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Service Designates Critical Habitat for Threatened Trispot Darter and Finalizes Special ESA Rule Tailoring Protections

The U.S. Fish and Wildlife Service has finalized the critical habitat designation for the threatened trispot darter, a small, bottom-dwelling, freshwater fish found in parts of the upper Coosa River Basin in Tennessee, Georgia and Alabama.

Critical habitat is defined by the Endangered Species Act (ESA) as an area having the physical and biological features essential for the recovery of listed species. Designated critical habitat for the darter consists of six units totaling approximately 175 river miles and 9,929 acres of occupied habitat, with state ownership of the navigable waterways and private ownership of spawning habitat in smaller, non-navigable streams. No Department of Defense or tribal lands are included in the designation. Much of the designated critical habitat for the darter overlaps with existing critical habitat for other aquatic species or is within areas where listed species already occur.

The Service is also finalizing a 4(d) rule under the ESA that will tailor protections for the trispot darter and provide regulatory certainty to landowners. The rule is designed to identify activities that are beneficial, or not otherwise harmful to the darter, and allow those activities to continue.

“Identifying critical habitat for the trispot darter will help the Service and our partners in Tennessee, Georgia and Alabama zero in on the great conservation work that is already underway,” said Leo Miranda, Regional Director for the Service. “We also want to continue to work with partners to recover the trispot darter, incentivize conservation actions by partners and streamline the regulatory process.”

The final rule will allow flexibilities for:

- Conservation actions and stream restoration that promote water quality and connectivity;
- Transportation projects that provide for fish passage at stream crossings;
- Silviculture and forest management practices that promote water quality and connectivity; and,
- Natural Resources Conservation Service’s Working Lands for Wildlife projects in the Conasauga River watershed as well as other watersheds within the species’ range (and possibly other farm bill activities).

The trispot darter is most susceptible to threats that impact its access to spawning areas, including excessive groundwater withdrawals, drought or construction of man-made structures such as dams and road crossings. Changes in habitat and reductions in water quality from pollution, sedimentation, and agricultural and stormwater runoff can also affect critical life stages of the fish.

The darter is listed as a “Priority 2 species of High Conservation Concern” by the state of Alabama. It is also state listed as endangered in Georgia and state listed as threatened in Tennessee. Federal protections for the trispot darter will assist state and local efforts to protect the species by raising greater awareness of the threats to the fish and focusing conservation efforts on its behalf.

Public inspection: On the date of public inspection, the document will appear here: <https://www.federalregister.gov/public-inspection>. Search for docket number: FWS–R4–ES–2018–0073. This site is available to the public, and all documents on it are also available to the public when they visit the reading room of the Office of the Federal Register in Washington, DC.

Publication: On the date of publication, the document will appear here -- http://www.gpo.gov/fdsys/html/FR/todays_toc.html --- and also in the hard copy version of the Federal Register.

After the date of publication, links to documents can be found here: <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>

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