

## **New England Cottontail Listing Determination and Peer Review**

### **About the Listing Decision**

On September 15, 2015, the U.S. Fish and Wildlife Service (Service) published a 12-month not warranted finding on a petition to list the New England cottontail (*Sylvilagus transitionalis*) as an endangered or threatened species under the Endangered Species Act of 1973 (Act), as amended. This 12-month finding constituted a listing determination that the New England cottontail did not warrant listing under the Act.

### **About the Peer Review Process**

**Peer Review Timeline:** Not applicable.

#### **Process:**

- Per our 1994 Peer Review policy, had the 12-month finding been warranted we would have proposed the species for listing and invited review of the information from independent peer reviewers in the proposed rule.
- Our 12-month not warranted finding was based on the best available information, including peer reviewed primary literature. A large component of our not warranted finding was an analysis of ongoing and planned conservation measures under the Service's 2003 Policy for Evaluating Conservation Efforts When Making Listing Decisions (PECE). A primary source of information on New England cottontail conservation efforts was the peer reviewed 2012 Conservation Strategy for the New England Cottontail (Strategy).
- Peer reviewers of the Strategy were asked: to comment specifically on the quality of information and analyses used or relied on in the Strategy; to identify oversights, omissions, and inconsistencies; to provide advice on reasonableness of judgments made from the scientific evidence; to ensure that scientific uncertainties were clearly identified and characterized, and that potential implications of uncertainties for the technical conclusions drawn were clear; and to provide advice on the overall strengths and limitations of the scientific data used in the document.

Peer reviewers were selected based on the following criteria:

- **Expertise:** Reviewers were experts in the ecology of the New England cottontail, in the stressors affecting the species, or in applicable fields.
- **Independence:** Academic and consulting scientists were sufficiently independent from the Service, as appropriate.
- **Objectivity:** Reviewers were expected to be objective, open-minded, and thoughtful.
- **Advocacy:** Reviewers were not known or recognized for an affiliation with an advocacy position regarding the protection of this species.
- **Conflict of Interest:** Reviewers did not have any financial or other interest that conflicted with or impaired their objectivity.

## **About Public Participation**

- The New England cottontail was a candidate for Federal listing under the Act between 2006 and 2015. A candidate for listing meant the Service had enough information to list the species, but was unable to promulgate a rulemaking to do so because of other higher priorities for more imperiled species.
- Annually, the Service publishes a Candidate Notice of Review notice in the Federal Register announcing the candidate species and where the public could send new information about the species, threats, or conservation actions.
- The Service published a 12-month not warranted finding on a petition to list the New England cottontail in the *Federal Register* on September 15, 2015.
- The Conservation Strategy and other supporting documents for the New England cottontail 12-month finding were made available on the Service's New England cottontail website.
- This listing determination and peer review process document was posted to the Northeast Region's peer review website to allow the public to monitor our compliance with the Office of Management and Budget's Final Information Quality Bulletin for Peer Review.

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