

Forestry Information Summary on Federal T&E Species

Species: **Yellow Lance** (a freshwater mussel), *Elliptio lanceolata*.

Federal Listing Status: Threatened.

Effective Dates: Listing = May 3, 2018. Critical Habitat = May 10, 2021.

Federal Register Notices: Listing: Vol.83, No.64, pg.14189-14198, publ. 4/03/2018.
Critical Habitat: Vol.86, No.66, pg.18189-18215, publ. 4/08/2021.

Affected River Basins / Watersheds: Portions of Neuse River basin and Tar-Pamlico River basin.
(See maps. Also includes multiple watersheds in Virginia.)

Habitat Type: In-stream, aquatic habitat.

Stressors: Sedimentation; Flow obstruction; High stream temperatures

Affected NCFS Districts: D4, D5, D6, D7, D11. (Critical Habitat is in Franklin, Granville, Halifax, Johnston, Nash, Vance, Wake and Warren counties of NC; and others in Virginia).

USF&WS Raleigh Field Office Phone Number: 919-856-4520.

Regulatory Requirements

- This species is protected under the Endangered Species Act (ESA).
- The USF&WS plans to propose a 4(d)-Rule in the future to tailor the ‘take’ prohibitions of the Act to those necessary and advisable to provide for the conservation of the Yellow Lance.
- The 4(d)-Rule would outline certain conditions for forestry activities to meet in order to maintain the exemption from permitting in the event that an “incidental take” occurs.

Critical Habitat Designation

- Critical Habitat has been designated on multiple streams in the Neuse River basin and Tar River basin. See index map on page 2.
- The USF&WS website below has detailed maps of Critical Habitat. You can download GIS shape-files or use the “online mapper”: <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>.
- The species may occur outside of its designated Critical Habitat; see map on page 3.

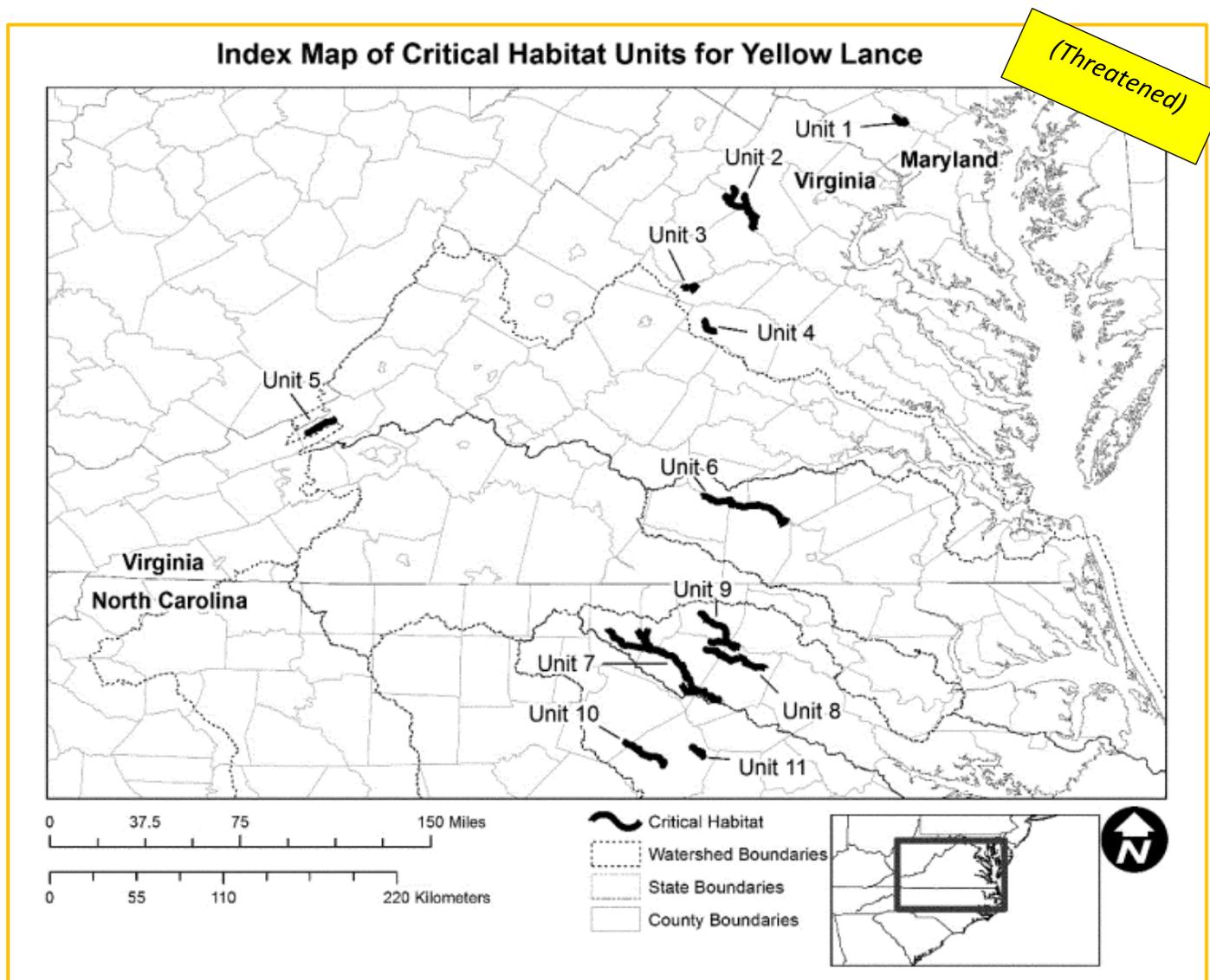
Forest Protection / Fire Control Operations Considerations:

The NCFS and USFS operate under the authority of a fireline discharge permit with the USACE:

- Permit Condition: *“No activity is authorized under this general permit which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species.....or which will directly or indirectly destroy or adversely modify the critical habitat of such species.”*

Forest Management Operations Considerations:

- Section 404 of the Clean Water Act includes [15 federally-required BMPs](#) for roads and skid trails in wetlands and waters of the U.S. (including stream crossings), and one of those BMPs says:
“The discharge shall not take, or jeopardize the continued existence of, a threatened or endangered species as defined under the Endangered Species Act, or adversely modify or destroy the critical habitat of such species.”
- When preparing forestry plans, it is recommended to reference the Critical Habitat map viewer and make the landowner aware if their tract contains or adjoins Critical Habitat, to raise the level of awareness and reinforce the importance of protecting water quality.

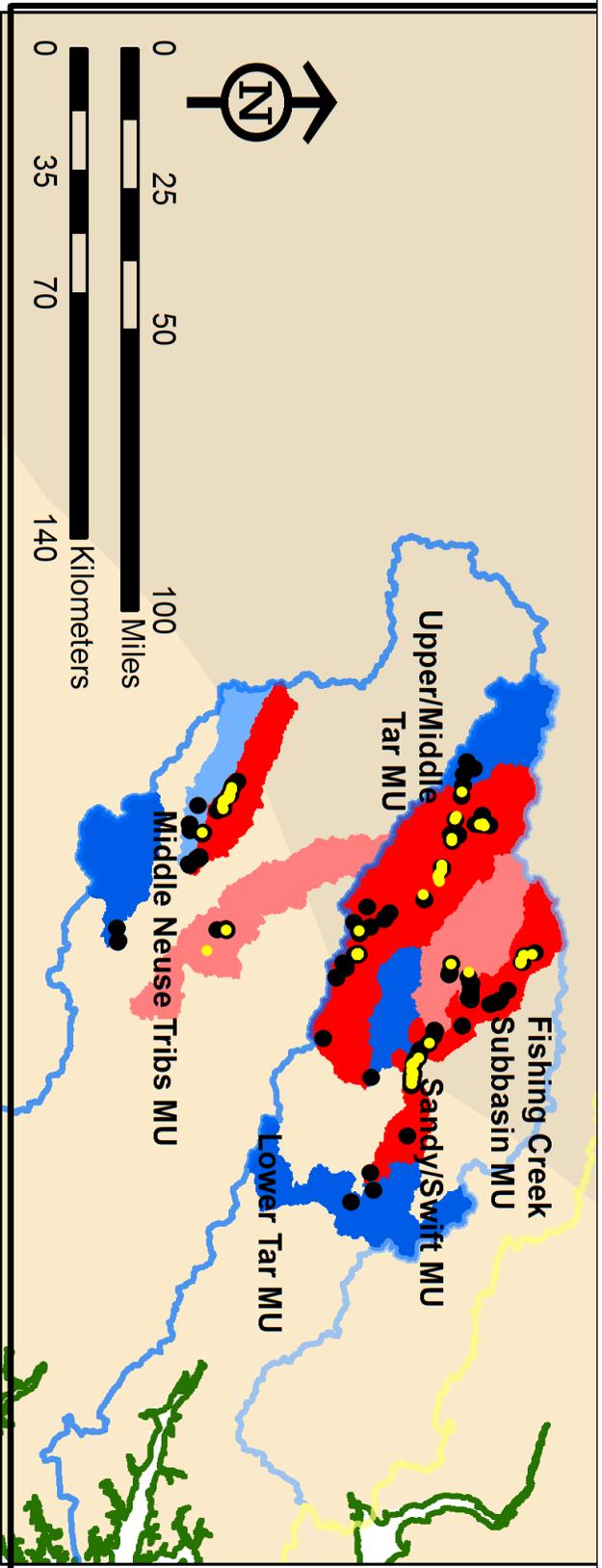


>>> For detailed maps, visit: <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>. <<<

DISCLAIMER: This information summary is only intended for awareness and education purposes. This is not a full description of all applicable regulations and does not constitute legal advice. Consult with the U.S. Fish and Wildlife Service for clarifications regarding how a forestry activity can comply with the Endangered Species Act: www.fws.gov/raleigh.

USFWS Map - Yellow Lance Mussel Distribution : 2016 North Carolina

(map prepared by USF&WS)



Most Recent Record (years from 2015*)

- ≤ 5 years
- 6-10 years
- 11-15 years
- 16-20 years
- > 20 years

- YL occurrence 2005-2015
- YL occurrence pre-2005

*Upper/Middle Tar MU reflects 2016 data

States

Physiographic Provinces:

- MOUNTAINS
- PIEDMONT
- COASTAL PLAIN

River Basins:

- Patuxent
- Potomac
- Rappahannock
- York
- James
- Chowan
- Tar-Pamlico
- Neuse

Map Date: 9/28/2016 File: YellowLance_Maps.mxd
Data Source: USFWS

For 10-digit HUC watershed mapping used by USFWS to determine the Yellow Lance Mussel location:
<https://data-ncdenr.opendata.arcgis.com/datasets/dwr-10-digit-huc-watersheds>.