

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

**Record of Decision for Amendment of Forest Plans  
Arizona and New Mexico  
(Dated June 5, 1996)**

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

### Record of Decision for Amendment of Forest Plans

#### Arizona and New Mexico

United States Department of Agriculture

Forest Service

Southwestern Region

Decision signed by Charles W. Cartwright, Jr., Regional Forester,  
June 5, 1996

### Date of dissemination by USDA Forest Service

**to Requestor(s):** September 18, 2002, from the USDA Forest Service,  
Kaibab National Forest, Williams, Arizona.

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 *Record of Decision* is partially 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

On pages 91-94, under "Ecosystem Management in Northern Goshawk Habitats", the *Record of Decision* is wholly dependent on the presumed quality of GTR-RM-217.

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. Therefore, the entire section in the *Record of Decision*, titled "Ecosystem Management in Northern Goshawk Habitats", is incorrect, as is the directive on p. 91 to the National Forests of U.S. Forest Service Region 3 to refer to GTR-RM-217 for information:

"Refer to USDA Forest Service General Technical Report RM-217 entitled 'Management Recommendations for the Northern Goshawk in the Southwestern United States' for scientific information on goshawk ecology and management which provide the basis for management guidelines."

Continued inclusion of this section in the *Record of Decision* is a violation of 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 and referred to in the *Record of Decision*, 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 *Record of Decision*, is to harm local and regional economies and communities, including the natural resources sector as a whole, and to subsequently cause harm to the requestors.

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 requestors' 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 requestors.

## **Recommendation and Justification for How the Information Should be Corrected**

Requestors recommend the *Record of Decision* be corrected by withdrawing the section titled "Ecosystem Management in Northern Goshawk Habitats", and hence correcting any and all other references to, or citations of, GTR-RM-217.

The influence of 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 requestors recommend that the *Record of Decision* 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.