



Department of Justice

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Campground Owner Sentenced for Clean Water Act Violation

WASHINGTON—Abner J. Schultz, a resident of Lake Havasu, Ariz., was sentenced today in federal court in Pocatello, Idaho for a criminal violation of the Clean Water Act (CWA) related to unlawful dredge and fill work along the Salmon River, the Justice Department announced.

U.S. District Judge B. Lynn Winmill for the District of Idaho ordered Schultz to pay a \$30,000 fine and serve three years of probation including six months of home detention. Schultz was also ordered to remove all fill material from the Salmon River and a related tributary subject to approval by the Army Corps of Engineers.

The unlawful activity occurred on Schultz's Wagonhammer Campground property in North Fork, Idaho. A spring-fed tributary to the Salmon River flows across the campground and into the Salmon River. Schultz pleaded guilty on May 29, 2008 to a felony information charging him with discharging dredged and fill material below the ordinary high water mark of both the Salmon River and the tributary in violation of a permit issued by the U.S. Army Corps of Engineers and the CWA.

On Jan. 4, 2005, the U.S. Army Corps of Engineers issued a permit authorizing Schultz to fill a small, specific area along the banks of the tributary as long as the work was performed between July 1 and Aug. 15, when the Salmon River is in low flow. On or about June 10, 2005, Schultz directed employees of Dahle Construction, L.L.C., an Idaho Corporation, to place more than 400 linear feet of perforated irrigation pipe into the tributary and to cover the pipe with approximately 300 cubic yards of rock and topsoil.

Subsequently, between Nov. 11 and 14, 2005, Schultz directed Dahle Construction employees to use an excavator to remove approximately 500 cubic yards of dirt and rock from the tributary and to place that dredged material along the bank of the Salmon River, below the ordinary high water mark, and in low-lying wetland areas connected to the tributary.

"Today, Abner Schultz is facing the consequences of his actions for disregarding express directions outlined in the Army Corps' permit," said Ronald J. Tenpas, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "Not only has he pleaded guilty to a felony for which he will pay a fine, but he will also be required to remove the dirt dumped into the Salmon River that ultimately damaged vital habitat for wildlife in Idaho."

Thomas E. Moss, U.S. Attorney for the District of Idaho, applauded the efforts of the EPA-Criminal Investigation Division, NOAA-Office for Law Enforcement, and the U.S. Army Corps of Engineers in working to protect Idaho's natural splendor and vigorously investigating environmental crimes.

"This is a case of someone clearly choosing to ignore the law," said Scott West, Special Agent-in-Charge for EPA's Criminal Investigations Division in Seattle. "Mr. Schultz and his contractor destroyed habitat critical to endangered salmon survival. Spring-fed channels, like the one Shultz altered, provide the perfect conditions for young fry and smolts. If we're going to give salmon a good chance at survival, property

owners and developers need to obey the law and protect Idaho's diminishing habitat.”

Dahle Construction, L.L.C. and its owner Kent Dahle each pleaded guilty to misdemeanor Clean Water Act violations on April 1, 2008, for their roles in the unlawful dredge and fill activity. The company and Dahle will be sentenced on Sept 23, 2008 by Magistrate Judge Larry M. Boyle

This case was investigated by Special Agents of the U.S. Environmental Protection Agency, Criminal Investigation Division and National Oceanic and Atmospheric Administration. The case was prosecuted by Trial Attorney James B. Nelson of the Justice Department's Environmental Crimes Section, and Assistant U.S. Attorney Michael J. Fica of the District of Idaho.

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