

Responses to Glen Ith's, "Reply to the Proposed Termination of Employment Letter"

Specification 1. Giving the Wildlife and Biological Diversity Resource Report to Mr. Edwards.

- 1. *Paragraph 1A:*
 - a. *Savage:* No real objections. It needs to be clear that the May 2, 2005 document was never completed and was still considered a draft. Even states it on his copy.
 - b. *Slaght:* I agree it needs to be stressed that his report was a draft. I never actually read this version, but I had access to several previous versions, which were also incomplete and inaccurate. This report was not in fact the one that was used to disclose effects to the decision maker. It was Kris Rutledge's final report that did that. I also find it interesting to note that Glen's disk of files that he turned over to Kris contained several draft versions of his resource report, although this one is not on there. Many of the drafts were dated during the period when the Ranger had directed the team to stop working on the project. This was between July 17, 2004, and early May 2005. During this period Glen apparently continued working on the project without my knowledge, even though I was writer/editor on the project.
- 2. *Paragraph 1B:*
 - a. *Savage:* This statement I believe would go against the statements made by other team members. I would read over Kris Rutledge, Tiffany Benna, and Linda Slaght's statement to Carol Kittson. Kris has mentioned that when she had to redo the Scott Peak wildlife report because Glen did not follow Forest protocols regarding the deer model; she reduced the units of measure for the fragmentation analysis; and had to change the interior old-growth habitat area of the analysis to include the total patch acres within the planning area. The report did not include the total acres available within the project area rather it had included a 300' buffer around all edges including the planning area boundary, creating an "imaginary edge" and falsely reducing the total acres of interior old-growth the total patch sizes within the project area. These are just a few things that Kris mentions that she had to change in Glen's draft report.
 - b. *Benna:* I would also argue that Glen's draft report ever really saw completion as it always seemed to be a work in progress; new drafts appearing even before an earlier edition was finished being reviewed. Perhaps this is in our statements.

- c. **Slaght:** I would dispute the notion that there was any kind of team effort in putting Glen's resource report together. He often had various people, some on the team, others not, look at certain sections of his reports, but the report in question was clearly reflecting Glen's position only. The key findings most definitely did not go through "substantial internal and IDT team review before completion." Before we took a hiatus from the project in July 2004, I did make several attempts to convince him that some of his key conclusions were not supported by the data in his report, but he always disagreed and made no changes based on any of my reviews other than spelling and grammar.

3. **Paragraph 1C:**

- a. **Savage:** Glen's resource report was never completed and was never considered being part of the project record. Glen took it upon himself to submit his draft report to the project record. Since Glen's analysis did not follow Forest Protocols, it would have never been accepted.

The R-10 supplement 1909.15-96-1 states "any draft of work products or other documents if it is clear that the draft was used in the planning/decision making process, or the draft was circulated externally for comment" shall be included in the planning record. Glen's draft document was not used in the decision making process for Scott Peak. The same R-10 supplement states that working drafts or edited versions of documents or chapters should not be included in the planning record.

- b. **Benna:** The planning record itself was in a "work in progress" status when he perhaps inserted it without notification to the writer/editor who is charged with indexing the official record and creating an electronic record. I would note we rarely send out the planning record before the publication of the Draft document as up until publication, the planning record is often incomplete and has not had final review by the team leader.
- c. **Slaght:** What Glen is saying in this paragraph is that He intended it to become part of the public record, but he was alone in this.

4. **Paragraph 1D:**

- a. **Savage:** On May 25, 2005, Glen requested to be removed as team leader and wildlife biologist for the Scott Peak project and was formally removed in a Letter of Expectations on May 31, 2005 from his supervisor Tom Parker. Kris Rutledge replaced Glen as the wildlife biologist in April and had already been reworking the Scott Peak wildlife resource report that Glen started before he was formally dismissed. It was her final document that was used in the decision making process of the Draft EIS and put into the project record.

- b. **Benna:** See above about how the planning record is considered a work in progress until document publication.

5. **Paragraph 1E:**

- a. **Savage:** When Glen's computers were confiscated, the May 2, 2005 Scott Peak Wildlife Resource Report was discovered on one of the computers. So it is apparent that Glen retained a copy of the report. Glen makes references to Forest Plan direction and R-10 direction when coordinating with other agencies. When this occurs, it is done through a formal process regarding letters and meeting times. Formal or informal consultation with regulatory agencies is when this usually occurs. Walking over to one's office and sharing a document and one's opinion about a project, doesn't represent coordination.
- b. **Benna:** Do we know when Glen gave his copy of the report to ADFG? How does that date fit in with his role on or off the team? Being as it was after the May 2nd date, there would have been no reason for him to be consulting on his draft report knowing that in April Kris had taken over finishing his report – of course like I said there seemed to be some confusion during that month of April and Tom may need to be consulted – but it would seem to me after Kris began, it would have been clear Glen's role in any consultation for the project would have also been turned over to Kris – I would doubt the idea of requesting to be removed from the project didn't just occur to him on the 25th.
- c. **Slaght:** Agree strongly. Our consultations with other agencies are routinely documented in the project record, and usually require Ranger approval and signature. What Glen did was on his own.

6. **Paragraph 1F:**

- a. **Savage:** Same as 1E. It would be good to have someone more familiar with our protocols on consultation and with R-10 directives on his references. Usually review and comment of a district specialist's report is done internally by a forest level specialist.
- b. **Benna:** What I've read in the handbook supplement is pretty vague summing up to involving in a timely manner when developing things that may affect fish and wildlife. My experience is that we may sit and discuss issues, look at maps together, talk about strategies and record those meeting notes with the ADFG representative concurrence – however, we know even this is changing as we look at local area biologists and whether their concerns are the department's concerns. We usually give the published document to them for comment. I hadn't heard of anyone actually sending a report outside of internal review for comment.

- BCL
- c. **Slaght:** I think Glen is clearly describing a deliberative process here, and the act of sharing his most recent draft report with ADFG does not make it a public document. Even so, I would not describe Glen's actions as a consultation process, since he was not authorized to be working on the project at that time.

7. **Paragraph 1G:**

- a. **Savage:** Like 1E, this report Glen references was discovered on his computer October 10, 2006. The date last modified was 8/12/2005, much earlier than the publication of the Scott Peak ROD, which was September 2006. Also, see what Rich Lowell's statement says regarding to these claims and to see if we have a date when Rich received Glen's report.
- b. **Benna:** I would state here like somewhere below that the only point in the appeal that was upheld was the question of cumulative effects and that the claims made on the resource report or the analysis therein were dismissed – his appeal in whole was not upheld. In fact just below #8.
- c. **Slaght** Glen's first appeal referred only to a wildlife report he had written for the project. There was no citation to a specific document or date, so there is no way to know to which report he was referring at that time. And as I mentioned in 1A, there were several versions of his draft resources reports in his files. Because Glen never submitted a final report to the planning record, for all practical purposes such a report did not exist. In addition Glen's first appeal makes no mention of his draft report being distributed outside the agency, which is the issue at hand today. In fact, Greenpeace's appeal to the first ROD refers only to the final wildlife resource report that Kris Rutledge completed for the record.

8. **Paragraph 1H:**

- a. **Savage:** The first appeal was remanded back to the Forest and District because of cumulative effect issues and not considering potential timber sale units from past decisions, which were never logged due to economics. All other issues brought forward by Glen and Larry Edwards were denied. These included a lot of the false claims Glen made in his report.
- b. **Benna:** Here would be part of the litigation coming into this – why it was not bad behavior the first appeal but was the second - maybe we don't want to address this point – since it is in litigation?
- c. **Slaght:** Glen's reasoning in this paragraph is not sound, in my opinion. The fact that ADFG may have distributed Glen's report to others does not negate the fact that Glen compromised the deliberative process by giving the report to ADFG without authorization or documentation.

9. **Paragraph 1I:**

- a. **Savage:** Very similar to 1B. Glen's name could have been still attached to the document since he wrote a lot of affected environment section and some of the Environmental Consequences of the report. It was his approach towards the analysis of the wildlife issues that did not follow Forest protocol and the key findings or recommendations that were redone by Kris Rutledge.
- b. **Slaght:** After the first appeal period, Glen should not have had unlimited access to the planning record. Did Glen submit a FOIA to review the planning record? I don't remember. Kris's wildlife report included a paragraph at the front explaining that Glen started the report and analysis and Kris completed it. It's true that the explanation did not go into a lot of detail about what changes were made between the draft and final. That would not have been appropriate because it was more of a performance issue. A key to understanding the differences between Glen's key findings and Kris's is that Kris based her findings on the analysis, while Glen developed his "findings" early in the planning process and then did his analysis. Besides the issues with his key findings, there were so many errors in his numbers and tables that the report was not credible.

Finally, Glen's selection of 11 units of measure for Issue 2 was so cumbersome that a clear and concise explanation of the issue as required by the CEQ regulations implementing NEPA would be impossible. Kris determined that the issue could be adequately addressed using 5 units of measure, which resulted in a much more understandable and relevant treatment of the issue in the DEIS.

10. **Paragraph 1J:** More of a summary paragraph

11. **Paragraph 1K:**

- a. **Savage:** The district never destroyed Glen's report. In fact, we have copies of this document and prior ones, which reinforce that Glen could never finish the document and was always working or changing it.
- b. **Slaght:** I don't know the ultimate disposition of Glen's hard copy report, but drafts are generally replaced by finals before the DEIS is published. To accuse the agency of violating the law by throwing out an obsolete report has frightening implications. Are we to begin keeping all drafts? How often should we record a draft for the record? Glen is not the first resource specialist to submit a draft resource report to a planning record, but he is the first one I have ever known who expected it to be accepted as a final product.