

Meeting Minutes

Louisville-Southern Indiana Ohio River Bridges Project

Subject: Bald Eagle Date: March 29, 2012

Attendees:

Ulgonda Kirkpatrick	USFWS Atlanta	Ron Heustis	INDOT
Phil DeGarmo	USFWS Frankfort Field Office	Laura Hilden	INDOT
Janice Osadcuk	FHWA Indiana Division	Steve Rice	CTS
Anthony Goodman	FHWA Kentucky Division	Mitch Green	CTS
Brian Yanchik	FHWA Atlanta Regional Office	Bill Malley	Legal Counsel for INDOT
David Waldner	KYTC	Tim Haggerty	Legal Counsel for KYTC
Andrew Logsdon	KYTC		

Minutes:

David Waldner provided an introduction to the project including a short project history of the previous NEPA work, range of alternatives previously considered, and the current scope and status of the project. A description of the Bald Eagle nesting location in relation to the project alternative was discussed and the mapping showing the location was reviewed. The nest and roadway elevations were given and the roadway will be visible from the nest.

Phil DeGarmo discussed his conversations with Kate Heyden (KYDFWR nongame biologist) who had performed helicopter surveys of the nest on March 28, 2012. Kate indicated that there are several roost and perch trees in the area. The nest was found last year and there were eggs in the nest but it was not determined if young were fledged. Phil described the residential nature of the nest location and that the 660 foot radius drawn from the nest location includes little of the project. Phil asked Ulgonda Kirkpatrick if there was variance in the 660 foot radius.

Ulgonda Kirkpatrick indicated that there was and that it could be either lower or higher depending on the specific circumstances. It was indicated that monitoring would be required during heavy equipment work and that an eagle permit was recommended. Ulgonda indicated that the concern was short term rather than long term impacts. Long term effects were not likely for this eagle pair. Phil DeGarmo asked that Ulgonda give the DOT a general walkthrough of the permit.

Ulgonda discussed the overlap outside of the nesting season with the tree clearing restrictions for the Section 7 bat species and that should be the only tree clearing restrictions within the 660 foot buffer. It was indicated that the permit minimize impacts to the extent practicable.

David Waldner discussed the efforts proposed for the stabilization and rehabilitation to the historic Rosewell property. It was agreed that these actions will be included in the permit applications. It was

noted that exterior activities that may disturb the eagle pair will take place outside of the nesting season.

Phil DeGarmo discussed the permit as it pertains to USFWS and that as a USFWS action it would require Section 7 and NEPA prior to the issuance of the permit. Phil indicated that Section 7 has been completed for the project and will be used by USFWS to complete Section 7 requirements for the eagle permit. Ulgonda indicated that she will complete the NEPA documentation for the single pair. Kate Heyden has volunteered to offer assistance with document preparation by providing KYDFWR knowledge of the pair and the habitat. Ulgonda indicated that the NEPA documentation would likely be a Categorical Exclusion.

Anthony Goodman indicated that the permit would not be required prior to the issuance of the project NEPA Record of Decision but that the commitment to obtaining the permit prior to construction would be incorporated into the NEPA document.

David Waldner inquired as to any other minimization measures that might be necessary in addition to the tree clearing restrictions. Ulgonda indicated that there would be other minimization measures such as restrictions on staging that would be conditions of the permit and that she would provide Phil with a list to forward to the state agencies for their use in the permit preparation.

Phil DeGarmo indicated that the minimization measures should be included in the permit submittal.

David Waldner reiterated the accelerated schedule for this project and that a review of each minimization measure would allow the evaluation of the potential for affecting the project schedule.

Phil DeGarmo and Ulgonda Kirkpatrick discussed monitoring. Ulgonda generally indicated that bi-weekly monitoring during construction within the 660 buffer zone and monthly for three nesting seasons post-construction.

Andrew Logsdon inquired as to the requirement for foraging evaluations in the permit application. Ulgonda Kirkpatrick indicated that a description of the Ohio River as foraging area would be sufficient.

Ron Heustis indicated that minimization measures would need to be incorporated into the project's Request for Proposals.

David Waldner indicated that a detailed description of the activities associated with the Rosewell stabilization/rehabilitation project would be included in the permit application and that any no-work-zones and restrictions would be designated and included as project commitments.

End of minutes