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Congressman Doug Lamborn
1271 Kelly Johnson Blvd., Ste. 110
Colorado Springs, CO 80920

Dear Mr. Lamborn:

I have received your letter dated November 19, 2009, in response to our request for you to meet with several of your constituents. At this meeting, which was intended as a follow-up to our August 2009 meeting, we expected you to explain to us what steps you would take to compel the U.S. Forest Service (USFS) to abide by the laws passed by Congress applicable to closing roads to the public in the Pike National Forest. Based on your unwillingness to meet with us, your lack of attention to detail, your inability to follow through, and your possible prevarication, we will now pursue your retirement from Congress.

Though we appreciate the efforts you have undertaken on our behalf, you did not accomplish anything of substance. Although you wrote several letters to the USFS, in its replies the agency either reiterated the same nonsense it had expressed to us previously or outlined in greater detail additional violations of federal law. In addition, on multiple occasions the USFS did not answer your specific questions. On all counts you did not follow up and thus seem unconcerned about the clear and unequivocal violations of federal law that this agency has committed. Indeed, in July 2008 you requested the Committee on Natural Resources, a committee you sat on, to schedule an oversight hearing on this matter. After failing to receive any updates, I placed a call to that committee in October 2008 and found that it was not even aware of your request. A follow-up call in February 2009 yielded the same answer. In addition, you did not inform your constituents in any way regarding the progress of that request until we met with you more than a year after the request was supposedly submitted. Such tardiness by an elected official is unacceptable and, among other things, speaks to your lack of competence.

As further evidence regarding your lack of attention to detail and follow-through, in your most recent letter (November 19, 2009) you accept the USFS's explanation that the closure of Forest System Road (FSR) 371 need not follow National Environmental Policy Act (NEPA) procedures because the action is categorically excluded from an environmental impact statement or environmental assessment. On several occasions, most recently in our August 2009 meeting, we provided you with the law governing categorical exclusions. Clearly and unequivocally, the closure of this road does not fall into that category. Then again, had you actually read the short chapter on categorical exclusions in the *Forest Service Handbook* after the USFS presented it to you in May 2007, you would know that.

Frankly, we already know what the USFS's position is on these illegal road closures and we did not need a U.S. congressman to reiterate what we already know. What we need, and indeed expect, from our congressman is sufficient thoughtfulness, motivation, and uncompromising toughness when it comes to the laws governing our nation. Possessing such virtues would have compelled you to ensure that the USFS abide by those laws passed by Congress.

Beyond the information on categorical exclusion, we also provided you with the law governing the protection of a forester sensitive species, one of the reasons the USFS claims closing this road to the public was necessary. By law, this action requires compliance with NEPA, rendering the categorical exclusion explanation irrelevant (even if it did apply). The fact that you are unable to recognize something so rudimentary speaks clearly to your ineffectiveness as a U.S. congressman.

Incredibly, your most recent letter provides even more evidence of your lack of competence and attention to detail. You address only the issue of FSR 371 and make no mention of the closure of FSR 322A, despite the fact that we presented this issue to you in the past, most recently in August 2009. This road, based on documentation obtained from the USFS, was also closed illegally, remains closed to this date, and has even been conveniently omitted from the most recent motor vehicle use map (MVUM), an action itself in violation of federal law. In fact, in answering some of these charges in response to your letter of September 21, 2009, the agency claims that it reverted to the 2009 MVUM to keep this road closed. Had you allowed us to address this issue by meeting with us, you would have learned that this explanation and subsequent action are in violation of federal law, as the public involvement process required in generating this map was not observed.

You also claim that you contacted USFS chiefs Bosworth, Kimbell, and Tidwell on our behalf. A Freedom of Information Act (FOIA) request submitted to the agency in November 2009, which asked the USFS to document all your correspondence with these chiefs, did not yield any evidence that you contacted Chief Bosworth. Does your statement therefore represent a fabrication or did the USFS neglect to follow the law as it pertains to answering a FOIA request (namely, doing so with specificity)? If you did indeed contact Chief Bosworth, and given that now your honesty, integrity, and honor are in question, we wonder if you will take that violation of law as lightly as you have taken those that have reduced your constituents' access to public lands.

Based on the above, it is impossible for us to support your work in Congress or your reelection. If you are unable to read the legal references we provided and come to the understanding that the USFS has violated the law in closing several roads to the public, how can we trust that you have the capacity to research, comprehend, and intelligently vote on more complex issues such as health-care reform, the war in Afghanistan, and the economy?

You were presented with an opportunity to represent a very large number of constituents on one of the most grassroots issues—fighting for citizens' access to public lands. This is the sort of issue that touches every American at a most visceral level—and it is wholly nonpartisan. Frankly, in light of the legal references we provided, the cliché “no-brainer” seems appropriate in describing this situation. For a congressman to neglect an opportunity such as this speaks to that person's incompetence and lack of understanding of what most Americans demand—that federal agencies should abide by laws passed by Congress. Such ineffective representation can surely be improved upon and we will play our part in doing so next November.

Sincerely,

Dan Wagman