

JOHN McCAIN
ARIZONA

CHAIRMAN
COMMITTEE ON INDIAN AFFAIRS
COMMITTEE ON ARMED SERVICES
COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION

United States Senate

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August 18, 2006

Elaine Zielinski
Bureau of Land Management
One North Central Avenue
Suite 800
Phoenix, AZ 85004

Bureau of Land Management
Arizona State Office
Phoenix, Arizona

AUG 22 2006

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| Field Office | |
| Central Files | |
| FOIA | 8-22-06 |
| Action | |

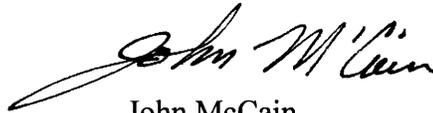
Dear Elaine:

I wish to bring to your attention a matter concerning **Ex. 6** who has encountered a problem with a ranger from the Bureau of Land Management.

Because the situation is under your jurisdiction, I am respectfully referring this matter to you for consideration. I feel that this issue would be better addressed by you and request that you respond directly to **Ex. 6**

Thank you.

Sincerely,



John McCain
United States Senator

JM/tjd
Enclosure(s)

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BUREAU OF
LAND MANAGEMENT
2006 AUG 21 P 1:21
ARIZONA
STATE OFFICE
PHOENIX, ARIZONA

RT

JUN 12 2006

Ex. 6

JUN 28 2006

June 5, 2006

The Honorable John McCain
U.S. Senate
241 Russell Senate Office Building
Washington DC 20510

JUN 13 2006

Dear Senator,

We want to inform you of a disturbing incident involving a federal ranger and a sheriff's deputy while we were on a birding trip May 29th to the San Pedro Riparian National Conservation Area in south east Arizona. It appeared to us to be a matter of harassment and discrimination during more than 45 minutes of being detained as the ranger checked out our federal "paper work."

We had spent about 2 hours birding in the conservation area and were leaving at dusk in a group of nine. The gate had been closed when we entered but coming out it was wide open. We closed it as requested by a posted sign.

We were about to enter the van that was parked on the shoulder of the roadway outside the boundary of the conservation area. Suddenly a small truck pulled in diagonally opposite our vehicle and two officers jumped out. We were ordered away from the rangers truck and told not to engage in conversation with the officers. We sat in the van with the lights shining in our face and felt like "common criminals." It should have been readily apparent from our dress and binoculars that we were birders.

The federal ranger questioned our tour leader, and lectured him about the dangers of the area – drug smugglers and illegals. We are all well aware of the dangers.

According to the ranger, our federal permit did not cover the San Pedro area which is under the jurisdiction of the Federal Bureau of Land Management. Our tour leader had made every reasonable attempt to get all the necessary permits. He was unaware of the need for a permit for this property as no verbal advisory or posted notice so stated. (Maybe a universal permit from any federal agency covering other lands should be established to avoid incidents such as this.)

After a lengthy questioning the incident ended when the ranger's supervisor advised him, via radio, to issue a warning notice for not having a permit to that area.

As a result, the tour did not have access to any BLM property and had to change plans in order not to visit "public lands" for which we, as tax payers, have paid to acquire and maintain. Other permits were displayed on the dashboard of the van. We believe the action was discriminatory because we were a van full of people under the guidance of a "commercial outfitter." In fact, if each of us had been alone there would not have been any action taken by the officers. The fact that they apparently go after and require permits from groups in vans makes this discriminatory. This is no way to treat American citizens who bring 23 million eco tourist dollars to Arizona yearly. **Had many of us not been in this group we would not have spent our dollars in Arizona.**

We do not wish to be profiled nor is it appropriate to treat us as second class citizens or suspicious persons in our own country just because we are traveling in a van. All this in the name of security?

Why is a group permit and fee now mandatory for commercial outfitters when loggers, ranchers and others get preferential treatment subsidized by the American taxpayer? This is discriminatory. Arizona is a beautiful state but this action is a blemish that should be excised immediately.

We look forward to your response. We are sure that you can understand our reluctance to again travel in an area in which we might be subjected to this humiliation. The outfitter policy is outrageous and un-American.

Time, man power and resources would have been better spent looking for illegals coming through the "back door" rather than hassling citizens leaving through the "front door."

Sincerely,

Ex. 6





OFFICIAL COPIES: *CF* SD AUTHOR GROUP
United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Arizona State Office
One North Central Avenue, Suite 800
Phoenix, Arizona 85004-4427
www.blm.gov/az/



In Reply Refer To:
1781/9260 (WO-121)

SEP 07 2006

Josaco
9/6/06
Routures
9/6/06

Ex. 6

Dear Ex. 6

Senator McCain forwarded your letter dated June 5, 2006, to me for response. In your letter you expressed concerns regarding the contact you and your group had with a Bureau of Land Management (BLM) Law Enforcement Ranger on Monday, May 29, 2006, in the San Pedro Riparian National Conservation Area (SPRNCA).

After reviewing the facts of the incident, it appears our Law Enforcement Ranger followed applicable agency policy and protocol in response to the situation with which he was faced. The ranger did not violate any agency policies, guidelines, or established law enforcement contact protocols. He responded according to his training and experience to what he perceived as a potentially suspicious encounter. It is regrettable that you felt that you were being "profiled" because you were traveling in a van. The reality is that all vehicles parked in proximity of the San Pedro River are scrutinized because of active, and criminal, border-related smuggling activity that takes place in the area.

The ranger also determined that your group leader had conducted previous unpermitted commercial tours on the San Pedro Riparian National Conservation Area in the past in violation of Title 43 CFR 2932.57(a) (1) and (3) "Special Recreational Permits – Prohibited Acts and Penalties." These permits are required by commercial operators who derive a profit from the use of public lands. The permits regulate the conditions and frequency of commercial tours within fragile ecosystems, and allow the agency to mitigate resource damage that group tours can cause on the public lands.

The Federal and State laws enforced by our rangers were established specifically to ensure public safety and resource protection. The actions of our law enforcement rangers are not to prevent visitors from enjoying recreational activities on public lands managed by the BLM but rather to

encourage safe and responsible use of the resources we manage. I hope you understand that ranger safety and public safety is of utmost concern for us.

If you have any further questions regarding this matter, please feel free to contact Arizona Special Agent-in-Charge Lyle Shaver at 602-417-9339.

Sincerely,

A handwritten signature in black ink, appearing to read "Elaine Y. Zielinski". The signature is written in a cursive style with a large initial "E". To the left of the signature, there is a small, stylized mark that looks like a checkmark or a signature flourish.

Elaine Y. Zielinski
State Director

cc: Senator John McCain
241 Russell Senate Office Building
Washington, D.C. 20510