

Species Status Assessment

Common Name: Wabash pigtoe

Date Updated: 3/12/2025

Scientific Name: *Fusconaia flava*

Updated By: Amy Mahar

Class: Bivalvia

Family: Unionidae

Species Synopsis (a short paragraph which describes species taxonomy, distribution, recent trends, and habitat in New York):

Fusconaia flava belongs to the subfamily Ambleminae and the tribe Pleurobemini, which includes four extant and one likely extirpated New York species in the genera Elliptio, *Fusconaia*, and *Pleurobema* (Haag 2012). In general, the shells are of this tribe are unsculptured and larvae are brooded only in the outer demibranchs (with exceptions) (Graf and Cummings 2011). *F. flava* belongs to the genus *Fusconaia*, from the Latin word *fuscus*, meaning dark or dusky, and the species name *flava* referring to yellow-brown color of the periostracum (Watters et al. 2009).

In New York, *F. flava* is found in 22 waterbodies from the Erie-Niagara basin eastward to the Oneida basin (Mahar and Landry 2016). The species lives in running waters of all sizes and occasionally occurs in lakes. They can be found in muddy, hydrologically unstable, low gradient streams as well as course sand or gravel substrate (Strayer and Jirka 1997, Parmalee and Bogan 1998).

Although ranked as “imperiled” in New York, this edge of range species is considered secure throughout its range. In North America, approximately 2/3 to 3/4 of native mussel species are extinct, listed as endangered or threatened, or are in need of conservation status (Williams et al. 1993, Stein et al. 2000). While population trends in New York are unknown, it is assumed that they too are declining, due to a myriad of environmental stressors.

I. Status

a. Current legal protected Status

i. **Federal:** None **Candidate:** No

ii. **New York:** None

b. Natural Heritage Program

i. **Global:** G5 - Secure

ii. **New York:** S2 - Imperiled **Tracked by NYNHP?:** _____

Other Ranks:

-New York 2025 SGCN status: High Priority Species of Greatest Conservation Need

-IUCN Red List: Least Concern (2011)

-Northeast Regional SGCN: No (2023)

Status Discussion:

F. flava is widely distributed along the entire Mississippi drainage from western New York to eastern Kansas, Nebraska, and South Dakota, south to Texas and Louisiana and Tombigbee River in Alabama. In Canada, it occurs in the Lake Huron, Lake St. Clair, and Lake Erie drainage

basins of Ontario, and in the Red River- Nelson River system of Manitoba. It is generally considered stable throughout most of its range (NatureServe 2013).

II. Abundance and Distribution Trends

Region	Present?	Abundance	Distribution	Time Frame	Listing status	SGCN?
North America	Yes	Stable	Stable	Shor-term		(blank)
Northeastern US	Yes	-	-			No
New York	Yes	-	-		S2	Yes
Connecticut	No	N/A	N/A			No
Massachusetts	No	N/A	N/A			No
New Jersey	No	N/A	N/A			No
Pennsylvania	Yes	Declining	Declining	2003-2013	S2S3	Yes
Vermont	No	N/A	N/A			No
Ontario	Yes	Unknown	Unknown	2003-2013	S2S3	(blank)
Quebec	No	N/A	N/A			(blank)

Column options

Present?: Yes; No; Unknown; No data; (blank) or Choose an Item

Abundance and Distribution: Declining; Increasing; Stable; Unknown; Extirpated; N/A; (blank) or Choose an item

SGCN?: Yes; No; Unknown; (blank) or Choose an item

Monitoring in New York *(specify any monitoring activities or regular surveys that are conducted in New York):*

As part of a State Wildlife Grant, NYSDEC Region 8 Fish and Wildlife staff conducted a native freshwater mussel baseline inventory of tributaries in central and western New York, 2009 to 2020. Baseline surveys out of Regions 8 and 9 will continue in unsurveyed portions of Allegheny and Lake Erie basin in 2025 to 2028.

Trends Discussion *(insert map of North American/regional distribution and status):*

Across its range, *F. flava* has shown a long-term declines of 10-30%, and is thought to be relatively stable, with changes of $\leq 10\%$ in the short-term (NatureServe 2025).

Trends for New York populations are difficult to determine as most historic data comes from opportunistic naturalist collections, as opposed to more comprehensive baseline surveys. For example, mussels were documented for the first time in 50 of the 106 streams surveyed to date by the Southern Lake Ontario mussel inventory project (Mahar and Landry 2016). This is because many of these streams had never before been surveyed for mussels, not because mussel distribution has dramatically increased. In North America, approximately 2/3 to 3/4 of native mussel species are extinct, listed as endangered or threatened, or are in need of conservation status (Williams et al. 1993, Stein et al. 2000). Based on New York's Natural Heritage S-rank, sparse historical data, and the plight of North America's freshwater mussels, it is assumed that trends are declining due to a myriad of environmental stressors.



Figure 1. Wabash pigtoe distribution (IUCN Redlist 2024)

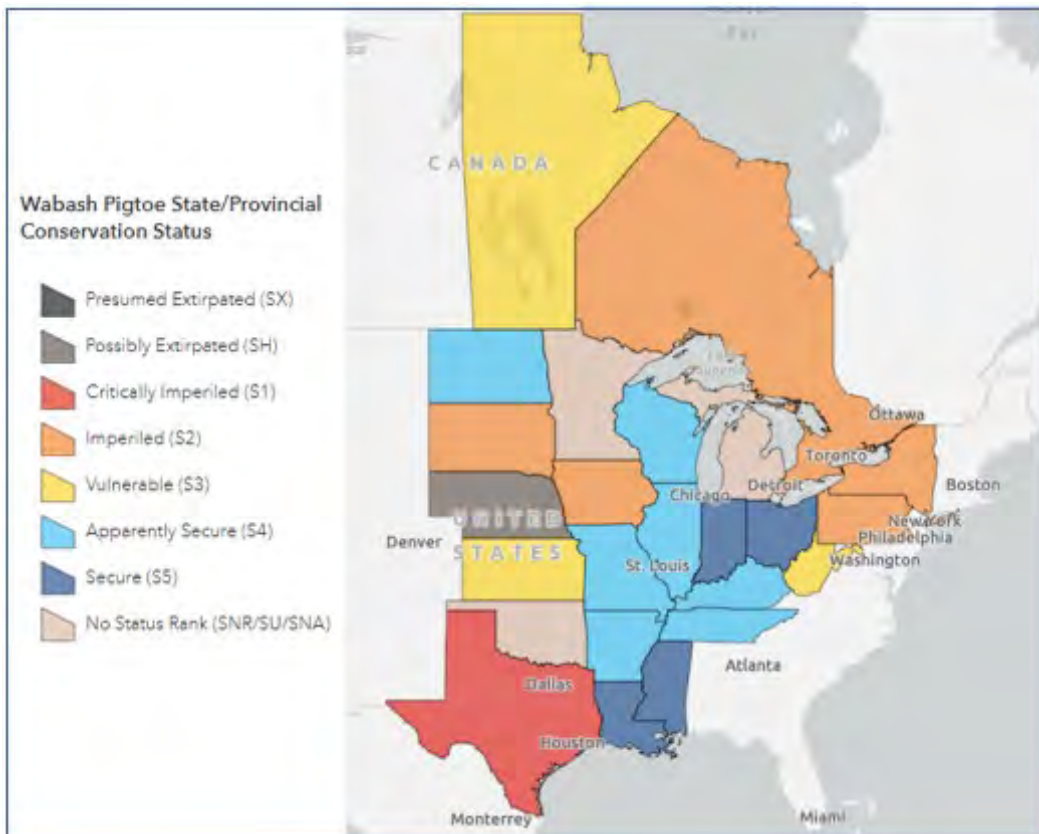


Figure 2. Wabash pigtoe status (NatureServe 2024)

III. New York Rarity (provide map, numbers, and percent of state occupied)

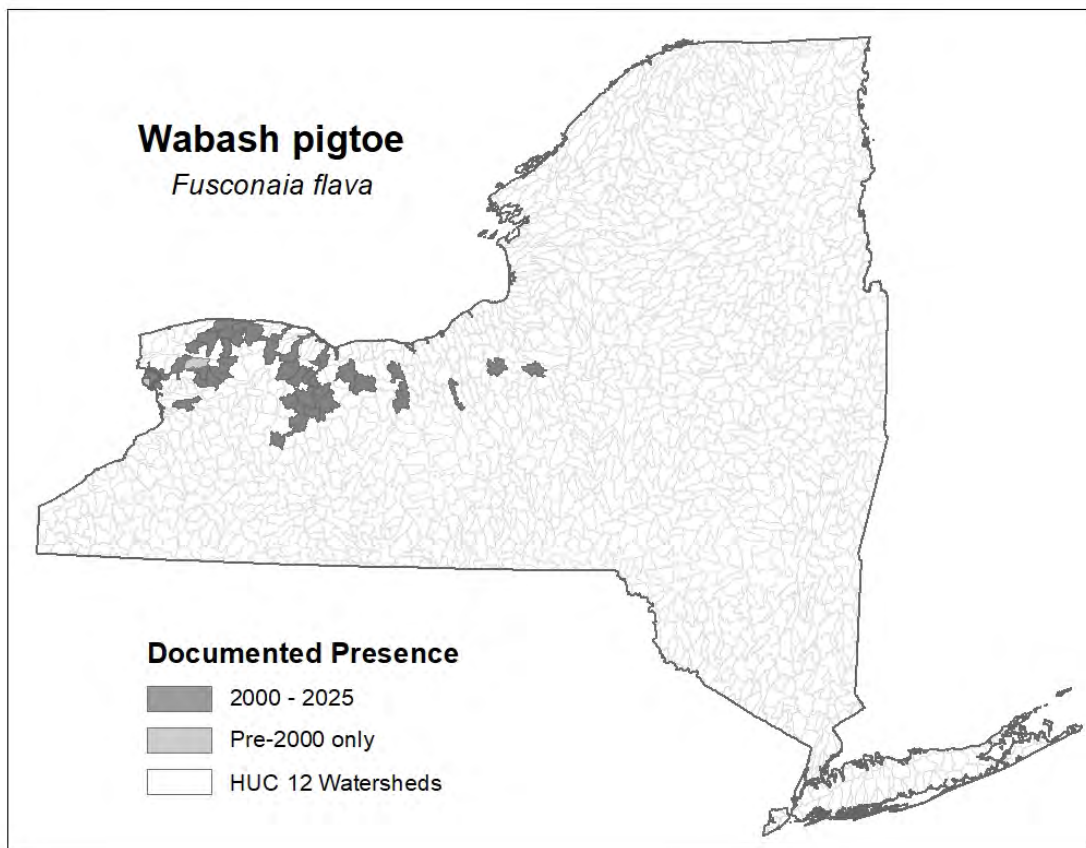


Figure 3. Records of Wabash pigtoe in New York (NYSDEC 2022)

Years	# of Records (survey sites with <i>F. flava</i>)	# of Distinct Waterbodies	% of State
Total	<u>130</u>	<u>23</u>	<u>2.2%</u>
2000-2025	<u>109</u>	<u>22</u>	<u>2.1%</u>

Table 1. Records of Wabash pigtoe in New York.

Details of historic and current occurrence:

In New York, the northeastern edge of its range, *F. flava* was historically found from the Erie-Niagara basin eastward into the Mohawk River. The easternmost records (Mohawk River from Utica to Mohawk: Old Erie Canal, Onondaga County) almost certainly represent a range extension through the Erie Canal. It is unclear whether populations in the lower Genesee basin and Canandaigua Outlet arose via natural, pre-Columbian dispersal or via the Erie Canal. There are no recent records from the Mohawk River. Curiously, reliable records of *F. flava* are not found in the

Allegheny basin in northern Pennsylvania or New York, although it is common further south and west in the Ohio basin (Strayer and Jirka 1997).

Currently, *F. flava* has been found in 23 waterbodies and 2.2% of New York’s HUC 12 watersheds. *F. flava* is encountered regularly in western New York. In the West Lake Ontario basin it has been found live in East Branch Eighteenmile Creek, Johnson Creek, Sandy Creek, East Branch Sandy Creek, and Salmon Creek, with shells found in Oak Orchard Creek (Mahar and Landry 2016). In the Lower Genesee basin, this species has been found live in Black Creek, Conesus Creek, Genesee River, and Honeoye Creek (Mahar and Landry 2016). In the Oswego basin, live have been found in Ganaragua Creek, but only shells have been found in Canandaigua Outlet and Owasco Outlet. In the Niagara basin, live animals have been found in Tonawanda, Ledge and Murder Creeks, and the Niagara River, with only shells found in Beeman Creek (Mahar and Landry 2019; Burlakova et al., unpublished data). In the Erie basin, live have been found in Cayuga Creek (Mahar and Landry 2016). Shells have also been found in the Erie Canal (Mahar and Landry 2016). Only shells were found in Chittenango Creek in the Oneida basin and no evidence of this species has been found in East Lake Ontario basin (Mahar and Landry 2016; Bossenbroek *et al.* 2018).

Waterbodies with greatest *F. flava* abundance, since 2000, include Honeoye Creek with 933 live (Mahar and Landry 2016, 2019) and the Genesee River with 451 live individuals found during recent surveys (Mahar and Landry 2016, 2019; Jirka 2021 personal communication; Jirka 2020; Swecker 2019a, 2019b; Dunford 2010; Benshoff 2020; Belt 2013), and 101 live individuals at Tonawanda Creek (Mahar and Landry 2016, 2019; Samson et al 2018; Burlakova 2018 personal communication).

A New York Natural Heritage Program (2025) record from 1986 lists this species from Oswayo Creek in the Allegheny basin and a second survey from 2016 the Allegheny River identified a single live *F. flava*. These accounts are considered suspect because *Pleurobema sintoxia* is found in Allegheny basin and may look very similar to *F. flava*, and *P. sintoxia* were not found during these surveys, even though other surveys have found them to be present in these areas, allowing for the possibility of misidentification. Moreover, recent intensive surveys of this stretch of Oswayo Creek and the Upper Allegany basin did not detect this species.

New York’s Contribution to Species North American Range:

Percent of North American Range in NY	Classification of NY Range	Distance to core population, if not in NY
1-25%	Peripheral	400 miles

Column options

Percent of North American Range in NY: 100% (endemic); 76-99%; 51-75%; 26-50%; 1-25%; 0%; Choose an item

Classification of NY Range: Core; Peripheral; Disjunct; (blank) or Choose an item

IV. Primary Habitat or Community Type (from NY crosswalk of NE Aquatic, Marine, or Terrestrial Habitat Classification Systems):

- a. **Size/Waterbody Type:** Small to Medium River
- b. **Geology:** Moderately Buffered, Neutral to Highly Buffered, Calcareous
- c. **Temperature:** Transitional Cool to Warm
- d. **Gradient:** Low Gradient to Moderate-High Gradient

Habitat or Community Type Trend in New York

Habitat Specialist?	Indicator Species?	Habitat/Community Trend	Time frame of Decline/Increase
No	Yes	Unknown	

Column options

Habitat Specialist and Indicator Species: Yes; No; Unknown; (blank) or Choose an item

Habitat/Community Trend: Declining; Stable; Increasing; Unknown; (blank) or Choose an item

Habitat Discussion:

Although typically found in medium sized to large rivers (Metcalf-Smith et al. 2005), this species can be found in running waters of all sizes, from small, headwater creeks to big rivers (ie. Niagara River), (Strayer and Jirka 1997) and lakes, including the Great Lakes (Metcalf-Smith et al. 2005). Strayer and Jirka (1997) note that it seems to do well in muddy, hydrologically unstable, low gradient streams, while Parmalee and Bogan (1998) state that a stable substrate composed of coarse sand and gravel appears most suitable. *F. flava* may be found at depths up to 15 feet (NatureServe 2013).

V. Species Demographic, and Life History:

Breeder in NY?	Non-breeder in NY?	Migratory Only?	Summer Resident?	Winter Resident?	Anadromous/Catadromous?
Yes	No	No	Yes	Yes	(blank)

Column options

First 5 fields: Yes; No; Unknown; (blank) or Choose an item

Anadromous/Catadromous: Anadromous; Catadromous; (blank) or Choose an item

Species Demographics and Life History Discussion (include information about species life span, reproductive longevity, reproductive capacity, age to maturity, and ability to disperse and colonize):

suspected that some mussel populations are not recruiting because their hosts no longer occur with them. Once released by the female, glochidia must acquire a suitable host or die, usually within 24-48 hours. After attaching to a suitable host, glochidia encyst, usually at the fish's gills or fins and receive food and dispersal. Once the glochidia metamorphose into juveniles, they drop from the host. If they land in suitable habitat, they will burrow into the substrate, where they may remain for several years (Watters et al. 2009).

In the adult form, freshwater mussels are basically sessile; movement is limited to a few meters of the lake or river bottom. The only time that significant dispersal can take place is during the parasitic phase. Infected host fishes can transport the larval unionids into new habitats, and can replenish depleted populations with new individuals. Dispersal is particularly important for genetic exchange between populations. Dispersal is likely to be a slow process for mussels which use resident fishes with limited home ranges as their hosts (COSEWIC as cited in NatureServe 2013).

This species has an equilibrium life history strategy, characterized primarily by long life span, mostly short term brooding, low to moderate growth rate, and late maturity, with low reproductive effort and fecundity that increases slowly after maturation. This life history strategy is considered to be favored in stable, productive habitats (Haag 2012).

F. flava is thought to be tachytictic, with eggs developing in May and glochidia developing from June to August. Glochidia do not overwinter on the female. Females abort conglomerates (mature

or not) with little provocation. Watters et al. (2009) reported that glochidia will transform on silver shiner (*Notropis photogenis*), white crappie (*Pomoxis annularis*), and creek chub (*Semotilus atromaculatus*). Additional potential hosts for this species include black crappie (*Pomoxis nigromaculatus*), and bluegill (*Lepomis macrochirus*). Individuals of this species may reach over 25 years old (Watters et al. 2009).

VI. Threats (from NY 2015 SWAP or newly described):

Agricultural Runoff

New York's southern Lake Ontario basin and Niagara basin hosts the majority of the state's *F. flava* populations. Within this region, the primary land use adjacent to *F. flava* streams is agriculture, including cultivated cropland or pasture/hay cultivation (New York State Landcover 2010). Aquatic habitats lacking vegetated buffers of adequate width are threatened by runoff from urban areas, roads, lawns, and agricultural land (Gillis 2012). If best management practices are not closely adhered to, mussel habitat adjacent to wood harvest or agricultural land is subjected to pesticide, fertilizer, and silt/sediment runoff. During recent mussel surveys in western and central New York, it has been documented that sufficient vegetated riparian buffers are often lacking along known mussel streams (Mahar and Landry 2016), indicating that runoff is a major threat to resident mussel populations.

The presence of pesticides and fertilizers in our rural watersheds is nearly ubiquitous (Haag 2012). And because pesticides and their associated surfactants adsorb onto sediment particles, sedimentation may act as a vector for their transport into the aquatic system (Haag 2012). Mussels are more sensitive to pesticides than many other animals (Watters et al. 2009). Although effects of pesticides are species-specific, sub-lethal levels of PCBs, DDT, malathion, and other compounds inhibit respiratory efficiency and accumulate in the tissues. Atrazine and permethrin at sublethal concentrations reduced juvenile growth (Bringolf et al. 2007a, 2007b) and environmental levels of atrazine altered mussel movement and aggregation behavior (Flynn and Spellman 2009). Pesticides can affect mussels in many ways, but the full range of long-term effects remains unknown (Haag 2012).

Runoff from fertilizers is also a concern. High inputs of nitrogen from fertilizers can cause increases in ammonia in the water and the substrate, leading to direct toxicity for a wide range of mussel species. Mussels, especially in their early life stages, are more sensitive to un-ionized ammonia than other organisms, and high sensitivity is seen across a range of species and life histories (Haag 2012). In addition, ammonia adsorbs to sediment particles, resulting in higher nitrogen concentrations in the substrate than in the overlying water. The nitrogen present in the interstitial spaces in the substrate is thought to result in juvenile mortality and to prevent recruitment by some mussel species (Strayer and Malcom 2012). Studies have suggested decreasing sediment loads entering aquatic systems as the best way to decrease the impact of numerous stressors for mussels in general (Roley et al. 2012).

Treated and Untreated Wastewater

At least eleven streams with populations of *F. flava* also receive effluent from wastewater/sewage treatment plants either directly or through nearby tributaries. These include Oak Orchard (at Medina), Johnson Creek (at Lyndonville), East Branch of Sandy Creek (at Holly), Black Creek (at South Byron, Bergen, and North Byron), Honeoye Creek (at Honeoye Falls, Honeoye, and Lima), Genesee River (at Geneseo, Avon, and Gates/Chili/Ogden), Conesus Creek (at Lakeville), Ganargua Creek (at Farmington and Victor), Canandaigua Outlet (at Shortsville, Phelps, and Clifton Springs) and the Erie Canal (SPDES 2007). The Niagara River at Buffalo, the Genesee

River at Rochester, and the Erie Canal at Lockport and Medina, and Oak Orchard Creek at Medina receive effluent from numerous combined sewer overflows, in addition to wastewater treatment plant effluent (“Combined Sewer Overflow” 2012). Recent studies show that mussel richness and abundance decrease with increased proximity to sewage effluent (Wildenberg 2012). The input of biomaterial from wastewater treatment plants depletes dissolved oxygen levels, negatively impacting mussels. Ammonia from wastewater treatment plants has been found to be toxic to glochidia (Goudraeu et al. 1993) and at sub-lethal exposure, adult mussels exhibit decreased respiratory efficiency (Anderson et al. 1978). Endocrine disrupters from pharmaceuticals are also present in municipal sewage effluents and are increasingly common in rivers and lakes (Haag, 2012). In mussels, chronic exposure to estrogenic compounds in effluents caused feminization of male mussels, but these individuals did not produce eggs, suggesting major disruption of reproductive function (Gagne et al. 2011). The long-term effects of these compounds on mussels are unknown (Haag 2012). It should be noted that in the Susquehanna basin, Harman and Lord (2010) found no evidence that wastewater treatment plants were responsible for reductions in mussel species of greatest conservation need.

Runoff from Developed Land

All New York populations of *F. flava* are found in streams that are intermittently bordered by interstate highways, state routes, and/or local roads, in addition to multiple municipal areas such as Buffalo and its suburbs, Medina, Lyndonville, Holly, South Byron, Bergen, North Byron, Honeoye Falls, Honeoye, Lima, Geneseo, Avon, and Gates, Chili, Ogden, Lakeville, Farmington, Victor, Shortsville, Phelps, and Clifton Springs (New York State Landcover 2010). These developed lands are likely sources of by storm water runoff containing metals and road salts. Mussels are particularly sensitive to heavy metals, more so than many other animals used in toxicological tests (Keller and Zam 1991). Low levels of metals may interfere with the ability of glochidia to attach to the host (Huebner and Pynnonen 1992), suggesting that U.S. EPA ambient water quality criteria may not adequately protect mussels from toxic metals (Wang et al. 2011). In addition, increases in salinity from the runoff of salt used for clearing roads in winter may be lethal to glochidia and juvenile mussels (Keller and Zam 1991, Liquori and Insler 1985, Pandolfo et al. 2012). Based on these studies, the U.S. EPA’s ambient water quality criterion for acute chloride exposures may not be protective of all freshwater mussels (Pandolfo et al. 2012).

Habitat Modifications

Ecosystem modifications, such canal dredging, in-stream work associated with bridge replacement, gravel mining, and vegetation removal kill mussels and destroy their habitat. For example, dredging for vegetation removal has been shown to remove up to 23% of mussels in spoils (Aldridge 2000). Further evidence for disruption was provided by mussel surveys adjacent to approximately 20 river miles of Conewango Creek that had been channelized and straightened in the first half of the 20th century. The resulting “dredge” had no riffle or run habitat and sites just below and above this channelized section contained few or no mussels (The Nature Conservancy 2009). Since this species has been found in 16 water bodies, such work, while devastating to individual populations, would not be expected to impact the species throughout its New York range. Although limited in geographic scope these habitat modification activities have long term impacts on mussels and their distribution (Aldridge 2000).

Lamprey Control

F. flava populations are found in several stream that are regularly scheduled for sea lamprey control treatment. These streams include Sandy Creek, East Branch Sandy Creek, and Johnson Creek in the Lake Ontario drainage and Cayuga Creek in the Erie drainage.

In New York, tributaries harboring larval sea lamprey (*Petromyzon marinus*), are treated periodically with lampricides (TFM, or TFM/Niclosamide mixtures) by Fisheries and Oceans Canada and the U.S. Fish and Wildlife Service to reduce larval populations (Sullivan and Adair

2014). Niclosamide was originally developed as a molluscicide. While unionid mortality is thought to be minimal at TFM concentrations typically applied to streams to control sea lamprey larvae (1.0–1.5 × sea lamprey MLC), increases in unionid mortality were observed when exposed to the niclosamide mixture, indicating that mussels may be at risk when the mixture is used in control operations. Treatment managers should use caution when using the combination of TFM and niclosamide in streams with known mussel populations and every effort should be made to maintain lampricide concentrations at or near the MLC for sea lamprey to minimize the risk to this important faunal group (Boogaard 2006).

Impoundments – Range wide

Across its range, impoundments likely contributed to the reduced distribution of mussels that we see today. Vaughn and Taylor (1999) observed a mussel extinction gradient with a gradual, linear increase in mussel species richness and abundance with increasing distance downstream from impoundments. Species and their hosts that require shallow, oxygenated, fast-flowing water quickly are eliminated. Continuously cold water from both increased water depth upstream of the dam and dam discharges downstream of the dam may prevent reproduction. Impoundment increases silt load and eutrophication, resulting in changes in the fish fauna, and therefore the availability of hosts. Dams represent distributional barriers to fish hosts, and therefore to the mussels themselves. The zoogeographic patterns of several species suggest a dam-limited range. Dams also act as sediment traps, often having many feet of silt and debris caught on their upstream side. These areas generally are without mussels. Below the dam, the tailwaters often have dense mussel beds, as these reaches are the only areas left that still have oxygenated, fast moving water. This is exemplified by the distribution of beds in the lower Muskingum River, Ohio (Stansbery and King 1983, ESI 1993c).

In addition, improperly sized and poorly installed or poorly maintained culverts have impacts similar to dams in that they fragment habitat, preventing the movement by host fish, and effectively isolating mussel populations. And because culverts are located at nearly every road-stream intersection, there is the potential for landscape level fragmentation of mussel habitat.

Threat Level 1	Threat Level 2	Threat Level 3	Spatial Extent	Severity	Immediacy	Trend	Certainty
1. Residential and Commercial	1.3 Tourism & Recreation Areas	1.3.5 Docks & marinas	Small	Moderate	Immediate	Stable and ongoing	Choose an item.
3. Energy Production & Mining	3.3 Renewable Energy	3.3.1 Hydroelectric dams	Small	Moderate	Immediate	Stable and ongoing	Choose an item.
4. Transportation & Service Corridors	4.1 Roads & Railroads	4.1.3 Bridges	Small	Serious	Near-term	Stable and ongoing	Choose an item.
4. Transportation & Service Corridors	4.3 Shipping Lanes	4.3.2 Dredging of shipping lanes	Small	Serious	Near-term	Stable and ongoing	Choose an item.
6. Human Intrusions & Disturbance	6.3 Work & Other Activities	6.3.1 Research activities	Small	Slight	Near-term	Intensifying	Choose an item.
7. Natural System Modifications	7.2 Dams & Water Management/Use	7.2.1 Water level management using dams	Large	Serious	Long-term	Stable and ongoing	Choose an item.
7. Natural System Modifications	7.2 Dams & Water Management/Use	7.2.3 Water management using culverts	Small	Moderate	Near-term	Stable and ongoing	Choose an item.
7. Natural System Modifications	7.2 Dams & Water Management/Use	7.2.6 Withdrawal of surface water	Small	Moderate	Unknown	Intensifying	Choose an item.
7. Natural System Modifications	7.3 Other Ecosystem Modifications	7.3.1 Shoreline alteration	Small	Moderate	Near-term	Intensifying	Choose an item.
8. Invasive & Other Problematic Species	8.1 Invasive Non-Native Plants & Animals	8.1.3 Aquatic animals	Large	Serious	Immediate	Stable and ongoing	Choose an item.
9. Pollution	9.1 Domestic & Urban Wastewater	9.1.1 Domestic wastewater	Restricted	Moderate	Immediate	Intensifying	Choose an item.
9. Pollution	9.1 Domestic & Urban Wastewater	9.1.2 Runoff	Restricted	Moderate	Immediate	Intensifying	Choose an item.

9. Pollution	9.3 Agricultural & Forestry Effluents	9.3.1 Nutrient loads	Pervasive	Moderate	Immediate	Stable and ongoing	Choose an item.
9. Pollution	9.3 Agricultural & Forestry Effluents	9.3.2 Soil erosion, sedimentation	Restricted	Moderate	Near-term	Stable and ongoing	Choose an item.
9. Pollution	9.3 Agricultural & Forestry Effluents	9.3.3 Herbicides & pesticides	Large	Moderate	Near-term	Unknown	Choose an item.
11. Climate Change	11.3 Changes in Temperature Regimes	11.3.3 Gradual temperature change	Large	Moderate	Long-term	Intensifying	Choose an item.
11. Climate Change	11.4 Changes in Precipitation & Hydrological Regimes	11.4.2 Droughts	Large	Slight	Long-term	Intensifying	Choose an item.
11. Climate Change	11.4 Changes in Precipitation & Hydrological Regimes	11.4.4 Increase in fluctuations in precipitation regime	Restricted	Slight	Long-term	Intensifying	Choose an item.
11. Climate Change	11.5 Storms & Severe Weather	11.5.1 Storms & severe weather	Restricted	Extreme	Immediate	Intensifying	Choose an item.
4. Transportation & Service Corridors	4.3 Shipping Lanes	4.3.3 Locks & canals	Large	Serious	Near-term	Stable and ongoing	Choose an item.
5. Biological Resource Use	5.4 Fishing & Harvesting Aquatic Resources	5.4.4 Management/control of aquatic species	Small	Moderate	Unknown	Stable and ongoing	Choose an item.

Table 2. Threats to Wabash pigtoe.

Are there regulatory mechanisms that protect the species or its habitat in New York?

Yes:

No:

Unknown:

If yes, describe mechanism and whether adequate to protect species/habitat:

Mussel habitats receive some generic protection under several New York State regulations (NYCRR) promulgated under the authority of the New York Environmental Conservation Law (ECL), specifically Part 608 of the NYCRR: Use and Protection of Waters, and Part 617 of the NYCRR: State Environmental Quality Review (SEQR). Part 608 provides protection of some mussel habitats by regulating and requiring environmental review of the modification or disturbance of any “protected stream”, its bed or bank, and removal of sand, gravel or other material from its bed or banks (608.2 Disturbance of Protected Streams). This does not provide adequate protection of mussels and their habitats as it only protects streams or particular portions of a streams for which there has been adopted by NYSDEC or any of its predecessors any of the following classifications or standards: AA, AA(t), A, A(t), B, B(t) C(t), or Streams designated (t)(trout) also include those more specifically designated (ts)(trout spawning). Mussel habitats may also receive some additional protections as the construction, repair, breach or removals of dams, and the excavation and placement of fill in navigable waters are subject to regulation and environmental review under Part 608, 608.3 and 608.5 respectively. Under Part 608, projects requiring a permit can be conditioned by NYSDEC to include best management practices, such as sediment and erosion protections. Through the review process, these projects can also be modified to reduce impacts in order to meet permit issuance standards.

Under Part 608, protection of unlisted species of mussels is general and relatively limited. More importantly, Class C and D waters with mussels do not receive protection under these regulations. A significant portion of the New York’s mussel resources occur within Class C and D waters. An additional but not insignificant gap in protection occurs because agricultural activities consisting of the crossing and re-crossing of a protected stream by livestock or wheeled farming equipment normally used for traditional agricultural purposes or of withdrawing irrigation water in a manner which does not otherwise alter the stream, are exempt from these regulations and environmental review.

Water quality certifications required by Section 401 of the Federal Water Pollution Control Act, Title 33 United States Code 1341(see subdivision (c) of this Section) may provide protection for freshwater mussels and their habitats from some activities that would potentially have adverse impacts by regulating construction or operation of facilities that may result in any discharge into navigable waters. Water quality certifications set water quality-related effluent limitations, water quality standards, thermal discharge criteria, effluent prohibitions and pretreatment standards for projects on navigable waters.

The State Environmental Quality Review (SEQR, Part 617 NYCRR) may also protect mussels and their habitats by requiring the consideration of environmental factors into the existing planning, review and decision-making processes of state, regional and local government agencies for activities that require discretionary approval. SEQR requires the preparation of an Environmental Impact Statement, including an alternatives analysis, for those activities that may result in a substantial adverse change in ground or surface water quality; a substantial increase in potential for erosion, flooding, leaching or drainage problems; the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; other

significant adverse impacts to natural resources; or, a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

New York State has numerous laws and regulations that both directly or indirectly protect waters of the state (mussel habitats) including regulations governing direct discharges to surface and groundwater, storm water, agricultural activities, pesticides, flood control, and dams. Without these regulations, mussels would certainly be in worse shape; however, most of these generic protections are not adequate in scope or specific enough to mussel threats to protect the mussel resources of New York State.

Describe knowledge of management/conservation actions that are needed for recovery/conservation, or to eliminate, minimize, or compensate for the identified threats:

- Priority conservation efforts for this species should focus on, but not be limited to, Honeoye Creek, the Genesee River, and Tonawanda Creek (Mahar and Landry 2016, 2019).
- Through landowner incentive programs or regulation, riparian buffers, particularly those that also provide shade, should be added/maintained/widened, along agricultural fields, subdivisions, and along major roads to decrease the levels of nitrogen, pesticides, sediment, heavy metals, and salts from entering these aquatic systems, as well as to moderate water temperature. Studies have suggested decreasing sediment loads entering aquatic systems as the best way to decrease the impact of numerous stressors for mussels in general (Roley and Tank 2012).
- Require all state agencies to maintain appropriate vegetative buffers along streams, rivers and lakes on state-owned or state managed properties.
- Develop and implement a comprehensive monitoring strategy that identifies protocols, including locations and specific intervals, for regular monitoring of known mussel populations to detect assess trends and detect dangerous declines.
- Mussel sensitivity to particular pollutants should be considered or addressed in the regulation of wastewater and stormwater discharges to groundwater and surface waters, State Pollutant Discharge Elimination Systems (SPDES). This should be reflected in effluent limitations for discharges, including discharges from P/C/I facilities (Private/Commercial/Industrial), CAFO facilities (Concentrated Animal Feeding Operations), High Volume Hydraulic Fracturing Discharges, and Wastewater treatment plants, etc. Discharges whose receiving waters have mussels, particularly those with known populations of mussels listed as Endangered, Threatened, Special concern or SGCN, should be carefully reviewed for potential impacts to mussels. For example, deleterious levels of ammonia (a component of many types of discharges) and molluscicides (a commonly used water treatment chemical in discharged water) should not be permitted.
- Coordinate with local wastewater treatment facilities to improve ammonia removal of treated discharge. This has been documented as a threat to Unionids at multiple life stages, and therefore needs to be addressed (Gillis 2012).
- Establish a protocol whereas DEC staff work closely with state and local highway departments to reduce impacts to native mussels during maintenance and construction projects.

- Replace culverts that disrupt aquatic habitat connectivity to allow for passage of small fish species.
- Within the Great Lakes and Champlain watersheds, lamprey control efforts should consider specific, potentially adverse, impacts to native freshwater mussels when determining methods, including selection of lampricide formulations and concentrations. Lampricide treatment managers should use caution when using the combination of TFM and niclosamide in streams with known mussel populations and every effort should be made to maintain lampricide concentrations at or near the MLC for sea lamprey to minimize the risk to this important faunal group (Boogaard USGS 2006).
- NYSDEC should consider sensitivity of freshwater mussels to specific pollutants in the establishment and setting of water quality standards and TMDLs for waters containing freshwater mussels. A Total Maximum Daily Load (TMDL) specifies the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards. TMDLs account for all contributing sources (e.g., point and nonpoint sources, and natural background levels), seasonal variations in the pollutant load, and incorporate a margin of safety that accounts for unknown or unexpected sources of the pollutant. In essence, a TMDL defines the capacity of the waterbody to absorb a pollutant and still meet water quality standards. The Clean Water Act requires states to identify waterbodies that do not meet water quality standards after application of technology-based effluent limitations. For these "impaired waters," states must consider the development of alternative strategies, including TMDLs, for reducing the pollutants responsible for the failure to meet water quality standards.

Action Category	Action	Description
A.1 Direct Habitat Management	A.1.2.4.1 Plant for erosion management	Implement vegetated riparian buffers on state owned or managed properties to reduce water pollution, nutrient loading, and sedimentation
A.1 Direct Habitat Management	A.1.3.0.0 Mitigate human environmental impact	-Mitigation involving the cleanup of toxins in occupied substrate must include a remediation plan for mussels -Mitigation should address disturbance caused by routine dredging -Mitigate impacts to streams in occupied waters
A.1 Direct Habitat Management	A.1.3.3.0 Remove and improve anthropogenic infrastructure	Replace culverts that disrupt habitat connectivity
B.3 Outreach	B.3.1.3.0 Targeted Communication	-Coordinate with local wastewater treatment to improve ammonia removal in treated discharge -Work with NYS Canal Corp and Army Corps of Engineers to reduce impacts of Erie Canal and lower Genesee River dredging and Erie Canal draw downs - Work with Highway Departments to reduce impacts on mussels by directing road and bridge runoff away from waterbodies and minimizing impacts to mussels during maintenance and construction activities
B.5 Economic and other Incentives	B.5.4 Economic incentives and disincentives	- Through landowner incentive programs, riparian buffers that provide shade, should be added/ maintained/ widened, along agricultural fields, subdivisions, and along major roads to moderate

		temperature, decrease nitrogen, pesticides, sediment, heavy metals, and salts from entering aquatic systems -Update wastewater treatment facilities in Buffalo, Rochester, Medina, and Lockport to eliminate combined sewer outflows. -Coordinate with local wastewater treatment facilities to improve ammonia removal of treated discharge.
C.6 Design and Plan Conservation	C.6.4.0.0 Conserve via zoning or informal designations	Protection through acquisition, easements, registry, and/or working with local, state, and federal government on issues relating to zoning and streamside development
C.6 Design and plan conservation	C.6.5.1.2 Develop a strategy, guideline, monitoring plan or follow-up in a protected area	Develop a plan to monitor mussel population trends
C.7 Legislative and regulatory framework or tools	C.7.2.3.0 Create or amend standards	- Consider mussel sensitivity to pollutants in the regulation of wastewater and stormwater discharges to surface waters, State Pollutant Discharge Elimination Systems (SPDES). -Implement TMDLs that are protective of mussels to meet water quality standards -Require state agencies to maintain vegetative buffers along water on state land
C.8 Research and Monitoring	C.8.1.1.1 Characterization, demographic study, population, or inventory	Surveys to determine trends should take place throughout its range.
C.8 Research and Monitoring	C.8.2.1.2 Monitoring and evaluating the results of project activities	Monitor lampricide treatment site, especially those using a combination of TFM and niclosamide

Table 3. Recommended conservation actions for Wabash pigtoe.

The Comprehensive Wildlife Conservation Strategy (NYSDEC 2006) includes recommendations for the following actions for freshwater mussels:

Habitat management:

- Manage areas of important mussel populations by controlling degradation factors (e.g.. Controlling livestock access, point source or non-point source pollution, flow alteration, etc.)
- Develop methods to improve and restore freshwater bivalve habitat.

Habitat research:

- Conduct research to determine habitat parameters necessary for good populations of each species of species-at-risk listed mussels.
- Research flow requirements of freshwater bivalves and model the effects of flow changes both in volume and timing.
- Research all parameters of mussel habitat requirements including temperature, substrate, fish, flow, food, etc.

Habitat restoration:

- Restore degraded habitat areas to allow for recolonization or reintroduction of listed mussels.

Invasive species control:

- Develop a monitoring/control plan that includes measures to detect invasive species problematic to freshwater bivalves in all New York watersheds and actions that will be taken to control them before they become threats.

- Conduct research on control of exotic bivalve species that compete with native mussels and exotic crustaceans or fish which may prey on them.

Life history research:

- Research effects of pesticides and other chemicals, including ammonia, on all life stages of freshwater bivalves: sperm/egg, glochidia, larva, adults.
- Research potential interbreeding between *Alasmidonta varicosa* and *Alasmidonta marginata* and, if occurring, evaluate the potential threat to *A. varicosa* population integrity.
- Determine fish hosts for species where this is not known for populations living in New York.
- Research population dynamics of listed mussel species including connectivity of populations or subpopulations and genetic distinctness of populations or subpopulations.
- Determine or confirm breeding phenology and habitat conditions necessary for successful breeding for listed mussels (e.g., mussel density, pop. level of fish host, temp, flow).

New regulation:

- Ban the importation of fish that feed on freshwater mollusks (e.g., black carp).
- Require inclusion of all stages of freshwater mussels in testing for approval of new pesticides in New York.

Other action:

- Develop an outreach program to private landowners through the Landowner Incentive Program to educate the public about freshwater mussel protection and initiate projects to prevent or repair impacts from land use on mussels.
- Increase regional permit control of development and highway projects that may impact native mussels.
- Develop standard monitoring/survey protocols for development projects in all watersheds in New York.
- Evaluate threats to mussels in each New York watershed and prioritize areas for actions to address the threats.
- Research the best survey methods both for detection of rare species and evaluation of population status and trends.
- Begin evaluation of members of the family Sphaeridae (fingernail clams) for inclusion into the species at risk list.

Population monitoring:

- Conduct population estimates of species-at-risk listed mussel species in NY
- Conduct surveys to determine distribution of species-at-risk listed mussel species in NY.

Regional management plan:

- Incorporate freshwater mussel goals and objectives into regional water quality and fish management plans and policies.

Relocation/reintroduction:

- Where appropriate, reintroduce listed mussels into appropriate habitat within their historic range.

Statewide management plan:

- Incorporate freshwater mussel goals and objectives into statewide water quality and fish management plans and policies.

VII. References

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