

# Hired Gun or Objective Scientist? Ethical Dilemmas for the Professional Wetland Scientist, Consultant, and Regulator



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# Hypothetical Scenario 1: Use of SWS logos on business websites



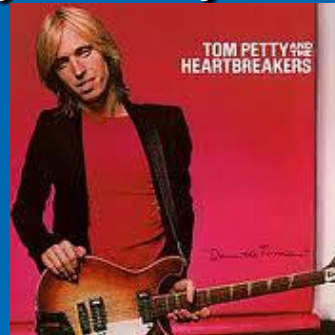
# Hypothetical Scenario 1: Use of SWS logos on business websites



2.2 Use the SWSPCP, Inc. logo, if desired, on business cards and promotional materials, but not on letterhead or in any way that could be interpreted as acting as a representative of the SWSPCP, Inc. Use of the certification stamp with certified person's name and certification number is encouraged for use on documents prepared by the certified person.

# Hypothetical Scenario 2: The waiting is the hardest part ...

- You submit a manuscript to a peer-reviewed wetlands journal and receive an acknowledgement.
- Three months go by and you do not hear a word.



- You complain to a colleague. He notes that he is a guest editor for a special issue of a different wetland journal. He invites you to submit the manuscript to his journal.



## Hypothetical Scenario 2:

The waiting is the hardest part ...

3.2 Not submit manuscripts for publication of material that has already been published or is under review for a different journal or book, without notifying the publisher.

3.5 Promptly review any scientific materials provided to one for peer review so as to expedite the review and publication process of other researchers.

# Hypothetical Scenario 3: The sincerest form of flattery ...

- You are a peer reviewer for a wetland journal. While you are reading a submitted manuscript, you discover that one paragraph is a word-for-word copy from another author's work.
- Although the paragraph lacks any quotation marks, it does include a reference to the other author's work.

# Hypothetical Scenario 3: The sincerest form of flattery ...

3.1 Claim authorship or credit only for those papers, ideas, or practice to which one has made substantial and significant contributions through writing, study concepts and design, data collection, or data analysis.



# Hypothetical Scenario 4: The sincerest form of flattery ...

Same scenario as before, except this time the plagiarism is egregious.

In response, the author (a PWS) suggests that this practice is common in his culture.

What do you do?

The background of the slide features several faint, concentric circular ripples, resembling water droplets, scattered across the bottom half of the page.

# Hypothetical Scenario 4:

## The sincerest form of flattery ...

3.1 Claim authorship or credit only for those papers, ideas, or practice to which one has made substantial and significant contributions through writing, study concepts and design, data collection, or data analysis.

2.7 Aid in exclusion from certification those who have not followed this code or do not have the required education and experience. Help to maintain the high standard of the SWSPCP, Inc. by providing a signed complaint to the SWSPCP, Inc. for known, verifiable, and egregious unethical conduct (breach of code) by another certified person.



# Hypothetical Scenario 5:

## An offer to look the other way ...

- You discover a great crested newt on a client's site.
- The client offers you additional compensation if you “forget that you saw the newt.”
- You decline the offer and the client fires you.
- What do you do?



# Hypothetical Scenario 5: An offer to look the other way ...

2.6 Maintain the confidentiality of information produced for a client, as required by appropriate federal and state laws.



# Hypothetical Scenario 6:

## A suggestion to keep quiet ...

- You are on the project site when you discover a cultural artifact that appears to be connected to an indigenous people who once lived in the region.
- An agency regulator is visiting the site in 30 minutes. Your client asks you not to say anything about the cultural artifact to the regulator.
- What do you do?



# Hypothetical Scenario 6: A suggestion to keep quiet ...

1.3 Accurately and adequately represent the facts and results of investigations and research and not base decisions on theological or religious beliefs, political pressure or client or supervisor pressure.



# Hypothetical Scenario 7: Record destruction



- Landowner is informed by regulators that a wetland permit is required to build on the site.
- Landowner hires a PWS to perform a wetland delineation.
- PWS concludes that 58 acres of site are wetlands.
- Landowner orders PWS to destroy the report and map, as well as all references to landowner in PWS's files.



# Hypothetical Scenario 7: Record destruction



3.7 Maintain original data and records of all work conducted for a client, and all research, methods, results, and analyses for a minimum of three years beyond the termination of the project.

# Hypothetical Scenario 8: Delineation shopping

- After you identify more than 8 acres of wetlands on your client's property, you are informed that your services are no longer needed.
- The client hires a new consultant who prepares a report that the site contains no wetlands. The project moves forward without any wetland permit.
- What do you do?

# Hypothetical Scenario 8: Delineation shopping

2.6 Maintain the confidentiality of information produced for a client, as required by appropriate federal and state laws.

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# Hypothetical Scenario 9: Point Shaving and Puffing

## PART II – Quantification of Assessment Area (impact or mitigation) (See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
Impact or Mitigation	Assessment conducted by	Assessment date:

Scoring Guidance The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Optimal (10) Condition is optimal and fully supports wetland/surface water functions	Moderate (7) Condition is less than optimal, but sufficient to maintain most wetland/surface water functions	Minimal (4) Minimal level of support of wetland/surface water functions	Not Present (0) Condition is insufficient to provide wetland/surface water functions
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<p>500(6)(a) Location and Landscape Support</p> <p>W/o pres or current <input type="checkbox"/> with <input type="checkbox"/></p>	
<p>500(6)(b) Water Environment (n/a for uplands)</p> <p>W/o pres or current <input type="checkbox"/> with <input type="checkbox"/></p>	
<p>500(6)(c) Community structure</p> <p>1. Vegetation and/or 2. Benthic Community</p> <p>W/o pres or current <input type="checkbox"/> with <input type="checkbox"/></p>	

Score = sum of above scores/30 (if uplands, divide by 20)
W/o pres or current <input type="checkbox"/> with <input type="checkbox"/>

If preservation as mitigation, Preservation adjustment factor =
Adjusted mitigation delta =

For impact assessment areas FL = delta x acres =
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Delta = [with-current]
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If mitigation Time lag (t-factor) =
Risk factor =

For mitigation assessment areas RFC = delta/(t-factor x risk) =
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# Hypothetical Scenario 9: Point Shaving and Puffing

PART II - Quantification of Assessment Area Impact (in dollars)  
(See Sections 92.465 MJ and 920.1 F.A.C.)

ESOP Name		Project Number		Project Name	
Project Manager		Project Lead		Project Location	
Project Start Date		Project End Date		Project Status	
Project Description		Project Objectives		Project Risks	
Project Budget		Project Funding		Project Impact	
Project Results		Project Challenges		Project Lessons Learned	

1. PROJECT DESCRIPTION

2. PROJECT OBJECTIVES

3. PROJECT RISKS

4. PROJECT BUDGET

5. PROJECT FUNDING

6. PROJECT IMPACT

7. PROJECT RESULTS

8. PROJECT CHALLENGES

9. PROJECT LESSONS LEARNED

10. PROJECT CONTACT INFORMATION

1.3 Accurately and adequately represent the facts and results of investigations and research and not base decisions on theological or religious beliefs, political pressure or client or supervisor pressure.



# Hypothetical Scenario 10: Selective Rounding

$$17.851 \times 100 = 1785.1$$

$$17.9 \times 100 = 1790.0$$

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# Hypothetical Scenario 11: Off the record ...

- You are a government regulator. Your supervisor tells you not to talk to the media unless your remarks are cleared.
- A newspaper reporter calls you up to ask about a controversial project.
- You say that you are not permitted to comment. She asks you to speak off the record.



# Hypothetical Scenario 11: Off the record ...

1.2 Facilitate the communication of facts and issues concerning wetlands with the press and other media, except as restricted by contractual obligations.



# Hypothetical Scenario 12: Degrading a Potential Mitigation Site





# Hypothetical Scenario 13: Prolonging the Permit Process



*If you're not a part of the  
solution, there's good money to  
be made in prolonging the  
problem.*

# Hypothetical Scenario 14: Reporting a Client's Violation



# Hypothetical Scenario 15: Reporting a Competitor's Violation



# Hypothetical Scenario 16: Politics versus science

- You are a mitigation bank regulator.
- A mitigation banker requests a permit for 400 credits. You believe that the proper amount is no more than 193 credits.
- Your supervisor, a political appointee, asks you to issue the permit for 400 credits.

# Hypothetical Scenario 16: Politics versus science

**Wetlands expert suspended by DEP after she refuses to approve permit**

Craig Pittman, Tampa Bay Times

Monday, May 28, 2012



# Hypothetical Scenario 17: SLAPP suits and other retaliatory measures

- Your client is a developer. It wants to fill a small wetland to build an apartment building.
- A local neighborhood association opposes the permit. Its president speaks against the proposal at a local planning commission meeting.
- Your client sues the president of the neighborhood association for defamation and interference with an economic expectancy.



# Hypothetical Scenario 18: Kentucky's top cash crop

- You are conducting a botanical survey of a client's remote site. You discover a small marijuana farm.
- What do you do?



# Thank you for your attention!

