Before the U.S. Department of the Interior

U.S. Fish and Wildlife Service
Washington, D.C.

COLORADANS FOR WATER CONSERVATION AND DEVELOPMENT

COLORADO FARM BUREAU

October 3, 2007

v.

U.S. DEP’T OF THE INTERIOR

Information Quality Act Appeal to
U.S. Fish and Wildlife Service and
U.S. Geological Survey for
Dissemination of Information
on the Preble's Meadow Jumping Mouse

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APPEAL OF THE COLORADANS FOR WATER CONSERVATION AND DEVELOPMENT AND COLORADO FARM BUREAU PURSUANT TO THE DATA QUALITY ACT

To: Correspondence Control Unit
Attention: Information Quality Correction Request Processing
U.S. Fish and Wildlife Service
1849 C Street, NW Mail Stop 3238-MIB
Washington, D.C. 20240-0001

I. Introduction


Appellants’ efforts have been designed to ensure that the U.S. Fish and Wildlife Service (“FWS”) adheres to its commitments to make Endangered Species Act (“ESA”) decisions on the best available science. Appellants will be harmed by any decision that does not rely upon sound science consistent with the terms of the ESA and DQA.
The ESA, the DQA and the Guidelines require, respectively, that the FWS rely solely on the best available information and to correct or retract information that does not meet certain standards for quality, objectivity and integrity. Information disseminated by the FWS violates the ESA, DQA and the Guidelines. This Appeal seeks to correct, retract or supplement certain information disseminated by the FWS concurrent with its status review of Preble’s.

This Appeal is directed toward: (1) dissemination of information by the FWS regarding the data used in a report conducted by Dr. Tim King of the U.S. Geological Survey (“USGS”) and issued to the FWS on January 27, 2006, the Comprehensive Analysis of Molecular Phylogeographic Structure Among the Meadow Jumping Mice (Zapus hudsonius) Reveals Evolutionary Distinct Subspecies (the “King study”) and its supplements or amendments, if any, (2) the FWS’ failure to address significant distribution, abundance and trends (“DAT”) data from the CWCD and Wyoming petitions to delist in the Proposed Rule to Remove the Preble’s Meadow Jumping Mouse from the Federal List of Endangered and Threatened Species (“Proposed Rule.”) 70 Fed. Reg. 5404 (Feb. 2, 2005); and (3) any and all other issues raised in the March 15, 2006 Challenge.

In support of this Appeal, Appellants hereby incorporate by reference their March 15, 2006 Challenge and the following information (attached):

Exhibit A: Report by Genoma, LLC;

Exhibit B: Ramey et al. Response to the [SEI Panel] Report;

Exhibit C: Ramey et al. Comments on the report by King;

Exhibit D: Ramey et al. Response to Vignieri et al. (2006);
Exhibit E: Crandall, Advocacy dressed up as scientific critique;
Exhibit F: U.S. Senator Wayne Allard letter to Secretary Kempthorne; and

Appellants respectfully request that you respond to this Appeal within 15 business days from receipt in accordance with the FWS Guidelines. If you have any additional questions regarding this Appeal, please do not hesitate to contact Kent Holsinger at (303) 577-4621. Thank you.

Sincerely,

[Signature]

Kent Holsinger