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substantial agency procurements and potential small business capacity.

The extent of participation and of expenditures with small business was determined from historical procurement data for the previous three fiscal years (FY 66-68) and feedback from procuring

activities on projected requirements. The determination as to the availability of small businesses was based on an analysis of previous small business activity in the USDA market place, consultation with SBA and Procurement Automated Source System (PASS)

research by Sir Classification (Procurement D.

The 10 Industry Categories selected for the program, as defined by FPDS codes and potential SIC codes that may be affected are:

FPDS Code	Description	Four year pass (%)	Potential SIC codes	Applicable GDS standards
B544	Technology Studies (Old R544)	20	8721	500 EMP
J070	Maintenance and Repair/ADP Equipment	10	8990	\$ 3.5 M
N070	Installation of ADP Equipment	10	7378	\$12.5 M
			7373	\$ 7.5 M
T099	Other Photocopying/Printing Services	20	7299	\$12.5 M
			2741	500 EMP
			2788	500 EMP
			7336	\$ 3.5 M
			7389	\$ 3.5 M
U006	Vocational/Technical Training	10	8249	\$ 3.5 M
			8299	\$12.5 M
			8351	\$ 3.5 M
W038	Leasing Special Industrial Machinery	10	3546	500 EMP
			3523	500 EMP
			7358	\$ 3.5 M
8810	Chemical Products	10	2813	1,000 EMP
			2819	1,000 EMP
			2836	500 EMP
			2899	1,000 EMP
			2879	500 EMP
			2891	500 EMP
7021	ADP Control Processing Units	5	3671	1,000 EMP
			3734	\$ 4.5 M
8105	Bags and Sacks	10	2298	500 EMP
			2873	500 EMP
			2874	500 EMP
8405	Outerwear—Men's	15	2329	500 EMP
			2363	500 EMP

Notes: Dollar Values are in millions, EMP denotes number of employees.

For more information on size standards and definitions consult FAR Subpart 19.1 Size Standards.

b. Policy and Implementation Initiatives

The USDA will aggressively promote increased small business participation in the targeted categories by encouraging joint efforts and teaming arrangements among capable small businesses, establishing realistic long term goals and aggressively monitoring achievements.

USDA agencies shall maximize their efforts in the selected categories and provide assistance to small businesses through increased use of set-asides and outreach activities. All TICs procurement requirements, regardless of dollar value, shall be considered for small business set-asides or 8(a) contracting pursuant to FAR 19.501 and 19.803, respectively. Contracting activities are required to notify the OAE/SDBU office if a requirement is not set-aside. A copy of the solicitation is to be sent along with the notification.

The SBA PASS will not be the primary source for retrieving information on available firms. In addition, the SDBU office will maintain a data base of firms capable of performing requirements in the selected categories and will share the information with USDA agencies upon request.

Small businesses interested in participating in the Program are urged to register with PASS and to contact the SDBU office to indicate interest in the Program. When contacting SDBU please provide a brief capability statement and indicate the specific TIC, small business size and whether the firm is interested in participating in joint ventures.

Dated: November 15, 1969.

John J. Franka, Jr.,
Assistant Secretary for Administration.

(PR) Doc. 80-27385 Filed 11-21-69; 8:45 am)
BILLING CODE 3410-04-02

DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT National Park Service

Cooperative Management of Greater Yellowstone Area, Montana, Idaho, and Wyoming

AGENCY: Forest Service, USDA and National Park Service, Interior.

ACTION: Notice: Plans to Develop an Interagency Framework for the Cooperative Management of the Greater Yellowstone Area.

SUMMARY: The Forest Service and the National Park Service give notice of plans to develop a coordination process that will result in a management document called "The Vision—A Management Framework for the Greater Yellowstone Area." The Greater Yellowstone Area is comprised of 11.7 million contiguous acres of federally owned and managed lands including

and surrounding Yellowstone and Grand Teton National Parks. National Forests wholly or partially contained in the Greater Yellowstone Area are the Targhee, Bridger-Teton, Shoshone, Custer, Gallatin, and Beaverhead National Forests. These Forests are administered from three different Forest Service Regional Offices: the Northern Region located in Missoula, Montana; the Rocky Mountain Region in Denver, Colorado; and the Intermountain Region in Ogden, Utah. Both Grand Teton and Yellowstone National Parks are administered through the Rocky Mountain Region of the National Park Service located in Denver, Colorado. The Parks and/or Forests are located in the states of Montana, Idaho, and Wyoming.

DATE: To ensure consideration, comments should be mailed to the address below by February 15, 1990.

ADDRESS: Send written comments to Greater Yellowstone Coordinating Committee, Box 2396, Billings, MT 59103.

FOR FURTHER INFORMATION CONTACT: Greater Yellowstone Coordinating Committee, Jack Troyer, Sandra Key, and Betty Schmitt, above address, or telephone (406) 657-6381 or FTS 583-6361.

SUPPLEMENTARY INFORMATION: The development of the Vision Document continues the coordination process between the Forest Service and National Park Service that began in the 1900's when Forest and Park Managers in the area formed The Greater Yellowstone Coordinating Committee. It is at the initiative of the Committee that this process is being undertaken and that its forerunner, "The Greater Yellowstone Area—An Aggregation of National Park and Forest Plans" (The Aggregation), was published in 1987. The Aggregation combines information from management plans for the National Forests and National Parks within the Greater Yellowstone Area and displays the condition and extent of resources and management activities within the Greater Yellowstone Area and projects the future condition of the region as management plans are implemented in the next 10 to 15 years.

The Aggregation will also serve as the information base for the coordinating process being announced in this Federal Register notice. There are presently two steps envisioned to this process. First, the agencies will develop a Vision Document that will contain goals that describe desired future conditions for the Greater Yellowstone Area and how they will be achieved (Coordinating Criteria). Implicit in these goals is the potential need to adjust current management practices so they are

compatible with the goals contained in the Vision Document. This adjustment will be done through the second effort, comparison of National Park Service and Forest Service planning documents which is scheduled to begin when the Vision Document is completed in 1990.

The Vision will describe as goals the desired future conditions of lands and resources found in the Greater Yellowstone Area. The Coordinating Criteria will describe how each goal in the Vision will be reached or maintained. As appropriate, these criteria will be specific, measurable, and geographically identifiable. The Vision will also contain criteria for analyzing and monitoring resource conditions and the impact management actions will have on Park values and the values of the entire Greater Yellowstone Area. The missions of both the National Park Service and Forest Service will be preserved throughout the process. The goals and coordinating criteria will, however, provide the future emphasis for planning directions. The Vision Document and the coordinating criteria may be used as the basis for the development of uniform management prescriptions. It would be done as part of this process or as a separate process or document.

The second effort, comparison of agency planning documents such as the Regional Guides, Park Management Plans, and Forest Management Plans with the Vision Document, will be accomplished using existing planning processes and regulations while the Vision Document will be developed using a variety of public participation techniques.

The Vision will serve as an "umbrella" document which will provide a framework within which the management of the Greater Yellowstone Area can be coordinated. The document itself will contain four sections, one of which will be developed through intensive and extensive contact with the public throughout the states of Montana, Wyoming and Idaho. It will also include contacts with publics and individuals on a national and international level.

The process of gathering and formatting the goals portion of the Vision Document will begin at once. Other sources of information that will be used to develop this document include, but are not limited to: state governments, other Federal entities, Forest and Park managers and staff, elected officials and national and international groups and agencies.

The Vision Document may contain goal statements and coordinating

criteria relative to the following topics:

- Wildlife management including threatened, endangered and game and non-game species;
- Wildlife migration corridors and biological diversity;
- Fire management, forest health, visual quality;
- Recreational use, cultural resources, and public use;
- Economic future of commodity users and the business community and the balance of multiple uses;
- Utility corridors, roadless areas, mineral leasing and geothermal and groundwater recharge areas.

Additional topics will likely be identified through the public participation process and through contacts with the other entities previously mentioned. The Vision Document will deal with issues that require management on a regional level or that transcend the existing boundaries.

It will not:

1. Serve as a Regional Plan,
2. Make specific land allocation decisions,
3. Preempt the legal decision making role of individual land managers, or
4. Address issues that are limited to the management of individual Forests or Parks.

Agencies, organizations, and other identifiable potentially affected interests and individuals will be invited by letter, newsletter, media notice, and publication of this notice to participate in identification of issues and development of goals for the Vision Document. A variety of public participation practices will be used. These include open houses, speaking engagements, seminars, conferences, newsletters, mailings, media releases, feature media events and personal contacts.

After the public has had an opportunity to participate, the information will be synthesized into a draft Vision Document with draft goals and coordinating criteria. Upon completion of the draft, the public will once again be asked to comment using a more structured public participation process. Where differences exist, the Coordinating Committee will continue to work with interested parties to resolve them. Where resolution is not possible, the agencies will decide whether to include the goal and if so, how it will be written. Following this process, the Vision Document will be put in final form and will be distributed to the public.

Upon completion of the Vision Document, the second step of this process, comparison of Regional Guides and Forest and Park Plans to the Vision Document will begin. If subsequent

amendments or revisions of planning documents are indicated, they will be handled as a separate effort by each agency in compliance with applicable statutes and regulations.

The timeframe for development of the Vision Document is not extensive and the public should be cognizant of that as they plan their participation.

Specifically, the schedule is as follows:

1. Brief groups, agencies, and elected officials and invite their participation: June–October, 1988.
2. Draft goals for Vision Document: October–March, 1989–1990.
3. Publish draft Vision for public comment: Spring 1990.
4. Prepare the revised final Vision incorporating public comment: Summer 1990.

The National Park Service Manager for this process is Rocky Mountain Regional Director, Lorraine Miltzmyer. The three Regions of the Forest Service are represented by their respective Regional Foresters: Gary Cargill for Region 2, John Muzum for Region 1, and Stan Tixier for Region 4.

Dated: November 17, 1988.

For the Forest Service.

Clara E. Hatala.

Acting Deputy Regional Forester.

Dated: November 18, 1988.

For the National Park Service.

Jack Neckels.

Acting Regional Director.

(FR Doc. 88-27413 Filed 11-21-88; 8:45 am)

BILLING CODE 3410-11-8

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Oceanic and Atmospheric Administration
Title: Report of Observations/Samples Collected by Oceanographic Programs
Form Number: NOAA Form 24-13;
OMB-0648-0023

Type of Request: Request for extension of OMB approval of a currently cleared collection

Burden: 15 respondents; 75 reporting hours; average hours per response—.5 hours

Needs and uses: This form is used to collect information on oceanographic research that has been conducted. The information is made part of an international inventory that helps

eliminate duplicate research efforts and make data more available to scientists

Affected public: State or local governments, Federal agencies or employees, non-profit institutions
Frequency: On occasion
Respondent's obligation: Required to obtain or retain a benefit
OMB Desk Officer: Russell Scarato 385-7430

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6632, 14th and Constitution Avenue, NW, Washington, DC 20530. Written comments and recommendations for the proposed information collection should be sent to Russell Scarato, OMB Desk Officer, Room 3206, New Executive Office Building, Washington, DC 20503.

Dated: November 18, 1988.

Edward Michals.

Departmental Clearance Officer, Office of Management and Organization.

(FR Doc. 88-27380 Filed 11-21-88; 8:45 am)

BILLING CODE 3410-C9-4

Agency Information Collection Under Review by Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Oceanic and Atmospheric Administration
Title: Data Documentation Form
Form Number: NOAA Form 24-13;
OMB-0648-0024

Type of Request: Request for extension of OMB approval of a currently cleared collection

Burden: 100 respondents; 100 reporting hours; average hours per response—.5 hours

Needs and uses: Organizations sending oceanographic data in digital form to the National Oceanographic Data Center are requested to document some scientific and ADP information about the data on the NOAA Form 24-13. The information helps make the data accessible and meaningful

Affected public: State or local governments, Federal agencies or employees, non-profit institutions

Frequency: On occasion
Respondent's obligation: Voluntary
OMB Desk Officer: Russell Scarato 385-7430

Copies of the above information collection proposal can be obtained by

calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6632, 14th and Constitution Avenue, NW, Washington, DC 20530. Written comments and recommendations for the proposed information collection should be sent to Russell Scarato, OMB Desk Officer, Room 3206, New Executive Office Building, Washington, DC 20503.

Dated: November 18, 1988.

Edward Michals.

Departmental Clearance Officer, Office of Management and Organization.

(FR Doc. 88-27380 Filed 11-21-88; 8:45 am)

BILLING CODE 3410-C9-4

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Oceanic and Atmospheric Administration
Title: Survey of Intent and Capacity to Harvest and Process Fish and Shellfish (Northwest Region)
Form Number: None

Type of request: New collection
Burden: 60 respondents; 9 reporting hours; average time per response—5 minutes

Needs and uses: U.S. fish processors, joint venture companies, and fishermen's trade associations involved in the groundfish fishery in the Northwest Region of the U.S. are required to provide the tonnage of their actual and expected use of relevant species of groundfish. The information is used to establish groundfish quotas

Affected public: Individuals or households, business or other for-profit, and small businesses or organizations

Frequency: Semi-annually
Respondent's obligation: Mandatory
OMB Desk Officer: Russell Scarato, 385-7430

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6632, 14th and Constitution Avenue, NW, Washington, DC 20530. Written comments and recommendations for the proposed information collection should be sent to Russell Scarato, OMB Desk Officer, Room 3206, New Executive Office Building, Washington, DC 20503.

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UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ALLEGATIONS OF DISCRIMINATION

Filed By: L. Lorraine Mintzmeyer

#193

Filed Against: Manual Lujan, Jr., Secretary,
U.S. Department of the Interior

Case No. FNP-91-094R

James M. Ridenour, a witness in the above matter was sworn
and interviewed on Monday, March 23, 1992, at 3:09 p.m.,
before me, Michael Pecknay.

Appearances:

Davis Schaff
Delany, Siegel & Zorn
1730 North Lynn Street, Suite 428
Arlington, Virginia
(703) 528-4921

Heritage Reporting Corporation
(202) 628-4888

I N D E X

WITNESS:

JAMES M. RIDENOUR

EXAMINATION

3

1 PROCEEDINGS

2 MR. SCHAFF: On the record.

3 Whereupon,

4 JAMES M. RIDENOUR

5 having been first duly sworn, was called as a witness
6 herein, and was examined and testified as follows:

7 EXAMINATION

8 BY MR. SCHAFF:

9 Q Can you please state your name and spell it for
10 the record?

11 A James Mr. Ridenour, R-I-D-E-N-O-U-R.

12 Q And can you please state your sex, your date of
13 birth, and if you have ever sought EEO counseling for
14 yourself?

15 A Male, January 1, 1942. And no, I have never
16 sought counseling.

17 Q And what is your title, series, grade, and
18 organization?

19 A I am the Director of the National Park Service. I
20 am a SES Grade 6.

21 Q And how long have you held your position?

22 A Approximately three and a half years.

23 Q And who is your immediate supervisor?

24 A My immediate supervisor would be the Assistant
25 Secretary for Fish, Wildlife and Parks, Government Mike

1 Hayden.

2 Q You have had an opportunity to review the ten
3 issues in this case?

4 A Yes.

5 Q And you understand the issues, as they have been
6 presented?

7 A Yes.

8 Q Do you have a comment on the merit of the claims?

9 A I believe that the bulk of the claims are false,
10 but I would like to discuss them on a case by case basis,
11 each one of them.

12 Q On a claim by claim basis?

13 A A claim by claim basis. But it appears to me that
14 the bulk of them are false.

15 Q Okay. We can do that.

16 The first issue deals on the basis of sex, and it
17 deals with a complaint that management officials disregarded
18 her disclose of specific personal problems and her request
19 for protection from political pressure when she was
20 reassigned from another regional office. Let's start first
21 with the personal problems.

22 Did the Complainant ever approach you about
23 personal problems that she had which made a move from her
24 mountain region difficult for her?

25 A Yes.

•

1 Q And can you tell me how that discussion went and
2 when it happened?

3 A I cannot recall the exact dates. But they would
4 correspond with the opening of a new visitor center that we
5 were dedicating in Southwest Wyoming. I believe that the
6 visitor center is called Fossil Buttes Visitor Center. And
7 we rode from the visitor center back to the airport in Utah,
8 and she brought out some of the concerns that she had, some
9 of the thing that were going on in her life that were making
10 things difficult.

11 Q And did she specify what they were?

12 A Yes.

13 Q Can you tell me?

14 A I would feel like that would be her business to
15 tell you that, rather than me.

16 Q Did you take those into consideration when you
17 made the reassignment?

18 A Yes.

19 Q Can you tell me how you did?

20 A Well, first of all, we had the reassignment
21 generally, the concept of the reassignment going on, among
22 all three regional directors. And when she again brought up
23 the problems that she would have associated with her
24 personal problems, I said well, let's see if we can get
25 something worked out. And over a period of a week or two,

1 we came up with the concept of creating a new position which
2 would be located in Denver, which is where she lived, that
3 would allow her to maintain her rate of pay, and would be
4 located in the same location where she presently was.

5 And as a matter of fact, we talked about this on
6 more than one occasion, both personally and by telephone.
7 And she ended up writing the job description for the
8 position itself.

9 Q Was this a policy position?

10 A A strategic policy position. And as I say, she
11 ended up writing the job description for the position
12 itself. But it seemed like she was having a hard time
13 determining whether she wanted to stay in Denver or go to
14 Philadelphia. But she did have that option to stay in
15 Denver at the same rate of pay.

16 Q At the same rate of pay, was it also at a SES
17 level?

18 A No, it was not. It was a Grade 15. It is a
19 process in the Civil Service that I have seen two of our
20 other regional directors take. And I noticed in her
21 statement that she said that no one else had taken these
22 kinds of step backs from the SEC grade. But specifically,
23 she mentioned Boyd Evison. And Boyd Evison took the same
24 procedural process to step back to a Grade 15 while
25 maintaining his rate of pay. And Gerald Patton also stepped

1 back from a SES position to a Grade 15 and retained pay.

2 Q Mr. Evison, did he have personal reasons for
3 wanting to take a 15 rather than the SES position that he
4 had?

5 A He wanted to leave the SES position that he had,
6 and there were not any other SES positions open at that
7 time. And yes, he did have personal problems in his family
8 that caused him to look at various locations where he might
9 be able to deal with those personal problems in a better
10 fashion.

11 Q So would he have stayed in the SES position if he
12 did not have those personal problems, or were you going to
13 move him from the SES position anyway?

14 A Well, it was a combination of the fact that he
15 wanted to move from the SES position, and wanted to move to
16 another SES position. And there were no other SES positions
17 at least that he was interested in, because his problems
18 were tied specifically again to location in the country.

19 Q So it was not that you wanted to move him from
20 where he was?

21 A He and I had both reached an agreement a year or
22 so earlier that when it came time for him to leave his
23 position that we would talk again when he felt like it was
24 time. He came to me and said that it was probably time.
25 It was a mutually agreed on move.

1 Q And Mr. Patton, you said that he had personal
2 problems as well.

3 A Well, I do not think that it was problems so much
4 that he had an interest in returning to the West where he
5 had come from. And he was regional director in the East.
6 And when an opportunity, in fact the very same opportunity
7 using almost the exact same job description that Ms.
8 Mintzmeyer had written up, when she turned that position
9 down, I still felt that it was a legitimate position, and
10 that we had a need to fill it. So when that opportunity
11 came up, he was very much interested in filling that
12 position.

13 Q When you say when Ms. Mintzmeyer turned the
14 position down, when did she turn down the GM-15 position?

15 A I do not recall the exact date. But by accepting
16 the SES regional director position in Philadelphia,
17 essentially she turned down the GM-15. On many occasions,
18 she told me that she would accept the job as described in
19 Denver, but wanted it to remain a SES position, even though
20 the pay would have been the same had it been a Grade 15.

21 Q Would the benefits have been different rather than
22 a grade system?

23 A I think that the benefits would have been the
24 same. I think that there would have been some situations
25 where SES people would have gotten raises that the Grade 15

1 would not have gotten the same raises. So in the out years,
2 there were some things that made it not so much an
3 advantage.

4 Q Let me ask you. I want to get the timing straight
5 on this.

6 The GM job was offered to Mr. Patton after she had
7 taken the regional director job in Philadelphia?

8 A Considerably after. Probably as much as a half to
9 three-quarters of a year.

10 Q On the Grade 15 position, did you ever try to have
11 the ERB or the Executive, now I have heard two different
12 versions, either the Review Board or Resource Board, make
13 that a SES position.

14 Did you ever approach them on that?

15 A Yes. They were approached verbally. I do not
16 recall that it was done in writing, but they were approached
17 verbally on at least one occasion and possibly two. And the
18 indication was that there were no SES positions available
19 for assignment to the National Park Service.

20 Q Did they tell you whether there were going to be
21 any soon?

22 A They indicated that there might be some soon. But
23 they also indicated that there were other agencies who would
24 be ahead of us in line in terms of acquiring additional SES
25 positions.

:

1 Q And during that time period, did you ever hear any
2 rumors from OPM or any other agency that there was going to
3 be 26 SES positions opening?

4 A No.

5 Q Did anyone in the ERB ever say to you that they
6 were not going to give anything to the Complainant, because
7 she had filed an EEO complaint?

8 A No.

9 Q Did anyone ever talk to you about her EEO
10 complaint from ERB?

11 A No.

12 Q Okay.

13 A Let me restate that. I am trying to remember the
14 sequence of events, but I think that I might have been
15 contacted by an ERB member indicating that they understood
16 that she had filed a complaint. But I do not recall any
17 conversations prior to that.

18 Q They were asking you whether she had filed a
19 complaint?

20 A I think that they were asking me if she had filed
21 a complaint.

22 Q And who was that?

23 A Ed Kay.

24 Q Did he ever say to you why he was interested in
25 knowing that?

1 A No. Other than I think that there were just some
2 rumors that a complaint had been filed around the halls of
3 Interior. And he had heard that, and wanted to know if it
4 was true or not.

5 Q And what did you tell him?

6 A At that time, I believe that the complaint had
7 been filed. So I said yes.

8 Q Did he follow up at all?

9 A Not that I am aware of.

10 Q I guess that part of my next question also went to
11 the political pressure to reassign.

12 Let me ask you first ask you though before I talk
13 about political pressure to reassign her, why did you decide
14 to reassign the three regional directors?

15 A Well, they were basically reassigned in a review
16 as we looked at our SES people as to how long they had been
17 in the current management positions that they had been in.
18 And there was talk in meeting with the ERB that
19 philosophically we should not have our management people in
20 long term assignments, that they should have a rotation.

21 Q And who in the ERB told you that?

22 A Well, we met with, it would have been Mr. Kay,
23 John Shroate, Tom Weimer.

24 Q Can you spell the last two names, please?

25 A Schrote, I believe it is S-H-R-O-A-T-E, if it is

1 not S-C-H-R-O-A-T-E. And Tom Welmer is W-E-I-M-E-R.

2 Q And all three were saying that they felt that
3 there should be a turn-around after so many years?

4 A We were having a general discussion about all of
5 our SES people, where they were assigned, what they were
6 doing, how long they had been assigned there, and so forth
7 and so on. And particularly, we were talking about regional
8 managers, because regional managers do just what the title
9 describes. They are in a strong management position for a
10 region of the country.

11 And the concept came up in terms of what is
12 healthy, and what is good management policy as it relates to
13 rotation of management people at that level in an
14 organization, any organization. Not just the National Park
15 Service, but I remember talking about IBM's policy and
16 different companies in the private sector.

17 Q Did NPS have a policy or the Department of the
18 Interior have a policy of rotation?

19 A Not that I am aware of. But we talked about that
20 ten years was an awful long time to be assigned to the same
21 position. And they noted in looking at the records that we
22 had three regional directors who had been in their positions
23 approximately ten years. And then the next one back in
24 terms of seniority I think was somewhere in the six year
25 range. So there were three that obviously stood out from

1 the rest in terms of how long they had been at their
2 assignment.

3 Q Was this the only consideration that you had in
4 reassigning the individuals?

5 A Yes.

6 Q Let me ask you whether there was any pressure put
7 on you from anybody else to reassign Ms. Mintzmeyer herself?

8 A No.

9 Q Did Mr. Sewell ever come to you and ask you about
10 having her reassigned?

11 A I do not recall it.

12 Q Let me ask a bit about the political pressure.
13 She claims that other male employees, SES employees, were
14 given different treatment when they asked for protection
15 from political pressure. And in specific, she gives an
16 example the Vision Report.

17 Do you remember the Vision Report?

18 A Yes.

19 Q Do you know how it got started, whose idea it was
20 to do the report?

21 A I think that it came from Congress. As a matter
22 of fact, I have got an exact chronology of it here that I
23 have in my files.

24 Q Could I have a copy?

25 A Yes, I could make that available to you. It

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1 started clear back in 1985 when there was some discussion in
2 a House hearing on the Greater Yellowstone area. So I have
3 a chronology by dates, which I can make available to you.

4 Q Thank you. I would like that.

5 Let me ask, on the Vision Report, did Mr. Sewell
6 ever talk to you about the Vision Report?

7 A Yes.

8 Q And what did he talk to you about?

9 A He talked to me about a concern that primarily the
10 western states delegations that were primarily affected by
11 the Vision document would be or were upset, and that they
12 were concerned that it was a document that was going to turn
13 the entire Yellowstone area into more like a park-like
14 philosophy, rather than having the continuing multiple use
15 philosophy that surrounds the park and the National Forest.

16 Q And did you agree with that?

17 A Not really. I had read the document, and found it
18 to be what I thought to be fairly innocent in terms of
19 philosophy. It really to my mind set out a course of a
20 working relationship between the Forest Service and the Park
21 Service. My impressions of the document from the beginning
22 were that it was too long, that people would not find it --
23 that the average person would not read it, because of the
24 length. It had what I have come to know as a lot of
25 "bureaucratese" that seemed to be something that could be

1 taken out.

2 My initial reaction to the Yellowstone document,
3 the so-called Vision document, was that it needed to be
4 rewritten in terms of wordsmithing. But the tone of the
5 document and the basic philosophy of the document seemed to
6 me okay. It just seemed to me to be far too long. And in
7 talking to the Director of the Forest Service, he indicated
8 that there were a few places where they had a specific
9 problem that they would have to work out, that they would
10 have a hard time agreeing to.

11 I want to point out that my instructions back to
12 the people who were working on the Vision document were to
13 back into it, clean it up as much as they could, and shorten
14 it to where it would be a more readable document. And if
15 they found in working with the Forest Service people that
16 they reached an impasse that they could not solve among
17 themselves, that we would get on a conference telephone call
18 with the Director of the Forest Service, Dale Robertson, and
19 myself, and Lorraine Mintzmeyer and her counterpart in the
20 Forest Service, Gary Cargill I think his name was, and the
21 two staff people who were working on the document, and that
22 we would solve any last minute issues that were unsolvable
23 at their level.

24 In fact, that is in fact what happened. On a
25 conference telephone call, all of those people were on the

1 call. And we had some words, specific words, and some
2 sentences that needed to be -- that the Forest Service could
3 not live with based on commitments that they had made in
4 testimony in Congress.

5 We reworded certain parts of the document in draft
6 form over the telephone conference call. It was retyped and
7 sent out to everyone and approved and printed. So
8 Ms. Mintzmeyer and her counterpart, Gary Cargill, the
9 Director of the Forest Service, myself, and the two staff
10 members in charge of the document, all ran on the final
11 editing of the document, and all took appropriate roles in
12 that telephone conference call.

13 Q Was Mr. Sewell involved at all in that?

14 A No.

15 Q Did Ms. Mintzmeyer ever approach you asking for
16 protection from any political pressure from Mr. Sewell on
17 the document, the Vision document?

18 A I do not recall. I do not recall whether she
19 approached me. It has been so long. I do not recall
20 whether she approached me, or that I picked it up more from
21 rumors in the hall that she had a meeting with Mr. Sewell,
22 and that it had been fairly confrontational. But I do not
23 recall whether she told me that, or that I heard it from
24 other sources.

25 Q Did you act on that at all?

1 A I talked to Mr. Sewell about it. And as I recall,
2 he indicated again some of his concerns with the document.
3 But he also indicated that he did not want to have anything
4 further to do with the document. That it was something to
5 be taken care of at our end of the hall.

6 Q Did he tell you what problems he had with the
7 document besides just that certain states may have problems
8 with the document?

9 A No, nothing specific. At the time, I remember
10 thinking that I thought that everyone was acting, including
11 many of the press reporters in the West, it seemed to me
12 that everyone was overreacting to the document. Because I
13 went back and reread the document, and again thought that it
14 sounded like a fairly workable working relationship being
15 described between two agencies of federal government. And I
16 recall thinking that there was an awful lot of noise and
17 press over what did not seem to me to be that drastic of a
18 document.

19 Q Did Mr. Sewell ever say anything to you about the
20 document not being open to the consumptive industries?

21 A No, I do not recall that he did.

22 Q Did he say anything to you about getting pressure
23 himself from Mr. Sununu?

24 A No.

25 Q Any pressures from Senator Simpson?

1 A Well, there was a meeting, as I understand. I do
2 not recall why I was not in the meeting, whether I was on
3 the road or what. But there was a meeting that took place
4 up on the Hill. And again, I do not know whose office it
5 was in. But it was my understanding that some of the
6 western Congressmen went into a discussion. And there have
7 been also people who had come in from the West. They went
8 into a discussion over their concern over the document. I
9 think that Mr. Sewell attended that meeting. It was not a
10 meeting that I attended.

11 Q So he did not talk to you about that meeting?

12 A No.

13 Q Did Mr. Sewell ever request of you to have the
14 Complainant disciplined or issue a reprimand to you because
15 of alleged lobbying that she was doing on the Hill?

16 A It seems to me at one time that he asked me if I
17 knew that she had been on the Hill on a certain date at
18 certain times. And I recall that I had to go back and check
19 my records to figure out if she had been in town or had not
20 been in town, and I verified that she was in town. And
21 beyond, that is about all that I recall.

22 Q You do not remember Mr. Sewell asking you to
23 reprimand her in any way?

24 A I do not recall any specific requests to
25 reprimand.

1 Q She also compares the protection from political
2 pressure to other male employees, in specific as you know is
3 Mr. Evison and Mr. Patton.

4 A Well, I would dispute that. Because in both of
5 those cases, the only comparison that I think you could make
6 in those cases is in the two cases of herself and
7 Mr. Evison in dealing with some personal problems that they
8 had.

9 Q But not on political?

10 A Not on political considerations. I would not have
11 considered any of them, any of the three, politically based.

12 Q Did either Messrs. Evison, Patton, or Mumma, did
13 any of them request protection from political pressure?

14 A Well, I cannot speak to Mr. Mumma. He is a Forest
15 Service employee. So I do not know much about his
16 background at all. But give me your question.

17 Q Did any of them ask you for protection from
18 political pressure?

19 A No.

20 Q Did any regional director ever ask for protection
21 from political pressure?

22 A To the best of my knowledge, I cannot recall that
23 any did.

24 Q Okay.

25 A Are you talking now about the ones who were

1 reassigned?

2 Q Well, was the reassignment based on political
3 pressures at all?

4 A No. You know, regional directors are often caught
5 cross-wise from time to time with one political situation or
6 another. It is fairly common. And when I am saying
7 political, I am not speaking in terms of partisan politics,
8 but political with a small "p". There are often conflicts
9 among the regional directors and those who are in political
10 positions in their area. That is a fairly common weekly
11 occurrence. But no, I do not recall anyone asking me for
12 any particular protection.

13 Q Did you ever given any protection to somebody that
14 you felt was under political pressure?

15 A Oh, yes. I have defended probably all of our
16 regional directors at one time or another when they were
17 under some attack for a decision of one kind or another. It
18 is fairly common.

19 Q Did that ever happen with Ms. Mintzmeyer?

20 A I am sure it did.

21 Q Can you recall any specifics?

22 A I cannot recall any specifics. I am just trying
23 to think of one. I think at one time that there were some
24 concerns over in Utah about the location of an airport, a
25 specific location of an airport, in which some of the

1 political people wanted it in one place and some wanted it
2 in another place. And I remember that there was quite a bit
3 of discussion over that. And so I would say that that would
4 have been an area where I would have defended Ms. Mintzmeyer
5 on that.

6 Q She made the decision?

7 A She recommended the decision to me, which we
8 followed, yes.

9 Q And people tried to put pressure on her because of
10 her decision?

11 A Well, I would say that the more likely scenario is
12 that someone will call me and complain about a decision that
13 is being made by a regional director. That is fairly
14 common.

15 Q Okay.

16 A It does not mean that we are going to overturn a
17 decision. It may mean that we will take another look and
18 see if it was what we considered to be a good decision or
19 not. I mean it is kind of almost like a review process.

20 Q One question just to follow up on the transfer
21 itself.

22 Q Did anyone from Congress come to you and say that
23 they wanted Ms. Mintzmeyer transferred?

24 A No.

25 Q Did anyone from the executive area of the

1 Department of Interior tell you that they wanted
2 Ms. Mintzmeyer transferred?

3 A No. Outside of the discussion that we discussed
4 earlier about the Executive Resources Board, talking about
5 the need to have some rotation in our longer term management
6 employees.

7 Q That is was it?

8 A Yes.

9 Q Issue 2 deals with sex discrimination, in that she
10 claims that she had been reassigned more frequently than
11 similarly situated males. If you want to make a comment on
12 that. I think that also the documents will show that as a
13 statistical type of question.

14 A Yes. I really do not have any comment. I think
15 again that we can find that out from statistics. I know
16 that she moved a number of times early in her career, some
17 of which were at her own choice, as she made a fairly rapid
18 advancement up through the agency. But beyond that, I think
19 that the facts would speak to that.

20 Q And on Issue No. 3, she states that there was age
21 discrimination when you considered (a) her time in the
22 position, (b) her age, and (c) the possibility of retirement
23 in your decision to reassign her. I think that we have
24 already covered the time in her position. That would be the
25 ten year cut point.

8

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1 Did you consider her age at all in your decision?

2 A No. All three of the regional directors who had
3 been in those positions, that were transferred -- by the
4 way, I want to point out that all were involuntarily
5 reassigned. This was not a voluntary reassignment on any of
6 the people's part. I note that Ms. Mintzmeyer has made a
7 distinction in her remarks about her being involuntarily
8 reassigned. I want to make the point that they were all
9 involuntarily reassigned.

10 But the age of the others that were reassigned, at
11 least on one, and I am not sure that it would not be true on
12 both, were also at an age where they could have retired had
13 they chosen.

14 Q Let me ask you about the (c) part, which is the
15 retirement question. It is my understanding that you had
16 first asked at a meeting that the different directors write
17 to you in letter form telling you their plans for
18 retirement, is that correct?

19 A That is not exactly the way that I phrased it.
20 But I recall the meeting that you are talking about. And
21 what I said was, and it grew out of talking with the ERB
22 earlier, and that was that it seemed to me that it made
23 sense that we have some sort of an idea of what people's
24 plans were in order to make plans for an orderly transition
25 for those who might be coming up to fill positions.

1 For example, we had to make recommendations for
2 people to go to certain classes, so that they could be
3 eligible to become SES employees. And when I looked around
4 the table, it seemed to me that we had a number of people
5 who could, if they chose, could decide to retire fairly
6 soon. And what I asked them was that I would like them to
7 do some thinking about what they were thinking about, so
8 that we might have some idea as to how we were going to fill
9 their positions if they were to decide to retire in the next
10 two to three years.

11 So it was more of a question of have you made any
12 personal plans, what are you thinking about, I need to
13 manage this agency, and to do that I need to have some idea
14 of what personnel I am going to have around here in a couple
15 of years.

16 Q Did you require them to respond?

17 A Yes, I did.

18 Q And what was the original format that you required
19 for their response?

20 A Originally, I had made the request verbally. And
21 then I decided that probably it would be better to send it
22 out in a questionnaire form.

23 Q I meant for their response, what was the format
24 for their response that you originally required?

25 A You mean?

1 Q A letter?

2 A Originally, in the meeting itself, I said that it
3 would probably be a good idea if I had some idea from all of
4 you what your plans are. Some got to me even before I got
5 back to my office and wrote a letter to them.

6 Q They wrote a letter to you, you mean?

7 A Either wrote a letter to me or gave me a call.

8 Q So it could have been verbal as well?

9 A But I followed up with kind of a questionnaire.

10 Q Let me ask, before you followed up with a
11 questionnaire, how many of the regional directors responded
12 to you either verbally or in writing in a letter form?

13 A Oh, that would be difficult to say verbally. In a
14 letter form -- I would say at least half of them verbally,
15 and then followed up with a questionnaire. But as to
16 whether a letter first. I see one, two. It appears to me
17 that there were two.

18 Q And who was the second person besides
19 Ms. Mintzmeyer?

20 A Southwest regional director John Cooke.

21 Q And what was the reason that you changed to a
22 questionnaire format?

23 A Well, there employees who were SES employees who
24 were not at the meeting where I had made my verbal request.
25 And it seemed to me that I needed to have all of the SES

1 employees respond, rather than just the ones who had heard
2 my request at the meeting.

3 Q So the questionnaire format was almost sort of by
4 the way.

5 The intent was to get a response from all SES
6 employees?

7 A Yes.

8 Q Your intent was not to intimidate any of the
9 regional directors about it, was it?

10 A No. It was an attempt to really plan for the
11 future of the agency. And if there were employees, whether
12 they were regional directors or had some sort of a
13 substantive responsibility, like science and research, to
14 know if they had personal plans to retire in the next two or
15 three years, especially those who were eligible. Many of
16 them were eligible, and are eligible now, to retire at any
17 time that they would decide. And it is important that we be
18 back filling behind them and training, and doing those sorts
19 of things to have people ready to take their positions. So
20 it was strictly a management survey.

21 Q Do you have anything more on that particular
22 issue?

23 A No. I will say that all SES employees responded,
24 all in writing, with the exception of one who came
25 personally to see me. Because I gave them that choice that

1 if they wanted to talk to me personally or if they did not
2 want to put something in writing.

3 Q Was that put into your letter to all of the SES
4 employees that they had that choice?

5 A Let me see. Yes, it was. My remark at the end of
6 the letter or my questionnaire said, "Please make your
7 response to Herb Cables", who is the deputy director, "in a
8 blue envelope." A blue envelope in our parlance is one that
9 no one is supposed to open.

10 Q Eyes only?

11 A Eyes only. "Print SES in the lower left-hand
12 corner to assure that it will be opened only by Herb. If
13 you feel more comfortable discussing (one on one) your
14 personal concerns, you may contact me directly."

15 Q So as far as you are concerned, all of the SES people
16 had contacted you one way or the other?

17 A Yes.

18 Q Because Ms. Mintzmeyer does say in her transcript
19 that some people did not respond?

20 A No. I have the count, and all of them did
21 respond.

22 Q Okay.

23 A The only two who did not respond were myself and
24 the deputy director. And of course, we were in daily
25 contact.

1 Q Let's go to Issue No. 4 where she claims reprisal
2 and retaliation, in that confidential information concerning
3 her involvement in the EEO process was given to friends by
4 the deputy director. And it is my understanding that she
5 claims that the deputy director went to Ms. Huyck, who is a
6 member of Congress, the Subcommittee on National Parks and
7 Public Lands.

8 A A staff member. Yes, that is Heather Huyck. The
9 spelling you have is correct, I think.

10 Q And do you know anything about that issue?

11 A I really do not, other than hearsay.

12 Q Because the next few issues basically deal with
13 the same incident.

14 During negotiation proceedings to see if there was
15 a possible settlement to her informal claim, did you ever
16 get in contact with Mr. Cables about a settlement to be
17 transferred through Ms. Huyck?

18 A No.

19 Q Did you ever say to Mr. Cables that here is a
20 settlement that is possible, but that we do not want her
21 attorney to know anything about it?

22 A No.

23 Q Did you ever discuss any settlement possibilities
24 with Mr. Cables at all?

25 A This would be relating to EEO?

1 Q The EEO complaint.

2 A I cannot recall that I did. Because I had a
3 number of conversations with Herb Cables in his role as
4 deputy director in trying to figure out some way that we
5 could work out a solution to Ms. Mintzmeyer's concerns about
6 transferring, because I am not all that familiar with the
7 Federal Civil Service System. I was trying to figure out
8 some way that we could work out her concerns, personal
9 concerns about transferring. And that is when we had come
10 up with the idea that she could take this step back into the
11 Grade 15.

12 That is a fairly complex procedure, but it has
13 happened on a couple of occasions since I have been here.
14 Essentially, you have to turn down a job that has been
15 offered to you at your same level. And then when you turn
16 down that job, then you can accept the lower level.

17 And I would say that the first time that I went
18 through it was in the case with Mr. Evison. That I had to
19 offer him a job that he turned down in order to give him a
20 job at Grade 15 that he would accept.

21 And it is a little bit dicey. It is very formal
22 in terms of when the notices have to go, and how they have
23 to be turned down, and so forth and so on. So I did counsel
24 with Mr. Cables on what the correct personnel procedure was
25 in order to accomplish that.

1 Q But did you talk to him about any settlement
2 procedure?

3 A No.

4 Q Did you ever instruct Mr. Cables to make an offer
5 under the table to the Complainant?

6 A No.

7 Q Did Ms. Mintzmeyer ever telephone you about a
8 possible settlement that she had been communicated?

9 A I think she did. Essentially, Ms. Mintzmeyer
10 talked a number of times about this Grade 15, this
11 step-back type position. And at one time, I was of the
12 impression that she was probably going to take that option.
13 And then for whatever reason, she decided that she was not.
14 But then it does seem to me that I recall that she
15 called me, and talked about being contacted by Ms. Huyck.
16 And at that time, I was not aware that Ms. Huyck and
17 Mr. Cables had met and discussed this possibility. In fact,
18 the only thing I know is hearsay. I do not know whether
19 Ms. Huyck contacted Mr. Cables, or Mr. Cables contacted
20 Ms. Huyck.

21 Q Do you know whether there was a contact of some
22 sort, however it was initiated?

23 A Yes, by hearsay, I know that.

24 Q By hearsay, what do you mean?

25 A Well, Mr. Cables told me that he had had lunch. I

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1 think that he had had lunch with Ms. Huyck.

2 Q And do you know when that was, did he tell you
3 when that occurred?

4 A I cannot place it in context in terms of the
5 timing, but it was all during this discussion about whether
6 she was going to accept a Grade 15 and stay in Denver, or
7 whether she was going to transfer to Philadelphia. I think
8 at the time that she had not made her mind up, that
9 Ms. Mintzmeyer had not made her mind up as to whether to go
10 to Philadelphia or not.

11 Q Did Mr. Cables tell you what was the content of
12 his discussions with Ms. Huyck?

13 A To the best of my recollection, he knew at the
14 time that we could not get a SES position. And I can recall
15 that it was his opinion at that time, whether it was in the
16 meeting with Ms. Huyck or elsewhere, that if Ms. Mintzmeyer
17 wanted to remain in Denver, that she should take the Grade
18 15, and then we would try later to get it regraded to a SES
19 position.

20 Q And he had that discussion with Ms. Huyck, or he
21 says that he had that discussion with Ms. Huyck?

22 A I believe so; yes, sir.

23 Q Did he mention the EEO complaint at all to
24 Ms. Huyck, or did he tell you whether he mentioned that
25 complaint?

1 A No. And I am unclear as to whether there was an
2 EEO complaint that had been filed at that point or not. I
3 just do not know whether there was. It seems like we were
4 still just in discussion stages of how we could possibly
5 work out a situation where she could stay in Denver, and be
6 close to the personnel problems that she wanted to work
7 with. So I not recall when that took place whether there
8 was an EEO action that had been filed or not.

9 Q Okay.

10 A I tend to think that there had not been an EEO
11 action filed at that point, but I cannot swear to that.

12 Q The rest of the issues deal with the same incident
13 there. I think that unless you have something more to say,
14 that we can go to Issue No. 8, which deals with reprisal and
15 retaliation. That an agency official stated that the
16 Executive Review Board, and I understand that it is
17 Executive Resources Board, one or the other, had refused an
18 accommodation position, which was the SES position, because
19 she had pursued rights through the informal EEO process.

20 Do you have any recollection of anything that
21 deals with that issue?

22 A I am sorry, would you repeat that?

23 Q Let me show it to you, No. 8.

24 A No, I would not agree with that at all. I have
25 been told from the beginning, as I began to work out a

1 solution of some sort, that there was not a SES position
2 available. That would have been long before, considerably
3 before there was any hint of an EEO suit being filed.

4 Q So no agency official ever stated to your
5 knowledge that the ERS refused accommodation, because she
6 had sought rights through the EEO process?

7 A No.

8 Q Moving on to Issue No. 9, which deals with a
9 reprisal and retaliation claim, in that improper and
10 erroneous statements were made about the reasons for her
11 reassignment and position to the media. And that refers to
12 an article that was published that said that she had the
13 option of moving from the Mountain Region to Philadelphia.

14 Do you know anything about that, about what was
15 told to the press?

16 A No, I do not know what was told to the press. But
17 in fact, she did have an option. She had an option to
18 remain in Denver and turn down the possibility of going to
19 Philadelphia by taking the step back to a Grade 15. So
20 there was in fact an option. What was said to the press, I
21 have no idea.

22 Q You did not instruct anyone to have a certain
23 prepared statement for the press or anything of that sort?

24 A No.

25 Q Did you ever instruct the Complainant not to speak

1 to the press about these issues?

2 A No.

3 Q Do you know of any such requirement by anyone?

4 A No.

5 Q Okay.

6 A I can recall thinking that it would be to
7 everyone's advantage not to be playing this as a
8 ping-pong contest in the press. But I do not recall -- I
9 certainly never told anyone that they could not speak to the
10 press.

11 Q And Issue 10 deals with the bonus that she said
12 that you had recommended for her and that she did not
13 receive.

14 Can you tell me what you know, did you recommend a
15 bonus for the Complainant?

16 A Yes.

17 Q And do you know what happened to your
18 recommendation?

19 A No, I do not, but that is not unusual. I would
20 say that every year that I have done the appraisals of all
21 of our SES candidates, I do not think that there has ever
22 been a year that my recommendations have been accepted
23 verbatim. Now I do not know. There is a process that they
24 go through. They go up to the Assistant Secretary's Office,
25 and then on to the Executive Resources Board. And I think

1 that in between there that there is a review board even that
2 looks at these, a review board of SES peers.

3 But I know on occasions in the past that I have
4 recommended people for bonuses, and they have not gotten
5 them. And I have not recommended people for bonuses, and
6 they have gotten them. So there is no clear pattern as to
7 how that works, as far as I can see.

8 Q Does it ever get back to why your recommendation
9 was not taken?

10 A No, it does not. And I suppose that there is some
11 protection, that is geared as some protection for the people
12 who are serving as reviewers on the SES Review Board. In
13 other words, there is some confidentiality related to that
14 I do not know whether it is available to me to get hold of
15 that information or not.

16 In fact, the only way that I know that my
17 recommendation has been followed or not is I guess if I ask
18 the personnel officer, who would tell me if the pay records
19 have been changed. In many cases, I am not even made aware
20 of whether my recommendations were followed. In most cases.

21 Q Let me ask you, in that same year that the
22 Complainant complains of the 1991 bonus, how many people,
23 SES personnel, did you recommend for a bonus, and how many
24 of those people actually got a bonus, do you know?

25 A No, I do not.

1 Q Do you have anything else that you want to offer
2 for the record, any response that you want to make to her
3 transcript, and take your time?

4 (Pause.)

5 A She indicates on page 12 of her transcript that
6 she had revealed that it was her plan to retire within two
7 and a half years and offered options, "Where I,
8 Ms. Mintzmeyer, would be given the opportunity to stay in
9 the Denver area in a different kind of job." And that is
10 true. But she goes on to say, "There was no recognition or
11 even an attitude of even trying to accommodate the personal
12 circumstances in those suggestions. The answer was just no,
13 you are being reassigned."

14 I would say that that is false. We went to great
15 lengths, she and I in cooperation, even as far as having her
16 write a job description that would fit in allowing her to
17 stay in Denver. So the idea that there was no recognition
18 or even an attitude of even trying to accommodate the
19 personal circumstances is totally false.

20 We spent literally weeks trying to work out a
21 situation that would fit her circumstance, and did work out
22 a situation that would allow her to maintain her same pay.
23 Which is by the way somewhat critical, because the SES
24 employees had recently been given a sizable raise, and their
25 retirement is going to be based --

1 Q Is this a non-performance appraisal type of raise?

2 A Yes. Their retirement is going to be based on
3 their high three years of pay. So it is in many of the
4 SES's favor to want to stay in for at least three years at
5 this higher pay rate. In fact, that goes back to my earlier
6 discussion where I said that I was concerned about what the
7 retirement plans might be of our people. Because I could
8 see us having ten or fifteen of our senior management retire
9 all at once as soon as that three years was up, and us not
10 being prepared to fill those positions.

11 So that was why in stepping back to the Grade 15
12 in Denver, she would not have lost her high pay rate. She
13 could have stayed at that high pay rate for retirement
14 purposes. That was a part of our discussion.

15 Further, when we were talking about the Vision
16 document, I noticed myself that when I had read it, that I
17 asked that it be cleaned up or sharpened up in terms of the
18 language. And that it be shortened up to be more readable
19 to the general public.

20 I notice that Ms. Mintzmeyer on page 31 of her
21 statement on line 9 and 10 that it is her professional
22 opinion that, "Its position on almost all of the major
23 issues were reversed. Because I was not able to provide any
24 realistic direction and guidance, as I had with the draft,
25 in view of the pressures that were being exerted from both

1 departments."

2 I would say that that is not true at all. I
3 believe that the Vision document as it came out was not all
4 that different than the one that had been much longer in the
5 draft version. In fact, I had a long-time Park
6 professional, Dennis Galvin, read the shorter version. And
7 I asked him, rather than just trust my own judgment, I said,
8 "Do you think that they have done damage to the concept of
9 the larger document in this shorter document?" And his
10 response was in agreement with what I had thought, that no.
11 That there were minor changes here or there, but the basic
12 philosophy remained in the shorter document as it had in the
13 longer document.

14 Q The longer document being around 60 pages, and the
15 shorter document being around 10?

16 A Yes.

17 Q Just to finish up that thought, she does also
18 state that she feels that the final document was more of a
19 brochure.

20 Would you agree with that statement?

21 A No, not really. I think that the final document,
22 as the first document did, basically set out the concept
23 that we should be cooperating among agencies in managing
24 that ecosystem in the Yellowstone area. And I think that
25 the final document got that feeling across, as well as the

1 initial document. The final document did it in a way that I
2 thought was much more understandable to the general public.

3 Q Okay.

4 A And I did point earlier, and on page 32 of
5 Ms. Mintzmeyer's statement, I did point out earlier that the
6 major actors in the telephone conference call in
7 wordsmithing the last few words that were hard to reach
8 agreement on between the Forest Service and the Park Service
9 included Ms. Mintzmeyer as a major player. In fact, if I
10 recall the conversation, she was drafting language and
11 throwing it out for either of us to respond to over the
12 telephone. And that included, as I said, the head of the
13 Forest Service, myself, Ms. Mintzmeyer, her counterpart in
14 the Forest Service, and the staff who actually worked on the
15 document. So it was a community effort.

16 On page 36 on lines 3, 4, 5, and 6, it says,
17 "Jerry Patton, who was given the job in Boston as regional
18 director to accommodate personal desires." That is not
19 true. He did not personally desire to go to Boston. I
20 asked him to go to Boston, and he took on the
21 responsibility.

22 And it says, "Subsequently then reassigned to
23 Denver where he wanted to go also because of political
24 reasons." He had no reasons to want to go to Denver for
25 political reasons, or to leave Boston because of political

1 reasons. I think that he had some personal reasons why he
2 preferred being in Denver rather than Boston.

3 Q Let me ask you about the different regions.
4 Ms. Mintzmeyer makes the claim that part of the change was
5 around her status, because the Rocky Mountain Region is a
6 higher status than the Philadelphia office.

7 Is that your understanding of the difference
8 between the regions, that there is a status in where you are
9 assigned?

10 A Well, I think sometimes egos get wrapped up in
11 these kinds of things. The regions are somewhat different,
12 just because of the nature of the parks within the regions.
13 Now as to whether some have a higher status, I think that is
14 in the mind of the beholder. I think that Ms. Mintzmeyer
15 believed that. But it certainly was not in my mind that
16 Philadelphia and the Mid-Atlantic Region was any less
17 important than the Rocky Mountain Region.

18 Q So she would have equal input into policy making
19 decisions from Philadelphia as she would have been from
20 Denver?

21 A Yes, she certainly would have. And in some ways,
22 the part of the country where much of the action is going on
23 in the Park Service right now is in the North Atlantic
24 Regional Office, the Mid-Atlantic Regional Office, the
25 Southeastern Office, and the Midwestern Office. Because

1 many and most of the old parks in the West have been
2 established, and there are not many new thrusts in terms of
3 establishing new parks in those areas as there are back in
4 these eastern areas. So it never entered my mind that
5 Philadelphia in any way, shape, or form in the
6 Mid-Atlantic Region was some sort of a demotion. But I do
7 believe that Ms. Mintzmeyer believed it to be so.

8 Q Let me ask you the difference between the
9 Philadelphia office and the Boston office, as far as status
10 is concerned.

11 Does the Philadelphia office do some of the work
12 for the Boston office?

13 A The Philadelphia office has some of the
14 substantive work beyond just the management of the parks
15 that the Boston office does not. For example, I think that
16 they have staff there that is associated with doing the work
17 for all of that area including the North Atlantic Region as
18 it relates to historic preservation. And there may also be
19 another area. They may also do the work, I am not sure of
20 this, they may also do the work of processing the land and
21 water-conservation grants to states.

22 MR. SCHAFF: We will go off the record for one
23 minute.

24 (Whereupon, a recess was taken.)

25 MR. SCHAFF: Back on the record. We went off the

1. record, so that the Court Reporter could deliver some tapes
2 to a courier.

3 BY MR. SCHAFF:

4 Q Go ahead, please.

5 A I think that is all I have.

6 Q Nothing more with her transcript?

7 A No.

8 Q Let me just ask you some general questions.

9 Do you know of anybody on the Executive Resources
10 Board who would discriminate on the basis of age, sex, or
11 prior EEO activity?

12 A No.

13 Q Do you know whether Mr. Sewell or Mr. Cable would
14 discriminate at all on the same bases?

15 A No.

16 Q And do you think that you would discriminate at
17 all on those bases?

18 A No.

19 Q Do you have anything further to say?

20 A I would just say that one of the important
21 considerations was that all three regional directors who
22 were being asked to take reassignments, that none of them
23 indicated a desire to take a reassignment. Having said
24 that, the two males, the one from the Southeast who went to
25 Denver, and the one from the Mid-Atlantic who went to

1 Atlanta, have done so, and seem to be getting along very
2 well. They were not happy about moving, and neither were
3 their spouses.

4 Q Did any of the other two request any consideration
5 for personal problems?

6 A No. Other than the fact that they did not want to
7 move. And that their spouses were happy, and that their
8 children were happy, and that they had financial obligations
9 in the regions that they were in. So I just want to point
10 out that they were all three involuntary reassignments. I
11 would also say that Ms. Mintzmeyer, to the best of my
12 knowledge, has gone to Philadelphia, and has taken on her
13 responsibilities in an admirable fashion.

14 So I guess that what I am getting across is that
15 none of those three wanted to move, and all three have
16 moved. And I think that all three have brought new skills
17 or skills that at least were not there in those regions
18 under previous directors just by the very nature that they
19 have all had a different experience.

20 So all of them bring a different experience to the
21 job where they are. And all of them I think are adding to
22 the positions where they are.

23 Q Let me just ask about Philadelphia, since the
24 Complainant was moved to Philadelphia.

25 What happened to the regional director who was

1 there before here?

2 A That was Jim Coleman who was transferred to
3 Atlanta.

4 Q Okay.

5 A And the Atlanta director from there, Bob Baker
6 from Atlanta, was transferred to Denver.

7 Q So that is how the shift went?

8 A Yes.

9 MR. SCHAFF: Thanks very much.

10 (Whereupon, at 4:18 p.m., the hearing was
11 concluded.)

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SIGNATURE OF WITNESS

I have read the foregoing transcript of my statement taken
on the 23rd day of March, and it is a true and correct
record of my testimony given at that time and place except
as to any corrections I have listed below. I understand
that the information I have given is not considered
confidential and that it may be shown to the interested
parties.

James M. Gindler

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL LAND SERVICE
ALLEGATIONS OF DISCRIMINATION

Filed By: L. Lorraine Mintzmeier

Filed Against: Manuel Lujan, Jr., Secretary,
U.S. Department of the Interior

Case No. FNP-91-094R

Stephen Scott Sewell, a witness in the above matter was
sworn and interviewed on Monday, March 23, 1992, at 11:50
a.m. before me, Michael Packnay.

Appearances:

Davis Schaff
Delany, Siegel & Zorn
1730 North Lynn Street, Suite 428
Arlington, Virginia
(703) 528-4921

Heritage Reporting Corporation
(202) 628-4888

I N D E X

WITNESS:

Stephen Scott Sewell

EXAMINATION

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P R O C E E D I N G S

Whereupon,

STEPHEN SCOTT SEWELL

having been first duly sworn, was called as a witness herein, and was examined and testified as follows:

EXAMINATION

BY MR. SCHAFF:

Q Can you please state your name and spell it for the record?

A Stephen, S-T-E-P-H-E-N, Scott, S-C-O-T-T, Sewell, S-E-W-E-L-L. And I go by Scott.

Q Can you please state your sex, date of birth and whether you have ever sought EEO counseling for yourself?

A I'm a male; 12-8-53, date of birth; and I have never sought counseling. I have been a chief EEO officer for two years now.

Q Okay. Can you state your title, your series, grade and organization?

A I'm currently an SES 6. I'm the director of the U.S. Minerals Management Service, and I report to the secretary. I guess I report directly to Assistant Secretary David C. O'Neill for Mine and Minerals Management.

Q And how long have you held that position?

A Since August.

Q You have had the opportunity to read the 10 issues

1 in this case.

2 A Yes.

3 Q Do you have any opinion on the merits of these
4 claims?

5 A They are absolutely baseless.

6 Q Okay, let me ask you about some of these claims.

7 First, the first issue deals with management
8 disregarding disclosure of her personal problems and request
9 for protection from political pressure. You've read her
10 testimony, I understand. You understand that she makes the
11 claim that you had put political pressure on her because of
12 Vision Report.

13 Can you tell me what your involvement in the
14 Vision Report was?

15 A Sure. My job as the principal deputy assistant
16 secretary, in fact, acting assistant secretary during a lot
17 of that time, was to review all documents, operations. I
18 was responsible for general oversight on behalf of the
19 secretary of everything having to do with the National Park
20 Service. So, I worked very closely with them.

21 Q Do you have any comment on Ms. Mintzmeier's claim
22 that you had told her that Mr. Sununu told you that the
23 report was politically wrong and that you should get it
24 changed?

25 A No, that's ridiculous. I have never talked to Mr.

1 Sununu about -- I don't think I've talked to Mr. Sununu on
2 substance since I have come to Washington, which was in
3 November of '88, on any substantive issues since I have been
4 here.

5 Further, I guess the -- I am not aware of any
6 political pressure. You know, I ^{had} line authority over
7 the Park Service at that time, both from a budget and
8 personnel standpoint. I don't put political pressure on --
9 and, in fact, spent my time fighting off political pressure
10 so that the legitimate lines of management as stated within
11 the delegated authorities of the department were observed.

12 Q Do you know whether there was any outside
13 political pressure put on anyone to have the Vision Report
14 changed?

15 A Well, the whole concept of political pressure, to
16 begin with, is not a very valid type of way to portray the
17 situation. There is always politics in everything. That is
18 what this whole government is about, and there is an
19 elective body called the Congress. And from time to time,
20 when members of Congress do not like things, they let us
21 know about it, and they let either the director of the Park
22 Service or the secretary's office, and it's the secretary's
23 office that sets policy, not a regional director or anyone
24 else. And so I visit with members of Congress, of the
25 administration, of constituency groups all the time. And I

1 don't know any decision within the Park Service ever that is
 2 not made without concern, and in fact should not be made, we
 3 should never make a decision without taking into concern the
 4 feelings of the local constituencies, the people involved,
 5 those elected members of government that are there to
 6 represent those feelings of the local citizens. So, I try
 7 to take everybody's concerns into consideration when
 8 decisionmaking is done, especially on important issues.

9 Q Okay. Let me ask you, did you ever speak with
 10 Senator Simpson about the Vision Report?

11 A I did happen to speak with him, and I have spoken
 12 with him many times, yes.

13 Q Did he ever indicate to you that he was displeased
 14 with the draft Vision Report?

15 A No, he was displeased with the process, and I
 16 think I was displeased with the process. My input to this
 17 whole thing, and my whole participation, I guess, is based
 18 on just the poor planning that went into the preparation of
 19 the document.

20 This emerged as a relative surprise to an awful
 21 lot of people, and the one thing I --

22 Q When you say "this emerged", what was this?

23 A The Yellowstone Vision document.

24 Q The document itself?

25 A Yes.

;

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1 Q Why was it a surprise?

2 A Well, let me finish my statement first.

3 Q Okay.

4 A During my entire tenure here, and I hope I have
5 gained a reputation as somebody who is willing to take on
6 any issue if we think it is right, and fight for it. But I
7 don't want anybody surprised. And if I can't beat somebody
8 in open debate, then I don't probably deserve to sustain
9 that position to begin with.

10 There are methods and departmental review, and
11 even within the Park Service levels of review that should
12 have taken place on that that didn't, and I was real
13 disappointed by that.

14 And as far as political pressure over that one
15 document, there are a lot more important decisions that were
16 going on during that time than simply the Yellowstone Vision
17 document. So I don't think this is any bigger. It's been
18 played into a bigger issue than it was at the time.

19 To begin with, the Yellowstone Vision document is
20 not a management document. There is something called the
21 General Management Plan which goes through extensive public
22 review. There are all kinds of laws and regulations that we
23 have to follow in preparing that document. That specifies,
24 not only for our properties but I think the Forest Service
25 has a pretty similar type of document, what is and is not

1 permissible, how the park is to be managed and not managed.
 2 In any document that is portrayed to supersede those
 3 management plans, if that was the intent of the document,
 4 then it was an inappropriate use of the process.

5 What we had hoped to come from the Vision document
 6 was a view of where we were, ~~experiencing~~ ^{expressing} stress and problems
 7 in the park, and try to form a comprehensive approach to
 8 dealing with it together, but not taking the place of the
 9 existing management plans or existing law.

10 Q I understand the management plan would be the
 11 regulations. Is that what you're referring to?

12 A No, there is a specific ~~General Management Plan~~
 13 for every operating unit in the National Park Service that
 14 outlines what uses are allowed, what -- it takes into
 15 account the various options. If there is a particular
 16 field, it will discuss the different permissible uses of
 17 that field, how the field should be managed, what the intent
 18 and how that field fits into the overall plan of the park.

19 Q Okay. My understanding is that the Vision
 20 document dealt with scientific fact finding about the
 21 Yellowstone Park itself; is that correct?

22 A That may be how it was portrayed, but that's
 23 certainly not what the document came out to be, and science
 24 had very little to do with what was in that document.

25 I would prefer, have preferred an exercise which

1 would have looked at more specific scientific issues than
2 that did, but unfortunately it didn't.

3 Q When you say that it was --

4 A The problem with the Vision document, again, was
5 the fact that nobody had a chance to review this thing
6 before it got flying around. Normally, we would be up on
7 the Hill talking with members of both parties, all the
8 committees, the appropriations folks, OMB. The Park Service
9 itself was very unclear what the process was. The assistant
10 secretary's office couldn't answer those questions because
11 we just didn't know. We weren't informed of the document
12 until late in the process, and it was -- and, frankly, I
13 think that, again, I could name dozens of issues within the
14 National Park Service that were probably more important than
15 this, and even within that region we had hotter political
16 issues than this one certainly.

17 But, also, you know, I also want to point out the
18 fact that this document was so important that Ms. Mintzmeyer
19 never signed it herself. A staffer signed it. This was not
20 envisioned to be the major policy initiative I think she
21 portrayed it to be after the fact.

22 Q Okay. You did have a chance to review the draft
23 document before the final version came out; is that correct?

24 A Yes, I did.

25 Q And from my understanding, that was 60 pages,

1 roughly?

2 A Probably, yes; something like that.

3 Q Did that contain more scientific information than
4 the final document that came out?

5 A No. It was a very opinionated, it was more of a
6 general policy direction -- not even general sometimes --
7 fairly specific that involved -- I think the concern of
8 Senator Simpson's was that just the ^{process} document -- he asked me
9 the question, "Was the document ever reviewed to see what the
10 impacts on private property, personal property rights were."
11 And I said, no, I hadn't done that.

12 And I will tell you that neither Senator Simpson
13 nor anyone else ever instructed me to make any changes to
14 the document. What they asked me to do was come up and sit
15 in a group with about 30 or 40 group representatives that
16 came to Washington in protest over this document, and I sat
17 and listened to all their concerns, and there were other
18 federal personnel that were present at that meeting.

19 Q Okay. Did you talk with Ms. Mintzmeyer about the
20 document?

21 A Yes, I have.

22 Q And what happened in those meetings?

23 A I expressed my concern over the procedures that
24 had led to this. Nobody else in the department had seen it.
25 No one else in the Park Service --

1

--

1 (Interruption from someone at the door.)

2 MR. SCHAFF: The sign on the door?

3 THE WITNESS: Got used to it.

4 Let's see. I expressed my concern over the
5 process of the document. And, in fact, in Ms. Mintzmeyer's
6 own testimony she admits that I never instructed her and
7 nowhere in here does she ever say that I asked her or anyone
8 else to take anything in or out of the document. I asked
9 for a more thorough review of the document, and I sent
10 copies around to a lot of different people asking them for
11 input.

12 There were two comments, and only two that I ever
13 had to the document of ^a substantive nature. The first,
14 Yellowstone is a Class 1 clean air area, and I had asked
15 that stronger language be put in about air quality
16 requirements, and tougher language. So, far from
17 necessarily being the Anti-Christ of the environment that
18 Ms. Mintzmeyer portrays me to be, one of the two substantive
19 comments I made was that I thought that she sacrificed a lot
20 of language that should have been in there about -- and in
21 fact is already in the law -- on how you handle a Class 1
22 clear air facility. That was --

23 BY MR. SCHAFF:

24 Q Did you put this in writing?

25 A Yes, I have, and I also brought another document

1 that I would like included.

2 Q Okay. If you do have that document, though, that
3 gave your two criticisms.

4 A I do.

5 The second was that Ms. Mintzmeyer had planned to
6 have public relations -- public meetings on the document.
7 public review. Now, this was after the final was published,
8 so this was before -- she finished the product and then she
9 was going to announce it and get input at that point in
10 time, which is kind of counter to the way we normally like
11 to do it. We like to get it in the draft phase and then let
12 the public know what we're doing. She had planned on having
13 them in Seattle, Washington; Chicago; New York; Atlanta;
14 Washington, D.C.

15 My comment was if you want to do this, have one in
16 Washington if you want, but have them in Billings, Cody,
17 Jackson Hole, where the people are that live in that area
18 that would be impacted by the document, and I think that was
19 totally appropriate.

20 So, those are the only two substantive comments I
21 made to anyone ever about the entire document. Anyone who
22 alleges or states otherwise has lied.

23 Q Okay. She stated --

24 A Or even infers has lied.

25 Q She states in her document that there was -- you

3

1 never officially made any statement, but unofficially you
2 put the pressure on. Let me ask you that. Did you
3 unofficially give any pressure on --

4 A That's not true. No, that's not true.

5 Q Okay.

6 A I said before the fact that nobody had reviewed
7 this document, including the director of the Park Service,
8 sure brings to question what the whole process was involved
9 and how they worked. Contrary to her statements that there
10 was a lot of input being given, there wasn't. And I think
11 generally nobody expected -- you know, we do a lot of
12 ecosystem type of documents, but most of those are done with
13 the cooperation of the other federal agencies, and not just
14 the Forest Service. In this case, there were other federal
15 agencies involved.

16 We also like to let the elected officials in the
17 state that we are dealing with know sometimes. That's
18 usually helpful.

19 We like to let the citizens and the in-holders
20 know how their property rights are being affected.

21 MR. SCHAFF: Can we go off the record for a
22 second.

23 (Whereupon, a recess was taken.)

24 MR. SCHAFF: We're back on the record. The reason
25 we went off the record is to answer the phone and the door.

:

1 BY MR. SCHAFF:

2 Q Please continue.

3 A Okay. The basic thing is that I think you have to
4 understand is that Lorraine probably isn't aware of the
5 fact, Ms. Mintzmeier, I'm sorry, is probably not aware of
6 the fact that who doesn't set policy for the National Park
7 Service, and that the director doesn't always, and that I
8 don't, and that there is a governmental process, and that's
9 what the president and the administrative branch were
10 elected to do.

11 You know, I serve at the pleasure of an appointing
12 authority, which is a little bit different, and I have
13 direct line authority delegated to me by the secretary in
14 the departmental manuals for policy review purposes. I
15 reviewed a thousand policies while I was sitting there.

16 If something came through that we didn't like or
17 was inconsistent, we recommended it be changed, and that
18 happens on a million decisions. I didn't happen to do that
19 in this case, and I will be the first one to -- if I catch
20 something that I feel like is not in the best interest of
21 this government, this president, of the Congress, of a
22 state, is contrary to stated departmental or Park Service
23 policy, I will stop it. I have always had.

24 Now, I will also champion it up the other way if
25 they want to fight those policies. But there are procedures

1 and guidelines that you follow in doing that, and that's
2 what was so egregious in this whole process.

3 Q So my understanding is there were basically three
4 types of criticisms you had. Two were on content, which
5 you've already talked about, and the third was just the
6 procedure in which the --

7 A Well, you have it a little backwards. The early
8 on discussions that -- the conversations that Lorraine and I
9 had early on, there were two meetings in particular that she
10 keeps referring to, were no more than a half hour to 45
11 minutes apiece, number one. There were other people
12 present at those meetings which don't seem to recall the
13 same things that she seems to recall. And I guess after the
14 fact, when I had my two comments, ⁴⁻¹³⁻⁶⁸ (were after the draft was
15 already published at that point, and it was going through
16 the review process.

17 Now, I never saw the documents again. I never
18 discussed them with the director of the Park Service and I
19 never discussed them with anyone at the Forest Service or
20 Department of Agriculture; never discussed them with
21 anybody. I said send these back and get a thorough review.

22 I contacted all of the departments within
23 Interior, sent out copies of the document, asked for
24 comments back through the official process, passed those
25 unedited back to the Park Service.

25 THE WITNESS: I don't remember where we were.

1

1 BY MR. SCHAFF:

2 Q You were just talking about the procedure that you
3 went through after you saw the first draft.

4 A Oh, that's true.

5 Q And what happened when you saw the second draft.

6 A Just to give you a better context of when my
7 comments were. You know, I was -- my whole reaction to the
8 Yellowstone Vision document in early stages was simply one
9 of process, one of procedures, the ones that weren't
10 followed and are clearly laid out and should be known by
11 somebody who has held that position for 11 years. And it
12 was also happening quite a bit on other issues, but as we
13 get a little bit into this I think the timing of this
14 doesn't jive with the ~~FACT~~ reconstruction of this as a
15 reason for any kind of action doesn't jive with the
16 discussions and the dates and all this leading up to the
17 question of should SES candidates be rotated. I think
18 that's something I want to deal with at some point here.

19 Q Okay. We can do that now if you would like.
20 Let's see. Well, let me just ask you, do you know anything
21 about the personal issues, personal problems that she was
22 talking about? I don't know whether you would know that at
23 all.

24 A Just from hearsay.

25 Q And nothing from your own personal knowledge?

1 A She's discussed them with me.

2 Q Okay, what is it that you know about her personal
3 problems? Do you know what?

4 A I know there was an illness of her husband that
5 she was concerned about. I know she had a separate personal
6 relationship with someone else; those kind of issues. But
7 I --

8 Q Do you know whether those issues were considered
9 in the decision to reassign the complainant?

10 A She brought them up, I'm sure, yes.

11 Q But I mean, do you know whether the director
12 considered those in his reassignment, or he didn't consider
13 them at all?

14 A She never discussed that with me.

15 Q Okay. Did the director ever discuss that with
16 you?

17 A No. And I'll basically tell you, though, that on
18 personnel decisions oftentimes when somebody doesn't agree
19 with a decision, they will come to our office appealing to
20 us as having the budget, really the management authority
21 over the Park Service to look into whatever the concerns
22 are. She never brought them up.

23 You know, it was my understanding that she was
24 offered a number of different options, and in the end didn't
25 feel they were ~~acceptable~~ she made the statement she wanted to

1 retire as a regional director and that was it, and she
2 rejected all those other offers.

3 Q Was this a statement that she made prior to the
4 director asking for people's, or allegedly asking for the
5 people's retirement plans?

6 A Well, when you talk about retirement plans, again,
7 I don't think that has anything to do with the issue either.
8 The question of retirements only came up when we were
9 concerned that the number of persons that would become
10 eligible for retirement at senior levels, and that's
11 probably 14 and above in the National Park Service, within
12 the next two to three years. It was a staggering amount.
13 It was one of the largest forecasted turnovers that anyone
14 could ever remember having taken place in the history of
15 the Park Service, and we were really nervous about how do you
16 maintain the integrity of such a large and complex
17 organization if you lose your top management in one fell
18 swoop.

19 And with the new pay raises that went into effect,
20 most employees had expressed a desire to remain at least
21 through the third year so they got their "high three" years
22 to base their retirement on.

23 But other than that, that was the only context
24 that those were ever brought up in.

25 I want to state that it was back in June of 1990.

1 maybe July, that I spoke with the deputy director, who is a
2 career employee of the Park Service, Herb Cables, who
3 brought up the concept of the need for change within the
4 Park Service. And we discussed the purpose of the SES,
5 which was to make us, all SES employees capable of handling
6 other functions and be kind of a well trained source of
7 senior level management; and that part of the intent was for
8 movement and a wide breadth of experience.

9 Q When you say "movement", is this what the
10 complainant refers to as the 10-year plan to --

11 A Well, there is no such thing as a 10-year trigger
12 that I have ever heard of. I saw probably 10 references of
13 10-year trigger this, 10-year trigger that. That's not how
14 it was ever portrayed to me by Herb Cables or the Park
15 Service director.

16 Now, this is in the summer of '90, when there was
17 no such thing as a Yellowstone Vision. I didn't know about
18 Yellowstone Vision until some time in the spring of '91, I
19 think, or maybe it was the -- it could have been in October
20 '90 or somewhere in there. I'm not sure when I first heard
21 about it. Let me retrace that. I'm ^{not} sure when I first
22 heard about Yellowstone Vision.

23 But I will tell you that before Yellowstone Vision
24 was an issue, or a big issue, we were already discussing the
25 concept of taking people that had sat in place so long, the

1 unelected bureaucrat, that gets so comfortable that they get
2 sloppy in their job, that they stop following procedures and
3 guidelines, that they stop following their own regs and
4 rules, and sometimes don't do their jobs as efficiently as
5 they could.

6 Then the other thing is, is careers actually get
7 stymied and you lose people faster when they become
8 disenchanted or bored with their positions. And I'll tell
9 you, 10 years in the same government job can tend to make
10 someone a little sedentary.

11 Q Sedentary.

12 A But I know that the discussion was some time in
13 the summer of '90. Some time later that year I discussed,
14 the same subject was brought up to me by the director of the
15 Park Service. Now, they came to me with these suggestions,
16 saying we're looking at a way to invigorate leadership.
17 We've had too many people for too long handling things the
18 same way. We might need a fresh look. It was viewed more
19 as a positive type training initiative when it was first
20 brought up ^{A.D.C.} than anything else. And I know that in January
21 of '91, I believe it was, there was a regional directors
22 meeting in Charleston, South Carolina, where it was
23 discussed openly among all the regional directors. I don't
24 see any reference to that meeting taking place.

25 Now, at that point in time that's where the

1 concept of maybe doing this survey came out of that meeting.
 2 And all the future meetings that took place between Ms.
 3 Mintzmeyer and the director of the Park Service, I'm not
 4 aware of. I can't discuss first-hand. But I was at the
 5 Charleston meeting where it was discussed openly, the
 6 concept that some regional directors ~~may be moving and some~~
 7 may not, but we're going to look at ~~it~~ and I don't recall
 8 there being a 10-year trigger, so-called trigger. It was
 9 just at some point it's good to rotate people. That was
 10 king of the gist of it.

11 And then the only time that the 10 year thing came
 12 up was much later, to my knowledge, when somebody made a
 13 reference that the three of them had all been there over 10
 14 years, but that wasn't the basis for the decision.

15 Q Oh, so the length of time that the person was at
 16 their position was not taken into consideration in the
 17 reassignments?

18 A Not the whole ^{group} -- well, I'm sure ^{with} when the
 19 reassignments, not as a group, not as a policy, the fact
 20 that they had been there quite awhile, yes, that had been,
 21 and each one probably was looked at individually. But what
 22 I'm saying is when the thing was brought up in the summer of
 23 '90, and in the fall of '90, with the director, they brought
 24 this to us. They brought it to the Executive Review Board
 25 in concept, and everybody said, ^{Yes} yeah, that's a pretty good

1 idea. You know, you don't want people stagnating in jobs.

2 And then in early '91, in January '91, the
3 regional directors meeting in Charleston; then again at the
4 next regional directors meetings I guess in May, it was
5 discussed, and I think that was the St. Louis meeting, where
6 it was discussed more. At that point it had progressed a
7 lot further.

8 And so what I am basically driving at, though, is
9 this precedes Yellowstone Vision by six months to a year,
10 and certainly there were a lot more important decisions that
11 were taking place along the way and really had nothing to do
12 with it.

13 And from a management standpoint, I concurred with
14 the action. I didn't initiate it, but I concur with it, and
15 I still concur with that. I still think it was a good idea.
16 I'm doing it in my own agency.

17 Q Okay, let me show you part of the operations
18 handbook for Senior Executive Service, number six there.
19 This is what the complainant refers to about mobility. It
20 is also this page as well.

21 Do you have any comment on those rules?

22 A Sure. Yes, I don't think that the director or the
23 deputy director recommended an arbitrary time in job limit
24 to trigger a move. I don't think -- I don't see where that
25 is inconsistent with what decisionmaking process took place.

1 Q Okay.

2 A And, again, all that preceded these other issues,
3 so this is kind of an after-the-fact reconstruction of what
4 really happened by her. But, you know, I can tell you that
5 at no time did the director or the deputy director ever
6 bring up these kind of issues to me, and I sat in on all the
7 meetings that took place at the senior levels in the
8 department as this went through the process, and there
9 weren't that many. It was like three or four meetings over
10 a year, year and a half time. But I concurred with the
11 concept, I concurred with the specific actions.

12 Q Let me ask you about whether the complainant was
13 treated differently than other SES personnel when they had
14 asked for consideration on personal problems. She has
15 mentioned three specific individuals which you are familiar
16 with from the transcript.

17 Can you tell me anything that you know about that?

18 A Well, I know that she was offered the same
19 opportunities that Boyd Evison was. Denny Galvin, I'm not
20 aware of his situation. I'm not aware of the other two
21 situations.

22 Q Okay.

23 A I can't speak for a stand on those.

24 But I do know, I am aware of Boyd's situation.

25 First of all, none of them -- Boyd's situation, at least, is

1 not the same type of situation. Boyd felt he had been there
2 long enough and asked to leave. We didn't ask Boyd to
3 leave, so it's a little different that way.

4 And then Boyd also was willing to accept a lesser
5 position to go where he wanted to, and he stepped from an
6 SES down to a 13, which I know Ms. Mintzmeyer was offered, ✓
7 to my knowledge, she came up with an idea of being -- ^{creating} a
8 policy type of office. She was offered ^{the} Denver Service
9 Center, the ^{superintendent of} ~~director of~~ Rocky Mountain Park, ^{and an} IFA to a ✓
10 university, basically anything she wanted in Denver.

11 And the director, and, again, I wasn't with those
12 conversations, but just in some discussions with the
13 director, he told me that she turned these down and said
14 that she was going to go out a regional director. At first
15 she considered them for awhile and then she said, no, I'll
16 turn them down.

17 And I'll tell you what, when you look at the job
18 that she got, far from the Philadelphia, or the Mid Atlantic
19 Region being a step down, it's actually a step up. It has a
20 lot more responsibility. Her office does a lot for the
21 North Atlantic Region, does a lot of the scientific research
22 out of her office. So she does not only her region, but a
23 lot of another region in the process, and she's got some of
24 the most important historical parks in this country.

25 So, you know, the only -- In fact, the only

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Interruption

1 regional directorship that I would consider to have been a
2 step down for her would have been the North Atlantic because
3 the Philadelphia office does a lot for Boston that other
4 offices do for themselves. So, other than that I would have
5 considered all the jobs equal.

6 Q Okay.

7 A But in terms of -- let me take it a little step
8 further. In terms of consideration, when all the regional
9 directors were talked to, and it wasn't just the regional
10 directors, it was everybody that had been in their jobs for
11 that long at the SES level, I can tell you I consider myself
12 a personal friend of the other two regional directors, and
13 that didn't influence my concurrence in the policy. Neither
14 of them wanted to move. One of them agreed it was in their
15 best interest probably from a career standpoint. The other
16 one said they would do whatever is best for the Service.

17 And I can tell you that if I had wanted a way in
18 personally one way or the other and protect somebody, I
19 could have probably, ^{but} and I chose to let all of them be
20 treated the same.

21 Q Did you have any input with the director's
22 decision on changing these people's positions?

23 A No.

24 Q Okay.

25 A When you say "input", did I direct him to move

1 somebody to a particular location?

2 No, the answer is no to that.

3 Q Okay, well --

4 A Did the director ever talk to me about did I think
5 it was a good idea that people be moved after they had sat
6 in a job too long. Then I would say, yes, I concurred with
7 that.

8 Q Did he ever mention any other reason for wanting
9 to move these three individuals?

10 A None.

11 Q So it was strictly based on the amount of time
12 that they had stayed in their position?

13 A Well, when you say "time", it was based more on
14 job performance. You know, what is a person really capable
15 of? You know, Ms. Mintzmeyer for years has been performing
16 under her capabilities. That's not to say she was not
17 satisfactory in her job. She is good at it. She could have
18 been a lot better, and it's more a question of what is best
19 for the person and what is best for the Service, and are we
20 getting the best in that particular job that we ought to be?

21 Regional directors, I think, are the most
22 important jobs in the Park Service. They are the day-to-day
23 managers, and so I -- yeah, I did concur with the decisions.

24 Q Okay. Let me ask you if you have anything more
25 you want to say on any other issues?

8

16 You know, on most of the tough issues she has
17 portrayed herself in this case as the aggrieved martyr. And
18 I mean that might help from this ^{too} standpoint and it might
19 help get a headline or something in the press. But the fact
20 of the matter is when the tough decisions were made she was
21 nowhere ^{to} be found, whether it be on the Yellowstone bison
22 issue and Brucellosis, ^{or} whether it be on wolf reintroduction.
23 I mean, you can go on down the list. And when the tough
24 times came, it was usually the superintendents out on their
25 own, or us carrying the water for the Park Service.

1 So, I disagree. I think it was in her best
2 interest for the move. I gave her career-enhancing
3 opportunities. She had a lot of access to me, and it wasn't
4 until in June of '91 that apparently she was getting
5 pressure from whatever constituents she was working with not
6 to change the Vision document. And she sent out a -- when
7 she presented me with a draft, which was the first time I
8 saw the changes that were made in this thing, she printed on
9 the cover "This contains the suggestions made by Scott
10 Sewell and others."

11 Now, the only change I recommended, in reference
12 to this page, which was date 6-13-91, was the clean air ^{and}
13 All the other changes had taken place by her before I ever
14 saw it, and her staff. And if you notice in her testimony,
15 she never says that anyone other than her made those
16 changes. She just kind of talks about pressure and things.

17 Well, the pressure ^{whatever} I had is just get a review from
18 people. And, you know, ^{whatever} wherever you come out with, you come
19 out with. But even the solicitor's office hadn't reviewed
20 the document, you know, the lawyers.

21 So, I sent her a memo on 6-28, which I would like
22 to read for the record. "Please clarify," this is from me
23 to the director of the National Park Service.

24 Q And what was the date?

25 A 6-28-91.

1 Q Okay.

2 A And it's in reference to a June 14th memo that she
3 ^{not} keep saying Scott this, Scott that. This indicated to me a
4 set up was in the progress, and I got a little concerned
5 about the tone of her portrayal of the facts, and it --

6 Q Well, when you are saying "a set up" and you were
7 getting concerned of the tone, what was the tone suggesting
8 to you?

9 A The tone suggested that Lorraine was changing the
10 document beyond what maybe she had already personally
11 committed to certain external groups that she would do.

12 Q Do you know what external groups this was, or is
13 this theory on your part?

14 A Well, the press conference that she originally
15 wanted to hold was going to be sponsored by a number of
16 environmental groups, and they would be the ones that -- you
17 would have to look at that later press announcement that she
18 made in Washington. It was ^{at} one of their offices, I believe.

19 But, basically, the documents infer more review
20 than I ever had in the thing. You know, the first line was,
21 "I am sending you the subject," this is from Lorraine to the
22 director of the Park Service. "I am sending you the subject
23 document with the changes suggested by Scott Sewall and
24 others in the June 7, 1991 meeting."

25 The only changes that came out of that June 7,

1 1991 meeting, there was only one change, and that was my
 2 clean air recommendation. Everything else had taken place
 3 before I ever saw the document.

4 So, to say, first of all, that our office had done
 5 it is not true, or to even infer that we pressured that it
 6 be changed the way it was is not true, ~~it's~~ a falsehood. And
 7 if I had done it, I would tell you right now because I had
 8 the authority to do it, and I could have done it over her
 9 objections if I had wanted to. All I had to do was rewrite
 10 the document and sign my name to it, and I had that
 11 authority. So, this is ~~real confusing~~ ^{my confession}, I guess, over who
 12 really makes policy, who ~~says~~ ^{that} policy, and what this was.

13 But the second one, "Scott has already received
 14 input from other agencies in the department so we don't need
 15 to repeat that step." That again is not true. I collected
 16 comments, sent them straight to the Park Service for review
 17 and possible inclusion. But once the document was to come
 18 forward, again I wanted it sent around to the solicitor's
 19 office, to the policy shop, to OMB, and I wanted the
 20 Congress, the committees, the House Interior Committee to
 21 look at this thing before we introduced any type of major
 22 policy like that. I mean, that's standard operating
 23 procedures.

24 Number three, "Scott will contact the Department
 25 of Agriculture to communicate the changes." I never

1 contacted the Department of Agriculture about any changes,
2 and I never intended to, and that's the one that probably
3 disturbed me the most.

4 So, I sent a letter -- a memo to the director on
5 6-28 saying, "Please clarify to the regional director,"
6 which is Ms. Mintzmeier, "that the review of the Yellowstone
7 document," and this is a little -- I will rephrase this in a
8 minute, "...the Yellowstone Vision document is a product
9 which is considered a non-binding cooperative agreement,
10 working agreement." ^{That's} That's the Yellowstone document is a
11 non-binding cooperative working agreement, because to say
12 it's anything more than that is breaking the law. There is
13 a General Management Plan that states how that park will be
14 dealt with and managed.

15 "I appreciated your 6-7-91 briefing on it," which
16 is all she did. It wasn't a decisional meeting. She came
17 and briefed me on what she had already done. "...but I
18 continue to recommend you keep it an internal National Park
19 Service document because as such any departmental review
20 seems inappropriate at this time. All documents and input
21 received from other agencies by us were passed straight
22 through for your review. The only policy recommendation
23 made by our office was to strengthen its air quality
24 provisions.

25 "I found this memo to be confusing, a totally

1 inaccurate characterization of events and decisions and I am
2 unclear as to its purpose and it is, in general, a poor
3 product. Please check with the regional director to see if
4 further assistance on this is needed (which it apparently
5 is)."

6 As you can tell by the tone I am greatly disturbed
7 about the inferences made in this document. Now, this is
8 back before any headlines, before any press, before any of
9 that, back in 6-28 or '91.

10 Q Okay.

11 A I will leave you a copy of that.

12 Q Okay, thank you.

13 A So, I guess when you look at the situation, the
14 concept of moving people was totally independent, and moved
15 totally independent. This Yellowstone Vision, the Summu
16 comments, the attacks on Congressman Marlenee are all after
17 the fact. They were all politically motivated to try and
18 get the biggest headlines ^{she} we can, to try and get the
19 biggest, ^{to} force the department into the most difficult
20 position, and milk the politics of the issue, and I think
21 it's an unfortunate betrayal of a trust to not only to your
22 job or your performance, but to the Park Service and the
23 department.

24 And I'm sorry that someone would choose to end
25 their career on that kind of a note but -- or wind their

1 career down, not end a career.

2 But ^{at} the Vail Symposium of the National Park
3 Service, they sat down and discussed very similar issues,
4 and they recommended that people be rotated in just the same
5 manner that was done by the director. So, you have the
6 largest gathering of park aficionados in the history
7 concurring with the actions of the director of the Park
8 Service. The actions took place totally separate of any
9 policy decisions, and I can tell you we never discuss policy
10 with this concept. It was just sound management, good
11 management concept. I can tell you I'm doing it in my own
12 agency now that I am ~~my own~~ federal bureau director.

13 Also, Ms. Mintzmeier quotes me as using a term of
14 consumptive industries. I've never used that term in my
15 life in reference to the meeting of the commodity groups
16 that came up from Wyoming. The only thing we look for is a
17 fair and balanced analysis. It doesn't have to ^{be} ^{like} ^{side} -- it
18 can be pro environment, it can be pro development; just so
19 that all the options are properly analyzed and a logical
20 decision reached. That's what we want in this kind of a
21 review process.

22 So, she also discusses lobbying.

23 Q Yes, that was going to be my other questions.

24 A Okay.

25 Q But please go ahead. You were going to talk about

1 the lobbying issue.

2 A The whole lobbying thing concerned me greatly. It
3 is unheard of for somebody to spend two weeks in Washington
4 without ever coming by the department, visiting with members
5 of Congress, senior and junior appropriations staff, and
6 then passing out policy documents which do not reflect
7 departmental positions, and a number of them are in exact
8 opposite of what officially established Park policy is.
9 That is what is considered inappropriate.

10 Q Do you know what policy positions she passed out?
11 Do you have copies of those?

12 A Yes.

13 Q Can you supply that to me?

14 A Sure.

15 Q Okay, thank you.

16 A And, also, her appointment schedule, because she
17 claims that she submitted her appointment schedule. When I
18 asked the head of the congressional office for a briefing on
19 what she was doing, he had no idea. And so I don't know
20 when that was submitted or who it was submitted to, but --

21 Q But she claims, as I'm sure you know, in her
22 transcript that she faxed her schedule to the legal
23 department.

24 A You mean the legislative affairs?

25 Q Right, to the legal staff there.

1 A Right.

2 And what I would contend is, number one, I did
3 urge a letter be sent to Lorraine asking her to conform her
4 comments and her lobbying efforts, which they were, to
5 officially approved positions of the department. And there
6 was no -- you knew, Lorraine portrays that as a reprimand.
7 Well, it wasn't. There was nothing ever intended for a
8 personnel file. It was just to tell her to quit doing it.
9 And if she wants to do something like that, if she wants to
10 change policy, the way to do it is to work through the
11 system.

12 Q So you never told the director to issue her a
13 reprimand?

14 A No, that's nonsense.

15 Q Okay.

16 A I told the director to ask her to stop illegally
17 lobbying Congress which is what, in my opinion, she was
18 doing. And I would be perfectly happy to have the Inspector
19 General review the documents and review established
20 department policy at the time and let him make an
21 independent decision if that is what she would like to do.

22 Q Yes. Besides the policy documents that she was
23 passing out, was there anything else that she was doing that
24 you considered lobbying?

25 A Asking for money.

 ,

1 Q She was doing that?

2 A Yes.

3 Q Who was she asking money for?

4 A Just about everybody she spoke to up there.

5 Q And for what purpose?

6 A For various projects in her district.

7 See, part of the problem, her approach to
8 management of money issues in that region was troubling to
9 me. She had gotten to the point where she had a number of
10 favorite projects that she was looking into, but what she
11 would do to fund those is usually defer regular maintenance,
12 cyclical maintenance, and use those funds for whatever
13 purpose she preferred at the time, but then would let, for
14 instance, the roads in Yellowstone deteriorate to a point
15 where we needed millions and millions of dollars, and she
16 would have to go up and lobby for additional funding outside
17 the appropriations process. And it was those kind of
18 activities that disturbed me.

19 And you have to wonder how malicious it might have
20 been, I'm not sure it was, because she did it to the
21 Republicans as well as the Democrats, which, you know,
22 brings to my mind a real judgment question, but, you know, I
23 just think her activities were inappropriate and she should
24 work closer with the congressional office. And in the
25 future we asked all of the -- I think the department has --

1 asked everybody to work closer with their congressional
2 office when it comes to Hill visits like that in ~~filling~~ ^{giving} a
3 report of those visits, which she failed to do.

4 Q Was there anything in writing suggesting this to
5 the regional directors, that they should work more closely
6 with the --

7 A I don't know. You would have to check Park
8 documents. I really don't know.

9 Q Okay.

10 A I just passed my comments on to the director, and
11 that was the last I ever heard of the issue until it
12 surfaced again as one of the major issues of this thing. I
13 mean, this was a hallway passing comment. You know, just
14 saying "cut it out". That's about the limit of it. But
15 it's not anything I dwelled on, or spent more time than I
16 did on a thousand other issues. So, you know, it's not some
17 big milestone in Park Service history.

18 Q Do you have any comments on the other issues?

19 A No, but I can tell you that I have never seen a
20 bureau like the Park Service that's got an entrenched
21 history, an established bureaucracy, move towards balance and
22 progressive management the way I saw Herb Cables and Jim
23 Ridenour. They have a lot to be proud of, and I am sorry
24 that it's being inferred otherwise.

25 I have always found them very progressive. I

1 have never -- for anyone to ascribe discrimination to Herb
2 Cables or Jim Ridenour, they just don't know them or the
3 circumstances. You can argue policy all you want, but those
4 kind of motives I've never seen present.

5 Q Do you know anything about the procedures or
6 discussions that the Executive Resource Board went through?

7 A Review Board.

8 Q Review Board. I've gotten both names.

9 A It's the Executive Review Board.

10 Q Review Board, okay.

11 How they had made their decision concerning both
12 her bonus, as is issue number 10, and the reassignment, or
13 the SES position that she was requesting?

14 A Not on the bonus, but bonuses are handled -- I
15 mean, there is a lot of other circumstances that go into
16 bonus determinations, and it's not uncommon; and she talks ✓
17 in terms of only the SES that she's aware of, but they deal
18 with a wide variety of SESs across the department and other
19 personnel matters on bonuses. In fact, they review all the
20 bonuses for all senior personnel. And I don't recall that
21 being handled any differently than anything else.

22 I wasn't present at that particular meeting, but I
23 also was the one that recommended she got the bonus.

24 Q Okay.

25 A So, I -- you know, you make of it what you want.

1 Q Okay.

2 A What was the other issue? There was the bonus
3 issue and there was the . . . ?

4 A Well, there was the SES position, maybe the policy
5 position she was asking for.

6 A The SES positions, I couldn't comment on how many
7 are available. I can tell you how hard it's been for me to
8 try and get one since I've been director. It's next to
9 impossible. I am petitioning OMB for -- I mean, OPA, isn't
10 that it?

11 No, what's the --

12 Q There are two of them.

13 A The personnel office.

14 Q OPM.

15 A OPM, I'm sorry.

16 Q Office of Personnel Management.

17 A I am petitioning them for an SES right now that I
18 haven't been able to get through the department in eight
19 months. So, I am aware of the so-called 26. If they are
20 the same SES positions I heard about, we just got them like
21 last month.

22 Q So they have come through?

23 A Yes, but it's like two years later, or a year and
24 a half later, and nobody -- we were never promised anybody.
25 You are never promised a fixed number. It's always -- we

1 applied for about 100 within the department and usually get
2 like 10 to 20.

3 Q Do you know about any rumors during this time
4 about the 26, because as you can tell from the testimony --

5 A I'm aware that we weren't getting any, and that
6 wasn't just for Park Service. I also covered Fish &
7 Wildlife Service, and we were looking for them there too.
8 We weren't going to get any there either. So, I don't know
9 that that's inconsistent.

10 And at first she told me she was willing to accept
11 a lesser position to stay in Denver. And then she
12 apparently told the director later that she wanted to retire
13 as a regional director. So, I don't -- you know, I can't
14 even comment on trying to find a new SES position for
15 Denver. I don't believe it was ever going to happen and I
16 am not sure if -- the director might have called and talked
17 to somebody and I might not have been at that meeting or
18 something. I don't recall that, though.

19 Q Do you know by any chance whether the GM 15 policy
20 position that was created in Denver had been raised to an
21 SES position?

22 A No, I have no idea of that.

23 Q Okay.

24 A I think I left, or I wasn't even involved at that
25 level of discussion at that point. It might not have

:

1 reached -- see, you have to understand I had two agencies
 2 that I was overseeing at this time, and I probably ~~had~~ ^{heard} as I
 3 said before, a thousand ~~for the Park Service~~ ^{for the} and I had a
 4 thousand for each. I had 2,000 issues that I was tracking
 5 or working on with, let's see, 20 regional directors, two
 6 directors, three or four deputy directors and associate
 7 senior personnel. I probably spent a fraction of the time
 8 inferred in this thing ever even focusing on it. So, this
 9 is all retrospective build up and pretty creative public
 10 relations.

11 Q Do you know anything about the statement that the
 12 agency released to the press about her, the reassignment was
 13 her option?

14 A No, I haven't seen it. I've never read it. I
 15 read it, heard it here and heard it once before. When I
 16 heard it, I just assumed it meant that she had been offered
 17 Rocky Mountain or an IPA at a 15 in Denver or something like
 18 that, and at one time the Denver Service Center.

19 Q So you weren't involved at all though --

20 A No.

21 Q -- in that kind of decision?

22 MR. SCHAFF: Okay. Well, thank you very much.

23 THE WITNESS: Okay, thank you.

24 (Whereupon, a recess was taken.)

25 MR. SCHAFF: Back on the record. The witness

1 wants to make a statement.

2 THE WITNESS: You know, I have had a chance to
3 review the comments. I have listened to what's been said
4 publicly at hearings, and at a kangaroo hearing, and I've
5 read the press and --

6 BY MR. SCHAFF:

7 Q You mean an alleged kangaroo hearing?

8 A Alleged.

9 Q Or was it a real kangaroo --

10 A It was a real kangaroo hearing.

11 And, you know, I have sat by pretty quietly and I
12 have even reflected on from her perspective what merit there
13 may be, you know, from her point of view. And I can tell
14 you that I think that the charges are totally baseless; that
15 I would hate to see us and I would encourage us not to
16 settle on the issues. Given the general circumstances, I
17 think it would be a disservice not to see this thing all the
18 way through to the Park Service and to Ms. Mintzmeier or to
19 whoever she alleges.

20 At first she alleged age discrimination, then it
21 was female discrimination. Then it was against her timber
22 policy. Then it was her geothermal policy. It was the
23 Yellowstone Vision document. It was mining. It was one
24 thing after another, and I can tell you it was none of
25 those. It was strictly based on sound management, and of

1 which I didn't make the decision, but I concurred with; and^{fin}
2 that was the limit of my involvement. But, you know, I hope
3 we see this thing through to a final resolution.

4 Thank you very much.

5 MR. SCHAFF: Okay, thank you.

6 (Whereupon, at 12:46 p.m., the hearing was
7 concluded.)

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• APPENDIX B—SUBCOMMITTEE CORRESPONDENCE

ONE HUNDRED SECOND CONGRESS

GERY SIKORSKI, MINNESOTA, CHAIRMAN
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U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON THE CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515-6244

TELEPHONE (202) 225-4025

October 5, 1992

The Honorable Manuel Lujan, Jr.
 Secretary
 Department of the Interior
 1849 C Street
 Washington, D.C. 20240

Dear Secretary Lujan:

The Subcommittee is in receipt of four different letters the Department sent during the weeks of June 30th and July 6, 1992. These letters are a continuation of the Department's efforts to stonewall and otherwise thwart the Subcommittee's investigation into alleged improprieties in the directed reassignment of Ms. Lorraine Mintzmyer.

In a July 2, 1992 letter from Mr. Mike Hayden, Assistant Secretary for Fish and Wildlife and Parks, Mr. Hayden responded to the Subcommittee's June 18, 1992 and June 26, 1992 letters requesting certain documents. Several of Mr. Hayden's responses are unacceptable.

The first item is of grave concern to the Subcommittee. The Subcommittee, in its July 26, 1992 letter, requested two revised Vision documents referenced in a November 14, 1990 Mary Bradford transmittal memo. The Subcommittee requested that the Department transmit the two documents within 24 hours of receipt of the Subcommittee's letter. Your Department failed to do so. In fact, the Subcommittee received a letter from Ms. Jennifer Salisbury, Deputy Assistant Secretary for Fish and Wildlife and Parks, on June 30, 1992 indicating that while the documents in question were already supplied to the Subcommittee last fall, the Department could not comply with the Subcommittee's time frame because the Department was unable to obtain the "necessary clearances."

The Subcommittee found Ms. Salisbury's response to defy both logic and common sense when it asserted that documents allegedly provided to the Subcommittee last fall could not be forwarded because of "necessary clearances." Further, when the Department did forward two other draft Vision documents, they were not the requested documents.

The first draft Vision document the Subcommittee requested had a November 1990 transmittal memo from Mary Bradford attached to it. The Department, however, did not supply the Subcommittee with