



CITY COMMISSION MEETING
 AGENDA FOR AUGUST 12, 2014
 5:30 P.M.
 CITY HALL COMMISSION CHAMBERS
 300 SOUTH FIFTH ST

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS/DELETIONS

	I. <u>MINUTES</u>
	II. <u>APPOINTMENTS</u>
	A. Paducah – McCracken County Convention Center Corporation
	B. Electric Plan Board
	III. <u>MOTIONS</u>
	A. R & F Documents
	IV. <u>MUNICIPAL ORDERS</u>
	A. Personnel Actions
	B. Amend Position and Pay Table – C. MEDFORD
	C. Authorize the Mayor to Execute a Deed Consideration Certification for Paducah Water for Property Located at 1852 & 1853 North 8 th Street – G. ANDERSON
	D. Petition McCracken County Circuit to Terminate Oak Grove Cemetery Trust – J. PERKINS
	V. <u>ORDINANCES – ADOPTION</u>
	A. KLC Premiums for Liability, Workers’ Compensation and Property Insurance - C. MEDFORD
	B. Approve Intent to Annex 2711 New Holt Road – S. ERVIN
	C. Upper Story Residential Grant – S. ERVIN

		D. Amend Ordinance for Highway Safety Interticated Mini-Grant - S. ERVIN
		<u>ORDINANCE - INTRODUCTION</u>
		A. Annual Service Agreement with Motorola for Radio Equipment, 911 Phone and Dispatch Consoles - B. STRINGER
		B. Authorize Payment for USFW Biological Opinion Mitigation Fees - R. MURPHY
		C. Authorize Purchase of Solid Waste Dumpsters for FY2014-15 Utilizing State Contract - R. MURPHY
		<u>CITY MANAGER REPORT</u>
		<u>MAYOR & COMMISSIONER COMMENTS</u>
		<u>PUBLIC COMMENTS</u>
		<u>EXECUTIVE SESSION</u>

July 22, 2014

At a Regular Meeting of the Board of Commissioners, held on Tuesday, July 22, 2014, at 5:30 p.m., in the Commission Chambers of City Hall located at 300 South 5th Street, Mayor Kaler presided, and upon call of the roll by the City Clerk, the following answered to their names: Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

INVOCATION

State Representative Gerald Watkins gave the invocation.

PRESENTATIONS

MCCRACKEN COUNTY HUMANE SOCIETY PALS & PAWS DAY CAMP

Eagle Scout Kyle Johnson gave a report about the day camp he organized as part of his Eagle Scout project. The camp was for ages 12 – 15 and was held during the week of June 16-20, 2014 at the McCracken County Humane Society facility. Each day students were paired with a dog and learned about proper care, grooming and clicker training techniques.

POLICE AND FIRE FIGHTERS' PENSION FUND

Chairman Leon Dodge requested a 2% percent raise on behalf of the 60 members of the pension fund. The last time the members had a cost of living increase was in 2008.

This item will be brought before the Commission for a vote in the near future.

ANNOUNCEMENTS

Rep. Watkins announced that the State has approved \$3.7 million to improve Kentucky Avenue from 12th Street to 16th Street. He also announced that the State will be giving an additional \$500,000 to repair the intersection of KY 1322 and U.S. 62 in McCracken County.

Mayor Kaler announced the U. S. Department of Energy has awarded approximately \$420 million over the next three years to Fluor Federal Services, Inc. for deactivation activities at the Paducah Gaseous Diffusion Plant.

MINUTES

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the reading of the Minutes for the June 24, 2014, June 30, 2014, July 1, 2014 and July 15, 2014 City Commission meetings be waived and that the Minutes of said meetings prepared by the city Clerk be approved as written.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

APPOINTMENTS

PADUCAH- MCCRACKEN COUNTY JOINT SEWER AGENCY

Mayor Kaler made the following reappointment: "WHEREAS, subject to the approval of the Board of Commissioners, I hereby reappoint Jim Smart as a member of the Paducah-McCracken County Joint Sewer Agency. This term will expire June 30, 2018."

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners approve the action of Mayor Kaler in reappointing Jim Smart as a member of the Paducah-McCracken County Joint Sewer Agency.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

MUNICIPAL HOUSING COMMISSION

Mayor Kaler made the following reappointment: "WHEREAS, subject to the approval of the Board of Commissioners, I hereby reappoint Jipaum Askew-Robinson as a member of the Municipal Housing Commission. This term will expire July 22, 2018."

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners approve the action of Mayor Kaler in reappointing Jipaum Askew-Robinson as a member of the Municipal Housing Commission.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

PADUCAH-McCRACKEN COUNTY RIVERPORT AUTHORITY

Mayor Kaler made the following appointment: "WHEREAS, subject to the approval of the Board of Commissioners, I hereby appoint David Mast, to fill the unexpired term of Greg Menke who has resigned, to the Paducah-McCracken County Riverport Authority. This term will expire September 26, 2017."

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that the Board of Commissioners approve the action of Mayor Kaler in appointing David Mast to the Paducah-McCracken County Riverport Authority.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

MOTIONS

R & F DOCUMENTS

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the following documents be received and filed:

1. Notices of Cancellation For the City of Paducah Board of Commissioners Meetings for June 17, 2014 and July 8, 2014
2. Certificate of Liability Insurance and Right of Way Bond for Hays Backhoe and Concrete
3. Performance Bond for Youngblood Excavating Contracting LLC for the Noble Park Lake Bank Stabilization Project (ORD # 2014-06-8149)
4. Quitclaim Deed for 228 South 17th Street with George Vollmer
5. Commissioner's Deed for 625 George Street
6. Contracts For Services
 - a. Paducah Concert Band (City Manager Approval)
 - b. Paducah-McCracken County Convention & Visitors Bureau (ORD # 2014-6-8157)
7. Contracts/Agreements:
 - a. Change in Terms Agreement with Banterra Bank for revolving line of credit for Fountain Avenue and Lower Town Neighborhood Revitalization Project (ORD # 2014-05-8143)
 - b. Engineering-Public Works Department One-Year Renewal Agreement with Bluegrass Fire Equipment Company, Inc. for the Structural Firefighting Turnout Gear for use by the City of Paducah Fire Department (ORD # 2013-03-8017)
 - c. Memorandum of Understanding with Genova Products and G.P.E.D.C., Inc. for 5400 Commerce Drive (ORD # 2014-07-8162)
 - d. Contract with T & T Cleaning for event set-up and cleaning services at the Robert Cherry Civic Center (City Manager Approval)
 - e. Agreement with Shawnee Professional Services for the Olivet Church Road Improvement Project (ORD # 2014-07-8160)
 - f. Agreement with Nichols Electric Company, LLC for the Fire Station #1 Generator Project (ORD # 2014-07-8161)
 - g. 2014-2015 KY Pride Fund Household Hazardous Waste Management Grant Agreement (ORD # 2014-07-8159)
 - h. Financial Advisor Agreement with Raymond James & Associates, Inc. for the Police and Firefighters Pension Plan (ORD # 2014-07-8158)
8. Commonwealth of Kentucky Office of the Governor Department for Local Government Recommended Order for KRS 103.210 Bonds for the Paducah Convention Hotel
9. Notification from Paducah McCracken County Joint Sewer Agency for the CPI-U Rate Adjustment
10. Letter of Engagement for Bond Counsel for approximately \$4,230,000 City of Paducah, Kentucky Taxable General Obligation Refunding Bonds, Series 2014B Police and Firefighters Pension Plan (ORD # 2014-07-8158)
11. City of Paducah Human Rights Commission Annual Report 2013

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

MUNICIPAL ORDERS

PERSONNEL ACTIONS

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners of the City of Paducah order that the personnel changes on the attached list be approved.

July 22, 2014

(SEE MUNICIPAL ORDER BOOK)

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

Police Chief Barnhill recognized the retirements of Capt. Don Hodgson, Capt. Shawn Maxie, Capt. Mark Roberts, and Training Office Rob Estes. He announced the promotions of Capt. George Johnson, Capt. Wes Kimbler and Sgt. Matt Smith.

Fire Chief Kyle recognized the retirement of Capt. Daryl Tubbs.

APPROVAL OF ASSIGNMENT AND REAFFIRMATION AGREEMENT FOR GENOVA

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that a Municipal Order entitled, "A MUNICIPAL ORDER APPROVING AND AUTHORIZING THE EXECUTION OF AN ASSIGNMENT AND REAFFIRMATION AGREEMENT AMONG CITY OF PADUCAH, KENTUCKY, MCCracken COUNTY, KENTUCKY, G.P.E.D.C., INC., AND PADUCAH ECONOMIC DEVELOPMENT FOUNDATION, INC., RELATING TO A PUBLIC PROJECT," be adopted.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). MO.#1783; BK 9

ORDINANCE – ADOPTION

ACCEPT 2014-2015 LAW ENFORCEMENT SERVICE FEE GRANT AWARD

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that the Board of Commissioners adopt an ordinance entitled, "AN ORDINANCE OF THE CITY OF PADUCAH ACCEPTING A 2014/2015 LAW ENFORCEMENT SERVICE FEE GRANT AWARD FOR DUI ENFORCEMENT BY THE PADUCAH POLICE DEPARTMENT AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT AND ALL DOCUMENTS RELATING THERETO WITH THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET." This ordinance is summarized as follows: That the City of Paducah hereby accepts grant funds in the amount of \$8,271 through the Kentucky Justice and Public Safety Cabinet for a 2014/2015 Law Enforcement Service Fee Grant Award to be used by the Paducah Police Department for DUI Enforcement and hereby authorizes the Mayor to execute a Grant Agreement and all documents relating thereto.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). ORD.#2014-7-8164; BK 34

ORDINANCES – INTRODUCTION

AUTHORIZE AN AGREEMENT FOR ENGINEERING DESIGN SERVICES RELATED TO REVISIONS OF THE RIVERFRONT PHASE I-B PROJECT

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$90,340.00 FOR PROFESSIONAL ENGINEERING DESIGN SERVICES RELATED TO REVISIONS OF THE RIVERFRONT PHASE I-B PROJECT." This ordinance is summarized as follows: That the Mayor of the City of Paducah is hereby authorized to execute an Engineering Service Agreement with Bacon Farmer Workman Engineering & Testing, Inc., in an amount not to exceed \$90,340.00 for revisions of the Riverfront Phase I-B Project.

KLC PREMIUMS FOR LIABILITY, WORKERS' COMPENSATION AND PROPERTY INSURANCE

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO PAY KENTUCKY LEAGUE OF CITIES FOR WORKERS' COMPENSATION, LIABILITY INSURANCE, AND PROPERTY INSURANCE COVERAGE FOR THE CITY OF PADUCAH." This ordinance is summarized as follows: That the City of Paducah hereby authorizes the Finance Director to pay Kentucky League of Cities in the total amount of \$951,770.62 for Workers' Compensation, Liability Insurance, and Property Insurance Coverage for the City of Paducah for Fiscal Year ending June 30, 2015.

APPROVE INTENT TO ANNEX 2711 NEW HOLT ROAD

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE EXTENDING THE BOUNDARY OF THE CITY OF PADUCAH, KENTUCKY, BY INTENT TO ANNEX CERTAIN PROPERTY LYING ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF PADUCAH, AND DEFINING ACCURATELY THE BOUNDARY OF SAID PROPERTY TO BE INCLUDED WITHIN THE SAID CORPORATE LIMITS." This ordinance is summarized as follows: Approving intent to annex a tract of property contiguous to the present city limits, located at 2711 New Holt Road, containing 0.7972 acres, more or less.

UPPER STORY RESIDENTIAL GRANT

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE ESTABLISHING AND APPROVING THE UPPER STORY RESIDENTIAL GRANT PROGRAM AND AUTHORIZING THE DIRECTOR OF PLANNING TO ADMINISTER THE PROGRAM AND PROVIDE FINANCIAL ASSISTANCE TO ELIGIBLE APPLICANTS FOR COMPLETION OF INCOME PRODUCING RESIDENTIAL UNITS IN HISTORIC DOWNTOWN PADUCAH." This ordinance is summarized as follows: This ordinance hereby establishes the Upper Story Residential Grant Program for property owners who are building new residential/commercial structures or rehabilitating existing structures in the Historic Downtown area for residential use. This program will provide financial assistance that shall not exceed 20% of the construction costs or a maximum of \$15,000 per Upper Story Residential Unit. This ordinance also directs the Director of Planning to administer the program and grants authority to the Urban Renewal & Community Development Agency to oversee the allocation of funds up to \$60,000.

AMEND ORDINANCE FOR HIGHWAY SAFETY IN "TEXT"ICATED MINI-GRANT

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 2014-5-8136 ENTITLED, "AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT AND ALL DOCUMENTS RELATING THERETO WITH THE KENTUCKY OFFICE OF HIGHWAY SAFETY FOR THE "HEADS UP DON'T BE IN "TEXT"ICATED" MINI-GRANT PROGRAM." This ordinance is summarized as follows: This ordinance is being amended to increase the amount of the "Heads Up Don't Be In "text"icated" mini-grant awarded to the City of Paducah from the Kentucky Office of Highway Safety from \$21,000 to \$24,000.

APPROVE EXECUTION OF DOCUMENTS TO SETTLE ESTATE FOR PROPERTY LOCATED AT 5065 CONCORD AVE

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE AUTHORIZING AND APPROVING A SETTLEMENT, RELEASE, AND PURCHASE PERTAINING TO THE REAL PROPERTY LOCATED AT 5065 CONCORD AVENUE, PADUCAH, McCRACKEN COUNTY, KENTUCKY INVOLVING BETTY J. OWENS AND ALLSTATE INSURANCE COMPANY." This ordinance is summarized as follows: In this ordinance the Board of Commissioners of the City of Paducah hereby approves and consents to the execution of the Settlement Agreement and Release, Purchase Agreement and Release and Quitclaim Deed in exchange for the receipt of the insurance proceeds of \$109,093.69, plus an additional \$3,000 for demolition costs, plus a release of all contractual obligations between the City of Paducah and Betty J. Owens and the release of the reserved life estate. It is hereby found and determined that the transaction completes the acquisition of the property to be used for public purposes of the City. It is further determined that the Mayor, on behalf of the City of Paducah, Kentucky, is hereby authorized to execute the transaction documents and any other documents necessary to accomplish and consummate the settlement and purchase in accordance with this Ordinance. Further, the Board of Commissioners authorizes the purchase of the life estate reserved by Betty J. Owens in the amount of \$43,959.00 as set out in the Purchase Agreement and Quitclaim Deed from Owens to City.

CITY MANAGER REPORT

- City Manager Pederson and Mayor Kaler met with Judge Executive Newberry and Deputy Judge Hamice regarding animal shelter services. Negotiations between the City, County and the Humane Society should begin in the next couple of weeks regarding animal shelter services.

July 22, 2014

- The Emergency Communications 911 Board heard a proposal from Kentucky State Police to provide dispatch services out of the KSP's Post #2 in Mayfield.
- Mr. Pederson requested an executive session to discuss economic development projects.

MAYOR & COMMISSIONER COMMENTS

None were given

PUBLIC COMMENTS

None were given

EXECUTIVE SESSION

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board go into closed session for discussion of matters pertaining to the following topics:

- A specific proposal by a business entity where public discussion of the subject matter would jeopardize the location, retention, expansion or upgrading of a business entity, as permitted by KRS 61.810(1)(g).

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

Upon motion the meeting adjourned.

ADOPTED: August 12, 2014

City Clerk

Mayor

An excerpt from the City Commission Meeting Highlights prepared by Pam Spencer, Public Information Officer

Project Updates

City Engineer-Public Works Director Rick Murphy and Paducah Riverfront Development Authority (PRDA) Executive Director Steve Doolittle provided updates on several City projects.

- Noble Park Lake Bank Stabilization – The project began July 7. Noble Park Lake has been lowered to gain access to the shoreline and the remnants of Duck Island. With the lowering of the lake, it has been revealed that Duck Island has a concrete shoreline protection area around it. The lake elevation was raised in 1994 to support more aquatic life. The City is now reviewing alternate options for Duck Island due to the concrete structure.
- Greenway Trail Underpass – Work is on schedule for the construction of the Greenway Trail underpass at U.S. 45.
- Ohio River Boat Launch – Signs have been installed at the Ohio River Boat Launch facility located at North 6th and Burnett Streets to deter people from parking on the entry road and on the boat launch itself. Fishing is allowed at the Boat Launch but anglers are asked to fish from the river bank and not from the boat launch ramp or dock since those areas are provided for the loading and unloading of boats. Power poles have been installed at the facility with lighting and security cameras to be installed soon.
- Riverfront Project – An engineering contract will be introduced at the next Commission meeting to provide engineering services to prepare specifications and bid documents for the next construction phase of the Riverfront Project incorporating recommendations from PRDA. At the April 15, 2014 City Commission Meeting, PRDA Chairman Bruce Brockenborough provided the Commission with PRDA's project recommendations. In September 2013, PRDA was given the assignment to review the project elements. After holding 10 meetings the PRDA Board decided that the project should be completed to the desired elevation but some items should be eliminated from the project with other items either reduced in scope or delayed in their implementation.

July 22, 2014

Currently, much of the rock base and 12 steel pilings have been installed for the project.

- Former Executive Inn Site – PRDA will be receiving a proposal from an urban planning company called RATIO regarding a master plan for the remaining six acres of the former Executive Inn site. A portion of the former Executive Inn site will be parking for the new Hilton Garden Inn. However, approximately six acres is undeveloped between the hotel parking and the Riverfront Project.

**BOARDS and COMMISSIONS
APPOINTMENTS and REAPPOINTMENTS
FOR CITY COMMISSION CONFIRMATION**

- Appointment
- Reappointment
- Joint Appointment **NAME:** Carla Berry
- Joint Reappointment

NAME OF BOARD OR COMMISSION: _____
Convention Center Corporation

DATE TO BE PLACED ON AGENDA: August 12, 2014

EXPIRATION OF TERM DATE: January 1, 2018

APPOINTEE'S HOME ADDRESS:

Street: 212 Broadwav

City/Zip: Paducah, KY 42001

Phone: _____

Email Address: ckberry@paducahbank.com

Appointee's Business Name: Paducah Bank

Address: _____

City/Zip: _____

Phone: _____

TO REPLACE ON BOARD: _____

Thank you

Resigned

ADDRESS: _____

Term Expired

Other (explain)

City/Zip: _____

Appointee Confirmation: Date: 7/25/14 By: Mayor Gayle Kaler

Board of Commission Approval: _____

Original to: Tammara S. Sanderson, City Clerk
Cc: file

BOARD CHAIRMAN:

**BOARDS and COMMISSIONS
APPOINTMENTS and REAPPOINTMENTS
FOR CITY COMMISSION CONFIRMATION**

Appointment

Reappointment

Joint Appointment **NAME:** Mark Workman

Joint Reappointment

NAME OF BOARD OR COMMISSION: _____

Electric Plant Board

DATE TO BE PLACED ON AGENDA: August 12, 2014

EXPIRATION OF TERM DATE: February 6, 2018

APPOINTEE'S HOME ADDRESS:

Street: _____

City/Zip: _____

Phone: _____

Email Address: mworkman@bfwengineers.com

Appointee's Business Name: Bacon Farmer Workman Engineering & Testing, Inc

Address: 500 South 17th Street

City/Zip: Paducah, KY 42001

Phone: W: (270) 443-1995 C: (270) 331-3431

TO REPLACE ON BOARD: Roger Truitt

Thank you

Resigned

ADDRESS: 1640 McCracken Ste 114

Term Expired

Other (explain)

City/Zip: Paducah 42001

Appointee Confirmation: Date: 7/21/14 By: Mayor Gayle Kaler

Board of Commission Approval: _____

Original to: Tammara S. Sanderson, City Clerk
Cc: file

BOARD CHAIRMAN:

AUGUST 12, 2014

I move that the following documents be received and filed:

DOCUMENTS

1. Certificates of Liability Insurance
 - a. Nichols Electric, LLC
 - b. United Propane Gas
2. Right of Way Bond for David Averitt DBA Super Crete
3. Commissioner's Deeds:
 - a. 605 South 8th Street
 - b. 1010 South 5th Street
 - c. 1020 Lincoln Avenue
 - d. 603 South 8th Street
 - e. 1127 Jones Street
 - f. 921-923 North 7th Street
 - g. 705 Finley Street
4. Deed for the sale of 433-435 North 4th Street to Martin & Crystal Troutt (MO # 1778)
5. Contracts For Services Executed by the City Manager:
 - a. Paducah Tilghman High School – Tornado League Football
 - b. Paducah Wall to Wall Mural Board
 - c. Brooks Stadium Commission
 - d. Paducah Film Society D/B/A Maiden Alley Cinema
 - e. National Quilt Museum
 - f. Market House Theatre
 - g. River Heritage Museum D/B/A River Discovery Center
6. Contracts/Agreements:
 - a. Agreement for Sponsorship with Carson Four Rivers Center for A Celebration of Music Event (Executed by CM)
 - b. Agreement with Paducah Junior College, Inc. for foreclosure costs for 944 & 946 Martin Luther King, Jr. Drive and 520 North 10th Street
 - c. Reimbursement Agreement with Paducah Water for the Olivet Church Roadway Improvement Project (ORD # 2014-07-8163)
 - d. Memorandum of Lease with McCracken County and Genova Products, Inc. for 5400 Commerce Drive (ORD # 2014-07-8162)

- e. Macco Organiques Corporation project documents – 5455 Commerce Drive (ORD # 2013-04-8026, ORD # 2014-03-8127, ORD #2014-03-8128)
 - f. Documents for Closure for Infiniti Plastic Technologies, Inc. – 5400 Commerce Drive (MO # 1776)
 - g. One Year Renewal Agreement with Aramark Uniform Services for the Engineering-Public Works & Parks Departments (ORD # 2012-08-7961)
7. Conditions of Award for the 2014/2015 Law Enforcement Service Fee Grant for DUI Enforcement by the Paducah Police Department (ORD #2014-07-8164)
 8. Paducah Water Works Financial Highlights for June 2014
 9. City of Paducah Annual Budget Fiscal Year 2015

CITY OF PADUCAH
August 12, 2014

Upon the recommendation of the City Manager, the Board of Commissioners of the City of Paducah order that the personnel changes on the attached list be approved.



City Manager's Signature



Date

CITY OF PADUCAH
PERSONNEL ACTIONS
August 12, 2014

NEW HIRES - PART-TIME (P/T)/TEMPORARY/SEASONAL

<u>PARKS SERVICES</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Matthews, Ryan	Park Ranger	\$8.25/Hr	NCS	Non-Ex	July 31, 2014

POLICE OPERATIONS

Boulton, Jon K.	Parking & Traffic Control Assistant	\$8.94/Hr	NCS	Non-Ex	August 7, 2014
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TERMINATIONS - PART-TIME (P/T)/TEMPORARY/SEASONAL

<u>PARKS SERVICES</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Ross, Virginia	Lifeguard	Resignation	June 12, 2014

PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS

	<u>PREVIOUS POSITION AND BASE RATE OF PAY</u>	<u>CURRENT POSITION AND BASE RATE OF PAY</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
<u>FIRE SUPPRESSION</u>					
Huskey, John H.	Fire Captain \$17.07/Hr	Acting Assistant Fire Chief #2 \$17.22/Hr	NCS	Non-Ex	August 1, 2014
Warner, Todd M.	Fire Captain \$17.67/Hr	Acting Assistant Fire Chief #1 \$17.57/Hr	NCS	Non-Ex	August 1, 2014
<u>PRDA</u>					
Doolittle, Steve	Executive Director PRDA \$40.76/Hr	Interim HR Director \$44.84/Hr	NCS	Ex	August 14, 2014

NEW HIRE - FULL-TIME (F/T)

<u>EPW - STREETS</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Redfern, Devin R.	Right of Way Maintenance Person	\$13.98/Hr	NCS	Non-Ex	August 14, 2014
Young, Kurt M.	Right of Way Maintenance Person	\$13.98/Hr	NCS	Non-Ex	August 14, 2014

FIRE SUPPRESSION

Jarvis, Ward	Firefighter (Appointee)	\$12.13/Hr	NCS	Non-Ex	August 21, 2014
Hansen, Kurt	Firefighter (Appointee)	\$12.13/Hr	NCS	Non-Ex	August 21, 2014
Owen, Christopher	Firefighter (Appointee)	\$12.13/Hr	NCS	Non-Ex	August 21, 2014
Hall, Rodney	Firefighter (Appointee)	\$12.13/Hr	NCS	Non-Ex	August 21, 2014
Murphy, William	Firefighter (Appointee)	\$12.13/Hr	NCS	Non-Ex	August 21, 2014

TERMINATIONS - FULL-TIME (F/T)

<u>EPW - STREETS</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Hyde, Christopher D.	EPW Street Supervisor	Resignation	July 21, 2014
Caldwell, Kenneth	Solid Waste Truck Driver	Retirement	August 1, 2014
<u>HUMAN RESOURCES</u>			
Medford, Cindy	Human Resources Director	Resignation	August 14, 2014

Agenda Action Form

Paducah City Commission

Meeting Date: August 12, 2014

Short Title: Amend Position & Pay Schedule sections A, F, G, and H.

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Martin Russell
Presentation By: Cindy Medford

Background Information: The commission adopted the previous Position and Pay schedule on June 24, 2014. This schedule is updated periodically throughout the year and the following changes were made since the last approval.

- Correct an error made on City Managers hourly wage rate – in section A.
- Correct an error made on Fire and Police contract hourly wage rates – in sections F and G.
- Add Deputy Fire Chief – Operations – in section G.
- Reduce by one Engineering Public Works Department, Maintenance Division, Laborer – in section H.
- Add one Engineering Public Works, Street Division, Right-Of-Way Maintenance Person – Section H.
- This amendment also includes clean-up and audit necessary to reflect the correct, current number of vacant and filled positions.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name:
Account Number:

Finance

Staff Recommendation: Adopt the amended Position & Pay Schedule.

Attachments: Position & Pay Schedule

Department Head	City Clerk	City Manager
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A MUNICIPAL ORDER AMENDING SECTIONS (A), GENERAL GOVERNMENT (F), POLICE DEPARTMENT, (G), FIRE DEPARTMENT AND (H), ENGINEERING/PUBLIC WORKS DEPARTMENT OF THE FY2014-2015 POSITION AND PAY SCHEDULE FOR THE FULL-TIME EMPLOYEES OF THE CITY OF PADUCAH, KENTUCKY

WHEREAS, the Human Resources Department of the City of Paducah finds it necessary to update the FY2014-2015 Position and Pay Schedule adopted by the Board of Commissioners on June 24, 2014, for full-time employees as follows:

General Government

- Correct an error made on City Managers hourly wage rate

Police and Fire Departments

- Correct an error made on Fire and Police contract hourly wage rates
- Add Deputy Fire Chief – Operations

Engineering/Public Works Department

- Reduce by one Engineering Public Works Department, Maintenance Division, Laborer
- Add one Engineering Public Works, Street Division, Right-Of-Way Maintenance Person

WHEREAS, in order to implement the changes it is necessary to amend the FY2014-2015 Position and Pay Schedule.

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah hereby approves to amend the FY2014-2015 Position and Pay Schedule for the employees of the City of Paducah as attached hereto.

SECTION 2. This Order will be in full force and effect from and after the date of its adoption.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Adopted by the Board of Commissioners, August 12, 2014
Recorded by Tammara S. Sanderson, City Clerk, August 12, 2014
no/Position and Pay Schedule 8-12-14

Section A.									
GENERAL GOVERNMENT			AUTHORIZED POSITIONS		FY 13/14	FY 14/15			
POSITIONS	BUDGET TOTAL	FILLED		VACANT	HOURLY WAGE	HOURLY WAGE	HOURS WORK	EXEMPT NON-EXEMPT	PAY GRADE
		NON-CS	RCSS/CS		ADJ. RATE	ADJ. RATE			
City Manager					58.37	<u>73.37</u>	40	E	AA
Assistant City Manager									Z
Assistant to the City Manager									O
City Clerk	1		1		31.34	<u>31.39</u>	40	E	P
Asst. City Clerk							40	NE	F
Executive Assistant I	1	1			19.31	<u>20.26</u>	40	NE	I
Administrative Assistant III	1	1			14.35	<u>14.30</u>	40	NE	D
Public Information Officer	1	1			26.33	<u>27.30</u>	40	E	P
Total Budgeted/Filled for Department	5	4	1	0					

Section B.									
FINANCE DEPARTMENT			AUTHORIZED POSITIONS		FY 13/14	FY 14/15			
POSITIONS	BUDGET TOTAL	FILLED		VACANT	HOURLY WAGE	HOURLY WAGE	HOURS WORK	EXEMPT NON-EXEMPT	PAY GRADE
		NON-CS	RCSS/CS		ADJ. RATE	ADJ. RATE			
Administration									
Director of Finance	1	1			58.57	<u>59.59</u>	40	E	Z
Executive Assistant I	1	1			16.02	<u>16.30</u>	40	NE	F
Accounting/Payroll									
Controller	1	1			31.53	<u>32.13</u>	40	E	F
Accounts Payable Clerk	1	1			18.01	<u>18.32</u>	40	NE	C
Accountant	2	1			19.81	<u>20.15</u>	40	E	J
					18.11	<u>19.42</u>	40	E	J
Revenue									
Revenue Manager	1	1			27.37	<u>28.36</u>	40	E	S
Account Clerk	2	1			14.32	<u>14.57</u>	40	NE	B
					12.33	<u>13.21</u>	40	NE	B
Revenue Tech.	1	1			16.75	<u>16.44</u>	40	NE	C
Revenue Auditor	1	1			20.51	<u>21.29</u>	40	E	J
Total Budgeted/Filled for Department	11	11	0	0					

Note: As the Executive Assistant I position is eliminated through attrition it will be filled as a Non-Civil Service position

Reference Ordinance 2002-5-6519

Note: RCSS - Individuals Retain Civil Service Status

Section C.									
PADUCAH RIVERFRONT DEVELOPMENT			AUTHORIZED POSITIONS		FY 13/14	FY 14/15			
AUTHORITY POSITIONS	BUDGET TOTAL	FILLED		VACANT	HOURLY WAGE	HOURLY WAGE	HOURS WORK	EXEMPT NONEXEMPT	PAY GRADE
		NON-CS	RCSS/CS		ADJ. RATE	ADJ. RATE			
Executive Director	1	1			40.03	<u>40.76</u>	40	E	T
Total Budgeted/Filled for Department	1	1	0	0					

Section D.									
INFORMATION TECHNOLOGY			AUTHORIZED POSITIONS		FY 13/14	FY 14/15			
POSITIONS	BUDGET TOTAL	FILLED		VACANT	HOURLY WAGE	HOURLY WAGE	HOURS WORK	EXEMPT NONEXEMPT	PAY GRADE
		NON-CS	RCSS/CS		ADJ. RATE	ADJ. RATE			
Director Information Technology	1	1			44.39	<u>45.68</u>	40	E	J
Network Administrator	1	1			31.12	<u>31.67</u>	40	E	P
Help Desk Technician	1	1			19.15	<u>19.50</u>	40	NE	H
Network Technician							40	NE	J
GIS Specialist	1	1			26.33	<u>26.90</u>	40	E	P
GIS/Planner	1	1			29.02	<u>29.53</u>	40	E	P
Total Budgeted/Filled for Department	5	5	0	0					

** Temporary assigned to Information Services Land Record Database Project

Section E.

POSITIONS	AUTHORIZED POSITIONS				FY 13/14	FY 14/15	HOURS WORK	EXEMPT NONEXEMPT	PAY GRADE
	BUDGET TOTAL	FILLED		VACANT	HOURLY WAGE	HOURLY WAGE			
		NON-CS	RCSS/CS		ADJ. RATE	ADJ. RATE			
Director of Planning	1	1			42.39	42.32	40	E	V
Executive Assistant I	1	1			20.33	21.19	40	NE	F
Admin Asst. I	1	1			17.43	17.73	40	NE	C
Planner I	1	1			23.17	23.58	40	E	L
Planner II									M
Downtown Development Specialist	1	1			24.16	25.19	40	E	M
Grants Administrator	1	1			24.16	25.19	40	E	L
Community Development Planner	1	1			25.18	25.82	40	E	M
Section 8 Program Administrator	1	1			33.18	34.37	40	E	P
Housing Specialist	2	1			20.16	20.51	40	NE	H
		1			16.89	16.88	40	NE	H
Total Budgeted/Filled for Department	10	10	0	0					

Section F.

POSITIONS	AUTHORIZED POSITIONS				FY 13/14	FY 14/15	HOURS WORK	EXEMPT NON-EXEMPT	PAY GRADE
	BUDGET TOTAL	FILLED		VACANT	HOURLY WAGE	HOURLY WAGE			
		NON-CS	RCSS/CS		ADJ. RATE	ADJ. RATE			
Police Chief	1	1			42.03	42.77	40	E	Z
Police Assistant Chief	2						40	E	S
Step 1					30.64	31.49			
Step 2					34.77	35.38			
Step 3					38.51	38.92			
Step 4									
Captains	3						40	E	Q
<5 years					28.77	29.27			
5 years					28.32	29.42			
9 years					29.65	29.56			
12 years		1	2		30.64	31.17			
15 years		2	1		30.80	31.34			
19 years			3		30.33	31.48			
22 years									
25 years									
Records Division Manager	1	1			20.08	20.43	40	E	K
Sergeants	9						40	NE	P
5 years					24.32	25.27			
6 years					24.41	25.36			
7 years			1		24.52	25.47			
8 years					24.61	25.56			
9 years			1		24.72	25.67			
10 years					24.82	25.73			
11 years			2		24.91	25.87			
12 years			3		25.01	25.97			
13 years					25.11	26.07			
14 years			2		25.20	26.16			
15 years					25.31	26.27			
16 years					25.42	26.38			
17 years					25.51	26.47			
18 years					25.60	26.56			
19 years					25.71	26.66			
20 years					25.80	26.77			
21 years					25.91	26.88			
22 years					26.02	26.99			
23 years					26.12	27.09			
24 years					26.22	27.19			
25 years					26.31	27.29			

Police Officer	30	32			40	NE	J
Police Officer - Recruit		1 3		19.78	<u>19.38</u>		
1 year		3 1		20.36	<u>21.07</u>		
2 years		2 3		20.96	<u>21.17</u>		
3 years		4 3		21.96	<u>22.18</u>		
4 years		3 4		22.01	<u>22.23</u>		
5 years		7 3		22.72	<u>22.95</u>		
6 years		5 7		22.78	<u>23.01</u>		
7 years		3		22.33	<u>23.06</u>		
8 years		4 3		23.10	<u>23.33</u>		
9 years		6 7		23.21	<u>23.44</u>		
10 years		5		23.30	<u>23.53</u>		
11 years		2		23.41	<u>23.64</u>		
12 years		6 2		23.50	<u>23.74</u>		
13 years		3 5		23.51	<u>23.85</u>		
14 years		2		23.71	<u>23.95</u>		
15 years				23.31	<u>24.05</u>		
16 years				23.31	<u>24.15</u>		
17 years				24.00	<u>24.24</u>		
18 years		2 1		24.11	<u>24.35</u>		
19 years		1		24.21	<u>24.45</u>		
20 years				24.32	<u>24.56</u>		
21 years				24.41	<u>24.65</u>		
22 years				24.52	<u>24.77</u>		
23 years		4		24.51	<u>24.86</u>		
24 years		1		24.72	<u>24.97</u>		
25 years				24.32	<u>25.07</u>		
Executive Assistant II	1	1		21.52	<u>22.00</u>	40	NE I
Administrative Assistant III						40	NE D
Administrative Assistant II						40	NE C
Records Clerk I	3	3		15.05	<u>15.53</u>	40	NE C
Investigative Assistant	1	1		17.10	<u>17.40</u>	40	NE G
Records Clerk II						40	NE D
Records Clerk III	1	1		15.25	<u>15.52</u>	40	NE E
						40	NE C
Evidence Technician II	1	1		15.33	<u>15.90</u>	40	NE F
Evidence Technician I	1	1		13.25	<u>13.48</u>	40	NE C

* \$1.00 per hr. shift differential when they work the evening and graveyard shift

Note: Police Department Secretary/Public Information Officer is provided two hours minimum call-out pay.

Total Budgeted/Filled for Police Department	87	85	0	2
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Section G.

FIRE DEPARTMENT	AUTHORIZED POSITIONS			FY 13/14 HOURLY WAGE ADJ. RATE	FY 14/15 HOURLY WAGE ADJ. RATE	HOURS WORK	EXEMPT NONEXEMPT	PAY GRADE
	BUDGET TOTAL	FILLED NON-CS RCSS/CS	VACANT					
Administrative Division								
Fire Chief	1	1		45.33	<u>46.63</u>	40	E	X
Deputy Fire Chief - Fire Prevention	1	1		34.00	<u>34.59</u>			T
Deputy Fire Chief - Operations	1		1					T
Office Manager						40	NE	I
Executive Assistant I	2	1		19.54	<u>19.88</u>		NE	F
		1		19.32	<u>19.66</u>			
Training Division								
Battalion Chief/ Training Officer	1	1		27.30	<u>28.28</u>		E	N
Fire Prevention Division								
Battalion Chief/ Fire Marshal							E	N
Fire Marshal							E	N
Deputy Fire Marshal III								M
Deputy Fire Marshal II								L
Deputy Fire Marshal I	2	2 1	1	19.77	<u>20.12</u>		NE	J
Code Enforcement Supervisor								L
Code Enforcement Officer I							NE	J
Code Enforcement Officer I	3	3		19.77	<u>20.12</u>	40	NE	G

Code Enforcement Assistant	1	1	12.96	13.17	40	NE	C
Permit Technician	1	1	15.86	16.34			E
Permit Specialist	1	1	15.12		40	NE	C
					40	NE	F
Chief Building Inspector		1	28.72	29.23			N
Deputy Building Inspectors							
Level I					40	NE	J
Level II	1	1	21.19	21.58	40	NE	L
Level III-Plans Review					40	NE	M
Chief Electrical Inspector	1	1	27.42	27.90	40	NE	M
Deputy Electrical Inspectors:							
Inspector Level I	1	1	21.19	21.58	40	NE	J
Inspector II-Plans Review					40	NE	L
Suppression Division							
Fire Assistant Chief	3				40	E	P
Step 1			19.57	19.91			
Step 2			20.16	20.51			
Step 3			20.97	21.34			
Step 4			21.70	22.08			
Step 5		1	22.46	22.85			
Step 6			23.25	23.66			
Step 7		1	24.06	24.49			
Step 8		1	24.89	25.34			
Step 9			25.78	26.23			
Captains	15					NE	I
<10 years			16.47	16.92			
10 years			16.49	16.94			
11 years			16.50	16.95			
12 years			16.52	16.97			
13 years			16.54	16.99			
14 years			16.57	17.02			
15 years		1 4	16.59	17.03			
16 years		6 1	16.60	17.05			
17 years		8	16.62	17.07			
18 years			16.63	17.08			
19 years			16.65	17.10			
20 years			16.65	17.11			
21 years			16.68	17.13			
22 years		4	16.70	17.15			
23 years		1	16.71	17.16			
24 years			16.73	17.18			
25 years			16.75	17.20			
26 years		2	16.75	17.21			
27 years			16.75	17.23			
28 years		1	16.79	17.24			
29 years			16.81	17.26			
30 years			16.83	17.28			
Lieutenants	15					NE	H
<10 years		4	15.61	15.77			
10 years		1	15.65	15.82			
11 years		1	15.69	15.86			
12 years			15.74	15.90			
13 years			15.77	15.93			
14 years		3	15.73	15.94			
15 years		2 3	15.80	15.96			
16 years		2	15.82	15.98			
17 years		2	15.83	15.99			
18 years			15.85	16.01			
19 years			15.85	16.02			
20 years			15.90	16.06			
21 years			15.91	16.07			
22 years			15.93	16.09			
23 years			15.95	16.11			
24 years		1	15.95	16.12			
25 years			15.98	16.14			

26 years	15.39	<u>16.15</u>
27 years	16.01	<u>16.17</u>
28 years	16.33	<u>16.18</u>
29 years	16.04	<u>16.20</u>
30 years	16.06	<u>16.22</u>

Firefighter	29	4	5	NE	E
Firefighter (Appointee)					
Firefighter (On Floor)					
3 months	4				
1 year	4				
2 years					
3 years	5				
4 years	4				
5 years					
6 years	1				
7 years					
8 years					
9 years					
10 years					
11 years					
12 years					
13 years					
14 years					
15 years					
16 years					
17 years					
18 years					
19 years					
20 years					

Firefighter (Relief Driver)				NE	E
3% COLA + \$0.59 + \$0.10					
1 year					
2 years					
3 years					
4 years	1				
5 years	2				
6 years	2	3			
7 years					
8 years	2				
9 years	5	2			
10 years	2	5			
11 years	2				
12 years					
13 years					
14 years	4				
15 years	1				
16 years	1				
17 years					
18 years					
19 years					
20 years					

Total Budgeted/Filled for Department	79	71	1	7
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- Note: Firefighter Relief Driver is not a new position. \$0.10 is factored in the pay rate.
- Note: A person may hold the position of Code Enforcement Officer I for a period not to exceed one year without becoming a certified Property Maintenance Inspector.
- Note: To be considered for the position of Code Enforcement Officer II must obtain Property Maintenance Inspector I Level I Building Inspector and successful review.
- Note: A person may hold the position of Deputy Building Inspector Level I for a period not to exceed two years without becoming certified.
- Note: A person may hold the position of Deputy Electrical Inspector Level I for a period not to exceed one year without becoming certified.
- Note: Building Inspector levels are equivalent to steps. These levels are dictated by state certification and successful performance review.
- Note: Deputy Fire Marshal to have State certification within one year.
- Note: To be considered for Deputy Fire Marshal II must obtain NFPA Fire Inspector I and II, and successful review.
- Note: To be considered for Deputy Fire Marshal III must obtain NFPA Fire protection plan review and successful performance review.
- Note: As Inspection's Civil Service positions are eliminated through attrition they will be filled as Non-Civil Service positions.

Note: RCSS - Individuals Retain Civil Service Status

Section H. ENGINEERING/PUBLIC WORKS DEPT. POSITIONS	AUTHORIZED POSITIONS				HOURLY WAGE ADJ. RATE	HOURLY WAGE ADJ. RATE	HOURS WORK	EXEMPT NONEXEMPT	PAY GRADE	
	BUDGET		FILLED							VACANT
	TOTAL	NON-CS	RCSS/CS							
City Engineer & Public Works Director	1	1			54.31	55.77	40	E	Z	
Storm Water & Drainage Engineer	1	1			25.37	26.42	40	E	R	
Engineering Project Manager	1	1			28.35	28.85	37.5	NE	N	
EPW Operations Manager	1	1			26.57	27.04	40	E	O	
Engineering Assistant III							40	E	M	
Engineering Assistant II									L	
Engineering Assistant I	1			1					J	
Executive Assistant I	1	1			13.45	13.74	40	NE	F	
Administrative Assistant III	1	1			14.24	14.49	40	NE	D	
Floodwall Division										
EPW Floodwall Superintendent	1	1			29.31	30.33	40	E	N	
Floodwall Operator	4			1			40	NE	F	
30%					14.35	14.90				
35%					15.16	15.84				
90%					16.48	16.77				
95%					17.39	17.70				
100%			4	3	18.32	18.64				
Street Division										
EPW Street Superintendent	1	1			31.25	31.80	40	E	N	
EPW Street Supervisor	2	4	1	1	22.50	22.89		E	L	
		1			21.33	21.90		E	L	
Equipment Operator	4							NE	E	
30%					14.33	14.75				
35%					15.13	15.70				
90%					16.34	16.63				
95%					17.25	17.55				
100%			4		18.16	18.48				
Concrete Finisher	3			2				NE	E	
30%					14.32	14.78				
35%					15.43	15.70				
90%					16.35	16.63				
95%		1			17.25	17.55				
100%		1			18.16	18.48				
Right-Of-Way Maintenance Person	11			2				NE	C	
30%		4			13.74	13.98				
35%		4	3		14.59	14.85				
90%		1			15.45	15.72				
95%		4			16.31	16.60				
100%		3	2		17.17	17.47				
Maintenance Division										
EPW Fleet Maintenance Superintendent	1	1			33.56	34.15	40	E	O	
EPW Maintenance Supervisor	1	1			21.50	22.28		E	L	
Laborer	7	2		1				NE	C	
80%					12.79	13.01				
85%					13.59	13.82				
90%					14.39	14.64				
95%					15.18	15.45				
100%		3	3		15.98	16.26				
Traffic Technician	2							NE	E	
30%					14.35	14.90				
35%					15.15	15.84				
90%					16.48	16.77				
95%					17.39	17.70				
100%			2		18.31	18.63				
Master Electrician	1	1			22.59	23.08		NE	L	

Maintenance Technician	2				NE	E
30%			14.35	<u>14.90</u>		
35%			15.66	<u>15.81</u>		
90%			16.48	<u>16.77</u>		
95%			17.39	<u>17.70</u>		
100%		2	18.31	<u>18.63</u>		
Fleet Maintenance Division						
EPW Fleet Supervisor	1		22.90	<u>23.30</u>	E	L
Administrative Assistant II	1		18.39	<u>18.71</u>	40 NE	D
Fleet Mechanic I					NE	G
Fleet Mechanic I	4				NE	I
		1	17.34	<u>18.25</u>		
		1	19.17	<u>19.40</u>		
		1	19.74	<u>20.08</u>		
		1	20.11	<u>20.37</u>		
Solid Waste Division						
EPW Solid Waste Superintendent	1		27.87	<u>28.15</u>	40 E	N
EPW Solid Waste Supervisor	1		22.31	<u>22.70</u>	E	L
EPW Compost Operations Supervisor	1		21.53	<u>21.90</u>	E	L
Administrative Assistant III	1		16.83	<u>16.93</u>	40 NE	D
Laborer	7				NE	C
30%			12.79	<u>13.01</u>		
35%			12.89	<u>13.21</u>		
90%		4	14.39	<u>14.64</u>		
95%		1	15.18	<u>15.45</u>		
100%		4	15.88	<u>16.26</u>		
Truck Driver	10				NE	C
80%			13.64	<u>13.87</u>		
85%			14.49	<u>14.74</u>		
90%			15.34	<u>15.61</u>		
95%			16.19	<u>16.48</u>		
100%		5	17.34	<u>17.34</u>		
Right-Of-Way Maintenance Person	3				NE	C
80%			13.74	<u>13.98</u>		
85%			14.59	<u>14.85</u>		
90%			15.45	<u>15.72</u>		
95%			16.31	<u>16.60</u>		
100%		2	17.17	<u>17.47</u>		
Compost Equipment Operator	1				NE	F
80%			14.35	<u>15.12</u>		
85%			15.79	<u>16.07</u>		
90%			16.72	<u>17.01</u>		
95%			17.65	<u>17.96</u>		
100%			18.58	<u>18.90</u>		

Total Budgeted/Filled for Department	77	47	25	5
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Note: positions are eliminated through attrition they will be filled as a Non-Civil Service positions

Note: RCSS - Individuals Retain Civil Service Status

Note: As the Floodwall Operators' CS positions are eliminated through attrition they will be filled as Non-Civil Service positions

Note: AFSCME employees in the classification above shall be eligible to receive "Shift Differential" of \$0.35/Hr

Note: AFSCME employees in the above classification shall be eligible to receive \$0.50/Hr as a "Work Leader"

Section I:

POSITION	AUTHORIZED POSITIONS			HOURS WORK	EXEMPT NON-EXEMPT	PAY GRADE
	BUDGET	FILLED	VACANT			
	TOTAL	NON-CS	RCSS/CS			
Director of Parks Services	1	1		44.24	E	V
Recreation Superintendent	1	1		22.79	E	N
Parks Maintenance Superintendent	1	1		25.78	E	N
Cemetery Sexton	1	1		19.58	E	F
Special Events Coordinator	1	1		22.79	E	M

Recreation Specialist	2								
		1			13.35	<u>14.09</u>			
		1			14.39	<u>14.84</u>			
Executive Assistant I	1	1			18.22	<u>18.54</u>		NE	F
Administrative Assistant III	1	1			14.75	<u>15.01</u>		NE	D
Administrative Assistant II	1	1			14.45	<u>14.71</u>		NE	C
Maintenance Division									
Supervisor	1	1			21.05	<u>21.42</u>		E	L
Laborer	11			1				NE	C
90%					12.79	<u>13.01</u>			
85%					13.39	<u>13.82</u>			
90%					14.39	<u>14.84</u>			
95%		4			15.38	<u>15.45</u>			
100%		3		4	15.88	<u>16.26</u>			
Right-Of-Way Maintenance Person	3							NE	C
90%					13.74	<u>13.98</u>			
85%					14.39	<u>14.85</u>			
90%					15.45	<u>15.72</u>			
95%					16.31	<u>16.60</u>			
100%		1		2	17.17	<u>17.47</u>			

Total Budgeted/Filled for Department	25	18	6	1
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Note: As positions are eliminated through attrition they will be filled as Non-Civil Service positions

Note: RCSS - Individuals Retain Civil Service Status

Note: AFSCME employees in the classification above shall be eligible to receive "Shift Differential" of \$0.35/Hr

Note: AFSCME employees in the above classification shall be eligible to receive \$0.50/Hr as a "Work Leader"

Section J.

HUMAN RESOURCES POSITIONS	AUTHORIZED POSITIONS				HOURS WORK	EXEMPT NON-EXEMPT	PAY GRADE		
	BUDGET	FILLED		VACANT					
	TOTAL	NON-CS	RCSS/CS						
Director of Human Resources	1	1			40.81	<u>41.32</u>	40	E	V
Risk Manager									O
H R Generalist	2	2			17.21	<u>17.51</u>	40	E	G

Total Budgeted/Filled for Department	3	3	0	0
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Section K.

PADUCAH RENAISSANCE ALLIANCE POSITIONS	AUTHORIZED POSITIONS				HOURS WORK	EXEMPT NONEXEMPT	PAY GRADE	
	BUDGET	FILLED		VACANT				
	TOTAL	NON-CS	RCSS/CS					
Executive Director					40		E	T
Marketing Specialist					40		E	H
Events & Promotion Specialist					40		E	H
Executive Assistant I					40		NE	F

Total Budgeted/Filled for Department	0	0	0	0
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Agenda Action Form Paducah City Commission

Meeting Date: August 12, 2014

Short Title: A Municipal Order authorizing the Mayor to Execute the Deed Consideration Certificate for property located at 1852/1853 North 8th Street on behalf of the Commissioners of Waterworks d/b/a Paducah Water

Ordinance Emergency Municipal Order Resolution Motion

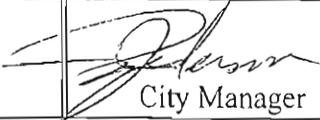
Staff Work By: Melanie Carter/ Lisa Emmons, Denton & Keuler
Presentation By:

Background Information:

The Commissioners of Waterworks of the City of Paducah, d/b/a Paducah Water, has previously determined that it is beneficial for them to acquire property known as the Yancy Asphalt property, which lies adjacent to Paducah Water's main office property. The Deed of Conveyance contains a sworn Consideration Certificate that must be executed and filed of record. The Commissioners of Waterworks authorizes the Mayor to certify and execute the Consideration Certificate contained in the Deed of Conveyance.

Staff Recommendation: Authorize execution of Consideration Certificate

Attachments:

Department Head	City Clerk	 City Manager
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MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER OF THE CITY OF PADUCAH, KENTUCKY,
AUTHORIZING THE MAYOR TO EXECUTE THE DEED CONSIDERATION
CERTIFICATE FOR THE PURCHASE OF THE YANCY PROPERTY LOCATED AT
1852 AND 1853 N. 8TH STREET, PADUCAH, KENTUCKY, BY THE CITY OF
PADUCAH ACTING ON BEHALF OF THE COMMISSIONERS OF WATERWORKS
DBA PADUCAH WATER

WHEREAS, the Commissioners of Waterworks of the City of Paducah,
Kentucky, DBA Paducah Water (the "PWW"), has previously determined that it is
beneficial for PWW to acquire the real property known as the Yancy Asphalt property
which property lies adjacent to PWW's main office property; and

WHEREAS, in order to consummate the purchase of said real property a
deed of conveyance containing a sworn consideration certificate must be executed and
filed of record;

NOW, THEREFORE, IT IS ORDERED BY THE BOARD OF
COMMISSIONERS OF THE CITY OF PADUCAH,

Section 1. Recitals and Authorizations. The Board of Commissioners
hereby authorizes the Mayor to certify and execute the consideration certificate contained
in the deed of conveyance from the Yancy heirs to the City of Paducah, Kentucky, acting
on behalf of the Commissioners of Waterworks DBA Paducah Water for property located
at 1852 and 1853 N. 8th Street, Paducah, Kentucky. It is determined that it is necessary
and desirable and in the best interest of the City to execute the consideration certificate
contained in said deed of conveyance, which deed of conveyance and consideration
certificate is hereby authorized and approved.

Section 2. Effective Date. This Order shall be in full force and effect on
and after the date as approved by the Board of Commissioners of the City of Paducah,
Kentucky.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Adopted by the Board of Commissioners, August 12, 2014
Recorded by Tammara S. Sanderson, City Clerk, August 12, 2014
mohpww-purchase prop-1852 & 1853 N 8th st

169882.Joc

Agenda Action Form

Paducah City Commission

Meeting Date: August 12, 2014

Short Title: Oak Grove Cemetery – Petition with McCracken Co. Circuit Court to terminate Trust Fund

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Mark Thompson, Jonathan Perkins

Presentation By: Rob Goff, Thompson & Perkins

Background Information: Starting in the mid-1980s, the City of Paducah established a perpetual care and maintenance fund to capture 20% of the proceeds from the sale of grave and/or crypts as required by KRS 367.952.

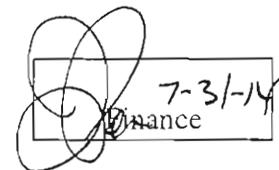
In 1985, the City of Paducah entered into a trust agreement with Peoples Bank, followed by the Community Foundation in more recent years. In 2008, KRS 367.952 was amended by the State which exempted Cities from its requirements.

KRS 367.952 allows a municipality to petition the Circuit Court for termination of such trust funds and distribute assets to the municipality for use solely for the general care, maintenance and embellishment of the cemetery.

The attached municipal order authorizes city attorneys to petition the Circuit Court for such a termination.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Oak Grove Cemetery Trust Fund
Account Number:

 7-31-14
Finance

Staff Recommendation: Approve the MO authorizing the City's attorney to petition the Circuit Court for trust termination.

Attachments:

- 1) Municipal Order
- 2) Joint petition to terminate trust
- 3) Proposed Circuit Court order

 Department Head	City Clerk	 City Manager
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7-31-2014

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE FILING OF A PETITION WITH
THE McCracken Circuit Court TO TERMINATE THE OAK GROVE
CEMETERY PERPETUAL CARE AND MAINTENANCE TRUST FUND

WHEREAS, KRS 367.952 requires any seller of grave spaces and/or crypts to establish a perpetual care and maintenance fund for such grave spaces and/or crypts and to contribute a specified percentage of the sales proceeds from such grave spaces and/or crypts to such fund.

WHEREAS, municipalities such as the City of Paducah were subject to KRS 367.952 as originally enacted.

WHEREAS, as required by KRS 367.952, the City of Paducah entered into Perpetual Care and Maintenance Trust Fund Agreement with Peoples First National Bank & Trust Company of Paducah, Kentucky, dated August 29, 1985 (the "Trust");

WHEREAS, the Community Foundation of West Kentucky, Inc. is successor Trustee under the Trust;

WHEREAS, as amended in 2008, KRS 367.952 now exempts municipalities, such as the City of Paducah, from complying with its requirements:

WHEREAS, KRS 367.952 allows a municipality, such as the City of Paducah, that established a perpetual care and maintenance fund, such as the Trust, to petition the Circuit Court for termination of such fund and distribution of its assets to the municipality for use solely for the general care, maintenance and embellishment of the cemetery;

WHEREAS, the City of Paducah desires to terminate the Trust in accordance with KRS 367.952; and

WHEREAS, the Successor Trustee is agreeable to the termination of the Trust and distribution of the Trust assets to the City of Paducah for use solely for the general care, maintenance and embellishment of the cemetery.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

Section 1. The law firm of Denton & Keuler, LLP is authorized, on behalf of the City of Paducah, to file a petition in the McCracken Circuit Court to terminate the Perpetual Care and Maintenance Trust Fund Agreement with Peoples First National Bank & Trust Company of Paducah, Kentucky, dated August 29, 1985, of which the Community Foundation of West Kentucky, Inc. is successor trustee.

Section 2. This Order shall be in full force and effect on and after the date as approved by the Board of Commissioners of the City of Paducah, Kentucky.

Mayor

ATTEST:

Tamara S. Sanderson, City Clerk

Adopted by the Board of Commissioners, August 12, 2014
Recorded by Tamara S. Sanderson, City Clerk, August 12, 2014
\\mo\cemetery trust fund

2

COMMONWEALTH OF KENTUCKY
MCCRACKEN CIRCUIT COURT
DIVISION _____
CIVIL ACTION NO. 14-CI- _____

IN RE: OAK GROVE CEMETERY PERPETUAL CARE AND MAINTENANCE
TRUST FUND

**JOINT PETITION TO TERMINATE TRUST
AND DISTRIBUTE TRUST ASSETS**

Comes the Petitioners, City of Paducah, Kentucky (the "City"), settlor and beneficiary of the Oak Grove Cemetery Trust Fund (the "Trust"), and Community Foundation of West Kentucky, Inc. (the "Community Foundation" or the "Trustee"), and hereby petition the Court to terminate the Trust and distribute its assets to the City. In support thereof, the petitioners state as follows:

1. As owner and operator of Oak Grove Cemetery, the City has sold grave spaces in such cemetery since prior to 1984.
2. KRS 367.952 requires any seller of grave spaces, crypts or other similar items to contribute a percentage of the sales proceeds to a perpetual care and maintenance fund. Local governments were not exempt from the requirements of KRS 367.952 as originally enacted.
3. As a seller of grave spaces and crypts in Oak Grove Cemetery, and pursuant to the requirements of KRS 367.952 as it then existed, the City entered into a Perpetual Care and Maintenance Trust Fund Agreement with People's First National Bank & Trust Company of Paducah, Kentucky, dated August 29, 1985, for the perpetual care and maintenance of Oak Grove Cemetery. A copy of such agreement is attached hereto as Exhibit "A." Thereafter, the City contributed the required sales proceeds to the Trust.
4. Regions Bank eventually succeeded to Peoples Bank's office as Trustee of the

Trust. As a result of increasing fees that were charged to the Trust, the City requested that Regions resign and that the Community Foundation serve as successor Trustee. Pursuant to such request, the City, Regions Bank and the Community Foundation entered into an Amendment to Trust Agreement, dated January 14, 2010, whereby Regions Bank resigned as Trustee of the Trust and the Community Foundation assumed its duties as successor Trustee of the Trust. A copy of such agreement is attached hereto as Exhibit "B."

5. On January 20, 2010, the City and the Community Foundation entered into a Nonprofit Endowment Fund Agreement, which concerned the Community Foundation's distribution policies and fees as Trustee of the Trust. A copy of such agreement is attached hereto as Exhibit "C."

6. Meanwhile, in 2008, KRS 367.952 was amended to exempt any "local government" from complying with such statute. In addition, KRS 367.952 was amended to provide that a local government that had established a trust fund pursuant to KRS 367.952(5) could petition the Circuit Court for termination of the trust and distribution of the funds to the local government. KRS 367.952(4) provides that a municipality, such as the City, is a "local government" within the meaning of the statute. A copy of KRS 367.952, as amended, is attached hereto as Exhibit "D."

7. The City desires to terminate the Trust and that the Trust assets be distributed to the City, for its use solely for the general care, maintenance, and embellishment of Oak Grove Cemetery.

8. The Community Foundation is agreeable to the termination of the Trust and distribution of the Trust assets to the City, provided that this Court so orders.

9. This Court has jurisdiction over this matter pursuant to KRS 367.952(5) and

venue is proper in this Court.

WHEREFORE, the petitioners request that the Court enter an order:

1. Declaring that the Trust described herein is terminated;
2. Directing the Community Foundation to distribute all Trust assets to the City;
3. Granting such other and further relief as the Court deems just and proper.

Respectfully submitted.

DENTON & KEULER LLP
P.O. Box 929
Paducah, KY 42002-0929
Tel. No.: 270-443-8253
Fax No.: 270-442-6000

By _____
Robert W. Goff

ATTORNEYS FOR THE CITY OF PADUCH

THE COMMUNITY FOUNDATION OF WEST
KENTUCKY, INC.

By: _____

Title: _____

COMMONWEALTH OF KENTUCKY
MCCRACKEN CIRCUIT COURT
DIVISION _____
CIVIL ACTION NO. 14-CI- _____

IN RE: OAK GROVE CEMETERY PERPETUAL CARE AND MAINTENANCE
TRUST FUND

ORDER

Comes the Court, on Joint Petition of the City of Paducah and the Community
Foundation of West Kentucky, Inc. and being otherwise sufficiently advised, states as follows:

1. IT IS HEREBY ORDERED AND ADJUDGED that the petitioners' Joint Petition
to Terminate Trust and Distribute Trust Assets is hereby GRANTED.

2. IT IS HEREBY FURTHER ORDERED that the Community Foundation of West
Kentucky, Inc. shall distribute any and all assets of the Trust described in the petitioners' Joint
Petition to Terminate Trust and Distribute Trust Assets to the City of Paducah.

3. IT IS HEREBY FURTHER ORDERED that following such distribution the Trust
described in the petitioners' Joint Petition to Terminate Trust and Distribute Trust Assets shall
terminate, and the Community Foundation of West Kentucky, Inc. shall be discharged of all
further duties and obligations associated with such Trust.

4. IT IS FURTHER ORDERED that, in accordance with KRS 367.952(5), the City
of Paducah shall use the funds solely for the care, maintenance, and embellishment of the Oak
Grove Cemetery and shall hold the funds separately from its fund subject to its general power of
appropriation.

This is a final and appealable order, there being no just cause for delay.

JUDGE, MCCRACKEN CIRCUIT COURT

I hereby certify that the foregoing has been served by mailing a true and correct copy to:

HON ROBERT W GOFF
DENTON & KEULER LLP
P O BOX 929
PADUCAH KY 42002-0929

MR TONY WATKINS
COMMUNITY FOUNDATION OF
WEST KENTUCKY INC
P.O. BOX 7
PADUCAH, KY 42002

on this _____ day of _____, 2014.

By _____
Clerk, McCracken Circuit Court

**Agenda Action Form
Paducah City Commission**

Meeting Date: July 22, 2013

Short Title: Accept proposed premiums from the Kentucky League of Cities for Workers' Compensation, Liability Insurance and Property Insurance Coverage. **Total cost of all premiums is \$951,770.62.**

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Cindy Medford
Presentation By: Cindy Medford

Background Information: Each year the City of Paducah receives from the Kentucky League of Cities the invoices for payment of premiums to cover these areas. Total Fiscal Year 2014-2015 (FY 2015) premiums are for the following: (1) Workers' Compensation \$307,604.07, (2) Liability Insurance \$500,094.40, (3) Property Insurance Coverage \$144,072.15. J. Carroll Convention Center to reimburse \$33,447 for property expenses associated with coverage of Expo and Convention Center in absence of executable hotel lease agreement.

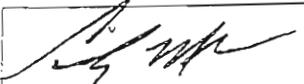
Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Insurance Fund
Account Number: 072

 7/18/2014
Finance

Staff Recommendation: That the Mayor and Commission approve the proposed premium rates for Workers' Compensation, Property and Liability insurance from the Kentucky League of Cities for FY 2015.

Attachments: Premium Invoices for Workers' Compensation, Liability and Property Insurance.

 Department Head	City Clerk	 City Manager
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Agenda Action Form

Paducah City Commission

Meeting Date: July 22, 2014

Short Title: Annexation of property owned by L&H Properties

Ordinance Emergency Municipal Order Resolution

Staff Work By: Stephen Ervin

Presentation By: Stephen Ervin

Background Information:



The intent of this agenda item is to adopt intent to annex ordinance for property located at 2711 New Holt Road. This is a consensual annexation. The property owner L&H Properties has requested the annexation. The property is

contiguous to the City limits of Paducah. Independence Bank is planning on constructing a new banking facility at this location. After the intent to annex ordinance is approved, a public hearing will be held with the Planning Commission to assign zoning. An annexation ordinance and zone change ordinance will be introduced by the City Commission following the public hearing.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name:
Account Number:

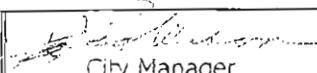
Finance

Staff Recommendation:

Approve intent to annex ordinance

Attachments:

Annexation Plat
Request for Annexation Letter

 Department Head	City Clerk	 City Manager
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Agenda Action Form

Paducah City Commission

Meeting Date: July 22, 2014

Short Title: Upper Story Residential Grant Program

Ordinance Emergency Municipal Order Resolution

Staff Work By: Stephen Ervin

Presentation By: Stephen Ervin

Background Information:

The intent of this agenda item is to adopt an ordinance establishing the Upper Story Residential Grant Program. Property owners within a defined area (Map#1) will be eligible to apply for financial assistance that shall not exceed 20% of the construction costs or a maximum of \$15,000.00 per Upper Story Residential Rental Unit.

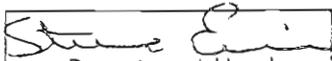
The ordinance directs the Director of Planning to administer the program and grants authority to the Urban Renewal & Community Development Agency (URCDA) to oversee the allocation of funds up to \$60,000.

Funds Available: Account Name: Upper Story Residential Grant Program
Account Number: DT0033

Finance

Motion:

Attachments:

 Department Head	City Clerk	City Manager
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Agenda Action Form Paducah City Commission

Meeting Date: 22 July 2014

Short Title: **Office of Highway Safety — "Heads Up Don't Be In'text'icated" Mini-Grant Program - AMENDMENT**

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Donald Hodgson; Sheryl Chino
Presentation By: Chief Brandon Barnhill; Steve Ervin

Background Information: Under Ordinance 2014-5-8136, The Commission authorized the execution of a grant agreement in the amount of \$21,000 with the KY Office of Highway Safety. This grant will be in the form of a mini-grant used to present the "Heads Up Don't Be In'text'icated" program. The grant agreement amount has been increased to \$24,000.

An approval by the City Commission is necessary to amend the ordinance to increase the grant amount from \$21,000 to \$24,000.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Project Name: Hwy Sfty - Intext

Project #: PO0080

File #: 6.257

Acct. #: 001-1602-521.12-01

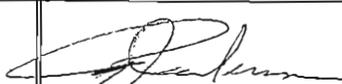
Budget: \$24,000

Source of Funds: Grant, No local match required.

Finance

Staff Recommendation: Approval

Attachments: None

 Department Head	City Clerk	 City Manager
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Agenda Action Form Paducah City Commission

Meeting Date: August
12th, 2014

Short Title:

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Brent Stringer
Presentation By: Brent Stringer

Background Information: Reoccurring annual service agreement with Motorola to service and maintain the city owned radio equipment, 911 phone and dispatch consoles.

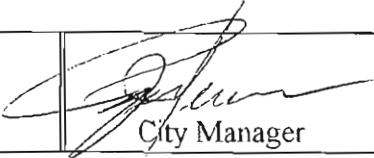
Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Communications equipment
Account Number: 012-4011-523.22-06

Finance

Staff Recommendation: Approve ordinance to maintain service agreement with Motorola for 2014-2015

Attachments: Service Agreement

Department Head	City Clerk	 City Manager
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AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE
SERVICE AGREEMENTS WITH MOTOROLA FOR FY 2014-2015

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the Mayor is hereby authorized to execute a service agreement with Motorola for yearly maintenance of the 800 MHz radio controllers, individual department radios, Paducah-McCracken County 911 dispatch consoles, telephones, and other related radio equipment. The Contract Number S00001001153 in the amount of \$52,583.52 shall expire June 30, 2015.

SECTION 2. This expenditure shall be charged to various departments.

SECTION 3. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, August 12, 2014

Adopted by the Board of Commissioners, August 26, 2014

Recorded by Tammara S. Sanderson, City Clerk, August 26, 2014

Published by *The Paducah Sun*, _____

\\ord\police\contract-Motorola 2014-2015



SERVICES AGREEMENT

Attn: National Service Support/4th fl
 1301 East Algonquin Road
 (800) 247-2346

Contract Number: S00001001153
 Contract Modifier: RN09-FEB-14 18:50:56

Date: 07/29/2014

Company Name:	Paducah, City Of
Attn:	
Billing Address:	P O Box 2307
City, State, Zip:	Paducah, KY, 42002
Customer Contact:	
Phone:	

Required P.O.: No
 Customer #: 1011956482
 Bill to Tag #: 0001
 Contract Start Date: 07/01/2014
 Contract End Date: 06/30/2015
 Anniversary Day: Jun 30th
 Payment Cycle: MONTHLY
 PO #:

QTY	MODEL/OPTION	SERVICES DESCRIPTION	MONTHLY EXT	EXTENDED AMT
		***** Recurring Services *****		
	SVC01SVC1101C	INFRASTRUCTURE REPAIR WITH ADV REPL	\$274.13	\$3,289.56
1	SVC251AA	ENH: SMARTZONE SITE		
1	SVC251AE	PLANT VESTA PALLAS SERVER		
5	SVC253AE	PLANT VESTA PALLAS WORKSTATION		
5	SVC255AE	PLANT VESTA PALLAS ACU		
1	SVC257AA	ENH: SMARTNET SITE		
1	SVC257AE	PLANT BCM		
14	SVC258AA	ENH: SMARTNET STATION		
1	SVC455AE	ENH: DISPATCH SITE		
	SVC01SVC1102C	DISPATCH SERVICE	\$77.73	\$932.76
5	SVC239AA	ENH: SMARTZONE OPERATOR POSITION		
1	SVC240AA	ENH: SMARTNET SITE		
14	SVC241AA	ENH: SMARTNET STATION		
1	SVC242AC	ENH: DISPATCH CENTER LOCATION		
1	SVC242AE	ENH: PLANT EQUIPMENT 911		
1	SVC455AE	ENH: DISPATCH SITE		
	SVC01SVC1104C	TECHNICAL SUPPORT	\$250.58	\$3,006.96
1	SVC135AA	ENH: SMARTNET SITE		
14	SVC136AA	ENH: SMARTNET STATION		
5	SVC142AD	ENH: CONSOLE ONLY - OPERATOR POSITI		
1	SVC142AF	ENH: PLANT EQUIPMENT 911		
1	SVC147AA	ENH: SMARTNET SYSTEM		
2	SVC455AE	ENH: DISPATCH SITE		
	SVC01SVC1220C	SFS LITE SERVICE AGREEMENT	\$376.53	\$4,518.36
15	SVC17AA	ENH: MTX8250		
33	SVC26AA	ENH: XTS2500		
10	SVC495AB	XTL5000 - MOBILE		
12	SVC506AB	XTS1500		
4	SVC684AD	ENH: XTL1500		
6	SVC688AD	ENH: XTL2500		

	SVC01SVC1410C	ONSITE INFRASTRUCTURE RESPONSE-STANDARD	\$1,390.98	\$16,691.76
1	SVC166AE	PLANT MAGIC SERVER		
1	SVC174AE	PLANT VESTA STANDARD MINI SERVER		
1	SVC181AE	PLANT BCM		
5	SVC187AE	PLANT VESTA PALLAS WORKSTATION		
1	SVC218AA	ENH: ONSITE INFRASTRUCTURE RESPONSE-SITE		
14	SVC219AA	STATION(S)		
5	SVC220AA	OPERATOR POSITIONS		
1	SVC455AE	ENH: DISPATCH SITE		
1	SVC986AA	DISPATCH CENTER LOCATION		
1	SVC987AA	CENTRAL ELECTRONICS BANKS (CEB)		
	SVC01SVC1423C	LOCAL RADIO SUPPORT SERVICE	\$271.98	\$3,263.76
15	SVC17AB	ENH: MTX8250		
33	SVC26AB	XTS2500		
4	SVC368AE	ENH: XTL1500		
3	SVC454AE	ENH: XTL2500		
12	SVC575AB	XTS1500 - PORTABLE		
10	SVC587AB	XTL5000 - MOBILE		
	SVC01SVC2012C	SP - CONTRACT ADMINISTRATION SERVICE NETWORK(S)	\$206.01	\$2,472.12
1	SVC02SVC0015C	SP - SUBSCRIBER REPAIR - LOCAL CHARGER	\$5.82	\$69.84
1	SVC02SVC0030C	SP - LOCAL REPAIR WITH ONSITE RESPONSE CHANNEL COMBINER	\$81.05	\$972.60
1	SVC02SVC0081A	MISSION CONTROL SITE(S)	\$636.82	\$7,641.84
1	SVC02SVC0082A	SOFTWARE FIRMWARE SUPPORT SITE(S)	\$810.33	\$9,723.96

SPECIAL INSTRUCTIONS - ATTACH
STATEMENT OF WORK FOR PERFORMANCE DESCRIPTIONS

Subtotal - Recurring Services \$4,381.96 \$52,583.52

Subtotal - One-Time Event
Services \$.00 \$.00

Total \$4,381.96 \$52,583.52

Taxes - -

Grand Total \$4,381.96 \$52,583.52

THIS SERVICE AMOUNT IS SUBJECT TO STATE AND LOCAL TAXING
JURISDICTIONS WHERE APPLICABLE. TO BE VERIFIED BY MOTOROLA.

Subcontractor(s)	City	State
MOTOROLA RADIO SUPPORT CENTER	ELGIN	IL
MOTOROLA SYSTEM SUPPORT CENTER	ELGIN	IL
MOTOROLA SYSTEM SUPPORT CTR-CALL CENTER DO066	SCHAUMBUR G	IL
MOTOROLA SYSTEM SUPPORT-TECHNICAL SUPPORT DO068	SCHAUMBUR G	IL
INDIANAPOLIS SERVICE CENTER	INDIANAPOLIS	IN
CASSIDIAN COMMUNICATIONS INC	TEMECULA	CA
JACKSON PURCHASE 2 WAY INC	PADUCAH	KY

I received Statements of Work that describe the services provided on this Agreement. Motorola's Service Terms and Conditions, a copy of which is attached to this Service Agreement, is incorporated herein by this reference.

AUTHORIZED CUSTOMER SIGNATURE

TITLE

DATE

CUSTOMER (PRINT NAME)

MOTOROLA REPRESENTATIVE(SIGNATURE)

TITLE

DATE

Brittany Woodall

615 523-5089

MOTOROLA REPRESENTATIVE(PRINT NAME)

PHONE

Company Name: Paducah, City Of

Contract Number: S00001001153

Contract Modifier: RN09-FEB-14 18:50:56

Contract Start Date: 07/01/2014

Contract End Date: 06/30/2015

Service Terms and Conditions

Motorola Solutions Inc. ("Motorola") and the customer named in this Agreement ("Customer") hereby agree as follows:

Section 1. APPLICABILITY

These Service Terms and Conditions apply to service contracts whereby Motorola will provide to Customer either (1) maintenance, support, or other services under a Motorola Service Agreement, or (2) installation services under a Motorola Installation Agreement.

Section 2. DEFINITIONS AND INTERPRETATION

2.1. "Agreement" means these Service Terms and Conditions; the cover page for the Service Agreement or the Installation Agreement, as applicable; and any other attachments, all of which are incorporated herein by this reference. In interpreting this Agreement and resolving any ambiguities, these Service Terms and Conditions take precedence over any cover page, and the cover page takes precedence over any attachments, unless the cover page or attachment states otherwise.

2.2. "Equipment" means the equipment that is specified in the attachments or is subsequently added to this Agreement.

2.3. "Services" means those installation, maintenance, support, training, and other services described in this Agreement.

Section 3. ACCEPTANCE

Customer accepts these Service Terms and Conditions and agrees to pay the prices set forth in the Agreement. This Agreement becomes binding only when accepted in writing by Motorola. The term of this Agreement begins on the "Start Date" indicated in this Agreement.

Section 4. SCOPE OF SERVICES

4.1. Motorola will provide the Services described in this Agreement or in a more detailed statement of work or other document attached to this Agreement. At Customer's request, Motorola may also provide additional services at Motorola's then-applicable rates for the services.

4.2. If Motorola is providing Services for Equipment, Motorola parts or parts of equal quality will be used; the Equipment will be serviced at levels set forth in the manufacturer's product manuals; and routine service procedures that are prescribed by Motorola will be followed.

4.3. If Customer purchases from Motorola additional equipment that becomes part of the same system as the initial Equipment, the additional equipment may be added to this Agreement and will be billed at the applicable rates after the warranty for that additional equipment expires.

4.4. All Equipment must be in good working order on the Start Date or when additional equipment is added to the Agreement. Upon reasonable request by Motorola, Customer will provide a complete serial and model number list of the Equipment. Customer must promptly notify Motorola in writing when any Equipment is lost, damaged, stolen or taken out of service. Customer's obligation to pay Service fees for this Equipment will terminate at the end of the month in which Motorola receives the written notice.

4.5. Customer must specifically identify any Equipment that is labeled intrinsically safe for use in hazardous environments.

4.6. If Equipment cannot, in Motorola's reasonable opinion, be properly or economically serviced for any reason, Motorola may modify the scope of Services related to that Equipment; remove that Equipment from the Agreement; or increase the price to Service that Equipment.

4.7. Customer must promptly notify Motorola of any Equipment failure. Motorola will respond to Customer's notification in a manner consistent with the level of Service purchased as indicated in this Agreement.

Section 5. EXCLUDED SERVICES

5.1. Service excludes the repair or replacement of Equipment that has become defective or damaged from use in other than the normal, customary, intended, and authorized manner; use not in compliance with applicable industry standards; excessive wear and tear; or accident, liquids, power surges, neglect, acts of God or other force majeure events.

5.2. Unless specifically included in this Agreement, Service excludes items that are consumed in the normal operation of the Equipment, such as batteries or magnetic tapes.; upgrading or reprogramming Equipment; accessories, belt clips, battery chargers, custom or special products, modified units, or software; and repair or maintenance of any transmission line, antenna, microwave equipment, tower or tower lighting, duplexer, combiner, or multicoupler. Motorola has no

obligations for any transmission medium, such as telephone lines, computer networks, the internet or the worldwide web, or for Equipment malfunction caused by the transmission medium.

Section 6. TIME AND PLACE OF SERVICE

Service will be provided at the location specified in this Agreement. When Motorola performs service at Customer's location, Customer will provide Motorola, at no charge, a non-hazardous work environment with adequate shelter, heat, light, and power and with full and free access to the Equipment. Waivers of liability from Motorola or its subcontractors will not be imposed as a site access requirement. Customer will provide all information pertaining to the hardware and software elements of any system with which the Equipment is interfacing so that Motorola may perform its Services. Unless otherwise stated in this Agreement, the hours of Service will be 8:30 a.m. to 4:30 p.m., local time, excluding weekends and holidays. Unless otherwise stated in this Agreement, the price for the Services exclude any charges or expenses associated with helicopter or other unusual access requirements; if these charges or expenses are reasonably incurred by Motorola in rendering the Services, Customer agrees to reimburse Motorola for those charges and expenses.

Section 7. CUSTOMER CONTACT

Customer will provide Motorola with designated points of contact (list of names and phone numbers) that will be available twenty-four (24) hours per day, seven (7) days per week, and an escalation procedure to enable Customer's personnel to maintain contact, as needed, with Motorola.

Section 8. PAYMENT

Unless alternative payment terms are stated in this Agreement, Motorola will invoice Customer in advance for each payment period. All other charges will be billed monthly, and Customer must pay each invoice in U.S. dollars within twenty (20) days of the invoice date. Customer will reimburse Motorola for all property taxes, sales and use taxes, excise taxes, and other taxes or assessments that are levied as a result of Services rendered under this Agreement (except income, profit, and franchise taxes of Motorola) by any governmental entity.

Section 9. WARRANTY

Motorola warrants that its Services under this Agreement will be free of defects in materials and workmanship for a period of ninety (90) days from the date the performance of the Services are completed. In the event of a breach of this warranty, Customer's sole remedy is to require Motorola to re-perform the non-conforming Service or to refund, on a pro-rata basis, the fees paid for the non-conforming Service. MOTOROLA DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

Section 10. DEFAULT/TERMINATION

10.1. If either party defaults in the performance of this Agreement, the other party will give to the non-performing party a written and detailed notice of the default. The non-performing party will have thirty (30) days thereafter to provide a written plan to cure the default that is acceptable to the other party and begin implementing the cure plan immediately after plan approval. If the non-performing party fails to provide or implement the cure plan, then the injured party, in addition to any other rights available to it under law, may immediately terminate this Agreement effective upon giving a written notice of termination to the defaulting party.

10.2. Any termination of this Agreement will not relieve either party of obligations previously incurred pursuant to this Agreement, including payments which may be due and owing at the time of termination. All sums owed by Customer to Motorola will become due and payable immediately upon termination of this Agreement. Upon the effective date of termination, Motorola will have no further obligation to provide Services.

Section 11. LIMITATION OF LIABILITY

Except for personal injury or death, Motorola's total liability, whether for breach of contract, warranty, negligence, strict liability in tort, or otherwise, will be limited to the direct damages recoverable under law, but not to exceed the price of twelve (12) months of Service provided under this Agreement. ALTHOUGH THE PARTIES ACKNOWLEDGE THE POSSIBILITY OF SUCH LOSSES OR DAMAGES, THEY AGREE THAT MOTOROLA WILL NOT BE LIABLE FOR ANY COMMERCIAL LOSS; INCONVENIENCE; LOSS OF USE, TIME, DATA, GOOD WILL, REVENUES, PROFITS OR SAVINGS; OR OTHER SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES IN ANY WAY RELATED TO OR ARISING FROM THIS AGREEMENT OR THE PERFORMANCE OF SERVICES BY MOTOROLA PURSUANT TO THIS AGREEMENT. No action for contract breach or otherwise relating to the transactions contemplated by this Agreement may be brought more than one (1) year after the accrual of the cause of action, except for money due upon an open account. This limitation of liability will survive the expiration or termination of this Agreement and applies notwithstanding any contrary provision.

Section 12. EXCLUSIVE TERMS AND CONDITIONS

12.1. This Agreement supersedes all prior and concurrent agreements and understandings between the parties, whether written or oral, related to the Services, and there are no agreements or representations concerning the subject matter of this Agreement except for those expressed herein. The Agreement may not be amended or modified except by a written agreement signed by authorized representatives of both parties.

12.2. Customer agrees to reference this Agreement on any purchase order issued in furtherance of this Agreement, however, an omission of the reference to this Agreement will not affect its applicability. In no event will either party be bound by any terms contained in a Customer purchase order, acknowledgement, or other writings unless: the purchase order, acknowledgement, or other writing specifically refers to this Agreement; clearly indicate the intention of both parties to override and modify this Agreement; and the purchase order, acknowledgement, or other writing is signed by authorized representatives of both parties.

Section 13. PROPRIETARY INFORMATION; CONFIDENTIALITY; INTELLECTUAL PROPERTY RIGHTS

13.1. Any information or data in the form of specifications, drawings, reprints, technical information or otherwise furnished to Customer under this Agreement will remain Motorola's property, will be deemed proprietary, will be kept confidential, and will be promptly returned at Motorola's request. Customer may not disclose, without Motorola's written permission or as required by law, any confidential information or data to any person, or use confidential information or data for any purpose other than performing its obligations under this Agreement. The obligations set forth in this Section survive the expiration or termination of this Agreement.

13.2. Unless otherwise agreed in writing, no commercial or technical information disclosed in any manner or at any time by Customer to Motorola will be deemed secret or confidential. Motorola will have no obligation to provide Customer with access to its confidential and proprietary information, including cost and pricing data.

13.3. This Agreement does not grant directly or by implication, estoppel, or otherwise, any ownership right or license under any Motorola patent, copyright, trade secret, or other intellectual property including any intellectual property created as a result of or related to the Equipment sold or Services performed under this Agreement.

Section 14. FCC LICENSES AND OTHER AUTHORIZATIONS

Customer is solely responsible for obtaining licenses or other authorizations required by the Federal Communications Commission or any other federal, state, or local government agency and for complying with all rules and regulations required by governmental agencies. Neither Motorola nor any of its employees is an agent or representative of Customer in any governmental matters.

Section 15. COVENANT NOT TO EMPLOY

During the term of this Agreement and continuing for a period of two (2) years thereafter, Customer will not hire, engage on contract, solicit the employment of, or recommend employment to any third party of any employee of Motorola or its subcontractors without the prior written authorization of Motorola. This provision applies only to those employees of Motorola or its subcontractors who are responsible for rendering services under this Agreement. If this provision is found to be overly broad under applicable law, it will be modified as necessary to conform to applicable law.

Section 16. MATERIALS, TOOLS AND EQUIPMENT

All tools, equipment, dies, gauges, models, drawings or other materials paid for or furnished by Motorola for the purpose of this Agreement will be and remain the sole property of Motorola. Customer will safeguard all such property while it is in Customer's custody or control, be liable for any loss or damage to this property, and return it to Motorola upon request. This property will be held by Customer for Motorola's use without charge and may be removed from Customer's premises by Motorola at any time without restriction.

Section 17. GENERAL TERMS

17.1. If any court renders any portion of this Agreement unenforceable, the remaining terms will continue in full force and effect.

17.2. This Agreement and the rights and duties of the parties will be interpreted in accordance with the laws of the State in which the Services are performed.

17.3. Failure to exercise any right will not operate as a waiver of that right, power, or privilege.

17.4. Neither party is liable for delays or lack of performance resulting from any causes that are beyond that party's reasonable control, such as strikes, material shortages, or acts of God.

17.5. Motorola may subcontract any of the work, but subcontracting will not relieve Motorola of its duties under this Agreement.

17.6. Except as provided herein, neither Party may assign this Agreement or any of its rights or obligations hereunder without the prior written consent of the other Party, which consent will not be unreasonably withheld. Any attempted assignment, delegation, or transfer without the necessary consent will be void. Notwithstanding the foregoing, Motorola may assign this Agreement to any of its affiliates or its right to receive payment without the prior consent of Customer. In addition, in the event Motorola separates one or more of its businesses (each a "Separated Business"), whether by way of a sale, establishment of a joint venture, spin-off or otherwise (each a "Separation Event"), Motorola may, without the prior written consent of the other Party and at no additional cost to Motorola, assign this Agreement such that it will continue to benefit the Separated Business and its affiliates (and Motorola and its affiliates, to the extent applicable) following the Separation Event

17.7. THIS AGREEMENT WILL RENEW, FOR AN ADDITIONAL ONE (1) YEAR TERM, ON EVERY ANNIVERSARY OF THE START DATE UNLESS EITHER THE COVER PAGE SPECIFICALLY STATES A TERMINATION DATE OR ONE PARTY NOTIFIES THE OTHER IN WRITING OF ITS INTENTION TO DISCONTINUE THE AGREEMENT NOT LESS THAN THIRTY (30) DAYS OF THAT ANNIVERSARY DATE. At the anniversary date, Motorola may adjust the price of the Services to reflect its current rates.

17.8. If Motorola provides Services after the termination or expiration of this Agreement, the terms and conditions in effect at the time of the termination or expiration will apply to those Services and Customer agrees to pay for those services on a time and materials basis at Motorola's then effective hourly rates.

Revised Jan 1, 2010

Agenda Action Form

Paducah City Commission

Meeting Date: August 12, 2014

Short Title: Authorize Payment to the Kentucky Waterways Alliance (KWA) Kentucky Aquatic Resources Fund (KARF) in accordance with the Paducah Riverfront Development Project Biological Opinion

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Angela Weeks, EPW Proj Mgr

Presentation By: Rick Murphy, P.E., City Engineer-Public Works Director

Background Information:

On June 6, 2012, a Final Biological Opinion (BO) for the Paducah Riverfront Development Project was issued by the United States Department of the Interior, Fish and Wildlife Service, Kentucky Ecological Services Field Office. This BO addressed the interrelated federal actions under sections 10, 401 and 404 of the Clean Water Act (CWA) that were necessary for the construction of the Paducah Riverfront Project and the Ohio River Boat Launch Project due to environmental impacts to the Ohio River. The BO issued by the Fish and Wildlife Service required the City of Paducah comply with certain Terms and Conditions in order to obtain permits from the USACE and the KY Division of Water for both Projects. In regards to the Riverfront Project Mass Fill-Schultz Park Expansion and the Transient Dock, the BO addressed the Project's environmental impacts on the Ohio River and the four endangered mussels within the area. The BO issued the following non-discretionary Terms and Conditions associated with the Riverfront Project:

1. **Mussel Relocation Plan**: Develop a Mussel Relocation Plan to be approved by the Fish and Wildlife Service and relocate specific mussel species before construction activity occurs. The Mussel Relocation obligation was completed October 16-20, 2012.
2. **Mussel Conservation Measures Monitoring**: Contribute \$20,000 to the Kentucky Waterways Alliance (KWA) Kentucky Aquatic Resources Fund (KARF) for their future monitoring use at the Schultz Park Expansion Area and the relocated mussel site.
3. **Mussel Conservation Measures Habitat**: Contribute a total of \$71,706 to the Kentucky Waterways Alliance (KWA) Kentucky Aquatic Resources Fund (KARF) for environmental impacts related to a total of 6.29 acres having a 4:1 replacement ratio at \$2,850 per acre.
4. **Mussel Conservation Measures Propagation**: Contribute a total of \$44,000 to the Kentucky Waterways Alliance (KWA) Kentucky Aquatic Resources Fund (KARF) for recovery efforts for the four federally listed mussels at a three year replacement effort. The four mussels and the associated costs are:
 - a. Propagation of 76 Fat Pocketbooks at \$250 each equates to \$19,000.
 - b. Propagation of 2 Pink Muckets at \$500 each equates to \$1,000.
 - c. Propagation of 2 Orangefoot Pimplebacks at \$8,000 each equates to \$16,000.
 - d. Propagation of 2 Sheepnose at \$4,000 each equates to \$8,000.

In summary, the City's financial obligations related to the Monitoring, Habitat and Propagation of the four impacted mussels equates to the total amount of \$135,706.00 to be paid to the Kentucky Waterways Alliance (KWA) Kentucky Aquatic Resources Fund (KARF).

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: RF Phase 1-A
Account Number: 040-3315-532-2307
Project Number: DT0015

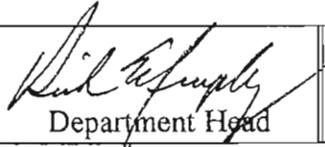
Finance

Staff Recommendation:

To adopt an Ordinance authorizing the payment to Kentucky Waterways Alliance (KWA) Kentucky Aquatic Resources Fund (KARF) in the total amount of \$135,706.00 to comply with the Terms and Conditions associated with the Riverfront Development Project Biological Opinion issued by the United States Department of the Interior, Fish and Wildlife Service, Kentucky Ecological Services Field Office.

Attachments:

Biological Opinion Dated June 6, 2012, issued by the United States Department of the Interior, Fish and Wildlife Service, Kentucky Ecological Services Field Office

 Department Head	City Clerk	City Manager
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ORDINANCE NO. 2014-8-_____

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO KENTUCKY WATERWAYS ALLIANCE (KWA) KENTUCKY AQUATIC RESOURCES FUND (KARF) IN ORDER TO COMPLY WITH THE TERMS AND CONDITIONS ASSOCIATED WITH THE RIVERFRONT DEVELOPMENT PROJECT BIOLOGICAL OPINION ISSUED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, KENTUCKY ECOLOGICAL SERVICES FIELD OFFICE

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Finance Director is hereby authorized to pay to Kentucky Waterways Alliance (KWA) Kentucky Aquatic Resources Fund (KARF) the amount of \$135,706.00 to comply with the Terms and Conditions associated with the Riverfront Development Project Biological Opinion issued by the United States Department of the Interior, Fish and Wildlife Service, Kentucky Ecological Services Field Office.

SECTION 2. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, August 12, 2014
Adopted by the Board of Commissioners, August 26, 2014
Recorded by Tammara S. Sanderson, City Clerk, August 26, 2014
Published by The Paducah Sun, _____
\\ord\eng\riverfront dev-biological opinion



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

June 6, 2012

Mr. John Ballantyne
U.S. Department of Transportation
Federal Highway Administration
330 West Broadway
Frankfort, Kentucky 40601

Subject: FWS #2010-B-0327: Final Biological Opinion on the Paducah Riverfront
Development Project, McCracken County, Kentucky, and its effects on federally
listed mussels

Dear Mr. Ballantyne:

This document supersedes the July 6, 2010 U.S. Fish and Wildlife Service's (Service) biological opinion and the July 13, 2011 conference opinion on the previously proposed Paducah Riverfront Development Project. This biological opinion is based on our review of the relocated Paducah Riverfront Development Project at approximately Ohio River Miles 934.7 to 935.8 in McCracken County, Kentucky, and its effects on federally listed mussels under section 7(a)(2) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*)

The Federal Highway Administration's (FHWA) letter requesting formal consultation was received on January 19, 2011 and formal consultation was initiated on January 27, 2011, in a letter from the Service to the FHWA. This document also includes the U.S. Army Corps of Engineers (Louisville District) and the Service as cooperating agencies due to their involvement in the project as permitting and funding agencies, respectively.

This biological opinion is based on information provided in a January 12, 2012 Biological Assessment (BA) prepared by Redwing Ecological Services, Inc. (Redwing), a modification to the BA provided by Redwing on March 21, 2012, meetings (see consultation history), available literature, communications with experts on the federally listed species considered in this biological opinion, and other sources of information available to us and/or in our files. A complete administrative record of this consultation is on file at the Service's Kentucky Field Office in Frankfort, Kentucky (see address above).

The Service believes this project may affect and is likely to adversely affect the fat pocketbook, *Potamilius capax*; pink mucket, *Lampsilis abrupta*; orangefoot pimpleback, *Plethobasus cooperianus*; and sheepsnose, *Plethobasus cyphus*. The fat pocketbook is known to occur at the project site and the other three species are considered likely to occur at the project site.

Species not considered in this biological opinion that were included in the Biological Assessment include the spectaclecase, *Cumberlandia monodonta*; fanshell, *Cyprogenia stegaria*; ring pink, *Obovaria retusa*; clubshell, *Pleurobema clava*; rough pigtoe, *Pleurobema plenum*; and rabbitsfoot, *Quadrula cylindrica cylindrica*. The Service does not consider that these six species are likely to occur at the project site based on a lack of recent occurrences for these species in the project area, a lack of suitable habitat for several of the species, and recent mussel survey results that were provided in the BA; therefore, it is the Service's determination that this project is not likely to adversely affect those six species.

Consultation History

Although considered as 'new' project in this Biological Opinion, this riverfront development project is essentially a continuance of a previous project, but it has been moved approximately 500 feet downstream. A biological opinion and conference opinion were completed on the previous project; however, the project was moved downstream, which necessitated a new review of the project. The consultation history for the previous project was summarized in the July 6, 2010 biological opinion and the July 13, 2011 conference opinion.

22 November 2011 -- Redwing met with Service to discuss preliminary results of additional surveys and the preparation of a Biological Assessment Redwing was preparing based on moving the Shultz Park portion of the Paducah Riverfront project downstream approximately 500 feet.

19 January 2012 - Letter from Mr. John Ballantyne (Federal Highway Administration) regarding the transmittal of a Biological Assessment dated January 9, 2012 and a request for formal consultation with the Service.

27 January 2012 - Service letter to Mr. John Ballantyne of the Federal Highway Administration replying that the Service believed the BA was adequate for initiating formal consultation, and indicating that the Service's biological opinion would focus on four mussel species -- the fat pocketbook, *Potamilus capax*; orangefoot pimpleback, *Plethobasus cooperianus*; pink mucket, *Lampsilis abrupta*; and sheepsnose, *Plethobasus cyphus*.

20 March 2012 -- Service met with Redwing to discuss modifications to the BA dealing with mussel habitat and Mussel Conservation Measures.

29 May 2012 - A draft final version of the biological opinion was provided to the FHWA, KYTC, and U.S. Army Corps of Engineers -- Louisville District (COE), and comments on the draft final biological opinion were solicited from those agencies

BIOLOGICAL OPINION

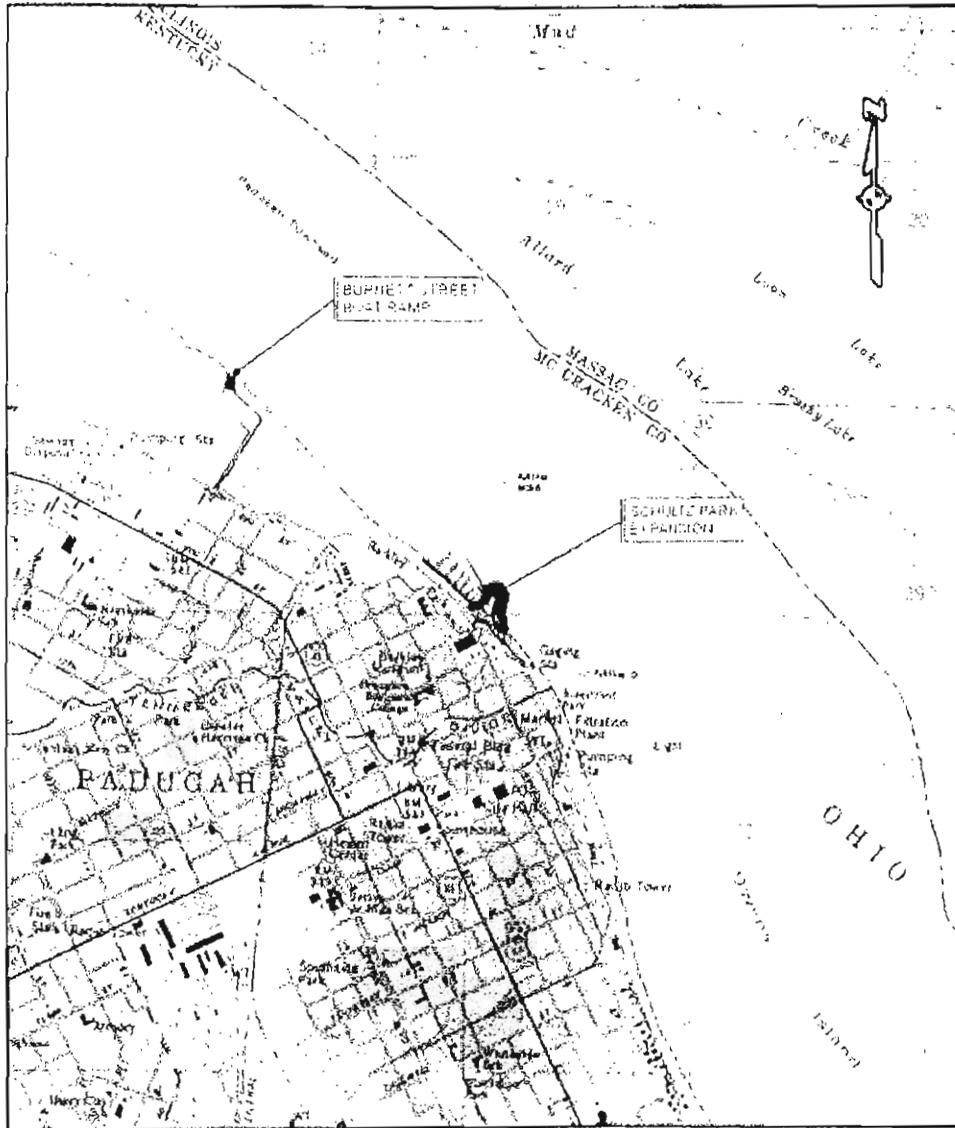
DESCRIPTION OF THE PROPOSED ACTION

The Paducah Riverfront Redevelopment Project is a proactive revitalization effort, resulting from the collaborative effort of a diverse group of constituents including stakeholders, city staff, the general public and state and federal agencies that began in 2006. The Paducah Riverfront Redevelopment Plan has been in the design and planning phase since 1992. The plan's goal is to reconnect residents and neighbors with the City of Paducah's downtown riverfront as well as provide new tourism, recreation, and economic development opportunities for the city. Improvements to the riverfront outlined in the redevelopment plan include a terraced riverbank with overlooks, a performance plaza, recreational areas along a new greenway trail, landscaping, renovation of public infrastructure, public education and outreach through interpretative activities, and a five-lane boat launch. The plan's components will link public amenities, recreational facilities, public spaces, and Paducah's downtown to the Ohio River. Due to its long range goals and magnitude of the plan, it will be implemented using a phased approach, spanning several years. More information regarding the Paducah Riverfront Redevelopment Plan can be found on their website: riverfrontpaducah.com. The BA focused on the first phase of the plan which includes the Burnett Street Boat Ramp and the Schultz Park Expansion marina/transient dock. These two components of the plan involve the only proposed direct impacts to the Ohio River (Figure 1).

Numerous alternative designs have been developed and presented to city staff, the USACE, U.S. Coast Guard, marine industry representatives, the public, and riverfront property owners. Based on a detailed alternatives analysis, the current location was ultimately chosen. Feasibility was determined based on availability of riverfront properties, avoidance of the Ohio River navigational channel, the least potential to interfere with future river operations, and avoidance of existing mussel resources. The two components of the proposed project assessed as part of the BA include the Burnett Street Boat Ramp and the Schultz Park Expansion and are described in more detail below. Each of these components also involves other interrelated federal actions. More specifically, the construction of the Burnett Street Boat Ramp would involve a federal boating access grant from the Service to the Kentucky Department of Fish and Wildlife Resources (KDFWR). KDFWR would then use this funding to pay for the City of Paducah's construction costs for the Burnett Street Boat Ramp. The project also includes a Boating Infrastructure Grant from the Service to KDFWR. KDFWR would then use this funding to pay for the City of Paducah's construction costs associated with the Schultz Park Expansion marina. While the granting of these federal funds do not result in direct impacts to federally listed species (i.e., they are administrative in nature), the use of these federal grant funds will lead to adverse effects on listed freshwater mussels as described below and in the "Effects of the Action" section of this biological opinion.

This biological opinion also is intended to address the interrelated federal actions and pending permits under sections 10, 401, and 404 of the Clean Water Act (CWA) that are necessary for construction of the proposed project.

Source: USGS 7.5 Topographic Maps © 2011 National Geographic Society, adapted



<p>PADUCAH RIVERFRONT REDEVELOPMENT PROJECT MADCRACKEN COUNTY, KENTUCKY</p>	 <p>REDIVING</p>	<p>PROPOSED ACTIONS MAP</p>
<p>FILE: Requiring Additional Experts ProAction</p>		<p>FIGURE 1</p>
<p>REVISED PROJECT NO. 09209 REVISED DATE: 4/19/2012 CRAWFORD, B.C.</p>		

Burnett Street Boat Ramp

The Burnett Street Boat Ramp project will relocate the existing main boat ramp along the downtown riverfront to a currently undeveloped piece of property approximately one mile downstream so that the existing downtown riverfront can be converted back to its original use as a riverboat landing and community focal point.

The proposed ramp is located at approximately Ohio River Mile 935.8. This component of the redevelopment plan is being undertaken as a partnership with KDFWR through a USFWS Boating Access Grant. The proposed boat launch site is located on currently undeveloped property owned by the City of Paducah and will contain five launch lanes with parking for 100 vehicles and trailers (Figure 1) with 24-hour access to the river. The property can accommodate an additional 100 parking spaces in the future as needed. The proposed boat launch will be connected to the downtown Riverfront Park via a planned pedestrian and bicycle greenway trail along the river.

Construction of the Burnett Street Boat Ramp, its access route, and all of the associated parking will result in permanent impacts to jurisdictional wetlands. Mitigation for these impacts will be provided on site in accordance with the conditions of the approved Section 404 and 401 permits through a combination of preservation and restoration activities. Mitigation includes permanent preservation of approximately 34.4 acres of high quality forested wetland, restoration of 7.3 acres of forested wetland, preservation of 3.4 acres of forested riparian buffer, and restoration of 765 linear feet of riparian buffer along the Ohio River. These mitigation measures have been designed to ensure the functional components of the impacted wetlands will be maintained on site as well as enhance the quality of the Ohio River riparian corridor. These mitigation components will be monitored for five years to ensure long-term success. In addition, permanent preservation of these components through a conservation easement or deed restriction will ensure long-term indirect benefits through reduced streambank erosion and nonpoint source runoff into the Ohio River.

Impacts to the Ohio River associated with the construction of the boat ramp will consist of placing a subgrade base and precast concrete ramp faces. The ramp's footprint will cover approximately 0.3 acre of riverbank and extend no greater than 35 meters riverward from normal pool. It is estimated that an additional 0.3 acre area will receive indirect effects from the construction of the boat ramp, for a total of 0.60 acres of affected river substrate (Table 1).

Table 1. Effects Summary for River Substrate and Mussel Habitat

Impact Type	Schultz Park	Burnett Street Boat Ramp
Direct (fill)	3.49 acres	0.30 acre
Direct (fill non-mussel habitat)	2.29 acres	0 acre
Direct (mooring)	0.07 acres	NA
Indirect (sedimentation non-mussel habitat)	4.97 acres	0.30 acre
Indirect (sedimentation mussel habitat)	2.73 acres	0 acre
Total Ohio River Substrate Impacts	13.55 acres	0.60 acre
Total Mussel Habitat Effects	6.29 acres	0.30 acre

The compacted subgrade base material and concrete ramp face will be installed from shore and best management practices will be used to ensure erosion and sedimentation is minimized to the greatest extent possible. As required under the 404/401 permits, an erosion and sediment control plan will be designed, implemented, and maintained in effective operating condition at all times during construction to prevent degradation of waters of the Commonwealth. All fill material will consist of less than 5% fines, and silt fences and bank stabilization will be used where necessary and as appropriate to minimize the potential for bank erosion and sedimentation during construction. The proposed boat ramp orientation (i.e., angle in relation to river flow and ramp face slope) was designed to have minimal impact on the prevailing hydraulic conditions of the Ohio River. The slope of the ramp will largely follow the existing contours of the riverbank. The pre-cast ramp faces will be installed over a compacted coarse-granular foundation with a minimum slope of 7:1.

Modeling hydrodynamic processes specifically related to the proposed Burnett Street Boat Ramp was cost-prohibitive due to the relatively small proposed encroachment into the river and the data-intensive model input requirements. Therefore, the modeling results for the Schultz Park Expansion site (see EFFECTS OF THE ACTION - Analysis for Effects of the Action, below in this BO) were used as an estimate for relative hydrodynamic changes at the proposed Burnett Street Boat Ramp location.

Schultz Park Expansion

The Schultz Park Expansion represents Paducah's continuing efforts to revitalize its riverfront and will serve as a catalyst for additional riverfront and downtown improvements as outlined in the Riverfront Redevelopment Plan. The proposed Schultz Park Expansion area is accessed via three existing openings in the floodwall and proposed expansion activities will extend from approximately Ohio River Mile 934.8 to 935.1 (Figure 2). Proposed park expansion activities include improvements to the adjacent Schultz Park, construction of a marina/transient dock, associated parking and infrastructure, and connection of park amenities with existing roads, and infrastructure. This component of the redevelopment plan is being undertaken as a partnership with KDEWR through a USFWS Boating Infrastructure Grant.

Development of the Schultz Park Expansion will be accomplished in several phases. The first phase includes riverward expansion of the existing Schultz Park and construction of a transient dock. Construction will begin by placing appropriately-sized coarse fill material below the Ohio River Normal Pool elevation of 302 feet to create a new peninsular landform with a footprint of approximately 5.78 acres. An additional area of sedimentation impact is estimated on 7.7 acres of additional Ohio River bottom, and there will be an estimated 0.07 acres of area covered by marina anchors. Therefore, the total acreage of potential and actual mussel habitat that will be impacted at the Schultz Park Expansion portion of the project is 13.55 acres (Table 1). The coarse fill material will meet KDOW Division of Environmental Protection water quality requirements and will not exceed 5% fines. Placement of the fill material may occur from land-side via truck or from river-side via barges depending on the location of source fill material.

feasibility, and efficiency (i.e., The contract for doing this work likely will not limit contractor installation methods.). However, if material is transported and unloaded from barges, special conditions will be required to avoid disturbance of the existing mussel bed from potential barge anchoring or stray debris. The newly constructed landform foundation may be left to settle for approximately one year to stabilize prior to final grading and construction of the transient dock, marina, and other amenities. Once the foundation has settled, the remaining landform will be constructed using no steeper than a 3:1 slope. The landform will be protected by a combination of revetment techniques using coarse aggregate material and other naturalized components where applicable. Bioengineered slope stabilization will supplement stone revetment where applicable and native vegetation will be used extensively throughout the site.

Construction of the transient dock on the downstream side of the Schultz Park landform, which will be accessed via a floating gangway system, will begin once the landform has settled and stabilized. The floating gangway system will provide for approximately 150 boat slips. Currently, boaters are required to dock on the riverbank. The closest alternative on-water refueling/marina facilities for recreational boaters are located 33 miles upstream at Golconda, Illinois. The transient dock will serve as a continuation of the river walk for the public as well as a mooring dock for transient vessels. The transient dock will not provide dockage for excursion vessels such as the 'Delta Queen' steamboat or paddleboats. Impacts to the riverbed associated with the transient dock will be limited to placement of a maximum of 50 eight-foot deadman weight cubes for anchoring the floating dock and marina. The project will maintain a 300-foot buffer from the USACE Navigation Channel.

The second phase of the Schultz Park Expansion includes installation of park amenities. Planned park amenities include public open spaces and scenic overlooks, benches and picnic tables, additional parking, pedestrian/bicycle trails, educational/interpretive resources, and other landscape features. Marina accommodations include associated utility systems (e.g. fuel, water, electric, and sanitary) that will provide restrooms, showers, and a sundries store. While no specific details are yet available for these facilities, all fuel and wastewater systems must be designed to Kentucky state standards. A spill prevention plan will be required and developed and maintained by the marina operator. The spill prevention plan will comply with state codes and approved by the appropriate agency prior to marina operation.

ACTION AREA

The Service considers the action area to include the lower Ohio River between J.T. Myers Lock and Dam at Ohio River Mile 846.0 downstream to the mouth of the Ohio River at ORM 981.0. This action area also includes the Cumberland River downstream of Barkley Dam and the Tennessee River downstream of Kentucky Dam. The action area is designated in this way because (a) it contains the entirety of the Burnett Street Boat Ramp and Schultz Park Expansion portions of the proposed action and (b) it contains the areas upstream and downstream of the proposed project where the indirect and cumulative effects of the proposed action are likely to occur. Regarding these upstream and downstream areas, the Service believes that the proposed action is likely to result in (a) hydrologic effects on the listed freshwater mussels addressed in this biological opinion and their habitats within and downstream of areas impacted by the Burnett Street Boat Ramp and Schultz Park Expansion portions of the proposed action, (b) localized population reductions of these freshwater mussels that will have corresponding effects on their populations within the described action area, and (c) a reduced likelihood that fish hosts for these freshwater mussel species will provide the same level of pre-project genetic flow throughout the described action area due to the anticipated population reductions of these species within the action area.

In the action area, the proposed boat ramp and park expansion and marina/transient dock is located at approximately Ohio River Mile 934.8 to 935.1, immediately downstream of an existing downtown boat launch, and consists of a relatively developed shoreline with armored riverbanks and a narrow park setting on the river side of the floodwall. The Ohio River within the vicinity of the City of Paducah experiences a high volume of boat and barge traffic due to its proximity to the existing downtown boat ramp and the nearby lower Ohio River navigation lock system. The City of Paducah is a major hub for commercial barge activity. Barges frequently use the shoreline in the proposed marina/transient dock area for staging purposes because of the high volume of barge traffic through the nearby locks. Barge staging often consists of beaching the nose of the barge onto the shore at an angle sufficient to maintain position in the river while waiting for lock traffic to clear. Many recreational boaters also use the area for fishing, water skiing, cruising, and other activities. There is a considerable volume of foot traffic along the existing riverfront park along the floodwall for fishing, sight-seeing, etc.

Table 1 provides a summary of the expected acreage of impact on the river substrate and mussel habitat. The extent of direct and indirect effects were determined based on the extent of the proposed fill required to construct the park expansion landform, the anticipated extent of hydrodynamic modifications caused by the proposed landform, and the anchor system for securing the transient dock and marina.

Based on mussel surveys conducted for this project, the project's impact area is greater than the area of occupied mussel habitat because mussels do not occur everywhere within the project site (e.g., near shore). Direct effects of the expansion of Schultz Park include the placement of fill material over a footprint covering approximately 3.56 acres that lies below the normal pool elevation and extending approximately 480 feet riverward. Direct effects also include placement of mooring anchors, totaling approximately 0.07 acre, to secure the transient dock and marina.

Therefore a total of 5.85 acres of "fill" will occur as a result of the proposed project. An additional affected area of 7.7 acres of river substrate, which includes 4.97 acres of unoccupied mussel substrate and 2.73 acres of mussel habitat, will be indirectly affected by anticipated hydrodynamic modifications and sedimentation. The proposed park's shoreline at the maximum extent will be approximately 350 feet riverward from its current location. The location of the proposed expansion, as well as the orientation of the proposed landform, was designed to infringe as little as possible on river hydraulics as well as the commercial traffic in the river's navigation channel. However, changes in river flow and, therefore, sediment transport patterns will likely change locally. The results of the hydrodynamic modeling performed by HCCCL provide an estimation of these potential changes in deposition and entrainment patterns of sediment particles as a result of the proposed Schultz Park landform. The model predicts that under existing conditions, sediment entrainment potential (mobility index > 1) is limited to particle sizes less than 5 mm (fine gravel) occurring at river stages between 304 and 320 feet. After construction of the proposed landform, the model predicts entrainment potential for particles up to 5mm in size on the surface of the landform fill slope at a river stage of 320 feet. Because the fill slope will be constructed with coarse aggregate significantly greater in size than 5 mm, the effects discussion will be limited to sediment transport potential of particles less than 5 mm at river stages 304, 310, and 320 feet.

Results of the model show potential entrainment of 1mm particles, at river stage 304 feet, is likely to occur at the furthest riverward extent of the proposed landform. Other changes to the existing sediment transport dynamics of the river include potential deposition of 0.1 mm, 1 mm, and 2 mm particles primarily downstream and shoreward of the proposed landform.

Potential sedimentation or scour from boating activity within the transient dock marina is not likely to occur due to river depth and the slow speed required to effectively maneuver boats within the dock area. In addition, a wave attenuator was integrated into the transient dock design to buffer the boat harbor and shoreline from wave action generated from vessels navigating within the main river channel.

Mussel Conservation Measures

Proposed mussel conservation measures that were included in the Biological Assessment are as follows:

Conservation measures proposed to minimize take of protected mussel species and to minimize impacts to mussel habitat as a result of the proposed project will consist of contributions to an appropriate resource conservation entity to support enhancement and/or protection of mussel habitat, and for mussel recovery efforts in the lower Ohio River. The proposed conservation measures are summarized below:

- **Habitat:** The City of Paducah will contribute a total of \$71,706 for the preservation, creation, enhancement, and/or protection of mussel habitat in the lower Ohio River. This contribution will be provided to minimize impacts to mussel habitat expected to occur on

this project. The contribution amount was derived using the average 2009 agricultural land value in Kentucky (Trimble 2009) of \$2,850 per acre and then applying a ratio of 4:1 for impacts to a total of 6.29 acres.

- **Propagation:** The City of Paducah will contribute \$19,000 for recovery efforts related to protected mussel species in the lower Ohio River. This contribution will be provided to minimize take expected to occur on this project. The contribution amount was an estimate based on take of 76 *P. capax* and a per mussel compensatory amount of \$250 per *P. capax* (This amount was utilized by the USFWS in the previous BO.). It is proposed that the contribution be applied to propagation efforts for *P. cooperianus*; however, it may be used for *P. capax* or other federally-listed mussel species in the lower Ohio River.

The Service recognizes that, individually and/or cumulatively, these mussel conservation measures that are included in the BA contribute to the avoidance and minimization of adverse effects to these listed mussels, but that these measures do not necessarily eliminate all adverse effects that may result from the proposed action.

These conservation measures are included with more detail, along with additional minimization actions, in the Reasonable and Prudent Measures and Terms and Conditions portion of this Biological Opinion.

STATUS OF THE SPECIES/CRITICAL HABITAT

Species/critical habitat description

This biological opinion covers the fat pocketbook, *Potamilus capax*; pink mucket, *Lampsilis abrupta*; orangefoot pimpleback, *Plethobasus cooperianus*, and sheepnose, *Plethobasus cyphus*. All four species are federally listed as an endangered.

Fat pocketbook mussel

The fat pocketbook was first listed as endangered in 1976, and a recovery plan was written in 1985 and then revised in 1989 (USFWS 1985a, USFWS 1998). This species is currently undergoing a 5-year review to determine its current status by the Service's Mississippi Field Office. Critical habitat for this species has not been designated.

The following taxonomic information is gleaned from the recovery plan for this species (USFWS 1989). The fat pocketbook was described twice in 1832 by two authors giving it different names. It was first described by J. Green as *Unio capax* and by L. Lea as *Symphnota globosa*. A few name changes have occurred since 1832, and the current accepted name, which includes the author who first described it, is *Potamilus capax* (Green 1832).

The type locality is the upper Mississippi River at the Falls of St. Anthony in Minnesota. The fat pocketbook has a round to oblong shell that is greatly inflated and has a strong s-shaped hinge

line. The beak cavity is very deep (NatureServe 2007, Cummings and Mayer 1992). The shell is thin to moderately thick and the periostracum varies in color from light brown, yellow, or olive, and becoming dark brown in older individuals. The shell is typically rayless, smooth, and very shiny. Both anterior and posterior ends of the shell are rounded. Young fat pocketbook shells may have a few faint ridges on the umbo as well as have a small posterior wing present, but these characteristics are not necessarily visible in older individuals. The umbos are greatly inflated, elevated above the hinge line, and turned inward. The fat pocketbook is known to grow to a length of 5 inches. Internal morphology includes two pseudocardinal teeth in each valve, and both are thin, compressed, and elevated. There are two lateral teeth in the left valve and one in the right valve. Lateral teeth are thin and greatly curved in both valves. The nacre is bluish white and often iridescent; however, it may include some pink or salmon color in some specimens (Cummings and Mayer 1992).

Pink mucket

The pink mucket (*Lampsilis abrupta*) was listed as an endangered species on June 14, 1976 (Code of Federal Regulations 1976). No critical habitat has been designated for this species.

The pink mucket is a medium-sized mussel, growing to a length of approximately 4.5-5in. The shells are subquadrate or circular in shape and become thick and heavy in mature individuals. Anterior edges of the shells are rounded, with slightly curved dorsal and ventral margins. The posterior margins of the shells in females are slightly rounded to straight; shells of the males are rounded or bluntly pointed. A well-defined posterior ridge is present in the males. Color of the outer shell surface (periostracum) varies from light yellow or yellowish-brown to dark brown, occasionally marked with broken fine to fairly wide dark green rays. The color of the inner shell surface (nacre) varies from white to pink to salmon in color, with the posterior margin being iridescent (Parmalee and Bogan 1998)

Orangetfoot pimpleback

The orangetfoot pimpleback (*Plethobasus cooperianus*) is an Ohioan species (i.e., Interior Basin) species. Records are only known from the Ohio River basin. It was officially listed as an endangered species on July 14, 1976 (Code of Federal Regulations 1976). No critical habitat has been designated for this species.

The orangetfoot pimpleback is a medium-sized mussel, growing to a length of approximately 3.5 inches. The shell is circular or sub-triangular in shape, with prominent beaks that are directed anteriorly. The periostracum is brown to reddish-brown and the surface of the shell is marked by concentric growth lines. The posterior two-thirds of the shell are covered with numerous raised, irregular pustules (Parmalee and Bogan 1998). Nacre color varies from white to pink inside the pallial line, being more intense toward the hinge-teeth (Bogan and Parmalee 1983).

Sheepnose

The sheepnose is a recently federally listed species (Federal Register 2012). Critical habitat for this species has not yet been designated but will be determined within a year after the final listing rule.

The following taxonomic and descriptive information is summarized from the status review of this species (Butler, 2003). The sheepsnose was described by Constantine Rafinesque in 1820. The type locality is the Falls of the Ohio River near Louisville, Kentucky and adjacent Indiana.

The following description is generally summarized from Parmalee and Bogan (1998). This medium sized mussel reaches nearly 5.5 inches in length, and the shape of the shell is elongate ovate, moderately inflated, with the valves thick and solid. The anterior end of the shell is rounded and the posterior is truncate to bluntly pointed. The posterior ridge is gently rounded and flattened ventrally, and there is generally a row of large, broad tubercular swelling on the center of the shell extending from the beak to the ventral margin. A shallow sulcus lies between the posterior ridge and central swellings. Beaks are high and located near the anterior margin. In young individuals the periostracum is often light yellow to yellowish brown, becoming darker with age. The beak cavity is shallow to moderately deep and generally white in color. The right valve contains a large triangular pseudocardinal tooth and the lateral teeth are heavy, long and slightly curved.

Life History

fat pocketbook

The fat pocketbook is a filter-feeding species from the Unionidea family. The fat pocketbook occurs primarily in sand and mud substrates, although the species has been found in fine gravel and hard clay occasionally (Parmalee 1967, Bates and Dennis 1983, Clarke 1985). The species occurs at water depths that range from a few inches to several feet (Parmalee 1967). The life cycle of the fat pocketbook is similar to that of other freshwater mussels, in which the glochidia (larvae) require a fish host to transform to the juvenile stage. Larval mussels must attach to a host (usually on a fish gill) where they metamorphose into free-living individuals called juveniles. The fat pocketbook is a long-term brooder, with females becoming gravid in the fall, retaining glochidia over winter, and releasing the progeny during spring and summer. The freshwater drum is the primary host fish for the species (Barnhart 1997, Watters 2007).

The fat pocketbook is a large-river species that is typically found in slow-flowing water with a mud (silt/clay), sand, or gravel substrate, at depths of a few inches to eight or more feet (USFWS 1997, Cummings and Mayer 1992, USFWS 1989, EA 2007, Parmalee 1967). In the St. Francis River in Arkansas and lower Wabash River, fat pocketbooks have been found to utilize sand, mud and fine gravel substrates (Bates and Dennis 1983, Clarke 1985). The fat pocketbook is known to exist in 200 miles of the St. Francis River watershed, which includes man-made ditches, bayous, and sloughs. These habitat types are characterized as depositional areas with slow-moving water, and surveys of the St. Francis River watershed indicate that the fat pocketbook is surviving and reproducing in these conditions (Miller and Payne 2005). The reproductive strategy of the fat pocketbook is not known, but it is suspected to be a long-term brooder (bradytetic), which holds glochidia through the winter and releases them in the spring of the year (USFWS 1989). Several unpublished studies since the species Recovery Plan have reported that fat pocketbook glochidia successfully transformed on the freshwater drum (*Aphodinotus grunniens*) (Watters 1994, Barnhart 1996, Barnhart and Roberts 1996, Barnhart and

Riusech 1997). Barnhart (1997) found that fat pocketbook transformed only on freshwater drum among 29 fish species tested.

Pink mucket

The pink mucket inhabits areas in large rivers with swift currents, depths of 1.6 ft to 26.2 ft, and mixed sand/gravel/cobble substrate. Notwithstanding this, the pink mucket appears to have adapted to reservoir-type conditions in the upper reaches of some impoundments. This species is a long term brooder with a life span greater than 20 years. Females become gravid by age three and brood glochidia from August through June of the following year (Hubbs 2010b).

Reproduction is likely similar to other freshwater mussels. Males release sperm into the water column; the sperm are taken in by females during normal siphoning activity. Fertilized eggs are retained in specially modified gills (marsupia) until the larvae (glochidia) are fully developed. Once released, the glochidia must attach to the gills or fins of an appropriate fish host. They encyst and metamorphose into juvenile mussels. Fully developed juveniles drop from the fish host and settle to the river bottom. The glochidia are undescribed. Freshwater mussels feed by siphoning food items that drift in the water column. The pink mucket likely feeds on items similar to other mussel species including algae, zooplankton, diatoms, and detritus.

Host fishes identified through laboratory induced infections include largemouth bass (*Micropterus salmoides*), smallmouth bass (*Micropterus dolomieu*), spotted bass (*Micropterus punctulatus*), and walleye (*Sander vitreus*) (Barnhart et al. 1997) as well as white crappie (*Pomoxis annularis*) and sauger (*Sander canadense*) (J.B. Layzer and L.M. Madison, USGS, from pers. comm., in Williams et al. 2008). The use of large piscivorous fishes for hosts is consistent with the presence of a fish-like mantle lure in the pink mucket (Barnhart et al. 1997). Freshwater drum (*Aplodinotus grunniens*) was erroneously cited as being a host by Fuller (1974).

The pink mucket often inhabits regulated rivers, particularly those navigational waters modified by locks and dams. Although not reservoir tolerant *per se*, it is found in tailwaters having good riverine-quality habitat (generally rocky substrates swept free of excessive fine sediment deposits by adequate currents). Reservoir conditions (characterized by slackwater, low oxygen, and heavy silt deposition) are not conducive for its survival and population sustainability. However, its host fishes are more habitat generalists, being commonly found in reservoir, tailwater, and riverine habitats.

The mobility of its hosts and/or host fish tolerance for habitats unsuitable for the pink mucket may partially account for sometimes seemingly disjunct records of the mussel in streams like the Paint Rock River in Alabama, the Bourbeuse River in Missouri, and Bear Creek in Mississippi. It is possible that these highly sporadic occurrences in otherwise well-sampled streams do not actually represent populations but are merely occurrences of low-probability events (e.g., having a highly mobile host fish carry juveniles spawned from a nearby source population shed post-metamorphosed pink mucket into suitable habitat). Without a readily accessible source population (Tennessee River, Guntersville Dam tailwaters for Paint Rock River; Tennessee River, Wilson Dam tailwaters for Bear Creek; and Meramec River for Bourbeuse and Big Rivers), the pink mucket could possibly not exist in these streams.

Using the growth ring method, qualitative age estimations from external shell growth-rest ring counts (Neves and Moyer 1988) from 36 individuals collected from Osage River, Missouri suggests that the pink mucket has a lifespan of at least 36 years (Ecological Services Inc. 2003). It is probable the species lives several years longer considering that the growth ring method typically underestimates age compared to quantitative age determinations (thin sectioning shells) and that the older the specimen the greater the underestimate of age (Neves and Moyer 1988). Unfortunately, no empirical age data exists from thin sectioning pink mucket shells.

An experimental pond propagation study took place in early 2006 using pink mucket stock from Pickwick Landing Dam tailwater in the Tennessee River, Tennessee, and sheds light on aspects of its early life history (Don Hubbs 2009). Host fish (largemouth bass) were infested with mature glochidia teased out of a gravid female pink mucket and contained in a small pond enclosure. By late summer 2006, six juvenile individuals that had survived post-metamorphosis were released into an enclosure in their parent tailwaters to monitor survival, growth, and sexual activity. After approximately 20 months, they had all survived and grown from approximately 0.9 in length at the time of translocation to a range of 2.2-2.7 in, and were beginning to develop sexual dimorphic shell characters (apparently four females and two males). A reassessment of the grow-out experiment in March 2009 when the mussels were approaching age 3 found 100% survival and that there were indeed four females and two males. The females all had charged gills (whether with eggs or glochidia was unknown) and had grown to a length range of 2.4-2.8 in, while the males were larger at 3.1 and 3.2 in (Bob Butler 2010). From this age and growth data, it appears that at least female pink mucket reach sexual maturity at age 2+. Growth is rapid for the first few years, especially in males. In general, mussel growth slows considerably after the first few years, presumably when individuals become fully mature, with energy instead going towards gamete production and development (Baird 2000).

Orangefoot pimpleback

The orangefoot pimpleback is found in medium to large rivers with sand and gravel substrates (USFWS 1984). The reproductive cycle of the orangefoot pimpleback is likely similar to that of other native freshwater mussels. Males release sperm into the water column; the sperm are then taken in by the females through their siphons during feeding and respiration. The females retain the fertilized eggs in their gills until the larvae (glochidia) fully develop. The mussel glochidia are released into the water, and within a few days they must attach to the appropriate species of fish, which they parasitize for a short time while they develop into juvenile mussels. The orangefoot pimpleback is likely a short term brooder with spawning occurring in the spring and release of glochidia during summer months (USFWS 1984). Wilson and Clark (1914) collected two gravid females in early June. Uterback (1915) reported the orangefoot pimpleback to be a summer breeder and Yokley (1972a) observed one specimen with gills charged in August.

The glochidia of the orangefoot pimpleback have not been described, but the sexual glands and soft parts are usually pinkish in color and also grayish or brown (USFWS 1984). The glochidia have been observed to be pale orange in June (Hubbs 2010b). It is probable that the glochidia are semi-oval, and hookless, similar to those in the closely related species, sheepsnose (*Plethobasus cyphus*) (Ortmann 1912, 1919).

Specific glochidial hosts for this species are unknown; however, the sauger (*Stizostedion canadense*) is reported by Sarber (1913) and Wilson (1916) to be the fish host for the orangefoot pimpleback. The Kentucky Department of Fish and Wildlife Resources, under the direction of Dr. Monte McGregor is planning studies to identify the species' fish host(s) and other life history aspects, and is maintaining captive individuals at their Center for Mollusk Conservation in Frankfort, Kentucky.

Sheepnose

The life history information is summarized from the status review of this species (Butler 2003). Thick shelled, larger river mussels such as the sheepnose are thought to live longer than other species. The life span of the sheepnose is thought to be about 21 to 25 years. The reproductive cycle of the sheepnose is likely similar to that of other native freshwater mussels. As with most mussel species the sheepnose has separate sexes. Age at sexual maturity is unknown but is estimated at about 3 years. Female sheepnose utilize only the outer pair of gills as marsupium for its glochidia, and is considered to be a short-term brooder with most reproduction taking place in early summer (Parmalee and Bogan 1998). Glochidia are released in the form of conglutinates, which are narrow and lanceolate in outline, solid and red in color, and discharged in unbroken form (Oesch 1984). Several score to a few hundred glochidia probably occur in each conglutinate. Total fecundity per female sheepnose is probably in the tens of thousands.

Glochidia must come into contact with a specific host fish(es) to survive and develop further. Little is known regarding the host fish for the sheepnose but one known host is the sauger, *Stizostedion canadense*. It is possible that other fish species may also serve as a suitable host. Newly metamorphosed juveniles drop off the host and begin a free living existence on the stream bottom.

The following habitat requirements of the sheepnose are summarized from Oesch (1984) and Parmalee and Bogan (1998). The sheepnose is primarily a larger stream species, usually occurring in shallow shoal habitats with moderate to swift currents over coarse sand and gravel. Habitats also may have mud, cobble, and boulders, and it may occur in deep runs.

Historical and current distribution information on the sheepnose is summarized from Butler (2003). The sheepnose historically occurred throughout much of the Mississippi River system with the exception of the upper Missouri River system and most lowland tributaries in the lower Mississippi River system. This species is known from the Mississippi, Ohio, Cumberland, Tennessee River main stems, and scores of tributary streams rangewide. It historically occurred in at least 77 streams in 15 states. The current distribution includes 26 streams in 14 states. The sheepnose has been eliminated from about two-thirds of the total number of streams from which it was historically known (26 streams currently compared to 77 streams historically), and has been eliminated from long reaches in streams in which it currently occurs. The sheepnose was historically known from 28 streams in the Ohio River system. Currently, only 11 streams are thought to have extant populations. The sheepnose was historically documented from the entire length of the Ohio River. The sheepnose has been recently recorded from the main stem Ohio River downstream of Paducah, and in several locations in the Tennessee River downstream of Kentucky Dam.

Population dynamics

Population size - fat pocketbook

Little is known on the population dynamics of the fat pocketbook, however, relatively dense populations do occur in portions of the St. Francis River drainage in Arkansas and Missouri, and sporadically elsewhere, but extensive surveys have not been conducted. Surveys conducted within the last 5-10 years in the lower Ohio River that have recorded this species, are usually targeted at specific projects (e.g., fleeing areas, loading/unloading facilities, Corps dredging needs, and sand and gravel dredging operations), or records have been obtained from commercial mussel fishermen working that portion of the lower Ohio River near Paducah, Kentucky, and Metropolis, Illinois. Based on these more recent records, it appears the fat pocketbook may be somewhat more common than previously believed in this reach of river, but no quantitative assessment is available. Many of these records are of young individuals (i.e., <5 years), so it is apparent the species has been able to successfully recruit in recent years.

Population size - pink mucket

Despite its wide range in historical times, the pink mucket has apparently always been an uncommon species (Ortmann 1919, Johnson 1980, USFWS 1985b). Most literature records report very low population numbers. In addition, only 11 of 232 Ohio State University Museum of Zoology (OSUM) pink mucket records rangewide, over several decades, contained more than 10 specimens. All 11 of these OSUM lots represented collections made ca. 1980 from commercial sheller's cull piles in lower Tennessee and middle Cumberland Rivers, meaning the records represented protracted spatial and temporal collections from harvesting along several mile river reaches over extended collecting periods (L.M. Koch 2009).

Pink muckets collected during surveys tend to be large, old adult animals. Smaller juveniles or subadults are rarely if ever found in the vast majority of populations, despite recent quantitative quadrat sampling in several streams. If the species' rate of recruitment is characteristically very low (which there is no empirical data to support), this would at least partially explain the typical lack of evidence for recruitment that most populations exhibit. It is entirely possible that many of the populations now considered extant have recruitment rates that are below population maintenance levels if they don't suffer from outright recruitment failure. Below population maintenance levels indicate that a population is below the threshold of sustainability and that the population is in decline. Unless this downward population trend is arrested or reversed, the ultimate result will be extirpation. Considering the advanced age the pink mucket attains (36+ years), non-recruiting populations may take decades to become extirpated. Therefore, it may not be known whether most populations are viable or not for many years to come (Bob Butler 2010).

The tendency of pink muckets to inhabit larger streams and oftentimes deeper water habitats may partially account for apparent rareness, since most collectors historically were unable to sample these habitats effectively. But recruitment rates may play a significant role in dictating relative population size. Current pink mucket recruitment rates would appear to be very low given the scant evidence we have for the presence of juveniles in many populations and despite considerable effort expended conducting quantitative sampling. Considering the species

longevity and the fact that it has always appeared to be an uncommon species, it is possible that recruitment rates are naturally low for pink mucket. If true, having a low rate of recruitment would make populations inherently more susceptible to extirpation when factors act in concert to further compromise the already low recruitment level (Bob Butler 2010).

A contributing factor to the pink mucket being a rare species, is the fact that its inhabited range is a fraction of what it was historically (over a 100 years ago), having lost several thousand miles of large river habitat to habitat degradation. Considering the huge loss of range, it is likely the current total population size of pink mucket represents a small proportion of its historical numbers. Unfortunately, very little quantifiable information is available for estimating population size for this species either historically or currently (Bob Butler 2010).

Population size - orangefoot pimpleback

Historical records for the orangefoot pimpleback indicate this species is strictly an Ohioan or Interior Basin species (i.e., Ohio, Cumberland and Tennessee river drainages) (Ortmann, 1919). Populations of the orangefoot pimpleback continue to occur in the lower Ohio River and in the Tennessee River, while the best remaining population of the species occurs in the lower, free-flowing reach of the Ohio River, and in the riverine portion of Kentucky Lake downstream of Pickwick Landing Dam in Tennessee.

Hubbs (2010b) recently collected two individuals from the Pickwick Landing Dam tailwater that were approximately seven years in age, demonstrating recruitment in this Tennessee River population of the orangefoot pimpleback. It is not known if any genetic interchange is occurring between the two populations in the Ohio and Tennessee Rivers. The Cumberland River does not currently contain a known viable population of the species, but individuals may still exist there in low numbers (Widlak 2010).

No new populations of orangefoot pimpleback have been discovered and populations have not yet been reestablished in historic habitat. The lower French Broad River and lower Holston River have, however, been recently designated for establishment of nonessential experimental populations of the species. When the orangefoot pimpleback is collected during surveys, older, often eroded, adult specimens of this species are sampled (Widlak 2010).

Population size - sheepsnose

The information below is summarized from the status review of this species by Butler (2003). The sheepsnose, although widespread in many Mississippi River system streams was rarely very common. Archaeological evidence on relative abundance indicates that it has been an uncommon or even rare species in many streams for centuries. Museum collections of this species, with few exceptions, are almost always small. Fair numbers were recorded historically from the upper Muskingum River system in Ohio, and the lower Wabash River. Cummings and Mayer (1992) considered it 'rare throughout its range'. The sheepsnose has experienced a significant reduction in range and most of its populations are disjunct, isolated, and appear to be declining rangewide. The extirpation of the sheepsnose from over 50 streams within its historical range indicates substantial population losses have occurred. In the vast majority of streams with extant populations, it appears to be uncommon at best. Small population size and/or restricted

stream reaches of current occurrences are currently the norm. No new populations of sheepsnose have been discovered and populations have not yet been reestablished in historic habitat.

Population variability - fat pocketbook

Little is known on the population variability of the fat pocketbook; however, in recent years in the lower Ohio River, young individuals may comprise the majority of a population. Densities are often so low that only a few individuals of various age groups comprise the population.

Population variability - pink mucket

Little is known on the population variability of the pink mucket. Few individuals are observed during survey efforts, making it difficult to accurately assess populations. Densities are often so low that only a few individuals may comprise a population.

Population variability - orangefoot pimpleback

This species is considered extremely rare wherever it is found. Little is known on the population variability of the orangefoot pimpleback. Few individuals are observed during survey efforts, making it difficult to accurately assess populations. In the Tennessee River, the Pickwick Landing Dam tailwater supports the only known population in which recent recruitment has been observed. The Tennessee Wildlife Resources Agency collected a seven year old individual at TRM 170 in the vicinity of Swallow Bluff Island in 2009. Finding mussels of this early age indicates that some level of recruitment is occurring in this reach of the Tennessee River (Don Hubbs 2010a). During a June 17-21, 2008 pre-project survey at TRM 160.7, one orangefoot pimpleback was collected and comprised <0.001 percent of the total species composition (11,090 native mussels, representing 17 species) (Shaw 2010).

Population variability - sheepsnose

This species is considered extremely rare wherever it is found. Little is known on the population variability of the sheepsnose. Few individuals are observed during survey efforts, making it difficult to accurately assess populations.

Population stability - fat pocketbook

The stability of fat pocketbook populations is not well known; however, there have been examples of this species recolonizing areas that have been dredged in ditches in Arkansas. In most locations, the presence of fat pocketbooks is evident from occasional individuals or a few individuals recorded. In the Ohio River, the low numbers typically encountered during mussel surveys, is of little value other than indicating the species may be existing in a certain area over a relatively long period of time.

Population stability - pink mucket

The stability of pink mucket populations is not well known. In most locations where this species appears to be present, the presence of pink muckets is evident from occasional individuals or only a few individuals recorded. In the Ohio River, the low numbers typically encountered during mussel surveys, is of little value other than indicating the species may be existing in a certain area over a relatively long period of time.

Population stability - orangefoot pimpleback

The stability of orangefoot pimpleback populations is not well known. In most locations where this species appears to be present, the presence of orangefoot pimplebacks is evident from occasional individuals or only a few individuals recorded. In the Ohio River, the low numbers typically encountered during mussel surveys, is of little value other than indicating the species may be existing in a certain area over a relatively long period of time.

Population stability - sheepsnose

The stability of sheepsnose populations is not well known. In most locations where this species appears to be present, the presence of sheepsnose is evident from occasional individuals or only a few individuals recorded. In the lower Ohio River and lower Tennessee River downstream of Kentucky Dam, the low numbers typically encountered during mussel surveys is of little value other than indicating the species may exist in a certain area over a relatively long period of time.

Status and distribution

Reasons for listing - fat pocketbook

The primary causes for the decline of the fat pocketbook in its historic range are from navigation (e.g., maintenance dredging) and flood control activities on the rivers where it was once found (USFWS 1989). Channel dredging is a direct impact that physically removes fat pocketbooks from their habitat. Dredging activities can affect aquatic systems both: physically (e.g., accelerated erosion, decreased habitat diversity, increased bedload, and increased habitat instability) and biologically (e.g., altered behavior of host fish from changing flow patterns, decreased biomass, and altered species composition and abundance) (USEPA 2007). Construction of impoundments for flood control in the river basins in which fat pocketbook had been collected has caused a loss of fat pocketbook habitat from inundation, changes in flow distributions, and sedimentation. Reductions in water quality (metals, pesticides, and other pollutants) from point source discharges also have likely affected mussel populations. However, with the implementation of the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System in 1972, industrial discharges have been regulated, and point source pollutants have significantly declined in the large river systems, in which the fat pocketbook is reported. Non-point source pollution (stormwater runoff that includes complex mixtures of pesticides, fecal coliform bacteria, metals, suspended solids, and pharmaceuticals) may also have had a negative impact on mussel populations downstream of agricultural and urban areas, although the possible effects have not been adequately researched. Other causative factors in the decline of the fat pocketbook include competition of food and habitat resources with the invasive zebra mussel (*Dreissena polymorpha*) in some portions of their range (NPS 2006, Hunter et al. 1996, Scholessner et al. 1996). Zebra mussels were found to be a contributing factor in the decline of unionids located downstream of the Belleville Locks and Dam (EA 2005).

Reasons for listing - pink mucket

The recovery plan for the pink mucket provides reasons for listing this species including: impoundments, siltation, and pollution (USFWS 1985b). Impoundments alter flow, temperature regimes, and water quality and habitat conditions creating conditions unsuitable for riverine

mussels and/or their host fish. Siltation can increase turbidity which irritates or clogs the gills of mussels and can even physically smother the animal. Mussel life cycles can be affected indirectly from siltation by impacting host fish populations (e.g., smothering fish eggs or larvae, reducing food availability, etc.). Various forms of pollution from municipal, agricultural, and industrial sources can impact mussels in a variety of ways. Currently, the vast majority of the pink mucket's historical range has been altered and no longer offers suitable habitat (approximately an 80% loss). Despite the relatively large number of extant populations for a federally listed mussel, the total population size for pink mucket, although undetermined, appears to be relatively small based on significant loss of total range, infrequent occurrence in otherwise suitable habitat, very low relative abundance compared to other mussels, and overall rarity of the species). With few exceptions, its 29 extant populations are: 1) invariably small (rarely are more than one or two individuals found per sample and a third of its populations are known from only one or two animals collected over the past 25 years), 2) characteristically rare (having low relative abundance), 3) sporadically or occasionally distributed (despite the extent of seemingly suitable habitat it is very patchy in distribution and occurrence), 4) generally limited in linear extent (most less than 30 RMs), and typically lacking evidence for recent recruitment (despite considerable quantitative sampling efforts). With many disjunct populations and its overall scarcity, the species is highly susceptible to localized extirpations from the genetic implications of extremely low population size and because of threats that are extremely difficult if not impossible to control. Stochastic events are a real concern for all populations, particularly reach-limited ones and those associated with navigation channels and other major transportation arteries (Bob Butler 2010).

Reasons for listing - orangefoot pimpleback

The recovery plan for the orangefoot pimpleback provides reasons for listing this species including: impoundments, siltation, and pollution. Impoundments alter flow, temperature regimes, and water quality and habitat conditions creating conditions unsuitable for riverine mussels and/or their host fish. Siltation can increase turbidity which irritates or clogs the gills of mussels and can even physically smother the animal. Mussel life cycles can be affected indirectly from siltation by impacting host fish populations (e.g., smothering fish eggs or larvae, reducing food availability, etc.). Various forms of pollution from municipal, agricultural, and industrial sources can impact mussels in a variety of ways. The orangefoot pimpleback is an extremely rare mussel. Generally, only one or two individuals are collected, if any, in suitable habitat supporting an abundance of other mussel species. Historically, it had a relatively restricted distribution in that the species was only reported from the Ohio, Tennessee and Cumberland rivers and their larger tributary streams (USFWS 1984). Alteration and destruction of habitat, due to creation of impoundments for flood control, navigation, hydroelectric power production and recreation, and activities resulting in siltation which affected substrate quality (e.g., navigation traffic, sand and gravel mining), led to the listing of the orangefoot pimpleback; these impacts continue to affect the species' habitat (USFWS 1984; James Widlak 2010). The orangefoot pimpleback is not a species that is collected for commercial purposes; however, commercial mussel harvest may have contributed to some decline in populations due to the species being unintentionally collected along with commercially valuable species. However, these impacts are believed to be minor in regards to declining population levels (Widlak 2010).

Reasons for listing - sheepsnose

The following summary is primarily from Butler (2003). The sheepsnose has experienced a significant reduction in range and most of its populations are disjunct, isolated, and appear to be declining rangewide. The extirpation of the sheepsnose from over 50 streams within its historical range indicates substantial population losses have occurred. The decline of the sheepsnose is primarily the result of habitat loss and degradation from impoundments, sedimentation, and pollution. Chief among the causes of decline are impoundments, channelization, chemical contaminants, mining, and sedimentation. Impoundments result in the modification of riffle and shoal habitats and the resulting loss of mussel resources, especially in larger rivers. Dams interrupt most of a river's ecological processes by modifying flood pulses; controlling impounded water elevations; altering water flow, sediments, nutrients, and energy inputs and outputs; increasing depth; decreasing habitat heterogeneity; decreasing stability due to subsequent sedimentation; blocking host fish passage; and isolating mussel populations from fish hosts. Even small low-head dams can have some of these effects on mussels. In addition, dams can alter downstream water quality and habitat. Population losses due to impoundments have probably contributed more to the decline and imperilment of the sheepsnose than any other single factor. Channelization and dredging activities have also altered riverine habitats nationwide. Gravel mining activities may be a localized threat in some streams with extant sheepsnose populations. Chemical contaminants contained in point and non-point discharges can degrade water and substrate quality impacting mussel populations and may be most profound on juvenile mussels. Various forms of pollution from municipal, agricultural, and industrial sources can impact mussels in a variety of ways. Siltation can increase turbidity which irritates or clogs the gills of mussels and can even physically smother the animal. Mussel life cycles can be affected indirectly from siltation by impacting host fish populations (e.g., smothering fish eggs or larvae, reducing food availability, etc.). Currently, the vast majority of the historical range of the sheepsnose has been altered and no longer offers suitable habitat. With few exceptions, extant populations are: 1) invariably small (rarely are more than one or two individuals found per sample), 2) characteristically rare (having low relative abundance), 3) sporadically or occasionally distributed (despite the extent of seemingly suitable habitat it is very patchy in distribution and occurrence), and 4) generally limited in linear extent, and typically lacking evidence for recent recruitment. With many disjunct populations and its overall scarcity, the species is highly susceptible to localized extirpations from the genetic implications of extremely low population size and because of threats that are extremely difficult if not impossible to control. Stochastic events are a real concern for all populations, particularly reach-limited populations and those associated with navigation channels and other major transportation arteries. Other threats include exotic species, such as Asian clams, zebra mussels, and Asian carp.

Rangewide trend - fat pocketbook

Although the fat pocketbook was historically widespread within much of its original range, populations of this species and its range have declined in the last 50 years. The main reason for decline of the species is channelization, impoundment and dredging of rivers, but contributing factors include siltation and pollution, and possibly range reductions of fish hosts (USFWS 1989, 1997). More recently, infestations of the exotic invasive zebra mussel are contributing to the decline of all native Unionid mussels (Layzer et. al. 1996, Ricciardi et. al. 1998). Because of the severe reduction in range of the species, the fat pocketbook was listed as an endangered species

on June 14, 1976. No estimate of the total population was included in the 1985 recovery plan (USFWS 1985a).

The historic range of the species includes the upper Mississippi River above St. Louis; the Ohio River; the Wabash and White Rivers in Indiana; the St. Francis, White, and Black Rivers in Arkansas; the Spoon and Illinois Rivers in Illinois; the Des Moines and Iowa Rivers in Iowa; the Cumberland River in Kentucky; and the Neosho River in Kansas. It was also reported in the Des Moines River (Missouri) and the Illinois River. Since 1970, it has been collected from the St. Francis River and Right Hand Chute Little River and drainage ditches associated with these streams in Arkansas and Missouri, the lower Wabash and White Rivers in Indiana, the lower Ohio River, lower Tennessee River and lower Cumberland River in Kentucky, and the upper Mississippi River. Live and fresh-dead fat pocketbook specimens have been found at various locations in the Mississippi River from the mouth of the St. Francis (MRM 669), above Helena, Arkansas, downstream to just below Vicksburg, Mississippi (MRM 427). Additionally, they have been found in abandoned channels within batture lands as far south as Natchez, Mississippi (MRM 385), however, there have been no main channel searches for the species below MRM 427 (Paul Hartfield, 2008). The species is present in low densities at appropriate sites in at least 300 miles of the Lower Mississippi River between Natchez, Mississippi, and Memphis, Tennessee (Paul Hartfield, 2008). A single fat pocketbook was collected in 2003 from the White River in Arkansas near river mile 11, the first collection in that river since the 1960's (Harris and Christian 2003). The largest viable population currently exists in the St. Francis River system (Arkansas); however, other viable populations likely exist in the Wabash, Ohio, or Cumberland Rivers (USFWS 1989, 1997). In 1987, during a survey of the unionid fauna of the Wabash River drainage, nine live fat pocketbooks were found in the lower part of the river. Subsequent surveys of the Wabash River detected populations of various sizes at sample sites from the confluence with the Ohio River upstream to Knox County, Indiana (Cummings et al. 1990). Based on the results of these surveys, the population of fat pocketbooks in the lower Wabash River appears to be viable and large relative to other sympatric mussels. Fresh dead specimens (e.g., surveyors collected shells from mussels that had recently died) have been found occasionally in the lower Ohio River (e.g., Ohio River miles 848 and 938) since the late 1980s. The fat pocketbook is currently known to occur in several locations in the lower Ohio River from J.T. Myers Lock and Dam (ORM 846) downstream to the mouth of the Ohio River (ORM 981), a reach of approximately 135 miles. However, in 2008 the fat pocketbook was recorded from the Ohio River near the mouth of the Green River, approximately 65 upstream of the J.T. Myers Lock and Dam. This 2008 record at Ohio River Mile 784 indicates the fat pocketbook also occurs in the J.T. Myers pool. It is not known to what extent this species is distributed in the J.T. Myers pool.

Range-wide trend – pink mucket

The pink mucket is an Ohioan species with possibly the widest range known for a listed mussel. It is a rare larger-stream mussel that was widely distributed historically in at least 48 large rivers in 12 states. Presently, known populations occur in the Barren River, Big River, Black River, Clinch River, Cumberland River, Current River, Gasconade River, Green River, Kanawha River, Little Black River, Meramec River, Ohio River, Osage River, Paint Rock River, and Tennessee River (USFWS 1985; Parmalee and Bogan 1998). Of these extant populations, only a few have shown recent evidence of recruitment. Some taxonomists have recently postulated that the reproducing populations west of the Mississippi River are not *Lampsilis abrupta*, but rather are

more closely related to another endangered species, the Higgins eye pearly mussel (*Lampsilis higginsi*). If this is true, then there are fewer known reproducing populations of *L. abrupta* than originally thought. Although it has a relatively wide distribution and is apparently more tolerant of reservoir-type habitat conditions than other listed mussel species, the pink mucket is reported to occur in low numbers where it occurs.

Currently, 29 populations are considered extant. With few exceptions, the 29 extant populations are extremely small and occur in relatively short river reaches despite the extent of seemingly suitable habitat in many streams. Further, over one-third of its populations deemed extant are very sporadic in occurrence and known from only one or two individuals collected over approximately the past 25 years (e.g., Licking, French Broad, Clinch, Paint Rock, Sac, Bourbeuse, St. Francis, Current, Eleven Point Rivers; Bear Creek). A majority of populations are essentially limited to discrete reaches making the species in these streams highly susceptible to elimination from catastrophic stochastic events (Bob Butler 2010).

Rangewide trend – orangefoot pimpleback

The orangefoot pimpleback was historically known from: the Ohio River (from western Pennsylvania to southern Indiana), the Wabash River (below Mt. Carmel, Illinois), the Cumberland River (from Cumberland County, Kentucky to near Nashville, Tennessee), the lower Clinch River (Anderson County, Tennessee) and the Tennessee River (near Knoxville to Benton County, Tennessee) and has also been reported from the Caney Fork, Holston, and French Broad Rivers in Tennessee, and the Green and Rough Rivers in Kentucky (NatureServe 2003). The largest known populations remain in the lower, free-flowing reach of the Ohio River downriver from the confluence of the Tennessee River at Paducah, and a short reach of the Tennessee River below Pickwick Landing Dam (USFWS 1984, Miller et al. 1986). The Cumberland River may continue to support individuals of the species, but none have been collected from that system in recent decades. The Service (Code of Federal Regulations 2007) is currently planning future releases of the orangefoot pimpleback into the lower French Broad and lower Holston Rivers Experimental Population Area, under a Nonessential Experimental Population designation to further the recovery and conservation of the species.

Live orangefoot pimplebacks have recently been recovered from commercial mussel harvesters in the vicinity of the lower Ohio River near Lock and Dam 52. Several of these individuals are currently being held by the KDFWR to be used for propagation and reintroduction purposes in the near future. Surveys of mussel beds in the lower Ohio River from July through October 2007 yielded 24 orangefoot pimplebacks (Widlak 2010). The IWRM collected a seven year old individual at TRM 170 in the vicinity of Swallow Bluff Island in 2009 and have collected several seven and eight year old orangefoot pimpleback mussels in the Pickwick Landing Dam tailwater in recent years, indicating that some level of recruitment is occurring in this reach of the Tennessee River. The orangefoot pimpleback also continues to be found in the lower Tennessee River downstream of Kentucky Dam, but no recruitment of the species has been recently noted in Kentucky waters (Lewis 2008). This individual, 3.1 inches in length, was discovered on June 18, 2008 during a pre-project survey of the proposed project area.

Range-wide trend – sheepsnose

The sheepsnose has experienced a significant reduction in range and most of its population are disjunct, isolated, and appear to be declining range-wide. It is extirpated from over 50 streams in its historical range. In the majority of streams with extant populations, the sheepsnose appears to be uncommon at best. Several extant populations are thought to exhibit some level of population viability; however, given its current distribution, abundance, and trend information, the sheepsnose appears to exhibit a high level of imperilment.

New threats

The zebra mussel, an exotic species that colonizes the shells of native mussels, is a relatively new threat to mussels including the fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose. It is present in the Ohio River and has been observed attached to native mussels, including these three species, and can restrict the ability of a mussel to move, feed, respire, and reproduce, especially if large numbers are present on the shell of the native mussel.

An additional new potential threat to both the rabbitsfoot and sheepsnose is a molluscivore (mollusk predator) fish, the black carp, *Mylopharyngodon piceus*. It has recently been recorded in the Mississippi River near the mouth of the Ohio River.

Analysis of the species/critical habitat likely to be affected

The fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose mussels are federally listed species likely to be adversely affected in the action area of this project. No critical habitat has been designated for these mussel species; therefore, none will be affected.

ENVIRONMENTAL BASELINE

Status of the species within the action area

A reconnaissance mussel survey was performed during August 5 - 8, 2008 in two portions of the river from near Ohio River Mile (ORM) 933.7 (Burnett Street Boat Ramp) and 934.7 (Schultz Park Expansion).

Fat pocketbook

The reconnaissance survey recorded a total of 21 live fat pocketbook mussels, six from the Burnett Street Boat Ramp area and 15 from the Schultz Park Expansion area. This species has also been recorded from other survey efforts within two to three miles both upstream and downstream of the action area. In the Ohio River, fat pocketbooks are known to occur primarily from the mouth of the Wabash River (ORM 848) downstream to the mouth of the Ohio River (ORM 981), a reach of approximately 133 miles; however, recent mussel surveys have extended the known distribution of this species in the Ohio River approximately 64 miles upstream of the mouth of the Wabash River to ORM 784 (Chad Lewis, 2008, personal communication). Throughout this portion of the Ohio River, the fat pocketbook is not evenly distributed and is likely to be found only in sites containing suitable habitat conditions. It is not known how much

suitable fat pocketbook habitat exists in the lower Ohio River. Mussel surveys that have been conducted in recent years in this 135-mile reach of river occasionally record the fat pocketbook; however, these surveys do not give a complete assessment of the available habitat or the status of the species. Surveys conducted within the last 5-10 years that have recorded this species are usually targeted at specific projects (e.g., floating areas, loading/unloading facilities, Corps dredging needs, and sand and gravel dredging operations), or records have been obtained from commercial mussel fishermen working that portion of the lower Ohio River near Paducah, Kentucky, and Metropolis, Illinois. Considering the widespread distribution of fat pocketbooks in the Mississippi River and certain tributaries to the Mississippi River, the Ohio River distribution is in itself a small subset of the overall range of this species.

Pink mucket

A reconnaissance mussel survey, such as was performed for the project, is not specifically intended or designed to detect extremely rare mussels such as the pink mucket, but it will usually provide sufficient information on the overall mussel assemblage and habitat that a determination can be made as to the likelihood such rare species could occur at the survey site. The reconnaissance mussel survey did not record any pink muckets; however, it is likely that the pink mucket occurs in the action area. The pink mucket has been recorded in the Ohio River within two to three miles of the action area, the mussel species assemblage in the action area is one in which the pink mucket is often associated, and portions of the action area contain suitable habitat.

Orangefoot pimpleback

A reconnaissance mussel survey, such as was performed for the project, is not specifically intended or designed to detect extremely rare mussels such as the orangefoot pimpleback, but it will usually provide sufficient information on the overall mussel assemblage and habitat that a determination can be made as to the likelihood such rare species could occur at the survey site. The reconnaissance mussel survey did not record any orangefoot pimpleback mussels; however, it is likely that this species occurs in the action area. The orangefoot pimpleback has been recorded in the Ohio River within two to three miles of the action area, the mussel species assemblage in the action area is one in which this species is often associated, and portions of the action area contain suitable habitat.

Sheepnose

A reconnaissance mussel survey, such as was performed for the project, is not specifically intended or designed to detect extremely rare mussels such as the sheepnose, but it will usually provide sufficient information on the overall mussel assemblage and habitat that a determination can be made as to the likelihood such rare species could occur at the survey site. The reconnaissance mussel survey did not record any sheepnose mussels; however, it is likely that this species occurs in the action area. The sheepnose has been recorded in the Ohio River downstream of the project site and occurs in the Tennessee River upstream of the project site within the action area as defined in this conference opinion.

Factors affecting species environment within the action area

The habitat conditions within the action area consist primarily of sand, soft silt over sand, and small areas of gravel and/ or clay. Other factors possibly affecting the species environment in the action area include runoff from agriculture activities which can increase turbidity and add sediment, including possible contaminants from urban runoff, dams which can affect host fish movement and habitat conditions, sewer outfalls, and industrial complexes located upstream in the Ohio, Cumberland, and Tennessee Rivers. Barge traffic will continue to operate in the river channel riverward of the project footprint; however, barge groundings or 'parking' on the shoreline is expected to cease once the project is constructed.

Previous Incidental Take Authorizations

Fat pocketbook

Sixteen prior formal consultations involving the fat pocketbook have involved the United States Army Corps of Engineers (USACE), Federal Highway Administration (FHWA) and United States Forest Service (USFS). However, the formal consultation with the USFS did not authorize any incidental take of fat pocketbooks. Of the fifteen biological opinions issued by the Service authorizing incidental take of fat pocketbooks, ten were issued to the USACE primarily for maintenance dredging activities, barge fleetings/loading/unloading facilities, for bank stabilization, levee setback and bridge construction activities. Five biological opinions authorizing incidental take were issued to the FHWA for bridge replacement and construction and for scour repair. These biological opinions were issued between 1999 and 2010. A summary of these formal consultations is discussed below and provided in Appendix A.

The fifteen incidental take statements have authorized the loss of about 1,148 individuals, an indeterminate number of small individuals, the relocation of more than 3,257 individuals, and the placement of nine gravid female fat pocketbooks into a propagation facility. Eight of the biological opinions authorized take of fat pocketbook from relocation. The largest relocation authorized by these biological opinions allowed the relocation of up to 3,000 individuals prior to the start of maintenance activities on Stateline Outlet Ditch in Arkansas. The actual relocation was performed in 2002 and involved the relocation of 2,042 fat pocketbooks. Results from a 2005 post-relocation survey of this reach found the area re-populated with fat pocketbooks and at densities higher than those found during the pre-impact survey.

Service programmatic biological opinions in Regions 3 and 4 regarding section 10(a)(1)(A) permits for mussel species, including fat pocketbook, anticipate the incidental take of five individuals per year, per permit. There have been two reports of incidental take in the form of injury or death reported by two permittees in Kentucky in recent years; both were for less than five individuals.

The amount of actual take of fat pocketbook associated with these biological opinions is difficult to determine for several reasons:

1. Young mussels are small and may be difficult to detect.

2. Quantitative assessments of the number of mussels in a dredge pile are time-consuming and costly and are, therefore, not routinely recommended.
3. Mussels are long-lived and have a complex life-cycle making assessment of indirect effects difficult (e.g. effects of water quality changes, long-term relocation effects, impacts to host species, etc.).

Despite the inherent difficulties associated with assessing the actual amount of take associated with projects impacting mussels and the uncertainties associated with the long-term impacts, the fat pocketbook appears to be doing well range-wide and within impacted reaches such as Arkansas' Stateline Outlet Ditch. This coupled with the recent discoveries of previously undocumented populations of fat pocketbook and the Service's internal analysis, the Service concludes that the aggregate effects of the activities and incidental take covered in previous biological opinions on the fat pocketbook have not degraded the overall conservation status (i.e., environmental baseline) of the fat pocketbook.

Pink mucket

Thirty-six prior formal consultations involving the pink mucket have involved the United States Army Corps of Engineers (USACE), Federal Highway Administration (FHWA), Federal Energy Regulatory Commission (FERC), U. S. Fish and Wildlife Service (USFWS), Tennessee Valley Authority (TVA), Nuclear Regulatory Commission (NRC), and Natural Resources Conservation Service (NRCS). A summary of these formal consultations is discussed below and provided in Appendix B.

The incidental take statements from the above mentioned consultations have authorized the loss of about 44.5 acres of habitat, 255 individuals, an indeterminate number of individuals from several consultations indicating all individuals will be taken within a project area, and the relocation of five individuals. The amount of actual take of pink muckets associated with these biological opinions is difficult to determine for several reasons:

1. Young mussels are small and may be difficult to detect.
2. Quantitative assessments of the number of mussels taken were not always given.
3. Mussels are long-lived and have a complex life-cycle making assessment of indirect effects difficult (e.g. effects of water quality changes, long-term relocation effects, impacts to host species, etc.).

Despite the inherent difficulties associated with assessing the actual amount of take associated with projects impacting mussels and the uncertainties associated with the long-term impacts, the pink mucket appears to be persisting range-wide. The Service concludes that the aggregate effects of the activities and incidental take covered in previous biological opinions on the pink mucket have not degraded the overall conservation status (i.e., environmental baseline) of the pink mucket.

Orangefoot pimpleback

Twenty prior formal consultations involving the orangefoot pimpleback have involved the United States Army Corps of Engineers (USACE), Federal Highway Administration (FHWA),

U. S. Fish and Wildlife Service (USFWS), and Tennessee Valley Authority (TVA). A summary of these formal consultations is discussed below and provided in Appendix C.

The incidental take statements from the above mentioned consultations have authorized the loss of about 14.5 acres of habitat, 76 individuals, and an indeterminate number of individuals from several consultations indicating an unknown number of individuals will be taken within a project area. The amount of actual take of orangefoot pimpleback mussels associated with these biological opinions is difficult to determine for several reasons:

1. Young mussels are small and may be difficult to detect.
2. Quantitative assessments of the number of mussels taken was not always given.
3. Mussels are long-lived and have a complex life-cycle making assessment of indirect effects difficult (e.g. effects of water quality changes, long-term relocation effects, impacts to host species, etc.).

Despite the inherent difficulties associated with assessing the actual amount of take associated with projects impacting mussels and the uncertainties associated with the long-term impacts, the orangefoot pimpleback mussel appears to be persisting in the lower Ohio River and selected portions of the Tennessee River in Kentucky and Tennessee. The Service concludes that the aggregate effects of the activities and incidental take covered in previous biological opinions on the orangefoot pimpleback have not degraded the overall conservation status (i.e., environmental baseline) of the orangefoot pimpleback.

Sheepnose

We are not aware of any incidental take authorizations for this species other than a Conference Opinion on the Paducah Riverfront Development Project, McCracken County, Kentucky and its effects on rabbitsfoot and sheepnose mussels, in a letter from the Service to Mr. John Ballantyne, U.S. Dept. of Transportation dated July 13, 2011, that is on file at the Kentucky Ecological Services Field Office in Frankfort, Kentucky. In that Conference Opinion take was provided for 7.5 acres of habitat and 5 sheepnose mussels.

EFFECTS OF THE ACTION

Factors to be considered

This section includes an analysis of the direct and indirect effects of the proposed action on the species and/or critical habitat and its interrelated and interdependent activities. While analyzing direct and indirect effects of the proposed action, the Service considered the following factors:

- Proximity of the action - We describe known species locations and designated critical habitat in relation to the action area and proposed action;
- Distribution - We describe where the proposed action will occur and the likely impacts of the activities;
- Timing - We describe the likely effects in relation to sensitive periods of the species' lifecycle;
- Nature of the effects - We describe how the effects of the action may be manifested in elements of a species' lifecycle, population size or variability, or distribution, and how individual animals may be affected;
- Duration - We describe whether the effects are short-term, long-term, or permanent;
- Disturbance frequency - We describe how the proposed action will be implemented in terms of the number of events per unit of time;
- Disturbance intensity - We describe the effect of the disturbance on a population or species; and
- Disturbance severity - We describe how long we expect the adverse effects to persist and how long it would take a population to recover.

Proximity of the action:

The proposed action will occur upstream of Lock and Dam 52 on the Kentucky side of the river near approximately Ohio River Mile 934.7 to 935.8, extending from the Kentucky shore out to the navigation channel. The proposed action area is known to contain fat pocketbooks and likely to contain pink muckets, sheepsnose, and orangefoot pimplebacks. Fat pocketbooks are known to be present in the project footprint portion of this reach in which a mussel survey was conducted. The pink mucket, orangefoot pimpleback, and sheepsnose likely occur within the project footprint and/or larger action area, because of their close proximity to the site, the occurrence of suitable habitat, and the associated mussel assemblage present in the action area.

Distribution:

Direct impacts to the fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose mussels and their habitats will most likely occur within the project footprint and in other portions of the action area downstream and riverward of the project footprint. It is expected that the greatest impacts will be from the new fill to provide the terrestrial area at the Schultz Park Expansion site. Other potential impacts will be from changes to the surrounding riverine habitat from flow changes due to the fill, the presence and operation of the marina, and boat traffic activity at and near the project sites.

Timing:

The proposed action can be divided into essentially two periods, a construction phase and an operation phase. Depending on when the actual construction occurs, the construction may impact the fat pocketbook, pink mucket, sheepsnose, and orangefoot pimpleback mussels during sensitive periods of their life cycle.

The fat pocketbook and pink mucket are thought to become gravid in the late summer or fall and brood glochidia over the winter (long-term brooders), and then release them in the spring. Sensitive periods (late summer-fall) for adults include the release of sperm into the water column and, for females, the fertilization of eggs and brooding of larvae as they transform into glochidia. Another sensitive period for female mussels is the time of release of glochidia and their attachment onto the fish host (spring-early summer). Sensitive periods for the juveniles include their attachment to exocystment from the fish host as they drop to the riverbed and establish themselves in the substrate (spring-early summer). All these sensitive periods of the fat pocketbook and pink mucket will certainly occur during the post-construction or operation period and into the foreseeable future. In addition, both the fat pocketbook and pink mucket may be impacted if fish host behavior and presence are affected by the construction and operation phases of the proposed action.

The orangefoot pimpleback and sheepsnose mussels are thought to become gravid during spring and/or summer, brood glochidia for a short period of time and release larvae in the late summer (short-term brooder). Sensitive periods in late spring-summer for adults, include the release of sperm into the water column and the fertilization of eggs and brooding of larvae. Another sensitive period for female mussels is the time of release of partially developed larvae or glochidia, and their attachment onto the fish host (summer). Sensitive periods for the juveniles include their attachment to the host fish and exocystment from the host fish as they drop to the riverbed and establish themselves in the substrate (summer). All these sensitive periods of the orangefoot pimpleback will certainly occur during the post-construction or operation period and into the foreseeable future. In addition, the orangefoot pimpleback may be impacted if fish host behavior and presence are affected by the construction and operation phases of the proposed action. The fish host for the orangefoot pimpleback is not known.

Nature of the effect:

It is likely that the proposed action will have a variety of effects on the fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose mussels. Any of the periods of these species life cycle can potentially be disturbed or disrupted by construction and/or operation activities, however, the construction phase of fill deposition and concomitant flow changes will likely be the greatest effect. For instance, any listed mussels remaining within the filled peninsula area will be killed. The operation phase of this project is likely to result in the (a) direct and/or indirect mortality of individual adults and juveniles from boat activity, (b) dislodgement of adults and/or juveniles due to flow alterations and/or navigation activity, (c) reduction or other modification in the availability of fish hosts that is caused by degradation/alteration of habitat and that may harm and/or harass individuals through interference with respiration, feeding, and reproduction, and (d) creation of turbidity and/or deposition of sediment that may directly and/or indirectly affect adults and/or juveniles by harm and/or harassment. In addition, these species

may be impacted if fish host behavior and presence is negatively affected by flow alterations, turbidity, or changes in sediment deposition.

Duration:

During the construction phase, potential impacts to the fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose will be direct and indirect, and remain for the duration of the construction. The effects of the operation phase are indeterminable, but any effects will likely be of a long-term duration. It is possible that the post-construction or operational phase will also result in changes to flows and other habitat conditions; however, the effects of these changes will not be known until sufficient monitoring reveals the extent and magnitude of the changes. The loss of habitat within the filled peninsula area will be permanent.

Disturbance frequency:

The construction phase disturbance will only occur once, but will result in a following unknown period of change. Any disturbances to the fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose produced during the operation phase are expected to occur on a regular basis with on-going boating activity. These disturbances (i.e., flow changes, increased turbidity, movement of sediment, etc.) are expected to occur over an unknown period of time as new flow conditions alter the makeup of the river's flow characteristics, sediment removal, and/or sediment transport/deposition patterns.

Disturbance intensity:

The disturbance intensity will likely be dissimilar throughout the action area and is expected to occasionally create habitat conditions that are unfavorable for the fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose.

Disturbance severity:

The disturbance severity of the fill portion of the construction phase is expected to be severe and permanent. The post-construction or operation phase is expected to primarily impact fat pocketbooks, pink muckets, orangefoot pimplebacks, and sheepsnose nearest the fill portion of the project, along the perimeter of the fill area, and in shallow water due to sedimentation. The recovery rate to these mussel species in this part of the action area is unknown. Taken as a whole, the overall disturbance severity is expected to be minor to the population of fat pocketbooks in the lower Ohio River and range-wide; minor to the pink mucket in the lower Ohio River and range-wide; and of unknown severity to the orangefoot pimpleback and sheepsnose in the lower Ohio River and range-wide.

Analyses for effects of the action

Beneficial effects:

No wholly beneficial effects have been identified or are expected to occur. The proposed action is expected to result in adverse effects on the fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose populations within the Shultz Park Expansion action area.

Direct effects:

Direct effects of the proposed action on the fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose include harassment, harm, and mortality from construction of the fill area, flow alterations resulting from the fill area, construction of the marina, and resultant boating activities within the Shultz Park Expansion action area. In the Shultz Park Expansion action area, a total of approximately 6.29 acres of mussel habitat will be directly impacted. This includes 3.49 acres of direct fill, 2.73 acres of potential sedimentation area, and 0.07 acres of anchor sites for the marina (Table 1). A portion of the project area at the Shultz Park Expansion area is known to be occupied by numerous mussel species including the fat pocketbook; and, it is likely the pink mucket, orangefoot pimpleback and sheepsnose occur also in this area. Table 1 shows the anticipated acreages affecting actual known mussel habitat based on mussel surveys conducted for this project. Table 1 also indicates that there are portions of the area of fill that will not likely impact federally listed mussels because no mussels are known to occur there.

It is estimated that a total of approximately 6.29 acres of habitat, 76 fat pocketbook, 2 pink mucket, 2 orangefoot pimpleback, and 2 sheepsnose mussels will be impacted by these activities.

Since the pink mucket, orangefoot pimpleback and sheepsnose mussel were not recorded in the survey at this site, the number of individuals provided above is considered, at best, an estimated number based on other mussel surveys conducted in the Tennessee River downstream of Kentucky Lock and Dam and in the lower Ohio River. Some of these surveys recorded the species, while others did not record these species (See section below titled: **Species' response to proposed action**).

Hydrodynamic processes were modeled for existing and proposed conditions by HCCL River Engineering (HCCL) to estimate the potential change in deposition and entrainment patterns of sediment particles as a result of the proposed Schultz Park Expansion landform. The *Hydrotechnical Considerations, Technical Brief*, prepared by HCCL, details the methodology and results of the model and is provided in the BA. The model was built using the original design for the Schultz Park Expansion which was located approximately 500 feet upstream of its currently proposed location. Due to the overall scale of the model/processes and the relatively minor changes to the overall park design, the results of the model are likely still applicable to the new location for the purposes of this biological opinion. Sediment transport potential (i.e., deposition and entrainment), presented as a mobility index, was estimated from bed shear values modeled over a range of river stage elevations for a range of sediment particle sizes. Mobility index values greater than 1.0 indicate potential particle entrainment whereas mobility index values of less than 1.0 indicate potential particle deposition. Because a wide range of hydrodynamic conditions were modeled, only the subset of results pertaining to potential mussel impacts was included in the BA. River stages and particle sizes considered relevant to potential effects on mussels encompass a typical annual hydrograph range (based on hydrograph data from 1990 to 2011) and particle sizes corresponding to suitable mussel habitat. These include river stages 304, 310, and 320 and for particle sizes of 0.1 millimeter (mm) (very fine sand), 1 mm (very coarse sand), 2 mm (very fine gravel), and 5 mm (fine gravel). Particle sizes greater than 5 mm, although representative of suitable mussel substrate, are not included in the results discussion because they were not mobile within the project area for existing or proposed conditions according to the model. A river stage of 304 feet is slightly greater than the normal

pool elevation of 302 feet whereas a river stage of 320 feet corresponds with an approximately 10% exceedance probability. The City of Paducah Action Stage is 318 feet and Flood Stage is 325 feet. It should be noted that river stage elevations and actual local reach conditions are complicated by the effects of the Smithland Lock and Dam, Lock and Dam 52 and the Kentucky Lake Dam controlling flows and water levels.

Other direct effects to the fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose include, but are not limited to, habitat modifications such as changes in flow and dissolved oxygen concentrations due to increased turbidity, and sediment deposition which could bury mussels, especially juveniles, and cause injury and/or mortality. These effects could also restrict mussel respiration (e.g., suffocation due to inability to purge sediment from gills), limit feeding (e.g., starvation due to inability to eliminate sediment), and interfere with reproduction (e.g., abortion from stress, host fish absence during critical reproductive periods). Direct effects of mussel relocation include harm, harassment and possible mortality due to the stress of being handled, processed, and relocated. These effects can result in premature release of sperm or aborted glochidia negatively impacting reproductive success. A trained biologist that holds a collection permit from either the Service or the Kentucky Department of Fish and Wildlife Resources, and who will accomplish any relocation work, will minimize some of these effects. In summary, the following direct effects are anticipated:

1. Mortality that is the result of a constructed fill area in occupied habitat. This action could damage, bury or crush fat pocketbook, pink mucket, sheepsnose, and orangefoot pimpleback mussels.
2. Harm resulting from the constructed fill area, marina construction and operation, and boating activities in occupied habitat may result in mussel dislodgement, increased turbidity, flow alterations, sediment removal, sediment deposition, and decreased dissolved oxygen levels. This may affect the ability of these mussel species to respire, reproduce, and feed. Direct physical harm (e.g., damaged shell or bruised animal) could result in the death of mussels.
3. Harassment in the form of induced stress including, but not limited to, displacement of mussels during construction activities, potential degradation of remaining/adjacent habitat, and handling of mussels during relocation. This harassment could result in decreased ability of these species to respire, reproduce, and feed.

All of these direct effects can lead to reduced population levels for these mussel species in this portion of the Ohio River, which, in turn, can reduce their reproductive capacity.

Interrelated and interdependent actions:

Interdependent and interrelated activities occur because of, or associated with, the proposed project activities. These activities would include potential harm from substrate disturbance from propeller wash, bank erosion from wave action, spills/debris as a result of increased boating traffic, and sediment disturbance from launching and extracting boats from the river.

Due to the depth of the river ($\geq 3\text{m}$) where these activities will take place and the relatively small watercraft that will be using the ramp, the effects of propeller wash are not likely to occur. If sediment disturbance were to occur, the suspended sediment would be deposited downstream and riverward of the boat ramp. Because the majority of mussels were located upstream and further from shore than the proposed boat ramp, any potential interdependent and interrelated effects from substrate disturbance are not likely to adversely affect the existing mussel assemblage.

Increased wave action on riverbanks and spills/debris at the proposed facilities could occur due to the anticipated increase in boating activity associated with the proposed boat ramp. While the anticipated wave action would likely cause riverbank erosion and sedimentation, riverbank stabilization measures are proposed to combat these effects. Mitigation measures to specifically address riverbank stabilization as approved in the 404/401 permits include 765 linear feet of riparian buffer restoration and preservation of the riparian restoration area through a permanent deed restriction. The proposed boat ramp property will be maintained and monitored by the City of Paducah. Maintenance activities will include regularly scheduled trash/debris cleanup, garbage collection, and general facility maintenance to prevent degradation of the property, facilities, and the Ohio River. Based on the proposed mitigation activities for riparian impacts and the anticipated maintenance and monitoring schedule for the proposed facilities, interrelated and interdependent effects from wave action and spills/debris are not likely to occur.

Indirect effects:

Indirect effects of this project on the fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose include changes in fish host behavior and/or presence that could impact the ability of glochidia to attach to the fish at the proper time when released from the female mussel, and changes in flow regimes and sediment transport in the action area. In summary, the following indirect effects are anticipated:

1. Mortality of adult and juvenile mussels that results from changes in the flow regime around the constructed fill area and marina, redistributing sediments that smother mussels due to new deposition, and/or that result in sediment loss creating instability and loss of habitat.
2. Harm in the form of decreased ability to respire, reproduce, and feed as a result of the redistribution of sediments resulting from changes in flow regimes and/or boating activities in occupied habitat. These activities may affect turbidity, flows, dissolved oxygen levels, and the presence of host fish during the future reproductive seasons of these mussel species.
3. Harassment in the form of induced stress including, but not limited to, potential degradation of habitat from changes in flow regimes, and handling of mussels during survey and monitoring activity. This harassment could result in the mussels decreased ability to respire, reproduce, and feed.

Species' response to a proposed action

Numbers of individuals/populations in the action area affected:

Fat pocketbook

Based on the mussel assemblage and habitat conditions recorded during the survey, it is likely fat pocketbooks occur in suitable habitat throughout the action area; however, they are not expected to be evenly distributed in the action area.

In the Burnett Street Boat Ramp portion of the action area we do not believe fat pocketbooks will be affected by the proposed action. In the Schultz Park Expansion portion of the action area, we estimate that about 76 fat pocketbook mussels are present. Fat pocketbook mussels occur in the densities of approximately 12 per acre within the Schultz Park Expansion portion footprint. The exact number of fat pocketbook mussels in the action area is unknown. However, the total number of fat pocketbooks estimated to occur in the Burnett Street Boat Ramp and Schultz Park Expansion portions of the action area is 76. This estimate was derived from the data collected in the mussel survey. We expect the proposed action to appreciably affect the overall fat pocketbook population in the Schultz Park Expansion portion of the action area, since 6.29 acres within the 13.55 acres of covered fill and sediment impacted area, is expected to be directly impacted. We expect the aforementioned indirect impacts to adversely affect a portion of the fat pocketbooks in the Schultz Park Expansion action area to an unknown extent; however, it is not possible to accurately determine (or quantify) the indirect effects to fat pocketbooks in this area.

Pink mucket, Orangefoot Pimpleback, and Sheepnose

Based on the mussel assemblage and habitat conditions recorded during the survey, it is likely the pink mucket, orangefoot pimpleback, and sheepnose occur in suitable habitat throughout the Burnett Street Boat Ramp and Schultz Park Expansion portions of the action area; however, they are not expected to be evenly distributed within this area. Since the mussel survey did not record any of these three species, the exact number of these mussels in this portion of the action area is currently unknown. We base our estimates below on other mussel surveys that have recently been performed in close proximity to this proposed action.

The total number of pink mucket, orangefoot pimpleback, and sheepnose estimated to occur in the Burnett Street Boat Ramp and Schultz Park Expansion portions of the action area is not possible to accurately determine. We do not expect the proposed action to affect these species in the Burnett Street Boat Ramp portion of the action area. We do expect the proposed action to affect the overall population of these three species in the Schultz Park Expansion portion of the action area. The covered fill area is estimated at 13.55 acres, of which 6.29 acres consists of likely mussel habitat where these three species may occur. We expect the aforementioned indirect impacts to adversely affect these three species in the Schultz Park Expansion portion of the action area to an unknown extent; however, it is not possible to accurately determine (or quantify) the indirect effects to these species in this area.

Sensitivity to change

The degree to which the fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose are prone to change when disturbed is unknown. These four species are thought to be relatively sedentary within the substrate. As a result, they are likely unable to respond to change by moving great distances; however, it is possible they could move several meters. When disturbed, mussels, in general, tend to close their valves for a period of time; however, this response will vary depending on the disturbance. Mussels exposed to disturbance events will likely close their valves when disturbed and remain closed if continued to be disturbed. They are not likely to move out of the area of disturbance on their own because of their inability to move great distances in a short period of time and because their valves will likely remain closed.

Resilience:

Resilience relates to the characteristics of populations or a species that allow them to recover from different magnitudes of disturbance. Assuming that the flow characteristics and habitat conditions in the action area are not appreciably changed, the magnitude of disturbance is expected to be low and resilience is not expected to change from its current level. However, this can only be determined through monitoring of the population and habitat over time.

Recovery rate:

In this biological opinion, the recovery rate relates to the time required for a fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose individual or population to return to equilibrium after exposure to a disturbance. Mussel populations are expected to continue to spawn and recruit new individuals into the population; however, the level of successful recruitment to the adult stage is unknown, especially in areas that may be subjected to repeated degradation (i.e., the shallow, near-shore areas). The recovery rate for these four mussel species is likely to vary within the action area.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future, State, tribal, local or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

Private actions in the vicinity of the action area are primarily urban and agriculture-related activities. We are reasonably certain these actions will continue and do not expect these activities to change appreciably in the future from current conditions. Effects from urban and agricultural activities on fat pocketbooks, pink muckets, orangefoot pimplebacks, and sheepsnose could include increased sediment deposition, turbidity, and herbicide/pesticide levels in localized portions of the Ohio River. However, these effects, if they are occurring, are indeterminable. Private boating and commercial navigation activities also occur in the Ohio River and are

expected to continue, but they are not expected to result in additional adverse effects even though they could potentially result in increased turbidity, physical disruption of habitat, and spills of petroleum products. Essentially, we cannot predict that these specific types of adverse effects will occur.

We are not aware of any other State, tribal or local actions to include under Cumulative effects.

CONCLUSION

After reviewing the current status of the fat pocketbook, pink mucket, orangefoot pimpleback, and sheepsnose, the environmental baseline for the action area, the effects of the proposed action and the cumulative effects, it is the Service's biological opinion that the proposed action is not likely to jeopardize the continued existence of these species, and is not likely to destroy or adversely modify designated critical habitat. At this time no critical habitat has been designated for these species; therefore, none will be affected.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulations pursuant to section 4(d) of the Act prohibit the take of endangered or threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

The measures described below are non-discretionary, and must be undertaken by the FHWA, Corps, and Service, so that they become binding conditions of any grant, permits or contracts, as appropriate, for the exemption in section 7(o)(2) to apply. The FHWA, Corps, and Service have a continuing duty to regulate the activity covered by this Incidental Take Statement. If the FHWA, Corps, and/or Service (1) fails to assume and implement the terms and conditions or (2) fails to require the Permittee to adhere to the terms and conditions of the Incidental Take Statement through enforceable terms that are added to the grant, permit or contract, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, the FHWA, Corps, and Service must report the progress of the action and its impact on the species to the Service as specified in the Incidental Take Statement [50 CFR § 402.14 (1)(3)].

AMOUNT OF TAKE EXPECTED

The Service expects that 6.29 acres of mussel habitat could be taken as a result of this proposed action. The 6.29 acres of habitat estimated to be taken includes 3.49 acres from direct fill, 2.73 acres of mussel habitat impacted by sedimentation, and 0.07 acres of habitat covered by marina anchors. Indirect impacts include marina construction and operation, potential long-term sedimentation, and habitat disturbance.

The Service expects that 76 fat pocketbook mussels, 2 pink mucket mussels, 2 orangefoot pimpleback mussels, and 2 sheepsnose will be taken as a result of this proposed action. The take provided for the pink mucket, orangefoot pimpleback, and sheepsnose is set low because these species were not recorded from the project footprint area; however, the Service believes it is likely that some or all of these species could occur in the project footprint area. If so, the take provided will likely account for any of these species taken due to this projects activity.

In the "Analyses for effects of the action" section above, the Service determined that the proposed action would result in incidental take through (a) direct mortality as a result of the Schultz Park expansion fill area and relocation of any fat pocketbook, pink mucket, sheepsnose, and orangefoot pimpleback mussels; (b) harm from construction activities that will likely result in (1) physical harm (i.e., cracked shell, bruising) to mussels that were not included in the relocation, (2) negative effects of sedimentation that could entomb, starve, and/or suffocate individuals, (3) loss and/or degradation of habitat, (4) relocation efforts, and (5) disruption of host fish availability at key times during the reproductive cycle; and (c) harassment as a result of disruption in reproductive capabilities by, but not limited to, the spontaneous abortion of glochidia during relocation and/or monitoring efforts, individuals being dislodged downriver into unsuitable habitat, and potentially low dissolved oxygen levels.

EFFECT OF THE TAKE

In the accompanying biological opinion, the Service determined that this level of expected take is not likely to result in jeopardy to the species or adverse modification of critical habitat.

REASONABLE AND PRUDENT MEASURES

The Service believes the following reasonable and prudent measure(s) are necessary and appropriate to minimize take of fat pocketbooks.

1. The FHWA, Corps, and Service must ensure that the proposed action will occur as designed, planned, and documented in the BA, all supporting information provided by the City of Paducah, and this biological opinion
2. The FHWA, Corps, and Service must ensure that the City of Paducah has a plan to replace fat pocketbooks, pink muckets, sheepsnose, and orangefoot pimplebacks likely to be taken by the proposed action.

3. The FHWA, Corps, and Service must ensure that the City of Paducah implements measures to minimize or eliminate impacts of the Burnett Boat Ramp and Schultz Park Expansion sites to fat pocketbooks, pink mucket, sheepsnose, and orangefoot pimplebacks

TERMS AND CONDITIONS

In order to be exempt from the prohibitions of Section 9 of the Act, the FHWA and City of Paducah must comply with the following terms and conditions, which implement the reasonable and prudent measures described above and outline required reporting/monitoring requirements. These terms and conditions are non-discretionary.

1. The FHWA, Corps, Service and/or City of Paducah must agree to implement the proposed action as described in the BA, including mussel conservation measures listed in this biological opinion that are referred to in the BA, the BA's supporting documentation, and this biological opinion (see "Mussel Conservation Measures" section above). **This Term and Condition supports RPM 1 and 3.**
2. The FHWA, Corps, Service and/or City of Paducah shall develop a Mussel Relocation Plan and obtain the Service's prior written approval of the plan, prior to relocating fat pocketbook, pink mucket, orangefoot pimpleback mussels, sheepsnose, and other mussel species, before any new construction activity occurs at or below the ordinary high water level. This plan will include a mussel relocation effort from within an area approximately 6.29 acres in size at the Schultz Park Expansion action area. We estimate that about 4,000 mussels occur in this 6.29 acre area. Relocation emphasis will be in the 3.49 area of impact by fill. An estimated 2,200 mussels occur in the 3.49 acre area direct fill portion. An estimated 1,800 mussels occur in the 2.8 acres of indirect and anchor locations. It is not expected that all mussels in the entire area will likely be relocated, however, the Service believes that if approximately 50 percent of mussels in this area are relocated that will be an adequate level of relocation effort. This effort should be targeted at the four federally listed species addressed in this BO and other species that are similar in appearance to the federally listed species. This Mussel Relocation Plan will also include a baseline "monitoring" component. Future monitoring efforts are addressed in Terms and Conditions #3 below. All federally listed mussels will be tagged and either relocated to a nearby area of suitable habitat that is protected from navigation and fleeting activity, as indicated in the Mussel Relocation Plan, or as directed by the Service, to the KDFWR to be used in propagation and culture activities at the KDFWR Center for Mollusk Conservation in Frankfort, Kentucky. **This Term and Condition supports RPM 1.**
3. The FHWA, Corps, Service and/or City of Paducah shall contribute **\$20,000** to the Kentucky Waterways Alliance (KWA) Kentucky Aquatic Resources Fund (KARF) to be used for monitoring at the Schultz Park Expansion area, and the site relocated mussels will be placed. Monitoring will be done two years and five years after the baseline

monitoring described in Terms and Condition #1 is completed. The total contribution of \$20,000 shall be made using certified funds and should be made out to "Kentucky Waterways Alliance" with KARF and any other appropriate details in the memo section. The contribution shall be mailed to: Attention: Judith Petersen, Executive Director, Kentucky Waterways Alliance, 120 Webster Street, Suite 217, Louisville, Kentucky 40206. The Kentucky Waterways Alliance's office telephone number is 270-524-1774. Contact Ms. Petersen if the contribution will be made by direct deposit or a wire transfer. **This Term and Condition supports RPM 1**

4. The FHWA, Corps, Service and/or City of Paducah shall contribute a total of **\$71,706** to the Kentucky Waterways Alliance (KWA) Kentucky Aquatic Resources Fund (KARF) following issuance of this biological opinion and prior to initiating any construction below the ordinary high water level. This contribution amount was derived using the 2009 agricultural land value of \$2,850 per acre with a ratio of 4:1 for impacts to a total of 6.29 acres. This contribution will provide mussel habitat impact minimization and includes both direct and indirect impact to habitat. These funds will be used for the preservation, creation, enhancement, and/or protection of federally listed mussel habitat in the lower Ohio River. The total contribution of **\$71,706** shall be made using certified funds and should be made out to "Kentucky Waterways Alliance" with KARF and any other appropriate details in the memo section. The contribution shall be mailed to: Attention: Judith Petersen, Executive Director, Kentucky Waterways Alliance, 120 Webster Street, Suite 217, Louisville, Kentucky 40206. The Kentucky Waterways Alliance's office telephone number is 270-524-1774. Contact Ms. Petersen if the contribution will be made by direct deposit or a wire transfer. **This Term and Condition supports RPM 3.**

5. The FHWA, Corps, Service and/or City of Paducah shall contribute ~~\$37,000~~ ^{\$44,000} to the Kentucky Waterways Alliance (KWA) Kentucky Aquatic Resources Fund (KARF) following issuance of this biological opinion and prior to any construction below the ordinary high water level. These funds will be used in recovery efforts for the four federally listed mussels addressed in this biological opinion, thereby minimizing the take expected to occur on this project. To derive the figure of ~~\$37,000~~, we estimated an amount that could be applied towards an approximately three year effort to replace the mussels estimated to be taken. These funds will be used to collect adult mussels and fish hosts, care for adult mussels and fish, propagate and culture juvenile mussels, and to monitor recovery efforts. **Fat pocketbook:** For the 76 fat pocketbooks taken we estimate \$19,000. This funding will provide additional funding to an already ongoing project to propagate and culture this species. Some considerations for the fat pocketbook effort include costs such as facilities and staff to work on the species, the species is sensitive to handling, has a known host fish that is a challenge to keep alive in captivity, has a relatively short life span, and food requirements are not well understood. We expect a relatively low cost to locate adults to use for propagation and culture. **Pink mucket:** For the 2 pink muckets taken, we estimate \$1,000. Considerations involved in deriving this amount include: (a) there would be a relatively high cost of obtaining adults to work with, (b) the fish host is already known and easily obtained, and (c) the species has previously been successfully propagated and cultured. **Orangefoot pimpleback:** For

\$19,K
1
16
—
\$44K

the 2 orangefoot pimpleback taken, we estimated \$16,000. Considerations involved in deriving this amount include: (a) there is an anticipated very high cost to locate adults, (b) the fish host is unknown, (c) the species is a short term brooder and has never been propagated or cultured, (d) the species easily aborts larvae when handled, and (e) little is known regarding how this species will respond to captivity.

Sheepnose: For the 2 sheepnose taken, we estimated \$8,000. Considerations involved in deriving this amount include: (a) there is an anticipated high cost to locate adults, (b) the species is a short term brooder and easily aborts larvae when handled, (c) there has been previous success on fish host identification with this species, (d) there has been previous success on propagation and culture with this species, and (e) little is known regarding how this species will respond to captivity. We expect the contribution shall be made using certified funds and should be made out to - "Kentucky Waterways Alliance" - with KARF and any other appropriate details in the memo section. The contribution shall be mailed to: Attention: Judith Petersen, Executive Director, Kentucky Waterways Alliance, 120 Webster Street, Suite 217, Louisville, Kentucky 40206. The Kentucky Waterways Alliance's office telephone number is 270-524-1774. Contact Ms. Petersen if the contribution will be made by direct deposit or a wire transfer. The contribution shall be made within 15 weekdays of the completion of the relocation effort. **This Term and Condition supports RPM 2.**

Upon locating a dead, injured, or sick individual of an endangered or threatened species, initial notification must be made to the Fish and Wildlife Service Law Enforcement Office at 601 W. Broadway, Suite 115A, Gene Snyder Courthouse, Louisville, Kentucky 40202 (phone 502/582-5989 extension 21). Additional notification must be made to the Fish and Wildlife Service Ecological Services Field Office at 330 West Broadway, Room 265, Frankfort, Kentucky 40601 (phone 502/695-0468). Care should be taken in handling sick or injured mussels. All federally listed mussels that are moribund or have died recently are to be preserved according to standard museum practices (preferably kept frozen and/or preserved in 95% ethyl alcohol and then frozen), properly identified or indexed (date of collection, complete scientific and common name, latitude and longitude of collection site, description of collection site), and submitted to the Kentucky Ecological Services Field Office in Frankfort, or to another location if instructed by the KYFO.

The reasonable and prudent measures, with their implementing terms and conditions, are designed to minimize the impact of incidental take that might otherwise result from the proposed action. The Service believes that no more than **76 fat pocketbooks, 2 pink muckets, 2 orangefoot pimplebacks, 2 sheepnose, and 6.59 acres** of occupied federally listed mussel habitat will be incidentally taken. If, during the course of the action, this level of incidental take is exceeded, such incidental take represents new information requiring re-initiation of consultation and review of the reasonable and prudent measures provided. In addition, if any other federally listed mussels are recorded during the mussel relocation activities, re-initiation of consultation and review of the reasonable and prudent measures provided is required. The Federal agency must immediately provide an explanation of the causes of the taking and review with the Service the need for possible modification of the reasonable and prudent measures.

CONSERVATION RECOMMENDATION

Section 7(a)(1) of the Act directs Federal agencies to use their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help carry out recovery plans, or to develop information.

The FHWA, Corps, and Service should consider implementing the following conservation recommendation:

Provide financial assistance to the Kentucky Department of Fish and Wildlife Resources Center for Mollusk Conservation to support programs that work to restore federally listed mussels and other native mussels in the lower Ohio River. Such assistance could take the form of protecting or enhancing similar habitat and/or providing funding to the CMC facility to propagate federally listed mussels and other native mussels.

In order for the Service to be kept informed of actions minimizing or avoiding adverse effects or benefiting listed species or their habitats, please provide notification to the Service's Kentucky Field Office of the implementation of any conservation recommendations.

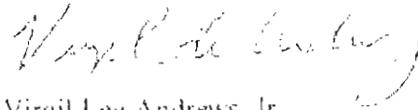
REINITIATION NOTICE

This concludes formal consultation on the action outlined in the FHWA request. As written in 50 CFR 402.16, re-initiation of formal consultation is required where discretionary FHWA, Corps, and Service involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the FHWA, Corps, and Service actions that may affect listed species or critical habitat in a manner or to an extent not considered in this biological opinion; (3) the FHWA, Corps, and Service action is later modified in a manner that causes an effect to the listed species or critical habitat not considered in this biological opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease until re-initiation.

For this biological opinion, the incidental take would be exceeded, when the take exceeds 76 fat pocketbooks, 2 pink mucklets, 2 orangefoot pimplebacks, and 2 sheepsnose which is what has been exempted from the prohibitions of section 9 by this biological opinion. The Service

appreciates the cooperation of the FHWA and Corps during this consultation. We would like to continue working with you and your staff regarding this project. For further coordination, please contact me or Leroy Koch of this office at 502/695-0468.

Sincerely,



Virgil Lee Andrews, Jr.
Field Supervisor

cc: Doug Dawson, KDEWR, Frankfort, KY
Matthew Mangan, USFWS, Marion, IL
Michael Ricketts, USACE, Louisville District, IN
Barbara Scott, KDOW, Frankfort, KY

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APPENDIX A

Fat pocketbook biological opinions including amount and form of incidental take exempted.

PROJECTS	SERVICE OFFICE AND DATE BO ISSUED	INCIDENTAL TAKE (IT) FORM	TAKE EXEMPTED OR SURROGATE MEASURE TO MONITOR
Effects of scour repair at Arkansas Highway 77 crossings of Right Hand Chute on the endangered fat pocketbook mussel (<i>Potamilus capax</i>)	Arkansas ES Office April 27, 1999	Harm, harass or kill	Up to 50 mussels relocated and up to 5 mussels killed due to relocation. Indeterminate amount of small mussels not relocated and buried.
Potential impacts of ditch maintenance activities within Stateline Outlet Ditch, Mississippi County, Arkansas on the fat pocketbook mussel (<i>Potamilus capax</i>)	Arkansas ES Office October 3, 2001	Harm, harass or kill	Up to 3,000 individuals relocation and up to 5 killed during the relocation. Up to 30 dead individuals in dredge disposal pile.
Bridge replacement over the St. Francis River	Arkansas ES Office November 8, 2001		2 individuals
Potential impacts of three scour repair areas in the St. Francis Floodway on the fat pocketbook mussel (<i>Potamilus capax</i>)	Arkansas ES Office April 2002	Harm, harass or kill	Up to 200 individuals relocation and up to 2 killed during the relocation. Indeterminate amount of small mussels not relocated and buried.
Proposed maintenance dredging of the Ohio River navigation channel at Wabash Island located in Posey County, Indiana, Gallatin County, Illinois and Henderson County, Kentucky and its effects on the fat pocketbook pearly mussel (<i>Potamilus capax</i>)	Bloomington, IN ES Office September 2002	Harm, harass, collect or kill	Undefined but discovery of more than 3 live mussels in dredged material from a single event indicates take has been exceeded
Arkansas Highway 14 bridge replacement over Ditch 10 near the city of Harrisburg, AK	Arkansas ES Office October 31, 2002		1 individual

Emergency consultation for a sewage lagoon embankment stabilization near the city of Madison, Arkansas	Arkansas ES Office June 10, 2003		6 individuals relocated, 9 gravid females taken to propagation facility
Potential effects of the construction of a Union Pacific Railroad Bridge across the St. Francis floodway on the fat pocketbook (<i>Potamilus capax</i>)	Arkansas ES Office October 29, 2003		3 individuals
Potential impacts of ditch maintenance activities within Ditch 10 on the fat pocketbook mussel (<i>Potamilus capax</i>)	Arkansas ES Office April 28, 2004		10 individuals
Potential impacts of constructing a pre-cast concrete bridge across Ditch 61 on the federally endangered fat pocketbook mussel (<i>Potamilus capax</i>)	Arkansas ES Office September 2, 2007	Harm, harass or kill	3 individuals: 1 relocated and 2 killed
Potential effects of the removal and replacement of the Route 15 bridge over the Wabash River at Mount Caramel, Indiana on the fat pocketbook (<i>Potamilus capax</i>)	Bloomington, IN ES Office October 22, 2007	Injury or direct mortality	4 individuals: 2 during relocation, 2 during construction.
Potential impacts of the proposed setback of Elk Chute Levee in Dunklin County, Missouri on the federally endangered fat pocketbook (<i>Potamilus capax</i>)	Missouri ES Office January 10, 2008	Death or injury	5 individuals
Biological Opinion on the USDA Forest Service Application Of Fire Retardants On National Forest System Lands	Washington DC February 2008	No take provided	No take provided
Biological Opinion on the Construction of Smithland Hydroelectric Project, Livingston County, KY	Kentucky ES Office January 9, 2009	Mortality, harm or harassment	486 individuals and 40 acres of habitat
Biological Opinion on fleet and loading facilities for the River View Coal Company, Union County, KY	Kentucky ES Office September 11, 2009	Harm, harass, or kill	61 individuals and 12.2 acres of habitat

Biological Opinion on Paducah Riverfront Project, McCracken County, KY	Kentucky ES Office December 21, 2010	Mortality, harm or harassment	546 individuals and 7.5 acres of habitat
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APPENDIX B

Pink mucket (*Lampsilis abrupta*) biological opinions including amount and form of take exempted.

PROJECTS	SERVICE OFFICE AND DATE BO ISSUED	INCIDENTAL TAKE (IT) FORM	TAKE EXEMPTED or SURROGATE MEASURE TO MONITOR
USACE - Biological Opinion on the Issuance of Permits for Dyeic Cement Co. Barge Terminal Construction and Access Channel Dredging in Tennessee River	May 21, 1982 ES Field Office Asheville, NC	Harm, harass, or kill	All individuals within proposed project area and an undetermined number downstream and adjacent to project area
USACE - Final Biological Opinion on the Effects on Threatened and Endangered Species on the Lower Ohio River Navigation Feasibility Study	June 13, 1985 ES Field Office Asheville, NC	N/A	No take authorized
FERC - Biological Opinion on the Effects of Threatened and Endangered Species from the Construction and Operation of a Hydroelectric Facility at Lock and Dam #5 on the Green River in Warren and Butler counties, KY	June 25, 1985 ES Field Office Asheville, NC	N/A	No take authorized
USFWS - Biological Opinion on the Effects of Conducting Taxonomic Studies	September 3, 1987 SE Regional Office Atlanta, GA	Collect and kill	Ten individuals (Five each from two divergent populations), NO INCIDENTAL TAKE
FERC - Biological Opinion on the EIS for Hydropower Development in the Upper Ohio River Basin	January 13, 1989 Pennsylvania Field Office State College, PA	Harm, harass or kill	Can not be determined - Level of authorized take measured by community structure
TVA - Biological Opinion on the Proposed Wood Chipping and Barge-Loading Facilities on the Tennessee River	December 2, 1992 SE Regional Office Atlanta, GA	N/A	No take authorized
USACE - Biological Opinion on the Effects of Work on a Coal Loading Facility on the Kanawha River RM 90-4, Fayette County, WV	July 7, 1993 ES Field Office Elkins, WV	Harm or Harass	Can not be determined

USACE - Biological Opinion for Proposed Channel Maintenance Dredging of the Cumberland River (CRM 364.0 to 307.0) Smith County, TN	October 1993 ES Field Office Cookeville, TN	Harm or harass	All individuals within the project area
USACE - Biological Opinion for the Proposed City of Florence Municipal Treated Sewage Outfall, Tennessee River, Lauderdale County, AL	October 1994 ES Field Office Cookeville, TN	Harm or harass	All individuals within the project area
FHWA - Biological Opinion for the Construction of the Patton Island Bridge	November 23, 1994 ES Field Office Daphne, AL	Harm or harass	One individual
TVA & NRC - Biological Opinion for the Proposed Operation of the Watts Bar Nuclear Plant, Rhea County, TN	March 1995 ES Field Office Cookeville, TN	N/A	No take authorized
Biological Opinion for Endangered Species Permit Approval for the Rescue of Critically Endangered Mussels in KY, AL, and TN	October 1996 ES Field Office Cookeville, TN	Collection of live individuals	Up to 30 live individuals, not more than ten individual per population
USACE - Biological Opinion on the Effects of the Joe S. Lowing Co., Inc. Barge Dredging Facility Wood County, WA	March 18, 1997 ES Field Office E. Kins, WV	Harm or harass	Can not be determined. Take has been exceed if there is a decline of up to 25% of the mussel bed density or decline of up to 25% in the live-to-dead ratio or decline of up to 25% in the total number of species encountered
USACE & TVA - Biological Opinion For The Proposed City of Florence Municipal Treated Sewage Outfall Tennessee River Lauderdale County, AL	1998 ES Field Office Daphne, AL	Harm, harass or kill	Can not be determined
FHWA - Biological Opinion for the Proposed Keller Bridge Demolition Project in Limestone and Morgan Counties, AL	June 8, 1998 ES Field Office Daphne, AL	Harm, harass, or kill	One individual within impact area, all individuals within study area

USFWS – Programmatic Biological Opinion Addressing Effects of Section 10(a)(1)(A) Permitting on Freshwater Mussels in Region 4	August 1, 1998 SE Regional Office Atlanta, GA	Harm or kill	Up to five adult mussels per year
USACE – Biological Opinion for Proposed Maintenance Dredging in the Tennessee River at Diamond Island, Hardin County TN	July 1999 ES Field Office Cookeville, TN	Harm or harass	Approximately seven acres of habitat loss
USACE – Supplement to the 1991 Biological Opinion For The Proposed Bridges and Alignments Modification to the Kentucky Lock Addition Project Livingston and Marshall Counties, Kentucky	January 2000 ES Field Office Cookeville, TN	Harm or kill	All individuals within the 0.04 acre of habitat impacted by drilling and construction activities
FHWA – Biological Opinion for the Proposed US 231 Bridge Replacement Over the Tennessee River in Madison and Morgan Counties, AL	February 18, 2000 ES Field Office Daphne, AL	Harm, harass or kill	17 individuals
FHWA & USACE – Biological Opinion on the Proposed Replacement of the State Route 2 Bridge over the Tennessee River, Loudon County, TN	February 2001 ES Field Office Cookeville, TN	Harm, harass or kill	All individuals within the project corridor
FHWA and TVA – Amended Biological Opinion for the Proposed Replacement of the State Route 2 Bridge Over the Tennessee River, Loudon County, Tennessee	February 2002 ES Field Office Cookeville, TN	Harm or harass	All individuals within the project corridor
USACE – Chickamauga Lock Project Hamilton County Tennessee	February 2002 ES Field Office Cookeville, TN	Habitat loss and/or degradation	All within disturbed area
USACE – Biological Opinion on the Effects of Navigational Dredging on the White River in Arkansas	March 1, 2002 ES Field Office Conway, AR	Kill	Five individuals per year

USACE – Mussel relocation Experiment on Tennessee River Near Diamond Island, Hardin County, TN	September 9, 2002 ES Field Office Cookeville, TN	Harm or harass	One individual
TVA – Proposed Public Marina Expansion at Ditto Landing on the Tennessee River, Madison County, AL	November 22, 2002 ES Field Office Daphne, AL	Harm, harass or kill	One individual
USACE – Obsolete Lock and Dam Construction Replaces the 1993 BO	July 16, 2003 ES Field Office Cookeville, TN	N/A	No incidental take authorized
FEWA – Biological Opinion on the Construction of the Rockport Bridge Across the Ouchita River	July 29, 2003 ES Field Office Conway, AR	Harm or harass	Can not be determined
USACE – Tennessee River Pickwick Landing Dam Mussel Relocation Study, Hardin County, Tennessee	November 17, 2003 ES Field Office Cookeville, TN	Harm, harass, or collect	One individual
TVA – Proposed Wilson Hydro Plant Modernization of Hydroturbine Project, Lauderdale and Colbert counties, AL	2004 ES Field Office Daphne, AL	Harm, harass or kill	20 individuals
TVA – Biological Opinion on the proposed Reservoir Operations Study in the Tennessee River Valley of AL, GA, KY, MS, NC, TN, and VA	February 9, 2004 ES Field Office Cookeville, TN	Harm or harass	Can not be determined – 30 miles of habitat altered or degraded
FEWA – Biological Opinion on the Proposed Construction of the Highway 16 Bridge Across The Saline River Grant County, AR	July 7, 2004 ES Field Office Conway, AR	Harm, harass or kill	Five through relocation and no more than one killed
USFWS – Amendment to Programmatic Section 7 Biological Opinion Addressing Effects of Section 10(a)(1)(A) Permitting on Freshwater Mussels in Region 4	July 16, 2004 ES Field Office Conway, AR	N/A	No change

<p>FHWA - Biological Opinion on the Proposed Construction of the Highway 167 Bridge, Dallas and Grant counties, AR</p>	<p>January 30, 2006 ES Field Office Conway, AR</p>	<p>Harm, harass or kill</p>	<p>No more than two individuals</p>
<p>NRCS - Programmatic Biological Opinion for the Arkansas Healthy Forest Reserve Program</p>	<p>September 25, 2006 ES Field Office Conway, AR</p>	<p>Harm</p>	<p>Can not be determined. Any take would be associated with a return to baseline conditions and would not involve individuals associated with pre- or post-baseline riparian conditions.</p>
<p>TVA - Biological Opinion on the Routine Operation and Maintenance of TVA Dams in AL, GA, KY, MS, NC, TN, and VA</p>	<p>October 17, 2006 ES Field Office Cookeville, TN</p>	<p>Harm or harass</p>	<p>Can not be determined. All in two mile reaches of the river below Douglas, Cherokee, Fort Loudon, Watts Bar, Nickajack, Guntersville, Wheeler, Wilson, Pickwick Landing, and Kentucky dams</p>
<p>TVA - Biological Opinion on the Dike stabilization at Johnsonville Fossil Plant Ash Disposal Area No. 2 (Johnsonville Island) between Tennessee River Mile 99-100, Humphreys Co., TN</p>	<p>February 1, 2010 ES Field Office Cookeville, TN</p>	<p>Harass</p>	<p>151 individuals</p>
<p>Biological Opinion on Paducah Riverfront Project, McCracken County, KY</p>	<p>Kentucky ES Office December 21, 2010</p>	<p>Mortality, harm or harassment</p>	<p>Nine individuals and 7.5 acres of habitat</p>

APPENDIX C

Orangefoot pimpleback (*Plethobasus cooperianus*) biological opinions including amount and form of take exempted.

PROJECTS	SERVICE OFFICE AND DATE BO ISSUED	INCIDENTAL TAKE (IT) FORM	TAKE EXEMPTED or SURROGATE MEASURE TO MONITOR
USACE: Biological Opinion on the Consolidated Grain and Barge Co. Proposed Cargo Fleeting Area on the Ohio River - Pulaski County, IL	April 3, 1985 MW Regional Office Ft. Snelling, MN	N/A	Jeopardy Opinion - No take authorized
USACE: Final Biological Opinion on the Effects on Threatened and Endangered Species on the Lower Ohio River Navigation Feasibility Study	June 13, 1985 ES Field Office Asheville, NC	N/A	No take authorized
IVA: Biological Opinion on the Proposed Wood Chipping and Barge-Loading Facilities on the Tennessee River	December 2, 1992 SE Regional Office Atlanta, GA	N/A	No take authorized
USACE: Biological Opinion on the Construction of the Olmstead Lock and Dam Facility Supplemental to 1985 BO	January 15, 1993 ES Field Office Cookeville, TN	Habitat loss	No take authorized
USACE: Biological Opinion for the Proposed Construction of Barge Fleeting Facilities on the Ohio River - Ballard County, KY	September 1993 SE Regional Office Atlanta, GA	N/A	No take authorized
FHWA: Biological Opinion for the Construction of the Patton Island Bridge	November 23, 1994 ES Field Office Daphne, AL	Harm or harass	One individual
USFWS: Rescue of Critically Endangered Mussels in TN, KY and northern AL.	October 1996 ES Field Office Cookeville, TN	Collection of live individuals	Up to 30 live individuals, not more than 10 individual per population

USFWS – Programmatic Biological Opinion Addressing Effects of Section 10(a)(1)(A) Permitting on Freshwater Mussels	August 1, 1998 SE Regional Office Atlanta, GA	Harm or kill	Up to five adult mussels per year
USACE – Biological Opinion for Proposed Maintenance Dredging in the Tennessee River at Diamond Island Hardin County TN	July 1999 ES Field Office Cookeville, TN	Harm or harass	Approximately seven acres of habitat less
Supplement to the 1991 Biological Opinion for the Proposed Bridges and Alignments Modification to the Kentucky Lock Addition Project Livingston and Marshall Counties, Kentucky	January 2000 ES Field Office Cookeville, TN	Harm or kill	All individuals within the 9.04-acre of habitat impacted by drilling and construction activities
FHWA & USACE – Biological Opinion on the Proposed Replacement of the State Route 2 Bridge over the Tennessee River, Loudon County TN	February 2001 ES Field Office Cookeville, TN	Harm, harass or kill	All individuals within the Project corridor
FHWA and TVA – Amended Biological Opinion for the Proposed Replacement of the State Route 2 Bridge Over the Tennessee River Loudon County, TN	February 2002 ES Field Office Cookeville, TN	Harm or harass	All individuals within the project corridor
USACE – Chickamauga Lock Project Hamilton County, Tennessee	February 2002 ES Field Office Cookeville, TN	Habitat loss and/or degradation	All within disturbed area
USACE – Mussel relocation Experiment on Tennessee River Near Diamond Island, Hardin County, TN	September 9, 2002 ES Field Office Cookeville, TN	Harm or harass	One individual
USACE – Olmsted Lock and Dam Construction Replaces the 1993 BO	July 16, 2003 ES Field Office Cookeville, TN	N/A	No incidental take authorized

USACE - Tennessee River Pickwick Landing Dam Mussel Relocation Study - Hardin County, Tennessee	November 13, 2003 ES Field Office Cookeville, TN	Harm, harass, collect	One individual
TVA - Proposed Wilson Hydro Plan Modernization of Hydroturbine Project, Lauderdale and Colbert counties, AL	2004 ES Field Office Daphne, AL	Harm, harass or kill	20 individuals
USFWS- Amendment to the 1998 Programmatic Section 7 Biological Opinion Addressing Effects of Section 10(a)(1)(A) Permitting on Freshwater Mussels in Region 4	July 16, 2004 ES Field Office Conway, AR	Harm or mortality	Five individuals per 100 handled
TVA - Biological Opinion on the Routine Operation and Maintenance of TVA Dams in AL, GA, KY, MS, NC, TN, and VA	October 17, 2006 Cookeville, TN ES Field Office	Harm, harass	Can not be determined - All in 2 mile reaches of the TN River below Fort Loudoun, Watts Bar, Guntersville, Pickwick Landing and Kentucky Dams
Biological Opinion on Paducah Riverfront Project, McCracken County, KY	Kentucky ES Office December 21, 2010	Mortality, harm or harassment	18 individuals and 7.5 acres of habitat

Agenda Action Form Paducah City Commission

Meeting Date: August 12, 2014

Short Title: Purchase of Solid Waste Dumpsters for the FY2014-2015 from Municipal Equipment, Inc., Utilizing the Kentucky State Contract

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Chris Yarber, EPW Operations Mgr
Angela Weeks, EPW-Engr Proj Mgr

Presentation By: Rick Murphy, P.E., City Engineer-Public Works Director

Background Information:

Municipal Equipment, Inc. is the current Vendor listed on the Commonwealth of Kentucky's Contract for the purchase of solid waste dumpsters. The Engineering-Public Works Department, Solid Waste Division is in need of new dumpsters to be utilized by commercial businesses within the City and would like to utilize the existing Kentucky State Contract for this purchase. Every year, an amount is allocated toward dumpster purchases in the annual commercial refuse replacement budget. Therefore, we are requesting authorization to order the required dumpsters along with additional replacement parts and lids during the 2014-2015 Fiscal Year in an amount not to exceed the budgeted amount of \$70,000. The Kentucky Master Agreement number is MA-758-1100000316.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Solid Waste Fund -
Non Rolling Stock-Equipment Other
Account Number: 050-2210-531-4219

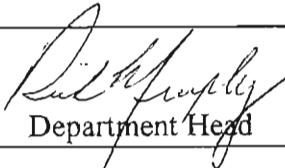
Finance

Staff Recommendation:

To adopt an Ordinance authorizing the purchase of Solid Waste Dumpsters for the FY2014-2015 utilizing the Kentucky state contract price from Municipal Equipment, Inc., in an amount not to exceed \$70,000.00.

Attachments:

KY Master Agreement

 Department Head	City Clerk	City Manager
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AN ORDINANCE AUTHORIZING THE PURCHASE OF DUMPSTERS, LIDS AND FITTINGS FOR FY2014-2015 FOR UTILIZATION BY COMMERCIAL BUSINESSES WITHIN THE CITY OF PADUCAH, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME

WHEREAS, this equipment is available under State Contract No. MA-758-1100000316 and competitive bidding is not required.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the Finance Director is authorized to pay an amount not to exceed \$70,000 for FY2014-2015 to Municipal Equipment, Inc., for the purchase of various sized dumpsters, lids and additional fittings for the Solid Waste Division of Engineering Public Works.

SECTION 2. The Mayor is hereby authorized to execute a contract with Municipal Equipment, for the purchase of various sized dumpsters, lids and additional fittings authorized in Section 1 above.

SECTION 3. This expenditure shall be charged to Account No. 050-2210-531-4210.

SECTION 4. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, August 12, 2014
Adopted by the Board of Commissioners, August 26, 2014
Recorded by Tammara S. Sanderson, City Clerk, August 26, 2014
Published by The Paducah Sun, _____
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Commonwealth of Kentucky

MASTER AGREEMENT

IMPORTANT

Show Doc ID number on all packages, invoices and correspondence.

Doc Description: RECYCLING EQUIPMENT -MUNICIPAL EQUIP - (RFB 758 1000000937)		
Doc ID No: MA 758 1100000316 1	Proc Folder: 3023027	
Procurement Type: Standard Goods		
Effective Date: 2010-08-16	Expiration Date: 2014-08-15	Not To Exceed Amount
Administered By: Donald Robinson		Cited Authority: FAP111-35-00-G
Telephone: 502-564-6525		Issued By: Donald Robinson
V E N D O R	MUNICIPAL EQUIPMENT INC 6305 OLD SHEPHERDSVILLE LOUISVILLE KY 40228 US	

Line	CL Description	Delivery Days	Quantity	Unit Issue	Unit Price	Contract Amt	Total Price
1	RECYCLING EQUIPMENT -MUNICIPAL EQUIPMENT		0.00		0.00000	0.00	0.00

Extended Description

PLEASE REFER TO SECTION 8 OF THE MASTER AGREEMENT'S TERMS AND CONDITIONS FOR THE COMPLETE LISTING OF THE REQUIREMENTS AND SPECIFICATIONS FOR THIS MASTER AGREEMENT.