

About the Document:

Title: Proposed Rule Revising the Special Rule for the Utah Prairie Dog

Timeline of the Peer review:

Draft document disseminated: June 1, 2011

Peer review initiated: June 3, 2011

Peer review to be completed by: August 1, 2011 (i.e., close of the comment period)

Final determination regarding proposed rule expected: June 1, 2012 (in most cases the Endangered Species Act requires rules be finalized or withdrawn within 12-months)

About the Peer Review Process:

In accordance with our July 1, 1994 peer review policy ([59 FR 34270](#)) and the Office of Management and Budget's December 16, 2004 [Final Information Quality Bulletin for Peer Review](#), we will solicit independent scientific reviews of the information contained in our proposal to revise the special rule for the Utah Prairie dog. This review will occur concurrently with the public comment period for the proposed rule.

The Service selected potential peer reviewers based on the following criteria:

Expertise: The reviewer should have knowledge or experience with Utah prairie dogs or wildlife population modeling.

Independence: The reviewer should not be employed by the U.S. Fish and Wildlife Service. Academic, consulting or government scientists should have sufficient independence from the Service if the government supports their work.

Objectivity: The reviewer should be recognized by his or her peers as being objective, open-minded, and thoughtful. In addition, the reviewer should be comfortable sharing his or her knowledge and perspectives and openly identifying his or her knowledge gaps.

Conflict of Interest: The reviewer should not have any financial or other interest that conflicts or that could impair his or her objectivity or create an unfair competitive advantage. If an otherwise qualified reviewer has an unavoidable conflict of interest, the Service may publicly disclose the conflict.

While expertise is the primary consideration, the Service will select peer reviewers (considering, but not limited to, these nominations) that add to a diversity of scientific perspectives relevant to the proposed rule to revise the special rule for the Utah prairie dog. Responses will be requested by the close of the comment period. We will not be providing financial compensation to peer reviewers. We will solicit reviews from at least five qualified experts.

The Service will provide each peer reviewer with a letter explaining their role and instructions for fulfilling that role, the proposed rule, a list of citations, and the referenced documents (or in the case of some longer documents, the relevant pages of the document) in

an electronic format, on a CD. 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. 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. Specific questions put to the reviewers include the following:

1. We considered available prairie dog population modeling (i.e., Reeve and Vosburgh 2006, Colorado Division of Wildlife 2007) and 25-years of data from the current special rule when establishing the proposed take restrictions for the proposed rule. Are there any significant oversights, omissions, or inconsistencies in our use of this data in the proposed rule? In particular, the proposed rule (p. 31914) requests comments regarding our proposed permitted within-colony take limit of up to 36 percent of an individual colony. Is there other data that would indicate that a more restrictive take limit is necessary to provide for the conservation of the species?
2. Did we include all the necessary and pertinent literature to support our assumptions, arguments, and conclusions?
3. Are the conclusions logical and supported by the evidence provided?
4. Are the conservation benefits of the proposed rule to the Utah prairie dog clear to the reader?

Peer reviewers will provide individual, written responses to the Service. Peer reviewers will be advised that their reviews, including their names and affiliations, will (1) be included in the administrative record of our final determination regarding this proposal (i.e., a final rule or a withdrawal), and (2), once all are completed, will be available to the public upon request. We will summarize and respond to the issues raised by the peer reviewers in a special section of the final rulemaking determination. Because this peer review process is running concurrently with public review of the proposed action, peer reviewers will not be provided public comments (although comments may be viewed through <http://www.regulations.gov>). A final determination regarding this proposed action is expected approximately a year after the proposed rule publishes.

About Public Participation

The peer review process will be initiated shortly. The public may comment on the approach of this peer review through the normal comment process associated with the proposed rule.

Public comments are scheduled to be accepted until August 1, 2011. You may submit comments by one of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow instruction for submitting comments to Docket No. FWS–R6–ES–2009–0027.

U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS–R6–ES–2009–0027; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept comments sent by e-mail or fax or to an address not listed above. If you submit a comment via <http://www.regulations.gov>, your entire comment—including your personal identifying information—will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on <http://www.regulations.gov>.

Contact

For more information, contact Laura Romin at 801-975-3330, ext. 142.