



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

JUN 6 2011

Mr. Gordon Bennett  
40 Sunnyside Drive  
Inverness, CA 94937

Subject: Save Our Seashore Complaint about Information Quality dated March 30, 2001

Dear Mr. Bennett:

This letter responds to your request for correction, pursuant to the Information Quality Act (IQA), of a document posted on the website of the National Park Service (NPS) entitled "Public Report on Allegations of Scientific Misconduct at Point Reyes National Seashore, California." The Department has reviewed your request and determined that the document you are seeking to correct does not fall within the scope of the IQA.

The IQA was enacted by Congress to ensure and maximize the quality, objectivity, utility, and integrity of information disseminated by federal agencies. The IQA does not, however, apply to various types of documents, including documents that are generated as part of an "adjudicative process." See Office of Management and Budget, Information Quality Act Guidelines, at V. 8. and Department of the Interior, Information Quality Act Guidelines, at IV. 9.<sup>1</sup> The document you are seeking to correct is a report of an investigation undertaken by the Office of the Solicitor at the request of the Office of the Secretary to resolve allegations of scientific misconduct on the part of certain Department employees. Because the report was generated as part of the adjudicative process of this personnel matter, it is not subject to review under the IQA. In addition, because the report concerns an internal personnel matter it not subject to public comment by any other process.

While the report references certain underlying scientific issues, it was generated solely for the purpose of resolving the personnel matter described above and any references to the underlying scientific issues are incidental. The Department expects that the report will not have any impact on the ultimate determination of whether Drakes Bay Oyster Company should receive a special use permit pursuant to Section 124 of Public Law 111-88.<sup>2</sup>

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<sup>1</sup> Available at <http://www.whitehouse.gov/sites/default/files/omb/assets/omb/fedreg/reproducible2.pdf> and <http://www.doi.gov/ocio/guidelines/515Guides.pdf>.

<sup>2</sup> Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010, Pub. L. No. 111-88, § 124, 123 Stat. 2904, 2932 (2009).

In the unlikely event that the Department relies upon the report in making that determination, the report will be cited in the bibliography of the Environmental Impact Statement that will be published in the Federal Register and you will have an opportunity to raise your concerns about the underlying science in the report at that time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'E. Keable', with a long horizontal stroke extending to the right.

Edward T. Keable  
Associate Solicitor  
Division of General Law