



**U.S. Fish and Wildlife Service  
Southeast Region  
Tennessee Field Office**



## **NEWS RELEASE**

**FOR IMMEDIATE RELEASE**

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### **Service Finalizes Listing of Two Freshwater Mussels and Designation of Critical Habitat**

The U.S. Fish and Wildlife Service is listing the fluted kidneyshell and the slabside pearlymussel as endangered under the Endangered Species Act (ESA). These two mussels are only found in portions of the Cumberland and Tennessee River systems of Alabama, Kentucky, Mississippi, Tennessee, and Virginia.

At the same time, the Service is designating about 1,380 miles of stream channel in Alabama, Kentucky, Mississippi, Tennessee, and Virginia as critical habitat units for these mussels. Some of the units overlap and are critical habitat for both species. For the fluted kidneyshell, the Service is designating 24 critical habitat units encompassing 1,181 miles of stream channel in Kentucky, Tennessee, and Virginia. For the slabside pearlymussel, the Service is designating 13 critical habitat units encompassing about 970 miles of stream channel in Alabama, Mississippi, Tennessee, and Virginia.

In listing the two mussels, the Service evaluated factors that could lead to their extinction. Both mussels only have a handful of populations that are considered biologically viable. Threats to these mussels include impoundments, mining, oil and gas exploration, sedimentation, chemical contaminants, temperature alterations, recurring drought and flooding, population fragmentation and isolation, loss of fish hosts, and competition from the introduced Asian clam.

The Service's final rules listing the fluted kidneyshell and the slabside pearlymussel and designating critical habitat appear in the September 26, 2013 *Federal Register*. The protection for these mussel species under the ESA becomes effective 30 days after the rule is published in the *Federal Register*. The ultimate goal of the ESA is the recovery of these listed species, so that they no longer need the protective measures of the ESA. The next step is development of a recovery plan that provides a guidebook for the Service and its conservation partners to address threats to the species survival and recovery. When completed, the recovery plan will be available on the Service's website (<http://www.fws.gov/endangered>).

It is illegal under the ESA to kill, harm or otherwise “take” a listed species, or to possess, import, export or conduct interstate or international commerce without authorization from the Service. The ESA also requires all federal agencies to ensure actions they authorize, fund, or undertake do not jeopardize the existence of listed species.

The final critical habitat designations include seven streams that serve as unoccupied habitat for the fluted kidneyshell. There are no unoccupied streams designated for the slabside pearl mussel. All streams designated as critical habitat are occupied by one of these species 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. For example, the Elk, Holston, and French Broad rivers are being designated as unoccupied critical habitat for the fluted kidneyshell. This species was once found in these areas. Although there are no recent records of the fluted kidneyshell in these reaches, they remain essential to the conservation and eventual recovery of the species, and conditions in these streams appear to have improved because of river improvement efforts initiated by the Tennessee Valley Authority as a result of their Reservoir Releases Improvements/Lake Improvement Plan (RRI/LIP).

Within the designated critical habitat for the fluted kidneyshell and slabside pearl mussel, the RRI/LIP improved water releases from Cherokee Dam on the Holston River; Douglas Dam on the French Broad River; Apalachia Dam on the Hiwassee River; Tims Ford Dam on the Elk River; and Normandy Dam on the Duck River. Portions of all of these rivers below their dams are designated as critical habitat for one or both mussels.

Listing under the ESA and critical habitat designations can have beneficial effects. For instance, as a result of previous listing and critical habitat designations, the Service has helped modify proposed culvert replacements on streams in several Tennessee counties, including Davidson, Lawrence, Wayne, and Williamson by ensuring silt fencing was installed to reduce the amount of silt entering the streams. This not only prevents harm to mussels and fish, it helps maintain water quality, and reduce water treatment expenses for downstream towns, cities, and businesses.

Critical habitat is a term defined in the ESA. It refers to specific geographic areas that are essential to the conservation of a threatened or endangered species and which may require special management considerations or protection. The designation of critical habitat will help ensure that federal agencies and the public are aware of the mussels' habitat needs and that proper consultation is conducted by federal agencies when required by law. A critical habitat designation does not set up a preserve or refuge and only applies to situations where federal funding or a federal permit is involved. It does not allow government or public access to private land. Federal agencies that undertake, fund, or permit activities that may affect critical habitat are required to consult with the Service to ensure such actions do not adversely modify or destroy designated critical habitat. The designation of critical habitat on private land has no impact on private landowner activities that do not require federal funding or federal permits. The designation of critical habitat is only applicable to federal activities.

On October 4 2012, and April 29, 2013, the Service opened public comment periods on its proposal to list these mussels with critical habitat under the ESA. Seven comments were

received on the proposed rule. The Service received a request for a public hearing from the Virginia Coal Association, Inc. A public hearing has held on May 14, 2013, in Abingdon, Virginia.

The public may view materials concerning the final rules at <http://www.regulations.gov>, using the docket numbers FWS-R4-ES-2012-0004 (listing) and FWS-R4-ES-2013-0026 (critical habitat).

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