



# Public Employees for Environmental Responsibility

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Assistant Director  
Information Resources Management  
Bureau of Land Management  
1849 C Street, NW  
Washington, DC 20240

By Mail and Email

[BLM\\_WO\\_Information\\_Quality\\_Guidelines@blm.gov](mailto:BLM_WO_Information_Quality_Guidelines@blm.gov)

**Re: Complaint About Information Quality: 1) Fiscal Year 2013 Rangeland Inventory, Monitoring, and Evaluation; 2) BLM Response to PEER Press Release of May 14, 2012**

Dear Sir or Madam:

Public Employees for Environmental Responsibility (PEER) hereby submits this Information Quality Complaint (“Complaint”) pursuant to the Data Quality Act of 2000<sup>1</sup>, the Office of Management and Budget (“OMB”) *Guidelines for Ensuring and Maximizing the Quality, Utility, and Integrity of Information disseminated by Federal Agencies* (“OMB Guidelines”)<sup>2</sup>, the U.S. Department of Interior Information Quality Guidelines<sup>3</sup> as well as the Bureau of Land Management Information Quality Guidelines<sup>4</sup>.

PEER respectfully requests that the Bureau of Land Management (BLM) rescind 1) the Fiscal Year 2013 Rangeland Inventory, Monitoring, and Evaluation report; and 2) the “BLM

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<sup>1</sup> Section 515 of the Fiscal Year 2001 Treasury and General Government Appropriations Act, Pub.L. 106-554

<sup>2</sup> Office of Mgmt. & Budget Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, 67 Fed. Reg. 8452 (Feb. 22, 2002).

<sup>3</sup> <http://www.doi.gov/ocio/guidelines/515Guides.pdf>

<sup>4</sup> [http://www.blm.gov/style/medialib/blm/national/national\\_page.Par.7549.File.dat/guidelines.pdf](http://www.blm.gov/style/medialib/blm/national/national_page.Par.7549.File.dat/guidelines.pdf)

Response to PEER Press Release of May 14, 2012” at

<http://www.blm.gov/wo/st/en/prog/grazing.print.html>, and re-publish them with corrected information. PEER makes this request because the identified information does not comply with BLM, DOI, or OMB Information Quality Guidelines.

The contact information for the person submitting this complaint is Kirsten Stade, Advocacy Director, PEER, [kstade@peer.org](mailto:kstade@peer.org), (202) 265-7337.

**A. DESCRIPTION OF CHALLENGED “INFORMATION” THAT BLM “DISSEMINATES” TO THE PUBLIC**

1. The BLM’s 2013 Rangeland Inventory, Monitoring, and Evaluation (RIME) report was released on November 4, 2014 and is available on the BLM’s website, and differs substantially from previous reports as described below. According to the BLM’s Rangeland Inventory, Monitoring, and Evaluation Reports website,

This report contains 7 tables and has undergone various modifications through time. Tables 1, 2, and 3 contain results on the BLM’s vegetation inventories and trend. Tables 1 through 3 are presented to satisfy Section 201(a) of The Federal Land Policy and Management Act (FLPMA) of 1976, as amended, and the Public Rangelands Improvement Act (PRIA) of 1978, both of which affirm Congress’s intent to have BLM prepare and maintain on a continuing basis an inventory of public rangeland conditions and trends. Table 4 reports how livestock grazing allotments are categorized. Tables 5 and 6 report on monitoring activities and plans implemented on allotments. Table 7 reports on results of evaluations of Standards for Rangeland Health.

In the 2013 RIME Report, Land Health Standards summary reporting has changed radically from previous editions of the RIME report:

- a. The 2013 report does not use the categorical LHS status classification, wherein the agency listed both number of allotments, and acres within them, in the categories A) “Rangelands meeting all standards or making significant progress toward meeting the standards; B) Rangelands not meeting all standards or making significant progress toward meeting the standards, but appropriate action has been taken to ensure significant progress toward

meeting the standards (livestock is a significant factor); C) Rangelands not meeting all standards or making significant progress toward meeting the standards, and no appropriate action has been taken to ensure significant progress toward meeting the standards (livestock is a significant factor); D) Rangelands not meeting all standards or making significant progress toward meeting the standards due to causes other than livestock grazing.”

- b. BLM no longer distinguishes between failures of the standards due to livestock and failures due to other causes.
- c. BLM no longer reports the number of grazing allotments meeting and failing standards.
- d. BLM no longer reports the area of allotments failing standards, instead reporting only the actual surveyed acres and miles of (i) Upland Watershed Function; (ii) Riparian Watershed Function; (iii) Ecological Processes; (iv) Water Quality; (v) Habitat Quality for Threatened and Endangered and Special Status Species, as well as reporting the unevaluated acres.

2. The “BLM Response to PEER Press Release of May 14, 2012,” hereinafter referred to as the “BLM Response,” is part of a “Fact Sheet on the BLM’s Management of Livestock Grazing” and appears to have been added to the agency’s website on March 28, 2014. Although “Press releases, fact sheets, press conferences or similar communications in any medium that announce, support the announcement, or give public notice of information BLM has disseminated elsewhere” are not subject to the Bureau of Land Management’s Information Quality Guidelines, the BLM Response does not “announce, support the announcement, or give public notice of information BLM has disseminated elsewhere.” Instead, it is in response to a communication from PEER. The BLM Response is therefore subject to the Bureau of Land

Management's Information Quality Guidelines, as well as those of the Department of the Interior and the Office of Management and Budget.

**B. THE CHALLENGED INFORMATION DOES NOT COMPLY WITH THE BLM INFORMATION QUALITY GUIDELINES**

The Data Quality Act denotes four substantive attributes that information disseminated by Federal agencies must possess: quality, utility, objectivity, and integrity [Section 515]. The challenged documents fall below this statutory threshold for each of the four.

1. The 2013 RIME report lacks quality. In its omission of the categorical LHS status classification that included numbers and acres of assessed allotments within four categories, the 2013 RIME report obscures vital information about rangeland health and the success or failure of rangelands in meeting the agency's fundamentals of land health requirements. The 2013 RIME report in its Table 7 reports only on the acres of public land achieving and not achieving Fundamentals of Land Health requirements, with no data provided as to the cause of failures to achieve these requirements.

This constitutes a significant departure from previous RIME reports, which reported the number of allotments, and their acreage, that were meeting standards; failing standards due to livestock but on which action has been taken to ensure progress toward meeting standards; failing standards due to livestock but on which no action has been taken to ensure progress toward meeting standards; and failing standards due to causes other than livestock.

Moreover, in its omission of reference to the numbers of grazing allotments in which sampling occurred, and its reporting only of the actual acres sampled, the 2013 RIME report degrades the quality of information previously offered – and presumably still available but not reported. This omission is especially egregious in that grazing allotments are the units by

which Western public lands livestock grazing is managed and the spatial unit by which land health status has previously been reported and summarized.

2. The 2013 RIME report lacks objectivity. According to the BLM's Information Quality Guidelines, "'Objectivity' focuses on whether the disseminated information is presented in an accurate, clear, complete, and unbiased manner." As the 2013 RIME report omits vital information as to the causes of failures to achieve Fundamentals of Land Health requirements, it does not present information in a complete manner and therefore is lacking in objectivity.

A key function of the RIME report is to inform the public of the numbers and acreage of grazing allotments meeting and failing land health standards. Instead, the 2013 RIME report provides only the actual acreages sampled and their achievement or failure to achieve standards.

As it is impossible for the agency to monitor every single acre of more than 150 million acres of grazed lands, a system of sampling must be used to provide data about conditions on grazing allotments. By definition, a sampling method is used to gather range condition data that is representative of larger units of land, such as watersheds, or in this case grazing allotments. This is precisely the method of data collection and reporting that was used in RIME reports prior to 2013, and abandoned in the 2013 RIME report. Thus, the 2013 RIME report lacks completeness and therefore objectivity for failing to acknowledge, as previous RIME reports had done, that sampling data provide key information about the allotments from which they are collected. The abandonment of the allotment as the reporting unit prevents the public from using data summarized in previous reports to track trends in livestock grazing management efficacy at the scale of the allotment.

3. The 2013 RIME report lacks utility. A chief function of the RIME reports is to inform the public and Congress as to the conditions of public rangelands, the causes of those

conditions, and the actions taken to correct those conditions. As the 2013 RIME report omits key information as to the causes of failures to achieve standards, the numbers and acreages of allotments achieving and failing to achieve standards, and the numbers and acreages of allotments on which action has been taken to address failures to achieve standards, its utility as a tool of public information is sorely lacking.

4. The 2013 RIME report also lacks integrity. The information it now omits is vital to the public oversight of the quality and effectiveness of BLM grazing management. By withholding data on the number of allotments meeting and failing range health standards on grazing allotments, BLM attempts to evade accountability for its performance. The new report has the effect of preventing the public and Congress from making informed conclusions about the state of management of public lands. Thus, the 2013 RIME report must also be deemed lacking in basic integrity.

#### **BLM Response to PEER Press Release of May 14, 2012**

1. The “BLM Response to PEER Press Release of May 14, 2012,” hereinafter referred to as the “BLM Response,” lacks quality because it lacks both accuracy and reliability for a number of reasons. PEER’s press release of May 14, 2012 stated that 40% of allotments failed standards. Our press release was admittedly inaccurate in its claim that 40% of surveyed allotments failed standards; we should have stated that 40% of acres within surveyed allotments failed standards. However, the BLM response misquoted PEER as saying that 40% of allotments failed *strictly due to livestock*, which was not our claim. The BLM Response statement that “Twelve percent, not nearly 40 percent (as PEER asserted) of grazing allotments were found not to be meeting land health standards because of livestock grazing management at the time of the assessment” therefore lacks accuracy and reliability, and therefore quality.

2. The BLM Response lacks utility. The BLM Response states that “The BLM has developed and will soon be implementing a mapping process and database that will document the *actual number of acres not meeting land health standards.*” There is no indication of where the public may find this database or learn more about the mapping process. We are left to wonder whether the 2013 RIME report, which appears to incorporate a system that documents the “*actual number of acres not meeting land health standards,*” is the only proof of this mapping process and database that will ever see the light of day. The BLM Response is devoid of utility in that it does not provide details about the location or availability of the mapping and database products to which it refers.

Further, this reference to “a mapping process and database that will document the *actual number of acres not meeting land health standards*” suggests that providing actual sampling data represents an improvement over providing data about the entire grazing allotments that the sampling data represent. In addition, this information is irrelevant and misleading to the public until such time as the mapping process and database to which they refer have been successfully developed, independently reviewed, and implemented. Based upon the technical challenges and economic feasibility of the mapping process they refer to, the poor quality and condition of the agency’s land health standards evaluation record-keeping practices, and the agency’s acknowledged lack of maintenance of electronic land health standards evaluation records, this statement is extremely misleading to the public. The BLM Response should provide a transparent explanation that any new database or mapping process that documents actual number of acres not meeting health standards, and does not document the allotments and acreages represented by those sampled acres, is abandoning a valid method of reporting on range conditions within grazing allotments.

3. The BLM Response lacks objectivity. For example, it says that “numbers in the RIME report reflect the number of allotments not meeting land health standards, with the total number of acres in those allotments, *not the actual number of acres not meeting land health standards in those allotments*” and suggests that PEER does not grasp this distinction. Yet PEER’s press release of May 14, 2012 merely set forth percentages derived directly from the BLM’s own figures provided in Table 7B of its 2011 RIME report. In this table, the BLM reported both on the number of allotments in which sampling revealed failures to achieve land health standards, and the total acreage within those allotments—and recorded this total acreage as “Rangelands not meeting all standards or making significant progress toward meeting standards” [U.S. Department of the Interior Bureau of Land Management, Fiscal Year 2011 Rangeland Inventory, Monitoring, and Evaluation Report, Table 7B Cumulative Accomplishments, p. 12]. It is therefore both inaccurate and biased for the BLM to say that PEER’s press release “contains numerous erroneous assertions based on a misunderstanding of the footnotes in the BLM’s 2011 Rangeland Inventory, Monitoring, and Evaluation (RIME) report,” as we were merely reporting allotments and acreages in the same way as the agency itself did in its 2011 RIME report.

In addition, the BLM Response is utterly duplicitous when it states that “PEER’s claim that the BLM uses “ambiguous” categories – such as the term “making significant progress” – ignores the fact that these categories are identified in BLM regulations (Title 43 Code of Federal Regulations 4180.2).” In our press release, PEER stated:

BLM range evaluations, such as this latest one, use ambiguous categories that mask actual conditions, employing vague terms such as “making significant progress” and “appropriate action has been taken to ensure significant progress” that obscure damage estimates and inflate the perception of restoration progress.



This statement makes clear that our criticism of the term “making significant progress” is not that it is not defined, but that it is a category that masks the actual numbers of allotments or acres that are failing to meet standards in that it enables degraded lands to be categorized along with lands that are meeting all standards. In RIME reports prior to 2013, allotments and acres are either “meeting all standards or making significant progress toward meeting the standards” or “not meeting standards or making significant progress toward meeting the standards.” Failing to distinguish between lands that are meeting all standards and those that are actually not meeting standards, but “making significant progress” toward meeting them obscures the true extent of lands not meeting standards, which is information that should be freely available. In its misrepresentation of PEER’s argument against the use of the term “making significant progress,” the BLM Response is a distortion.

4. The BLM Response lacks integrity. Rather than use the PEER press release as an opportunity to shed light on what measures BLM uses to actually measure rangeland health, the Bureau issued a defensive, slanted statement. Nor did it solicit a response from PEER.

#### **THE CHALLENGED INFORMATION IS INFLUENTIAL**

Under the BLM Information Quality Guidelines “When information is defined as influential, there is an added level of scrutiny afforded this information...” These Guidelines state that “BLM will generally consider the following classes of information to be influential, and, to the extent that they contain scientific... or statistical information, that information will adhere to a higher standard of quality.”

Further, BLM stipulates that information is influential if it carries a “genuinely clear and substantial impact at the national level for major public... policy decisions as they relate to

federal public lands and resources issues” as well as has implications for “major cross-bureau policies” or is “highly controversial information that is used to advance the BLM's priorities.”

By all those measures, the challenged information is influential and must be held to a higher standard of quality, utility, objectivity, and integrity.

1. The 2013 RIME report is especially influential in that it is a report to Congress and the American public on the conditions and trends of public rangelands within grazing allotments across 150 million acres of BLM lands subject to livestock grazing. It provides data on the effectiveness of the BLM in managing its grazing allotments so as to meet standards of rangeland health, and on the causes for its failures to meet these standards.

2. The BLM Response is visible on a prominent page of the BLM’s public web site that is the first result listed in response to a web search for “BLM grazing.” At least two reporters have contacted PEER about the statements included in the BLM Response, and at least one has written a widely-read article that quotes the BLM Response.

#### **D. PEER IS AFFECTED BY THE INFORMATION ERROR**

PEER is a non-profit organization chartered in the District of Columbia with the mission to hold government agencies accountable for enforcing environmental laws, maintaining scientific integrity, and upholding professional ethics in the workplace. PEER is an “affected person” in that PEER is a watchdog organization tracking BLM compliance with the Federal Land Policy and Management Act and its implementing regulations, including the Fundamentals of Rangeland Health; and 2) on behalf of PEER members who are current and former BLM employees, PEER has a vital interest in ensuring that BLM comply with applicable laws, regulations and its own policies.

#### **E. RECOMMENDATIONS FOR CORRECTION OF THE INFORMATION CHALLENGED BY THIS COMPLAINT**

Accordingly, PEER respectfully requests BLM take the following steps to comply with the Data Quality Act:

1. Retract or rescind the “BLM Response to PEER Press Release of May 14, 2012” from official publication.
2. Issue a public statement, posted on the official BLM website that the “BLM Response to PEER Press Release of May 14, 2012” has been withdrawn from publication and further official consideration due to violations of the Data Quality Act.
3. Retract or rescind the 2013 RIME report and re-publish an amended version that retains the current Table 7, which provides information on the success or failure of actual acres sampled in meeting the individual Fundamentals of Land Health, and adding the Table 7 that appeared in earlier RIME reports. This Table 7 lists, for the current year (Part A) and cumulatively (Part B), the number of allotments and the number of acres within them in which “Rangelands [are] meeting all standards or making significant progress toward meeting the standards,” are “not meeting all standards or making significant progress toward meeting the standards, but appropriate action has been taken to ensure significant progress toward meeting the standards (livestock is a significant factor),” are “not meeting all standards or making significant progress toward meeting the standards, and no appropriate action has been taken to ensure significant progress toward meeting the standards (livestock is a significant factor),” and are “not meeting all standards or making significant progress toward meeting the standards due to causes other than livestock grazing.”

### **CONCLUSION**

Based on the foregoing information, PEER respectfully requests that the BLM rescind or remove the BLM Response and amend the 2013 RIME report, as described above. Since the

challenged document is “influential” information, we urge BLM reviewers of this complaint to employ the more rigorous standard of review called for in both the DOI and BLM guidelines. Regardless of the review standard employed, however, PEER does not believe that this challenged information exhibits the qualities of accuracy and reliability, transparency, objectivity, and utility required by the Data Quality Act as implemented by the BLM and DOI Guidelines.

Pursuant to the BLM Guidelines, I look forward to your response to this Complaint within 60 days. Please treat me as the contact point for PEER for purposes of this complaint. In addition to the mailing address both above and below, I can be reached at (202) 265-PEER or at [kstade@peer.org](mailto:kstade@peer.org). Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Kirsten Stade". The signature is written in a cursive style with a horizontal line extending to the right.

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