



# Department of Justice

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## Campground Owner Pleads Guilty to Clean Water Act Violation

WASHINGTON—Abner J. Schultz, a resident of Lake Havasu, Ariz., pleaded guilty today in federal court in Pocatello, Idaho, to a Clean Water Act (CWA) violation arising out of unlawful dredge and fill work in the Salmon River between June and November 2005, announced Ronald J. Tenpas, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division and Thomas E. Moss U.S. Attorney for the District of Idaho.

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 Wagonhammer Campground and into the Salmon River. Schultz pleaded guilty 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.

"The Salmon River and its tributaries are one of Idaho's most valuable natural resources," said Assistant Attorney General Tenpas. "The Justice Department will continue to prosecute those who violate environmental laws and threaten our nation's waters."

According to the plea agreement, Schultz has agreed to remove all fill material from the tributary and the Salmon River. He faces a maximum penalty of three years in prison, five years probation, and a \$250,000 fine. His sentencing is set for Aug. 15, 2008, before U.S. District Judge B. Lynn Winmill. 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 activities. Sentencing in that case is set for Aug. 5, 2008, in front of Magistrate Judge Larry M. Boyle.

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

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