



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:  
7202.4-DOI-OS-2021-001932

May 6, 2022

Via email: [foia@americanoversight.org](mailto:foia@americanoversight.org)

American Oversight  
1030 15th Street NW,  
Suite B255, Washington, DC 20005

Dear Mr. Evers:

The Office of the Secretary FOIA office received your Freedom of Information Act (FOIA) request, dated January 19, 2021, on January 19, 2021 and assigned it control number **OS-2021-001932**. Please cite this number in any future communications with our office regarding your request.

1. All electronic communications (including email messages, complete email chains, email attachments, calendar invitations, calendar invitation attachments, and text messages) sent or received by Secretary David Bernhardt, or anyone communicating on his behalf (such as a scheduler or assistant) that include any of the following terms: a. Vigneto b. "El Dorado" c. "Michael Ingram" d. "Mike Ingram"
2. All electronic communications (including email messages, complete email chains, email attachments, calendar invitations, calendar invitation attachments, and text messages) between (1) Secretary David Bernhardt, or anyone communicating on his behalf (such as a scheduler or assistant), and (2) Michael Ingram, owner of El Dorado Holding Company.
3. All records pertaining to or reflecting the content of then-Deputy Secretary Bernhardt's meeting with Michael Ingram on or about August 18, 2017. This request includes, but is not limited to, any scheduling emails, calendar invitations, agendas, meeting notes, and materials exchanged at the meeting.

This request includes all electronic communications sent or received by Secretary Bernhardt on any personal, non-governmental, or nonofficial devices or user accounts.

Please provide all responsive records from January 20, 2017.

## **Response**

We are writing today to respond to your request on behalf of the Office of the Secretary.

We have enclosed one file consisting of 19 pages, which are being released to you in their entirety.

## **Appeals**

You may appeal this decision to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 PM Eastern Time, Monday through Friday, will be deemed received on the next workday. **Your appeal must be made in writing** and addressed to:

Attn: FOIA/Privacy Act Appeals Officer  
U.S. Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W.  
MS6556 MIB  
Washington, D.C. 20240

Fax: 202-208-6677

E-mail: [FOIA.Appeals@sol.doi.gov](mailto:FOIA.Appeals@sol.doi.gov)

You must include with your appeal copies of all correspondence between you and the Office of the Secretary concerning your FOIA request, including a copy of your original FOIA request and the response letter. You must also include, in as much detail as possible, an explanation of why you believe the Office of the Secretary's response was in error. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Officer determines (in her sole discretion) that good cause exists to accept the defective appeal. All communications concerning your appeal, including envelopes, should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL." The appeal should include your name, mailing address, daytime telephone number (or the name and telephone number of an appropriate contact), email address, and fax number (if available) in case the Department needs additional information or clarification. For more information on FOIA administrative appeals, including how the Department will respond to your appeal, please refer to Subpart H of the Department's FOIA regulations, 43 C.F.R. § 2.57-§ 2.64.

## **Fees**

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. (see 43 C.F.R. § 2.37(g)). Therefore, there is no billable fee for the processing of this request.

## **Conclusion**

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

The National Archives and Records Administration  
Office of Government Information Services  
8601 Adelphi Road- OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov>  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

If you have any questions about our response to your request, you may contact Anastasia Kurbanov by email at [os\\_foia@ios.doi.gov](mailto:os_foia@ios.doi.gov), or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328, Washington, D.C. 20240. Additionally, contact information for the Department's FOIA Requester Centers and FOIA Public Liaison is available at <https://www.doi.gov/foia/foiacenters>.

Sincerely,

ANASTASIA  
KURBANOV

Digitally signed by ANASTASIA  
KURBANOV  
Date: 2022.05.06 14:20:15 -04'00'

Anastasia Kurbanov  
Government Information Specialist  
Office of the Secretary  
FOIA Office

Electronic Enclosure

**From:** [Bernhardt, David L](#)  
**To:** [Bernhardt, David L](#)  
**Subject:** Call Mike ingram  
**Date:** Monday, October 30, 2017 7:38:11 PM  
**Importance:** High

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Sent from my iPhone

**From:** [Bernhardt, David L](#)  
**To:** [Goodwin, Nicholas R](#); [Vander Voort, Faith C](#)  
**Subject:** Fwd: [EXTERNAL] Questions on Steve Spangle-Villages at Vigneto issues and allegations, from Tony Davis, Arizona Daily Star, Tucson  
**Date:** Monday, May 20, 2019 4:47:00 PM

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I'm rarely see emails from reporters, so I'm forwarding it to you. It looks like there is litigation on the matter, so I am not sure any response is appropriate.

Best,  
David

Sent from my iPhone

Begin forwarded message:

**From:** "Davis, Tony" <[TDavis@tucson.com](mailto:TDavis@tucson.com)>  
**Date:** May 20, 2019 at 3:01:50 PM EDT  
**To:** "[Dwbernhardt@ios.doi.gov](mailto:Dwbernhardt@ios.doi.gov)" <[Dwbernhardt@ios.doi.gov](mailto:Dwbernhardt@ios.doi.gov)>  
**Subject:** [EXTERNAL] Questions on Steve Spangle-Villages at Vigneto issues and allegations, from Tony Davis, Arizona Daily Star, Tucson

David Bernhardt  
Secretary of the Interior  
Washington, D.C.

Dear Mr. Secretary,

I have been covering for our paper the allegations made by former U.S. Fish and Wildlife Service Field Supervisor Steve Spangle of Arizona that he was pressured by higher-ups in the Interior Department to reverse his stance back in October 2017 on how broad of an environmental analysis was needed for the planned, 28,000-home Villages at Vigneto development in Benson, Arizona, near Tucson. Since your name has come up in newspaper articles about this matter, I wanted to ask you a few questions about it.

Here are two articles in which your name was mentioned, one from the Arizona Republic and one from the Arizona Daily Star. Both articles said that Mike Ingram, CEO of Vigneto developer El Dorado Holdings, Inc., had called you, as then-Deputy Interior Secretary, directly to express his views on the case and to ask you that the decision be made solely on its merits.

[https://tucson.com/news/local/rep-raul-grijalva-to-investigate-whistleblower-s-claims-about-vigneto/article\\_d7d1d879-23bb-5fd9-a9c2-e0f6aa6e9fb6.html](https://tucson.com/news/local/rep-raul-grijalva-to-investigate-whistleblower-s-claims-about-vigneto/article_d7d1d879-23bb-5fd9-a9c2-e0f6aa6e9fb6.html)

<https://www.azcentral.com/story/news/local/arizona-environment/2019/05/03/ex-official-trump-reverse-decision-vigneto-political-san-pedro-river/3616674002/>

Here is a third article, about Mr. Spangle's initial allegation, without your name having been mentioned:

[https://tucson.com/news/local/ex-federal-official-i-got-rolled-by-trump-administration-to/article\\_e6d7a688-0a63-5f88-b993-24384d87a4bd.html](https://tucson.com/news/local/ex-federal-official-i-got-rolled-by-trump-administration-to/article_e6d7a688-0a63-5f88-b993-24384d87a4bd.html)

Here are my questions:

- After you spoke with Mr. Ingram on the phone, what were your next steps in the Vigneto case?
- Did you contact anyone in the Interior Department Solicitor's office and direct or urge that person to contact Mr. Spangle about the case, and let him know it would be in his best interest to reverse his previous, October 2016 letter ordering the Army Corps to conduct a full-scale analysis of the effects of the 12,324-acre Vigneto project?
- If you didn't do that, did you direct someone in the department working at a lower level position than yours to do that?
- Either way, do you agree with Mr. Spangle's allegation that he was put under political pressure by department higherups to reverse his decision?
- If you don't see Interior's actions in this case as political pressure, how would you characterize them?
- Mr. Spangle has said he disagrees with the view ultimately taken by the Army Corps – and by himself in his Oct. 2017 letter – that a full-scale biological analysis wasn't needed because the developers have said they could build their project without a Clean Water Act permit from the Corps. He said that the developer – and the Corps – were trying to have it both ways, by saying that the development could be built, but that the development that they would build without the permit couldn't be considered a "practicable" alternative, from a legal standpoint, because it wouldn't accomplish the goals of the development that they would build with the permit. He said that legal interpretation "doesn't pass the straight face test:

**"If they had wanted that other design, they would not have after the 404 permit, They could have avoided all that. They obviously didn't want the other design. It's disingenuous to me to submit a project for analysis, then to say you should only do analysis a little bit.**

Mr. Berhardt, what's your reaction to Mr. Spangle's comments here? Also, as an attorney, what is the legal basis for the position that if the developer could build a similar project without a 404 permit, the Corps doesn't need to conduct a full-scale analysis of the entire project's impact – just the impact of discharging dredge and fill material into the Waters of the US?

Thank you very much. I look forward to your responses.

Sincerely,

Tony Davis

Environmental reporter

Arizona Daily Star

520-806-7746 o

520-349-0350 c

**From:** [Gulac, Catherine D](#)  
**To:** [Rees, Gareth C](#)  
**Subject:** Fwd: Meeting Tomorrow Morning with Mike Ingram  
**Date:** Thursday, August 17, 2017 4:54:37 PM

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FYI

Catherine Gulac  
U.S. Department of the Interior  
Office of the Deputy Secretary  
1849 C St, NW, MS-7328  
Washington, D.C. 20240  
202-208-6291 Office / 202-208-1739 Direct / 202-208-1873 Fax  
[Catherine\\_Gulac@ios.doi.gov](mailto:Catherine_Gulac@ios.doi.gov)

----- Forwarded message -----

**From:** **Hommel, Scott** <[scott\\_hommel@ios.doi.gov](mailto:scott_hommel@ios.doi.gov)>  
**Date:** Thu, Aug 17, 2017 at 4:52 PM  
**Subject:** Meeting Tomorrow Morning with Mike Ingram  
**To:** David Bernhardt <[dwbarnhardt@ios.doi.gov](mailto:dwbarnhardt@ios.doi.gov)>, Heather Swift  
<[heather\\_swift@ios.doi.gov](mailto:heather_swift@ios.doi.gov)>  
**Cc:** "Gulac, Catherine" <[catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)>

Good Afternoon David and Heather,

I hope you have had a pleasant trip so far. I am working with Mike Ingram's assistant to Denise to set up a a meeting for tomorrow morning. My understanding is that Mr. Ingram will meet you for breakfast tomorrow morning for this meeting. Is 8:00 a.m. a convenient time for you? Would you prefer to do this meeting in your hotel room, or in the private dining room in the restaurant? Heather, will you be joining?

Warmly,  
Elinor

**From:** [elinor\\_renner@ios.doi.gov](mailto:elinor_renner@ios.doi.gov) on behalf of [Hommel, Scott C](#)  
**To:** [Bernhardt, David L](#); [Swift, Heather N](#)  
**Cc:** [Gulac, Catherine D](#)  
**Subject:** Meeting Tomorrow Morning with Mike Ingram  
**Date:** Thursday, August 17, 2017 4:52:28 PM

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Good Afternoon David and Heather,

I hope you have had a pleasant trip so far. I am working with Mike Ingram's assistant to Denise to set up a a meeting for tomorrow morning. My understanding is that Mr. Ingram will meet you for breakfast tomorrow morning for this meeting. Is 8:00 a.m. a convenient time for you? Would you prefer to do this meeting in your hotel room, or in the private dining room in the restaurant? Heather, will you be joining?

Warmly,  
Elinor

**From:** [Bernhardt, David L](#)  
**To:** [Bernhardt, David L](#)  
**Subject:** Mike Ingram  
**Date:** Friday, January 5, 2018 9:49:00 PM

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April 100 people.

Sent from my iPhone

**From:** [Vander Voort, Faith C](#)  
**To:** [Bernhardt, David L](#)  
**Subject:** Please advise  
**Date:** Thursday, May 9, 2019 1:17:34 PM  
**Importance:** High

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Sir,

FWS forwarded me the inquiry below. Please advise on how you would like me to handle.  
Thank you.

Faith

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Brian,

This story in the Arizona Republic says that El Dorado Holdings official Mike Ingram contacted then-assistant secretary Bernhardt personal about the Vigneto issue when it was pending before FWS before Mr. Spangle's policy reversal in 2017.

Could you please try to confirm that for me—that Mr. Ingram contacted Mr. Bernhardt about this?

Also, I wish to repeat my request of 10 or so days ago: Did then Deputy-Secretary Bernhardt play any role in having the Interior Department — Solicitor's Office or otherwise — ask or prod Steve Spangle into reversing his Oct. 2016 letter to the Army Corps on Vigneto?

Thank you very much.

Tony Davis

Arizona Daily Star

520-806-7746 o

520-349-0350 c

## **DOI RESPONSES ALREADY PROVIDED TO THIS REPORTER**

### **Background:**

Whenever the Corps of Engineers ("CoE") issues a Clean Water Act 404 permit, it must consult with the Fish and Wildlife Service ("FWS"), so that the Service can evaluate the impact of the proposed activity on listed or proposed species and designated and proposed critical habitat ("protected resources"). The FWS's evaluation is governed by Section 7 of the Endangered Species Act. In May 2017, the Corps of Engineers (CoE) sent the Fish and Wildlife Service (FWS) a Biological

Evaluation (BE). The BE analyzed the effects of CoE's proposed action, which was the issuance of a Clean Water Act Section 404 permit for the discharge of dredged and/or fill material into 51 acres of Waters of the United States for development of the 8,200-acre Villages at Vigneto master planned community near Benson, Arizona. The proposed action also included implementation of a Habitat Mitigation and Monitoring Plan (HMMP) for an offsite mitigation parcel. In a letter accompanying the BE, CoE sought FWS's concurrence with CoE's determination that the proposed action may affect, but is not likely to adversely affect the several endangered species in or near the action area. FWS concurred with CoE's "may affect, not likely to adversely affect" determination.

Prior to this concurrence, in April 2016, CoE requested informal consultation on the mitigation parcel only. In October 2016, FWS sent CoE a letter expressing "our opinion that the Corps' Clean Water Act section 404 permit for the Villages at Vigneto Development project should not have been issued (and cannot be released from its suspended status) but for the approval of the HMMP and thus, the proposed mitigation action is an interrelated action of the development." FWS also asserted the proposed action should include analyses of the effects of residential development and its appreciable water use in addition to the effects of the Clean Water Act Section 404-related mitigation actions.

In September 2017, CoE shared with FWS a letter from the permit applicant (El Dorado Holdings, Inc.). In that letter, El Dorado Holdings "stated definitively that development of the site without a Clean Water Act section 404 permit is feasible from an engineering and land use perspective and that El Dorado will develop the site in this manner if needed." Pursuant to El Dorado's letter, FWS retracted its October 2016 letter. FWS determined, based upon El Dorado's letter, that "without 'but-for' causation we cannot evaluate the development itself as an interrelated or interdependent action" to the establishment of the offsite mitigation parcel.:

(1) Did FWS reverse its determination?

Yes, because CoE provided FWS additional information. Prior to its 2017 determination, in October 2016, the FWS sent a letter to the CoE explaining why the mitigation action was an interrelated action of the development. Upon receiving additional documentation from the CoE and the developer, the FWS concurred with the CoE's initial determination that issuing the permit may not likely adversely affect any species in the action area. Any prior decisions were made with insufficient information from the developer and CoE.

(2) Why did the FWS determination change?

Initially, the FWS was only asked to review the offsite mitigation parcel. In September 2017, the CoE provided additional documentation from the developer stating definitively that development of the site without a Clean Water Act section 404 permit is feasible from an engineering and land use perspective and that the applicant, El Dorado Holdings, will develop the site in this manner if needed. With this additional information, the FWS concurred with CoE's "may affect, not likely to adversely affect" determination.

(3) Was there any pressure from SOL to concur with the Corps of Engineers' "may affect, not likely adversely affect" determination?

No.

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<https://www.azcentral.com/story/news/local/arizona-environment/2019/05/03/ex-official-trump-reverse-decision-vigneto-political-san-pedro-river/3616674002/>

## High-level Trump appointee sought

# reversal on Arizona development near San Pedro River, ex-official says

[Ian James](#), Arizona Republic Published 11:13 p.m. MT May 3, 2019

During the 29 years that Steve Spangle worked for the U.S. Fish and Wildlife Service, he took pride in making objective, science-based decisions about protecting endangered species.

But in 2017, Spangle said, he received an unusual call from a lawyer at the Interior Department's headquarters, who urged him to change a decision he had made about a proposed 28,000-home development in Arizona.

Spangle recalled that she told him "a very high-ranking political" — a political appointee in the Trump administration — believed he had made an incorrect decision, and that he would be "wise to reconsider it."

That call led Spangle to reverse his decision, allowing a narrower review and an informal consultation on potential impacts to endangered species, which streamlined the process for the Army Corps of Engineers to issue the developer a permit.

"When I reversed my decision, it was not what I believed was the correct call. But that being said, as a government employee, I am beholden to people higher in rank than me. And so, I really didn't feel I had a choice," Spangle told *The Arizona Republic* in an interview. "I strongly suspected and still do suspect that it was all a political process, not a biological one. And I think the public deserves to know that."

As a result of the decision, federal officials evaluated how endangered species would be affected by filling washes on 51 acres during construction, rather than examining the entire 12,000-acre development's potential impacts to wildlife along the San Pedro River due to groundwater pumping.

The Army Corps of Engineers later issued the permit under the Clean Water Act authorizing "discharges of fill material" during construction.

"It's the first time, the only time in my career where somebody questioned my finding to the point where I was essentially told to retract it," said Spangle, who retired last year.

"Why a high-level political person in D.C. would get involved or take interest in something I did out here in Arizona, it can only be speculated, but it certainly smacks of political interference," he said.

While it's unclear who in the Trump administration sought to have the decision changed, the result benefited the developer, Scottsdale-based El Dorado Holdings, Inc., which had written to the government to make its case. The company's founder and chairman, Mike Ingram, had also personally raised the

issue with then-Deputy Interior Secretary David Bernhardt.

Responding to questions from *The Republic*, El Dorado Holdings said in an e-mailed statement that local representatives of the project "met with Mr. Spangle and other government officials, as is customary, and had constructive discussions on the facts and the law."

"In addition, Mr. Ingram called the Deputy Secretary of the Interior, Mr. Bernhardt, whom he has known for a number of years, to ask the decision on this matter be made solely on the merits," the company said. "That is exactly what happened — Mr. Spangle's final decision was substantively correct. There is no evidence to the contrary."

The Interior Department indicated the decision followed proper procedure. It said in a statement that the Fish and Wildlife Service reversed its determination because the developer and the Army Corps had provided additional information.

## Permit later suspended

Spangle's account, which was first reported by the *Arizona Daily Star*, adds to the complications surrounding the proposed development near Benson.

Environmental groups sued on Jan. 31 to [challenge the federal government's decision](#) to grant a permit under Section 404 of the Clean Water Act, a provision that regulates the discharge of dredged or fill material into streams, washes and wetlands. They argued the Trump administration should have analyzed the potential harm to the San Pedro River as part of its analysis.

Two weeks later, the Army Corps announced it had decided to [suspend the permit](#) while the agency considered possible "corrections and clarifications."

Plans for the proposed development, called Villages at Vigneto, include homes, a resort, commercial space and four golf courses. The development would be large enough for about 70,000 new residents, and would rely entirely on the aquifer that feeds the San Pedro River.

Opponents of the development say it would deplete groundwater and reduce the flow of the river, harming an oasis that supports migratory birds and other animals from salamanders to bobcats.

Federal officials are required under the Endangered Species Act to consider potential impacts to threatened or endangered species including the southwestern willow flycatcher, the western yellow-billed cuckoo and the northern Mexican garter snake.

In 2016, the Army Corps of Engineers requested an informal consultation with the Fish and Wildlife Service on the Corps' determination that the development's mitigation plan likely wouldn't jeopardize the federally listed species.

## 'In my best interest to comply'

Spangle, who was field supervisor of the Arizona Ecological Services Office, responded in an Oct. 14, 2016, letter to Sallie Diebolt, the Corps' Arizona branch chief. He told her that "we do not concur with your determination" and that Fish and Wildlife couldn't begin a consultation without a full biological assessment, including an analysis of both direct and indirect effects of the development.

Spangle wrote that his office's review to that point indicated that effects on threatened and endangered species "are reasonably certain to occur," including in areas along the river designated as critical habitat for the southwestern willow flycatcher.

"For example, it is likely that an appreciable volume of groundwater will be withdrawn to serve the development," Spangle wrote. "Such a displacement of groundwater from the aquifer is likely to reduce flow in the San Pedro River."

Spangle said he got the call from the attorney at the Interior Department Solicitor's Office nearly a year later. He described her as a "friend" and declined to identify her.

"I was just told by the solicitor that a higher-level political (appointee) had become aware of the finding I made back in 2016 and that it was the incorrect one," Spangle told *The Republic*. He said the lawyer cited a court decision in another case in support of the position. She didn't identify the "high-ranking political."

"I didn't even ask. When she put it to me like that, it was clear she wanted it to remain anonymous," Spangle said.

"I was not told to make the change. But I was strongly encouraged to do so, that it would be in my best interest to comply with the administration's position," Spangle said. "When she sent that case law, she made it very clear to me that higher levels of the administration believed that my call was wrong."

He said the call lasted 5-10 minutes, and he hung up with the understanding that he had been overruled.

Spangle began drafting a letter reversing his previous position, including the legal background the attorney had sent him.

"Politics are a reality of working for the government," Spangle said. "This is the first time, however, that politics actually influenced a decision of mine, in my opinion."

## **'It didn't seem like the right call'**

Within a few weeks, he finished the letter detailing the decision. In it, he retracted his previous decision and agreed with the Army Corps' determination on threatened and endangered species.

One of the key points centered on a letter that El Dorado Holdings sent to the government in September 2017, stating that a “no federal action” alternative would be feasible. In other words, El Dorado intended to build the project with or without a Clean Water Act permit, and there were scenarios that would allow for building the project without getting a permit.

In the letter, company President Jim Kenny wrote: “We understand that... there is some confusion over whether El Dorado would actually develop the property without the Permit. I can assure you that we would.”

Kenny also told the Army Corps: “If the Permit is not reinstated, we will modify our development strategy and proceed with the project.”

Spangle referred to the company’s statements in his letter on Oct. 26, 2017. He said Fish and Wildlife had “received assurance from both the Corps and the applicant that the ‘no-permit’ development is feasible and will in fact occur with or without a permit.” Considering this new information, he wrote, “we cannot evaluate the development itself as an interrelated or interdependent action.”

What he didn’t say in the letter was that he felt he and his staff had been placed in a weird position, because as wildlife officials they didn’t have the expertise to make a judgment on whether the company could actually build the project another way without a permit. And not being a lawyer, Spangle said he felt he didn’t have the ability to question the Interior Department’s legal interpretation.

“I have no expertise to challenge that. Personally, I think it’s pretty far-fetched. I mean, if they wanted to do this other development design, why didn’t they do that in the first place?” Spangle said.

“It didn’t quite sit right with me because it didn’t seem like the right call,” Spangle said. “The straight-face test is not passed when a company comes in for a permit that they claim they don’t really need. That immediately makes me question their motives.”

## **Company calls claims 'pure innuendo'**

El Dorado Holdings responded that the "final decision Mr. Spangle made on the scope of the Army Corps of Engineers permit was correct on the facts, the law, and endangered species concerns."

"His pure innuendo to a journalist that he 'felt' political pressure from anonymous sources in Washington causing him to change his mind is just that. He supplies no names, facts, or legal issues as evidence that his final decision was the wrong decision, regardless of his 'feelings,' " the company said.

The Army Corps declined to comment on the matter, citing the pending litigation.

The Interior Department said in an e-mailed statement that the Fish and Wildlife Service reversed its determination and concurred with the Corps after

“receiving additional documentation” from the agency and the developer.

The department noted that El Dorado had stated definitively that developing the site without a permit would be feasible.

“Any prior decisions were made with insufficient information from the developer” and the Corps, the Interior Department said. It did not respond to Spangle’s concerns about political interference in the process.

## Ties to Washington politics

Ingram [founded El Dorado Holdings](#) in 1987. The company’s website lists its subdivisions and golf resorts, saying it has been “responsible for the entitlement or development of more than 37,800 lots and 2,000 acres of commercial and industrial properties.”

El Dorado’s [planned projects](#) include the giant 37,000-acre planned community Douglas Ranch in Buckeye, where Ingram is partnering with former Arizona Diamondbacks and Phoenix Suns owner [Jerry Colangelo](#).

Ingram has also been active as a political donor. Records show since 2008 the Arizona businessman has [contributed more than \\$148,000 to candidates](#), largely to Republicans but also to some Democrats. Recipients have ranged from Republican presidential hopeful Mike Huckabee in 2015 to Republican Sen. Martha McSally during her 2018 campaign.

Ingram has given more than \$33,000 since 2012 to the Republican Party, and \$10,000 last year to America First Action, a conservative super PAC, according to records of contributions listed by the website [OpenSecrets.org](#).

El Dorado Holdings has also been an active contributor to political campaigns, donating [a total of \\$441,000](#) since 2008 to congressional candidates, as well as the campaigns of Trump and other Republican presidential candidates.

Shortly before President Donald Trump’s inauguration in December 2016, an invitation surfaced for a hunting-themed “Camouflage & Cufflinks” post-inaugural fundraiser in Washington “benefiting conservation charities.”

The [invitation](#) listed Ingram as one of the co-chairmen of the event, and named the president’s sons, Donald Jr. and Eric, as “honorary co-chairmen.” It offered multi-day outdoor excursions and private receptions with “VIPs” for “Grizzly Bear” donors of \$500,000 and “Bald Eagle” donors of \$1 million.

The Center for Public Integrity reported that Trump’s sons were [initially listed as board members](#) of a newly registered [Texas nonprofit](#) that was organizing the “Opening Day” event.

But after news of the event emerged, the Trump Organization [released a statement](#) saying that the president’s sons were “not involved” and that event had “not been approved or pursued by the Trump family.”

The nonprofit changed its incorporation documents to remove the names of Trump's sons. The event was postponed and ultimately canceled.

Ingram's name surfaced again in early 2018 as one of the 16 appointed members of the Trump administration's [International Wildlife Conservation Council](#). Then-Interior Secretary Ryan Zinke [created the new advisory board](#) under the Fish and Wildlife Service in 2017, charging it with promoting "the benefits that international recreational hunting has on foreign wildlife and habitat conservation."

The council was also tasked with helping to "recommend removal of barriers," or changing federal rules, to make it easier for big-game trophy hunters to import the [hides and heads of African lions and elephants](#).

Many of the council's members are hunters. Some of them, including Ingram, are affiliated with Safari Club International, an advocacy group that represents big-game hunters and lobbies on their behalf.

Ingram is [listed as a board member](#) of the nonprofit Safari Club International Foundation. Records show Ingram has given more than \$12,000 since 2008 to the Safari Club International PAC.

Paul Babaz, SCI's president, is also a member of the council, which has held four meetings since it first convened in March 2018 at the Interior Department building in Washington.

"Mr. Ingram's involvement in the Council since its formation in 2018 is consistent with his personal environmental and wildlife concerns, such as developing tough anti-poaching policies, preventing illegal wildlife trafficking, and promoting responsible hunting practices," El Dorado Holdings said. "It should be noted that the Council did not exist at the time of Mr. Spangle's decisions."

Zinke stepped down and left the administration in December [amid ethics allegations](#). Bernhardt, a former lobbyist who was deputy secretary, [was confirmed by the Senate](#) last month to replace Zinke as Interior secretary.

## Groups challenging decision

Opponents of the project say Spangle's account is troubling.

"This is an egregious example of the Trump administration considering itself above the law," said Stuart Gillespie, a lawyer with Earthjustice who is representing conservation groups in their lawsuit against the government over the project.

He said what Spangle described amounted to a flagrant end-run around the Endangered Species Act "based purely on politics."

Gillespie represents groups including the Lower San Pedro Watershed Alliance, the Center for Biological Diversity, the Sierra Club, the Tucson and Maricopa

Audubon Society and the Cascabel Conservation Association. They argued in their suit that the Corps violated federal law by refusing to analyze the effects of drawing down the water table.

Spangle's comments confirm that the decision to grant the permit "was rotten to the core," Gillespie said. For a political official to intervene in this way, he said, was "a true affront to the rule of law."

If Spangle hadn't been pressed to reverse his decision, Gillespie said, the Army Corps would have had to carry out a thorough environmental review and analyze the effects of groundwater pumping on the San Pedro River and the wetlands at St. David Cienega.

Spangle started working for the Fish and Wildlife Service during President George H.W. Bush's administration. A biologist, he also worked previously for the Forest Service and the Bureau of Land Management under President Ronald Reagan.

When the agency offered a buyout for senior employees to retire early, he accepted. After 34 years working for the government, he had been contemplating retiring anyway.

He said several factors went into his decision, including the fact that he didn't like the direction the Interior Department was heading on multiple fronts, including shrinking national monuments and weakening enforcement of the Migratory Bird Treaty Act.

He was 64 when he took the buyout and retired in March 2018.

Looking back on his original decision on Villages at Vigneto in 2016, Spangle said he thinks he was right.

He felt it was "unfortunate" that he was overruled. But he said he wasn't upset about it personally because in government work, "if somebody higher up makes a decision that's different than mine, then that's the way it is."

Spangle said he thought whichever way the decision had gone, it was very unlikely to appreciably alter the project.

"We were already planning on consulting with these guys, and their project was not going to be stopped by going through this consultation process," Spangle said. "As far as the environmental effects, going through consultation would very likely not have resulted in significant changes to the project."

He also thought the decision wasn't going to make much of a difference, if any, in the effects on water supplies and wildlife.

"I didn't lose any sleep at night having to retract my position," Spangle said, "because ... the effect on the resource, meaning the San Pedro River and the species that live there, were really not going to be any greater whether we consulted or not."

Still, he acknowledged that his reversal in 2017 had the effect of narrowing the scope of the environmental analysis.

“They were able to conclude consultation informally instead of going through the formal consultation process, which is a little more arduous,” he said. “It reduced the paperwork that otherwise we would have had to undergo, the developer would have had to deal with. So, yeah, it had the effect of kind of smoothing the way.”

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[Brian Hires](#)

[U.S. Fish and Wildlife Service](#) | [Office of Public Affairs](#) | Falls Church, VA  
(Office) 703.358.2191 | (Cell) 703.346.9941

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**Faith C. Vander Voort**

Press Secretary & Senior Advisor to the Director of Communications  
Department of the Interior

**From:** [elinor\\_renner@ios.doi.gov](mailto:elinor_renner@ios.doi.gov) on behalf of [Hommel, Scott C](#)  
**To:** [Swift, Heather N](#)  
**Cc:** [Bernhardt, David L](#); [Renner, Elinor](#)  
**Subject:** Re: Meeting Tomorrow Morning with Mike Ingram  
**Date:** Thursday, August 17, 2017 5:01:45 PM

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Thanks. Is 8:00 ok?

On Thu, Aug 17, 2017 at 4:58 PM, Heather Swift <[heather\\_swift@ios.doi.gov](mailto:heather_swift@ios.doi.gov)> wrote:  
In the dining room works. I will not be joining the meeting.

Sent from my iPhone

> On Aug 17, 2017, at 2:53 PM, Hommel, Scott <[scott\\_hommel@ios.doi.gov](mailto:scott_hommel@ios.doi.gov)> wrote:

>

> Good Afternoon David and Heather,

>

> I hope you have had a pleasant trip so far. I am working with Mike Ingram's assistant to Denise to set up a a meeting for tomorrow morning. My understanding is that Mr. Ingram will meet you for breakfast tomorrow morning for this meeting. Is 8:00 a.m. a convenient time for you? Would you prefer to do this meeting in your hotel room, or in the private dining room in the restaurant? Heather, will you be joining?

>

> Warmly,

> Elinor

**From:** [Swift, Heather N](#)  
**To:** [Hommel, Scott C](#)  
**Cc:** [Bernhardt, David L](#); [Gulac, Catherine D](#)  
**Subject:** Re: Meeting Tomorrow Morning with Mike Ingram  
**Date:** Thursday, August 17, 2017 4:58:18 PM

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In the dining room works. I will not be joining the meeting.

Sent from my iPhone

> On Aug 17, 2017, at 2:53 PM, Hommel, Scott <[scott\\_hommel@ios.doi.gov](mailto:scott_hommel@ios.doi.gov)> wrote:

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> Warmly,

> Elinor

**From:** [Denise Organ](#)  
**To:** [Rees, Gareth C](#)  
**Subject:** Thank you for printing for Mike Ingram  
**Date:** Wednesday, November 1, 2017 2:27:37 PM

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**From:** Scott Higginson [mailto:higginson22@gmail.com]  
**Sent:** Wednesday, November 01, 2017 10:16 AM  
**To:** Mike Ingram; Denise Organ; Jim Kenny; Chris Grogan  
**Subject:** Talking Points

Aside from the items on the flyer/hand-out that's being prepared, here in one location are the other talking points I've suggested to Mike for his visits with the AZ Congressional Delegation:

- Ask for delegation letter (which we can assist/provide the text) to be sent to FHWA, ADOT and MAG stressing the economic and commerce connectivity aspects of the mission link piece of Interstate 11 from Wickenburg south to I-10 and asking what steps are needed now to advance the EIS process for that section to a Tier II level of study? Seek the delegations support of signing such a letter.
- Explain the importance of identifying funding sources at Federal, State and Local levels. Now is the time to identify funding. When the Tier I study is completed in about 18 months, if no funding is then available, all the work then accomplished will sit on a shelf until funding is identified. "What can you do to help us identify and secure funding for the actual construction of I-11?"
- Ask each Congressional office, "who is the member of your staff we should work with to move this important project forward?"

**Scott Higginson**

Executive Director

**The Interstate 11 Coalition**

480.644.9898

[higginson22@gmail.com](mailto:higginson22@gmail.com)