

The New York Times

March 29, 2007

Report Says Interior Official Overrode Work of Scientists

By Felicity Barringer

WASHINGTON — A top-ranking official overseeing the Fish and Wildlife Service at the Interior Department rode roughshod over agency scientists, and decisions made on her watch may not survive court challenges, investigators within the Interior Department have found. Their report, sent to Congress this week by the department's inspector general, does not accuse the official, Julie A. MacDonald, the deputy assistant secretary for fish, wildlife and parks, of any crime. But it does find that she violated federal rules when she sent internal agency documents to industry lobbyists.

Ms. MacDonald, an engineer by training, has provoked complaints from some wildlife biologists and lawyers in the agency for aggressive advocacy for industries' views of the science that underlies agency decisions. The words of more than a dozen high-ranking career employees, from Interior Department headquarters and regional offices in California and Oregon, who are quoted usually by title in the report, describe a manager determined to see that agency findings and the underlying science conform with policy goals.

In recent years, agency lawyers reported, 75 percent of the Western offices' findings on endangered-species status reviews and critical-habitat determinations were sent to Washington without any assurance from career lawyers and biologists that they were valid. Court challenges from both industry and environmentalists are a regular occurrence at the fish and wildlife agency. Making decisions that are vulnerable increases the risk that time-consuming, labor-intensive scientific and regulatory work must be redone.

The report, citing a lawyer in the Sacramento office, noted that Ms. MacDonald lobbied for a decision to combine three different populations of the California tiger salamander into one, thus excluding it from the endangered-species list, and making the decision legally vulnerable. A federal district judge overturned it in 2005, saying the decision was made "without even a semblance of agency reasoning."

Ms. MacDonald, who said through a spokesman that she had not seen the inspector general's report, declined requests for an interview. When the inspector general asked her "why she ignored or discounted" legal opinions from the regional offices, the report said, "MacDonald replied it was a matter of policy, it was what worked best, and it was the result of the risk balancing that takes place" between pursuing policy goals and ensuring decisions have an adequate basis.

She also denied giving preferential treatment to a California Farm Bureau lobbyist who was a friend, or to any of his clients.

The inspector general also found that Ms. MacDonald had sent internal government documents by e-mail to a lawyer for the Pacific Legal Foundation — a property-rights group that frequently challenges endangered-species decisions.

She twice sent internal Environmental Protection Agency documents — one involving water quality management — to individuals whose e-mail addresses ended in “chevrontexaco.com,” the report said.

The inspector general’s investigation started after an anonymous complaint that Ms. MacDonald’s conduct was unethical and illegal.

A copy of the report was sent to Representative Nick J. Rahall II, Democrat of West Virginia and chairman of the House Committee on Natural Resources; his office provided a copy to The New York Times. In a statement, Mr. Rahall said he would hold hearings to conduct “a sweeping review on whether politics is infiltrating decisions governing” endangered species.