

**OPENING STATEMENT FOR THE
HONORABLE SCOTT McINNIS, CHAIRMAN
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH**

**OVERSIGHT HEARING ON
CANADA LYNX INTERAGENCY NATIONAL SURVEY AND ENDANGERED SPECIES DATA
COLLECTION**

March 7, 2002

Mr. Chairman.

Today, the Resources Committee will take a much needed look at the national lynx survey scandal, where seven federal and state officials are said by investigators to have knowingly planted false data on at least three occasions on two national forests in violation of a peer-reviewed, scientifically valid species survey process. These allegations, which have been substantially borne out by at least two investigations, have stoked the worst fears and suspicions of a lot of folks in the West - namely, that select federal land and resource management officials have a propensity to operate outside the bounds of sound science and good faith when making enduring decisions about the future management of our federal lands. This unsettling string of events in Washington State underscores just how susceptible so-called "science" is to the whims of ill-guided decision makers. These incidents raise very weighty questions about the way we do business on our federal lands, and for that reason I want to commend the Chairman for bringing the issue before the full Committee today.

Colleagues, the essence of public service is best summed up in a single word - trust. For those of us who spend our professional lives making decisions that affect our neighbors, our communities and the future of our country, credibility is our only currency. Whether we're talking about a Member of Congress, your local Police Chief, or a Fish and Wildlife Service biologist, trust is the coin of the realm in our line of work. Nobody expects perfection out of public officials, but when the American people can't even expect good faith and pure motives out of its government, good decisions and constructive decision-making processes become difficult.

Based on the facts already before us regarding what transpired on the Gifford Pinchot and Wenatchee National Forests, it is objectively clear that the implicated biologists trampled the public trust when they chose to dump a peer-reviewed, scientifically authentic lynx survey protocol in favor of their own half-baked, psuedo-scientific techniques. Their actions were plainly unethical, totally unprofessional and, in my estimation, deserving of more than a token slap on the wrist. If credibility is in fact a public official's only currency, these people are dead broke.

For everyone and every agency involved, the implications of this incident have been far-reaching. In one fell-swoop, the "lynx survey seven" blew a hole in the credibility of the national lynx survey, toppled public confidence in the Forest Service and Fish and Wildlife Service, and raised the specter that other similar "scientific" endeavors weren't really about science at all.

While there has been a great deal of public speculation about the motives of these ethically-challenged individuals, in my estimation we will never fully understand the impetus behind these unauthorized actions until several key questions are answered. For example, why did the Forest Service biologist who first blew the whistle on this whole affair wait until his last day with the Forest Service prior to retiring to do so? If the Fish and Wildlife Service biologist who submitted an unauthorized lynx sample from the Wenatchee National Forest was really just trying to "test the lab", why did he withhold that information from the lab until he was called out by investigators several months later? Why, according to the Field Director of the National Lynx Survey, did the same Fish and Wildlife biologist go to great pains to "hide the fact that [he] sent in a control sample"? Similarly, why did the implicated Washington Division of Fish and Wildlife biologists wait for an investigation before they informed the lab about submitting an unauthorized lynx sample? Finally and most importantly, why did all of the involved federal and state biologists knowingly choose to violate a scientifically valid protocol when there were other legitimate means of exploring their concerns in a manner consistent with that protocol?

These are just a few of the many questions that must be answered before we can reach any definitive judgment on the motivation question. I hope the GAO will shed some light on these issues today.

Beyond these important questions, though, there are also big questions about the way the agencies handled the incidents after they occurred. Why did regional Forest Service and Fish and Wildlife Service officials report these incidents to their superiors in Washington, DC only after a Congressional inquiry into the matter some 15 months after the bogus samples were submitted? Given the potential scope of the damage that these activities could have had on the lynx survey data, and given the blatant nature of this ethical lapse, why in the name of common sense weren't the implicated parties subjected to punishment commensurate with the gravity of their deeds? The idea that verbal counseling", whatever that is, amounts to a real form of punishment is a joke. Finally, if these unauthorized actions were in fact serious, as all of the agencies have repeatedly said they were, why were several of these biologists given merit pay raises and special commendations shortly after intentionally breaching the lynx protocol and the public trust?

The fact that these malfeasant bureaucrats got a pay bump and a pat on the back after engaging in totally unethical conduct is, in my estimation, a singular outrage. At the end of the day, it says a great deal about the cultural mindset of these two agencies. What's more, it explains why a lot of folks in the West view these agencies with an increasingly skeptical eye. I look forward hearing from the Administration witnesses to find out what their plans are to remedy this brazen mindset, and to head-off similarly scandalous conduct out in the future.

It is with that Mr. Chairman that I once again commend you for convening this hearing and I look forward to hearing from our distinguished panel of witnesses.

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