Authorization to Proceed (ATP)

Chinn Street Subsidence High Priority
Abandoned Mine Land (AML) Reclamation Project
based on Categorical Exclusion (CX)
Boyd County, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the May 13, 2011, request for ATP with construction activity on the Chinn Street Subsidence High Priority prepared by the Kentucky Department for Natural Resources, Division of Abandoned Mine Lands (DAML).

OSM found that the appropriate request documents were submitted and appear to support the need for the proposed construction activity. OSM confirmed that the required information for this project has been included in the AML Inventory System (AMLIS) for Problem Areas (PA) # KY-004132-SGA. After reviewing the documents, OSM has approved PA # KY-004132-SGA in the e-AMLIS system on May 13, 2011.

OSM reviewed the Categorical Exclusion Determination (CX) NEPA environmental review document prepared by the Division of Abandoned Mine Lands for the AML reclamation project. We have determined that the currently proposed activity requested is adequately considered in the approved CX NEPA environmental review document. In addition, the proposed activity conforms with exclusion criteria in 516 DM 2 and 13, does not involve any of the general exceptions in 516 DM 13.5(A)(33) or extraordinary circumstances listed in 516 DM 2, Appendix 2, and is excluded from further NEPA compliance. We have prepared and I have signed a CX for this project. Please give special attention to the following recommendation (s).

- With the exception of trees directly impacted by the AML problem, there is no purposeful removal of standing trees larger than 5 inches diameter at breast height or standing snags with loose bark that are 9 inch or greater diameter at breast height and at least 10 feet in height, during the period of April 1 to November 15, and provided the activity does not occur in "Known Indiana Bat Habitat".

- Please be sure to obtain any and all required permits to perform the reclamation activities at this site. Be mindful that this includes any city permits or additional requirements in regard to the exposed gas pipeline near the home of Rick Wagoner.

Accordingly, pursuant to Section 5-11-20D.3 of the Federal Assistance Manual and my signature on this notification document, DAML is authorized to proceed with the construction activity for this project as described in the ATP request documents submitted by DAML for this project and further conditioned in this notification, and expend Federal funds in accordance with AML grant terms and conditions.

Joseph L. Blackburn, Field Office Director
OSM Lexington Field Office

5/16/2011
Date

UNITED STATES DEPARTMENT OF THE INTERIOR
Office Of Surface Mining Reclamation And Enforcement
ABANDONED MINE LANDS
CATEGORICAL EXCLUSION CERTIFICATION AND DETERMINATION

State: KY PA: KY 4132 SGA
Project Name: Chinn Street Subsidence HP AMLRP
Project Description: Fill several subsidence holes in a residential area.

I. GENERAL EXCEPTIONS

Does the project type specifically require an EA in 516 DM 6, Appendix 8, as specified in Item I of the attached instructions?	No [x]	Yes [ ]

II. DEPARTMENT OF INTERIOR EXCEPTIONS

Will the project have any of the following:

A significant adverse effect on public health or safety?	No [x]	Yes [ ]
An adverse effect on any of the following unique geographic characteristics? If 'yes,' check the ones that apply:	No [x]	Yes [ ]

[ ] Parks (state, local or National)
[ ] Recreation or Refuge Lands
[ ] Wilderness Areas
[ ] Ecologically Significant or Critical Areas
[ ] Prime Farmlands
[ ] Wild or Scenic Rivers
[ ] Wetlands
[ ] Floodplains
[ ] Sole or Principal Drinking Water Aquifers

Highly controversial environmental effects?	No [x]	Yes [ ]
Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks?	No [x]	Yes [ ]
A precedent for future action or a decision in principle about future actions with potentially significant environmental effects?	No [x]	Yes [ ]
Directly related to other actions with individually insignificant but cumulatively significant environmental effects?	No [x]	Yes [ ]
Adverse effects on properties listed or eligible for listing on the National Register of Historic Places?	No [x]	Yes [ ]
Adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species?	No [x]	Yes [ ]

Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or The Fish and Wildlife Coordination Act?	No [x]	Yes [ ]
Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment?	No [x]	Yes [ ]

III. RESOURCE IMPACT EXCEPTIONS

Are there any unresolved issues or adverse effects requiring specialized mitigation for any of the following resources? If yes, check the ones that apply. No [x] Yes [ ]

[ ] Topography
[ ] Land Use (includes prime farmland)
[ ] Soils
[ ] Vegetation (includes wetlands)
[ ] Hydrology
[ ] Fish and Wildlife
[ ] Historic and Cultural
[ ] Recreation
[ ] Air Quality
[ ] Noise
[ ] Other (includes socio-economics)

IV. ATTACH CONSULTATION LETTERS AND A LOCATION MAP

V. RESPONSIBLE OFFICIAL CERTIFICATION

Signature: Steve Hohmann Date: 5/16/11

Name and Title: Steve Hohmann, Director
Division of Abandoned Mine Lands

VI. OSM DETERMINATION

[X] This project conforms with the exclusion criteria in 516 Dm 6, Appendix 8, and is excluded from further NEPA compliance.

[ ] This project does not conform with the exclusion criteria in 516 DM 6, Appendix 8, and requires an environmental assessment.

Signature: Joseph L. Blackburn Date: 5/16/2011

Name and Title: Joseph L. Blackburn, Field Office Director

Memorandum

Date: May 19, 2011

To: Chinn Street Subsidence High Priority Abandoned Mine Land (AML) Reclamation Project File SubAccount# 99.108400000

From: Corey Miller, Program Specialist
Lexington Field Office (LFO), Program Support Branch (PSB)

Subject: Review of "Authorization to Proceed" (ATP) Request

The Branch recommends that the Field Office Director (FOD) authorize the State of Kentucky to proceed with the construction activity proposed on the Chinn Street Subsidence High Priority AML Reclamation Project. The Branch prepared an ATP letter, Problem Area (PA) approval form, as required by OSM Directive AML-1-2 (signed June 22, 2007), Categorical Exclusion (CX) for the FOD review. The Branch recommends that the FOD sign the (CX) PA approval form, and ATP in the space provided on each document. The original signed ATP Notification has been sent to the Division of Abandoned Mine Lands (DAML) Director, along with associated approval documents. This LFO Review Memo is being sent to document the review for NEPA and other considerations in regard to this project. All the documents associated with this review are attached to emails to the Department for Natural Resources (DNR) Commissioner.

The Kentucky DAML ATP request dated May 13, 2011, was received at LFO attached to an email on May 13, 2011. The ATP was processed within 2 working days; therefore, the customer service target of 14 working days to process an ATP was met. The ATP was processed in 4 calendar days; therefore, the Federal employee performance appraisal standard of 30 calendar days to process an ATP was met.

DAML did not designate a funding source under the budget category entitled Project Costs (Non-Water Supply) of any of Kentucky's AML Annual Construction Grant's (ACG). In previous discussions, DNR indicated they would assign projects to a grant before they go to construction. Until a final AG and Location Code are assigned the LFO Project/Site ID # 99.108400000 was assigned to the project file for LFO tracking purposes until actual AG and Location Code numbers are assigned by DAML and can be inserted in the appropriate positions at the beginning and end of the LFO Project #. No bid advertisement, bid opening, or construction completion dates were provided by DAML in the ATP request letter, therefore I inserted dates in the database based on the ATP request letter stating that these activities will occur as soon as possible. The following proposed dates were assigned and entered by LFO for database tracking purposes: Bid Advertisement Date was entered as May 18, 2011, Contract Award was entered as May 18, 2011, and Contract/Construction Completion was entered as June 30, 2011.

An office review of the request documents was conducted. The documents consisted of; a project description, a location map, a National Environmental Policy Act (NEPA) review documented in a CX with agency consultation response letters attached; and an Abandoned Mine Land Inventory System (AMLIS) Problem Area Description (PAD) summary and appropriate Priority Documentation Forms, with engineer cost estimates for PA# KY-004132-SGA.

A pre-approval field inspection of the proposed project was deemed unnecessary, since no unique characteristics warranting special field verification were noted and it wasn't selected for field verification under the EY 2011 Oversight Agreement. The report and DAML relatedness investigation appear to provide evidence supporting DAML's opinion that the subsidence in this area is related to eligible AML mining operations, as summarized in the email from DAML Ryan Howell at 9:59 AM on May 13, 2011, DAML notes that a formal eligibility statement is being processed and prepared an AMLIS PAD based on this opinion.

The CX submitted for the construction activity at the site was reviewed and found to adequately document the environmental review of the construction activity within the current NEPA review guidance. The use of a CX is acceptable for the construction activity proposed in this project because all items on the CX have a response of "No." The project type does not meet any of the ten general exceptions, in 516 DM 13.5(B)(33), that would require preparation of an Environmental Assessment.

The project involves: no more than 100 acres; no hazardous wastes; no explosives; no hazardous or explosive gases; no dangerous impoundments; no mine fires and refuse fires; no undisturbed, noncommercial borrow or disposal sites; no dangerous slides where abatement has the potential for damaging inhabited property; no subsidences involving the placement of material into underground mine voids through drilled holes to address more than one structure; and no unresolved issues with agencies, persons, or groups or adverse effects requiring specialized mitigation.

In addition, none of the twelve extraordinary circumstances listed in 516 DM 2, Appendix 2, exist on the project. All access is via existing roads. All other areas were previously disturbed by coal mining operations, residential development, and road construction. There are no unresolved issues or adverse effects requiring specialized mitigation.

No significant impacts have been reported to this office or identified by the Branch. The Branch recommends that the Office of Surface Mining Reclamation and Enforcement (OSM) accept the CX submitted by the Kentucky DAML. The State's ATP request letter summarized the responses from agencies consulted for the NEPA review and discussed appropriate resolution of all their concerns and recommendations. The responses from agencies consulted for the NEPA review include the following comments and/or recommendations.

The Kentucky Department of Fish and Wildlife Resources (KDFWR) identified one known federally threatened/endangered fish and wildlife within a 10 mile radius of the project area. They also identified no records of any state listed species of concern within 1 mile radius of the project area. They recommended coordination with the U.S. Fish and Wildlife Service's Kentucky Field Office concerning their additional concerns for the Indiana bat within Kentucky.

The DAML staff biologist reviewed the Kentucky State Nature Preserves Commission's (KSNPC) BIOTICS database in lieu of further consultation. The designated DAML biological review staff reviewed the Kentucky State Nature Preserves Commission's (KSNPC) endangered, threatened and special concern reference databases in lieu of direct consultation. The findings are noted in the ATP request email as the full review memo was not completed due to the time constraints of this High Priority project. DAML found that KSNPC data indicated one federally listed threatened or endangered species, the Gray bat, within a 10-mile radius and no species of State concern is known to occur within a 1-mile radius of the project. DAML discussed the species noted above in the biological review email, finding that no tree will be removed from the project, no caves or clifflines will be involved in the project, and the noted species will not be impacted. They also noted that the site is not located in one of the protected zones for bat habitat, as demonstrated by the map provided by DAML. This response was applied to the endangered Indiana bat as well. No reason was identified to dispute their determination. No reason was identified to dispute their determination.

In a meeting held in February 2010, between LFO, USFWS Kentucky Field Office (KFO) and DAML; Steve Hohmann, Director of DAML, offered to coordinate NEPA consultation with the KFO of the USFWS in Frankfort, Kentucky, utilizing the agreements in the September 18, 2009, Memorandum of Agreement (MOA) signed by the OSM, LFO and USFWS, KFO. This document outlined the acceptable conditions that the projects potential impacts can have where the KFO will not need to be further consulted for comment. When the conditions within the agreement are present, processing of the ATP may proceed with the confidence that the biological environment is being protected. It was agreed to by all parties, acknowledging that LFO would retain the final review to determine if the NEPA documentation is complete.

After review of the ATP documents for this project, which included consultation with the KSNPC and the KDFWR, DAML determined that additional consultation with the USFWS is not required because the proposed project will not adversely affect a federally listed species (Federal Assistance Manual (FAM) Chapter 5-11-15, A. 3.)

The conditions in the MOA are met because:

- *There will be no purposeful removal of standing trees larger than 5 inches diameter at breast height or standing snags with loose bark that are 9 inch or greater diameter at breast height and at least 10 feet in height, during the period of April 1 to October 14, and the proposed activity does not occur in "Known Indiana Bat Habitat".*

- *No caves or clifflines will be disturbed;*

- *No purposeful filling or crossing of streams using heavy equipment or the removal of riparian vegetation using heavy equipment within the Tradewater, lower Ohio, Upper Cumberland, Green, and Licking River basins.*

- *In order to avoid/reduce indirect impacts, erosion and sediment control plans will be implemented and monitored until permanent vegetation has become established in the above listed watersheds and all other watersheds as may be appropriate.*

With the specifics of the proposal meeting the criteria set out in the MOA, OSM agrees with DAML's determination that the proposed project would not adversely impact the species if these conditions are present. With this information, they found the requirements of Section 7 of the Endangered Species Act have been fulfilled.

There was insufficient time for normal consultation response from the Office of State Archaeology (OSA) and archaeological consultation was accomplished as described below. The Kentucky Heritage Council (KHC) and State Historic Preservation Officer (SHPO) were not consulted further for the current construction activity, since this project activity falls under the provision in Programmatic Agreement that DAML signed on January 3, 2011, with the KHC of "exempt projects." Exempt projects are "Routine and recurring projects whose impacts [under Section 106 of the Natural Historic Preservation Act are "foreseeable and cause little or no ground disturbance or that have a low probability of affecting known or unknown historic properties." Under the agreement KHC requires no consultation beyond DAML's determination that the project is an exempt project. In addition the archaeological consultation with the OSA and SHPO identified no impacts or concerns by these agencies. According to the project description, all of the project area has been impacted by therefore; the project is exempt from further consultation with the KHC. This fulfills the responsibility to consult with the SHPO under the Section 106 review process. Neither agency recommended conducting archeological surveys/investigations or mitigation measures.

Environmental and Public Protection Cabinet (EPPC) (changed to the Environment and Energy Cabinet (EEC) in July 2008), Secretary order dated December 12, 2006, transferred authority for issuance of Clean Water Act (CWA) Section 401 Water Quality

Certifications (WQC) associated with surface coal mine operations, to include any reclamation projects proposed by the DAML, to the Kentucky DNR. DNR assigned this responsibility to their Division of Mine Permits (DMP).The DMP further delegated this responsibility to DAML, with consultation as needed on a case by case basis. In addition, the DAML Director in a meeting held in February 2010, offered and agreed to coordinate consultation with the U.S. Army Corps of Engineers (COE) concerning CWA 404 (CWA) permits, as DAML had been doing without an agreement in the past. OSM LFO accepted DAML's offer to conduct this consultation.

Under a 2005 agreement with the DOW Floodplain Management Section (FMS) of the Water Resources Branch, DOW authorized DAML to apply DOW floodplain standards in lieu of a DOW review. In this agreement, DAML will directly consult with DOW if it appears a permit may be required. DAML has acquired a set of Federal Emergency Management Agency (FEMA) floodplain maps that include the project area.

As a result, DAML applies each responsible agency's criteria by agreement or physically consults with the DMP and DOW concerning CWA 401 WQC and floodplain permits to "Construct Across or Along a Stream", and with the COE concerning CWA 404 permits. This review has been centralized with DAML's Design Branch, whose staff has previous experience in this area and with the Kentucky DOW. DAML determined from the written description that the project does not impact a stream, wetland, or floodplain that requires a 401 WQC, a 404 CWA permit, or DOW floodplain permit.

The comments from the Kentucky State Clearinghouse, Kentucky's "Single Point of Contact" (SPOC) pertaining to AML Non-Water Supply projects included no comments that affect this proposal. The information to update PA # KY-4132-SGA was directly input into the e-AMLIS by the DAML and approved by LFO on May 16, 2011. Copies of the approval documents are available on the recently released e-AMLIS system; on the public site which will be available in the near future.

Miller, Corey T.

Subject: FW: FW: ATP request for the Chinn Street Subsidence HP AMLRP
Attachments: Chinn Street Subsidence HP AMLRP Description.doc; Chinn Street Subsidence HP AMLRP map.pdf; waggoner subsidence 1mi.pdf; waggoner subsidence 10-20mi.pdf; Chinn Street Subsidence MYSO.pdf; CE for Chinn Street Subsidence HP AMLRP.doc; Chinn Street Subsidence FO report.pdf

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From: Howell, Ryan (EEC)[SMTP:RYAN.HOWELL@KY.GOV]
Sent: Friday, May 13, 2011 9:59:56 AM
To: Cassel, Steven R. "Steve"; Miller, Corey T.
Cc: Rickwa, Vanna (EEC); Overman, Bill (EEC)
Subject: ATP request for the Chinn Street Subsidence HP AMLRP
Importance: High
Auto forwarded by a Rule

Steve and/or Corey,

Three subsidence holes have opened up in the city of Ashland, in Boyd County. These subsidence holes are located in a residential area and threaten the integrity of the city road, a residence, and are a threat to anyone that may venture into the area. One hole has also exposed a gas line. For these reasons, the area has been deemed a high priority project and an expedited ATP is being requested.

Attached are a project description and map that are being sent to KDFWR and OSA for their review. KHC is not being contacted, as the area is exempt under the Programmatic Agreement between KHC and AML.

It is very unlikely that any archaeological resources will be negatively impacted, as the entire area has been previously disturbed by houseseat and road construction, as well as, utility installation and underground mining. Access into the area is off of the city roads and in the residential yards, which have all been previously disturbed. No waste area will be required. For these reasons, the project is already exempt from being sent to KHC for their review, and it is unlikely that OSA will have any resources negatively impacted.

A search of the KSNPC database was performed by Keith Coleman, and although a formal memo has not been created yet, the attachment from Keith Coleman above indicates no bat species should be negatively impacted, as no trees will need to be cut and no cave-like structures will be closed. The project area is within residentially maintained yards and no streams will be impacted, so it is unlikely that the KDFWR will determine that any species would be negatively impacted. When a full KSNPC memo has been written, AML will forward it on to OSM.

A review of water issues was performed for this project to determine if any permits/certifications will be required. The attached email indicates that no floodplain permits, WQC, or COE permits will be required.

The PAD KY 4132 SGA has been prepared, and is pending in e-AMLIS for your review. Also attached are the Categorical Exclusion and the FO report for your review.

An eligibility letter has been sent out, but has not been received yet. AML file records indicate that the John Craft Mine was active in this area until April 1935 at the Princess #6 coal bed. This project is in close proximity to the Deanna Arrington OSM emergency project, and the mine history is the same.

If any local city permits to construct are required, they will be obtained before construction begins.

Please accept this email as a formal ATP request.

Your expedited response is greatly appreciated.

Thanks,

Ryan Howell

---------- Forwarded message ----------
From: "Coleman, Keith (EEC)" <KeithB.Coleman@ky.gov>
To: "Howell, Ryan (EEC)" <Ryan.Howell@ky.gov>
Date: Thu, 12 May 2011 14:38:13 -0600
Subject: Chinn St. KSNPC Docs.

Ryan,

Here is the KSNPC report and Indiana Bat map for the Chinn St. project.

CHINN STREET SUBSIDENCE HIGH PRIORITY

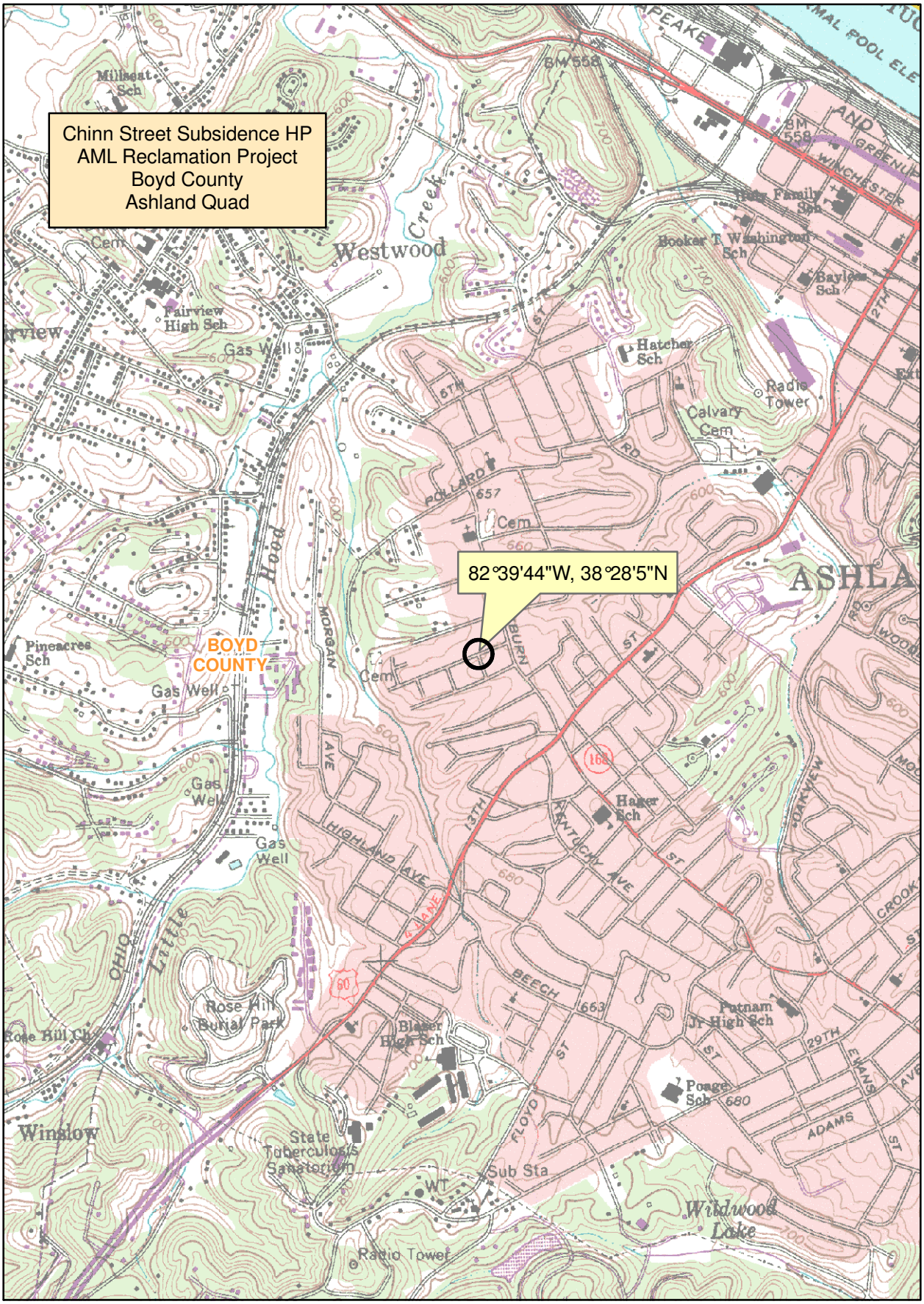
AML RECLAMATION PROJECT

The Chinn Street Subsidence High Priority AML Reclamation Project is centrally located in the city of Ashland, in Boyd County, at 38° 28' 5.0" North latitude 82° 39' 43.5" West longitude on the United States Geological Survey (USGS) 7.5' Ashland Quadrangle (See attached map).

Several subsidence holes have opened up in a residential area and are a threat to local citizens, the city road, and the Pat Ross residence. One hole, approximately 12' deep by 6' wide, has exposed a gas line in the Rick Wagoner yard near the city road. A second hole, approximately 1' deep by 6' wide, has caused the front porch of the Pat Ross residence to become unstable and threatens to cause a portion of the roof to collapse. Another hole, approximately 2' deep by 3' wide, is located in the Tim Cassidy yard. These holes are easily visible, and a threat to anyone that may venture near.

AML proposes to fill the holes with a combination of concrete, rock, and soil. The entire project work area slated for any excavation has been previously disturbed by any or all of the following: coal mining operations, including mine drainage, timber operations, gas/oil well development, residential development, road construction, and/or high velocity water flows associated with heavy rain events and flooding. These disturbances consist of significant upheaval, mixing, and removal of earthen material from deep excavation, grading, sub-surface drilling, fill material placement, and erosion. There should be no undisturbed earthen material to a depth of several feet at the areas slated for significant project-related construction activities.

Access to the work areas will be via existing roads and residentially maintained yards. Construction activities will be kept to a minimum through the use of a stringently formulated sediment and erosion control program, consisting of such measures as hay-bale silt checks, maintained throughout the life of the project, and prompt re-vegetation will be implemented on all areas disturbed by this project using agricultural limestone, fertilizer, seed, mulch, and netting, as required. No trees will need to be removed, and no work will take place within any streams.


Chinn Street Subsidence HP
AML Reclamation Project
Boyd County
Ashland Quad
82°39'44"W, 38°28'5"N
BOYD COUNTY
Westwood
Hood Creek
Little Hood
Winslow
Widwood Lake
ASHLA
Fairview High Sch
Millseat Sch
Pineacres Sch
Rose Hill Burial Park
Rose Hill Ch
State Tuberculosis Sanatorium
Blazer High Sch
Putnam Jr High Sch
Poage Sch
Hager Sch
Hatcher Sch
Calvary Cem
Radio Tower
Gas Well
Sub Sta
WT
Cem
BM 558
MORGAN AVE
HIGHLAND AVE
KENTUCKY AVE
BURN ST
POLLARD RD
BEECH ST
FLOYD ST
ADAMS ST
EVANS AVE
OAKVIEW
WINCHESTER
13TH
29TH
6TH
12TH
657
663
680
660
600
700

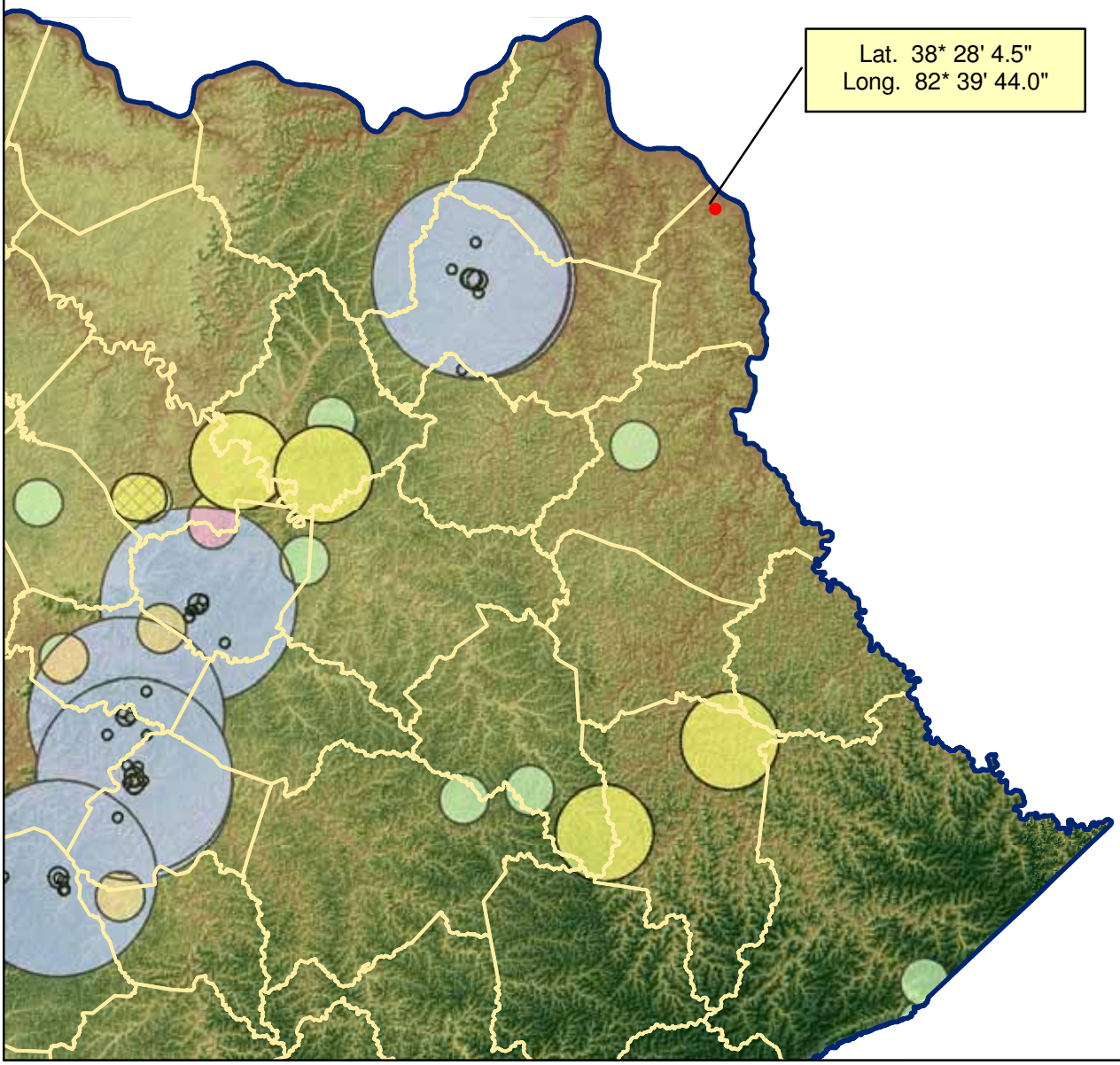
AML

Waggoner (Chinn St.)
Subsidence
Boyd County
Ashland GQ

JAN2011_known_MYSO_habitat_PUBLIC

RECORD_TYP

- SENSITIVE
- MATERNITY
- NON-MATERNITY SUMMER
- P1_P2+MATERNITY
- P3_P4+MATERNITY
- P1_P2+NONMATERNITY
- P3_P4+NONMATERNITY
- P1_P2
- P3_P4



0 10 20 40 Miles

Kentucky
UNBRIDLED SPIRIT

Kentucky Natural Heritage Program Data Provided to the Department of Natural Resources, Division of Abandoned Mine Lands by the State Nature Preserves Commission

Report for Waggoner Subsidence 1mi

Report Date: 05/12/2011

Latitude: 38* 28' 4.5"

Longitude: 82* 39' 44.0"

SCIENTIFIC NAME / COMMON NAME	EO # / EO ID	G RANK / S RANK	SPROT / USESA	IDENT / LASTOBS / EO RANK	COUNTY	QUAD	WATERSHED	DIRECTIONS	EO_TYPE / HABITAT

MUSSELS, FISHES and AQUATIC SNAILS:

No Aquatic Elements in Search Area

ADDITIONAL ELEMENT GROUPS:

No Additional Elements in Search Area

BATS (1 Miles from Permit):

No Bat Elements in Search Area

Kentucky Natural Heritage Program Data Provided to the Department of Natural Resources, Division of Abandoned Mine Lands by the State Nature Preserves Commission

Report for Waggoner Subsidence 10-20mi

Report Date: 05/12/2011

Latitude: 38* 28' 4.5"

Longitude: 82* 39' 44.0"

SCIENTIFIC NAME / COMMON NAME	EO # / EO ID	G RANK / S RANK	SPROT / USESA	IDENT / LASTOBS / EO RANK	COUNTY	QUAD	WATERSHED	DIRECTIONS	EO_TYPE / HABITAT
MUSSELS, FISHES and AQUATIC SNAILS:									
Freshwater Mussels									
Simpsonaias ambigua	39	G3	T	Y - 1981-07-19	Boyd	Argillite, Ashland	05090104140	EAST FORK SANDY RIVER FISHING LAKE (GRANDVIEW).	
Salamander Mussel	5484	S2S3		F - Failed to find					Often found buried in substrate such as soft mud and/or gravel, and/or under flat ston
Villosa lienosa	92	G5	S	Y - 1981-07-19	Boyd	Ashland	05090104140	EAST FORK LITTLE SANDY RIVER AT GOLF COURSE.	
Little Spectaclecase	1501	S3S4		F - Failed to find					Inhabits small to medium-sized rivers, usually in shallow water on a sand/mud/detritus
Villosa lienosa	93	G5	S	Y - 1981-07-19	Boyd	Ashland	05090104140	EAST FORK LITTLE SANDY RIVER AT FISHING LAKE (GRANDVIEW).	
Little Spectaclecase	9708	S3S4		F - Failed to find					Inhabits small to medium-sized rivers, usually in shallow water on a sand/mud/detritus
Fishes									
Crystallaria cincotta	1	G3	X	? - 1899-05-31	Boyd, Greenup	Ironton	05090103040	Ohio River at Ironton.	
Diamond Darter	12890	SX		H - Historical					Medium to large swift rivers with extensive deposits of clean sand and gravel. Typical
Crystallaria cincotta	9	G3	X	? - 1980- pre	Boyd	Ashland, Catlettsburg, Ironton	05070204010, 05090103040	Ohio River, Boyd County.	
Diamond Darter	12900	SX		H - Historical					Medium to large swift rivers with extensive deposits of clean sand and gravel. Typical
Ichthyomyzon fossor	9	G4	T	Y - 1979-10-09	Greenup	Argillite	05090104130	Little Sandy River, 1600 feet E (W) of Argillite at KY 1 bridge.	
Northern Brook Lamprey	8835	S2		H - Historical					Small to medium-size upland streams where adults live in sand-gravel bottoms of clean
Percopsis omiscomaycus	31	G5	S	Y - 1986-08-14	Greenup	Argillite, Greenup	05090104130, 05090104140	Little Sandy River from confluence with Odett Run upstream 3.2 mi to just below Rt 1 bridge.	
Trout-perch	6202	S3		D - Poor estimated viability					Lives in clear, small to moderate-size streams in pools or raceways over clean sand or
Percopsis omiscomaycus	30	G5	S	Y - 1985-08-13	Greenup	Argillite	05090104100, 05090104120, 05090104130	Little Sandy River, from confluence with Long Branch upstream 2.0 mi, RM 18.0-20.0.	
Trout-perch	9618	S3		D - Poor estimated viability					Lives in clear, small to moderate-size streams in pools or raceways over clean sand or
Percopsis omiscomaycus	23	G5	S	Y - 1941-pre	Greenup	Argillite, Greenup	05090104130, 05090104140	East Fork of Little Sandy River at mouth.	
Trout-perch	6405	S3		H - Historical					Lives in clear, small to moderate-size streams in pools or raceways over clean sand or
Percopsis omiscomaycus	59	G5	S	Y - 1998-05-22	Boyd	Ashland	05090104140	EAST FORK LITTLE SANDY RIVER AT MEADE SPRINGER RD.	
Trout-perch	3204	S3		D - Poor estimated viability					Lives in clear, small to moderate-size streams in pools or raceways over clean sand or
Percopsis omiscomaycus	60	G5	S	Y - 1998-06-02	Greenup	Argillite	05090104140	EAST FORK LITTLE SANDY RIVER AT LOST LICK.	
Trout-perch	3205	S3		D - Poor estimated viability					Lives in clear, small to moderate-size streams in pools or raceways over clean sand or

SCIENTIFIC NAME / COMMON NAME	EO # / EO ID	G RANK / S RANK	SPROT / USESA	IDENT / LASTOBS / EO RANK	COUNTY	QUAD	WATERSHED	DIRECTIONS	EO_TYPE / HABITAT
Percopsis omiscomaycus	34	G5	S	Y - 1987-09-30	Boyd	Boltsfork	05090104140	EAST FORK LITTLE SANDY RIVER, CA 0.4 MI DOWNSTREAM OF LAUREL CREEK CONFLUENCE.	
Trout-perch	7202	S3		B - Good estimated viability					Lives in clear, small to moderate-size streams in pools or raceways over clean sand or
Percopsis omiscomaycus	15	G5	S	Y - 1998-08-05	Greenup	Argillite	05090104130	LITTLE SANDY RIVER 1600 FT DUE E OF ARGILLITE AT KY 1 BRDG.	
Trout-perch	8480	S3		D - Poor estimated viability					Lives in clear, small to moderate-size streams in pools or raceways over clean sand or
Percopsis omiscomaycus	61	G5	S	Y - 1998-06-03	Boyd, Greenup	Argillite	05090104140	East Fork Little Sandy River at KY 503 at Naples.	
Trout-perch	8873	S3		C - Fair estimated viability					Lives in clear, small to moderate-size streams in pools or raceways over clean sand or

ADDITIONAL ELEMENT GROUPS:

Vascular Plants

Erythronium rostratum	19	G5	S	Y - 1989-04-20	Boyd	Boltsfork	05090104140	SOUTH OF BIG RUN RD, SW OF COALTON (MARGNUM 4, 382137N, 824402W).	
Yellow Troutlily	7865	S2S3		C - Fair estimated viability					Mesic ravine forests.
Gratiola viscidula	4	G4G5	S	Y - 1982-07-11	Greenup	Argillite	05090104130	Terrace of Little Sandy River, 0.1 mi ENE, BM 545, E edge of Argillite.	
Short's Hedgehyssop	9031	S3		B - Good estimated viability					Open wetlands, alluvial forests, wet streambanks.
Sida hermaphrodita	6	G3	T	Y - 1985-08-08	Boyd	Ashland	05090103040	CITY OF ASHLAND BELOW US 60 BRIDGE.	
Virginia Mallow	5432	S2S3		F - Failed to find					Loose sandy or rocky soil in open areas resulting from flooding along riverbanks, floo
Sida hermaphrodita	7	G3	T	Y - 2008-07-29	Boyd	Catlettsburg	05090103040	NORTH LIMITS OF CATLETTSBURG, US 60 DIRECTLY S OF JCT W/ US 23.	
Virginia Mallow	7319	S2S3		D - Poor estimated viability					Loose sandy or rocky soil in open areas resulting from flooding along riverbanks, floo

Terrestrial Snails

Glyphyalinia raderi	2	G2	S	Y - 1985-pre	Carter	Argillite, Ault, Bruin, Garrison, Grahn, Grayson, Haldeman, Oldtown, Olive Hill, Rush, Soldier, Tygarts Valley, Webbville, Wesleyville, Willard	05090103100, 05090103110, 05090103120, 05090103130, 05090104030, 05090104050, 05090104060, 05090104070, 05090104080, 05090104090, 05090104100, 05090104120, 05090104140, 05090201060, 05100101130	Carter County.	
Maryland Glyph	8536	S1		U - Unrankable					A calciphile. Probably a burrower. The few specimens collected across its range were f

Kentucky Natural Heritage Program Data Provided to the Department of Natural Resources, Division of Abandoned Mine Lands by the State Nature Preserves Commission

Report for Waggoner Subsidence 10-20mi

Report Date: 05/12/2011

Latitude: 38* 28' 4.5"

Longitude: 82* 39' 44.0"

SCIENTIFIC NAME / COMMON NAME	EO # / EO ID	G RANK / S RANK	SPROT / USESA	IDENT / LASTOBS / EO RANK	COUNTY	QUAD	WATERSHED	DIRECTIONS	EO_TYPE / HABITAT
Insects									
Nixe flowersi	1	G1G3	H	Y - 1978-06-01	Boyd	Boltsfork	05090104140	EAST FORK LITTLE SANDY RIVER OFF KY 3, CA 0.9 RD MI N OF KY 3/KY 966 JCT.	
A Heptageniid Mayfly	7412	SH		H - Historical					Streams.
Amphibians									
Hyla versicolor	33	G5	S	Y - 2000-05-24	Boyd	Ashland	05090103040	Summit, undeveloped area N of RR tracks at KY 3292, 0.45 air mi WNW of Ashland Vocational School.	
Gray Treefrog	6814	S2S3		D - Poor estimated viability					Permanent and temporary ponds in semi-open habitats. Native habitat is unknown.
Hyla versicolor	34	G5	S	Y - 2000-05-24	Boyd	Ashland	05090104140	Along Little Sandy River behind K-Mart on KY 180.	
Gray Treefrog	7373	S2S3		D - Poor estimated viability					Permanent and temporary ponds in semi-open habitats. Native habitat is unknown.
Hyla versicolor	35	G5	S	Y - 2000-05-24	Boyd	Argillite	05090104140	KY 5, S side just W of Williams Creek Bridge.	
Gray Treefrog	9221	S2S3		C - Fair estimated viability					Permanent and temporary ponds in semi-open habitats. Native habitat is unknown.
Hyla versicolor	36	G5	S	Y - 2002-05-01	Greenup	Argillite, Greenup	05090104130, 05090104140	Culp [Culp Creek] Rd at jct KY 207 (Brown's Grocery) (036A), KY 1, 1.5 mi N of S jct w/ KY 207 (036B), Culp Rd, 3.2 mi W of KY 67 (at jct Grizzle Rd, CR 1183D) (036C), Culp Rd, 3.0 mi W of KY 67 (036D), Culp Rd, 3.4 mi W of KY 67 (036E), Culp Rd, 1.5 mi W of KY 67 (036F), and KY 67,	
Gray Treefrog	10875	S2S3		B - Good estimated viability					Permanent and temporary ponds in semi-open habitats. Native habitat is unknown.
Hyla versicolor	38	G5	S	Y - 2002-05-01	Boyd, Greenup	Argillite	05090104120, 05090104140	West side of KY 67, 1.0 [rd] mi N I-64 (038A) and KY 67, 2.1 [rd] mi N I-64 (038B).	
Gray Treefrog	10877	S2S3		B - Good estimated viability					Permanent and temporary ponds in semi-open habitats. Native habitat is unknown.
Breeding Birds									
Falco peregrinus	6	G4	E	Y - 2007-06	Greenup	Ironton	05090103040	Highway bridge between Russell, Ky, and Ironton, Ohio.	Breeding
Peregrine Falcon	12004	S1B		C - Fair estimated viability					Various open situations from tundra, moorlands, steppe, and seacoasts, especially wher
Nyctanassa violacea	10	G5	T	Y - 1985-06-25	Greenup	Ironton	05090103040	White Oak Creek, btwn sta 138-143, just NW of Ashland; approx 0.3 km E of jct HWY 693 and HWY 1172.	Breeding
Yellow-crowned Night-heron	3589	S2B		C - Fair estimated viability					Marshes, swamps, lakes, lagoons, and mangroves.
Nycticorax nycticorax	9	G5	T	Y - 1993-05-14	Greenup	Ironton	05090103040	Pond Run nr mouth.	
Black-crowned Night-heron	1943	S1S2B		F - Failed to find					Marshes, swamps, wooded streams, mangroves, shores of lakes, ponds, lagoons; salt wate
Pandion haliaetus	26	G5	S	Y - 2004	Greenup	Ironton	05090103040	Northern edge of railroad yard E of Worthington, ca ORM 328.5.	Breeding
Osprey	11677	S2S3B		CD - Fair or poor estimated viability					Primarily along rivers, lakes, and seacoasts, occurring widely in migration, often cro

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SCIENTIFIC NAME / COMMON NAME	EO # / EO ID	G RANK / S RANK	SPROT / USESA	IDENT / LASTOBS / EO RANK	COUNTY	QUAD	WATERSHED	DIRECTIONS	EO_TYPE / HABITAT
Mammals									
Myotis grisescens	104	G3	T	Y - 1996-07-16	Greenup	Ironton	05090103040	Along Ohio River just upstream of Worthington, at or near confluence of Ohio River and drain from natural backwater slough.	Summer mist-net record
Gray Myotis	11178	S2	LE: Listed endangered	E - Verified extant (viability not assessed)					Gray bats use primarily caves throughout the year, although they move from one cave to
Myotis sodalis	181	G2	E	No Date	Greenup	Argillite, Ashland, Brushart, Friendship, Garrison, Greenup, Ironton, Load, New Boston, Oldtown, Portsmouth, Rush, Tygarts Valley, Wesleyville, Wheelersburg	05090103040, 05090103090, 05090103110, 05090103120, 05090103130, 05090103140, 05090103150, 05090103160, 05090103170, 05090103180, 05090103200, 05090104090, 05090104100, 05090104110, 05090104120, 05090104130, 05090104140, 05090201050, 05090201060	Greenup County.	Undetermined
Indiana Bat	11609	S1S2	LE: Listed endangered	H - Historical					Indiana bats use primarily caves for hibernacula, although they are occasionally found

BATS (10-20 Miles from Permit):

Mammals									
Myotis leibii	80	G3	T	2007-05-30	Greenup	Greenup	05090104130	Unnamed hollow off Little Sandy River and KY 2, ca 1.5 air mi SW of Greenup	Summer mist-net record
Eastern Small-footed Myotis	12477	S2		E - Verified extant (viability not assessed)					Lieb's bats use a variety of habitats. They occur in caves, mines, protected sites alo

KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES
TOURISM, ARTS, AND HERITAGE CABINET

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Marcheta Sparrow
Secretary

Dr. Jonathan W. Gassett
Commissioner

19 May 2011

Steve Hohmann, Director
Division of Abandoned Mine Lands
2521 Lawrenceburg Road
Frankfort, KY 40601

RE: Chinn Street Subsidence HIGH PRIORITY AML Reclamation Project (Boyd County)

Dear Mr. Hohmann:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for information pertaining to the subject project. The Kentucky Fish and Wildlife Information System indicates that the federally-endangered Gray bat *(Myotis grisescens)* is known to occur within 10 miles of the proposed project site. No state-listed species are known to occur within one mile of the project site. Based on the nature of the project, the KDFWR does not anticipate impacts to the Gray bat or its associated critical habitat. Please be aware that our database system is a dynamic one that only represents our current knowledge of various species distributions.

I hope this information is helpful to you, and if you have questions or require additional information, please call me at (502) 564-7109 extension 4453.

Sincerely,

Dan Stoelb
Wildlife Biologist

Cc: Environmental Section File