

Authorization to Proceed (ATP)  
Jamie Wyrick Rockfall  
Abandoned Mine Land (AML) Reclamation Project  
based on Categorical Exclusion (CX)  
Perry County, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the August 16, 2011, request for ATP with construction activity on the Jamie Wyrick Rockfall AML Reclamation project, prepared by the Division of Abandoned Mine Lands (DAML) of the Kentucky Department for Natural Resources. 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.

OSM reviewed the categorical exclusion (CX) certification prepared by DAML for this project. OSM determined that the construction activity requested under this project conforms to the 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 environmental review.

Please ensure compliance with the following provisions in the ATP request documents noted here for emphasis or the authorization of this project is further conditioned as follows:

- The DAML project request notes that no tree removal is proposed/anticipated at this time outside the AML problem areas, but that if tree removal is needed in these areas it will only take place between October 15 and March 31, or a habitat assessment or a presence/absence survey will be required.

Accordingly, pursuant to Section 5-11-20D.3 of the Federal Assistance Manual and my signature on this ATP notification document, DAML is authorized to proceed with 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

8/26/11  
Date

## Cassel, Steven R. "Steve"

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**From:** Cassel, Steven R. "Steve"  
**Sent:** Friday, August 26, 2011 9:17 AM  
**To:** 'Steve Hohmann (steve.hohmann@ky.gov)'  
**Cc:** 'carl.campbell@ky.gov'; 'mark.meade@ky.gov'; 'Bill.Overman@ky.gov'; 'Howell, Ryan (EEC)'; 'Train, Shannon (EEC)'; Rickwa, Vanna (EEC); Blackburn, Joseph L. "Joe"; Smith, Gail; Turner, Samuel R. "Sam"; Francis, Gary D.; Edwards, Chester L. "Chet"; Holliday, James "Jim"; Miller, Corey T.; Estes, Loren A.  
**Subject:** ATP Transmittal: Jamie Wyrick Rockfall ATP, Perry County  
**Attachments:** AR-M550N\_20110826\_091142.pdf

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of your August 16, 2011, request for ATP with construction activity on the Jamie Wyrick Rockfall AML Reclamation project, prepared by the Division of Abandoned Mine Lands (DAML). The request does not designate a funding source for the construction work under the Project Costs (Non-Water Supply) of any of Kentucky's Annual AML Construction Grant. OSM requests to be notified of the final funding source and State account number for our records.

A pre-approval field inspection of the proposed project was deemed unnecessary, since (1) the area adjacent to the project area was evaluated by OSM under AML emergency complaint investigation Jamie Wyrick Rockfall LFO Complaint #2009-033-L (that was declared OSM Federal AML emergency project Jamie Wyrick Rockfall # KY-2009-030 which installed rockfall netting), (2) the area of the project was investigated in 2010 as the Jamie Wyrick Rockfall II LFO# 2010-051-L (which resulted in OSM referral of the complaint for Federal emergency project consideration, however it was referred to the State as a high priority AML problem since the site conditions at that time did not meet OSM emergency criteria), (3) no unique characteristics warranting special field verification were noted, and (4) it wasn't selected for field verification under the EY 2012 Oversight Agreement..

It is OSM's recommendation that appropriate consideration be given to the general recommendations and comments provided in the response from the agencies consulted in the National Environmental Policy Act (NEPA) environmental review documented in the Environmental Assessment (EA) prepared by DAML. Please give special attention to the following NEPA consultation recommendation(s)/conditions and ensure compliance with the following provisions in the ATP request documents noted here for emphasis, and/or the authorization of this project is further conditioned as follows:

- The DAML project request notes that no tree removal is proposed/anticipated at this time outside the AML problem areas, but that if tree removal is needed in these areas it will only take place between October 15 and March 31, or a habitat assessment or a presence/absence survey will be required.
- OSM requests copies of any applications for permits/certifications and approval documents required for the construction of this project that were not submitted with the original ATP. This information is needed by OSM to perform oversight and monitor compliance with the NEPA.

The OSM Lexington Field Office Director has signed an ATP notice and the Categorical Exclusion Determination. A copy of each of these documents and the LFO review memorandum are scanned into the attachment to this email for your information and use. Mr. Carl Campbell, Commissioner, Department for Natural Resources has been notified of this authorization by receiving a copy of this email.

Please ensure that the e-AMLIS information regarding Problem Area (PA) # KY-004142-SGA is updated to reflect the authorization of this project and move of Units and Cost from Unfunded to Funded category for use in generating the Annual Report to Congress and other inquiries of the database.

Any questions concerning this ATP or the procedures can be addressed to Steve Cassel at 859-260-3912 or Gail Smith at (859) 260-3908. Thank you.

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

State: Kentucky PA: KY 4142 SGA  
Project Name: Jamie Wyrick Rockfall AML Reclamation Project  
Project Description: Rockfall netting installation on highwall.

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  Yes

II. DEPARTMENT OF INTERIOR EXCEPTIONS

Will the project have any of the following:

A significant adverse effect on public health or safety? No  Yes

An adverse effect on any of the following unique geographic characteristics? If 'yes,' check the ones that apply: No  Yes

- |   |  |
|---|--|
| <input type="checkbox"/> Parks (state, local or National)           | <input type="checkbox"/> Wild or Scenic Rivers                     |
| <input type="checkbox"/> Recreation or Refuge Lands                 | <input type="checkbox"/> Wetlands                                  |
| <input type="checkbox"/> Wilderness Areas                           | <input type="checkbox"/> Floodplains                               |
| <input type="checkbox"/> Ecologically Significant or Critical Areas | <input type="checkbox"/> Sole or Principal Drinking Water Aquifers |
| <input type="checkbox"/> Prime Farmlands                            |  |

Highly controversial environmental effects? No  Yes

Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks? No  Yes

A precedent for future action or a decision in principle about future actions with potentially significant environmental effects? No  Yes

Directly related to other actions with individually insignificant but cumulatively significant environmental effects? No  Yes

Adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No  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  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 [ ]

<input type="checkbox"/> Topography	<input type="checkbox"/> Historic and Cultural
<input type="checkbox"/> Land Use (includes prime farmland)	<input type="checkbox"/> Recreation
<input type="checkbox"/> Soils	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Vegetation (includes wetlands)	<input type="checkbox"/> Noise
<input type="checkbox"/> Hydrology	<input type="checkbox"/> Other (includes socio-economics)
<input type="checkbox"/> Fish and Wildlife	

IV. ATTACH CONSULTATION LETTERS AND A LOCATION MAP

V. RESPONSIBLE OFFICIAL CERTIFICATION

Signature: Steve Hohmann Date: 8/16/11

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

VI. OSM DETERMINATION

<sup>10-2511</sup> 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: Joe Blackburn Date: 8/26/11

Name and Title: Joe Blackburn, FOD

Memorandum

Date: August 26, 2011

To: Jamie Wyrick Rockfall Abandoned Mine Land (AML) Reclamation Project  
File #99.125030000

From: Steve Cassel, Sr., AML 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 Jamie Wyrick Rockfall AML Reclamation Project. The Branch prepared an ATP notice for the FOD review. The Branch recommends that the FOD sign the Categorical Exclusion Determination (CX) and ATP notice in the space provided on each document. The original signed ATP notice will be filed in the LFO AML project construction files and a copy will be sent to the Division of Abandoned Mine Lands (DAML) Director attached to a transmittal email, with an attachment of associated approval documents, consisting of a copy of the LFO review memorandum and CX. Additionally, the transmittal email will be copied to the Department for Natural Resources (DNR) Commissioner.

The Kentucky DAML ATP request dated August 16, 2011, was received at LFO on August 16, 2011. The ATP was processed within 7 working days; therefore, the customer service target of 14 working days to process an ATP has been met. The ATP was processed in 9 calendar days; therefore, the Federal employee performance appraisal standard of 30 calendar days to process an ATP has been met.

The project area may be centrally located on the Hazard North, Kentucky U.S.G.S. 7.5 minute Topographic Quadrangle map at 37° 17' 31" North Latitude and 83° 12' 55" West Longitude near the community of Hazard, Kentucky. The project location, AML problems to be addressed and proposed reclamation activity/cost are also available at <http://www.osmre.gov> in the AMLIS under PA# KY-004142-SGA. The project involves reclamation of AML highwall conditions consisting of removing loose rock and installation of rockfall netting, adjacent to a previous Federal AML emergency rockfall project.

DAML did not designate a funding source for the construction work under the budget category entitled Project Costs (Non-Water Supply) of any of Kentucky's AML Annual Construction Grants (AG). In previous discussions, DNR indicated they would assign projects to a grant before they go to construction. The LFO Project/Site ID #99.125030000 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 specific proposed 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 September 1, 2011, Contract Award was entered as October 1, 2011, and Contract/Construction Completion was entered as October 1, 2012.

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 documentation; 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-004142-SGA.

A pre-approval field inspection of the proposed project was deemed unnecessary, since (1) the area adjacent to the project area was evaluated by OSM under AML emergency complaint investigation Jamie Wyrick Rockfall LFO Complaint #2009-033-L (that was declared OSM Federal AML emergency project Jamie Wyrick Rockfall # KY-2009-030 which installed rockfall netting), (2) the area of the project was investigated in 2010 as the Jamie Wyrick Rockfall II LFO# 2010-051-L (which resulted in OSM referral of the complaint for Federal emergency project consideration, however it was referred to the State as a high priority AML problem since the site conditions at that time did not meet OSM emergency criteria), (3) no unique characteristics warranting special field verification were noted, and (4) it wasn't selected for field verification under the EY 2012 Oversight Agreement.

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 subsidence's 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 and all project areas

were previously disturbed by mining, a previous AML project, residential/business 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 correspondence and attachments discussed 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 no known federally threatened/endangered fish and wildlife within a 10 mile radius of the project area. They also identified no records of state listed species of concern within 1 mile radius of the project area.

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 correspondence and an attached biological review memorandum. DAML found that KSNPC data indicated no federally listed threatened or endangered species within a 10-mile radius and no species of State concern is known to occur within a 1-mile radius of the project. The DAML biological review memorandum also noted that the federally listed endangered Indiana bat, although not indicated to exist in the project vicinity by DAML and the KDFWR reviews and for which the U.S. Fish and Wildlife Service has declared the entire state of Kentucky as potential habitat, would not be disturbed by the project.

In a meeting held in February 2010 between the OSM Lexington Field Office (LFO) LFO, Kentucky Field Office (KFO) in Frankfort, Kentucky, of the U.S. Fish and Wildlife Service (USFWS) and DAML; Steve Hohmann, Director of DAML, offered to coordinate NEPA consultation with the KFO, 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 contacted 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 and provisions of Section 7 of the Endangered Species Act have been fulfilled. 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 project activities meet the following conditions noted in the MOA to ensure protection of federally listed species; specifically the Indiana bat, Gray bat, and freshwater fishes and mussels:

- With the exception of trees directly impacted by the AML problem, the project does not include the 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 15;
- The project activity does not occur in "Known Indiana Bat Habitat" identified on the map attached to the MOA and the GIS files provided by USFWS KFO on November 2, 2009, used to generate the map (a copy of a section of the MOA GIS layer map on which the project coordinates are located is attached to the DAML biological review memorandum as proof of this determination);
- No caves or clifflines will be disturbed;
- No mine portal/shaft closures are proposed;
- 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.

The DAML ATP request letter and biological review memorandum also note that if any removal of trees not directly impacted by the AML problem is later found to be necessary during the period April 1 to October 15, a habitat assessment or presence/absence survey will be required by qualified DAML staff.

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.

The Office of State Archaeology found that their records did not indicate any known archaeological sites directly in the project area, no systematic archaeological survey has been conducted in the immediate project area, and past disturbance to the project area make it unlikely that archaeological sites will be preserved.

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 "exempt projects" provisions in the Programmatic Agreement that DAML signed on January 3, 2011, with the KHC. Exempt projects are "Routine and recurring projects whose impacts [under Section 106 of the National 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.

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 Department for Natural Resources (DNR). DNR assigned this responsibility to the DAML Design Branch. In a meeting held in February 2010 between the OSM Lexington Field Office (LFO), Kentucky Field Office (KFO) in Frankfort, Kentucky, of the U.S. Fish and Wildlife Service (USFWS) and DAML to primarily discuss fish and wildlife issues; Steve Hohmann, Director of DAML, offered to coordinate NEPA consultation with the U.S. Army Corps of Engineers (COE) to assess the need for and compliance with the permit requirements of Section 404 of the Clean Water Act (CWA) by application of criteria provided by the COE. This was beneficial to both offices since these issues are inter-related. The DAML Design Branch determined that neither a 401 WQC nor a 404 CWA permit are needed for the project as proposed.

Under a 2005 agreement with the Kentucky Division of Water (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. DAML's Design Branch personnel researched these maps and have determined that the project is not within the base floodplain and no floodplain permits are required. This statement is contained in the ATP request letter and the project description.

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-004142-SGA was Jamie

submitted by DAML for OSM review prior to directly input into the AMLIS by the DAML and FOD approval was completed on August 16, 2011. The PA represents a "new Problem Area" requiring FOD approval under OSM Directive AML-1-2 (signed June 22, 2007). A FOD approval forms were was prepared for each the PA and submitted for FOD signature. A FOD approval form was not prepared for the PA, since the new e-AMLIS is operational, with electronic OSM FOD approval, which eliminated the need for the FOD approval form. The e-AMLIS file indicated the PA was approved on August 16, 2011.

The Area Office AML staff will be notified of this project authorization by cc'd copy of the email notifying DAML of this ATP or email of an updated State AML Project List after the authorization of this project and availability of the project documents on the LFO State AML reclamation project tracking database.

Attachments:

A copy of an e-AMLIS printout for PA# KY-004142-SGA



U.S. Department of the Interior  
Office of Surface Mining Reclamation and Enforcement  
e-AMLIS Report

Date Prepared: **8/15/2011**Prepared By: **Ryan Howell**

Phone:

Last Modified: **8/16/2011**

Field Contact:

Phone:

AMLIS Key: **KY004142**PA Name: **Jamie Wyrick Rockfall**PU Name: **FIRST CR-N FK KY R**PU Number: **417**Latitude: **37.2919444444**Longitude: **-83.2152777778**State/Tribe: **Kentucky**County: **PERRY**Cong Dist: **5**FIPS Code: **21193**Watershed: **NORTH FORK KENTUCKY**HUC Code: **05100201**Quadrangle: **HAZARD NORTH**Mining Type: **S**Surface Owners: **Private 100%**

Ore Types:

## Problem Summary

Problem	Unfunded		Funded		Completed		Total		
	Prio/Type/Fund	Units	Costs	Units	Costs	Units	Costs	Units	Costs
1 DH SGA		100	98916	0	0	0	0	100	98916

### Priority Totals

P1 Total	-	98916	-	0	-	0	-	98916
P2 Total	-	0	-	0	-	0	-	0
P3 Total	-	0	-	0	-	0	-	0
PAD Total	-	98916	-	0	-	0	-	98916



Steve Cassel <scasselsr@gmail.com>

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## ATP Request Package for Jamie Wyrick Rockfall ALMRP

1 message

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**Bill Overman <kyaml2008@gmail.com>**

**Tue, Aug 16, 2011 at 1:19 PM**

To: scasselsr <scasselsr@gmail.com>, ctmsbc <ctmsbc@gmail.com>, osmlorenestes@gmail.com

Please see attached ATP request package for the Jamie Wyrick Rockfall AML Reclamation Project.

Respond accordingly.

If you have any questions or concerns ref. this package, please contact Bill Overman or Ryan Howell.

Thanks,

Vanna  
AML-Frankfort



**Jamie Wyrick Rockfall - ATP Request 8.16.11.pdf**

11550K



**ENERGY AND ENVIRONMENT CABINET**  
**DEPARTMENT FOR NATURAL RESOURCES**

**Steven L. Beshear**  
Governor

Division of Abandoned Mine Lands  
2521 Lawrenceburg Road  
Frankfort, Kentucky 40601  
[www.ky.gov](http://www.ky.gov)

**Leonard K. Peters**  
Secretary

**Carl E. Campbell**  
Commissioner

August 16, 2011

Mr. Joseph L. Blackburn, Director  
U. S. Department of the Interior  
Office of Surface Mining  
Lexington Field Office  
2675 Regency Road  
Lexington, KY 40503

RE: Jamie Wyrick Rockfall AML Reclamation Project (Perry County)

Dear Mr. Blackburn:

We are requesting "Authorization to Proceed" with site-specific construction activities on the referenced project, as described in the enclosed package. Enclosed are a project description, location maps, and problem area description (PAD) supplemental form, including a problem description and an engineer cost estimate, for the above-referenced project. The PAD for problem area # KY 4142 SGA has been prepared, entered into the e-AMLIS by the division, and is pending OSM approval. An eligibility determination that finds the proposed project eligible for AML funding has been reviewed and signed by the Office of Legal Services. Support documents for the PAD and the eligibility determination will be made available to you upon request. Also, enclosed is a Categorical Exclusion, with two agency consultation response documents and two DAML consultation documents attached. The KHC was not contacted, as the project site is exempt under the Programmatic Agreement with KHC, due to the previous disturbances of the site by mining activity, houseseat construction, and OSM reclamation construction.

AML Program Development staff conducted a search of the Kentucky State Nature Preserves Commission (KSNPC) BIODICS database. This search revealed that no species of state concern, monitored by the KSNPC, are known to occur within one mile of the project site, and that one species listed as threatened or endangered, under the United States Endangered Species Act (USES), is known to exist within ten miles of the project site. The species noted in the search is the Indiana bat (*Myotis sodalis* – USESA Endangered). According to the memo by Keith Coleman, dated August 1, 2011, this species should not be negatively impacted by the proposed reclamation work. Since only trees within the unstable rockfall/highwall area may need to be cut, which are exempt from habitat consideration, and no cave-like structures are associated with this project, no impacts should result due to project-related construction, regardless of the construction timing.

Office of Surface Mining  
August 16, 2011  
Page Two

A letter was sent to the DAML floodplain and hydrology staff specialist, soliciting their comments regarding this project. The letter requested comments regarding water quality certification (WQC) and floodplain permit issues. The response stated that no WQC, COE, or floodplain permits will be required. The other consulted agencies had no objections or concerns regarding this project.

Overall, the project is a Priority 1. The project is estimated to cost \$98,916.00, exclusive of "in-house" personnel costs associated with project administration, design, support, surveying, and bid activities. Completion of the project will not require the acquisition of any land and will not significantly affect the potential recovery of residual coal reserves at the sites. The principal benefits to be derived from the successful completion of the project are the elimination of abandoned mine land problems as described in the attached project description.

Construction contract bidding, awarding, and subsequent construction completion will occur as soon as possible. Should you have any questions regarding this information, please contact us at 502/564-2141.

Sincerely,



Steve Hohmann, Director  
Division of Abandoned Mine Lands

SH:BO:RH:vr

Enclosures

**Jamie Wyrick Rockfall  
AML Reclamation Project  
Perry County**

**Project Description**

The proposed project (1 acre total) consists of stabilizing a dangerous highwall along Apple Ridge Lane in Perry County. The project area is centrally located in the Hazard North Quadrangle at 37° 17' 30.6" latitude and 83° 12' 54.9" longitude. (see the attached map).

Loose rock will be removed and rockfall netting will be installed, adjacent to the existing rockfall netting installed during a previous OSM emergency project (KY-09-030). Access to all areas is preexisting.

Construction disturbances will be kept to a minimum through the use of a stringently formulated sediment and erosion control program, consisting of hay-bale silt checks maintained throughout the life of the project, prompt re-vegetation using agricultural limestone, fertilizer, seed, and mulch for the areas disturbed by the project.

The project site has been previously disturbed by coal mining, residential construction, and road construction. No disturbance of any stream reach is planned. No construction is proposed within a regulated floodplain. No tree removal will be required outside of the unstable area. All necessary permits and/or variances will be procured prior to construction.

Jamie Wyrick Rockfall  
AML Reclamation Project  
Hazard North Quad.  
Perry County

Mine

80

Install rockfall netting at  
latitude 37° 17' 30.6"  
longitude 83° 12' 54.9"

Project Limits

Mine

Cem

Cem

Trailer  
Park

Wooten  
Sch

Hosp

Branch

Meadow

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

State: Kentucky PA: KY 4142 SGA  
Project Name: Jamie Wyrick Rockfall AML Reclamation Project  
Project Description: Rockfall netting installation on highwall.

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  Yes

II. DEPARTMENT OF INTERIOR EXCEPTIONS

Will the project have any of the following:

A significant adverse effect on public health or safety? No  Yes

An adverse effect on any of the following unique geographic characteristics? If 'yes,' check the ones that apply: No  Yes

- |   |  |
|---|--|
| <input type="checkbox"/> Parks (state, local or National)           | <input type="checkbox"/> Wild or Scenic Rivers                     |
| <input type="checkbox"/> Recreation or Refuge Lands                 | <input type="checkbox"/> Wetlands                                  |
| <input type="checkbox"/> Wilderness Areas                           | <input type="checkbox"/> Floodplains                               |
| <input type="checkbox"/> Ecologically Significant or Critical Areas | <input type="checkbox"/> Sole or Principal Drinking Water Aquifers |
| <input type="checkbox"/> Prime Farmlands                            |  |

Highly controversial environmental effects? No  Yes

Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks? No  Yes

A precedent for future action or a decision in principle about future actions with potentially significant environmental effects? No  Yes

Directly related to other actions with individually insignificant but cumulatively significant environmental effects? No  Yes

Adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No  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  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: 8/16/11

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

VI. OSM DETERMINATION

- 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: \_\_\_\_\_ Date: \_\_\_\_\_

Name and Title: \_\_\_\_\_

## Howell, Ryan (EEC)

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**From:** Hall, Samantha (EEC)  
**Sent:** Wednesday, July 27, 2011 6:09 AM  
**To:** Rickwa, Vanna (EEC)  
**Cc:** Howell, Ryan (EEC); Ruebens, Jeff (EEC); Overman, Bill (EEC)  
**Subject:** RE: Request for floodplain and WQC review ref. Jamie Wyrick Rockfall AMLRP

### Floodplain/Stream Construction Permit

No permit is necessary.

### US Army Corps of Engineers Permit (ACOE)

No permit is necessary.

### Water Quality Certification

No permit is necessary.

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**From:** Rickwa, Vanna (EEC)  
**Sent:** Tuesday, July 26, 2011 1:43 PM  
**To:** Hall, Samantha (EEC)  
**Cc:** Howell, Ryan (EEC); Ruebens, Jeff (EEC)  
**Subject:** Request for floodplain and WQC review ref. Jamie Wyrick Rockfall AMLRP

Attached please find the project description and maps for the Jamie Wyrick Rockfall AML Reclamation Project.

Please do a floodplain and WQC review to determine if there would be any issues reference this project.

Please notify Bill Overman, Ryan Howell, Jeff Ruebens, and myself of your response.

Thanks,

*Vanna Rickwa  
Administrative Specialist III  
Energy and Environment Cabinet  
Department for Natural Resources  
Division of Abandoned Mine Lands  
2521 Lawrenceburg Road  
Frankfort, Kentucky 40601  
502/564-2141, Ext. 130*



**W. S. Webb Museum of Anthropology**  
**Office of State Archaeology**  
*College of Arts and Sciences*  
*211 Lafferty Hall*  
*Lexington, KY 40506-0024*  
*(859) 257-8208*  
*Fax (859) 323-1968*  
*www.uky.edu*

August 4, 2011

Mr. Steve Hohmann, Director  
Energy and Environment Cabinet  
Department for Natural Resources  
Division of Abandoned Mine Lands  
2521 Lawrenceburg Road  
Frankfort, KY 40601

RE: Jamie Wyrick Rockfall AML Reclamation Project (Perry County)

Dear Mr. Hohmann:

Concerning the above referenced project, I have reviewed the Office of State Archaeology files to determine if any prehistoric or historic sites are located in proximity to the proposed AML project. The following information is provided to assist in your decision to proceed with an Environmental Assessment or a Categorical Exclusion Determination for the project.

Our records indicate that there are no archaeological sites or surveys recorded within the immediate vicinity of the project area. While our records indicate that the project area has not been previously surveyed for archaeological remains, past disturbances to the area make it unlikely that archaeological sites will be preserved.

Sincerely,

A handwritten signature in blue ink that reads 'George M. Crothers'. The signature is written in a cursive, flowing style.

(Christina A. Pappas for)  
George M. Crothers, Ph.D.  
Director



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

**Steven L. Beshear**  
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**Marcheta Sparrow**  
Secretary

**Dr. Jonathan W. Gassett**  
Commissioner

1 August 2011

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

RE: Jamie Wyrick Rockfall AML Reclamation Project (Perry 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 no federally or state-threatened/endangered species are known to occur within 10 miles and one mile, respectively, of the proposed project site. Please be aware that our database system is a dynamic one that only represents our current knowledge of various species distributions.

Erosion control measures, as mentioned in the project description, will need to be installed prior to construction and should be inspected and repaired regularly as needed. I hope this information is helpful to you, and if you have questions or require additional information, please call me at (502) 564-7109 extension 4453.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Stoelb".

Dan Stoelb  
Wildlife Biologist

Cc: Environmental Section File

## Memorandum

**To:** Jamie Wyrick Rockfall  
AML Reclamation Project

**From:** Keith B. Coleman  
Environmental Technician, AML Program Development Branch  
 8-01-11

**Through:** Bill Overman  
Manager, AML Program Development Branch  
 8/1/11

**RE:** Results of Kentucky State Nature Preserves Commission (KSNPC)  
BIOTICS Database Search

**Date:** August 1, 2011

On August 1, 2011, I conducted a search of the KSNPC database in order to determine if any species of state concern (monitored by KSNPC) are known to occur within the near vicinity (1 mile radius) of the site to be disturbed by this project, and if any federally listed "threatened or endangered" species are known to occur within the general vicinity (10 mile radius) of the project site. This search revealed that no species of state concern, monitored by KSNPC, are known to occur within one mile, and that one species currently listed as threatened or endangered under the United States Endangered Species Act (USES) is known to occur within ten miles of the project site.

This project (1.0 acre total) consists of the installation of rockfall netting onto an unstable highwall. The project area consists of the rockfall/highwall area, the public road, the associated residential yard, and a previously disturbed mine bench. The site is directly adjacent to an area addressed by OSM project KY-09-030. All access routes are previously existing routes. No perennial or intermittent streams will be disturbed. No mine portals will be disturbed. No trees over 5" DBH will need to be cleared from project areas other than within the unstable highwall area. To minimize sediment and erosion problems, a stringent control plan, including the utilization of such measures as hay-bale silt checks, silt fences, and prompt vegetation of all disturbed areas, will be implemented and monitored during the construction process.

The USESA endangered species found within 10 miles from the project site is:

**Indiana Bat**

(*Myotis sodalis*, USESA Endangered, 2009 “undetermined” record, 8.7 miles N)

The US Fish and Wildlife Service (USFWS) has declared the whole of the state of Kentucky to be the potential habitat of the **Indiana Bat** (*Myotis sodalis* – USESA Endangered). This species day roosts and establishes maternity colonies in trees with exfoliating bark or splits in their trunks and larger limbs, and hibernates in caves and other similar underground cavities.

The search of the KSNPC BIOTICS database revealed one “undetermined” record of this species within 10 miles of the project site. Two additional records document the species within 10-20 miles from the project site. Of the two records, one is an “undetermined” record, and the other is an “Anabat call” record.

Since no records of hibernacula are within 10 miles of the project area and no maternity area records are within 5 miles from the project area, and since no maternity colonies or non-maternity records are within 2.5 miles from the project area, no special conditions would apply to the accepted tree removal period, a time at which bats are secured within their hibernacula (October 15 – March 31).

*However, since tree clearing is only anticipated within the unstable rockfall/highwall area, construction should not negatively impact the Indiana Bat, regardless of the construction timing.* Trees associated with areas directly impacted by the AML-related problem, such as active landslides or other moving land masses, have been deemed exempt from habitat consideration. Should the clearing of trees outside of the impacted area which are over 5” DBH (and also display characteristics such as shaggy, exfoliating bark, or crevices and hollowed-out cavities within their trunks and larger limbs) become necessary, a habitat assessment or presence-absence survey may be required. Lastly, the project does not fall within “*known habitat*” of the Indiana Bat, as described by USFWS. Adherence to these best management practices should prevent any negative impacts upon the Indiana Bat.