



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To:
FWS/AEA/018273

MAR 16 2005

Mr. Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility
2001 S Street NW, Suite 570
Washington, D.C. 20009

Dear Mr. Ruch:

On May 4, 2004, you submitted a request to the U.S. Fish and Wildlife Service (Service) alleging violations of Section 515 of Public Law 106-554, commonly referred to as the Information Quality Act (IQA). In brief, you allege the Service violated the IQA by using and disseminating erroneous scientific literature in a number of documents related to the conservation of the Florida panther. Your request for correction falls into two broad categories: those associated with panther habitat use, and those associated with panther population models and estimates. An identical letter is being sent to Mr. Andrew C. Eller, Jr., who also signed your letter.

On July 7, 2004, the Service responded to your request acknowledging that despite having been published in peer-reviewed scientific journals, some of the information you challenged has, over time, been determined to have limitations, as identified by the Scientific Review Team (SRT). With respect to the Multi-Species Recovery Plan (MSRP), the Service is revising this document to update all of the information for all of the covered species, including the Florida panther. The revision is expected to be completed in 2006.

On July 28, 2004, PEER provided the Service with a request for reconsideration of the July 7, 2004, determination. After receiving your appeal, I convened an independent panel to review your request for reconsideration and make recommendations to me. As Director of the Fish and Wildlife Service, I have the authority for making the final determination on this matter. I have concluded that corrections are necessary to ensure full compliance of the Information Quality Act.

The IQA requires that Federal agencies ensure the quality, objectivity, utility, and integrity of the information they use or disseminate as the basis of an agency decision. The standard for "objectivity" demands that information be presented in an accurate, clear, complete and unbiased manner. To ensure that the Service meets this standard, I have directed the Regional Director to immediately update the panther-related sections of the Multi-Species Recovery Plan to incorporate appropriate recommendations of the SRT, and publish those revisions for public comment no later than December 2005. An appropriate disclaimer will be developed to



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accompany further dissemination of the MSRP. I have also directed the Regional Director to suspend the dissemination of the December 19, 2002, Draft Landscape Conservation Strategy (LCS). The Regional and Vero Beach web pages will post a notification of this suspension. The Service will take appropriate measures to address comments by Dr. Paul Beier and SRT recommendations in any future disseminations of information. I have directed that by August 1, 2005, the Regional Director will update Service files on its biological opinions to correct the portions that erroneously equated the Minimum Viable Population of panthers and the Current Verified Population. A copy of this correction will also be sent to the action agency. Notification of these corrective measures will be posted on pages of the Regional and Vero Beach web pages.

It is essential that information disseminated in support of U.S. Fish and Wildlife Service actions reflect the highest standards of scientific integrity and accuracy, and I think this correction reflects our commitment to that goal and ensures full compliance with the Information Quality Act.

Sincerely,



DIRECTOR