United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

FWS/R9/SCI

OCT 26 2009

Mr. Christopher I. West
Sage Grouse Coalition
c/o Pac/West
8600 S.W. St. Helens Drive, Suite 100
Wilsonville, Oregon 97070

Dear Mr. West:

In accordance with the U.S. Fish and Wildlife Service's (FWS) Information Quality Act (IQA) guidelines, this letter responds to your request for correction dated August 6, 2009, and received by us on August 13, 2009, regarding two studies on the greater sage-grouse conducted by the Western Association of Fish and Wildlife Agencies (WAFWA).

Determining Whether Information is Influential

Your request for correction suggests that the FWS must base listing determinations solely on the best scientific and commercial data available. We agree. However, this does not preclude our review of all information available to us. At the time of our 2005 12-month finding, the Connelly et al. 2004 publication was considered some of the best available data. At the time of the 2008 Interim Status Review, WAFWA's 2008 study was included among the literature we reviewed.

At this time, we are preparing a new 12-month finding (species status review) on the greater sage-grouse throughout its range. Neither of the WAFWA studies you reference is now considered best available data because neither contains the most current information. While we are reviewing all information available to us, we will be basing our decision primarily on a new compendium of information to be published as a monograph in the *Studies of Avian Biology* journal series. U.S. Geological Survey is serving as the lead editor for the monograph; the Service is not involved in reviewing, editing, or publishing the monograph.

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The FWS IQA guidelines, at sections III-10 and VI-5, define *influential* as "information that will have or does have a clear and substantial impact on important public policy or private sector decisions." Because the two WAFWA studies are less comprehensive and more dated than the 25 chapters on specific studies to be included in the Monograph, we find that they do not now meet the standard for influential information.

The FWS IQA guidelines state, at Section V-5, that the "FWS may choose not to invest substantial staff resources to evaluate a request for correction when the information is not influential."

Ensuring Quality of Disseminated Information

Your request for correction includes a request for "sufficient data and documentation" to enable you to substantially reproduce the results in the WAFWA studies. The basis of a FWS determination is its evaluation of the best available science. The FWS does not reanalyze the underlying data from each publication that it reviews. Rather, the FWS depends upon the quality of the peer review processes that other organizations use to produce scientific papers. This approach is consistent with the FWS and OMB's Information Quality Guidelines, under which peer reviewed scientific publications carry with them the presumption of objectivity. On the other hand, FWS takes very seriously its commitment to its evaluation, maintaining full responsibility for how it interprets the scientific literature and for the conclusions it reaches. Furthermore, FWS has its evaluations that qualify as 'influential scientific information' peer reviewed consistent with OMB's Information Quality Bulletin for Peer Review (the Sage Grouse assessment meets that threshold). **The FWS does not consider it to be our responsibility under the Information Quality Act to seek "data and documentation" underlying papers published in the scientific literature so that it can be provided to persons or organizations who request it. We refer you to the authors of each of the studies in which you are interested.**

The FWS IQA guidelines state, at Section VI-1, that, "sites that contain data from non-FWS sources will clearly inform the user of the source of the information." Section VI-9 on the objectivity standard, indicates that, "sometimes, supporting documentation must also be disseminated…In those cases, FWS will identify the sources of supporting information." Transparency applies to research design and methods, and data sources. This does not indicate that the FWS must maintain data from studies conducted by other entities. In addition, "the objectivity standard does not override other compelling interests such as privacy, trade secrets, intellectual property, and other confidentiality protections." It indicates that we will apply rigorous checks to analytical results and documents, and that we will disclose data sources.

Independent Analysis

If very little information is available on a species, we may be forced to rely heavily on unpublished information. In that instance, we often request peer review of that research by appropriate scientists. In the case of the greater sage-grouse, we are basing our decision on studies that are peer reviewed and published. The intent of peer review is to obtain opinions from qualified and

independent individuals. The FWS IQA guidelines, at Section VI-2, encourage this qualitative selection of peer reviewers.

Conclusion

We find that the two WAFWA studies referenced in your request for correction do not meet the FWS IQA guidelines definition of *influential*, and we choose not to invest substantial staff resources to further evaluate your request for correction.

If you disagree with the position presented in this response, you may appeal to the Director within 21 calendar days of the date of this response. The appeal must be addressed to:

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

The procedures for an appeal are found in section V-7 of the FWS IQA guidelines at http://www.fws.gov/informationquality. The Director has 60 calendar days to respond to your appeal.

Sincerely,

Ralph O. Morgenweck

Ralph O. Morgenweck
Senior Science Advisor