

January 24, 2013

Dr. Suzette Kimball
DOI Scientific Integrity Officer
U.S. Geological Survey National Center
Room 7A-408
12201 Sunrise Valley Drive
Reston, VA 20192

Dear Dr. Kimball:

I am writing you in connection with the letter dated January 2, 2013 from Mr. Louis Brueggeman, the U.S. Bureau of Land Management (BLM) Scientific Integrity Officer. In that letter Mr. Brueggeman rejected a scientific misconduct complaint filed by Public Employees for Environmental Responsibility (PEER) more than a year earlier, on November 30, 2011.

In rejecting the PEER complaint as having “no merit”, Mr. Brueggeman concedes the gist of our complaint but embraces a supposedly innocent explanation that is both patently ludicrous and completely at odds with the facts. Indeed, his review of our complaint is so specious that it makes a mockery of the Interior Department policies for safeguarding scientific integrity.

PEER is asking that you reject Mr. Brueggeman’s review and institute a competent, independent review of our complaint. The brief explanation of the rationale of this request is below. Attached is a detailed refutation of Mr. Brueggeman’s six-page letter summarizing his review.

Summary:

The PEER complaint and accompanying exhibits documents how BLM managers directed scientists to exclude livestock grazing as a possible factor in changing landscapes across six “eco-regions” covering the Sagebrush West. The exhibits contain meeting minutes in which BLM managers are quoted as saying that they needed to get direction from the Washington Office on how to proceed due to anxiety from “stakeholders” and fear of litigation on the grazing issue. Mr. Brueggeman does not acknowledge these quotes or even that grazing was obviously a political “hot potato” but, instead, focuses solely on the dubious claims about lack of available data on grazing impacts.

Exclusion of grazing was met with protests from the scientists. As one participating scientist said, as quoted in workshop minutes:

“We will be laughed out of the room if we don’t use grazing. If you have the other range of disturbances, you have to include grazing.”

Mr. Brueggeman does concede that “There was considerable and sometimes heated discussion about the topic...Several management questions were proposed, revised, included, or deferred...” Ultimately, he concludes that the decision to exclude grazing was reached independently by all six study team leaders (all of whom are BLM managers) solely for “technical reasons” relating to the limitations of existing data.

His conclusion makes absolutely no sense for several reasons:

1. Attempts to exclude livestock impacts began in the earliest stages of the study process – well before data issues were even to be considered. Instead, the scientists were supposed to compile all important disturbance factors (“Change Agents”). Grazing was unquestionably a change agent, likely the most significant one, but was the only such agent tagged for exclusion from consideration at this preliminary stage – a serious deviation from the study process.
2. The existing data for other change factors, such as invasive species, were also “fragmentary” or incomplete, yet those data limitations did not cause it to be excluded from study. By contrast with how grazing was treated, contractors received support from BLM and other agency partners in their quest for more complete data on invasives, as well as assistance regarding how to treat subjects with missing or fragmentary data through modeling.
3. The Rapid Ecoregional Assessments (REAs) were tasked with examining the state of current data, yet no such review was ever recorded relative to livestock impacts. Instead, BLM management assertions about the lack of reliable data were accepted without any recorded examination of the scientific merit of those assertions. Nonetheless, Mr. Brueggeman swallows this pseudo-scientific official explanation as if it was Gospel, beyond any intelligent scrutiny.
4. The critical conclusion by Mr. Brueggeman that BLM’s Land Health Standards evaluations (LHE) did not exist in an electronic database was untrue. In fact these data were in the possession of the Washington Office, The National Operations Center (NOC), and by the U.S. Geological Survey (USGS). Indeed, USGS had requested and received a copy of this database from BLM to conduct a study to evaluate these data. One NOC staff participating in the REAs had provided assistance to USGS on this project and was acknowledged by USGS in their published report. In addition, a USGS staff member participating in the REAs was also acknowledged for his assistance on the project to evaluate the LHE data.

In short, very valuable data on grazing impacts within BLM allotments were available and known to be available at the time Mr. Brueggeman concluded they did not exist.

5. During Task I-2, devoted to data discovery and evaluation, BLM provided a large number of data and sources of data to the contractors that had potential relevance to the REAs. The LHE dataset was not included, and BLM insisted that these data did not exist.

As a consequence, none of the six REAs in progress had the opportunity to evaluate BLM's LHE data to determine its suitability, record the results of these evaluations, and if not suitable, identify specific gaps, which was one purpose of the REAs ("...identify data gaps that may prevent project objectives from being met"(BLM Rapid Ecoregional Assessment for the Colorado Plateau Ecoregion, Statement of Work, page 31)).

No other data was intentionally withheld from contractors. This withholding of important data constitutes interference with the process that could have materially affected the REA findings. The actual quality of or suitability of these data for inclusion in the REAs was immaterial.

Mr. Brueggeman would have known these things if he bothered to interview the list of witnesses provided to him by PEER. But in more than a year of work, Mr. Brueggeman confined his interviews largely to people who had a professional self-interest in ensuring that there would be no finding of scientific misconduct.

Stepping back from all the details, the absurdity of Mr. Brueggeman's findings becomes even more pronounced. This was the biggest study in BLM's history, costing more than \$40 million of tax-paid stimulus funds. The purpose of this entire exercise was to aid BLM in "corrective management" (in Mr. Brueggeman's words) to heal scarred landscapes. In speaking for BLM while supposedly investigating it, Mr. Brueggeman comes to this understated conclusion:

"The BLM recognizes that not assessing grazing as a specific change agent is a substantial limitation in preparing regional/landscape adaptive management strategies for public lands, particularly in view of drought and climate change effects."

Indeed, it is beyond incredible that in conducting a study to assist its corrective management capacity, BLM excludes the one major factor over which it has management control – livestock grazing. It has more control over livestock impacts than it does over climate change, drought, urban development and other recognized change agents.

Conclusion:

The evidence provided in the complaint, complaint attachments, and supported by those provided in this rebuttal, are more than sufficient to prove by a preponderance of the evidence, that the treatment of livestock grazing as a change agent, acknowledged to be of significant ecological and environmental importance in these regional assessments, represented a significant departure from the clearly defined and accepted practices of the Rapid Ecoregional Assessments, as spelled in the REA Statements of Work, and accepted by all scientific participants and partners in the REA process.

We further contend that this departure from these accepted practices and process was done knowingly and with intention by both REA staff and associated staff at the Washington Office.

These actions intentionally circumvented predefined REA process steps and functions and tainted the scientific discussions with the irrelevant concerns raised by resource stakeholders. For example, the suggestion that further treatment of grazing in the REAs might jeopardize funding clearly constitutes coercive manipulation, outside interference and a failure to insulate the REA body from bias. Further, the claim that important data did not exist and then withholding that data clearly constitutes clear scientific misconduct, as detailed in our complaint.

Taken together, it is well established that the REA staff failed to adhere to professional values and practices, failed to ensure objectivity, intentionally obscured their actual rationale for excluding grazing and in so doing failed to maintain clarity and transparency. These acts of intellectual dishonesty have compromised the credibility, validity, and scientific and scholarly integrity of the REAs. These actions do not reflect honest error or differences of opinion.

We believe that this is the first scientific misconduct complaint handled under the new DOI process. This process was created based on a Directive from President Obama in which he directed that:

“The public must be able to trust science and scientific process informing public policy decisions. Political officials should not suppress or alter scientific or technical findings and conclusions.”

As this is perhaps the first application of these principles by BLM, it is important that it be done in a manner beyond reproach, erring on the side of openness and ensuring credibility to the public. For the reasons stated above, this review falls well short of those standards.

If agencies are allowed to simply deny problems despite overwhelming facts, then these policies are not worth the paper they are written on. Therefore, we urge you, as the Scientific Officer for Interior, to take steps to ensure that these scientific policies will be meaningful.

Sincerely,

Jeff Ruch
Executive Director