

Harvard Club – Box 126
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john@johnkarls.com – please send any reply by e-mail since
June 14, 2018 my itinerary until December is fluid

Peter Alpert, Esq.
Ropes & Gray, LLP
Prudential Tower
800 Boylston Street
Boston, MA 02199-3600

Dear Mr. Alpert:

**Re: Your Moral Responsibility as a Member of the National Audubon Society Board of Directors
Whether the National Audubon Society Is Executing Great Salt Lake's Death Warrant**

[Comments of the Working Group of a Salt Lake City 12-Year-Old 150-Member Public-Policy Study Group]

It is with a sad and heavy heart that I am forced to write to you.

Because both the 150-member public-policy study group that I have facilitated for 12.5 years in the vicinity of my Utah ski house, and its Great Salt Lake Working Group that I have chaired for nearly 2 years are among the greatest admirers of the National Audubon Society for its commitment to the environment in general and our feathered friends in particular.

The enclosed 4/24/2018 letter to National Audubon CEO David Yarnold (which he received by FedEx the following day) reviewed the facts –

- Our group had battled for nearly two years the construction of the Bear River Pipeline which will complete the destruction of Great Salt Lake by subsidizing its transformation into alfalfa hay for export to China.
 - The cost of the Bear River Pipeline Project is financed primarily from Utah state sales tax revenue.
 - University of Utah research adduces that 82% of Utah water usage is consumed by the agricultural industry (vs. only 6% for residential lawns & gardens) and 65% of Utah water usage is used to grow alfalfa hay.
- During the course of our battles, we had appealed on two occasions (10/31/2016 and 4/5/2017) to each of the top 15 officials who together govern the Mormon Church to call a halt to the Bear River Pipeline Project.
- On 1/20/2017, we posted on www.ReadingLiberally-SaltLake.org in connection with our 2/8/2017 meeting on the subject of “The Mormon Church Condoning The Wanton Destruction of Great Salt Lake” our intention to file a lawsuit against the U.S. Government for a Writ of Mandamus (which, as you are may be aware, must be filed in U.S. District Court).
- A mere 3 days later on 1/23/2017, the Deputy Director of the State of Utah Division of Water Resources announced the decision of the Division that the Bear River Pipeline which would have caused The Wanton Destruction of Great Salt Lake IS NOT NEEDED UNTIL 2035 OR 2040 IF EVER because growing hay for export to China is so wasteful of water, that as farmland is converted to residential use, the demand for water ACTULLY DELINES!!!
- On 3/16/2017 we hand delivered to Utah Governor Herbert a letter imploring him to veto Great Salt Lake's Death Warrant re-affirming Utah's intent to proceed with the Bear River Pipeline but on 3/25/2017 he signed it.
- The 3/25/2017 Death Warrant was the reason for our second letter to the 15 leaders of the Mormon Church pointing out, inter alia, their exposure to a lawsuit for fraud in U.S. District Court for either the Southern District of New York or Washington DC based on the theory that the Mormon Church was involved in the 1/23/2017 announcement that the Bear River Pipeline was not needed, as a way of defrauding environmentalists into falsely believing that the project would be killed so that they would not pursue their lawsuits. [As you may be aware, federal-court diversity jurisdiction is available in either NYC or Washington DC by selecting as plaintiffs only citizens of the 58 member countries of the U.N. that do not even have Mormon missionaries and there should be a plethora of willing plaintiffs working in either their U.N. missions or their Washington DC embassies.]
- Perhaps you can imagine how delighted we were with the announcement by the National Audubon Society last summer IN A GLOSSY FUND-RAISING BROCHURE that it would undertake litigation in order to save Great Salt Lake. HOWEVER, IT APPEARS THAT NOTHING HAS BEEN DONE EXCEPT FUND RAISING.
- Meanwhile, the State of Utah has hired a “Bear River Development Project Manager” who, presumably, has been signing contracts in order to “shift the equities.”

Our enclosed 4/24/2017 letter to National Audubon CEO David Yarnold said: “We would be very interested in exploring whether your organization is interested in raising contributions to undertake such litigation and, if so, whether your

organization would be willing to permit any donors we might solicit to make their contributions directly to a special fund or restricted account with your organization that would be used only to finance the litigation.” (original emphasis)

The Executive Summary of that letter then ended with:

“I will be in town May 9-13 and would be delighted to host you (and, if she is available, your General Counsel) for either breakfast or lunch at the Harvard Club on Thursday May 10 or Friday May 11, in order to discuss these matters. Hopefully, you will have time in your schedule to discuss what is required imminently to save Great Salt Lake. You can let me know at your convenience at john@johnkarls.com. I’ll keep both breakfast and lunch on both dates free until I hear from you.”

Nothing has been heard from either National Audubon CEO David Yarnold or from National Audubon General Counsel Lorraine Sciarra (who was separately provided a copy of the 4/24/2018 letter and enclosures by FedEx which she received on 4/25/2017).

Why Their Behavior Was So Tragic

You are probably not aware that the United Nations Under-Secretary General for the Environment personally requested me to raise funds for UNEP because of my prodigious fund-raising while serving as the volunteer National Treasurer of The “I Have A Dream”® Foundation in the 1990’s.

[IHAD-National in the 1990’s oversaw 178 “I Have A Dream”® programs in 51 American cities providing tutoring and mentoring of inner-city children as they progressed from third grade to high school graduation with a guarantee of their college tuition -- my own IHAD-Stamford-CT served 200 children in public housing projects.]

The reason why I was able to raise prodigious amounts for UNEP, IHAD-National and IHAD-Stamford (I only contributed approximately 50% of the IHAD-Stamford college-scholarship-endowment fund while raising the remainder from others) was fortuitous.

Virtually all of the world’s multi-billionaires are widows (women live longer than men, particularly those who have led high-pressure lives) and most of them are bitter that, in effect, they were a slave to a tyrant -- and now the tyrant is dead.

So as they pursue their loves (typically the fine and performing arts), they can’t believe their eyes that a male is helping females.

[Since age 9, I have tossed more than 3,000 bouquets to opera stars and ballerinas, primarily in Europe but some in NYC. While, BTW, making a point of NEVER meeting them because if you know anything about a performer in real life, your ability to enjoy the heroines she is portraying on stage is destroyed. So if you are a dapper dresser, have impeccable manners, and can “talk circles” around aficionados on their favorite topics (the fine/performing arts), the multi-billionaire widows crave your attention and compete with each other for it.]

The key to successful fund-raising from multi-billionaire widows???

You NEVER make “an ask”!!!

Instead, you are their friend (rather than a mere supplicant)!!!

And when they are feeling morose (for example, because a favorite grandchild has been killed in an accident), you PRESENT OPPORTUNITIES!!!

For example, you remember that the grandchild graduated from Whatever University and you just happen to know that Whatever University happens to need a new Chemistry Building and would be delighted to put the name of the deceased grandchild over the door!!!

And you friend is grateful that you were so understanding and helpful!!!

[It is only in situations where the friend has no obvious recipient organization that you simply sympathize and wait for her to ask: “Aren’t you involved with something, and would they be interested in a donation.” And then you make sure that the spotlight is 100% on the donor and her deceased grandchild, and that you have “disappeared into the woodwork.”]

So what was the great tragedy???

During the last several months of witnessing the failure of the National Audubon Society to undertake the promised litigation (a “shift of the equities” is irrelevant because the Mormon Church can easily call a halt to the Bear River Pipeline and any contractual damages, after mitigation, will actually benefit Utah taxpayers), I have been paying close attention to which of my elderly-widow opera/ballet friends might be feeling morose, have no other obvious causes to which they might want to donate, and could easily write an 8-figure check.

Then it was “easy as pie” since everyone knows I always stop in NYC after ski season, to arrange to rendezvous with one of them on Friday afternoon, May 11, and the other of them on Saturday morning, May 12.

That was why our 4/24/2018 letter to National Audubon CEO David Yarnold asked whether National Audubon would be willing to permit our donors to restrict gifts to financing litigation to save Great Salt Lake.

Dumb Old Me!!!

I thought the request was so reasonable that Mr. Yarnold and Ms. Sciarra would be delighted to accept my invitation for either breakfast or lunch at the Harvard Club of NYC on either Thursday May 11 or Friday May 12 in order to discuss such arrangements.

So perhaps you can imagine my heartbreak on Friday afternoon and Saturday morning when I was forced to steer my bereaved friends to other opportunities, particularly after each mentioned that she remembered that I had been involved in environmental matters and inquired whether there were any worthy environmental causes that needed financing.

Your Moral Responsibility as a Member of the National Audubon Board of Directors

I hope you don't consider it presumptuous of me to offer some observations.

First, at least when Rome was burning, Emperor Nero was NOT claiming to be battling the blaze.

So did the National Audubon Society cynically claim that it would battle the destruction of Great Salt Lake with litigation as nothing more than a fund-raising opportunity???

And since National Audubon has rejected our fund raising, will it now “do the right thing” and use its own resources to do what it promised???

After all, as explained in the 4/24/2018 letter to CEO David Yarnold -- (1) the Mormon Church has trumpeted for many years in its weekly nationwide telecast how it champions the environment, (2) the Mormon Church has just taken a political position on a medical marijuana referendum in Utah which makes any refusal to take a position on the Bear River Pipeline untenable, and (3) nobody familiar with Utah thinks for a moment that if the Mormon Church announced that it opposes the Bear River Pipeline, the project would not immediately be stopped in its tracks notwithstanding whether “the equities” have shifted.

Accordingly, halting the Bear River Pipeline project may require nothing more than a trip to Utah by a prestigious partner in one of the world's largest multi-national law firms to meet with the top officials of the Mormon Church to outline how any intransigence would force a lawsuit in Federal District Court in NYC or Washington DC, pursuant to which the Mormon Church's environmental reputation would be ruined as each of them (as well as Utah politicians and governmental officials, etc.) would be deposed to ascertain whether the Mormon Church was involved in the defrauding of environmentalists vis-à-vis the wanton destruction of Great Salt Lake (as explained in detail in the 4/24/2018 letter to CEO David Yarnold).

And even if litigation proved to be necessary, three National Audubon directors are partners in large, prestigious law firms (Ropes & Gray, WilmerHale and Cascadia Law Group) who might be willing to handle it on a pro bono basis. Indeed, even if only the Cascadia partner is willing to do so (his bio on the National Audubon website claims that he does in fact provide legal services to National Audubon on a pro bono basis), the fact that Cascadia does not have a NYC or Washington DC office should not be an insuperable obstacle if either the NYC or Washington DC office of either Ropes & Gray or WilmerHale has an associate or two who would be willing to make occasional court appearances on a pro bono basis to handle routine motions, etc., in support of the Cascadia partner.

However, if National Audubon using either its own resources or the pro bono services of its directors refuses to “do the right thing,” then you will have to decide whether to resign from its Board of Directors as a matter of conscience!!!

If National Audubon refuses to “do the right thing” and you do not resign, then May God Have Mercy On Your Soul!!!

Sincerely,

John Karls
JD, Harvard Law School, 1967
Who’s Who in American Law, 1988-2003
Who’s Who in America, 1988-2003
Who’s Who in the World, 1994-2003

Enclosure -- comprising the 4/24/2018 letter to CEO David Yarnold and its 7 enclosures

PS --

Identical letters are being sent to 10 of your colleagues on the Board of Directors for whom physical addresses could be ascertained.

In addition, a short e-mail is being sent via LinkedIn to 9 of your colleagues on the Board of Directors for whom physical addresses could not be ascertained, in order to provide a “Heads Up” as to how s/he can access a copy of the materials you are receiving herewith by downloading a sample letter (including enclosures) in Adobe.pdf format by scrolling down to the sixth section of www.ReadingLiberally-SaltLake.org entitled “6/14/2018: National Audubon Executes Great Salt Lake Death Warrant?” [LinkedIn severely limits the length of e-mails to non-contacts.]

Unfortunately, 13 of your colleagues on the Board of Directors did NOT have either a physical address that could be ascertained or a listing on LinkedIn -- hopefully, you can insure that each of the following is provided the same “Heads Up” regarding how s/he can obtain the materials --

Ms. Maggie Walker	Mr. Christian T. Brown	Mr. Jack Stewart
Mr. Joseph Ellis	Mr. William Heck	Dr. Kathy Sullivan
Ms. Terry L. Root	Ms. Sarah Jeffords	Ms. Lili Taylor
Mr. Phil Swan	Ms. R. Cynthia Pruett	Mr. Art Wang
Ms. Jane Alexander		

PPS -- Utah’s Lake Powell Pipeline Project

If you “get into the weeds” you will see that the Bear River Pipeline Project that will destroy Great Salt Lake by exporting Great Salt Lake to China in the form of subsidized alfalfa hay, has always been balanced by the Lake Powell Pipeline Project for Southern Utah (including “ear marking” Utah state sales tax for its financing in the same amount that is “ear marked” for the Bear River Pipeline).

Our 12-year-old 150-member public-policy study group has never taken a position pro or con on the Lake Powell Pipeline Project for several reasons.

First, it should require no more than a credible litigator “lifting a finger” to motivate the Mormon Church to call a halt to the Bear River Pipeline Project, while practicalities concerning the Lake Powell Pipeline Project are complex.

In a nutshell, it would appear that both Lake Powell behind the Colorado River’s Glen Canyon Dam and, further downstream, Lake Mead behind the Colorado River’s famed Hoover Dam -- are doomed.

The only question appears to be whether both will be destroyed to provide water for Southern California (and Las Vegas), or whether Utah will first syphon off the remainder of Colorado River water to which it is entitled under The Colorado River Compact of 1922 between the “Upper Basin” states of Colorado, New Mexico, Utah and Wyoming, and the “Lower Basin” states of Arizona, Nevada and California.

- The NY Times’ “Unplugging the Colorado River” (www.nytimes.com/2016/05/22/opinion/unplugging-the-colorado-river.html) explains that both Lake Mead and Lake Powell are permanently below 50% full, and combining Lake Powell into Lake Mead would reduce surface evaporation and bottom leakage.
- And the AP’s “Las Vegas Uncaps Lake Mead’s ‘Third Straw’ for Water Supply” (www.cbsnews.com/news/las-vegas-uncaps-lake-meads-third-straw-for-water-supply) reports that the Southern Nevada Water Authority HAD JUST COMPLETED a pipeline to the LOWEST POINT OF LAKE MEAD TO DRAIN IT ENTIRELY!!!

So let’s “lift a finger” to save Great Salt Lake first and then decide whether to “tilt” with the Colorado River “windmills.” [Utah state sales tax “ear marked” for the Bear River Pipeline can be used to buy up farms in the area to have been served by the Bear River Pipeline if the Northern Utah and Southern Utah politicians continue to insist on parity.]