



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Kentucky Ecological Services Field Office  
330 West Broadway, Suite 265  
Frankfort, Kentucky 40601  
(502) 695-0468

February 24, 2012

Mr. David Waldner  
Division of Environmental Analysis  
Kentucky Transportation Cabinet  
200 Mero Street  
Frankfort, Kentucky 40622

Re: FWS 2007-B-0904; New endangered species status listing of snuffbox mussel in regards to the Louisville – Southern Indiana Ohio River Bridges Project in Jefferson County, Kentucky and Clark County, Indiana; KYTC Item No. 5-118; INDOT Des. No. 9803640

Dear Mr. Waldner:

The U.S. Fish and Wildlife Service's (Service) Kentucky Field Office (FO) has reviewed your February 24, 2012 correspondence requesting technical assistance in determining if additional consultation, for the subject project is required for the snuffbox mussel, which is proposed for federally listing effective March 15, 2012. The following comments are provided by the Kentucky FO as the lead Service office for this Endangered Species Act (ESA) consultation in accordance with section 7 of the ESA.

On February 17, 2012 the Service concurred with KYTC's "not likely to adversely affect" determination for federally listed mussel species in association with the subject project. However, the biological assessment (BA) that was provided for the proposed project, and our review of the BA did not consider the effects of the project on the snuffbox mussel. We have compared the habitat requirements for the snuffbox mussel to those described within the BA as being present within the proposed project vicinity and have determined that due to the severe alteration of the river at the project site, it is unlikely that the snuffbox would occur within the project area. We believe that alteration of the river by the dam significantly contributed to habitat within the project area becoming unsuitable for the species. The absence of any recent occurrence records available to the Service further indicates that this species is unlikely to occur in this portion of the Ohio River. Therefore, it is our determination that current and/or future Section 7 consultation(s) with the Service regarding the proposed project do not require consideration of potential adverse effects on the snuffbox mussel, because it is unlikely that the species occurs within the action area.

Thank you for your request. Your concern for the protection of endangered and threatened species is greatly appreciated. If you have any questions regarding the information that we have provided, please contact Phil DeGarmo at (502) 695-0468 extension 110.

Sincerely,



Virgil Lee Andrews, Jr.  
Field Supervisor

Cc: Mr. Michael Litwin, USFWS, INFO  
Mr. Anthony Goodman, FHWA, KY