

MITCH McCONNELL
KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1702
(202) 224-2541

United States Senate

REPUBLICAN LEADER
COMMITTEES:
AGRICULTURE
APPROPRIATIONS
RULES AND ADMINISTRATION

July 2, 2009

Mr. Darren Pete
Director, Office of Congressional and Legislative Affairs
Bureau of Indian Affairs
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240-0001

Dear Mr. Pete:

This letter is in reference to **non-responsive**. She contacted my office regarding her request for assistance in locating a contract she signed when she joined the Navy. This contract identifies the constituent as an American Indian. For your convenient reference, I have enclosed a copy of her correspondence.

Since I want to be responsive to all constituent inquiries, your prompt consideration, findings and views concerning the enclosed will be greatly appreciated. I look forward to hearing from you at your earliest convenience.

Please send your response to my state office at 601 West Broadway, Suite 630, Louisville, Kentucky 40202. It should be sent to the attention of Matthew Brotzge. He can be reached at (502) 582-6304 for further information.

Thank you for your assistance with this matter.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/mb

JUL 13 2009

FEDERAL BUILDING
241 EAST MAIN STREET
ROOM 102
BOWLING GREEN, KY 42101
(270) 781-1673

1885 DIXIE HIGHWAY
SUITE 345
FORT WRIGHT, KY 41011
(859) 578-0188

771 CORPORATE DRIVE
SUITE 108
LEXINGTON, KY 40503
(859) 224-8286

300 SOUTH MAIN
SUITE 310
LONDON, KY 40741
(606) 864-2026

601 WEST BROADWAY
SUITE 630
LOUISVILLE, KY 40202
(502) 582-6304

PROFESSIONAL ARTS BUILDING
2320 BROADWAY
SUITE 100
PADUCAH, KY 42001
(270) 442-4554



Kentucky
Motorcycle Association

State Secretary

non-responsive

non-responsive

April 16, 2009

Dear Senator McConnell,

Thank you for your letter and willingness to help me in my situation. I would also like to recognize Mr. Larry Cox for stepping up and offering his assistance in this matter.

During my active duty service in the Navy, from February 1984 to October 1987, I had to sign a contract with the United States Government regarding my status as an American Indian. A copy of the contract is not in my discharge sleeve. The verbiage in the contract was very confusing, but I walked away with the sense that I have no Constitutional Rights and do not have the right to vote. The only thing that was very clear to me, was that I agreed to willing declare myself as a Native American on any application and census on which the question is asked. I do not remember the exact date that I signed this contract. My maiden name is non-responsive and I may have signed the contract under the last name of non-responsive

I am asking for assistance in locating this contract so that it can be reviewed for the exact details to be determined. I am also asking for assistance in obtaining verification and documentation of my listing on the Roll.

Please find enclosed the Privacy Release Form that you requested.

Respectfully,

non-responsive

JUL 13 2009
L.V.M

PRIVACY RELEASE FORM

2009 APR 11 AM 11:16

April 13, 2009
Date

PLEASE RETURN THIS FORM TO:

Senator Mitch McConnell
601 West Broadway
Room 630
Louisville, Kentucky 40202

TO WHOM IT MAY CONCERN:

I am aware that the Privacy act of 1974 prohibits the release of information in my file without my approval.

I authorize the Department of the Interior
National Personnel Records Center
United States Navy and United States Government
(name of agency or department)

to provide information on my claim/case to Senator McConnell or his staff representative designated by him.

This authorization is good until such time as a final decision is made on my case and there is no further administrative appeal available to me.

non-responsive

Name - Please Print

Signature

non-responsive

Street Address

City, State & Zipcode

non-responsive

Day Phone Number

Evening Phone Number

non-responsive

Social Security Number

Date of Birth

If you wish information to be provided to parent, child, attorney or other interested party, please indicate below.

I authorize _____ to receive information from Senator McConnell or his staff representative designated by him relative to my claim/case.

mb

Brotzge, Matthew (McConnell)

From: Brotzge, Matthew (McConnell)
Sent: Tuesday, June 02, 2009 5:18 PM
To: 'darren_pete@ios.doi.gov'
Subject: American Indian Contract
Attachments: JamiSue Moore.pdf

Mr. Pete,

Per our conversation, I have attached a copy of my constituent's correspondence regarding the contract she supposedly signed upon joining the military. I have also attached a copy of a privacy release form she filled out, in case you need her Social Security Number. Thank you for your help.

Sincerely,

Matthew Brotzge
Constituent Service Representative
US SENATOR MITCH McCONNELL
Phone: (502) 582-6304
Fax: (502) 582-5326

6/2/2009



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

AUG 10 2009



IN REPLY REFER TO:

Tribal Government Services
COCR-2009-002546

The Honorable Mitch McConnell
United States Senator
601 West Broadway, Suite 630
Louisville, Kentucky 40202

Dear Senator McConnell:

Thank you for your letter of July 2, 2009, on behalf of **non-responsive** regarding assistance in locating a contract she signed when she joined the Navy. She believes that this contract identified her as an American Indian. She is asking for assistance in obtaining verification and documentation of her listing on a tribal roll.

The Bureau of Indian Affairs (BIA) does not maintain a registry of American Indians and does not maintain a database to search for family names to determine their tribal affiliation. We do not have the staff to perform research for individuals wishing to learn more about their family history. It is incumbent upon the individual to perform the research required to obtain documentation to support their family history.

Enrollment as a member of a federally recognized Indian tribe, band, community, or groups is between the individual and the tribe. The Bureau of Indian Affairs does not enroll individuals as American Indians. An individual must meet the membership requirements outlined in the tribe's governing document at the time that he or she files an application for membership. Each tribe establishes its own criteria for membership and it is different for each tribe. If she is not enrolled as a member of a tribe, she must contact the tribe where her family is enrolled and request an application for membership. The tribe will provide her with information to determine if she meets those requirements.

Identification as an American Indian does not remove an individual's constitutional rights nor their right to vote. In 1924, as the Allotment period was drawing to a close, Congress passed a statute conferring citizenship upon all Indians born within the United States (8 U.S.C.A. § 1401(a)(2)). This action completed a process by which many Indians had already become citizens under the Allotment Act or other special statutes. By reason of the 14th Amendment, the grant of federal citizenship had the additional effect of making the Indians citizens of the states where they resided.

**TAKE PRIDE[®]
IN AMERICA** 

We hope that information provided by the United States Navy and/or the National Personnel Records Center will clear up Ms. [REDACTED] s questions regarding the contract she believes she signed as she entered the United States Navy.

We appreciate your interest in Indian Affairs.

Sincerely,



Jerry L. Gidner
Director, Bureau of Indian Affairs

Copy to your Washington Office



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

1431 LONGWORTH H.O.B.
WASHINGTON, DC 20515-4802
202-225-2711

4815 MACCORKLE AVE.
CHARLESTON, W.V. 25304
304-925-5964

300 FOXCROFT AVE.
SUITE 102
MARTINSBURG, W.V. 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

December 3, 2007

Jacquelyn Cheek
Director, Office of Congressional and
Legislative Affairs
Bureau of Indian Affairs
U.S. Department of the Interior
Mail Stop 3070
1849 C Street, NW
Washington, DC 20240-0001

Dear Ms. Cheek,

Recently, a constituent of mine, Mr. **non-responsive** contacted my office with concerns regarding Native American issues. After reading his correspondence, I took the liberty of forwarding his information and a copy of the letter to you so it may be handled more directly.

Thank you for your time and effort. Please direct your response to the Mr. **non-responsive**. If you have any questions, please feel free to call my office at 202-225-2711.

Sincerely,

Shelley Moore Capito
Member of Congress

SMC:VKG

DEC 11 2007

DEC 11 2007 COX

From: "Write your representative" <writerep@heoc-www6.house.gov>
Date: 11/12/2007 3:01:46 AM
To: wv02wyr@housemail.house.gov
Subject: WriteRep Responses

DATE: November 12, 2007 02:33 AM

NAME:

ADDR1: non-responsive

ADDR2:

ADDR3:

CITY:

STATE:

ZIP:

PHONE:

EMAIL:

msg:

non-responsive

November 12, 2007

The Honorable Shelley Moore Capito
House of Representatives
1431 Longworth House Office Building
Washington, DC 20515-4802

Dear Representative Capito:

This is in my own words I need no other with approval I am of Cherokee descent and also of th Black foot and also of crow descent my spelling is inadequate but it will have to suffice being that I am the only one left in my family I protest any action against my people the government has taken more than their share look through your records and this is nothing more than fact You have taken more than your share Really I don't care about that with the exception of it's actually it was not your's to take This is my home land and what gives you the Right to take it from me and my relatives I actually don't have anything so what gives you the right to take from us the things in which you do not own and in fact you never will actually I really need to send a copy of this letter to those whom it really concerns you HAVE THE POWER GIVE BACK WHAT ACTUALLY IS NOT YOURS And that is all the land that belongs to the Indian Nation, Sincerely

non-responsive /Black foot, Crow and Cherokee by descendant

check my blood line and I speak the truth My blood will prove I'm in the Right to speak what I say

Thank You non-responsive ndian by descendant

Sincerely,

non-responsive



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240



JAN 22 2008

non-responsive

Dear Mr. **non-responsive**

Congresswoman Shelley Moore Capito asked us to respond to the e-mail message you sent to her on November 12, 2007. Claiming descent from the Cherokee, Blackfeet and Crow tribes, you are protesting the losses suffered by the tribes at the hands of the government. You want the government to give the land back to the tribes.

It has been the policy of the United States to acquire land from Indian tribes through treaty or by federal statute. By the proclamation of September 22, 1783, all persons were prohibited "from making settlements on lands inhabited or claimed by Indians without the limits or jurisdictions of any particular state, and from purchasing or receiving any gift or cession of such lands or claims without the express authority and direction of the United States in Congress assembled." The United States began the Indian treaty making period in 1778 when it entered into the first treaty with the Delaware. The treaty making period extended through 1871 when Congress enacted legislation declaring that it would no longer enter into treaties with the Indian tribes.

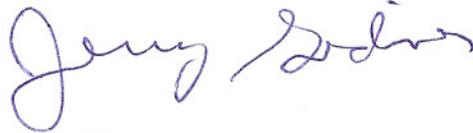
While it was admirable for the United States to negotiate with tribes for the cession of their lands, the tribes usually did not receive full compensation for the lands ceded. To rectify this problem, the Indian Claims Commission (Commission) was established by the Act of August 13, 1946, 60 Stat. 1049. The purpose of the Commission was to hear and determine claims against the United States on behalf of any Indian tribe, band, or other identifiable group of American Indians residing within the territorial limits of the United States or Alaska. Three hundred and seventy (370) dockets were filed before the Commission by August 13, 1951. The Commission adjudicated most of the cases before it was terminated on September 30, 1978. The remaining claims were transferred to the United States Court of Federal Claims (formerly the United States Claims Court).

The Cherokee, Blackfeet and Crow tribes filed 28 claims before the Commission and the Court of Federal Claims. Of the 28 claims, 12 resulted in monetary awards to the tribes for \$81.5 million.

Enclosed, please find a list of the claims cases filed on behalf of the above-cited tribes, and an index of the Indian treaties listed by tribe.

We hope that this information is helpful to you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jerry Gidner". The signature is fluid and cursive, with the first name "Jerry" being more prominent than the last name "Gidner".

Jerry Gidner
Director, Bureau of Indian Affairs

Enclosures



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
RANKING MEMBER,
SUBCOMMITTEE ON HOUSING AND
COMMUNITY OPPORTUNITY

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

1431 LONGWORTH H.O.B.
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CHARLESTON, W.V. 25304
304-925-5964

300 FOXCROFT AVE.
SUITE 102
MARTINSBURG, W.V. 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

March 26, 2008

Darren Pete
Director, Office of Congressional and
Legislative Affairs
Bureau of Indian Affairs
US Department of the Interior
Mail Stop 3070
1849 C Street, NW
Washington, DC 20240-0001

Dear Mr. Pete,

Recently, a constituent of mine, Mr. **non-responsive** contacted my office with concerns regarding the health and welfare of the Cherokee nation. After reading his correspondence, I took the liberty of forwarding his information and a copy of the letter to you so it may be handled more directly.

Thank you for your time and effort. Please direct your response to the Ms. **non-responsive**. If you have any questions, please feel free to call my office at 202-225-2711.

Sincerely,

Shelley Moore Capito
Member of Congress

SMC:VKG

APR 07 2008

APR 11 2008

From: "Write your representative" <writerep@heoc-www6.house.gov>
Date: 1/25/2008 5:32:24 PM
To: wv02wyr@housemail.house.gov
Subject: WriteRep Responses

DATE: January 25, 2008 5:23 PM

NAME:

ADDR1:

ADDR2:

ADDR3:

CITY:

STATE:

ZIP:

PHONE:

EMAIL:

msg:

hello my name is **non-responsive** and i am a cherokee . i would like to know why our reservations can not get help . i have been gathern items to send to the people a lot of our reservations are haveing to be rationed propane for heat . so it is a choice between food and propane they have to take the food to feed their families . this tears at my heart and i was wondering if i could get answeres to my questains since no one can give me a straight answee . there is no reason a ferson needs to go without heat or food .right now im gathern items to send to south dekota to help there but i am one person can you give me answeres i would appreciate any thoughts and answeres you can give me . the native american children are also in need of school supplys i have collected nine boxes that have gone to the reservation already . please if you can help please right to me.

sincerlt **non-responsive**



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240



IN REPLY REFER TO:

APR 29 2008

non-responsive

Dear Mr. non-responsive:

Thank you for your letter of January 25, 2008 to Shelley Moore Capito, Member of Congress regarding your concerns on the current living conditions on the Cherokee Indian Reservation. In your letter you requested that something be done to get aid to the Cherokee Indian Reservation. Your letter was forwarded to our office for reply. We apologize for the delayed response and appreciate this opportunity to provide the following information on the various services and programs that are available to American Indians and Alaska Natives.

The Bureau of Indian Affairs (BIA) sponsors or administers a comprehensive program of social services and a limited housing repair program for eligible Indian tribal members who do not satisfy eligibility requirements for participation in state welfare assistance programs or other federal housing programs. Services included in the BIA programs are:

- (1) General Assistance, which provides monthly financial support to individuals and families whose income is not sufficient to acquire the minimum essential needs of food, clothing, shelter and utilities;
- (2) Child Welfare Assistance, which extends foster care, and other protective and support services to Indian children and their families;
- (3) Adult Care, a program of custodial care for Indian adults who require supervision, or are otherwise unable to care for themselves; and
- (4) Emergency Assistance, a program component that meets emergency needs in disaster situations, and provides funds for the burial of indigent Indian persons.
- (5) Indian Child Welfare Act, Title II Grants, under which tribes and Indian organizations may receive funds to design and operate child and family service programs.

Many other BIA programs have been established to assist in meeting a wide range of needs on reservation and in village communities. The Bureau of Indian Education oversees an extensive educational system (elementary through post secondary). The BIA also has offices that focus on judicial and law enforcement services, financial loan programs, road construction and maintenance, natural resources and wildlife management, forestry, and economic development. At many reservation and village locations, some or all of these programs are administered directly by tribal or village governments through contracts with the BIA.

For the above types of services, the BIA provides the services to federally recognized Indian tribal members residing on reservations or in designated service areas. If individuals choose to apply for these services, they may contact their tribe or the local BIA office for information and applications.

Indian reservations and Alaska Native village residents, as citizens of the states in which they reside, are also eligible on the same basis as non-Indians for such programs as Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), the Food Stamp Program, the Low Income Heating and Energy Assistance Program (LIHEAP), and Departments of Housing and Urban Development, Health and Human Services, Agriculture, and Veterans Affairs housing programs.

The above information is a broad overview of some of the various programs and services that exist to benefit American Indians and Alaska Natives. In providing this information, we do not mean to imply that there are no unmet needs on Indian reservations. Isolation and limited access to avenues of economic opportunity continue to pose problems for many American Indian and Alaska Native people in many areas of the country.

Please contact the Tribe for more information and applications on the services available to you and to members of your tribe. Below is a list of the tribal offices that deal directly with the Cherokee Indians.

Cherokee Nation of Oklahoma
P.O. Box 948
Tahlequah, Oklahoma 74465

Eastern Band of Cherokee
P.O. Box 455
Cherokee, North Carolina 28719

United Keetoowah Band of Cherokee
P.O. Box 746
Tahlequah, Oklahoma 74465

We appreciate you taking the time to address your concerns on the welfare of the Cherokee people and trust the information provided will be helpful in clarifying the government's role in providing assistance to your tribe and to all Native Americans and Alaskan Natives.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Janis". The signature is fluid and cursive, with a long horizontal stroke at the end.

Director, Bureau of Indian Affairs

cc: The Honorable Shelley Moore Capito

MITCH McCONNELL
KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1702
(202) 224-2541

United States Senate

REPUBLICAN LEADER
COMMITTEES:
AGRICULTURE
APPROPRIATIONS
RULES AND ADMINISTRATION

January 5, 2010

Mr. Christopher Mansour
Director
Office Of Congressional and Legislative Affairs
Department of the Interior
1849 C Street N.W.
Room 6256
Washington, D.C. 20240

Dear Mr. Mansour:

This letter is in reference to Mrs. **non-responsive**. She contacted my office regarding her request for assistance in obtaining a confiscated ivory bracelet she inherited from her deceased mother-in-law, Mrs. **non-responsive**. For your convenient reference, I have enclosed a copy of her correspondence.

Since I want to be responsive to all constituent inquiries, your prompt consideration, findings and views concerning the enclosed will be greatly appreciated. I look forward to hearing from you at your earliest convenience.

Please send your response to my state office at 601 West Broadway, Suite 630, Louisville, Kentucky 40202. It should be sent to the attention of Mr. Patrick T. Foster. He can be reached at (502) 582-6304 for further information.

Thank you for your assistance with this matter.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/ptf

2010 JAN 15 10:02

478837

FEDERAL BUILDING
241 EAST MAIN STREET
ROOM 102
BOWLING GREEN, KY 42101
(270) 781-1673

1885 DIXIE HIGHWAY
SUITE 345
FORT WRIGHT, KY 41011
(859) 578-0188

771 CORPORATE DRIVE
SUITE 108
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(859) 224-8286

300 SOUTH MAIN
SUITE 310
LONDON, KY 40741
(606) 864-2026

601 WEST BROADWAY
SUITE 630
LOUISVILLE, KY 40202
(502) 582-6304

PROFESSIONAL ARTS BUILDING
2320 BROADWAY
SUITE 100
PADUCAH, KY 42001
(270) 442-4554

non-responsive

2009 DEC 18 PM 12:12

December 16, 2009

Senator Mitch McConnell
601 West Broadway
Room 630
Louisville, KY 40202

Dear Senator McConnell:

Upon my return to the United States from Poland on September 15, 2009, personnel in Customs searched my luggage and confiscated an ivory bracelet which I inherited from my mother-in-law, Mrs. non-responsive in 1997 upon her death.

Enclosed are copies of the materials which I sent to Ms. Tamesha Woulard, Supervisory Wildlife Inspector, United States Department of the Interior, on November 12, 2009. Also attached is a copy of the reply I received from Ms. Woulard on November 20, 2009..

It has been four weeks since I received the reply from Ms. Woulard. If you can do anything to hasten the resolution of this matter (which hopefully will include the return of my bracelet), I would welcome your assistance.

Most sincerely,

non-responsive

Encls.

non-responsive

November 12, 2009

Ms. Tamesha Woulard
Supervisory Wildlife Inspector
United States Department of the Interior
Fish and Wildlife Service
Office of Law Enforcement
2599 World Gateway Place, Bldg. 830
Detroit, Michigan 48242

Dear Ms. Woulard:

Upon my return to the United States from Poland on September 15, 2009, personnel in Customs searched my baggage and confiscated an ivory bracelet which I inherited from my mother-in-law, Mrs. **non-responsive**, in 1997 upon her death. Enclosed is a photograph showing my mother-in-law wearing the bracelet in question at a party given for me in 1985 in celebration of my marriage and final arrival in the United States. Also enclosed are affidavits of two of my friends, who were in attendance at that party and can verify that the bracelet did belong to **non-responsive** who received it as a gift from her son.

I had taken this bracelet to Poland several times before and never been questioned about it. Since it was my bracelet and not a purchase, I was unaware that it needed to be declared.

I trust that these documents will clarify the matter and hopefully that my bracelet can be returned to me.

Most sincerely,

non-responsive

Encls.

AFFIDAVIT

The affiant **non-responsive** states that the bracelet in the attached photograph worn by Mrs. **non-responsive** at a "welcome home" party in honor of her daughter-in-law, **non-responsive** who had just arrived in the United States in 1985, was a gift from her son **non-responsive**, when he returned from a trip abroad a few years before. The bracelet was inherited by **non-responsive** in 1997 upon Mrs. **non-responsive**'s death.

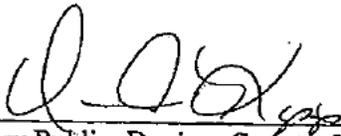
The affiant swears that the statements contained in this affidavit are true and correct.

non-responsive

STATE of KENTUCKY
County of Daviess...SS

I, a Notary Public in and for the County of Daviess in the State of Kentucky, state that **non-responsive** personally appeared before me and declared the above statements to be true and correct.

This the 13th day of November, 2009.



Notary Public, Daviess County, Kentucky *DANA A. KAPP*
My commission expires: 9-11-2012

AFFIDAVIT

The affiant **non-responsive** states that the bracelet in the attached photograph worn by Mrs. **non-responsive** at a "welcome home" party in honor of her daughter-in-law, **non-responsive** who had just arrived in the United States in 1985, was a gift from her son, **non-responsive** when he returned from a trip abroad a few years before. The bracelet was inherited by **non-responsive** in 1997 upon Mrs. **non-responsive**'s death.

The affiant swears that the statements contained in this affidavit are true and correct.

non-responsive

STATE of KENTUCKY
County of Hancock... SS

I, a Notary Public in and for the County of Hancock in the State of Kentucky, state that **non-responsive** personally appeared before me and declared the above statements to be true and correct.

This the 13 day of November, 2009.

Amy Beth Sabaad
Notary Public, Hancock County, Kentucky
My commission expires: 7-17-12



In photograph, left to right -
non-responsive **non-responsive**



United States Department of the Interior

FISH AND WILDLIFE SERVICE

DIVISION OF LAW ENFORCEMENT
Detroit Metropolitan Airport, Bldg. 830
2599 World Gateway Place
Detroit, Michigan 48242
Phone: (734) 247-6800 Fax: (734) 247-6805

In Reply Refer To: 2009304976

11/20/09

CERTIFIED MAIL: 7007149000064542551: Return Receipt Requested

non-responsive

Dear Ms. **non-responsive**:

The purpose of this letter is to advise you that on November 19, 2009 the U.S. Fish and Wildlife Service - Office of Law Enforcement (FWS-OLE) received your undated Petition for Remission.

The Civil Asset Forfeiture Reform Act has established strict processes for the forfeiture and disposition of seized property. According to these processes, when a Petition for Remission is received for items that were seized, the FWS-OLE is removed from the process and the matter is forwarded to the Department of the Interior's Field Solicitor for final determination.

Any additional inquiries into the disposition of the Walrus (*Odobenus rosmarus*) ivory bracelet should be addressed to:

Office of the Field Solicitor
Bishop Henry Whipple Federal Building
1 Federal Drive, Room 686
Ft. Snelling, MN 55111-4030

612-713-7121 (facsimile)

Sincerely,

Tamesha Woulard
Supervisory Wildlife Inspector



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
FWS/LE DCN 043688

FEB 24 2010

The Honorable Mitch McConnell
United States Senate
601 West Broadway, Suite 630
Louisville, Kentucky 40202

Dear Senator McConnell:

Thank you for your letter of January 5, 2010, to Mr. Christopher Mansour, Director of the Department of the Interior's Office of Congressional and Legislative Affairs, regarding the U.S. Fish and Wildlife Service's (Service) seizure of a walrus ivory bracelet belonging to your constituent, Ms. **non-responsive**

This bracelet, which was imported into the United States from Poland via personal accompanying baggage, was detained on import by Service wildlife inspectors in Chicago because Service regulations implementing the Marine Mammal Protection Act (50 CFR 18) prohibit the importation of marine mammals or marine mammal products. This prohibition applies to personal items made from marine mammal parts (such as walrus ivory) as well as commercial imports.

A Notice of Seizure and Proposed Forfeiture was sent to Ms. **non-responsive** on October 14, 2009. This notice explained Ms. **non-responsive**'s right to seek return of the ivory bracelet by filing a petition for remission of forfeiture for review by the Department of the Interior's Solicitor's office. The Solicitor's office independently reviews such petitions and determines whether mitigating circumstances justify the return of seized property.

Ms. **non-responsive** submitted a petition for remission of forfeiture to the Service on November 19, 2009, and that petition was forwarded to the field Solicitor's office in Minneapolis for review. Earlier this month, workload issues prompted that office to transfer Ms. **non-responsive**'s petition to the field Solicitor's office in Pittsburgh, Pennsylvania, for review and disposition.

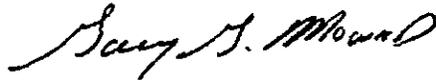
After this office completes its review of the information provided by Ms. **non-responsive** and the Service, it will make a determination as to whether return of the ivory bracelet is warranted and notify Ms. **non-responsive** in writing as to this decision. The Solicitor's communication will include a complete explanation of the decision. Review of a petition for remission of forfeiture typically takes approximately three months, although some determinations may require additional processing time.

The Honorable Mitch McConnell

2

The petition for remission process provides outside review of Service enforcement actions and helps protect the rights and interests of property owners. If you have additional questions about this matter, please contact me or Special Agent in Charge Gregory Jackson, who oversees our law enforcement operations in the Midwest, at (612) 713-5320.

Sincerely,

A handwritten signature in black ink, appearing to read "Benito A. Perez". The signature is fluid and cursive, with a large initial "B" and "P".

Benito A. Perez
Chief, Office of Law Enforcement

Copy to your Washington Office

MITCH McCONNELL
KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1702
(202) 224-2541

United States Senate

REPUBLICAN LEADER
COMMITTEES:
AGRICULTURE
APPROPRIATIONS
RULES AND ADMINISTRATION

June 9, 2009

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Salazar:

I write on behalf of Dr. Gary Ransdell, President of Western Kentucky University, who has contacted me regarding White Nose Syndrome (WNS). Dr. Ransdell is concerned about the effect WNS might have on bat populations in Kentucky, and I would appreciate your review and response to his questions and concerns.

I have enclosed a copy of his correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/at

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A LEADING AMERICAN UNIVERSITY WITH INTERNATIONAL REACH
OFFICE OF THE PRESIDENT

June 5, 2009

The Honorable Mitch McConnell
United States Senator
361A Russell Senate Building
Washington, DC 20510

Dear Senator McConnell:

Western Kentucky University has several educational and research initiatives underway in Kentucky caves and is responsible for managing caves on several properties owned or operated by WKU. As you know, we also maintain an educational and research partnership with Mammoth Cave National Park. I was recently contacted by a group of WKU faculty regarding an alarming ecological situation that may have significant impact on caves in Kentucky – it is already causing major issues in Northeastern states.

In recent years scientists have discovered a fungal disease that is causing catastrophic mortality in a wide variety of bat species, known as “White Nose Syndrome” (WNS). The disease was first identified in New York in 2006 but has quickly spread as far south and west as West Virginia and Virginia. Because evidence suggests that human activity may spread the fungus between caves on clothing or equipment, the U.S. Fish and Wildlife Service (USFWS) has issued a voluntary moratorium on recreational caving activities in all nine states where WNS has been documented. Adjoining states are also affected, including Kentucky. Without question, the spread of this disease poses substantial biological and economic threats, and Kentucky is fast becoming a focal point for these concerns.

The Spirit Makes the Master

Western Kentucky University | 1906 College Heights Blvd. #11001 | Bowling Green, KY 42101-1001
phone: 270.745.4346 | fax: 270.745.4492 | web: www.wku.edu

For all of our news and information, please visit our website at www.wku.edu. © 2009 WKU. All rights reserved.

The Honorable Mitch McConnell
June 5, 2009
Page 2

I am writing both to make you aware of this situation and to urge you to consider supporting efforts to study and control the spread of this disease. WKU faculty have adopted measures to control WNS on WKU properties and are working in cooperation with the USFWS. Dr. Hazel Barton, a cave microbiologist from Northern Kentucky University, is currently researching the efficacy of various WNS decontamination procedures, and Dr. Lee Florea, a WKU hydrologist, is working with USFWS to monitor bat populations in Kentucky. In addition, Dr. Carl Dick, a biologist who works with bats, bat parasites and their ecological and evolutionary associations, will join the WKU faculty later this summer and will be engaged with efforts to study this disease and its impact. Because of the importance of this issue to this cave and bat-rich region, WKU scientists are concerned and eager to assist with efforts to monitor bats and their roosting environments and to study the dynamics of WNS for the purpose of preventing the spread of the disease into Kentucky and beyond.

I am aware of a recent communication from a group of Northeastern members of Congress to contact Interior Secretary Ken Salazar to request funding for the USFWS and the U.S. Geological Survey to do the necessary research and develop a cure for this disease. My specific request to you is to ensure that any efforts to combat this disease are also focused in Kentucky. WKU is located in the heart of Kentucky's cave and karst region, and we are greatly concerned about both the ecological effects on the bat species in our caves and also the negative impact this will have on tourism for our state.

I am enclosing some information provided to me by our faculty for your staff to review. If WKU faculty can provide you with additional information or assistance in this effort, please feel free to call upon me.

As always, thank you for all that you do for WKU and for the Commonwealth of Kentucky.

Sincerely,



Gary A. Ransdell



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Response Refer To:
FWS/R4/AES/041446

JUL 27 2009

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter dated June 9, 2009, on behalf of Dr. Gary Ransdell, President of Western Kentucky University, concerning White-nose Syndrome (WNS) and the effects on bat populations in Kentucky.

The U.S. Fish and Wildlife Service (Service) shares Dr. Ransdell's concern about WNS and its potential to spread from Northeastern states to Kentucky and to other areas. Since the disease was first documented in March of 2007, the Service has taken a leadership role in addressing WNS, and we are coordinating research, education, and management activities in partnership with over 50 organizations and universities in addition to state wildlife and public health agencies and other federal agencies to address this most pressing conservation challenge. We appreciate the contributing work of scientists associated with Western Kentucky University.

WNS is associated with a newly-described fungal species which appears to be causing more than 90 percent mortality of hibernating bats in affected caves throughout the Northeast, with close to 100 percent mortality in some caves. Although we lack much of the scientific understanding of bat population ecology and dynamics necessary for a more precise estimate, biologists estimate that between 500,000 and one million bats have died so far during this outbreak of WNS. To date, six bat species have been affected, including the federally endangered Indiana bat. The sudden and widespread mortality associated with WNS has never been observed in any of the more than 1,100 species of bats known to science. The exact cause of mortality of affected bats is not yet understood, but the newly identified fungus is considered a likely contributor.

To date, WNS and the new fungus have not been documented in Kentucky. In March of this year, the Service released an advisory calling for a voluntary moratorium on recreational caving in the nine affected states and in neighboring states, including Kentucky, and we are working with recreational cavers, private landowners, and states to implement this advisory. Although state fish and wildlife agencies have primary jurisdiction over bat species that are not federally-listed, the Service, in addition to coordinating the regional approach to WNS, is working closely with state fish and wildlife agencies in their response. In fact, the Service's Kentucky Field Office (KFO) has worked with the Kentucky Department for Fish and Wildlife Resources (KDFWR) to develop a state WNS Response Plan.

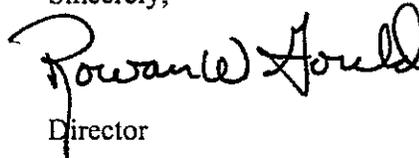
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More specifically, the Service continues to support on-going research efforts to identify the mechanism of WNS and mortality in affected bats; identify and monitor both summer and winter bat populations prior to WNS arrival; develop management and containment options for Federal and State wildlife managers; and lead outreach efforts with the affected public.

We appreciate Western Kentucky University's concern and eagerness to assist the Service with WNS related research and look forward to the opportunity to work closely with its highly qualified staff to effectively slow the progress of this disease and to mitigate its impacts on bat populations and related human and wildlife resources in Kentucky.

Thank you for your interest in this issue. Should you require additional information please feel free to contact me or Mr. Sam D. Hamilton, the Service's Southeast Regional Director, at (404) 679-4000.

Sincerely,

A handwritten signature in black ink that reads "Rowan W. Gould". The signature is written in a cursive style with a large initial "R".

Director

Acting

MITCH McCONNELL
KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1702
(202) 224-2541

United States Senate

REPUBLICAN LEADER
COMMITTEES:
AGRICULTURE
APPROPRIATIONS
RULES AND ADMINISTRATION

R4
I prepare reply
RD sign
Due 22 Feb 10

January 14, 2010

Lesli Gray
Chief, Office of Congressional and Legislative Affairs
U.S. Fish and Wildlife Service
U.S. Department of the Interior
4401 N. Fairfax Drive, Suite 330
Arlington, Virginia 22203

DTS #: 043968
Assigned to: _____
Due date: _____
Action: _____

Dear Friend:

I write on behalf of my constituent, Mr. **non-responsive** who has contacted me regarding difficulties he has encountered procuring a permit in Walton County, Florida.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Eric King in my Washington, D.C. office.

Thank you again for your time and assistance. I will look forward to receiving your response.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/ek

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E-Mail Viewer

Message	Details	Attachments	Headers	Source
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HTML

From: "nobody@www.senate.gov" <nobody@www.senate.gov>
Date: 10/7/2009 3:47:47 PM
To: "webmail@mcconnell-ic.senate.gov" <webmail@mcconnell-ic.senate.gov>
Cc:
Subject: Dept of Fish & Wildlife

I own a condo in the panhandle of Florida, Walton County, that faces the beach. After hurricane Katrina and a few others, much of the beach was washed away and the owners association of this condo and many others in the area applied for permits from the county to rebuild the beaches by importing sand. The Department of Fish & Wildlife is now coming back and saying that the permits were obtained incorrectly and are imposing a fine (\$32,000.00 for our condo association) on all owners up and down the beach for the violation or having them remove the sand. They say that putting all that sand back has endangered the habitats of the sea turtle and other marine animals. Point is that the hurricane Katrina took out about 25' of beach and what we put back was not that much, just enough to keep the rest of the development from caving in should another storm hit. Which hasn't happened. It would be nice if you could step in and stop the stupidity of the Department from either fining us and others or forcing us to remove the sand that we put down. I assure you that the beach is always changing and if we had done nothing and no storms hit for several years, the gulf and wind would probably bring almost as much sand as we imported. Turtles and fish seem to survive well to the changing amounts of sand brought on by hurricanes and everyday tides. Your help will be greatly appreciated.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/ES/043968

FEB 22 2010

The Honorable Mitch McConnell
United States Senator
Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your facsimile dated January 14, 2010, regarding Mr. **non-responsive**'s concerns about a seawall installed on his property in Walton County, Florida following Hurricane Katrina in 2005, and the need for state and Federal permits.

This seawall is one of 250 emergency construction permits to build temporary armoring structures issued by Walton County after Hurricane Dennis. This armoring was to provide temporary protection to upland structures immediately following the hurricane. The cumulative armoring that occurred along the beachfront in Walton County following Hurricane Dennis amounted to 3.7 miles covering approximately 19 percent of the developed beach.

The Fish and Wildlife Service (Service) is concerned about the impact of existing and future armoring structures on nesting sea turtles and other coastal species listed as threatened or endangered under the Endangered Species Act. A Habitat Conservation Plan (HCP) is being prepared by Walton County to cover any emergency permits for temporary armoring the County may issue in the future. The coverage would be provided through an incidental take permit (ITP) issued by the Service to the County for the emergency permits and installation of temporary armoring by property owners. The Endangered Species Act requires specific criteria to be met before ITP permit issuance. The criteria pertinent to Walton County involves the need to minimize impacts of the action to the endangered species and where impacts are unavoidable, mitigate them to the maximum extent practicable.

The in-lieu-fee mitigation of \$240 per linear foot of armoring proposed in the County's HCP is largely based on the current and future retention of the armoring installed after Hurricane Dennis. This armoring is expected to make up the majority of armoring installed along the beachfront. While this in-lieu-fee is presented as the preferred mitigation option by the County, property owners may offer other alternative mitigation. Our initial review of the HCP indicates this mitigation in-lieu-fee appears reasonable based on information in this HCP and other similar HCPs reviewed by the Service. Please note, however, that the Service has not completed its review of the HCP, and aspects of the in-lieu-fee may change in response to new information. This review will also include a 60-day public comment period during which Mr. **non-responsive** and other interested parties may review the HCP and provide comments.

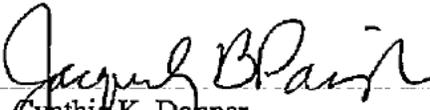
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In addition, the Service is preparing a General Conservation Plan (GCP) to assist individual Walton County property owners such as Mr. non-responsive, in applying for coverage under the Endangered Species Act for the permanent retention of armoring installed after Hurricane Dennis. The coverage also is provided by an ITP that would be issued to each property owner for the permanent retention of his/her armoring. The same criteria applies to individual property owners regarding minimizing impacts to endangered species. There will be a 60-day public comment period for the GCP as well.

We have been actively engaged with the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, and Walton County on both of these issues. All of the agencies are committed to working with the property owners and the County to expedite the completion of the Service's GCP and the County's HCP. Enclosed is a fact sheet on the Endangered Species Act, the HCP and ITP process including the criteria for permit issuance.

If you have any questions about the HCP or GCP process, please contact me at (404) 679-4000 or Ms. Lorna Patrick in the Panama City office at (850) 769-0552 ext. 229.

Sincerely yours,


"for" Cynthia K. Donner
Regional Director

Enclosure



U.S. Fish & Wildlife Service

Habitat Conservation Plans

Section 10 of the Endangered Species Act

What is a Habitat Conservation Plan and Incidental Take Permit?

Incidental take permits are required when non-Federal activities will result in "take" of threatened or endangered species. A habitat conservation plan or "HCP" must accompany an application for an incidental take permit. The purpose of the habitat conservation planning process associated with the permit is to ensure there is adequate minimizing and mitigating of the effects of the authorized incidental take. The purpose of the incidental take permit is to authorize the incidental take of a listed species, not to authorize the activities that result in take.

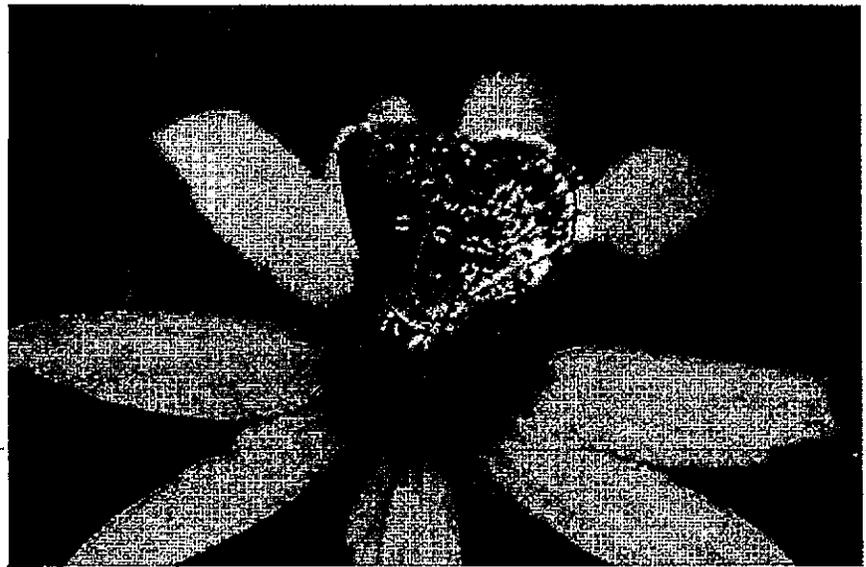
What is take?

"Take" is defined in the Endangered Species Act (Act) as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species. Harm may include significant habitat modification where it actually kills or injures a listed species through impairment of essential behavior (e.g., nesting or reproduction).

How many HCPs have been developed and what size areas do they cover?

As of October 1, 2001, over 447 HCPs have been approved. These HCPs address more than 616 species across more than 39 million acres.

Both the number of HCPs and the size and complexity of the areas they cover have increased. Most of the earlier HCPs approved were for planning areas of less than 1,000 acres. However, of the HCPs that have been approved as of September 2001, seventeen range from 10,000 to 100,000 acres; eleven range from 100,000 to 500,000; six exceed 500,000 acres; and five cover more than one million acres. In some cases, there are more than one incidental take permit associated with a HCP. For example, the Central Coastal Orange County HCP was developed as an overall plan under which each individual participating entity received their own



The Wisconsin Statewide HCP was developed for the conservation of the endangered Karner blue butterfly. Photo by Joel Trick.

incidental take permit. This suggests that HCPs are evolving from a process adopted primarily to address single projects to broad-based, landscape-level planning, utilized to achieve long-term biological and regulatory goals.

Who needs an Incidental Take Permit?

Anyone who believes that their otherwise-lawful activities will result in the "incidental take" of a listed species needs a permit. The Service can help you determine whether your proposed project or action is likely to result in "take" and whether a HCP is an option to consider. Service personnel can also provide technical assistance to help you design your project so as to avoid take. For example, the project could be designed with seasonal restrictions on construction to minimize disturbance during nesting.

What is the benefit of an Incidental Take Permit and Habitat Conservation Plan to a private landowner?

The permit allows a landowner to legally proceed with an activity that would otherwise result in the illegal take of a listed species. The Services also developed a regulation to address the problem of maintaining regulatory assurances and providing certainty to landowners through the HCP process, the "No Surprises" regulation.

What are No Surprises assurances?

No Surprises assurances are provided by the government through the section 10(a)(1)(B) process to non-Federal landowners. Essentially, private landowners are assured that if "unforeseen circumstances" arise, the Services will not require the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed to in the HCP

without the consent of the permittee. The government will honor these assurances as long as a permittee is implementing the terms and conditions of the HCP, permit, and other associated documents in good faith. In effect, this regulation states that the government will honor its commitment as long as the HCP permittees honor theirs.

Are Incidental Take Permits needed for listed plants?

There are no Federal prohibitions under the Act for the take of listed plants on non-Federal lands, unless taking of those plants is in violation of State law. However, before the Service issues a permit, the effects of the permit on listed plants must be analyzed because section 7 of the Act requires that issuance of a HCP permit must not jeopardize any listed species, including plants.

What is the process for getting an Incidental Take Permit?

The applicant is in charge of deciding whether to pursue an incidental take permit. While Service personnel provide detailed guidance and technical assistance throughout the process, the development of a HCP is driven by the applicant. The applicant is responsible for submitting a completed permit application. The necessary components of a completed permit application are: a standard application form, a HCP, an Implementation Agreement (if required), and, if appropriate, a draft National Environmental Policy Act analysis.

While processing the permit application, the Service will prepare an intra-Service biological opinion under section 7 of the ESA and the incidental take permit, and finalize the NEPA analysis documents. Consequently, incidental take permits have a number of associated documents besides the HCP.

How long will it take to process our application?

The length of time to complete the permitting process depends on the complexity of issues involved (e.g., the number of species) and the completeness of the documents submitted by the applicant. The Service will work to complete all steps such as the public comment process as expeditiously as possible. The most variable factor in permit processing requirements is the level of analysis required for the proposed HCP under NEPA, in other words, whether an Environmental Impact Statement, Environmental Assessment, or a categorical exclusion is required. Other factors such as public controversy can also affect permit processing times.

"Low Effect" HCPs are those involving (1) minor effects on federally listed, proposed, or candidate species and their habitats covered under the HCP; and (2) minor effects on other environmental values or resources. These HCPs do not require a NEPA document, and the target permit processing time is 3 months.

HCPs which do not fall into the "Low Effect" category require either an EA or an EIS, depending on their complexity. For those requiring an EA as part of the permit application, the target permit processing time is 4 to 6 months. For those requiring an EIS, the target permit processing time may be up to 12 months.

How do we know if we have listed species on our project site?

Check with the appropriate State fish and wildlife agency, the nearest Service field office, or the National Marine Fisheries Service (for anadromous fish). You can arrange for a biologist from one of these agencies to visit your property to determine whether a listed species may be on your project site.

What needs to be in a HCP?

The contents of a HCP are defined in section 10 of the Act and its implementing regulations. They include:

- An assessment of impacts likely to result from the proposed taking of one or more federally listed species.
- Measures the permit applicant will undertake to monitor, minimize, and mitigate for such impacts; the funding that will be made available to implement such measures; and the procedures to deal with unforeseen or extraordinary circumstances.
- Alternative actions to the taking that the applicant analyzed, and the reasons why the applicant did not adopt such alternatives.
- Additional measures that the Service may require as necessary or appropriate.

What kind of actions are considered mitigation?

Mitigation measures are actions that reduce or address potential adverse effects of a proposed activity upon species covered by a HCP. They should address specific needs of the species involved and be manageable and enforceable. Mitigation measures may take many forms, such as: preservation (via acquisition or conservation easement) of existing habitat; enhancement or restoration of degraded or a former habitat; creation of new habitats;

establishment of buffer areas around existing habitats; modifications of land use practices, and restrictions on access.

What is the legal commitment of a HCP?

The elements of a HCP are made binding through the incidental take permit. While incidental take permits contain an expiration date, the mitigation identified in the HCP can be in perpetuity in certain cases. Violation of the terms of an incidental take permit would result in illegal take under section 9 of the Act. If the violation is deemed technical or inadvertent in nature, the Service may send the permittee a notice of noncompliance by certified mail or may recommend alternative actions to the permittee so that they may regain compliance with the terms of the permit.

Who approves a HCP?

The Regional Director of the Service's Region decides whether to issue a HCP permit based on findings that:

- the taking will be incidental to an otherwise lawful activity;
- the impacts will be minimized, and mitigated to the maximum extent practicable;
- adequate funding will be provided;
- the taking will not appreciably reduce the likelihood of the survival and recovery of the species; and
- any other necessary measures are met.

If the HCP addresses all of these requirements and those of other applicable laws, the permit is issued.

What other laws besides the Endangered Species Act are involved?

In issuing an incidental take permit, the Service must comply with the NEPA and all other statutory and regulatory requirements, including any State or local environmental/planning laws. HCPs may be categorically excluded from NEPA or may require either an EA or, rarely, an EIS.

Who is responsible for NEPA compliance during the HCP process?

The Service is responsible for ensuring NEPA compliance during the HCP process. However, if the Service does not have sufficient staff resources to prepare the appropriate NEPA analysis in a timely fashion, an applicant may, within certain limitations, prepare draft Environmental Assessment analyses. This can benefit the

applicant and the government by expediting the application process and issuance of the permit. When this is done, the Service will: (1) provide the preparer with appropriate guidance concerning document preparation; and (2) review the document within 30 days and take responsibility ultimately for its scope, adequacy, and content.

Does the public get to comment on our HCP? How do public comments affect our HCP?

The Act requires a 30-day period for public comment on the application for an incidental take permit. However, we have recognized the concerns of the public regarding inadequate time for the public comment period, and have extended the minimum comment period to 60 days. Additionally, NEPA requires public comment on certain NEPA documents, and the Service runs these two comment periods concurrently. Therefore, public comments must be considered in the permit decision.

What kind of monitoring is required for a HCP and who performs it?

The Service or any party designated as responsible by the Service (e.g., State wildlife agency, local government) in the HCP will monitor the project for compliance with the terms of the incidental take permit or HCP. If another party is responsible for monitoring compliance with the permit, the Service will require periodic reporting from such party in order to maintain overall oversight responsibility for the implementation of the HCP's terms and conditions. For regional and other large-scale or long-term HCPs, monitoring programs must provide long-term assurances that the HCP will be implemented correctly, that actions will be monitored, and that such actions will work as expected. This should include periodic accountings of take, surveys to determine species status in project areas or mitigation habitats, and progress reports on fulfillment of mitigation requirements (e.g., habitat acres acquired). Monitoring plans for HCPs should establish target milestones, to the extent practicable, or reporting requirements throughout the life of the HCP, and should address actions to be taken in case of unforeseen or extraordinary circumstances.

The Service must monitor the applicant's implementation of the HCP and the permit terms and conditions. In addition to compliance monitoring, the biological conditions associated with the HCP should be monitored to determine if the species needs are being met. This includes

determining if the biological goals that are expected as part of the HCP mitigation and minimization strategy are being met. The effectiveness monitoring will help the Service determine if the conservation strategy is functioning as intended and the anticipated benefits to the species are being realized.

Are efforts made to accommodate the needs of HCP participants who are not professionally involved in the issues?

Because development of a HCP is done by the applicant, it is considered a private action and, therefore, not subject to public participation or review until the Service receives an official application. The Service is committed to working with HCP applicants and providing technical assistance as required throughout the HCP development process to accommodate their needs. The Service believes that HCPs under development are restricted by privacy regulations unless waived by the applicant. However, the Service does encourage the applicant to involve all appropriate parties. This is especially true for complex and controversial projects, and applicants for most large-scale, regional HCP efforts choose to provide extensive opportunities for public involvement during the planning process. The issuance of a permit is, however, a Federal action that is subject to public review and comment. There is time for public review during the period when the Service reviews the information and decides to grant or deny a permit based on the completed HCP. A 30-day public comment period is required for all completed HCP applications. During this period, any member of the public may review and comment on the HCP and the accompanying NEPA document (if applicable). Additionally, the Service solicits public involvement and review, as well as requests for additional information during the scoping process for an Environmental Impact Statement.

Are the views of independent scientists used or sought, before and during development of a HCP?

The views of independent scientists are important in the development of mitigation and minimization measures in nearly all HCPs. In many cases, these individuals are contacted by the applicant and are directly involved in discussions on the adequacy of possible mitigation and minimization measures. In other cases, the views of independent scientists are incorporated indirectly through their participation in other documents, such as listing documents, recovery plans, and conservation agreements, that are referenced by applicants as they develop their HCP.

How does the Service ensure that species are adequately covered in HCPs?

The Service has strengthened the HCP process by incorporating adaptive management into the plans when there are species covered for which additional scientific information may be useful during the implementation of the HCP. These provisions allow FWS and NMFS to work with the landowner to reach mutual agreement upon changes in the mitigation strategies within the HCP area, if new information about the species indicates this is needed. Any changes in strategy that may occur are discussed up front with the landowner during the development of the HCP. In this manner, the permittees are fully aware of any future uncertainty in the management strategies, and have concurred with the adaptive approaches outlined in the HCP.

What will the Service do in the event of unforeseen circumstances that may jeopardize the species?

The Service will use its authority to manage any unforeseen circumstances that may arise to ensure that species are not jeopardized as a result of approved HCPs. The Service will work with all other Federal and State agencies to help ensure the continued survival and recovery of the species in the wild.

How can I obtain information on numbers and types of HCPs?

Our National HCP database displaying basic statistics on HCPs is available online from our Habitat Conservation Planning page at <http://endangered.fws.gov/hcp>. The contact information regarding an individual HCP that is available for public comment is listed in the notice of availability for that HCP, published in the *Federal Register* by the appropriate Regional office. Regional office contact information can be found at <http://www.fws.gov>.

**U.S. Fish & Wildlife Service
Endangered Species Program
4401 N. Fairfax Drive, Room 420
Arlington, VA 22203
703/358-2106
<http://endangered.fws.gov/hcp/>
February 2002**

MITCH McCONNELL
KENTUCKY

REPUBLICAN LEADER
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WASHINGTON, DC 20510-1702
(202) 224-2541

United States Senate

November 13, 2012

Director Dan Ashe
U.S. Fish and Wildlife Service
1849 C Street, N.W.
Washington, D.C. 20240

R4 -
RD Pison
Due 7 Dec
Prepare reply

Dear Director Ashe:

I write on behalf of my constituents at the Clarks River National Wildlife Refuge (CRNWR), Kentucky's only national wildlife refuge. I am told that CRNWR has submitted a proposal to expand the refuge, which is being reviewed by your office.

It is my understanding that approval of the proposal would improve public access to the refuge, expand its upland habitat, protect its current forested wetlands and enhance its water quality. I am told that the proposal would not only benefit wildlife conservation, but also expand public recreational opportunities for people throughout the Commonwealth and the region, including hunting, photography and wildlife observation.

As our nation continues on a path of unsustainable debt, it is more important than ever that we in Congress, and you in the Administration, work to ensure that every tax dollar is spent wisely. It is with that in mind that I draw your attention to this proposal which I believe merits your full and fair review.

Thank you for your attention to this matter.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/pm

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SUITE 100
PADUCAH, KY 42001
(270) 442-4554



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/RF/Area I/053213

DEC 6 2012

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510-1702

Dear Senator McConnell:

Thank you for your letter of November 13, 2012, and your continued support for the ongoing conservation efforts being conducted by the U.S. Fish and Wildlife Service (Service) in western Kentucky. Your support has been instrumental in both moving the expansion project forward in a timely fashion and in the conservation success that has been achieved since the establishment of the Clarks River National Wildlife Refuge (NWR). The management goal of Clarks River NWR is to provide habitat for a diverse group of wildlife species found within the Clarks River and its floodplain while providing the surrounding public opportunities to participate in appropriate wildlife-dependent recreation.

As noted in your letter, the Service is currently reviewing a proposal to expand the area of consideration for which lands could be potentially purchased and included as a part of the Clarks River NWR. Significant public input and planning has been conducted over the past four years to develop the proposal that would substantially increase management capabilities and public use opportunities. In light of this, we also recognize the budget constraints we as a nation and as an agency currently face and we are proactively taking steps to increase our efficiencies and effectiveness to meet the conservation challenges before us. Currently, the plan is being reviewed in our headquarters office. If approved, the plan will be released and the process will be concluded.

We assure you and your constituents that all regional and national factors related to the proposal will be given full consideration in our evaluation. If you have any questions or need additional information, please contact me at (404) 679-4000, or Michael Johnson, Refuge Manager, at (270) 703-2964. Again, thank you for your support for our conservation efforts at Clarks River NWR.

Sincerely yours,

for Cynthia K. Dohner
Regional Director



"Brooks, Brytt (McConnell)"
<Brytt_Brooks@mccconnell.se
nate.gov>

06/04/2007 02:13 PM

To <michael_johnson@fws.gov>

cc

bcc

Subject RE: clarks river nwr construction information

History:

✉ This message has been replied to.

Michael,

Great, thanks.

Would these items consume all of the \$300k or are there additional costs (administrative costs, accessories, etc.) that the \$300k would be used to cover?

Thanks,
Brytt

-----Original Message-----

From: michael_johnson@fws.gov [mailto:michael_johnson@fws.gov]

Sent: Monday, June 04, 2007 2:56 PM

To: Brooks, Brytt (McConnell)

Subject: clarks river nwr construction information

Brytt,

The funding, if received, would be used to purchase a 9420 John Deere 4x4 tractor and a Reynolds 18 yard dirt pan equipped with laser level technology.

This equipment will be used to construct levees (small and large) to impound water for the purpose of wetland restoration and management of migratory birds.

If you need additional information, please let me know. If you are unable to reach me at my office, my cell # is **nonresponsive**

thanks,

Michael



"Brooks, Brytt (McConnell)"
<Brytt_Brooks@mcconnell.senate.gov>

06/04/2007 02:29 PM

To <michael_johnson@fws.gov>

cc

bcc

Subject RE: clarks river nwr construction information

OK great, thanks. I will let the Committee know and we'll see what if the folks over there determine if they can help.

-----Original Message-----

From: michael_johnson@fws.gov [mailto:michael_johnson@fws.gov]

Sent: Monday, June 04, 2007 3:26 PM

To: Brooks, Brytt (McConnell)

Subject: RE: clarks river nwr construction information

Brytt,

These two items should consume the majority of the funds. Quotes on the equipment indicate costs for the two items to be between 250K and 300K. If additional funds remained, they would be used to purchase items such as a disk or roller, etc which would aid in levee stabilization work (vegetation establishment) once the levees are built. Any equipment purchased with remaining funds would be directly related our levee construction objectives.

Michael

"Brooks, Brytt

(McConnell)"

<Brytt_Brooks@mcc

To

onnell.senate.gov

<michael_johnson@fws.gov>

>

cc

06/04/2007 02:11

Subject

PM

RE: clarks river nwr construction
information



"Tharp, Sue (McConnell)"
<Sue_Tharp@mccconnell.senate.gov>

01/02/2008 11:06 AM

To <michael_johnson@fws.gov>

cc

bcc

Subject FW: Senator McConnell Delivers for Kentucky: WESTERN KY

From: Norris, Courtney (McConnell)
Sent: Wednesday, December 19, 2007 6:50 PM
To: Cox, Larry (McConnell); Piper, Billy (McConnell); Wiles, Martie (McConnell); Tharp, Sue (McConnell)
Subject: FW: Senator McConnell Delivers for Kentucky: WESTERN KY

From: Norris, Courtney (McConnell)
Sent: Wednesday, December 19, 2007 7:22 PM
To: Steurer, Robert (McConnell); Norris, Courtney (McConnell)
Subject: Senator McConnell Delivers for Kentucky: WESTERN KY

Below is a release from Senator McConnell in regards to the FY '08 Omnibus Appropriations Bill that Congress passed. I thought you'd be interested in the following projects which were secured by McConnell. The list includes -- in parentheses -- the total amount of funding secured to date for the projects, including FY '08 figures.

Please let me know if you have any questions. Thanks!

- **\$116 million for the continued environmental cleanup activities at the Paducah Gaseous Diffusion Plant. (\$1.1 billion)**
- **\$17.4 million for the continued construction of the DUF6 facility in Paducah. (\$201.27 million)** The facility will convert 39,000 canisters of depleted uranium hexafluoride into a more stable compound. Construction of the facility is scheduled to be completed this year and operations are slated to begin next year.
- **Full funding for the mobile health unit that screens current and former workers at the Paducah Gaseous Diffusion Plant for the early signs of lung cancer. (\$15.5 million)** This funding will be used for continued operation of a mobile health unit that screens current and former workers at the plant for the early signs of lung cancer. The mobile health unit travels between the three gaseous diffusion plants in Paducah, Portsmouth, Ohio and Oak Ridge, Tenn.
- **\$4 million for the Paducah Waterfront Development Project. (\$9.3 million)** This funding will be used to transform the Paducah riverfront into a community gathering place.

- **\$2 million for the Paducah Area Transit System (PATS.) (\$6.4 million)** With these resources, additional vehicles and other equipment can now be purchased to help meet the needs of customers of PATS.
- **\$52 million for the Kentucky Lock addition project. (\$251.9 million)** This funding will be used to double the lock's size to handle the increased tonnage of today's larger barge traffic.
- **\$104 million for the Olmsted Locks and Dam Project. (\$521 million)** This funding will be used for the continued construction of a new facility that will replace locks 52 and 53 on the Ohio River. Once complete, this facility will be the largest locking facility in Kentucky in terms of tonnage.
- **\$8.1 million for management and operation of the Land Between the Lakes in western Kentucky. (\$94.6 million)** "I, along with many Kentuckians and visitors to our state, recognize the attraction to the LBL," said Senator McConnell. "I am pleased to have once again secured funding for the continued operation of this popular tourist spot."
 - **\$500,000 for land acquisition at the Clarks River National Wildlife Refuge. (\$13.95 million)** "The Clarks River National Wildlife Refuge, which will use the money to expand and improve its land, serves as a safe haven for the bald eagle and peregrine falcon," said Senator McConnell.
- **\$2 million for the Murray-Calloway County Industrial Park Development Project** These funds will be used to help develop a new industrial park, which will help create employment opportunities for the citizens of Murray and Calloway County.
- **\$117,500 for the City of Murray Police Department to upgrade its communications system.** "Law enforcement agencies rely upon modern technology for everything from enforcing traffic laws to investigating crimes. Unfortunately, not all local agencies can afford the expensive technologies that will help officers communicate with each other and better respond to emergencies," Senator McConnell said. "This funding will help the Murray Police Department purchase a Computer Aided Dispatch System to improve its ability to alert officers of emergencies and to improve response times, thereby enhancing the safety of all in Murray."
- **\$564,000 for the Henderson County Sheriff's Department for equipment upgrades.** "These funds will enable the Henderson County Sheriff's Department to upgrade the equipment used by its deputies to help provide emergency response services to the citizens of Henderson County," McConnell said.



KENTUCKY

MITCH McCONNELL
U.S. SENATE REPUBLICAN LEADER

For Immediate Release
Wednesday, December 19, 2007

Contacts:
Robert Steurer 202-224-8288
Courtney Norris 202-224-8285

Senator McConnell Delivers for Kentucky

Washington, D.C. – U.S. Senate Republican Leader Mitch McConnell announced Wednesday that he was successful in defending Kentucky priorities in the FY '08 Omnibus Appropriations Bill. The bill was approved by Congress and is now on its way to the president for his signature.

This year, as a senior member of the Senate Appropriations Committee, Senator McConnell worked hard to secure critical funding for several major programs and key sectors of the Kentucky economy, including funding for our universities, defense and military interests, agricultural and environmental initiatives, and economic development.

The bill contains funding – secured by McConnell – for medical, agricultural and environmental research at Kentucky's universities; environmental cleanup at the Paducah Gaseous Diffusion Plant; chemical weapons disposal at the Blue Grass Army Depot in Richmond; marijuana eradication in the Daniel Boone National Forest; infrastructure improvements at our state's locks and dams and recreational facilities; and various statewide crime prevention and transportation priorities.

“This was a tough year in the appropriations process, but after a long fight, Kentucky came out a winner,” McConnell said. “Whether it's for education, defense or agriculture, I will continue to use my seniority in the United States Senate to help bring home funding on behalf of the hard working people of Kentucky.”

For years, Senator McConnell -- on behalf of the people of Kentucky -- has fought to secure important resources to ensure our commonwealth remains in the forefront in health care, crime prevention, economic development and most importantly, our universities. For example:

- **Health Care** - over \$12 million for health care initiatives at Kentucky's flagship universities that focus on innovative research to fight deadly diseases and health care programs that reach underserved populations.

- Crime Prevention and Justice - \$7 million for projects in the commonwealth to equip small-town law enforcement officers to better serve our communities, to eradicate marijuana and to promote internet security.
- Environment/Conservation - over \$191 million to continue to rid our communities of hazardous materials and to protect our vital land and water resources.
- Economic Development - over \$210 million for economic development projects that allow commerce to flow into Kentucky – whether it is along our rivers via locks and dams projects, or improving community infrastructure to attract businesses and industries.
- University/Education – over \$36 million for research and development projects and facilities at UofL, UK, WKU and NKU, and includes additional construction funds for Kentucky’s two ARS federal research labs.

###



"Liptak, Andrea (McConnell)"
<Andrea_Liptak@McConnell.
senate.gov>

05/23/2008 03:31 PM

To <michael_johnson@fws.gov>

cc

bcc

Subject RE: clarks river nwr visitor contact station

Perfect. Thank you and have a good weekend.
-Andrea

-----Original Message-----

From: michael_johnson@fws.gov [mailto:michael_johnson@fws.gov]

Sent: Friday, May 23, 2008 4:12 PM

To: Liptak, Andrea (McConnell)

Subject: clarks river nwr visitor contact station

Andrea,

After talking with our engineers, a breakdown of costs across funding
years
would be appropriate as follows;

FY09 1.5 million -planning/design/initial site preparation

FY10 4.4 million- construction phase

I hope this is what you needed, if not, don't hesitate to let me know.

thanks,

Michael



"Carlson, Kelsey
(McConnell)"
<Kelsey_Carlson@mcconnell
.senate.gov>

02/13/2009 02:00 PM

To "michael_johnson@fws.gov" <michael_johnson@fws.gov>

cc

bcc

Subject: Trip to Washington D.C.

Dear Mr. Johnson,

Thank you for contacting Senator McConnell's office regarding your plans to visit Washington, DC. I am pleased to have the opportunity to be of assistance as you finalize the details of your trip.

You are scheduled for a staff led **Capitol tour on Tuesday, February 24th at 9:30 AM**. Please come to Senator McConnell's personal office, 361A Russell Senate Office Building to begin your Capitol tour. The Russell building is located on Constitution Avenue between Delaware Avenue and First Street NE across from the Capitol Building.

In addition, I have submitted your request to the White House. If we are able to locate tickets to the White House, I will need security information for all members in the group. Please complete the attached excel sheet with each persons full name, birthday, and social security number. If a person was not born here in the states/ is not a US citizen, I will need their passport number and country of citizenship in place of their social security number.

If you have further questions, please contact me at (202) 224-2541. I hope your visit to our nation's capitol is a memorable one and you enjoy the great history and numerous activities the city has to offer. I look forward to meeting you all

Kelsey Carlson

Office of Senator Mitch McConnell
361A Russell Senate Building
p: (202) 224-2541
f: (202) 224-2499



WhiteHouseSECURITYINFO.xls



Jeffrey M
Fleming/R4/FWS/DOI
04/30/2009 01:41 PM

To Ricky Ingram/R4/FWS/DOI
cc Jon Andrew/R4/FWS/DOI@FWS, Kristi
Watkins/R4/FWS/DOI@FWS, Michael
Johnson/R4/FWS/DOI, richard huffines/R4/FWS/DOI, Steve
bcc
Subject Re: Fw: Senator McConnell visit

Indeed, let us know if you need anything. Would be grateful for a check in with Kristi to give her a heads up on how it went, issues raised and the like. Thanks much.
jeff

Jeff Fleming
Asst. Reg. Director for External Affairs
Southeast Region, U.S. Fish and Wildlife Service
1875 Century Boulevard, NE
Suite 410
Atlanta, Ga. 30345

404-679-7287 voice
404-679-7286 fax

Ricky Ingram/R4/FWS/DOI

Ricky Ingram/R4/FWS/DOI
04/30/2009 02:25 PM

To Jeffrey M Fleming/R4/FWS/DOI@FWS, Kristi
Watkins/R4/FWS/DOI@FWS
cc Michael Johnson/R4/FWS/DOI, richard
huffines/R4/FWS/DOI, Jon Andrew/R4/FWS/DOI@FWS,
Steve Reagan/R4/FWS/DOI@FWS
Subject Fw: Senator McConnell visit

Michael,

I'm copying Jeff and Kristi above on the likely visit of Senator McConnell. I know you deal with the Senator's staff regularly and recently saw the Senator in DC so I am very comfortable with you handling the event. Let us know if you do need any assistance on any of the details.

Ricky

--- Forwarded by Ricky Ingram/R4/FWS/DOI on 04/30/2009 02:21 PM ---

Michael
Johnson/R4/FWS/DOI
04/30/2009 02:00 PM

To Ricky Ingram/R4/FWS/DOI@FWS
cc
Subject Senator McConnell visit

Ricky,

It looks like Senator McConnell will be stopping by for a visit on May 28th. It will be for about 30 minutes. It is most likely they will publicize the money we received for land acquisition during the visit. If you, Rick or any one else would like to attend, let me know and I will put you on the list.

Do any other notifications of his visit need to be made?

thanks,

Michael



"Tharp, Sue (McConnell)"
 <Sue_Tharp@mccconnell.senate.gov>
 06/26/2009 08:16 AM

To "michael_johnson@fws.gov" <michael_johnson@fws.gov>
 cc
 bcc

Subject: FW: McConnell Secures Funding for Kentucky

History: This message has been forwarded.

From: Steurer, Robert (McConnell)
Sent: Thursday, June 25, 2009 3:23 PM
To: Adcock, Chris (McConnell Intern); Badger, Charles (McConnell Intern); Cash, Caroline (McConnell Intern); Lindsey, Mary Kate (McConnell Intern); Noem, Shane (McConnell Intern); Price, Jacob (McConnell Intern); Smith, Lee (McConnell); Bean, Lucy (McConnell); Bird, Ally (McConnell); Carlson, Kelsey (McConnell); Mosher, Nan (McConnell); Eubanks, Rochelle (McConnell); Smith, Lee (McConnell); Sulfab, Moon (McConnell); Piper, Billy (McConnell); Karem Jr., Fred G. (McConnell); Liptak, Andrea (McConnell); Brownell, Reb (McConnell); Raab, Scott (McConnell); Thompson, Allison (McConnell); Burton, Travis (McConnell); Clayton, Kendra (McConnell); Barbic, Kelli (McConnell); Hower, Erin (McConnell); King, Eric (McConnell); Mueller, Jenny (McConnell); Secaur, Robert (McConnell); Thornberry, Michael (McConnell); Jones, Justin (McConnell); Norris, Courtney (McConnell); Steurer, Robert (McConnell); Crosby, LeAnn (McConnell); Potter, Sandra (McConnell); Howard, Adam (McConnell); Kraft, Kim (McConnell); Atkins, Kevin (McConnell); Stephan, Claire (McConnell); McClure, Donna (McConnell); Brotzge, Matthew (McConnell); Cox, Larry (McConnell); Evancho, Corey (McConnell); Flowers, Audrey (McConnell); Foster, Patrick (McConnell); InternL (McConnell); Lawrence, Amanda (McConnell); McGrath, Kelli (McConnell); Morgan, Peggy (McConnell); Smith, Jacqueline (McConnell); Tharp, Sue (McConnell); Wiles, Martie (McConnell)
Cc: Ball, Rachel (McConnell); Stewart, Don (McConnell); Morris, Jennifer (McConnell)
Subject: McConnell Secures Funding for Kentucky



KENTUCKY
MITCH McCONNELL
 U.S. SENATE REPUBLICAN LEADER

For Immediate Release, Thursday, June 25, 2008
 Contacts:
 Don Stewart 202-224-2979, Robert Steurer 202-224-8288,
 Jennifer Morris 202-224-6871, Courtney Norris 202-224-8285

**McConnell Secures Funding for Critical Infrastructure,
 Environmental and Law Enforcement Projects in Kentucky**

WASHINGTON, D.C. – U.S. Senate Republican Leader Mitch McConnell announced Thursday that he secured nearly \$18 million in funding in two bills containing critical support

for several Kentucky projects. The measures, approved by a key Senate committee today, will go to the Senate floor for consideration.

"In my travels across the Bluegrass State, I know how important our natural resources are to Kentuckians," McConnell said. "Being a leader on the Senate Appropriations Committee enables me to fight for crucial funding to ensure that Kentucky families have clean and reliable water and our environmental treasures are protected for future generations. This funding will also enable law enforcement officers to acquire high-tech equipment to help them provide safety and response services to communities across Kentucky."

McConnell secured \$14.7 million for the following projects in the FY 2010 Interior Appropriations bill:

- **\$8.2 million for Land Between the Lakes**

"Located between Kentucky Lake and Lake Barkley in western Kentucky, LBL is a national recreation area under the management of the U.S. Forest Service and hosts an average of two million visitors each year. These funds will allow the Forest Service to efficiently operate LBL, thereby, reducing costs and improving service. Today, LBL remains the cornerstone of the region's \$600 million tourism industry," McConnell said.

- **\$750,000 for the Clarks River National Wildlife Refuge**

"The Clarks River National Wildlife Refuge protects nearly 20,000 acres of bottomland hardwoods and associated wetlands in western Kentucky, and is the state's only national wildlife refuge. These additional funds are needed to continue land acquisition activities to better preserve and protect the refuge," McConnell said.

- **\$1.15 million for Fern Lake acquisition**

"Additional funds are needed to complete acquisition activities by the Cumberland Gap National Historical Park of Fern Lake, located southeast of Middlesboro, Kentucky. The purchase of Fern Lake and the surrounding watershed will preserve this natural resource and primary water source for the people of Middlesboro, for generations," McConnell said.

- **\$900,000 for land acquisition in the Daniel Boone National Forest**

"The Daniel Boone National Forest is one of the most fragmented forests in the national forest system. Continued acquisition of land in the forest from willing sellers will help the U.S. Forest Service manage the land more effectively, ensuring the protection of endangered species habitat, as well as improved access and recreational opportunities for visitors," McConnell said.

- **\$900,000 for the Daniel Boone National Forest Counterdrug Operations**

"Illegal marijuana cultivation has long been a problem at the Daniel Boone National Forest, and eradication continues to demand increasing resources. These funds will help the U.S. Forest Service narcotics investigative unit to continue to address the problem of drug trafficking in the forest," McConnell said.

- **\$1 million for the Kentucky Forest Legacy Project/Putnam Knob**

Acquisition

"This project will protect 3,100 forested contiguous acres in Marion County, Kentucky, providing public land in an area targeted in the U.S. Fish and Wildlife Service's 10 year strategic plan for nature-related recreation, which can have a significant economic impact on Kentucky," McConnell said.

- **\$840,000 for a City of Vine Grove sewer improvement project**

"The City of Vine Grove will nearly double in size due to the transfer of families to near-by Fort Knox as part of BRAC relocation directives. Vine Grove is in need of immediate assistance to construct sewer line additions to accommodate the city's rapid expansion in support of the Fort Knox community," McConnell said.

- **\$620,000 for a Fleming County sewer expansion project**

"Communities in Fleming County currently lack a public sanitary sewer system and funds are needed to expand sewer collection from the City of Flemingsburg wastewater treatment facility to these communities. This project will help mitigate further pollution of waterways and allow for economic growth in this rural county," McConnell said.

- **\$340,000 for a City of Burgin water improvement project**

"These funds are needed to upgrade and extend the city's water distribution system in order to ensure that the people of Burgin have safe, reliable drinking water that meets Kentucky Division of Water and Safe Drinking Water Act standards," McConnell said.

McConnell secured \$2.85 million for the following projects in the FY 2010 Commerce, Justice, and Science Appropriations bill:

- **\$2 million for the UofL Diagnosing and Mitigating Human Exposure to Radiation project**

The University of Louisville plans to conduct cutting-edge diagnostic research in conjunction with the Johnson Space Center to detect and alleviate human radiation exposure. UofL will work to develop a diagnostic system to identify when individuals have been exposed to enough radiation to cause cellular damage. This system can be applied to detect and mitigate the damage of compromised health of astronauts in space, operators at nuclear facilities, and enable first responders to identify exposure in the event of a radiological attack.

- **\$160,000 for the Grayson County Sheriff's Department**

"The Grayson County Sheriff's deputies are in need of mobile data terminals and hand-held portable radios to communicate effectively across the county. These funds will support these local law enforcement officers with more current technology which will help them better protect the people of Grayson County," said McConnell.

- **\$340,000 for the Boone County Sheriff's Department**

"The Boone County Sheriff's deputies strive to provide first-rate response services to

their residents, but their efforts are compromised by a lack of modern equipment, specifically dashboard cameras for patrol vehicles. This request will fund new technology, allowing the deputies to continue to safely serve the people of Boone County,” said McConnell.

- **\$100,000 for the Calloway County Sheriff's Department**

“The Calloway County Sheriff's deputies are in need of upgraded equipment to safely and efficiently carry out their duties. Specifically, deputies are in need of investigative equipment, dispatch technology, and personal patrol safety gear, which will help keep them safe while on the job,” said McConnell.

- **\$50,000 for the Todd County Sheriff's Department**

“The Todd County Sheriff's deputies currently do not have the technology or equipment to communicate effectively across the county. Funds are needed for the Sheriff's office to purchase up-to-date, reliable computer and digital radio equipment to help deputies provide more efficient services in Todd County,” said McConnell.

- **\$200,000 for the UK Firefighter Gear Safety Research project**

“The University of Kentucky will research the performance of firefighter turnout gear to reduce safety risks and potential health risks of first responders by evaluating how the protective levels deteriorate over time – ensuring that firefighters and emergency workers are wearing the safest gear available,” said McConnell.

The Interior and the CJS Appropriations bills now go to the full Senate for consideration.

###



"Cox, Larry (McConnell)"
<Larry_Cox@mcconnell.senate.gov>

02/22/2010 02:44 PM

To: "michael_johnson@fws.gov" <michael_johnson@fws.gov>

cc

bcc

Subject: RE: the passing of Sam Hamilton

History:

 This message has been replied to.

Michael,

Thanks for thinking of the Senator and me. Sam was a very special person. I am still amazed that he was tapped to head the USF&WS. It was too good to be true and now it is so sad that we lost him. I read the story in the Louisville paper this morning. If you can get an address and the name of his wife, the Senator and I would both like to send notes. We will never forget his advocacy for the Clarks River NWR.
Larry

From: michael_johnson@fws.gov [mailto:michael_johnson@fws.gov]

Sent: Monday, February 22, 2010 3:26 PM

To: Cox, Larry (McConnell)

Subject: the passing of Sam Hamilton

Larry,

You may have already heard but I wanted to make sure you and the Senator were aware of Sam's passing.

Michael

It is with a heavy heart that I inform you of the loss of Sam Hamilton. He died of a sudden heart attack today while skiing in Keystone, Colorado. Dan Ashe, Tom Mellus, and Cindy Dohner accompanied him to Keystone after the Regional Directorate retreat ended Friday in Denver.

Throughout his 30 year career in the Service, Sam was always so proud to be a part of the Service, and always said how humbled and honored he felt to be asked to lead our agency. He was inspired by the men and women of the Service who dedicate their lives to protecting fish and wildlife and habitats, always believing that working together, and with our partners, we could accomplish so much.

We will miss him. Our hearts and prayers go out to his family,

Rowan Gould

Deputy Director

Washington, DC

Sam's family has provided us the following information -

Tuesday 2/23/10 - Visitation at Tom Wages Funeral Home from 2:00pm-4:00pm and again from 6:00pm-8:00pm (est).

Tom Wages Funeral Home: 120 Scenic Highway, Lawrenceville, GA 30045 Phone - (770) 963-2411

Wednesday 2/24/10 - Funeral Service: at Lawrenceville First United Methodist Church at 11:00am est
Church address: 395 West Crogan Street, Lawrenceville, GA 30045 Phone - (770) 963-0386

Thursday 2/25/10 - Family and friends travel day to Starkville, MS

Friday 2/26/10 - Memorial Service at the Chapel of Memories on the Mississippi State Campus @ 11:00 (central), Starkville, MS:
Chapel of Memories: 135 Walker Rd. Mississippi State, MS 39762

Friday 2/26/10 - Burial Oktibbeha Memorial Gardens, Starkville MS:

Donations in lieu of flowers can be sent to:

Lawrenceville First United Methodist Church (the Gibson Wing) at
395 West Crogan Street, Lawrenceville, GA 30045
Phone - (770) 963-0386

In addition, the family also suggests donations to the National Fish and Wildlife Foundation.

Donations can be made - either by check or online - please note that it is being made in Sam's name.

Donations online go to www.NFWF.org.

Checks should be sent to:

NFWF

1133 15th St., NW, Suite 1100

Checks should be sent to:

NFWF
1133 15th Street NW, Suite 1100
Washington, DC 20005

The funds will be held in a single account until NFWF has worked with the family on how they should be used.



"Wiles, Martie (McConnell)"
<Martie_Wiles@mcconnell.senate.gov>

10/01/2012 09:55 AM

To "michael_johnson@fws.gov" <michael_johnson@fws.gov>
cc
bcc
Subject

Michael, please feel free at anytime to discuss the future of the refuge with Elizabeth Ladt. She can be contacted at Elizabeth_Ladt@McConnell.Senate.gov and she can be reached at 202-224-2541



"Ladt, Elizabeth (McConnell)"
<Elizabeth_Ladt@mcconnell.
senate.gov>

10/25/2012 02:52 PM

To "michael_johnson@fws.gov" <michael_johnson@fws.gov>

cc "Maxson, Philip (McConnell)"
<Philip_Maxson@mcconnell.senate.gov>

bcc

Subject RE: Clarks River National Wildlife Refuge Land Expansion
Proposal

History:  This message has been forwarded.

Michael,

Great speaking with you. As promised, I wanted to connect you with Phil Maxson, who will be handling this portfolio going forward. I can't seem to locate the documents we discussed. Is it possible for you to send them on to Phil? Thanks so much and I wish you the best.

Warm Regards,
Elizabeth

From: michael_johnson@fws.gov [mailto:michael_johnson@fws.gov]

Sent: Monday, October 01, 2012 1:28 PM

To: Ladt, Elizabeth (McConnell)

Subject: Clarks River National Wildlife Refuge Land Expansion Proposal

Elizabeth,

Marti Wiles asked if I would provide you an update on the proposed Land Expansion Proposal at Clarks River NWR. When you have an opportunity I can be reached at 270-703-2964.

thanks,

Michael Johnson,
Refuge Manager, Clarks River NWR
Benton, KY



"Maxson, Philip (McConnell)"
<Philip_Maxson@mccconnell.
senate.gov>

11/13/2012 04:30 PM

To "michael_johnson@fws.gov" <michael_johnson@fws.gov>

cc

bcc

Subject RE: Clarks River National Wildlife Refuge Land Expansion
Proposal

Hi Michael, I drafted the language below to send to Director Ashe. Does it look okay to you? If so, I will put it in final and will send it off. Many thanks. – Phil

November 13, 2012

Director Dan Ashe
U.S. Fish and Wildlife Service
1849 C Street, N.W.
Washington, D.C. 20240

Dear Director Ashe:

I write on behalf of my constituents at the Clarks River National Wildlife Refuge (CRNWR), Kentucky's only national wildlife refuge. I am told that CRNWR has submitted a proposal to expand the refuge, which is being reviewed by your office.

It is my understanding that approval of the proposal would improve public access to the refuge, expand its upland habitat, protect its current forested wetlands and enhance its water quality. I am told that the proposal would not only benefit wildlife conservation, but also expand public recreational opportunities for people throughout the Commonwealth and the region, including hunting, photography and wildlife observation.

As our nation continues on a path of unsustainable debt, it is more important than ever that we in Congress, and you in the Administration, work to ensure that every tax dollar is spent wisely. It is with that in mind that I draw your attention to this proposal which I believe merits your full and fair review.

Thank you for your attention to this matter.

Sincerely,

MITCH McCONNELL
UNITED STATES SENATOR

From: michael_johnson@fws.gov [mailto:michael_johnson@fws.gov]

Sent: Tuesday, October 30, 2012 11:50 AM
To: Maxson, Philip (McConnell)
Subject: Fw: Clarks River National Wildlife Refuge Land Expansion Proposal

Phil,

The link below has all of the draft documents regarding the planning process and proposal requested by Elizabeth. Once you have had a chance to review, feel free to give me a call at your convenience. Our office number is 270-527-5770 but it is probably best to try me on my cell phone at **nonresponsive**

thanks,

Michael

<http://www.fws.gov/southeast/planning/CCP/ClarksRiverDraftsinglePgDoc.html>

----- Forwarded by Michael Johnson/R4/FWS/DOI on 10/30/2012 10:39 AM -----

"Ladt, Elizabeth (McConnell)"

<
Elizabeth.Ladt@mccconnell.senate.gov>

10/25/2012 02:52 PM

To "michael_johnson@fws.gov" <
michael_johnson@fws.gov>

cc "Maxson, Philip (McConnell)" <
Philip_Maxson@mccconnell.senate.gov>

Subject: RE: Clarks River National Wildlife Refuge
tLand Expansion Proposal

Michael,

Great speaking with you. As promised, I wanted to connect you with Phil Maxson, who will be handling this portfolio going forward. I can't seem to locate the documents we discussed. Is it possible for you to send them on to Phil? Thanks so much and I wish you the best.

Warm Regards,

Elizabeth

From: michael_johnson@fws.gov [mailto:michael_johnson@fws.gov]

Sent: Monday, October 01, 2012 1:28 PM

To: Ladt, Elizabeth (McConnell)

Subject: Clarks River National Wildlife Refuge Land Expansion Proposal

Elizabeth,

Marti Wiles asked if I would provide you an update on the proposed Land Expansion Proposal at Clarks River NWR. When you have an opportunity I can be reached at nonresponsive 

thanks,

Michael Johnson,
Refuge Manager, Clarks River NWR
Benton, KY



Johnson, Michael <michael_johnson@fws.gov>

Fish and Wildlife response to McConnell support letter

6 messages

Maxson, Philip (McConnell) <Philip_Maxson@mccconnell.senate.gov>
To: "michael_johnson@fws.gov" <michael_johnson@fws.gov>

Thu, Dec 13, 2012 at 5:28 PM

Hi Michael,

I hope you are doing well. I just wanted to share the letter that Senator McConnell recently received from the Fish and Wildlife Service in response to his letter of support for the Clarks River expansion.

Please let me know if you hear of any developments or if we can be of further assistance.

Happy Holidays!

Phil Maxson
Legislative Assistant & Director of Projects
Office of U.S. Senator Mitch McConnell
(202) 224-5965

 [Untitled].pdf
371K

Johnson, Michael <michael_johnson@fws.gov>
To: "Maxson, Philip (McConnell)" <Philip_Maxson@mccconnell.senate.gov>

Fri, Dec 14, 2012 at 2:07 PM

Thanks Phil. We appreciate the Senator's support. The review of the project was postponed until next month. We will let you know of the decision once it has been decided.

Michael
[Quoted text hidden]

Maxson, Philip (McConnell) <Philip_Maxson@mccconnell.senate.gov>
To: "Johnson, Michael" <michael_johnson@fws.gov>

Fri, Dec 14, 2012 at 2:21 PM

We are happy to help, Michael. I hope the review is favorable and please do keep me informed.

Thanks,

Phil

From: Johnson, Michael [mailto:michael_johnson@fws.gov]

Sent: Friday, December 14, 2012 3:08 PM
To: Maxson, Philip (McConnell)
Subject: Re: Fish and Wildlife response to McConnell support letter

[Quoted text hidden]

Johnson, Michael <michael_johnson@fws.gov>
To: "Maxson, Philip (McConnell)" <Philip_Maxson@mcconnell.senate.gov>

Wed, Jan 16, 2013 at 3:15 PM

Phil,

I informed Marti and she was to pass it along to you on her next report but I ran across your previous email today and thought I would let you know that the boundary expansion proposal that we worked on now for over 4 years was approved last week by our Director. Just wanted to pass along our thanks for the continued support of this project by the Senator and his staff.

Michael

[Quoted text hidden]

Maxson, Phillip (McConnell) <Philip_Maxson@mcconnell.senate.gov>
To: "Johnson, Michael" <michael_johnson@fws.gov>

Wed, Jan 16, 2013 at 6:22 PM

Michael, thanks so much for letting me know about this terrific news. I am very happy to hear this and I will certainly let Senator McConnell know. I'm glad we were able to help.

Please let us know if we can ever be of assistance, that is what we are here for. Congratulations again and please continue to keep me updated on the expansion.

Best,

Phil

From: Johnson, Michael [mailto:michael_johnson@fws.gov]
Sent: Wednesday, January 16, 2013 4:16 PM
To: Maxson, Philip (McConnell)
Subject: Re: Fish and Wildlife response to McConnell support letter

Phil,

I informed Marti and she was to pass it along to you on her next report but I ran across your previous email today and thought I would let you know that the boundary expansion proposal that we worked on now for over 4 years was approved last week by our Director. Just wanted to pass along our thanks for the continued support of this project by the Senator and his staff.

Michael

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Thanks,

Phil

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Sent: Friday, December 14, 2012 3:08 PM
To: Maxson, Philip (McConnell)
Subject: Re: Fish and Wildlife response to McConnell support letter

Thanks Phil. We appreciate the Senator's support. The review of the project was postponed until next month. We will let you know of the decision once it has been decided.

Michael

On Thu, Dec 13, 2012 at 5:28 PM, Maxson, Philip (McConnell) <Philip_Maxson@mcconnell.senate.gov> wrote:

Hi Michael,

I hope you are doing well. I just wanted to share the letter that Senator McConnell recently received from the Fish and Wildlife Service in response to his letter of support for the Clarks River expansion.

Please let me know if you hear of any developments or if we can be of further assistance.

Happy Holidays!

Phil Maxson
Legislative Assistant & Director of Projects
Office of U.S. Senator Mitch McConnell
(202) 224-5965

Maxson, Philip (McConnell) <Philip_Maxson@mcconnell.senate.gov>
To: "Johnson, Michael" <michael_johnson@fws.gov>

Mon, Jan 28, 2013 at 11:29 AM

Hi Michael, I hope you are doing well. With the Director's approval of the expansion, does that mean that the project is ready to move ahead or is it still subject to funding? If it is easier to discuss over the phone,

feel free to give me a call at the number below.

Many thanks,

Phil

(202) 224-5965

From: Johnson, Michael [mailto:michael_johnson@fws.gov]
Sent: Wednesday, January 16, 2013 4:16 PM
To: Maxson, Phillip (McConnell)
Subject: Re: Fish and Wildlife response to McConnell support letter

Phil,

I informed Marti and she was to pass it along to you on her next report but I ran across your previous email today and thought I would let you know that the boundary expansion proposal that we worked on now for over 4 years was approved last week by our Director. Just wanted to pass along our thanks for the continued support of this project by the Senator and his staff.

Michael

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Thanks,

Phil

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Sent: Friday, December 14, 2012 3:08 PM
To: Maxson, Phillip (McConnell)
Subject: Re: Fish and Wildlife response to McConnell support letter

Thanks Phil. We appreciate the Senator's support. The review of the project was postponed until next month. We will let you know of the decision once it has been decided.

Michael

On Thu, Dec 13, 2012 at 5:28 PM, Maxson, Philip (McConnell) <Philip_Maxson@mcconnell.senate.gov> wrote:

Hi Michael,

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Please let me know if you hear of any developments or if we can be of further assistance.

Happy Holidays!

Phil Maxson
Legislative Assistant & Director of Projects
Office of U.S. Senator Mitch McConnell
(202) 224-5965

FAX

U.S. Fish and Wildlife Service Division of Refuges and Wildlife



1875 Century Boulevard, Suite 420
Atlanta, Georgia 30345

Date: 12/6/2012

To: The Honorable Mitch McConnell

Fax: 202-224-2499

From:

**Katina DeLong, Program Operations Assistant
Southeast Region -- Area 1**

**Telephone: 404/679-7120
Fax: 404/679-4179
Email: katina_delong@fws.gov**

Number of pages to follow: 1

Note: Response to your letter of November 13, 2012



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/RP/Area I/053213

DEC 6 2012

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510-1702

Dear Senator McConnell:

Thank you for your letter of November 13, 2012, and your continued support for the ongoing conservation efforts being conducted by the U.S. Fish and Wildlife Service (Service) in western Kentucky. Your support has been instrumental in both moving the expansion project forward in a timely fashion and in the conservation success that has been achieved since the establishment of the Clarks River National Wildlife Refuge (NWR). The management goal of Clarks River NWR is to provide habitat for a diverse group of wildlife species found within the Clarks River and its floodplain while providing the surrounding public opportunities to participate in appropriate wildlife-dependent recreation.

As noted in your letter, the Service is currently reviewing a proposal to expand the area of consideration for which lands could be potentially purchased and included as a part of the Clarks River NWR. Significant public input and planning has been conducted over the past four years to develop the proposal that would substantially increase management capabilities and public use opportunities. In light of this, we also recognize the budget constraints we as a nation and as an agency currently face and we are proactively taking steps to increase our efficiencies and effectiveness to meet the conservation challenges before us. Currently, the plan is being reviewed in our headquarters office. If approved, the plan will be released and the process will be concluded.

We assure you and your constituents that all regional and national factors related to the proposal will be given full consideration in our evaluation. If you have any questions or need additional information, please contact me at (404) 679-4000, or Michael Johnson, Refuge Manager, at (270) 703-2964. Again, thank you for your support for our conservation efforts at Clarks River NWR.

Sincerely yours,

Cynthia K. Dohmer
Regional Director

MRK 7/3/12



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
CHAIRMAN
SUBCOMMITTEE ON FINANCIAL INSTITUTIONS
AND CONSUMER CREDIT

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

June 26, 2012

2443 RAYBURN H.O.B.
WASHINGTON, DC 20515-4802
202-225-2711

4815 MACCORKLE AVE.
CHARLESTON, WV 25304
304-925-5964

300 FOXCROFT AVE.
SUITE 102
MARTINSBURG, WV 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

Ms. Elaine Hackett
Congressional Liaison
National Park Service
U.S. Department Of The Interior
1849 C Street, NW, Room 7256
Washington, D.C. 20240

Dear Ms. Hackett:

I am writing on behalf of my constituent who has contacted my office for assistance. Enclosed, for your review, is a copy of the information I received.

Any information or assistance that you can provide in this matter would be deeply appreciated. Please mail all correspondence regarding this inquiry to my office at 300 Foxcroft Avenue, Suite 102, Martinsburg, W.Va. 25401. You can also contact me by phone at (304) 264-8810 or by fax at (304) 264-8815.

Sincerely,

Shelley Moore Capito, M.C.

SMC:AP

PRIVACY ACT RELEASE FORM

As required by the Privacy Act of 1974, I authorize United States Representative Shelley Moore Capito to obtain information from any federal government records regarding me in connection with my _____ claim or problem.

(Agency)

Signature **non-responsive** Date 6/19/2012
Name **non-responsive** Home Telephone **non-responsive**
(Print) / Work Telephone **non-responsive**
Date of Birth **non-responsive** Social Security Number **non-responsive**
Address **non-responsive** City CHARLESTON
State WV Zip 25314 County KANAWHA Claim Number (if applicable) _____

Please describe your problem and the current status of your claim.

To get my Father's name on the WW II
monument in Washington. His name is
non-responsive
AIR FORCE, BORN **non-responsive** in WHEELING, WV
Died **non-responsive** SERVED 1942 - 1945 in
BURMA, INDO-CHINA THEATRE. Thank you.

****Please feel free to write on back if necessary****

Please return form to: Congresswoman Shelley Moore Capito
4815 MacCorkle Ave., SE
Charleston, West Virginia 25304
Phone (304) 925-5964
Fax (304) 926-8912

non-responsive



United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

JUL 13 2012

IN REPLY REFER TO:

Honorable Shelley Moore Capito
Member, United States House of Representatives
300 Foxcroft Avenue, Suite 102
Martinsburg, West Virginia 25401

Dear Ms. Capito:

Thank you for your letter of June 26, 2012, concerning your constituent, Mr. **non-responsive** wanting to add his father's name to the World War II Memorial. Your letter has been forwarded to me for a personal response.

As designed, the memory of America's World War II generation is preserved within the physical memorial and through the World War II Registry of Remembrances. This Registry is an individual listing of Americans who contributed to the war effort. Any U.S. citizen who helped win the war, whether a veteran or someone on the home front, is eligible for the Registry. Names in the Registry will be forever linked to the memorial's bronze and granite representations of their sacrifice and achievement.

The Registry combines four distinct databases that can be searched for names of those who provided service. The Registry includes the names of Americans who are:

- (1) Buried in American Battle Monuments Commission (ABMC) overseas military cemeteries;
- (2) Memorialized on ABMC Tablets of the Missing;
- (3) Listed on official War and Navy Department Killed in Service rosters now held by the National Archives and Records Administration; or
- (4) Honored by public enrollment in the Registry of Remembrances.

A name and photo can be added to the Registry of Remembrances by going to the following web site: www.wwiimemorial.com and clicking on the Registry button, or by completing the enclosed forms and returning them to the World War II Memorial Processing Center. We hope that this information is helpful to your constituent.

Sincerely,

Regional Director, National Capital Region

Enclosures

THE WORLD WAR II REGISTRY OF REMEMBRANCES



Anyone who helped win the war, either a veteran or an American on the home front, is eligible for the Registry of Remembrances. You may enter your own name, or the name of someone you wish to honor for their service during the war. The Registry of Remembrances will be accessible on site at the National World War II Memorial in Washington, D.C. You may register a name via the internet or by mail. Registration is free.

HOW TO ENTER A NAME IN THE REGISTRY VIA THE WWII MEMORIAL WEBSITE

1. Go to www.wwiimemorial.com. Click on the "WWII Registry" button at left.
2. Follow the online instructions to enter the name you wish to honor.
3. Please include all information that applies, if available. Some fields are required information.
4. You will be given the opportunity to enter more than one name if you wish.

You will receive an e-mail confirming registration of the name you enter. When the name is available for viewing on the website (please allow two to three weeks), you will receive a second e-mail telling you how to add a photograph to the Registry record of the name you entered.

HOW TO ENTER A NAME IN THE REGISTRY BY MAIL

1. Complete the form below. Please note required fields (marked by *).
2. Mail this page to: WWII Memorial Processing Center
P.O. Box 186
Calverton, NY 11933-0186
3. If you wish to add more than one name, please copy this form and complete it for each honoree.

☆☆☆☆☆ REGISTRY OF REMEMBRANCES ☆☆☆☆☆

Title/Rank: _____

*Honoree Name: _____

*Honoree Status: (check one) World War II Veteran Civilian on the Home Front Killed in World War II

*Hometown: _____ *State: _____

Branch of Service: (check one) Air Force Army Marine Corps
 Navy Coast Guard Merchant Marine

Honoree's Wartime Activity: _____

Your relationship to Honoree: _____

*Your Name: _____

*Your Address: _____

*City: _____ *State: _____ *Zip Code: _____

There is no fee to add a name to the Registry. There is a fee, however, to add a photo or receive a certificate. See other side to add a photograph to the record of the person you are honoring or to purchase a certificate listing the name of the person you are honoring.

Questions? Please call the World War II Memorial Processing Center at 1-800-639-4992.

How to Add a Photograph to The World War II Memorial Registry of Remembrances

When you enter a name in the Registry of Remembrances, you may include a photograph as part of the entry. There is a processing fee of \$10 per photo. Please complete the form below to submit a photo by mail.

Note: If you are entering a name in the Registry via the World War II Memorial website, you will receive e-mail instructions for adding a photo via the website.

INSTRUCTIONS FOR MAILING A PHOTOGRAPH

1. You may add one photograph per honoree. You may submit a photo from the WWII era or a more recent photo. Black-and-white or color is acceptable.
2. Portrait format (vertical) is recommended. Landscape format (horizontal) is acceptable, but the image may appear smaller on-screen.
3. Have a print copy of the original photo made. *Please do not send original photos, only copies. We cannot return prints, CDs or diskettes.*
4. Complete the form below and mail it with the print copy to:
WWII Memorial Photo Processing Center
P.O. Box 186
Calverton, NY 11933

Be sure to include a check made payable to "WWII Memorial" for \$10 for each photo you are adding, or credit card information as appropriate.

How to Purchase a Certificate from The World War II Memorial Registry of Remembrances

When you enter a name in the Registry of Remembrances, you may purchase an official Registry Certificate, suitable for framing, that lists the name of the person you have entered. There is a processing fee of \$5 per Certificate ordered. Please complete the form below and return with your payment.



<p style="margin: 0;">N A T I O N A L</p> <p style="margin: 0;">WORLD WAR II</p> <p style="margin: 0;">M E M O R I A L</p>	
<p>Photo Processing Center • P.O. Box 186 • Calverton, NY 11933</p>	
<p><input type="checkbox"/> YES, I'm sending a copy of a photograph to include with the name I've entered in the Registry of Remembrances. I am enclosing a processing fee of \$10.</p>	
<p><input type="checkbox"/> YES, I would like to receive an official Registry of Remembrances Certificate listing the name of the person I am honoring. I am enclosing a processing fee of \$5 for each Certificate ordered.</p>	
<p>Total amount due: \$ _____. Please make check payable to: World War II Memorial</p>	
<p>Charge my credit card: <input type="checkbox"/> MasterCard <input type="checkbox"/> VISA <input type="checkbox"/> American Express</p>	
<p>Card Number _____ Exp. Date _____</p>	
<p>Signature _____</p>	
<p>Please mail my Certificate to (if other than address shown on back):</p>	
<p>Mr./Mrs./Family of: _____</p>	
<p>Address _____</p>	
<p>City/State/Zip _____</p>	



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
RANKING MEMBER,
SUBCOMMITTEE ON HOUSING AND
COMMUNITY OPPORTUNITY

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

February 26, 2009

1431 LONGWORTH H.O.B.
WASHINGTON, DC 20515-4802
202-225-2711

4815 MACCORKLE AVE.
CHARLESTON, W.V. 25304
304-925-5964

300 FOXCROFT AVE.
SUITE 102
MARTINSBURG, W.V. 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

Ms. Elaine Hackett
Congressional Liaison
National Park Service
U.S. Department Of The Interior
1849 C Street, NW, Room 7256
Washington, D.C. 20240

Dear Ms. Hackett:

I am again writing on behalf of my constituent, Mr. [non-responsive] (SS [non-responsive]) [non-responsive] who has asked me for assistance. Attached you will find a copy of the correspondence I received as well as the Privacy Act Release form on record. My office is in the process of obtaining a new Privacy Act Release form and will forward upon receipt.

Any information or assistance you can provide on this matter would be deeply appreciated. The address for my District Office is 4815 MacCorkle Ave., SE Charleston, West Virginia 25304. You can also contact me by phone at 304-925-5964 or by fax at 304-926-8912. I appreciate your assistance and look forward to hearing from you soon.

Sincerely,

Shelley Moore Capito
Member of Congress

SMC:KV

Enclosure

cc: U.S. Department of Labor
Office of Personnel Management

DATE: February 9, 2009 4:29 PM

NAME: non-responsive

ADDR1

ADDR2

ADDR3:

CITY: Martinsburg

STATE: West Virginia

ZIP: 25401

PHONE: non-responsive

EMAIL:

msg:

Dear Ms. Capito,

In September 2005, I left my job with the Federal Government, National Park Service, due to a physical disability. non-responsive because I could no longer due my job as a non-responsive which entailed carring heavy weights on my back plus had no one to assist me with the job. Upon my announcement of my leaving due to my disability, no one within the Park Service contacted me or talked to me about my reasons for leaving or counseled me about my rights as a federal employee. So I left after 22 years of service.

My question: Since I was leaving my job due to a physical disability, should someone have contacted me within the Government (OPM or others) and advised me of my rights concerning my disability and my reasons for leaving...?

Who can I contact now to discuss what my rights were and if someone should have talked with me about my reason for leaving.

Thank You,

non-responsive

PRIVACY ACT RELEASE FORM

As required by the Privacy Act of 1974, I authorize United States Representative Shelley Moore Capito to obtain information from any federal government records regarding me in connection with my NATIONAL CAPITAL REG. OPM-DISABILITY claim or problem.
(Agency)

non-responsive

Signature

Date 5/31/2007

Name

non-responsive

Telephone

non-responsive

(Print)

Work Telephone

Date of Birth

non-responsive

Social Security Number

non-responsive

Address

non-responsive

City Martinsburg

State

WV

Zip 25401

County

BERK

Claim Number (if applicable) _____

Please describe your problem and the current status of your claim.

PLEASE SEE ATTACHED DOCUMENTS.

THANK YOU

non-responsive

Please feel free to write on back if necessary

Please return form to:

Congresswoman Shelley Moore Capito
4815 MacCorkle Ave., SE
Charleston, West Virginia 25304
Phone (304) 925-5964
Fax (304) 926-8912

Dear Ms. Capito:

The following is a copy of the certified letter I sent to Mr. Charles Richardson, Chief of Human Resources Division through Ms. Dottie Marshall, Assistant Regional Director of Administration for the National Capital Region on May 17, 2007 which was received May 21, 2007, in effort to attempt to recover my medical records and answers regarding my request for disability assistance along with all the actions taken. At no time was I ever contacted by OPM or anyone else regarding my request and I believe I was not properly handled or advised with dealing with my request, nor was I with regards to my termination with the National Park Service, due to my physical disabilities. I have since discussed my situation with other National Park Service Administration Officials and they have commented to me that they believe that I was never properly advised as to my Rights or my leaving the Park Service and that something went terrible wrong with my request. That I should have been contacted by OPM and should have been notified and evaluated by an appointed OPM doctor shortly after my request was made. Some have commented 'confidentially' that they believe my file may have been lost or never properly processed and that some of the folks at National Capital are just 'poor' at their jobs. So, I am attempting to attain information as to why I was never properly dealt with or officially contacted by OPM or medically evaluated.

I served with the National Park Service for 23 years, nineteen years with the

non-responsive

non-responsive

non-responsive

” But the foremost reason for my leaving was because I was partnered with another NPS employee with whom I had worked with since the start of my career in 1984, who thankfully for me, performed all of the backpacking and carrying of the heavy loads and all the instruments and gear needed to do our jobs, during that time. When he retired, his position was terminated and I was left alone to perform the job. I was and am, no longer physically capable of performing this type of work on a day to day basis. It’s much too physically demanding and there were no positions available at the Region for me at the time. Cartographic positions were actually being cut, nation wide due to budget restraints. I am

non-responsive

My physical conditions will never get better and are deteriorating slowly over time. I am hoping to be given another chance, “a fair chance” at being properly evaluated and processed as to my request for disability and properly advised as to my rights as a former federal employee. Again, at no time was I ever advised or consoled as to my legal rights. Please Ms. Capito, I hope you will help assist me with this matter. non-responsive

non-responsive

Thank you for your time.

Sincerely,

non-responsive



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:
P30 (2653)

Honorable Shelley Moore Capito
House of Representatives
4815 MacCorkle Avenue, S.E.
Charleston, West Virginia 25304

MAR 27 2009

Dear Ms. Capito:

Thank you for your correspondence dated February 26, 2009, concerning your constituent, Mr. [non-responsive] of Martinsburg, West Virginia. [non-responsive] formally resigned from the National Park Service on September 6, 2005, stating his departure was due to "personal reasons." Mr. [non-responsive] contacted our National Capital Region (NCR) Office of Human Resources by letter on May 16, 2007. At that time he requested copies of his records to use in applying for disability retirement. When an employee separates from Federal Service, the NPS Records Disposition Schedule requires destruction of unofficial employee files one year after separation and the official personnel folder (OPF) is transferred to the National Personnel Records Center (NPRC) in St. Louis, Missouri, 30 days after separation. Accordingly, Mr. [non-responsive] was advised that the NCR Office of Human Resources was unable to provide the documentation.

Ms. Michelle Stewart-Pearcy, Employee and Labor Relations Specialist, informed Mr. [non-responsive] in 2005 that he may wish to consider applying for Social Security disability benefits, which is a required first step in applying for disability retirement. He would then provide a copy of the Social Security disability statement with his disability application to the Office of Personnel Management (OPM). Federal law requires that OPM must be in receipt of the application not more than one year after an employee's separation date.

Mr. [non-responsive] was advised of all the above information in a 2007 letter (enclosed). We regret that Mr. [non-responsive] has the perception that his situation was not handled properly.

When he resigned, Mr. [non-responsive] completed Part E – Employee Resignation/Retirement section of Standard Form 52, Request for Personnel Action. This block allows an employee to furnish a specific reason for the resignation. Mr. [non-responsive] did not indicate his resignation was for medical reasons; instead, he listed "personal reasons." The Human Resources Office processed his resignation according to standard procedures.

Retirement information is readily available to employees on the U.S. Office of Personnel Management (OPM) website. Human Resources specialists are available to brief employees on their benefits and answer any questions they may have.

The National Park Service is committed to providing fair and equitable treatment to all employees. We are sympathetic to Mr. **non-responsive** circumstances. However, we can assure you that there was no deviation from the normal procedures by NPS or OPM in the processing of his resignation. We thank you for the opportunity to provide clarification concerning Mr. **non-responsive** situation.

Sincerely,

Nathaniel M. Deutch

for Jerry W. Simpson
Assistant Director, Workforce Management

Enclosures



United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:

F.A.I. (NCR-LPD)

02 20 2012

Honorable Shelley Moore Capito
House of Representatives
Washington, D.C. 20515

Dear Ms. Capito:

Thank you for your letter regarding your constituent, Mr. [non-responsive] concerning the National Park Service's (NPS) efforts to acquire for Harpers Ferry National Historical Park two separate and distinct parcels of land in Jefferson County, West Virginia. Your letter has been forwarded to me for a personal reply.

At various times since 2005, the NPS has worked with the property owner, Ms. [non-responsive], to purchase these two tracts of land located within the legislative boundaries of Harpers Ferry National Historical Park. The first tract (HAFE 103-46) is a 0.611 acre parcel is owned by DF Briarpatch, LLC, of which Ms. [non-responsive] is the sole member. It is improved with a two-story office building and a single-story automotive service station and had previously been utilized as a gasoline filling station. Prior and current uses of HAFE Tract 103-46 have resulted in the property's contamination by petroleum products. The second tract (HAFE 103-45) is a 0.896 acre parcel of undeveloped and wooded land. The property has no known contamination and is currently owned by Cavalier Properties, LLC, of which Ms. [non-responsive] is the sole member.

Since 2005, progress on the acquisitions has been stalled by Ms. [non-responsive]'s intermittent decision not to sell either property to the NPS. In November 2011, Ms. [non-responsive] again expressed her interest to sell both properties to the NPS and engaged the assistance of the Civil War Trust, a non-profit organization whose primary focus is the preservation of American Civil War battlefields. Upon Ms. [non-responsive]'s renewed interest in selling her properties, the NPS ordered updated real estate appraisals and pre-acquisition environmental studies for both properties.

An earlier Level I environmental study conducted on HAFE 103-46 had recommended further environmental studies and recognized that Ms. [non-responsive] arranged in 2000 to have the underground storage tanks removed from the property and that she subsequently engaged in remediation and monitoring activities prescribed by the West Virginia Department of Environmental Protection (WVDEP). The WVDEP subsequently determined that no additional investigation or remedial action was warranted. However, WVDEP's Review of Closure report expressly stated that the findings did "not in any manner constitute a certification or guarantee with regard to the lack of contamination on the property" and further disclosed that "should any contamination...be discovered in the vicinity of the subject property in the future, the WVDEP expressly reserves the right to require responsible parties to conduct additional investigation and/or remedial actions."

Based on the results of the earlier Level I environmental study and in full compliance with U.S. Department of the Interior (DOI) policy, NPS conducted Environmental Site Assessments of the property in 2012. The DOI policy requires bureaus acquiring land to ascertain the nature and extent of potential environmental liabilities associated with the property, regardless of a state environmental protection agency's findings with respect to a particular site.

The Level II Environmental Site Assessment completed in November 2012 revealed that petroleum-contaminated soils are present in the vicinity of the excavated underground storage tanks, as well as beneath two extant aboveground storage tanks. Total Petroleum Hydrocarbon values from four of thirty-five soil borings exceeded WVDEP voluntary remediation levels, in one instance by over four hundred percent. In addition, the assessments have also indicated the presence of asbestos and lead-based paint in one of the structures on the property.

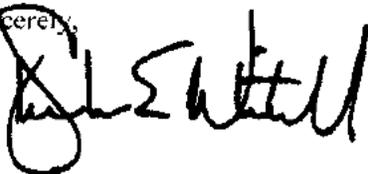
The DOI policy requires that NPS weigh the benefits of all acquisitions relative to the total cost, including fair market value, remediation costs, and any known or reasonably estimated monetary damages that could be associated with the acquisition. Our estimates indicate that the costs of full remediation may total as much as \$380,704. Property acquisitions in cases where remediation costs are between \$250,000 and \$500,000 require approval by the NPS Director.

To proceed with the acquisition of HAFE 103-46, the NPS will need to have WVDEP review the findings of the Level II environmental report to determine its remediation expectations, if any. However, after review of the Level II study, Ms. **non-responsive** expressed her unwillingness to allow WVDEP review and once again indicated that she would not sell the property to the NPS.

Nonetheless, we remain hopeful that Ms. **non-responsive** will eventually agree to the WVDEP review and will sell the property to the NPS. The NPS continues to take the necessary steps to complete this goal, such as identifying funding for the remediation. In the meantime, the NPS, in conjunction with the Civil War Trust, continues to work with Ms. **non-responsive** on the purchase on the second parcel, HAFE 103-45.

Thank you for your interest in the National Park Service. If you have any questions, please contact me or Peter May, Associate Regional Director for Lands, Planning, and Design at (202) 619-7025 or peter_may@nps.gov.

Sincerely,



Stephen E. Whitesell
Regional Director



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
RANKING MEMBER,
SUBCOMMITTEE ON HOUSING AND
COMMUNITY OPPORTUNITY
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

1431 LONGWORTH H.O.B.
WASHINGTON, DC 20515-4802
202-225-2711

4815 MACCORKLE AVE.
CHARLESTON, W.V. 25304
304-925-5964

300 FOXCROFT AVE.
SUITE 102
MARTINSBURG, W.V. 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

To: Markee Connors
Fax Number: 202 208 5683 Phone Number: _____
Re: constituent Number of Pages: _____
Date: 5/21

From:

- Congresswoman Shelley Moore Capito _____
- Joel Brubaker, Chief of Staff _____
- Alison Bibbee, Executive Assistant _____
- Aaron Sporck, Legislative Director _____
- Jonathan Coffin, Press Secretary _____
- Curran Johnston, Legislative Assistant _____
- Virginia Gum, Legislative Assistant _____
- Miranda Kessel, Legislative Assistant _____
- Andrew Stasiowski, Staff Assistant _____
- Staunton Gorrell, Staff Assistant _____

Notes:

Per our conversation. Thanks for
being so responsive and working into this
-Miranda



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
RANKING MEMBER,
SUBCOMMITTEE ON HOUSING AND
COMMUNITY OPPORTUNITY

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

SELECT COMMITTEE ON ENERGY INDEPENDENCE
AND GLOBAL WARMING

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300 FOXCROFT AVE.
SUITE 102
MARTINSBURG, W.V. 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

May 21, 2009

Ms. Elaine Hackett
Congressional Liaison
National Park Service
U.S. Department of the Interior
1849 C Street, NW, Room 7256
Washington, DC 20240

Dear Ms. Hackett,

I am writing on behalf of my constituent who has contacted my office for assistance. Enclosed, for your review, is a copy of the information I received.

Any information or assistance that you can provide in this matter would be deeply appreciated. Please mail all correspondence regarding this inquiry to my office at 2443 Rayburn Office Building, Washington D.C., 20515. You can also contact me by phone at (202) 225-2711 or by fax at (202) 225-7856.

I appreciate your time and attention this matter.

Sincerely,


Shelley Moore Capito, M.C.

January 22, 2009

Resending... I was
told you did not receive
(120)

Honorable Shelley Moore Capito,
U.S House of Representatives
1431 Longworth House Office Building
Washington, D.C. 20515-4802

Dear Congresswomen Capito:

As you know, I made protected whistle blower disclosures to a private government watch dog organization, Public Employees for Environmental Responsibility (PEER), the Department of Interior Inspector General and the Office of Special Counsel; regarding allegations that the National Park Service (NPS) had improperly allowed Washington Redskins Football Team Owner, Daniel Snyder, to cut trees on NPS lands. These disclosures occurred while I was the Chief Ranger (senior law enforcement official) for the C&O Canal National Historical Park. The resulting Department of Interior Inspector General Investigation confirmed that my concerns and disclosures were accurate, and that the NPS violated both policy and law. Since that time, I have experienced constant harassment by NPS management, including reassignment, and unfounded allegations of wrongdoing.

I have attached a letter for your information which was sent to the Secretary of the Interior, Department of Interior Inspector General and the National Park Service yesterday. I would appreciate your support for our call for an inspector general investigation, and for your continued monitoring of this case.

Thank you for your representation and dedication to our great State of West Virginia.

Sincerely,

non-responsive

February 23, 2009

Mr. Ken Salazar,
Secretary of the Interior
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Salazar,

My name is **non-responsive** and I am a career employee of the National Park Service. I have worked for this agency for 26 years and in numerous locations. Last night I observed you and Mr. Earl E. Devaney on television at President Obama's speech from the United States Capital, and this reminded me to contact you regarding your welcomed statements about civil service reform and cleaning up the corruption, waste, fraud and abuses of the Interior Department, especially the National Park Service.

On January 22, 2009 I sent you a copy of a letter we sent to Ms. Peggy O'Dell, Regional Director for the National Capital Region of the National Park Service, concerning issues I have with this agency. I also sent this letter to Mr. Devaney, Office of Inspector General. Since I have not yet received a response from Ms. O'Dell, Mr. Devaney or your office, I have elected to contact you directly.

My issues directly relate to your mission to reform and remove corruption from the Department of the Interior. Specifically, my issues are as follows:

In September 2003, I began employment as the **non-responsive**
non-responsive
non-responsive During this time, I became aware of several unsavory activities which park management was involved, and I reasonably believed they to be violations of law and policy, evidence of fraud, waste and abuse, and contrary to the Park Service's mission of protecting the resources entrusted in its care, unimpaired, for the benefit of future generations. As a career National Park Ranger, I felt it was my duty to protect our National Park lands, by reporting this wrongdoing.

During the week of March 8, 2005 I disclosed to the Public Employees for Environmental Responsibility (PEER) that **non-responsive**
non-responsive allowed billionaire Washington Redskins Football Team owner, Daniel Snyder to improperly cut trees on National Park Service-managed lands. In May 2005, I again reported this wrongdoing, via the Department of the Interior Inspector General "Hotline," that **non-responsive** had violated policy and

law, regarding the Daniel Snyder tree cutting issue and several other actions he undertook while serving as **non-responsive**

On July 6, 2005, I met with David S. Bodge, Senior Special Agent, Office of Program Integrity and Jack L. Rohmer, Associate Director, Office of Program Integrity, both with the Department of Interior Inspector General's Office, to report the wrongdoing referenced above.

It is important to note that my protected disclosures to the Department of the Interior Inspector General were confirmed to be truthful, accurate and instrumental in assisting with the government's investigation, as well as, in assuring the protection of National Park Service resources.

Soon after I made my protected disclosures, I experienced a variety of administrative actions, including temporary reassignment, investigation, frivolous administrative charges, Board of Inquiry, suspension, isolation, permanent reassignment and criminal charges. I was removed from my position as **non-responsive**

non-responsive

It is critical to understand that when the Snyder Tree Cutting deal was first initiated, Special Assistant to the NPS Director, Mr. **non-responsive** handled the issue from his office in the National Park Service headquarters, in Washington, D.C. After several years in this position, Mr. **non-responsive** was appointed to Superintendent of Colonial NHP; in November 2004. During this time, another employee, Mr. **non-responsive** worked as Mr. **non-responsive** coworker, performing a **non-responsive**. Mrs. **non-responsive** was appointed to this position in November 2002. As you know, the Daniel Snyder case received national press attention during 2004 - 2006. Mrs. **non-responsive** worked closely with NPS Director Mrs. Fran Mainella, as well as, Mr. **non-responsive**. Mr. **non-responsive** started performing **non-responsive**. Importantly, Mrs. **non-responsive** was promoted to the **non-responsive** in January 2005 and became Mr. **non-responsive** direct supervisor.

As you may know, Mr. **non-responsive** performed as the on-the-ground facilitator for the Director's alleged call for accommodating Daniel Snyder's tree cutting request. Mr. **non-responsive** personally met with Mr. Snyder, Mr. Smith and other NPS representatives at Mr. Snyder's mansion, to work out the tree cutting deal. Mr. **non-responsive** also met with the NPS Director.

On January 19, 2006 the Department of Interior Inspector General's Office completed its investigative report regarding allegations that the National Park Service improperly allowed Mr. Snyder to cut trees on government lands. Importantly, the Inspector General found that Mr. **non-responsive** violated agency policy and law. However, the

United States Attorney's Office declined prosecution of Agency officials and referred the case back to the Agency for "appropriate action." No action was taken.

In the mean time, Mr. [non-responsive] had brought an agency action against me, which I strongly contend is evidence of whistle blower reprisal. In spite of obvious conflict of interest issues, Mrs. [non-responsive] did not recuse herself from her role as my "deciding official" when evaluating the case that Mr. [non-responsive] brought against me. Nor, did she make her prior employment with the NPS Director known to me. Mrs. [non-responsive] made many procedural decisions that appear to be a direct conflict of interest and they worked against my position.

Of course, there are many more important details which demonstrate a pattern of illegal activity, cover-up, false statements, conflict of interest, abuse of authority and whistle blower reprisal in this case. We can save those for another time or when we can meet.

It is important for you to realize that I have made this contact with you, on my own initiative, and without the aid of attorneys or special counsel. I am appealing to your better judgment and ability to manage conflict and public controversy. My wife and I request to personally meet and discuss this case with you, in your Washington, D.C. office or a place of your choosing. We would like to discuss a reasonable way forward and make arrangements to return to the work I have dedicated my life to. I fear that if a resolution cannot be found very soon, the National Park Service will continue to propose new actions of reprisal and these will result in unnecessary public controversy and press attention, further inhibiting my return to service.

Please understand that I am fearful of continued acts of reprisal against me by the National Park Service. For this reason, I request that this correspondence be handled with confidentiality and not be shared with National Park Service personnel. However, I have no problem with it being shared with the DOI Inspector General or your immediate staff.

Thank you for your commitment to reforming the Department of the Interior and removing the individuals responsible for the loss of its fine reputation.

With high regards,

non-responsive

AVERY DOOLEY POST & AVERY, LLP

Attorneys at Law
90 Concord Avenue
Belmont, MA 02478

Telephone: (617) 489-5300

Fax: (617) 489-0085
pnoone@averydooley.com

January 22, 2009

Transmitted by Fax
Fax No: (202) 619-7220

Mrs. Peggy O'Dell,
Regional Director
National Capital Region
National Park Service
1100 Ohio Drive SW, 3rd Floor
Washington, DC 20242

Re: **non-responsive** National Park Ranger, Law Enforcement

Dear Regional Director O'Dell:

As you know, I am counsel for **non-responsive** in connection with actions taken against Mr. **non-responsive** by the National Park Service. By memorandum dated June 18, 2008, Mr. **non-responsive** sustained **non-responsive** proposal that Mr. **non-responsive** be suspended from his position as a Law Enforcement Park Ranger indemnity, and without pay, pending the resolution of criminal charges stemming from allegedly receiving and concealing stolen government property. That resolution came on January 8, 2009, when a jury acquitted Mr. **non-responsive** on all charges. On the basis of that acquittal, and the extensive evidence of the Agency's bad faith that emerged at trial, I hereby request that the Agency immediately reinstate Mr. **non-responsive** to his position, with full back pay and reimbursement for all his reasonable attorneys' fees.

During Mr. **non-responsive** criminal trial, extensive evidence indicated that the Agency enacted **non-responsive** suspension in bad faith, knowing the criminal charges against him were false. For instance, in the notice of proposal, Mr. **non-responsive** wrote that, "based on the information currently available to me, it appears **non-responsive** acts were intentional, committed maliciously for personal gain, and were frequently repeated." It turns out, however, that the information available to Mr. **non-responsive** showed exactly the opposite. Mr. **non-responsive** criminal attorney was able to demonstrate at trial that Mr. **non-responsive** withheld exculpatory evidence from Agency investigators and the U.S. Attorneys' Office. Specifically, Mr. **non-responsive** failed to disclose that he had personally assisted **non-responsive** in transporting much of the allegedly stolen property from his office to his home, when he was **non-responsive** knew that Mr. **non-responsive** did not steal this government property because he had helped Mr. **non-responsive** move it in the first place. Not only did Mr. **non-responsive** conceal this information from the appropriate authorities, but he lied about it in his sworn testimony at trial. In addition, Mr. **non-responsive** lied about the role of another officer, United States Park Police

non-responsive who also assisted in moving the items in question. The lack of integrity and truthfulness in Mr. **non-responsive** trial testimony prompted a motion to dismiss and led the jury to acquit Mr. **non-responsive** of all charges with minimal deliberation.

This is only a small sample of the evidence of bad faith that came to light during Mr. **non-responsive** criminal trial. In addition, trial testimony established that the Agency failed to conduct even a cursory investigation into the allegations against Mr. **non-responsive**. Had the Agency done so, it would have discovered that the source of those allegations was Mr. **non-responsive** former tenant, **non-responsive** against whom Mr. **non-responsive** had filed a civil complaint for repeated failure to pay rent. The Agency would also have discovered, as the jury learned at trial, that Mr. **non-responsive** accuser had filed a false police report; harassed a Jefferson County West Virginia Planning Department Investigator, in an effort to initiate an investigation into Mr. **non-responsive** and raised numerous unsupported allegations against Mr. **non-responsive** that ran contrary to all the evidence of record. Mr. **non-responsive** utter lack of credibility was apparent from the many inconsistencies and contradictions underlying his allegations against Mr. **non-responsive** which the Agency could fail to notice only by an act of willful disregard. At a minimum, the doubts surrounding Mr. **non-responsive** truthfulness should have compelled the Agency to conduct an independent investigation into his allegations before taking any adverse action against Mr. **non-responsive** “[W]hen a charge of criminal conduct arises in a context in which the credibility of key parties is necessarily in question, the agency must assure itself that it has a sound basis for acting...” Lamour v. Dept. of Justice, 106 M.S.P.R. 366, 372 (2007).

Indeed, Mr. **non-responsive**’s credibility was so dubious that the government elected not to call him as a witness at Mr. **non-responsive** trial. By failing to call Mr. **non-responsive**’s chief accuser, the original source of the allegations that Mr. **non-responsive** received and concealed stolen property, the government tacitly acknowledged that those allegations were tainted and false.

The Agency’s willingness to suspend Mr. **non-responsive** indefinitely, without conducting any independent investigation into the obviously false accusations against him, is evidence of bad faith. Importantly, the Agency did not afford Mr. **non-responsive** any opportunity to refute the charges against him, either by offering interview testimony or providing exculpatory evidence. The Agency’s refusal to hear Mr. **non-responsive** side of the story was in bad faith, especially considering the tainted source of the allegations against him and the fact that the alleged conduct was entirely out of character and inconsistent with Mr. **non-responsive** 25-year work history with the National Park Service.

Likewise, the Agency’s decision to suspend Mr. **non-responsive** without pay was unduly harsh and contrary to the preferred employment practice as set forth by the U.S. Supreme Court. See Cleveland Board of Education v. Loudermill, 470 U.S. 532, 544-45 (1985) (expressing the preference that government agencies “keep [] citizens usefully employed” rather than take premature “and possibly erroneous” adverse action and finding that “in those situations where the employer perceives a significant hazard in keeping the employee on the job, it can avoid the problem by suspending with pay”).

In light of all the evidence, it is clear that the Agency's motive in suspending Mr. [non-responsive] without pay, on the basis of patently false accusations from a man with a demonstrable bias, was retaliatory animus. As you may know, during the week of March 8, 2005, Mr. [non-responsive] reported to the Public Employees for Environmental Responsibility (PEER) that [non-responsive] planned to allow Washington Redskins owner Daniel Snyder to cut trees on a National Park Service-managed lands. On March 18, 2005, Mr. [non-responsive] received official notification of a "temporary reassignment" to another unit – an action that would last more than two years. The notification also indicated that the Agency would suspend his Law Enforcement Commission, initiate an Internal Investigation and convene a Board of Inquiry. These managerial actions were initiated without providing Mr. [non-responsive] an opportunity to review or refute any Agency allegations.

In May 2005, Mr. [non-responsive] reported alleged wrongdoing, via the DOI Inspector General "Hotline," that Superintendent [non-responsive] had violated policy and law regarding several actions he undertook while serving as [non-responsive] [non-responsive]

On June 1, 2005 a Board of Review was held, where three minor issues were evaluated, which were "back mined" from Mr. [non-responsive]'s work history. The most serious of these charges allegedly occurred 18 months prior to Mr. [non-responsive] being reassigned and the Agency had never questioned him about it. As you are aware, two of these issues were not sustained and the Board unanimously recommended Mr. [non-responsive] reinstatement to full law enforcement duties. This recommendation would not be acted on for another two years.

On July 6, 2005, Mr. [non-responsive] met with David S. Bodge, Senior Special Agent, Office of Program Integrity and Jack L. Rohmer, Associate Director, Office of Program Integrity, to report wrongdoing of which he was aware. Mr. [non-responsive] reported three issues: (1) that the National Park Service ("NPS") had improperly allowed Mr. Synder to cut trees on NPS lands; (2) that the Agency misallocated Congressionally-authorized funds intended to support additional law enforcement hiring into non-law enforcement activity; and (3) that the Agency falsified damage reports from Hurricane Isabelle.

In August 2005, despite the Board of Inquiry recommendations, the Agency retaliated against Mr. [non-responsive] for these disclosures by charging him with multiple new specifications of misconduct, virtually none of which had any evidentiary basis. Nearly two years later, in March 2007, Mr. [non-responsive] MSPB appeal went to hearing. At the hearing, Mr. [non-responsive] testified that the Agency's discipline was reprisal for his protected whistleblowing disclosures. Although the Agency argued that it had no intent to retaliate because it did not know that Mr. [non-responsive] had made whistleblower disclosures, despite evidence to the contrary, the Agency can no longer maintain ignorance of that matter.

On January 19, 2006 the Department of Interior Inspector General's Office released its investigative report regarding allegations that the National Park Service improperly allowed Mr. Snyder to cut trees on government lands. Importantly, Mr. [non-responsive] protected disclosures to the DOI Inspector General were confirmed to be truthful, accurate and instrumental in assisting with the government's investigation, as well as assuring the protection of National Park Service resources. However, the United States Attorney's Office declined prosecution of Agency officials and referred the case back to the Agency for "appropriate action."

On April 30, 2007 the MSPB recommended settlement and the Agency permanently reassigned Mr. [non-responsive]

[non-responsive] sive [non-responsive] That reassignment removed [non-responsive] from leadership, management and supervisory responsibilities and removed him from his [non-responsive] [non-responsive]

In light of Mr. [non-responsive] protected whistleblowing activity, it is clear that Mr. [non-responsive] proposal that Mr. [non-responsive] serve an indefinite suspension was an act of retaliation. This is confirmed by the fact that Mr. [non-responsive] lied under oath at Mr. [non-responsive] criminal trial in an attempt to mislead the jury about material facts in the case. Accordingly, I hereby request that the Office of Inspector General investigate the facts and circumstances surrounding Mr. [non-responsive] proposal, sworn testimony and the Agency's investigation. I believe such an investigation will demonstrate that Mr. [non-responsive] a sworn federal law enforcement officer, the proposing official and Mr. [non-responsive] immediate supervisor, provided either, false, fabricated or otherwise incredible testimony during Mr. [non-responsive] criminal trial. I also believe that an independent investigation will demonstrate that the Agency rushed to judgment in suspending Mr. [non-responsive] without pay on the basis of patently false and contradictory allegations from a biased source. It will turn out that the Agency's rush to judgment was not an innocent mistake but the result of retaliatory animus stemming from Mr. [non-responsive] protected disclosures outlined above.

In addition, I request an investigation into the reporting actions of Mr. [non-responsive] tenant, Mr. [non-responsive] It is clear from trial evidence that Mr. [non-responsive] reported these allegations on the same day that he received an eviction notice from Mr. [non-responsive] omitted or concealed critical facts and witnesses; and filed a false police report. Amazingly, these facts, and others, did not make their way into the Agency's investigative reports or into the United States Attorney's arguments at trial.

Lastly, my client and I are concerned about the continued harassment, reprisal and/or new proposals for administrative actions against Mr. [non-responsive] Mr. Duffy's June 18, 2008 Memorandum stated in part: "...the Department may take additional discipline against you, up to and including your removal from your position as a Law Enforcement Park Ranger, NCRO and the Federal service. Such disciplinary action may address, but will not be limited to, the criminal conduct identified in the criminal proceeding." Due

to the well-established pattern of Agency retaliatory actions against M [non-responsive] we have concerns about future Agency actions and the continued harassment of M [non-responsive]

I would like to discuss this matter with you at your earliest convenience, and I welcome your call.

Very truly yours,

AVERY DOOLEY POST & AVERY

Peter H. Noone

cc:

Mr. Ken Salazar
Secretary of the Interior
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Mr. Earl E. Devaney
Office of Inspector General
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Mr. Richard Trinidad
Office of Inspector General
Department of the Interior
1849 C Street, N.W.
Washington DC 20240



United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region

1100 Ohio Drive, S.W.

Washington, D.C. 20242

IN REPLY REFER TO:

A36 (NCR-A)

JUN 12 2009

The Honorable Shelley Moore Capito
House of Representatives
Washington, D.C. 20515-4802

Dear Ms. Capito:

Thank you for your letter dated May 21, 2009, regarding the allegations made by your constituent, Mr. **non-responsive**

Your constituent claims that the National Park Service (NPS) is retaliating against him for making disclosures in 2005. The NPS fully denies this claim. The Merit Systems Protection Board (MSPB) has previously rejected the exact same claims of retaliation. It is a matter of public record that in January 2007, NPS suspended Appellant for 16 days for lack of candor based on misrepresentations he made in connection with failing to respond to an accident and for making disrespectful and irresponsible remarks toward a management official. See **non-responsive**
non-responsive

appellant appealed the suspension to the MSPB. Judge Sherry Zamora fully sustained the decision and penalty. Mr. **non-responsive** claimed that the 16 day suspension was motivated by retaliation against him for making the disclosures in 2005. Judge Zamora specifically found that Appellant had "failed to establish by preponderant evidence his allegations that the agency's action was the result of retaliation for protected disclosures." **non-responsive**

If you have further questions, please contact Solicitor Melvin Hutson at (202) 208-3051, or via email at Mel.Hutson@sol.doi.gov.

Sincerely,

Regional Director, National Capital Region

4815 MacCorkle Avenue, SE
Charleston, West Virginia 25304
Phone: (304) 925-5964
Fax: (304) 926-8912

**Congresswoman
Shelley Moore Capito**

Fax

To: Mr. Christopher Mansour **From:** Kali Vernon, Constituent Services

Fax: 202-208-5533 **Pages:** 12 , including cover

Ph: 202-208-7693 **Date:** July 23, 2009

Re: Mr. Daniel DeLullo **CC:**

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:**

2009 JUL 28 AM 9:17

2009 JUL 28 AM 9:17

RECEIVED

463264



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
Ranking Member
SUBCOMMITTEE ON HOUSING AND
COMMUNITY DEVELOPMENT

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

SELECT COMMITTEE ON ENERGY INDEPENDENCE
AND GLOBAL WARMING

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

July 22, 2009

2443 RAYBURN H.O.B.
WASHINGTON, DC 20515-4802
202-225-2711

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CHARLESTON, WV 25304
304-925-5964

300 FOXGROVE AVE.
SUITE 102
MARTINSBURG, WV 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

Mr. Christopher Mansour
Director of Congressional and Legislative Affairs
U.S. Department of the Interior
Mail Stop 6242
1849 C Street Nw
Washington, D.C. 20240

Dear Mr. Mansour:

I am writing on behalf of my constituent, Mr. **non-responsive**, who has asked me for assistance. Enclosed is a copy of my original inquiry which includes Mr. **non-responsive**'s Privacy Act Release Form that further explains his situation as well as additional emails.

Please provide me with a status of his claim. The last information I received indicated that your office was waiting on a response from the U.S. Park Police. Also, I would welcome any reports of further progress on the case.

Any information or assistance you can provide on the matter would be deeply appreciated. Please mail all correspondence regarding this inquiry to my District office at 4815 MacCorkle Ave., SE, Charleston, WV 25304. You can also contact me by phone at (304) 925-5964 or by fax at (304) 926-8912.

Sincerely,

Shelley Moore Capito
Member of Congress

SMC:KV

Enclosure



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA
COMMITTEE ON FINANCIAL SERVICES
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

1431 LONGWORTH H.O.B.
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WWW.HOUSE.GOV/CAPITO

February 21, 2008

Mr. Matt Eames
Director of Congressional and Legislative Affairs
U.S. Department of Interior
Mail Stop 6242
1849 C St, NW
Washington, D.C. 20240

Dear Mr. Eames:

I am writing on behalf of my constituent, **non-responsive**, who has asked me for assistance. Attached you will find a copy of **non-responsive** Privacy Act Release form and supplemental information that explains his situation.

Any information or assistance you can provide on this matter would be deeply appreciated. The address for my District Office is 4815 MacCorkle Ave., SE Charleston, West Virginia 25304. You can also contact me by phone at 304-925-5964 or by fax at 304-926-8912. I appreciate your assistance and look forward to hearing from you soon.

Sincerely,

Shelley Moore Capito
Member of Congress

SMC: KV

Enclosure

PRIVACY ACT RELEASE FORM

As required by the Privacy Act of 1974, I authorize United States Representative Shelley Moore Capito to obtain information from any federal government records regarding me in connection with my Dept. of Interior claim or problem.

non-responsive

Date 2/14/08

Home Telephone

non-responsive

Work Telephone

Date of Birth

non-responsive

Social Security Number

Address

non-responsive

City Charles Town, WV. 25414

State

WV

Zip

25414

County

Jefferson Claim Number (if applicable)

Please describe your problem and the current status of your claim.

E-mailed complaint to your office. This is round two for the same issue pending.

Please feel free to write on back if necessary

Please return form to:

Congresswoman Shelley Moore Capito
4815 MacCorkle Ave., SE
Charleston, West Virginia 25304
Phone (304) 925-5964
Fax (304) 926-8912

DOI SECRETARIAL EVENT or MEETING PROPOSAL TODAY'S DATE:

TO: Scheduler to the Secretary

FROM:

non-responsiveSS **non-responsive**Service Comp Date: **non-responsive**Sep Date: **non-responsive**

REQUEST: *Meeting to discuss systemic violations by USPP of OPM, OMB, FOIA, Record Keeping Rules and Retirement & Benefit system under Entitlement IV; written threats to my wife and alleged Criminal misconduct from past and current USPP Chief and lack of oversight from IG's and GAO's Office.*

OFFICIAL MEETING

PURPOSE: The Secretary has the authority and the requirement under Law to insure and protect Constitutional rights and Congressional mandates including Entitlements. This meeting is to share documented facts against the United States Park Police (USPP) failures and the National Park Service's (NPS) inadequate oversight with regards to maintain records, policies and procedures required by Federal law. The Secretary has the authority to request immediate input from OPM and OMB and request criminal review from the U.S. Justice Department for intentional harm caused by the USPP's failures to implement the retirement and benefit system under Entitlement IV. Unfortunately, the previous USPP Chief's and Current Chief Pettiford's administration believe that their personal views supersedes Federal Rules and Regulatory guidelines on how and if a former federal employee receives retirement benefits. Again, sadly the USPP have neither applied applicable mandated Federal rules for determining Entitlement benefits nor does USPP records exist that they ever develop such rules, policies and procedures. Although, the District of Columbia Police and Fire Retirement and Benefit System is the fiduciary agent, having no authority or input over federal employee's retirement or benefits; USPP contends otherwise. (See Treasury Department Report) Since USPP and NPS are aware of these situations listed above (and many more) and refuse to acknowledge the issues at hand. For this reason, appropriate and immediate action is requested by the Secretary of the Department of Interior.

RECOMMENDATION: *To be completed by DOI officials only: Please state your name, title, and whether you recommend that the Secretary participates in this event*

EVENT DATE: *We are available Monday thru Saturday 6.00 a.m. till 6.p.m. Also, a meeting can be arranged at Harpers Ferry National Park or at your Washington, D.C., Headquarters. We request this meeting be set as soon as possible. Two Senator have been notified on these issues; attendance is not necessary. My wife **non-responsive** will also be attending. Media will not be invited.*

FOR THE OFFICE OF SCHEDULING AND ADVANCE TRACKING PURPOSES ONLY:

<input type="checkbox"/> ACCEPT <input type="checkbox"/> REGRET <input type="checkbox"/> PENDING	
IF CONFIRMED, DATE AND TIME: _____	
Briefing Officer _____	Photographer Needed _____
Briefing Paper Due _____	Advanced Assigned _____
Spocchwriter Assigned _____	Approved Event Form Sent _____
Speech Due for Comments _____	Approved Event Form Received _____
Recommendation:	Surrogated to:

ACTION ITEMS:

From: non-responsive [redacted]@hotmail.com]

Sent: Thursday, February 21, 2008 9:55 AM

To have a greater understanding of the "neglected years" under Entitlement IV, you must obtain the Summary Plan Description "2002" from the Department of the Treasury, entitled: District of Columbia Police Officers' and Firefighters' Retirement Plan. Since USPP never developed their own policies, they continue to answer questions by "District of Columbia" authority and totally turn a blind eye to OPM and OMB rules and authority. This document alone, show that former and present Chief Pettiford letter's dated 5/16/2007, is a knowingly and willful attempt to undermine Federal retirement and benefits entitlements. This specific review has about 65 pages. Additionally, OPM has booklets available with descriptions and definitions which constitute what OPM consider is creditable law enforce service. If you should need additional information, please do not hesitate to contact me or my wife, [redacted]. With kind regards, non-responsive [redacted]

Need to know the score, the latest news, or you need your Hotmail@-get your "fix". [Check it out.](#)

From: non-responsive [redacted]@hotmail.com]
Sent: Thursday, February 21, 2008 10:19 AM

The Secretary of the Department of Interior has received my complaint and has forwarded it to the Solicitor's Office. Please Email a copy of the Congresswoman's request to the Secretary of Department of the Interior, on my behalf. non-responsive [redacted]

Connect and share in new ways with Windows Live. [Get it now!](#)

non-responsive

@hotmail.com]

Sent: Saturday, February 23, 2008 12:04 PM

Dear Mrs. Vernon: We have a copy of the Summary Plan "2002" from the Department of the Treasury. You can obtain your copy over the internet. The beginning statement from this report states **"This booklet is a summary of your retirement plan. The full text of the plan is contained in Title 5 of the Official Code of the District of Columbia. The Treasury Department has also issued regulations pertaining to this plan in the Code of Federal Regulations (C.F.R.) at 31 C.F.R. Part 29. If there is any conflict between the information in this summary and the D.C. Code or Federal Regulations, the D.C. Code and the Federal Regulations will always govern. This booklet replaces all previously provided summaries of your plan benefits."**

SO WHAT HAPPENS WHEN DC CODE AND FEDERAL REGULATION CONFLICTS? The D.C. Retirement Board admits that almost all the content in this booklet pertains only to the Metropolitan Police Force. They stated that USPP never developed their own to reflect jurisdiction under Federal Rule. The Metropolitan Plan does not have to fall under OPM, OMB or Federal employment rules. Any further questions please do not hesitate to contact me. Daniel

Subject: RE: OPM, and US Treasury Report
Date: Thu, 21 Feb 2008 12:44:00 -0500
From: kali.vernon@mail.house.gov
To: non-responsive@hotmail.com

Do you have a copy of the Summary Plan Description "2002" from the Department of the Treasury, entitled: District of Columbia Police Officers' and Firefighters' Retirement Plan?

Kali N. Vernon, M.S.
Office of Congresswoman Capito
West Virginia - 2nd District
304.925.5964

From: non-responsive [mailto:non-responsive@hotmail.com]
Sent: Thursday, February 21, 2008 9:55 AM

Dear Ms. Vernon: To have a greater understanding of the "neglected years" under Entitlement IV, you must obtain the Summary Plan Description "2002" from the Department of the Treasury, entitled: District of Columbia Police Officers' and Firefighters' Retirement Plan. Since USPP never developed their own policies, they continue to answer questions by "District of Columbia" authority and totally turn a blind eye to OPM and OMB rules and authority. This document alone, show that former and present Chief Pettiford letter's dated 5/16/2007, is a knowingly and willful attempt to undermine Federal retirement and benefits entitlements. This specific review has about 65 pages.

Additionally, OPM has booklets available with descriptions and definitions which constitute what OPM consider is creditable law enforce service. If you should need additional information, please do not hesitate to contact me or my wife, non-responsive

With kind regards, non-responsive

From: non-responsive [redacted]@hotmail.com]
Sent: Saturday, February 23, 2008 5:11 PM

As you maybe aware, one cannot state one's request and/or desires for harm cause by an agency until one is formally inform of the Laws, Policies and Procedures for Disability and/or Retirement. Although, it may be the most prudent manner for the Congresswoman to specifically address our request to the Secretary of the Department of Interior, The National Park Service (Mary Bowmar), The Chief of United States Park Police (Pettiford) and the U.S. Justice Department and inform the White House in case of political damage control. Since these issues appear criminal in nature and the Inspector General's Office failed do their job with full knowledge of the situation; I see no other responsible manner then to request criminal review and a complete audit of the Entitlement IV retirement system (including specific of my case.) As you may not realize each former and current chief decided retirement contents based on their personal beliefs and opinions, leading to the appearance of discrimination of Entitlements. Furthermore, until all the issues are addressed by the Secretary (interpretations for lack of Laws, Policies and Procedures), one could not receive any entitlements without fear of having to refund monetary payouts via continual interpretations.

Additionally, since USPP's staff attorney and Internal Affairs, NPS's Solicitor all have knowingly and willfully acted and participated in the cover-up, they should be fired and indiated.

Furthermore, please inform the Congresswoman Washington Office that Federal Courts (Judges) do not write Law, Regulatory Guidelines or Policies! they only review them for Constitutional and/or Civil Matters.

If you should have any further questions, please do not hesitate to contact me or my wife.

non-responsive [redacted]

Subject: RE: OPM, and US Treasury Report
Date: Thu, 21 Feb 2008 13:41:57 -0500
From: kali.vernon@mail.house.gov
To: non-responsive [redacted]@hotmail.com

Good Afternoon Mr. non-responsive [redacted]

For our records, please provide a statement outlining exactly what information you are seeking and a list of the offices you are seeking information from via Congresswoman Capito's office. For example – Are you seeking retirement pay without penalty, a system change, etc?

Thank you,

Kali N. Vernon, M.S.
Office of Congresswoman Capito
West Virginia - 2nd District
304.925.5964

From: non-responsive [mailto:non-responsive@hotmail.com]
Sent: Thursday, February 21, 2008 9:55 AM

To have a greater understanding of the "neglected years" under Entitlement IV, you must obtain the Summary Plan Description "2002" from the Department of the Treasury, entitled: District of Columbia Police Officers' and Firefighters' Retirement Plan. Since USPP never developed their own policies, they continue to anwsere questions by "District of Columbia" authority and totally turn a blind eye to OPM and OMB rules

and authority. This document alone, show that former and present Chief Pettiford letter's dated 5/16/2007, is a knowingly and willful attempt to undermine Federal retirement and benefits entitlements. This specific review has about 65 pages.

Additionally, OPM has booklets available with descriptions and definitions which constitute what OPM consider is creditable law enforce service. If you should need additional information, please do not hesitate to contact me or my wife, **non-responsive**

With kind regards, **non-responsive**

Need to know the score, the latest news, or you need your Hotmail®-get your "fix". [Check it out.](#)

Shed those extra pounds with MSN and The Biggest Loser! [Learn more.](#)

From: non-responsive [redacted]@hotmail.com]

Sent: Monday, February 25, 2008 10:58 AM

One additional area of interest I must express is that upon my death, my wife should benefit from my retirement under Civil Service. How could that be possible if the benefit system doesn't exist?

Additionally, USPP system that exist appears to violate IRS regulations. Furthermore, Since I had the time to retire out but do to the USPP and NPS incompetence they ended up paying me 8 weeks backpay after my dismissal. Yet, this 8 weeks served over and above my twenty year period.

Although my regrettable actions were wrong while placing no harm to anyone, the government's response and actions still appear multi-level harmful and criminal [redacted]

Shed those extra pounds with MSN and The Biggest Loser! Learn more.



NER

SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
RANKING MEMBER,
SUBCOMMITTEE ON HOUSING AND
COMMUNITY OPPORTUNITY

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

1431 LONGWORTH H.O.B.
WASHINGTON, DC 20515-4802
202-225-2711

4815 MACCORKLE AVE.
CHARLESTON, W.V. 25304
304-925-5964

300 FOXCROFT AVE.
SUITE 102
MARTINSBURG, W.V. 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

September 3, 2008

Mr. R. Clarke Cooper
Assistant Director for Congressional Affairs
National Park Service
U. S. Department of the Interior
1849 C Street, N.W., Room 3210
Washington, D.C. 20240

Dear Mr. Cooper:

I am writing on behalf of my constituent who has contacted my office for assistance. Enclosed, for your review, is a copy of the information I received.

Any information or assistance that you can provide in this matter would be deeply appreciated. Please mail all correspondence regarding this inquiry to my office at 300 Foxcroft Avenue, Suite 102, Martinsburg, W.Va. 25401. You can also contact me by phone at (304) 264-8810 or by fax at (304) 264-8815.

Sincerely,

Shelley Moore Capito, M.C.

SMC:AP

2040741
SEP 17 2008
QB

PRIVACY ACT RELEASE FORM

As required by the Privacy Act of 1974, I authorize United States Representative Shelley Moore Capito to obtain information from any federal government records regarding me in connection with my U.S. Park Service claim or problem.
(Agency)

Signature: [redacted] Date: 9/3/08
Name (Print): [redacted] Home Telephone: [redacted]

[redacted] Work Telephone: [redacted]
Date of Birth: [redacted] Social Security Number: [redacted]

Address: [redacted] City: Shepherdstown

State: WV Zip: 25443 County: Jefferson Claim Number (if applicable): [redacted]

Honorable Congresswoman Capito

Please describe your problem and the current status of your claim.

While using the C+O canal path during Labor Day, I received a \$75 parking ticket. I've seen cars parked there scores of times, including the very next day. The sign has an arrow pointing to an Access Road. It is very ambiguous. When I tried to work it out with Bradley Clawson, he told me that I have the right to go to a Federal District Court. (our tax dollars at work)

Please feel free to write on back if necessary

Please return form to: Congresswoman Shelley Moore Capito
4815 MacCorkle Ave., SE
Charleston, West Virginia 25304
Phone (304) 925-5964
Fax (304) 926-8912

[redacted] non-responsive

Page 2.

I have been using the C+O equal for over forty years and I have never encountered any types of fines or problems.

My greatest pet peeve is people parking in Fire Lanes and in handicap spaces. There is no way I would have parked in an illegal space.

The space is not marked properly!

When I tried to Rationalize with Mr. Bradley Clawson, (C+O Superintendent) (301 714-2219 tel. N)

He told me that maybe someone would look into it but that I would still need to pay a \$75 !! fine or

go to Federal Court.

I will go to court if necessary, but I would have to miss work. I also feel it's a waste of tax payer's money



United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

A36 (NCR-CHOH)

October 10, 2008

The Honorable Shelley Moore Capito
Member, U.S. House of Representatives
300 Foxcroft Avenue, Suite 102
Martinsburg, West Virginia 25401

Dear Ms. Capito:

Thank you for your letter dated September 3, 2008, concerning your constituent, Mr. [non-responsive] regarding a parking violation he received while visiting the Chesapeake and Ohio Canal National Historical Park (C&O Canal NHP).

[non-responsive] parked his vehicle in the parking lot at Lock 38 near Sharpsburg, Maryland, on September 1, 2008. He parked in front of a "No Parking" sign in an illegal parking space. The "No Parking" sign was directly in front of the vehicle and showed an arrow indicating no parking was allowed to the left of the sign also. This area is restricted to no parking to allow emergency access through the gate onto the canal towpath.

On September 2, 2008, [non-responsive] called C&O Canal NHP headquarters and communicated his concerns about the ticket's validity to Chief Ranger Brad Clawson. Chief Ranger Clawson informed him of the process for either paying the fine or appearing in the United States Magistrate Court to contest the charge. [non-responsive] felt that the sign was misleading and that he had parked in a legitimate parking space.

During the following week, Chief Ranger Clawson evaluated the placement of the "No Parking" sign and felt it sufficiently indicated that there was no parking at the spot where Mr. Lind had parked his car and received the parking violation. All of the permitted spaces in this parking lot are defined by white lines. The remainder of the parking lot is signed to restrict parking to only the marked spaces. There is another lot a short distance away that can be used for parking. Chief Ranger Clawson talked with the Park Ranger that issued the ticket and found no issue that would question the validity of the violation notice.

We hope that this information answers your concerns. If you have any questions, please contact me or Superintendent Kevin Brandt, Chesapeake and Ohio Canal National Historical Park at (301) 714-2202.

Sincerely,

Lisa A. Mendelson-Telmini

Acting Regional Director, National Capital Region



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
RANKING MEMBER
SUBCOMMITTEE ON HOUSING AND
COMMUNITY OPPORTUNITY

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

SELECT COMMITTEE ON ENERGY INDEPENDENCE
AND GLOBAL WARMING

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

January 20, 2010

2443 RAYBURN H.O.B.
WASHINGTON, DC 20515-4802
202-225-2711

4815 MACCORKLE AVE.
CHARLESTON, WV 25304
304-925-5964

300 FOXCROFT AVE
SUITE 102
MARTINSBURG, WV 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

Mr. Christopher Mansour
Director of Congressional and Legislative Affairs
U.S. Department of the Interior
Mail Stop 6242
1849 C Street Nw
Washington, D.C. 20240

Dear Mr. Mansour:

I am again writing on behalf of my constituent, **non-responsive**, who has asked me for assistance. Enclosed is a copy of **non-responsive** Privacy Act Release Form that further explains his situation and a copy of correspondence he received from the DC government.

Please provide me with a status of his claim. Also, I would welcome any reports of further progress on the case.

Any information or assistance you can provide on the matter would be deeply appreciated. Please mail all correspondence regarding this inquiry to my District office at 4815 MacCorkle Ave., SE, Charleston, WV 25304. You can also contact me by phone at (304) 925-5964 or by fax at (304) 926-8912.

Sincerely,

Shelley Moore Capito
Member of Congress

SMC:KV

Enclosure

01 JAN 21 2010

821084

PRIVACY ACT RELEASE FORM

As required by the Privacy Act of 1974, I authorize United States Representative Shelley Moore Capito to obtain information from any federal government records regarding me in connection with my Dept. of Interior claim or problem.
(Agency)

non-responsive

Signature _____

Date 2/14/08

Name _____
(Print)

Home Telephone _____

Work Telephone _____

Date of Birth _____

non-responsive

Social Security Number _____

Address _____

City Charles Town, WV 25414

State WV Zip 25414 County Jefferson Claim Number (if applicable) _____

Please describe your problem and the current status of your claim.

Emailed complaint to your office. This is round two for the same issue pending.

Please feel free to write on back if necessary

Please return form to: Congresswoman Shelley Moore Capito
4815 MacCorkle Ave., SE
Charleston, West Virginia 25304
Phone (304) 925-5964
Fax (304) 926-8912

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICER
OFFICE OF FINANCIAL OPERATIONS AND SYSTEMS



Office of Pay and Retirement Services

September 18, 2009

non-responsive

Charles Town, WV 25414

RE: FOIA Request – Estimated Retirement

Dear Mr. **non-responsive**

Thank you for your letter dated August 24, 2009. Your letter indicates that the US Park Police (USPP) has referred you to this office to obtain retirement benefits information. The Office of Pay and Retirement Services (OPRS) provides pension payroll administrative services for retired US Park Police Officers who are covered under the District of Columbia Police and Firefighters' Retirement Plan (DC Plan). In this capacity, we issue pension benefits to annuitants and survivors as well as provide intermediary administrative services for the Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI) programs.

It is my understanding that you have written communications from the USPP Human Resources Department that you were placed in the DC Plan at the time of your hire on August 4, 1985, in error. However, the DC Code indicates that officers and members of the USPP hired on or after January 1, 1984 are covered by the Federal Employees' Retirement System Act, not the DC Plan. As the administrator for the USPP participants in the DC Plan, OPRS has no record that you elected to participate or that the USPP Human Resources Department placed you in the DC Plan. Had you been placed in the DC Plan, your retirement contributions deducted from your pay while employed with USPP would have been transferred to the District government. Again, we have no record of such transfers.

In our continued efforts to research your information, we contacted the US Office of Personnel Management (OPM) to determine whether your contributions may have been applied incorrectly. OPM has confirmed that your retirement contributions, for all of your federal service, were in the Civil Service Retirement System (CSRS), the plan you were initially placed when you began your federal service in 1983. This is also proof that you were never placed in the DC Plan.

The laws governing eligibility and benefits for members of the DC Plan can be found under the District of Columbia Official Code Title 5, Chapter 7. Since you were not a participant of the DC Plan, and was never eligible to participate in the DC Plan, we cannot provide you with a benefit analysis. You should contact the USPP Human Resources Department or OPM to determine what annuity options you have at this time.

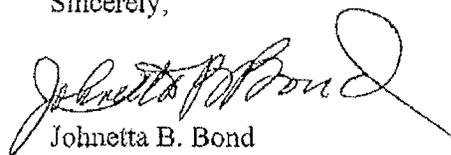
Daniel M. Delullo
Page 2
September 3, 2009

Your letter also asks for copies of policy, laws, regulations, and/or procedures to support our program. For active police officers of USPP, we rely on the USPP Human Resources Department to determine and certify their employee's eligibility to participate in the DC Plan, provide benefit estimates to employees, as well as complete and submit the retirement benefits application. As stated above, eligibility for USPP police officers are governed by DC Code.

The federal agency responsible for conducting audits of the USPP pension data and calculation rules is the US Department of the Interior. You may contact the Deputy Comptroller, Financial Management at (703) 487-9415. Inquiries seeking information regarding the USPP retirement options and policies as well as notification procedures and eligibility criteria should be directed to the USPP Human Resources Department, at (202) 619-7388.

Enclosed with this letter are copies of various excerpts from the DC Code that might be of interest to you. If you have additional questions regarding the pension payroll administrative services OIRS provides, please do not hesitate to our office at (202)741-8600.

Sincerely,



Johnetta B. Bond
Director

Enclosures



D.C. Council Home

Home Search Help ©



Welcome to the online source for the District of Columbia Official Code

DC ST § 5-742
Formerly cited as DC ST 1981 § 4-602

DC ST § 5-742

Formerly cited as DC ST 1981 § 4-602

District of Columbia Official Code 2001 Edition Currentness
Division I. Government of District.

Title 5. Police, Firefighters, and Chief Medical Examiner. (Refs & Annos)

Chapter 7. Police and Firefighters Retirement and Disability. (Refs & Annos)

Subchapter III. Miscellaneous Provisions.

→§ 5-742. Credit for active service in military or naval forces.

In determining eligibility for the amount of benefits from the Policemen and Firemen's Relief Fund, District of Columbia, or the District of Columbia Police Officers and Fire Fighters' Retirement Fund (established by § 1-712), each member of the Metropolitan Police Department of the District of Columbia, the United States Park Police force, the United States Secret Service Uniformed Division, the Fire Department of the District of Columbia, and each member of the United States Secret Service who has actively performed duties other than clerical for 10 years or more directly related to the protection of the President, who shall have left active employment in any such Department, force, or Service to perform active service in the military or naval forces of the United States, shall be credited with all periods of honorable active military or naval service performed on or after September 16, 1940, and prior to the termination of the war as declared by Presidential proclamation or concurrent resolution of the Congress.

CREDIT(S)

(July 21, 1947, 61 Stat. 398, ch. 272; Nov. 15, 1977, 91 Stat. 1371, Pub. L. 95-179; Nov. 17, 1979, 93 Stat. 866, Pub. L. 96-122, § 122(b)(3).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-602.

1973 Ed., § 4-504a.

Miscellaneous Notes

Coverage Under Federal Employees' Retirement Act: Officers and members of the United States Park Police, United States Secret Service Uniformed Division, and United States Secret Service Division hired on or after January 1, 1984, are covered by the Federal Employees' Retirement System Act, not the District of Columbia Retirement System, unless exempt from coverage of such Act. See 5 U.S.C. §§ 8401(17)(B) and 8402.

DC CODE § 5-742

Current through July 27, 2009



United States Department of the Interior

NATIONAL PARK SERVICE UNITED STATES PARK POLICE

Headquarters
1100 Ohio Drive, S.W.
Washington, D.C. 20024

IN REPLY REFER TO

February 25, 2010

The Honorable Shelley Moore Capito
Congress of the United States
House of Representatives
4815 MacCorkle Avenue, S.E.
Charleston, West Virginia 25304

Dear Congresswoman Capito:

Thank you for your January 20, 2010, letter to the Director of Congressional and Legislative Affairs, United States Department of the Interior on behalf of your constituent, Mr. [non-responsive] Mr. [non-responsive] a former officer with the United States Park Police (USPP). On behalf of Director Christopher Mansour, I have been asked to reply.

According to the Privacy Act Release Form that was attached to your correspondence, it appears that [non-responsive] is attempting to determine the status of an alleged complaint that he filed with this agency in 2008. In addition, your correspondence indicates that you are requesting a status update of his claim. We are not aware of any complaint or claim filed by M [non-responsive] to or against the USPP. However, we are aware of inquiries made by both [non-responsive] and his wife, [non-responsive] on his behalf regarding his eligibility for retirement and/or applicable benefits. We are also aware of the information that was provided in the letter that he received from the District of Columbia Office of Pay and Retirement Services. In an effort to assist M [non-responsive] we have attached a copy of the written notice that we provided to him in May 2007. We have also attached a copy of M [non-responsive] Individual Retirement Record (SF-2806) that reflects the deductions that M [non-responsive] made to the retirement system while he was employed with the Department of the Interior (DOI), National Park Service (NPS), USPP. As a means of further clarification, we will explain our interactions with the [non-responsive] since 2004.

M [non-responsive] was hired as a Police Officer with the USPP on [non-responsive] During the period of January 1, 1984 through December 31, 1986, the Federal government was transitioning from one retirement system and adding a new retirement system. On January 1, 1987, the new Federal Employees Retirement System (FERS) was implemented. Any new employee hired on or after January 1, 1987, with less than 5 years of creditable Federal government service as of December 31, 1986, was automatically covered under FERS. There was a very confusing period between January 1, 1984 and December 31, 1986, concerning which retirement system an employee would be placed in. Due to the implementation of the new Social Security Act on December 31, 1983, all Federal government employees hired after January 1, 1984, were required to pay Social Security taxes (FICA). By invoking this new Act, in addition to paying FICA, new employees made one point three percent (1.3%) retirement contributions in comparison to employees hired in permanent positions before January 1, 1984 who made seven percent

(7%) retirement contributions. We provide this information to help explain that when [non-responsive] transferred to the USPP from a position with the Federal Protective Service (FPS), it was during this transition period. Prior to January 1, 1984, all police officers hired by the USPP were covered for retirement purposes under the District of Columbia Police and Firefighters' Retirement and Disability Relief Fund (DC Fund) codified under D.C. Code Title V. However, during the interim period (January 1, 1984 through December 31, 1986), the decision to end DC Fund coverage had not been finalized and our officers paid into both the DC Fund and FICA. When the final decision was made to implement FERS and end the DC Fund coverage, Mr. [non-responsive] was inappropriately allowed to continue to make contributions to the DC Fund. We believe this error was as a result of Mr. [non-responsive] receiving law enforcement credit for his prior service with the FPS for purposes of creditable law enforcement retirement time under Title V. It was not until we reviewed his records in 2007 that we realized an error had occurred. As such, Mr. [non-responsive] was having retirement contributions deducted and credited towards a retirement annuity under the DC Fund. He continued to make these contributions from the date of his hire (August 4, 1985) until he was removed for cause from Federal government service on [non-responsive]

[non-responsive] had 19 years and 10 months of Federal service. However, to be eligible for an annuity under D.C. Code Title V, Mr. Delullo required 20 years of credible law enforcement service. [non-responsive] from the USPP, [non-responsive] was credited with 17 years and 4 months of service. The time that Mr. [non-responsive] worked for the FPS was not considered law enforcement service in accordance with 5 USC 8336 (c). As such, even if the FPS service had been credited toward the 20 years of service, Mr. [non-responsive] was still 2 months short of the requirement.

Mr. [non-responsive] was removed from his position as a police officer with the USPP for cause as a result of egregious misconduct on his part. Mr. [non-responsive] challenged the removal action on appeal before the Merits System Protection Board (MSPB). The MSPB upheld the agency's decision to remove Mr. [non-responsive] without prejudice and his removal action was effective December 21, 2002.

Ms. [non-responsive] contacted us in early 2004 to inquire why her husband's service time was not credited toward a retirement. We reviewed Mr. [non-responsive] service history and determined that at the time of separation, he was not eligible to receive an annuity as explained previously. At that time, we did not provide Mr. [non-responsive] with a written explanation and all communications with her was by telephone. To the best of our recollections, Mr. [non-responsive] participated in several of the telephone calls on an extension phone. Mr. [non-responsive] insisted that the information that we provided was contrary to law and that she had documentation that would prove that the USPP was acting contrary to rule and regulation. Mrs. [non-responsive] agreed to provide us with a copy of the documentation. We agreed that we would review the documentation and initiate any changes in her husband's status as deemed necessary. However, approximately one month later, Mrs. [non-responsive] called and advised that she had sought legal counsel and was directed not to provide the documentation to the agency. As a result, we informed Mrs. [non-responsive] that our determination that her husband was not eligible for an annuity at the time of his removal would stand.

Mr. [non-responsive] initiated another inquiry concerning her husband's retirement benefits through the Office of Inspector General, United States Department of the Interior in 2006. The inquiry was forwarded to us for review and response. In a letter dated May 16, 2007, we advised Mr. [non-responsive] of the same information provided above, inclusive of the dates and periods of her husband's creditable law enforcement service and other time not considered in accordance with 5 USC 8336 (c). We also advised Mr. [non-responsive] that her husband had been inappropriately placed under coverage with the DC Fund at the time of his hire. We further advised her that Mr. [non-responsive] could elect to have the agency amend the retirement record to reflect the correct retirement system, but alerted her that the financial burden

associated with making this type of change could be overwhelming. At the time that the letter was written, we informed her that Mr. [non-responsive] may have been eligible for a deferred annuity through the DC Fund and that he should contact that office for a determination. The contact information for the D.C. Office of Pay and Retirement Services was provided. Apparently Mr. [non-responsive] did contact the office and was advised that he was not eligible for a deferred annuity.

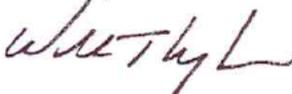
Also in the May 2007 letter, we advised Mrs. [non-responsive] that her husband could invoke his rights under the Federal Employees Retirement Coverage Corrections Act (FERCCA) and if he did so, he could opt to change his coverage for retirement purposes to FERS or could remain under Title V of the DC Code. We advised her that the USPP would support whatever choice he made in terms of his retirement coverage and alerted her to the possible financial consequences of a change. [non-responsive] may still invoke his rights under FERCCA by forwarding in writing his intent to Ms. Joyce Sasser, our Human Resources Officer. Ms. Sasser can be reached at: United States Park Police, Human Resources Officer, 1100 Ohio Drive, S.W., Washington, D.C. 20024, or by email at Joyce_Sasser@nps.gov.

In conclusion, when Mr. [non-responsive] was removed from his position as a Police Officer and from Federal government service on [non-responsive] for cause, he had 17 years, 4 months, and 18 days of creditable law enforcement service (earned while working for the USPP) plus an additional 2 years, 5 months, and 12 days of other service (earned while working for the FPS). Under the provisions of the D.C. Code Title V, an employee must have 20 years of creditable law enforcement service to be eligible for an annuity. Unfortunately, Mr. [non-responsive] relinquished his eligibility for a law enforcement retirement under Title V when he was separated from employment for cause with less than 20 years of service. Mr. [non-responsive] may still request a refund of the contributions that he made to the DC Fund during his service time. He may contact Ms. Sasser in our Human Resources Office for assistance with initiating the request.

As previously stated, we are not aware of any claims or complaints filed against or addressed to the USPP by [non-responsive]. We sincerely hope that the information contained herein provides you with some insight regarding Mr. [non-responsive] retirement and benefit status. If you have any additional questions or if we can be of further assistance, please have a member of your staff contact Ms. Sasser in our Human Resources Office at 202-619-7413.

Thank you for your interest in the United States Park Police.

Sincerely,



for
Salvatore R. Lauro
Chief of Police



IN REPLY REFER TO

United States Department of the Interior

NATIONAL PARK SERVICE
UNITED STATES PARK POLICEHeadquarters
1100 Ohio Drive, S.W.
Washington, D.C. 20024

MAY 16 2007

non-responsive

Charles Town, WV 25414

Dear Mrs. DeLullo:

This letter is in response to your inquiry regarding the retirement coverage of your husband, Mr. non-responsive. Mr. non-responsive is a former Police Officer for the United States Park Police (Force), who was separated from the Force and Federal government service, on non-responsive. In an effort to insure the accuracy of the information being provided, we requested that the Official Personnel Folder (OPF) for Mr. non-responsive be returned to the Force from the National Records Center in St. Louis, Missouri. According to the information in Mr. non-responsive OPF, a summation of his Federal service would be:

- He accepted a Career Conditional Appointment (CCA), effective February 22, 1983, to the position of Federal Protective Officer with the Federal Protective Service. He was covered under the Civil Service Retirement System (CSRS).
- He transferred to the Force, effective August 4, 1985, to the position of Private (Police Officer). Due to the retirement transition period between 1984 and 1986, non-responsive was covered under the District of Columbia Police and Firefighters Retirement and Disability Fund (Fund).

Based on his retirement coverage with the Fund, while employed with the Force, he was subject to the provisions of the statute codified under D.C. Code Title V. For retirement purposes, he was specifically subject to Section 5-704 (e)(1) of the D.C. Code Title V, which states in part, "A member shall be allowed credit for government service performed prior to appointment [to the Force], if such member deposits a sum equal to the entire amount, including interest (if any), refunded to him for such period of government service." The purpose of this citation is to advise members of the Fund that in order to receive credit for prior service, a deposit of the refunded service has to be made to the Fund. This type of deposit would serve to enhance the member's annuity payment beyond the required 20 years of creditable law enforcement service. At the time that Mr. non-responsive was separated from Federal service, he only had 17 years, 4 months, and 17 days of creditable law enforcement service. Since Mr. non-responsive did not make a deposit for the service he had with the FPS (2 years, 5 months, 13 days), this service would not have been creditable for retirement purposes. Had he made the deposit, he still would not have been eligible for a law enforcement retirement because as of the day of his separation, he only had 19 years and 10 months of total Federal government service. In addition, at the time that Mr. non-responsive worked for the FPS, his service was not considered law enforcement service in accordance with 5 USC 8336(c).

As previously mentioned, the Federal government went through a transition period between January 1, 1984 and December 31, 1986. During this time, employees who transferred from one agency to another and/or were newly hired were placed in offset retirement coverage pending a determination of an official retirement system for employees hired after 1983. In order to maintain full coverage under CSRS and/or the Fund, an employee needed to have at least 5 years of creditable service as of December 31, 1986. In the case of Mr. non-responsive as of

December 31, 1986, Mr. [non-responsive] had total Federal service credit of 3 years, 10 months, and 9 days. Since he had less than 5 years of service, he should have been covered under the Federal Employees' Retirement System (FERS) beginning on January 1, 1987. Based on this information, we have determined that Mr. [non-responsive] was inappropriately placed under coverage with the Fund. In determining this error, the agency should actually correct the mistake and properly place Mr. [non-responsive] under coverage with FERS. In all likelihood, when the correction is made, Mr. [non-responsive] will owe a substantial amount of money to the Force. If Mr. [non-responsive] has received a refund of his retirement contributions to the Fund, this will cause the process to become more significant and complicated. In an effort to reduce the impact to Mr. [non-responsive] we have determined that there may be a sanction that will benefit Mr. [non-responsive] and the agency.

Section 5-717, of D.C. Code Title V, states in part, "...any member, ...who completes 5 years of police or fire service and who is thereafter separated from his department, except for retirement under 5-709, 5-710, or 5-712, shall be entitled to an annuity commencing on the 1st day of the month during which such member attains the age of 55 or on the 1st day of the 1st month beginning after such member's separation from his department, whichever month occurs later." This statute allows for an employee covered by the Fund to apply for a deferred annuity as long as the employee served under the Fund for at least 5 years prior to the employee's separation. In these instances, it is imperative that the affected employee not apply for a refund of contributions because the D.C. Retirement Board does not allow for a redeposit for such service. Even though Mr. [non-responsive] was erroneously placed under coverage with the Fund, we believe that by allowing Mr. [non-responsive] to apply for a deferred annuity under the Fund, this will prevent the substantial financial burden that it will cost him for an error made during his service period 20 years ago.

For the record, the Force does not concede nor imply that [non-responsive] is entitled to a deferred annuity as a result of the erroneous contributions that he made to the Fund. However, the agency is supportive of the action in an effort to reduce the financial burden that would result from a 20-year error. The D.C. Retirement Board has the ultimate review and decision authority in this matter. If [non-responsive] is interested in pursuing this issue, he should contact the D.C. Pay and Retirement Member Services Office by calling (202) 741-8660. If necessary, he may also contact Ms. Jacqueline Brown, Human Resources Specialist for the Force, by calling (202) 619-7001. Ms. Brown will be able to verify his official coverage [non-responsive] and while he was employed by the Force. For the purposes of legality and integrity, [non-responsive] will have to make these recommended contacts personally. Neither of the offices indicated will provide information or assistance regarding the deferred annuity to anyone other than Mr. [non-responsive] himself.

We appreciate your inquiry and hope for a favorable reply in support of Mr. [non-responsive]

Sincerely,

Dwight E. Pettiford
Chief of Police

DH
12/23



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
RANKING MEMBER
SUBCOMMITTEE ON HOUSING AND
COMMUNITY OPPORTUNITY

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

SELECT COMMITTEE ON ENERGY INDEPENDENCE
AND GLOBAL WARMING

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

December 10, 2010

2443 RAYBURN H.O.B.
WASHINGTON, DC 20515-4802
202-225-2711

4815 MACCORKLE AVE.
CHARLESTON, WV 25304
304-925-5964

300 FOXCROFT AVE.
SUITE 102
MARTINSBURG, WV 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

**Ms. Elaine Hackett
Congressional Liaison
National Park Service
U.S. Department Of The Interior
1849 C Street, NW, Room 7256
Washington, D.C. 20240**

Dear Ms. Hackett:

I am writing on behalf of my constituent, Mr. **non-responsive** who has contacted my office for assistance. Enclosed, for your review, is a copy of the information I received.

Any information or assistance that you can provide in this matter would be deeply appreciated. Please mail all correspondence regarding this inquiry to my office at 300 Foxcroft Avenue, Suite 102, Martinsburg, W.Va. 25401. You can also contact me by phone at (304) 264-8810 or by fax at (304) 264-8815.

Sincerely,

Shelley Moore Capito, M.C.

SMC:cws

PRIVACY ACT RELEASE FORM

Please return form to:

Congresswoman Shelley Moore Capito
300 Foxcroft Avenue, Suite 102
Martinsburg, WV 25401
Phone: 304-264-8810
Fax: 304-264-8815

As required by the Privacy Act of 1974, I authorize United State Representative Shelley Moore Capito to obtain information from any federal and/or state government records regarding me in connection with my National Park Service claim or problem.
(name of agency)

Name: **non-responsive** Signature: **non-responsive**
Date: 8 DEC 2010 Phone: **non-responsive**
E-mail Address: **non-responsive**
Address: **non-responsive**
City: HARPER'S FERRY State: WV Zip: 25425
County: JEFFERSON Date of Birth: **non-responsive**
SSN: **non-responsive** Claim #: ?

Please describe your problem and current status of your claim:

ON AUG 5 AN INATTENTIVE PARK SERVICE EMPLOYEE,
DRIVING A BOBCAT TRACTOR ON A PUBLIC STREET IN
HARPER'S FERRY, PLOWED INTO THE BACK OF MY CAR,
ESSENTIALLY DESTROYING IT. HE SAID HE DIDN'T SEE
MY CAR, AHEAD OF HIM, IN THE TRAFFIC LANE. I FILLED
OUT THE CLAIM FORM, BUT 4 MONTHS LATER (!) I HAVE
RECEIVED NOTHING IN WRITING. EVERY COMMENT FROM
THE NPS CLAIMS SPECIALIST HAS NOT COME TO PASS. I'M
TIRED OF THE RUNAROUND + THE WAITING.



United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region

1100 Ohio Drive, S.W.

Washington, D.C. 20242

JAN 5 2011

IN REPLY REFER TO:

The Honorable Shelley Moore Capito
Member, U.S. House of Representatives
300 Foxcroft Avenue, Suite 102
Martinsburg, West Virginia 25401

Dear Ms. Capito:

Thank you for your letter dated December 10, 2010, regarding your constituent, Mr. [non-responsive] concerning his claim under the provisions of the Federal Tort Claims Act (FTCA). On August 5, 2010, his parked car was struck and damaged by a vehicle operated by a National Park Service employee.

Our administrative claim file concerning this incident indicates that [non-responsive] insurance company contacted our claims office shortly after the incident prompting our August 10, 2010 letter transmitting forms and filing information to initiate a claim under the provisions of the FTCA. A copy of our letter is enclosed.

On September 2, 2010, a claim initiated by [non-responsive] was received in our claims office on September 13, 2010. Mr. [non-responsive] claim was processed and an investigative report was hand delivered to our Solicitor's office on September 22, 2010. The Solicitor's office has, by statute, 6 months to initiate a claim settlement. On December 21, 2010, a certified letter was forwarded to [non-responsive] including a voucher for payment in the amount of \$2,795.34. A copy of the letter is enclosed.

Based upon our review of the administrative claim file, we believe the claim was appropriately and timely processed.

If you require further information, please do not hesitate to contact me or Peter A. Gentile, Claims Specialist at (202) 354-1830.

Sincerely,

Peggy O'Dell

Regional Director, National Capital Region

Enclosures

Mitch McConnell - ORSUA DATABASE

Data Tracking System (DTS)

U.S. Department of the Interior

Application: DTS | Username: robert_howarth@ios.doi.gov | Office: OES-Howarth/202-208-4451 | Today's Date: 02/14/2013

Data Tracking Help



DTS-Search Results-11 Records

Main Search Reports

DCN	Orig. Office	To (Recipient)	From (Author)	Lead Action Office	Sig. Level	Subject	Input Date	Due Date
ESQ-00037981	OES-TimFeeney/202-208-6701	Ken Salazar	Harry Reid, Mitch McConnell	SIO	Secretary's Signature	Invitation to An Evening of Remembrance in support of the Flight 93 National Memorial.	04/27/2012	06/11/2012
ESQ-00036079	OES-Cannuscio/202-208-2443	Ken Salazar	Mitch McConnell	BLM	Appropriate Action	Senator McConnell (KY) on behalf of constituent, Mr. James Booth (CEO of Argus Energy), on the Final LUA/EIS for East Lynn Lake coal lease application.	02/22/2012	03/21/2012
ESQ-00029202	OES-Cannuscio/202-208-2443	Christopher Mansour	Mitch McConnell	OSM	Direct Response	Senator McConnell (KY) on behalf of constituent non-responsive of Prestonburg, KY, regarding property damage from abandoned mine near his home.	05/26/2011	06/24/2011
ESQ-00023455	OES-Cannuscio/202-208-2443	Christopher Mansour	Mitch McConnell	BLM	Direct Response	Senator Mitch McConnell (KY) writes re: constituent non-responsive 's allegations against BLM's Red Rock Canyon NCA campground.	11/16/2010	12/15/2010
ESQ-00021958	OES-Burley/202-513-0705	Christopher Mansour	Mitch McConnell	SIO-Exec	Direct Response	re: acquisition process for government land to use as a community no-charge cemetery	09/22/2010	10/21/2010
ESQ-00012124	OES-TimFeeney/202-208-6701	Christopher Mansour	Mitch McConnell	FWS	Direct Response	On behalf of non-responsive regarding an Ivory bracelet that was confiscated by an FWS wildlife inspector on November 12, 2009.	01/12/2010	02/23/2010
ESQ-00006199	OES-Richardson/202-208-3181	Darren Pete	Mitch McConnell	BIA	Direct Response	On behalf of constituent, Ms. non-responsive , seeking information in obtaining verification and documentation of her listing on a Native American roll.	07/15/2009	08/12/2009
ESQ-00005230	OES-TimFeeney/202-208-6701	Ken Salazar	Mitch McConnell	FWS	Direct Response	On behalf of Dr. Gary Ransdell, President of Western Kentucky University, who is concerned that White Nose Syndrome might affect bat populations in Kentucky.	06/17/2009	07/16/2009
ESQ-00004090	OES-Ingersoll/202-208-7612		Mitch McConnell	OSM	Direct Response	abandoned mine hazard	05/08/2009	06/08/2009
ESQ-00003586	OES-Ennis/202-208-5291	Ken Salazar	Mitch McConnell	OSM	Direct Response	Valley View Ridge	04/24/2009	05/21/2009
ESQ-00000268	OES-TimFeeney/202-208-6701	Ken Salazar	Mitch McConnell	NPS	Direct Response	Sen McConnell supports the application submitted by the City of Prestonsburg, Kentucky for funding under the Save America's Treasures Grant. Seeks to preserve the West Prestonburg Bridge.	02/02/2009	02/17/2009

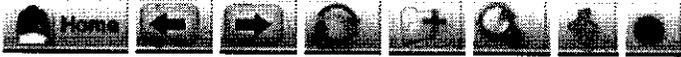


Data Tracking System (DTS)

U.S. Department of the Interior

Application: DTS | Username: robert_howarth@ios.doi.gov | Office: OES-Howarth/202-208-4451 | Today's Date: 02/14/2013

Data Tracking Help



DTS-Search Results-6 Records



DCN	Orig. Office	To (Recipient)	From (Author)	Lead Action Office	Sig. Level	Subject	Input Date	Due Date
ESQ-00041050	OES-Long/202-208-3181	Ken Salazar	U.S Capitol Historical Society	SIO-Scheduling	Appropriate Action	Invitation - The U.S Capitol Historical Society invites Secretary Salazar to their 50th anniversary celebration and presentation of the 2012 Freedom Award to Ken Burns, September 20, 2012 at 6:30pm,	08/24/2012	
ESQ-00038418	OES-Dinkins/202-208-7612	Ken Salazar	Capitol Concerts	SIO-Scheduling	Appropriate Action	Invitation for Secretary to attend The National Memorial Day Concert	05/21/2012	
ESQ-00024697	OES-Cannuscio/202-208-2443	Ken Salazar	Bill Shuster, Bob Goodlatte, Christopher Lee, Cynthia Lummis, Dan Boren, Dan Burton, Denny Rehberg, Frank Lucas, Gene Green, Glenn Thompson, Jason Altmire, Jason Chaffetz, Jim Costa, Jo Ann Emerson, John Fleming, John Shadegg, John Sullivan, Kevin Brady, Lee Terry, Mark Critz, Marsha Blackburn, Mike Coffman, Mike Conaway, Mike Ross, Ralph Hall, Rob Bishop, Shelley Moore Capito, Sue Myrick, Thaddeus McCotter, Tim Murphy,	BLM	Secretary's Signature	32 Congressional Natural Gas Caucus members urge no new regulations on hydraulic fracturing process until EPA's 2010-2012 study is completed.	01/05/2011	01/20/2011

<u>ESO-</u> 00021948	OES- Howarth/202- 208-4451	Ken Salazar	Tom Cole, Wally Herger Adrian Smith, Ben Chandler, Bill Shuster, Brett Guthrie, Christopher Bond, Cynthia Lummis, Dennis Rehberg, Devin Nunes, Doc Hastings, Don Young, Doug Lamborn, Geoff Davis, Glenn Thompson, Harold Rogers, II, Nick J. Rahall, James Inhofe, James Risch, Jason Altmire, Jason Chaffetz, Jim Bunning, Jim Matheson, John Barrasso, John Salazar, Mark Critz, Michael Enzi, Michael Simpson, Mike Coffman, Orrin Hatch, Paul Broun, Rick Boucher, Rob Bishop, Robert Bennett, Shelley Capito, Tim Holder, Tim Murphy	BLM	Direct Response	Powder River Basin and Federal Coal Leasing Program	09/22/2010 10/06/2010
<u>ESO-</u> 00012649	OES	Christopher Mansour	Shelly Capito	NPS	Direct Response	Further inquiry regarding non-responsive and his status in the US Park Police retirement system. Includes copy of response from DC Office of Pay and Retirement Systems.	01/27/2010 02/26/2010
<u>ESO-</u> 00006543	OES-Long/202- 208-3181	Ken Salazar	Shelly Capito	NPS	Direct Response	Meeting Request - non-responsive non-responsive would like to meet with Secretary Salazar to discuss systemic violations by USPP of OPM, OMB, and FOIA, Record Keeping Rules and Retirement and	07/27/2009 09/17/2009

A-1

U.S. Senator

MITCH McCONNELL

601 West Broadway
Room 630
Louisville, KY 40202

Phone: (502) 582-6304
FAX: (502) 582-5326

TO: Congressional inquiry

FAX: 202-206-5523

PAGES TO FOLLOW

FROM: Jacqueline Smith (jacqueline_smith@mccconnell.senate.gov)

DATE: May 29, 2011

RE: Please see enclosed inquiry. Thank you for your assistance in this matter

501796



201105291100

L O U I S V I L L E

MITCH McCONNELL

REPUBLICAN LEADER

COMMITTEE
ON APPROPRIATIONS

APPROPRIATIONS

FILES AND ADMINISTRATION

United States Senate

May 20, 2011

Mr. Christopher Mansour
Director
Office Of Congressional and Legislative Affairs
Department of the Interior
1849 C Street N.W.
Room 6256
Washington, D.C. 20246-0001

Dear Mr. Mansour:

This letter is in reference to **nonresponsive** Prestonsburg, Kentucky 41653. He contacted my office regarding property damages to his home as a result of the flooding of an abandoned mine. For your convenient reference, I have enclosed a copy of his correspondence.

Since I want to be responsive to all constituent inquiries, your prompt consideration, findings and views concerning the enclosed will be greatly appreciated. I look forward to hearing from you at your earliest convenience.

Please send your response to my state office at 601 West Broadway, Suite 630, Louisville, Kentucky 40202. It should be sent to the attention of Jacqueline M. Smith. She can be reached at (502) 582-6304 for further information.

Thank you for your assistance with this matter.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/jer

Mr. J. Edgar Hoover

I am writing you as Don Owen and I live in
the house along with my wife and daughter.
The reason I am contacting you is I need
information regarding the damages
to my home, as a result of flooding from
a mine that blew out an excessive amount
of water from behind our house.

I worked with FEMA at the time and
they said there was not any immediate
damage to our house, so they could not
help me.

So I tried to contact the mine
company's office in Nevada and they
said there was nothing that they could
do that is taking me to another office
in Elko County and back and forth

between the two places, that has been
going on for two yrs, now

They are saying that the ground around
the mine has settled and cracked the foundation
and that is a release from the mine
company. It is as if it were yesterday and
still the ground is starting to settle
and crack. The house is the
only one out of the three left.

I am not looking for any money,
but I am in need of some loan to get the
problem resolved OR IF you can provide in
any way for some help.

I thought the mine reclamation fund was set
up to solve problem such as mine, but I must
not know.

Any help will be greatly appreciated.

nonresponsive

A-2

Perry County Public Schools
"We Put Kids First"



315 Park Avenue
Hazard, Kentucky 41701
Telephone: 606-439-5813 Fax: 606-439-2512

Board Members

John C. Combs, Chairman
Charlene Miller, Vice-Chairwoman
D. D. Hignite, McIntosh
Jerry W. Stacy
James D. Ritchie

John Paul Amis, Superintendent
Johnny Wooten, Assistant Superintendent
Tim Crawford, Board Attorney

AUG - 5 PM 2:00

8413322

July 26, 2011

Senator Mitch McConnell
361-A Russell Senate Office Building
Washington, D.C. 20510

Senator McConnell,

I wanted to share with you some issues our school district is having in purchasing some property for a new school site and to see if you can give us some assistance with these issues. The property we are attempting to purchase is thirty-five (35) acres of reclaimed mine property located on Highway 80 (close to the Wal-Mart shopping center), approx. five (5) miles from Hazard going east toward Hindman/Prestonsburg. The property is owned by the Begley Brothers of London, Kentucky and was mined by B & W Coal Co. which is owned by John and Tom Liperote of Pittsburg, Pennsylvania and I think their Kentucky office is located at London.

The property has an appraised value of over \$6,000,000 but the Begley Brothers have agreed to sell it to the Perry County School District for \$3,000,000 and we plan on putting a 650-700 student K-8 school on this site plus several athletic fields as well. Our total construction expense for this project will be over \$20,000,000 which will be a tremendous asset to our school district and the Perry County Community as well.

On March 23, 2011 I met on site with the owners of B & W Coal, their engineer and representatives from the Division of Mine Permits, Office of Reclamation and Office of Surface Mining (OSM) to discuss some issues related to the reclamation work on this mining site and to see if this work could be speeded up so the bond on the property could be released which would allow the Begley Brothers (the landowners) to sell the property to our school district. We have been trying to buy this property for several months now but the reclamation issue has been the hold-up on this transaction.

At this meeting, the major issue discussed regarding the reclamation of this mining site was the high wall hadn't been benched to meet the required specifications of the permit but a plan was discussed that seemed to be agreeable to everyone at the meeting. I told everyone at the meeting that the high wall remaining as it is wouldn't create a major issue for us because a security fence could be placed 35-40 ft front of the high wall which would prevent access to this area by anyone and it wouldn't interfere with the construction of the new school and athletic fields. When I left the meeting I thought everyone was in agreement that B & W Coal would clean the high wall, push some existing spoil up to the high wall creating a low bench and all of this would take place over a short period of time which would allow us to purchase the property fairly soon.

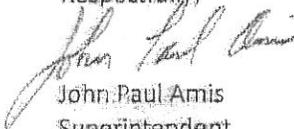
I have found out that what I thought everyone had agreed on wasn't what actually took place and this issue now isn't close to being resolved. Supposedly the mine reclamation officials (state and federal) are

now demanding that the high wall be benched by drilling and shooting and B & W Coal is applying for an amended permit to complete this work and the amendment process is extremely slow. If this information is accurate, this process will take several months to complete and it will possibly cost our school district several million dollars in bonding potential. If we can bid the project by December 1 we can utilize Qualified School Construction Bonds (QSCB) which are interest free bonds but this offer expires in 2012 and by utilizing QSCB we will be able to save over \$5,000,000 in interest on this project which would go a long way toward financing another school construction project in our district.

With this project, the landowners are ready to sell, our school district has the funding and is ready to buy the property as is and build a new school and athletic fields, the Kentucky Department of Education is very supportive of this site and this school construction project and the hold-up is the mine reclamation officials and we need some assistance in rushing this project forward.

Any assistance will be greatly appreciated and I will list the contact information of several individuals below that can offer specific information regarding this construction project.

Respectfully,



John Paul Amis
Superintendent
Perry County Schools

- **Ron Johnson, Engineer for B & W Coal Co. and also the Begley Brothers (reclamation) 859-967-4918
- **Curtis Asher, Office Manager for the Begley Brothers (property owners) 606-878-2071
- **David Bryant, KDE Division of District Support Facilities (Dept. of Education) 502-564-4326
- **Dr. Bob Tarvin, School Facilities Construction Commission (SFCC) (bond information) 502-564-5582

Cc Governor Steve Beshear
Senator Rand Paul
Congressman Hal Rogers

MITCH McCONNELL
KENTUCKY

317 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1702
(202) 224-2641

A-3
United States Senate

REPUBLICAN LEADER
COMMITTEES
AGRICULTURE
APPROPRIATIONS
RULES AND ADMINISTRATION

December 1, 2011

The Honorable Michael L. Connor
Commissioner
Bureau of Reclamation
1849 C Street Nw
Washington, D.C. 20240-0001

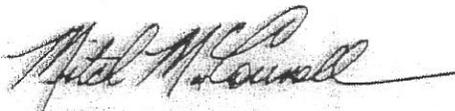
Dear Commissioner Connor:

I am writing on behalf of a constituent, Mr. John Paul Amis, Superintendent of Perry County Public School District, who has contacted me regarding the District's purchase of reclaimed mine property. I would appreciate your review and response to my constituent's questions and concerns.

In his correspondence, he mentioned his concern for the approval process of an amended permit for the property. I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Mr. Chris Carson in my Washington, D.C. office.

Thank you for your time and assistance. I look forward to receiving your response.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/cc

FEDERAL BUILDING
241 EAST MAIN STREET
ROOM 102
BOWLING GREEN, KY 42101
(270) 781-1675

1885 ERIE HIGHWAY
SUITE 84E
FORT WRIGHT, KY 41011
(859) 376-0186

771 CORPORATE DRIVE
SUITE 408
LEXINGTON, KY 40503
(859) 224-8286

300 SOUTH MAIN
SUITE 310
LONDON, KY 40321
(606) 864-2026

601 WEST BROADWAY
SUITE 630
LOUISVILLE, KY 40202
(502) 582-6304

PROFESSIONAL ARTS BUILDING
2320 BROADWAY
SUITE 100
PADUCAH, KY 42001
(270) 442-4554

MITCH McCONNELL
Kentucky

361-A RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1702
(202) 224-2541

United States Senate

MAJORITY WHIP
COMMITTEE:
AGRICULTURE
APPROPRIATIONS
SUBCOMMITTEE ON FOREIGN OPERATIONS
CHAIRMAN
RULES AND ADMINISTRATION

823017

February 25, 2005

A=4

Mr. David L. Bernhardt
Director
Office Of Congressional and Legislative Affairs
Department of the Interior
Mailstop 6242
1849 C Street N.W.
Washington, D.C. 20240

Dear Mr. Bernhardt:

I am writing on behalf of a constituent who has contacted me regarding the Kentucky surface Coal Mining Permit #895-0150. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pamela Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,

MITCH McCONNELL
UNITED STATES SENATOR

MM/PS

RECEIVED
05 MAR -9 AM 10:08
OFFICE OF THE
EXECUTIVE SECRETARY

03/21/05 MON 10:10 FAX 202 501 0549

OSM COMMUNICATIONS

PITTSBURGH ARCC



Cover Page

A-5

To: Senator Mitch McConnell

From: **nonresponsive**

Tel:
Fax:

Pages To Follow (5)

2-22-0005

To: Secretary of the Interior
Gale A. Norton
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

From: **nonresponsive**

Subj: Kentucky Surface Coal Mining Permit # 895-0150

Ref: Public Law 95-87
Kentucky Revised Statutes Chapter 350.00
Permit # 895-0150
Owsley County Map 13
Deed: Recorded in deed book 74-page 341 Owsley County court house 22, July 2000.

Madam Secretary,

The information here I believe needs your immediate attention. What you will find here is of grave importances to the citizen of Kentucky. First of all I need to give you a brief review of the circumstances concerning my complaint of permit # 895-0150. The bottom line is that the State illegally gave a permit to Sturgeon Mining Co., of Beatyville, Ky, to strip mine a property that the owner had not given permission to do so. They Removed all the trees and coal from the property.

SEC 101. The Congress finds and declares that -

(c) many surface mining operations result in disturbances of surface areas that burden and adversely affect commerce and the public welfare by destroying or diminishing the utility of land for commercial, industrial, residential, recreational, agricultural, and forestry purposes, by causing erosion and landslides, by contributing to floods, by polluting the water, by destroying fish and wildlife habitats, by impairing natural beauty, by damaging the property of citizens, by creating hazards dangerous to life and property by degrading the quality of life in local communities, and by counteracting governmental programs and efforts to conserve soil, water, and other natural resources;

SEC, 102. It is the purpose of this Act to -

(a) establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations;

(1)

Note: The State of Kentucky is part of this nationwide program. But you would never know it with the problems that we the citizens have seen in the case of permit # 895-0150.

(b) assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto are fully protected from such operations;

Note: They have failed to in the case of permit # 895-0150. One landowner whose property was in the CENTER of the permitted site did not give their permission to enter or mine coal on their land. Now they will have to take civil action because the State did not do their job as per Public Law 95-87 & Kentucky Revised Statutes Chapter 350.00

(c) assure that surface mining operations are not conducted where reclamation as required by this Act is not feasible;

Note: This permit should have never been approved. The land cannot be reclaimed as required by this Act. It was not feasible before, and is not feasible now.

(d) assure that surface coal mining operations are so conducted as to protect the environment;

Note: This strip mining operation did massive environmental damages to the property and the water way that runs through the property. The operation came to with in 10 feet of the stream.

(e) assure that adequate procedures are undertaken to reclaim surface areas as contemporaneously as possible with the surface coal mining operations;

Note: This has not taken place. The fact is that this has created a situation where much run off including muddy debris is dumping directly into the adjoining stream and the hill sides are sliding. This has created a substantial health and safety risk for the public, plus an environmental risk if this problem is not corrected.

(f) assure that the coal supply essential to the Nation's energy requirements, and to its economic and social well-being is provided and strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy;

Note: There was no balance here.

(i) assure that appropriate procedures are provided for the public participation in the development, revision, and enforcement of regulations, standards, reclamation plans, or programs established by the Secretary or any State under this Act;

Note: The State has not and apparently will not.

03/21/05 MON 10:10 FAX 202 501 0549

OSM COMMUNICATIONS

PITTSBURGH ARCC

On 2-9-05 at 2:30 pm I called a Mr Charles Oldham at Division of Mine Permits #2 Hudson Hollow Rd, Frankfort, KY 40601 to check on some information that they had requested. At this time he told me that my letter to Ms. Perry Johnson, was not of any help to me. He informed me that because of my letter in response to her letter of 2-03-2005 resulted in the acting director A. Mr. Johnson instructed that ALL ELECTRONIC AND PAPER FORM CONTACT FROM ME OR TO ME WAS TO BE REMOVED FROM ALL STATE DOCUMENTS AND THAT I NO LONGER EXSESTED. I stated to Mr. Oldham that I sent the letter to alert all that something was wrong here. Mr Oldham informed me that I had to understand that the laws do not apply in Eastern Kentucky. That is a fact that I have to live with. That all the power is in the Fiscal Courts, that is the law in Eastern KY and the fact is it makes no difference what the law says under KRS. 350. that they do things by a memo that was sent down by the late director. He also stated that I shouldn't bother with any State Reps because they don't care about them. Get in touch with your Congressman, they will only listen to them because that is were the money comes from.

(m) wherever necessary, exercise the full reach of Federal constitutional powers to insure the protection of the public interest through effective control of surface coal mining operations.

Note: There was no effective control of this mining operation. It is time to exercise the full reach of Federal constitutional powers.

Below are just a few of the Kentucky Revised Statutes that address the problem and are also part of Public Law 95-87.

I. A. W: KRS. 350.085 Denial of permits and operations -- Deletion of land areas.

(3) Subject to valid existing rights, no surface coal mining operations except those which existed on or before August 4, 1977, shall be permitted within three hundred (300) feet from any occupied dwelling unless waived by the owner, nor within three hundred (300) feet of any public building, school, church, community, or institutional building, public park, or within one hundred (100) feet of a cemetery. The cabinet shall not issue a permit if it finds that the operation will constitute a hazard to or do physical damage to a dwelling house, public building, school, church, cemetery, commercial or institutional building, public road, stream, lake, or other public property. The cabinet shall delete the areas from the permit application or operation.

Note: The public road is gone and the mining operation came to within 10 feet of the stream. The cabinet either did not delete the areas from the permit application or the permittee just ignored it.

03/21/05 MON 10:11 FAX 202 501 0549

OSM COMMUNICATIONS

PITTSBURGH ARCC

(4) Subject to valid existing rights, no surface coal mining operations except those which existed on or before August 4, 1977, shall be permitted within one hundred (100) feet of the outside right-of-way line of any public road, except where mine access roads or haulage roads join the right-of-way line. The cabinet shall permit the roads to be relocated or the area affected to lie within one hundred (100) feet of the road if, after public notice and opportunity for public hearing in the locality, a written finding is made that the interest of the public and the affected land owner will be protected.

Note: The Public road is gone and the mining operation destroyed the land of said land owner and the coal under the 1/2 mile of missing road was so mined. The road can not be restored to it's approximate original contour and this will land lock said land owner whose property was mined and destroyed with out their consent.

I. A. W: KRS. 350.060 Permit requirement -- Contents of application -- Fee -- Bond -- Exemptions -- Administrative regulations -- Successive renewal -- Auger mining of previously mined area -- Exempt operations.

(2) No permit or revision application shall be approved unless the application, affirmatively demonstrates, and the cabinet finds in writing on the basis of the information set forth in the application or from information otherwise available, that the permit application is accurate and complete and that all the requirements of this chapter have been complied with.

Note: Just a check with the county P.V.A on this application would have identified the inaccuracy of the application as to the true owner of the property that was in the center of this permit request. Ref: Owsley County Map 13 Parcel # 6. Deed: Recorded in deed book 74-page 341 Owsley County court house 22, July 2000. Also Parcel # 7 belonging to someone other than what is listed on the application.

I.A.W: KRS. 350.010 Definitions for chapter.

(15) "Approximate original contour" means that surface configuration achieved by backfilling and grading of the mined area so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain with all highwalls and spoil piles eliminated; water impoundments may be permitted where the cabinet determines that they are in compliance with KRS 350.455;

Note: Original contour of this property can no longer be found. It has been destroyed. A parcel of beautiful pristine woodlands with terracing and a waterfall is lost forever. The day we bought this land my wife said. "This will be one piece of property that they will never STRIP MINE".

SEC. 701. For the purposes of this Act - (29) "unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of this Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care;

"As caretakers of the public trust, government officials can affect the finances and lives of its citizenry everyday."

In closing I will say that SEC. 201 & SEC. 521 of Public Law 95-87 needs to be applied with the full reach of Federal constitutional powers. I have additional information if required. "I have no financial interest in this matter."

nonresponsive

A Citizen of the Commonwealth of Kentucky

- cc. Senator Mitch McConnell
- Senator Jim Bunning
- Congressman Harold Rogers
- Congressman Ben Chandler
- Office of Surface Mining

MITCH McCONNELL
KENTUCKY

351-A RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1702
(202) 224-2541

United States Senate

REPUBLICAN LEADER

COMMITTEES:
AGRICULTURE

APPROPRIATIONS

RULES AND ADMINISTRATION

March 27, 2009

A-6

The Honorable Ken Salazar
Secretary of Interior
Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Salazar:

I write on behalf of Perry County Judge Executive Denny Ray Noble who has contacted me regarding Valley View Ridge in Perry County, Kentucky. Judge Noble believes this area poses a risk to area residents. I would appreciate your review and response to my constituent's questions and concerns.

I have enclosed a copy of his correspondence, for your information. Please direct any inquiries and all relevant information to Allison Thompson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/at

EXECUTIVE SECRET

2009 APR 10 AM 11:01

076097

SHelley MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEES:
TRANSPORTATION & INFRASTRUCTURE
FINANCIAL SERVICES
SMALL BUSINESS

Congress of the United States
House of Representatives
Washington, DC 20515-4802

February 6, 2002

1431 LONGWORTH H.D.B.
WASHINGTON, DC 20516-4802
202-225-2711

4815 MACCORKLE AVE.
CHARLESTON, W.V. 25304
304-925-5984

222 WEST JOHN STREET
MARTINSBURG, W.V. 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

Ms. Gale Norton, Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240-0001

Dear Secretary Norton,

I enthusiastically support the Kanawha County Commission's Abandoned Mine Lands Grant Award, which will fund the Pond Gap, West Virginia water project.

This grant award (\$1,778,480.00) is vital to the families of Pond Gap, West Virginia. They have a great need for clean water service to increase the quality of their lives. An additional \$113,520.00 will be added by West Virginia - American Water Company as soon as the AML grant money is awarded.

I ask that these AML grant monies be awarded soon as the need is immediate in Pond Gap, West Virginia. If you need additional information, please contact Fred Hill in my Charleston district office at (304) 925-5964, or feel free to call Kanawha County Commissioner Kent Carper at (304) 357-0101.

Thank you very much for your time and attention to this matter. I look forward to hearing from you.

Sincerely,

Shelley Moore Capito
Member of Congress

SMC:bfn

EXECUTIVE SECRETARIAL
OFFICE OF THE

Cd: Kanawha County Commission
Kent Carper
Dave Hardy, President
Henry "Hoppy" Shores

559218

PRINTED ON RECYCLED PAPER



THE SECRETARY OF THE INTERIOR
WASHINGTON

FEB 26 2002

Honorable Shelley Moore Capito
House of Representatives
Washington, D.C. 20515

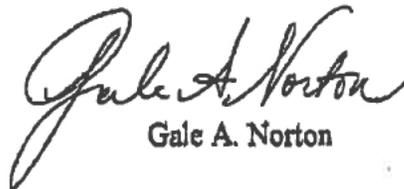
Dear Ms. Moore:

Thank you for your recent letter concerning Abandoned Mine Lands Grant Award monies for Pond Gap, West Virginia, which I received on February 26, 2002.

I sincerely appreciate your interest in this matter, and I am referring your letter to the appropriate member of my staff for response. You will hear from us again in the near future.

Your interest in the Department of the Interior is appreciated. Please let me know whenever I can be of assistance.

Sincerely,


Gale A. Norton

MITCH McCONNELL
KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1702
(202) 224-2541

United States Senate

REPUBLICAN LEADER
COMMITTEES:
AGRICULTURE
APPROPRIATIONS
RULES AND ADMINISTRATION

January 5, 2010

Mr. Christopher Mansour
Director
Office Of Congressional and Legislative Affairs
Department of the Interior
1849 C Street N.W.
Room 6256
Washington, D.C. 20240

Dear Mr. Mansour:

This letter is in reference to Mrs. **non-responsive**. She contacted my office regarding her request for assistance in obtaining a confiscated ivory bracelet she inherited from her deceased mother-in-law, Mrs. **non-responsive**. For your convenient reference, I have enclosed a copy of her correspondence.

Since I want to be responsive to all constituent inquiries, your prompt consideration, findings and views concerning the enclosed will be greatly appreciated. I look forward to hearing from you at your earliest convenience.

Please send your response to my state office at 601 West Broadway, Suite 630, Louisville, Kentucky 40202. It should be sent to the attention of Mr. Patrick T. Foster. He can be reached at (502) 582-6304 for further information.

Thank you for your assistance with this matter.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/ptf

2010 JAN 12 10:07

LC88L7

FEDERAL BUILDING
241 EAST MAIN STREET
ROOM 102
BOWLING GREEN, KY 42101
(270) 781-1673

1885 DIXIE HIGHWAY
SUITE 345
FORT WRIGHT, KY 41011
(859) 578-0188

771 CORPORATE DRIVE
SUITE 108
LEXINGTON, KY 40503
(859) 224-8286

300 SOUTH MAIN
SUITE 310
LONDON, KY 40741
(606) 864-2026

601 WEST BROADWAY
SUITE 630
LOUISVILLE, KY 40202
(502) 582-6304

PROFESSIONAL ARTS BUILDING
2320 BROADWAY
SUITE 100
PADUCAH, KY 42001
(270) 442-4554



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

In Reply Refer To:
FWS/LE DCN 043688

FEB 24 2010

The Honorable Mitch McConnell
United States Senate
601 West Broadway, Suite 630
Louisville, Kentucky 40202

Dear Senator McConnell:

Thank you for your letter of January 5, 2010, to Mr. Christopher Mansour, Director of the Department of the Interior's Office of Congressional and Legislative Affairs, regarding the U.S. Fish and Wildlife Service's (Service) seizure of a walrus ivory bracelet belonging to your constituent, Ms. **non-responsive**.

This bracelet, which was imported into the United States from Poland via personal accompanying baggage, was detained on import by Service wildlife inspectors in Chicago because Service regulations implementing the Marine Mammal Protection Act (50 CFR 18) prohibit the importation of marine mammals or marine mammal products. This prohibition applies to personal items made from marine mammal parts (such as walrus ivory) as well as commercial imports.

A Notice of Seizure and Proposed Forfeiture was sent to Ms. **non-responsive** on October 14, 2009. This notice explained Ms. **non-responsive**'s right to seek return of the ivory bracelet by filing a petition for remission of forfeiture for review by the Department of the Interior's Solicitor's office. The Solicitor's office independently reviews such petitions and determines whether mitigating circumstances justify the return of seized property.

Ms. **non-responsive** submitted a petition for remission of forfeiture to the Service on November 19, 2009, and that petition was forwarded to the field Solicitor's office in Minneapolis for review. Earlier this month, workload issues prompted that office to transfer Ms. **non-responsive**'s petition to the field Solicitor's office in Pittsburgh, Pennsylvania, for review and disposition.

After this office completes its review of the information provided by Ms. **non-responsive** and the Service, it will make a determination as to whether return of the ivory bracelet is warranted and notify Ms. **non-responsive** in writing as to this decision. The Solicitor's communication will include a complete explanation of the decision. Review of a petition for remission of forfeiture typically takes approximately three months, although some determinations may require additional processing time.

The Honorable Mitch McConnell

2

The petition for remission process provides outside review of Service enforcement actions and helps protect the rights and interests of property owners. If you have additional questions about this matter, please contact me or Special Agent in Charge Gregory Jackson, who oversees our law enforcement operations in the Midwest, at (612) 713-5320.

Sincerely,

A handwritten signature in black ink, appearing to read "Benito A. Perez". The signature is fluid and cursive, with the first name being the most prominent.

Benito A. Perez
for Chief, Office of Law Enforcement

Copy to your Washington Office



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
Banking, Finance,
Insurance, and
Consumer Protection

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

SELECT COMMITTEE ON ENERGY INDEPENDENCE
AND GLOBAL WARMING

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

July 22, 2009

2143 RAYBURN H O B.
WASHINGTON DC 20515-4802
202-225-2711

4815 MACCORKLE AVE.
CHARLESTON, WV 25304
304-925-5964

300 FOALDRIF AVE
SUITE 102
MARTINSBURG, WV 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

Mr. Christopher Mansour
Director of Congressional and Legislative Affairs
U.S. Department of the Interior
Mail Stop 6242
1849 C Street Nw
Washington, D.C. 20240

Dear Mr. Mansour:

I am writing on behalf of my constituent, Mr. **non-responsive** who has asked me for assistance. Enclosed is a copy of my original inquiry which includes Mr. **non-responsive**'s Privacy Act Release Form that further explains his situation as well as additional emails.

Please provide me with a status of his claim. The last information I received indicated that your office was waiting on a response from the U.S. Park Police. Also, I would welcome any reports of further progress on the case.

Any information or assistance you can provide on the matter would be deeply appreciated. Please mail all correspondence regarding this inquiry to my District office at 4815 MacCorkle Ave., SE, Charleston, WV 25304. You can also contact me by phone at (304) 925-5964 or by fax at (304) 926-8912.

Sincerely,

Shelley Moore Capito
Member of Congress

SMC:KV

Enclosure



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA
COMMITTEE ON FINANCIAL SERVICES
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

1431 LONGWORTH H.O.B.
WASHINGTON, DC 20515-4802
202-225-2711

4815 MacCORKLE AVE.
CHARLESTON, WV 25304
304-925-5964

300 FOXCROFT AVE.
SUITE 102
MARTINSBURG, WV, 25401
304-264-0810

WWW.HOUSE.GOV/CAPITO

February 21, 2008

Mr. Matt Eames
Director of Congressional and Legislative Affairs
U.S. Department of Interior
Mail Stop 6242
1849 C St, NW
Washington, D.C. 20240

Dear Mr. Eames:

I am writing on behalf of my constituent, **non-responsive**, who has asked me for assistance. Attached you will find a copy of Mr. **non-responsive**'s Privacy Act Release form and supplemental information that explains his situation.

Any information or assistance you can provide on this matter would be deeply appreciated. The address for my District Office is 4815 MacCorkle Ave., SE Charleston, West Virginia 25304. You can also contact me by phone at 304-925-5964 or by fax at 304-926-8912. I appreciate your assistance and look forward to hearing from you soon.

Sincerely,

Shelley Moore Capito
Member of Congress

SMC: KV

Enclosure



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
RANKING MEMBER
SUBCOMMITTEE ON HOUSING AND
COMMUNITY OPPORTUNITY

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

SELECT COMMITTEE ON ENERGY INDEPENDENCE
AND GLOBAL WARMING

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

2443 RAYBURN H.O.B.
WASHINGTON, DC 20515-4802
202-225-2711

4815 MACCORKLE AVE.
CHARLESTON, WV 25304
304-925-5964

300 FOXCROFT AVE.
SUITE 102
MARTINSBURG, WV 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

November 17, 2010

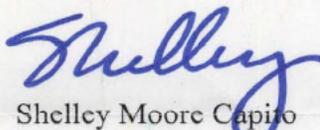
Tim West
Congressional Liaison Officer
U.S.G.S. National Center
Room 7A418, Mail Stop 119
12201 Sunrise Valley Drive
Reston, VA 20192

Dear Mr. West,

Recently constituents of mine, **nonresponsive** and **nonresponsiv**, contacted my office with concerns regarding the USGS Leetown Science Center in Kearneysville, WV. After reviewing the request, I have forwarded his letter to you so it may be handled more directly.

Thank you for your time and consideration. Please address your response directly to Ms. **nonrespo** and Mr. **nonre**. The address is: **nonresponsive**, Kearneysville, WV 25430-3803. If you have any questions, please feel free to call my office at 202-225-2711.

Sincerely,


Shelley Moore Capito
Member of Congress

SMC:VKG

From: "Write your representative" <writerep@heoc-t2kwww1.house.gov>
Date: 10/24/2010 11:31:05 AM
To: "Rep. Shelley Moore Capito" <wv02ima@mail.house.gov>
Cc:
Subject: WriteRep Responses

DATE: October 24, 2010 11:15 AM

NAME: nonresponsive

ADDR1: nonresponsive

ADDR2:

ADDR3:

CITY: Kearneysville

STATE: West Virginia

ZIP: 25430-3803

PHONE: 7 nonresp 6

EMAIL: nonresponsive

msg:

Please find out why the USGS Leetown Science Center coldwater fish lab in Leetown WV is building a 6 foot plus wire on top fence between their unused woods and my farm. It impedes the migration of wildlife, affects our hunting, and destroys the rual view. The USGS does nothing on that wooded land, and none of us neighbors trespass on their land. My horses have never escaped to their land and my neighbors' crops do not have legs. Horses and crops are not terrorists yet this fence is the sort one would build against major threats. For fish? Please! I don't want my tax dollars going to such foolishness. Where was the community communication and soliciatation of comments? The environmental impact statement? The outright stupidity check? When I trail ride around my farm I do want to see this. What will they do with the trapped deer?

Sincerely,

nonresponsive

Close