



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898


IN REPLY REFER TO:

MP-500

NOV 30 2012

PER- 16.00

To: Todd Pederson, President, NFFE-IAM Local 951 (Union)

From: Travis Aberle, HR Specialist, MP Region 

Subject: Information Request

On November 9, 2012, the Human Resources Office received an information request from NFFE Local 951 (Union) regarding a memo sent from Jason Phillips, Klamath Basin Area Office (KBAO) Manager, stating the Fisheries Resources Branch would no longer be retained as a KBAO function and positions would eventually be eliminated through vacancies or reassignments.

Particularized Need:

The Union claims the information needed will be used to ascertain whether there is grounds for a grievance or discrimination. The Union identified how the info requested relates to carrying out its representational responsibilities; however, the Union must identify a particularized need for each separate request and specify why the particular information is needed and how it will be used. Currently, the Union does not fully meet the particularized need requirement. Conclusory statements or general assertions are not sufficient. Moreover, explanation must be articulated specifically to enable this office to make a reasoned judgment as to whether the data must be disclosed. (Ref: 50 FLRA 86, IRS, Kansas City)

Notwithstanding, some of the information requested is easily accessible and in the interest of collaboration and partnership, Management is willing to provide some of the information requested below:

1. All data, communications, and documents, prior to November 8, 2012, that Jason Phillips used "after careful consideration and research" to determine that "retaining a fisheries group function is no longer practical for the Area Office."

Response: Mr. Phillip's conclusion described in the aforementioned memo is primarily based on Department of Interior's directive for sound science per the FY 2011-2016 Strategic Plan (Attachment 1). Specifically, DOI mandates its bureaus to provide impartial results and identifies the U.S. Geological Survey (USGS) as the bureau widely used to address complex natural resources issues.

2. Data or information attained between the time period in which the functional assessment was performed at the end of 2011 which resulted in the reorganization of KBAO in Jan 2012 where the Fisheries Branch was relevant to the present time, less than one year, where management has deemed them expendable.

Response: Management is unable to provide this data because this data is not regularly maintained. As discussed in the Formal Discussion held on November 30, 2012, Management reached its conclusion through discussions with external stakeholders.

3. The identities of any and all people stated as the "many" who "perceive our efforts as inherently biased considering that in some cases the Klamath Project contributes to species decline." These people are to be identified by name and agency or affiliation, date(s) the accusation(s) was made, along with any and all supporting documentation that caused management to arrive at such a conclusion.

Response: Management clarified this specific information request in the Formal Discussion held on November 30, 2012. In this discussion, Management identified National Marine Fisheries Service (NMFS), Fish and Wildlife Services (FWS), and certain tribal governments in the Klamath Basin that have vocalized their concerns regarding BOR's involvement in scientific studies associated with the Klamath Project. Management is not able to provide specific identities of individuals as this data is not regularly maintained.

4. All data from all agencies that management used to conclude that the local United States Geological Survey office "possesses both the resources and expertise to implement research and data collection activities for all Department [of Interior] agencies."

Response: Management does not maintain data from other agencies. As such, Management cannot answer this specific request.

5. Any and all documents along with a conclusive statement by said agency or entity that led management to conclude that "Many perceive our efforts as inherently biased" ... and not "credible."

Response: See response to #3.

6. Any and all documents that management used to determine that there is "a concern that KBAO will not consider these effects objectively and that in some cases we are simply carrying out studies to contradict the science of other agencies and tribes."

Response: Management is unable to provide this data because this data is not regularly maintained.

7. Title, series, and grade of all of the "several vacant positions and some soon to be within KBAO."

Response: Management is providing the Union with information regarding known vacancies (Attachment 2). Unfortunately, Management is unable to provide projected vacancies because they are not known at this time.