

## Year-End Information Quality Report

### I. Cover Sheet: Requests for Correction Received FY 2005

Department Name: **U.S. Department of the Interior**

Period Covered: January 1, 2005 – December 31, 2005

Web page location of agency information quality correspondence:

<http://www.fws.gov/informationquality/>

Agency Name	Number of Requests Received	Number Designated as Influential
<b>US Fish &amp; Wildlife Service</b>	<b>0</b>	<b>0</b>
	<b>Total: 0</b>	<b>Total: 0</b>

II. If you received correction requests or appeals and did not provide a final response in FY03 or FY04, please list those correction requests below and provide a detailed summary in section III of this template.

The US Fish and Wildlife Service did receive three correction requests in FY 2004, but did not provide a final response last year. Those correction requests are listed below, and a detailed summary is provided in section III.

Agency Name	Number of Requests Received in FY03 or FY04 which were responded to in FY05 or are still incomplete.	Number of Appeals Received in FY03 or FY04 which were responded to in FY05 or are still incomplete.
US Fish & Wildlife Service	3	1
	<b>Total: 3</b>	<b>Total: 1</b>

### III. 1. Florida Panther – continuation from FY 2004

- **Agency Receiving Correction Request:** US Department of the Interior, U.S. Fish and Wildlife Service
- **Requestor:** Andrew Eller and Jeff Ruch, Public Employees for Environmental Responsibility, 2001 S Street N.W., Suite 570, Washington, DC 20009.
- **Date Received:** May 4, 2004, via FAX. Received and acknowledged on May 4, 2004.
- **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.
- **Description of Requested Correction:** The USFWS must (1) correct the cited misinformation, (2) request that its counterpart federal agencies cease disseminated 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 that these errors may have compromised the peer-review process and to request that appropriate measures be taken to correct information.
- **Influential:** Yes.
- **First Agency Response:** Completed on July 7, 2004.
- **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 (SRT). 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 analysis 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 in 2003 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 were appropriate at that time. 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

- **Judicial Review:** None
- **Appeal Request:** An appeal of this decision was received on July 29, 2004.
- **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.
- **Type of Appeal Process Used:** A panel of senior representatives from the Fish and Wildlife Service and the US Geological Survey reviewed the Appeal.
- **Appeal Resolution:** On March 16, 2005, the Director of the Fish and Wildlife Service concluded that corrections were necessary to ensure full compliance of the Information Quality Act (IQA). The IQA requires that Federal agencies ensure the quality, objectivity, utility, and integrity of the information they use or disseminate as the basis of an agency decision. The standard for “objectivity” demands that information be presented in an accurate, clear, complete and unbiased manner. To ensure that the Service meets this standard, the Director directed the Regional Director to immediately update the panther-related sections of the Multi-species Recovery Plan (MSRP) to incorporate appropriate recommendations of the Science Review Team and publish those revisions for public comments no later than December 2005. An appropriate disclaimer was developed to accompany further dissemination of the MSRP. He also directed the Regional Director to suspend the dissemination of the December 19, 2002, Draft Landscape Conservation Strategy (LCS). The Regional and Vero Beach web pages posted a notification of this suspension. The Service will take appropriate measures to address comments by Dr. Paul Beier and SRT recommendations in any further disseminations of the information. He also directed that by August 1, 2005, the Regional Director update Service files on its biological opinions to correct the portions that erroneously equated the Minimum Viable Population of panthers and the Current Verified Population. A copy of this correction was sent to the Corps Of Engineers. Notification of these corrective measures was posted on pages of the Regional and Vero Beach web pages. It is essential that information disseminated in support of U.S. Fish and Wildlife Service actions reflect the highest standards of scientific integrity and accuracy, this correction reflects the agency’s commitment to that goal and ensures full compliance with the Information Quality Act.

### III. 2. Greater Sage-grouse – Sims

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

**Requestor:** Mr. Jim Sims, Partnerships for the West, 350 Indiana Street, Suite 230, Golden, CO 80401, a public interest group.

**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.

**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*.

**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.

**Influential:** Yes

**First Agency Response:** On December 2, 2004, Mr. Sims was notified that the Service needed additional time to respond to the request.

**Final Agency Response:** On July 18, 2005, the Service contacted Mr. Sims to notify him that the Service had recently published a final rule in the Federal Register (70 FR 2279) that concluded the petitioned action to list the greater sage-grouse was not warranted and the species was not in danger of extinction, nor was it likely to become endangered in the foreseeable future. The issues that were raised in their Information Quality Act request were addressed in the final rule; therefore, further action is not deemed necessary.

### 3. Greater Sage-grouse – Owyhee County

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

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

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

**Summary of Requests:** Their request contains comments from Dr. Chad 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 of

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.

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

**Influential:** Yes

**First Agency Response:** On December 2, 2004, the Owyhee County Board of Commissioners were notified that the Service needed additional time to respond to their request.

**Final Agency Response:** On July 18, 2005, the Service contacted the Owyhee County Board of Commissioners and informed them that the Service had recently published a final rule in the Federal Register (70 FR 2279) that concluded the petitioned action to list the greater sage-grouse was not warranted, that the species was not in danger of extinction, nor was it likely to become endangered in the foreseeable future. The issues that were raised in their Information Quality Act request were addressed in the final rule, therefore further action is not deemed necessary.