

## Rule to Protect the Carolina Heelsplitter Freshwater Mussel



**Who must comply?** Farmers, commercial applicators, and anyone else who uses a pesticide outdoors containing an active ingredient listed to the far right.

**When does the rule become effective?** March 1, 2010.

**Where are the critical habitats for the Carolina heelsplitter that limit the use of specific pesticides?** Duck, Goose, and Waxhaw creeks and joining streams.

**Why must one comply?** Compliance is necessary because this is a US Fish & Wildlife Service federally-listed endangered species under the Endangered Species Act (ESA). The purpose of the ESA is to protect and promote the recovery of species that are in danger of becoming extinct. Furthermore, the regulations, listed to the right, have been adopted by the North Carolina Pesticide Board to protect this mussel.

**What are the benefits of this rule?** It protects the Carolina heelsplitter and helps to improve the water quality of the streams while allowing the continued use of these pesticides outside of the pesticide use limitation areas.

## North Carolina Pesticide Board Rule

### **02 NCAC 09L .2200 – Interim Protection Measures for the Carolina Heelsplitter Mussel**

#### **Definitions**

All specific words or terms used in this Section shall have the same definitions as shown in the North Carolina Pesticide Law of 1971, G.S. 143-460.

#### **Pesticide Use Limitation Areas**

The table to the right contains pesticide active ingredients that have specific limitations on pesticide use in order to protect the federally-listed endangered species Carolina heelsplitter (*Lasimigona decorata*) in Union County, NC, in the vicinity of:

- (1) the main stem of Goose Creek from the NC Highway 218 bridge, downstream to its confluence with the Rocky River;
- (2) the main stem of Duck Creek, from the Mecklenburg/Union County line, downstream to its confluence with Goose Creek; and
- (3) the main stem of Waxhaw Creek, from NC Highway 200 bridge, downstream to the North Carolina/South Carolina State line.

#### **Pesticides with Additional Use Limitations**

Effective March 1, 2010, the application of any of the following pesticides in the vicinity of the areas identified above must not occur within the areas identified by the codes in the following table -

## Pesticide Active Ingredient & Code

Azinphos-methyl	2x	Malathion	2x
Benomyl	1x	Methidathion	2x
Captan	1x	Methomyl	1x
Carbaryl	2x	Mevinphos	2x
Carbofuran	1x	Naled	1x
Chlorpyrifos	3z	Parathion (ethyl)	2x
Diazinon	2x	Pendimethalin	2x
Dicofol	2x	Permethrin	1x
Dimethoate	2x	Phorate	1x
Endosulfan	2x	Phosmet	1x
Esfenvalerate	1x	Phosphamidon	1x
Ethion	2x	Propiconazole	1x
Ethoprop	1x	Pyrethrins	2x
Fenamiphos	2x	Terbufos	2x
Fonophos	2x	Trichlorfon	2x

#### **Code/Limitations:**

1x - Within the limitation areas described to the left and one-half mile up all streams that join the area, this pesticide shall not be applied within 20 yards from the edge of water for ground applications and within 100 yards for aerial applications;

2x - Within the limitation areas described to the left and one-half mile up all streams that join the area, this pesticide shall not be applied within 40 yards from the edge of water for ground applications and within 200 yards for aerial applications;

3z - Within the limitation areas described to the left, this pesticide shall not be applied within 100 yards from the edge of water for ground applications and within one-fourth mile for aerial applications.

Authority G.S. 143-458; 143-466(a)

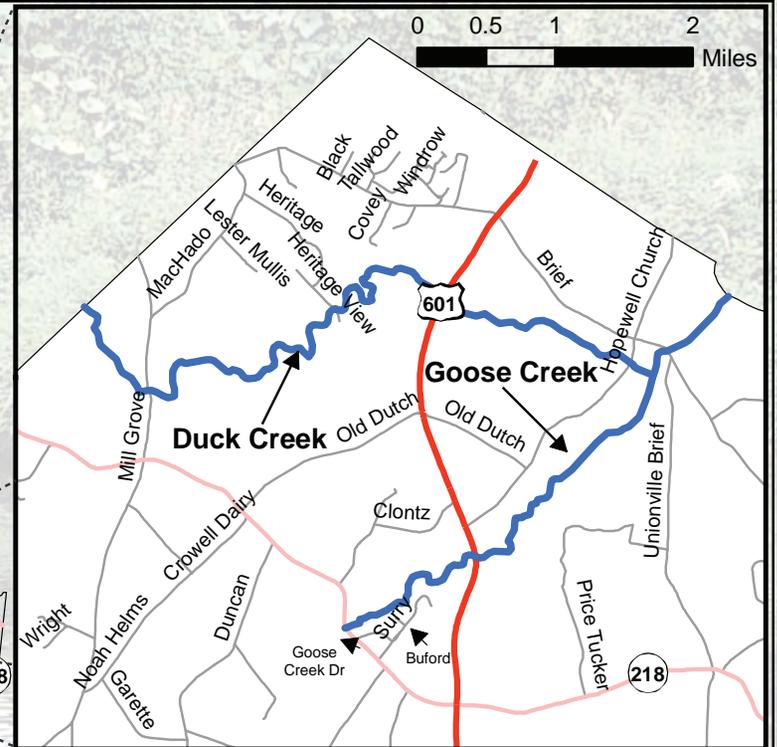
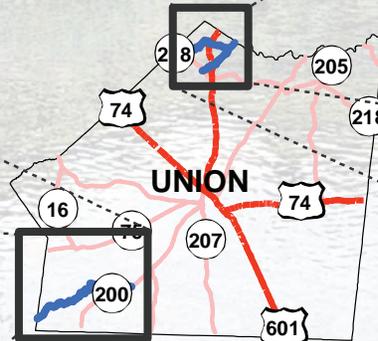
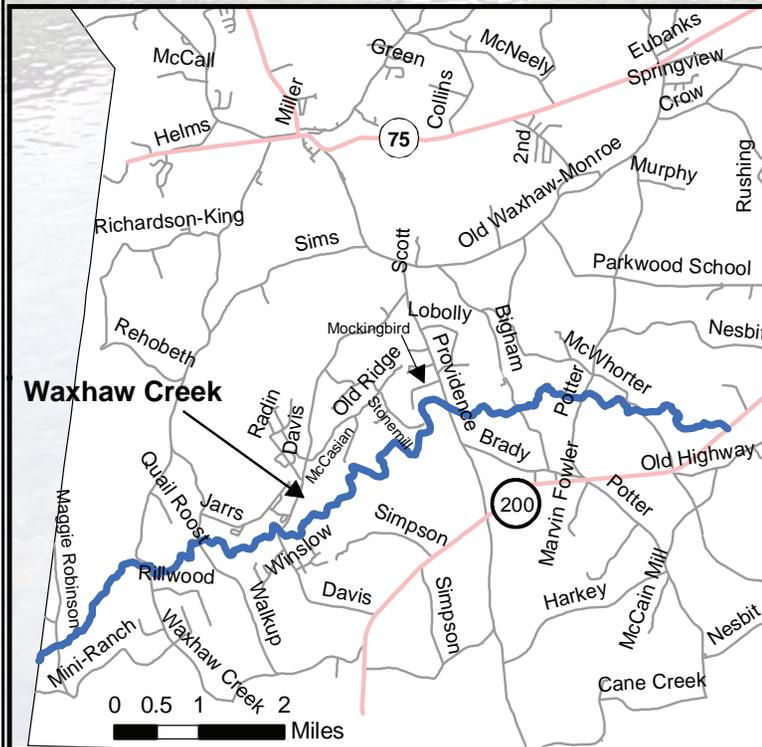
Visit [www.ncagr.gov/SPCAP/pesticides/chs](http://www.ncagr.gov/SPCAP/pesticides/chs) for updates.

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**For additional information, contact the North Carolina Department of Agriculture and Consumer Services, Structural Pest Control & Pesticides Division at 919-733-3556.**

# Carolina Heelsplitter Habitat

-  Designated Critical Habitat
-  US Highways
-  NC Highways
-  Local Roads



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Steven Troxler, Commissioner

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