

Order Statement of Work  
Peer Review (without attribution) of the Scientific Findings in 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

June 25, 2013

## **1. Introduction/Background**

The U.S. Fish and Wildlife Service (Service) evaluated the classification status of gray wolves (*C. lupus*) currently listed in the contiguous United States and Mexico under the Endangered Species Act (Act). Based on our evaluation, we published a proposed rule on June 13, 2013 (78 FR 35664), to remove the gray wolf from the List of Threatened and Endangered Wildlife but to maintain endangered status for the Mexican wolf by listing it as a subspecies (*C. l. baileyi*). We are proposing these actions because the best available scientific and commercial information indicates that the currently listed entity is not a valid species under the Act and that the Mexican wolf (*C. l. baileyi*) is an endangered subspecies.

In addition, we recognize recent taxonomic information indicating that the gray wolf subspecies, *Canis lupus lycaon*, which occurs in southeastern Canada and historically occurred in the northeastern United States and portions of the upper Midwest United States, should be recognized as a separate species, *Canis lycaon*. The proposed rule also constitutes the completion of a status review for gray wolves in the Pacific Northwest initiated on May 5, 2011. Finally, the proposed rule replaces our May 5, 2011, proposed action to remove protections for *C. lupus* in all or portions of 29 eastern states.

Given the long-term conservation implications of the proposal to remove the gray wolf from the List of Endangered and Threatened Wildlife and to maintain protections for the Mexican wolf by listing it as endangered, and its influential information, the proposed rule requires a formal, external, independent scientific peer review before a final determination is made. If the proposed rule does not provide the best science-based information and analyses, any decisions or conservation actions based on this proposal may be less effective in the long-term conservation of the gray wolf and Mexican wolf.

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, Final Information Quality Bulletin for Peer Review, the Service will subject this proposal to 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 to maximize the quality, objectivity, utility, and integrity of the information upon which the proposed action is based, as well as to ensure that reviews by recognized experts are incorporated into the rulemaking process. This review will occur during the public comment period for the proposed rule, which will close on September 11, 2013.

## **2. Description of Analyses/Service**

The purpose of this review is to provide a formal, independent, external scientific peer review of the information in proposed rule. The document is 246 pages long. The peer review needs to be completed by the close of the public comment period on September 11, 2013. The proposed rule synthesizes the existing best available scientific and commercial information regarding the status of various purported gray wolf populations and subspecies that occur within portions of the lower 48 States where the species is currently listed. Factors to be addressed in the peer review include the scientific merit of the proposed rule's primary analysis components (i.e., gray wolf taxonomy and status) which provide the basis for the proposal. The reviewers must ensure that any scientific uncertainties are clearly identified and characterized, and the potential implications of the uncertainties for the technical conclusions drawn are clear. Specific factors and questions the reviewers must evaluate are listed under Item 3 below.

Peer reviewers will prepare individual memorandums summarizing their opinions and conclusions; these memorandums will be incorporated into a peer review report provided by the contractor. The contractor will provide a summary narrative of the comments and issues contained in the peer review memorandums, but the contractor is not required to analyze the similarities and differences in the individual peer review memorandums. The Service will require participation by the contractor and peer reviewers on two conference calls; one kick-off call following the award of the contract and close-out call before the final report is prepared.

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

It is important that the peer review be conducted by independent qualified experts. The independent peer reviewers shall be experienced senior ecologists, who have previously conducted similar reviews or regularly provided reviews of research and conservation articles for the scientific literature. The contractor will be responsible for assigning an experienced, senior and well-qualified manager to lead this review and for the selection of 3-7 well-qualified, independent reviewers.

The peer reviewers shall include individuals with professional qualifications and experience related to as many as possible of the following areas: gray wolf life history, biology, ecology, population viability, genetics, and taxonomy.

Additionally, peer reviewers will be selected based on the following criteria:

- Expertise in gray wolf ecology.
- Independence: Reviewers will not be employed by the Service. Academic and consulting scientists should have sufficient independence from the Service, if the government supports their work.
- Objectivity: Reviewers will be recognized by their peers as being objective, open-minded, and thoughtful. The reviewers should be comfortable sharing their knowledge and identifying their knowledge gaps.
- Advocacy: Reviewers will not be known or recognized for an affiliation with an advocacy position regarding the protection of this species under the Endangered

Species Act.

- Conflict of Interest: Reviewers will not have any financial or other interest that conflicts with or that could impair their objectivity.

The contractor will provide 3-7 independent, unbiased, scientific reviews of the information in the proposed rule. At least 3 reviews will be provided, with the fourth, fifth, sixth, and seventh reviews being conducted at the discretion of the Service, depending upon funds available. The contractor must provide at least one expert in wolf taxonomy and genetics, and at least one expert in wolf life history, biology, ecology, and population viability. Peer reviewers will be asked to provide a thorough, objective peer review and, at a minimum, to focus their review on aspects of the proposed rule that are within their area of expertise. Peer reviewers will prepare individual memorandums summarizing their opinions and conclusions that will be incorporated into a peer review report prepared by the contractor.

Peer reviewers will be asked to comment specifically on the quality of any information and analyses used or relied on in the document; identify oversights, omissions, and inconsistencies; provide advice on reasonableness of judgments made from the scientific evidence; ensure that scientific uncertainties are clearly identified and characterized, and that potential implications of uncertainties for the technical conclusions drawn are clear; and provide advice on the overall strengths and limitations of the scientific data used in the document.

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.

The peer reviewers must consider and respond to the questions listed below, at a minimum, in their reviews.

(1) Did the Service include all the necessary and pertinent literature to support our assumptions / arguments / conclusions?

(2) Is there additional biological, commercial trade, or other relevant information concerning our analysis of the current *C. lupus* listed entity and is the approach taken in our analysis adequate, particularly with respect to our interpretation of the term “population” as it relates to the 1996 Policy Regarding the Recognition of Distinct Vertebrate Population Segments (DPS policy) (61 FR 4722, February 7, 1996) and specifically to gray wolves. As noted above, please do not comment on Service policy (such as the DPS policy or our approach to defining the term population), but rather on the strength of the biological information and how we applied it in our analysis.

(3) Is there additional information not considered in the rule concerning the genetics and taxonomy of the eastern wolf, *Canis lycaon*? We are not requesting information

on the status of *C. lycaon* because we are conducting a status review for this species and peer review of that document will occur separately.

(4) Does the proposed rule utilize the best available science and draw reasonable and scientifically sound conclusions concerning the status of the gray wolf in the Pacific Northwest United States; the gray wolf subspecies *Canis lupus nubilus*; the gray wolf subspecies *C. l. occidentalis*; and the gray wolf subspecies *C. l. baileyi*? Information requested for each includes:

- (a) Genetics and taxonomy;
- (b) Do the scientific conclusions reached by the Service follow from the evidence provided;
- (c) New information concerning range, distribution, population size, and population trends;
- (d) New biological or other relevant data concerning any threat (or lack thereof) to these subspecies, their habitat, or both; and
- (e) New information regarding conservation measures for these populations, their habitat, or both.

Peer reviewers will be advised that their reviews (without specific attribution), their names and affiliations, will be included in the administrative record of our final determination regarding this proposal, and will be available to the public upon request once all reviews are completed. We will summarize and respond to the issues raised by the peer reviewers in the record supporting our final rulemaking determination. Because this peer review process is running concurrently with public review of the proposed rule, peer reviewers will not be provided public comments (although comments may be viewed through <http://www.regulations.gov>).

**A list of the reviewers and their combined original review comment, without attribution shall be submitted to the Service.** The Service will have an opportunity to seek clarification on any review comments through the contractor (Task 003.1), for a period of 10 days, starting 30 days after the Service receives the report from the contractor.

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 include conflict of interests. **This information is distributed solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. It has not been formally disseminated by the Service. It does not represent and should not be construed to represent any agency determination of policy. Until it is made public, no information from the peer review may be released by the contractor(s) without express written permission from the Service.**

**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 report/product.

TLIN 004: Responding to any follow-up questions from the Service on original review comments (not to exceed 10 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 and summarized scientific reviews, 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). Inquires or requests are limited to the products provided, and work performed under this contract (order). Responses include, but 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 DAYSAFTER AWARD</b>
Task 1: Contracting Officer and COR will provide access to materials needed for the review	3
Task 2: The contractor shall review appropriate information that will assist in their review, including the proposed rule and cited literature (as appropriate).	10 (+7 days)
Task 3: The contractor and peer reviewers will participate	20 (+ 10 days)

with the Service in a kick-off conference call. The contractor shall conduct a thorough, objective peer review of the proposed rule	
Task 4: The contractor will provide 3 to 7 expert peer reviews (combined without attribution) and all applicable official records to the project manager.	23 (+3 days)
Task 5: The project manager summarizes the individual peer reviews and prepares a summary report for the Service.	33 (+10 days)
Task 6: The contractor and peer reviewers will participate with the Service in a close-out conference call. The project manager facilitates specific follow-up questions/answers between the Service and the reviewers, without attribution (task limited to a 10-day period, 30 days after delivering initial review comments to the Service).	43 (+10 days)
Task 6: Final report and official record is submitted to the Service. (No later than the 9/11/2013 close of the public comment period).	<b>50 (+ 7 days)</b>

## 7. Official Administrative Record

The preparation of an official administrative record is required.

## 8. Information Sources

List the key information sources and links.

**9. Payment Schedule:** In accordance with and in addition to the agreement, the contractor will submit invoices via the Internet Payment Platform (IPP) (see agreement). Invoices that do not coincide with a deliverable shall be submitted with a brief status report (not to exceed 1 page). The status report will detail the period of performance, the services performed during the period, key personnel involved, and percentage of the task(s) complete, if other than 100%. Partial payment for task(s) that are not 100% complete will be paid in an amount up to, but not to exceed, 65% of the task's total cost. For instance, if the total cost of the project is \$100.00, 100% of task 2 related cost would be \$10.00. If task 2 is 75% complete, the invoice amount will not exceed 65% or \$6.50.

The payment schedule is as follows:

<b>TASK/DELIVERABLE</b>	<b>% OF EFFORT &amp; PRICE</b>
Task 1: Contracting Officer and COR will provide access to materials needed for the review	0%
Task 2: The contractor(s) shall review appropriate information that will assist in their review, including the proposed rule and cited literature (as appropriate) review.	10%
Task 3: The contractor(s) shall conduct a thorough,	30%

objective peer review of the proposed rule.	
Task 4: The contractor(s) will provide their individual review, and all applicable official records to the project manager	0%
Task 5: The project manager prepares a report for the Service to include a summary of the comments and issues in the individual peer reviews and the original peer review memorandums.	20%
Task 6. The project manager receives follow-up questions from the Service on any review comment, obtains the reviewers reply and provides the reply comment, without attribution to the Service (limited to a 10-day period)	10%
Task 7: Final report and official record is submitted to the Service	30%
Total	100%

**10. Points of Contact:**

**Contracting Officer’s Representative (COR):** Dr, Richard A. Coleman, who can be reached at 303-236-4443 or [rick\\_coleman@fws.gov](mailto:rick_coleman@fws.gov)

**Contracting Officer,** Mr. Steve Gess. Mr. Gess’s phone number is 303-236-4334 or email: [steve\\_gess@fws.gov](mailto:steve_gess@fws.gov).

**Project Leader:** Don Morgan, [don\\_morgan@fws.gov](mailto:don_morgan@fws.gov), 703-358-2444

**11. List of Enclosures/Attachments**

None

**12. Evaluation Criteria** (This paragraph will be deleted upon award)

This requirement will be awarded based on best value. Best value will take into consideration price (to include the level of effort applied to each major task), approach (to include the labor categories, TLINs applied to each major task, and the reviewer’s resumes (ecologist having performed similar reviews) (reference paragraph 3).

Price must detail cost in accordance with the agreement. The approach must include a detailed/ proposed schedule (timeline), and the disciplines/skill mix of reviewers. The approach should be no more than 2 pages (8 1/2” x 11”, 12 point font), excluding information on costs. All contractors must propose three (3) to seven (7) reviewers and indicate (separately) the additional cost for a fourth, fifth, sixth, and seventh reviewer. Be sure to include the discipline/skills of all reviewers. The fourth, fifth, sixth, and seventh reviewers are considered optional and subject to a determination by the Government and subject to the availability of funds.