



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

MAR 26 2004

In Reply Refer To:  
FWS/AEA/12909

Mr. Eric Wingerter  
National Field Director  
Public Employees for Environmental Responsibility  
2001 S Street NW, Suite 570  
Washington, DC 20009

Dear Mr. Wingerter:

On May 28, 2003, Public Employees for Environmental Responsibility (PEER) filed a request for correction of information under Section 515 of Public Law 106-554, commonly referred to as the Information Quality Act (IQA), with regard to a U.S. Fish and Wildlife Service (Service) 90-day finding on a petition to list the Tri-state Area flocks of the Rocky Mountain Population of trumpeter swans. Notice of our finding was published on January 28, 2003 (68 FR 4221). In that notice, we concluded that the petition did not contain substantial information indicating that the flock was a Distinct Population Segment (DPS) under the Endangered Species Act (ESA).

On July 30, 2003, the Service provided a detailed response to the May PEER request, concluding that correction of information was unwarranted.

On August 19, 2003, PEER provided the Service with a request for reconsideration of the July 30, 2003 determination. On September 9, 2003, you were notified that I had convened a panel to review your request for reconsideration. As Director of the Fish and Wildlife Service, I have the authority for making the final determination on your request.

I have thoroughly reviewed all of the information relevant to your request and find that the dissemination of information associated with the Service's January 28 finding, in particular the Dubovsky-Cornely paper which you specifically challenged, met the agency's standard for objectivity under the IQA.

However, I believe that peer review improves the scientific process and credibility of scientific products. Therefore, under my authority as Director of the U.S. Fish and Wildlife Service (and independent of the agency's responsibilities under the IQA), I have requested that our Regional office submit the Dubovsky-Cornely paper to a peer review process and report the findings of that review to me.

Sincerely,

DIRECTOR