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Ken Salazar, Secretary
U.S. Department of the Interior
Department of the Interior
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Dear Secretary Salazar,

This letter has two primary purposes:

1. To congratulate you on your appointment and thank you for the commitment you and President Obama have expressed to restore scientific integrity to its rightful place throughout his administration. We were greatly encouraged by your clear statements of intent for reform at Interior in your first address to employees on 22 January 2009, including your first-stated priority “to lead the Interior Department with openness in decision-making, high ethical standards, and with respect for scientific integrity”, and your further “pledge . . . that we will ensure the Interior Department’s decisions are based on sound science and the public interest, and not on the special interests.”
2. To call to your attention the enclosed consensus report authored by participants in an October 2007 workshop, which included several prominent ecologists (including species experts) and economists who had worked directly on bull trout and California red-legged frog critical habitat designations (the workshop was organized around the role of economic analysis in the critical habitat designation process, with these two species as case studies); and to highlight this consensus statement’s consistency with and complementarity to the findings of DoI Inspector General Earl Devaney’s fair and thorough investigation into political interference in implementation of the Endangered Species Act (ESA) within the Department of Interior. (We see IG Devaney’s subsequent designation as Chairman of the Recovery Accountability and Transparency Board to oversee use of the economic recovery funds Congress recently appropriated as a hopeful

indicator that your and the President's expressed intent to restore scientific integrity to government will not be just words.)

As you're no doubt aware, while much attention has focused on misconduct by former Deputy Assistant Secretary for Fish, Wildlife and Parks Julie MacDonald, IG Devaney's report quite appropriately also highlighted the "enormous policy void" in which MacDonald, others within the Bush administration DoI, and even to some extent previous administrations, have been able to manipulate ESA implementation in service to political agendas. For example (from IG Devaney's report, p. 2):

Perhaps most importantly, however, is that our investigation revealed an enormous policy void, which MacDonald was able to readily exploit. While the ESA affords the Secretary great discretion in several areas – exclusions of habitat being one example – the absence of policy in exercising that discretion has resulted, in MacDonald's case, [in] a wholesale lack of consistency, a process built on guess-work, and decisions that could not pass legal muster. This dearth of policy and guidance seems less than coincidental. For many years, through several administrations, this appears to be an area of intentional failure to clarify, in order to maximize the agenda *du jour*.

For over 20 years, the Pacific Rivers Council has pursued our mission "**to protect and restore rivers, their watersheds, and native aquatic species . . .** for the benefits that healthy watersheds provide to present and future generations – and for the intrinsic virtues of rivers themselves." Important long-term elements of focus in our program in support of this mission have included the influence and constraints on aquatic conservation and restoration imposed by land use and management, and implementation of the ESA with respect to native aquatic species. Rigorous adherence to scientific accuracy and integrity has always been a core element of our science-based approach, recognizing that outcomes based on bad science (i.e., suppressed, selective, biased, misinterpreted and/or misrepresented scientific information) can never make good policy.

As a result of our long-term engagement in ESA-implementation matters for at-risk species conservation and recovery, Pacific Rivers Council was long aware of improprieties and professionally inappropriate practices in some applications of scientific and economic information during the Bush administration to decisions including listings and "critical habitat" designations under the Act (among other analyses and decisions). Knowing these concerns were shared by both scientific and conservation colleagues, including some who were directly involved in analyses used in these decisions, we collaborated with the Environmental Studies Program at San Francisco State University, Ecotrust, and the National Center for Conservation Science and Policy to convene a group of prominent ecologists and economists, including several with species expertise for bull trout and California red-legged frogs, the two case studies around which the 2-day workshop was organized, and economists who had worked on economic impact analyses for these and other species under contract with the U.S. Fish and Wildlife Service. The focus of presentations and discussion was not on the (then-)alleged political interference, but rather on how the economic analyses had been used in the critical

habitat process for these two species in relation to professional standards and practices within science and economics and relative to principles of conservation biology, as well as on recommendations for ways to improve use of economic analysis in ESA implementation with the goal of better achievement of the purposes of the ESA.

Consensus findings of this workshop were both highly concordant with and complementary to findings of IG Devaney's investigation. Most saliently, the consensus report concluded that the Service's interpretation that court decisions compelled it to illogically consider so-called "co-extensive" costs (costs, e.g., of listing, which would be incurred whether or not an area were designated critical habitat) as costs of designating critical habitat, coupled with the Service's common practice of accounting for economic benefits from critical habitat designation only minimally or not at all, ensure mis-informed decisions and are very likely to work against fulfilling the intent of the ESA.

Please find enclosed with this letter a printed copy of this consensus report, which can also be accessed online (along with additional background information, including press release) at <http://www.pacificrivers.org/conservation-priorities/economics-environment/economics-workshop-and-economic-considerations-in-critical-habitat-designation>.

We firmly believe this consensus of science and economics professionals has great relevance and could be of substantial help and usefulness in Congress's and the administration's efforts to restore scientific integrity to environmental protection and at-risk species conservation and recovery efforts, including any initiatives to revise or develop policy guidance in response to IG Devaney's findings. Please do not hesitate to contact us if we can provide additional information or be of further help in any way.

Sincerely,

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