UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

MAY 23 2014

Brad Smith
NOAA Fisheries
Protected Resources Division
222 West 7th Avenue
Anchorage, AK. 99513-7575

Dear Brad:

Thank you for agreeing to serve as a peer reviewer for the draft "North Atlantic Right Whale (*Eubalaena glacialis*) Source Document for the Critical Habitat Designation: A review of information pertaining to the definition of "critical habitat" and the draft Endangered Species Act (ESA) Section 4(b)(2) Report: Critical Habitat for the North Atlantic Right Whale (*Eubalaena glacialis*). We appreciate your willingness to help with this important effort to prepare a proposed rule associated with these documents. Please note specific requirements below.

General Directives:

1. Please provide comments on the scientific information and data contained within the biological report and the 4(b)(2) Impact Analysis.
2. If you believe that justification is lacking or specific information was applied incorrectly in reaching conclusions, please be specific in your comments.
3. Please provide your comments by June 10, 2014.

Requirements for the Peer Review:

1. The President's Office of Management and Budget (OMB) published a Peer Review Bulletin (December 2004) that requires online posting of this peer review as it has been determined to be "influential." To ensure that we have a transparent process for public disclosure, names and affiliations of each peer reviewer is posted online as well as comments. We are required to identify peer reviewers by name and affiliation, but NMFS has the ability to post a compilation of reviewer comments. Therefore, we will not associate individual comments with reviewer name; rather we will compile the unabridged comments and organize by a reviewer number. Previously submitted Peer Reviews are available at http://www.cio.noaa.gov/Policy_Programs/prplans/PRsummaries.html
2. The Peer Review Bulletin further requires that non-Federal peer reviewers complete a "Confidential Conflict of Interest Disclosure" form. Peer reviewers who are federal

employees do not need to sign the conflict of interest form; rather they must comply with applicable federal ethics requirements such as those at: www.access.gpo.gov/nara/cfr/waisidx_07/5cfr2635_07.html.

3. Notably, if NMFS receives a FOIA request, anonymity of peer reviewers or comments cannot be guaranteed.

Logistics:

1. You may get comments to me in any form you wish -- mark directly on the draft and return it to me in hard copy, or submit comments electronically to me in whatever format you wish.
2. Note that the draft biological report and 4(b)(2) Impact Analysis are in a pre-decisional/pre-dissemination status;
3. Please forward your comments by June 10, 2014.

The Protected Resources Division appreciates your time and effort in completing this review. If you have any questions regarding this request, please contact Mark Minton, Protected Resources Division by phone at (978) 282-8484 or by email at mark.minton@noaa.gov.

Sincerely,

Mark Minton
Fishery Biologist

Attachment(s)