

potentially sensitive data, to [REDACTED] and the Alaska Eskimo Whaling Commission. Both were actively involved in the Shell litigation with BOEM.

[REDACTED] told us that discussions took place over several weeks between BOEM management, Human Resources, and the Solicitor's Office as to what actions should be taken (see Attachment 12). [REDACTED] said that the Solicitor's Office and Human Resources determined that there was no clear course of disciplinary action. As a result, no administrative action was taken against any employee relating to the unauthorized release of emails. Loman confirmed that BOEM never disciplined Monnett for forwarding FOIA-exempt email or other potentially sensitive BOEM data to unauthorized recipients (see Attachment 13).

The U.S. Attorney's Office, District of Alaska, declined to pursue a criminal prosecution of Monnett for his unauthorized disclosure of Government records due to the lack of evidence of criminal intent and the availability of more appropriate administrative remedies (**Attachment 15**).

Allegations of Misconduct against Monnett and Gleason

September 2004 BWASP Polar Bear Observation Photographs

The complainant also alleged that Charles Monnett falsified and manipulated photographs of the dead polar bears referenced in his manuscript. Our investigation determined that during a September 2004 BWASP mission, Jeffrey Gleason took three photographs of what he claimed to be a dead polar bear. The photographs were subjected to a forensic review, and there was no evidence that the digital images were altered (**Attachment 16**).

Gleason explained that during the 2004 BWASP survey, he and Monnett observed one dead polar bear each day on September 14, 16, 18, and 22, 2004 (see Attachment 3). Gleason said that he did not believe that it was possible to observe the same dead polar bear on a different mission flight because the distance between transects of each flight was approximately 50 to 100 miles.

Prior to observing the dead polar bears, Gleason said that they had done some survey work and had seen these (the same) animals swimming offshore. After a very strong windstorm, he said, it was calm, and that was when they saw the dead bears. He said that they attributed the bears' deaths to the windstorm, but had no way to determine the actual cause. He said that given the distance and the number of polar bears they saw before the storm, and then the dead polar bears after the storm, the storm seemed to be the most likely explanation for what happened.

Gleason told us that based on his review of the local weather records on the dates immediately preceding their observations of the four dead polar bears, what had happened was that some of the polar bears began their long-distance trek from one piece of land to another because the ocean was unusually calm. During the polar bears' trek, Gleason believed that the wind started to increase to 30 knots, creating very high waves that broke over the bears' heads as they swam. Gleason said that over time, the polar bears probably ran out of energy fighting the waves and drowned. Gleason further opined that polar bears drown in the Beaufort Sea much more frequently than people realize, but people seldom have the opportunity to observe them.

Gleason stated that Monnett was the first one to observe three of the four polar bears and that he was the secondary observer who verified Monnett's initial observations. Gleason believed that a "white

DISPOSITION

During our investigation, we presented our preliminary findings regarding Monnett's suspected conflict of interest involving the sole-source contract as a possible violation of 18 U.S.C. § 208, along with Monnett and Gleason's use of data in the manuscript as a possible violation of 18 U.S.C. § 1001, to the U.S. Attorney's Office in Anchorage, Alaska (USAO). The USAO declined prosecution at that time because it believed there were other, better-suited remedies for the described conduct. The allegation of unauthorized disclosure of Government documents, a possible violation of 18 U.S.C. § 641, "Theft of Government Records," was presented to the USAO at the completion of the investigation. The USAO again declined to prosecute the unauthorized disclosure before appropriate administrative action was taken.

This report will be forwarded to BOEM for whatever action is deemed appropriate.

ATTACHMENTS

1. Transcript – Interview of [REDACTED] on January 5, 2012.
2. Transcript – Interview of Charles Monnett on February 23, 2011.
3. Transcript – Interview of Jeffrey Gleason on January 20, 2011.
4. Document, "Poster Presentation" by Charles Monnett, Jeffrey Gleason, and [REDACTED] undated.
5. "Is Global Warming Killing the Polar Bears?" The Wall Street Journal (Dec. 14, 2005).
6. "Observations of Mortality Associated with Extended Open-Water Swimming by Polar Bears in the Alaskan Beaufort Sea" (manuscript), "Polar Biology" (2006).
7. BOEM Contract # 1435-01-05-CT-39151, dated September 23, 2005.
8. Email from Charles Monnett to [REDACTED] dated February 8, 2007.
9. Email from Charles Monnett to [REDACTED] dated October 27, 2006.
10. Email from Charles Monnett to [REDACTED] dated January 15, 2008.
11. *Alaska Wilderness League v. Kempthorne*, 548 F.3d 815 (9th Cir. 2008).
12. Transcript – Interview of [REDACTED] on February 24, 2011.
13. IAR – Interview of Jeffrey Loman on April 5, 2011.
14. Email from Charles Monnett to [REDACTED] dated January 31, 2008.
15. Email from [REDACTED] Criminal Division [REDACTED] to Special Agent [REDACTED] dated April 9, 2012.
16. IAR – Computer Crimes Unit digital forensics report, dated January 25, 2011.
17. Copy of dead polar bear photograph #1, undated.
18. Copy of dead polar bear photograph #2, undated.
19. Copy of dead polar bear photograph #3, undated.
20. Transcript – Interview of Charles Monnett on August 9, 2011.
21. Transcript – Interview of Jeffrey Gleason on October 26, 2011.
22. Transcript – Interview of [REDACTED] on November 8, 2011.
23. Transcript – Interview of Fred King on September 27, 2011.
24. Copy of Bowhead Whale Aerial Survey Project (BWASP) mission flight observation entry #274, dated September 6, 2004.
25. Copy of BWASP Observation Appendix of Codes, undated.
26. Copy of September 2004 Bowhead Whale Aerial Survey Project mission flight observer assignments.
27. Copy of Charles Monnett's Bowhead Whale Aerial Survey Project mission flight notebook for September 14, 16, 18 and 22, 2004.