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 FaxToList:
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 Myers/OU=WO/O=USDAFS@FSNOTES
 CopyTo: CN=Denny Bschor/OU=R10/O=USDAFS@FSNOTES,CN=MaryAnne
 Young/OU=R10/O=USDAFS@FSNOTES,CN=Forrest Cole/OU=R10/O=USDAFS@FSNOTES,CN=Karlene
 K Hale/OU=R10/O=USDAFS@FSNOTES
 INetSendTo: hkashdan@fs.fed.us, jmyers01@fs.fed.us
 INetCopyTo:
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Hank/Jacque:

I hesitate to put too many in this email and will trust you to share its contents with those whom you think would have a need to know. Please treat this matter as deliberative and confidential.

At 1515 EST, 1315 MST, and 1115 AST, we had a conference call with the principals involved in this matter. The call was initiated by Deb Beighley, AD for Appeals and Litigation. Also in "attendance" were Forrest Cole, Tom Parker, Richard Stem, Tim Obst, Gary Gilbert/Katie Atkinson, Cherie Shelley, Karlene Hale, and Paul Brewster and Carol Kittson.

The purpose of the meeting was to explore the agency's response to Mr. Ith's second appeal of the Scott Peak Project.

When the matter of R10's response to the appeal was settled, I asked that we explore our options related to what administrative action, if any, would we want to pursue on the matter of Mr. Ith. Many of the callers not involved in the administrative action dropped out. The Regional Forester, Deputy Regional Forester, the Acting HR Director, OGC, and Gary/Katie remained on the line.

There is growing consensus for proceeding with administrative action. We recommend removal. I contend the employee has destroyed the confidence and trust of his employer when he used information he acquired as a Forest Service employee to further his environmental agenda in the Scott Peak appeal.

Resistance from the legal side centers primarily on whether we can legitimately carve an exception to the employee's appeal/whistleblowing activities. Both Gary Gilbert and Tim Obst want the agency to append the agency's investigation to get an additional statement from Ith as to where he secured a copy of the draft biological report of 5/2/05. That will address the concern of where he got the draft on which he used its contents in his appeal.

We respectfully question the necessity for doing so. Regardless of where/how Mr. Ith secured a copy of his draft biological report, the fact of the matter is he still used information he himself generated as a wildlife biologist to form the basis his appeal to the Record of Decision.

Tim is soliciting input from OGC in Washington. The decision to move forward is line management's to make. According to Karlene, Forrest Cole wants to move forward with administrative action.

Please feel free to weigh in on this matter. I will continue to update you as events progress.

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