

*U.S. Fish and Wildlife Service  
Participation in Peer Review of the Proposed Rule to Delist  
Water Howellia (Howellia aquatilis)*

**BACKGROUND INFORMATION  
AND  
CONFLICT OF INTEREST DISCLOSURE**

NAME: Andrea Pipp TELEPHONE: 406-444-3019

ADDRESS:

Montana Natural Heritage Program,  
1515 East Sixth Avenue, Helena, MT 59601

EMAIL ADDRESS: apipp@mt.gov

CURRENT EMPLOYER:

Montana Natural Heritage Program  
University of Montana employee

Montana Natural Heritage Program is a program of the Montana State Library, but it is operated through a contract with the University of Montana.

This form has two (2) parts:

- Part I – Background Information, and;
- Part II – Conflict of Interest Disclosure.

Please complete both parts, **sign** and **date** the form on the last page, and **return the form by email to:** alexandra\_kasdin@fws.gov. **Please retain a copy for your records.**

## **PART I BACKGROUND INFORMATION**

### **INSTRUCTIONS**

Please provide the information requested below regarding **relevant** organizational affiliations, government service, public statements and positions, research support, and additional information (if any). Information is “relevant” if it is related to -- and might reasonably be of interest to others concerning -- your knowledge, experience, and personal perspectives regarding the subject matter for which this form is being completed. If some or all of the requested information is contained in your curriculum vitae (CV), you may prefer to simply attach your CV to this form, supplemented by additional responses or comments below as necessary.

**I. ORGANIZATIONAL AFFILIATIONS.** Report your relevant business relationships (as an employee, owner, officer, director, consultant, etc.) and your relevant remunerated or volunteer non-business relationships (e.g., professional organizations, trade associations, public interest or civic groups, etc.).

#### **EMPLOYMENT**

Program Botanist for the Montana Natural Heritage Program, Helena, MT (2014-Present)

As Program Botanist I network with amateurs and professionals affiliated with federal, state, tribal, and local governments; academia; non-profits and non-governmental organizations; and private business to acquire data and information on all botanical species in Montana. We are a neutral, non-regulatory program.

#### **MEMBERSHIPS**

American Bryological and Lichenological Society  
Friends of the University of Montana Herbarium (Board Member, 2010 – 2013)  
Montana Native Plant Society  
Northwest Lichenologists (Board Member, 2015-2017)  
Northwest Scientific Association (Board Member, 2009–2015; Webmaster, 2015-2017)

#### **EDUCATION**

M.S. Wildlife Biology (Plant Ecology emphasis), University of Montana, Missoula, MT 1998  
B.A. Zoology, University of Montana, Missoula, MT 1989

II. GOVERNMENT SERVICE. Report your relevant service (full-time or part-time) with federal, state, or local government in the United States (including elected or appointed positions, employment, advisory board memberships, military service, etc.).

October 2014 to Present: Program Botanist, full-time, Montana State employee of the University of Montana. The appointment is re-newed annually.

Montana Natural Heritage Program is a program of the Montana State Library, but it is operated as through a contract with the University of Montana.

III. RESEARCH SUPPORT. Report relevant information regarding both public and private sources of research support (other than your present employer), including sources of funding, equipment, facilities, etc.

The Program Botanist position for the Montana Natural Heritage Program (MTNHP) is approximately:

- 30% funded by Montana State Library (MSL) - funding is contained in a biennial contract between MSL and University of Montana (UM) for essential core services. The essential core services were established by the 1983 Montana State Legislature. This funding is referred to as Core funding.
- 20% funded by specific MTNHP Partners to provide essential core services. Partners include: Montana Department of Environmental Quality; Montana Fish, Wildlife & Parks; Montana Department of Natural Resources and Conservation; Montana Department of Transportation; Montana Department of Agriculture; U.S. Forest Service-Region 1; and Montana/Dakotas Bureau of Land Management (MCA 90-15-102). This funding is referred to as Supplemental Core funding.
- 50% funded by project work that supports the overall mission of the program but entails specific deliverable products. Funding is sourced by competitive grants and/or cost-share agreements.

The MTNHP's core function is written in Montana State law to be " a program of information acquisition, storage, and retrieval for data relating to the flora, fauna, and biological community types of montana" (MCA 90-15-102). The MTNHP does not manage land and is not a regulatory program.

*Howellia aquatilis* related tasks accomplished using Core / Supplemental Core Funding from 2014 to the present:

- Coordinate with a network of resource professionals and amateurs that are knowledgeable on *Howellia aquatilis* to obtain current observation information which includes, but is not limited to: locations, population size, habitat/micro-habitat conditions, threats (type, severity, scope), positive and negative survey results, observer(s) names, observation date(s), etc. I maintain professional relationships with the USFS Region 1 Botanist and Forest Botanists as well as other consultants, other agency biologists, and private timber company biologists, and others to obtain botanical information.
- Data and other information are entered into our botany observation database, photography database, and literature database.
- Based on the observation data I create and map Species Occurrences (also called Element Occurrences).

- Develop and write proposals to submit to competitive grants and other funding sources.
- Participated in a team with Amanda Hendrix (USFWS) to develop the Draft Post-Delisting Monitoring Plan.
- Conducted re-visits to particular *Howellia aquatilis* occurrences to collect current population and habitat data in 2015.
- Maintain the Montana Field Guide for botanical taxa: <http://fieldguide.mt.gov/>

Project Funding Specific to *Howellia aquatilis* includes:

- 2016-2017: An Analysis of Disturbance at Water howellia (*Howellia aquatilis*) Ponds in Montana. Awarded \$3,289 by the USFWS. The deliverable was a report produced on May 2, 2017 titled *An Analysis of Disturbance in Buffers Surrounding Occupied Water Howellia (Howellia aquatilis) Ponds and Unoccupied Ponds in Montana*. Agreement #F17PX00453.
- 2015-2016: *Howellia* Data Compilation. Contract award \$23,000 from the Swan Ecosystem (Swan Valley Connections) and funded by the Collaborative Forest landscape Restoration Program. The project was to bring together all known field data on *Howellia aquatilis* to assess its status and trend in Montana, to analyze 4 monitoring data-sets to report results, and to assess the 300-foot buffers around occupied and unoccupied ponds. The deliverables were a large number tables and graphs on *Howellia aquatilis*, *Phalaris arundinacea*, statistics on the occupied and unoccupied ponds and their 300-foot buffers, including ownership, habitat parameters, forest treatments in the buffers, location, whether monitored or not, presence/absence data, etc.

IV. PUBLIC STATEMENTS AND POSITIONS. List your relevant articles, testimony, speeches, etc., by date, title, and publication (if any) in which they appeared, or provide relevant representative examples if numerous. Provide a brief description of relevant positions of any organizations or groups with which you are closely identified or associated.

- Pipp, Andrea. 2017. *An Analysis of Disturbance in Buffers Surrounding Occupied Water Howellia (Howellia aquatilis) Ponds and Unoccupied Ponds in Montana*. Prepared for the USFWS, Montana Ecological Services Field Office, Helena, Montana. Prepared by the Montana Natural Heritage Program, Helena, Montana. 19pp + appendix. Available at: <http://mtnhp.org/Reports.asp?key=3>
- 2015-2016: *Howellia* Data Compilation. Contract award \$23,000 from the Swan Ecosystem (Swan Valley Connections) and funded by the Collaborative Forest landscape Restoration Program. The project was to bring together all known field data on *Howellia aquatilis* to assess its status and trend in Montana, to analyze 4 monitoring data-sets to report results, and to assess the 300-foot buffers around occupied and unoccupied ponds. The deliverables were a large number tables and graphs on *Howellia aquatilis*, *Phalaris arundinacea*, statistics on the occupied and unoccupied ponds and their 300-foot buffers, including ownership, habitat parameters, forest treatments in the buffers, location, whether monitored or not, presence/absence data, etc.

Particular tables and graphs and their interpretation was presented by Maria Mantas (Executive Director for Swan Ecosystem Center) and Steve Shelly (USFS Region 1 Botanist) to Rich Kehr (Flathead National Forest Supervisor) in Summer of 2016.

I have not orally presented any of this data. My professional memberships area provided in section I.

V. ADDITIONAL INFORMATION. If there are relevant aspects of your background or present circumstances not addressed above that might reasonably be construed by others as affecting your judgment in matters within the topics addressed in the Species Status Assessment Report, and therefore might constitute an actual or potential source of bias, please describe them briefly.

I don't have any other relevant aspects to share. I can provide a resume of my past job experience if that is requested.

## PART II CONFLICT OF INTEREST DISCLOSURE

### INSTRUCTIONS

It is essential that a peer reviewer used by the U.S. Fish and Wildlife Service as part of its peer review of Species Status Assessments under the ESA not be compromised by conflict of interest. For this purpose, **the term “conflict of interest” means any financial or other interest which conflicts with the service of the individual because it (1) could significantly impair the individual’s objectivity or (2) could create an unfair competitive advantage for any person or organization.**<sup>1</sup> Except for those situations in which the Service determines that a conflict of interest is unavoidable and promptly and publicly discloses the conflict of interest, no individual can participate in a peer review process used by the Service in a Species Status Assessment if the individual has a conflict of interest that is relevant to the functions to be performed.

The term “conflict of interest” means something more than individual bias. There must be an *interest* that could be directly affected by your participation as a peer reviewer.

Conflict of interest requirements are *objective* and *prophylactic*. They are not an assessment of one’s actual behavior or character, one’s ability to act objectively despite the conflicting interest, or one’s relative insensitivity to particular dollar amounts of specific assets because of one’s personal wealth. Conflict of interest requirements are objective standards designed to eliminate certain specific, potentially compromising situations from arising, and thereby to protect the individual, the Service, and the public interest. The individual and the Service should not be placed in a situation where others could reasonably question, and perhaps discount or dismiss, the information produced through the peer review simply because of the existence of conflicting interests.

The term “conflict of interest” applies only to *current interests*. It does not apply to past interests that have expired, no longer exist, and cannot reasonably affect current behavior. Nor does it apply to possible interests that may arise in the future but do not currently exist, because such future interests are inherently speculative and uncertain. For example, a pending formal or informal application for a particular job is a current interest, but the mere possibility that one might apply for such a job in the future is not a current interest.

The term “conflict of interest” applies not only to the personal interests of the individual but also to the *interests of others* with whom the individual has substantial common financial or other interests if these interests are relevant to the functions to be performed. Thus, in assessing an individual’s potential conflicts of interest, consideration must be given not only to the interests of the individual but also to the interests of the

---

<sup>1</sup> This definition and the other information in these instructions are drawn from the National Academy of Sciences Policy on Committee Composition and Balance and Conflicts of Interest for Committees Used in the Development of Reports (May 12, 2003).

individual's spouse and minor children, the individual's employer, the individual's business partners, and others with whom the individual has substantial common financial or other interests. Consideration must also be given to the interests of those for whom one is acting in a fiduciary or similar capacity (e.g., being an officer or director of a corporation, whether profit or nonprofit, or serving as a trustee).

Such interests could include an individual's stock holdings in excess of \$10,000 in a potentially affected company or being an officer, director, or employee of the company. Serving as a consultant to the company could constitute such an interest if the consulting relationship with the company could be directly affected or is directly related to the subject matter of the regulatory process.

An individual's other possible interests might include, for example, relevant patents and other forms of intellectual property, serving as an expert witness in litigation directly related to the subject matter of the regulatory process, or receiving research funding from a party that would be directly affected by the regulatory process if the research funding could be directly affected or is directly related to the subject matter of the regulatory process and the right to independently conduct and publish the results of this research is limited by the sponsor. Consideration would also need to be given to the interests of others with whom the individual has substantial common financial interests -- particularly spouses, employers, clients, and business or research partners.

The following questions are designed to elicit information from you concerning possible conflicts of interest that are relevant to the functions to be performed by your peer review.

1. EMPLOYMENT. (a) If the information received by the Service through the peer review process were to provide the basis for government regulatory action or inaction with respect to the water howellia --

(i) If you are employed or self-employed, could your current employment or self-employment (or your spouse's current employment or self-employment) be directly affected?

(ii) To the best of your knowledge, could any financial interests of your (or your spouse's) employer or, if self-employed, your (or your spouse's) clients and/or business partners be directly affected?

(iii) If you are an officer, director or trustee of any corporation or other legal entity, could the financial interests of that corporation or legal entity be directly affected?

(iv) If you are a consultant (whether full-time or part-time), could there be a direct effect on any of your current consulting relationships?

(v) Regardless of the potential effect on the consulting relationship, do you have any current or continuing consulting relationships (including, for example, commercial and professional consulting and service arrangements, scientific and technical advisory board memberships, serving as an expert witness in litigation, or providing services in exchange for honorariums and travel expense reimbursements) that are directly related to the subject matter of the possible government regulatory action or inaction? no

(b) If you are or have ever been a U.S. Government employee (either civilian or military), to the best of your knowledge are there any federal conflict of interest restrictions that may be applicable to your service in connection with this peer review? no

(c) If you are a U.S. Government employee, are you currently employed by the Service?  
not a U.S. Government employee

**If the answer to all of the above questions under EMPLOYMENT is either “no” or “not applicable,” check here    (NO).**

**If the answer to any of the above questions under EMPLOYMENT is “yes,” check here    (YES), and briefly describe the circumstances on the last page of this form.**

2. INVESTMENT INTERESTS. Taking into account stocks, bonds, and other financial instruments and investments including partnerships (but excluding broadly diversified mutual funds and any investment or financial interest valued at less than \$10,000), if the information received by the Service through the peer review process were to provide the basis for government regulatory action or inaction with respect to the water howellia --

(a) Do you or your spouse or minor children own directly or indirectly (e.g., through a trust or an individual account in a pension or profit-sharing plan) any stocks, bonds or other financial instruments or investments that could be affected, either directly or by a direct effect on the business enterprise or activities underlying the investments?

(b) Do you have any other significant financial investments or interests such as commercial business interests (e.g., sole proprietorships), investment interests (e.g., stock options), or personal investment relationships (e.g., involving parents or grandchildren) that could be affected, either directly or by a direct effect on the business enterprise or activities underlying the investments?

**If the answer to all of the above questions under INVESTMENT INTERESTS is either “no” or “not applicable,” check here    (NO).**

**If the answer to any of the above questions under INVESTMENT INTERESTS is “yes,” check here    (YES), and briefly describe the circumstances on the last page of this form.**

3. PROPERTY INTERESTS. Taking into account real estate and other tangible property interests, as well as intellectual property (patents, copyrights, etc.) interests, if the information received by the Service through the peer review process were to provide the basis for government regulatory action or inaction with respect to the water howellia --

(a) Do you or your spouse or minor children own directly or indirectly any such property interests that could be directly affected?

(b) To the best of your knowledge, do any others with whom you have substantial common financial interests (e.g., employer, business partners, etc.) own directly or indirectly any such property interests that could be directly affected?

**If the answer to all of the above questions under PROPERTY INTERESTS is either "no" or "not applicable," check here \_alkp\_ (NO).**

**If the answer to any of the above questions under PROPERTY INTERESTS is "yes," check here      (YES), and briefly describe the circumstances on the last page of this form.**

4. RESEARCH FUNDING AND OTHER INTERESTS. (a) Taking into account your research funding and other research support (e.g., equipment, facilities, industry partnerships, research assistants and other research personnel, etc.), if the information received by the Service through the peer review process were to provide the basis for government regulatory action or inaction with respect to the water howellia --

(i) Could the research funding and support for you or your close research colleagues and collaborators be directly affected, or

(ii) If you have any research agreements for current or continuing research funding or support from any party whose financial interests could be directly affected, and such funding or support is directly related to the subject matter of the regulatory process, do such agreements significantly limit your ability to independently conduct and publish the results of your research?

(b) Is the central purpose of the Species Status Assessment Report for which this disclosure form is being prepared a critical review and evaluation of your own work or that of your employer?

(c) Do you have any existing professional obligations (e.g., as an officer of a scientific or engineering society) that effectively require you to publicly defend a previously established position on an issue that is relevant to the Species Status Assessment Report?

(d) To the best of your knowledge, will your participation in this peer review process enable you to obtain access to a competitor's or potential competitor's confidential proprietary information?

(e) Could your service as a peer reviewer create a specific financial or commercial competitive advantage for you or others with whom you have substantial common financial interests?

**If the answer to all of the above questions under RESEARCH FUNDING OR OTHER INTERESTS is either "no" or "not applicable," check here \_alkp\_ (NO).**

**If the answer to any of the above questions under RESEARCH FUNDING OR OTHER INTERESTS is "yes," check here      (YES), and briefly describe the circumstances below.**

EXPLANATION OF "YES" RESPONSES:

not applicable

*During your period of service in connection with the activity for which this form is being completed, any changes in the information reported, or any new information, which needs to be reported, should be reported promptly by written or electronic communication to the responsible staff officer.*

*Cinchea Pipp*

YOUR SIGNATURE

*Dec. 6, 2019*

DATE

*3:30pm MST*

Received by: *Alexandra Kasdin*  
Alexandra Kasdin  
U.S. Fish and Wildlife Service  
Mountain Prairie Regional Office  
Ecological Services

December 6, 2019

Date