

Statement of Work
External Independent Peer Review
of the
Hawaii Insular False Killer Whale Status Review Report

Background:

The subject of this peer review is a Status Review of Hawaii insular false killer whales (*Pseudorca crassidens*) prepared for the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) by a team of expert Federal scientists in response to a petition to list these cetaceans under the Endangered Species Act (ESA). NMFS received a petition in October 2009 requesting that the Secretary of Commerce list Hawaii insular false killer whales as an endangered species under the ESA and designate critical habitat concurrent with listing. NMFS found that the petition presented substantial scientific or commercial information indicating that the petitioned action may be warranted and accordingly commenced a Status Review to determine (1) if Hawaii insular false killer whales are a distinct population segment (DPS) under the ESA; and, if so (2) the risk of extinction to this DPS. Based on the results of the Status Review and review of regulatory factors, NMFS will determine whether listing of Hawaii insular false killer whales is warranted.

The Status Review report reviews all aspects of the biology and ecology of Hawaii insular false killer whales, makes a determination on whether the population is a DPS, and provides both a quantitative assessment of and the Team's finding on extinction risk. The Report does not make a recommendation with respect to the petitioned action to list.

NMFS is required to use the best available scientific and commercial data in making determinations and decisions under the ESA. The scientific and commercial information presented in the Status Review should contain essential elements upon which NMFS can base an ESA listing determination. To carry out the Status Review, NMFS assembled a Biological Review Team (BRT) consisting of Federal scientists with a range of expertise relevant to this species and possible threats.. The team was charged with compiling and reviewing the best available commercial and scientific information on the biology, abundance, habitat and threats to Hawaii insular false killer whales and presenting its findings to NMFS in the Status Review. The team was further charged with evaluating this information relevant to the possible designation of Hawaii insular false killer whales as a DPS as well as the risk of extinction of this DPS.

Requirements for Peer Reviewers:

Reviewers are expected to conduct an impartial and unbiased peer review without influence from government managers, the fishing industry, non-governmental organizations, or any other interest group that would result in a conflict of interest.

Prior to engagement in a Peer Review, each reviewer will be required to complete a Lack of Conflict of Interest Statement ensuring no advocacy or funding concerns exist that may adversely affect the perception of impartiality of the peer review.

Tasks and Terms of Reference for Peer Reviewers:

A PIFSC Point of Contact will provide the reviewer with an electronic copy of the Status Review document:

Hawaii Insular False Killer Whale Biological Review Team. 2010. Status Review of Hawaii Insular False Killer Whales (*Pseudorca crassidens*). Report to National Marine Fisheries Service, Pacific Islands Regional Office. [Date completed]. [xxx] pp.

This document is expected to be approximately 150 pages in length and include the following chapters:

1. Introduction
2. Background on false killer whale biology, ecology, and threats to Hawaii insular false killer whales
3. Determination of the DPS
4. Assessment of extinction risk
5. Conclusions from the Status Review

The following documents, available online, provide useful background information:

- Endangered Species Act text at: <http://www.nmfs.noaa.gov/pr/laws/esa/text.htm>
- “Recognition of Distinct Vertebrate Population Segments (DPS) Under the Endangered Species Act (FWS and NMFS) (61 FR 4722; February 7, 1996)” at: <http://www.nmfs.noaa.gov/pr/pdfs/fr/fr61-4722.pdf>
- Petition to list at: <http://www.fpir.noaa.gov/Library/PRD/False%20Killer%20Whale/petition%20for%20FKW%20HI%20insular%20popn.pdf>
- NMFS 90-day Petition Finding at: <http://www.fpir.noaa.gov/Library/PRD/False%20Killer%20Whale/False%20Killer%20Whale%2090-day%20finding%20FR%20Notice.pdf>

Any of the reports and papers cited in the Status Review will be made available to the reviewers upon their request.

The reviewer shall conduct an impartial, independent peer review of the Status Review document in accordance with the Terms of Reference (TOR), attached as Annex 1.

The reviewer shall complete and submit an independent Peer Review Report in accordance with the TOR and the guidance in Annex 2.

Schedule and Deliverables:

The reviewer shall conduct the peer review, complete the Peer Review Report in accordance with the TOR (Annex 1) and outline (Annex 2) and submit the report to the PIFSC Points of Contact by June 20, 2010.

PIFSC Points of Contact:

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ANNEX 1

Terms of Reference

Peer Review of the Hawaii Insular False Killer Whale Status Review Report

Evaluate the adequacy, appropriateness and application of data used in the Status Review document.

1. In general, does the Status Review include and cite the best scientific and commercial information available on the species, its biology, stock structure, habitats, threats, and risks of extinction?
2. Are methods used valid and appropriate?
3. Are the scientific conclusions factually supported, sound, and logical?
4. Where available, are opposing scientific studies or theories acknowledged and discussed?
5. Are uncertainties assessed and clearly stated?

Evaluate the findings made in the Status Review.

1. Concerning Distinct Population Segments, is the species delineation supported by the information presented?
2. Are the results of the Extinction Risk Analysis supported by the information presented?

All information associated with the Status Review document is to remain strictly confidential until the Status Review is posted to the PIFSC website and/or the Federal Register by NMFS.

ANNEX 2

Peer Review Report -- Suggested Outline and Contents

The Peer Review Report is the end product of an independent peer review. The reviewer should ensure that the peer review report is scientifically accurate, editorially sound, and well organized, that the report meets all the tasks required of the independent review, and that the report remains confidential.

Following is a suggested report outline:

1. Introduction
 - a. Brief background of review (refer to Statement of Work and Terms of Reference)
 - b. Description of any references not cited in Status Review (list in appendix).
2. Review of Information used in the Status Review document (as outlined in the table of contents in the Status Review)
3. Review of the Findings made in the Status Review
 - a. DPS assessment
 - b. Population biology, abundance and trends
 - c. Risk factors
 - d. Extinction risk analysis
4. Summary of findings made by the peer reviewer
5. Conclusions and Recommendations (based on the Terms of Reference in Annex I)
6. Appendices
 - a. Statement of Work (including Terms of Reference)
 - b. References not included in Status Review