United States Department of the Interior

FISH AND WILDLIFE SERVICE
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Hadley, MA 01035-9589

In Reply Refer To:
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JUN 28 2007

Memorandum

To: Director

From: Regional Director, Region 5

Subject: Request for List of Actions Influenced by Julie MacDonald

This is in response to your request for a list of Region 5 (Region) Endangered Species actions since 2002 that were influenced by Julie MacDonald, former Deputy Assistant Secretary, Fish and Wildlife and Parks. Region 5 has identified no decisions or recommended decisions that were changed as a result of direction, interest, or other involvement by Ms. MacDonald. Below is a description of the involvement by Ms. MacDonald in Region 5 Endangered Species actions since 2002.

- Atlantic Salmon Aquaculture Biological Opinion (BO): A BO covering impacts to endangered Atlantic salmon from commercial salmon aquaculture operations in Maine was submitted to Ms. MacDonald for clearance in the fall of 2003. Ms. MacDonald questioned the BO in depth, but never prescribed any particular outcome. However, she did not allow the Region to sign the final joint agency BO along with the National Marine Fisheries Service (NMFS), which has joint jurisdiction over Atlantic salmon. NMFS eventually signed and issued the BO on their own in November 2003.

- Massey Energy BO: In 2004 to 2005, the Region prepared a draft jeopardy BO covering the impacts to the endangered Indiana bat from two mountaintop mining projects in West Virginia. Ms. MacDonald and others voiced concerns about the scientific and policy support for the draft jeopardy conclusion. As a result, the Region convened a panel of Indiana bat experts to obtain individual, independent input. Additionally, new information was obtained about the existing, degraded habitat site conditions. As a result of the expert panel workshop and the new information, the Region revised the draft opinion to a non-jeopardy BO.

- American Eel 12-Month Petition Finding: A negative 12-month finding on a petition to list the American eel was forwarded to Ms. MacDonald in late 2006. In late January, shortly before the settlement agreement deadline for publication, Ms. MacDonald strongly objected to the negative finding and complained that she was not informed earlier of the deadline.

Acknowledging that there was not enough time to revise the negative finding to a positive finding, she forwarded the document to the Executive Secretariat with an attached memorandum expressing her objection and advised that the finding be revisited after publication. The Region submitted a response to Ms. MacDonald's memorandum explaining that all of the issues identified in the memorandum were fully addressed in the finding. The negative finding was published, and the Region received no direction to revisit it.

Although we understand Ms. MacDonald was involved in development of general policy guidance that may have influenced Endangered Species decisions, we cannot establish that any Region 5 decisions would have been different under previous policy guidance. The accounts described above are supported by information in the administrative records for these decisions.

If you have any questions, please contact Michael G. Thabault, Assistant Regional Director-Ecological Services, at 413-253-8304, or Martin Miller, Chief, Division of Endangered Species, at 413-253-8615.