



United States Department of the Interior

WASHINGTON, D.C. 20240

JUL 24 2015

Ms. Kathleen Sgamma
Vice President of Government and Public Affairs
Western Energy Alliance
1775 Sherman Street, Suite 2700
Denver, Colorado 80203

Dear Ms. Sgamma:

This letter responds to your three Information Quality Act (IQA) Requests for Correction (Requests) dated March 18, 2015, submitted by Holsinger Law, LLC on behalf of various Petitioners, regarding the following three documents: the U.S. Geological Survey (USGS) *Comprehensive Review of Ecology and Conservation of the Greater Sage Grouse: A Landscape Species and its Habitats* (the “Monograph”); the Bureau of Land Management (BLM) National Technical Team *Report on National Greater Sage-Grouse Conservation Measures* (NTT); and the U.S. Fish and Wildlife Service (FWS) *Greater Sage-grouse Conservation Objectives: Final Report* (COT).

The corrective action you recommend in each case is that the respective bureaus retract or amend the documents because you have “found [them] to be inaccurate, unreliable, and biased in violation of the [I]QA and the Guidelines.” More specifically, you assert that all three of the documents: a) were inadequately peer reviewed, due to conflicts of interest between some reviewers and authors; b) present conjectural conclusions unsupported by sound science; and c) that the conclusions are driven by policy considerations rather than defensible biological criteria. You also assert that each of the documents ignores accurate population data and adopts modeling approaches that have consistently failed to accurately predict populations. You assert that reliance on this biased and faulty information has and will continue to harm you and your membership. You, therefore, have requested that we “retract the Reports and their use in land use plan amendments and the upcoming listing decision.” Alternatively, you suggest that we “could issue amended reports that use sound analytical methods and the best data available while ensuring transparency and objectivity, and adjust [our] policies accordingly.”

We begin by responding to your concerns regarding the nature of the peer review used for each of the documents, outlining why we have confidence in the integrity of the relevant peer review processes.

- 1) Your Request to the USGS appears to be in regards to a Monograph entitled *Greater Sage-Grouse: Ecology and Conservation of a Landscape Species and Its*

Habitats (note that the title cited in the Request, and repeated in the above paragraph for clarity, is incorrect). The Monograph was published in 2011 in *Studies in Avian Biology* (SAB), which is a publication of the Cooper Ornithological Society printed by the University of California Press, and is not a USGS publication. Members of the USGS and Idaho Fish and Game co-edited the Monograph and SAB served as the Editor-in-Chief. Each chapter of the Monograph received rigorous, independent peer review consistent with the standards of the SAB. In addition, all USGS-authored chapters were also peer-reviewed and bureau approved, in accordance with the USGS Fundamental Science Practices policies.¹ Final acceptance for publication of individual chapters and the complete Monograph rested with the SAB Editor-in-Chief. When and if a Federal agency chooses to rely on the publication as the basis for a management or regulatory decision, that Federal agency would be responsible for commissioning peer review as necessary consistent with the OMB's Information Quality Bulletin on Peer Review (OMB's Bulletin)². Such peer review would be in addition to USGS' required peer review, consistent with the Survey Manual Chapter 502.3³, and the SAB's peer review for the scientific book series in which the Monograph was published. The USGS response to your Request will be made available to the FWS for inclusion in the Decision File for the 2015 determination on whether the Greater Sage-grouse (GRSG) remains warranted for listing.

- 2) Your request to BLM is in regards to their NTT Report (2011). This report provided provisional management recommendations, in the form of conservation measures (CM), which would be considered in the BLM land use planning process initiated on December 9, 2011 (76 FR 77008)⁴. The NTT Report did not provide comprehensive impact assessments or final decisions on the application of the CMs. OMB's Government-wide Information Quality Guidelines⁵ do not apply to policy decisions themselves, as such we turn our attention to what we assume is of concern. Specifically, the BLM issued policy (WO-IM-2012-044)⁶ requiring the consideration of applicable CMs when revising or amending the fifteen (15) BLM Resource Management Plans (RMP) in GRSG habitat. As part of its planning process, the BLM prepared an environmental impact statement (EIS) pursuant to the National Environmental Policy Act for each RMP revision or amendment. *Development of the range of alternatives for the Draft EIS/RMP included utilizing internal agency expertise and input, as well as elements from public scoping comments, the FWS' COT Report, State management plans and other sources.* Each of the plan amendments and revisions include consideration of the CMs in the action and alternatives analyzed in the Draft EIS/RMPs, and were subject to a 90-day public comment period pursuant to 43 CFR 1610.2(e).

¹ <http://www.usgs.gov/fsp/policies.asp>

² <https://www.whitehouse.gov/sites/default/files/omb/assets/omb/memoranda/fy2005/m05-03.pdf>

³ <http://www.usgs.gov/usgs-manual/500/502-3.html>

⁴ <http://www.gpo.gov/fdsys/pkg/FR-2011-12-09/pdf/2011-31652.pdf>

⁵ <https://www.whitehouse.gov/sites/default/files/omb/fedreg/reproducible2.pdf>

⁶ http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2012/IM_2012-044.html

Proposed RMPs/Final EISs were published⁷ on May 29, 2015, triggering a 30-day protest period, and 60-day Governor's consistency review.

Under the BLM IQA Guidelines⁸, a “separate process for information that is already subject to such a public comment process would be duplicative, burdensome, and disruptive to the orderly conduct of the business. Therefore, the BLM may not consider a separate request for correction of information if it pertains to BLM actions which *already provide a mechanism by which comments can be submitted* (emphasis added).” The comprehensive public comment process required by the BLM planning and NEPA processes allow for public review of the alternatives that incorporate the recommendations of the NTT Report which is the subject of your Request to the BLM, “and impose a legal obligation on BLM to respond to comments on all aspects of the action. These procedures safeguard and assure a thorough response to comments on quality of information. The BLM believes that the thorough consideration required by this process meets the needs of the request for correction of information process.” In view of the pending BLM land use planning decisions, therefore, your Request for the NTT Report and the BLM’s response thereto, will be included in the Decision File for the BLM Records of Decision (ROD).

- 3) Your Request to FWS is in regards to the COT Report (2013). This report was peer reviewed consistent with OMB’s Bulletin, however, due to an oversight the FWS did not announce the forthcoming review on its Peer Review Agenda, as required. The FWS has corrected this oversight by posting the now completed peer review plan and associated results at http://www.fws.gov/science/peer_review_agenda.html. This conduct of the peer review was documented by the Department of the Interior’s Scientific Integrity Officer’s January 12, 2015, response to Kathleen M. Sgamma, Vice President of Government and Public Affairs, Western Energy Alliance,⁹ which dismissed the allegation against the COT Report and its peer review.

With respect to the other information quality concerns that you have raised in each of your Requests, we are in the process of ensuring that all technical and policy staff involved in the process of evaluating the scientific underpinnings of the BLM RODs and the FWS 2015 determination on whether or not the GRSG remains warranted for listing (regardless of their Bureau or program) are provided with a complete listing of the concerns that you have raised as well as the document owner’s response to each of those concerns. This plan is designed to ensure that the concerns that you raised will be taken into account whenever each of the documents in question is considered in these processes, thus ensuring that the best available scientific and commercial information is used in the decision processes.

We will make complete documentation of our consideration of and response to your three Requests available in the Decision File for the BLM RODs (for the NTT Report) amending or

⁷ http://www.blm.gov/wo/st/en/prog/more/sagegrouse/documents_and_resources.html

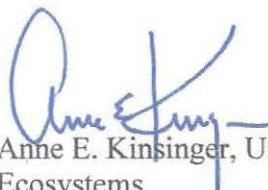
⁸ http://www.blm.gov/style/medialib/blm/national/national_page.Par.7549.File.dat/guidelines.pdf

⁹ <http://www.fws.gov/informationquality/topics/FY2015/ESO-S0000387-resolution-letter.pdf>

revising the respective RMPs, and the Decision File for the FWS's determination regarding listing (for the COT Report and the Monograph), when these decision-making processes are complete. Furthermore, we will post documentation on the IQA Request for Correction web page of each of the agencies to whom you addressed your request.

We appreciate your interest in our work regarding the important issue of the GRSG across the West, and your assistance in highlighting the critical role of sound information. For further information regarding the IQA process and individual bureau guidance, please visit:
http://www.usgs.gov/info_qual/ (USGS);
http://www.blm.gov/wo/st/en/National_Page/Notices_used_in_Footer/data_quality.html (BLM);
<http://www.fws.gov/informationquality/> (FWS).

Sincerely,



Anne E. Kinsinger, USGS Associate Director for
Ecosystems



Amy Lueders, BLM Acting Assistant Director for
Resources and Planning



Gary Frazer, FWS Assistant Director for Ecological
Services