MEMORANDUM FOR RECORD: 27 September 2013

SUBJECT: National Environmental Policy Act Compliance (NEPA) Determination On Purchase/Application of Copper Sulfate to control Zebra Mussels at Truman Lake

1. This memorandum is for a NEPA Compliance Determination on the Purchase/Application of Copper Sulfate Crystals CuSO4 to control zebra mussels at Truman Lake.

2. Truman Lake is a 55,600 acre USACE multi-purpose reservoir located in Benton, Hickory, Henry, and St. Clair Counties, Missouri. The project was congressionally authorized in 1954 and project purposes include: flood control, water supply, recreation, water quality and fish and wildlife conservation. First funds for project construction were appropriated in 1964 and construction was completed in 1979 at a cost of approximately $500 million. The lake has a drainage area of 11,500 square miles. Truman Lake is a drinking water source for the towns of Deepwater, Butler, Mt. Zion, Urich, and Clinton. Truman Lake, although a USACE constructed and operated reservoir, is a public water of the State of Missouri formed by impounding the Osage River.

3. A large quantity of dried zebra mussel were first discovered by Cole Kreisel a maintenance worker for the Corps of Engineers (USACE) on 11 September 2013 about 200 yards west of the Sky Village licensed boat ramp. It appeared that someone had scrapped them off a boat while it was still on its trailer several days prior to the discovery. On 13 September 2013, Mike Bayless and Clark Foster of the Missouri Department of Conservation (MDC) conducted a snorkel survey of the Sky Village Cove and found several live adult zebra mussels.

4. On 26 September 2013 a multi-agency meeting including MDC and USACE, was held at the Truman Lake Project Office to provide information on the zebra mussel discovery, identify specific agency responsibilities and concerns, and to discuss what, measure/s could be implemented to control or eliminate zebra mussels from this point source exposure (Enclosure 1).

5. It was determined that a treatment of Copper Sulfate in the Sky Village Cove would be the most cost effective treatment and have the greatest possibility of reducing or eradicating zebra mussels and veligers in that area, while avoiding and/or minimizing other adverse impacts. Approximately 92 acre feet (Enclosure 2) would receive an application of granular Copper Sulfate at the label application rate of 1.5 ppm. The specimen label for Copper Sulfate, EPA Reg. No. 829-210 (Enclosure 3) identifies it as an algaeicide/herbicide with copper sulfate crystals as active ingredient 99.0% and other ingredients 1.0%.

6. ER 200-2-2 Procedures for Implementing NEPA provides guidance for implementing NEPA for the Corps Civil Works Program. Section 7. Actions Normally Requiring an Environmental Assessment (EA) But Not Necessarily An EIS. D. Construction and Operations and Maintenance identifies changes in environmental impacts which were not considered in the
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project EIS or EA and provides examples like changes in pool level operations, use of new disposal areas, location of bank protection works, etc.

7. USACE will purchase the Copper Sulfate and MDC will have their licensed applicators apply it at Truman Lake to control an invasive species. This is not a substantial change from the typical fish & wildlife management activities as outlined in the Master Plan/Operational Management Plan that are ongoing at Truman Lake and includes various methods (chemical, mechanical, biological) to address noxious weed control, pests and invasive species. While zebra mussels represent a new challenge, Copper Sulfate is routinely used to control algae and its use in accordance with label requirements to control zebra mussels at Truman Lake is not considered a significant deviation from the typical invasive species management activities that are currently utilized.

8. Section 9 Categorical Exclusions of ER 200-2-2 provides a list of activities that are categorically excluded from NEPA documentation. Section a. Activities at completed Corps projects which carry out the authorized project purposes. Examples include routine operations and maintenance actions, general administration, equipment purchases, custodial actions, erosion control, painting, repair, rehabilitation, replacement of existing structures and facilities such as buildings, roads, levees, groins and utilities, and installation of new buildings, utilities, or roadways in developed areas.

9. Factors supporting use of the categorical exclusion include:

   a. Truman Lake is a completed Corps project.

   b. Purchase/application of the Copper Sulfate Crystals to control zebra mussels at Truman Lake would be considered part of routine operations and maintenance. The Truman Lake Master Plan (MP) and Operational Management Plan (OMP) address both fish and wildlife management, dam safety and control of noxious weeds, pests and invasive species. As noted above these activities are ongoing at Truman Lake and includes various methods (chemical, mechanical, biological) to address noxious weeds, pests and invasive species.

   c. Purchase/application of the Copper Sulfate to treat zebra mussels carries out several of the authorized project purposes for Truman Lake. Eliminating or reducing zebra mussels would benefit fish and wildlife conservation by eliminating/minimizing an invasive species which poses a serious threat to native fish and wildlife populations. In addition, the treatment supports the authorized project purpose of flood control, power generation and water supply. A zebra mussel infestation could clog mechanical equipment and adversely impact the dam, powerhouse and appurtenant structures which are used for flood control operations, power generation and the Cities of Deepwater, Butler, Mt. Zion,
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Urich, and Clinton drinking water intakes. Finally, an infestation of zebra mussels at Truman Lake could adversely affect the authorized project purpose of recreation.

10. Coordination with other agencies – as noted above in 4.

11. Public Interest factors considered:

a. Fish and Wildlife – Application of Copper Sulfate as proposed would have minor adverse impacts on non-target fish and wildlife species in the application area. These impacts would be most severe on less motile species such as invertebrates and least on more motile species like fish which would have the capability to move away from the treatment area. The impacts to the less motile species would be expected to be temporary and populations in the treated area would be reestablished from nearby populations. It would be expected that a minor fish kill could occur. The kill would become apparent shortly after treatment and dead/dying fish would be collected by MDC and/or USACE staff and disposed of at an appropriate landfill. In order to minimize impacts to fisheries resources, application of the Copper Sulfate will begin at the shoreline and proceed out towards deeper water. The specimen label for Copper Sulfate notes that treated waters may be used for fishing immediately after treatment. Treatment is not expected to adversely affect birds or mammals. Adverse impacts to fish and wildlife from the treatment are expected to be temporary and very minor compared to the long-term adverse effects that would be expected to occur if a zebra mussel population becomes established in Truman Lake, since zebra mussels can drastically reduce the available food for native species and lead to population stunting and decline. In some instances specific treatment for zebra mussels is not pursued as by time of discovery they are too wide spread or evidence of reproduction has been documented. In this instance we have determined that the current discovery is isolated near the Sky Village boat ramp and associated with one specific infested boat. It is realized that zebra mussels could enter Truman Lake from another source at a later date or that the mussels on the contaminated boat may have successfully reproduced and that the treatment may only reduce but not eliminate the zebra mussels. Routine monitoring at the lake will continue. If after treatment zebra mussels are discovered at a future date, evaluation of the circumstance will be made to determine if additional treatment represents a viable option.

b. Water Quality – The Missouri Department of Natural Resources (MDNR) lists beneficial uses of Truman Lake as: livestock and wildlife watering; protection of warm water aquatic life; human health associated with fish consumption; boating
and canoeing; whole body contact; and drinking water supply. Although a short-
term fish kill may occur, Copper Sulfate will rapidly dissipate and dilute to
harmless levels in the lake. However, the entire cove including the treated area
will be closed to all human activities for a minimum of 72 hours after treatment.
The boat ramp will be posted with area closed signs and the entrance to the cove
will be delineated with no access buoys. No adverse impacts to water quality are
anticipated.

c. Drinking Water - The Cities of Deepwater, Butler, Mt. Zion, Urich, and Clinton
and the Sparrowfoot Public Use Area drinking water intakes are located more
than 23 miles from the proposed treatment area. Copper Sulfate is approved by
the Environmental Protection Agency for application to water bodies that serve
as drinking water supplies and considering the distance between the application
area and the water intakes, and the quantity being applied no adverse impacts to
the Cities’ or the Public Use Area’s drinking water is anticipated.

d. Recreation - Boating, fishing, and swimming are all recreation activities that
would be expected to occur in the vicinity of the Sky Village boat ramp. As noted
above the entire cove will be closed for a minimum of 72 hours after treatment to
eliminate any potential human contact with the treated waters. Other than the
minor temporary short term impacts to recreation associated with fish and wildlife
impacts identified above, no additional adverse impacts to recreational users are
anticipated.

e. Timing – Treatment is scheduled to occur on 1 October 2013. The objective
being to treat the area as soon as possible after discovery to kill adult zebra
mussels and veligers, eliminating reproduction and the potential spread to other
areas of the lake.

f. Costs – Estimated total cost for the Copper Sulfate is approximately $3,000 and
it will be purchased by USACE. MDC would provide labor for the application. A
zebra mussel infestation at Truman Lake would have substantial costs
associated with increased maintenance and operations costs to recreational
facilities, water intakes, the dam, powerhouse and appurtenant structures. In
addition, native fish and wildlife species, and associated recreation, would be
adversely affected.

12. Compliance with other environmental laws and regulations.

a. Clean Water Act – The proposed action involves no discharge of fill material into
a water of the United States and therefore requires no authorization under
SUBJECT: National Environmental Policy Act Compliance (NEPA) Determination On Purchase/Application of Copper Sulfate to Control Zebra Mussels at Truman Lake

Section 404 of the Clean Water Act. Timothy J. Banek, MDC Invasive Species Coordinator, verified with MDNR that unless MDC planned to routinely use the Copper Sulfate treatment method, no MDNR permits were needed for the specific application at Truman Lake.

b. Endangered Species Act – The proposed action would have no effects on any listed threatened or endangered species or any designated critical habitat.

c. National Historic Preservation Act - The proposed action would have no effects on any cultural resources or property listed or eligible for listing on the National Register of Historic Places.

13. Based on the above evaluation, OD-T has determined that the purchase/application of Copper Sulfate to control Zebra Mussels at Truman Lake is categorically excluded from NEPA documentation in accordance with Section 9 Categorical Exclusions of ER 200-2-2 - Section a. Activities at completed Corps projects which carry out the authorized project purposes. Examples include routine operations and maintenance actions, general administration, equipment purchases, custodial actions, erosion control, painting, repair, rehabilitation, replacement of existing structures and facilities such as buildings, roads, levees, groins and utilities, and installation of new buildings, utilities, or roadways in developed areas.

14. This evaluation was prepared by Michael A. Watkins, OD-TR, at X3651.
Stu, A meeting was held at Truman this morning to work out our path forward regarding treating the infected cove. Tim Banek, Invasive Species Coordinator and Mike Bayless, Fisheries Biologist from MDC attended. Mike Watkins and Marvin Boyer from KCD attended the mgt.

Treatment of the infected area will be a cooperative effort. The cove will be treated next Monday or Tuesday with granular Copper Sulfate. The boat ramp where the infestation was discovered is located toward the back of the cove. Treatment will start at the back of the cove and move out toward the mouth.

We were able to purchase 1500 lbs of copper sulfate which will treat approximately 221 acre ft at 2.5 ppm. Attached is a photograph of zebra mussels found at the site and a map of the cove. MDC will apply the product per label instructions.

We will close the road to the ramp and place boats keep out buoys for 48 Hours following the treatment.

7 days after treatment (I believe this was the time stated) the area will be re-sampled for the presence of veligers.

Information has been sent to David Kolarik to coordinate a joint press release with MDC.

Please let me know if you have any questions.

Dennis Wallace, PMP
Operations Project Manager
Harry S. Truman Dam & Reservoir
816-389-3869
PONDMASTER®
COPPER SULFATE CRYSTALS

ACTIVE INGREDIENT: By Weight
Copper sulfate pentahydrate ........................................ 90.0%
OTHER INGREDIENTS: .................................................. 1.0%
TOTAL 100.0%

CAS #7758-89-8
COPPER AS METALLIC NOT LESS THAN 25%

KEEP OUT OF REACH OF CHILDREN
DANGER – PELIGRO
Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

READ THE ENTIRE LABEL FIRST. OBSERVE ALL PRECAUTIONS AND FOLLOW DIRECTIONS CAREFULLY.

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
DANGER – PELIGRO: Corrosive. Causes eye damage and irritation to the skin and mucous membranes. Harmful or fatal if swallowed. Do not get in eyes, on skin or on clothing. Do not breathe dust or spray mist. May cause skin sensitization reactions to certain individuals.

PERSONAL PROTECTIVE EQUIPMENT
Applicators and other handlers must wear: Long-sleeved shirt and long pants, chemical-resistant gloves made of any waterproof material, shoes plus socks, and protective eyewear. Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category A on an EPA chemical resistance category selection chart. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS
Users should: • Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. • Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. • Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

First Aid (cont.)

If inhaled:
• Move person to fresh air.
• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth if possible. • Call a poison control center or doctor for treatment advice.

If in eyes:
• Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.
• Call a poison control center or doctor for treatment advice.

If swallowed:
• Call poison control center or doctor immediately for treatment advice.
• Have person sip a glass of water if able to swallow.
• Do not induce vomiting unless told to do so by the poison control center or doctor.
• Do not give anything by mouth to an unconscious person.

NOTE: Have the product container or label with you when calling a poison control center or doctor or going for treatment. In the event of a medical emergency, you may also contact the National Pesticide Information Center at 1-800-859-7378.

ENVIRONMENTAL HAZARDS
This product is toxic to fish. Direct application of copper sulfate to water may cause a significant reduction in populations of aquatic invertebrates, plants and fish. Do not treat more than one-half of lake or pond at one time in order to avoid depletion of oxygen from decaying vegetation. Allow 1 to 2 weeks between treatments for oxygen levels to recover. Trout and other species of fish may be killed at application rates recommended on this label, especially in soft or acid waters. However, fish toxicity generally decreases when the hardness of water increases. Do not contaminate water by cleaning of equipment or disposal of wastes. Consult your local State Fish and Game Agency before applying this product to public waters. Permits may be required before treating such waters.

DIRECTIONS FOR USE
It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.
For requirements specific to your State or Tribe, consult the agency responsible for pesticide regulations.

AGRICULTURAL USE REQUIREMENTS
Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.
Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 24 hours.
PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: Coveralls, chemical-resistant gloves made of any waterproof material (such as polyvinyl chloride, nitrile rubber, or butyl rubber), shoes plus socks, and protective eyewear.
GENERAL INSTRUCTIONS FOR USE

Water hardness, temperature of the water, the type and amount of vegetation to be controlled, and the amount of water flow are to be considered in using copper sulfate to control algae. Begin treatment soon after plant growth has started. If treatment is delayed until a large amount of algae is present, larger quantities of copper sulfate will be required. Algal growth is difficult to control with copper sulfate when water temperatures are low or when the water conditions are hard water. Larger quantities of copper sulfate will be required to kill and control algae in water which is flowing than in a body of stagnant water. If possible, curtail the flow of water before treatment and hold dormant for approximately three days after treatment or until the algae have begun to die. When preparing a copper sulfate solution in water, the mixing container should be made of plastic or glass or, a painted, enameled, or copper lined metal container. It is usually best to treat algae on a sunny day when the heavy mats of filamentous algae are most likely to be floating on the surface where it can be sprayed directly. If there is some doubt about the concentration to apply, it is generally best to start with a lower concentration and to increase this concentration until the algae are killed.

Treatment of algae can result in oxygen loss from decomposition of dead algae. This loss can cause fish suffocation. Therefore, to minimize this hazard, treat one-third to one-half of the water area in a single operation and wait 10 to 14 days between treatments. Begin treatments along the shore and proceed outward in bands to allow fish to move into untreated water. NOTE: If treated water is to be used as a source of potable water, the metallic copper residual must not exceed 1 ppm (4 parts per million pentahydrate).

CALCULATIONS FOR THE AMOUNT OF WATER IMPounded AND FOR THE AMOUNT OF COPPER SULFATE TO BE USED: Calculate water volume as follows: (1) Obtain surface area by measuring of regular shaped ponds or mapping of irregular ponds or by reference to previously recorded engineering data or maps. (2) Calculate average depth by sounding in a regular pattern and taking the mean of all the readings or by reference to previously obtained data. (3) Multiply surface area in feet by average depth in feet to obtain cubic feet of water volume. (4) Multiply surface area in acres by average depth in feet to obtain total acre-feet of water volume.

CALCULATE WEIGHT OF WATER TO BE TREATED AS FOLLOWS: (1) Multiply volume in cubic feet by 62.44 to obtain total pounds of water; or (2) Multiply volume in acre feet by 2,720,000 to obtain pounds of water.

CALCULATIONS OF ACTIVE INGREDIENT TO BE ADDED: To calculate the amount of copper sulfate pentahydrate needed to achieve the recommended concentration, multiply the weight of water by the recommended concentration of copper sulfate. Since recommended concentrations are normally given in parts per million (ppm), it will be necessary to convert the value in parts per million to a decimal equivalent. For example, 2 ppm is the same as 0.000002 when used in this calculation. Therefore, to calculate the amount of copper sulfate pentahydrate to treat 1 acre-foot of water with 2 ppm copper sulfate, the calculation would be as follows:

0.000002 x 2,720,000 = 5.44 lbs. copper sulfate pentahydrate

CALCULATION OF WATER FLOW IN DITCHES, STREAMS, AND IRRIGATION SYSTEMS: The amount of water flow in cubic feet per second is found by means of a weir or other measuring device.

SPECIFIC INSTRUCTIONS

TO CONTROL ALGAE AND THE POTAMOGETON PONDWEEDS (LEAFY AND SAGO) IN IRRIGATION SYSTEMS: Once the amount of copper sulfate required for treating ditches or streams has been calculated, use a continuous application method, selecting proper equipment to supply copper sulfate granular crystals as follows:

FOR ALGAE CONTROL — Begin continuous addition application of granular copper sulfate when water is first turned into the system and continue throughout the irrigation system, applying 0.1 to 0.2 pounds per cubic foot per second per day.

FOR LEAFY PONDWEED AND SAGO PONDWEED CONTROL — Use the same continuous feeder, applying 1.6 to 2.4 pounds copper sulfate pentahydrate per cubic foot per second per day. NOTE: For best control of leafy and sago pondweed, it is essential to begin copper sulfate additions when water is first turned into the system or ditch to be treated and to continue throughout the irrigation system. Copper sulfate becomes less effective as the alkalinity increases. Its effectiveness is significantly reduced when the bicarbonate alkalinity exceeds 150 ppm. Should copper sulfate fail to control pond weeds satisfactorily, it may be necessary to treat the ditch with either a suitable approved herbicide or use a mechanical means to remove excess growth. In either case, resume copper sulfate addition as soon as possible.

TO CONTROL ALGAE IN IMPONDED WATERS, LAKES, PONDS, AND RESERVOIRS: There are several methods by which to apply copper sulfate to impounded water. Probably the most satisfactory and simplest method is to dissolve the copper sulfate crystals in water and to spray this water over the body of water from a boat. A small pump mounted in the boat can easily be used for this purpose. Fine crystals may be broadcast directly on the water surface from a properly equipped boat. A specially equipped air blower can be used to discharge fine crystals at a specific rate over the surface of the water. When using this method, the direction of the wind is an important factor. Do not use this method unless completely familiar with this type of application.

Where the situation permits, copper sulfate may be applied under the water by dragging burlap bags containing copper sulfate. The crystals are placed in burlap bags and dragged through the water by means of a boat. Begin treatment along the shoreline and proceed outward until one-third to one-half of the total area has been treated. Care should be taken that the course of the boat is such as to cause even distribution of the chemical in large lakes. It is customary for the boat to travel in parallel lines about 20 to 100 feet apart. Continue dragging the burlap bags over the treated area until the minimum dosage is achieved and all crystals have been dissolved. Large or medium size crystals that dissolve slowly should be used with this method.

TO CONTROL ALGAE IN IRRIGATION CONVEYANCE SYSTEMS USING THE SLUG APPLICATION METHOD: Make an addition (dump) of copper sulfate into the irrigation ditch or lateral at 0.25 to 2.0 lbs. per cubic foot per second of water per treatment. Repeat in two-week intervals as required. Depending on water hardness, alkalinity and algae concentration, a dump is usually required every 5 to 30 miles. Effectiveness of copper sulfate decreases as the bicarbonate alkalinity increases and is significantly reduced when the alkalinity exceeds approximately 150 ppm as CaCO3.

COPPER SULFATE REQUIRED FOR TREATMENT OF DIFFERENT GENERA OF ALGAE

The genera of algae listed on next page are commonly found in waters of the United States. Use the lower recommended rate in soft waters (less than 50 ppm methyl orange alkalinity) and the higher concentration in hard waters (above 50 ppm alkalinity). Always consult State Fish and Game Agency before applying this product to municipal waters.
<table>
<thead>
<tr>
<th>ORGANISM</th>
<th>0.25 to 0.5 ppm*</th>
<th>0.5 to 1 ppm*</th>
<th>1 to 1.5 ppm*</th>
<th>1.5 to 2 ppm*</th>
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<td>Mallomonas</td>
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*0.25 to 0.5 ppm = 0.67 to 1.3 lbs/acre ft.  *0.5 to 1 ppm = 1.3 to 2.6 lbs/acre ft.  *1 to 1.5 ppm = 2.6 to 3.9 lbs/acre ft.  *1.5 to 2 ppm = 3.9 to 5.32 lbs/acre ft.

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ENDANGERED SPECIES RESTRICTIONS: It is a violation of Federal Law to use any pesticide in a manner that results in the death of an endangered species or adverse modification of their habitat. The use of this product may pose a hazard to certain Federally designated endangered species known to occur in specific areas within the above counties.

***PLEASE NOTE*** Before using this product in the above counties you must obtain the EPA Bulletin specific to your area. This Bulletin identifies areas within these counties where the use of this pesticide is prohibited, unless specified otherwise. The EPA Bulletin is available from either your County Agricultural Extension Agent, the Endangered Species Specialist in your State Wildlife Agency Headquarters, or the appropriate Regional Office of the U.S. Fish and Wildlife Service. THIS BULLETIN MUST BE REVIEWED PRIOR TO PESTICIDE USE.
STORAGE AND DISPOSAL

PROHIBITIONS: Do not contaminate water, food or feed by storage or disposal. Open burning and dumping is prohibited. Do not re-use empty container.

STORAGE: Keep pesticide in original container. Do not put concentrate or dilutions of concentrate in food or drink containers.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinseate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Tripile rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinseate into application equipment or mix tank or store rinseate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

LIMITED WARRANTY AND DISCLAIMER

NOTICE: PBI/Gordon Corporation warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for purposes stated on such label only when used in accordance with directions under normal use conditions. It is impossible to eliminate all risks inherently associated with use of this product. Crop injury, ineffec-tiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of PBI/Gordon Corporation To the extent consistent with applicable law, PBI/Gordon Corporation shall not be liable for consequential, special or indirect damages resulting from the use or handling of this product. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer. To the extent consistent with applicable law exclusive remedy of any buyer or user of this product for any and all losses, injuries, or damages resulting from or in any way arising from the use, handling or application of this product, whether in contract, warranty, tort, negligence, strict liability or otherwise, shall not exceed the purchase price paid for this product or at PBI/Gordon Corporation’s election, the replacement of this product. PBI/Gordon Corporation MAKES NO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

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