

Freshwater Mussel Salvage and Relocation Frequently Asked Questions

The following information applies to most freshwater mussel relocations in advance of waterbody disturbance activities associated with routine Joint Permit Applications and natural resources general permits. Certain regulated activities that occur outside of these routine permits (e.g., hydropower project relicensing and post-license activities) require separate consultation with DEC and alternative requirements or allowances may apply. Please read ALL following information before planning a mussel relocation in NY.

How is the salvage area determined? The salvage area should be based on the findings of the initial survey. Determining the area(s) requiring salvage should first consider the entire survey area (see Mussel Survey Guidelines, section 1). The initial survey results and any resulting avoidance measures or project modifications should then be used to focus relocation efforts or adjust the salvage area(s) and buffers as appropriate.

Which mussel species require relocation? The focus of the relocation plan is most often imperiled mussel species and mussel concentration areas found during the initial survey. It is important to clear mussel concentration areas using multiple-pass depletion methodology such that colocated imperiled mussels are not missed. All mussels collected during a relocation effort should be relocated away from project impacts. Consult with your regional DEC Permits office when determining the level of effort required for relocating non-imperiled mussels. Instances where no mussels were found or only non-imperiled mussels and no mussel concentration areas were found during an initial survey may not require relocation prior to project implementation (not applicable to large-scale impacts, drawdowns, etc.).

What methods should be used? Acceptable effort and search techniques are described in section 2 of the Mussel Survey Guidelines; however, relocations will require multiple passes wherever mussels are found. Additional passes should be made until one of the following criteria are met: 1. No mussels are collected during a pass; 2. Three or more passes have been made and no imperiled mussels were collected and new mussel densities are less than 0.1/m²; 3. DEC may also accept multiple-pass depletion methodology as described in Clayton et al. and Hart et al. Additionally, and as noted above, large projects and projects outside of routine permitting may have different requirements or allowances. For example, large drawdowns that occur during dam maintenance often require simultaneous mussel relocations, may be accomplished on foot, etc.

How are relocation sites determined? – See Mussel Survey Guidelines, section 3. Relocation of imperiled mussels and mussel concentration areas usually require a prior relocation site survey and DEC approval. DEC may consider relocation of non-imperiled mussels to locations outside of the area of project impact without a prior candidate relocation site survey. In these instances, the relocation plan must still specify how the relocation site(s) have been determined to contain suitable habitat.

What are the relocation timing and condition requirements? See Mussel Survey Guidelines, section 4. Mussel relocations should follow the same timing and condition requirements used for surveying. Relocations should not take place outside of the May 15 through September 30 timeframe or under less-than-ideal visibility or flow conditions. Requests for these deviations will be considered on a case-by-case basis by DEC and require explicit approval. Unlike mussel survey data which are good for up to five years, relocating mussels away from project impacts must occur as close in time to the disturbance activity as possible, while still meeting timing requirements. For winter projects, mussel relocation should occur during the preceding September. Any delays in a project start date may result in additional relocation efforts being required.

What are the mussel handling requirements? See Mussel Survey Guidelines, section 5. Mussel handling requirements for surveys and relocations are nearly identical. The most important difference for relocations is that a relocation License to Collect or Possess (LCP) will not require that mussels are returned to the area they were collected and will allow the relocation of collected mussels, consistent with an approved relocation plan.

What are the reporting requirements? A relocation/salvage plan must be submitted to DEC and approved before any mussels can be relocated. A post-relocation/salvage report should be submitted to DEC upon completion of the relocation effort and before the project commences.

What are the surveyor license requirements? As with mussel surveys, mussel salvage/relocation may only be conducted by a licensed surveyor or their designated agent under the direct supervision of the licensed surveyor. A project-specific LCP must be received before the relocation effort can begin. See <https://www.dec.ny.gov/permits/122781.html>

Can mussels be relocated at the time of the initial survey? In most cases, mussel relocation is only allowed after a survey has been completed and the results accepted by DEC. Information gathered during the initial survey is critical to evaluate avoidance through project modification as well as to inform mussel relocation (e.g., species present, candidate relocation site(s), etc.). For these reasons, licenses for freshwater mussel surveys include a condition that prohibits moving mussels from one location to another. However, combining survey and relocations can be considered on a case-by-case basis, will require a separate plan providing details that would normally be provided by a survey report (e.g., relocation site determination), and may require two separate licenses (one allowing mussel survey and data collection and another allowing relocation).

Are there additional requirements for endangered/threatened mussels? In addition to the general requirements described above, relocating endangered or threatened mussels will require a Part 182 Incidental Take Permit. Additional requirements for moving endangered or threatened mussels include, but may not be limited to, a separate net conservation benefit plan and post relocation monitoring. Please consult with your regional Permit Administrator prior to contemplating the relocation of endangered or threatened mussels. Always consult with USFWS where federally listed species may be present.