I wish to make a formal complaint about the alteration of data in the Kansas University Natural History Museum database concerning a specimen of Varanus olivaceus, labelled KU 322187, collected by Luke Welton, a student at Kansas University, on Polillo Island, Philippines, on 6th July 2009. Specifically, I allege that data was changed and falsified on the database in order to allay suspicions that this specimen had been collected illegally (point 6 and supporting material 1&5 in the attached document, which has been submitted to US Fish & Wildlife and the relevant authorities in the Philippines).

I request that Kansas University investigate this complaint and gain access to the relevant field notes in order to determine if data associated with this specimen has been fabricated.

Daniel Bennett
Allegations about the illegal collection of a specimen of Varanus olivaceus from Polillo Island. – Daniel Bennett (mampam@gmail.com), 2nd April 2010

I allege that a specimen of *Varanus olivaceus* in the Kansas University Natural History Museum, specimen number KU 322187, was collected illegally, and request that the animal be examined by the U.S. Fish & Wildlife Service Forensics Laboratory in order to determine its cause of death and establish the circumstances surrounding its collection. If my statement is considered insufficient grounds for investigation I request that U.S. Fish & Wildlife Service withhold CITES permits allowing re-exportation of this specimen from the USA until the relevant authorities in the Philippines have considered my complaint and decided whether a formal request to U.S. Fish & Wildlife Service to conduct a forensic examination of this specimen is warranted.

In making this very serious allegation I offer the following circumstantial evidence.

1. *Varanus olivaceus* is a completely protected species in the Philippines; it is listed as VU by IUCN and is on CITES Appendix 2.

2. On 29 June 2009 Luke Welton, a student at the University of Kansas under the supervision of Dr. Rafe Brown, and others collected a *Varanus* lizard in Aurora province, Philippines. This animal is catalogued as PNM 9719 in the Philippine National Museum herpetological collection. On 6 July 2009 Luke Welton and others collected a specimen of *Varanus olivaceus* from Polillo Island, Quezon province, Philippines. This animal is KU 322187 in the Kansas University Museum herpetological collection. [1]

3. When I learned that a specimen of *Varanus olivaceus* had been collected from Polillo Island, I immediately contacted Dr. Rafe Brown and was informed:
   a. That he had been unaware of Luke Welton’s visit to Polillo in July 2009 at the time, and that the visit had not been scheduled.
   b. That he had been informed by Luke Welton that the specimen taken had been found dead, having been killed by a dog, and that under these circumstances its collection had been legal.
   c. That Luke Welton did not need a specimen of *Varanus olivaceus* for his research [2].

   However my enquiries suggest that neither local NGOs nor DENR on Polillo were aware of Luke Welton’s visit, or that he had collected a specimen of *Varanus olivaceus* from the island.

4. A paper published in Biology Letters contains a detailed description of the morphology of both KU 322187 and PNM 9719, and names the latter as a new species of *Varanus* lizard. The paper includes two pictures of the specimen KU 322187. The picture of the lateral view of the head strongly suggests that the animal was alive at the time the photograph was taken. The dorsal view shows no signs of injuries. The citation for the paper is: Luke J. Welton, Cameron D. Siler, Daniel Bennett, Arvin Diesmos, M. Roy Duya, Roldan Dugay, Edmund Leo B. Rico, Merlijn Van Weerd, and Rafe M. Brown. A spectacular new Philippine monitor lizard reveals a hidden biogeographic boundary and a novel flagship species for conservationBiol. Lett. published online before print April 7, 2010, doi:10.1098/rsbl.2010.0119 [3]

5. On 19th March 2010 I became aware of the pictures of KU 322187, and I asked Dr Rafe Brown for clarification of his earlier statement that the animal had been killed by dogs. His reply contradicted his earlier statement. [4]
6. On 21st March 2010 I noticed that the Kansas Museum Catalogue entry from KU 322187 had been changed; the locality name had been altered, and the collectors’ names and county of collection had been removed. This change was made between the 18th and 21st of March 2010. [5]

7. If KU 322187 was not collected in accordance with the laws of the Philippines and the collection permits issued to Rafe Brown by PAWB, then the CITES permits under which it was exported from the Philippines and imported into the USA were obtained by deception.

I allege that Luke Welton required an adult male *Varanus olivaceus* with everted hemipenes in order to describe PNM 9719 as a new species, and that he made the decision to collect a specimen for comparison as quickly as possible and by any means necessary. I allege that KU 322187 was collected in or around Sibulan Watershed Reserve on Polillo Island on Welton’s instructions, that he went to that area knowing that local field workers were engaged in a non-intrusive study of the species and would consequently know where to find an adult male very quickly, and that he killed the animal for the express purpose of having a comparative specimen that would allow him to describe PNM 9719 as a new species. In order to comply with the permits issued to his supervisor, he fabricated the story that KU 322187 had been killed by dogs, and in order to deflect criticism that he had collected an animal which was part of a long-term ecological study, he fabricated the collection locality. Subsequently his supervisor Rafe Brown assisted in these fabrications by altering museum records and making false statements designed to discourage further investigations about the origin of the specimen and the circumstances under which it was killed.

I further allege that forensic examination of KU 322187 will confirm that the animal shows no signs of injuries associated with a fatal dog attack, and that examination of stomach contents and/or DNA analysis will indicate that the animal comes from habitat in or around Sibulan Watershed Reserve.

Supporting Material

[1] – Catalogue entry for PNM9719 at Kansas University Natural History Museum:

[2] Exerts from emails: Rafe Brown to Daniel Bennett, Nov/Dec2009 - full transcript of all emails given as [Appendix 1]

from Rafe Brown <rafe@ku.edu>
to Daniel Bennett/Mampam Conservation <mampam@googlemail.com>
cc ambanjfurcifer@yahoo.com,
XXXXX@ku.edu
date 30 November 2009 18:22
subject varanus collab
mailed-by ku.edu

For the record and in writing here: we did not have definitive knowledge of the Sierra Madre thing, genetic data, or any plans to work on this until we caught a large adult male this July and only then did Luke (acting on his own volition after I had left the country) shift into high gear and track down all the necessary information and genetic material (from peninsular olivaceus, etc) that are needed to describe the animal.
from Rafe Brown <rafe@ku.edu>
to mampam@mampam.com
cd XXXX@gmail.com
date 8 December 2009 12:29
subject Roldan's specimen?
I can't remember the name of the locality (I'll ask Luke) but I know it was an animal killed by dogs on the opposite side of the island from your study area, outside of any protected area. My understanding is that it was salvaged by Luke because it was already dead.

from Rafe Brown <rafe@ku.edu>
to mampam@mampam.com
date 8 December 2009 23:11
Keep in mind the facts: Luke wanted to look at molecular divergence and he already had a samples from an animal that my students salvaged from a hunter on Caramoan in 2006. Luke knew this and he was not desperate to get an olivaceus sample. Even if he had been desperate and keen to obtain a sample (as you seem to suspect), his approach is to collect non-destructive genetic samples (these are the bulk of the genetic samples that are going into his graduate work) and skin snips of animals he releases. He does not have any need to have done what you suggest.

[3] – Part of Figure 2 from the manuscript.

![Varanus olivaceus](image)

Fig. 2.—Dorsal views of bodies, lateral views of heads, and close-ups of hemipenes of \( PNM \ 9719 \) and \( V. \ olivaceus \ (KU \ 322187) \). Letters indicate: A) primary apical hemibaculum horn, B) secondary apical hemibaculum horn, and C) presence or absence of an evagination at the base of the primary hemibaculum. 152x111mm (300 x 300 DPI)

[4] Extract from email: Rafe Brown to Daniel Bennett
from Rafe Brown <rafe@ku.edu>
to mampam@mampam.com
cc XXXX@gmail.com,
XXXXXXX@yahoo.com,
ambanjfurcifer@yahoo.com
date 18 March 2010 02:41
subject Varanus olivaceus on Polillo
With regard to the Polillo specimen in question: I am sorry but many of the details are simply not available. We are not sure exactly where the animal was from nor how long it had been in the possession of the residents. We were told that dogs had either caught it or chased it into a coastal agricultural area to the north, either on the east side of the island or NE of Polillo (Burdeos?). I agree with you that the specimen does not show evidence of bite marks.
Catalogue entry for KU322187 at Kansas University Natural History Museum downloaded 16<sup>th</sup> March 2010 from http://collections.nhm.ku.edu/HerpsWeb/detail.jsp?record=322187.0&column=0&styleDir=style

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<td>1. Welten, Lukis; 2. Yingente, Enteng; 3. Yingente, Manic</td>
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Catalogue entry for KU322187 at Kansas University Natural History Museum downloaded 21<sup>st</sup> March 2010 from http://collections.nhm.ku.edu/HerpsWeb/detail.jsp?record=322187.0&column=0&styleDir=style

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Appendix III:

The Inquiry Process of the Kansas University is reproduced in entirety on the pages below. My only comment is that only one of the large adult male butaan in my study area was marked with tail notches. The others were only known from camera trap pictures.

Daniel Bennett, January 2011.
To: Steve Warren and Bill Sharp

From: Dr. Donald G Huggins, Kansas Biological Survey (dhuggins@ku.edu)

Re: Allegations about the illegal collection of a specimen of *Varanus olivaceus* from Polillo Island (Philippines) made by Daniel Bennett (mampam@gmail.com) on or about April 2, 2010.

Dear Dr. Warren,

At your request I undertook the Inquiry Process of the University of Kansas regarding possible academic misconduct involving the collection of a specimen of *Varanus olivaceus* (specimen number KU 3222187) from the Republic of the Philippines. This accusation was made by Mr. Daniel Bennett of Mampam Conservation and basically accuses KU scientists of illegally collecting a specimen of a rare Philippine monitor lizard.

Mr. Bennett states, "I allege that a specimen of *Varanus olivaceus* in the Kansas University Natural History Museum, specimen number KU 322187, was collected illegally, and request that the animal be examined by the U.S. Fish & Wildlife Service Forensics Laboratory in order to determine its cause of death and establish the circumstances surrounding its collection. If my statement is considered insufficient grounds for investigation I request that U.S. Fish & Wildlife Service withhold CITES permits allowing re-exportation of this specimen from the USA until the relevant authorities in the Philippines have considered my complaint and decided whether a formal request to U.S. Fish & Wildlife Service to conduct a forensic examination of this specimen is warranted."

I first reviewed the information and material at hand including copies of the required permits, interviews with appropriate Kansas University Natural History Museum personnel and photos of the specimen. I concluded that these allegations have no basis in fact and cannot be substantiated by any of the information I had seen or heard. The specimen of *Varanus olivaceus* KU 322187 (aka PNM 9726) was acquired and exported legally under the permits (collecting, export, CITES) granted to the Biodiversity Institute by the Philippine government. These permits allow for the taking of salvage specimens which is what KU 322187 is listed as.

I then sent my findings to both Dr. Rafe Brown and Mr. Daniel Bennett for their comments (email sent Thu 6/3/2010 2:27 PM). Both have responded to my initial findings by added new comments or information for my consideration. In this final evaluation of Mr. Bennett's allegations I have added new information and my interpretations of the new comments made by both Dr. Brown and Mr. Bennett in response to my email of 6/3/2010. My opinion remains the same that KU researchers did nothing wrong and acted within the collecting constraints and conditions set forth in both their Philippine and US permits.

In the following account I have broken Mr. Bennett's allegations and statements down to individual points followed by the information I have at hand or my opinion based on all the information I have acquired during my inquires of Mr. Bennett’s allegations.
A. Mr. Bennett - *Varanus olivaceus* is a completely protected species in the Philippines; it is listed as VU by IUCN and is on CITES (included in Mr. Bennett’s Appendix 2).

KU Biodiversity Institute has a Protected Areas and Wildlife Bureau collecting permit #185, a CITES-2 collecting permit #13207A-2009 and a CITES-2 export permit #13394A-2009, all issued by the Republic of the Philippines, Department of the Environment and Natural Resources, under which PNM 9726 (aka KU 322187) was acquired and exported, and was subsequently imported on 8/13/2009 under USF&WS permit #2009457415.

B. Mr. Bennett - On 29 June 2009 Luke Welton, a student at the University of Kansas under the supervision of Dr Rafe Brown, and others collected a *Varanus* lizard in Aurora province, Philippines. This animal is catalogued as PNM 9719 in the Philippine National Museum herpetological collection. On 6 July 2009 Luke Welton and others collected a specimen of *Varanus olivaceus* from Polillo Island, Quezon province, Philippines. This animal is KU 322187 in the Kansas University Museum herpetological collection. [1].

According to KU members of this expedition, the account for the specimen of *Varanus olivaceus*, KU 322187 from Polillo Island is incorrect. Mr. Welton did not “collect” the animal from the wild. Rather, on July 6, 2009, he and other members of the Philippine field party, who were taking a 5-day vacation on Polillo Island, Polillo Town (home of the Philippine field assistants), were having a cookout on the beach. Welton was informed by a son of one of the field assistants that a resident of the village had a monitor lizard (*Varanus*) that apparently had been attacked and/or chased and harassed by a dog(s) from its natural forest habitat into the coastal agricultural lowlands. When Welton arrived at the residence, he found the monitor lizard unresponsive and close to death, whereupon he euthanized it and took two tissue samples. As such, the exact point of origin of this individual is unknown. This specimen was collected as a salvage specimen from the vicinity of Polillo Town. Dr. Brown has indicated that the salvaged specimen is not part of the KU collection as indicated by Mr. Bennett. The salvaged specimen was donated to the National Museum of the Philippines and was cataloged there under the catalog number PNM 9726. Four month later, after being registered at PNM, it was brought to the United States on a short term research loan under permits issued by the National Museum, DENR, US Fish and Wildlife, and CITES. The monitor lizard in question is registered under KU catalog number 322188 only for the purpose of making associated data accessible to the research community through the distributed data base HerpNet via KU's Specify portal. The specimen is now back in the National Museum of the Philippines and available for inspection and study by anyone authorized by PNM (Philippines National Museum).

Mr. Bennett later added that Luke Welton signed the guestbook (attached) at the house of Augusto Zafe in Pinaglubayan, Polillo, dated June 5/6 stating that the purpose of his visit was “research butaan” [the local name for *Varanus olivaceus*] and "layagan" [the local name for *Hydrosaurus*]. This house has been the base of the Polillo butaan project since 1999, is on the edge of Sibulan watershed reserve and at least four hours walk from the
Thus it is clear that his visit to Polillo was not simply a vacation as KU researchers had indicated.

The fact that Mr. Welton signed the guest book in Pinaglubayan (the acknowledged base area for “bataan” research) as he did only acknowledges that he and others were in the region (e.g. Philippines) to do research on monitor lizards, and does not imply that they were specifically in Polillo to do research. The fact remains that the specimen of *V. olivaceus* was salvaged in Polillo Town which is not a likely place to go to collect a specimen of this species. Had this been a purposeful attempt to collect *V. olivaceus* Mr. Welton and others would have been better served to stay in or near Pinaglubayan and the Sibulan watershed reserve to hunt for this species and not spend 5 days in the coastal town of Polillo some 3 kilometres from the reserve.

C. Mr. Bennett - When I learned that a specimen of *Varanus olivaceus* had been collected from Polillo Island, I immediately contacted Dr Rafe Brown and was informed:

a) That he had been unaware of Luke Welton's visit to Polillo in July 2009 at the time, and that the visit had not been scheduled.

Dr. Brown is correct. Welton’s trip to Polillo in July 2009 was not “scheduled” for scientific work. Rather, it was an impromptu 5-day vacation from field work with the Philippine field assistants who lived on Polillo.

b) That he had been informed by Luke Welton that the specimen taken had been found dead, having been killed by a dog, and that under these circumstances its collection had been legal.

Dr. Brown is correct. The reasons for the lizard's death are unknown. Welton merely repeated the account he was given by the villager about the *Varanus* being attacked and/or chased from its natural forest habitat by a dog(s). Whether dead or partially alive when acquired, its acquisition is legal under the collecting permits referenced above.

c) That Luke Welton did not need a specimen of *Varanus olivaceus* for his research. [2]

Dr. Brown is correct. Welton did not need a specimen of *Varanus olivaceus* for his research as he already had access to numerous specimens of this species in the collections of the University of Florida.

D. Mr. Bennett - However my enquiries suggest that neither local NGOs nor DENR on Polillo were aware of Luke Welton’s visit, or that he had collected a specimen of *Varanus olivaceus* from the island.

Non-government organizations (NGOs) have no legal authority over survey and inventory work in the Philippines. The DENR on Polillo Island is a local branch of the Philippine DENR that is the federal authority that issued the permits to Dr. Brown’s project. Welton’s acquisition of the Varanus specimen (KU 322187) was reported to
the main DENR authorities and is listed on the CITES-2 collecting and export permits, and the USF&W import permit.

E. Mr. Bennett - A paper published in Biology Letters contains a detailed description of the morphology of both KU 322187 and PNM 9719, and names the latter as a new species of *Varanus* lizard. The paper includes two pictures of the specimen KU 322187. The picture of the lateral view of the head strongly suggests that the animal was alive at the time the photograph was taken. The dorsal view shows no signs of injuries. The citation for the paper is: Luke J. Welton, Cameron D. Siler, Daniel Bennett, Arvin Diesmos, M. Roy Duya, Roldan Dugay, Edmund Leo B. Rico, Merlijn Van Weerd, and Rafe M. Brown. A spectacular new Philippine monitor lizard reveals a hidden biogeographic boundary and a novel flagship species for conservation Biol. Lett. published online before print April 7, 2010, doi:10.1098/rsbl.2010.0119. [3]

The relevancy of this point is not clear. Bennett is third author on the paper cited above in which the picture of the *Varanus* specimen KU322187 appears. As discussed above, the *Varanus* was unresponsive and barely alive when Welton was taken to see it north of the village. Its acquisition is legal under the permits issued to the project.

F. Mr. Bennett - On 19th March 2010 I became aware of the pictures of KU 322187, and I asked Dr Rafe Brown for clarification of his earlier statement that the animal had been killed by dogs. His reply contradicted his earlier statement. [4]

Dr. Brown apparently was merely clarifying an earlier communication with Welton. In any case, if the villager’s account is correct, the *Varanus’* death was ultimately due to a dog(s).

G. Mr. Bennett - On 21st March 2010 I noticed that the Kansas Museum Catalogue entry from KU 322187 had been changed; the locality name had been altered, and the collectors’ names and county of collection had been removed. This change was made between the 18th and 21st of March 2010. [5]

The locality information entered originally in the database was apparently altered at Bennett’s own insistence as third author on the paper for accuracy. In Mr. Bennett’s response to my initial findings he denies that he called for these changes. The intent is for the original locality data entry (“local coastal agricultural area, north of Polillo Town proper”), which is the salvage locale, not to be confused with the actual point of origin of the individual, which is unknown, as it had been chased by dog(s) from that point of origin into the village area. Similarly, the collector field is blanked because Welton did not “collect” the animal in its wild habitat, but salvaged it from the village. The complete Specify data record for KU322187, which is not accessible on the Web, lists the specimen as salvaged.

H. Mr. Bennett - If KU 322187 was not collected in accordance with the laws of the Philippines and the collection permits issued to Rafe Brown by PAWB,
then the CITES permits under which it was exported from the Philippines and imported into the USA were obtained by deception.

As detailed above and documented by Republic of Philippines and USF&W permits in hand, the Varanus was acquired in accordance with these permits.

I. Mr. Bennett - I allege that Luke Welton required an adult male Varanus olivaceus with everted hemipenes in order to describe PNM 9719 as a new species, and that he made the decision to collect a specimen for comparison as quickly as possible and by any means necessary. I allege that KU 322187 was collected in or around Sibulan Watershed Reserve on Polillo Island on Welton’s instructions, that he went to that area knowing that local field workers were engaged in an non-intrusive study of the species and would consequently know where to find an adult male very quickly, and that he killed the animal for the express purpose of having a comparative specimen that would allow him to describe PNM 9719 as a new species. In order to comply with the permits issued to his supervisor, he fabricated the story that KU 322187 had been killed by dogs, and in order to deflect criticism that he had collected an animal which was part of a long-term ecological study, he fabricated the collection locality. Subsequently his supervisor Rafe Brown assisted in these fabrications by altering museum records and making false statements designed to discourage further investigations about the origin of the specimen and the circumstances under which it was killed.

This story is not supported by any facts known to this reviewer and is pure speculation on Mr. Bennett’s part. In a prior conversation Dr. Brown had communicated with Mr. Bennett that the specimen in question had none of the unique markings Mr. Bennett used to identify Varanus individuals that were a part of Mr. Bennett’s long-term studies in the Sibulan Watershed Reserve region. Dr. Brown has provided four photos of the specimen in question and these photos prove that the animal did not come from Mr.Bennett's field site where all subjects bear distinct tail-crest clippings for identification. Thus, Bennett not only has no legal authority or jurisdiction over this specimen, but he also has no factual basis to his purportedly moral/ethical complaint.

J. Mr. Bennett - I further allege that forensic examination of KU 322187 will confirm that the animal shows no signs of injuries associated with a fatal dog attack, and that examination of stomach contents and/or DNA analysis will indicate that the animal comes from habitat in or around Sibulan Watershed Reserve.

Whether or not the Varanus died of a “fatal dog attack” is immaterial with regard to the legality of its acquisition in the Polillo village area or its original provenance in the wild, which is unknown. That said, the villager’s account that was related to me by KU scientists implies the lizard did die, eventually, from being attacked and/or chased by dog(s). The absence of teeth marks or external wounds does not rule out that the animal’s death might not have been from exhaustion and/or internal injuries as a result of having been chased and harassed by dogs. I can only assume that KU researchers acted in good faith and dispatched an animal that was not healthy and
potentially suffering from some fatal condition. If Mr. Bennett wishes to further pursue the cause of death of this specimen he may wish to contact PNM since this specimen is now in their collections.

**For following points the above explanations will suffice.**

Mr. Bennett's Supporting Material


[2] Exerts from emails: Rafe Brown to Daniel Bennett, Nov/Dec2009  full transcript of all emails given as [Appendix 1]

from Rafe Brown <rafe@ku.edu>  
to Daniel Bennett/Mampam Conservation <mampam@googlemail.com>  
cc ambanjfurcifer@yahoo.com, XXXXX@ku.edu  
date 30 November 2009 18:22  
subject varanus collab  
mailed-by ku.edu  

For the record and in writing here: we did not have definitive knowledge of the Sierra Madre thing, genetic data, or any plans to work on this until we caught a large adult male this July and only then did Luke (acting on his own volition after I had left the country) shift into high gear and track down all the necessary information and genetic material (from peninsular olivaceus, etc) that are needed to describe the animal.

from Rafe Brown <rafe@ku.edu>  
to mampam@mampam.com  
cc XXXXX@gmail.com  
date 8 December 2009 12:29  
subject Roldan's specimen?  
I can't remember the name of the locality (I'll ask Luke) but I know it was an animal killed by dogs on the opposite side of the island from your study area, outside of any protected area. My understanding is that it was salvaged by Luke because it was already dead

from Rafe Brown <rafe@ku.edu>  
to mampam@mampam.com  
date 8 December 2009 23:11  
Keep in mind the facts: Luke wanted to look at molecular divergence and he already had a samples from an animal that my students salvaged from a hunter on Caramoan in 2006. Luke knew this and he was not desperate to get an olivaceus sample. Even if he had been desperate and keen to obtain a sample (as you seem to suspect), his approach is to collect non-destructive genetic samples (these are
the bulk of the genetic samples that are going into his graduate work) and skin snips of animals he releases. He does not have any need to have done what you suggest.

[3] – Part of Figure 2 from the manuscript.

![Varanus olivaceus](image)

Fig. 2.—Dorsal views of bodies, lateral views of heads, and close-ups of hemipenes of (PNM 9719) and V. olivaceus (KU 322187). Letters indicate: A) primary apical hemiaculum horn, B) secondary apical hemiaculum horn, and C) presence or absence of an evagination at the base of the primary hemiaculum. 152x111mm (300 x 300 DPI)

[4] Extract from email: Rafe Brown to Daniel Bennett
from Rafe Brown <rafe@ku.edu>
to mampam@mampam.com
cc XXXX@gmail.com,
XXXXXXXX@yahoo.com,
ambanjfurcifer@yahoo.com
date 18 March 2010 02:41
subject Varanus olivaceus on Polillo

With regard to the Polillo specimen in question: I am sorry but many of the details are simply not available. We are not sure exactly where the animal was from nor how long it had been in the possession of the residents. We were told that dogs had either caught it or chased it into a coastal agricultural area to the north, either on the east side of the island or NE of Polillo (Burdeos?). I agree with you that the specimen does not show evidence of bite marks
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Catalogue entry for KU322187 at Kansas University Natural History Museum downloaded 16\(^{th}\) March 2010 from [http://collections.nhm.ku.edu/HerpsWeb/detail.jsp?record=322187.0\&column=0\&styleDir=style](http://collections.nhm.ku.edu/HerpsWeb/detail.jsp?record=322187.0\&column=0\&styleDir=style)
Appendix I: Complainant comments regarding Inquiry Report

Dear Don Huggins

Thank you for your email and the copy of your inquiry. I have six comments which I would like you to attach to the report.

A. Your report states that "on July 6, 2009, he [Luke Welton] and other members of the Philippine field party, who were taking a 5-day vacation on Polillo Island, Polillo Town (home of the Philippine field assistants), were having a cookout on the beach".

However, Luke Welton signed the guestbook (attached) at the house of Augusto Zafe in Pinaglubayan, Polillo, dated June 5/6 stating that the purpose of his visit was "research butaan [the local name for Varanus olivaceus] and "layagan" [the local name for Hydrosaurus]. This house has been the base of the Polillo butaan project since 1999, is on the edge of Sibulan watershed reserve and at least four hours walk from the coast. Thus it is clear that his visit to Polillo was not simply a vacation and indicates that your comment:

Welton’s trip to Polillo in July 2009 was not “scheduled” for scientific work. Rather, it was an impromptu 5-day vacation from field work with the Philippine field assistants who lived on Polillo.

is not entirely correct. He clearly went to Polillo looking for Varanus olivaceus. This evidence was not available at the time I made my complaint.

b The reasons for the lizard’s death are unknown. Welton merely repeated the account he was given by the villager about the Varanus being attacked and/or chased from its natural forest habitat by a dog(s). Whether dead or partially alive when acquired, its acquisition is legal under the collecting permits referenced above.

As your report states, the cause of the lizard's death is that Luke Welton euthanized it. As all field workers with experience of these animals are aware, they often feign death when handled, and so an unresponsive animal is not necessarily "partially alive".

c Welton did not need a specimen of Varanus olivaceus for his research as he already had access to numerous specimens of this species in the collections of the University of Florida.

As far as I am aware there are no intact specimens of this species with locality data in the University of Florida collection (specimens with such data are represented only by severed heads), and certainly no adult males with everted hemipenes that would have been suitable for comparison with Varanus bitatawa. Nor is DNA material available from any specimen in that collection.

d The relevance of my statement that begins "A paper published in Biology Letters
contains" is that the picture in the paper show that KU322187 was an animal in excellent condition, with no apparent injuries and with no evidence of dehydration. Anybody experienced with this species is aware that 1) dogs cannot lick them to death and 2) that the animals show signs of dehydration after less than 24 hours in captivity.

e. The locality information entered originally in the database was apparently altered at Bennett’s own insistence (as third author on the paper) for accuracy.

I absolutely deny that I suggested that the database be altered.

f. The absence of teeth marks or external wounds does not rule out that the animal’s death might not have been from exhaustion and/or internal injuries as a result of having been chased and harassed by dogs.

In 11 years experience of this species, and over 20 years experience with this genus, I have never heard of a monitor lizard dying from exhaustion, nor seen one that has been mortally wounded by dogs internally but bears no external marks of dogs attack. This is an extraordinary statement that will be greeted with incredulity by anybody with experience of the animals, and which confirms my belief that only an independent necropsy of this animal will establish whether it had incurred any serious injuries prior to being euthanized.

Yours

(Dr) Daniel Bennett
Extract from the guestbook at the house of Augusto Zafe, Pinaglubayan, Polillo
From: Brown, Rafe  
Sent: Sunday, June 20, 2010 12:17 PM  
To: Huggins, Donald G  
Cc: Krishtalka, Leonard; Yochim, Jordan  
Subject: photos of Varanus  

Dear Don,  

Here are the photos we took yesterday. Note also that Bennett incorrectly characterizes the specimen as the property of KU.  

In fact, it is not. When salvaged, the specimen was donated to the National Museum of the Philippines and was cataloged there under the catalog number PNM 9726. Four month later, after being registered at PNM, it was brought to the United States on a short term research loan under permits issued by the National Museum, DENR, US Fish and Wildlife, and CITES.  

This series of events has been documented by US and Philippine government permits and stands in stark contrast to the picture Bennett wants to paint, i.e., that the animal was poached from his study area, spirited away in some clandestine cover-up operation, immediately exported by us, and became the property of KU. One of the reasons I suspect Bennett is so convinced of a conspiracy is that he has never actually held valid research permits in the Philippines and does not understand the permit system, much less the terms of my permits (which allow us to collect CITES Appendix II species, whether he likes it or not, and salvage any dead or dying animal in the Philippines, regardless of its conservation status).  

In fact, the monitor lizard in question is registered under KU catalog number 322188 only for the purpose of making associated data accessible to the research community (unfortunately, even to people like Bennett) through the distributed data base HerpNet via KU’s Specify portal. All specimens we collect or salvage are assigned one of these KU numbers so that they can all be made available to the public via the internet. In accordance with our permits, 50% of all specimens collected or salvaged by us are then returned to the Philippines. However, the specimen in question was originally cataloged at PNM and was never meant to be permanently exported to the US.  

In any case, these photos definitely prove that the animal did not come from Bennett's field site where all subjects bear distinct tail-crest clippings for identification. PNM 9726 does not bear one of his distinctive tail clipping markings (note its uninterrupted tail crest). Thus, Bennett not only has no legal authority or jurisdiction over this specimen, but he also has no factual basis to his purportedly moral/ethical complaint. The bottom line is that the terms of my permits are not subject to his interpretation but are, instead, decided upon by negotiations between the government of the Philippines and me.
Thanks again for your attention to these details; I'll have email every couple of days during my upcoming trip, so if you need any additional information from me, don't hesitate to write.

Thanks,

Rafe
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