RESTORING SCIENTIFIC INTEGRITY TO ENDANGERED SPECIES PROTECTIONS

From Greater Sage Grouse to Canada Lynx to Northern Spotted Owl to Pacific Salmon, the Bush Administration has weakened protections and ignored their duty to protect imperiled species. Millions of acres of habitat are at risk as these species sit on the brink of extinction.

The Endangered Species Act requires that the U.S. Fish and Wildlife Service use the most rigorous science available when developing common sense solutions to prevent the extinction of species. Interference by political appointees in the Bush Administration is preventing scientists from meeting this requirement.

Twenty endangered species decisions are currently under investigation by the Department of Interior’s Inspector General (IG), an investigation requested by U.S. Senator Ron Wyden (D-OR) because of allegations of political manipulation – and the true number of tainted decisions could include dozens more species. Similarly, the Government Accountability Office testified before the House Natural Resources Committee on May 21, 2008 that political interference has been more widespread than previously thought and that the Department of Interior has left some tainted decisions unreviewed.

According to investigations by the Interior’s IG, information obtained thru Freedom of Information Act requests and the accounts of former and current agency scientists, Department of Interior officials have misrepresented and suppressed scientific data, prevented the best available science from informing policy decisions, placed gag orders on agency scientists and failed to implement adequate ethics policies.

REAL-WORLD CONSEQUENCES

Political interference in two separate evaluations related to water withdrawal from the California Bay-Delta demonstrate the consequences of ignoring the best available science. In 2004, the Fish and Wildlife Office in Sacramento was preparing a new Biological Opinion for Delta Smelt, a fish found in the Bay-Delta of California. Former Deputy Assistant Secretary Julie MacDonald, a political appointee in Washington DC, disagreed with the scientific findings and pressed the scientists to make changes. In 2007, a federal judge rejected the resulting opinion and ordered reduced pumping of water from the Delta to Southern California. Also in 2004, an examination by scientists at the National Marine Fisheries Service of a second proposal to increase water pumping out of the California Bay-Delta determined that the proposal would have severe negative consequences on salmon that spawned in the Sacramento River system. But when the examination was sent to the Southwest Regional office, the final conclusion was changed to say that increased water pumping would cause no harm to salmon. The Bay-Delta has historically produced the majority of the salmon population for the pacific coast, ranging from Monterey Bay up to Washington. Now we are experiencing the largest salmon fisheries closure in history, due in part to the administration ignoring their own scientists - and estimates for next year are worse.

Political interference has undermined efforts to protect spotted owls as well. The threatened Northern Spotted Owl, listed as threatened under the Endangered Species Act in 1990, relies on old growth forests to survive. The owl is an indicator species, reflective of the health of older
forests throughout the Northwest, which are also home to hundreds of species and provide clean water for millions of people.

The 1994, Northwest Forest Plan (NWFP) became the cornerstone for conserving the Northern Spotted Owl on 24.4 million acres of federal forests in Oregon, Washington, and Northern California. In 2006, the Fish and Wildlife Service assembled a Northern Spotted Owl multi-stakeholder team to write a new recovery plan for the owl. After the team finalized their report, they were told by a “Washington (D.C.) Oversight Committee” to change the plan and make it “less focused on habitat preservation.” Three respected, independent science groups, the Society for Conservation Biology, the American Ornithologists Union, and the Wildlife Society, each concluded that the Oversight Committee's plan did not use the best available science and was not designed to recover the species. Following these review and over 8,000 public comments, the FWS commissioned the Sustainable Ecosystems Institute (SEI), a private contractor in Portland to assemble a panel of experts and review the draft recovery plan. In April 2008, SEI released its report and found that the plan did "not use scientific information appropriately. The method they used to design the amount of habitat to be preserved, the technique used was wrong, [and] was not based on good science.” The report also states that the draft spotted owl recovery plan underestimates the importance of protecting old-growth forest habitat, and overestimated the threat from the barred owl, a competing species. SEI called the draft recovery plan “deeply flawed.” Much of the plan’s emphasis on reducing habitat protections was at the request of officials from the Bureau of Land Management, which is currently revising its forest plans in western Oregon to increase old-growth forest logging by as much as 700 percent. On May 16, 2008, the Fish and Wildlife Service released their Northern Spotted Owl Recovery Plan. The final plan reduces the amount of habitat for the Spotted Owl by 1.1 million acres, down to 6.4 million acres from the 7.5 million acres under the Northwest Forest Plan.

**SCIENTISTS BRING IT TO THE HILL**

To address scientific integrity issues, the Endangered Species Coalition, along with the Union of Concerned Scientists, Society for Conservation Biology, The National Center for Conservation Science and Policy, American Lands Alliance, Center for Biological Diversity, Earthjustice, and the National Audubon Society convened in Washington DC to educate Members of Congress and ask for increased Congressional oversight of the Department of the Interior.

We were joined by preeminent scientists from around the country who spoke to the devastating effects political interference with science has on endangered species and their habitat. Dr. Francesca Grifo of the Union of Concerned Scientists, Dr. Stuart Pimm of Duke University, Dr. Dominick DellaSala of the National Center for Science and Policy, Kim Nelson of Oregon State University, Mike Kelly, a former fish biologist with the U.S. Fish and Wildlife Service, and John Young, a former wildlife biologist with the U.S. Fish and Wildlife Service discussed specific examples of political interference with science in endangered species decisions.

The scientific experts cited some of the most egregious examples of political interference with science by the Bush Administration in endangered species decisions: the Northern Spotted Owl, the Marbled Murrelet, Florida Panther, Cape Sable Sea Sparrow, and the Bull Trout.
We met with members of the U.S. Senate Environment and Public Works, Finance, and Government Oversight committees, and the U.S. House Natural Resources committee, Government Accountability Office investigators, investigators from the Department of Interior’s Inspector General, and Deputy Secretary Lynn Scarlett.

We called for hearings, investigations of the tainted endangered species decisions, fully-funded endangered species programs, an open and transparent investigation into the systemic problems within the Department of the Interior and the creation of safeguards to ensure endangered species decisions are informed by independent and unbiased science.

**HOUSE NATURAL RESOURCES TAKES ACTION**

On May 21, 2008, the U.S. House Natural Resources committee held an oversight hearing entitled “The Danger of Deception: Do Endangered Species Have a Chance?” The hearing featured the findings of a Government Accountability Office's research project that explored past political interference in species decisions.

Findings from the Hearing:

- **Problems of interference included others besides Julie MacDonald** – The GAO testified that Administration officials other than former Deputy Assistant Secretary Julie MacDonald may have inappropriately influenced endangered species decisions that are supposed to be based on the best available science. Prompted by questions from Chairman Rahall, GAO Natural Resources and Environment Director Robin Nazzaro, testified that Randal Bowman, Special Assistant to Assistant Secretary Lyle Laverty, was connected with at least five instances of interference; Former Assistant Secretary Craig Manson was involved in at least three instances; former Deputy Assistant Secretary Todd Willens was involved in at least one case; and Interior Secretary Dirk Kempthorn's chief of staff, Brian Waidman, reviewed and supported a number of Julie MacDonald's tainted decisions.

  Witnesses Francesca Grifo, with Union of Concerned Scientists, and Scott Hoffman Black, with Xerces Society for Invertebrate Conservation, both provided examples in their testimony of interference by administration officials within the Department of Interior. Similarly, Dr. Grifo and Dr. Scott Krause, with the New England Aquarium, provided testimony on interference from the office of Vice President Dick Cheney in efforts to protect the northern right whale.

- **GAO found Interior's efforts to identify tainted decisions too narrow** – Ms. Nazzaro stated that had the Department of Interior used broader criteria to investigate the extent of political interference in endangered species programs, they would have likely found additional decisions that warranted review and possible revision, such as those just mentioned. However, Interior limited their exploration to only decisions directly affected by Julie MacDonald and gave no consideration to decisions affected by other Administration officials.

- **A tainted culture exists within Interior** – Perhaps more troubling, and less tangible, than direct evidence of species decisions being directly affected by political appointees is
a practiced referred to as “Julie-proofing.” The GAO describes it as a culture for agency staff “where, in response to continual questioning by Ms. MacDonald about their scientific reasoning, they eventually learned to anticipate what might be approved and wrote their decisions accordingly.”

- **The Listing program needs better guidance** – Part of the GAO's investigation included a focus on the first step of a species being named to the endangered species list: the 90-day review. A 90-day review, which can be started by a citizen petition or government staff, is supposed to ask and answer one simple question, does the science known at this time indicate a need to examine whether or not a species is threatened or endangered? If the answer is 'yes' than a year-long process is launched to determine a species’ status. It is known as a 90-day review because that is the length of time the law allows for answering the question. However, the GAO testified that the average length of time for this process during the past two years was 2.5 years, with a range of 100 days at the shortest to 5,545 days (15 years) at the longest. Not once was it completed in the actual 90 day time frame. Part of this delay, the GAO states, is due to a large number of staff handling a petition for the first time and a lack of clear guidance for staff to follow in preparing their findings. On the plus side, the GAO found there was no substantial affect from informal guidance issued in 2005 that appears to instruct staff to ignore any information they have in their own files that would support a petition finding a species in trouble and to only use their own information if it was likely to prevent a petition from advancing to the next stage.

- **Some efforts are being made to improve the delisting process** – According to the GAO, the Department of Interior has made attempts to improve the development of recovery plans so that there are clear criteria for knowing when an endangered or threatened species no longer faces threats serious enough to cause extinction and can therefore be removed from the endangered species list.

**WHAT NEEDS TO HAPPEN NEXT**

1. **All tainted decisions need to be reviewed and reversed.** Department of Interior should review decisions made by political appointees beyond MacDonald and policy decisions that limited the application of science

2. **Land and water use management decisions that are based on potentially tainted species decisions should be delayed until the underlying species decisions can be revised.**

3. **Reverse Bush Administration policies that have undermined endangered species protections.**

4. **Investigate current political appointees in the Secretary of the Interior's office to ensure that the political manipulation of scientific decision is not continuing.** Including, Brian Waidmann, chief of staff to Interior Secretary Dirk Kempthorne; Randal Bowman, a special assistant in the Interior secretary’s office.

5. **Create a culture of scientific integrity.** Dr. Grifo, with the Union of Concerned Scientists, lays out a number of steps in her May 21st written testimony that would improve the Department of Interior's ethics policies, increase transparency in the process of developing species decisions, better engage government staff in the broader scientific community and
protect scientists who put their own careers at risk when speaking out against political interference.

We must fix all endangered species decisions that political appointees have meddled with. The GAO testified that at least nine decisions likely need revisions and given that this area was beyond the scope of their investigation, there may be more. It is critical that our nation's efforts to return endangered species from the brink of extinction be based on the best science possible. The Department of Interior needs an open and honest process to identify every case of political interference and to correct those decisions.
Restoring Scientific Integrity and Ethics at the Department of Interior

Bush Administration political appointees are suppressing scientific decision-making in the Department of the Interior.

The Endangered Species Act requires that the U.S. Fish and Wildlife Service use the most rigorous science available when developing common sense solutions to prevent the extinction of species. Interference by political appointees is preventing scientists from doing their jobs to protect endangered species.

Eighteen endangered species decisions are currently under investigation by the Department of Interior’s Inspector General (IG) because of allegations of political manipulation and the true number of tainted decisions could include dozens more species. According to investigations by the agency’s IG and the accounts of former and current agency scientists, Department of Interior officials have:

- Misrepresented and suppressed scientific data;
- Prevented the best available science from informing policy decisions;
- Placed gag orders on agency scientists; and
- Failed to implement adequate ethics reforms.

Americans expect – and endangered species need – the best available science to be used when protecting our natural environment. We need an open and transparent investigation into the systemic problems within the Department of Interior and the creation of safe guards to ensure endangered species decisions are informed by independent and unbiased science.

Ethics Reform Sideline

Interior Secretary Dirk Kempthorne has quietly scaled back his 10-point ethics plan which was designed to transform the scandal-ridden agency into “a model of an ethical workplace.”

The plan’s centerpiece, outlined in a June 27, 2007 all-employee e-mail, was the creation of a Conduct Accountability Board "for ensuring consistency and fairness in the management of conduct and discipline cases." This step, however, turned out to be less significant than touted. Jurisdiction of the Board was limited to cases involving "Executive Level" employees - well less than 1% of the Interior workforce.

Undermining Science

In 2005, the Union of Concerned Scientists and Public Employees for Environmental Responsibility surveyed scientists at the Fish and Wildlife Service. The results were alarming:

- Nearly half (44 percent) of all respondents whose work is related to scientific findings for endangered species reported that they “have been directed, for non-scientific reasons, to refrain from making jeopardy or other findings that are protective of species.”
- One in five agency scientists revealed they have been instructed to compromise their scientific integrity—reporting that they have been “directed to inappropriately exclude or alter technical information from a FWS scientific document,” such as a biological opinion;
- Seventy percent of staff scientists and 89 percent of scientist managers knew of cases “where U.S. Department of Interior political appointees have injected themselves into Ecological Services determinations.” A majority of respondents also cited interventions by members of Congress and local officeholders.

Endangered Species Coalition P.O. Box 65195 Washington, DC 20035 202.320.6476 www.stopextinction.org
Furthermore, less than a month later Secretary Kempthorne amended its charter so that the Board could only review matters referred to it by the Deputy Secretary and Chief of Staff. This means that if former Deputy Secretary Steven Griles, now serving time in federal prison, was still at Interior he could have determined whether his own egregious ethical lapses would be eligible for Board review.

**Beginning to Restore Scientific Integrity to the Department of Interior**

Immediate actions can be taken to begin restoring scientific integrity in protecting endangered fish, plants and wildlife. These actions include:

- **Congressional Investigations** – Congressional hearings are needed to investigate the full extent of political interference in DOI decision-making. Goals for these investigations should include:
  - Determining the full number of tainted decisions that warrant review;
  - Ensuring the development of an enforceable ethics policy within the Department of Interior;
  - Enacting reforms to prevent political interference in scientific determinations; and
  - Examining whether the administration is implementing policies through formal and informal rules that undermine the Endangered Species Act.

- **Finalizing the Whistleblower Protection Enhancement Act** – Both the House and Senate have approved whistleblower protection bills, H.R. 985 and S. 274. It is crucial that the final version of a whistleblower bill contains the strongest possible protections for federal scientists, including:
  - Protection for agency scientists who report political interference in their research;
  - Freedom for scientists to publish their taxpayer-funded research in scientific journals, and to attend public forums to discuss the research;
  - Removal of demoralizing gag orders that restrict agency staff from interacting with their scientific peers. In some cases, scientists are required to seek agency pre-approval to speak or write, whether on or off duty, on any scientific topic deemed “of official interest.”

- **Revising All Tainted Decisions** – Seven endangered species decisions have been marked for revising – and more are warranted. However, Fish and Wildlife Service officials have stated that they will not revise these decisions until funding is available. Funding for these revisions should be made available without decreasing resources available for listing other species and habitat in need of protection. These revisions should be completed as soon as possible.

- **Department of Interior Ethics Reform** – Several actions can be taken directly by the Department of Interior, including:
  - Following the July 31, 2007 recommendations of the Deputy Inspector General of Interior to include policy level officials as well as career employees under the revised Scientific Code of Ethics;
  - A clear message from Interior Secretary Kempthorne that the agency will not tolerate the manipulation, distortion or suppression of scientific information. Secretary Kempthorne can begin to send this message and change the agency culture by publicly condemning the conduct of former Deputy Assistant Secretary Julie MacDonald, who resigned after it was demonstrated that she had interfered in dozens of endangered species decisions, including one in which she could potentially benefit financially; and
  - Adopting communications policies that ensures taxpayer-funded research is available to the public, Congress and the media.
Reinstating Needed Protection for Endangered Species

The Bush Administration has weakened protections for endangered species through political interference and by ignoring their duty to protect imperiled species.

Failing to Protect
The Bush administration has listed fewer species under the Endangered Species Act than any other administration since the law was enacted in 1973. To date only 58 species have been listed under President Bush compared to 512 under the Clinton administration and 234 under the first Bush administration. All 58 were listed as the result of petitions from concerned citizens.

To date, it has been over 600 days since a U.S. species has been listed. This shatters the previous record, of approximately one year, held by Secretary James Watt, which prompted Congress to amend the Act to include mandatory timelines.

Political Interference
Conservation organizations have identified as many as 50 decisions where there is evidence of political interference, potentially impacting dozens of imperiled species decisions. Below are just a few examples.

Canada Lynx
Interference by former Deputy Assistant Secretary Julie MacDonald resulted in large scale reduction in critical habitat for the Canada lynx, a species dependent upon the cold and moist forests of Canada and the Northern United States. MacDonald ordered all U.S. Forest Service lands excluded from the proposed critical habitat of the Canada Lynx, and pressured the scientists mapping the habitat to minimize the area further. Prior to the final designation of critical habitat, MacDonald met with timber and development interests, resulting in the exclusion of all private commercial forest lands from the final habitat designation.

Greater Sage Grouse
Julie MacDonald also interfered with the science behind the proposed listing of the Greater sage grouse, a highly threatened ground bird in the American west. Many of her comments challenged specific statements made by biologists, questioned the methodology behind studies, and dismissed conclusions without providing a scientific basis for her criticism. Her baseless interference cast enough doubt on the status of the Greater sage grouse that an expert panel recommended against listing the bird for protection.

Northern Spotted Owl
The threatened Northern Spotted Owl relies on old growth forests to survive. After a stakeholder process determined the strong need to protect this habitat as part of a recovery plan for the bird, a “Washington Oversight Committee” rejected their plan and called for one “less focused on habitat preservation.” The committee also sought an alternative that would enable the Bureau of Land Management to exempt protected areas in Western Oregon. Now a murky review process is underway, but its report will not be public until after a final recovery plan has been put in place.
Marbled Murrelet

Department of Interior (DOI) ignored the recommendations of its own scientists when it declared that the Marbled Murrelets found in California, Oregon and Washington were not genetically or ecologically distinct from populations found in Canada and Alaska. Despite continuing decreases in the bird's population in the Northwest, the Fish and Wildlife Service proposed in 2007 to remove protection from almost 95 percent of the Marbled Murrelet's critical habitat.

Delta Smelt

In 2004, when the Fish and Wildlife Office in Sacramento was preparing a new Biological Opinion, Former Deputy Assistant Secretary Julie MacDonald stepped in to stop the office from releasing its opinion, and called for a reversal. In 2007, a federal judge rejected the resulting opinion and ordered reduced pumping of water from the Delta that would irrigate farms and provide drinking water for millions of people in Southern California.

Southwestern Bald Eagle

The bald eagle is on the road to recovery throughout much of our country, but not everywhere. The Southwest population is faced with unusually low productivity and higher adult mortality. On August 30, 2006, the U.S. Fish and Wildlife Service denied a petition to list the Southwestern Bald Eagle as a distinct population, contrary to the recommendation of its own scientific panel.

Mexican Garter Snake

Scientists in the Arizona office of the U.S. Fish and Wildlife Service drafted a rule to list the Mexican garter snake as "warranted but precluded" for listing as a threatened species. This decision was signed by both the Southwest regional director and director of the Service, but then reversed with the involvement of Julie MacDonald. A memo from the regional director concluded: “it is clear from the administrative record that the DAS [Deputy Assistant Secretary] was involved in changes to drafts of the finding and that the determination was changed to being not warranted.”

Solution: Provide the protection these species need to survive by revising the decisions that have been tainted by political interference.

In May 2007, after a hearing in the House Natural Resources Committee, the Department of Interior asked the Fish and Wildlife Service (FWS) to review endangered species decisions that former Deputy Assistant Secretary Julie MacDonald may have improperly influenced. Regional FWS employees came up with a list of approximately 15 species. In July, FWS announced it would review only eight species identified. In November 2007, FWS announced that seven of the eight species decisions warrant revision.

The Bush Administration review of endangered species decisions does not go far enough to find and address the systemic problems at Interior Department. The seven endangered species decisions that are being revised are the “tip of the iceberg.” Many other vulnerable species may have had their protections weakened. There must be a thorough examination of all cases where there is evidence that officials interfered with scientific decisions.

In response to a request by Senator Ron Wyden (D-OR), the DOI Inspector General announced his office will review 18 endangered species decisions. Research by several conservation organizations demonstrates as many as 50 decisions warrant review and possible revision. Information obtained thru Freedom of Information Act requests prove political interference and scientific manipulation occurred with regard to these decisions. This interference extends beyond Julie MacDonald to include other appointees and agency employees and demonstrates a department-wide disregard for the Endangered Species Act.
The Bush Administration's Endangered Species Track Record

The Bush Administration is trying to implement regulations and internal policies that would weaken the Endangered Species Act under the radar without congressional oversight or public participation.

The Endangered Species Act is a safety net for wildlife, plants and fish that are on the brink of extinction. Efforts to weaken the Act have failed to earn the support of Congress, but now the Bush Administration is attempting to implement some of these dangerous changes on their own.

Some of the many examples of tampering with the Endangered Species Act include:

**Stacking the Deck Against Listing**
The administration has changed the working definition of an endangered species’ habitat to only include its current inhabited range. This ignores the goal of the Act to foster the recovery of species. A declining species may currently inhabit a smaller area than can support a healthy, recovered population, but this new definition prohibits government officials from using historical habitat to foster species recovery.

The Endangered Species Act is clear that both protection and recovery are goals. The historic range is part of this mandate and necessary for recovery. U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration Fisheries division must consider both current range and historic range in its listing determinations.

**Giving Up Ground**
U.S. Fish and Wildlife Services (FWS) should designate all areas essential to the conservation of a species as critical habitat. This habitat designation should consider both current habitat used by the declining species, and sufficient unoccupied habitat such that the species has room to recover to a stable, self-sustaining level.

Instead, the Bush Administration has allowed the piecemeal destruction of critical habitat; it has:
- Excluded areas included in conservation agreements with private landowners, even though such plans fail to guarantee recovery and are not uniformly effective. Federally managed lands have also been excluded;
- Extended the “not prudent” critical habitat exclusion to more species; and
- Altered cost-benefit analyses by claiming on several occasions that monetary benefits cannot be measured, while simultaneously inflating the costs of habitat designation. Species such as the Bull trout and California Red-legged Frog have suffered reductions in critical habitat due to these skewed analyses.

- continued -
Moving the Goal Posts for Recovery
The administration asserts it can delist and down-list (changing a listing from endangered to threatened) species even when delisting and down-listing criteria established in federal recovery plans have not been met.

Delisting and Down-listing under the Act should not be permitted unless recovery plan goals have been met. If there is no recovery plan or the plan is outdated, then a plan must be created or revised with specific delisting or down-listing criteria. It is inappropriate to delist or down-list with no criteria upon which to make the decision.

Failing to Protect Our Own
The Bush Administration has used the presence of a species in Mexico or Canada to deny protection of species at risk of extinction within the United States. This ignores past precedent, which has helped a wide range of species such as the bald eagle, grizzly bear, gray wolf and others return from near extinction to the recovering populations that exist today in the continental U.S.

The Fish and Wildlife Service has used foreign populations to deny protection for wolverines, Montana fluvial arctic grayling, cactus ferruginous pygmy owl, Mexican garter snake and other species. There is a clear mandate to protect the fish, plants and wildlife of the United States, even if they might exist elsewhere.

Congress should continue the oversight that has blocked the implementation of detrimental rule changes and hold additional hearings on the Bush Administration’s attempts to implement policies that would weaken the Endangered Species Act.

Bull Trout Economics
Officials at the U.S. Fish and Wildlife Service deleted chapters detailing the economic benefits of protecting the bull trout, a threatened species in the Pacific Northwest, from an independent and peer-reviewed cost analysis of establishing a critical habitat for the species. The final published report included no material on the estimated $215 million in economic benefits, and exaggerated the $230 to $300 million in costs estimated by the researchers.
Political Interference and the Loss of Salmon
How Federal Biological Opinions Affected the Salmon Fishing Closure

Overview
Salmon and other Anadromous fish (fresh and salt water users) have a complicated life history because they utilize multiple and highly different habitats. Salmon need fresh water for birth, spawning and rearing, and salt water for growth and maturing. Due to this diversity, there is no “smoking gun” to explain the salmon declines in the Bay-Delta of California. However, there is clear evidence to show that politically driven alterations with agency biological opinions for Delta Smelt and Salmon significantly contributed to the closure of commercial and recreational salmon seasons on the California and Oregon coasts.

The Bay-Delta and Salmon
• The California Bay-Delta area is the largest inland estuary in the Northern Hemisphere. Most major rivers in California drain into the Delta, making it the center point for fresh water for the state, and a major habitat for many species of animals and fish.
• Salmon use the Bay-Delta as their primary rearing water, with the tributaries to the Delta as spawning (egg laying and birth) waters. Salmon spend time in the Delta growing to size so they can survive once they reach the ocean.
• The canning of salmon started in the Sacramento River in the Delta in the late 1850's. At that time there were millions of returning fish to the Delta each year.
• In the mid 20th century the state and federal governments established the country's largest water diversion and canal systems, extracting water from the Delta to be used for farming, industrial and urban uses.
• Through the decades following the completion of the water systems, diversions have increased from the Delta. (see upper chart)
• In 1990 the Winter-run Chinook salmon was listed as threatened under the ESA, which resulted in a series of recommendations for change in the system to help the salmon (see graph on next page). Salmon populations in the whole system increased following these actions.
• Beginning in 2000 record diversions of water started. Minus two years of relatively reduced diversions, 2003 and the years following have been marked by record level diversions. (see lower chart)
Violations of the Endangered Species Act

- In 2002 a proposal to increase Delta diversions and to change the “plumbing system” of the Delta was initiated, resulting in the need for two Biological Opinions, one from Fish and Wildlife (FWS) for Delta Smelt, and one from the National Marine Fishery Service (NMFS) on salmon. In order to increase diversions and make system changes these opinions had to be “no-jeopardy” opinions.

- In 2004 the Biological Opinion on Salmon was leaked to the Press in Sacramento. It originally was a “jeopardy” opinion. However, this opinion was sent to the Southwest regional office of NMFS, where it was changed to a “no jeopardy” opinion.

- In early 2005 the FWS released its opinion on Delta Smelt, again a “no jeopardy” opinion. This opinion was challenged in court and found to be unlawful and inadequate, and failed to protect the Delta Smelt from the effects of increased diversions. Prior to the release of the opinion, when FWS biologist were concerned about decreasing populations, Julie MacDonald, then Assistant Secretary for Fish, Wildlife and Parks at FWS, wrote a seething e-mail to Steve Thompson at the California-Nevada office of FWS in Sacramento questioning their decisions. Following this e-mail the opinion came out as “no-jeopardy.”

The Consequences of Political Interference

- Following these decisions, and during the time they were being prepared, Delta diversions were moved to record levels, and the salmon fishery during the spawning years that follow has crashed (see chart below).

- These politically manipulated biological opinions made it possible for state and federal agencies to divert more water from the Delta than the fishery could tolerate. This has, at least in part, resulted in Delta Smelt now at near extinction levels and the number of returning spawning salmon is the lowest on record (68,000).

- The low salmon returns have resulted in closure of the sport and commercial fishing season from just below the Columbia River in Oregon to the Mexican border.

- Costs: The state and federal governments have poured 10s of millions of dollars into studying the reasons behind the Delta problems. Because of the fishing closure there is a request before the federal government for a $150 million disaster relief package. Due to a federal court decision to protect the remaining Delta Smelt, San Joaquin agriculture and cities from Santa Barbara to San Diego face an approximate 2 million acre foot cut-back in water pumped from the Delta this year.

- Most of this could have been avoided had the scientists in the FWS and NMFS been allowed to release their “jeopardy” opinions on Smelt and Salmon. Water agencies would then have had to find other ways to meet demand that would not jeopardize the fisheries. The consequences of this political interference may linger for years to come.

- Outlook for salmon in 2009 is worse than 2008. It is estimated that a return of only 50,000 fish this fall will result in a second consecutive closure in 2009.

The Rise and Fall of the Central Valley Chinook Salmon Returns

Total of all Central Valley Runs - DFG Data


- 1993 - The Red Bluff Dam gates are opened allowing two way migration.

- 1996 - The Sheeja Dam Temperature Curtain is completed allowing cold water flows

- 2000 - The Glenn Colusa Fish Screens are completed saving an estimated 25 million smolts

- 2006 - Poor Ocean conditions deal a final blow to the 2007 return

- 2006 - Delta pumping is allowed to steadily increase following politically motivated “No Jeopardy” opinions by the USFWS and the NMFS. The Delta collapse is triggered. All resident species crash and upstream river flows and temperatures lethal to salmon survival are created.

Graph by Dick Pool of Water4Fish
North Atlantic Right Whale (Balaena Glacialis)

HABITAT: Inhabit near shore and offshore waters of the Atlantic Ocean, migrating from Florida and the Gulf of Mexico up to Labrador, Canada.

DISTRIBUTION: The North Atlantic Right Whale is found in the waters off the US; Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia. In Canada, they can be found in Labrador, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island and Quebec.

THREATS: Historically hunting was the biggest threat. More recently, the threat to right whales is entanglement in fishing gear (e.g. floating lobster lines) and ship strikes- whales are often hit by fast moving shipping vessels.

CONSERVATION STATUS: The North Atlantic right whale is listed as endangered under the Endangered Species Act. It is one of the most endangered population of whales that exist across the globe with a population of between 300-400 world-wide.

INTERESTING FACT’s: Right whales grow to approximately 36-59 ft and weigh 60-80 tonnes. Right whales can be distinguished from other whales by the callosities on the head and the lack of a dorsal fin. Only one calf is produced every three to five years. Generally, travel singly or in small groups of 2-3. They are slow moving whales and because of this were one of the most harvested whales in the past few centuries, hence the name right whale- they were viewed as the “right” whale to harvest.

BUSH ADMINISTRATION MEDDLING: The Ship Strike Reduction Act of 2008 would require the Bush Administration to finalize a rule establishing a ten knot speed limit for vessels over 65 feet in length in the migratory paths of right whales. The proposed rule was published in June 2006 and the draft Final Rule was sent to the Office of Management and Budget in February 2007. According to documents obtained by the Union of Concerned Scientist from the National Oceanic and Atmospheric Administration (NOAA), Vice President Dick Cheney’s office had raised specific objections to the expert scientific conclusions and that Mr. Cheney’s office had said, we had no evidence that lowering the speeds of large ships will actually make a difference. The oceanic officials added that they stood by their conclusions that lower speeds would benefit right whales.

In a statement accompanying related legislation, Senator Kerry said: “The Bush Administration needs to stop dragging their feet, follow the best available scientific evidence, and take immediate action to protect endangered right whales. A continued delay in finalizing these protections will result in even more deaths that are easily avoidable, and push the species closer to extinction.”
Bush Administration Meddling: The scientific information utilized by the U.S. Fish and Wildlife Service in determining not to grant the Greater Sage Grouse protection under the Endangered Species Act was significantly edited and critiqued by Julie MacDonald, an engineer with no biological training.

According to a report in The New York Times, Ms. MacDonald, “peppered the biologists’ draft with barbed commentary and made wholesale changes.” “Among other comments,” the Times article continued, “Ms. MacDonald called science saying the birds had numbered in the millions before settlers arrived in the 19th century ‘simply a fairy tale, constructed out of whole cloth.’ She also questioned whether the grouse was dependent on sagebrush during the winter, saying ‘they will eat other stuff if it is available.’”
HABITAT:
The Northern Spotted Owl requires contiguous mature or old-growth forests of the Pacific Northwest.

DISTRIBUTION:
These birds may be found throughout the Pacific Northwest coast region from British Columbia down to central California.

THREATS: Historically, the loss and resulting fragmentation of old growth forest is the predominant threat to this species. Logging and road development are the root causes. More recently, spotted owls are also affected by increasing barred owl populations, which have been expanding from the eastern U.S. west. Barred owls prefer stands of smaller trees common to the eastern part of the country and are thought to be expanding their range as western forests are logged and younger trees are more widespread.

CONSERVATION STATUS: Listed as Threatened under the Endangered Species Act.

INTERESTING FACT: The Northern Spotted Owl is considered an indicator species of the health of its old-growth forest ecosystems.

Bush Administration Meddling: As outlined extensively in the May 9th hearing before the House Natural Resources Committee, the “Washington Oversight Committee” that reviewed the Northern spotted owl recovery plan made extensive changes to the plan. Political appointees in Washington instructed the spotted owl recovery team to add an option to its draft that would allow more logging in Northwest forests. A related report from the administration called for reducing habitat that is considered critical to the owl’s survival by almost one-fourth. The committee also instructed field scientists to include “an adaptive management option” in the plan. Political appointees who serve on the Washington Oversight Committee included Mark Rey, a former timber lobbyist who then served as undersecretary of the Agriculture Department, Deputy Interior Secretary Lynn Scarlett, and MacDonald herself.
**HABITAT:**
The smelt are observed in shallow open waters and require freshwater flow and particular water temperature and salinity specific to the Sacramento Delta.

**DISTRIBUTION:**
Endemic to the west coast’s largest estuary, the Sacramento Delta, CA.

**THREATS:** The main threat to this species is the reduction of fresh water flow in the Delta from water diversions for agriculture. In addition, impaired water quality due to pesticides and other pollutants and competition and predation from exotic species also prove to be a threat for the smelt.

**CONSERVATION STATUS:** Listed as Threatened under the Endangered Species Act.

**INTERESTING FACT:** Twenty-nine indigenous fish species once thrived in the Delta. Now, 12 have either been eliminated entirely, or are currently threatened with extinction. The population of Delta smelt has declined approximately 90 percent in the last 20 years.

**Bush Administration Meddling:** The Inspector General’s report discusses an email from MacDonald to the California Farm Bureau Foundation, the state’s largest farm organization, that was included by the Farm Bureau in a court filing requesting the delta smelt be delisted. In addition, she asked subordinates to gather internal information about Delta smelt that was requested by a Farm Bureau lobbyist and fed that information back to the lobbyist. The IG report also recorded that MacDonald sent an internal document on the Delta smelt to a friend she met during online role-playing games, through the email address of her friend’s father. In an earlier situation, MacDonald wrote a memo April 1, 2004 that critiqued the local field biologists’ report and press release on the Delta smelt and changed the results of the report.
Bush Administration Meddling: Forest Guardians, in response to a routine Freedom of Information Act request, received several documents which show that as of January 19, 2006, the Gunnison’s prairie dog was on track for a positive 90-day finding, a Fish and Wildlife Service determination that the species may deserve protection as endangered based on scientific evidence. Nevertheless, because of explicit orders from Julie MacDonald, the Mountain-Prairie Regional Office of FWS (Region 6) was forced to change their positive finding to a negative one. In response to a July 2, 2007 court-ordered settlement agreement, FWS must submit a 12-month status review finding by February 1, 2008.

GUNNISON’S PRAIRIE DOG,
Cynomys gunnisoni

HABITAT:
This species thrives in prairie and mountainous regions of the southwestern desert. These animals are considered by the Fish & Wildlife Service to be a keystone species of their ecosystem. They create habitat, provide food, and help keep the soil and plant communities healthy.

DISTRIBUTION:
Found in the Four Corners area of Arizona, New Mexico, Colorado, and Utah.

THREATS: Habitat loss from oil and gas drilling and extermination through poisoning or shooting are the two main threats to this species. Prairie dogs are often seen as pests because they are capable of damaging crops. A new threat to their survival is exposure to sylvatic plague to which studies show they suffer nearly 100% mortality.

CONSERVATION STATUS: No listing under the Endangered Species Act.

INTERESTING FACT: The name “prairie dog” comes from its distinctive call, which is like the yapping of a dog, and emitted when the animal is alarmed. These creatures are social and live in colonies of 50 to 100 individuals.
Bush Administration Meddling: Documents show that MacDonald directly tampered with a scientific determination by Fish & Wildlife Service biologists that the white-tailed prairie dog could warrant Endangered Species Act protection, and further, prevented the agency from fully reviewing the animal’s status. Handwritten and Microsoft Word “track changes” edits show MacDonald herself eliminated or disregarded information from the draft finding that would have led to a positive determination, while declaring that further study is necessary. She also changed scientific conclusions, and even added erroneous scientific information that confused the distinct white-tailed and black-tailed prairie dog colonies. Accompanying emails indicate MacDonald ordered the finding to be changed from positive to negative.

**HABITAT:**
This species is found in desert grasslands and shrub grasslands in altitudes ranging between 5,000 and 10,000’.

**DISTRIBUTION:**
Historically, this rodent inhabited 17-20 million hectares of grasslands, ranging from southern Montana to west-central Colorado and from eastern Utah to eastern Wyoming. Current data finds the species now occupies approximately 340,000 hectares – a range decline of over 98 percent.

**THREATS:** The factors behind this rodent’s reduced population numbers include the conversion of grasslands to agriculture and urban development, extermination campaigns, and the spread of an exotic disease, the sylvatic plague. This plague is particularly virulent strain, inducing 85 – 100 percent mortality.

**CONSERVATION STATUS:** Not listed under the Endangered Species Act.

**INTERESTING FACTS:** Approximately 55% of the habitat for White-tailed prairie dogs is on land owned by the U.S. Bureau of Land Management. In addition, recovery of this species will be advantageous to the many other species that prey upon it, including the critically endangered black-footed ferret.
Bush Administration Meddling: According to the Inspector General’s report, a few days before a court ordered deadline to designate critical habitat for 15 vernal pool species,* the Fish and Wildlife Service sent its report to Julie MacDonald. MacDonald ordered FWS to change the economic impact data included in the report, based on her misinterpretation and over calculation by a factor of 100, the economic costs of critical habitat in order to exclude five counties in central California. MacDonald later admitted her calculations were wrong, but the counties were still left out of the critical habitat designation.

* Four crustacean and eleven plants: Vernal pool fairy shrimp, Conservancy fairy shrimp, Longhorn fairy shrimp, Vernal pool tadpole shrimp, Colusa grass, Butte County meadowfoam, Sacramento Orcutt grass, Hairy orcutt grass, Slender Orcutt grass, San Joaquin Valley Orcutt grass, Solano grass, Greene’s tuctoria, Hoover’s spurge, Succulent owl’s clover, and Contra Costa goldfields.
Bush Administration Meddling: In 2000, Fish & Wildlife Service published a rule recognizing T. rotensis as a species and proposing to list it as an endangered species. In April 2004, the decision to list was reversed because FWS decided to no longer recognize T. rotensis as a species. Documents show that the Department of Interior made the decision not to recognize the species in response to comments from the Air Force. This decision runs counter to the recommendations of the FWS Pacific Islands office, the primary scientists that work on the species, and the peer reviewers of the proposed rule, who all supported listing. Although direct evidence of Julie MacDonald’s involvement in this decision has not yet been brought to light, this may only be because FWS redacted her name in the documentation released. The documents do show direct meddling by DOI in undermining protection for a highly imperiled plant.

Tabernaemontana rotensis, A rare island tree

CASE OF BUSH ADMINISTRATION POLITICAL INTERFERENCE

HABITAT:
The tropical island tree may be found on raised limestone terraces on extinct volcanic peaks and slopes, with limited areas of volcanic soils protruding through the limestone. This species is observed exclusively on private land, owned by the Commonwealth of the Northern Mariana Islands, and U.S. Federal land, the Andersen Air Force Base.

DISTRIBUTION:
This tree inhabits the island of Rota in the U.S. Commonwealth of the Northern Mariana Islands. It has also been observed in the U.S. Territory of Guam.

THREATS: The primary threat to T. rotensis is the small size of its population and lack of seed distribution. The trees on Rota are not producing seeds, which may be due to either the lack of a pollinator, or seed predation by insects, mice, or rats. Competition with exotic flora species is also a factor in this tree’s decline. Moreover, because this species prefers edge habitat, it is at risk to roadside widening activities. One of the two remaining individuals on Rota was nearly destroyed by a bulldozer. Finally, this species is threatened by vandalism from local residents who perceive rare species as threats to development.

CONSERVATION STATUS: Not listed under the Endangered Species Act.

INTERESTING FACT: The species is reduced to approximately 30 plants found primarily on lands managed by the U.S. Air Force.
Bush Administration Meddling: In the Department of Interior Inspector General’s report requested by House Natural Resources Committee Chairman Nick Rahall, MacDonald argued with field personnel over the designation of critical habitat for the Southwestern willow flycatcher. As published in a March 30th, 2007 Washington Post article, “at one point, according to Fish and Wildlife Service Director H. Dale Hall, MacDonald tangled with field personnel over designating habitat for the endangered Southwestern willow flycatcher, ... When scientists wrote that the bird had a ‘nesting range’ of 2.1 miles, MacDonald told field personnel to change the number to 1.8 miles. Hall, a wildlife biologist who told the Inspector General he had had a ‘running battle’ with MacDonald, said she did not want the range to extend to California because her husband had a family ranch there.”

HABITAT: The birds require dense willows, cotton woods, and other species found along southwestern rivers and streams.

DISTRIBUTION: The flycatcher breeds in the southwestern desert states of southern California, Arizona, New Mexico, extreme southern portions of Nevada and Utah, and western Texas.

THREATS: The destruction of riparian areas and streamside forests combined with the introduction of exotic cowbirds has made this bird one of the most endangered songbirds. Only 10% of its original habitat remains due to livestock operations, dams, water withdrawal, agriculture, and urban development. As its habitat grows increasingly fragmented, the flycatcher is made increasingly susceptible to nest parasitism by the brown-headed cowbird.

CONSERVATION STATUS: Listed as Endangered under the Endangered Species Act. Fewer than 1,000 breeding pairs remain.

INTERESTING FACT: The flycatcher is an extremely migratory species and winters in the rain forests of Mexico, Central America, and northern South America.
Bush Administration Meddling: On August 30, 2006, the Fish and Wildlife Service denied the petition to list the Southwestern Bald Eagle as a distinct population. This rejection runs contrary to the recommendation of their own seven-member scientific panel that was convened to peer review the delisting proposal. MacDonald directed the field office, via listing program chief Doug Krofta, to use only information in the agency’s files that refutes listing petitions while ignoring all information that supports them. The Center for Biological Diversity has documents available upon request.

HABITAT: Bald eagles in this region live in forests along rivers. Studies indicate that there is only 20 percent of such habitat remaining, as compared with pre-European extent.

DISTRIBUTION: Historically, the Southwestern bald eagle could be observed throughout Arizona, New Mexico, and in parts of Mexico. Currently, most of the birds live along the Salt and Verde River systems in central Arizona – twelve out of the thirteen known nesting areas are along these two rivers. No nests remain in New Mexico.

THREATS: The Southwest population is faced with unusually low productivity and higher adult mortality. A variety of threats related to increasing human populations are also endangering the birds, most concerning habitat degradation and destruction. Both Arizona and New Mexico boast some of the highest human population growth rates in the U.S.

CONSERVATION STATUS: This population is not listed under the Endangered Species Act. The Bald Eagle was delisted from the ESA in June 2007 after achieving a stable population in the continental U.S., however, the southwestern population has yet to recover.

INTERESTING FACT: The Southwestern Bald Eagle is smaller, breeds earlier, inhabits a distinctive desert environment, and faithfully breeds only in the southwest. This evidence suggests that the population is isolated behaviorally, biologically, and ecologically. Most birds return to breed within 200 km of where they hatched. On record, there is only one bird hatched in another state that has come to Arizona to breed.
BUSH ADMINISTRATION MEDIFFLING: A May 20th, 2007 Contra Costa Times article revealed that Julie MacDonald may have improperly removed important Endangered Species Act protections from the Sacramento splittail for her personal financial benefit. MacDonald’s financial disclosure statement shows that she earns as much as $1 million per year from her ownership of the 80 acre active farm in Dixon, California that lies within splittail habitat. Federal law prohibits federal employees from participating in decisions on matters in which they have a personal financial interest. Documents show she weakened scientists conclusions, changing reports that the species “is likely” experiencing a population problem to say it “may be” in decline.

HABITAT: Endemic to the floodplain environment of the California Central Valley.

DISTRIBUTION: The splittail was once widely distributed in lakes and rivers within the Central Valley as far north as Redding and as far south as the Friant Dam on the San Joaquin River. Currently it is confined to the San Joaquin Delta, streams of the Central Valley, and the Napa and Petaluma rivers.

THREATS: Water extraction, drought, loss of shallow water habitat, and the effects of agricultural and industrial pollutants are all significant threats to the splittail.

CONSERVATION STATUS: Currently, the splittail has no listing under the Endangered Species Act. The fish received protection as a threatened species in February 1999. It was reclassified as a species of special concern in September 2003.

INTERESTING FACT: A recent study suggests that there may be two genetically distinct populations of splittails: one from the Petaluma and Napa Rivers, and a second from the Consumnes, Sacramento, and San Joaquin Rivers.

Bush Administration Meddling: A May 20th, 2007 Contra Costa Times article revealed that Julie MacDonald may have improperly removed important Endangered Species Act protections from the Sacramento splittail for her personal financial benefit. MacDonald’s financial disclosure statement shows that she earns as much as $1 million per year from her ownership of the 80 acre active farm in Dixon, California that lies within splittail habitat. Federal law prohibits federal employees from participating in decisions on matters in which they have a personal financial interest. Documents show she weakened scientists conclusions, changing reports that the species “is likely” experiencing a population problem to say it “may be” in decline.
Bush Administration Meddling: MacDonald traveled to the Algodones Dunes area at the invitation of the off-road vehicle industry, which had filed a petition to delist the Peirson’s milkvetch. Local Bureau of Land Management and Fish & Wildlife Service offices were not involved, and did not even know she had been there until she’d come and gone. Shortly after she returned to Washington, FWS voluntarily (no court order required – which is unheard of) issued the finding the ORV industry wanted on their petition: to remove the Endangered Species Act protection for the Peirson’s milkvetch. The American Sand Association, an ORV industry group, has photos and an article in its newsletter where the stated topic and reason for her visit was to address the Peirson’s milkvetch issue. In 2001, this same group brought a petition to FWS to delist the species. FWS completed a status review and concluded that the plant should remain listed.

HABITAT: Found in the sand dune habitat of the Algodones Dunes. Specialized among milkvetches for its small leaves and large seeds. This seed design adaptation provides a greater reservoir of stored food enabling long travels to colonize new areas. This allows the plant to thrive on the shifting sand dunes.

DISTRIBUTION: The plant is endemic to the Algodones Dunes in the Sonoran desert of Imperial County, California. Historically, it was distributed from the Borrego Valley in San Diego County in addition to areas of the Algodones Dunes.

THREATS: The main threat to this plant is habitat destruction, largely caused by off-road vehicle use. In addition, due to the small size of the remaining population, it is also susceptible to declines caused by unusual weather events such as drought and small amounts of predation by bruchid beetles.

CONSERVATION STATUS: Listed as Threatened under the Endangered Species Act.

INTERESTING FACT: Up to one million off-road vehicles frequent the Algodones every year. Habitat degradation from these vehicles is largely at fault for the condition of the Peirson’s Milkvetch.

PEIRSON’S MILKVETCH, Astragulus magdelenae var. peirsonii
CASE OF BUSH ADMINISTRATION POLITICAL INTERFERENCE

HABITAT:

DISTRIBUTION:

THREATS:

CONSERVATION STATUS:

INTERESTING FACT:
This species was denied protection on September 26, 2006. In its determination, the Fish and Wildlife Service recognized that the garter snake is extirpated from 85-90 percent of its range in the U.S., declining, and severely threatened by multiple factors in both the U.S. and Mexico. Sources inside the agency stated that the Fish and Wildlife Service sent a positive rule to protect the snake to the Department of Interior only to have it reversed. The Center for Biological Diversity is expecting a response to a Freedom of Information Act request will illustrate a connection to MacDonald.

**HABITAT:**
This aquatic snake’s primary habitat is Southwestern riparian areas with permanent water and dense vegetative cover.

**DISTRIBUTION:**
This species is observed in the southern areas of Arizona and southwestern New Mexico.

**THREATS:**
The decline of riparian habitat is the main threat to the Mexican Garter Snake. Only 10% of its original habitat remains since pre-European extent. Threats to its habitat include livestock grazing, urban development, ground water pumping. In addition, predation and habitat degradation from exotic species such as the bull frog is a concern, as well as illegal collection.

**CONSERVATION STATUS:**
No listing under the Endangered Species Act.

**INTERESTING FACT:**
The Mexican Garter Snake is considered threatened and protected by the Mexican government.
According to the Inspector General’s report, MacDonald pressured the Fish and Wildlife Service to alter findings on the Kootenai River White Sturgeon in Idaho and Montana so dam operations would not be altered. Field biologists established a flow range for the sturgeon between 2.3 and 5.9 cubic feet per second (cfs). MacDonald asked the field to change the number to 5.9 cfs. She was challenged to put her assertion in writing and ultimately relented.

Bush Administration Meddling: According to the Inspector General’s report, MacDonald pressured the Fish and Wildlife Service to alter findings on the Kootenai River White Sturgeon in Idaho and Montana so dam operations would not be altered. Field biologists established a flow range for the sturgeon between 2.3 and 5.9 cubic feet per second (cfs). MacDonald asked the field to change the number to 5.9 cfs. She was challenged to put her assertion in writing and ultimately relented.
Scientists Take Complaints About Interference to Hill

By Elizabeth Williamson
Washington Post Staff Writer
Wednesday, January 16, 2008; A13

Two dozen scientists swarmed over Capitol Hill this week mad as vespinae (hornets) at what they say is Bush administration meddling in environmental science.

Organized by the Union of Concerned Scientists and the Endangered Species Coalition, the rumpled researchers won time in the offices of more than 20 lawmakers. They are protesting what Francesca Grifo, director of the Scientific Integrity Program at the Union of Concerned Scientists in Washington, calls "the systematic dismantling of the Endangered Species Act through the manipulation and suppression of science."

On a dash from the House to the Senate, Grifo said the group wants hearings and better congressional oversight of the Interior Department, where Bush appointees control the fate of threatened and endangered species.

The scientists say political appointees at Interior, or those who report to them, have been altering their reports recommending "critical habitat" preservation to favor industries whose interests conflict with the findings.

They singled out decisions by Julie A. MacDonald, former deputy assistant secretary for fish, wildlife and parks. She was criticized last year by Interior’s inspector general for repeatedly instructing scientists at the U.S. Fish and Wildlife Service to change recommendations on safeguarding plants and animals from oil and gas drilling, power lines, and real estate development. MacDonald, who had no science background, resigned in April.

Interior Department spokesman Shane Wolf said Deputy Secretary Lynn Scarlett met for two hours with the scientists and is committed to maintaining the integrity of endangered species decisions. In July, Scarlett requested that career officials review hundreds of decisions that may have been inappropriately influenced, and eight were found to warrant possible revision.

Many of the scientists on the Hill yesterday were new to Washington ways.

Kim Nelson, a research wildlife biologist based in Corvallis, Ore., is more at home in the woodsy habitat of the marbled murrelet than in the marbled lair of the gray-thatched speechmaker. The murrelet is a small seabird that flies inland to lay its single egg on the moss-covered branches of large trees also coveted by loggers. That habitat, Nelson says, could be all but wiped out by Interior.

"I had no idea just how complicated it is that each congressman or committee has their charge, and they can’t overstep their charge unless some colleague comes in and asks them to," Nelson said.

Peter Rafle, spokesman for the Senate Environment and Public Works Committee, said the committee is working with Interior on a date for a hearing within the next few weeks.

"We think there are at least 50 different species decisions" that appear more politically than environmentally motivated, said Jon Hunter, policy director at the Washington-based Endangered Species Coalition.
To some on the Hill, "this is eye-opening, when they recognize this issue is widespread," he said. But with elections looming, "this is going to be a tough year to get some things done."

The group also has visited Interior and the Government Accountability Office, which is investigating various allegations.

Stuart Pimm, professor of conservation ecology at Duke University and a 30-year veteran of renowned environmental battles, says he is fed up. He has worked for two decades on Everglades conservation and says that under this administration, he is seeing his habitat preservation suggestions steamrolled, as it were.

"In the past, scientists have written their reports, said, 'This is what the science is,' and the policymakers made their decisions from it," he said. Now, he said, "decisions that come out of Fish and Wildlife ignore the science and fabricate evidence in the crudest, most unsophisticated way."

http://www.washingtonpost.com/wp-dyn/content/article/2008/01/15/AR2008011503428_pf.html
SCIENTISTS PARTICIPATING IN THE
ENDANGERED SPECIES FLY-IN JANUARY 14-16

FRANCESCA GRIFO
Francesca T. Grifo is the Senior Scientist and Director of the Scientific Integrity Program at the Union of Concerned Scientists (UCS).
Dr. Grifo came to UCS in 2005 from Columbia University where she directed the Center for Environmental Research and Conservation graduate policy workshop and ran the Science Teachers Environmental Education Program. Prior to that, she was director of the Center for Biodiversity and Conservation and a curator of the Hall of Biodiversity at the American Museum of Natural History in New York. Dr. Grifo edited and contributed to the books Biodiversity and Human Health and The Living Planet in Crisis; biodiversity science and policy. Francesca earned her PhD in botany from Cornell, and a BA in biology from Smith College. She currently holds adjunct appointments at Columbia and Georgetown.

STUART PIMM

DOMINICK A. DELLA SALA
Dominick DellaSala is Executive Director and Chief Scientist of the National Center for Conservation Science & Policy in Ashland, Oregon. He is an internationally renowned author of over 150 technical papers, co-author of four books on biodiversity and sustainable forest management, subject editor for the Natural Areas Journal, guest editor for Conservation Biology, and is on the board of directors for the Society for Conservation Biology. Prior to joining the National Center, Dr. DellaSala conducted research in temperate rainforests of Alaska, Canada, and the Pacific Northwest. While with the World Wildlife Fund for 13 years, he was instrumental in the federal roadless conservation policy and the designation of new national monuments. Since joining the National Center, Dr. DellaSala’s work has appeared in National Geographic, Science Digest, Science Magazine, Time Magazine, High Country News, Terrain Magazine, NY Times, LA Times, CNN, MSNBC, “Living on Earth (NPR),” Jim Lehrer News Hour, and radio and TV (including several conservation films). For his achievements in conservation, Dr. DellaSala received WWF’s President’s Award in 2000 and 2004 and the Wilburforce Foundation Conservation Leadership Award in 2005. He was recently nominated for an international conservation award for his work on endangered species by the Society for Conservation Biology and has served as a vocal member of the U.S. Fish & Wildlife Service recovery team for the northern spotted owl. Dr. DellaSala co-founded the National Center for Conservation Science & Policy in July 2006.
S. KIM NELSON
Ms. Nelson is a Research Wildlife Biologist and Senior Faculty Research Assistant with the Department of Fisheries and Wildlife at Oregon State University. She received her M.S. in Wildlife Ecology at Oregon State University in 1989 and her B.A. at Lewis and Clark College in 1980. She is a Certified Wildlife Biologist. The focus of her research has been on the nest-site characteristics, stand and landscape associations, abundance, and nesting behavior of forest birds and seabirds of the Pacific, including Marbled Murrelets, Long-billed Murrelets, Caspian Terns, and a variety of species in forests of the Pacific Northwest and at mixed seabird colonies in the Bering Sea. She has also studied diet and contaminants, foraging ranges (using radio-telemetry), and productivity. Ms. Nelson has published more than 30 scientific papers on her research.

Ms. Nelson is currently a member of the Marbled Murrelet Effectiveness Monitoring team for the Northwest Forest Plan, a member of a scientific team developing a long-term habitat management strategy for Marbled Murrelets for the Department of Natural Resources in Washington, and writing a monitoring plan for seabirds in the California Current for the U.S. Fish and Wildlife Service. She was a member of a scientific team reviewing the 10-year status of the Marbled Murrelet for the U.S. Fish and Wildlife Service, an advisor to the U.S. Fish and Wildlife Service Marbled Murrelet Recovery Team, and a member of the scientific team that developed the North American Colonial Waterbird Conservation Plan. For the Pacific Seabird Group (PSG), she has been Coordinator of the Marbled Murrelet Technical Committee, member of the Inland Survey Protocol Statistical Analysis Steering Committee, and Chair, Chair-Elect and Past-Chair for this highly regarded scientific seabird organization. She will be awarded the PSG Special Achievement Award in February 2008 for her work with Marbled Murrelets and PSG.

MIKE KELLY
Mike is a fish biologist who has worked on salmon restoration and Endangered Species Act consultations in Washington and California. Mike resigned from NOAA Fisheries 18 months after filing for whistleblower protection for reporting on illegal manipulation of an Endangered Species Act permit consultation by federal officials on the Klamath River. He was a fishery biologist with the U.S. Fish and Wildlife Service (USFWS) from 1995 to 2000 and with NOAA Fisheries (NMFS) from 2000 to 2004. While with NMFS Mike worked in the Protected Resources Division as an Endangered Species Act section 7 biologist. His duties included analyzing Federal projects under section 7 of the ESA to ensure protection of ESA-listed salmon species. He currently works as a consultant on environmental permit development and monitoring. He was a Peace Corps Volunteer in Mali, West Africa, and enjoys paleontology and traveling with his wife and daughter.

JOHN YOUNG
John Young worked as a wildlife biologist for the U.S. Fish and Wildlife Service from 1992 – 2005, and served as the agency’s only Bull trout coordinator from 2002 – 2005. Prior to that, Young worked as a fisheries biologist for NOAA Fisheries from 1975 – 1991, where he led the Commercial Fisheries Alternative Fishing Methods/Bycatch Reduction Program at the Southwest Fisheries Center.

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1 For contact purposes only. The opinions expressed by Ms. Nelson do not necessarily represent those of the Department of Fisheries and Wildlife or Oregon State University.
Science Center. John Young retired from his 30 years of service in 2005, and lives with his family in Wisconsin.
ENDANGERED SPECIES COALITION
The Endangered Species Coalition is a national network of 380 conservation organizations, scientific associations, religious organizations, hunting and fishing associations, community organizations, humane societies, businesses, and concerned citizens working to protect endangered species and habitat. Our tools are public education, scientific information and citizen participation to protect endangered species and habitat. www.stopextinction.org
Contact: Jon Hunter, Policy Director, (202) 476-0669

UNION OF CONCERNED SCIENTISTS
Scientific Integrity Program
The Union of Concerned Scientists is a leading science-based nonprofit, with more than 250,000 members and activists, working for a healthy environment and a safer world. UCS combines independent scientific research and citizen action to develop innovative, practical solutions and to secure responsible changes in government policy, corporate practices, and consumer choices. The UCS Scientific Integrity Program is working to expose abuses of science and to create reforms to prevent political interference. Across a wide range of issues*from childhood lead poisoning to global warming*science is being manipulated, distorted, and suppressed. Without access to independent scientific information, policy makers will be unable to make informed decisions that protect our health, safety, and environment. http://www.ucusa.org
Contact: Celia Wexler, Washington Representative, Phone: 202-331-6952

SOCIETY FOR CONSERVATION BIOLOGY
The Society for Conservation Biology (SCB) is an international professional organization dedicated to promoting the scientific study of the phenomena that affect the maintenance, loss, and restoration of biological diversity. The Society's membership comprises a wide range of people interested in the conservation and study of biological diversity: resource managers, educators, government and private conservation workers, and students make up the more than 12,000 members world-wide. http://www.conbio.org
Contact: John M. Fitzgerald, J.D., Policy Director, 703-276-2384 x 107

THE NATIONAL CENTER FOR CONSERVATION SCIENCE & POLICY
Created in July 2006 to provide a bridge between conservation science and policy. With a staff of 4 scientists and an attorney, we work primarily on delivering sound science to conservation groups, decision makers, and others related to specific natural resource policies such as climate change, forests, watersheds, endangered species, and water quality. We are advised by a national science advisory board consisting of 14 Ph.D. scientists in providing the best available science to decision makers. www.nccsp.org
Contact: Dominick DellaSala, Ph.D, Executive Director of Programs and Chief Scientist 541- 482-4459, ext. 302
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[http://www.americanlands.org](http://www.americanlands.org)

*Contact: Caitlin Love Hills, National Forest Program, Director, 202-547-9105*

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At the Center we believe that the health and vigor of human societies and the integrity and wildness of the natural environment are closely linked. Beyond their extraordinary intrinsic value, animals and plants, in their distinctness and variety, offer irreplaceable emotional and physical benefits to our lives and play an integral part in culture. Their loss, which parallels the loss of diversity within and among human civilizations, impoverishes us beyond repair. Combining conservation biology with litigation, policy advocacy, and an innovative strategic vision, the Center for Biological Diversity is working to secure a future for animals and plants hovering on the brink of extinction, for the wilderness they need to survive, and by extension for the spiritual welfare of generations to come.

[http://www.biologicaldiversity.org](http://www.biologicaldiversity.org)

*Contact: William J. Snape, III, Senior Counsel, 202-536-9351*

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*Contact: Susan A. Holmes, Senior Legislative Representative, 202-667-4500 x204*

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**NATIONAL AUDUBON SOCIETY**
Audubon’s 24 state offices and 500 local chapters throughout the United States serve more than one million members and supporters. Audubon’s mission is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth’s biological diversity. Our national network of community-based nature centers and chapters, scientific and educational programs, and advocacy on behalf of areas sustaining important bird populations, engage millions of people of all ages and backgrounds in positive conservation experiences.

[http://www.audubon.org](http://www.audubon.org)

*Contact: Mike Daulton, Director of Conservation Policy, 202-861-2242 ext. 3030*