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2 Interview of Charles Monnett

3 August 9th, 2011

4 Richard Larrabee: This is Special Agent Richard
5 Larrabee with the Office of Inspector General for the Department
6 of Interior. Today is August 9th, approximately nine o'clock,
7 Alaska time.

8 Here today we're going to be interviewing Mr.
9 Monnett, Charles Monnett.

10 Charles Monnett: Dr. Charles Monnett.

11 Richard Larrabee: Okay. We're here also joined by
12 Special Agent-in-Charge, David Brown, Special Agent Eric May and
13 we're going to -- I'm going to ask everybody at the table here to
14 go around and just state your name and spell your last name for
15 us.

16 And then, if you could, on the conference call, if you
17 could go ahead and do the same. Just state your names and then
18 spell your last name, that would be great.

19 Dave Brown, start with you.

20 David Brown: I'll go first. Dave Brown, B-r-o-w-n.

21 Eric May: Eric May, M-a-y.

22 Charles Monnett: Is that loud and clear at your end?

23 Jeff Rusk: Yes.

24 Richard Larrabee: Good.

25 Charles Monnett: My turn? Charles Monnett, M-o-n-n-
26 e-t-t.

1 Richard Larrabee: And then, on the conference call,
2 if you all could identify yourselves and spell your last name,
3 that would be great.

4 Jeff Ruch: I am Jeff Ruch, R-u-c-h, from Public
5 Employees for Environmental Responsibility, otherwise known as
6 PEER.

7 Paula Dinerstein: Paula Dinerstein, D-i-n-e-r-s-t-e-
8 i-n, also from PEER.

9 Katherine Douglass: Katherine Douglass, D-o-u-g-l-a-
10 s-s, also with PEER.

11 Richard Larrabee: Okay. Great. Thank you.

12 Mr. Monnett, I'm going to start off talking to a
13 little bit and then Eric is going to talk to you a little bit
14 also. I was going to start off --

15 Jeff Ruch: Excuse me. I was -- we just had a couple
16 of preliminary questions, just so we're clear on the nature of
17 this, if you don't mind. This is Jeff Ruch speaking.

18 Your interview notice stated Dr. Monnett should be
19 prepared to answer follow-up questions regarding the integrity of
20 his official work, and we're wondering does that mean that the IG
21 is still conducting an ongoing investigation into the scientific
22 integrity of Dr. Monnett's published work on polar bears, or has
23 that matter been put to rest?

24 David Brown : No, the investigation continues into
25 all matters.

26 Jeff Ruch: Okay. And then sort of a follow-up

1 question here. Your notice says that the Department of Justice
2 has declined criminal prosecution regarding matters we have -- we
3 will discuss in this interview. Therefore, the interview will be
4 administrative in nature.

5 But since these matters were specific enough in your
6 mind to merit a criminal referral, will you provide us a copy of
7 that referral or a written description of these new allegations?

8 David Brown : No.

9 Jeff Ruch: And if you are not willing to do that,
10 will there, at least some point, be a statement as to what the
11 nature of the new allegation is?

12 David Brown : Oh, you know, it will be perfectly
13 clear. We'll go -- I think you'll see through the series of
14 questions that we have today that --

15 Jeff Ruch: We did that last time and it wasn't
16 perfectly clear --

17 David Brown : Well, at the end of this interview, if
18 it's not, you know, and you have additional questions, you know,
19 we'll see if we can answer those to help you out as to, you know,
20 clearing up any questions as far as allegations, or what the
21 investigation is about.

22 Jeff Ruch: Okay. And is this, the matters within
23 this interview entirely contained within the referral to the
24 Department of Justice, as your notice implies, or does it cover
25 matters in addition to what you've referred to Justice?

26 David Brown : The interview will -- I'm sorry. Ask

1 the question again.

2 Jeff Ruch: Are the matters that are the subject of
3 this interview entirely contained within the referral to Justice
4 or does it now cover matters in addition to those referred to
5 Justice?

6 David Brown : It's within the matters that we've
7 spoken with the Department of Justice about. The only difference
8 would be if there are material lies contained in any of the
9 answers regarding the subject matter.

10 Jeff Ruch: Okay. And then the final question we have
11 was, previously you'd indicated you were investigation allegations
12 brought to the IG. Are the matters that are the new focus of
13 this interview also based on allegations brought to the IG or are
14 they matters developed by the IG, itself?

15 David Brown : Matters -- these are matters that were
16 developed during the course of our investigation --

17 Jeff Ruch: Okay.

18 David Brown : -- in addition to initial -- initial
19 allegations.

20 Jeff Ruch: Okay. Thank you.

21 Eric May: All right.

22 Richard Larrabee: Okay.

23 Paula Dinerstein: This is Paula Dinerstein. I just
24 want to ask one additional question, and that is, the procedure
25 with the recording would be the same as last time, and so I assume
26 that means we will also get a transcript, from a neutral, outside

1 court reporter.

2 David Brown : Yes, that's correct.

3 Jeff Ruch: Take it away.

4 David Brown : Okay.

5 Richard Larrabee: Take it away. Okay. Great.

6 Thanks.

7 Mr. Monnett, I was going to cover with you -- this is
8 Richard Larrabee speaking -- your training and related to
9 contracts and specifically as a contracting officer's
10 representative.

11 So, I would like to just start off with and ask you
12 how many years you've, you know, when you took your original
13 training as a COR and how many years you've represented the agency
14 in that role. More or less. I mean, it doesn't have to be exact
15 years.

16 Charles Monnett: Well, I had my original training
17 when I was with the U.S. Fish and Wildlife Service in Hawaii in
18 about 1995 or six. I've been with MMS since June of '96, and I've
19 been a COR since then.

20 Richard Larrabee: Okay. And --

21 Charles Monnett: I'm sorry. Let me correct that.
22 June of '99.

23 Richard Larrabee: '99.

24 Charles Monnett: '99.

25 Richard Larrabee: Okay. We went ahead and made
26 inquiries with MMS -- I'm just going to call it MMS --

1 Charles Monnett: Sure.

2 Richard Larrabee: -- for the sake of this interview.

3 And they provided some training on -- they indicated you had a
4 level two COR, COTR training in December of 1998. Does that sound
5 about right?

6 It sounds like the years are very close. Did you
7 start with MMS in '99? So this -- you might have taken this when
8 you were with Fish and Wildlife Service --

9 Charles Monnett: Yes.

10 Richard Larrabee: -- it was a 24-hour --

11 Charles Monnett: Yes.

12 Richard Larrabee: -- pretty comprehensive.

13 Charles Monnett: Yes. You guys are so far back now,
14 my memory of the dates is shaky. But --

15 Richard Larrabee: Sure. No, I understand.

16 Charles Monnett: -- I think I said '95 or six, and
17 that's not correct, because I didn't start with the government
18 until '96, so the training was the year -- within a year of when I
19 came here, and I came here in '99. So, '98 would -- would sound
20 right.

21 Richard Larrabee: Okay. Great. And then, as a part
22 of that training, like any other training, of course, and you --
23 beyond taking the initial full sort of product, then you go
24 forward and you take your updates and your refresher trainings and
25 so forth.

26 And according to their records it looks -- it appears

1 like you took a refresher training in May of 2002, and then
2 another one in May of 2005. And then, of course, contracting for
3 COTR's in February of 2007, and then another refresher in October
4 2010. Actually, that was a 40 hours.

5 I'm assuming those sound about right? I mean,
6 obviously --

7 Charles Monnett: I'll --

8 Richard Larrabee: -- I'm not asking you to --

9 Charles Monnett: I'll have to defer to the record.

10 Richard Larrabee: Okay.

11 Charles Monnett: I don't -- I have no idea. It's
12 been ever few years.

13 Richard Larrabee: Okay. Since you started filling in
14 that role for MMS, if you'd give us a ballpark estimate of all --
15 and again, I know it's entirely a ballpark estimate, but the value
16 of the contracts that you have served as a COR in, you know, in
17 total, not per contract.

18 Again, a ballpark figure would be helpful. We don't
19 have a specific number I'm going to ask you to confirm or anything
20 like that.

21 Charles Monnett: Well, I have about 50 -- I had about
22 \$50 million worth of contracts that were active, and there were
23 others I was involved in, so I'll just say \$60 million plus or
24 minus ten. I mean, obviously, not minus ten --

25 Richard Larrabee: Okay.

26 Charles Monnett: -- but there could be another 10 to

1 20 million. I'm -- I'm not sure.

2 Richard Larrabee: Okay. And serving as a COR, have
3 you served on both competitive contracts and sole-source
4 contracts?

5 Charles Monnett: I have, but very limited involvement
6 with competitive contracts.

7 Richard Larrabee: So mostly a lot of sole-source?

8 Charles Monnett: Mostly sole-source.

9 Richard Larrabee: Due to the nature of --

10 Charles Monnett: Yes.

11 Richard Larrabee: -- the contracts and so forth?

12 Okay.

13 In your training, your COR training, you obviously
14 learned about who is ultimately responsible for issuing and
15 monitoring a government contract, correct?

16 Charles Monnett: Correct.

17 Richard Larrabee: Okay. And what is the relationship
18 between the contracting officer and a COTR, or COR?

19 Charles Monnett: COR serves at the pleasure of the
20 contracting officer and has no ability to commit funds or change
21 contracts.

22 Richard Larrabee: Okay. So, in a sense, the CO, the
23 contracting officer is the final word --

24 Charles Monnett: That's correct.

25 Richard Larrabee: -- on the contract? They have the
26 ultimate responsibility for the contract, especially since it's

1 their warrant that's going to be --

2 Charles Monnett: Correct.

3 Richard Larrabee: -- signed onto the contract. Okay.

4 As a government COR, whose interests are you assigned
5 to protect, the government or the contractor?

6 Charles Monnett: The government.

7 Richard Larrabee: Okay. So basically you have a duty
8 to protect the government's interest --

9 Charles Monnett: Correct.

10 Richard Larrabee: -- as a COR? I mean, that's sort
11 of your job, right?

12 Charles Monnett: That's my job.

13 Richard Larrabee: As a technical representative.
14 Okay. Let's start off with -- I'm going to ask you the basic
15 process of going forward with the sole-source contract.

16 Charles Monnett: Okay. Can I -- can I add a little
17 clarification --

18 Richard Larrabee: Sure.

19 Charles Monnett: -- on that? On the training, it's
20 widely acknowledged within MMS that our duties as COR's don't fit
21 the normal Government model because we contract science studies.
22 We don't contract hammers and widgets and things.

23 And most of the training and the contractors that we
24 deal with are used to training people in DoD and other big
25 agencies that are involved in procurements of, you know, large
26 volumes of things in a very competitive environment.

1 And so, the training -- and this has been openly
2 discussed repeatedly -- is a poor fit, and the online training is
3 a very poor fit for what we do.

4 In response to that, on at least half of the occasions
5 -- I can't remember exactly, they've designed a special training
6 program that fits us rather than -- or tries to fit us, and it
7 usually is more on the order of a question-and-answer session.

8 So, we have to educate the trainer as to what our
9 issues and problems are because a lot of the things we do don't
10 fit the normal models, and then they try to respond, and a lot of
11 times they simply have no response. They can't give us guidance.
12 So, I just wanted to clarify that.

13 Richard Larrabee: Okay. And so you've gone through
14 some of this, for lack of a better term, more applicable training
15 with MMS?

16 Charles Monnett: Yes. It has --

17 Richard Larrabee: More geared towards the science --

18 Charles Monnett: -- to do with the science --

19 Richard Larrabee: -- contracts that you work on?

20 Charles Monnett: Yes. Science studies.

21 Richard Larrabee: Okay. So you've done that over the
22 years?

23 Charles Monnett: Right.

24 Richard Larrabee: Okay. Okay. Appreciate that.

25 To get back to what I was going to ask you a little
26 bit about, for a sole-source contract, how does it start? I mean,

1 does the idea come from you as a Government employee, "You know
2 what, I think this type of study could be really beneficial for
3 the -- you know, for the agency and the work we are going to be
4 trying to do."

5 Or, does a contractor, a potential contractor or a
6 vendor come to you and say, "Hey, I've got a great idea for what I
7 think I can do"? How does it usually start?

8 Charles Monnett: It varies. It can be both.

9 Richard Larrabee: It can be both.

10 Charles Monnett: Depending upon the type of -- of
11 relationship we have with the vendor.

12 Richard Larrabee: Okay. So it can go either way?

13 Charles Monnett: Some of them are small and don't,
14 you know, require anything specific, and they may start with a
15 letter or an idea coming from a contractor.

16 We also have a relationship with the University of
17 Alaska where everything is sole-sourced. It's competitive.
18 That's a competitive RFP-type procurement, where they all submit
19 proposals, and then --

20 Richard Larrabee: So it's not a sole-source, it's a
21 competitor --

22 Charles Monnett: Well, it is -- it is a sole-source,
23 because the money goes to a cooperative agreement that we have
24 with the University of Alaska, and then the proposals are sorted
25 out by a panel.

26 Richard Larrabee: I got you. It's a sole-source

1 directly to the vendor, the University of Alaska.

2 Charles Monnett: Yes.

3 Richard Larrabee: And then they --

4 Charles Monnett: And then that's --

5 Richard Larrabee: -- do a competitive --

6 Charles Monnett: -- varied, that's evolved over the
7 years. Right now they're awarding them as cooperative agreements,
8 but they were being awarded as task orders that were -- I don't
9 know. You know, I'm not an expert on contracting, so I don't -- I
10 don't know where that fits, exactly.

11 Richard Larrabee: Okay. How does the decision to go
12 sole-source occur?

13 Charles Monnett: Well, that comes from the
14 contracting officer.

15 Richard Larrabee: From the contracting officer?

16 Charles Monnett: Absolutely.

17 Richard Larrabee: So it's not something that you, as
18 a COR, especially, up here in your role in Alaska, you would --
19 you would refer a matter or a potential project or study to them.

20 Charles Monnett: Right.

21 Richard Larrabee: Do you recommend sole-source? Do
22 you say, "You know what, I don't -- you know, I don't think
23 there's too many other people or institutions that could do this
24 type of work. I think this is our guy"?

25 Obviously, the contracting officer is going to have no
26 idea if they're sitting back in D.C., whether or not, you know,

1 there was applicable market research done to see if there's more
2 than one potential source or --

3 Charles Monnett: No, I wouldn't say that's obvious,
4 because some of the contracting officers we worked with for a long
5 time, and they know the -- the nature of our work, they know the
6 individual vendors --

7 Richard Larrabee: Okay.

8 Charles Monnett: -- in some cases.

9 So, normally it starts -- again, depending upon the
10 study, there may have been a process that led to a sole-source
11 award that could have gone on for a couple of years, even. That's
12 very formalized.

13 But for -- well, you know, some -- some studies the
14 COR would make a recommendation and just, you know, say, "Well,
15 we've worked with this person before. This is the only person
16 that can do this project."

17 This other person over here brings a specific
18 advantage to the project. For instance, maybe they're
19 contributing 50 percent of the costs. Maybe we're adding into an
20 ongoing study.

21 My job is to try to do cost-effective, high-quality
22 science for the benefit of the American people. Our issues are
23 identified through a very long and involved process that involves
24 a lot of output from all sources outside.

25 It also means that we're constantly looking for
26 opportunities to cost-share where we have entities that share a

1 common need, like the National Marine Fisheries Service is
2 interested in working on whales in the Chukchi, so we do a lot of
3 what are essentially sole-source interagency agreements.

4 Richard Larrabee: Right. So when you're able to find
5 a good fit like that, the cost-sharing, their ability to do the
6 work, as a COR, that's something, as you mentioned a little
7 earlier, that could be something that you -- when you start
8 reaching out to the procurement office and the contracting
9 officer, you can make -- you know, basically point out those
10 things to them, in other words, sort of making a recommendation of
11 a -- you know, sole-source appears to be the way to go in this
12 type of situation?

13 Charles Monnett: There's normally a phone
14 conversation followed by a draft sole-source justification that
15 the contracting officer reacts to.

16 Richard Larrabee: And is that something you prepare?

17 Charles Monnett: Yes. Not always. Sometimes I
18 prepare it. It just depends upon the contracting officer and what
19 their desires are.

20 Richard Larrabee: So the contracting officer might
21 prepare it, too?

22 Charles Monnett: They've prepared some of them.

23 Richard Larrabee: Okay. That was actually my next
24 question. I was wondering how that works.

25 Charles Monnett: Yes.

26 Richard Larrabee: So you can prepare a draft sole-

1 source justification, provide it to the contracting officer. At
2 that point is there -- do you get sometimes a verbal approval, or
3 do you wait for a formal approval, signed approval, or how does
4 that work, or can it vary?

5 Charles Monnett: It varies. Sometimes we're asked to
6 sign it. Sometimes the COR and the next level supervisors sign it
7 and make the recommendation. Other times it's been handled
8 primarily by the contracting officer and we really haven't seen
9 it.

10 And this can change in the middle of the process. We
11 can go from one type of study to another type of study after they
12 get into it, the contracting people get into it a ways and they
13 realize what the limitations are.

14 And there's been a trend over time towards -- Oh, I
15 don't know how you would say it. -- more formalization, I guess.
16 It's -- they've been, I think, reviewed by outside entities and
17 have had to move away from certain types of contracts.

18 I've been told that we can't do sole-source contracts
19 at all now as of this year.

20 Richard Larrabee: Okay.

21 Charles Monnett: Because of some review that the
22 contracting in a procurement operations branch had, but I haven't
23 been doing one this year. One of my colleagues was doing one and
24 I was just hearing conversations.

25 Richard Larrabee: So, in the past, there have been
26 some sole-source justifications and approvals that have been

1 signed or, quote, unquote, approved simply by a COR or somebody
2 out here? It doesn't --

3 Charles Monnett: No, no. We don't --

4 Richard Larrabee: -- approach you?

5 Charles Monnett: We don't approve anything.

6 Richard Larrabee: You don't approve anything?

7 Charles Monnett: No.

8 Richard Larrabee: You can prepare them, sign them and
9 send them for approval --

10 Charles Monnett: We -- well, yes. We make a --

11 Richard Larrabee: -- for the contracting officer?

12 Charles Monnett: -- recommendation.

13 Richard Larrabee: I got you. But the actual
14 approval, itself, needs to be signed off by the contracting
15 officer?

16 Charles Monnett: Well, I don't know whether they
17 signed it or not, but they receive it and accept it and use it.
18 And then it triggers whatever the -- the next action would be on
19 their part.

20 Richard Larrabee: Okay. So they -- you've never
21 received a signed justification for a sole-source contract from --
22 from the contracting officer back to you saying, "You know what,
23 you're good to go. We've -- we've reviewed it back here in D.C.,
24 and" --

25 Charles Monnett: You know, I just don't remember what
26 -- at that -- once I pass it on, stuff usually spins off into the

1 email ether and I -- I haven't noticed anything like that lately,
2 but --

3 Richard Larrabee: Okay.

4 Charles Monnett: -- it's possible.

5 Richard Larrabee: Okay. But, I mean, obviously you
6 understand that there is -- at some point you make a
7 recommendation and it needs to be approved, it needs to be papered
8 --

9 Charles Monnett: Well, absolutely.

10 Richard Larrabee: -- and the contracting officer is
11 going to sign it -- it might just hit the file and might not come
12 to you, necessarily, but --

13 Charles Monnett: Well, listen. We send the
14 recommendation up usually with a statement of work, and it goes
15 through, first, our branch environmental studies who review it.

16 Richard Larrabee: Yes.

17 Charles Monnett: And then they refer it with their
18 recommendation to the procurement people. And, at the same time,
19 they would prepare a requisition if the study is at that --

20 Richard Larrabee: Okay.

21 Charles Monnett: -- phase.

22 So, the contracting officer has been involved in
23 determining the procedure we use and reviewing this stuff, but
24 eventually it formally is transmitted, a big study, from the
25 regional director with his signature, to Branch of Environmental
26 Studies, then to procurement, with a requisition, which then

1 triggers the final procurement action, which may or may not start
2 with a notice in the Federal Register or FedBizOps is what they
3 use now.

4 Richard Larrabee: Sure. Okay. And actually, that
5 was my next question, but you pretty much sort of answered it --

6 Charles Monnett: Yes.

7 Richard Larrabee: -- statement of work.

8 Charles Monnett: Yes.

9 Richard Larrabee: So that is typically generated
10 early on along with the recommendation for justification, so it
11 goes together as a package --

12 Charles Monnett: It --

13 Richard Larrabee: It probably varied, but --

14 Charles Monnett: Yes.

15 Richard Larrabee: -- is that typical, though?

16 Charles Monnett: It varies a lot. But it is -- The
17 ideas are generally -- well, some portion of them originate with
18 the COR's, some portion with other customers in our department, so
19 analysts and people that would need a certain type of information
20 would -- would prepare -- we work with profiles, they are called,
21 study profiles.

22 It's a two-page description that has the
23 justification, the goals, the methods, other information. And
24 usually, we'll define our initial notion of how the procurement
25 might be handled. And so, there's some interaction between my
26 boss and the next level is -- they sort out in a very early phase,

1 as to whether this is likely to be competitive, an interagency
2 agreement, a cooperate agreement, a sole-source, a CMI, Coastal
3 Marine Institute Study, all these different mechanisms.

4 But, that can all change at any point before it's
5 procured, depending upon what's in the minds of the contracting
6 department.

7 Richard Larrabee: Okay. Who is -- who prepares the
8 statement of work? It -- well, the Government, generally, is that
9 correct, and then it's kind of a -- you work together with others,
10 potentially --

11 Charles Monnett: Yes, it --

12 Richard Larrabee: -- and say, "Hey, what do we think
13 we should try to cover in this --

14 Charles Monnett: It depends, again, upon the nature
15 of it. If it's a truly competitive procurement where we expect to
16 hold a competition and issue an RFP and bring people in --

17 Richard Larrabee: Yes.

18 Charles Monnett: -- then it's prepared in a -- let's
19 say a confidential environment where the -- the statement of work
20 is completely finalized and eventually is sent to the contractor
21 as an RFP.

22 But, there are inputs to that. Sometimes if the COR
23 has no idea of what a study will cost, for instance --

24 Richard Larrabee: Sure.

25 Charles Monnett: -- then we're encouraged to reach
26 out to somebody on the outside and get some inkling of --

1 Richard Larrabee: Does that fall into the market
2 research idea? Basically you reach out to industry --

3 Charles Monnett: I guess.

4 Richard Larrabee: -- and get an idea generally of
5 what it will cost?

6 Charles Monnett: I guess.

7 Richard Larrabee: Do you reach out to one particular
8 potential vendor, or do you reach out to multiple vendors --

9 Charles Monnett: Well, we reach out --

10 Richard Larrabee: -- to get a good idea?

11 Charles Monnett: It's at our discretion, and we
12 usually have worked with people that would have some idea. So, if
13 I want to know what a particular piece of equipment was costing
14 and, you know, we do a lot of work where we're using satellite
15 time.

16 Richard Larrabee: Yes.

17 Charles Monnett: Then I would reach out to somebody
18 that I would regard as having had previous experience with that,
19 and they would give us those numbers roughly, and then we would
20 use that develop our budget that we would submit, then, before we
21 do a statement of work, usually, as -- as part of our budgetary
22 planning process.

23 Richard Larrabee: Okay. Does that also sort of serve
24 as your independent Government cost estimate at the same time?
25 You're basically going out and seeing what things cost and then
26 provide that to the procurement office?

1 Charles Monnett: Well, different people do -- do that
2 differently. We do a -- on certain studies, particularly the ones
3 that we don't have a cooperative relationship that we're trying to
4 develop.

5 Richard Larrabee: Yes.

6 Charles Monnett: The COR prepares a spreadsheet that
7 I think we refer to as the Government cost estimate. I rarely do
8 that because the vast majority of my studies are cooperative in
9 nature and have the other side bringing, usually, very substantial
10 resources to the table.

11 And so, the Government cost estimate -- I mean, I've
12 asked them about this and they said I didn't need to do it because
13 the Government cost estimate would be based on numbers that you
14 literally pull out of a book and --

15 Richard Larrabee: Especially when you're buying
16 hammers and widgets and all that kind of stuff.

17 Charles Monnett: I've done this, you know, and
18 they'll say "A scientist five costs so much an hour," and, you
19 know, it's very ritualized, I guess --

20 Richard Larrabee: Yes.

21 Charles Monnett: -- would be a way to say it. And
22 it's -- it's very nonsensical when you're dealing with science
23 studies of this type.

24 If you're dealing with a science study that is a
25 contract with one of the big consulting firms, then you can use
26 those guidelines, because they actually follow those guidelines in

1 determining their costs. They know what they're allowed to
2 charge, those costs are --

3 Richard Larrabee: What would be reasonable --

4 Charles Monnett: Yes. So, they say, "We're going to
5 put a scientist five on this, and the scientist five can cost,"
6 you know, a certain amount. That's predetermined.

7 Richard Larrabee: Okay.

8 Charles Monnett: Same with overheads and other
9 things.

10 Richard Larrabee: To get back to the statement of
11 work, after the statement of work is finalized -- I mean
12 finalized.

13 Charles Monnett: Yes.

14 Richard Larrabee: What happens next? Then you get
15 into the -- you mentioned the Fed Biz Ops, and then you get into
16 the RFP stage, is that how it typically progresses?

17 Charles Monnett: Usually, yes. But let's go back to
18 the statement of work.

19 Richard Larrabee: Okay.

20 Charles Monnett: Because we really didn't touch on
21 the complexity of that. A lot of times the statement of work
22 actually refers to an appended proposal. And the methods and a
23 lot of the details of the research project to be carried out are
24 in that proposal.

25 It's that way with all of the interagency agreements,
26 and I think some of the cooperative agreements would be that way.

1 When we do -- where was I headed? I've lost my train
2 of thought here. But, anyway, that was a point that -- that the
3 statement of work and the budget aren't necessarily separated from
4 the actual proposal when we're developing a cooperative project
5 because we need to reflect the contribution of the other side in
6 all that.

7 And I'm a Ph.D., and I'm an expert in science, but I'm
8 not always an expert in all the technical details of these
9 disciplines. Some of them are cutting-edge, highly-technical
10 disciplines that we desire to have the scientists lead us on these
11 things.

12 So, we generally develop a profile, this two-page
13 profile which normally would take it about as far as I would want
14 to go on most of my contracts. In other words, it describes the
15 very basic methods.

16 They are going to satellite-tag a bunch of whales. It
17 will say -- my guess, 25 whales. And then it will cross-reference
18 a proposal that will put all the details about that -- that
19 process in.

20 And we do have some studies that we've developed
21 through the Coastal Marine Institute that start out as a task
22 order with the goal being to produce a proposal -- this is stated
23 right in there -- that we then expect to procure through a sole-
24 source procurement.

25 I have major, really big important studies that are
26 procured that way.

1 Richard Larrabee: Okay. So -- because I was just
2 going to get into next -- if you go through the point of an RFP
3 being issued, a request for proposal, right?

4 Charles Monnett: Right.

5 Richard Larrabee: In the typical contract process,
6 you get a statement of work finalized. A request for proposal is
7 issued, a formal one is issued, and that's when anybody's who's
8 interested, and obviously the sole-source justification has
9 already gone through, you've already identified a potential
10 vendor, contractor.

11 Charles Monnett: Right.

12 Richard Larrabee: Is that when that institution or
13 person starts preparing their proposal and saying, "All right.
14 This is it. This is the request for proposal. I've got a
15 statement of work. Now I've got to start getting my proposal put
16 together to respond to that statement."

17 Charles Monnett: Well, not necessarily. Again, it
18 would depend upon the degree of cooperation, cost-share, all the
19 details in it. And again, these things can change in midstream.

20 Richard Larrabee: Okay. Is there any instance
21 wherein the vendor could start preparing their proposal before the
22 RFP is issued?

23 Charles Monnett: Well, I just gave you one. The
24 whale study. And I've had a number of studies like that where
25 they were highly political, highly complex. They involved
26 sometimes cost-share or something even more important, which is a

1 consensus buy-in by a political unit, like the Natives, possibly
2 their involvement, if we want them to play some critical role in
3 the whale study, they actually tag the whales.

4 Richard Larrabee: Okay. So, in that situation they
5 could be already basically putting their proposal together before
6 --

7 Charles Monnett: It's an --

8 Richard Larrabee: -- an official RFP is issued or
9 even a statement of work?

10 Charles Monnett: Yes. You can't do this in a vacuum.
11 The environment is so political and has such a high requirement
12 for, you know, involvement by outside groups to have any chance of
13 success, that you really have to do it as a negotiation the whole
14 way.

15 And so, in that case, the easiest mechanism was to
16 encourage someone that had the rapport with the Native community
17 to work with the Native community, create a consensus that they
18 wanted to participate, build that consensus through a series of
19 meetings, lots of conversations, create a proposal, create a
20 budget.

21 It's all right there before the next study even gets
22 going, but the next study is a sole-source to fund that work.

23 Richard Larrabee: Okay. So, basically, based on your
24 years of training and so forth, is it proper to send a vendor a
25 copy of a statement of work before the RFP is issued?

26 And I think you basically sort of answered, said,

1 "Yes, we need to work all on it together," so that's --

2 Charles Monnett: I've been --

3 Richard Larrabee: -- that is appropriate.

4 Charles Monnett: I've been directed at times, you
5 know, by the CO and by other high officials in my agency to
6 proceed that way.

7 Richard Larrabee: To send some -- a vendor a draft
8 statement of work before an RFP is issued?

9 Charles Monnett: So they can get started because we
10 need to try to meet some deadline to get the project in the field,
11 and there are huge lags.

12 Richard Larrabee: Okay. So you've been directed by
13 contracting officers to do that?

14 Charles Monnett: I have been directed by contracting
15 officers and high officials in my agency.

16 Richard Larrabee: You know, ultimately, of course,
17 the vendor is responsible for preparing their proposal in -- you
18 know, in response to an RFP or start getting going early based on
19 how you are approaching it.

20 Based on your training, is it proper for the
21 government official responsible for preparing the statement of
22 work to advise and assist the vendor in preparation of their
23 actual proposal?

24 Charles Monnett: I would say absolutely.

25 Richard Larrabee: Before the vendor actually submits
26 a proposal?

1 Charles Monnett: I would say we interact closely in
2 that, especially given that often the proposals are appended to
3 the statement of work.

4 Richard Larrabee: Okay. So you can assist the
5 contractor in preparing a proposal?

6 Charles Monnett: I provide details on required
7 deliverables. A lot of times, if you look at interagency
8 agreements, for instance, which are sole-source, the model is that
9 the statement of work and the proposal are -- include a lot of
10 identical language that -- that are the things that my agency has
11 to have, like all the deliverables, the timetables, details about
12 media. There's a ton of stuff.

13 And that's all picked up and actually plunked right
14 into that proposal, and then the interagency agreement itself
15 refers back to the proposal because the unique part that the
16 contractor in this case has developed are the details of the
17 methodology and how they are going to satisfy it.

18 So, it will say, "The vendor will do this," and then
19 the proposal will say, "This is how the vendor will do it." You
20 know, "We will do it, blah, blah, blah." And a lot of times it's
21 just changing the words.

22 So, yes, in many of these things there's a close
23 collaboration to try to make the science as high-quality as
24 possible to try to make it financially as efficient as possible,
25 and it's worked very well.

26 Richard Larrabee: And so basically assisting them in

1 preparing their own proposal is appropriate?

2 Charles Monnett: If --

3 Richard Larrabee: Fine. But, you know, based on the
4 --

5 Charles Monnett: I don't know any other way you could
6 define it. You would have to call it "assisting," when they're,
7 you know, pulling the requirements for deliverables and things out
8 of --

9 Richard Larrabee: Well, assisting them in drafts --
10 you know, with drafts and so forth --

11 Charles Monnett: Yes.

12 Richard Larrabee: -- to make it as best a proposal as
13 possible.

14 Charles Monnett: There's some back-and-forth, yes.

15 Richard Larrabee: Okay. Who, for the government,
16 evaluates the proposal in order to ensure that it meets the
17 minimum qualifications of a statement of work or RFP? I mean,
18 whose job is it to evaluate and say, "You know what, this is good
19 enough?"

20 Charles Monnett: Well, the COR normally would hold a
21 TPEC and would make a recommendation with, you know, other members
22 of the TPEC, but I would argue that the other parts of the
23 organization, depending upon the proposal, and certainly, the
24 contracting officer reads through it and makes recommendations.

25 I've actually seen them change language in proposals,
26 and I've seen a subject matter experts in the branch of

1 environmental studies change details in the proposal because
2 there's something about it that -- that didn't fit the sort of
3 standard the agency wanted.

4 Richard Larrabee: The TPEC standing for Technical
5 Performance --

6 Charles Monnett: Proposal --

7 Richard Larrabee: -- Evaluation Committee?

8 Charles Monnett: Proposal Examining Committee.

9 Richard Larrabee: Proposal Examining Committee.
10 Okay.

11 Charles Monnett: Yes. When we get a sole-source or
12 something like that we form a less -- a less formal TPEC than we
13 would if we were reviewing a bunch of --

14 Richard Larrabee: Competitor --

15 Charles Monnett: -- proposals from competitors.
16 That's a very, very formalized process.

17 Richard Larrabee: But if it's sole-source it's not as
18 formalized?

19 Charles Monnett: No. We get the proposal ultimately
20 from the contracting officer, whatever the final --

21 Richard Larrabee: Yes, sure.

22 Charles Monnett: -- thing is, and then we're given
23 directions on the standards that were used to evaluate it.
24 Usually there's a bunch of categories. And usually two or three
25 people review it and feed back to the chair who writes a summary
26 document and refers them to headquarters with a recommendation.

1 Richard Larrabee: So, depending on whether or not the
2 sole-source or a competitive, the TPEC plays different -- goes by
3 different rules? If it's competitive it has to be much more --

4 Charles Monnett: Yes.

5 Richard Larrabee: -- formalized. If it's not
6 competitive, it doesn't have to be that formalized.

7 Charles Monnett: Yes. I -- it seems like sometimes
8 they want different things on different studies, but I have -- I'm
9 fuzzy on that, you know.

10 Richard Larrabee: After the TPEC says, you know, this
11 meets minimum qualification, what sort of happens next? Is that
12 it? The contract is awarded or --

13 Charles Monnett: Typically, I would say, if there's
14 something that needs to be changed in there. But usually, in a
15 study that's been developed, you know, in a cooperative fashion,
16 it's pretty polished at that point.

17 Richard Larrabee: Okay. How do modifications come
18 about in the -- you know, in that process you can obviously
19 articulate --

20 Charles Monnett: Yes.

21 Richard Larrabee: -- you know, what they are and --

22 Charles Monnett: Well, the amount of --

23 Richard Larrabee: And my next question is: Who sort
24 of proposes them? Is it a vendor or the government proposes them?
25 How does that work?

26 Charles Monnett: Well, they can come either at the

1 request of the government or at the request of the vendor.
2 Typically, a vendor will want an extension of time. That's the
3 one we see the most often. They want six more months or three
4 more months.

5 It may start with a phone call, but it is initiated by
6 a written request from the vendor, which is then forwarded from
7 the COR with a recommendation to our Branch of Environmental
8 Studies who then review it and forward it to the contracting
9 officer with their recommendation.

10 And then the contracting officer is the ultimate
11 authority. They may come back to the COR and ask for additional
12 information or even a modification of the request.

13 In other cases, if -- if the department has decided
14 that there is something that we need that's different, then we
15 might initiate it. We might go to the vendor and say, "We need
16 this extra product, or we need this modification in -- you know,
17 in something, and then -- I don't know, it would be -- it would be
18 worked out different ways. It's --

19 Richard Larrabee: Whose job is it to ensure the
20 contractor's performing under the contract? Not the ultimate --

21 Charles Monnett: The contractor.

22 Richard Larrabee: Yes. It -- the contracting
23 officer, but is it the COR -- the COR's job, more or less, to --

24 Charles Monnett: Well, the --

25 Richard Larrabee: -- sort of monitor the ongoing of
26 the contract?

1 Charles Monnett: -- COR monitors. The contracting
2 officer assures, I would say.

3 Richard Larrabee: Okay.

4 Charles Monnett: The COR can make recommendations,
5 but the contracting officer is normally copied on all progress
6 reports and there's a lot of communication and forwarding of
7 intermediate products, you know, between both the contractor, the
8 COR and the contracting officer.

9 So I'd say generally the contracting officer is pretty
10 aware of --

11 Richard Larrabee: Right.

12 Charles Monnett: -- where things stand.

13 Richard Larrabee: And the COR sort of serves in that
14 respect as a conduit for getting information back to the
15 contracting officer, but they are the ones who ultimately say,
16 "All right, everything's --

17 Charles Monnett: The contracting officer --

18 Richard Larrabee: Along with the advice and your --

19 Charles Monnett: Right.

20 Richard Larrabee: -- your observations. "Hey, things
21 are going good. There's some issues" --

22 Charles Monnett: It's my job to monitor it fairly
23 closely and, you know, to make those phone calls and say, "Well,
24 did you get into the field on schedule" --

25 Richard Larrabee: Yes.

26 Charles Monnett: -- or, "How's it going?" You know,

1 you're in the field.

2 Richard Larrabee: In the field --

3 Charles Monnett: Satellite phone. You know, "Did you
4 tag any bears today?" And that varies from study-to-study. Some
5 studies I have contact with almost every day that are that are
6 flying for six months at a time.

7 I'm getting reports back. The contractor may indicate
8 they don't want to get all those details at that level, but they
9 certainly get the major: the quarterlies, the annuals.

10 Many of the studies now have websites that have been
11 created where data are posted within a day of when they're taken.
12 Almost all the aerial surveys do. Some of the satellite tagging
13 studies do. That's just the new --

14 Richard Larrabee: Another way to monitor?

15 Charles Monnett: Well, the whole world can monitor
16 it.

17 Richard Larrabee: Sure.

18 Charles Monnett: And some of these studies have
19 emails lists of 500 people, you know, that get their weekly report
20 or their daily report. It's highly visible.

21 Richard Larrabee: Okay. I'd like to talk to you --
22 start talking about a specific contract and I think you're already
23 a bit aware of which particular contract. This is the actual
24 contract that I'm handing over to you. It's Contract No. 1435-01-
25 05-CT-39151.

26 Who is the contracting officer on that contract?

1 Charles Monnett: Well, there have been several. It
2 started with Jane Carlson, who is the head contracting officer.
3 She retired in -- I think in January, at about the time we were
4 sorting some of this out.

5 Richard Larrabee: January '05? 2005?

6 Charles Monnett: Yes. I don't remember exactly what
7 --

8 Richard Larrabee: But the actual contracting officer
9 who's signing the actual report --

10 Charles Monnett: Well, then -- yes. Then Debora
11 Bridge is a contract specialist.

12 Richard Larrabee: Right.

13 Charles Monnett: And she actually didn't sign it.
14 She's the one that -- that I would have worked with right here.

15 Richard Larrabee: Yes. Sure.

16 Charles Monnett: Celeste Rueffert is the contracting
17 officer. She's the senior. She replaced Jane Carlson.

18 Richard Larrabee: Right. Okay. So she's -- Rueffert
19 is the contracting officer?

20 Charles Monnett: Apparently for this one, yes.

21 Richard Larrabee: Okay. And you were the -- you are
22 the contracting officer's representative, correct?

23 Charles Monnett: I probably was the contracting
24 officer's technical representative on this one.

25 Richard Larrabee: Technical representative, yes. So
26 essentially you were in charge of day-to-day operations of the

1 contract as a technical representative of the government and
2 report all the material contract matters to the contracting
3 officer for her approval?

4 Charles Monnett: Well, a lot of the stuff goes
5 directly to her. So --

6 Richard Larrabee: Okay.

7 Charles Monnett: But a lot of it passes through me
8 with my recommendation.

9 Richard Larrabee: Right. Right. And she's the final
10 word. She's the contracting officer?

11 Charles Monnett: She has the final word, right.

12 Richard Larrabee: How did the idea for this contract
13 come about? You don't need to get into specific dates and so
14 forth.

15 Was this something that you talked to the vendor a bit
16 about or you had a -- you had some thoughts of what you wanted to
17 get done?

18 Charles Monnett: No. No. This -- this project came
19 about because of a concern that I had that developed over several
20 years, that the -- the internationally-acknowledged standard for
21 polar bear stock boundaries -- there's 19 polar bear stocks in the
22 world -- appeared to me, because of work I did on some modeling
23 studies, looking at the potential recovery of polar bears after an
24 oil spill.

25 You need a -- you need a meaningful biological unit to
26 model recovery. In other words, you have to know where the bears

1 come from, where they go to, and usually a stock or a population
2 designation encompasses that.

3 But because polar bears are political you had a lot of
4 arbitrary boundaries drawn between the US and Russia and the US
5 and Canada, all over. And so, they are really meaningless.

6 And so we did some work that involved a recovery model
7 that I didn't like. I was critical of it. I managed the contract
8 but I didn't like the result because it didn't recognize real
9 biological units.

10 And so I had in my mind the idea that we needed a
11 study that would evaluate and potentially redefine the standards,
12 international standards for these stocks.

13 Richard Larrabee: Now, are you considered a polar
14 bear expert yourself or -- you know, I don't know what the
15 criteria is for that --

16 Charles Monnett: I don't know. Have you read the
17 press? I'm considered a celebrated scientist, a polar bear
18 campaigner. Best one --

19 Richard Larrabee: How about I ask you? I'm not
20 asking the press.

21 Charles Monnett: I'm -- the word "expert" is very
22 hard to define. I have enough status in polar bears that I issue
23 millions of dollars worth of contracts and play a very significant
24 role in determining the research agenda of the U.S. Fish and
25 Wildlife Service, the Biological Research Division and, you know,
26 researchers in other places.

1 So, I am enough of an expert that I can call a meeting
2 and have all those people attend.

3 Richard Larrabee: All right, fair enough.

4 Charles Monnett: And do that. So, I wouldn't call
5 myself polar bear expert, but I suspect some people would. And my
6 agency probably would consider me to be the agency's polar bear
7 expert and -- at least for research.

8 Richard Larrabee: Okay. I didn't mean to get you
9 off-task. But you were talking about the --

10 Charles Monnett: So I was talking about genesis of
11 this.

12 Richard Larrabee: Yes.

13 Charles Monnett: So I had an idea in mind for a need
14 that had been identified through the normal pathways. In early
15 September of '04, on another contract I managed, the Fish and
16 Wildlife Service held a workshop to monitor -- to work on
17 developing standards for monitoring polar bears, monitoring the
18 status of their populations.

19 And at that meeting, which a lot of the polar bear,
20 you know, biologists in North America were present at, I met Andy
21 Derocher and discovered that he and the Canadian Wildlife Service
22 were collaborating on a massive capture effort in the Canadian
23 Beaufort, and their goal was to capture like two or three hundred
24 polar bears.

25 And over the next couple of months I realized that
26 that was a unique opportunity. People don't catch that many

1 bears. So, you normally can't be that selective of the types of
2 bears that you would work with.

3 The study I envisioned was to -- it actually goes back
4 to my roots and my Ph.D. and other work I'd done earlier -- was to
5 use the movements of animals, particularly young animals, to
6 define the population boundaries.

7 In other words, if we could look at what's called
8 effective dispersal, which is young animals that are born in an
9 area and then go somewhere and eventually reproduce there,
10 effective dispersal can be used to define a stock.

11 And so I thought that here was a unique opportunity,
12 because they are handling all these bears, to have them select
13 young animals and tag those young animals and then we would
14 attempt to design the study so that the animals carried their
15 collars for, you know, multiple years, long enough to see what
16 they did as they went through the early stages of their life, and
17 maybe even if we got lucky, eventually reproduce.

18 Now, I fully expected that the animals would be more
19 mobile than, you know, commonly thought and that it probably
20 wouldn't be very hard to disprove the idea that these stock
21 boundaries were realistic. There was other data that led me to
22 believe that.

23 So, I wrote a profile in October -- so the meeting was
24 in September. So I wrote a draft profile, this two-page document
25 which, in -- oh, I don't know, August or September, we started our
26 cycle of preparing profiles for the coming year.

1 We get a call, basically, from the person that handles
2 our study plan, who says, "Okay, gang, it's time to start this
3 process." Every year we start the process.

4 So, I developed this proposal. I know I had a revised
5 draft on October 16th that outlined the details of this study. It
6 said that it would be an interagency agreement and it's -- and the
7 number one method was that we would develop a collaborative
8 relationship with the University of Alberta and Canadian Wildlife
9 Service to develop this study, taking advantage of this massive
10 effort that they had, with the expectation that their efforts
11 would provide about half of the funding.

12 I don't think that's spelled out anywhere, but that's
13 what it amounts to because it's a lot of helicopter time and other
14 -- other time.

15 Richard Larrabee: And this is October 2003?

16 Charles Monnett: Three.

17 Richard Larrabee: Okay.

18 Charles Monnett: Right.

19 Richard Larrabee: Okay. And at that point did he
20 give you -- provide cost estimates and so forth or -- Mr.
21 Derocher. I'm referring to Mr. Derocher.

22 Charles Monnett: Yes. I was directed by the studies
23 plan coordinator, as was everybody else, to begin to assemble the
24 budgets and I don't believe that it said government cost
25 estimates. Budgets, that's how we think of it.

26 Richard Larrabee: Yes.

1 Charles Monnett: Which we will use, then, when we
2 send our recommendation forward -- we have a process where we look
3 at as many as a hundred of these profiles in a year and we sort it
4 out internally by holding meetings and people vote on them, and
5 then we end up with a short list.

6 And the studies, then, are passed forward on -- with a
7 recommendation for something called our national studies list.
8 And at the same time, then, we usually send forward our
9 recommendations as to what we think they will cost, and those are
10 usually pretty big, round numbers and they can change a lot.

11 And then ultimately the studies list will be approved
12 by the -- somebody at a very high level, maybe the director.

13 Richard Larrabee: And at what point does the
14 statement of work get created? Or, were you going to get to that
15 point?

16 Charles Monnett: Well, I don't know if that was part
17 of the question, but --

18 Richard Larrabee: It wasn't, but I didn't know if you
19 were going to --

20 Charles Monnett: The statement of work varies a lot.
21 Sometimes those --

22 Richard Larrabee: Well, this particular -- this
23 particular contract.

24 Charles Monnett: Yes.

25 Richard Larrabee: Did you create the statement of
26 work for this particular contract?

1 Charles Monnett: Yes. The statement of work. I'm
2 trying to remember. I think the --

3 Jeff Ruch: We're having trouble hearing.

4 Charles Monnett: Okay. I'm trying to recall when the
5 statement of work on this particular study was started, and I had
6 written down a little chronology, Jeff, and guys, so I could
7 remember some dates, because I didn't want to really screw that
8 up.

9 Okay. So, in December. By December 20th of -- what
10 was this, '03 we're talking about, I guess -- I had sent a draft
11 statement of work to a number of people for review.

12 Richard Larrabee: Okay.

13 Charles Monnett: Including headquarters.

14 Richard Larrabee: Okay.

15 Charles Monnett: So it probably took me, you know, a
16 couple of weeks to develop that.

17 Richard Larrabee: Did you send the draft statement of
18 work to Derocher at that time, too?

19 Charles Monnett: I sent the -- I had a conversation
20 with Carlson on that date and forwarded it to everybody here, and
21 at that time she said that I could go ahead and send it to him,
22 send him the draft, so that he could get started on preparing his
23 proposal.

24 Richard Larrabee: Okay. Did he -- when you sent him
25 the draft did he have any feedback to you about the statement of
26 work? Did he provide any thoughts or suggestions on how to

1 improve that statement of work?

2 Charles Monnett: No, I don't think so. I think it
3 was more the other way.

4 Richard Larrabee: You provided a --

5 Charles Monnett: I provided it. He used it. He
6 started working on his proposal. I think I heard back from him
7 that he had a draft sometime in January, but it was a very
8 incomplete draft, it turned out.

9 Richard Larrabee: Okay. So you did provide him
10 before -- you provided to him the statement of work before the
11 request for proposal was issued, and you suggested to him he start
12 preparing a draft proposal in response, and you said --

13 Charles Monnett: Yes.

14 Richard Larrabee: -- you talked to Jane Carlson about
15 it?

16 Charles Monnett: Well, Jane and the head contracting
17 officer. The chief scientist of the agency also acknowledged it.
18 My boss, the supervisor here -- I was basically directed to
19 provide him with the statement of work.

20 Richard Larrabee: By who? Who directed you?

21 Charles Monnett: Jim Kendall.

22 Richard Larrabee: Jim Kendall.

23 Charles Monnett: The chief scientist who is our
24 regional director here now.

25 Richard Larrabee: Okay. He directed you to go ahead
26 and do that?

1 Charles Monnett: Yes. He told me in an email dated
2 on the 21st that Jane had said it was okay to do it, and that I
3 should do it, but I had already done it the day before because
4 Jane had told me it was okay.

5 Richard Larrabee: Okay. Did he -- so Derocher did
6 prepare a draft. You said it was a -- turned out to be a very
7 rough draft, and he provided it to you in January?

8 Charles Monnett: I don't -- I don't -- No, he didn't
9 provide it to me. I didn't see it. I don't -- I don't recall
10 seeing a draft. I may have, but it -- what happened was there
11 were a number of delays, that started at our end.

12 We were hoping to get him in the field in 2004, and
13 get the procurement going and at least get him started. But there
14 were a number of delays that then led to him going into the field
15 himself, which then led to further delays, and then everything got
16 complicated because we changed -- we went to some new computer-
17 based procurement system.

18 I don't really know anything about it, but it's
19 something that all the vendors and contractors have to deal with,
20 and he had a very hard time figuring out how to fill that out.
21 And I know there was a lot of correspondence between him and
22 Debbie Bridge.

23 Richard Larrabee: Debbie Bridge. Jane Carlson had
24 moved on?

25 Charles Monnett: Jane Carlson had moved on. Debbie
26 took over the end of February.

1 Richard Larrabee: Okay. And you served as the -- on
2 the TPEC for this particular contract, is that correct?

3 Charles Monnett: Yes.

4 Richard Larrabee: You were the chair on the TPEC?

5 Charles Monnett: Yes.

6 Richard Larrabee: Okay. So, as one of your duties as
7 TPEC chair was to review the ultimate proposal submitted by
8 Derocher?

9 Charles Monnett: Well, I recommended the other
10 members of the committee. In this case, there was only one, and I
11 had, as I recall, communication with the CO about the process.

12 Richard Larrabee: Yes.

13 Charles Monnett: I think so. I can't remember
14 exactly.

15 Richard Larrabee: So you served as the chair of the
16 TPEC, with one other member?

17 Charles Monnett: I served -- yes, we both reviewed
18 it.

19 Richard Larrabee: And you wrote --

20 Charles Monnett: We wrote a proposal.

21 Richard Larrabee: -- a proposal?

22 Charles Monnett: Yes.

23 Richard Larrabee: That was your responsibility, was
24 to review the proposal --

25 Charles Monnett: Yes.

26 Richard Larrabee: -- to ensure it met the minimum

1 qualifications, the statement of work and --

2 Charles Monnett: Well, we reviewed it against a set
3 of standards that -- that we were, you know, provided, that --

4 Richard Larrabee: Right. Right. And this is your
5 duty to protect the government interest --

6 Charles Monnett: Correct.

7 Richard Larrabee: -- in potential awarding of a
8 government contract?

9 Charles Monnett: And then I would -- I would take the
10 other person's review and make a recommendation which I would
11 share with the other person and then forward it on.

12 Richard Larrabee: So your duty as a chair of TPEC is
13 to be as objective as possible, I assume?

14 Charles Monnett: Yes.

15 Richard Larrabee: In protecting the government's
16 interest, and you go out of the way to ensure there's no
17 appearance of bias or favoritism towards any particular --

18 Charles Monnett: Well --

19 Richard Larrabee: -- proposal or vendor or anything
20 like that?

21 Charles Monnett: Those are -- those are weird words.
22 It's my job to identify research needs and then try to address
23 them by doing high-quality, cost-effective science.

24 If I have done my job, and have found something that
25 is extremely cost-effective and has the best scientists in the
26 world involved in it, and it's already been essentially approved

1 as a sole-source, by then it would have been advertized, you know,
2 in Fed Biz Ops or something.

3 Richard Larrabee: Fed Biz Ops, yes.

4 Charles Monnett: So nobody had any problems with it.
5 Then I would say that it's my job to support my position on it.
6 I've already been -- I've already dealt with the objectivity when
7 I -- when I determined that the contractor, you know, was by far
8 the best set of circumstances.

9 Richard Larrabee: And that was -- and you identified
10 that when you provided your memorandum in support of a sole-source
11 justification?

12 Charles Monnett: That was -- exactly.

13 Richard Larrabee: Okay.

14 Charles Monnett: It spells it all out in there, and
15 it spelled it out in the -- some of the -- to some extent in the
16 profile and in the statement of work.

17 Well, not in the statement of work, but in the --
18 well, in the statement of work I think it said that.

19 Richard Larrabee: Okay.

20 Charles Monnett: It actually identifies the
21 relationship and the value of having this -- buying into an
22 ongoing project that's going to contribute a million dollars and
23 do something that no one else in the world can possibly do.

24 Richard Larrabee: All right. So, regarding this
25 contract -- we covered this a little bit before, but specific to
26 this contract, did you offer to assist Derocher in preparing his

1 proposal and actually provide him such assistance before he
2 formally submitted it to the government, in response to the RFP?

3 Charles Monnett: I think, other than sending the
4 statement of work, probably not. I don't -- I don't recall --

5 Richard Larrabee: You don't recall giving him advice
6 on how to -- you know, actually helping him prepare it, get a
7 draft, give him comments?

8 Charles Monnett: You know, I don't remember that. I
9 don't remember doing that.

10 Richard Larrabee: Okay.

11 Charles Monnett: I don't --

12 Richard Larrabee: But based on your training, is that
13 appropriate, if you were to do that?

14 Charles Monnett: I would say in this case, since it
15 was a shared project where they were paying half of the funds,
16 addressing a need that both parties had, that it wouldn't be out
17 of line for me to look at a draft of his proposal to make sure
18 it's consistent with --

19 Richard Larrabee: Before he submits a formal
20 proposal?

21 Charles Monnett: Yes.

22 Richard Larrabee: Of course, you look at it after he
23 submits it, but --

24 Charles Monnett: Well, of course, I do. And I could
25 have modified it -- you know, make request for modifications at
26 that stage as well.

1 Richard Larrabee: So --

2 Charles Monnett: But I don't remember having done
3 that. I think -- I think, with Andy, and I don't want to be
4 accused of lying here, because this was eight years ago, guys.

5 I think that Derocher had the statement of work. It
6 was a good, complete statement of work in-hand, and he was having
7 -- he was very busy and was having trouble getting the whole
8 package done. I just remember it dragging on for a long time.

9 I remember him getting help at some phase from the
10 contracting officer to fill out online forms and --

11 Richard Larrabee: Okay.

12 Charles Monnett: -- all that stuff, but I do not
13 remember having to make any specific suggestions. There were a
14 few surprises in the proposal. It was a little higher than what I
15 targeted, especially in the early years.

16 Richard Larrabee: But you simply just don't recall
17 whether you gave them assistance in actually the proposal itself?

18 Charles Monnett: Well, let me look and see if I've
19 got a note on it here.

20 Richard Larrabee: If he sent you a draft and you --
21 you gave him some -- some thoughts, comments, suggestions. And,
22 if you don't recall, that's fine.

23 Charles Monnett: Well, all I've got that I -- that
24 I've been able to discover -- and, listen, this stuff -- you guys
25 were very nice on this. You know, contrary to the last one where
26 I didn't have a clue, the scientific misconduct, on where you were

1 coming from.

2 For some reason, on this one, it's a -- potentially a
3 criminal proceeding. You let me have a chance to organize my
4 thoughts, and so I tried to go back and tried to refresh my memory
5 from my email, but most of this is based on me looking at old
6 emails which you probably all have.

7 And so my memory is very, very incomplete on this.
8 And I can't say that I saw any indication. I have a note here
9 that I had a message from Derocher in early January saying he had
10 a draft proposal, and then it went into the -- you know, Bridge
11 was assigned.

12 There was an RFP on April 5th. That's as far as I
13 discovered. If you tell me that you found something that said
14 that we had an exchange then, you know, --

15 Richard Larrabee: Okay.

16 Charles Monnett: -- it's possible.

17 Richard Larrabee: Well, I just want to ask you those
18 questions. I am going to go ahead and read a couple of emails.

19 Charles Monnett: Sure.

20 Richard Larrabee: And it sounds like the same emails
21 you've --

22 Charles Monnett: Yes.

23 Richard Larrabee: -- you came across.

24 Charles Monnett: Okay.

25 Richard Larrabee: I'm going to read a couple of
26 emails into --

1 Charles Monnett: Okay.

2 Richard Larrabee: -- onto the record. And actually,
3 I'll go right ahead and do that right now. The first one is dated
4 November 24th, 2003, and obviously, I'll give this to you, and it
5 sounds like you -- because you even needed these --

6 Charles Monnett: That's the one where he's responding
7 to a budget.

8 Richard Larrabee: You got it.

9 Charles Monnett: Yes.

10 Richard Larrabee: He said, "Hi, Charles," -- this is
11 Derocher writing to you. "Here is a rough-cut at a yearly budget.
12 The numbers you have in place look good, but possibly just a bit
13 high. However, there are some additional costs in those years
14 where the number of callers running exceed the 15 from the first
15 year and this part of the column would take another 20 to 30k per
16 year in years two, three and four, and push the number up to CA
17 250.

18 "There are means of going somewhat cheaper if need be.
19 I don't think I missed any major items. I worked in some
20 helicopter time to allow specific checks on individual bears to
21 verify collar fit, drop off function and collar pick-up. Let me
22 know if there's anything else, but from what I read, the proposal
23 looks good. Cheers. Andy."

24 Charles Monnett: Yes.

25 Richard Larrabee: And I'll just let you take a look
26 at it.

1 Charles Monnett: Yes, I'm --

2 Richard Larrabee: You confirm that that, indeed, is
3 the --

4 Charles Monnett: I'm familiar with that.

5 Richard Larrabee: Okay.

6 Charles Monnett: Yes, that's essentially the first
7 email that I could find.

8 Richard Larrabee: Okay.

9 Charles Monnett: That was related to this, other than
10 the early emails directing me, by the study plan coordinator, to
11 begin the process of preparing proposals, to begin preparing
12 budgets, and all of that.

13 And this represents the stage at which I am trying to
14 get a rough idea of what it cost to do this sort of thing, or what
15 it would -- in this case, since we were expecting them to do it,
16 and -- and by November 24th I had already written a profile that
17 the primary -- the first method in that is to develop a
18 cooperative relationship with Derocher and the Canadian Wildlife
19 Service.

20 The budget needed to reflect their contribution. So,
21 if you look at the actual numbers, was there an attachment to
22 this?

23 Richard Larrabee: Yes.

24 Charles Monnett: I thought there was.

25 Richard Larrabee: There were, and there were some
26 numbers on the attachment.

1 Charles Monnett: Yes. There are a number of things
2 that aren't reflected in there, you know, like salaries for the
3 senior scientist. I think there was a graduate student or
4 something like that.

5 Richard Larrabee: Okay.

6 Charles Monnett: And certainly the amount of the --
7 the logistics, the level of logistics. He added some helicopter
8 time, but they were providing, through the other contracts,
9 substantial helicopter time.

10 So, there is no way to develop a budget in this kind
11 of a cooperative study without having this sort of an interaction.

12 If I had not expected to take this study to the
13 University of Alberta, I might well have sent, or emailed or had a
14 phone conversation with Andy or someone like him that was actively
15 involved in this type of a project to find out what it costs.

16 Richard Larrabee: Channel costs.

17 Charles Monnett: Because I would have no idea what --
18 you know, like -- I've worked in the Arctic a lot, and if you ask
19 me what it costs to do a fixed-wing survey up there I can tell you
20 down to the dollar, because I've done that.

21 But if -- if you ask me what it costs to take a team
22 to Tuktoyaktuk in, you know, northern Canada and stage out of
23 there with helicopters to go catch bears, I wouldn't have a clue.
24 Very few people would.

25 Richard Larrabee: Sure.

26 Charles Monnett: And you don't want to be off by

1 hundreds of thousands, because this leads to the recommendation,
2 you know, which is the money we ask for. And if I ask for a
3 hundred thousand and it costs two-fifty, then we don't do the
4 study or, you know, or we have to create chaos in the budgeting
5 process.

6 As I mentioned, it turned out that the final number --
7 I think I submitted -- I don't remember exactly, \$1.1 million or
8 something like that, and give or take a hundred thousand, and the
9 final number was a hundred thousand high or something like that,
10 because there were costs that hadn't been identified and it
11 created some chaos in our planning process because the money for
12 the year had already been pigeon-holed and so, in order to launch
13 the study, you know, things had to be changed.

14 And I've been in the situation where studies had to be
15 cut, whole studies lost because we had to find money to do
16 something that, you know, had been unidentified when we put our
17 original budget together.

18 Richard Larrabee: Okay. The next email I was going
19 to read, and obviously you identified earlier, too.

20 Charles Monnett: Okay.

21 Richard Larrabee: It's December 20th, 2004. It's
22 from you.

23 Charles Monnett: Okay.

24 Richard Larrabee: To Mr. Derocher. You cc'd -- well,
25 yourself and also Jane Carlson.

26 Charles Monnett: Yes.

1 Richard Larrabee: "Dear Dr. Derocher, MMS is
2 considering funding a research project that involves tagging polar
3 bears in western Canada with satellite transmitters to study natal
4 dispersal in population delineation.

5 "Attached, as a courtesy, is a draft of a statement of
6 work that is under development. At this time we anticipate
7 funding this as a sole-source procurement to your organization.

8 "However, this communication does not represent a
9 formal offer from the US Government to fund your services. All
10 formal offers/communication must come directly from the MMS
11 contracting officer currently Jane Carlson, based in Herndon,
12 Virginia.

13 "In the interest of saving time it might be to your
14 advantage to begin work on a proposal in a response to the
15 attached statement of work. However, please understand that some
16 changes may yet be made to the statement of work before it is
17 finalized.

18 "Moreover, if for some reason the study were not
19 funded, the US Government would accept no responsibility for
20 reimbursing you for your time or any expenses related to creation
21 of the proposal.

22 "Thank you for your cooperation on developing this
23 study. Please feel free to contact me by return email or at" --
24 and you leave your phone number -- "if you have any questions.
25 Best regards, Charles Monnett."

26 You remember this. Did you want to look at it or --

1 Charles Monnett: No. I've reviewed that.

2 Richard Larrabee: Okay. Okay. The next one was
3 January 10th.

4 Charles Monnett: Oh, no, no. The next one was
5 December 21st.

6 Richard Larrabee: The next one I'm going to read is
7 January 10th.

8 Charles Monnett: Okay.

9 Richard Larrabee: Okay. And it's in response to the
10 one I just read. It's actually --

11 Charles Monnett: Okay.

12 Richard Larrabee: -- I have an email and that has,
13 you know, the bottom string, and this is in response. It's from
14 Andrew Derocher to yourself.

15 "Dear Chuck, happy new year. I just thought I would
16 touch bases with you to see how things stand on your side. Here I
17 have a draft proposal done, and I just need to work through the
18 science issue a bit more.

19 "I have structured the document closely to the
20 statement of work and I have tried to focus on the key issues.
21 The budget is worked through in some detail now. I will be
22 sending up a condensed version of the proposal to the permitting
23 agencies this week.

24 "This will be a necessary hurdle to work through, but
25 I think we can do it. It may take some work, but that is nothing
26 new. Let me know what our next move is. I will have a refined

1 version later this week if you would like to see where I am at.
2 Cheers, Andy."

3 Charles Monnett: Yes.

4 Richard Larrabee: You responded the same day, like
5 just a couple of hours later to Mr. Derocher.

6 "Excellent. I was thinking about this -- I was
7 thinking about you this a.m. At this end, I am waiting for
8 headquarters reviewer of the statement of work to return from the
9 holiday so that I can satisfy all of the channels.

10 "I believe she is back today so things should start to
11 move at our end shortly. Email the draft to me when you are happy
12 with it and together we can work out any rough spots. You will
13 get the official RFP from the contracting officer after everyone
14 is happy with the statement of work.

15 "Your proposal will respond to that official contact
16 when that -- when it occurs. Hope you had a great holiday. C.M."

17 So obviously he's responding to your January 10th,
18 telling you he's got a draft proposal, and obviously this is --
19 he's providing this to you before the RFP is even -- has been
20 issued.

21 Charles Monnett: Well, we don't know that. He said
22 for me to email him if I want to see it, as I recall.

23 Richard Larrabee: He says, "Here I have a draft
24 proposal done and I just need to work through the science issues"
25 --

26 Charles Monnett: Right.

1 Richard Larrabee: -- "a bit more." Okay.

2 Charles Monnett: But then at the bottom --

3 Richard Larrabee: And I'm saying he's telling you he
4 has a draft proposal.

5 Charles Monnett: Oh, yes. He's telling me he has it
6 done or -- well, but it -- like I said, it turned out it was -- it
7 needed a lot more work.

8 Richard Larrabee: Sure. Sure. And you responded in
9 one of your sentences, "Email the draft to me when you are happy
10 with it and together we can work out any rough spots."

11 Charles Monnett: And I don't remember whether I saw
12 that or not. I don't have a record that he mailed it to me. If
13 you found one, then I did, but I simply didn't see that, so --

14 Richard Larrabee: Okay. The next one I'm going to
15 read is April 11th, 2005. It's from Andrew Derocher to you again.

16 Charles Monnett: Yes.

17 Richard Larrabee: "Hi, Chuck. I am still working
18 through the proposal, but I must confess the contract materials
19 sent to me by the Virginia office is taking some time to figure
20 out.

21 "I have a meeting with our contract people tomorrow to
22 figure it out. What I have attached is a bit of the science side
23 of things. I haven't gone into great detail, as this will be
24 developed over time.

25 "If I am at close to the sorts of information that you
26 require, it would be useful input to hear. If I'm way off that,

1 too, would be useful. Best regards, Andy."

2 Charles Monnett: Okay. Well, that suggests that he
3 sent an attachment to me that had at least a kernel from the
4 proposal so that we could see if we were on the same page
5 regarding the objective.

6 Richard Larrabee: Okay. The next one I was going to
7 read is April 14th, and it's your response to him. Again, it's
8 got the email I just read as the lower part of the string. And
9 its subject is "Draft of Proposal."

10 "Andy, sorry to take so long to reply. A bit
11 distracting around here. I'm headed to Wash, D.C. area for next
12 two weeks, but will monitor my email and try to move your proposal
13 along when I see it.

14 "What you have seems on-target. The most important
15 thing is that objectives and methodology conforms with statement
16 of work, and that seems to be the case. Put in what details you
17 can. If we have further questions, we won't be shy.

18 "Hope the bureaucracy doesn't get you down. You or
19 your bean-counters should get back to the MMS contracting officer
20 if you have questions on that side. Regards, Chuck."

21 Charles Monnett: I think he had -- what was the date
22 on that?

23 Richard Larrabee: April 14th.

24 Charles Monnett: Okay. The RFP --

25 Richard Larrabee: It was sent to him April 4th.

26 Charles Monnett: April 4th?

1 Richard Larrabee: Yes. If that's what the date you
2 were looking for.

3 Charles Monnett: Yes. I've got the 5th, but -- four,
4 five, that's close enough. Correct.

5 Richard Larrabee: Okay. That's April 14th --

6 Charles Monnett: Okay. Now, there are two things
7 that you -- you don't have in your thing there that are really
8 important in this record. One is a memo -- an email from Kendall
9 (phonetic), in which he acknowledges that Jane Carlson had said
10 that it was okay to send the statement of work to Derocher so he
11 could get started on it.

12 And then the other is an email by Debbie Bridge some
13 point after he -- well, around -- after the RFP had gone out where
14 she asked me if I already have a copy of the proposal and I say
15 that I don't, that I thought that you would be asking for the
16 proposal.

17 And then she replies something to the effect that,
18 "Well, I thought you might already have that because" -- what did
19 she say, something like "Often that's the case," and then in
20 parentheses, "Funny how that seems to happen."

21 And then she requested a proposal, so maybe that's
22 when the RFP went out. I don't remember the time sequence, but --

23 Richard Larrabee: Well, the RFP was issued -- the
24 official RFP was issued April 4th.

25 Charles Monnett: Okay.

26 Richard Larrabee: And there was a reference to it in

1 an April 5th email.

2 Charles Monnett: Yes.

3 Richard Larrabee: I think that's where you have that
4 April 5th date.

5 Charles Monnett: Okay.

6 Richard Larrabee: And, you know, stepping back to the
7 January 10th email that I had read to you a bit earlier about Mr.
8 Derocher letting you know he's got a draft proposal done --

9 Charles Monnett: Yes.

10 Richard Larrabee: -- and then you are basically
11 offering to work out any rough spots with it.

12 Charles Monnett: Right.

13 Richard Larrabee: That is still two months before the
14 RFP is actually issued.

15 Charles Monnett: Right.

16 Richard Larrabee: And did you inform the contracting
17 office at that time that you were actually reviewing a draft
18 proposal before the RFP was issued and that you were providing
19 advice to the vendor on how to prepare their proposal?

20 Charles Monnett: You know, we didn't have a
21 contracting officer assigned at that time.

22 Richard Larrabee: Did you advise anybody in the
23 procurement office in Herndon that you were doing exactly that?
24 You had a draft proposal already in hand and you were actually
25 providing advice to them in order to -- how to prepare it.

26 Charles Monnett: You know, I don't remember who I

1 talked to, whether I talked to my supervisor or anybody else, but
2 --

3 Richard Larrabee: Okay. I mean, you know, these
4 emails, we just went through them. I just read them onto the
5 record.

6 Charles Monnett: Yes, it's obvious that -- that the
7 procurement officials and the managers knew what I was doing and -
8 -

9 Richard Larrabee: Actually, it's not obvious. Let me
10 summarize your actions.

11 Charles Monnett: Okay.

12 Richard Larrabee: You jointly developed a study with
13 Mr. Derocher. You assisted him in preparing the proposal, knowing
14 all the while that you would be the Government official
15 responsible for ensuring this proposal met the minimum
16 qualifications of the statement of work which you drafted
17 yourself.

18 As the chair of the TPEC, a position is supposed to be
19 devoid of all appearances of favoritism, biasism, objective -- you
20 assisted in a proposal that was being prepared that you were going
21 to be reviewing as a Government official, in your role to protect
22 the interest of the Government.

23 In a nutshell, you created a \$1.1 million contract and
24 handed it to Mr. Derocher as a sole-source contract, no strings
25 attached. And you did all of this under the guise of a valid
26 procurement, but never disclosing to the contracting officer about

1 your communications with him regarding the proposal.

2 Charles Monnett: Well, --

3 Richard Larrabee: The statement of work I understand.

4 Charles Monnett: You're alleging that it wasn't
5 disclosed. I'm countering that this was done in full view of MMS
6 management and --

7 Richard Larrabee: Your assistance to him in preparing
8 his proposal, that was done in full view of MMS management in the
9 procurement office?

10 Charles Monnett: Well, I believe so, yes. I talked
11 to people. I'm very communicative --

12 Richard Larrabee: Do you have anything to establish
13 that?

14 Charles Monnett: Well, I don't know. It's eight
15 years ago.

16 Richard Larrabee: Okay. We went ahead and
17 interviewed the contracting officer on this case --

18 Charles Monnett: Which --

19 Richard Larrabee: -- Celeste Rueffert, and the
20 procurement chief, whose name is --

21 Charles Monnett: Well, Celeste was marginally
22 involved in it.

23 Richard Larrabee: She signed -- she contracted --

24 Charles Monnett: She signed -- I know, but she signed
25 it.

26 Richard Larrabee: She is the contracting officer on

1 the contract.

2 Charles Monnett: You need to interview Jane Carlson
3 and Debora Bridge. They were the ones that actually did the work.

4 Richard Larrabee: We have interviewed Debora Bridge.

5 Charles Monnett: Okay.

6 Richard Larrabee: Jane Carlson is retired. She's not
7 on this contract. When this contract got started, Celeste
8 Rueffert is the contracting officer.

9 Charles Monnett: But Jane Carlson is the one that
10 advised me at the beginning about a --

11 Richard Larrabee: I have the emails where she was
12 cc'd when you provided the draft statement of work. No doubt
13 about it. I have those emails. Obviously, she knew about that.

14 Let me finish what I was just about to talk to you
15 about.

16 Charles Monnett: Sure.

17 Richard Larrabee: We went and talked to Debora
18 Bridge, and we also spoke with Celeste Rueffert and the actual
19 procurement chief, Mark Eckl , and we provided to them all these
20 emails and facts and they both unequivocally stated that your
21 actions were violations of procurement integrity and highly
22 inappropriate, specifically they determined the following acts to
23 be inappropriate and violations of procurement integrity.

24 You developed the study jointly with one potential
25 vendor, got cost estimates only from that one vendor versus
26 performing an industrywide valid market research.

1 You provided the statement of work to Derocher prior
2 to the justification for a sole-source contract was approved and
3 prior to an official RFP issued. You offered and then provided
4 actual advice and assistance to a vendor in preparing their
5 proposal to the point of even reviewing his draft proposal and
6 providing comments in order to, quote, "Together we can work out
7 any rough spots."

8 That's essentially helping him draft such a proposal,
9 all prior to the justification of sole-source contract was even
10 approved and prior to an official RFP being issued.

11 You then sat as the chair on the TPEC and was
12 responsible for reviewing the proposal you helped draft with the
13 vendor.

14 According to the contracting officer for this
15 contract, and the chief of procurement for all MMS, these actions
16 were egregious to procurement integrity and highly inappropriate
17 for any Government employee, much less a trained and experienced
18 COTR, and a response to learning of your actions in handing your
19 friend this \$1.1 million contract, contracting officer Rueffert
20 and procurement chief Eckl both unanimously concluded that the
21 contract needed to be terminated immediately, and you need to be
22 removed from all your COTR responsibilities --

23 Charles Monnett: Why did you say he is my friend? I
24 hardly knew the man at that point.

25 Richard Larrabee: I will strike "friend" and say Mr.
26 Derocher.

1 Charles Monnett: Doctor.

2 Richard Larrabee: And you needed -- and that you
3 needed to be removed from all COTR responsibilities related to any
4 Government contracts.

5 And they then issued the appropriate paperwork for
6 those actions. And I believe you've seen copies of them, but I
7 have copies here.

8 Charles Monnett: Yes, I've seen them.

9 Richard Larrabee: Termination of the contract and
10 removal of your position as a COTR.

11 Moreover, once your actions were raised to MMS
12 Director Bromwich's office, it was decided that your actions
13 regarding this contract warranted your immediate placement on
14 administrative leave.

15 At this point I'd like to discuss with you your
16 relationship with Dr. Derocher. During the exact time frame that
17 you were in the process of inappropriately handling -- handling
18 Derocher \$1.1 million Government contract he was, in turn,
19 assisting you in preparing your scientific manuscript related to
20 polar bear drownings for publication by reviewing your work,
21 providing a peer review and comments on your work, directing you
22 to publish your Polar Biology because it was, quote, unquote, is a
23 journal that is quick to publish, and noting how your quote,
24 unquote, data set was, quote, very timely with respect to climate
25 change discussions.

26 And there's an email that I would like to read into

1 the record. It's dated March 3rd, 2005. There's two emails dated
2 March 3rd, 2005.

3 The first one is from Andrew Derocher to you, cc Jeff
4 Gleason. "Hi, Chuck. I had a chance to read through your draft
5 paper and it's ready to go. This was a very interesting data set
6 that is very timely with respect to climate change discussions.

7 "The story is very compelling, is one of the most
8 interesting stories I've seen about polar bears in a while. I
9 would move to publish this with expediency, if you can. I have
10 only made a handful of small comments with a couple of citations
11 and such and these could be picked up after review.

12 "Polar Biology is a journal that is quick to publish."
13 He then provides their website. "It is actually higher-ranked
14 now that Chan Jay Zule (phonetic) and move papers into press with
15 about half the delay that CJZ does.

16 "Both are in current contents and available online in
17 pdf formats. Dealer's choice obviously, but it would be good to
18 see this in print. All for now. Cheers. Andy."

19 That same day he sent you an email related to the
20 contract. "On another note, the notice of intention to sole-
21 source the study will probably be submitted to FedBiz" -- I'm
22 sorry. This is from you to Dr. Derocher.

23 "On another note, the notice of intention to sole-
24 source the study will probably be submitted to FedBizOps tomorrow,
25 and requires a two-week waiting period. I will forward a copy
26 when I see it.

1 "I suggested to the CO that she not wait for that to
2 close, but contact you for a proposal ASAP. She promised to start
3 slinging paper and make this thing move. Regards, CM."

4 The reason I read those emails, because it clearly
5 establishes on the same day he writes you two emails, one
6 regarding the \$1.1 million contract, and one regarding your paper,
7 regarding the polar bear drownings.

8 In looking at that, it appears that the two of you
9 created a relationship wherein you were giving him a \$1.1 million
10 contract, no strings attached, and in return he was helping you
11 publish your observations. And such relationships perforce,
12 create a situation wherein his credibility as an objective peer
13 reviewer is damaged, and your credibility as an unbiased
14 Government scientist is also damaged.

15 Charles Monnett: He wasn't a peer reviewer.

16 Richard Larrabee: On that note, I'd like to basically
17 turn some of the questions related to your manuscript over to
18 Special Agent May.

19 Charles Monnett: Well, just a minute. I may get to
20 respond to some of this. I mean, you're acting like Andy was a
21 peer reviewer. All he did was, along with several other people,
22 read the paper, make a few corrections to grammatical errors and
23 suggest that we publish it.

24 That's not a relationship. That's what we do on any
25 manuscript we submit is, we send it out for those kinds of reviews
26 before we submit it to a journal where it gets peer review. He

1 had nothing to do with the peer review. None of our reviewers had
2 anything to do with the peer review.

3 So, I think that's lame. The -- I see what you've
4 strung together there, but I still maintain that managers and
5 procurement officers knew fully-well what I was doing and I think
6 that's evidenced if you look at other studies that have been
7 handled in essentially the same way since then, including the CMI
8 studies.

9 A proposal was developed for a sole-source contract as
10 part of an official process that -- according to what you're
11 saying, would also be in violation of --

12 Richard Larrabee: Maybe it is.

13 Charles Monnett: -- regulations.

14 These very same contracting officers were involved in
15 all of these things.

16 Richard Larrabee: Celeste Rueffert?

17 Charles Monnett: Yes. Celeste and Debbie and others.

18 Richard Larrabee: Okay. That would be great if you
19 could provide all those contracts to us. That would be ideal.

20 Obviously, I need to inform you. When we went and
21 talked to them about the facts and the emails that we had come
22 across related to this contract we don't give them any advice --

23 Charles Monnett: Right.

24 Richard Larrabee: -- we don't give them any
25 recommendations on their responses to those emails. We simply
26 provided them to them. And I told you what their response was.

1 Charles Monnett: Well, have you seen any --

2 Richard Larrabee: And obviously you know, what their
3 response was.

4 Charles Monnett: Have you seen any evidence that they
5 provided that information to me anywhere in this? I'm not an
6 expert on procurement. Nobody expects me --

7 Richard Larrabee: You're a contracting officer
8 technical representative.

9 Charles Monnett: I'm not trained in --

10 Richard Larrabee: You have been for a number of
11 years.

12 Charles Monnett: I'm not trained in this stuff.
13 That's the contracting officer's responsibility. Look at our
14 delegations. It doesn't say that I'm supposed to be --

15 Richard Larrabee: How are they going to know it if
16 you don't tell them that you're doing it? And again, I talked to
17 you about this before.

18 Charles Monnett: I'm saying --

19 Richard Larrabee: Did you inform them that you were
20 actually advising on how to draft the proposal? And I see nothing
21 indicating that you let the contracting office know that you were
22 doing that.

23 Charles Monnett: I'm looking at an eight-year-old
24 paper trail. I have no recollection of what were obviously
25 numerous phone calls --

26 Richard Larrabee: Well, if you can find a piece of

1 paper -- I asked her. "Did you -- were you aware?" This is the
2 question that I asked --

3 Charles Monnett: To who?

4 Richard Larrabee: -- contracting officer Rueffert.

5 Charles Monnett: Well, of course, she was --

6 Richard Larrabee: And Debora Bridge. I asked both of
7 them. And, of course, Mark Eckl, he's removed a bit more. He's
8 the chief --

9 Charles Monnett: He knows nothing about what goes on.

10 Richard Larrabee: He knows what's going on in
11 procurement.

12 Charles Monnett: Well --

13 Richard Larrabee: So, when I talked to these
14 individuals and I asked them. I said, "Were you aware that he was
15 actually helping draft the proposal that he was going to sit as
16 the chair of the TPEC and actually approve, himself?"

17 And they said, "Of course not. We didn't know that.
18 He can't do that. There's no way you can do that. How are you
19 going to be objective? How are you going to protect the interest
20 of the Government?"

21 I'm telling you what they told us related to this
22 contract.

23 Would you like to take a break, Agent May, or,
24 yourself, Mr. Monnett?

25 Charles Monnett: I need a drink of water. My mouth
26 is going to be dry now.

1 Eric May: All right. We'll take a two-minute break.
2 Three-minute break.

3 Richard Larrabee: Okay. I'll go ahead and stop this
4 recording. It's approximately 10:28.

5 (Whereupon, the above-entitled matter went off the
6 record at 10:28 a.m. and resumed at 10:29 a.m.)

7 Richard Larrabee: This is Special Agent Richard
8 Larrabee at the Department of Interior's Office of Inspector
9 General, and I'm restarting our recording. It has only been
10 approximately one minute since I stopped the previous recording of
11 Mr. Monnett.

12 Eric May: All right. This is Special Agent Eric May.

13 Dr. Monnett, I'd like to discuss your manuscript,
14 published in Polar Biology in 2006 regarding the drowned polar
15 bear observations in the Alaskan Beaufort Sea.

16 What were the main points you wanted the reader to
17 understand after reading -- after reading your manuscript?

18 Charles Monnett: The main points were that, in a --
19 as part of a long-term study that had been going for 25 years at
20 that point, that we had seen a change that was for polar bears
21 that we had seen floating that we assumed had been drowned, and
22 that we thought that was associated with a storm which we
23 documented in the paper increased wind, and that we thought that
24 it had the potential to be a problem worthy of consideration in
25 the future if ice continued to recede as it has been. And I think
26 that's it.

1 Eric May: And the study you're talking about is the
2 Bowhead Whale Area Survey Project, correct?

3 Charles Monnett: That's correct.

4 Eric May: Also known as BWASP?

5 Charles Monnett: BWASP, right.

6 Eric May: Okay. In the first section of your
7 manuscript is the abstract. Can you define "abstract" for me and
8 what it covers?

9 Charles Monnett: No. I can't. I haven't looked at
10 that in years.

11 Eric May: Okay. Well, according to Webster's
12 Dictionary, "abstract" is a quote -- is defined as a, quote, a
13 summary of attached scientific article, document, something that
14 concentrates, in itself, the essential qualities of anything more
15 extensive and/or the overall essence."

16 Would you agree with that definition?

17 Charles Monnett: I believe you. If you say it,
18 that's it.

19 Eric May: Okay. Dr. Monnett, here's an email sent to
20 you from Jeffrey Gleason, dated September 28th, 2004, which was
21 written approximately eight days after your observations of the
22 dead polar bears.

23 Can you please read this email out loud, please.

24 Charles Monnett: "Chuck, just got off the phone with
25 my co-supervisor from my Ph.D. who is an Arctic ecologist and I
26 mentioned the dead polar bears. He thought we might be onto

1 something with a global warming angle. In any case, he
2 recommended we get in touch with Ian Sterling (phonetic) to
3 discuss our observations.

4 "It might be worthwhile to get his views on the topic.
5 Attached are some of his research projects in the north."

6 Eric May: Can you explain the circumstances
7 surrounding what led up to this email and how you and Dr. Gleason
8 came up with the global warming angle?

9 Charles Monnett: I don't know -- Jeff sent the email.
10 I didn't send it. So, he apparently felt a need to talk to his
11 old advisor.

12 The global warming angle is obvious. We've played it
13 down completely in the paper, but I think it's widely viewed that
14 the receding sea ice in the Alaskan Arctic and elsewhere, and
15 increases in water temperature are related to changes in air
16 temperature. I think that's pretty well-documented, which -- some
17 people might argue is related to global warming.

18 Eric May: Okay. Do you recall calling Ian Sterling
19 pertaining to this email and the global warming angle?

20 Charles Monnett: I think I talked to Ian Sterling.
21 Ian reviewed the first draft of the thing. I think Ian mentioned
22 that it was an important observation.

23 Eric May: Okay. In my interview with Dr. Gleason, he
24 indicated that you did call Ian Sterling regarding the global
25 warming angle.

26 Charles Monnett: Well, we called him regarding the

1 observation and sought advice on how to proceed. You've got to
2 have -- when you write a paper, I mean, you've -- you've got to
3 reflect on what's in the literature and what other people are
4 doing and thinking, and it seemed relevant to the situation with
5 polar bears.

6 After all, they were just listed as "threatened."

7 Eric May: All right. "In order for you and everyone
8 to understand the basis of my questions, let me refresh your
9 memory of our last conversation and provide you with other
10 information that has come to our attention."

11 Charles Monnett: Yes.

12 Eric May: In your last interview with me you comment
13 on, quote, "This paper is very narrow in that it only focuses on
14 the swimming and drowning and what we thought was related to it.
15 In other words, a storm." End of quote. Do you recall that
16 statement?

17 Charles Monnett: No, I don't recall it.

18 Eric May: You also said, and what -- I'll paraphrase.
19 "The early BWASP data collection system, up until 2006, did not
20 have the ability to document a dead polar bear. You relied on
21 your own methods to document dead polar bears on the BWASP mission
22 and, in an undocumented telephone conversation you asked Dr. Tracy
23 for his dead polar bear data covering the approximately 23 years
24 of research."

25 Again, you said that you didn't know --

26 Charles Monnett: You know, we didn't -- we didn't ask

1 him ask --

2 Eric May: Let me finish.

3 Charles Monnett: We have the data.

4 Eric May: Let me finish. Again, you said that you
5 have no documentation to support your efforts to collect dead
6 polar bear data from anyone on the early BWASP mission. Do you
7 recall those --

8 Charles Monnett: I don't recall the details, no, but
9 I do recall telling you that I thought I had asked Steve Tracy
10 about it.

11 I also recall sending you an email about a week after
12 the interview, telling you that my memory was flawed and that --

13 Eric May: Well, that's why I'm refreshing your
14 memory.

15 Charles Monnett: Right.

16 Eric May: I'm basically quoting what you indicated --
17 what you told me in my last interview, February 23rd, 2011.

18 During our interview of Dr. Gleason he said the
19 following about polar bear observations during the BWASP study.
20 I'll quote.

21 "It's a needle in a haystack, and when you start
22 thinking about seeing a swimming polar bear or a dead polar bear
23 out in the middle of the ocean from an aircraft moving that fast
24 covering the observation transect of maybe a mile, it's staggering
25 what the potential is. I mean, it's really low."

26 Dr. Gleason also speculated on the frequency of polar

1 bears drowning after being caught in a storm. He said, "I think
2 that happens probably more frequently than people recognize, but
3 you just don't see it because there's nobody out there doing these
4 surveys."

5 In order to define the parameters of your observations
6 in the abstract section of your manuscript you wrote, "No polar
7 bear carcasses were observed." And later on, from 1987 to 2003.
8 Correct?

9 Charles Monnett: Is that in the abstract?

10 Eric May: That is in the abstract.

11 Charles Monnett: Well, I don't have the abstract, but
12 I trust that it is.

13 Eric May: Well, I have the abstract. My question to
14 you, Dr. Monnett, based on the limitation of the BWASP protocol
15 and the limited number of observation hours of the BWASP study, is
16 it your scientific conclusion in this manuscript that no polar
17 bears drown due to stormy weather between 1987 and 2003?

18 Charles Monnett: No. We didn't say that. We said
19 that none had been seen in the survey.

20 Eric May: Do you want to read the abstract out loud?

21 Charles Monnett: No.

22 Eric May: Well, that's what it says. "No polar bear
23 carcasses were observed."

24 Charles Monnett: Well, it says, "During the aerial
25 surveys in September 1987 through 2003," and then it has some
26 totals, and then the next sentence says, "No polar bear carcasses

1 were observed." It's linked to the surveys.

2 I don't know what a --

3 Eric May: In the last sentence -- well, let me go on.

4 In the last sentence of the abstract of your paper you also
5 wrote, quote, "We further suggest that drowning-related deaths of
6 polar bears may increase in the future if you observe trends in
7 the regression of pack ice and/or longer open-water periods
8 continues," end of quote.

9 Okay. Do you want to go over that? That's in the
10 abstract as well.

11 Charles Monnett: No, I see it there.

12 Eric May: Okay.

13 Charles Monnett: I stand by that.

14 Eric May: In the introduction section you mentioned
15 the negative impacts to polar bears such as declination rate of
16 sea ice, warming trends, sublethal effects of reduced sea ice on
17 individual polar bears, and the net effect of global climate
18 changes on polar bear populations, but you never mentioned bad
19 weather or the storm is a potential negative or lethal effect.

20 Charles Monnett: Well, that's because that's a
21 result, and the introduction is reviewing what's already known, so
22 you don't put something you're describing in the paper in an
23 introduction.

24 Eric May: Although we just previously discussed the
25 abstract as a summary of your findings.

26 Charles Monnett: It's a summary of the results, not

1 the introduction. The introduction is a review of literature in
2 the state of knowledge, generally.

3 Eric May: Do you want me to read the definition of
4 "abstract" again? Let me go on.

5 In the study area and methods section of your
6 manuscript you mentioned the ice pack, average multiyear ice,
7 stable, fast ice, decreasing ice concentrations, sea ice type, sea
8 ice coverage and data on sea ice conditions, and only one
9 reference to local weather patterns.

10 Dr. Monnett, is this a deliberate attempt to introduce
11 the global warming angle that is reference in this 2004 email?

12 Charles Monnett: No. There's a figure here that
13 shows the weather, the winds.

14 Eric May: Let me go on. Did you intentionally omit
15 any reference of the bad weather in the abstract introduction
16 and/or study area and method sections of your manuscript in order
17 to deemphasize the storm and emphasize your global warming angle
18 as referenced in this 2004 email?

19 Charles Monnett: No.

20 Eric May: Okay. Did you intentionally underemphasize
21 the potential impact of bad weather on polar bear populations in
22 order to draw attention to the global warming angle to ensure that
23 this paper would get published?

24 Charles Monnett: Absolutely not.

25 Eric May: In your last interview with me, you said
26 that Andy Derocher and Ian Sterling peer reviewed your manuscript.

1 Charles Monnett: If I said that, I was wrong. They
2 did not peer review the manuscript.

3 Eric May: Well, let me quote what you said in your
4 last interview with me. When I asked, "What is your manuscript --
5 well, your manuscript, so when you put this together was it peer
6 reviewed?"

7 You've stated, "Oh, yes." I asked "By whom?" You
8 state, "Well, it was -- it was reviewed here. Lisa Rodderman, my
9 wife, who is a, you know, Ph.D. ecologist, reviewed it and, you
10 know, she took the first cut. (Inaudible) gave it to a thorough
11 read. I think Paul Stang (phonetic) did."

12 You go on to say, "And then we sent it to -- well, we
13 sent it to Andy Derocher who is internationally -- he's the --
14 he's the head of the IUCN polar bear specialist group and Ian
15 Sterling, who's probably the senior, like the dean, you know, the
16 all-time, most-famous polar bear guy in the world."

17 Charles Monnett: Okay. You're --

18 Eric May: Did they not peer review your manuscript?

19 Charles Monnett: Define "peer review."

20 Eric May: You define it.

21 Charles Monnett: All right. I misused "peer review."

22 What I should have said was it was reviewed by peers. Peer
23 review, to a scientist, normally means a process, a formal process
24 by which a journal sends an article out to anonymous reviewers who
25 evaluate it and make recommendations for publication.

26 None of those people peer -- with a capital P,

1 reviewed it.

2 Eric May: Okay. Well, let's --

3 Charles Monnett: They are all peers who reviewed it.
4 We had extensive review before we submitted the paper for journal
5 peer review.

6 Eric May: Okay. On that note, can you explain that,
7 a Polar Biology peer review process?

8 Charles Monnett: They get the document. They pick
9 some number of reviewers and they send it to them, and they may or
10 may not tell us who they are. In this case they didn't tell us
11 who they were.

12 Eric May: Okay. So basically, an anonymous peer
13 review?

14 Charles Monnett: Yes.

15 Eric May: Okay. In my last interview I asked you if
16 any of these peer reviewers, meaning the polar bear anonymous peer
17 reviewers or even Ian Sterling and Derocher, all of the peer
18 reviewers that you indicated, had any objections to your
19 manuscript in the way you extrapolated the data, calculated the
20 numbers and so forth. Do you recall that?

21 Charles Monnett: Not really, no.

22 Eric May: Okay. Well, you told me in my last
23 interview, "No, not really." End of quote.

24 Charles Monnett: Okay.

25 Eric May: And when I asked you again whether or not
26 any of the peer reviewers had any concerns or issues with the way

1 you had extrapolated data you said, quote, "Well, I don't remember
2 anybody doing the calculation but there weren't any huge
3 objections." End of quote. Do you recall that?

4 Charles Monnett: I really don't, no. I didn't read
5 the transcript.

6 Eric May: Do you stand by these statements?

7 Charles Monnett: Yes, I guess.

8 Eric May: Okay.

9 Charles Monnett: That's why -- it's seven years ago.

10 Eric May: No. I'm referring to February 23rd, 2011,
11 the interview you had with me --

12 Charles Monnett: Well, I know, but that was an
13 interview in which you blind-sided me where I had very poor
14 recollection of what took place in 2004.

15 Eric May: Okay.

16 Charles Monnett: So, I still do.

17 Eric May: All right. Later in the interview, in
18 discussing the way you had extrapolated data and calculated the
19 numbers, you also said, quote, "Well, that's not scientific
20 misconduct, anyway. If anything, it's sloppy. I mean, the level
21 of criticism that they seemed to have leveled here, scientific
22 misconduct suggests that we did something deliberately to deceive
23 or to change it. I don't see any indication of that in what you
24 are talking about." End of quote. Do you remember making that
25 statement?

26 Charles Monnett: I remember reading it. I saw that

1 in something that PEER put together.

2 Eric May: Okay. Can you define "deliberate" for me?

3 Charles Monnett: That we would -- well, that we would
4 have been purposeful or intentionally done something.

5 Eric May: Okay. Can you define "deceive" for me?

6 Charles Monnett: To try to mislead or hide something.

7 Eric May: Okay. "Deliberate" is defined in Webster's
8 Dictionary, "Something that is done consciously and
9 intentionally," and "deceive" is defined, "As to mislead by
10 deliberate misrepresentation." Do you agree with those
11 definitions?

12 Charles Monnett: Sure.

13 Eric May: All right. I have in my possession the
14 Polar Biology's anonymous peer reviews with your response to each
15 of them.

16 Charles Monnett: All right.

17 Eric May: Okay. Let me go over the first peer review
18 written. "Your observation suggests that swimming during stormy
19 and very windy conditions poses a risk to polar bears. In
20 previous years you observed bears in open water, but no
21 mortalities.

22 "I would agree that having to swim greater distances
23 will increase the risks to polar bears, but at least where I work
24 on polar bears, when they come off the ice, they are quite fat
25 and, therefore, float quite well.

26 "In my view, the increased risk comes not so much from

1 having to swim greater distances, per se, but from the increased
2 chance of being exposed to high winds and wave action during a
3 longer swimming period to reach them." End of quote.

4 I'll refresh your memory, Dr. Monnett. You responded
5 by -- to this peer reviewer critique, "We agree that the risk
6 comes mostly from windy conditions and believe that we had clearly
7 made the distinction.

8 "However, since the point also bothered peer reviewer
9 number three, we have added clarifying statements to the
10 discussion."

11 Is this first peer review or critique not a huge
12 objection of your manuscript's content?

13 Charles Monnett: No, not at all. I don't see that.
14 We adjusted to it.

15 Eric May: Okay.

16 Charles Monnett: We made a fair amount in the paper
17 about -- and the posters later about the wind, and you probably
18 can find a lot of emails and things that I have written since then
19 where I say that.

20 Eric May: Well, here you stated that the risk comes
21 mostly from windy condition, a weather condition, that you failed
22 to reference any type of weather in your manuscript abstract, a
23 key point to your study.

24 Charles Monnett: You know, the abstract is limited to
25 a certain number of characters. You can't put everything you want
26 in an abstract. The other thing that happens to abstracts is that

1 the journal editor may rewrite it or change it.

2 Now, I don't know if he did. I don't -- I don't
3 remember. But, once we send the final thing in, we're at the
4 mercy of the journal as to what eventually comes out.

5 Eric May: I have many of your drafts, Dr. Monnett --
6 and the weather is not mentioned in the abstract in the end, the
7 last several abstracts that were reviewed and written by you
8 and/or Dr. Gleason.

9 Charles Monnett: Okay. But the weather --

10 Eric May: Let me go over another --

11 Charles Monnett: -- is not mentioned but -- in the
12 abstract, but it's mentioned in the paper. We've got a whole
13 section, you know, where we present the data on the wind. There's
14 a figure here, and that was our point.

15 Eric May: The first reference to weather is on page
16 three of your manuscript, Dr. Monnett, let me go over another peer
17 reviewer critique.

18 Peer reviewer number two.

19 Charles Monnett: That's the results.

20 Eric May: Okay.

21 Charles Monnett: That's where it belongs, or the
22 methods describing the results. Where else would it be? No one
23 had brought that --

24 Eric May: Interviewer number two, extrapolation --

25 Jeff Ruch: Let him finish.

26 Eric May: -- "The whole exercise in this section

1 seems very dubious to me, and particularly the lack of information
2 on distance from track line to observations of swimming/floating
3 bears and information on the sighting probability function makes
4 the calculations and extrapolation meaningless."

5 Was that not a huge objection to your manuscript, Dr.
6 Monnett?

7 Charles Monnett: Which is -- what's it referring to?
8 Which calculation?

9 Eric May: The calculations in your manuscript. This
10 is from a peer reviewer --

11 Charles Monnett: All the calculations in the
12 manuscript?

13 Eric May: Is this critique not a huge objection to
14 your manuscript?

15 Charles Monnett: Well, since I don't know what
16 calculation you're talking about, it's hard to respond to.

17 Eric May: Well, let me refresh your memory, then.
18 You respond, "We believe that the simple fact stand as sufficient.
19 In 25 years of surveying, only 12 bears were seen swimming and
20 nine drowned. Then, in 2004 we saw ten bears swimming and four
21 drowned. Big change.

22 "We believe that the simple observation of swimming
23 and drowned polar bears should be published quickly and not be
24 held up while the entire data picture is developed." End of
25 quote. That's what this peer reviewer is referring to.

26 Charles Monnett: We don't feel -- we didn't feel and

1 we don't feel that it would add anything to what is a very simple
2 obligation -- or observation that we presented very
3 conservatively.

4 Eric May: And I'll ask again. Is this a huge
5 objection -- is this not a huge objection to your manuscript?

6 Charles Monnett: No. That's a -- that's a typical
7 remark that one sees when one has a huge database. I've seen that
8 in a lot of papers and in this case we handled that objection to
9 the satisfaction, certainly, of the journal editor by putting a
10 lot of caveats in here and by moving the little bit of analysis we
11 did to the discussion. Anything is fair in the discussion.

12 Eric May: Is the fact that, in your own words you
13 rushed to quickly publish your manuscript before the entire data
14 picture was developed, a reflection of the statement, "We might be
15 onto something with the global warming angle," in your 2004 email
16 communication with Gleason?

17 Charles Monnett: Well, this thing took almost two
18 years to come out, didn't it? I mean, it was published sometime
19 in '06. The observations were in '04. So, obviously, we didn't
20 rush enough.

21 I think that this clearly is relevant to the question
22 of climate change, and you were just berating me a minute ago
23 about not having seen drowned polar bears in recent years.

24 The point you need to understand is that polar bears
25 don't drown when there's sea ice. It would be very hard for them
26 to drown. It would also be hard to ever see any because they

1 would probably be under the ice.

2 But, polar bears are strong swimmers and the only
3 circumstances I can imagine when polar bears would drown, would
4 either be when they are caught in a storm of this nature or if,
5 for some reason, a bear entered the water in a weakened state.

6 We know other bears have drowned because there have
7 been carcasses, there have been weak bears. We discussed that
8 here. Bears that were near -- near death that had come on shore
9 and were too weak to move for three days, even with Karelian Bear
10 Dogs put on them.

11 So, we know that it's a problem. But statistically-
12 speaking, when you've done 25 years of surveys, we had flown to
13 the moon. People have said that this is phoney science and all
14 that, but that is an incredible survey.

15 And the blogs, I mean, they blasted us and said it's -
16 - it's not real science. We choose not to treat this in a highly-
17 statistical way because we wanted to report the simple observation
18 that there were drowned bears and that that was unusual in the
19 database, that there were more swimming bears before a storm --

20 Eric May: All right. We already went over that, Dr.
21 Monnett.

22 David Brown: No. No. Can I ask a question?

23 Charles Monnett: Yes.

24 David Brown: You know, you've mentioned the fact that
25 there were drowned bears in that, you know, the previous research
26 didn't show those but, you know, reading your last manuscript, it

1 seems to me that there were a lot of limitations in that database
2 and, in fact, you said at one point that, you know, you had to --
3 if you logged in a polar bear, it would have been logged in as
4 live, even if it was dead.

5 Charles Monnett: Well, that I'm not sure about,
6 because that's where my memory really broke down during that
7 interview because you were asking me how we knew that there hadn't
8 been before, and I couldn't remember, and all I could think of was
9 that, you know, I'd talked to Steve about it.

10 It turns out that Jeff Gleason had done an extensive
11 analysis of the database and had looked for drowned polar bears,
12 and it turns out that we could log them.

13 On the flight when we were seeing the bears, for some
14 reason, both Jeff and I were of the impression that the database
15 did not accommodate drowned polar bears. This is eight years ago.

16
17 I think what happened was that the recorder that was
18 there, for some reason, told us that it couldn't. That's why we
19 made those detailed observations in our notebooks, which you've
20 seen. Normally, we wouldn't have, if it was no big deal and we
21 could just input it into the database.

22 So, I stand corrected on that.

23 David Brown: Can I -- I just want to -- can I finish
24 my question?

25 Charles Monnett: Oh, I -- I'm sorry.

26 David Brown: No. I was just -- I was kind of making

1 a statement, setting up what I -- my question for you, is that,
2 you know, based on that -- and maybe you've corrected the memory
3 now, and maybe there was the ability to collect that data.

4 But over that period of time you had to go back to Dr.
5 Tracy and ask him, you know, what did you see, and then they had
6 to go potentially -- maybe he went to his team and -- I don't know
7 exactly what happened, but you kind of reflected that "We relied
8 on him to give us that data."

9 Charles Monnett: Well, no. I said I did because you
10 were asking me for my recollection and, frankly, it was seven
11 years, or what, before. I didn't recall, but I was pretty sure
12 that we'd handled in some way -- I recall speaking with Dr. Tracy.
13 Now --

14 David Brown: So, you didn't rely on him for that
15 data? You relied on the database that was --

16 Charles Monnett: Ultimately.

17 David Brown: And that was the --

18 Charles Monnett: Ultimately, we relied on the
19 database, but we also -- I also spoke with Dr. Tracy -- Steve
20 Tracy. He's not a doctor.

21 David Brown: Okay. But you just -- but you just said
22 that you weren't -- you didn't even know how to log in the fact
23 that there was a dead polar bear.

24 Charles Monnett: I know, but apparently others did
25 for 24 years before that.

26 David Brown: Okay.

1 Charles Monnett: And for surveys after that. That's
2 --

3 David Brown: Okay.

4 Charles Monnett: There was one period where we
5 didn't, and --

6 David Brown: But you said you had --

7 Charles Monnett: My recollection --

8 David Brown: You're the expert --

9 Charles Monnett: Huh?

10 David Brown: -- and you said you were -- it was very
11 detailed. Your survey was very rigid and you didn't understand --

12 Charles Monnett: That was the first year I had
13 actually managed this. Steve Tracy retired in '03. That was
14 September, which was a few days, two weeks after I'd taken over
15 the project and I wasn't fully familiar with all the details of
16 what's an extremely complicated program at the time.

17 And I relied on my data recorders at that point to do
18 their job. There were people that had been doing this for a
19 decade or longer that were flying with us. And I simply can't
20 recall.

21 What I do know is that Gleason -- when we got back
22 from the field -- during -- during the time we were in the field,
23 Minerals Management Service moved from one building to this
24 building, and our stuff was packed and moved and, when we got back
25 in October there was chaos here.

26 Everything was packed up, and we didn't have access to

1 our database because that wasn't available for a while because
2 they were moving the servers and everything.

3 David Brown: So now there are more limitations to the
4 database.

5 Charles Monnett: So we did an extract. We were able
6 to have our data tech guy do an extract where he pulled out all
7 the polar bear observations from the 25 years and Jeff worked on
8 those, apparently.

9 And he has documentation of that. He went through
10 that and -- and searched on it for dead bears, satisfied himself
11 and -- and I don't recall, but apparently reported back to me that
12 -- you know, confirmed that.

13 David Brown: Okay. So you feel confident that the
14 data collected over that time period is representative, a very
15 accurate representation of the collection of whether someone did
16 or did not see a dead polar bear?

17 Charles Monnett: I believe so. Yes. That's --

18 David Brown: Okay.

19 Charles Monnett: -- but I wasn't there. It was 25
20 years. And it's all we have to go on, is what's in the record.

21 Eric May: And is the record of UF's (phonetic) study,
22 this study report?

23 Charles Monnett: No. No. It would be the database,
24 itself. We didn't go from -- into those to look.

25 David Brown: Sorry to interrupt, Eric.

26 Charles Monnett: It's actually in the database.

1 Eric May: All right. Peer reviewer -- another peer
2 reviewer, number three. Quote, "I am concerned, however, that too
3 much emphasis has been put on suggesting that the bears died
4 because of loss of sea ice and extended open-water swimming.

5 "The fact is that the causes of these deaths and the
6 circumstances surrounding the mortalities are unknown. I have
7 raised, throughout the document, serious concerns and dangers with
8 respect to the extrapolation of limited data. It is very risky
9 and not supported."

10 The peer reviewer goes on to say, "Much of the
11 introductory material describing climate change and projected loss
12 of sea ice would seem better suited in a discussion of the idea of
13 bears spending more time in open water due to loss of sea ice
14 cover, and therefore, being exposed to increased risk of storms."
15 End of quote.

16 The last one in this area. This -- quote, "This
17 should be revised to give it better flow. While the observations,
18 themselves, are important, I strongly caution the authors about
19 extrapolation and suggesting that a number of bears probably
20 drowned. The data do not support it."

21 Is this not a huge objection to the way you
22 extrapolated data in your manuscript?

23 Charles Monnett: It's -- it's normal give-and-take in
24 peer review. The final arbiter is the journal editor. We respond
25 to these things. We make changes in the paper. We defend them in
26 writing. There is no reason to think that any given reviewer has

1 good knowledge of the circumstances.

2 I think that if -- if you were someone that had flown
3 a lot up there, had seen the changes in the Arctic, had seen the
4 changes in polar bear distribution associated with changes in ice,
5 that had seen the changes in the number and strength of storms,
6 that none of this would surprise you at all, that we're saying
7 that there are more storms, they're related to -- the strength,
8 the size of the waves is related to the fetch, which is the
9 distance that the water has to build to make big waves, and that
10 that can lead to more polar bear mortality as this goes in the
11 future.

12 If you look at the weather, it's changed dramatically
13 in the last decade and a half, probably, since the late Nineties.
14 There -- there is a lot less ice. It's way further offshore, and
15 the free -- the size of these storms has increased dramatically.

16 If you read the old literature, if you read in
17 probably -- what year is that report? '04. It might even say it
18 in there. It refers to the maximum size of the waves in the
19 Beaufort Sea is -- is very low.

20 Whereas, when we were out there -- and if you look --
21 and you can document this in the NOAA - what do you call them,
22 their forecasts of sea state, we were experiencing 30-foot waves,
23 which is totally new, and totally outside the experience of polar
24 bears.

25 And we felt it was obvious that those kind of
26 conditions would be very hard on a mammal like the polar bear, as

1 they're swimming around in them, if they're caught in it.

2 So, when we had that wind event, there were probably
3 15-foot seas, 10-, 12-, 15-foot seas, breaking seas. Now, that's
4 outside the normal recent experience of polar bears, according to
5 the old weather records.

6 And I could tell you that, when there's ice, you
7 simply don't have waves. Waves are damped dramatically by ice.
8 And you can be a mile away from ice, and there still won't be
9 waves.

10 The glass -- the water is glassy-flat in the lee of
11 ice and so, in the earlier years there was much more extensive ice
12 and no fetch.

13 Eric May: What's your science, field of expertise?

14 Charles Monnett: I'm an ecologist.

15 Eric May: Are you an expert in climatology?

16 Charles Monnett: I am not.

17 Eric May: Okay. Your response to this last peer
18 reviewer critique, "He suggests other more plausible explanations
19 for the deaths, including the scenario that bears were caught
20 offshore by a storm.

21 "This, in fact, is what we believe to be the case.
22 That is, during calm weather, many bears swam towards ice that was
23 unusually distance - distant -- a storm developed, and bears
24 died. End of story."

25 "Reviewer number three appears to have missed our
26 message, so we have added text in the discussion to make sure

1 there's no confusion among readers."

2 My question to you -- well, first off, is this not a
3 huge objection?

4 Charles Monnett: No, I don't believe it is. I
5 believe a huge objection would be one that would lead to something
6 being deleted or that the paper wouldn't be published. Obviously,
7 we worked it out with the editor.

8 Eric May: Is this omission regarding the weather from
9 your abstract a reflection of the statement made in your email
10 with Gleason in 2004?

11 "We might be onto something with the global warming
12 angle."

13 Charles Monnett: Well, does it say "global warming"
14 in our abstract? It doesn't. The abstract is limited. You can't
15 add everything you want to it. There's a limited number of
16 characters that they permit in abstracts, generally.

17 I suspect that this abstract is as long as we were
18 allowed to make it, and so we put what we thought were the
19 important points in there. The details of weather -- of the storm
20 and all that are well-documented throughout the paper.

21 We don't assert that it was climate change. We were
22 very careful to make it clear that we weren't going beyond looking
23 at this as a local phenomena that, you know, was developing
24 because of changing conditions in this part of the Arctic.

25 Eric May: But in your response to this peer reviewer
26 you were really simplifying and you state -- I'll -- again, "This,

1 in fact, is what we believe to be the case. That is, during calm
2 weather many bears swam toward ice that was unusually distant. A
3 storm developed, and bears died."

4 But you left it -- you intentionally left weather out
5 of the abstract, it appears.

6 Jeff Ruch: It was a storm.

7 Eric May: There's no reference to the storm in the
8 abstract.

9 Jeff Ruch: Good Lord, (Inaudible.) Can we move on?

10 Eric May: Let me -- let me go on, Dr. Monnett.

11 Jeff Ruch: Can we move on?

12 Eric May: I am right now.

13 David Brown: We're moving on.

14 Eric May: You further respond to this peer reviewer
15 critique, quote, "With respect to extrapolation, we do not believe
16 our analysis is risky. We deliberately were simplistic and
17 understated, however, we do believe that it is worth considering
18 that only ten percent of the area is surveyed and so it seems very
19 likely that many more bears were floating but not seen.

20 "Four bears seen in ten percent of the area suggests
21 something like 40 bears were swimming. It seems obvious. We
22 believe that our conclusion that many of the swimming bears
23 probably drowned as a result of rough seas was understated.

24 "We didn't say 30 as the ratio should suggest, but
25 deliberately choose to be understated because of the potential
26 importance of these data to NGO's involved in the debate about the

1 climate change and associated fund-raising." End of quote.

2 What's an NGO, Dr. Monnett?

3 Charles Monnett: A nongovernmental organization.

4 Eric May: What are you talking about here, fund-
5 raising?

6 Charles Monnett: Well, that's what they do. They use
7 things like -- like this or, in my case, I went through the EXXON
8 VALDEZ, where they turned that into a huge fund-raising event.

9 Eric May: Did you deliberately understate your
10 numbers in order to make your data more credible or believable?

11 Charles Monnett: No.

12 Eric May: Did you deliberately understate the numbers
13 in order to increase NGO's fund-raising abilities associated with
14 climate change and/or global warming as referenced in your 2004
15 email?

16 Charles Monnett: No, that's not what we said. We
17 said exactly the opposite, that we had not overstated, that we had
18 understated the numbers because we didn't want somebody to go nuts
19 with it.

20 Eric May: I'm not a scientist, Dr. Monnett, but is
21 that good science?

22 Charles Monnett: To deliberately understate the
23 numbers? I would say it's absolutely good science, and it's tied
24 to the depth of the analysis you do.

25 Throughout this paper we've treated it as an
26 observational -- simple observational study where we saw A, B and

1 C, and we noted a very casual correlation. We've used numerous
2 words in there that qualify that and make it clear that we're not
3 presenting anything absolute.

4 This is a note. We saw some bears that were dead. We
5 saw bears before that were swimming. It's a change in the
6 database. Those are all from the database. That's all facts. We
7 saw a storm. That's a fact.

8 We made a suggestion that those things might be
9 interrelated, and then we also made a further suggestion that,
10 given well-documented trends in the regression of pack ice that it
11 might be something to be concerned about for the future.

12 We were directing that at MMS analysts that needed to
13 be aware of this. We had language in an earlier draft about oil
14 spills. I don't know if we took that out, because we were
15 concerned that swimming bears -- if there were more swimming
16 bears, might be more vulnerable to oil spills.

17 Eric May: Have you ever overstated or understated any
18 other research because of the importance of the debate about
19 climate change or associated fund-raising?

20 Charles Monnett: I didn't overstate this research
21 and, no, I haven't.

22 Eric May: Do you see yourself playing a role in the
23 climate change NGO's and their fund-raising abilities?

24 Charles Monnett: Well, it's clear that they took
25 advantage of this and, you know, there's obvious ramifications to
26 their fund-raising.

1 I suspect right now, because of what's happening that,
2 you know, we've created a heck of a growth environment for anti-
3 climate change blogs. They are running amok with all this. So,
4 that wasn't intentional, either.

5 We're not responsible for the spin. We are just
6 reporting simple observations in an understated way. It was good
7 enough to get through the review in our agency which is -- and
8 especially at that time was an agency that was very critical about
9 anything that had to do with suggesting that there was climate
10 change.

11 Eric May: I'm not talking about spin, Dr. Monnett.
12 These are your own words.

13 Charles Monnett: Well, I don't know what you are
14 referring to now.

15 Eric May: I'm talking about understating the numbers
16 in order to influence --

17 Charles Monnett: Did we say "in order to influence,"
18 or "to avoid influencing"? Let me see the words.

19 Eric May: Let me say it again. We didn't say 30, as
20 the ratio suggests, but deliberately chose to be understated
21 because of the potential importance of these data to NGO's
22 involved in the debate about the climate change and associated
23 fund-raising.

24 Charles Monnett: Okay. There's a couple of words
25 missing there, and you're interpreting it to mean that we did it
26 to enhance it. I would say that you could easily read that to

1 mean that we were doing it to avoid having that effect.

2 Eric May: I have the original. There's nothing
3 missing, what you stated.

4 Charles Monnett: No. I mean -- I mean in the way
5 you're interpreting it. I don't read that to say that we changed
6 those numbers to enhance fund-raising opportunities for NGO's.
7 I'm reading it exactly the opposite, the way it is there now.

8 That the reason we understated it was because we
9 wanted to avoid that.

10 David Brown: Is -- Can I -- simple question.

11 Charles Monnett: Yes.

12 David Brown: Is either -- is one better than the
13 other or is either good --

14 Charles Monnett: What?

15 David Brown: -- or is either bad?

16 Charles Monnett: Either way.

17 David Brown: Either interpretation of what you just
18 said?

19 Charles Monnett: Well, yes. One's bad. His is bad
20 because I don't want to be viewed as manipulating my data because
21 I was trying to enhance a fund-raising opportunity for anybody.

22 David Brown: Would it be as -- no less bad that you
23 manipulated your data for any reason?

24 Charles Monnett: We didn't manipulate it.

25 David Brown: Okay. Understate it.

26 Charles Monnett: We were conservative in our

1 presentation.

2 David Brown: Okay.

3 Charles Monnett: And that's totally appropriate,
4 given the level of statistical analysis that we undertook.

5 We did not believe that this result was worth a huge,
6 big, complicated statistical analysis that would have got us to
7 the same place. We felt that this is obvious.

8 The numbers are relatively small, but it's a dramatic
9 departure from what has been seen over 25 years, and it's entirely
10 consistent with other things that are going on in the Arctic, like
11 the regression of the sea ice, which is widely-known, and the
12 increase in the intensity of the storms is widely-known.

13 It's very -- it should have been viewed as a very
14 simple note that made a very simple observation. It's relevant to
15 climate change because, in the scientific context, you'll see this
16 finding cited right along with things like increased cannibalism,
17 increased -- or decreased rates of cub survival, decreased body
18 condition, which means the bears are less fat, decreased cubbing
19 rates.

20 This is another of a suite of things that all point to
21 the fact that polar bears are struggling with changes in the sea
22 ice in the Arctic.

23 David Brown: Does your -- do you think your paper had
24 a significant influence on the listing of the polar bears
25 threatened?

26 Charles Monnett: I don't think our paper had a

1 significant impact. We provided other data that probably was more
2 important to normal agency channels. Those data, to some extent,
3 have subsequently been published by Dr. Gleason and people in the
4 Fish and Wildlife Service.

5 Eric May: Have you had any conversations with
6 colleagues about NGO fund-raising abilities and their activities?

7 Charles Monnett: No. No. I'm well-aware of it
8 because the -- until 1989 when the EXXON VALDEZ poured all that
9 oil into the Prince William Sound, I had a generally positive view
10 of NGO's in general that, you know, environmental organizations.

11 When I had to see group-after-group come to Prince
12 William Sound for no other reason than to bring movie stars there
13 to get them filmed and, you know, to tie it into fund-raising, and
14 realize that the funds that they were raising were not even
15 directed towards recovery of Prince William Sound -- they were
16 being used in other campaigns on the East Coast -- that I really
17 lost interest in NGO's.

18 And so, I'm aware I have a cynical view of fund-
19 raising by NGO's and how they use issues. But that concern is not
20 sufficient to withhold publication of this information because it
21 is one of many important pieces that form the entire picture of
22 what's happening to polar bears, all of which have been a factor
23 leading to the listing as "threatened" and to considerable
24 discussion and planning on the part of the Fish and Wildlife
25 Service and how to deal with this type of an issue.

26 I have a huge study that Fish and Wildlife and BRD are

1 doing that looks at the bears that are on land. I had another
2 study -- it's focused the bears on land and what the risk to them
3 is as the sea ice regresses, of potentially drowning. You know,
4 that's one of the bottom lines.

5 We're trying to understand whether the bears that are
6 now on land -- there's a couple hundred -- are going to form a
7 stable population unit that will survive the year that all the sea
8 ice is finally gone, which is projected to be in a couple of
9 decades.

10 Most of the bears, if you look at the collar data, are
11 out on the ice. And each year, on average, they get a little
12 further out. One of these years that ice is going to be gone.
13 All those bears are going to be in the water hundreds of miles
14 from shore, and so there's a concern that a huge portion of the
15 population may die abruptly, maybe the entire population if they
16 are far enough out and they are hit by storm.

17 So, you have to be concerned about this small group of
18 bears that are on the beach right now, the potential, you know,
19 kernel that will be the last segment of this polar bear
20 population, and so we're studying that extensively to try to
21 understand whether those bears have a tendency to stay on land or
22 whether they are just a portion of the bears that are rotating
23 between the ice and land between years.

24 So, let's say all the bears offshore die. You've got
25 200 on land. What do they do the next year? Are they the ones
26 out on ice, and then they are gone, too? Polar bears go extinct,

1 or is it a Hudson Bay type model where you have a stable group of
2 bears that end up on land and can be managed.

3 David Brown: When you go to publish your report are
4 you going to have any consideration in the information in there
5 about NGO's or their fund-raising abilities?

6 Charles Monnett: Publish which report?

7 David Brown: Well, the report that you're talking
8 about.

9 Charles Monnett: I'm not -- I'm the COR on that. I'm
10 not going to be publishing that at all.

11 David Brown: Okay. Well -- okay. Well, then, my
12 question is not relevant, then.

13 Charles Monnett: We were just trying to justify why
14 we were doing the conservative, presenting in a conservative
15 fashion. I don't think that's hard to understand.

16 I'm pretty nonpolitical. I don't -- you know, I'm not
17 on TV a lot. I don't -- I don't speak to the press about these
18 things. I'm not like Steve Amstrup or other people that are the
19 high-profile polar bear people that have gone to work for NGO's.

20 Eric May: Do you have any other questions?

21 David Brown: I don't.

22 Rich?

23 Richard Larrabee: I just have one general question
24 that you've -- Special Agent May has talked to you a little bit
25 about, the mention of the storm.

26 It's mentioned in the manuscript, not in the abstract.

1 Charles Monnett: Yes.

2 Richard Larrabee: It's mentioned in the manuscript
3 like once. If there was a little more focus on the manuscript on
4 the storm or even mentioned in the abstract, that would still be
5 good science, too, right?

6 Charles Monnett: And I don't think it would have
7 changed anything.

8 Richard Larrabee: That is --

9 Charles Monnett: Because it's clear. Everybody knows
10 that the reason the storms are there is related to the retraction
11 of the sea ice. And most people would say that's related to
12 climate change.

13 Richard Larrabee: Okay. My question was: If there
14 were more references to the storm, including in the abstract, that
15 paper would still be good science, though, correct?

16 Charles Monnett: Maybe or maybe the journal editor
17 would have removed them and said they're redundant.

18 Richard Larrabee: If the journal editor didn't remove
19 them.

20 Charles Monnett: No, it would have been fine, yes.

21 Richard Larrabee: It would have been fine.

22 Charles Monnett: Sure.

23 Richard Larrabee: So, obviously in the process of
24 producing a manuscript like this you choose, as an author, how
25 you're going to mention things, where you are going to mention
26 things --

1 Charles Monnett: Yes.

2 Richard Larrabee: Correct?

3 Charles Monnett: Right.

4 Richard Larrabee: Which, depending on, you know,
5 could be -- of course, in anything that's ever written, somebody's
6 going to write something in a certain way, depending on their own
7 potential -- their own thoughts and circumstances regarding what
8 you're trying to present in the paper.

9 So, if you did mention the storm several times, that's
10 good science. If you didn't, obviously you're saying this is good
11 science, too. And I just wanted to sort of flesh that out and
12 make that point -

13 Charles Monnett: Well, sure, but do you understand --

14 Jeff Ruch: How is the IG in a position to judge what
15 is good science or not?

16 Richard Larrabee: I'm not judging.

17 Jeff Ruch: This is incredible.

18 Richard Larrabee: I'm not judging.

19 Jeff Ruch: You are investigating.

20 Charles Monnett: Yes, these things are -- there's
21 nothing absolute about a publication. In a way, it's kind of an
22 art, and it's a negotiation between the scientist and the journal,
23 and it evolves because, in the process of creating it, you learn,
24 and you emphasize.

25 When we did this -- when we first saw the bears we had
26 no idea that it was even significant. We didn't care enough to

1 really try to make sure we got a good picture. We didn't care
2 enough to expand the survey to try to get more coverage to see
3 more dead bears.

4 If it happened now, wouldn't anybody -- I mean,
5 wouldn't you say this is a major deal, knowing what we know now,
6 and you'd try to make sure that the science was just absolutely
7 iron-clad. It would have been worth changing objectives over.

8 But, at the time we didn't have a clue. We were
9 really amazed. You know, here's these bears that drowned after
10 this storm. We had no idea that they had that -- that kind of
11 potential.

12 When we were developing the paper we didn't know
13 whether we could document the storm. We got into the weather data
14 and developed this figure that's in here, you know, that shows the
15 increase in the winds. We've put that in there.

16 We've put a section in about the storm, but we didn't
17 know whether that linkage would be something that would survive
18 peer review. That's the final arbitrator on it. It may be what
19 we think, but it has to be accepted by the rest of the community.

20 And you're dealing with people that have different
21 levels of experience, different levels of knowledge when you have
22 your reviewers, and so it's a negotiation. And the final
23 arbitrator on any peer review publication is the journal editor.

24 They tell you what, except that they have limitations
25 in how long the abstract can be. Abstracts are required to be a
26 couple hundred words usually, and there are ratios, you know, in

1 the paper, how big each section can be, how many -- how many
2 references they want.

3 You know, we've got a reference list here. Well, a
4 lot of our references were removed because the paper's too short.
5 They can't justify all those references.

6 So, no, there was no intent to manipulate anything
7 with this. All we were doing was trying to present a simple
8 observation, and we were as surprised as anybody with what it's
9 turned into, and the sort of ways I'm being referred to in both
10 positive and negative press are absolutely baffling to me.

11 I'm not a polar bear biologist. People pretend like I
12 am. I'm not a climate change campaigner. I see that in there.
13 This is all we've done. Right here. That's it.

14 And I've started some other studies to try to do good
15 science, and on Andy's -- Derocher's study, I know you think that
16 there's some deliberate thing here and you think that somehow Andy
17 and I have conspired, and somehow he benefitted me and I
18 benefitted him, but all this has ever done to me is hurt me and
19 Jeff.

20 Jeff was forced to leave the agency shortly after this
21 and take a job that paid a lot less. I've been made miserable
22 ever since this -- this thing came out.

23 Andy's thing should be -- should get an award. It's a
24 brilliant study. It's cost-effective. It's being done for all
25 the right reasons.

26 David Brown: So, if you had to do it over again,

1 would you write it the same way?

2 Charles Monnett: The paper?

3 David Brown: Yes.

4 Charles Monnett: Yes, I would.

5 David Brown: All right.

6 Charles Monnett: I absolutely would. I would
7 continue to be understated. Having known that it drives you guys
8 absolutely nuts, we didn't mention the storm, I would probably put
9 a few words in there about a storm, but when we published it, it
10 didn't seem like it was the most important point when you can only
11 make a few points.

12 Eric May: That's all the questions I have.

13 David Brown: Same for me.

14 Charles Monnett: Okay. You guys -- you need to look
15 at other examples of how I've done procurements. If you're going
16 to judge me based on this one and say that I'm doing all this in
17 some fashion, that other people are unaware of it, you need to
18 look at about a half a dozen other studies that are similar to
19 this that I've done in the same fashion.

20 Jeff Ruch: And on that point, we have some materials
21 that support that view and we wish to provide them to you.

22 David Brown: Great.

23 Jeff Ruch: All right. The second thing, I guess, I
24 was unclear of is, you said you were going to -- it was going to
25 become obvious what the charges were with respect to the
26 University of Alberta contract. I still don't know what the

1 criminal --

2 David Brown: I think I said what it was -- it would
3 be obvious what this is about.

4 Jeff Ruch: Oh.

5 David Brown: I never said anything about charges.

6 Jeff Ruch: So, what is the criminal offense? Why
7 would there have been a criminal referral?

8 David Brown: Why would there have been a criminal
9 referral concerning the contract issues?

10 Jeff Ruch: Yes. As your notice stated. Why would
11 you have done that if there was no crime?

12 David Brown: Well, that's -- you know, that's your
13 opinion as to --

14 Jeff Ruch: And I ask -- I'm not expressing an
15 opinion. I'm asking what is the criminal offense that would have
16 justified referral?

17 David Brown: Well, potentially there's lots of
18 criminal offenses when you're dealing with contract issues.
19 There's false statements. There are potential bribery issues.
20 There's false claim issues.

21 So, you know, depending how the fact patterns are is
22 what the -- what a potential crime could be.

23 Jeff Ruch: And what was the referral based on in this
24 case?

25 David Brown: I think I -- you asked me that in the
26 beginning, if I was going to provide you with that information and

1 I said no.

2 Jeff Ruch: Well, actually, you said the opposite.
3 You said it was going to become obvious from the questions, and it
4 didn't become obvious from the questions.

5 David Brown: That isn't -- that wasn't my
6 understanding of your question. My understanding of your question
7 was, you know, what's this about, what are the issues involving
8 the contract about.

9 I think we -- it's perfectly clear through the
10 questioning from Rich Larrabee as to what our concerns were with
11 that contract. What -- my communications with the US Attorney's
12 Office and the Department of Justice is not -- I'm not going to
13 divulge that.

14 Jeff Ruch: All right. As you know Dr. Monnett's on
15 involuntary administrative leave from his work until you produce
16 final results. Are you people still at the early stage, the mid-
17 stage, the late stage?

18 David Brown: You know, these are difficult questions.
19 We get these all the time and I understand -- I understand what
20 you're asking and I'm very reluctant to say, you know, we're at
21 any particular stage, other than, you know, we're still collecting
22 facts.

23 You, yourself, just said that you had some information
24 that was -- was concerning other contracts that would show similar
25 types of activities. You know --

26 Jeff Ruch: In this contract. In the University of

1 Alberta contract.

2 David Brown: And that's -- that's very helpful for
3 us. Any information that we could get is helpful. And, you know,
4 but I have to tell you that every time we, you know, turn the
5 corner, we find new information. It takes a little bit longer to
6 digest and record it.

7 So, you know, I'd like to be able to tell you that
8 we're going to be done in 30 days and you're going to have a
9 resolution. I just can't tell you that based on the collection of
10 information.

11 Every time we talk to somebody, new information -- we
12 get new information, and we have to consider it. So, I know
13 that's --

14 Paula Dinerstein: Are you planning to talk to many
15 more people or any more people?

16 David Brown: Oh, yes. We're going to try to -- sure.
17 We're going to try to talk to as many people who are willing to
18 talk to us, to tell you the truth, and involved in either the
19 contract and/or the manuscript and, you know, if people are
20 willing to talk to us, then we will.

21 Paula Dinerstein: So do you have a list of people
22 that you haven't talked to yet who you're going to try to talk to?

23 David Brown: We certainly have our investigative
24 plan.

25 Paula Dinerstein: Okay. And how many people are on
26 that list?

1 David Brown: You know, we're not -- I'm not going to
2 go into the details of what we are going to do.

3 Paula Dinerstein: Well, we just want to get some idea
4 of, you know, are there 20 more people to interview, one more
5 person, you know, because Mr. Monnett is being banished from his
6 work place while this goes on.

7 Jeff Ruch: And I'm at a loss as -- if you're still
8 gathering information, why do you thought you had enough
9 information to go to the Department of Justice and to the head of
10 the command of his agency requesting that he be removed?

11 David Brown: You obviously --

12 Jeff Ruch: Before you talked to him.

13 David Brown: You obviously don't know the procedures
14 involving the Department of Justice is the only thing I could say
15 to you why we did or didn't do something.

16 And as far as Mr. Monnett and his dealings with his --
17 with BOEMRE, I -- you know, that's completely up to BOEMRE and
18 their actions. We don't dictate what your --

19 Jeff Ruch: I know you didn't dictate, but you set it
20 in motion. You set it in motion without hearing his side of the
21 story, and I know enough about IG procedure to know that that's
22 highly prejudicial and unusual.

23 David Brown: Again, you're wrong. So --

24 Charles Monnett: Do you always do that?

25 David Brown: What's that?

26 Charles Monnett: Do it that way? I mean -- good

1 grief. I mean, you --

2 David Brown: You know, if you'd like to have a -- if
3 you'd like to have a separate discussion on, you know, typical
4 policies and procedures of the IG, that's fine. We could do that
5 off -- outside this interview, and I'll be more than happy to
6 explain that, what our common practices are. But, you know, we're
7 not going to discuss it further here.

8 Charles Monnett: Well, I'm just surprised you think
9 this is so important that you have created as much chaos in, you
10 know, the marine mammal research program. You really have done a
11 lot of damage.

12 David Brown: Is there anything else? We can
13 conclude?

14 Jeff Ruch: No. We have nothing more.

15 David Brown: All right. We're done.

16 Richard Larrabee: I'll go ahead and stop this tape.
17 It's approximately 11:25.

18 (Whereupon, the interview concluded at 11:25 a.m.)

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C E R T I F I C A T E

MATTER: Interview of Charles Monnett

DATE: 08-09-11

I hereby certify that the attached transcription of pages 1 to 114 inclusive are to the best of my belief and ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording.

Neal R Gross

NEAL R. GROSS

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