Statement of
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Before the Committee on Resources
United States House of Representatives

Concerning
The National Lynx Survey
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Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today to talk about the National Canada Lynx Survey. My name is Tom Thompson, Deputy Chief National Forest System, Forest Service. Today, I am accompanied by Kevin McKelvey, Research Scientist at the Forest Service's Rocky Mountain Research Station, who developed protocols for the National Lynx Survey and who will testify on a later panel.

In late September, 2000, a Forest Service employee called the lynx survey coordinator to report that he and some co-workers from the Gifford Pinchot National Forest sent an unauthorized lynx hair sample to the survey coordinator. The stated purpose was to test the DNA process for detecting lynx. A subsequent investigation by the Forest Service revealed that three of the agency's employees were involved. The investigation also determined that two additional unauthorized samples of lynx hair were submitted by two U.S. Fish and Wildlife Service and two Washington State Department of Fish and Wildlife employees, and labeled as having come from the Wenatchee National Forest. A number of other employees of the three agencies knew about the activities but did not report them.

These actions have threatened the credibility of the Forest Service and of other science based agencies. Under the leadership of Chief Dale Bosworth, the Forest Service has acted aggressively to sort out what happened and identify problems, to restore its integrity, and to assure that information associated with the National Lynx Survey is sound. Today, I would like to give you background about the lynx, describe the lynx conservation efforts underway, and describe the design of the National Lynx Survey. Lastly, I will touch on the ongoing investigations and actions that have been taken to date.

Background

The Canada lynx is a medium sized member of the cat family, noted for having long ear

tufts and large feet that are highly adapted for hunting in deep snow. Lynx feed primarly on snowshoe hares, a type of rabbit.

The historical range extends from Alaska across much of Canada, with the southern extensions into parts of the northwestern United States, the Great Lake states, and New England. Within the contiguous United States, the distribution of lynx is associated with subalpine coniferous forests in the West and primarily mixed coniferous/deciduous forests in the Great Lakes and East. Lynx habitat occurs primarily on National Forest System and Bureau of Land Management lands in the West, and lynx has been a rare species for several decades.

Lynx Conservation

Because of its conservation status, and a proposal to list lynx as a threatened species in 1998, land managers and scientists realized that there was a pressing need to know more about the ecology of the lynx. A group of internationally recognized scientists specializing in lynx biology and ecology did an analysis and summarized the best scientific information about the lynx. A team of Forest Service, Bureau of Land Management, Fish and Wildlife Service and National Park Service managers and researchers convened to identify how to better manage for the conservation of lynx on federal lands. The effort also included representatives of state fish and wildlife agencies. They reviewed the state of knowledge on lynx and developed a management strategy for federal lands based on the best available science. This effort has produced several important documents: the Lynx Science Report, Lynx Conservation Assessment and Strategy, Lynx Conservation Agreement, and Lynx Biological Assessment.

The Fish and Wildlife Service issued the final rule to list the lynx as threatened under the Endangered Species Act on March 24, 2000, primarily because of the inadequacy of existing regulatory mechanisms, specifically the lack of guidance for lynx conservation in federal land management plans. On February 7, 2000, and August 22, 2000, respectively, the Forest Service and the Bureau of Land Management signed conservation agreements with the Fish and Wildlife Service to guide interagency lynx conservation efforts through 2004. Among other actions, under the Forest Service-Fish and Wildlife Service Lynx Conservation Agreement, the Forest Service agreed that Forest Plans should include measures necessary to conserve lynx for all forests that have lynx habitat. Development of such measures would include consideration of the Lynx Science Report, the Lynx Conservation Assessment and Strategy and the Fish and Wildlife Service's listing decision. Any necessary changes in these plans would be made through amendment or revision.

Land Management Plans

Planning efforts have begun to incorporate the lynx conservation measures into Forest Plans. Forest Plan amendments or revisions are scheduled for national forests in Washington, Oregon, Idaho, Montana, Wyoming, Utah, Colorado, Minnesota, Michigan, Wisconsin, New York,

Vermont, and New Hampshire, and for BLM units in Idaho and Utah. All of the amendments and revisions propose management direction for lynx and are based on the conservation measures recommended in the Lynx Conservation Assessment and Strategy.

The on-going amendments and revisions are at different stages. Most units have completed the initial public scoping and are preparing environmental documents. Draft analysis documents are being prepared for public review and comment. Some decisions are expected this year. The remaining forests and BLM units will likely begin amendment or revision in the next couple of years.

The National Lynx Survey is being used to document current distributions of lynx and will be used to refine habitat mapping, because we recognize that all potential lynx habitat is not occupied. The results of the survey will increase our knowledge about the current distribution of lynx but will not directly affect the ongoing plan amendment or revision process.

1999-2002 National Canada Lynx Survey

In 1999, the Forest Service began a three-year nationwide survey of habitat to better identify presence and absence of lynx or lynx populations. Dr. McKelvey will describe this effort in more detail in the next panel. This survey is based on peer reviewed and published research. The protocols included standards for training in field methods, standards for field data collection, and standards for the DNA analysis of hair samples to determine the hair was from lynx or from another species. The Carnivore Conservation Genetics Laboratory on the University of Montana campus in Missoula, Montana, developed the DNA protocols. Dr. L. Scott Mills, who will testify later today, heads the Missoula Lab.

The research scientists designed the survey protocols using a systematic approach described in the Lynx Science Report and in other peer reviewed journals. The first step is to ascertain current distribution by means of presence/absence surveys. If lynx presence is detected in an area, the next step is to find out what the presence means: it could be a pet, a fur-farm escapee, or a lone wild lynx passing through the area. To separate out these situations from those of a resident lynx population, research scientists follow-up by conducting intensive snow track surveys, designed and run by Dr. John Squires who is currently conducting a large radio telemetry study of lynx in Montana. If the unauthorized samples had not been identified, the follow-up protocols would have been used to find out if lynx were present.

Lynx hairs have been found in only two areas where we did not know lynx occurred. These two areas were in the Boise and the Shoshone National Forests. As the survey protocols require, research scientists are doing follow-up intensive snow tracking in these areas to help determine the extent and significance of the lynx occurrences.

Forest Service Investigation of the National Lynx Survey and Follow-up Actions

Following the Forest Service investigation, a number of actions have taken place. Forest Service employees responsible for submitting unauthorized samples (except the now retired employee) have been made aware of the seriousness of their actions by their Forest Service supervisors. None of the individuals involved in submitting unauthorized samples from the three agencies has been allowed to participate in the 2001 and future portions of the 1999-2002 lynx survey effort.

When Chief Bosworth became aware of the unauthorized samples, and in light of continuing questions about the survey, he asked the USDA Inspector General to look more fully into the allegations of unauthorized samples. The Department of the Interior's Inspector General and the General Accounting Office (GAO) also are looking into this issue. The ongoing investigations may ultimately indicate that further action is warranted by agency managers.

The Chief recently directed that the already existing Forest Service Code of Scientific Ethics be applied to all Forest Service employees, agency partners, and cooperators who participate in research funded with Federal research appropriations. The Administration and Congress have been adamant that the information collected and used by the Federal Government be top-quality. The importance of professional conduct and ethical behavior is being emphasized with employees at meetings and as part of training modules.

The research scientists did not include the unauthorized hair samples in the survey data. They also reviewed the field notes for anomalies. Other than the Boise and Shoshone samples, no other lynx were identified outside known areas and, as mentioned earlier, follow-up survey protocols are being used. Based on these factors, the research scientists believe they can verify the scientific authenticity of the National Lynx Survey. Let me be very clear: the unauthorized samples have been excluded from this survey.

Summary

In summary, Mr. Chairman, we know unauthorized samples were inappropriately submitted by employees. The integrity of the National Lynx Survey has been questioned. However, the scientists believe the study remains valid. No land management plans have been changed because of the unauthorized lynx hair samples. Three investigations are underway. The Forest Service Code of Scientific Ethics now applies to all Forest Service employees, partners, and contractors that work on Forest Service research. I regret this incident and the actions of a few agency employees. Although the unauthorized samples were detected and did not compromise the validity of the lynx survey, such situations call into question the Forest Service's integrity. The Forest Service is a science-based organization, and ANY efforts to collect, analyze, display, communicate, and use species or other resource information must be conducted to professional and ethical standards and within established scientific protocols.

Mr. Chairman and members of the Committee, this concludes my statement. We would be happy to answer any questions you might have.