

```
# phpMyAdmin MySQL-Dump
# version 2.3.0
# http://phpwizard.net/phpMyAdmin/
# http://www.phpmyadmin.net/ (download page)
#
# Host: localhost
# Generation Time: Feb 07, 2005 at 07:25 PM
# Server version: 3.23.52
# PHP Version: 4.2.2
# Database : `peer`
```

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#
# Dumping data for table `news`
#
```

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INSERT INTO news VALUES (1, '2000-05-25', 'TEXAS IS TOO SWINE-FRIENDLY UNDER
BUSH', 'Pig Plants Plague Panhandle', '<p>Austin - Under Governor George W.
Bush, factory pig farms are flocking to Texas and creating big environmental
headaches, according to documents released today by Texas Public Employees for
Environmental Responsibility (Texas PEER).During Bush\'s tenure, Texas has
issued permits for new pig plants producing more than 2 million hogs whose waste
literally creates lakes of feces and urine.</p><p>By the mid-90\'s, as
neighboring states began to ban new large scale hog farms, operators were lured
to Texas by the promise of lax environmental regulations. Many of the biggest
hog plants congregated in the Panhandle where three-quarters of all the state\'s
pigs are now bred.</p><p>Texas is hospitable to these huge hog farms primarily
due to the "business friendly" attitude of the Texas Natural Resources
Conservation Commission (TNRCC), the state\'s environmental agency. TNRCC has
routinely sided with the pig factory operators against local
citizens:</p><p>*The agency developed streamlined permitting rules which made it
virtually impossible for citizens to contest new factory farms. Even after a
citizen group won a legal challenge to the rules, TNRCC simply issued a new
version of the rules which also curtailed public protests;</p><p>*TNRCC\'s
complex odor investigation procedures work in favor of hog farms by making it
exceedingly difficult for ordinary citizens to document violations;
and</p><p>*TNRCC\'s weak standards for manure management and odor abatement
heighten the likelihood of air and water contamination.</p><p>Noxious odors,
toxic fumes and pollution from excess animal waste are sickening Panhandle
residents. Rather than face the health effects and a deteriorating quality of
life, Panhandle families are forced to relocate. The conditions are even hard on
the pigs -- an estimated 5% of the animals never make it to market.</p><p>"Under
Bush, pig factories banned from Oklahoma are moving to Texas," commented Texas
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PEER Coordinator Erin Rogers. "People in the Panhandle are playing second fiddle to the pigs."</p>', 'TX', 'EPA', 0);

INSERT INTO news VALUES (2, '1999-09-29', 'OIL & GAS WHITEWASH', 'Investigation Confirms Mismanagement but DEP Secretary Claims Vindication', '<p>Washington, DC - A Florida Department of Environmental Protection (DEP) investigation confirms serious mismanagement of the state\'s oil drilling program yet Governor Jeb Bush\'s top environmental employee, DEP Secretary David Struhs, is claiming vindication, according to Public Employees for Environmental Responsibility (PEER). Last month PEER brought the problems to light in an employee-authored exposé entitled Crude Behavior. Today the agency watchdog group released a 27-page critique of the DEP investigative findings containing excerpts from the Inspector General report. The excerpts from the report confirm that serious environmental and safety violations are routinely ignored in the agency\'s Oil & Gas Program.</p><p>&quot;David Struhs has again taken the position that if a manager\'s misconduct is not criminal then it is good enough for DEP - this is the same tack he used to defend Northwest District Director Bobby Cooley after a grand jury demanded his removal for dereliction of duty,&quot; commented PEER National Field Director Rob Perks. &quot;As a result of the investigation, DEP is proposing an array of administrative and legislative solutions while denying that there is any problem.&quot; Proposed changes address the (now validated) facts:</p><p>\* Scores of abandoned oil wells remain unplugged, posing a continuing environmental and safety risk despite the existence of a state trust fund (which has never been used);</p><p>\* Staff had not received proper safety training and, as a result, inspections of oil and gas facilities and chemical facilities have not been conducted; and</p><p>\* DEP has yet to take enforcement action against any oil company and the department has no tracking system to tell whether promised clean-ups have taken place or which operators have prior violations.</p><p>"The way that Governor Bush\'s staff handled this issue bodes ill for the prospects of environmental reform in Florida," added Perks. "Congratulating agency management despite the serious problems uncovered in the Oil & Gas Program suggests that, short of a criminal indictment, poor leadership and lax enforcement by staff will be tolerated."</p>', 'FL', '', 0);

INSERT INTO news VALUES (4, '1999-10-26', 'DEM DIRECTOR ORDERED TO PAY \$10,000', 'U.S. Department of Labor Says Reitsma Harassed Whistleblower', '<p>Washington, DC..The U.S. Department of Labor (DOL) has issued a finding that Rhode Island Department of Environmental Management (DEM) Director Jan Reitsma was guilty of harassment. DOL has ordered a \$10,000 payment for his public statement on August 17 attacking the ruling in favor of department employee Beverly Migliore\'s whistleblower complaint. Beyond the fine, Reitsma was ordered to retract his statement and post a copy of the order at the DEM.</p><p>Following a two month investigation, federal authorities concluded that Reitsma\'s official statement, which charged that the Migliore verdict was based upon "fabrication and distortion of fact," went well beyond "mere disagreement" and was designed to send a message "that an employee could not be seen with [Migliore] and that employees should keep their mouths shut." The Labor Department concluded that Reitsma meant to retaliate against Migliore because she had filed a whistleblower complaint under federal environmental laws.</p><p>"Jan Reitsma has decided to blow his opportunity as a new director to correct the problems at DEM and move forward," stated PEER Executive Director Jeff Ruch whose organization has helped bring Migliore\'s case. "Governor Almond has persisted in picking DEM directors who want to put a lid on employees rather than address the environmental problems they uncover."</p><p>In August, Migliore won an \$843,000 judgment against the DEM for harassment in connection with her disclosures of lack of environmental enforcement. Her case was based on activity which took

place before Reitsma became director of DEM. Nevertheless, Reitsma, who became director while the decision was pending, bitterly attacked the ruling and ordered that an appeal be filed.</p><p>"We have asked the DEM and the Attorney General, who is bringing the appeal, to quit wasting scarce tax dollars fighting this case and start enforcing the law against polluters," added Ruch whose organization also attacked the \$50,000 retainer given to a private lawyer (and former associate of the Governor\'s son) to co-counsel the case.</p><p>Migliore has also filed a civil defamation lawsuit against Reitsma that is still pending.</p>', 'RI', 'DOL', 0);

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INSERT INTO news VALUES (466, '2005-01-27', 'SPECIAL COUNSEL SEEKS TO HIDE ITS
CONTRACTS', 'Says It Lacks Staff to Consider Request for Ex-Boarding School
Headmaster Records', '<p> Washington, DC - The U.S. Office of Special Counsel
claims that it is unable to produce a copy of consultant contract with a former
Catholic boarding school headmaster, according to an affidavit filed in response
to a lawsuit brought by Public Employees for Environmental Responsibility
(PEER). PEER is seeking to force the release of documents showing how the agency
that is supposed to police compliance with federal civil service rules is itself
circumventing civil service rules by using no-bid consultants and hiring on a
non-competitive basis.</p><p>In filings before the federal district court in
Washington, D.C., OSC contends that it lacks the staff to even respond to
PEER\'s request for documents under the Freedom of Information Act until July
31, 2005. At the same time that he is claiming severe staff shortages, Special
Counsel Scott Bloch is directing more than 20 percent of his headquarters legal
and investigative staff to relocate or be fired.</p><p>"Why is the Special
Counsel hiding these contracts?" asked PEER Executive Director Jeff Ruch, noting
that since becoming Special Counsel a year ago, Bloch has brought in a series of
special consultants and non-competitive hires, including recent graduates of the
ultra-conservative Ave Maria law school. "With the time and staff he is using to
mount this convoluted legal defense, why doesn\'t he instead just comply with
the law and produce a copy of the contracts?"</p><p>PEER is seeking copies of
contracts and work products for -</p><ul><li> Alan Hicks, a former headmaster of
St. Gregory\'s Academy, a Catholic boarding school, who left in the wake of
allegations concerning priests sexually preying on young students. Bloch
retained Hicks as a special consultant. PEER is seeking the contract and the
resultant work-product; and</li><li> A series of no-bid management consultant
contracts let by Bloch. One of these contracts produced a report that Bloch is
citing as the basis for creating a new "Midwest Field Office in Detroit"
that will be run by staff members forcibly transferred there from Washington,
D.C.<br /> <br /> In a January 7th press release, Bloch announced the creation
of three new units, including the office in Detroit, explaining that these
new units were now possible because he had made substantial progress in
reducing backlogs. On the other hand, in federal court contesting the PEER
suit, Bloch claims that due to understaffing he cannot process PEER\'s document
requests filed in June 2004 until the end of July 2005. </li> </ul>
<p>Ironically, one of OSC\'s duties is to oversee administration of the Freedom
of Information Act by other agencies. </p><p>"God help the Freedom of
Information Act." Ruch concluded. </p><p align="center"> ###</p><p
align="center"><a href="<?php print $cfg-
>docsdire;?>/osc/05_27_1_osc_affidavit.pdf">See the affidavit filed by OSC in
support of its motion seeking a delay until July 31, 2005</a></p><p
align="center"><a href="news_id.php?row_id=439">Read about PEER\'s lawsuit to
expose cronyism at OSC</a></p><p align="center"><a
href="news_id.php?row_id=458">Learn about Special Counsel\'s recent move to
purge its staff</a></p>', '', 'osc', 0);
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INSERT INTO news VALUES (6, '1999-12-14', 'REFUGE MANAGERS REPORT HARASSMENT', 'National Wildlife Refuge Managers report threats', '<p>Washington, DC - Significant numbers of National Wildlife Refuge Managers report threats or harassment against themselves, their family or their staff in connection with resource management decisions, according to a new survey conducted by Public Employees for Environmental Responsibility (PEER). At the same time, the U.S. Fish & Wildlife Service (FWS), the parent agency for the refuge system, says that it has no records of even a single incident against a staff member serving on any of the more than 500 wildlife refuges spread across the U.S.</p><p>The PEER survey was sent to every Refuge Manager in the country with more than half (57%) responding:</p><p>\* One-third (32%) acknowledged threats or harassment against "...members of my family or refuge staff."</p><p>\* Of those who reported incidents, nearly half (48%) said that they were not "...encouraged to report" the incident.</p><p>"These findings suggest that FWS lacks a standardized format for reporting those events as well as a system-wide data base to track threats and harassment of employees," stated PEER Refuge Keeper Gene Hocutt, a 29 year agency veteran who has managed refuges across the country.</p><p>In response to PEER information requests, other federal land management agencies, namely, the U.S. Forest Service and the Bureau of Land Management have released documents showing, since 1995, a steadily rising number of assaults and threats against agency personnel and facilities.</p><p>In a 1997 PEER survey, one-fifth of all Refuge Managers reported harassment or threats.</p><p>"It is past time for the FWS to take this issue more seriously and initiate steps to better protect its field people," commented Hocutt. "National Wildlife Refuges are under increased pressure from an array of user groups. In order to protect the resource, the Refuge Manager sometimes just has to say \'no\' and it is becoming more common in this day and age for people to take exception in an uncivil way."</p>', '', 'FWS', 0);

INSERT INTO news VALUES (7, '1999-12-15', 'REFUGE MANAGERS CALL FOR REFORMS', 'National Wildlife Refuge System Moving in Wrong Direction, Survey Says', '<p>Washington, DC - The National Wildlife Refuge System is suffering from structural problems, poor departmental leadership, and diversion of resources away from needed conservation work, according to results of a survey of refuge managers released today by Public Employees for Environmental Responsibility (PEER).</p><p>The National Wildlife Refuge System (NWRS) is made up of more than 500 sanctuaries and is contained organizationally within the U.S. Fish & Wildlife Service (FWS). The refuges provide critical habitat for endangered species, haven for migrating water fowl and irreplaceable laboratories for the study of wildlife.</p><p>The PEER survey consists of questions composed by refuge managers themselves and sent to all 380 managers (some units are "complexed" or combined). Three out of five (61%) managers completed the survey.</p><p>An overwhelming percentage (greater than 95 %) of survey respondents call for structural changes to give more autonomy to the NWRS. More than half voted for a separate refuge chain- of-command while another third preferred that the NWRS become a separate agency entirely removed from the Fish & Wildlife Service, a proposal advanced last month by the National Audubon Society. Only 1% of responding managers endorsed the proposals of FWS Director Jamie Clark for elevating the NWRS in the hierarchy of the agency\'s Washington Office. Strong majorities cited the disadvantages to refuges from the current structure:</p><p>\* Nearly nine out of ten managers believe the current structure means that refuges cannot "successfully compete for funding and staff positions" within FWS;</p><p>\* Four out of five feel that FWS leadership regards refuges "as subordinate to agency goals rather than ends in themselves"; and</p><p>\* More than three out of five do not believe that FWS leadership "listens to the opinions of refuge managers."</p><p>"The survey results suggest that the refuge system is clearly moving in the wrong direction," stated PEER Refuge Keeper Gene

Hocutt, a 29 year agency veteran who has managed refuges across the country, who oversaw the survey. "There is a widespread perception that the parent Fish & Wildlife Service has lost touch with the concerns and needs of refuge field personnel."

\* Nearly two out of three responding managers contend that the NWRS is not "moving in the right direction";

\* More than nine out of ten managers feel their refuge is not "adequately staffed to meet its core conservation mission";

\* Nearly four out of five agree with the statement that "Increasingly, decisions affecting my refuge are made by persons without adequate training or background in refuge management."

In each of the past two years, FWS has reorganized its Regional Offices to foster something it calls the "Ecosystem Approach." Survey respondents were not sanguine about these moves:

\* Nearly four out of five respondents feel that the recent reorganization has not "improved communication" as promised while more than two out of three say they do not "understand the objectives that [FWS] is trying to achieve with the Ecosystem Approach";

\* More than four out of five think the reorganization has resulted in "too many layers of decision-makers in the Regional Office" while nearly three out of five are convinced that the reorganization has drained resources from the field and caused staff positions to go "unfilled" on their refuges.

The PEER survey also invited refuge managers to submit essays about how the NWRS could best be improved. Today PEER is releasing those essays, redacted for identifying information, along with full survey results to all managers as well as top FWS officials.

See the full [survey results](http://webroot;/pubs/surveys/1998_usfws_refugemgrs.pdf).

'' , 'FWS', 0);

INSERT INTO news VALUES (8, '2000-01-19', 'TAKE POLITICS OUT OF ENVIRONMENT, STATE WORKERS SAY', 'Survey of DNR Employees Calls for Reduced Role of Governor', '<p>Washington, DC - Politicians color scientific evaluations and permit decisions to the detriment of the state\'s environment according to the results of a survey of all employees of Wisconsin\'s Department of Natural Resources (DNR). The survey, conducted by Public Employees for Environmental Responsibility (PEER), also found overwhelming support for removing the Governor\'s power to appoint the DNR Secretary and for reestablishing the Public Intervener\'s Office which was abolished by Governor Tommy Thompson in 1996. This past December, PEER mailed out surveys to all of the approximately 3,000 DNR employees consisting of questions written by employees. That same week, DNR Secretary George Meyer sent out an e-mail encouraging all DNR employees to participate and more than half returned the PEER questionnaires.</p><p>According to survey results, a strong plurality of employees registered concerns about political influence within the agency:</p><p>\* Nearly half of respondents feel that scientific evaluations are influenced by political considerations with less than a third in disagreement;</p><p>\* More than half do not trust DNR administrators "to stand up against political pressure in protecting the environment"; and</p><p>\* More than two in five think that business "has undue influence on DNR decision- making."</p><p>Overall, nearly half of DNR employees believe Wisconsin\'s environment is not better protected now than it was five years ago while little more than a third disagree. </p><p>The PEER survey also asked employees to write essays identifying the "biggest problem facing the DNR." By far, the most consistent answer - constituting more than one-third of all employee essays - was political interference and the role of the Governor. As one employee wrote:</p><p>"Big business now runs the Wisconsin DNR. Our governor has done tremendous damage to Wisconsin\'s reputation as an environmental leader."</p><p>On agency structure, employee sentiment was even more definitive:</p><p>\* In excess of nine out of ten think that the DNR Secretary should not be appointed by the Governor with more than eight in ten favoring the return of this appointment power to the Natural Resources Board;

and

\* More than two-thirds of respondents want the Public Intervener's Office restored while less than one in ten disagree.

"DNR employees themselves are doubtful about their effectiveness in preserving Wisconsin's natural heritage," stated PEER national Field Director Eric Wingerter. "Many employees are angry and frustrated from what they perceive to be political interests obstructing sound science and environmental stewardship."

The survey asked employees to assess conditions within the agency:

\* Nearly two-thirds believe that DNR lacks "sufficient resources to adequately perform its environmental mission";

\* Nearly three-fourths say that employee morale is poor; and

\* More than one in six fear retaliation or know of instances of reprisal against employees who advocate stronger environmental protection.

A majority of survey respondents agreed that Secretary Meyer was doing a "good job" but similar percentages raised doubts about the performances of other top agency administrators. "Employees believe that Secretary Meyer is holding up under tremendous pressure," said Wingerter, citing another employee essay which read:

"The biggest problem is to 'free George Meyer' by letting the Natural Resources Board appoint the Secretary and restoring the Public Intervener's Office. This will give George Meyer all his 'teeth' back."

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INSERT INTO news VALUES (9, '2000-01-20', 'AIR FORCE WHISTLEBLOWER FILES SUIT', 'Fired After Raising Problems at Goldwater Range', '<p>Washington, DC.. The Air Force has fired the Natural & Cultural Resource Director at Luke Air Force Base (AFB) for helping prepare a complaint to the Inspector General concerning environmental problems on the Barry M. Goldwater Range (BMGR) in southwestern Arizona. Today, Bruce Eilerts, a 17 year federal civilian biologist filed a legal challenge to his termination under the Whistleblower Protection Act.</p><p>In mid-July, on behalf of current and former base employees, Public Employees for Environmental Responsibility (PEER) filed a formal complaint with the U.S. Air Force Office of Inspector General concerning misconduct by Luke AFB officers. In October, those same officers searched Eilerts's office and computer to find out who was behind the complaint. On the basis of a floppy disk and a fax cover sheet, Major Daniel Garcia initiated termination proceedings against Eilerts for "making malicious statements", "disrespect to a superior", "unauthorized release of information" and misuse of a government fax machine in sending documents to Washington. On November 23 Eilerts was fired</p>. <p>"This is the most blatant case of retaliation I have ever seen," stated PEER Executive Director Jeff Ruch. "After Mr. Eilerts has been restored to his position, we will seek disciplinary action against the officers involved." PEER and local attorney Pamela Vining are representing Eilerts. The Eilerts suit is filed before the U.S. Merit Systems Protection Board which must schedule a full evidentiary hearing within 120 days.</p><p>In upholding Eilerts's termination, Lt. Colonel Bob Isaacson wrote, "Certain extra-governmental environmental activist organizations may hinder our mission by providing what we believe to be an inaccurate appraisal of our efforts." Isaacson also cited an earlier directive forbidding staff "conversations with interest groups" or contacts with the media.</p><p>"The problem at Luke is that certain officers will not let the civilian specialists do their job of managing the natural and cultural resources which by law they are supposed to protect consistent with the military mission," Pamela Vining added. "There is a mind set among certain officers at Luke that anything, even the dictates of law, that impedes the mission must be stamped out." Vining pointed to the comments of Colonel David White, the Commander of the Range Management Office and one of the defendants in the Eilerts complaint, who stated to the Wall Street Journal, "When you come out here and see this, your adrenaline starts pumping. You just want to drop some bombs."</p><p>"This case goes to the heart of the question of whether the military can be trusted
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with environmental stewardship responsibilities," Ruch concluded.</p>', 'AZ', 'DOD', 0);

INSERT INTO news VALUES (10, '2000-01-26', '"GENETIC GENIE" REPORT RELEASED', 'EPA Scientists Detail Weaknesses in Risk Assessments of Genetically Modified Organisms', '<p>On the occasion of the Montreal Round of Talks of the Convention on Biological Diversity, PEER has re-released a devastating critique of the risk assessments employed by the United States prior to the widespread, commercial release of genetically modified organisms (GMOs) into the environment.</p><p>Written by U.S. Environmental Protection Agency (EPA) scientists and peer reviewed by a panel of academic experts, the white paper, entitled Genetic Genie, was first issued in the fall of 1995. At that time, these agency scientists were trying to force EPA to reconsider its decision to allow the commercial release of its first GMO: rhizobium meliloti, a seed inoculant for soy containing genes from the pathogen bacteria that causes dysentery and other gastro-intestinal diseases. This trans-genic element was inserted in order to provide a "marker gene" that would convey a resistance to certain anti-biotics - the marker function is solely for commercial purposes, not to build a better soybean.</p><p>These EPA scientists were frustrated by the promotional nature of the EPA approval process in which environmental questions and safety uncertainties were not taken seriously. In addition, these scientists were becoming increasingly certain that merely raising these questions was causing their careers within the agency to suffer. Cementing their resolve was the suppression of these same questions when they were raised by EPA\'s supposedly independent scientific advisory committee, causing one prominent member to resign in disgust.</p><p>EPA reacted to the issuance of Genetic Genie by announcing the indefinite delay in the commercial release of the rhizobium. Two years later, EPA quietly approved the rhizobium but, in a nod to the continued questions about its safety, limited its release to 500,000 lbs.</p><p>The passage of time has not diminished the accuracy or the urgency of the scientific critique contained in Genetic Genie. The same commerce-driven dynamics described in Genetic Genie are occurring today as American regulatory agencies struggle with overwhelming uncertainties while assuring an increasingly skeptical world that everything is safe.</p>', '', 'EPA', 0);

INSERT INTO news VALUES (11, '2000-02-01', 'BUSH CONDUCTS SHAM SURVEY ON DEVELOPMENT', 'Governor Creates Illusion of Public Support for Relaxing Growth Limits', '\n\n<p>Tallahassee - Governor Jeb Bush and his Secretary of the Department of Community Affairs (DCA), Steve Siebert, are set to release the results of a "biased" survey designed to support weakening state development rules, according to documents obtained under the Sunshine Act by Florida Public Employees for Environmental Responsibility (Florida PEER). The documents show that Secretary Siebert developed the survey as a tool to put "heat under the burner" for "reform" of growth management.</p>\n\n<p>The survey is a detailed, 15-page questionnaire sent out to selected developers, local government officials, and lobbyists. DCA plans to release results this week.</p>\n\n<p>According to the documents, DCA:</p>\n\n <p>\*constructed the survey in disregard of expert academic advice. One University of Florida professor said the survey consisted of "loaded questions...designed to elicit negative responses."</p>\n\n <p>\*engaged a well-known "property rights" advocate as its main adviser; and</p>\n\n <p>\*decided what the results would show even before questionnaires were tabulated.</p>\n\n<p>"Bush and Siebert have cooked up a campaign to dismantle smart growth and this survey is merely part of the recipe" stated Florida PEER General Counsel Steve Medina. "This particular maneuver is calculated to mask the broad support by ordinary Floridians - those who do not employ lobbyists - for a strong state role in environmental protection and regulation of unchecked development."</p> \n\n<p>NOTE: Stay tuned for Florida

PEER updates on the emerging story of Bush\'s and Siebert\'s secret plan to "reform" growth management.</p>', 'FL', '', 0);

INSERT INTO news VALUES (13, '2000-02-10', 'FOREST SERVICE COMPLAINTS IGNORED BY JUSTICE IN NEVADA', 'Nevada U.S. Attorney Among Least Responsive in Nation', '<p>Washington, DC.. The U.S. Attorney in Nevada has one of the worst records in the country for ignoring requests for criminal prosecution made by the U.S. Forest Service, according to an analysis of federal records released today by Public Employees for Environmental Responsibility (PEER). During the six year period from 1992 to 1998, the U.S. Attorney in Nevada filed prosecutions in less than half of the Forest Service criminal cases handled and obtained convictions in only one quarter of the cases filed.</p><p>Humboldt-Toiyabe National Forest Supervisor Gloria Flora cited lack of cooperation from the U.S. Attorney as a major motivation for her resignation this fall. "These figures support Gloria Flora\'s frustration," commented PEER National Field Director Eric Wingerter. "The record of the U.S. Attorney in Nevada suggests that environmental crimes committed on the Humboldt-Toiyabe will go unpunished."</p><p>According to the PEER <a href="<?php print \$cfg->docsdir;?>/nv/analysis.pdf">analysis</a>, the U.S. Attorney in Nevada:</p><p>\* ranked in the bottom quarter of all U.S. Attorneys with measurable referrals in terms of <a href="<?php print \$cfg->docsdir;?>/nv/willing.xls">willingness</a> to prosecute criminal complaints lodged by the Forest Service;</p><p>\* failed to assign <a href="<?php print \$cfg->docsdir;?>/nv/priority.pdf">priority status</a> to any Forest Service case during the period examined; and </p><p>\* turned down Forest Service cases on the basis of <a href="<?php print \$cfg->docsdir;?>/nv/lack.pdf">lack of resources</a> despite a nearly one- third growth in staff during the six year period.</p><p>"The lack of cooperation by the U.S. Attorney in Nevada only makes a bad situation worse by demonstrating that natural resource crimes have no consequences, thus further encouraging people to break Forest Service rules," concluded Wingerter.</p><p>Contact: <a href="mailto:echarette@peer.org">Emily Charette</a> (202) 265-7337</p><p>The PEER analysis is based upon figures compiled by Syracuse University\'s Transactional Records Access Clearinghouse (TRAC) [<a href="http://www.trac.syr.edu">http://www.trac.syr.edu</a>; (202) 544-8722.]</p>', 'NV', 'FS', 0);

INSERT INTO news VALUES (14, '2000-02-10', 'GROWTH BILLS ON FAST TRACK IN 2000', 'Behind the Scenes Deal with Gov. Bush for Support of Developer Bill This Session', '<p>Tallahassee - Despite public promises to wait until 2001, Governor Jeb Bush has directed his staff to encourage legislation dramatically scaling back the state role in growth management during the current session, according to internal documents released today by Florida Public Employees for Environmental Responsibility (Florida PEER). While Gov. Bush was assuring the environmental community he opposed "quick action" on legislation relaxing restraints on development, his staff was quietly drafting proposals for action in the 2000 session.</p><p>Citing the desire of several term-limited legislators to move major pro-development legislation in their last year in office, Department of Community Affairs (DCA) staff notes describe "pressure in the Legislature to do something", adding that the "Governor felt something will happen [this session]." Consequently, DCA staff was ordered to help state Representative George Albright to move legislation through this year, or, in the notes of one staffer, "be responsive w/ legislative efforts."</p><p>Internal documents uncovered by Florida PEER under the state Public Records Act document extensive executive branch assistance behind the scenes to secure legislation to reduce the state planning role, including:</p><p>\* A decision "to retrieve...a letter to the President of the Senate and Speaker of the House requesting a one year delay in the submittal of [land use] legislation ..[i]n view of the expedited schedule for our growth reform initiative."</p><p>\* An e-mail from the



DCA General Counsel stating "After talking with Rep. Albright and receiving some more info about the potential for House member efforts in the growth management area, Secretary Seibert asked me to work with you on some potential fall back legislative amendments in the growth management area."</p><p>\* Pressure from the DCA Assistant Secretary to use an industry lobbyist to draft year 2000 fall back legislation "FOR FREE."</p><p>"Major changes are coming to Growth Management this session with the support of the Bush Administration," stated Florida PEER General Counsel Steve Medina, "And whether total \'reform\' occurs in 2000 or 2001, let the public beware. Bush and Seibert are in sync with pro-developer silk stockings walking the halls of the legislature."</p><p><a href="<?php print \$cfg->docsdir;?>/fl/chapter2.pdf">Click here for the full story</a></p>', 'FL', '', 0);

INSERT INTO news VALUES (15, '2000-02-15', 'STATE CAMP ENDS UP IN HANDS OF STATE LEGISLATOR', 'Martin Pays No State Taxes', '<p>Millinocket - As a result of a property giveaway, a state-owned camp is being used by a Maine state legislator who has failed to pay tax assessments, according to documents released today by Maine Public Employees for Environmental Responsibility (MainePEER). The Priestly Lake watchman\'s camp, located in the remote North Maine Woods (T10R13), is a prime recreational site for anglers, hunters and hikers.</p><p>The camp had been under the management of the Maine Forest Service, a unit of the state Department of Conservation. During the early 1980\'s legislation was passed which allowed the Maine Forest Service to retain revenue from the sale of property.</p><p>Foregoing potential revenue from the camp, state officials attempted to give the camp to International Paper. In a <a href="<?php print \$cfg->docsdir;?>/me/paperco.pdf">letter to International Paper Company</a> dated September 20,1994, Forest Service Director Susan Bell notified the landowner that the Forest Service was terminating their Priestly Lake lease and transferring ownership of the building to International Paper. She wrote to Dave Manley of the International Paper Company, "Based on the current lease arrangement, site location and the condition of our forestry buildings at Priestly Lake, we concur with your assessment of a no cost transfer of the building to International Paper Company... We have received approval from our office of State Surplus Property to make this transfer. Please use this letter as your authorization of ownership of the Forestry Priestly Lake buildings."</p><p>The following year Susan Bell became a Senior Policy Advisor for the Governor and International Paper Company employee Ronald Lovaglio, became Commissioner of the Department of Conservation.</p><p>Although the building was transferred from state ownership to International Paper on September 20, 1994, someone forgot to tell the Property Tax Division of the Maine Revenue Service. As of April 1, 1999, the <a href="<?php print \$cfg->docsdir;?>/me/tax.pdf">list of property tax assignments</a> for the State Department of Finance, Maine Revenue Service showed the building to be valued at \$3840, and as belonging to the Maine Forest Service. Taxation records indicate the building was exempt from state property taxes.</p><p>According to an <a href="<?php print \$cfg->docsdir;?>/me/email.pdf">E-mail to <I>Maine</I> PEER</a> from the Property Tax Division of the Bureau of Taxation, the former Maine Forest Service Priestly Lake building now belongs to John Martin. The correspondence goes onto say that International Paper is considering canceling that lease because the fees have not being paid.</p><p>John Martin, who has advocated increased commercial and recreational access for state park lands in the North Woods, such as the Allagash Wilderness Waterway, also has commercial leases for camps in T13R8 on Fish River Lake and Carr Pond. According to the Land Use Regulation Commission a commercial lease has not been issued for the Priestly Lake camp.</p><p>The no cost transfer of state assets is not routine procedure for disposal of state property. According to Department of Conservation files, in April of 1982 Staff Forester for the Maine Forest Service

Thomas Rumpf <a href="<?php print \$cfg->docmdir;?>/me/harper.pdf">wrote to Mr. Wayne Harper</a> of Presque Isle that if the (Priestly Lake) camp was disposed of " we will most likely be putting the camp building out to public bid". Mr. Rumpf went on to confirm public involvement, "Should we decide to do so, I will be sure to see that you are given an opportunity to bid on the camp."</p><p>Last fall, for example, when the Maine Forest Service sold it\'s Allagash Lake camp to another Bureau in the Department of Conservation, that bureau, the Bureau of Parks and Lands, paid the Maine Forest Service \$10,000 for that camp.</p><p>"This has all the earmarks of a sweetheart deal for a well-connected politician ," stated Tim Caverly, Director Maine PEER and the longtime manager of the Allagash Wilderness waterway. "These \'no-cost\' arrangements not only shorted the taxpayer but also deprived us of funds that should have been used for conservation purposes." Caverly noted that state employees, who were concerned about the propriety of the Department giving away a camp located on an exclusive lake to a private landowner, first brought this to his attention.</p>', 'ME', '', 0);

INSERT INTO news VALUES (16, '2000-02-29', 'FLORIDA HOME BUILDERS ASSOCIATION SPY ON AUDUBON E-MAIL', 'Top DCA official linked to "list lurker" scheme', '<p>Tallahassee. . . Even as Governor Jeb Bush proclaims March 2000 "Audubon Month" in Florida, an upper-level staff member in his own Department of Community Affairs is linked to a scheme to spy on the conservation group\'s private E-mail listserve, according to internal documents released today by Florida Public Employees for Environmental Responsibility (Florida PEER).</p><p>An E-mail message to industry trade group officials from the Florida Home Builders of America\'s (FHBA) Political Affairs Director passed on secretly-obtained information from the Florida Audubon Society and 1000 Friends of Florida\' regarding the groups\' campaign strategy for Florida\'s Growth Management Act. In the E-mail, FHBA Director commented that he "receive[s] all Audubon Society news via there [sic] E-mail subscription list-although they do not realize that. Let\'s keep it that way."</p><p>The campaign strategy had originally been sent to volunteers to discuss DCA\'s survey on Growth Management policy. The survey solicited opinions on the future of development within the state. Audubon and FHBA have traditionally taken opposing sides in this debate.</p><p>The next day another FHBA official, the Director of Government Affairs, forwarded the intercepted E-mail to DCA\'s own general counsel, stating that the Audubon strategy was in reference to "our conversation last night."</p><p>"What is this, \'The Spy Who Shagged Florida?\' DCA has a funny way of saluting Florida\'s environmental groups," commented Florida PEER General Counsel Steve Medina. "The chummy tone of these e-mails suggest that FHBA is confident that their secrets are safe with DCA."</p><p>Last week Audubon of Florida announced that Governor Bush and his Cabinet would declare March, 2000 to be "Audubon Month" in the state to commemorate the Organization\'s "100 years of leadership in protecting and conserving natural resources in Florida."</p>', 'FL', '', 0);

INSERT INTO news VALUES (17, '2000-02-29', 'MONTANA\'S ENVIRONMENT WORSE OFF, SAY DEQ EMPLOYEES', 'Survey Faults Management & Political Interference', '<p><a href="<?php print \$cfg->pubsdir;?>/surveys.php">Read the Survey Results</a></p><p>Helena - Montana\'s environmental agency is mismanaged, hampered by turnover and lacks the resources to do its job, according to a survey of state Department of Environmental Quality (DEQ) employees released today by Montana Public Employees for Environmental Responsibility (Montana PEER). Majorities of state workers say Montana\'s environment is not better protected as a result of policies implemented by Governor Marc Racicot.<br /><br />The survey was sent out to all DEQ employees by mail. Results are consistent with those from a similar 1996 survey by Montana PEER. In responding to the 1996

survey, DEQ Director Mark Simonich argued that the survey was premature, occurring too soon after the creation of DEQ, and that it would take years before informed assessments could be made.<br /><br /> Time has not softened harsh employee evaluations of agency effectiveness. In the latest DEQ survey:<br /><br /> \* More than two-thirds of respondents say DEQ has insufficient "resources to fulfill its environmental mandates";<br /><br /> \* More than half feel Montana\'s environment is not better protected and the creation of DEQ has not improved performance; and<br /><br /> \* Less than a third think DEQ is well-managed.<br /><br />"The people who know best are fearing the worst," said Montana PEER Assistant Director Nicole Cromwell. "They see politics and poor leadership hampering their abilities to do their jobs." Cromwell noted that Gov. Racicot had not followed up on his 1997 promise to retain a management firm to conduct an independent management review of DEQ operations.<br /><br />Despite recent assurances of improvement, a top employee concern remains political interference with enforcement:<br /><br /> \* A majority of respondents feel DEQ\'s leaders lack a "commitment to protecting Montana\'s natural resources";<br /><br /> \* Nearly half contend that industry groups excessively influence agency decisions; this figure rises to 56% among people that have worked for DEQ for 5 or more years;<br /><br /> \* Less than half believe agency leaders provide "accurate information to the public."<br /><br />The survey also asked employees to identify the greatest challenge facing the agency and to make suggestions for reform to the next Governor. The most frequent subject of employee essays was the problems associated with sprawling development and insufficient planning.<br /><br />On questions relating to climate for workers within the agency, employees were even more unified:<br /><br /> \* More than 70 percent say DEQ has been hurt by high turnover among experienced staff;<br /><br /> \* Less than a quarter of employees feel morale is good -- only 1 percent say it is excellent; and<br /><br /> \* Little more than a third believe DEQ Administrators are selected "for their knowledge and experience in environmental protection" or believe top managers "back up employees who make hard decisions." <br /><br /> "The level of fear among DEQ employees remains high," stated Cromwell. "More than a quarter of employees admit that they fear retaliation for trying to enforce environmental laws." A strong majority of respondents favor enactment of a whistle blower protection law for state workers, a measure which has been blocked in the past two sessions of the Montana Legislature.<br /><br />The survey also asked employees to identify one management or resource policy that needs to be changed. The overwhelming response was interference from DEQ\'s top administrators. As one respondent put it, "If a project action or decision is controversial and/or receives bad press, it then becomes fair game for immediate resolution by upper management. Laws, rules, staff opinions and recommendations and in-house policy & procedures are put aside. . . .Right or wrong, the decision is based on politics and publicity."<br /><br />The Montana PEER survey was mailed out to 347 DEQ employees in mid-January and 103 surveys were returned completed the surveys for a 30 percent response rate.</p>','MT', '', 0);

INSERT INTO news VALUES (18, '2000-03-01', 'LATE CHARGES WAIVED FOR REP. MARTIN', 'State had Threatened to Cancel Camp Leases', '<p>The Maine Bureau of Parks and Lands has waived late fees for Representative John Martin despite repeated threats to cancel his camp lease, according to documents released today by Maine PEER.<br /><br />Representative Martin leases a lot from the Bureau of Public Lands in T16R6 which has an annual lease payment of \$715.52. The Bureau requires lease payments to be paid yearly by May 1st. Lease payments which are not received by June 1st are considered overdue and late notices are mailed. If a lease is over due, the Bureau will charge a late fee of \$25.00 plus a surcharge of 1% per month of the unpaid balance.<br /><br /> In Martin\'s case, the state\'s repeated notices went unheeded:<br /><br /> \* On February 1,

1999, John Titus of the Bureau\'s Division of Planning, Acquisition and Special Services sent a

INSERT INTO news VALUES (19, '2000-03-10', 'JEB BUSH\'S SECRET PLAN FOR MORE DEVELOPMENT IN FLORIDA', 'E-Governor Does Not Want to Leave E-Records', '<p>Tallahassee - In an exchange of e-mails, Governor Jeb Bush and Steve Siebert, Bush\'s political appointment as Secretary of the Florida Department of Community Affairs (DCA) last fall approved a plan to eliminate most state growth management controls, according to records obtained by Florida Public Employees for Environmental Responsibility (Florida PEER). While agreeing to the change in direction offered by DCA Secretary Steve Siebert, Bush\'s main concern was that the plan would be discovered if it was reduced to writing.</p><p>Siebert, a former Pinellas County Commissioner and private land use attorney, has proposed

to radically "reform" growth management. Bush is a former developer, with past business connections to St. Joe/Arvida Corporation, the state\'s largest private landowner and one of its largest developers. Much of Bush\'s personal wealth is derived from the sale of his interest in a large South Florida real estate and development business. The industry generously supported his election campaign.</p><p>Citing pressure from unnamed organizations "to write my thoughts as to the future of growth management," Siebert sent an <a href="<?php print \$cfg->docsdir;?>/fl/erecord.pdf">e-mail</a> on 11/1/99 directly to Governor Bush setting forth his position in greater detail. Siebert advocated dramatically reduced role for state oversight. Thirteen minutes after receiving Siebert\'s message, Governor Bush e-mailed him back:</p><p>"First, you have created a public record which as you know will leave you open to criticism without recourse..."</p><p>"Conducting public business in the sunshine does not seem to be the Sunshine State governor\'s way," commented Florida PEER Staff Scientist Larry Zuckerman. "We\'ve seen time and time again that candor has not been the hallmark of Governor Bush\'s growth management policy."</p>', 'FL', '', 0);

INSERT INTO news VALUES (20, '2000-03-13', 'STATE PARKS EMPLOYEE FIRED FOR WRITING NEWSPAPER ARTICLE', 'First Amendment Challenge Mounted; "Gulag Arizona" Decried', '<p><a href="<?php print \$cfg->docsdir;?>/az/chewessay.php">Read Matt Chew\'s Essay</a></p><p>Phoenix - Arizona States Parks officials have fired an employee because he authored an essay about Kartchner Caverns that was published in the Boston Globe newspaper on February 6th. State Parks Director Kenneth Travous ordered the termination, effective Thursday, March 9, because the piece brought "discredit and embarrassment to the State."</p><p>The employee, Matt Chew, has worked for Arizona State Parks for the past 7 years as a coordinator for land purchases and preservation of natural resources. His essay, which the Globe entitled "A Theme Park Grows Beneath the Ground", discussed the trade-offs inherent with high human visitation in natural places.</p><p>"I have a constitutional right to express my opinion and I did not intend, nor do I believe my essay does, bring any discredit on the state or the people who work for it," commented Chew. "I am disappointed Director Travous feels threatened by public servants who voice professional differences."</p><p>Chew is being defended by Public Employees for Environmental Responsibility (PEER), a national employee rights group based in Washington, DC "Despite appearances to the contrary, Arizona state employees remain American citizens," commented PEER Executive Director Jeff Ruch. "Bureaucratic tin despots like Ken Travous cannot run a Gulag Arizona where dissidents are summarily exiled."</p><p>PEER has retained the Phoenix firm of Miller, Lasota & Peters to represent Chew in connection with the dismissal. Don Peters, a partner with the firm, said "Fortunately, the Constitution does not allow the State to fire people simply for expressing views which a superior does not like. That is pretty clearly what happened to Matt Chew."</p><p>Chew\'s dismissal will be reviewed by the State Personnel Board before any court challenge can be filed.</p>', 'AZ', '', 0);

INSERT INTO news VALUES (21, '2000-03-16', 'HUSH MONEY OFFERED TO STATE PARKS WORKER', '\$10,000 to Keep Silent in Secret Agreement', '<p>Phoenix - Arizona State Parks Director Kenneth Travous offered one of his employees a \$10,000 consulting contract for his promise to "refrain from any further communication with [the media] regarding the past, present or future activities of Parks or its employees..." The employee in question, Matt Chew, refused the offer and was fired last week by Travous in retaliation for an essay Chew wrote about Kartchner Caverns that was published in the Boston Globe newspaper.</p><p>On February 24th, little more than two weeks after Chew\'s essay appeared in the Globe, Director Travous proposed that in lieu of dismissal Chew could first resign and then "enter into an Independent Consultation Agreement for certain activities associated with the San Rafael State Parks located in Santa Cruz

County, Arizona." Director Travous assured Chew that, while the contract was for technically for three months work, "it doesn't matter if it takes you three months." The contract covered work Chew was planning to do anyway; Chew estimated that the work would take three weeks rather than three months.

The document given to Chew, entitled "Confidential Settlement Agreement and Mutual Release," also provided that the terms of the agreement would remain secret. The no-bid consulting contract would have been effective as soon as Chew agreed to resign. Chew is challenging his dismissal as a violation of his First Amendment Freedom of Speech.

On Tuesday, March 14, in an article in the Arizona Republic, Travous was quoted as saying, "We've never abridged or tried to abridge anybody's First Amendment right to speak to the press." Yet the agreement Travous offered Chew forbade him from any further contact with any "newspaper, magazine, journal, periodical, publication, television, radio, Internet, or other media..." about any state park issue.

"I thought Arizona was the 'straight Talk' state but Ken Travous apparently thinks it is the 'No Comment' state," commented Public Employees for Environmental Responsibility (PEER) Executive Director Jeff Ruch. "Who authorized Mr. Travous to pay off employees for their silence? How many other secret gag funds does State Parks maintain?"

PEER, a national employee rights group based in Washington, DC, has retained the Phoenix firm of Miller, Lasota & Peters to represent Chew in connection with the dismissal.

'', 'AZ',  
'', 0);

INSERT INTO news VALUES (22, '2000-03-16', 'ENDANGERED SPECIES LAWSUIT FILED AGAINST U.S. BUREAU OF LAND MANAGEMENT', 'BLM Mismanagement Imperils Desert Tortoise and Twenty-three Other Endangered Species', '<p>SAN FRANCISCO - A coalition of environmental groups led by the Tucson-based Center for Biological Diversity, and including Sierra Club and Public Employees for Environmental Responsibility (PEER), filed a major lawsuit today against the U.S. Bureau of Land Management (BLM) in federal district court.</p><p>The coalition charges in the suit that the BLM has violated the Endangered Species Act (ESA) by failing to analyze the effects to endangered species of the implementation of the 1980 California Desert Conservation Area (CDCA) plan which guides the management of the over 10.2 million acre conservation area.</p><p>Congress designated the CDCA in 1976 and directed BLM to plan for conservation and protection of wildlife habitat. The CDCA Plan was issued in 1980. Unfortunately, BLM has never fully implemented conservation sections of the plan or properly considered the plan's overall effects on threatened and endangered species.</p><p>The CDCA stretches over 400 miles from the US-Mexico border to Death Valley and the foothills of the Sierra Nevada. The CDCA includes some of the California desert's most scenic areas in Imperial, San Diego, Los Angeles, Riverside, San Bernardino, Kern, Inyo and Mono counties. </p><p>At stake is the survival and recovery of at least 24 threatened and endangered species and their habitat in southern California's Mojave and Sonoran deserts.</p><p>"Many of these species were not listed when the CDCA plan was written, and therefore the effects of the plan on them have never been looked at with the biological scrutiny required under the law." explains Daniel Patterson, an ecologist with the Center for Biological Diversity who formerly worked on species recovery with BLM in the Mojave desert. "Rare desert plants and animals are suffering as BLM keeps its eyes closed."</p><p>The desert tortoise is a key species for recovery of California's fragile desert lands. Thriving on Earth for 67 million years, tortoises have been decimated in just over 100 years by livestock grazing, mining, off road vehicles, utility projects, and urban sprawl.</p><p>"BLM has helped push the tortoise to the edge of extinction. The tortoise has waited a decade for BLM to start setting things right. That's too long to wait." says Elden Hughes, a longtime desert champion with the Sierra Club.</p><p>The Peninsular Ranges bighorn sheep, Inyo California towhee, Desert pupfish, and

rare plants like the Peirson\'s milkvetch and Cushenberry buckwheat also are mandated significantly more protection under the law than BLM has been offering.</p><p>At the heart of the suit is the BLMs failures under the ESA to fully consider and mitigate effects on species of habitat harming activities as allowed in land use plans.</p><p>"BLM managers have ignored the repeated recommendations of their own biologists to reduce impacts from grazing, mining and off-road vehicles," explains Jeff Ruch, executive director of Public Employees for Environmental Responsibility. "This suit is the only means to induce BLM to faithfully execute their environmental duties."</p><p>The Center for Biological Diversity is a 5,000 member science based environmental advocacy organization based in Tucson, Arizona. CBD was formed in 1989 and has offices in San Diego and Berkeley, California, Phoenix, Arizona, and Silver City, New Mexico. This legal action is a part of the Center\'s Golden State Biodiversity Initiative.</p><p>Public Employees for Environmental Responsibility (PEER) is a 10,000 member national alliance of local, state and federal resource professionals. PEER is based in Washington DC with field representatives operating across the U.S.</p><p>The Sierra Club, headquartered in San Francisco, has over 600,000 members nationwide and over 100,000 in California. Sierra Club has existed to explore, enjoy, and protect the wild places of the earth since being founded by John Muir in 1892. The Sierra Club was the lead activist organization in the 10-year campaign to pass the California Desert Protection Act of 1994.</p><p>Species & habitat photos available at <a href="http://www.sw-center.org">www.sw-center.org</a> (under late breaking news).</p>', '', 'BLM', 0);

INSERT INTO news VALUES (23, '2000-04-26', 'LAW ENFORCEMENT BREAKDOWN IN STATE PARKS', 'Concern for Visitor Safety in Survey of Managers', '<p>Millinocket - Maine State Park managers are denied the tools they need to address serious visitor safety and other law enforcement problems, according to a survey of permanent and seasonal managers and rangers released today by Maine Public Employees for Environmental Responsibility (Maine PEER).</p><p>According to the survey, nearly nine out of ten managers say "there is a potential for serious law enforcement problems in Maine State Parks." More than a third of managers do not feel visitor safety is "well protected" in Maine Parks.</p><p>The survey indicates that park personnel do not take enforcement action against the vast majority of violators. Yet managers report a wide range of illegal activity occurring in parks, including drunkenness, drugs, assaults, theft, stalking, child molestation and an array of campfire, campground and other park rule violations.</p><p>Despite an overwhelming sentiment (nearly nine out of ten of all managers and 100% of year-round managers) that "law enforcement is a necessary part of their work," park managers see obstruction from their own agency:</p><p>\* Nearly two out of three feel unsupported or are unsure of support from the Bureau of Parks & Lands "in conducting law enforcement activities";</p><p>\* No park manager has received any law enforcement training within the past five years; and</p><p>\* Less than one in five think they receive "clear guidance from the Bureau about how to handle law enforcement problems." Less than half believe the Bureau even considers their views "in setting law enforcement policy."</p><p>A strong majority also report that neither local law enforcement nor officers from other state agencies are able or willing to handle law enforcement problems in parks.</p><p>The Maine PEER survey is being released just as the state Bureau of Parks has proposed rule changes than eliminate penalties for violations of park rules. "The Bureau is going in precisely the wrong direction," commented Maine PEER director Tim Caverly, the long-time manager of the Allagash Wilderness Waterway. "For public relations purposes, the Bureau wants to handcuff its own rangers and pretend that there is no problem."</p><p>As one park manager wrote in the essay portion of the survey, "As park rangers we have not been able to uphold park laws because there are no

repercussions to the culprits."</p><p>Last year, the Bureau issued an internal directive stripping all Parks personnel of law enforcement authority. When Maine PEER publically released that directive, the Bureau backtracked, claiming the memo sent to all managers was merely "a draft." Since that time, the Bureau has been studying what its law enforcement policy in parks should be.</p><p>Says Caverly, "For more than a decade, Park Managers and Rangers have requested that the Bureau support a law enforcement policy that adequately protects the parks and visitors, but to no avail."</p><p>The Maine PEER survey was mailed out to 28 year round and seasonal employees in March. Sixteen surveys were completed for a 57% response rate.</p>', 'ME', '', 0);

INSERT INTO news VALUES (24, '2000-04-27', 'DEP EMPLOYEES TARGETED BY DEVELOPER LAWSUITS', 'Bush Backtrack on Shielding Employees from Harassing Suits', '<p><a href="<?php print \$cfg->docsdir;?>/fl/slapp.php">For the full story, click here</a></p><p>Tallahassee - Developers are increasingly suing individual state environmental workers personally as a way to leverage approval of construction permits, according to records released today by Florida Public Employees for Environmental Responsibility (Florida PEER). A pledge by a top official of the Jeb Bush administration to seek legislative relief from retaliatory lawsuits against state workers has been effectively dishonored.</p><p>At least 15 lawsuits have been filed against state Department of Environmental Protection (DEP) employees since 1988; most of those in just the past five years. Almost half have been filed by a single "property rights" lawyer on behalf of development interests whose building plans were held up or were the subject of enforcement for environmental reasons. These suits are filed against DEP employees as individuals, tying up personal assets and complicating home purchases or refinancing for the workers and their families. In several cases, lawsuits filed against an employee were still pursued against the family\'s estates after the employee\'s death.</p><p>"Florida public employees put their family\'s financial future at risk simply by doing their jobs of protecting the environment," commented Steve Medina, General Counsel for Florida PEER and a former DEP lawyer. "It is outrageous that DEP and the Bush Administration are not taking the steps needed to protect their own employees."</p><p>On April 5, 1999, DEP Secretary David Struhs made a highly publicized pledge to seek legislation discouraging retaliatory lawsuits against government employees. Despite that pledge, DEP did not aggressively pursue the recommended relief legislation drafted by its own staff lawyers.</p><p>"The irony is that these suits allege bad faith on the part of the individual DEP employee yet the truly bad faith has been shown by the DEP itself in leaving its own employees out to dry," added Medina. "The chilling effect on DEP permit writers is palpable - knowing that if they cite an environmental problem with a project proposed by an aggressive developer their lives could be hell."</p>', 'FL', '', 0);

INSERT INTO news VALUES (25, '2000-05-16', 'AIR FORCE DRIVING PRONGHORN TO EXTINCTION', 'Former Supervising AF Biologist Gives Critical Testimony', '<p>Washington, DC.. U.S. Air Force training activity in the Sonoran Desert is hastening the extinction of the endangered pronghorn antelope, according to a sworn statement filed today by the service\'s former chief biologist at Arizona\'s Luke Air Force Base. The biologist also cited numerous instances where the Air Force violated the Endangered Species Act and its own policies in conducting training exercises at the Barry M. Goldwater Range (BMGR) in southwestern Arizona.</p><p>Bruce Eilerts, a 17 year federal civilian biologist, served as the Natural & Cultural Resource Director at Luke Air Force Base until this past fall when the Air Force fired him for preparing a complaint to the Inspector General concerning environmental problems on BMGR. Eilerts is seeking full restoration under the Whistleblower Protection Act and is being represented in that effort by Public Employees for Environmental Responsibility (PEER). His



sworn statement was filed today in support of a lawsuit brought by Defenders of Wildlife against the U.S. Department of Interior and the Air Force concerning their failure to protect the endangered pronghorn.</p><p>In his sworn affidavit, Eilerts cited an array of illegal Air Force actions in the critical habitat of the pronghorn that directly killed animals or contributed to their demise, including:</p><p>\* numerous "accidental" bomb drops, including one near where a pronghorn carcass was later found;<br /> \* strafing (firing machine guns from low-flying aircraft); and<br /> \* low-altitude helicopter training.</p><p>Eilerts stated that much of this activity took place without required environmental reviews and often in violation of Air Force rules designed to protect the pronghorn, such as avoiding low-altitude flights during fawning season. Taken together with drought conditions and predation, Eilerts called the Air Force\'s training "a significant threat to the survival and recovery of the Sonoran pronghorn, either by killing them, or causing adverse behavioral changes, such as increased energy use or displacement from important habitat."</p><p>"According to its own specialists, the U.S. Air Force is derelict in its environmental duties," said PEER General Counsel Dan Meyer who is representing Eilerts. "Regrettably, these lawsuits are necessary because the Air Force\'s own accountability mechanisms do not work."</p>', 'AZ', 'DOD', 0);

INSERT INTO news VALUES (26, '2000-05-17', 'FCC PETITIONED FOR ENVIRONMENTAL REVIEW ON UNDERSEA FIBER OPTIC CABLES', 'Agency Out of Compliance With NEPA', '<p>Washington, DC - Public Employees for Environmental Responsibility (PEER) today filed a rule-making petition with the Federal Communications Commission (FCC) for environmental reviews on all pending applications to lay submarine fiber optic cables across coral reefs and other sensitive ocean areas. The PEER petition asks for an emergency assessment of FCC compliance with the National Environmental Policy Act (NEPA) which requires every federal agency to review potential environmental impacts of its actions.</p><p>PEER, an alliance of state and federal biologists, engineers and other specialists, based its petition on a growing number of instances where dredging, drilling and laying of fiber optic cables has destroyed fragile coral beds and fouled critical habitat for manatees, sea turtles and other endangered marine species. The petition was prompted by the lack of substantive environmental review of the nearly 50 pending applications for new submarine fiber optic cables along the Atlantic coast of Florida alone.</p><p>The FCC admits that it has no office of environmental compliance and relies on self-certification by applicants as to whether their activities would have no adverse impact. Failure to act on the PEER petition could trigger litigation which may halt all FCC licensing until the agency demonstrates compliance with NEPA.</p><p>"This petition gives the FCC a wake up call that it can no longer ignore its environmental responsibilities," stated PEER General Counsel Dan Meyer. "The era of corporate environmental self-certification is over."</p>', '', 'FCC', 0);

INSERT INTO news VALUES (27, '2000-05-23', 'SOARING NUMBER OF FIBER OPTIC CABLES GET FREE RIDE IN FLORIDA', 'PEER Petition Asks Governor & Cabinet to Assess Fees and Environmental Harm', '<p>Tallahassee - Citing a proliferation of unregulated submarine fiber optic cables along and across the Florida coast, Public Employees for Environmental Responsibility (PEER) today filed an emergency petition with the Governor and Cabinet to minimize environmental damage to coral reefs and to collect fair market value for taxpayers from cable companies. Based upon internal reports secured under Florida\'s Sunshine Law, PEER accused the state Department of Environmental Protection of failing to protect barrier reefs, manatee and sea turtle habitat, and state parks from adverse effects of multiple cable undersea crossings, including dredging and drilling blow outs (called "frak-outs").</p><p>The PEER petition also charges that Florida collects virtually no fees for the use of public lands, particularly "sovereign submerged

lands," for private purposes by the fast-growing and highly lucrative fiber optic industry. According to agency documents obtained by PEER:

\* Recent applications have been filed for at least 46 new cables, in addition to the 20 current fiber optic cables, to be laid along Florida's coast;

\* Florida is one of only three coastal states in the country which does not collect a fee based upon the fair market value of fiber optic cables which can generate more than \$5,000 per minute in profit to operators; and

\* The state continues to extend benefits to fiber optic cable companies as if they were state-regulated public utilities long after the industry was deregulated and despite cable access being limited to the highest bidder.

One recent submarine fiber optic cable application calls for a submarine cable from New York with landings at Jacksonville, Daytona Beach, Cocoa Beach, Vero Beach, West Palm Beach, Sunny Isles and Miami Beach. Under the state constitution, the Governor and Cabinet are charged with safeguarding submerged lands "in trust for all the people" (Article X, Section 11).

"There is a new, electronic gold rush on the Florida coast and the state is not prepared for the impacts," stated Steve Medina, General Counsel for Florida PEER, who drafted the petition. "Now is the time to take a step back and assess the environmental and financial consequences before laying hundreds of private cables across coral reefs, state beaches and other public lands."

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INSERT INTO news VALUES (28, '2000-05-05', 'TEXAS DROWNING IN ANIMAL WASTE', 'Chicken Manure as Measure of Environmental Effectiveness', '<p>Austin - Massive chicken factory farms are outstripping state environmental protections, according to documents released today by Texas Public Employees for Environmental Responsibility (Texas PEER). Weak state controls on waste disposal are fouling streams, sickening residents and overloading the soil, especially in East Texas where a large number of industrial-sized chicken operations are located.</p><p>Texas ranks number one in the country for total animal waste production, more than twice that of the second largest producer, California. The manure production of the Texas chicken industry alone is staggering -- nearly 500 million birds producing 31 billion pounds of waste a year. The bulk of the waste is sprayed on surrounding lands.</p><p>According to agency records, the Texas Natural Resources Conservation Commission (TNRCC), the state's environmental agency, has done little to respond to the burgeoning burden of chicken manure. TNRCC has:</p><p>* approved continued expansions of chicken factory farms despite numerous past violations;.</p><p>* failed to institute contamination disposal controls on streams classified as "impaired" due to the flow of chicken waste; and</p><p>* ignored repeated complaints from neighbors about overpowering odor and health problems associated with the plants.</p><p>The record of Bo Pilgrim, the owner of Pilgrims Pride, one of the top chicken producers in the country, and his relationship with Texas Governor George W. Bush is also profiled on the Texas PEER web site. The company is now proposing to use deep injection wells for chicken waste disposal despite concerns about effects on the watertable.</p><p>"Texas is Number 1 in manure production but its environmental record is a Number 2," commented Texas PEER Coordinator Erin Rogers. "The kid glove treatment by state officials accorded to chicken waste flowing from favored producers is just another example of how things are done in Texas -- public health takes a back seat to big bucks."</p>', 'TX', '', 0);
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INSERT INTO news VALUES (29, '2000-05-30', 'TEXAS IS #1 IN ENVIRONMENTAL CIVIL RIGHTS COMPLAINTS', 'Minorities Charge Racism in Enforcement of Pollution Laws', '<p>Austin - More environmental civil rights complaints have been filed against Texas than any other state, according to documents released today by Texas Public Employees for Environmental Responsibility (TexasPEER). A dozen complaints charge that policies adopted under Governor George W. Bush exacerbate
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the disproportionate exposure in poor and minority communities to unhealthy air and toxic chemicals.

One lawsuit filed by an African American citizens group in Beaumont, Texas, highlights the pattern of concentrating heavy industrial polluters in poor communities. The Beaumont suit targets a huge Mobil refinery, one of the state's largest, which spews out nearly 40,000 pounds of sulfur dioxide, hydrogen sulfide and other air pollutants into the atmosphere of a community which is 95% African American and largely poor.

Residents, suffering for years from the effects of the plant's fumes -- headaches, nausea, nose and eye irritation -- cannot get state officials to take action. The Beaumont complaint charges that the Texas Natural Resource Conservation Commission (TNRCC), the state's environmental agency, has put the local community's health at risk by:

- \*permitting the expansion of polluting operations in areas already heavily impacted by noxious gases from the facility;
- \*shutting the community out of the decision-making process, making it almost impossible for affected citizens to effectively register their concerns;
- and
- \*routinely failing to enforce anti-pollution laws. Despite a slew of health complaints and significant violations of emission standards, TNRCC has not taken any enforcement action against the refinery since 1993.

"When it comes to environmental civil rights, Governor Bush does not seem to get it," commented TexasPEER Coordinator Erin Rogers. "If a society is judged by how its treats its least powerful members, Texas stands condemned."

INSERT INTO news VALUES (30, '2000-06-05', 'SECRET EPA PLAN TO RELAX CLEAN AIR RULES', 'Avoidance of Clean Air Act is Stated Goal; Privatizes Pollution Enforcement', '

Washington, DC - EPA officials have been quietly circulating a plan to allow industries to evade required reviews of new air pollution sources from plant expansion or modification, according to documents released today by Public Employees for Environmental Responsibility (PEER). The plan, entitled "White Paper Number 3," proposes to relax stationary source rules to foster "avoidance" of Clean Air Act regulations governing industrial construction, expansion and retrofitting by writing permits in such a "flexible" way that no new permit need ever be obtained.

Despite the absence of any public notice, this dramatic shift in air quality regulation is now on the verge of adoption. According to the May 12 cover letter to the latest version of the White Paper from William Hartnett, acting Director of the Information Transfer and Program Integration Division of EPA's Office for Air and Radiation:

"In general, the draft White Paper reflects directional agreement among Headquarters offices on major issues...While not mandatory, we will encourage permitting authorities to use this guidance as resources and needs dictate."

Hartnett solicited final internal comments prior to a June 7 decision date.

The White Paper was leaked to PEER, an employee advocacy group, by concerned EPA staff. "This proposal privatizes the Clean Air Act such that the needs of industry rather than public health considerations drive pollution reduction," stated PEER Executive Director Jeff Ruch. "There are big unanswered questions about how pollution permits with this much flexibility can be enforced or even consistently applied from state to state."

Central to the changes proposed by White Paper Number 3 is something called the "smart permit" that anticipates industry options so that a new permit is not needed when facility conditions change. "In order for this system to work, state regulators would need to be both omniscient and prescient," commented Ruch.

Problems with the White Paper voiced by EPA employees include:

1. Enforceability -- The smart permits would be so flexible that it would be nearly impossible to identify Clean Air Act violations. Several recent reviews of EPA air quality enforcement find fault with the thoroughness and rigor of current enforcement efforts. If EPA's present capabilities cannot keep up, ask critics, how can it handle a far more sophisticated permitting

scheme?</p><p>2. Lack of Public Review -- Not only has the public been cut out of the formulation of this new guidance but, once effective, smart permits virtually eliminate the right of affected citizens to register their concerns about enlargement of nearby pollution sources. Blurry permit standards also make it difficult to bring citizen suits against polluting companies.</p><p>3. Concepts Not Tested -- The White Paper policies are based upon "the insights...from a program of pilot permitting projects." These pilot programs were limited to using "flexibility" concepts in writing permits, but not in enforcing them. There has been no experience implementing these concepts, let alone on a large scale.</p><p>4. Weak and Uneven Pollution Protection -- If, as proposed, flexibility concepts are simply handed over to the states to implement as they see fit, states could dramatically lower the bar for pollution protection. States would face little constraint from a federal oversight agency, EPA, that itself is fostering Clean Air Act "avoidance."</p><p>"The Clinton-Gore policy on air quality is schizophrenic -- with one hand they tighten standards and with the other they weaken enforcement," Ruch concluded. "Any election year \ 'win-win\ ' regulatory reform or, in this case, \ 're-invention,\ ' should be approached with skepticism especially when it has been hatched free from public scrutiny."</p>', ', 'EPA', 0);

INSERT INTO news VALUES (31, '2000-06-05', 'SUIT TO BLOCK DEFENSE CONTRACTS FOR NATURAL RESOURCE MANAGEMENT', 'Air Force Illegally "Outsourcing" Edwards AFB Environmental Work, Employees Charge', '<p><a href="<?php print \$cfg->docmdir;?>/ca/usaf\_suit.pdf">Read the Lawsuit Against USAF</a></p><p>Washington, DC.. The U.S. Air Force is illegally replacing its civilian natural resource specialists with private contractors in order to cover up environmental violations, according to a lawsuit filed today by Public Employees for Environmental Responsibility (PEER) and Air Force biologists. While centered at California\'s Edwards Air Force Base (AFB), the suit may block Department of Defense (DOD) plans to "outsource" hundreds of civilian biologist, botanist and archaeologist positions now responsible for protecting the natural and cultural resources on more than 25 million acres of undeveloped DOD lands across the U.S.</p><p>The PEER suit is based on 15 years of repeated congressional prohibitions against the military contracting away its natural resource management functions. At Edwards AFB, the service has eliminated all but two natural resource specialists (while serving notice that even these two positions will be outsourced) and brought in private environmental consulting firms. The two remaining civilian biologists at Edwards, Wanda Deal and Mark Hagan, together with PEER, whose members include nearly 1,000 civilian Defense resource specialists, brought suit in the Federal District Court for the Central District of California to restore civilian management.</p><p>More than 90 percent of the 300,000 acres of California desert within Edwards AFB are undeveloped, including several wilderness areas. The Edwards AFB lands contain unique desert topography and critical habitat for "sensitive" species, such as the desert tortoise, the desert kit fox, several owl species, and an array of rare plants and flowers. The role of the civilian specialists is to ensure military uses, such as bombing, tank maneuvers, hazardous waste storage and low-altitude helicopter training, minimize resource damage.</p><p>Recent audits charge numerous violations of the Clean Water and Endangered Species Acts at Edwards. The PEER suit claims the Air Force tried to cover up the violations and reprimand the civilian auditor who reported them. The suit alleges that the Air Force prefers private contractors who, in order to win and keep discretionary contracts, are less likely than civil servants to report legal problems or raise environmental concerns.</p><p>"The law is clear -- natural resource management in Defense is a core governmental function that cannot be contracted out," said PEER general Counsel Dan Meyer. "This lawsuit means the Air Force can no longer evade its environmental responsibilities." The suit asks for compliance with

environmental laws, restoration of displaced civilians, and an end to Air Force retaliation.</p><a href="<?php print \$cfg->docsdir;?>/ca/usaf\_suit.php">Read the Lawsuit Against USAF</a>', '', 'DOD', 0);

INSERT INTO news VALUES (32, '2000-06-05', 'DEM NOT PROTECTING ENVIRONMENT, EMPLOYEES SAY IN SURVEY', 'Poor Leadership & Politics Plague State Agency', '<p>Washington, DC - In the first-ever staff survey of Rhode Island Department of Environmental Management (DEM), employees say pollution protection is deteriorating, politics routinely override science and the agency is adrift due to weak leadership. On many issues agency managers and supervisors were more critical of agency performance than rank and file employees, in the survey conducted by Public Employees for Environmental Responsibility (PEER), a Washington, DC- based environmental watchdog organization.</p><p>Nearly three out of five responding managers and supervisors disagree with the statement that "Rhode Island\'s environment is better protected now than it was five years ago." More than one fifth of employees report they "have been directed by a superior to ignore an environmental regulation." On other questions relating to environmental enforcement the PEER survey shows:</p><p>\* nearly half of agency managers "fear job-related retaliation for advocating enforcement of environmental regulations" compared to more than a third of all employees;</p><p>\* almost three-quarters of all employees do not "trust DEM\'s top administrators to stand up against political pressure in protecting the environment" while more than two-thirds of employees (74%) and managers (71%) agree that DEM\'s "decision-making is based more on politics than science"; and</p><p>\* high percentages of both managers (65%) and employees (49%) think the "regulated community excessively influences decision-making at DEM while a plurality of supervisors (48%) doubt that "DEM management is committed to enforcement of environmental laws."</p><p>Questions about departmental leadership drew even more negative responses:</p><p>\* only 11% of all employees and 16% of supervisors feel that "DEM is a well managed agency" while strong majorities of employees (66%) and supervisors (64%) say their leadership lacks "a clear vision for the agency";</p><p>\* although in office little more than a year, DEM Director Jan Reitsma does not appear to be winning staff confidence. Only 22% of all employees and 25% of managers think "Reitsma is doing a good job as Director of DEM" while 49% of all staff and 64% of managers disagree; and</p><p>\* more than three quarters of responding staff and managers do not think Reitsma "has made positive strides in rebuilding trust between management and the rank & file."</p><p>The PEER survey also solicited employee essays on "the biggest problem facing DEM." An overwhelming number of employees faulted agency leadership with many singling out Reitsma. Several cited erratic or dictatorial behavior by the Director. A typical response was this essay:</p><p>"In the last several months we have lost three attorneys. A fourth will be leaving in late June. Ask them why they left...If they answer truthfully, I suspect it will point to one individual, Director Reitsma. Jan Reitsma is a strange individual. He has no tolerance for opinions different than his. I honestly believe he needs counseling."</p><p>The survey also asked employees\' views on cooperation from other agencies:</p><p>\* only 6% of employees think the "Legislature has been a constructive contributor to environmental protection" while three quarters disagree;</p><p>\* only 15% feel "the Attorney General has played a meaningful leadership role in environmental protection"; and</p><p>\* only 11% of respondents feel the "general public understands what we do at DEM."</p><p>"These survey results are a piercing cry for help from a demoralized and embattled workforce," stated PEER Executive Director Jeff Ruch whose organization has conducted similar surveys in more than 30 state and federal agencies. "A year ago, I met with Jan Reitsma and asked him to reach out to his staff and adopt the type of non-retaliation policies that exist in other states, but he refused saying that there was no

need."</p><p>Staff also gave a bleak assessment of agency climate:</p><p>\* only 4% feel "morale at DEM is good" while 89% do not; and</p><p>\* less than a quarter would "recommend working at DEM to people interested in public service."</p><p>"Discontent at DEM is spiraling out of control and Jan is in deep denial," concluded Ruch.</p><p>In May, PEER mailed surveys to all 557 employees at Rhode Island DEM. 147 responded for a 26% response rate. More than a fifth (21%) of respondents identified themselves as managers or supervisors.</p><p>A complete set of survey responses is available upon request.</p>', 'RI', '', 0);

INSERT INTO news VALUES (33, '2000-06-05', 'DEM NOT PROTECTING ENVIRONMENT, EMPLOYEES SAY IN SURVEY', 'Poor Leadership & Politics Plague State Agency', '<p>Washington, DC - In the first-ever staff survey of Rhode Island Department of Environmental Management (DEM), employees say pollution protection is deteriorating, politics routinely override science and the agency is adrift due to weak leadership. On many issues agency managers and supervisors were more critical of agency performance than rank and file employees, in the survey conducted by Public Employees for Environmental Responsibility (PEER), a Washington, DC- based environmental watchdog organization.</p><p>Nearly three out of five responding managers and supervisors disagree with the statement that "Rhode Island\'s environment is better protected now than it was five years ago." More than one fifth of employees report they "have been directed by a superior to ignore an environmental regulation." On other questions relating to environmental enforcement the PEER survey shows:</p><p>\* nearly half of agency managers "fear job-related retaliation for advocating enforcement of environmental regulations" compared to more than a third of all employees;</p><p>\* almost three-quarters of all employees do not "trust DEM\'s top administrators to stand up against political pressure in protecting the environment" while more than two-thirds of employees (74%) and managers (71%) agree that DEM\'s "decision-making is based more on politics than science"; and</p><p>\* high percentages of both managers (65%) and employees (49%) think the "regulated community excessively influences decision-making at DEM while a plurality of supervisors (48%) doubt that "DEM management is committed to enforcement of environmental laws."</p><p>Questions about departmental leadership drew even more negative responses:</p><p>\* only 11% of all employees and 16% of supervisors feel that "DEM is a well managed agency" while strong majorities of employees (66%) and supervisors (64%) say their leadership lacks "a clear vision for the agency";</p><p>\* although in office little more than a year, DEM Director Jan Reitsma does not appear to be winning staff confidence. Only 22% of all employees and 25% of managers think "Reitsma is doing a good job as Director of DEM" while 49% of all staff and 64% of managers disagree; and</p><p>\* more than three quarters of responding staff and managers do not think Reitsma "has made positive strides in rebuilding trust between management and the rank & file."</p><p>The PEER survey also solicited employee essays on "the biggest problem facing DEM." An overwhelming number of employees faulted agency leadership with many singling out Reitsma. Several cited erratic or dictatorial behavior by the Director. A typical response was this essay:</p><p>"In the last several months we have lost three attorneys. A fourth will be leaving in late June. Ask them why they left...If they answer truthfully, I suspect it will point to one individual, Director Reitsma. Jan Reitsma is a strange individual. He has no tolerance for opinions different than his. I honestly believe he needs counseling."</p><p>The survey also asked employees\' views on cooperation from other agencies:</p><p>\* only 6% of employees think the "Legislature has been a constructive contributor to environmental protection" while three quarters disagree;</p><p>\* only 15% feel "the Attorney General has played a meaningful leadership role in environmental protection"; and</p><p>\* only 11% of respondents feel the "general public

understands what we do at DEM."</p><p>"These survey results are a piercing cry for help from a demoralized and embattled workforce," stated PEER Executive Director Jeff Ruch whose organization has conducted similar surveys in more than 30 state and federal agencies. "A year ago, I met with Jan Reitsma and asked him to reach out to his staff and adopt the type of non-retaliation policies that exist in other states, but he refused saying that there was no need."</p><p>Staff also gave a bleak assessment of agency climate:</p><p>\* only 4% feel "morale at DEM is good" while 89% do not; and</p><p>\* less than a quarter would "recommend working at DEM to people interested in public service."</p><p>"Discontent at DEM is spiraling out of control and Jan is in deep denial," concluded Ruch.</p><p>In May, PEER mailed surveys to all 557 employees at Rhode Island DEM. 147 responded for a 26% response rate. More than a fifth (21%) of respondents identified themselves as managers or supervisors.</p><p>A complete set of survey responses is available upon request.</p>', 'RI', '', 0);

INSERT INTO news VALUES (34, '2000-06-05', 'NUCLEAR DISASTER UNFOLDING IN TEXAS PANHANDLE', 'Cancer and Contamination at Pantex Plant Compounded by Bureaucratic Errors', '<p>Austin - Spreading toxic contamination in the huge aquifer underneath the Pantex Nuclear Weapons Plant may imperil the drinking water of the City of Amarillo, according to documents released today by Texas Public Employees for Environmental Responsibility (Texas PEER). New discoveries are confirming serious and long-term health consequences of waste disposal practices at the nuclear weapon dismantling facility.</p><p>A series of errors by state and federal regulators -- some dating back decades, others committed during the past few months -- have endangered local residents who relied on government assurances that their water is safe to drink. Nearly one in five residents of the town of Panhandle is afflicted with some form of cancer, a fact community members attribute to the discovery of solvents, heavy metals and other contaminants found in local wells.</p><p>The Texas Natural Resource Conservation Commission (TNRCC), the state\'s environmental agency, is supposed to oversee the Pantex site. Yet, despite the long history of environmental problems at the site, TNRCC has:</p><p>\*failed to properly check monitoring wells that track groundwater contamination;</p><p>\*sat on test results for more than nine months (TNRCC blamed the U.S. Department of Energy for the delay in informing citizens); and</p><p>\*issued no fines or penalties.</p><p>"In the Panhandle, clean water is far more precious than oil and the underground aquifers are the only sources of clean water," commented Texas PEER Coordinator Erin Rogers. "From a bottom line environmental perspective, the government\'s performance at Pantex has been an unmitigated disaster."</p>', 'TX', '', 0);

INSERT INTO news VALUES (35, '2000-06-15', 'CALL FOR SPECIAL ENVIRONMENTAL PROSECUTOR IN PANAMA CITY', 'Local "Good Ol\' Boy" Network Impedes Enforcement', '<p>Tallahassee - Citing an array of festering pollution enforcement problems and a conflict with the local state attorney, Public Employees for Environmental Responsibility (PEER) today filed a formal petition with Governor Jeb Bush for the appointment of a special prosecutor for Bay and Gulf Counties. The PEER petition was filed by Steven Medina, a former lawyer with the state Department of Environmental Protection specializing in enforcement.</p><p>At the heart of the PEER petition is the inability or unwillingness of local prosecutors to take action in a score of recent highly-publicized pollution cases. The petition notes that a prominent local firm has lawyers who serve as defense attorneys for potential violators and lawyers who work as part-time assistant state attorneys. Moreover, the daughter of the state attorney is herself an attorney for that firm. The petition asks that a special grand jury be convened, citing a litany of unresolved air, water and soil pollution cases, including:</p><p>\* an exposed raw sewage pipeline across St. Andrew Bay;<br /> \* dioxin emissions from

the Bay County garbage incinerator;<br /> \* toxic contamination of Martin Lake;<br /> \* sewage sludge disposal on Gulf County farms;<br /> \* sewage discharge in shellfish harvesting areas and direct discharge of storm water into the Gulf by Panama City Beach; and<br /> \* illegal destruction of wetlands by Panama City Beach.</p><p>Governor Bush has frequently issued executive orders appointing outside prosecutors when conflicts of interest or "appearance" of impropriety issues arise. "The power of the Governor to appoint special prosecutors circumvents the \'good ol\' boy\' gridlock stymying faithful execution of the laws," stated Medina, Florida Counsel to PEER. "These beautiful areas, known for their beaches, bays and lakes, are at risk of becoming notorious for fouling their waters and poisoning their soil."</p><p>A copy of the PEER special prosecutor petition is available upon request.</p>', 'FL', '', 0);

INSERT INTO news VALUES (36, '2000-06-20', 'NUCLEAR DUMP SPROUTS IN WEST TEXAS', 'Agencies Bend Rules for Big Bush Contributor', '<p>Austin - A top campaign contributor to Texas Governor George W. Bush is now disposing of radioactive waste at a 16,000 acre dump in west Texas without a permit but with the acquiescence of state regulators, according to documents released today by Texas Public Employees for Environmental Responsibility (Texas PEER). The dump operator, Waste Control Specialists (WCS), had been denied a more limited license to store and process radioactive waste; but after a Bush campaign contributor acquired half of WCS its license application was sped through the process.</p><p>Dallas billionaire Harold Simmons, part owner of WCS, has given more than \$800,000 to Bush campaigns, making him one of Bush\'s top donors. His donation history, however, is plagued with illegal incidents, including forging his two daughters\' signatures to make political contributions from family trusts. His history with environmental laws is not much better. He is the owner of a defunct lead smelter, now a federal Superfund site, that has been the target of numerous lawsuits claiming damages from dangerous lead emissions.</p><p>The Texas Natural Resource Conservation Commission (TNRCC), the state\'s environmental agency, rejected Waste Control Specialists\'s request for permission to dispose of nuclear waste but WCS has gone ahead anyway:

- massive pits above the country\'s largest aquifer are being filled with radioactive and hazardous waste;
- nuclear weapons related waste that was rejected from other sites has been accepted for disposal;
- radioactive waste from out-of-state Superfund sites is being disposed of at the WCS site.</li></ul><p>"If you give enough money in Texas, you don\'t have to be bothered with little things like licenses and health permits," commented Texas PEER Coordinator Erin Rogers.</p>', 'TX', '', 0);

INSERT INTO news VALUES (37, '2000-06-26', 'PLAN FOR TRADING AIR POLLUTION ON OPEN MARKET IS PREMATURE, SAY EMPLOYEES', 'EPA Stifles Internal Dissent About Problems', '<p>Washington, DC..The Clinton Administration is now poised to allow open market trading of air emission despite an array of unresolved problems which could cripple enforcement of the Clean Air Act against stationary source polluters, according to a report written by U.S. Environmental Protection Agency (EPA) employees and released today by Public Employees for Environmental Responsibility (PEER). Because several states -- principally, New Jersey, Michigan and Illinois -- have already begun air emission trading, the Administration is rushing out a retroactive policy.</p><p>As part of its effort to "reinvent" government, the Clinton-Gore Administration has embraced the "market based solution" of emission trading which allows corporations to buy and sell the right to pollute. What is traded under these policies is a "credit," representing emission reductions, to show environmental compliance. In traditional air emissions trading, trades are confined to one economic sector and only one type of pollutant at a time. Under this new plan, EPA would



authorize inter- sector or "open market trading" (OMT) in which companies can increase or maintain current levels of "smokestack" pollution by removing mobile pollution sources such as old cars or converting diesel buses to hydrogen.</p><p>Under open market trading, corporate cost reduction would replace public health as the driving force behind improving air quality. The PEER report, Trading Thin Air, predicts direct yet uncontrollable public health consequences as state after state opts out of known attainment strategies and opts into new market-based regimes where everything is negotiable but little is verifiable. According to EPA specialists, major defects in the OMT plan include:</p><p>\*The absence of "quantification protocols" -- the means for creating a common, verifiable trading currency to ensure that a trade is an "apples-to-apples" exchange ( a failing repeatedly raised by EPA\'s own Inspector General (IG)); </p><p>\* Lack of enforceability. OMT is utterly dependent upon an enforcement role which EPA cannot fulfill. EPA\'s enforcement programs already have serious limitations and are in no condition to support the new, more complex responsibilities entailed in OMT; and </p><p>\* "Environmental Justice" impacts. EPA\'s concentration on OMT has indefinitely delayed air pollution control plans for urban "nonattainment areas" -- disproportionately comprised of poor and minority populations suffering health consequences of smog.</p><p>"According to EPA\'s own experts, open market trading in air pollution credits is not ready for prime time," stated PEER Executive Director Jeff Ruch. "Political pressures are pushing the agency to take a giant leap into the unknown before it makes sure the bungee cord is firmly secured."</p><p>While EPA struggles to finalize these policies, it has turned a blind eye to several states which have already proceeded with open market trading. In New Jersey, for example, credits representing approximately 770 tons of emissions are now being traded. As the number of states and sources begin trading, EPA has found itself in a frantic rush to "grandfather" these unauthorized pollution markets.</p><p>Trading Thin Air depicts EPA managers obsessed with the prospect of obtaining an election-year "win-win" solution that promises to decrease pollution while cutting back regulation, muzzling internal dissent by: </p><p>\* invoking powers to override negative IG findings of "material weakness";</p><p>\* issuing a "gag order" warning employees of possible criminal prosecution or disciplinary action for the disclosure of "non-public information." The December 1999 order, emanating ironically from EPA\'s own Office of Civil Rights, followed embarrassing leaks of internal assessments regarding potential effects of OMT\'s plans on poor and minority communities; and</p><p>\* encouraging "demonstration" trades of essentially worthless emission credits (in lieu of meaningful pollution reductions or fines) in a tortured effort to show that a pollution marketplace can work.</p><p>"Conscientious employees can no longer safely express professional differences within EPA," concluded Ruch.</p>', ', 'EPA', 0);

INSERT INTO news VALUES (38, '2000-06-27', 'TEXAS "DUMBS DOWN" POLLUTION STANDARDS', 'Prohibits Independent Tests for Concrete Plants', '<p>Austin - Air pollution standards for the concrete industry have been seriously weakened during the administration of Texas Governor George W. Bush, according to documents released today by Texas Public Employees for Environmental Responsibility (Texas PEER). At the behest of industry, Governor Bush signed legislation prohibiting the consideration of independent air dispersion computer modeling in permits for concrete plants.</p><p>The standards were weakened after citizens in Bulverde, Texas paid experts to conduct air dispersion tests concerning a 1995 permit for a concrete making facility run by Ingram Ready Mix, Inc. The Bulverde tests showed that the Ingram facility would emit an unhealthy amount of particulate matter into the air and that the plant would violate health and safety standards. The tests persuaded the Texas Natural Resource Conservation Commission (TNRCC) to deny the permit.</p><p>A subsequent TNRCC

survey of all Texas concrete plants found each one to exceed allowable pollution limits when complete air dispersion modeling was done. Rather than take enforcement action, the TNRCC:

\* used air dispersion models that disregarded several sources of air pollution at concrete plants;

\* remained silent as industry drafted weak air standards for concrete plants. The industry bill, signed by Gov. Bush, prohibits the use of independent computer air dispersion modeling in hearings involving the plants and prohibits TNRCC from requiring the plants to conduct their own air dispersion modeling before beginning construction.

\* approved a plant permit for Ingram in 1999 similar to the permit it vetoed in 1996.

"Under Governor Bush, state pollution regulators have taken a \hear no evil, see no evil approach,\" commented Texas PEER Coordinator Erin Rogers. "When a pollution standard inconveniences an industry, Texas simply \dumbs down\ the standard regardless of the effect on public health."

', 'TX', '', 0);

INSERT INTO news VALUES (39, '2000-06-29', 'EPA ABANDONS CLEAN WATER GOALS', 'Drive for "Healthy Aquatic Communities" Dropped', '<p>Washington, DC..In its new strategic plan, the Environmental Protection Agency (EPA) has eliminated key water quality standards that have been in place for nearly thirty years, according to Public Employees for Environmental Responsibility (PEER), an employee watchdog group.</p><p>The changes are part of EPA\'s new Strategic Plan for the years 2000 through 2005. According to EPA employees working through PEER, this draft plan makes two major changes:</p><p>\*Eliminates "Healthy Aquatic Communities" as a Goal<br /> The draft plan proposed replacing one of the most important objectives of the Clean Water Act (CWA), "healthy aquatic communities," with an objective that will ultimately be much less protective. The draft plan instead proposes to increase the proportion of assessed waters that meet water quality standards (generally numerical chemical criteria).</p><p>One of the primary goals of the 1972 CWA was "water quality that provides for the protection and propagation of fish, shellfish and wildlife, and recreation in and on the water by 1983." Protection of fish is attained by healthy aquatic communities. Healthy aquatic communities are determined by conducting biological assessments. Biological assessments are stringent methods of measurement used to supplement simple water chemistry. Significantly, the plan does not contain a single performance measure, or goal, directed at development of biological criteria.</p><p>\*Waters Down Monitoring<br /> The new plan also removes any further commitment the EPA has to increasing the assessment of water quality. The present strategy reads: "...so that 75% of waters will support healthy aquatic communities by 2005." The new plan would read: "increase by 175 the number of watersheds meeting water quality standards in 80% of assessed waters." The current goal includes ALL waters, not just already assessed waters. Thus, the new language allows EPA to assess only a small fraction of water bodies.</p><p>Furthermore, very little data is needed in a watershed, or "cataloging unit, " to be considered in the assessment. This minimal data is used to determine statistically the water chemistry of many miles of streams. Hence more waters are being reported even though no more waters are being assessed.</p><p>This plan will be submitted to Congress under the Government Performance and Results Act and is supposed to play a major role in Congress\'s determination of agency priorities, as well as in guidance for delegated State action.</p><p>"EPA is using their strategic plan to beat a strategic retreat," stated PEER Executive Director Jeff Ruch. "EPA is offering the skeleton but not the flesh of the Clean Water Act."</p>', '', 'EPA', 0);

INSERT INTO news VALUES (40, '2000-07-03', 'INTERIOR TO OPEN NATIONAL PARKS TO HUNTING BY NATIVE AMERICANS', 'Tribes Seek Hunts in Yellowstone, Grand Canyon & Many Other Parks', '<p>Washington, DC.. Many of America\'s most famous national parks will be open for hunting by Native Americans under a new policy being

prepared by the U.S. Department of Interior. Tribes are already seeking hunting privileges in a number of major parks, including Yellowstone, Grand Canyon, Denali and others, according to a survey of more than 40 parks released today by Public Employees for Environmental Responsibility (PEER).

According to the PEER survey, Native American groups are seeking to hunt bighorn sheep in Grand Canyon, caribou at Denali, bison at Yellowstone, mountain goats at North Cascades, elk at Olympic and other national parks as well as golden eagles and red-tailed hawks from a number of national monuments in the Southwest. More than a third (16 out of 42) national parks surveyed by PEER reported requests from affiliated tribes to hunt, trap or otherwise collect animals from the park. Several of the larger parks report increasingly insistent demands from multiple tribal groups for broad hunting rights.

Historically, parks have rejected attempts by tribes to assert hunting rights. In 1999, after the Wupatki National Monument refused a request from the Hopi tribe to take golden eaglets for ceremonial sacrifice, Interior Secretary Bruce Babbitt voided the park's refusal and announced his intention to develop a new policy to accommodate Native American "take" of non-endangered species.

Interior's emerging policy would dramatically transform the character of national parks, long regarded as wildlife sanctuaries since Congress first banned the taking of animals from Yellowstone in 1894. Several Park Service officials privately express concerns about the effects of opening parks to "tribal taking." The PEER survey is the first attempt to assess the impacts of Secretary Babbitt's plan.

"Secretary Babbitt is pressuring his agency lawyers to produce an opinion contradicting the Park Service's long-standing position that killing or capturing wildlife in the parks violates the 1916 Organic Act," stated Frank Buono, a PEER Board Director and former assistant superintendent at Joshua Tree National Park and Mojave National Preserve. "If Babbitt succeeds, our national parks will lose their special status as inviolate sanctuaries."

'', 'NPS', 0);

INSERT INTO news VALUES (41, '2000-07-15', 'MAINE WILDERNESS UNDER ATTACK', 'New Report Documents Growing Threats to Allagash Wilderness Waterway', 'Millinocket. . .The Allagash Wilderness Waterway is threatened by increasing political pressure to develop, and rangers are being hampered from enforcing environmental rules, according to a report released today by Maine Public Employees for Environmental Responsibility (Maine PEER).

The report, titled '\'\Losing Paradise: The Allagash Wilderness Waterway Under Attack,\'\'' written by current and former Waterway employees, details how politics have influenced the way America's only state-run wilderness has been managed over the past three decades. Created by a state referendum in 1966, the Waterway was meant to be managed for its wilderness values, but in recent years the Bureau of Parks and Lands (BPL) has shifted the management focus toward the notion of "balanced" development within the waterway. The Bureau's plans for balance include:

- \*constructing parking lots and new bridges for increased motorized access;
- \*increasing development along the Waterway, including permanent structures and, in one case, a sporting camp with a hot tub;
- \*promoting a laissez-faire attitude toward timber companies adjacent to the Waterway.

Employees of the Allagash Wilderness Waterway have been discouraged from doing routine water quality monitoring or even from enforcing environmental rules, including power watercraft prohibitions, group size caps and habitat disruption. Conscientious employees who continue to enforce these rules have been met with systematic retaliation from BPL managers.

In a unique partnership with local outfitting companies, Losing Paradise will be distributed, free of charge, to outdoor enthusiasts who canoe the Allagash this summer.

"We want to shine a spotlight on the politically-motivated mismanagement of the waterway," explained Maine PEER Director Tim Caverly. "We

can\'t allow Maine\'s wilderness to become the sacrificial lamb for politicians and their back-room deals."</p>', 'ME', '', 0);

INSERT INTO news VALUES (42, '2000-07-06', 'FISH KILLS MAR TOP BASS FISHERY IN TEXAS', 'State Lowers Standards Rather Than Order Clean-Up; Vote Due on July 12', '<p>Austin - Massive fish kills, outbreaks of lesioned and diseased fish and deteriorating water quality are threatening the health of Lake Sam Rayburn, one of the top bass fisheries in the country, according to documents released today by Texas Public Employees for Environmental Responsibility (Texas PEER). The Texas Natural Resource Conservation Commission (TNRCC), the state\'s environmental regulatory agency, is lowering water quality standards rather than force polluters to reduce the flow of effluents.</p><p>Lake Sam Rayburn covers 114,500 acres and 560 miles of shoreline on the Angelina River in the Piney Woods of east Texas. Although the lake is partially situated in the Angelina National Forest, Texas state authorities have permitted nearly 50 wastewater dischargers in the watershed. As a consequence, toxicity, odor problems, and other water quality problems in the lake have increased drastically.</p><p>TNRCC recently was forced to include Lake Sam Rayburn on its list of waterways that are polluted as defined by the Clean Water Act. Contrary to the recommendations of its own staff and despite objections from the US Forest Service, Texas Department of Water Resources and the Texas Department of Parks and Wildlife, the TNRCC is proposing weaker water standards rather than pollution abatement.</p><p>A prime example is the case of the Donohoe Industries paper mill facility. The standards were proposed to be weakened after discharge data showed that the facility, in violation of its permit, exceeded the maximum allowed aluminum discharge by several hundred pounds per day. The Donohoe plant flushes 20 million gallons per day of waste water into Lake Sam Rayburn, accounting for nearly three quarters of all discharges into the lake. Rather than enforce the law, TNRCC simply wants to adjust water quality standards to fit the current level of pollution.</p><p>On July 12, 2000 the three Bush appointed Commissioners of the TNRCC will vote on final approval of the proposed changes in water quality standards.</p><p>"When Lake Sam Rayburn is defined as polluted, Texas simply changes the definition so that the crime no longer fits the law" commented Texas PEER Coordinator Erin Rogers. "The Governor is turning one of the best recreational spots in the state into an open sewer."</p>', 'TX', '', 0);

INSERT INTO news VALUES (43, '2000-07-06', 'DAVIS NEGLECTS TOXIC PROBLEMS', 'Staff Still See Enforcement Obstruction', '<p>Sacramento - Governor Gray Davis is not living up to expectations that he would significantly improve environmental protection, according to employees at California\'s Department of Toxic Substances Control (DTSC) in a report released today by Public Employees for Environmental Responsibility (PEER). DTSC employees note that, while the overt hostility to environmental enforcement during the tenure of Governor Pete Wilson has disappeared, crucial reforms are not forthcoming.</p><p>The most common complaint emerging from the scores of employee interviews conducted by PEER is that Governor Davis has left most of the Wilson policies and management personnel in place. Of the 25 top appointed positions at DTSC, more than half (13) are still held by Wilson appointees. Two positions remain vacant.</p><p>Under the Wilson administration, regulated industries knew they could go over the heads of project managers and inspectors to avoid compliance. According to current DTSC employees, political interference continues to occur:</p><p>\* Staff cite incidents in which DTSC project managers are being replaced at the request of regulated industry representatives, and where politics continue to over-ride science-based recommendations.</p><p>\* Several project managers told PEER that their projects are influenced by attorney Peter Weiner, who represents several hazardous waste generators as well as a number of

Responsible Parties (RPs) involved in a variety of DTSC clean-up projects.</p><p>\* Employees note that enforcement logs show no increase in violations reported. They report a "business as usual" attitude by managers and are still waiting to see DTSC use its authority to crack down on facilities that fail to meet clean-up schedules, or use their attorneys and lobbyists to delay or avoid expensive clean-up measures.</p><p>The PEER report was compiled from extensive one-on-one interviews with nearly 80 DTSC employees, approximately one-tenth of all agency employees. While staff applauded Davis\' appointment of Ed Lowry as DTSC Director, they believe he has not been given the freedom to run the department.</p><p>The report shows little change in staff attitudes today compared with a September 1999 PEER survey, in which employees asked the newly-appointed Director Lowry to "clean house" of holdover managers and to change the agency direction to support stronger enforcement of California\'s environmental laws.</p><p>"The initial hopes for meaningful change DTSC employees felt when Governor Davis took over are steadily eroding," commented California PEER Coordinator Karen Schambach, who conducted the interview project. "According to the employees in the trenches, the Davis administration is on a course of perpetuating Pete Wilson\'s environmental legacy."</p>', 'CA', '', 0);

INSERT INTO news VALUES (44, '2000-07-17', 'CORAL REEFS RIPPED BY EXPLOSION OF FIBER OPTIC CABLES', 'Groups Petition U.S. Coral Reef Task Force', '<p>Washington, DC - A coalition of environmental groups from both the Atlantic and Pacific coasts today filed a petition charging federal agencies with ignoring protections for coral reefs. The petition, organized by Public Employees for Environmental Responsibility (PEER), demands that the U.S. Army Corps of Engineers stop approving underwater fiber optic cables across sensitive coral reefs without conducting required environmental reviews.</p><p>The telecommunications revolution has spawned a proliferation of undersea fiber optic cables for high-speed transmission of massive amounts of digital data, with nearly 50 new cable permits pending for the Florida coast alone. The petition cites environmental damage caused by cables dropped into sensitive coral beds, dredging and drilling blow-outs (called "frak outs") as well as impacts on marine sanctuaries from multiple cable crossings.</p><p>The petition is filed before the U.S. Coral Reef Task Force, an inter-agency group created by President Clinton to "secure implementation of measures necessary to reduce and mitigate coral reef ecosystem degradation" (Executive Order 13089). The petition focuses on the Army Corps, which grants blanket exemptions for undersea fiber optic cables as if they were land-based "utility lines."</p><p>"The Army Corps is again asleep at the switch, content to use last century\'s tools to address this century\'s challenges," stated PEER General Counsel Dan Meyer who drafted the petition. "As we approach \'Reef Awareness Week,\' the very federal agencies charged with coral reef protection continue to green light all new subsea cable applications without environmental evaluation, seemingly unaware of the potential harm."</p><p>The coalition of groups, ranging from the Hawaiian Islands to the Virgin Islands, includes Public Employees for Environmental Responsibility (PEER), Center for Marine Conservation, Environmental Defense, Ocean Watch Foundation, Pacific Whale Foundation, Surfrider Foundation, St. Croix Aquarium and Marine Education Center, Reef Ball Foundation, Ahupua\'a Action Alliance, Center for Ecosystem Survival at San Francisco State University, and Professor Robin Craig of the Western New England College of Law.</p>', '', 'ACE', 0);

INSERT INTO news VALUES (45, '2000-07-25', 'GOVERNOR REJECTS CALL FOR INDEPENDENT PROSECUTOR', 'Employee Group Decries Conflict of Interest', '<p>Tallahassee. . .Governor Jeb Bush last week denied a request for a special prosecutor in Bay and Gulf counties. In June, Public Employees for Environmental Responsibility (PEER) filed a 22-page petition for a special prosecutor citing

alleged conflicts of interest between State Attorney Jim Appleman and the legal associates of a prominent Bush supporter. PEER claims that the rejection raises serious questions about the Governor's commitment to enforcing environmental laws.

The petition states that Appleman, the statutory Grand Jury Counsel who decides whether and how to investigate alleged environmental violators, has close ties to members of the legal defense team employed by many of the same violators. Appleman employs two attorneys from the law firm of Bush supporter William Harrison, and his daughter is also an attorney with the firm.

In a six-sentence letter signed by his acting general counsel, Bush summarily denied PEER's request, claiming that in the absence of a request from Appleman himself, he had no authority to appoint a special prosecutor. PEER's petition claims that statutes specifically endow Bush with this authority " . . . if, for any other good and sufficient reason, the Governor determines that the ends of justice would be best served. . . ."

After PEER filed its petition, Appleman said that he would step aside if a special prosecutor were appointed. He was quoted in the Panama City News Herald on June 15, saying "That certainly would be a decision of the governor's office."

Bush's move comes just weeks after the Florida Department of Environmental Protection announced a new logo, "More Protection, Less Process" touting the Bush Administration's commitment to bring environmental criminals to justice. PEER's petition cited several major environmental issues in Bay and Gulf counties that PEER says need to be investigated by a special prosecutor, including an illegal raw sewage pipeline installation across St. Andrew Bay that the local newspaper have dubbed "Wastewater-gate." A grand jury under Appleman's office reportedly decided not to indict accused participants in Wastewater-gate.

"The Governor is sending a message to victims of environmental crimes that there will be no justice on his watch," said Steve Medina, PEER's Florida Counsel. "The public has a right to a prosecutor without the appearance of ethical conflicts."

'FL', '', 0);

INSERT INTO news VALUES (46, '2000-08-08', 'THREATS & ASSAULTS AGAINST FEDERAL WILDLIFE STAFF', 'Fish & Wildlife Service Finally Begins Tracking Attacks on Employees', '<p>Washington, DC..For the first time in its history, the U.S. Fish and Wildlife Service (FWS) has begun compiling records of threats and harassment against employees, according to reports released today by Public Employees for Environmental Responsibility (PEER), an employee advocacy group. In 1999 the Service documented seven incidents of violence or threats of violence, including assaults and death threats, ranging from Nebraska to Guam but employee surveys suggest many more incidents go unreported.</p><p>Unlike other federal resource management agencies, such as the U.S. Forest Service and the Bureau of Land Management, FWS in recent years has responded to Freedom of Information Act requests from PEER by saying that it has no records of even a single incident against a staff member serving on any of the more than 500 national wildlife refuges spread across the U.S. PEER has been compiling data on threats against resource agency employees since the 1995 bombing in Oklahoma City.</p><p>Last December a PEER survey of refuge managers found that 32% of respondents experienced threats or harassment against "members of [their] family or refuge staff" in connection with resource management decisions. Nearly half of those who reported incidents said that they were not "encouraged to report" incidents to FWS.</p><p>One case reported by the FWS involved the Guam National Wildlife Refuge, where political disputes over Refuge ownership have become increasingly violent in the past few years. Last October, Refuge Officer Steve Berger received death threats, and was assaulted the next day. Two days after the assault, Berger was chased into his office by an angry mob. Not included in the FWS report was the fact that Refuge Supervisor Rober Dorosa was similarly assaulted by an irate anti-government gang on the eve of the 1999 New Year.</p><p>"We hope the decision to track incidents means that the Fish and

Wildlife Service is beginning to take attacks on its own employees seriously," stated Eric Wingerter, PEER\'s national field director, who noted that FWS staff told PEER that the group\'s repeated Freedom of Information Act requests for the violence data and subsequent publicity sparked the agency to begin keeping records. "Employees tell us that these reported incidents are just the tip of a much larger iceberg."</p>', '', 'FWS', 0);

INSERT INTO news VALUES (47, '2000-08-10', 'ATTACKS ON FOREST SERVICE & BLM WORKERS FALL BY HALF', 'Assaults, Acts of Arson and Threats Down in 1999, Agencies Report', '<p>Washington, DC - Beatings, shootings, death threats and other incidents against federal resource managers, largely in the West, had been steadily rising since the Oklahoma City bombing in 1995 but fell off sharply in 1999, according to documents released today by Public Employees for Environmental Responsibility (PEER), an organization dedicated to protecting public employee who protect our environment.</p><p>Documents obtained by PEER through the Freedom of Information Act show that in 1999 assaults, acts of arson and bomb threats directed at U.S. Forest Service and Bureau of Land Management (BLM) employees and facilities declined by half from a peak of nearly 100 such incidents in 1998. In the National Park Service (NPS), assaults on staff dropped by nearly a third from the 95 assaults the agency reported in 1998 (NPS did not compile such data prior to 1998).</p><p>Despite the drop off in total numbers, each agency registered serious incidents, including:</p><p>\*Park Service -- a park ranger in Hawaii\'s Koloko National Park was shot with his own gun after a scuffle;</p><p>\*Forest Service -- five acts of arson, three bombings and two bombs found attached to trip- wire booby traps; and</p><p>\*BLM -- shots fired at employees and a variety of threats against field staff.</p><p>"The vast majority of incidents reflect resistance to federal environmental regulation," stated PEER National Field Director Eric Wingerter, whose organization has filed civil damage suits on behalf of injured workers. "While we are seeing a decrease in open confrontations, the attacks have gone underground."</p><p>By way of example, Wingerter pointed to Nevada\'s Humboldt-Toiyabe National Forest Supervisor Gloria Flora who resigned last October to protest growing harassment of her staff by local officials. "None of the incidents in Nevada -- which Gloria Flora called \'fed-bashing\'-- ended up in the agency\'s law enforcement statistics but they were nonetheless real and had the intended effect of intimidating federal resource agency employees," Wingerter added.</p>', '', 'FS', 0);

INSERT INTO news VALUES (48, '2000-08-15', 'FCC TO CONSIDER ADOPTING ENVIRONMENTAL POLICIES', 'Industry Split Over Effect on Undersea Fiber Optic Cables', '<p>Washington, DC - The Federal Communications Commission (FCC) has begun formal consideration of whether to require environmental reviews on all pending applications to lay submarine fiber optic cables across coral reefs and other sensitive ocean areas. The FCC action was triggered by a rule-making petition filed by Public Employees for Environmental Responsibility (PEER), an alliance of state and federal marine biologists, hydrologists and other specialists.</p><p>Citing a growing number of instances in which dredging, drilling and laying of fiber optic cables has destroyed fragile coral beds and fouled critical habitat for manatees, sea turtles and other endangered marine species, the Center for Marine Science, Oceanwatch, the Pacific Whale Foundation and other environmental groups have joined the PEER petition. According to the petition, the FCC\'s policy of relying upon industry self-certification violates the National Environmental Policy Act (NEPA) which requires every federal agency to review potential environmental impacts of its major actions.</p><p>A number of telecommunications companies, including AT&T, Global Crossing, and Qwest Communications, have signaled their opposition to the PEER petition. By contrast, two industry leaders, Tyco and Atlantico, have actually joined with

PEER to help develop model industry code guided by an independent blue ribbon panel of scientists being assembled by PEER.</p><p>"The notion that the new information age carries no environmental consequences is a myth," stated PEER General Counsel Dan Meyer. "From the Virgin Islands to the Hawaiian Islands, sprawling tendrils of undersea cables are being approved, with more proposed each day, yet no agency is taking stock of, let alone trying to minimize, the cumulative impacts."</p>', '', 'FCC', 0);

INSERT INTO news VALUES (49, '2000-08-22', 'GOVERNOR INTERVENES FOR PACIFIC LUMBER', 'Staff Taken to the Woodshed for Delaying Headwaters Logging', '<p>Sacramento - A top staff member for Governor Gray Davis instructed state forestry and wildlife staff to "bend over backwards" to approve logging plans by the Pacific Lumber Company, according to information obtained by California Public Employees for Environmental Responsibility (California PEER), an employee advocacy group.</p><p>Lobbyists for Pacific Lumber dominated a stormy meeting described by one participant as "a public whipping" of the California Department of Fish & Game (DFG) and the Department of Forestry and Fire Protection (CDF). The Washington DC lobbyist for Pacific Lumber, Tommy Boggs, along with representatives from the U.S. Fish & Wildlife Service and the National Marine Fisheries Service, attended the meeting. Susan Kennedy, Governor Davis\' Cabinet Secretary and Deputy Chief of Staff, summoned managers from DFG and CDF to attend the January 18, 2000 meeting at the State Resources Building.</p><p>Kennedy\'s order to the agency managers to "back off" followed a presentation by Jared Carter, Executive Vice president and Counsel for Pacific Lumber, who had a list of complaints about CDF and the Department of Fish and Game. The company contends that the state is taking too long to approve Pacific Lumber\'s logging plans. The plans are those governed by the Habitat Conservation Plan (HCP) that was part of the Headwaters Forest acquisition deal. State biologists say the delays are due to inaccurate information in the plans, such as failing to identify the presence of federally listed wildlife species, and Pacific Lumber\'s insistence on interpreting provisions of the HCP in ways that undermine the conservation plan. Wildlife managers who attended the meeting characterized it as "one-sided."</p><p>One participant said: "The company came to the Administration and complained, so the Governor\'s Office beat up on us a bit. Pacific Lumber left the meeting feeling pumped up. Susan was pandering to the company, who went away all puffed up. That\'s not the way to encourage the people already killing themselves working long hours. Morale is not a concern to the Governor\'s Office. We could have accomplished the same objectives without being beaten over the shoulders about it."</p><p>"Allowing his staff to take a belt to state wildlife managers while industry looks on sends a clear message about this Governor\'s priorities," commented California PEER Coordinator Karen Schambach. "Governor Davis is willing to sacrifice the state\'s fish and wildlife resources in order to appease the timber industry."</p>', 'CA', '', 0);

INSERT INTO news VALUES (50, '2000-08-29', 'STATE FISH & GAME TOLD TO FACILITATE LOGGING', 'Staff Cite "Micro-management" by Governor\'s Office', '<p>Sacramento - The Gray Davis administration deliberately obstructs the California Department of Fish and Game\'s (DFG) efforts to protect fish and wildlife from the impacts of timber harvests and has failed to promote needed reforms, according to a report released today by California Public Employees for Environmental Responsibility (California PEER). The report states that Davis\' staff has ordered Fish and Game biologists to "back off" from their attempts to get industry to mitigate wildlife concerns. Biologists further contend that the state\'s forestry policies fail dismally at protecting California\'s wildlife resources.</p><p>The report, based on 70 interviews with DFG and other state agency employees, maintains that the Davis administration is overly industry-friendly, and employees fear that this is a result of timber-backed



contributions to the Davis campaign war chest.

According to interviewed employees, the administration's directives include concessions to Pacific Lumber Company in implementing the Headwaters Forest Habitat Conservation Plan. They say these concessions are resulting in the continued decline of federally listed species such as the northern spotted owl and marbled murrelet.

Employees also say that the existing Forest Practice Rules are not protecting endangered species such as coho salmon. According to one Fish and Game manager, "commercial logging is the predominant management activity affecting coho salmon. Coho numbers have declined precipitously; therefore Forest Practice Rules are not accommodating that species."

Another major concern expressed by employees is a lack of financial and staff resources. Biologists say recent budget increases for additional staff to review Timber Harvest Plans (THPs) will help, but even if all those positions are filled, the Department will still be able to review only one-fourth of the hundreds of Timber Harvest Plans filed every year. They also note that reviewing more plans will mean finding more problems for which they have no legal remedy, because the existing Forest Practice Rules do not protect the state's fish and wildlife resources. They blame the lack of reform on Davis' failure to make use of his opportunities to appoint reform advocates to the California Board of Forestry.

"Its own employees say Fish and Game cannot fulfill its Public Trust responsibilities of protecting our state's wildlife," stated California PEER Coordinator Karen Schambach. "Employees had high hopes for the Davis Administration, but expectations for reversing a nearly two-decade slide in the agency's ability to address the state's declining wildlife resources are fading."

In January, 1999 PEER released the results of an agency wide DFG employee survey which raised many of the same issues reflected in the 2000 interviews.

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INSERT INTO news VALUES (51, '2000-09-12', 'POLITICS INFEST GAME & FISH, SAY EMPLOYEES', 'New Director to Face Big Hurdles', 'Read Survey Results Albuquerque - Staff within New Mexico's Department of Game & Fish (DGF) say their agency is moving in the wrong direction to the detriment of the state's wildlife. According to a survey conducted by Southwest Public Employees for Environmental Responsibility (Southwest PEER), strong majorities of employees report that DGF frequently sacrifices wildlife protection under political pressure, suffers from weak, inconsistent leadership and is both underfunded and poorly managed. The principal theme emerging from the PEER survey results is the pervasive influence of politics within DGF on what are supposed to be scientific questions: * More than two-thirds of employees (68%) doubt that their own management will stand up against "special interests or political pressures." More than half (59%) contend "many decisions...ignore sound wildlife or fishery biology" with only one quarter of employees in disagreement; * Most (53%) feel New Mexico's wildlife are not "better protected today than five years ago" with a similar percentage (56%) reporting that DGF lacks "an effective program for managing and conserving wildlife;" and * Although more than two-thirds (68%) believe the agency is not "adequately and staffed to manage the state's wildlife resources" most (61%) admit that DGF is not a "well managed agency." The State Game Commission is now considering candidates for appointment as the next DGF Director. Employee expectations about the quality of the Commission's selection process are very low with less than a fifth (18%) expressing confidence that "the selection process for the next director will produce the most qualified candidates." Employees also give the Game Commission low marks on its performance: * More than nine out of ten (91%) staff believe the Commission does not "carefully consider the biological analyses and recommendations" from DGF -- not a single respondent disagreed; * Three quarters (75%) think the Commission focuses too much on "just game species;"
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and

\* More than two thirds (67%) say the "Commission inappropriately interferes in staff matters."

"Field biologists and conservation officers cannot do their jobs if they are constantly being second guessed and undercut by politics," stated Southwest PEER Coordinator Leon Fager who served for 31 years as a federal biologist, most recently as the senior endangered species biologist for the U.S. Forest Service's Southwest Regional Office. "Apparently the Game Commission still thinks that promoting hunting is all there is to protecting wildlife."

Whoever is chosen as the next Director will also face challenges with the Legislature and Governor. Nearly two-thirds (62%) of employees believe stronger wildlife protection laws need to be enacted but less than a third (30%) rate DGF as "effective in presenting its funding needs to the state legislature and governor."

Internally, employee concerns go well beyond morale, which well less than one fifth (14%) rate as excellent or good. Survey responses reflect employee experience with illegal orders, fear of reprisal and lack of respect:

\* One fifth (20%) report they "have been directed or encouraged by a supervisor to ignore a specific threat" to wildlife;

\* More than one quarter (27%) "fear job-related retaliation for openly advocating protection of the state's wildlife resources" with nearly another third (30%) expressing uncertainty about the prospects of such retaliation; and

\* Nearly a third (32%) feel their agency does not provide "complete and accurate information to the public on controversial issues."

The survey was not all bad news for DGF. Strong majorities of staff feel that the agency offers opportunities for professional advancement (64%), that racial and sexual discrimination are not a problem (61%) and that DGF recommendations to the Game Commission are "complete and accurate" (64%).

In August PEER mailed a survey questionnaire to all 227 DGF employees containing questions composed by current and former agency employees. More than one-third of all employees (37%) responded with many submitting essays about issues facing the agency. This rate of return is nearly four times the norm for this type of survey.

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INSERT INTO news VALUES (52, '2000-09-13', 'CHICAGO GETS SPECIAL CLEAN AIR EXEMPTION', 'Unprecedented Pre-Election Deal Rushed Through', '<p>Washington, DC - The U.S. Environmental Protection Agency (EPA) is giving an unprecedented exemption from meeting Clean Air Act requirements to the metropolitan area of Chicago, despite the fact that Chicago is already in violation of air quality standards. EPA is invoking a never before used provision of the Clean Air Act to relax pollution controls by declaring Chicago an "economic development zone."</p><p>Under the EPA plan, new factories and other stationary sources of pollution locating within the Chicago metropolitan area would not have to provide offsetting reductions as they now must in all non-attainment areas. EPA announced the plan on August 25 with an unusually short two-week public comment period.</p><p>The plan is the fruit of negotiations among EPA Administrator Carol Browner, Mayor Richard M. Daley of Chicago and industry representatives, principally Atlantic Steel. EPA observers estimate that approximately 50 large factories will benefit from the elimination of offset requirements and potential legal challenges from affected neighborhoods under the plan which would begin this December and stay in effect until 2008.</p><p>EPA claims the plan will ultimately produce pollution reductions but leaves details as to how that might be accomplished to a future plan to be developed by the state of Illinois. The plan also introduces new regulatory concepts such as an emission "growth allowance" and pollution "surplus" without definition.</p><p>"Something is mighty fishy for the Clinton-Gore Administration in these boom times to declare a special need in Chicago to put jobs ahead of public health," stated PEER Executive Director Jeff Ruch. PEER was contacted by EPA employees who were concerned that the plan was inappropriate but was being politically bulldozed through the agency. "This smacks of a sweetheart deal in which the nation's
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main clean air enforcement tool is put away in return for a promise by Illinois to produce future reductions from unspecified sources."</p><p>The Chicago metropolitan area, with more than 9 million people in 294 municipalities covering all or parts of eight counties, is, like many urban areas such as Houston or Los Angeles, out of compliance with federally mandated clean air targets. Ironically, EPA regularly cites the disproportionate health effects of bad air quality in urban poor and minority neighborhoods, the very neighborhoods that will likely be the locations of new pollution sources in the Chicago "development zones."</p>', '', 'EPA', 0);

INSERT INTO news VALUES (53, '2000-10-02', 'UPPER MISSISSIPPI-ILLINOIS LOCKS DELAYED TWO YEARS', 'Corps Admits Demand is Lower Than Forecast', '<p>Washington, DC..A massive and controversial plan to expand the lock and dam system on the Upper Mississippi River and the Illinois Waterway is being delayed for an additional two years because the Army Corps of Engineers now admits that river traffic forecasts are much lower than previously assumed, according to Public Employees for Environmental Responsibility (PEER), a watchdog group that represents employees within the Corps.</p><p>Under the proposed new Corps schedule, final project feasibility studies will not be completed until March of 2002. The previous schedule called for these studies to be completed in draft form this month. The reason for the delay is ascribed to a new Corps internal review which found that actual barge traffic on the rivers since 1993 has been significantly lower than the original Corps forecasts had predicted.</p><p>The traffic demand forecasts for the Upper Mississippi-Illinois Waterway Navigation project were central to the disclosures made earlier this year by Corps economist Dr. Donald Sweeney. In an affidavit accompanied by a sheaf of confirming internal Corps e-mails, Dr. Sweeney charged that the project\'s cost-benefit studies were manipulated by top Corps officials to justify building the project far sooner than needed to accommodate anticipated barge traffic.</p><p>"The Corps owes Dr. Sweeney an apology," commented PEER Executive Director Jeff Ruch through whose organization Dr. Sweeney made his original disclosures. "The fact that the Corps is only now looking at actual barge traffic numbers for the past six years suggests that problems with their forecasting run far deeper than the Upper Mississippi."</p><p>The Upper Mississippi-Illinois Waterway Navigation project involves extensive enlargement and other improvements in the 29 locks and dams in the 854 mile stretch of the Upper Mississippi between Minneapolis-St. Paul and the mouth of the Ohio River as well as the 8 locks and dams on the 348 mile Illinois Waterway connecting the City of Chicago and the Great Lakes with the Mississippi. The size and complexity of the project would make it one of the largest single civil works projects proposed in recent years.</p><p>"The Corps is trying to lowball this announcement in order to minimize embarrassment," Ruch added. "No external critic could make a more compelling case for independent review of Corps studies."</p>', '', 'ACE', 0);

INSERT INTO news VALUES (54, '2000-10-05', 'WASTEWATER PLANT EMPLOYEES DOCUMENT MALFEASANCE', 'Negligent Managers Blamed for Health Risks, Toxic Spills, Coverup', '<p>Employees of Missoula\'s Waste Water Treatment Plant blame negligent management for the frequent spills, bypasses and potential "backflows" that pollute the Clark Fork River, contaminate the city\'s groundwater, and threaten the safety of the plant\'s own drinking water, according to a white paper released today by Public Employees for Environmental Responsibility (PEER).</p><p>The report, titled Fouling Our Nest and written anonymously by current and former plant employees, charges that the chronic problems have been masked by management. Plant workers are frequently ordered to manipulate discharge monitoring tests and discouraged from reporting permit violations.</p><p>In recent years, the plant has experienced a number of

failures causing sewage to flow directly into the Clark Fork River or to contaminate groundwater: </p><p><b>Sewage Bypasses.</b> While many sewage treatment bypasses vary in quantity, several recent bypasses been enormous -- one in November 1999 spewed more than 160,000 gallons of sewage into the Clark Fork River. The precise number and extent of bypasses is difficult to document because plant management actively discourages staff from reporting violations to the Montana Department of Environmental Quality (DEQ) or EPA.</p><p><b>Sludge Tainting Groundwater.</b> Due to system backups and clogs, overflows of sewage sludge escape containment areas and seep into the aquifer under the plant by entering injection wells intended for the disposal of stormwater.</p><p><b>Backflow Threat to Drinking Water.</b> Improper backflow prevention devices used at the plant may enable raw sewage to contaminate the plant\'s drinking water supply and wells.</p><p>Aside from the bio-hazards associated with mishandling fecal matter in the raw sewage, the Missoula Waste Water Treatment Plant has irresponsibly handled toxic chemicals and compounds:</p><p><b>\* Methane.</b> Poor management and lack of equipment maintenance have contributed to a serious problem of methane gas emissions at the plant. Methane discharges have rotted out plant piping as methane leaks have become a daily occurrence.</p><p><b>\* Mercury.</b> Mercury spills from plant equipment have simply been swept up with brooms and sent to the city landfill. Similarly, approximately 400 faulty mercury float switches from the STEP system have also ended up at the local dump.</p><p><b>\* Hazardous Wastes.</b> Despite the fact that the plant is not designed to accept these wastes, acids, some pesticides and other chemicals collected by the City of Missoula at the annual "Hazardous Waste Collection Day" are dumped directly into the treatment process.</p><p>The system failures have been hidden from public view by a departmental culture of covering up problems and retaliating against those who step forward:</p><p>> An unapproved chlorine testing procedure was introduced at the plant in 1993 in order to obscure permit and water quality violations;</p><p>> The plant frequently runs without licensed supervisors or properly trained and certified operators; and</p><p>> Plant workers who have reported problems have been removed or punished. Plant staff willing to mask or cover up problems are promoted.</p><p>>"Plant employees had been ignored and harassed when they brought these problems up with the city and with DEQ," commented Montana PEER Director Kevin Keenan, "Writing this paper was their last resort."</p><p>The paper concludes with a list of recommendations from plant staff, including the immediate launch of a criminal investigation, the establishment of a statewide task force to examine similar problems in other cities, and the adoption of a non-retaliation policy for whistleblowers. "PEER will be keeping very close tabs on the way oversight agencies act to remedy these problems," stated Keenan.</p><p>Keenan acknowledged that several hours of recent intense discussions between Montana PEER and the Missoula mayor\'s office have yielded positive results. However, a strong undercurrent of denial from treatment plant management staff necessitated the immediate release of the document.</p>', 'MT', '', 0);

INSERT INTO news VALUES (55, '2000-10-20', 'STATE AND FEDERAL WORKERS SEE THREATS FROM MICHIGAN ENVIRONMENTAL CHIEF', 'Tightening the Screws at DEQ', '<p>Washington, DC - Federal pollution inspectors fear for their safety after Department of Environmental Quality (DEQ) Director Russell Harding voiced opposition to their presence in Michigan by invoking the specter of "Waco-like" violence, according to Public Employees for Environmental Responsibility, an organization representing public agency pollution specialists. At the same time, Harding has impeded enforcement of anti-pollution laws in his own agency by a series of illegal orders and retaliatory re-assignments.</p><p>"The climate for environmental enforcement within Michigan is at rock bottom," commented PEER Executive Director Jeff Ruch whose organization did an agency-wide survey of DEQ

employees two years ago. "Russell Harding is tightening the screws not only against his own staff but is also raising the possibility of violence against federal inspectors."</p><p>In an October 5th posting on the web-site of the Michigan Farm Bureau, Harding is quoted as calling the presence of federal water quality inspectors in the state a "simply unacceptable... Waco-like manner to trample over the state\'s rights." "Federal inspectors view Harding\'s comments as a warning to watch their backs," said Ruch. "Harding\'s comments are an astonishing act of irresponsibility from a public servant."</p><p>At the same time, a coalition of Michigan environmental groups recently released a report, entitled "Dereliction of Duty," detailing 25 cases in which DEQ management blocked enforcement efforts by its own staff often re-assigning the staff or forcing resignations. [The report is available online at: <a href="http://www.mecprotects.org.">www.mecprotects.org</a>] "This report reinforces what DEQ employees themselves have been saying," Ruch added.</p><p>Two years ago, PEER surveyed all 1400 DEQ employees with nearly half (41%) responding:</p><p>\* Less than one-fourth (23%) felt their agency is committed to enforcing anti-pollution laws. More than three-quarters (83 and 86%, respectively) said economic development receives more weight than environmental protection and that the customer served by the agency is business rather than the public or the environment;</p><p>\* More than half of DEQ employees (52%) expressed fear of job retaliation for advocating environmental enforcement; a similar percentage (54%) knew of cases where employees were transferred or reassigned for "doing their job \'too well\' on a controversial project;"</p>', 'MI', '', 0);

INSERT INTO news VALUES (56, '2000-10-23', 'ENVIRONMENTALISTS & BLM AGREE TO PROTECT LARGE AREAS OF ALGODONES DUNES', 'Peirsons Milkvetch, Colorado Desert Fringe-Toed Lizard, and Other Rare Desert Species to be Protected', '<p>Algodones Dunes, Imperial County, S.E. CA - A coalition of environmental groups led by the Tucson-based Center for Biological Diversity, and including the Sierra Club and Public Employees for Environmental Responsibility (PEER), settled on Friday the first major issue in their 10.5 million acre, 24 endangered species lawsuit against the U.S. Bureau of Land Management (BLM) by agreeing to habitat protection by limiting off-road vehicle (ORV) use through large area closures on the Algodones Dunes.</p><p>To protect the threatened Peirson\'s milkvetch and other imperiled species, BLM agreed to cease off-roading on approximately 48,000 acres of the 150,000 acre dune ecosystem - the largest in California - of which about 118,000 acres or 77% was being managed by BLM exclusively for intensive ORV use. Protection of the 48,000 acres, combined with the 32,240 acre North Algodones Dunes Wilderness, brings more balanced land use to the dunes by increasing the amount of protected land to about 80,240 acres - 54% of the dunes. Most of the protective closure is focused on the central area of the dunes, with smaller closures north of the wilderness area and south of Interstate 8. An estimated 69,760 acres - 46% of the dunes - will remain open to ORVs.</p><p>"Our agreement with BLM is based on the biological needs of the species and will shield the minimum amount of habitat needed to protect and recover the Peirson\'s milkvetch," said Daniel Patterson, Desert Ecologist with CBD who formerly worked with BLM in the California desert. "It took our lawsuit to push BLM managers, but they are finally taking on-the-ground conservation action to save the milkvetch from extinction and protect the unique Algodones Dunes ecosystem."</p><p>The settlement agreement, signed Friday by the plaintiffs and U.S. Department of Justice attorney Lisa Lynne Russell on behalf of BLM, went in to effect Friday afternoon and will become a court order upon approval by the Judge. The protective closures will remain in place at least until BLM completes a desert-wide consultation with the U.S. Fish & Wildlife Service and that agency issues its biological opinion; likely in late 2001.</p><p>For a decade the BLM has ignored its resource protection

responsibilities in the Algodones Dunes," said Elden Hughes, longtime desert environmental champion and Chair of Sierra Club's California/Nevada Desert Committee. "It is a shame that it takes a lawsuit and a settlement to get the BLM to do what it should have done years ago."

"PEER hopes that this agreement marks a new understanding by BLM that managing off-road vehicles involves more than simply accommodating the use," said Karen Schambach, PEER's California Coordinator. "We look forward to working with BLM to ensure that the appetite of off-roaders for the California desert won't drive to extinction plants and animals that live nowhere else on earth."

Peirson's milkvetch (*Astragalus magdalenae* var. *peirsonii*) is a silvery, short-lived perennial plant. A member of the bean and pea family, it can grow to 2.5 feet tall and is notable among milkvetches for its greatly reduced leaves. It produces attractive, small purple flowers, generally in March or April, on stalks with 10 to 17 flowers per stalk. Peirson's milkvetch also has the largest seeds of any milkvetch, an important adaptation to its dunes habitat. Large seeds provide a greater reservoir of stored food and enable a seedling to grow a greater distance before emergence and/or depletion of their stored energy. In the U.S., the plant is known only on the Algodones Dunes. It is listed as threatened under the federal Endangered Species Act.

The California Desert Conservation Area (CDCA) lawsuit, *CBD et al v. BLM*, C-00-0927-WHA, was filed March 16 in the 9th district federal court in San Francisco and assigned to Judge Alsup. BLM admitted liability and non-compliance with the Endangered Species Act in the case on August 25, 2000. The agency agreed to consult with the U.S. Fish & Wildlife Service over desert-wide cumulative effects of land management as prescribed in BLM's 1980 CDCA public land use plan and negotiate settlements with the plaintiffs to avoid further litigation.

The Algodones Dunes settlement is the first of what may be several agreements between the plaintiffs and BLM to better protect and recover endangered species across the vast CDCA. The CDCA stretches over 400 miles from the US-Mexico border to Death Valley and the foothills of the Sierra Nevada. The CDCA harbors 24 federally listed endangered plant and animal species and includes over 10.5 million acres of BLM public land featuring some of the California desert's most scenic areas in Imperial, San Diego, Los Angeles, Riverside, San Bernardino, Kern, Inyo and Mono counties. Negotiations are on-going between the environmentalists and BLM to settle other major environmental issues raised in the lawsuit.

The plaintiffs are represented in this case by attorneys Jay Tutchtou of the Earthjustice Legal Defense Fund (Denver) and Brendan Cummings (Berkeley).

'CO', 'BLM', 0);

INSERT INTO news VALUES (57, '2000-10-20', 'INTERIOR TO OPEN PARK TO NATIVE AMERICAN HUNTING', 'Babbitt Orders Post-Election Special Rule for Arizona Park', '

Washington, DC.. Overriding objections from top National Park Service (NPS) officials, Interior Secretary Bruce Babbitt has ordered promulgation of a special rule to allow removal of golden eaglets from a national monument in Arizona, according to documents released today by Public Employees for Environmental Responsibility (PEER). This unprecedented special order, ending the status of national parks as wildlife sanctuaries, is being held for release in mid-November, after the presidential election.

The special order would allow the Hopi tribe to take golden eagles from the Wupatki National Monument for purposes of ritual sacrifice. While the wording of the order is limited to Wupatki, the rationale cited in the proposed rule would justify opening any unit of the National Park System to hunting by Native Americans.

"This lame duck move by Secretary Babbitt is bad policy done badly," stated Frank Buono, a PEER Director and former assistant superintendent at Joshua Tree National Park and Mojave National Preserve. "A policy change of this magnitude should be submitted to Congress for open debate rather than accomplished through administrative subterfuge."

Currently, wildlife may be hunted or taken

from national parks only where specifically authorized by law or treaty. Consequently, national parks have repeatedly rejected attempts by tribes to assert "traditional" hunting rights. In 1999, after the Wupatki National Monument refused a request from the Hopi tribe to take golden eaglets and that refusal was sustained by all levels of the agency, including the NPS Director, Secretary Babbitt voided the park's refusal and announced his intention to develop a new policy to accommodate Native American "take" of non-endangered species. Secretary Babbitt first tried to pressure agency lawyers to produce an opinion contradicting the Park Service's long-standing position that killing or capturing wildlife in the parks violates the 1916 Organic Act. When that effort failed, Babbitt ordered the issuance of a special rule for Wupatki.

Park Service employees, working through PEER, note three major problems with the proposed rule:

- \* Internal objections have been stifled and NPS professionals have been ordered to prepare an incomplete environmental assessment which omits consideration of effects on eagle populations or any analysis of possible implications for other parks. This departmentally-constrained assessment, slated for the end of October, violates National Environmental Policy Act requirements governing how such studies are supposed to be conducted;
- \* The rule's effects would reach far beyond Wupatki. According to a recent PEER survey, Native American groups are seeking to hunt bighorn sheep in Grand Canyon, caribou at Denali, bison at Yellowstone, mountain goats at North Cascades, elk at Olympic and other national parks as well as golden eagles and red-tailed hawks in a number of national monuments in the Southwest. More than a third (16 out of 42) of national parks surveyed by PEER reported requests from affiliated tribes to hunt, trap or otherwise collect animals from the park. Several of the larger parks report increasingly insistent demands from multiple tribal groups for broad hunting rights; and
- \* The Department of Interior is refusing to release population data concerning golden eagles in the Southwest -- data requested by PEER under the Freedom of Information Act more than a year ago.

"One of America's best contributions to conservation, national parks have served as wildlife sanctuaries since Congress first banned the taking of animals from Yellowstone in 1894," Buono concluded. "This rule proposes to alter the very wildlife protection mission of the entire National Park Service; a momentous step that should not be unilaterally taken by an Interior Secretary in his last few weeks of office."

INSERT INTO news VALUES (58, '2000-10-30', '"NEAR RIOT" CONDITIONS IN DESERT, SAYS GOVERNMENT REPORT', '"Unsafe for Family Recreation"; Officers in "Life Threatening Situations"', '

Sacramento - A scathing internal evaluation by the US Bureau of Land Management (BLM) found "near riot" conditions during holiday weekends in the California Desert, with "lawless elements" making the desert "unsafe" for the public and understaffed law enforcement officers subjected "to life threatening situations," according to documents released today by the California chapter of Public Employees for Environmental Responsibility (California PEER). Virtually none of the recommendations contained in the report have been addressed by BLM and California PEER has sent a letter to BLM asking that the agency take emergency action to prevent a complete law enforcement breakdown during the holiday periods beginning this Thanksgiving.

The internal BLM "Law Enforcement Special Evaluation" was completed in February of 2000 but has not been released by the agency. The report notes that conditions have deteriorated during the "last 2 to 3 years," finding:

- \* inadequate public protection for both visitors and officers. Last Thanksgiving weekend, BLM rangers were pelted with full beer cans and other objects including a bag of fecal matter. In 1999, BLM recorded nearly 2,000 incidents in the Desert District, including explosives, numerous firearms, incendiary devices, assaults and other offenses;
- \* a woefully understaffed BLM law enforcement presence

that is unable to meet routine needs let alone cope with influxes of more than 100,000 visitors on some weekends. BLM is spending less than half of authorized amounts on law enforcement, leaving only 29 of 46 enforcement slots in the California Desert District currently filled; and

\* a poorly equipped force lacking crowd control training, riot batons, gas masks and even a reliable radio system. Several vehicles purchased for law enforcement purposes have been diverted for other uses.

"BLM is endangering the public and their own people by their head-in-the-sand response to a problem spinning out of control," stated Karen Schambach California PEER Coordinator. "Back in 1976, Congress urged BLM to create a uniformed ranger force strong enough to protect the fragile resources in the desert but BLM has yet to do so."

The California Desert District (CDD) consists of federal lands stretching from the Mexican border to the Sierra Nevada foothills and contains some of the most sensitive desert habitats for endangered plants and animals in the state. Last week, as part of a settlement to environmental litigation brought by PEER, the Center for Biodiversity, the Sierra Club and other groups, nearly 50,000 of Algodones Dunes within the CDD was closed to off-road vehicle (ORV) traffic.

"BLM management is guilty of gross dereliction of its duty to safeguard the public, its own staff as well as the desert resources entrusted to it," Schambach concluded. "The agency needs to commit funding now to properly manage its ORV areas."

[Read the PEER letter to BLM](http://www.blm.gov/ca/blm_letter.pdf)

Read the BLM report: [Pages 1-12](http://www.blm.gov/ca/BLMReport1.pdf), [Pages 13-27](http://www.blm.gov/ca/BLMReport2.pdf), [Pages 28-43](http://www.blm.gov/ca/BLMReport3.pdf) (in .pdf format)

[View a Map of the Closure Areas](http://www.biologicaldiversity.org/swcbd/goldenstate/images/duneclo2.gif), 'CA', 'BLM', 0);

INSERT INTO news VALUES (59, '2000-11-08', 'STATE BIOLOGISTS BUSTED FOR HUNTING VIOLATIONS', 'Will Case Go to Hearing?', '

Washington, DC - Two biologists for the Massachusetts Division of Fisheries and Wildlife have been cited for hunting without a license, hunting out of season and discharge of firearms too close to inhabited dwellings and roads, following a citizen complaint. The complaint against the two biologists is scheduled for hearing on Thursday, November 9 in Marlborough District Court, according to Public Employees for Environmental Responsibility (PEER), an environmental watchdog group.

The two state biologists, Eric Amati and John Sheedy, were seen shooting at a coyote on August 28 in a residential neighborhood in Marlborough. Neither possessed a valid hunting license and they were hunting coyote out of season. In addition, they discharged firearms within 500 feet of a house and within 100 feet of a roadway, both violations of state game law. Both were cited on November 1 by state environmental police.

Lyn Gorka, a witness who filed the original complaint, is "infuriated" at the biologists' actions. "They were dressed in army fatigues and giving each other high fives," Gorka said. "Neighbors were not allowed input or even warned that there would be shooting."

"If state wildlife biologists can openly ignore game laws why should anyone else comply?" asked PEER National Field Director Eric Wingerter. "PEER is publicizing this incident to make sure that wildlife violations by state employees are handled in the same manner as violations by ordinary citizens."

If the two employees do not contest the charges, the November 9 "show cause" hearing may determine what penalty is applied for the violations.

', 'MA', '', 0);

INSERT INTO news VALUES (60, '2000-12-06', 'PENTAGON REPORT VINDICATES CORPS WHISTLEBLOWER', 'Generals Manipulated Studies -- Discipline Recommended', '

Washington, DC - .An internal Pentagon investigation has confirmed charges by a senior economist that the Army Corps of Engineers manipulated cost/benefit studies in order to vastly exaggerate the need for massive new civil works



projects. The economist, Dr. Donald Sweeney, filed his disclosures concerning severe distortion of a study on the need for expansion of the entire lock and dam systems for the Upper Mississippi River and the Illinois Waterway through Public Employees for Environmental Responsibility (PEER).

At a press conference today, US Special Counsel Elaine Kaplan released a report of the investigation conducted by the Army Office of Inspector General (IG) at the behest of Defense Secretary William Cohen. The report found serious flaws not only with the specific study cited by Dr. Sweeney but with the entire Corps planning process. The report also concluded that the Corps had departed from its traditional "honest broker" role to become "an advocate" for building large inland navigation projects citing three factors: 1) the influence of a secret "Grow the Corps Initiative," 2) a fiscal system based on project financing which created a conflict of interest, and 3) "a customer service" model which placed the needs of the barge industry and other system users above the public interest.

As result of the report, Secretary Cohen is recommending disciplinary action against two top Corps commanders: Major General Russell Fuhrman, Deputy Chief of Engineers, and Major General Phillip Anderson, Commander of the Mississippi Valley Division (since transferred to the South Atlantic Division). In addition, the Army IG is recommending an additional investigation as to whether Major General Hans Van Winkle, Director for Civil Works, illegally spent preliminary design and engineering funds on Mississippi lock expansions without the required justifying studies.

"I fully concur in these findings," stated Dr. Sweeney who was allowed to review and comment on the report prior to release. "Systematic reforms, such as independent peer review of Corps studies, should be immediately instituted to make sure this sort of thing never recurs." The National Academy of Sciences has also undertaken an analytic review of Army Corps cost/benefit studies.

"Dr. Sweeney is not alone -- Corps economists interviewed by the Army IG called the system '\corrupt,\"' concluded PEER Executive Director Jeff Ruch whose organization represents federal and state environmental professionals. "The question now is whether the inherent corruption of the system will triumph or whether needed reforms will be enacted."

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INSERT INTO news VALUES (61, '2000-12-07', 'SETTLEMENT AGREEMENT REACHED IN ALLAGASH WHISTLEBLOWER CASE', 'Former Waterway Supervisor Feels "Vindicated"', 'Fired Allagash Wilderness Waterway Supervisor Tim Caverly has accepted a settlement agreement from the Maine Department of Conservation, announced Public Employees for Environmental Responsibility (PEER) today. In June, 1999 Department of Conservation Commissioner Ronald Lovaglio had dismissed Caverly from his job citing insubordination and mismanagement. This week, Lovaglio sent an open letter to Caverly, officially recognizing the former supervisor's 33 years of work, as well as his "dedication, commitment and love of the Allagash." Caverly drew the ire of the Department after speaking out in favor of protecting the waterway's wilderness character and publicly criticizing the state of Maine for disregarding the Allagash management plan. He believes that the settlement has vindicated him. "There were times this past year I wondered whether I should give up," stated Caverly, "I'm proud that I held my ground, protected the resource and finally got my name cleared." Caverly has found encouragement from across the state. "The numbers of supportive letters and phone calls have been overwhelming. Their concern has made this trying time a little easier." PEER Executive Director Jeff Ruch considers Caverly to be hero for the North Woods. "Throughout this ordeal Tim has never lost sight of his purpose," commented Ruch, "he put the protection of the Allagash first, even when it took a major toll on his career and personal life." The full story of the mismanagement of the Allagash is available in the PEER-produced paper, <a href="<?php print $cfg-
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>pubsdir;?>/whitepapers.php">Losing Paradise: The Allagash Wilderness Waterway Under Attack</a></p>', 'ME', '', 0);

INSERT INTO news VALUES (62, '2000-12-11', 'THREE STATES TO START AIR POLLUTION TRADING', 'EPA Overrides Internal Objections on Ability to Enforce', '<p>Washington, DC - Brushing aside internal objections, the US Environmental Protection Agency (EPA) is now set to formally approve authority for three states to trade air pollution credits on an "open market" or inter-sector basis, according to records released today by Public Employees for Environmental Responsibility (PEER). The three states are New Jersey, Michigan and Illinois. All three states are air quality non-attainment areas and none has an approved attainment plan.</p><p>Fresh on the heels of international rejection of expanded trading schemes at the Hague Conference on Global Warming, US EPA is moving in a quiet, piecemeal fashion to expand trading markets by allowing states to set up their own programs. Under these state programs, industries could sell or trade credits between different pollution sources (e.g., smokestacks for auto emissions) and over different periods of time (allowing industries to create credits today for past pollution reductions). Over the past five years, New Jersey has developed a de facto trading market. The imminent US EPA approval will provide a formal sanction for that market.</p><p>The central problem with open market trading is that it allows industries to avoid installing clean-up technologies by instead purchasing air pollution reductions that have been produced at another time, place or with an altogether different pollutant. Specialists within EPA object to the absence of any reliable "quantification protocols" or other means of quality/comparability assurance.</p><p>"According to the agency's own experts, these state trading plans strip away the only safeguards that ensure a true reduction in pollution will result," stated Jeff Ruch, PEER Executive Director. "The public is protected only if we know that each pollution credit trade is an 'apple-to-apple' exchange, however EPA is willing to allow an apple to be traded away for the promise of a future guava."</p><p>For further information concerning the problems with open marketing trading plans read the PEER White Paper <a href="<?php print \$cfg->pubsdir;?>/whitepapers.php ">Trading Thin Air</a></p>', '', 'EPA', 0);

INSERT INTO news VALUES (63, '2000-12-22', 'N.J. DEP EMPLOYEES SAY WHITMAN ADMINISTRATION SOFT ON POLLUTERS', 'One in Four Report Orders to Ignore Violations', '<p>Washington, DC - New Jersey Governor Christie Todd Whitman, named today as the next US Environmental Protection Agency (EPA) Administrator by President elect Bush, has a poor environmental protection record, according to a survey of New Jersey Department of Environmental Protection (DEP) employees conducted by Public Employees for Environmental Responsibility (PEER). The 1997 PEER survey registered a sharp de-emphasis on enforcement, excessive corporate influence and manipulation of scientific findings under Governor Whitman.</p><p>"According to the professional staff who worked under Governor Whitman in New Jersey, pressure to block enforcement of anti-pollution laws, back-door efforts to gut regulations and a pervasive fear of retaliation have been the hallmarks of her tenure," stated PEER Executive Director Jeff Ruch. "Cozy accommodation of corporate violators appears to be her regulatory style."</p><p>The PEER survey, the only survey conducted of state environmental professionals, was sent to all DEP employees. and found: </p><p>\* Nearly two out of three employees report instances where "DEP inaction or lack of enforcement has caused environmental damage."</p><p>\* More than three out of four employees say that the "level of DEP's environmental enforcement has decreased in the past three years."</p><p>\*Nearly three out of four employees believe that under Gov. Whitman, the "regulated community excessively influences DEP permitting, policy and enforcement decisions."</p><p>This PEER survey consisted of questions composed by DEP employees themselves. PEER mailed the survey to the work



23%

MORALE & LEADERSHIP

15. "The leadership of DEP is committed to upholding environmental laws and regulations." Agree: 32%  
Disagree: 48% No Opinion: 20%

16. "The leadership of DEP places environmental health above the interests of the regulated business community." Agree: 21%  
Disagree: 63% No Opinion: 16%

17. "Morale within DEP is good." Agree: 8%  
Disagree: 86% No Opinion: 6%

18: "Robert Shinn is doing a good job as DEP Commissioner." Agree: 22%  
Disagree: 49% No Opinion: 29%

[Read Comments from respondents to the PEER survey of New Jersey DEP employees](#), 'NJ', '', 0);

INSERT INTO news VALUES (64, '2001-01-10', 'PCBS DUMPED INTO COLUMBIA RIVER FOR DECADES', 'Army Corps Has Known Since 1992', '<p>Washington, DC - . Electrical equipment containing PCB\'s\* has been dumped for decades directly into the Columbia River next to a landfill operated by the US Army Corps of Engineers but the Corps failed to report it, according to internal documents released today by Public Employees for Environmental Responsibility (PEER). Despite reports of the problems as early as 1992, the Corps did not make "a significant, major or even minor finding" concerning the site for more than five years and in 1996 made a minimal disclosure to state and federal employees only after employees threatened to go public.</p><p>Transformers and other electrical equipment have been dumped directly into the river off of Bradford Island located near the spillway of the Bonneville Dam. For more than 40 years, the Corps operated Bradford Island as an all-purpose landfill for disposal of pesticides, lead, mercury and a wide array of other toxic materials. One Corps memo notes, "This site may be the most potentially destructive htw [hazardous waste] activity this decade."</p><p>In the first media reports about Bradford Island published in the Oregonian last November, a Corps spokesperson maintained, "The materials were a surprise to us," despite records indicating prior knowledge of problems at the site. On December 14, the Portland District of the Corps issued a "directive" forbidding agency employees from speaking with the media concerning "Bradford Island electrical component discovery and removal actions..."</p><p>"The Corps has spent far more time and effort covering up Bradford Island than cleaning it up," stated PEER Executive Director Jeff Ruch. "As a federal agency with an environmental protection mission, the Corps should be curing, not causing pollution."</p><p>\*PCB\'s are highly toxic chemicals that have been banned from production since the mid seventies. They are one of the most persistent pollutants - accumulating in the body fat of animals - and have been associated with cancer, sexual deformities, and other ailments.</p>', 'WA', 'ACE', 0);

INSERT INTO news VALUES (65, '2001-01-16', 'ENVIRONMENTAL AGENCY MISHANDLED TOXIC MATERIALS', 'State Employees At Risk', '<p>Augusta. . . Improper storage of hazardous wastes by Maine\'s Department of Environmental Protection (DEP) created health risks for their own employees, according to agency documents released today by Maine Public Employees for Environmental Responsibility (Maine PEER) a non-profit organization that supports state and federal resource employees. The wastes consisted of pesticides and other toxic materials collected under the state\'s Pesticide Collection Program and stockpiled on the grounds of Augusta Mental Health Institute without proper storage containers.</p><p>The documents indicate that although state environmental officials were aware of the risks, they did not act to move or contain the hazardous waste as required by law. In a letter sent last week to state Attorney General Steven Rowe\'s office, Maine PEER details a number of safety incidents, including:</p><p>A DEP maintenance mechanic who was sent to the emergency room of a local hospital to be treated for nausea, dizziness and chest tightness after unknowingly working in the building containing the hazardous waste in

August 1997.</p><p>Augusta response staff who reported pungent odors associated with the uncontained toxic materials in July 1997.</p><p>Papers from the DEP regional office that certified that the materials were correctly identified and packed for shipping, while a memo from the Augusta Response Safety Coordinator notes that many containers were "improperly packed for shipment," and that "some incompatible materials were shipped together illegally."</p><p>The Maine PEER letter requests that the Attorney General investigate and prosecute regulatory violations and possible criminal negligence on the part of DEP officials who placed state employees at risk.</p><p>"This is an opportunity for Maine\'s new Attorney General to demonstrate the state\'s commitment to the health and safety of its employees," commented Maine PEER Director Tim Caverly, "I\'m appalled that the DEP put workers at risk and then adopted a \'see no evil\' stance."</p>', 'ME', '', 0);

INSERT INTO news VALUES (66, '2001-01-18', 'LAWSUIT SETTLED WITH BLM TO PROTECT 11 MILLION ACRES IN THE CALIFORNIA DESERT', 'BLM Agrees to Biologically Strategic Actions for Endangered Species Recovery', '<p>San Francisco - Endangered species in the California desert will be better protected through a landmark legal settlement reached between environmental groups, the U.S. Bureau of Land Management and a coalition of off- road vehicle groups. The settlement resolves a lawsuit filed by a coalition of environmental groups led by the Center for Biological Diversity, and including Sierra Club and Public Employees for Environmental Responsibility (PEER). The settlement is awaiting approval by Judge William Alsup in the 9th district court.</p><p>Congress designated the California Desert Conservation Area (CDCA) in 1976 and directed BLM to manage its scenic and fragile lands for conservation and protection of wildlife habitat. The CDCA stretches over 25 million acres from the USMexico border to Death Valley and the foothills of the Sierra Nevada. The CDCA includes some of the California desert\'s most scenic areas in Imperial, San Diego, Los Angeles, Riverside, San Bernardino, Kern, Inyo and Mono counties.</p><p>"This negotiated agreement jump-starts needed stronger endangered species protection while still allowing sustainable use and enjoyment of the desert," said Daniel Patterson, desert ecologist with CBD who formerly worked with BLM in the Mojave desert. He adds, "The CDCA settlement, along with our intensifying grassroots advocacy, sets the tone for what we anticipate will be more pro-active conservation management by BLM in the California desert for many years to come."</p><p>The coalition charged in the lawsuit that the BLM was violating the Endangered Species Act (ESA) by failing to analyze the effects to endangered species of the implementation of the 1980 CDCA plan - which guides the management of 11 million acres of public land within the 25 million acre conservation area. BLM admitted liability in the case last summer and entered in to settlement negotiations with the plaintiffs on August 25 to determine interim relief for listed species while the agency worked to comply with the law. In November, the parties agreed to the first item of settlement by protecting 49,310 acres of the Algodones Sand Dunes from off- road vehicles to recover a threatened plant found nowhere else in the U.S., the Peirson\'s milkvetch.</p><p>"This lawsuit would not have been necessary if BLM had been adequately staffed and diligently managed to do the job required by statute," said Karen Schambach, California Coordinator for PEER. "This settlement requires BLM to field enough rangers and biologists with clear direction to implement and enforce this plan so we do not end up back in court."</p>', 'CA', 'BLM', 0);

INSERT INTO news VALUES (67, '2001-02-07', 'ENVIRONMENTAL CORRUPTION ALLEGED IN BAY COUNTY, FLORIDA', 'Group Asks for State Intervention', '<p>Tallahassee - Bay County officials are colluding with developers to break an array of environmental, planning and open meeting laws, according to a petition filed with today with Governor Jeb Bush. The <a href="">?php print \$cfg-

>docsdir;?>/fl/baycounty\_petition.pdf">petition</a>, filed by Public Employees for Environmental Responsibility (PEER) on behalf of county employees, alleges "an aggressive, sophisticated and well-organized enterprise with the ultimate purpose of dismantling impediments to unbridled growth in Bay County."</p><p>The petition asks the Governor to commission a full criminal and noncriminal investigation under the Florida Department of Law Enforcement into a number of violations, including abuse of the public trust, breach of the public trust for private gain, violations of the Sunshine Law, public records law and open meetings law as well as the Local Government Comprehensive Planning and Land Development Regulation Act, corruption of public servants by threat, and other statutes.</p><p>The petition further notes that Bay County officials who oppose developers\' plans to circumvent growth management laws are threatened with the loss of their jobs, including the recent forced resignation of the county\'s planning manager.</p><p>Last June, Florida PEER filed a <a href="<?php print \$cfg->docsdir;?>/fl/panamacity\_petition.pdf">petition</a> requesting that Governor Bush appoint a special prosecutor in Bay County to investigate the unwillingness of local prosecutors to take action in a number of highly-publicized pollution cases. The petition cited situations in which there appeared to be financial links between the State Attorney and attorneys for violating companies. On July 12, 2000, in a letter signed by his acting general counsel, Governor Bush indicated that he would not act without a request from the State Attorney himself, despite clear authority to act without such a request.</p><p>"The political web woven by the development community has paralyzed local law enforcement, which is why state intervention is needed," stated Steve Medina, Counsel to Florida PEER and formerly a top attorney with the state Department of Environmental Protection. "The deterioration of conditions in Bay County signals the real dangers with the Governor\'s plans to end a meaningful state role in growth management."</p><p>Medina notes that local government employees have no ostensible job protection from political retribution for doing their jobs. "The Governor is implicitly threatening to turn his buddies loose against all state employees. This would be very bad for Florida, just as it has been bad for Bay County," Medina said.</p>', 'FL', '', 0);

INSERT INTO news VALUES (68, '2001-02-13', 'SEWAGE PIPE BURST DUE TO NEGLIGENCE', 'City Accused of Glossing Over Smelly Incident', '<p>Missoula. . .Poor pipe maintenance caused hundreds of thousands of gallons of partially-treated sewage to spew into the Clark Fork River last Thursday, according to employees at the Missoula Wastewater Treatment Plant. While plant officials blamed the burst on a backhoe shovel, some employees contend that the 30-year-old pipe was an accident waiting to happen, having been slowly rotting for a number of years.</p><p>According to Kevin Keenan, Director of Montana Public Employees for Environmental Responsibility (Montana PEER), the pipe had already been leaking partially-treated sewage for days, which is why a work crew was on the site in the first place. The backhoe was able to cause so much damage because the pipe was terribly corroded and on the verge of crumbling.</p><p>The event underscores a number of charges Montana PEER brought to the public\'s attention last October with the release of it\'s white paper, Fouling Our Nest: Gross Negligence at the Missoula Wastewater Treatment Plant. The white paper, written anonymously by treatment plant employees, charged the Missoula Plant\'s negligence has continually polluted the Clark Fork, contaminated the region\'s groundwater and threatened the safety of the plant\'s own drinking water supply.</p><p>At the time, Missoula Mayor Mike Kadas vowed to answer the concerns addressed by the white paper by establishing an investigative team made up of three local officials. To date, the investigation has borne no fruit, although one plant employee thought to be responsible for portions of the white paper has been suspended by angry managers.</p><p>Keenan further expressed his

dismay at comments made by Missoula Health Department Director Jim Carlson in the wake of last week's spill. Carlson told the Missoulian that the river was better able to handle thousands of pounds of sewage during the winter months. That claim is "classic spin-doctoring," claims Keenan, a former water quality specialist with the Montana Department of Environmental Quality. "The river is clearly impacted by sewage spills no matter the season. It is highly discouraging that the city's top health official is glossing over the serious implications of this event," Keenan stated.

Keenan also railed against city officials' description of the leak, who referred to the sewage as "gray water" or "food," when in fact the leak is undisinfected human sewage. "The city has worked harder in the past few days to spin the coverage of this accident than it has in the past few months to mitigate the health and environmental problems in Missoula," Keenan commented.

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INSERT INTO news VALUES (69, '2000-02-13', 'CORPS LAB IN TROUTDALE IS POSSIBLE SUPERFUND SITE', 'Corps Failed to Report Toxic Practices to EPA', '<p>Washington, DC..The US Environmental Protection Agency (EPA) has ordered the Army Corps of Engineers to test soil and river sediments to determine whether a Corps laboratory near Portland should be placed on "the National Priorities List" for mandatory clean-up under the Superfund Program, according to documents released today by Public Employees for Environmental Responsibility (PEER). In an October 23, 2000 letter, EPA also charged that the Corps failed to report "many serious hazardous waste handling and disposal practices that were being used at the laboratory" in violation of federal law.</p><p>This latest controversy concerning Corps hazardous waste disposal practices concerns the US Army Corps of Engineers Materials Testing Lab in Troutdale, Oregon (known as the General's Lab). For 49 years, from 1948 through 1997, the General's Lab conducted physical and chemical testing of concrete, paints, turbine oil and other construction components.</p><p>Among the hazardous waste violations now surfacing at the General's Lab are:</p><p>* sink drains, including those in the chemistry lab, pumped PCB's, mercury, arsenic, solvents and paints directly into a ditch which, in turn drained into a feeder creek of the Sandy River, a tributary of the Columbia;</p><p>* the Corps operated an illegal landfill on the site, containing more than forty years' worth of chemical drums, lab debris and other wastes; and</p><p>* for decades the Corps flushed chemicals down a secret toxic waste disposal well.</p><p>Ignoring repeated internal reports of problems, the Corps declared site cleanup complete in 1999. Part of the site is now used by Mt. Hood Community College and Reynolds School District.</p><p>"What is now being uncovered at the General's Lab raises questions about what other nasty surprises the Portland District has locked away," commented PEER Executive Director Jeff Ruch whose organization also released documents showing a cover-up of PCB dumping by the Corps into the Columbia River off Bradford Island. "The Corps not only has a toxic waste problem, it has a severe integrity problem as well."</p>', '', 'ACE', 0);
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INSERT INTO news VALUES (70, '2001-02-14', 'NEW POLLUTION TRADING FOR FOUR STATES GUTS CLEAN AIR ACT', 'Whitman Trading Plans Emerge as First EPA Policies', '<p>Read the <a href="<?php print $cfg->docsdire;?>/newjersey/ig_reinvestigate.pdf">Request for an IG investigation</a>and the <a href="<?php print $cfg->docsdire;?>/newjersey/nj_overfile.pdf">NJ Overfile Request</a></p><p>Washington, DC - The approval of "open market" air pollution trading authority for states, the first initiative from Christine Todd Whitman at U.S. Environmental Protection Agency (EPA), violates the Clean Air Act to the detriment of public health, according to complaints filed today by Public Employees for Environmental Responsibility (PEER) and the New Jersey Chapter of the Sierra Club. Last week, EPA formally proposed open market trading for Michigan and New
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Hampshire. Approval of similar programs is pending for New Jersey and Illinois.

Under open market trading plans, corporations can buy credits instead of cleaning up pollution. These credits can be generated from, and exchanged between, different pollution sources (e.g., smokestacks for auto emissions) and over different periods of time (allowing industries to create credits today for past pollution reductions). Over the past five years under Whitman, New Jersey has developed a de facto trading market. EPA approval will not only sanction New Jersey's market but endorse the spread of similar pollution credit exchanges in other states.

The joint PEER/Sierra Club complaints ask that 1) enforcement action be taken against New Jersey companies who have used credits to circumvent Clean Air Act requirements without legal authorization; and 2) the EPA Office of Inspector General review the effectiveness and legality of burgeoning trading schemes. The Inspector General complaint is drafted by specialists within EPA who object to the absence of any reliable "quantification protocols" or other means of quality/comparability assurance, citing the failure of a more limited program in Los Angeles that has figured into the California energy crisis.

"These trading plans amount to a 'get out of jail free' card for polluting companies," stated Jeff Ruch, Executive Director of PEER whose organization is representing EPA air quality staff whose pleas to address weaknesses identified in previous Inspector General reports have been ignored. "Administrator Whitman has called for market-based regulation but these plans are all market and no regulation."

"This program is a sweetheart deal for polluters that will not only hurt the environment but also puts public health at risk," claimed Jeff Tittel, Director of the New Jersey chapter of the Sierra Club.

INSERT INTO news VALUES (71, '2001-03-01', 'ENVIRONMENTAL GROUP TO SUE CITY OVER TREATMENT PLANT', 'Lawsuit called the 'last resort' in health crisis', '

Missoula - A national government watchdog group today issued an official notice to sue the City of Missoula for violating the Clean Water Act and endangering the health of citizens who use the Clark Fork River for recreation. On behalf of Public Employees for Environmental Responsibility (PEER), attorney Richard Smith of the Seattle law firm Smith and Lowney claims that the Missoula Wastewater Treatment Plant illegally releases partially-treated sewage into the river, neglects to maintain sewage treatment systems, and fails to report large violations to the state Department of Environmental Quality.

Many of these allegations were documented last October in a PEER-released white paper written by current and former treatment plant employees detailing patterns of malfeasance within the plant. The report, titled Foulting Our Nest, described a number of recent failures that caused sewage to flow directly into the Clark Fork River or to contaminate groundwater.

**Sewage Bypasses.** Since 1997, partially treated sewage has been released into the Clark Fork River numerous times. One bypass in November 1999 spewed more than 160,000 gallons of sewage into the river.

**Sludge Tainting Groundwater.** Due to system backups and clogs, overflows of sewage sludge escape containment areas and seep into the aquifer under the plant by entering injection wells intended for the disposal of stormwater.

**Backflow Threat to Drinking Water.** Improper backflow prevention devices used at the plant may enable raw sewage to contaminate the plant's drinking water supply and wells.

An investigative team Mayor Kadas commissioned to explore the white paper's allegations has failed to produce any findings. Meanwhile one plant employee suspected to be connected to the paper has been suspended for his involvement.

"We had hoped to work with the city to fix this public health crisis," said Montana PEER Director Kevin Keenan, a former DEQ water quality enforcement head, "But it is now clear that they would rather ignore the message and attack the messenger. A lawsuit is our last resort."

The notice of intent to sue officially gives the city 60 days to prepare a defense.

Attorney Richard Smith believes



that the situation in Missoula is particularly egregious. "The level of mismanagement and regulator neglect here is astounding, especially since this facility pollutes a section of the river popular for fishing," commented Smith.</p>', 'MT', '', 0);

INSERT INTO news VALUES (72, '2001-03-12', 'BUSH/NORTON PLAN BIG STAFF CUTS AT INTERIOR', 'Secretary\'s Office Grows While Field Staff Shrinks', '<p><a href="<?php print \$cfg->docsdir;?>/doi/interior\_letter.pdf">Read the PEER letter to Interior Secretary Norton</a></p><p>Washington, DC - President George W. Bush\'s Budget "Blueprint" will result in significant staff cuts at the US Department of Interior hobbling already under-manned natural resource agencies, according to Public Employees for Environmental Responsibility (PEER). In a letter today to Interior Secretary Gale Norton, PEER urged that field staff not be further reduced and released figures showing that every Interior agency lost staff during the Clinton years -- with the notable exception of the Office of the Secretary -- despite steadily growing workloads.</p><p>Under the Bush budget plan released last week, the funding levels for the Department of Interior (DOI) core operating budget will be cut 4 % from existing levels. Since this overall cut includes sizeable proposed increases in spending for park maintenance and land acquisition, DOI will likely have to seek even deeper personnel reductions in order to meet this budget target. The League of Conservation Voters, for example, is now predicting:</p><p>"Within the Interior Department, the U.S. Geological Survey and the Bureau of Land Management, which sets policies on grazing and mining rights, could each face budget cuts of up to 20 percent." According to the PEER figures:</p><p>\* DOI staffing has fallen more than 17% from 1992, through 1999; falling from 86,050 full-time employees ("FTEs") to 72,830.</p><p>\* By contrast, the only agency within DOI which significantly increased staffing during this period was the Office of the Secretary of Interior which grew by nearly a third (30%), from 1,114 FTEs in 1992 to 1,444 in 1999.</p><p>At the same time that overall staffing levels have fallen, by virtually every measure the workload for the DOI agencies has soared -- the total acreage of DOI lands, number of parks, refuges and other units, visitorship to those units, number of permits, concessions and other transactions affecting those units have all risen, in some cases, dramatically.</p><p>"On one hand the President is proposing to vastly increase energy exploration and production from public lands as a central plank of his energy plan, but with the other hand he is proposing to eliminate the very biologists, geologists and land managers needed to responsibly evaluate and administer these new applications," stated PEER Executive Director Jeff Ruch. "Under Clinton, cuts came from the bottom, leaving lots of chiefs but few Indians; President Bush is poised to compound the mistakes of his predecessor."</p><p>The PEER analysis is based upon figures compiled by Syracuse University\'s <a href="http://www.trac.syr.edu">Transactional Records Access Clearinghouse (TRAC)</a>.</p>', '', 'DOI', 0);

INSERT INTO news VALUES (73, '2001-03-15', 'UNCLEAR ON THE CONCEPT', 'Arizona Historic Officer Defaces Historic Site', '<p>Phoenix - Arizona State Parks Assistant Director Renee Bahl, who oversees Arizona\'s State Historic Preservation Office, carved her name into a 100-year old adobe wall at the historic San Rafael Ranch in Santa Cruz County when State Parks purchased the property in 1999.</p><p>The matter was reported to State Director Ken Travous who directed that no outside disclosure of the incident be made. Contrary to his instructions, a photo of her handiwork (attached) was sent yesterday to every member of the state legislature by a State parks employee.</p><p>Bahl, who has held her position since 1993, is the person responsible for administering historicpreservation grants and otherwise protecting the historic and prehistoric heritage of the state. Arizona State Parks paid \$8.6 million for the

San Rafael Ranch.</p><p>"Talk about unclear on the concept; this fiasco is compounded by the failure of state officials to do anything about it," commented Jeff Ruch, Executive Director of Public Employees for Environmental Responsibility (PEER) an employee organization that has provided legal defense to Arizona State Parks employees. "No wonder civil servants need strong whistleblower laws."</p>', 'AZ', '', 0);

INSERT INTO news VALUES (74, '2001-03-29', 'BUSH & NORTON\'S BUREAU OF LAND MANAGEMENT IGNORING GRAZING AGREEMENT TO PROTECT DESERT TORTOISE', 'Environmentalists Ask Court to Hold BLM in Contempt for Failure to Comply with Court Order', '<p>SAN FRANCISCO - Exactly two months since the court approved a negotiated desert grazing agreement between the Center for Biological Diversity, Public Employees for Environmental Responsibility (PEER), the Sierra Club and the U.S. Bureau of Land Management (BLM), the agency still has done nothing to comply with the consent decree to reduce livestock grazing on public land to protect the desert tortoise. After repeated failed attempts to get BLM to comply, the plaintiffs today filed a contempt motion against BLM with Judge William Alsup in federal court.</p><p>The carefully negotiated California Desert Conservation Area (CDCA) grazing settlement helps implement the U.S. Fish & Wildlife Service\'s 1994 Desert Tortoise Recovery Plan recommendations for livestock reduction and removal from critical habitat. Cattle and sheep mow down spring annual plants essential to tortoise health and reproduction. The hooved livestock also trample burrows, killing tortoises inside or wrecking their homes. "The desert tortoise only has four months in which to eat all its going to eat for the year, and those months are now," said Elden Hughes, a longtime desert conservation champion with the Sierra Club.</p><p>"It\'s clear that Bush\'s Interior Secretary Gale Norton is kow-towing to the livestock industry by blocking on-the-ground action to reduce harm to the desert tortoise," said Daniel Patterson, the Center\'s Desert Ecologist who formerly worked with BLM in the Mojave desert. "We negotiated in good faith for a reasonable grazing settlement which BLM is ignoring." He adds, "We will not sit back while wildlife suffers as cattle industry and Bush Administration anti-environmental politics subvert a court ordered settlement."</p><p>The CDCA settlement was negotiated to aid desert tortoise recovery by preventing grazing on 285,381 acres of critical and 213,281 acres of essential tortoise habitat during biologically important spring and fall seasons (March 1-June 15 & Sept. 7-Nov. 7). The agency further agreed to allow no grazing year-round on an additional 11,079 acres of active allotments. BLM has blatantly ignored the March 1 deadline it agreed to in December.</p><p>BLM admitted in a March 20 memo to the Center that cattle are illegally grazing sensitive habitat on at least 504,441 acres across ten public land allotments in Kern, San Bernardino and Inyo counties where the agency had agreed to remove cattle to protect wildlife and water quality. "The allotments are not currently being monitored for compliance, certainly not for the lawsuit stipulation since proposed grazing decisions have not yet been issued," wrote BLM in the March 20 memo to the Center.</p><p>In January, the court carefully considered the objections of the less than ten affected public lands ranchers before approving the agreement as within the public interest and rejecting the rancher\'s objections as overblown.</p><p>"BLM\'s regulations authorize the agency to remove cattle from the public lands immediately when public natural resources, such as the desert tortoise, are threatened with significant harm," said plaintiff\'s attorney Jay Tutchton of Earthjustice. "It is inexplicable why BLM is refusing to act in compliance with the court\'s orders."</p><p>If the court finds the BLM to be in contempt, the court can impose a fine upon the BLM, imprison agency personnel or both to coerce compliance with its lawful orders.</p><p>"Secretary Norton swears faithfully to execute the law, but from the outset she sends signals of contempt," said Dan Meyer, PEER\'s General

Counsel in Washington DC. "Interior has conceded it is operating illegally; it is now time to enforce the law."</p>', 'CA', 'BLM', 0);

INSERT INTO news VALUES (75, '2001-04-01', 'CORPS WHISTLEBLOWER TO TEACH AT UNIVERSITY', 'Sweeney to Become Visiting Scholar at UMSL', '<p>St. Louis - Under an arrangement with the US Army Corps of Engineers, Dr. Donald Sweeney, the Corps economist who revealed that the agency was manipulating cost-benefit studies to justify large scale projects on the Upper Mississippi River-Illinois Waterway, will become a Visiting Scholar with the recently-formed Center for Transportation Studies at the University of Missouri- St. Louis (UMSL). Dr. Sweeney\'s placement with UMSL is through the Intergovernmental Personnel Act by which federal specialists are loaned out to states, universities and non-profit organizations.</p><p>Dr. Sweeney, a PhD economist whose critiques have been validated by both a National Academy of Sciences study and an Army Inspector General investigation, will be developing economic modeling techniques which can be used by the Corps and others to estimate the relative costs and benefits of using different modes of transport.</p><p>Dr. Ray Mundy directs the Center for Transportation Studies, a new institute within the Business School of the University of Missouri-St. Louis. The Center investigates public policy issues in transportation as well as network analysis, marketing, regulation and the efficient utilization of public transportation.</p><p>"This is an outcome I desired," stated Dr. Sweeney whose two-year term with UMSL is renewable for another two years. "I look forward to the freedom to refine transportation economic models in a university setting."</p><p>"The recent congressional testimony of the new Chief of Engineers, Lt. General Robert Flowers, strongly signals that professional economists will now have an even harder time doing credible work within the Corps," commented Jeff Ruch, Executive Director of Public Employees for Environmental Responsibility (PEER), the organization which provided legal representation for Dr. Sweeney. "As illustrated by the number of his colleagues who testified on Dr. Sweeney\'s behalf during the official investigations, the Corps civilian staff includes many outstanding professionals, but the uniformed leadership of the Corps has an obvious integrity problem -- a problem which they propose to address by resolving never to get caught again."</p>', 'MO', 'ACE', 0);

INSERT INTO news VALUES (76, '2001-04-09', 'WHISTLEBLOWER SETTLEMENT AT LUKE AFB', 'Environmental Issues Still Being Litigated', '<p>Phoenix, AZ - The US Air Force (USAF) today reached a settlement agreement of a whistleblower complaint filed by the former natural resources manager at Luke Air Force Base (AFB). That manager, Bruce Eilerts, had been terminated by the Air Force for insubordination and unauthorized use of a fax machine and computer in filing complaints concerning environmental violations at Luke AFB and the Barry M. Goldwater Training Range. Eilerts was represented by Public Employees for Environmental Responsibility (PEER), a national organization representing state, federal and local agency environmental specialists.</p><p>"While the terms of the agreement remain confidential, I am very happy about this resolution," stated Eilerts, who is now working as Assistant Director for the Center for Biological Diversity in Tucson. "Unfortunately, the issues of accountability and responsible resource management at Luke are beyond the scope of my employment case."</p><p>The issues raised by Eilerts figured prominently in a federal court order in February against USAF and other federal agencies concerning management of the pronghorn in the Sonoran Desert. The court order resulted from a lawsuit brought by Defenders of Wildlife which challenged military training exercises that were having harmful impacts on protected wildlife.</p><p>A number of Eilerts\'s co-workers at Luke filed supporting affidavits on his behalf. Virtually all of the officers who figured prominently in the Eilerts case have been re-assigned or have retired from USAF.</p><p>"The military must learn that civilians who report

misconduct cannot be taken out and summarily shot," stated PEER General Counsel Dan Meyer, who himself had been a whistleblower in the military, exposing the Navy cover-up of the causes of an explosion on the battleship USS Iowa, which resulted in that service\'s largest loss of life in peacetime. "PEER will continue to work with Bruce Eilerts and his colleagues to monitor the military\'s execution of its mandated stewardship responsibilities."</p>', 'AZ', 'DOD', 0);

INSERT INTO news VALUES (77, '2001-04-11', 'ENVIRONMENTAL COPS CANNOT ENFORCE THE LAW', 'Officer Survey Cites Inept Management; Calls for New Agency', '<p>Washington, DC..Massachusetts Environmental Police say they cannot do their jobs due to under- funding, poor leadership and political interference, according to a survey of the officers released today by Public Employees for Environmental Responsibility (PEER). Officers gave their own management a resounding vote of no confidence, saying that the public would be better served by removing the Environmental Police from the Department of Fisheries, Wildlife and Environmental Law Enforcement.</p><p>In early March, PEER mailed the employee-authored survey to the 122 officers and managers of the Massachusetts Environmental Police, who are tasked with enforcing the state\'s environmental health and public safety laws. Nearly three out of five (more than 55% percent) employees of the department responded. Most respondents also submitted essays about what they view to be the biggest challenge facing the agency.</p><p>More than nine out of ten respondents contend that the Environmental Police is insufficiently staffed and funded "to fulfill its environmental mission." Strong majorities claim that protecting public health and safety is not a priority in the agency, agreeing with the following statements:</p><p>Managers fail to place "environmental protection before self-protection when making decisions";</p><p>"MEP tends to focus disproportionately on small violators rather than large violators"; and,</p><p>Environmental enforcement in Massachusetts has not "become stronger in the past four years."</p><p>Many officers directly fault department leadership for the drop in enforcement. As one officer wrote, management "tells us to wear blinders; and officers who make very many environmental cases and work hard are crucified, punished and threatened by superiors for taking action on traditional police crimes when they happen in front of us."</p><p>Nearly three quarters of respondents report a lack of "confidence in the professionalism of the MEP managers to whom [they] report." Mistrust of leadership was a consistent theme throughout the survey:</p><p>More than three quarters lack faith that "MEP management would back up my professional judgement on a controversial decision;</p><p>Nearly two out of five say that managers "have inappropriately intervened in a criminal investigation" in the past two years; and</p><p>Almost a third "fear retaliation from [their] chain of command for advocating strong environmental enforcement."</p><p>Officers express little hope in correcting the management problems in the existing agency structure. Nearly nine out of ten ( 87%) of respondents favor removing the force from the Department of Fisheries, Wildlife, and Environmental Law Enforcement. As one essay respondent put it, "We need to break free of DFWELE and become part of an agency which understands the working needs of law enforcement professionals and will require management to run the Dept. accordingly." While more than four-fifths of the respondents believe that "MEP should become a separate agency under the Secretary of Public safety," nearly half (45%) would entertain the idea of becoming a division of the Department of state police.</p><p>Overall, officers claim that the mood within the agency is at an all-time low. When asked to describe the force\'s morale, not a single respondent stated that morale was "excellent" or "good," while more than four out of five rated morale as "poor" or "extremely poor."</p><p>"This survey is an urgent distress call from the officers within the Massachusetts Environmental Police," stated PEER National Field Director Eric Wingerter. "The

cops on the beat say the state\'s environment is not protected by the current system and it\'s time for a change."</p><p>PEER has conducted more than 30 similar surveys in state, federal and local government agencies. PEER survey results have historically matched those obtained by official agency surveys although the response rates to PEER surveys are uniformly much higher. "We would invite the agency to do its own survey if it feels our results are skewed and PEER would be happy to pay for the postage," added Wingerter.</p>', 'MA', '', 0);

INSERT INTO news VALUES (78, '2001-04-19', 'BUSINESSMAN THREATENED FOR GROWTH MANAGEMENT SUPPORT', 'Ex-Mayor Hand-Delivers Boycott flyer', '<p><a href="<?php print \$cfg->docsdire;?>/fl/petition\_supplement.pdf">Read the Petition</a></p><p>Panama City Beach. . .Development interests have threatened economic retaliation against local business owner Peter Rougier for promoting growth management regulations in Panama City Beach, according to documents released today by Public Employees for Environmental Responsibility (PEER). PEER has submitted the documents to Governor Jeb Bush in an effort to initiate an investigation within Bay County by the Florida Department of Law Enforcement.</p><p>According to the PEER filings, a threatening flyer was hand-delivered to Rougier last week by former Panama City mayor Philip Griffiths. Griffiths reportedly told Rougier that powerful interests were threatening to organize a boycott against Rougier\'s family businesses, apparently for his planned participation in a scheduled City Hall growth management demonstration the following Thursday. Griffiths stated that Mr. Rougier had "pissed off some very big people," and that the threatened boycott would "break" him financially. Rougier and his wife, Elaine, own three local businesses: Ms. Crazy\'s Restaurant, Ms. Crazy\'s Daiquiris, and Crazy Pete\'s Sunglasses.</p><p>Today\'s petition is an addendum to an earlier petition PEER filed in February calling on Governor Bush to commission a full investigation into potential misconduct by Bay County officials and developers involving abuse of the public trust, breach of the public trust for private gain, violations of the Sunshine Law, public records law and open meetings law as well as the Local Government Comprehensive Planning and Land Development Regulation Act, corruption of public servants by threat, and other statutes. The earlier petition alleged "an aggressive, sophisticated and well-organized enterprise with the ultimate purpose of dismantling impediments to unbridled growth in Bay County." To date, the Governor\'s office has taken no action on the earlier petition.</p><p>"This is one more troubling insight into the Bay County pro-developer morass," stated PEER\'s Florida Counsel Steve Medina, "People have the right to participate in the political process without being victimized."</p>', 'FL', '', 0);

INSERT INTO news VALUES (79, '2001-04-30', 'BUSH BUDGET CUTS ENVIRONMENTAL ENFORCEMENT', 'Double Digit Drops in Inspections, Civil & Criminal Cases', '<p><a href="<?php print \$cfg->docsdire;?>/epa/epa\_budget.pdf">Read supporting EPA Budget Data</a></p><p>Washington, DC..Buried in the fine print of President George W. Bush\'s budget plan for the next fiscal year are significant cuts in the number of inspections, investigations and enforcement actions that could be undertaken by the U.S. Environmental Protection Agency (EPA), according to administration records released today by Public Employees for Environmental Responsibility (PEER).</p><p>Compared with the current fiscal year, the Bush proposed EPA budget would reduce--<br /> \* inspections of facilities by 12 percent;<br /> \* criminal investigations by 11 percent; and<br /> \* civil investigations by 20 percent -- contributing to a nearly 70 percent drop in civil cases since the 2000 fiscal year.</p><p>Bush\'s plan offers a dual justification for the cuts: 1) by focusing on higher priority areas, fewer enforcement actions would be needed; and 2) shifting greater enforcement authority to the states (embodied in a redirection of \$25 million of EPA\'s

operating budget to the states) lessens the need for federal involvement.</p><p>"Bush\'s environmental enforcement plan is a shell game," stated PEER Executive Director Jeff Ruch, whose organization represents both EPA and state enforcement professionals. "Cutting inspections makes it harder to track compliance, thus impeding targeted enforcement. At the same time, Bush is also slashing the very scientific staff needed to identify what the priority public health needs are."</p><p>With respect to the shift of enforcement authority to the states, the Bush plan admits several times that a series of EPA Inspector General reports in 1997 and 1998 found grave problems with the inability of states to identify or prosecute significant environmental violators.</p><p>"Despite admitting serious weaknesses with state enforcement efforts, the Bush plan cuts nearly 200 employees from EPA whose jobs are to assure accountability for the federal dollars spent by the states," Ruch added. "Bush\'s plan allows states to attract industry by pursuing a race to the bottom of environmental protection."</p>', ', 'EPA', 0);

INSERT INTO news VALUES (80, '2001-05-01', 'BLM VIOLATES COURT ORDER ON TORTOISE PROTECTION', 'Federal Judge Gives Secretary Norton Two Weeks to Comply', '<p>San Francisco. . .The U.S. Bureau of Land Management violated its agreement to protect the threatened desert tortoise, according to a court decision issued this week in a contempt hearing filed by Earthjustice on behalf of the Center for Biological Diversity, Public Employees for Environmental Responsibility (PEER), and the Sierra Club. U.S. District Court Judge William Alsup declared that the agency violated, "the letter, the spirit, and everything about this whole process" when it failed to remove cattle from the tortoise\'s designated habitat.</p><p>BLM had agreed in a lawsuit settlement last fall to have cattle moved from 500,000 acres of federal land by March 1 to protect desert tortoise populations emerging from their winter burrows, but then made no effort to do so. Last month the Center for Biological Diversity, PEER and the Sierra Club, the plaintiffs in the original suit, filed a contempt-of-court motion against BLM on the grounds that the agency had failed to implement the protections outlined in the consent decree.</p><p>Judge Alsup appeared upset that the same agency that had heartily promised to protect the tortoise in mid-January changed course by February. "I think this has something to do with the change of administrations," Alsup said in a court transcript, " I think that is all that\'s going on here, and that\'s not the way the government should be working." He gave BLM two weeks to either come up with a plan for compliance or be held in contempt of court.</p><p>Overgrazing in the arid Southwest has contributed to the decline of the desert tortoise as livestock trample the animals\' burrows and eat the vegetation tortoises rely on as their principal food source.</p><p>"Secretary Gale Norton is living down to the low expectations that she will enforce environmental laws only when forced to," stated PEER Executive Director Jeff Ruch. "BLM\'s failure to follow the consent decree may be a signal that dereliction of duty will become the signature style of resource protection under this Department of Interior."</p><p>"Until now, BLM has been trying to stall this process," stated the Center for Biological Diversity\'s Daniel Patterson. "I am now confident that we will see the agreement fully implemented within the mandated two weeks."</p><p>"It is unfortunate that the agency decided to disregard the original agreement," said Earthjustice Staff Attorney Jay Tutchton, "The court had no choice but to enforce its order."</p>', ', 'BLM', 0);

INSERT INTO news VALUES (81, '2001-05-29', 'BLM CLOSES SURPRISE CANYON TO OFF-ROAD VEHICLES', 'Protects Rare Species, Wilderness Values & Water Quality', '<p>Panamint Range, Inyo County, CA - The unique, lush riparian habitats of the Surprise Canyon Area of Critical Environmental Concern were protected today when the U.S. Bureau of Land Management (BLM) published a protective closure notice

in the federal register. The protective measures to ban motor vehicle use in the canyon go in to effect immediately and will remain at least until BLM completes its National Environmental Policy Act and California Desert Conservation Area Plan amendment processes. The vehicle closures may remain in place for good, as permanent protection of Surprise Canyon will be a top option considered by BLM.

"Protecting Surprise Canyon guards the essence of biological diversity in the California Desert," said Daniel Patterson, CBD's Desert Ecologist. "Surprise Canyon is a crown jewel desert riparian area and it will now be allowed to thrive, and be sustainably enjoyed by people, without the constant attack and pollution of off-roading."

Surprise Canyon, adjacent to Death Valley National Park, is an important habitat and water source for wildlife in this ultra-arid part of California. It is known to harbor the rare endemic Panamint alligator lizard and is potential habitat for endangered riparian obligate birds such as the Southwestern willow flycatcher and Least Bell's vireo.

"The Bureau of Land Management has not protected the wonderful hourglass riparian areas of the Panamint Mountains." said Elden Hughes, Chair of the Sierra Club California/Nevada Desert Committee. "It is finally happening, but it's a shame it has taken a lawsuit to do it."

For years, BLM had allowed unregulated extreme off-road vehicle use of Surprise Canyon. Off-road vehicles regularly winched-up unique waterfalls, cut native vegetation and spilled oil & gas in to the water. The damage is so bad that BLM states in today's notice: "The canyon riparian zone currently does not meet the BLM's minimum standards for a properly functioning riparian system due to soil erosion and streambed alterations caused by off-highway vehicle use."

"The trashing of Surprise Canyon by off-roaders forced this closure," said Jeff Ruch, Executive Director of Washington DC-based Public Employees for Environmental Responsibility. "BLM must take these actions to avoid a contempt of court citation."

INSERT INTO news VALUES (82, '2001-05-31', 'ENVIRONMENTAL GROUPS OPPOSE OPEN MARKET EMISSIONS TRADING', 'Groups Ask EPA For Moratorium On State Trading Programs', '<p>Washington, DC - A coalition of 20 environmental groups today sent a letter to Environmental Protection Agency (EPA) head Christie Whitman asking for a moratorium on "open market" emissions trading programs by states, which the groups said fail to ensure environmental integrity and fairness. Illinois, Michigan, New Jersey and New Hampshire all have open market programs that have been proposed for federal approval. Rather than creating a firm cap on pollution emissions from industrial sources, the open market systems do not cap emissions yet allow wide latitude to companies to create and trade emissions reduction credits.</p><p>"Economic incentive programs are a viable solution to some environmental problems," states the letter. "Yet it is imperative that these programs match flexibility with the highest standard of accountability, such as that achieved through explicit caps on emissions, accurate emissions quantification, rigorous monitoring, and certain enforceability."</p><p>"According to EPA's own experts, open market trading is not ready for prime time," said Jeff Ruch, executive director of Public Employees for Environmental Responsibility, which represents employees within EPA who have raised problems with the plan. "If EPA approves the four state trading programs without fixing the major quantification and enforcement weaknesses, it risks seriously undermining clean air protection nationally."</p><p>The EPA's own Office of Inspector General released a letter this week announcing it will investigate planned and completed trades under the state programs, calling the investigation "both warranted and timely." The probe will examine the enforceability and rigor of open market trading as well as EPA's internal approval process for the state programs.</p><p>"The public's support for flexible approaches like emissions trading depends on the establishment of explicit, binding caps on pollution. Giving companies the

privilege of trading without emissions caps and full accountability is self-defeating," said Joe Goffman, senior attorney at Environmental Defense.</p><p>A copy of the letter and complete list of signatories may be found online at: <a href="http://www.environmentaldefense.org/programs/grap/epaletter.html">Environmental Defense</a></p>', '', 'EPA', 0);

INSERT INTO news VALUES (83, '2001-06-11', 'JEB BUSH TO OK CABLE CROSSINGS IN CORAL REEF ZONES', 'Overriding Staff Objections, Bush Sides with Cable Companies', '<p>Washington, DC -- Reversing his February promise to protect coral reefs, Governor Jeb Bush is moving at a Cabinet meeting tomorrow to open Southeast Florida\'s endangered nearshore coral reefs to excavation by multinational telecommunications companies seeking to build more than a score of trans-Atlantic cable crossings.</p><p>Concerned that Gov. Bush\'s plan concentrates cable crossings in Florida\'s most sensitive coral reef areas, Public Employees for Environmental Responsibility (PEER) today announced plans to petition the Federal Communications Commission, U.S. Army Corps of Engineer and the U.S. Coral Reef Task Force to ensure that any fiber optic cable permits are subjected to full environmental review.</p><p>Over the past eight months, PEER and other groups have worked with the Florida Department of Environmental Protection to craft a fiber optic cable "corridor" concept that would bar companies from damaging coral reefs occurring south of Cape Canaveral, where the most vulnerable reef ecosystems are located. Under the "corridor" plan put forward by the environmentalists, five landing sites in the Panhandle, Tampa-St. Petersburg, Jacksonville, Daytona, and Port Canaveral would be designated in reef-free areas where companies could lay cable. An existing corridor near Miami-Dade County would have been "grandfathered" into the plan.</p><p>Seeking to build cables from Latin America, industry lobbyists have opposed designation of corridors outside the reef-girded Miami-Dade area. Overruling his own agency specialists, Gov. Bush, adopted the industry plan:</p><p>(1) allowing the placement of cables in three, 10-mile wide "zones" across the vulnerable nearshore reefs of southeastern Florida - this action lifts prohibitions on laying cable in ecologically irreplaceable reef areas, such as the Oculina Bank near Cape Canaveral;</p><p>(2) giving significant price breaks on the cost of cable landings. By treating telecommunications companies as public utilities, the Bush Administration proposes to charge only \$15,000 per cable - hundreds of thousands of dollars less than market rates.</p><p>(3) allowing companies to build artificial concrete reefs as compensation for any damage caused by the cables to natural reefs.</p><p>"If this policy is allowed to go forward Florida\'s most sensitive coral reefs will be sacrificed to the telecommunications revolution," said Dan Meyer, General Counsel to PEER. "Even worse, Governor Bush wants to give huge taxpayer-funded discounts to multinational corporations for despoiling the state\'s most sensitive coastal areas."</p>', 'FL', 'FCC', 0);

INSERT INTO news VALUES (84, '2001-06-13', 'WILDLIFE ON MILITARY BASES UNDER SIEGE', 'Survey Cites Threats from Contracting & Military Leadership', '<p>Washington, DC--As its natural resource needs grow, the military\'s capacity to protect wildlife is shrinking, according to the first national survey of civilian specialists working on military bases across the U.S. A drive to contract out naturalist positions, staff shortages and a hostile or indifferent uniformed command structure all contribute to mounting problems, according to the biologists, botanists, archaeologists and other civilian resource specialists who responded to the survey released today by Public Employees for Environmental Responsibility (PEER).</p><p>Since more than 90% of the approximately 25 million acres controlled by the Department of Defense within the domestic U.S. for training grounds, bombing ranges and weapons storage is maintained as undeveloped buffer, the military has a little publicized but



critical role in wildlife protection. Because these buffers have remained untouched for decades, "Defense Lands" contain the highest number of federally protected species per acre of any other public lands.

Against this backdrop, more than four out of five civilian specialists report that the natural resource challenges on their bases, ranging from invasions of exotic plants to development and recreation pressures, are on the rise. Of particular concern, however, are plans by the military to replace civilian staff specialists with outside contractors. As two of the more than 100 respondents commented:

"Contracted natural resource people will be less likely to confront resource problems. If these positions are not governmental, then it is much easier to disregard their findings or just hire another contractor."

Contractor motive is profit and obtaining the next contract. Natural resource management is a long-term commitment. Contractors do everything for short-term results.

Compounding this threat is the unwillingness of base commanders to value the natural resources within their custody:

\* Nearly a third of all respondents report they "have been directed to overlook resource violations or circumvent resource laws and regulations" while only one fourth believe that "violations of resource regulations create negative career consequences for responsible officers;"

\* Less than half of specialists feel that resource protection "is a high priority with the current installation command;" and

\* Half cite frequent changes of command as disrupting the base's resource protection efforts.

One civilian specialist described the prevailing attitude of the officer corps as "apparent disrespect for DoD and other regulations and laws related to habitat and wildlife protection... Keeping the 'grass well mowed' is always more important than any consideration of wildlife that may reside in the grass and depend upon it for survival." Another supplied an example: "Another equally challenging problem is our BASH (Bird Airstrike Hazards Around Airfields) paranoia. If allowable, our command would eliminate all birds from our state."

Too often, military commanders regard laws protecting natural resources as a nuisance," stated PEER Executive Director Jeff Ruch. "These important environmental responsibilities will suffer if they are handed over to private contractors whose only mandate is to keep the 'customer' satisfied."

Contact: Jessica V. Revere (202) 265-7337',  
'', 'DOD', 0);

INSERT INTO news VALUES (85, '2001-06-14', 'CORPS STILL "COOKING THE BOOKS" ON ECONOMIC STUDIES', 'Forecasts Grossly Inflated to Justify Construction', 'Washington, DC--Three months after the agency was rocked by scandals involving senior officers who manipulated economic studies, the Commander of the Corps of Engineers submitted a trumped up analysis of barge traffic forecasts to Congress, according to a report written by Corps economists and released today by Public Employees for Environmental Responsibility (PEER).

Lt. General Robert Flowers offered the internal analysis to Congress as proof that Corps forecasts are unbiased, but the review by the Corps own specialists shows just the opposite.

Most significantly, the PEER report charges that Corps construction plans are based on inflated estimates of future barge traffic on US rivers. The PEER reports cites the Corps own published documentation of actual traffic data that directly conflicts with Corps predictions, showing a doubling or tripling of barge traffic during in the next twenty years.

Contrary to Gen. Flowers' congressional testimony, every one of the traffic forecasts examined in the internal Corps analysis and used by the Corps to justify construction of waterway projects exhibits significant overestimates of future inland waterway navigation traffic, according to a separate review by the agency's own economists. Moreover, the Corps analysis excluded all forecasts contradicting the General's false picture of forecasting accuracy.

In February, the National Academy of Sciences released a report chastising the Corps for distorting inputs to its economic models in order to justify large-

scale construction. The National recommended that future Corps feasibility studies be subjected to real independent technical review. According to Corps employees, Gen. Flowers ignored this and other recommendations of the National Academy and instead has launched an aggressive public relations campaign defending agency leadership.

"The Corps truly has become a rogue agency, dedicated solely to its own budget growth and sorely in need of genuine civilian oversight," commented PEER Executive Director Jeff Ruch. "The Corps learned nothing from the scandal of last year except for the dubious lesson that it should be more bald-faced when it lies."

INSERT INTO news VALUES (86, '2001-07-09', 'ENVIRONMENTAL GROUP SUES CITY OVER TREATMENT PLANT', 'City Still Unwilling To Clean Up Plant', '<p>Contact: Kevin Keenan, MT PEER (406) 442-7216 Jessica Vallette Revere, PEER (202) 265-7337</p><p>Missoula, MT -- The City of Missoula is violating its duty to protect the Clark Fork river and safeguard its citizens by failing to diligently maintain the wastewater treatment plant and by attempting to hide potential problems by manipulating monitoring times and methods according to a suit filed today, on behalf of Public Employees for Environmental Responsibility (PEER), by attorney Richard Smith, from the Seattle-based law firm Smith and Lowney.</p><p>Specifically, the Missoula Wastewater Treatment Plant manipulates self-monitoring data to reduce reported violations of its permit, fails to submit self-monitoring reports in a timely manner, illegally releases partially-treated sewage into the river, neglects to maintain sewage treatment systems, and fails to report violations to the state Department of Environmental Quality.</p><p>"Settlement negotiations are not going well," said Montana PEER Director Kevin Keenan, a former DEQ water quality enforcement head. "The city continues to refuse to make changes that would prevent future violations and open their decision making processes to public scrutiny."</p><p>Current and former Missoula treatment plant employees detailed patterns of malfeasance in a PEER white paper released last October. The report, Fouling Our Nest, described a number of recent failures that caused sewage to flow into the Clark Fork River or to contaminate groundwater.</p><p>As a result of the white paper, the City convened an investigative team made up of representatives from the local health department, the county attorney's office and the Clark Fork Coalition, which released its own report on May 8 urging action in six of the seven categories of violations outlined in Fouling Our Nest. One plant employee suspected to be a whistleblower connected to the paper has been suspended from his position as a plant operator and reassigned.</p><p>"It's the classic management response to a whistleblower" stated said Montana PEER Director Kevin Keenan, a former DEQ water quality enforcement head, "They would rather fight the messengers than fix the environmental problems."</p><p>A copy of the suit, and the white paper, Fouling Our Nest, are available on request.</p>', 'MT', '', 0);

INSERT INTO news VALUES (87, '2001-07-23', 'CONSERVATION GROUPS BACK U.S. BUREAU OF LAND MANAGEMENT', 'MOVE TO PROTECT DESERT WILDLIFE BY LIMITING LIVESTOCK GRAZING ON PUBLIC LANDS', '<p>Contact: Daniel Patterson, Desert Ecologist, Center for Biological Diversity 520-906-2159</p><p>BARSTOW, CA - Seven months after a federal court approved a California desert grazing lawsuit settlement agreement between the U.S. Bureau of Land Management (BLM), Center for Biological Diversity, Public Employees for Environmental Responsibility (PEER) and the Sierra Club, the environmental groups are teaming with the BLM to defend decisions to protect desert wildlife against attacks from the livestock industry and San Bernardino County officials.</p><p>Starting tomorrow at 9 am in the city hall in Barstow, California, BLM and the environmental groups will defend science-based positions for wildlife protection and endangered species recovery, by seasonally limiting damaging livestock grazing on nearly 500,000 acres of fragile public lands habitat within the 11 million acres administered by BLM in

the California Desert Conservation Area (CDCA).

U.S. Department of the Interior Judge Harvey C. Sweitzer will preside over the evidentiary hearings, which are scheduled to go for eight days.

"The threatened desert tortoise and other rare wildlife will benefit from BLM's decision to limit grazing on their habitat," said Daniel Patterson, the Center's Desert Ecologist who formerly lived in Apple Valley and worked with BLM on tortoise recovery in the Mojave desert. "We're backing up BLM in defending the national interest for natural resource conservation against livestock industry excesses."

He adds, "BLM is moving toward long overdue habitat improvements to benefit the tortoise, and that's not too much to ask of ranchers who are grazing the public lands for private gain."

In January, federal Judge William Alsup carefully considered the objections of the less than a dozen affected public lands ranchers before approving the agreement as clearly within the public interest and rejecting the livestock industry's objections as overblown.

The habitat protections were supposed to be in place by March 1. BLM delayed implementation of the decision due to protests and appeals by the livestock industry and political stalling from the Bush Administration. After a sharp criticism this spring by Judge Alsup for violating the court's order on grazing, BLM was allowed to proceed with this expedited administrative appeals process and decide on the appeals by August 24.

"If the desert tortoise and other imperiled wildlife are to survive, it will be on these public lands," said Karen Schambach, PEER's California Coordinator. "Outside of the ranchers themselves and a handful of local politicians who think they can benefit by bashing BLM and its employees, I think most Americans would choose survival of these unique species over a few head of cattle."

PEER has asked California Attorney General Bill Lockyer to investigate San Bernardino County official's threats and intimidation toward BLM employees, as reported in today's <http://latimes.com/news/local/la-000060184jul23.story?coll=la%2Dheadlines%2Dcalifornia>>Los Angeles Times

The carefully negotiated CDCA grazing settlement helps BLM partially implement the U.S. Fish & Wildlife Service's 1994 Desert Tortoise Recovery Plan recommendations for livestock reduction and removal from critical habitat. Cattle and sheep mow down spring annual plants essential to tortoise health and reproduction. The hooved livestock also trample burrows, killing tortoises inside or wrecking their homes. The CDCA settlement was negotiated to aid desert tortoise recovery by preventing grazing on 285,381 acres of critical and 213,281 acres of essential tortoise habitat during the biologically critical spring and fall seasons. The agency further agreed to prohibit grazing year-round on an additional 11,079 acres of active allotments.

"The BLM could've decided there should be no more desert grazing, but they've decided to only move cattle off tortoise habitat during the few months when the tortoises need food," said Elden Hughes, longtime desert protection champion with the Sierra Club. "That's a reasonable middle-ground."

Conservationists are represented by attorney Jay Tutchtan of the Earthjustice Legal Defense Fund - Denver.

<http://www.biologicaldiversity.org/swcbd/goldenstate/cdca/stip-grazing.pdf>> See the grazing settlement.

<http://www.biologicaldiversity.org/swcbd/goldenstate/cdca/stip-grazing.pdf>> Letter to the US Attorney, John Gordon.

INSERT INTO news VALUES (88, '2001-07-25', 'CORPS TO PROCEED WITH BILLION DOLLAR UPPER MISSISSIPPI PROJECT', 'Decision to Reject Reforms Urged by National Academy & Pentagon', ' <p>Washington, DC- Less than 18 months after internal disclosures detailed manipulation of cost- benefit studies, the U.S. Army Corps of Engineers has decided to proceed with its original plan for large scale expansion and re-construction of the entire lock and dam system throughout the Upper Mississippi River and the Illinois Waterway, according to internal documents released today by Public Employees for Environmental Responsibility

(PEER). Last week Major General Hans Van Winkle, the director of civil works for the Corps, ordered that the billion plus dollar project be ready for final congressional operation next year.</p><p>The original disclosures by one of the Corps\' own senior economists, Dr. Donald C. Sweeney, filed through PEER led to critical reports by both the National Academy of Sciences and the Army\'s Office of Inspector General. These reports chastised the Corps for using self-serving assumptions and recommending discipline against top officers. Rejecting these official rebukes, the Corps has decided to proceed with the original project with "no new data analysis or collection" while admitting that this approach "doesn\'t address any issues" raised by the National Academy or the Pentagon, according to one key "PowerPoint" presentation made to Corps leadership in late June.</p><p>"The Corps is proving itself once again to be a rogue agency, out of control and driven only by institutional self-interest," stated PEER Executive Director Jeff Ruch. "The agency\'s military leadership has decided to blow off every reform recommendation from the National Academy of Sciences and the Army Inspector General, so there will be no independent peer review of Corps studies nor will the Corps address the inherent conflicts of interest embedded within its planning process."</p><p>The Corps PowerPoint presentation indicates that the Corps command has decided to seek authorization of the full Upper-Mississippi River-Illinois Waterway project in the Water Resources Development Act of 2002, a time-line requiring final congressional approval next summer.</p>', 'MS', 'ACE', 0);

INSERT INTO news VALUES (89, '2001-08-07', 'FOREST RESEARCH SACRIFICED TO POLITICS, SAY USFS SCIENTISTS', 'Survey of Pacific Northwest Lab Paints Bleak Picture', '<p>Washington, DC-- Government research of forestry issues is dominated by politics at the expense of scientific needs, according to the results of the first survey of staff scientists working for the U.S. Forest Service (USFS) Pacific Northwest Research Station released today by Public Employees for Environmental Responsibility (PEER). Agency scientists say that long-term, basic research is sacrificed for short-term bureaucratic priorities, quantity of publication is stressed over scientific quality, and many fear professional retaliation for expressing concerns.</p><p>The Pacific Northwest Research Station is one of nine research units within USFS. The PEER survey consisted of questions composed by station scientists. Approximately one-third of the Lab\'s nearly 300 scientists returned completed surveys. The principal concern of respondents centered around setting research priorities:</p><p>· Nearly three out of five scientists report that "research priorities are unduly influenced by politics;"</p><p>· More than half contend the agency does not actively support "long-term research". Less than one in three feels the Research Station places a priority on "original research" although nearly nine out of ten feel that the Station should be prioritizing original research; and</p><p>· Three of four respondents say the Research Station "stresses the quantity over the quality of scientific publications."</p><p>As one scientist wrote in the essay portion of the survey, Forest Service management "has shifted the emphasis of the Station from that of doing high-quality research to that of doing politically relevant pseudo-science." Staff scientists also expressed deep concerns over the management of the Research Station:</p><p>· Less than one in three believe that the Research Station has adequate resources to "perform its environmental mission" and even fewer think "allocation of research matches research priorities;"</p><p>· More than half of respondents do not think the station "efficiently uses the resources available to it" while more than two out of three say morale is not good; and </p><p>· More than one in three fear retaliation for expressing concerns about management decisions.</p><p>Another scientist wrote, "Large portions of funds are arbitrarily allocated to support resource extraction industries at the expense of the environment and environmental research." A third noted the preoccupation with Appearance" over

Asubstance and scientific productivity."</p><p>The Research Stations within the Forest Service were established to conduct independent science unburdened by the need to generate revenue from timber sales. "his survey strongly suggests that the Pacific Northwest Station is failing its mission," said Washington PEER Director Lea Mitchell. Political science appears to be more important than the biological sciences within this Forest Service laboratory."</p>', 'WA', 'FS', 0);

INSERT INTO news VALUES (90, '2001-08-08', 'BUSH TO ALLOW CORPORATE RESEARCH IN NATIONAL PARKS', 'Profit-Sharing for Removal of Plants and Animals Could Endanger Conservation', '<p>Washington, DC . - In its first park policy initiative, the Bush Administration is proposing to allow private companies to enter into profit-sharing arrangements with national parks. Public Employees for Environmental Responsibility (PEER) today filed a challenge against the plan under the National Environmental Policy Act, citing its broad scope, and the need for the National Park Service (NPS) to evaluate each research profit-sharing agreement separately.</p><p>Under the Bush plan, any of the nearly 400 NPS units could enter into a "benefits-sharing agreement" with a corporate research firm. Pursuant to such an agreement, the company would provide the park with "equitable" monetary or in-kind compensation for its use of park resources. Currently, NPS regulations permit reputable scientific or educational institutions to conduct research as long as they do not impair the park\'s natural or cultural resources, or visitor enjoyment.</p><p>The Bush plan arises out of a proposal by a "bio-prospecting" company named Diversa to extract microorganisms living in Yellowstone National Park\'s geysers for commercial use. PEER contends that agency-wide promotion of commercial research could also be used to facilitate mineral exploration, such as proposals for drilling in Alaska\'s Katmai National Park, seismic exploration for oil in national parks or taking rare plants or animals from parks.</p><p>"This plan opens our national parks to commercialization, placing our national treasures at risk," stated PEER Board Member Frank Buono, a retired Park Service manager. "Worse, park service managers will feel financial pressure to enter into these agreements and overlook the real impacts to the resource."</p><p>NPS is seeking to conduct a single assessment of the "environmental impacts of implementing benefits-sharing agreements" for the collection of research specimens from the entire 84 million acre national park system. PEER is protesting that such a sweeping environmental assessment is an impossible undertaking since NPS has no idea of the number, nature and quantity of resources companies may collect under possible agreements.</p><p>George W. Bush is on record favoring a greater corporate role in parks. As Governor of Texas, Bush sent out requests for proposals for developers to build 24 privately-managed resorts at state parks, such as Davis Mountains and Pedernales Falls. Under that plan, developers were asked to design "nature lodgings" featuring hotels with rooms renting for \$200 a night, conference centers, restaurants and shops. Profits would have been shared between each park and the companies. After PEER released the proposed contracts, the plan was put on hold.</p><p>The latest plan was published in the Federal Register in June and the comment period, originally set to close August 10, has been extended to August 27. The Park Service expects to make a final decision this winter. </p><p><a href="http://www.nature.nps.gov/benefitssharing">See the full Park Service proposal.</a></p><p>The proposal is in response to a lawsuit against the Diversa project in Yellowstone by the <a href="http://www.icta.org">Center for Technology Assessment</a>, <a href="http://www.wildrockiesalliance.org">Wild Rockies Alliance</a>, and <a href="mailto:beb@igc.org">the Edmonds Institute</a>.</p>', '', 'NPS', 0);

INSERT INTO news VALUES (91, '2001-08-14', 'ATTACKS AGAINST FEDERAL WORKERS ON THE RISE', 'Assults, Arson & Threats Up in 2000, Agencies Report', '');

<p>Washington DC - Beatings, shootings, threats and other incidents of violence against federal resource managers, primarily in the West, rose sharply in 2000, according to documents released today by Public Employees for Environmental Responsibility (PEER). </p><p>Overall, attacks aimed at U.S. Forest Service, Bureau of Land Management (BLM) and Fish & Wildlife Service increased by nearly a third in 2000. Incidents at Fish Wildlife Service rose by half last year while violence increased at the U.S. Forest Service by more than a fifth and at BLM by a third. Each agency registered a number of serious incidents, including: </p><p>· BLM: BLM rangers dealt with near riot conditions in the California Desert during Thanksgiving; </p><p>· Forest Service: A Law Enforcement Officer was assaulted by four men who beat him on the head with a metal flashlight in Nevada's Pecos Canyon; and </p><p>· Fish Wildlife Service: Three Special Agents in Gambell, Alaska on St. Lawrence Island were cornered by an angry mob of walrus hunters.</p><p>"It's as if the lessons from Oklahoma City have been forgotten," stated PEER's National Field Director Eric Wingerter, whose organization has filed civil damage suits on behalf of injured workers. "Environmental conflicts in the West have grown so severe that federal workers deserve hazardous duty pay."</p><p>Because the U.S. Department of Justice has refused to implement statutory requirements that it compile and report on attacks against government workers, PEER has established its own database on violence against federal resource agency employees. Using the Freedom of Information Act, PEER has collected and tallied incident reports from each agency since 1995.</p>', '', 'DOI', 0);

INSERT INTO news VALUES (92, '2001-08-16', 'FISH & WILDLIFE OK'S HUNTING SEASON FOR RARE TRUMPETER SWAN FWS', 'Scientists Cry "Fowl" on Agency Decision in New Report', '<p>Washington, DC - The U.S. Fish and Wildlife Service's recent decision to authorize a hunting season in Utah for the rare trumpeter swan ignores established biology in succumbing to political pressure, according to a white paper written by agency scientists and released today by Public Employees for Environmental Responsibility (PEER).</p><p>In the PEER report, entitled Swan Dive, Fish and Wildlife Service (FWS) employees explain how the agency has been co-opted into authorizing legal harvest of trumpeter swans from the last native nesting population in the lower 48 states. This population, called the Tri-State Population (with remnants in Montana's Centennial Valley and adjacent parts of Wyoming and Idaho) is also the subject of a pending petition for protection under the Endangered Species Act.</p><p>Hunting of the more numerous tundra swan has been legal in Utah since 1962. State officials do not want tundra swan hunters to face penalties for shooting trumpeters, which bear some resemblance but are significantly bigger than tundra swans. Both Utah and FWS have gone to great lengths to justify a legal hunt: </p><p>· Spending \$120,000 to disprove that trumpeters migrate to Utah despite mounting numbers of trumpeter carcasses in the state;<br />· Reclassifying the Tri-State Population as a mere flock lacking biological significance; and<br />· Trying fruitlessly to develop a survival strategy for the trumpeter that does not rely on migration.</p><p>As Tom Aldrich, Utah State Waterfowl Coordinator explained, "Some hunts take precedence over the restoration effort."</p><p>"The Fish and Wildlife Service has undercut its own mission to boost its relationship with Utah game officials," commented Eric Wingerter, PEER National Field Director who worked with the agency employees who wrote Swan Dive. "Sadly, the Service is throwing away decades of its own good work with trumpeter restoration."</p> <p align=center>Read the executive summary <a href="<?php print \$cfg->webroot;?>/publications/wp\_swan\_dive.php">on-line.</a></p><p align=center><a href="<?php print \$cfg->pubsdir;?>/whitepapers/wp\_swan\_dive\_full.pdf">Read the Full Report.</a>This is a PDF file.</p>', 'MT', 'FWS', 0);

INSERT INTO news VALUES (93, '2001-08-21', 'NAVY CLAIMS ENVIRONMENTAL LAWS ARE THREAT TO NATIONAL SECURITY', 'Military to Seek Legislative Exemptions, Documents Show', '<p>Washington, DC - Citing growing restrictions on its operations, weapons development and training, the U.S. Navy will soon seek Congressional exemption from compliance with several environmental laws, according to agency documents released today by Public Employees for Environmental Responsibility (PEER).</p><p>"The Navy\'s environmental philosophy is \'damn the torpedoes, full speed ahead,\'" commented PEER General Counsel Dan Meyer, a former Navy officer. "The Navy\'s senior command does not appreciate that defense of the nation does not demand despoliation of our natural resources."</p><p>In recent briefings and position papers, Navy officials contend "the cumulative impact of compliance [with applicable environmental laws] can have severe to extreme consequences on operational readiness." Present and future limitations on firing live explosives, night training, operations in marine sanctuaries and emerging weapon systems, such as its new "LFA" (Low Frequency Active) sonar present potential obstacles to the Navy\'s mission.</p><p>The Navy decries actions to protect threatened and endangered species by federal wildlife protection agencies such as the U.S. Fish & Wildlife Service and the National Marine Fisheries Service because they take a "precautionary approach" toward protecting sea life, arguing that its operations should not be hampered by "lack of quality data" and "limited scientific understanding" of the vulnerability of marine mammals, sea turtles and other aquatic life.</p><p>Despite recommendations that Navy contractors "consider, wherever practical, using closed environments (e.g. quarries, catch-ponds) for the testing of ordnance and other live-fire testing" the Navy resists adopting any possible changes in its own operations to avoid environmental impacts. Instead the documents outline a series of statutory exemptions that the Navy intends to seek from the Endangered Species Act.</p><p>"We cannot simply stand by while the military or anyone else attempts to cut and shred the fabric of our nation\'s environmental laws, especially one that was so painstakingly crafted by past generations," said Brock Evans, a former marine and executive director of the Endangered Species Coalition.</p><p>"In the words of former Air Force Chief of Staff General Thomas D. White, the mission of the Department of Defense is more than aircraft, guns and missiles. Part of the defense job is protecting the lands, waters, timber and wildlife -- the priceless natural resources that make this great nation of ours worth defending, " added Evans.</p><p>One document lists "seven regulatory programs that impact DOD {Department of Defense} operations, training and testing in the marine environment in order of their severity" starting with the Marine Mammal Protection Act followed by the Endangered Species Act, the National Marine Sanctuaries Act, the Coastal Zone Management Act, the Magnuson-Stevens Act (protecting fish habitat) and two Clinton Executive Orders on coral reefs and marine protected areas.</p>', '', 'DOD', 0);

INSERT INTO news VALUES (94, '2001-08-23', 'ANCIENT REEF THREATENED BY DREDGE PROJECT', 'Reef Protection Report Released to Document and Save Northernmost Coral Reef', '<p>Ft. Lauderdale, FL - Cry of the Water, a coral reef monitoring group in Ft. Lauderdale, FL, has documented unexpectedly high coral cover and coral reef species diversity off the Broward County shoreline in an area that is now threatened by a massive dredge and fill project.</p><p>Prior surveys of the area have missed or underestimated the size and extent of large stands of staghorn coral reef and ancient coral colonies that are found close to shore. Further, early agency planning documents repeatedly stated that the 3 million cubic yard dredging project using 7 offshore dredge sites would not significantly impact the reefs of Ft. Lauderdale.</p><p>The best shallow reefs in Ft. Lauderdale are close to the burial area. Over 25 acres of shallow essential fish habitat, hard bottom and coral, will be directly buried and many

more acres will also be indirectly affected. These reefs contain more than 1/2 of all the coral species found in the Caribbean and some coral colonies are between 500 and 1000 years old.

"Killing or damaging the last remaining good shallow reefs in east Florida by dredging and filling would be like dynamiting the last giant redwood stand" said Dr. Tom Goreau president of The Global Coral Reef Alliance.. "At a time when reefs are showing the effects of multiple stresses, any activities that would cause any further damage could irreversibly degrade the reef ecosystem and damage local fisheries."

These findings are documented in a new report by Cry of the Water and the Global Coral Reef Alliance titled "Reef Protection in Broward County, Florida" (see [www.cryofthewater.org](http://www.cryofthewater.org)). Research teams conducted dives for the past year to map uncharted coral colonies in and near the impact area of the proposed dredge and fill project to temporarily widen local beaches. Ft. Lauderdale's remaining coral reefs can continue to support major diving and fishing industries, and protect the coast for years to come if not further damaged by massive dredging projects.

"It is time that we take a common sense approach to marine resource management in Broward County. To damage or destroy the reefs that currently protect the shore line will only move us further away from our goal of sustainable coastal management." said Dan Clark, President of Cry of the Water.

[See the report, color photographs of the reef, and a short excerpt from the accompanying video.](http://www.cryofthewater.org)

INSERT INTO news VALUES (95, '2001-08-28', 'REFUGE DOLLARS NOT REACHING THE GROUND', 'Manager Survey Cites Bureaucratic Barriers', '<p>Washington, DC-- National Wildlife Refuges are hamstrung by limited funds and personnel, excessive red tape and an inability to address serious operational and maintenance needs, according to a new survey of refuge managers released today by Public Employees for Environmental Responsibility (PEER).</p><p>The National Wildlife Refuge System is a network of over 538 wildlife sanctuaries covering more than 93 million acres. The Refuge System is part of the US Fish & Wildlife Service (FWS) within the Department of Interior.</p><p>Despite an about two-thirds rise in federal funding for the Refuge System since 1997, (largely due to efforts by the Cooperative Alliance for Refuge Enhancement and Representative Ralph Regula R-OH and others) more than nine in ten refuge managers say that "funds and personnel reaching the field level Acontinue to decline in real terms." More than four out of five managers believe that their funding and staff are diverted to regional offices or to meet Aother FWS needs. Refuge managers contend bureaucratic barriers within FWS compound resource difficulties:</p><p>\* More than four out of five managers find agency funding systems so inflexible that refuges cannot deal effectively with emergencies that arise during the fiscal year;</p><p>\* More than nine out of ten managers report that their refuges are "adversely impacted because budget allocations are transmitted to me four to six months too late"; and</p><p>\* Less than one in five believe the agency "has significantly improved the delivery of money and staff to meetmy refuge\'s needs," even though the FWS has reorganized three times during the past four years,</p><p>PEER has provided an advance copy of these results to the new Director-designate of the Fish & Wildlife Service, Steven Williams. </p><p>"The new Director should take these concerns to heart and invite refuge managers to help fashion the solution," stated PEER RefugeKeeper Gene Hocutt, a former 29-year refuge manager. Noting that organizations such as National Audubon Society have called for the Refuge System to be removed from FWS and become a separate agency, Hocutt added, "Unless these issues are effectively addressed, the calls to create a separate agency will continue."</p><p>A continuing grievance of refuge managers is how FWS regional offices oversee refuge affairs: </p><p>\* Nearly three fourths of responding managers agree that communications with the regional offices needs



improvement;

\* More than half express concern that regional office involvement "will inject politics into what should be a biological decision" in rulings about what activities are "incompatible" with the agency's mission;

\* More than nine out of ten think regional and DC supervisors of refuges should have direct field experience working on a National Wildlife Refuge.

As one refuge manager commented in the essay portion of the survey, regional office (RO) "folks [need] a little better understanding of what we now face in the field, especially with spending and budget constraints. Let the RO fellas get in the field more."

The PEER survey addressed issues identified by a group of 30 refuge managers and staff. This is the fourth National Wildlife Refuge manager survey conducted by PEER. Nearly half of all refuge managers completed the survey.

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INSERT INTO news VALUES (96, '2001-08-30', 'MARTHA\'S VINEYARD STATE FOREST SLATED FOR BULLDOZING', 'State OK\'s "Take" of 29 Rare Species Any Without Required Environmental Studies', ' <p>Boston, MA --Overriding objections raised by its own staff, the state Division of Fisheries and Wildlife (DFW) has hastily approved a plan to begin flattening hundreds of acres in the Manuel Correllus State Forest on Martha\'s Vineyard right after Labor Day. Although the Massachusetts Department of Environmental Management (DEM) is pushing the project to lower the risk of forest fires, DEM has for years resisted less costly and damaging fuel reduction methods while refusing to obtain mandated environmental review, according to documents released today by Public Employees for Environmental Responsibility (PEER).</p><p>Both departments answer to Environment Secretary Robert Durand who ordered the project to proceed even though it violates an earlier agreement between DFW and DEM. The agreement required DEM to "produce a management plan for fire lane work with a scientific monitoring component" before a permit would be issued. No such plan is in place.</p><p>In addition, the permit was granted without undergoing the review required by the Massachusetts Environmental Policy Act (MEPA). DEM has already been slapped by both the Governor and a state superior court this year for projects on state lands (at Mounts Greylock and Wachusett) without adequate opportunity for public comment.</p><p>DEM also ignored recommendations from forestry experts decrying the "highly destructive" practices of harrowing (tilling) and bulldozing. A July 18th letter from Harvard University ecologists David Foster and Glenn Motzkin, who authored the only published study on the Forest, charges the decision was made without regard to science. The ecologists contend that the plan is motivated by only one consideration: the fact that DEM purchased an expensive harrowing machine in recent years and is looking for an opportunity to use it.</p><p>"This is another example of a state agency blatantly violating the very rules that it makes ordinary citizens follow," stated Dan Meyer, General Counsel of PEER, whose organization earlier this month urged Secretary Durand to consider cheaper, more effective and less damaging fire prevention techniques including prescribed burns and small-scale mowing. "Since DEM has previously turned down grant money to reduce fuel build-up in the Forest, the agency\'s sudden urgency to bulldoze some of the most sensitive habitat in the state is mind boggling."</p><p>The Manuel Correllus State Forest has the highest density of rare species per acre of any other land in Massachusetts. The project would clear more than 500 acres, nearly 10% of the Forest, and involve killing or removing up to 29 state-listed rare species.</p><p>"DEM is waving the flag of biodiversity with one hand and driving a bulldozer with the other," said Pam DiBona, Legislative Director of the Environmental League of Massachusetts. "Then they drove right over their own rules by not asking for public comment."</p>', 'MA', '', 0);
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INSERT INTO news VALUES (97, '2001-09-05', 'DEM ILLEGALLY DECLARES "EMERGENCY" IN MARTHA\'S VINEYARD FOREST BULLDOZING', 'Attorney General Not Consulted in
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Decision', ' <p>Boston, MA -- The Massachusetts Department of Environmental Management (DEM) failed to consult with the state Attorney General before invoking an "emergency" environmental exemption to bulldoze a state forest on Martha's Vineyard without public notice or review. </p><p>According to a petition filed today by Public Employees for Environmental Responsibility (PEER), that failure led to an illegal decision to begin clearing hundreds of acres of the Manuel F. Correllus State Forest in violation of the Massachusetts Environmental Policy Act (MEPA). The forest is home to 29 state listed threatened and endangered species.</p><p>DEM touted the project as an effort to suppress possible future forest fires, and used an "emergency" clause in MEPA to proceed without outside scientific review and public comment. But that clause specifically forbids environmental exemptions for activities "implemented or undertaken to deal with future emergencies, or periodic recurrence of an emergency condition."</p><p>By moving ahead with the project, the agency ignored recommendations from its own staff and drew criticism from forestry experts around the country. Harvard University ecologists David Foster and Glenn Motzkin, who authored the only published study on the Forest, maintain in a letter to Environmental Affairs Secretary Robert Durand that the project will be "highly destructive" to an area unique for its virgin soil, unchanged since the last ice age. They contend that the plan is motivated primarily by the fact that DEM purchased an expensive harrowing machine and is looking for an opportunity to use it.</p><p>"After years of ignoring requests to address the build-up of fuels on the Forest, DEM cannot remedy its past negligence by declaring an emergency," stated PEER General Counsel Dan Meyer, who noted that DEM had previously rejected grant funding from the Department of Fisheries and Wildlife to use less intrusive brush abatement techniques. "It looks like it will take the Attorney General to rein in a rogue agency."</p><p>"DEM is waving the flag of biodiversity with one hand and driving a bulldozer with the other," said Pam DiBona, Legislative Director of the Environmental League of Massachusetts. "Then they drove right over their own rules by not asking for public comment."</p><p>Preliminary scoping work on the project began this Tuesday, the day after Labor Day, with bulldozers expected to start clearing Forest tracts later this week. PEER intends to seek an injunction to block the work if the Attorney General fails to stop the project</p>', 'MA', '', 0);

INSERT INTO news VALUES (98, '2001-09-07', 'U.S. BUREAU OF LAND MANAGEMENT PUTS MOJAVE GRAZING RESTRICTIONS IN FULL EFFECT TO BENEFIT TORTOISE', 'CONSERVATION GROUPS BACK BLM', '<p>MOJAVE DESERT, CA -- The U.S. Bureau of Land Management took decisive action this afternoon to protect the desert tortoise from harmful livestock grazing by putting grazing restriction decisions in to immediate full force and effect. Conservation groups applaud the decision.</p><p>On August 24, U.S. Interior Dept. Judge Harvey C. Sweitzer upheld BLM's science-based arguments for endangered species protection and recovery, by seasonally limiting damaging livestock grazing on nearly 500,000 acres of fragile public lands habitat within the 11.5 million acres administered by BLM in the California Desert Conservation Area (CDCA). He also issued a very limited remand to BLM and required the agency to hold further consultations with the livestock industry over the tortoise conservation measures. On the advice of their attorney, Karen Budd-Falen, the eight affected ranchers failed to show up for BLM grazing cooperation and consultation sessions in Barstow yesterday and today - even though many live close by and were directly informed about these important meetings over a week in advance.</p><p>"Today, we salute California BLM for finally enacting long overdue livestock grazing changes to benefit the desert tortoise and critical habitat," said Daniel Patterson, the Center's Desert Ecologist. "Moving cattle to other parts of allotments in the fall and spring so tortoises can eat is not too much to ask of ranchers who are grazing the public lands for private gain." He adds, "BLM has tried and tried again, but since last

December, the livestock industry has been avoiding communication and cooperation with BLM on these needed conservation changes. The fact that the ranchers failed to show-up for further talks highlights that they have never been open to reasonable discussions on how to help the threatened desert tortoise."

"The BLM could've decided there should be no more desert grazing, but they've only decided to pull cattle off tortoise habitat during the few months when the tortoises need food." said Elden Hughes, longtime desert protection champion with the Sierra Club. "That's a reasonable middle-ground." He adds, "The tortoise is on the edge of extinction. Proper grazing regulations are a victory, but the tortoise will need many victories to recover."

"We commend BLM for meeting the decision deadline and not rewarding, by further delays, the ranchers' stubborn refusal to discuss the grazing plans." said Karen Schambach, California Coordinator for Public Employees for Environmental Responsibility.

The carefully negotiated CDCA grazing settlement helps BLM partially implement the U.S. Fish & Wildlife Service's 1994 Desert Tortoise Recovery Plan recommendations for livestock reduction and removal from critical habitat. It is scientifically shown that livestock mow down spring annual plants essential to tortoise health and reproduction. The hooped livestock also trample burrows, killing tortoises inside or wrecking their homes. The CDCA settlement was negotiated to aid desert tortoise recovery by preventing grazing on 285,381 acres of critical and 213,281 acres of essential tortoise habitat during the biologically critical spring and fall seasons. The agency further agreed to prohibit grazing year-round on an additional 11,079 acres of active allotments.

"BLM has finally admitted, through today's actions to protect the tortoise, that the grazing settlement agreement they agreed to, including the implementation schedule set by the Secretary of Interior, is reasonable and fair." said Jay Tutchton, Earthjustice attorney representing the Center, PEER and Sierra Club.

If the livestock industry fails to comply by not moving their cattle during the Sept. 7-Nov. 7 tortoise protection period, they'll face trespass fines, extension of the grazing restrictions, impoundment of cattle and possible loss of public lands grazing privileges.

Conservation groups and BLM plan separate on-the-ground compliance monitoring efforts starting as soon as this weekend.

[http://www.ca.blm.gov/news/blm\\_issues\\_grazing\\_decisions\\_0.php](http://www.ca.blm.gov/news/blm_issues_grazing_decisions_0.php)>See BLM's final Mojave desert grazing decisions.

<http://www.biologicaldiversity.org/swcbd/goldenstate/cdca/stip-grazing.pdf>> See the CDCA grazing settlement on-line.

<http://www.ca.gov/9-6-01letter.pdf>>See the letter sent to BLM Thursday, September 6, from the Center, PEER and Sierra Club's Earthjustice Attorney Jay Tutchton.

**The Center for Biological Diversity protects endangered species and wild places of western North America and the Pacific through science, policy, education, citizen activism and environmental law. Offices: Tucson and Phoenix, Arizona; San Diego, Idyllwild and Berkeley, California; Silver City, New Mexico; and Shaw Island, Washington.**

'CA', 'BLM', 0);

INSERT INTO news VALUES (99, '2001-09-11', 'MILITARY INSTALLATIONS SLATED FOR NATIONAL PARK', 'Air Force Radar Stations in Death Valley', 'Washington, DC C In what would be a precedent-setting placement of an active military facility in a national park, the National Park Service (NPS) has given the U.S. Air Force permission to start preparations for constructing radar facilities in Death Valley National Park, according to materials obtained by Public Employees for Environmental Responsibility (PEER). With tacit approval of both the outgoing and incoming Death Valley National Park superintendents, the Air Force has begun an environmental assessment (EA) to build a radar facility in Saline Valley, north of Saline Marsh, and a repeater station on Galena Peak in the Nelson Range. The Air Force wants these radar facilities to improve the safety

of low altitude jet training and mid-air aircraft refueling in the area.

"Hosting military facilities is a major departure from the mission and philosophy of the National Park Service," stated former NPS manager and PEER Board member Frank Buono. "The Park Service has historically resisted conversion of park lands to military uses even during World War II, what on earth would cause it to casually accept defense installations during peacetime?"

The legal authority for issuing a right-of-way, lease or special use permit for radar stations in Death Valley is uncertain at best. By law the National Park Service is charged with conserving, among other things, the scenery of the parks and providing for the use and enjoyment of that scenery in such a manner as to leave it "unimpaired". It seems unquestionable that the placement of a permanent radar facility would constitute an impairment of the park's scenic resources.

"For those who know the Saline Valley, it is a special place: awesome scenery in the day and vast dark skies at night," Buono added.

PEER is also questioning how the environmental review will be conducted. Even though it is the project proponent, the Air Force has appointed itself a lead agency for preparation of the EA. Project proponents are often responsible for preparing EAs under the supervision of the deciding Federal agency. But it is highly unusual for the project proponent to be the lead (or co-lead) agency on deciding the outcome of its own proposal.

"This approach stands the National Environmental Policy Act (NEPA) on its head -- NEPA is not a process to justify decisions already made but to ensure that decisions are arrived at thoughtfully and with due consideration of reasonable alternatives," Buono concluded.

'MN', 'NPS', 0);

INSERT INTO news VALUES (100, '2001-09-19', 'SUPPRESSED WATER QUALITY REPORT RELEASED', 'Data on Emerging Health and Environmental Dangers Removed', 'Washington, DC - Michigan's Ingham County Health Department suppressed a research report showing growing threats to the region's drinking water and serious pollution hazards in local lakes and streams, according to documents published today by Public Employees for Environmental Responsibility (PEER).

The censored report, titled The Story of Water Resources at Work, details an array of dangers facing Ingham County's surface and groundwaters. Fearful of reaction to the 130-page research report, the county instead published a 25-page glossy brochure last December.

The official brochure included only a small number of the study's findings and glossed over many of the most significant health risks identified. For example, the report cites looming dangers to the region's aquifer, while the brochure blithely assures residents they have "one of the most abundant and safest groundwater sources of drinking water supplies in all Michigan." Other omissions include:

- Contaminated Wells** An estimated 41% of Ingham County wells are contaminated with dangerous levels of coliform bacteria. Other wells tested high for arsenic, boron, barium and antimony and nickel.
- Leaking Storage Tanks** The county's worst leaking underground storage tank site, a huge toxic plume under a General Motors plant, is considered "an immediate threat to health, safety and the environment."
- Crego Park** One third of this former recreation area is contaminated with PCB's, lead, zinc and gasoline chemicals.

Ironically, the county's environmental health assessment was to be part of an ongoing "data democratization" program to keep citizens aware of health risks and make citizens equal partners in improving environmental health.

"This exercise in 'data democratization' turned into the exact opposite," commented Eric Wingerter, PEER's national field director. PEER is publishing the censored report with cooperation from current and former county employees and making it available on the web as well as area libraries. "It is essential that people in the Lansing area know what their government's research is revealing about the health effects of pollution."

See the [?php print \\$cfg-](#)

>docsdir;?>/mi/Ingham\_co\_water.pdf">report </a> on PEER\'s website. NOTE: This file may take a long time to open (about 5 minutes depending on your web connection), due to its size.</p><p>A two-fact sheet detailing the differences between the official brochure and the more complete report released today follows. </p><p><hr width="100%" color=green SIZE=3> <p><strong>The Story of Water Resources At Work</strong></p><p>In 2000, the Ingham County Health Department commissioned a study of water quality in the region. The project was to be comprehensive in scope. A team of professionals put together a 130 page report that addressed a wide range of threats to surface and ground water in Ingham County. Unfortunately, a number of local politicians balked at the idea of making some of this information public. Instead, they published a glossy, 25 page pamphlet outlining some points of the County-commissioned study, excluding the bulk of the research. In September 2001, Public Employees for Environmental Responsibility published the original report in its entirety. The following important facts are a sampling of the information that was omitted from the "official" report published by the County.</p><p>THREATS TO DRINKING WATER</p><ul><strong>Contaminated Wells</strong> An estimated 41% of Ingham County wells have inordinately high levels of coliform bacteria. If the EPA lowers its arsenic standard to 5 parts per billion, a proposal it put forward in 1999, then 10% of wells will exceed the new standard. Other wells tested high for barium, antimony, nickel, and boron.</ul> <ul><strong>General Motors</strong> The county\'s worst leaking underground storage tank (LUST) plume is located at the GM plant at 920 Townsend St. in Lansing. GM has had more toxic underground LUST releases - fourteen - than any other local corporation. The result? One of the largest underground plumes in Ingham County. According to the DEQ, it is "an immediate threat to health, safety or the environment." </ul> <ul><strong>Abandoned Wells</strong> The county has about 30,000 abandoned wells. When they are uncapped, they are a direct portal for contaminants to enter the aquifer. The county has sealed less than 1 percent of abandoned wells. In 1953 a fuel oil truck operator mistakenly pumped 900 gallons of heating oil down an abandoned well in Holt. This site was once classified as a major contamination zone, but has since been "delisted" by the state, meaning that no efforts were ever made to address this pollution.</ul> <ul><strong>Boron</strong> Children consuming well water in Williamston should limit their consumption due to the possible health effects of the element boron, which is present in high amounts there. A water specialist recommended that the Health Department conduct a health survey of the area to learn more about the dangers of boron, but this has never occurred. </ul> <ul><strong>Aurelius Road Landfill</strong> This landfill was built in the mid 1960\'s on top of a vulnerable stretch of earth that could not protect the aquifer from pollutants. It was closed in the 1970\'s but never cleaned up. A contamination plume threatens city wells. </ul> <ul><strong>Americhem oil and chemical storage facility in Mason</strong> The facility was built atop the Mason Esker, a conduit to the water. Today contamination plumes of gasoline and diesel fuel sit six feet thick in the water table. 3 of Mason\'s 5 wells have been closed.</ul> <ul><strong>Crego Park</strong> One third of Crego Park is contaminated with PCBs, lead, zinc and gasoline chemicals left over from when the park was a chemical testing site. It took 13 years for the city to learn about 200 drums of contamination, discovered by a woman walking her dog through the park in 1986.</ul> <ul><strong>Gunn Road Dump</strong> 34 wells located near this abandoned dump were found to be contaminated with sulfate, chloride, and in one case, arsenic. In 1998 vinyl chloride was detected in 4 wells, but the water department is still considering placing a city well there.</ul> <ul><strong>Motor Wheel Dangers</strong> The Motor Wheel waste disposal site is leaking extremely high levels of ammonia and the carcinogen vinyl chloride into the aquifer. Legal battles continue to stall the cleanup, and the Michigan Department of Community Health has not studied the health effects as

they promised to do in the early 1990's. </ul><p><STRONG>THREATS TO SURFACE WATER</STRONG> <ul> <b>Expanding River</b> The Grand River has grown by 25% in 65 years. Some scientists fear that this is the result of deforestation, sprawl, and wetland loss. This phenomenon could increase flooding dangers.</ul> <ul> <b>Fish Kills</b> Sewage overflows and dumping have contributed to massive fish kills on the Grand River. Dams prevent salmon from spawning upstream.</ul><ul> <b>Wetland Loss</b> New subdivisions and development have contributed to wetland loss. Ingham County has lost nearly 90% of it's wetlands, compared to the state average of 50%. 17 species are endangered including goldenseal, ginseng, and the spotted turtle. </ul><ul> <b>Pesticide Danger </b> According to the EPA, Farm runoff of pesticides and fertilizers have "seriously impaired" the Grand River. Ciba Geigy, a national corporation with an East Lansing plant, strongly lobbied the EPA not to ban Atrazine, a weed killer banned across much of Europe. Atrazine is the county's number 1 restricted use pesticide. </ul> <ul> <b>Sewage Sludge</b> Nearly 4,000 tons of human sewage sludge were spread across county farms as fertilizer in 1999. Health professionals are divided over the potential harm to humans. </ul><ul> <b>Lake Lansing Pollution </b>90% of the lake's water comes from Storm Water runoff, making it particularly susceptible to shoreline pollution. </ul> <ul> <b>Industrial Conservation</b> Needed The Board of Water and light extracted 63.3 billion gallons of water from the Grand River to cool electrical equipment in 1999.</ul> <ul> <b>Mercury Pollution </b>Lansing's hospitals are significant mercury emitters, through medical waste incineration or simply by dumping mercury down the drain. In 1999 there were three chronic violators of sewage discharge limits: Litho-Color Services (for silver), Ingham Regional Medical Center (for mercury) and Sparrow Hospital (for mercury).</ul>', 'MI', '', 0);

INSERT INTO news VALUES (102, '2001-09-24', 'ATTEMPTS TO APPEAL WHISTLEBLOWER CASE WILL WASTE TAXPAYERS MONEY PEER', 'Requests Denver Wastewater District to End Defamation Campaign', '<p>Denver, CO - A recent ruling that awarded whistleblower, Adrienne Anderson, \$450,000 plus attorney fees, should not be appealed by the Denver Metro Reclamation District, according to Public Employees for Environmental Responsibility. Anderson aired significant public health concerns resulting from radioactive elements such as plutonium that was funneled from the Lowry Superfund site, through the district's wastewater treatment plant.</p><p>In his detailed, eighty-page ruling, Judge Di Nardi, described the case as one about "a dedicated, conscientious and public-spirited citizen who, in following the tradition of Karen Silkwood [and] Erin Brockovich" yet in contrast describes Metro Wastewater's actions as those that "shock the conscience."</p><p>The District appears set to appeal the ruling, although they have already spent nearly a million dollars to pursue its action against Anderson.</p><p>"Significant taxpayer resources have been wasted defending Metro's illegal actions, and reason dictates that further expenditures to defend these prohibited activities are ludicrous," stated Chandra Rosenthal, Rocky Mountain PEER counsel.</p> <P align=center> Read the <a href="<?php print \$cfg->docsdire;?>/co/Metro\_Wastewater.pdf">letter PEER</a> sent to the District.</p> <P align=center> Read the <a href="<?php print \$cfg->docsdire;?>/co/anderson\_decision.pdf">official decision.</a> </p> <P align=center>Public Employees for Environmental Responsibility (PEER) is a national alliance of local state and federal resource professionals, working to protect the environment.</p>', 'CO', '', 0);

INSERT INTO news VALUES (103, '2001-09-26', 'PUBLIC PROTECTION DUTIES IMPEDED, BLM RANGERS SAY', 'ORVs Damaging Public Lands', '<p>Sacramento - As Congress considers additional funding for Bureau of Land Management law enforcement,

almost eight out of ten (79%) of California\'s rangers say the agency is not able protect the public, according to a survey released today by Public Employees for Environmental Responsibility (PEER).</p><p>The findings of the PEER survey corroborate those of an internal BLM Special Law Enforcement report on the California desert. That report found "the public lands have become unsafe for family recreation due to the use of drugs and alcohol, and the problems of lawlessness that occur with such use." Findings of the PEER survey include:</p><p>\* More than seven out of ten rangers (71%) say their radio system is inadequate to ensure officer safety in the field; and </p><p>\* Nearly three out of four (73%) say BLM lacks funding and personnel to fulfill its resource management mission.</p><p>The survey shows recreation has become BLM\'s highest priority, but nearly two-thirds (65%) believe off-road vehicles are having a negative impact on the public lands they patrol. More than half (56%) want to see BLM limit ORVs in over-used areas.</p><p>"Recreation in the California desert, especially ORVs, has exploded over the past several years, while the number of ranger has actually dropped," says PEER California Coordinator Karen Schambach. "For BLM to fulfill its mission of protecting both public safety and fragile desert natural resources, it needs two to three times the current number of rangers."</p><p>The House of Representatives has passed a \$600,000 increase in BLM law enforcement funding targeted primarily at the California Desert District, a vast area extending from the Mexican border to the foothills of the Sierra Nevada Mountains. Since the Senate did not match the House action, this augmentation is part of the conference committee for the Interior Appropriations bill.</p><p>One-third of BLM Law Enforcement Officers, Wilderness Rangers and Special Agents who patrol 16.3 million acres of public lands in the Golden State completed the PEER survey.</p>', 'CA', 'BLM', 0);

INSERT INTO news VALUES (104, '2001-09-26', 'SUPPRESSED REPORT SHOWS NEARLY A THIRD OF LANSING AREA RESTAURANTS FAIL INSPECTIONS', 'Unprecedented Failure Rate', '<p>Washington, DC - Food service establishments in Ingham County, Michigan (home of Lansing) have an unprecedented failure rate when compared to similar counties across the country, according to a suppressed county health department report released by PEER today. Nearly 30% of Ingham County food establishments failed health inspections.</p><p>For a restaurant to fail, a food sanitarian must find 4 or more "critical violations" during the inspection process, the failure breakpoint indicating conditions that could lead to food poisoning.</p><p>Most food establishments are inspected twice per year. Each inspection takes, on average, four hours. In 1998, there were 3,594 critical violations among the 1,466 food sanitary inspections in 1998. The average critical violation count per inspection increased 21% between 1997 and 1999, rising from 2.03 critical violations per food establishment in 1997 to 2.45 in 1998. </p><p>The leading violations were:<br />1) poor hand-washing and/or soap and sanitary towel/devices not provided (27%),<br /> 2) food temperature violations (21%),<br /> 3) necessary toxic items improperly stored, labeled or used (16%), and the presence or evidence of insects and rodents (9%).</p><p>Table Service restaurants (bar and food) had the highest rate of inspection failure. In 1998, of 200 such establishments, 118 failed inspection, a 59% failure rate. Fast food outlets failed 28% of inspections. Of 504 burger, pizza and other fast food outlets, 140 had 4 or more "critical violations"</p><p>The PEER report offers a rare glimpse into the actual health practices within the food service industry since state regulations do not require public notice of failing establishments. In 1999, Ingham County embarked upon a "data democratization" effort to inform citizens about environmental health issues but the resulting reports were never released to the public.</p><p>"This information should be freely available to people in Ingham County," said Eric Wingerter, national field director for PEER, which released an uncensored report about the county\'s water quality last week. "Taxpayers

should be asking why the county spent nearly a quarter million dollars to assemble research and then buried the information."</p><p>The report is available as a pdf file on PEER\'s website: <a href="<?php print \$cfg->docsdire;?>/mi/Ingham\_food.pdf">Full Report</a> and <a href="<?php print \$cfg->docsdire;?>/mi/Food\_Appendix\_A.pdf">Appendix A</a></p>', 'MI', '', 0);

INSERT INTO news VALUES (105, '2001-10-02', 'DEQ CENSORED WETLANDS REPORT', 'Key Findings & Recommendations Removed', '<p>Washington, DC- The Michigan Department of Environmental Quality (DEQ) cut major portions from a staff evaluation of its wetlands mitigation program prior to publication, according to documents released today by Public Employees for Environmental Responsibility (PEER). After removing nearly a third of the report, DEQ published the remainder and issued a press release, falsely declaring it "is improving its wetlands mitigation program."</p><p>"This is the anatomy of a bureaucratic damage control operation," stated PEER Executive Director Jeff Ruch whose organization posted the censored sections of the report on its web site. "DEQ cannot be serious about improving its dismal performance in protecting wetlands if it is unwilling to take an honest look at the dimensions and causes of its problems."</p><p>The U.S. Environmental Protection Agency awarded DEQ a grant to assess how well it has been able to replace wetlands lost through authorized development. Prior to submitting the report to EPA this past February, DEQ managers cut nearly 20 pages from the 77page report, including key recommendations for improving the program, such as:<p>· Deny permits lacking proper documentation rather than issue "incomplete" or conditional permits; <br />· Create compliance staff positions to conduct follow-up inspections and take prompt enforcement action when violations are verified and <br />· Obtain adequate "financial assurances" or bonds to cover the costs of promised projects prior to issuing permits.</p><p>Even with these changes and despite the glowing agency press release, the final report was very critical of DEQ performance, concluding that more than four out of five projects were out of compliance with permits conditions, nearly three of four wetland mitigations were unsuccessful, and one in seven promised wetland replacements were not built at all. Yet, DEQ managers also chose to remove findings documenting improperly granted permits, the effects of no performance standards and how new rules are aggravating already severe staff shortages and three of four mitigation projects receive no follow up by DEQ regulatory staff after permit issuance. </p> <p align=center>The original staff report, completed in December 2000, was obtained by the Michigan Environmental Council through a public records request.</p><p align=center> <a href="<?php print \$cfg->docsdire;?>/mi/MI\_Wetlands\_highlighted.pdf">Censored portions</a> of the DEQ wetlands report are posted on the PEER web.</p><p align=center> The censored, final version of the report, "Michigan Wetland Mitigation and Permit Compliance Study," February 2001, can be found on <a href="http://www.deq.state.mi.us/lwm/grt%5Flakes/wetlands/mitstudy.htm">the DEQ web site</a>.</p>', 'MI', '', 0);

INSERT INTO news VALUES (106, '2001-10-09', 'WETLAND PROTECTIONS WANING', 'Army Corps Tells Staff More Development Needed to Help the Economy Recover', '<p>Washington, DC-- The U.S. Army Corps of Engineers is directing its staff to expedite wetland development permits to spur "economic development and moving money into the economy" following the attacks on the World Trade Center and Pentagon, according to an E-mail released by Public Employees for Environmental Responsibility (PEER). At the same time, Corps records show steady declines in inspections, enforcement and wetland restorations.</p><p>PEER has assembled a comprehensive, multi-year tabulation of Corps permit and enforcement performance through Freedom of Information Act requests to every Corps district. The resulting \'Corps Report Card\' shows that:</p><p>\*&nbsp;The number of wetlands restored under Corps auspices has declined by more than half since



1992.

The Corps is denying almost no permits and taking very few enforcement actions. Inspections and site visits are at their lowest level.

The Corps has doubled its reliance on Nationwide and Regional Permits (types of relaxed regulatory review permits based on categorical exclusions), issuing more than 60,000 in 2000. Meanwhile, individual permits that require environmental evaluations have declined every year. Despite these numbers, this month the Corps is proposing to further weaken wetlands protections in their Nationwide Permit standards.

"The Corps has become a regulatory car wash, moving permits along in assembly line fashion," stated PEER Board member Magi Shapiro, a former long-time Corps project manager. Noting President Bush declared 'no net wetland loss' goal for the Corps regulatory program, Shapiro added, "The Corps has no idea whether they are moving toward or away from this our national goal because the Corps program is only a facade in which staff must make complex environmental decisions based on mere glances at paperwork."

In a September 21 e-mail, John Studt, Chief of the Corps Regulatory Branch admonished his staff to expedite development projects because, "The harder we work to expedite issuance of permits, the more we serve the Nation by moving the economy forward."

"The Corps regulatory staff includes many of the finest professionals in public service but suffers under dysfunctional leadership," Shapiro concluded.

INSERT INTO news VALUES (107, '2001-10-01', 'YELLOWSTONE RANGER FORBIDDEN TO SPEAK ON GRIZZLY DEATHS', 'Investigation of Illegal 'Gag' Order Sought', 'Washington DC-- Yellowstone National Park ordered a 'back country' ranger not to speak to the media about the cause of a growing number of unnecessary grizzly bear shootings, according to documents released today by Public Employees for Environmental Responsibility (PEER).

Bob Jackson, a 30-year seasonal ranger, is raising alarms about grizzly deaths by hunters at the park boundary. According to Jackson, hunter's continuing use of illegal salt licks draw herds of elk out of the park. Sloppy butchering leaves "gut piles" amounting to tens of thousands of pounds of elk meat, an irresistible lure for grizzlies. The resulting encounters with hunters now constitute the single biggest cause of grizzly mortality, accounting for nearly half of all grizzly deaths. Grizzly bears have been on the Endangered Species Act's "threatened" list for nearly a quarter century.

Park officials contacted by reporters admit they are trying to "muzzle Bob Jackson", according to one affidavit. The gag order, dated August 31, reads:

"Bob Jackson is not authorized to speak to the media while on government time. He is not authorized to speak to the media as a representative of Yellowstone National park or the National Park Service at any time.

On his days off and outside the park, he can talk to the media, but is not authorized to express opinions regarding Yellowstone national Park, the National Park Service or about anything he does in his official capacity with the National Park Service. During any media contact, he is not authorized to be in uniform and must make it clear that he is not representing the National Park Service. He is only allowed to give factual information about his position even though he is off duty."

"This gag order is offensive and blatantly illegal," said PEER Executive Director Jeff Ruch, whose organization is providing legal representation for Jackson. "This is not the CIA; there are no national secrets to safeguard. The Park Service should be encouraging its employees to speak honestly about threats to wildlife, not squelch their voices."

Citing laws against the use of federal funds for imposing broad 'gag' or non-disclosure orders on civil servants, PEER has asked National Park Service Director Fran Mainella to investigate the matter, identify the responsible officials and administer appropriate discipline.

A copy of the PEER complaint about the gag order or related documents are available upon request.

INSERT INTO news VALUES (108, '2001-10-19', 'NEW WEBSITE FOR TRACKING ENVIRONMENTAL ENFORCEMENT', 'Resource for Activists & Reporters Monitoring Washington State Government', '<p>Olympia, WA - Washington Public Employees for Environmental Responsibility today launched a new web resource displaying enforcement data from state, federal and local environmental and natural resource agencies, highlighting improper permits and other bad management practices, and providing public employees with information about their rights and options.</p><p>The website\'s \'data slices\' include enforcement records from the Washington Department of Ecology, the state Department of Fish and Wildlife, U.S. Environmental protection Agency and local environmental protection and enforcement agencies.</p><p>"This new resource will arm the public with the data it needs to ensure the long-term health of Washington\'s vibrant environment," stated Washington PEER coordinator Lea Mitchell. "It will also serve as a gathering place for public employees concerned that their agencies are not upholding their missions."</p><p>The site address is: <a href="http://www.wapeer.org">www.wapeer.org </a></p>', 'WA', '', 0);

INSERT INTO news VALUES (109, '2001-10-16', 'ELK HUNT CAUSING RISE IN GRIZZLY SHOOTINGS', 'New Study Validates "Gagged" Yellowstone Ranger', '<p>Washington DC - A new government study shows that intense elk hunting on the boundary of Yellowstone National Park is altering feeding habits of grizzly bears, leading to a recent increase in hunter-caused bear deaths, according to documents released today by Public Employees for Environmental Responsibility (PEER).</p><p>The draft federal-state study, obtained under the Freedom of Information Act, confirms disclosures by long-time Yellowstone backcountry ranger Bob Jackson showing that non-enforcement of anti-salting and other hunting rules is negatively affecting threatened grizzly populations. Study findings include:</p><p>· "During the 1990\'s, numbers of hunting related grizzly mortalities have increased in the GYE [Greater Yellowstone Ecosystem]. Much of this increase can be attributed to incidents occurring during the early elk harvest ...in Montana and Wyoming."</p><p>· Grizzly feeding patterns have changed, as bears migrate outside Yellowstone Park for elk season. "Bears learn to use available food resources quickly, and when food availability becomes predictable, bears will establish traditional use and impart that behavior to their offspring. Availability of food associated with the elk harvest may be considered a predictable food resource to bears..." A butchering practice called "quick quartering" leaves an estimated 370 tons of elk meat in "gut piles" each year outside park boundaries.</p><p>· Grizzly in search of elk meat are losing their fear of humans. "During recent years, anecdotal descriptions from outfitters, guides and hunters...indicate encounters between humans and bears are a common occurrence during [the] hunting season. Two decades ago many of these same outfitters and guides considered observations of grizzly bears a rare event."</p><p>According to the study, hunting encounters have "become the single largest source of known human-caused grizzly deaths." Highly motivated to feed before hibernation, grizzlies are associating gunfire with food. As one Wyoming game official remarked, gunshots in the early fall sound like "a dinner bell" to ravenous grizzly.</p><p>"This study echoes what Bob Jackson was saying when park officials ordered his silence," stated PEER Executive Director Jeff Ruch whose organization is providing legal representation for Jackson and is seeking a Park Service investigation into the Jackson gag order. "Bob Jackson is trying to prevent a biological train wreck by drawing attention to the total the non-enforcement of hunting laws."<p align=center><EM>A copy of the draft study, "Possible Effects of Elk Harvest on Fall Distribution of Grizzly Bears in the Greater Yellowstone Ecosystem" (Biological Resources Division, U.S. Geological Survey and Wyoming Game & Fish Department), is available on request.</p>', '', 'NPS', 0);

INSERT INTO news VALUES (110, '2001-10-19', 'SECRETARY NORTON FALSIFIED ARCTIC REFUGE DATA', 'Misled Congress on Environmental Effects of ANWR Drilling', '<p>Washington, DC - Interior Secretary Gale Norton substantially altered biological findings from the U.S. Fish & Wildlife Service (FWS) concerning effects of oil development in the Arctic National Wildlife Refuge (ANWR) before she transmitted them to Congress, according to documents released today by Public Employees for Environmental Responsibility (PEER).</p><p>On May 15, 2001, Senator Frank Murkowski, then Chair of the Energy & Natural Resources Committee, asked Norton for Interior\'s official assessment of the impacts of oil drilling on the Porcupine caribou herd in ANWR. Secretary Norton tasked FWS, the parent agency for ANWR, with developing answers to those questions. The resulting FWS findings were transmitted to the Secretary\'s office. However, Norton\'s official reply to Senator Murkowski on July 11 was markedly different from the scientific input she had received.</p><p>The extensive changes made by Norton belie her repeated promises during Senate confirmation to "provide [Congress] the best scientific evaluation of the environmental consequences..[of] any exploration and production" in the Refuge:</p><p><STRONG>Changing Numbers:</STRONG> While FWS noted that "there have been PCH [Porcupine caribou herd] calving concentrations within the 1002 Area in 27 of the last 30 years," Interior changed those numbers to say "Concentrated calving occurred primarily outside of the 1002 Area in 11 of the last 18 years." [emphases added]</p><p><STRONG>Ignoring Key Data:</STRONG> FWS reported that calving reproductive "pauses" (years that females do not produce a calf) is higher in developed areas in Prudhoe Bay than in undisturbed areas. Interior leaves this data out and states that "Parturition and recruitment data do not support the hypothesis that oil fields adversely affect caribou productivity."</p><p><STRONG>Spinning Absence of Data:</STRONG> Secretary Norton stated that "There is no evidence that the seismic exploration activities or the drilling of the Kaktovik Inupiat Corporation exploratory well . . . have had any significant negative impact on the Porcupine caribou herd," but she omitted the FWS disclaimer that "no studies were conducted to determine the effects of the above activities on the PCH."</p><p>"It appears Secretary Norton misled Congress and broke her pledge to faithfully convey the \'best science\' on the Arctic Refuge," stated PEER National Field Director Eric Wingerter. "Unless Ms. Norton was the victim of her own overzealous staff, she should have the decency to resign."</p><p align=center>Copies of all referenced documents are available upon request.</p><p align=center><a href="<?php print \$cfg->docsdir;?>/ak/Norton\_comparison.pdf">Read the comparison between Norton\'s statements and Fish & Wildlife Service\'s statements to Congress.</a> Read The Conflicting Letters: <a href="<?php print \$cfg->docsdir;?>/ak/ANWR01.PDF">Interior Letter</a> and <a href="<?php print \$cfg->docsdir;?>/ak/ANWR02.PDF">FWS Letter</a></p>', 'AK', 'DOI', 0);

INSERT INTO news VALUES (111, '2001-10-25', 'INTERIOR SECRETARY BLASTED FOR MISLEADING CONGRESS', 'Groups call for Senate Investigations', '<p>Washington DC - A coalition of environmental groups today called for Senate hearings on Interior Secretary Gale Norton\'s apparent attempt to mislead Congress by altering Fish and Wildlife Service data regarding the effects of oil drilling on caribou in the Arctic National Wildlife Refuge.</p><p>In a letter sent this morning, Friends of the Earth, the National Wildlife Federation, Sierra Club, Alaska Wilderness League and Public Employees for Environmental Responsibility, among other groups, asked Senate Governmental Affairs Committee Chair Joseph Lieberman to convene hearings to investigate "the possible ethical and legal implications" of Secretary Norton\'s actions.</p><p>Last May, Senator Frank Murkowski, then Chair of the Energy & Natural Resources Committee, asked Norton for Interior\'s official assessment of the impacts of oil drilling on the Porcupine caribou herd in the Arctic Refuge. Secretary Norton tasked FWS, the

parent agency for the Arctic Refuge, with developing answers to those questions. The resulting FWS findings were transmitted to the Secretary's office, but when Norton officially replied to Murkowski's committee, many of the key data had been changed. New numbers, admittedly taken from oil-financed reports, replaced every reference to data that would argue against drilling in the Refuge.

In an appearance before the Society of Environmental Journalists last Friday, Secretary Norton admitted that she had made "mistakes" and would take "corrective actions" but declined to specify what she meant.

"Secretary Norton has broken the promise she made during her confirmation hearings to provide Congress with 'the best scientific evaluation of the environmental consequences' from oil development in the Refuge," said Eric Wingerter, National Field Director for PEER. "If the Administration is asking the Senate to vote on opening the Arctic Refuge to oil drilling, its representatives should submit to questioning, under oath, about the true effects of this action."

"Secretary Norton's credibility is clearly in question," said Adam Kolton, Arctic Campaign Director of the Alaska Wilderness League. "She misled Congress about the refuge's wildlife and now she's misleading the public about its oil potential and its potential impact on our energy security" said Kolton.

[Read the sign-on letter.](#)  
[Read related materials.](#)

INSERT INTO news VALUES (112, '2001-11-01', 'ASTHMA EPIDEMIC AMONG YOUNG BLACKS IN INGHAM COUNTY', 'Suppressed Report Shows Disturbing Trends', '

Lansing, MI - Air pollution is causing a number of health-related problems among Ingham County residents according to a suppressed county health department report released by Public Employees for Environmental Responsibility (PEER) today.

The rate of preventable asthma-related hospitalizations for young black males, aged 1-14, is 64.8 per 10,000 - nearly 3 times higher than the asthma-related hospitalizations of young black females and 2.65 times higher than white males in the county.

The 50-page suppressed report traces significant variations in asthma hospitalization rates depending on where residents live and their ages and sex. Asthma attacks are associated with risk factors such as air-borne allergens and pollutants. To assess environmental risk factors, the Ingham County Health Department identified 22 air pollutant issues that should be assessed, focusing on chemical (including carbon monoxide emissions), biological, and physical contributors to air-related illnesses.

In 1999, Ingham County embarked upon a "data democratization" effort to inform citizens about environmental health issues but the resulting reports were never released to the public. The suppressed air report, for the first time, assembled local data on air-related environmental conditions such as asthma, allergies and sick building syndrome. Other findings detailed in the report show:

- A cancer risk of more than 100 times the goal set by the Clean Air Act, indicating that about 26 county residents developed cancer from air pollution in 1998;
- Disturbing roadblocks to obtaining complete emergency room asthma data even by the state;
- Alarming high numbers of carbon monoxide leaks among county households, about 1 in 250 households had carbon monoxide leaks in 1998;
- Inadequate ventilation is causing many cases of Sick Building Syndrome.

"This report underlines how little is known about the causes of hundreds of asthma hospitalizations and other air-related illnesses," said Eric Wingerter, national field director for PEER, which has previously released censored county reports on water quality and food safety. "This report attempts to connect the dots between otherwise disconnected databases."

"Unfortunately, Ingham County Health Department Officials seem to be operating under the assumption that 'what you don't know can't hurt

you\' rather than upholding county residents\' right-to-know." said Gregory Button, Policy Analyst for the Ecology Center.</p><p>The <a href="<?php print \$cfg->docsdire;?>/mi/Ingham\_air.pdf">report</a> is available upon request and may be obtained from &gt;PEER\'s website See also <a href="<?php print \$cfg->docsdire;?>/mi/Ingham\_co\_air\_table.pdf">Attachment 1</a></p>', 'MI', '', 0);

INSERT INTO news VALUES (113, '2001-11-01', 'EVERETT DEVELOPMENT PROJECT HALTED', 'Federal Highway Administration Seeks New biological Review', '<p>Seattle, WA --&nbsp;Work on a major development project along the banks of the Snohomish River in Everett, Washington will cease later this month because the Federal Highway Administration has asked the National Marine Fisheries Service (NMFS) for a new biological review of the Project\'s harm to native salmon. The work stoppage comes in response to a lawsuit challenging the 41st Street Overcrossing Project -- what had been the first step in a larger development scheme that will harm threatened Puget Sound chinook salmon by filling streams and wetlands and destroying estuary habitat vital for salmon survival.</p><p>Pilchuck Audubon Society and Public Employees for Environmental Responsibility, represented by Earthjustice, have challenged a decision by NMFS known as a biological opinion -- a document that analyzes the impacts of developments on threatened and endangered salmon. Biological opinions are supposed to guide development in ways that will not harm the fish. </p><p>The Federal Highway Administration relied on the faulty biological opinion to fulfill its own duty to protect endangered salmon and their habitat. The agency\'s action seeking a new biological opinion implicitly admits the failings of the prior biological review.</p><p>"The government blinked," said Kristen Boyles, an attorney with Earthjustice. "Because NMFS did not do its job the first time, the Federal Highway Administration has asked them to reconsider the harmful effects of the Project, and work will be halted in the meantime."</p><p>The Snohomish River watershed provides vital rearing, spawning, and migration habitat for Puget Sound chinook salmon. The Snohomish River is the second largest drainage in Puget Sound and salmon depend on its estuary and upstream habitat for survival. Although the development area once contained a timber mill and other industry, it contains over 70 wetlands, beaver dams, and Bigelow Creek, critical habitat for salmon.</p><p>"The Federal Highway Administration action halts work on the Project and demands a fresh look at the harm of this Project," said Susan Adams, SmartGrowth Campaign Director of Pilchuck Audubon Society. "In the long citizen battle over the vision for this area, this is a victory."</p><p>"The Snohomish River estuary is regarded by many biologists as critical for salmon survival," said Lea Mitchell, Washington State Director of PEER. "We will be watching government agencies closely during this new biological opinion process to make sure that politics do not continue to stand in the way of science."</p>', 'WA', '', 0);

INSERT INTO news VALUES (114, '2001-12-06', 'FCC OK\'S INDUSTRY SELF-CERTIFICATION OF ENVIRONMENTAL COMPLIANCE', 'Appeal To CEQ Precedes Litigation', '<p>Washington, DC - The Federal Communications Commission (FCC) decided late yesterday that the telecommunications industry does not need to verify compliance with environmental and historic preservation laws prior to licensing, certification or registration. The decision came as a denial of a petition filed by Public Employees for Environmental Responsibility (PEER). </p><p>The FCC is required to conduct environmental and historic review of licenses and permits granted to wireless, fiber optic cable and other telecommunications structures by the National Environmental Policy Act (1969) and the National Historic Preservation Act (1966). Continuing the agency\'s trend toward de-regulation under Chairman Michael Powell, the Commission has decided to rely upon industry "self-certification" of compliance with these laws. </p><p>The PEER petition detailed widespread destruction of environmental and cultural resources from

poorly regulated telecommunication development, including: . Killing sensitive coral reefs along the Florida coast;<br />. Dredging rare coastal wetlands in New England; and <br />. Desecrating Native American graves and ruins in several states.</p><p>"Industry\'s inability to police its own pollution is the very reason that government agencies are charged with enforcing environmental laws," stated PEER General Counsel Dan Meyer who is preparing to appeal the decision. "The telecommunications revolution has created serious environmental consequences but the FCC has abdicated its legal responsibility by sanctioning the destruction of America\'s natural treasures."</p><p>In a separate statement, FCC Commissioner Michael J. Copps underscored that the agency has done a poor job of demonstrating its environmental compliance.</p><p>A key element of the decision is the FCC\'s adherence to the National Environmental Policy Act (NEPA). The White House Council on Environmental Quality (CEQ) is tasked with ensuring agency compliance with NEPA. If the FCC does not grant reconsideration of its decision, the last administrative remedy prior to a court challenge is an appeal to the CEQ.</p><p>"Rather than protecting the telecomm industry, the FCC has created corporate uncertainty by opening up every one of their future decisions to environmental challenge," Meyer predicted.</p><p align=center>Read PEER\'s <a href="<?php print \$cfg->docmdir;?>/fcc/may\_2000\_petition.pdf">petition</a>, <a href="<?php print \$cfg->docmdir;?>/fcc/august\_2000\_followup.pdf">followup</a> and <a href="<?php print \$cfg-> docmdir;?>/fcc/september\_2000\_reply.pdf">response</a>.</p>', ', 'FCC', 0);

INSERT INTO news VALUES (115, '2001-12-11', 'SHIPPING DECLINES ON MISSISSIPPI AND ILLINOIS RIVERS', 'New Figures Undercut Need for Billion-Dollar Lock Project', '<p>Washington, DC&nbsp;-- Demand for water transportation on the Mississippi River and Illinois Waterway continues to languish, according to an analysis by Public Employees for Environmental Responsibility (PEER) of recently released Army Corps of Engineers data.</p><p>The new figures, supplied by the barge industry and compiled by the Corps, show no growth or slight reductions in commodities shipped on the rivers during 2000. Preliminary figures for the first ten months of 2001 show another five percent drop in tonnage. These declines continue a historic trend of reduced demand for barge traffic on the rivers.</p><p>The barge industry has signaled that it intends to seek Congressional authorization this spring for expensive new locks for the Upper Mississippi River and Illinois Waterway System. Industry is targeting the Water Resources Development Act of 2002 as the vehicle for this one-and-a-half billion dollar undertaking despite the fact that the Corps will only have prepared an interim report without required analyses of benefits versus costs or environmental effects.</p><p>"Why should the taxpayers pay for expanding this project when the demand is falling?" asked PEER Executive Director Jeff Ruch. PEER represents Corps employees who have raised questions about the need for the project. Last year, the Army validated charges by Corps whistleblowers and disciplined top Corps commanders who had manipulated internal studies. "TheCorps\'s forecasts have consistently overestimated barge traffic, not only on the Mississippi River but throughout the entire inland navigation system."</p><p>At the same time, detailed lock usage data maintained by the Corps and traditionally released in mid-summer is still unavailable.</p><p>"The rhetoric about this project being vital for the economic health of the Midwest does not match reality," concluded Ruch. "This project continues to proceed on pure boosterism and political pork barreling."</p><p align=center><EM>Speadsheets featuring new traffic numbers are available upon request and are posted on the PEER website.</EM></p><p><STRONG>Mississippi:</STRONG> <a href="<?php print \$cfg->docmdir;?>/ace/mississippittraffic.pdf">www.peer.org/corps/mississippittraffic.pdf</a> <br /> <STRONG>Illinois Waterway:</STRONG> <a href="<?php print \$cfg-

>docsdir;?>/ace/illinoistraffic.pdf">www.peer.org/corps/illinoistraffic.pdf</a>  
<br /> <STRONG>National Traffic:</STRONG></p>', 'IL', 'ACE', 0);

INSERT INTO news VALUES (116, '2001-12-12', 'STATE DIRECTOR LEAVING THE LAND USE REGULATION COMMISSION', 'Maine PEER Calls For Effectiveness Study', '<p>Augusta, ME - Citing the impending departure of Land Use Regulation Commission (LURC) director John S. Williams, Maine PEER is calling for a sorely needed assessment of the agency\'s effectiveness in enforcing the law. Recent developments, including Maine\'s troubled economy, last year\'s legislative efforts to abolish the Land Use Regulation Commission and to remove the nationally significant Allagash Wilderness Waterway from its jurisdiction, and a survey of LURC employees, indicate the agency is facing severe problems. </p><p>A survey of LURC staff reveals that it is an agency in trouble. A study conducted by Public Employees for Environmental Responsibility (PEER) indicates that LURC does not have adequate resources to properly process permits and enforce the law. Many respondents raised concerns about the consolidation of the Agency\'s Compliance and Enforcement divisions into one department last summer. A clear majority (86%) feared that just such a move would impair enforcement efforts.</p><p>When asked what the most important improvements in the Land Use Regulation Commission would be, staff replied, "adequate staffing, a fair approach to balancing development with resource protection, and a new director who supports LURC\'s land use regulation mission."</p><p>While attempts in 2001 to eliminate the agency and remove its jurisdiction over the Wild and Scenic Allagash Wilderness Waterway failed, 86% of LURC staff showed concern that they do not have the resources or support of their superiors to do a proper job. The same number of people also felt that LURC does not have the adequate resources to properly enforce the law. </p><p>One of the reasons for LURC\'s problems appears to be fear of political backlash. A majority (71%) of respondents indicated problems with LURC\'s issuance of after-the fact-permits for projects that would not normally receive approval through proper channels. Worse, 86% felt that permits were often approved to keep influential people happy.</p><p>Some respondents recommended that the Agency hire an outside contractor to study the agency\'s effectiveness. Peat Marwick Associates conducted just this sort of study over a decade ago. As a result of that investigation, LURC rules were strengthened and more staff was hired.</p><p>"As we approach the end of the Williams\' administration, it is time to properly evaluate the needs of LURC and begin addressing the enforcement issues raised by the agency\'s own employees," stated Tim Caverly, director of Maine PEER. "Clearly LURC is under attack. The next director will need to understand the problems and become an advocate for the agency. A comprehensive study could be used by the legislature to justify and approve necessary changes. Without a solid Land Use Regulation Commission, the future of Maine\'s stunning environment is in question."</p><p align=center>###</p><p align=center> The employee survey is available upon request.</p>', 'ME', '', 0);

INSERT INTO news VALUES (117, '2001-12-17', 'BLM RANGERS FILE OSHA COMPLAINT', 'Ranger Runover by Vehicle', '<p>Sacramento - Days after a Bureau of Land Management Ranger was run down by a vehicle at Imperial Sand Dunes over the Thanksgiving weekend, BLM rangers filed an OSHA complaint, alleging unsafe working conditions. The complaint follows years of unsuccessful efforts by the Rangers to prod their agency into hiring additional rangers and purchasing a functioning communications system.</p><p>The Thanksgiving mayhem at the Dunes capped nearly a decade of escalating violence at the popular off-road area. In addition to the ranger who was injured by the vehicle, two others were pinned down by an angry mob and unable to call for assistance because of radio traffic from nearby Mexico. Rangers say communications problems were made worse when San Bernardino Sheriff Gary Penrod cancelled a memorandum of understanding that

included allowing BLM rangers to use that county\'s radio system. Rangers depend largely on cell phones, which get poor reception in much of their patrol areas.

"I think we need to get Gale Norton and some Congresspersons out there over New Year\'s weekend to see the mayhem for themselves. Let them tell those Rangers they have to wait 5 more years for more rangers and a decent communications system" said Karen Schambach of Public Employees for Environmental Responsibility (PEER).

A survey by PEER this summer corroborated an internal BLM Special Law Enforcement report on the California desert. Both BLM and PEER found that the public lands have become unsafe for both rangers and family recreation. Findings of the PEER survey included:

- Nearly three out of four (73%) say BLM lacks funding and personnel to fulfill its resource management mission.
- More than seven out of ten rangers (71%) say their radio system is inadequate to ensure officer safety in the field;
- 79% of rangers say BLM has inadequate funding and personnel to protect the public.

Ranger numbers will drop further as they are syphoned off to serve as air marshals and as guards at the Department of Interior in Washington, DC &nbsp;BLM Rangers are also expected to provide law enforcement at the Winter Olympics.

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</p>', 'CA', 'BLM', 0);

INSERT INTO news VALUES (118, '1999-10-27', 'GRAZING PROGRAM AT MOJAVE PRESERVE IS ILLEGAL, EMPLOYEES CHARGE', 'Permits Expire at End of Week', '<p>Washington, DC - On the Mojave National Preserve, the National Park Service is running its largest grazing program in violation of an array of environmental laws, according to an employee-authored report released today by Public Employees for Environmental Responsibility (PEER). In the report, entitled Tortoise on the Half-Shell, Park Service employees detail how legal protections for wildlife have been flouted, critical scientific data ignored and grazing abuses in the Mojave\'s arid landscapes are "unmonitored, unregulated and untouchable."

Created in 1994, the Mojave National Preserve is a 1.5 million acre park in southeastern California. It contains one of the world\'s most diverse desert ecosystems and is home to the desert tortoise, a creature classified as "threatened" under the Endangered Species Act.

The Mojave National Preserve now supports more commercial livestock grazing than any other unit of the National Park System. On October 31, 1999, grazing permits for more than 38,000 "animal unit months" (i.e., 30 days of forage for a cow and a calf) on 1.28 million acres in the Preserve are scheduled to lapse. According to the PEER report, these leases will be automatically renewed without environmental study, public notice or review.

With the creation of the Preserve, the Interior Department developed a Desert Tortoise Recovery Plan which designates more than half of the park as critical habitat for the species. Despite the Plan\'s finding that cattle "affect desert tortoise and their habitats negatively" - by trampling turtles and their eggs, destroying streams and depleting needed food sources - and recommendation that domestic livestock grazing at the Mojave Preserve cease, the Preserve plans to renew leases without any restrictions.

"Managers of the Mojave are guilty of gross environmental malpractice, according to their own specialists," commented PEER Executive Director Jeff Ruch. "Ironically, the Mojave\'s actions coincide with the National Park Service Director\'s announcement of a new \'Action Plan for Preserving Natural Resources\' pledging better planning and monitoring of conditions affecting threatened and endangered species. The Park Service needs to practice what it preaches."

</p>', 'CA', 'NPS', 0);

INSERT INTO news VALUES (119, '1999-11-16', 'ENVIRONMENTAL PROSECUTION DECLINES DURING CLINTON ADMINISTRATION', 'Bush Administration "Record Clearly Better"', '<p>Washington, DC..Despite a recent, highly publicized lawsuit filed against utility companies, prosecution of environmental crimes has sharply fallen during



the Clinton Administration, according to a compilation of court records released today by Public Employees for Environmental Responsibility (PEER). Comparing statistics from a three year period in the Bush Administration (1989-91) with a similar period in the Clinton Administration (1996-98), the PEER review shows dramatic declines in criminal referrals, prosecutions and convictions: </p><p>\* more than a one-quarter (27 percent) decrease in prosecutions; </p><p>\* a greater than one-third (38 percent) drop in convictions; and </p><p>\* a nearly 10 percent decline in the conviction rate. </p><p>Even though the Justice Department is pursuing fewer cases, it is also declining more cases (26 percent more) brought by referring agencies, such as the EPA or the Fish & Wildlife Service. While overall numbers for the second half of the Clinton Administration show some improvement, a key measure of enforcement - the number of defendants sentenced to prison - is down by one fourth in the last two years. </p><p>"The criminal environmental enforcement record of the previous incumbent was clearly better by virtually every measure of prosecutorial effort," commented PEER Executive Director Jeff Ruch, a former state prosecutor. "Maybe George Bush really was the 'Environmental President'." </p><p>The statistics also reinforce the results of PEER employee surveys and interviews with federal prosecutors and law enforcement officers about the de-emphasis of environmental enforcement within their agencies. PEER is also defending an Assistant United States Attorney who has suffered retaliation for pursuing pollution prosecutions under the Clinton Administration. </p><p>"The Justice Department has vigorously resisted any apples-to-apples comparison of its environmental enforcement record," concluded Ruch. "Nor has the Justice Department seriously reviewed the sworn statements of its own employees and instead is currently fighting a pitched legal battle to prevent the application of environmental witness and whistleblower protections to its own prosecutors." </p><p>The data that served as building blocks for PEER's analysis were obtained from the Justice Department under the Freedom of Information Act by the Transactional Records Access Clearinghouse (TRAC). TRAC is online at <a href="http://www.trac.syr.edu">http://www.trac.syr.edu</a></p><p>Reporters can contact <a href="mailto:echarette@peer.org">Emily Charette</a> at PEER (202.265.7337) for agency and/or district specific data for years 1989-1991 and 1994-1998. </p>', '', 'DOJ', 0);

INSERT INTO news VALUES (120, '2001-12-20', 'CONSERVATIONISTS TAKE TO THE SAND IN DUNES DEFENSE MISSION', 'Environmental Monitoring At Dunes Stepped Up Over Holidays', '<p>ALGODONES DUNES, CA - In response to the need to protect ecological recovery, and assist over burdened U.S. Bureau of Land Management Rangers, environmentalists will again be carefully monitoring the dunes on the ground and from the air between Christmas and New Years.</p><p>Nearly 50,000 acres of the dunes have been protected from off-road vehicles since November 2000 when the Center for Biological Diversity, Public Employees for Environmental Responsibility and Sierra Club reached an agreement with BLM and five off-road groups to restrict off-roading to protect the endangered Peirson's milkvetch and other rare dunes species. In some places, the recent recovery of plant life on the dunes impressive, but still threatened by off-road vehicles.</p><p>Conservationists want the current negotiated closures to work, but warn that additional violations will be carefully documented and could force them to return to federal court to move for complete closure of the dunes. They are committed to real recovery of the dunes, not just a paper closure that is not respected or enforced.</p><p>"We'll be primarily monitoring the closed areas, and hopefully we'll see unique plants and animals thriving - not being run over and killed." said Daniel Patterson, Desert Ecologist with the Center for Biological Diversity in Idyllwild who formerly work with BLM. "But if we see more blatant willful off-roading in the protected areas we will to take further action to protect the dunes." He explains, "If leaving over 68,000 acres of the

dunes open to motor vehicles means the protected areas are still frequently violated, then the whole place may have to be closed to off-roading."</p><p>Off-roader compliance with laws protecting the six off-limits areas of the dunes has been mixed. Protection of habitat is particularly compromised on busy holiday weekends when the dunes are overrun with close to 200,000 off-roaders, many of whom blatantly violate protected areas. Many of the protected areas were damaged this Thanksgiving as motorized mobs swarmed the dunes. Rangers who are trained in natural resource protection were forced to respond to fatal accidents, a shootout, and stabbings, instead of focusing on their normal duties. Worse, one ranger fanced an attempt on his life.</p><p>Imperial County Supervisors declared a local state of emergency Tuesday (12/18/01) because of increasing mayhem at the dunes. On December 6, BLM Rangers filed a formal complaint about unsafe working conditions with the Occupational Safety and Health Administration (OSHA).</p><p>Karen Schambach of Public Employees for Environmental Responsibility (PEER) says limiting numbers of off-roaders is imperative. "Current numbers are excessive both ecologically and sociologically. This year\'s crowds at the dunes forewarn of future problems elsewhere in the desert, as California\'s population continues to explode. We want BLM to manage the dunes in the context of the entire desert. No one wants to simply relocate the problems."</p><p>Calls from conservationists and others to reduce pressure on the dunes and and attempts by BLM to limit visitation to more reasonable numbers, have resulted in little real action by the agency. Instead, the BLM is to pulling law enforcement from elsewhere, including other states.</p><p>"Instead of establishing reasonable limits at the dunes to reduce the mob mentality, Interior Secretary Norton is compromising other remote wild lands by moving more Rangers to the dunes, leaving millions of acres unprotected." said Patterson. "BLM has to learn to turn on the \'no vacancy\' sign. The agency\'s duty is to protect all lands it manages, and pulling Rangers from other sensitive areas to police rowdy off-roaders ignores the big picture of desert-wide protection."</p><p align="center">###</p><p align="center">For more information on the dunes, please visit: <a href="http://www.biologicaldiversity.org/swcbd/goldenstate/cdca/algodones.html">http://www.biologicaldiversity.org/swcbd/goldenstate/cdca/algodones.html</a></p><p>', 'CA', 'BLM', 0);

INSERT INTO news VALUES (121, '2001-12-27', 'YELLOWSTONE WHISTLEBLOWER CASE SETTLED', 'Gag Order Lifted for Backcountry Ranger', ' <p>Washington, DC -- The National Park Service (NPS) and long-time Yellowstone National Park backcountry ranger Bob ("Action") Jackson today reached agreement in a settlement of a whistleblower claim filed by Jackson, according to documents released today by Jackson\'s lawyers at Public Employees for Environmental Responsibility (PEER).</p><p>Jackson, famed for arrests of poachers and for documenting unethical use of salting to bait elk by commercial hunting outfitters, had been given an order this August to refrain from speaking with reporters concerning Park Service issues. In addition, various Yellowstone managers had targeted Jackson and threatened to block his return to the Park next season, according to documents appended to a whistleblower complaint filed by PEER last week on Jackson\'s behalf with the US Office of Special Counsel.</p><p>In the week since the complaint was filed, a settlement was reached in which NPS agreed to:</p><p>\* rehire Jackson as a backcountry ranger in the Thorofare area in the remote southeast corner of the Park where he has served for the past 24 years;</p><p>\* rescind the gag order issued to Jackson and provide all Yellowstone Park employees written guidance on free speech rights; and</p><p>\* remove all derogatory information placed in Jackson\'s personnel file and instead insert a letter of commendation.</p><p>"I am happy that the Park Service chose to do the right thing by me rather than have a protracted fight," Jackson said. "I hope to work with the new Yellowstone Park Superintendent Suzanne Lewis

to address the growing dependence of the Park\'s grizzly population on the tons of elk meat discarded on our boundaries."</p><p>"Bob Jackson is making an invaluable contribution to the wildlife of Yellowstone," stated PEER General Counsel Dan Meyer. "Park Service Director Fran Mainella deserves compliments for the constructive and expeditious manner in which she addressed this case."</p>', '</p>', 'NPS', 8);

INSERT INTO news VALUES (122, '2002-01-10', 'ENVIRONMENTAL ENFORCEMENT PLUMMETS UNDER BUSH', 'Drop Prior to 9-11 Further Declines; Forecast as Nearly Half of Agents Reassigned', '<p>Washington, DC - There has been a steep decline in environmental enforcement during President George W. Bush\'s first year in office, according to figures released today by Public Employees for Environmental Responsibility (PEER).</p><p>PEER\'s analysis of the latest figures available shows cases referred by the U.S. Environmental Protection Agency (EPA) for criminal prosecution dropped by a fifth (20 percent) overall during the 2001 fiscal year. The fall-off in EPA referrals was more significant in several of the agency\'s principal anti-pollution priority areas:</p><ul> - Toxic Substance Control Act down 80 percent;</ul><ul> - Clean Air Act down 54 percent; and</ul><ul> - Clean Water Act down 53 percent.</ul><p>This downturn reflects cases through September of 2001 and does not include effects of EPA staff reassignments announced last month. EPA stated that about 40 percent of its criminal enforcement staff would be moved to non-environmental security tasks.</p><p>"The spigot for environmental cases entering the prosecution pipeline is being cranked way down during President Bush\'s first year in office," commented PEER analyst Jessica V. Revere, who noted that criminal prosecution is generally reserved for the most severe pollution violations. "We can expect even greater declines in 2002 with the removal of nearly half of the criminal investigators and the new agency leadership\'s pledge to de-emphasize environmental enforcement."</p><p>The PEER analysis is based upon U.S. Department of Justice figures obtained and reviewed by the University of Syracuse\'s Transactional Records Access Clearinghouse.</p><p>A complete copy of the PEER enforcement analysis of 2001 is available upon request</p>', '</p>', 'EPA', 0);

INSERT INTO news VALUES (123, '2001-12-15', 'NEW STUDY FINDS UPPER MISSISSIPPI LOCK EXTENSIONS UNJUSTIFIED', 'No Real Benefits to Local Agriculture', '<p>Washington, DC - A new study by three Iowa State University researchers and a private agricultural economist concludes that the economic costs vastly outweigh any benefits of building new lock extensions on the Upper Mississippi River. The study, published in the Journal of the Transportation Research Forum, validates the earlier work of a U.S. Army Corps of Engineers senior economist, Dr. Donald Sweeney, who disclosed through Public Employees for Environmental Responsibility (PEER) that top Corps commanders had "cooked the books" in an effort to attempt to justify the \$1.5 billion project.</p><p>Despite an investigation by the US Army Inspector General verifying Dr. Sweeney\'s charges, the disciplining of three Corps commanders, and a National Academy of Sciences review validating Dr. Sweeney\'s economic analysis, the Corps has restarted the study in order to justify building a series of new, larger locks on the Upper Mississippi River and Illinois Waterway systems.</p><p>The Iowa State study, one of whose authors served on the National Academy panel, finds:</p><p>\* Benefits of less than eleven cents for every dollar invested, even in a best case scenario;</p><p>\* Most potential transportation cost savings will not be passed on to local farmers but instead to exporters and "consumers in importing countries;" and </p><p>\* "Large-scale improvements are likely to have only minimal impacts on grain flows and generate negligible increases in net income for elevators and grain producers."</p><p>The study concludes that: "it is unlikely that any theoretically sound study will be able to economically justify

investments in lock extensions."</p><p>"This study explains why the Corps is avoiding any economic analysis and relying on qualitative \'scenario-based\' planning in attempting to resurrect this boondoggle," stated PEER Executive Director Jeff Ruch. "Contrary to claims that this project is vital to the economic health of Midwest farmers, the study shows that the only people in this country who will significantly profit from this huge taxpayer subsidy is - surprise - the barge industry."</p><p align="center"><em>The study entitled, "Evaluating the Logistical and Economic Impacts of Extending 600-Foot Locks on the Upper Mississippi River: A Linear programming Approach," was published in the fall 2001 issue of Transportation Quarterly, Journal of the Transportation Research Forum (vol. 40, 83-103).</em> </p>', 'IA', 'ACE', 0);

INSERT INTO news VALUES (124, '2002-01-22', 'LYNX FUR SHOULDN\'T FLY', 'Scientists Vindicated', '<p>Washington, DC - Scientists involved in the controversial Pacific Northwest lynx hair investigation have been twice vindicated, first by an internal Forest Service investigation, and then by hearings held by the Washington State Senate. The biologists sent blind samples of known lynx hairs to test the accuracy of federal laboratories, not "false samples" intended to "defraud" the public.</p><p>On Wednesday, January 16th, the Washington State Senate Resource Committee Chair Ken Jacobsen told the Seattle Post Intelligencer that he "was convinced by the officials\' testimony that the scientists meant no wrong and that the committee would not pursue the issue further." Sadly, the drumbeat continues on Capitol Hill, where Western Republicans want to make the supposed "biofraud" the centerpiece of their campaign to tear apart the Endangered Species Act.</p><p>A yet-to-be released internal Forest Service report obtained by PEER confirms that the biologists noted their intent to submit control samples and demonstrated that they consulted their superiors before going ahead with the sampling [the report may be viewed at [www.wapeer.org/Lynx/index.html](http://www.wapeer.org/Lynx/index.html)] </p><p>PEER strongly opposes the attacks by James Hansen, House Resources Chair (R-UT) Scott McInnis, Forest Health Subcommittee Chair (R-CO), Barbara Cubin (R-WY), Senator Larry Craig (R-ID), on government scientists and attempts to try this case in the media, rather than rely on legitimate investigative forums. Moreover, personnel action against these scientists based on this political pressure violates federal law. Their cries to terminate the biologists\' employment have already created a chilling effect on other government scientists doing research on a host of environmental issues. These legislators\' stated concern about scientific integrity merely masks their attempts to discredit all federal wildlife protection.</p><p>INTERVIEWS AVAILABLE</p><p><strong>Eric Wingerter,</strong>

National Field Director, Public Employees for Environmental Responsibility<br />

"This matter has been investigated twice. Politicians know the score, but many continue to smear the reputations of these biologists to push an anti-environmental agenda."</p><p><strong>Dr. Elliott A. Norse,</strong> President, Marine Conservation Biology Institute<br />"Science is about discovering truth; misleading the public, even for a good cause, is never acceptable. But it is increasingly clear that these scientists did not mislead the public, did what researchers routinely do when submitting samples to analytical laboratories, and are being attacked for purely political reasons by opponents of laws to protect our wildlife and wildlands."</p><p><strong>Ron Nowak,</strong> retired Fish & Wildlife Biologist<br />"Sadly, government and media elements, who trump this matter as abuse of ESA, say nothing of the far more prevalent abuse when political-commercial interests and their Interior allies deny appropriate classification and protection of threatened species."</p>', '', 'FS', 7);

INSERT INTO news VALUES (125, '2002-01-29', 'GALE ("TYPHOON") NORTON WREAKS HAVOC AT INTERIOR', 'Disastrous First Year, Say Employees', '<p>Washington, DC - In her first year as Secretary of the Interior, Gale Norton has done more to

disrupt efficiency, discredit the department and depress employee morale than any modern Interior Secretary, says Public Employees for Environmental Responsibility (PEER), a national organization representing employees within Interior agencies.

"As the Department of Interior's leader, Gale Norton has been a walking disaster area," commented PEER Executive Director Jeff Ruch. "Graded by administrative competence, apart from the environmental consequences of her actions, she is the worst Secretary since Teapot Dome - and, incredibly, instead of getting better, she is actually getting worse."

On the eve of the first anniversary of Gale Norton's confirmation, the employee group points to:

- \*Disruption of both public access and employee productivity flowing from the closure of Interior web sites and employee e-mail for the past two months, with no date for re-connection; <http://www.billingsgazette.com/archive.php?section=local&display=rednews/2002/01/19/build/local/02-network.inc>
- \*Embarrassment from being cited for contempt of court hearings in the long-running tribal trust fund case after trying to intimidate agency employees to sign off on documents inappropriately; <http://www.washingtonpost.com/wp-dyn/articles/A11034-2002Jan7.html>
- \*Falsification of her own agency's science in reporting to Congress on the biological effects of oil drilling in Alaska's Arctic National Wildlife Refuge; <http://www.washingtonpost.com/wp-dyn/articles/A18216-2001Oct18.html>
- \* Destruction of morale from a post-Thanksgiving all-employee e-mail pledging to contract out five percent of all employee jobs in the short-term and up to half within five years; <http://www.denverpost.com/Stories/0,1002,53%257E241955,00.html>
- \* Frustration of her own top professionals by blocking the Fish & Wildlife Service from filing prepared comments on a major relaxation of wetlands protections and then claiming it was Congress's fault; <http://www.washingtonpost.com/wp-dyn/articles/A12299-2002Jan20.html>
- \* Confusion from threatening to pull out from, and then agreeing grudgingly to enforce, the land use restrictions resulting from a settlement to a desert protection lawsuit her own agency had signed; <http://www.latimes.com/news/state/20010517/t000041483.html> (archived)
- \* Refusal to adopt a non-retaliation policy to protect agency scientists, following the abrupt termination of a mapmaker, attracting both national and international publicity and featured in a Doonesbury series. <http://www.guardian.co.uk/Archive/Article/0,4273,4169290,00.html>

<http://www.defenders.org/den/dl00036.html#SEVEN>

"Scientists, law enforcement officers, land managers and other staff within Interior are dispirited and dismayed by the Secretary's performance," Ruch concluded. "If Gale Norton is trying to stimulate early retirement of her professional staff, she is doing a bang-up job."

INSERT INTO news VALUES (126, '2002-01-28', 'LURC REVOKES ALLAGASH BRIDGE PERMIT', 'Logging Company Does Not Own Henderson Brook Bridge', '<p>Augusta - In a surprise move, the Maine Land Use Regulation Commission (LURC) has revoked permission for a logging company to replace a wooden bridge with a new steel-reinforced span in the heart of the Allagash Wilderness Waterway. The reversal resulted from a filing by Maine Public Employees for Environmental Responsibility (Maine PEER) demonstrating that the permit applicant, Blanchet Logging & Lumber Company, does not own Henderson Brook Bridge and thus has no right to rebuild it.</p><p>The proposed bridge development would have created a steel girder-framed superstructure in the middle of the Wilderness Waterway, and the proposal set off renewed criticism from environmental activists about the way state manages its only designated Wild and Scenic River. The LURC action this past Thursday may also end an 18-year controversy over control of the bridge.</p><p>A 1984 land trade turned ownership of the Henderson Brook Bridge to the state, but a confused paper trail led LURC in 1994 to declare that Blanchet Logging Co. was the "actual owner of the bridge." Three years later, LURC issued a permit to Blanchet Logging to replace the bridge but without asking the company to acquire required permits from the Army Corp of Engineers and the National Park Service. </p><p>Last November, Maine PEER alerted LURC about records documenting the bridge's ownership. In a response dated December 21, 2001, a LURC Permitting Compliance Division Manager asserted that Blanchet was the owner of the bridge. Little more than a month later, LURC Acting Director Catherine Carroll conceded that the previous ownership determination was incorrect. According to her letter, Blanchet Logging had notified Bureau of Parks and Lands Director Tom Morrison that "there is no evidence that Blanchet owns the bridge."</p><p>"For the Department of Conservation to authorize such a large development based on such a basic error does not bode well for the agency's ability to do its job of conserving Maine's resources," said Maine PEER Director Tim Caverly, "LURC cannot continue to operate on a shoestring budget if it expects to avoid future blunders."</p><p>A survey of LURC employees conducted by Maine PEER last summer determined that the agency does not have the resources to properly process permits or enforce the law. Caverly is calling for a complete review of LURC and an investigation as to why of the Department of Conservation almost gave away state assets.</p>', 'ME', '', 0);

INSERT INTO news VALUES (127, '2002-01-30', 'BLM REASSIGNS KEY SO. CAL. MANAGER AFTER POLITICAL PRESSURE BY OFF-ROAD AND GRAZING INTERESTS', 'Employee Reassigned', '<p>BARSTOW, CA -- The US Department of Interior is reassigning a key Southern California Bureau of Land Management land manager because he endangered ranchers and off-road vehicle enthusiasts when he settled a lawsuit with environmental groups to protect endangered species including the desert tortoise and peninsular bighorn sheep. That settlement curbs grazing, off-road vehicle use, and mining on BLM desertlands.</p><p>Tim Salt, Desert District manager for the Bureau of Land Management oversaw the 11 million acres California Desert Conservation Area, which includes California desert's most environmentally sensitive areas in San Diego, Los Angeles, Imperial, Riverside, San Bernardino, Kern, Inyo, and Mono counties.</p><p>Earthjustice, the Center for Biological Diversity and Public Employees for Environmental Responsibility (PEER) strongly condemn the retaliatory move against Mr. Salt. They believe the reassignment is part of an emerging trend by the Bush administration to get rid of public land officials who bring balance to land management decisions.</p><p>In December, Kate Cannon, manager of the Grand Staircase Escalante National Monument, was reassigned after ranchers and a Republican congressman complained about lack of grazing access for cattle in the monument. In California, the Forest Service's Pacific Southwest Region head, Brad Powell, was reassigned after approving a management plan for Sierra Nevada national forests 10 years in

the making that didn't satisfy logging interests. His replacement has taken steps to reopen the management plan to allow more logging.

"The Interior Department's action against Salt followed a months-long campaign for his dismissal by so-called 'wise use' groups," said PEER California Coordinator Karen Schambach. "Ranchers and off-roaders have become accustomed to BLM going to the mat in their defense. Tim Salt knew they could not win a case against species protections and negotiated the best deal he and BLM attorneys could for these folks."

The environmental organizations are concerned that other field managers who anger wise-users will share Salt's fate. The same groups who sought Salt's dismissal are taking aim at BLM's Arcata Field Manager, Lynda Roush. They are angry at the closure of Black Sands Beach to off-road vehicles.

The lawsuit Salt helped settle was filed in 2000 by Earthjustice attorney Jay Tutchton and co-counsel Brendan Cummings representing the Sierra Club, PEER, and the Center for Biological Diversity. It sought stronger protections for plants and animals under the Endangered Species Act including the desert tortoise and peninsular bighorn sheep. The negotiations produced restrictions on grazing in the Mojave Desert, closures of off-roading areas, and limits on new mining projects.

"Tim Salt urged BLM to settle because it was going to lose the case, the settlement was reasonable and approved by the court, but it angered off-roaders and ranchers," said Earthjustice attorney Jay Tutchton. "They called for Salt's head and got it. Interior Secretary Gale Norton's message to her staff seems to be, 'comply with the law at your peril.' We had our differences with Salt, but at least he was trying to follow the law," said Tutchton.

"Salt reached a reasonable compromise with the environmental groups and was trying to move BLM into compliance with the law. Ms. Norton's removal of Salt signals a disturbing return to the day when the Agency ignored its legal obligations to protect the public lands," said Daniel Patterson of the Center for Biological Diversity.

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INSERT INTO news VALUES (128, '2002-02-05', 'WASHINGTON TIMES PEDDLES "EQUAL TIME" ADS TO DEFENDERS OF AGENCY SCIENTISTS', 'Stunt called New Form of "Checkbook Journalism"', '<p>Washington, DC -After criticizing two nonprofit organizations in print, the Washington Times offered to sell the groups space to tell their side of the story, according to documents released today by Public Employees for Environmental Responsibility (PEER), one of the groups approached by the newspaper.</p><p>Since December 17, The Washington Times has run a continuing series of articles and editorials decrying federal and state biologists accused of "planting" lynx hairs during a nationwide survey of the rare cats. In a January 18 story, the conservative paper singled out PEER and Forest Service Employees for Environmental Ethics (FSEEE) as the scientists\' only public defenders.</p><p>Although neither group had ever been contacted by reporter from the paper, both PEER and FSEEE received phone calls in late January from a Washington Times advertising representative encouraging them to buy a full-page rebuttal ads for $9,450. When FSEEE president Andy Stahl played along, the ad representative went so far as to draft the ad text himself and sent the "mock-up" back to Stahl by E-mail.</p><p>While the Times coverage of the lynx issue has prompted calls from western Republican members of Congress to fire the scientists, several aspects of their stories have proven untrue or have been retracted, including claims that agency scientists planted "false samples" in an attempt to "defraud" the public. Now Washington Times Managing Editor Fran Coombs has admitted that the lynx issue is not as "black and white" as the newspaper originally reported.</p><p>"The <em>Washington Times</em> shoddy reputation is further tarnished by this new form of checkbook journalism," stated Eric Wingerter, PEER\'s National Field Director. "This latest scam suggests that the Washington Times slants its coverage not to generate readership, but to squeeze out advertising revenue."</p><p align="center"><a
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href="<?php print \$cfg->campaigndir;?>/other/index.php">Read more</a>.</p>', '', 'FS', 7);

INSERT INTO news VALUES (129, '2002-02-05', 'CONSERVATIONISTS FILE LAWSUIT TO PROTECT CUMBERLAND ISLAND WILDERNESS IN GEORGIA', 'Motorized Vehicle Tours Violate Wilderness Designation', '<p>Washington, DC -- Three conservation groups filed a lawsuit in federal court today challenging the National Park Service\'s (NPS) decision to authorize motorized vehicle tours in the Cumberland Island Wilderness. The suit, filed by Wilderness Watch, Defenders of Wild Cumberland (DWC) and Public Employees for Environmental Responsibility (PEER), seeks to stop motorized tours in the Wilderness to protect the area\'s primitive character and to bring the NPS management of the area into compliance with the law.</p><p>Cumberland Island, which lies off Georgia\'s southeast coast just north of the Florida border, is the largest undeveloped barrier island on the eastern seaboard. The entire island was designated as the Cumberland Island National Seashore in 1972. Ten years later Congress designated 8,800 acres of the heart of the Island\'s north end as the Cumberland Island Wilderness. The island provides shelter for over 300 species of birds and nesting sites for sea turtles, including the threatened loggerhead sea turtle. Because of its incredible ecological significance, Cumberland Island was named an International Biosphere Reserve in 1984.</p><p>Conservationists oppose the tours, citing that the Wilderness Act prohibits the use of motorized vehicles in wilderness except in rare cases such as emergencies. The suit also alleges that the commercial nature of some tours violates the Wilderness Act\'s limitation on commercial use. While some of the tours are operated by the NPS itself, the majority are conducted by Greyfield Inn, a private corporation. In both cases, before authorizing the tours, the NPS failed to consider the environmental impacts of the tours or to elicit public review and comment.</p><p>"This is the only place in the country where the national park service drives tourists around in the Wilderness," says George Nickas, executive director of Wilderness Watch. "It sets a terrible precedent for Wilderness everywhere and flies in the face of the Wilderness Act."</p><p>Hal Wright, director of DWC noted, "It is not our goal to end all tours on the island. We\'re only concerned with those motorized tours which take place in Wilderness, where motor vehicles are prohibited by law."</p><p>Most of the popular visitor sites lie outside the Wilderness boundary on the south end of the island and tours to those areas would not be affected by the lawsuit.</p><p>"The lawsuit is needed because the entrenched politics surrounding Cumberland Island have prevented Park Service managers from fulfilling their legal obligations," stated PEER General Counsel Dan Meyer.</p><p>"Congress made it clear that the Cumberland Island Wilderness must be managed by the same rules as all other Wildernesses in the United States. Restrictions, like those excluding motor vehicles, were put in place to achieve this goal. If we allow motor vehicle tours here, then we could have them anywhere in America\'s Wilderness," added Nickas.</p><p>Attorneys representing the conservation groups include Jon Dettmann and Anne Mahle from Faegre & Benson, and Dan Meyer, PEER\'s General Counsel.</p><p align="center">###</p><p><strong>Wilderness Watch</strong> is based in Missoula, Montana. Founded in 1989, it is the only national organization dedicated solely to the protection and proper stewardship of the National Wilderness Preservation System. Wilderness Watch has an active chapter in Atlanta, Georgia. (www.wildernesswatch.org) </p><p><strong>Defenders of Wild Cumberland (DWC)</strong> was founded in 1995 to preserve as Wilderness the lands, bays and marshes of Cumberland Island National Seashore, and to assure that such areas are managed in a manner which promotes and perpetuates the Wilderness character of the land, and protects those ecosystems critical to the island\'s biodiversity. DWC is based in St. Marys, Georgia. (www.wildcumberland.org)</p>', 'GA', 'NPS', 0);



INSERT INTO news VALUES (130, '2002-02-15', 'MCINNIS ECO-TERRORISM HEARING DIVERTS ATTENTION FROM REAL PROBLEMS', 'Gloria Flora Testifies', '<p>Gloria Flora a 22-year veteran of the U.S. Forest Service who has handled some of the agencies toughest assignments, is testifying at today\'s hearing.</p><ul><em>Flora made a landmark decision to prohibit oil and gas leasing from the Rocky Mountain Front in Montana as Supervisor of the Lewis & Clark National Forest. </em> </ul><ul><em>As Supervisor of Nevada\'s Humboldt-Toiyabe National Forest, the largest in the lower forty-eight states, she confronted the Sage Brush Rebellion and County Supremacy movements. In late 1999, she resigned from her position as Supervisor to call national attention to the persistent "Fed-bashing" by Nevada officials.</em> </ul> <p>· The hearing diverts attention away from the true causes of lawlessness on public lands - growing tensions over diminishing resources, degraded landscapes and changing economies.</p><p>· If you ask Forest Service employees to rank the problems they must confront daily, "eco-terrorism" would not even make the chart.</p><p>· To spread their message and inflate their importance, "eco-terrorism" groups must command a prominent public stage. This subcommittee hearing is aiding these so-called eco-terrorists by giving them the United States Congress as a forum.</p><p>· Rep. McInnis\'s thinly disguised agenda is to equate environmentalists with "eco-terrorists."</p><p>· The real terror comes when "fed-bashing" is condoned and encouraged by elected officials. Rep. McInnis has engaged in precisely the sort of rhetoric that engenders harassment and abuse of hard-working public servants trying to do difficult jobs.</p><p>Attacks aimed at U.S. Forest Service employees and facilities rose by more than 20% in 2000, the latest year for which we have statistics. Incidents at the Fish & Wildlife Service rose by half, while incidents at the Bureau of Land Management (BLM) rose by a third. For all three agencies combined, serious incidents rose by nearly a third in 2000.</p>', 'NV', 'FS', 0);

INSERT INTO news VALUES (131, '2002-02-28', 'INDUSTRY RUNS ENVIRONMENTAL AGENCY, EMPLOYEES SAY EMPLOYEE', 'Survey Gives Alaska DEC Poor Marks', '<p>PEER mailed all ADEC employees a survey composed by a group of their colleagues in late January; nearly one-third (32%) of those receiving surveys responded. Clear majorities of respondents believe that ADEC -</p><ul> <li type="disc">"Often puts more weight on economic development than resource protection" and views its "primary \'customer\' to be the individuals and businesses that seek permits rather than the public or the resource;" <li type="disc">"Inconsistently enforces environmental laws, favoring big industries over "the interests of ordinary citizens and small business;" and<li type="disc">"Reassigns staff "for doing their job \'too well\' on a controversial project."</li> </ul><p>One in five report knowledge of orders to "violate State law" while one in three "fear job-related retaliation for openly advocating policy or permit decisions that are unfavorable to major industries." More than one out of three cite cases in which -</p><ul> <li type="disc">"ADEC leaders "blocked enforcement against politically influential members of the regulated community;" <li type="disc">"Permit applicants have received preferential review after they have met with the Administration regarding a proposed project;" and <li type="disc">"Industry "unduly influenced ADEC Administration\'s assignment of specific DEC staff to specific permits."</li> </ul><p>"From this portrait, it appears that ADEC employees must cast a profile in courage while enforcing the law against certain industries," commented PEER Executive Director Jeff Ruch. "For example, many employees say that the oil industry carries a \'get out of jail free\' card in Alaska\'s environmental protection agency."</p><p>Employees also question the environmental commitment of the Knowles Administration:</p><ul> <li type="disc">"Nearly three out of four employees

contend that ADEC has insufficient resources "to fulfill its environmental mandates;"<li type="disc">Little more than a quarter of employees believe that the "latest ADEC reorganization (under the Knowles Administration in December 2001) has improved agency operations;" and <li type="disc"> Of those familiar with her work, well more than half of respondents gave ADEC Commissioner Michelle Brown a grade of "C" or less in "doing an effective job protecting Alaska\'s natural resources." </li></ul> <p>Overall, employees are split on whether ADEC is effective, efficient and has ethical leadership. On agency morale, however, employees are quite decided - two out of three rate morale as poor.</p><p>PEER has conducted similar surveys in more than twenty-five state and federal environmental agencies. In several states, PEER surveys have sparked criminal investigations, legislative reviews and the adoption of administrative or legal reforms.</p><p>"This survey is an opportunity for ADEC employees to speak candidly and collectively to their true employers - the citizens of Alaska," commented Ruch, who noted that PEER survey results have closely tracked those conducted by the agencies themselves. "Precisely because the professional staff are the public\'s eyewitnesses, experts and enforcers, policymakers as well as ADEC management should be interested in hearing what the employees think."</p><p align="center">### <p align="center">Complete PEER survey results, including employee essays, are available upon request.</p>', 'AK', '', 0);

INSERT INTO news VALUES (132, '2002-03-04', 'CORPS REVOLTS AGAINST BUSH BUDGET CUTS', 'Billion Dollar Restoration Sought', '<p>Washington, DC - In a series of Congressional committee appearances last week, top officials of the U.S. Army Corps of Engineers signaled their opposition to President Bush\'s proposed FY 2003 budget for their agency. The Corps is now developing a wish list of legislative augmentations, in defiance of Presidential calls for fiscal discipline, to add at least a billion dollars in new civil works projects, according to Public Employees for Environmental Responsibility (PEER).</p><p>Last month, President Bush proposed a 7 percent cut, totaling \$460 million, in the Corps civil works program for dredging harbors, building locks and recovering beaches. In FY 2002, Bush proposed \$600 million in cuts for the Corps; Congress restored all but \$200 million. This negative growth curve runs counter to an internal "Grow the Corps Initiative" promoted by senior management. </p><p>Despite pledges of support in written congressional testimony, Corps officials reversed course in unscripted oral remarks and answers to questions. For example, Mike Parker, Assistant Secretary of the Army for Civil Works, submitted written testimony that concludes, "I believe that the President\'s FY 2003 budget for the Army Civil Works program is a solid one." Yet, Lt. General Robert Flowers, Corps Chief of Engineers, seated next to Parker, repeatedly testified that the President\'s budget "doesn\'t make sense."</p><p>In remarks before the Senate Budget Committee and House appropriations and transportation subcommittees, Parker noted that he submitted a \$6.4 billion budget request to the President\'s Office of Management & Budget which approved only \$4.1 billion, an amount Parker testified was at least one billion dollars too low. Parker even encouraged supportive members of Congress to identify the OMB analysts responsible for the cuts and eliminate funding for their positions.</p><p>The close ties that the Corps enjoys with members of Congress who seek to promote big construction projects in their home districts have stymied executive branch control for years. Perhaps, the height of tensions came in the last two years of the Clinton Administration when then Army Secretary Louis Caldera was prevented by the Senate from re-asserting Pentagon control over Corps projects and communications with Congress.</p><p>"The Corps has become a fourth branch of government dedicated to furthering its own institutional prosperity," commented PEER Executive Director Jeff Ruch. PEER has represented Corps employees who documented agency violations in an attempt to justify large-scale construction projects. "In the military,

insubordination is a serious of offense, but with Corps management insubordination is the hallmark of its congressional relations."</p>', '', 'ACE', 0);

INSERT INTO news VALUES (133, '2002-03-06', 'BLM IDAHO DIRECTOR FORCED TO RESIGN', 'Senator Craig Behind Ouster', '<p>Boise, ID - Martha Hahn, the Director of the Bureau of Land Management (BLM) in Idaho resigned today rather than accept an involuntary transfer to a National Park Service appointment in New York. Senator Larry Craig (R-Idaho) has long sought Hahn\'s removal and convinced top Interior officials to make the move, according to Public Employees for Environmental Responsibility (PEER).</p><p>This January, Interior Deputy Secretary Steven Griles, a former lobbyist occupying the number two spot below Secretary Gale Norton, officially notified Hahn of her removal. The notice directed her to assume a heretofore non-existent post as Executive Director of the National Park Service New York Harbor operations. </p><p>Despite requirements that senior employees be consulted and, if possible, accommodated on choice of any new assignment outside of their geographic area, Hahn was not consulted or given a range of options. The only alternative to the NY Harbor posting offered to Hahn was resignation. Accordingly, today Martha Hahn tendered her resignation from federal service.</p><p>U.S. Senator Larry Craig (R-Idaho) has made no secret of his efforts to remove Hahn. Most recently, Craig denounced BLM\'s decision to restrict grazing in Owyhee County, calling the BLM action "an affront" that he would try to reverse in Washington, DC. Since the 2000 election, Sen. Craig has new influence within Interior. For example, Tom Fulton, the Deputy Assistant Interior Secretary for Lands & Minerals Management that oversees BLM, is a former Craig campaign manager.</p><p>Martha Hahn has been BLM Idaho Director for the past seven years. As the highest-ranking BLM official in Idaho, the BLM State Director position is one of the top line management positions within the agency.</p><p>Hahn\'s ouster is one of a series of recent high-profile removals of BLM managers targeted by grazing, ORV and mining interests. During the Clinton Administration, agency directors within Interior had lead decision-making authority in personnel moves. Thus far, in the Bush Administration, Interior Secretary Norton and her top aides have played the dominant role.</p><p>"Martha Hahn\'s removal is part of an unfolding purge of principled professionals within the top ranks of Interior," stated PEER Executive Director Jeff Ruch. "The message is not subtle: any federal manager in Idaho who displeases a crony of Larry Craig risks a similar fate."</p><p>Steven West, an official with the Idaho Department of Environmental Quality, has told associates that he is slated to replace Hahn. While the BLM Idaho post does not require Senate confirmation, it is widely expected that Sen. Craig will be allowed to choose Hahn\'s successor.</p><p>Noting that little more than a month ago, Idaho Fish & Game Director Rod Sando also resigned under pressure, reportedly from Governor Dirk Kempthorne, Ruch commented, "In Idaho, natural resource management has degenerated into a naked spoils system."</p>', 'ID', 'BLM', 0);

INSERT INTO news VALUES (134, '2002-03-06', 'NORTH SLOPE REGULATOR RESIGNS', 'OIL COMPANIES FORCED TRANSFER, SEEKING LENIENT TREATMENT', '<p>Anchorage -Susan Harvey, the top manager for the Alaska Department of Environmental Conservation (ADEC) on oil industry matters, resigned from state service yesterday. Her resignation comes in the wake of an ADEC employee survey by Public Employees for Environmental Responsibility (PEER) showing a widespread perception that ADEC allows industry to dictate agency staff assignments on important regulatory matters.</p><p>This past December, under heavy industry pressure, ADEC removed Harvey from overseeing permits for North Slope exploration activity. Harvey, a well-respected engineer with previous experience at ARCO Alaska, BP Exploration, Standard Oil and Conoco, served as Manager of the Industry Preparedness and

Pipeline Program regulating oil tankers, the Trans-Alaska Pipeline, off-loading terminals and tank farms and, until recently, exploration and refinery operations. </p><p>Her letter of resignation cited a desire "to focus my professional career on technical work, where sound scientific analysis and engineering are honored as the main determinants for real, measurable environmental improvements, rather than political solutions."</p><p>Under Harvey, ADEC had cited deficiencies in spill response, overflow alarms and leak detection systems in industry North Slope operations. In removing Harvey, ADEC assigned a political appointee to sign-off on permits and enforcement actions.</p><p>"Growing numbers of ethical professionals are finding it harder to faithfully serve the people of Alaska and toe the political line within the agencies," commented PEER Executive Director Jeff Ruch. "Losing people like Susan Harvey signals continuing degeneration at ADEC."</p><p>In the PEER survey of ADEC employees released last week, clear majorities of respondents reported that ADEC:</p><ul> <li type="disc">"Often puts more weight on economic development than resource protection" and views its "primary \'customer\' to be the individuals and businesses that seek permits rather than the public or the resource;"<li type="disc">Inconsistently enforces environmental laws, favoring big industries over "the interests of ordinary citizens and small business;" and <li type="disc">Reassigns staff "for doing their job \'too well\' on a controversial project."</li> </ul><p>One in five acknowledged orders to "violate State law" while one in three "fear job-related retaliation for openly advocating policy or permit decisions that are unfavorable to major industries."</p><p align="center">###</p><p align="center">Complete PEER survey results, including employee essays, are available upon request or may be found on the PEER website at: <a href="<?php print \$cfg->pubsdir;?>/surveys.php">surveys</a></p>', 'AK', '', 0);

INSERT INTO news VALUES (135, '2002-03-11', 'ONE THIRD OF MAJOR AIR POLLUTERS STILL LACK PERMITS', 'New England Trails', '<p>Washington, DC -- Nearly one third of all factories, power-plants and other major sources of air pollution in the US still do not have permits required under the Clean Air Act, according to agency documents released today by Public Employees for Environmental Responsibility (PEER). As a consequence, many of thenation\'s worst air polluters are shielded from both regulatory control and public scrutiny.</p><p>Despite a 1997 statutory deadline for issuance of all "major source" permits, the failure of EPA and its state counterparts to require permits for these air polluters has remained an open secret in agency circles. According to a never-issued October 2001 draft reportfrom EPA\'s Office of Inspector General, the absence of operating permits undermines monitoring, enforcement and pollution prevention -- all of the basic building blocks of an effective clean air program.</p><p>Several of the Eastern industrial states with the worst air pollution problems have the lowest rates of permit issuance. For example, New Jersey has permitted only 30 percent of its major sources; Massachusetts has permitted only 32 percent. Regionally, New England has the lowest rate, at only 41 percent, while the Rocky Mountain region has highest rate of 91 percent. </p><p>Agency sources indicate the reason so many major sources remain unpermitted is because they represent the toughest pollution problems. A December 4 statement of priorities distributed by Jeffrey Holmstead, head ofEPA\'s air office, assessed the inability to meet statutory deadlines in the stationary source program (referred to as Title V of the Clean Air Act) as follows:</p><ul><p>"We\'re more than 10 years into the Title V program, yet only about two-thirds of the major sources in the country have received their Title V permits. And most of the largest, most complex (and most important ) sources remain unpermitted and are operating under the so-called application shield."</p> </ul> <p>Under the application shield, polluters are allowed to operate if they have applied for a permit; a process that the EPA Inspector

General estimates takes an average of 3.2 years. EPA predicts that it may close the gap in permit issuance by 2004, at the earliest.</p><p>"The Clean Air Act must be implemented before it can be expected to work," stated Kyla Bennett, a former EPA attorney who is Director of New England PEER. "The poor track records for the industrial New England states of Massachusetts, Connecticut and Rhode Island should be setting off alarm bells."</p>', '', 'EPA', 0);

INSERT INTO news VALUES (136, '2002-03-11', 'EMPLOYEE FILES WHISTLEBLOWER LAWSUIT IN FISH KILL CASE', 'After Being Fired for Reporting Pollution & Financial Irregularities', '<p>Alma, MI -Gratiot Conservation District officials ordered an employee to ignore pollution violations and then fired her when she refused, according to a lawsuit filed today by Public Employees for Environmental Responsibility (PEER).</p><p>Robin Berryhill served as a "Grant 319" project manager with the Conservation District. Her job was to address non-point sources of water pollution. In January, the Conservation District fired Berryhill for reporting major water quality violations, including pollution discharges and fish kills in Pine Creek, to the state\'s Department of Environmental Quality, contrary to District directives.</p><p>In addition to refusing to obey the illegal orders, Berryhill reported dubious fiscal management of the Conservation District, including the practice of double dipping grant money-accepting payment for the same activity more than once.</p><p>PEER, a national environmental whistleblower defense organization, is representing Berryhill in the suit. Scott A. Brooks, an attorney with the firm of Gregory, Moore, Jeakle, Heinen & Brooks in Detroit is acting as lead attorney. The suit, filed today in the state\'s 29th Circuit Court, contends that Berryhill\'s firing violated Michigan\'s Whistleblower\'s Protection Act. Conservation District officials also violated open meeting laws by holding closed-door sessions to discuss her termination. The Complaint seeks reinstatement, lost wages and other appropriate damages.</p><p>"By simply doing her job, Robin Berryhill acted to protect the health of her community from the threat of contaminated drinking water," stated PEER General Counsel Dan Meyer. "This lawsuit will force the Conservation District to answer for its actions."</p><p>"It is unbelievable that in the year 2002 the Gratiot Conservation District, an organization charged with protecting the community\'s land and water, fires an employee for doing exactly that," added Scott A. Brooks. "I think the community will be shocked by the evidence that results from the filing of this lawsuit."</p><p align="center">###</p><p align="center">A copy of the whistleblower complaint is available upon request.</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/mi/gratiot\_water.pdf">See a summary of water quality problems in Gratiot County.</a><a href="<?php print \$cfg->docsdir;?>/mi/berryhill\_facts.pdf">See a summary of the case.</a> </p>', 'MI', '', 0);

INSERT INTO news VALUES (137, '2002-03-18', 'CORPS LOBBYING MACHINE STILL ROLLING', 'PARKER REMOVAL DOES NOT DENT DRIVE TO GROW CORPS BUDGET', '<p>Washington, DC - The U.S. Army Corps of Engineers is still pressing Congress to approve projects not included within President Bush\'s FY 2003 Budget. Corps lobbying has accelerated despite the abrupt removal on March 6th of Mike Parker, Assistant Secretary of the Army for Civil Works, according to Public Employees for Environmental Responsibility (PEER).</p><p>A prime example is the Corps\' relentless drive to obtain Congressional authorization this year for a massive construction project on the Upper Mississippi River and Illinois Waterway- the same project engulfed in scandal during the last two years after a senior Corps economist revealed that the Corps had "cooked the books" to falsely justify the project. A subsequent Pentagon and National Research Counsel investigation validated the charges, resulting in disciplinary actions against two Corps commanding generals and a colonel.</p><p>The Corps has established a privately

operated "interactive" website at a cost agency sources put at \$100,000 (<http://www.ursbethesda.com/umr-iwwsns/index.cfm>). This website advocates for early authorization of the Upper Mississippi River and Illinois Waterway projects. The Corps saw fit to employ funds earmarked for this study to pay for this elaborate promotional website. On the site, the Corps announces it will seek project authorization this year even though the required studies will not be completed until late 2004.

This month, the Corps is bringing every District Engineer, each one an officer of the rank of colonel, to Washington, DC to meet with local Congressional representatives. Within days of Mr. Parker's termination, the halls of Congress teemed with green suited Corps officers going door to door.

"Mike Parker was not the cause of insubordination at the Corps, he was merely the latest manifestation of a much larger, ingrained pattern within the Corps leadership," commented PEER Executive Director Jeff Ruch whose organization represents Corps employees who have internally challenged agency projects. "With Parker's removal, the Corps is like a chicken with its head cut off, still running full tilt through the halls of Congress."

INSERT INTO news VALUES (138, '2002-03-18', 'COLORADO COMPANY TO BUY NJ RADIOACTIVE WASTE', 'Group Calls for Public Input', '<p>Denver, CO-The Environmental Protection Agency must allow for public comment on a plan to transfer up to 470,000 tons of radioactive mill tailings from New Jersey to Canon City, CO, according to a letter released today by Public Employees for Environmental Responsibility (PEER). The organization alerted EPA that it must prepare an Environmental Impact Statement (EIS) including rigorous input from the affected communities before it allows the Cotter Corporation to accept the waste, which will total roughly five full rail cars per day for up to five years making their way from New Jersey to Canon City for storage.</p><p>"The New Jersey waste shipments are the first of many that the Cotter Corporation could compete for in the lucrative waste disposal market," says Rocky Mountain PEER Director, Chandra Rosenthal. "This will open the floodgates for accepting other states\' waste in Colorado. Coloradoans should have a say in whether the state will become another waste dump for the nation."</p><p>PEER requested that Governor Owens intervene to call for statewide public hearings on the matter.</p><p>"The public needs to be involved," stated Rosenthal. "An EIS would benefit the public by including a comprehensive analysis of alternatives including other places to send the waste, as well as include the public in the decision making process."</p><p>The Cotter Corporation Canon City Uranium Mill, located just outside Canon City, Colorado, is one of the only remaining conventional uranium mills in the country. Until now, Cotter has disposed mostly its own wastes at the site, along with some recent cleanups of Colorado sites contaminated with natural radioactivity, and some WWII era material from a site in St. Louis. Last year, two federal courts filed judgments against Cotter, ordering Cotter to pay a total of \$59.3 million to 55 people exposed to radiation poisoning by the site.</p><p>New Jersey\'s Maywood Chemical Superfund site, the source of the radioactive material, is contaminated with radium, thorium, and uranium. Contamination at the commercial and residential properties resulted from rare earth and thorium processing activities from the early 1900s through 1959.

</p><p>###</p><p>A copy of PEER\'s letter to EPA and Governor Owens is available by calling (303) 980-9710 and at: [http://www.ursbethesda.com/umr-iwwsns/index.cfm?php print \\$cfg->docsdir;?>/co/activities.pdf](http://www.ursbethesda.com/umr-iwwsns/index.cfm?php print $cfg->docsdir;?>/co/activities.pdf) Activities</a><p><a href="http://www.ursbethesda.com/umr-iwwsns/index.cfm?php print \$cfg->docsdir;?>/co/ltr\_to\_Gov\_Owens.pdf">http://www.ursbethesda.com/umr-iwwsns/index.cfm?php print \$cfg->docsdir;?>/co/ltr\_to\_Gov\_Owens.pdf Letter to EPA</a><p><a href="http://www.ursbethesda.com/umr-iwwsns/index.cfm?php print \$cfg->docsdir;?>/co/ltr\_to\_EPA\_region3.pdf">http://www.ursbethesda.com/umr-iwwsns/index.cfm?php print \$cfg->docsdir;?>/co/ltr\_to\_EPA\_region3.pdf Letter to Governor</a><p><p align="center">Rocky Mountain PEER<br />PO Box 280396<br />Lakewood, CO 80228<br />rmpeer@peer.org</p>', 'CO', 'EPA', 0);

INSERT INTO news VALUES (139, '2002-03-21', 'BUREAU OF PARKS AND LANDS REVERSES STANCE ON LAW ENFORCEMENT', 'Park Rangers and Managers to Receive Law Enforcement Training', '<p>Augusta,ME -- The Bureau of Parks and Lands (BPL) has reversed an earlier effort to remove law enforcement authority from park staff and is now scheduling law enforcement training for park rangers and managers. Beginning in September, park personnel are scheduled to receive 100 hours of training in areas of search and seizure, defensive tactics, summons and case preparation, as well as crowd conflict and civil disorder. The last time park staff received this level of training was in 1990. </p><p>According to state law, the BPL Director has the discretionary authority to designate park staff with law enforcement powers. Early in 1999 BPL director Tom Morrison issued a memo revoking all law enforcement designations for park personal, effective May 1, 1999. Park managers overwhelmingly opposed this action. In 2000 PEER released a survey revealing that park staff felt they were denied the tools to address serious visitor safety and other law enforcement problems. </p><p>This winter, without the knowledge of park field staff, Mr. Morrison made another attempt to handcuff employees. BPL\'s sponsorship of L.D. 1922 would have statutorily removed the director\'s ability to authorize parks enforcement personal with arrest powers. However the Agriculture, Conservation and Forestry Committee retained the language in the bill, which allows park staff to be designated with arrest powers. </p><p>"For a Bureau director to voluntarily restrict his authority only demonstrates that he is not interested in protecting visitor safety or the natural resources of our state park system," said Maine PEER Director Tim Caverly. "It is not clear what Mr. Morrison\'s plans are for park staff who were previously designated with arrest powers. Thanks to the work of the members of the ACF Committee and the efforts of public employees, this is a tremendous victory for park employees and PEER."</p><p>"After three years of discussion and study, it is unfortunate that the Bureau of Parks and Lands will not provide training in time for this summer season. However, the State is now moving in the right direction and we need to remain vigilant to see that training does not fall by the wayside." continued Caverly. "We also feel that park rangers should be given arrest authority and that BPL administrators should not discouraged or prevent park employees from conducting common sense law enforcement work." PEER will monitor this situation closely. </p>', 'ME', '', 0);

INSERT INTO news VALUES (140, '2002-03-25', 'NOMINEE UNQUALIFIED FOR EPA ENFORCEMENT POST, SAYS EMPLOYEE GROUP', 'Mediocre Record As Prosecutor', '<p>Washington, DC - Public Employees for Environmental Responsibility (PEER) today announced its opposition to the nomination of John Peter Suarez as the top enforcement official within the U.S. Environmental Protection Agency (EPA) on the grounds that he is unqualified for the position. </p><p>President Bush announced his intention to nominate Suarez as EPA Assistant Administrator for Enforcement & Compliance Assurance (OECA) on February 27th. This announcement coincided with the high profile resignation of Eric V. Schaefer from OECA citing obstructions to anti-pollution enforcement.</p><p>Although Suarez has been nominated to serve as the nation\'s top environmental enforcement administrator, he has no experience in environmental law. And, other than his tenure overseeing casinos in the New Jersey Division of Gaming Enforcement, Suarez has no experience in civil litigation, a major part of the OECA workload. </p><p>While Suarez served seven years as an Assistant U.S. Attorney in the District of New Jersey, his record as a prosecutor shows that he filed fewer cases, won fewer convictions, took more time and obtained shorter sentences than the average prosecutor in both his district and the country. Specifically, during those seven years, Mr. Suarez - <p><ul><li> Had only four jury trials, winning a conviction in only one of those trials; <li> Carried a much smaller caseload than the average federal prosecutor. Despite his small

caseload, Mr. Suarez declined almost as many cases as he filed. In his last five years, for example, Mr. Suarez filed only 17 prosecutions while declining 12 other cases, listing "lack of prosecution resources" as the reason; Obtained shorter prison sentences. His convictions carried an average length of prison time (primarily from plea agreements) well below the average sentence for both his District and the nation. Not one of Mr. Suarez's "organized crime" cases resulted in a prison term longer than five years.

Mr. Suarez's record as a prosecutor is thoroughly undistinguished. If Mr. Suarez is qualified for the top environmental enforcement post, then virtually every lawyer who ever served as a federal prosecutor is similarly qualified," commented PEER Executive Director Jeff Ruch. "This job calls for more than a warm body with the right political connections."

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Copies of the report are available at: [www.peer.org/epa/Suarez\\_Report.pdf](http://www.peer.org/epa/Suarez_Report.pdf)

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INSERT INTO news VALUES (141, '2002-04-02', 'ALLAGASH WILDERNESS WATERWAY NAMED ONE OF AMERICA'S MOST ENDANGERED RIVERS', 'After years of neglectful management, legislature considers removing wilderness protections', 'Washington, DC - Today, American Rivers named the Allagash Wilderness Waterway as one of the nation's Most Endangered Rivers for 2002, citing willful neglect from the Maine Department of Conservation and an effort in the legislature to strip away the river's federal Wild and Scenic River designation. At a series of press conferences and other events today, American Rivers and dozens of environmental, outdoor recreation, and taxpayer groups announced its annual list of the nation's most endangered rivers, placing the Allagash at the #8 spot on the list of 11.' 'State and federal laws require that the Allagash be preserved in the wildest state possible,' said American Rivers President Rebecca R. Wodder. 'If the Maine legislature votes to remove the Allagash from the Wild and Scenic Rivers system, the legal framework for protecting the nation's most special rivers will be compromised.' 'Once considered the crown jewel of the nation's Wild and Scenic River System, the Allagash Wilderness Waterway has been degraded by 30 years of poor management by the State,' said Cathy Johnson with the Natural Resources Council of Maine. 'Multiple parking lots and motor vehicle access points threaten to diminish the priceless wilderness experience offered by the Allagash.' 'The state's mismanagement of the Allagash reflects a fundamental misunderstanding of our wilderness heritage. The backcountry motor lobby should not be allowed to take the Allagash Wilderness Waterway hostage,' said Jym St. Pierre, Maine Director for RESTORE: The North Woods.' 'The Allagash is one of 17 rivers in the National Wild and Scenic Rivers System administered by a state with oversight from a federal agency, and its designation as "wild" is reserved for rivers that are generally accessible only by trail, and "represent vestiges of primitive America." The Maine Department of Conservation (DOC) has chafed at this mandate, and parking lots, boat ramps, and other structures have proliferated in this once pristine wilderness. After illegally replacing a dam on the river without proper consultation with its federal partners, the DOC must now repair the damage it has caused or allowed.' 'Finally, the Maine Department of Conservation must heed the preponderance of public opinion and revise the deficiencies in its 1999 management plan,' said Dr. Dean Bennett, conservationist and author of books about the Allagash.' 'The State needs to phase out some of the illegal motor vehicle access points and parking lots,' added Johnson.' 'The recently signed agreement between the state and the National Park Service falls short of protecting the Allagash,' said Tim Caverly with Maine Public Employees for Environmental Protection. 'It only covers a tenth of the river, allows an additional access point, and has the Department of
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Conservation regulating itself."</p><p>In addition, a state legislator has responded to the controversy by introducing legislation in December 2001 to de-designate the Allagash Wilderness Waterway. Should the bill become law, it would be the first time a river has ever been removed from the Wild and Scenic River System. Without federal oversight, the DOC would feel even less compelled to manage the Allagash as a wild river, and the river would soon lose its remaining wilderness character.</p><p>"Maine citizens have repeatedly shown overwhelming support for keeping the Allagash a nationally protected wild and scenic river," said Karen Woodsum with the Maine Sierra Club, which commissioned a poll this year showing that 80 percent of the state\'s residents support wilderness protection for the Allagash.</p><p><strong>On the National Front: Reforms wanted at the Corps of Engineers <p>In a special chapter of this year\'s Most Endangered Rivers report, American Rivers revealed a startling statistic: the U.S. Army Corps of Engineers has played a role in 60% of the river listings during the last 15 years. The group documented how the Corps has reconstructed America\'s rivers in the name of flood control and transport of freight, and how the agency\'s projects frequently do great damage to the environment, waste tax dollars, and fail to deliver promised economic benefits.</p><p>American Rivers called for sweeping legislative reforms to the agency, particularly independent review of the economic and environmental analyses the Corps submits to Congress to justify its projects. The group expressed optimism that a growing bipartisan consensus among lawmakers could give impetus to efforts to address this longstanding problem.</p><p>"With our rivers and their wildlife in continued decline and many worthwhile federal programs tightening their belts, it would be wrong to allow the Corps to continue business as usual," Wodder said.</p><p><strong>About America\'s Most Endangered Rivers <p>Each year, American Rivers solicits nominations from thousands of river groups, environmental organizations, outdoor clubs, and taxpayer watchdogs for the America\'s Most Endangered Rivers report. Inspired by the FBI\'s "Ten Most Wanted" list, the report highlights the rivers facing the most urgent and imminent threats. It is not a list of the nation\'s most chronically polluted rivers. The report highlights alternatives and solutions, identifies those who will make the crucial decisions, and points out opportunities for the public to take action on behalf of each listed river.</p><p align="center">###</p><p>Additional Contacts:-<br /> Tim Caverly, Maine Public Employees for Environmental Responsibility, (207) 723-4656, mepeer@peer.org<br /> Dave Hubley, Allagash Alliance, (207) 590-0201, hubley@sacoriver.net<br /> Jym St. Pierre, RESTORE: The North Woods, (207) 626-5635, jym@restore.org<br /> Cathy Johnson, Natural Resources Council of Maine, (207) 622-3101, ext. 209, cjohnson@nrcm.org<br /> Karen Woodsum, Maine Sierra Club, (207) 791-2821, karen.woodsum@sierraclub.org<br /> Drs Dean & Sheila Bennett, (207) 293-2761, sheilab@maine.edu, bennett@maine.edu<br /> Warren Cochrane, Allagash guide, (207) 695-3668, wcochrane@midmaine.com<br /> Ashley Lodato, Hurricane Island Outward Bound, (207) 824-3152</p>', 'ME', '', 0);

INSERT INTO news VALUES (143, '2002-03-27', '"MOST ILLEGAL PLACE IN THE WORLD" MAY BE OPENED TO MORE OFF-ROAD ABUSE', 'Draft BLM Plan Could Open 40,000 Dunes Acres to Motorized Destruction', ' <p>Imperial County, CA -- The Algodones Dunes, a scenic and active dune system harboring many rare, threatened, and endemic species, may be condemned to becoming an off-road vehicle sacrifice area. Last Friday, the Bureau of Land Management (BLM) published their proposed Land Management Plan, which would open up over 40,000 acres that were protected from off-road vehicle damage. This decision flies in the face of several conservation organizations that fought to preserve more acreage in the dunes to ensure the survival of endangered species such as the attractive Peirson\'s milkvetch plant that lives only on the dunes.</p><p>"The Algodones Dunes are a unique and amazing natural area, not an off-road sacrifice zone." said Daniel R.

Patterson, Desert Ecologist with the Center. "We will fight this BLM special-interest scheme to remove balanced dunes management, and we will win."

Based on conversations with BLM managers, the plan's preferred alternative would reopen all currently protected dunes and adopt an "adaptive management" program that would attempt to limit the number of off-road vehicles present at any time in designated areas to 525. However, with a small enforcement staff at the dunes, monitoring the number of vehicles present at any time in these sensitive areas will remain a problem as it has in the past. Currently, BLM limited use areas are closed to off-road travel, and conservationists are concerned this will set a bad precedent.

"The new leadership at the Department of Interior is undoing even the fragile progress made in the Dunes over the past two years," stated PEER General Counsel Dan Meyer. "BLM's retreat means more money devoted to litigation rather than preservation."

The Algodones Dunes, stretching over 40 miles northward from the US-Mexico border in Eastern Imperial County, California, have been a topic of controversy for some time. National coverage has documented the off-roader violence toward BLM Rangers and extensive off-road vehicle abuse in the area whereby species such as the endangered milkvetch and desert tortoise habitat have been destroyed by off-roaders. Last fall, a New York Times headline declared the dunes, "The Most Illegal Place in the World." Historically, the Bureau of Land Management (BLM) allowed off road vehicles to dominate 77% of the 150,000 dune ecosystem, leaving only the 32,240 acre North Algodones Dunes Wilderness closed to off-roading.

In November 2000, to protect dunes, wildlife BLM and five off-road groups agreed to ban off-road vehicles from an additional 49,310 acres of the Algodones Dunes as the result of a lawsuit from the Center for Biological Diversity, the Sierra Club, and Public Employees for Environmental Responsibility. The agreement, which leaves half the dunes open to off-roading, is to remain in effect until a permanent solution is developed to save the Peirson's milkvetch from extinction by off-road activity. However, the Bureau's plan is wrought with incorrect and misleading studies and a lack of appropriate analyses that would make the environmental impact statement complete and accurate. For example, by comparing aerial surveys done in a drought year to on-the-ground surveys by botanists in a very wet year, the BLM concluded that the milkvetch did not decline in the two seasons they looked. However, the Bureau is not an organization that can make that determination and it is speculated that the data used was old and inaccurate. It is not scientifically valid to draw this conclusion based on only two years study.

In November, the Center and California Native Plant Society sued the US Fish and Wildlife Service over their failure to designate critical habitat on the dunes for recovery of the Peirson's milkvetch. Habitat has not been designated and this lawsuit has not been settled.

Formed in 1954, the Desert Protective Council, a national organization with a long history of plant monitoring at the Dunes, wants the new management plan to protect the portions of the dunes that have been closed to protect rare and endangered plants, and designate the large central closure area wilderness.

"After fifty years of intense off-road vehicle abuse, many of the plant and animal species that have historically inhabited the dunes have declined or been eliminated," says Terry Weiner, Conservation Coordinator of the DPC. "We want the BLM to protect the remaining diversity of life in the dunes. Full protection for the remaining diversity in the fragile Algodones Dunes system is not even an alternative in the Draft ISDRA," she says. "That's a shame."

Another concern regarding the Land Management Plan is that the dunes are located in an air quality non-attainment area, meaning that clean air considerations regarding particulate matter, specially PM 10 dust, must be part of the monitoring. According to Roxie Trost, the Plan Manager at the BLM in California, the Bureau has done no air quality testing at the dunes, nor to they plan to do it.

"With the Algodones Dunes being located so close to a non-attainment area, I find it hard to believe that

the BLM would not monitor air quality," said Alix Rauschman of the Natural Trails and Waters Coalition. "Failure to include this potentially required analysis calls this proposal immediately into question."</p><p>Other people working for dunes conservation are: Paul Spitler, State of California OHV Commissioner and Executive Director of the California Wilderness Coalition in Davis CA, and Ileene Anderson, Botanist with the California Native Plant Society in Los Angeles.<p>###</p><p><em>There is a 90-day comment period for the Land Management Plan. </em></p><p><em>For more information on the BLM plan, contact Greg Thomsen, BLM El Centro Field Office Manager, 760.337.4410. </em></p><p><em>For photos and background on the Algodones Dunes, please visit:</em> <a href="http://www.biologicaldiversity.org/swcbd/goldenstate/cdca/algodones.html">http://www.biologicaldiversity.org/swcbd/goldenstate/cdca/algodones.html</a></p> ', 'CA', 'BLM', 0);

INSERT INTO news VALUES (144, '2002-03-28', 'USING INDUSTRY LOBBYISTS TO WRITE POLICY IS PATTERN WITH BUSH', 'Scores of Examples from Tenure as Texas Governor', '<p>Washington, DC - The recent hullabaloo over the Bush administration\'s cozy relationship with energy companies is reminiscent of the way Bush, as governor, conducted business in Texas, according to documents compiled by Public Employees for Environmental Responsibility (PEER). Back in the Lone Star state, after receiving more than \$900,000 in campaign contributions from energy, chemical and other polluting companies, Governor George W. Bush allowed lawyers and lobbyists from those companies to write drafts of agency decisions and administration-sponsored legislation. </p><p>PEER has assembled more than 40 examples of this f influence peddling on environmental policy and enforcement during Bush\'s term as governor, including:</p><p><strong>Exempting Oldest and Biggest Air Polluters from Clean-up:</strong> Under consultation from the state\'s biggest industries, Governor Bush vigorously fought the elimination of legal loopholes, called grandfathering, to exempt industrial plants in operation or in the process of being built from complying with Texas environmental laws. According to the state regulatory agency, the Texas Natural Resource Conservation Commission (TNRCC), these plants contribute 903,800 tons of pollutants a year -- 36% of the state\'s industrial total.</p><p><strong>Voluntary Pollution Controls:</strong> The Bush administration developed a "voluntary" pollution abatement policy and dismantled its traditional enforcement program. The program was developed through a series of closed-door meetings with representatives from the oil and gas industry. Only after the industries agreed to the policy was the process opened to public comment, but by then the outcome had been determined. The voluntary plan formed the basis of the state\'s regulatory policy.</p><p><strong>Immunity for Polluters:</strong> In May,1995, Governor Bush signed into law legislation written by Bush supporter and Texas Chemical Council lobbyist Kinnan Goleman. The law created sweeping protections for polluters who performed internal environmental or safety audits at their businesses. Texas law made such audits "privileged" even from use in criminal prosecutions, and polluters could not be held responsible for violations discovered in these privileged audits. </p><p><strong>Re-writing Superfund Policy:</strong> In 1997, the Texas Legislature passed legislation that limited the liability of the owners of polluting facilities. The law was drafted by a TNRCC-led working group made up of representatives of polluting industries and a few local government officials. Not a single representative from the environmental community participated in the working group.</p><p>"President Bush hasn\'t outgrown his reliance on corporate lobbyists to frame his policies," stated PEER\'s National Field Director, Eric Wingerter. "The keys to the oval office should not be sold to the highest bidder."</p>', 'TX', '', 0);

INSERT INTO news VALUES (145, '2002-04-01', 'PENTAGON TO SEEK ENVIRONMENTAL EXEMPTIONS', 'Overrides Endangered Species, Clean Water & Marine Mammal Laws', '<p>Washington, DC - The US Department of Defense is seeking wide-ranging exemptions from environmental laws for its domestic training and weapons development, according to a draft proposal released today by Public Employees for Environmental Responsibility (PEER).</p><p>Under the draft bill, now in circulation to congressional committees, bombing ranges, air bases and training grounds would not be subject to key protections contained within the Clean Air Act, Clean Water Act, Marine Mammal Protection Act, Noise Control Act, Migratory Bird Treat Act or the Endangered Species Act. </p><p>The bill would free the military: to contaminate public drinking water with munitions, discharge air pollutants, and exceed domestic noise limits. It would also give the Navy much greater leeway to engage in actions or to test weapons systems that may harm whales and other marine mammals.</p><p>"This bill is the product of the Pentagon talking to itself and ignores the fact that most of these environmental laws already contain carefully drawn exceptions for military activities," commented PEER General Counsel Dan Meyer, a former naval officer. "Our military does not have to despoil our shores to defend them."</p><p>During a House Armed Services subcommittee hearing in mid-March, Pentagon officials testified that they would seek legislation in the 2003 Defense Authorization Act to shield their operations from compliance with anti-pollution and wildlife protection statutes. The philosophy of the approach is encapsulated in one of the draft bill\'s findings: </p><p>"Federal departments and agencies shall not place the conservation of public lands, or the preservation or recovery of endangered, threatened, or other protected species found on military lands, above the need to ensure that soldiers, sailors, airmen and Marines receive the greatest possible preparation for, and protection from, the hazards and rigor of combat through realistic training on military lands and in military airspace."</p><p>"As written, this bill is a license to ravage the earth," commented Meyer.</p><p align="center">### </p><p align="center"><em>A copy of the draft bill is posted on the PEER web site at <a href="<?php print \$cfg->webroot;?>/docs/dod/3-7-02\_draft\_DOD.pdf">Draft</a></em> </p>', '', 'DOD', 0);

INSERT INTO news VALUES (146, '2002-04-01', 'TELECOMMUNICATIONS COMPANIES BENDING WITH ENVIRONMENTAL TIDE', 'Mounting Challenges Against Facilities on Federal Lands', '<p>Washington, DC- A growing coalition of environmental groups has successfully challenged the placement of telecommunications facilities in environmentally sensitive areas. Besides a number of site-specific victories, a more general review of environmental compliance by "telecom" companies is pending the Federal Communications Commission (FCC) and the Council on Environmental Quality in response to a petition filed by Public Employees for Environmental Responsibility (PEER).</p><p>Over the past year, PEER, Cry of the Water, Wilderness Watch, the Forest Conservation Council, and others have coordinated attacks against unregulated technology build-outs. Last year, for example, legal challenges prompted the National Park Service (NPS) to cancel the construction of cellular towers along the wilderness stretch of the John D. Rockefeller Memorial Highway in Wyoming. More recent victories include:<ul><li>

In Death Valley National Park, NPS bowed to environmental challenges and did not reissue a right-of-way permit to SBA Towers, Inc., which erected and improved a tower on a Native American archaeological site adjacent to Mormon Peak - a designated wilderness area.<li> SBA Communications, Inc., one of the nation\'s largest telecom companies, agreed to reduce the size of its cell phone tower and eliminate the aviation safety light near the Pecos National Historic Park in Glorieta, New Mexico. NPS administers the 6,600-acre park, which is listed, in its entirety, on the National Register of Historic Places and contains sites sacred to Jemez Pueblo. The Tower is 1.2 miles from the central feature of the park - the ruins of the 17th century Pecos Mission Church.<li>

Along the Chesapeake & Ohio National Historical Park in Maryland, PEER has forced federal environmental review of a controversial power plant proposal near Point of Rocks.

Despite the results in applying environmental restrictions against communications towers, PEER and other groups have suffered set backs in their fight against laying fiber optic cables (FOC's) across endangered coral reefs off the coast of Florida. Moreover, thus far, FCC has allowed telecom companies to self-certify environmental compliance.

"None of the new telecommunications technologies are consequence free," stated PEER General Counsel Dan Meyer. "The state of regulation is only now just beginning to catch up with changes on the ground."

INSERT INTO news VALUES (147, '2002-04-00', 'SETTLEMENT REACHED IN SEWAGE TREATMENT SUIT', 'City to Pay \$100,000, Upgrade Plant and Increase Monitoring', 'Missoula, MT - A national watchdog group has settled its lawsuit charging the City of Missoula with violating the Clean Water Act by fouling the Clark Fork River. In the settlement agreement between the city and Public Employees for Environmental Responsibility (PEER), the city does not admit fault but does agree to upgrade its sewage system, improve its water quality monitoring efforts and pay \$100,000 for pollution prevention projects and attorney fees.

PEER filed its suit in federal district court against the city on July 9, 2001. The suit arose out of charges by Missoula Wastewater Treatment Plant employees of malfeasance within the plant resulting in sewage bypasses, tainted groundwater from sewage sludge and backflow threatening city drinking water. These charges had been documented in a PEER-released white paper, entitled Fouling Our Nest, written by current and former treatment plant employees.

The settlement filed with the federal district court requires the city to fund

- System Upgrades. Installation of a functional Ultraviolet System and Secondary Lift Pump Station as well as a public drinking water supply at the treatment plant;
- Stricter Water Quality Monitoring. Enhanced sampling for fecal coliform and residual chlorine, prompt written reports of effluent overflows and a daily monitoring of plant outfall;
- Pollution Prevention Projects. The City of Missoula will pay \$45,000 to the Tri-State Water Quality Council for projects to reduce pollution in the Clark Fork Basin.

"We couldn't be happier with this settlement. It is a great outcome for the people of Missoula and for the future of the Clark Fork," stated Montana PEER Director Kevin Keenan, a former DEQ water quality enforcement official. "A number of treatment plant employees put themselves on the line to ensure that the truth came out. The city should owe them a debt of gratitude."

Representing PEER in the suit were Richard Smith, of the Seattle-based law firm Smith & Lowney, and Dan Meyer, PEER's General Counsel.

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>>> A copy of the the white paper, Fouling Our Nest, is available on request.

INSERT INTO news VALUES (148, '2002-04-02', 'ADEC EMPLOYEE DISCIPLINED FOR PROTESTING BP PERMIT', 'Air Pollution Violations on North Slope Suppressed', 'Anchorage, AK - The Alaska Department of Environmental Conservation (ADEC) has charged the supervisor of its air permit program with insubordination for writing an internal e-mail raising concerns about a proposed air quality permit for a BP Exploration (Alaska) Inc. facility on the North Slope, according to documents released today by Public Employees for Environmental Responsibility (PEER).

ADEC Manager John Kuterbach charges Bill MacClarence -- professional engineer and a 20-year ADEC employee with an unblemished personnel record -- with insubordination for violating a previous order by Kuterbach against communicating regulatory problems to any staff members under MacClarence's supervision. The first-stage disciplinary hearing is scheduled for today at 11 a.m.

The March 23rd e-mail, addressed to Kuterbach and to

the staff permit writer who works under MacClarence, outlines 9 legal problems with the BP permit, including -<ul><li> Failure to account for more than 25 tons of hazardous pollutants to be emitted each year; <li> Evasion of pollution standards by improperly counting the facility as a separate operation when it is in fact part of a much larger operation; and<li> Inadequate air quality monitoring of several aspects of facility operation.</li> </ul> <p>"Bill MacClarence is being harassed for refusing to ignore major pollution violations by a favored company," stated PEER Executive Director Jeff Ruch. "Mr. Kuterbach's petty gag order is precisely the sort of management practice that is driving decent professionals out of the agency."</p><p>In late February, PEER released an ADEC employee survey reflecting a widespread perception of regulatory favoritism toward the petroleum industry, political manipulation of pollution enforcement and weak agency leadership. A week later, Susan Harvey ADEC's, the top manager for oil industry regulation who had been abruptly removed from all North Slope matters resigned from state service citing a lack of professionalism within the agency.</p><p align="center">###See the <a href="<?php print \$cfg->webroot;?>/docs/ak/4-2-02\_memo.pdf">disciplinary notice </a> (pdf file, may take a moment to download) and the <a href="<?php print \$cfg->webroot;?>/docs/al/3-23\_e-mail.pdf">3/23 e-mail</a></p>', 'AK', '', 0);

INSERT INTO news VALUES (149, '2002-04-08', 'PENTAGON SEEKS ENVIRONMENTAL EXEMPTIONS FOR THE MA MILITARY RESERVATION', 'Clean Up May Be Shelved', '<p>Boston, MA - Removal of toxic wastes from the Massachusetts Military Reservation (the MMR) could be halted under a proposed bill being circulated by the Pentagon, according to the New England chapter of Public Employees for Environmental Responsibility (PEER). The bill is designed to lift environmental restrictions at the MMR imposed by the US Environmental Protection Agency (EPA) to protect Cape Cod's drinking water from the risk of further contamination from military munitions and other hazardous wastes.</p><p>Slated for inclusion in the 2003 Defense Authorization Act expected this spring, the draft bill is part of an announced effort by the Pentagon to eliminate what are termed as "environmental encroachments" on "military readiness activities." To date, the MMR is the only base in the nation where EPA has intervened to stop live fire training. The draft bill would exempt all military munitions from hazardous waste and Clean Water Act requirements, putting a legal cloud over prior clean-up orders.</p><p>"This is an utterly irresponsible approach to a serious but preventable public health problem," commented New England PEER Director Kyla Bennett, an attorney and former EPA employee. "Reclassifying munitions as non-toxic under the law does not remove the very real threat of contamination, but rather than address the pollution problem the Pentagon seeks to change the law."</p><p>The MMR covers approximately 21,000 acres on Cape Cod, including the 14,000-acre Camp Edwards training grounds. Since 1911, military personnel at the MMR have engaged in the firing of small arms and artillery. In subsequent years, the military used the MMR for incineration of propellant bags, detonation practice for explosives, and disposal of unexploded ordnance. </p><p>In 1995, EPA identified ten plumes of contaminated groundwater emanating from the MMR. The groundwater underlying the MMR is the sole source of drinking water for the approximately 200,000 Upper Cape's year-round and 520,000 seasonal residents. The largest part of the aquifer lies directly under the Camp Edwards training range, and is particularly susceptible to contamination given the shallow depth to groundwater and the sandy, porous soils.</p><p>"While the draft bill's most immediate effect may be felt on the Cape, the scope of the change will affect scores of other communities neighboring military training bases throughout the nation," Bennett concluded.</p><p align="center"> ###</p><p align="center"><em>A copy of the bill draft is posted on the PEER web site at: <a href="<?php print \$cfg->webroot;?>docs/dod/3-7-02\_draft\_DOD.pdf">Draft</a></em></p>', 'MA', 'DOD', 0);

INSERT INTO news VALUES (150, '2002-04-18', 'POLLUTION PROTECTION LAGGING IN MASSACHUSETTS', 'Poor Federal Oversight of Mass. DEP', '<p>Boston - The Commonwealth of Massachusetts is not meeting its obligations to enforce essential pollution protection measures for its citizens, according to a filing today by the New England chapter of Public Employees for Environmental Responsibility (PEER). The group is challenging a draft contract outlining \$10 million in federal aid to the Massachusetts Department of Environmental Protection (DEP). Weak oversight from the U.S. Environmental Protection Agency (EPA) perpetuates failures.</p><p>Working with concerned federal and state employees, New England PEER catalogued the principal problems plaguing Massachusetts environmental oversight, including:<ul><li> The safety of eating fish has not been assessed in more than three-quarters of all rivers and lakes. Most lakes also lack ratings for swimming, and the majority of marine waters were not rated for aquatic life support;</li> More than two-thirds of all factories, power-plants and other major sources of air pollution in Massachusetts still do not have permits required under the Clean Air Act, one of the lowest rates in the nation; and <li> Increasing reliance by the DEP on vague "innovative" approaches lacking accountability measures forces cutbacks in traditional enforcement, such as inspection of sewage treatment plants.</li></ul> <p>In addition, the New England PEER filing cites the absence of whistleblower protection for state environmental specialists, reliance on unmonitored industry waste clean-up inspectors and ineffective wetland protections.</p><p>"EPA and Massachusetts DEP are co-dependents in a deeply dysfunctional relationship," commented New England PEER Director Kyla Bennett, an attorney and former EPA employee. "The two agencies are engaged in an elaborate minuet to dance around the most basic regulatory deficiencies."</p><p>The regional office of EPA and the Massachusetts DEP have a written agreement outlining how the state oversees environmental regulation. The contract, known as a Performance Partnership Agreement (PPA), details environmental priorities and how the two entities will work together in permitting, enforcement, and outreach to the regulated community. More than \$10 million in grant money is given in conjunction with the PPA.</p><p>Consequently, the PPA contains an important portion of the environmental protection budget and blueprint for the state. The New England PEER filing seeks amendments to the Massachusetts PPA.</p><p align="center">###</p><p align="center"> A copy of the New England PEER filing on the Massachusetts performance Partnership Agreement is posted at:</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/ma/04-17-02\_ppa.pdf">Partnership Agreement</a> </p>', 'MA', '', 0);

INSERT INTO news VALUES (151, '2002-04-22', 'PENTAGON FILES FOR ENVIRONMENTAL EXEMPTIONS', 'Mixed Earth Day Message for Bush Administration', '<p>Washington, DC - The Department of Defense (DOD) formally submitted legislation creating wide-ranging exemptions from environmental protection statutes for bombing ranges, weapons proving grounds and other military "readiness" activities, according to Public Employees for Environmental Responsibility (PEER). The Pentagon submitted the bill for inclusion in mark-ups this week for the 2003 Defense Authorization Act.</p><p>The DOD bill would carve broad exemptions in the Clean Air Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Endangered Species Act and toxic substance control statutes. The bill closely tracks a draft released by PEER earlier this month.</p><p>In its "talking points" describing the legislation, DOD claims the bill, entitled the "Readiness and Range Preservation Initiative," consists of narrow "clarifications" not broad exemptions.</p><p>"This bill is about as subtle as a Sherman tank," declared PEER Executive Director Jeff Ruch. "Under this bill, the Pentagon will have immunity to contaminate communities, foul the air and wipe out wildlife."</p><p>Despite Pentagon claims of consultation with environmental

regulatory agencies, PEER has received persistent reports of protests from staff specialists within the Environmental Protection Agency and the Department of Interior. For example, new Navy sonar arrays have been linked to beachings of whales and dolphins. Under the bill, marine officials have to prove that the sonar is the operant cause, requiring observations to be made over long periods of time, perhaps even years, thus eviscerating the marine mammal protections.

"The Pentagon is apparently unclear on the concept of Earth Day," commented Ruch.

###[Text of Proposed Language](<?php print $cfg->webroot;?>/docs/dod/4-22-02_exemptions_bill.php)

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INSERT INTO news VALUES (152, '2002-04-29', 'EPA IGNORES WARNING OF PHONY POLLUTION CREDITS', 'US TO APPROVE MICHIGAN AS FIRST "OPEN MARKET" AIR TRADING PROGRAM', '<p>Washington, DC - Overriding objections from its own Office of Inspector General, the U.S. Environmental Protection Agency is set to allow the State of Michigan to conduct "open market trading" in air pollution credits, according to documents released today by Public Employees for Environmental Responsibility (PEER). Rather than improve air quality, internal reviews indicate that the Michigan plan will simply mask increased pollution, hobble enforcement and legitimize regulatory evasion.</p><p>In an internal memo dated April 5, J. Rick Beusse, the Director for Program Evaluation on Air Quality Issues for the EPA Inspector General, wrote to Jeffrey Holmstead, the agency\'s top air regulator, complaining that "EPA indicated that it intends to approve Michigan\'s OMT (open market trading) program" despite unaddressed weaknesses. More than three quarters of Michigan\'s most important credits are generated not by improvements in pollution control but by plant closures. The memo highlighted this issue:</p><p align="center">"While in Michigan, we observed that approximately 23 percent of the State\'s total open market emissions credits generated - and 80 percent of its volatile organic compound (VOC) emission credits generated - have resulted from shutdowns...under Michigan OMT rules, when permitted sources close facility operations in Michigan and receive emissions credits for shutdowns, these same or similar facility operations may be restarted in other states..."</p><p>"EPA is desperate to embrace any market-based plan, even one that doesn\'t work," commented PEER Executive Director Jeff Ruch, pointing to the agency\'s embarrassment following the sudden collapse of New Jersey\'s open market program in February just as EPA was poised to approve it. "Until EPA tightens the rules, open market trading will just be a giant shell game played at the expense of public health."</p><p>Unlike traditional "cap-and-trade" plans, open market trading does not cap emissions yet it grants industries wide latitude to create, buy and sell emissions reduction credits across industrial sectors, pollution sources and even different pollutants. For example, under open market trading a company could increase its "smokestack" pollution by removing mobile pollution sources such as old cars or converting diesel buses to hydrogen. </p><p>The EPA Inspector General is currently investigating pending OMT plans following a complaint filed last year by PEER and the New Jersey Sierra Club. Last May, twenty major environmental groups petitioned EPA Administrator Christie Todd Whitman to fix an array of technical and regulatory problems before approving any OMT programs.</p><p align="center">###<a href="<?php print $cfg->webroot;?>/docs/epa/4-05-02_memo.pdf">EPA\'s Memo</a></p><p align="center"><a href="<?php print $cfg->docsdire;?>/mi/MI_air_trading_facts.pdf">MI Air Trading Factsheet</a></p>', 'MI', 'EPA', 0);
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INSERT INTO news VALUES (153, '2002-04-26', 'AGREEMENT PROTECTS DRY FORK CREEK AND RUMBLING FALLS CAVE FROM WASTEWATER', 'Settlement Reached', ' <p>(Nashville, TN) Two months after Chancellor Ellen Lyle ordered a stay to prevent operation of the Spencer sewage treatment plant a settlement has been reached to prevent
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discharge of treated wastewater into the protected Dry Fork Creek in Van Buren County, TN. The stream and the underlying cave system, Rumbling Falls, have been at the center of a battle regarding wastewater discharge and the protection of Tennessee's natural resources.

The agreement reached between environmental groups, the State of Tennessee and the City of Spencer prevents any discharge to Dry Fork Creek and requires the State to hold mandatory meetings with the environmental coalition during the next 90 days to craft changes to rules and procedures administered by the Tennessee Department of Environment and Conservation. The meetings will focus on public participation during the environmental review process and improvements in the classification and protection of streams throughout the state.

John Noel, a board member for the Tennessee Environmental Council and coordinator of the coalition of environmental groups, stated his satisfaction with the settlement, "We were able to protect a high quality stream and a globally significant cave system. That's quite a victory. In addition, we know the wastewater now will be as clean as possible."

The Nashville Grotto was instrumental in the decision. Grotto Chairman Bill Overton said, "Most folks don't know what an incredible system of caves we have in Tennessee. I'm very glad this settlement will protect the Rumbling Falls Cave system, which may be one of the most significant in the country."

"We've taken a step to protect high quality streams in this state from degradation. We think this agreement will change the way the state does business when it comes to discharging wastewater into streams," added Daniel Boone, representing the Tennessee Scenic Rivers Association.

Judge Barbara Haynes directed the mediated settlement. For the past two years numerous groups have joined the effort to protect Dry Fork Creek, including the Nashville Grotto, Public Employees for Environmental Responsibility, Sierra Club, Tennessee Environmental Council, Tennessee Scenic Rivers Association and the World Wildlife Fund.

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INSERT INTO news VALUES (154, '2002-04-02', 'ENVIRONMENTAL COMMUNITY REJECTS DEFENSE DEPARTMENT ATTEMPT TO SIDESTEP LAWS', 'DOD uses last-minute changes to seek broad exemptions from environmental laws', '<p>Washington, DC-More than twenty of the nation's leading conservation groups today sent a letter to Congress urging lawmakers' opposition to legislation that would allow the Department of Defense to ignore certain environmental laws. The groups specifically oppose the exemption language in the defense authorization bill, which they say contains "broad sweeping exemptions...[that] would likely result in irreparable harm to public health and the environment."</p><p>"The American people have long supported these important environmental and public health laws...While we support US military efforts to prepare for military action, such as efforts to protect national security, additional exemptions are not necessary to accomplish this goal. Many of these laws already have specific provisions that allow requests by the Department of Defense for waivers in the interest of national security...We firmly believe no government should be above the law-including the laws that protect the air and water in and around our military facilities, the health of the people who live on bases and nearby, and America's wildlife and public lands," the groups state in their letter.</p><p>According to the groups, changes allowing military exemptions were proposed by the Department of Defense at the last minute, without sufficient consideration. The groups also charge that many public interest groups, the National Governors' Association, the National Association of Attorneys General, and the National Conference of State Legislatures were denied the opportunity to testify at a hearing regarding DOD's environmental issues. They support a process where all parties can work together on these issues to develop creative and collaborative solutions.</p><p>Among other damaging effects the legislation could have, the groups highlight toxic contamination of air and water, destruction of endangered species critical habitat, threats to migratory birds
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and their nests, and harm to marine mammals. The groups claim that this laundry list of exemptions is both damaging and entirely unnecessary.

"Our existing laws already provide the proper balance between military readiness and environmental protection," today's letter to Congress concludes. "Problems need to be addressed under our current laws."

The military readiness subcommittee action on the legislation is scheduled for this Thursday, from 11:30 to 1:30 in 2212 Rayburn House Office Building.

Copies of the letter and group contact information are available by contacting Suzanne Carrier at Earthjustice, 202.667.4500, x. 213.

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[Read the joint letter](http://www.dod.gov/docs/dod/4-24-02_Joint_ltr.pdf), '', 'DOD', 0);

INSERT INTO news VALUES (155, '2002-05-02', 'LAWSUIT CHALLENGES SIERRA LOGGING', 'Complaint Says Department of Forestry is Short-cutting Timber Harvest Approvals', '

San Francisco - Hundreds of thousands of acres of Sierra Nevada forest are being logged each year without required environmental reviews, according to a suit filed today by Public Employees for Environmental Responsibility (PEER). The suit, filed in San Francisco Superior Court, asks for an injunction on the approval of Timber Harvest Plans (THPs). According to the suit, the California Department of Forestry (CDF) has failed to ensure that THPs are reviewed by the other agencies that share responsibility for minimizing the environmental damage caused by logging.

Documents obtained by PEER show that the Central Valley Regional Water Quality Board is grossly understaffed and is able to review only a handful of the hundreds of logging plans submitted every year. The California Forest Practices Act requires the Water Boards' oversight to ensure that the commercial harvest of timber does not adversely impact fish and wildlife or water quality. The Water Board has repeatedly advised CDF of its inability to review THPs, but CDF has continued to approve the plans.

The Central Valley Regional Water Board (Region 5) has only two staff persons assigned to appraise timber harvest plans. In contrast, the North Coast Regional Water Quality Control Board (Region 1) has thirty reviewers for roughly the same number of proposed logging plans. The average size of a logging project in Region 5 - 352 acres - is over twice the acreage of a North Coast logging plan.

"It is inexcusable that wholesale clearcutting of the Sierra is occurring with virtually no environmental review except by CDF, which sees its mission as promoting the timber industry," said California PEER director Karen Schambach. "CDF should not approve plans that have not had required review from state scientists. If the state can't afford to hire staff to review the plans, then plans should be denied."

A Timber Harvest Plan is considered to be the "functional equivalent" of an Environmental Impact Report under the California Environmental Quality Act.

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*[See the lawsuit.](http://www.ca.gov/05-02-02_Sierra_Complaint.pdf)*

*Two years ago, California PEER released a report, "California's Failed Forest Policy" based on interviews with state and federal biologist who criticized the state for failing to protect fish and wildlife.*  
*[See the report](http://www.ca.gov/activities.pdf)*, 'CA', '', 0);

INSERT INTO news VALUES (156, '2002-05-02', 'OIL INDUSTRY PRIVATE MEETING WITH TOP INTERIOR OFFICIALS', 'Industry to Air Complaints About BLM Managers', '

Denver - Oil industry executives will have a closed-door meeting with top Department of Interior officials tomorrow morning to discuss industry complaints about individual agency field managers, according to the text of an e-mail released today by Public Employees for Environmental Responsibility (PEER). Citing recent industry-inspired transfers of agency managers, PEER has filed a letter of concern asking Interior to forswear industry influence over future personnel decisions.

The meeting of the Independent Petroleum Association

of the Mountain States (IPAMS) will take place at the Pinnacle Club in Denver and feature Deputy Interior Secretary Steven Griles, the number two official in the agency, Assistant Secretary for Lands & Minerals Rebecca Watson and Bureau of Land Management (BLM) Director Kathleen Clarke.

According to the e-mail notice to IPAMS members, the stated purpose of the meeting is to "improve land access and permitting in the Rocky Mountain States." The e-mail invited members to submit "Specific concerns about BLM Field Offices and Personnel."

Noting that Mr. Griles and Ms. Watson previously represented extractive industries as lobbyists and lawyers, PEER Executive Director Jeff Ruch commented, "These Interior officials appear to be continuing to act as industry lobbyists even after taking an oath to faithfully execute the laws of the United States."

BLM is embroiled in major decisions concerning development of coal bed methane in the Powder River Basin. Last month, BLM coal bed methane permits were invalidated by the Interior Appeal Board and criticized in internal EPA assessments.

In recent months, BLM has become much more aggressive in increasing energy-related permitting, including awarding commendations to managers who approve the most permits. At the same time, BLM has removed managers in Western states who have drawn the ire of industry groups.

"The message sent by these closed door meetings is that Interior managers will risk their careers if they displease energy producers, regardless of the damages to the national resources in their care," Ruch concluded.

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See the [IPAMS e-mail](http://www.blm.gov/peers/docs/doi/May_2002_Invite.pdf) and [PEER letter](http://www.blm.gov/peers/docs/doi/May_2002_Interior_Letter.pdf), '', 'BLM', 0);

INSERT INTO news VALUES (157, '2002-05-08', 'MBTA USES BOGUS STUDIES TO JUSTIFY RAIL LINE', 'EXPERTS CHARGE T MAKES "SIGNIFICANT ERRORS"', '<p>Boston-The Massachusetts Bay Transportation Authority (MBTA) distorted data in order to eliminate alternatives to the controversial New Bedford/Fall River Commuter Rail line, according to a report released today by New England Public Employees for Environmental Responsibility (New England PEER). PEER has filed a complaint with the Executive Office of Environmental Affairs asking that MBTA prepare a new Environmental Impact Report.</p><p>The report, prepared by Michael A. Nelson, a transportation/management consultant on behalf of the Town of Easton and obtained by PEER, documents numerous misrepresentations in MBTA\'s original environmental impact report. Because each error backs up the MBTA\'s preferred alternative, which includes a rail line through the ecologically sensitive Hockomock swamp, the new report concludes that MBTA unfairly discarded the less environmentally damaging Attleboro alternative. According to the report, MBTA used erroneous information to make the alternative Attleboro route appear unviable, including:</p><p>·Exaggerating the capacity constraints of the Attleboro alternative</p><p>·Inventing "fictitious trains" to explain fabricated delays, and</p><p>·Artificially increasing travel estimates for the Attleboro route.</p><p>The report only touches on the transportation elements of the proposed rail line. Environmentalists fear that the state has downplayed the ecological problems associated with the preferred route to bisect the Hockomock. According to New England PEER Director Kyla Bennett, MBTA had also previously severely underestimated the wetland impacts of the project, failed to find numerous state-listed species on the site, and used faulty air pollution models to justify the route.</p><p>In addition, Bennett charges that MBTA cannot justify what will likely be a three-quarter of a billion dollar price tag. "This new route will move at most a couple of thousand people each day," stated Bennett. "At the cost per-rider, I am sure that it would be cheaper for the state to drive these commuters to work each day by limousine."</p><p>The 16,800-acre Hockomock swamp is the largest freshwater swamp in Massachusetts. Home to 12 state listed rare species, the Hockomock is ostensibly protected by numerous

federal and state designations.</p><p align="center">### </p><p align="center">A copy of the report, "Reassessment of Attleboro Alternative and Other Options for New Bedford/Fall River Commuter Rail Extension," is available on request.</p><p align="center"></p><p align="center">See <a href="<?php print \$cfg->campaigndir;?>/other/index.php">PEER\'s Hockomock Campaign.</a> </p>', 'MA', '', 0);

INSERT INTO news VALUES (158, '2002-05-02', 'FEDERAL PROSECUTOR WINS WHISTLEBLOWER AWARD', '\$200,000 in Punitive Damages Ordered', '<p>Washington, DC - An Assistant U.S. Attorney from Ohio has won a precedent-setting whistleblower decision against the Department of Justice (DOJ) for their retaliation against his investigation of environmental crimes. The decision, by a U.S. Department of Labor administrative law judge, assesses \$200,000 in punitive damages against DOJ.</p><p>Greg Sassé, an Assistant U.S. Attorney in the Northern District of Ohio, charged that he was prevented from pursuing a series of major toxic waste prosecutions, including an investigation of serious contamination on the site of a proposed runway expansion at Cleveland Hopkins International Airport.</p><p>"This decision establishes that the Department of Justice is not above the law," stated Sassé. "Unfortunately, my case is not isolated - environmental prosecutors are becoming an endangered species within DOJ."</p><p>Although Sassé filed his original complaint in 1996, he contends the harassment has continued to the present day. DOJ made repeated efforts to dismiss the case, arguing that prosecutors were not covered by the witness protection provisions of environmental laws under which Sassé filed his complaint.</p><p>"This case stands for the proposition that prosecutors can be whistleblowers," stated Jeff Ruch, Executive Director of Public Employees for Environmental Responsibility (PEER) who represented Sassé during DOJ\'s attempts to dismiss the matter. Cleveland attorney Steven Bell argued Sassé\'s case at hearing. "Greg is just one example of the de-emphasis on environmental prosecution during the Clinton Administration - a trend we are not seeing reversed under Bush."</p><p align="center">###</p><p align="center">A copy of the decision is available upon request.<p align="center">The PEER report, <strong><em>Uneven Justice</em></strong>, detailing the declining trend in environmental prosecution is also available.</p>', '', 'DOJ', 0);

INSERT INTO news VALUES (159, '2002-05-14', 'EPA RIPS BP PERMIT', 'Feds Echo Concerns of Censored ADEC Employee', '<p>Anchorage - The U.S. Environmental Protection Agency (EPA) is raising serious questions about a controversial air quality permit for a BP Exploration (Alaska) Inc. facility on the North Slope, according to documents released today by Public Employees for Environmental Responsibility (PEER). EPA\'s concerns echo earlier criticisms from the Alaska Department of Environmental Conservation (ADEC) air permit supervisor charged with insubordination for raising these same problems in internal e-mails.</p><p>Last month, ADEC Manager John Kuterbach charged Bill MacClarence -- professional engineer and a 20-year ADEC employee with an unblemished personnel record -- with insubordination for violating a previous order by Kuterbach against communicating regulatory problems to any staff members under MacClarence\'s supervision. Following press accounts of the action, the insubordination charge has been left in abeyance. </p><p>Now EPA, in reviewing the same draft permit, is raising the same concerns as MacClarence, including - </p><p><strong>&gt;</strong> Failure to account for tons of hazardous pollutants to be emitted each year; </p><p><strong>&gt;</strong> Evasion of pollution standards by improperly counting the facility as a separate operation when it is in fact part of a much larger operation; and</p><p><strong>&gt;</strong> Inadequate air quality monitoring of several aspects of facility operation.</p><p>"ADEC cannot make major pollution violations go away by just pretending they do not exist," stated PEER Executive

Director Jeff Ruch. "Something is seriously wrong with Alaska\'s air quality program."</p><p>ADEC must now address the seven pages of adverse EPA comments before finalizing the permit or risk an EPA veto. Many of the problems raised by EPA are not limited to this particular BP permit and apply, to some extent, to hundreds of North Slope petroleum-related facilities. </p><p align="center">###</p><p align="center">See the <a href="<?php print \$cfg->docsdir;?>/ak/5-14-02\_BP\_cover\_letter2.pdf">EPA cover letter</a> and <a href="<?php print \$cfg->docsdir;?>/ak/5-14-02\_EPA\_BP\_Comments.pdf">permit comments</a>.</p>', 'AK', 'EPA', 0);

INSERT INTO news VALUES (160, '2002-05-23', 'EPA "IG" REVIEWS ENVIRONMENTAL JUSTICE IMPACTS OF EMISSION TRADING', 'Toxic Hot Spots in Poor Areas Feared', '<p>Washington, DC - The Environmental Protection Agency Office of Inspector General is examining potential damaging effects of proposed air emission trading programs on poor and minority communities, according to documents released by Public Employees for Environmental Responsibility (PEER). A major unresolved concern about Bush Administration plans to expand trading is that emission "credit" purchasers will likely be concentrated in poor, urbanized areas, creating toxic hot spots of clustered polluters who have paid for the right to exceed air quality limits.</p><p>In a May 13 memo, the OIG announced that it would conduct "an evaluation of impacts of emission trading in potential environmental justice communities." This new environmental justice inquiry is part of a larger OIG review of air pollution trading proposals now pending approval by EPA. The OIG memo states the review was prompted by a request from PEER.</p><p>This expanded OIG review comes at a time when Bush administration trading plans are at a crossroads. New Jersey\'s proposal to conduct "open market" trading (i.e., trading between different pollution sources and between different economic sectors) has collapsed following the surrender of nearly all of the credits in the market as part of an enforcement action against the utility, PSEG Fossil, Inc. Last month, PEER revealed that the bulk of pollution credits generated in Michigan, another state seeking open market trading authority, were the result of plant closures, not improved pollution controls.</p><p>At the same time, the President\'s "Clear Skies" initiative features a dramatic expansion of more traditional "cap and trade" activity. Last week, EPA also proposed new water pollution trading authority for states.</p><p>"The Bush administration\'s romance with these supposedly \'innovative\' market based schemes masks its distaste for old fashioned enforcement against pollution violators and verifiable public health protections," commented PEER Executive Director Jeff Ruch. "The OIG review signals a growing concern that the communities already in peril from pollution will again be the losers in a new game of corporate emissions trading."</p><p>Working with concerned EPA employees, PEER has disclosed the existence of continuing negative, internal assessments within the agency concerning lack of effectiveness, enforcement and comparability in emerging trading schemes.</p><p align="center">###</p><p align="center">See the <a href="<?php print \$cfg->webroot;?>/docs/epa/Environmental\_Justice\_memo.pdf">OIG memo.</a></p><p>For more information about pollution trading deficiencies, see the PEER white paper, Trading Thin Air <a href="<?php print \$cfg->webroot;?>/pubs/whitepapers.php">here</a></p>', '', 'EPA', 0);

INSERT INTO news VALUES (161, '2002-05-28', 'CORPS CHANGES LIST OF PROJECTS UNDER REVIEW - AGAIN', 'Zigzags Further Undercut Corps Credibility', '<p>Washington, DC - Less than a week after announcing that it had completed an unprecedented, in-depth review of 171 projects, the U.S. Army Corps of Engineers changed course yet again by re-opening reviews on more than 50 projects while dropping some projects from its list altogether and adding others, according to a comparison released today by Public Employees for Environmental Responsibility

(PEER).

On April 30th, the Corps announced that it would subject approximately 150 projects previously authorized but not yet under construction to a "rigorous re-evaluation" citing "serious questions in regard to the accuracy and currency of economic analyses." Three weeks later on May 16th, the Corps said it had completed reviews of 171 projects, clearing all but 8 "to proceed." Late last Thursday night (May 23rd), the Corps posted a revised list on its web site, cutting the total number of projects under review to 164 while declaring that 53 projects for which the Corps had previously completed its review were now to undergo additional "re-evaluation."

"If this is a rigorous review then I am Queen of the May," declared PEER Executive Director Jeff Ruch whose organization represents Corps economists who have disclosed problems with previous cost/benefit analyses. "The Corps professional staff are among the best in the world but once again are betrayed by a tone deaf leadership."

According to Corps employees, Headquarters announced the original project review with little or no coordination with the Districts actually working on affected projects. When the Districts identified far fewer than 150 projects as meeting the HQ criteria for review, Corps leadership hastily cast about to pad the list to reach a total of 171 projects. Responding to a growing chorus of criticism, last week the Corps released a "revised" list saying that it was unaware that "76 projects were already undergoing rigorous reevaluation due to problems previously identified." Meanwhile, several of the most questionable Corps projects have been kept off all versions of the review list.

The more than 50 beach restorations, flood control projects and navigation expansions now being re-evaluated range from California to Puerto Rico and include Devil's Lake in North Dakota, Rehoboth /Dewey Beach "re-nourishment" in Delaware and the Louisville Waterfront in Kentucky.

"Like a drunken sailor, the Corps command is weaving down the street, stumbling from one pothole to the next, loudly declaiming that everything is dandy," commented Ruch. "The central problem with the Corps is not its analyses but its leadership."

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A copy of the projects whose status has changed in the latest Corps revision is available upon request or can be viewed [here](http://www.ace/Corps_List_Revisions.pdf)

INSERT INTO news VALUES (162, '2002-05-29', 'ALASKA AIR PROGRAM FLUNKS FEDERAL TESTS', 'EPA Grants Up for Renewal', '<p>Washington, DC - The Alaska Department of Environmental Conservation (ADEC) is not meeting its obligations to enforce essential air pollution protections, according to a filing today by Public Employees for Environmental Responsibility (PEER). The group is challenging the renewal of contracts containing federal grants supporting ADEC operations.</p><p>Working with concerned state employees, PEER catalogued the principal problems plaguing Alaska's implementation of the Clean Air Act, including:</p><p>> Toxic pollution, particularly diesel soot, poses a growing health hazard to rural Alaskans but ADEC has no mitigation strategies. Moreover, ADEC lacks any program for addressing indoor quality, which can be injurious, especially during winter months;</p><p>> Alaska has made little progress toward determining ambient air quality conditions and uses standards from the lower 48 states that have little application to arctic conditions; and</p><p>> Permit standards are routinely developed in closed-door meetings with only industry representatives present, circumventing public notice requirements. </p><p>In addition, the PEER filing cites the absence of whistleblower protection for state environmental specialists and the absence of any public notice or review of proposed grant agreements.</p><p>"EPA and ADEC are supposed to be partners in abating pollution not abetting violations," commented PEER Executive Director Jeff Ruch. "The reason for these federal grants is to ensure that the most basic regulatory deficiencies are remedied."</p><p>The regional office of EPA and ADEC execute written agreements

outlining how the state conducts environmental regulation. These contracts detail environmental priorities and how ADEC plans to spend more than \$4 million in grant money. Consequently, these contracts contain a major portion of the environmental protection budget and regulatory blueprint for the state. </p><p align="center">###</p><p>See the <a href="<?php print \$cfg->docsdir;?>/ak/5-29-02\_PPA\_Filing.pdf">PEER filing</a> on the proposed Alaska grant agreement with EPA.</p>', 'AK', 'E', 0);

INSERT INTO news VALUES (163, '2002-06-11', '"QUACK SCIENCE" BY MBTA IN HOCKOMOCK RAIL PROJECT', 'Water Quality Issues Ignored; MBTA Consultant Kills Rare Salamanders', '<p>Boston - The Massachusetts Bay Transportation Authority (MBTA) bungled scientific research on a controversial transportation project, according to a complaint filed today by the New England chapter of Public Employees for Environmental Responsibility (New England PEER). In producing its Environmental Impact Report for a proposed train line through the Hockomock Swamp, MBTA killed 48 rare blue spotted salamanders in what was supposed to be an endangered species study and failed to conduct competent water quality analyses.</p><p>The 17,000-acre Hockomock Swamp is home to 17 rare and endangered species and is listed as an Area of Critical Environmental Concern. MBTA hopes to build a rail line through the middle of the wetland.</p><p>According to the complaint filed with the Natural Heritage and Endangered Species Program, MBTA consultant Vanasse Hangen Brustlin, Inc. (VHB) killed 48 blue spotted salamanders, about 9% of the group they captured in their rare species identification project. The salamander species is listed as a species of special concern by the state of Massachusetts. While VHB claimed to have sent the dead amphibians to the Museum of Comparative Zoology in Cambridge, museum officials never received them.</p><p>In April 2002, New England PEER conducted its own water quality analysis comparing the Hockomock to similar wetlands near existing rail lines. A team of volunteers examined water in six vernal pools and found that dissolved oxygen in the vernal pools adjacent to active rail lines was significantly lower than the dissolved oxygen in the pools of the pristine Hockomock. Dissolved oxygen is necessary to support aquatic life, and low levels are detrimental to aquatic species in vernal pools. If MBTA had conducted similar tests when drafting their Environmental Impact Report, the agency would have been forced to acknowledge the project would have an adverse impact on life in the Hockomock vernal pools.</p><p>"Once again MBTA is practicing quack science in its clumsy attempts to justify a project that can only be described as an ecological disaster," stated New England PEER Director Kyla Bennett, a biologist formerly with EPA. "Despite obvious, less damaging alternatives, MBTA is hell bent on choosing the most destructive possible route for this boondoggle."</p><p>The Hockomock alternative has recently come under fire from transportation analysts as well. A transportation consultant for the Town of Easton released a report last month charging that the MBTA exaggerated signal problems and speed restrictions associated with another alternative in order to promote construction of the rail line through the swamp. "MBTA and its consultant have engaged in a pattern of submitting deceptive and unsubstantiated claims throughout this environmental review process," concluded Bennett.</p><p align="center">###</p><p align="center">Learn more about this New England PEER <a href="<?php print \$cfg->campaigndir;?>/other/index.php">Campaign</a>.</p>', 'MA', '', 9);

INSERT INTO news VALUES (164, '2002-06-12', 'BARGE TRAFFIC DROPS ON MISSISSIPPI AND ILLINOIS RIVERS;', 'New Figures At Odds With Corps Plans for Lock Expansion', '<p>Washington, DC - Barge traffic on the Mississippi River and Illinois Waterway continues to decline, according to an analysis of Army Corps of Engineers data completed by Public Employees for Environmental Responsibility (PEER).</p><p>Corps figures show reductions in the number of barges processed

through locks on the rivers during 2000 and 2001. These declines extend a quarter century old trend of reduced barge traffic on the rivers. For example, during the ten-year period from 1992 through 2001 the number of barges processed annually at Locks 20-25 on the Upper Mississippi River (the most utilized locks) has fallen more than 20 percent. </p><p>Despite these sagging numbers, the barge industry is now busy lobbying Congress to finance expensive new locks for the Upper Mississippi River and Illinois Waterway System. Last month, the Corps released a "Draft Interim Report" on the project premised on barge traffic scenarios far more optimistic than its own traffic numbers would suggest are reasonable. </p><p>"In its latest study plan the Corps is using a ten year old traffic base even though the latest figures are available on its own web site," commented PEER Executive Director Jeff Ruch. PEER represents Corps employees who have raised questions about the objectivity of Corps analyses of the need for the expensive project. Last year, the Army validated charges by a Corps whistleblower and disciplined three top Corps commanders who had manipulated internal studies in an effort to justify the costly project. "The new Corps economic analysis is lifted straight from Field of Dreams -if you build the lock extensions then the barges will come."</p><p>In public comments filed this week, PEER charges that Corps forecasting uses wildly optimistic planning "scenarios" in its latest draft report, constructed by a single forecaster, Sparks Companies, Inc. of Memphis TN, whose corporate vision statement is "To be a vital force in the success of food and agricultural industries around the world."</p><p>"The Corps\' disgraceful record on the Upper Mississippi serves as \'Exhibit A\' for why all future agency analyses of important or controversial projects should be subjected to independent technical peer review," concluded Ruch.</p><p align="center">###</p><p align="center">See <a href="<?php print \$cfg->docsdir;?>/ace/06-12-02\_Barge\_Comments.pdf">PEER\'s comments</a> and <a href="<?php print \$cfg->docsdir;?>/ace/06-12-02\_traffic.pdf">traffic numbers for each lock.</a></p>', 'IL', 'ACE', 0);

INSERT INTO news VALUES (165, '2002-06-10', 'ENVIRONMENTALISTS SUE WDFW TO FIX HATCHERY', 'Washington State river blocked to salmon spawning', '<p>The Washington Department of Fish and Wildlife\'s Tokul Creek Fish Hatchery blocks federally listed chinook salmon from reaching their spawning grounds, traps and kills juvenile and adult salmon, destroys naturally incubating chinook eggs, and damages salmon habitats in Tokul Creek, a critical chinook-spawning tributary of the Snoqualmie River. So says Washington Trout and Washington Public Employees for Environmental Responsibility, two regional environmental organizations that have filed a lawsuit in Seattle\'s Federal District Court to force WDFW to fix the hatchery.</p><p>Washington Trout and PEER are accusing the state agency of violating the Endangered Species Act at Tokul Creek by allowing their hatchery facility to harm and kill, or "take" Puget Sound chinook, listed as a Threatened species since 1999.</p><p>The hatchery is located at the confluence of Tokul Creek and the Snoqualmie River, just downstream of Snoqualmie Falls. The water-diversion dam that supplies creek-water to the hatchery blocks nearly all fish from passing upstream, confining spawning salmon, including Threatened chinook, to the lowest 1/3-mile of creek. To protect the hatchery grounds, riprap rocks armor one bank of the creek, constraining the creek against the base of the steep slope opposite the hatchery, contributing to a large landslide. Because the dam blocks their upstream progress, almost all chinook in Tokul Creek must spawn below the slide. During winter rains the landslide dumps silt into the stream, suffocating and destroying incubating chinook eggs.</p><p>Some fish can occasionally pass over the dam during very extreme - and infrequent - high-water events, and WDFW has recently been capturing and hand-transporting chinook around the dam. But the dam\'s water-intake is not adequately screened - a violation of the ESA and state law - and some of the transported fish have been drawn into it and killed.</p><p>An internal WDFW review of all its hatcheries,



released in 1997, found that at least 38 hatcheries throughout the state have complete or partial fish-passage barriers associated with the facilities. Fish-passage barriers are specifically illegal under the ESA, and a violation of Washington law. Ironically, WDFW is the agency charged with enforcing the state law, and yet to date the department has not corrected any of the passage problems identified in the 1997 survey. In fact, the state has officially recognized the dam at Tokul Creek as the most problematic salmon blockage in the Snoqualmie watershed since 1994, without taking any corrective action.

"For years we've attempted to work with the Department, to help them find a solution at Tokul Creek," said Kurt Beardslee, Executive Director of Washington Trout. "So far, they've just made vague promises and zero progress. WDFW seems more concerned with producing hatchery steelhead and trout for sport-anglers than in protecting listed salmon."

The Tokul Creek Hatchery produces ocean-migrating steelhead for sport harvest in the Snoqualmie and Skykomish Rivers, and freshwater trout for planting in mountain lakes, including non-native species like brook trout. Other than the hatchery steelhead, the Snoqualmie watershed is managed for all-wild fish, and Tokul may have been one of the most important chinook salmon streams in the system. During a multi-year study conducted by WDFW, Tokul Creek showed the highest density of spawning chinook of any tributary in the Snoqualmie Basin.

In their complaint, Washington Trout and PEER allege that the diversion-dam, the water-intake, and the fill and bank armoring along the hatchery grounds are all harming listed salmon and violating the ESA. They ask the court to force WDFW to fix all three problems. They may file a preliminary motion to shut down the water-intake, so young chinook migrating to the ocean won't be sucked into it and killed.

The National Marine Fisheries Service listed Puget Sound chinook as Threatened in March 1999. Technically, the Tokul Creek Hatchery has been violating the ESA since January 2001, when NMFS adopted a "4d Rule," defining which activities illegally impact listed salmon. Since the 2000 spawning season, Washington Trout has attempted to cooperate with WDFW to mitigate the barrier problem, funding and helping to manage the project to transport salmon over the dam.

WDFW acknowledges the problems, and for several years has said it is exploring ways to permanently fix the barrier and water intake, including most recently seeking funding from the Army Corps of Engineers. Washington Trout and PEER are proceeding with their lawsuit now because WDFW has offered no firm timetable for fixing the problems at the hatchery, and because the agency has refused to prioritize the protection of Threatened chinook over hatchery-produced game fish.

"Under WDFW's current approach, hatchery reform means hatchery remodel," said Washington PEER Director Lea Mitchell. "their approach will cost more, take longer, and it fails to immediately eliminate the ESA take."

Washington Trout, a non-profit salmon-conservation and advocacy group, and PEER, a national non-profit alliance of public employees, are being represented by Richard Smith of the Seattle law firm Smith and Lowney, PLLC.

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See [http://www.wa/tokul\\_suit\\_complaint.pdf](http://www.wa/tokul_suit_complaint.pdf) the Washington Trout/PEER complaint.

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INSERT INTO news VALUES (166, '2002-06-20', 'CONSERVATION GROUPS PETITION SECRETARY NORTON AND NPS', 'Need To Regulate Hunting in Mojave National Preserve', '<p>MOJAVE DESERT, CA -- Today, the Center for Biological Diversity, Public Employees for Environmental Responsibility (PEER), Citizens for Mojave National Park and the Desert Tortoise Council petitioned the Secretary of the Interior to govern hunting in the Mojave National Preserve of California. Congress established the Preserve in 1994 but the National Park Service (NPS) has yet to ensure that hunting in the Preserve conforms to law and agency policy.</p><p>Congress authorized hunting in the Preserve and gave the NPS the authority to regulate it. The citizens\' petition seeks only that the NPS
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regulate hunting to minimize harm to desert tortoise and other wildlife, and protect the public.

"This is not about stopping hunting, it's about the Bush Administration not taking the needed steps to ensure hunting in the Preserve is responsibly managed, just like everything else" explains Daniel Patterson, a desert ecologist with the Center for Biological Diversity who formerly worked with BLM in the Mojave NP area. "Secretary Norton should be doing this on her own to protect the public interest, but she isn't, so we've put the petition in front of her today to move her in the right direction."

According to Dan Meyer, counsel for Public Employees for Environmental Responsibility: "No one is seeking to stop hunting. Hunting is a legitimate recreational opportunity in the Preserve. But, PEER and the other groups want hunting to be compatible with other activities and legal mandates in the Preserve. That can only happen when the NPS ends its passive behavior and regulates hunting."

In June 2001 the NPS promised to regulate hunting and limit it to big game animals and upland game birds. The promise is in the park's general management plan that took the NPS seven years to produce. But since the plan's adoption, the NPS has taken no action to live up to its word.

Peter Burk, Barstow resident and President of Citizens For Mojave National Park, remarks "One of the reasons for this petition is that we want the NPS to start taking its legal responsibility in managing hunting in the Mojave National Preserve." He adds, "Ever since the Preserve was founded in 1994, the NPS has deferred to the State Dept. of Fish and Game, whose main concern is maximized hunting. The main purpose of National Park Service is to protect natural resources, including wildlife. So our petition seeks to move the NPS to do what Congress has instructed them to do."

The NPS possesses the power to adopt special rules for hunting. NPS Management Policies, adopted under the laws that govern the national parks, require that Mojave National Preserve have special rules for hunting. The obligations under the Endangered Species Act also place an affirmative responsibility on the NPS to limit hunting.

"The Desert Tortoise Council believes that maximum protection of the desert tortoise at the Mojave National Preserve can only be achieved with full implementation of the 1994 Desert Tortoise Recovery Plan. Hunting should be restricted to big game and upland birds. Casual discharge of weapons should be prohibited throughout this fragile and sensitive area," said Marc D. Graff, spokesman for the Desert Tortoise Council.

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[Read the Mojave National Preserve petition.](http://www.nps.gov/mojave/hunt/petition.pdf)

INSERT INTO news VALUES (167, '2002-06-27', 'NAVY BOMBING RIGHT WHALE FEEDING GROUNDS', 'Operations Occur as Congress Considers Environmental Exemptions', 'Brunswick, ME -Brunswick Naval Air Station is conducting bombing exercises within North Atlantic right whale habitat in the Gulf of Maine, according to information obtained by Public Employees for Environmental Responsibility (PEER). Live-fire training in the right whale habitat poses dangers for one of the most critically endangered whale populations on earth at a time when the Pentagon is proposing legislation to exempt itself from compliance with environmental laws.'

Open-ocean bombing is a common form of training for the air station, but the timing and location of the exercises puts it squarely in the right whale migration path. With a population of approximately 300 animals, the loss of even one individual lessens the viability of the remaining population.

This week, the U.S. Senate is considering the 2003 Defense Authorization Act. The House version of the bill contains language proposed by the Defense Department granting it complete immunity from the Migratory Bird Treaty Act and broad leeway to ignore the Endangered Species Act. In addition to asking the Senate to include the House language, Pentagon spokespersons have vowed to seek major relaxation of the Marine Mammal Protection Act - the principal law shielding whales from adverse impacts.

"In seeking these

exemptions, the Navy is asking the American public to trust them to serve as conscientious stewards of our natural resources," said New England PEER Director Kyla Bennett, "This action suggests the Navy is unclear on the concept of stewardship."</p><p>Brunswick Naval Air Station (BNAS) has been repeatedly warned about the devastating potential of bombing drills during right whale migration. Last August, the National Marine Fisheries Service (NMFS) commissioned a report which urged the station to adopt "specific operating procedures" to avoid harming right whales, including aerial whale surveys, consultation with the Coast Guard, and the exploration of "alternative bombing ranges." Unlike BNAS, bases in the Southeast have adopted such basic measures, according to the NMFS report.</p><p>Concluded Bennett, "Bombardment is not an activity conducive to the survival of this critically endangered population."</p>', 'ME', 'DOD', 10);

INSERT INTO news VALUES (168, '2002-06-18', 'CORPS ACKNOWLEDGES COMPETENCE GAP', 'General Admits Planning Skills Have "Declined...to Unacceptable" Levels', '<p>Washington, DC - The deterioration of fundamental Army Corps of Engineers planning skills now threatens "the very foundation of the civil works program," according to an e-mail from a top Corps commander released today by Public Employees for Environmental Responsibility (PEER).</p><p>In a candid July 7 e-mail to all his division commanders, Major General Robert Griffin, the Director of Civil Works, admits - "[O]ur planning expertise and capability have declined to the point where specific action is required ...to reverse this unacceptable trend...[T]his overall decline is beginning to have unacceptable consequences to the very foundation of the civil works program - the basis of our investment recommendations."</p><p>During the past two years the Corps has been subjected to repeated scandals over attempts to "cook the books" of economic plans used to justify large construction projects. A number of investigations by the Pentagon, National Academy of Sciences and the General Accounting Office have faulted plans for individual projects as well as castigated inherent conflicts and weaknesses in Corps planning in general.</p><p>Echoing these complaints, Gen. Griffin castigates internally "developed planning models that cannot withstand national level scrutiny" and proposes to utilize an unspecified "nationally recognized peer review process." But, despite his dire assessment, Gen. Griffin does not embrace independent peer review (not controlled by the Corps) or any of the other reforms currently proposed by members of Congress and public interest groups. Instead, Gen. Griffin recommends additional in-service training.</p><p>"All the training in the world won't help the Corps as long as its leaders insist that employees produce predetermined project evaluations," commented PEER Executive Director Jeff Ruch. "The fundamental weakness lies in Corps leadership, not its specialists; and it will take a lot more than night classes to cure that shortcoming," said Ruch.</p><p>PEER represents a number of Corps employees who have documented problems in the Corps planning process.</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/ace/07-18-02\_Griffin\_email.pdf">Read Gen. Griffin's e-mail.</a></p>', '', 'ACE', 0);

INSERT INTO news VALUES (169, '2002-06-18', 'LYNX BIOLOGISTS EXONERATED, MEDIA COVERAGE EXCORIATED', 'Investigations Mark Final Chapter in Political Catfight', '<p>Washington, DC - Lynx scientists from state and federal wildlife agencies caught in a fur-flinging political brouhaha last winter have once again been vindicated-this time by a venerable scientific association. At the same time, the media coverage of the controversy has been clawed to pieces in a new report from a national media watchdog organization.</p><p>This week The Wildlife Society (TWS), an international association for wildlife professionals, concluded its investigation into whether members Tom McCall and Raymond Scharpf violated the Society's Code of Ethics when they submitted unauthorized hair samples to a government laboratory as part of a national lynx survey. TWS

members are subject to the "highest standards of integrity and conduct, and...high standards of education, employment and performance." Following a rigorous investigation, the TWS Board of Inquiry found that "neither McCall nor Scharpf acted in a manner suggesting they were trying to conceal the control-sample submission or influence the survey's outcome." In fact, the Society found that the biologists' intentions were fully "consistent with TWS Code." Both have been fully exonerated.

Last month Media watchdog group Fairness & Accuracy In Reporting (FAIR) issued an article titled, "The Washington Times' Hair-Raising Tall Tale: Lynx fur "hoax" story shows the power of right-wing media." In a scathing examination of the media coverage of this issue, FAIR's report is an article-by-article account of journalistic ethics gone awry. According to FAIR, The Washington Times' Audrey Hudson led the charge in a series of "one-sided" front-page articles that "repeatedly misstated the facts" to support a "conspiratorial storyline." This led to the Associated Press' unfortunate citation of "erroneous accusations.... help[ing] spread the myth that biologists had 'planted' fur in the forest..." Not to be left out of the fray, The Wall Street Journal, Rocky Mountain News, Weekly Standard and U.S. News and World Report headed a parade of respectable, widely circulated publications devoting space to politically-motivated, and ultimately, inaccurate commentary.

These findings come on the heels of a series of federal investigations vindicating the lynx biologists implicated in the in the faux-controversy, dubbed "lynxgate." The issue became the subject of Congressional and state legislative hearings and fueled numerous political attacks on the Endangered Species Act and federal wildlife researchers across the west.

"These reports mark the final chapter in a disgraceful saga of ugly politics fueled by shoddy journalism," stated Eric Wingerter, National Field Director for Public Employees for Environmental Responsibility, whose organization led the scientists' defense. "We hold faint hope that these vindications will be reported with the same fervor as the original false charges."

Copies of the Wildlife Society Release, the FAIR report and other lynx materials are available on request.

INSERT INTO news VALUES (170, '2002-07-23', 'POLITICS TRUMP ENVIRONMENT AT OHIO EPA', 'Employee Survey Cites Abysmal Morale, Mismanagement and High Turnover', 'Columbus - Political interference, weak management and an exodus of veteran staff hamper the effectiveness of the Ohio Environmental Protection Agency, according to a survey of agency employees released today by Public Employees for Environmental Responsibility (PEER). Agency employees also report illegal orders, inappropriate industry influence and inadequate funding to meet environmental mandates.

"This survey is an opportunity for Ohio EPA employees to directly communicate with their true employers, the taxpaying public, about what is really going on inside the walls of their environmental protection agency," said PEER National Field Director Eric Wingerter. "The survey results raise serious questions about the quality of decisions made at Ohio EPA affecting resource protection and public health."

This spring, PEER mailed a survey, consisting of questions written by employees, to each of Ohio EPA's 1100 staff members. More than one-third of all Ohio EPA staff returned completed surveys to PEER for tabulation. One major employee concern reflected by the survey centers around political interference in agency decision-making:

- More than two thirds of employees say environmental decisions "are overly-influenced by political considerations;"
- More than half believe Ohio EPA places more weight on serving the regulated community than it does on "serving the general public and the resource." Less than one third "trust top management of Ohio EPA to protect Ohio's environment and health;"
- Nearly one third report instances in which an employee has "been directed to ignore an environmental law, regulation, or violation."

In essays concerning the "greatest challenge" facing the agency, a number of

employees describe industry groups "writing their own permit," and when they try to enforce the law, Ohio EPA managers "obfuscate and delay" until the matter is dropped. Another respondent laments the "almost total capitulation of Ohio EPA & Ohio\'s political leadership (legislative and executive) to political expediency."

The survey also broke down how long respondents had worked at the agency with the most critical responses coming from veteran staff. For example, while just under half the employees who have worked for the agency less than 10 years believe that "Ohio\'s environment is protected better now by Ohio EPA than it was 4 years ago," only about a quarter of employees who have been with the agency more than 10 years share that sentiment. Overall, less than one fifth of the respondents believe agency morale is good with even lower figures among long-term employees.

In assessing causes, employees point to politicization, poor management and an agency-wide "brain drain" aggravated by a trend toward outsourcing professional jobs. More than half of respondents agree the agency "has been hurt by a high rate of staff turnover," with six in ten saying "the effectiveness of Ohio EPA has been hampered by the departure of experienced staff over the past few years."

Employees also perceive that dwindling resources prevent them from doing their jobs. More than seven in ten respondents believe that the agency "does not have sufficient resources to fulfill its environmental mission." In essay question responses, employees find it difficult to keep up with the "increasing number and complexity of regulations to adopt and enforce" even as a hiring freeze has severely cut into the work force. As another respondent describes, "My division has 30 vacant positions that will not be filled for at least a year but probably longer."

But while the work force shrinks, respondents believe that agency leadership continues to interfere with their professional decisions.

Nearly half of the respondents believe that management would not "back up my professional judgment on a controversial decision, while fully half feel management is not "held accountable to the same degree as staff;"

Nearly two thirds say agency administrators are not "selected for their knowledge and experience in environmental protection;" and

Nearly one in three respondents "fear job-related retaliation for presenting to the chain-of-command my professional opinions or assessments if they may differ from management\'s position."

"With virtually no prompting, the employees of Ohio EPA have shown they are willing to speak out, now the question is whether the taxpayers of Ohio are willing to listen," concluded Wingerter.

INSERT INTO news VALUES (171, '2002-07-25', 'NEW INFORMATION CRIME FOR FEDERAL WORKERS', 'Public Information Officers At Risk For Warning Public', 'Washington, DC - President Bush\'s proposal to create a Department of Homeland Security also would create a new type of crime that can only be committed by a federal employee - the crime of disclosing corporate information. The plan empowers private companies to bar the government from using corporate information in warnings to the public or emergency response crews even where that information would save lives.

Under this bill, information voluntarily submitted by corporations about their "critical infrastructure" would not only be exempt from the Freedom of Information Act but also classified by law as confidential. Any federal employee who "publishes, divulges, discloses or makes known in any manner" any aspect of a corporate submittal "shall be fined ..., imprisoned not more than one year, or both, and shall be removed from office or employment."

Representative Tom Davis (R-VA), a lead author of this plan now before the full House of Representatives, denies that his bill creates a new corporate immunity. Mr. Davis\' response is that it allows use of submitted information for "criminal prosecutions" but he neglects to mention that the information could not be used in any civil prosecution or administrative action against unethical or predatory corporate players.

In one scenario, an agency press secretary or public information officer answering

a reporter\'s questions about an explosion or other mishap at a nuclear power plant, oil refinery or other facility that previously submitted "critical infrastructure information" could be punished for -</p><p>Confirming information already widely known;</p><p>Revealing information with the company\'s permission but absent a written consent form; and</p><p>Disclosing a trivial aspect of the company\'s submission that has no possible security implications.</p><p>Ironically, any information the company is required to submit to the government, for purpose of licensure or enforcement, may still be revealed even if that information is far more sensitive than that contained in its voluntary submittal.</p><p>At the same time, government warnings or alerts to the public or to threatened sectors may not reveal anything relating "specifically to the submitting person or entity" even if that information was of critical importance to saving lives or minimizing damages.</p><p>"This plan allows corporations to define the zone of confidentiality and the attendant crime regardless of the public interest in disclosure," commented Public Employees for Environmental Responsibility (PEER) Executive Director Jeff Ruch. "Mr. Davis\' bill is not about homeland security; it is about keeping boardroom secrets at taxpayer expense," said Ruch.</p><p align="center"><em> To obtain a copy of the bill, call 202.265.7337. </em></p><p align="center"><em>Public Employees for Environmental Responsibility (PEER) is a national alliance of local state and federal resource professionals, working to protect the environment. </em></p>', '', 'DOJ', 0);

INSERT INTO news VALUES (172, '2002-07-30', 'HOMELAND SECURITY OF TX PRAIRIE DOGS IN QUESTION', 'TNRCC Flip-Flops About Plans to Exterminate Lubbock Critters', '<p>Austin, TX- Eradicating one of the largest black-tailed prairie dog colonies in the Southwest may no longer be the prescribed solution for groundwater contamination at the Lubbock Land Application Site (LLAS), according to the latest correspondence from the Texas Natural Resources Conservation Commission (TNRCC). This new determination, made in a letter released today by Texas Public Employees for Environmental Responsibility (Texas PEER), marks a complete reversal of the state\'s position in a mushrooming dispute in this west Texas community that is starting to attract national attention.</p><p>On June 3, 2002, TNRCC officials sent a violation notice to Lubbock Mayor Marc McDougal blaming the prairie dogs for "creat[ing] conditions which could possibly lead to groundwater contamination." TNRCC gave city leaders sixty days to draft a compliance plan that would "control the prairie dog population across the LLAS."</p><p>The order caused considerable consternation as federal wildlife officials and conservationists who objected to incorrect assumptions and an absence of any scientific corroboration supporting TNRCC\'s determination. Seven weeks later, TNRCC began to backpedal. In a letter dated July 22, TNRCC investigator Patrick Cooke claimed that the agency "has never stated that prairie dogs have caused groundwater contamination at this site."</p><p>Instead, pollution of the water table came from "application of treated sewage to the land." The state agency no longer considers the removal of prairie dogs to be the only satisfactory mitigation measure. "TNRCC will be attentive to all possible solutions, providing that protection of the groundwater resources beneath the Lubbock Land Application Site is achieved."</p><p>Despite this disavowal by TNRCC, the agency has not yet amended their notice of violation to the city. As late as last week, Lubbock City Council Member Frank Morrisson sent the following E-mail: "Like it or not, TNRCC (a very powerful state agency) has told the City of Lubbock we must remove the prairie dogs from the land application site. We don\'t see any flexibility in their directive."</p><p>"The notion that prairie dogs are causing contamination is just plain loony," said Texas PEER Director Scott Royder. "When asked to justify their position, all TNRCC officials could do was shrug, " continued Royder, who noted ranchers who graze cattle on the LLAS have for years attempted to justify removing the

prairie dogs. "This smacks of a shady deal between the city and compliant state regulators."</p><p>"If the prairie dogs are indeed out of the crosshairs of Texas state officials, Lubbock officials haven't gotten that memo yet, said Eric Wingerter, PEER's National Field Director. "What's more, TNRCC has yet to justify this nonsensical plan with anything more than a grin."</p><p>The black-tailed prairie dog is a candidate for listing under the federal Endangered Species Act. Texas PEER has asked TNRCC to clarify its new position with Lubbock officials.</p>', 'TX', '', 11);

INSERT INTO news VALUES (173, '2002-08-05', 'U.S. PLANS TO GIVE AWAY LARGE OIL AND COAL HOLDINGS IN UTAH', 'Federal Minerals Expert Criticizes Proposed Utah Land Exchange', '<p>Washington, DC - Federal officials are poised to give away significant petroleum and coal holdings as part of a controversial land exchange between the U.S. Bureau of Land Management (BLM) and the State of Utah, according to an agency memo released today by the Western Land Exchange Project (WLXP) and Public Employees for Environmental Responsibility (PEER).</p><p>The land exchange, which BLM land appraisers and other staff say would shortchange the federal treasury by millions of dollars, is embodied in a bill introduced by Utah Rep. Chris Cannon. In a July 25 memo, BLM minerals specialist James Kohler states that his agency is offering to the State of Utah land "known to contain significant mineral resources" but which Interior Department negotiators have said has "no or nominal mineral potential."</p><p>Mr. Kohler cites several examples where sizeable oil, gas, coal and tar sands deposits are completely ignored or substantially devalued by federal officials handling the land swap, even though the exchange is supposed to bring equal value to the State and the federal government. "The Department of the Interior has repeatedly employed a highly politicized, back-of-the-envelope approach to negotiated land trades," stated Janine Blaeloch, Director of the Western Land Exchange Project.</p><p>Blaeloch's organization forwarded questions raised by BLM appraisers to the House Resources Committee, which has since tabled the bill (HR 4968) until after the August recess. "Interior has abandoned its duty to protect the interests of the public." The Kohler memo also points out that BLM staff was prevented from performing minerals assessments before certain tracts were included in the exchange, and that entirely new tracts were added at the last minute to the federal-state negotiations without any kind of evaluation.</p><p>"At a time when President Bush is calling for a new accountability, his own appointees are encouraged to be grossly irresponsible with the public's assets in their custody," commented PEER Executive Director Jeff Ruch whose organization has filed whistleblower complaints on behalf of BLM appraisers. "It is not just the BLM land appraisers but also the minerals specialists who say this latest Utah exchange does not pass the smell test."</p>', 'UT', 'BLM', 0);

INSERT INTO news VALUES (174, '2002-08-07', 'ABC'S JOHN STOSSEL PEDDLES MORE MISINFORMATION', 'Conservative Pundit Recycles Lynx Myth', '<p>Washington, DC - In a televised tirade against environmental regulation, conservative commentator John Stossel repeated misinformation about government lynx researchers that has been repeatedly debunked by government, media and professional society investigations, according to Public Employees for Environmental Responsibility (PEER).</p><p>"Stossel is not one to let facts get in the way of his pet peeves," noted PEER National Field Director Eric Wingerter who noted that the ABC pundit has been forced to apologize before for spreading falsehoods about organic food. "Stossel criticizes 'media hype' but then turns around and peddles outrageous misstatements."</p><p>Stossel's piece ("Missing Lynx: Are Animal More Important Than People?") aired on Friday's edition of the ABC newsmagazine 20/20. In the piece, Stossel claims -</p><p>. Government plans to close lands were foiled by the discovery that an agency "biologist faked the

tests." (Fact: The controversy had nothing to do with land use decisions.)</p><p>· "Lots of people in southern Washington are scared of the government\'s environmental police." (Fact: The only people Stossel cites are a "land rights activist" and his wife. Washington State has no environmental police force.)</p><p>· Government agencies are filled with "environmental radical activists" and the heads of these agencies are "extremists." (Fact: The "extremist" who left the federal scientists in their jobs is Bush\'s Interior Secretary, Gale Norton.)</p><p>Stossel also neglects to mention that, apart from government investigations, lynx scientists have also been vindicated by The Wildlife Society (TWS), an international association for wildlife professionals. At the same time, the media coverage of the controversy has been clawed to pieces in a new report from a national media watchdog organization, Fairness & Accuracy In Reporting. In addition, Stossel mischaracterizes National Research Council findings in the recent Klamath irrigation controversy.</p><p>PEER has demanded a retraction from ABC and asks that, in light of past discrepancies, the network fact check future Stossel segments.</p><p align="center">### </p><p align="center">Learn more about PEER\'s <a href="<?php print \$cfg->campaigndir;?>/other/index.php">Lynx Campaign.</a></p>', '', 'FS', 7);

INSERT INTO news VALUES (175, '2002-08-13', 'NAVY WHISTLEBLOWER GOES TO COURT', 'Environmental Compliance Officer Reported PCB Contamination At Cutler', '<p>Washington, DC--The Cutler Navy Base worker who first reported serious pollution violations may lose his legal protections due to a technicality. Public Employees for Environmental Responsibility (PEER), a national watchdog group, filed an appeal Monday with the United States Court of Appeals to overturn an administrative ruling that a Navy environmental specialist has no standing under the Whistleblower Protection Act.</p><p>In September 1996, paint removed from communications structures on the Cutler Navy base was found to contain polychlorinated biphenyls (PCBs), synthetic chemical compounds that cause serious health problems in humans, including some forms of cancer and immune system disorders. The production of PCBs has been banned in the United States since the 1970\'s. Environmental Compliance Officer Normand Laberge repeatedly pushed the Cutler Navy base to disclose the health hazards to the Environmental Protection Agency.</p><p>The base\'s Commanding Officer, Captain Eric Glidden, ignored Laberge\'s recommendations and paint removal continued for more than a year without any precautions, thus risking the health of federal workers and contamination of the adjacent seacoast. Navy officials also refused to commission an environmental study of the problem as required under federal law. After Laberge pointed out the violation, he was officially reprimanded and eventually removed from the project.</p><p>Under pressure from the Maine Department of Environmental Protection, the Navy finally began an environmental assessment in 1999, but by then the work delay had gone on so long that the Navy was forced to pay the contractor, Abhe & Svoboda, several hundred thousand dollars for work never done. Taxpayers will also foot the bill for cleaning up the damage from the aborted job.</p><p>Laberge challenged his removal from the project. In a surprise decision that severely narrowed the legal definition of a whistleblower, the US Merit Systems Protection Board (MSPB) ruled this June that even though the Navy had violated federal environmental laws, and Laberge met retaliation for his disclosures, Laberge is still not covered under the federal Whistleblower Protection Act because his disclosures were made in the course of doing his job. Under this new interpretation, a whistleblower would only be protected if disclosures were made to certain bodies, including the media, an Inspector General, or the Office of Special Counsel.</p><p>"MSPB found that Normand Laberge acted heroically, but that they are willing to let him hang on a technicality," stated PEER General Counsel Dan Meyer, himself a former Navy



whistleblower. "We are confident that our appeal will set things right. This guy should get a medal."</p>', '', 'DOD', 0);

INSERT INTO news VALUES (176, '2002-08-15', 'CLYDE RIVER HYDRO PROJECT CHALLENGED', 'VANR Permit Ignored Staff Findings of "Habitat Write-off"', '<p>Montpelier--The Vermont Agency of Natural Resources (VANR) ignored staff warnings of environmental damage and inappropriately injected economic factors when it issued a 40-year permit to power plants along the Clyde River, according to an appeal filed today by New England Public Employees for Environmental Responsibility (New England PEER), a non-profit watchdog group.</p><p>The permit would allow Citizen\'s Utilities, a Connecticut company, to draw all but 30 cubic feet per second of the total flow of the Clyde River into its turbines. The appeal, filed before the Vermont Water Resources Board, contends the permit condition violates the Clean Water Act and state water standards requiring significant waterways maintain enough in-stream flow to sustain fish populations. The Clyde River is home to a number of wild salmon and other sensitive fish species.</p><p>In order to permit the plants, VANR Secretary Scott Johnstone overturned the recommendations of his own scientific staff, which had determined that fish require a minimum flow of 100 cubic feet per second most of the year, and 300 cubic feet per second during walleye spawning season. Secretary Johnstone has publicly defended his decision to overrule his agency\'s experts by citing the need to balance water quality and salmon habitat with the need for energy production, a rationalization the appeal calls "arbitrary and contrary to science."</p><p>The issue has been highly controversial within the agency. In an internal memo obtained by PEER, state biologist Rod Wentworth complains that the flow levels approved by Johnstone are a "habitat write-off" which will lead to a decline in the fisheries the agency is required to protect.</p><p>"The Secretary\'s job is to protect state waters, not to promote the business interests of private companies," said New England PEER Director Kyla Bennett, a biologist formerly with EPA. "This permit is more than just embarrassing, it is illegal."</p><p>The Water Resources Board\'s decision will be binding on the VANR. A similar appeal has been filed by the Vermont Natural Resources Council. <p>"The decision to issue this permit was clearly based on politics, at the expense of science," concluded Bennett.</p>', 'VT', '', 0);

INSERT INTO news VALUES (177, '2002-08-19', 'LAND EXCHANGE WILL COST U.S. \$100 MILLION', 'Federal Appraisers Blow the Whistle on Utah Land Deal', '<p>Washington, DC - The U.S. Treasury stands to lose \$100 million in what is supposed to be an "equivalent" value land trade with the State of Utah, according to agency documents released today by Public Employees for Environmental Responsibility (PEER). The agency documents are part of a whistleblower disclosure filed with the U.S. Office of Special Counsel on behalf of a Bureau of Land Management (BLM) land appraiser.</p><p>The land exchange was negotiated between Utah Governor Michael Leavitt and top Department of Interior officials. The Utah Legislature has already ratified the deal and congressional approval hinges on the passage of legislation (HR 4968) carried by Rep. Chris Cannon (R-UT).</p><p>By its terms, the exchange is supposed to be of approximately equal value -108,000 acres of Utah school trust land for 135,000 acres of federal land in the state - valued at approximately \$35 million to each side. But according to internal BLM documents, the deal will actually cost the federal taxpayers between \$96.7 million and \$116 million, using conservative estimates.</p><p>One major reason the federal government stands to lose as much as three times the face value of the exchange is that BLM lands with known oil, gas, coal and tar sands deposits were counted in negotiations as having "no or nominal mineral potential." BLM Appraiser Kent Wilkinson, who made the disclosure, had protested the undervaluing of the federal interests along with

other realty and mineral specialists in the agency\'s Utah and Washington headquarters in a flurry of e-mails, memos and internal reports.</p><p>"This is one of the most one-sided land deals since the purchase of Manhattan Island," commented PEER General Counsel Dan Meyer who filed the disclosure. "While President Bush is calling for corporate accountability, his appointees at Interior have engineered a deal that is so bad it would make Enron blush."</p><p>BLM Headquarters staff totaled up a monetary estimate of the discrepancies raised by its own specialists and found approximately \$100 million in losses. Despite this internal finding, the agency has decided to push ahead with the exchange. If the Office of Special Counsel finds the whistleblower allegations have merit it will order an investigation. An investigation may preclude approval for any exchange this session.</p><p>"The negotiators of this deal not only betrayed the public but lied to Congress about its equity," stated Janine Blaeloch, Director of the Western Land Exchange Project, an organization that monitors federal land deals and has harshly criticized two previous Utah-federal land trades.</p><p><div align="center">###</div><p align="center"><a href="<?php print \$cfg->docsdire;?>/ut/land\_exchange\_disclosure.pdf">Read the OSC disclosure.</a> <p align="center"> Related documents are available upon request.</p>', 'UT', 'BLM', 0);

INSERT INTO news VALUES (178, '2002-08-22', 'RAIL LINE THROUGH HOCKOMOCK UNDER FIRE', 'Report Details 10-Year Pattern of Distorted Data and Deceptive Documentation', '<p>Boston--MBTA ignored scientific findings, neglected to do the most basic environmental studies, and embellished ridership data in order to promote a rail line through the Hockomock Swamp, according to a white paper released today by New England Public Employees for Environmental Responsibility (New England PEER). The report, titled "Science Derailed: The Hockomock Swamp Heads for Ecological Trainwreck," was written with the anonymous help of public employees from the array of federal, state and local agencies overseeing the project.</p><p>The proposed rail line is part of a larger expansion project to bring rail service to New Bedford and Fall River. According to the white paper, MBTA selected its preferred alternative because other, less environmentally sensitive, routes were opposed by influential legislators. In order to promote the so-called "Stoughton Alternative" through the Hockomock, MBTA performed a number of creative feats of documentation, including:</p><p><strong>· Ignoring air and water quality impacts.</strong> While studies show that the line will severely degrade the Hockomock\'s sensitive vernal pools and the region\'s air quality, MBTA has stated, without documentation, that the extension "will not adversely affect surface or ground water quality." MBTA has also gone out its way to tout the project\'s air quality benefits.</p><p><strong>· Fudging ridership estimates.</strong> MBTA seriously over-represented ridership figures in order to make the proposed rail line look viable. Outside studies indicate that MBTA\'s figures are nearly two times higher than they should be.</p><p><strong>· Downplaying enormous costs.</strong> Estimated construction costs have more than tripled in the past 6 years. Even using MBTA\'s inflated ridership figures, construction alone will cost taxpayers nearly a quarter of a million dollars per rider. It would be cheaper to shuttle each commuter to Boston by limousine every each day.</p><p>In addition, MBTA grossly mishandled endangered species studies. Originally the agency denied the existence of rare-blue spotted salamanders along their favored route. When challenged, MBTA grudgingly conducted an impact study, but ended up killing 48 of the rare species and then misplacing the bodies.</p><p>"The entire process has been a decade-long disgrace" stated New England PEER Director Kyla Bennett, a biologist formerly with EPA. "MBTA has wavered between simple incompetence and gross negligence."</p><p>As Massachusetts\' largest freshwater wetland, The Hockomock Swamp is designated as an Area of Critical Environmental Concern by the state. Executive Office of Environmental Affairs Commissioner Robert Durand

will decide in the weeks ahead whether to approve the project.</p><p>"We are hopeful that the Secretary will uphold his commitment to protect the Hock, but we are prepared to fight a bad decision," concluded Bennett.</p><p align="center">A copy of "Science Derailed" is available on request.</p>', 'MA', '', 9);

INSERT INTO news VALUES (179, '2002-08-28', 'HOCKOMOCK BLUE SPOTTED SALAMANDERS AREA RARE, PURE POPULATION', 'Independent Study Creates a New Roadblock to MBTA Rail Route', '<p>Boston--Blue spotted salamander specimens pulled from the Hockomock Swamp are an extremely rare, genetically pure population, according to a new independent study. This discovery will likely afford the amphibians stronger protection under state endangered species law and further complicate plans by the Massachusetts Bay Transportation Authority (MBTA) to route a new rail line through the Hockomock.</p><p>The latest genetic studies demonstrate blue-spotted salamanders in the Hockomock are not hybridized with other salamander species. The population is one of only five such distinct populations in New York and New England, a status that will likely force a designation of "endangered" or "threatened" under the Massachusetts Endangered Species Act. Currently, the salamanders are a designated "species of special concern" under the law.</p><p>MBTA is proposing to construct a controversial train line between Boston and the communities of Fall River and New Bedford. MBTA\'s preferred route would bisect the Hockomock Swamp, destroying salamander\'s habitat. An endangered or threatened listing for the salamander would be yet another setback for MBTA\'s plan which, in the last week has also drawn opposition from:</p><p>The state\'s Natural Heritage and Endangered Species Program which indicated, in a strongly-worded letter issued last week, that proposed rail line does not meet criteria for obtaining environmental permits;</p><p>The U.S. Environmental Protection Agency which last week called MBTA\'s analysis "deficient," cite "significant, yet avoidable impacts to a regionally significant environmental resource;" and</p><p>Public Employees for Environmental Responsibility (PEER) who released a white paper written by public agency employees blasting the economic as well as the environmental underpinnings of the project.</p><p>In a related development, 48 blue spotted salamander bodies, inadvertently killed during a botched study and then misplaced for months by MBTA consultants, turned up this week. The specimens finally arrived at Harvard\'s Museum of Comparative Zoology a full year after MBTA claims to have sent them. Unfortunately, the specimens arrived too late to for additional genetic tests to make it into the public record before the close of the MBTA comment period.</p><p>"Thank goodness for the independent studies," stated New England PEER director Kyla Bennett, a biologist formerly with EPA."If we relied on MBTA\'s research, we would never have known that the Hockomock salamanders were an extremely rare, distinct species."</p><p>Environmental Affairs Secretary Robert Durand is expected to decide the fate of the rail project this week.##</p>', 'MA', '', 9);

INSERT INTO news VALUES (180, '2002-08-29', 'ATTACKS ON FEDERAL FOREST, FISH & RANGE WORKERS ON RISE', 'Forest Service Violence More Than Doubled in 2001', '<p>Washington DC - Bombings, beatings and arsons committed against national forest, refuge and range staff and facilities rose dramatically during 2001, according to agency records released today by Public Employees for Environmental Responsibility (PEER).Not only did the total number of such incidents increase but the percentage of incidents involving direct violence against employees also rose from those reported in 2000.</p><p>Using the Freedom of Information Act, PEER collected incident reports from the Bureau of Land Management (BLM), U.S. Fish & Wildlife Service and the U.S. Forest Service of threats or violence against agency employees during the previous year. A compilation of those reports revealed that:</p><p>Forest Service incidents more

than doubled (a 136 percent increase), from 33 in 2000 to 78 incidents last year. Case reports include several accounts of pipe-bombings, assaults and shootings;

Fish & Wildlife Service reports rose by almost one-fourth (22 percent), including a series of confrontations surrounding attempts by the agency to restore an illegally drained wetland; and

BLM reports rose only slightly (4 percent) but almost half of BLM incidents in 2001 were violent, a 20 percent increase from the year before.

PEER has been compiling this data since 1995. Despite the passage of the 1996 Anti-Terrorism Act, after the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, requiring the U.S. Attorney General to collect and report data "relating to crimes and incidents of threats...and acts of violence" against government employees in the performance of officials duties, no such reports have been made.

"The agencies themselves do not publish these numbers because they apparently do not consider the safety of their own employees a high priority," stated Eric Wingerter, PEER's National Field Director. "The Department of Justice has also dropped the ball when it comes to protecting federal resource agency employees; it does not even classify these attacks as domestic terrorism."

In a related PEER report, attacks on Park Service law enforcement officers increased nine-fold in 2001.

INSERT INTO news VALUES (181, '2002-08-29', 'BERKSHIRE COMMUNITY COLLEGE WETLANDS VIOLATIONS INVESTIGATED', 'Embattled School President in Center of Controversy', '

Pittsfield, MA.- A national environmental group has launched an investigation into wetland violations and a subsequent cover-up at Berkshire Community College. According to documents released today by Public Employees for Environmental Responsibility (PEER), college officials intentionally "misled permitting agencies" when they constructed soccer fields on top of sensitive wetlands and endangered species habitat.

A letter to outgoing BCC President Barbara Viniar, the group charges that:

Elevation maps were deliberately changed to cover up the filling of wetlands susceptible to flooding,

Sensitive vernal, or seasonal, pools were illegally altered, and

Habitat for two state-listed rare species was destroyed.

The violations may have been ordered directly by President Viniar. "We have received a number of reports that President Viniar has ordered her staff to alter maps and deceive state officials," stated PEER's New England Director Kyla Bennett, a biologist formerly with EPA.

Viniar, who resigned her post earlier this week, is no stranger to controversy. Last February, Viniar created a stir by firing 11 faculty members hours after the college union took a vote of no confidence in her leadership. Most of this faculty was later rehired, but the move was widely perceived to be an act of retribution against her critics.

In a statement released Tuesday, the school's board of trustees attributed her resignation, in part, to "the dissension on the campus these past few months with respect to President Viniar's leadership."

PEER will work with the commonwealth's Natural Heritage and Endangered Species Program and the Massachusetts Department of Environmental Protection throughout the investigation.

INSERT INTO news VALUES (182, '2002-09-05', 'CALIFORNIA LEGISLATURE PASSES GOVERNMENT LAWYER WHISTLEBLOWER BILL', 'First Major State to Free Public Agency Attorneys to Reveal Confidential Information', '

Sacramento - In the final days before adjournment this past weekend, the California Legislature voted to allow attorneys representing state, local and federal government to openly report crimes and fraud by their client agencies to law enforcement, regulatory bodies and legislative committees. Unless vetoed by Governor Gray Davis, California would join Hawaii as the only states recognizing government lawyers' responsibility to "protect the public interest" by exposing "improper governmental activity."

Contrary to its liberal reputation, California has

the strictest client confidentiality law in the nation, forbidding any disclosure of client misconduct even to save a life or prevent a calamity. The measure, AB 363 authored by Assembly Member Darrell Steinberg (D-Sacramento), permits lawyers representing governmental clients at any level to report crimes and fraud "in order to prevent or rectify substantial harm to the public."

The measure grew out of the case of Cindy Ossias, an attorney for the Department of Insurance. Ms. Ossias reported kickbacks and other enforcement irregularities by the elected Insurance Commissioner, Chuck Quackenbush, to a legislative investigating committee. Faced with revelation of these internal secrets, Mr. Quackenbush resigned and fled the state.

Ms. Ossias became the subject of a disciplinary complaint to the State Bar for revealing her employer's confidences. The State Bar declined to prosecute but also declined to issue a ruling protecting other lawyers under similar circumstances.

"While government employees are protected from on-the-job retaliation for reporting wrongdoing under whistleblower laws, these laws do not shield government attorneys from discipline and potential loss of license for violating client confidentiality in order to protect the public from harm," stated Assembly Member Steinberg, the Chair of the Assembly Appropriations Committee.

"Attorneys in public service should not have to choose between exposing flagrant government wrongdoing and their ability to practice law," said Steinberg. Steinberg's bill is supported by the California Attorney General, the State Bar and organizations representing state and municipal counsels.

One of the bill's earliest and strongest supporters, Public Employees for Environmental Responsibility (PEER) is seeking to enact comparable measures in other states. "The situation of government lawyers such as Cindy Ossias who risk their livelihoods by exposing corruption is not uncommon," commented PEER Executive Director Jeff Ruch whose organization represents public employee whistleblowers on environmental issues.

"Today in environmental agencies across the country, attorneys who are supposed to work for the public are precluded from exposing dangers to public health, serious pollution offenses and gross failures to protect our natural resources," said Ruch.

' , 'CA', ' ', 0);

INSERT INTO news VALUES (183, '2002-09-06', 'BUSH ADMINISTRATION FACES LEGAL CHALLENGE TO 5.5M ACRE CALIFORNIA DESERT LAND PLAN', 'BLM's NECO Plan Reduces Conservation, Harms Desert Tortoise, Biodiversity and Wilderness', '<p>Washington, DC - Signaling strong and broad conservationist rejection of the U.S. Bureau of Land Management's Northern and Eastern Colorado Desert Plan (NECO), ten prominent organizations with collectively more than 1.5 million American members filed a formal legal protest this week with BLM Director Kathleen Clarke. The protest seeks to have BLM officials analyze and address critical and long-raised wildlife and native plant conservation issues on 5.5 million acres of federal public lands in Imperial, Riverside and San Bernardino Counties, California.</p><p>"The plan is so environmentally harmful, and BLM managers have so blatantly ignored their responsibilities and the public, NECO should really stand for 'No Environmental Conservation Offered'." said Daniel R. Patterson, Desert Ecologist with the Center in Idyllwild.</p><p>"The tortoise is fast disappearing from the California deserts," said Michael Connor, Executive Director of the Desert Tortoise Preserve Committee. "As participants in the seven year NECO planning effort we repeatedly asked the Bureau to consider implementing the recommendations of the Fish and Wildlife Service's 1994 Desert Tortoise Recovery Plan to help reverse this trend. The Bureau has ignored our requests. Instead, they have proposed a plan that will worsen an already bad situation for the tortoise. Where is the sense in this?"</p><p>Specifically, the ten organizations challenge BLM's NECO Plan for its failure to provide adequate environmental protections against off-road vehicle impacts; failure to properly respond to public comments; failure to

adequately analyze the environmental impacts of the proposed plan, including ecological impacts to air and water resources; failure to analyze a reasonable range of alternatives; failure to comply with the Desert Tortoise Recovery Plan; failure to comply with federal laws including the Endangered Species Act, Federal Land Policy Management Act, National Environmental Policy Act, Executive Orders, and the Wilderness Act; and a failure to be consistent with the California Desert Conservation Area Plan.

Examples of major flaws in the BLM NECO plan include: Failure to protect washes from off-road vehicles: Washes harbor the highest biological diversity in the desert; and threatened desert tortoises spend most of their active time foraging and mating in washes. BLM's NECO plan unacceptably calls for opening all washes across 481,000 acres to off-road vehicles, threatening tortoise recovery. NECO also keeps cross-desert race routes. ORVs harm wildlife, water quality and the public lands experience of others.

Failure to follow the tortoise recovery plan on livestock grazing, vehicle routes: Signed by BLM and other agencies in 1994, the recovery plan is the science-based blueprint for tortoise recovery. BLM's NECO plan harms tortoise recovery by continuing livestock grazing by one public lands rancher on over 300,000 acres of desert tortoise critical habitat. Alarmingly, during this extreme and prolonged drought, BLM seeks to reduce even its current inadequate grazing management. BLM also fails to designate routes open or closed to motor vehicles, violating the recovery plan, agency regulations and executive orders.

Big reduction critical habitat in Cadiz area: The NECO Plan proposes to reduce critical habitat essential for tortoise survival and recovery by 62,000 acres. Although requested, no explanation for this habitat cut is given by BLM, but the likely reason is to help speed construction of the controversial Cadiz water project and pipeline.

Degrade wilderness with unnatural "guzzlers" and related driving: Wilderness areas are primarily designated by Congress to be free from man-made developments, yet BLM proposes to degrade six areas with 22 "guzzlers" (artificial water tanks). Guzzlers throw the desert ecosystem out of balance by favoring game species, while killing birds and other wildlife, and unnaturally provisioning ravens and other tortoise predators.

Big trucks and backhoes, usually prohibited in wilderness, are used to install guzzlers. Roads to guzzlers are created and CDFG will want to use trucks to maintain the tanks constantly threatening wilderness values. NRDC, Desert Survivors and other groups filed a separate protest, mainly in opposition to the guzzler plan.

"Neither the BLM nor the Department of Fish and Game have any study that demonstrates that guzzlers improve bighorn herd health or increase herd numbers." says long-time desert champion Elden Hughes of the Sierra Club. "We have absolute proof that guzzlers have killed bighorn sheep either by trapping them or poisoning them."

"Although artificial water sources are proposed to increase game species, the plan fails to evaluate the ability of the land to withstand inflated game species, or impacts to rare plants from their increased grazing." says Ileene Anderson, CNPS Botanist and Interior Secretary-appointed member of BLM's Desert Advisory Committee.

"This plan violates BLM's own guidelines and runs counter to the California Desert Conservation Act," said Karen Schambach, California Director of Public Employees for Environmental Responsibility. "Rather than weighing the benefits of each proposed route, as required, BLM is providing an ORV 'free for all' in extremely valuable tortoise habitat."

"By ignoring key parts of the desert tortoise recovery plan, NECO provides yet another example of a federal government intent on ignoring the needs of endangered species and the requirements of the Endangered Species Act," said Kim Delfino, California Program Director with Defenders of Wildlife in Sacramento.

California's Sonoran Desert area covered by the NECO Plan harbors interesting, rare and endangered species such as the desert tortoise, desert bighorn sheep, Coachella Valley milkvetch, Burro deer, Mountain lion, California leaf-nosed bat, Mecca aster, Golden Eagle, Burrowing owl,

Southwestern willow flycatcher, Chuckwalla, and the Flat-tailed horned lizard.  
<p>The protest presents an important opportunity for the agency to avoid litigation, by fixing flaws in the plan before issuing a record of decision. For a copy of the protest, please contact Daniel Patterson at <a href="mailto:dpatterson@biologicaldiversity.org">dpatterson@biologicaldiversity.org</a>.</p>', 'CA', 'BLM', 0);

INSERT INTO news VALUES (184, '2002-08-05', 'SPECIAL COUNSEL FINDS "GROSS WASTE AND MISMANAGEMENT" IN UTAH LAND DEAL', 'Investigation to Target Top Norton Aides', '<p>Washington, DC - U.S. Office of Special Counsel today backed charges that Department of Interior officials ignored internal warnings that a supposed "equivalent" value land exchange with the State of Utah would cost the federal treasury \$100 million dollars. Prompted by a <a href="<?php print \$cfg->docmdir;?>/ut/land\_exchange\_disclosure.pdf">disclosure</a> file by PEER on behalf of a BLM Land Appraiser -- Kent Wilkinson -- OSC\'s action triggers a formal investigation into the matter.</p><p>The land deal, negotiated between Utah Governor Michael Leavitt, Interiors\' Assistant Secretary for Lands and Minerals Management, Rebecca Watson, and her Deputy, Tom Fulton would hand over 135,000 acres of federal land to the state of Utah in exchange for 108,000 acres of state land. The swap was touted as an exchange of equal value, but internal BLM documents show that the federal land is actually worth more than three times its reported value. During negotiations, BLM lands with known oil, gas, coal and tar sands deposits were counted as having "no or nominal mineral potential."</p><p>Interior Secretary Gale Norton has \_\_\_\_\_ days to respond to OSC\'s finding of "gross waste and mismanagement". OSC made its findings less than a week after PEER filed the disclosure, studded with internal BLM e-mails and memoranda showing that Watson and Fulton approved the deal despite objections of seasoned BLM appraisers and mineral specialists.</p><p>"This cuts to Interior Secretary Gale Norton\'s core duty to serve as the faithful custodian of lands held in trust for us all," said PEER General Counsel Dan Meyer, who filed the disclosure with OSC. "Secretary Norton should allow the inquiry to answer the critical question: what did top Interior officials know and when did they know it?" Legislation to codify the faulted land exchange is pending in the U.S. House of Representatives.</p><p>"This land exchange should not even receive further consideration by Congress until the investigation is complete-that land isn\'t going to walk away," said Janine Blaeloch of the Western Land Exchange Project. "Unfortunately, this Utah problem is the tip of the iceberg . At Interior, corrupt land deals are the norm rather than the exception."</p>', 'UT', 'DOI', 0);

INSERT INTO news VALUES (185, '2002-09-16', 'NEW JERSEY REJECTS EPA PLAN FOR TRADING POLLUTION CREDITS', 'Rebuked EPA Weighs Enforcement Against Companies Using Credits', '<p>Washington, DC - Calling air pollution credit trading a "failure," New Jersey Department of Environmental Protection Commissioner Bradley Campbell has informed the U.S. Environmental Protection Agency (EPA) that the state will "terminate" the program, according to a letter released today by Public Employees for Environmental Responsibility (PEER).This move by New Jersey is the latest blow to the Bush Administration\'s campaign to implement market-based pollution controls.</p><p>In an August 13 letter to EPA, Campbell expressed doubts that trading plans will actually reduce pollution due to crippling verification and enforcement deficiencies. Under then-Governor and now EPA Administrator Christie Whitman, New Jersey had pioneered "open market" trading of air pollution credits which, unlike traditional cap-and-trade programs, allows unlimited trading between different pollution sources for different pollutants. Campbell, a former EPA official and now an appointee of New Jersey Governor James McGreevey, faulted:</p><p>"The program\'s ... failure to include safeguards that the program would in fact reduce

emissions;"</p><p>"Credits based on emissions reductions that occurred years before the credits are actually used;" and </p><p>The inability to "verify the validity of credits under the program."</p><p>Campbell also noted in the letter "I understand EPA may be contemplating its own enforcement action against credit users" because New Jersey under Whitman fostered trading before such transactions had been approved by EPA.Campbell urged that EPA extend a form of amnesty to companies who purchased credits in good faith.</p><p>Campbell\'s letter echoes concerns raised by EPA employees represented by PEER in a white paper, <strong>Trading Thin Air</strong>, describing the vulnerability of open market trading to manipulation. Following a proposal in 2001 by Whitman\'s EPA to legalize open market trading in New Jersey and Michigan, PEER convinced the EPA Office of Inspector General to investigate these plans. That investigation is near completion. PEER also revealed Michigan\'s dependence on plant closures to generate credits, an illegitimate practice that does not represent any improvements in pollution control.</p><p>"EPA\'s open market trading program is the three-card-monte of pollution regulation," commented PEER Executive Director Jeff Ruch. "As illustrated in the Enron debacle, trading schemes require rigorous enforcement of safeguards to prevent rip-offs, but rigorous enforcement is the last thing the Bush Administration appears to offer."</p><p><a href="<?php print \$cfg->pubsdir;?>/whitepapers.php">Read PEER\'s white paper <em>Trading Thin Air</em></a>.</p>', 'NJ', 'EPA', 0);

INSERT INTO news VALUES (186, '2002-09-19', 'BUSH ADMINISTRATION STIFLES ENVIRONMENTAL REVIEWS OF INTERNATIONAL PROJECTS US AID', 'Forbidden From Finding Fault with Multinational Bank Loans', '<p>Washington, DC - U.S. Treasury Department officials are blocking congressionally mandated environmental reviews for projects financed by multinational banks, according to documents released today by Public Employees for Environmental Responsibility (PEER). As a consequence, unnecessarily destructive projects in Asia, Africa and South America are improperly receiving U.S. support in obtaining loans from institutions such as the World Bank and the International Monetary Fund.</p><p>Under a statute commonly called the "Pelosi Amendment," after its author, Rep. Nancy Pelosi (D-CA), the U.S. delegations to international lending institutions, such as the World Bank, are forbidden from supporting any financial aid to projects that have not undergone environmental review. The agency charged with monitoring compliance with review requirements is the U.S. Agency for International Development (USAID). According to interagency correspondence, Treasury has directed USAID to exclude from its reports to Congress that -</p><p>Nearly half the money loaned by multilateral development banks has received no environmental review at all;</p><p>Many of the reviews are incomplete and do not meet the law\'s standards. For example, the Chad-Cameroon oil pipeline - the biggest development project in Africa - lacks plans for dealing with oil spills, invasive species from tanker ballast and other foreign commerce and the absence of support infrastructure for large-scale petroleum operations; and</p><p>Reviews are often completed after-the-fact, with little consideration of alternatives and are not readily available to outside groups or native populations.</p><p>"The Bush Administration is giving short shrift not only to environmental protections but also to safeguards against rank corruption and disruption of native peoples," commented PEER Executive Director Jeff Ruch."While a domestic project like oil-drilling in the Arctic National Wildlife Refuge receives extensive study and debate, each year the U.S. is financing scores of projects in developing countries, each with potentially far greater impact, with little or no environmental review."</p><p>In addition to flouting the Pelosi Amendment, PEER charges that suppression of the environmental reviews also means that problems do not get analyzed until much later in the process, sometimes after international financing has already been committed or spent.</p><p><strong>### <p><a href="<?php print \$cfg->docsdir;?>/dot/Excised



portions of 11-01 draft.pdf">Read an example of USAID environmental review text that was deleted from a draft report to Congress by the Treasury Dept.</a></p>',  
'', '', 0);

INSERT INTO news VALUES (187, '2002-09-23', 'PARK SERVICE FORBIDS OFF-DUTY STAFF FROM WRITING ABOUT WORK ISSUES WITHOUT APPROVAL', '"Gag Order" Unconstitutional & Unworkable, Employee Group Says', '<p>Washington, DC - The National Park Service (NPS) has forbidden staff from privately publishing material on any work-related topic without approval from the agency, according to a directive released today by Public Employees for Environmental Responsibility (PEER). Today PEER sent a letter to NPS Director Fran Mainella requesting retraction of the order and removal of the manager who authored it.</p><p>In a September 16 memo on "Employee Ethical Responsibilities and Conduct" addressed to all employees in the Intermountain Region, NPS warns that any violations "will subject employees to disciplinary action (up to and including removal)." One of the 19 rules spelled out in the memo concerns "Non-Official Expression":</p><p>"Employees who are writing or speaking on a topic which is generally related to their work, are expressing themselves as private citizens and not as representatives of the Department, are communicating under the concept of non-official expression, regardless of whether they are receiving payment for it. A notice of intention to publish non-official expression and certificate of compliance must be submitted through proper channels to the Regional Public Affairs Officer who will forward a recommendation to the Assistant Regional Director, Human Resources for approval."</p><p>The memo does not specify what is required to obtain a "certificate of compliance" or what standards will be employed to approve submittals. It is also unclear whether the order covers employee interviews with reporters that are later published.</p><p>"It's apparent that the National Park Service needs to be reminded again that its employees are American citizens with First Amendment rights," commented PEER Executive Director Jeff Ruch. "Aside from its unconstitutionality, this order violates laws that prohibit the use of federal funds for 'non-disclosure' policies that fail to explicitly protect communications to Congress, whistleblower disclosures and other reports employees make as private citizens."</p><p>Last year, PEER represented a ranger from Yellowstone National Park who was given a similar gag order barring off-duty discussion of work-related issues. In settling that case, NPS rescinded the gag order and promised to post a free speech policy. "What the Park Service has just issued is clearly an anti-free speech policy," Ruch commented.</p><p>Yellowstone National Park (WY) is part of the NPS Intermountain Region that covers parks in Arizona, Colorado, Montana, New Mexico, Oklahoma, Texas, Utah and Wyoming. This eight-state area stretches from Grand Canyon N.P. (AZ) in the south to Glacier N.P. (MT) in the north, from Zion N.P. (UT) in the west to Big Bend N.P. (TX) in the east.</p><p>###</p><p><a href="<?php print \$cfg->docmdir;?>/nps/ethics2002 NPS short version 9-16-02.pdf">Read the NPS directive.</a></p><p><a href="<?php print \$cfg->docmdir;?>/nps/gag\_order\_letter.pdf">Read PEER's letter</a> to NPS Director Fran Mainella.</p>', '', 'NPS', 0);

INSERT INTO news VALUES (188, '2002-09-23', 'WHISTLEBLOWER COMPLAINT ON WORLD BANK PROJECTS', 'Lone Environmental Analyst Pressured to Overlook Violations', '<p>Washington, DC - The sole analyst overseeing environmental compliance with U.S. participation in multinational development bank projects is being removed from his position because he persisted in raising problems about pending projects, according to a whistleblower complaint filed today with the U.S. Office of Special Counsel by Public Employees for Environmental Responsibility (PEER).</p><p>On September 30, the position of environmental analyst John M. Fitzgerald within the U.S. Agency for International Development (USAID) will be abolished. The agency has not decided how it intends to perform Fitzgerald's

environmental review functions, which are statutorily required.

The PEER complaint, filed on Fitzgerald's behalf, charges that USAID is eliminating the position under pressure from U.S. Treasury officials determined to secure financing for questionable energy projects in Africa, South America and Eastern Europe. The complaint documents Treasury striking sections from draft USAID reports concerning -

- Liability and reliability questions surrounding a proposed nuclear power plant, K2R4, in the Ukraine;
- Corruption and inadequate planning in connection with the now-stalled Bujagali Falls Dam in Uganda;
- Environmental deficiencies overlooked by sponsors in the proposed Chad-Cameroon oil pipeline.

An independent World Bank review panel subsequently verified the problems that had been stricken from USAID reports. Despite these findings, the World Bank, with the support of the American delegation, approved the project anyway.

"This case is about the Bush Administration's embrace of crony capitalism," stated PEER General Counsel Dan Meyer who filed the complaint. "Apart from serious environmental consequences, hundreds of millions of dollars are being wasted on poorly thought-out boondoggles in countries desperate for any investment."

The complaint names USAID Administrator Andrew Natsios, three other agency officials, as well as US Treasury Deputy Secretary John Taylor and Deputy Assistant Secretary William Schuerch as defendants. PEER is seeking an immediate stay of the personnel action from the Office of Special Counsel.

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[Read the complaint summary.](#)

[Read an example of Treasury editing of draft Chad-Cameroon findings.](#)

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INSERT INTO news VALUES (189, '2002-09-23', 'CARSON SPRING WATER SUSCEPTIBLE TO CONTAMINATION', 'State Regulators Ignored Staff Findings to Approve Water Use', '<p>Chattanooga, TN - State officials ignored evidence that water from Carson Spring is regularly contaminated by bacteria and not fit for public use without filtration, according to a complaint filed by Jack McCormick, the former manager of the regional field office for the drinking water program of the Tennessee Department of Environment and Conservation (TDEC).</p><p>According to McCormick, who is scheduled to testify Tuesday before the state Water Quality Control Board in Nashville, the water from the Carson Spring source near Chattanooga had been declared Groundwater Under the Direct Influence of Surface Water since 1994, an official designation that disallows public distribution without controls such as filtration because the water is susceptible to surface pollution.</p><p>In 1999 TDEC officials ordered the designation overturned, in a decision favorable to Savannah Valley Utility District, who recently leased the wells to begin commercial production. Avoiding the installation of filtration equipment saves the utility significant money - perhaps as much as $2 million- but at the risk of public health, according to the complaint. The unfiltered water began flowing into the public system last month.</p><p></p><p>To overturn the designation, McCormick notes, TDEC relied on a single water quality sample provided by Savannah Valley itself in November 1998, despite other conflicting results from tests conducted by TDEC water quality specialists and the utility. An internal TDEC memo indicates that the agency was aware that Savannah Valley only submitted test results that supported their claim that water from Carson Springs was pure.</p><p>The memo, written by a former TDEC staffer in 1999, states that water samples taken by Savannah Valley the previous December (1998) were never included into the record, and that these samples showed "significantly more organic particulate" than officially recognized.</p><p></p><p>"TDEC's decision to allow this water to be put out to the public without additional treatment is disturbing," said Barry Sulkin, director of Tennessee PEER and a former TDEC compliance chief. "By ignoring warnings from their own experts, the agency is opening itself up to liability down the road."</p><p></p><p>Surface-influenced
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groundwater runs a much greater risk of containing Giardia and Cryptosporidium, two microscopic parasites that cause serious illnesses in humans. The Carson Spring lies adjacent to the Wolftever Creek embayment of Chickamauga Lake where there is a known population of beavers, a common carrier of Giardia.

The Water Quality Control Board hearing is scheduled to begin at 10am (CT) on the 17<sup>th</sup> floor of the TDEC headquarters in the L & C Tower at the corner of 4<sup>th</sup> Ave. and Church Street in Nashville. This case is expected to begin around 11 am.

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Copies of the documents noted are available on request.

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INSERT INTO news VALUES (190, '2002-09-26', 'GARBAGE RAILROAD CONSTRUCTION TRASHING ENDANGERED SPECIES AND DESERT PUBLIC LANDS', 'Conservationists challenge work to haul L.A.'s trash to dump near Joshua Tree NP', '<p>E. RIVERSIDE COUNTY, CA -- U.S. Interior Secretary Gale Norton, Kaiser Corporation and others were put on notice today about glaring legal violations and threats to endangered species from construction of a railroad to haul thousands of tons of L.A. County trash daily to be dumped next to Joshua Tree National Park, at the proposed Eagle Mountain Landfill in California's Sonoran Desert region.</p><p>The landfill proposed for northeastern Riverside County by Ontario-based Kaiser has been bitterly opposed by desert residents, farmers, conservationists and Joshua Tree National Park. An abandoned 52-mile rail line leading from the Salton Sea to Eagle Mountain, along with a right-of-way are considered a key part of the dump proposal. The rail line and right of way pass through an established area of critical habitat for the threatened desert tortoise. They also cut across the Chuckwalla Bench Area of Critical Environmental Concern, which was designated by the U.S. Bureau of Land Management to protect a significant population of tortoises. Kaiser's construction work on the line has been consistently violating a U.S. Fish and Wildlife Service permit, known as a biological opinion, and wildlife mitigation requirements. Kaiser has failed to provide safe rail line crossing points for tortoises, leaving them trapped or at risk of injury or death, and have consistently violated biological monitoring, mitigation and take avoidance requirements since at least 1998.</p><p>"Construction of the garbage railroad is trashing the desert and violating the law as Secretary Norton fails to enforce." says Daniel Patterson, Desert Ecologist with the Center in Idyllwild, who formerly worked with BLM.</p><p>"The railroad permit required that the tortoise and other critters be taken care of. Instead the operators have created death traps." says Elden Hughes, longtime Sierra Club desert champion.</p><p>Under the terms of the biological opinion, BLM is required to revoke the right-of-way across public lands if Kaiser does not comply. Today's notice asks the Secretary to do it, or face a lawsuit.</p><p>"The dump developers kill tortoises year after year with blessings from BLM." say Donna and Larry Charpied, organic farmers and activists with Citizens for the Chuckwalla Valley in Desert Center. "What is really frightening is tortoises are being harmed by the dump's railroad, and not one gum wrapper has been sent to Eagle Mountain yet. What will happen if 20,000 tons of garbage a day comes barreling through critical tortoise habitat? It appears Norton's plan is to kill the species off and then nobody has to worry about them any more."</p><p>"There is a disturbing pattern of Interior Department agencies in the California Desert not living up to the requirements imposed on them by the U.S. Fish and Wildlife Service to protect endangered wildlife." says PEER Board Member Frank Buono, who was formerly an NPS Assistant Superintendent in the California Desert. "BLM at Eagle Mountain is failing to comply with what it must do, and we are putting them on notice to do it now, or face a federal judge."</p><div align="center"><p>A copy of the Notice of Intent to sue Secretary Norton is available by contacting Daniel Patterson.</p></div>', 'CA', 'DOI', 0);
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INSERT INTO news VALUES (191, '2002-09-30', 'SPECIAL COUNSEL FINDS "WRONGDOING" IN UTAH LAND DEAL', 'Investigation to Target Top Norton Aides', '<p>Washington, DC - The U.S. Office of Special Counsel today filed charges that Department of Interior officials ignored internal warnings that a supposed "equivalent" value land exchange with the State of Utah would cost the federal treasury \$100 million dollars. Prompted by a disclosure filed by PEER on behalf of a BLM Land Appraiser, Kent Wilkinson, OSC\'s action triggers a formal review of how the Department of Interior handled the matter.</p><p></p><p>The land deal, negotiated between Utah Governor Michael Leavitt and Interiors\' Assistant Secretary for Lands and Minerals Management, Rebecca Watson, and her Deputy, Tom Fulton, would hand over 135,000 acres of federal land to the state of Utah in exchange for 108,000 acres of state land. The swap was touted as an exchange of equal value, but internal BLM documents show that the federal land is actually worth more than three times its reported value. During negotiations, BLM lands with known oil, gas, coal and tar sands deposits were counted as having "no or nominal mineral potential."</p><p></p><p>Interior Secretary Gale Norton has 60 days to respond to OSC\'s finding. The OSC finding focuses on Terry Catlin, a realty negotiator for BLM, but Mr. Wilkinson\'s disclosure is supported by a raft of internal BLM e-mails and memoranda showing that Watson and Fulton approved the deal despite objections of seasoned agency appraisers and mineral specialists.</p><p></p><p>"This is not a case of one mid-level manager free-lancing. Terry Catlin was acting under orders," stated PEER General Counsel Dan Meyer, who filed the disclosure with OSC."Secretary Norton should answer the critical question: what did top Interior officials know and when did they know it?"</p><p></p><p>Legislation to codify the faulted land exchange is scheduled for a vote tomorrow by the full U.S. House of Representatives.</p><p></p><p>"This land exchange should not even receive further consideration by Congress until the investigation is complete-that land isn\'t going to walk away," said Janine Blaeloch of the Western Land Exchange Project."Unfortunately, this Utah transaction is just the tip of the iceberg - at Interior, corrupt land deals are the norm rather than the exception."</p><p></p><p>A copy of the OSC finding is posted at <a href="http://www.osc.gov.">www.osc.gov</a>.</p>', 'UT', 'DOI', 0);

INSERT INTO news VALUES (192, '2002-10-02', 'EPA INSPECTOR GENERAL SLAMS POLLUTION TRADING', 'Critical Reports Confirm Employee Criticisms; EPA Will Ignore I.G. Recommendations', '<p>Washington, DC - The U.S. Environmental Protection Agency\'s Office of Inspector General (IG) has issued a scathing critique of agency plans to allow open market trading of air pollution credits. The IG initiated its investigation at the joint request of the New Jersey Chapter of the Sierra Club and Public Employees for Environmental Responsibility (PEER).</p><p>The IG found that EPA\'s open market trading program lacked safeguards, fostered questionable trades and accepted invalid credits. The report validated years of internal complaints about the program\'s vulnerability to manipulation. Those criticisms are detailed in the employee-written PEER white paper entitled <strong>Trading Thin Air</strong>.</p><p>For the past two years, EPA has been trying to encourage states to adopt open market trading, a system that unlike traditional cap and trade programs allows industry to trade pollution credits between sectors, sources and time periods without limit. For example, electric utilities could keep emitting smokestack emissions in return for promising to implement a drive to remove older, high-polluting cars from the road.</p><p>The two states with the most developed markets, New Jersey and Michigan, have failed to get their programs off the ground. New Jersey formally abandoned the program last month while Michigan\'s plan has been pending EPA approval since spring. Many of Michigan\'s credits have been generated by plant closures, a method the IG lambastes as invalid, reflecting no actual improvement

in pollution control.</p><p>One key weakness of the program is the absence of a "quantification protocol," a mechanism to ensure that trades between sectors actually are of equivalent value."Instead of an apple-for-apple trade, EPA runs a program that trades an apple for the promise of a future guava," explained PEER Executive Director Jeff Ruch.</p><p>EPA\'s comments on the IG report indicate that the agency does not plan to accept any of the major recommendations. EPA sees open market trading as the next wave of air pollution regulation.</p><p>"EPA will ignore this report just as they have ignore four previous IG reports and numerous pleas from their own specialists," stated Ruch."Until these problems are addressed, EPA\'s trading plans will remain a dangerous scam that threaten to undermine real progress toward clean air."</p><p>###</p><p align="center"> <a href="<?php print \$cfg->pubsdir;?>/whitepapers.php">Read PEER\'s white paper Trading Thin Air.</a></p><p align="center"><a href="<?php print \$cfg->docsdir;?>/OMT.pdf">Read the OIG Report.</a></p>', '', 'EPA', 0);

INSERT INTO news VALUES (193, '2002-10-02', 'ARCHAEOLOGICAL TREASURES RUINED IN LOS PADRES NATIONAL FOREST', 'Supervisor Retaliated Against Employee Whistleblowers', '<p>Los Padres National Forest, CA - Los Padres National Forest leadership ignored staff experts to repeatedly approve projects that damage and destroy priceless cultural artifacts, according to a white paper released today by California Public Employees for Environmental Responsibility (California PEER).<strong>Ruined Relics</strong>:<strong>Crumbling Cultural Resource Protection at Los Padres National Forest</strong>, written by former Los Padres employees and volunteers, explains how Forest Supervisor Jeanine Derby has violated federal law by promoting recreational uses of the forest at the expense of its cultural resources.</p><p>Los Padres National Forest holds one of the nation\'s most valuable collections of historic and prehistoric sites. As the ancestral home of Chumash, Salinan, and Esselen Indian Tribes, the Forest is teeming with artifacts documenting 8,000 years of cultural evolution. But construction projects, fire-prevention practices, motorized vehicle trails, cattle grazing and recreational uses have contributed to permanent damage of irreplaceable scientific treasures.</p><p><strong>Ruined Relics</strong> describes how Forest archaeologists disclosed numerous violations to the State Office of Historic Preservation in the mid-1990s. Derby and other Forest leaders subsequently retaliated against the whistleblowers, relieving them of their responsibilities and replacing them with less experienced but obedient employees. Since that time, unnecessary damage to cultural sites to continued unabated, including:</p><p>The destruction of a prehistoric village when a road was built without a construction monitor,</p><p>Allowing off-highway vehicles to run roughshod across thirty historic and prehistoric archaeological sites, and</p><p>Permitting cattle to trample major archaeological deposits and damage ancient rock paintings.</p><p>In addition, the archaeologist who established the Forest\'s award-winning volunteer program has been banned from participating in the program. Once the heart of Los Padres\' cultural resources program, "Partners in Preservation" has essentially been abandoned. Damage reported by volunteers goes unaddressed.</p><p>"Every artifact destroyed today represents information lost to the world forever," commented California PEER Director Karen Schambach." The stewardship of irreplaceable cultural resources should only be entrusted to those who appreciate their value and are committed to their preservation."</p><p></p><p><a href="<?php print \$cfg->docsdir;?>/fs/ruinedrelics.pdf">Download Ruined Relics.</a></p><p></p><p align="center"><a href="<?php print \$cfg->docsdir;?>/ca/activities.php"><strong>Check out PEER\'s activities in California</strong></a> </p>', 'CA', 'FS', 0);

INSERT INTO news VALUES (194, '2002-09-30', 'APPRAISAL FOUNDATION BLASTS INTERIOR LAND EXCHANGES', 'Call for Moratorium and Criminal Investigation', '<p>Washington, DC - In a blistering report, the Appraisal Foundation excoriates Bureau of Land Management (BLM) handling of land exchanges in Western states, according to documents jointly released today by the Western Land Exchange Project (WLXP) and Public Employees for Environmental Responsibility (PEER).</p><p>Created by Congress following the savings & loan scandals, the Appraisal Foundation is charged with setting real estate appraisal standards and qualifications. It conducted the evaluation under a contract with the BLM. The report faults not only the pending, controversial San Rafael exchange with the State of Utah but agency practices generally. The Appraisal Foundation found -</p><p>Widespread violations of laws, deviation from rules and deficiencies in procedures; </p><p>A "politicized" process in which the appraisers are under "undue pressure" to bend rules and face "personal jeopardy" from BLM and Department of Interior managers eager to close deals; and </p><p>Utter failure to address persistent internal reports of misconduct, leading to "total breakdowns" of management and adherence to legal standards.</p><p>This latest report comes in the wake of numerous government audits that have identified BLM\'s appraisal function as a "material weakness." In order to remedy what it termed actions "detrimental to the public interest," the Appraisal Foundation recommends - </p><p>A moratorium of all pending exchanges, including the San Rafael exchange in Utah that was recently the subject of a similar finding of deficiency from the U.S. Office of Special Counsel; </p><p>A Department of Justice investigation of "violations of law" occurring in BLM land deals; and </p><p>Formation of a separate appraisal entity to oversee all Department of Interior land valuations and exchanges.</p><p>In what appears to be a related development, during the past few days BLM has quietly removed two top officials from its Washington, DC headquarters: Realty Lands & Realty Manager Ray Brady and Chief Appraiser David Cavanaugh. Last year, WLXP and PEER asked for Cavanaugh\'s removal for many of the same reasons cited in the Appraisal Foundation report.</p><p>The Appraisal Foundation had full access to BLM staff and records in conducting its review. In 2000, the U.S. Forest Service cleaned up its scandal-plagued land exchange program by implementing the recommendations from a similar Appraisal Foundation evaluation.</p><p>"This is a thoroughly devastating indictment of Interior\'s land appraisal process," said Janine Blaeloch of the Western Land Exchange Project. "As it did with the Forest Service, the Appraisal Foundation has laid out the blueprint for reform."</p><p>"This report completely vindicates the BLM appraisers who risked their careers to bring these issues forward," stated PEER General Counsel Dan Meyer through whose organization BLM appraiser Kent Wilkinson made disclosures to the Office of Special Counsel. "These findings cut right to the core duty of any Secretary of Interior - to safeguard the lands held in trust for future generations."</p><p>Despite a series of damaging revelations about the San Rafael exchange with the State of Utah, including a possible \$100 million loss to the federal treasury, last week the House of Representatives passed a bill by Rep. Chris Cannon (HR 4968) codifying the exchange by a unanimous vote. It is unclear whether the Senate will take up the matter.</p><p>Also pending is Interior Secretary Gale Norton\'s decision of how to respond to a finding by the U.S. Office of Special Counsel concerning improprieties in the proposed San Rafael exchange.</p>', '', 'DOI', 0);

INSERT INTO news VALUES (195, '2002-10-15', 'GRASSLEY SEEKS ANSWERS ABOUT NATIONAL PARK SERVICE WHISTLEBLOWER', 'Recent Actions Against A Seasonal Park Ranger', '<p>WASHINGTON - Sen. Chuck Grassley is raising new questions about the National Park Service\'s commitment to law enforcement in light of recent actions taken against a seasonal ranger at Yellowstone National Park. The Iowa senator said this individual may be the victim of retaliation for taking

enforcement action against illegal poachers who put both grizzly bears and humans at risk.

In a letter to Interior Secretary Gale Norton, Grassley has asking for an accounting of the park service's actions with regard to Robert Jackson. Last year, park service officials retaliated against Jackson by telling him he would not be rehired and putting a gag order on him to not talk about the poaching problems. After Jackson filed a complaint with the Office of Special Counsel in Washington, the park service rescinded its action. But this year, Grassley said the retaliation may be continuing as Jackson has not been retained for the hunting season.

Jackson had been on patrol at Yellowstone National Park during the hunting season for the last several years. He is a 30-year veteran of the National Park Service.

"Mr. Jackson has an impressive record with the park service and the kind of experience and know-how needed to deter poaching," Grassley said. "When someone like him speaks up about unethical practices and gets sidelined and shut out, then there are a lot of questions for the National Park Service to answer. Mr. Jackson deserves those answers. I'm intent on stopping this kind of intimidation so other governments workers who are willing to speak up about problems are not deterred."

Grassley has been investigating law enforcement problems at the Interior Department during the last year. He said he hopes to see the secretary make reforms a top priority.

From PEER Executive Director Jeff Ruch: "Sen. Grassley's inquiry is a big red flag to Gale Norton -- she has law enforcement problem at Yellowstone, and her staff is retaliating against the few employees willing to speak up about it. PEER is grateful to Sen. Grassley for his support for Bob Jackson, who is is single-handedly responsible for documenting the growing dependence of the bears on elk carcasses left near illegal salt licks.

As the elk hunting season coincides with the period of greatest mortality to the Yellowstone grizzly, it is precisely the wrong time to take experienced rangers out of the backcountry. The Park Service's actions appear to confirm fears that the agency is willing to sacrifice wildlife within its custody to accomodate commercial interests."

A copy of Grassley's letter to Norton follows here:

October 15, 2002

The Honorable Gale A. Norton  
Secretary of the Interior  
849 C Street, NW  
Washington, DC 20240

Dear Secretary Norton,

I am writing to express my disappointment in the National Park Service for its decision not to reinstate Ranger Robert Jackson in patrol duties in Yellowstone National Park during the hunting season.

Mr. Jackson has worked as a ranger at Yellowstone National Park for 30 years, amassing an impressive reputation and record as an aggressive enforcer of the law with the special knowledge and skills to investigate and deter poaching and other illegal practices.

This year, it is my understanding that Mr. Jackson's supervisors chose not to select him to work through the end of the hunting season, a period he has worked for several years.

As the ranking member of the Judiciary Committee's Crime and Drugs Subcommittee, I am concerned about this decision for several reasons.

First, this appears to be retaliatory action against Mr. Jackson for his previous disclosures and last year's legal settlement, which was to Mr. Jackson's advantage.

The decision is also indicative of the National Park Service's anti-law enforcement culture, which eschews controversy to the point of neglecting security and enforcement.

Last, the National Park Service has shown itself unwilling or unable to justify the decision.

In the last several years, Mr. Jackson has worked in the back-country area of Yellowstone, or the "Thorofare," during hunting season and raised awareness about the use of "salts" to attract elks. This practice is not only unethical - and perhaps illegal - but also dangerous, as the dead elk attracted Grizzly Bears, an endangered species. The bears then became more dependent on humans for food, which endangers persons in the park and leads to more bears being shot. Mr. Jackson's reports on Grizzly Bear mortality are well-known.

Retaliatory Action

Mr. Jackson's enforcement efforts against poaching have brought negative publicity to

Yellowstone, the Park Service and even the Interior Department as a whole. Last year, his supervisors issued a gag order against him, told him he would not be rehired and took other retaliatory action.

Mr. Jackson through an attorney filed a complaint with the Office of Special Counsel. Fortunately, National Park Service officials in Washington intervened and settled the case. As part of the settlement, Mr. Jackson's record was expunged of the negative personnel information planted against him, the gag order was lifted and he was promised a position as a ranger this year.

This settlement was viewed by some as an admission by the National Park Service that local officials had gone too far and taken unlawful retaliatory action against Mr. Jackson. Mr. Jackson and his attorney report to my staff that at least one local supervisor has exhibited animosity toward Mr. Jackson since the settlement was announced.

On September 30, I wrote to National Park Service Director Fran Mainella requesting that she consider ordering Mr. Jackson reinstated or, if he is not to be reinstated, that she answer several questions about the decision. I asked that the answers be provided by Friday, October 4. A reply did not arrive until October 7, and it was woefully incomplete.

I can conclude from this only that National Park Service officials are unwilling to provide an explanation for their decisions, or they are unable, meaning it was very likely an arbitrary action.

Cultural Bias Against Security And Enforcement

Getting rid of Mr. Jackson serves the interests of park supervisory officials who wish to avoid high-profile conflicts with poachers and negative media attention. Mr. Jackson has proved himself to have unique skills and knowledge of the back-country area where poaching is known to take place. I understand that he even has developed a reputation among poachers, so that when they know he is on duty, they stay away.

As you know, I have followed with interest your laudable efforts to reform the Interior Department's law enforcement functions. I know this is not an easy task, as an array of entrenched bureaucrats oppose the new emphasis on security, despite the September 11, 2001, attacks and the continuing terrorist risk facing this country.

While Mr. Jackson was not guarding a critical infrastructure, he was carrying out an aggressive law enforcement function against illegal poachers who put both endangered species and other humans at risk. Such efforts should be applauded and enhanced, not diminished and sabotaged.

The National Park Service all but admits that law enforcement is not a priority in its response to me. Director Mainella wrote that seasonal rangers are only assigned to the "frontcountry duties," where there is no hunting, this year, with one exception of a seasonal ranger receiving one week of back-country training.

In addition, Director Mainella wrote that "permanent, GS-9, career law enforcement officers, not seasonal employees," will patrol the back-country this fall. However, she did not provide the number of rangers and whether it is sufficient to enforce the law.

No Justification

I asked four basic questions (see attachment) of Director Mainella in an attempt to have National Park Service officials account for their actions regarding Mr. Jackson. The answers should have been readily available if the decision not to retain Mr. Jackson was based on objective standards.

The response from the National Park Service did not address those questions directly, except to claim that Mr. Jackson was treated the same as other seasonal rangers.

At this point in the season, it may be too late to reinstate Mr. Jackson, who has already left Yellowstone for his home. However, I would appreciate a pledge from you that Mr. Jackson next year will be able to continue his duties through the hunting season without retaliation or interference.

Also, I ask that you ensure the National Park Service completely answers the questions I posed in my September 30 letter. Also, Director Mainella's response raises new questions. I ask that you answer these or have the National Park Service answer them.

For example, she writes that this fall, only permanent career law enforcement officers, and not seasonal employees, are patrolling the back-country where poaching is known to



occur. It is my understanding that this is a new practice. In your reply, please answer whether this is a change in policy or is a different practice from previous years. If it is different as I suspect, please state why the change was made for this fall. Also, please provide the number of permanent career law enforcement officers/rangers patrolling the back-country this fall.

Also, please state the reason why seasonal rangers were only assigned to frontcountry duties (with the one minor exception) and not to back-country duties. Was this due to a funding problem? Was this based on a new policy?

I would appreciate a response to all of these questions by Monday, November 18, 2002.

Thank you for your cooperation in my ongoing oversight efforts and in this regard. If you or your staff have any questions, feel free to contact John Drake of my staff at (202) 224-5315.

Sincerely,  
Chuck Grassley  
Ranking Member  
Subcommittee on Crime and Drugs

cc: The Honorable Fran Mainella  
Director  
National Park Service', '', 'NPS', 8);

INSERT INTO news VALUES (196, '2002-10-16', 'FIERCE BATTLE TO KEEP CROSS IN NATIONAL PARK', 'Ashcroft & Bush Administration Argue for Faith-Based Parks', '<p>Washington, DC - In a last ditch effort to circumvent a federal court order, the Bush Administration is backing a legislative land exchange that would retain a cross in the center of the Mojave National Preserve in private hands. On July 23, a federal district court in Riverside, California ordered the removal of a large white cross from atop a prominent hill on Preserve lands by granting a motion for summary judgment in an ACLU lawsuit brought by Frank Buono, a Board member of Public Employees for Environmental Responsibility (PEER).</p><p>A massive public lands bill introduced last week in the House of Representatives (HR 5569) included a provision ordering the exchange of one acre of land containing the cross for private tracts. The bill, which includes provisions from approximately 100 separate bills, would redraw park boundaries to withdraw the one-acre parcel from the National Park system. HR 5569 conditions the exchange on the continued maintenance of the cross.</p><p>Less than three months ago, the district court found that the cross, erected on federal land, violated the First Amendment's Establishment Clause and permanently enjoined the Park Service from permitting the display of the cross in the area of Sunrise Rock in the middle of Mojave National Preserve.</p><p>This latest legislative maneuver follows on the heels of other attempts to preserve the cross:</p><p>Ø Enactment of a legislative rider in 2001 forbidding use of federal funds to remove the five foot cross from federal lands;</p><p>Ø A provision in the FY 2002 Defense Appropriation Act declaring the cross a national memorial and appropriating \$10,000 to erect a commemorative plaque (making it the first religious symbol to be declared a national memorial); and</p><p>Ø Religiously conservative Attorney General John Ashcroft's Justice Department has vigorously contested the Buono suit and is now facing a deadline for appeal.</p></DIR></DIR> <p>"The Bush Administrations attempts to promote Christianity are both offensive and unconstitutional," stated Frank Buono, a former deputy Superintendent at Mojave. "This petty and transparent ploy shows a fundamental disrespect for the stewardship of lands belonging to all Americans, regardless of faith."</p><strong> <p align="center">###</p></strong> <p align="center">A copy of the complaint, Buono v. Norton, is available at </p><p align="center"><a href="http://www.aclu-sc.org/news/releases/20010322mojave.shtml">http://www.aclu-sc.org/news/releases/20010322mojave.shtml</a></p>', '', 'NPS', 2);

INSERT INTO news VALUES (197, '2002-10-23', 'SCALIA MOVES TO UNDERCUT WHISTLEBLOWER PROTECTIONS', 'New Labor Solicitor Intervenes Against Justice Whistleblower', '<p>Washington, DC - In an unprecedented move, Eugene Scalia, the Solicitor for the US Department of Labor, has intervened in an appeal before

his department to argue that whistleblower protections should be narrowed. Scalia has filed a brief seeking to overturn a \$200,000 punitive damages award won by an Assistant US Attorney in a whistleblower case against the Department of Justice.

The whistleblowing prosecutor Greg Sasse from Northern Ohio cited retaliation for reporting irregularities in pollution prosecutions to a member of Congress. In Scalia's brief, released today by Public Employees for Environmental Responsibility (PEER), the controversial son of the Supreme Court Justice whose recess appointment by President Bush circumvented strong Senate opposition to his confirmation, argues -

Government whistleblowers are not protected in disclosing to Congress.

Scalia attempts to revive President Bush's ill-fated attempt to limit protections in the recently signed Corporate Accountability Act (Sarbanes/Oxley) by arguing that only reports to duly authorized congressional committee investigations, not reports to individual members of Congress are protected under Department of Labor (DOL) administered whistleblower statutes. In so doing, Scalia is adopting a position that has even been abandoned by the White House (see <http://grassley.senate.gov/releases/2002/p02r8-01.htm>).

DOJ is constitutionally "immune" from whistleblower claims by federal prosecutors.

According to Scalia, prosecutors can never be whistleblowers on matters within the umbrella of prosecutorial discretion. Further, Scalia argues that "separation of powers" considerations place federal prosecutors beyond the reach of any judicial power, leaving prosecutors with no remedy for retaliation incurred by seeking environmental prosecution of politically-connected industries, disclosing information about attempts to obstruct investigations or prosecutions, or reporting environmental violations to EPA or other investigative agencies.

Punitive damages against the federal government are barred by sovereign immunity.

This stance would insulate the federal government from serious sanctions for outrageous conduct.

"This brief confirms Scalia's critics worst fears about his fitness for office," stated PEER Executive Director Jeff Ruch whose organization represents whistleblowers inside environmental agencies. "The nation's top labor law enforcement officer is seeking to weaken the very laws he is charged with enforcing; laws designed to protect the public health by ensuring anti-pollution rules are obeyed."

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[Read the amicus brief.](http://www.dol.gov/scalia_amicus_brief.pdf)

'DOL', '');

INSERT INTO news VALUES (198, '2002-10-28', 'KLAMATH RIVER WATER LEVELS SET UNDER POLITICAL PRESSURE', 'Congressional Leaders Call for Hearings, Whistleblower Protection', '<p>Washington, DC - The scientific determination of water levels needed to support threatened coho salmon in the Klamath River was changed without any biological analysis in violation of the Endangered Species Act, according to documents released today by Public Employees for Environmental Responsibility (PEER).The documents are part of a whistleblower disclosure filed today by National Marine Fisheries Service (NMFS) fisheries biologist Michael Kelly with the U.S. Office of Special Counsel.</p><p>The conclusion of a draft biological opinion prepared by a NMFS team in April 2002 was abruptly altered at the behest of Bureau of Reclamation officials. The alterations lowered the minimal instream flow levels below what the fisheries scientists believed necessary for the survival of coho salmon in the Klamath River. Coho salmon are classified as a threatened species under the Endangered Species Act.</p><p>According to Kelly's disclosure, the changes were undertaken without any of the required biological analyses and directly contrary to the legal duty to use "the best available science."Recommended flows were cut by nearly one half with the balance supposedly addressed by the formation of a "multi-agency

task force/working group."</p><p>"Political pressure perverted the process, producing a biologically unsupported decision," stated California PEER Director Karen Schambach."The actions of the top officials in both NMFS and the Bureau of Reclamation can only be called a violation of the public trust."</p><p>Kelly had served as the technical lead on the team developing the recommended flows but requested to be relieved of the position once it became clear the team was being ordered to accept the Bureau of Reclamation's changes.</p><p>"The idea that politics would ride roughshod over sound science is insulting to every American," commented Senator John Kerry, who chairs the Senate's Oceans and Fisheries Subcommittee. "Citizens need to know that government is accountable to their interests, not ideological agendas. What Michael Kelly says happened regarding the Klamath River has shaken that pillar of the system. He has shown the courage of his convictions -- he's a hero, but I fear that like too many whistleblowers he's going to be under even greater pressure from the politicians who didn't want him to tell the truth in the first place. I'll be watching to make sure he's not punished for his act of courage, just as we'll monitor the NOAA investigation to ensure these allegations are explored and there's accountability for citizens."</p><p>Under the Whistleblower Protection Act, if the Office of Special Counsel determines that Kelly's disclosure has a "substantial likelihood" of demonstrating violations of law, abuse of authority or gross mismanagement it will oversee an investigation into the charges.</p><p>"These are alarming allegations that require a full investigation before a congressional panel," said Congressman Mike Thompson (D-CA).If true, the administration must be held fully responsible. We are 6 months into the administration's 10-year water plan and the result is over 30,000 dead salmon. This catastrophe has cost California's North Coast communities at least \$4 million in damages this year, and is expected to cost tens of millions for years to come."</p><p>Read the <a href="<?php print \$cfg->docsdire;/noaa/klamathbefore.pdf">April 1st draft</a> and the <a href="<?php print \$cfg->docsdire;/noaa/klamathafter.pdf">April 17th draft</a> biological opinion.</p><p>Read the <a href="http://swr.nmfs.noaa.gov/psd/klamath/KpopBO2002finalMay31.PDF">final biological opinion.</a><p align="center"><a href="<?php print \$cfg->docsdire;/noaa/kellynarrative.pdf">Narrative Statement of Michael S. Kelly, Fishery Biologist</a></p>', 'CA', 'NOAA', 0);

INSERT INTO news VALUES (199, '2002-11-29', 'BACK DOOR TRADING OF POLLUTION CREDITS SLATED FOR LOUISIANA', 'EPA Staff Protests Ignored', '<p>Washington, DC - Brushing aside the criticism of its own staff experts, the US Environmental Protection Agency (EPA) has approved a new form of "interpollutant" credit trading designed to bypass New Source Review, according to internal documents released today by Public Employees for Environmental Responsibility (PEER).The plan allows Louisiana oil and chemical companies to emit more carcinogenic and other hazardous chemicals in return for cutting less dangerous nitrogen oxide emissions.</p><p>According to internal EPA documents, staff protests that the plan violates agency guidelines are being overridden. One memo decries "levels of obfuscation that would make an Enron attorney proud." Among the deficiencies cited by staff are - <p><p>Failure to ensure that trades will result in net reductions in pollution; </p><p>Absence of safeguards to prevent double-counting and other illegitimate trades; and </p><p>Inability of state authorities to reliably monitor industry exchanges.</p><p>Another concern is that increased emissions of hazardous air pollutants will be concentrated in the predominantly African-American lower Mississippi Basin that already suffers from high pollution. EPA staff contends that this aspect of the plan violates agency environmental justice policies.</p><p>EPA's action coincides with rising congressional consternation about abandoning New Source Review, a process that ensures changes in plant operations are subject to state-of-the-art emission

controls. Louisiana\'s "interpollutant" trading plan also surfaces just as agency efforts to promote "open market trading" of air pollution credits are crumbling and less than a month after EPA\'s own Office of Inspector General slammed lack of controls and enforcement to prevent abuse in early trading schemes.</p><p>"This plan means people in the Baton Rouge air basin will be forced to inhale additional tons of hazardous chemicals unleavened by any meaningful mitigation," commented PEER Executive Director Jeff Ruch whose organization represents whistleblowers inside EPA."Despite an overwhelming case for additional safeguards, EPA proposes to place more reliance on a Louisiana emissions bank that has never been audited and overseen by a state agency with one of the worst enforcement records in the country."</p><p><strong>### <p>Read internal EPA critiques of the Louisiana plan:</p><p><a href="<?php print \$cfg->docsdire;?>/epa/airtrade\_email1.pdf">E-mail 1</a><br /> <a href="<?php print \$cfg->docsdire;?>/epa/epa\_letter.pdf">Letter from EPA</a><br /> <a href="<?php print \$cfg->docsdire;?>/epa/airtrade\_email2.pdf">E-mail 2</a></p>', 'LA', 'EPA', 0);

INSERT INTO news VALUES (200, '2002-11-12', 'L.A. AIR POLLUTION TRADING GETS LOW MARKS FROM EPA', 'Report Dampens President\'s "Clear Skies" Projections', '<p>Washington, DC - The prototype for President Bush\'s plan to revamp air pollution regulation is performing substantially below expectations, requires more government involvement and remains critically vulnerable to industry manipulation, according to a new U.S. Environmental Protection Agency (EPA) evaluation. The evaluation\'s findings undercut the premises behind new initiatives touted by the Administration, according to PEER.</p><p>The South Coast Air Quality Management District in California started the Regional Clean Air Incentives Market (RECLAIM) in 1993.It is regarded as the nation\'s premier cap-and-trade program for reducing nitrogen oxides and sulfur dioxides. President Bush\'s "Clear Skies" plan would expand this type of cap-and-trade authority as the replacement for the oldest and most effective of Clean Air Act programs for the utility sector - new source review (NSR).Similarly, under proposed Administration "reforms," much of NSR would be replaced with "caps" in the form of "plant-wide applicability limits."</p><p>EPA\'s evaluation of RECLAIM finds that cap-and-trade is far from a pollution panacea: </p><p>The program has produced far less emission reductions than were either projected for the program or could have been expected from" the command-and-control system it replaced; </p><p>The program has been plagued by accounting abuses. For example, RECLAIM set caps that backdated the baseline emissions currency by about 60% above real emission levels. RECLAIM inflated baseline procedures - setting future caps based on emissions levels from 5 to 10 years in the past - are also a key feature of the Administration\'s NSR "reforms"; and </p><p>RECLAIM, like most of the new trading programs, cannot rely upon market incentives to ensure program integrity. Contrary to the either-or scenario put forth by the Administration, the EPA evaluation shows that cap-and-trade actually works well in conjunction with NSR.</p><p>"Despite this latest in a series of negative reports, EPA is moving full steam ahead to embrace trading without addressing any of the safeguards needed to protect public health," commented PEER Executive Director Jeff Ruch."The central irony is that these market-based plans require more government oversight, not less, in order to work."</p> <P align=center><strong>### <P align=center>EPA\'s Evaluation of RECLAIM can be found at <a href="http://www.epa.gov/region09">http://www.epa.gov/region09</a>.</p> <P align=center>Click here for a <a href="<?php print \$cfg->webroot;?>/docs/epa/TradingBackground.php">background sheet</a> describing the relationship between RECLAIM, trading and NSR revisions.</p>', 'CA', 'EPA', 0);

INSERT INTO news VALUES (201, '2002-11-13', 'CORPS ISSUES GAG ORDER TO SERVICE TO AMERICA MEDAL WINNER', 'Whistleblower Told He Cannot Discuss Corps Projects

on Own Time', '<p>Washington, DC - The U.S. Army Corps of Engineers is threatening disciplinary action against one of its economists for answering media "questions concerning any past, present or future projects," according to an e-mail released today by Public Employees for Environmental Responsibility (PEER).The directive was issued to Dr. Donald Sweeney in connection with his being awarded a "Service to America Medal" for exposing the Corps\' manipulation of economic studies to justify building unneeded large-scale projects on the Mississippi River.</p><p>The Service to America Medal is a newly created award sponsored by the Partnership for Public Service and Government Executive to honor extraordinary acts or achievement by career civil servants. Dr. Sweeney received the medal and a \$3,000 honorarium last night at a black tie gala featuring White House Chief of Staff Andrew Card. Despite high-level participation by Bush Administration officials, the Corps of Engineers has ordered Dr. Sweeney not to comment on any of the events leading to his award.</p><p>"This gag order illustrates how corrupt and out-of-control the Corps has become," stated PEER Executive Director Jeff Ruch whose organization provides legal representation for Dr. Sweeney and nominated him for the award. "Although Don Sweeney is being honored for service to America, his own agency treats him like a prisoner-of-war - allowed to reveal only his name, rank and serial number."</p><p>In a Nov. 7 conference call between Ruch and Corps lawyers, Mississippi Valley Division Counsel Annette Kuz contended Dr. Sweeney\'s comments about his own case would be "disruptive" to the agency and the basis for disciplinary action against him. Dr. Sweeney informed the Corps he would attend the event on his own time and planned to speak as a private citizen. Dr. Sweeney has decided to disregard the gag order.</p><p>In February of 2000, Dr. Sweeney filed a disclosure with the U.S. Office of Special Counsel detailing efforts by top Corps commanders to "cook the books" on economic studies. His allegations were validated in a Pentagon investigation and review by the National Academy of Sciences. Two Corps generals and a colonel were disciplined. </p><p>Despite the furor, the project, reconstruction of the lock system for the Upper Mississippi River-Illinois Waterway (second in cost only to restoration of the Everglades), is now proceeding without incorporating any of the Dr. Sweeney\'s critiques. At the same time, the issues Dr. Sweeney raised are central to an ongoing congressional debate about the need to reform Corps civil works planning.</p><p align="center"> <a href="<?php print \$cfg->docmdir;?>/ace/sweeneygagorder.pdf">Read the gag order.</a></p>', '', 'A', 0);

INSERT INTO news VALUES (202, '2002-11-14', 'HOW-TO GUIDE FOR PUBLIC EMPLOYEES EXPOSING PROBLEMS', 'Support Groups Warn: Anonymous Whistleblowing Safer', '<p>"The Art of Anonymous Activism gives us the tools and guidance necessary to \'make noise\' in defense of our fellow citizens while protecting ourselves from harm."--Frank Serpico in forward to the book </p><p>Three national nonprofits have joined forces to help public employees who blow the whistle on waste, fraud, or abuse by releasing a how-to manual, "The Art of Anonymous Activism: Serving the Public While Surviving Public Service." Citing the increased dangers of whistleblowing, the support groups hope the guide will allow more public employees to come forward while avoiding retaliation from agencies seeking to hide their foibles and corruption.</p><p>The announcement comes as one of the most widely-regarded government whistleblowers, Dr. Don Sweeney of the Army Corps of Engineers, has been gagged by his agency from speaking to the public, even on his own personal time. In 2000 and 2001, Sweeney exposed deliberate efforts by the Army Corps to manipulate cost/benefit studies in order to exaggerate the need for massive new agency projects.</p><p>"By using these tried and true strategies in our manual, public employees can make an enormous difference but can also work anonymously and safely if they choose," said co-author Jeff Ruch, Executive Director of PEER.</p><p>According to government surveys taken since 1992, one in fourteen federal employees reported being

retaliated against in the previous two years for making disclosures concerning health and safety dangers, unlawful behavior, and/or fraud, waste, and abuse. Other surveys suggest that many public employees simply do not report problems because they think efforts to expose the problems will not lead to improvements.

According to Tom Devine, Legal Director of the Government Accountability Project (GAP), judicial rollbacks have severely impacted federal whistleblower protections: "Today federal employees no longer have credible protections from being fired or harassed when they blow the whistle." Protections for state employees vary depending on state law.

Ultimately, working through intermediaries may be the best route for some. "The best way for whistleblowers to impact public policy is to get information out to the public while maintaining their anonymity, letting non-governmental actors like nonprofits and journalists serve on the front lines. Government agencies often successfully deflect attention from the policy failures being exposed by attacking the credibility of publicly identified whistleblowers," said Danielle Brian, Executive Director of the Project On Government Oversight (POGO).

Copies of the guide can be purchased for \$10 from PEER, GAP or POGO or [print \\$cfg-webroot;?>/pubs/books\\_guide.php](#) ordered online [print \\$cfg-webroot;?>/pubs/books\\_guide.php](#), '', 'ACE', 0);

INSERT INTO news VALUES (203, '2002-11-19', 'DINOSAUR MONUMENT ELIMINATES FOSSIL PROGRAM', 'Scientists Lambast Bonehead Move by New Superintendent', '

Established in 1915 in order to preserve and study an extraordinary trove of dinosaur bones, until recently the Dinosaur National Monument boasted one of the world\'s premiere paleontology research programs. On October 3, after only eight months on the job, Superintendent Chas Cartwright announced a reorganization to eliminate all remaining positions in the park\'s paleontology department. Based upon a stated desire to shift away from "in-house research," this surprising move came despite:

A slight overall budget increase for the park;

Creation of a new personal secretary position for the superintendent, while adding an auto mechanic and new park ranger to the staff;

Hiring a new wildlife biologist, range ecologist and mapping specialist while retaining current botanist and archaeologist positions.

Leading researchers from American and international institutions have written National Park Service Director Fran Mainella to express strong opposition. The scientists are particularly scornful of Superintendent Cartwright\'s plan to persuade universities or other private partners to fund and operate the paleontology program.

"Superintendent Cartwright needs to have his head examined for putting this idea forward," commented PEER Executive Director Jeff Ruch whose organization represents Park Service scientists."The current researchers bring in significant grant funding and supervise an extensive volunteer program, all of which will be lost when the Dinosaur National Monument drops its paleontology program."

The "paleo" research program at Dinosaur has hosted an array of international symposia and published more than 150 scientific and popular papers. Utah Senator Robert Bennett is proposing the construction of a new \$6 million paleontology laboratory and collections complex.

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[print \\$cfg-docsdir;?>/nps/dino\\_univ\\_wyo.pdf](#)>University of Wyoming scientists\' letters of protest

[print \\$cfg-docsdir;?>/nps/dino\\_aust\\_letter.pdf](#)>Australian scientists\' letters of protest

[print \\$cfg-docsdir;?>/nps/dino\\_rep.schiff.pdf](#)>Letter to Rep. Adam Schiff

[Superintendent Cartwright's reorganization plan](http://www.nps.gov/dino_reorg_plan.pdf)

[Form letter reponse from Superintendent Cartwright](http://www.nps.gov/dino_form_letter.pdf)

[PEER letter to NPS Director Fran Mainella](http://www.nps.gov/dino_letter_to_mainella.pdf)

INSERT INTO news VALUES (204, '2002-11-25', 'LEFTOVER WEAPONS ON MILITARY SITES REQUIRE "LARGEST ENVIRONMENTAL CLEANUP" IN HISTORY', 'Area Larger Than the State of Florida Contaminated', '

Washington, DC - The public health and environmental consequences from bombs, chemical and biological weapons buried on abandoned and converted defense sites in the US are much larger than previously reported. According to EPA documents released today by PEER, a cumulative area larger than the State of Florida is contaminated. Shoddy military cleanups in violation of regulatory standards, poor or nonexistent records and the reluctance of Pentagon authorities to take responsibility for problems all serve to compound the risks.

According to one document, [a staff briefing paper for recently confirmed EPA enforcement director John Suarez](http://www.epa.gov/uxobrief_to_JP_Suarez.pdf), cleanup of the old military ranges "has the potential to be the largest environmental cleanup program ever to be implemented in the United States":

There are an estimated 16,000 military ranges containing unexploded ordnance contaminating up to 40 million acres of land, an area larger than Florida;

Many of these sites have already been converted to civilian uses; and

Defense Department cleanups violate both civilian and Pentagon regulations and are plagued by "ill-advised short cuts to limit costs."

An EPA survey of closed or transferred ranges reveals:

**More than half of the surveyed sites "indicated that chemical or biological weapons were found or suspected on their ranges."**

Despite conversion of many sites to housing, parks or other civilian uses, nearly half of the sites lack fencing, warning signs or other "institutional controls" to protect the public from unexploded munitions. EPA staff noted "38 public encounters" with grenades, mortars, shells and other buried weapons.

The military services commonly use open burning and open detonation "to rid ranges of both used and unused munitions" but the services obtained proper environmental permits only one-third of the time.

"The true magnitude of this unfolding ecological disaster is masked by the Pentagon's unwillingness to complete a reliable inventory or adopt credible cleanup rules," stated PEER Executive Director Jeff Ruch, whose organization opposed this year's attempt by the Pentagon to exempt itself from an array of hazardous waste and anti-pollution laws. "After inflicting the largest ecological cleanup bill in history on the American taxpayer, characteristically, no one at the Pentagon will stand up and take responsibility for this mess."

Damning as these findings are, EPA [removed even more scathing conclusions](http://www.epa.gov/excised_UXO.pdf) under pressure from the Pentagon, which funded the survey and also finances EPA's Federal Facilities Restoration and Reuse Office (putting EPA in the position of having to decide whether to prosecute its funder). Removed from the survey are the following:

"The ranges in this survey pose potentially significant threats to human health and the environment. Although most ranges are in rural or remote areas or near small towns, there are residences within close proximity to most of the ranges. In addition, 33 percent are on or near surface water, wetlands or floodplains, thus potentially exposing ecological receptors and making cleanup more difficult."

"DoD often does not adhere to the requirements of applicable statutes or regulations [citations omitted]. DoD's use of modified or inconsistent interpretations of the applicable statute or regulation results in many UXO [unexploded ordnance]-contaminated areas not being investigated or, when discovered, not being

addressed..."</p><p>"EPA, other regulators, and all non-DoD parties have strong concerns regarding CTT [closed, transferred or transferring] ranges where significant amounts of UXO remain and the property is already being used for a wide variety of land uses (other than a military range). The expected future use of over half the ranges in this survey is residential."</p><p>In addition, EPA also found weapons contamination in one-fifth of surveyed ranges at off-range locations. One excised portion of the EPA survey states, "Anecdotal evidence suggests DoD is often reluctant to investigate off-range areas."</p><p><strong>### <p><a href="<?php print \$cfg->webroot;?>/docs/epa/EPA\_Draft\_UXO\_Report.pdf">The never-released EPA Interim Report (April 2000)</a></p><p><a href="<?php print \$cfg->webroot;?>/docs/epa/EPA\_Final\_UXO\_Report.pdf">The final EPA survey,</a> "Used or Fired Munitions and Unexploded Ordnance at Closed, Transferred and Transferring Military Ranges " (September 2000)</p><p><a href="<?php print \$cfg->webroot;?>/docs/epa/excised\_UXO.pdf">Read the portions excised from the EPA Interim Report</a> </p>', '', 'EPA', 0);

INSERT INTO news VALUES (205, '2002-11-25', 'CORZINE CALLS FOR HEARINGS ON HAZARDOUS CONTAMINANTS', 'Cites Recent Reports Noting Threat from Inactive Military Ranges', '<p>Washington, DC -- United States Senator Jon S. Corzine (D-NJ) today called on incoming chairman of the Senate Committee on the Environment and Public Works, Senator James M. Inhofe (R-OK), to hold hearings on the cleanup of hazardous materials on military ranges around the country. Senator Corzine\'s request came in response to the release of EPA documents indicating that federal authorities are failing to adequately clean up hazardous materials including chemical and biological weapons at those sites.</p><p>"It is government\'s responsibility to examine the status of these cleanups and to ensure that they proceed quickly and safely," said Senator Corzine. "I am concerned about reports that the Army Corps of Engineers and other federal agencies have not responded appropriately to this serious threat. There is no excuse for taking shortcuts when it comes to protecting the health and safety of Americans from hazardous environmental risks."</p><p>According to recent reports, unexploded munitions at the nation\'s 16,000 inactive military ranges may pose a far more serious threat to public health than previously believed. EPA documents suggest that chemical and biological weapons may be present on many of these sites and that the federal government is failing to meet its cleanup obligations under the law.</p><p>The EPA documents mention Former Raritan Arsenal, Naval Weapons Station Earle and Picattiny Arsenal as military bases in New Jersey containing military ranges needing cleanup.</p><p>-----</p><p>Letter from Sen. Corzine:</p><p>Senator James M. Inhofe</p><p>453 Russell Senate Office Building</p><p>Washington, DC 20510</p><p>Dear Senator Inhofe:</p><p>I want to congratulate you on your upcoming chairmanship of the Senate Environment and Public Works Committee. I look forward to working with you in the 108th Congress.</p><p>In that regard, I am writing today to request that you hold hearings early next year to examine the issue of hazardous contamination at inactive military ranges. According to recent reports, unexploded munitions at the nation\'s 16,000 inactive military ranges may pose a far more serious threat to public health than previously believed. For example, EPA documents have come to light that suggest that chemical and biological weapons may be present on many of these sites. Furthermore, recently released documents suggest that the federal government is not meeting its cleanup obligations under the law.</p><p>I am extremely concerned about these reports, and believe that prompt hearings are in order. The Environment and Public Works Committee should gather evidence about the extent and nature of contamination at inactive U.S. military ranges. More importantly, the Committee should examine whether the federal government is meeting its obligation to protect Americans from exposure to hazardous contaminants at these ranges by cleaning them up in



accordance with the law.</p><p>Thank you for your attention to this matter.</p><p>Sincerely,</p><p>JON S. CORZINE</p><p>United States Senator</p><p align="center">###</p>', '', 'EPA', 0);

INSERT INTO news VALUES (206, '2002-12-03', 'LAWSUIT FILED TO BLOCK YELLOWSTONE SNOWMOBILE DECISION', 'Environmental Organizations File', '<p>Washington, DC - A coalition of employee and environmental organizations filed suit today to prevent the Bush Administration from delaying a phase-out of snowmobile use in Yellowstone National Park. Public Employees for Environmental Responsibility (PEER) joins the Fund for Animals, the Bluewater Network and others to file the suit in U.S. District Court to block a Bush administration rule, issued November 18, that would prevent changes to snowmobile usage in the Park.</p><p>The groups argue that snowmobiles endanger the health of the Yellowstone staff that work at the entrances with huge numbers of entering snowmobiles. For example, through December 27-31 of last year, 4,797 snowmobiles entered the park through the West entrance. The employees inhale gasoline fumes while performing their required duties and Park Rangers have long complained of experiencing nausea, headaches, dizziness, and hearing loss when working near snowmobiles. A study completed by the Occupational Safety and Health Administration (OSHA) found that the workers were subjected to unacceptable levels of snowmobile pollution and noise. Every year, carbon monoxide levels from snowmobile use in Yellowstone have exceeded federal air quality standards. </p><p>In addition, the suit argues that snowmobiles have adverse impacts on air and water quality and wildlife in Yellowstone, including endangered and threatened species such as grizzly bears, gray wolves, Canada lynx, and bald eagles. According to Park Service Documents, the 80,000 snowmobiles in Yellowstone each winter produce more total air pollution than the cars and trucks used by the three million other visitors to the park and the roar of snowmobiles can be heard as much as 95 percent of the time in the park\'s most popular spots.</p><p>By moving to keep snowmobiles in Yellowstone, the Bush administration has ignored the overwhelming number of public comments calling on a phase out of snowmobiles from the park. In the last comment period, 80 percent of the 360,000 emails and letters received by the Park Service favored a ban on snowmobiles.</p><p>The presence of snowmobiles will further strain the Park\'s cash-strapped budget by paying for the respirators that protect workers from exhaust, outfitting employees with hearing protection devices, and redesigning entrance stations to pump clean air.</p><p>"The Administration is sacrificing the health of the Yellowstone employees to pander to the snowmobile industry," commented Rocky Mountain PEER Director Chandra Rosenthal. "PEER believes that the well-being of park employees is essential to the well-being of the park."</p> <P align=center>###</p><p><a href="<?php print \$cfg->pressdir;?>/02\_1130\_NEPA\_Complaint\_Yellowstone.pdf">Download a copy of the 34-page complaint.</a> <P align=center><a href="<?php print \$cfg->docsdir;?>/nps/Yellowstone\_snowmobile\_comments.pdf">Read PEER\'s comments.</a></p>', '', 'NPS', 0);

INSERT INTO news VALUES (207, '2002-12-04', 'ARMY CORPS ENDS YEAR WITH HALF BILLION DOLLAR BUDGET SURPLUS', 'Carryover Belies Claims of Insufficient Funding', '<p>Washington, DC - Despite a declared budget emergency, the U.S. Army Corps of Engineers ended Fiscal Year 2002 with a greater than half billion dollar surplus, according to agency documents released today by Public Employees for Environmental Responsibility (PEER). Contrary to claims that it was underfunded, the Corps was unable to spend more than \$530 million in appropriated funds, approximately one-eighth of its entire civil works budget.</p><p>In a widely distributed October 11 e-mail, Donald Basham, the Management Director for the Corps\' Mississippi Valley Division admonished his colleagues:</p><p>"Ladies and Gentlemen as you can see from the attached table the Corps

carried over a \$.5 Billion, yes that\'s with a "B"... While some of this is fenced and or politically sensitive the vast majority is not... </p><p>Our Goal this year should be to effectively expend every dollar given to us in providing the best service to the people of the valley. Additionally, we should look to bring into the valley a significant portion of the \$.5B in carryover.</p><p>Basham goes on to say: </p><p>...the point is we failed to execute the program we promised the people of the valley we would deliver...I am personally embarrassed by our performance in this program."</p><p>"Even when it supposed to be on a diet, the Corps is choking on the excess pork Congress left on the table," stated PEER Executive Director Jeff Ruch whose organization represents Corps employees concerned about the need to reform the agency."On one hand, President Bush vetoes a full pay raise for federal employees due to a fiscal emergency and on the other hand the Corps has to invent ways to spend money faster."</p><p>Earlier this year, the White House fired Army Assistant Secretary Mike Parker for publicly disparaging funding levels proposed by the Administration for the Corps. Also this year, for the first time in nearly two decades, Congress blocked authorization for new projects because of the Corps\' continuing resistance to reform.</p><p>An Army Audit Agency review found the corps had been using inappropriate accrual methods in it FY 01 budget. Consequently, the Corps was forced to end accounting practices that had allowed it to hide carryover balances. While all Corps Divisions showed surpluses, overages varied widely by region. For example, the Corps Northwestern Division spent nearly 95 percent of its appropriation for the year while the Pacific Ocean Division (Alaska, Hawaii and Japan) was able to use less than 60 percent of funds available.</p><p><strong>### <p><a href="<?php print \$cfg->docsdire;?>/ace/ACE\_email\_unspent.pdf">Read the full text of the Basham e-mail</a> </p>', '', 'ACE', 0);

INSERT INTO news VALUES (208, '2002-12-04', 'JUNKYARD OWNER THREATENING STATE INSPECTORS', 'Employee Group Asks DA to Take Action', '<p>Turner, ME - The owner of a junkyard on the Nezinscot River illegally threatened Department of Environmental Protection inspectors with violence, according to a petition filed today by Maine PEER.The organization is asking the Androscoggin County District Attorney to initiate a criminal investigation into the matter. </p><p>DEP investigators have been reluctant to examine pollution and wetlands violations on the site because its owner,Eugene Jordan, repeatedly threatens to shoot state employees who enter his property. In a July, 2001 memo obtained by Maine PEER, one DEP officer wrote, "I am reluctant to act on this one out of concern for my personal safety . . .Mr. Jordan likes to waive a gun around. I am not interested in getting in his vicinity even with law enforcement as an escort."</p><p>Maine statutes prohibit the obstruction of government duties though the use of "force, violence or intimidation," but a file search conducted by PEER turned up no evidence that the state ever pursued criminal charges against Jordan. </p><p>For years, neighbors have complained that the junkyard has been allowed to contaminate the Nezinscot River with gasoline and the and surrounding wetlands with antifreeze and petroleum. The junkyard is in neighborhood zoned for residential homes, yet municipal officials have continually tolerated dozens of cars and parts leeching pollution into the aquifer, even though these operations violate local zoning laws.</p><p>Last year, when Jordan finally permitted state inspectors onto his property, the investigation led to the removal of 1,137 tons of soil at a cost of more than \$150,000 to Maine taxpayers. DEP has declined to bill Jordan for the cleanup, and the only follow-up investigation this year was rushed, turning up little evidence of violation. DEP internal memos indicate that employees feared taking enforcement action against Jordan at all. As one complained, "It is feared that any DEP action that unduly upsets him may cost us his cooperation. There is concern for the safety of DEP staff and contractors if his cooperation is lost."</p><p>"We can\'t selectively enforce the law just to

appease bullies," stated Maine PEER Director Tim Caverly, whose organization has also documented enforcement discrepancies within the state\'s Department of Conservation and Land Use Regulatory Commission."This is not the Wild West and no property owner has the right to pollute the public\'s waters."</p><p>The Nezinscot River is listed as a "wetland of special significance" under Maine law. </p><p>### </p><p><a href="<?php print \$cfg->docsdire;?>/me/jordan\_chron.pdf">A timeline of events</a></p>', 'ME', '', 0);

INSERT INTO news VALUES (209, '2002-12-16', 'GROUPS DENOUNCE GOVERNMENT\'S DECISION TO DISCOUNT SWAN SURVEY RESULTS', 'Ongoing Legal Challenge', '<P align=left>WASHINGTON, DC - The Fund for Animals and PEER today denounced the federal government\'s repeated failure to allow science, rather than the politics of hunting, to guide management decisions for recovering imperiled Rocky Mountain trumpeter swans. </p><p>In the ongoing legal challenge to stop the sport hunting of imperiled trumpeter swans in Utah, Nevada and Montana, The Fund for Animals recently filed a declaration in DC district court from a leading trumpeter swan expert. The declaration described new federal survey information indicating a significant decline in the population of U.S. breeding birds within the last year. According to the survey, the Tri-State population of Rocky Mountain trumpeter swans has declined from 362 adult birds in September 2001 to only 274 adult birds in September 2002. In addition, there was significant cygnet mortality, resulting in an overall population decline of 35%. </p><p>The federal government has responded by filing a motion to strike this declaration, not disputing the accuracy of the numbers, but rather arguing that the information is not part of the original record, and therefore, should not be considered by the court. Just a few days ago, The Fund filed its response in opposition to the government\'s motion. </p><p>"The U.S. Fish and Wildlife Service (FWS) would just as soon bury this new survey information along with the birds because it confirms the extreme vulnerability of this population," stated Andrea Lococo, Rocky Mountain Coordinator of The Fund for Animals. </p><p>The trumpeter swan is already listed on the U.S. Fish and Wildlife Service\'s (FWS) Birds of Management Concern list, a registry of bird species that "are likely to become candidates for listing under the Endangered Species Act." The Fund and the Biodiversity Legal Foundation petitioned the FWS to list the U.S. breeding population of trumpeter swans under the Endangered Species Act in August 2000, citing numerous biological and environmental threats facing this population. However, the FWS failed to meet its statutory obligation to process the petition, and much to the astonishment of trumpeter swans advocates and experts, decided instead to open a hunting season on the birds, forcing The Fund and other swan advocates to turn to the courts for relief. </p><p>PEER documented the politics underlying this decision in an expose entitled "Swan Dive: Trumpeter Swan Restoration Trumped by Politics." Reflecting the concerns of anonymous FWS staff, the white paper harshly criticizes the agency for its decision to allow rare trumpeter swans to be hunted. According to Eric Wingerter, PEER\'s National Field Director, "The Service\'s contention that swans may have moved elsewhere is wishful thinking, but not very likely. Agency officials are either trying to mislead the public or are in denial."</p><p>For copies of the declaration and cross motions, please contact Andrea Lococo at 307-859-8840 or at aloco@wyoming.com. For copies of the PEER report "Swan Dive," contact Eric Wingerter at 202-265-7337 or ericw@peer.org</p>', '', 'FWS', 0);

INSERT INTO news VALUES (210, '2002-12-04', 'UNDERWATER CABLES DESTROYING BROWARD COUNTY REEFS', 'Governor Bush Set to Approve More Cable Corridors This Week', '<P align=left>Vero Beach, FL - Cable lines strung across Florida\'s southern coast are severely damaging coral reefs, according to a report released today by Public Employees for Environmental Responsibility (PEER).The report,

written by an international review panel, details how fiber optic cables, used to connect central and Latin American phone and internet service with state residents, destroy the brittle reef structures as they swing back and forth underwater. This Wednesday, December 11, the State of Florida is slated to enact a plan that would increase the number of cables crossing reef structures.

Conducted during the summer of 2002, the new study is the first research documenting how fiber optic cables continue to damage reef structures long after their initial installation. The study, focusing on the state-regulated waters off Broward County, shows that boat anchor snags, wave surges, and coastal currents cause the cable lines to repeatedly batter the fragile structures.

Covering less than 1% of the planet's surface, coral reefs are the world's most biologically diverse marine ecosystems. Living among Florida's corals are sponges, crabs, turtles, lobsters and nearly 600 fish species. Because many coral reef organisms can tolerate only a narrow range of conditions, reef communities are highly sensitive to environmental or human-caused damages. Florida's coral reefs, which have taken between 5,000 and 7,000 years to develop, are rapidly diminishing from a variety of man-made sources, including offshore dredging, increased turbidity and global warming.

"The state's plan to install even more underwater cables lacks a realistic understanding of the damage already done," commented PEER General Counsel Dan Meyer, who noted that cable lines could be installed above the Oculina Bank, the northernmost point of Florida's coral reefs. "These ancient structures may be gone forever before Florida realizes the consequences of today's actions."

Meyer also noted that the state-owned underwater property is leased to fiber optic companies at cut-rate prices (Florida is one of only three coastal states that does not collect a fee based upon fair market value). Fiber optic cables can generate more than \$5,000 per minute in profit to operators. Florida, however, treats fiber optic cable companies as if they were state-regulated public utilities even though the industry has long been deregulated with cable access awarded to the highest bidder.

"These rates are a sweetheart deal at the expense of Florida's taxpayers," concluded Meyer.

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Governor Bush will announce the state's new plan on Wednesday, December 11, 2001, in the state Capitol building in Tallahassee, Room LL03 (Cabinet Meeting Room) after 9 am.

[Report: Biological Impacts of Submarine Fiber Optic Cables on Shallow Reefs off Hollywood, Florida](http://www.marineeconomics.noaa.gov/Reefs/reeflit1.html)

[The PEER Coral Reef/Fiber Optical Cable Jury](http://www.marineeconomics.noaa.gov/Reefs/reeflit1.html) was formed in September, 2001 to assess the impact of carriage industry (primarily telecommunications) activity in and around environmentally-sensitive coral reefs between the south Broward County line and the Oculina Bank near Cape Canaveral. During the summer of 2002, the Jury performed 8 dives around areas of Florida reef near Dania Beach.

[NOAA assessment of reef valuation](http://www.marineeconomics.noaa.gov/Reefs/reeflit1.html)

<http://www.marineeconomics.noaa.gov/Reefs/reeflit1.html>

INSERT INTO news VALUES (211, '2002-12-19', 'INVESTIGATION SUBJECT LEADS BLM LAND EXCHANGE REVIEW', 'Appraisers Told to Avoid Putting Findings in Writing', 'Washington, DC - A sixty-day review of Department of Interior land exchanges has bogged down amid charges of agency "manipulation" and obstruction. According to documents released today by the Western Land Exchange Project (WLXP) and Public Employees for Environmental Responsibility (PEER):

An official suspected of abusing her authority [remains in charge of reviewing land exchanges](http://www.marineeconomics.noaa.gov/Reefs/reeflit1.html) for the Bureau of Land Management (BLM)-even after the U.S. Office of Special Counsel (OSC) asked the Interior Department to look into her culpability in negotiating a Utah land exchange that would have cost taxpayers

an estimated \$100 million; </p><p>The Appraisal Foundation reported to a member of Congress that BLM appraisal staff had been <a href="<?php print \$cfg->docsdire;?>/blm/radanovich\_letter.pdf">ordered to avoid putting their findings into writing</a> so that memos pointing to the inequity of the Utah trade would not be "auditable." The Foundation also found that key agency files were missing; and </p><p>In a national meeting of BLM appraisers, <a href="<?php print \$cfg->docsdire;?>/blm/BLM\_Conference Call.pdf">participants described "manipulation" and a "cover-up" by top officials</a> to skew land exchanges to the detriment of taxpayers.</p><p>"Officials at the very top of the Interior Department are sanctioning corrupt land deals and keeping wrongdoers in positions of authority," said WLXP director Janine Blaeloch.</p><p>On September 30, the OSC ordered the Secretary of Interior to review allegations by BLM appraiser, Kent Wilkinson, and report findings within 60 days. As that deadline approached, OSC extended it by another 60 days. </p><p>In mid-October, the Appraisal Foundation released a devastating report about BLM land exchange practices, calling for a Department of Justice investigation and removal of the appraisal function into a separate entity. Shortly thereafter, the two top BLM real estate officials transferred out of the agency.</p><p>"As in the tribal trust accounts scandal, Interior Secretary Gale Norton is making a bad problem worse by circling the wagons around the bad actors in her office," commented PEER General Counsel Dan Meyer. </p>', '', 'BLM', 0);

INSERT INTO news VALUES (212, '2002-12-19', 'FEDERAL OUTSOURCING THREATENS ENVIRONMENTAL PROTECTION', '"Science for Sale" Favors Industry', '<p>Washington, DC - Bush Administration plans to replace up to 425,000 federal employees with private contractors could weaken administration of an array of environmental laws, according to comments filed today by Public Employees for Environmental Responsibility (PEER).</p><p>Approximately one month ago, the President\'s Office of Management & Budget (OMB) proposed a substantial rewrite of procedures for contracting out federal jobs to make it easier for agencies to replace civil servants. The PEER comments note that the OMB proposals - </p><p>Allow replacement of federal scientists by private consultants who would have clear financial incentives to give agency managers predetermined results; </p><p>Provide no bar to companies with records of safety, labor, environmental and fraud violations from securing federal work; </p><p>Eliminate whistleblower protection for the workers performing the "outsourced" function.</p><p>"We already are seeing cases where agencies are contracting out environmental assessments in order to whitewash problems," commented PEER General Counsel Dan Meyer, whose organization is currently litigating against outsourcing of natural resource positions on military bases."Placing science up for sale promises a host of negative environmental consequences as willing participants provide policy support in exchange for a paycheck."</p><p>Under the proposed rules all "line" scientists in regulatory agencies such as EPA, wildlife protection entities, such as National Marine Fisheries Service and the US Fish & Wildlife Service, and land management agencies, such as the Bureau of Land management and the US Forest Service, may be subject to replacement by private contractors. The new OMB rules will become effective as soon as they are adopted, which could be as soon as the end of this year.</p><p><strong>### <p><a href="<?php print \$cfg->docsdire;?>/epa/Outsourcing\_comments.pdf">PEER\'s outsourcing comments</a></p>', '', 'EPA', 0);

INSERT INTO news VALUES (213, '2003-01-13', 'PENTAGON READIES NEW ASSAULT ON ENVIRONMENTAL LAWS', 'DoD "Outreach" Campaign to Secure Statutory Exemptions, Administrative Rollbacks and Executive Order', '<p>Washington, DC - The Pentagon is mounting a major drive to secure broad environmental immunity for its domestic training, weapons testing and other "readiness" activities, according to an internal Department of Defense memo released today by Public Employees for

Environmental Responsibility (PEER).The memo outlines an "action agenda" for conducting "a multi-year campaign," including developing a Congressional "political strategy" for "horse trading [and] coalition building."

The Pentagon plan, presented as "a consensus product" at the staff level for presentation to Defense Secretary Donald Rumsfeld, calls for -

New statutory exemptions in the Clean Air Act, Marine Mammal Protection Act, Endangered Species Act, Migratory Bird Treaty Act and federal toxic waste laws;

Relaxation of regulatory standards in the Clean Water Act, Clean Air Act and federal wildlife protection laws. The plan also calls for a new Executive Order by the President to require all agencies to assess the impact of any of their actions on national defense; and

Creation of standards for invoking current national security exemptions in environmental laws.

In the last session of Congress, the Pentagon failed to obtain the same statutory exemptions, despite a post-September 11 atmosphere in which Congress granted almost all other military requests. The memo attributes the defeat of what it euphemistically calls "the sustainable range effort" to being put on the "defensive" by environmental groups and the need "for more sustained

'Intelligence Preparation of the Battlefield.'

The Pentagon contends that compliance with natural resource protection laws is an "encroachment" on its readiness posture, since realistic training exercises, particularly those involving live munitions, must be adapted or scheduled to avoid nesting sites for migratory birds, critical habitat for endangered species or local clean air standards. A recent General Accounting Office report found that the Pentagon could not quantify the significance of encroachments and is not consolidating and coordinating exercises so as to avoid conflicts altogether.

"The Pentagon is unquestionably the biggest polluter and most recalcitrant environmental violator on the planet," commented PEER General Counsel Dan Meyer, a former US Navy gunnery officer."The Pentagon is the last place that any sane policymaker should want to confer environmental immunity."

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Download a copy of the [Sustainable Ranges 2003 Decision Briefing to the Deputy Security of Defense](http://www.gao.gov/new.items/d02614.pdf).

The GAO Report, Military Training: DOD Lacks a Comprehensive Plan to Manage Encroachment on Training Ranges. [GAO-02-614](http://www.gao.gov/new.items/d02614.pdf) June 11, 2002, is posted at <http://www.gao.gov/>

INSERT INTO news VALUES (214, '2003-01-13', 'TDOT STREAM DREDGING PLAN VIOLATES LAW', 'Public Shut Out of Process, Environmentalists Claim', 'Nashville, TN - The Tennessee Department of Environment and Conservation (TDEC) and US Army Corps of Engineers (COE) have violated public notice laws in a pursuit to dredge, fill and re-rout nearly 10,000 feet of open streams and creeks in Williamson County, according to a government watchdog group.

Tennessee Public Employees for Environmental Responsibility (Tennessee PEER) charges that a one-time only public hearing this Tuesday was not adequately publicized by the agencies, and that interested parties are being effectively shut out. The proposed permits will allow the Tennessee Department of Transportation (TDOT) to fill in thousands of feet of open streams, creeks and wetlands as part of building the controversial southern loop of State Route 840. Some streams will be "re-routed" into concrete pipe.

The environmental impact of this plan on the Harpeth and Duck River watersheds is not known to the state or the public because no Environmental Impact Statement has been prepared by TDOT or the Army Corp of Engineers.

TDEC has refused to delay or reschedule the hearing until they have issued the required public notice, explored alternatives, and before a completed permit application can be made available to the public. Environmentalists complained at a recent meeting with TDEC officials that the public notice and public participation rules were violated when TDEC failed to

give notice of the hearing to environmentalists and other interested parties on the state notification list, including individuals suing in court over damage to private property from the muddy discharges coming from the 840 construction site onto private land.

One litigant, Ms. Lattie Brown of Williamson, County claims that the road has capped some tributaries feeding her property, decreasing the flow of Locke Branch, which goes through her property. The new TDOT permit will further affect Locke Branch on a yet-to-be-constructed portion of the road crossing the headwaters of Locke Branch and many other streams.

TDEC officials have yet to respond to complaints by environmentalists that the permit is so complicated that only trained engineers can fully understand it. TDEC also refused to agree to conduct an informational meeting in advance of the public hearing to answer questions about the technical details, and explore less damaging options.

"The Tuesday hearing is the only opportunity for the public to obtain specific information and air their objections to the plan," said Tennessee PEER Director Barry Sulkin, a former TDEC compliance chief, "The agencies would rather force this proposal through without the public's participation, but their stance is patently illegal."

The widely reported multi-million dollar fine between TDEC and TDOT does not address these permit issues and has not been finalized.

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The One-Time hearing is scheduled for **TUESDAY JANUARY 14**, **FAIRVIEW HIGH SCHOOL** at 7:00 pm

Tennessee PEER is an alliance of employees working within the resource agencies to promote professional ethics, ensure government accountability and protect public health and the environment.

'TN', '', 0);

INSERT INTO news VALUES (215, '2003-01-13', 'PENTAGON PUTS ENVIRONMENTAL EXEMPTION DRIVE ON FAST TRACK', 'Pushing for Quick Approval of Legislative and Regulatory Changes', '<p>Washington, DC - Vowing to reverse a rare defeat in the previous session, Pentagon officials are launching a new wide-ranging initiative to systematically extinguish a variety of perceived environmental restrictions on all domestic munitions, weapon development and other "readiness" activities, according to an internal, high-level strategy memo obtained by Public Employees for Environmental Responsibility (PEER). <p>Even while conceding that it has not produced evidence to justify special exemptions, the Pentagon will seek legislative changes, an executive order from President Bush and an array of administrative and regulatory concessions from federal environmental agencies.<p>Last year, the Pentagon failed to obtain congressional approval for many of the same bills they are proposing again in 2003. This time, however, in addition to reintroducing the failed legislation, this year the Pentagon is also seeking - <p>Regulatory changes that would limit application of the Clean Water Act, Clean Air Act, Endangered Species Act and Migratory Bird Treaty Act to Department of Defense operations; <p>An executive order from President Bush that would establish DoD as the first among equals in any disagreement with other agencies (or, in the words of the memo, "improves dispute resolution related to agency actions affecting national security"); and <p>A new DoD policy for making extensive use of the current emergency exemption in the Endangered Species Act by declaring that certain protections for wildlife threaten national security.<p>"If the Pentagon devoted the same brainpower towards complying with our anti-pollution laws as it does evading and undermining those laws, everyone would be a lot better off," commented PEER General Counsel Dan Meyer, a former naval gunnery officer who served during the Persian Gulf War. "Last year, the Pentagon showed that it could bully EPA and Interior into acceptance of even broader changes, so it is quite likely that it can again get these agencies to agree to subvert the very laws they are sworn to uphold."<p>According to the memo, the Pentagon expects to win congressional approval during 2003 of exemptions to the Endangered Species Act, Marine Mammal Protection Act and the Migratory Bird Treaty Act (MBTA). Last year, the Pentagon

did win a temporary MBTA exemption leading to a new permit system for shelling of migratory bird nesting sites. Despite this compromise, the DoD will again seek a complete MBTA exemption.

The memo predicts congressional approval in 2004 of changes to the Clean Air Act, Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation and Liability Act (the latter two deal with the toxic waste implications of spent military munitions).

Looking even further ahead, the memo outlines plans for four other statutory rewrites, including the military's own basic conservation charter (the Sikes Act). The memo cautions that these proposals should be delayed until next session because they "would engender significant opposition, as all four would entail significant changes to major environmental statutes."

"At the same time the Pentagon says it can be trusted to be a good steward, it has stepped up removal of its own civilian natural and cultural resource specialists and replacing them with compliant contract consultants," added Meyer whose organization is currently litigating against the Pentagon's outsourcing of its own resource specialists.

In order to overcome opposition, the memo outlines an extensive Pentagon lobbying campaign. Among the targets of what the memo terms an "outreach" effort are state attorney generals, who opposed similar changes last year. The memo also sketches programs to sway the media, industry and "Non-governmental Organizations."

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Download a copy of the [?>/dod/DoD\\_2003attacks.pdf](http://www.dod.gov/DoD_2003attacks.pdf)"Sustainable Ranges 2003 Decision Briefing to the Deputy Secretary of Defense"

The GAO Report, Military Training: DOD Lacks a Comprehensive Plan to Manage Encroachment on Training Ranges. <http://www.gao.gov/new.items/d02614.pdf> GAO-02-614 June 11, 2002, is posted at <http://www.gao.gov/> <http://www.gao.gov/>

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INSERT INTO news VALUES (216, '2003-01-16', 'USAID CHIDED FOR DROPPING BALL ON ENVIRONMENTAL REVIEWS', 'Groups Claim Agency Has No System to Ensure Compliance', '

Washington, DC - A coalition of non-profit organizations is taking the US Agency for International Development (USAID) to task for failing to conduct required environmental reviews of development bank loans. In a joint letter to USAID Administrator Andrew Natsios, eleven environmental and international policy groups complain that violations of domestic and international laws are falling through bureaucratic cracks.

US law (the Pelosi Amendment, after lead author Rep. Nancy Pelosi) requires meaningful review of environmental and legal compliance prior to bank boards approving the loans. Despite repeated reports of violations of national laws and bank policies involving corruption, financial swindles and environmental devastation, USAID and the Departments of Treasury and State fail to take action. Therefore, the coalition asks USAID to -

Establish a system to follow-up on reports that multilateral development banks may be failing to meet U.S. legal standards or breaking international laws;

Hold World Bank and regional development bank managers accountable for violations negligently or knowingly financed by loan packages; and

Foster mechanisms to protect whistleblowers when they report problems within the agency and the development banks.

The groups also cite the removal of USAID's main environmental reviewer of development bank loans, John M. Fitzgerald, as aggravating these failings. At that time, the agency contended that they were going to upgrade the review function by spreading Fitzgerald's assignments among several staff positions. Rather than build a larger staff to handle reviews, USAID eliminated all three environmental positions from its Policy Bureau and merely piled Fitzgerald's bank reviews and reports on top of the work of remaining staff without reducing their workload.

"USAID lied when it said it was removing its lone environmental analyst in order to upgrade the World Bank review function," commented PEER Executive Director Jeff Ruch whose organization is representing Mr. Fitzgerald



in challenging USAID\'s elimination of his position. "Mr. Natsios is reviving the role of the \'Ugly American\' by tying foreign aid to our commercial advantage at the expense of safe agriculture, safe energy, indigenous peoples, and the conservation of forests and wildlife."</p>', '', '', 0);

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INSERT INTO news VALUES (217, '2003-01-20', 'GOV. ROMNEY ISSUES GAG ORDERS',
'Groups Environmental Employees Forbidden From Talking to Media', '<p>Boston -
Incoming Governor Mitt Romney has issued at least one directive to state
environmental agencies suspending any contact with media representatives. A
second directive, issued shortly after Romney took office, forbids contact with
legislators, according to documents released today by the New England chapter of
Public Employees for Environmental Responsibility (New England PEER).The orders
also bar publication of any press releases, newsletters and other publications.
</p><p>One notice sent to Fisheries and Wildlife Division employees reads: </p>
<P align=left>"The Director advises that the Governor\'s office will be
reviewing all communications with the media, at least on a temporary basis
effective immediately...Please advise any media representatives that call you
that you are unable to assist them at this time."</p><p>The notice given to all
Massachusetts Environmental Police states: </p><p>"Until further notice the
following two requirements will be strictly followed by all DLE [Division of Law
Enforcement] personnel:</p><p>Under no circumstances shall any member of the
agency have contact with a member of the State Legislature on any matter related
to our Division activities unless approved by the Director.</p><p>Under no
circumstances shall any member of this agency speak with or provide written
statements to the media regarding any activity that this agency is engaged in or
may be engaged in. All requests from media for comments should be forwarded to
the director for action.</p><p>Failure to comply with this directive could
result in disciplinary action."</p><p>The directives make no exception for
communications made by employees on their own time that are protected by First
Amendment free speech guarantees. The directives also seem to conflict with
Commonwealth constitutional safeguards for all citizens to contact legislative
representatives seeking "redress of the wrongs done them" (Article
XIX).</p><p>"This is an unnecessarily heavy handed opening gesture by Governor
Romney," stated New England PEER Director Kyla Bennett, an attorney formerly
with US EPA."We are waiting for Governor Romney to retract these directives and
explicitly acknowledge the constitutional rights of all state workers."</p><p
align="center">### </p><p align="center"><a href="<?php print $cfg-
>docsdire;?>/ma/romney_gag_order.pdf"><strong>Read Gov. Romney\'s gag
order.</strong> </a></p>', 'MA', '', 0);
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INSERT INTO news VALUES (218, '2003-01-20', 'INTERIOR PLEDGES TO REFORM LAND
EXCHANGES', 'Critics Skeptical Whether Steps Remove Politics and Prevent Scams',
'<p>Washington, DC - The Bureau of Land Management is ordering new safeguards
and forming a task force in an attempt to bring order to its scandal-ridden land
exchange program, according to an internal directive released today by the
Western Land Exchange Project (WLXP) and PEER.</p><p>Following a scathing report
by the Appraisal Foundation this fall, the BLM is now girding itself for two
other investigations centering around a Utah land exchange - rejected in the
closing days of the last session of Congress - that would cost taxpayers an
estimated $100 million despite being certified as "equivalent."In a January 8
"Instruction Memorandum," BLM pledged to remedy any "material weaknesses" that
threaten the "integrity of the land exchange and appraisal programs."Effective
immediately - </p><p>State Offices within BLM are stripped of authority to
approve exchanges. Approval requires sign-off by the bureau\'s Deputy Director,
James Hughes, in Washington; </p><p>Any pending exchanges in which staff has
identified "errors, inconsistencies, flaws or other weaknesses...must be
suspended."BLM State Directors are enjoined to protect "integrity and
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professional standards" in appraisals; and </p><p>BLM is forming a task force to conduct "a comprehensive evaluation of the exchange and appraisal programs."</p><p>"After years of denial, it looks as though BLM may be taking the issue of corrupt land exchanges seriously," commented WLXP director Janine Blaeloch.</p><p>"Report after report has found political interference with appraisals by Interior managers but these new measures skirt the root cause - this is not an appraisal problem, it is an integrity problem with agency management," stated PEER General Counsel Dan Meyer whose organization is representing BLM appraisers who reported problems and sought whistleblower protection. The Appraisal Foundation recommended that agency appraisers be put into a separate unit that does not answer to the managers who act as sponsors for exchanges.</p><p>###</p><p><a href="<?php print \$cfg->webroot;?>/docs/blm/blm\_exchanges\_memo.php">Read the BLM memo.</a></p>', '', 'blm', 0);

INSERT INTO news VALUES (219, '2003-01-20', 'PARK SERVICE SET TO OUTSOURCE STAFF', 'Private Consultant is Choosing Which Positions Go On Auction Block', '<p>Washington, DC -The National Park Service is racing to finalize a plan for replacing thousands of its employees with private contractors, according to documents released today by Public Employees for Environmental Responsibility (PEER).NPS is preparing its first phase of contracting reviews involving some 1800 positions. Later phases entail potential replacement of 11,000 employees, more than two thirds of the Park Service\'s permanent workforce. </p><p>Under the "Competitive Sourcing" program, announced by President Bush and overseen by his Office of Management & Budget, civil service positions will be subject to outsourcing with private firms. Overall, OMB is targeting 425,000 federal government jobs for outsourcing.</p><p>The Park Service has had to rely on a private contractor to design the plan, awarding a blanket \$5,000,000 purchase order to the Denver-based engineering/management firm CH2MHill to develop an outsourcing plan at a cost of approximately \$3,000 per job studied. The CH2MHILL "Competitive Sourcing" contract - </p><p>Was awarded without competitive bidding, despite the program\'s stated purpose of promoting competition;</p><p>Is being financed out of parks operations and maintenance budgets; and</p><p>Does not prohibit CH2MHILL from bidding itself on jobs it packages for outsourcing. CH2MHILL, a multi-billion dollar business, offers a range of environmental and natural resource services and has operating contracts for managing military and other federal facilities.</p><p>Positions subject to contracting include not only operations and maintenance staff but also park biologists, archeologists, environmental specialists and interpretive park rangers. In its haste to move the controversial program forward, NPS have yet to assess its impacts on park operations, scientific integrity and workforce diversity. There has been no consultation with unions or other employee groups about the plan.</p><p>"In its blind rush to curry favor inside the Bush Administration, the Department of Interior is auctioning away the professional underpinning essential to the protection of the nation\'s natural and cultural heritage," stated PEER Board member Frank Buono, a retired Park Service manager. "Those pushing this program see no difference between Disney World and Yosemite or the Everglades; they believe the world\'s premier park system should be run like a conglomerate, guided by corporate rather than public values."</p><p align="center"><a href="<?php print \$cfg->docsdire;?>/nps/DOI\_outsourcing\_goals.pdf">View Dept. of Interior Outsourcing Goals</a> </p><p align="center"></p><p align="center"><a href="<?php print \$cfg->docsdire;?>/nps/NPS\_employeenotice1800jobs.pdf">National Park Service Employee Outsourcing Notice</a> <p align="center"></p><p align="center"><a href="<?php print \$cfg->docsdire;?>/nps/Outsourcing\_costs.pdf">Outsourcing Study Costs</a></p><p align="center"></p><p align="center"><a href="<?php print \$cfg->docsdire;?>/nps/NPS\_18monthplan.pdf">National Park Service 18-month Plan</a> <p

align="center"><a href="<?php print \$cfg->docmdir;?>/nps/CH2MHill\_excerpts.pdf">Excerpts from CH2MHILL Outsourcing Contract</a></p><p align="center">Learn more about CH2MHILL at <a href="http://www.ch2m.com">www.ch2m.com</a></p>', '', 'NPS', 0);

INSERT INTO news VALUES (220, '2003-01-20', 'BARGE TRAFFIC CONTINUES DROPPING ON MISSISSIPPI AND ILLINOIS RIVERS', 'New Figures at Odds With Corps Plans for Lock Expansions', '<P align=left>Washington, DC - Barge traffic on the Mississippi River and Illinois Waterway continues to decline, according to new Army Corps of Engineers data released today by Public Employees for Environmental Responsibility (PEER) and Taxpayers for Common Sense.</p> <P align=left> Corps figures show further reductions in the number of barges processed through locks on these rivers during 2000 and 2001. These declines extend a now over decade long trend of reduced barge traffic on the rivers. Despite these sagging numbers, the barge industry is now lobbying Congress to authorize and finance expensive new locks for the Upper Mississippi River and Illinois Waterway System and for continued financing of the Industrial Canal Lock replacement project in New Orleans.</p> <P align=left>"The Army Corps is planning more than \$2 billion in projects to accommodate a projected increase in barge traffic that is totally nonexistent," commented PEER Executive Director Jeff Ruch, whose organization represents Corps economists that have questioned the objectivity of Corps analyses of the need for these projects. "Despite undeniable, long-term declines in real barge traffic, the Corps clings to fanciful forecasts predicting traffic levels will double or triple in tonnage in the next twenty years."</p> <P align=left>During the ten-year period from 1992 through 2001 the number of barges processed annually at Locks 20-25 (the most utilized locks) on the Upper Mississippi River has fallen more than 20 percent. At New Orleans\' Inner Harbor Lock, barge traffic has fallen more than 33 percent in the past decade. Only on the Illinois Waterway has traffic managed to even maintain the levels reached over a decade ago.</p> <P align=left>"With ballooning federal deficits, there is no need for the federal government to be investing in loser projects," said Jeff Stein, Senior Policy Analyst at Taxpayers for Common Sense, a national taxpayer advocacy organization. "With river traffic plummeting, it makes much more sense for the nation to invest in less expensive alternatives to manage barge traffic in the 21st century."</p><p>###</p><p>Traffic numbers are displayed by the Army Corps of Engineers Navigation Data Center at <a href="http://www.iwr.usace.army.mil/ndc/index.htm">http://www.iwr.usace.army.mil/ndc/index.htm</a> </p><p>For an analysis of the extent to which Corps forecasts consistently overestimate barge traffic, not only on the Mississippi River but also throughout the entire inland navigation system, see <a href="<?php print \$cfg->docmdir;?>/ace/corps\_forecast\_bias.pdf"><?php print \$cfg->docmdir;?>/ace\_forecast\_bias.php</a>.</p>', 'IL', 'ACE', 0);

INSERT INTO news VALUES (221, '2003-02-04', 'OMB IS GREENING THE ARMY CORPS OF ENGINEERS', 'President\'s Budget Contains Proposals Sought by Corps Reformers', '<p>Washington, DC - The President\'s Budget for Fiscal Year 2004 unveiled yesterday contains a number of changes urged by environmental and taxpayer groups seeking reform of the U.S. Army Corps of Engineers, according to Public Employees for Environmental Responsibility (PEER).</p><p>Overall, the Corps budget for dredging rivers, rebuilding beaches and constructing locks and dams would shrink significantly from FY 2003 levels. Similarly, the budget would limit the ability of the Corps to start new projects by forcing it to concentrate on reducing its backlog of previously authorized projects and to abandon questionable projects altogether.</p><p>This change in overall direction of Corps operations includes "independent review" of Corps project and -</p><p>A big caution flag on the controversial plan to spend \$1.5 billion to expand the lock system on the entire Upper Mississippi River system. OMB calls

the project "troubled," criticizes the direction of its current "restructured" study and denies any funds to begin preliminary engineering work; </p><p>Full funding for environmental restoration and management projects on both the Missouri and the Mississippi Rivers. The budget also lists the huge Everglades restoration as one of eight national priority projects; and </p><p>Greater emphasis on making users pay for improvements by tapping the barge company funded Inland Waterway Trust Fund to pay for operations and maintenance needs of existing navigation facilities. </p><p>In lieu of new construction, OMB recommends that the Corps should address congestion and improve efficiency at existing navigation facilities through non-structural means such as better scheduling, lockage fees and other "demand-management" techniques.</p><p>"We do not always agree with Mitch Daniels but OMB\'s work on the Corps budget deserves praise," commented PEER Executive Director Jeff Ruch. "The pressure to conserve one type of green - dollars - may be paying off in greener policies and priorities."</p>', '', 'ACE', 0);

INSERT INTO news VALUES (222, '2003-02-06', 'NATIONAL ACADEMY OF SCIENCES ENDORSES "CORPS REFORM"', 'Calls for New Approach in Transport Funding', '<p>Washington, DC -In a little-noticed report, the Transportation Research Board of the National Academies of Science is calling for an end to the pork barrel, parochial politics that has characterized highway and navigation financing and an embrace of regional planning, more cost-sharing by users with "users\' willingness to pay" as the guide star for future investment. Its findings and recommendations echo many of the proposals from environmental and taxpayer organizations who have sought reform of the Army Corps of Engineers, the agency responsible for water-borne commerce. </p><p>The report, Freight Capacity for the 21st Century, advocates a less expensive approach for maintaining the infrastructure of transport. Congress is now poised to consider authorizing legislation for highway, water navigation and air traffic systems. If followed, these recommendations would revolutionize how Congress evaluates and funds projects. Rather than simply building more roads, expanding ports and enlarging airports, the report advocates smarter, more strategic management and investment decisions.</p> <P align=left>"The National Academies of Sciences report shows why inefficient subsidies to inland waterways are a colossal waste of taxpayers dollars," said Jeff Stein, senior policy analyst at Taxpayers for Common Sense, a national budget watchdog. "In fact, the only form of transportation that is more heavily subsidized is space travel."</p><p>Key portions of the report conclude - </p><p><strong>"The Administration and Congress should reexamine the planning process for new projects as well as the present rules on funding formulas and sources for harbor and channel improvements, with the goal of ensuring that available funding is concentrated on the projects with greatest net benefits.</strong> The following reform measures should be considered:</p><p>• Deauthorization review, that is, systematic review of the justification for all authorized harbor and waterway projects;</p><p>• Regional planning for port capacity or regionalization of port investment decisions;</p><p>• Greater reliance on local cost-sharing and user fees; and</p><p>• Strengthened requirements for independent review of evaluations of federal harbor and waterways projects.</p><p>Congress should sustain the cost-sharing reforms of the 1986 Water Resources Development Act by refraining from waiving or bypassing local match requirements." (page ES-8) </p><p><strong>"Congress and the Administration should direct the Corps of Engineers to improve the efficiency of congested locks on inland waterways through demand management. In its authorizations and appropriations for Corps Civil Works activities, Congress should begin to rely on revenues from user fees to fund inland waterways operation and maintenance as well as capital expenditures.</strong>Increased reliance on segment-specific user fees would tend to discourage expenditures on little used waterway segments. For the longer

run, new institutional arrangements should be sought for inland waterways management-for example, operation by regional authorities-that would entail less federal subsidization of waterway operation and expansion.</p><p>To promote efficient use of waterways and harbors and to be perceived as fair by the payers, fee structures should take into account the costs attributable to all users, including commercial navigation, other private navigation, and public and nonnavigation uses of facilities." (pageES-9).</p><strong> <P align=left>"The current federal funding system subsidizes over-development of our nation\'s rivers and harbors," said Jeff Ruch, executive director of Public Employees for Environmental Responsibility (PEER).</p><p>"If the users paid their fair share, many of the most environmentally devastating dams and dredging projects would never have been built."</p><p>###</p><p><a href="<?php print \$cfg->docsdire;/ace/NAS\_TRANSPORTATION\_BACKGROUND.pdf">Background information about the NAS report and transportation financing.</a></p><p>Funded by the Federal Highway Administration, U.S. Army Corps of Engineers, National Cooperative Highway Research Program, and the Transportation Research Board of the National Research Council, the report is available at <a href="http://www4.nationalacademies.org/news.nsf/isbn/030907746X?OpenDocument">http://www4.nationalacademies.org/news.nsf/isbn/030907746X?OpenDocument</a>.

Taxpayers for Common Sense(TCS) is a non-partisan voice for American taxpayers. TCS is dedicated to cutting wasteful spending and subsidies in order to achieve a responsible and efficient government that lives within its means.</em></p>', '', 'ACE', 0);

INSERT INTO news VALUES (223, '2003-02-10', 'CONGRESS SHIELDS ARMY CORPS FROM PRIVATIZATION', 'Corps is Only Agency Protected From Outsourcing', '<p>Washington, DC - Buried inside the omnibus appropriation bill recently passed by the Senate is a provision prohibiting any attempt to privatize or restructure the US Army Corps of Engineers. This special exemption for the Corps is evidence of the continued dominance of pork barrel politics among Congressional leadership, charges Public Employees for Environmental Responsibility (PEER). </p><p>The language singles out the Corps as the only agency exempt from President Bush\'s attempts to outsource 425,000 federal employee jobs. Internal reviews have reportedly identified a large portion of the Corps civilian workforce as subject to replacement by private contractors. The language also shields the Corps from "transformation" plans by Defense Secretary Donald Rumsfeld to shed all functions deemed as outside of the core Pentagon mission. The Rumsfeld plan, called "The Third Wave," has alarmed Corps allies.</p><p>Inserted with no debate, the provision reads: </p><p>110. None of the funds appropriated herein or hereafter in this Act, or any other Act, shall be used to study or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the U.S. Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.</p><p>The bill, now in negotiation with the House, is tentatively scheduled for completion next week. House leadership has included similar but less sweeping language in its latest continuing resolution temporarily funding federal operations.</p><p>"Congressional leadership is taking this action because the Corps occupies a privileged position at the right hand of the pork barrel," commented PEER Executive Director Jeff Ruch."If Congress is truly concerned about the bad effects of privatization it should consider outsourcing exemptions for the EPA, the FDA, the Park Service and other agencies protecting public health and the environment."<p><strong>###</strong>', '', 'ACE', 0);

INSERT INTO news VALUES (224, '2003-02-10', 'PROPOSED COASTAL "GAPS" MAY HAVE CORAL REEFS', 'Group Asks for Surveys Before Laying Cables', '<p>Washington, DC - New evidence suggests that significant coral reefs may exist on the seabed

where the State of Florida is poised to approve laying fiber optic cables, according to a filing today by Public Employees for Environmental Responsibility (PEER).

On Thursday, February 13, Governor Jeb Bush and the Cabinet are slated to approve a plan to designate five "gaps" along the state's Atlantic coast that are supposed to be coral-free for the location of fiber optic cables and other sub-surface facilities. Today PEER released laser maps of the so-called "South Broward Gap" showing significant seabed life indicative of coral reefs.

The PEER petition asks the Governor to authorize more detailed surveys before approving the South Broward Gap route. The petition also urges -

Use of directional drilling in order to prevent "frack-outs" and other reef-killing incidents. Last December, PEER published a study showing how much damage cable lines are causing Broward County's diminishing reef colonies;

Independent monitoring of proposed industry routing and verification of damage control reports submitted by corporate operators; and

Adopting fair market rates for telecommunication easements, reviewing industry easements every ten years rather than granting open-ended permits and limiting permits to bona fide projects by not granting permits on a speculative basis.

"Before putting portions of Florida's coasts up for auction, the state should do its homework and make sure they are doing it right," stated PEER General Counsel Dan Meyer. "All the routes need to be carefully surveyed before being declared open for construction."

Florida's coral reefs, which have taken between 5,000 and 7,000 years to develop, are rapidly shrinking due to offshore dredging, increased turbidity and global warming. Many reef organisms among Florida's corals can survive in only a narrow range of conditions.

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Read [PEER's petition](http://www.peer.org/docs/fl/2-12-03_petition.pdf) regarding underwater cable destruction.

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INSERT INTO news VALUES (225, '2003-02-20', 'CORPS COOKING THE BOOKS AGAIN', 'Wants to Hurry Mississippi Study Before Problems Can Be Resolved', 'Washington, DC - The US Army Corps of Engineers has decided to completely abandon reliable traffic forecasting and economic models in order to "complete" its controversial $60 million study of the need to build a system of expanded locks on the Mississippi River and Illinois Waterway in a "timely manner," according to agency documents released today by Public Employees for Environmental Responsibility (PEER). In early 2000, the Corps' own economist responsible for the economics of the study, Dr. Donald Sweeney, disclosed that senior Corps commanders had cooked the books on this study in an attempt to obtain construction authorization in support of the Corps "Program Growth Initiative." In what it bills as "important study decision points" in its now 11 year-old effort to justify a $1.5 billion investment in new, bigger locks, the Corps is - Giving up all hope of producing reasonable forecasts of future barge traffic on the rivers. Instead, it will assign equal probabilities to all of its traffic planning scenarios. These scenarios, ranging from spiraling traffic increases to no growth, are from the same consultant who has twice previously failed to produce usable grain forecasts. Meanwhile, the latest Corps figures confirm a decade-long decline in barge traffic on these rivers; Admitting that its 34-year old economic model (the Tow Cost Model) is inadequate and fails to accurately measure potential navigation benefits because, among other things, it cannot accurately gauge users' willingness to pay or account for any other grain transportation option than direct export through Gulf ports. The Tow Cost Model has been condemned by both the National Academy of Sciences and, more recently, by the President's Office of Management & Budget in its FY 04 budget presentation earlier this month; and Embracing the same numbers Dr. Sweeney exposed as improper as the means to answer criticisms of the Tow Cost Model. These new memos demonstrate that the Corps is at it again, only this time they are cooking the
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books in plain sight," commented PEER Executive Director Jeff Ruch, whose organization has represented Dr. Sweeney."Since Dr. Sweeney\'s disclosure the Corps has spent another \$20 million on this study and even the Corps concedes that they still don\'t have it right."

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The two Corps memoranda: Upper Mississippi River - Illinois Waterway (UMR-IWW) System Navigation Study Benefit Model Sensitivity Analysis and UMR-IWW Navigation Study, Scenario Probabilities are available on request and are posted at: <http://www2.mvr.usace.army.mil/umr-iwwsns/index.cfm?fuseaction=home.whatsnew>

INSERT INTO news VALUES (226, '2003-02-27', 'CORAL REEF TASK FORCE ADRIFT UNDER BUSH', 'Task Force Into Task Avoidance, Critics Say', '<p>Washington, DC - The US Coral Reef Task Force is floundering and unwilling to take actions to curb practices that are destroying the remaining coral reefs, charged Public Employees for Environmental Responsibility (PEER) and Cry of the Water.</p><p>Created by Executive Order in 1998, the US Coral Reef Task Force is an interagency body that is supposed to "secure implementation of measures necessary to reduce and mitigate coral reef ecosystem degradation and to restore coral reefs."After adopting an ambitious National Action Plan in 2000, calling for protection of 20 percent of all US coral reefs as no-take ecological reserves, work by the Task Force has stagnated. By the end of 2001, the Task Force itself expressed frustration about its inability to make progress toward meeting any of its goals, calling by resolution for the creation of an implementation strategy.</p><p>According to the groups, the largest failure of the Task Force has been its unwillingness to address destructive coral reef policies and practices of its own members - </p><p>The US Army Corps of Engineers, a Task Force member, allows fiber optic cables and other subsea construction to cross reef zones without environmental review. The Task Force has yet to take up a petition from PEER filed 20 months ago asking for a hearing on the issue; </p><p>The Task Force still has not set an agenda item on the damage done to reefs by sand dredging from an extensive Corps program to rebuild or "renourish" eroding Florida beaches, despite a report from the National Oceanic & Atmospheric Administration, another Task Force member, documenting reef degradation; and </p><p>Despite evidence of excessive nutrients from the Broward County sewage outflow pipe harming the surrounding reefs, the Task Force would not accord the issue a place on its agenda. Representatives from the Department of Interior, which chairs the Task Force, told a Florida conservation group, Cry of the Water, that it could not display photos or video of the outflow during its public comment period unless the images were first screened for unspecified "security" concerns.</p><p>"The US Coral Reef Task Force specializes in task avoidance," commented PEER General Counsel Dan Meyer, who noted that the Task Force has time to preview an IMAX film, "The Coral Reef Adventure," but not to debate adopting reef protection policies of consequence."Despite report after report indicating continuing loss of reef ecosystems, the Task Force is moving at the speed of a sea anemone."</p>', 'FL', '', 0);

INSERT INTO news VALUES (227, '2003-02-27', 'ROMNEY MOVES ENVIRONMENTAL PROTECTION INTO DEVELOPMENT AGENCY', 'Reorganization Creates Conflicts In Agency Role', '<p>Boston - Governor Mitt Romney\'s new reorganization plan places state environmental agencies inside a proposed new Office for Commonwealth Development, according to documents released today by New England Public Employees for Environmental Responsibility (New England PEER).The move would make state environmental protection decisions subject to approval by an agency management representing transportation, housing and energy functions.</p><p>"This reorganization makes environmental protection subservient

to economic development," stated New England PEER Director Kyla Bennett."This creates a massive conflict of interest when the environment department detects pollution violations by in state transportation and housing projects - the environment department would have to prosecute its own chain of command."</p><p>The mission statement for the proposed new Office of Commonwealth Development ("Caring for the natural and built environment of Massachusetts") also reflects its mixed mandate without resolving the conflict between protecting natural resources and promoting building and other nature-consuming development.</p><p>"As reflected by the gag orders issued to employees from the Governor\'s office last month, it seems apparent that Mr. Romney prefers a top-down management," commented Bennett, who revealed the existence of the Romney gag orders."It is not at all clear how or why these massive organizational relocations are going to save the taxpayers any money, while the disruption will surely impede efficient operation, and cause major environmental damage."</p><p>Gov. Romney\'s reorganization plan is being submitted to the Legislature for a 60-day review culminating with an up or down vote with no amendments allowed.</p><p><strong>### <p>See the <a href="<?php print \$cfg->docmdir;?>/ma/massreorgchart.pdf">Romney reorganization chart.</a></p>', 'MA', '', 0);

INSERT INTO news VALUES (228, '2003-03-11', 'FORT HOOD TO EXTEND SWEETHEART GRAZING DEAL, AGAIN', 'Army Complains 50-Year "Monopoly" Needs To End', '<p>Fort Hood - The Army Command at Fort Hood will extend an exclusive no-fee grazing arrangement for the Central Texas Cattlemen\'s Association (CTCA) this week despite warnings from military officials that such deals must be competitively bid, according to documents released today by Texas Public Employees for Environmental Responsibility (Texas PEER).</p><p>Since 1954, the CTCA, an exclusive group made up of 83 descendants of the original ranchers in the region, has held the sole rights to nearly 200,000 acres of land on the Fort Hood Military Reservation. When the long-standing grazing lease was set to expire in March 2001, Army memos stipulated that the 50-year "monopoly leasing arrangement" must end and that "any new lease must be offered under competition."</p><p>Under intense pressure from congressional and state officials, the Army has delayed putting the lease out for bid. Instead, Fort Hood has repeatedly extended the no-bid free grazing privileges for three-month periods. This Wednesday, Fort Hood will extend the former lease for the 7<sup>th</sup> time in two years.</p><p>"This grazing lease is a sweetheart deal for the politically connected," stated Texas PEER Director Scott Royder."In the twenty first century our public lands are still being given away to elite members of a private club."</p><p>Royder noted that cattle operation has long posed environmental problems on the vast Fort Hood Reservation. Cows have overgrazed native grasses on much of the base, and the animals attract cow-birds, non-native brood parasites that destroy nests of native songbirds, including the Fort\'s significant populations of endangered black-capped vireos and golden-cheeked warblers. To combat these problems, the Fort has spent years preparing a wide-ranging environmental assessment of the negative impacts cattle pose to the land.</p><p>"The Army has been held hostage by politics," commented Royder."The fort is now spending millions of taxpayer dollars studying the impacts of cattle grazing, even as they spend millions more to subsidize these destructive operations - it makes no sense, whatsoever."</p>', 'TX', 'DOD', 0);

INSERT INTO news VALUES (229, '2003-03-13', 'STATE MAY FORFEIT MILLIONS IN POLLUTION FINES', 'Romney Plan to Fire State Attorneys Will Disrupt Environmental Enforcement', '<p>Boston - Governor Mitt Romney\'s plan to lay off hundreds of state attorneys will drastically reduce enforcement of environmental and public health laws, according to state penalty data released today by New England Public Employees for Environmental Responsibility(New England



PEER). State records indicate that environmental penalties brought in millions of dollars to state coffers from polluting companies in 2001, money that may be lost under the new plan.

The Massachusetts Department of Environmental Protection (DEP) currently employs 36 full-time attorneys to implement and enforce the Commonwealth's environmental health and anti-pollution laws. These attorneys prosecute violations of clean air and water laws, oversee removal of hazardous wastes, and file actions to protect wetlands and fragile coastal areas. Each DEP attorney works hand in hand with enforcement staff on all phases of enforcement actions, and each carries caseloads of up to 60 cases per year in various stages of prosecution.

Governor Romney has declared that as many as half of the state's 800 attorneys will be laid off this year. Any remaining lawyers would be pulled out of their individual agencies and placed in a separate legal department overseen by a proposed Office of Solicitor General (OSG) in the Governor's office. The almost certain result of the Romney plan will be the termination of many environmental prosecutors and the reassignment of the remainder to handle more generalized work in the Governor's office.

DEP employees claim that any reductions in their already chronically understaffed unit will mean that important cases will have to be dropped and that complex cases will be much harder to bring in the future. For example, the reduction and transfer of DEP attorneys to the Office of Solicitor General will jeopardize the Attorney General's Environmental Protection Division's ability to bring quality civil environmental cases. DEP attorneys refer these environmental cases to the AG, play a critical role in the development of the cases, and provide the necessary expertise to try the cases.

"DEP's attorneys more than recoup their salaries, thus this move is the essence of penny wise and pound foolish," commented New England PEER Director Kyla Bennett, whose organization represents DEP employees. "DEP attorneys make up the front line of defense against polluters and public health threats."

Bennett noted that Romney is moving ahead without any analysis of how many attorneys the agency needs and how much of the annual environmental fine revenue will be lost—revenue that totaled more than \$2.6 million in 2001 and \$3.4 million in 2002. "Sacking the enforcement staff sends an unmistakable signal that this Governor is willing to take the pollution cop off the beat," Bennett, a former EPA official, stated.

Contact PEER for the penalty collection data for 2001 and 2002.', 'MA', '', 0);

INSERT INTO news VALUES (230, '2003-03-17', 'PENTAGON SEEKS IMMUNITY FOR DEFENSE CONTRACTOR POLLUTION VIOLATIONS', 'Backdoor Legalization of Perchlorate and Other Weapon Chemicals', '<p>Washington, DC - A Pentagon plan billed as a way to protect active military ranges from environmental lawsuits would also shield private defense contractors from liability for their pollution of groundwater and soils, according to agency specialists represented by Public Employees for Environmental Responsibility (PEER).</p><p>The proposed legislation, officially unveiled last week before Congress, not only exempts munitions and the weapons systems from hazardous waste laws, but also the chemical "constituents" inside the munitions as explosives or as propulsion or rocket fuel. The most widely known such chemical is perchlorate (ClO4), the main ingredient in solid rocket fuel. Several of the nation's fastest-growing states, such as Nevada, Texas and California, are currently facing potentially crippling water shortages due to groundwater contamination by perchlorate. Perchlorate interferes with iodide uptake into the thyroid gland, the key event leading to changes in development or tumor formation. </p><p>By its terms, the Pentagon proposal <a href="<?php print \$cfg->webroot;?>/docs/dod/3-17-03\_RCRA-CERCLA\_exemption.pdf">[Sec. 2019(2)(B)]</a> would - <p><p>Allow Lockheed Martin, Boeing, Kerr McGee, General Dynamics, and other defense contractors to release perchlorate, royal demolition explosive, high-melting point explosive, TNT, dioxane,

Trichloroethane, and other highly toxic chemicals into the soil; </p><p>Prevent state governments and citizens from using anti-pollution laws to stop contamination or force responsible companies to clean up polluted sites because the chemicals would no longer be categorized as hazardous waste; and </p><p>Limit US EPA response to only those very few cases where the defense site sits directly on top of a drinking water source under the standards of the Safe Drinking Water Act. Consequently, residential areas far from military bases may have far less protection from the advancing plumes of chemical contamination.</p><p>"The whole point of national defense is to protect Americans, not poison them," commented PEER Executive Director Jeff Ruch whose organization revealed the Pentagon\'s plans to mount a four year campaign to rollback an array of environmental statutes."The Pentagon is falsely promoting these changes as mere \'clarifications\' of environmental law, but in fact they are sweeping rewrites."</p>', '', 'DOD', 0);

INSERT INTO news VALUES (231, '2003-03-19', 'WHISTLEBLOWER TESTIFIES AGAINST AGENCY IN KLAMATH FISH KILL', 'Biologist Says Water Levels Reduced Without Required Analysis', '<p>Sacramento - A National Marine Fisheries Service (NMFS) scientist testified in a lawsuit that his own agency violated federal laws, contributing to a massive fish kill in the Klamath River, according to a deposition transcript released today by Public Employees for Environmental Responsibility (PEER).NMFS biologist Michael Kelly testified under court order over the objections of the Department of Justice.</p><p>The lawsuit, filed by Earthjustice on behalf of Pacific Coast Federation of Fishermen\'s Associations and others, seeks redress against the Bureau of Reclamation (BuRec) and NMFS in connection with the long-term plan for instream flows in the Klamath River -a plan that led to last September\'s massive fish kill. The Klamath fish kill was the largest in the history of the Pacific Northwest in which at least 33,000 adult salmon, including threatened coho salmon, died. On February 19, a federal magistrate judge ordered that Earthjustice attorneys be allowed to depose Kelly to help fill "significant gaps in the administrative record."</p><p>According to Kelly\'s deposition testimony, NMFS\'s own science pointed to conditions in the final plan that may have lead to jeopardy: </p><p>(This) is explained in the effects analysis of the final biological opinion. For example, we (NMFS) say that the expected adverse effects to the population due to flows from October through February would be such that the (coho) population\'s distribution, numbers and reproduction would be adversely affected...When you then take the reasonable and prudent alternative and look at what mechanism\'s in place...there is nothing that will enable you to provide flows using water bank or other sources to address effects during all seasons... So here we\'ve ...clearly said... that this risk to the population essentially amounted to, potentially, jeopardy all by itself.[A]nd we don\'t provide a mechanism to address those effects." Deposition Transcript, pages 68-70.</p><p>Last October, Kelly lodged a whistleblower disclosure with the Office of Special Counsel (OSC).Kelly was the technical lead on the team that prepared a "jeopardy opinion" for a BuRec plan that restricted flows in the lower Klamath River in order to provide full delivery of irrigation water. In his disclosure, Kelly charged that the plan was approved without a required analysis of impacts to threatened coho salmon.</p><p>Shortly after the court ordered Kelly to testify, OSC formally decided it will not ask NMFS\'s parent agency to investigate his charges of wrongdoing, noting that a federal district court is the more appropriate forum for addressing allegations that NMFS violated federal laws.</p><p>In denying Kelly\'s request for the investigation, OSC declined to be the arbiter of"conflicting science" but Kelly argues the science was all pointing one way and that the problem, regardless of the fish kill, was the unlawful failure by NMFS to analyze potential impacts: </p><p>"Even the National Academy of Sciences\' report suggests that low fall and winter flows can cause

adverse effects to coho due to restricted access to tributary streams. So even when deferring to the NAS report, we still have to analyze whether our anticipated reduction in the population results in a viable population over time. No such analysis is made; therefore, according to the rationale of the final opinion, the alternative plan still has elements that can cause jeopardy. By law, the agency cannot believe that an alternative may result in jeopardy, and we intentionally didn't provide the analysis to demonstrate otherwise. I assert that there are other reasons for analyses of population effects over time that we ignored. But you don't even need to compare the draft and final biological opinions like I suggest in my whistleblower disclosure -- evidence of violation is in the final biological opinion itself."</p><p>The reduced water levels resulted in concentrations of fish that accelerated the spread of pathogens that killed the fish, according to a January 2003 report by biologists with the California Department of Fish and Game. </p><p>"Without this lawsuit, there would be no examination of the events leading up to an environmental tragedy of enormous proportions," commented Karen Schambach, California PEER Director, whose organization filed the OSC disclosure on Kelly's behalf."There has been almost a complete abdication of responsibility by Congress, which has scheduled no hearings, and the Department of Interior, which is blocking the release of two reports on the causes of the fishkill. The public must now rely on this court for justice."</p><p><strong>### <p><a href="<?php print \$cfg->webroot;?>/noaa/MKelly\_Depo.pdf">Read Mike Kelly's deposition.</a></p>', 'CA', 'NOAA', 0);

INSERT INTO news VALUES (232, '2003-03-20', 'PENTAGON TO INVOKE "NATIONAL SECURITY" EXEMPTIONS IN ENVIRONMENTAL LAWS', 'Some Exemptions May Be Permanent, Says Wolfowitz Memo', '<p>Washington, DC-Deputy Defense Secretary Paul Wolfowitz is directing all military service chiefs to develop plans for President Bush to invoke national security exemptions to an array of environmental laws, according to a memo released today by Public Employees for Environmental Responsibility (PEER).The memo orders the Army, Navy and Air Force secretaries to forward domestic military practices they wish to see exempted from anti-pollution, noise control and wildlife protection laws.</p><p>Under current law, many environmental statutes have exemptions for activities deemed by the President to be "necessary" for reasons "of national security" or in the "paramount interest of the United States."These exemptions, however, have never been used.</p><p>In a March 7 memo, Deputy Defense Secretary Wolfowitz states, without citing specific cases, that "environmental regulation and litigation threaten our continued ability" to conduct "necessary military training and testing."The memo lists ten laws to which the Pentagon will seek national security exemptions either "for a specified period of time or indefinitely": </p><p><strong>Anti-Pollution Laws</strong>: the Clean Water Act, the Clean Air Act and the Safe Drinking Water Act; </p><p><strong>Toxic Disposal Laws</strong>: the Resource Conservation & Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA or Superfund), and the Toxic Substances Control Act; </p><p><strong>Land Management</strong>: Marine Protection, Research and Sanctuaries Act and the Coastal Zone Management Act; </p><p><strong>Noise Limits</strong>: the Noise Control Act; and </p><p><strong>Wildlife Protection</strong>: the Endangered Species Act.</p><p>At the same time, the Pentagon is also asking Congress to rewrite several environmental laws to eliminate or limit their effects on "military readiness" activities. The Wolfowitz memo suggests that the Department of Defense has not used exemptions already available to it due to "our past restraint" for which "we should be commended."In a June 2002 report, the General Accounting Office concluded that there was no identifiable loss of military readiness due to the need to comply with environmental laws [<a href="http://www.gao.gov/new.items/d02614.pdf">www.gao.gov/new.items/d02614.pdf<

/a>]. Tacitly conceding this lack of quantification, the Wolfowitz memo directs the services to come up with examples of where environmental laws hinder military readiness and to forward them up the chain-of-command.</p><p>"This smug directive portrays a Pentagon cynically playing politics with public health and environmental protection," commented PEER Executive Director Jeff Ruch, whose organization exposed a Pentagon plan for a three-year campaign to immunize itself from virtually all environmental restraints. "This memo is, in effect, an all points bulletin begging for examples to establish an illusory case that environmental compliance hurts national security. It is the height ofchutzpah that the Defense Department wants Congress to change laws even though the Pentagon has yet to explore the options and flexibility available under the current statutes."</p><p><strong>### <p><a href="<?php print \$cfg->webroot;?>/docs/dod/Wolfowitz\_memo.pdf">Read the Wolfowitz memo.</a></p>', '', 'DOD', 0);

INSERT INTO news VALUES (233, '2003-04-02', 'ROMNEY OFFICIALS CITED IN UNION BUSTING COMPLAINT', 'Attorney Restructure Violates Labor Practice Laws', '<p>Boston -- Officials in the office of Governor Mitt Romney engaged in unfair labor practices against state attorneys, according to New England Public Employees for Environmental Responsibility (New England PEER). In a letter sent today to the Joint legislative Committees on Public Service and Commerce & Labor, the watchdog group warned that the administration\'s handling of a statewide reorganization process constitutes illegal union-busting, and called for the legislature to investigate.</p><p>The charges stem from Governor Romney\'s plan to create a new separate legal department within a proposed Office of Solicitor General (OSG) in the Governor\'s office. As part of the plan, Romney declared that as many as half of the state\'s 800 attorneys will be laid off this year. Those who survive the cut would be pulled out of their individual agencies and placed in to the new OSG unit. According to the letter, Romney\'s plan includes a number of prohibited practices, including:</p><p>&middot; Forbidding state lawyers from membership in government employee unions;</p><p>&middot; Forcing employees to leave their agencies without allowing their seniority rights to be transferred; and</p><p>&middot; Reclassifying attorneys to become "at will" employees, so that they may be hired and fired without cause and without appeal rights.</p><p>To carry out this plan, Governor Romney hired Ruth Bramson as the Commonwealth\'s Director of Human Resources, best known for her efforts to break up the Shaw\'s supermarket unions (see attached fact sheet on Bramson and Shaw\'s). According to sources who attended a meeting on March 25, 2003, with Bramson and John Jesensky, the Commonwealth\'s Director of Employee Relations, Jesensky was asked whether the Governor\'s plan, if approved, would give the Governor the authority to fire any state employee without giving a reason or proving any cause for the firing. Jesensky answered in the affirmative.</p><p>"Under this plan, the Governor will be able to fire, demote or banish regulators who do not march in lockstep with his agenda," commented New England PEER Director Kyla Bennett, noting that attorneys are the state\'s chief enforcers of the state\'s clean air, wetlands and endangered species laws. "These attorneys represent the people of the Commonwealth of Massachusetts and should not be subjected to intimidation if their professional calls threaten the Governor\'s political or business interests."</p><p>Critics voiced strong opposition to the plan today. "This is old fashioned union busting, plain and simple," stated Theresa McGoldrick, President of Unit 6, Local 207 at NAGE, a union that represents 600 state agency attorneys. "Romney\'s plan is both offensive and illegal." The Union has demanded to bargain on the proposal to lay off 50% of the attorneys, and has filed an unfair labor practice against the administration for violating the collective bargaining agreement. NAGE has committed to utilizing all of its resources to prevent the lay off of any agency attorney and to strip them of

union protections.

"Unlike the Governor, we think there are too few attorneys working on environmental protection," commented Pam DiBona, Vice President for Policy at the Environmental League of Massachusetts. "Companies are already escaping accountability for their actions, and continue to poison our water, land, and air. Enforcement of existing environmental laws will only fall further behind if the Governor's proposal is put in place."

If the Governor's proposal is implemented, the Commonwealth would be thrown back to the spoils system and political patronage that existed in 1883. Massachusetts was the second state in the Union to pass a Civil Service Law in 1884.

The Joint Committee on Public Service oversees all matters concerning public employees, and the Joint Committee on Commerce and Labor considers all matters concerning discrimination with respect to employment and labor laws.

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[http://www.townonline.com/dover/news/local\\_regional/ds\\_govdspolnotes01302003.htm](http://www.townonline.com/dover/news/local_regional/ds_govdspolnotes01302003.htm)

[http://www.townonline.com/dover/news/local\\_regional/ds\\_govdspolnotes01302003.htm](http://www.townonline.com/dover/news/local_regional/ds_govdspolnotes01302003.htm)

[http://www.unionvoice.org/alert-description.tcl?alert\\_id=2326](http://www.unionvoice.org/alert-description.tcl?alert_id=2326)

[http://www.ufcw.org/worker/internal.cfm?subsection\\_id=189&internal\\_id=737](http://www.ufcw.org/worker/internal.cfm?subsection_id=189&internal_id=737)

<http://www.dagensarbete.se/home/da/home.nsf/pages/1E6455B511D0A5FE41256C2F004513CE?OpenDocument>

[http://www.ccwglobal.org/news%20stories/1\\_10\\_03.htm](http://www.ccwglobal.org/news%20stories/1_10_03.htm)

INSERT INTO news VALUES (234, '2003-04-10', 'ENVIRONMENTAL SELF-POLICING IS LAX IN DEFENSE AGENCIES', 'Pentagon Retaliates Against its Environmental Staff', 'Washington, DC--Civilian specialists who report environmental problems on military bases risk the loss of their careers, according to congressional testimony delivered today by Dan Meyer, General Counsel to Public Employees for Environmental Responsibility (PEER). Officers in charge of natural and cultural resource programs at military bases frequently lack training, have no career incentives for environmental compliance and are often hostile to the civilian staff who raise environmental issues, employees report.'

In a PEER survey of natural and cultural resource specialists at military facilities, nearly one third of all respondents reported that they "have been directed to overlook resource violations or circumvent resource laws and regulations." These resource specialists constitute the biggest source of whistleblower complaints at PEER, an employee protection organization, accounting for one third of PEER's personnel cases.

Adding to those job pressures, two thirds of all such specialists are targeted for replacement by private consultants in violation of statutory prohibitions that have been recently upheld in a PEER lawsuit against the U.S. Air Force.

"As its inventory of natural resource assets and needs grows, the individual Services' capacity to protect wildlife is diminishing," stated Meyer, a former Naval gunnery officer and veteran of the first Gulf War. "Environmental management in Defense agencies is essentially voluntary; unless some teeth are put into the system, military standards are not appropriate replacements for civilian natural resource management laws."

Meyer's testimony before the House Resources Subcommittee on Fisheries, Conservation, Wildlife and Oceans comes at a time when the Pentagon is seeking to exempt

itself from several environmental laws on the basis that the Department of Defense's own stewardship is sufficient to protect natural resources and public health. The hearing concerned the proposed reauthorization of the Sikes Act, the basic law governing military conservation, which is being offered by the Pentagon as a substitute for key provisions of the Endangered Species Act.

[Read text of the April 10 testimony.](http://webroot;?>/docs/dod/Sikes_Act_Testimony.pdf)

[Read results from PEER's National Military Fish & Wildlife Association Survey from June 2001.](http://pubsdir;?>surveys.php)

INSERT INTO news VALUES (235, '2003-04-03', 'CORPS VIOLATES DATA QUALITY ACT', 'Government-wide Rules for Review of Studies Not Implemented', '<p>Washington, DC -- The US Army Corps of Engineers admits that it has failed to adopt required rules to allow public review of its studies, according to a letter released today by Public Employees for Environmental Responsibility (PEER). More than six months after an October 1, 2002 statutory deadline, the Corps acknowledged that it has taken no steps to implement the Data Quality Act of 2000.</p><p>The Data Quality Act (DQA) requires each federal agency to develop "administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency." The stated purpose of the act is "ensuring and maximizing the quality, objectivity and integrity of information" used by agencies.</p><p>The President's Office of Management and Budget (OMB) published rules governing agency DQA implementation on February 22, 2002, requiring every federal agency to publish its own guidelines for public review by October 1. Since October, industry groups have filed several DQA challenges against EPA studies as a result of that agency's compliance with the DQA deadline. PEER is preparing a series of DQA challenges of agency studies that understate environmental consequences or overstate development benefits, but the failure of the Corps to meet the DQA requirements has prevented any public review of their studies.</p><p>"If ever an agency needed a Data Quality Act it is the Army Corps of Engineers," commented PEER General Counsel Dan Meyer. PEER represented Corps economist Dr. Don Sweeney, who exposed an attempt by the Corps to justify a \$1.5 billion reconstruction of the lock and dam system of the Upper Mississippi River and Illinois Waterway by cooking the books on its cost/benefit analysis.</p><p>Citing scathing reviews of Corps planning studies by the National Academy of Sciences and the General Accounting Office, congressional critics of Corps planning have called for independent peer review of agency studies. The Corps has resisted suggested reform, insisting on controlling the composition and format of any such reviews. "Apparently, the Corps cannot abide having its studies subjected to scrutiny or having to defend its methodologies in public," Meyer added.</p><p>On February 13, 2002, PEER submitted a Freedom of Information Act request to the corps for its DQA guidelines. On March 26, 2003, Corps Counsel Richard Frenette reported that the agency had no responsive documents: </p><p>"I have been advised that the Corps has not prepared the Information Quality Guidelines that you are seeking. The Corps has been instructed not to proceed until it receives final guidance from the Department of Defense and from the Army, and that guidance has not yet been received."</p><p>Today, PEER also sent a letter to OMB, the agency responsible for ensuring compliance with the DQA, asking it to take action to ensure compliance by Pentagon agencies. "As things stand, the Corps has no set date to even begin complying with the Data Quality Act, suggesting that the Corps can continue to play by its own rules as long as it chooses," Meyer concluded.</p><p align="center">###</p><p align="center"><a href="http://docsdir;?>/ace/DQA\_Response\_Letter.pdf">Read Corps Letter admitting noncompliance with the Data Quality Act.</a></p><p align="center"><a

href="<?php print \$cfg->docsdir;?>/ace/Peer\_Letter\_to\_OMB.pdf"><em>Read Text of PEER letter to OMB.</em></a></p>', '', 'ACE', 0);

INSERT INTO news VALUES (236, '2003-04-07', 'SUIT TO BLOCK DEPARTMENT OF DEFENSE OUTSOURCING OF ENVIRONMENTAL JOBS ADVANCES', 'Air Force Illegally Contracting Out Natural Resource Management, Employees Charge', '<p>Washington, DC--For the first time, a lawsuit charging the U.S. Air Force with illegally replacing its civilian natural resource specialists with private contractors is advancing to trial, after a decision by a federal district court. The U.S. District Court for the Central District of California ruled against motions by the Air Force to dismiss the suit filed by Public Employees for Environmental Responsibility (PEER) and Air Force biologists.</p><p>While centered on California\'s Edwards Air Force Base, the suit may block Department of Defense (DoD) plans to "outsource" hundreds of civilian biologist, botanist and archaeologist positions now responsible for protecting natural and cultural resources on more than 25 million acres of DoD lands across the U.S.</p><p>The ruling comes at a time when the Pentagon is seeking congressional relief from environmental compliance arguing, in part, that current Defense "stewardship" practices are capable of protecting the environment. The PEER suit contends that DoD contracting enables the agency to hide environmental violations by replacing civil servant scientists with compliant contractors seeking to keep discretionary contracts.</p><p>"The Pentagon touts its stewardship with one hand, and whacks the stewards with the other," commented PEER General Counsel Dan Meyer. PEER also defends a number of civilian defense specialists in whistleblower actions. "At Edwards, after audits found repeated violations of the Clean Water and Endangered Species Acts, the Air Force tried to cover up the findings and reprimanded the specialist who reported them."</p><p>More than 90 percent of the 300,000 acres of California desert within Edwards Air Force Base is undeveloped, including several wilderness areas. Its lands contain unique desert topography and critical habitat for "sensitive" species, such as the desert tortoise, the desert kit fox, several owl species, and an array of rare plants and flowers. The role of the civilian specialists is to ensure that military training and other operations, such as hazardous waste storage, avoid resource damage and do not pollute.</p><p>The PEER suit is based on 15 years of congressional prohibitions against the military contracting away its natural resource management functions. At Edwards Air Force Base the service has eliminated all but two natural resource specialists (while reducing the natural resource responsibilities of the remaining positions) and brought in private environmental consulting firms. The two remaining civilian biologists at Edwards, Wanda Deal and Mark Hagan, together with PEER, whose members include nearly 1,000 civilian Defense resource specialists, brought suit in 2000 to restore civilian management.</p><p align="center"><strong>### <p><a href="<?php print \$cfg->docsdir;?>/dod/04-01-03\_PEER\_vs\_USAF.pdf"><em>Read the text of the court ruling.</em></a></p>', '', 'DOD', 0);

INSERT INTO news VALUES (237, '2003-04-09', 'EPA STAFF STIFLE OBJECTIONS TO PENTAGON POLLUTION EXEMPTIONS', 'Top Official\'s Testimony Contradicts His Own Agency\'s Specialists', '<p>Washington, DC--A top Environmental Protection Agency official endorsed Pentagon pollution exemption proposals in congressional testimony without disclosing serious objections raised by his own staff, according to documents released today by Public Employees for Environmental Responsibility (PEER). John P. Suarez, head of EPA\'s Office of Enforcement & Compliance Assurance, testified before House and Senate committees that Pentagon rewrites of hazardous waste laws were "narrowly tailored" and "appropriate" while his own staff\'s analysis submitted to the President\'s Office of Management and Budget raised major public health concerns and attacked the plans as unnecessary and overly broad.</p><p>In testimony before the House

Armed Services Committee (March 13) and the Senate Environment & Public Works Committee (April 2), Suarez testified that Pentagon proposals to exempt munitions left on training ranges from federal toxic waste laws "comports with existing EPA policy." Yet, according to EPA staff analyses, just the opposite is true. The Pentagon proposals: </p><blockquote><p>"have the effect of invalidating the Munitions Rule [the current EPA policy] and eliminating environmental safeguards provided in that rule"; </p><p>fail "to provide for the rights of states and citizens to address imminent and substantial endangerment issues at federal facilities"; and </p><p>"interfere with the ability of States to enforce air pollution and drinking water requirements that protect public health and the environment."</p></blockquote><p>The EPA staff analysis also points to an array of other problems entailed in the proposals, including weakening the ability of anti-pollution agencies to address "off-range impacts" of spreading contamination, exempting petroleum spills from regulation and creating pollution dangers from scuttling the Navy\'s ghost fleet as "artificial reefs."</p><p>"Mr. Suarez perpetrated a fraud on the Congress and the American people by failing to be candid about the real consequences of the Pentagon plans," commented PEER Executive Director Jeff Ruch. "In an effort to present a unified front, EPA is muzzling its own experts to maintain a facade that we have nothing to fear from Pentagon toxic practices."</p><p>In the April 3 hearing, Pentagon Deputy Counsel Ben Cohen offered amendments to allay concerns about the scope of military exemptions, but none of his proposed changes addressed the problems raised by EPA staff. In addition, EPA specialists have, through PEER, raised the concern that the Pentagon plans also permit defense contractors to discharge toxic chemicals (such as perchlorate) during weapons systems development. </p><p align="center"><strong>### <p><a href="<?php print \$cfg->webroot;?>/docs/epa/EPA\_Comments\_DoD\_FY04\_Proposals.pdf"><em>Read Text of "EPA\'s Comments on DoD\'s FY04 Legislative Proposals to the National Defense Authorization Act"</em></a></p>, ', ', 'DOD', 0);

INSERT INTO news VALUES (238, '2003-04-03', 'FAMED BACKCOUNTRY RANGER BARRED FROM YELLOWSTONE', 'Park Slashing Law Enforcement by Three Quarters, Ending Wilderness Patrols', '<p>Washington, DC--Bob "Action" Jackson, the Yellowstone National Park backcountry ranger known for high profile poaching arrests and exposing the problem of salt-baiting for elk, will not be invited back for his final season, according to a whistleblower complaint filed today by Public Employees for Environmental Responsibility (PEER). In addition, Yellowstone National Park is dramatically cutting back its law enforcement force despite an overall budget increase.</p><p>The National Park Service informed Jackson, the longest-serving seasonal ranger in Yellowstone, that he would not be hired for the coming summer. The PEER complaint charges that the decision not to rehire Jackson was in retaliation for his well-publicized criticisms of laxness in enforcing wilderness rules, particularly the practice by hunting outfitters of using salt to lure elk out of the park. The resulting large numbers of elk carcasses at salt baits attract grizzly bears looking for a pre-hibernation meal. This in turn causes an increase in bear-hunter interactions, often ending with bears being shot.</p><p>Despite an 8 percent budget increase this fiscal year, Yellowstone Park officials are slashing its law enforcement program by an estimated 75 percent: </p><blockquote><p>the number of seasonal rangers is being reduced from 48 to 10; </p><p>patrols in the backcountry, except for search and rescue, will cease, thus eliminating any Park Service enforcement of wilderness laws; and </p><p>while Yellowstone officials have indicated that Jackson will be replaced by a permanent, full-time ranger, it is unclear whether that position will even be filled.</p></blockquote><p>"Yellowstone Park is putting out a big Bob-Jackson-Is-Not-Welcome mat," commented PEER General Counsel Dan Meyer. PEER filed a similar complaint with the U.S. Office of Special Counsel on Jackson\'s behalf in 2001, after Jackson was given an order



not to speak publicly about Park Service issues. In responses to that complaint, the Park Service rescinded the gag order, scheduled First Amendment training for its managers, deleted all derogatory information in Jackson\'s record and rehired him for the 2002 season.</p><p>Yellowstone officials claim that changes in its law enforcement program are designed to upgrade its professionalism in order to implement a reorganization championed by U.S. Senator Charles Grassley (Iowa). Yet Senator Grassley has been one of Jackson\'s biggest defenders and contends that the Park Service is obstructing needed reforms.</p><p align="center">### <em><a href="<?php print \$cfg->campaigndir;?>/other/grizzly/Jackson\_Complaint.pdf">View the complaint.</a></em></p><p align="center"><em><a href="<?php print \$cfg->campaigndir;?>/other/grizzly/Grassley\_letter\_to\_NPS.pdf">View U.S. Senator Charles Grassley\'s letter to National Park Service Director Fran Mainella.</a></em></p><p align="center"><em> <a href="<?php print \$cfg->campaigndir;?>/other/grizzly/final\_jackson\_testimony.pdf">View Bob Jackson\'s testimony about salt baiting and the need for wilderness law enforcement.</a></em> </p>', '', 'NPS', 8);

INSERT INTO news VALUES (239, '2003-04-08', 'SECRETARY NORTON IGNORES BALANCE AND BEST SCIENCE WITH PERMIT TO OPEN DUNES HABITAT TO ORVS', 'Wildlife Agency Pressured to Rely on Industry Report, Ignore Other Experts and Science', '<p>Algodones Dunes, California Desert Conservation Area-The U.S. Fish and Wildlife Service (FWS) has caved to political pressure and issued a permit to the Bureau of Land Management (BLM) that allows opening of 50,000 acres of endangered species habitat to damaging off-road vehicle use, despite asserting "destruction of plants and modification of habitat associated with off-road vehicle activity is considered the primary threat to Peirson\'s milkvetch." The biological opinion fails to use the best available science, instead relying heavily on an off-road industry funded report that lacks scientific credibility and has never been peer-reviewed or published.</p><p>The BLM will likely complete a plan in the next month to remove conservation of 50,000 acres currently protected by a 2000 agreement between BLM, off-road groups, Public Employees for Environmental Responsibility, the Center for Biological Diversity, and the Sierra Club. Under the settlement agreement, over 106 square miles are open to unlimited off-road use, while the other roughly half of the dunes are protected for wildlife and scenic non-motorized recreation. This has been abandoned. </p><p>"Citizens are outraged that anti-environmental bureaucrats are trying to kill balanced dunes management, by relying on biased industry reports to ignore clear evidence of off-road damage," said Daniel R. Patterson, Desert Ecologist with the Center for Biological Diversity. "We will challenge the Bush administration to protect the dunes, and we are confident we\'ll prevail in court."</p><p>Land managers with the two Interior Department agencies had been in a disagreement over the environmental harm of opening sensitive habitat on the Algodones Dunes to off-road vehicle use (see the L.A. Times: BLM, Wildlife Agency at Odds Over Off-Road at Dunes, 9/13/02). The FWS is charged with overseeing federal planning that may affect endangered species, such as the BLM proposed plan for the dunes currently under review. In rare cases where the plan proposed would be so damaging as to drive an endangered species to extinction, FWS may issue a "jeopardy" biological opinion&frac34;ordering significant revisions to a plan or action to allow species to survive. FWS biologists and managers in the Carlsbad field office had concluded last summer that the BLM plan would jeopardize the continued survival of endangered dune species.</p><p>The State of California Off Highway Vehicle Commission weighed in on the plan in December, denying BLM \$1.1 million in state funding due to repeated failures to protect the dunes and manage for sustainability. </p><p>In issuing the permit, FWS noted a 111 percent increase in off-road use at the dunes between 1994 and 1999, and projected that this figure will double by 2012. They

also noted that the BLM plan would significantly elevate impacts to desert tortoise, and BLM will not be implementing an Off-Road Vehicle carrying capacity.</p><p>"The opinion gives BLM another four years to come up with a management plan for the Peirson\'s milkvetch, when they\'ve already had several years and have yet to take any action unless ordered by the court," said Karen Schambach, California Director of Public Employees for Environmental Responsibility. "It does make some good conservation recommendations, but I\'ve yet to see this administration undertake any voluntary actions to help endangered species." The pro-industry biological opinion continues a pattern of environmental neglect at the dunes by Bush\'s Interior Secretary Gale Norton. In January, FWS withdrew a proposal to protect the imperiled flat-tailed horned lizard. FWS has also missed a legal deadline to respond to a Center for Biological Diversity petition to list the Andrew\'s dunes scarab beetle. FWS is under a court order to soon propose critical habitat for the Peirson\'s milkvetch.</p><p>The key legal issue is survival and recovery of endangered species on the dunes, including the Peirson\'s milkvetch, a rare and attractive plant, and the desert tortoise; both must be preserved under the Federal Endangered Species Act. As indicators of overall dunes ecosystem health, the milkvetch and other rare species including the Andrew\'s dunes scarab beetle, Algodones Dunes sunflower, Colorado Desert fringe-toed lizard, flat-tailed horned lizard, sand food and giant Spanish needle have been severely harmed by off-roading on the dunes. The BLM plan to remove 85 percent of their protected areas would be devastating to rare species, greatly worsen air pollution, and run off hikers, birdwatchers, photographers, Native Americans and others. </p>',  
'', 'DOI', 0);

INSERT INTO news VALUES (240, '2003-04-21', 'PARK SERVICE MUST CUT OPERATIONS TO PAY OUTSOURCING COSTS', 'Visitor Service and Summer Season Reductions, Layoffs Possible', '<p>Washington, DC--In order to meet Bush Administration quotas on outsourcing federal jobs, the National Park Service will have to reduce visitor services and make other cutbacks, according to a memo from the Park Service Director released today by Public Employees for Environmental Responsibility (PEER). Since the administration did not seek funding to cover the costs of the thousands of "competitive sourcing" studies it has mandated, the costs are being absorbed by reductions in park operations.</p><p>In an April 4, 2003 memo to Assistant Interior Secretary Lynn Scarlett, National Park Service Director Fran Mainella revealed that 900 jobs are already slated for immediate replacement by private contractors with another 1,323 jobs to be bid out in coming months. Altogether, removing these more than 2,200 employees--just the first installment of outsourcing--will turn over approximately 13 percent of the Park Service\'s permanent work force.</p><p>In the memo, Ms. Mainella laid out some consequences of implementing the Bush plan:</p><p>Cutbacks for "visitor services and seasonal operations" will occur just as national parks gear up for the busy spring and summer tourist months; </p><p>Due to an estimated cost of \$3,000 to study each full-time job slated for possible outsourcing, "there will be substantial additional human resources costs, including Reductions-In-Force (RIF) actions" to make up for these large unbudgeted expenses; and </p><p>There will be a potentially devastating effect on Park Service efforts to ethnically diversify its workforce, citing "for example, 89 percent of the FTE (full-time equivalent jobs) proposed for study in the Washington, DC, area may affect diversity of our workforce. Studies in San Francisco and Santa Fe show large concentrations of diverse FTE [to be affected] as well."</p><p>"Ironically, the idea behind &#8216;competitive sourcing\' is to improve federal agencies, not impoverish them," commented PEER Executive Director Jeff Ruch. He noted that although Park Service employees were promised that they could compete against commercial bidders for their own jobs, the decision has apparently already been made to replace the first 900 jobs through "direct conversion." "This memo is a

plea to the administration to come clean and disclose the real consequences of adherence to these arbitrary quotas and deadlines."</p><p>While many of the Park Service positions set for privatization are maintenance and administrative positions, the lists submitted by Mainella include hundreds of archaeologists, biologists and historians. If fully implemented, for example, the Park Service will turn over almost all of its archaeological and cultural resource inventory and protection responsibilities to private consultants. In addition the agency\'s Wildland Fire Program is heavily targeted for contracting, although the source for replacement firefighters remains unclear.</p><p>"Make no mistake, this is a radical attempt to commercialize the federal workforce such that the majority of people working in a national park do not answer to the superintendent, but to their home corporation," Ruch added. "These lists of affected jobs do not convey the human dimensions of what will happen: thousands of people representing incalculable dedication and institutional memory will be auctioned off to the lowest bidder."</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdire;?>/nps/Competitive\_Sourcing\_Response\_Mainella\_to\_Scarlett.pdf">View the Mainella Memo</a></p><p align="center"><a href="<?php print \$cfg->docsdire;?>/nps/DRAFT\_NPS\_Competitive\_Sourcing\_Spreadsheet.pdf">Download the entire plan for outsourcing 2,222 Park Service jobs (61 pages)</a></p><p align="center"><em>Or download regional spreadsheets for</em></p><p align="center"><a href="<?php print \$cfg->docsdire;?>/nps/NPS\_Plan\_Pacific\_and\_Alaska.pdf">Pacific West and Alaska</a></p><p align="center"><a href="<?php print \$cfg->docsdire;?>/nps/NPS\_Plan\_Denver\_and\_Intermountain.pdf">Intermountain Region and the Denver Service Center</a></p><p align="center"><a href="<?php print \$cfg->docsdire;?>/nps/NPS\_Plan\_Northeast\_MidAtlantic.pdf">Northeast and Mid-Atlantic</a></p><p align="center"><a href="<?php print \$cfg->docsdire;?>/nps/NPS\_Plan\_Southeast.pdf">Southeast</a></p><p align="center"><a href="<?php print \$cfg->docsdire;?>/nps/NPS\_Plan\_Midwest.pdf">Midwest</a></p>', ' ', 'NPS', 0);

INSERT INTO news VALUES (241, '2003-04-24', 'RACE AGAINST THE CLOCK IN FIRST AMENDMENT BATTLEGROUND OVER THE MOJAVE CROSS', 'Attorney General Ashcroft Maneuvers to Save Religious Symbol', '<p>Washington, DC--An eight-foot-tall cross, planted atop a 30-foot-high rock outcropping in the Mojave National Preserve in California has sparked a First Amendment fight that threatens to spill again into the halls of Congress. Facing a judicial order to remove the cross, the Bush Administration is supporting a legislative move to transfer one acre of the national park to private parties so that the cross can remain.</p><p>An unusual coalition of organizations is asking Congress not to interfere with court rulings that the cross violates the First Amendment prohibition against governmental establishment of religion. In a joint letter, the Jewish War Veterans of the United States of America, the American Civil Liberties Union (ACLU) of Southern California, the Natural Resources Defense Council, the Western Land Exchange Project and Public Employees for Environmental Responsibility (PEER) contend that the proposed land transfer, sponsored by local Congressman Jerry Lewis (R-CA), "would evade the United States Constitution, set a bad precedent for our National Park System and dishonor by exclusion all of the veterans who have served our nation."</p><p>Frank Bueno, former Deputy Superintendent at the Mojave National Preserve and a PEER Board member, is the lead plaintiff in an ACLU lawsuit seeking removal of the cross. On July 24, 2002, Judge Robert J. Timlin of U.S. District Court for the Central District of California permanently prohibited further display of the cross. Later that summer, Rep. Lewis unsuccessfully inserted a rider in an omnibus public lands bill that would have altered the boundaries of the Mojave National Preserve by conveying the acre of federal land

where the cross stands to the Veterans of Foreign Wars in Barstow.</p><p>After the Lewis rider failed, the Justice Department appealed Judge Timlin\'s order to the Ninth Court of Appeals. In its request for a stay of the court removal order the Justice Department argued, among other things, that the Park Superintendent\'s life would be in danger if the Park Service implemented the court order. The Justice Department did not offer any evidence of a specific threat to Superintendent Mary Martin to support this motion.</p><p>The Ninth Circuit is set to rule on the stay request in late April, just as Congress reconvenes. Rep. Lewis has pledged to find the first available legislative vehicle in which to insert the Mojave Cross rider. In the interim, the Park Service has shrouded the Mojave Cross in a canvas covering. </p><p align="center">### <a href="<?php print \$cfg->docsdire;?>/nps/Mojave\_Cross\_Joint\_Letter.pdf">Read the joint letter opposing the Mojave land transfer.</a> </p><p align="center"><a href="http://www.aclu-sc.org/docs/complaintmojavecross.pdf">View the complaint, <em>Buono v. Norton</em> at www.aclu-sc.org.</a></p>', ', 'NPS', 2);

INSERT INTO news VALUES (242, '2003-04-24', 'PENTAGON TO SUSPEND WHISTLEBLOWER AND ETHICS PROTECTIONS', 'No-bid Contracts a Recipe for Corruption and Cronyism', '<p>Washington, DC--Defense Secretary Donald Rumsfeld\'s plan to create a new Department of Defense Personnel System suspends protections for whistleblowers, waives ethics rules and authorizes no-bid service contracts, according to an analysis released today by Public Employees for Environmental Responsibility (PEER).</p><p>In mid-April, Secretary Rumsfeld submitted "The Defense Transformation for the 21st Century Act" to Congress, proposing a series of changes in departmental organization and military personnel rules. The bill would sweep aside an array of civil service and government accountability rules in the name of "flexibility":</p><p>Personal Service Contracting. Ability to execute no-bid contracts, without financial limitation, for any overseas or "national security" operations; </p><p>Firing and Transfers. Elimination of rules for employee due process, whistleblower appeals and conflict of interest rules; and </p><p>Appointment of "Experts." Authority to hire experts deemed "advantageous" by the Secretary on a non-competitive basis.</p><p>"This is a classic bait and switch where the preamble says it will protect whistleblowers and respect ethics rules while the fine print waives all the safeguards," commented PEER Executive Director Jeff Ruch, whose organization represents Department of Defense whistleblowers. "Due process and fundamental fairness are not threats to national security."</p><p>Coming on the heels of a separate personnel system approved for the Department of Homeland Security, the Pentagon bill goes much further in granting unilateral power to hire private contractors under any terms the Defense Secretary deems "necessary." "This plan should be called the Halliburton bill of rights," Ruch added, referring to the controversial Iraq reconstruction contract let by the Army Corps of Engineers. The plan also authorizes formation of volunteer auxiliaries to perform "any non-combat function, power, duty role, mission or operation authorized by law."</p><p>The bill contains exemptions from anti-pollution and wildlife protection laws for domestic Pentagon operations, and would repeal scores of reporting requirements by which Congress keeps tabs on Pentagon actions. "Given the unmatched history of Pentagon boondoggles, this agency needs more accountability not less," Ruch concluded. "The personnel experiment at Homeland Security has not even begun and here Secretary Rumsfeld--without citing a single example of where the Pentagon has been thwarted by the current system--asks to run the Department of Defense with less restrictions than governed an Enron Corp."</p><p align="center">### <a href="<?php print \$cfg->webroot;?>/docs/dod/Defense\_Transformation\_Act\_Analysis.pdf"><em>Read PEER\'s analysis of the Defense Transformation Act</em></a></p><p align="center">Read the <a href="<?php print \$cfg-

>webroot;?>/docs/dod/Defense\_Transformation\_Act\_2003.pdf">Defense Transformation for the Twenty-first Century Act of 2003</a> </p>', '', 'DOD', 0);

INSERT INTO news VALUES (243, '2003-04-28', 'EPA NOW STRESSING SECURITY AT EXPENSE OF ENFORCEMENT', 'Criminal Program Headed in Wrong Direction, Staff Says', '<p>Washington, DC--In the first employee survey conducted within the U.S. Environmental Protection Agency\'s criminal enforcement program, agency investigators report a dramatic decline in environmental enforcement, mismanagement and misuse of funds, rampant cronyism and a pervasive fear of retaliation, according to the results of a survey released today by Public Employees for Environmental Responsibility (PEER).</p><p>EPA criminal investigators, special agents and attorneys surveyed by PEER overwhelmingly register a sizeable de-emphasis of anti-pollution law enforcement:</p><p></p><p>More than two of every three responding employees believe that "the emphasis that the EPA places on investigating serious environmental crime has declined," while nearly three out of four doubt their management\'s decisions are "motivated primarily by a desire to improve environmental enforcement";</p><p>Nearly three of every four respondents cite a "decrease in resources available to investigate environmental crime during the past two years", with more than two out of three agreeing that "new security assignments are significantly diverting resources from environmental crimes"; and</p><p>Nearly three of every four respondents say that EPA\'s criminal program is not "headed in the right direction", and fewer than one out of seven contend that "EPA\'s criminal program is stronger today than it was during the Clinton Administration".</p><p>In an accompanying essay asking how EPA\'s criminal enforcement program could best be improved, one agent succinctly replied: "Concentrate on the &#8216;E\' in EPA."</p><p>"EPA appears to be suffering from a bad case of Homeland Security envy," commented PEER Executive Director Jeff Ruch, explaining that agents approached PEER requesting to conduct a referendum on the direction of the criminal program. PEER has conducted many similar surveys in federal and state agencies as a safe means for employees to bring concerns to the public\'s attention. "Investigators in the field are saying that EPA\'s criminal enforcement program is going badly off track--this survey reflects a resounding vote of no confidence."</p><p>The PEER survey also reflects a broad perception of inadequate resources, yet, at the same time, many respondents see waste and inefficiency:</p><p></p><p>Nearly four out of five feel that the EPA criminal program lacks "adequate resources to perform its mission" while more than two out of three do not think their own unit "is adequately staffed to meet its workload;</p><p></p><p>Nearly one in three are "aware of serious misuse of funds in the EPA criminal program" while more than one out of three are aware of "criminal investigative resources being used to provide personal services (such as walking dogs, fetching dry cleaning, etc.) for the EPA Administrator" Christie Todd Whitman; and;</p><p></p><p>More than four out of five employees do not think the agency\'s criminal program "is being well managed" or "efficiently manages the resources available to it"; more than two out of three also cite an excessive number of high grade level employees.</p><p>In accompanying essays, several employees gave examples of waste or misuse of funds. One agent stated: "The EPA CID division is in serious need of a GAO audit; somehow it has avoided the same."</p><p>Correspondingly, employees reveal low confidence in their leadership, low morale and a deep fear of retaliation:</p><p></p><p>Fewer than one in five "have confidence in the professionalism of senior management in the EPA criminal program;</p><p></p><p>More than half "fear job retaliation for reporting improper activity" with more than a third reporting a strong fear of retaliation; and;</p><p></p><p>More than three in four say employee morale is not good, with nearly two out of three admitting a recent decline in "job satisfaction".</p><p>One topic that drew more responses than any other was

favoritism in hiring and promotions. Less than one in ten respondents disagree with the statement that these personnel decisions are "based upon personal relationships with senior program managers". As one agent wrote, </p><p>"The CID Director doesn't have a clue and has basically abdicated his decision making (which was never any good anyway) to a cabal of egotistical incompetents whose only interests are self-promotion. I find it hard to believe that the pond was so shallow that these appointments could have been made."</p><p>PEER sent a questionnaire composed by agency staff members to 336 criminal investigators, special agents and attorneys throughout the U.S. More than 35 percent (120) were returned.</p><p align="center">### <a href="<?php print \$cfg->webroot;?>/docs/epa/EPA-OCEFT\_Survey\_Results.pdf"><em>View the survey results.</em></a></p><p align="center"><em><a href="<?php print \$cfg->webroot;?>/docs/epa/EPA-OCEFT\_Survey\_Sample\_Essay\_Responses.pdf">Read employee essays on how to improve EPA's criminal enforcement program.</a></em></p>', '', 'EPA', 0);

INSERT INTO news VALUES (244, '2003-04-28', 'WHITMAN'S OUTSIZED SECURITY ESCORT DRAINS POLLUTION ENFORCEMENT', 'Agents Used for Personal Errands, "Guarding Miss Daisy"', '<p>Washington, DC-- The U.S. Environmental Protection Agency's elite force of special agents is used to run personal errands for Administrator Christie Todd Whitman on her personal security detail, according to a survey of agents and interviews conducted by Public Employees for Environmental Responsibility (PEER). Scores of agents, whose principal duty is supposed to be investigation of environmental crimes, report having to walk her dogs, fetch dry cleaning and perform other personal duties for Ms. Whitman.</p><p>Ms. Whitman (who insists that subordinates use her former title of "Governor") has created a 24-hour, seven day a week "Protective Security Detail" that often requires a contingent of as many as ten special agents-- plus permanently attached supervisory positions--to accompany her even on vacations and to private events such as fundraisers.</p><p>Regardless of the need for a phalanx of bodyguards, agents doubt the protective detail's effectiveness. As one agent noted, "Based on experience, this program is wholly ineffective in preventing any potential attack." By contrast, Ms. Whitman's predecessor, Carol Browner, used a one-agent escort from the Inspector General's office to accompany her while on official trips.</p><p>EPA special agents who have served on the Whitman Protective Security Detail report</p><p>Routine use of agents to perform personal errands, such as reserving tables at restaurants and locating coffee shops;</p><p>Multiple agents used to cover Ms. Whitman while she is golfing, boating or entertaining at her vacation home in Florida;</p><p>Extravagances, such as the frequent rental of gas-guzzling Lincoln Town Cars when visiting other cities, rather than using available government vehicles.</p><p>"With all due respect, protecting Governor Whitman does not protect our environment," commented PEER Executive Director Jeff Ruch, who noted that the influx of former Secret Service into the top echelon of the Criminal Investigation Division is diverting agents to a variety of new security-oriented assignments and away from enforcement. "Privately, agents deride the Whitman protective detail as &#8216;Guarding Miss Daisy\' and complain that they are being kept from their real jobs of fighting pollution and investigating corporate environmental crimes."</p><p>Special agents within EPA's Criminal Investigation Division have an average salary exceeding \$75,000 with only approximately 120 out of a total force of 225 conducting field investigations. Yet Ms. Whitman's protective detail is composed of these field agents who, in many cases, must interrupt active cases to travel with her. A series of long-pending PEER requests for agency security costs is still undergoing "personal review" by J.P. Suarez, the Assistant Administrator for Enforcement and Compliance Assurance before the data will be released. </p><p align="center">### <a href="<?php print \$cfg->webroot;?>/docs/epa/EPA-

OCEFT\_Survey\_Whitman\_Comments.pdf">Read agent statements about Whitman\'s protection detail.</a></p>', '', 'EPA', 0);

INSERT INTO news VALUES (245, '2003-04-29', 'CASES FOR POLLUTION PROSECUTIONS PLUMMETING UNDER WHITMAN', 'New Referrals Way Down; Agents Cite Enforcement De-emphasis', '<p>Washington, DC--The number of new cases referred by the Environmental Protection Agency for federal prosecution has dropped dramatically during the Bush Administration, according to new figures released today by Public Employees for Environmental Responsibility (PEER).</p><p>"Christie Whitman is quietly presiding over the largest enforcement rollback in agency history," stated PEER Executive Director Jeff Ruch, whose organization released a survey of agency investigators and enforcement attorneys yesterday. "Field agents say that EPA management is not interested in investigating corporate crime; as a result the enforcement program is dying from the roots."</p><p>According to the Executive Office of US Attorneys figures compiled by Syracuse University\'s Transactional Records Access Clearinghouse (TRAC),</p><p></p><p>New criminal pollution cases referred by EPA for federal prosecution are down more than 40 percent since the start of the Bush Administration;</p><p>New civil pollution referrals are down by more than 25 percent under Bush; and</p><p>With the drop in new referrals, the number of environmental prosecutions, after initially holding steady, is also beginning to fall. New criminal prosecutions are off nearly one third and civil filings by more than a quarter from levels during the Clinton Administration.</p><p>"Ms. Whitman and her managers are holding press conferences touting settlements won in cases developed and brought during the Clinton Administration," Ruch commented, noting that some of the biggest settlements were won enforcing Clean Air Act rules the Bush Administration is proposing to abolish. "Enforcement is a process, not an event. The process begins with inspections and investigations-- this is the seed corn that is being squandered."</p><p>EPA contends that it has opened more cases than ever before, but enforcement agents contend that agency numbers are vastly inflated and count matters that have no hope of being prosecuted. By contrast, the TRAC numbers look only at cases referred for civil or criminal prosecution and measure the enforcement outcomes of each case.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/4-29-03\_EPA\_Criminal\_Enforcement\_Data.pdf">View TRAC figures for criminal referrals.</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/4-29-03\_EPA\_Civil\_Enforcement\_Data.pdf">View the TRAC figures for civil referrals and suits filed.</a></p>', '', 'EPA', 0);

INSERT INTO news VALUES (246, '2003-05-05', 'ARMY CORPS INVOKES NATIONAL SECURITY ON OIL SPILLS IN COLUMBIA AND SNAKE RIVERS', 'Refuses to Cooperate With State Pollution Agencies', '<p>Washington, DC--Citing "potential terrorist threats," the U.S. Army Corps of Engineers is refusing to let Washington State environmental inspectors investigate oil spills in hydroelectric facilities on the Columbia and Snake Rivers, according to a letter released today by Public Employees for Environmental Responsibility (PEER).</p><p>According to reports from Corps staff, oil is routinely discharged into the sumps and drainage vaults within the dams, often while these holding areas are full of migrating fish. The size of these spills ranges from a few gallons to hundreds and, in some cases, thousands of gallons of heavy machine grade oil. It is not known how much of this oil is eventually discharged into the river channels as a result of problems with the facilities\' oil-water separators and the lack of consistent spill reporting by the Corps.</p><p>In a January 31, 2003 letter, the Washington Department of Ecology warned that the Corps "could be violating state and federal water quality laws and operating outside the legally mandated spill response system." In a March 31, 2003 reply to Ecology Director Tom Fitzsimmons, Brigadier General David Fastabend, the chief of Corps operations in the Pacific

Northwest, challenged state jurisdiction over the operations of his agency's facilities. In addition, General Fastabend argued that "national security concerns" precluded state inspections: </p><p>"For yet another reason, we are also unable to allow your Department to assert regulatory controls over the internal operation of our facilities. Portland District has correctly advised you that drawings and plans of our galleries, sumps, and location of our generators in the powerhouse cannot be shared with your Department because of heightened national security concerns. These facilities have been identified as potential terrorist targets. Accordingly, the Army has mandated that plans, specifications, and drawings of the Federal projects cannot be provided to other entities or members of the public at this time."</p><p><p>"Arrogance thy name is the Army Corps of Engineers," stated PEER Executive Director Jeff Ruch, whose organization represents Corps whistleblowers. "The notion that state pollution inspections compromise the war against terrorism manages to be both bizarre and self-serving--the Corps is supposed to be an environmental compliance organization not an environmental avoidance operation."</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdire;?>/ace/Corps\_Invokes\_National\_Security\_Letter.pdf">Read General Fastabend's letter</a><p>', '', 'ACE', 0);

INSERT INTO news VALUES (247, '2003-05-02', 'EPA, US ARMY CORPS OF ENGINEERS, AND USFWS WIN PEER'S 2003 ENVIRONMENTAL RESPONSIBILITY AWARD', 'Handling of Proposed Route 11 Project', '<p>Robert Varney, Regional Administrator Environmental Protection Agency, Region 1<br /> One Congress Street<br /> Suite 1100<br /> Boston, MA 02114-2023</p><p>Colonel Thomas Koning<br /> District Engineer, New England District<br /> U.S. Army Corps of Engineers<br /> 696 Virginia Road<br /> Concord, MA 01742-2751</p><p>Michael Bartlett<br /> New England Field Supervisor<br /> U.S. Fish and Wildlife Service<br /> New England Field Office<br /> 70 Commercial Street, Suite 300<br /> Concord, NH 03301-5087</p><p>Dear Administrator Varney, Colonel Koning, and Supervisor Bartlett,</p><p>New England Public Employees for Environmental Responsibility (PEER) is pleased to announce that you have been awarded PEER's "2003 Environmental Responsibility Award" for your strong and unwavering stance on the proposed Route 11 project in Connecticut. We believe that this project would be the single greatest threat to wetlands in New England in generations.</p><p>We are delighted to note that both the U.S. Environmental Protection Agency (EPA) and U.S. Fish and Wildlife Service (FWS) have steadfastly demanded comprehensive inventories of flora and fauna to be performed throughout the Route 11 corridor. It is our belief that the proposal significantly underestimates the extent and severity of direct, indirect and secondary adverse impacts to aquatic Moreover, we commend EPA and FWS for their position that there are less environmentally damaging alternatives to the proposed project.</p><p>PEER further commends the Corps on its stance that the mitigation plan is "substantially inadequate, and that additional analysis of project effects on aquatic resources will be required to continue discussions on the mitigation plan."</p><p>As you are all aware, the proposed Route 11 project would have significant and irreversible impacts to the aquatic ecosystem of Connecticut. Moreover, the project appears to be fiscally irresponsible: the current project cost of approximately \$500 million for 9 miles of highway is unconscionable given the current fiscal climates in Connecticut and in Washington DC.</p><p>PEER is a non-profit organization whose mission is support local, state and federal government employees who enforce environmental laws, maintain scientific integrity, and uphold professional ethics in the workplace. As a former EPA Region I Wetlands Enforcement Coordinator, I personally understand and appreciate the politics involved in a major transportation project like this. Given the severity of impacts associated with the proposed Route 11 project, and the clear non-compliance with Section 404 of the Clean Water Act, PEER believes that your



positions are well supported in both science and law.</p><p>Please accept our congratulations for the attached award, and our heartfelt thanks for your perseverance. Note that you will be featured in PEER\'s upcoming newsletter, PEERreview, in our "PEER Perspective &#8211; Thumbs Up!" which has a national distribution to over 10,000 individuals and groups.</p><p>Sincerely,</p><p>Kyla Bennett, Director<br /> New England PEER </p>', '', 'EPA', 0);

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INSERT INTO news VALUES (248, '2003-05-09', 'BLM USING FIRE, RANGE, AND WILDLIFE FUNDS FOR REDECORATION', 'Group Calls For Audit of D&eacute;cor Makeover in Winnemucca, Nevada Office', '<p>Washington, DC--An employee watchdog group today called for an audit of funds used for a complete office redecoration now taking place in the Bureau of Land Management\'s (BLM) Winnemucca field office. Public Employees for Environmental Responsibility (PEER) is asking the Department of Interior Office of Inspector General to determine the source of funds for the purchase of matching furniture for the entire 120-person staff and whether employees improperly billed program accounts, such as fire control and range management, for the time they actually spent boxing files, moving furniture and otherwise facilitating the office makeover.</p><p>A large part of the Winnemucca office redecoration involves installation of new matching "system furniture". Employees have been told to pack up their files, move out old furniture, and find a way to keep busy out of the office while the three-week refurnishing is completed. In the interim, all 120 employees in the Winnemucca field office have access to only two phone lines and a total of six computers terminals clustered in a conference room. BLM employees have contacted PEER raising the following concerns:</p><p><strong>Cost.</strong> Field Manager Terry Reed has, despite recent budget cuts, decided to install matching "systems furniture" suites for all employees. While employees do not know the exact amount that will be expended, the word-of-mouth estimates put the total cost between $350,000 and $500,000;</p><p><strong>Source of Funds.</strong> Since there has been no specific allocation made for these purposes, employees believe that the funds are being diverted from range conservation and fire management, the two largest office program budgets. In addition, staff members have been instructed to charge their time packing and doing other redecoration to range, fire and other program accounts; and</p><p><strong>Disruption.</strong> As there is no office space for employees during the redecoration, workers are being urged to use vacation time. Those who choose to work are asked to spend as much time as possible in the field or to work out of their cars.</p><p>"According to employees, this redecoration has diverted funds, disrupted operations and prevented people from doing their jobs in what is supposed to be a public agency," commented PEER Executive Director Jeff Ruch. "While BLM employees deserve nice, functional furniture, employees say that what they had worked just fine; this makeover was apparently done for a manager\'s ego, not the office\'s efficiency."</p><p>The BLM Winnemucca field office is responsible for federal lands encompassing 8.5 million acres in northwestern Nevada, an area larger than the state of Maryland. BLM holdings in this region include the Black Rock Desert Region and the Great Basin.</p><p align="center">###</p><p align="center"><a href="<?php print $cfg->docsdir;?>/nevada/Winnemucca_Audit.pdf">Read the PEER request for an audit of the Winnemucca d&eacute;cor makeover</a> </p>', 'NV', 'BLM', 0);
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INSERT INTO news VALUES (249, '2003-05-13', 'FOREST SERVICE VOWS CULTURAL RESOURCE UPGRADE AT LOS PADRES', 'Agency Responds to Employee Charges', '<p>Sacramento, CA--The U.S. Forest Service is pledging to improve its cultural resource protection program at Los Padres National Forest in response to charges leveled by employees, according to an interagency review released today by California Public Employees for Environmental Responsibility (California PEER).</p><p>According to the October 2002 white paper <em>Ruined Relics:
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Crumbling Cultural Resource Protection at Los Padres National Forest

written by former Los Padres employees and volunteers and published by California PEER, Los Padres National Forest leadership repeatedly ignored staff experts and approved projects that damage or destroy priceless archeological artifacts. National Forest leadership was also charged with violating federal law by failing to complete required surveys and monitoring of cultural sites, and by promoting recreational uses of the forest at the expense of its cultural resources.

Last fall the Forest Service convened an interagency review team to examine the charges levied in the paper. This spring--without any public announcement--the agency quietly released a review report that confirms some of the charges, disputes others and recommends a number of program improvements:

- Better monitoring of off-highway vehicle trails;
- Adoption of new protections against damage caused by mountain bikes, cattle grazing, equestrian use and artifact theft;
- Improved coordination of prescribed burns and fire suppression activities so that historic and prehistoric treasures are not needlessly sacrificed.

Despite acknowledging the need for these improvements, however, the report concludes that "the heritage program at the Forest is now moving in the right direction."

"We are pleased that the Forest Service recognizes the need for improvement in the Los Padres cultural resource program," commented California PEER Director Karen Schambach. "However it seems that the Forest Service is doing its best to put a positive spin on their findings, all while substantially agreeing with most of the white paper's allegations. The employees at Los Padres will be keeping watch over the agency to see whether it follows through on its own recommendations."

Investigating one of PEER's allegations, the review team also found that the Los Padres National Forest had spent \$200,000 on a non-existent survey and evaluation of archaeological properties. They noted that although the team has been unable to determine why these funds were fully expended, a report was not produced.

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[Read the white paper](http://www.fs.ruinedrelics.pdf) *Ruined Relics: Crumbling Cultural Resource Protection at Los Padres National Forest*

[Read the Findings of the Interagency Review Team Regarding the PEER White Paper](http://www.ca.ruined_relics_response.pdf), 'CA', 'FS', 0);

INSERT INTO news VALUES (250, '2003-05-14', 'NAVY WHISTLEBLOWER CHALLENGES TERMINATION', 'Cutler Environmental Specialist Seeks Federal Protection', 'Washington, DC--Navy officials have trumped up charges against an outspoken environmental specialist at the Cutler Computer and Telecommunications Detachment in order to remove him from his job, according to a complaint filed today by Public Employees for Environmental Responsibility (PEER), a national employee protection organization. Filed before the Office of Special Counsel (OSC), the PEER complaint seeks to overturn the proposed termination of Dr. Normand Laberge, a civilian Environmental Protection Specialist at Cutler Naval Base in northeastern Maine.

In mid-April, Dr. Laberge was issued a notice of proposed removal from federal service. Supervisors cited an asbestos violation from August 2002 as the basis for the action, even though an independent investigation had found that Dr. Laberge was not responsible for the violation. According to today's complaint, the asbestos incident was "a pretext for retaliation" against a specialist who, for many years, pointed out violations of safety and environmental laws on the base.

Dr. Laberge's vigorous enforcement of safety and environmental rules on the base has often put him at odds with Navy leadership. In one 1997 incident, he discovered that paint removed from communications structures on the base contained polychlorinated biphenyls (PCBs), synthetic chemical compounds known to cause cancer and immune

system disorders in humans. Dr. Laberge's repeated requests that the base disclose the health hazards to the Environmental Protection Agency were ignored; paint removal continued for more than a year, risking the health of federal workers and contamination of the adjacent seacoast. After pointing out the violation Dr. Laberge was officially reprimanded and eventually removed from the project, but a subsequent federal investigation eventually supported Dr. Laberge's charges.

In another incident described in the complaint, Dr. Laberge lost his email privileges after base officials discovered that he was communicating with EPA officials about the contamination of coastal waters.

"The Navy has one of the worst records of retaliating against its own employees who raise problems, and Dr. Laberge is a classic case in point," commented PEER's General Counsel Dan Meyer, a former Navy officer. "Ironically, this case is occurring at a time when the Department of Defense is seeking exemptions from environmental laws by claiming that its own specialists are a sufficient safeguard. This episode suggests precisely the opposite that the Pentagon requires external oversight in order to protect public health and a clean environment."

Under the Whistleblower Protection Act, if the Office of Special Counsel determines that the proposed termination is retaliatory it may seek a stay against any further personnel action.

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[Read PEER's complaint](http://?php print $cfg->docsdire;?>/me/laberge_complaint.pdf), 'ME', 'DOD', 0);

INSERT INTO news VALUES (251, '2003-05-09', 'PARK SERVICE SUSPENDS REPAIRS TO PAY FOR OUTSOURCING AND SECURITY', 'Yosemite, Crater Lakes and Lake Mead Projects Are Hit', '<p>Washington, DC--The National Park Service is cutting millions of dollars in needed repair and rehabilitation projects in order to pay for President Bush's directive to begin outsourcing thousands of agency jobs and for added overtime for law enforcement rangers, according to internal documents released today by Public Employees for Environmental Responsibility (PEER).</p><p>Under President Bush's plan, approximately two thirds of all Park Service employees could lose their jobs to private contractors following cost comparison studies. Since Congress has not appropriated any funds to conduct these studies (estimated at approximately \$3,000 per position studied), the Park Service has diverted funds earmarked for repairs.</p><p>In the Park Service's Pacific West Region&frac34;encompassing California, Oregon, Washington, Idaho, Nevada and Hawaii&frac34;more than a quarter (28 percent) of funds slated by Congress for rehabilitation of facilities are being cut through an "assessment" levied by NPS Headquarters on account of "anti-terrorism activities and competitive sourcing studies," according to a memo from the region's budget officer, Cynthia Ip. Similar diversions of park maintenance and repair projects are occurring throughout the country. </p><p>Projects cut in the Pacific West Region include</p><p></p><p>Asbestos abatement in deteriorating buildings and repair of a collapsed tunnel drain at Yosemite National Park;</p><p></p><p>Seismic safety rehabilitation for 18 buildings in Golden Gate National Recreation Area; and</p><p></p><p>Upgrading of the sewage lagoon at Crater Lakes National Park.</p><p>"These cuts undo one of President Bush's only environmental bragging rights," commented PEER Executive Director Jeff Ruch, citing the President's pledge in a 2001 speech at Sequoia National Park to eliminate the almost \$5 billion park maintenance backlog. "This is a quota-based ideological drive to replace civil servants with private contractors, regardless of the cost to the public, the Park Service or the national assets it protects."</p><p align="center">### </p><p align="center"><a href="http://?php print \$cfg->docsdire;?>/nps/Pac\_West\_Outsourcing\_Assessment.pdf">Read the Pacific West Region memo announcing \$4.6 million in cuts</a>.</p><p align="center"><a href="http://?php print \$cfg->docsdire;?>/nps/Pac\_West\_RR\_Budget.pdf">View the spreadsheet listing affected repair projects.</a></p><p align="center"><a

href="<?php print \$cfg->docmdir;?>/nps/DRAFT\_NPS\_Competitive\_Sourcing\_Spreadsheet.pdf">See national list of Park Service jobs that are targeted for replacement this year.</a></p>', '<!--', 'NPS', 0);

INSERT INTO news VALUES (252, '2003-05-19', 'PERCHLORATE CONTAMINATION WORSENS ON CAPE COD', 'Commonwealth Issues Cleanup Order to the Army', '<p>Boston-- Perchlorate levels in private well waters outside of Camp Edwards on Cape Cod have more than doubled in the past year, prompting a state cleanup order, according to documents released today by New England Public Employees for Environmental Responsibility (<em>New England</em> PEER).</p><p>In a May 13, 2003 "Notice of Responsibility" sent to the U.S. Army Environmental Center at Camp Edwards, the Massachusetts Department of Environmental Protection (DEP) cites new "validated analytical data" showing that the levels of "perchlorate in a private supply well constitutes a release of a hazardous material resulting in a Condition of Substantial Release Migration and a Critical Exposure Pathway pursuant to" state toxic cleanup laws. The notice directs the Army to submit an "Immediate Response Action" by June 10, 2003, warning that "failure to meet this deadline may result in enforcement actions by the Department."</p><p>Perchlorate is a component of rocket fuel that has many other munitions-related uses. It is a possible carcinogen that affects thyroid function. Perchlorate contamination of groundwater has become a national problem, affecting 20 states in hundreds of locations.</p><p>The new perchlorate levels reported by the Army to DEP are 1.75 parts per billion (ppb), a level substantially above the state standard of 1 ppb. The premise behind the state standard is that consuming even one glass of contaminated water could be harmful to a pregnant woman or a small child. The new perchlorate levels are more than double the previous high levels (0.74 ppb) for the same area, suggesting that the chemical plume is migrating farther into residential areas surrounding the base.</p><p>In congressional hearings over the past two months, Pentagon officials have resisted calls to address reports of growing perchlorate contamination. Under Pentagon pressure the EPA has delayed setting a national standard for the chemical.</p><p>"The Pentagon is playing hide-and-go-seek with the public's health," commented <em>New England</em> PEER Director Kyla Bennett, a biologist who formerly worked in EPA's New England regional office. "Not just in Massachusetts but across the country, the Pentagon has been throwing up every possible obstruction to an honest assessment and remediation of what has become a perchlorate plague."</p><p>The state is able to take action because Massachusetts has its own perchlorate standard. The notice issued by DEP to Camp Edwards starts a cleanup process that agency employees estimate could take up to five years.</p><p align="center">### </p><p align="center"><a href="<?php print \$cfg->docmdir;?>/ma/DEP\_Camp\_Edwards\_Notice.pdf">Read the DEP Notice of Responsibility for Camp Edwards.</a></p>', 'MA', 'DOD', 0);

INSERT INTO news VALUES (253, '2003-05-21', 'LATEST LURC SETTLEMENT IS "LAST HURRAH" FOR ENFORCEMENT', 'Budget and Staffing Cuts Preclude Corporate Cases in Future', '<p>Millinocket, Maine--When the Land Use Regulatory Commission (LURC) decides whether to ratify a civil settlement with Clayton Lake Woodlands today, it may be the last major enforcement action the agency is able to see through, according to Maine Public Employees for Environmental Responsibility (Maine PEER), a watchdog group that represents LURC employees.</p><p>The settlement, which will fine the company \$10,000 for environmental damage to Glazier Brook, is hailed as a major environmental victory for the state, but LURC employees state that they no longer have the staff power to follow through with actions against major polluters in the future. Severe budget cutbacks and sweeping staff reductions are crippling LURC's enforcement abilities, employees say. By July LURC will only have one person in its East Millinocket field office. Yet, even

fully staffed, it took LURC two full years to bring the Clayton Lake Woodlands case to fruition.

This week's settlement agreement states that Clayton Lake Woodlands caused "numerous violations" of environmental standards when shoddy road construction caused major siltation of the brook, a tributary of the Allagash River. Silt can clog trout spawning beds and choke out fish habitat. In addition to the fine, the timber company will be required to clean up environmental damage caused at eight other sites.

Indicators of plummeting LURC enforcement include the following:

In 2000 and 2001, the LURC Director has blocked more than 20 separate cases that staff had forwarded for referral to the state Attorney General's office for prosecution. Only ten such cases have been referred over the past ten years;

In a 2001 Maine PEER survey of LURC employees, 86 percent of respondents said that the agency did not have the resources to "properly enforce the law." More than half (57 percent) also felt that the agency was not proactive in preventing violations before they occur;

This past winter LURC was hit with the latest round of budget cuts, chopping 20 percent of its staff and charging the agency thousands of dollars for formerly free services of the Attorney General's office, creating yet another financial barrier to prosecuting future environmental violations.

"The state wants to use the Clayton Lake Woodlands settlement to show that it's serious about enforcing environmental laws, but they are throwing every possible obstacle in the way of future enforcement actions," commented Maine PEER Director Tim Caverly. "This may be the last hurrah for enforcement against corporations clouding Maine's waters."

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INSERT INTO news VALUES (254, '2003-05-20', 'MISSOURI DNR PLANS TO WEAKEN SAFE DRINKING WATER RULES', 'Proposal Would Eliminate Certain Public Notice Requirements', '<p>Jefferson City--The Missouri Department of Natural Resources (DNR) will hear comments this week on a proposal to amend the state's public notification rules under the Safe Drinking Water Act. An analysis compiled by Public Employees for Environmental Responsibility (PEER), a watchdog group based in Washington, DC, indicates that the proposal would weaken the state's current public notice rule at a time when the agency has demonstrated a series of failures to follow the current regulations.</p><p>Data compiled by EPA's Office of Groundwater and Drinking Water show that 15 of 25 Missouri state parks listed as active public water systems have had at least one major health-based violation in their history. Lake of the Ozarks State Park, in particular, has repeatedly violated drinking water standards. In June, July and August of 2001, the park's drinking water was contaminated with coliform bacteria. In each case the park failed to notify the public of the problems, even though federal regulation requires that customers be notified within 30 days.</p><p>DNR currently relies on the federal rules for public disclosure. The proposal this week would replace it with a much weaker state rule that eliminates a large portion of the federal regulation. Under the proposal "nonacute" violations, like those at Lake of the Ozarks State Park, would not necessarily require public notification. Nonacute contamination contains types of bacteria that would not make an average person sick; however more sensitive individuals, including infants, the elderly, people with HIV/AIDS, or those undergoing chemotherapy treatment, may become ill.</p><p>"DNR needs to meet the health needs of all Missourians," commented PEER's National Field Director Eric Wingerter. "The most susceptible individuals are precisely the people who have a right to know when their drinking water is polluted."</p><p>The Missouri Safe Drinking Water Commission will hold a public hearing on the proposal this Thursday, May 22, at the DNR Conference Center at 1738 East Elm Street in Jefferson City. The meeting begins at 10:00 am.</p><p align="center">###</p><p align="center"><a href="<?php print $cfg-
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>docsdir;?>/mo/Drinking\_Water\_Public\_Comments.pdf">Read PEER\'s analysis of the proposed rule change.</a></p>', 'MO', '', 0);

INSERT INTO news VALUES (255, '2003-05-23', 'SECRETARY NORTON IGNORES BALANCE AND BEST SCIENCE WITH PERMIT TO OPEN DUNES HABITAT TO ORVS', 'BLM\'s Final Plan is Even Worse than Bad Draft; Conservationists Will Sue', '<p>Algodones Dunes, California Desert Conservation Area-With its latest environmental rollback, the Bush administration has finalized a plan to remove conservation of 50,000 acres of endangered species habitat on the Algodones Dunes that is currently protected by a 2000 agreement between the U.S. Bureau of Land Management (BLM), off-road groups, the Center for Biological Diversity, the Sierra Club and Public Employees for Environmental Responsibility. The final plan is even worse than the bad draft. BLM grants new favors to industry by removing protections for the desert tortoise, moving a strategic ranger station, adding new vendor areas, arbitrarily increasing carrying capacity, and removing a requirement that off-roaders would have to pass an ecological awareness test before motoring into sensitive areas. Under the settlement agreement, over 106 square miles are open to unlimited off-roading, while the other roughly half of the dunes are protected for wildlife and scenic non-motorized recreation. This balance is abandoned and all available lands at the dunes are opened to intensive off-roading.</p><p>&quot;Citizens are outraged that they\'re being ignored by anti-environmental politicians and bureaucrats who are trying to kill balanced dunes management,&quot; said Daniel R. Patterson, Desert Ecologist with CBD. &quot;Secretary Norton just made a bad plan worse, and she invites litigation. We will challenge the Bush administration to protect the dunes, and we are confident we\'ll prevail in court.&quot; </p><p>The U.S. Fish and Wildlife Service (FWS) recently found that &quot;destruction of plants and modification of habitat associated with off-road vehicle activity is considered the primary threat to Peirson\'s milkvetch.&quot; The BLM plan fails to use the best available science, instead relying heavily on an off-road industry funded report, which lacks scientific credibility and has never been peer-reviewed or published. BLM also ignored thousands of comments from citizens who want the conservation areas maintained to protect endangered species.</p><p>The State of California OHV Commission weighed in on the draft plan in December, denying BLM \$1.1 million in state funding due to repeated failures to protect the dunes and manage for sustainability. The Imperial County-based Quechan Indian Tribe has also opposed BLM\'s plan.</p><p>FWS noted an off-road use increase at the dunes of 111% between 1994 and 1999, and projects that it will double again by 2012. They also noted that BLM\'s plan would significantly elevate impacts to the desert tortoise, and BLM will not be implementing an ORV carrying capacity.</p><p>&quot;We\'ll be looking closely to see if BLM fully adopts the Fish and Wildlife Service recommendations, and if they haven\'t then we will challenge the plan,&quot; said Karen Schambach, California Director of Public Employees for Environmental Responsibility. The pro-industry final plan continues a pattern of environmental neglect at the dunes by Bush\'s Interior Secretary Gale Norton. In January, FWS withdrew a proposal to protect the imperiled flat-tailed horned lizard. FWS has also missed a legal deadline to respond to a CBD petition to list the Andrews\' dunes scarab beetle. FWS is under a court order to soon propose critical habitat for the Peirson\'s milkvetch.</p><p>The key legal issue is survival and recovery of endangered species on the dunes, including the Peirson\'s milkvetch, a rare and attractive plant, and the desert tortoise, both which must be preserved under the federal Endangered Species Act. As indicators of overall dunes ecosystem health, the milkvetch and other rare species including the Andrews\' dunes scarab beetle, Algodones Dunes sunflower, Colorado Desert fringe-toed lizard, flat-tailed horned lizard, sand food and giant Spanish needle have been severely harmed by off-roading on the dunes.</p><p>The BLM plan to remove the protected areas would be devastating to dozens of rare

and endemic species, greatly worsen air pollution, and run off hikers, birdwatchers, photographers, Native Americans and others. In addition to allowing intense environmental harm, opening conservation areas to off-road vehicles will displace non-motorized visitors, costing nearby communities in the Imperial Valley and Yuma at least \$3.3 million annually in sustainable recreation related spending. </p><p>The conservation areas remain closed for at least another month to allow legal protests to be filed against the BLM plan.</p>', 'CA', 'BLM', 0);

INSERT INTO news VALUES (256, '2003-05-27', 'LURC EMPLOYEE RESIGNS IN PROTEST', 'Managers, Staffing Cuts Blamed for Steering Land Agency Off Course', '<p>Millinocket, MAINE--An enforcement specialist with the Land Use Regulatory Commission (LURC) stepped down Monday, charging that the agency managers consistently impede investigations and sidestep environmental laws, according to his resignation letter released today by Maine Public Employees for Environmental Responsibility (Maine PEER).</p><p>In a May 26th letter to LURC Director Catherine Carroll, Environmental Specialist David Tardiff describes how the agency, which is tasked with enforcing planning and zoning laws in Maine\'s unorganized territories, has been stifled from fulfilling its mission. According to the letter, LURC managers</p><p></p><p>Refuse to take enforcement action against the largest violators; </p><p></p><p>Ignore agency rules by allowing after-the-fact permits on projects that "would not be approved before the fact"; and</p><p></p><p>Encourage staff "to falsify findings of fact in order to just get a permit issued."</p><p>The letter also notes that staff and budget cutbacks will only further cripple LURC\'s enforcement capabilities. Last week, Maine PEER reported that a recent \$10,000 settlement against repeat offender Clayton Lake Woodlands is likely to be the last of its kind, as 20 percent reductions in staffing and a growing backlog of cases make future multi-year investigations nearly impossible. At the same time, the agency has agreed to spend nearly \$40,000 on a new Internet mapping site, an expenditure that critics argue is a low priority.</p><p>Currently assigned to the East Millinocket field office, Tardiff is a 15-year veteran of state service, with the last seven years at LURC and the remainder with the Maine Department of Environmental Protection. His resignation will take effect on June 6. In his resignation letter, Tardiff notes that he "simply wanted to do the best job I could and with integrity. However, I believe this has not been possible for quite some time and the continuing situation makes it impossible for me to remain as a public servant on the Commission staff."</p><p>"This resignation is just the latest example that LURC is an agency in deep denial," commented Maine PEER Director Tim Caverly. "LURC appears at war with itself, with enforcement staff facing more resistance from their own managers than from violators."</p><p>In 2001, Caverly circulated an agency-wide employee survey in which 86 percent of respondents said that the agency did not have the resources to "properly enforce the law." More than half (57 percent) also felt that the agency was not proactive in preventing violations before they occur.</p><p align="center">### <a href="<?php print \$cfg->docsdire?>/me/Tardiff\_Resignation.pdf">Read Tardiff\'s resignation letter</a>. </p>', 'ME', '', 0);

INSERT INTO news VALUES (257, '2003-05-28', 'TRUMPETER SWAN DATA UNDER FIRE FWS', 'Finding Relied on Invented and Distorted Studies', '<p>Washington, DC-- The U.S. Fish and Wildlife Service illegally relied on false information when it made a major finding on trumpeter swans this spring, according to a complaint filed today by Public Employees for Environmental Responsibility (PEER). The complaint alleges that the Service violated the Data Quality Act (DQA) when it determined that Rocky Mountain trumpeter swans do not constitute a distinct population segment, thereby blocking an effort to protect the rare swans under the Endangered Species Act.</p><p>Last January the Service published a 90-day

Finding in response to a lawsuit seeking to designate the Tri-state Population of trumpeter swans as a Distinct Population Segment. The finding concluded that there was not "substantial information" to justify a listing. </p><p>In order to support this finding, the Service produced and relied primarily on a previously-unpublished study that directly contradicts decades of biological understanding of the Tri-state Population. The complaint details how the study failed to meet the most basic standards of the Data Quality Act:</p><p></p><p>While the DQA requires that the Service rely on peer-reviewed studies, the primary basis of the finding had never been evaluated, or even read, by trumpeter swan experts;</p><p></p><p>The study omits important available data that contradict the authors\' thesis; and</p><p></p><p>The authors use politically driven language and sweeping generalizations that are not supported by data.</p><p>While the secondary source document cited by the finding was legitimately researched and rigorously reviewed, that study\'s lead author has complained that the Service distorted her conclusions. In a March 7 letter to FWS Director Steve Williams, Biologist Ruth Shea argues that the Service "wrongly cites" the study "while omitting any mention of that report\'s real conclusion."</p><p>"When the Service couldn\'t find a single study that would support their agenda, they simply fabricated one and misrepresented another," stated PEER\'s National Field Director Eric Wingerter. "It\'s pretty clear why they didn\'t bother running their new study by other trumpeter swan experts: it simply doesn\'t meet basic scientific standards."</p><p>The PEER complaint asks that the Interior Department remove the original 90-day Finding.</p><p>In August, 2001 PEER released a white paper written by Service employees, titled <em>Swan Dive: Trumpeter Swan Restoration Trumped by Politics</em>. The white paper detailed how the agency inappropriately authorized swan hunters in Utah to shoot trumpeters, which had previously been protected.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdire;?>/fws/Trumpeter\_DQA.pdf">Read PEER\'s Data Quality Act complaint.</a></p><p align="center"><a href="<?php print \$cfg->pubsdir;?>/whitepapers/wp\_swan\_dive\_full.pdf">Download a copy of <em>Swan Dive, </em>PEER\'s white paper.</a></p><p align="center"><a href="<?php print \$cfg->docsdire;?>/fws/Shea\_Trumpeter\_letter.pdf">Read Ruth Shea\'s letter to FWS disputing their use of her research.</a></p>', '', 'FWS', 0);

INSERT INTO news VALUES (258, '2003-05-28', 'LOCKYER URGED TO HELP HUMBOLDT DA\'S TIMBER FRAUD CASE', 'Watchdog Group Calls Attorney General\'s Reluctance "Travesty of Justice"', '<p>SACRAMENTO, Calif.--Attorney General Bill Lockyer has placed politics above the law by refusing to support a Humboldt County lawsuit against the politically powerful Pacific Lumber Company, according to the watchdog group California Public Employees for Environmental Responsibility (<em>California</em> PEER). Humboldt District Attorney Paul Gallegos\' fraud case against the timber company alleges that Pacific Lumber submitted false data to obtain approval from state regulatory agencies to log on steep, unstable slopes. Lockyer has declined to support Gallegos\' suit, citing conflict of interest. </p><p>Lockyer claims that he cannot assist Gallegos because he represents the California Department of Forestry and Department of Fish and Game; both signed the \$490 million Headwaters Deal. In that agreement, Pacific Lumber sold 7,500 acres of old growth redwood to the government, and state agencies approved permits for logging controls on the other 211,000 acres of Pacific Lumber lands. Those agencies have denied that their approvals of the Headwaters Forest deal were based upon fraudulent data. With the earlier refusal of the Humboldt County Board of Supervisor to hire outside council to assist Gallegos, a Humboldt County Assistant District Attorney is currently handling the entire case.</p><p>The <em>California</em> PEER letter describes how the Attorney General routinely represents conflicting interests of various state agencies, and is able to separate those interests to "maintain confidences and



representation without conflict." Moreover, the Attorney General has a Constitutional duty to assist any district attorney in the discharge of the duties of that office, particularly when required by the public interest. Lockyer\'s reluctance to intervene, says <em>California</em> PEER Director Karen Schambach, is politically motivated and may result in "a travesty of justice."</p><p>"The Attorney General\'s office is perfectly capable of maintaining the separation and confidentiality necessary to avoid conflict," stated Schambach. "We are calling on Mr. Lockyer to provide the public with a fair prosecution of this case."</p><p>Gallegos\'s case against Pacific Lumber was strengthened last week when a judge ruled that the company\'s sustained yield plan was flawed.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/ca/Timber\_Fraud\_Letter.pdf">Read <em>California </em>PEER\'s letter to the Attorney General\'s Office.</a></p>', 'CA', '', 0);

INSERT INTO news VALUES (259, '2003-06-05', 'SHARP RISE IN POLLUTION AND SAFETY VIOLATIONS AT HAWAII\'S HICKAM AIR FORCE BASE', 'Air Force to Lay Off Compliance Units Despite Audit Finding', '<p>WASHINGTON, DC--An internal U.S. Air Force evaluation uncovered a significant increase in serious pollution, safety and health violations at Hawaii\'s Hickam Air Force Base, according to documents released today by Public Employees for Environmental Responsibility (PEER). The April 2003 evaluation identified major breaches in air quality, hazardous waste and water pollution standards, including a recent fish kill.</p><p>The number and severity of violations had risen sharply since a similar evaluation in 1999, with safety and health infractions up by almost half and pollution offenses up by approximately one sixth. The evaluation notes that these numbers do not count several major violations that were remedied on the spot.</p><p>Today PEER also released a 2002 audit attributing violations to inadequate staffing levels for environmental compliance that concluded</p> <blockquote> <p>"Even supplemented by students, contractors and overhires, many regulatory requirements are not sufficiently covered, and the Wing will continue to be at risk for Notices of Violation, hefty fines, and bad press."</p> </blockquote> <p>Despite these audit findings of insufficient staff and projected budget hikes in coming fiscal years, the Air Force is proposing to cut dozens more civilian jobs at Hickam AFB as part of a national effort to reduce civilian staffing.</p><p>"The Air Force continues to treat pollution and safety compliance as a dispensable afterthought," stated PEER General Counsel Dan Meyer, a former naval gunnery officer who noted that many of the violations had been cited in prior reviews. "Repeat failed inspections and critical audits are ignored, as the Air Force proceeds to cut back on the very areas where it needs to beef up."</p><p>Besides the fish kill in Manuawai Canal, the evaluation also found</p><p></p><p>Outdated fuel spill, prevention, control and response plans;</p><p></p><p>Improper disposal of hazardous wastes; and</p><p>Inadequate ventilation for workers in enclosed spaces.</p></blockquote>', 'HI', 'DOD', 0);

INSERT INTO news VALUES (260, '2003-06-09', 'INTERIOR TO GIVE MANAGEMENT OF PARKS AND REFUGES TO TRIBES', '34 National Parks and 41 Refuges Targeted', '<p>WASHINGTON, DC--A top deputy to Interior Secretary Gale Norton has signaled that he will turn over management and operational control of a federal wildlife refuge in Montana to a neighboring Native American tribe, according to Public Employees for Environmental Responsibility (PEER) who today asked for a full review of any actions ceding national assets to entities outside of public control.</p><p>Paul Hoffman, the Deputy Assistant Secretary for Fish, Wildlife and Parks, today has a closed-door negotiation with representatives of the Confederated Salish and Kootenai Tribes (CSKT) over an agreement to award management of the National Bison Range and the nearby Ninepipe and Pablo National Wildlife Refuges to the tribes. This transaction is part of a wide

ranging program to transfer control of national park and refuge operations of recognized geographic, historical, or cultural significance to the participating tribe requesting a compact.

The Department of Interior has listed 34 national parks in 15 states (including Redwood National Park in California, Voyageurs National Park in Minnesota and Olympic National Park in Washington), all 16 wildlife refuges in Alaska (including the controversial Arctic National Wildlife Refuge) as well as 15 other refuges in the lower 48 states, where it will entertain offers from recognized tribes to take on some or all operations.

PEER contends that the authorizing law does not allow ceding "inherently federal" functions such as management control or law enforcement to an outside entity. In addition, Interior has yet to explain how it expects to prevent any tribal actions that would harm wildlife or that are incompatible with refuge or park resources.

The National Bison Range comprises 18,800 acres of prairie, forests and streams populated by elk, pronghorn, black bear and several hundred bison, and over 200 species of birds. The CSKT has announced plans to build a visitor center, with a new entranceway and road near Ravalli Pond, a bird-watcher's paradise that also provides important pronghorn fawning and elk wintering habitats. The tribe has also signaled that it would replace a score of federal biologists and other specialists on the refuge with contractors.

"This important precedent-setting change is being negotiated behind closed doors, with no public review and no explanation of how Interior will ensure the protection of the wildlife and other public resources within its custody," stated Grady Hocutt, a long-time former refuge manager and the director of PEER's refuge program. "Secretary Norton and her deputy seem far more concerned with removing federal employees from the payroll than they are with actually helping to promote tribal self-sufficiency."

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[Read PEER's letter requesting an environmental impact study on the plan.](#)

[View the Federal Register listing that outlines the plan to cede park units to tribes.](#)

[Read PEER's Letter to Montana's Senator Burns about the transfer of management.](#)

INSERT INTO news VALUES (261, '2003-06-16', 'FOREST SERVICE STIFLED ECOLOGICAL HISTORY', 'Ignores Own Ecological Records', '<p>WASHINGTON, DC--The U.S. Forest Service is illegally ignoring its own ecological records from nearly a century ago that contradict the intensive logging and burning proposed for five Southern Appalachian national forests, according to a whistleblower disclosure filed Friday.</p><p>The records show the Southern Appalachian forests were once dominated by tall, old trees, some 300 years old or more, indicating a relatively stable ecosystem. The information counters the Forest Service's long-standing assertion that the forests require large-scale logging and prescribed burns to mimic natural conditions that generate an "early successional" forest. The land-use plan updates for the five forests, now out for public comment, call for increased logging and burning on almost 3 million acres of public land in Tennessee, Georgia, Virginia, Alabama and South Carolina.</p><p>The records were unearthed by Quentin Bass, an archaeologist with the Cherokee National Forest in Tennessee with 20 years of service at the agency. He submitted his findings as part of the Cherokee forest plan revision, and received a performance award for his research. However, in violation of federal laws and the agency's own policy, the Forest Service only briefly mentions the information in the Cherokee plan, and excludes it entirely from plans for the other Southern Appalachian national forests.</p><p>"The Forest Service ignored its own records showing that natural forest conditions in the South are vastly different from those of western forests, yet it plans to apply

forestry techniques practiced in California," said Jeff Ruch, executive director of Public Employees for Environmental Responsibility (PEER) which is representing Bass.

"The Forest Service is turning its back on the natural heritage of these southern forests," said Hugh Irwin of Southern Appalachian Forest Coalition (SAFC). Logging in coves, northern slopes and other areas results in "even aged" forest in the wrong place, he said. "The agency is perpetuating an unnatural forest."

"At the very least, this information shows the Forest Service can no longer fool the public by doing timber sales and prescribed burns in the name of ecosystem management," said Southern Environmental Law Center (SELC) attorney Doug Ruley, who is representing the forest coalition and the Cherokee Forest Voices.

The archival maps and surveys were created almost a century ago when mountain land was being acquired for the national forest system. They document ecological features in areas of the forests that remained unlogged at the time, providing details on the species, age, dimensions and locations of trees and forest communities. Taken with other historical data, the information reveals a natural forest that

Has permanent canopies of trees of various ages, rather than the "even-aged" forest produced after clear-cuts and certain other management practices;

Has a rich variety, with different areas producing different canopy mixes that are not susceptible to "one-size-fits-all" planning (Forest Service records show at least 56 different canopy types in the Southern Appalachians); and

Is far more lush than the arid west and did not depend on periodic fires to regenerate.

Contrary to this, the plans for the Cherokee (TN), Chattahoochee/Oconee (GA), Jefferson (VA), Sumter (SC) and the Talladega and Bankhead (AL) national forests that would shape the mountain landscape for the next 10-15 years propose increasing logging and prescribed burns, some 3,000 acres or more. By failing to include and address this information in a meaningful way, the Forest Service is violating the National Environmental Policy Act, the National Forest Management Act, and the Data Quality Act, according to the disclosure. Also, by failing to include the information in four of the proposed management plans, the agency is violating its own policy for the Southern Appalachian region which stipulates, among other things, that the plan revisions be coordinated and consistent with one another, centered on the implementation of ecosystem management on a regional scale.

The whistleblower disclosure was filed with the Office of Special Counsel. If the agency finds that the disclosure has merit, it will require the Forest Service to respond in writing.

"Now more than ever, when the future management of these treasured public lands hangs in the balance, the public has a right to know what is in these records," said Catherine Murray of Cherokee Forest Voices.

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[Read the disclosure filed by PEER on behalf of Quentin Bass.](http://www.peer.org/print/$cfg->docsdir;/fs/Bass_Disclosure.pdf)

[Learn more about the historic archives of the Southern Appalachian forests.](http://www.safc.org)

INSERT INTO news VALUES (262, '2003-06-16', 'INTERIOR TO CONSOLIDATE ALL REAL ESTATE APPRAISALS IN NEW UNIT', 'Protection from Future Political Interference Unclear', '<p>WASHINGTON, DC--Stung by repeated scandals, Interior Secretary Gale Norton today announced a plan to consolidate all real estate appraisal functions in a new unit in order to provide "greater independence" and "restore public confidence," according to an agency fact sheet. The plan grew out of recommendations by an interagency work group formed in response to charges by Bureau of Land Management (BLM) appraisers that political interference in Utah land exchanges could cost taxpayers hundreds of millions of dollars.</p><p>Today\'s Interior-wide action is a concession that political manipulation of real estate appraisals is a major problem not just within BLM, but within the Park Service, Bureau of Reclamation and Fish and Wildlife Service as well. The

idea behind the consolidation is to remove appraisers from agency and bureau chains-of-command so that appraisals can be done objectively, according to professional standards.

The Western Land Exchange Project (WLXP) and Public Employees for Environmental Responsibility (PEER), who have been beating the drum for reform of the land exchange process, claim that much of the political interference has been coming from Secretary Norton herself and her top aides. Thus, the key to whether the plan will work as intended is whether Secretary Norton will implement the new organization in good faith.

"Secretary Norton hasn't shown much interest in protecting public land, but these multi-million dollar taxpayer losses may have finally piqued her interest," stated WLXP staff attorney Christopher Krupp. "While the creation of an Interior-wide appraisal office is a large first step towards reform, the key will be how the office is structured, to what extent its managers are insulated from political meddling and whether those managers are qualified appraisers or, as they are today, just political fixers," stated PEER Executive Director Jeff Ruch whose organization represents the BLM whistleblowers.

The timing of today's announcement is curious in some respects:

The comment period for the broader recommendations issued by BLM's own "Appraisal and Exchange Workgroup" closes tomorrow and many Interior entities have yet to submit their comments; and

Last week Secretary Norton requested yet another extension in responding to disclosures of serious wrongdoing made by BLM appraiser Kent Wilkinson last summer. Her response was originally due in November.

As a result, today's action by Secretary Norton avoids assigning any individual responsibility for past improprieties, appearing to take a "no-fault" approach toward containing this scandal.

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[View Interior's appraisal function fact sheet.](=?php print $cfg->docsdire;?>/doi/Appraisal_Fact_Sheet.pdf)

[View WXP and PEER comments on the BLM Appraisal and Exchange Workgroup recommendations.](=?php print $cfg->docsdire;?>/doi/BLM_Appraisal_Recommendations.pdf)

'DOI', 0);

INSERT INTO news VALUES (263, '2003-06-23', 'FOREST SERVICE ADMITS WHISTLEBLOWER RESEARCH "CREDIBLE"', 'Concedes That Half of Forests Will Never Be Restored', '<p>ATLANTA, Ga.--The U.S. Forest Service now admits that its own "ecologists and experts agree that the historic data" uncovered by a Cherokee National Forest whistleblower is "credible" and "support his claims" that substantial portions of the Southern Appalachian forests should not be subject to large-scale logging and prescribed burns, according to an agency press release. Nonetheless, the agency says that roughly 1.5 million acres of public land in five states will continue to be intensively managed for at least the next 10 to 15 years.</p><p>On June 13, Quentin Bass, a 20-year agency archaeologist, filed a federal whistleblower disclosure charging that the Forest Service illegally ignored its own ecological records from nearly a century ago that contradict the intensive logging and burning proposed for vast areas in the Cherokee (TN), Chattahoochee/Oconee (GA), Jefferson (VA), Sumter (SC) and Talladega and Bankhead (AL) national forests. </p><p>"The point is that the Forest Service suppressed its own records, not whether those records fit into the government's idea of the scientific &#8216;mainstream\'," said PEER Executive Director Jeff Ruch, who is representing Bass. "The Forest Service is legally obligated to reflect all valid viewpoints and not select the one it likes best."</p><p>"The issue of how to manage our national forests is of tremendous public interest and debate, no matter what side you're on. The Forest Service has no business suppressing information that has a direct bearing on that debate," said SELC attorney Doug Ruley, who is representing the Southern Appalachian Forest Coalition and the Cherokee Forest Voices on the disclosure.</p><p>In a press release issued June 19, the Southern Regional Office of the Forest Service

publicly concedes that half of the forest acreage covered by the five draft management plans--approximately 1.5 million acres--would be subject to "intensive forest management." In defending its actions regarding the Bass disclosure, the agency says in the release that it used only "widely accepted, peer reviewed science" in formulating the plans.</p><p>"The Forest Service failed to subject key elements of the Southern Appalachian forest plans to peer review, which is precisely why it failed to reflect a range of viewpoints," said Hugh Irwin of SAFC. "Some of the most debatable items in the plans, including viability analysis for the hundreds of rare plants and animals found in the region\'s national forests, was not subject to peer review. This viability analysis was build on the faulty even-aged model of forest ecosystems that Quentin Bass\'s materials contradict."</p><p>The records unearthed by Bass show the Southern Appalachian forests were once dominated by tall, old trees, some 300 years old or more, indicating a relatively stable ecosystem. The information counters the Forest Service\'s long-standing assertion that the forests require large-scale logging and prescribed burns to mimic natural conditions that generate an "early successional," even-aged forest.</p><p>The agency only briefly mentions the historic information in the draft plan for the Cherokee National Forest, and ignores it entirely in the draft plans for the other four Southern Appalachian forests. The disclosure states this exclusion violates the National Environmental Policy Act, the National Forest Management Act, the Data Quality Act and the agency\'s own procedures.</p><p>The public comment period on the Forest Service plans for the Southern Appalachian forests closes on July 3.</p>', '', 'FS', 0);

INSERT INTO news VALUES (264, '2003-06-24', 'BUSH ADMINISTRATION FACES LEGAL CHALLENGE TO CALIFORNIA DESERT OFF-ROAD PLAN', 'BLM\'s Plan Would Interfere With Conservation, Wildlife and Air Quality', '<p>WEST MOJAVE DESERT, Calif.<em>--</em>The Bush administration faces a strong legal challenge from citizens to its plan to open up to 1,000 miles of new roads for off-road vehicle enthusiasts across 3.2 million acres of desert tortoise and other wildlife habitat in Los Angeles, San Bernardino, Riverside, Kern and Inyo counties. Conservation groups representing nearly 800,000 members filed a legal challenge to the West Mojave Off-Road Vehicle Designation Project on Friday, detailing how the one-sided off-road plan violates the National Environmental Policy Act, Endangered Species Act, Clean Air Act, National Historic Preservation Act and the California Endangered Species Act. At least seven endangered species would be affected, including desert tortoise, Inyo California towhee, Mojave ground squirrel, Lane Mountain milkvetch, cushenbury buckwheat, cushenbury milkvetch and cushenbury oxytheca.</p><p>"This is the latest example of the Bush administration\'s extreme anti-environmental policies and contempt for wildlife conservation." said Daniel R. Patterson, Center for Biological Diversity desert ecologist. "Mojave desert wildlife and habitat are in decline and off-road vehicles are a major reason, but Secretary Norton wants to increase off-roading. It\'s absurd and illegal, and it will not stand." The overwhelming majority of the 1,000 miles of new routes run through desert tortoise habitat, while at least 455 miles of the additional open routes run through the species\' federally designated critical habitat. These additional open routes and their location are enormously significant when viewed both in the context of the declining Western Mojave Desert tortoise population and in the context of the entire Mojave Desert. Berry (1996) found that tortoise populations decreased significantly with increasing mileages of linear disturbances associated with roads, trails, routes, and tracks, while USFWS concluded that "as mileage of roads, trails, and tracks increased on BLM study plots in California, desert tortoise populations declined at greater rates."</p><p>"It\'s a sorry day when the stated goal of the BLM\'s plan is to better protect endangered species and the plan leaves the endangered species worse off," said Elden Hughes, longtime desert conservation

champion and Chair of the Sierra Club Desert Committee

"The west Mojave ORV plan is yet another indication that BLM has given up on its obligation to manage ORVs in an environmentally responsible manner," said Karen Schambach, Director of *California* PEER. "Instead, it represents this administration's philosophy of pandering to off-roaders, regardless of how damaging they are to natural and cultural resources."

Overall this "route designation" process is actually "route proliferation" done under the guise of a formal designation and mapping of "existing" routes, many of which were created by off-roaders driving cross-country across the desert. Authorizing the opening of these additional routes without any further action on the part of BLM will result in the violation of several state and federal laws:

1. The proposed Plan Amendment--if adopted as written--will violate NEPA; the opening of this additional route mileage will unquestionably result in significant effects to the surrounding environment. Therefore, BLM will be in violation of NEPA if they do not do a full Environmental Impact Statement for the project;
2. The proposed plan would violate the Clean Air Act, because it will increase harmful particulate dust (PM10) emissions in an area already designated as a federal non-attainment area for PM10;
3. The proposed Plan Amendment--if adopted as written will--violate the National Historic Preservation Act because a full inventory of the areas cultural resources has yet to be done and therefore no determination of the plan's effects on such resources can yet be determined;
4. The project will violate the Endangered Species Act if the proposed plan is adopted without formal consultation with the US Fish and Wildlife Service. The agency must make a jeopardy determination on the desert tortoise and other listed species in the area. If the proposed plan does not receive formal consultation under Section 7 of the ESA, the proposed plan will violate Section 9 of the ESA, because the route proliferation will result in unauthorized take of listed species without an incidental take statement.

Interior Secretary Norton was unresponsive to these points during the comment period. Contact BLM Director Kathleen Clarke for comment, at (202) 208-3801, 'CA', 'BLM', 0);

INSERT INTO news VALUES (265, '2003-06-16', 'UNDERWATER CABLE PLAN THREATENS CORAL REEFS AND RISKS CABLE DAMAGE', 'Governor Bush Set to Approve Controversial Cable Corridors Despite Findings', '<p>VERO BEACH, Fla.--Underwater fiber optic cable corridors severely damage coral reefs, and actually hurt the cable lines themselves, according to a three-year study made public today by Public Employees for Environmental Responsibility (PEER). The study urges Governor Jeb Bush to adopt more rigorous rules protecting Florida's near-shore coral reefs from the growing peril of telecommunications industry development along the state's coastlines. Today Governor Bush is expected to announce a much weaker plan to regulate the cable lines.</p><p>The report is authored by a jury of experts, including marine biologists, economists and telecom industry specialists, who have been studying the Governor's management plan for placement of fiber optic cables from Broward County to the Bahamas since 2000. Last December the team released findings showing how the Governor's preferred plan, which would simply lay the cables on top of reefs, produces sustained environmental damage as undersea currents turn the cables into battering rams that shatter the fragile reefs as they rock back and forth.</p><p>The PEER jury's latest report recommends that the state instead bury cables under the reefs using bi-directional drilling. The recommended plan will not only be safer for the reefs, but will provide protection to the delicate fiber optic cables themselves from damage by anchors, dredging, fishing drag nets, and even intentional damage by terrorists. The costs to repair these damages are passed on to the public consumers of internet and telephone services.</p><p>Coral reefs are the world's most biologically diverse marine ecosystems. Florida's reefs are home to sponges, crabs, turtles, lobsters and nearly 600 fish species.

Because many coral reef organisms can tolerate only a narrow range of conditions, reef communities are highly sensitive to environmental or human-caused damages. "Florida's reefs took thousands of years to develop," stated PEER General Counsel Dan Meyer. "The least we can do is take minor precautions to keep them around for the next generation."

State-owned underwater property is regularly leased to fiber optic companies at cut-rate prices, because Florida is one of only three coastal states that does not collect a fee based upon fair market value. While fiber optic cables can generate more than \$5,000 per minute in profit to operators, the state treats them as if they were state-regulated public utilities even though the industry has long been deregulated with cable access awarded to the highest bidder.

"Legal protections for coral reef species are woefully inadequate," said Meyer, citing a legal and regulatory analysis also released by PEER. "Florida's leadership should at least look at available options before they green light development that will cause irreparable and unnecessary damage."

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[View the Report of Investigation and Findings prepared by the PEER jury.](http://?php print $cfg->docsdire;/fl/FOC_Jury_Findings.pdf)

[View the group's Regulatory Analysis.](http://?php print $cfg->docsdire;/fl/FOC_Regulatory_Analysis.pdf)

INSERT INTO news VALUES (266, '2003-06-25', 'FEDERAL COURT UPHOLDS OFF-ROAD VEHICLE BAN AT ALGODONES DUNES', 'Industry Loses Anti-environmental Lawsuit', 'SAN DIEGO, Calif.--Conservationists won an important legal victory recently when Judge R.M. Brewster threw out a lawsuit brought by the off-road industry that sought to strike down endangered species protections on the Algodones (Imperial) Sand Dunes.

"The court upheld the legality and need for the closures to protect endangered species," said Daniel R. Patterson, Desert Ecologist for the Center for Biological Diversity. "This is a big win for the environment and a big loss for the off-road industry, but these fragile and scenic dunes are still threatened by a pending Bush administration decision to open all the conservation areas to intensive off-roading." The U.S. Bureau of Land Management (BLM) issued the vehicle closures in November 2000 to implement a court-approved settlement it agreed to with conservation groups and some off-road organizations. BLM closed 49,300 acres to off-road vehicles to protect the Peirson's milkvetch and other endangered species, while leaving 68,000 acres open to intensive off-roading. Shortly after the closures BLM initiated a review under the National Environmental Policy Act (NEPA). This process included an environmental assessment, public comment, a finding of no significant impact and a September 2001 decision record to keep the closures in place. The off-road industry then sued BLM claiming NEPA and the Federal Lands Policy Management Act (FLPMA) had been violated.

In his eight-page decision Judge Brewster noted that the federal government did not violate NEPA or FLPMA and did not need a NEPA review to institute the closures. He found that an environmental assessment or environmental impact statement is not necessary for federal actions that conserve the environment. He also noticed the off-roaders misrepresented a scientific study of the vehicle impacts to rare dunes dune species, and found that their "argument that there is no support for the need for closures is without merit."

"This was a timely message to off-roaders that the goal of NEPA is to protect the environment, not to delay environmental protection," said Karen Schambach, Director of California Public Employees for Environmental Responsibility.

Located in the Sonoran desert of southeastern California in Imperial County, the Algodones Dunes are the largest dune ecosystem in the U.S. They harbor at least 160 different animal and plant species, many of which are endemic. The dunes also are heavily impacted by as many as 240,000 off-roaders on some weekends. This intensive use destroys vegetation and wildlife habitat, pollutes the air, and creates criminal problems that stress law

enforcement. Despite this legal victory, the dunes remain in danger due to a pending Bush administration decision to open all the closed areas. Conservation groups will fight that decision in court.

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[Read Judge Brewster\'s decision upholding the ORV ban](http://?php print $cfg->docsdir;?>/ca/ORV_Ban_Upheld_Decision.pdf). </p>', 'CA', 'BLM', 0);

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INSERT INTO news VALUES (267, '2003-07-01', 'FOREST SERVICE TO BID OUT LAW ENFORCEMENT, FIRE AND ENVIRONMENTAL POSITIONS', 'Group Decries "Rent-a-Ranger"', '<p>Washington, DC--The U.S. Forest Service is initiating studies for contracting out its entire law enforcement, budgetary and human resources staff, as well as significant portions of its environmental, fire control and timber sale workforce in order to meet Bush Administration outsourcing quotas, according to internal documents released today by Public Employees for Environmental Responsibility (PEER).</p><p>Under the agency plans,</p><p></p><p>In Fiscal Year 2004, the agency would commission studies possibly leading to the replacement of its entire law enforcement program (650 positions), natural resource monitoring and data collection (300 positions), and a significant number of positions (150) from its national fire center in Boise, Idaho;</p><p></p><p>In FY 2005, it would prepare outsourcing competitions for its entire financialmanagement (2,000 positions) and human resources (900 positions) staff; and</p><p></p><p>In FY 2006, the agency will consider replacing between 5,000 and 10,000 fire fighters with private contractors.</p><p>"Under this corporate quota plan, our national forests could be placed under operational control of timber companies best poised to low bid the jobs that are supposed to oversee their activities," stated Jeff Ruch, PEER Executive Director. "These schemes appear designed to produce a Georgia-Pacific National Forest patrolled by private rent-a-rangers."</p><p>At the same time, signs of Congressional opposition to outsourcing are growing. The Republican-controlled Appropriations Committee in the House reported out an Interior and Related Agencies Appropriations bill that would block further "competitive sourcing" in the Forest Service as well as the Park Service and other Interior agencies.</p><p>All told, the Forest Service is planning to look at replacing more than 10,000 of its approximately 44,000 person workforce with corporate employees by the end of FY 2007 in order to meet President Bush\'s mandate that all federal agencies review at least half of all positions classified as potentially commercial under new streamlined contracting rules. As a "morale booster for employees" the agency plans a few "reverse" studies to determine whether current contractors could be economically replaced by civil servants.</p><p>"This massive contracting program is debilitating agencies, demolishing employee morale and convincing thousands that a future career in federal service is a bureaucratic crap shoot," commented Ruch.</p><p align="center">### <a href="http://?php print $cfg->docsdir;?>/fs/USFS_Outsourcing_Proposal.pdf">Read the U.S. Forest Service National Leadership Proposal for Selection of Work Activities for Competitive Sourcing Study.</a> </p>', '', 'FS', 0);
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INSERT INTO news VALUES (268, '2003-06-26', 'STATE SUED OVER PLAN TO SPRAY GRAPEVINE PEST', 'Bacterial Infection Lethal to Grapevines', '<p>SAN FRANCISCO, Calif.--Environmentalists filed suit today against the California Department of Food and Agriculture (CDFA), alleging that the state did not disclose the risks to human health and the environment caused by the use of insecticides to control the glassy-winged sharpshooter. The insect spreads Pierce\'s disease, a bacterial infection lethal to grapevines.</p><p>Plaintiffs Californians for Alternatives to Toxics (CATs), Public Employees for Environmental Responsibility (PEER) and People Opposed to Insecticide Spraying on Neighborhoods (POISON) charged the state agency with failing to provide required protections from the
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effects of toxic insecticides used in backyards, nurseries, lemon groves, highways and other areas where the glassy-winged sharpshooter has been found.

"When state agencies can take broad measures such as ordering up insecticide use on our private property right in our backyards, they must reveal how this can hurt us and what they're going to do to prevent such harm," said Patty Clary, director of the lead plaintiff, Californians for Alternatives to Toxics. "By ignoring the law, CDFA has shown that its bias is to protect the interests of big money agriculture at the expense of public health and our environment."

The groups filed suit to prevent the adoption of an Environmental Impact Report (EIR) on the state's plan to prevent the spread of Pierce's disease. The EIR was ordered by the state legislature in 2001, two years after grape growers panicked over the discovery of Pierce's disease spreading through vineyards in Riverside County. CDFA began a temporary emergency program to halt the glassy-winged sharpshooter's movement, relying heavily on insecticides. Environmentalists say that in its current form, the EIR does not take a close enough look at alternative control methods.

"The state dismissed non-toxic alternative control methods, even though CDFA could not demonstrate that the pesticides are more effective for stopping the spread of Pierce's disease," said Jane Nielson of Public Employees for Environmental Responsibility (PEER), a plaintiff in the lawsuit.

The Pierce's Disease Control Program has aroused significant community resistance because it has included spraying on private property over the opposition of owners and residents.

"Forced pesticide spraying is an unacceptable practice," said Lowell Downey, spokesman for POISON. "CDFA has spent millions testing treatment methods on farms but has not tested a single neighborhood in California with alternatives."

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<http://www.alternatives2toxics.org>

Californians for Alternatives to Toxics has its office in Eureka and members from throughout California. CATS works primarily to eliminate the use of pesticides that can negatively affect human health and the environment.

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INSERT INTO news VALUES (269, '2003-07-02', 'BUSH PLAN TO ROLL BACK DUNES CONSERVATION FACES BROAD CHALLENGE', 'Twelve Groups, Local Citizens Target BLM Off-road Plan', '<p>WASHINGTON, DC--The Bush administration faces a strong legal challenge from citizens to its plan to open 49,300 acres of endangered species habitat on the Algodones (Imperial) Dunes to intensive off-road vehicle use. Conservation groups representing over two million members filed a legal challenge Monday to the administration's plan for the dunes, detailing how the one-sided off-road plan violates the National Environmental Policy Act, Federal Land Policy and Management Act, Endangered Species Act, Clean Air Act, National Historic Preservation Act, National Natural Landmarks Program, California Endangered Species Act, four Presidential Executive Orders, and BLM policy and regulations. Two federally listed endangered species would be hurt by the Bush plan, including Peirson's milkvetch and desert tortoise. The Bush plan would also increase air pollution in one of California's most polluted, highest asthma areas.</p><p>"Interior Secretary Norton ignored the compelling national conservation interest and wants to scrap balanced management to sacrifice a unique scenic area to the off-road industry," said Daniel Patterson, Desert Ecologist with the Center for Biological Diversity. "We're not going to let that happen."</p><p>The protest, demanding a new Environmental Impact Study (EIS), was filed with the Interior Department by the Center for Biological Diversity, California Wilderness Coalition, Sierra Club, Wilderness Society, Public Employees for Environmental Responsibility, Desert Survivors, Defenders of Wildlife, California Native Plant Society, Arizona Herpetological Association, Maricopa Audubon Society, Desert Protective Council, Yuma Audubon Society and Imperial County residents.</p><p>"The administration is continuing its pattern of ignoring environmental laws when those laws inconvenience Mr.
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Bush\'s friends. They make decisions that invite lawsuits, then accuse citizens of being litigious," said Karen Schambach, Director of California Public Employees for Environmental Responsibility. "And despite the administration\'s rhetoric about "local" decisions, this was decided in Washington. BLM staff in California are simply the fall guys."</p><p>Conservationists won an important legal victory last week when Federal Judge R.M. Brewster threw out a lawsuit brought by the off-road industry that sought to strike down wildlife protections on the dunes. The court also found "no merit" to industry claims that there is no environmental need to keep vehicles out of sensitive dunes habitat.</p><p>Located in the Sonoran desert of southeastern California\'s Imperial County, the Algodones Dunes are the largest dune ecosystem in the U.S. They harbor at least 160 different animal and plant species, many of which are endemic. The dunes also are heavily impacted by as many as 240,000 off-roaders on some weekends. This intensive use destroys vegetation and wildlife habitat, pollutes the air, and creates criminal problems that stress law enforcement. BLM closed 49,300 acres to ORVs in November 2000 to protect endangered species, but 68,000 acres have always remained open to ORVs--an area twice the size of the city of San Francisco.</p><p>"The Dunes plan presents a clear threat to recovery of Peirson\'s milkvetch and the desert tortoise and provides no evidence that it will not severely impact the survival of the flat-tailed horned lizard, burrowing owl, or several other species found only in this fragile desert system," said Cynthia Wilkerson, California Species Associate with Defenders of Wildlife in Sacramento. "As such, this plan clearly violates the BLM\'s legal requirement to protect ecological values."</p>', 'CA', 'BLM', 0);

INSERT INTO news VALUES (270, '2003-07-07', 'MASSACHUSETTS AUTO EMISSIONS TESTS BADLY FLAWED', 'Cars Pass When They Should Fail, and Vice Versa', '<p>BOSTON-- Massachusetts vehicle emissions tests cannot differentiate between cars that emit high levels of pollution and those that run cleanly, according to internal memos from the Department of Environmental Protection (DEP). The documents, released today by New England Public Employees for Environmental Responsibility (<em>New England </em>PEER), indicate that state officials have been actively covering up the problem for more than two years.</p><p>Email exchanges between DEP officials and the California-based contracting firm Sierra Research, Inc. show that more than half of the cars that failed the Massachusetts emissions test actually passed a similar test that is sanctioned by EPA and used in most states. Sierra Research officials warned DEP in a May 16, 2001 email that the rate of false failures represents "the highest by far ever seen by Sierra." Similarly, the Massachusetts test may also pass vehicles that emit more than the federally approved level of pollutants. Rather than report these results to EPA, DEP officials attempted to manipulate the data. In August 2001, Sierra Research informed DEP that they had "made some adjustments" to their numbers which would "cut the failure rate by 50 percent," although only on paper and not in reality.</p><p>The yearly emissions tests first took effect in Massachusetts in 1999, after EPA ordered the state to reduce its high levels of carbon monoxide and nitrous oxide in the air. Rather than using tests recommended by EPA, Massachusetts designed its own system relying on private testing facilities that emphasized short turn-around time for customers. Drivers pay the cost of the test.</p><p>A separate investigation, performed by the Massachusetts Inspector General\'s Office in 2002, found similar results. Despite warnings from these experts, DEP managers continue to administer the faulty test.</p><p>"Rather than deal with an expensive, embarrassing problem, DEP decided it would be easier to cook the books," commented <em>New England </em>PEER Director Kyla Bennett, an attorney and former EPA enforcement specialist. "Only a full-scale investigation and the termination of responsible parties will begin to restore the public\'s trust in the program."</p><p>PEER is asking Governor Mitt Romney to extend a pledge of non-retaliation against DEP employees who come forward with

information about the test flaws and subsequent agency cover-up.</p><p align="center">###</p><p align="center"><em>New England </em>PEER obtained the following documents from Massachusetts DEP through a Public Records Act request:</p><p align="center"><a href="<?php print \$cfg->docmdir;?>/ma/1999\_Memo\_DEP\_to\_EPA.pdf">Read the 1999 Memo from DEP to EPA seeking final approval for the Massachusetts Enhanced Emissions and Safety Test Program</a></p><p align="center"><a href="<?php print \$cfg->docmdir;?>/ma/Sierra\_email\_Prelim\_Correlation\_Results.pdf">Read a May 2001 email from Sierra Research to DEP regarding high false failure rates</a></p><p align="center"><a href="<?php print \$cfg->docmdir;?>/ma/email\_Sierra\_to-DEP\_6-01.pdf">Read a June 2001 email from Sierra to DEP stating the cutpoints are arbitrary</a></p><p align="center"><a href="http://www.state.ma.us/ig/publ/emissrpt.pdf">Read the February 2003 Massachusetts Inspector General Report</a></p>', 'MA', '', 0);

INSERT INTO news VALUES (271, '2003-07-07', '"ACTION" JACKSON TO RETURN TO YELLOWSTONE PARK', 'Settlement Puts Jackson Back in the Saddle Again', '<p>Washington, DC--"Pursuant to a confidential Settlement Agreement mutually negotiated with the Park Service, Mr. Jackson will return to Yellowstone National Park as a Backcountry ranger in 2003 for his final season with the National Park Service."</p><p>Bob "Action" Jackson, Yellowstone\'s longest-serving backcountry ranger, is known for high profile poaching arrests and exposing the problem of salt-baiting for elk. In April the National Park Service informed Jackson that he would not be hired for the coming summer. According to a whistleblower complaint filed by Public Employees for Environmental Responsibility (PEER), the decision not to rehire Jackson was in retaliation for his well-publicized criticisms of laxness in enforcing wilderness rules, particularly the practice by hunting outfitters of using salt to lure elk out of the park. The resulting large numbers of elk carcasses at salt baits attract grizzly bears looking for a pre-hibernation meal. This in turn causes an increase in bear-hunter interactions, often ending with bears being shot.</p><p>In 2001, PEER filed a similar whistleblower complaint on Jackson\'s behalf, after he was given an order not to speak publicly about Park Service issues. In response to that complaint, the Park Service rescinded the gag order, scheduled First Amendment training for its managers, deleted all derogatory information in Jackson\'s record and rehired him for the 2002 season.</p><p>Senator Charles Grassley (R-Iowa) recently sent a letter to the Director of the National Park Service outlining a series of incidents toward Ranger Jackson by his supervisors. In the letter Grassley said that Ranger Jackson\'s thirty years of experience in and knowledge of the back-country and its problems make him an invaluable part of enforcement and protection at Yellowstone. In response to Jackson\'s return to Yellowstone, Grassley made the following statement: </p> <blockquote> <p>"It\'s time Ranger Jackson got back to work for his final season at Yellowstone. He\'s been through the ringer for no apparent reason other than speaking the truth about problems. I\'m glad the National Park Service finally came to its senses to retain its longest serving back-country ranger."</p> </blockquote> <p>Last year Grassley investigated Park Service retaliation against Ranger Jackson after officials curtailed his work season so he could not patrol the backcountry area.</p><p align="center">###</p><p align="center">For more information about Bob Jackson:</p><p align="center"> <a href="<?php print \$cfg->campaigndir;?>/other/grizzly/Grassley\_letter\_to\_NPS.pdf">Read Senator Charles Grassley\'s (R-Iowa) letter to the Park Service in support of Jackson</a></p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/other/grizzly/final\_jackson\_testimony.pdf">Read his testimony about the need for enforcement of wilderness protection </a></p>', '', 'NPS', 8);

INSERT INTO news VALUES (272, '2003-07-09', 'EPA CRIMINAL ENFORCEMENT CHIEF REMOVED', 'Slumping Enforcement Program Faces Restructure', '<p>WASHINGTON, DC-- The long-time head of U.S. Environmental Protection Agency\'s criminal program has been abruptly transferred to a training slot, according to an internal memo released today by Public Employees for Environmental Responsibility (PEER).</p><p>Letterio (Leo) D\'Amico had served as the Director of EPA\'s Office of Criminal Enforcement, Forensics and Training since 1999. Effective last Sunday (July 6), D\'Amico has been assigned to a subordinate position at the same grade level running the agency\'s National Enforcement Training Institute--even though that position is currently filled.</p><p>Criminal enforcement by EPA has sharply declined under the Bush Administration, with new referrals for federal prosecution falling by more than 40 percent. In a PEER survey released this spring, EPA criminal investigators and attorneys blasted D\'Amico\'s management, citing misuse of funds, rampant cronyism and pervasive fear of retaliation:</p><p></p><p>Nearly three of every four respondents said that EPA\'s criminal program is not "headed in the right direction";</p><p></p><p>Nearly one in three reported being "aware of serious misuse of funds in the EPA criminal program" while more than one in three experienced "criminal investigative resources being used to provide personal services (such as walking dogs, fetching dry cleaning, etc.)" for then-Administrator Christie Whitman; and</p><p></p><p>More than four of every five employees did not think the agency\'s criminal program "is being well managed. Fewer than one in five registered "confidence in the professionalism of senior management in the EPA criminal program."</p><p>According to agency employees, D\'Amico\'s removal is part of a larger restructuring of EPA\'s criminal program, including a management review and possible closure of field offices. Compounding the publicity about diversion of resources from enforcement, the criminal program is facing an unscheduled shortfall of funds due to cost overruns on new non-enforcement, security assignments. Last week, for example, over D\'Amico\'s objections, EPA refused an FBI request to assign a team of agents to cover next week\'s Major League Baseball\'s All-Star Game.</p><p>"Leo D\'Amico is merely a fall guy for agency political leadership unwilling to commit to consistent enforcement against corporate polluters," stated PEER Executive Director Jeff Ruch who noted that J.P. Suarez, the political appointee who moved D\'Amico, is a Whitman prot&eacute;g&eacute; lacking any experience in environmental law. "The issue of plummeting pollution enforcement should be front and center in confirmation hearings for the next EPA Administrator."</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/Damico\_Transfer\_Memo.pdf">Read the memo announcing Leo D\'Amico\'s transfer.</a></p><p align="center"> <a href="<?php print \$cfg->webroot;?>/docs/epa/EPA-OCEFT\_Survey\_Results.pdf">View the EPA criminal program staff survey results.</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/EPA-OCEFT\_Survey\_Sample\_Essay\_Responses.pdf">Read employee essays on improving EPA\'s criminal enforcement program.</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/4-29-03\_EPA\_Criminal\_Enforcement\_Data.pdf">View figures showing decline in criminal referrals and prosecutions filed.</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/EPA-OCEFT\_Survey\_Whitman\_Comments.pdf">Read agent statements about Whitman\'s protection detail.</a></p>', '', 'EPA', 0);

INSERT INTO news VALUES (273, '2003-07-17', 'VOTE WOULD LEGALIZE DRINKING WATER VIOLATIONS', 'State Parks Frequently Fail to Inform Public of Polluted Drinking Water', '<p>JEFFERSON CITY--The Missouri Safe Drinking Water Commission is poised to vote next week on a proposal to weaken the state\'s public notice rules under the Safe Drinking Water Act. The proposal would effectively legalize the numerous violations by Missouri State Parks that jeopardized the health of

sensitive park visitors, as detailed last May in an analysis by Public Employees for Environmental Responsibility (PEER).

The PEER analysis, taken from EPA data, shows that 15 of the 25 Missouri state parks listed as active public water systems have had at least one major health-based violation in their history. Lake of the Ozarks State Park, in particular, has repeatedly failed to notify the public of chronic drinking water contamination problems. In June, July and August of 2002, that park's drinking water was found to be contaminated with coliform bacteria. Each time, the park failed to notify the public of the problems, despite federal regulations requiring that customers be notified within 30 days.

The rule change, promoted by the Department of Natural Resources (DNR), would replace existing public notice standards with a much weaker rule, eliminating a major appendix that defines "nonacute" violations. Without the appendix, contamination at Lake of the Ozarks State Park would not necessarily require public notification at all. Nonacute contamination includes types of bacteria that generally do not make an average person sick; however more sensitive individuals, including infants, the elderly, people with HIV/AIDS, or those undergoing chemotherapy treatment, may become ill after drinking the water.

"DNR needs to meet the health needs of all Missourians," commented PEER's National Field Director Eric Wingerter. "The most susceptible individuals are precisely the people who have a right to know when their drinking water is polluted."

Wingerter noted that DNR's Public Drinking Water Program had done a thorough job documenting past violations and reporting them to EPA. "Why the same agency would undercut this crucial work is a mystery to me," he concluded.

The Missouri Safe Drinking Commission will vote on the proposed rule change on Thursday, July 24 at the DNR Conference Center at 1738 East Elm Street in Jefferson City. The meeting begins at 10:00 a.m.

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[Read PEER's analysis of the proposed rule change.](http://www.dnr.mo.gov/Drinking_Water_Public_Comments.pdf)

INSERT INTO news VALUES (274, '2003-07-21', 'WHISTLEBLOWERS SWAMP SPECIAL COUNSEL', 'Backlog of Waste, Fraud and Abuse Reports Doubles', '

WASHINGTON, DC--A small federal office charged with reviewing employee reports of waste, fraud and abuse is drowning in intakes and falling further behind each month, according to official and internal agency figures released today by Public Employees for Environmental Responsibility (PEER). As a result, federal employee disclosures of government wrongdoing are languishing, waiting months or years before allegations are reviewed.

The Office of Special Counsel (OSC) is charged with reviewing reports by federal employees of official misconduct and then overseeing investigation of credible charges. By law, OSC must determine whether a disclosure merits investigation within 15 working days; due to mounting backlogs however, most reports sit for more than six months and many have sat for years. According to figures compiled from OSC's latest annual report and workload numbers through June 2003,

The number of federal employees blowing the whistle on waste, fraud and abuse has increased by nearly half since October 2001, with 555 employee disclosures of wrongdoing filed in FY 2002;

The backlog of pending disclosures has more than doubled since 2001 with 628 whistleblowers awaiting review as of June 2003. More than two thirds of those cases are still pending more than six months after receipt;

The seriousness and merit of the reports appears to be on the rise, with more disclosures referred for investigation and fewer closed due to insufficient justification.

"Hundreds of federal employees risk their careers to blow the whistle, only to find that no one is home to hear it--it's like dialing 911 and being put on hold," commented PEER Executive Director Jeff Ruch, whose organization represents employees who have filed whistleblower disclosures. "The whistleblower disclosure program could be a very important vehicle for rooting out corruption and government malfeasance but that vehicle



failing &#8216;to plan to plan\' and instead Congress is only funding plans that expedite oil and gas production."</p><p align="center">### <a href="http://www.blm.gov/nhp/efoia/wo/fy03/ib2003-107.htm">Read "Contracting for the Development of Land Use Plans: June 2002 to October 2002" Draft Report</a></p>', '', 'BLM', 0);

INSERT INTO news VALUES (276, '2003-07-22', 'BLM SERVES OFF-ROAD INDUSTRY BY ALLOWING UNRESTRICTED USE AT NEVADA\'S SAND MOUNTAIN', 'Administration Ignores Law, Recommendations by Staff, Wildlife Agencies, Conservationists and Local Tribe', '<p>CARSON CITY, Nev.--The Bush administration decided yesterday that it will not follow several applicable laws and regulations--and that it will ignore a compromise that was recommended by U.S. Bureau of Land Management (BLM) staff and supported by the Fallon-Paiute Shoshone Tribe, the U.S. Fish and Wildlife Service and conservationists--to close sensitive habitat to off-road vehicles at Sand Mountain, Nevada. BLM Carson City Field Office Manager John O. Singlaub\'s decision only encourages voluntary avoidance of 1,000 acres of remaining vegetated habitat within and adjacent to the 4,700-acre Sand Mountain Recreation Area.</p><p>Earlier this spring BLM staff recommended closure of the best remaining habitat at Sand Mountain to protect the Sand Mountain blue butterfly, its host plant Kearny buckwheat, and other rare endemic species. BLM convened a subgroup of conservationists, off-roaders and a representative of the tribe to make a recommendation. Conservationists focused on protection of the 1,000-acre habitat area, and at no time proposed closure of more popular off-road riding areas, despite severe environmental damage there. Off-road industry groups were unwilling to consider any closure, demanding the entire Sand Mountain area be open to intensive off-roading. The subgroup did not agree on any recommendations, but BLM\'s statewide Resource Advisory Group of political appointees voted anyway to recommend implementation of only voluntary measures. BLM is obligated to follow applicable laws and regulations, not recommendations of advisory groups.</p><p>"BLM must follow the law to conserve public lands resources with balanced management, not just meekly ask off-roaders to please not trash the area," said Daniel Patterson, Desert Ecologist with the Center for Biological Diversity, who represents the national conservation perspective on the BLM\'s Sand Mountain subgroup. He adds, "This is a one-sided, toothless political move that ignores the compelling national interest for conservation and balanced public land use."</p><p>"The law requires land managers to close areas to off-road vehicles where clear damage to natural resources is occurring, as it is at Sand Mountain," said Karen Schambach of Public Employees for Environmental Responsibility. "It does not allow managers to avoid needed closures with voluntary approaches. When asked, BLM could not identify any place where voluntary off-road vehicle restrictions have worked to conserve or restore habitat."</p><p>"BLM has shamefully allowed Sand Mountain to be taken over by destructive off-roading, and now they make a political decision to avoid upsetting the industry that will allow continued harm to endemic species and cultural sites," said Charles S. Watson Jr., longtime Nevada conservation champion and director of the Carson City-based Nevada Outdoor Recreation Association.</p><p align="center">###</p><p align="center">Copies of comments are available upon request.</p><p align="center"><a href="http://www.nv.blm.gov/carson/News\_Releases/2003/news\_release\_2003\_30.htm">View the BLM News Release</a> BLM\'s John Singlaub can be reached at (775) 885-6151. </p>', 'NV', 'BLM', 0);

INSERT INTO news VALUES (277, '2003-07-28', 'WHISTLEBLOWER GROUPS OPPOSE LABOR NOMINEE', 'Solicitor\'s Anti-worker Stances Cited', '<p>WASHINGTON, DC--Two national whistleblower protection organizations today announced their opposition to the Bush Administration\'s latest nominee to serve as the top legal officer for the U.S. Department of Labor. Public Employees for Environmental

Responsibility (PEER) and the Government Accountability Project (GAP) today filed letters of opposition to the confirmation of Howard Radzely to serve as Solicitor of the Department of Labor.

No Bush nominee has yet been confirmed as Solicitor. Tomorrow, the Senate Committee on Health, Education, Labor and Pensions will hold its first hearing on the Radzely nomination. Radzely served as the deputy to the first Bush nominee for Solicitor, Eugene Scalia, whose confirmation was blocked in the previous session of Congress. Scalia resigned this January after his recess appointment lapsed.

PEER and GAP oppose the Radzely nomination as the nation's chief labor law enforcement officer on the following grounds:

- Hostility to Whistleblowers. During Radzely's tenure, the Solicitor's office has used its scarce resources to intervene in cases against whistleblowers filing claims of retaliation under statutes enforced by DOL.
- Weakening Environmental Statutes. In one case, Radzely's office filed a highly unusual brief seeking to overturn a \$200,000 punitive damages award won by an Assistant U.S. Attorney in an environmental whistleblower case, for reporting irregularities in pollution prosecutions to Congress. Following coverage of this story in the Washington Post, Senators Charles Grassley and Patrick Leahy wrote the White House demanding an explanation of the Solicitor's position. In response, Radzely issued a letter retracting some of the more extreme arguments but did not otherwise withdraw the brief.
- Abdication of Responsibility for Labor Law Violations Against State Employees. Due to a series of U.S. Supreme Court decisions, state employees can no longer directly pursue relief for federal labor law violations unless DOL also takes actions against noncompliant state agencies. Under Radzely, DOL has failed to intervene in any such cases. As a result, state workers victimized by violations of the Americans with Disabilities Act, the Family Medical Leave Act, federal race, age and sex discrimination laws and occupational safety laws are unprotected.

"The consistent pattern that runs through Mr. Radzely's brief career is advocacy for reduced legal protections for workers," commented PEER General Counsel Dan Meyer. "This nomination stands for the proposition that federal prohibitions against unfair labor practices will not be vigorously enforced."

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[Read a copy of the opposition letter from PEER and GAP.](http://www.dol.gov/docs/dol/Radzely_Opposition_Letter.pdf)

[Examine the partial retraction issued by Radzely to Senators Grassley and Leahy.](http://grassley.senate.gov/releases/2003/p03r01-27b.htm)

', 'DOL', 0);

INSERT INTO news VALUES (278, '2003-07-31', 'VISITS TO NATIONAL PARKS WAY DOWN IN 2003', 'Fourth Straight Year of Decline', '

WASHINGTON, DC--Citing a "system wide decrease in visitation," preliminary figures for the first half of 2003 show a dramatic decline in public visitation to units within the National Park System, according to agency documents released today by Public Employees for Environmental Responsibility (PEER). If the trend holds, 2003 will be the fourth straight year with fewer people visiting our national parks, seashores and monuments.

Figures obtained by PEER show that in the first five months of 2003, park visitation fell nearly 8 percent from the same period in 2002. In the January to May 2002 period, 97 million people visited the parks. This year that number declined to 90 million. The downward trend began in 2000, but so far 2003 shows the biggest percentage drop.

Overall, since the decline started in 2000, the National Park Service (NPS) "has had a total decline of almost 16.8 million recreation visits." One agency memo ascribes the decline to "inclement weather, global warfare and especially the uncertain economic conditions resulting in a disturbing future for visitation to the NPS."

Nearly three quarters of all NPS units reported decreased visitors and that falloff was "not



concentrated in any geographic area but reflects a system wide decrease," according to another memo. While most parks reported less usage, others, such as the Cape Hatteras and Gulf Islands National Seashores posted sizeable visitor gains.

"For decades our national discourse about the nation's parks has been centered on how we have been loving them to death', yet, for all the hand-wringing, the Park Service never engaged in any credible efforts to prevent that much talked about death,' commented PEER Board member Frank Buono, a former long-time Park Service manager. "The Park Service should use this respite to rethink its priorities and shift away from edifice building-- what we call parkbarrel'--and invest in reversing the decline in the integrity and quality of park resources."

Despite the current decline, Congress is now debating plans for bigger entrance stations, larger parking lots and expanded visitor centers.

According to figures compiled by PEER, the last multi-year decline in national park visitation occurred between 1985 and 1987.

### [Read the Park Service memos describing the decline in visitation](http://www.nps.gov/execanal/may03.pdf).

Contact PEER to view the Park visitation numbers between 1980 and 2002.

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INSERT INTO news VALUES (279, '2003-08-04', 'FOREST SERVICE OUTSOURCING COSTS GO WAY OVER BUDGET', 'Project Money Diverted; Forests Told to Stonewall Data Requests', '

WASHINGTON, DC--The U.S. Forest Service is spending as much as $100 million--ten times more than what it publicly claimed--on consultants and studies to prepare for possible outsourcing of its staff, according to a review released today by the Forest Service Council of the National Federation of Federal Employees (NFFE) and Public Employees for Environmental Responsibility (PEER).



In an effort to prevent the spread of news about these cost overruns, the Forest Service has directed that its offices "should not respond" to data requests from outside parties, "including the most recent competitive sourcing inquiry made by the National Federation of Federal Employees." In a July 8, 2003 memo to agency leadership, Thomas Mills, Deputy Chief for Business Operations, wrote:



"Our current estimate of the cost of our competitive sourcing studies is $10 million. Because recent information leads us to think it might be higher, because of increased Congressional interest in our costs, and in order to improve the effectiveness of our competitive sourcing efforts in fiscal year (FY) 2004, we need to develop a more refined estimate of our FY 2003 competitive sourcing efforts."



A review by NFFE and PEER of costs already incurred by the Forest Service indicates that the agency is likely spending $10 million just in California on meetings, consultants and studies leading to replacement of permanent agency staff by private contractors. According to the review, the national costs will range between $70 and $100 million for the current fiscal year, ending this October.



Outsourcing costs are being absorbed out of existing operations, as Congress has yet to appropriate funds to conduct competitive sourcing studies comparing contractor bids with costs of existing operations. In the Mills memo, the Forest Service admits that it has underestimated costs and is scrambling to compile new, defensible estimates.



"We are very concerned whether the agency is going to be able to continue to provide wildfire suppression at an appropriate staffing level and level of expertise if our fire workforce ends up being contracted out," stated Bill Dougan, President of the Forest Service Council of NFFE. "It's clear that the Forest Service is spending money that was appropriated to accomplish project work on the ground. For instance, in the Northern Rockies Region, $180,000 was taken from money appropriated for trail maintenance and used to pay for conducting competitive sourcing studies. This resulted in approximately 600 miles or more of trails not being maintained this year in that region, placing hikers and visitors at risk of injury. We've also know of cases where popular campgrounds in Montana that traditionally open on Memorial Day weekend did not


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open due to lack of funds to make necessary repairs and to hire temporary employees to work in the campgrounds. Perhaps most disturbing is a case in southern California on the San Bernardino National Forest, where a fire engine normally staffed 7 days a week was cut back to 5 day staffing due to one of the crew members participating on a competitive sourcing study team and not being available to man the fire engine."

"The competitive sourcing program is supposed to increase the efficiency of public agencies, not disrupt them," commented PEER Executive Director Jeff Ruch. "The rush to meet outsourcing quotas is costing taxpayers millions of dollars that should be devoted to protecting our national forests."

Under plans released by PEER, the Forest Service is planning to look at replacing more than 10,000 of its approximately 34,000 person workforce with corporate employees by the end of FY 2007 in order to meet President Bush's mandate that all federal agencies review at least half of all positions classified as potentially commercial under new streamlined contracting rules. Recently, the President's Office of Management and Budget renounced fixed quotas and instead develop customized goals for each agency but there has been no apparent slowing of the effort in the Forest Service.

### [View the Thomas Mills memo to Regional Foresters.](http://www.foia.gov/docdir/8-03_Outsourcing_Ltr.pdf)

[Read the NFFE/PEER review of Expenses Associated with Competitive Sourcing.](http://www.foia.gov/docdir/8-03_Outsourcing_Estimates.pdf)

INSERT INTO news VALUES (280, '2003-08-05', 'ETHICS COMPLAINT FILED AGAINST INTERIOR SOLICITOR', 'Interior's Top Lawyer May Have Violated Ethics Agreement', '

WASHINGTON, DC--Interior Solicitor William G. Myers III repeatedly met with former clients in violation of an ethics agreement, according to a complaint filed today with the U.S. Office of Government Ethics (OGE) by Friends of the Earth and Public Employees for Environmental Responsibility (PEER). On May 15, 2003, President Bush nominated Myers to serve on the U.S. 9th Circuit Court of Appeals.

Prior to his appointment as the Department of the Interior's top lawyer, Myers was the executive director of Public Lands Council and represented the National Cattlemen's Beef Association, the American Sheep Industry Association and the American Farm Bureau. Since all of these groups deal extensively with the Department of the Interior, Myers executed a recusal agreement effective July 2001 barring him from participating in any matters involving his former clients or former employer for one year. The purpose of a recusal agreement is to prevent any actual or appearance of a conflict of interest in the exercise of the public official's duties.

The Office of the Solicitor, which Myers heads, plays a key role in determining how federal rangeland restrictions affecting his former clients will be interpreted or enforced. According to appointment calendars obtained by Friends of the Earth, Myers met several times during the recusal period with a number of former clients in the grazing industry and with representatives of his former law firm. "Apparently recusal agreements don't mean very much at the Department of the Interior," said Kristen Sykes, who oversees the Interior Department for Friends of the Earth. "Myers is one of a string of political appointees at the Interior Department who seem to put the financial well-being of their former clients above the protection of our public lands."

The complaint has been filed with OGE, which will determine whether Myers violated his recusal agreement and report to the Secretary of Interior. If OGE finds a breach, Interior Secretary Norton will determine the punishment for her top lawyer, with sanctions ranging from a warning to dismissal.

"With Mr. Myers running the Solicitor's Office, not only is the fox guarding the henhouse, the fox is also in charge of counting the eggs," stated PEER General Counsel Dan Meyer who prepared the complaint. "Federal range managers are reporting to PEER repeated instances when the Office of the Solicitor under Myers is preventing them from enforcing range

conservation protections."</p><p>Deputy Interior Secretary J. Steven Griles, the second highest-ranking official in the agency, is also facing similar charges of meeting with his former lobbying clients in the energy industry.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/doi/Myers\_Letter.pdf">Read a copy of the Myers ethics complaint</a>.</p>', '', 'DOI', 0);

INSERT INTO news VALUES (281, '2003-08-05', 'WILDLIFE AGENCY PROPOSES 52,780 ACRES OF ALGODONES DUNES FOR CRITICAL HABITAT PROTECTION', 'Biologists\' Science-based Approach Recognizes Off-road Threats and BLM Plan Failures', '<p>ALGODONES DUNES, CA--Using a proven recovery tool provided by the Endangered Species Act, the U.S. Fish and Wildlife Service (FWS) today proposed that 52,780 acres of the 160,000 acre Algodones (Imperial) Dunes be designated critical habitat for the survival and recovery of the Peirson\'s milkvetch (<em>Astragalus magdalenae var. peirsonii</em>), an endangered attractive flowering plant threatened by off-road vehicle use, and found only on these Sonoran desert dunes.</p><p>"It\'s been shown that species with critical habitat are less likely to decline and twice as likely to be recovering as those without," said Daniel R. Patterson, desert ecologist with the Center for Biological Diversity. "This proposal is a fair start and should be expanded, not gutted by Bush administration anti-environmental appointees in Washington DC."</p><p>"It\'s a modest proposal from an agency under the thumb of an administration that is environmentally clueless. This makes it remarkably courageous," said Karen Schambach of PEER.</p><p>"We generally support the proposal because of its firm basis in all of the best available science and current conservation biology tenets," said Ileene Anderson, botanist with the California Native Plant Society. "We still have concerns about fragmentation of habitat in the south dunes, the lack of connectivity between critical habitat areas, and a failure to include habitat for recovery purposes."</p><p>The U.S. Bureau of Land Management (BLM), which administers the dunes, is set to finalize a plan (RAMP) later this summer that would open 50,000 acres of currently protected dunes habitat. Parts of that plan are already being challenged in court by conservationists. FWS stated in today\'s proposed rule that "Species specific management needs and measures for <em>Astragalus magdalenae var. peirsonii </em>are not addressed in the RAMP." The State of California OHV Commission weighed in on the RAMP last December, denying BLM \$1.1M in state funding due to repeated failures to protect the dunes and manage for sustainability.</p><p>Located in the Sonoran desert of southeastern California\'s Imperial County, the Algodones Dunes are the largest dune ecosystem in the U.S. They harbor at least 160 different animal and plant species, many of which are endemic. The dunes also are heavily impacted by as many as 240,000 off-roaders on some weekends. This intensive use destroys vegetation and wildlife habitat, pollutes the air, and creates criminal problems that stress law enforcement.</p><p>"Is the critical habitat proposal perfect? No. Some portions are too small or fragmented," said Elden Hughes, Chair of the Sierra Club Desert Committee. "Is it the right first step for protecting the Peirson\'s milkvetch? Absolutely."</p><p>FWS must finalize the rule and designated critical habitat within a year.</p><p align="center"><strong>### <p align="center"><em>View the <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-19670.pdf">proposed rule and map</a>.</em></p><p align="center"><em>For more Background on critical habitat, click <a href="http://www.biologicaldiversity.org/swcbd/press/FactSheetII.pdf">here</a>.</em></p>', 'CA', 'BLM', 0);

INSERT INTO news VALUES (282, '2003-08-06', 'INFORMATION REQUEST FILED TO UNCOVER WHITE HOUSE MANIPULATION OF KLAMATH POLICY', 'Groups Seek to Clarify

Karl Rove's Role in Dictating Klamath Policy Resulting in 33,000 Dead Salmon',  
'<p>SEATTLE, WA--Commercial fishermen and environmental groups today filed an information request with the federal government seeking documents disclosing White House political pressure on decisions that led to the death of over 33,000 adult salmon in the Klamath River in September 2002. The letter seeks information fleshing out an article in the July 30 Wall Street Journal stating that President Bush's chief political advisor, Karl Rove, influenced senior government managers in a pending decision regarding how the river's waters should be divvied up over the next ten years. That decision pitted irrigation interests against the government's obligation to leave enough water in the river to protect salmon. The decision also was supposed to weigh how much water should be left in the river to comply with the government's obligations to sustain Indian tribal fisheries. </p><p>"The government can't decide the fate of our most precious natural resources based on the political ambitions of the White House," said Kristen Boyles with Earthjustice. "This information request seeks to get to the bottom of exactly what White House operatives did to achieve the political outcome they wanted at the expense of the Klamath River and coastal communities."</p><p>According to the Wall Street Journal, Rove reminded the federal managers responsible for the Klamath Irrigation Project that farming interests comprised the President's political base and polling data suggested more water to them would achieve a favorable political result for the President and Oregon Republican Senator Gordon Smith.</p><p>"If the Wall Street Journal is correct, it's clear the Bush administration is willing to sacrifice the well being of Northern California coastal communities and the Native American tribes of the Klamath Basin on the altar of political expediency," said Glen Spain of the Pacific Coast Federation of Fishermen's Associations.</p><p>"The Bush administration has clearly written off California in its political strategy. Fair enough. But to take down the Klamath River, all the wildlife that depends on the river, and all the native and coastal communities that depend on the wildlife, for political gain &#8211; that's not right," said Bob Hunter of WaterWatch of Oregon.</p><p>The letter seeks a full accounting of all costs reimbursed to the government for Mr. Rove's political activities on the Klamath, as required by federal law, as well as a breakdown of all the taxpayer supported costs incurred by Mr. Rove while working on Klamath issues.</p><p align="center"> <strong>### <p align="center"><a href="<?php print \$cfg->webroot;?>/docs/doi/Rove\_Request.pdf">View a copy of the letter</a>.</p><p><strong>ADDITIONAL CONTACTS:</strong> Kristen Boyles, Earthjustice (206) 343-7340 x33<br /> Leslie Catherwood, The Wilderness Society (202) 454-2524<br /> Glen Spain, Pacific Coast Federation of Fishermen's Associations (541) 689-2000<br /> Bob Hunter, WaterWatch of Oregon (541) 772-6116<br /> Wendell Wood, Oregon Natural Resources Council (541) 891-4006<br /> Tim McKay, Northcoast Environmental Center (707) 822-6918<br /> Kara Gillon, Defenders of Wildlife (505) 248-0118<br /> Eric Wingerter, Public Employees for Environmental Responsibility (202) 265-7337<br /> Kristen Sykes, Friends of the Earth (202) 783-7400 x100</p>', 'CA', 'DOI', 0);

INSERT INTO news VALUES (283, '2003-08-12', 'ENFORCEMENT AGAINST FLORIDA POLLUTERS PLUMMETS', 'Largest Violators Escape Punishment', '<p>TALLAHASSEE, Fla.--Enforcement actions taken against polluting Florida corporations have declined dramatically during the past decade, according to state agency data released today by Florida Public Employees for Environmental Responsibility (<em>Florida </em>PEER). Records obtained from the Department of Environmental Protection (DEP) indicate that while the number of cases opened against polluting companies has remained about the same, punishments have dropped off precipitously, and the largest violators receive only a slap on the wrist.</p><p>The data, obtained by Florida PEER from the DEP Office of General Counsel, show that Florida's principal pollution enforcement

agency

**Has abandoned clean-up orders.** DEP has moved away from long form consent orders, which require companies to clean up the air, water and hazardous waste pollution they generate. Instead, DEP now relies almost exclusively on short form consent orders, which typically levy smaller fines without any requirement that clean-ups occur. When short form consent orders were first used by DEP in 1990, seven out of ten enforcement cases continued to utilize the stronger long forms. By 2002, fewer than one in five cases used long forms;

**Ignores the biggest polluters.** Florida PEER's analysis of the 14 Florida corporations currently designated as Significant Non Compliers (SNCs) of industrial and domestic wastewater discharges shows that not a single one has a current DEP enforcement action against it. (SNCs are companies that have had multiple violations over extended periods);

**Routinely drops fines against big violators**. DEP often forgives penalties against SNCs as soon as they "achieve compliance" by putting a halt to their polluting, even if the change is temporary. For example, paper company Jefferson Smurfitt Corp. had thirteen prior violations, yet when it was caught polluting again this year DEP indicated that it would not seek enforcement action and instead would wait for the company to achieve compliance.

"This administration throws the book at "mom and pop" violators but lets big corporations off the hook," commented *Florida* PEER Director Jerry Phillips, a former DEP enforcement attorney. "If a habitual thief avoided punishment by simply giving back stolen property each time he was caught, most would say that the system was broken, but that is precisely what is going on every day at DEP."

*Florida* PEER, a watchdog organization that represents employees inside environmental agencies, has reopened its state office in Tallahassee this June. "Bringing this sort of inside data to the public is at the heart of PEER's mission," said Phillips. "Our job is to bring the back room deals to the front page."

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[DEP Enforcement Report](#)

[Read Florida DEP Districts](#) from around the state', 'FL', '', 0);

INSERT INTO news VALUES (284, '2003-08-12', 'ANTI-ENVIRONMENTAL POLITICIANS LABEL INDUSTRY RALLY A CONGRESSIONAL HEARING', 'Reps. Pombo & Radanovich Allow Only Industry Groups and Hostile Local Politicians; Greens Boycott', ' <p>SAN DIEGO--Shunning environmentalists and the local Congressman, U.S. Reps. Richard Pombo and George Radanovich will host a meeting August 18 at Sea World. The so-called Congressional hearing will focus on the California Desert Conservation Area (CDCA), especially the controversial Algodones (Imperial) Sand Dunes. Only off-road industry representatives and local anti-environmental politicians have been invited to participate. There will be no environmental voice included in a panel of "stakeholders," and the Congressman for Imperial County, Bob Filner, was not invited to participate. Environmentalists will boycott the event.</p><p>"They are missing a chance to get the full story--clearly this is not a legitimate hearing to gather information from all sides of the issue," said Daniel Patterson, Center for Biological Diversity ecologist who formerly worked with BLM in the California Desert. "Pombo's dishonest and divisive one-sided "hearing" is un-American and anti-democracy. It is nothing more than an anti-environmental rally for destructive industries that want America's scenic public lands all to themselves. They want excess, not access.</p><p>Designated by Congress in 1976 as a fragile, scenic place that is easily scarred and slow to heal, the CDCA includes 11 million acres of public lands administered by the U.S. Bureau of Land Management (BLM). The area harbors 24 federally-listed endangered species, including the desert tortoise, Peninsular Ranges bighorn sheep,

Peirson\'s milkvetch, desert pupfish and Inyo California towhee. The CDCA offers no shortage of off-roading opportunity--often to the detriment of endangered wildlife--with over 16,000 miles of open off-road vehicle routes and over 600,000 acres of off-road vehicle &quot;open areas&quot; where intensive use and cross-country travel is allowed (BLM figures).

Located in the Sonoran desert of southeastern California\'s Imperial County, the scenic and remote Algodones Dunes are the largest dune ecosystem in the U.S. They harbor at least 160 different animal and plant species, many of which are endemic. The dunes also are heavily impacted by as many as 240,000 off-roaders on some weekends. This intensive use destroys vegetation and wildlife habitat, pollutes the air, and creates criminal problems that stress law enforcement.

On August 5, the U.S. Fish and Wildlife Service recognized the need for conservation at the dunes by [proposing 53,000 acres for critical habitat designation](http://www.sw-center.org/swcbd/press/peirson8-5-03.html). The wildlife agency recognized off-roading as the primary threat to endangered species on the dunes, and noted that a proposed BLM plan will not protect them.

Karen Schambach, California Director for Public Employees for Environmental Responsibility called the hearing &quot;an embarrassment to Congress.&quot; &quot;Pombo is an opportunistic rabble rouser whose real problem with the Endangered Species Act is not that it hinders legitimate use of public lands, but that it might restrict his own voracious real estate ambitions. This rally will be industry beating up on public servants who are trying to follow the law.&quot;

&quot;Pombo\'s event is nothing but a cover-up for a big desert land-grab,&quot; explains Ron Gaul, local angler and multiple-use advocate from Ocotillo, Imperial County. &quot;The off-road, mining and livestock industries want to lock up our public lands for their own uses, violating BLM\'s own multiple use policy.&quot;

This event is part of a larger trend of Representative Pombo promoting his agenda to rollback our nation\'s environmental laws, including the Endangered Species Act. Beginning in June, his committee issued a series of press releases attacking environmental laws, including the Endangered Species Act, and conservation organizations.

&quot;Chairman Pombo\'s real agenda is to rollback our nation\'s environmental laws, including the Endangered Species Act,&quot; stated Brock Evans, Executive Director of the Endangered Species Coalition. &quot;We hope that he does not use this congressional hearing as a stage to push his anti-environmental views.&quot;

Pombo\'s aggressive style has upset many of his Congressional colleagues, including fellow Republicans. After Pombo was elected chairman of the House Resources Committee in a heated contest, Rep. Joel Hefley of Colorado resigned from the committee in protest. (Sacramento Bee, Pombo Lashes Out on Environment, June 29, 2003).

The major newspaper in the Algodones Dunes area, The Imperial Valley Press, recently [criticized the closed nature of the hearing](http://www.ivpressonline.com/articles/2003/08/04/opinion/ed02.txt).

&quot;We cannot take this meeting very seriously,&quot; said Terry Weiner, Conservation Coordinator of the San Diego-based Desert Protective Council. &quot;Pombo is excluding environmental voices and using county officials, federal employees and industry representatives as puppets to further his own anti-environmental agenda.&quot;

&quot;This is another of Pombo\'s sham field hearings where only those who agree with him are invited,&quot; said longtime desert protection champion Elden Hughes, Chair of the Sierra Club Desert Committee. &quot;The traditional off-roading areas in the dunes have never been closed. The real issue is saving species on the brink of extinction, which requires reasonable limits on off-road vehicles such as the current 50/50 management.&quot;

&quot;Chairman Pombo and the Resources Committee need to hold fair and balanced hearings on these important natural resource issues, instead of organizing this one-sided rally to build momentum to roll back wildlife and wilderness protection,&quot; stated Sarah Matsumoto, Western Organizer for the Endangered Species

Coalition.

"This is a missed opportunity for Congressmen Pombo and Radanovich to be educated on the full-range of issues in congressionally-designated California Desert Conservation Area," said Ileene Anderson, southern California Botanist for the California Native Plant Society and past two-term appointee and elected Chair of the BLM's California Desert Advisory Council. "By not including scientists having actual on-the-ground experience on the panels, our elected representatives and decision makers are not able to access the latest research and best available science. A Congressional hearing needs to be about hearing all the facts on issues, not selective spin from special interest groups."

Environmentalists, off-roaders and the Bureau of Land Management (BLM) reached an agreement in November 2000 for balanced management of the Algodones Dunes to protect endangered species and allow off-roading. Thousands of public comments to keep the balanced dunes management in place were ignored by the Bush administration, which is directing BLM to finalize a plan later this summer that would roll-back environmental protections and open 50,000 acres of currently protected dunes habitat. Parts of that plan are already being challenged in court by conservationists.

The State of California OHV Commission weighed in on the BLM plan last December, denying BLM \$1.1M in state funding due to repeated failures to protect the dunes and manage for sustainability.

The off-road industry [lost a lawsuit in June](http://www.biologicaldiversity.org/swcbd/press/6-25-03.html) challenging the dunes balanced management. Federal judge R.M. Brewster in San Diego upheld the legality and need for the partial off-road vehicle ban to protect wildlife, and found industry arguments challenging the need for closures "without merit."

On August 19, environmentalists will hold a "Rally for the Whales" in protest of a similar closed-door hearing in San Diego on the Marine Mammal Protection Act. Info: Mark Palmer at 415.788.3666 x 139.

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For Details on the Algodones Dunes, Click [Here](http://www.sw-center.org/swcbd/goldenstate/cdca/algodones.html), 'CA', 'BLM', 0);

INSERT INTO news VALUES (285, '2003-08-19', 'PENALTIES AGAINST FLORIDA'S CORPORATE POLLUTERS PLUNGE', 'Penalties Against Homeowners On the Rise', '<p>TALLAHASSEE--Penalties levied against polluting companies took a nosedive between 2001 and 2002, according to documents released today by Florida Public Employees for Environmental Responsibility (<em>Florida </em>PEER), but homeowners and small business owners saw major penalty increases over the same period.</p><p>While the total monetary value of penalty assessments remained largely unchanged (approximately \$8.5 million) between 2001 and 2002, the difference was the target of those fines. According to records obtained by <em>Florida </em>PEER from the Department of Environmental Protection (DEP) Office of General Counsel, fines dropped precipitously in nearly every industrial or corporate penalty category in 2002:</p><p></p><p>Penalties for industrial wastewater and hazardous waste violations declined by more than 50% from the year before;</p><p></p><p>Assessments against air polluters dropped by nearly a third; and</p><p></p><p>Fines against solid waste violators declined by more than 85%.</p><p>In contrast, penalties assessed by Governor Jeb Bush's administration against small-time violators and, in particular, homeowners, carried a much higher portion of the enforcement burden:</p><p></p><p>Domestic waste and potable water assessments, principally targeting mobile home parks and residential developments, saw increases of more than 50% above 2001 levels; and</p><p></p><p>Penalties for dredge and fill violations, such as construction of boat docks and the filling of wetlands, rose 10% in 2002.</p><p>"Even though they are responsible for most of the pollution, corporate violators seem to be carrying

Get Out of Jail Free' cards," commented <em>Florida </em>PEER

Director Jerry Phillips, a former DEP enforcement attorney. "The little guys, who are not represented by major law firms or lobbyists, are getting the book thrown at them."

Last week Florida PEER released data showing that cleanup orders and other enforcement actions have dropped dramatically in the past decade. The Bush Administration issued an explanatory release claiming to be intentionally reducing lawsuits in exchange for swifter penalty assessments. "These figures suggest that the only ones benefiting from the new approach are the wealthiest violators," commented Phillips. "Not only has the number of lawsuits in key program areas dropped, but now it is evident that civil penalty assessments are declining as well."

Program	2001	2002	% Change
Beaches/Coastal	\$6,300.00	\$9,700.00	+ 54 %
Dredge & Fill	\$637,716.51	\$691,147.00	+ 8 %
Domestic Waste	\$2,389,537.50	\$3,741,341.50	+ 57 %
Potable Water	\$163,754.49	\$322,504.00	+ 97 %
Stormwater Runoff	\$18,880.00	\$76,500.00	+ 305 %
Tanks	\$640,642.53	\$820,778.00	+ 28 %
***	***	***	***
Air	\$637,549.04	\$428,510.00	- 33 %
Waste Cleanup	\$51,370.00	\$24,000.00	- 53 %
Hazardous Waste	\$1,854,683.39	\$926,505.94	- 50 %
Industrial Waste	\$765,303.25	\$368,224.00	- 52 %
Solid Waste	\$1,260,069.00	\$179,250.00	- 86 %
Underground Injection	\$96,825.00	\$200.00	- 99 %

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[Read the DEP Enforcement Report](http://www.dep.state.fl.us/enforcement.php)
[View regional enforcement examples from around the state](http://www.dep.state.fl.us/enforcement/Florida_DEP_Districts.pdf)

INSERT INTO news VALUES (286, '2003-08-20', 'CORPS ECONOMIC MODELS FOR MISSISSIPPI NOT PEER REVIEWED', 'Troubled Study Violates Data Quality Act', 'WASHINGTON, DC--The U.S. Army Corps of Engineers has published a preliminary evaluation of a massive public works project using economic models that have not been peer reviewed and consequently must be withdrawn, according to a complaint



filed today with the Department of Defense by Public Employees for Environmental Responsibility (PEER). Contrary to new Data Quality Act standards, the Corps is relying upon non-reviewed, proprietary economic models to support its plans to construct new, expanded locks throughout the Upper Mississippi River and Illinois Waterway System.

If the Pentagon upholds the PEER complaint it would be yet another blow to the scandal-plagued and oft-delayed plans for an estimated \$2.5 billion in new Corps construction to attempt to increase barge traffic on the Upper Mississippi River and the Illinois Waterway. Corps economic models used to attempt to justify this project have previously been criticized by the National Academy of Sciences, President Bush's Office of Management and Budget, as well as the Army's own Inspector General.

"The Corps remains committed to its own 'black box' economics where it puts its own numbers in a black box and expects everyone to accept the figures that magically appear out of the other end," commented PEER Executive Director Jeff Ruch. PEER represented Corps economist Dr. Don Sweeney, who exposed a prior attempt by the Corps to justify this project by cooking the books on its cost-benefit analysis.

The Data Quality Act (DQA) requires each federal agency to develop "administrative mechanisms" for "ensuring and maximizing the quality, objectivity and integrity of information" it disseminates to the public. Under DQA guidelines, scientific material lacking independent peer review is presumptively not objective. Moreover, economic models and other material considered highly influential are held to an even higher standard of quality review.

Despite an October 1, 2002 deadline for all federal agencies to finalize their own DQA guidelines, the Corps has taken no steps to comply with the act. Consequently, PEER submitted its complaint to the Pentagon, which now has 60 days to make its determination regarding Corps compliance.

In its latest study status update published August 7, the Corps announced a preliminary evaluation of infrastructure "improvements" prior to its plans to engage the National Academy of Sciences for peer review of its economic models, which will not be completed until mid-2004. Data Quality regulations require independent review before public release of any such information.

"Under the Data Quality Act, the Corps should not be disseminating, let alone relying on, these economic models until they have been independently reviewed and their results can be substantiated and replicated," stated Ruch. "Given its checkered history, the Corps should be bending over backwards to get the Upper Mississippi plan right instead of, once again, rushing to reach a political conclusion that does not match economic reality."

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[Read the PEER complaint on Data Quality Act violations by the Corps](http://www2.mvr.usace.army.mil/umr-iwwsns)

[View the July 2003 Status Report, Upper Mississippi River and Illinois Waterway System Navigation Study, published August 7, 2003 by the Rock Island District, U.S. Army Corps of Engineers.](http://www2.mvr.usace.army.mil/umr-iwwsns)

[Read March 2003 Corps letter admitting noncompliance with the Data Quality Act](http://www2.mvr.usace.army.mil/umr-iwwsns)

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INSERT INTO news VALUES (287, '2003-08-21', 'CUT UNDERWATER CABLE THREATENS CORAL REEFS', '$2 Billion Annual Return to Florida from Reefs at Risk, Says New Report', '<p>Vero Beach -- A telecommunications cable owned by AT&T Corporation was severed from the ocean floor by a dredging ship near fragile reefs off Vero Beach, according to Save The Reefs and Public Employees for Environmental Responsibility (PEER). The incident underscores environmentalists\' recommendations that the state instead bury cables under the reefs using bi-directional drilling rather than the plan before Governor Jeb Bush and the Florida Cabinet this coming Monday, August 25.</p><p>Driven by ocean currents, the severed fiber optic cable can rip through sensitive reefs and damage other marine life. The loose cable was not re-anchored for two weeks,
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according to Save The Reefs. The accident occurred when the dredge equipment broke while excavating near the cable. Ironically, the dredge was removing sand from a spot in which it did not have authorization to operate.

Today, PEER also released the final part of its four-part study of the impact of fiber optic cables on coral reefs. The report by economist James Spurgeon finds that coral reef resources in southeast Florida are of considerable value: "Within Broward County alone they contribute over \$2 billion to the economy each year." The report warns that these economic benefits are in jeopardy because "Florida's hard coral cover is declining, from an estimated 10.3% in 1996 to 6.4% in 2000, due to a multitude of predominantly human induced stresses."

For weeks, Governor Bush and his aides have been agonizing over new rules to regulate the impact of fiber optic cable-laying across Florida's coral reef zones. PEER and other groups have been urging Gov. Bush to adopt more rigorous rules protecting Florida's near-shore reefs from the growing peril of telecommunications industry development along the state's coastlines.

The PEER economic report also recommends that the state set higher fees that not only reflect the commercial value of the cable rights-of-way but also recover environmental costs associated with monitoring and repairing cables. State-owned underwater property is leased to fiber optic companies at cut-rate prices, because Florida is one of only three coastal states that do not collect a fee based upon fair market value--fiber optic cables can generate more than \$5,000 per minute in profit to operators.

"This latest cable accident highlights the irresponsibility of the state's current approach to protecting a dwindling and precious resource," stated PEER General Counsel Dan Meyer, a former naval officer. "Coral reefs are also an economic engine for Florida that will keep running only if Governor Bush takes steps to stop trashing fragile reefs and adopt environmentally safe options that are available."

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See the [Save the Reef letter](#) on the severed Vero Beach fiber-optic cable

Read [Economic Issues Relating to Coral Reef Damages From Submarine Fiber Optic Cables Permitted Across Sovereign Submerged Lands of the State of Florida](#) Part IV of the PEER Coral Reef Jury Report

View Parts I Through III of the PEER Coral Reef Jury Report:

[Part III: Engineering Investigation and Findings](#)

[Part II: Regulatory Analysis](#)

[Part I: Biological Impacts of Fiber Optic Cables on Reefs](#)

INSERT INTO news VALUES (288, '2003-08-26', 'MORE ATTACKS ON FEDERAL RESOURCE EMPLOYEES', 'Violence Against Forest Service, BLM and Wildlife Staff Rises for Third Straight Year', '

WASHINGTON, DC--Federal environmental employees faced an increasing threat from bombs, assault weapons and other types of violence in 2002, according to a compilation of agency records released today by Public Employees for Environmental Responsibility (PEER).

Agency incident reports, obtained by PEER through the Freedom of Information Act, document a growing danger to employees of the U.S. Forest Service, the U.S. Fish and Wildlife Service (FWS), and the Bureau of Land Management (BLM) as crime and anti-federal sentiments intensify on public lands. An analysis of the reports found that

Attacks on Forest Service employees spiked by nearly 20 percent in 2002, including incidents involving pipe bombs and assault weapons;

Violence against BLM agents, rangers and range specialists rose by almost one quarter (24 percent), including death threats, assaults and stalking;

Incidents against FWS employees edged up as well (9

percent increase), including growing reports of disputes with property owners living on or near federal refuges.

"These numbers may be only the tip of the iceberg, as many people in the field are discouraged from reporting threats and assaults," stated PEER's National Field Director Eric Wingerter, whose group is a service organization for embattled environmental specialists. "By its environmental policies, the Bush Administration is actually encouraging defiance of resource regulations, leaving its own staff to deal with growing conflicts without backing from above."

PEER maintains the nation's only database of incidents against federal resource employees. Despite the passage of the 1996 Anti-Terrorism Act after the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, requiring the U.S. Attorney General to collect and report data "relating to crimes and incidents of threats and acts of violence" against government employees in the performance of official duties, no such reports have been made. PEER began its reporting system in 1995.

"While Attorney General Ashcroft is spreading alarm about foreign terrorists, his Justice Department continues to ignore threats coming from the radical property rights community," Wingerter added. "None of the federal environmental agencies devote resources to studying or preventing violence directed against their own workforces."

**Reported Incidents of Threats or Violence Against Federal Employees**

YEAR	Bureau of Land Management	Forest Service	Fish & Wildlife Service
2002	36 (+24%)	12 (+9%)	29 (+4%)
2001	78 (+136%)	11 (+22%)	28 (+33%)
2000	33 (+22%)	9 (+50%)	21 (-50%)
1999	27 (-49%)	6	27 (-49%)
1998	42 (+75%)	53 (+5%)	6
1997	No data	24 (+85%)	44 (+5%)
1996	13 (+61%)	42 (+24%)	No data
1995	8	34	No data

INSERT INTO news VALUES (289, '2003-08-27', 'VIOLENCE AGAINST PARK RANGERS REMAINS HIGH', 'Two Deaths and 98 Attacks in 2002, NPS Assailed for Ignoring Growing Trend', '

WASHINGTON, DC--Threats, harassment and attacks against National Park Service rangers and policemen remained high for the second year in a row, including two officers killed in the line of duty, according to agency records released today by Public Employees for Environmental Responsibility (PEER).

Commissioned law enforcement rangers were victims of violent attacks 98 times in 2002, about one third of which resulted in injury. This figure parallels the 2001 high of 104 violent incidents. The National Park Service does not keep records of attacks on non-commissioned employees.

Regionally, the Nation's Capital experienced a



Southern Appalachians were once dominated by relatively stable forest ecosystems, with trees 300 years old and more. In the draft management plans, the agency ignored these findings, which contradict the intensive logging and prescribed burns it intends for the five national forests--the Cherokee (TN), Chattahoochee/Oconee (GA), Jefferson (VA), Sumter (SC) and Talladega and Bankhead (AL).

PEER, which is representing Bass in the whistleblower disclosure, jointly released the internal papers along with SELC and the Southern Appalachian Forest Coalition (SAFC).

The Southern Appalachian mountains are among the most biologically diverse regions in the world outside of the tropics, containing more tree species than all of Europe and hundreds of native animals from black bear to the cerulean warbler--many of which are rare or endangered. The national forests in the region are among the nation's highest in terms of recreation use. Over the course of drafting the management plans, the Forest Service has consistently acknowledged that these biological and recreation values were of primary importance, and that unlike many other national forests, timber production would be only a "byproduct" of managing for these other values.

"We have been told for seven years that the guiding principle was environmental restoration," said Hugh Irwin of SAFC. "To reverse these principles at the end of the planning process, outside of the public view, is a betrayal of the public trust."

Irwin noted that the agency's stated goals for these management plans were watershed health, recreation, ecosystem sustainability, wildlife habitat, recovery of threatened and endangered species, old-growth forests, and remote recreation opportunities.

SELC attorney Ruley said the Forest Service's 11th-hour change violates the National Environmental Policy Act, which requires a thorough environmental review and full public involvement before making changes of this magnitude. "The Forest Service has to tell the public what the environmental impacts of this change would be and allow citizens to have their say," said Ruley.

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[Read excerpts from the Southern Regional Briefing papers.](#)

[View the whistleblower disclosure of Cherokee National Forest archaeologist Quentin Bass.](#)

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INSERT INTO news VALUES (291, '2003-08-29', 'BLM STALLS SAND MOUNTAIN PLAN AS BUSY WEEKEND APPROACHES', 'Bush Administration Working Only With Off-roaders', '<p>CARSON CITY, Nev.--Despite a legal mandate to work with all interested parties, the Bush administration is collaborating only with off-road groups on an excessive route plan for Sand Mountain. As a busy off-roading weekend approaches, the U.S. Bureau of Land Management (BLM) is bowing to industry pressure by missing a deadline to start a weak voluntary habitat avoidance program.</p><p>On July 21 BLM decided that it would ignore several applicable laws and regulations--as well as a compromise recommended by BLM staff and supported by the Fallon-Paiute Shoshone Tribe, the U.S. Fish and Wildlife Service and conservationists--to close sensitive habitat to off-road vehicles at Sand Mountain, Nevada. BLM Carson City Field Office Manager John O. Singlaub's decision to only encourage voluntary avoidance of 1,000 acres of remaining vegetated habitat within and adjacent to the 4,700 acre Sand Mountain Recreation Area has yet to take effect.</p><p>"BLM must follow the law to conserve public lands resources with balanced management, not just meekly ask off-roaders to please not trash the area. This Labor Day weekend they are not even asking," said Daniel Patterson of the Center for Biological Diversity, which represents the national conservation perspective on the BLM's Sand Mountain subgroup. He adds that "Even weak voluntary measures are unacceptable to a radical off-road lobby that wants excess, not access; and BLM bows down to them by cutting others out of the planning process and stalling on-the-ground action. Call them the

Bureau of Land for Motorcycles." Earlier this spring BLM staff recommended closure of the best remaining habitat at Sand Mountain (much has already been lost) to protect the Sand Mountain blue butterfly, its host plant Kearny buckwheat and several other rare and endemic species. BLM convened a subgroup of conservationists, off-roaders and a representative of the tribe to make a recommendation. Conservationists focused on protection of the 1,000 acre habitat area, and at no time proposed closure of more popular off-road riding areas despite severe environmental damage there. Off-road industry groups were unwilling to consider any closure, demanding the entire Sand Mountain area be open to intensive off-roading. The subgroup did not agree on any recommendations, but BLM settled on toothless voluntary measures that were to be implemented by this weekend, but then stalled action.

"The law requires land managers to close areas to off-road vehicles where clear damage to natural resources is occurring, as it is at Sand Mountain. It does not allow managers to avoid needed closures with voluntary approaches," said Karen Schambach of Public Employees for Environmental Responsibility. "When asked, BLM could not identify anyplace where voluntary off-road vehicle restrictions have worked to conserve or restore habitat."

"BLM has shamefully allowed Sand Mountain to be taken over by destructive off-roading, and now they make a political decision to avoid upsetting the industry that will allow continued harm to endemic species and cultural sites," said Charles Watson, longtime Nevada conservation champion and director of the Carson City-based Nevada Outdoor Recreation Association.

Contact John O. Singlaub, BLM Carson City Field Office Manager at (775) 885-6151.

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INSERT INTO news VALUES (292, '2003-09-03', 'FLORIDA NOT COLLECTING FINES LEVIED AGAINST LARGEST POLLUTERS', 'DEP Failed to Collect \$45 Million Over 15 Years', '

TALLAHASSEE--The Florida Department of Environmental Protection (DEP) is failing to collect fines levied against polluters, and the problem is getting worse under Governor Jeb Bush's administration, according to agency records released today by Florida Public Employees for Environmental Responsibility (Florida PEER). Overall, the disparity between penalties assessed against polluters and those actually collected has cost the state more than \$45 million since 1987.

The data, obtained from the DEP Office of General Counsel, indicate that most program areas are collecting on far fewer civil penalties today than just a few years ago. The largest decline is among programs that target corporate polluters:

The industrial waste program has collected fewer fines each year since 1999, and last year it collected on less than half of the penalties it assessed;

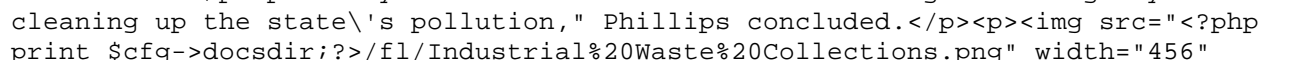
Hazardous waste violators paid just over half the penalties assessed against them in 2002;

Total fines collected from air polluters has dropped by hundreds of thousands of dollars since 2000.

"This is money polluters owe to the taxpayers of Florida as compensation for damage done to our environment," commented Florida PEER Director Jerry Phillips, a former DEP enforcement attorney. "Even though we are in the middle of one of the state's worst fiscal crises in history, this administration chooses to coddle corporate polluters rather than take the trouble to collect what they have been fined."

Last month Florida PEER released data showing that penalties assessed against Florida's largest polluters have been on the decline, and that the DEP has forgone the requirement, once commonplace, that violators clean up the pollution problems they create. Today's numbers indicate that this trend extends to penalty collections as well. Of the only two major program areas showing an increase in collections in 2002, one was the Potable Water program, which largely focuses on small, community businesses.

"Forty-five million dollars would have gone a long way toward cleaning up the state's pollution," Phillips concluded.



height="312"></p><p></p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docmdir;?>/fl/DEP\_Enforcement.pdf">Read PEER\'s report on the drop in penalty assessments.</a></p><p align="center"> <a href="<?php print \$cfg->docmdir;?>/fl/Florida\_DEP\_Districts.pdf">View Regional Enforcement Examples from Around the State.</a></p>', 'FL', '', 0);

INSERT INTO news VALUES (293, '2003-09-08', 'PARK WILDERNESS PLANS BLOCKED', 'Bush Administration Maintains Moratorium on New Wilderness Designations', '<p>WASHINGTON, DC--The Bush Administration has quietly smothered efforts to place almost a quarter million acres of national park lands in protected wilderness status, according to documents obtained by Public Employees for Environmental Responsibility (PEER). During the past several months, top Department of Interior officials have pocketed wilderness designations proposed by park officials for Florida\'s Big Cypress National Preserve (128,000 acres), California\'s Channel Islands National Park (68,000 acres), Texas\'s Guadalupe National Park (38,000 acres) and Michigan\'s Pictured Rocks National Lakeshore (7,700 acres).</p><p>The Bush Administration\'s antipathy toward wilderness protection received national attention this spring, when the Department of the Interior settled a lawsuit with the State of Utah that sacrificed the interim protected status of millions of acres of federal Bureau of Land Management lands classified as suitable for wilderness. At the same time, but without fanfare, Interior is denying wilderness protection to millions of roadless acres within the 84 million acre national park system.</p><p>Enacted in 1964, the Wilderness Act created a national mandate to identify and preserve American wilderness in perpetuity. The Act requires the Secretary of Interior to review every contiguous roadless area of greater than 5,000 acres within the park system to determine its suitability for wilderness. Once tracts are found suitable for wilderness, the Secretary is required to transmit those findings to Congress.</p><p>Bush political appointees are blocking park wilderness assessments started during the second Clinton term from reaching Congress. These studies include assessments of Big Cypress, Channel Islands, Guadalupe Mountains and Pictured Rocks. In the case of Big Cypress, the wilderness recommendation was rejected because it was "too detailed." Yet even a later, streamlined version of that recommendation has been shelved. In addition, Bush appointees in the Interior Department are quietly seeking ways to loosen system-wide wilderness preservation requirements. "The Bush Administration is reducing the Wilderness Act to a dead letter," commented PEER Board Member Frank Buono, a former long-time Park Service manager. "The clear pattern exhibited by Secretary Norton and her top aides has been to consistently overturn decisions of career park professionals that conflict with industrial and recreational special interests to which this Administration is beholden."</p><p>Apart from these latest wilderness assessments, and in apparent violation of the Wilderness Act and park enabling acts, the Bush Administration has failed to transmit recommendations from previous administrations that Congress designate more than 2 million acres of roadless areas as wilderness in eight parks in the Lower 48, including Grand Canyon, Voyageurs, Sleeping Bear Dunes and Glen Canyon National Parks. Nearly 17 million more acres in Alaska\'s national parks are similarly in limbo.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docmdir;?>/nps/WA\_Designations.pdf">Read the chronologies of blocked NPS wilderness designations.</a></p><p align="center"><a href="<?php print \$cfg->docmdir;?>/nps/Wilderness\_Designation\_Delays.pdf">View the letter from NPS describing the status of the wilderness designations in six national parks.</a></p>', '', 'NPS', 0);

INSERT INTO news VALUES (294, '2003-09-09', 'PENTAGON ESCAPES POLLUTION LIABILITY UNDER NEW PCB RULING', 'Defense Pressed EPA for Cleanup Exemption', '<p>WASHINGTON, DC--As it prepares for the biggest round of base closures in its history, the Pentagon stands as the principal beneficiary of a new Environmental Protection Agency ruling that allows PCB-laden buildings to be sold without a cleanup. Under an August 14, 2003 memo issued by outgoing EPA General Counsel Robert Fabricant, the Defense Department may transfer thousands of contaminated buildings and tons of PCB-containing equipment to schools, hospitals and other civilian users free from any legal liability, according to Public Employees for Environmental Responsibility (PEER).</p><p>Polychlorinated biphenyls (PCBs) are classified as a possible carcinogen that has been banned from commerce since 1978. For the past 20 years, EPA has interpreted that ban to include sale of PCB-contaminated real estate. Many of the older buildings on Defense bases contain liquid PCBs in their heating and lighting systems as well as in the surrounding soil from years of spills and residue buildup.</p><p>Under the ruling put forth by Mr. Fabricant in one of his last official acts, EPA is dropping completely its regulatory oversight of real estate transfers of PCB-contaminated real estate. As a result, the Pentagon is now permitted to </p><p></p><p>Sell or give away buildings without disclosing the existence or extent of PCB contamination;</p><p></p><p>Escape any financial responsibility for cleanup after the transfer occurs; and</p><p></p><p>Transfer contaminated buildings knowing the buildings will go into reuse by civilians without any rehabilitation or safeguards.</p><p>The Fabricant memo states that the previous PCB ban was "an unnecessary barrier to economic development" but the only cases cited by the memo involved military facilities at the Naval Warfare Center in Indiana and the Mare Island ship repair facility in California. In both of those cases, EPA allowed the transfers to occur once there were assurances that cleanup would take place. Under the new interpretation, EPA loses any discretion over real estate transactions so that these transfers could occur with no promise of cleanup.</p><p>"Now the Pentagon can dump contaminated properties on hard-pressed communities and walk away without a dime of financial responsibility," stated PEER Executive Director Jeff Ruch, whose organization has highlighted Pentagon attempts to immunize itself from federal anti-pollution laws. "The Pentagon has been pressuring EPA for a blanket exemption and EPA complied in the most gutless way possible--with an unannounced, internal ruling by a resigning mid-level official."</p><p>Senator Barbara Boxer (D-CA) has introduced legislation to reverse Fabricant\'s ruling and environmental groups are preparing suit, but Pentagon transfers may begin occurring immediately unless these actions are successful and apply retroactively.</p><p align="center"> ###</p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/dod/EPA\_PCB\_memo.pdf">Read the EPA memo allowing PCB-laden buildings to be transferred without liability. </a></p>', '', 'DOD', 0);

INSERT INTO news VALUES (295, '2003-09-11', 'OUTSOURCING STRETCHES FOREST SERVICE FIREFIGHTING COSTS TO HALF BILLION OVER BUDGET', 'Forest Service Lacks Staff to Oversee Contracts', '<p>WASHINGTON, DC--The U.S. Forest Service\'s heavy dependence on contract firefighting services is causing the agency\'s budget to spin out of control, according to agency records released by the Forest Service Council of the National Federation of Federal Employees (NFFE) and Public Employees for Environmental Responsibility (PEER). The Forest Service has already overspent its \$360 million annual firefighting budget by more than \$240 million and the latest agency estimates indicate the overrun will exceed \$500 million by the end of the fire season. </p><p>Presently, approximately 70 percent of Forest Service fire suppression expenditures are for contracted resources, such as aircraft, hand crews, engines, caterers, water tenders, bulldozers, camp crews and casual hires. Ballooning firefighting expenditures stem primarily from extensive use of high-price, cost-plus contracts. According



to the records released by NFFE and PEER, </p><p></p><p>Contract hand crews receive a daily rate that is approximately twice that of the Hot Shots, the agency\'s best in-house crews;</p><p></p><p>The Forest Service\'s Accountability Report and Action Plan for 2003 cite unacceptably high fire suppression costs directly related to the high number of current contractors. Another recent agency study reveals that when using contractors to replace Forest Service personnel, costs in California alone have almost doubled (from \$7 million to more than \$13 million);</p><p></p><p>Once the Forest Service became reliant on contracts for aircraft availability, costs have escalated well beyond inflation.</p><p>In addition, the Forest Service lacks sufficient agency personnel to adequately oversee current contracts. This inability to manage its firefighting contracts has led to contractor abuses and fraud, thus further driving up costs.</p><p>Despite problems associated with its extensive reliance on contractors, the Forest Service is considering replacement of between 5,000 and 10,000 fire fighters with private contractors by FY 2006 in order to meet President Bush\'s mandate that all federal agencies review at least half of all positions classified as potentially commercial for outsourcing.</p><p>"It is clear that the heavy dependence upon contractor firefighting resources is a major contributing factor to the high costs of suppressing wildfires," stated Bill Dougan, President of the Forest Service Council of NFFE. "It doesn\'t make economic sense to continue to promote and even increase the use of contract crews when the government can go out and hire government employees to do the work cheaper."</p><p>Because Congress has not approved supplemental appropriations, the agency is covering the fire overruns by diverting money from its other programs.</p><p>"These firefighting contracts are eating the Forest Service alive," commented PEER Executive Director Jeff Ruch. "Contract firefighting is sucking all available funds, preventing the Forest Service from the restoration, habitat protection and even fire prevention work it is supposed to be doing."</p><p align="center">### </p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/fs/USFS\_Outsourcing\_Proposal.pdf">Read the U.S. Forest Service National Leadership Proposal for Selection of </a><a href="<?php print \$cfg->webroot;?>/docs/fs/USFS\_Outsourcing\_Proposal.pdf">Work Activities for Competitive Sourcing Study.</a></p>', ', 'FS', 0);

INSERT INTO news VALUES (296, '2003-09-15', 'EPA FACING LARGE REDUCTIONS IN &QUOT;CORE PROGRAMS&QUOT;', 'Congressional Earmarks and Diversions Padding the Budget While Forcing Cuts', '<p>WASHINGTON, DC--The U.S. Environmental Protection Agency is facing "significant reductions to [its] core programs," according to a memo from the agency\'s Chief Financial Officer released today by Public Employees for Environmental Responsibility (PEER). Recent actions taken by the Senate may result in as much as \$360 million diverted from EPA\'s base programs, including Superfund cleanup of toxic sites, grants to states for implementing anti-pollution laws, and programs ranging from combating particulates to protecting the water quality of the Great Lakes.</p><p>The September 8 memo, written by EPA\'s CFO Linda Combs to acting Administrator Marianne Horinko, centers on the Senate version of the agency\'s proposed budget for fiscal year 2004, which officially begins in two weeks on October 1. The Senate actually increased EPA\'s proposed budget but it did so by directing \$750 million to local water projects and Congressional earmarks. In order to pay for this new spending while staying within budget caps, the bill mandates large cutbacks "to EPA core programs."</p><p>The Combs memo warns, "despite the increase to the over-all Agency [budget] total, the prospects for our core programs are sobering&#8230;" For example, in the area of Environmental Program Management, Combs states that congressional "add-ons" will necessitate "a general Reduction of more than \$40,000,000, the largest in recent memory to this account." Other programs hardest hit by the Senate actions include</p><p></p><p>Superfund: a \$125 million reduction in the amount requested

by President Bush;

Grants to states: a \$72 million cut in support of state anti-pollution efforts; and

Science and technology: a \$60 million cut spread among a host of programs.

While the Senate version of the EPA budget is pending on the Senate floor before it goes to a two-house conference committee to reconcile differences with the House version, the "very misleading" overall budget increases will make reversal of the Senate Appropriation Committee's actions difficult.

"Today, EPA is a rudderless bureaucracy without strong leadership capable of protecting its mission," commented PEER Executive Director Jeff Ruch. "Without strong intervention by an as yet indifferant Administration, the nation's basic environmental safety net may be ripped apart by hundreds of short knives carving out pork barrel projects."

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Read the [memo](http://www.epa.gov/cfo/Budget_Memo.pdf) from EPA's Chief Financial Officer

View the [itemization](http://www.epa.gov/Budget_Itemization.pdf) of cuts to EPA's budget by the Senate

See the [spreadsheet](http://www.epa.gov/FY04_Budget_Comparison.pdf) with comparison summaries for EPA's FY04 budget.

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INSERT INTO news VALUES (297, '2003-09-16', 'FOREST SERVICE FIRE-FIGHTING AND EMERGENCY RESPONSE CAPABILITIES AT RISK', 'Collateral Duty Responders Lost in Outsourcing Plan', '<p>Washington, DC -- The Bush Administration\'s Competitive Sourcing Initiative will reduce the ability of the U.S. Forest Service to quickly engage and fight wildland fires, protect visitors and respond to national emergencies, according to the Forest Service Council of the National Federation of Federal Employees (NFFE) and Public Employees for Environmental Responsibility (PEER).</p><p>In the Forest Service, as well as the Park Service and the Bureau of Land Management, employees have in addition to their professional responsibilities "collateral duties" related to law enforcement, fire fighting, and emergency response. Similar to members of the National Guard, Forest Service employees have regular jobs but in times of an emergency are mustered into an organization of experienced "first responders" with a set of skills that enables them to react quickly to emergencies such as wildfires.</p><p>The Bush Competitive Sourcing Initiative fails to consider the collateral duties of Forest Service employees because there is no method or direction on how to incorporate these collateral duties into the A-76 process. Many of these collateral duties require extensive training and years of experience on the fireline to acquire. For example, each employee has a "Red Card" which identifies his or her level of fire fighting expertise or other skills available in an emergency. </p><p>"The inability of the Forest Service to count on utilizing the skills of agency employees who either lose their jobs to contractors or are prevented from carrying out collateral duties under the A-76 process places the protection of people as well as public and private property in jeopardy. These employees make up a significant portion of the workforce needed to respond to wildfires and other emergency incidents," stated Bill Dougan, President of the Forest Service Council of NFFE. "Contractors not only do not have these skills but with no collateral duties in the contracts, these individuals would not even be available to respond to such emergencies if they were qualified."</p><p>Agency plans to contract out as many as 11,000 employee jobs may significantly degrade the ability of the Forest Service to respond to wildfires, national emergencies or catastrophic events: </p><p><strong>Wildland Fires and Rural Communities</strong>: When a wildland fire threatens National Forest resources and nearby small communities employees can be deployed quickly during early stages of a fire when control is critical. This rapid response saves not only homes and businesses, but also millions of dollars in fire-fighting costs by getting fires out fast;</p><p><strong>Visitor Safety</strong>: The number of law enforcement officers on National Forest lands is extremely low
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-- only one officer every 600 square miles. However, all Forest Service personnel are classified as "Level One Law Enforcement Officers" and have training in the use of radios and using repeater towers if a problem or emergency is encountered. Recently for example, a light plane crashed on landing at an isolated airport on the Six Rivers National Forest. Forest Service personnel, in this case an archaeologist and fisheries biologist, responded immediately, administered first aid, secured the crash site, and radioed for help;

**Homeland Security**: Forest Service employees, with their collateral skills in fire fighting and emergency response skills have been called upon many times by the federal government when an emergency arises. Forest Service first responders participated in the search for Space Shuttle debris after the Columbia tragedy. Forest Service employees also helped the Department of Agriculture respond to an outbreak of Newcastle's Disease in poultry in Southern California.

"One unintended consequence of the Bush outsourcing plan would be to compromise the Forest Service's readiness to respond to natural disasters, wildland fires, and other emergencies by dramatically reducing the number of first responders," argued PEER Executive Director Jeff Ruch. "It behooves us all to take a step back and look seriously at the consequences before taking a meat ax to the Forest Service."

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Read the U.S. Forest Service [a href="<?php print \\$cfg->webroot;?>/docs/fs/USFS\\_Outsourcing\\_Proposal.pdf">National Leadership Proposal](#) for Selection of Work Activities for Competitive Sourcing Study

INSERT INTO news VALUES (298, '2003-09-17', 'FOREST SERVICE WHISTLEBLOWER WINS NATIONAL AWARD', 'Agency Suppresses Records', '<p>Washington DC--The U.S. Forest Service whistleblower who revealed that his agency was suppressing records from its own archives in developing plans for managing Southern Appalachian forests is being honored this week by a national organization. The Wilderness Society is presenting Quentin Bass, an archaeologist with the Cherokee National Forest in Tennessee, with its annual Olaus and Margaret Murie Award in recognition of his disclosing ecological records from nearly a century ago that contradict the intensive logging and burning proposed for five Southern Appalachian national forests.</p><p>The award is given annually to a person who has shown extraordinary dedication to protecting the nation's natural heritage. Wilderness Society President William H. Meadows will present the award to Quentin Bass on Friday, September 19 during the organization's annual meeting, held this year at Wildacres Retreat in Little Switzerland, North Carolina.</p><p>The Forest Service contends that five national forests in Alabama, Georgia, South Carolina, Tennessee and Virginia, covering almost 3 million acres of public lands, need extensive logging and prescribed burns to be restored to a natural condition. Bass, after combing through the agency's late-19th-century and early-20th-century archives, as well as other records, marshaled convincing evidence that historically, the Southern Appalachian forest were a relatively stable ecosystem, much less prone to the major events that open up huge areas of forest canopy, which the agency's logging and prescribed burn management prescriptions are intended to mimic.</p><p>The Forest Service suppressed Bass's research despite a legal obligation to use the best available information in drafting the management plans for the five national forests. In June, Bass filed a disclosure with the federal Office of Special Counsel charging the Forest Service with violations of law for failing to reflect this information in the plans. Bass is represented by Public Employees for Environmental Responsibility (PEER) and the Southern Environmental Law Center (SELC) in making this disclosure.</p><p>"Quentin Bass put himself on the line, using the findings of his research into the ecosystem's history to publicly challenge his employer's management plans," said Meadows. "That is the kind of

boldness and commitment to protecting our natural legacy that we need from public servants."</p><p>The award is named for Olaus Murie, an acclaimed naturalist who was president of The Wilderness Society from 1945 to 1962, and his wife, Margaret, who received the Presidential Medal of Freedom in 1998. Both spent years promoting legislation that would protect the Arctic National Wildlife Refuge and many other wild places from development. Bass is the 17th winner of the Murie Award.</p><p>"It is a great honor to see my name even mentioned in the same sentence as the name Murie," said Bass. "The Muries\' life-long devotion to the land makes you proud to be a member of the human species."</p><p align="center"> # # #</p><p align="center">Read the <a href="<?php print \$cfg->webroot;?>/docs/fs/Bass\_Disclosure.pdf">disclosure of Quentin Bass</a></p><p align="center">Learn more about the historic archives of the <a href="http://www.safc.org">Southern Appalachian forests</a>.</p>', '', 'FS', 0);

INSERT INTO news VALUES (299, '2003-09-17', 'FEMA HAMPERING PUGET SOUND SALMON RECOVERY EFFORTS', 'Federal Flood Insurance Program Violates Endangered Species Act', '<p>SEATTLE, Wash.--The Federal Emergency Management Agency (FEMA) has violated federal laws that protect imperiled salmon in Puget Sound, according to a complaint filed today in federal district court by National Wildlife Federation (NWF) and Public Employees for Environmental Responsibility (PEER).</p><p>"FEMA\'s flood insurance program promotes sprawl in Puget Sound\'s disappearing floodplains," said NWF attorney Jan Hasselman. "FEMA needs to make sure that it\'s not undermining efforts to recover salmon by helping developers turn these sensitive areas into strip malls and subdivisions."</p><p>Floodplains are critically important habitat areas for salmon and steelhead. In Puget Sound sprawling development in floodplains and other sensitive areas has been an important cause of collapsing salmon runs. Chinook salmon in Puget Sound have declined to the point where they are protected under the federal Endangered Species Act.</p><p>Under a law passed decades ago, FEMA provides flood insurance for structures in floodplain areas. Such flood insurance is generally unavailable on the private market. Some planners believe that FEMA\'s flood insurance encourages development in floodplains, when it may make more sense to restrict development and protect these areas to retain natural functions.</p><p>"The law requires agencies like FEMA to scrutinize their programs for impacts to species protected under the Endangered Species Act, " said Lea Mitchell, Washington state director of Public Employees for Environmental Responsibility. "Our goal is to hold FEMA accountable to their Endangered Species Act responsibilities and ensure their actions don\'t undermine salmon recovery efforts."</p><p align="center">###</p><p align="center">Read the <a href="http://www.wapeer.org/press/FEMA\_Complaint.pdf">complaint</a> </p>', 'WA', '', 0);

INSERT INTO news VALUES (300, '2003-09-24', 'ARMY CORPS WANTS TO OPERATE AS A BUSINESS', 'Latest Reorganization Called Step Backward', '<p>Washington, DC -- A new reorganization by the U.S. Army Corps of Engineers that takes effect next week contradicts Bush Administration policies, breaks congressional commitments and violates Army guidance that the Corps not become a project promoter, according to an analysis released today by Public Employees for Environmental Responsibility (PEER). In a letter released today, PEER asks the newly appointed Assistant Secretary of the Army for Civil Works, J.P. Woodley, to put the Corps plan on hold.</p><p>Under the reorganization, entitled "USACE 2012" (signifying that it is supposed to remain in effect for the next nine years), the Corps will operate as a business, divided into "Regional Business Centers," each pushing nine lines of services ranging from navigation and flood control to recreation and environmental restoration. The Chief of Engineers, Lt. General Robert

Flowers, claims personal credit for developing the plan and pushing it rapidly through to completion. The plan takes effect on October 1.

"This is a misguided vanity project for General Flowers that does nothing to help the Corps\' professional staff do its job," commented PEER Executive Director Jeff Ruch, noting that Flower\'s less than three-year tenure had been plagued by continuing scandals, shrinking budgets and growing calls for "Corps reform." "In many respects, the Corps already acts like a business -- Enron."

According to an analysis by PEER, the plan --

- Violates rules that the Corps be "an honest broker" of projects and not a project booster;
- Eliminates transparency in Corps planning by giving it control of supposedly "independent" peer review, eliminating line-item funding (thus allowing the Corps to shift funds without review) and giving the agency sole say in determining which projects it wants to construct; and
- Contradicts Bush Administration policies calling for a greater financial responsibility for local project sponsors. For example, the Corps plan calls for eliminating local cost sharing in feasibility studies, a move that means an additional \$100 million cost to the federal treasury.

The Corps is supposed to be a public agency, not a business peddling a line of services to corporate customers," Ruch concluded. "Cutting through the gung ho gobbledygook encapsulating this plan, the overall tone that comes through is one of supreme arrogance -- that the only problems the Corps faces is not enough funding and insufficient power to spend those funds as it sees fit."

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<http://www.hq.usace.army.mil/stakeholders/>>Examine "USACE 2012" the new Corps organizational plan. View the [http://www.usace.army.mil/ace/09-24-03\\_USACE\\_2012\\_PEER\\_Analysis.pdf](http://www.usace.army.mil/ace/09-24-03_USACE_2012_PEER_Analysis.pdf) PEER critical analysis of the Corps plan.

[http://www.usace.army.mil/ace/09-24-03\\_Woodley\\_Letter.pdf](http://www.usace.army.mil/ace/09-24-03_Woodley_Letter.pdf)>Read PEER\'s letter to J.P. Woodley, the Assistant Secretary of the Army for Civil Works', '', 'ACE', 0);

INSERT INTO news VALUES (301, '2003-10-01', 'GROUP CHARGES MMR 25-YEAR LEASE EXTENSION IS ILLEGAL', 'Files Notice of Lawsuit', '<p>Washington, DC--In extending its lease at the Massachusetts Military Reservation (MMR) to 2051, the Pentagon failed to comply with federal environmental planning laws, according to a notice to sue filed today by Public Employees for Environmental Responsibility (PEER).</p><p>The National Environmental Policy Act (NEPA) requires environmental study for any significant federal action. The Pentagon, however, failed to conduct required environmental review of the MMR lease extension. Among the environmental issues requiring public review are the Department of the Army\'s refusal to obey state water clean-up orders and possible construction on buffer zones protecting Cape Cod\'s sole source of drinking water.</p><p>Despite the Army\'s continuing pollution, the Romney Administration last week signed a new 25-year lease extension for the Army, extending the current lease that runs to 2026 out to 2051. In addition, the Romney Administration has signaled that it will allow construction of a new "Center for Homeland Security" on lands that may threaten already imperiled groundwater.</p><p>One of the latest pollution threats at MMR is perchlorate, a component of rocket fuel that has many other munitions-related uses. It is a possible carcinogen that affects thyroid function. Perchlorate contamination of groundwater by military operations has become a national problem, affecting hundreds of locations in 20 states.</p><p>The perchlorate levels reported at MMR are 1.75 parts per billion (ppb), a level substantially above the state advisory of 1 ppb --a standard that means consuming even one glass of contaminated water could be harmful to a pregnant woman or a small child. Perchlorate levels recently found at MMR have more than doubled in the past year, suggesting that the chemical plume is migrating farther into residential areas surrounding the base.</p><p>Despite a

"Notice of Responsibility" issued by the Massachusetts Department of Environmental Protection, the Army informed the DEP, on July 21, 2003, that due to unspecified "constraints upon our ability to comply" the Army would not obey the state cleanup order.

"This lease should be subjected to a full environmental review before the state signs away the land through the middle of the century," commented New England PEER Director Kyla Bennett, a biologist who formerly worked in EPA's New England regional office. "The purpose of the environmental review is to ensure that critical pollution problems such as perchlorate are addressed at the outset and not put off indefinitely while conditions worsen."

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See the [PEER Notice to Sue](#) the Defense Department on the MMR Lease Extension under NEPA

Read the New England PEER [Comments](#) on the Lease Extension

View the DEP [Notice of Responsibility](#) for MMR

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INSERT INTO news VALUES (302, '2003-10-02', 'GROUPS PETITION EPA TO PROTECT WETLANDS IN SW FLORIDA', 'Western Everglades At Risk From Development', 'Washington, DC -- A coalition of national and Florida-based groups is asking the U.S. Environmental Protection Agency to veto ten wetlands development permits in Southwest Florida, arguing that the permits would violate the Clean Water Act. The ten projects are located in Lee and Collier Counties and represent the leading wave of plans to pave over a significant portion of the remaining undeveloped lands in the area outside of Naples known as the Western Everglades.' 'The ten projects would destroy nearly 2,000 acres of wetlands and impact thousands more acres of undeveloped uplands. The projects include five golf course developments, as well as new commercial and residential centers and a six-lane highway. A number of other mega-projects on the drawing board, including a new law school and associated city, are expected to follow if these ten projects are approved.' 'The coalition's "veto letters" cite how these projects violate the Clean Water Act and ask EPA to exercise its authority to veto any such permit issued by the U.S. Army Corps of Engineers. Should the EPA allow the permits to proceed, the issues would become the basis for citizen suits under the Clean Water Act. In addition to the Clean Water Act concerns --
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- Extensive development of the Western Everglades will eventually require the same type of multi-billion dollar restoration now occurring in the Eastern Everglades;
- The Corps has already permitted the destruction of 3,800 acres of wetlands since 1998. These ten projects will greatly accelerate the loss of wetlands in Southwest Florida;
- Presidential candidate Sen. Joe Lieberman (CT) has already raised questions about these developments in letters to the EPA, Corps and Fish & Wildlife Service. The senator has also included questions about these projects to EPA Administrator-designate Mike Leavitt, whose nomination is now pending in the Senate.

"We are drawing a line in the sand with these projects," stated Public Employees for Environmental Responsibility (PEER) Executive director Jeff Ruch. "If these projects proceed in their current form then you can flush the rest of the region down a sinkhole."

The letters are based upon previous objections lodged by EPA staff and assembled by PEER. Two national organizations joining the PEER letters are the National Wildlife Federation and the Sierra Club. In addition, a number of Florida-based groups are signatories, led by Council of Civic Associations, Inc. and including the Conservancy of Southwest Florida, Environmental Confederation of Southwest Florida, Responsible Growth Management Coalition, Florida Biodiversity Project, the Florida Chapter and the Calusa Sierra Club

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Read

<http://www.nwf.org/nwfwebadmin/binaryVault/roadtoruin.pdf>>Road to Ruin</a>, the NWF/CCA report about how the government is permitting the destruction of the Western Everglades. </p>', 'FL', 'EPA', 0);

INSERT INTO news VALUES (303, '2003-10-02', 'NEW CHARGES FILED AGAINST INTERIOR SOLICITOR', 'As Interior\'s Top Lawyer Resigns', '<p>Washington, DC--Interior Solicitor William G. Myers III continued to meet with a former client, the National Mining Association (NMA), in violation of an ethics agreement, according to a complaint filed today with the U.S. Office of Government Ethics (OGE) by Friends of the Earth and Public Employees for Environmental Responsibility (PEER). In the midst of an Interior Department Inspector General investigation into his conduct, Myers officially resigned his post, effective Oct. 10, 2003, and awaits confirmation on his appointment to the U.S. 9th Circuit Court of Appeals.</p><p>"Leaving the Interior Department does not absolve Myers of his ethical problems," said Kristen Sykes, Interior Department watchdog for Friends of the Earth. "It is imperative that the Interior Department do a thorough investigation of Myers\' conduct as he awaits confirmation to the second highest court in the land."</p><p>Prior to his appointment as Interior\'s top lawyer, Myers was a registered lobbyist on coal and coalbed methane issues for the NMA. Myers signed an agreement barring him from participating in any matters involving his former clients for one year. Yet in the months following that agreement, Myers met with officials from the NMA, potentially violating his recusal agreement.</p><p>"These concerns speak to the fitness of Myers to serve on the 9th Circuit," stated PEER General Counsel Dan Meyer who prepared the complaints. "Myers\' actions create a distinct appearance of impropriety."</p><p>This latest complaint supplements an earlier one filed in August by the same two groups. It cited improper meetings with the National Cattlemen\'s Beef Association and the American Farm Bureau -- groups Myers previously lobbied for while at the law firm Holland and Hart. In addition, the Interior Department\'s Inspector General is investigating a PEER complaint that alleges the Solicitor\'s Office, under Myers\' supervision, allowed an illegal amnesty agreement to go forward. It forgave a string of grazing violations and granted a generous range of concessions to a politically connected Wyoming rancher. The Interior Inspector General\'s Office, which is already conducting an investigation at the request of the OGE, has indicated that they are examining whether, apart from the meetings, Myers intervened in departmental matters to benefit his former clients.</p><p align="center">###</p><p align="center"><strong>Read a copy of the <a href="<?php print \$cfg->docsdir;?>/doi/Myers\_Letter\_October.pdf">latest Myers ethics complaint</a> <p align="center"><strong> See the <a href="<?php print \$cfg->docsdir;?>/doi/Myers\_Letter.pdf">original ethics complaint</a> <p align="center"> Examine the <a href="<?php print \$cfg->docsdir;?>/doi/Myers\_OIG\_Request.pdf">Inspector General complaint </a>concerning an illegal grazing settlement negotiated by the Interior Solicitor\'s Office.</p>', '', 'DOI', 0);

INSERT INTO news VALUES (304, '2003-10-09', 'OSHA BLOCKS TESTING OF INSPECTORS EXPOSED TO BERYLLIUM', 'Top Official Calls for Investigation; Seeks Whistleblower Status', '<p>Washington, DC -- Disregarding the recommendations of its own medical and scientific staff, the U.S. Occupational Safety and Health Administration is refusing to order blood tests for hundreds of its active and retired inspectors who may have been exposed to the toxic metal beryllium, according to a whistleblower disclosure filed today by Public Employees for Environmental Responsibility (PEER) on behalf of an OSHA Regional Administrator.</p><p>Citing an agency database indicating that as many as 500 current and former compliance officers have taken samples containing beryllium, Dr. Adam Finkel, OSHA Administrator for the six-state Rocky Mountain Region, is

asking the U.S. Office to Special Counsel to determine the extent of risk facing inspectors and their families. Dr. Finkel acted after Assistant Labor Secretary John Henshaw blocked recommended blood screening tests and vetoed informing potentially exposed individuals of the findings.

Beryllium is an extremely toxic metal that carries a high risk of disease following even very low exposure. Hundreds have already died of chronic beryllium disease (CBD); a fast-progressing and potentially fatal lung disease, the only known cause of which is exposure to beryllium. A blood test used by industry and the U.S. Department of Energy can detect whether a person has been sensitized to beryllium, a necessary condition for the onset of CBD. The test costs approximately \$150 per application.

Beginning in 1999, OSHA scientists developed a protocol for testing active and retired inspectors. In March 2001, the agency rejected a recommendation to set up a pilot-testing program for beryllium. Then, in April 2002, Assistant Secretary Henshaw announced that the agency would not even provide information or counseling to potentially affected agency employees and retirees. As of this October, despite repeated entreaties, no inspectors have been tested nor has the agency issued health warnings. Each month of continued delay for beryllium-sensitized persons increases the risks for contracting CBD.

"OSHA is supposed to be setting appropriate workplace health standards yet it is failing to take the prudent steps required to protect its own inspectors from a lethal lung disease," commented PEER Executive Director Jeff Ruch, noting that OSHA recently spent more money than it would cost to test all exposed inspectors on consultants and focus groups to develop its new slogan -- "Safety and Health Add Value." "It is both outrageous and ironic that the very professionals whose job is to ensure safe workplaces themselves face needless occupational risks due to bureaucratic indifference."

The Office of Special Counsel must rule on the merits of Dr. Finkel's disclosure in 15 working days. If OSC finds validity it then will oversee an investigation by the Secretary of Labor.

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Read [a href="http://www.dol.gov/dol/10-9-03\\_Finkel\\_Disclosure.pdf"](http://www.dol.gov/dol/10-9-03_Finkel_Disclosure.pdf) Dr. Finkel's Disclosure to the Office of Special Counsel

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INSERT INTO news VALUES (305, '2003-10-02', 'FEDERAL COURT MAINTAINS OFF-ROAD VEHICLE BAN AT ALGODONES DUNES FOR IMMEDIATE FUTURE', 'Closures Upheld', '<p>SAN FRANCISCO - Conservationists received good news yesterday afternoon when Federal Judge Susan Illston issued an order dictating that current off-road vehicle (ORV) closures at the Algodones Dunes must remain in place for at least the immediate future.</p><p>The Algodones Dunes are the largest dune ecosystem in the U.S. and a spectacular example of southern California's unique natural heritage. The Algodones Dunes are home to at least 160 different animal and plant species, many of which are endemic to the Dunes. Sometimes referred to as the Imperial Sand Dunes Recreation Area, the Dunes are also one of the most heavily visited off-road vehicle (ORV) playgrounds in the country, drawing literally hundreds of thousands of ORV riders on certain weekends. Heavy ORV use has harmed plants and wildlife, resulted in violent off-road crowds, and overburdened agency staff and budgets.</p><p>The Center for Biological Diversity, Sierra Club, Public Employees for Environmental Responsibility and Desert Survivors filed a lawsuit in May in part challenging the U.S. Fish and Wildlife Service's (FWS) biological opinion for the Bureau of Land Management's (BLM) proposed Management Plan for the Algodones Dunes. The conservation groups challenged FWS's determination that BLM's Management Plan, which would allow virtually unfettered ORV use on the Dunes, would not jeopardize the Peirson's milk-vetch, a rare, endemic plant protected under the ESA. Because BLM was poised to rely on the flawed biological opinion to finalize its Management Plan and lift all of the ORV closures currently in place, the conservation groups sought a preliminary injunction from the Court to maintain the status quo at the Dunes until the case could be resolved on the merits. In other words, the groups
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sought to maintain approximately 50% of the Dunes closed to ORVs.</p><p>At the hearing on the conservation groups\' motion for a preliminary injunction, defendants FWS and BLM argued that the judge should not issue the requested injunctive relief because the agencies had decided to revisit their biological opinion for the Dunes on their own accord. Yesterday afternoon, the Court instructed the agencies that until FWS issues a new, amended, or revised biological opinion for the Dunes and the Court has an opportunity to rule on the adequacy of the biological opinion, nothing may change on the ground at the Dunes. In other words, BLM is precluded from issuing a new Management Plan and reopening the Dunes to ORVs until after the judge has an opportunity to resolve the legality of the new or revised biological opinion. "We are very pleased with the Court\'s decision," said Julie Teel, CBD Staff Attorney. "While this is only a temporary reprieve from the Bush Administration\'s assault on the Dunes, at least we know that this fragile ecosystem is protected from intensive ORV use for the immediate future while we fight for permanent protection." Karen Schambach, Director of California Public Employees for Environmental Responsibility agrees: "As they say, all environmental victories are temporary. But the idea that at least a portion of this National Natural Landmark will be protected for another season gives me hope that eventually common sense will be forced to prevail in these so-called stewards of the public lands."</p><p>BLM implemented the current ORV closures in November 2000 in accordance with a court-approved consent decree negotiated with conservation groups and several ORV advocacy groups. According to the consent decree, these interim closures are to remain in place until BLM issues a new Management Plan for the Dunes.</p><p>Unfortunately BLM\'s proposed Management Plan, which FWS blessed with the biological opinion it is now revisiting, intends to eliminate all of the current ORV closures. "While yesterday\'s decision does not provide permanent protection for the Peirson\'s milk-vetch, we hope that the final decision from the Court will, unless of course FWS and BLM do the right thing in the interim," said Elden Hughes, Chair of the Sierra Club\'s Desert Committee. "As currently drafted, both the Plan and the biological opinion are slipshod. I hope by revisiting these decisions, they ultimately will reflect the needs of the Peirson\'s milk-vetch."</p><p>The Center, Sierra Club, PEER, and Desert Survivors are represented in this case by Center staff attorneys Julie Teel and Brendan Cummings and Earthjustice attorneys Michael Lozeau and Deborah Sivas.</p><p>\* For a copy of Judge Illston\'s Order, please contact Julie Teel at (909) 659-6053 ext. 308 or <a href="mailto:jteel@biologicaldiversity.org">jteel@biologicaldiversity.org</a></p>', 'CA', 'B', 0);

INSERT INTO news VALUES (306, '2003-10-16', 'EPA INSPECTOR GENERAL GRADES ENFORCEMENT AS SHAKY', 'Inability to Track Workload or Results', '<p>Washington, DC -- The enforcement record of the U.S. Environmental Protection Agency is uneven, at best, and the agency lacks "sufficient information on workload and results" to allow a meaningful evaluation of its needs, according to a new Office of Inspector General report released today.</p><p>Senator Jim Jeffords (I-VT) requested the EPA Inspector General report in the wake of a critical survey of enforcement agents by Public Employees for Environmental Responsibility (PEER) and release of figures compiled by PEER showing a precipitous decline in new cases submitted for federal prosecutions. The report finds that EPA--</p> <blockquote> <p><strong>&middot;</strong> Diverted criminal, white collar enforcement staff for security purposes, such as an escort detail for then-Administrator Christie Whitman and sending teams of agents to the Superbowl and the Winter Olympics;</p><p><strong>&middot;</strong> Lacks the ability to track agent workload information needed to present a coherent statement of its budgetary and personnel needs;</p> and</p><p><strong>&middot;</strong> Barely made a dent in significant corporate

non-compliance with clean air, clean water and toxic pollution rules.</p></blockquote> <p>"This report underlines the fact that enforcement of pollution laws is not a priority of the Bush Administration," stated PEER Executive Director Jeff Ruch, who noted that EPA is also conducting a management review of its enforcement program. "Hundreds of dedicated environmental enforcement professionals are trapped in a management vacuum at EPA."</p><p>The Inspector General report also details a dramatic falloff in Clean Water Act enforcement against corporate violators, notably the factory farms known as concentrated feeding operations.</p><p align="center">###</p><p align="center">Read the <a href="http://www.epa.gov/oigearth/reports/xmedia.htm">EPA Inspector General report</a>, "Congressional Request on EPA Enforcement Resources and Accomplishments" (October, 2003)</p><p align="center">View the EPA criminal program staff <a href="<?php print \$cfg->webroot;?>/docs/epa/EPA-OCEFT\_Survey\_Results.pdf">survey results.</a></p><p align="center">Read <a href="<?php print \$cfg->webroot;?>/docs/epa/EPA-OCEFT\_Survey\_Sample\_Essay\_Responses.pdf">employee essays</a> on how to improve EPA\'s criminal enforcement program.</p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/4-29-03\_EPA\_Criminal\_Enforcement\_Data.pdf">View figures</a> showing decline in criminal referrals and prosecutions filed.</p><p align="center">Read<a href="<?php print \$cfg->webroot;?>/docs/epa/EPA-OCEFT\_Survey\_Whitman\_Comments.pdf"> agent statement</a>s about Whitman\'s protection detail.</p>', '', 'EPA', 0);

INSERT INTO news VALUES (307, '2003-10-22', 'WETLANDS POLLUTE, SAYS STUDY OKAYED BY EPA', 'EPA Biologist Resigns in Protest; Study Clears Way for SW Florida Developments', '<p>Washington, DC -- A U.S. Environmental Protection Agency biologist has resigned in protest of his agency\'s acceptance of a developer-financed study concluding that wetlands discharge more pollutants than they absorb, according to a statement released today by Public Employees for Environmental Responsibility (PEER). EPA\'s approval of the study gives developers credit for improving water quality by replacing natural wetlands with golf courses and other developments.</p><p>A group comprised largely of local developers in Southwest Florida contracted Harvey Harper to write the report outlining how the developers could address worsening water quality problems in the region. The resultant Harper Report concludes that --</p> <blockquote><p>&middot; Wetlands generate pollution, based upon sampling collected in wetlands next to highways and bridges; and</p><p>&middot; Developers can escape federal wetlands restrictions by employing a tactic called "rent-a-cow," whereby the land owner allows a few cattle to graze in the wetland so it can classified as "improved pasture."</p> </blockquote> <p>Often called "nature\'s kidneys," wetlands are protected by the Clean Water Act in part because of the role they play in purifying water. Despite these legal protections, America\'s wetlands are shrinking as regulatory agencies find ways to approve more development.</p><p>Bruce Boler, a former state water quality specialist, resigned after three years with EPA. Boler, in his resignation statement, cited the stance taken by the EPA Regional Administrator Jimmie Palmer that "EPA would not oppose state positions, so if a state had no water quality problems with a project then neither would EPA." The state of Florida has already signed off on the Harper Report.</p><p>"In the Bush Administration\'s bizarre world of &#8216;sound science,\" wetlands cause pollution and there is no evidence of global warming," commented PEER Executive Director Jeff Ruch. PEER is leading a coalition of environmental groups seeking to stop ten projects in the Western Everglades that would destroy more than 2,000 acres of wetlands. "EPA\'s new position that wetlands pollute stands the Clean Water Act on its head and sends the all-clear signal to developers that no project is out of bounds."</p><p align="center">###</p><p align="center"> Read Bruce Boler\'s<a href="<?php print

\$cfg->webroot;?>/docs/epa/Boler\_Statement.pdf"> statement of resignation</a>  
from EPA</p>', '', 'EPA', 0);

INSERT INTO news VALUES (308, '2003-10-23', 'ARMY CORPS ISSUING MORE WETLAND PERMITS WITH LESS REVIEW', 'A Paper Exercise', '<p>Washington, DC -- The U.S. Army Corps of Engineers is issuing more permits to develop America\'s shrinking natural wetlands but is ordering fewer restorations and pursuing less enforcement for violations, according to an analysis of agency records released today by Public Employees for Environmental Responsibility (PEER) as part of a comprehensive 20-year tabulation of Corps wetland permit and enforcement performance -- from 1982 through 2002.</p><p>At a time when court decisions are narrowing federal authority to protect wetlands, the Bush Administration is placing more discretion in the hands of the Army Corps in deciding how to protect this vital, but diminishing national resource. The latest figures show a continuation in disturbing trends of more development approvals without field visits and greater reliance on categorical exclusions that permit wetland loss without further examination or review:</p> <blockquote>  
<p><strong>&middot;</strong> The number of "Jurisdiction Determinations," where the Corps decides whether wetlands are protected from development, increased by nearly half (49%) in the past decade, yet there has been a sharp decrease (39%) in permits in which environmental evaluations were required;  
</p><p><strong>&middot;</strong> Nearly four times as many Jurisdictional Determinations are now made by phone or letter from the Corps office, without a field visit to the affected land; and</p><p><strong>&middot;</strong> Even though the Corps is issuing fewer permits requiring evaluations, it is denying fewer than ever before. The permit denial rate for the Corps is now miniscule (less than 2%) and has dropped by nearly four-fifths (78%) in the past decade.</p> </blockquote> <p>"Increasingly, the Corps wetlands program is becoming a paper exercise," stated PEER Board member Magi Shapiro, a former long-time Corps Project Manager.</p><p>Even with a greater volume of permits, the Corps\' enforcement of permit conditions also appears to be on the wane:</p> <blockquote> <p><strong>&middot;</strong> In 2002, there were 421 cases of noncompliance with the permit out of 4,461 standard permits and letters of permission issued by the Corps. Yet for the third year in a row, the Corps did not initiate litigation in a single case; and</p><p><strong>&middot;</strong> Since 1992, reported permit violations fell by almost half (48%) and the number of inspections dropped by more than one fourth (27%).</p> </blockquote> <p>"Why should a permittee honor the terms and conditions of the permit when the Corps will either fail to make a compliance inspection, or, in the best of circumstances, require some minor permit modification that legalizes the violation," added Shapiro. "Complex permits require careful professional work on the part of the Project Managers who are continually frustrated by their inability to enforce the permit."</p>', '', 'ACE', 0);

INSERT INTO news VALUES (309, '2003-10-29', 'GILA NATIVE FISH SINKING FAST', 'Recovery Plans Not Being Implemented', '<p>Albuquerque--The fate of a dozen desert fish species native to the Gila River basin is in jeopardy because state and federal agencies are not implementing promised recovery steps, according to a new report by the Desert Fishes Team, an independent group of current and retired agency and academic fishery biologists. Public Employees for Environmental Responsibility (PEER) today posted this publicly-released report on their website to make it widely available.</p><p>Six Gila River basin fish species are already gone from the basin and another six are listed as in danger by federal and state agencies. In a status report on these dozen imperiled fish, the biologists found that while the official agency recovery plans are adequate the responsible agencies are not carrying out those plans. As a consequence, species such as the desert pupfish, the Gila chub, the squawfish and the

spikedace, continue to decline.</p><p>The report, entitled Status of Federal and State Listed Warm Water Fishes of the Gila River Basin, With Recommendations For Management, gives specific actions needed to secure recovery of the fish, including removal of exotic fish species, restocking native populations and eliminating grazing in critical creeks and streams. The report documents the lack of successful recovery actions and stresses that the plans have been in place but what is lacking is the promised follow-through by the responsible wildlife protection, land management and water resource agencies.</p><p>The responsible agencies, including the Arizona Game and Fish Department, U.S. Fish & Wildlife Service, the U.S. Forest Service, the U.S. Bureau of Land Management and the U.S. Bureau of Reclamation, continue to hold meetings but implement few of the agreed upon, according to the report. This report was prepared by the independent Desert Fishes Team to continue work of an international scientific advisory group, the Desert Fishes Recovery Team, that the Fish and Wildlife Service disbanded last year, declaring its work "complete."</p><p>"Arizona is on a path to have all of its native fish go extinct unless state and federal agencies start doing, rather than just talking about, their jobs," stated Southwest PEER Coordinator Leon Fager, a long-time threatened and endangered species biologist for the U.S. Forest Service. "The recent court ruling affecting Rio Grande River flows in New Mexico to save the silvery minnow, another endangered desert fish, is exactly the sort of ecological train wreck that agency inaction is pushing Arizona toward."</p><p>The deteriorating situation for desert fish is not confined to Arizona\'s Gila River basin. No species of fish in the southwest is doing well and many are rapidly sliding toward extinction. For most desert fish, "recovery" consists of stabilizing and enhancing existing populations and improving and restocking habitats that can be made suitable. For technical and political reasons, large areas of southwestern streams, springs, and cienegas can never again support native fish. According to the report, the most urgent need is for control and removal of nonnative fish that compete with and eat the native species. . However, controlling the spread of nonnatives, particularly those popular for sport, aquaculture, aquarium or backyard pond fish appears to be more easily said than done.</p><p align="center"> ###</p><p align="center">Read the <a href="<?php print \$cfg->docsdiref?>/az/Gila\_Fish\_Status\_Report.pdf">report, Status of Federal and State Listed Warm Water Fishes of the Gila River Basin, With Recommendations For Management (October 2003)</a></p><p align="center"></p>', 'AZ', '', 0);

INSERT INTO news VALUES (310, '2003-11-20', 'GROUPS SUE TO BLOCK 25-YEAR MMR LEASE EXTENSION', 'Suit Cites Lack of Environmental Analysis', '<p>Washington, DC--In extending its lease at the Massachusetts Military Reservation (MMR) to 2051, the Pentagon failed to comply with federal environmental planning laws, according to a lawsuit filed today by the Alliance for Base Cleanup and Public Employees for Environmental Responsibility (PEER).</p><p>The National Environmental Policy Act (NEPA) requires environmental study for any significant federal action. The Pentagon, however, failed to conduct required environmental review of the MMR lease extension. Among the environmental issues requiring public review are the Department of the Army\'s refusal to obey state water clean-up orders and possible construction on buffer zones protecting Cape Cod\'s sole source of drinking water.</p><p>Despite the Army\'s continuing pollution, the Romney Administration signed a new 25-year lease extension for the Army this past September, extending the current lease that runs to 2026 out to 2051. In addition, the Romney Administration has signaled that it will allow construction of a new "Center for Homeland Security" that may threaten already imperiled groundwater.</p><p>"Given the past record of the military at MMR, it is unconscionable that this lease would be extended without environmental review," stated Richard Hugus of the Alliance for Base Cleanup, a group formed in 1990 by

Cape Code residents to investigate pollution caused by operations at MMR. "A democratic, public process for this important decision never took place. Deals were made between the Pentagon, the state National Guard apparatus, and the Romney Administration behind closed doors. How else could the largest polluter on Cape Cod, and indeed, the nation, get away with no oversight?" said Mr. Hugus.

One of the latest pollution threats at MMR is perchlorate, a component of rocket fuel that has many other munitions-related uses. It is a possible carcinogen that affects thyroid function. Perchlorate contamination of groundwater by military operations has become a national problem, affecting hundreds of locations in 20 states.

Last spring, perchlorate levels reported in a residential well just outside the base were measured at 1.75 parts per billion (ppb), a level above the state advisory of 1 ppb. Perchlorate levels recently found in groundwater at MMR reach as high as 370 parts per billion. Despite a "Notice of Responsibility" issued by the Massachusetts Department of Environmental Protection, the Army informed the DEP, on July 21, 2003, that due to unspecified "constraints upon our ability to comply" the Army would not provide bottled water to affected homeowners.

"This lease extension adds 25 years onto an existing 23 year lease, thus sealing the area's custody by the Pentagon for the next half century," commented New England PEER Director Kyla Bennett, a biologist who formerly worked in EPA's New England regional office. "Given profound pollution problems being uncovered daily, turning a blind eye toward a potential environmental catastrophe would be irresponsible."

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To view a copy of the [ABC/PEER lawsuit](#).

Read the [New England PEER Comments](#) on the Lease Extension.

Read the [Alliance for Base Cleanup Comments](#) on the Lease Extension.

View the [DEP Notice of Responsibility for MMR](#).

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INSERT INTO news VALUES (311, '2003-11-24', 'NORTHEAST DEP RELOCATION REDUCING POLLUTION ENFORCEMENT', 'Employees Survey Finds Move Has Hampered Effectiveness; Destroyed Morale', '<p>Washington, DC -- Moving the Department of Environmental Protection Northeastern Regional Office to Boston has dramatically reduced anti-pollution enforcement, disrupted agency operations and destroyed staff morale, according to an employee survey released today by New England Public Employees for Environmental Responsibility (New England PEER).</p><p>In July of this year, the Romney Administration closed the DEP Northeastern Regional Office (NERO) located in Wilmington, Massachusetts and moved the entire office to Boston. This move, made in the name of economy, placed agency inspectors, engineers and other environmental specialists 15 miles and potentially hours in traffic away from the industries that they are regulating. In mid-October, New England PEER sent a survey to all NERO employees concerning the effects of the move. Of the 148 surveys mailed, nearly 40% (57) were returned.</p><p>By overwhelming percentages, the NERO respondents say that the move has hindered the agency from fulfilling its "environmental mission" (95%), weakened environmental enforcement (89%) and hampered DEP effectiveness (88%). The vast majority also report fewer unscheduled inspections (93%) and decreased anti-pollution presence in affected communities (83%). Moreover, affected businesses have had a negative reaction to the move and the diminished services according to 80% of the respondents.</p><p>As one employee explains, "Having a regional office is instrumental to the success of DEP from not only an enforcement perspective but also a public outreach perspective. " Another adds, "When we were located in the region one could do an inspection in the am and then return to the office. Presently an inspection will book entire days out of the office."</p><p>NERO
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employees also register plummeting morale occasioned by the move. More than nine out of ten say that morale is now poor or extremely poor. Nearly all respondents (98%) dispute agency management claims that NERO employees like the move. In addition, more than four out of five employees doubt that "DEP senior management is trying to correct morale problems."

"According to those who should know, the people of Northeastern Massachusetts are less protected from pollution today because the cop on the beat has been moved to Boston," commented New England PEER Director Kyla Bennett who worked with DEP employees to develop the survey questionnaire. "The top-down management style of the Romney Administration creates the strong impression that agency leaders do not care what employees think and do not bother to even ask about real world consequences of decisions before they are made."

The decision to move NERO also appears to have eroded employee regard for the agency leadership:

- Nearly four out of five employees believe that senior management has not "been forthright and honest about changes that have impacted my life." Three out of four feel that senior management has not "been understanding about impacts to family" from the move;
- Nearly three times as many employees lack confidence in DEP Commissioner Robert Golledge's office as have confidence. Fewer than one in five respondents feel that "Golledge is providing able leadership," while more than two thirds have no opinion on his performance.
- Employees are nearly evenly split on confidence in their immediate managers, but less than one in four employees believe their managers "would back up my professional judgment on a controversial decision."

One employee notes that what is missing at DEP is "an acknowledgement that we're not the enemy, we are a part of a team trying to do a responsible job requiring well trained, experienced professionals." Another decries the lack of "clear and articulated direction on mission and initiatives provided by upper management in a timely fashion," claiming that DEP managers "set us up to fail."

Significantly, more than one in four employees "fear retaliation from my chain of command for advocating strong environmental positions." "In DEP, 'kill the messenger' is fast becoming the agency motto," added Bennett pointing to other recent cases where DEP has harassed employees who pointed out problems.

The New England PEER survey on the NERO move was completed at the same time plans to also close and move the Southeastern Regional Office to Boston was surfacing. "Centralizing the regional staff in Boston may be dramatically decreasing the Commonwealth's ability to respond to urgent environmental problems, provide an enforcement presence and work with businesses trying to comply with complex environmental regulations," Bennett concluded.

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See complete [DEP NERO employee survey results](http://ma/11-21-03_NERO_survey.pdf)

Read the [essays that NERO employees wrote about how to improve the agency](http://ma/11-22-03_NERO_survey_essay.pdf), 'MA', '', 0);

INSERT INTO news VALUES (312, '2003-11-26', 'BARGE TRAFFIC DOWN AGAIN IN 2003', 'Industry Cites Overcapacity & Slow Growth -- Undercutting Case for Mississippi Lock Expansion', '<p>Washington, DC -- Barge tonnage hauled on America's waterways has declined again in 2003, continuing a decade-long period of stagnation, according to the latest U.S. Army Corps of Engineers figures released today by Public Employees for Environmental Responsibility (PEER). At the same time, the nation's largest barge company is predicting continuing slow growth, sees room for major industry efficiencies derived from scheduling barges and admits that the river infrastructure now in place generally exceeds traffic needs.</p><p>Monthly tonnage indicators compiled by the Corps through October 2003 continue a slide in barge traffic levels that started in the summer of 2000. This downward trend in barge traffic comes on the heels of a leveling off of the demand for barge transportation throughout the decade of the 90s (see

graphs below).

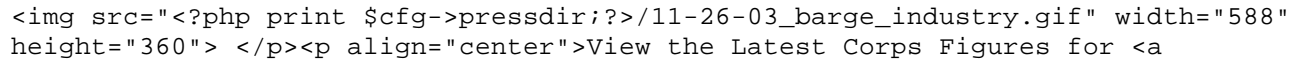
These new traffic figures confirm the barge industry's own latest traffic projections but are at odds with rosby Corps forecasts of continued steady growth. Craig E. Philip, President and CEO of Ingram Marine Group, now the nation's largest barge carrier, laid out a less than expansive future for his industry in a presentation to other transportation industry professionals in late September. Bankruptcies and mergers have transformed the barge industry in the past year. Philip remarked that further consolidation and efficiencies are needed to preserve industry profitability due to:

- Stagnating Demand. "Tonnage increased 10% over the last decade; slow growth is forecast to continue."
- Excess Capacity. "generally capacity exceeds demand"; and
- Inefficiency. Philip noted that better "logistics management" through scheduling of barges and better using existing communications to achieve "real time tracking" can yield significant industry cost savings.

Ingram Marine's largest competitor, American Commercial Lines, echoed these views in a presentation to Marine Money Week, stating, "industry fleet level has peaked and is projected to decline." ACL is now attempting to reorganize out of a bankruptcy caused by "a decline in barging rates, reduced shipping volumes and excess barging capacity" according to a recent filing with the Securities and Exchange Commission.

These latest Corps figures combined with barge industry bankruptcies and consolidations undercut the need to undertake a massive new expansion of the lock system on the Upper Mississippi River and Illinois Waterway, where traffic is also well below Corps forecasts (see below). Top Bush Administration officials are now reviewing a controversial multi-billion dollar Corps plan to expand capacity on these systems. A decision is expected by mid-December.

"The only way the Corps can justify this boondoggle is by deliberately ignoring economic realities," stated PEER Executive Director Jeff Ruch. PEER represents Corps economists who revealed that the agency had "cooked the books" in a previous study and PEER has filed a challenge against the current Corps study for relying on bad economic models. "We schedule planes, trains and buses but not barges because the Corps has no fiscal incentive to promote efficient transportation but has every fiscal incentive to pour tons more concrete into our rivers."

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View the Latest Corps Figures for [Inland Barge Tonnage](http://www.iwr.usace.army.mil/ndc/wcsc/wcmthind.htm)

Scan the [Ingram Marine PowerPoint on Industry Future](http://nutcweb.tpc.nwu.edu/Sources/CLM03/philipPres.pdf)

Examine the [American Commercial Lines presentation at Marine Money Week](http://www.aclines.com/main/ACL_investors.asp) Read the [ACL Annual Statement](http://www.danielsonholding.com/pressroom.shtml?article=MTA1M3N1cGVyMTA1MH NlY3JldDEwNTc%3D)

See the Gap between Actual Traffic and Corps Forecasts on the Upper Mississippi River (two biggest locks):

Review the History of [Inflated Traffic Forecasts by the Corps](http://www.danielsonholding.com/pressroom.shtml?article=MTA1M3N1cGVyMTA1MH NlY3JldDEwNTc%3D), 'IL', 'ACE', 0);

INSERT INTO news VALUES (313, '2003-12-01', 'UTAH LAND TRADE REFERRED TO ATTORNEY GENERAL FOR PROSECUTION', 'Special Counsel Withholds Norton's Probe into Whistleblower Allegations', '<p>Washington, DC -- The U.S. Office of Special Counsel has disclosed that an investigation of a controversial land exchange involving the State of Utah found "evidence of criminal violations" that have been referred to the U.S. Attorney General but has refused to release that report, according to a letter released today by Public Employees for Environmental Responsibility (PEER).</p><p>In late November, the Department of Interior submitted a long-delayed investigative report to the Office Special Counsel into charges by a Bureau of Land Management appraiser, Kent Wilkinson,

that a supposedly equal land exchange would shortchange taxpayers by more than \$100 million. Despite a general policy that the whistleblower be allowed to comment on reports, OSC will not release the report to Mr. Wilkinson because, according to a letter dated November 21 --</p><blockquote><p>"#8230;pursuant to 5 U.S.C. &sect; 1213(f), when evidence of a criminal violation is obtained by the agency and referred to the Attorney General, the report is not transmitted to the whistleblower. The Department\'s report in this case states that evidence of criminal violations were referred to the Attorney general, thus, we cannot transmit the report to you."</p></blockquote><p>This July, Interior Secretary Gale Norton released to selected reporters an Inspector General investigation that found "improper actions" by political appointees and senior officials in the Office of the Solicitor and BLM. That IG investigation report not only confirmed Kent Wilkinson\'s charges but also found a subsequent attempt by top officials to mislead Congress as to the real terms of the land exchange with the State of Utah. At the same time, Interior notified Utah that it was rescinding the trade even though it had already been ratified by the state legislature and had passed the U.S. House of Representatives</p><p>"Unless Secretary Norton releases the report, how will the public know whether it actually addresses the problems raised by the whistleblower?" asked PEER General Counsel Dan Meyer who represents Mr. Wilkinson. PEER has submitted requests under the Freedom of Information Act to both OSC and Secretary Norton for release of the report.</p><p>Interior has previously confirmed that a Deputy Assistant Secretary, Tom Fulton, has been removed but given another job overseeing the Lewis & Clark Bicentennial Celebration. It has also confirmed that BLM Director Kathleen Clarke is under investigation. In addition, Interior has created a new agency, called the Office of Appraisal Services, to shield its realty specialists from political pressure.</p><p>"Mr. Wilkinson is trying to bring about accountability, not a guessing game," Meyer commented. "Without the disinfectant of sunlight this scandal will continue to fester."</p>', 'UT', 'DOI', 0);

INSERT INTO news VALUES (314, '2003-12-09', 'ARMY CORPS SUED ON MISSISSIPPI BARGE PLAN', 'Economic Plan on Controversial \$2.5 Billion Project Flawed', '<p>Washington, DC --The U.S. Army Corps of Engineers economic study to justify a massive public works project does not meet legal standards and must be withdrawn, according to a lawsuit filed today in federal district court by Public Employees for Environmental Responsibility (PEER). The PEER suit contends that the Corps is using biased economic models in violation of the Data Quality Act to support building bigger new locks throughout the entire Upper Mississippi River and Illinois Waterway system.</p><p>The Data Quality Act requires each federal agency to ensure "the quality, objectivity and integrity of information" it disseminates to the public. On August 20, 2003, PEER filed a complaint that the Corps is relying upon non-reviewed, proprietary economic models that were not objective. The Corps failed to respond to PEER\'s complaint and offers no avenue of appeal, thus necessitating a lawsuit.</p><p>PEER\'s suit is the latest blow to the scandal-plagued and oft-delayed plans for an estimated \$2.5 billion in new construction to accommodate barge traffic on the Upper Mississippi River and the Illinois Waterway. In 2000, the Corps economist for the project, Dr. Donald Sweeney, filed a whistleblower disclosure saying top commanders had altered key numbers in an effort to "cook the books" so that the project would appear justified. A Pentagon investigation upheld the whistleblower and two generals were disciplined.</p><p>In the wake of that scandal, the Corps announced a "restructured" study. But at the heart of the restructured study are economic models that have previously been criticized by the National Academy of Sciences and President Bush\'s Office of Management and Budget.</p><p>"The Upper Mississippi lock expansion is a case of twice cooked pork," stated PEER General Counsel Dan Meyer who filed the suit. PEER also represented Dr. Sweeney, the



Corps economist who blew the whistle on the original study. "The economic models the Corps insists on using are more than thirty years old and are designed to support the economic necessity of every project no matter how ludicrous."</p><p>Later this week, top Bush Administration officials are meeting to decide the fate of the Upper Mississippi plan &#8211; a project that would be second in size only to the Everglades Restoration in the Corps budget.</p><p align="center">###</p><p align="center"> Read PEER\'s <a href="<?php print \$cfg->docsdir;?>/ace/03\_1209\_DQA\_USACE\_Complaint.pdf">lawsuit against the Corps</a></p><p align="center">See the <a href="<?php print \$cfg->docsdir;?>/ace/Corps\_DQA\_Challenge.pdf">PEER complaint</a> filed in August on Data Quality Act violations by the Corps </p><p align="center">Examine the July 2003 Status Report, <a href="http://www2.mvr.usace.army.mil/umr-iwwsns">Upper Mississippi River and Illinois Waterway System Navigation Study</a>, published August 7, 2003 by the Rock Island District, U.S. Army Corps of Engineers</p>', 'IL', 'ACE', 0);

INSERT INTO news VALUES (315, '2003-12-10', 'STAFF SAY EPA BEING POLITICIZED AS NEVER BEFORE', 'Survey Cites Lack of Candor, Fear of Retaliation', '<p>Washington, DC -- Employees within the U.S. Environmental Protection Agency say the agency faces unprecedented political pressure, with Bush Administration initiatives such as the Energy Plan taking precedence over pollution control, according to a survey released today by Public Employees for Environmental Responsibility (PEER). The survey, conducted among employees of EPA\'s Rocky Mountain Region, also faults the honesty of agency public statements and reveals a deep fear of retaliation, particularly among managers and supervisors.</p><p>The Rocky Mountain Region (Region 8) of EPA covers six states: Colorado, Montana, Wyoming, Utah and the Dakotas. PEER developed survey questions with EPA employees and mailed out questionnaires to all staff in the region. Of the 675 surveys sent, nearly one-quarter (154 or 23 percent) were returned.</p><p>The strongest reaction by survey respondents was concern about political interference with environmental decision-making:</p><ul><li>More than three in four say that politics are shaping agency actions "more than they did five years" ago, with fewer than one in 16 expressing disagreement;</li><li>More than half think that "promoting the President\'s Energy Plan and other Administration initiatives has become more important" than environmental protection, with fewer than one in six disagreeing; and</li><li> Strong majorities register a sense that the agency is moving in the wrong direction and is becoming less effective.</li> </ul> <p>As one employee writes in the essay portion of the survey, "this administration has politicized EPA to an extreme extent." An agency manager cites the need to put protection of the environment ahead of energy development "because literally the opposite is true at this time."</p><p>"In the trenches at EPA, both junior and senior staff see science becoming secondary to servicing industry, especially the energy industry," stated Chandra Rosenthal, Director of PEER\'s Rocky Mountain chapter and who oversaw the survey. "Politics now plays a preeminent role in day-to-day work at EPA."</p><p>The survey also reflects a significant fear of retaliation. When asked to respond to the statement "I am hesitant to perform controversial aspects of my job for fear of retaliation" nearly one third of all employees say they do. Significantly, an even higher proportion of managers and supervisors (42 percent) acknowledge fear of retaliation for doing their jobs. The truthfulness of agency statements both to the public and internally to staff also draws criticism:</p><ul><li> Little more than one in three believe that their senior management "is committed to providing the media and the public complete and accurate information on controversial topics." More than two-thirds of management respondents disagree;</li><li> More than half do not think management "candidly explains the basis for its decisions on controversial issues to the professional staff" with fewer than one quarter feeling the agency

"is committed to transparency in conducting" its business; and

- Slightly more employees feel that EPA management do not "usually support recommendations for environmental protection made by Region 8 professional staff" while a strong plurality of employees perceive that the "interests of the regulated business community" are placed above "environmental protection and public health."

The verdict on regional leadership is mixed:

- More employees have no opinion of the performance of Regional Administrator Robbie Roberts than do and, of those that do, more than not feel that he is not "doing a good job as EPA regional Administrator";
- As one professional staff member comments, "Robbie Roberts is invisible to most of the staff." Another laments that the regional office has "lost our autonomy &#8211; everything has to go through Headquarters before any action is taken."
- Respondents feel strongly that regional leadership "is committed to upholding environmental laws and regulations" but only one third "have confidence in the Senior Managers at Region 8;" and
- More than twice as many employees say morale is bad as those who say it is good. Paradoxically, EPA Region 8 scored highest of any EPA office in a recent "Best Places to Work" survey sponsored by the Partnership for Public Service and The Institute for the Study of Public Policy Implementation at American University.

One topic drawing more response than any from individual employees is the lack of consistent enforcement decisions. One manager maintains the best way to improve environmental stewardship was "being sued more often" by citizen groups. A staff person claims that due to "a lack of funding" that EPA ignores new toxic waste sites that previously would have been part of the Superfund Program: "Basically we can find sites, but then have no way to deal with them."

"These surveys are a way for employees to directly yet safely communicate with their real employers, the American public," added Rosenthal. PEER has conducted scores of similar surveys among federal and state agencies. This spring, PEER conducted a similar survey of EPA criminal enforcement staff. Those survey results triggered a programmatic review and top program managers have departed or been reassigned.

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See full [survey results](=?php print $cfg->webroot;?>/docs/epa/EPA_reg8_survey.pdf)

Read [employee essays](=?php print $cfg->webroot;?>/docs/epa/EPA_reg8_survey_essays.pdf) on how to improve environmental stewardship

<a href="=?php print \$cfg->webroot;?>/docs/epa/EPA\_employee\_letter.pdf">Read the open letter drafted by EPA employees

INSERT INTO news VALUES (316, '2003-12-15', 'PARK SERVICE OKAYS WILDERNESS VIOLATIONS BY ITS STAFF', 'Groups Petition to End "Blanket Approval" for Motors in Sequoia Wilderness', '

Washington, DC -- Today four conservation groups cited the National Park Service (NPS) for authorizing wholesale Wilderness Act violations by its own staff at Sequoia and Kings Canyon National Parks in California\'s Sierra Nevada Mountains.

Sequoia and Kings Canyon contains more than 700,000 acres of congressionally designated wilderness in some of the wildest country in California. The Wilderness Act prohibits such things as motor vehicles and aircraft landing in wilderness. The prohibitions apply not only to the public who visit wilderness but also the federal agencies that administer it. The Act allows federal agencies some latitude to engage in practices prohibited by the Wilderness Act but only when the practices are absolutely needed for administering the wilderness.

This summer the Park Service adopted an internal procedure for Sequoia and Kings Canyon that in effect voids the restrictions on motor vehicles and equipment found in the Wilderness Act for the Park Service\'s own activities. The Sequoia and Kings Canyon procedures, described as "blanket approvals," allow the park to use motor vehicles, helicopter landings, motorized equipment without limit so long as these practices are in connection with an NPS administrative activity, regardless of

necessity. This "blanket approval" procedure, signed by park superintendent Richard Martin, is the first time such a broad claim of exemption has been employed by any national park with wilderness.

The four groups (the Arizona Wilderness Coalition, Public Employees for Environmental Responsibility (PEER), The Wilderness Society and Wilderness Watch) are asking NPS Regional Director Jon Jarvis to rescind any blanket approval procedure and to manage wilderness in Sequoia and Kings Canyon according to the law. If the blanket approval practices in Sequoia and Kings Canyon remain in place, similar "blanket approval" procedures may be applied to other national parks containing designated wilderness.

"The National Park Service should live by the same rules it imposes on others," stated PEER Executive Director Jeff Ruch. "Rather than living with the intent of the law like everyone else, the Superintendent at Sequoia and Kings Canyon wants to adopt an exception so broad that it swallows the rule," said TinaMarie Ekker of Missoula, Montana-based Wilderness Watch.

Kim Crumbo of Arizona Wilderness Coalition explained that he is concerned that the blanket approval procedures at Sequoia and Kings Canyon could spread through the 44 million wilderness acres of the national park system. "Although my group is based in Arizona, we recognize the harm that could result from the Sequoia-Kings Canyon approach," stated Crumbo. "We will not let the NPS use a clever slight-of-hand to evade the restrictions of the Wilderness Act." The approach is believed to threaten Arizona's Lake Mead National Recreation Area, Saguaro National Park, and Organ Pipe Cactus National Monument.

The groups hope that the NPS regional director will reconsider the blanket approvals and instruct the park officials to give specific review to every proposal to use otherwise prohibited activities in wilderness. By doing so the NPS will truly weigh whether each such use is the minimum requirement necessary for administering wilderness. And, we hope the NPS will involve the public in the review process. The conservation groups intend to monitor wilderness management at the two national parks to determine if the NPS persists in blanket approval for its use of prohibited activities in wilderness. Such a pattern would constitute a violation of the Wilderness Act and NPS Management Policies.

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Read a copy of the four groups' [letter](http://ca/12_15_03_NPS_Jarvisletter.php).

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INSERT INTO news VALUES (317, '2003-12-11', 'NEW NATIONAL ACADEMIES OF SCIENCE REPORT BLASTS CORPS PLAN FOR UPPER MISSISSIPPI', 'NAS Tells Corps to Take Controversial Project Back to the Drawing Board', '<p>Washington, DC -- The National Research Council of the National Academies of Science today issued a blistering report ripping the credibility of an U.S. Army Corps of Engineers study to justify building bigger new locks throughout the entire Upper Mississippi River and Illinois Waterway system. In stern words, the NRC directed the Corps to slow down any plans for the $2.5 billion project until a number of basic shortcomings could be addressed.</p><p>The National Academies of Science (NAS) report recommended that the Corps "extend its schedule for completing its feasibility study" until it can address some fundamental failings, including --</p><ul><li> Lack of an economic model that is "widely accepted by economics experts";</li><li> Inability to "adequately" evaluate benefits from lock extensions; and</li><li> Failure to follow the recommendations from an earlier NAS report.</li> </ul> <p>The NAS also faulted the lack of reliable forecasting and directed the Corps to immediately take steps to schedule barges and other "nonstructural" actions to alleviate waterway traffic congestion prior to examining the need for new construction. "In the bluntest way, the National Academies of Science is telling the Corps to pull the plug on the Upper Mississippi study," stated PEER Executive director Jeff Ruch whose organization recently sued the Corps for its reliance on a biased economic model in the study. " Unfortunately, the pork dynamics are too powerful and, given the seamy
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history of this project, the Corps will shamelessly ignore the NAS and recommend a multi-billion authorization in January."</p><p>Today\'s NAS report is only the latest chapter in the scandal-plagued history of the Corps\' efforts to secure approval for new construction to accommodate barge traffic on the Upper Mississippi River and the Illinois Waterway. In 2000, the Corps economist for the project, Dr. Donald Sweeney, filed a whistleblower disclosure saying top commanders had altered key numbers in an effort to "cook the books" so that the project would appear justified. The latest NAS report echoes a number of the issues Dr. Sweeney raised in 2000.</p><p align="center">###</p><p align="center">Examine the Review of the <a href="http://books.nap.edu/catalog/10873.html">U.S. Army Corps of Engineers Upper Mississippi-Illinois Waterway Restructured Feasibility Study: Interim Report by the National Research Council (12/11/03)</a></p><p align="center">Read <a href="<?php print \$cfg->docsdiref;?>/ms/12\_11\_03\_corps\_highlights.php">highlights from the NAS Report </a>View the spreadsheet itemizing cuts to EPA\'s budget by the Senate</p>', 'IL', 'ACE', 0);

INSERT INTO news VALUES (318, '2003-12-16', 'EPA TO REVAMP CRIMINAL ENFORCEMENT', 'Review Urges Cutback in Security Details, Better Case Tracking and Outside Audit', ' <p>Washington, DC -- Stung by a critical employee survey and accounts of criminal investigators running personal errands for the Administrator, the U.S. Environmental Protection Agency has agreed to restructure its criminal enforcement program as recommended in a new management review, according to Public Employees for Environmental Responsibility (PEER).</p><p>In the wake of negative publicity generated by the PEER survey, J. P. Suarez, EPA Assistant Administrator for Enforcement and Compliance Assurance, removed the head of the criminal program this past July and ordered a management review. That review was unveiled yesterday and Suarez embraced its principal recommendations:</p><ul><li>Reducing non-enforcement, security assignments, such as the personal security detail for the EPA Administrator;</li><li>Developing a coherent strategic plan for enforcement, including meaningful measures of performance; and</li><li>Establishing consistent standards for new hires, promotions and assignments to combat widespread perceptions of cronyism.</li> </ul> <p>"This management review validates concerns EPA Special Agents brought to PEER one year ago that the criminal program needed to get back to basics," commented PEER Executive Director Jeff Ruch. "It remains to be seen if EPA\'s leadership really wants effective criminal enforcement against corporate polluters or whether this latest exercise is just more window dressing."</p><p>The review found that EPA had been inflating case statistics and could not gauge whether casework resulted in meaningful enforcement -- a finding highlighted in a separate Inspector General report released this fall. It also found a disproportionate number of personnel complaints, poor internal communication and supervisors lacking even "basic environmental law" training.</p><p>In recommending a cutback in security duties, the management review cited the need to refocus on the purpose of criminal enforcement and urged that EPA "engage an independent organization with experience in Federal criminal law enforcement to conduct an audit." "All of these reviews, reports and surveys underline the need to put the &#8216;E\' back into EPA," Ruch added.</p><p align="center">###</p><p align="center">Read the <a href="http://www.epa.gov/compliance/resources/reports/review/oceft-managementreview.pdf">EPA\'s Management Review for its Office of Criminal Enforcement</a></p>', '', 'EPA', 0);

INSERT INTO news VALUES (319, '2003-12-22', 'RELIGION ON DISPLAY IN NATIONAL PARKS', 'Christian Fundamentalist Influence on Park Service Decisions "Faith-Based Parks" Decried', ' <p>Washington, DC -- In a series of recent decisions,

the National Park Service has approved the display of religious symbols and Bible verses, as well as the sale of creationist books giving a non-evolutionary explanation for the Grand Canyon and other natural wonders within national parks, according to documents released today by Public Employees for Environmental Responsibility (PEER). Also, under pressure from conservative groups, the Park Service has agreed to edit the videotape that has been shown at the Lincoln Memorial since 1995 to remove any image of gay and abortion rights demonstrations that occurred at the memorial.

"The Park Service leadership now caters exclusively to conservative Christian fundamentalist groups," stated PEER Executive Director Jeff Ruch. "The Bush Administration appears to be sponsoring a program of Faith-Based Parks."

This July, NPS Deputy Director Donald Murphy, ordered the Grand Canyon National Park to return three bronze plaques bearing biblical verses to public viewing areas on the Canyon's South Rim. Murphy overruled the park superintendent who had directed the plaques' removal based on legal advice from the Interior Department that the religious displays violated the First Amendment. In a letter to the Evangelical Sisterhood of Mary, the group sponsoring the plaques, Murphy apologized for "any intrusion resulting from" the temporary removal of the plaques quoting Psalms 68:4, 66:4 and 104:24 and pledged "further legal analysis and policy review" before any new action is taken.

This past summer, the Park Service also approved a creationist text, "Grand Canyon: A Different View" for sale in park bookstores and museums. The book by Tom Vail, claims that the Grand Canyon is really only a few thousand years old, developing on a biblical rather than an evolutionary time scale. At the same time, Park Service leadership has blocked publication of guidance for park rangers and other interpretative staff that labeled creationism as lacking any scientific basis.

Last month, the Park Service announced that it would alter an eight-minute video containing photos and footage of demonstrations and other events taking place at the Lincoln Memorial. Conservative groups have asked to cut out footage of gay rights, pro-choice and anti-Vietnam War demonstrations because it implies that "Lincoln would have supported homosexual and abortion rights" as well as feminism." The Park Service has promised to develop a "more balanced" version that include rallies of the Christian group Promise Keepers and pro-Gulf War demonstrators though these events did not take place at the Memorial.

The Park Service is also engaged in an extended legal battle to continue displaying an eight-foot-tall cross, planted atop a 30-foot-high rock outcropping in the Mojave National Preserve in California. PEER Board Member and former-Park Service manager Frank Buono filed suit to force removal of the cross. That suit is now pending before the U.S. Ninth Circuit Court of Appeals.

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Read NPS Deputy Director [Donald Murphy's](#) letter to the Evangelical Sisterhood of Mary

Learn more about the book giving the [creationist](http://www.canyonministries.com/page10.html) explanation for the Grand Canyon

Examine the [Mojave Cross lawsuit](http://www.aclu-sc.org/Courts/DownloadLib/100124/)

INSERT INTO news VALUES (320, '2003-12-24', 'SPECIAL INTERESTS TRUMP WILDLIFE AT DOW', 'Employee Survey Registers Rampant Fear of Reprisal; Staff Say Agency Is Headed in the Wrong Direction', ' <p>Washington, DC -- Biology is taking a backseat to politics at the Colorado Division of Wildlife, according to an employee survey released today by Public Employees for Environmental Responsibility (PEER). Survey results reflect widespread fear of retaliation, strong doubts about the scientific integrity of decisions and deep concern about DOW's declining effectiveness in protecting wildlife.</p><p>The most prevalent concern expressed by employees is growing political interference with environmental decision-making within the DOW: </p><p>&middot; Nearly nine out of

ten (88%) believe that "the scientific integrity" of the DOW "is compromised because the Executive Director of the Colorado Department of Natural Resources is a political appointee" with nearly three quarters (74%) saying they do not "trust DOW top administrators to defend the state's wildlife resources against political pressure from special interests;"

Nearly two-thirds (63%) know of cases where management reassigned or changed the responsibility of a person as a result of their work on a controversial project. And more than half (60%) of the professional staff are personally affected by a fear of retaliation, agreeing with the statement, "I am hesitant to perform certain aspects of my job for fear of retaliation;"

Half of respondents believe "many decisions of DOW ignore sound wildlife or fishery biology" while more than two in five (42%) of the professional staff report instances where they have been directed to overlook or ignore "a specific threat to wildlife."

As one DOW staff person commented in the essay portion of the survey, "Current DNR management has made politics the dominating factor to the point of micromanagement to the detriment of the wildlife resource." Another added, "Axes are being ground, old scores are being settled and the welfare of both the wildlife and the sportsman are being ignored."

PEER conducted the survey among all DOW biologists, game wardens and regional managers (Wildlife Managers Series 2, 3, 4 and 5). PEER mailed out 343 surveys containing questions developed by DOW employees and more than a quarter of those (91 or 26.5%) returned completed surveys.

"This survey is a piercing cry for help from Colorado's wildlife managers," stated Rocky Mountain PEER Director Chandra Rosenthal, who coordinated the survey. "These results indicate that reform is needed at the Division and at DNR."

Employees perceive increasing special interest influence is hurting agency effectiveness:

More than two-thirds (67%) say "Colorado's wildlife resources" are less protected than they were five years ago with only one third of employees feeling that "DOW is moving in the right direction;"

Only one in five employees believe that morale is good at DOW with more than three quarters (83%) saying that DOW is not a better place to work than it was five years ago;

More than three in five (62%) do not think "professionalism is recognized and rewarded by DOW administrators." The PEER survey also served as a referendum on the quality of agency leadership:

Nearly nine out of ten (87%) do not think that Greg Walcher is doing a good job as the head of the Colorado Department of Natural Resources. By contrast, more than three quarters (83%) say Russell George is doing a good job as DOW Director;

While nearly four out of five (79%) believe that "DOW has an effective program for managing and conserving the state's wildlife," employees are equally divided as to whether "DOW is a well managed agency;"

More than two out of five employees (42%) do not believe that "DOW administration generally provides complete and accurate information to the public on controversial issues" while less than a third (31%) think "DOW leadership provides clear and consistent directions to staff on how to address controversial issues."

DNR Executive Director Greg Walcher drew much of the staff ire. One employee wrote, "Too many decisions are being made by political hacks like Mr. Walcher." Another DOW staff member commented, "Since Greg Walcher has been appointed, he has never given clear policy direction to staff; he treats us as opposition but has never said what he wants to accomplish and how that differs from what we are doing."

"The survey was drafted by a group of committed employees who care deeply about the direction the agency is headed," added Rosenthal. "This survey is a way for DOW professionals to speak directly and candidly to their true employers, the people of Colorado."

PEER is distributing survey results to the Colorado legislature, conservation organizations and to DOW employees.

See full [http://www.rocky\\_mountain/12\\_03\\_DOWsurvey.php](http://www.rocky_mountain/12_03_DOWsurvey.php) survey results

align="center">Read <a href="<?php print \$cfg->webroot;?>/rocky\_mountain/12\_03\_DOWsurveyessays.php">employee essays</a> on how to improve environmental stewardship </p>', 'CO', '', 0);

INSERT INTO news VALUES (321, '2004-01-06', 'BLM PLAYING MILLION DOLLAR GAME OF "MUSICAL CHAIRS"', 'Marsing Move to Force Boise Staff Resignations', '<p>Washington, DC -- In the name of better customer service, the U.S. Bureau of Land Management is announcing a statewide reorganization, including moving twenty staff positions from a bustling Boise office to a remote outpost, according to documents released today by Public Employees for Environmental Responsibility (PEER). Estimated to cost approximately \$1 million, the move is part of a proposed statewide reorganization that reverses cost-saving consolidations undertaken in the 1990s.</p><p>"BLM is playing a million dollar game of musical chairs while neglecting gaping wildlife, range and land management needs," stated PEER Executive Director Jeff Ruch. "This move is political payback to a very few but very connected Owyhee ranchers who want revenge against BLM range staff but since the BLM staff cannot be fired for doing their jobs, the next best thing is to induce them to resign or retire to avoid being moved to Idaho\'s version of Siberia."</p><p>In a letter to Rebecca Watson, the Assistant Secretary of Interior, PEER is asking that the agency reconsider the reorganization and examine the manner and motives of BLM Idaho State Director K. Lynn Bennett in ordering the personnel shifts. PEER contends that -- </p><p>&middledot; Contrary to better serving customers, staff would be moved away from land users, cooperating agencies and the public customer base. In fact, only four grazing permittees live in Marsing where approximately twenty staff would be relocated;</p><p>&middledot; The cost of renting, furnishing and staffing a new office in Marsing would add an estimated \$1 million annually. This money will be drawn from other under-funded BLM Idaho programs; and</p><p>&middledot; Hostility from Owyhee County officials has caused BLM staff to request a safety review to address staff concerns about assaults and lack of local law enforcement cooperation.</p><p>Despite claims of an extensive "research" effort for what Bennett has termed a state-wide "organizational refinement" involving a reported "96 interviews around the state," major stakeholder groups that would be affected by the move, such as tribes, wild horse advocates and conservation groups were not contacted or consulted about the move. PEER maintains that the move to Marsing was already set in concrete without any evaluation of the field office\'s customer base, without establishing the cost of a new office and without thinking through the effects on employees and the future of BLM Idaho.</p><p>"The only result we can count on from this reorganization is that BLM Idaho will have more managers and fewer staff in the field," added Ruch. "Some people strive for achievement while others merely reorganize."</p><p align="center">###</p><p align="center">See the <a href="<?php print \$cfg->docsdir;?>/id/1-6-04\_Lynnletter.pdf">BLM Reorganization Announcement</a></p><p align="center">Read <a href="<?php print \$cfg->docsdir;?>/id/1-6-04\_Watsonletter.pdf">PEER\'s letter to Assistant Interior Secretary Rebecca Watson</a></p>', '', 'BLM', 0);

INSERT INTO news VALUES (322, '2004-01-12', 'CHIEF TERESA CHAMBERS RESPONDS', 'Park Police Chief Also Invokes 1st Amendment & Whistleblower Rights', '<p>Washington, DC -- National Park Police Chief Teresa Chambers has filed a formal response to allegations by Deputy Parks Director Donald Murphy who is seeking her termination. Chief Chambers provides a point-by-point rebuttal to charges by Murphy concerning her interview with The Washington Post and communications with Congress, according to the filing posted today by Public Employees for Environmental Responsibility (PEER).</p><p>In addition to charges about her disclosures, Murphy also alleged three acts of insubordination by Chief Chambers in separate incidents dating back to March.</p><p>"These charges

against Chief Chambers do not pass the laugh test -- they are factually incorrect, legally indefensible and incredibly petty, all at the same time," stated PEER Executive Director Jeff Ruch whose organization has joined the legal team seeking her reinstatement. "A breakdown in the Park Service leadership has needlessly created a confrontation where consultation is in order."</p><p>The Washington Post published an article on December 2, 2003 quoting Chief Chambers concerning staffing needs of the Park Police. On December 5, Murphy ordered Chief Chambers to surrender her badge, gun and law enforcement credentials. She was placed on administrative leave and prohibited from speaking any further with the media. On December 17, Murphy proposed to terminate Chief Chambers on the grounds of alleged misconduct. The response to the proposed termination filed by Chief Chambers\' counsel, Peter Noone of the Belmont Massachusetts firm of Avery, Dooley, Post & Avery, points out numerous factual inaccuracies and inconsistencies in Murphy\'s allegations. Her response also invokes multiple legal defenses for her statements to Congress and the media, which are protected by law.</p><p>This response has been submitted to Deputy Assistant Secretary of Interior Paul Hoffman, who is the designated "deciding official" even though the case involves actions by his superior, Deputy Secretary Steven Griles. Hoffman is charged with making the decision whether to reinstate Chief Chambers, terminate her or take some other, middle course. Chief Chambers can appeal Hoffman\'s decision, if it is adverse, through both administrative and judicial avenues.</p><p>"From the sequence of events it is clear that the root cause of this affair is a mid-level bureaucrat, Don Murphy, who is a control freak gone out of control," Ruch commented. "As this filing indicates, it is Mr. Murphy who acted in a manner detrimental to the Park Service, its employees and the public it serves."</p><p>In February 2002 Chambers, a career law enforcement professional, was appointed the first female chief of the U.S. Park Police, the oldest uniformed federal police force. Its 620-officer force is responsible for national landmarks ranging from the Statue of Liberty to the Golden Gate Bridge. The bulk of its work is in the Capitol where Park Police patrol the National Mall, monuments, and federal parks and parkways. </p><p align="center">###</p><p align="center">Read the <a href="<?php print \$cfg->campaigndir;?>/chiefchambers/chiefchambersCharges.php">charges against Chief Chambers</a></p><p align="center">Read <a href="<?php print \$cfg->campaigndir;?>/chiefchambers/chiefchambersreply.php">Chief Chambers\' response to the memo proposing her termination</a></p>', '', 'NPS', 1);

INSERT INTO news VALUES (323, '2004-01-14', 'CHIEF CHAMBERS REPORTED MURPHY FOR HARASSMENT', 'Her Complaint Filed Three Hours Before Gag Order Issued', '

Washington, DC -- U.S. Park Police Chief Teresa Chambers filed a written complaint with National Park Service Director Fran Mainella asking for disciplinary action against Mainella\'s deputy, Don Murphy, only hours before Murphy took action against Chief Chambers, according to a memo released today by Public Employees for Environmental Responsibility (PEER).</p><p>In her December 2, 2003, complaint, Chief Chambers described, "an increasingly hostile work environment he [Murphy] created&#8230;" In the letter to Mainella, Chief Chambers also cited Murphy --</p> <blockquote> <p>&middot; Verbally attacking Chief Chambers during a nationwide conference call of Park Service leadership;</p><p>&middot; Authorizing the release of confidential personnel records concerning Chief Chambers; and</p><p>&middot; Repeatedly using "emotionally charged\' and "unprofessional" language disparaging the Chief.</p></blockquote> <p>Chief Chambers asked Director Mainella to discipline Murphy and requested a public apology from Murphy for his remarks. Instead, three hours later Murphy ordered Chief Chambers to stop engaging in interviews of any kind. Three days later, Murphy directed Chief Chambers to surrender her badge, gun, and law enforcement identification, placing her on administrative leave &#8211; a step normally reserved only for those law enforcement personnel accused of



criminal acts. Yet, in this case, neither Murphy nor an attorney from the Solicitor's Office could tell Chief Chambers whether she had violated any rules or regulations saying, instead, that they were still "researching" that aspect. A little more than two weeks later, without conducting an investigation or interviewing Chief Chambers, Murphy proposed to terminate her on the basis of unrelated allegations having to do with an interview she did with The Washington Post and discussions she had with a Congressional staff member on a routine matter.

Murphy's actions took place with a backdrop of a campaign of harassment directed against Chief Chambers and her top deputies, including the scattering of nails under the tires of their assigned vehicles, placement of used condoms on and around assigned vehicles, computer break-ins, pepper-spraying office doors, and other hostile incidents.

"Don Murphy has been doing everything possible to make it hard for Chief Chambers to do her job," stated PEER Executive Director Jeff Ruch. "Any close examination of Murphy's conduct strongly suggests that he should not occupy a position supervising professionals."

The Department of Interior, the parent agency for the Park Service, is now evaluating the voluminous response filed earlier this week by Chief Chambers to allegations made by Murphy. A decision is expected later this month.

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[Read the December 2, 2003 Grievance of Chief Teresa Chambers](http://?php print $cfg->campaigndir;?>/chiefchambers/grievance.php)

[View Chef Chambers' response to Don Murphy's charges.](http://?php print $cfg->campaigndir;?>/chiefchambers/chiefchambersreply.php)

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INSERT INTO news VALUES (324, '2004-01-20', 'PARK SERVICE OFFERED TO DROP ALL CHARGES AGAINST CHAMBERS', 'In Return for Control of Media and Congressional Communication', '<p>Washington, DC -- Less than a week before proposing termination of U.S. Park Police Chief Teresa Chambers, the Park Service offered to forego pursuing any disciplinary action and fully restore her as Chief if she would agree to allow Deputy Director Don Murphy to screen all future media and congressional contacts, according to a document released today by Public Employees for Environmental Responsibility (PEER).</p><p>The offer, extended by Interior Associate Solicitor Hugo Tuefel and reaffirmed by Murphy himself, was made to Chief Chambers and her lawyer, Peter Noone of the Belmont, Massachusetts firm of Avery, Dooley, Post, & Avery, on December 12, 2003 in a meeting held at the U.S. Geological Survey headquarters in Reston, Virginia. In return for not pressing a list of alleged violations, the officials asked that Chief Chambers agree to have no media contact or communication with Congress without prior approval as to the contact and content of these communications &#8211; a requirement that amounted to continuation of the "gag" order Murphy had already imposed on Chambers.</p><p>Chief Chambers rejected the offer, concerned that continued micromanagement and interference from Murphy would have rendered her and the United States Park Police ineffective. Although this offer was extended with a request for confidentiality, last week Park Service officials breached that confidentiality when they revealed information about the settlement negotiations to members of Congress.</p><p>"This offer demonstrates that the National Park Service never believed in the merit of the accusations against Chief Chambers and this whole affair is just a cynical power play by Don Murphy," stated PEER Executive Director Jeff Ruch whose organization is part of the Chambers defense team. "One day Don Murphy says these allegations are so serious that termination is the only recourse while he was really saying that all would be forgiven if Teresa Chambers would agree to kiss his ring."</p><p>On December 2, Chief Chambers had filed a complaint against Murphy for harassment. Hours later Murphy ordered her to cease interviews of any kind. Three days later she was ordered by Murphy to surrender her badge, sidearm, and identification to armed Special Agents of the National Park Service who then, at Murphy's direction, publicly escorted her from the building. On December 18, the National
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Park Service formally proposed to terminate Chief Chambers on the same charges they had been willing to drop just one week prior. Since then, the Park Service has rebuffed further attempts to settle the matter.</p><p>"The Park Service is being run like a school playground -- without any adult supervision," commented Ruch. "Don Murphy is a managerial bully who cannot abide independent thought within the ranks."</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/chiefchambers/chargesdropped.php">Read the conditions ("Don Murphy\'s draft directions") offered by the Park Service to drop all charges. View the charges and Chief Chambers\' response.</a></p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/chiefchambers/grievance.php">See Chief Chambers\' harassment complaint against Murphy.</a></p>', '', 'NPS', 1);

INSERT INTO news VALUES (325, '2004-01-20', 'LAW ENFORCEMENT LINES UP TO SUPPORT CHIEF CHAMBERS', 'International Association of Chiefs of Police Is Latest to Weigh In', ' <p>Washington, DC -- The oldest, largest and most prestigious organization of police chiefs has joined law enforcement rank and file organizations calling for the reinstatement of U.S. Park Police Chief Teresa Chambers, according to letters released today by Public Employees for Environmental Responsibility (PEER).</p><p>The International Association of Chiefs of Police has written to Interior Secretary Gale Norton citing the "tremendous respect among her peers" that Chief Chambers enjoys and requesting that "consideration be given to allowing this proven, outstanding performer" to remain. In addition, Washington, D.C Metropolitan Police Chief Charles Ramsey who worked closely with Chief Chambers on a range of local enforcement issues, has spoken out on her behalf:</p> <blockquote> <p>"All I know is Teresa Chambers is one hell of a police chief ... I think it\'s a huge mistake if they get rid of her. She has a lot to offer in this region."</p> </blockquote> <p>Significantly, organizations representing both current park police officers (Fraternal Order of Police, District of Columbia Lodge #1) and retired officers (Retired United States Park Police Association) have both come out in support of Chief Chambers.</p><p>"Those people who know her best, who have worked both with her and for her, give Chief Teresa Chambers a ringing vote of confidence," stated PEER Executive Director Jeff Ruch. "These organizations are taking action because the Chambers case has come to symbolize a fight for integrity in law enforcement."</p><p>Chief Chambers is facing possible termination as a result of allegations lodged by Park Service Deputy Director Donald Murphy. Murphy has also placed Chief Chambers on administrative leave, stripped her of law enforcement credentials and imposed a "gag order" barring her from granting any interviews. The U.S. Department of Interior, the parent organization for the Park Service, is now determining Chief Chambers\' professional fate.</p><p>On both local and national levels, law enforcement support for retaining Chief Chambers extends deeply into rank and file organizations, including the Federal Law Enforcement Officers Association, the National Park Service Ranger Fraternal Order of Police Lodge #60, the National Fraternal Order of Police Grand Lodge, the Fraternal Order of Police, Prince George\'s County Lodge #89, the Howard County Police Officers Association and the National Latino Officers Association & Labor Council, City of New York. Also registering support for Chief Chambers is the National Center for Women and Policing</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/chiefchambers/iacpletter.php">Read the IACP letter of support</a></p><p align="center"><a href="http://honestchief.com/supporters.html">View letters of support from other law enforcement organizations</a></p>', '', 'NPS', 1);

INSERT INTO news VALUES (326, '2004-01-20', 'GROUPS SEEK FEDERAL PROTECTION FOR CHERRY POINT HERRING', 'Dramatic population decline and new development prompt

ESA listing proposal', ' <p>BELLINGHAM &#8211; A coalition of conservation organizations filed a petition today requesting federal protection for Cherry Point herring under the Endangered Species Act. Cherry Point herring are a distinct population of Pacific herring that spawn along the open shoreline north of Bellingham.</p><p>"Once our State\'s largest herring population, Cherry Point herring have plummeted by 90 percent over the last three decades and they are not recovering," said Dave Werntz, Science Director with Northwest Ecosystem Alliance. "If we lose them, much of Puget Sound\'s wildlife that rely on them for sustenance &#8211; from chinook salmon to sea lions, porpoise and orcas &#8211; will face even greater hardship."</p><p>Cherry Point herring face numerous threats from industrial development along their spawning grounds. Already, two major oil refineries and an aluminum smelter near Cherry Point have directly impacted herring spawning grounds through dock construction and operation, outfall discharge, vessel traffic, and disease and foreign species introduced from ship ballast water. Accidental spills of oil and other poisons also pose a considerable threat to the Cherry Point herring.</p><p>"More than 70 spills have dumped tens of thousands of gallons of crude oil and poisoned water over the herring\'s spawning grounds since the Cherry Point refineries were built in 1973," said Fred Felleman, Northwest Director for Ocean Advocates, "Just like the oil spill near Everett last week, another major spill at Cherry Point is inevitable. One big oil spill during spawning season would be a disaster and could completely wipe out the remaining herring in this area."</p><p>Despite numerous state and federal policies intended to protect marine resources, Cherry Point herring are on a trajectory toward extinction. The State\'s recent "Aquatic Reserve" designation for the Cherry Point area not only allows industrial operations to continue unabated, but also allows new and potentially destructive construction of a huge Gateway Terminal development and Georgia Strait Crossing Pipeline.</p><p>Cherry Point herring are distinct from other Pacific herring in many respects. Their unique spawning location and timing have reproductively isolated Cherry Point herring from other Puget Sound herring, and recent studies indicate that Cherry Point herring are the most genetically divergent herring population in Washington. Unlike other herring that migrate out to sea, young Cherry Point herring move to freshwater influenced environments, like estuaries, to feast on the copepods that occur there.</p><p>Groups submitting the petition are Northwest Ecosystem Alliance, Center for Biological Diversity, Ocean Advocates, Public Employees for Environmental Responsibility, People For Puget Sound, Friends of the San Juans, and Sam Wright.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/wa/petitioncover.php">Petition Cover Letter</a></p><p align="center"><a href="http://www.biologicaldiversity.org/swcbd/species/herring/petition.pdf">Cherry Point Herring petition</a></p>', 'WA', '', 0);

INSERT INTO news VALUES (327, '2004-01-22', 'MISSISSIPPI RIVER BARGE TRAFFIC DOWN AGAIN IN 2003', 'Need for New Locks Fading', '<p>Washington, DC -- Upper Mississippi River barge traffic has declined again in 2003, continuing a fifteen-year old trend of stagnation, according to the latest U.S. Army Corps of Engineers figures released today by Public Employees for Environmental Responsibility (PEER). The Corps data shows large, cumulative decreases in barge traffic at nearly all locks, with the most heavily utilized locks exhibiting fully a one-quarter reduction in traffic.</p><p>The Corps is now on the verge of revealing its draft recommendation regarding replacement of the existing river locks on the Upper Mississippi River and Illinois Waterway with new locks designed to accommodate future growth in barge traffic. The price tag on this project is an estimated \$2.3 billion, and with an even greater amount of "environmental restoration" spending currently estimated at \$5.3 billion, makes this overall \$7.6 billion package the second most expensive public works project

in Corps history (second only to the \$8 billion Everglades Restoration).

In sharp contrast with the established history of declining traffic, the Corps has embraced wildly optimistic traffic forecasts in their continuing attempt to justify this project. These Corps forecasts form the foundation of their new economic analyses that were recently sharply criticized this past December by a National Academies of Science panel commissioned to review the latest Corps study.

"With each passing month, the Corps forecasts veer farther and farther from reality," stated PEER Executive Director Jeff Ruch whose organization is suing the Corps over these fraudulent estimates and unreliable economic models used in the agency's controversial \$70 million study to justify lock construction. PEER also points to other economic factors such as a continuing barge industry consolidation, the near end of commercial barging on the Missouri River and new value-added uses for grain production, such as ethanol, that do not require shipment down the river to New Orleans as contributing factors that will extend the traffic slump through the next decade

"Right now, the Corps is thrashing around to find any way to justify this mega-project that passes the straight face test," Ruch added.

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[View the Corps figures for Inland Barge Tonnage](http://www.mvr.usace.army.mil/mvrimi/omni/webbrpts/default.asp)

[Scan the PEER analysis of decline](http://www.mvr.usace.army.mil/mvrimi/omni/webbrpts/default.asp?php print $cfg->docsdir;?/ace/corpsdecline.xls)

[See How Corps Forecasts Diverge from Reality](http://www.mvr.usace.army.mil/mvrimi/omni/webbrpts/default.asp?php print $cfg->docsdir;?/ace/corpsdiverge.xls), 'IL', 'ACE', 0);

INSERT INTO news VALUES (328, '2004-01-26', 'PEER ATTORNEY IS NEW PENTAGON WHISTLEBLOWER OMBUDSMAN', 'Former Navy Whistleblower Now an Investigator & Advocate', ' <p>Washington, DC -- The General Counsel for Public Employees for Environmental Responsibility (PEER) begins a different job today in the newly created position as whistleblower advocate within the Department of Defense Office of Inspector General (OIG).

Daniel Meyer is the first Director of Civilian Reprisals Investigations for the Pentagon OIG. The position, informally referred to as the whistleblower ombudsman, is to review and recommend action in cases involving civilian workers within Department of Defense agencies who report waste, fraud or violations of law. Only one other OIG (for the Department of Interior) has a similar position dedicated to whistleblower cases.

Prior to practicing law at PEER and in the private sector, Meyer served in the U.S. Navy, where he was the only commissioned officer to dissent from the Pentagon's phony explanation for the massive explosion onboard Battleship Iowa in 1989. Lt. Meyer aided Sandia National Laboratories and the Senate Armed Services Committee in establishing the true cause of what was one of our nation's greatest single loss of military life during peacetime.

"If ever an agency needs a whistleblower ombudsman, it is the Pentagon," commented PEER Executive Director Jeff Ruch whose organization represents environmental whistleblowers within government including civilian biologists, naturalists and archaeologists working on the 25 million acres of Defense Lands. "The whistleblower ombudsman at Interior has been a major disappointment, acting more like a plumber's unit' to plug leaks rather than helping conscientious employees address problems. We expect better results from the Pentagon effort."

Reportedly, Meyer will face a backlog of several hundred whistleblower cases. His tenure at the Pentagon also coincides with the repeal of civil service rights for Pentagon workers and the creation of a new, more "flexible" personnel system under the recently enacted Defense Transformation for the 21st Century Act. Under the new Defense personnel system protections, for civilians who raise concerns within their chains-of-command remain to be spelled out.

"Dan Meyer will certainly have his work cut out for him," Ruch continued. "It remains to be seen whether this Pentagon Inspector

General and his successors give this position the resources and organizational backing needed to do this Herculean job."</p>', '', 'DOD', 0);

INSERT INTO news VALUES (329, '2004-01-26', 'ROMNEY POLITICAL STAFF TO SCREEN ENVIRONMENTAL APPEALS', 'Environmental Appeals Office Shut Down', '<p>Boston -- Citizens seeking to challenge decisions by the state Department of Environmental Protection must pass a pre-screening by a political appointee of the Romney Administration in order to proceed, according to documents released today by Public Employees for Environmental Responsibility (PEER).</p><p>With no notice to the parties or to the public, the Romney Administration, effective Tuesday, January 20, 2004, shut down the Office of Administrative Appeals, located in the state\'s Environmental Secretariat. New environmental appeals will be "screened" by the DEP Commissioner, a Romney appointee, who will decide which appeals, if any, should be assigned to a judge.</p><p>"This move is breathtaking in its audacity -- Governor Romney\'s actions put enforcement of anti-pollution laws against his political contributors and supporters solely at his discretion," stated New England PEER Director Kyla Bennett, a former enforcement attorney with the U.S. Environmental Protection Agency. "Citizens will need the permission of DEP in order to challenge its actions."</p><p>This new pre-screening procedure only applies to new cases, but the closure of the Office of Administrative Appeals may disrupt the disposition of more than 350 pending environmental appeals. Current appeals involve projects worth several hundred million dollars, including the proposed Greenbush Line restoration along Massachusetts\' south shore; the Blue Hills water storage project in Quincy and the extension of sewer and water lines to Plum Island.</p><p>On a daily basis, citizens and businesses, as well as environmental organizations, file appeals of DEP decisions or actions on matters ranging from enforcement of wetlands protection laws to violation of air quality rules. Previously, these matters were handled by administrative law judges who are supposed to be independent of DEP. Under the new rules, DEP will initially handle appeals against its own actions. If the DEP Commissioner deems a case worthy of adjudication, he can refer the matter to the Division of Administrative Law Appeals, where the judges have no protection from arbitrary termination or interference from political appointees.</p><p>"In the name of streamlining, the Romney Administration has taken a giant step back towards the spoils system where the incumbent party is free to reward friends and punish enemies regardless of the public interest or evenhanded administration of justice," Bennett added.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdire;?>/ma/letteranddirective.pdf">Read the January 20 order</a></p>', 'MA', '', 0);

INSERT INTO news VALUES (330, '2004-01-28', 'TOP NATIONAL PARK WILDERNESS OFFICIAL RESIGNS IN FRUSTRATION', 'Park Service Ignoring Letter and Spirit of the Wilderness Act', '<p>Washington, DC -- Charging that the National Park Service has "accomplished relatively little in implementing either the letter or the spirit of the Wilderness Act," one of its top officials responsible for wilderness policy has resigned, according to a letter released today by Public Employees for Environmental Responsibility (PEER).</p><p>Enacted forty years ago this upcoming September 3, the Wilderness Act is one of the nation\'s premier environmental laws. As a result of the act, the National Park Service (NPS) administers some 44 million acres of wilderness spread across some 45 parks, the largest wilderness inventory on the planet.</p><p>Jim Walters, a 37-year employee, retired as Wilderness program coordinator for the eight state Intermountain Region, with a stinging letter to NPS Director Fran Mainella. Even though designated and potential wilderness represent more than four-fifths (86%) of national park lands, NPS today -- with Walters\' departure -- has only one full-time wilderness manager.</p><p>In his letter, Walters maintains that the

Park Service has not "taken its wilderness management responsibilities seriously," citing the agency's failure to:

- Undertake required suitability studies for new wilderness designations. As a result, proposed wilderness plans for 31 parks remain in limbo. According to PEER, these new wilderness areas would increase the entire Park Service wilderness network by more than half, protecting an area nearly the size of the state of Montana, from development, traffic and noise;
- Adopt wilderness management plans. Less than one-fifth of wilderness parks have mandated wilderness management plans;
- Police violations of wilderness rules. The Park Service is moving to authorize wholesale Wilderness Act violations by its own staff.

The Park Service opposed its inclusion in the Wilderness Act forty years ago and acts today like the Wilderness Act never applied to it," stated PEER Executive Director Jeff Ruch whose organization is litigating against and pressuring the Park Service to implement and enforce wilderness protections in parks across the country. "From President Bush on down, Administration appointees wax poetic about nature's solitude but have done precious little to protect that value for future generations." Walters highlights the Park Service's tendency to study the wilderness needs but take no action, pointing out that the recommendations from three internal task forces and one external committee "have been ignored or only superficially adhered to."

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[Read Jim Walter's letter of resignation to Park Service Director Fran Mainella](http://www.nps.gov/walters.pdf)

[See the Summary of "Orphaned" National Park Wilderness Recommendations](http://www.nps.gov/orphanedparks.pdf)

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INSERT INTO news VALUES (331, '2004-01-29', '"GAG ORDERS" ISSUED TO CHIEF CHAMBERS ARE ILLEGAL', 'Park Police Chief Asks U.S. Special Counsel to Intervene', '<p>Washington, DC -- U.S. Park Police Chief Teresa Chambers today petitioned the U.S. Office of Special Counsel to reinstate her immediately, according to legal filings released today by Public Employees for Environmental Responsibility (PEER).</p><p>In her request for emergency intervention, Chambers\' lawyers argue that actions taken to prevent her from communicating with Congress or the media violate several federal laws and the First Amendment. The Office of Special Counsel (OSC) oversees compliance with federal civil service rules. OSC can ask the Department of Interior, the parent agency for the National Park Service, to "stay" any action against Chief Chambers pending an independent review by OSC. If the Department of Interior refuses the request for a voluntary stay, OSC can seek an order from the Merit Systems Protection Board, the civil service appeal body, to force reinstatement.</p><p>As part of the filing, Chief Chambers counsel points to laws protecting communication with Congress and its staff; several of the allegations lodged by Deputy Parks Director Don Murphy concern Chief Chambers providing information to Congress. To enforce this protection, Congress requires forfeiture of the salary of any official who "reassigns, transfers, disciplines, or discriminates in regard to employment right&#8230;by reason of any communication or contact with any Member, committee, or subcommittee of Congress." In this case, the salary of Deputy Director Don Murphy would be returned to the taxpayers.</p><p>In addition, a supporting legal brief, composed by the Government Accountability Project, a non-profit whistleblower law firm, invokes federal whistleblower protection laws safeguarding any employee who discloses "a substantial and specific danger to public health and safety," such as Chief Chambers\' expression of concern about dangerously low levels of Park Police staffing on expressways and parks in the Washington metropolitan area.</p><p>Scott Bloch is the newly confirmed Special Counsel appointed by President George W. Bush. The Chambers case will be the first high-profile decision that Bloch will have to make.</p><p>The actions taken against Chief Chambers make a mockery of the
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merit system," commented PEER Executive Director Jeff Ruch, noting that Chief Chambers has been on administrative leave for more than seven weeks under orders not to grant any interviews. "How the Special Counsel handles this petition by Chief Chambers will send a message to all federal employees as to whether the new Special Counsel intends to be an active advocate for whistleblowers."</p><p align="center">###</p><p align="center"> <a href="<?php print \$cfg->campaigndir;?>/chiefchambers/amicusbrief.php">Read the legal memo outlining the illegality of the "gag orders" issued against Chief Chambers</a></p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/chiefchambers/index.php">View other documents relevant to Chief Chambers</a></p>', '', 'NPS', 1);

INSERT INTO news VALUES (332, '2004-02-05', 'CHIEF CHAMBERS DROPPED FROM PHONE BOOKS', 'Supporters Decry Two Months of "House Arrest" for Park Police Chief', '

Washington, DC -- The U.S. Department of Interior is taking steps to remove Park Police Chief Chambers from telephone directories even though no "official" action has been taken against her, according to documents released today by Public Employees for Environmental Responsibility (PEER). While no decision has been made on her status, top Park Service officials are taking other steps that assume she will not return to her post.</p><p>Today marks the end of the second month that Chief Chambers has been on paid administrative leave under orders "not to perform official business" or give interviews to members of the media or Congress. Since January 9, 2004, the Department of Interior, the parent agency for the Park Service, has been considering her response to accusations leveled against her by Deputy Parks Director Donald Murphy. The Interior Department, however, is under no deadline to render a decision.</p><p>Even as Park Service Director Fran Mainella is assuring members of Congress "that there has been no disciplinary action taken against the Chief," David Barna, Chief of Park Service Communications on January 5, 2004, released amended phone directories omitting Chief Chambers and naming her assistant Ben Holmes as "Acting Chief." At the same time, Chief Chambers has been excluded from Park Police budget, staffing and operations briefing and decisions.</p><p>On December 5, 2003, Chief Chambers was ordered to surrender her badge, gun and law enforcement ID. The chief was then escorted into Park Police Headquarters, in front of a gathering of her staff, before she was marched out of Interior under armed guard. Since that time, Chief Chambers has received full pay but is under orders "not to perform official business."</p><p>"Chief Chambers is being treated worse than an accused criminal, who at least has the right to bail and a timely disposition of charges," commented PEER Executive director Jeff Ruch whose organization revealed that Deputy Director Murphy had offered to restore Chief Chambers if she would agree to sign a permanent "gag" order giving Murphy control of "contact and content" of her future communications with the media and Congress. "Chief Chambers is under indefinite house arrest for the sin of being honest and professional where neither honesty or professionalism is valued."</p><p>Tomorrow, her supporters will again picket the Department of Interior headquarters, passing out leaflets asking that Chief Chambers be reinstated. In the past 60 days, approximately 5,000 individuals from across the country have written supportive emails to and on behalf of Chief Chambers and a number of law enforcement and public interest organizations have registered their support. Additionally, the <a href="http://www.honestchief.com">honestchief.com</a>, the facts behind Chief Chambers\' case, has been inundated with visitors (more than 25,000) since its inauguration five weeks ago.</p><p align="center"> ###</p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/chiefchambers/chambers\_phone\_directory.pdf">See the amended phone directory omitting Chief Chambers</a></p> <div align="center"><a href="<?php print \$cfg->campaigndir;?>/chiefchambers/murphy\_directive.pdf">View the memo from Don Murphy placing Chief Chambers on administrative leave</a>

</div> <p align="center"><a href="<?php print \$cfg-  
>campaigndir;?>/chiefchambers/mikulski\_letter.pdf">Read Fran Mainella\'s letter  
to Senator Barbara Mikulski concerning Chief Chambers</a></p><p  
align="center"><a href="<?php print \$cfg-  
>campaigndir;?>/chiefchambers/index.php">Review other key documents in Chief  
Chambers\' case</a></p>', '', 'NPS', 1);

INSERT INTO news VALUES (333, '2004-02-09', 'BUSH ADMINISTRATION ZEROES OUT  
UPPER MISSISSIPPI LOCKS', 'Army Corps Civil Works Program Slashed', '  
<p>Washington, DC -- In a stunning development the Bush administration has  
quietly proposed ending all federal expenditures for the controversial Upper  
Mississippi River and Illinois Waterway lock expansion in its fiscal year 2005  
federal budget, according to a review released today by Public Employees for  
Environmental Responsibility (PEER). The Bush administration budget completely  
drops the line item for the estimated \$2.3 billion navigation project, omitting  
any funding requests for further study, design, or  
construction.</p><p>Terminating the scandal-ridden Upper Mississippi project  
comes as part of the fourth consecutive major reduction in expenditures for the  
U.S. Army Corps of Engineers proposed by the Bush administration. This year\'s  
budget contains a 13.1 percent cut in Corps civil works expenditures -- the  
second largest percentage cut proposed for any federal government agency by  
President Bush.</p><p>"Not with a bang but with a whimper, this budget should  
pull the plug on the seemingly never-ending campaign by the Corps to build this  
multi-billion dollar white elephant," said PEER Executive Director Jeff Ruch,  
whose organization represents Corps employees who have disclosed previous  
attempts by Corps management to manipulate study data in an effort to justify  
this project.</p><p>The Upper Mississippi project has been criticized by the  
President\'s Office of Management & Budget (OMB), as well as by two National  
Academy of Sciences review panels for using faulty economic models, unrealistic  
traffic forecasts, and exhibiting a Corps-wide bias towards large-scale,  
expensive structural solutions ignoring inexpensive non-structural alternatives  
such as scheduling of barge traffic. At the same time, barge traffic on these  
rivers has been mired in a decade-long slump, further dampening the need to  
build bigger locks.</p><p>"OMB is taking their management role over the Corps of  
Engineers very seriously and is beginning to rein in this notoriously wasteful,  
rogue agency," stated Ruch. "It is fair to say that the Corps civil works  
reductions are the only environmental bright spots in an otherwise bleak  
budgetary landscape."</p><p>Ironically, the Corps just recently revealed its  
latest draft recommendation for replacing many of the existing, recently  
rehabilitated, and fully functional river locks on the Upper Mississippi River  
and Illinois Waterway with larger new locks at a price tag of an estimated \$2.3  
billion. In an attempt to build support for the project, the Corps was seeking  
to couple this construction scheme with an even larger amount of vaguely defined  
"environmental restoration" spending estimated at \$5.3 billion, an amount that  
would have made this overall \$7.6 billion package the second most expensive  
Corps public works project ever-undertaken, exceeded only by the restoration of  
the Florida Everglades.</p><p align="center"><strong>### <p align="center"> <a  
href="http://www.usace.army.mil/civilworks/cecwb/budget/">Detailed Corps  
project-by-project budget data for FY2005</a></p><p align="center"><a  
href="http://www.whitehouse.gov/omb/budget/fy2005/tables.html">OMB summary  
tables for agency-by-agency cuts or increases:</a></p><p align="center"><a  
href="http://www2.mvr.usace.army.mil/umr-iwwsns/">Latest Corps Upper Mississippi  
draft recommendations</a></p>', 'IL', 'ACE', 0);

INSERT INTO news VALUES (334, '2004-02-09', 'EPA RELAXES AIR POLLUTION RULES FOR  
NORTH SLOPE OIL OPERATIONS', 'Leavitt Asked to Intervene on BP Permit', '  
<p>Washington, DC -- Under pressure from the oil and gas industry, the U.S.



Environmental Protection Agency is weakening air pollution limits for production and exploration operations on Alaska\'s North Slope, according to agency records released today by Public Employees for Environmental Responsibility (PEER). As a result of these rule changes, North Slope oil operations will be emitting as much nitrogen oxides (NOx) as the entire Washington, DC metropolitan area.

Both the state of Alaska and EPA have reversed earlier positions that would prevent tons of additional hydrocarbons from being emitted by massive oil facilities based at Prudhoe Bay. On behalf of a former Alaska state environmental engineer, Bill MacClarence, who raised these issues both internally and externally, PEER is petitioning EPA Administrator Michael Leavitt to intervene.

At immediate issue is a permit for new facilities at a massive British Petroleum, Inc. complex. Contrary to EPA guidance, this new facility is classified as stand alone operations and not included (or "aggregated") into its existing permit. By illegally subdividing its operations, the company can evade air pollution emission limits on existing permits and put many thousand of tons of additional hydrocarbons and other toxic air pollutants into the atmosphere.

"This case is a golden opportunity for Mr. Leavitt to match his rhetoric with action," stated PEER Executive Director Jeff Ruch who filed the petition seeking a veto of the BP permit. "The pollution stakes of this action are enormous and the benefits will be realized if EPA merely enforces its own rules."

Elevated levels of nitrogen oxides represent a serious health problem for workers and native communities in the region. In the arctic, air pollution is much more significant than in temperate zones because the arctic region is subject to extreme atmospheric inversions, which results in the pollution being trapped in a mixing layer of only a few feet above the surface. For example, this mixing layer is 1000 feet in Los Angeles, 100 feet in Anchorage and only 10 feet in Fairbanks. Thus, the health impact is much more substantial at the North Slope for comparatively much lower levels of pollution.

Besides NOx, other pollutants, such as sulfur dioxide and hydrogen sulfide emissions, are increasing and will continue to increase as the oil fields are beginning to age. The North Slope currently produces as much as a fifth of the nation\'s oil supply, thus the volume of pollution released is immense.

MacClarence, a 20-year environmental engineer, persuaded the State of Alaska to require aggregation in the BP permit, but under intense lobbying from the Alaska Oil & Gas Association, the state reversed its stand in July 2003. Initially, EPA raised concerns but by October of that year, EPA signaled that it would not count pollution from new BP units towards previous permit limits.

If Administrator Leavitt does not act on the PEER petition, the next step would be a citizen suit on MacClarence\'s behalf under the Clean Air Act

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[Read the PEER petition to veto the BP permit](http://www.peer.org/docs/ak/petition.pdf)

INSERT INTO news VALUES (335, '2004-02-11', 'CHIEF TERESA CHAMBERS RECEIVES NATIONAL AWARD', 'Park Police Chief Honored Despite Continued "House Arrest"', 'Washington, DC -- The National Center for Women and Policing has bestowed its Lifetime Achievement Award on United States Park Police Chief Teresa Chambers. The award comes more than one month after the Department of Interior began reviewing Chief Chambers\' response to allegations lodged by Assistant Park Director Don Murphy concerning media and congressional contacts, according to Public Employees for Environmental Responsibility (PEER).')

The award is given to Chief Chambers in recognition of her outstanding leadership over a twenty-eight year law enforcement career. Chief Chambers is the first female of US Park Police, the oldest uniformed federal police force. Headquartered in Washington, DC, the Park Police is responsible for protecting national parks, monuments, and parkways in the Washington, DC, San Francisco, New York City and other key sites across the country.

The Lifetime Achievement Award also

highlights Chief Chambers\' tenure as the Chief of Police of the Durham, North Carolina Police Department, where she was credited with significantly reducing crime while improving morale and staff retention. Chief Chambers received her bachelor\'s degree in law enforcement/criminology from the University of Maryland and a master\'s degree in applied behavioral science with a concentration in community development from the Johns Hopkins University. She is also a graduate of the FBI National Academy and the FBI\'s prestigious National Executive Institute.

Sworn in as the Chief of the United States Park Police in February of 2002, Chief Chambers is currently on paid administrative leave for reporting low-staffing levels in a December 2, 2003 Washington Post article. Later that same day and within hours of her filing a formal, written complaint against her supervisor, Don Murphy, Chambers was barred from speaking further to the press. Three days later, that same supervisor stripped Chambers of her badge and gun in an unprecedented setting and sent her home. After refusing to agree to a permanent gag order, on December 18, Murphy filed a notice of proposed termination alleging a mixture of old allegations mixed with her recent press and congressional communications.

"Chief Chambers is being honored for achievement in law enforcement while her law enforcement credentials and badge gather dust in a desk drawer," stated PEER Communication and Outreach Director Chas Offutt whose organization has helped rally support for Chief Chambers. "This award recognizes that Chief Chambers is one of our best and brightest but, ironically, it is bestowed while she remains under a virtual house arrest."

The National Center for Women and Policing also grows a growing list of organizations, including the International Association of Chiefs of Police, the National Park Service Ranger FOP, and Prince George\'s Hispanic Republican Club, who have come out in support of Chief Chambers.

Chief Chambers will formally accept the Lifetime Achievement Award on April 28, 2004, in Boca Raton, FL, during the 9th Annual Leadership Conference-- along with awardees, Deputy Chief Laura Goodman, Brooklyn Center Police Department, Chief Ella Bully-Cummings, Detroit Police Department, and Chief Heather Fong, San Francisco Police Department.

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<a href="http://www.womenandpolicing.org/conference/agenda04.asp">Award announcement from the National Center for Women and Policing</a>

<a href="http://www.honestchief.com/supporters.html">See the list of Chief Chambers\' supporters</a>

<a href="http://www.womenandpolicing.org/conference/agenda04.asp?print=\$cfg->campaigndir;?>/chiefchambers/index.php">Follow Chief Chambers\' developments</a>

INSERT INTO news VALUES (336, '2004-02-12', 'OLYMPIC NATIONAL PARK TO AIRLIFT PREFABS TO WILDERNESS AREAS', 'Wilderness Act Violations Cited', 'Washington, DC -- The Olympic National Park is preparing to airlift prefabricated buildings into its wilderness areas in violation of the Wilderness Act, according to Public Employees for Environmental Responsibility (PEER).

The two structures are three-sided cabins, called trailside shelters, and would be hoisted into the park\'s backcountry by Chinook helicopters. These new shelters would replace two collapsed historic shelters that the park had allowed to deteriorate. According to the park, repairing the old shelters was rejected because it would "not be healthful, productive, or esthetically and culturally pleasing to most ONP visitors or staff."

Regardless of the aesthetics, what Olympic National Park proposes violates the Wilderness Act, the fundamental statute that governs how the Park Service administers Congressionally designated wilderness of Olympic and other national parks. Section 4(c) of the Wilderness Act categorically prohibits erecting "structures" in wilderness. The only exception is "as necessary to meet the minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the

health and safety of persons within the area)."

While the Wilderness Act also makes allowance for historic structures, the buildings that Olympic wants to airlift are brand new. Nor can these prefabs be considered replicas of original shelters that once occupied the sites since they differ from the historic structures in significant ways. Fifteen years after wilderness designation at Olympic, the park has yet to produce a required management plan to guide administrative actions in wilderness.

"What part of wilderness doesn't Olympic understand?" asked PEER Board member Frank Buono, a former long-time Park Service Manager. "The National Park Service is supposed to safeguard the wilderness character of its back country, but at Olympic, the park itself would become the chief violator."

"Flying new buildings with heavy-lift helicopters is a misguided way to manage one of our country's premier wilderness parks," adds Tim McNulty of Olympic Park Associates, a conservation group that focuses on the park. "With nearly a million dollars of flood-destroyed trails and bridges this winter, there has to be a better use for limited dollars."

According to its proposal, Olympic National Park has spent over \$100,000 on the prefabs (plus another planned 50,000 for flights), even though the environmental assessment is not final and the public comment period extends to February 27.

"Talk about buying the horse before pricing the cart, Olympic National Park went ahead and built these structures before seeking public comment," added Buono. "Every time the Park Service uses taxpayer dollars frivolously or illegally, it undercuts the argument that the parks would be OK if we just get Congress to appropriate more funds for them."

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[http://www.nps.gov/olymp/ea/shelter\\_repair/index.htm](http://www.nps.gov/olymp/ea/shelter_repair/index.htm) Read Olympic National Park's plan to airlift prefabs to wilderness areas

[View PEER's comments citing violations of the Wilderness Act](http://www.nps.gov/olymp/ea/shelter_repair/index.htm?php=print&docdir=/wa/laitnerletter.pdf)

If you wish to register your concerns about this project, you may do so by writing to: Superintendent, Olympic National Park 600 East Park Avenue, Port Angeles, Washington 98362

INSERT INTO news VALUES (337, '2004-02-19', 'U.S. SPECIAL COUNSEL ENTERS CHIEF CHAMBERS CASE', 'Investigation into Legality of Don Murphy's Actions Against Park Police Chief', ' <p>Washington, DC -- The U.S. Office of Special Counsel has opened an investigation into the proposed removal of U.S. Park Police Chief Teresa Chambers, according to a letter released today by Public Employees for Environmental Responsibility (PEER). In accepting jurisdiction over the case, the Office of Special Counsel (OSC) has found that, as a matter of law, statements by Chief Chambers to both Congress and the media fall within the Whistleblower Protection Act and other free speech laws.</p><p>The investigation will determine whether Deputy Parks Service Director Donald Murphy improperly stripped Chief Chambers of law enforcement authority and put her on administrative leave within days of a Washington Post article quoting the Chief admitting staffing shortfalls in Park Police coverage of local parks and parkways. One week after taking those actions, Murphy offered to forego any charges and fully restore Chief Chambers if she would agree to a "gag order" giving Murphy control as to "contact and content" of all future communications with Congress or the media. After Chief Chambers refused the offer, Murphy proposed to terminate the Chief on the basis of her statements, as well as a handful of other allegations, most several months old, that Murphy labeled "insubordination."</p><p>OSC acts as the guardian of the federal "merit system," the code that ensures fair and legal treatment of civil servants. If OSC finds that Murphy acted in reprisal against legally protected disclosures, OSC can move to have Chief Chambers restored as well as bring disciplinary action against Murphy for taking "a prohibited personnel action." In the interim, OSC can also seek a "stay" that prevents further action against Chief Chambers and

can also seek to have her go back to work until the matter is resolved.

For more than a month since Chambers filed a rebuttal of Murphy's accusations, the Department of Interior, the Park Service's parent agency, has been struggling to decide what to do with Murphy's allegations. OSC's intervention may take matters out of Interior's hands.

"It is time to end this horror show and let Chief Chambers go back to work," stated PEER Executive Director Jeff Ruch, noting that Murphy acted to seize Chief Chambers' badge and gun and place her under armed escort on the 25th anniversary of Chief Chambers swearing in as a police officer. "Chief Chambers has been under virtual house arrest for more than two months for the alleged crime of telling the truth."

In past years, OSC has accepted only approximately 10% of the retaliation complaints it receives for investigation. Once it accepts the case, OSC then often attempts settlement. Failing settlement, if OSC verifies the facts as alleged by the employee, it can litigate before the civil service court, the Merit Systems Protection Board, to vindicate the employee and punish the retaliating manager.

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[Read the letter from OSC](=?php print $cfg->campaigndir;?>/chiefchambers/OSC_Letter.pdf) announcing an investigation into the treatment of Chief Chambers

[See the legal memo](=?php print $cfg->campaigndir;?>/chiefchambers/amicusbrief.php) outlining the illegality of the "gag orders" issued against Chief Chambers

[View other relevant material](=?php print $cfg->campaigndir;?>/chiefchambers/index.php) in Chief Chambers' case

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INSERT INTO news VALUES (338, '2004-02-26', 'NATIONAL PARK SERVICE EMBRACES CREATIONISM', 'Creationist Book Re-Ordered & Offered as "Natural History; Geologists Rebuffed', ' <p>Washington, DC -- The leadership of the National Park Service is ignoring calls by its own senior scientists to withdraw approval for a creationist book now being sold in park facilities, according to documents released today by Public Employees for Environmental Responsibility (PEER). Instead, the book, which claims that the Grand Canyon is only 6,000 years old, has been re-ordered and is being marketed on the web as "natural history."</p><p>A review by Park Service geologists not only found the book wildly inaccurate but that its sale violated agency policies and undercut its scientific education programs. On January 25, David Shaver, the Chief of the Park Service's Geologic Resources Division sent a memo to Headquarters calling for removal of the book, concluding --</p><p>"Our review of &#8230;NPS policies and Grand Canyon: A Different View, lead us to conclude that this book: does not use accurate, professional and scholarly knowledge; is not based on science but a specific religious doctrine; does not further the public's understanding of the Grand Canyon's existence; does not further the mission of the National park Service&#8230;and finally, that this book should not have been approved for sale in NPS affiliated book sales."</p><p>This past summer, the Park Service initially approved Grand Canyon: A Different View, by Tom Vail, for sale in park bookstores and museums one week after Deputy Director Donald Murphy had ordered bronze plaques bearing Psalm verses replaced at Grand Canyon. Murphy also wrote a letter of apology to the plaques' sponsors, the Evangelical Sisterhood of Mary. In August, the Grand Canyon National Park superintendent appealed to Headquarters, raising questions about the "appropriateness" of offering a book claiming that the central feature of the park developed on a biblical rather than an evolutionary time scale. Despite the controversy, the top leadership of the Park Service has --</p><ul><li>Approved ordering hundreds more copies of a book and offering it for sale on the Grand Canyon Association's internet site as "natural history;" </li><li>Blocked publication of guidance for park rangers and other interpretative staff that labeled creationism as lacking any scientific basis; and</li><li>Stonewalled requests by the Grand Canyon
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superintendent, agency geologists and others for a ruling on whether the book violated Park Service rules. </li> </ul> <p>"In order to avoid offending Christian fundamentalists, the National Park Service has been forced to adopt a position of geologic agnosticism," stated PEER Executive Director Jeff Ruch, noting that the Grand Canyon National Park no longer offers an official estimate of the age of the Canyon. "On the same basis that public schools do not approve creationist books as science textbooks, the National Park Service has no business promoting Christian ideology masquerading as science."</p><p align="center">### <p align="center"><a href="<?php print \$cfg->campaigndir;?>/faith-based/shaverletter.pdf">Read the memo from the head of the NPS Geological Resources Division</a></p><p align="center"><a href="http://www.grandcanyon.org/bookstore/index.cfm?fuseAction=detail&sku=20386&keywords=&category=Natural%20History&operand=OR&priceRange=">See the Grand Canyon\'s online promotion for the book in its "Natural History" section</a></p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/faith-based/index.php">Learn more about the growing "Faith-Based Parks" movement within the top echelons of the Bush Administration</a></p>', '', 'NPS', 2);

INSERT INTO news VALUES (339, '2004-03-03', 'GROWING MANAGEMENT VACUUM HURTING PARK POLICE', 'Extended Limbo for Chief Chambers Paralyzes Force & Sparks Resignation', ' <p>Washington, DC -- The United States Park Police is suffering an unprecedented disruption of its leadership at a critical time when its strategic plan, budget and senior staffing are all in flux, according to Public Employees for Environmental Responsibility (PEER). As Chief Teresa Chambers is about to enter her fourteenth week on administrative leave and with Acting Chief Ben Holmes announcing his retirement, the nation\'s oldest federal uniformed police force faces an indeterminate period without fixed leadership.</p><p>For one Park Police Officer, the situation has caused him to resign. Officer Bleu Lawless, one of the few Park Police Officers who is also an attorney, notified his chain-of-command of his decision to leave:</p><p>"I would like to emphasize that my experience with the U.S. Park Police has been nothing but positive. This is, by far, the best job I have ever had&#8230;However, when Chief Chambers was suspended I began to rethink my career options&#8230;The recent unfair treatment of Chief Chambers creates enough doubt in my mind about my future as a U.S. Park Police Officer to justify a career change."</p><p>In addition to growing uneasiness in the ranks, this leadership vacuum is occurring at a time when the U.S. Park Police (USPP) can least afford it --</p><ul><li> Key decisions about security at the Statue of Liberty and the National Mall are occurring without the Park Police, the force responsible for protection of both the public and the monuments, having a decision-making role;</li><li> The USPP is in the middle of a restructuring and strategic planning process; and</li><li> Without an advocate, the USPP proposed budget for the upcoming fiscal year fell far short of identified needs. </li> </ul> <p>"If the political appointees at the National Park Service had actually intended to destroy U.S. Park Police morale and cohesion, they could not have done a better job," commented PEER Executive Director Jeff Ruch, noting that the severe shortage of personnel is forcing the U.S. Park Police to daily make decisions amounting to law enforcement triage, as it balances its array of traditional duties with new anti-terrorism responsibilities. "Ironically, Teresa Chambers was hired after a nationwide search to upgrade and modernize the United States Park Police but she is being prevented from accomplishing that mission."</p><p>Eight weeks into its review of Chief Chambers\' response, the Department of Interior, the parent agency for the National Park Service, still has no timeline for making a decision about allegations lodged by Deputy Director Donald Murphy. In announcing the retirement of Acting Chief Holmes the National Park Service indicated that it would name another acting chief rather than bring Chief Chambers off

administrative leave and back to work pending resolution of this matter but no announcement has been made.

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[Follow other developments in Chief Chambers\' case](http://www.chiefchambers.com/campaigndir/?/chiefchambers/index.php), \', \', 'NPS', 1);

INSERT INTO news VALUES (340, '2004-03-04', 'ADMINISTRATION NEGOTIATES CEDING WILDLIFE REFUGE TO STATE', 'Kirwin Refuge in Kansas May Be First in a Wave; Groups Protest', ' <p>Washington, DC -- The U.S. Fish and Wildlife Service is in discussions to surrender management of a national wildlife refuge and turn it over to a state agency, according to an agency email released today by the Blue Goose Alliance and Public Employees for Environmental Responsibility (PEER). The groups are expressing concern about both the legality and wisdom of dismantling the National Wildlife Refuge System in a letter they also released today.</p><p>Established 50 years ago, the Kirwin National Wildlife Refuge is a prime bird-watching site, providing spring and fall habitats for an array of migratory species. Covering nearly 11,000 acres, Kirwin NWR is the oldest and one of only four national wildlife refuges located in the State of Kansas.</p><p>The National Wildlife Refuge System now encompasses 542 refuges covering more than 96 million acres. An action by the Fish and Wildlife Service (FWS) to divest itself of a refuge would be without modern precedent. Nonetheless, according to an FWS email from its Midwest Regional Office -- </p><p>"[W] e have assessed the management potential of the Refuge for migratory birds and threatened and endangered species (federal&#8216;trust resources\'). The fundamental biology indicates that the management potential for trust resources is limited. Consequently, our Regional Office has determined that it is appropriate to discuss future management options with the Kansas Dept. of Wildlife and Parks and the US Bureau of Reclamation."</p><p>"This stated rationale for dropping Kirwin out of the National Wildlife Refuge System could be applied to scores of refuges across the country," commented PEER Refuge Keeper Gene Hocutt, a former long-time refuge manger.</p><p>Although Kirwin NWR is suffering from years of drought affecting much of Kansas and states further south it remains the only water/uplands habitat in a wide surrounding area committed to refuge purposes. Transferring the refuge to the state could allow commercial and recreational uses incompatible with providing suitable wildlife habitat.</p><p>In a joint letter to FWS officials, Bill Reffalt, President of the Blue Goose Alliance, a conservation organization dedicated to strengthening America\'s Wildlife Refuge System and to creating a separate National Wildlife Refuge Service, argued that "efforts to remove Kirwin National Wildlife Refuge [violate] Refuge System law, would set an unwise and dangerous precedent, do not give adequate consideration to the contributions Kirwin makes to its establishing purposes and the NWRS mission, and would provide no savings while contributing to a loss of scarce water-related prairie habitats."</p><p align="center"><strong>### <p align="center"><a href="http://www.chiefchambers.com/docs/nwr/kirwinletter.php">Read the joint Blue Goose Alliance/PEER letter</a></p><p align="center"><a href="http://www.chiefchambers.com/docs/nwr/kirwinemail.php">View the FWS Region 6 email announcing negotiations to divest Kirwin NWR</a></p>', 'KS', 'FWS', 0);

INSERT INTO news VALUES (341, '2004-03-09', 'CELL PHONE TOWER AT OLD FAITHFUL IS AN EYESORE', 'Tower Illegal; Wyoming Files Complaint', ' <p>Washington, DC -- In violation of the law and without required public notice, the National Park Service has allowed the construction of an 80-foot cell phone tower looming over Old Faithful in Yellowstone National Park, according to documents released today by Public Employees for Environmental Responsibility (PEER).</p><p>Unshielded by trees and without any attempt at camouflage, the stark, silvery pole and its three antennas are clearly visible from much of what has been legally designated as the Old Faithful Historic District. </p><p>In a letter dated January 7, 2004,

Judy Wolf of the Wyoming State Historic Preservation Office wrote to the National Park Service (NPS) at Yellowstone urging that the NPS "reduce or eliminate this adverse effect" caused by the large cell phone tower in the Old Faithful Historic District. Prompted by a complaint filed by PEER, Wolf also found that the NPS had changed the size and contours of the structure from what had been submitted to the state for review.

"Its custodians have been unfaithful to Old Faithful in a way that suggests commercial convenience matters more than protecting a public resource," stated PEER Board member Frank Buono, a former long-time National Park Service manager. "The Old Faithful viewshed is one of the most recognized assets in our national park system but it is being managed with all the care of a strip mall."

Western Wireless Corporation built the cell phone tower in the summer of 2001 with the approval of Michael Snyder of the NPS Regional Office in Denver. PEER contends that Snyder's action ignored both the intent of the Telecommunications Act of 1996 as well as violating the National Historic Preservation Act (NHPA) of 1965. Snyder also shirked one of the prime directives of the agency's 1916 Organic Act that the Park Service conserve park scenery.

While the Telecommunications Act of 1996 opened the door to cell towers on federal lands, Congress directed federal agencies to make appropriate regulations for preventing unsightly proliferation of towers. As the key committee report stated:

"The Committee recognizes, for example, that use of the Washington Monument, Yellowstone National Park or a pristine wildlife sanctuary, while perhaps prime sites for an antenna and other facilities, are not appropriate and use of them would be contrary to environmental, conservation, and public safety laws." (House Commerce Committee Report on H.R. 1555 [July 1995])

"By way of a lame justification, the Park Service claims that the tower is needed for emergency situations but Yellowstone has plenty of other options; safety does not require that we trash Old Faithful," Buono noted.

In addition, the Park Service failed to file a notice in the Federal Register as required by law that it was even considering approving the tower. PEER today released the draft public notice that the NPS composed but never filed.

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[Read the letter from the Wyoming State Historic Preservation Office](http://www.nps.gov/yellowstone/wycelltower.pdf)

[See the Federal Register notice that the Park Service composed but never filed](http://www.nps.gov/yellowstone/noticeletter.php), 'WY', 'NPS', 3);

INSERT INTO news VALUES (342, '2004-03-08', 'CORPORATIONS CUT DEALS TO AVOID POLLUTION PENALTIES', 'Report Examines "Consent Orders" Negotiated With DEP', 'Washington, DC -- Corporations who violate pollution laws in Florida are almost always able to negotiate their way out of paying fines, according to a report released today by Public Employees for Environmental Responsibility (PEER).

In a report entitled **Let's Make A Deal: Corporate Avoidance of Pollution Penalties in Florida**, PEER examines Florida Department of Environmental Protection (DEP) enforcement actions over the past five years. DEP almost never takes unilateral action against corporate violators. Instead, the agency works out a "consent order" with the polluter and these arrangements exhibit a clear pattern:

- Corporate violators are seldom if ever required to pay civil fines;
- Criminal charges are not pursued, even against repeat violators with long records of multiple pollution offenses; and
- In some settlements, corporate polluters are given new permits that increase the amount of pollution the companies are allowed to emit.

"Pollution pays in Florida; it is just a cost of doing business as usual," stated Florida PEER Director Jerry Phillips, a former DEP enforcement attorney. "Until the state adopts enforcement approaches that take the profits out of polluting, the DEP is just spinning its wheels."

In Florida, only individuals or "mom and pop" businesses are ordered to pay civil

finances. By contrast, corporate violators bargain with DEP to obtain alternative resolutions. In theory, these alternatives are supposed to prevent or clean-up pollution at a cost equal to or greater than the civil penalties for which they should be liable. In fact, corporations prefer these alternatives because they commonly --

- Are tax deductible, allowing corporations to minimize net costs or even come out financially ahead;
- Allow the violator to invest in plant improvements that create economic benefits for the polluter. In other words, the polluter can avoid fines by investing in capital improvements that add to the company's bottom line; and
- Often involve substantial forgiveness or reduction of the total penalty amount before calculating the value of the alternative.

In addition to other shortcomings of these penalty alternatives, avoidance of civil penalties cuts revenue going into the state Ecosystem Management and Restoration Trust Fund. This Fund is supposed to finance a wide range of pollution prevention and clean-up activities, ranging from Florida's fragile coral reefs to gritty industrial "brownfields" in Florida's cities. "Floridians lose twice with this kid glove treatment of corporate polluters: once by forfeiting penalty revenue that should be used to clean up our state and twice by having to spend their tax dollars dealing with the messes left behind by polluters who rip and skip," explained Phillips.

**Let's Make a Deal** contains specific recommendations for implementing a new, tougher enforcement policy.

### [Read Let's Make A Deal: Corporate Avoidance of in Florida](#)

[See PEER's report on the drop in penalty assessments](#)

[Look at Regional Enforcement Examples from Around the State](#), 'FL', '', 0);

INSERT INTO news VALUES (343, '2004-03-16', 'NATIONAL PARKS AIR POLLUTION PROTECTIONS SHREDDED', 'Political Appointees Overruling Scientists', '

Washington, DC -- In a series of recent actions, political appointees of the Bush Administration have undermined the law that protects air quality in the nation's parks, according to Public Employees for Environmental Responsibility (PEER). As a result, the special safeguards for visibility and breathability of the air in our National Parks have been quietly gutted without public involvement or Congressional approval. In the 1977 Clean Air Act Amendments, Congress designated nearly all National Parks as areas where existing air quality conditions may not be allowed to deteriorate in a significant way. The law allows only small increases in particulates and sulfur dioxide (SO2), called "increments." To implement this law, National Park Service (NPS) scientists establish the baseline concentrations of SO2 and particulates at any given park. The scientists then scrutinize each proposal for a new major emitting facility (such as a power plant) to determine if the emissions will increase pollutants in that park. Using sophisticated models, the scientists conclude whether the added pollutant load will exceed the allowable "increment." If so, NPS recommends that the Secretary of Interior notify the U.S. Environmental Protection Agency (or the State if it has an EPA-approved program) to deny the permit.

In three recent episodes, the Bush Administration has nullified NPS scientists' findings:

• In December 2002 NPS scientists concluded that the nearly 4,000 tons of annual sulfur dioxide emissions from a new coal-burning power plant in Roundup, Montana would adversely affect air quality and visibility at America's flagship National Park &#8211; **Yellowstone**, located 112 miles away. Rejecting the science, on January 10, 2003 Assistant Secretary of the Interior Craig Manson wrote to the State of Montana and withdrew the NPS' adverse impact determination, clearing the way for the new plant. Manson and his deputy Paul Hoffman determined that



the NPS scientists had erred in their forecast. (Manson has no scientific training; Hoffman was formerly director of the Cody, Wyoming Chamber of Commerce);

In February 2003 NPS scientists modeled the impact of the proposed new coal-fired Thoroughbred Generating Station in Kentucky and concluded that it would adversely impact Mammoth Cave National Park located 50 miles away. In the fall of 2003 Manson and Hoffman withdrew the adverse impact determination made by NPS scientists, making this the first time in the 25-year history of the 1977 Clean Air Act Amendments that a political appointee has directly overruled an NPS science based determination;

NPS scientists have long concluded that the allowable increment in pollutants had already been reached at Theodore Roosevelt National Park in western North Dakota. Thus, emissions from two new proposed coal-fired power plants would automatically be disallowed. On February 13, 2004, EPA announced that it would allow the State of North Dakota to recalculate the pollution concentrations in the area around the Park so that the increment will not have been exceeded, even with the added pollution from the two new power plants.

"National Parks are places where the public expects the best of America, and that includes clean air and distant vistas," stated PEER Board Member Frank Buono, a former long-time National Park Service manager. "It is ironic that the Bush Administration is acting to degrade a place so beloved by the great conservation President, Theodore Roosevelt."

Perhaps the most damaging Bush Administration offensive against National Parks air quality is contained within the President's "Clear Skies" Initiative. Under that plan, NPS review would be limited to proposed new major air polluters that are located within 31 miles of a National Park. The 1977 Clean Air Act Amendments empower the NPS to review all proposed new major facilities that may increase pollutant levels in a National Park no matter how far away. Under Clear Skies, neither the Thoroughbred nor the Roundup power plants would have been subject to NPS review.

"Pollutants travel much farther than 30 miles but under the Bush plan, a belching power plant 32 miles from the Grand Canyon would not even appear on the regulatory radar screen," stated Buono. "Despite its rhetorical devotion to science based decisions, in practice the Bush Administration ignores and overrules the scientific analyses of NPS career scientists. Even worse, Bush's proposal seeks to restrict NPS scientists so that their work will never again surface as a bulwark against the pollution impacts of power plants, refineries and smelters on America's pristine places."

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[http://www.npca.org/across\\_the\\_nation/visitor\\_experience/clear\\_air/default.asp](http://www.npca.org/across_the_nation/visitor_experience/clear_air/default.asp)

For a fuller account of growing air pollution threats to our National Parks

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INSERT INTO news VALUES (344, '2004-03-18', 'FOREST SERVICE DROPPING ENDANGERED SPECIES, RIPARIAN & ARCHAEOLOGICAL REVIEWS', 'Forest Service Will Self-Certify Compliance Under New "Streamline" Plan', ' Washington, DC -- The U.S. Forest Service is moving to eliminate any reviews of its actions by outside agencies for compliance with endangered species, clean water, and historical preservation laws, according to a planning memo released today by Public Employees for Environmental Responsibility (PEER). Citing what Forest Service Chief Dale Bosworth has identified as "the Four Threats" (fire risk, invasive species, un-managed recreation and loss of open space), the agency plans to jettison any consultation or other "process" it deems unrelated to "the Four Threats." Consequently, the Forest Service will end --
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- Endangered species consultation on "inland aquatic species with both Fish and Wildlife Service and NOAA-Fisheries." In addition, building on a recently finalized rule waiving Endangered Species Act consultations on fire-related activities, the Forest Service would expand this no consultation stance "to all land management activities;"
- Environmental analyses of

any herbicide applications done in the name of controlling invasive plants;  
and</li><li> Compliance with Historic Preservation Act rules requiring review by  
state agencies of protection of historical and cultural artifacts.</li> </ul>  
<p>"The Forest Service fails to grasp the difference between streamlining and  
steamrolling," stated PEER Executive Director Jeff Ruch, arguing that ending  
inter-agency consultation eliminates checks on Forest Service abuses and leads  
to more litigation because lawsuits would become the only avenue for securing  
agency compliance with resource protection laws. "The Forest Service\'s track  
record makes a powerful case for more outside review not less."</p><p>Taken  
together, this new policy takes the Forest Service in a radically different  
direction from that articulated by the previous Chief, Michael Dombeck, a  
fisheries biologist. Dombeck placed "the health of our rivers, streams and  
lakes" as the guiding principle for Forest Service management -- an ecosystem  
approach completely absent from the mechanistic formulation of "the Four  
Threats." "The Four Threats sounds more like a Maoist slogan than a coherent  
management philosophy," commented Ruch. "Healthy fish populations, water quality  
and preserving our cultural heritage are important values springing from our  
National Forests, not impediments to be overcome."</p><p  
align="center">###</p><p align="center"> <a href="<?php print \$cfg-  
>webroot;?>/docs/fs/4threats.pdf">Read the Forest Service planning  
memo</a></p>', '', 'FS', 0);

INSERT INTO news VALUES (345, '2004-03-18', 'ACTING PARK POLICE CHIEF TO RETIRE  
WITH NO SUCCESSOR NAMED', 'Chief Chambers Enters 16th Week of Paid Leave;  
Paralysis at Interior', ' <p>Washington, DC -- The Acting Chief of the U.S. Park  
Police is scheduled to retire from government service tomorrow but no successor  
has yet been named, according to Public Employees for Environmental  
Responsibility (PEER). The current Chief of the Park Police, Teresa Chambers,  
begins her 16th week on paid administrative leave while top Interior officials  
continue to delay decisions on her immediate fate.</p><p>Ben Holmes, the acting  
chief and top assistant to Chief Chambers, retires from federal service  
tomorrow, Friday, March 19, but no one knows who will fill in for Holmes or for  
how long. The U.S. Park Police, the oldest uniformed federal police force, is  
responsible for safeguarding the National Mall, monuments, such as the Statue of  
Liberty, and parks and parkways in the DC metro area.</p><p>"The Department of  
Interior is playing musical chairs with one of the country\'s top homeland  
security jobs," commented PEER Executive Director Jeff Ruch. "What a ridiculous  
way to run a railroad." Selected in 2002 following a nationwide search, Chief  
Chambers, formerly police chief in Durham, N.C., is considered one of the  
nation\'s most respected law enforcement professionals. On December 5, 2003,  
Chief Chambers was stripped of her law enforcement credentials, badge and  
sidearm following a Washington Post interview concerning staff levels and has  
remained on administrative leave ever since.</p><p>The absence of fixed  
leadership in the U.S. Park Police has led to -- </p><ul><li>A budget for the  
Park Police that does not address identified staff shortages, particularly on  
the BW Parkway and other areas experiencing surges of crimes, accidents and  
injuries;</li><li> Contrary to the recommendations of the National Academy of  
Public Administration (NAPA) to flatten the grade structure in the Park Police,  
a move by the Park Service to fill vacant positions for one major and three  
captains, undoing Chief Chambers\' efforts to adopt a leaner command structure;  
and</li><li> The placement in limbo of a new strategic plan and organizational  
structure for the U.S. Park Police that was under development by Chief  
Chambers.</li> </ul> <p>"By continuing to dither, the leadership in the  
Department of Interior is guilty of gross management malpractice," Ruch  
concluded.</p><p align="center">###</p><p align="center"><a  
href="http://www.napawash.org/Pubs/ParkPoliceFeb2004.htm">Look at the latest  
NAPA report on the U.S. Park Police</a></p><p align="center"><a href="<?php

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print $cfg->campaigndir;?>/chiefchambers/index.php">Follow other developments in Chief Chambers\' case</a></p>', '', 'NPS', 1);
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INSERT INTO news VALUES (346, '2004-03-29', 'ARMY CORPS OF ENGINEERS COMMAND CHANGE &#8211; FOR BETTER OR WORSE?', 'Gen. Flowers Tenure Called "Disastrous;" Replacement an Unknown Quantity', ' <p>Washington, DC -- President Bush has named a new Chief of Engineers to take over the troubled U.S. Army Corps of Engineers, according to an all-employee email released today by Public Employees for Environmental Responsibility (PEER). This leadership transition comes at a key time when the Army Corps of Engineers is mired in scandal and facing rising calls for reform.</p><p>Major General Carl A. Strock has been nominated to become the 51st Chief of Engineers, with an appointment to the grade of Lieutenant General, subject to confirmation by the U.S. Senate. Gen. Strock currently serves as the Director of Civil Works and recently returned from Iraq, where he was the Deputy Director of Operations for the Coalition Provisional Authority. He would replace Lt. Gen. Robert Flowers who has been Chief of Engineers since October 2000.</p><p>While the Corps figures prominently in recent controversies and pending investigations concerning the selection and oversight of Halliburton contracts in Iraq, the Corps faces ongoing domestic problems that have festered under Gen. Flowers command, including --</p><blockquote> <p>&#8226; An embarrassing number of cases of the Corps "cooking the books" in economic studies in attempts to justify large-scale construction projects. Corps cost-benefit studies on projects across the nation ranging from the Columbia River to the Delaware River have been savaged by the General Accounting Office, the National Academies of Science and even the Army\'s own Inspector General which found an inherent "conflict of interest" in Corps planning that it characterized as a form of "corruption;"</p><p>&#8226; Huge and continuing environmental cleanup problems stemming from an estimated 16,000 military ranges containing unexploded ordnance contaminating up to 40 million acres of land, an area larger than the State of Florida. The problems include shoddy Corps cleanups in violation of regulatory standards, poor or nonexistent records of work and the reluctance of military authorities to take responsibility for problems, leading EPA to characterize the cleanup of the old military ranges as having "the potential to be the largest environmental cleanup program ever to be implemented in the United States;" and</p><p>&#8226; A shrinking Civil Works budget. Under General Flowers, the Corps Civil Works budget will have decreased more than 11 percent if the President\'s budget proposed for Fiscal Year 2005 is enacted. This decline contrasts sharply with a nearly 29 percent increase in overall Federal expenditures over the same period. The President\'s Office of Management & Budget has also become a frequent critic of Corps project budget proposals.</p> </blockquote> <p>"By any objective measure, Gen. Flowers\' tenure has been disastrous," commented PEER Executive Director Jeff Ruch whose organization represents Corps employees who have disclosed many of the problems cited above. "Rather than seizing the opportunity for change and charting a new course for the Corps, Gen. Flowers instead acted as a pom-pom waving cheerleader promoting the same discredited tactics even as they became less and less defensible."</p><p>A key question in Gen. Strock\'s confirmation will be the extent to which he embraces congressional reform proposals designed to strengthen both the analytic and environmental performance of the Corps.</p><p align="center"> ###</p><p align="center"><a href="<?php print $cfg->docsdir;?>/ace/flowersemail.pdf">Read the email announcing the Strock nomination</a></p><p align="center"><a href="<?php print $cfg->docsdir;?>/ace/corps_shrinks_under_flowers.pdf">Examine the budgetary decline of the Army Corps under General Flowers</a></p>', '', 'ACE', 0);
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INSERT INTO news VALUES (347, '2004-03-31', 'LEAVITT DAMPENS EPA CRIMINAL ENFORCEMENT', 'Promised Reforms Not Implemented, Vacancies Unfilled,
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Prosecutions Falling', ' <p>Washington, DC -- In his first months in office, U.S. Environmental Protection Agency Administrator Michael Leavitt has de-emphasized the role of criminal enforcement, left a raft of key vacancies unfilled and failed to implement promised reforms of the agency\'s criminal program, according to Public Employees for Environmental Responsibility (PEER). At the same time, 2003 Justice Department figures show that EPA has the lowest rate of prosecution for any major federal agency, with fully two-thirds of its criminal cases rejected.</p><p>This February Leavitt addressed EPA\'s Criminal Investigation Division (CID) field managers saying he was "concerned" about stories he had heard about heavy-handed enforcement. Leavitt intimated that he would inject himself into criminal cases if he felt they were inappropriate.</p><p>As if underlining Leavitt\'s discouragement of enforcement, top positions in the criminal program have been left vacant since the fall:</p><ul><li>The Assistant Administrator for Enforcement and Compliance Assurance, a position requiring Senate confirmation, has been vacant since early January when J.P. Suarez resigned to take a job with Wal-Mart. No successor has been named and EPA employees have been told that the position is too controversial to attempt to fill in an election year;</li><li> The Director of the Criminal Investigation Division has been empty since October; in addition the Deputy CID Director slot is also unfilled with no recruitment process for it yet underway;</li><li> The Deputy Director of the Office of Criminal Enforcement, Forensics and Training is also open.</li> </ul> <p>Compounding this leadership vacuum, key recommendations of a major management review of EPA\'s criminal program completed last fall have not been implemented. Tightening EPA\'s referral process of cases for prosecution, adopting performance measures, engaging an independent law enforcement audit, consolidating field offices and revamping a much criticized hiring and promotion system are among the languishing reforms hailed when the management review was unveiled in December but ignored since.</p><p>"Mike Leavitt touts an approach that he calls &#8216;Enlibra,\ ' which apparently means &#8216;polluters go free\' in Latin," stated PEER Executive Director Jeff Ruch, whose organization\'s survey of EPA criminal enforcement agents last spring prompted the management review. "Enforcing anti-pollution laws requires not only trained investigators but also leadership committed to prosecution when so-called &#8216;win-win solutions\' fail to serve the public good."</p><p>Perhaps not surprisingly, EPA\'s criminal program appears adrift. According to the Executive Office of US Attorneys figures compiled by Syracuse University\'s Transactional Records Access Clearinghouse (TRAC) -- </p><ul><li> The rate of federal prosecution of EPA\'s criminal referrals has fallen to 33%, while 67% of its cases are declined for prosecution. These percentages are almost the exact opposite of overall federal averages;</li><li> EPA\'s prosecution rate is the lowest for any major federal agency, only the Small Business Administration has a rate that is lower; and</li><li> The average prison sentence resulting from EPA cases is declining to only 5 months, one-ninth the overall federal average of 45 months of post-conviction incarceration. </li> </ul> <p>The prosecution rate is a telling measure of the quality of completed investigations and whether case numbers are being inflated.</p><p>"These low prosecution rates and jail terms strongly suggest that corporations who flout anti-pollution laws will continue to enjoy competitive advantages over those companies who commit resources to environmental compliance," Ruch argued.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/FederalCriminalEnforcementEPA.pdf">See TRAC figures documenting the low and falling prosecution rates for EPA criminal cases</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/CriminalEnforcementProsecutionRate.pdf">Overall Federal Criminal Enforcement Prosecution Rate Through 2003</a></p><p align="center"><a href="<?php print \$cfg-

>webroot;?>/docs/epa/CriminalEnforcementbyAgency.pdf">Compare EPA\'s prosecution rate to the rates of other agencies</a></p><p align="center"><a href="http://www.epa.gov/compliance/resources/reports/review/oceft-managementreview.pdf">Read the EPA\'s Management Review for its Office of Criminal Enforcement</a></p>', '', 'EPA', 0);

INSERT INTO news VALUES (348, '2004-04-06', 'SPECIAL COUNSEL INTERVENES IN CHIEF CHAMBERS CASE', '45-Day Stay First Step Toward Restoration', ' <p>Washington, DC -- The Office of Special Counsel has obtained a stay protecting U.S. Park Police Chief Teresa Chambers from any adverse action for 45 days while it investigates her case. At the end of 45 days, the Special Counsel will decide whether to seek to return Chief Chambers to her job, according to Public Employees for Environmental Responsibility (PEER).</p><p>Chief Chambers has been on paid administrative leave and forbidden to work since December 5, 2003. The National Park Service proposed to dismiss Chief Chambers for speaking with news media and congressional staff about the U.S. Park Police budgetary needs and staffing levels. While Chief Chambers filed a response to those charges in early January, the Department of Interior, the parent agency of the Park Service, has not acted on the matter.</p><p>The Office of Special Counsel serves as a referee of federal civil service rules. It has obtained a promise from the Department of Interior to withhold any adverse action against Chief Chambers for 45 days (until mid-May) or until the Special Counsel finishes its investigation of the matter. Nothing, of course, would preclude the Department from returning Chief Chambers to active duty as Chief of the U.S. Park Police at any time. Today, the Special Counsel will conduct its first investigative interview with Chief Chambers who filed for relief with the Special Counsel back on January 29.</p><p>"The only thing Chief Chambers wants is to go back to work," stated PEER Executive Director Jeff Ruch whose organization is part of the Chambers legal defense team. "If the Special Counsel does not expeditiously resolve this matter, Chief Chambers will take other legal steps to force the issue."</p><p>After its investigation, the Special Counsel will decide whether to petition the civil service court, called the Merit Systems Protection Board, to order Chief Chambers restored. Left pending, however, are the charges made against Chief Chambers by Deputy Parks Director Don Murphy one week before Christmas. Murphy had earlier offered to forego all charges if Chief Chambers would agree to an unprecedented gag order, restricting her ability to answer media or congressional inquiries without screening by political appointees. Chambers, the first female Park Police chief, refused Murphy\'s offer.</p><p>In the meantime, the U.S. Park Police has been left in a vacuum, with two acting chiefs, no budgetary direction and with key structural and personnel issues adrift. In addition, the lack of honesty and prudence in the National Park Service\'s handling of its budget matters has generated intensely negative commentary from Congress, commentators and former Park Service employees.</p><p>"The treatment that Chief Chambers has endured is an abomination," added Ruch. "Unless Chief Chambers is vindicated, honesty in public service will require a profile in courage."</p><p align="center">###</p><p align="center"> <a href="<?php print \$cfg->campaigndir;?>/chiefchambers/index.php">View all the filings in Chief Chambers\' case</a></p><p align="center"><a href="http://www.honestchief.com/">See Congressional and media commentary plus roster of Chief Chambers\' supporters and individual comments written by supporters in all 50 states</a></p>', '', 'NPS', 1);

INSERT INTO news VALUES (349, '2004-04-08', 'CAN YOU HEAR ME NOW? CELL TOWERS SPREADING THROUGHOUT NATIONAL PARK SYSTEM', 'Park System Ignoring Public Notice Rules; Does Not Even Track New Towers', ' <p>Washington, DC -- The National Park System has abdicated its responsibility to protect park scenery and serenity by

opening every unit to cell tower construction, according to Public Employees for Environmental Responsibility (PEER). In addition, NPS is violating requirements that the public be notified of, and allowed to comment on, new cell towers.

In the Telecommunications Act of 1996, Congress opened the door to tower construction by directing the National Park Service to develop appropriate regulations for preventing unsightly proliferation of towers. But as of today the NPS does not --

- Know the number or location of cell towers within National Parks;
- Have a coherent policy of what are inappropriate cell tower placements, heights or configurations. It is left up to each park superintendent to decide. Even what minimal national policy that did exist expired on April 4;
- Preclude cell phone coverage in wilderness areas, meaning that soon every corner of every national park will be receiving cell phone signals.

"The National Park Service is inducing the death of solitude," stated PEER Board Member Frank Buono, a former long-time NPS manager who does not own a cell phone. "How can one commune with nature when you cannot escape the calling area\ of civilization?"

Despite the dictates of previous NPS policy and congressional intent, the public is almost never notified about applications for new cell towers nor are they allowed to comment on towers prior to construction. An examination of the Federal Register yielded only six notices of initial application and only four notices that an environmental assessment was available for review. The only NPS unit that issued both required notices was the George Washington Memorial Parkway, located in a highly urban area within the Washington, DC Metro Area.

Last month, PEER protested an illegal 100-foot cell tower that NPS approved overlooking Old Faithful in Yellowstone National Park, where again the public was shut out of the permit process. A review of Federal Communications licenses by the Forest Conservation Council shows cell towers in a number of parks, including Grand Canyon, Yosemite and Everglades National Parks, as well as Big Cypress and Mojave National Preserves. None of these facilities had the required public notices.

In response to PEER, NPS is now claiming a public safety rationale but have been unable to identify the extent or utility of emergency usage. "The Park Service has seized upon public safety as an after-the-fact pretext; the agency has not even studied its public safety communications needs," added Buono. "Of greater concern, the logic of this new public safety argument dictates cell coverage over every square inch of the National Park System -- a decision the National Park Service appeared to reach without one iota of public involvement."

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[?php print \\$cfg->campaigndir;?>/yellowstone/federal\\_register\\_notices.php](#)

See the summary of the only six Federal Register notices filed by the National Park Service

[?php print \\$cfg->campaigndir;?>/yellowstone/cell\\_in\\_park.xls](#)

View the spreadsheet of Federal Communications licensed towers in National Parks

[?php print \\$cfg->campaigndir;?>/yellowstone/directororder.php](#)

Look at the lapsed Park Service Director's Order on cell towers', 'WY', 'NPS', 3);

INSERT INTO news VALUES (350, '2004-04-09', '15-YEAR OLD WHISTLEBLOWER PROTECTION ACT IS A "FAILURE"', 'Anniversary Sees Few Protected, Paralyzing Backlogs & Fear of Retaliation', ' <p>Washington, DC -- On the eve of its 15th anniversary, the federal Whistleblower Protection Act is in shambles, cut apart by limiting court decisions, plagued by long delays with fewer civil servants winning cases than ever before, according to figures released today by Public Employees for Environmental Responsibility (PEER).</p><p>On October 10, 1989, President George H.W. Bush signed the Whistleblower Protection Act into law after unanimously passage by both houses of Congress. Congress had passed the same bill in 1988 but President Reagan pocket vetoed the legislation at the

end of his last term.

Today, despite a spate of high profile exposés by federal civil servants, the Whistleblower Protection Act has become largely irrelevant:

- Whistleblowers Rarely Win: In the last decade, whistleblowers have won only one of 85 decisions on the merits before the Federal Circuit. Since 1999, the Merit Systems Protection Board has ruled against whistleblowers in 25 out of 27 decisions on the merits;
- The Office of Special Counsel Does Not Fight For Whistleblowers: OSC, the agency that is supposed to act as the civil service "cop on the beat" has not sued on behalf of a single whistleblower in recent years. Typically, OSC will dismiss a complaint even when it finds for the whistleblower but the agency does not agree voluntarily to take corrective action; and
- Long Delays for No Results: Nearly a third of OSC's retaliation cases have been pending for more than 2 years without a result (167 of 598 cases pending in October 2002). This week the General Accounting Office issued a report faulting persistent backlogs at OSC and the absence of a strategy for reducing them.

"By just about every measure, the Whistleblower Protection Act has been a failure," stated PEER Executive Director Jeff Ruch whose organization represents federal employees who raise public health and environmental and concerns. "The few whistleblowers who win their cases do so in spite of and not because of the law."

The Bush Administration has appointed a new Special Counsel, Scott Bloch, who had been at the Justice Department's Office of Faith Based Initiatives. Bloch has vowed to end the backlogs but early indications are that OSC is reducing the backlog by simply dismissing complaints and whistleblower disclosures.

"The performance of the Office of Special Counsel has been far less than special," commented Ruch, noting that Bloch has yet to take a position on pending legislation [S 1358 (Akaka) and HR. 3281 (Platts)] to strengthen the Whistleblower Protection Act. "The last survey of federal employees showed that less than 8% of employees seeking help from OSC were even partially satisfied with the results -- a customer satisfaction rate that would put any business into bankruptcy."

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Read the GAO Report: <http://www.gao.gov/>"U.S. Office of Special Counsel--Strategy for Reducing Persistent Backlog of Cases Should Be provided to Congress" (Issued April 7, 2004)

<http://www.osc.gov/documents/reports/ar-2002.pdf>"View the latest OSC Report to Congress"

INSERT INTO news VALUES (351, '2004-04-13', 'FISH & WILDLIFE DIRECTOR OVERRULES HIS OWN SCIENTIFIC PANEL', 'Allows Continued Hunting of Rare Trumpeter Swans', ' Washington, DC -- In deciding the first appeal brought under the Data Quality Act, the Director of the U.S. Fish and Wildlife Service reversed findings by a scientific panel he convened, leaving in place a ruling that allows hunters to shoot rare trumpeter swans. Enacted in 2000, the Data Quality Act requires federal agencies to use only information meeting the highest standards of "quality, objectivity, utility and integrity."

In a letter dated March 26, 2004, FWS Director Steve Williams rejected a complaint filed by Public Employees for Environmental Responsibility (PEER) that the Service illegally relied on false information when it denied trumpeter swans legal protection last year. Nonetheless, Williams ordered the agency's work to undergo a "peer review process."

"Mr. Williams ruled the data wasn't broken but that he will fix it right away," commented PEER Executive Director Jeff Ruch, noting that FWS has not released a copy of its scientific advisory panel's findings to PEER. "This is yet another instance of politics trumping science under the Bush Administration, in this case to the detriment of the trumpeter."

PEER's complaint alleges that the Service violated the Data Quality Act when it determined that Rocky Mountain trumpeter swans do not constitute a distinct population segment, thereby blocking an effort to protect the rare swans under the Endangered Species Act from hunts in Utah, a state

squarely in the birds\' migratory flyway. PEER contends that FWS relied on an in-house report that was not peer-reviewed. The Service also ignored peer-reviewed work that contradicted their study, and misinterpreted the one peer-reviewed study they used.

According to FWS staff, the report of the scientific advisory panel the agency convened has been on Director Williams\' desk since late last year. This same staff person said that Williams put a lot of thought into his response but, in his one-page letter, Williams did not explain his reasons.

"The purpose of the Data Quality Act is to enhance the transparency of science used in the regulatory process but Director Williams has managed to make his agency\'s scientific process even more opaque," commented Ruch, whose organization already has one Data Quality Act lawsuit pending against the Army Corps of Engineers. "Director Williams should explain why he overruled his agency\'s top scientists."

At the time the decision was made, PEER released a white paper written by Service employees, titled **Swan Dive: Trumpeter Swan Restoration Trumped by Politics**, detailing how the agency contorted its biology in order to authorize swan hunters in Utah to shoot trumpeters, which had previously been protected.

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See [FWS Director\'s one page rejection of PEER\'s Data Quality Act appeal](http://www.fws.gov/docs/fws/fwswilliams_letter.pdf)

Read [PEER\'s Data Quality Act complaint](http://www.fws.gov/docs/fws/Trumpeter_DQA.pdf)

Download a copy of [Swan Dive: Trumpeter Swan Restoration Trumped by Politics](http://www.fws.gov/wp/swan_dive_full.pdf)

INSERT INTO news VALUES (352, '2004-04-14', 'MASSACHUSETTS STILL UNHEALTHY', 'Two-Year Federal-State Plan Sees Little Improvement in Commonwealth\'s Environmental Health', ' <p>Washington, DC -- Massachusetts\' waters will continue to be filthy, its air unhealthy and its natural resources degraded in a new two-year plan proposed jointly by the Commonwealth and the U.S. Environmental Protection Agency, according to documents released today by Public Employees for Environmental Responsibility (PEER). </p><p>In its plan for the 2004 and 2005 fiscal years, EPA will require very little new effort or improvement in the performance of the Commonwealth\'s environmental agencies as a condition of continued federal funding for clean air, clean water, toxic waste and wetland protection programs. The public comment period for the plan, called a Performance Partnership Agreement, ended last week. This is the last step before it is finalized. </p><p>Under the plan, the environment in Massachusetts will remain seriously compromised:</p> <blockquote> <p>&middledot; <strong>Waters Polluted</strong>. Only 9% of Massachusetts rivers are fishable and swimmable. While a staggering 78% of rivers were not even assessed, of those rivers that were assessed, none supported fish consumption, 55% do not support aquatic life and for only 27% can the waters safely come in contact with human skin; &middledot; <strong>Illegal Ozone Levels</strong>. Despite Massachusetts violating federal ozone standards, the plan has no effective means for reducing auto pollution, a significant contributor to ozone. According to documents obtained by PEER, state officials have known for several years that the test it used to measure tailpipe emission was wildly inaccurate, but EPA is not requiring the Commonwealth to fix its questionable vehicle Inspection & Maintenance program.</p>&middledot; <strong>Continuing Wetland Loss</strong>. The Commonwealth and EPA admit that "extensive illegal alternations of wetlands" have occurred over the last ten years, and plan to redirect resources away from into enforcement. However, this redirection neglects the essential function of overseeing Conservation Commission permit decisions and monitoring whether thousands of acres of restored or replicated wetlands are successfully functioning.</p> </blockquote> <p>"This two-year environmental plan lacks basic credibility, program accountability and fiscal soundness," stated New England PEER Director Kyla



Bennett, a former EPA biologist, who noted that the commonwealth has declared that steps such as better water quality monitoring are not a high enough priority to fund. "For several key anti-pollution programs, this plan is ineffective on its face, making the Performance Partnership Agreement nothing more than the mutual rubber stamping of a meaningless document."

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Read [PEER's](http://www.state.ma.us/dep/ppa/ppahome.htm) comments about the EPA-Massachusetts Performance Partnership Agreement

Look at the [EPA-Massachusetts PPA for 2004-5](http://www.state.ma.us/dep/ppa/ppahome.htm)

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INSERT INTO news VALUES (353, '2004-04-14', 'INTERIOR RE-IMPOSES GAG ORDER ON CHIEF CHAMBERS', 'No Interviews Without Permission of Don Murphy', '

Washington, DC -- The Department of Interior has ordered U.S. Park Police Chief to grant no further media interviews without official clearance, according to correspondence released today by Public Employees for Environmental Responsibility (PEER). Apparently angered at recent interviews Chief Chambers has given to a variety of local and national outlets, the Department of Interior reversed previous permission for Chief Chambers to speak freely provided she did not address the merits of her pending personnel case or represent herself as a departmental spokesperson and has re-imposed the previous gag order in its entirety.



On December 2, 2003, shortly after the Washington Post published an interview with Chief Chambers, Park Service Deputy Director Don Murphy forbade Chief Chambers from granting additional interviews. On December 5, Murphy ordered Chief Chambers to surrender her badge and gun and placed her on administrative leave. After offering to forgo all charges in return for Chief Chambers agreeing to an extended gag order, Murphy proposed to terminate Chief Chambers after she rejected his offer. In the ensuing months, The Department of Interior, the parent agency of the National Park Service, has not acted on that proposed job action, leaving Chief Chambers in legal limbo.



In late February, Pete Noone of the law firm of Avery Dooley Post & Avery and lead counsel for Chief Chambers induced the Department of Interior to narrow the scope of the "no interview order," such that no gag order existed, that Chief Chambers was free to speak with the press and in public, and that the Department "hoped" she would not talk about the proposed discipline or the disciplinary process.



On Monday, April 12, 2004, Jacqueline Jackson, a Deputy Solicitor with the Department of Interior, contacted Mr. Noone to indicate that "her client" had concerns about recent media interviews that Chief Chambers had given. In response to a request for written clarification, the next day Ms. Jackson sent a letter stating that the old "no interview" order was still in effect and she attached an email sent to Chief Chambers on December 2, 2003, that read:



"You are not to grant anymore interviews without clearing them with me or the director. You may not reference the President's 05 budget under any circumstances. Don Murphy"



"Gag orders are issued by managers who have something to hide," commented PEER Executive Director Jeff Ruch whose organization is part of Chief Chambers' defense team and who has handled several cases in which agencies have attempted to enforce gag orders. "This latest gag order is of questionable legality but unquestionably points to leaders futilely trying to exercise total information control rather than candor."



Ironically, Ms. Jackson, the Interior lawyer, admitted that Chief Chambers had not said anything objectionable in her recent interviews. Media requests for interviews with Chief Chambers are being directed to Don Murphy for clearance. His office number is (202) 208-3818 or 202-4621 or can be reached by email at don_murphy@nps.gov.


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[Read the written instructions prohibiting Chief Chambers from speaking to the media](http://www.state.ma.us/dep/ppa/ppahome.htm)

INSERT INTO news VALUES (354, '2004-04-15', 'U.S. SPECIAL COUNSEL ISSUES GAG ORDER TO HIS OWN EMPLOYEES', 'Prior Approval for Revealing "Sensitive Internal Agency Matters', ' <p>Washington, DC -- The U.S. Special Counsel, the principal protector of federal civil service rights, has sent what appears to be an illegal gag order to his own staff, according to a letter of protest filed today by three national whistleblower watchdog groups.</p><p>Scott Bloch, recently appointed by the Bush Administration to serve a five-year term as the U.S. Special Counsel, began his tenure by suspending agency policies protecting federal employees from discrimination on the basis of sexual orientation. Last week, in an embarrassing rebuke, the White House announced a reversal of Bloch\'s self-imposed suspension.</p><p>After complaining in media interviews about "leakers" within his own agency being responsible for the controversy that was actually triggered by Bloch ordering material removed from OSC\'s public web site, Bloch issued the following to all agency staff:</p><p>"[The] Special Counsel has directed that any official comment on or discussion of sensitive internal agency matters with anyone outside OSC must be approved in advance;"</p><p>In addition, Bloch forbade his staff from even discussing the newly restored sexual orientation anti-discrimination policy with outsiders, including other federal employees and agencies asking for guidance, and instead "simply refer them to the [new] press release on our web site as a complete and definitive statement of OSC\'s policy."</p><p>The three whistleblower protection organizations (the Government Accountability Project, Public Employees for Environmental Responsibility and the Project on Government Oversight) condemned Bloch\'s order on the grounds that his actions may violate the Whistleblower Protection Act, statutory restrictions against use of public funds to establish or enforce broad non-disclosure policies (i.e., gag orders) and constitutional free speech guarantees. "Talk about being unclear on the concept of whistleblower protection," PEER Executive Director Jeff Ruch who noted that Bloch has refused to meet to discuss agency practices. "The Special Counsel is the last official that should be issuing gag orders." "It is ironic that the nation\'s protector of whistleblowers is not protecting his own," said Danielle Brian, Executive Director of the Project On Government Oversight. "How can we in good conscience send whistleblowers to Mr. Bloch?"</p><p>"An office whose mission it is to protect whistleblowers should not be trying to gag its own would be whistleblowers," stated Louis Clark, President, Government Accountability Project. "This action strikes me as unlawful, unwise and unacceptable."</p><p align="center">###</p><p align="center">Read the joint <a href="<?php print \$cfg->docsdir;?>/osc/OSCletter.php">GAP-PEER-POGO letter of protest</a></p>', '', 'OSC', 0);

INSERT INTO news VALUES (355, '2004-04-15', 'FEDERAL PRESERVATION CHIEF CITED FOR ILLEGAL RENOVATIONS TO HISTORIC STRUCTURE', 'DC Agency Charges Park Service Assistant Director Lied to Obtain Permits', ' <p>Washington, DC -- The top preservation official in the National Park Service faces municipal charges of impropriety in renovating his own townhouse in the Capitol Hill Historic District, according to a citation released today by Public Employees for Environmental Responsibility (PEER). In a hearing scheduled for tomorrow, the District of Columbia Department of Consumer and Regulatory Affairs is seeking to revoke residential building permits issued to the federal official on two counts of "providing false statements and misrepresentations" in connection with their issuance.</p><p>John Robbins is the Deputy Director for Cultural Resources and Stewardship and manages the National Park Service\'s National Center for Cultural Resources. He is also a preservation architect. Robbins and his wife have been embroiled in controversy concerning renovation of their 19th century rowhouse on Capitol Hill in the nation\'s largest historic district. The DC Historic Preservation Review Board filed a complaint about the Robbins

renovation in 2002 charging that he violated historic preservation laws by adding a large addition to his home under a request to do roof repair and renovation.

In the ensuing investigation, the DC Department of Consumer and Regulatory Affairs executed an administrative search warrant, after Robbins refused to let the agency do an inspection, and found that "the actual scope of your [Robbins] project was a full-scale renovation of your entire residence," a level of work far beyond what was allowed under the building permit he obtained. DCCRA is proposing to revoke the building permits Robbins obtained.

Robbins' employer, the National Park Service, has taken no action against Robbins and regards the matter as a private affair that does not affect his job or bring disrepute upon the agency. This is the same National Park Service that recently suspended U.S. Park Police Chief Teresa Chambers for truthfully answering media and congressional inquiries about budget and staffing needs. "The National Park Service will apparently tolerate lying in matters of resource protection but will not tolerate the truth when it comes to itself," stated PEER Executive Director Jeff Ruch, whose organization is part of Chief Chambers' defense team. "It is difficult to take Park Service cultural preservation efforts seriously when they are under the guidance of someone who flouts rules for protection of historic structures in his own community."

"If a U.S. Park Police officer was convicted of drunk driving, even if off duty, he or she would face discipline, possibly discharge," Ruch argued. "How is this different?"

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See Notice of [http://www.nps.gov/dchistoric\\_charges.pdf](http://www.nps.gov/dchistoric_charges.pdf) Proposed Revocation of Building Permits Issued to Robbins

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INSERT INTO news VALUES (356, '2004-04-15', 'IN BUDGET BUSTING MOVE, CORPS OF ENGINEERS PROPOSES MULTI-BILLION DOLLAR MISSISSIPPI RIVER LOCK EXPANSION', 'Conservation Groups Oppose Project', '<p>To the disappointment of national and local conservation and watchdog groups, the U.S. Army Corps of Engineers (Corps) last night announced a Mississippi River management plan that is once again based on unsupported economic and river traffic data. In an interview with the press, the Corps commander, Lt. Gen. Robert Flowers, described a plan to proceed with a $2.3 billion expansion of locks on the upper Mississippi and Illinois rivers. The Corps is also expected to brief other government officials today. A draft plan will be released to the public in early May.</p><p>The groups said the Corps has not shown that the budget busting lock expansion project is needed. The groups instead urged Congress to address congestion at river locks through management measures, like river traffic scheduling. In December 2003, the National Academy of Sciences concluded that it was "not possible" to evaluate the benefits of lock expansion until an efficient system for managing waterway traffic was implemented.</p><p>The Corps continues to use faulty economic tools to attempt to justify construction of longer locks even though river traffic has not increased in more than 20 years, and has actually declined in recent years. The groups called on the Corps to develop credible economic tools to determine whether the project is needed before asking Congress to spend as much as $2.3 billion on longer locks.</p><p>"Two panels from the National Academy of Sciences have concluded that the Corps is using economic tools like unrealistic traffic forecasts that produce the wrong results." said Scott Faber, Environmental Defense Water Resources Specialist. "We should not use bad math to decide the future of a river as important to the nation as the Mississippi."</p><p>"We recognize that Mississippi River navigation plays an important role in the Midwest agricultural economy and adequately funding needs to be provided for its continued operation and maintenance," said Mark Muller with Institute for Agriculture and Trade Policy. "But spending billions of dollars on lock extensions - particularly at a time when agricultural exports have been in decline and any new exports will likely emanate from the West Coast
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and not the Gulf - is absolutely foolish." In an apparent effort to avoid such criticism, the Corps' Chief of Engineers told at least one reporter that immediate construction of seven new locks and the extension of five existing locks, was necessary because of the potential for a catastrophic breakdown in the navigation system. This rationale has never been expressed before, let alone predicted or evaluated in any Corps study. The locks and dams are also subject to regular maintenance, with \$140 million spent annually. In addition, according to the Corps, the agency has already spent \$400 million since 1975 rehabilitating the system. "This is a case of twice-cooked pork," said Jeff Ruch, Executive Director of Public Employees for Environmental Responsibility "But rather than cooking the books, the Corps has thrown out economic textbooks and is now writing fiction." PEER represents the economist who disclosed in 2000 that senior Corps officials ordered him to exaggerate the benefits of the lock expansion project. The Army Inspector General confirmed the disclosure, concluding that the Corps deceptively and intentionally manipulated data in an attempt to justify the lock expansion. "The Corps' blatant abandonment of basic benefit cost analysis to suit its construction agenda on the Mississippi is the smoking gun of how the agency has been conducting business across the country," said David Conrad, Senior Water Resources Policy Specialist at the National Wildlife Federation. "The Corps simply cannot be trusted to be objective about its work and it's up to Congress to set the agency straight." The Corps also today proposed to immediately deploy helper boats at some locks to help reduce a 90-minute lockage by 20 minutes or more while the locks are constructed. "The Corps' proposal acknowledges what we have been saying for years. Small-scale measures can bring immediate relief to river users facing delays at a fraction of the cost of longer locks. By contrast, longer locks would take more than a decade to build," said Mark Beorkrem, Executive Director of the Illinois Stewardship Alliance. "We should reduce delays now by immediately implementing small-scale measures and should take the time that's needed to fairly evaluate whether we need to spend \$2.3 billion on longer locks." The groups called the Corps' proposal to link restoration efforts on the river to the \$2.3 billion lock plan a recipe for restoration failure. "The Corps' proposal would hold restoration hostage to a \$2.3 billion boondoggle," said Melissa Samet, Senior Director of Water Resources at American Rivers. "Its bad for the river and bad for the taxpayers. The health of the Mississippi is in dire straits and full scale restoration should begin as soon as possible," said Samet. "We should be restoring, not destroying, this great natural treasure," said Angela Anderson, Upper Basin Program Director for the Mississippi River Basin Alliance. "A healthy river supports more than 300,000 jobs in riverside communities & more jobs than are produced by the navigation industry and farming combined. The Corps should recognize that the needs of the living river are as important as the needs of the working river." <p align="center"> <a href="http://www.amrivers.org/doc\_repository/CorpsReform/12-10-03LetterNavigationStudy.pdf">Conservation letter on navigation study: </a></p><p align="center"><a href="http://www.amrivers.org/doc\_repository/FactSheetLongerLocks.doc">Facts about alternatives to longer locks: </a> <a href="http://www.iatp.org/enviroag/">Technology we have vs. Money we don't: </a></p><p><strong>Additional Background:</strong> The Mississippi River was listed as one of America's "Most Endangered Rivers" last week by American Rivers and numerous partner groups, and the navigation expansion project was ranked among the most threatening and wasteful Corps project in the nation in "Crossroads: Congress, the Corps of Engineers and the Future of America's Water Resources," a March 2004 report by the National Wildlife Federation and Taxpayers for Common Sense.</p><p>For years the U.S. Army Corps of Engineers (Corps) has been studying the economic justification for expanding locks and

dams on the Upper Mississippi and Illinois Rivers to accommodate more barge traffic and the environmental impacts of such expansion. In January the Corps announced their preliminary draft plan for navigation improvements and environmental restoration on these two rivers. Despite significant controversy surrounding the adequacy of the Corps\' plan, the Corps is moving forward on a tight, politically motivated timeline to complete the study by November in an attempt to obtain Congressional authorization for lock expansion in the Water Resources Development Act (WRDA) of 2004.</p><p>Although the draft plan is not expected to be made public until May, the Corps indicated to the media on April 19th that it will recommend Congress authorize 5 new and 5 extended locks on the Mississippi River and 2 new locks on the Illinois River along with some smaller scale elements. If the Corps gets everything it asks for, the project will cost some \$2.3 billion dollars. The Corps has also proposed linking efforts to restore portions of the river to the lock construction proposal. Though no specific restoration plan has been proposed, efforts would include changing how the Corps manages water levels; restoring backwaters, side channels and islands; and building fish passages at selected locks in an attempt to restore portions of the river ecosystem that have been lost in large as a result of the navigation system on the River. The Corps is proposing a restoration framework estimated at about \$5.3 billion.</p>', 'IL', 'ACE', 0);

INSERT INTO news VALUES (357, '2004-04-23', 'PETITION FILED TO LIST NEVADA BUTTERFLY AS ENDANGERED SPECIES', 'Bush BLM failing to protect Sand Mountain blue from intensive off-road vehicle harm', '<p>RENO -- A coalition of conservation groups today filed a scientific petition with U.S. Interior Secretary Gale Norton in Washington DC to list the Sand Mountain blue butterfly (Euphilotes pallescens arenamontana) as a threatened or endangered species under the Endangered Species Act, and designate critical habitat for its survival, conservation and recovery.</p><p>The butterfly is entirely dependent on approximately 1000 acres of Kearney buckwheat shrub habitat at Sand Mountain, in the Great Basin desert east of Fallon, Nevada, which is intensively impacted by off-road vehicles (ORVs). ORVs can kill butterflies and their host plant, the buckwheat. The heavy, year-round ORV use at Sand Mountain restricts establishment of young plants essential to maintaining the habitat. Given their restricted geographic ranges, endemic species are generally considered more prone to extinction than widespread species.</p><p>"BLM has shamefully allowed Sand Mountain to be taken over by destructive off-roading, and made many political decisions to avoid upsetting off-roaders that allow continued harm to endemic species," said Charles S. Watson, Director of the Carson City-based Nevada Outdoor Recreation Association, which has been working to protect Sand Mountain since 1961. "BLM ignored earlier scientific studies of the dunes which showed off-road vehicles harmed wildlife and habitat." </p><p>Sand Mountain Recreation Area (SMRA) consists of 4,795 acres of BLM public land open to unrestricted off-road vehicle use. Sand Mountain\'s small size, lack of protective restrictions, and relative closeness to cities in Nevada and California make it a mecca for off-road vehicle enthusiasts. Habitat for this species has suffered extensive destruction and modification by ORV use.</p><p>From 1993-2003 the BLM reported a 25% increase in visitor use at the recreation area, and ORV use is still going up. This increase has contributed to a dramatic increase in the number of ORV trails through the Sand Mountain Blue habitat. The Kearney buckwheat was once pervasive in the vicinity of the dunes but in the past five years most plants have been destroyed by ORVs. The key to preserving the Sand Mountain blue butterfly is to ensure the continued existence of its host plant, Kearney buckwheat, in large enough numbers to maintain a viable population of the butterfly.</p><p>"This attractive Great Basin endemic butterfly is known to live only at Sand Mountain, but BLM is letting its only habitat be destroyed by unmanaged off-road vehicle use," said Daniel

R. Patterson, CBD Desert Ecologist. "The Sand Mountain blue butterfly is a beautiful part of our American natural heritage, and it needs full protection under U.S. law now to save it from being wiped out by off-roading."

Last spring, BLM biologists recommended a vehicle closure on the best remaining habitat at Sand Mountain to protect the Sand Mountain blue butterfly, the Kearny buckwheat and several other rare endemic species. But BLM managers decided to adopt only a voluntary encouraged route system within the sensitive species habitat, and it is not working.

Karen Schambach of Public Employees for Environmental Responsibility says the "tread lightly" signs have not worked. "When asked, BLM could not identify anywhere where voluntary off-road vehicle restrictions have worked to conserve or restore habitat, and it's not working at Sand Mountain," she said.

In fact, after nearly four months of monitoring the effectiveness of the voluntary measures, BLM concluded that noncompliance is occurring throughout the area and all routes through the habitat continue to be used by ORVs. Educational efforts and increased signage are routinely ignored as off-roaders leave the routes, often running over posted signs and using the Kearny buckwheat as ORV jumps. Therefore, the existing measures are undoubtedly ineffective, and unless more successful measures are put in place, the Sand Mountain blue butterfly's habitat will be completely destroyed. For that reason, the groups are proposing that the Sand Mountain blue butterfly and its habitat be fully protected under the Endangered Species Act.

"It is unfortunate that the BLM and ORV riders are unwilling to protect the last 1000 acres of habitat for the Sand Mountain blue," said Scott Hoffman Black, Executive Director of the Xerces Society, "We now have no choice but to take this to the next level and protect this butterfly and its habitat through the Endangered Species Act."

Nevada, the fastest-growing state in the nation, is home to a number of desert-adapted species that exist nowhere else many of which are now in direct competition with cities like Las Vegas and Reno, which are increasingly demanding vast amounts of water. Using Geographic Information Systems (GIS) technology, the Center has identified over 400 species vulnerable to extinction in Nevada. Information on species observations and habitat requirements is being used to identify areas where landscape-level protections are needed and feasible.

INSERT INTO news VALUES (358, '2004-04-26', 'OSHA TO TEST ITS OWN INSPECTORS EXPOSED TO DEADLY BERYLLIUM', 'Whistleblower Vindicated But Concerns Remain', 'Washington, DC -- Reversing a long-standing intransigence, the U.S. Occupational Safety and Health Administration is now offering blood tests to hundreds of its inspectors who have been exposed to beryllium, according to documents released today by Public Employees for Environmental Responsibility (PEER). Beryllium is an extremely toxic metal that can carry a high risk of disease following even very low exposure. Hundreds have already died of chronic beryllium disease (CBD); a fast-progressing and potentially fatal lung disease, the only known cause of which is exposure to beryllium dust.

Last year, Dr. Adam Finkel was removed from his position as OSHA Administrator for the six-state Rocky Mountain Region after protesting a decision by Assistant Labor Secretary John Henshaw to deny recommended blood screening tests and to veto informing potentially exposed individuals of the findings. An agency database indicates that as many as 500 current and former compliance officers may have been exposed to beryllium levels up to several hundred times higher than permissible levels.

Since Dr. Finkel went public with his concerns, OSHA officials have falsely reassured employees that a program was already in place ("the accusation that we have not provided medical surveillance for compliance officers who may have been exposed to beryllium is completely false," according to one agency email). In October, OSHA told the Washington Post "implementation of the new [testing] policy is already underway." Belying those

earlier claims, OSHA is now telling employees "the medical monitoring program will be implemented April 15 2004."

"OSHA's decision to offer testing completely vindicates Dr. Finkel," stated PEER Executive Director Jeff Ruch, noting that Dr. Finkel now has another position in OSHA and received a substantial financial settlement in return for withdrawing a reprisal complaint against the agency. "After much dissembling, OSHA is finally admitting that this is a serious public health issue. But public employees should not have to cast a profile in courage, as Dr. Finkel did, to induce a federal agency to protect its own workers, particularly the agency whose mission is protect American workers from these very hazards."

Notwithstanding the decision to test, OSHA's program does not --

- Target those with the highest risks and instead offers testing to nearly all the people who likely had the lowest exposures without providing key information about severity of exposure. This is like telling every DC resident that there is lead in the water when you already know which houses have the highest levels;
- Inform or offer testing to the approximately 1000 retired federal inspectors or to the active and retired inspectors who work for the 23 states who have their own OSHA programs. The retirees may have had more exposure than their active counterparts;
- Address the much larger group of private-sector workers in beryllium containing workplaces (such as foundries and dental laboratories) whose employers will not have to offer testing unless OSHA revises its 50-year-old beryllium regulation.

OSHA inspectors deserve better than the treatment they have received," added Ruch who pointed out that during the years that OSHA has delayed, the U.S. Department of Energy has tested nearly 25,000 of its people. "CBD can be a fast-moving disease and we hope no one turns out sensitized or diseased who could have learned of this four years ago when the issue was first raised."

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See [http://www.dol.gov/dol/finkel\\_webcastmemo.php](http://www.dol.gov/dol/finkel_webcastmemo.php) OSHA's announcement of beryllium testing

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Read Dr. Finkel's Disclosure [http://www.dol.gov/dol/10-9-03\\_Finkel\\_Disclosure.php](http://www.dol.gov/dol/10-9-03_Finkel_Disclosure.php)

INSERT INTO news VALUES (359, '2004-04-27', 'TAXPAYER & GREEN GROUPS SLAM MULTI-BILLION DOLLAR MISSISSIPPI RIVER PLAN', '"Twice Cooked Pork" Report Released', ' <p>A coalition of environmental and taxpayer groups today released a report detailing fundamental flaws in a \$2.3 billion proposal to expand locks on the Upper Mississippi and Illinois rivers.</p><p>The report, entitled <em><strong>Twice Cooked Pork: The Upper Mississippi River-Illinois Waterway Navigation Study</strong></em>, concludes that the U.S. Army Corps of Engineers revised study is based on "an unprecedented combination of mistakes, miscalculations and misstatements."</p><p>"This study sets a new low for water projects," said David Conrad, a water resources specialist with the National Wildlife Federation who has reviewed water projects for more than 25 years. "There is simply no study in the long, scandal-plagued history of this troubled agency that resorts to so much contortion, distortion and falsification."</p><p>Two panels of the National Academy of Sciences have found that the study is using unrealistic traffic forecasts and other faulty economic tools since the Army's Inspector General confirmed in 2001 that senior Corps officials had ordered an agency economist to cook the books to support the lock expansion project.</p><p>Nevertheless, the Corps continues to claim that expected increases in barge traffic justify the cost of seven new locks and five extended locks. The Corps also contends that the river's lock and dam system has fallen into disrepair.</p><p>"This project is like something out of a bad horror movie; every time a stake is driven through its heart it comes back bigger, uglier and more destructive than ever," stated PEER Executive Director Jeff Ruch whose organization represents whistleblowers within the Corps who have exposed problems with the project.</p><p>In fact, according to Twice-Cooked

Pork: </p><ul><li><strong>River Traffic is Declining</strong>. River traffic has been flat since 1980 and has actually declined significantly in recent years. But, the Corps assumes that traffic will grow dramatically in the next few decades. Two panels of the National Academy of Sciences have called the Corps\' traffic "scenarios" unrealistic. Corps traffic forecasts have been wrong before &#8211; most recently for Lock and Dam 26 on the Mississippi River. In fact, only 2 of 14 waterway projects constructed since World War II have attracted as much commercial traffic as the Corps predicted. </li><li><strong>Domestic Demand for Grain is Growing</strong>. The fastest growing market for American grain is domestic processing facilities such as ethanol production plants, not foreign markets. While exports have been on a flat trend line for more than two decades, value-added processing of grain has grown dramatically, creating jobs in rural communities. Two panels of the National Academy of Sciences have found that Corps studies predicting rapid growth in exports are likely to be wrong. </li><li><strong>Most Locks Have Been Recently Rehabilitated</strong>. The locks and dams are not falling into disrepair or "limping along", as the Corps contends. In fact, the Corps has spent over \$900 million rehabilitating locks and dams in recent years, extending the productive life of existing locks and dams for decades to come. </li><li><strong>Congestion Management Measures Can Relieve Congestion Now</strong>. Corps studies show that inexpensive small-scale measures like traffic scheduling and helper boats could reduce lockage times by 20 minutes or more. And, unlike new or expanded locks that will take decades to build, small-scale measures can be implemented right away. </li> </ul> <p>"The Corps\' proposal grossly overestimates future river traffic, underestimates growing domestic demand for grain, and ignores the benefits of less expensive congestion management measures like traffic scheduling," said Mark Beorkrem, executive director of the Illinois Stewardship Alliance.</p><p>"River traffic has been flat for more than two decades, and has actually fallen significantly in recent years," said Mark Muller, an economist with the Institute for Agriculture and Trade Policy. "The fastest growing market for American grain is not overseas but domestic processing facilities like ethanol plants &#8211; facilities that earn farmers more money for their grain and that create jobs in rural communities."</p><p>"Two panels from the National Academy of Sciences have concluded that the Corps is using economic tools like unrealistic traffic forecasts that produce the wrong results." said Scott Faber, Environmental Defense Water Resources Specialist. "We should not use bad math to decide the future of a river as important to the nation as the Mississippi."</p><p>"We should be restoring, not destroying, this great natural treasure," said Angela Anderson, Upper Basin Program Director for the Mississippi River Basin Alliance. "A healthy river supports more than 300,000 jobs in riverside communities &#8211; more jobs than are produced by the navigation industry and farming combined. The Corps should recognize that the needs of the living river are as important as the needs of the working river."</p><p>&quot;In his FY 2005 Budget, President Bush proposed ending all federal expenditures for the controversial Upper Mississippi River and Illinois Waterway lock expansion. Congress should heed the President\'s call for more efficient stewardship of both taxpayer dollars and our nation\'s waterways by discontinuing this pork-filled project and returning the estimated \$2.3 billion to taxpayers,&quot; stated Paul Gessing, Director of Government Affairs for the National Taxpayers Union.</p><p>&quot;The Corps is asking for a Rolls-Royce, when all they need is a Chevy,&quot; said Steve Ellis, vice president of Taxpayers for Common Sense. &quot;A decade later and \$70 million poorer, the Corps is still fixating on gold-plated pipe dreams and ignoring effective and cheaper solutions to barge congestion. Congress should reject this plan and reform the Corps.&quot; Groups issuing the report today include American Rivers, Environmental Defense, Illinois Stewardship Alliance, Institute for Agriculture and Trade Policy, Mississippi River Basin Alliance, National Wildlife Federation, Public Employees



for Environmental Responsibility Sierra Club, National Taxpayers Union, and Taxpayers for Common Sense.</p><p align="center">###</p><p align="center">Read a copy of the <a href="<?php print \$cfg->webroot;?>/docs/dol/Twice\_Cooked\_Pork.pdf">Twice Cooked Pork report</a></p>', 'IL', 'ACE', 0);

INSERT INTO news VALUES (360, '2004-04-28', 'NEW LURC COMMISSIONER HAS HISTORY OF VIOLATIONS', 'Denies Responsibility for Violations on His Watch', '<p>Millinocket, ME -- The newly appointed Commissioner for the Land Use Regulation Commission (LURC) managed towns that received multiple citations for violating the laws he will now be administering, according to documents released today by Maine Public Employees for Environmental Responsibility (PEER). LURC Commissioner James Nadeau denies all responsibility for violations committed by the Town of Eagle Lake and Winterville Plantation Town Manager for Eagle Lake and Chairman of the Board of Assessors for Winterville.</p><p>Nominated by Senator John Martin, the Agriculture, Conservation and Forestry Committee last month approved the appointment of John Nadeau to serve as the new commissioner for the LURC, which acts as the local planning and zoning board for 10.4 million acres of Maine\'s unorganized territories. Nadeau\'s confirmation came amidst denial of any wrongdoing relating to the recorded violations by the Town of Eagle Lake and Winterville Plantation during the time he served as town manager for Eagle Lake and Chairman of the Board of Assessors for Winterville.</p><p>Reflecting concern over the appointment of Nadeau, LURC staff wrote a letter on January 29, 2004, to the Governor\'s office, which stated, "One concern has arisen is the number of LURC violations Eagle Lake and Winterville Plantation have sustained connected to Nadeau in his position as selectperson." Since 1992, under Nadeau\'s leadership, Eagle Lake and Winterville have violated LURC standards on four occasions: </p><p>&middot; Winterville constructed a salt and sand shed without a permit. &middot; Winterville harvested wood in a sub-district without a permit. Nadeau signed off on a six hundred dollar penalty as part of a settlement agreement but, he has not met all of the requirements of the agreement. &middot; In 1997 Winterville operated a commercial mineral extraction pit without a permit. According to documents, "this activity continued without corrective action for several years after (violation) notification was given." &middot; In 2002, the Town of Eagle Lake, under direction of Nadeau, constructed a road extension for a bus turnaround on state property. The Town did not have a permit for the construction nor did they have a lease from the state.</p><p>Despite his municipal leadership responsibilities, Nadeau has denied involvement and on many occasions has disregarded requests by LURC to resolve the violations. In an October 2003 questionnaire from the Governor\'s office, Nadeau denied that he had ever been sanctioned or reprimanded by a professional or occupational board. During the confirmation hearings, Senator Richard Kneeland asked Nadeau if there had ever been any conflict with LURC in the past. Nadeau replied, "Not that I am aware of."</p><p>"It\'s like the fox guarding the hen house," states Tim Caverly, field director of Maine PEER. "Given Mr. Nadeau\'s position at the time of the violations, for him not to know what was going on either meant he lied or he really didn\'t know--which might be even scarier."</p><p align="center">###</p><p align="center">Read the <a href="<?php print \$cfg->docsdire;?>/me/Nadeau\_violations.doc">summary of the LURC violations committed by the Town of Eagle Lake and Winterville Plantation</a></p>', 'ME', '', 0);

INSERT INTO news VALUES (361, '2004-05-04', 'U.S. FISH & WILDLIFE BIOLOGIST CHARGES SCIENTIFIC FRAUD', 'Florida Panther Habitat and Population Data Skewed to Allow Development', '<p>Washington, DC -- According to one of its own scientists, the U.S. Fish & Wildlife Service (USFWS) is knowingly using flawed science in assessing the habitat and population of the endangered Florida

panther. Studies relied upon by FWS to make decisions about proposed development in Southwest Florida inflate panther population and inaccurately minimize habitat needs, according to a legal complaint filed jointly today by that scientist and Public Employees for Environmental Responsibility (PEER).

Andrew Eller, Jr., a 17-year USFWS biologist, has spent the past ten years working in the Florida panther recovery program. "I could no longer tolerate the scientific charade where agency officials pretended that the Florida panther was not in jeopardy," stated Eller in filing the complaint. "The conservation implications of these problems are that future generations will see the Florida panther only on personalized license plates."

The principal problems cited by the complaint include --

- Equating daytime habitat use patterns (when the panther is at rest) with nighttime habitat use patterns (when the panther is most active);
- Assuming that all known panthers are breeding adults, discounting juvenile, aged and ill animals; and
- Using population estimates, reproductive rates, and kitten survival rates not supported by field data.

"These scientific problems have been known for years by the Fish and Wildlife Service but to correct them would require that the Service actually object to mega-developments planned in the Western Everglades," stated PEER Executive Director Jeff Ruch. "The Fish and Wildlife Service is under severe pressure from its political superiors to commit scientific fraud to avoid inconveniencing campaign contributors."

The Florida panther complaint is filed under the Data Quality Act which requires each federal agency to ensure and maximize "the quality, objectivity and integrity of information" it disseminates to the public and uses to in its decision-making. FWS now has 60 days to decide whether to accept or contest the Florida panther complaint.

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Read the [complaint detailing Data Quality Act violations concerning the Florida panther by FWS](http://www.ellen.com/pantherDQchallenge.pdf), 'FL', 'FWS', 5);

INSERT INTO news VALUES (362, '2004-05-04', 'LEGAL DEFENSE FUND ESTABLISHED FOR CHIEF CHAMBERS', 'Fundraising in Anticipation of Court Fights to Restore Chief', ' Washington, DC -- A legal defense fund has been set up to finance court battles this spring to secure the return of Teresa Chambers as the Chief of the U.S. Park Police. Called the Honest Chief Fund, the account will be managed by Public Employees for Environmental Responsibility (PEER).

Unless the U.S. Special Counsel intervenes to restore her before May 31, Chief Chambers will be able to take her case directly to civil service court, the Merit Systems Protection Board. In addition, Chief Chambers will be free to begin a challenge based on First Amendment violations in federal district court.

Apart from whistleblower-related claims, Chief Chambers' legal actions arise out of unusual factual and legal circumstances, in that her case will be:

- The leading case protecting federal employees' rights to communicate with Congress;
- A First Amendment case involving speech by an official spokesperson, rather than off-duty speech, revolving around the issue of whether a public servant has the right to tell the truth when responding to a reporter's question; and
- A precedent-setting case on the abuse of summary suspension. Today, May 5, 2004, marks the start of the six month that Chief Chambers has been on paid administrative leave without any finding or decision by the Department of Interior that she did anything wrong.

Another singular aspect is that the inner workings of the Interior Office of the Solicitor have been put in evidence in the Chief Chambers matter. Associate and deputy solicitors are key witnesses to offers to forego charges and impose "gag" orders. In other words, the internal law office within the Department of Interior will be made a part of the case, allowing pre-trial discovery to penetrate areas normally off-limits.

"No expense will be spared to return Chief Chambers to work," stated PEER Communications and

Outreach Director Chas Offutt, who will be leading the fundraising drive. "We have already received several generous offers from people who wanted to help but had no way to contribute. The Honest Chief Fund will let the thousands of Chief Chambers\' supporters weigh in."

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Learn more and give to the [Honest Chief Fund](http://www.chiefchambers.com/contribute.php)

'NPS', 1);

INSERT INTO news VALUES (363, '2004-05-05', 'U.S. FISH & WILDLIFE INDOCTRINATION PROCLAIMS ITS "SCIENTIFIC EXCELLENCE"', 'All Staff Required to Watch Video and "Dialogue"', ' <p>Washington, DC -- In an effort to boost sagging staff morale, the U.S. Fish & Wildlife Service today is holding an all-staff "Town Meeting" to tout its "scientific excellence," according to a memo released today by Public Employees for Environmental Responsibility (PEER).</p><p>By this week, all agency employees have been ordered to watch a video entitled, "Science and the Service, A Tradition of Excellence." This afternoon, all employees will take part in an "interactive discussion" via telephone conference, internet connection or satellite download with Director Steve Williams. According to its announcement, the event "should generate a rich discussion of scientific practices in the past, present and future."</p><p>"Ironically, the rich tradition of scientific excellence within the Fish & Wildlife Service is being tarnished by the very people who are organizing this propaganda-fest," stated PEER Executive Director Jeff Ruch whose organization represents scores of agency scientists who have complained of political interference with biological studies. "This is like a winless baseball team trying to rally the team by celebrating its past, distant glories in order to mask its troubled present."</p><p>During the past few months, the Fish & Wildlife Service has experienced arguably its lowest points in regard to scientific credibility:</p><ul><li>Yesterday, a FWS biologist charged his agency with scientific fraud on habitat and population studies concerning the Florida panther in order to facilitate mega-developments in the Western Everglades;</li><li> Last month, Director Williams overruled a scientific panel he had convened, leaving in place a ruling that allows hunters to shoot rare trumpeter swans; and</li><li> Earlier this year, FWS summarily replaced scientists working for a decade on the Missouri River with a politically chosen team referred to as "the Wise Guys or the SWAT Team."</li> </ul> <p>"This is the same Fish & Wildlife Service that claims it lacks a sufficient budget to implement the Endangered Species Act but it does not hesitate to lavish staff time and funds on empty exercises," added Ruch. "Despite this invitation to rap with the Director, as a practical matter, any agency scientist who actually raises scientific concerns invites career homicide."</p><p align="center"><strong>### <p align="center">Read the memo on <a href="http://www.fws.gov/docs/fws/scientificexcellencepromotion.pdf">"Promotion of Scientific Excellence"</a></p><p align="center"> See the filing by<a href="http://www.fws.gov/eller/pantherDQchallenge.pdf"> USFWS biologists charging his agency with scientific fraud on the Florida panther</a></p>', '', 'FWS', 5);

INSERT INTO news VALUES (364, '2004-05-12', 'NATIONAL PARK SERVICE GAGGING ON ITS OWN TALKING POINTS', 'Park Superintendents Told to Stick to Script Praising Bush Administration', ' <p>Washington, DC -- Doing damage control on recent embarrassing disclosures, the National Park Service has directed its superintendents to obtain prior approval before they depart from "talking points" provided to them on controversial issues, according to internal emails released today by Public Employees for Environmental Responsibility (PEER).</p><p>Following revelations that park superintendents were supposed to mask budget cutbacks by calling them "service level adjustments," the National

Park Service Headquarters (Washington Office or WASO) and regional offices have been issuing scripts or "talking points" that park superintendents must follow in communicating with the media. As one directive issued last month states:

"Interviews with media regarding budget are to be consistent with WASO talking points on 'service level adjustments' issued several weeks ago. Anything more in depth needs to be 'blessed' at region or WASO level."

Perhaps not surprisingly, the official talking points paint a rosy picture of bad news or laud Bush Administration accomplishments. Recent talking point samples include --

- "Despite the challenges, NPS has fared well under President Bush"
- "The Bush Administration is committed to dramatically improving air quality"; and
- "This Administration is very committed to preserving the resources of the National Park System"

"Talking points are nothing new and are often useful but, in the past, this guidance did not come with gag orders attached," stated PEER Executive Director Jeff Ruch whose organization also represents U.S. Park Police Chief Teresa Chambers who is forbidden from granting media interviews without clearance from the Park Service Director or Deputy Director. "The Bush Administration is trying to turn every national park into a local re-election campaign office."

By contrast to the new talking point policy, the NPS media guide advises employees --

- "Don't lie. Lies are spelled with seven letters: T-R-O-U-B-L-E."
- "Don't keep secrets. Where facts are known, tell them, unless you have a good reason not to. If there is a reason to withhold facts, tell the reason."
- "Don't 'stonewall.'" [Emphasis in original]

"The reason that feel-good institutions like national parks have turned into bad news bears for the Bush Administration is solely because of misplaced attempts like this to suppress facts, hide problems and spread disinformation," Ruch added. "National park superintendents should not be forced to lie to keep their jobs."

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View the [National Park Service media guide that advises telling the truth](http://www.nps.gov/pub_aff/refdesk/sgtpa_2.pdf)

INSERT INTO news VALUES (365, '2004-05-17', 'BAY COUNTY LANDFILL POLLUTING GROUNDWATER', 'State Ignores Two Years of Inspection Reports Showing Violations', '

Washington, DC -- The Florida Department of Environmental Protection (DEP) has yet to take action on groundwater contamination spreading from the Big Wheel C & D landfill in Bay County despite more than two years of agency inspections showing high levels of aluminum, according to documents released today by Public Employees for Environmental Responsibility (PEER).

Groundwater problems in Bay County are surfacing on the heels of a grand jury report in nearby Escambia County finding persistent water pollution problems due to DEP non-enforcement. Both Escambia and Bay Counties are supposed to be overseen by the same DEP District Office, based in Pensacola.

In Bay County, DEP issued a permit to Aztec Environmental, Inc, to operate a construction and debris facility adjacent to the Steelfield Landfill. Beginning in March 2002, DEP inspection reports on the site found "aluminum was present in concentrations above the groundwater monitoring standards in all the monitoring wells." More disturbing was even higher levels of aluminum in a "background well," indicating that contaminants may have either migrated, or DEP has allowed pre-existing contamination to become worse over the years.

Exposure to excessive concentrations of aluminum is associated with bone disease, renal problems and an increased risk of Alzheimer's. The levels recorded at Steelfield were several times above state drinking water standards.

"DEP's new motto of 'More Protection, Less Process' is only half right in that the agency has no process for following up and correcting violations," stated Florida PEER Director Jerry Phillips, a former enforcement attorney for DEP who has been investigating the agency's

enforcement policies and performance for the past year. "This case is part of a larger pattern within DEP where reported violations sit for years in a limbo of non-enforcement."

Bay County is one of Florida's emerging tourist destinations, home to some of the state's most beautiful and pristine beaches. Its growing population swells each year as tens of thousands of collegians flock to Bay County for spring break.

"Pollution is contributing to a growing water crisis in Florida," added Phillips. "A lax state agency is permitting pollution to render more and more of our groundwater undrinkable and may also be creating a potential public health disaster down the road."

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Read the [summary of the DEP enforcement file at the Steelfield landfill](http://www.dep.state.fl.us/landfill/summaryofthedepeenforcementfileatthesteelfieldlandfill.pdf)

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INSERT INTO news VALUES (366, '2004-05-19', 'WHISTLEBLOWER LEAVES NATIONAL FISHERIES SERVICE', 'Biologist Cites Misuse of Science', '<p>Sacramento -- The biologist who filed a federal whistleblower complaint concerning political interference in setting water levels prior to the massive Klamath fish kill in the fall of 2002 has resigned from federal service. In a stinging letter delivered to his managers at National Oceanic & Atmospheric Administration (NOAA) Fisheries and released today by Public Employees for Environmental Responsibility (PEER) Michael Kelly accuses the agency of politicizing scientific decision-making and misleading the public.</p><p>In his resignation letter, Kelly, a federal biologist for nine years, cites a series of decisions beyond the controversial Klamath fish-kill that were taken contrary to scientific evidence and to the detriment of harmed federally protected salmon and other marine life. These actions include the decision not to list the green sturgeon, the dolphin-safe tuna decision, and the recent position counting of hatchery salmon as part of the protected "natural population." --</p><p>"My particular case is just symptomatic of this agency's failure to correctly apply science and caution to its decisions and public pronouncements. I speak for many of my fellow biologists who are embarrassed and disgusted by the agency's apparent misuse of science."</p><p>"Federal service has just lost another biologist with the integrity to speak up," stated Karen Schambach, Director of California PEER, whose organization represented Kelly in the 2002 whistleblower case. "It is becoming increasingly difficult for self-respecting scientists to continue working in agencies where politics now routinely and flagrantly trump science." Most recently, Kelly was assigned last year as the lead for a Biological Opinion on a project to convert a salt marsh at the mouth of the Eel River to a fresh water pond. The salt marsh is important juvenile rearing habitat for threatened Chinook salmon, as well as other estuary species. The salt marsh was reestablished several years ago when a levee was breached. The California Department of Fish and Game wants to rebuild the levee and drain the salt water, creating a fresh water pond that would concentrate wild ducks for hunters.</p><p>Kelly's draft Biological Opinion argues that the project would jeopardize the Chinook salmon, which is listed as "threatened" under the Endangered Species Act. Overall population trends for the Eel River reflect at least an 80 percent decline in salmon from the early 1960's, and roughly a 97 percent decline over the last century. Kelly's Regional Manager, Jim Lecky, opposed Kelly's finding. Kelly foresaw a repeat of his whistleblower ordeal two years ago.</p><p>PEER is now calling on the California Department of Fish and Game to withdraw the Eel River project from consideration. "The State of California has a public trust responsibility to act as the steward of our wildlife, including wild salmon," Schambach admonishes. "Statutes specifically directed the Department of Fish and Game to double the salmon populations by year 2000. Instead, DFG continues policies that are driving wild salmon and conscientious biologists to extinction."</p><p align="center">###</p><p align="center">Read <a href="http://www.dep.state.fl.us/landfill/summaryofthedepeenforcementfileatthesteelfieldlandfill.pdf">
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noaa/kellyresignation.pdf">Mike Kelly\'s letter of resignation</a></p><p align="center">Look at <a href="<?php print \$cfg->docsdir;?>/noaa/kellynarrative.pdf">Mike Kelly\'s disclosure concerning the Klamath water levels</a> </p>', 'ca', 'noaa', 0);

INSERT INTO news VALUES (367, '2004-05-25', 'WHALES DECIMATED BY SHIP STRIKES', 'NOAA Considering Speed Limits, Buffers and Ship Course Rules in Atlantic', '<p>Washington, DC -- The National Oceanic & Atmospheric Administration is considering adopting measures to reduce the growing toll on whale populations from collisions with ships, according to documents released today by Public Employees for Environmental Responsibility (PEER) and the Bluewater Network. Among the recommended steps are reduced ship speeds, rerouting and channel restrictions to avoid or minimize ship traffic in sensitive calving, mating and migratory areas.</p><p>Fatal collisions with ships have become a leading threat to whale survival. Ships strikes are on the rise, due to a combination of increasing coastal ship traffic, smaller crew size, bigger vessels and faster speeds. Deafening underwater noise levels also prevent whales from hearing approaching propellers:</p><ul><li>Between 20 and 35% of all whales found dead show cuts and blunt trauma consistent with a ship strike;</li><li> Ship strikes are the largest known cause of death for the endangered North Atlantic right whale, particularly calves who have undeveloped diving capability. The risk of ship collision is now also the biggest threat facing the blue whale, the largest mammal on earth; and</li><li>The vast majority of ship strikes are not reported. According to an agency database, 42 of 292 incidents were logged only because whale carcasses were pinned to the prow of ships entering harbors.</li> </ul><p>The single biggest known source of whale strikes is the U.S. Navy. When combined with the Coast Guard, federal vessels account for nearly one-quarter of reported ship strikes of whales on the planet.</p><p>"Our government\'s posture can be summed up as, &#8216;Damn the cetaceans, full speed ahead,\" stated New England PEER Director Kyla Bennett, a former federal biologist. "We routinely adopt speed limits and other traffic rules to prevent collisions on our roads but ignore the carnage at sea."</p><p>"As tankers, cruise ships and other vessels get bigger and faster, whales are more likely to get run over," said Kira Schmidt of Bluewater Network, "Reducing vessel speeds also has the added benefit of decreasing emissions that impair air quality and cause global warming."</p><p>NOAA Fisheries is in the process of developing a "Ship Strike Reduction Strategy" and anticipates publishing the Advanced Notice for Proposed Rulemaking in May. The strategy centers on the critically endangered North Atlantic right whale and involves restricting vessel speeds in designated areas, establishing seasonal buffer zones and concentrating shipping routes into a single course to lessen the likelihood of collisions with whales.</p><p>It remains unclear whether the Bush Administration will water down or delete key whale protections under pressure from the shipping industry and affected Eastern seaboard ports.</p><p>"We are closely monitoring whether the Bush Administration follows the biology or the politics in making this decision," commented Bennett whose organization is considering litigation if effective measures are not taken to reduce ship strikes.</p><p align="center">### <p align="center">Read the draft <a href="http://www.nero.noaa.gov/shipstrike/finalreport.pdf">Ship Strike Reduction Strategy </a>("Recommended Measures to Reduce Ships Strikes of North Atlantic Right Whales") </p><p align="center">View the <a href="http://www.nefsc.noaa.gov/press\_release/shipstrike03.pdf">National Marine Fisheries Service "Large Whale Ship Strike Database"</a></p><p align="center"></p><p><a href="http://www.bluewaternet.org/">Bluewater Network</a> is a national environmental group based in San Francisco that is advocating for slower vessel speeds and special routing in whale habitat, designated whale look-outs, mandatory ship reporting of whale strikes, aerial surveys of whales in shipping </p>', '', 'NOAA', 4);

INSERT INTO news VALUES (368, '2004-05-26', 'PANAMA CITY ASBESTOS VIOLATIONS IGNORED', 'Complaints of Airborne Asbestos, Illegal Dumping and Unlicensed Operations', ' <p>Washington, DC -- Ignoring its own inspection reports, citizen complaints and warnings from the county, the Florida Department of Environmental Protection (DEP) has yet to take action on airborne asbestos and illegal disposal practices at the Big Wheel Construction & Debris operation in Bay County, according to documents released today by Public Employees for Environmental Responsibility (PEER). PEER today filed asbestos enforcement complaints with both the United States, Occupational Safety and Health Administration in Jacksonville, Florida, and the DEP headquarters.</p><p>Inhalation of asbestos fibers is linked with incurable respiratory diseases. DEP inspection reports released by PEER indicate that the Big Wheel facility has been crushing asbestos debris, sending fibers into the air. The Big Wheel facility is not licensed for asbestos disposal, according to state regulations. Meanwhile, employees and members of the public were not warned to wear protective respiratory equipment on the site.</p><p>"Not only is DEP asleep at the switch but they appear to be taking sleeping pills so that they stay asleep," stated Florida PEER Director Jerry Phillips, a former enforcement attorney for DEP who has been investigating the agency\'s enforcement policies and performance for the past year. Last week Florida PEER released a report document groundwater contamination at the Big Wheel dump that echoes the findings of a grand jury report in nearby Escambia County finding persistent water pollution problems due to DEP non-enforcement. Both Escambia and Bay Counties are supposed to be overseen by the same DEP District Office, based in Pensacola.</p><p>Repeated DEP inspections dating back to September 2002 reported asbestos violations but the agency has taken no remedial or enforcement action. In addition, DEP has not followed up citizen complaints about illegal dumping at Big Wheel nor did it heed warnings from the Bay County about improper disposal of hazardous materials.</p><p>"Big Wheel is a case study in environmental malpractice by the DEP," Phillips added. "In the case of asbestos, this is not only a pollution violation, it is a public health danger."</p><p>Bay County is one of Florida\'s emerging tourist destinations, home to some of the state\'s most beautiful and pristine beaches. Its growing population swells each year as tens of thousands of collegians flock to Bay County for spring break.</p><p align="center">###</p><p align="center">Read the <a href="<?php print \$cfg->docsdir;?>/fl/BigWheelAsbestosWP.pdf">PEER report on asbestos violations at Big Wheel</a></p><p align="center">See the <a href="<?php print \$cfg->docsdir;?>/fl/OSHAcomplaint.pdf">PEER enforcement complaint to OSHS</a></p><p align="center">Look at the <a href="<?php print \$cfg->docsdir;?>/fl/DEPletter.pdf">PEER letter to DEP Headquarters</a></p><p align="center"> View summary of the <a href="<?php print \$cfg->docsdir;?>/fl/LandfillContaminatingGroundwater.pdf">DEP enforcement file on water contamination at Big Wheel</a></p><p align="center">###</p>', 'FL', '', 0);

INSERT INTO news VALUES (369, '2004-05-27', 'U.S. ARMY JETTISONS ENVIRONMENTAL COMPLIANCE', '"Severe" Environmental Cutbacks to Make Up for Budget Shortfall', ' <p>Washington, DC -- Army bases across the U.S. have been ordered to severely reduce anti-pollution and wildlife protection spending, according to an internal memo released today by Public Employees for Environmental Responsibility (PEER).</p><p>Citing mid-year fiscal shortages due to "fighting a war on several fronts, maintaining combat readiness on others, and transforming our warfighting force &#8230;being executed simultaneously," Major General Anders Aadland, head of the Army\'s new Installation Management Activity command, sent a memo to all garrison commanders on May 11 ordering immediate cutbacks in "discretionary" spending on items including personnel, travel and training, as well as the

environment. As for environmental protection, Gen. Aadland directed --</p><p>"Take additional risk in environmental programs; terminate environmental contracts and delay all non-statutory enforcement actions to FY05."</p><p>"This is an order to base commanders authorizing pollution of American soil when it saves money," stated PEER Executive Director Jeff Ruch, pointing to Gen. Aadland\'s "take additional risk" language. "Protecting America\'s land, air and water is not a secondary mission that should be shirked when budgets get tight." In his memo, Gen. Aadland notes, "All reprogramming fences are lifted to allow reprogramming of funds from environmental or other accounts restricted in previous FY04 funding guidance." While this will allow funds that Congress appropriated for specific purposes to be used for other purposes, it is not clear that Congress has approved this redirection of spending.</p><p>The Congress is now reviewing Pentagon requests for exemptions from the Clean Air Act and federal toxic control laws. This year, as in the prior two years, the Pentagon claims that these anti-pollution measures hurt military readiness and that military safeguards are sufficient to protect the environment.</p><p>"The Pentagon asking for additional environmental leeway is like the habitual drunk driver lobbying for liquor sales to be extended after midnight," commented Ruch. "The Pentagon is now the planet\'s most prolific and persistent polluter; its record makes a compelling case for more oversight, not less."</p><p>U.S. Army bases cover some 11.8 million acres in the domestic U.S., an area approximately the combined size of Vermont and New Hampshire. Military bases from all the services, called Defense lands, total some 25 million acres in the domestic U.S., an area approximately the size of the State of Kentucky.</p><p align="center"> ###</p><p align="center"> Read the <a href="<?php print \$cfg->webroot;?>docs/dod/armyslashesenvironment.pdf">environmental cutback memo from General Aadland to all Army garrison commanders</a></p>', '', 'DOD', 0);

INSERT INTO news VALUES (370, '2004-05-28', 'U.S. ARMY RESTORES ENVIRONMENTAL FUNDING', 'Money Suddenly Found One Day After Plan to Cut Revealed', '

Washington, DC -- The U.S. Army has done an about-face on plans to severely reduce anti-pollution and wildlife protection spending, according to an internal memo released today by Public Employees for Environmental Responsibility (PEER). One day after PEER released an earlier directive to all Army base commanders to cut environmental programs, the Army issued a new order countermanding it.</p><p>On May 11, citing mid-year fiscal shortages due to "fighting a war on several fronts," Major General Anders Aadland, head of the Army\'s new Installation Management Activity (IMA) command, sent a memo to garrison commanders worldwide ordering immediate cutbacks in "discretionary" spending on items including personnel, travel and training, as well as the environment. As for environmental protection, Gen. Aadland directed --</p><p>"Take additional risk in environmental programs; terminate environmental contracts and delay all non-statutory enforcement actions to FY05."</p><p>In the new memo, issued on May 27, Gen. Aadland announced the Army Budget Office has "afforded limited funding relief for some critical areas of concern." Those areas include environmental protection. Commanders are now ordered to "proceed with all programs as funded prior to [the May 11 order]; do not reduce or defer environmental projects as [previously] called for";</p><p>"What an amazing coincidence that the Army reversed course within hours of its decision to cut environmental protection becoming public knowledge," marveled PEER Executive Director Jeff Ruch. "Despite this change of plans, the Army still apparently regards protecting America\'s land, air and water as a discretionary matter that it can abandon when budgetary pressures return."</p><p>Congress is now reviewing Pentagon requests for exemptions from the Clean Air Act and federal toxic control laws. "This episode illustrates precisely why the Pentagon should not be allowed to self-certify environmental compliance," Ruch commented.</p><p>The office issuing these orders, the Installation Management command, was recently created to simplify



and flatten the chain-of-command for Army garrisons. "IMA has fattened not flattened the lines of communication," Ruch concluded.

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[See the new order reversing cuts in Army environmental programs.](http://webroot;?>/docs/dod/armyaboutface.pdf)

[Read the original environmental cutback memo from General Aadland to all Army garrison commanders](http://webroot;?>/docs/dod/armyslashesenvironment.pdf)

'DOD', 0);

INSERT INTO news VALUES (371, '2004-06-07', 'DEP GAVE PANAMA CITY DISPOSAL PERMIT TO SHELL OF COMPANY UNDER INDICTMENT', 'ompany\'s Directors Convicted of Fraud in Alabama; Assets Subject to Forfeiture', ' <p>Washington, DC -- The Florida Department of Environmental Protection (DEP) issued a permit to the Big Wheel Construction & Debris Facility in Bay County even though the company was not registered with the Florida, Department of State. Moreover, the company that owned the property at the time, Big Wheel Recycling, was under indictment for multiple counts of fraud in Alabama, according to documents released today by Public Employees for Environmental Responsibility (PEER). After the company was convicted and its assets subject to forfeiture, DEP allowed the transfer of the permit to a company (Aztec Environmental, Inc.) that has no ownership interest in the site where the disposal facility operates.

The tangled legal web of Big Wheel reached Florida in the form of one powerful attorney and one prominent businessman, both with close ties to the Jeb Bush Administration. For six months following the convictions of directors of Big Wheel in Alabama (January to July 2003), local attorneys William Harrison, Jr. and Randall McElheney were directors of the Florida company, Big Wheel Recycling of Florida. The latter company now owns the property upon which the landfill is operated.

"Florida DEP did not perform even a basic due diligence examination into the background of this company before issuing it a permit," stated Florida PEER Director Jerry Phillips, a former enforcement attorney for DEP. Florida PEER has earlier filed complaints about groundwater contamination and illegal asbestos disposal at the site. "This Big Wheel keeps on turning and with each turn something else unsavory pops out."

In addition, in December 2002, the Panama City Branch Office Manager for DEP, was removed and the person applying to replace him was told to interview with William Harrison before a decision was made on his promotion application. Following the interview with Harrison, at the same time that Harrison was a director of the Florida Big Wheel operation, Henry Hernandez was approved for the job. The environmental violations that had been previously cited by local FDEP employees were never pursued.

"Under the civil service rules that Jeb Bush has enacted, we see that the industry now has approval power over who is appointed to run the pollution police," added Phillips who has been investigating the agency\'s enforcement policies and performance for the past year. "At the same time, if a DEP employee takes enforcement action against a company with political connections, that employee\'s tenure with the agency is likely to be short lived."

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Read about the [tangled corporate web surrounding Big Wheel](http://webroot;?>/fl/BigWheelCompanies.pdf)

Read the [PEER report on asbestos violations at Big Wheel](http://webroot;?>/fl/BigWheelAsbestosWP.pdf)

View summary of the [DEP enforcement file on water contamination at Big Wheel](http://webroot;?>/fl/LandfillContaminatingGroundwater.pdf)

'FL', '', 0);

INSERT INTO news VALUES (372, '2004-06-08', 'U.S. HISTORIC PRESERVATION AGENCY TO INVESTIGATE OLD FAITHFUL CELL PHONE TOWER', 'Yellowstone Park Ignores Findings of Violations', ' <p>Washington, DC -- The National Park Service must explain why it allowed construction of a 100-foot cell phone tower over Old

Faithful in Yellowstone National Park in violation of both historical preservation laws and public notice requirements, according to a letter released today by Public Employees for Environmental Responsibility (PEER). Unshielded by trees and without camouflage, the stark, silvery pole and its three antennas are clearly visible from almost every part of the Old Faithful Historic District.

In a June 2, 2004 letter to the Yellowstone superintendent, the national Advisory Council on Historic Preservation opened a formal review of the legality of the Old Faithful cell tower. The Council, which enforces the National Historic Preservation Act, also cited the Park's failure to respond to January 7, 2004 letter from Wyoming State Historic Preservation Office urging the National Park Service (NPS) to "reduce or eliminate this adverse effect" caused by the large cell phone tower looming over the Old Faithful Historic District.

Prompted by a complaint filed by PEER, the Wyoming State Historic Preservation Office also found that the NPS had changed the size and contours of the structure from what had been submitted to the state for review. Compounding matters, the Park Service failed to file a notice in the Federal Register as required by law that it was even considering approving the tower. In fact, NPS drafted a public notice but never filed it.

"The Park Service first misrepresented what it was doing and then hid its actions from the public," stated PEER executive Director Jeff Ruch. "On top of that, the Park Service permitted the tower in one place that Congress explicitly told it not to." When the Telecommunications Act of 1996 opened the door to cell towers on federal lands, Congress directed federal agencies to make appropriate regulations for preventing unsightly proliferation of towers. As the key committee report stated:

**"The Committee recognizes, for example, that use of the Washington Monument, Yellowstone National Park or a pristine wildlife sanctuary, while perhaps prime sites for an antenna and other facilities, are not appropriate and use of them would be contrary to environmental, conservation, and public safety laws." (House Commerce Committee Report on H.R. 1555 [July 1995])**

"One of the prime directives for the National Park Service is to conserve scenery; Old Faithful is one of the most valued views in the world and deserves better care than it is receiving," added Ruch, whose organization has pushed the Park Service to develop a policy on cell tower placement rather than let telecommunication companies decide where and how many towers will be built in parks. "By any standard, the Old Faithful cell tower is an eyesore."

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Read the [letter from the Advisory Council on Historic Preservation](http://www.yellowstone/CeIlTowerLetter.pdf)

See the [letter from the Wyoming State Historic Preservation Office](http://www.yellowstone/wycelltower.pdf)

Look at the [Federal Register notice that the Park Service composed but never filed](http://www.yellowstone/noticeletter.php)

Learn more about [proliferation of cell phone towers in our national parks](http://www.yellowstone/index.php)

INSERT INTO news VALUES (373, '2004-06-07', 'UPPER MISSISSIPPI PROJECT RETURNS ONLY NICKEL ON THE DOLLAR', 'Both Barge Traffic and Congestion Continue to Drop as Senate Vote Nears', ' <p>Washington, DC -- The U.S. Army Corps of Engineers plan to double the size of the lock system on the Upper Mississippi River and Illinois Waterway will be a huge money loser for the nation, returning less than a nickel on every federal dollar invested, according to an economic analysis released today by Public Employees for Environmental Responsibility (PEER). PEER also released the latest Corps lock usage data for 2004 that show both barge traffic and lock congestion continuing to decline precipitously, accelerating a now 13-year old trend.</p><p>U.S. Senator Kit Bond (R-MO) is leading a regional

coalition of senators pushing this month for congressional authorization of the estimated \$2.4 billion navigation project. Continuing decreases in barge traffic undercut the sponsors\' central claim that the project is needed for the economic health of the region.

"The rationale behind this boondoggle could be likened to saying that the way to increase traffic on a deserted freeway is to add more lanes," stated PEER Executive Director Jeff Ruch, whose organization represents Corps economists who have criticized the cost-benefit studies the Corps is offering to justify the project. "This project is the equivalent of putting \$2 billion on a barge and lighting it on fire."

The latest year to date river traffic figures through the middle of May of 2004 show that barge traffic is off nearly 20% from last year\'s depressed levels (see figures, below). This most recent decline follows on the heels of the historic 20% decline from the traffic levels when the study re-started four years ago.

Project proponents have cited lock delays resulting from traffic congestion on the river as the principal reason to expand lock sizes from the current 600 feet long locks to 1,200 feet long locks. Yet, the Corps figures through May of this year also reveal that total vessel delays are down between 29% and 50% from last year, meaning that the delay per vessel has decreased dramatically from last year to this year. These real figures dispel any assertion that congestion per vessel is a possible cause of the traffic decreases.

Even more, there is no change in lock availability (up-time) during the navigation season evidenced in the Corps year to date data from 2003 to 2004. This fact undercuts the Corps\' latest contention that "crumbling" or "limping along" infrastructure is the cause of the ongoing traffic declines.

Using the Corps\' own cost figures, the PEER economic analysis shows that the project would lose more than \$180 million per year for the national economy under current and historic market conditions. "At a time of deepening fiscal crisis for our nation, the Upper Mississippi project represents precisely the type of destructive pork barrel money pit that we should be avoiding," Ruch concluded.

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Read the [PEER economic analysis](http://www.ace/economicanalysis.pdf)

**View the latest traffic and congestion numbers from the Corps:**

Barges Processed Year to Date through May 15th:

Year	2004	2003	Decrease
Lock	20	5839	7102 18%
2004	21	5999	7388 19%
2003	22	5993	7486 20%
2004	24	6383	7818 18%
2003	25	6407	7865 19%

Total Hours of Vessel Delay Year to Date through May 15th:

Year	2004	2003	Decrease
Lock	20	653	916 29%
2004	21	520	1044 50%
2003	22	953	1235 23%
2004	24	949	1379 31%
2003	25	936	1415 34%

INSERT INTO news VALUES (374, '2004-06-15', 'PARK SERVICE WANTS TO KNOW WHERE CELL TOWERS ARE LOCATED', 'Headquarters Creating an Inventory as Telecom Companies Target Parks', ' <p>Washington, DC -- The National Park Service is asking all its superintendents to report where existing wireless communication facilities are located in national parks, according to a memo released today by Public Employees for Environmental Responsibility (PEER). The National Park Service is collecting the information as telecommunications companies across the country are approaching parks for rights-of-way and other permits to erect cell towers and wireless equipment.

In a May 25, 2004 memo to all park superintendents, Deputy NPS Director Donald Murphy asked for an "inventory of all the existing wireless communications facilities" on park property, including cell towers, radio antennas and microwave transmitters. On April 2, 2004, the Park Service admitted, in response to a Freedom of Information Act request from PEER, "At the present time there is no database or inventory of cell sites or telecommunication equipment permitted in units of the NPS." "While collecting the information is a good, though belated, first step, the Park Service is still evading the central question, which is whether and where these facilities are appropriate on national park lands," stated PEER Executive Director Jeff Ruch,

noting that only one of the 397 units of the national park system (Golden Gate National Recreation Area) has a plan for siting cell phone towers and other telecom facilities. "The current philosophy of the Park Service is to grant commercial permits first and then perhaps question the implications later."</p><p>When the Telecommunications Act of 1996 opened federal lands to tower construction, Congress directed the National Park Service to develop appropriate regulations for preventing unsightly proliferation of towers. But the NPS does not have clear policies to help superintendents decide what is appropriate or not. As a result, decisions vary from park to park or over time in the same park as the superintendent changes. </p><p>Moreover, cell tower siting decisions are often made in a vacuum, as NPS routinely fails to notify the public about applications to erect new cell towers. Recently, for example, the public learned of applications to build three cell towers in the Great Smoky Mountain National Park from the news media, not from public notices.</p><p>"By both its failure to plan and its deference to commercial concerns, the National Park Service is on a default path to blanketing the great outdoors with wireless coverage, even in the depths of the wilds," added Ruch. "There should be an informed, national debate before the Park Service sacrifices the solitude and the scenery of our parks to the marketing plans of telecom companies."</p><p align="center">###</p><p align="center">Read the <a href="<?php print \$cfg->campaigndir;?>/yellowstone/NPSCellTowerInventory.pdf">NPS memo ordering the creation of a telecommunications facility inventory</a></p><p align="center">See the <a href="<?php print \$cfg->campaigndir;?>/yellowstone/NPSFOIAResponse.pdf">NPS response to PEER admitting lack of information and planning</a></p><p align="center"> Look at <a href="<?php print \$cfg->campaigndir;?>/yellowstone/index.php">developments on the illegal cell tower over Old Faithful and related issues</a></p>', '', 'NPS', 3);

INSERT INTO news VALUES (375, '2004-06-21', 'DEP ALTERED ENFORCEMENT ORDER FOR PANAMA CITY DISPOSAL COMPANY', 'Agency Broke Its Own Rules By Ignoring Violations', ' <p>Washington, DC -- The Florida Department of Environmental Protection (DEP) deleted counts in an enforcement order its staff had prepared for the Big Wheel Construction & Debris Facility in Bay County, according to documents released today by Public Employees for Environmental Responsibility (PEER). In ignoring the specific findings of prior inspections, the agency violated its own procedures and continued a pattern of complete non-enforcement at the troubled site.</p><p>DEP inspection reports and memoranda noted groundwater contamination, asbestos violations and improper waste disposal practices. All of these items were absent from a December 18, 2002 Warning letter sent by DEP to the operators of the Big Wheel construction and demolition operation located outside Panama City.</p><p>In a letter to the editor published on June 13 in the Panama City News Herald, DEP Northwest District Director Mary Jean Yon insisted that the agency complied with the procedures "detailed in our Compliance and Enforcement Manual." But an examination of the Big Wheel case file by PEER revealed several deviations from agency protocol &#8211; all forgiving violations found by agency inspectors. In addition, the DEP supervisor who oversaw the inspections was abruptly removed.</p><p>"Something smells at the Big Wheel dump other than the waste stream," stated Florida PEER Director Jerry Phillips, a former enforcement attorney for DEP. Florida PEER has earlier filed complaints about groundwater contamination, illegal asbestos disposal and improper permitting of the operation. "For DEP to contend that this is business as usual suggests that something is deeply amiss about the way the agency does business."</p><p>Arguably, the most serious concern overlooked by the agency was aluminum contamination of the groundwater. Other violations that disappeared from the DEP filings also included acceptance of asbestos, tires and other materials that Big Wheel C& D was not authorized to handle.</p><p>"Contrary

to public assertions from DEP managers, there is nothing in the agency files documenting that these problems were completely corrected by the operator," added Phillips. "Either the agency is keeping secret files in violation of the Sunshine Act or Ms. Yon and other DEP officials are not telling the truth about what is happening out there."

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Read about [DEP's enforcement breakdown at Big Wheel](http://www.dep.state.nh.us/fl/DroppingtheBall.pdf) Learn about [the tangled corporate web surrounding Big Wheel](http://www.dep.state.nh.us/fl/BigWheelCompanies.doc)

See the [PEER report on asbestos violations at Big Wheel](http://www.dep.state.nh.us/fl/BigWheelAsbestosWP.pdf)

View summary of the [DEP enforcement file on water contamination at Big Wheel](http://www.dep.state.nh.us/fl/LandfillContaminatingGroundwater.pdf)

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INSERT INTO news VALUES (376, '2004-06-22', 'PARKS DIRECTOR CUTS EVERYONE'S TRAVEL BUT HER OWN', 'Frenetic Drive to Visit All 388 Parks Puts Strain on Staff & Budget', ' <p>Washington, DC -- Despite a promise to cut agency travel expenses, the Director of the National Park Service is on the road almost constantly in a quest to visit every unit of the national park system, according to records released today by Public Employees for Environmental Responsibility (PEER).</p><p>During her nearly three-year tenure as NPS Director, Fran Mainella has toured more than 135 national parks, monuments and historic sites. Mainella has repeatedly expressed her desire to visit all 388 units of the system.</p><p>At a contentious March 25 hearing of the House Appropriations subcommittee overseeing the NPS budget, Mainella promised to curtail agency travel expenses that had ballooned to more than $44 million last year. Mainella's pledge to reduce travel came amid criticism of the Park Service for budget shortfalls that are threatening to cut visitor services at parks across the country.</p><p>"During normal times, no one would begrudge an agency director going out into the field to learn about agency operations," stated PEER Executive Director Jeff Ruch, who noted that many of the Mainella visits are brief "grip and grin" stopovers that staff call "Fran's Hop and Stops." "The whirlwind nature of her visits precludes any meaningful interaction, understanding or oversight. Rather than boost morale, her "show the flag" campaign merely feeds resentment by employees who are straining to do more with less." Since her March 25 congressional testimony when she pledged to cut unnecessary travel

- Mainella, frequently accompanied by staff, family members and Interior officials, has traveled virtually every week to a new park venue;
- The costs of accommodating the Director and her entourage have further taxed over-matched local park budgets; and
- While Mainella has traveled intensively, travel for field staff training, conferences and other events have been slashed. For example, the Park Service initially declined to send its traditional honor guard to Washington, DC for Police Memorial Week in May due to the new no-travel policy. The decision was reversed after an outcry from the families of slain law enforcement officers.



"In asking the park system to make sacrifices, Director Mainella should consider leading by example," added Ruch.



This week, Director Mainella will travel to Boston and visit Boston-area parks. She will also meet with the editorial board of the Boston Globe. Next week, she will travel to South Dakota to visit Wind Cave, Jewel Cave, Badlands and Mount Rushmore National Parks.



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Look at Fran Mainella's Travel Log Since March 25 Pledge to Cut Travel



Read Fran Mainella's Pledge to Visit Every Single National Park


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INSERT INTO news VALUES (377, '2004-06-28', 'PARK SERVICE SAYS WHISTLEBLOWERS WILL BE PROTECTED', 'All-Employee Memo to Counter the "Chambers Effect"', ' <p>Washington, DC -- Even as it seeks to remove its top law enforcement officer for speaking with the Washington Post, the National Park Service has issued an email to all its employees assuring them of their "absolute" right to report "wrongdoing or mismanagement," according to the memo released today by Public Employees for Environmental Responsibility (PEER).</p><p>In a message sent to all employees on June 22, 2004, the Park Service distributed a memo written by Deputy Director Donald Murphy that is dated February 20 but, curiously, has never been previously seen. In that memo, Murphy, who suspended U.S. Park Police Chief Teresa Chambers on December 5, 2003, and ordered her to surrender her badge, gun and law enforcement credentials before assigning armed agents to escort her from headquarters, wrote: </p> <blockquote> <p>I want to take this opportunity to emphasize management\'s continued commitment to all employees that they be free from all retaliation in reporting any witnessed or suspected waste, fraud, wrongdoing or mismanagement committed by anyone in the workplace. This right is absolute and shall not be impaired or obstructed by any manager, employee or other person under threat of appropriate disciplinary action.</p> </blockquote> <p>Murphy then directs employees with evidence of problems to contact the Office of Inspector General that answers to Interior Secretary Gale Norton.</p><p>"Donald Murphy offering whistleblowers protection is like Attila the Hun offering villagers shelter," stated PEER Executive Director Jeff Ruch who noted that Murphy\'s actions in the Chambers case have created a chilling effect cited by many current and former NPS employees as the "Chambers Effect." "If the Park Service wants people to believe them they should follow through on this rhetoric by actually removing managers who have obstructed\' reports of mismanagement starting with the author of this memo, Don Murphy."</p><p>Ironically, the Department of Interior, the Park Service\'s parent agency, has still not implemented a 1994 law requiring it to inform all employees of their rights under the Whistleblower Protection Act [5 U.S.C. 2302(c)]. Mr. Murphy\'s memo fails to meet this requirement because it omits important legal safeguards, including rights of employees to </p><ul><li>File disclosures of wrongdoing and complaints of retaliation outside of the Interior Department with the U.S. Office of Special Counsel;</li><li>Communicate with Congress about problems within the agency; and</li><li>Publish or speak about agency matters of public interest.</li></ul> <p>"This memo is a lame, belated effort to create a fiction that the National Park Service leadership actually cares about what its career people have to say," added Ruch.</p><p align="center">###</p><p align="center">See the <a href="<?php print \$cfg->campaigndir;?>/chiefchambers/index.php">developments in Chief Chambers\' case</a></p>', '', 'NPS', 1);

INSERT INTO news VALUES (378, '2004-06-28', 'CHIEF CHAMBERS SUES IN CIVIL SERVICE COURT TO RETURN TO WORK', 'Bid to End Legal Limbo Nearly 7 Months on Paid Administrative Leave', ' <p>Washington, DC -- U.S. Park Police Chief Teresa Chambers today filed a complaint before a federal civil service judge seeking immediate reinstatement to her job, according to a complaint released today by Public Employees for Environmental Responsibility (PEER).</p><p>On December 5, 2003, National Park Service Deputy Director Don Murphy placed Chief Chambers on paid administrative leave shortly after The Washington Post published an interview with the Chief in which she confirmed concerns about budget and staffing shortfalls. At that time, Chief Chambers was stripped of her badge, sidearm and law enforcement credentials, ordered not to grant interviews and given an armed escort out of the Interior building.</p><p>In an effort to quell the resulting furor, Murphy met with Chief Chambers on December 12 and offered to forego any effort to fire her if she would agree to a gag order allowing him prior approval of the content and

contact of any media interviews or congressional conversations. On December 18, less than one week after Chief Chambers rejected the agreement, Murphy proposed to terminate her, but the Department of Interior (the parent agency over the Park Service) still has not acted on that proposal.

"This farce has gone on long enough; it is time for Chief Chambers to go back to work," commented PEER Executive Director Jeff Ruch, whose organization will be part of the legal team headed by Peter Noone of the Belmont Massachusetts firm of Avery, Dooley, Post & Avery. "The reason the Department of Interior has not acted is that the only charges they could find to lodge against Chief Chambers don't pass the laugh test."

Today's filing before the Merit Systems Protection Board (MSPB) triggers an evidentiary hearing before an administrative judge. Prior to that hearing Chief Chambers' lawyers will have full discovery rights to secure internal documents and question top Interior officials under oath. MSPB can order Chief Chambers returned to work and, if it finds illegal personnel practices, can order an investigation leading to discipline of responsible officials.

MSPB can also order that Chief Chambers be immediately taken off administrative leave pending the outcome of the hearing and appeals. Not only does Chief Chambers vigorously contest the basis for any proposed termination but her lawyers also contend that actions taken to prevent her from communicating with Congress or the media violate several federal laws and the First Amendment.

Back in February, the U.S. Office of Special Counsel opened an investigation into the case and in April requested that Interior stay further adverse actions against Chief Chambers for 45 days while it concluded its investigation. After the 45 days had passed, it became apparent that the Special Counsel, Scott Bloch, a recent Bush appointee, would not act in a timely manner. At that point, Chief Chambers decided to exercise her own rights to pursue the matter directly. Since OSC has no direct power to remedy the situation and must itself go to the MSPB, by filing herself, Chief Chambers will not need to depend on OSC to pursue her case.

"For seven months, Chief Chambers has been kept in limbo without the ability to fight back," Ruch added, noting that Chief Chambers was required to wait at least 120 days after OSC's first involvement before filing directly with MSPB. "Now the fight has begun."

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View all the [legal developments in Chief Chambers' case](=?php print $cfg->campaigndir;?>/chiefchambers/index.php)

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INSERT INTO news VALUES (379, '2004-06-29', 'OLD FAITHFUL CELL TOWER MAY BE SHORTENED AND CAMOUFLAGED', 'Park Resists Calls for Removal', ' <p>Washington, DC -- Yellowstone National Park has informed state and federal historic preservation agencies that it is considering shortening and camouflaging the controversial cell phone tower overlooking the Old Faithful Historic District, according to a letter released today by Public Employees for Environmental Responsibility (PEER).</p><p>In a letter dated June 18, 2004, Yellowstone Superintendent Suzanne Lewis informed the federal Advisory Council on Historic Preservation that the park was considering "removing an additional 20 feet of the tower" as well as "whether or not to camouflage the tower to improve the visual quality of the site." The federal Advisory Council on Historic Preservation has opened an investigation on the legality of the cell tower for its "adverse effect" on the Old Faithful Historic District. The Wyoming State Historic Preservation Office has lodged a similar complaint against the park for erecting a structure far different than what it described in the very limited public notices it circulated.</p><p>"Shortening the tower at Old Faithful by 20 feet will not make it any less ugly, less inappropriate or less illegal," stated PEER Executive Director Jeff Ruch, whose organization has been faulting the National Park Service for allowing the telecommunication industry to determine the size and location of cell towers spreading throughout the national park system. "The superintendent is stepping around the central issue--should there
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be a cell tower at Old Faithful in the first place?" By way of explanation, Superintendent Lewis writes, "the conditions that exist today at the location are different than those that existed [when the tower was built]." Apparently, the park did not anticipate that "burned tree snags" on the site would eventually fall over or be blown down. In addition, the park itself removed some of the visual cover "during maintenance work."

Superintendent Lewis also announced a review of "the health and safety service levels for the public and the park." The park has other cell towers and cannot isolate the calls enabled by the Old Faithful tower. Nor has the park examined alternative means of communications for visitors and staff or determined whether cell phones are needed for public safety. "The most disturbing part of this after-the-fact public safety justification is that it implies that Yellowstone is willing to provide cell coverage throughout the entire park and especially in the backcountry," Ruch commented.

PEER is also targeting the exclusion of the public from decisions concerning the park. "After failing to post required notices for the tower when it was built, Yellowstone is repeating the error by doing its damage control in secret," added Ruch, who obtained Lewis's letter through a Freedom of Information Act request.

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Read the letter from [?>/yellowstone/LewisLetter.pdf](http://yellowstone/LewisLetter.pdf) Yellowstone Superintendent Suzanne Lewis

[?>/yellowstone/index.php](http://yellowstone/index.php) Trace the developments concerning the Old Faithful tower and the proliferation of cell towers through the national park system

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INSERT INTO news VALUES (380, '2004-07-01', 'WHALE PROTECTIONS RARELY ENFORCED', 'No Prosecutions for Ships Running Down Whales', ' <p>Washington, DC -- The federal government rarely takes action against ships that strike whales in violation of wildlife safeguards, according to records released today by Public Employees for Environmental Responsibility (PEER). Earlier this month, the National Oceanic & Atmospheric Administration (NOAA) proposed speed limits, no-shipping areas and designated shipping lanes in the Atlantic Ocean to protect endangered right whales but insiders contend that the agency lacks the experience or resources to enforce those rules.</p><p>"What good are the current or proposed whale protections if no one is going to enforce them?" asked New England PEER Director Kyla Bennett, a former federal biologist. "NOAA lacks the training and budget to investigate ship strikes while the Coast Guard, besides being the fifth biggest cause of ship strikes itself, has been consumed by new Homeland Security responsibilities."</p><p>Fatal collisions with ships have become a leading threat to whale survival. Ships strikes are on the rise, due to a combination of increasing coastal ship traffic, smaller crew size, bigger vessels and faster speeds. According to records compiled by PEER
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- In the Northeast Atlantic (from Virginia to Maine), there has not been a prosecution for a ship strike of a whale in more than a quarter century despite more than a score of incidents when the identity of the ship could be proven;
- A pregnant humpback was crushed to death by a ship in Alaska's Glacier Bay in July 2001, shortly after Alaska's congressional delegation overruled restrictions on the number of big cruise ships in the Bay. National Park Service investigators linked the fatality to a cruise ship and referred the matter for prosecution. The U.S. Attorney has yet to act on the case;
- Nationally, there is almost a total absence of any civil or criminal prosecution under the Marine Mammal Protection Act.

Enforcement is lacking even within the National Marine Sanctuaries that have been created specifically to shelter battered populations of marine mammals. NOAA, which operates the sanctuaries, is under attack from the shipping industry, who claims NOAA does not have the jurisdiction to mandate speed limits in marine sanctuaries.

"Without enforceable rules and the resources to



enforce these rules, marine sanctuary becomes a misnomer," added Bennett, noting that even the requirements that ships must report when they have struck whales are often unobserved.

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Read the [NOAA Northeast Region report on ship strikes from 1975-2002](http://www.nefsc.noaa.gov/press_release/shipstrike03.pdf)

View the [proposed new NOAA rules for speed limits, buffer and other measures in the Atlantic](http://www.nefsc.noaa.gov/press_release/shipstrike03.pdf)

Learn about the [growing danger to whales from collisions with ships](http://www.nefsc.noaa.gov/press_release/shipstrike03.pdf)

INSERT INTO news VALUES (381, '2004-07-01', 'COURT RULES PARK SERVICE VIOLATES WILDERNESS ACT', 'End of Motorized Vehicle Tours in Georgia\'s Cumberland Island Wilderness', '<p>The Eleventh Circuit Court of Appeals has slammed the door on the National Park Service\'s motorized sightseeing tours through the Cumberland Island Wilderness. The three judge panel ruled that the motorized tours violated both the Wilderness Act and the National Environmental Policy Act. The court wrote, &quot;The language of the Wilderness Act demonstrate[s] that Congress has unambiguously prohibited the Park Service from offering motorized transportation to park visitors through the wilderness area.&quot;</p><p>&quot;This is one of the most important rulings in the 40-year history of the Wilderness Act,&quot; stated George Nickas, Executive Director of Wilderness Watch. &quot;The court has upheld the principle tenet that protecting Cumberland\'s wilderness character comes first, and that the uses of the area must be managed in a way that doesn\'t impact its wild character. This decision is a wake-up call for the park service, which has failed to live up to its Wilderness obligations at Cumberland Island for more than two decades.&quot;</p><p>Cumberland Island, which lies off Georgia\'s southeast coast, is the largest undeveloped barrier island on the eastern seaboard. The entire island was designated as the Cumberland Island National Seashore in 1972. Ten years later Congress designated 8,800 acres of the heart of the Island\'s north end as the Cumberland Island Wilderness. The island provides shelter for over 300 species of birds and nesting sites for sea turtles, including the threatened loggerhead sea turtle. Because of its incredible ecological significance, Cumberland Island was named an International Biosphere Reserve in 1984.</p><p>Most of the popular visitor sites lie outside the Wilderness boundary on the south end of the island and tours to those areas would not be affected by the court\'s ruling.</p><p>Jonathan Dettmann, the attorney who represented the conservation groups explained, &quot;This is a tremendous victory for Cumberland Island. The court\'s ruling is right in line with what Congress had in mind when it designated the island\'s wilderness area, and it will help the Cumberland Island Wilderness become one of the true gems of the nation\'s wilderness system.&quot; </p><p>"This suit means that the National Park Service can no longer treat the Wilderness Act as a dead letter," stated PEER Executive Director Jeff Ruch, whose organization has represented a number of Park Service employees frustrated by the agency allowing development and incompatible uses of wilderness. "If motor tours were allowed in the wilds of Cumberland Island, no stretch of wilderness would be safe from similar intrusions."</p><p>Attorneys representing the conservation groups include Jon Dettmann and Anne Mahle from Faegre &amp; Benson, and Donald Stack from Stack and Associates.</p><p>###</p><p>The ruling in [Wilderness Watch v. Mainella](http://www.call.uscourts.gov/opinions/ops/200315346.pdf) can be obtained from the 11th Circuit\'s website</a></p><p>Wilderness Watch is the only national organization dedicated solely to the protection of all areas within the National Wilderness Preservation System. Wilderness Watch is based in Missoula, Montana and has an active chapter in Atlanta, Georgia. ([www.wildernesswatch.org](http://www.wildernesswatch.org)) </p><p>Public

Employees for Environmental Responsibility (PEER) is a national organization that promotes environmental ethics and government accountability. PEER works on behalf of agency resource professionals to effect fundamental change in the way their agencies conduct the public's business. (www.peer.org) </p>', 'GA', 'NPS', 0);

INSERT INTO news VALUES (382, '2004-07-09', 'CHIEF CHAMBERS SEEKS IMMEDIATE RETURN TO WORK', 'Affidavit Submitted By Chambers Discloses Need For Return And Elimination Of Gag Order', '<p>Washington, DC &#8211; Following last week's appeal of the charges and proposed discipline with the Merit Systems Protection Board, U.S. Park Police Chief Teresa Chambers took the second step today and filed a request with an administrative judge seeking immediate return to her job. Her request also sought the lifting of a gag order that has limited her ability to communicate with the public, according to documents released today by Public Employees for Environmental Responsibility (PEER).</p><p>Pursuant to the Merit System Protection Board's regulations, it is expected that Administrative Judge, Elizabeth B. Bogle, will receive evidence and arguments from both sides and rule on Chief Chambers' request within ten working days.</p><p>Presented to the administrative judge will be a detailed affidavit from Chief Chambers with attachments demonstrating the retaliatory nature of the Department of Interior's actions against her to date. The affidavit reveals that Chief Chambers made numerous disclosures to try to improve the effectiveness of the U.S. Park Police and ensure protection of the nation's important monuments and visitors. </p><p>"Chief Chambers courageously attempted to move the Park Police in a direction that was consistent with the current Administration's rhetoric about homeland security," said Mick Harrison, a noted whistleblower attorney who recently joined Chambers' legal defense team. "The Chief's disclosures to the media, Congress and Interior officials that the Administration's budget and staffing limitations were preventing the Park Police from adequately protecting public safety and national treasures prompted the National Park Service to issue a gag order and remove the Chief from her duties. If Interior chooses to litigate the case, these issues will be on the front burner."</p><p>On December 5, 2003, National Park Service Deputy Director Don Murphy placed Chief Chambers on paid administrative leave shortly after The Washington Post published an interview with the Chief in which she confirmed concerns about budget and staffing shortfalls. At that time, Chief Chambers was stripped of her badge, sidearm and law enforcement credentials, ordered not to grant interviews and given an armed escort out of the Interior building.</p><p>According to Richard Condit, PEER's General Counsel who is also a prominent whistleblower attorney, Chief Chambers was an important part of a reform effort that included dedicated officers of the United States Park Police and their Union, focused on meeting the nation's needs for improved homeland security. "Putting Chief Chambers back on the job is the best way to protect the public and our national monuments."</p><p align="center">###</p><p align="center">Read <a href="<?php print \$cfg->campaigndir;?>/chiefchambers/MotionForStay.pdf">Chambers' motion for stay that seeks to return her to work and lift the gag order</a></p><p align="center">Read the <a href="<?php print \$cfg->campaigndir;?>/chiefchambers/ChambersAffidavit.pdf">Chambers' affidavit</a></p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/chiefchambers/index.php">View other documents pertinent to Chambers' case</a></p>', '', 'NPS', 1);

INSERT INTO news VALUES (383, '2004-07-13', 'WHALE WATCHING TAKES TOLL ON WHALES', 'Whale Watching is Second Leading Cause of Ship Collisions Regulations Stalled for Four Years', '<p>Washington, DC -- The National Oceanic & Atmospheric Administration is sitting on two sets of rules to protect whales from the growing threat of death and harassment from whale watching expeditions,

according to documents released today by Public Employees for Environmental Responsibility (PEER).

Fatal collisions with ships have become a leading threat to whale survival. According to NOAA figures, whale watch boats are the second known leading cause of ship strikes of whales, second only to ship strikes by the U.S. Navy. Examples of whale watch incidents include:

- On October 10, 2001, a whale-watch vessel injured a humpback whale approximately 5 nautical miles northwest of Stellwagen Bank, MA. An abrasion 1.5 feet long by 1 inch wide was seen anterior to the whale's dorsal fin;
- A minke whale killed in Barnstable, MA on September 12, 1998 when a whale-watching vessel traveling 25 knots struck the animal. According to reports, the whale swam under the bow of the boat, an impact was felt, and the whale surfaced with a deep gash. Shortly after the hit, the whale's carcass was spotted.
- A whale-watch catamaran traveling 17 knots injured a humpback whale in Maui, HI on February 13, 2001.

"It is ironic that expeditions to appreciate wildlife may be damaging that wildlife," said New England PEER Director Kyla Bennett, a former federal biologist. "Safeguards are needed to curb the desire by some operators to let their clients closely encounter whales at the risk of harassing or harming them."

With the exception of the critically endangered North Atlantic right whale, there are no mandatory rules about how close whale watch boats may approach whales. Two efforts to codify these guidelines into enforceable rules have not moved beyond the proposal stage, despite growing evidence of harmful human-whale interactions. On January 4, 2000, NOAA placed a detailed proposal in the Federal Register that included

- Speed limits within a two-mile zone around a sighted whale;
- Rules enforced with penalties for operators violating whale watch restrictions, such as a minimum approach buffer, similar to the 500 feet clearance afforded to right whales, and;
- Special permits or certifications for whale watch vessel operators.

Two years later, on January 30, 2002, NOAA also proposed rules to prevent harassment of whales by humans on personal watercraft, kayaks and jumping off vessels to swim with whales. To date, however, neither of these proposals has been finalized.

"It is time for NOAA to stop proposing and start acting," stated Bennett, who noted that just last month NOAA also proposed speed limits, no-shipping areas and designated shipping lanes in the Atlantic Ocean to protect endangered right whales. "Voluntary guidelines are no substitute for enforceable rules."

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[http://www.nefsc.noaa.gov/press\\_release/shipstrike03.pdf](http://www.nefsc.noaa.gov/press_release/shipstrike03.pdf)

Learn about the growing threat to whales from ship strikes

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000\\_register&docid=00-87-filed.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000_register&docid=00-87-filed.pdf)

View the stalled 2000 whale watch rulemaking

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002\\_register&docid=02-2259-filed.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-2259-filed.pdf)

See the orphaned rulemaking on preventing harassment of marine mammals in the wild

<http://www.peer.org/campaigndir/?/whales/index.php>

Learn more about PEER's campaign to reduce Whale Ship Strikes

', ', 'NOAA', 4);

INSERT INTO news VALUES (384, '2004-07-13', 'RECREATION VISITS TO NATIONAL PARKS DOWN IN 2004', 'Trips to DC Monuments Offset Decline in Recreation', '

Washington, DC --Fewer people are camping and boating in our national parks this year, according to agency figures released today by Public Employees for Environmental Responsibility (PEER). After four straight years of declining visitation, overall numbers are up slightly due to people visiting monuments in Washington, DC, including such high attendance events as the March for Women's Lives in April.

According to agency tallies, recreational camping and boating are off by more than 10 percent in the first quarter of 2004, compared

with last year. Although there are gains in certain activities, such as backcountry visits, overnight stays in national parks are down for the fifth straight year.

Propelled by substantial increases in visitors to the Lincoln Memorial, the Vietnam and Korean War Veterans Memorials and other Capitol icons, overall national park visitation is up 5.3 percent or 3.1 million visits in the first four months of 2004. On the other hand, several parks, such as Olympic in Washington and the San Antonio Missions in Texas have seen major drops in visitation so far this year.

This year, the National Park Service entered into a partnership with the Travel Industry Association of America to promote visiting national parks (<http://nps.seeamerica.org/>) but if it is unclear whether this effort is paying dividends.

"The Park Service is trying to drum up more traffic in parks that lack enough funds even to operate at current levels," stated PEER Executive Director Jeff Ruch, referring to what officially euphemistically called "service level adjustments" in warning of staff reductions due to diversions of funds. "The Park Service does not have any sort of strategic plan to manage traffic at overcrowded parks or to steer people to visit under-visited parks."

One big element of growth for the national park system was increasing commuter traffic -- something termed "non-recreational use." The national park system received 48.5 million non-recreation visits in the first four months of 2004 -- a 6.4 percent increase equaling 2.9 million more commuters than in the same period of 2003. Three major Washington, DC parkways (George Washington Memorial, National Capital Parks and Rock Creek Park) alone experienced a 1.1 million visit increase in commuter traffic in the first quarter of 2004.

"The principal force for growth in the national park system is not people communing with nature but people commuting through nature to get to work or somewhere else," added Ruch. "National Park management myopically keeps a body count, with a commuter in Washington DC given the same weight as a bird watcher in Joshua Tree, without assessing what our parks are for."

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[See the park visitation figures through April 2004](#)

[View annual park visitation from 1980 through 2003](#)

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INSERT INTO news VALUES (385, '2004-07-19', 'HALLIBURTON GENERAL NOW TO SEEK FEDERAL CONTRACTS', 'Corps Revolving Door with Industry Continues to Swing', 'Washington, DC -- The U.S. Army Corps of Engineers commander who approved the controversial Halliburton contracts in Iraq is now going to work for a major private contractor seeking to expand its business with the government. The move casts further suspicion on the integrity of federal contract award decisions, according to Public Employees for Environmental Responsibility (PEER). General Robert B. Flowers, who officially retired earlier this month, will head a new subsidiary of the HNTB Companies whose mission is to win big engineering contracts from the federal government. Flowers, a career Army officer with the Corps, personally approved a controversial series of no-bid contracts between the Pentagon and a subsidiary of Halliburton for a range of reconstruction work in Iraq. Flowers becomes just the latest in a parade of Pentagon officials and Corps commanders who have left the government to work for the very companies whose eligibility for government contracts they formerly managed. The last five former top Corps commanders have joined consulting, engineering and transportation companies that depend on the Corps or other federal agencies for the bulk of their business. At HNTB, Flowers will become the chief executive of a newly formed subsidiary that is to provide "federal sector clients a wide range of engineering and architecture services, including civil engineering, security planning, and military facility design," according to the company's press release. These services are precisely the type of work Flowers oversaw in his position at the Corps. Incest may be a
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crime against nature but is the sleazy norm for government contractors, lobbyists and former Corps commanders" stated PEER Executive Director Jeff Ruch, noting that the type of no-bid contract awarded Halliburton depended on precisely the type of insider contacts that Flowers is now seeking to exploit. "The Corps-contractor revolving door blurs the distinction between national service and servicing the nation at taxpayer expense."

Under federal "revolving door" prohibitions, Flowers may not deal directly with Corps officials for a specified period on matters under his control when he was Chief of Engineers. At HNTB, Flowers "will develop the strategic plan" for getting large new government contracts.

Ironically, when Flowers was confirmed as Chief of Engineers in late 2000, he stated that he had come out of retirement to help out the scandal-plagued Corps at a critical time and once that work was done would return to retirement ("When I\'m finished with (being) chief of engineers, I\'m going fishing," he stated in an interview). Instead Flowers will cash in on his service with a high-salaried position as a CEO.

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See the [HNTB press release](http://newsroom.hntb.com/GetArticle.do?articleid=165) announcing the hiring of Gen. Flowers

Look at the [post government employment of the last five Chiefs of Engineers](http://www.pogo.org/p/x/2004revolvingdoor.html)

See the [Project on Government Oversight report on the revolving door in Pentagon contracting](http://www.pogo.org/p/x/2004revolvingdoor.html)

'ACE', 0);

INSERT INTO news VALUES (386, '2004-07-20', 'U.S. FISH & WILDLIFE SERVICE MOVES TO FIRE SCIENTIST WHO REPORTED FRAUD', 'Agency Acknowledges Flaws in Florida Panther Studies Affecting Major Developments', ' <p>Washington, DC -- The U.S. Fish & Wildlife Service has proposed to terminate the biologist who publicly challenged its reliance on flawed studies related to the habitat and population of the endangered Florida panther, according to Public Employees for Environmental Responsibility (PEER). The agency\'s action comes one week after it acknowledged the validity of the concerns he raised.</p><p>Andrew Eller, Jr., a 17-year FWS biologist, has spent the past ten years working in the Florida panther recovery program. On May 4 in a legal challenge filed jointly with PEER, Eller publicly charged that studies relied upon by FWS to make decisions about proposed development in Southwest Florida inflate panther population and inaccurately minimize habitat needs. On July 7, the agency replied to the challenge stating:</p><p>"We acknowledge that despite being published in peer-reviewed scientific journals, some of the information you are challenging has, over time, been determined to have limitations&#8230;"</p><p>But despite this admission, the agency said it would keep relying on flawed data until 2006, by which time several major developments in Southwest Florida may be approved for construction within shrinking panther habitat.</p><p>One week later, on July 13, the FWS served Eller with a notice of proposed termination for "unacceptable" performance. Many of the assignments cited by the Service involve the controversies surrounding the science on the endangered panther and other threatened species in one of the fastest growing areas of the country, known as the Western Everglades.</p><p>"When it comes to intimidating its own scientists, the Fish and Wildlife Service is about as subtle as a Mack truck," stated PEER Executive Director Jeff Ruch, noting that the agency recently held an all-employee "Town Hall" meeting to tout its "excellence in science." "The Fish and Wildlife Service is signaling that under the Bush Administration scientists who won\'t play ball will be blackballed."</p><p>By waiting until 2006 to correct these scientific flaws, the Fish and Wildlife Service will be able to approve a string of mega-developments planned in the Western Everglades. Principal problems cited by Eller include --</p><ul><li> Equating daytime habitat use patterns (when the panther is at rest) with nighttime habitat use patterns (when

the panther is most active);</li><li> Assuming all known panthers are breeding adults, discounting juvenile, aged or ill animals; and</li><li> Using population estimates, reproductive rates, and survival rates not supported by field data.</li> </ul> <p>Eller has 30 days to respond to the proposed termination. If the agency does remove him, he can challenge the action before the Merit Systems Protection Board, the federal civil service court.</p><p>"Scientific dissent is not a firing offense," added Ruch whose organization provides legal support for environmental agency whistleblowers. "Although the Fish and Wildlife Service is under tremendous political pressure to approve these projects, it should not be insisting that its scientists become biostitutes."</p><p align="center">###</p><p align="center">Read the <a href="http://www.fws.gov/peer/pantherDQchallenge.pdf">complaint detailing Data Quality Act violations concerning the Florida panther by FWS</a> </p><p align="center">Read the <a href="http://irm.fws.gov/infoguidelines/">FWS response to the Eller/PEER challenge</a></p>', 'FL', 'FWS', 5);

INSERT INTO news VALUES (387, '2004-07-19', 'CONSERVATIONISTS MOVE TO PROTECT 16 ALGODONES DUNES ENDEMIC SPECIES FROM BUSH OFF-ROAD PLAN', 'BLM\'s plan to open 86% to off-roading puts rare desert wildlife at risk of extinction', 'CARLSBAD CA -- In a move to protect unique Sonoran Desert wildlife threatened by off-road vehicles (ORVs), the Center for Biological Diversity, Public Employees for Environmental Responsibility, and Sierra Club today filed a petition with the U.S. Fish & Wildlife Service to list 16 Algodones Dunes endemic species as threatened or endangered species under the U.S. Endangered Species Act: two sand wasps (*Microbembex elegans* Griswold and *Stictiella villegasi* Bohart); two bees (*Perdita algodones* Timberlake and *P. glamis* Timberlake); one vespid (*Euparagia* n. sp.); two velvet ants (*Dasymutilla nocturna* Mickel and *Dasymutilla imperialis*); three jewel beetles (*Algodones sand jewel beetle*, *Lepismadora algodones* Velten, *Algodones white wax jewel beetle*, *Prasinolia imperialis* (Barr), and *Algodones Croton jewel beetle*, *Agrilus harenus* Nelson); two scarab beetles (*Hardy\'s dune beetle*, *Anomala hardyorum* Potts and *Cyclocephala wandae*); and four subspecies of *Roth\'s dune weevil* (*Trigonoscuta rothi rothi*, *T. r. algodones*, *T. r. imperialis*, and *T. r. punctata*). Conservationists also want critical habitat designated for the species concurrent with listing, as required by law.</p><p>The most significant impact on the Algodones Dunes is intensive off-road driving -- the dunes are hammered by upwards of 240,000 ORV users on a single busy weekend. ORVs at the Algodones Dunes include sand rails, motorcycles, trucks, and ATVs whose tires cut deeply into the sand even when accelerating on level ground (Stebbins 1995).</p><p>"We have to move for protection of these endemic species because the Bush administration\'s plan to sacrifice the Algodones Dunes to the off-road industry could cause their extinction," said Daniel R. Patterson, Desert Ecologist with the Center. "BLM hasn\'t even considered these unique and interesting desert animals, which clearly need Endangered Species Act protection now."</p><p>The dunes are currently managed under a 2000 agreement between the U.S. Bureau of Land Management (BLM), off-roaders, and conservationists that keeps over 106 sq. miles open to ORVs, while the other roughly half of the dunes are protected for wildlife, and scenic non-motorized recreation. But the Bush BLM wants to scrap this balanced multiple-use management and open all available dunes habitat to intensive, destructive off-roading.</p><p>The preferred alternative in the Bush BLM\'s Environmental Impact Statement (EIS) for the proposed Recreation Area Management Plan for the Algodones Dunes (BLM RAMP 2002) would permit ORVs in an astounding 198,220 acres and protect only 25,800 acres which are already designated wilderness by act of Congress. The EIS listed only five insect species as "known to occur or having the potential to occur" at the Algodones Dunes, and only three of the species are endemics or near-endemics (Andrew\'s dune scarab beetle,

Carlson\'s dune beetle, and Hardy\'s dune beetle). Therefore, the BLM ignored the nearly two-dozen other endemic insects at the Algodones Dunes for which information has long been available in the scientific literature. Conservationists were able to locate information on these endemics readily in published journals, reports to the agency, and via personal communication with entomologists familiar with the area. It is therefore disturbing why the BLM made no acknowledgement of these species in its management plan.

Dunes are hotspots of biological diversity in desert regions, likely because they are more mesic than other desert habitats due to their ability to store water. The Algodones Dunes are no exception, harboring dozens of rare endemic insects and plants within its habitat island. Insect species endemic to the Algodones Dunes are adapted to the hot, arid environment and often exhibit habitat specialization, such as dependence upon a particular host plant. Narrow endemic species and habitat specialists are considered more prone to extinction than widespread habitat generalists (Rabinowitz 1981, Sarre et al. 1995, Fischer and Stocklin 1997, Henein et al.1998).

During daylight and early evening, perhaps 80% of desert fauna are buried underground, and are subsequently crushed and maimed by ORV tires (Stebbins 1995). For example, surveys comparing areas used by ORVs with unused areas at the Algodones Dunes indicate that ORVs cause drastic reductions in the abundance of several beetle species (Luckenbach and Bury 1983). These ORVs also result in reduced plant cover, further threatening the survival of the rare endemic species of the Algodones Dunes that depend on these plants for food and breeding sites. Studies at the dunes have indicated that even moderate ORV use results in significant reductions of plant cover (Luckenbach and Bury 1983, Hess in prep.).

BLM has continued to push its abysmal management plan despite demonstrated adverse impacts of ORVs on the species that inhabit the Algodones Dunes. Therefore, vulnerability from anthropogenic (historic, ongoing, and imminent human-caused habitat destruction) and environmental (restricted range, habitat specialist) pressures, as well as a complete failure of the existing regulatory mechanisms to protect this fragile dune habitat and the species it supports from excessive ORV use, puts the rare endemic insects at the Algodones Dunes at risk of extinction.

The BLM plan to remove the protected areas would be devastating to dozens of imperiled species -- including the Peirson\'s milkvetch, desert tortoise, flat-tailed horned lizard, and Andrew\'s dunes scarab beetle -- worsen air pollution, and run off hikers, birdwatchers, photographers, Native Americans and others. In addition to allowing intense environmental harm, opening conservation areas to off-road vehicles will displace non-motorized visitors, costing nearby communities in the Imperial Valley and Yuma at least \$3.3 million annually in sustainable recreation related spending.

The U.S. Fish and Wildlife Service recently rejected a petition by the off-road industry to remove Endangered Species Act protection for the Peirson\'s milkvetch, finding that the rare flowering plant is harmed by ORV\'s and in need of continued legal protection.

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INSERT INTO news VALUES (388, '2004-07-28', 'CHIEF CHAMBERS DENIED STAY REQUEST', 'Trial Set on September 8; Norton, Mainella & Griles to be Deposed', ' <p>Washington, DC -- In a preliminary ruling, a U.S. Merit Systems Protection Board judge has decided that former U.S. Park Police Chief Teresa Chambers will not be returned to work pending the outcome of the legal challenge to her termination, according to the decision released today by Public Employees for Environmental Responsibility (PEER). The decision held that Chief Chambers\' interview with the Washington Post, which triggered a decision to suspend and seven months later to fire her, was not clearly covered by the Whistleblower Protection Act.</p><p>MSPB Judge Elizabeth Bogle did, however, tentatively set a hearing date of September 8. In addition, a number of top officials, including Interior Secretary Gale Norton, Assistant Secretary Steven Griles, National Park
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Service Director Fran Mainella and Deputy Director Donald Murphy, will be examined under oath by PEER lawyers defending Chief Chambers in mid-August.

"This decision means we did not land a knockout blow with the first punch," stated PEER General Counsel Richard Condit. "At the hearing, the burden of proof will be on the agency to show why telling the truth is grounds for removal from federal service."

On July 9, after more than seven months of paid administrative leave, Chief Chambers filed for restoration of her job and law enforcement credentials with the MSPB. Hours later, the Department of Interior announced its decision to fire her for actions involving her disclosure of staffing and budget shortfalls that threaten public safety at both the national monuments and in DC-area parks and parkways.

In addition to contending that the agency decision to fire her was without merit, Chief Chambers has raised a number of affirmative defenses, including protections under the

- Whistleblower Protection Act which prohibits retaliation against federal employees who report threats to public safety;
- LaFollette Act which guarantees the right of federal employees to communicate with Congress;
- and
- First Amendment free speech protections for public employees who raise matters of public interest.

"We are very much looking forward to directly questioning under oath the officials who are responsible for the actions taken against Chief Chambers," Condit added.

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[Read the decision denying the stay request on behalf of Chief Chambers](http://www.peer.org/campaigndir/?/chiefchambers/DeniedStayRequest.pdf), ' ', 'NPS', 1);

INSERT INTO news VALUES (389, '2004-07-29', 'PANTHER SCIENTISTS PRESSURED TO APPROVE CONSTRUCTION PROJECTS', 'Scientific Fraud Charges Go to U.S. Fish & Wildlife Service Director', ' <p>Washington, DC -- The U.S. Fish & Wildlife Service biologists are threatened with poor performance ratings and other sanctions if they express official concern about the effects of construction projects on the endangered Florida panther, according to a legal filing released today by Public Employees for Environmental Responsibility (PEER). PEER is petitioning the Fish & Wildlife Service Director to end political interference in studies related to the habitat and population of the panther and to allow scientists to make judgments based on reliable data.</p><p>PEER represents a scientist, Andrew Eller, Jr., a 17-year FWS biologist, who has charged his agency with scientific fraud. The agency responded by admitting problems vowing to keep relying on flawed data until 2006, by which time several major developments in Southwest Florida may be approved for construction within shrinking panther habitat. The agency has also moved to fire the scientist who revealed the fraud.</p><p>The new Florida panther petition is filed jointly by PEER and Eller under the Data Quality Act which requires each federal agency to ensure and maximize "the quality, objectivity and integrity of information" it disseminates to the public and uses to in its decision-making. The FWS Director, Steve Williams, will now assemble an advisory panel of scientists from outside the region to review the controversy and recommend a decision to him.</p><p>"The Florida panther is a textbook case of biological science being trumped by political science," stated PEER Executive Director Jeff Ruch, noting that a number of very large and politically wired mega-projects in southwest Florida are now lined up for federal approval. "This all about a decision to allow the Western Everglades to be paved over."</p><p>"The main reason I pursued this challenge is a desire to reduce pressures on biologists at the Vero Beach office of the U.S. Fish & Wildlife Service to ignore sound panther science," said Eller who reported being ordered to incorporate flawed information in biological opinions under threat of insubordination. He was later removed from panther work altogether because supervisors feared that he might write a jeopardy biological opinion, which was forbidden in the office. He was then instructed not to talk



about panthers to colleagues lest he "contaminate their views."

Principal problems cited by Eller and PEER include --

- Equating daytime habitat use patterns (when the panther is at rest) with nighttime habitat use patterns (when the panther is most active);
- Assuming all known panthers are breeding adults, discounting juvenile, aged or ill animals; and
- Using population estimates, reproductive rates, and survival rates not supported by field data.

On July 13, the FWS served Eller with a notice of proposed termination for "unacceptable" performance. Many of the assignments cited by the Service involve the controversies surrounding the science on the endangered panther and other threatened species in one of the fastest growing areas of the country.

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Read the [Eller/PEER appeal to the FWS Director](http://www.fws.gov/campaigndir/?>/eller/PantherDQAAppeal.pdf)

See the [complaint detailing Data Quality Act violations concerning the Florida panther by FWS](http://www.fws.gov/campaigndir/?>/eller/pantherDQchallenge.pdf)

Read the [FWS response to the Eller/PEER challenge](http://irm.fws.gov/infoguidelines/)

' , 'FL', 'FWS', 5);

INSERT INTO news VALUES (390, '2004-07-28', 'LAND USE VIOLATIONS BY LURC COMMISSIONER STILL OPEN', 'Public Employee Group Calls On Governor to Relieve Nadeau', '<p>Millinocket, ME - James Nadeau, a member of the Land Use Regulation Commission (LURC), still has pending enforcement actions involving him under the very laws he is supposed to be administering, according to agency documents released today by Maine Public Employees for Environmental Responsibility (PEER). In a letter sent to the Governor this week, Maine PEER has called for the Nadeau\'s dismissal as commissioner.</p><p>The violations arose from Nadeau\'s role managing the towns of Eagle Lake and Winterville Plantation in which four construction projects were undertaken without required LURC permits. In three cases, one dating back to 1994, the towns followed through on promised actions or paid fines.</p><p>"Given Mr. Nadeau\'s total disregard for LURC regulations, his position on its Commission only weakens the credibility of a state agency that is already spread too thin," stated Tim Caverly, Director of Maine PEER and a long-time former Department of Conservation employee. LURC acts as the local planning and zoning board for 10.4 million acres of Maine\'s unorganized territories</p><p>In a January 29, 2004 letter to the Governor\'s office, LURC staff wrote, "One concern that has arisen is the number of LURC violations Eagle Lake and Winterville Plantation have sustained connected to Nadeau in his position as selectperson." But last March, the Agriculture, Conservation and Forestry Committee approved Nadeau\'s appointment as commissioner after he denied involvement in the recorded violations during the time he served as town manager for Eagle Lake and Chairman of the Board of Assessors for Winterville.</p><p>Documents uncovered by Maine PEER not only detail Nadeau\'s involvement but also show that Nadeau has disregarded requests by LURC to resolve three LURC violations: </p><ul><li>Winterville harvested wood in a sub-district without a permit. Nadeau signed off on a six hundred dollar penalty as part of a Settlement Agreement. Also as part of the May 12th, 1994 agreement, the Plantation was required to petition LURC to rezone additional land to Fish and Wildlife Protection Sub district (P-FW). The agreement also stipulated that if the land was not rezoned, the Plantation was to pay an additional twenty eight hundred dollars in civil penalties. The land has not been rezoned nor has the civil penalty been paid;</li><li>In 1997, Winterville operated a commercial mineral extraction pit without a permit. According to documents, "this activity continued without corrective action for several years after (violation) notification was given." As a resolution, LURC required the Plantation to complete remedial action by October 1st, 2003. The remedial work has not been completed; and</li><li>In 2002, the Town of Eagle Lake, under direction of Nadeau, constructed a road extension without a permit and while

doing so trespassed on state property. This is still an active enforcement case and documents show that once the violation was discovered, Nadeau was uncooperative in providing a completed permit application. In addition, the Town was issued an after the fact lease for the use of state land in September 2003. The Town of Eagle Lake, under Nadeau's leadership, was able to trespass on publicly owned land for almost a year without any apparent consequences. </li></ul> <p>"The only way LURC is going to get Mr. Nadeau's attention is for them to impose daily penalties beginning the first day and lasting until each of the violations are corrected," added Caverly. "In order for the Governor to show that he is serious about supporting state agencies in upholding the law, he should ask for Mr. Nadeau's resignation."</p><p align="center">###</p><p align="center">See the summary of the <a href="<?php print \$cfg->docsdir;?>/me/Nadeau\_violations.pdf">LURC violations committed by the Town of Eagle Lake and Winterville Plantation </a></p><p align="center">Read <a href="<?php print \$cfg->docsdir;?>/me/govletter.pdf">PEER's letter to the Governor</a></p>', 'ME', '', 0);

INSERT INTO news VALUES (391, '2004-08-02', 'CORPS VIOLATES ITS OWN RULES ON MISSISSIPPI STUDY', '\$70 Million "Draft" Is Internally Inconsistent, Intentionally Inaccurate & Incomplete', ' <p>Washington, DC -- The U.S. Army Corps of Engineers draft feasibility study for a proposed \$5.3 billion expansion of the lock system on the Upper Mississippi River and Illinois Waterway violates agency planning guidelines, ignores the most cost-beneficial alternatives and is riddled with errors, according to a comments filed today by Public Employees for Environmental Responsibility (PEER).</p><p>The controversial 4,000-page report has been more than a decade in the making and with costs exceeding \$70 million. In 2001, three top Corps commanders were disciplined in 2001 for "cooking the books" in an earlier version.</p><p>The PEER comments detail how the Corps sidesteps its own rules for ensuring complete and consistent comparisons of alternatives. In addition, the Corps makes a number of mathematical, factual and logical errors in key parts of the report. In addition, the version of the report released this summer by the Corps for public comment--</p><ul><li>Excludes better alternatives, such as immediately implementing a demand management measures to make the existing system more efficient and then observing traffic patterns over time to assess if large-scale, lock expansions are needed;</li><li>Displays a shameless boostersim in what is supposed to be an objective report, using rosy scenarios developed by a consultant whose mission statement is "To be a vital force in the success of food and agricultural industries around the world;" and</li><li>Fails to specify what environmental benefits will result from more than \$100 million in restoration efforts. </li> </ul> <p>"The Corps has outdone itself, wasting unprecedented amounts of time and money to produce a massive report that the agency knows full well is self-serving and incorrect," stated PEER Executive Director Jeff Ruch, whose organization represents Corps economists who exposed previous manipulation of economic findings. "The Corps is operating on the assumption that with enough paper the agency can disguise just how big a boondoggle this multi-billion dollar project really is."</p><p>The Corps is supposed to analyze comments it receives on its draft report and then make a final recommendation to Congress in October. Supporters of lock expansion, however, have not waited for a final recommendation and are now pushing legislation to authorize the entire \$5.3 billion lock expansion. That legislation is currently pending on the floor of the U.S. Senate.</p><p align="center"> ###</p><p align="center">Read the <a href="<?php print \$cfg->docsdir;?>/ace/Corps\_PEERcomments.pdf">PEER comments</a></p><p align="center">View the <a href="http://www2.mvr.usace.army.mil/umr-iwwsns/documents/FES\_EIS\_Report\_Cover(2004).pdf">Corps draft report</a></p>', 'IL', 'ACE', 0);

INSERT INTO news VALUES (392, '2004-08-02', '"CULTURE OF FEAR" AT INTERIOR', 'Agency-wide Survey Shows Wide Expectation of Retaliation & Unfairness', '

Washington, DC -- Workers within the U.S. Department of Interior live in a "culture of fear" where "hatchet people" mete out punishment based on office politics, according to an agency-wide survey and investigative report quietly posted by the agency\'s Office of Inspector General (OIG) late last week.</p><p>Survey results mirror reports from Interior staff received daily at Public Employees for Environmental Responsibility (PEER) from employees ranging from rank and file staff to park superintendents and other top managers who feel that they cannot disclose problems without facing retribution.</p><p>OIG sent its survey sent out to more than 25,000 employees, including supervisors, human resource managers and lawyers in agencies such as the National Park Service, Bureau of Land Management and the Fish & Wildlife Service. Nearly 40% of those who received surveys responded, with key results including--</p><ul><li>More than one quarter of staff fear retaliation for reporting problems;</li><li> A solid majority do not see the disciplinary system as being fairly administered on a consistent basis; and</li><li> Nearly half believe that discipline is taken on the basis of whom the person knows rather than what they did.</li> </ul> <p>The Department of Interior is engaged in several high-profile cases of discipline against employees who have spoken out about problems, such as U.S. Park Police Chief Teresa Chambers. Yet in his transmittal letter to Interior Secretary Gale Norton, Inspector General Earl Devaney states without explanation "many, if not most, of our findings in this report pre-dated your tenure as Secretary." Devaney reports directly to Secretary Norton. Devaney recommends that steps be taken to reduce "the fear of reprisal" and to improve the consistency of disciplinary actions taken.</p><p>"The culture of fear in Interior starts at the top," stated PEER Executive Director Jeff Ruch whose organization\'s attorneys will be questioning Secretary Norton and other top Interior officials under oath later this month in the Chambers case. "The Inspector General only goes halfway with his report by finding a &#8216;culture of fear\' but refusing to name who the employees fear."</p><p align="center">###</p><p align="center"><a href="http://www.oig.doi.gov/">See the full Interior survey results and read the Inspector General report on Conduct and Discipline</a></p>', '', 'DOI', 0);

INSERT INTO news VALUES (393, '2004-08-03', 'WYOMING WILD HORSE HERD ON BRINK OF STARVATION', 'Emergency Removal of Horses But Not Cattle Inspector General Report on Grazing Enforcement Stalled', '

Washington, DC -- Citing the threat of imminent starvation, the U.S. Bureau of Land Management has announced an emergency removal of all wild horses from northwest Wyoming, according to documents released today by Public Employees for Environmental Responsibility (PEER). Between August 5 and 8, BLM will permanently remove approximately 140 wild horses from the 83,000-acre Fifteenmile Wild Horse Herd Management Area (located between Casper and Cody) because range conditions have deteriorated to the point where the current 210-horse herd can no longer be sustained.</p><p>"Responsible range management has been utterly abandoned by BLM in Wyoming," stated PEER Executive Director Jeff Ruch whose organization nearly a year ago requested an investigation by the Interior Office of Inspector General into obstruction of BLM-Wyoming\'s enforcement against overgrazing violations. "Things are pretty pathetic when an 83,000-acre refuge can no longer support 200 head of horses."</p><p>A continuing drought is the principal cause of the poor forage but BLM has contributed to the problem by catering to cattle ranchers while ignoring deteriorating range conditions. Keeping the maximum number of cows on the range despite a continuing drought overtaxes the land and can lead to permanent damage Consequently, BLM is making a bad problem much worse by &#8211;</p><ul><li> Allowing cattle to graze in the Wild Horse Herd

Management Area. BLM has refused to pursue grazing trespass reports;

- Permitting the maximum amount of cattle allowed in surrounding grazing allotments while admitting "there is competition for forage and water between livestock and wild horses"; and
- Refusing to assess the carrying capacity of its rangelands, thus leaving BLM in a passive position where it waits until emergencies to occur before it acts.

This is the same region where a local environmental group, Western Watersheds Project, is suing BLM for mismanagement of its range program. In addition, the investigation by the Office of Inspector General into PEER's complaint of enforcement obstruction ended months ago but the report is still under wraps.

"Parts of the public range in Wyoming resemble the most devastated stretches of the Sahel in Africa," Ruch continued. "As long as ranchers can use political chits to keep the maximum number of cattle on the range even in drought-stricken areas, the downward spiral in Wyoming will continue."

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[Read the emergency notice on removal of wild horses from the Fifteenmile Wild Horse Herd Management Area](http://www.wy.blm.gov/nepa/wfodocs/15mile/index.htm)

See [PEER's request for a probe into lack of BLM overgrazing enforcement](http://www.wy.blm.gov/nepa/wfodocs/15mile/index.htm?php=print&cfg=docsdir;/?/wy/overdueOIGrequest.pdf), 'WY', 'BLM', 0);

INSERT INTO news VALUES (394, '2004-08-04', 'FEDERALS CONSIDER PROTECTION FOR IMPERILED CHERRY POINT HERRING', 'Scientists initiate status review in response to citizen petition', '

BELLINGHAM &#8211; The National Marine Fisheries Service announced today that it will conduct a status review to determine if Cherry Point herring deserve federal protection under the Endangered Species Act. The announcement comes after an 8 month review initiated when a coalition of conservation groups filed a petition requesting federal protection for the herring. Cherry Point herring are a distinct population of Pacific herring that spawn along the open shoreline north of Bellingham.

"This a first step toward recovery of Cherry Point herring," said Dave Werntz, Science Director with the Northwest Ecosystem Alliance, "Federal fisheries biologists agree that Cherry Point herring may be heading toward extinction and deserve help."

Cherry Point herring are distinct from other Pacific herring in many respects. Their unique spawning location and timing have reproductively isolated Cherry Point herring from other Puget Sound herring, and recent studies indicate that Cherry Point herring are the most genetically divergent herring population in Washington. Unlike other herring that migrate out to sea, young Cherry Point herring move to freshwater influenced environments, like estuaries, to feast on the copepods that occur there.

"Federal protection and restoration of Cherry Point herring will benefit everything from eelgrass to orcas," said Fred Felleman, Northwest Director for Ocean Advocates, "Their recovery is important for restoring the health and vitality of Puget Sound and its wildlife."

The Cherry Point herring was once Washington State's largest herring population. Over the last three decades, its population plummeted by 90 percent and they are not rebounding. Cherry Point herring face numerous threats from industrial development along their spawning grounds. Already, two major oil refineries and an aluminum smelter near Cherry Point have directly impacted herring spawning grounds through dock construction and operation, outfall discharge, vessel traffic, and disease and foreign species introduced from ship ballast water. Accidental spills of oil and other poisons also pose a considerable threat to the Cherry Point herring.

"Cherry Point herring are unique among Pacific herring and have specific qualities that may help herring adjust to global climate change," said Brent Plater, Attorney with the Center for Biological Diversity, "the loss of the Cherry Point herring would be a blow to the Puget Sound ecosystem and detrimental to Pacific herring everywhere."

Groups submitting the petition are Northwest Ecosystem

Alliance, Center for Biological Diversity, Ocean Advocates, Public Employees for Environmental Responsibility, People For Puget Sound, Friends of the San Juans, and Sam Wright. </p>', 'WA', 'NOAA', 0);

INSERT INTO news VALUES (395, '2004-08-03', 'BUSH ADMINISTRATION HACKS DUNES ENDANGERED SPECIES CRITICAL HABITAT', 'Local FWS biologists\' science-based proposal gutted', '<p>WASHINGTON DC -- Conservationists learned today that the final designation of critical habitat for the Peirson\'s milkvetch will be only 21,800 acres after being cut nearly 60% by Craig Manson, a Bush anti-conservation political appointee with the Interior Department in Washington DC. </p><p>Much of the critical habitat designation will be in wilderness, an area already closed to off-roading, while proposed critical habitat areas in the central and south dunes have been eliminated. The final rule will be published tomorrow in the federal register.</p><p>Last August, local biologists with the U.S. Fish and Wildlife Service (FWS) in California proposed 52,780 acres of the 160,000 acre Algodones (Imperial) Dunes to be designated critical habitat for the survival and recovery of the Peirson\'s milkvetch (Astragalus magdalenae var. peirsonii), an endangered attractive flowering plant threatened by intensive off-road vehicle use, and found only on these Sonoran desert dunes in the U.S. &quot;Last year\'s science-based proposal from local biologists should have been maintained or expanded, but it was gutted by Bush administration political appointees in Washington, continuing a disturbing anti-conservation pattern and practice,&quot; said Daniel R. Patterson, Ecologist with the Center. &quot;Critical habitat works, if is it designated based on good science and species\' recovery needs. This designation is far too small, and will jeopardize the conservation and recovery of the species. We may challenge it in court.&quot;</p><p>Fragile habitat and endemic species on the Algodones Dunes are harmed by 240,000+ off-roaders on some weekends. This intensive use destroys vegetation and wildlife habitat, pollutes the air, displaces non-motorized visitors, and creates criminal problems that stress law enforcement.</p><p>&quot;The Interior Department\'s decision to significantly cut the amount of protected habitat defies the recommendations of local biologists with the best knowledge of what the milkvetch needs to survive millions of menacing knobby tires,&quot; said Karen Schambach of PEER. &quot;Once again, we see the Bush administration\'s political interests trumping sound science.&quot; </p><p>&quot;It\'s a shocking decrease from the local biologists\' original science-based proposal,&quot; said Ileene Anderson, Botanist with the California Native Plant Society. &quot;Science has been undermined by a political agenda. This critical habitat designation fails to uphold the intent and purpose of the ESA. Tragically, the Peirson\'s milkvetch, which has already suffered losses in numbers and habitat, will be 60% closer to extinction.&quot;</p><p>The Bush administration has cut 94% of all endangered species critical habitat proposals by an average of 79%.</p><p>&quot;It\'s a bad sign when the politicians take over for the biologists,&quot; said Elden Hughes, Chair of the Sierra Club Desert Committee and longtime desert conservation champion. &quot;And this final ruling is the result.&quot;</p><p>The U.S. Bureau of Land Management (BLM), which administers the dunes, is trying to finalize a plan (RAMP) eliminate protections on 50,000 acres of currently protected dunes habitat. An earlier FWS permit for the RAMP was pulled by the agency after a federal judge indicated it would be ruled illegal. FWS stated in last August\'s proposed rule, &quot;Species specific management needs and measures for Astragalus magdalenae var. peirsonii are not addressed in the RAMP.&quot;</p><p>The BLM plan to remove the protected areas would be devastating to dozens of imperiled species -- including the Peirson\'s milkvetch, desert tortoise, flat-tailed horned lizard, and Andrew\'s dunes scarab beetle -- worsen air pollution, and run off hikers, birdwatchers, photographers, Native Americans and others. In addition to allowing intense

environmental harm, opening conservation areas to off-road vehicles will displace non-motorized visitors, costing nearby communities in the Imperial Valley and Yuma at least \$3.3 million annually in sustainable recreation related spending. The State of California OHV Commission has rejected the one-sided RAMP, denying BLM millions in state funding since 2002 due to repeated failures to protect the dunes and manage for sustainability.</p><p>The U.S. Fish and Wildlife Service recently rejected a petition by the off-road industry to remove Endangered Species Act protection for the Peirson\'s milkvetch, finding that the rare flowering plant is harmed by ORV\'s and in need of continued legal protection.</p>', 'CA', 'BLM', 0);

INSERT INTO news VALUES (396, '2004-08-04', 'COURT FINES BUSH ADMINISTRATION DESERT SPECIES PERMITS ILLEGAL', 'Landmark decision finds U.S. Fish & Wildlife Service used illegal definition', '<p>SAN FRANCISCO -- In a major victory for desert tortoise and other endangered species recovery in the California desert, federal judge Susan Illston yesterday struck down biological opinions (permits) issued by the Bush administration\'s Fish & Wildlife Service (FWS) that authorized extensive cattle grazing and off-road vehicle use within the 4.1 million acres of critical desert tortoise habitat located in the California Desert Conservation Area. FWS had issued its faulty opinion in response to management plans issued by the Bureau of Land Management (BLM) for the Virginia-sized Conservation Area. The BLM plans have been highly controversial and have been sharply criticized by biologists over their failure to protect endangered species\' critical habitat and implement recovery plans already approved by FWS.</p><p>The Court found it illegal that the Bush FWS failed to consider the negative affects of the BLM plans on endangered species\' recovery, instead looking only at survival. Recovery means increasing the size of key desert tortoise populations to the point that the species can eventually be removed from the endangered and threatened species list. In contrast, survival does not necessarily include any improvement to the health of an endangered species. "[T]he Court finds that congressional intent in enacting the ESA was clear: critical habitat exists to promote the recovery and survival of listed species&#8230;," wrote Judge Illston in her 16 page opinion and order. "Conservation means more than survival; it means recovery. The Court finds that formulating a biological opinion of "no adverse modification" "only where an action affects the value of critical habitat to both the recovery and survival of a species imposes a higher threshold than the statutory language permits." She adds, "&#8230;the biological opinion itself suggests, and the administrative record confirms, that had the Service considered the impact of the CDCA Plan on recovery alone, it might have made a different finding regarding adverse modification."</p><p>"Since the passage of the Endangered Species Act, FWS and other agencies like BLM have been actively avoiding complying with Congress\' command that they take all necessary actions to recover endangered and threatened species," said Earthjustice attorney Michael Lozeau. "The federal court\'s ruling restores Congress\' intent that critical habitat, including the desert tortoise critical habitat located in the CDCA, be managed to restore tortoises, not to subsidize grazing cows in the desert or serve as off-road vehicle highways."</p><p>"This is a very important ruling which upholds the recovery intent of the Endangered Species Act, America\'s most important wildlife conservation law," said Daniel R. Patterson, ecologist with the Center, who formerly worked with BLM in the CDCA. "Critical habitat works, and now FWS and BLM will have to follow the law and the public-interest in protecting critical habitat for endangered species recovery, not just survival."</p><p>"The Court\'s decision is a critical step in stopping habitat degradation and the killing and crushing of tortoises and their dens by cattle and off-road vehicles," explained Center attorney Brendan Cummings. "It\'s unfortunate it took a federal lawsuit to force FWS and BLM to read the statute and implement

FWS\' own recovery plan for the tortoise."</p><p>"This decision is not only an affirmation of Congressional intent for species recovery under ESA; it is a poster-child for the value of an independent judiciary," said Karen Schambach, California Director of Public Employees for Environmental Responsibility.</p><p>By invalidating the biological opinion issued for the CDCA management plans, the remaining question in the lawsuit is what activities within desert tortoise critical habitat must be stopped or drastically curtailed. </p><p>"In order for the desert tortoise to recover from the brink of extinction, the recovery plan for the tortoise prepared by FWS must be fully implemented immediately, including its call for the complete elimination of livestock grazing and drastic reduction of off-road vehicle use on essential tortoise habitat," said ecologist Patterson.</p><p>"Recovering the desert tortoise will take a maximum effort," said Elden Hughes of the Sierra Club. "Unfortunately, the Bush Administration seems determined to do something less than minimum, but this important ruling will force them to change and follow the law."</p><p>The Bush administration\'s critical habitat policy is a self-fulfilling prophecy: refuse to protect critical habitat, then claim critical habitat is not protective. In striking down this illegal and illogical policy, the Court has ordered FWS to protect critical habitat at the highest level possible to ensure that it is managed to recover endangered species, not simply keep them alive. </p>', 'CA', 'FWS', 0);

INSERT INTO news VALUES (397, '2004-08-23', 'CANDIDATES BANNED FROM FEDERAL FACILITIES', 'No More Campaign "Photo Ops" or Speeches at National Parks', ' <p>Washington, DC -- The U.S. Office of Special Counsel has issued an advisory forbidding Presidential or other candidates "for partisan political office" from campaign appearances at federal facilities, including national parks, monuments, federal housing projects and post offices. OSC\'s directive is dated August 9, the same day Senator John Kerry and his Democratic Party running mate, Sen. John Edwards, appeared at Grand Canyon National Park, according to Public Employees for Environmental Responsibility (PEER).</p><p>Citing "various complaints concerning the granting of requests from candidates and/or their campaigns to visit federal agencies," the Office of Special Counsel (OSC) has ruled that "campaign activities, such as town hall meetings, rallies, parades, speeches, fundraisers, press conferences, &#8216;photo ops,\'' or meet and greets" are "prohibited" in federal facilities. A civil servant who allows such activity would be fired or suspended for no less than 30 days. OSC enforces the Hatch Act (5 U.S.C. &sect;&sect; 7321-7326) that forbids election activity with official resources or approval.</p><p>The OSC directive puts the onus on federal facility managers to prevent such actions by stating "Federal agencies should ensure that candidates who visit their facilities to conduct official business do not engage in any political campaign or election activity during the visit." OSC concludes the advisory by saying "We strongly encourage all federal agencies receiving such requests [from candidates\' campaigns] to contact OSC prior to granting such a request."</p><p>"By OSC\'s rationale, President Bush should not be allowed to use military bases, the Statue of Liberty, or any other facility receiving federal funds for a political speech, but I doubt that OSC has cautioned the President\'s reelection campaign," stated PEER Executive Director Jeff Ruch, noting that the current Special Counsel is a recent Bush appointee. "Places open to the public should also be open to political speech."</p><p>President Bush, his Cabinet secretaries and other high-level appointees are now deployed across the country making appearances designed to promote the President\'s re-election.</p><p>In addition, OSC warns federal employees against "wearing campaign-related items while on duty or in a federal building or office." This warning is being interpreted to require that employees remove campaign bumper stickers from personal vehicles if parked in government lots or if the car is used to transport the individual to any official

function.</p><p>"Not surprisingly, this Bush-appointed Special Counsel has not mentioned, let alone defended, First Amendment rights of federal employees," added Ruch whose organization is defending U.S. Park Police Chief Teresa Chambers, who was fired after OSC inaction for making accurate but allegedly unauthorized comments to the Washington Post. "The Special Counsel\'s heavy-handed message manages a rare trifecta of being simultaneously overbroad, hyper-technical and unworkable."</p><p align="center">###</p><p align="center"><a href="http://www.osc.gov/documents/hatchact/federal/fha-35.htm">Read the Advisory from OSC</a></p>', '', 'NPS', 0);

INSERT INTO news VALUES (398, '2004-08-25', 'NATIONAL PARK SERVICE FINANCES WINERY', 'Half Million Dollar Investment in Private Vineyard Yet to Pay Off', '<p>Washington, DC -- The cash-strapped National Park Service is subsidizing a private vineyard and winery on the grounds of the Cuyahoga Valley National Park in Ohio, according to agency documents released today by Public Employees for Environmental Responsibility (PEER). Since 1999, the Park Service has spent more than \$475,000 on the vineyard &#8211; which has yet to bear fruit either literally or financially &#8211; and related operations that the Park Service calls its "Countryside Initiative."</p><p>The privately run winery on Park Service land consists of structures built with taxpayers\' funds, including an art gallery, parking lot, barn, trellises and an electric fence for "wildlife exclusion." In addition, the Park Service spent more than \$24,000 for a water line to bring municipal water to irrigate the grapes.</p><p>The vineyard covers 2.5 acres and is planted with grape varieties including Cabernet Franc, Baco Noir, Chambourcin, and Tramonette. The private operators project producing 10,000 cases of wine per year and expect their first harvest in 2005.</p><p>"This project is both an absurd and improper use of taxpayers\' money," stated PEER Executive Director Jeff Ruch who noted that the Countryside Initiative would establish agricultural operations that have no history in the Cuyahoga Valley, contrary to the Park Service mandate of preserving cultural resources and protecting the natural scenery. "It is not the business of the Park Service to help the great state of Ohio acquire a reputation for winemaking."</p><p>Apart from the taxpayer expense, PEER points to the environmental implications of the project. Besides approving pesticide applications at the vineyard, the Countryside Initiative also includes a "free range" chicken ranch and processing plant where carcasses and waste will be composted on site. In addition, the Park Service has cut down trees and demolished a greenhouse used to store chemicals for use as a field for growing vegetables.</p><p>The Park Service has spent freely on this and similar public-private "partnership" projects despite cutbacks in staff and visitor services at several major parks. The lease agreement with the winery and the pullet processing plant at Cuyahoga Valley National Park runs through 2009.</p><p>The winery has already begun making experimental batches of wine and holding public tastings in the park. "If the Park Service considers winemaking a valid recreational expenditure, what are they going to finance next &#8211; a nightclub and casino?" asked Ruch.</p><p align="center">###</p><p align="center"><a href="http://www.nps.gov/operatingplan.pdf">Read the "Operating Plan" of the Cuyahoga Valley National Park vineyard</a></p><p align="center"><a href="http://www.nps.gov/taxsummary.pdf">See the summary of tax dollars spent through October 2003 on the Countryside Initiative</a></p>', '', 'NPS', 0);

INSERT INTO news VALUES (399, '2004-08-26', 'PARK SERVICE ADMITS BUDGET DECEPTION', 'Internal Notes Show Efforts By Top Managers to Cook the Books', '<p>Washington, DC -- The National Park Service has been deliberately dodging attempts to account for how it spends its budget, according to minutes of an internal planning meeting released today by Public Employees for Environmental



Responsibility (PEER).</p><p>At a Task Force meeting on July 18, 2002, top agency managers plotted how they could create new law enforcement programs without having to account for the source of the funds. The meeting minutes contain the following entries attributed to top agency managers:

</p><ul><li>"The challenge to NPS is members of Congress with good memories. They remember and look where the money they gave us last time went." Don Murphy, Deputy Director for External Affairs</li><li> "They [Congress] do not trust us. We have the ability to track money, we just don't do it." Richard Ring, Associate Director for Administration</li><li> "We know that we cannot pay for what we need. Any budget officer can do anything. Some things are taken off the top such as medicals (sic) and maybe we could do something like that." Major Michael Fogarty, U.S. Park Police</li> </ul> <p>In 2003, Congress appropriated additional funds for Park Service law enforcement, with a portion earmarked for the U.S. Park Police. When then-Chief Teresa Chambers found that these new funds were diverted from the Park Police budget, she protested both internally and to Congressional staff. Last month, the Park Service fired Chambers citing her admission of un-funded safety and security needs to the Washington

Post.</p><p>The Park Service, despite an increase in funds, has cut back staff and visitor services in several major parks in 2004. The Park Service has also resisted an accounting of where the additional monies went.</p><p>"The Park Service leadership is cooking the books like a public sector Enron," stated PEER Executive Director Jeff Ruch, whose organization is engaged in the legal fight to restore U.S. Park Police Chief Teresa Chambers; her case comes to hearing next month. "Congressional staff is either taken in by this budgetary shell game or are party to the flim-flam."</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/nps/taskforcemtg.pdf">Read the minutes from the Task Force Meeting</a></p>', '', 'NPS', 0);

INSERT INTO news VALUES (400, '2004-08-24', 'FEDERAL COURT VINDICATES PANTHER WHISTLEBLOWER', 'U.S. Fish & Wildlife Service Lacks Scientific Basis for "No Jeopardy" Stance', ' <p>Washington, DC -- A federal judge has ruled that the U.S. Fish & Wildlife Service relied on flawed biology in failing to protect the Florida panther. The court\'s findings mirror concerns raised by one of the agency\'s own biologists who is now facing termination, according to Public Employees for Environmental Responsibility (PEER).</p><p>This past Friday, U.S. District Judge James Robertson revoked a permit for a limestone mine slated for excavation amid 6,000 acres of endangered Florida panther habitat in the Western Everglades region near Ft. Myers. The judge ruled that the Fish & Wildlife Service illegally ignored scientific evidence indicating that further human intrusion could jeopardize the small remaining population of Florida panthers. There are only an estimated 87 of these big cats left in existence and they are considered among the rarest mammals on the planet.</p><p>Andrew Eller is a 17-year biologist who worked on the biological opinion for the proposed Florida Rock Industries limestone mine that was struck down by the court. Eller has publicly raised the very weaknesses cited by the judge in ruling that the U.S. Fish & Wildlife Service had been "arbitrary and capricious" in finding no potential harm to the endangered panther:</p><ul><li> Agency managers insisted on using faulty panther population and habitat studies;</li><li> Eller and other biologists were under orders to issue "no jeopardy" opinions on projects (thus allowing construction to proceed) regardless of the facts;</li><li> Eller was threatened with adverse performance reviews if he concluded that a project may pose some jeopardy for a federally endangered animal; and</li><li> The agency turned a blind eye to the cumulative effects of multiple development projects on the panther.</li> </ul> <p>Eller raised these issues publicly in a challenge filed with PEER accusing the Fish & Wildlife Service of violating the Data Quality Act for knowingly using flawed science. In reply, the agency admitted some of the flaws but contended that no regulatory decision was affected by the

challenged data (a contention invalidated by Judge Robertson\'s decision). After making that admission, the Fish & Wildlife proposed to fire Eller on precisely the grounds for which he had been previously threatened.

"Political pressure forces federal biologists, like Andy Eller, to make choices daily between following the law and their consciences on one hand and the orders from their superiors on the other," stated PEER Executive Director Jeff Ruch whose organization is assembling a legal defense team for Eller. "In a just world, the Fish & Wildlife Service leadership who the judge found to be violating the very laws they are charged with enforcing should be fired, not Andy Eller."

The National Wildlife Federation, the Florida Wildlife Federation and the Florida Panther Society brought the lawsuit against the Florida Rock permit.

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[Read the decision striking down the U.S. Fish & Wildlife "no jeopardy" biological opinion on the Florida Rock limestone mining permit](http://www.eswr.com/704/flareckop.pdf)

[Find out about ongoing scientific fraud in the U.S. Fish & Wildlife Service to cover up the dire straits of the Florida panther](http://www.eswr.com/704/flareckop.pdf), 'FL', 'FWS', 5);

INSERT INTO news VALUES (401, '2004-08-25', 'ATTACKS ON NATIONAL PARK LAW ENFORCEMENT REACHES ALL-TIME HIGH', 'Understaffing Aggravated by Interior Department Diverting Officers, Money & Training', 'WASHINGTON, DC-- Threats, harassment and attacks against National Park Service rangers and U.S. Park Police officers reached a record high in 2003, according to agency records released today by Public Employees for Environmental Responsibility (PEER). At the same time, an already chronically understaffed NPS law enforcement is increasingly unable to protect visitors, national icons and wildlife, according to representatives of both rangers and U.S. Park Police officers.

National Park Service commissioned law enforcement officers were victims of assaults 106 times in 2003; more than one-quarter of which resulted in injury. This figure tops the 2002 total of 98 assaults but parallels the 2001 previous high of 104 violent incidents. The National Park Service is the only land management agency that refuses to track violence directed against its biologists, naturalists and non-commissioned rangers, according to PEER which maintains the country\'s only database documenting violence against federal resource protection employees.

Nationally, two parks, Yellowstone and Grand Teton, experienced a disproportionate number of incidents (35). The District of Columbia was next with 15 incidents, with 3 additional assaults in neighboring Maryland and Virginia. Rangers in California had a small increase in violence, with 12 incidents. Other states, including Arizona, Nevada and Pennsylvania, also registered multiple attacks.

"Law enforcement officers in the National Park Service are 12 times more likely to be killed or injured as a result of an assault than FBI agents; a rate triple that of the next worst federal agency," stated Randall Kendrick, Executive Director for the U.S. Park Rangers Lodge of the Fraternal Order of Police. "The Park Service has failed to provide law enforcement personnel to prevent further violence; despite its own projections that an additional 700 rangers are required, the number of rangers is down 9 percent." Aggravating this growing shortfall are not only new Homeland Security duties but also significant diversions of resources ordered by its parent Interior Department, which has--

- Added millions of dollars to the training cycle for new rangers while eliminating specialized ranger courses;
- Reassigned scores of Park Service law enforcement personnel to operate a 24-hour "Watch Office" for the Department of Interior that has no dispatch responsibility and whose sole function is to keep Interior brass informed; and
- Asked for only minor budgetary increases that are well short of its own internal estimates of need.

"Park police and rangers are being asked to do more for less by political appointees who appear

tone deaf to the reality of the challenges," commented PEER Executive Director Jeff Ruch, whose organization is representing U.S. Park Police Chief Teresa Chambers who is fighting her termination for speaking out against the dangers posed by understaffing to the visiting public and to the national icons, such as the Lincoln Memorial and the Washington Monument. "A large part of the problem is that, in the Park Service, the law enforcement professionals are excluded from budget preparation and needs assessments."</p><p align="center"> ###</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/nps/NPSviolence.pdf">Read the summary of 2003 incidents</a></p><p align="center"><a href="http://www.rangerfop.com/rangeracad.htm">Find out about the more expensive but less effective ranger training program ordered by DOI</a></p><p align="center"><a href="http://www.rangerfop.com/danger03.htm">View the Fraternal Order of Police\'s 2003 "Most Dangerous National Parks" list</a></p><p align="center"><a href="http://www.rangerfop.com/newsrel4-6.htm">See how the Park Service is chronically understaffing its law enforcement program</a></p>', '', 'NPS', 0);

INSERT INTO news VALUES (402, '2004-08-31', 'WHISTLEBLOWER CLAIM REVIVED IN FISH KILL POLLUTION CASE', 'Unanimous Court of Appeal Panel Sends Case to Trial', ' <p>Detroit, MI -- A unanimous Michigan Court of Appeals panel ruled that an environmental whistleblower case can proceed to trial, according to Public Employees for Environmental Responsibility (PEER). The case involves a Gratiot Conservation District manager who was fired after reporting pollution violations and financial irregularities.</p><p>Robin Berryhill served as a &quot;Grant 319&quot; project manager with the Conservation District. Her job was to monitor non-point sources of water pollution. In January of 2002, the Conservation District fired Berryhill for reporting major water quality violations, including pollution discharges and fish kills in Pine Creek, to the state\'s Department of Environmental Quality, contrary to District directives. </p><p>In addition to refusing to obey the illegal orders, Berryhill reported dubious fiscal management of the Conservation District, including the practice of "double dipping" grant money" i.e., accepting duplicate payment for the same activity from more than one source.</p><p>On March 10, 2003, the 29th Circuit Court dismissed Berryhill\'s complaint, filed under Michigan\'s Whistleblower\'s Protection Act. Last week, the state Court of Appeals reversed that dismissal, characterized the earlier action of trial court as "factually and legally flawed." Berryhill\'s suit seeks reinstatement, lost wages and other appropriate damages. It will now be scheduled for a jury trial.</p><p>Berryhill is represented in the suit by Scott A. Brooks, an attorney with the Detroit labor law firm of Gregory, Moore, Jeakle, Heinen & Brooks, and PEER, a national environmental whistleblower defense organization. "This is a great victory for the community and for Robin Berryhill, who will now have her day in court, " stated Scott A. Brooks. "The irony in this case is that the Gratiot Conservation District is supposed to be safeguarding the community\'s land and water; but in this case it ordered an employee to ignore serious pollution violations and then fired her when she refused."</p><p>"This case is about whether a public servant can be terminated for trying to protect her community from the threat of contaminated drinking water," stated PEER Executive Director Jeff Ruch. "Michigan\'s environmental laws become useless if people who report pollution violations may be summarily fired for doing their civic duty."</p><p align="center"> ###</p><p align="center"><a href="http://courtofappeals.mi.jud.net/documents/OPINIONS/FINAL/COA/20040824\_C248217\_29\_248217.OPN.PDF">Read the Court of Appeal Decision</a></p><p align="center"> <a href="<?php print \$cfg->docsdir;?>/mi/complaint\_Berryhill.pdf">See Robin Berryhill\'s whistleblower complaint</a></p>', 'MI', '', 0);

INSERT INTO news VALUES (403, '2004-08-26', 'STATE & NATIONAL CONSERVATION GROUPS SET TO SUE FEDERAL AGENCIES TO PROTECT TENNESSEE WETLANDS', 'Challenges Administration Policy on "Isolated Waters"', ' <p>WASHINGTON, DC &#8211; Leading Tennessee and national conservation organizations today announced their intention to mount a legal challenge against the Corps of Engineers and the Environmental Protection Agency (EPA) for failing to uphold Clean Water Act protections for wetlands in the Cumberland Plateau that are crucial habitat for an abundance of wildlife and are prime recreational areas.</p><p>"The Corps cannot be allowed to turn their backs on the state\'s valuable water resources," said Jim Murphy, water resources counsel for the National Wildlife Federation, one of the groups involved in the action. "Wetlands that serve important functions in ensuring the health of wildlife and watersheds require federal protection from destruction and degradation."</p><p>"State efforts to protect high quality wetlands have been mixed at best," said Barry Sulkin of the Tennessee Chapter of Public Employees for Environmental Responsibility (PEER). "It is essential for the preservation of these wetlands that the Corps fulfill its duty to give them federal protection under the federal Clean Water Act."</p><p>The wetlands at issue are located to the east of the Upper Cumberland Regional Airport (UCRA) and feed into the Falling Water River in the Cumberland Plateau region. This area is one of the most biologically diverse regions of the country, known for its abundant wildlife, waterfalls and scenic hiking, fishing and hunting. The airport is planning an expansion that will cover the wetlands with pavement and a fueling station.</p><p>The 60-day notice of intent to sue over the issue was filed August 24 by the Tennessee Environmental Council, the Tennessee Clean Water Network, the National Wildlife Federation, Public Employees for Environmental Responsibility and the Sierra Club.</p><p>The Corps claims the wetlands adjacent to the airport are "isolated" and development there does not require a Clean Water Act permit. However, an expert analysis conducted for the National Wildlife Federation and the other groups shows that water from the wetlands feed the Falling Water River through a series of surface and subsurface streams, typical of hydrologic connectivity in this unique "karstic" or cavernous region.</p><p>The Corps based its decision on a U.S. Supreme Court ruling that held that a sand and gravel pit with no known hydrological or ecological connection to other waters was not covered by the Clean Water Act. </p><p>"The wetlands near the airport are high quality wetlands that bear no resemblance to the gravel pits addressed in the court decision," said Mary Mastin, an attorney representing several of the groups in the case. "According to our analysis, a permit is required to fill them under the Clean Water Act. Moreover, there is strong indication that if the Corps required the airport to apply for a permit, the permit should be denied because the airport could expand in another direction, saving the wetlands from destruction."</p><p>In an attempt to avoid litigation, the groups involved have provided the Corps\' Nashville District with the results of a dye trace study showing the connection between the Falling Water River and the wetlands. Talks with the Corps are continuing. However, the Nashville District has yet to reverse its decision not to regulate the wetlands.</p><p>"If this Corps decision is allowed to stand, countless wetlands and streams in this region will lose federal protection because so many streams flow underground at some point," said Murphy. "The law is clear that the entire aquatic system must be protected. The failure to consider a high quality wetland directly connected to one of Tennessee\'s most treasured rivers as part of such a system is inexcusable."</p><p>"Right now the Administration has a guidance in place that does not apply Clean Water Act protection to many waters that should be covered by the Act," said Robin Mann of Sierra Club. "EPA and the Corps must protect all waters covered under the Clean Water Act. And we intend to ensure that they do."</p>', 'TN', 'EPA', 0);

INSERT INTO news VALUES (404, '2004-09-01', 'CHAMBERS\' HEARING SET FOR SEPTEMBER 8, 2004', 'Interior\'s Top Officials Testify Before Public & Judge', '<p>Next Wednesday, September 8th, there will be a hearing to review the legality of the removal of U.S. Park Police Chief Teresa Chambers. Top officials from the U.S. Department of Interior and National Park Service are to appear for testimony and cross-examination by Chambers\' lawyers.</p><p><strong>WHO:</strong> DEPUTY INTERIOR SECRETARY STEVEN GRILES, NATIONAL PARKS SERVICE DIRECTOR FRAN MAINELLA, DEPUTY PARKS DIRECTOR DONALD MURPHY, AND DEPUTY ASSISTANT SECRETARY PAUL HOFFMAN ARE AMONG THE OFFICIALS SLATED TO TESTIFY.</p><p><strong>WHAT:</strong> Hearing to review the decision to remove Teresa Chambers as Chief of the U.S. Park Police</p><p><strong>WHEN:</strong> Wednesday, September 8, 2004 @ 9:00 a.m.</p><p><strong>WHERE:</strong> The U.S. Merit Systems Protection Board 1800 Diagonal Road, Suite 205 ALEXANDRIA, VA 22314-2840</p><p><strong>CONTACT:</strong> Chas Offutt [PEER] (202) 265-7337; Mr. Shannon [MSPB] (202) 653-7200</p><p><strong>Note:</strong> The presiding judge of this Merit Systems Protection Board hearing has made the following discretionary ruling concerning media coverage:</p> <blockquote> <p>"No one will be permitted to tape-record, photograph or film the hearing. The hearing will be tape-recorded under the direction of the Board. A written transcript will not be provided but may be purchased from the court reporter."</p> </blockquote> <p>In addition, there will be limited seating in the MSPB hearing room.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/chiefchambers/index.php">For background information about Chief Chambers\' case</a></p>', '', 'NPS', 1);

INSERT INTO news VALUES (405, '2004-09-07', 'GRILES RAFT TRIP DELAYS CHAMBERS CASE', '"Official" Whitewater Trip Through Grand Canyon Extends Hearing for One Week', '<p>Washington, DC -- Interior Deputy Secretary Steven Griles attempted to miss a critical legal hearing by claiming the need to "be on official travel on the Colorado River in the Grand Canyon for the entire week," according to an agency filing released today by Public Employees for Environmental Responsibility (PEER).</p><p>The hearing that Griles seeks to avoid will determine the legality of the decision this past July to remove U.S. Park Police Chief Teresa Chambers. Griles, the second ranking official and the self-described "Chief Operating Officer" at Interior, is a key witness on "disciplinary" charges leveled at Chief Chambers.</p><p>In an August 24th deposition taken at PEER\'s offices, Griles proved to be a reluctant witness against Chambers, breaking down twice and asking for breaks following questions concerning his personal views as to whether the Interior Department treated Teresa Chambers fairly. In his deposition, Griles confessed that several of the charges against Chambers appeared to lack merit, including admissions that --</p><ul><li>Chief Chambers broke no rule in bringing a personnel matter to him, thus undercutting a charge that Chief Chambers circumvented the chain of command;</li><li>Chief Chambers\' interview with the Washington Post did not constitute &#8216;lobbying" as maintained in another of the charges. Griles is also a former lobbyist; and</li><li>The abrupt transfer of a deputy police chief over Chambers\' objections was "arbitrary" and would have disrupted budget preparations. Griles sided with Chief Chambers in reversing the detailing of the deputy.</li></ul> <p>"Steve Griles testimony is needed to show just how corrupt decision-making is at the upper echelons of the Department of Interior," stated PEER Executive Director Jeff Ruch whose organization is leading the defense of Chief Chambers. "After examining the agency\'s top officials, it is obvious these charges were trumped up to silence Chief Chambers\' warnings about dangers to the public and to our national icons."</p><p>As a result of the Griles rafting trip, the Chambers hearing will be held open for an additional week so that his live testimony may be taken and he may be cross-examined by Chambers\'

lawyers. Other witnesses in the case include NPS Director Fran Mainella and her deputy, Don Murphy, as well as Assistant Secretary Craig Manson, and his deputy, Paul Hoffman. The hearing is slated to begin in two days on the morning of September 8th.

"How do taxpayers benefit from having Steve Griles paddle a raft?" asked Ruch, noting that the National Park Service agreed to limit unnecessary travel but that Griles is exempt from this economy move. "The only thing official about this rafting junket is that a high official is along for the ride."

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[Read the notice claiming the Griles raft trip as "official" business](http://www.nps.gov/pressroom/2004/09/07/070907a.htm)

[View the August 24 deposition testimony of Deputy Secretary Griles](http://www.nps.gov/pressroom/2004/09/07/070907a.htm)

INSERT INTO news VALUES (406, '2004-09-07', 'U.S. AID WHISTLEBLOWER WINS RULING', 'Environmental Violations in Multi-National Bank Projects Suppressed', ' Washington, DC -- The U.S. Agency for International Development (USAID) removed its sole analyst overseeing environmental compliance in multi-national development bank projects to prevent him from reporting violations to Congress and watchdog organizations, according to a ruling released today by Public Employees for Environmental Responsibility (PEER).

The federal civil service court, called the Merit Systems Protection Board, ruled last week that John M. Fitzgerald, a former environmental analyst with USAID, made disclosures of legal violations and mismanagement protected under the Whistleblower Protection Act and that these disclosures played a role in the decision to abruptly abolish his position in September 2002. This ruling means that Fitzgerald is entitled to a full hearing to determine whether he should be reinstated and awarded damages.

Under a statute commonly called the "Pelosi Amendment," after its author, Rep. Nancy Pelosi (D-CA), the U.S. delegations to international lending institutions, such as the World Bank and the International Monetary Fund, are forbidden from supporting any financial aid to projects that have not undergone environmental review. The agency charged with monitoring environmental compliance is USAID.

Fitzgerald's whistleblower complaint, filed by PEER, charges that USAID caved to pressure from U.S. Treasury officials determined to secure approval for financing of questionable energy projects in Africa, South America and Eastern Europe. Treasury officials struck sections written by Fitzgerald from draft USAID reports to Congress that

- Nearly half the money loaned by multilateral development banks received no environmental review at all;
- Many of the reviews are incomplete and do not meet the law's standards. For example, the Chad-Cameroon oil pipeline; the biggest development project in Africa; lacks plans for dealing with oil spills, invasive species from tanker ballast and other foreign commerce and the absence of support infrastructure for large-scale petroleum operations; and
- Reviews are often completed after-the-fact, with little consideration of alternatives and are not readily available to outside groups or native populations. As a consequence, unnecessarily destructive projects in Asia, Africa and South America are improperly receiving U.S. support in obtaining loans.

"This case is about the Bush Administration censoring the information available to the Congress and the American people, who are paying for these loans," stated PEER Executive director Jeff Ruch, noting that since Fitzgerald's departure the required bi-annual reports to Congress have ceased. "These reviews are supposed to prevent needless environmental catastrophes in countries desperate for investment."

Fitzgerald's complaint names USAID Administrator Andrew Natsios, three other agency officials, as well as US Treasury Deputy Secretary John Taylor as defendants.

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[View the August 24 deposition testimony of Deputy Secretary Griles](#)

href="http://www.mspb.gov/decisions/2004/fitzgerald\_dc030330w1.html">Read the MSPB decision upholding John Fitzgerald\'s whistleblower status</a> </p><p align="center"><a href="<?php print \$cfg->docmdir;?>/dot/Attachment\_B\_B\_10\_12.pdf">View John Fitzgerald\'s whistleblower complaint</a></p><p align="center"><a href="<?php print \$cfg->docmdir;?>/dot/Chad-Cam\_Pipeline\_Section.pdf">View draft findings on the Chad-Cameroon oil pipeline edited out by U.S. Department of Treasury</a> </p>', '', '', 0);

INSERT INTO news VALUES (407, '2004-09-01', 'YELLOWSTONE PARK ILLEGALLY POCKETS CELL TOWER MONEY', 'Plus Free Phones and 60,000 Free Cell Minutes for Park Staff', ' <p>Washington, DC -- Yellowstone National Park has been illegally using lease funds from telecommunications companies to pay staff salaries and other expenses, according to internal records released today by Public Employees for Environmental Responsibility (PEER).</p><p>Over the last several years, the National Park Service (NPS) issued six rights-of-way for cell phone towers in Yellowstone National Park. Two are issued to Union Telephone Company of Wyoming. Four were issued to interests now owned by Western Wireless Corporation. The annual fee from these two companies covers both the cost of administering the right-of-way and the rental for the use of federal land. The former funds are allowed to remain within the park to defray their costs. However, funds derived from the rental of land are to be deposited with the U.S. Treasury, as miscellaneous receipts.</p><p>Yellowstone National Park collects land rental fees of \$500 per month for each of the six rights-of-way, for a total of \$36,000 each year. Yellowstone has failed to deposit these funds in the U.S. Treasury in violation of law and Office of Management and Budget Circular A-25 that states "Unless a statute provides otherwise, user charge collections will be credited to the general fund of the Treasury as miscellaneous receipts, as required by 31 U.S.C. 3302." Instead, park officials have used the monies derived from leasing parkland to pay for employee salaries and other park expenses.</p><p>"The retention of rental fees from rights-of-way in park operating budgets is not just improper, it creates a positive incentive for a park manager to say &#8216;yes\' to a prospective right-of-way applicant," stated PEER Board Member Frank Buono, a former long-time NPS manager. "Imagine if parks such as Lake Mead or Glen Canyon could keep revenues in their budget derived from royalties on mineral leases. One would reasonably expect more mineral leases. For this reason, funds derived from the sale or lease of Federal lands and resources must not be retained. There are already enough pressures influencing a manager\'s decisions. We do not need to add the temptation of un-appropriated cash."</p><p>A related impropriety involves the NPS obtaining in-kind services from the lessee, and then reducing the amount of the rental due. At Yellowstone, the NPS received 70 free cell phones from MetaCom and 5,000 free minutes per month.</p><p>"No matter how strapped the park budget may be, there is no excuse for Yellowstone\'s conduct," added Buono, noting that one cell tower was illegally sited overlooking the Old Faithful Historic District, without required public notice and in violation of its permit conditions. "The National Park Service is not entitled to sell our natural birthright for a few shekels."</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docmdir;?>/nps/celltowerincome.pdf">See how Yellowstone NP spent its cell tower rental income in 2003 and 2004 </a></p><p align="center"><a href="<?php print \$cfg->docmdir;?>/nps/freecellphone.pdf">Examine the free cell phone and 60,000 free minutes</a></p><p align="center"><a href="<?php print \$cfg->docmdir;?>/nps/mainellacellletter.pdf">Read PEER\'s letter to NPS Director Mainella asking for a review</a></p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/yellowstone/index.php">Find out more about the proliferation of cell phone towers throughout the national park system</a></p>', '', 'NPS', 3);

INSERT INTO news VALUES (408, '2004-09-01', 'JOHN DEAN URGES SCHWARZENEGGER TO SIGN ATTORNEY WHISTLEBLOWER LAW', 'Former White House Counsel Says Government Lawyers Should Be Able to Report Corruption', ' <p>Washington, DC --John W. Dean, former Nixon White House counsel, is urging Governor Arnold Schwarzenegger to sign legislation allowing government lawyers in California to report official misconduct without facing loss of license or other discipline for breaching client confidentiality, according to a letter released today by Public Employees for Environmental Responsibility (PEER).</p><p>The measure, AB 2713 authored by Assemblywoman Fran Pavley (D-Woodland Hills), permits lawyers representing governmental clients at any level to report crimes and fraud "in order to prevent or rectify substantial harm to the public." Passed by both houses of the legislature, the bill is on Gov. Schwarzenegger\'s desk awaiting either his signature or veto by the end of the month. In 2002, then-Gov. Gray Davis vetoed a similar bill.</p><p>If enacted, California would join Hawaii as the only state recognizing government lawyers\' responsibility to protect "the public interest" by exposing "improper governmental activity." Dean, whose testimony in the Watergate hearings helped lead to President Nixon\'s resignation, wrote that &#8211;</p><p>"Without this law an attorney\'s license to practice law is in jeopardy should they report such misconduct by their government client&#8230; As a former White House counsel once confronted with such problems at the highest level of government, I have a special interest in seeing that government attorneys have clear rules, and not be forced to flounder on their own when they are confronted with the misconduct of their colleagues."</p><p>"In California, as in most other states, the only ethical recourse for a government lawyer facing compelling evidence of corruption or threat to public safety is to resign and remain forever silent," stated PEER Executive Director Jeff Ruch, who sponsored the enactment of the "California Whistleblower Protection Act" in 1999 and has led the drive to extend those protections to public agency attorneys. "Today in environmental agencies across the country, attorneys who are supposed to work for the public are prevented from exposing dangers to public health and serious pollution offenses."</p><p>AB 2713 grew out of the case of Cindy Ossias, an attorney for the Department of Insurance. Ms. Ossias reported kickbacks and other enforcement irregularities by the elected Insurance Commissioner, Chuck Quackenbush, to a legislative investigating committee. Faced with revelation of these internal secrets, Quackenbush resigned and fled the state. Ms. Ossias became the subject of a disciplinary complaint to the State Bar for revealing her employer\'s confidences. The State Bar declined to prosecute but also declined to issue a ruling protecting other lawyers under similar circumstances.</p><p>Under this bill, attorneys representing state, local and federal government would be able to report crimes and fraud by their client agencies to law enforcement, regulatory bodies and legislative committees. While the bill applies only to attorneys embarred in California, PEER is seeking to enact comparable measures in other states.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/ca/9-14-04\_DeanLettertoGov.pdf">See John Dean\'s letter to Gov. Schwarzenegger</a></p><p align="center"><a href="http://www.leginfo.ca.gov/pub/bill/asm/ab\_2701-2750/ab\_2713\_bill\_20040825\_enrolled.html">Read AB 2713</a></p><p align="center"><a href="http://www.leginfo.ca.gov/pub/bill/asm/ab\_2701-2750/ab\_2713\_cfa\_20040623\_122720\_sen\_comm.html">Look at a legislative analysis of the bill</a></p><p align="center"><a href="<?php print \$cfg->docsdir;?>/ca/9-14-04\_LettertoGov.pdf">View PEER\'s letter urging Gov. Schwarzenegger to sign the bill</a></p>', 'CA', '', 0);

INSERT INTO news VALUES (409, '2004-09-15', 'CONGRESSMAN EXTORTS FOREST SERVICE INTO DROPPING FIRE PENALTY', 'Rep. Henry Brown Set Forest Fire That Burned Out of Control', ' <p>Washington, DC -- The U.S. Forest Service blocked the assessment of mandatory criminal penalties and civil cost recovery for an



escaped fire set by U.S. Representative Henry Brown (R-South Carolina) that burned out of control in the Francis Marion National Forest, according to a whistleblower complaint released today by Public Employees for Environmental Responsibility (PEER). Orders to agency law enforcement to cease prosecution and collection of fire suppression costs came after the Congressman met with U.S. Department of Agriculture Undersecretary Mark Rey.

Citing "blatant" obstruction, extortion and violations of agency policies, the whistleblower complaint was filed with the Agriculture Office of Inspector General on September 8th by two top Forest Service criminal investigators, including the senior agent for the southeastern U.S. The complaint details how Rep. Brown threatened retaliation against the Forest Service budget if the enforcement against him were to proceed.

On March 5, 2004, Rep. Brown conducted a prescribed burn on his property adjoining the national forest. Brown had a state permit authorizing a 25-acre burn but he set the fire on a day in which a "Red Flag Alert" was issued due to high winds. The fire quickly burned more than 200 acres of Brown's land and crossed over into the national forest, burning another 20 acres there. The Forest Service needed a helicopter, three fire engines and a bulldozer to bring the fire under control. A Forest Service review of the fire found that Brown was negligent:

"Mr. Brown was not adequately prepared to detect, or adequately equipped to suppress, the escaped fire on 5 March 2004 with only two men, a bucket of water, and no means of delivery of that water to the escaped fire."

"This is an act of corruption both petty and profound," stated PEER Executive Director Jeff Ruch, noting that agency policy requires both assessing a criminal fine of approximately \$250 as well as a civil action to recover the agency's fire suppression costs, estimated at approximately \$4,000. "The pattern with this Administration is that the laws do not apply to its political allies."

When Forest Service officials informed Rep. Brown that he would be cited for the fire, the Congressman expressed concern that his political opponents would find out about it and warned that if the Forest Service persisted its programs "might need to be scrutinized more closely." Brown then reportedly contacted agency officials at higher and higher levels without receiving the assurance of non-prosecution. It was not until he met with Agriculture Undersecretary Rey, a former timber lobbyist, that he extracted a promise to drop the matter. Even after agency specialists ruled that the collections requirement could not be waived, on August 24th, law enforcement agents were directed by email, "we are to take no action."

While it has opened an investigation, the Inspector General has no authority to take direct action of any kind and may only refer the matter for criminal prosecution and/or disciplinary action. "We would be surprised if the IG acts quickly and aggressively to investigate its own undersecretary," added Ruch. "This Administration has no track record of holding its own political appointees accountable."

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[Read the Forest Service whistleblower complaint](http://www.foia.gov/foia/print/$cfg->webroot;?>/docs/fs/BrownSetsFire.pdf)

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INSERT INTO news VALUES (410, '2004-09-20', 'FOREST SERVICE FINALLY FINES CONGRESSMAN FOR SETTING FOREST FIRE', 'Criminal Notice of Violation Hand-Delivered to Rep. Brown's Capitol Office', ' <p>Washington, DC -- The U.S. Forest Service hand-delivered a criminal notice of violation to the Capitol-Hill office of Representative Henry Brown (R-South Carolina) this past Friday, citing him for negligence in allowing a fire on his property to burn out of control and spread into the Francis Marion National Forest. The agency's action comes on the heels of charges filed by two of its senior criminal investigators that the Congressman and U.S. Department of Agriculture Undersecretary Mark Rey politically obstructed appropriate law enforcement, according to the whistleblower complaint released last week by Public Employees for Environmental Responsibility (PEER).</p><p>The belated agency action comes more than six
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months after the incident and follows repeated directives from top officials to refrain from prosecuting the two-term lawmaker. The criminal notice of violation carries a \$250 fine, which Rep. Brown indicates he will pay. But, contrary to its policy, the Forest Service did not assess Rep. Brown for the agency's costs in suppressing the fire.

"The Forest Service leadership scuttled like cockroaches after the kitchen light was flicked on," stated PEER Executive Director Jeff Ruch, whose organization provides legal aid to public agency environmental whistleblowers. "We will be watching to ensure that the law enforcement officers who brought this matter to public attention do not suffer official retribution."

The agency, however, denies that media attention prompted it to criminally cite Rep. Brown. As quoted in the Atlanta Journal-Constitution, Forest Service spokesman Dan Jiron contended the agency "actually has been working for months reviewing policy." Notwithstanding the agency claim of coincidence

The citation was issued only after a meeting between Undersecretary Rey and Forest Service Chief Dale Bosworth following publication of the whistleblower complaint.

The Forest Service is withholding the approximately \$4,000 civil assessment for its costs in suppressing the fire, pending a national review of its forest fire enforcement policy;

The U.S. Department Agriculture Office of Inspector General will investigate the whistleblower complaint alleging extortion by Rep. Brown and violations of agency policies by top officials. "Incidents like this show that the wheels of justice are misaligned to shield the politically connected," added Ruch, noting that the Forest Service even offered Rep. Brown a federal grant to offset his fine and penalties. An agency investigation found that Brown was responsible for the escaped fire and was totally unprepared to contain it. Brown was found at the scene with no hand tools, two garbage cans filled with water but no means, other than a bucket, of delivering the water to the fire. "If Henry Brown was not a Member of Congress, he would have had the book thrown at him."

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<http://www.fs.fed.gov/doc/whistleblower/BrownSetsFire.pdf> Read the Forest Service whistleblower complaint

INSERT INTO news VALUES (411, '2004-09-21', 'DC PARKS & PARKWAYS INADEQUATELY PATROLLED', 'New Report Echoes U.S. Park Police Chief Chambers\' Concerns', ' <p>Washington, DC -- A new report confirms that new counter-terrorism duties for the U.S. Park Police are cutting into patrol capability on the major parkways and national parks in the DC metropolitan area, according to Public Employees for Environmental Responsibility (PEER). The report recommends either a significant increase in resources or cutting back the responsibilities of the U.S. Park Police.</p><p>The new report by the National Academy of Public Administration (NAPA) is entitled The U.S. Park Police: Aligning Mission, Priorities and Resources. NAPA finds that despite a large increase in responsibilities assigned to the U.S. Park Police (USPP) since September 11, 2001, the total number of Park Police officers has fallen. Moreover, as U.S. Park Police Chief Teresa Chambers publicly stated in interviews that led to her removal, NAPA concludes that new counter-terrorism assignments have come at the expense of traditional Park Police responsibilities for protecting lives on DC\'s five major parkways and numerous national park units:</p><p>"The Panel\'s most important message to all who make decisions about Park Police resource needs-including Congress-is that you can\'t have it both ways. USPP cannot be expected to function as a full-service urban police department and guardian of national parks at current resource levels. If it is to continue to fulfill its current broad roles, it needs additional resources." [Emphasis in original] In an earlier report, NAPA had recommended that the Department of Interior and National Park Service, the parent agencies for the USPP, refine the mission of the Park Police to set priorities for limited resources. More than three years

after that recommendation, little progress has been made: &#8226; Interior has nixed recommendations to pull the U.S. Park Police out of New York Harbor (the Statue of Liberty, Ellis Island, etc.) and the San Francisco Bay area (Golden Gate Bridge and National Recreation Area); &#8226; Requests by Chief Chambers to end USPP responsibilities for Wolf Trap, the performing arts center, or to scale down public celebrations on the National Mall were vetoed by National Park Service Director Fran Mainella, who also forbade Chambers from jettisoning any USPP jurisdiction; and &#8226; Meetings to refine the USPP mission have not resumed since Chief Chambers was placed on administrative leave back in December 2003. In addition, the NAPA team that compiled the report was denied permission to interview Chief Chambers.

"The Department of Interior put Chief Chambers in an impossible situation by blocking elimination of any patrols while denying her the resources to keep all of these new balls in the air," stated PEER Executive Director Jeff Ruch, whose organization is leading Teresa Chambers\' challenge to her removal in July for admitting to staffing and budget shortfalls in an interview with the Washington Post. "By stubbornly insisting that it can do much more with less, the Department of Interior is putting park visitors, parkway commuters and our national icons at risk." The U.S. Park Police, the oldest uniformed federal police force inaugurated by President George Washington, now has wide-ranging anti-terrorism responsibilities, including activities as varied as evacuation planning for the Statue of Liberty to providing personal security for Interior Secretary Gale Norton and escort duties for Vice-President Dick Cheney.

&#8226;</p><p align="center">Read the NAPA report, The U.S. Park Police: Aligning Mission, Priorities and Resources <a href="http://www.napawash.org/Pubs/USPP8-04.pdf">http://www.napawash.org/Pubs/USPP8-04.pdf</a> or <a href="http://www.napawash.org/Pubs/USPP8-04.htm">http://www.napawash.org/Pubs/USPP8-04.htm</a> <br /><a href="http://www.napawash.org/Pubs/ParkPoliceFeb2004.htm">Read prior NAPA report on the U.S. Park Police</a></p>', '', 'NPS', 1);

INSERT INTO news VALUES (412, '2004-09-22', 'EPA ISSUES PRE-ELECTION GAG ORDER TO STAFF', 'EPA Directs Employees to "Refrain From Answering" Media Inquiries', ' <p>Washington, DC -- The U.S. Environmental Protection Agency has directed to its staff to "refrain from answering" inquiries from the news media in order to "prevent EPA management from being surprised by news coverage," according to an agency memo released today by Public Employees for Environmental Responsibility (PEER).</p><p>Earlier this month, Bharat Mathur, the top EPA official for the six-state Mid-western region (covering the states of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin), issued a memo to the entire staff within the region entitled "Working with the Press." The memo, however, orders EPA not to communicate with, let alone work with, the press. Instead, all inquiries from reporters are to be routed to the EPA Office of Public Affairs.</p><p>Mathur\'s memo forbids employees from initiating any contact with a reporter or from responding to inquiries made by the members of the press. Even EPA employees who are designated public spokespersons on particular matters must "report their conversations" with reporters to the Office of Public Affairs.</p><p>"The ultimate sin in the Bush Administration is going off message, especially when that discordant note is authoritatively accurate," stated PEER Executive Director Jeff Ruch, whose organization is challenging Bush Administration non-disclosure policies for federal workers. "This policy shows the EPA political leadership\'s profound fear of the expertise of its own professional staff."</p><p>This new EPA non-disclosure policy &#8211;</p><ul><li>Overrules previous practice of allowing agency scientists or other specialists to answer questions that fall within their recognized expertise;</li><li>Appears to violate Congressionally-enacted bans on agencies

imposing any "nondisclosure policy, form, or agreement" on its employees without explicitly informing employees about their rights to reveal matters covered by statutes such as the Whistleblower Protection Act; and</li><li> Seems designed to hide information by directing reporters away from experts and toward relatively uninformed public affairs staff.</li> </ul> <p>"This non-disclosure policy is so broad that EPA employees cannot reveal where the bathrooms are located or what the time of day is to a reporter," added Ruch. "Significantly, under this policy, EPA staff can still talk to environmental groups or members of the public &#8211; just not reporters."</p><p>Similarly, in EPA\'s Rocky Mountain region (covering Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming), Inside EPA reports that employees have been directed not to answer any "potentially political inquiry" from the media.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/epagagorder.pdf">Read the memo from EPA Midwest Acting Administrator</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/epaarticle.pdf">See the Inside EPA account of the Rocky Mountain "No Comment" rule</a></p>', '', 'EPA', 0);

INSERT INTO news VALUES (413, '2004-09-23', 'DEP TO CLOSE HURRICANE RESPONSE OPERATION', 'Hundreds Sign Petition to Save Key Largo Office', ' <p>Washington, DC -- Even as it touts the importance of its operations in the Keys, the Florida Department of Environmental Protection is closing its only office in the region and relocating its biologists more than 170 miles away, according to agency records released today by Public Employees for Environmental Responsibility (PEER). As a result of the move, the state will have no resident biologists to assess beach erosion and other effects of hurricanes ripping through the Florida Keys.</p><p>Announced in June as an economy measure, DEP would close its Key Largo marine biology office and move its staff to Hobe Sound. An examination of agency records by PEER, however, revealed no cost studies or other calculations showing how much, if any, tax dollars will be saved or lost by the move. In addition, closing the Key Largo office will move state marine biologists several hours away from the resources they are assigned to protect. As a result of the move &#8211;</p><ul><li>It will be more difficult for biologists to monitor beach and dune erosion in the Keys;</li><li>Ongoing assessments of coral bleaching and other threats to marine life will be strained; and</li><li>Keys residents seeking permits for marinas, piers, seawall repairs or other projects that impact upon state parklands will have to travel an additional 8 to 10 hours round trip. </li> </ul> <p>"Closing the Key Largo office has nothing to do with efficiency and everything to do with petty bureaucratic politics," stated Florida PEER Director Jerry Phillips, a former attorney in the DEP Office of General Counsel. "DEP is closing a valuable asset for the people and the resources of the Keys. Furthermore, this move will not provide meaningful savings to the public since DEP owns the office space out of which the Key Largo office operates. There are apparently no plans underway for DEP to sell the office space. The true basis for this move is therefore highly suspect."</p><p>The series of recent hurricanes has underscored the need for marine biologists to be available to track the dramatic effects these massive storms are having on marine resources. Just yesterday, Secretary Castille announced that the State is undertaking a massive effort to evaluate the beach erosion caused by the three storms that have struck Florida this year. Moving the base for state biologists further away from the area of greatest need may cost the state even more money to pay travel costs for overnight stays and extra-long commutes for its staff.</p><p>Over 250 Keys residents have signed a petition to key the DEP office in Key Largo. Florida PEER has placed that petition on its web site so that Floridians not now in the keys can sign on as well.</p><p align="center">###</p><p align="center"> <a href="http://www.dep.state.fl.us/secretary/news/2004/september/0921\_02.htm">See

the recent Florida DEP release on post-hurricane beach assessments</a></p><p align="center"><a href="http://www.ipetitions.com/campaigns/Key\_Largo\_petition/">Read the petition to save the Key Largo office</a></p>', 'FL', '', 0);

INSERT INTO news VALUES (414, '2004-09-29', 'GAY RIGHTS, PRO-CHOICE AND ANTI-WAR SCENES TO BE CUT FROM LINCOLN MEMORIAL VIDEO', 'Bush Administration Sits on Revised Video Until After Election', ' <p>Washington, DC -- In order to edit out filmed scenes of gay and abortion rights demonstrations that occurred at the Lincoln Memorial, the Bush Administration has spent more than a year and nearly \$200,000 making two new versions of a video, according to agency records released today by Public Employees for Environmental Responsibility (PEER). </p><p>In November 2003, under pressure from conservative religious groups, the Park Service announced that it would alter an eight-minute video containing photos and footage of demonstrations and other events taking place at the Lincoln Memorial. These conservative groups complained that footage of gay rights, pro-choice and anti-Vietnam War demonstrations implied that "Lincoln would have supported homosexual and abortion &#8216;rights\' as well as feminism." The Park Service promised to develop a "more balanced" version of the videotape that has been shown at the Lincoln Memorial since 1995.</p><p>Records obtained by PEER show that two versions of the video have been made and paid for. The first version is a wholly new video "to revise and update the Lincoln Memorial video [including] avid off-line and symphony picture editing, the acquisition and addition of commercial and public domain stock footage and specialized captioning." This new video kept the disputed demonstration scenes but added new footage from other, less controversial events. Agency records indicate that this new "balanced" video had an "estimated completion date of December 16, 2003." Park Service employees have informed PEER that the new video required, but failed to obtain, approval by Assistant Interior Secretary Craig Manson.</p><p>This June, a second version of the video was ordered. This second version would make "three minor picture changes to the Lincoln\'s Living Legacy Video. This work includes purchasing new stock footage, edit, mastering and captions for the video."</p><p>Altogether, records indicate, through early August 2004, that \$126,630 had been spent on the video project and \$64,694 remained in the "Available Balance to Spend" by the end of the federal fiscal year, September 30. Notwithstanding the time and expense, the Bush Administration refuses to release any version of the new video on the grounds that "it is still in development and has not been finalized," according to the National Park Service response to a Freedom of Information Act request filed by PEER.</p><p>"The Bush Administration is trying to erase feminists, war protestors and gays from American history," stated PEER Executive Director Jeff Ruch, whose organization is calling on the Bush Administration to release the first version of the expanded "balanced" video for a public showing. "Taxpayers deserve to see what their money was used to produce."</p><p>PEER has coupled the Lincoln Memorial flap with National Park Service\'s approving the display of religious symbols and Bible verses, as well as the sale of creationist books giving a non-evolutionary explanation for the Grand Canyon and other natural wonders within national parks. "This is merely the latest episode in the Bush Administration\'s Faith-Based Parks agenda."</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docmdir;?>/nps/Lincolnvideo03.pdf">Read the work order for a new &quot;balanced&quot; Lincoln Memorial video completed in December 2003</a></p><p align="center"><a href="<?php print \$cfg->docmdir;?>/nps/Lincolnvideo04.pdf">Read the second work order to delete three scenes from the Lincoln Memorial video issued in June 2004</a></p><p align="center"><a href="<?php print \$cfg->docmdir;?>/nps/videoprojectsummary.pdf">View the summary of expenses incurred

by the video project

[See the PEER petition asking for a public showing of the new "balanced" video](http://www.ipetitions.com/campaigns/Lincoln_video/) [Find out more about the Bush Administration's "Faith-Based Parks" agenda](http://www.fairfaith-based/index.php), '', 'NPS', 0);

INSERT INTO news VALUES (415, '2004-09-22', 'SCHWARZENEGGER TERMINATES ATTORNEY WHISTLEBLOWER BILL', 'Veto Echoes Action by Gray Davis', ' <p>Washington, DC -- California Governor Arnold Schwarzenegger has vetoed legislation allowing government lawyers to report official misconduct without facing loss of license or other discipline for breaching client confidentiality. This is the second veto of the bill in two years, as Schwarzenegger's predecessor, Gray Davis, vetoed a similar bill in 2002.</p><p>The measure, AB 2713 authored by Assemblywoman Fran Pavley (D-Woodland Hills), would have permitted lawyers representing governmental clients at any level to report crimes and fraud "in order to prevent or rectify substantial harm to the public." As a result of Schwarzenegger's action, Hawaii remains the only state recognizing government lawyers' responsibility to protect the public interest by exposing improper governmental activity.</p><p>Schwarzenegger's office had previously not expressed opposition to the bill. His action is a "pocket veto" after the end of the legislative session and is not subject to a legislative override.</p><p>"This is not the action of a reformer but of a politician interested in keeping dirty secrets," stated Jeff Ruch, Executive Director of Public Employees for Environmental Responsibility (PEER), which had strongly supported the bill. "Now the only ethical recourse for a government lawyer facing compelling evidence of corruption or threat to public safety is to resign and remain forever silent."</p><p>Former Nixon White House counsel John Dean was among the many individuals and organizations to endorse the bill, writing, "Without this law an attorney's license to practice law is in jeopardy should they report such misconduct by their government client."</p><p>AB 2713 grew out of the case of Cindy Ossias, an attorney for the Department of Insurance. Ms. Ossias reported kickbacks and other enforcement irregularities by the elected Insurance Commissioner, Chuck Quackenbush, to a legislative investigating committee. Faced with revelation of these internal secrets, Quackenbush resigned and fled the state. Ms. Ossias became the subject of a disciplinary complaint to the State Bar for revealing her employer's confidences. The State Bar declined to prosecute but also declined to issue a ruling protecting other lawyers under similar circumstances.</p><p>Schwarzenegger's message reads &#8211;</p><blockquote> <p>"This is a well-intended bill and I applaud the efforts to expose wrongdoing within government. However, this bill would condone violations of the attorney-client privilege, which is the cornerstone of our legal system. This bill will have a chilling effect on when government officials would have an attorney present when making decisions. It is an attorney's duty to advise the governmental officials when they are about to engage in illegal activity. This bill will ensure that advice is not conveyed in every situation and therefore it is too broad to affect the intended purposes. Existing law already addresses the most egregious situations, which is the only time the attorney-client relationship should be breached. It is critical to evaluate the recent changes to the law as it relates to the attorney-client privilege prior to further eroding this important legal principle. For the reasons stated I am unable to support this measure."</p> </blockquote> <p>"Today in environmental agencies across the country, attorneys who are supposed to work for the public are prevented from exposing dangers to public health and serious pollution offenses," Ruch added.</p><p align="center">###</p><p align="center"><a href="http://www.leginfo.ca.gov/pub/bill/asm/ab\_2701-2750/ab\_2713\_bill\_20040825\_enrolled.html">Read AB 2713</a></p><p align="center"><a href="http://www.leginfo.ca.gov/pub/bill/asm/ab\_2701-

2750/ab\_2713\_cfa\_20040623\_122720\_sen\_comm.html">Look at a legislative analysis of the bill</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/ca/9-14-04\_LettertoGov.pdf">See John Dean\'s letter to Gov. Schwarzenegger</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/ca/9-14-04\_DeanLettertoGov.pdf">View PEER\'s letter urging Gov. Schwarzenegger to sign the bill</a></p>', 'CA', '', 0);

INSERT INTO news VALUES (416, '2004-09-30', 'LURC COMMISSIONER\'S VIOLATIONS REMAIN UNRESOLVED', 'Nadeau Has Outstanding Fine; Attorney General Investigation Called For', '<p>Millinocket, ME -- Contrary to agency assurances, James Nadeau, Commissioner of the Land Use Regulation Commission (LURC), still has unresolved penalties under the very laws he is supposed to be administering, according to agency documents released today by Maine Public Employees for Environmental Responsibility (PEER).</p><p>In late July, citing four pending enforcement actions, Maine PEER asked the Governor John Baldacci to dismiss Nadeau from the LURC Commission. In response, Catherine Carroll, the LURC Director assured Maine PEER Director Tim Caverly in an August 18 email that "three LURC violations have been resolved and closed out."</p><p>Documents obtained by Maine PEER, however, show that one of the three cases has not been closed out and the fourth case was closed without any penalty. "Both of these violations could have been avoided if Mr. Nadeau had followed proper procedures, now they need to be properly resolved," stated Maine PEER Director Tim Caverly, a long-time former Department of Conservation employee.</p><p>Mr. Nadeau has been the Town Manager of Eagle Lake since 1994 and Chairman of the Board of Assessors for Winterville Plantation since 1977. Last Spring he was appointed as a LURC Commissioner despite his record of violating LURC Standards by denying responsibility for the four violations that were committed by the two municipalities since 1992. The two violations at issue are &#8211;</p><p>&middot; The Plantation of Winterville has not fulfilled provisions required by a 1994 Settlement Agreement. In the legally binding document James Nadeau, as First Assessor for the Plantation, agreed to resolve the Plantation\'s violations of LURC Standards, including harvesting in a deer wintering area and failing to file the necessary notifications with the Commission. According to LURC documents, the harvesting resulted in significant loss of prime deer wintering shelter. The Plantation admitted responsibility and in addition to the Plantation paying a six hundred dollar fine (\$600), Nadeau agreed to pay two thousand eight hundred dollars (\$2800) by July 15th, 1994 unless by that date Winterville Plantation had successfully petitioned to rezone to a Fish and Wildlife Protection Subdistrict. The land has not been rezoned nor has Winterville paid the required penalty;</p><p>&middot; In 2002, LURC sent the Town of Eagle Lake a Letter of Warning for violations of Standards that occurred. According to LURC documents the Town cleared, filed and graded approximately a 10,000 square foot area without the necessary LURC permits. In addition Eagle Lake compounded the violation by trespassing on state land without acquiring right, title or interest to the site. Last August LURC issued a Letter of Warning to the Town for undertaking the work without a permit and without permission of the landowner. Almost a year after the trespass the Bureau of Parks and Lands issued a twenty-five year lease to the Town for a one hundred dollar fee without applying any additional penalty for the trespass. "The Department of Conservation and the Governor\'s office have refused to deal responsibility with Mr. Nadeau\'s violations," added Caverly. " It is has taken far too long for the 1994 case to be resolved and considering the past violations involving Mr. Nadeau, the Town of Eagle Lake should be receiving more than a slap on the hand for the latest infringements." Maine PEER has requested an Attorney General\'s office review these cases to determine if the 1994 Settlement agreement for Winterville Plantations was properly executed and, in the case of Eagle Lake, if the Department of Conservation fulfilled it\'s obligation to protect state property and enforce

state regulations.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/me/Nadeau\_violations.pdf">Read the summary of the LURC violations committed by the Town of Eagle Lake and Winterville Plantation</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/me/resolvedLURCviolations.pdf">See the email from LURC Director Carroll assuring that Nadeau\'s violations had been resolved</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/me/govletter.php">View PEER\'s letters to the Governor and the Department of Conservation</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/me/agletter.pdf">Read PEER\'s letter to the Attorney Generals Office</a></p>', 'ME', '', 0);

INSERT INTO news VALUES (417, '2004-10-04', 'DEPUTY PARK POLICE CHIEF FORCED TO RESIGN', '"Purge" of Park Police Management Following Dismissal of Chief Teresa Chambers', ' <p>Washington, DC -- A Deputy Chief of the U.S. Park Police was forced to resign this past Friday, according to Public Employees for Environmental Responsibility (PEER). The abrupt departure of Deputy Chief Barry Beam caps a tumultuous year of leadership turnover at the oldest uniformed federal law enforcement organization.</p><p>Beam was given a proposed termination this past Wednesday following an investigation concerning an incident involving a Park Police marine escort in New York Harbor for a cruise ship carrying Beam and his wife on a vacation trip. Beam was charged with misuse of government resources in the incident and lack of candor in the investigation. He was placed on administrative leave, stripped of his badge and gun and driven home. Rather than contest the charges, Beam resigned this Friday.</p><p>Beam had been Deputy Chief of the Park Police for 27 months following more than 25 years with the Prince George\'s County (Maryland) Police Department. He began his service under then-Chief Teresa Chambers, who was placed on administrative leave approximately 10 months ago following a published interview with the Washington Post in which Chief Chambers conceded staffing and budget shortfalls. As with Chief Chambers, Deputy Park Service Director Donald Murphy, a political appointee, played a pivotal role in Beam\'s removal.</p><p>"This looks more like a Stalinist purge than a professional police force," stated PEER Executive Director Jeff Ruch, whose organization is leading the legal defense for Teresa Chambers, whose case is awaiting decision before the U.S. Merit Systems Protection Board. "As with Chief Chambers, the Park Service appears ready to seize on any pretext to remove those suspected of insufficient political loyalty."</p><p>During the past year, the U.S. Park Police has had three different chiefs. At the same time, outside reviews have found that the U.S. Park Police lacks the resources to fulfill the additional responsibilities assigned to it since September 11, 2001. Prior to her departure, Chief Chambers warned about rising dangers to park visitors, parkway commuters and the national icons in Washington, DC</p><p>According to employee sources, the investigation of the Beam cruise ship incident resulted from a report from inside the Park Police to the Interior Office of Inspector General.</p><p>"The snipers are winning," added Ruch referring to holdover Park Police staff resentful of Chambers\' appointment, as an outsider and first female chief of a force created by George Washington. Anonymous harassment of Chambers and her leadership team included pepper spraying an office door, breaking into office computers, scattering nails under car tires and placing used condoms around assigned vehicles. </p><p>"Chief Teresa Chambers was recruited to bring the U.S. Park Police into the 21st Century but she was not allowed to do her job," concluded Ruch, decrying the current "management merry-go-round" at the Park Police. "Now the Park Service and Department of Interior political leadership seems determined to get rid of anyone associated with Chief Chambers regardless of the effect on the force and its mission."</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg-



>campaigndir;?>/chiefchambers/index.php">For information about Chief Chambers and the turmoil at the U.S. Park Police</a></p>', '', 'NPS', 1);

INSERT INTO news VALUES (418, '2004-10-05', 'MORE GILA FISH NEED FEDERAL PROTECTION', 'Ignoring Unlisted Fish Is Recipe for Further Decline', '<p>Albuquerque--With government agencies concentrating their attention on federally protected native fish in the Gila River Basin, the status of five other native fish has deteriorated to the point where these species also now need federal protection, according to a new report by the Desert Fishes Team, an independent group of current and retired agency and academic fishery biologists. Public Employees for Environmental Responsibility (PEER) today posted this publicly-released report on their website to make it widely available.</p><p>Two-thirds of Gila Basin native fish are already listed under the federal Endangered Species Act. In its latest report, the Desert Fishes Team looks at the seven native fish not yet listed under the ESA: the longfin dace, Sonora sucker, flannelmouth sucker, desert sucker, speckled dace, machete, and striped mullet. The team concluded that unless immediate steps are taken to aid the recovery of these native fish populations the first five of seven also merit listing under the ESA.</p><p>The report, entitled Status of Unlisted Native Fishes of the Gila River Basin, sets out specific actions needed to secure recovery of the fish. According to the report, the most urgent need is for control and removal of nonnative fish that compete with and eat the native species.</p><p>"Our crisis management mentality with regard to our desert rivers almost guarantees that we will simply lurch from crisis to crisis," stated Southwest PEER Coordinator Leon Fager, a long-time threatened and endangered species biologist for the U.S. Forest Service. "Unless we start managing for recovery before native stocks face the threat of extinction, we are only slowing, not stopping, the bleeding."</p><p>Six Gila River basin fish species are already gone from the basin and another six are listed as in danger by federal and state agencies. In an earlier report, the Desert Fishes Team documented the lack of successful recovery actions by the responsible wildlife protection, land management and water resource agencies for federally listed Gila fish stocks and the failure of agency promises for follow-through.</p><p>The deteriorating situation for desert fish is not confined to Arizona\'s Gila River basin. No species of fish in the southwest is doing well and many are rapidly sliding toward extinction.</p><p>These reports are prepared by the independent Desert Fishes Team to continue work of an international scientific advisory group, the Desert Fishes Recovery Team, that the Fish and Wildlife Service disbanded, declaring its work "complete."</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/fs/DesertFishReport.doc">Read Status of Unlisted Native Fishes of the Gila River Basin</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/az/Gila\_Fish\_Status\_Report.pdf">See the first report, Status of Federal and State Listed Warm Water Fishes of the Gila River Basin </a></p>', 'NM', 'FWS', 0);

INSERT INTO news VALUES (419, '2004-10-05', 'TDEC LAX ON ENFORCEMENT AGAINST SEDIMENT POLLUTION FROM CONSTRUCTION SITES', '"Stuck In the Mud" &#8211; A Case Study of Oliver Creek in Shelby County', '<p>KNOXVILLE &#8211; Tennessee Clean Water Network (TCWN) and the Tennessee office of Public Employees for Environmental Responsibility (PEER) have released the second in a series of three reports on water pollution enforcement issues in Tennessee. This second case study focuses on pollution resulting from the misuse by the Tennessee Department of Environment and Conservation (TDEC) of the General Storm Water Permit for construction sites in the state. It highlights a poster-child stream &#8211; Oliver Creek &#8211; in Lakeland in west Tennessee.</p><p>"TDEC has determined that sediment is the number one cause of pollution in the State of

Tennessee," said Renée Hoyos, Executive Director for TCWN. "Yet they insist on allowing developers to work under the General Storm Water Permit which does not even have permit limits on how much mud they can release." Oliver Creek is a tributary of the Loosahatchie River in northeast Shelby County, just outside of Memphis. The headwaters of the creek are located near I-40 and the City of Lakeland, with a portion of the stream flowing through the city. Lakeland is a rapidly growing residential area with a projected population of 8,500 by 2005.

"Streams are getting destroyed, and flood planes are being filled causing new areas to flood, but they're acting like everything's OK." according to Barry Sulkin, former head of enforcement for TDEC's water pollution program and now Director of the Tennessee office of PEER. "Staff members know this program is a mess, but management is afraid to stand up to developers."

The general permit is often not an appropriate mechanism for authorizing discharges, especially to a stream already polluted with sediment as is the case with Oliver Creek. Use of the general permit and the continuing discharge of sediment to Oliver Creek are in violation of state and federal water quality regulations.

Along with release of this report, TCWN and PEER are filing a formal complaint with TDEC pursuant to the Tennessee Water Quality Control Act. TCWN and PEER have recommended that TDEC discontinue use of the construction storm water general permit under certain circumstances outlined in the report, deny some permit requests, better enforce against violations on construction sites that do not comply, create numeric limits for sediment discharges, and accelerate the schedule for the Total Maximum Daily Load (TMDL) the water quality management plan - for Oliver Creek.

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To obtain paper copy of the report, please contact TCWN at 865-522-7007

INSERT INTO news VALUES (420, '2004-10-06', 'ARMY SLASHES ENVIRONMENTAL PROGRAMS AS "OPTIONAL"', 'Big Cuts Threaten to "Shut Down All Training Operations"', 'Washington, DC -- Military training at U.S. Army facilities is in "potential jeopardy" due to severe reductions in its resource protection programs, according to a memo from the Deputy Chief of Staff for Personnel released today by Public Employees for Environmental Responsibility (PEER). Deep cuts in environmental projects leaves the bases open to legal actions that could "shut down all training operations."

In a September 24th memo, Major General Larry Gottardi warns that, in the fiscal year that just begun and in future years, Army resource management funding will drop by more than a third. His memo stated --

- Environmental projects are "considered optional" and, as a consequence, are not funded;
- The lack of "visibility of the installation [environmental] funding submissions" allows the funds to be diverted in a way that is difficult to monitor from the outside; and
- Over the past three years, Congress has granted the Pentagon exemptions from environmental laws on the basis that the military's own environmental programs were comparable to those of civilian resource agencies. Now that the exemptions have been granted, those military programs are being cut.

"As both a matter of law and moral responsibility, the Army cannot shirk its duty to defend the lands and wildlife entrusted to its care," stated PEER Executive Director Jeff Ruch, noting that Army bases cover some 11.8 million acres in the domestic U.S., an area approximately the combined size of Vermont and New Hampshire, and contain some of the most critical wildlife habitat in the nation. "The Pentagon is practicing bait and switch tactics by baiting Congress to exempt the military from environmental protection laws and then switching away the money that was used to justify the exemptions."

In an accompanying May 17th memo, the Installation Management Agency cites 38 needed environmental projects on Army Reserve lands were cut because they were no longer classified as "must funds." That memo lists "soil sustainment, invasive species, prescribed burning, wetlands management," as well as an array of wildlife habitat projects

among the high-priority items that need funding.</p><p>These latest cuts echo an episode that occurred four months earlier. On May 11, citing mid-year fiscal shortages due to "fighting a war on several fronts," Major General Anders Aadland, head of the Installation Management Agency, sent a memo to garrison commanders ordering immediate cutbacks in "discretionary" spending on items including personnel, travel and training, as well as the environment. Gen. Aadland issued an order to base commanders to "Take additional risk in environmental programs; terminate environmental contracts and delay all non-statutory enforcement actions to FY05."</p><p>One day after PEER released a copy of Gen. Aadland's directive, the Army issued a new order on May 27 countermanding it. Gen. Aadland, however, adamantly denied any connection between PEER's exposé; and the sudden reversal: "It was the Army's conscience, not media pressure that put the environmental program back on track."</p><p>"Did the Army have to de-fund its conscience, too?" asked Ruch, pointing out that the cuts restored in May were simply shifted to October. "The Army's own people are desperately trying to explain why these environmental programs are absolutely necessary for a 'sustainable' training program that is supposed to continue for decades without sacrificing the natural assets that make these lands so important."</p><p align="center">###</p><p align="center"><a href="http://www.dod.mil/ArmyTrainingMemo.pdf">See Gen. Gottardi's memo on "Environmental Funding for Sustainable Training Ranges & View the May 17 memo on U.S. Army Reserve Natural Resources Management</a></p>', '', 'ACE', 0);

INSERT INTO news VALUES (421, '2004-10-06', 'INTERIOR WITHHOLDING COST FIGURES ON BISON RANGE DEAL', 'Congressman Calls for Public Hearings', ' <p>Washington, DC -- The Department of Interior is preventing the U.S. Fish & Wildlife Service from releasing cost figures on a proposed funding arrangement to turn half of the operations of the National Bison Range Wildlife Refuge in Montana to the Confederated Salish and Kootenai Tribes (CSKT), according to Public Employees for Environmental Responsibility (PEER). Interior Deputy Assistant Secretary for Fish, Wildlife and Parks, Paul Hoffman, is delaying a response to Senator Conrad Burns (R-Mt) and Representative Denny Rehberg (R-Mt), who have both asked to see the plan's estimated costs.</p><p>On August 10, Sen. Conrad Burns wrote to FWS Director Steve Williams asking what the annual cost of the arrangement would be, where the funds to pay for it would be found and whether the Service completed an environmental analysis. Nearly two months later, no response has been forthcoming and only three working days remain in the public comment period.</p><p>In public hearings, Fish & Wildlife Service officials have verbally estimated that the CSKT arrangement will cost between \$300,000 and \$500,000 over and above current expenses during the first year alone. At the same time, the National Wildlife Refuge System currently has an operational and maintenance deficit between \$1.8 and \$2 billion.</p><p>"Taxpayers not only have a right to know how much of their money will be used to lubricate this deal but also what other wildlife programs must be cut in order to finance it," stated Grady Hocutt, a long-time former refuge manager and the director of PEER's refuge program. "The word coming down from Interior is this is a done deal' regardless of cost and number of difficulties that remain unresolved."</p><p>The National Bison Range comprises 18,800 acres of prairie and woodlands populated by elk, pronghorn, black bear and several hundred bison. Closed-door negotiations between Hoffman and the CSKT produced a draft agreement to award approximately half of the management responsibilities for the National Bison Range and the nearby Ninepipe and Pablo National Wildlife Refuges to the Tribes. Released in mid-July, public comment on the 57-page document ends next Monday, October 11. The Bison Range agreement is part of a wide-ranging program to transfer refuge and national park operations of geographic, historical, or cultural significance to recognized tribes requesting compacts.</p><p>On

September 28, Rep. Denny Rehberg also wrote asking for cost information and requested FWS to "extend the comment period and hold additional public meetings should the budget figures indicate the management increases costs to the American taxpayer. This is simply a matter of common sense and good government." FWS has yet to respond to this letter either.

"There appears to be consensus that this agreement benefits members of the Salish and Kootenai Tribes but what is less clear is the effect this deal has on the stewardship mission of the National Wildlife Refuge System," added Hocutt, noting that Interior has listed 34 national parks in 15 states (including Redwood National Park in California and Olympic National Park in Washington), all 16 wildlife refuges in Alaska (including the Arctic National Wildlife Refuge) as well as 15 other refuges in the lower 48 states, where it will entertain offers from tribes to take on some or all operations. "As this is a precedent setting agreement that may affect scores of refuges and national parks from the Yukon to Mexico, it behooves us to get it right."

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[Read the letter from Rep. Denny Rehberg asking for an extended comment period and more public hearings](http://?php print $cfg->webroot;?>/docs/nwr/rehbergletter.pdf)

[See the unanswered questions raised by Sen. Conrad Burns](http://?php print $cfg->webroot;?>/docs/nwr/burnsletter.pdf)

[View the Federal Register listing that outlines park and refuge units eligible for to tribal compacts](http://?php print $cfg->webroot;?>/docs/nwr/Fed_Register_Bison_Range.pdf)

' , 'MT', 'FWS', 0);

INSERT INTO news VALUES (422, '2004-10-06', 'NATIONAL ACADEMIES OF SCIENCE RIPS CORPS UPPER MISSISSIPPI PLAN', 'Third NAS Report Is Scalding -- Most Critical', ' <p>Washington, DC -- The National Research Council of the National Academies of Science today issued a blistering report savaging the \$70 million study written by U.S. Army Corps of Engineers to justify building bigger new locks throughout the entire Upper Mississippi River and Illinois Waterway system. In unmistakably blunt words, the National Academies of Science (NAS) found the Corps\' work lacked "credibility and value" as an aid to decision-making.</p><p>This highly negative report is the third negative review authored by the NAS of the Corps planning for the \$2.5 billion project and joins a number of other critical reviews issued by academic, taxpayer and environmental groups.</p><p>The NAS report found that the Corps --</p><ul><li> Deliberately discounted non-construction alternatives to new locks. "The failure to fully consider nonstructural measures precludes any statement about the desirability of structural measures."</li><li> Used unreliable inflated forecasts of barge traffic. "There are no overwhelming regional or global trends that clearly portend a marked departure from a 20-year trend of steady U.S. grain export levels." and </li><li> Corrupted its economic models. The Corps\' principal model is "incapable of producing any credible estimate of a lower bound of the benefits of lock extensions. Economic feasibility for any of the navigation alternatives has therefore not been demonstrated."</li> </ul> <p>"Boiled down to lay terms, the National Academies of Science is saying that the Corps, after ten years of work and spending more than \$70 million, succeeds in subtracting from the sum total of human knowledge," stated PEER Executive director Jeff Ruch whose organization represents Corps economists who have repeatedly disclosed flaws in this study and in the agency planning process. "The agency\'s civilian specialists have been subjected to the crudest intellectual bondage by Corps commanding officers to produce this massive work of economic fiction."</p><p>The Navigation Feasibility Study for the Upper Mississippi River and the Illinois Waterway is now awaiting approval from the Chief of Engineers, Major General Carl A. Strock, who previously oversaw the planning for this project as the Director of Civil Works.</p><p>"Today\'s National Academies of Science report is a searing indictment of Gen. Strock\'s leadership," Ruch concluded.</p><p>

>###</p><p align="center"><a href="http://books.nap.edu/catalog/11109.html">Read the latest National Academies of Science report savaging the Corps plans for the Upper Mississippi</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/dol/ Twice\_Cooked\_Pork.pdf">View the Twice Cooked Pork report issued by environmental and taxpayer groups this past April</a></p>', 'IL', 'ACE', 0);

INSERT INTO news VALUES (423, '2004-10-08', 'CHAMBERS FIRING FOR WASHINGTON POST INTERVIEW UPHELD', 'Broad Ban on Release of Information Sets Up 1st Amendment Fight', ' <p>Washington, DC -- A U.S. Merit Systems Protection Board judge has issued "an initial decision" that the firing of former U.S. Park Police Chief Teresa Chambers was justified due to statements she made in a newspaper interview. The ruling marks the first time that a new category of "law enforcement sensitive" information has been used as a basis for disciplining a federal employee.</p><p>In a ruling dated October 6, MSPB Judge Elizabeth Bogle found that statements that Chief Chambers made to a Washington Post reporter were a legitimate basis for disciplining her. Bogle also found that termination was justified, in part, because Chambers "expressed no remorse."</p><p>"Public servants should not be fired because they tell the truth; we will vigorously appeal this initial decision," stated Richard Condit, General Counsel for Public Employees for Environmental Responsibility (PEER), the organization that led her legal defense. "The judge made several errors of law and leaps of logic that will not stand up under review."</p><p>The Bogle decision concedes the truth of Chambers\' disclosures but &#8211;</p><ul><li>Creates for the first time, a category of information, undefined in law or regulation, which may not be released. Bogle contended that Chief Chambers could therefore be punished for confirming the number of uniformed staff that were in plain sight;</li><li> Finds that Chief Chambers\' statements about danger to park visitors and monuments on the National Mall did "not reveal a substantial and specific danger to any particular person, place or thing"; and </li><li> Concludes that "gag orders" are not an appealable personnel action.</li> </ul> <p>In other matters, Bogle found Chief Chambers circumvented the chain of command by directly calling Deputy Interior Secretary Steve Griles but cited no rule forbidding such communication. Bogle also upheld a count of "failure to carry out a supervisor\'s instructions" that did not "require proof that the failure was intentional."</p><p>"The legal fight has just begun," Condit added.</p><p>Bogle\'s ruling is a recommendation to the full Merit Systems Protection Board (a three member review panel). In addition, since the case involves First Amendment rights and the right of federal employees to communicate with Congress, there will be separate federal court challenges available as soon as her MSPB remedies are exhausted.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/chiefchambers/MSPBdecision.pdf">Read a copy of the decision</a></p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/chiefchambers/index.php">Find out about the issue in Chief Chambers\' case</a></p>', '', 'NPS', 1);

INSERT INTO news VALUES (424, '2004-10-11', 'LINCOLN MEMORIAL VIDEO REMOVED', 'Conservative Complaints Against Gay Rights, Feminist and Anti-War Scenes', ' <p>Washington, DC -- Without notice or explanation, the National Park Service (NPS) has removed from public display the videotape containing footage of demonstrations and other events that took place at the Lincoln Memorial. The agency took down the video the day after Public Employees for Environmental Responsibility (PEER) publicly released agency records showing that the Bush Administration has spent nearly \$200,000 in an effort to edit out filmed scenes of gay rights and pro-choice demonstrations that occurred at the Lincoln

Memorial.

The controversy surrounding the video has been building for more than a year. In November 2003, under pressure from Christian fundamentalist groups, the Bush Administration announced that it would alter the eight-minute video. These conservative groups complained approximately 30-second glimpses of gay rights, pro-choice and anti-Vietnam War demonstrations implied that "Lincoln would have supported homosexual and abortion rights" as well as feminism." The video has been shown at the Lincoln Memorial since 1995.

"The Bush Administration is ideologically editing history to cater to religious groups," stated PEER Executive Director Jeff Ruch, whose organization has also attacked the approved display of religious symbols and Bible verses in national parks as well as the Bush Administration sponsoring sale of creationist books giving a non-evolutionary explanation for the Grand Canyon and other natural wonders. "The Bush Administration is implementing a Faith-Based Parks agenda."

The video consists of a montage of photos and films of events that have occurred at the Lincoln Memorial, including the 1939 Marian Anderson concert and the Rev. Martin Luther King, Jr. "I Have a Dream" speech in 1963. NPS left the video player but the public can see only a blank screen in the Memorial's visitor center. Despite repeated requests by PEER, the NPS did not offer a basis for the video's removal.

PEER did obtain records, however, showing that two different versions of the video have been made and paid for. The first version is a wholly new video "to revise and update the Lincoln Memorial video [including] avid off-line and symphony picture editing, the acquisition and addition of commercial and public domain stock footage and specialized captioning." This new video kept the disputed demonstration scenes but added new footage from other, less contentious events. Apparently, this new "balanced" video was not balanced enough for Bush officials because yet another version was commissioned that would make "three minor picture changes to the Lincoln's Living Legacy Video."

"Lincoln said we cannot escape history" but this Administration seems willing to give it a try," Ruch added. "Darkening the Memorial's visitor center diminishes the Park Service's public education mission."

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[Find out more about the Bush Administration's "Faith-Based Parks" agenda](http://www.nps.gov/faith-based/index.php)

' , ' , 'NPS', 2);

INSERT INTO news VALUES (425, '2004-10-11', 'OUTSPOKEN PANTHER SCIENTIST APPEARS WITH NOBEL PRIZEWINNER', 'Joint Appearance to Speak Out Against Political Pressure on Government Scientists', '<p>Berkeley, CA -- A Florida-based U.S. Fish & Wildlife Service scientist who has publicly challenged his agency's reliance on flawed studies related to the habitat and population of the endangered Florida panther is appearing today in a scientific forum with Nobel laureate Dr. David Baltimore, President of the California Institute of Technology. The two are appearing together with other scientists to discuss political pressure being applied to government research at a scientific forum on the campus of the University of California at Berkeley.</p><p>Andrew Eller, Jr., of Vero Beach, is a 17-year FWS biologist who has spent the past ten years working in the Florida panther recovery program. During the past several months, he has charged that studies relied upon by FWS to make decisions about proposed development in Southwest Florida inflate panther population and inaccurately minimize habitat needs. In response, FWS is considering whether to terminate Eller.</p><p>Dr. David Baltimore, who has been the president of California Institute of Technology since 1997, is one of the world's most influential biologists. Awarded the Nobel Prize at the age of 37 for research in virology, Baltimore has profoundly influenced national science policy on such issues as recombinant DNA research and the AIDS epidemic.</p><p>In back-to-back presentations, Eller and Baltimore will be discussing the political pressure applied to government scientists, its impacts, and the need for key reforms that

can prevent the manipulation, suppression, and alteration of public agency science.</p><p>"This forum is an opportunity for the scientific community to show solidarity with Andy Eller in his battle to expose official distortion of science," stated PEER Executive Director Jeff Ruch, whose organization is leading Eller\'s defense.</p><p>Also appearing at the Berkeley forum with Eller are Kurt Gottfried, chair of the Union of Concerned Scientists Board of Directors and professor of physics, Cornell University, David Guston, Associate Professor of Public Policy at Rutgers and Director of the Center for Responsible Innovation and Bruce Buckeit, former director, EPA Air Enforcement Division.</p><p align="center"> ###</p><p align="center"> <a href="http://www.ucsusa.org/global\_environment/rsi/page.cfm?pageID=1516#Berkeley">See the program for the October 12 forum on "Use and Abuse of Science in Policymaking"</a></p><p align="center"><a href="http://webcast.berkeley.edu/events">View the live webcast of the event</a></p><p align="center"><a href="http://www.house.gov/apps/list/press/pa19\_platts/whistle2.html">Find out more about the Eller case and the fate of the Florida panther</a></p>', 'FL', 'FWS', 5);

INSERT INTO news VALUES (426, '2004-10-12', 'WHISTLEBLOWER CASES RISE IN BUSH YEARS', 'More Problems Reported Yet Fewer Investigated; Backlogs Mount', '

Washington, DC -- More federal employees are reporting waste fraud and abuse under President Bush\'s tenure but fewer of these reports are being investigated, according to figures compiled by Public Employees for Environmental Responsibility (PEER).</p><p>The Office of Special Counsel (OSC) is charged with reviewing reports by federal employees of official misconduct and then overseeing investigation of credible charges. According to its latest figures &#8211;</p><p>The number of whistleblower reports has nearly doubled since the 2001 fiscal year, going from 380 cases to a reported 535 cases in FY 2003;</p><p>Barely one percent of these cases (11 of 1091) was referred to agency heads for investigation; and</p><p>The backlog of pending whistleblower reports has more than doubled, to 690 from the backlog of 287 cases in FY 2001. By law, OSC is supposed to make a determination as to whether a report merits investigation within 15 days but this deadline is almost never met, with many matters left hanging for months or years.</p><p>"Time and again, whistleblowers have proven critical to protecting the public but their courage is wasted if their warnings just gather dust in a file drawer," PEER Executive Director Jeff Ruch. "The only thing special about the Office of Special Counsel is its lack of speed."</p><p>For the first time, OSC stopped reporting statistics specifically relating to reported reprisals against whistleblowers but from the information OSC recently made public, it appears that &#8211;</p><p>Despite more than 2,300 pending complaints, OSC has not represented a single whistleblower in an enforcement action to remedy retaliation;</p><p>More than 83 percent of surveyed federal workers with personnel complaints said they were dissatisfied with results obtained by OSC while Less than 7 percent expressed satisfaction; and</p><p>After a decline, backlogs of pending personnel complaints are beginning to rise, even though OSC is investigating fewer cases than ever before: only 6 percent (162 of 2,385 pending matters) were accepted for investigation in FY 2003.</p><p>"This year, Congress failed to pass even modest reforms to the Whistleblower Protection Act due in large part to the opposition of the Bush Administration," Ruch commented. "As it stands now, the protections for federal whistleblowers are a beacon of false hope for thousands."</p><p align="center"> ###</p><p align="center"><a href="http://www.osc.gov/documents/reports/ar-2003.pdf">Look at the FY 2003 Report to Congress by OSC</a></p><p align="center"><a href="http://www.house.gov/apps/list/press/pa19\_platts/whistle2.html">Read about stalled legislation to strengthen the Whistleblower Protection Act</a></p>', '', 'OSC', 0);

INSERT INTO news VALUES (427, '2004-10-14', 'YELLOWSTONE WILDLIFE RAVAGED BY ROAD-KILL', 'Record Number of Bears Die in Car Crashes This Summer', '

Washington, DC -- Yellowstone National Park experienced an unprecedented rash of wildlife casualties from road-kill this summer. Six bears, including a grizzly sow and three black bear cubs, were victims of car crashes &#8211; the highest total that has ever been recorded at the park, according to statistics compiled by Public Employees for Environmental Responsibility (PEER).

According to Interior Secretary Gale Norton, motor vehicles in Yellowstone National Park "are involved in collisions that, on average, cause the death of at least one large animal per day." Notwithstanding this grim toll, Yellowstone National Park is &#8211;

- Widening their roads, which increases vehicle speed, the leading factor in large mammal deaths from cars. Nearly half of Yellowstone\'s major roadways have been widened in the past five years;
- Allowing gas stations to serve customers 24 hours per day. Most of the vehicular animal deaths occur at dusk or dawn, when animals are astir and driver visibility is low;
- Making limited use of wildlife crossings, sensors or other means to mitigate animal fatalities. Yellowstone regards road-kill as an expected by-product of its highway construction and re-construction projects and does not require crossings or sensors as a condition for approving more and wider roads.

"Yellowstone National Park appears to be managed more by a Department of Motor Vehicles than the National Park Service," stated PEER Executive Director Jeff Ruch, noting that Secretary Norton regards the idea of restrictions on personal vehicles in national parks as "absurd." "Moving cars through Yellowstone takes precedence over wildlife."

The female grizzly is the second killed in the park this year, equaling the government\'s mortality limit for the species for the first time since 1997. The mortality limit is based upon a calculation that the grizzly population risks extinction if it loses more than two sows per year. In response to the latest bear deaths, Yellowstone Superintendent Suzanne Lewis has appointed an internal committee "to make recommendations on ways to reduce the number of accidents."

In its environmental reviews of road projects, the Park Service limits its attention to federally protected species, like the grizzly and the wolf. Other mammals, however, bear the brunt of the onslaught -- for example, on average, one moose deer, elk or mule deer is fatally run down every week at Yellowstone. Cars kill as many buffalo in the park as does Montana\'s controversial bison hunt outside the park.

PEER is starting a campaign to induce the National Park Service to take affirmative steps to reduce road-kill and to enforce its own rules governing off-road vehicle usage in the parks.

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See recent Yellowstone National Park notices on <http://www.nps.gov/yell/press/0498.htm>>Death of a grizzly sow & <http://www.nps.gov/yell/press/0489.htm>>Rash of black bear cubs run over </a></p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/yellowstone/YNProad\_kill.pdf">View the "large mammal" species breakdown of Yellowstone wildlife road-kill (1989-2003)</a></p>', 'WY', 'NPS', 0);

INSERT INTO news VALUES (428, '2004-10-13', 'PARK SERVICE STICKS WITH BIBLICAL EXPLANATION FOR GRAND CANYON', 'Promised Legal Review on Creationist Book Is Shelved', '

Washington, DC -- The Bush Administration has decided that it will stand by its approval for a book claiming the Grand Canyon was created by Noah\'s flood rather than by geologic forces, according to internal documents released today by Public Employees for Environmental Responsibility (PEER).

Despite telling members of Congress and the public that the legality and appropriateness of the National Park Service offering a creationist book for sale at Grand Canyon museums and bookstores was "under review at the national level by several offices," no such review took place, according to



materials obtained by PEER under the Freedom of Information Act. Instead, the real agency position was expressed by NPS spokesperson Elaine Sevy as quoted in the Baptist Press News:

**Now that the book has become quite popular, we don't want to remove it.**

In August of 2003, Grand Canyon National Park Superintendent Joe Alston attempted to block the sale of *Grand Canyon: A Different View*, by Tom Vail, a book explaining how the park's central feature developed on a biblical rather than an evolutionary time scale. NPS Headquarters, however, intervened and overruled Alston. To quiet the resulting furor, NPS Chief of Communications David Barna told reporters that there would be a high-level policy review, distributing talking points stating: "We hope to have a final decision in February [2004]." In fact, the promised review never occurred.

- In late February, Barna crafted a draft letter to concerned members of Congress stating: "We hope to have a final decision on the book in March 2004." That draft was rewritten in June and finally sent out to Congressional representatives with no completion date for the review at all;
- NPS Headquarters did not respond to a January 25th memo from its own top geologists charging that sale of the book violated agency policies and undercut its scientific education programs;
- The Park Service ignored a letter of protest signed by the presidents of seven scientific societies on December 16, 2003.

"Promoting creationism in our national parks is just as wrong as promoting it in our public schools," stated PEER Executive Director Jeff Ruch, "If the Bush Administration is using public resources for pandering to Christian fundamentalists, it should at least have the decency to tell the truth about it."

The creationist book is not the only religious controversy at Grand Canyon National Park. One week prior to the approved sale of *Grand Canyon: A Different View*, NPS Deputy Director Donald Murphy ordered that bronze plaques bearing Psalm verses be returned and reinstalled at canyon overlooks. Superintendent Alston had removed the bronze plaques on legal advice from Interior Department solicitors. Murphy also wrote a letter of apology to the plaques' sponsors, the Evangelical Sisterhood of Mary. PEER has collected other instances of what it calls the Bush Administration's "Faith-Based Parks" agenda.

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[Read the NPS "Talking Points"](http://nps/creationismtalkingpts.pdf)

[See how a response to Senator Hillary Rodham Clinton took shape](http://nps/clintonletter.pdf)

[Read the memo from the head of the NPS Geological Resources Division](http://faith-based/shaverletter.pdf)

[View the letter of protest from seven scientific societies](http://nps/sevenscientists.pdf)

[Learn more about the "Faith-Based Parks" movement within the top echelons of the Bush Administration](http://faith-based/index.php)

'', 'NPS', 2);

INSERT INTO news VALUES (429, '2004-10-13', 'INTERIOR REFUSES TO HOLD HEARINGS ON BISON RANGE DEAL', 'Repudiates Its Own Cost Estimates on Day That Public Comment Period Closes', ' <p>Washington, DC -- In a clear signal that it is committed to sign a controversial funding arrangement to turn half of the operations of the National Bison Range Wildlife Refuge in Montana to the Confederated Salish and Kootenai Tribes (CSKT), the U.S. Department of Interior yesterday rebuffed calls from that state's congressional delegation to hold public hearings and extend the public comment period.</p><p>The announcement came as part of an unusual joint release with the Tribes in which the U.S. Fish & Wildlife Service repudiated its own cost estimates for the deal and issued new figures estimating the first year cost at \$23,460 &#8211; an amount more than 90 percent below the \$300,000 to \$500,000 first year costs the agency had been publicly stating.</p><p>The National Bison Range funding agreement was

dictated by political appointees in the Department of Interior after the Fish & Wildlife Service had raised a host of practical problems, according to documents obtained by Public Employees for Environmental Responsibility (PEER). Closed-door negotiations between Interior Deputy Assistant Secretary for Fish, Wildlife and Parks, Paul Hoffman and the CSKT produced a draft agreement to award approximately half of the management responsibilities for the National Bison Range and the nearby Ninepipe and Pablo National Wildlife Refuges to the Tribes.

PEER and other refuge groups have submitted public comments laying out management, financial and personnel concerns that may negatively effect wildlife protection on the National Bison Range Complex, covering 18,800 acres of prairie and woodlands populated by elk, pronghorn, black bear and several hundred bison. In addition, the National Bison arrangement may become the model for similar deals affecting 34 national parks and 31 national wildlife refuges.

"This is a classic case of politics trumping wildlife," stated Grady Hocutt, a long-time former refuge manager and the director of PEER's refuge program, claiming that the word coming out of Interior is that the Bison Range agreement is "a done deal" despite uncertainties about the agreement's provisions. "I would bet the farm that Interior already has a day picked out for the signing ceremony."

While the purpose of the public comment period, which ended yesterday, was to highlight potential pitfalls in the funding arrangement, Interior has

- Dismissed calls by both Senator Conrad Burns and Representative Denny Rehberg for public hearings and extending the comment period;
- Published new cost figures on the day the comment period ended, thus precluding any meaningful discussion of what the deal will cost taxpayers. Moreover, FWS offered no explanation why the new figures were so different from its previous estimates;
- Agreed to provisions that will make it very difficult to end the arrangement unless there is "imminent jeopardy" to public safety or wildlife due to the CSKT's actions.

Once the final agreement is signed, it will be submitted to Congress for a 90-day review period before it is implemented.

"I think the public comment period was window dressing because Interior shows no intention of fixing the basketful of problems this will visit on the National Wildlife Refuge System for decades to come," Hocutt concluded.

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<http://mountain-prairie.fws.gov/cskt-fws-negotiation/>Read the joint Interior-CSKT press release on new cost estimates

<http://mountain-prairie.fws.gov/docs/mt/NBRCComments.pdf>See PEER's comments on the Bison Range Annual Funding Agreement

INSERT INTO news VALUES (430, '2004-10-13', 'TDEC LAX ON ENFORCEMENT AGAINST SMOKEY MOUNTAIN SMELTERS HAZARDOUS WASTE SITE', 'Abandoned Smelter Facility', 'KNOXVILLE -- Tennessee Clean Water Network (TCWN) and Tennessee Public Employees for Environmental Responsibility (PEER) will be conducting a direct action at the property of the Smokey Mountain Smelter, an abandoned smelter facility. The event is scheduled for October 14, 2004 at 2:30 pm.

The action is being taken following a report compiled by TCWN and TN PEER detailing the situation and subsequent lack of enforcement by Tennessee Department of Environment and Conservation. Both organizations filed a formal complaint, pursuant to the Tennessee Water Quality Control Act and the Hazardous Waste Management Act, requesting that the State of Tennessee take immediate action to issue the appropriate water pollution permits to the responsible party and to begin clean up and removal of waste.

The Commissioner's response was to first reject the complaint as invalid, but when a second complaint was filed with the governor, the matter was assigned to the Water Pollution Control Division. Water Pollution Control in correspondence to TCWN and PEER acknowledged the complaint and said they would investigate. To date, there has been no response from the Division of Superfund.

"They already know the



stating. Two days later, Interior announced that it would reopen the public comment period on the arrangement for another 15 days to allow comment on the new figures.

The joint letter by Refuge Managers cites "vague," "imprecise" and "indistinct" provisions that make it impossible "to monitor and evaluate" performance or costs under the agreement. In addition, the Refuge Managers contend that "inherently Federal functions" of controlling public records, supervising civil servants and collecting public funds would be improperly delegated to the CSKT.

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[Read the letter from 23 National Wildlife Refuge Managers on the National Bison Range Draft Agreement](http://nwr/23refugemgrs.pdf)

[See PEER's comments on the National Bison Range Draft Agreement](http://mt/NBRCcomments.pdf), 'MT', 'FWS', 0);

INSERT INTO news VALUES (432, '2004-10-19', 'WHISTLEBLOWER CALLS FOR FIX TO WATER RIGHTS EVALUATIONS', 'State Auditor\'s Office Ducks the Issue', 'Olympia, WA -- The state lacks adequate data to make valid assessments of water rights requests and water transfers, according to a whistleblower complaint released today by Washington Public Employees for Environmental Responsibility (PEER) and Center for Environmental Law and Policy (CELP). The two groups are challenging the quality and integrity of the State Auditor\'s review of the whistleblower complaint that found no improper government activity has occurred

The whistleblower complaint from the Department of Ecology\'s Water Resources Program points to systemic problems in the methods used to make water rights decisions, particularly a profound lack of supporting data. This inadequate data stems, in large part, from insufficient fees to support the program and 1994 budget cuts that resulted in 65% of the water resources staff being laid off.

Even though the whistleblower detailed violations regarding new water rights decisions--and not just decisions about transfers of current rights--the Auditor\'s Office limited its investigation to the findings of fact required for transfers. The Auditor found that because the law does not explicitly require the state to have a system tracking unused water rights, no violations had occurred.

"The Auditor not only ignored the essence of the whistleblower complaint, he ignored the law that requires the state to ensure that transfers will not create &#8216;detriment or injury to existing water rights,\" stated Karen Allston, Director of CELP, pointing to a dangerous precedent that Ecology can make decisions that may affect people\'s water rights without providing solid justification. "The Auditor\'s finding is like your bank telling you you\'re overdrawn but not telling you why."

On several occasions the whistleblower has refused to sign water right decisions because there was insufficient data available to make required factual determinations. As a result of this refusal, the whistleblower was transferred away from former duties and assigned entry-level work.

"The Auditor\'s Office wasted an entire year investigating the political climate instead of the data," stated Lea Mitchell, Director of Washington PEER, whose organization represents federal and state environmental whistleblowers. "Not only does Washington\'s water resources management need reform, so does the Auditor\'s whistleblower program."

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[Read the Whistleblower Complaint](http://wa/whistleblowerreport.pdf)

[Look at the Auditors Findings](http://wa/WBReport.pdf)

[See joint letter calling for the Auditors Findings to be revoked](http://wa/sonntagletter.php)

[Review the letter to Ecology urging proactive response to the problems](http://wa/whistleblowerletter.pdf), 'WA', '', 0);

INSERT INTO news VALUES (433, '2004-11-01', 'EPA PAYS FAMILIES TO EXPOSE THEIR INFANTS TO PESTICIDES', 'Joint Study With Chemical Industry to Measure Exposure in the Home', ' <p>Washington, DC -- The U.S. Environmental Protection Agency is paying selected Florida families who "spray or have pesticides sprayed inside your home routinely" to study their infant children, according to agency documents released today by Public Employees for Environmental Responsibility (PEER). When agency scientists started questioning the ethics of the study, EPA removed the study protocol from its website and distributed a short "Desk Statement" that the scientists say is misleading.</p><p>Conducted with funding from the American Chemistry Council, which represents 135 companies including pesticide manufacturers, the Children\'s Environmental Exposure Research Study (CHEERS) will monitor developmental changes in babies, from birth to age 3, who are exposed to pesticides in their homes. Set in Jacksonville, Florida (Duval County), the study looks at 60 infants and toddlers. Agency scientists not connected with the study are expressing concerns about &#8211;</p><p>&middledot; Financial Incentives. The study makes payments to families totaling \$970 for participating throughout the entire two-year period. Families who complete the study also get to keep the camcorder they are provided to record their babies\' behavior. In addition, families are given bibs, t-shirts and other promotional items. Families are recruited from public clinics and hospitals;</p><p>&middledot; Lack of Treatment. The study makes no provision for intervening if infants or toddlers show signs of developmental problems or register alarmingly high exposure levels in their urine samples. Instead, families continue in the study so long as researchers are notified when each pesticide application occurs; and &middledot; Lack of Education. Unlike other EPA programs in this area, the study does not provide participants information about the safe or proper ways to apply or store pesticides around the home. Nor does the study furnish participating families with information about the risks of prolonged or excessive exposure to pesticides.</p><p>EPA scientists began raising these concerns and questioning the value of the study itself. Farm workers or others who have pesticide exposure outside the home are not excluded, nor are children with pre-existing health issues. In fact, the study protocol declares "It will not be possible to draw inferences to a larger population from the results of the study."</p><p>EPA reacted to these questions by removing the study protocol from its website. The agency then began distributing a two page Desk Statement that claims, "Participants are not required to use pesticides." While 10 percent of the participants are the control group with no or low pesticide exposure in their homes, the remaining 90 percent are eligible to enter and remain in the study only if they who spray routinely. Indeed, the infants are selected based upon pesticide residue levels detected in "a surface wipe sample in the primary room where the child spends time."</p><p>"If EPA is going to engage in experimentation on human subjects, especially infants, it should go the extra mile to be aboveboard and protective of the subjects\' health," stated PEER executive Director Jeff Ruch, noting the Bush Administration has been pushing to liberalize rules on using human testing of pesticides and other chemicals. "Removing the study design from the EPA website and then issuing defensive, weasel-worded statements is hardly confidence inspiring."</p><p>In its Desk Statement, EPA claims that the "study protocols have been reviewed and approved by four Independent Institutional Review Boards for the protection of Human Subjects" but does not make copies of those reviews available.</p><p>The American Chemistry Council, which contributed \$2 million to CHEERS, also successfully lobbied to include exposure to flame retardants and other household chemicals in the study. EPA defends the industry involvement, pointing to 80 similar research agreements it has with industry.</p><p>"The danger of these arrangements is that, in order to win industry support, EPA tailors its research to serve the objectives of corporate R & D first and public health second," Ruch added.</p><p align="center">###</p><p align="center"><a href="<?php print

[\\$cfg->webroot;?>/docs/epa/cheersad.pdf](#)">See the flyers for parents to participate in CHEERS</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/deskstatement.pdf">Read the EPA Desk Statement on CHEERS</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/epastudydesign.pdf">View excerpts from the CHEERS protocol removed from the EPA website</a></p><p align="center">A complete copy of the protocol is available upon request</p>', '', 'EPA', 6);

INSERT INTO news VALUES (434, '2004-11-03', 'RIGHT WHALE TO BE STUDIED TO EXTINCTION', 'Latest Protection Plan Is "Too Little, Too Late"', ' ' <p>Washington, DC -- By failing to take action against acknowledged threats, the government\'s latest "recovery plan" dooms the highly endangered North Atlantic right whale to extinction, according to public comments released today by Public Employees for Environmental Responsibility (PEER). With only 300 animals left in existence, the highly endangered right whale will continue to die from collisions with commercial shipping, entanglement in fishing gear and acoustical damage from new Navy sonar arrays.</p><p>On August 31, 2004, National Oceanic and Atmospheric Administration (NOAA) Fisheries published a "Draft Revised Recovery Plan for the North Atlantic Right Whale." This latest effort is long on plans and short on action," stated New England PEER Director Kyla Bennett, a former federal biologist. "NOAA\'s proposal is too little, too late because it indefinitely postpones real protections."</p><p>In its comments, PEER points to the following gaps in NOAA\'s plan:</p><ul><li> The U.S. Navy is refusing to even consult with NOAA on the impact of naval operations, despite the fact that in right whale habitat Navy vessel traffic dwarfs commercial ship traffic;</li><li> Lack of enforcement for the Mandatory Ship Reporting System (MSR), considered the current chief measure for reducing the right whale ship strike threat. Inaugurated on July 1, 1999, MSR requires all commercial ships of 300 gross tons or greater to report to shore when they enter critical right whale habitat. Yet off the coast of Georgia and Florida, compliance has been poor, with only 50% compliance in 2003 and a 63% average from January through April 2004; and</li><li> Continued investigation into use of active sonar alarms to drive right whales away from shipping which may be damaging to their sensitive internal acoustics. PEER points out that passive acoustic systems are both workable and much safer for the whales.</li> </ul> <p>At the same time, NOAA is postponing action on proposed speed limits and shipping buffers to reduce the chance for, and impact of, collisions with ships. In addition, NOAA is relying on private donations to help convert fishing fleets to using buoyant fishing gear that reduce the risk of entanglement.</p><p>"There is a gaping hole in the safety net for the critically endangered North Atlantic right whale but NOAA is proposing to measure the hole rather than sew it shut," added Bennett. "The scientists at NOAA know what needs to be done but the political will is lacking."</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/whales/Rightwhalerecoveryplancomments.pdf">Read PEER\'s comments on the right whale recovery plan</a> </p><p align="center"><a href="http://www.nmfs.noaa.gov/pr/readingrm/Recoverplans/narwrecplan.pdf">See NOAA\'s "Draft Revised Recovery Plan for the North Atlantic Right Whale."</a></p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/whales/MSRcompliance.pdf">Look at the poor compliance rates for Mandatory Ship Reporting System (MSR)</a></p><p align="center">Learn about the growing threat to whales from ship strikes and the campaign to reduce it <a href="<?php print \$cfg->campaigndir;?>/whales/index.php">PEER Campaigns: Whale Collisions</a> <a href="http://www.nefsc.noaa.gov/press\_release/shipstrike03.pdf">http://www.nefsc.noaa.gov/press\_release/shipstrike03.pdf</a></p>', '', 'NOAA', 4);

INSERT INTO news VALUES (435, '2004-11-04', 'OLYMPIC PARK VIOLATING WILDERNESS ACT', 'Lawsuit to Block Pre-Fabs Being Helicoptered Into Wilderness', '

Tacoma, WA &#8211; Olympic National Park\'s decision to airlift pre-fabricated buildings into designated wilderness is a violation of the Wilderness Act, according to a suit filed in U.S. District Court in Tacoma by Olympic Park Associates, Wilderness Watch and Public Employees for Environmental Responsibility (PEER). </p><p>This past September, the National Park Service announced plans to transport two trail shelters by helicopter into the park\'s remote backcountry. The new pre-fabricated buildings would replace old forest shelters that collapsed several years ago under heavy snows. </p><p>Park officials contend that the pre-fabs are actually historic resources that will enhance wilderness character and are necessary for visitor safety. The conservation groups dispute both claims. Today they served notice to park service officials of their suit filed in federal district court to stop the operation.</p><p>"Flying new buildings with heavy-lift helicopters is a misguided means of managing one of the world\'s premier wilderness parks," said Donna Osseward, president of Olympic Park Associates, a group that focuses on the park. "The Wilderness Act is clear on this; new structures simply aren\'t allowed in wilderness."</p><p>Olympic National Park, widely considered one of the wilderness jewels of the national park system, was created in 1938 to preserve the area\'s matchless rain forests and spectacular ice-capped peaks, populated with elk and other native wildlife. Congress designated some 95 percent of the park as wilderness in 1988</p><p>"We\'ve been waiting for a wilderness plan for Olympic since wilderness was designated by Congress sixteen years ago," said George Nickas, director of Missoula-based Wilderness Watch, noting that the suit also charges that the shelter replacement is proceeding without a required wilderness management plan in place. "Olympic\'s current leaders seem more interested in erecting edifices than in managing the park\'s wilderness responsibly."</p><p>The Wilderness Act provides that "A wilderness, in contrast with those areas where man and his works dominate the landscape, is . . . an area where the earth and its community of life are untrammelled by man." </p><p>"The park service is rushing ahead with this ill-conceived action without having completed either a wilderness plan or a general management plan," said Lea Mitchell of PEER. "The agency needs to slow down and reassess its priorities. These projects are costly, unnecessary and illegal. And they degrade the character of a world-class wilderness."</p><p align="center">###</p><p align="center"><a href="http://www.nps.gov/olymp/ea/shelter\_repair/fonsi.htm">See a copy of the Olympic Park Associates/Wilderness Watch/PEER complaint</a></p><p align="center"><a href="http://www.nps.gov/olymp/ea/shelter\_repair/fonsi.htm">Look at Olympic National Park\'s Finding of No Significant Impact for the project </a></p>', 'WA', 'NPS', 0);

INSERT INTO news VALUES (436, '2004-11-08', 'FISH & WILDLIFE SERVICE FIRES PANTHER WHISTLEBLOWER', 'Agency Does Not Dispute Orders to Suppress Scientific Findings', '

Washington, DC &#8211; The U.S. Fish & Wildlife Service has decided to terminate the biologist who publicly challenged its reliance on flawed studies about the habitat and population of the endangered Florida panther, according to Public Employees for Environmental Responsibility (PEER). The agency\'s action comes ten weeks after a federal court found the agency guilty of scientific fraud on the same grounds raised by the now-former employee.</p><p>Andrew Eller, Jr., an 18-year FWS biologist, had spent the past ten years working in the Florida panther recovery program. This spring, he filed formal charges that studies relied upon by the Fish & Wildlife Service (FWS) to make decisions about proposed development in Southwest Florida inflate panther population and inaccurately minimize habitat needs. One week after that filing, the agency proposed his termination. On Friday, November 5th, FWS

finalized its termination of Eller.</p><p>"This case is about whether scientific dissent will be tolerated under the Bush Administration," stated PEER General Counsel Richard Condit who will be leading Eller\'s legal challenge of his firing. "A federal court found the agency knowingly used junk science to okay projects, but the official committing the fraud gets a commendation while the one who exposed it is fired."</p><p>Contending that its actions were motivated solely by the timeliness of Eller\'s work, FWS officials did not reply to Eller\'s affidavit citing evidence of retaliation, including -- </p><ul><li>Threats by supervisors for voicing biological concerns about the effects of development projects in panther habitat;</li><li>Orders to delete "jeopardy" findings from biological opinions; and</li><li>Ignoring scientific flaws that Eller raised, including unrealistic assumptions about panther reproduction rates and kitten survival. </li></ul><p>Many of the assignments cited by FWS involve the controversies surrounding the science on the endangered panther and other threatened species in one of the fastest growing areas of the country, known as the Western Everglades. Considered among the most endangered mammals on the planet, there are only an estimated 87 of these big cats left in existence.</p><p>PEER and Eller have 30 days to appeal the termination to the federal civil service court called the Merit Systems Protection Board (MSPB). MSPB can also immediately restore Eller pending final resolution of the matter. In the meantime, FWS has yet to act on Eller\'s charges of scientific fraud against it. A three-member review committee empanelled by FWS is slated to make findings later this fall.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->webroot;?>/campaigns/eller/ellerterminationletter.pdf">Read the memo from FWS firing Eller</a></p> <p align="center"><a href="<?php print \$cfg->webroot;?>/campaigns/eller/ellerproposedterminationresponse.pdf">See Eller\'s rebuttal of the proposed termination</a></p> <p align="center"><a href="<?php print \$cfg->webroot;?>/campaigns/eller/index.php">Learn more about Eller\'s case</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/campaigns/eller/fund.php">Visit the legal defense fund set up for Eller</a><br /></p>', 'FL', 'FWS', 5);

INSERT INTO news VALUES (437, '2004-11-09', 'EPA STALLS INFANT PESTICIDE DOSING STUDY', 'Cites Negative News Coverage As Need for Further Review', '<p>Washington, DC &#8212; The U.S. Environmental Protection Agency is suspending a controversial study to measure pesticide exposure in babies, from birth to age 3, who have pesticides sprayed in their homes. Citing "recent news articles [that] have mischaracterized the study," EPA announced a further review that "will ultimately enable us to be more protective of children\'s health," according to memos released today by Public Employees for Environmental Responsibility (PEER).</p><p>In a memo dated Monday, November 8th and distributed to EPA employees, William McFarland, the Acting Deputy Assistant Administrator for Science, wrote that EPA would subject the study to further review that "may refine the study design" but that the study would proceed in the spring.</p><p>EPA is paying families in Jacksonville, Florida (Duval County) who "spray or have pesticides sprayed inside your home routinely" to study the resulting chemical exposure in their infant children. The study, called the Children\'s Environmental Exposure Research Study or CHEERS, pays participating families \$970 for participating throughout the entire two-year study period. Families who complete the study also get to keep the camcorder they are provided to record their babies\' behavior. In addition, families are given bibs, t-shirts and other promotional items. The families are recruited from public clinics and hospitals. EPA selects infants based upon pesticide residue levels detected in "a surface wipe sample in the primary room where the child spends time." </p><p>"EPA seems to think that the problem with this study is one of public relations, not morality," stated PEER Executive Director Jeff Ruch, whose



organization is working with agency scientists who are questioning the ethics of the study. "Regardless of the number of reviews, paying poor parents to dose their babies with commercial poisons to measure their exposure is just plain wrong."

Conducted with funding from the American Chemistry Council, which represents 135 companies including pesticide manufacturers, the study looks at 60 infants and toddlers. EPA claims that the study had already undergone independent reviews and complies with human subject safety standards, but agency scientists note that

- Exposure of infants to potentially harmful chemicals without some countervailing medical benefit can never meet the ethical standards that EPA claims to meet;
- The reviews cited by EPA include that of Battelle, which is the primary contractor for the study and would hardly be independent. These reviews also have not been posted by EPA so that the scope of the reviews is unknown; and
- In earlier press releases, EPA claimed review and participation by the Centers for Disease Control and Prevention (CDC) but in its latest statements, CDC is no longer referenced.

Pesticide companies want data on actual infant exposure levels to persuade EPA to drop its rules requiring that pesticide exposures to small children must be ten times more protective than adults. According to published reports, the Bush Administration will soon announce their repeal of the Clinton-era rules against testing pesticides on humans. EPA wants to use CHEERS as the opening for a new policy on accepting testing on humans to determine pesticide toxicity.

EPA scientists are also expressing concern that corporations are now influencing EPA research through direct financial contributions. The American Chemistry Council (ACC), which contributed \$2 million to CHEERS, successfully lobbied to include exposure to flame retardants and other household chemicals in the study. EPA now has 80 similar research agreements with industry, including three with ACC.

"EPA Administrator Mike Leavitt is claiming an election mandate for the administration's environmental policies, but I don't remember President Bush campaigning for human experimentation on toddlers," Ruch added.

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[Read the memo announcing postponement of CHEERS](http://www.epa.gov/cheers/images/panel_memo.pdf)

[View the EPA press releases claiming CDC partnership](http://www.epa.gov/cheers/images/news_release_092204.pdf)

[www.epa.gov/cheers/images/news\\_release\\_092204.pdf](http://www.epa.gov/cheers/images/news_release_092204.pdf)

[www.epa.gov/cheers/images/news\\_release\\_101204.pdf](http://www.epa.gov/cheers/images/news_release_101204.pdf)

INSERT INTO news VALUES (438, '2004-11-11', 'BLM MANAGER FOR ANACONDA MINE FILES WHISTLEBLOWER CHARGE', 'Abrupt Termination Due to Raising Pollution and Safety Problems', '<p>Washington, DC &#8212; The U.S. Bureau of Land Management (BLM) manager overseeing the cleanup of the Anaconda Mine says he was illegally dismissed for pursuing worker safety, as well as radiation, air and water pollution violations, according to a legal complaint released today by Public Employees for Environmental Responsibility (PEER). </p><p>BLM Nevada Director Bob Abbey dismissed Earle Dixon, the Project Manager for the Anaconda Mine at Yerington, Nevada, from his position on October 5, after less than one year on the job. Abbey's notice of dismissal cited "efficiency of the service" and friction "with various constituencies." Dixon's complaint, however, details Abbey's unwillingness to confront mounting evidence of contamination and worker exposure. In his complaint, Dixon calls attention to a number of problems that were not addressed because they would drive up remediation costs

- Radiation readings well above background levels that pose risks to the health of workers onsite;
- Higher than expected contamination of soil, groundwater and drinking water wells; and
- Non-compliance with a number of federal pollution standards, including possible public exposure to radioactive and toxic metals in air-borne

dust.</li></ul><p>"Earle Dixon\'s job was to solve the pollution problems, not disguise them," stated PEER General Counsel Richard Condit whose organization will assist Dixon\'s lead counsel, Mick Harrison, in prosecuting the claim. "From this record, it appears BLM removed Earle Dixon simply because he did environmental compliance too well." </p><p>Dixon\'s job was to coordinate the hazardous waste management and compliance at the site with EPA, the State of Nevada, tribes and responsible private parties. The Anaconda Mine is an abandoned copper mine covering more than 3,600 acres where acid run-off and waste rock containing low levels of uranium, thorium and other exposed metals have been disposed in unlined ponds. The mine has also had a succession of owners, including the Atlantic Richfield Company owned by British Petroleum. Today, half the site is located on public lands managed by the BLM.</p><p>Dixon filed a whistleblower complaint under several federal laws including the Safe Drinking Water Act, the Clean Air Act, Superfund, the Toxic Substances Control Act and the Occupational Health and Safety Act. The complaint triggers an immediate federal investigation and, if the matter is not resolved in 30 days, a full evidentiary hearing before a federal administrative law judge will be scheduled.</p><p> "We expect that Dixon\'s co-workers at BLM and colleagues from other federal and state agencies will be forthright about Dixon\'s efforts to secure environmental compliance at the site to protect workers and the public," Condit added. With Dixon\'s removal, oversight of the Anaconda Mine has been moved from the BLM Carson City Office to the BLM state headquarters in Reno. "Such a move is an unprecedented political intervention in a hazardous waste clean-up operation and reflects retaliatory motive by the BLM State Director," stated Mick Harrison.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/nv/dixonDOLcomplaint.pdf">Read Earle Dixon\'s whistleblower complaint</a><br /></p>', 'NV', 'BLM', 0);

INSERT INTO news VALUES (439, '2004-11-17', 'CRONY HIRING BY SPECIAL COUNSEL TARGET OF LAWSUIT', 'Former Boarding School Headmaster Retained as Consultant', '<p> Washington, DC &#8212; The agency that is supposed to police compliance with federal civil service rules is itself circumventing civil service rules by using no-bid consultants and hiring on a non-competitive basis, according to Public Employees for Environmental Responsibility (PEER). The U.S. Office of Special Counsel (OSC) is withholding records about its own personnel practices, including a contract with a former Catholic boarding school headmaster to serve as a special consultant, according to a lawsuit filed today by PEER under the Freedom of Information Act.</p><p>The current Special Counsel, Scott Bloch, is a religious conservative who had served as deputy director in the Justice Department\'s Office of Faith-Based Initiatives. Since becoming Special Counsel in January, Bloch has brought in a series of special consultants and non-competitive hires, including recent graduates of the ultra-conservative Ave Maria law school. A number of these new non-competitive hires have been assigned to career positions, working for career managers who had no input into their selection; in fact, the managers did not meet the new hires until the day they started work</p><p>"Scott Bloch\'s personnel practices are taken straight from The DaVinci Code rather than the civil service manual," stated PEER Executive Director Jeff Ruch, pointing to what OSC staff members call Bloch\'s own "palace guard." "The mission of the Special Counsel is to protect the merit system, not subvert it."</p><p>PEER is seeking copies of contracts and work products for &#8211;</p><ul><li>Alan Hicks, a former headmaster of St. Gregory\'s Academy, a Catholic boarding school, who left in the wake of allegations concerning priests sexually preying on young students. Bloch has retained Hicks as a special consultant; and</li><li>No-bid management consultant contracts let by Bloch. </li></ul><p> Although OSC is struggling under large and growing backlogs of whistleblower disclosures and complaints, Bloch has increased the number of confidential assistants that report directly to him. By PEER\'s estimates,

approximately 10 percent of the OSC staff positions are now personal picks by Bloch. Recently, the long-time Director of OSC's own Department of Human Resources, and her primary assistant, recently resigned their positions, and left the agency, giving only a few days notice.

Ironically, one of OSC's duties is to oversee administration of the Freedom of Information Act (FOIA). Yet, when PEER requested its contract files, OSC sent a form letter stating that "due to the departure" of its FOIA officer "and a queue of pending requests" that there would be some delay in response. Three months later in September, PEER appealed OSC's continued non-response and received another, virtually identical form letter. PEER's suit under FOIA seeks the contract records it originally sought in June.

"The purpose of the Freedom of Information Act is to increase the transparency of government but Mr. Bloch appears dedicated to keep his agency's operations opaque," Ruch added, noting that Bloch has yet to release any documents about what he has done since he took office in January. "How can OSC monitor the Freedom of Information Act when it does not even answer its own mail?"

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[See PEER's lawsuit against the Office of Special Counsel](http://www.osc.gov/docs/osc/OSC_FOIA_Complaint_final.pdf)

INSERT INTO news VALUES (440, '2004-11-17', 'JUDGE: FEDERAL FLOODPLAIN PROGRAM VIOLATES ENDANGERED SPECIES ACT', 'Conservation groups win landmark case to protect Puget Sound chinook salmon from sprawl', '<p> A federal judge today found the Federal Emergency Management Agency ("FEMA") in violation of the Endangered Species Act because it has ignored the impacts of its activities on threatened chinook salmon in Puget Sound. The judge agreed that FEMA's flood insurance program helps fuel development and floodplain damage in some of the most sensitive and important salmon habitat in the region. The ruling came in response to a lawsuit brought by National Wildlife Federation and Public Employees for Environmental Responsibility. </p><p> "Today's ruling is a victory for salmon over stripmalls," said Jan Hasselman, attorney for National Wildlife Federation. "Federal agencies like FEMA cannot encourage the floodplain destruction that has helped pushed chinook salmon to the brink of extinction. If we want to protect the magnificent chinook for future generations, we should stop turning sensitive floodplain habitats into subdivisions and box stores." </p><p> Judge Thomas Zilly of the federal district court in Seattle agreed with the conservation groups on all of the key issues in the case: that FEMA's flood insurance program was required to comply with the Endangered Species Act and that it was having negative effects on chinook salmon in Puget Sound. The court ordered FEMA to adhere to the Endangered Species Act process; which is common for other federal activities including timber sales and dam operations; to ensure that the program is implemented in a way that doesn't interfere with salmon recovery. That process could result in sweeping changes in federal development standards for floodplain activities. </p><p> "When it comes to recovering salmon, everyone in the region needs to pull their weight," said Lea Mitchell, Washington office director for Public Employees for Environmental Responsibility. "The decision ensures that FEMA will be held accountable for its actions and that flood insurance doesn't help destroy the very habitat that others are trying to save." </p><p> For example, the judge agreed that "FEMA is in effect encouraging filling" in floodplains, an activity that "is highly likely to have negative effects on habitat of listed and endangered species." Calling federal flood insurance a "prerequisite" to floodplain development, the judge ruled that FEMA's regulations and the sale of insurance "enable development in the floodplain that negatively impacts salmon." The evidence supported plaintiffs claim that development in floodplains "reduces the amount of habitat available to chinook salmon and creates additional impermeable surfaces in the floodplain that produce polluting runoff." In fact, the court pointed to documents that showed both state and federal agencies had

urged FEMA to comply with the ESA, without success. </p><p>"We have a small window of opportunity to bring chinook salmon back to Puget Sound, for commercial and recreational fishermen, for the health of our ecosystems, and for our children," continued Hasselman. "The decision will ensure that FEMA does its part to ensure that sensitive floodplain habitats and the salmon that rely on them have a fighting chance." </p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/wa/fema\_decision.pdf">Read the Judge\'s decision</a><br /></p>', 'WA', '', 0);

INSERT INTO news VALUES (441, '2004-11-02', 'OUTGOING CONGRESS WHACKS AWAY WILDERNESS PROTECTIONS', 'Precedent Setting De-Designation of Wilderness in Last Minute Riders', '<p>Washington, DC &#8211;&#8211; In its final action, the 108th Congress nullified the effects of three recent court rulings extending key wilderness protections to wildlife refuge, national park and forest lands, according to Wilderness Watch and Public Employees for Environmental Responsibility (PEER). Through unrelated provisions inserted in the \$388 billion omnibus bill, Congressional leaders cut back wilderness safeguards in Alaska, Idaho and the Georgia seacoast.</p><p>Ironically, 2004 marks the 40th anniversary of the passage of the Wilderness Act. In last week\'s lame duck session, Congress, for the first time, stripped wilderness protection from federal lands. And, for only the second time in 40 years, it suspended restrictions on motorized access to an existing wilderness. The three anti-wilderness riders affected &#8211;</p><ul><li>Cumberland Island, which lies off Georgia\'s southeast coast, is the largest undeveloped barrier island on the eastern seaboard. The island provides shelter for over 300 species of birds and nesting sites for sea turtles, including the threatened loggerhead sea turtle. The entire island was designated as the Cumberland Island National Seashore in 1972. Ten years later Congress designated 8,800 acres of the heart of the Island\'s north end as the Cumberland Island Wilderness. The rider breaks up the contiguous wilderness into tiny pieces, approves roads cutting through the remaining wilderness and authorizes motorized tours by park concessionaires. The rider renders moot an 11th Circuit ruling won earlier this year by Wilderness Watch and PEER;</li><li>Alaska National Wildlife Refuge Wildernesses represent 90% of all refuge wilderness in the U.S. Last year, the 9th Circuit ruled that commercial aquaculture activities are prohibited within national wildlife refuge wilderness in Alaska. A rider sponsored by Alaska Senator Ted Stevens will make commercial aquaculture allowable in all refuge wildernesses in Alaska; and</li><li>Wild Salmon River, which flows through the Frank Church-River of No Return Wilderness in Idaho, the largest contiguous wilderness in the lower 48. The U.S. Forest Service allowed seven commercial outfitters over the years to set up temporary outfitter camps along the congressionally designated Wild Salmon River. The outfitters gradually turned those temporary camps into permanent structures (cabins and lodges with glass windows, doors, covered porches, septic systems, etc) for their clientele. The Wild & Scenic Rivers Act prohibits permanent structures within a Wild River corridor. When a new Forest Supervisor told the outfitters the camps must go, four complied, removing all developments from their campsites. Three, however, refused to dismantle their structures. Wilderness Watch then sued and won a district ruling that the lodges were illegal and had to be removed within 5 years. This rider authorizes the lodges to remain.</li></ul><p>"Forty years ago the American people made a covenant with future generations to protect the few remaining remnants of the original wild America," stated George Nickas, executive director of Wilderness Watch. "This Congress broke that promise. That they could do so with such impunity is a sad testament to the short-sighted greed and lack of integrity that are the hallmarks of the current leadership in Washington."</p><p>In the one instance where it acted to extend wilderness protection, the lame duck

Congress also created exceptions for use of motorized recreation, an anathema to wilderness. Thus, in designating wilderness at Apostle Island National Lakeshore in Wisconsin, Congress continued to allow "the use of motors on the lake waters, including snowmobiles."<br /><br />"These latest Congressional actions cavalierly cast aside four decades of national wilderness policy for the benefit of a tiny handful of well-connected constituents," commented PEER Executive Director Jeff Ruch, pointing to Greyfield Inn, the private corporation that had run motorized tours through Cumberland Island wilderness areas for its guests, as the sole beneficiary of one rider. "Unfortunately, the current Congressional leadership appears quite willing to sell out the Wilderness Act to the highest bidder."</p><p align="center"> ###</p><p align="center"><a href="http://www.call.uscourts.gov/opinions/ops/200315346.pdf">See the 11th Circuit decision on Cumberland Island</a></p><p align="center"><a href="http://www.wildernesswatch.org/news/news\_id.php?row\_id=330">Read the resignation statement of one of the Park Service's top wilderness officials and learn about actions by the Park Service to block implementation of the Wilderness Act</a></p><p>Wilderness Watch is based in Missoula, Montana. Founded in 1989, it is the only national organization dedicated solely to the protection and proper stewardship of the National Wilderness Preservation System. Wilderness Watch has an active chapter in Atlanta, Georgia and Fairbanks, Alaska. (www.wildernesswatch.org) </p> ', ', ', 0);

INSERT INTO news VALUES (442, '2004-11-30', 'EPA SET TO ACCEPT HUMAN PESTICIDE DOSING STUDIES', '"Senior Agency Officials" to Decide Ethical Concerns on "Case-By-Case Basis"', '<p> Washington, DC &#8212; In a notice slated for publication in the Federal Register, the U.S. Environmental Protection Agency is announcing that it will accept experiments using human subjects submitted by pesticide companies and chemical manufacturers, according to a document released today by Public Employees for Environmental Responsibility (PEER). Under the new system, EPA imposes no rules to prevent unethical practices but will instead make decisions "concerning ethically problematic studies on a case-by-case basis."</p><p>In its notice, EPA defers developing enforceable ethical standards until an unspecified future time. The agency attributes this ad hoc policy to continuing "public debate" about ethical standards. Thus, under this interim policy, EPA will accept human experimental data "unless there is clear evidence" of "fundamentally unethical" conduct, such as harm to the participants or "some form of undue coercion." </p><p>"By this sleazy move, EPA abdicates its moral responsibility to ensure that the data submitted by industry does not use human beings as chemical guinea pigs," stated PEER Executive Director Jeff Ruch, noting that EPA will officially assume that all human dosing experiments are done ethically unless conclusively proven otherwise. "Under this plan, even if &#8216;ethical concerns\' do surface, EPA\'s political appointees will act as the sole arbiters, guided only by their own moral compasses." </p><p>EPA has yet to adopt safeguards that are in place at other federal agencies, such as the FDA, providing special protections for experiments involving pregnant women, fetuses and children. In addition, EPA does not prohibit payments to induce subjects to volunteer, nor does it require independent review of study ethics.<br /><br />This latest notice applies only to experiments conducted by industry without the participation of, or funding from, EPA. Recently, EPA itself proposed to conduct a controversial study that would pay parents to spray pesticides and other chemicals in the rooms occupied by infants under age 3. When that study (with the acronym CHEERS) drew unfavorable publicity earlier this month, EPA announced further review even though it had already recruited families with half of the 60 children called for in the study design. CHEERS and similar studies with direct EPA involvement are outside the scope of this new notice and are also proceeding on a case-by-case basis, without any policy guidance.</p><p>Industry has been pressing the Bush Administration to liberalize

rules on human testing of pesticides and other chemicals. This industry pressure follows the 1996 amendments to the Federal Food, Drug and Cosmetic Act setting ten-fold stricter exposure standards for children absent reliable data showing no harm. Industry needs actual human experimental data to justify higher chemical exposures for children. </p><p>"Can toddlers ever give informed consent for chemical experimentation? &#8211; EPA apparently thinks so," added Ruch. "No civilized country would encourage using infants as subjects for testing potentially harmful substances that have no medical or other countervailing benefit to the child."</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/epa/EPAhumanstudiesdraft.pdf">See the draft EPA notice on "Human Testing: Proposed Plan and Description of Review Process"</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/news/news\_id.php?row\_id=433">Find out about EPA\'s plan to pay poor parents to dose their infants with pesticides</a><br /></p>', ', 'EPA', 6);

INSERT INTO news VALUES (443, '2004-11-30', 'NAVY KILLS PREGNANT RIGHT WHALE IN MID-ATLANTIC', 'Second Pregnant Female Victim of Ship Strike This Year', '<p> Washington, DC &#8212; A U.S. Navy ship struck an endangered Atlantic right whale in mid-November and the carcass of a pregnant female has been found on the North Carolina coast, according to Public Employees for Environmental Responsibility (PEER). This is the second pregnant right whale to be killed by ships in this immediate vicinity this year. </p><p>On November 17th, a Navy Amphibious Assault Ship reported a whale strike about 10 miles outside the entrance to Chesapeake Bay. The whale appeared to have a fresh wound to the fluke with a large portion missing and was seen moving slowly in a southeasterly direction. On November 24th, a 35-foot right whale came ashore along the Northern Outer Banks in Ocean Sands, North Carolina. The whale was a pregnant female with part of its fluke missing.</p><p>While the Navy admits that its ship hit a whale it has not publicly admitted it was the same female right whale found at Ocean Sands. The Navy did not report the strike to National Oceanic and Atmospheric Administration (NOAA) Fisheries until the 22nd, five days after it occurred.</p><p>"This accident is a direct outgrowth of the Navy\'s official indifference," stated New England PEER Director Kyla Bennett, a former federal biologist, noting that the Navy refuses to even consult with NOAA on the impact of naval operations on right whale recovery. "The loss of a pregnant female is devastating to a population teetering on the brink of extinction."</p><p>There are only 300 North Atlantic right whales left in existence. Ship strikes are the largest known cause of death for this highly endangered creature. Calves, who have undeveloped diving capability, are particularly vulnerable. By far, the single biggest known source of whale strikes is the U.S. Navy. Navy vessel traffic dwarfs commercial ship traffic in right whale habitat and naval vessels tend to travel at higher speeds &#8211; a factor exacerbating both the likelihood of a strike and the physical harm done to the whale.</p><p>This spring, NOAA announced it would consider adopting ship speed limits, rerouting and channel restrictions to avoid or minimize ship traffic in sensitive calving, mating and migratory areas. But last month, in its published "Draft Revised Recovery Plan for the North Atlantic Right Whale," NOAA proposed unenforceable measures to reduce collisions with shipping and entanglement in fishing gear. </p><p>"Both NOAA and the Navy seem content to fiddle while Rome burns," added Bennett. "The U.S. Senate should pin the next Secretary of Commerce down as to whether he plans to preside over the extinction of the North Atlantic right whale."<br /><br />In 2002, PEER revealed the Navy was conducting aerial bombing exercises off the coast of Maine directly in the migratory path of right whales. Shortly thereafter, the decapitated carcass of a calf was found but was too decomposed to establish cause. As with this latest incident, the Navy refused to admit fault.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/noaa/internalemail.pdf">Read the internal email in the

incident

[</p>, '</p>', 'NOAA', 4\);](<?php print $cfg->webroot;?>/campaigns/whales/index.php)

INSERT INTO news VALUES (444, '2004-12-02', 'CHANGES IN BISON RANGE DEAL; SIGNING DELAYED', 'FWS Retirees Protest That Concerns Still Not Addressed', '<p> Washington, DC &#8212; The Confederated Salish and Kootenai Tribes (CSKT) are proposing changes to their agreement with the U.S. Department of Interior to turn half of the National Bison Range Wildlife Refuge in Montana over to the tribe, according to a memo released today by Public Employees for Environmental Responsibility (PEER). The changes are intended to quell concerns that have been raised by employees, conservationists and neighbors of the refuge.</p><p>A signing ceremony for the agreement, reportedly slated for this week, has been postponed a second time to work out even more amendments to the deal. The changes agreed to so far by the tribe in closed-door negotiations held last month with Interior officials in Washington, D.C. include

- Specifying how the Refuge Manager may seek to remedy a "performance deficiency" by the tribe;
- Requiring the CSKT to ensure that its employees assigned to the refuge have the proper "skill and/or experience" to do the job;
- Clarifying who is responsible for accidents by volunteers under tribal supervision;
- Allowing seasonal federal employees transferred to the tribe to stay longer than six months; and
- Narrowing tribal lobbying with federal funds and the ability of CSKT to waive federal regulations.

"The fact that these issues are still not fixed strongly indicates that this agreement is not ready for prime time," stated Grady Hocutt, a former long-time refuge manager and the director of PEER's refuge program, who obtained the memo through the Freedom of Information Act. "These proposed alterations acknowledge but do not solve the problems we and others have raised." </p><p>The public comment period for the agreement was extended to November 4, after Interior belatedly released cost estimates for the plan. A proposed signing ceremony on November 12 was postponed after outcry that Interior would not have time to respond to the concerns raised in public comments. Once signed, the agreement takes effect in 90 days unless vetoed by Congress.</p><p>"Interior has still not responded to the comments raised by the public," added Hocutt, noting that even more changes remain to be hammered out. "This thing is a moving target; the public is not going to get a chance to look at the final document before it is signed."</p><p>Today, PEER also released a joint letter signed by 121 retirees of the U.S. Fish & Wildlife Service, the Interior agency that operates the network of more than 500 national wildlife refuges, including Bison Range. The retirees are asking Interior Secretary Gale Norton to "table the plan" to turn half the refuge over to the tribe, writing that they "are particularly disturbed that those with experience in refuge management have been repeatedly overruled and shut out of the process." Previously, more than 60 active Refuge Managers signed a letter of protest saying that the agreement was unworkable.</p><p>Interior lists 31 wildlife refuges and 34 national parks where it will entertain offers from tribes to take over operations on the same basis as the agreement with the CSKT. The agency is negotiating deals on an ad hoc basis without any overall policy to guide its dealings.</p><p align="center"> ###</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/mt/NBRCproposedchanges.pdf">Read the "Proposed Changes" memo</a></p><p align="center"><a href="<?php print \$cfg->docsdir;?>/mt/nortonletter.pdf">See the FWS Retirees Letter to Secretary Norton</a></p>', 'MT', 'FWS', 0);

INSERT INTO news VALUES (445, '2004-12-06', 'EPA STIFLES OBJECTIONS TO BUSH ROADLESS PLAN', 'Water Quality, Habitat and Other Concerns Cut from Comments to Forest Service', '<p> Washington, DC &#8212; The U.S. Environmental Protection

Agency has censored the warnings of its professional staff about a Bush Administration plan to build more roads across national forests, according to documents released today by Public Employees for Environmental Responsibility (PEER). EPA deleted comments about a host of environmental problems, ranging from impaired public drinking water to spreading invasive plants, from comments it submitted to the U.S. Forest Service on November 26th.

"Things have gotten pretty extreme when the Environmental Protection Agency is no longer permitted to voice environmental concerns," stated PEER Executive Director Jeff Ruch. "'Never was heard a discouraging word' is no longer just a lyric from Home on the Range; it is the new federal environmental mantra."

This past July, the Bush Administration moved to replace a Clinton moratorium on building roads in previously undeveloped portions of the national forest system with a plan that generally allows road building unless the host state objects and submits its own plan for protecting in-state roadless areas. In response to a U.S. Forest Service call for comments on this new plan, EPA prepared material that argued for altering the plan in order to

- Lessen deterioration of water quality in streams affected by sediment washing from logged areas and the resulting loss of wildlife habitat;
- Address the \$8.4 billion backlog "for road repair and maintenance of existing roads" in national forests; and
- Give states more than 18 months to plan for initiating their own protection plans.

According to EPA employees, Steven Shimberg, an executive appointee within the agency's Office for Enforcement and Compliance Assurance, dismissed the staff draft as "a rant" and ordered the objections stricken. As a result, EPA's final letter raised no opposition to the plan and only meekly suggested that its "water quality concerns" could be addressed by forming an advisory committee.

This latest act of self-censorship adds to a recent pattern in which EPA's pollution-related concerns have been squelched from inter-agency communications. Similar objections by EPA specialists to Bush Administration plans to allow snowmobiles in Yellowstone National Park, to greatly expand coal bed methane production on federal range lands and to exempt Pentagon agencies from toxic waste regulations have all been excised from official correspondence.

"Message control is no substitute for stewardship," Ruch added. "The Bush Administration has raised toadyism to an art form."

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[Read the draft EPA letter on Roadless Area Management that was censored](http://www.epa.gov/draftEPARoadlessLetter.pdf)

[See the draft EPA "Detailed Comments" that were never issued](http://www.epa.gov/draftEPAComments.php)

INSERT INTO news VALUES (446, '2004-12-09', 'ATV TRAIL MASTER CHARGED WITH ILLEGAL LOGGING', 'More Than 150 Trees Cut; Trial Date Set for January', 'Millinocket, ME'; Trail Master Phillip LeBoeuf of the Red River Ryders ALL Terrain Vehicle (ATV) club of Winterville has been charged with unlawful cutting of trees on privately owned land in the Town of Eagle Lake, according to information released today by Public Employees for Environmental Responsibility (PEER).

Last fall, local landowners found more than 150 trees had been cut in the proposed trail corridor without their knowledge or permission. Property owners filed a complaint with the Maine Forest Service. After investigation, rangers charged Mr. LaBoeuf with unlawful logging and summoned him to appear at the Fort Kent District Court on November 19, 2004. At that arraignment, Mr. LaBoeuf denied the charges. A court date has been set for 10 A.M. on January 7, 2005.

Documents obtained by Maine PEER show that on December 2, 2002 Winterville Plantation's First Assessor James Nadeau (now a Commissioner for the Land Use Regulation Commission) applied for a grant to construct up to twenty miles of ATV and snowmobile trails in the area of Winterville Plantation. The grant is funded by the U.S. Department of



Transportation and administered by the state Department of Conservation

In the grant application, Mr. Nadeau stated that he would be a project manager and that, as the Plantation's First Assessor, would be responsible for administrating the project. On July 3, 2003, the Department of Conservation approved a grant up to \$25,000 for the Red River Ryders ATV Trail project for Winterville.

While it is Mr. LaBoeuf who is charged with a civil offense, it is clear that Mr. Nadeau, as the grant recipient, bears some responsibility for violations of the federal and state project agreement," stated Maine PEER Director Tim Caverly, noting that from 1999 to 2002, Nadeau was involved in four separate violations of state land use standards. "This is one more example of Mr. Nadeau's inability to ensure that laws are followed in projects under his direct control."

If the logging violation is sustained in court, it is not clear what effect it will have on continued funding for the trail project.

"A LURC Commissioner is supposed to respect private property and make sure that the laws are evenly enforced but the opposite appears to be case here," Caverly added. "Nadeau should resign from his position of municipal leader and from his post as LURC Commissioner."

', 'ME', '', 0);

INSERT INTO news VALUES (447, '2004-12-14', 'PENTAGON TO JETTISON ENVIRONMENTAL RESPONSIBILITIES', 'New Policy Drops Public Health, Cleanup and Resource Conservation Duties', '

This new "Department of Defense Directive" would replace a Clinton-era directive on "Environmental Security." The new directive trims a listing of Pentagon policy elements by eliminating provisions for &#8212;

- "Reducing risk to human health and the environment by identifying, evaluating, and where necessary, remediating contamination resulting from past DoD activities";
- Protecting, preserving, and, when required, restoring, and enhancing the quality of the environment"; and
- Conserving, and restoring where necessary, the natural and cultural heritage represented on DoD installations within the United States."

"The Pentagon is transforming itself into an entity concerned only about its own logistics and facility management &#8211; and the public be damned," stated PEER Executive Director Jeff Ruch, pointing to the Pentagon's recent efforts to exempt itself from an array of environmental laws. "Under this new policy, who will protect America's waters, air and soil from the Pentagon?"

The new policy would also significantly cut Pentagon compliance with anti-pollution rules by dropping requirements that it obey "regulations, Executive orders, binding international agreements" and other federal "environmental, safety, occupational health, explosives safety, fire and emergency services, and pest management policies." In its place, the Pentagon would pledge to only abide by "applicable law and DoD policy."

In stripping away promises to improve or protect the environment, the new Directive instead says that the Pentagon "will evaluate all activities&#8230;and make prudent investments in initiatives that support mission accomplishment, enhance readiness, reduce future funding needs, prevent pollution, ensure cost effective compliance, and maximize the existing resource capability."

"The Pentagon is preparing this self-serving shift without public debate or Congressional review," added Ruch. "Under the new Directive, the Pentagon answers only to itself."

Department of Defense Directives define the agency's mission and responsibilities. By its terms, this Directive covers all "DoD operations, activities, and installations worldwide, including Government-owned/contractor-operated facilities."

>###</p><p align="center"><a href="<?php print \$cfg-

>webroot;?>/docs/dod/DoDdraftdirective.pdf">Read the proposed DoD Directive on Environmental Security</a></p><p align="center"><a href="http://www.dtic.mil/whs/directives/corres/html2/d47151x.htm">See the current DoD Directive </a></p>', '', 'DOD', 0);

INSERT INTO news VALUES (448, '2004-12-14', 'BISON RANGE DEAL TO BE SIGNED DESPITE OBJECTIONS', 'Lingering Questions on Terms, Costs and Consequences', '<p align="left"> Washington, DC &#8212; In a signing ceremony slated for tomorrow, the U.S. Department of Interior will turn half of the National Bison Range Wildlife Refuge in Montana over to the Confederated Salish and Kootenai Tribes (CSKT), according to an agency email released today by Public Employees for Environmental Responsibility (PEER). Tomorrow\'s inking of the agreement comes amid rising protests from refuge managers across the country, unanswered concerns from conservation groups and uncertainty as to the costs, both for the refuge and for the National Wildlife Refuge System, of this and similar tribal turnovers.</p><p>Over the objections of its own Fish & Wildlife Service, Department of Interior political appointees ramrodded the Bison Range funding agreement through. Closed-door negotiations between Interior Deputy Assistant Secretary for Fish, Wildlife and Parks Paul Hoffman (a former Dick Cheney aide) and the CSKT produced a deal that awards approximately half of the management responsibilities, positions and funding for the National Bison Range and the nearby Ninepipe and Pablo National Wildlife Refuges to the Tribes. Once signed, the agreement takes effect in 90 days unless vetoed by Congress.</p><p>Despite the fact that Interior lists 31 wildlife refuges and 34 national parks where it will entertain offers from tribes to take over operations on the same basis as the agreement with the CSKT, the agency has yet to develop any overall policy to guide its dealings and is negotiating individual deals on an ad hoc basis. Moreover, the exact terms of this particular agreement will not be published until after it has been signed, in spite of several major amendments being floated by both the tribes and the Fish & Wildlife Service.</p><p>"The Department of Interior is choosing to leap before it looks at the consequences," stated Grady Hocutt, a former long-time refuge manager who directs PEER\'s refuge program, pointing to an unprecedented letter protesting the CSKT agreement signed by more than one third of the approximately 242 managers overseeing more than 500 wildlife sanctuaries. The central conclusion of the joint letter is that the National Bison Range agreement with the CSKT is so poorly crafted that it is unworkable:</p><p>"No Refuge Manager, no matter how skilled, could successfully implement this agreement as it is written." [Emphasis in original]</p><p>At the same time, the agreement has drawn negative reviews from approximately 40 conservation organizations, including the National Wildlife Refuge Association, Ducks Unlimited, the Wilderness Society, the American Bird Conservancy and the Chicago Zoological Society. Former Director of the Fish & Wildlife Service Jamie Clark, now vice president of Defenders of Wildlife, has also urged major changes before proceeding with the agreement. None of the concerns raised by this array of groups has been answered by Interior.</p><p>"The National Wildlife Refuge System does not belong to one political party; it is the legacy of healthy wildlife for future Americans and should be handled with care and in the full sunlight of public disclosure," added Hocutt. "Interior has done a disservice to one of the crown jewels of the refuge system and to the people who have dedicated their careers to it." </p><p align="center"> ###</p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/nwr/BisonRangeEmail.pdf">See the email from FWS Director Williams on the Bison Range signing ceremony</a> </p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/nwr/23refugemgrs.pdf">Read the Refuge Managers letter of protest </a></p><p align="center"><a href="<?php print \$cfg->docsdire;?>/docs/mt/nortonletter.pdf">See the FWS Retirees Letter to Secretary Norton</a></p>', 'MT', 'FWS', 0);

INSERT INTO news VALUES (449, '2004-12-16', 'FDA SCIENTISTS ISSUED EARLY WARNINGS ON DRUG APPROVALS', 'Staff Survey Echoes Safety Concerns Raised by Dr. Graham in Senate Testimony', '<p align="left"> Washington, D.C. &#8212; A previously unpublished internal survey of Food and Drug Administration scientists points to potentially dangerous gaps in the approval and marketing of prescription drugs, according to documents jointly released today by the Union of Concerned Scientists (UCS) and Public Employees for Environmental Responsibility (PEER). The FDA survey results, obtained under the Freedom of Information Act, closely track the safety concerns raised by the agency\'s own Associate Director for Science and Medicine, Dr. David Graham, in testimony before the U.S. Senate last month.</p><p>The Health and Human Services Office of Inspector General conducted the survey in late 2002 as part of a management review of how the agency was meeting stringent deadlines for approving new drugs. OIG polled 846 FDA scientists, with nearly half (47%) completing the survey. Survey findings included:</p><ul><li> Two-thirds (66%) of respondents lacked confidence that the agency "adequately monitors the safety of prescription drugs once they are on the market;"</li><li> Only 12% of scientists were completely confident that FDA "labeling decisions adequately address key safety concerns" while 30% were not at all or only somewhat confident; </li><li> More than one third (36%) of scientists were not at all or only somewhat confident that "final decisions adequately assess the safety of a drug"; and</li><li> Nearly one in five scientists (18%) said that they "have been pressured to approve or recommend approval" for a drug "despite reservations about the safety, efficacy or quality of the drug."</li></ul><p>Despite the disquieting survey results, when the OIG published its report in March 2003, a lead conclusion was that FDA scientific reviewers "have high confidence in decisions FDA makes." </p><p>"The survey raises significant issues about drug safety and ongoing monitoring of adverse health impacts of drugs in the marketplace," stated Kathleen Rest, executive director of UCS. "The scientists concerns warrant further investigation as Congress reviews drug approval practices at FDA." </p><p>The fact that Dr. Graham\'s supervisors have publicly disparaged his testimony highlights a weakness in FDA\'s ability to dispassionately resolve scientific differences. In the survey of scientists, less than one in five (17%) felt the agency had "adequate procedures in place to address scientific disagreements" to a "great extent," while 45% felt adequate procedures existed only to "some extent" and more than a third (38%) said procedures for resolving dissent existed only to a "small extent" or "not at all." </p><p>"By all appearances, FDA would rather be sorry than safe," stated PEER Program Director Rebecca Roose who obtained the survey under the Freedom of Information Act. "These results show that many of Dr. Graham\'s colleagues share is concerns, but that those warnings are falling on deaf ears."</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/fda/FDAscientistsurvey.pdf">Read the summary of FDA survey findings</a></p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/fda/12\_14\_04\_FDA\_survey.pdf">See the question-by-question survey results</a> </p><p align="center"><a href="http://www.oig.hhs.gov/oei/reports/oei-01-01-00590.pdf">See the HHS Office of Inspector General Report</a> </p><p align="center">###</p><p align="center">The Union of Concerned Scientists is a nonprofit partnership of scientists and citizens combining rigorous scientific analysis, innovative policy development and effective citizen advocacy to achieve practical environmental solutions.</p>', '', '', 0);

INSERT INTO news VALUES (450, '2004-12-16', 'CHAMBERS FILES APPEAL FOR IMMEDIATE REINSTATEMENT', 'Petition Cites More Than 40 Legal Errors Made by Judge', '<p> Washington, DC &#8212; Teresa Chambers today filed a legal action to overturn

her removal as Chief of the U.S. Park Police. Her 239-page petition cites more than 40 legal errors made by the judge who upheld Chief Chambers\' termination this past fall, according to a copy of the petition released today by Public Employees for Environmental Responsibility (PEER).

In an October 6th ruling, an administrative judge for the U.S. Merit Systems Protection Board issued "an initial decision" that Chief Chambers\' firing was justified due to statements she made in an interview with The Washington Post. The judge did, however, throw out two of the six administrative charges that the Department of Interior had leveled against Chief Chambers.

By today\'s petition, Ms. Chambers places the remaining administrative charges before the full Merit Systems Protection Board (a three member review panel). The MSPB may reinstate Chambers, remand the matter back for further hearings or uphold the termination.

"The wheels of justice turn slowly but with each passing week Teresa Chambers\' case grows stronger," stated PEER General Counsel Richard Condit, noting the recent anniversary of Chief Chambers\' suspension where she was stripped of her badge, credentials and side arm and marched out of Interior headquarters under armed escort. "We will not rest until Teresa Chambers is restored as Chief of the United States Park Police."

The legal issues on appeal include whether a federal employee can be fired for telling the truth in the absence of explicit rules barring disclosure. The case marks the first time that a new category of "law enforcement sensitive" information has been used as a basis for discipline. In addition, since the case involves First Amendment rights and the right of federal employees to communicate with Congress, there will be separate federal court challenges available as soon as her MSPB remedies are exhausted.

The Chambers\' appeal also raises new matters that arose out of her hearing in September, including:

- Paul Hoffman, a former Dick Cheney aide, conducted a secret investigation within Interior, in violation of due process. Significantly, Hoffman never sought to question Chambers;
- National Park Service Director Fran Mainella testified that she would reinstate Chambers. Contrary to usual practice, Mainella was prohibited from deciding the matter; and
- NPS Deputy Director Don Murphy prepared but never delivered a performance evaluation for Chief Chambers that omitted mention of the issues he later raised as the basis for her termination.

"The Department of Interior\'s actions against Chief Chambers classically illustrate the adage &#8216;Oh what a tangled web we weave when first we practice to deceive,\" Condit added.

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[Read the Chambers\' appeal petition](=?php print $cfg->campaigndir;?>/chiefchambers/ChambersMSPBappeal.pdf)

[Learn more about the case of Chief Chambers](=?php print $cfg->campaigndir;?>/chiefchambers/index.php)

/></p>, ', 'NPS', 1);

INSERT INTO news VALUES (451, '2004-12-16', 'ANOTHER RIGHT WHALE FEARED DEAD THIS WEEK', 'New Carcass Off Nantucket; One Percent of Population May Have Perished', '<p> Washington, DC &#8212; Three right whales, the most endangered mammal on earth, may have died this week, according to information obtained by Public Employees for Environmental Responsibility (PEER). Two whales had been sighted off the North Carolina Coast entangled in fishing gear, and one of these has been confirmed as a right whale. The second may also be a right whale, but scientists have not yet been able to approach it to ascertain the species. National Oceanic and Atmospheric Administration (NOAA) Fisheries have confirmed to PEER that a third right whale carcass has been sighted but not recovered off the coast of Nantucket, Island in Massachusetts.</p><p>With only 300 animals left in existence, the right whale is under continual threat from collisions with commercial shipping, entanglement in fishing gear and acoustical damage from new Navy sonar arrays.</p><p>Compounding concerns, two pregnant female right whales were also killed by ship strikes in November. One of those females



the law &#8211;</p>
 <ul><li>Nearly half the money loaned by multilateral development banks, including loans for projects such as timber, coal and oil extraction, received no published environmental assessment at all;</li><li> Reviews are often completed after-the-fact, with little consideration of alternatives, and are not readily available to native populations or outside groups; and </li><li> Many reviews are incomplete and do not meet the standards of the statute and regulations. As a consequence, unnecessarily destructive projects in Asia, Africa and South America are improperly receiving U.S. support. </li></ul>
 <p>In 2004, Congress approved language asking Treasury and USAID to brief the Appropriations Committees on fulfilling their longstanding unfulfilled reporting duties. These briefings have yet to be scheduled. In the omnibus appropriations bill passed in the lame duck session this November, Congress reinforced the requirements for environmental assessments of any proposal by the World Bank or any of the regional development banks that would have a significant environmental impact, but it is not clear whether Congress will take additional steps to address these problems when it considers long-term legislation authorizing funds for the World Bank this spring. </p>
 <p>"The laws that require us to practice preventive international medicine are becoming dead letters," Ruch added.</p>
 <p align="center">###</p>
 <p align="center"><a href="<?php print \$cfg->webroot;?>/docs/dot/22USC262m\_2.pdf">Read the statutory requirement for the bi-annual USAID report to Congress</a></p>
 <p align="center"><a href="<?php print \$cfg->webroot;?>/docs/dot/USAIDreport2001.pdf">View the 2001 report USAID sent to Congress (September 2001)</a></p>', '', '', 0);

INSERT INTO news VALUES (453, '2004-12-23', 'AUTO EMISSIONS WHISTLEBLOWER FILES RETALIATION COMPLAINT', 'PhD Statistician Reduced to Data Entry; Emissions Testing System Still Flawed', '<p> Washington, DC &#8212; The Department of Environmental Protection engineer who revealed that the Massachusetts vehicle emissions tests cannot differentiate between cars that emit high levels of pollution and those that run cleanly has filed a whistleblower claim against managers in his agency, according to a complaint filed today by Public Employees for Environmental Responsibility (PEER).</p>
 <p>Dr. George Zeliger, a PhD statistician, whose concerns have been vindicated by a state Inspector General review, has had his professional duties drastically reduced, and has been forced to do data entry, photocopying and stuffing envelopes. He has been reprimanded for speaking out about his concerns, given low performance ratings and received anonymous messages telling him to get out of DEP. </p>
 <p>"Dr. Zeliger\'s only crime is that he was right on the mark," stated New England PEER Director Kyla Bennett, a former EPA enforcement attorney who filed the complaint. "Top DEP officials view Dr. Zeliger as an impediment to their ongoing efforts to cover up the problems with the emissions test."</p>
 <p>DEP has already suspended one top manager and transferred another, but has not fixed the test, which is administered by the contracting firm Agbar Technologies, Inc. As a result &#8211;</p>
 <ul><li>According to the Massachusetts Inspector General, more than half of the vehicles that failed the Massachusetts emissions test actually passed a similar test that is sanctioned by EPA and used in most states. Similarly, the Massachusetts test passes cars emitting more than federally approved level of pollutants;</li><li>Rather than report these results to EPA, DEP tried to make adjustments to their data which would "cut the failure rate by 50 percent" on paper but not in reality; and</li><li> If Massachusetts fails to make promised carbon monoxide and nitrous oxide reductions, the state could face EPA sanctions that would jeopardize federal transportation funding, including payments for the "Big Dig" project. </li></ul>
 <p>"The stakes in this case are huge even though the tactics employed by the state are incredibly petty," added Bennett, noting that Governor Mitt Romney ignored a request from PEER that he pledge non-retaliation against DEP employees who came forward with

information about the test flaws.</p><p>PEER filed the whistleblower complaint for Dr. Zeliger under the Clean Air Act. The complaint triggers an immediate federal investigation and, if the matter is not resolved in 30 days, a full evidentiary hearing before a federal administrative law judge will be scheduled.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/ma/ZeligerComplaint.pdf">Read Dr. Zeliger\'s whistleblower complaint</a></p> <p align="center"><a href="http://www.state.ma.us/ig/publ/emissrpt.pdf%20">Look at the Massachusetts Inspector General report "Vehicle Emissions Test Results Under the Massachusetts Motor vehicle Inspection Program" (February 2003)</a></p>', 'MA', '', 0);

INSERT INTO news VALUES (454, '2004-12-27', 'TERMINATED PARK POLICE CHIEF APPLIES FOR OLD JOB', 'Application Follows Petition that Cites 40 Legal Errors Made by Judge', '<p>Washington, DC &#8212; Teresa Chambers today re-applies for the position of Chief of Police of the United States Park Police as advertised in the Vacancy Announcement Number NPSWASO-04-066. Her application comes 11 days after the filing of a legal action to overturn her removal as Chief of the U.S. Park Police, according to Public Employees for Environmental Responsibility (PEER). The position has been vacant since December 5, 2003, following her admittance of staffing and budget shortfalls in an interview with the Washington Post.</p><p>In February 2002, Chambers, a career law enforcement professional, was appointed the first female chief of the U.S. Park Police, the oldest uniformed federal police force. Her most recent experience of overseeing the Park Police\'s budget of 79 Million Dollars and the availability of uniformed and horse mounted patrol, motorcycles, aviation, SWAT, investigations, and other specialties, Chambers\' leadership credentials look to again place her as the top candidate. </p><p> "No one is better suited for the job, than the &#8216;Chief\'" stated PEER General Counsel Richard Condit, whose organization recently filed, along with lead-attorney Mick Harrison, a 239-page petition that cites more than 40 legal errors made by the judge who upheld Chief Chambers\' termination this past fall. "Since Donald Murphy [NPS Deputy Director] ordered Chief Chambers to surrender her badge, gun and law enforcement credentials last December, this is a great opportunity to have her return to the job she\'s earned."</p><p> Chambers, who attended the FBI National Academy as well as the FBI\'s prestigious National Executive Institute, was chosen to lead the U.S. Park Police largely in part of her successful tenure as the Chief of The Durham Police Department, where the nationally accredited, full-service police agency of nearly 600 employees served a diverse community of approximately 187,000 citizens. As a result of her four years there, the City of Durham experienced a substantial reduction in crime after nearly a decade of rising crime. </p><p>"This past year, in her absence, the park service leadership maintains a &#8216;see no evil, hear no evil\' attitude while clamping down on voices from within the agency," adds Condit. "That kind of an attitude can only begin to be addressed with the re-hiring of Teresa Chambers." </p><p align="center">###</p><p align="center">Read Teresa Chambers\' cover letter & resume<br /><a href="<?php print \$cfg->campaigndir;?>/chiefchambers/Cover\_Letter.pdf">Cover Letter</a><br /><a href="<?php print \$cfg->campaigndir;?>/chiefchambers/Resume\_chambers.pdf">Resume</a></p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/chiefchambers/index.php">Learn more about her case</a><br /><a href="http://honestchief.com/">http://honestchief.com/</a></p>', '', 'NPS', 1);

INSERT INTO news VALUES (455, '2005-01-05', 'COURT RULES BUSH ADMINISTRATION\'S OFF-ROAD PLAN IS ILLEGAL THREAT TO DESERT WEB-OF-LIFE', 'To help recovery, off-road vehicles ordered off 572,000 acres of desert tortoise critical habitat', '<p>SONORAN DESERT, CA -- In a big win for desert tortoise and other endangered

species in the California Desert Conservation Area (CDCA), a federal court in San Francisco yesterday agreed with conservationists and issued an injunction ordering the Bush administration to stop off-road vehicle damage on over half-a-million acres of desert washes and critical habitat in Riverside, Imperial and San Bernardino Counties.

Desert washes (dry streams) on U.S. Bureau of Land Management (BLM) public lands in the Northern and Eastern Colorado Desert (NECO) planning area, which are critical for tortoise survival and recovery, are now off-limits to off-road vehicles until the U.S. Fish and Wildlife Service (FWS) completes new biological opinions that protect critical habitat and promote tortoise recovery. There are thousands of desert washes weaving across the landscape in this part of the CDCA, and BLM's 'washes open' policy allowed driving in all of them, creating off-road sacrifice zones.

Off-road vehicles crush desert tortoises and their burrows, spew unhealthy pollution & dust, and damage & kill desert vegetation tortoises and other wildlife must eat to survive, reproduce, and recover. Vehicle damage to desert habitat can take decades to recover.

"The Court is most concerned with the 'actual situation on the ground,'... and finds that OHV use must be enjoined in the NECO planning area..." wrote U.S. Judge Susan Illston.

"Biology 101 teaches that desert wildlife and tortoises need healthy wash habitat," said Elden Hughes, Chair of the Sierra Club Desert Committee. "Off-roaders want to ignore that, but even the anti-conservation Bush Fish & Wildlife Service should know better. Thankfully, the court got it right."

"The court's ruling checks the abuses of the executive branch, and upholds the recovery intent of the Endangered Species Act, America's most important wildlife law," said Daniel R. Patterson, Ecologist & Desert Program Director with the Center for Biological Diversity, who formerly worked with BLM in the CDCA. "Critical habitat works, and the Bush administration must follow the law and the public-interest to protect critical habitat for endangered species recovery, not just survival. BLM better get serious now about keeping off-roaders out, or they'll be in contempt of court."

On August 3 the court struck down biological opinions (permits) issued by FWS that authorized off-road vehicle use on critical desert tortoise habitat. Despite this ruling, the Bush administration refused to make any on-the-ground management changes to protect the tortoise, forcing conservation groups to return to court for relief. FWS had issued its faulty opinion in response to BLM management plans for the Congressionally-designated, Virginia-sized Conservation Area. The BLM plans have been highly controversial and have been sharply criticized by biologists over their failure to protect endangered species' critical habitat and implement endangered species recovery plans already approved by FWS.

The Court found in August that the Bush FWS illegally failed to consider the negative affects of the BLM plans on endangered species' recovery, instead looking only at survival. Recovery means increasing the size of key desert tortoise populations to the point that the species can eventually be removed from the endangered and threatened species list. In contrast, survival does not necessarily include any improvement to the health of an endangered species.

"[T]he Court finds that congressional intent in enacting the ESA was clear: critical habitat exists to promote the recovery and survival of listed species," wrote Judge Illston in her August opinion and order. "Conservation means more than survival; it means recovery," she said.

"The Bush administration has been actively ignoring the public interest and Congress' command that they take all necessary actions to recover endangered and threatened species," said Center Attorney Julie Teel. "The court's ruling restores Congress' intent that critical habitat, including desert tortoise critical habitat in the CDCA, be managed for recovery, not to serve as off-road sacrifice areas."

"We welcome any action that helps tortoise recovery, and keeping off-road vehicles out of critical habitat



is vital," said Karen Schambach, California Director of Public Employees for Environmental Responsibility. "We will communicate with BLM and watch to see how well they enforce the court's order." The Bush administration's critical habitat policy is a self-fulfilling prophecy: refuse to protect critical habitat, then claim critical habitat is not protective. In striking down this illegal and illogical policy, and ordering on-the-ground conservation action, the Court is requiring FWS and BLM to protect critical habitat at the highest level possible to ensure that it is managed to recover endangered species, not simply keep them alive. Over 500,000 acres of the CDCA remain open to unlimited off-roading, as well as over 10,000 miles of roads and trails.

INSERT INTO news VALUES (456, '2005-01-06', 'MISSISSIPPI BARGE TRAFFIC DOWN SHARPLY IN 2004', 'New Numbers May Be Death Knell for Big Locks Project', 'Washington, DC; Upper Mississippi River barge traffic registered double-digit declines again in 2004, according to the latest U.S. Army Corps of Engineers figures compiled and released today by Public Employees for Environmental Responsibility (PEER). This latest drop continues a 15-year old trend of large, cumulative decreases in barge traffic at nearly every Upper Mississippi lock, with the most heavily utilized locks experiencing an average 40 percent traffic reduction since the Corps began studying the need for lock expansion back in 1992. Notwithstanding this history of sinking barge shipping, the Corps is stubbornly clinging to wildly optimistic traffic forecasts (called scenarios) in attempting to justify a multi-billion dollar expansion of river locks on the Upper Mississippi River and Illinois Waterway. Corps spokesman Ron Fournier insists, "We will stand by the fact that we've worked with the [U.S. Department of Agriculture] and farming industries, and we firmly believe there will be increases in tonnage. We will have our off-years." "The Corps is sounding like Chicago Cubs fans whose only comfort is repeating, "Wait until next year," stated PEER Executive Director Jeff Ruch, noting that the Corps forecasts were also harshly criticized by multiple National Academies of Science panels commissioned to review the Corps economic study. "These latest traffic declines should drive the stake in the heart of this boondoggle." In its lame duck session, Congress again rejected a move led by Senator Kit Bond (R-MO) to authorize this expensive navigation expansion project, now estimated to cost at least \$2.4 billion and tied to billions more in so-called "environmental restoration" projects. Since that defeat; The President's Office of Management and Budget has sat on the Corps' draft recommendation for moving ahead with the lock expansion project. President Bush has also again singled out the Corps for major funding cuts in his proposed new budget; The barge industry has been plagued with more bankruptcies and consolidations caused by shrinking demand. Meanwhile the chief industry lobbyist for the project has recently departed; and The Senate denied confirmation to the Assistant Army Secretary for Civil Works, J.P. Woodley, the top civilian overseeing the Corps, following his recess appointment. Woodley has been placed in an acting position that he must vacate by July unless he is confirmed promptly in the new Congressional session. "Five years ago, the Corps' own economist blew the whistle on this project, saying that the only way it could be justified is by cooking the books and with each passing month it becomes clearer just how right he was," added Ruch whose organization represented Dr. Donald Sweeney in making that disclosure. "The Upper Mississippi lock project is the main reason for the five-year stalemate in Congress blocking any new authorization for Corps projects; that logjam will not break until this project is relegated to the dustbin." See the PEER compilation of traffic numbers

\$cfg->webroot;?>/docs/ace/05HistoricForcast.xls">Look at how far the Corps forecasts diverge from reality</a></p><p align="center"> <a href="http://www.mvr.usace.army.mil/mvrimi/omni/webrpts/default.asp">View the Corps figures for Inland Barge Tonnage lock by lock</a> </p>', 'IL', 'ACE', 0);

INSERT INTO news VALUES (458, '2005-01-10', 'STAFF "PURGE" AT OFFICE OF SPECIAL COUNSEL', 'Whistleblower Staff Claiming Retaliation Forced Moves to New "Midwest Field Office"', '<p> Washington, DC &#8212; The U.S. Special Counsel, the principal protector of federal whistleblower and merit system rights, has abruptly ordered more than 20 percent of his headquarters legal and investigative staff to relocate or be fired. According to a letter of protest filed today by three national whistleblower watchdog groups, those targeted for forced moves are all career employees hired before Bloch became Special Counsel, as part of a purge to stifle dissent and re-staff the agency with handpicked loyalists. </p><p>Bloch began the second year of his five-year term by ordering 12 headquarters employees, on penalty of removal, to accept involuntary transfers to Dallas, Oakland and a newly created Detroit field office. Bloch did not ask for volunteers or consult with affected employees beforehand. The employees have been given 10 days to agree to the transfer and 60 days to move. As many of the employees have families in the area it is not known how many will leave public service rather than move. </p><p>Three whistleblower protection organizations (the Government Accountability Project, Public Employees for Environmental Responsibility and the Project on Government Oversight) wrote to the Senate Committee on Governmental Affairs strongly urging the directed reassignment await an investigation of merit system abuses, retaliation, and other prohibited personnel practices at Office of Special Counsel by the Government Accountability Office. The groups argue that outside review is necessary because there is no independent forum for OSC employees to complain about retaliation and merit system abuses. </p><p>&quot;This crude purge attempt is just the latest stage in Scott Bloch\'s reign of terror at the Special Counsel," stated PEER Executive Director Jeff Ruch who referred to Bloch\'s previous issuance of gag orders to staff directing them not to discuss problems with the office. "The only thing this Special Counsel has brought to the merit system is new techniques for circumventing it." <br /><br />In a January 7th press release, Bloch claims that the Detroit office was created "after extensive discussions with staff and an outside assessment team\'s review of the Agency structure." In fact, none of the affected staff was notified in advance, let alone party to "discussions," about the move. Moreover, the assessment review did not recommend creation of a new office; in fact the creation of the new office and the transfer of senior executives to field offices is directly contrary to the assessment team\'s recommendations.</p><p>"The irony is overwhelming &#8211; how could the federal protector of whistleblowers make a bigger mockery of his agency\'s mission than this?" asked Danielle Brian, Executive Director of the Project On Government Oversight, adding that members of Congress have already called for Bloch\'s removal and employees may now have to rely on Congress to intervene to stop the move. "The pattern of behavior from the Special Counsel certainly indicates he took this job to dismantle the office, rather than its mission.&quot; <br /><br />Since Bloch received no additional funds to rent space and relocate staff, the move will come at the expense of filling existing vacancies. Congress allocated additional funds to hire more staff at OSC to reduce chronic backlogs of whistleblower cases. Bloch claims to have reduced these backlogs but has refused to release figures showing precisely what happened to all those cases in the past year. </p><p>"Federal employees can hardly count on Mr. Bloch to defend them from the same harassment tactics he is perfecting against his own staff," contended Tom Devine, Legal Director of the Government Accountability Project, pointing to the fact that OSC staff lawyers feel that they must hire lawyers to defend themselves from Bloch.

"This latest episode should provide renewed impetus for Congress to restore credibility to the Whistleblower Protection Act."</p><p>In their letter, the groups pointed out that since Bloch became Special Counsel, all OSC positions, including positions previously occupied by career civil servants, have been filled on a non-competitive basis by Bloch\'s personal picks. None of Mr. Bloch\'s hand-selected hires have been asked to relocate.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->webroot;?>/docs/osc/JointLetter.pdf">Read the joint GAP-PEER-POGO letter of protest</a> </p><p align="center"><a href="http://www.osc.gov/documents/press/2005/pr05\_01.htm">See the Special Counsel\'s press release about the new "Midwest Field Office"</a></p><p align="center"><a href="http://www.gaycitynews.com/gcn\_342/lawmakersdemandwatchdog.html">See Congressional call for Scott Bloch\'s removal</a><br /></p>', '', 'OSC', 0);

INSERT INTO news VALUES (459, '2005-01-10', 'NATIONAL FIREFIGHTERS GROUP RELEASES "A REPORTER\'S GUIDE TO WILDLAND FIRE"', '"We need to learn how to live with wildland fire" Wildland Firefighters Seek to "Change the Debate"', '<p>PORTLAND, OR -- News stories about wildland fires often follow scripts verging on sensationalist hype and hysteria, according to "A Reporter\'s Guide to Wildland Fire," released today by Firefighters United for Safety, Ethics, and Ecology (FUSEE), a national firefighters\' group.</p><p>"The largest, most severe wildfires provide reporters with all the elements needed for exciting news stories: Crisis and conflict, drama and suspense, death and destruction," the Guide reads. "Wildfire stories also carry a readymade template for framing the story, identifying the main characters, and describing the unfolding events."</p><p>"The net result may produce riveting stories, but this misses an opportunity to more accurately and fully inform the public with the facts," said Timothy Ingalsbee, the country\'s foremost fire sociologist and author of the Guide. "Rather than being villains, wildland fires are natural disturbances that have affected forest ecosystems for millennia," he said. "Reporters do great service to the public when they break free from standard scripts and official sources that typically depict wildfire events with war metaphors and catastrophe\' mentalities."</p><p>"Military metaphors, ecological illiteracy, inaccurate terminology, and biased sources relegate most wildfire reporting as hackneyed," Ingalsbee continued. "We\'re trying to constructively change the debate. A Reporter\'s Guide to Wildland Fire\' scientifically addresses fire myths and offers new story angles, expanded information sources, better word choices, and more appropriate questions to ask agency spokespersons in order to improve the accuracy and value of fire reporting."</p><p>Among the "myths" the Guide tackles are: "We can prevent wildfires and fireproof our forests;" "Commercial logging and forest road-building help prevent wildfires;" "Recent summers have been the worst wildfire seasons in history;" and "Most wildfires burn in densely forested areas of National Forests." The Guide also suggests new terminologies, such as "high-severity wildland fires," instead of "loaded terms" like "catastrophic wildfires." </p><p>Living with wildland fire, p. 2</p><p>Dr. Ingalsbee, a former firefighter and a nationally-recognized writer on wildland fire, was joined at Monday\'s Portland news conference by Rich Fairbanks, the nation\'s most experienced fire management planner; Stephen Clarke, an expert trainer of firefighters and crewbosses; and Joseph Fox, a Ph.D. forest entomologist and forest health expert with 23 years\' experience as a firefighter and smokejumper.</p><p>"We\'re here to offer the public new perspectives on wildland fires, and the related issues of public information, safety, ethics, economics, and environmental protection," said Fairbanks, a fire planner with the U.S. Forest Service. </p><p>"There is a natural partnership between rural property owners who depend on firefighters to protect their homes in the event of wildfire, and wildland firefighters who depend on homeowners to

create defensible space on their properties," Fairbanks said. "Homeowners support FUSEE's vision for fire policy reform because we don't want to see unethical waste of taxpayer resources or degradation of property values by inappropriate fire suppression or fuels reduction actions."</p><p>Clarke, a lead instructor for the Oregon Firefighting Contractor's Association, said, "We need to learn how to live with wildland fire. Our current fire policies are wasting taxpayer dollars, damaging natural resources, and putting firefighters' lives at unnecessary risk. FUSEE is firefighters standing up and speaking out for the highest possible safety standards."</p><p>Fox, a veteran Forest Service smokejumper and FUSEE board member, said the new organization of wildland firefighters "stands for a new ethos that links improvement in firefighter and community safety with ecological restoration of public lands and ethical use of taxpayer dollars and resources." "Firefighters who work on the frontlines and see the need for changes in policy sometimes face retaliation and reprisals in their workplaces if they speak out," said Fox. "There is an urgent need for this organization to help get practical information to reporters, the public and policymakers."</p><p>FUSEE (pronounced FEW-zee) is a national nonprofit organization founded in 2004 that is dedicated to uniting wildland firefighters to promote safe, ethical, and ecological fire management. FUSEE is an affiliate of PEER, or Public Employees for Environmental Responsibility.</p><p>Members of FUSEE include current and former wildland firefighters, other fire professionals, rural homeowners, and other citizens supportive of the group's mission and activities. A "fusee" is a quick-igniting, handheld torch used by firefighters to secure firelines, create safety zones, reduce hazardous fuel loads, and restore fire-adapted ecosystems. </p><p align="center">### </p><p align="center"><a

INSERT INTO news VALUES (460, '2005-01-13', 'NAVY MOVES TO PREVENT MORE RIGHT WHALE DEATHS', 'Temporary Protections Should Be Made Permanent, Group Says', '<p> Washington, DC - The U.S. Navy has ordered its vessels to exercise greater caution when operating in the migratory corridors of the Atlantic right whale, Public Employees for Environmental Responsibility (PEER) has learned. This temporary measure follows the death of four endangered right whales, including two pregnant females, in little more than a month.</p><p>One of those pregnant females, whose unborn calf was almost at full term, was rammed by a Navy ship outside the entrance to Chesapeake Bay. By far, the single biggest known source of whale strikes is the U.S. Navy. Navy vessel traffic dwarfs commercial ship traffic in some right whale habitat and naval vessels tend to travel at higher

speeds - a factor exacerbating both the likelihood of a strike and the physical harm done to the whale.

In an email to PEER, Lieutenant Commander Charlie Brown, the Public Affairs officer for the U.S. Fleet Forces Command, wrote that the Navy had adopted "amplified guidance [that] does include information to raise awareness of right whale migration in the mid-Atlantic during certain times of the year, and provides specific operational direction designed to increase vigilance and enhance caution exercised by naval vessels in the areas of concern." But LCDR Brown refused to release "specific operational details."

In mid-December, National Oceanic and Atmospheric Administration (NOAA) Fisheries, which oversees right whale recovery, announced that the Navy had agreed to take certain measures to reduce its ship strikes on right whales but was unsure if and when the Navy actually implemented those steps. Despite its significant impacts, the Navy refuses to even consult with NOAA on naval operations in the mid-Atlantic that affect right whale survival.

"This action suggests that the Navy was not previously exercising due caution," stated New England PEER Director Kyla Bennett, a former federal biologist, noting that the Navy has released no information about the latest right whale strike by its vessel. "The Navy's belated concessions, while welcome, may be inadequate because so long as the Navy remains the sole arbiter of the adequacy of its actions, we will continue to see more tragic accidents."

This spring, NOAA announced it would consider adopting ship speed limits, rerouting and channel restrictions to avoid or minimize ship traffic in sensitive calving, mating and migratory areas. But since that time NOAA has only urged voluntary cooperation.

"Right whale recovery just suffered a crushing blow, with more than 1 percent of the entire population lost in a matter of weeks," Bennett added, pointing out that there are only 300 right whales left in existence. "If right whale extinction is to be avoided, we can no longer afford to wait for additional calamities before taking effective action." PEER has sent a letter to Commerce Secretary-designate Carlos Gutierrez urging him to adopt the proposed NOAA measures as one of his first acts of office following his confirmation.

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[Read the PEER letter urging Commerce Secretary-designate Carlos Gutierrez to adopt right whale protections](http://?php print $cfg->docsdir;?>/noaa/gutierrezletter.pdf)

[View the NOAA Fisheries notice on temporary right whale ship strike avoidance](http://?php print $cfg->docsdir;?>/noaa/2005-1-13_noaa_notice.pdf)

[Learn about the growing threat to whales from ship strikes and the campaign to reduce it](http://?php print $cfg->webroot;?>/campaigns/whales/index.php)

/;</p>', '</p>', 'dod', 4);

INSERT INTO news VALUES (461, '2005-01-17', 'OSHA FINDS ITS OWN INSPECTORS DAMAGED BY DEADLY BERYLLIUM', 'First Screenings Yield Disturbing Results; Whistleblower Vindicated', '<p>Washington, DC - The U.S. Occupational Safety and Health Administration is finding that a significant percentage of its inspectors have become sensitized by exposure to beryllium, an extremely toxic metal that can cause an often-fatal lung disease, according to a report in today's Chicago Tribune. OSHA acted to screen inspectors only under pressure from disclosures of one of its own top administrators, charges Public Employees for Environmental Responsibility (PEER). </p><p>In 2003, Dr. Adam Finkel was removed from his position as OSHA Administrator for the six-state Rocky Mountain Region after protesting an April 2002 decision by Assistant Labor Secretary John Henshaw to deny recommended blood screening tests for employees and to not inform potentially exposed individuals of their exposures and the value of undergoing a blood test for sensitization. An agency database OSHA created more than 5 years ago indicates that as many as 1,000 current and former compliance officers may have been exposed to beryllium levels up to several hundred times higher than permissible levels. </p><p>After 18 months of intransigence following Dr. Finkel going public with his concerns, OSHA finally began a medical monitoring program

in April 2004, but only for its current inspectors. The first results from those screenings reportedly show that 1.5 percent of the 200 inspectors examined so far have become sensitized to beryllium. Hundreds of workers in various private industries have already died of chronic beryllium disease (CBD); a fast-progressing, debilitating and potentially fatal lung disease in those whose immune systems have become sensitized following exposure to the substance. The only known cause of CBD is exposure to beryllium dust. </p><p>"Every American worker who expects OSHA to protect him from hazardous exposures on the job should take a hard look at how the agency has abandoned and deceived its own employees exposed to beryllium," stated PEER Executive Director Jeff Ruch, noting that Dr. Finkel now has faculty positions at Princeton University and the New Jersey University of Medicine and Dentistry after receiving a substantial financial settlement in return for withdrawing a whistleblower reprisal complaint against the agency. "CBD can be a fast-moving disease and we hope no sensitized OSHA employee has progressed to CBD itself during the years of delay after the issue was first raised."</p><p>Assistant Secretary Henshaw and Deputy Assistant Secretary R. Davis Layne, the two officials most responsible for the delays, resigned this December, before news of the test results leaked. PEER today sent a letter to Labor Secretary Elaine Chao, who is supposed to oversee OSHA, asking her to determine why it took so long to test inspectors after the risk was known and why testing has not been extended to former federal inspectors, as well as active and retired inspectors who work for state OSHA programs, who may have similar or greater risks of exposure. </p><p>"The Labor Department\'s continuing refusal at this late date to even inform state and former federal inspectors of the need for testing borders on criminal neglect," added Ruch, pointing to the argument of David Zeigler, director of OSHA administrative programs, who stated in April 2002 that inspectors who no longer work at OSHA should not be apprised because of "the bad press we would get if we informed but did not offer to reimburse them." "The Labor Department could pay for a comprehensive beryllium screening program covering all at-risk inspectors out of the money OSHA lays out for executive bonuses," Ruch concluded. </p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdire;?>/dol/05\_17\_1\_osh\_letter.pdf">See PEER\'s letter to Labor Secretary Elaine Chao</a></p><p align="center"><a href="http://www.chicagotribune.com/features/health/chi-0501170210jan17,1,1355435.story">Look at today\'s Chicago Tribune article</a></p><p align="center"><a href="<?php print \$cfg->docsdire;?>/dol/10-9-03\_Finkel\_Disclosure.pdf">Read Dr. Finkel\'s Disclosure</a><br /></p>', ', 'dol', 0);

INSERT INTO news VALUES (462, '2005-01-17', 'MASSACHUSETTS ENVIRONMENTAL FUNDING CUT BY 25%', 'State Can\'t Meet Federal Requirements; Less Than 10% of State Waters Are Clean', '<p> Washington, DC - Environmental funding for Massachusetts has been cut by 25% and the state can no longer meet basic federal anti-pollution requirements, according to a filing today by the New England chapter of Public Employees for Environmental Responsibility (PEER). </p><p>These cuts are detailed in a two-year funding contract, known as the 2005-6 Performance Partnership Agreement (PPA), between the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection. The PPA specifies how much monitoring of pollution, environmental enforcement, and permit oversight EPA expects Massachusetts DEP to perform during the next two years.</p><p>"The environmental safety net for Massachusetts is fraying," stated New England PEER Director Kyla Bennett, a former EPA biologist and attorney, noting that DEP has 25% less staff than it did just two years ago. "Massachusetts DEP contends that it can be as effective with less resources by working smarter but they will have to import geniuses to overcome cuts of this magnitude."</p><p>The net results of diminished environmental investment are

reflected in the state of Massachusetts\' air, lands and waters:</p><ul><li> Only 9 percent of the state\'s rivers and lakes meet federal water quality standards. While the vast majority (78 percent) of the state\'s waters have not been assessed, the state monitoring program has been reduced to the point where it "cannot determine the full extent of our pollution issues nor can it identify the subbasins where the problems are most acute";</li><li> Despite an ongoing scandal over its auto emissions testing program that routinely passes cars that should fail and fails cars that should pass, DEP cannot predict when the problems will be fixed. Moreover, the state still has not filed the required reports for past years that are supposed to document what, if any, progress it has made; and</li><li> The state acknowledges "extensive illegal alterations of wetlands ...has occurred" but says that it will respond by cutting back on monitoring permits, even though the wetland losses associated with permitting are collectively much larger than those from illegal filling.</li></ul><p> "Robbing Peter to pay Paul is not an effective environmental program," added Bennett, pointing to DEP\'s prediction that it will have to ignore several federal requirements so it can fulfill those that it deems "high priority." "In this Partnership Agreement, EPA and DEP are agreeing to do less at the expense of our natural resources."</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdir;?>/ma/05\_17\_1\_ma\_comments.pdf">Read PEER\'s Comments on the 2005-6 Performance Partnership Agreement between EPA and Massachusetts</a></p><p align="center"><a href="http://mass.gov/dep/ppa/ppahome.php">View the draft final 2005-06 Performance Partnership Agreement Program Plan</a></p>', 'MA', '', 0);

INSERT INTO news VALUES (463, '2005-01-18', 'DEP NOMINEE CARRYING BAGGAGE FROM MASSACHUSETTS', 'Does Gina McCarthy Embrace the Mitt Romney Record?', '<p> Washington, DC - Gov. Jodi Rell\'s nominee to take over the troubled Connecticut Department of Environmental Protection comes from a state with an even worse environmental record, according to a letter to the state General Assembly released today by Public Employees for Environmental Responsibility (PEER). PEER is urging that Gina McCarthy, a top environmental official from Massachusetts, identify what parts of the Bay State\'s checkered environmental record she supports and what parts she opposes prior to her confirmation hearings.</p><p>"Environmental protection in Massachusetts has gone from bad to worse during the time that Gina McCarthy has been in a high position there," stated New England PEER Director Kyla Bennett, a former U.S. Environmental Protection Agency biologist and attorney. "If she is confirmed, will Gina McCarthy import the very same policies that are failing next door?" <br /><br />PEER points to several aspects of a deteriorating anti-pollution program in Massachusetts, which has </p><ul><li> The lowest rate in New England for having up-to-date permits for its major air pollution sources. Less than a third (32%) of the state\'s big emitters have proper permits specifying up-to-date pollution controls;</li><li> Less than 10% of its rivers classified as swimmable and fishable. More than half (55%) of Massachusetts\' stream bodies do not support aquatic life, and more than a quarter (27%) are unsafe for contact with human skin; and</li><li> A failing toxic control program. For example, an estimated 90% of Boston public schools have at least one environmental problem linked to asthma or allergy attacks in its students.</li></ul><p>In addition to the rising environmental failings in Massachusetts, PEER is raising concerns about union busting, gag orders to silence staff and increasing politicization of permitting and enforcement decisions by the Mitt Romney Administration.</p><p>"With the departure of John Rowland and his longtime Commissioner Art Rocque, Connecticut is now just emerging from a long tradition of DEP trading public health for political favors," added Bennett, whose organization helped unmask several of

those dealings. "Connecticut needs an environmental leader committed to being tough, consistent and effective in reducing pollution but nothing in Gina McCarthy\'s Massachusetts record suggests any of those qualities." </p><p>The General Assembly will be considering McCarthy\'s nomination in the coming weeks.</p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docmdir;?>/ct/05\_18\_1\_senmurphy\_ltr.pdf">Read PEER\'s letter to the General Assembly</a></p><p align="center"><a href="<?php print \$cfg->docmdir;?>/ct/05\_18\_1\_ma\_mcarthy.pdf">Look at the fact sheet on the state of the environment in Massachusetts</a><br /> </p>', 'MA', '', 0);

INSERT INTO news VALUES (464, '2005-01-19', 'WHO SHOT LINCOLN VIDEOTAPE?', 'Groups Sue for Release of Administration Documents/Records on Censoring Lincoln Memorial Video', '<p>Washington, DC - Arguing that the Bush Administration is illegally withholding documents on its plans to cut scenes of gay rights, pro-choice and anti-war demonstrations from an educational video shown at the Lincoln Memorial, People For the American Way Foundation (PFAWF) and Public Employees for Environmental Responsibility (PEER) filed a lawsuit in federal court today to force the National Park Service to release the documents.</p><p>The groups allege that the documents demonstrate that Park Service officials were planning to change the videotape to satisfy the objections of right-wing organizations, and the lawsuit follows PEER and PFAWF\'s unsuccessful attempts to obtain the documents under a Freedom of Information Act (FOIA) request.</p><p>In November 2003, under pressure from right-wing organizations, the Park Service announced that it would alter an eight-minute video containing photos and footage of demonstrations and other historic events that have taken place at the Lincoln Memorial. These far-right organizations reportedly complained that brief seconds of footage showing gay rights, pro-choice and anti-Vietnam War demonstrations implied that "Lincoln would have supported homosexual and abortion \'rights\' as well as feminism." In response, the Park Service is reported to have promised to develop a "more balanced" version of the videotape that has been playing at the Lincoln Memorial since 1995.</p><p>Alerted to these plans by concerned Park Service employees, PEER and PFAWF requested correspondence and other documents on the subject from the Park Service under FOIA. On January 16, 2004, the Park Service released press reports and a copy of the then-current videotape, but denied the remainder of the groups\' request, claiming that even correspondence from outside organizations and members of Congress were internal, pre-decisional records and thus exempt from public records requirements. PFAWF and PEER appealed that denial of documents to the U.S. Department of Interior, of which the Park Service is a component, on January 28, 2004. After nearly a year, Interior has not responded. The groups determined that filing a lawsuit was the only remaining course.</p><p>"One of the basic tenets of democracy is that decisions are made in an open and transparent manner. If the Bush Administration wants to rewrite history on the basis of ideology then it should stand up and say so," said PFAWF president Ralph G. Neas. "Stonewalling the public is not an option."</p><p>The Park Service has reportedly spent nearly \$200,000 making two new versions of the video. The first version is a wholly new video that, according to other Park Service documents, "revise(s) and update(s) the Lincoln Memorial video [including] off-line and symphony picture editing, the acquisition and addition of commercial and public domain stock footage and specialized captioning." This June, a second version of the video was ordered. This version would make "three minor picture changes to the Lincoln\'s Living Legacy Video. This work includes purchasing new stock footage, edit [sic], mastering and captions for the video."</p><p>"We are simply trying to unearth the history of an attempt by the Bush Administration to rewrite history," stated PEER Executive Director Jeff Ruch, whose organization represents Park Service employees. "Our tax dollars are being spent so that images of feminists, war protestors and gays



can no longer be glimpsed at what is supposed to be a shrine of democracy."</p><p>Throughout the controversy, the original videotape has been showing at the Lincoln Memorial, except for a brief shutdown for projector repair. The Park Service has not shown its proposed replacement videos to members of the public and has also resisted requests for copies to be released.</p><p align="center">###</p><p align="center"><a href=" ../campaigns/faith-based/05\_19\_1\_lincoln\_foia\_complaint.pdf">Read the Freedom of Information Act complaint for Lincoln Memorial documents</a></p><p align="center"><a href=" <?php print \$cfg->webroot;?>/campaigns/faith-based/index.php">Learn more about the Bush Administration\'s "Faith-Based Parks" agenda</a> </p>', '', 'nps', 2);

INSERT INTO news VALUES (465, '2005-01-20', 'MASSACHUSETTS ENVIRONMENTAL COPS NEED BACKING AND MORE BEEF', 'State Withholds Report Decrying Lack of Commitment, Leadership and Focus', '<p>Washington, DC - State officials are blocking the public release of a report that urges a major upgrade in resource enforcement by the Massachusetts Environmental Police, according to documents released today by Public Employees for Environmental Responsibility (PEER). The report recommends reversing low staff levels, pay grades and morale through new leadership and a refocused commitment to enforcing anti-pollution, wildlife protection and marine safety laws. </p><p>Although completed in October 2004, Ellen Roy Herzfelder, the Executive Office of Environmental Affairs Secretary, is still holding the report under wraps. Conducted by the Management Assistance Team of the International Association of Fish and Wildlife Agencies, the report entitled "Comprehensive Review of the Office of Law Enforcement of the Commonwealth of Massachusetts" makes 57 recommendations for reforming the Massachusetts Environmental Police. While its surveys and interviews indicate overwhelming support by hunters, fisherman and other "stakeholders" for the MEP mission, the report found the organization is -</p><ul><li> <strong>Grossly Understaffed.</strong> Only 105 of its 130 full-time sworn police positions are currently filled. MEP has fewer officers than it had a decade ago;</li><li> <strong>Badly Underpaid.</strong> The pay scale for the MEP Chief is less than half that of a State Police colonel. The low pay is making it difficult to recruit and retain good officers; </li><li> <strong>Poorly Led.</strong> MEP does not have a permanent leader and state officials are vacillating about the role and priority accorded the agency.</li></ul><p>"The message of this report is simple-it is past time to start seriously enforcing the laws that protect our resources," stated New England PEER Director Kyla Bennett, a former U.S. Environmental Protection Agency biologist and attorney. "The Massachusetts Environmental Police deserve far more support than they have been getting from the Romney Administration."</p><p>MEP is the lead law enforcement unit responsible for everything from toxic dumping to boat theft. It also has the primary role in policing hunter, marine and all-terrain vehicle safety, as well as an array of wildlife fishing and coastal management protections.</p><p>According to an agency email, EOEA Secretary Herzfelder will not release the report until she is ready "to review these final recommendations and determine what, if any," action to take.</p><p align="center">###</p><p align="center"><a href=" <?php print \$cfg->docsdire;?>/ma/05\_20\_1\_ma\_env\_police\_report.pdf">Read the "Comprehensive Review of the Office of Law Enforcement of the Commonwealth of Massachusetts" conducted by the Management Assistance Team of the International Association of Fish and Wildlife Agencies (Final Report, October 2004)</a></p><p align="center"><a href=" <?php print \$cfg->docsdire;?>/ma/05\_20\_1\_emails.pdf">View the emails announcing the decision to keep the report under wraps</a></p>', 'MA', '', 0);

INSERT INTO news VALUES (467, '2005-01-27', 'HOWITZERS NOT ENOUGH TO KEEP YELLOWSTONE ROAD OPEN', '"Serious Hazards Exist for Visitors and Employees" Says

Memo', '<p>Washington, DC - Despite internal warnings about "serious hazards" to visitors and staff, Yellowstone National Park is expanding a program using 105 mm artillery rounds to clear a remote mountain road during winter months, according to an agency memo released today by Public Employees for Environmental Responsibility (PEER). Rather than close its East Entrance for winter, the park is more than doubling its avalanche control spending even though the road serves only 12 passengers per day.</p><p>Sylvan Pass, the eastern gateway to Yellowstone National Park, is the only place in the national park system where high explosive projectiles are used for avalanche control. The National Park Service (NPS) estimates that it fires 200 rounds a year at Sylvan Pass, which lies seven miles inside the park\'s East Entrance Station and 57 miles from Cody, Wyoming. NPS grooms the road for snow coaches from December 1 to April 7.</p><p>An internal assessment of alternatives for avalanche control at Sylvan Pass, however, says that the existing operation poses "serious hazards for visitors and employees" and that the expansion it adopted would "increase [the] potential for mass casualty incident." Apart from the inherent danger of working with explosives, other dangers include -</p><ul><li> Howitzer crews must "cross 4 major avalanche zones during high hazard to reach the gun and perform a mission." One ranger died in an avalanche while checking the road in 1994;</li><li> Unexploded ordnance litters the area and complicates not only winter travel and road grooming but also requires searching for and removing unexploded ordnance prior to spring road opening. This summer, for example, re-opening the road after a mudslide became slow and dangerous work because all debris had to be screened for un-detonated shells; and</li><li> "The compound explosive in the projectile is toxic when released into the environment after detonation," according to the NPS memo. Yet, the agency admits that its use of howitzers has never undergone any environmental assessment.</li></ul><p>"Shoot first and ask questions later should not be the posture of our Park Service," stated PEER Executive Director Jeff Ruch. "Something is wrong when the Park Service rejects alternatives that would reduce the risk to visitors and its employees while saving taxpayers money because of \'fiscal impact to the town of Cody and...established contractors.\'"</p><p>The program is also costly. The total cost of this operation is now \$149,000, but that conservative estimate does not include costs for training to maintain a crew qualified to handle and fire high explosives, howitzer maintenance, storage, and security for ammunition. The visitation to the park through the East Entrance during the last winter season (2003-2004) was approximately 12 individuals per day (or 1800 people for the entire season). That translates into a taxpayer expense of \$83 for every visitor to the park.</p><p>This year, NPS has decided to supplement its howitzer operation by engaging a contractor to drop explosives from a helicopter for an additional \$200,000. The annual cost for the new program has risen to \$350,000, or approximately \$194 for each passenger trip. There is no dedicated source of funds for this program, which therefore comes out of the park\'s operating budget. </p><p>"For \$194 a trip we could fly each visitor to the other side of the park," Ruch added. </p><p align="center">###</p><p align="center"><a href="<?php print \$cfg->docsdir?>/nps/sylvan\_pass.pdf">Read the National Park Service "Sylvan Pass Avalanche Control and Grooming Operations" memo</a></p><p align="center">See recent Yellowstone National Park press releases warning about unexploded ordnance <a href="http://www.nps.gov/yell/press/0466.htm">Press Release #1</a> <a href="http://www.nps.gov/yell/press/0467.htm">Press Release #2</a> <a href="http://www.nps.gov/yell/press/0472.htm">Press Release #3</a><br /><br /></p>', 'wy', 'nps', 0);

INSERT INTO news VALUES (468, '2005-01-31', 'BUSH "HEALTHY FOREST" PLANS HEMORRHAGE RED INK', 'Green Alternatives Nixed Even Though Billions Cheaper', '<p>Washington, DC &#8212; The first national forest plans developed under the

Bush Administration\'s "Healthy Forest" rules are big money losers for the taxpayer, according to agency documents compiled by Public Employees for Environmental Responsibility (PEER). Plans from just three Rocky Mountain forests would cost in excess of \$1.5 billion from unprofitable timber sales and associated expenses &#8211; an amount more than four times the total U.S. commitment for tsunami relief. </p><p>In each case, the Forest Service rejected the "environmentally preferred alternative" identified in the required review under the National Environmental Policy Act even though the environmentally preferred alternative was significantly less costly. Instead, the Forest Service selected the more intensive and expensive alternatives favored by the timber industry. </p><p>"In the new zero sum budget reality, every dollar lost on the national forests is a dollar that cannot be spent on medical research, education and housing," stated PEER Executive Director Jeff Ruch, noting the Bush Administration promises to reduce discretionary domestic spending. "Realistically, these &#8216;Healthy Forest\' plans are nothing more than healthy corporate subsidies at taxpayer expense." </p><p>The forest plans cost so much because they involve vast "vegetation management" operations to clear out wide swathes of land in the name of "fire and insect hazard management." These sales lose money because taxpayers foot the bill for building roads and other operations that make the extensive logging possible. </p><p>For example &#8211;</p><ul><li> Black Hills National Forest in South Dakota has proposed an amendment of their Land and Resource Management Plan that would run up net losses of \$969 million in the coming decade; </li><li> Wyoming\'s Bighorn National Forest is proposing to eliminate more than three-quarters of its inventoried roadless area at a net loss of \$218 million; and</li><li> One single project, the East Fork Fire Salvage in Utah\'s Wasatch-Cache National Forest, proposes to exacerbate already serious water quality and soil erosion problems by cutting dead trees at a final cost of \$325 million to the taxpayer.</li></ul><p> Even some of the smaller "Healthy Forests" salvage sales are lavishly expensive. For instance, the Duck Creek Fuels Treatment Project in Utah\'s Dixie National Forest proposes to lose \$10.9 million, or \$5,000 for each and every "structure" (such as a retirement cabin) in the planning area. </p><p>"The environmentally preferred alternatives are greener in both an ecological and an economic sense," Ruch added, pointing to logging roads as both expensive to build and maintain (with an estimated system-wide \$8.4 billion backlog of in deferred maintenance) as well as the primary source of sediment in forest streams from erosion. "We already more roads through our national forests than exist in the entire nation of Russia &#8211; 386,000 miles in our forests versus 368,000 in Russia."</p><p align="center">###</p><p align="center"><a href="http://www.fs.fed.us/r2/blackhills/projects/planning/amendments/phase\_II/deis/toc\_ltr\_etc/cover.pdf">Look at the Black Hills National Forest economic analysis (see page 3-326 for financial summary)</a><br /><br /><a href="http://www.fs.fed.us/r2/bighorn/projects/planrevision/documents/draft/deis\_ch3\_master.pdf">See the costs for the Bighorn National Forest (page 3-520)</a></p><p align="center"><a href="http://www.fs.fed.us/r4/dixie/projects/dcfuels/DFeconomics.pdf">View the economic analysis for the Dixie National Forest Duck Creek Fuels Treatment Project</a></p><p align="center"><a href="http://www.fs.fed.us/r4/wcnf/projects/decisions/east.fork/web.documents/feis.summary.pdf">Examine the costs for the East Fork Fire Salvage at the Wasatch-Cache NF (see page 27)</a></p><p align="center"><a href="http://www.greenscissors.org/publiclands/timber.htm">For background information on the Forest Service\'s money-losing timber program, see this "Green Scissors" report</a><br /><br /></p>', ', 'fs', 0);

INSERT INTO news VALUES (469, '2005-02-01', 'PARK SERVICE LOOKING FOR TOURISM CZAR', 'Reaching Out to Tourist Industry to Reverse Five-Year Visit Slump',

Washington, DC - Stuck in a five-year slide in public visits, the National Park Service is looking for a tourism industry veteran to develop a "strategic direction" for the agency's approach to attracting visitors, according to the job description released today by Public Employees for Environmental Responsibility (PEER). Not only does the Park Service want to pick up industry techniques, but it also wants corporate financial contributions - or, as the position description puts it, to "promote private sector support of the NPS mission."

The basic problem, as NPS sees it, is that fewer people are camping and boating in our national parks. The only consistent area of growth for the national park system is increasing commuter traffic - something termed "non-recreational use."

"In its quest to 'Disney-fy' the park system, the Park Service risks sacrificing the very qualities that make national parks special and worth visiting," stated PEER Executive Director Jeff Ruch, pointing, for example, to the year-long "Partnership Agreement" that the Park Service has had with the Travel Industry Association of America. "By reaching out indiscriminately for every corporate opportunity, the Park Service may suffer unintended side effects of promiscuous partnering."

The position description for the new Associate Director of Tourism, posted through February 7th, seeks someone with the "ability to teach the practices, operations and expectations of the tourism industry to NPS management." The position would also "recommend strategies and solutions to [tourism-related] problems...and establish standards for the development and evaluation of activities through a large management organization." Currently, the Park Service lacks any national plan or system to manage traffic at overcrowded parks or to steer people toward under-visited parks.

"The Park Service does not seem to contemplate the possibility that some of our parks may in fact be over-visited," Ruch added.

The position description also calls for knowledge of "the industry's emerging markets especially as regards to demographic patterns and affinities of under served and minority communities." Notwithstanding the absence of a coherent visitation plan, late last year, Congress gave the Park Service greater ability to charge "recreation fees" to park visitors. It is not clear if new fees will only further depress visitation, especially from the very "under served" populations it now purports to want to serve.

"Writing a strategic plan for the future of the national park system should include far more than tapping into the marketing practices of the travel industry," concluded Ruch.

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[Look at the position description for Associate Director for Tourism](http://www2.nature.nps.gov/stats/)

[View the decline in public visits to our national parks from 1999-2003](http://www2.nature.nps.gov/stats/)

[See continuing drop in 2004 visitation](http://www2.nature.nps.gov/stats/)

[Learn about the National Park Service partnership with the Travel Industry Association of America](http://nps.seeamerica.org/)

' , ' , 'nps', 0);

INSERT INTO news VALUES (470, '2005-02-07', 'EPA EMBRACES HUMAN PESTICIDE DOSING WITHOUT SAFEGUARDS', ' Ethical Rules & Non-Binding; No Standards to Protect Infants and Fetuses', ' <p> Washington, DC & In a notice slated for publication in the Federal Register, the U.S. Environmental Protection Agency will formally adopt an open door policy of accepting experiments conducted by pesticide companies and chemical manufacturers using human subjects, according to a draft posted by EPA late last Friday. At the same time, the agency is indefinitely delaying development of ethical rules to protect test subjects, instead relying on its political appointees to flag immoral or unsafe practices on a & case-by-case& basis.</p><p>& At the request of chemical companies seeking to justify higher exposure limits, EPA will sanction dosing of infants, pregnant women and

other vulnerable persons with commercial poisons,&#8221; stated Public Employees for Environmental Responsibility (PEER) Executive Director Jeff Ruch, whose organization has highlighted the agency&#8217;s lack of ethical or safety guidelines. &#8220;EPA&#8217;s stance is appallingly amoral.&#8221;

</p><p>According to the new notice, EPA will &#8211;</p><ul><li> Defer adopting protections for infants, neonates, pregnant women, and prisoners that apply to all medical and drug testing overseen by the Department of Health and Human Services. Instead, EPA announces its &#8220;intent to publish a proposed rule&#8221; at some unspecified time in the future;</li><li> Refuse to require that companies demonstrate that they have abided by informed consent, appropriate inducement and other basic ethical standards. Instead, EPA promises &#8220;to publish non-binding guidance reflecting its plans&#8221; to possibly apply these elemental safeguards sometime in the future; and</li><li> Avoid any requirement of an independent safety or ethical review, as is required for all other government human subject studies. Instead, EPA has assigned one of its own staff members to act as a &#8220;Human Subjects Research Review Official&#8221; with powers yet to be determined. In practice, however, it will be up to the top political appointees to flag unethical corporate experiments on a case-by-case&#8221; basis. </li></ul><p>In its notice that is purported to clarify its policy, EPA provides scant description as to what constitutes an &#8220;ethically problematic&#8221; study that it will not accept: </p><p>EPA &#8220;will continue to generally accept scientifically valid [human dosing] studies unless there is clear evidence that the conduct of these studies was fundamentally unethical (e.g., the studies were intended to seriously harm participants or failed to obtain informed consent), or was significantly deficient relative to the ethical standards prevailing at the time the study was conducted.&#8221; </p><p>&#8220;Since there are no public notice requirements, the outside world will never learn of ethically dubious corporate experiments,&#8221; Ruch added, noting that many of the corporate studies will be done in developing countries. &#8220;EPA&#8217;s policy invites chemical companies to push the outside of the moral envelope.&#8221;</p><p>This latest draft notice represents EPA&#8217;s second recent attempt at codifying its pro-human testing policy; an earlier draft that was withdrawn after PEER publicly released it in late November. This latest draft is identical in effect to the earlier draft but specifies possible standards that EPA may consider in the future.</p><p>EPA itself has also proposed to directly conduct a controversial study that would pay parents to spray pesticides and other chemicals in the rooms occupied by infants under age 3. When that study (with the acronym CHEERS) drew unfavorable publicity late last year, EPA announced further review even though it had already recruited families with half of the 60 children called for in the study design. </p><p align="center">###</p><p align="center"><a href="http://www.epa.gov/oppfead1/guidance/fr-2003-0132.pdf">See draft EPA notice entitled &#8220;Human Testing; Proposed Plan and Description of the Review Process&#8221; (dated 2/2/05)</a></p><p align="center"><a href="news\_id.php?row\_id=433">Look at the &#8220;CHEERS&#8221; study for dosing of infants with pesticide</a></p><p align="center"><a href="<?php print \$cfg->campaigndir;?>/testing/index.php">Learn more about EPA&#8217;s human testing agenda</a></p>', '', 'epa', 6);

INSERT INTO news VALUES (471, '2005-02-07', 'SCIENTISTS ORDERED NOT TO COMPLETE SURVEY', 'Banned Survey Results to be Released Wednesday', '<p>Washington, DC &#8212; The U.S. Fish and Wildlife Service has directed its scientists not to respond to surveys even on personal time unless the agency pre-approves the survey questions, according to directives released today by the Union of Concerned Scientists (UCS) and Public Employees for Environmental Responsibility (PEER). Under this new policy, employees face disciplinary action for disclosing their personal views of their work at a public agency. </p><p>In November, the

two organizations distributed a 42-question survey to more than 1,400 Fish and Wildlife Service biologists, ecologists, botanists and other science professionals across the country. The survey focuses on employee perceptions about scientific integrity within USFWS, as well as political interference, resources and morale. This survey, like many conducted by PEER since 1995, was mailed to work addresses. But, in reversal of policy established in 2001, the agency ordered scientists not to fill out the surveys even on their own time. Notwithstanding that order, more than 400 scientists, (29.4%), returned the survey. Results will be released Wednesday, February 9, at 1:00 p.m. EST.

**What**: Phone Briefing on Scientist Survey Results

**When**: 1:00 p.m. EST Wednesday February 9, 2005

**Who**: Lexi Shultz, Washington Representative, Union of Concerned Scientists  
Rebecca Roose, Program Director, Public Employees for Environmental Responsibility  
Sally Stefferud, U.S. Fish & Wildlife Scientist (retired)

**How**: 1-866-259-6033, Conference name: Union of Concerned Scientists

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[http://www.ucsusa.org/global\\_environment/rsi/emaildirectives.htm](http://www.ucsusa.org/global_environment/rsi/emaildirectives.htm) Read the USFWS directive

INSERT INTO news VALUES (472, '2005-02-08', 'BISON RANGE EMPLOYEES GIVEN REMOVAL NOTICES', 'Action Against Refuge Workers While Congressional Review Pending', ' Washington, DC ¶ Even though Congress has yet to act on the proposed agreement to turn half of the National Bison Range Wildlife Refuge in Montana over to the Confederated Salish and Kootenai Tribes (CSKT), refuge workers are being asked to relocate, change jobs or resign, according to an agency memo released today by Public Employees for Environmental Responsibility (PEER). Congress has until March 15th to veto the agreement but Bison Range employees were given notices last week and must indicate their choice by February 18th.

Under the pending agreement, more than half of the positions (10 out of 18) positions at Bison Range will be taken over by the Tribe. A memo distributed by the U.S. Fish & Wildlife Service Regional Office in Denver lays out essentially three options for those employees deemed ¶ affected ¶:

- Agree to be reassigned to another National Wildlife Refuge elsewhere in the country, if vacancies exist;
- Go to work for the CSKT; or
- Resign or be fired.

The option of working for the CSKT came with options of working as a tribal employee or working as a federal employee under tribal supervision but the CSKT has not met with the current refuge employees to explain whether either is realistic. In addition, Bison Range employees remain unsure whether they would work in their current position or be reassigned by the tribe. Moreover, the duration of the tribal placement of federal employees is up in the air, with questions as to how many years the Bison Range employees could count on remaining under tribal supervision.

This is a heck of a way to treat folks, ¶ stated Grady Hocutt, a former long-time refuge manager who directs PEER's refuge program, noting that employees are in the dark as to which options are viable and for how long. ¶ It is totally premature to begin uprooting families without waiting for Congress to speak. ¶

This agreement has been a bone of contention for most of the past year, spurring a protest letter signed by nearly half of the refuge managers in the country and drawing the opposition of more than a score of conservation groups, ranging from Ducks Unlimited to the Defenders of Wildlife. Closed-door negotiations between Interior Deputy Assistant Secretary for Fish, Wildlife and Parks Paul Hoffman, a former Dick Cheney aide, and the CSKT produced a deal that awards approximately half of the management, jobs and funding for the National Bison Range and the nearby Ninepipe and Pablo National Wildlife Refuges to the Tribes. Signed in mid-December, the agreement takes effect in 90 days unless vetoed by

Congress.

The Department of Interior has listed 31 wildlife refuges and 34 national parks where it will entertain similar offers from tribes to take over operations but has yet to develop any overall policy to guide its dealings. Instead, political appointees at Interior negotiate individual deals on an ad hoc basis.

The principal asset of the National Wildlife Refuge System is its people but, at Bison Range, this invaluable asset of dedicated employees is being treated like an expendable commodity that can be traded or discarded without care;

Hocutt added.

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[Read the notice given to](http://?php print $cfg->docsdir;/mt/05_8_02_refuge_firing.pdf)  
Affected Federal Employees at Bison Range

[Find Out More About the Bison Range Agreement](http://news_id.php?row_id=448)

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INSERT INTO news VALUES (473, '2005-02-08', 'SPECIAL COUNSEL STAFF HANDED PINK SLIPS', 'Seven Fired for Refusing Moves to Dallas and Detroit', '

Washington, DC - The U.S. Special Counsel has handed out termination papers to seven headquarters staff members who refused involuntary reassignment to a proposed new office in Detroit and an existing office in Dallas. The seven were given one week - the minimum period allowed - to change their minds or be removed from the federal service in 30 days, according to Public Employees for Environmental Responsibility (PEER).



Last month, Scott Bloch, the Bush-appointed Special Counsel, abruptly ordered 12 headquarters employees, on penalty of removal, to relocate to Dallas, Oakland and a newly created Detroit field office. Originally, five employees accepted the reassignments; with four of those five indicating that their acceptance was under duress. One of the four who accepted the reassignment under duress has found a position outside OSC and has submitted a letter of resignation. The remaining seven staff members declined the involuntary transfers and now are being removed.



The 12 reassigned employees represent more than a fifth of the Special Counsel headquarters legal and investigative staff. Bloch did not consult beforehand with the people he selected for relocation nor did he ask for volunteers who might be willing to move. All 12 are career employees hired before Bloch became Special Counsel, an agency with the mission of protecting federal whistleblower and merit system rights.



Last week six members of Congress requested the Government Accountability Office to investigate Bloch's re-organization, as well as his use of no-bid contracts and hiring of cronies, including his son's former Catholic boarding school headmaster as a special consultant.



- This latest step, however, will have impact on all federal employees seeking help from OSC:
- Many of the most experienced whistleblower lawyers and investigators are now gone or reassigned;
- OSC's highly successful Alternative Disputes Resolution program, which mediated disputes between employees claiming retaliation and agency management, is ended;
- Bloch's proposed "Midwest Field Office in Detroit" will likely not have enough staff to effectively function, as only two staff members have tentatively agreed to relocate there under threat of termination.



"The person giving out these pink slips should be the one on the receiving end," stated PEER Executive Director Jeff Ruch whose organization is suing Bloch to obtain copies of the no-bid consultant contracts he let out to friends and copies of the work produced. "In federal court, Scott Bloch is claiming that he does not have enough staff to even respond to Freedom of Information Act requests and then a week later he fires seven more staff-go figure."



Bloch's 13-month tenure as Special Counsel has been marred by repeated missteps, including an embarrassing reversal on protecting federal employees on the basis of sexual orientation, issuing a gag order to his staff to deter what he described as "leakers," and sewing confusion during the height of last year's presidential campaign with a directive that candidates could not make campaign appearances


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inside federal structures. </p> <p align="center">###</p> <p align="center"><a href="news\_id.php?row\_id=458">Read about Scott Bloch's attempt to purge OSC of perceived non-loyalists</a></p> <p align="center"><a href="news\_id.php?row\_id=439">Learn about Bloch's hiring of cronies and circumventing competitive merit hiring rules</a></p> <p align="center"><a href="news\_id.php?row\_id=466">Look at OSC declaration it cannot handle FOIA requests due to understaffing</a></p>', '', 'osc', 0);