

NMFS' Pesticide BiOps Don't Comply with NMFS' IQA Pre-Dissemination Review Requirements

The U.S. National Marine Fisheries Service has stringent pre-dissemination review requirements under the Information Quality Act. These requirements apply to all information disseminated by NMFS, including biological opinions issued during the Endangered Species Act Section 7 consultation process. A BiOp issued by NMFS' Southwest Region demonstrates these IQA pre-dissemination review requirements.

This BiOp is dated June 4, 2009. It is issued under the Section 7 formal consultation provisions of the ESA. It addresses the proposed long-term operations of the Central Valley Project and State Water Project in the Central Valley, California, and the proposed operations effects on listed anadromous fishes and marine mammal species. The action agency is the U.S. Bureau of Reclamation. The BiOp is available online at <http://swr.nmfs.noaa.gov/ocap.htm> .

Section 8 of the BiOp is entitled [Information Quality Act - Pre-Dissemination Review & Documentation Form](#). It contains the Region's signed and detailed certificate of compliance with NMFS' IQA pre-dissemination review procedures and requirements. These procedures and requirements are available online at <http://www.sefsc.noaa.gov/iqa/iqa.jsp>, where NMFS explains:

"Compliance with the NOAA Information Quality Guidelines is crucial. NOAA Fisheries has developed procedures to assist staff with the Information Quality Act pre-dissemination review process."

By contrast, NMFS has issued three final BiOps and one draft BiOp during consultation with EPA over pesticide effects on salmons. These pesticide BiOps are available online at <http://www.nmfs.noaa.gov/pr/consultation/pesticides.htm>. None of these pesticide BiOps contains a pre-dissemination review certificate of compliance. None of them even mentions the IQA.