

## About the Document:

**Titles:** Proposed Rule to Designate Critical Habitat for *Ipomopsis polyantha* (Pagosa skyrocket), *Penstemon debilis* (Parachute beardtongue) and *Phacelia submutica* (DeBeque phacelia)

## Timeline of the Peer review:

**Draft documents disseminated:** August 2011

**Peer review initiated:** August 2011

**Peer review to be completed by:** September 26, 2011 (i.e., close of the comment period)

**Final determination regarding proposed rule expected:** July 2012

## 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 designate critical habitat for *Ipomopsis polyantha* (Pagosa skyrocket), *Penstemon debilis* (Parachute beardtongue), and *Phacelia submutica* (DeBeque phacelia). This review will occur concurrently with the public comment period for the proposed action and draft plan.

The Service requested that State agencies, professional societies, universities, botanical institutions, and select non-profits (i.e., those involved in conservation of Pagosa skyrocket, Parachute beardtongue and DeBeque phacelia) nominate potential peer reviewers. We request that these groups consider the following criteria for any potential nomination.

- **Expertise:** The reviewer should have knowledge of or experience with *Ipomopsis polyantha*, *Penstemon debilis*, or *Phacelia submutica* or similar species biology.
- **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 designation of critical habitat for *Ipomopsis polyantha* (Pagosa skyrocket), *Penstemon debilis* (Parachute beardtongue), and *Phacelia submutica* (DeBeque phacelia). 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 three qualified experts.

The Service will provide each peer reviewer with information explaining their role and instructions for fulfilling that role, the proposed rule, and a list of citations. 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. Is our description and analysis of the biology, habitat, population trends, and historic and current distribution of the species accurate?
2. Does the Proposed Rule provide accurate and adequate review and analysis of the factors affecting the species?
3. Are our assumptions and definitions of suitable habitat logical and adequate?
4. Are there any significant oversights, omissions or inconsistencies in our proposed rule?
5. Are the conclusions we reach logical and supported by the evidence we provide?
6. Did we include all the necessary and pertinent literature to support our assumptions/arguments/conclusions?

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), be available to the public upon request once all reviews are completed. We will summarize and respond to the issues raised by the peer reviewers in the record supporting our 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. We strongly encourage that public comments on the approach of this peer review be submitted by August 16 in order to allow enough time for processing and consideration. However, we will accept comments on the peer review plan through the normal comment process associated with the proposed rule. Public comments on the proposed rule are scheduled to be accepted until September 26, 2011. You may submit comments by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: RIN 1018-AU67; 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 e-mail or faxes. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

### **Contact**

For more information, contact Gina Glenne at 970-243-2778 ext. 20.