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June 23, 2016

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

Ms. Linda Miller
Refuge Manager
Havasu National Wildlife Refuge
317 Mesquite Avenue
Needles, California 92363

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

Dear Director Dan Ashe, Regional Director Benjamin Tuggle and Refuge Manager Linda Miller:

I write to you today to demand that you immediately withdraw the temporary boating restrictions issued by the U.S. Fish and Wildlife Service (Service) on May 20, 2015 that are currently prohibiting waterskiing, tubing, wakeboarding and towing of other recreational crafts in a ½ mile backwater area on Lake Havasu (The Ryde Spot, named after 10-year-old special needs child, Ryder Bliss).

As you all know, the Service [issued a news release](#) that established new motorized-boating restrictions and expanded the no-wake zone to include an area that had been utilized for motorized boating activities by recreational enthusiasts for years. This order was “effective immediately” and the newly closed areas were quickly marked with regulatory buoys and signs. The Service enacted this closure just two days before Memorial Day Weekend without engaging local stakeholders or providing any opportunity for public comment. The Service acknowledged in a letter to my office dated May 11, 2016 that “wake-causing watercraft have historically used this portion of the Refuge.” The Arizona Game and Fish Department recently submitted formal comments stating that the Service did not “justify this additional restriction and that the impacts to recreation could be significant.”

Prohibiting tubing, waterskiing and wake boarding in an area utilized by recreational enthusiasts for decades, two days before Memorial Day Weekend, without public comment and without merit is appalling. Pursuing new boating restrictions not based on merit through the draft recreational boating compatibility determination (CD) announced April 12, 2016 was shameful.

As you know, more than 1,000 concerned citizens showed up at the public meeting in Lake Havasu City on May 2, 2016 to voice opposition to the CD.

I applaud Dr. Tuggle and the Service for withdrawing the April 12th CD. However, there is something critically important that the agency forgot. If the Service was truly interested in working with the community and other stakeholders (as stated in the June 16, 2016 press release), then the Service would reopen the Ryde Spot which was unlawfully closed to motorized boating activities in May of 2015. These restrictions were not based on science or merit and are what kicked off the whole controversy between the Service and the Lake Havasu community.

I first asked you to reopen this area [on June 24, 2015](#) and asked that your agency instead pursue a community-supported plan. Since that date, I have insisted on multiple occasions that the Service withdraw these temporary boating restrictions. This includes at multiple Congressional hearings, in my office, in [my formal comments submitted to the Service on June 13, 2016](#) and in multiple pieces of correspondence with your agency.

On July 10, 2015 the Service responded to my June 24th letter stating that the “Service recognizes the importance of public involvement in decisions regarding visitor use on the Refuge...[and] will initiate a review of the overall recreation boating program occurring on the Refuge. This will include soliciting public input from all users of the Refuge.” The Service went on to state that the May 2015 restrictions will remain in place till that occurs. When the Service decided to scrap the draft CD and that review, the Service should have also reopened the Ryde Spot.

A spokesman from the Service recently commented to the press, “At this point [the closure of the Ryde Spot] stands. It was a decision based on a safety and resources concern.” The Arizona Game and Fish Department recently commented that there were only four incidents, three groundings and one swamping in the Ryde Spot, and that “the reported events do not support the existence of a safety concern.” While the Service is able to make temporary emergency closures, it is obvious that this closure was neither temporary nor an emergency as these restrictions have now been in place for more than a year.

I once again call on the Service to reopen the Ryde Spot and withdraw the May 20, 2016 restrictions.

I also ask that you carefully consider my comments below with regard to any future revised proposals for determining motorized and non-motorized boating compatibility on Lake Havasu, as the Service indicated the agency would pursue in its [press release dated June 16, 2016](#).

If the Service decides to move forward with a revised proposal then I insist that the agency meet several stipulations:

1. The Service should comply with the National Environmental Policy Act (NEPA) from the outset and develop an environmental impact statement (EIS). The public controversy surrounding any new proposed boating restrictions on Lake Havasu, as evidenced by opposition to the May 2015 closure and April 2016 draft CD, clearly exceeds the Council

for Environmental Quality's threshold for full compliance with NEPA prior to the release of any future proposal.

2. Any new proposal for determining compatibility on Lake Havasu should include a fair assessment that also considers reopening areas currently restricted for certain uses and making best use of the reservoir, as opposed to simply seeking to close down more areas to motorized boating activities as was the case in the CD.
3. Any future Memorandum of Understanding (MOU) accompanying such a proposal, as indicated in the June 16, 2016 press release, should involve significant dialogue with the local community and receive concurrence from the eleven federal, state, local and tribal agencies that signed the November 20, 2014 MOU for the collaborative management of Lake Havasu.

I ask for a formal response as to whether or not the Service intends to follow these three stipulations with any future proposal. I would also like a response as to whether or not the Service will reopen the Ryde Spot. Please provide significant justification for the agency's position on these matters in the accompanying response.

I would also still like a response to the questions I submitted for the record at multiple committee hearings on March 22, April 19, and April 21.

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

Sincerely,

A handwritten signature in blue ink that reads "Paul A. Gosar, D.D.S." The signature is stylized and includes a large, looped initial "P" and "G".

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