visitor Center had occurred since before 2001. The report noted that Red Rock NCA had never received an official admonishment or citation from any entity with responsibility for water safety.

The report also addressed Mr. August's allegation that the Red Rock NCA Visitor Center is currently drawing twice its allocation of ground water. The report concluded that there was insufficient evidence to substantiate this allegation, in particular because prior to November 2008 there were no water meters installed at the Visitor Center. The agency noted, however, that due to increased visitation, water usage at Red Rock NCA is steadily increasing, and that the agency is working on acquiring more water rights and will continue to monitor its water usage levels.

The report did find that BLM failed to salvage local vegetation during the construction of the Visitor Center. The report noted that a salvage plan was initially included in BLM's National Environmental Policy Act (NEPA) Environment Assessment, but was inadvertently removed from the final construction contract. The investigation found that following the omission the agency determined that compliance with the salvaging plan would be too costly. The report noted that a plan is currently underway to restore vegetation to the Visitor Center site, and that plants should be transferred to the site in the third quarter of fiscal year 2010.

The report also enumerated several changes in agency practices that were undertaken as a result of this investigation. First, the Statement of Work for each construction project will be reviewed by BLM District and Field Managers, and large projects will be overseen by a Special Project Manager who will coordinate with BLM architects and contracting and engineering staff. The BLM engineer in the Nevada region will review designs and contract documentation to ensure compliance with engineering standards, and management will provide employees with direction on engineering and NEPA compliance, as well as environmental requirements. A standard operating procedure for plant salvaging in the area has been prepared and adopted, and the District Manager will be directly overseeing the completion of the Red Rock NCA projects. Finally, BLM will be immediately implementing appropriate safeguards to ensure that Red Rock NCA's water supply is in accordance with federal and state standards.

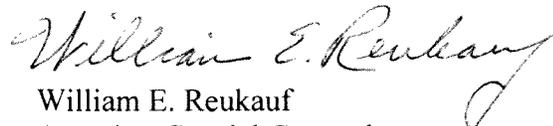
Pursuant to 5 U.S.C. § 1213(e)(1), Mr. August had an opportunity to review the agency report and comment on the investigation. Mr. August stated his dissatisfaction with the agency's report. He specifically noted that he does not believe the agency has fully resolved the lack of communications capability at the Ranger Station. He stated that he has been told by rangers that the available satellite connection is too slow and that rangers are still using the facilities in town to conduct everyday business, and as a result the Ranger Station is still unused. Mr. August also took issue with the agency's explanation for its lack of a salvage plan when constructing the Visitor Center, and stated his belief that the agency's explanation that the high cost of salvage

was a deterrent was fabricated after the fact. He explained that growing and transplanting native vegetation is actually more expensive and slower than salvage. Mr. August also pointed out his concern that the report did not directly address the lack of experience of the local office staff responsible for planning and implementing the construction of the Visitor Center. He noted that if the team in charge of the Visitor Center were more experienced, the salvage plan may have been properly included in the construction contract.

We have reviewed the original disclosures, the agency report, and Mr. August's comments. Based on that review, OSC has determined that the agency report contains all of the information required by statute and that the findings of the agency head appear to be reasonable.

As required by law, 5 U.S.C. § 1213(e)(3), we have sent a copy of the agency report and Mr. August's comments to the Chairmen and Ranking Members of the Senate Committee on Energy and Natural Resources and the House Committee on Natural Resources. We have also filed a copy of the report and Mr. August's comments in our public file, which is now available online at www.osc.gov, and closed the matter.

Respectfully,


William E. Reukauf
Associate Special Counsel

Enclosures