



# Public Employees for Environmental Responsibility

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May 27, 2015

Assistant Director  
Information Resources Management  
Bureau of Land Management  
1849 C Street, NW  
Washington, DC 20240

By Certified Mail and Email

[BLM\\_WO\\_Information\\_Quality\\_Guidelines@blm.gov](mailto:BLM_WO_Information_Quality_Guidelines@blm.gov)

**Re: Appeal of BLM Response to PEER Complaint about Information Quality Act Noncompliance Concerning the Fiscal Year 2013 Rangeland Inventory, Monitoring, and Evaluation**

Dear Sir or Madam:

On December 22, 2014, Public Employees for Environmental Responsibility (PEER) submitted an Information Quality Complaint (“Complaint”) to the U.S. Bureau of Land Management (“BLM”) pursuant to the Data Quality Act of 2000, the Office of Management and Budget (“OMB”) Guidelines for Ensuring and Maximizing the Quality, Utility, and Integrity of Information disseminated by Federal Agencies (“OMB Guidelines”), the U.S. Department of Interior Information Quality Guidelines as well as the Bureau of Land Management Information Quality Guidelines. In that complaint<sup>1</sup> PEER requested that the Bureau of Land Management (BLM) rescind 1) the Fiscal Year 2013 Rangeland Inventory, Monitoring, and Evaluation report and 2) the “BLM Response to PEER Press Release of May 14, 2012”<sup>2</sup> and re-publish them with corrected information.

After several requests for extension, BLM responded to our complaint in a letter dated April 16, 2015.<sup>3</sup> In that reply, BLM declined to undertake the correction PEER sought in the Fiscal Year 2013 Rangeland Inventory, Monitoring, and Evaluation report but did agree to remove “BLM Response to PEER Press Release of May 14, 2012.”

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<sup>1</sup> [http://www.peer.org/assets/docs/blm/12\\_22\\_14\\_DQA\\_Complaint\\_Range\\_Report.pdf](http://www.peer.org/assets/docs/blm/12_22_14_DQA_Complaint_Range_Report.pdf) and enclosed

<sup>2</sup> Formerly displayed on the BLM website at <http://www.blm.gov/wo/st/en/prog/grazing.print.html>,

<sup>3</sup> [http://www.blm.gov/style/medialib/blm/wo/Information\\_Resources\\_Management/data\\_quality\\_2.Par.93919.File.dat/2015%200417%20BLM%20IOA%20Response.pdf](http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/data_quality_2.Par.93919.File.dat/2015%200417%20BLM%20IOA%20Response.pdf)

With respect to the BLM response to our complaint seeking correction of the Fiscal Year 2013 Rangeland Inventory, Monitoring, and Evaluation report, PEER hereby appeals and respectfully requests that BLM reconsider its opinion.

### **PEER IS AFFECTED BY THE INFORMATION ERROR**

PEER is a non-profit organization chartered in the District of Columbia with the mission to hold government agencies accountable for enforcing environmental laws, maintaining scientific integrity, and upholding professional ethics in the workplace. PEER is an “affected person” in that 1) PEER is a watchdog organization tracking BLM compliance with the Federal Land Policy and Management Act and its implementing regulations, including the Fundamentals of Rangeland Health; and 2) on behalf of PEER members who are current and former BLM employees, PEER has a vital interest in ensuring that BLM comply with applicable laws, regulations and its own policies.

The contact information for the person submitting this appeal is Kirsten Stade, Advocacy Director, PEER, [kstade@peer.org](mailto:kstade@peer.org), (202) 265-PEER.

### **BASIS FOR APPEAL**

In its response, BLM did not refute or even challenge the substantive basis for the PEER complaint. As detailed in our complaint, the 2013 RIME Report, Land Health Standards reporting has changed radically from previous editions of the RIME report and now omits the following previously reported information:

- a. The 2013 report does not use the categorical LHS status classification, wherein the agency listed both number of allotments, and acres within them, in the categories A) “Rangelands meeting all standards or making significant progress toward meeting the standards; B) Rangelands not meeting all standards or making significant progress toward meeting the standards, but appropriate action has been taken to ensure significant progress toward meeting the standards (livestock is a significant factor); C) Rangelands not meeting all standards or making significant progress toward meeting the standards, and no appropriate action has been taken to ensure significant progress toward meeting the standards (livestock is a significant factor); D) Rangelands not meeting all standards or making significant progress toward meeting the standards due to causes other than livestock grazing.”
- b. BLM no longer distinguishes between failures of the standards due to livestock and failures due to other causes.
- c. BLM no longer reports the number of grazing allotments meeting and failing standards.
- d. BLM no longer reports the area of allotments failing standards, instead reporting only the actual surveyed acres and miles of (i) Upland Watershed Function; (ii) Riparian Watershed Function; (iii) Ecological Processes; (iv) Water Quality; (v) Habitat Quality

for Threatened and Endangered and Special Status Species, as well as reporting the unevaluated acres.”

In our complaint, we detailed how these changes in essence “dumbed-down” this reporting and compromised the quality, utility, objectivity, and integrity of this information, thereby violating the statutory requirements of the Data Quality Act.

In its terse response, BLM advanced three contentions as to why it did “not find violations of the Data Quality Act.” As explained below, these contentions are both unpersuasive and non-responsive to the gist of the complaint:

***1. The challenged information is “not required by law, regulation or policy to be presented as a national level report.”***

The Data Quality Act does not apply only to information that is required to be published by law, regulation or policy. As the BLM Information Quality Guidelines make clear, the emphasis of the Data Quality Act is to ensure the quality, utility, objectivity and integrity of information that is deemed influential:

“When information is defined as influential, there is an added level of scrutiny afforded this information...BLM will generally consider the following classes of information to be influential, and, to the extent that they contain scientific... or statistical information, that information will adhere to a higher standard of quality.”

Further, BLM stipulates that information is influential if it carries a “genuinely clear and substantial impact at the national level for major public... policy decisions as they relate to federal public lands and resources issues” as well as has implications for “major cross-bureau policies” or is “highly controversial information that is used to advance the BLM's priorities.”

By all those measures, the challenged information is influential and must be held to a higher standard of quality, utility, objectivity, and integrity. As we explained in our complaint:

“The 2013 RIME report is especially influential in that it is a report to Congress and the American public on the conditions and trends of public rangelands within grazing allotments across 150 million acres of BLM lands subject to livestock grazing. It provides data on the effectiveness of the BLM in managing its grazing allotments so as to meet standards of rangeland health, and on the causes for its failures to meet these standards.”

Thus, it is undisputed that not only does the Data Quality Act apply to the challenged information but that information is to be held to higher “level of scrutiny” as to its quality, utility, objectivity, and integrity.

***2. By reporting on allotments “It was not an accurate portrayal of the BLM acreage that fit within each category...In 2012, BLM issued data standards and instructions for reporting land health to more accurately portray land health status.”***

This response is both unpersuasive and misleading for several reasons:

- A. It is not appropriate for BLM to treat this as an “either/or” situation. PEER urged BLM (see below) to retain the previous reporting system but to supplement it with any refinements. BLM decided, instead, to completely discard the prior method of reporting.
- B. Even if taken at face value that the new reporting is a more accurate portrayal of conditions on particular acreages, this new reporting no longer reflects (as itemized above) categorical LHS status classification, delineation of failures of the standards due to livestock and failures due to other causes, the number of grazing allotments meeting and failing standards or the areas of allotments failing standards.
- C. The representation that the 2013 Table 7 is more accurate is simply not true. On January 15, 2015, PEER submitted a Freedom of Information Act request to BLM asking for, among other things:

“Records detailing what improvements or upgrades that BLM has made to its rangeland health database and “mapping process” since May 2012.”

In its reply to us, dated March 26, 2015, the agency admitted:

“The unabridged report provided to you does not specify the ‘location’ of acres not meeting these standards. BLM has geodatabases for field offices to use to ‘map’ their land health...but BLM has disabled GeoCommunicator so no new uploads of spatial mapping will be made available. The disabling of the GeoCommunicator has prevented BLM from providing the location of acres not meeting land health standards.”

Thus, BLM claims to be able to identify the number of allotment acres not meeting standards but cannot locate where those acres are. This does much to diminish the utility of the information, especially when all other measures and types of such information displays have been discarded.

In sum, our main point was that the universe of useful and reliable information that BLM now presents about the land health status of its grazing allotments is substantially reduced. Nothing BLM has stated in its response has contradicted this point.

- 3. *BLM’s claim to Data Quality Act compliance relies upon a “pig in a poke”—to wit, “The report was intended to accompany a map display on GeoCommunicator, but the GeoCommunicator maps were inactivated and a new mapping display is under development.”*

BLM admits that its Table 7 is incomplete and requires additional functionality that is not available to be cogent and useful. BLM has stopped reporting previous measures, which did not require this supplemental but “inactivated” display. To that end, BLM has reduced the utility and quality of the information it is reporting. Moreover, it cannot defend this deviation from the Data Quality Act by claiming it will have better information at some indefinite time in the future.

Until such time as BLM can develop an online mapping function, PEER offers the agency free use of our BLM Grazing Data Interactive Map which displays data from two datasets of BLM's Land Health Status (LHS) records overlaid with high-resolution satellite imagery, permitting users to visualize the BLM's land health status determinations along with landscape conditions visible in the satellite imagery.<sup>4</sup>

PEER obtained both a 2008 version and a 2013 version of the LHS dataset from BLM via the Freedom of Information Act. We have placed these data into the public domain as an accurate, up-to-date, and publically accessible LHS database to facilitate independent review and analysis. The datasets received from the agency were incomplete, inconsistent, and contained numerous errors and omissions; the dataset that forms the basis of this map is the result of PEER's process of reconciling the two raw datasets to arrive at a single, updated version containing the most current LHS evaluation, and a one-to-one relationship between multiple LHS evaluations and each allotment (based on an approach described in Veblen et al., USGS OFR 2011-1263). The Land Health Status classification system was developed by Peter Lattin, who should be cited as the source of the derived Land Health Standards data displayed on this website.

### **RECOMMENDATIONS FOR CORRECTION OF THE INFORMATION CHALLENGED BY THIS APPEAL**

PEER urges that BLM amend the current online version of the 2013 RIME report by retaining the current Table 7, which provides information on the success or failure of actual acres sampled in meeting the individual Fundamentals of Land Health, and adding the Table 7 that appeared in earlier RIME reports. This Table 7 lists, for the current year (Part A) and cumulatively (Part B), the number of allotments and the number of acres within them in which "Rangelands [are] meeting all standards or making significant progress toward meeting the standards," are "not meeting all standards or making significant progress toward meeting the standards, but appropriate action has been taken to ensure significant progress toward meeting the standards (livestock is a significant factor)," are "not meeting all standards or making significant progress toward meeting the standards, and no appropriate action has been taken to ensure significant progress toward meeting the standards (livestock is a significant factor)," and are "not meeting all standards or making significant progress toward meeting the standards due to causes other than livestock grazing."

### **CONCLUSION**

Based on the foregoing, PEER appeals BLM's response to our Data Quality Act complaint and requests that the agency reconsider its actions.


Since the challenged document is indisputably "influential" information, we urge BLM reviewers of this appeal to employ the more rigorous standard of review called for in both the DOI and BLM guidelines. Regardless of the review standard employed, however, PEER does not believe that this challenged information exhibits the qualities of accuracy and reliability, transparency, objectivity, and utility required by the Data Quality Act as implemented by the BLM and DOI Guidelines.

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<sup>4</sup> <http://www.peer.org/campaigns/public-lands/public-lands-grazing-reform/blm-grazing-data-interactive-map.html>

Pursuant to the BLM Guidelines, I look forward to your response to this appeal within 60 days. Please treat me as the contact point for PEER for purposes of this complaint. In addition to the mailing address both above and below, I can be reached at (202) 265-PEER or at [kstade@peer.org](mailto:kstade@peer.org). Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Kirsten Stadel". The signature is written in a cursive style and is positioned above a light gray horizontal line.

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