



**KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES
TOURISM, ARTS, AND HERITAGE CABINET**

Steven L. Beshear
Governor

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

Marcheta Sparrow
Secretary

Dr. Jonathan W. Gassett
Commissioner

22 July 2011

Neil A. Guthals
Senior Ecologist
Redwing Ecological Services, Inc.
1139 South Fourth Street
Louisville, KY 40203

RE: Request for Information
Kentucky Highway 32 Reconstruction Project
Rowan and Elliot Counties, Kentucky
Redwing Project 09-076
KYTC Item No. 9-192.00

Dear Mr. Guthals:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for information regarding the subject project. The Kentucky Fish and Wildlife Information System indicates that no federally-listed species are known to occur within the boundaries of the study area as described in the project description. The Trout-perch (*Percopsis omiscomaycus*) is a state-listed species known to occur within Big Caney Creek. This species lives in streams containing sand, cobble, and large rocky substrates, and their major food items include crustaceans, insects, and small fish. Impacts to aquatic systems inhabited by the Trout-perch may reduce spawning and feeding habitat, with potential for population reduction as a result. Please be aware that our database system is a dynamic one that only represents our current knowledge of various species distributions.

As mentioned in the project description, this study area encompasses several streams, with Laurel Creek and Big Caney Creek being listed as Designated Use Waters by the Kentucky Division of Water (KDOW). These are streams that are representative of the least-impacted streams within a bioregion, and avoidance of impacts to these areas is highly recommended. Additionally, both Clifty Creek and Laurel Creek run through the boundaries of the Ed Mabry-Laurel Gorge Wildlife Management Area (WMA), with Laurel Creek further classified as Cold Water Aquatic Habitat by the KDOW. These streams are stocked with trout by the KDFWR, and provide excellent recreational opportunity. Streams providing suitable habitat for trout are becoming increasingly rare in Kentucky, and therefore it is imperative to protect habitats that can support this guild.

As mentioned, the Ed Mabry-Laurel Gorge Wildlife WMA is within the boundaries of the study area. This WMA is an existing, approved preservation site purchased with In-Lieu Fee mitigation dollars by the KDFWR Wetland and Stream Mitigation Program. Only tracts of exceptional quality are granted approval to be purchased as preservation-based



mitigation areas, and this WMA holds great ecological and recreational value. The KDFWR stresses the importance of avoidance of this area, and developing alignments that do not impact the WMA in any way. Permanent protection is an important element to these mitigation site, and the Clean Water Act 2008 Final Mitigation Rule, 33 CFR 332.7 (a) states "The aquatic habitats, riparian areas, buffers, and uplands that compromise the overall compensatory mitigation project must be provided long-term protection through real estate instruments or other available mechanisms, as appropriate...". Additionally, this area may qualify under the 4(f) designation of the U.S. Department of Transportation Act of 1966. This designation protects publicly-owned recreational areas, parks, wildlife/waterfowl refuges, or historic sites from being converted to transportation uses. "Use" described in section 4(f) law includes both direct and indirect effects on public lands.

The KDFWR recommends that you look at the appropriate US Department of Interior National Wetland Inventory Map (NWI) and the appropriate county soil surveys to determine where the proposed project may impact wetlands and/or stream habitats. Field verification may be needed to determine the extent and quality of wetland habitats within the project area. Any planning should include measures designed to eliminate and/or reduce impacts to wetland and stream habitats. If impacts cannot be avoided, mitigation should be properly designed and proposed to offset the losses. The KDFWR recommends continued coordination with the KDOW, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service to ensure proper compliance under the Clean Water Act and all federal and state policies that govern this project.

To minimize indirect impacts to aquatic resources, strict erosion control measures should be developed and implemented prior to construction to minimize siltation into streams and storm water drainage systems 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.

I hope this information is helpful to you, and if you have questions or require additional information, please call me at (502) 564-7109 extension 4453.

Sincerely,

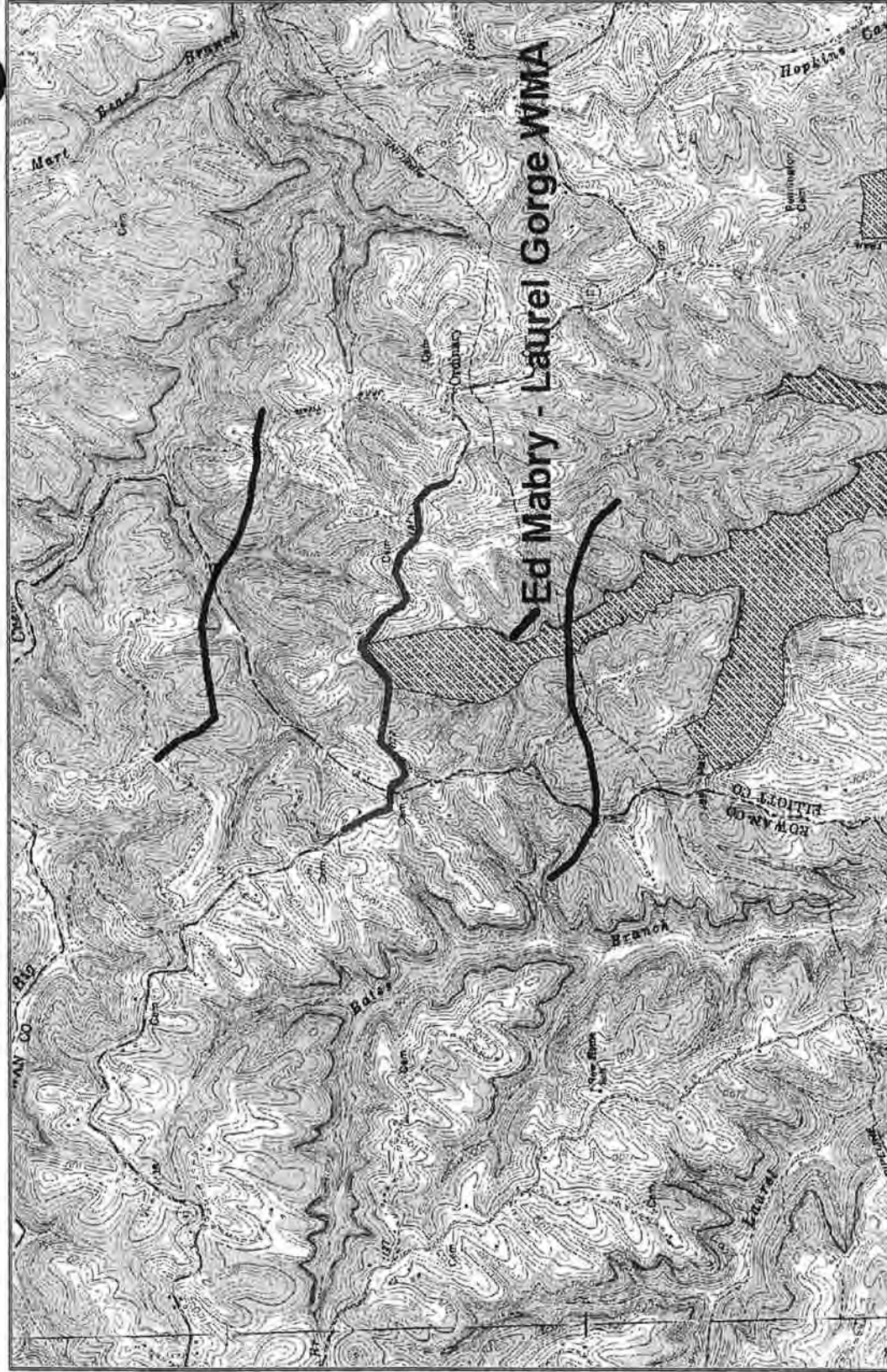


Dan Stoelb
Wildlife Biologist

Cc: Environmental Section File

 1-mile Buffer Study Area
 Existing Alignment

KY 32 Reconstruction Project



0 0.15 0.3 0.6 0.9 1.2 Miles

Dan Stoelb
 Wildlife Biologist - KDFWR
 24 July 2011