

Briefing Paper for Departmental Clearance of *Federal Register* Documents

I. Subject: Proposed Critical Habitat Designation for Pearl Darter

II. RIN (for rulemaking documents): 1018-BE55

III. Docket or tracking number: FWS-R4-ES-2020-0062

IV. DCN (from DTS):

V. Summary: We are proposing to designate approximately 517 stream miles in two units in 13 counties in Mississippi, as critical habitat for the pearl darter

VI. Is the action controversial? ☐ Yes. ☒ No.

If yes, please answer the following:

a. What are the controversial issues?

b. Who will care about these issues?

c. How strongly will they care?

VII. Communications:

a. Has the bureau communications office coordinated with DOI communications staff?

☒ Yes. ☐ No.

If yes, please note whom you contacted and how (e.g., email, voicemail):

Brian Hires, email

b. Does this document require a press release?

☒ Yes. ☐ No.

Press release title: U.S. Fish and Wildlife Service Proposes Critical Habitat for the Pearl Darter

Press release first paragraph: The U.S. Fish and Wildlife Service is proposing to designate critical habitat for the pearl darter (*Percina aurora*) under the Endangered Species Act (Act). The Service listed this fish as threatened on September 20, 2017.

At the same time, the Service is announcing availability of a draft economic analysis for the proposed critical habitat designation. The public is invited to submit comments on both the proposed critical habitat designation and draft economic analysis during a 60-day comment period ending September 13, 2021.

VIII. Is timing critical? ☐ Yes. ☒ No.

Target date to clear DOI: As priorities allow.

No-later-than date to clear DOI (if applicable): N/A

If you provided an NLT date, please answer the following:

a. What is the main driver of the timing? Statutory

b. What happens if the deadline is missed? Delayed publication of the proposal will result in missing key agency priority goals as the statutory deadline to propose critical habitat was September 20, 2018.

IX. Background: On September 20, 2017, we listed the pearl darter as threatened. At the time, we found that critical habitat was not determinable. We are now proposing to designate approximately 517 stream miles in to two units in 13 counties (Clarke, Covington, Forrest, George, Greene, Lauderdale, Jackson, Jones, Newton, Perry, Simpson, Stone, and Wayne) in Mississippi as critical habitat. We are proposing one occupied (487 river miles) unit in the Pascagoula River Drainage and one unoccupied (30 river miles) unit in the Strong River. Land ownership within the proposed critical habitat consists of Federal (9 percent), State (15 percent), County (less than 1 percent), and private (78 percent).

The July 13, 2020 draft economic analysis determined that the designation is not expected to result in additional project modifications for the species, thus the incremental costs of the designation are likely limited to additional administrative effort to consider adverse modification in section 7 consultations for the species. This incremental administrative burden is not anticipated to exceed \$710,000 in any year based on the anticipated annual number of consultations.

X. Is there an information collection associated with this document?

☐ Yes. ☒ No.

XI. Approval is requested to send the document to:

☒ The Office of the Federal Register for publication, or

☐ OIRA for review.

XII. Primary contact:

Name: Gary Frazer, Assistant Director – Ecological Services

Phone: 202-208-4646

Email: gary_frazer@fws.gov