

**Petition
to
Correct Information Disseminated
by the
USDA Forest Service**

**Expert Interview Summary for the Black Hills National Forest
Land and Resource Management Plan Amendment**

January 17, 2003

Petition Elements

This Petition (Request for Correction) is a formal request for the correction of information disseminated by the USDA Forest Service, and it is submitted under:

1. Public Law 106-554 § 515
2. OMB Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies
3. USDA's Information Quality Guidelines

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Description of Information to Correct

Expert Interview Summary for the Black Hills National Forest Land and Resource Management Plan Amendment

2000

United States Department of Agriculture

Forest Service

Black Hills National Forest

Custer, South Dakota

The "Expert Interview Summary" is actively disseminated on the Internet at:

http://www.fs.fed.us/r2/blackhills/fp/planning/99Amend/00_10_25_ExpertInterviewSum.pdf.

Provisions of Public Law 106-554 § 515 are applicable to an agency's disseminated information as described in the OMB Quality Guidelines, III.4:

III.4. The Agency's pre-dissemination review, under paragraph III.2, shall apply to information that the agency first disseminates on or after October 1, 2002. The agency's administrative mechanisms, under paragraph III.3, shall apply to information that the agency disseminates on or after October 1, 2001, regardless of when the agency first disseminated the information.

The OMB directive, including dates for adherence, is consistent with congressional intent as embodied in Public Law 106-554 § 515:

- (a) In General.--The Director of the Office of Management and Budget shall, by not later than September 30, 2001, and with public and Federal agency involvement, issue guidelines under sections 3504(d)(1) and 3516 of title 44, United States Code, that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act.

Because the subject document has been disseminated by the USDA Forest Service on or after October 1, 2001, the document is subject to requests for corrections under Public Law 106-554 § 515.

Explanation of Noncompliance with OMB and/or USDA Information Quality Guidelines.

The "Expert Interview Summary" is, in part, dependent on the presumed quality of

**Management Recommendations for the Northern Goshawk in the
Southwestern United States**

General Technical Report RM-217. 1992.
United States Department of Agriculture
Forest Service
Rocky Mountain Forest and Range Experiment Station
Fort Collins, Colorado

Interviewed experts explicitly referred to, relied on and endorsed GTR-RM-217, in whole or in part, on p. 79:

"Boyce supported basing our management on the Southwest goshawk guidelines (Reynolds et al. 1992) during the interim period. Squires also indicated that the Southwest guidelines might provide valuable guidance regarding the distribution of age classes. The Southwest goshawk guidelines were produced by an independent team and are recognized as an important management approach (Boyce). The Southwest goshawk guidelines have received documented support from The Wildlife Society (Boyce). Also, available prey in the Black Hills is similar to the Southwest, suggesting the Southwest guidelines are quite applicable (Boyce)."

"He also recommended that the process used in developing the Southwest goshawk guidelines (Reynolds et al. 1992) be used to develop management guidelines for the Black Hills (Reynolds)."

The entirety of GTR-RM-217 has been shown to violate Public Law 106-554 § 515, under the guiding information quality provisions of the Office of Management and Budget, and additionally under USDA's Information Quality Guidelines.

Because the "Expert Interview Summary" depends on the presumed high quality of GTR-RM-217, the "Expert Interview Summary" violates OMB Guidelines requiring the maximization of the "quality, objectivity, utility, and integrity of information, including statistical information, disseminated by Federal agencies."

Explanation of the Effect of the Alleged Error

The document cited, referred to and depended upon for presumed quality in the "Expert Interview Summary", GTR-RM-217, places incorrect restrictions on forest and range management, recreation and other uses of U.S. Forest Service lands. These restrictions errantly reduce timber harvests, timber quality, forage utilization, recreational opportunities and forest access. The restrictions severely limit the availability and application of silvicultural tools that improve forest health, timber size and quality, forage production, and that reduce the risks of catastrophic stand-replacing fires. The effect of the errors in GTR-RM-217, and hence its inclusion by citation and reference in the "Expert Interview Summary", is to harm local and regional economies and communities, including the natural resources sector as a whole, and to subsequently cause harm to the requestor.

In addition, GTR-RM-217 promotes the creation of forest conditions that may negatively impact goshawk populations, as evidenced by the biased forest conditions required and recommended in GTR-RM-217. The effect is to harm the requestor's enjoyment of National Forest lands and its amenities. Should goshawk populations indeed decline as a consequence of negative impacts instigated by GTR-RM-217 requirements and recommendations, anticipated and likely additional forest management restrictions will further harm the requestor.

Recommendation and Justification for How the Information Should be Corrected

Requestors recommend that the "Expert Interview Summary" be corrected by expunging from the document all sections reliant on the presumed quality of GTR-RM-217, including references to and endorsements of GTR-RM-217.

The influence of GTR-RM-217 is significant. Many organizations, government agencies, the federal judiciary, private companies and private citizens have relied, and continue to rely, on the high quality that was incorrectly implied to be associated with its contents. To correct the harm already caused, and to prevent further harm, the requestor recommends that the "Expert Interview Summary" be corrected in an expeditious manner.

Supporting Documentary Evidence

This Petition (Request for Correction) has been filed with the Petition (Request for Correction) documenting the information quality violations in GTR-RM-217. Please refer to the GTR-RM-217 Petition for all necessary, additional and supporting documentary evidence.