



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

May 31, 2011

Mr. Paul Jackson
Environmental Scientist
44265 Plymouth Oaks Boulevard
Plymouth, Michigan 48170

Re: FWS 2011-B-0610; TTL Associates, Inc., Proposed Department of Veterans Affairs (VA) Medical Center to be located within One of Five Potential Sites in Jefferson County, Kentucky

Dear Mr. Jackson:

The U.S. Fish and Wildlife Service (Service) has reviewed your correspondence of April 15, 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.

We understand that the VA is in the process of evaluating five potential sites for the construction and operation of a VA Medical Center (VAMC). All of the five sites that are under consideration are located within Jefferson County, Kentucky. The five sites are identified as the Brownsboro Site, Fegenbush Site, St. Joseph Site, Downtown Site, and the Existing (Robley Rex) VAMC Site.

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.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Federal Status</u>
Indiana bat	<i>Myotis sodalis</i>	endangered
running buffalo clover	<i>Trifolium stoloniferum</i>	endangered
Kentucky glade cress	<i>Leavenworthia exigua</i> var. <i>lacinata</i>	candidate

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.

Downtown Site

Aerial imagery of the Downtown Site indicates that this site does not contain habitat that coincides with the habitat that is required for any of the aforementioned species. Therefore, we believe that if the Downtown Site is the selected location for the proposed VAMC, the proposed project would not likely adversely affect federally listed species.

Indiana bat

Brownsboro Site and Existing Robley Rex Site

The Brownsboro Site and the Existing Robley Rex Site are situated within the home range of a known Indiana bat maternity colony. “Maternity habitat” refers to suitable summer habitat used by juveniles, and reproductive (pregnant, lactating, or post-lactating) females, and is an essential component of the Indiana bat’s lifecycle. Female Indiana bats become pregnant in spring soon after they emerge from their hibernacula, which are usually caves, rockshelters, and mines. The pregnant females migrate to their maternity habitat, forming colonies of up to 100 or more individuals, and roost on “suitable roost trees”. A “suitable roost tree” is any tree (live or dead) with a diameter- at- breast- height (DBH) of 5-inches or greater that exhibits any of the following characteristics: exfoliating bark, crevices or cracks. Trees with a DBH of 5-inches or greater and are not “suitable roost trees”, as previously defined, still serve as foraging habitat for the Indiana bat. Each female in the colony gives birth to one pup per year. The young bats are nursed by the mother, who leaves the roost tree only to forage for food. The young stay with the maternity colony throughout their first summer.

Typically for a project of this nature, the Service would recommend seasonal tree clearing or the completion of a mist net survey before construction activities take place. Mist net surveys provide presence/absence information; however, we already know that the Indiana bats are present and that the project area falls within a maternity colony and a swarming range of a known hibernacula. We do not believe a survey is necessary for the proposed project. Also, seasonal tree clearing could result in indirect and/or cumulative effects to the bats utilizing this maternity colony and overlapping swarming range through changes to the landscape and the removal of potential foraging and roosting habitat while the bats are hibernating, so even seasonal removal of habitat is likely to result in significant or non-discountable effects to the Indiana bat. Due to these concerns, we cannot concur with a determination of not likely to adversely affect for the Indiana bat at this time.

In order to address these concerns and be in compliance with the ESA, we recommend one of the following options:

- 1) The project proponent can further modify the proposed project to eliminate impacts to Indiana bat habitat and thus avoid impacts;

2) The project proponent can request formal section 7 consultation through the lead Federal Action Agency associated with the proposed project; or

3) The project proponent may choose to enter into a Conservation Memorandum of Agreement (MOA) with the Service to account for the incidental take of Indiana bats. 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 that are described in the Indiana Bat Mitigation Guidance for the Commonwealth of Kentucky. For additional information about this option, please notify our office.

Fegenbush Site and St. Joseph Site

The Fegenbush and St. Joseph Sites are situated within potential Indiana bat habitat. The aforementioned recommendations, regarding the Indiana bat, apply to these areas, except that the project proponent could remove trees in these areas in between the dates of October 15th through March 31st without additional mitigation.

Running Buffalo Clover

Existing Robley Rex Site, Fegenbush Site, and St. Joseph Site

Running buffalo clover may occur within the Existing Robley Rex Site, Fegenbush Site, and St. Joseph Sites. This plant species requires periodic, moderate disturbances to reduce competition and maintain open or semi-open habitat conditions. Disturbed areas such as old pastures, moderately grazed fields, road rights-of-way, and power line rights-of-way that are mechanically maintained are known to provide suitable habitat for these species. Additionally, running buffalo clover is known to occur in habitats ranging from stream banks and low mesic (moderately moist) forests to lawns and cemeteries. If the proposed project(s) require alteration of habitat that coincides with the habitat required for this species, an on-site inspection or survey of the area must be conducted to determine if the listed species is present or occurs seasonally. Prior to construction activities including tree clearing, a survey should be done by qualified personnel and be conducted during the appropriate time of day and/or year to ensure confidence in survey results. Please notify this office with the results of any surveys and an analysis of the “effects of the action,” as defined by 50 CFR 402.02 on any listed species including consideration of direct, indirect, and cumulative effects.

A survey for running buffalo clover 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.

Kentucky glade cress

Fegenbush Site

Kentucky glade cress may occur within the Fegenbush Site. Kentucky glade cress is federally listed as a candidate species. This rare plant species is only known to occur in Bullitt County and Jefferson County, Kentucky. It grows in small depressions of exposed bedrock that are in

full sun on flat bedded outcrops of limestone in shallow soils of glades, rock outcrops, pastures and lawns. This habitat is sometimes present along ROWs. The Service requests that the VA voluntarily commit to ensuring that the proposed project does not impact potential or identified Kentucky glade cress habitat. The Service believes this measure would significantly contribute to the conservation and restoration of Kentucky glade cress; and, may prevent the species from becoming listed as endangered or threatened.

Kentucky glade cress is a federal candidate species, which means the Service has sufficient information on its biological status and threats to propose Kentucky glade cress as endangered or threatened under the ESA, but for which development of a proposed listing regulation is precluded by other higher priority listing activities. Candidate species receive no statutory protection under the ESA. The Service encourages cooperative conservation efforts for these species because they are, by definition, species that may warrant future protection under the ESA.

Addressing the needs of Kentucky glade cress before the regulatory requirements associated with a listed threatened or endangered species come into play, would allow the VA, landowners, and other entities greater management flexibility to stabilize or restore the species and its habitat for future projects. In addition, as such threats are reduced and populations are increased or stabilized, priority for listing can be shifted to those species in greatest need of the ESA's protective measures. Ideally, sufficient threats can be removed to eliminate the need for listing.

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,

A handwritten signature in blue ink that reads "Virgil Lee Andrews, Jr." with a stylized flourish at the end.

Virgil Lee Andrews, Jr.
Field Supervisor

**Revised¹ Indiana Bat Mitigation Guidance
for the
Commonwealth of Kentucky**

Introduction

This guidance is to be used when assessing minimization and mitigation needs for the endangered Indiana bat (*Myotis sodalis*) relative to development, forestry, and other land use or land management projects that have the potential to alter or otherwise affect Indiana bat habitat in Kentucky. The Service will pursue similar minimization goals and options for Indiana bat conservation and recovery during informal and formal consultations with Federal action agencies pursuant to section 7(a)(2) of the Endangered Species Act of 1973 (ESA), subject to the acceptability of the minimization measures to the Federal action agencies. *Additionally, the Service will use this Guidance, to the extent appropriate, for its assessment of interstate projects (within 20 miles of Kentucky) where the KFO is the lead Service office and use of the Guidance is acceptable to the adjacent state's field office.*

The intent of this guidance is to (1) provide direction to project proponents whose actions have the potential to adversely affect the Indiana bat and (2) enhance conservation and recovery of Indiana bat populations in Kentucky by providing minimization and mitigation for adverse effects to Indiana bats that occur in Kentucky. The guidance is subject to modification as new information relative to the species, its conservation status, and its conservation and recovery becomes available.

Kentucky, like most states, is experiencing significant growth. Projects associated with growth can cause the loss, degradation, and fragmentation of natural habitats as the alteration or development of these formerly natural to semi-natural habitats occur. These types of impacts have the potential to adversely affect the Indiana bat, so project proponents must often determine if potential adverse effects to Indiana bats are likely to occur and, if so, how they can avoid, minimize, and/or mitigate for those adverse effects. If avoidance of all likely adverse effects is not achievable, project proponents must follow these guidelines below to ensure compliance with the ESA and avoid an illegal “take” of Indiana bats, a federally listed species. “Take” of federally listed species is prohibited pursuant to section 9 of the ESA. As a result, the supporting rationale for this guidance is that future recovery, conservation, and mitigation efforts for the Indiana bat undertaken by the Service and others using this guidance will improve conservation and recovery of Indiana bat populations in Kentucky in spite of adverse effects that occur, as these adverse effects would require avoidance, minimization, and/or mitigation.

¹ Revised text shown in blue

Background

Kentucky lies near the center of the Indiana bat's range and contains numerous caves and forestlands known to contain and provide habitat for the species. Five out of the 23 Priority 1 hibernacula identified in the draft, revised Indiana bat recovery plan² lie within Kentucky's borders. Three of these hibernacula occur within the Mammoth Cave System, located in the Pennyriple region of the state. Cave researchers have suggested that the Mammoth Cave System historically may have provided winter roosts for millions of Indiana bats.^{3, 4} The two other Priority 1 hibernacula are found in Kentucky's Eastern Coalfields⁵ with Bat Cave in the northeast portion of Kentucky and Line Fork Cave in the southeast. The expansive karst within much of Kentucky's limestone geology results in numerous caves that historically and currently provide winter habitat for Indiana bats. Over 100 caves (5 Priority 1 and 15 Priority 2) within the state have historic Indiana bat records and 74 of these caves have extant winter populations. Many of these caves occur within areas of existing conservation ownerships, both private and public. Of particular note are the Daniel Boone National Forest that is managed by the U.S. Forest Service, Mammoth Cave National Park that is managed by the National Park Service, Carter Cave State Resort Park that is managed by the Kentucky Department of Parks, and several parcels along Pine Mountain. Like the hibernacula, known maternity colonies are scattered throughout the state with notable clusters of maternity colonies occurring near the Fort Knox Military Reservation, Mammoth Cave National Park, Daniel Boone National Forest, Pine Mountain, the Eastern Coalfields, and along the Ohio River floodplain in the Pennyriple (Mississippian Plateaus) and Jackson Purchase (Mississippi Embayment) regions of the state.

Because Indiana bat records occur broadly across the Commonwealth, nearly any project with suitable habitat has the potential to adversely affect the Indiana bat. The KFO reviews **between 800 and 1,000** projects annually for impacts to Indiana bats. The majority of these projects involve the loss of suitable summer roosting and foraging habitat. Projects that impact known winter habitat are rare. Projects impacting known and potential summer and swarming habitats range from large block disturbances such as those associated with surface mining and development projects to linear impacts associated with transmission lines and pipelines. Additionally, the KFO annually reviews numerous impacts that vary in size. Although the small size of some of the disturbances makes direct adverse impacts to Indiana bats less likely, the cumulative and indirect effects of these projects as a whole are or can be detrimental to the species and limit the potential conservation and recovery of the species.

² U.S. Fish and Wildlife Service. 2007. Indiana Bat (*Myotis sodalis*) Draft Recovery Plan: First Revision. U.S. Fish and Wildlife Service, Fort Snelling, MN. 258 pp.

³ Toomey, R.S., III, M.L. Colburn, and R.A. Olson. 2002. Paleontological evaluation of use of caves: a tool for restoration of roosts. Pp. 79-85 in A. Kurta and J. Kennedy (eds.), *The Indiana bat: biology and management of an endangered species*. Bat Conservation International, Austin, TX.

⁴ Tuttle, M.D. 1997. A mammoth discovery. *Bats* 15:3-5.

⁵ Physiographic Regions of Kentucky. *Kentucky Atlas and Gazetteer*. 3/5/2007 (see Appendix A)

<http://www.uky.edu/KentuckyAtlas/kentucky-atlas.html>

Explanation of Terms

Throughout this document, certain terms are used repeatedly to describe Indiana bat habitat. For the purpose of this document the Service provides the following definitions:

- “Known habitat” refers to suitable summer or winter habitat located within 10 miles of a documented priority 1 or 2 hibernacula, within five (5) miles of a documented maternity capture record or documented priority 3 or 4 hibernacula, or within 2.5 miles of a documented maternity roost tree or non-maternity capture record.
- “Maternity habitat” refers to suitable summer habitat used by juveniles and reproductive (pregnant, lactating, or post-lactating) females.
- “Non-maternity habitat” refers to suitable summer habitat used by non-reproductive females and/or males.
- “Occupied” refers to suitable habitat that is expected or assumed to be in use by Indiana bats at the time of impact. Please see Appendix D for more information on when habitats are considered occupied.
- “Potential habitat” occurs statewide where suitable roosting, foraging and travel habitat for the Indiana bat exists. Known habitat also includes potential habitat for those currently undocumented uses.
- “Suitable habitat” refers to summer and/or winter habitat that is appropriate for use by Indiana bats.
 - Suitable winter habitat (hibernacula) is restricted to underground caves and cave-like structures (e.g. abandoned mines, railroad tunnels). These hibernacula typically have a wide range of vertical structures; cool, stable temperatures, preferably between 4°C and 8°C; and humidity levels above 74 percent but below saturation.
 - Suitable summer habitat for Indiana bats consists of the variety of forested/wooded habitats where they roost, forage and travel. This includes forested blocks as well as linear features such as fencerows, riparian forests and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Isolated trees are considered suitable habitat when they exhibit the characteristics of a suitable roost tree.
- “Suitable primary maternity roost tree” refers to a dead or partially dead tree that is at least 9 inches DBH and has cracks, crevices, and/or loose or exfoliating bark. 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.
- “Suitable roost tree” refers to a tree (live or dead) with a diameter at breast height (DBH) of 5 inches or greater that exhibits any of the following characteristics: exfoliating bark, crevices

or cracks. Indiana bats typically roost under exfoliating bark, and in cavities of dead, dying, and live trees, and in snags (i.e., dead trees or dead portions of live trees).

- “Unoccupied” refers to suitable habitat not expected to be in use by Indiana bats at the time of impact. Please see Appendix D for more information on when habitats are considered unoccupied.

Conservation Strategy and General Minimization and Mitigation Goals for Indiana Bats in Kentucky

The Service’s Kentucky Field Office will generally rely on the draft, revised Indiana Bat recovery plan and other literature and data available on the Indiana bat to support its conservation and recovery activities for the species. For example, the draft, revised recovery plan’s primary recovery actions focus on protection and management of Priority 1 and Priority 2 hibernacula, which will also be the primary conservation focus in Kentucky. However, there are a number of other recovery actions that this guidance supports, including, but not limited to: (a) Conserve and manage hibernacula and their winter populations (Recovery Action 1.1); (b) Reduce threats by purchasing from willing sellers or leasing at-risk privately owned P1 and P2 hibernacula to assure long-term protection (1.1.3); (c) Conserve and manage areas surrounding hibernacula (1.1.4); (d) Purchase from willing sellers or lease privately owned lands surrounding P1 and P2 hibernacula identified as having inadequate buffers (1.1.4.4); (e) Restoration and creation of hibernacula (1.2); (f) Conserve and manage summer habitat to maximize survival and fecundity (2.0); (g) Monitor and manage known maternity colonies (2.4); and (h) Minimize adverse impacts to the Indiana bat and its habitat during review of Federal, state, county, municipal, and private activities under the ESA, National Environmental Policy Act, Fish and Wildlife Coordination Act, and Section 404 of the Clean Water Act (2.6). Collectively, these recovery actions address Indiana bat conservation and recovery needs in both winter and summer habitat. As a result, they provide the foundation that supports this guidance. The Service will use its existing authorities, especially those under the ESA, when implementing this guidance.

Based on the background information above and the available information on the species, its status, and conservation⁶, the Service developed a list of general minimization and mitigation goals for Indiana bats in Kentucky. If achieved, these goals would (a) support the conservation strategy discussed above, (b) significantly contribute to Indiana bat conservation and recovery in Kentucky, and (c) act as a guide for determining the appropriateness of any proposed minimization and mitigation measures. The goals are listed below:

Tier 1

1. Protect and manage known Priority 1 (P1) and Priority 2 (P2) hibernacula.
2. Protect and manage existing forested habitat:

⁶ The KFO relied heavily on the draft revised Indiana Bat Recovery Plan, state heritage information, and the knowledge of experienced Indiana bat biologists to derive this list, but a number of other sources of information, which are on file in our office, were used.

- a. Swarming habitat within 10 miles of a known hibernacula; and/or
 - b. Summer habitat within 2.5 miles of a documented maternity roost tree or within 5.0 miles of a maternity capture (mist-net) record.
3. Protect and manage additional conservation lands for Indiana bats, especially habitat that is contiguous with or within the proclamation/acquisition/preserve boundaries of existing public and private conservation lands occupied by Indiana bats.
 4. Restore winter habitat conditions in degraded caves that exhibit the potential for successful restoration such as, but not limited to, those caves identified as having High Potential (HP) in the draft revised Indiana bat Recovery Plan.

Tier 2

5. Protect and manage known Priority 3 (P3) and Priority (P4) hibernacula.
6. Protect and manage additional conservation lands that are currently suitable for but unoccupied by Indiana bats.
7. Fund priority Indiana bat research and monitoring that support the six strategies above and/or Kentucky's Indiana bat populations.

Tier 1 goals would have priority over Tier 2 goals and are encouraged.

Indiana Bat Recovery and Mitigation Focus Areas

The Service's analyses also resulted in the delineation of Indiana Bat Recovery and Mitigation Focus Areas (RMFAs) within the Commonwealth of Kentucky (Figure 1). RMFAs were identified specifically to support the general minimization and mitigation priorities identified in the previous section and represent areas that:

1. Contain one or more public or protected private lands that are known to support Indiana bat populations;
2. Currently support populations of Indiana bats that are expected to support long-term recovery and conservation efforts of the species;
3. Contain adequate suitable habitat to support recovery and conservation efforts;
4. Provide opportunities for future protection, restoration, enhancement, and/or creation of additional summer and/or winter Indiana bat habitat; and/or
5. In the Service's estimation, contain conditions that generally are expected to contribute to the persistence of the Indiana bat population and habitat into the future.

The identified RMFAs can be categorized as Summer Habitat RMFAs, Winter Habitat RMFAs, or as both and are shown in Table 1. Collectively, these RMFAs are key landscapes for Indiana bat conservation and recovery in Kentucky. Therefore, RMFAs will be those areas where most Indiana bat minimization and/or mitigation efforts will be undertaken or attempted. The Service expects, however, that minimization and/or mitigation efforts may also be undertaken or attempted at locations outside of the Indiana bat RMFAs in circumstances where the conservation and/or recovery benefits to Indiana bats can be clearly identified and justified. The applicability of minimization and/or mitigation efforts outside of RMFAs will be determined on a case-by-case basis in coordination with the Service and will depend on a variety of factors including, but not necessarily limited to, (a) location of the site, (b) the type and quality of the conservation opportunities available, and (c) the existence of new information that would help justify the conservation effort. In addition, minimization and/or mitigation efforts will generally be directed to the RMFA closest to the impact site or to the RMFA that best minimizes and/or mitigates the specific impact(s).

Table 1: Table of Recovery and Mitigation Focus Areas (RMFAs) & Available Habitat Types

RMFA Name and Description	Summer Habitat RMFA	Winter Habitat RMFA
<i>Tygarts Creek-Carter Caves SRP</i> – the assemblage of caves along Tygarts Creek and within Carter Caves SRP, including caves on private lands within 10 miles of Tygarts Creek and/or Carter Caves SRP Primary Conservation Ownership – Carter Caves SRP	no	yes
<i>Daniel Boone National Forest</i> – the area within the DBNF proclamation boundary, including caves and maternity colonies on private lands within 10 miles of the proclamation boundary Primary Conservation Ownership – Daniel Boone National Forest	yes	yes
<i>Pine Mountain</i> – the assemblage of caves along Pine Mountain, including caves and maternity colonies on private lands within 10 miles of the crest of Pine Mountain Primary Conservation Ownership – Kentucky State Parks and Kentucky State Nature Preserves Commission	yes	yes
<i>Mammoth Cave National Park</i> – the assemblage of caves within MCNP, including caves and maternity colonies on private lands within Barren, Edmonson, Hart, and Warren counties Primary Conservation Ownership – Mammoth Cave National Park	yes	yes
<i>Barrens-Fort Knox</i> – the assemblage of caves and maternity colonies in Breckinridge, Bullitt, Hardin, Jefferson, Meade, and Spencer counties Primary Conservation Ownership – Fort Knox, Taylorsville Lake WMA	yes	yes
<i>Big Rivers</i> – the assemblage of caves and maternity colonies in Christian, Livingston, Lyon, Marshall, and Trigg counties Primary Conservation Ownership – Land Between the Lakes NRA, Fort Campbell, and Clarks River National Wildlife Refuge	yes ⁷	yes
<i>Lower Ohio River</i> – the assemblage of maternity colonies in Daviess, Henderson, and Union counties Primary Conservation Ownership – Sloughs WMA	yes	no
<i>Mississippi River</i> – the assemblage of maternity colonies in Ballard, Carlisle, Hickman, and McCracken counties Primary Conservation Ownership – Ballard, Boatwright, Doug Travis, and West Kentucky WMAs	yes	no

⁷ Maternity colony exists on Fort Campbell in Tennessee.

Types of Adverse Effects That Are Appropriate for Minimization and Mitigation

Based on the importance of hibernacula, the Service determined that development of minimization and mitigation measures would not be appropriate for projects resulting in adverse effects to hibernacula; avoidance of caves and other potential hibernacula is preferred. However, minimization and mitigation of certain adverse effects to hibernacula or potential hibernacula may be appropriate but must be coordinated with the Service. The reasons minimization and mitigation measures would be inappropriate at hibernacula include, but are not limited to:

1. P1 and P2 hibernacula are critical to Indiana bat recovery and conservation;
2. Adverse effects to P1 and P2 hibernacula have the potential to cause significant, (and likely irreversible) negative effects on Indiana bat populations range-wide;
3. Sufficient technology and funding does not currently exist to recreate the habitat conditions that exist in most hibernacula, especially P1 and P2 hibernacula; and
4. Current P3 and P4 hibernacula may have historically been P1 or P2 hibernacula, so allowing impacts to restorable P3 and P4 hibernacula could limit Indiana bat recovery.

Minimization and mitigation measures would be appropriate for most other adverse effects that typically occur in association with development projects in Kentucky. However, certain groups of impacts will require project-specific evaluation by the Service to assess the appropriateness of the minimization and mitigation measures. These groups include:

1. Projects resulting in the loss of more than 250 acres of Indiana bat habitat⁸
2. Projects occurring within 1 mile of a priority 1 or 2 hibernacula⁹
3. Project occurring within ½ mile of a priority 3 or 4 hibernacula⁹
4. Identified hibernacula with percent forest cover less than 60 percent in the **swarming buffer** surrounding the entrance⁸
5. Identified maternity areas with percent forest cover less than 45 percent⁸.
6. Projects resulting in impacts to known maternity habitat between June 1 and July 31. Limited clearing during this time may be approved only after a detailed survey to ensure that no primary maternity roosts would be adversely affected during this sensitive period.

⁸ Analyses by the Service and KDFWR relating to the amount of forested habitat available to known Indiana bat maternity colonies **within and adjacent to Kentucky** has shown that percent forest cover ranges between 9 and 95 percent with no discernable break in records of occurrence(see Appendix B). Similar analysis of P1 and P2 hibernacula found the percent forested cover **between 44 and 86 percent with no discernable breaks** (see Appendix C). Based on the data (unpublished USFWS data, 2008), the Service determined that projects that (a) were greater than 250 acres, (b) occurred within the swarming area of a hibernaculum with less than 60 percent forest cover, or (c) occurred within known maternity habitat areas containing less than 45 percent forest cover warranted a separate analysis relative to these guidelines in order to further minimize potential adverse effects to **Indiana bats**.

⁹ Separate analyses for projects within ½ or 1 mile of hibernacula will (a) ensure that impacts to occupied swarming habitat are not underestimated (i.e., Most bat activity occurs close to a hibernaculum entrance, so adverse effects are most likely to occur there.), and (b) will help the Service better determine if direct impacts to known hibernacula are likely.

Determine Habitat Mitigation Need

The following mitigation needs have been identified in order of preference.

1. Protect known and previously unprotected Indiana bat hibernacula^{10,11,12}
 - a. Purchase or otherwise acquire fee title
 - b. Secure perpetual conservation easements and land management agreements
2. Protect known Indiana bat maternity or swarming habitat^{10,11,12}
 - a. Purchase or otherwise acquire fee title (typically at an acre for acre ratio)
 - b. Secure perpetual conservation easements and land management agreements (typically at a ratio of two acres protected for each acre impacted)
3. Contribute funding to the Indiana bat Conservation Fund (IBCF) sufficient to achieve identified mitigation needs.
4. Other activities that will provide a tangible conservation benefit to the Indiana bat may be proposed to the Service for a case-by-case evaluation.

Acceptability of Mitigation and Minimization Measures

The Service defined the terms used in the following table in Explanation of Terms section. Table 2 provides guidance on whether a minimization and mitigation measure can be used for a specific type of action or impact. In some cases, minimizing and mitigating impacts to summer habitat with the protection of winter habitat may be appropriate, but this must be determined on a case-by-case basis. Impacts to known Indiana bat hibernacula will require a project specific analysis of suitable mitigation options and may not be appropriate or allowed under these Guidelines at the Service's sole discretion.

¹⁰ Property acquired or protected must adjoin or be within the preserve design or acquisition boundary of an existing conservation ownership.

¹¹ Easement or fee simple lands shall include all surface and mineral rights to the property and clear an unencumbered ownership of these rights. The applicant shall pay for all fees and/or other costs associated with title work, recording, transferring, surveying, and/or acquiring of the easement or property.

¹² Mitigation and minimization measures that involve land acquisition or easement require the donation of the property (or easement) to a conservation organization approved by the Service. Accompanying the donation must be a cash endowment sufficient to provide perpetual management of the preserved lands and any other funds identified by the receiving conservation organization that may be necessary for that entity to accept title or easement (e.g. contaminants surveys, fencing, trash removal, etc.).

Table 2. Table of Project Actions/Impact Types & Types of Appropriate Habitat Mitigation Measures.

ACTION / IMPACT TYPE	HABITAT MITIGATION MEASURE		
	Protect Hibernacula	Protect Maternity and/or Swarming Habitat	IBCF Contribution
Summer Habitat Loss	Contact the Service for review of the appropriateness of these measures.		These are appropriate minimization and mitigation measures for the impacts listed and any overlapping habitats.
Known maternity habitat			
Known other habitat			
Potential habitat			
Swarming Habitat Loss			
P1 or P2			
P3 or P4			

Determination of Minimization and Mitigation Amounts

Table 3 below assists project proponents in determining the amount of minimization and mitigation needed to offset the specific impacts of a given project. The project's impact(s) should be divided into the actions or impact types and then quantified to yield the acreage of impact for each action. For impacts where suitable habitat is sparse, each suitable roost tree should be counted, and the number of suitable roost trees should be multiplied by 0.09 acres/tree to determine the acreage of suitable habitat loss (i.e., the single tree method). For impacts involving the loss or alteration of blocks of forested habitat, the acreage of the impact is determined by identifying the perimeter and area of the impact with Global Positioning System or Geographic Information System technology (i.e., the habitat block method). Once the acreage of habitat loss has been determined for each action using the single tree and/or habitat block method(s), the impact information should then be inserted into Table 3 and multiplied by the appropriate multiplier to yield the amount of mitigation required for each action or impact type. The Service will provide assistance to project proponents in determining how the single tree and habitat block methods for calculating impact acreages should be applied on their project(s) so that an accurate mitigation estimate can be determined.

The value of a particular hibernacula or maternity or swarming habitat proposed for protection depends on the circumstances applicable to that particular site. As such, standard multipliers are not provided but must be determined on a case-by-case basis by the Service. Factors that influence the value of a particular protection site include, but are not limited to: the relative significance of the site to the conservation and recovery of the Indiana bat, the quality of the habitat, the level of protection afforded, the degree of risk to the site without the proposed mitigation and minimization measure, and the site's position within the landscape and proximity to RMFAs.

Table 3. Table for Calculation of Impact Acres & Mitigation Acres.¹³

ACTION / IMPACT TYPE	IMPACT ACRES	MULTIPLIER	MITIGATION ACRES
Habitat Loss			
Select Action/Impact Type based on location and current map of Indiana bat Habitat in KY(see Appendix E)		Please see Appendix D to select appropriate multiplier based on location and timing of impact.	
Minimization & Mitigation Measures			
Purchase or protect hibernacula	Value determined on a case by case basis		
Purchase or protect maternity or swarming habitat			
Contribute to IBCF	\$2880/mitigation acre ¹⁴ (please contact the KFO to confirm current cost per acre)		

Summary

This Guidance has been developed by the Service to provide direction to project proponents whose actions have the potential to adversely affect the Indiana bat and to enhance the conservation and recovery of Indiana bat populations in Kentucky. This will be accomplished by the implementation of the minimization and mitigation measures set forth in this Guidance.

These measures were developed to support the recovery actions identified in the draft, revised recovery plan for the Indiana bat and address both summer and winter habitat. This document also establishes the conservation strategy that the Kentucky Field Office (KFO) will employ, which is the foundation for the Guidance.

The KFO has identified those impacts to the Indiana bat where avoidance is more appropriate than minimization and mitigation as well as those projects that will need individual evaluations to determine if minimization and mitigation measures are appropriate. For any impacts that may be allowed, the level of minimization and mitigation that is established in the Guidance varies according to the relative importance of the habitat type that will be impacted to the conservation and recovery of the Indiana bat and likelihood of take. Recovery and Mitigation Focus Areas have been developed to support the identified minimization and mitigation measures as well as to

¹³ The Service determined that impacts to potential habitat during the occupied season require direct replacement of impacted acres. From that point, mitigation ratios were assigned based on the importance of the habitat type to the recovery of the Indiana bat and likelihood for direct versus indirect impacts. Direct impacts (occupied) require more mitigation than indirect impacts for each habitat type.

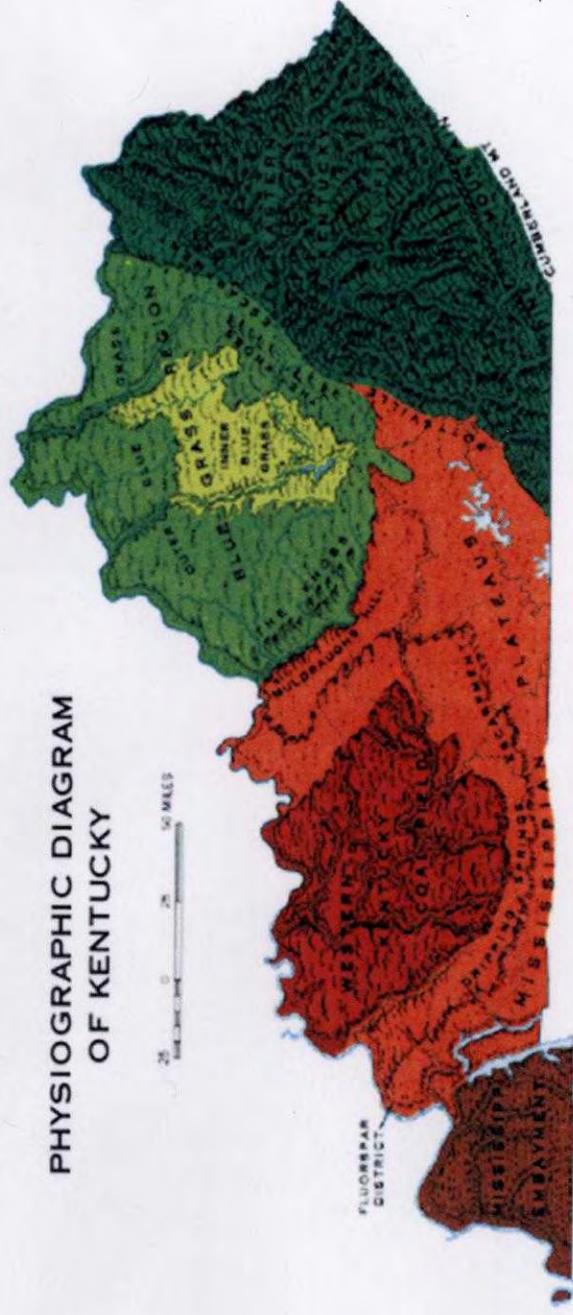
¹⁴ This dollar amount is subject to change based on Kentucky's average value of farm real estate as published annually by the U.S. Department of Agriculture in the Land Values and Cash Rents document. The current value is based on the Land Values and Cash Rents, 2010 Summary released by the USDA in August 2010. (ISSN 1949-1867)

ensure appropriate distribution and implementation of these measures relative to the locations of the impacts.

The protection of hibernacula, swarming and maternity areas is critical to ensuring the conservation and recovery of the Indiana bat. These guidelines set forth a process by which impacts that may directly or indirectly result in adverse effects to the Indiana bat can also help ensure the long-term survival of the species. The Service believes the implementation of this Guidance can help achieve that goal.

APPENDIX A

Kentucky Atlas & Gazetteer

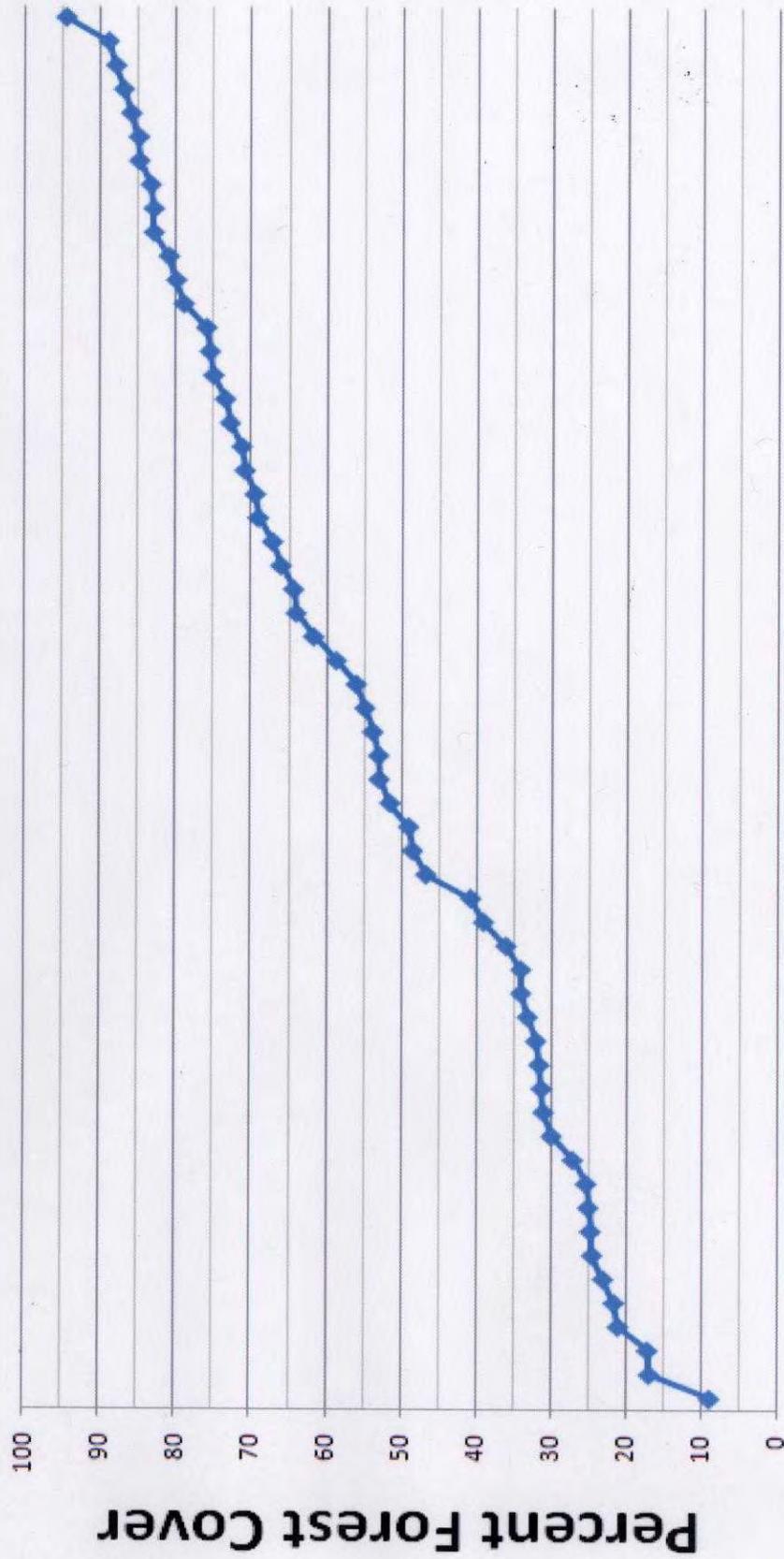


http://www.uky.edu/KentuckyAtlas/kentucky/physiographic/map/568_243

Internet

APPENDIX B

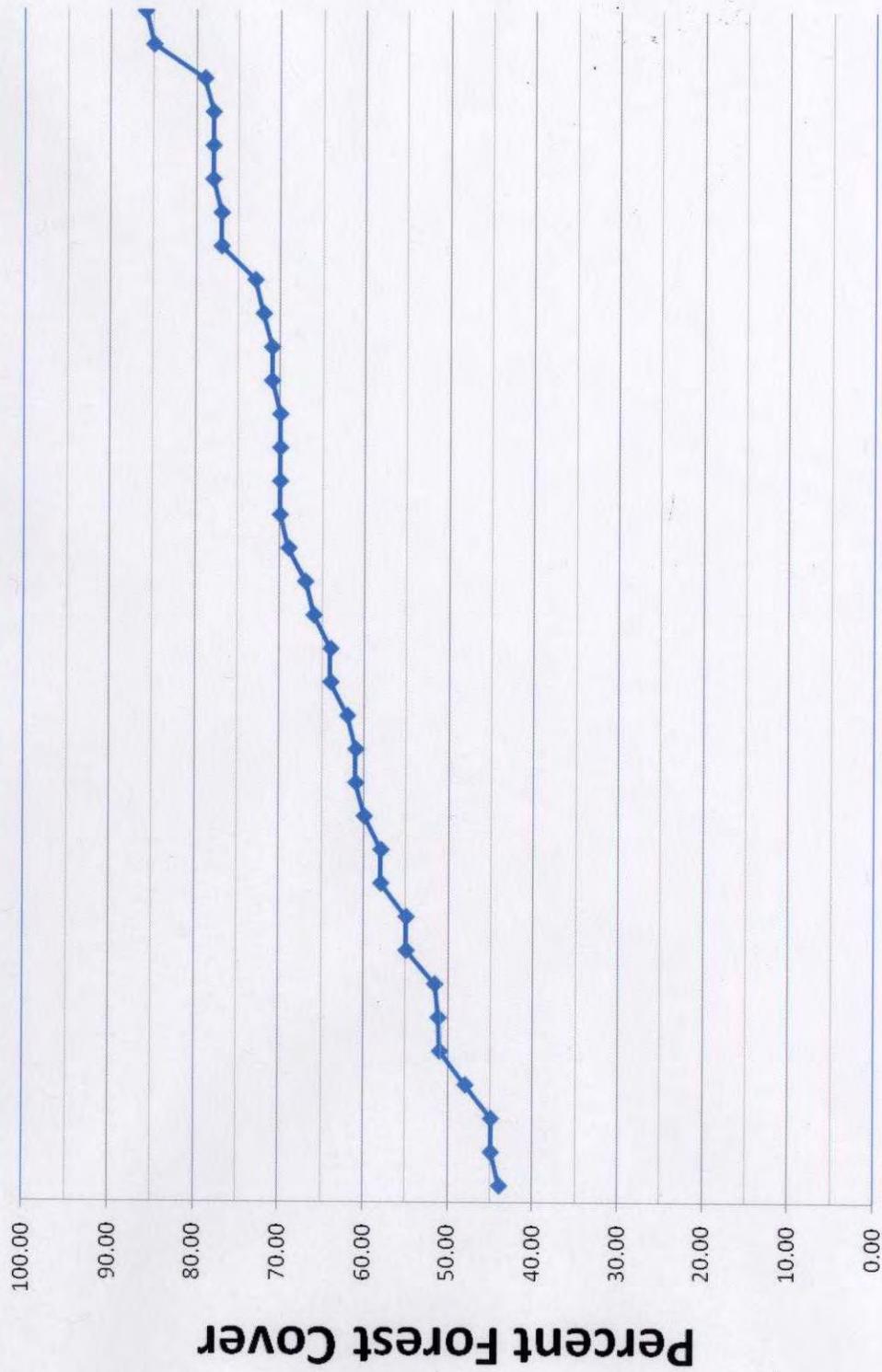
Habitat Availability in Known Maternity Areas



Maternity Colonies

APPENDIX C

Habitat Availability at Priority 1 & 2 Hibernacula



APPENDIX D

Mitigation Multiplier by Habitat Type and Season

	November 15 – March 31 (all habitats unoccupied)	April 1 – August 15 (swarming unoccupied*; potential, maternity** & non-maternity occupied)	August 16 – October 14 (swarming & potential occupied; maternity & non- maternity unoccupied)	October 15 – November 14 (swarming occupied; potential, maternity & non-maternity unoccupied)
Known maternity + P1&2 swarming	2.5	3.0 (4.0)*	3.5	3.5
Known maternity + P3&4 swarming	2.0	2.5 (3.5)*	3.0	3.0
Known non-maternity + P1&2 swarming	2.0	2.5 (3.5)*	3.0	3.0
Known non-maternity + P3&4 swarming	1.5	2.0 (3.0)*	2.5	2.5
Swarming P1&2	1.5	2.0 (3.0)*	2.5	2.5
Swarming P3&4	1.0	1.5 (2.5)*	2.0	2.0
Known maternity	1.5	2.0	1.5	1.5
Known non-maternity	1.0	1.5	1.0	1.0
Potential	0.5	1.0	1.0	0.5

*Spring emergence occurs close to the hibernacula entrances in the early spring with females emerging in early to mid-April and males emerging in late April – early May. Swarming habitat within 1 mile of P1 and P2 hibernacula entrances and within ½ mile of P3 and P4 hibernacula entrances will be considered occupied between April 1 and May 14. Projects within these areas require project-specific evaluation by the Service and may require additional mitigation, please see page 7 for more information.

** Projects within known maternity habitat that occur from June 1 through July 31 require project-specific evaluation by the Service, please see page 7 for more information

Midlands Holdings Louisville, LLC
P.O. Box 3222
Louisville, Kentucky 40201
502.589.8181

July 11, 2011

Via Email and Post

Mr. Jeffrey M. Leiken
Department of Veterans Affairs
Real Property Service (00CFM3C)
425 I Street, NW
Room 6W208D
Washington, DC 20001

Re: VA Medical Center Site Selection
Louisville, Kentucky

Dear Jeff:

We certainly appreciate your advising us of the issues concerning our property as a potential site for the new VA medical center. We continue to believe that our property is the best location for the new facility. We are pleased to provide credible documentation addressing the issues, all of which should meet or exceed your requirements, fully explaining and nullifying any concerns about the Midlands site.

Utility Service

There was speculation that the local utility company, Louisville Gas and Electric Company ("LG&E") would not provide utility service to our property. This is false. Attached in Appendix "A" are two supporting documents. The first is correspondence dated June 15, 2011 from Lisa Payne, Lead-Economic Development of LG&E. The letter confirms that Louisville Gas and Electric Company will indeed provide utility service to our property and clarifies service capacity concerns. The second document dated, July 8, 2011 also from Lisa Payne of LG&E, confirms that receiving alternative back up power and a back up feed to the site are indeed possible.

Indiana Bats

Our property was identified as a possible maternity habitat for the Indiana bat, a federally endangered species. We have communicated with James Gruhala, Fish & Wildlife Biologist with the Kentucky Division of the U.S. Fish & Wildlife Service and he has provided us with the enclosed letter that generally dismisses the property as a suitable habitat for the Indiana bat and indicates development on our site would not adversely affect the Indiana bat. Please find that correspondence outlined in Appendix "B".

Mr. Jeffrey M. Leiken
July 11, 2011
Page 2 of 2

Wetlands

Appendix "C" consists of two documents. The first is a copy of a Louisville Metro Planning & Design Services – Application for a Change in Zoning / Form District dated March 23, 2006. Page two, item 8.3. clearly states that there are no hydric soils of wetlands on-site in excess of 0.1 acres. The second document is a Wetland Delineation Letter Report dated July 8, 2011 from Matthew D. Thomayer and James R.J. Nicholas of URS. Their conclusion is that no wetlands were identified within the 2-acre development area.

I would be grateful if you would share this information with your colleagues. Should any of you have further questions or require additional information, please do not hesitate to contact me. In the meantime, we look forward to your favorable consideration of our site for the new VA medical center.

Sincerely,



Jonathan S. Blue
Chairman and Managing Director

JSB:aec

Enclosures

cc: Jacqueline Post
Land Management Team Leader
Department of Veterans Affairs



PPL companies

June 15, 2011

Mr. Jonathan Blue
Blue Equity
PO Box 3222
Louisville, Kentucky 40201

RE: Utility Service-Midland Property - Hildebrand Farm @ Hwy 22 & Watterson Expwy

Dear Jonathan:

Louisville Gas and Electric Company (LG&E) will provide electric and gas service for the proposed project on the Hildebrand Farm at Highway 22 and Watterson Expressway in Louisville, Kentucky. Our understanding is the project will need an estimated 6 MW to serve a one million square foot commercial facility that will be operational 24/7.

There is gas on Brownsboro Road as well as on the cross streets in the Crossgate subdivision adjacent to the farmland. This area is now part of a 50 psig gas distribution system. Typical operating pressures in the vicinity are approximately 38-39 psig and pipelines are typically 4-inch in diameter.

The property has two 12.47 kV circuits in the vicinity, both from Taylor Substation located about a mile west of the site. At this time the circuits have approximately 2 MVA and 4 MVA of capacity. This is based on 2010 peak loads.

The LG&E team is looking forward to working with you. Please let me know when you have further questions on this site.

Sincerely,

Lisa Payne
Lead, Economic Development



220 West Main Street
Louisville, Kentucky 40202

July 8, 2011

Mr. Jonathan Blue
Blue Equity
PO Box 3222
Louisville, Kentucky 40201

RE: Utility Service-Midland Property - Hildebrand Farm @ Hwy 22 & Watterson Expwy

Dear Jonathan:

Louisville Gas and Electric Company (LG&E) will provide electric and gas service for the proposed project on the Hildebrand Farm at Highway 22 and Watterson Expressway in Louisville, Kentucky. A back-up feed to the Midland Property is possible. This service and cost will be supplied consistent with LG&E's normal practices and tariffs.

Please let me know when you have further questions on this site.

Sincerely,

A handwritten signature in blue ink that reads 'Lisa'.

Lisa Payne
Lead, Economic Development

Stacey Creighton

From: James_Gruhala@fws.gov
Sent: Wednesday, June 15, 2011 6:22 PM
To: Stacey Creighton
Subject: Re: FWS 2011-B-0660; Blue Equity, LLC., Property at 4906 Brownsboro Road, Louisville, Kentucky

Ms. Stacey Creighton
Assistant to the Chairman
Blue Equity, LLC
333 East main Street, Suite 200
Louisville, Kentucky 40201

Dear Ms. Creighton:

Please accept this correspondence and maintain for your records as the U.S. Fish and Wildlife Service's (Service) official response to your June 15, 2011 correspondence, regarding the above-referenced property that is located at 4906 Brownsboro Road, Louisville, Kentucky. It is our understanding that Blue Equity, LLC is currently considering selling or leasing the property for development. 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.*).

In order to assist you in determining if a proposed project that would occur at the subject property has the potential to impact federally 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 federally endangered Indiana bat (*Myotis sodalis*) is the only federally listed species that has the potential to occur within the vicinity of the subject property.

Indiana bat

The subject property is within the home range of a known Indiana bat maternity colony. "Maternity habitat" refers to suitable summer habitat used by juveniles, and reproductive (pregnant, lactating, or post-lactating) females, and is an essential component of the Indiana bat's lifecycle. Female Indiana bats become pregnant in spring soon after they emerge from their hibernacula, which is usually caves, rockshelters, and mines. The pregnant females migrate to their maternity habitat, forming colonies of up to 100 or more individuals, and roost on "suitable roost trees". A "suitable roost tree" is any tree (live or dead) with a diameter- at- breast-height (DBH) of 5-inches or greater that exhibits any of the following characteristics: exfoliating bark, crevices or cracks. Trees with a DBH of 5-inches or greater and are not "suitable roost trees", as previously defined, still serve as foraging habitat for the Indiana bat. Each female in the colony gives birth to one pup per year. The young bats are nursed by the mother, who leaves the roost tree only to forage for food. The young stay with the maternity colony throughout their first summer.

Aerial imagery indicates that the subject property is a perviously cleared field that does not contain "suitable roost trees", as defined above for Indiana bats.. Additionally, the property is adjacent to a highway and surrounded by development. Based on the lack of "suitable roost trees" and due to the property's proximity to urban development, we believe that future development at this property would not likely adversely affect the Indiana bat.

Please contact me if you have need any further assistance. Refer to project number FWS 2011-B-0660.

Sincerely,

James Gruhala
Fish & Wildlife Biologist
U.S. Fish & Wildlife Service
KY Ecological Services Field Office
330 West Broadway, Room 265
Frankfort, KY 40601

(502) 695 0468 ext. 116

LAND DESIGN & DEVELOPMENT, INC.
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
(502)426-9374 FAX (502)426-9375

UTILITY AVAILABILITY
4/15/11
LOUISVILLE, KY SITES

DOWNTOWN SITE - AVAILABILITY LETTERS AND REPORTS

Louisville Water Company – provided on 11-11-10 plus report
Louisville Gas & Electric – provided on 11-9-10, plus report
Metropolitan Sewer District (MSD) – still waiting on report
Insight – cannot provide letter – engineer advised that service will be provided
AT&T – provided on 12-3-10

FACTORY LANE SITE - BOTH SITES “A” AND “B” AVAILABILITY LETTERS & REPORTS

Louisville Water Company – provided on 11-11-10 plus report
Louisville Gas & Electric – provided on 12-3-10, plus report
Metropolitan Sewer District (MSD) – still waiting on report
Insight – cannot provide letter – engineer advised that service will be provided
AT&T – provided on 12-3-10

FEGENBUSH ROAD SITE – AVAILABILITY LETTERS AND REPORTS

Louisville Water Company – provided on 11-11-10 plus report
Louisville Gas & Electric – provided on 11-5-10, plus report
Metropolitan Sewer District (MSD) – still waiting on report
Insight – cannot provide letter – engineer advised that service will be provided
AT&T – provided on 11-19-10



BROWNSBORO ROAD SITE – AVAILABILITY LETTERS AND REPORTS

Louisville Water Company – provided on 11-11-10 plus report
Louisville Gas & Electric – provided on 11-11-10, plus report
Metropolitan Sewer District (MSD) – still waiting on report
Insight – cannot provide letter – engineer advised that service will be provided
AT&T – provided on 12-3-10



Louisville Water Company

www.louisvillewater.com

502.569.3600 • 550 SOUTH THIRD STREET • LOUISVILLE, KENTUCKY 40202

November 11, 2010

To: Mr. David Winkler
Land Design & Development, Inc.

Re: Water Availability for 4906 Brownsboro Rd.

Dear Mr. Winkler:

The Louisville Water Company (LWC) can furnish water service to 4906 Brownsboro Rd. where the property abuts Brownsboro Rd and where there is an existing 6-inch and 12-inch water main; providing the domestic and fire protection flow requirements of the development do not exceed the flow capacity of the 6-inch and 12-inch DIW water main in the south side of Brownsboro Rd. System improvements necessary to provide water service to this parcel will be done at the Developer's expense.

If the proposed development for this address involves subdividing the parcel, the developer will need to work with Anthony Hewitt, in our New Development & Extensions department. System improvements necessary to provide water service to the site will be done at the Developer's expense. Specific system improvement requirements will be determined when detailed plans and information are provided. Please note that in accordance with the LWC Service Rules and Regulations, a property is eligible for water service only when it abuts a public right-of-way, public water easement or other public utility easement within which a LWC water distribution main is located.

If new services are desired all fees for new domestic water taps, new domestic water meters, and new fire service taps must be submitted before the installation process can begin.

If you have any further questions on this issue or in regards to fees please call me at (502) 369-3600 ext 2165.

Sincerely,

Beth Allen
Service Application Coordinator

Background Information

The Veteran's Administration (VA) is currently looking at five sites in the Louisville area as a possible replacement site for the existing VA Hospital complex located on Zorn Avenue near Mellwood Avenue. Maps of the proposed sites are included.

The Louisville Water Company (LWC) has been asked to review each potential site and comment on the availability of water, anticipated pressures and flow rates, and anticipated charges for service connections. It is understood that the hydraulic information provided in this memo will be used by the client in conjunction with other site factors to determine the relative suitability of the five potential sites.

From previous discussions, a demand of 1400 gallons per minute (gpm) at a residual pressure exceeding 20 pounds per square inch (psi) will be required for fire protection, and a demand of 600 gpm at a pressure of 50 psi will be required for domestic uses at the proposed VA Hospital complex. For improved reliability, the VA requires redundant sources of supply for both the domestic and fire services. In addition to these flow requirements, Pamphlet 14 of the National Fire Protection Association (NFPA) Code requires an available pressure of 75 psi at the highest outlet of the hose standpipe. This requires structures in excess of fifty-five feet in height to be equipped with a fire pump, at static pressures below 100 psi at the site.

The LWC Cross-Connection Team will need to review plans for both the interior and exterior plumbing to ensure a cross-connection is not created by the multiple services. Backflow prevention devices will likely be required as a minimum on all incoming services.

In addition to the typical service installation charges, which are based upon size of the service connection, the domestic service on at least one of the sites will be assessed a System Development Charge (SDC). This additional charge is also based on the size of the service connection. See the attached chart at the end of this memo for typical service connection and SDC charges.

With any large scale construction project, especially the location in downtown Louisville, the potential exists that existing water mains may need to be relocated or abandoned to avoid conflicts with the proposed development. Charges associated with these activities are not included in this discussion as the scope and cost of these are very site specific and depend heavily upon the proposed layout, intended land use and potential water supply needs.

Potential Hospital Sites

Five locations in the Louisville area are currently under investigation as suitable sites for the new VA Hospital Complex. These include one site in downtown Louisville on Broadway, two sites on Factory Lane, one site on Fegenbush Lane near Hurstbourne Lane and one site on Highway 22 near the Watterson Expressway (I-264).

Downtown Location - Broadway

This downtown location is served by the General Service Area (660 Pressure Zone). This pressure zone features a 30,000,000 gallon underground reservoir for reserve storage at Cardinal Hill. This site is supplied with abundant water from a 30-inch transmission main in Broadway on the south and a 36-inch main in Clay Street on the east side. Downtown Louisville is supplied by a well-gridded water supply with fire hydrants spaced along the streets. This site features a static pressure above 85 psi. Previous flow data from this area indicates that a fire flow of 1,400 gpm will have minimal impact on the surrounding system, likely reducing the overall system pressure by 5 psi or less. A redundant supply can be easily obtained from any direction. Since the General Service Area is part of the original LWC distribution system, SDC fees will not be assessed.

Factory Lane

The two sites located along Factory Lane are within the 940 Pressure Zone. Static pressures exceeding 90 psi are common. The Reamers Road 1,000,000 gallon elevated storage tank, located approximately one mile from the site, provides the primary hydraulic support to the area. Previous flow data near these sites indicate that a fire flow of 1,400 gpm will reduce the overall system pressure by about 15 psi. The connection fees from Factory Lane will be free of SDC charges but secondary connections to any mains installed since 1992 will include SDC charges. While the hydraulic capacity of the two Factory Lane sites is very similar, the ability to make redundant connections is markedly different when comparing Site A with Site B.

Factory Lane - Site "A" is bounded on the west side by I-265. LWC recently purchased a tank site at the south end of Site "A". The tank is under design at this time and should be in service in 2012. This tank and a planned transmission main under I-265 which will run part way along the west side of the site are part of the 900 pressure zone. This arrangement will offer the opportunity to supply redundant water supplies from two independent storage tanks at this site. Connection to the planned water main will carry SDC charges for domestic supply. Fire hydrant coverage currently exists only along Factory Lane so a private fire loop with hydrant coverage could be constructed to serve the buildings and parking lots.

Factory Lane - Site "B" is more centrally located within the 940 zone, allowing access to a second supply main from the same storage tank. An 8-inch line is available in the adjoining residential subdivision, but due to the size of the main (8-inch), the effectiveness of the secondary supply is somewhat limited. A discharge of 1,400 gpm will likely have a much more significant impact on the surrounding system pressure than a line attached to the 12-inch main in Factory Lane. At Site "B" existing fire hydrants offer backup protection in adjoining subdivisions.

Fegenbush Lane at Hurstbourne Parkway

This site is located entirely within the 860 Pressure Zone. At this location, static pressures in excess of 100 psi are common. A demand of 1,400 gpm will reduce the hydraulic grade approximately 15 psi at this location. This site has a strong supply from both Fegenbush Lane and Hurstbourne Parkway so a second water supply can be easily connected. Fire hydrants are currently located along both Hurstbourne Parkway and Fegenbush Lane. While Fegenbush Lane was recently relocated, the water main remained in its original location so the tapping charges associated with this location for both domestic and fire services will be adjusted to actual cost. Since Hurstbourne Parkway is a recent road extension, SDC charges will be assessed for domestic service taps along this main. The tapping fees on Hurstbourne will likely be adjusted to cost due to expected rock.

Highway 22 on east side of Watterson Expressway

This site is located within the 770 Pressure Zone, with static pressures in the mid 70 psi range. A fire flow demand of 1,400 gpm will reduce the system pressure approximately 8 psi in the 12-inch water main in Brownsboro Road. The west side of the property is adjacent to the Watterson Expressway. The water supply along Highway 22 is a 12-inch main for approximately 200 feet that reduces to 6-inch along the remaining frontage. There is a six inch plugged water main on the east side and a plugged eight inch water main on the south side that are available for a second supply source. Due to their size, both of these supplies will have a lower flow rate than will be provided by Brownsboro Road. There are fire hydrants in subdivisions on the east and south. The cost of connection to the water main in Brownsboro Road will be the standard LWC tap fees.

Summary

From a water service viewpoint the downtown location appears to be the best choice. This location has existing fire hydrants, the highest available flow rate, and the best gridded supply system which means increased reliability. The downtown site likely has the lowest connection fees.

The second choice based on water reliability is Site "A" with a connection from both the 940 tank and the planned 900 tank on an adjacent site. Connection fees at this site will be standard from Factory Lane and carry SDC charges for the planned water main along I-265.



an *e-on* company

Louisville Gas and Electric Company

East Operations Center

10300 Ballardsville Road

Louisville, Kentucky 40241

November 11, 2010

David S. Winkler, PLS
Land Design & Development, Inc.
503 Washburn Avenue, Suite 101
Louisville, Ky 40222

Dear Mr Winkler:

RE: Service Availability
4906 Brownsboro Road

This is to advise that gas and electric service will be available from Louisville Gas and Electric Company to serve the subject property contingent upon obtaining the necessary right-of-way and also subject to standard rates, rules and regulations now on file with the Public Service Commission of Kentucky and to any additions or modifications as may be ordered or approved by the Commission or other governmental authority having jurisdiction.

If we may be of further service, please call.

Sincerely,

A handwritten signature in black ink, appearing to read 'ROBERT H. MCGREGOR', with a stylized flourish extending from the end.

Robert H. McGregor, P.E.
Senior Contract Coordinator
(502) 333-1996
bob.mcgregor@lge-ku.com

David Winkler

From: Holderman, Jim [Jim.Holderman@lge-ku.com]
Sent: Wednesday, December 22, 2010 3:48 PM
To: winkler@lidd-inc.com
Cc: Rose, Bob; Patterson, Kevin; Menkir, Tsion; Gaynor, Mark
Subject: Potential Sites for New Development
David –

We have met internally to review the sites you provided and have offer the following information:

4906 Brownsboro Rd –

This site provides the greatest challenge in trying to serve a load of 8MVA. We currently do not have the capacity available at the site. We would have to extend new feeds from Taylor Substation (On Brownsboro Rd west of the Watterson). This would likely additional R/W, which would be difficult to obtain, and it would be the most expensive option. Additionally, we do not have means to provide a backup feed.

Factory Lane (Site B)–

We have capacity to serve from a new Substation being built on Old Henry Rd at the Gene Snyder, however, we are very limited on the ability to provide any back-up form surrounding substations.

Vendetta Way (Site A) –

This site is closest to The Old Henry Substation. The back-up feed, however, would also have to come from a second transformer which is yet to be installed.

Hurstbourne & Fegenbush –

We are planning a new substation to be built nearby that could serve at the preferred feed. However, a back-up feed would require extensive reworking of the existing lines and possibly require additional R/W.

Downtown –

This site sits between two existing substations. Madison Sub. to the north and Clay Sub. To the south. We do not recommend serving this location from Madison Sub. The capacity for this station is reserved for U of L developments and acts as a back-up to our downtown network system. One option may be to build a new substation along Clay St. to act as a preferred Sub., with back-up service coming from Clay Sub.

Please be advised that this information is for discussion purposes only, and will require further detailed studies before we can commit to any of these locations.

Sincerely,

Jim Holderman

(502) 333-1917

12/27/2010

AT&T Kentucky

3719 Bardstown Road
Louisville, KY 40218

Louisville, KY / Jefferson County

Jan Davenport
3719 Bardstown Rd
Louisville, KY 402018
502 454 1443
Jd1385@att.com
FAX: 502 452 8823

December 3 , 2010

David Winkler, PLS
Land Design and Development, Inc.
503 Washburn Ave.
Louisville, KY 40222

RE: Property 4906 Brownsboro Rd

Dear Mr. Winkler:

This is in response to your request for confirmation of service availability by AT&T. The above referenced project/development is located in an area served by AT&T.

AT&T will provide telephone service to the referenced project provided certain conditions are met. Prior to confirming service availability to this project, AT&T requires information such as proposed land use, density, site plans and agreements with respect to service arrangements for the project. Please contact me at the telephone number or email address shown above to arrange for providing any information that your may not have included in this request for service availability. No preparatory work towards providing service will begin at this time.

Thank you for contacting AT&T.

Best Regards,

Jan Davenport

Jan Davenport
AT&T Kentucky



**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

19 April 2011

TTL Associates, Inc.
44265 Plymouth Oak Boulevard
Plymouth, Michigan 48170
ATTN: Paul J. Jackson, Environmental Scientist

RE: Intergovernmental and Interagency Coordination of Environmental Planning for the:
Department of Veterans Affairs (VA)
Proposed VA Medical Center
25 or More Acres on One of Five Potential Sites
Louisville – Jefferson County, Kentucky

Dear Mr. Jackson:

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 following federally and state-listed species are known to occur within one mile, as specified in the request letter, of the project sites:

Brownsboro Site: No listed species, however this site falls within known Indiana bat (*Myotis sodalis*) summer maternity habitat and is considered a sensitive area for this species. These sensitive areas require coordination with the US Fish and Wildlife Service Kentucky Field Office (502-695-0468) prior to construction. This species uses trees (dead, dying, or alive) as summer roosting habitat, with larger trees containing sloughing bark being the most suitable.

Fegenbush Site: State-endangered Louisville Crayfish (*Orconectes jeffersoni*) and Bousfield's Amphipod (*Gammarus bousfieldi*). The Fern Creek flows within the boundaries of the project area, and any impacts to this stream must be addressed and permits obtained through the Kentucky Division of Water and the U.S. Army Corps of Engineers.

St. Joseph Site: No listed species, but impacts to streams and wetlands should be addressed if deemed necessary.

Downtown Site: Federally-protected Peregrine Falcon (*Falco peregrinus*), the state-endangered Great Egret (*Ardea alba*), and the state-threatened Kirtland's Snake (*Clonophis kirtlandii*) and Black-crowned Night Heron (*Nycticorax nycticorax*)

Existing (Robley Rex) VAMC Site: Louisville Crayfish, also within sensitive habitat for the Indiana bat.

Please be aware that our database system is a dynamic one that only represents our current knowledge of various species distributions. 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

From: Ted Pullen, Director of Metro Public Works and Assets

05-06-11

Brownsboro Road Site

With this being a Greenfield site, we have several concerns. First is the conversion of currently pervious area in to non-pervious surface area. As well as drainage concerns, there are several endangered species of plants, such as Running Buffalo Clover, that have been documented in this county. Additionally, Indiana Bats also have been found in many wooded areas in Jefferson County. The site has potential to be Prime and Unique Farmland. The site is in close proximity to numerous residential areas.

The largest issue is traffic and air quality. This site is served by KY 22 just off the I-264/US 42 Interchange. This interchange is extremely congested as it exists today. Any entity further developing this area would be required to make major improvement to the highway infrastructure as part of getting encroach permits and other approvals. These improvements would likely involve major improvements to the I-264 Interchange. With the already heavy congestion at this location, further degradation to air quality is problematic.

Fagenbush Property Site

With this being a Greenfield site, we have several concerns. First is the conversion of currently pervious area in to non-pervious surface area. As well as drainage concerns, there are several endangered species of plants, such as Running Buffalo Clover, that have been documented in this county. Additionally, Indiana Bats also have been found in many wooded areas in Jefferson County. The site has potential to be Prime and Unique Farmland. Additionally a blue line stream crosses the site. The site is in close proximity to a school and a major industrial center.

The transportation infrastructure is likely adequate to handle the additional traffic volumes with improvements to the entry and exit points. These improvements to the roadway and traffic control infrastructure will be required as part of the development.

St. Joseph Site

With this being a Greenfield site, we have several concerns. First is the conversion of currently pervious area in to non-pervious surface area. As well as drainage concerns, there are several endangered species of plants, such as Running Buffalo Clover, that have been documented in this county. Additionally, Indiana Bats also have been found in many wooded areas in Jefferson County. The site has potential to be Prime and Unique Farmland. Additionally a blue line stream crosses the site. The site is in close proximity to several residential areas.

The transportation infrastructure in this area is totally inadequate to handle the traffic volumes for such a development. Major improvements to roads and intersections leading into the development would be required as part of developing this site. These improvements would likely include improvements to the I-265 Interchange at Old LaGrange Road, the intersection of Old LaGrange road and Factory Lane, and construction of a connector road to Old Henry Road.

Downtown Site

Since this would involve the redevelopment of an existing developed site, there are none of the endangered or stream issues connected with the three Greenfield sites. Since the area is already mostly non-pervious, issues with runoff should be easily mitigated.

Since the site is adjacent to one of Metro's largest thoroughfares (Broadway), traffic into and out of the facility should be handled with a minimum of required improvements.

Existing VAMC Site

Since this is the redevelopment of the existing hospital site, most of the issues possibly associated with the development of the greenfield sites do not exist. The north and east sides of the site are extremely steep and will likely involve stability issues if disturbed. Additionally, both these slopes are wooded and combined with the proximity of a major creek across Mellwood Ave.; there is a real possibility that there may be roosting activities by Indiana Bats in these wooded areas.

The thoroughfares surrounding the site have sufficient capacity for a small increase in volumes of traffic, however, congestion on I-71 is very heavy during rush hour periods under today's conditions. Currently, we have received many complaints and there have been several news stories about the lack of parking at the site. We would require additional parking to be added for any further development of this site.

LAND DESIGN & DEVELOPMENT, INC.
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
(502)426-9374 FAX (502)426-9375

UTILITY AVAILABILITY
4/15/11
LOUISVILLE, KY SITES

DOWNTOWN SITE - AVAILABILITY LETTERS AND REPORTS

Louisville Water Company – provided on 11-11-10 plus report
Louisville Gas & Electric – provided on 11-9-10, plus report
Metropolitan Sewer District (MSD) – still waiting on report
Insight – cannot provide letter – engineer advised that service will be provided
AT&T – provided on 12-3-10



FACTORY LANE SITE - BOTH SITES "A" AND "B" AVAILABILITY LETTERS & REPORTS

Louisville Water Company – provided on 11-11-10 plus report
Louisville Gas & Electric – provided on 12-3-10, plus report
Metropolitan Sewer District (MSD) – still waiting on report
Insight – cannot provide letter – engineer advised that service will be provided
AT&T – provided on 12-3-10

FEGENBUSH ROAD SITE – AVAILABILITY LETTERS AND REPORTS

Louisville Water Company – provided on 11-11-10 plus report
Louisville Gas & Electric – provided on 11-5-10, plus report
Metropolitan Sewer District (MSD) – still waiting on report
Insight – cannot provide letter – engineer advised that service will be provided
AT&T – provided on 11-19-10

BROWNSBORO ROAD SITE – AVAILABILITY LETTERS AND REPORTS

Louisville Water Company – provided on 11-11-10 plus report
Louisville Gas & Electric – provided on 11-11-10, plus report
Metropolitan Sewer District (MSD) – still waiting on report
Insight – cannot provide letter – engineer advised that service will be provided
AT&T – provided on 12-3-10



Louisville Water Company

www.louisvillewater.com

502.569.3600 • 550 SOUTH THIRD STREET • LOUISVILLE, KENTUCKY 40202

November 11, 2010

To: Mr. David Winkler
Land Design & Development, Inc.

Re: Water Availability for 13605, 13615, & 13508 Factory Ln.

Dear Mr. Winkler:

The Louisville Water Company (LWC) can furnish water service to 13605, 13615, & 13508 Factory Ln. where these properties abut Factory Ln. and where there is an existing 12-inch water main; providing the domestic and fire protection flow requirements of the development do not exceed the flow capacity of the 12-inch DIW water main in the south side of Factory Ln. System improvements necessary to provide water service to this parcel will be done at the Developer's expense.

If the proposed development for this address involves subdividing the parcel, the developer will need to work with Anthony Hewitt, in our New Development & Extensions department. System improvements necessary to provide water service to the site will be done at the Developer's expense. Specific system improvement requirements will be determined when detailed plans and information are provided. Please note that in accordance with the LWC Service Rules and Regulations, a property is eligible for water service only when it abuts a public right-of-way, public water easement or other public utility easement within which a LWC water distribution main is located.

If new services are desired all fees for new domestic water taps, new domestic water meters, and new fire service taps must be submitted before the installation process can begin.

If you have any further questions on this issue or in regards to fees please call me at (502) 369-3600 ext 2165.

Sincerely,

Beth Allen
Service Application Coordinator

Background Information

The Veteran's Administration (VA) is currently looking at five sites in the Louisville area as a possible replacement site for the existing VA Hospital complex located on Zorn Avenue near Mellwood Avenue. Maps of the proposed sites are included.

The Louisville Water Company (LWC) has been asked to review each potential site and comment on the availability of water, anticipated pressures and flow rates, and anticipated charges for service connections. It is understood that the hydraulic information provided in this memo will be used by the client in conjunction with other site factors to determine the relative suitability of the five potential sites.

From previous discussions, a demand of 1400 gallons per minute (gpm) at a residual pressure exceeding 20 pounds per square inch (psi) will be required for fire protection, and a demand of 600 gpm at a pressure of 50 psi will be required for domestic uses at the proposed VA Hospital complex. For improved reliability, the VA requires redundant sources of supply for both the domestic and fire services. In addition to these flow requirements, Pamphlet 14 of the National Fire Protection Association (NFPA) Code requires an available pressure of 75 psi at the highest outlet of the hose standpipe. This requires structures in excess of fifty-five feet in height to be equipped with a fire pump, at static pressures below 100 psi at the site.

The LWC Cross-Connection Team will need to review plans for both the interior and exterior plumbing to ensure a cross-connection is not created by the multiple services. Backflow prevention devices will likely be required as a minimum on all incoming services.

In addition to the typical service installation charges, which are based upon size of the service connection, the domestic service on at least one of the sites will be assessed a System Development Charge (SDC). This additional charge is also based on the size of the service connection. See the attached chart at the end of this memo for typical service connection and SDC charges.

With any large scale construction project, especially the location in downtown Louisville, the potential exists that existing water mains may need to be relocated or abandoned to avoid conflicts with the proposed development. Charges associated with these activities are not included in this discussion as the scope and cost of these are very site specific and depend heavily upon the proposed layout, intended land use and potential water supply needs.

Potential Hospital Sites

Five locations in the Louisville area are currently under investigation as suitable sites for the new VA Hospital Complex. These include one site in downtown Louisville on Broadway, two sites on Factory Lane, one site on Fegenbush Lane near Hurstbourne Lane and one site on Highway 22 near the Watterson Expressway (I-264).

Downtown Location - Broadway

This downtown location is served by the General Service Area (660 Pressure Zone). This pressure zone features a 30,000,000 gallon underground reservoir for reserve storage at Cardinal Hill. This site is supplied with abundant water from a 30-inch transmission main in Broadway on the south and a 36-inch main in Clay Street on the east side. Downtown Louisville is supplied by a well-gridded water supply with fire hydrants spaced along the streets. This site features a static pressure above 85 psi. Previous flow data from this area indicates that a fire flow of 1,400 gpm will have minimal impact on the surrounding system, likely reducing the overall system pressure by 5 psi or less. A redundant supply can be easily obtained from any direction. Since the General Service Area is part of the original LWC distribution system, SDC fees will not be assessed.

Factory Lane

The two sites located along Factory Lane are within the 940 Pressure Zone. Static pressures exceeding 90 psi are common. The Reamers Road 1,000,000 gallon elevated storage tank, located approximately one mile from the site, provides the primary hydraulic support to the area. Previous flow data near these sites indicate that a fire flow of 1,400 gpm will reduce the overall system pressure by about 15 psi. The connection fees from Factory Lane will be free of SDC charges but secondary connections to any mains installed since 1992 will include SDC charges. While the hydraulic capacity of the two Factory Lane sites is very similar, the ability to make redundant connections is markedly different when comparing Site A with Site B.

Factory Lane - Site "A" is bounded on the west side by I-265. LWC recently purchased a tank site at the south end of Site "A". The tank is under design at this time and should be in service in 2012. This tank and a planned transmission main under I-265 which will run part way along the west side of the site are part of the 900 pressure zone. This arrangement will offer the opportunity to supply redundant water supplies from two independent storage tanks at this site. Connection to the planned water main will carry SDC charges for domestic supply. Fire hydrant coverage currently exists only along Factory Lane so a private fire loop with hydrant coverage could be constructed to serve the buildings and parking lots.

Factory Lane - Site "B" is more centrally located within the 940 zone, allowing access to a second supply main from the same storage tank. An 8-inch line is available in the adjoining residential subdivision, but due to the size of the main (8-inch), the effectiveness of the secondary supply is somewhat limited. A discharge of 1,400 gpm will likely have a much more significant impact on the surrounding system pressure than a line attached to the 12-inch main in Factory Lane. At Site "B" existing fire hydrants offer backup protection in adjoining subdivisions.

Fegenbush Lane at Hurstbourne Parkway

This site is located entirely within the 860 Pressure Zone. At this location, static pressures in excess of 100 psi are common. A demand of 1,400 gpm will reduce the hydraulic grade approximately 15 psi at this location. This site has a strong supply from both Fegenbush Lane and Hurstbourne Parkway so a second water supply can be easily connected. Fire hydrants are currently located along both Hurstbourne Parkway and Fegenbush Lane. While Fegenbush Lane was recently relocated, the water main remained in its original location so the tapping charges associated with this location for both domestic and fire services will be adjusted to actual cost. Since Hurstbourne Parkway is a recent road extension, SDC charges will be assessed for domestic service taps along this main. The tapping fees on Hurstbourne will likely be adjusted to cost due to expected rock.

Highway 22 on east side of Watterson Expressway

This site is located within the 770 Pressure Zone, with static pressures in the mid 70 psi range. A fire flow demand of 1,400 gpm will reduce the system pressure approximately 8 psi in the 12-inch water main in Brownsboro Road. The west side of the property is adjacent to the Watterson Expressway. The water supply along Highway 22 is a 12-inch main for approximately 200 feet that reduces to 6-inch along the remaining frontage. There is a six inch plugged water main on the east side and a plugged eight inch water main on the south side that are available for a second supply source. Due to their size, both of these supplies will have a lower flow rate than will be provided by Brownsboro Road. There are fire hydrants in subdivisions on the east and south. The cost of connection to the water main in Brownsboro Road will be the standard LWC tap fees.

Summary

From a water service viewpoint the downtown location appears to be the best choice. This location has existing fire hydrants, the highest available flow rate, and the best gridded supply system which means increased reliability. The downtown site likely has the lowest connection fees.

The second choice based on water reliability is Site "A" with a connection from both the 940 tank and the planned 900 tank on an adjacent site. Connection fees at this site will be standard from Factory Lane and carry SDC charges for the planned water main along I-265.



an **e-on** company

"In November 2010, E.ON U.S. LLC was renamed LG&E and KU Energy LLC".

Louisville Gas and Electric Company
Auburndale Operations Center
6900 Enterprise Drive
Louisville, KY 40214

December 3, 2010

LAND DESIGN & DEVELOPMENT INC
ATTN: DAVID WINKLER
503 WASHBURN AVE. STE 101
LOUISVILLE, KY 40222

RE: Service Availability
13,605, 13,615, AND 13,508 FACTORY LANE

Dear David,

This is to advise that gas and electric service will be available from Louisville Gas and Electric Company to serve commercial businesses at the above property contingent upon obtaining the necessary rights-of-way and also subject to standard rates, rules and regulations now on file with the Public Service Commission of Kentucky and to any additions or modifications as may be ordered or approved by the Commission or other governmental authority having jurisdiction.

Please be advised, an electric and/or gas main extension may be required to serve the above referenced property.

If you are planning new construction/renovation in the near future, please see attached check list for additional steps.

For more detailed information, please call or e-mail me.

Sincerely,

A handwritten signature in cursive script that reads 'Linda May'.

Linda May
Senior Contract Coordinator
Louisville Gas & Electric Co.
(502)364-8241
linda.may@e-on-us.com

David Winkler

From: Holderman, Jim [Jim.Holderman@lge-ku.com]
Sent: Wednesday, December 22, 2010 3:48 PM
To: winkler@lidd-inc.com
Cc: Rose, Bob; Patterson, Kevin; Menkir, Tsion; Gaynor, Mark
Subject: Potential Sites for New Development
David –

We have met internally to review the sites you provided and have offer the following information:

4906 Brownsboro Rd –

This site provides the greatest challenge in trying to serve a load of 8MVA. We currently do not have the capacity available at the site. We would have to extend new feeds from Taylor Substation (On Brownsboro Rd west of the Watterson). This would likely additional R/W, which would be difficult to obtain, and it would be the most expensive option. Additionally, we do not have means to provide a backup feed.

Factory Lane (Site B)–

We have capacity to serve from a new Substation being built on Old Henry Rd at the Gene Snyder, however, we are very limited on the ability to provide any back-up form surrounding substations.

Vendetta Way (Site A) –

This site is closest to The Old Henry Substation. The back-up feed, however, would also have to come from a second transformer which is yet to be installed.

Hurstbourne & Fegenbush –

We are planning a new substation to be built nearby that could serve at the preferred feed. However, a back-up feed would require extensive reworking of the existing lines and possibly require additional R/W.

Downtown –

This site sits between two existing substations. Madison Sub. to the north and Clay Sub. To the south. We do not recommend serving this location from Madison Sub. The capacity for this station is reserved for U of L developments and acts as a back-up to our downtown network system. One option may be to build a new substation along Clay St. to act as a preferred Sub., with back-up service coming from Clay Sub.

Please be advised that this information is for discussion purposes only, and will require further detailed studies before we can commit to any of these locations.

Sincerely,

Jim Holderman

(502) 333-1917

12/27/2010

AT&T Kentucky

3719 Bardstown Road
Louisville, KY 40218

Louisville, KY / Jefferson County

Jan Davenport
3719 Bardstown Rd
Louisville, KY 402018
502 454 1443
Jd1385@att.com
FAX: 502 452 8823

December 3 , 2010

David Winkler, PLS
Land Design and Development, Inc.
503 Washburn Ave.
Louisville, KY 40222

RE: Factory Lane Site "A" and Site "B" (attached)

Dear Mr. Winkler:

This is in response to your request for confirmation of service availability by AT&T. The above referenced project/development is located in an area served by AT&T.

AT&T will provide telephone service to the referenced project provided certain conditions are met. Prior to confirming service availability to this project, AT&T requires information such as proposed land use, density, site plans and agreements with respect to service arrangements for the project. Please contact me at the telephone number or email address shown above to arrange for providing any information that your may not have included in this request for service availability. No preparatory work towards providing service will begin at this time.

Thank you for contacting AT&T.

Best Regards,

Jan Davenport

Jan Davenport
AT&T Kentucky



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/>

May 10, 2011

Operations Division
Regulatory Branch (South)
ID No. LRL-2011-4

Mr. Paul Jackson
TTL Associates, Inc.
44265 Plymouth Oaks Boulevard
Plymouth, Michigan 48170

Dear Mr. Jackson:

This is in regard to your request, dated April 15, 2011 for a review of the five potential sites for the proposed VA Medical Center project in Jefferson County, Kentucky. The review included a search for "waters of the U.S." within the project sites. According to our records "waters of the U.S." could exist on at least two of the sites, the Fegenbush Site and the St. Joseph Site. A jurisdictional determination must be completed if the proposed project would impact any "waters of the U.S."

If you have any questions concerning this matter, please contact this office at the above address, ATTN: CELRL-OP-FS or call me at 502-315-6689.

Sincerely,

A handwritten signature in blue ink, appearing to read "Layna Thrush".

Layna Thrush
Project Manager, South
Regulatory Branch