

May 7, 2010

The Honorable William E. Reukauf
Acting Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

RE: OSC File No. DI-08-2659

Dear Sir:

My copy of the investigative report was received, via mail to my residence, while I was away on official travel. I asked for, and was granted, an extension until May 7, 2010, to submit my comments. I will be submitting an electronic version of this letter via e-mail to Ms. Siobhan Smith of your office by that deadline; a hard copy will follow in the mail.

The following comments address the OIG report and Assistant Secretary Wilma Lewis' response to it, and fall into two categories: the Red Rock Canyon ranger station, and the problems surrounding the planning and construction of the new Red Rock Canyon visitor center.

The Red Rock Canyon ranger station has been sitting vacant for approximately three years, representing an almost complete waste of the funds spent to build it. Despite the focus in the OIG report on the lack of utility grid power to that station, that is a side issue at best; generator power is a reasonable and common option for land management facilities away from power lines. The lack of a potable water source is not critical; even if the trucked-in water supply was safe only for toilets, bottled drinking water is a common option for such facilities.

What makes the ranger station unusable---to this very day---is the fact that there are no telephone lines, no reliable cellular phone service, and no computer data access. A law enforcement ranger writing reports or conducting an investigation needs access to telephones; there are still none at the ranger station. BLM is a networked agency, and every administrative function occurs on-line: time sheets, e-mail, notice of policy changes, mandatory annual training, making travel arrangements, ordering supplies, etc. Law enforcement staff, in particular, must use a networked computer to submit their reports.

Former Support Services Manager John Baribault is reported, on page 6 of the OIG report, to have said that satellite telecommunications were recently added to the ranger station including "phones." There have never been telephones at the ranger station. Walk into the ranger station and see it for yourself.

The response letter to the OSC from Assistant Secretary Wilma Lewis also refers to this issue:

...[with] the addition of the satellite communication system to enhance communication capabilities as discussed earlier, these measures will ensure that the concerns raised in the complaint and during the investigation will be meaningfully addressed.

Assistant Secretary Lewis was apparently not provided with accurate information by the agency and signed her name to this misleading response. Yes, a "satellite communication system" was installed at the ranger station; and no, it doesn't work. It is the modern equivalent of tying two tin cans to a piece of string and calling it a long-distance telephone. According to a ranger who attempted to use that system, it required a full hour simply to reach the log-on screen for e-mail; receiving the first message took even longer. Installing this extremely low-speed satellite access was a waste of time and money, and only makes it appear that the problem was addressed.

Recently, BLM also tried "aircards" to allow law enforcement staff with laptop computers to connect to BLM's network through the cellular phone system. Because of the lack of cell phone coverage, and again according to a ranger who has attempted to use an aircard-equipped laptop computer, they are also essentially unusable at the ranger station. The ranger station continues to sit empty, unused and unusable for its intended purpose. And the law enforcement rangers assigned to Red Rock continue to drive into the office in town to make phone calls, write reports, check their agency e-mail, and do all of those required tasks away from the area they are assigned to patrol and protect.

BLM could choose to put a proper high-speed satellite internet connection into the ranger station, with a virtual private network connection to the BLM network and with VOIP telephones. That would allow law enforcement rangers to actually work in an office, in the midst of their patrol area, that has been sitting vacant for years. This type of common-sense solution has been ignored.

A final comment on the ranger station: BLM-NV State Engineer Paul Peterson is quoted on page 5 of the OIG report as saying that "neither the fire nor the ranger stations were initially intended to be full-use buildings." That may have been true for the fire station; it was never true for the Ranger Station. That was always presented to the staff as a full-time, year-round facility, from the initial planning stages onward.

Concerning the visitor center planning and construction process, the investigation did not look into the backgrounds or qualifications of the local-office staff responsible for planning the new visitor center. Had it done so, it would have found that the tight little group involved had little or no experience with visitor centers. Neither did the investigation look into the multiple tax-payer funded junkets that this same group took, justifying the cost as necessary to help them plan for the new visitor center.

At least three of the four had no visitor center experience, regardless of what their titles or official duties indicated. It would have made much more sense to assign employees to this task who actually knew something about visitor centers. That could have included one or more employees who

recognized the importance of salvaging vegetation, to comply with the commitment BLM made in the environmental assessment, and who would not have allowed it to be "inadvertently left out of the contract" as a minor issue to be explained away later.

Nowhere in this investigation or in the statements of the officials involved does there appear any recognition that the mature cactus necessary to an authentic landscape are difficult and/or expensive to find and replace; and that no amount of growing cactus from seeds collected in the area will restore a natural appearance to the landscape until many years have passed. Contrary to the assertions made by responsible officials in the report, even the large cacti that were destroyed are relatively easy to transplant. I've done it myself, without loss of plants.

Unfortunately, Asst. Secretary Lewis' response accepts uncritically the theory most favorable to the persons involved. On page 4 of her response, it states "The project manager explained that the salvage plan in the EA was inadvertently omitted from the contract, and that a later determination was made that compliance with the vegetation salvaging requirement was too costly."

It may be true that the salvage plan was inadvertently omitted; however, the facts indicate that no "decision" as to cost was made at all. Four months before construction started, BLM employees at Red Rock Canyon were still being told that cactus would be salvaged as part of the construction project. Less than one week before construction started, Red Rock Canyon employees were instructed to flag large cactus for salvage and to try to find volunteers (such as the Master Gardeners group) to do the salvage work. This last-minute (and unsuccessful) scramble indicates that management was aware that plant salvage was not in the contract, and that they waited until the very last minute on this issue. The project manager's claim that salvage was "too costly" appears to be an explanation concocted, after the fact, to excuse this blunder.

Landscaping and NEPA compliance were far from the only planning blunders in the construction of the visitor center. When the original visitor center was built in the 1980's, the builders had difficulty preparing the foundation because of the rock underlying the site. When the new visitor center was planned, apparently no one learned from that experience or notified the contractor what to expect. I have heard that the additional unplanned cost to put in the new visitor center's foundation was approximately \$1 million. Additional major costs are now being incurred to fix an inadequately designed or improperly installed (I am not sure which) sewage system.

The responsible BLM officials also committed to the contractor that water would be available on site for their construction needs. It wasn't, and BLM employees were reassigned to load and deliver water to the construction site in a BLM water tanker, all day. This poor planning resulted in additional costs, and meant that BLM employees driving the water truck could not perform their normal duties.

Finally, I am disappointed that the investigation did not uncover or address the supposedly large performance awards awarded to the very employees responsible for the problems in the planning and construction of the new facilities at Red Rock Canyon. I cannot confirm who awarded or received those

awards, or their amounts; those records are not open to me. I am repeating "common knowledge" information overheard within the Las Vegas BLM office. I would be delighted to be proven wrong about this; I am so very tired of watching the Bureau reward incompetence, and it would be nice to know that it didn't happen in this situation.

Although I provided information about related issues, the investigation did not look into any other issues surrounding the management and funding of the Red Rock Canyon National Conservation Area. Those issues included the systematic diversion of Red Rock Canyon funding; unaccountable subsidized "partner" groups that undermine the BLM mission; the long history of misconduct by its former manager; etc.

On page 10 of the OIG report, there is a discussion of my status as a "whistleblower." The report is correct that no personnel action has been taken against me so far; it is not correct where it states that I have not been subjected to any retaliation.

Specifically, Mr. Robert Taylor learned in May 2008 that I had taken photographs of the new visitor center construction, for the purpose of supplying them to the OIG. He learned this from Mr. Kevin Routsong, at the time a BLM employee. During the summer of 2008, Mr. Taylor submitted at least two complaints to senior management about me. There may have been more; I am only aware of two. Prior to this, I had worked for more than 17 years in the same BLM office with Mr. Taylor without, to my knowledge, any friction or complaints. At least where he is concerned, the nexus between knowledge of protected activity and acts of reprisal seems clear.

Although these acts did not result in a personnel action against me, they were not harmless. And sometime during the pendency of this matter, I was dropped from the local office e-mail distribution list. I do not receive agency-wide notices about policy changes sent to all other BLM employees, events in the office I work within, etc. It is only a matter of time until I violate some policy or requirement I was never made aware of, and will then face discipline for violating policy.

I appreciate the opportunity to comment on this report of investigation.



Randolph L. August
c/o BLM, OLES
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130