

Kathy Linares

From: Britten Yant <byant@res.us>
Sent: Friday, August 9, 2024 9:35 AM
To: Bill Reed
Cc: Kathy Linares; Mason Glin; Kaitlin Ilnick
Subject: Windcrest Expansion Summary
Attachments: EcologicalResourcesMap_Fig1.pdf; RESDelineation.dwg; RESDelineation.dwg.xml

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Bill,

Please see attached Ecological Resources Map and CAD file for the Windcrest Expansion Project. Based on the delineation, jurisdictional water/wetland features present on site include one intermittent stream measuring 548 linear feet (0.044 acre) and one ephemeral stream measuring 306 linear feet (0.014 acre). Non-jurisdictional features located within the boundary include two ephemeral streams totaling 142 linear feet (0.009 acre) and three wetlands totaling 0.322 acre.

Suitable habitat for federally threatened/endangered (T/E) species observed included 8.74 acres of suitable summer habitat for the Indiana bat (*Myotis sodalis*), the tricolored bat (*Perimyotis subflavus*), and the northern long-eared bat (*Myotis septentrionalis*). Suitable habitat for the Kentucky Glade Cress (*Leavenworthia exigua laciniata*) was identified southeast of the project along Thixton Lane, however based on the CAD file provided by Mindel Scott, the suitable habitat is located outside of the project boundary. Suitable habitat for T/E mussels was not observed.

Permit requirements could vary depending on final design and the range of potential water/wetland permitting for impacts for this project is summarized below:

- Avoidance of the jurisdictional water/wetland features (Intermittent Stream 1 and Ephemeral Stream 2) would require no permits from, or coordination with, the USACE or KDOW. A formal Jurisdictional Determination (JD) can be obtained from the USACE, if desired.
- Impacts to less than 0.5 acre of jurisdictional waters can be authorized under the federal Nationwide Permit (NWP) program with the USACE.
- Impacts to greater than 300 feet of intermittent stream or construction of an in-line stream basin generally require an Individual Section 401 WQC from the KDOW.
- Impacts to less than 300 feet of intermittent stream generally meet the conditions of a General WQC and do not require coordination with the KDOW.
- Impacts to greater than 0.03 acre of jurisdictional stream will require compensatory mitigation. Mitigation ratios for impacts to poor quality intermittent and ephemeral streams are 1:1 and 0.5:1, respectively, with ratios increasing with stream quality. If required, mitigation credits can be purchased from either a private mitigation bank or the Kentucky In-Lieu Fee program, which requires a 20% markup to cover temporal losses. The Kentucky In-Lieu Fee program currently charges approximately \$518 per stream credit within the service area of the project site.

In summary, if the project can avoid impacts to Intermittent Stream 1 and Ephemeral Stream 2, no permits or coordination with the USACE or KDOW is required. If impacts are required to these features, a NWP with the USACE will be required and potentially KDOW, along with potential mitigation. Additionally, the project can be phased to allow development of the property with no jurisdictional features and to only permit the development phase that requires impacts to the jurisdictional features.

Please let us know if you have any questions or if you would like to schedule a call to discuss potential permitting.

Thanks!

Britten Yant, PWS
Project Manager I
RES | res.us

[2307 Greene Way, Suite B](#)
[Louisville, Kentucky 40220](#)

Office: 502.625.3009 | Mobile: 828.412.2848

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