

Order Statement of Work  
Peer Review (without attribution) of the Scientific Findings in  
U.S. Fish and Wildlife Service's Proposed Rule to remove the Gray Wolf (*Canis lupus*) from the  
List of Endangered and Threatened Wildlife

### **1. Introduction/Background**

The U.S. Fish and Wildlife Service (Service) has completed a proposed rule to remove the Gray Wolf (*Canis lupus*) from the List of Endangered and Threatened Wildlife. When the gray wolf was reclassified in March 1978 (replacing multiple subspecies listings with two Gray wolf population listings), it had been extirpated from much of its historical range in the contiguous United States. Extensive, unregulated human-caused mortality from predator control efforts was the primary factor leading to gray wolf decline. Wolves have recovered in the combined entities as a result of the reduction of threats, primarily human-caused mortality, and no longer are in danger of extinction, nor are likely to become so in the foreseeable future, throughout all or a significant portion of their range. Although the gray wolf within the boundaries of the listed entities has undergone significant range contraction in portions of its historical range, the species population within its current range is stable.

In accordance with the Service's July 1, 1994 peer review policy (59 FR 34270) and the Office of Management and Budget's December 16, 2004, Final Information Quality Bulletin for Peer Review, the Service is subjecting this proposal to independent expert peer review. The purpose of seeking independent peer review is to ensure use of the best scientific and commercial information available and to ensure and maximize the quality, objectivity, utility, and integrity of the information upon which the proposal is based, as well as to ensure that reviews by qualified experts are incorporated into the rulemaking process.

### **2. Description of Review**

We are seeking peer review of the draft biological report and the proposed delisting rule. The purpose of these peer reviews is to help us ensure that we have used the best scientific and commercial information when we make our final decision as to the current status of the gray wolf. Thus, we are looking for independent scientific perspectives on the comprehensiveness and logic of these documents, as well as how well the technical conclusions are supported by the data and analyses. Peer reviewers should be advised that they are not to provide advice on policy.

### **3. Methods, Protocols and/or Scientific Standards**

The selection of participants in a peer review is based on expertise, with due consideration of independence and conflict of interest (OMB –IQ bulletin for Peer Review). The most important factor in selecting reviewers is expertise: ensuring that the selected reviewer has the knowledge, experience, and skills necessary to perform the review. While expertise is the primary consideration, reviewers should also be selected to represent a diversity of scientific perspectives relevant to the subject.

The contractor will be responsible for assigning an experienced, senior and well-qualified project manager to oversee this review and for the selection of 5 well-qualified, objective, independent reviewers.

1. Each reviewer must have a Ph.D. or an M.S. with significant experience in Wildlife Biology, Ecology, or Wildlife Management; and
2. In combination, the expertise of qualified reviewers shall include the following, however, each individual is not required to meet all qualifications:
  - a. Demonstrated experience or expertise with large carnivore management, especially wolves.
  - b. Expert knowledge of conservation biology, wildlife management, demographic management of mammals (especially carnivores), genetics, population modeling, and/or scientific literature on wolves or other carnivores.
  - c. Expert knowledge of mammalian taxonomy/systematics.
  - d. Experience as a peer reviewer for scientific publications.

The Contractor shall ensure the peer review process complies with the Service's July 1, 1994 peer review policy (59 FR 34270), the Service's August 22, 2016 Director's Memo on the Peer Review Process, and the Office of Management and Budget's December 16, 2004 Final Information Quality Bulletin for Peer Review. For example, potential conflicts of interest should be avoided, if possible and disclosed if not possible. Attachment A is provided as additional guidance to the Contractor in selecting peer reviewers that have no conflict of interest, are independent of the Service, and are capable of providing an objective scientific peer review, but the selection and vetting of peer reviewers is to otherwise occur completely outside the influence of the Service. The contractor will be responsible for selecting reviewers and obtaining the individual written peer reviews from 5 well-qualified reviewers. Each reviewer shall complete and submit a conflict of interest form.

Peer Reviewers will provide individual, written responses. Peer Reviewers will be advised that their reviews, including their names and affiliations, will (1) be included in our administrative record, and (2) will be made available to the public. We will summarize and respond to the issues raised by the peer reviewers in the record.

The Service will have an opportunity to seek clarification on any review comments through the contractor (Task 4), for a period of 10 days, starting 60 days after the Service receives the reviews from the contractor.

Peer reviewers will be advised that they are not to provide advice on policy. Rather, they should focus their review on identifying and characterizing scientific uncertainties. Peer reviewers will be asked to answer questions pertaining to the logic of our assumptions, arguments, and conclusions and to provide any other relevant comments, criticisms, or thoughts. Collectively, the review should cover, but not be limited to, the topics listed below. Individual reviewers should, at their own discretion, provide comments, criticisms, and ideas

about any of the topics they feel qualified to comment on. The most valuable reviews will focus on how thoroughly and logically the topics have been treated, and how well the conclusions are supported by the data and analyses. Not all reviewers are required to address all issues noted below. Reviewers should comment on areas within their expertise, and may choose to abstain from other areas. To the extent possible, reviewers should justify their comments with supporting evidence just as they would do when presenting their own scientific work.

**Questions on the Draft Biological Report for Peer Review:**

1. Does the draft report provide an adequate and concise overview of gray wolf (*Canis lupus*) taxonomy, biology, and ecology as well as the changes in the biological status (range, distribution, abundance) of the gray wolf in the contiguous 48 United States over the last several decades?
2. Please identify any oversights or omissions of data or information, and their relevance to the report. Are there others sources of information or studies that were not included that are relevant to the biological report? What are they and how are they relevant?

**Questions on the Proposed Rule for Peer Review:**

1. Does the proposed rule provide an adequate review and analysis of the factors relating to the persistence of the gray wolf population currently listed under the ESA in the contiguous 48-States (human-caused mortality, habitat and prey availability, disease and predation, and effects of climate change)?
2. Have we adequately considered the impacts of range reduction (i.e., lost historical range) on the long term viability of the gray wolf in its remaining range in the lower-48 states (outside of the northern Rocky Mountains) and, if not, what information is missing and how is it relevant?
3. Is it reasonable for the Service to conclude that the approach of Michigan, Wisconsin, and Minnesota to wolf management, as described in their Plans and the proposed rule and in the context of wolf management in the Western Great Lakes area, are likely to maintain a viable wolf population in the Western Great Lakes area into the future?
4. Please identify any oversights or omissions of data or information, and their relevance to the assessment. Are there others sources of information or studies that were not included that are relevant to the proposed rule and, if so, what are they and how are they relevant?
5. Are there demonstrable errors of fact or interpretation? Have the authors of the proposed delisting rule provided reasonable and scientifically sound interpretations and syntheses from the scientific information presented in the draft biological report and the proposed rule? Are there instances in the proposed rule where a different but equally reasonable and sound interpretation might be reached that differs from that provided by the Service? If any instances are found where this is the case, please provide the specifics regarding those particular concerns.

Text to be added to correspondence with Peer Reviewers:

*We are seeking your comments at this stage to ensure that we have time to incorporate any substantial comments as we finalize the biological report and our rulemaking.*

*As you review the documents, please note that this proposed rule does not result in or predetermine a decision by the Service on whether the gray wolf warrants continued protections of the Act.*

*As a reminder, all peer reviews and comments will be public documents, and portions may be incorporated verbatim into the Service's final decision Document, should there be one, with appropriate credit given to the author of the review. If you do not want your name to appear in a final decision document, as published in the Federal Register, please inform us of this as soon as possible.*

*In general we ask that your comments on the biological report and proposed rule focus specifically on whether the best available information was used, the quality of the scientific information, and our interpretation and analyses of the data.*

In accordance with the agreement terms and Performance Work Statement, the contractor(s) is (are) reminded of the requirements to protect information and that services shall consist of unbiased assessments through proper management and enforcement of scientific integrity standards, to avoid any conflict of interest.

**4. Required Service (Work) Items - Task Line Item Numbers (TLIN):** As described in the agreement's Performance Work Statement, paragraph 2B, the below TLINs are required in the performance of this requirement. The TLINs are different, but interrelated to the tasks listed in task/deliverable and payment schedule:

TLIN 001: Selecting for peer reviews or review panels, or for task orders to provide scientific support.

TLIN 002: Organizing, structuring, leading, and managing the scientific reviews and task order products.

TLIN 003: Managing and producing a final product.

TLIN 004: Responding to any follow-up questions from the Service on original review comments (not to exceed 14 consecutive days)

TLIN 005: Maintaining an official record for peer reviews or task orders.

## **5. Deliverables**

The following deliverables are in addition to the agreement's Performance Work Statement paragraph 3, which states, "The Contractor shall provide the COR with three key deliverables: (1) Proposed Timeline, (2) Original individual scientific reviews and a transmittal letter to the Service (to Assistant Director - Ecological Services, Gary Frazer), and (3) Complete Official Record."

There are no additional deliverables. However, the contractor will be required to respond to questions, inquiries, or other related requests after the contract expiration date, and final acceptance, as needed. These request(s) will be by the Contracting Officer Representative (in coordination with the Contracting Officer). Inquiries or requests are limited to the products provided, and work performed under this contract (order). Responses include, but are not limited to: phone calls, written responses, and/or meetings.

Review comments by the Contracting Officer Representative will be provided to the Contractor via the Contracting Officer.

#### **6. Task Schedule.**

The period of performance shall not exceed the contract expiration date without a contract modification. In accordance with the terms of the contract, the contractor shall notify the Contracting Officer of any delays. Delays by the Government or Contractor must be rectified by accelerating the next deliverable on a one to one basis (i.e., if the delay was 2 days then the next deliverable must be submitted 2 days early). Deliverables that fall on a holiday or weekend must be delivered on the first work day after the weekend or holiday. The period of performance (contract expiration date) includes all possible holidays or weekend deliveries:

<b>TASK/DELIVERABLE</b>	<b>CALENDAR DAYS AFTER AWARD</b>
Task 1: Contracting Officer and COR will provide access to materials needed for the review.	7
Task 2: The contractor(s) shall manage a thorough, objective peer review of the Service's Proposed Rule Removing the Gray Wolf From the Federal List of Endangered and Threatened Wildlife.	37 (30 days)
Task 3: The contractor(s) will provide 5 expert peer reviews and a transmittal letter to the Service (to Assistant Director - Ecological Services, Gary Frazer)	42 ( 5 days)
Task 4: The project manager facilitates specific follow-up questions/answers between the Service and the reviewers (task limited to a 10-day period, 60 days after delivering initial review comments to the Service).	47 (10 days )
Task 5: Final report and official record is submitted to the Service	57 (10 days )

## **7. Official Administrative Record**

The preparation of an official administrative record is required.

## **8. Information Sources**

The key information sources and links for this review will include: (1) the Proposed Rule Removing the Gray Wolf From the Federal List of Endangered and Threatened Wildlife, and (2) the draft Biological Report. Pertinent literature for each document will be provided.

## **9. Payment Schedule:**

The payment schedule is as follows: 100 percent upon completion of Task 5 above.

## **10. Service Points of Contact:**

### **Contracting Officer:**

Lauretha Randle (phone: (612) 713-5217 or email:Lauretha\_Randle@fws.gov

### **Contracting Officer Representative (COR):**

Don Morgan (phone: (703) 358-2444, or email: don\_morgan@fws.gov)

### **Project Leader(s)/Technical Expert(s):**

Maricela Constantino (phone: (703) 358-2113, or email: maricela\_constantino@fws.gov)

Ellen VanGelder (phone: (703) 946-1351, or email: ellen\_vangelder@fws.gov)

### **Mailing Address:**

U.S. Fish and Wildlife Service

MS: ES

5275 Leesburg Pike

Falls Church, VA 22041-3803

## **11. List of Enclosures/Attachments**

1. Proposed Rule Removing the Gray Wolf From the Federal List of Endangered and Threatened Wildlife;
2. draft Biological Report
3. Electronic or cd copies of literature cited in each of the above documents

**Attachment A: Guidance for Selection of Peer Reviewers to Avoid Conflicts of Interest to Facilitate an Independent, Objective, and Unbiased Scientific Peer Review**

In accordance with the Service's July 1, 1994 peer review policy (59 FR 34270) and the Office of Management and Budget's December 16, 2004, Final Information Quality Bulletin for Peer Review, the Service will subject the proposed rule, "Removing the Gray Wolf (*Canis lupus*) from the List of Endangered and Threatened Wildlife and Maintaining Protections for the Mexican Wolf (*Canis lupus baileyi*) by Listing It as Endangered" to peer review. Peer review is one of the important procedures used to ensure that the quality of published information meets the standards of the scientific and technical community (OMB 2005).

The purpose of this review is to provide an objective, independent, external scientific peer review of the information in the proposed rule. To accomplish this, it is necessary for the peer review to be conducted by individuals, and managed by an entity, that are: 1) independent of FWS; 2) lacking any real or perceived conflict of interest; and 3) able to provide an objective review of our proposed rule.

The following information will serve as guidance to the Panel Coordinator (PC) in selecting peer reviewers that have no conflict of interest, are independent of the Service, and are capable of providing an objective scientific peer review. The PC will also be advised to consult the four documents cited below for additional clarifying information.

**Independence** – "In its narrowest sense, independence in a reviewer means that the reviewer was not involved in producing the draft document to be reviewed. However, for peer reviewer of some documents, a broader view of independence is necessary to assure credibility of the process. Reviewers are generally not employed by the agency or office producing the document." [Excerpted from (OMB 2005)]

**Conflict of Interest** – The National Academy of Sciences defines "conflict of interest" as any financial or other interest that conflicts with the service of an individual on the review panel because it could impair the individual's objectivity or could create an unfair competitive advantage for a person or organization (NAS 2003).

**Objectivity and Lack of Bias** – "Questions of lack of objectivity and bias ordinarily relate to views stated or positions taken that are largely intellectually motivated or that arise from the close identification or association of an individual with a particular point of view or the positions or perspectives of a particular group. ... Potential sources of bias are not necessarily disqualifying for purposes of committee service. ... Some potential sources of bias, however, may be so substantial that they preclude committee service (e.g., where one is totally committed to a particular point of view and unwilling, or reasonably perceived to be unwilling, to consider other perspectives or relevant evidence to the contrary)." [Excerpted from NAS (2003)]

Peer Reviewers must be capable of providing an objective review of the proposal. Peer reviewers are ideally free of bias with respect to the proposed rule. If selection of unbiased peer reviewers is not possible, then to ensure the panel is fully competent, the PC should appoint peer reviewers in such a way as to represent a balance of potentially biasing backgrounds or perspectives (NAS 2003).

### **Citations**

National Academy of Sciences. 2003. Policy and Procedures on Committee Composition and Balance and Conflicts of Interest for Committees Used in the Development of Reports. May 2003. Available online at: <http://www.nationalacademies.org/coi/index.html>

Office of Management and Budget. 2005. Final Information Quality Bulletin for Peer Review. December 16, 2004. Available online at: [https://www.fws.gov/informationquality/peer\\_review/OMB\\_m05-03.pdf](https://www.fws.gov/informationquality/peer_review/OMB_m05-03.pdf)

U.S. Fish and Wildlife Service and National Marine Fisheries. 1994. Endangered and Threatened Wildlife and Plants: Notice of Interagency Cooperative Policy for Peer Review in Endangered Species Act Activities. 59 FR 34274, July 1, 1994. Available online at: <https://www.fws.gov/endangered/laws-policies/policy-peer-review.html>

U.S. Fish and Wildlife Service. 2012. Information Quality Guidelines and Peer Review. Revised June 2012. Available online at: [https://www.fws.gov/informationquality/topics/InformationQualityGuidelinesrevised6\\_6\\_12.pdf](https://www.fws.gov/informationquality/topics/InformationQualityGuidelinesrevised6_6_12.pdf)