



TRANSPORTATION CABINET

Frankfort, Kentucky 40622
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Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Secretary

September 28, 2011

Mr. Virgil Lee Andrews, Jr., Field Supervisor
U.S. Fish and Wildlife Service
330 West Broadway Room 226
Frankfort, Kentucky 40601

Dear Mr. Andrews:

SUBJECT: Biological Assessment for Indiana bat, *Myotis sodalis*; , gray bat, *Myotis grisecens*; running buffalo clover, *Trifolium stoloniferum*; Short's goldenrod, *Solidago shortii*; pink mucket, *Lampsilis abrupta*; orange foot pimpleback, *Plethobasus cooperianus*; fat pocketbook, *Potamilus capax*; ring pink, *Obovaria retusa*; clubshell, *Pleurobema clava*; fanshell, *Cyprogenia stegaria*; rough pigtoe, *Pleurobema plenum*; spectaclecase, *Cumberlandia monodonta*; sheepnose, *Plethobasus cyphus*; American burying beetle, *Nicrophorus americanus*; Louisville cave beetle, *Pseudanopthalmus troglodytes*; interior least tern, *Sterna antillarum* and piping plover, *Charadrius melodus*.
Louisville-Southern Indiana Ohio River Bridges Project
Jefferson County KY and Clark County IN
Item No. 5- 118

Please find attached the Biological Assessment for the above listed species for the subject project. The proposed project is (described in the attached document) consists of the construction and improvement of two Ohio River bridges, reconstruction of the Kennedy interchange, Interstate widening and associated improvements within Louisville and Clark County Indiana.

Presence for Indiana bat is assumed. No areas of karst/cave habitat conducive to Indiana bat usage were identified within, or adjacent to the scope of the subject project. Avoidance and mitigation are outlined in the attached document. Based on these findings and proposed avoidance/mitigation KYTC determines this project to "Not likely to adversely affect" the Indiana bat.

Presence for gray bat is assumed. No areas of karst/cave habitat conducive to gray bat usage were identified within, or adjacent to the scope of the subject project. Avoidance and mitigation are outlined in the attached document. Based on these findings and proposed avoidance/mitigation KYTC determines this project to "Not likely to adversely affect" the gray bat.

No running buffalo clover or clover habitat was identified within the project impact area. Based on these findings and proposed avoidance/mitigation (surveys of waste/borrow areas when identified) KYTC determines this project to "Not likely to adversely affect" running buffalo clover.

No Short's goldenrod was identified within the project impact area. Short's goldenrod is considered to be extirpated by USFWS. Based on these findings and proposed avoidance/mitigation (surveys of waste/borrow areas when identified) KYTC determines this project to "Not likely to adversely affect" Short's goldenrod.

No listed mussels (see above) live or relict were found during mussel surveys. No mussel beds were noted during mussel surveys. No recent records for listed species were listed for the project area. Based on these findings and proposed avoidance/mitigation KYTC determines this project to "Not likely to adversely affect" listed mussels (see above).

No American Burying Beetles were identified within the project impact area. American Burying Beetle is considered to be extirpated in Kentucky by USFWS. Based on these findings and proposed



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avoidance/mitigation ((surveys of waste/borrow areas when identified) KYTC determines this project to "Not likely to adversely affect " American Burying Beetle.

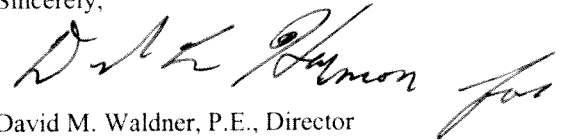
No Louisville cave beetles were identified within the project impact area. Louisville cave beetle habitat (Eleven Jones Cave) is over two miles from the project area and will not be impacted. Based on these findings and proposed avoidance/mitigation ((surveys of waste/borrow areas when identified) KYTC determines this project to "Not likely to adversely affect "the Louisville cave beetle.

No interior least terns were identified within the project impact area. Interior least tern habitat will be re-investigated during subsequent nesting seasons prior to construction as well as areas identified as waste borrow areas in the future.. Based on these findings and proposed avoidance/mitigation ((surveys of waste/borrow areas when identified) KYTC determines this project to "Not likely to adversely affect "the interior least tern..

No piping plovers were identified within the project impact area ,nor were any recent records of the species within the project area. KYTC determines this project to "Not likely to adversely affect "the piping plover..

This request is being made pursuant to Section 7(c) concerning interagency consultation of the Endangered Species Act of 1973 as amended. Our intention is to be in full compliance of the Act. We respectfully request your review and concurrence with our finding of "Not likely to adversely affect" for the gray bat , Indiana bat, running buffalo clover, Short's goldenrod, nine(9) mussels listed above, American burying beetle, Louisville cave beetle, interior least tern and piping plover. If you require additional information, you may contact Dale Noe of my staff at (502) 564-7250.

Sincerely,

A handwritten signature in black ink, appearing to read "D. M. Waldner", followed by a stylized flourish.

David M. Waldner, P.E., Director
Division of Environmental Analysis

FDN

Attachments

Cc: FHWA w/attachments
D-5 EPM (T. Foreman)
D-5 EC (J. Schaefer)
Project File w/attachments