

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

**Black Hills National Forest
Phase I Goshawk Analysis**

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

Requestor(s) Contact Information

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Description of Information to Correct

Black Hills National Forest - Phase I Goshawk Analysis

2000
United States Department of Agriculture
Forest Service
Black Hills National Forest
Custer, South Dakota

The "Phase I Goshawk Analysis" is actively disseminated on the Internet at:

http://www.fs.fed.us/r2/blackhills/fp/planning/99Amend/00_12_20_GoshawkAnalysis.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 "Phase I Goshawk Analysis" is wholly 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

The "Phase I Goshawk Analysis" relies exclusively on the presumed quality of GTR-RM-217 as specified below:

Phase I Goshawk Analysis, p.2:

"Interim direction and expert interviews both inferred that additional protection measures need to be applied to the 1997 Forest Plan revision in order to ensure northern goshawk (*Accipiter gentilis*) species viability... Expert interviews focused on providing all aspects of goshawk habitat, well distributed, across the landscape, to account for all goshawk territories, known and unknown. Interviewees felt that providing the earlier and later structural stages are the most critical. These stages would contribute to nesting habitat and provide habitat for goshawk prey species. They recommended providing a balance of structural stages for all conifer cover types across the forest. They recommended using the Reynolds, et al's Management Recommendations for the Northern Goshawk in the Southwestern United States (hereafter referred to as the Southwest Guidelines) in the interim period until better Range of Natural Variability (RNV) information could be gathered for the Black Hills."

Phase I Goshawk Analysis, p.3:

"Objectives

The objective of Phase I goshawk analysis is to apply the balance of structural stages recommended in the Southwest Guidelines on the Black Hills National Forest."

Phase I Goshawk Analysis, p.3:

"This document describes how the Southwest Guidelines will be applied in the Black Hills for the Phase I Amendment, the rationale used to apply the Southwest Guidelines' vegetation structural stages (VSS) to the Black Hills, the analysis process used in order to provide the appropriate balance of structural stages by alternative, and an overview of analysis results."

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 "Phase I Goshawk Analysis" depends on the presumed high quality of GTR-RM-217, the "Phase I Goshawk Analysis" 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 "Phase I Goshawk Analysis", 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 "Phase I Goshawk Analysis", 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

Requestor recommends that the "Phase I Goshawk Analysis" be corrected through withdrawal (retraction) of the publication because of the stated dependence on 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 requestors recommend that the "Phase I Goshawk Analysis" be withdrawn 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.