

**Question: Can a partner or contractor do an SSA for the FWS?**

**Answer: Sure they CAN, but whether it makes good sense depends on some issues that need to be unpacked.**

First, recognize that the SSA is more than writing a report. The key part of the SSA is conducting the analysis, which is followed by the report documenting that analysis. Generally, the same people who lead the analysis write the report, although within a team of people working on an SSA project, specific roles and responsibilities could be assigned to match the individual's skills with the work.

Presumably, the main objective in having someone besides the FWS do the SSA (analysis and report) is to save FWS time and resources and to meet our work plans to get more ESA determinations done faster or to focus our staff on other higher priority conservation actions (EFFICIENCY). So one of the questions we (FWS) need to keep in mind is, will this process actually save time? How much time and effort will it take to oversee and coordinate the work that is done by the partner/contractor?

But the primary objective for the SSA is to have comprehensive, defensible assessments that can appropriately inform ESA decisions (HIGH-QUALITY SSA). We need to carefully assess whether both of these objectives (efficient and high-quality SSA) can be accomplished sufficiently when another party does the SSA for us.

*In theory*, a partner organization or contractor could be qualified to conduct an SSA and write the SSA report – after all, the SSA is a scientific process, *mostly* independent from the ESA policy application. So an NGO, private contractor, academician, state agency, or even other Federal agency may well have the required expertise to do a thorough SSA analysis. And nothing in our procedures (that I'm aware of, so far anyway) prevents someone else from "doing the SSA." If that happens, at a minimum, there should be very close coordination between the people doing the SSA and the FWS biologists *and managers* who will be using the SSA.

Here are questions and issues to think about thoroughly before handing off an SSA to someone outside of the FWS:

- a. Do they (contractor or partner) have the required expertise and knowledge of the species' ecology and the threats? Do they have access to all of the available information relevant to the assessment? Do they have the resources in terms of time and personnel to do the comprehensive assessment?
- b. Do they have a good understanding of the SSA Framework and how to apply it in the circumstances of the species being evaluated? In many ways, the SSA process is still new and evolving. Since many FWS people still have limited SSA experience, we might have a hard time ensuring consistency with the intent of the SSA in the case of having non-FWS doing the SSA. How much oversight by FWS biologists will this take?
- c. Do they have a good understanding of the relevant ESA policies and practices? While the SSA is a biological risk assessment and in some ways separate from the ESA policy issues, the way it is constructed is intended to be able to inform a multitude of different issues, for examples: legal status, distinct population segment, significant portion of the range, foreseeable future, critical habitat, etc. All of these policy areas need to be understood so that the SSA results can be used to inform these issues, but not necessarily answer them directly in the SSA. It's a bit of an art to inform the ESA policies without directly addressing them.

- d. There are many, many choices that the biologists make in structuring an SSA and in carrying out the analysis. These choices include data use, model selection, population structure, significance of stressors, appropriate population metrics, construction of future scenarios, etc. They are inherently professional opinions of scientists using the best available information that form the overall analysis for the SSA. Will the partners make similar choices we would make? Are their choices reasonable and transparent? How will FWS be involved in these critical choices? Many of these choices occur behind the scenes in the analysis and are difficult to track, yet each one can have profound impacts on the overall results of the SSA. As with any SSA, the FWS must be comfortable that these choices represent a reasonable, objective approach to using the best available information in the SSA.
- e. Can we still gain the needed expertise on the species? We are (and should be) the experts on the species and the analysis. No matter whether we do the SSA ourselves or contract it out, we have to know the details of the SSA inside and out. And we have to develop the necessary species expertise to fully support the SSA and to manage the species should it warrant further conservation under the ESA. If a species gets listed following the SSA for a listing determination, the field office biologist needs to become an expert on the species, interact with all the other experts of the species (the state biologists, etc.). That experience will help them in consultations, permitting, recovery planning, research funding, and similar conservation efforts.
- f. How much will the policy preference of the partner bias the analysis and resulting report? We all have biases, so how do we account for that in the process? We assume when we are conducting the SSA that we are striving hard for objectivity so as not to purposely sway the outcome of the policy decision. Instead, we want to let the outcome of the scientific risk assessment be the basis for the ESA policy decisions. If the author of the SSA report desires a particular outcome (say an endangered finding or a not warranted finding), it can be difficult to identify and separate that bias from the scientific results. We need to ensure the partner doesn't have an agenda for a particular outcome that would create a conflict of interest before they should take the lead on an SSA.
- g. Will the partner be responsible for engaging other experts, and particularly state agencies, in the SSA process as appropriate? Engaging the states is now a program requirement, how will that occur if a partner is doing the SSA?
- h. Will the partner be responsible for managing peer review of the draft SSA report following FWS policies on peer review?
- i. Will there still be a FWS project manager to oversee the overall process? What are the roles of FWS field and regional office biologists in the process? Will there be early check-ins with FWS managers on the progress for the analysis?
- j. Will the partner be involved in the preparation or execution of the recommendation team meeting where the SSA results are used in the ESA recommendation?

Ultimately, the SSA has to be fully accepted by the FWS, as we are responsible to use the results to inform our ESA decisions. We have to have complete confidence in the analysis and resulting report that it represents the best available scientific information and appropriate use of that information. If we receive an SSA report that we don't agree with the scientific findings, it will create a mess for the process, the administrative record, and the relationship with the partner organization.

The question of whether it makes sense to contract or delegate this work to a partner organization comes down to what "very close collaboration" means and how much time that will save us compared to the option of doing it ourselves. We do not want to get in the habit of a

contractor just sending us a report, and us reviewing it and sending comments on the report without being heavily involved in the process. That would indicate a lack of engagement by FWS that would not be appropriate. We have to have FWS people heavily engaged throughout the entire process, even if someone else is leading the effort for the SSA. Once we go down the path of handing over the reins of the SSA to another party, it's going to be hard (if not impossible) to get them back. So we should make this decision very carefully and with full recognition of the implications.