



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
3761 GEORGETOWN ROAD  
FRANKFORT, KY 40601

November 10, 2004

Mr. David Waldner  
Kentucky Transportation Cabinet  
Division of Environmental Analysis  
200 Mero Street  
Frankfort, Kentucky 40601


Subject: FWS #04-1365; Transportation & Community & System  
Preservation Project, Henderson County Port Authority Project  
City of Henderson, Henderson County, Kentucky

Dear Mr. Waldner:

The U.S. Fish and Wildlife Service (Service) has reviewed the additional information received September 20, 2004, for the above-referenced project. W. R. Coles & Associates, on behalf of the Henderson County Riverport Authority, submitted this information as a result of the Service's August 6, 2004, letter requesting the project proponent to evaluate the potential for impacts to federally listed freshwater mussel species. Based upon our review, we have determined that there is no potentially suitable habitat within the project area for listed freshwater mussel species and therefore, a mussel survey would not be required. It is our opinion that the proposed action is not likely to have reasonably foreseeable adverse effects on resources under the jurisdiction of the Service that are currently protected by the Endangered Species Act (Act). Therefore, no further action is required under Section 7(a)(2) of the Act.

Thank you for the opportunity to comment on this proposed action. If you have any questions regarding the information we provided, please contact Phil DeGarmo at (502)/695-0468.

Sincerely,

  
for Virgil Lee Andrews, Jr.  
Field Supervisor

Cc: W. R. Coles, P.E.

Copy Sent to Sam Weaver  
U.S. Army Corp Engineer  
12/7/04

B.H.



ERNE FLETCHER  
GOVERNOR

**COMMERCE CABINET**  
**KENTUCKY HERITAGE COUNCIL**  
THE STATE HISTORIC PRESERVATION OFFICE  
300 WASHINGTON STREET  
FRANKFORT, KENTUCKY 40601  
(502) 564-7005 (502) 564-5820 FAX  
www.kentucky.gov

W. JAMES HOST  
SECRETARY  
  
DAVID L. MORGAN  
EXECUTIVE DIRECTOR AND  
STATE HISTORIC PRESERVATION OFFICER

January 24, 2005

Mr. Sam Werner  
CELRL-OP-FS  
Louisville District  
U. S. Army Corps of Engineers  
P.O. Box 59  
Louisville, Kentucky 40201-0059

Dear Mr. Werner:

This letter is a follow-up to the recent discussions between our offices concerning Public Notice 200401049. We had previously requested an archaeological survey for the proposed Henderson County Riverport Authority's construction of a series of additional docks on the left bank of the Ohio River at Mile 807.7 near Henderson in Henderson County, Kentucky. We received a letter dated December 15, 2004 from Mr. Greg Pritchett and Mr. Bill Howard, with the Henderson County Riverport Authority, providing additional information on the project area, a sketch map, and several photographs of the proposed dock locations. A copy of this information was faxed to your office. The letter and photographs indicate that the two dock locations will have cells in the river and that fill will be placed between the cells and the existing bank. One location has been previously surveyed and the second location is covered by riprap. We now feel that an archaeological survey is not needed for this phase of development. You informed Charles Hockensmith of my staff that the Corps plans to issue a permit with a condition that will require an archaeological survey for any future phases of this project. In accordance with 36CFR Part 800.4 (d) of the Advisory Council's revised regulations our finding is that there are No Historic Properties Present within the undertaking's area of potential impact. Therefore, we have no further comments and the U. S. Army Corps of Engineers' responsibility to consult with the Kentucky State Historic Preservation Officer under the Section 106 review process is fulfilled for this phase of the project.

Should you have any questions, feel free to contact Charles Hockensmith of my staff at (502) 564-7005.

Sincerely,

A handwritten signature in black ink that reads "David L. Morgan".

David L. Morgan, Director  
Kentucky Heritage Council and  
State Historic Preservation Officer

cc: Mr. Bill Howard