



THE DEPUTY SECRETARY OF THE INTERIOR  
WASHINGTON

JUL 06 2007

The Honorable Nick J. Rahall, II  
Chairman, Committee on Natural Resources  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your recent letters to Secretary of the Interior Dirk Kempthorne, concerning the involvement of Ms. Julie MacDonald in the decision of the U.S. Fish and Wildlife Service (FWS) to remove the Sacramento splittail from the list of threatened species. Your Committee colleague, Mr. George Miller, who cosigned the letter dated May 21, 2007, is also receiving a copy of this response. The Secretary has asked that I personally respond to your inquiry.

As administrator of the Endangered Species Act (ESA), the United States Fish and Wildlife Service is obliged to act in accordance with the specific requirements of the ESA in deciding whether to list or delist species. While this particular matter regarding the Sacramento splittail remains under review by FWS Director Dale Hall, I am advised that the original recommendation made by FWS regional personnel to headquarters was to remove the Sacramento splittail from the list of threatened species.

With respect to Ms. Julie MacDonald's role in that decision, your May 21, 2007, letter asks a number of questions relating to her involvement in the matter and seeks a number of documents and an accounting of document edits to that end. We have consulted with the Office of the Inspector General (OIG) and have been advised that it is reviewing the matter, and its review will encompass all items enumerated on page 2 of your inquiry. In order to assure that the OIG's review is effective and unimpeded, we are unable to provide you with information relating to these items at this time. I urge you to contact the OIG directly to discuss the status of their review. We can say, however, that our Ethics Office staff has indicated that Ms. MacDonald did not file a written recusal with that office regarding these matters.

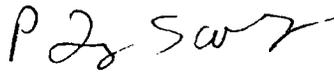
You also asked for a description of all formal or informal actions taken by the Department in response to Ms. MacDonald's 2004 decision to provide internal documents relating to the threatened Delta smelt to external parties. While Ms. MacDonald resigned before the Department could complete final actions on the Inspector General's report, the Secretary has made it very clear that all Departmental employees must adhere to the highest ethical standards, and we expect nothing less regarding specific regulatory obligations that address the treatment of non-public information.

In order to ensure the integrity of our scientific information, in February 2006, Director Hall and I initiated a process requiring that Departmental reviewers work through Director Hall if they have questions about scientific information or desire scientific explanations of data and related information regarding (ESA) issues. This ensures that Departmental and FWS staff are communicating through the appropriate channels and that managers within the FWS are kept apprised of those communications.

Finally, you asked the FWS to reevaluate its decision to delist the Sacramento splittail to ensure that it was based solely upon the best available scientific and commercial data, as required by law. In your letter of June 20, 2007, you broadened this request to review ESA-related documents in which Ms. MacDonald may have had an oversight role, including the Gunnison prairie dog, white-tailed prairie dog, southwest bald eagle, Gunnison sage grouse, round tail chub, Montana fluvial arctic grayling, Mexican garter snake, Tabernacmontana rotensis, mountain plover, and the Sacramento splittail. I am told that the review being conducted by Director Hall encompasses these matters. In the event that this review finds these decisions were not based solely on the best available scientific and commercial data, the FWS will report these findings to you and other Members of Congress and take appropriate action to correct such findings.

We appreciate your interest in this important matter. If you have any further questions or concerns, please do not hesitate to contact me personally.

Sincerely,



P. Lynn Scarlett

cc:

The Honorable George Miller  
U.S. House of Representatives  
Washington, D.C. 20515