

Charge Statement for Peer Reviewers

Document title: *Draft Biological Report for the Proposed Designation of Critical Habitat for the Mexico, Central American, and Western North Pacific Distinct Population Segments (DPSs) of Humpback Whales (Megaptera novaeangliae)*

Background:

The Endangered Species Act (ESA) defines critical habitat under section 3(5)(A) as:

- (i) the specific areas within the geographical area occupied by the species at the time it is listed..., on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and
- (ii) specific areas outside the geographical area occupied by the species at the time it is listed... upon a determination by the Secretary that such areas are essential for the conservation of the species.

The purpose of the *Draft Biological Report* is to present a review of the best available scientific information regarding humpback whale distribution and habitat needs as well as conclusions regarding what areas meet the statutory definition of critical habitat. The report also provides an assessment of the relative conservation value of each area for the particular DPS(s) of humpback whales that occurs within each area. The relative conservation value of the critical habitat areas is intended to be used as part of a subsequent, statutorily required impacts analysis, which would ultimately inform any potential proposed rule to designate critical habitat for humpback whales. To the extent possible, you are asked to limit your review to the topics and questions listed below regarding the use and interpretation of the best available data, rather than to legal or policy matters.

Review Directives:

As a peer reviewer, you are asked to evaluate the adequacy, appropriateness, and application of data and information used in the draft report while keeping in mind the purpose of this report.

1. Does the report include and cite the best, currently available, scientific data on the distribution and habitat needs of the humpback whales? If you find key research or publications have not been addressed, please specify.
2. Are the conclusions provided in the report scientifically supported, sound, and logical? If you find that justification is lacking or specific information was applied incorrectly in reaching specific conclusions, please specify.
3. Are uncertainties addressed fairly and clearly, where appropriate? If not, please explain.

Logistics:

1. Comments should be submitted electronically to: Lisa.Manning@noaa.gov.
2. Comments may be submitted either as "track-changes" and comment bubbles within the report or as a separate Word file.
3. If you are not a Federal employee, please make sure that you return a signed conflict of interest form with your review and attach a short form CV.
4. Review deadline: **April 12, 2019**.

Peer Review Requirements:

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, affiliations, and comments of each peer reviewer must be posted online. The comments, however, will not be attributed to individual peer reviewers. Comments will be compiled and made publicly available without attribution to individual reviewer. Previously submitted Peer Reviews are available at http://www.cio.noaa.gov/services_programs/prplans/PRsummaries.html. However, if NMFS receives a FOIA request, anonymity of peer reviewers or comments cannot be guaranteed.

The *Draft Biological Report* is considered pre-decisional and should not be distributed. The report and all information associated with the report is to remain strictly confidential until the report is posted to the NMFS website and/or an associated proposed critical habitat rule is published in the *Federal Register* by NMFS.