

## Peer Review Plan: Proposed Rule to List 10 Freshwater Fish and 1 Crayfish as Injurious Wildlife Species

### *About the Document*

**Subject and Purpose:** The U.S. Fish and Wildlife Service (Service) is publishing a proposed rule to amend its regulations under the Lacey Act (18 USC 42, as amended) to add the freshwater fish species crucian carp (*Carassius carassius*), Eurasian minnow (*Phoxinus phoxinus*), Prussian carp (*Carassius gibelio*), roach (*Rutilus rutilus*), stone moroko (*Pseudorasbora parva*), Nile perch (*Lates niloticus*), Amur sleeper (*Perccottus glenii*), European perch (*Perca fluviatilis*), zander (*Sander lucioperca*), and wels catfish (*Silurus glanis*), and the freshwater crayfish species common yabby (*Cherax destructor*) to the list of injurious wildlife. The Service will consider results of the peer review to address any questionable or unresolved issues and relevant missed information.

**Importance of Scientific Information:** Using a rapid screening method, the Service selected 11 species with a result of “high risk” to consider for listing as injurious. Evaluations demonstrated that these 11 species have a high climate match in parts of the United States, a history of invasiveness outside of their native range, have a high degree of certainty regarding these results, and, except for one species in one lake, are not yet found in United States ecosystems. The Service uses Injurious Wildlife Evaluation Criteria to evaluate if a species qualifies as injurious under the Lacey Act. The criteria include the likelihood and magnitude of: release or escape, survival and establishment upon release or escape, and spread from origin of release or escape. The criteria also examine the effect on wildlife and wildlife resources (through hybridization, in-breeding, competition for food or habitat, predation on native species, and pathogen transfer) including threatened and endangered species and their respective habitats; and on ecosystems, humans, forestry, horticulture, and agriculture. Additionally, the Service evaluates the likelihood and magnitude of wildlife or habitat damages resulting from measures to control an evaluated species if it became invasive.

### *About the Peer Review Process*

**Type of review:** Independent Peer Review – The Service will solicit comments from independent scientific reviewers who will submit individual written comments and responses to questions posed to all invited reviewers.

**Number of reviewers:** The Service will use three or more independent expert reviewers. The Service will send letters to a minimum of three peer reviewers requesting their participation as soon as practicable in the rulemaking process.

**Reviewer Expertise:** Any one or combination of the following: invasive species biology, invasive species risk assessment, aquatic species biology, aquaculture, fisheries.

**Selection of Peer Reviewers:** The Service will select peer reviewers based on their expertise with the subject matter and as described in the Office of Management and Budget Peer Review Guidelines ([Final Information Quality Bulletin for Peer Review](#)), including having not been involved in trade in any of the proposed species nor in a position to financially benefit from the review.

Peer reviewers will be asked to determine if the Service provides an accurate and adequate review and analysis of the effects from the 11 species (as categorized under the injurious wildlife

evaluation criteria) on the health and welfare of human beings; the interest of forestry, agriculture, or horticulture; or the welfare and survival of wildlife or the wildlife resources of the United States; if our analysis of the criteria is logical and supported by the evidence we provide; whether we provide accurate and adequate review and analysis of why the proposed listing as injurious is essential; and if we cite necessary and pertinent literature to support our scientific analyses under the substantial evidence standard. Peer reviewers will be advised that they should not provide advice on policy. A summary of the comments of reviewers as well as their names and affiliations will be made available as part of the regulatory administrative file and, therefore, may be accessible under the Freedom of Information Act, but the attribution of specific comments to a specific reviewer will not be provided. Because this peer review process is running concurrently with public review of the proposed action, peer reviewers will not be provided public comments (although public comments may be viewed through <http://www.regulations.gov>). A final determination regarding the proposed action is expected in early 2016.

**Management of Peer Reviewer:** The Service will manage the peer review, coordinated by a contractor. Peer reviewers will be given 45 days to complete their reviews. The estimated start of review is August 2015.

#### ***About Public Participation***

The public is invited to submit comments on this peer review plan by sending emails to [prevent\\_invasives@fws.gov](mailto:prevent_invasives@fws.gov) (please state “11 species peer review plan” in the subject line) or by mail to: c/o Michael Hoff, U.S. Fish and Wildlife Service, Norman Ponte II, Suite 990, 5600 American Blvd. W., Bloomington, MN 55122. The deadline for filing comments is August 16, 2015.

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