

## **APPENDIX II – CORRESPONDENCE WITH STATE/FEDERAL AGENCIES**

1. Response Letter from the U.S. Fish and Wildlife Service dated August 16, 2006
2. Response Letter from the Kentucky Department of Fish and Wildlife Resources dated January 5, 2006
3. Response Letter from the Kentucky State Nature Preserves Commission dated December 21, 2005
4. Response Letter from the Kentucky Division of Water dated December 8, 2005
5. Response Email from the Kentucky Division of Water – Wellhead Protection Program dated December 19, 2005
6. Response Letter from the Kentucky Division of Forestry dated December 16, 2005



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
6950 Americana Parkway, Suite H  
Reynoldsburg, Ohio 43068-4127  
(614) 469-6923/Fax: (614) 469-6919

FILE COPY

August 16, 2006

TAILS: 31420-2006-TA-0837

Dennis A. Decker  
Federal Highway Administration  
Ohio Division Office  
200 North High Street  
Columbus, OH 43215

Dear Mr. Decker:

This is in response to your August 2, 2006 letter requesting our participation in the environmental review process for the Brent Spence Bridge Replacement/Rehabilitation project on I-75 between Covington, Kentucky and Cincinnati, Ohio. We understand that this project is in the preliminary development process and at this time you are initiating an Environmental Impact Statement (EIS). We accept the invitation to participate in this process and will serve as the lead FWS Field Office on this project.

Your red flag summary includes the federally listed species that may occur in the project area and that should be addressed during the planning process. Below we have provided you standard information on each of these species.

### ENDANGERED SPECIES COMMENTS:

The proposed project lies within the range of the Indiana bat (*Myotis sodalis*), a Federally-listed endangered species. Since first listed as endangered in 1967, their population has declined by nearly 60%. Several factors have contributed to the decline of the Indiana bat, including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines. Summer habitat requirements for the species are not well defined but the following are considered important:

1. Dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas.
2. Live trees (such as shagbark hickory and oaks) which have exfoliating bark.
3. Stream corridors, riparian areas, and upland woodlots which provide forage sites.

The Service recommends that project designs maintain as many trees and forested habitat shrub/scrub habitat as possible along all property lines and along edges of developed areas by minimizing footprint of graded areas, roads, and staging areas to the maximum extent practicable. Should the proposed site contain trees or associated habitats exhibiting any of the characteristics listed above, we recommend that the habitat and surrounding trees be saved wherever possible. If the trees must be cut, further coordination with this office is requested to determine if surveys are

warranted. Any survey should be designed and conducted in coordination with the Endangered Species Coordinator for this office.

The proposed project lies within the range of the **running buffalo clover** (*Trifolium stoloniferum*), a Federally-listed endangered species. This species can be found in partially shaded woodlots, mowed areas (lawns, parks, cemeteries), and along streams and trails. Running buffalo clover requires periodic disturbance and a somewhat open habitat to successfully flourish, but cannot tolerate full-sun, full-shade, or severe disturbance. If suitable habitat is present, we recommend that surveys for this species be conducted by a trained botanist in May or June when the plant is in flower.

The proposed project lies within the range of the **sheepnose mussel** (*Plethobasus cyphus*), a Federal candidate species. The sheepnose is primarily known from larger streams and rivers. It typically occurs in shallow shoal habitats with moderate to swift currents over coarse sand and gravel. Habitats with sheepnose may also have mud, cobble, and boulders. Should the proposed project directly or indirectly impact any of the habitat types described above, we recommend that a survey be conducted to determine the presence or probable absence of sheepnose mussels in the vicinity of the proposed site.

This technical assistance letter is submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C.661 et seq.), the Endangered Species Act of 1973, as amended, and is consistent with the intent of the National Environmental Policy Act of 1969, and the U.S. Fish and Wildlife Service's Mitigation Policy. Please note that consultation under section 7 of the ESA may be warranted for this project if suitable habitat for listed species may be impacted by this project. This letter provides technical assistance only and does not serve as a completed section 7 consultation document.

If you have any questions regarding our response or if you need additional information, please contact Sarena Selbo at extension 17.

Sincerely,



Mary Knapp, Ph.D.  
Field Supervisor

cc: ODNR, DOW, SCEA Unit, Columbus, OH



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**KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES  
COMMERCE CABINET**

**Ernie Fletcher**  
Governor

#1 Sportsman's Lane  
Frankfort, Kentucky 40601  
Phone (502) 564-3400  
1-800-858-1549  
Fax (502) 564-0506  
*kw.ky.gov*

**George Ward**  
Secretary

**Dr. Jonathan W. Gassett**  
Commissioner

January 5, 2006

Jeff Brown  
Environmental Planner  
Parsons Brinkerhoff Quade & Douglas, Inc.  
312 Elm Street, Suite 2500  
Cincinnati, OH 45202

RE: Threatened/endangered species, critical habitat review, and potential environmental impacts associated with the proposed improvements to I-75 and the Brent Spence Bridge in the Greater Cincinnati/Northern Kentucky Region.

Dear Mr. Brown:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) have received your request for the above-referenced information. The Kentucky Fish and Wildlife Information System (KFWIS) indicate that federal and state threatened and endangered species are known to occur within close proximity to the project area (see attached list). Please be aware that our database system is a dynamic one that only represents our current knowledge of the various species distributions.

Due to the fact that this project is in the early stages of planning and it is unknown the measures that will be taken to improve the traffic flow and level of service for the Greater Cincinnati/Northern Kentucky area we recommend that the Ohio Department of Transportation and the Kentucky Transportation Cabinet keep the various resource agencies informed on the ongoing status of the project. Several state and federally listed mussels have historically occurred within this portion of the Ohio River. Proposed improvements may warrant mussel surveys and/or special conditions to minimize impacts to the aquatic ecosystem. Continued communication between the state transportation agencies and the state and federal resource agencies will insure that goals are met with minimal impacts to natural resources.

To minimize indirect impacts to state and federal threatened/endangered mussels located within the Ohio River strict erosion control measures should be developed and implemented prior to construction to minimize siltation into waterways located within the project area. Such erosion control measures may include, but are not limited to silt fences, staked straw bales, brush barriers, sediment basins, and diversion ditches. Erosion control measures will need to be installed prior to construction and should be inspected and repaired regularly as needed

KDFWR recommends that you contact the appropriate US Army Corps of Engineers office and the Kentucky Division of Water prior to any work within the waterways or wetland habitats of Kentucky. Additionally, KDFWR recommends the following for the portions of the project that impact streams:

- Channel changes located within the project area should incorporate natural stream channel design.

- Development/excavation during low flow period to minimize disturbances.
- Proper placement of erosion control structures below highly disturbed areas to minimize entry of silt into area streams.
- Replanting of disturbed areas after construction, including stream banks, with native vegetation for soil stabilization and enhancement of fish and wildlife populations. We recommend a 100 foot forested buffer along each stream bank.
- Return all disturbed instream habitat to its original condition upon completion of construction in the area.
- Preservation of any tree canopy overhanging any streams within the project area.

I hope this information proves helpful to you. If you have any questions or require additional information, please call me at (800) 852-0942 Extension 366.

Sincerely,



Doug Dawson  
Wildlife Biologist III

Cc: Environmental Section File



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December 21, 2005

Jeff Brown  
Parsons, Brinkerhoff, Quade, and Douglas, Inc.  
312 Elm Street, Suite 2500  
Cincinnati, OH 45202

Data Request 06-039

Dear Mr. Brown:

This letter is in response to your data request of December 9, 2005 for the Brent Spence Bridge Study Area (Kenton County) project. We have reviewed our Natural Heritage Program Database to determine if any of the endangered, threatened, or special concern plants and animals or exemplary natural communities monitored by the Kentucky State Nature Preserves Commission occur near the project area on the Covington USGS Quadrangle, as shown on the map you provided to us. Please see the attached reports for more information, which reflect analysis of the project area with three buffers applied:

- 1-mile for all records – 28 records
- 5-mile for aquatic records – 28 records
- 5-mile for federally listed species – 16 records
- 10-mile for mammals and birds – 6 records

*Plethodon cinereus* (Redback salamander, KSNPC Special Concern) is found only in Boone, Kenton and Owen Counties in Kentucky. This is a woodland species that occurs in deciduous and mixed forest types. Adults are found under logs, rocks, bark, moss and debris.

Kirtland's snake (*Clonophis kirtlandii*, KSNPC Threatened, federal species of management concern) is known historically from the area but has not been observed in recent years. The species may persist in relict populations in minimally to moderately disturbed areas, mostly along stream drainages, but also in higher spots relatively far from streams. These snakes are regularly encountered in residential areas, mostly in grassy strips in floodplains, vacant lots, and similar sites where they find refuge beneath debris and in crayfish burrows. Disturbance, most notably heavy construction, in these habitats can potentially impact populations of the species.

*Trifolium stoloniferum* (Running buffalo clover, federally endangered, KSNPC threatened) has been observed in this area in the past. This plant grows in mesic soils that receive filtered light. It is recommended that a thorough search be conducted by a qualified biologist in the months of May through July. The optimal time to search is in May, during its flowering period. Areas to search include stream banks, bars, and terraces, footpaths, dirt roads, and grazed bottomlands.

*Passerculus sandwichensis* (Savannah Sparrow, KSNPC special concern) can be found in sparsely vegetated grasslands such as pastures.

*Tyto alba* (Barn Owl, KSNPC special concern) can be found in hollow trees, old buildings, barns, silos and other abandoned structures. Before demolition of existing structures, it should be determined that these birds are not present.

Please note that the vast majority of occurrences for aquatic organisms are from 1966 or earlier. This segment of the river has been severely impacted by pollutants. Although river quality is improving many if not all of these organisms apparently have been extirpated from the area.

I would like to take this opportunity to remind you of the terms of the data request license, which you agreed upon in order to submit your request. The license agreement states "Data and data products received from the Kentucky State Nature Preserves Commission, including any portion thereof, may not be reproduced in any form or by any means without the express written authorization of the Kentucky State Nature Preserves Commission." The exact location of plants, animals, and natural communities, if released by the Kentucky State Nature Preserves Commission, may not be released in any document or correspondence. These products are provided on a temporary basis for the express project (described above) of the requester, and may not be redistributed, resold or copied without the written permission of the Kentucky State Nature Preserves Commission's Data Manager (801 Schenkel Lane, Frankfort, KY, 40601. Phone: (502) 573-2886).

Please note that the quantity and quality of data collected by the Kentucky Natural Heritage Program are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in Kentucky have never been thoroughly surveyed, and new plants and animals are still being discovered. For these reasons, the Kentucky Natural Heritage Program cannot provide a definitive statement on the presence, absence, or condition of biological elements in any part of Kentucky. Heritage reports summarize the existing information known to the Kentucky Natural Heritage Program at the time of the request regarding the biological elements or locations in question. They should never be regarded as final statements on the elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. We would greatly appreciate receiving any pertinent information obtained as a result of on-site surveys.

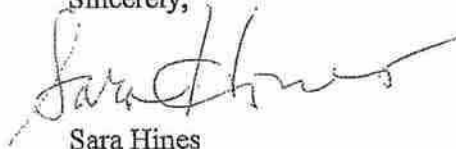
Data Request 06-039

December 21, 2005

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If you have any questions or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sara Hines".

Sara Hines  
Data Manager

SLD/SGH

Enclosures: Data Report and Interpretation Key

State/Federal Threatened/Endangered Species that could be impacted by the proposed project.

<u>Scientific Name</u>	<u>Common Name</u>	<u>Federal Status</u>	<u>KSNPC Status</u>
<i>Acipenser fulvescens</i>	LAKE STURGEON	N	E
<i>Clonophis kirtlandii</i>	KIRTLAND'S SNAKE	N	T
<i>Cryptobranchus alleganiensis alleganiensis</i>	EASTERN HELLBENDER	N	S
<i>Cumberlandia monodonta</i>	SPECTACLECASE	N	E
<i>Cyprogenia stegaria</i>	FANSHELL	LE	E
<i>Epioblasma obliquata obliquata</i>	CATSPAW	LE	E
<i>Epioblasma torulosa rangiana</i>	NORTHERN RIFFLESHELL	LE	E
<i>Epioblasma triquetra</i>	SNUFFBOX	N	E
<i>Fusconaia subrotunda</i>	LONGSOLID	N	S
<i>Ictiobus niger</i>	BLACK BUFFALO	N	S
<i>Lampsilis abrupta</i>	PINK MUCKET	LE	E
<i>Lampsilis ovata</i>	POCKETBOOK	N	E
<i>Lasmigona compressa</i>	CREEK HEELSPLITTER	N	E
<i>Obovaria retusa</i>	RING PINK	LE	E
<i>Plethobasus cooperianus</i>	ORANGEFOOT PIMPLEBACK	LE	E
<i>Plethobasus cyphus</i>	SHEEPNOSE	N	E
<i>Plethodon cinereus</i>	REDBACK SALAMANDER	N	S
<i>Pleurobema clava</i>	CLUBSHELL	LE	E
<i>Pleurobema plenum</i>	ROUGH PIGTOE	LE	E
<i>Pleurobema rubrum</i>	PYRAMID PIGTOE	N	E
<i>Quadrula cylindrica cylindrica</i>	RABBITSFOOT	N	T
<i>Rana pipiens</i>	NORTHERN LEOPARD FROG	N	S
<i>Simpsonia ambigua</i>	SALAMANDER MUSSEL	N	T
<i>Sitta canadensis</i>	RED-BREASTED NUTHATCH	N	E

**US Fish & Wildlife Service Status:**

N = None  
 C = Candidate  
 LT = Listed as Threatened  
 LE = Listed as Endangered

**KY State Nature Preserves Commission Status**

N = None  
 E = Endangered  
 T = Threatened  
 S = Special Concern  
 H = Historic  
 X = Extirpated



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ENVIRONMENTAL AND PUBLIC PROTECTION CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Ernie Fletcher  
Governor

Division of Water  
14 Reilly Road  
Frankfort, Kentucky 40601-1190  
www.kentucky.gov

Lajuana S. Wilcher  
Secretary

December 8, 2005

Mr. Jeff Brown  
Environmental Planner  
Parsons Brinckerhoff Quade & Douglas, Inc.  
312 Elm Street, Suite 2500  
Cincinnati, Ohio 45202

Dear Mr. Brown,

We are in receipt of your request for information on wild rivers and outstanding state resource in waters in the vicinity of the Brent Spruce Bridge Project and can report that there are none in the identified project boundary.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Tom C. Van Arsdall".

Tom C. Van Arsdall, Manager  
Water Quality Branch

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**Brown, R. Jeffrey**

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**From:** McKinney, Bruce (EPPC DEP DOW) [Bruce.McKinney@ky.gov]

**Sent:** Monday, December 19, 2005 9:09 AM

**To:** Brown, R. Jeffrey

**Subject:** Brent Spence Bridge Project

Jeff,

There are no wells or springs in the area that was outlined on the map. If you need anything else just let me know.

Bruce McKinney  
Wellhead Protection Program

# Brent Spence Bridge

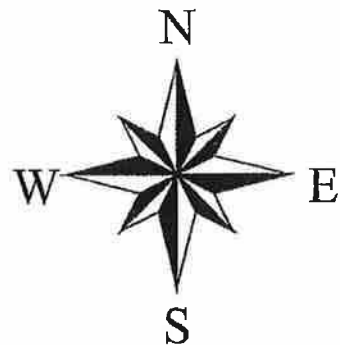


## Wellhead Protection Areas

 Generalized Area

 GW Wells

 GW Springs





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**ENVIRONMENTAL AND PUBLIC PROTECTION CABINET**

**Ernie Fletcher**  
Governor

Department for Natural Resources  
Division of Forestry  
627 Comanche Trail  
Frankfort, Kentucky 40601  
www.kentucky.gov

**Lajuana S. Wilcher**  
Secretary

**Leah W. MacSwords**  
Director

**December 16, 2005**

**Jeff Brown**  
Environmental Planner  
Parsons Brinckerhoff Quade & Douglas, Inc.  
312 Elm Street, Suite 2500  
Cincinnati, OH 45202

Dear Mr. Brown:

This letter serves as an environmental assessment of the I-75 road-widening project being initiated in Kenton County. There are currently no state forests or champion trees located in the project study area. However, special care should be taken around existing trees that will remain after the construction is complete. Heavy equipment should be kept away from the base of the tree to prevent wounding of the trunk or surface roots. Construction traffic should be routed away from the dripline of the tree to lessen the severity of soil compaction. Compacted soil reduces the amount of water available to the tree, and this lack of water can cause added stress. Stressed trees are vulnerable to insect and disease infestation.

After completion of the project, consider planting additional trees in the landscape. Trees selected should be matched to the site. I have enclosed a publication entitled "Selecting and Planting Trees," which will assist in determining the correct species for the correct site conditions.

If you need further assistance, please contact Sarah C. Gracey, State Urban Forester, at 502-564-4496.

Sincerely,



Leah MacSwords,  
Director

LM:DLO  
Enclosure