

From: [Meredith Griffin](mailto:Meredith.Griffin)
To: [Peggy Fry](mailto:Peggy.Fry)
Subject: FW: WAS AN EIS STUDY DONE REGARDING THE ENDANGERED PROTECTED DESERT TORTOISE
Date: Friday, February 01, 2013 11:50:44 AM

From: Joseph Incardine [mailto:jincardi@blm.gov]
Sent: Friday, February 01, 2013 10:35 AM
To: KDepukat@blm.gov
Cc: Ellen Carr; Meredith Griffin
Subject: Fw: WAS AN EIS STUDY DONE REGARDING THE ENDANGERED PROTECTED DESERT TORTOISE

On Thu, Jan 31, 2013 at 6:55 PM, [REDACTED] > wrote:
Mr. Godfrey and Joe Incardine,

There seems to be a communication problem between both the Utah office of Mr. Incardine and the Phoenix office where you, Mr Godfrey, are located. On top of that Mr Godfrey, you replied to an e-mail I sent to the City of Peoria, an e-mail that has demanded copies of information now for months. You and Joe were cc'd this e-mail ----as a courtesy to Joe-----as he knows nothing about that particular issue and should---has to---with regards to he being in charge of those extremely limited hearings that must be re-opened -and the comment period extended, so all the information that was purposely hidden from the public, lied about, Joe freely admitting he knows little or nothing about numerous issues such as the one I cc'd you about , that have to be included in any and all open hearings-----and if not for any reason----new hearings must be held and the comment period extended. These numerous issues that Joe and the BLM and his office did not know about----and now your BLM office admitting you knew nothing about these issues and information -when i fact Joe has on numerous occasion's told us he sent these requests and comment to your office and others and the powers to be-----and we only hear back from the Phoenix office and you have no idea what we have been requesting and more importantly-you know nothing about these issues -which I will assume is why Mr. Incardine contacted you.

I was instructed from day one going back almost 2 years now---to work through the BLM office of Mr Incardine and his staff---out of Utah-and we have had numerous phone conversations and e-mail exchanges over the years, so I have been following Mr Incardine instructions to the letter. Why he contacted you---as he had told me our e-mails, all of our requests for documents and copies under the freedom of information, and suggestions and comments were all going to the people in power and who are involved in the decision making process and he was taking responsibility for all the issues we have raised thse past 18 months-----and why he contacted you- --is really between you two?????

I sent you two e-mails the other day----one directly to you at Mr. Incardine request-----not knowing you are a public affairs person until yesterday-----but when you informed me to possibly call you-Mr Cardine knowing that was impossible---I knew that the communication between you two was seriously lacking and you had no understanding -----as I did not --of why Mr Incardine contacted you to speak to me.

The e-mail you responded to was a cc'd e-mail for your information----and you suggested that you had information about an EIS study made by the City of Peoria-----as that was the e-mail you replied to-----not the one that was far more important and sent directly to you--AS MR. INCARDINE ASKED ME TO..... NOT KNOWING UNTIL NOW-----FEBRUARY 1ST, 2013, THAT IT WAS JUST ANOTHER DELAYING TACTIC ON THE PART OF THE BLM [please look over the e-mails I sent you-they are clearly different the one you replied to also explain why I was sending to the City-again--- as Mr Incardine had no knowledge of---and this bit of information is way beyond extremely important---

-really no decision can be made by anyone unless this information is made available-and if not done by the City or any one else-----the hearings become null and void-for the simple fact is that the desert tortoise and its habitat are FEDERALLY PROTECTED-BE IT ON THE NORTH SIDE OR SOUTH SIDE-BUT EVEN MORE IMPORTANT-----THE BLM IS THINKING ABOUT DESTROYING THIS PROTECTED SPECIES AND ITS HABITAT ON BOTH SIDES OF RTE 74-AGAINST THE LAW-PLAIN AND SIMPLE EVEN IF THE BLM WANTS TO DO.

Lets be clear-----I was instructed to make contact at all times--regarding ALL ISSUES-ALL ISSUES, with the BLM office of Mr Joe Incardine-----and have been for the past 18 months-----all requests, all demands, all petitions, all legal requests, all comments, all suggestions, all friendly conversations, EVERYTHING--- was to go through Joe's office and or staff-----based on his instructions. THAT IS EXACTLY WHAT I AND OTHERS HAVE BEEN DOING

At no time did I or anyone I know of----- ASK FOR ANY EIS STUDY GOING BACK 20 YEARS----- --SO WHERE YOU GOT THAT FROM I HAVE NO IDEA. NOR DID I ASK YOU - I sent you a cc'd e-mail as a courtesy to Joe---as he knew nothing about this subject at all and numerous other subjects and issues that are extremely important and we the taxpaying public---all American citizens -have a right to know--A RIGHT TO KNOW--- and he did not know

So if he-Mr Joe Incardine is asking you in helping him----that is between you and him not me----- --Where you get this 20 year things is beyond me-----and maybe even Joe.

If Joe needs a liaison person to get done what he and the BLM are required to do under law----- again that is between you and him. I would suggest that you entering the picture at this late date----- and knowing nothing -not even being an expert on FOIA-???---- I have some knowledge-and all I have to do is make a formal request in writing and since Mr Incardine was and is totally responsible to know or obtain this information---be it in a conversation or in copies---having followed his instructions to the letter from day one-----the documents and copies have already been submitted and the issues confirmed by Mr. Incardine and the BLM. The information of the issues raised-----ARE THOSE ISSUES THAT MR. INCARDINE HAS NO KNOWLEDGE OF, WAS NEVER INCLUDED IN HIS CLOSED HEARINGS, WAS NEVER INCLUDED IN ANY PRINTED MATERIAL HE ISSUED, WAS NEVER DISCUSSED, WAS NEVER EVEN BROUGHT UP, WAS ACTUALLY HIDDEN FROM THE PUBLIC ON PURPOSE, THE CITY OF PEORIA HAS NOT CO-OPERATED WITH THE PUBLIC OF THE BLM AND MR. INCARDINE

SO THE HEARINGS WERE NOT OPEN AND HONEST AND AS THE BLM [as a whole] [you included] AND OTHERS HAVE ADMITTED THEY DID NOT INCLUDE EXTREMELY IMPORTANT INFORMATION AND RELEASE IT TO THE PUBLIC ACCORDING TO FEDERAL LAW----- ACTUALLY HAVE HIDDEN THESE ISSUES FOR YEARS NOW-----

I would suggest you and Mr Incardine work out your communications problems -as I have formally requested in writing for copies of documents under the F.I.O.A. for numerous issues that the BLM did not provide or opened up to the public s they are required to by law----- OUR REQUESTS HAD TO BE DONE THIS WAY----AS WE WERE FORCED TO BY THE NEGLIGENCE , INCOMPETENCE, AND DELAYS OF THE BLM AND THE PEOPLE LEGALLY RESPONSIBLE FOR DOING WHAT THEY ARE LEGALLY RESPONSIBLE TO DO.

If you and your office do not have ALL THE COPIES OF MY E-MAILS AND REQUESTS, let me know and I will send them to you asap. Or you can contact Mr Incardine and you can go over the e-mails that Mr. Incardine confirmed he sent to the powers to be-the decision makers within the BLM and the BLM agency as a whole. I suggested this yesterday and from your e-mail-----it was clear that you knew nothing of what was going on and that Mr. Incardine was seeking help for himself-----

I have as others have-----HAVE DONE WHAT WE WERE INSTRUCTED TO DO FROM DAY ONE GOING BACK YEARS-----AND HAVE FOLLOWED THE LAW AND SUBMITTED OUR REQUESTS IN WRITING -EVEN THOUGH WE HAVE BEEN GIVEN FALSE AND MISLEADING INFORMATION, THE BLM HAS PURPOSELY DELAYED THE ISSUES , HAVE HIDDEN THE ISSUES, LIED ABOUT

ISSUES, AND REFUSED BY PLEADING I DO NOT KNOW-WHEN IT IS CLEARLY THEIR RESPONSIBILITY TO KNOW AND IF NOT-TO FIND OUT -AND TO FULLY INFORM THE PUBLIC----
-----THIS WAS NOT DONE AND IS STILL

We have in writing asked for copies of documents and the issues we have raised these past 18 months-----and if you can help in getting Mr. Incardine and his office to facilitate these issues and abide by federal laws by knowing and getting this information to us and the public at large-----

-If you can help in this matter with regards to Mr. Incardine's request for your help-----we welcome any and all help you and others can give us in getting these copies of documents so we can go over them and be able to make educated and intelligent suggestions, comments and asking questions -all based on the facts and truth that these documents will provide the public and to this point in time-have been hidden and still not made available to the public regarding these specific hearings and the decisions that will ultimately be made-

THANK YOU AND LOOK FORWARD TO GETTING THE COPIES OF INFORMATION WE HAVE REQUESTED TO THIS POINT IN TIME

regards,

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--- dgodfrey@blm.gov wrote:

From: "Godfrey, Dennis" <dgodfrey@blm.gov>

To: █

Subject: Re: WAS AN EIS STUDY DONE REGARDING THE ENDANGERED PROTECTED DESERT TORTOISE

Date: Thu, 31 Jan 2013 08:50:59 -0700

Mr. █

There is a process of getting information from the federal government. That process is established by the Freedom of Information Act (FOIA). That federal law is completely independent of the state laws that you reference.

Information about FOIA is available at www.foia.gov. That is additional to the site information that Joe Incardine provided to you on the BLM and its FOIA process.

I am not an expert on FOIA, neither am I knowledgeable about environmental studies that may have been conducted over the past 20 years.

However, I am offering my services as a liaison in helping you make a formal request under the federal FOIA regulations.

If you feel that I can be of assistance in this process, please let me know.

Dennis Godfrey / Public Affairs / Bureau of Land Management / 1 N. Central Ave., Phoenix, AZ / 602-417-9499 / dgodfrey@blm.gov

On Wed, Jan 30, 2013 at 5:40 PM, [REDACTED] wrote:
Dear Mr. Godfrey,

I am seeking the information -----your reply to my most recent cc'd e-mail to you-----
-----from the City of Peoria and have now for weeks--maybe a month or more.
Under the Freedom of Information laws of the State of Arizona-----they too like you and your
office are in violation of Federal laws regarding freedom of Information.

I was informed by the Utah Office of Joe Incardine-----that he did not have a copy ,
was not given one and did not ask for one. On top of that, he knew and had no information regarding
this most recent request to the City of Peoria-and my response at the time was-----THEN HIS
HEARINGS AND COMMENT PERIOD AND HIS NOT HAVING EXTREMELY IMPORTANT
INFORMATION, [there are numerous other details and information issues, numerous ones that he has
claimed he does not know, was not informed, did not include did not make public, was not included in
any studies nor did he inform the public in any way--in fact-hide from the public along with not
informing the public properly and according to law, these facts-----plus additional DETAILS, STUDIES
ETC, ETC, missing, lied about, he being ill-informed, not knowing, etc, etc, MAKES HIS HEARINGS
AND COMMENT PERIOD TOTALLY FLAWED -----and new ones must be held once ALL the
information, the documents COPIES OF----- are made available and everything is brought out in the
open, as is required by law.

I suggest you and Mr. Cardine go over our requests for information going back a month or more-
-----VERY SPECIFIC REQUESTS FOR INFORMATION-----and his refusal to provide anything-----
-----and not knowing-----and now just passing these requests on to you.

I would also suggest that you and Mr. Cardine just take our requests for information-----
COPIES OF---- as is our right under the law-----AND PROVIDE SAID COPIES ASAP-----AS
both you and Mr. Cardine have been purposely hiding information and delaying the process for the
information and copies we are entitled to.

Lets be clear-----Mr. Cardine just provided the link yesterday -----YESTERDAY-----
WHEN HE AND YOU HAVE HAD THESE REQUESTS FOR MONTHS ACCORDING TO MR.
CARDINE. SOMETHING VERY WRONG WITH HIS OFFICE AND YOURS IF YOU ARE NOW JUST
GETTING BACK TO ME-----

AS YOU HAVE BEEN FORMALLY NOTIFIED OF THESE REQUESTS FOR MONTHS
BY MR. CARDINE AND HE HAS CONFIRMED THIS.

I see no need in the matter you are replying to----- THE REQUESTS OF A EIS study either made by the City of Peoria or by the developer's that the BLM made a land swap deal some time back----HUGE CONFLICT OF INTEREST -- POSSIBLY BEING ILLEGAL-----AS MR. CARDINE TOLD ME HE DID NOT HAVE, DID NOT KNOW ABOUT, DID NOT ASK FOR AND DID NOT RECEIVE, AND HIS REPLY WAS THEY WERE A CO-OPERATING AGENCY----- and my response was this co-operating agency was also in violation of State law regarding Freedom of Information laws as you and mr. Cardine are with regards to Federal law. Mr. Cardine knew nothing about the major issues regarding the Quintero Country Club-----strange-really strange-----and other issues clearly that have to be in the public domain and are not-----and the BLM claiming they knew nothing-----sort of a Sgt.Schultz reply from the old Hogan's Hero's TV series that you are bring back into vogue-----or trying to and is not funny.

If the Ciy has failed to provide such a study and you and the BLM failed to ask for one-----OR----- one was not done----by whom-ever, as I have been lead to believe-----that alone is reason under the law for new hearings to be scheduled . That alone.....

By the way---was informed by the BLM-and Mr. Cardine-----not his responsibility ?????????? The desert tortoise is a protected species, endangered, as is its habitat-----by the Federal government--- -----and the BLM made a group --forcibly buy about 660 acres at a huge cost-----and now on both the north side and south sdie their is no issue of the desert tortoise and its habitat????????? You guys miss an awful lot. At the same time-----as you are required by law to protect this species and others and their habitat-----by having the option of using BLM land on the north side for some 9 miles-----YOU-THE BLM FULLY KNOWING AND UNDERSTANDING THAT THE SOUTH SIDE WILL TOTALLY DESTROY ANY DESERT TORTOISE'S AND THEIR HABITAT-----THAT THE BLM IS AUTHORIZING THE DESTRUCTION OF THIS PROTECTED SPECIES AND ITS HABITAT BY ALLOWING APS TO USE BLM LAND WHEN IT IS CLEAR TO ALL YOU DO NOT HAVE TO AND CAN PROTECT THE HALF THE 9 MILE STRETCH ON THE NORTH AND SOUTH SIDE-----OF BLM LAND-----WHICH YOU ARE LEGALLY REQUIRED TO DO. YOU DID DENY APS ONCE BEFORE.

There were numerous other issues we raised--- to many to go into at this time in this e-mail, and to the proper party----Mr Cardine---the responsible party-----that he knew nothing about, did not ask for, did not receive , and did not forward our requests as he was legally obligated to-----which in those issues alone-----make the demand for new hearings a for gone conclusion-----there has to be new hearings-----

Please review our requests-----all of them not just the one we cc'd you, and you are reply to just now---February 1st, 2013, regarding the City of Peoria-a so called co-operating agency that is not co-operating and is in violation of State law.

You have our formal requests for specific copies of information OR SHOULD HAVE as we were informed they were sent to you from day one. We have clearly shown new hearings must be held and the comment period extended, due to your purposely delaying these issues along with Mr. Cardine in getting the copies of information we are entitled to so we can go over and ask questions about so the public is fully informed of all the issues and all the facts and to be legally notified according to the laws you must abide by. You have not-----Mr Cardine has not.

Once you confirm you have all of our very specific requests for copies that Mr. Cardine sent you--- check with Mr Cardine---that we sent him going back a month or more-----let me know and we will be happy to review with you so we do not waste any more time .

Again-----I am in Thailand, Laos and Vietnam on business I can not call you as Mr Cardine was fully informed weeks [Dec. 2012 } before I left [Jan 17th, 2013] so he had more then enough time to properly handle these very important matters-----as you did-----

As Mr. Cardine is now passing the buck so to speak at this late date-----February1st, 2012----- look forward to you expediting matters and we start to get copies of the information we have been

requesting for weeks into months now-----thank you

regards,

[Redacted]

[Redacted]

[Redacted]

--- dgodfrey@blm.gov wrote:

From: "Godfrey, Dennis" <dgodfrey@blm.gov>

To: [Redacted]

CC: Joseph Incardine <jincardi@blm.gov>

Subject: Re: WAS AN EIS STUDY DONE REGARDING THE ENDANGERED PROTECTED DESERT TORTOISE

Date: Wed, 30 Jan 2013 09:02:53 -0700

[Redacted]

If you are seeking information on this matter from the federal government please submit a formal request through the FOIA process.

I understand that Joe provided you a Web link on the process. If you have questions or need assistance in the process, please contact me.

Dennis Godfrey / Public Affairs / Bureau of Land Management / 1 N. Central Ave., Phoenix, AZ / 602-417-9499 / dgodfrey@blm.gov

On Wed, Jan 30, 2013 at 5:50 AM, [Redacted] > wrote:

Hello,

Was an EIS study-----Environmental Impact Study done for the property just north of present day Vistancia going north to RTE 74 --encompassing the properties of Saddleback Heights and the new Vistancia??????? This would include all properties of Diamond ventures and Sun Belt Holdings running along the south side of RTE 74 and all property south ----east and west-----to Blackstone and present day Vistancia.????????????

Please provide a copy of the complete EIS done by the City of Peoria and / or the developers and land owners and if it was filed with the United States Government regarding the desert tortoise as an endangered species and is protected by the Federal government and the agencies responsible.

Also-----was this EIS study===if done----- shared with the BLM offices both locally, in Utah and in Washington D.C. ---and if it was -when and to whom and what offices.....???? If not done and was not shared a simple no will suffice

thank you

[REDACTED]

[REDACTED]

[REDACTED]

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Dennis Godfrey / Public Affairs / Bureau of Land Management / 1 N. Central Ave., Phoenix, AZ / 602-417-9499 / dgodfrey@blm.gov

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