UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
http://sero.nmfs.noaa.gov

F/SER31:JR

Biological reviewer charge statement

Dear:

I appreciate the participation of individual members of the Atlantic States Marine Fisheries Commission (ASMFC) to peer review the Draft Biological and Economic Information for the Carolina and South Atlantic Distinct Population Segments (DPS) of Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*). We are requesting individual peer review by at least three members of the Sturgeon Technical Committee but welcome comments from any member. Comments should be submitted from individual reviewers and reviewers should not seek consensus. A single response that provides all of the comments is acceptable if each comment is attributed to the individual reviewer. All comments must be submitted to us by May 15, 2015. Comments can be submitted electronically (e.g., Word document).

Peer review of the Draft Biological and Economic Information is an important step to prepare a proposed rule for designating critical habitat as required under section 4 of the Endangered Species Act. There are specific requirements for completion of peer review including that peer reviewers must have the requisite expertise, experience, and skills. We are, therefore, requesting the expertise of individual Sturgeon Technical Committee members to peer review the biological information provided as background for developing our critical habitat (Section II) and our application of this information to identify potential critical habitat for the Carolina and South Atlantic DPSs of Atlantic sturgeon (Section III).

Peer reviewers should focus their comments on the following topics:

1. The accuracy, quality, completeness, and relevance of the scientific information and data considered; particularly whether any additional data exist that were not considered.
2. Whether scientific uncertainties are reasonably identified and characterized.
3. Whether the document provides a well-reasoned rationale in identifying the physical and biological features of a critical habitat designation for each DPS based on the best available data.
4. If a reviewer believes that justification is lacking or specific information was applied incorrectly in reaching conclusions then he or she should provide specific comments.

We are also interested in your comments on the following essential features: (1) the adequate water quality feature, which includes a qualitative description, along with any suggestions to improve that qualitative description or suggestions for quantitative parameters; and (2) the description of suitable spawning substrate and whether any benthic characteristics have been omitted. Further, we are seeking comments on including or excluding any rivers based on availability of spawning habitat and also on including unoccupied areas that are essential to the conservation of the species.

We have not included areas that may be excluded due to economics, impact on national security, and any other relevant impact. Those exclusions are at the discretion of the agency and do not require peer review. We also include economic information on the impacts of designating critical habitat in the report (Section IV). Feel free to comment on Section IV of the report and note we attach the Economic Analysis Report submitted by King and Associates, Inc. for use as supplementary information. Notably, we are asking members of the ASMFC Committee on Economics and Social Sciences to peer review the

economic aspect of the report; feel free to limit your review to Sections I – III due to time restraints or expertise.

Other Requirements
Peer review as required by the Office of Management and Budget (OMB) is subject to additional requirements regarding public disclosure, conflict of interest, and restrictions on pre-dissemination of confidential information. To ensure that we have a transparent process for public disclosure, we are required to make publically available the names and affiliations of each peer reviewer. We are also required to post comments received; however we do not associate names with individual comments when posting those comments online. However, we can organize and post comments by reviewer number rather than by reviewer name (e.g., see the Peer Review Report on the Draft Biological Report on the Designation of Marine Critical Habitat for the Loggerhead Sea Turtle at http://www.cio.noaa.gov/services_programs/prplans/pdfs/ID196_%20Peer_Review_Report.pdf). If we receive a Freedom of Information Act Request, we cannot guarantee anonymity of peer reviewers or comments.

The OMB Peer Review Bulletin further requires that non-Federal peer reviewers complete a "Confidential Conflict of Interest Disclosure" form (enclosed) and return it as well as a CV with his or her review. 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. Further information on the NOAA Conflict of Interest Policy and related Disclosure Forms can be found at http://www.cio.noaa.gov/Policy_Programs/info_quality.html. Finally, please note that the draft biological report is pre-decisional. It is, therefore, important that all reviewers keep the content of this document confidential. Finally, for further information on the NOAA Information Quality Guidelines see http://www.cio.noaa.gov/Policy_Programs/IQ_Guidelines_110606.html.

Please submit your comments, CV, and conflict of interest disclosure form to Jason Rueter at jason.rueter@noaa,gov by May 15, 2014. If you have any questions regarding this request, please contact Jason Rueter of my staff at (727) 824-5350 or by email.

Sincerely,

David Bernhart
Assistant Regional Administrator for Protected Resources

Enclosures

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