

APPENDIX B. AGENCY LETTERS

THIS IS NOT A PERMIT

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

DNR #: ER-19553

Request Received: January 26, 2017

Requestor: Indiana Department of Natural Resources
Kenneth W Cote
Division of Entomology & Plant Pathology
402 West Washington Street, Room W290
Indianapolis, IN 46204

Project: 2017 Kudzu control treatment sites

County/Site info: Bartholomew - Brown - Clark - Clay - Crawford - Dubois - Floyd - Gibson - Greene - Harrison - Jennings - Knox - Lake - LaPorte - Lawrence - Martin - Morgan - Orange - Owen - Perry - Posey - Starke - Sullivan - Switzerland - Vanderburgh - Vigo - Warrick

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

Regulatory Assessment: Formal approval by the Department of Natural Resources under the regulatory programs administered by the Division of Water is not required for this project.

Natural Heritage Database: The Natural Heritage Program's data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the vicinity of the following sites: Bar 1, Clk - 4, Clk - 8, Cly - 1, Cly - 2, Cly - 3, Cra - 5, Dub - 1, Dub - 2, Dub - 3, Dub - 4, Flo - 2, Gib - 1, Gib - 3, Gre - 5, Har - 6, Jnn - 3, Jnn - 5, Jnn - 8, Law - 1, Law - 3, Law - 4, Law - 5, Law - 6, Mor - 3, Mrt - 5, Mrt - 6, Mrt - 7, Pos - 2, Pos - 4, Pos - 5, Pos - 6, Pry - 3, Swi - 1, Van - 7, and Vig - 2.

Attached is a list of species, managed lands, and high quality natural communities that have been documented within 1/2 mile of the remaining sites, as indicated. The Division of Nature Preserves does not foresee any impacts to the managed lands, communities, or plant and insect species as a result of this project.

Fish & Wildlife Comments: Avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The following are recommendations that address potential impacts identified in the proposed project area:

1) Birds:

The effects of the four pesticides on birds were researched. All four pesticides (clopyralid, glyphosate, metsulfuron methyl, and triclopyr) were deemed non-toxic to having a minimal risk of adverse effects on birds. The only delineated risk was the effect of the pesticides on the vegetation in which the birds would seek cover, forage, or nest in. Knowing this, it is recommended that treatments occur during late winter and early spring (April to early May), if possible, before breeding starts and most birds have established nests. Alternatively, treatments can occur during late summer (mid-July to August) and fall, when the breeding season has ended.

2) Mussels & Fish:

In general, we recommend that spraying is not done directly over open water and that prevailing winds are taken into account when spraying near streams and rivers.

Attachments: A - General Information

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3) Reptiles & Amphibians:

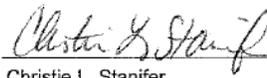
It appears that most of the treatment areas are small in size and that many will only be getting a spot treatment. We do not have any recommendations for the treatment sites regarding reptiles and amphibians.

4) American Badger:

Badgers are a wide ranging species that prefer an open, prairie-type habitat, with Indiana being at the eastern edge of their natural range. The range of the badger continues to expand as a result of land-use changes from forest to farmland and open pastureland. Impacts to the American badger or its preferred habitat are unlikely as a result of this project.

Contact Staff:

Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife
Our agency appreciates this opportunity to be of service. Please contact the above staff member at (317) 232-4080 if we can be of further assistance.



Date: March 15, 2017

Christie L. Stanifer
Environ. Coordinator
Division of Fish and Wildlife

Attachments: A - General Information

ER-1953: Species, managed lands, and natural communities near the kudzu treatment sites.

(RANK: SE=State Endangered, SSC=State Special Concern, ST=State Threatened, SR=State Rare, WL=Watch List)

| | | | |
|------------------|---|--|---|
| Bro - 1 & 11: | Managed Land: Hills of God Forest Legacy Area, private owner | | |
| Clk - 5: | Park: Jeffersonville School Park | | |
| Clk - 9 & 10: | Insects: | Mackin's cave amphipod Cave Beetle Clark Cave Millepede Springtail | Stygobromus mackini Pseudanophthalmus barri Pseudotremia nefanda Sinella alata |
| | | | SE SE SE WL |
| Cly - 5: | Managed Land: Chinook Fish and Wildlife Area | | |
| Flo - 3 & 4: | Managed Land: Hardin Ridge Preserve | | |
| Flo - 5: | Animal: | Kirtland's Snake | Clonophis kirtlandii |
| | Plant: | Longbeak Arrowhead | Sagittaria australis |
| | | | SE SR |
| Har - 13: | Managed Land: Harrison-Crawford State Forest | | |
| Jnn - 6: | Managed Land: Brush Creek Fish and Wildlife Area | | |
| | Animals: | Common mudpuppy Salamander Mussel Purple Lilliput Little Spectaclecase | Necturus maculosus Simpsonia ambigua Toxolasma lividus Villosa lienosa |
| | | | SSC SSC SSC SSC |
| Jnn - 12: | Animal: | Barn Owl | Tyto alba |
| Jnn - 13: | Animal: | Little Spectaclecase | Villosa lienosa |
| | | | SE SSC |
| Jnn - 14: | Animals: | Kidneyshell Salamander Mussel Purple Lilliput Little Spectaclecase | Ptychobranchus fasciolaris Simpsonia ambigua Toxolasma lividus Villosa lienosa |
| | | | SSC SSC SSC SSC |
| Kno - 1: | Plant: | Eastern Bloodleaf | Iresine rhizomatosa |
| | | | SR |
| | Park: Oubache Trails Park, Knox County Park Board | | |
| Kno - 2, 3, & 4: | Animal: | Eastern Mud Turtle | Kinosternon subrubrum subrubrum |
| | | | SE |
| Lak - 1: | Plants: | Zigzag Bladderwort Black-fruited Spike-rush Forked Aster Spoon-leaved Sundew Rushlike Aster Forked Bluecurl Slim-spike Three-awn Grass Small Purple-fringe Orchis | Utricularia subulata Eleocharis melanocarpa Aster furcatus Drosera intermedia Aster borealis Trichostema dichotomum Aristida intermedia Platanthera psychodes |
| | | | ST ST SR SR SR SR SR SR |
| | Park: Columbus Park, Lake Station Parks and Recreation Department | | |
| Lap - 2: | Plants: | Hairy Valerian Marsh Valerian Hemlock Parsley Calamint Leiberg's Witchgrass Indiangrass Flexamia Northern Witchgrass Tufted Hairgrass White-edge Sedge White Carnas Shining Ladies'-tresses Bog Bluegrass Small White Lady's-slipper | Valeriana edulis Valeriana uliginosa Conioselinum chinense Satureja glabella var. angustifolia Panicum leibergii Plexamia reflexus Panicum boreale Deschampsia cespitosa Carex debilis var. rudgei Zigadenus elegans var. glaucus Spiranthes lucida Poa paludigena Cypripedium candidum |
| | | | SE SE SE SE ST ST SR SR SR SR SR WL WL |

Communities: Wetland - seep circumneutral
Wetland - fen

| | | | |
|----------|-------------------------------------|--------------------------------|-----|
| Insects: | Opalescent Apamea | Apamea lutosa | SE |
| | | Aethes patricia | SE |
| | | Cicadula straminea | ST |
| | | Macrochilo Louisiana | ST |
| | Golden Borer Moth | Papaipema cerina | ST |
| | The Giant Sunflower Borer Moth | Papaipema maritime | ST |
| | Beer's Blazing Star Borer Moth | Papaipema beeriana | ST |
| | A Noctuid Moth | Capis curvata | ST |
| | Silver-bordered Fritillary | Boloria selene myrina | ST |
| | The Included Cordgrass Borer | Spartiniphaga includes | ST |
| | The Royal Fern Borer Moth | Papaipema speciosissima | ST |
| | Newman's Brocade | Meropleon ambifuscum | ST |
| | The Marsh Fern Moth | Fagitana littora | ST |
| | Black-dashed Apamea | Apamea nigrior | SR |
| | The St. John's Wort Borer Moth | Papaipema lysimachiae | SR |
| | Salt Marsh Wainscot | Leucania linita | SR |
| | | Scaphoideus ochraceus | SR |
| | The Long-nosed Elephant Hopper | Bruchomorpha extensa | SR |
| | The Sand Barrens Grammia | Grammia phyllira | SR |
| | | Grammia virguncula | SR |
| | AMoth | Eubaphe meridiana | SR |
| | | Acronicta dactylina | SR |
| | Large Hypenodes | Hypenodes caducus | SR |
| | A Noctuid Moth | Macrochilo hypocritalis | SR |
| | Heracleum Stem Borer Moth | Papaipema harrisii | SR |
| | A Borer Moth | Papaipema rigida | SR |
| | Graceful Spur-throated Grasshopper | Melanoplus gracilis | SR |
| | Slightly Musical Conehead | Neoconocephalus exilis canorus | SR |
| | | Laevincephalus acus | SR |
| | A Leafhopper | Mesamia nigridorsum | SR |
| | The Mayapple Borer Moth | Papaipema rutila | SR |
| | Spartina Borer Moth | Spartiniphaga inops | SR |
| | Gray Comma | Polygonia progne | SR |
| | | Crambus bidens | SR |
| | Gemmed Cordgrass Borer | Peoria gemmatella | SR |
| | | Eucosma bilineana | SR |
| | A Moth | Eucosma bipunctella | SR |
| | | Eucosma giganteana | SR |
| | Mulberry Wing Skipper | Poanes massasoit | SR |
| | Long Dash Skipper | Polites mystic | SR |
| | Graceful Underwing | Catocala gracilis | SR |
| | A Noctuid Moth | Gabara subnivosella | SR |
| | A Noctuid Moth | Meropleon diversicolor | SR |
| | | Nola cilicoides | SR |
| | | Leucania multilinea | SR |
| | A Moth | Macrochilo absorptalis | SR |
| | Baltimore | Euphydryas phaeton | SR |
| | A Noctuid Moth | Homophoberia cristata | SR |
| | Praeclara Underwing | Catocala praeclara | SR |
| | The Ironweed Borer Moth | Papaipema limpida | SR |
| | A Moth | Leucania inermis | SR |
| | Elegant Prominent | Odontostia elegans | SR |
| | | Nola cilicoides | SR |
| | Animals: Cerulean Warbler | Dendroica cerulea | SE |
| | Eastern Massasauga | Sistrurus catenatus catenatus | SE |
| | Spotted Turtle | Clemmys guttata | SE |
| | Blanding's Turtle | Emydoidea blandingii | SE |
| | American Badger | Taxidea taxus | SSC |
| Law - 7: | Plant: Timid Sedge | Carex timida | SE |
| Mrt - 3: | Managed Land: Martin State Forest | | |
| Org - 2: | Crustaceans: Jeannel's Cave Copepod | Diacyclops jeanneli | ST |
| | An Ostracod | Dactylocythere susanae | WL |

| | | | |
|----------|--|---|-----|
| | Diplopoda: Bollman's Cave Milliped | <i>Conotyia bollmani</i> | WL |
| | Insect: A Carrion Beetle | <i>Necrophilus pettiti</i> | ST |
| | Animals: Barn Owl | <i>Tyto alba</i> | SE |
| | Northern Cavefish | <i>Amblyopsis spelaea</i> | SE |
| Org - 3: | Animal: Northern Cavefish | <i>Amblyopsis spelaea</i> | SE |
| Own - 2: | Managed Land: Owen-Putnam State Forest | | |
| Pos - 3: | Park: Harmonie State Park | | |
| | Community: Mesic Upland Forest | | |
| | Plant: Appalachian Bugbane | <i>Cimicifuga rubifolia</i> | SE |
| | Animals: Cerulean Warbler | <i>Dendroica cerulea</i> | SE |
| Pry - 4: | Plants: Southern Skulleap | <i>Scutellaria parvula var. australis</i> | WL |
| | Virginia Saxifrage | <i>Saxifraga virginensis</i> | WL |
| Sta - 1: | Managed Lands: Ecker Wetland Conservation Area, DNR Division of Fish & Wildlife Koontz Lake Public Access Site, DNR Division of Fish & Wildlife | | |
| Sul - 1: | Animal: American Badger | <i>Taxidea taxus</i> | SSC |
| | Managed Land: formerly Minnehaha Fish and Wildlife Area | | |
| Sul - 2: | Animals: Northern Crawfish Frog | <i>Lithobates areolatus circulosus</i> | SE |
| | Yellow-crowned Night-heron | <i>Nyctanassa violacea</i> | SE |
| Van - 1: | Managed Land: Evansville Parks and Zoo complex | | |
| Van - 4: | Animal: Rough Green Snake | <i>Opheodrys aestivus</i> | SSC |
| Wck - 2: | Park: Lincoln State Park | | |
| | Animals: Worm-eating Warbler | <i>Helmitheros vermivorus</i> | SSC |
| | Red-shouldered Hawk | <i>Buteo lineatus</i> | SSC |

From: [Cote, Ken](#)
To: [Bust, Angela D.](#)
Subject: FW: Ken Cote, Indiana DNR, Kudzu Shape Files
Date: Friday, February 24, 2017 10:31:45 AM

From: Reed, Marissa [mailto:marissa_reed@fws.gov]
Sent: Thursday, February 23, 2017 10:20 AM
To: Cote, Ken <KCote@dnr.IN.gov>
Subject: Re: Ken Cote, Indiana DNR, Kudzu Shape Files

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Hi Ken,

This responds to your letter dated January 27, 2017, requesting our comments on the Indiana Department of Natural Resource's kudzu treatment program.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

Based on a review of the information you provided, the U.S. Fish and Wildlife Service has no objections to the project as currently proposed. This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinstate consultation.

We appreciate the opportunity to comment at this early stage of project planning. If project plans change such that fish and wildlife habitat may be affected, please re-coordinate with our office as soon as possible. If you have any questions about our recommendations, please contact me at (812)334-4261 ext. 1215 or Marissa_Reed@fws.gov.

Regards,
Marissa

Marissa Reed
Wildlife Biologist
U.S. Fish & Wildlife Service
Ecological Services Field Office
620 S. Walker Street
Bloomington, IN 47403
Phone - 812-334-4261 ext. 1215

Division of Historic Preservation & Archaeology 402 W. Washington Street, W274 Indianapolis, IN 46204-2739
Phone 317-232-1646 Fax 317-232-0693 dhpa@dnr.IN.gov



February 24, 2017

Kenneth W. Cote
Indiana Department of Natural Resources
Division of Entomology & Plant Pathology
402 W. Washington Street, Room W290
Indianapolis, Indiana 46204

State Agency: Indiana Department of Natural Resources, Division of Entomology & Plant Pathology

Re: Project information regarding the 2017 Kudzu Eradication Project (DHPA #20507)

Dear Mr. Cote:

Pursuant to Indiana Code 14-21-1 the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology ("DHPA") has conducted a review of the materials dated and received by the DHPA on January 26, 2017 for the above indicated project in Bartholomew, Brown, Clark, Clay, Crawford, Dubois, Floyd, Gibson, Greene, Harrison, Jennings, Knox, Lake, LaPorte, Lawrence, Martin, Morgan, Orange, Owen, Perry, Posey, Starke, Sullivan, Switzerland, Vanderburgh, Vigo, and Warrick counties.

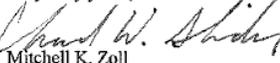
There are numerous archaeological sites in the proposed counties. However, it is our understanding that the proposed project includes the use of herbicide. Please be advised that the use of herbicide may cause damage to headstones, grave markers, and memorials. All chemical treatment should avoid contact with any headstones, grave markers, or memorials. Care should also be taken around known archaeological sites, including but not limited to prehistoric mounds, historic foundations, etc.

Based on our analysis, we do not believe that any historic properties will be altered, demolished, or removed by the proposed project.

If any prehistoric or historic archaeological artifacts, features, or human remains are uncovered during construction, state law (Indiana Code 14-21-1-27 & 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646.

If you have any further questions regarding this determination, please contact the DHPA. Questions about archaeological issues should be directed to Cathy Draeger-Williams at (317) 234-3791 or cdraeger-williams@dnr.IN.gov. Questions about historic buildings or structures pertaining to this project should be directed to Chad Slider at (317) 234-5366 or cslider@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #20507.

Very truly yours,


Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:CDW:cdw

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