



## U.S. Department of the Interior Office of Inspector General

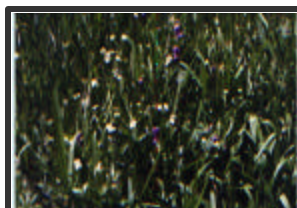
### Reporting and Recovery Planning and Implementation for Endangered Species



California Condor  
*Photograph Courtesy of USFWS*



Desert Tortoise  
*Photograph Courtesy of US Army*



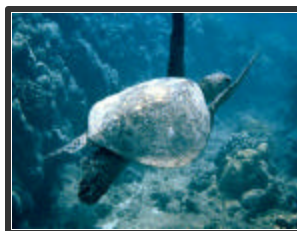
Alabama Leather Flower  
*Photograph Courtesy of USFWS*



Florida Panther  
*Photograph Courtesy of USFWS*



Alabama Cave Fish  
*Photograph Courtesy of USFWS*



Atlantic Green Sea Turtle  
*Photograph Courtesy of USFWS*

U.S. Fish and Wildlife Service

Audit Report

April 2003



# United States Department of the Interior

## Office of Inspector General

Eastern Region Audits  
381 Elden Street  
Suite 1100  
Herndon, Virginia 20170

April 8, 2003

### Memorandum

To: Director, U.S. Fish and Wildlife Service

From: William J. Dolan, Jr. *William J. Dolan, Jr.*  
Regional Audit Manager

Subject: Final Audit Report on Reporting and Recovery Planning and Implementation for  
Endangered Species, U.S. Fish and Wildlife Service  
(No. 2003-I-0045)

This report presents the results of our audit of the U.S. Fish and Wildlife Service's reporting on its threatened and endangered species program under the Endangered Species Act and the Government Performance and Results Act. Our audit also identified opportunities for improving implementation of recovery plans.

In the March 13, 2003, response to our draft report, the Director of FWS concurred with the report's four recommendations. Based on this response, we consider the recommendations to be resolved. Accordingly, no further response from FWS is needed, and we are referring the recommendations to the Assistant Secretary for Policy, Management and Budget for tracking of implementation (see Appendix 3, Status of Audit Recommendations).

The legislation, as amended, creating the Office of Inspector General, (5 U.S.C. App. 3) requires semiannual reporting to Congress on all audit reports issued, actions taken to implement audit recommendations, and recommendations that have not been implemented.

We appreciate the cooperation exhibited by your managers and staff at all locations and compliment them for being receptive to our suggestions and taking corrective actions to address the issues brought to their attention during our review. If you have any questions regarding this report, please contact me at (703) 487-8011.

Attachment

cc: Audit Liaison Officer, U.S. Fish and Wildlife Service

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# Executive Summary

## U.S. Fish and Wildlife Service Endangered Species Reporting and Recovery Planning and Implementation

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As one of several Federal agencies involved in implementing the Endangered Species Act (ESA), the U.S. Fish and Wildlife Service (FWS) is required to report its accomplishments, as well as those of other Federal agencies and the States, in protecting and recovering endangered species to Congress. We found that as of November 2001, FWS reporting could have been more accurate, informative, and timely. We also identified several opportunities for FWS improvements in developing and implementing plans to recover endangered species.

### Reporting to Congress

- The Report to Congress on the Recovery Program for Threatened and Endangered Species, submitted in 1999, contained information on species recovery that was not based on sufficient objective criteria. In addition, the report was submitted late and could have included more information to allow Congress to better measure the progress of recovery efforts.
- The 1997 annual Federal and State Endangered Species Expenditure Report contained inconsistent information for the two FWS regions we reviewed, and the report was submitted more than a year and a half after its due date.
- FWS set its performance goal too low and did not accurately measure or report performance accomplishments or sufficiently verify data for endangered species recovery under GPRA.

### Recovery Planning and Implementation

- To improve the development and implementation of recovery plans for endangered species, FWS could: prioritize recovery when allocating staff resources, focus its efforts on those species closest to extinction, track and measure recovery progress, improve communication with its partners, and improve guidance and oversight for the recovery planning process.

**Recommendations**

We made four recommendations, which, if implemented should improve the quality of the FWS Report to Congress on the Recovery Program for Threatened and Endangered Species and the Federal and State Endangered Species Expenditures Reports.

**Agency Response  
and Office of  
Inspector General  
Reply**

The FWS concurred with the report's four recommendations. FWS corrective actions already taken and planned improvements are discussed in the body of the report and in the FWS response (Appendix 2). Based on the FWS response, we consider the recommendations resolved but awaiting implementation. A summary of the FSW response and our reply is on page 10 of this report.

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<b>Abbreviations</b>	
ESA .....	Endangered Species Act of 1973
ECOS .....	Environmental Conservation Online System
FWS .....	U.S. Fish and Wildlife Service
GAO .....	General Accounting Office
GPRA .....	Government Performance and Results Act
OIG .....	Office of Inspector General

# Introduction

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## Background

Congress enacted the Endangered Species Act<sup>1</sup> (ESA) in 1973 to protect the nation's native fish, wildlife, and plant species that are in danger of becoming extinct. The ESA requires the U.S. Fish and Wildlife Service (FWS) to develop recovery plans for these species, report to Congress every two years on the status of both plans and species, and conduct a review at least once every five years of all listed species to determine whether they should be removed from the list or changed in status. Until recently, FWS used the biennial report to meet the five-year requirement. Additionally, FWS must provide an annual report of the status of monies spent on recovery efforts.

The Government Performance and Results Act<sup>2</sup> (GPRA) requires Federal agencies to develop a performance plan with specific performance goals and measures and to publish an annual performance report comparing the goals with the actual results achieved. In its fiscal year (FY) 1999 performance report, FWS had one GPRA goal for endangered species (1.2.1) and two associated measures related to improving or stabilizing listed species and removing species from proposed listing and candidate status. Our review focused only on the portion of the goal related to improving or stabilizing endangered or threatened species populations listed for a decade or more. FWS strategies for achieving this goal include overseeing recovery planning and implementation activities for listed species, providing protection for important habitat, awarding grants to states to assist their endangered species conservation efforts, and consulting with Federal agencies whose activities may affect listed species.

## Objectives

Our objective was to determine whether FWS satisfied its reporting requirements under ESA and accomplished its performance goals under GPRA. We also reviewed FWS' preparation and implementation of recovery plans and made observations regarding areas that could be improved. The scope and methodology of our review are detailed in the Appendix 1.

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<sup>1</sup> 16 U.S.C. § 1531-1544. Under the law, an "endangered" species is in danger of extinction throughout all or a significant portion of its range. A "threatened" species is likely to become endangered in the foreseeable future. For the purposes of this report, the term "endangered" includes both endangered and threatened species.

<sup>2</sup> 31 U.S.C. § 1115.

# Results of Audit

## Improvements Needed in Congressional Reporting and Recovery Planning and Implementation for Endangered Species

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We concluded that the information FWS had been reporting to Congress on its endangered species efforts and performance accomplishments was of limited usefulness because it was not accurate, timely, or informative. Also, we noted several opportunities for FWS to better develop and implement plans for the recovery of endangered species.

### Reporting to Congress

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FWS experienced problems in its biennial and annual reporting because it lacked adequate guidance for preparing, supporting, and verifying the information required in the reports. In addition, FWS staff did not have any prior experience in setting goals and targets or collecting, reporting, and verifying performance data, because GPRA reporting was initiated in 1999. During our review, however, FWS managers and staff were receptive to our suggestions and took corrective action to improve GPRA reporting for FY 2000.

### Biennial Recovery Reporting

The Report to Congress on the Recovery Program for Threatened and Endangered Species (Biennial Recovery Report) provides information on recovery plans and the status of endangered and threatened species. In our review of the Biennial Recovery Report submitted to Congress in 1999 for work performed in fiscal years 1995 and 1996,<sup>3</sup> we found that the information provided was unreliable and could have been more informative. In addition, the report was provided to Congress several years after the due date. We identified the following problem areas in ensuring the accuracy of the information in the report to Congress.

- FWS should provide more detailed guidance for determining the status of species. FWS field staff at one location pointed out that the definitions of status could be interpreted in different ways. For example, one species reported as “stable” has been listed as endangered for more than 30 years. Although the species’ population has

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<sup>3</sup> At the time of our review, the recovery reports for fiscal years 1997/1998 and 1999/2000 were still in draft and had not yet been submitted to Congress.

technically remained “stable” over the past decade, the population is so small and its habitat so constricted that FWS considers the species to be one of the most endangered in the world. FWS headquarters staff explained that a species in very bad condition, but not getting any worse, could still be considered stable.

We asked FWS staff from at least two field locations and headquarters to define the status of species with very low population numbers that did not change from year-to-year. Biologists at one field office gave at least three different interpretations: “stable,” “declining,” and “uncertain.” One biologist suggested adding a new category, “unchanged,” which better describes the status for this category of species. The different interpretations regarding this category among FWS staff indicate how the species status data could be potentially misleading.

In a 1995 report,<sup>4</sup> the National Research Council also expressed concern over the usefulness of the biennial report’s category designations, stating:

Although these categories are qualitative designations, they are not very useful in comparing species trends, because no measurable criteria are used to define them. . . . For example, what percentage change in population size over what period constitutes a decline or improvement?... If the population size remains constant for several years but it is above or below the numbers when it was listed, is this considered stable or does it constitute a trend in either direction? It is not apparent that calling a species stable allows someone to distinguish between species that are still at critically low levels and those that are more abundant and less at risk.

- FWS biologists did not always have sufficient information to objectively report species’ recovery data. For example, a 1999 FWS review of its species population survey data<sup>5</sup> for listed species showed that 385 species, or 34 percent, had

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<sup>4</sup> National Research Council, 1995. *Science and the Endangered Species Act*. Washington, D.C.: National Academy Press. 263 pp.

<sup>5</sup> Population surveys assess the characteristics of species populations to ascertain their status and establish trends related to their abundance, condition, distribution, or other characteristics.



never been surveyed and that 101, or 9 percent, of the completed surveys were more than 10 years old. Further, there was no requirement for written supporting evidence for recovery data included in the report and no process for managers to verify the accuracy of submitted data.

- The Biennial Recovery Report could include additional information that would be useful to readers in assessing the progress of recovery efforts. For example, inclusion of the dates when FWS placed species on the endangered list and approved final recovery plans for the species would put the reported species status in context for outside readers.

According to FWS officials, FWS plans to improve its biennial recovery reporting by conducting annual national recovery workshops and developing a summary sheet for each species to substantiate how the status of a species was determined. Also, as with GPRA, FWS is utilizing its internet-based system for collecting data for the Biennial Recovery Report. As discussed in the GPRA section of the report, this should improve the accuracy of the recovery data.

## **Annual Expenditures Reporting**

Expenditures are reported annually to Congress to present all reasonably identifiable Federal and State expenditures made to conserve species on a species-by-species basis. The report provides information to “assess claims that a disproportionate effort is being made to conserve a few, highly visible species at the expense of numerous, less well-known species that may have greater need for protection.”<sup>6</sup> We reviewed information reported in the 1997 Federal and State Endangered Species Expenditures (Annual Expenditure Report) for two FWS regions<sup>7</sup> and found that the reporting was inconsistent. The Southeast Region, for example, included species coordinator salaries and contracts and grants in its reported expenditures. The Pacific Region, however, compiled those same costs for individual species and then allocated the remainder of the recovery costs, including other salaries and overhead, across all species in the region. This ultimately resulted in an inaccurate comparison of annual funds expended on different species. The inconsistencies occurred as the result of guidance that was overly broad.

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<sup>6</sup> FWS 1997 Annual Expenditure Report, page 4.

<sup>7</sup> We reviewed the Pacific and Southeast Regions, the two largest regions in terms of endangered species activities.

The Annual Expenditure Report is due on or before January 15 for the preceding fiscal year, which ends September 30. FWS, however, submitted the 1997 Annual Expenditure Report in August 1999, more than one and a half years beyond the due date. The Annual Expenditure Reports for 1998 and 1999 due January 15, 1999, and 2000 respectively, have not yet been submitted. FWS officials stated that obtaining data from Federal and state partners can take up to one year, which affects their timeliness in reporting to Congress. As a result, Congress lacks current and useful financial information on expenditures for endangered species.

According to FWS officials, improvements to expenditure reporting include providing electronic templates of all species to reporting entities in order to improve consistency in reporting. Planned improvements include preparing and providing additional guidance, specific to regional reporting and contracting, to develop a web-based data entry system.

## **GPRA Reporting**

Our review disclosed that FWS set its performance goal for endangered species recovery too low for fiscal year 1999 and did not accurately measure or report performance accomplishments or sufficiently verify and validate performance data, as follows:

- The performance goal was understated in that it was set lower than what had already been achieved by FWS. FWS established performance goal 1.2 to stabilize or improve the population status of at least 63 of the 499 species listed as endangered for 10 or more years. FWS stated in the 1999 report that it had exceeded the goal and stabilized or improved 99 species listed as endangered for 10 or more years. We determined, however, from the 1998 Draft Biennial Recovery Report, that 257 species with the same criteria had been stabilized or improved. The data was not useful for assessing FWS performance because the GPRA results reported were not accurate.
- The process for collecting GPRA data was not effective because FWS attempted to use workload data for its GPRA reporting. This was a problem because the workload measure included all endangered species and the GPRA measure should have included only those listed 10 years or more. In addition, verification of GPRA data for performance goal 1.2 was limited because FWS Headquarters staff requested only total numbers from the FWS regional offices, rather than the actual names of the

species listed 10 or more years that were stable or had improved. We obtained the names of the species reported as stable or improved in 1999 from FWS regional offices and identified 231 species in these categories. FWS reported 99 species were stable or had improved. Thus the accomplishment was significantly under reported.

## **FWS GPRA Improvements**

FWS took several corrective actions as the result of our review. It corrected fiscal year 1999 data for performance goal 1.2 in its FY 2000 and FY 2001 GPRA reports. FWS also improved its instructions for collecting fiscal year 2000 performance data. The instructions are more detailed and include examples to assist regional and field office staff in understanding the nature and use of information being collected. In addition, FWS improved its data collection and verification processes. Specifically, it expedited completion of the recovery program element of its new data collection system, the Environmental Conservation Online System (ECOS)<sup>8</sup> and included a field in ECOS to require confirmation by a regional official that reported data has been verified.

## **Observations on Recovery Planning and Implementation**

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We realize that species recovery is a difficult and slow process, but we believe that FWS could be more successful in developing and implementing recovery plans by (1) prioritizing recovery when allocating staff resources, (2) focusing its efforts on those species closest to extinction, (3) tracking and measuring recovery progress, (4) improving communication with FWS partners, and (5) improving guidance and oversight for the recovery planning process. We did a significant amount of survey work in the area of recovery planning and implementation. However, because of the complexities of endangered species recovery, additional work would have been necessary to fully develop the causes of the conditions we identified. Additionally, we were aware that the General Accounting Office (GAO) had several endangered species reviews underway or in planning, and that the Society for Conservation Biology was performing an in-depth study of FWS recovery plans. As a result, we elected to forego additional verification work but present our observations for FWS consideration.

## **Allocating Staff Resources**

FWS could improve the implementation of its recovery plans by prioritizing the resources assigned to its endangered species recovery program. Although recovery planning and

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<sup>8</sup> The ECOS is an internet-based data collection program that allows for faster data collection and incorporates control checks to improve accuracy of data reporting.

## **Following Species Prioritization System**

implementation comprised over half of the endangered species budget in FY 2000, FWS biologists with recovery responsibilities often performed other duties, such as consulting with other agencies under Section 7<sup>9</sup> of the ESA, negotiating habitat conservation plans, listing species, or researching litigation issues. Several of the FWS staff and managers we spoke to agreed with the assessment of one field office manager that recovery duties sometimes seemed to be “optional” compared to other endangered species functions. FWS should consider re-examining its policies and procedures to better focus its resources on those activities that will result in the most significant benefit to species recovery.

FWS informed us that the development of revised recovery planning guidance will better utilize limited recovery resources and encourage partnerships with a wide array of agencies, organizations, and individuals.

The number of listed species and thus the recovery workload is increasing at a faster pace than endangered species funding. As a result, FWS has recognized that it must prioritize its workload and focus its efforts on those species declining the fastest or closest to extinction. However, FWS did not always follow its own prioritization system, most importantly its initial prioritization of “endangered” versus “threatened.” By definition, endangered species have a higher risk of extinction, which suggests they should receive more attention and funding than threatened species. However, six of the ten FWS species with the highest Federal expenditures were listed as threatened.<sup>10</sup>

According to FWS officials, each listed species is assigned priority numbers in accordance with recovery priority policy. Actual implementation of recovery actions depends on cost, long-term commitments, opportunity for action, and changing urgencies; therefore, actual spending of recovery funds may not correspond exactly with assigned priority numbers. In addition, FWS has asked the Office of Management and Budget for a \$2 million budget increase in fiscal year 2004 for species that could go extinct in the next five years, and those that could be delisted if the last remaining recovery tasks are completed.

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<sup>9</sup> Section 7 requires other Federal agencies to consult with FWS to ensure that the actions these agencies authorize, fund, or carry out is not likely to jeopardize listed species.

<sup>10</sup> FWS Federal and State Endangered Species Annual Expenditure Report to Congress, FY 1997.

## **Tracking and Measuring Recovery Progress**

Only one of the six FWS field offices we visited had a system to identify and measure its progress in implementing recovery plans. The initial tracking system could be as simple as adding a current status column to the recovery plan implementation schedules. A tracking system would give managers access to individual species recovery progress and overall efforts, help FWS respond more quickly to congressional requests and litigation issues, encourage staff to create and maintain a relationship with their partners, and provide information to biologists new to species recovery efforts following a staff turnover. Prior Office of Inspector General (OIG) and GAO reports<sup>11</sup> recommended development of a tracking system. FWS officials agreed that a tracking system is needed, and plan to develop a national tracking system maintained through its online data base system.

## **Coordinating with Partners**

FWS could improve communication, coordination, and leadership in its species recovery efforts among FWS offices and government and non-profit partners. FWS credits its partners with providing much of the “on-the-ground” work and funding to implement recovery plans. Despite the importance of its partners, however, FWS often had limited communication with them, sometimes only at annual meetings. Overall, the more than 130 partners we contacted were supportive of FWS efforts. Nearly one-third of the partners, however, indicated they would like FWS to provide either more communication, coordination, or leadership in endangered species recovery efforts. Improving partner communication and coordination could create and facilitate additional opportunities for advancing species recovery and delisting.

According to FWS officials, FWS is addressing improved communication and coordination with its partners and stakeholders at a national recovery workshop and, in its draft interim, revised recovery planning guidance. FWS also has training courses to improve its staff abilities in seeking and utilizing partners available at its National Conservation Training Center.

## **Improving Recovery Plan Guidance and Oversight**

FWS did not always comply with the ESA statutory requirements for recovery plans.<sup>12</sup> Of the 35 plans we reviewed, the most crucial missing element was objective measurable criteria. This lack of criteria has resulted in criticism that FWS is constantly

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<sup>11</sup> The OIG and GAO reports are summarized in the Appendix.

<sup>12</sup> The ESA and FWS Recovery Plan Guidance require recovery plans to include description of site-specific management actions as may be necessary, objective measurable criteria, and estimates of the time required and the cost to carry out those measures needed to achieve the plans’ goals.

“moving the goal posts” related to actions needed to recover and delist endangered species. The Society for Conservation Biology has recently completed a study on improving endangered species recovery plans in collaboration with FWS. The study’s report<sup>13</sup> includes a number of recommendations related to recovery planning and implementation, which could be used by FWS to improve the effectiveness of its endangered species recovery plans and program. According to FWS officials, they are developing revised recovery guidance that will include many of the study’s recommendations.

## **Recommendations**

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We recommend that the Director, FWS:

1. Perform periodic reviews of reported data to ensure the accuracy of information reported to Congress.
2. Improve guidance to regions and field offices on reporting species expenditures and assessing and reporting species status to ensure that the data provided to Congress are consistent and supported by sufficient evidence.
3. Include additional species data in the Biennial Recovery Report to improve its usefulness in measuring the progress of recovery efforts.
4. Provide Annual Expenditure Reports and Biennial Recovery Reports to Congress in a timelier manner.

## **Agency Response and Office of Inspector General Reply**

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In the March 13, 2003 response to the draft report (Appendix 2), the Acting FWS Director generally agreed with the finding and recommendations. The response also included detailed comments and additional information on the endangered species recovery program. We considered and included this information, as appropriate, in preparing the final report.

The Director’s response is sufficient to consider the four recommendations resolved, but not implemented (see Appendix 3). A response to this report is not required. The four recommendations will be referred to the Assistant Secretary for Policy, Management and Budget for tracking of implementation.

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<sup>13</sup> Endangered Species Recovery and the SCB Study: A U.S. Fish and Wildlife Service Perspective, June 2002.

## Appendix 1

### Scope, Methodology, and Prior Audit Coverage

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#### Scope and Methodology

The scope of our audit included a review of selected threatened and endangered species program activities undertaken by FWS Pacific and Southeast Regions, the two largest regions in terms of endangered species, from October 1, 1994, through December 31, 2000. In the fall of 2001, we obtained updated species and program information. We conducted fieldwork at the following FWS offices.

Office	Location
Headquarters Offices	Arlington, Virginia Washington, D.C.
Regional Offices	Atlanta, Georgia Portland, Oregon
Field Offices	Ventura, California Sacramento, California Jacksonville, Florida Jackson, Mississippi Reno, Nevada Las Vegas, Nevada Portland, Oregon
National Wildlife Refuges	Titusville, Florida Gautier, Mississippi

We reviewed the ESA and its amendments, FWS regulations and guidance related to endangered species, prior audit and program reports, and a sample of species recovery plans. We also interviewed FWS officials and employees and government and non-profit partners.

Our audit was conducted in accordance with “Government Auditing Standards,” issued by the Comptroller General of the United States. Accordingly, we included such tests of records and other auditing procedures as were considered necessary to accomplish our objectives.

As part of our review, we reviewed the Department of the Interior’s Report on Accountability for Fiscal Year 1999, which included information required by the Federal Manager’s Financial Integrity Act, and FWS FY 1999 annual assurance statement on management controls. Based on that review, we determined that none of the weaknesses reported for the Department or FWS were within the objectives and scope of our review. We also performed

a limited review of internal controls applicable to biennial performance and annual expenditures data reporting and identified deficiencies discussed in the report. Our recommendations, if implemented, should improve internal controls in these areas.

## **Prior Audit Coverage**

The following OIG and GAO audit reports were relevant to our review.

- OIG Audit Report No. 90-98, September 1990, “The Endangered Species Program, U.S. Fish and Wildlife Service.” The report recommended that FWS update species information; develop a national plan to prioritize and survey all candidate species on which conclusive knowledge is lacking; consider and pursue other less costly alternatives to officially listing endangered and threatened species; determine and identify the number of listed species for which there are not recovery plans; and establish, on a national priority basis, a systematic approach to developing recovery plans for all species that will benefit from such a plan. Also a national system to track the status of recovery plan implementation should be developed; develop listing and recovery priority systems which can more cost effectively conserve the nation’s animal and plant resources and fully inform the Congress of the current and prospective status of the endangered species program and request Congressional cooperation in reassessing the program in light of goals to be accomplished and availability of resources. As part of informing Congress, FWS should give consideration to and develop proposals for less costly alternatives in achieving program objectives.
- GAO Audit Report No. RCED-89-5, December 1988, “Endangered Species Management Improvements Could Enhance Recovery Program.” The report recommended that FWS follow its existing priority systems or officially amend them, and establish a centralized system on all domestic species status to assist in gauging the recovery program success.



## **Appendix 2**

# **Agency Response**

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## Appendix 3

### Status of Audit Recommendations

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<u>Recommendation</u>	<u>Status</u>	<u>Action Required</u>
1 through 4	Resolved; not implemented	No further response to the Office of Inspector General is necessary. The recommendations will be referred to the Assistant Secretary for Policy, Management and Budget for tracking of implementation.

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