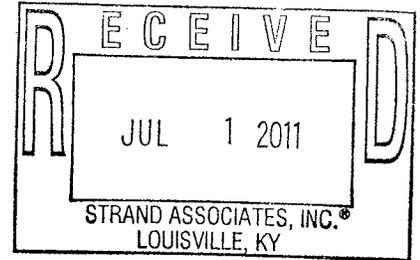




DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE KY 40201-0059
FAX: (502) 315-6677
<http://www.lrl.usace.army.mil/>

June 29, 2011



Operations Division
Regulatory Branch (South)

Mr. Mark A. Sneve
Strand Associates
Waterfront Plaza
Suite 710
325 West Main Street
Louisville, Kentucky 40202

Dear Mr. Sneve:

This is in regard to your letter, dated June 22, 2011, concerning a proposal for sewer related construction projects including improvements for years 0 to 5 located in La Grange, Oldham County, Kentucky. This proposal would include the replacement of two pump stations, 2,100 feet of gravity sewer lines, 630 feet of force main and an expansion of the existing wastewater treatment plant.

The U.S. Army Corps of Engineers (USACE) exercises regulatory authority under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act, 1972 (33 USC 1344) for certain activities in "waters of the United States (U.S.)." These waters include all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce. "Waters of the U.S." include hydrologically connected lakes, rivers and stream channels exhibiting an Ordinary High Water Mark (OHWM), wetlands, sloughs, wet meadows and wetlands adjacent to "waters of the U.S."

The data you furnished indicates an authorization under one or both of these sections of law may be required before you begin the work. However, the information given is insufficient for us to be certain of the need for a permit on this particular proposal. We will need additional details regarding the project's design, scope, photos, maps, construction methods, purpose and a delineation of all "waters of the U.S" including the coordinates and locations of each "water" within the proposed project area, before the USACE can verify the need for a DA permit(s).

You are reminded that all drawings must be submitted on 8 ½ x 11-inch paper and be of reproducible quality.

Further information on the Regulatory Program, including the DA permit application, can be obtained from our website located at:

<http://www.lrl.usace.army.mil>. Please allow sufficient time in your preconstruction schedule for the processing of a DA permit application.

If you have any questions concerning this matter, please contact this office at the above address, ATTN: CELRL-OP-FS or by calling Ms. Meagan Chapman at 502-315-6709.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lee Anne Devine", with a long horizontal flourish extending to the right.

Lee Anne Devine
Chief, South Section
Regulatory Branch



STEVEN L. BESHEAR
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL**

MARCHETA SPARROW
SECRETARY

THE STATE HISTORIC PRESERVATION OFFICE
300 WASHINGTON STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-7005
FAX (502) 564-5820
www.heritage.ky.gov

MARK DENNEN
EXECUTIVE DIRECTOR AND
STATE HISTORIC PRESERVATION OFFICER

July 13, 2011

Mark A. Sneve
Strand Associates, Inc.
Waterfront Plaza, Suite 710
325 West Main Street
Louisville, KY 40202

**RE: La Grange Utilities Commission (LUC)
La Grange Regional Facility Plan**

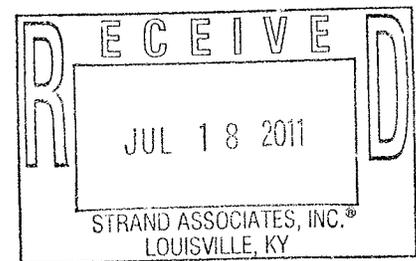
Thank you for your correspondence regarding the above-referenced project. New or replacement sewer lines, pump stations, or waste water treatment plants within the existing right-of-way do not require an archaeological survey, however, new facilities or lines not with the existing right-of-way must be surveyed by a professional archaeologist to determine if sites eligible for listing in the National Register of Historic Places will be affected by the undertaking. Where a given project area or portions thereof have been disturbed by prior construction, the applicant may file documentation of that disturbance with the State Historic Preservation Officer and may request an opinion concerning the need of an archaeological survey. The State Historic Preservation Officer must review and approve the survey report.

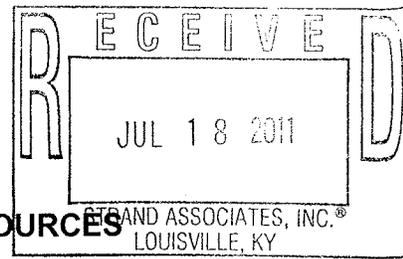
If you have any questions, you may contact Wes Stoner (502-564-7005 ext. 151) of my staff.

Sincerely,

Mark Dennen, Executive Director
Kentucky Heritage Council and
State Historic Preservation Officer

MD:wds





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. Gasset
Commissioner

12 July 2011

Mark A. Sneve, P.E.
Strand Associates, Inc.
Waterfront Plaza
Suite 710
325 West Main Street
Louisville, KY 40202

RE: La Grange Utilities Commission (LUC)
La Grange Regional Facility Plan

Dear Mr. Sneve:

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 the federally-listed gray bat (*Myotis grisescens*) is known to occur within five miles of the project site. Due to the location and nature of the project, the KDFWR does not anticipate impacts to listed species or their associated critical habitat. Please be aware that our database system is a dynamic one that only represents our current knowledge of various species distributions.

Any planning should include measures designed to eliminate and/or reduce impacts to wetland and stream habitats. It appears that this project will likely cross North Fork Currys Fork, and involves replacing an existing 15-inch line with a 24-inch line. The 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 of Kentucky.

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

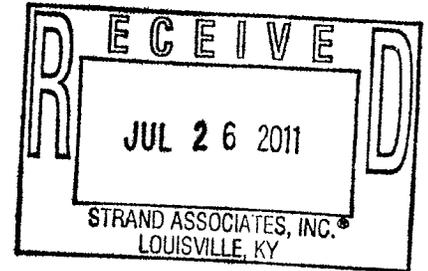
Cc: Environmental Section File



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

July 21, 2011



Mr. Mark Sneve, P.E.
Strand Associates, Inc.
325 West Main Street, Suite 710
Louisville, Kentucky 40202

Re: FWS 2011-B-0696; Strand Associates, La Grange Utilities Commission (LUC), La Grange Regional Wastewater Facility Plan, located in Oldham County, Kentucky

Dear Mr. Sneve:

The U.S. Fish and Wildlife Service (Service) has reviewed your correspondence of June 22, 2011 regarding the above-referenced project. The Service offers the following comments in accordance with the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). This is not a concurrence letter. Please read carefully, as further consultation with the Service may be required.

In accordance to section 7 of the ESA, the Service must consider the "Direct effects", "Indirect effects", and "Cumulative effects" of the proposed project. "Indirect effects" are effects on listed species or critical habitat that are caused by the action and are later in time but are still reasonably certain to occur. "Cumulative effects" are those effects on listed species or critical habitat for future activities and/or projects that are induced by the proposed project subject to consultation and that occur after that project is completed. Please inform us of any future actions and/or projects (*i.e.*; residential and commercial development) that would reasonably occur as a result of the proposed project so that we may adequately analyze those effects.

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 Indiana bat (*Myotis sodalis*) is the only federally listed species that has the potential to occur within the project vicinity.

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

Summer roost and/or winter habitat for the endangered Indiana bat may exist within the proposed project site. Based on this information, we believe that: (1) forested areas in the vicinity of and on the project area may provide potentially 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 provide potentially suitable wintering habitat for the Indiana bat. Our belief that potentially suitable habitat may be present is based on the information provided in your correspondence, the fact that much of the project site and/or surrounding areas contain forested habitats that are within the natural range of this species, and our knowledge of the life history characteristics of the species.

The Indiana bat utilizes a wide array of forested habitats, including riparian forests, bottomlands, and uplands for both summer foraging and roosting habitat. Indiana bats typically roost under exfoliating bark, in cavities of dead and live trees, and in snags (*i.e.*, dead trees or dead portions of live trees). Trees in excess of 16 inches diameter at breast height (DBH) are considered optimal for maternity colony roosts, but trees in excess of 9 inches DBH appear to provide suitable maternity roosting habitat. Male Indiana bats have been observed roosting in trees as small as 5 inches DBH.

Prior to hibernation, Indiana bats utilize the forest habitat around the hibernacula, where they feed and roost until temperatures drop to a point that forces them into hibernation. This "swarming" period is dependent upon weather conditions and may last from about September 15 to about November 15. This is a critical time for Indiana bats, since they are acquiring additional fat reserves and mating prior to hibernation. Research has shown that bats exhibiting this "swarming" behavior will range up to five miles from chosen hibernacula during this time. For hibernation, the Indiana bat prefers limestone caves, sandstone rockshelters, and abandoned underground mines with stable temperatures of 39 to 46 degrees F and humidity above 74 percent but below saturation.

Because we have concerns relating to the Indiana bat on this project and due to the lack of occurrence information available on this species relative to the proposed project area, we would have the following recommendations relative to Indiana bats.

1. Based on the presence of numerous caves, rock shelters, and underground mines in Kentucky, we believe that it is reasonable to assume that other caves, rock shelters, and/or abandoned underground mines may occur within the project area, and, if they occur, they could provide winter habitat for Indiana bats. Therefore, we would recommend that the project proponent survey the project area for caves, rock shelters, and underground mines, identify any such habitats that may exist on-site, and avoid impacts to those sites pending an analysis of their suitability as Indiana bat habitat by this office.
2. We would also recommend that the project proponent only remove trees within the project area between October 15 and March 31 in order to avoid impacting summer roosting Indiana bats. However, if any Indiana bat hibernacula are identified on the

project area, we recommend the project proponent only remove trees between November 15 and March 31 in order to avoid impacting Indiana bat “swarming” behavior.

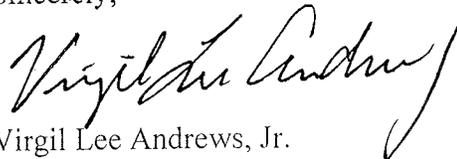
However, if these recommendations cannot be incorporated as project conditions, then the project area may be surveyed to determine the presence or absence of this species within the project area in an effort to determine if potential impacts to the Indiana bat are likely. A qualified biologist who holds the appropriate collection permits for the Indiana bat must undertake such surveys, and we would appreciate the opportunity to approve the biologist’s survey plan prior to the survey being undertaken and to review all survey results, both positive and negative. If any Indiana bats are identified, we would request written notification of such occurrence(s) and further coordination and consultation.

If your project schedule requires the clearing of potential Indiana bat habitat (*i.e.*, trees that are greater than 5 inches DBH and exhibit exfoliating bark, cracks, crevices, dead portions) during the period of April 1 to October 14, you have two primary options for addressing impacts to Indiana bats. First, you can survey the project site as described previously, or you can enter into a Conservation Memorandum of Agreement (MOA) with the Service. By entering into a Conservation MOA with the Service, Cooperators gain flexibility in project timing with regard to the removal of suitable Indiana bat habitat. In exchange for this flexibility, the Cooperator provides recovery-focused conservation benefits to the Indiana bat through the implementation of minimization and mitigation measures as set forth in the Indiana Bat Mitigation Guidance for the Commonwealth of Kentucky. For additional information about this option, please notify our office.

Surveys for the Indiana bat would not be necessary if sufficient site-specific information was available that showed that: (1) there is no potentially suitable habitat within the project area or its vicinity or (2) the species would not be present within the project area or its vicinity due to site-specific factors, or (3) trees were removed from the site exclusively between October 15 and March 31, and/or (4) the project proponent enters into a Conservation MOA with the Service.

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 James Gruhala at (502) 695-0468 extension 116.

Sincerely,



Virgil Lee Andrews, Jr.
Field Supervisor