

Plan for Peer Review of Scientific Information

Division of Endangered Species, Southeast Region, USFWS

2012

Action: Proposed rule, listing of two Cumberlandian mussel species and designation of their critical habitat

Species:

Fluted kidneyshell (*Ptychobranhus subtentum*)
Slabside pearlymussel (*Pleuonaia dolabelloides*)

Title: Proposed rule to list the fluted kidneyshell and slabside pearlymussel as endangered and designation of critical habitat.

Summary: The U.S. Fish and Wildlife Service is proposing to list the fluted kidneyshell (*Ptychobranhus subtentum*) and the slabside pearlymussel (*Pleuonaia dolabelloides*) as endangered under the Endangered Species Act (ESA). The Service also proposes to designate critical habitat for these two mussels. In total, we are proposing 27 critical habitat units encompassing approximately 2,218 km (1,380 mi) in Alabama, Kentucky, Mississippi, Tennessee, and Virginia for the fluted kidneyshell and slabside pearlymussel. Some of the units overlap and are critical habitat for both species. For the fluted kidneyshell, we are proposing 24 critical habitat units encompassing approximately 1,899 km (1,182 mi) of stream channel in Kentucky, Tennessee, and Virginia. We are proposing 13 critical habitat units encompassing approximately 1,562 km (971 mi) of stream channel in Alabama, Mississippi, Tennessee, and Virginia for the slabside pearlymussel. The proposed designation includes 10 streams that serve as unoccupied habitat for the fluted kidneyshell and one for the slabside pearlymussel. All of these streams are occupied by the other species in this proposal or by another previously listed mussel species. Unoccupied habitats provide additional habitat for population expansion and promote genetic diversity, which will decrease the risk of extinction for these two species. A designation of this size is necessary to conserve these species and allow for their recovery.

The proposed rule can be found on www.regulations.gov, Docket # FWS-R4-ES-2012-0004, on the R4 Listing Program Sharepoint Site, <https://fishnet.fws.doi.net/regions/4/eco/listing/SitePages/Home.aspx>., or at www.fws.gov/cookeville

Type of Review: Influential

Timeline of the Peer Review (Estimated Dates):

Draft document disseminated: **October 4, 2012**

Peer review initiated: **October 4, 2012**

Peer review completed by: **December 3, 2012**

Date document will be finalized: **October 4, 2013**

About the Peer Review Process: The Service solicited written comments from 9 independent scientific reviewers. Formal request for peer review was made by individual letters to experts from various backgrounds at Tennessee Technological University, and several agencies. Reviewers have been selected by the Service for their recognized expertise with freshwater mussels, as well as general expertise with mussel ecology and conservation. We are following our national policy on peer review and our regional approach for peer review for rulemakings. In selecting peer reviewers, we considered four key factors – expertise, balance, independence, and avoidance of conflict of interest. This review is occurring concurrently with the public comment period for the proposed action. The public comment period is now open and will close on **December 3, 2012**. The Service will use the information received from the peer review process, as appropriate, to develop the final listing rule for the species indicated above.

The Service has provided each peer reviewer with information necessary to complete the peer review. We have requested that reviewers use the Southeast Region’s guidance to ensure that reviews comply with the 1994 policy statement for listing and critical habitat designation under the Act. Peer reviewers are expected to: review all material provided; identify, review, and provide other relevant data; and, provide written comments on relevance and soundness of data, analysis or assumptions of data, and whether we have used the best available science in making the proposed determination. Peer review comments will be public documents.

About Public Participation: Public comments on the proposed listing of the fluted kidneyshell and slabside pearlymussel as endangered and designation of critical habitat was sought with a Federal Register announcement on **October 4, 2012** and by the distribution via mail, and press release of this announcement to interested parties. This comment period will end 60 days from the date it published in the Federal Register (**December 3, 2012**). The peer review plan is made available on this website to allow the public to comment and monitor our compliance with the Office of Management and Budget’s “Final Information Quality Bulletin for Peer Review.”

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