

Appendix E – Resource Agency Comments



RECEIVED

SEP 27 2013

Div. of Planning

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR NATURAL RESOURCES**

Steven L. Beshear
Governor

2 Hudson Hollow
Frankfort, Kentucky 40601
Phone (502) 564-6940
Fax (502) 564-5698
www.dnr.ky.gov
www.kentucky.gov

Leonard K. Peters
Secretary

Carl E. Campbell
Commissioner

September 27, 2013

Keith Dotson, Acting Director
Division of Planning
Kentucky Transportation Cabinet
200 Mero Street, 5th Floor
Frankfort, Kentucky 40622

RE: Ohio River Megapark Connector Project
McCracken County, Paducah Kentucky
Item No. 1-153.00

Comments about the Feasibility Planning Study;
Information from our data bases indicates the following:

- No mining operations are located within the project area.
- No Acid Mine Drainage occurs with the proposed alternate due to past mining operations.
- Wetland Areas and endangered species may be an environmental concern for the construction in the project area.
- Different types of water/gas wells exist with the project area.
- No known development plans are ongoing within the project area.

Attached are maps showing all facilities along the project area in McCracken County, Kentucky.

Sincerely,

Billy Ratliff by WJ

Billy Ratliff-Director
#2 Hudson Hollow Complex
Frankfort, KY 40601
Email: billy.ratliff@ky.gov

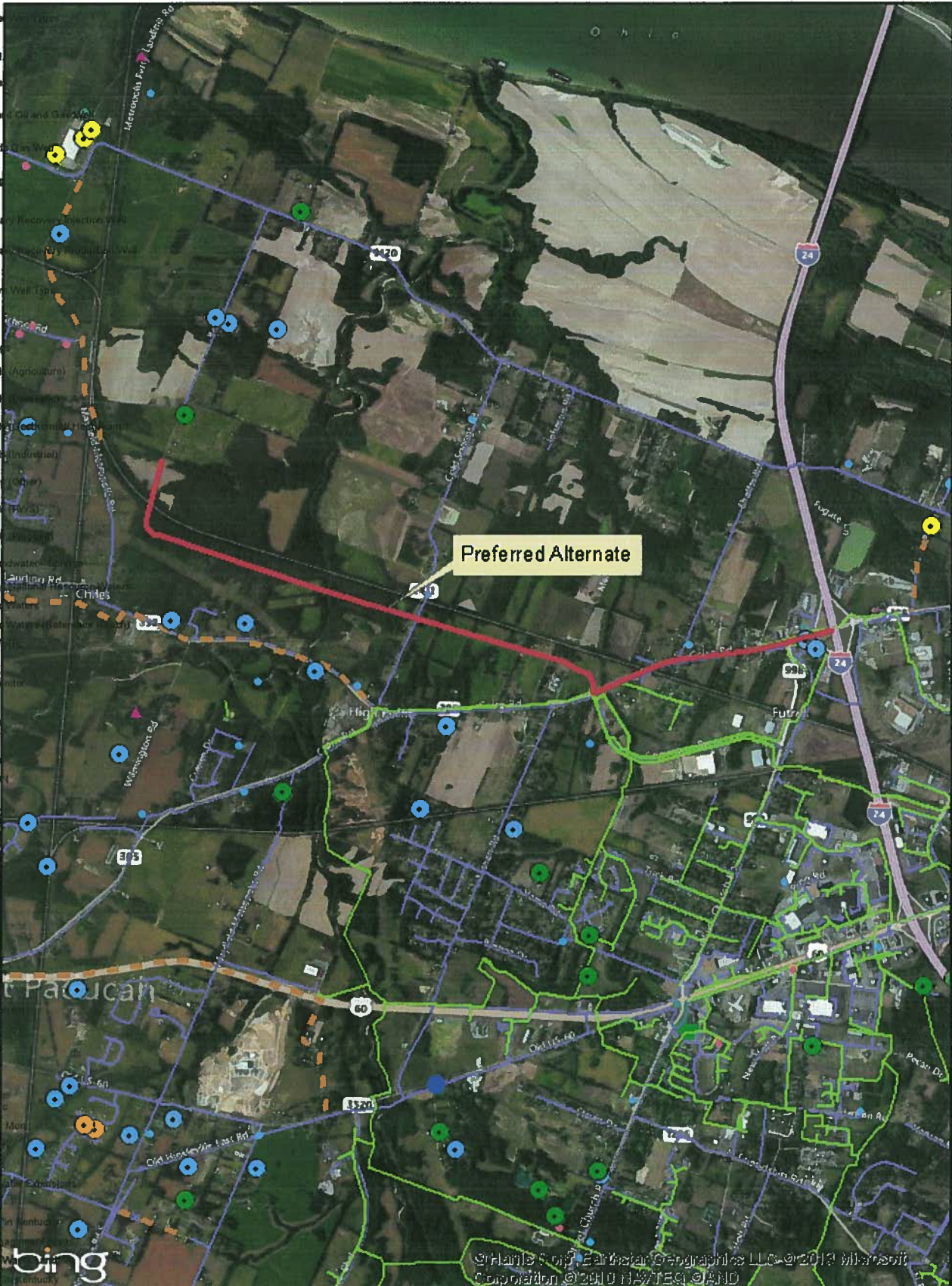
Cc: Jkh, File



Ohio River Megapark Connector Project McCracken County

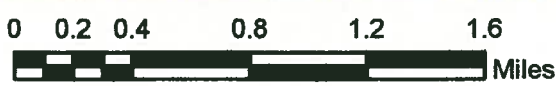
Legend

- All Other
 - Oil Well
 - ☼ Gas Well
 - ☼ Combined Oil and Gas
 - ☼ Domestic Gas Well
 - ⊙ Dry Well
 - ☼ Secondary Recovery Injection Well
 - Secondary Recovery Production Well
 - Unknown Well Type
 - Quarries
 - KGS Springs
 - Water Well (Agriculture)
 - Water Well (Livestock)
 - Water Well (Industrial)
 - Water Well (Other)
 - Water Well (PWS)
 - Water Well (Monitoring)
 - DOW Groundwater
 - Outstanding
 - Exceptions
 - Exceptions
- KGS Water Well**
- Ambient Monitoring
 - Cercia
 - Commercial
 - Domestic
 - Heat Pump
 - IRRIGATION
 - Industrial
 - Irrigation
 - Livestock
 - Mining
 - Monitoring
 - None
 - Not Used
 - Public
 - RCRA
 - Remediation
 - Semi Public
 - Site Assessment
 - Solid Waste
 - UNKNOWN
 - UST
 - Unknown
 - Unreg Public
 - Water Level Monitoring
 - Water Quality
- PRIMARY_US**
- Ambient Monitoring
 - Cercia
 - Commercial
 - Domestic
 - Heat Pump
 - IRRIGATION
 - Industrial
 - Irrigation
 - Livestock
 - Mining
 - Monitoring
 - None
 - Not Used
 - Public
 - RCRA
 - Remediation
 - Semi Public
 - Site Assessment
 - Solid Waste
 - UNKNOWN
 - UST
 - Unknown
 - Unreg Public
 - Water Level Monitoring
 - Water Quality
- Sewer Lines
 - Proposed Water Exchanges
 - Water Lines
 - Local Parks in Kentucky
 - Wildlife Management
 - ▲ DWM Solid Waste
 - Local Parks in Kentucky



Blackside Dace Streams (2009)

- COND**
- Extant
 - Historic

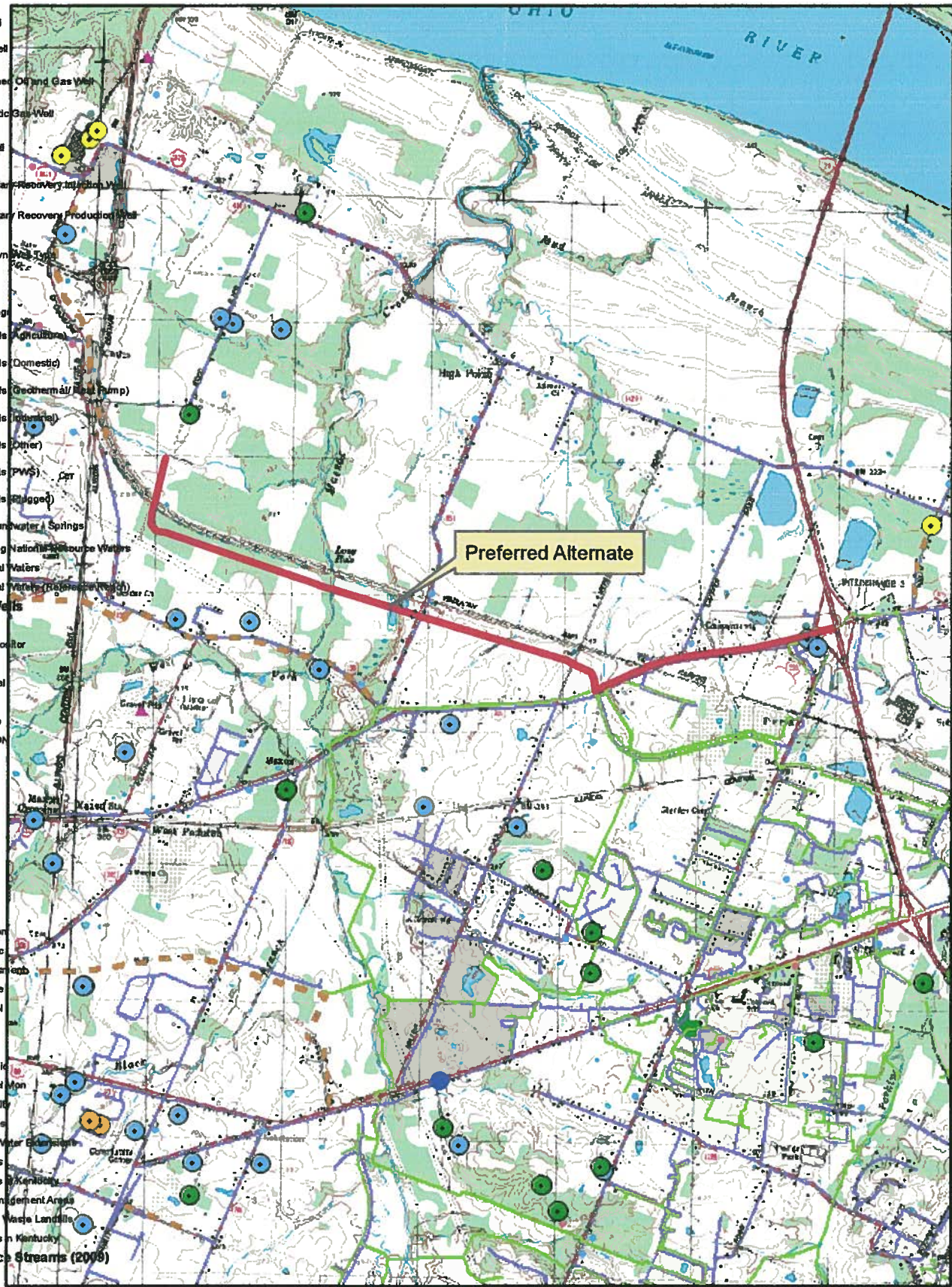


Ohio River Megapark Connector Project McCracken County

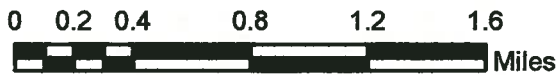


Legend

- All Other Well Types
- Oil Well
- ☀ Gas Well
- ☀ Combined Oil and Gas Well
- ☀ Domestic Gas Well
- ⊙ Dry Well
- ☀ Secondary Recovery Injection Well
- Secondary Recovery Production Well
- Unknown
- Quarries
- KGS Springs
- Water Wells (Agricultural)
- Water Wells (Domestic)
- Water Wells (Geothermal/Heat Pump)
- Water Wells (Industrial)
- Water Wells (Other)
- Water Wells (PWS)
- Water Wells (Plugged)
- DOW Groundwater (Springs)
- Outstanding National Resource Waters
- Exceptional Waters
- Exceptional Waters (Discharge Restricted)
- KGS Water Wells**
- PRIMARY_US**
- Ambient Monitor
- Cerdia
- Commercial
- Domestic
- Heat Pump
- IRRIGATION
- Industrial
- Irrigation
- Livestock
- Mining
- Monitoring
- None
- Not Used
- Public
- RCRA
- Remediation
- Semi Public
- Site Assessment
- Solid Waste
- UNKNOWN
- UST
- Unknown
- Unreg Public
- Water Level Mon
- Water Quality
- Sewer Lines
- Proposed Water Distribution
- Water Lines
- Local Parks in Kentucky
- Wildlife Management Areas
- ▲ DWM Solid Waste Landfills
- Local Parks in Kentucky
- Blackside Dace Streams (2009)**
- COND**
- Extant
- Historic
- 24K Topographic Imagery**
- RGB**
- Red: Band_1
- Green: Band_2



Preferred Alternate





KENTUCKY STATE NATURE PRESERVES COMMISSION

Steven L. Beshear
Governor

801 Schenkel Lane
Frankfort, Kentucky 40601-1132
Phone (502) 573-2886
Fax (502) 573-2355
<http://naturepreserves.ky.gov>

Dr. Leonard Peters
Secretary
Energy and
Environment Cabinet

Donald S. Dott, Jr.
Director

October 2, 2013

Keith Dotson
Acting Director
Division of Planning
Kentucky Transportation Cabinet
200 Mero Street, 5th Floor
Frankfort, KY 40622

Dear Mr. Dotson,

We reviewed the proposed preferred alternative for the Ohio River Mega Park Connector Project and while we did not find any rare plants or animals or high quality natural communities within this area, there are several near the site. These include cream wild indigo (*Baptisia bracteata* var. *glabrescens*), hair grass (*Muhlenbergia glabrifloris*), black buffalo (*Ictiobus niger*) and green treefrog (*Hyla cinerea*). We suggest the area be surveyed prior to construction. Also the road will cross several substantial wetlands and streams. All precautions to preserve their quality should be taken. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Deborah White".

Deborah White
Botanist and Natural Heritage Branch Manager

RECEIVED

OCT - 3 2013

Div. of Planning

DW/fh



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memphis Airports District Office
2600 Thousand Oaks Blvd, Suite 2250
Memphis, TN 38118
Phone: 901-322-8180

October 3, 2013

RECEIVED

Mr. Keith Dotson, Acting Director
Division of Planning
Kentucky Transportation Cabinet
200 Metro Street, 5th Floor
Frankfort, KY 40622

OCT - 7 2013

Div. of Planning

Re: Mega Park Access Road Planning Study, Paducah, Kentucky

Dear Mr. Dotson:

We have reviewed the proposed Mega Park Access Road Study located in McCracken County, Kentucky. The closest airport facility to the proposed project would be Barkley Regional Airport in Paducah, Kentucky. We do not anticipate any impacts given the project's proximity to the airport. Please notify this office should the project limits change.

Thank you for the opportunity to comment on this project.

Sincerely,

Stephen Wilson
Community Planner



TOURISM, ARTS AND HERITAGE CABINET

STEVEN L. BESHEAR
GOVERNOR

2400 CAPITAL PLAZA TOWER
500 MERO STREET
FRANKFORT, KENTUCKY 40601
502-564-4270 – OFFICE
502-564-1512 – FAX

LINDY CASEBIER
DEPUTY SECRETARY

BOB STEWART
SECRETARY

MATT SAWYERS
DEPUTY SECRETARY

October 1, 2013

Keith Dotson
Acting Director
Assistant Director, Division of Planning
Kentucky Transportation Cabinet
200 Mero Street
Frankfort, KY 40622

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OCT - 4 2013

Div. of Planning

Dear Mr. Dotson:

Thank you for providing the opportunity to make comment toward the feasibility planning study for the Mega Park Access Road Planning Study in McCracken County, Paducah, KY. The Tourism, Arts and Heritage Cabinet appreciates the efforts made to keep our travelers safe while moving them efficiently throughout Kentucky.

By copy of this letter I am asking Craig Potts, Executive Director of the Kentucky Heritage Council and Deputy Commissioner Benjy Kinman of the Department of Fish and Wildlife Resources to review this project to assess any possible impact it might have on historic sites and/or impact on plants, animals, or habitats in the area. I would ask them to provide their comments to you by October 18, 2013.

Again, I appreciate the opportunity to make this request. Please don't hesitate to contact me if I may be of further assistance.

Sincerely,

Bob Stewart
Secretary

C: Craig Potts
Benjy Kinman

Aldridge, Brian

From: McDowell, William (CED)
Sent: Thursday, October 03, 2013 11:53 AM
To: Dotson, Keith (KYTC)
Cc: Dunnigan, Erik (CED)
Subject: Planning Study Response

Keith,

This email is in response to the planning studies for the KY-3041 Corbin Bypass Extension and the Mega Park Access Road. Here are our comments for each:

KY-3041 Corbin Bypass Extension Planning Study

As it pertains to existing sites or project I do not foresee this extension having a significant impact. By just looking at a map and considering the current road infrastructure in the region I can see how the addition of a connector and interchange north of Corbin could have a positive impact and traffic patterns and future economic development.

Mega Park Access Road Planning Study

This study could have a substantial impact on current/future projects. The Ohio River Rail Park is frequently submitted for projects. The site is already very attractive, but lacks a good access for large trucks. The addition of a connector from I-24 directly to the site would greatly increase the likelihood of attracting a project to the site.

If you would like further comments or input please feel free to contact me.

Thank you,

Will McDowell

Site & Building Coordinator

Kentucky Cabinet for Economic Development

Old Capitol Annex

300 West Broadway

Frankfort, KY 40601

Office: (502) 782-1988

Mobile: (270) 556-8674

William.McDowell@ky.gov



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memphis Airports District Office
2600 Thousand Oaks Blvd, Suite 2250
Memphis, TN 38118
Phone: 901-322-8180

October 3, 2013

RECEIVED

Mr. Keith Dotson, Acting Director
Division of Planning
Kentucky Transportation Cabinet
200 Metro Street, 5th Floor
Frankfort, KY 40622

OCT - 7 2013

Div. of Planning

Re: Mega Park Access Road Planning Study, Paducah, Kentucky

Dear Mr. Dotson:

We have reviewed the proposed Mega Park Access Road Study located in McCracken County, Kentucky. The closest airport facility to the proposed project would be Barkley Regional Airport in Paducah, Kentucky. We do not anticipate any impacts given the project's proximity to the airport. Please notify this office should the project limits change.

Thank you for the opportunity to comment on this project.

Sincerely,

Stephen Wilson
Community Planner



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

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

Bob Stewart
Secretary

4 October 2013

Keith Dotson
Acting Director
Division of Planning
Kentucky Transportation Cabinet
200 Mero Street 5th Floor
Frankfort, KY 40622

RE: Feasibility Planning Study
Mega Park Access Road Planning Study
McCracken County, Paducah, Kentucky
Item No. 1-153.00

RECEIVED

OCT - 7 2013

Div. of Planning

Dear Mr. Dotson:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for information pertaining to the subject project. The Kentucky Fish and Wildlife Information System indicates that the federally-listed Indiana bat (*Myotis sodalis*), Interior Least Tern (*Sternula antillarum athalassos*), Orangefoot Pimpleback (*Plethobasus cooperianus*), Rabbitsfoot (*Quadrula cylindrica cylindrica*), Pink Mucket (*Lampsilis abrupta*), Sheepnose (*Plethobasus cyphus*), Ring Pink (*Obovaria retusa*), and Fat Pocketbook (*Potamilus capax*) are known to occur within close proximity to the project site. Further, the eastern portion of the project is within known Indiana bat summer maternity habitat according to the U.S. Fish and Wildlife Service Kentucky Field Office (USFWS). The KDFWR recommends consulting with the USFWS to discuss ways to reduce impacts to the Indiana bat as a result of this project. Tree clearing from October 15-March 31st will likely be recommended to reduce impacts to roosting bats. The state-listed Northern Crawfish Frog (*Rana areolata circulosa*) is also known to occur within one mile of the project site.

Lastly, this project occurs within mussel, fish, lamprey, mammal, reptile, amphibian, and bird Conservation Areas outlined in the KDFWR State Wildlife Action Plan. Impacts to these areas should be avoided to the extent practical as the value to fish and wildlife is obvious and profound. Please be aware that our database system is a dynamic one that only represents our current knowledge of various species distributions.

It appears that the proposed project has the potential to impact wetland habitats. 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. Additionally, 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 habitats. If impacts cannot be avoided, mitigation should be properly designed and proposed to offset the losses. KDFWR will recommend, at a minimum, a 2:1 mitigation ratio for any permanent loss or degradation of wetland habitats.

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.
- If culverts are used, the culvert should be designed to allow the passage of aquatic organisms.
- Culverts should be designed so that degradation upstream and downstream of the culvert does not occur.
- 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 a stable condition upon completion of construction in the area.
- Preservation of any tree canopy overhanging any streams within the project area.

To minimize indirect impacts to aquatic resources, erosion control measures should be developed and implemented prior to and concurrent with construction to minimize siltation into streams and drainages. 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

October 7, 2013

101 Burch Court
Frankfort, KY 40601
phone: 502-227-9653
fax: 502-227-2611
www.kaedonline.org

Mr. Keith Dotson
Acting Director
Assistant Director, Division of Planning
Transportation Cabinet
200 Mero Street, 5th Floor
Frankfort, KY 40622

Mr. Dotson,


Subject: Feasibility Planning Study
Mega Park Access Road Planning Study
McCracken County, Paducah, Kentucky
Item No. 1-153.00

Thank you for your request for information on the Mega Park Access Road in Paducah, KY. Greater Paducah ED is a member of the Kentucky Association for Economic Development (KAED) and involved with the promotion of not only Paducah, but Kentucky as a state for job creation and capital investment.

The Mega Park Site is one of a few in the nation that is served by 3 railroads, 2 power providers, and has river access, perfect for large users. The site's main weakness is access, however this new road would make this site less than 2 miles off I-24. Currently you must take several small back roads to the site. With USEC closing, we are losing 1,200 jobs and this road is vital to replace those. The mega site is our main hope to land a large employer to help soften the blow the loss of USEC will have on our community.

Please contact me if you have any additional questions and thank you again for asking comments on this project.

Sincerely,


Hal B. Goode
President/CEO

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OCT - 8 2013

Div. of Planning

Aldridge, Brian

Subject: FW: No significant impact (UNCLASSIFIED)

-----Original Message-----

From: Sanderson, Joe D NFG (US) [<mailto:joe.d.sanderson2.nfg@mail.mil>]

Sent: Monday, October 07, 2013 11:18 AM

To: Dotson, Keith (KYTC)

Subject: No significant impact (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Hello Keith!

The Department of Military Affairs has received the Transportation Cabinet's request for agency input on the following projects:

August 16, 2013 Planning Study KY 1286 Corridor, McCracken County September 23, 2013 Planning Study Mega Park Access Road, McCracken County September 27, 2013 Planning Study KY-3041 By-Pass Extension, Knox and Laurel Counties

We believe these projects would have no significant impact on DMA properties or our mission.

Thanks,

Joe Sanderson
Director
Facilities Division
Department of Military Affairs
502-330-9636

Classification: UNCLASSIFIED

Caveats: NONE



ENERGY AND ENVIRONMENT CABINET

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

DIVISION OF WATER

200 FAIR OAKS LANE, 4TH FLOOR

FRANKFORT, KENTUCKY 40601

PHONE (502) 564-3410

FAX (502) 564-0111

www.dep.ky.gov

R. Bruce Scott
Commissioner

Peter T. Goodmann
Acting Director

Leonard K. Peters
Secretary

October 8, 2013

Mr. Keith Dotson
Acting Director
Division of Planning
Kentucky Transportation Cabinet
200 Mero Street, 5th Floor
Frankfort, Kentucky 40622

RE: Feasibility Planning Study
MegaPark Access Road Planning Study
McCracken County, Paducah, Kentucky
Item No. 1-153.00

Dear Mr. Dotson:

The Division of Water has received your request for comments on the subject project. We have reviewed the documentation presented and have noted the following:

- Water and sewer lines are present in the proposed project area and should be considered during design and construction to avoid damage to existing infrastructure or disruption of service. It is also recommended local water/wastewater utilities be contacted to incorporate any proposed lines into the planning process. Local utilities with the potential to be affected by this project include West McCracken County Water District, Paducah Water, and Paducah-McCracken County Joint Sewer Agency.
- A cursory review of the proposed project suggests Individual Water Quality Certification (WQC) may be necessary. KTC should be prepared to reduce and minimize stream and wetland impacts as much as possible. If the stream and wetland impacts, on a cumulative basis, exceed the General Certification conditions, an Individual WQC will be required.

If we can provide any further assistance, please do not hesitate to call, (502)564-3410, or cindy.mcdonald@ky.gov.

Sincerely,

Cindy McDonald
Supervisor, Wastewater Municipal Planning Section
Division of Water

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OCT 10 2013

Div. of Planning

Aldridge, Brian

From: Higdon, Tonya (KYTC) <Tonya.Higdon@ky.gov>
Sent: Monday, October 14, 2013 9:46 AM
To: Dotson, Keith (KYTC); Aldridge, Brian
Cc: Pelfrey, Mikael (KYTC); Ross, Steve (KYTC); McGregor, Mike (KYTC-D01); Herring, Jessica (KYTC-D01); Chappell, Sherri (KYTC-D11)
Subject: FW: Scenic Kentucky comment on Projects # 1-153.00 and # 11-190.00

Good Day Brian,

I am forwarding the following email response to the two above stated projects – Corbin Bypass Feasibility Study 11-190.00 and the Mega Park Acces Road 1-153.00. Please note this response for your records with regards to both referenced projects.

Thanks Again,

Tonya M. Higdon, P.E.

Transportation Engineer Specialist
Kentucky Transportation Cabinet
Division of Planning, 5th Floor West
200 Mero Street
Frankfort, Kentucky 40622
Phone: 502-564-7183
Fax: 502-564-2865
tonya.higdon@ky.gov

From: pbergmann [<mailto:pbergmann@bellsouth.net>]
Sent: Friday, October 11, 2013 4:12 PM
To: Higdon, Tonya (KYTC)
Cc: Marlene Grissom
Subject: Scenic Kentucky comment on Projects # 1-153.00 and # 11-190.00

Dear Ms. Higdon,

Scenic Kentucky is in receipt of two projects we are asked to comment on. Project # 1-153.00 is the Feasibility Planning Study for the Mega Park Access Rd. in Paducah, McCracken County. Project # 11-190.00 is the Ky. 3041 Corbin Bypass Extension Study for the City of Corbin, Knox and Laurel Counties. The first project is for a new connector route off of Interstate 24 to the "Ohio River Megapark". The second project is a study for a new bypass route around the city of Corbin, Ky. (This is looking at 4 alternative routes connecting U S 25 E to Interstate 75.)

Both design projects are of concern because they seem to open options for new billboards. Please note that it is Scenic Kentucky's position that both projects final corridor alignment / selection also be designated as a billboard free corridor. Please forward our strong position of opposition for any new billboards on these corridors to Keith Dotson, Acting Director, Division of Planning, Department of Highways, Kentucky Transportation Cabinet.

Thank you for allowing Scenic Kentucky to comment on these important roadway projects.

Sincerely,

Paul Bergmann, Executive Director
Scenic Kentucky

Steven L. Beshear
Governor



Terry Holliday, Ph.D.
Commissioner of Education

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET
DEPARTMENT OF EDUCATION**

Capital Plaza Tower • 500 Mero Street • Frankfort, Kentucky 40601
Phone: (502) 564-4770 • www.education.ky.gov

October 11, 2013

Keith Dotson
Acting Director, Division of Planning
Kentucky Transportation Cabinet
200 Mero Street 5th Floor
Frankfort, KY 40622

Dear Mr. Dotson:

Thank you for the opportunity to review the "Mega Park Access Road Planning Study" for McCracken County, Paducah, KY. I forwarded the information to the District Facilities Branch and the Student Tracking and Transportation Branch here at Kentucky Department of Education (KDE) for their input. Staff reported that there is nothing in the report that impacts anything under the direct control of KDE in terms of school facilities or school bus routes. However, it is the recommendation of KDE staff that the Transportation Cabinet contact McCracken County School District and Paducah Independent School District directly to solicit feedback from school district officials who have better knowledge of how this project could impact schools in the affected area. The contact information is:

Superintendent Nancy Waldrop, Ed. D.
McCracken County School District
435 Berger Road
Paducah, KY 42001
(270) 538-4000

Superintendent Randy J. Greene
Paducah Independent School District
800 Caldwell Street
P.O. Box 2552
Paducah, KY 42003
(270) 444-5600

If you have any questions concerning school facilities or school bus transportation in general, please contact Kay Kennedy, KDE Director, Division of District Support at kay.kennedy@education.ky.gov or (502)564-3930.

Sincerely,

A handwritten signature in blue ink, appearing to read "Terry Holliday".

Terry Holliday, Ph. D.

cc: Thomas Zawacki

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OCT 17 2013

Div. of Planning

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

1222 Spruce Street
St. Louis, MO 63103-2832
Staff Symbol: dwb
Phone: (314) 269-2380
Fax: (314) 269-2737
Email: peter.j.sambor@uscg.mil
www.uscg.mil/d8/westernriversbridges

16591.1
October 17, 2013

Mr. Keith Dotson
Division of Planning
Kentucky Transportation Cabinet
200 Mero Street, 5th Floor
Frankfort, KY 40622

Subj: MEGAPARK ACCESS ROAD PLANNING STUDY (#1-153.00)

Dear Mr. Dotson:

We have reviewed the project feasibility study information provided in your letter of September 23, 2013. Based on the information you provided we have determined that this project may involve waterways over which the Coast Guard exercises jurisdiction for bridge administration purposes. Once the project is approved to move beyond the scoping phase we will be happy to work with your planning office to determine what, if any, Coast Guard action is required.

If there are any questions, please contact Mr. Peter Sambor at the above listed number. We appreciate the opportunity to comment on the project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric A. Washburn".

ERIC A. WASHBURN
Bridge Administrator, Western Rivers
By direction of the District Commander

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OCT 21 2013

Div. of Planning



ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear
Governor

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
300 FAIR OAKS LANE
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-2150
FAX (502) 564-4245
www.dep.ky.gov

Leonard K. Peters
Secretary

R. Bruce Scott
Commissioner

October 22, 2013

Tonya Higdon
Division of Planning
Kentucky Transportation Cabinet
200 Mero Street
Frankfort, KY 40622

Re: Feasibility Planning Study – Mega Park Access Road (SERO 2013-23)

Ms. Higdon,

The Energy and Environment Cabinet serves as the state clearinghouse for review of environmental documents generated pursuant to the National Environmental Policy Act (NEPA). Within the Cabinet, the Commissioner's Office in the Department for Environmental Protection coordinates the review for Kentucky state agencies.

We received your letter dated September 23, 2013 requesting our review of the planning study for the Mega Park Access Road. The following comments are submitted in reference to your project.

Comments from the Division of Waste Management:

All solid waste generated by this project must be disposed at a permitted facility. If asbestos, lead paint, and/or other contaminants are encountered during this project, they must be properly addressed.

Comments from the Division of Water:

Compliance & Technical Assistance Branch:

Assure that all appropriate floodplain, 401/404, and stormwater permits are obtained. Daniel Fraley, Compliance and Technical Assistance Branch, (606) 783-8655, Daniel.Fraley@ky.gov.

Water Quality Branch:

There are no Outstanding State Resource Waters, Wild Rivers, or known Exceptional Waters within the project area. Best management practices shall be utilized to reduce runoff into surface waters. John Brumley, Water Quality Branch, (502) 564-3410, John.Brumley@ky.gov.

Watershed Management:

Kentucky Revised Statute KRS 151.250 provides for exemption for the Department of Highways; therefore, a stream construction permit will not be required. No comment for Water Withdrawal Permitting and Water Management Planning. Julia Harrod, Watershed Management Branch, (502) 564-3410, Julia.Harrod@ky.gov.

If the widening or rerouting crosses any water or monitoring wells, a Kentucky certified driller will need to properly abandon the wells before construction proceeds. If any of the contractors have onsite activities covered under the Groundwater Protection Plan regulation, they will need to develop a Groundwater Protection Plan for those activities. Phil O'dell, Watershed Management Branch, (502) 564-3410, Phillip.O'Dell@ky.gov.

Comments from the Division of Air Quality:

Kentucky Division for Air Quality Regulation 401 KAR 63:010 Fugitive Emissions states that no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored without taking reasonable precaution to prevent particulate matter from becoming airborne. Additional requirements include the covering of open bodied trucks, operating outside the work area transporting materials likely to become airborne, and that no one shall allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway. Please note the Fugitive Emissions Fact Sheet located at <http://air.ky.gov/Pages/OpenBurning.aspx>.

Regulation 401 KAR 63:005 states that open burning is prohibited. Open Burning is defined as the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the Open Burning Brochure located at <http://air.ky.gov/Pages/OpenBurning.aspx>.

The Division would like to offer the following suggestions on how this project can help us stay in compliance with the National Ambient Air Quality Standards. More importantly, these strategies are beneficial to the health of citizens of Kentucky.


- Utilize alternatively fueled equipment.

- Utilize other emission controls that are applicable to your equipment.
- Reduce idling time on equipment.

This review is based upon the information that was provided by the applicant. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications, or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments.

If you should have any questions, please contact me at (502) 564-2150, ext. 3125.

Sincerely,

A handwritten signature in black ink that reads "Ronald T Price". The signature is written in a cursive style with a small dot at the end of the last word.

Ronald T. Price
State Environmental Review Officer
Kentucky Department for Environmental Protection



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

October 21, 2013

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OCT 23 2013

Div. of Planning

Mr. Keith Dotson
Kentucky Transportation Cabinet
200 Mero Street
Frankfort, KY 40622

Re: FWS 2013-B-0709; KYTC Item No.: 1-153.00; Mega Park Access Road Planning Study; located in McCracken County, Kentucky

Dear Mr. Dotson:

Thank you for the opportunity to provide comments on the above-referenced project. The U.S. Fish and Wildlife Service (Service) has reviewed this proposed project and offers the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*). This is not a concurrence letter. Please read carefully, as further consultation with the Service may be required.

In accordance with the provisions of the Fish and Wildlife Coordination Act, the Service has reviewed the project with regards to the effects the proposed actions may have on wetlands and/or other jurisdictional waters. We recommend that project plans be developed to avoid impacting wetland areas and/or streams, and reserve the right to review any required federal or state permits at the time of public notice issuance. The U.S. Army Corps of Engineers should be contacted to assist you in determining if wetlands or other jurisdictional waters are present or if a permit is required.

In order to assist you in determining if the proposed project has the potential to impact protected species we have searched our records for occurrences of listed species within the vicinity of the proposed project. Based upon the information provided to us and according to our databases, we believe that the following federally listed species have the potential to occur within the project vicinity. The listed species are:

| Group | Species | Common name | Legal* Status |
|---------|--------------------------------|-----------------------|---------------|
| Mammals | <i>Myotis sodalis</i> | Indiana bat | E |
| Mussels | <i>Potamilus capax</i> | fat pocketbook | E |
| | <i>Plethobasus cooperianus</i> | orangefoot pimpleback | E |
| | <i>Lampsilis abrupta</i> | pink mucket | E |
| | <i>Obovaria retusa</i> | ring pink | E |
| | <i>Plethobasus cyphus</i> | sheepnose | E |

| | | | |
|--|-------------------------------|---------------|---|
| | <i>Pleurobema clava</i> | clubshell | E |
| | <i>Pleurobema plenum</i> | rough pigtoe | E |
| | <i>Cyprogenia stegaria</i> | fanshell | E |
| | <i>Cumberlandia monodonta</i> | spectaclecase | E |
| | <i>Quadrula c. cylindrica</i> | rabbitsfoot | P |

* Key to notations: E = Endangered, T = Threatened, C = Candidate, CH = Critical Habitat

We must advise you that collection records available to the Service may not be all-inclusive. Our database is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitats and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality.

Indiana bat

Part of the proposed project site is located within habitat designated as “potential habitat” for the Indiana bat and part is located within “known maternity” habitat for the species. Based on this, we believe that: (1) forested areas in the vicinity of and on the project area provide suitable summer roosting and foraging habitat for the Indiana bat; and (2) caves, rockshelters, and abandoned underground mines in the vicinity of and on the project area may potentially provide suitable wintering habitat for the Indiana bat. KYTC should address the impacts to the Indiana bat through adherence to the September 6, 2012 Indiana bat Programmatic Agreement between KYTC, FHWA, and the Service.

Federally listed mussels

Freshwater mussels are one of the most imperiled groups of animals in North America. Reservoir construction, siltation, channelization, and water pollution are all factors that have contributed to the decline of our native mussel populations. The runoff from urban areas has degraded the quality of water and the substrate of many streams. As filter feeders, mussels are sensitive to contaminants and function as indicators of problems with water quality. Several species of federally listed mussels are known to occur in the Ohio River in Kentucky. The potential for siltation/sedimentation and contamination should be addressed when evaluating projects that impact streams that flow into the Ohio River.

Thank you again 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 Jessi Miller at (502) 695-0468 extension 104.

Sincerely,



Virgil Lee Andrews, Jr.
Field Supervisor



KENTUCKY COMMISSION ON HUMAN RIGHTS

Steve Beshear
Governor

The Heyburn Building
332 West Broadway, 14th Floor
Louisville, Kentucky 40202
Phone (502) 595-4024
Toll Free 1-800-292-5566
Fax (502) 595-4801
TDD (502) 595-4084
<http://kchr.ky.gov>

John J. Johnson
Executive Director

October 23, 2013

Keith Dotson, Acting Director
Division of Planning
Kentucky Transportation Cabinet
200 Mero Street, 5th Floor
Frankfort, KY 40622

Thank you for requesting our agency's input on Mega Park Access Road Planning Study, McCracken County Paducah.

The Kentucky Commission on Human Rights is a state government agency charged with the enforcement of the Kentucky Civil Rights Act. The Act prohibits discrimination based on race, color, religion, and national origin in the following contexts: (1) employment; (2) sale or lease of real property; (3) public accommodations; (4) financing; (5) credit transactions; and (6) housing insurance. Discrimination on the basis of race, color, religion, and national origin is uniformly prohibited in all of these contexts; however, additional protected classes are identified in the six particular contexts as follows: (1) sex – all six contexts except public accommodations; (2) age – employment and financing; (3) disability – all six contexts except credit transactions; (4) familial status – sale or lease of real property, financing, and housing insurance; and (5) smoking status - employment.

The Kentucky Commission is also instructed to encourage fair treatment and foster mutual understanding and respect, and to discourage discrimination against any racial or ethnic group or its members. The agency conducts a comprehensive program of education, training, outreach, partnerships, and public awareness initiatives to vigorously carry out this task. With these mandates in mind, and in the spirit of fostering positive partnerships throughout the state, the Commission would like to be kept abreast of any contracts and subcontracts awarded to Disadvantaged Business Enterprises (DBE's) during the planning and implementation phases of this project.

Sincerely,
Mary Ann Taylor,
Supervisor, Education and Outreach

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OCT 25 2013

Div. of Planning



TRANSPORTATION CABINET

Frankfort, Kentucky 40622
www.transportation.ky.gov/

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Secretary

October 23, 2013

Mr. Keith Dotson
Director
Division of Planning
200 Mero Street 5th floor,
Frankfort, KY 40622

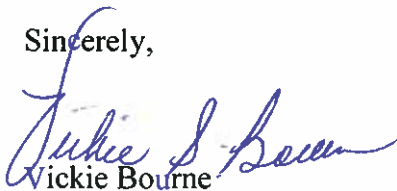
Subject: Planning Study
Mega Park Access Road Planning Study
McCracken County, Paducah, KY

Dear Mr. Dotson,

We received your letter from September 27, 2013 requesting commentary on your planning study for the Mega Park Access Road in McCracken County, Paducah, Kentucky. After research and discussion with the Paducah Transit Authority, OTD has found that there is a great need for an alternative route redirecting traffic from neighborhoods and businesses to the Mega park. The Ohio River Megapark project is a major development in the Paducah area. As mentioned in your letter, it will bring thousands of jobs and will attract tourists. The current road infrastructure is not suitable to accommodate to the projected traffic needs of this project. Currently, the nearest interstate access is on KY 305 (Old Cario Rd). Connecting Bobo Rd with KY 305 appears to be a logical solution as it is a direct route from the Mega park to the interstate and avoids the traffic of the alternate routes with existing neighborhoods and businesses.

Enclosed you will find a letter from Arthur Boykin from the Paducah Transit Authority, with comments on the planning study. Please feel free to contact me with any questions or comments you may have at 502-782-5169.

Sincerely,


Vickie Bourne

Executive Director
Office of Transportation Delivery

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OCT 29 2013

Div. of Planning





Paducah Transit Authority
Paducah Area Transit System

850 Harrison St.
P.O. Box 2267
Paducah, KY 42002-2267
(270) 444-8700
FAX: (270) 444-8633

October 8, 2013

Ms. Vickie S. Bourne
Executive Director
Office of Transportation Delivery
200 Mero Street
Frankfort, KY 40622

Subject: Planning Study
Mega Park Access Road Planning Study
McCracken County, Paducah, KY

Dear Ms. Bourne:

There is a definite need for roadway improvement that is capable of handling commercial truck and commuter traffic along this corridor. With the projected develop scheduled for this particular area of the county, the present roadway does not provide for safe nor efficient means to connect with I-24. A significant issue of concern is the proximity of this area to the new McCracken High School and the increase in traffic along the current roadway. Consideration should be given to making this a four lane corridor to allow for the increased traffic flow.

Thanks for the oppportunity to provide input and comments on this project.

Sincerely,

A handwritten signature in black ink that reads "Arthur Boykin". The signature is fluid and cursive.

Arthur Boykin
Executive Director

Enclosure

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Div. of Planning

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TRANSPORTATION CABINET
OFFICE OF TRANSPORTATION DELIVERY



File Code: 1900

Date: **OCT 25 2013**

Keith Dotson
Acting Director, Division of Planning
Kentucky Transportation Cabinet
200 Mero Street 5th Floor
Frankfort, KY 40622

Dear Mr. Dotson:

Thank you for the opportunity to respond to the proposal being developed to provide a safer, more efficient connection between northern Knox County, southern Laurel County and I-75. My staff and I have reviewed your proposal regarding the Corbin Bypass. This site is approximately 3 miles northeast of the closest national forest system (NFS) lands managed by the Daniel Boone National Forest (Forest); the watershed where the proposal is centered flows onto NFS lands under my management, approximately 4.5 stream miles to the southwest.

I see no reason to believe this proposal would affect resources or facilities managed by the Forest and I have no objection to the proposal. Additional correspondence with the Forest regarding this proposal is not necessary unless additional routes beyond those described in your letter dated September 27, 2013 are proposed.

If you have questions, please contact Forest Planner & Environmental Coordinator Elizabeth Robinson at (859) 745-3151.

Sincerely,

for FRANK R. BEUM
Forest Supervisor

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OCT 29 2013

Div. of Planning





Natural Resources Conservation Service
771 Corporate Drive, Suite 210
Lexington, KY 40503

November 4, 2013

Keith Dotson
Acting Director
Division of Planning
Kentucky Transportation Cabinet
Frankfort, Kentucky 40622

Re: Feasibility Planning Study
Mega Park Access Road Planning Study
McCracken County, Paducah Kentucky
Item, No. 1-153.00

Dear Mr. Dotson:

We have reviewed the draft project purpose and need statement and alternatives considered for the Mega Park access road and acknowledge the fact that alternative four, as currently proposed, alleviates concerns to the Natural Resources Conservation Service (NRCS) for potential impacts to existing Wetlands Reserve Program (WRP) easements.

Alternative four, as currently depicted on the study map, does not impact any existing or proposed WRP easements. While NRCS will make every effort to cancel or modify a proposed easement before it closes, modification of an existing easement is an arduous and lengthy process for any entity proposing to modify a WRP easement. The proposed project must be of public benefit, the applicant must mitigate for the impacts, and the modification will only be considered after the applicant has demonstrated that no other practical alternative exists.

Alternatives that would result in a modification to an existing easement must be sufficiently analyzed for environmental impacts following the NEPA process. If you have any questions or need further information concerning impacts to WRP easements, contact Jacob Kuhn (859) 224-7371.

During your planning study, please consider the impact of the proposed highway project on prime and unique farmland and state and locally important farmland. The prime and unique farmland and state and locally important farmland information can be obtained by submitting a Farmland Conversion Impact Rating for Corridor Type Projects (NRCS-CPA-106) Form.

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Div. of Planning



We realize we missed the October 18th comment deadline due to the federal government shutdown and subsequent furlough and ask that you consider our comments to the fullest extent practical.

Sincerely,



Karen A. Woodrich
State Conservationist

cc: Donna Gilland, Resource Conservationist, Mayfield, Kentucky
Jerry McIntosh, Area Resource Soil Scientist, Mayfield, Kentucky