# APPENDIX F:

# CONSULTATION LETTERS

Indiana Division of Historic Preservation and Archaeology
(Section 106 of the National Historical Preservation Act)

U.S. Fish and Wildlife Service – Bloomington Ecological Services Field Office
(Section 7 of the Endangered Species Act)

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

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

June 23, 2010

James B. Hodgson
Chief, Wildlife and Sportfish Restoration Program
Region 3, U.S. Fish and Wildlife Service
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, Minnesota 55111-4056

Federal Agency: U.S. Fish & Wildlife Service

Re: Notification of the U.S. Fish and Wildlife Service's finding of "no historic properties affected" concerning the disposition of approximately 1235 acres of Atterbury Fish and Wildlife Area land to be acquired by the Indiana National Guard (DHPA #9221)

Dear Mr. Hodgson:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated and received on May 27, 2010 for the above indicated project in Atterbury State Fish & Wildlife Area, Nineveh Township, Johnson County, Indiana.

We concur with the U.S. Fish & Wildlife Service's May 18, 2010 finding that there are no historic buildings, structures, districts, objects, or archaeological resources within the area of potential effects that will be affected by the above indicated project.

This identification is subject to the following condition:

- The project activities remain within areas disturbed by previous construction.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 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. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

If you have questions about archaeological issues please contact Cathy Draeger-Williams at (317) 234-3791 or cdraeger-williams@dnr.IN.gov. If you have questions about buildings or structures please contact Miriam Widenhofer at (317) 233-3883 or mwidenhofer@dnr.IN.gov.

Very truly yours,

James A. Glass, PhD
Deputy State Historic Preservation Officer

JAG:MLW:mlw

cmc: Gary Armstrong, Division of Fish and Wildlife
Karstin Carmany-George, Camp Atterbury
Jim Mahern, Indiana National Guard

DNR Indiana Department of Natural Resources

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Chief, Wildlife and Sportfish Restoration Program
Region 3, U.S. Fish and Wildlife Service
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, Minnesota 55111-4056

Federal Agency: U.S. Fish and Wildlife Service

Re: Notification of the U.S. Fish and Wildlife Services' finding of "no historic properties affected" concerning the acquisition of approximately 2057 acres adjacent to the Putnamville Correctional Facility (DHPA #9222)

Dear Mr. Hodgson:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), 36 C.F.R. Part 800, and IC 14-21-1-14, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated and received on May 27, 2010 for the above indicated project in Warren Township, Putnam County, Indiana.

We see no reason to object to the U.S. Fish and Wildlife Service's May 18, 2010 finding that there are no historic buildings, structures, districts, objects, or archaeological resources within the area of potential effects that will be affected by the above indicated project.

This identification is subject to the following condition:

- The project activities remain within areas disturbed by previous construction.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 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. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

If you have questions about archaeological issues please contact Cathy Draeger-Williams at (317) 234-3791 or cdraeger-williams@dnr.IN.gov. If you have questions about buildings or structures please contact Miriam Widenhofer at (317) 233-3883 or mwidenhofer@dnr.IN.gov.

Very truly yours,

James A. Glass, PhD
Deputy State Historic Preservation Officer

JAG:MLW:mlw

emc: Kevin Orme, Department of Corrections
Gary Armstrong, Division of Fish and Wildlife

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# United States Department of the Interior

## Fish and Wildlife Service

Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

20 July 2010

John Christian
U.S. Fish and Wildlife Service
Asst. Reg. Director Migratory Birds & State Programs
1 Federal Drive, BHW Building
Ft. Snelling, MN 55111-4056

RE: Intra-service section 7 consultation for a proposed land exchange involving property from Atterbury Fish and Wildlife Area (FWA) in Johnson County, Indiana going to Camp Atterbury Joint Maneuver Training Center (CAJMTC) and property from the Putnamville Correctional Facility in Putnam County, Indiana going to the Indiana Department of Natural Resources (IDNR).

Dear Mr. Christian:

Over the past six months, the Bloomington Field Office (BFO) of the U.S. Fish and Wildlife Service (Service) has been informally consulting with representatives of the IDNR, CAJMTC, and Federal Aid Specialist, Jon Parker, regarding the action referenced above. Over the past two weeks, the BFO received information that we had requested from CAJMTC (received on 29 June 2010) and the IDNR (received on 15 July 2010) that allowed us to proceed with this consultation. We have evaluated the information provided to us to assess whether we concur with your staff's determination that the proposed land swap and subsequent management changes and/or developments are not likely to adversely affect federally endangered Indiana bats (*Myotis sodalis*). 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 (ESA), and the U. S. Fish and Wildlife Service's Mitigation Policy.

We received and reviewed multiple documents describing the current conditions of the parcels that would be exchanged and the proposed development and/or management plans for these properties. These documents included the following: "Statement of Intent, Area Development Plan" dated 12 March 2010 (prepared by CAJMTC); "Statement of Intent, Area Development Plan – Addendum" dated 8 April 2010 (prepared by CAJMTC); "Biological Assessment of the USDoD/IDNR/IDOC Land Exchange Proposal" dated 26 February 2010 (prepared by IDNR); "Habitat Characterization" contained within "Statement of Intent, Area Development Plan – Addendum 2" dated 24 June 2010 (prepared by CAJMTC); "Deer Creek Fish and Wildlife Area Proposed Site Management Plan Grant FW 27-L-10" (undated, prepared by IDNR); and completed Phase I and Phase II Region 3 Federal Assistance Section 7 Evaluation Forms (prepared by IDNR and R3 Federal Aid, respectively). Each of these documents is hereby incorporated by reference.

We understand that a land exchange is being proposed by the State of Indiana involving the IDNR, the Indiana Department of Corrections (IDOC) and the Military Department of Indiana (MDI). We understand that the MDI would acquire approximately 1,235 acres of the Atterbury FWA in Johnson Co., IN from the IDNR to facilitate an expansion of CAJMTC in exchange for approximately 2,057 acres in Putnam Co., IN, which has been operated as a grain, hay and livestock farm by the IDOC's Putnamville Correctional Facility to be managed as a new FWA by the IDNR.

Because the proposed property swap involves land at Atterbury FWA that originally was acquired using Federal Aid funds (i.e., a federal nexus), the Service needs to approve of the exchange and insure that any anticipated direct and indirect effects of the exchange and subsequent changes in land management are protective of Indiana bats and comply with section 7 of the ESA.

Land going from IDNR (Atterbury FWA) to MDI (CAJMTA)

We understand that CAJMTC plans to expand north of Hospital Road and develop an administrative building area that would fall within the former WWII built-out areas and one new area at the rail spur termination point near the northern proposed expansion boundary. Collectively, the areas planned for future development is approximately 488 acres out of the 1,235 total acres that will be transferred to the MDI. The remaining 747 acres will remain as unimproved land and will serve as a buffer around the developed areas and between CAJMTC and Atterbury FWA. CAJMTC anticipates that most re-development of the northern expansion area will occur over the next 25 to 30 years; with initial projects for the land exchange area affecting less than 200 of the 488 acres surveyed.

At the BFO's request, the CAJMTC's Natural Resources Manager, Michael Peterkin, conducted a habitat characterization/assessment of the forested habitat within the 488 acres comprising the proposed long-term build out area. Mr. Peterkin concluded the following:

- There currently is limited forested habitat present.
- There are few desirable trees species and/or large diameter trees to serve as potential bat roost sites.
- There is some potential for habitat quality to increase over time as trees gain diameter and older ash and cottonwood specimens decline and become snags. However, many of the snags currently present are of little use to the Indiana bat due to their small diameter, low heights and a dense midstory of honeysuckle and autumn olive [Many snags were so entangled by vines/ invasive honeysuckle and autumn olive that they were inaccessible to bats that may be present in the area].
- Habitat quality for bats may slightly increase in the short term, but little regeneration of desirable species is occurring and natural succession towards more desirable species composition is unlikely. Unless intensively managed, autumn olive and honeysuckle will likely continue to proliferate and choke out regenerating forest species.
- There currently are no known Indiana bat roost trees on the 488 acres, or in the immediate area.
- The closest known Indiana bat roost tree is 1.47 miles east of the closest boundary of the area being considered for development.
- Other known Indiana bat roosts in the area are along the floodway of Sugar Creek 1.50, 1.54, and 1.70 miles to the east/northeast of the closest boundary of area to be developed.

Based on the results of the field inventory and habitat characterization of the exchange parcel at

Atterbury FWA; and taking into account known Indiana bat roost tree locations; and recognizing the presence of superior roost habitat on the remaining approximately 5,000 acres of adjacent IDNR property; and because removal of any trees >3 inches dbh only occurs between October 1 and March 31 of a given year (per BFO Timber Management Guidelines dated February 14, 2008), the Camp Atterbury Environmental Office has recommended that a "may affect, not likely to adversely affect" determination for the Indiana bat is appropriate for this portion (i.e., land going to CAJMTC) of the proposed land exchange.

Land going from IDOC (Putnamville Farm) to IDNR (new FWA)

In exchange for the land that the IDNR is giving to the MDI for the CAJMTA expansion, three unconnected parcels of land totaling 2,057 acres in Putnam Co., IN, currently owned by the Indiana Department of Corrections (IDOC) and managed as part of the Putnamville Correctional Facility, would be given to the IDNR to be managed by the IDFW as a new fish and wildlife area named Deer Creek FWA. These parcels comprised what had been a grain, hay and livestock farm operated by inmates housed at the Putnamville Correctional Facility and/or tenant farmers. The proposed Deer Creek FWA contains rolling topography with approximately 588 acres in agriculture leases and the balance is a mixture of pastures and mature oak-hickory dominated woods. Deer Creek winds through the southern portion of the property and a smaller unnamed creek crosses the northern portion. As the result of standard farming practices, quality wildlife habitat is currently in short supply. Transitions zones between the farm fields and wooded areas show little diversity and lack those mid-level plant species that are important as escape and nesting/brood habitat.

Because the proposed Deer Creek FWS contains suitable roosting and foraging habitat for the Indiana bat, the Service assumes that this species may be present and that appropriate measures should be taken to conserve it. To our knowledge, no bat surveys have been conducted in the immediate Deer Creek area, but multiple Indiana bat records exist elsewhere in Putnam County.

The IDNR is proposing the following changes/management activities for the Deer Creek FWA:

- The primary use of the property will be to provide opportunities for hunters, fishermen and trappers. Compatible secondary uses will include: wildlife watching, nature study, berry, nut, and mushroom gathering.
- Some of the existing/surplus barns on the property would be razed while some others would be used for housing equipment and as office space.
- Edge feathering between habitat types is being proposed. In the agricultural areas this will consist of planting of small trees and shrubs, legume patches and establishing warm season grasses. Softening of the edges in timbered areas will involve moving into the standing timber to provide diversity that cannot be produced by allowing natural succession to advance in agricultural areas.
- A timber management plan will be developed to establish current conditions and identify needed practices that would benefit wildlife such as increase both soft and hard mast producing trees and trees suitable as nest/den sites.
- An existing firewood program administered by the correctional facility will be discontinued by mutual agreement.
- Prescribed fire will be used to manage some early successional habitats (IBat guidelines will be followed).

- Although the current tenant farming lease will remain in effect, the overall acreage under lease will be reduced from 588 acres to approximately 300 acres to allow for more acreage to be managed as early successional habitat for upland game species and the lease agreement will be modified to conform to the IDFW's management guidelines covering farming activities on fish and wildlife areas. These guidelines include: 1) succession control 2) rotational schedule of fields to benefit wildlife including idle periods 3) receive services to allow completion of habitat work on other areas of the FWA 4) provide wildlife friendly transition between open areas and mature wooded areas 5) percentage of crops are left to provide additional food sources for wildlife in harsh winter months 6) when idled for a year these areas provide those very early succession plant species, especially forbs, that are important wildlife nesting and rearing areas for upland bird species.
- The use of pesticides will be allowed by prior approval of the Property Manager only on the areas used to grow the agricultural crops. All pesticide use must be in accordance with label directions. Offsite use will not be allowed. Any pesticide use on the permanent buffer areas will be done by fish and wildlife personnel with appropriate applicator certification and only to help establish native vegetation. Professional consultation with the Service's Bloomington Field Office will be used to develop the most compatible approach to herbicide use in any sensitive areas.

Following the exchange, this property will be covered by a Wildlife and Sport Fish Restoration federal interest, similar to most other DFW Fish and Wildlife Areas. Management activities will become part of the FW22D Property Operations Grant and will be conducted in a manner consistent with federal assurances for construction and non-construction programs. Specifically, all management activities would follow all applicable Section 7, Endangered Species guidelines established by the Service's Bloomington Field Office (e.g., timber management and Rx fire guidelines).

Conclusion

The CAJMTC and IDNR have both agreed to follow specific measures (see above) that would avoid direct take of Indiana bats. We have concluded that direct and indirect take of Indiana bats is not likely because (1) no tree removal will take place between April 1st and October 1st (when Indiana bats may be present), (2) the magnitude of proposed habitat impacts/modifications on the exchanged lands will be relatively small in regard to suitable bat habitat, (3) large contiguous blocks of forestland/bat roosting/foraging habitat will remain intact at CAJMTC and Deer Creek FWA and surrounding areas, (4) no known roost trees exist within the CAJMTC expansion boundaries nor the Deer Creek FWA, and (5) the 488 acres that will be cleared within the CAJMTC expansion area over the next 25-30 years is currently low-quality roosting habitat for bats.

Upon thorough review of the proposed land exchange and the indirect and interrelated actions and land use and management changes that will follow, we anticipate that any adverse affects to Indiana bats from this action would be insignificant and discountable and that incidental take is not likely to occur. Therefore, we do not concur with the Federal Aid program's "May Affect, Likely to Adversely Affect" determination for this action as recorded on the Phase II form (dated 16 March 2010), but we do provide concurrence for a "May Affect, Not Likely to Adversely Affect" (NLAA) determination for the Indiana bat. This project may proceed as planned without entering a formal section 7 consultation for the Indiana bat.

Lastly, because effects to the rayed bean mussel (*Villosa fabalis*) will be insignificant and discountable, we also provide our concurrence with Federal Aid's NLAA determination for this federal candidate species.

This precludes the need for further consultation on this proposed action as required under section 7 of the Endangered Species Act of 1973, as amended. If, however, new information on endangered species within the project areas becomes available or if project plans change (e.g., additional tree clearing will occur), then please contact Andy King at (812) 334-4261 ext. 1216 or Andrew_King@fws.gov for further consultation.

Sincerely,

Scott E. Pruitt
Field Supervisor

cc: James B. Hodgson, USFWS/Federal Aid (via email)
Jon Parker, USFWS/Federal Aid (via email)
Mark Reiter, IDNR
Gary Armstrong, IDNR (via email)
Catherine Gremillion-Smith, IDNR (via email)
Commander Omer Tooley, Jr., INARNG
Michael Peterkin, CAJMTC (via email)