

## *Year-End Information Quality Report –U.S. Fish and Wildlife Service*

### I. Requests for Correction Received FY 2004

Department Name: Department of the Interior  
Period Covered: October 1, 2003—September 31, 2004

Web page location of agency information quality correspondence:  
<http://irm.fws.gov/infoguidelines/index.htm>

Agency Name	Number of Requests Received	Number Designated as Influential
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U.S. Fish and Wildlife Service	five	three

### II. The Service did receive a correction requests in FY 03 but did not provide a final response last year, that correction request is listed below and a detailed summary is provided in section III.

Agency Name	Number of Requests Received in FY03 which were responded to in FY04 or are still incomplete.	Number of Appeals Received in FY03 which were responded to in FY04 or are still incomplete.
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U.S. Fish and Wildlife Service	none	one

### III. 1. Trumpeter Swan — continuation from FY 2003

A **Agency Receiving Correction Request:** Department of the Interior, U.S. Fish and Wildlife Service.

A **Requestor:** Mr. Eric Wingerter, Public Employees for Environmental Responsibility (PEER).

A **Date Received:** May 28, 2003, mail.

A **Summary of Request:** To correct information in the Service's 90-day finding on a petition to list the Tri-state Area Flocks of the Rocky Mountain Population of trumpeter swans.

A **Description of Requested Correction:** An internal report used by the Service was not subject to peer-review, relied on unsupported statements, failed to utilize accepted methods for information collection and makes misleading selective use of data to support a pre-determined outcome.

A **Influential:** Yes.

A **First Agency Response:** July 30, 2003.

A **Resolution:** The Service completed an analysis of the issues raised in the PEER IQA request. In brief, the request asked that the Service withdraw its 90-day finding. However, the Service did not find any new information in the request that would lead it to conclude that the Tri-state Area Flocks of trumpeter swan are either discrete or significant to the rest of the taxon within the meaning of the ESA. As a result of the agency's analysis, it found that no correction of information was warranted.

A **Appeal Request:** August 19, 2003.

A **Summary of Request for Reconsideration:** The Service relied on selected, incomplete and non-peer reviewed data and should immediately withdraw its 90-day finding.

A **Type of Appeal Process Used:** A panel of Service and USGS senior managers.

A **Appeal Resolution:** On September 9, 2003, PEER was informed that the Director had convened a panel to review the request for reconsideration. On March 26, 2004 the Director notified PEER that he had thoroughly reviewed all of the information relevant to the original IQA request and the subsequent appeal and found that the dissemination of information, in particular the Dubovsky-Cornely paper which was specifically challenged, met the agency's standard for objectivity under the IQA. However, the Director, under his authority as Director of the U.S. Fish and Wildlife Service (and independent of the agency's responsibilities under the

IQA), requested that the Service's Regional office submit the Dubovsky-Cornely paper to a peer review process and report the findings of that review to the Director. On September 24, 2004, the Service's Regional Director provided the results of that review to the Director: in sum, the reviewers repeatedly pointed out where Dubovsky and Cornely qualified their statements, pointed out data gaps, and , in the reviewer's professional judgements, did not overstate their positions.

## 2. Florida panther

A **Agency Receiving Correction Request:** Department of the Interior, U.S. Fish and Wildlife Service.

A **Requestor:** Andrew Eller and Jeff Ruch, Public Employees for Environmental Responsibility.

A **Date Received:** On May 4, 2004 the request was faxed to the Service. It was received and acknowledged on May 4, 2004.

A **Summary of Request:** The request for correction falls into two broad categories: those associated with panther habitat use, and those associated with panther population models and estimates. The main focus of the request seems to be the use of peer-reviewed studies produced by Dr. Maehr and others. The documents specifically cited as containing these errors date from 1998 through 2003 and include several biological opinions, the Multi-Species Recovery Plan, and the draft Landscape Conservation Strategy.

A **Description of Requested Correction:** The USFWS must (1) correct the cited misinformation, (2) request that its counterpart federal agencies cease disseminating cited misinformation in their reports, (3) inform counterpart Florida state agencies and county governments of the extent to which the cited misinformation is repeated in their reports, and (4) notify editors of journals and books that have published erroneous material about panthers to make them aware of these errors may have compromised the peer-review process and to request that appropriate measures be taken to correct information.

A **Influential:** Yes.

A **First Agency Response:** Completed on July 7, 2004.

A **Resolution:** Our response noted that studies cited in the request were peer-reviewed prior to their publication in scientific journals or publications. As such, they are, under OMB standards, presumed to be of acceptable objectivity to meet the requirements of the IQA. Nevertheless, we acknowledge that despite having been published in peer-reviewed scientific journals, some of the information challenged has, over time, been determined to have limitations,

as identified by the Scientific Review Team. Indeed, scientific information evolves over time as scientists review each others' work and complete new studies, and that is what has occurred in the case of the panther – a process that is still ongoing. For those documents still being revised, we will explain in our response how we are addressing the new information. In our review of the Service documents challenged, we found that Service scientists considered that there were limitations to the data available, even though these limitations were not fully documented and confirmed until 2003. Our analysis showed that we used new panther science in our analyses and decision-making as it became known to us, and that in all the documents cited, we did not rely upon the challenged studies to the exclusion of other available scientific information, as contended. Rather, we consistently considered and incorporated all available scientific information, in accordance with our responsibilities under the Endangered Species Act, and specifically sought to balance what we perceived as the limitations of the challenged data by including and considering information from other sources. Finally, the Service has been an active participant in seeking further scientific review of panther information. We initiated strong corrective actions over 4 years ago when we appointed the Florida Panther Sub-team of the Multi-Species Ecosystem Recovery Implementation Team and challenged them to identify a strategically located set of lands containing sufficient area and appropriate land cover types to ensure the long term survival of the panther. We believe that we were the very catalyst that brought the issues in the request to light in the scientific community, and we made changes to our use of this data as was appropriate at that time. Because the request specifically challenged our dissemination and use of the data in the Conservation Strategy, the Service requested peer review of this document from three qualified reviewers and incorporated many of their suggestions and comments. With respect to the Multi-species Recovery Plan, the Service is revising this document to update all of the information for all of the covered species, including the Florida panther. We expect this revision to be completed in 2006.

A **Appeal Request:** An appeal of this decision was received on July 29, 2004 and is in progress.

A **Summary of Request for Reconsideration:** The appeal addresses the issues of: (1) substituting political science for biological science, (2) failure to incorporate peer review, (3) USFWS is inducing its biologists to violate the law, (4) misrepresentations and inaccuracies in the agency response, and (5) the agency has not provided corrective relief.

A **Type of Appeal Process Used:** An panel of senior representatives from the Fish and Wildlife Service and US Geological Service are reviewing the Appeal.

### **3. Osage Hydroelectric Project**

A **Agency Receiving Correction Request:** Department of the Interior, U.S. Fish and Wildlife Service.

A **Requestor:** Mr Charles A. Zdebski, Attorney at Law, representing the Union Electric

Company/Ameren UE.

A **Date Received:** On June 22, 2004 the request was mailed. It was received and acknowledged on June 29, 2004.

A **Summary of Request:** The request alleges that the Service has failed to adequately support statements made in the Service's April 22, 2004 request for additional information and studies, which was submitted to the Federal Energy Regulatory Commission (FERC), concerning the re-licensing of the Osage Hydroelectric Project (FERC No. 459).

A **Description of Requested Correction:** The Service must either correct or retract statements made in connection with the relicensing of the Project.

A **Influential:** No.

A **First Agency Response:** A response was sent on August 3, 2004.

A **Resolution:** Service IQA Guidelines exempts information dissemination intended for adjudicative processes. FERC is a federal regulatory agency charged with determining if a license should be issued to an applicant and the terms of the license through an adjudicative process. Since the Service's April 22, 2004 correspondence was submitted to FERC as part of the FERC re-licensing process for the Osage Hydroelectric Project (FERC No. 459), which is an administrative adjudication, information contained therein is exempt from the Service's IQA Guidelines.

A **Appeal Request:** An appeal of the Service's August 3, 2004 decision was received on August 23, 2004.

A **Summary of Request for Reconsideration:** The adjudicative process exception violates the plain language of the Information Quality Act and OMB Guidelines.

A **Type of Appeal Process Used:** Senior officials of the Service and Solicitor's office reviewed the appeal.

A **Appeal Resolution:** On August 26, 2004 a decision on the appeal which was coordinated with OMB and sent to Mr. Zdebski. It stated that the information requested was exempt from IQA standards as stipulated in OMB, DOI and Service's IQA Guidelines that exempts information submitted as part of an adjudicative process. Since the Service's April 22, 2004 correspondence was submitted to FERC as part of the FERC re-licensing process for the Osage Hydroelectric Project (FERC No. 459), which is an administrative adjudication, information contained therein is exempt from the Service's IQA Guidelines.

#### **4. Sand Mountain Blue Butterfly**

A **Agency Receiving Correction Request:** Department of the Interior, U.S. Fish and Wildlife Service.

A **Requestor:** Ms. Beverly Billingsley, private citizen.

A **Date Received:** On June 21, 2004 a request was mailed to the Secretary of the Interior. It was received and acknowledged by the Service on July 9, 2004.

A **Summary of Request:** The request that was submitted sought to correct information in an April 23, 2004 petition that the Service received from the Center for Biological Diversity, Xerces Society, Public Employees for Environmental Responsibility and the Nevada Outdoor Recreation Association to list the Sand Mountain blue butterfly as a threatened or endangered species.

A **Description of Requested Correction:** The Sand Mountain blue butterfly should not be listed based on contents in the petition.

A **Influential:** No.

A **First Agency Response:** On July 22, 2004 a decision was sent.

A **Resolution:** Because this petition had not been "disseminated to the public" or adopted as "sponsored information" for any Fish and Wildlife Service action, the request to correct information in their petition is unwarranted.

A **Appeal Request:** None.

## 5. Greater Sage-grouse — Sims

A **Agency Receiving Correction Request:** Department of the Interior, U.S. Fish and Wildlife Service.

A **Requestor:** Mr. Jim Sims, Partnerships for the West, public interest group.

A **Date Received:** On September 23, 2004, the request was sent to Secretary of the Interior. It was received by the Service and acknowledged on September 28, 2004.

A **Summary of Request:** The request concerns: (1) three petitions that the Service received to list the Greater Sage-grouse as Threatened or Endangered pursuant to the Endangered Species Act, (2) the Service's 90-day Finding concerning those Petitions published in the Federal Register on April 21, 2004 and (3) information in the June, 2004 unpublished report compiled by the Western Association of Fish and Wildlife Agencies (WAFWA) entitled, Conservation

Assessment of Greater Sage-grouse and Sagebrush Habitat.

A     **Description of Requested Correction:** The Service may address the request and correct problems identified by determining a listing of the sage grouse is not warranted.

A     **Influential:** Yes.

A     **First Agency Response:** In progress.

## **6. Greater Sage-grouse — Owyhee County**

A     **Agency Receiving Correction Request:** Department of the Interior, U.S. Fish and Wildlife Service.

A     **Requestor:** Owyhee County Board of Commissioners, Murphy, Idaho.

A     **Date Received:** On June 21, 2004, the Owyhee County Board of Commissioners submitted comments to the Service's Wyoming Ecological Services Field Office. They were forwarded to the Washington office and acknowledged on October 21, 2004.

A     **Summary of Request:** Their request contains comments from Dr. Gibson on sage grouse population estimates, and the 5 factors ---(A) destruction, modification, or curtailment of habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes, (C) disease or predation; (D) inadequacy of existing regulatory mechanisms; and (E) other man-made or natural factors affecting its continual existence ---per section 4(a) of the ESA, that the agency uses in its review of whether or not to list a species.

A     **Description of Requested Correction:** The Service's information is inaccurate and therefore the listing of the sage grouse is not warranted.

A     **Influential:** Yes.

A     **First Agency Response:** In progress.