February 8, 2006

Velvette L. Clayton
Assistance Representative
United States Department of Interior
Bureau of Land Management
Oregon State Office
P.O. Box 2965
Portland, OR 97208-2965

Re: Pacific Northwest Cooperative Ecosystems Study Unit (CESU) Agreement HAA003D00; Task Order HAF033F09, Conducting Fires Science Research in Southwestern Oregon.

Dear Ms. Clayton:

I am responding on behalf of the University to your letter of February 1, 2006, regarding the above CESU Agreement and Task Order. Your letter seeks confirmation about the University's compliance with two provisions in the Agreement and two provisions of the Task Order. These concerns relate to the abstracts for and publications of "Post-Wildfire Logging Hinders Regeneration and Increased Fire Risk" posted on the ScienceExpress website and published in Science during January, 2006.

Let me say first that the University values its longstanding cooperative relationship with the Bureau. We want to assure you that the University takes very seriously its obligations under sponsored research agreements, and we are fully committed to complying with the terms and conditions of this Agreement and Task Order.

The concerns raised in your letter are repeated below for convenience, followed in each case by the University's response.

Pacific Northwest CESU Cooperative and Joint Venture Agreement HAA003D00

1. Original abstract published on ScienceExpress website posted on or about January 5, 2006, states “Legislation currently pending in U.S. Congress, HR 4200, would expedite postfire logging projects, citing reforestation and fuel reduction among its goals. To help inform the dialogue…”
Article X, Part A, Item 5, Lobbying Prohibition states, “The parties will abide by the provisions of 18 U.S.C. 1913 (Lobbying with Appropriated Moneys).” This act prohibits the use of appropriated funds either directly or indirectly, in any medium, to influence in any manner a member of Congress, a jurisdiction, or an official of any government regarding any legislation.

University response

The quoted language was included in the abstract on the ScienceExpress website in error, as acknowledged by Science in public statements February 6, 2006.

The language was included in the manuscript initially submitted to Science for review for the sole purpose of highlighting the relevance and timeliness of the research, not to influence legislation. The authors never intended to promote public support or opposition to pending legislation or to influence a member of Congress or governmental official to support or oppose legislation, but rather only to note the timeliness of the research. On December 21, 2005, the paper was accepted by Science and on that date, the authors and the Science editors agreed the language should be deleted from the manuscript prior to publication. On December 21, Science also informed the authors that the manuscript was being considered for rapid online publication in ScienceExpress two weeks before it would appear in print and that they would not have an opportunity to check galley proofs or edit the online version of the manuscript before its release. Had the authors been able to review galley proofs, they would have caught the inclusion of the reference to legislation that they had previously agreed with Science to delete. Upon learning the language was included in the ScienceExpress abstract despite the earlier agreement to the contrary, the authors contacted Science on January 10, 2006, and asked that it be removed. Science apologized and removed the language from the abstract. The fact that Science did not delete the reference from the early release as agreed and the fact that even once the language was removed from the final abstract, Science retained it in an online historical reference to the abstract, are events the University regrets but that were beyond its control. In public statements made by the editor on February 6, 2006, and reported in the media, Science has acknowledged its responsibility for the failure to remove the language.

We want to assure the Bureau that the University is committed to complying with the terms of the Agreement and the provisions of 18 U.S.C. 1913. The University will be careful in the future to avoid any references to legislation that could be misconstrued.
2. The Bureau Assistance Officer is unaware of the efforts made by OSU to consult with Bureau representatives (including the Project Inspector or the Assistance Representative) prior to publishing results relating to the subject task order.

   Article X, Part B, Item 1 states “Joint publication of results is encouraged; however, no party will publish any results of joint effort without consulting the other.”

University response

The University, through the two lead authors of the manuscript, consulted with the Bureau Project Inspector before publishing results in *ScienceExpress* and *Science*.

The lead authors let the Project Inspector know on September 23, 2005, that the Project was invited to present at the annual Joint Fire Science Program meeting on November 1-3, 2005. When the authors learned the Project Inspector was not going to be able to attend the meeting, they arranged to meet him in the future to share the PowerPoint presentation they would be presenting at the annual meeting. The Project Inspector notified them on December 6, 2005, that he would be in Corvallis the next day, and the authors met with him on December 7, 2005. The authors shared the PowerPoint presentation with him which contains the results presented in the *Science* paper. They also discussed with him the fact that they were submitting a paper based on the data and information they had shared in the PowerPoint presentation. Their sense from the meeting was that the Project Inspector was supportive of publication submittals and that he had no expectation that there would be further consultation or review by him before a manuscript was actually published. Based on this meeting, the University understood its consultation and actions were consistent with the Bureau’s expectations. If the Bureau intended a more formal consultation process, we apologize for the misunderstanding. The University is committed to working cooperatively with the Bureau and will respond positively to any direction for more structured consultation in the future.

Task Order HAF033F09, Conducting Fire Science Research in Southwestern Oregon

1. Original abstract published on *ScienceExpress* website posted on or about January 5, 2006, states “Legislation currently pending in U.S. Congress, HR 4200, would expedite postfire logging projects, citing reforestation and fuel reduction among its goals. To help inform the dialogue…”
Section XI. Special Terms and Conditions, Part M, states “Recipient shall not use any part of the Government’s funds for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete.”

University response

The University has responded to this point in its response to the concerns identified in the first point above.

2. The abstracts and articles referenced above do not include the disclaimer in accordance with Section XII, Part N, Endorsements.

Section XII. Special Terms and Conditions, Part N., paragraph 2, requires that all information submitted for publication or other public releases of information regarding this project shall carry a disclaimer, which is outlined further in the text.

University response

The University acknowledges and apologizes for its oversight in failing to include the disclaimer required by the terms of the Task Order. We are confident this oversight will not be repeated.

We trust we have resolved your concerns with this information and our assurances that we intend to fully comply with the CESU and the Task Order. If you have questions or need further clarification, please do not hesitate to contact me. The University is committed to meeting all its contractual obligations to the Bureau and to conducting rigorous scientific research. We would like to reiterate the University’s desire to continue the productive collaborations we have undertaken with the Bureau for many years. With these assurances, we request reinstatement of Task Order HAF033F09.

Sincerely,

Peggy S. Lowry
Institutional Authorizing Official