



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

Leonard K. Peters
Secretary

Carl E. Campbell
Commissioner

October 13, 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: Ramona Humphrey Group II AML Reclamation Project (Floyd 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 eligibility information for the above-referenced project. The PAD's for problem area #'s KY 0694 SGA, KY 3632 SGA, KY 3810 SGA, and KY 3946 SGA have been prepared and entered into the e-AMLIS by the division. The PAD information has not been included in this ATP package; however, all necessary information (the problem area description (PAD) supplemental forms and an engineer cost estimate) can be found online in e-AMLIS for your review. An eligibility determination that finds the proposed project eligible for AML funding has been reviewed and signed by the Office of Legal Services. Also, enclosed is a Categorical Exclusion with two agency consultation response documents and two DAML consultation documents attached. The Kentucky Heritage Council was not contacted, as the project sites have been previously disturbed and fall under the exemption agreement between AML and KHC.

AML Program Development staff conducted a search of the Kentucky State Nature Preserves Commission (KSNPC) BIOTICS database. This search revealed one species of state concern, monitored by the KSNPC, is known to occur within one mile of the project site, and that no species listed as threatened or endangered, under the United States Endangered Species Act (USESA), are known to exist within ten miles of the project site. The species noted in the search is the Squarrose goldenrod (*Solidago squarrosa*). Additionally, the entirety of the Commonwealth of Kentucky has been determined, by the United States Fish and Wildlife Service, to be the potential habitat of the Indiana bat (*Myotis sodalis* – USESA Listed Endangered).

As described in the attached memo, dated July 8, 2011, these species should not be negatively impacted. The area to be impacted by this project is not within any area held to be the "Known Habitat" of the Indiana bat

by the United States Fish and Wildlife Service; no trees are to be disturbed by project-related activities; and all openings over 1 square foot in diameter will be closed with wildlife closures. Therefore, this project should not cause any negative impact to the Indiana bat.

The Kentucky Department of Fish and Wildlife Services (KDFWS) indicated the federally listed Blackside Dace (*Chrosomus cumberlandensis*) is known to occur within 10 miles of the project sites. However, no construction is proposed within any streams and appropriate sediment control measures will be installed at the project sites, so the Blackside Dace should have no negative impacts from the construction of this project. The KDFWS also indicated the state-threatened Common Raven (*Corvus corax*) is known to occur within one mile of the project. However, this species nests in coniferous trees; and no trees are proposed for removal outside of any unstable areas, so the Common Raven should have no negative impacts from the construction of this project.

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 at any of the sites. 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 \$356,736.00, 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 ^{by Bill Owen}

Steve Hohmann, Director
Division of Abandoned Mine Lands

SH:BO:RH:vr

Enclosures

Ramona Humphrey Group II
Abandoned Mine Lands (AML) Reclamation Project
Floyd County, Kentucky
Wheelwright Quadrangle

Project Description

The proposed project (2.3 acres total) consists of five (5) sites in the vicinity of Wheelwright (the Deborah Hill and waste area sites) and Weeksbury (the David Gillespie, James Smith and Virginia Tackett sites), in Floyd County. The project area is centrally located at the Deborah Hill site at Latitude N37° 19' 34" and Longitude W82° 43' 19" on the United States Geological Survey (USGS) 7.5' Wheelwright quadrangle (see the attached project map). As described below, if left unabated, these abandoned mine land problems are a threat to human health and safety.

The **Deborah Hill site** is located along KY 306 and Right Fork Branch, in Floyd County (Latitude: N37° 19' 34", Longitude: W82° 43' 19"). AML plans include the proper closure of two (2) collapsed portals that are open less than one square foot. The portals will be closed using pipe, screen and Class II backfill. The plan also includes the installation of ditches to take care of the runoff from the collapsed portals and exposed coal seam at the house elevation to Right Fork Branch. Highwall restoration will be necessary to prevent rock and other debris from entering the residential area and proposed drainage channel at the base of the highwall. All waste materials will be placed in the identified waste area. No trees will be removed at this site. Access to this site is via existing roads, residential yards and driveways.

The **Deborah Hill – Waste Area** is located along KY 979 and KY 306 next to and above the Left Fork of Beaver Creek north of Wheelwright Junction, in Floyd County (Latitude N37° 21' 18", Longitude W82° 43' 4.7"). This waste area is for the waste from the Deborah Hill site only. No trees will be removed to accommodate the waste materials. This proposed waste area is an abandoned rail bed and was used recently, summer/fall of 2010, by Office of Surface Mining as a waste area for one of their reclamation projects. Access to this site is via existing roads, residential yards and driveways.

The **David Gillespie site** is located along Left Fork Beaver Creek (KY466) just north of Weeksbury, in Floyd County (Latitude 37° 19' 56', Longitude 82° 41' 27"). AML plans to close six (6) portals: 5 with wildlife closures using a pipe, bars and Class II backfill and 1 collapsed portal will be reopened and properly closed using Class II backfill. No trees will be removed at this site. Excess waste material will be placed within the project limits. Access to this site is via existing roads, residential yards and driveways.

The **James Smith site** is located south of the junction of KY 122 and KY 466 along Left Fork Beaver Creek (KY 466) near Weeksbury, in Floyd County (Latitude: N37° 19' 32", Longitude: W82° 41' 37"). AML plans to close six (6) portals: 3 with wildlife closures using a pipe, bars and Class II backfill and 3 collapsed portals will be properly closed with non-wildlife closures using Class II backfill. No trees in the immediate area will need to be removed. Access to this site is via existing roads, residential yards and driveways.

The **Virginia Tackett site** is located along Stonecoal Fork just off of Cabel Fork Road, south Weeksbury, in Floyd County (Latitude: N37° 19' 30", Longitude: W82° 41' 0"). AML plans to construct a Steel Panel Wall to prevent rocks and debris from rolling into the residential area; close three (3) portals using pipe, bars, and Class II backfill to provide wildlife access and close 1 mountain break (VO) with polyurethane foam to prevent individuals from falling into it. No trees in the immediate area will need to be removed. Access to this site is via existing roads, residential yards and driveways.

Access to the work areas will be via existing roads. 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 using agricultural limestone, fertilizer, seed, mulch, and netting, as required, will be implemented on all areas disturbed by this project. Due to the work involved with this project dust will be kept to a minimal.

All mining and domestic debris will be placed in the identified waste area and within the project boundaries. The project sites have been previously disturbed by coal mining, residential activities, or road construction. This project will not disturb any intermittent, perennial or ephemeral stream. All necessary permits and/or variances will be procured prior to construction. The project will be evaluated for potential impacts to wildlife species. Any utility structures encountered during construction must be protected, repaired or replaced as directed.



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: Ramona Humphrey Group II AML Reclamation Project (Floyd 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 style with a large, sweeping 'G' and 'C'.

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

Ramona Humphrey Group II
Abandoned Mine Lands Reclamation Project
Floyd County, KY
Wheelwright Quadrangle

N

37° 21' 18.00"
82° 43' 5.00"

Waste Area

306

Melvin

122

David Gillespie

37° 19' 56.00"
82° 41' 27.00"

1498

37° 19' 34.00"
82° 43' 19.00"

Deborah Hill

37° 19' 32.00"
82° 41' 37.00"

James Smith

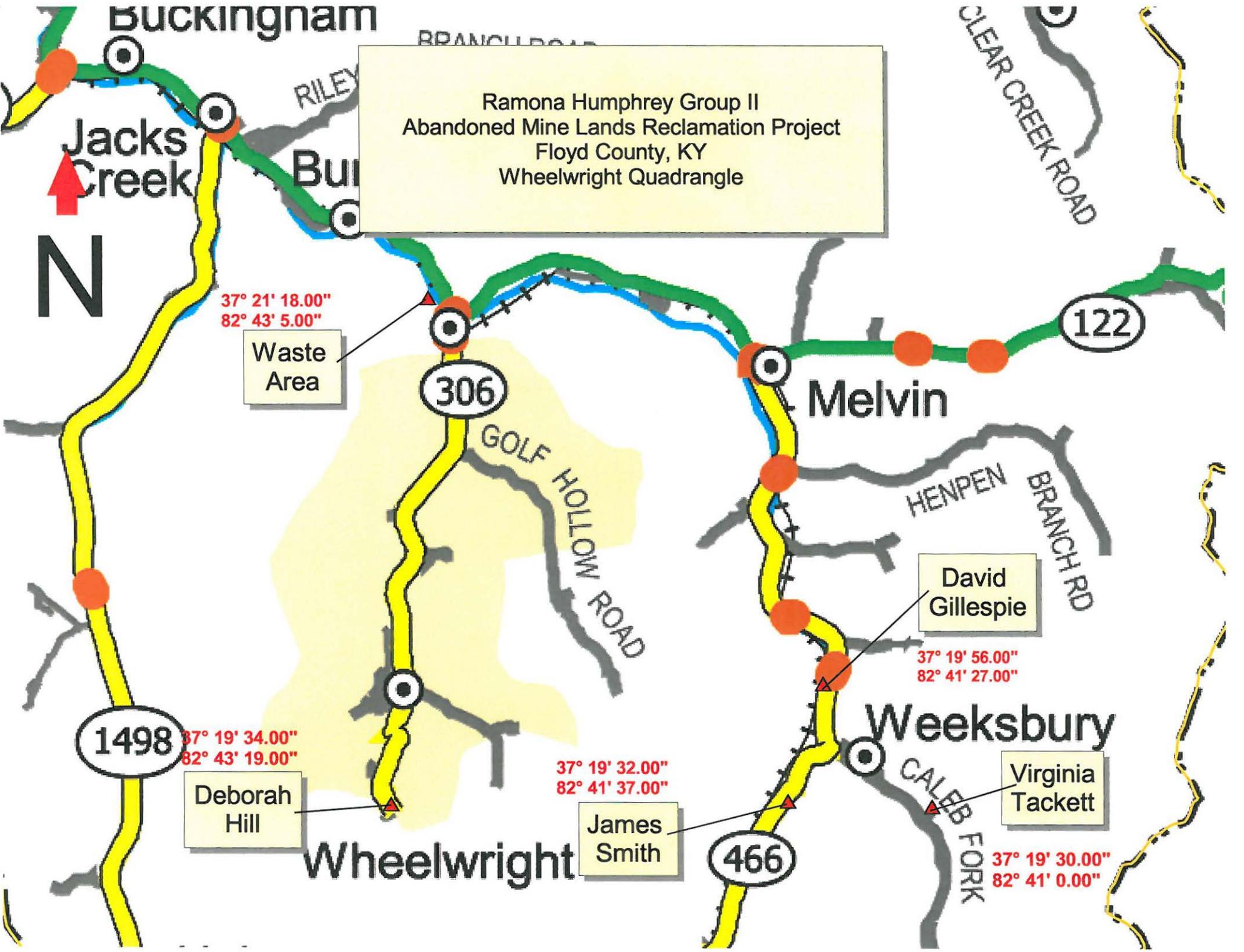
466

Weeksbury

Virginia Tackett

37° 19' 30.00"
82° 41' 0.00"

Wheelwright



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 0694 SGA, KY 3632 SGA, KY 3810 SGA, & KY 3946 SGA
Project Name: Ramona Humphrey Group II AMLRP
Project Description: Close mine openings, install drainage controls, and stabilize unstable slopes.

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 ^{by BioDum} Date: 10/13/11

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: Joseph L. Blackburn, Field Office Director

Howell, Ryan (EEC)

From: Hall, Samantha (EEC)
Sent: Monday, July 11, 2011 9:09 AM
To: Rickwa, Vanna (EEC)
Cc: Howell, Ryan (EEC); Moore, Jesse (EEC); Overman, Bill (EEC)
Subject: RE: Request for floodplain and WQC review for Ramona Humphrey Group II AMLRP

Floodplain/Stream Construction Permit

Deborah Hill Site: No permit is necessary. The site has a drainage area of less than 1 sq. mi.
Deborah Hill – Waste Area Site: No permit is necessary.
David Gillespie Site: No permit is necessary.
James Smith Site: No permit is necessary.
Virginia Tackett Site: No permit is necessary.

US Army Corps of Engineers Permit (ACOE)

Floodplain/Stream Construction Permit

Deborah Hill Site: No permit is necessary.
Deborah Hill – Waste Area Site: No permit is necessary.
David Gillespie Site: No permit is necessary.
James Smith Site: No permit is necessary.
Virginia Tackett Site: No permit is necessary.

Water Quality Certification

Floodplain/Stream Construction Permit

Deborah Hill Site: The Division of Mine Permits has been informed of the project, no WQC will be required.
Deborah Hill – Waste Area Site: No permit is necessary.
David Gillespie Site: No permit is necessary.
James Smith Site: No permit is necessary.
Virginia Tackett Site: The Division of Mine Permits has been informed of the project, no WQC will be required.

From: Rickwa, Vanna (EEC)
Sent: Wednesday, July 06, 2011 3:29 PM
To: Hall, Samantha (EEC)
Cc: Howell, Ryan (EEC); Moore, Jesse (EEC)
Subject: Request for floodplain and WQC review for Ramona Humphrey Group II AMLRP

Attached please find the project description and maps for the Ramona Humphrey Group II AMLRP.

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

Pease notify Bill Overman, Ryan Howell, Jesse K. Moore, 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*



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

Steven L. Beshear
Governor

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Marcheta Sparrow
Secretary

Dr. Jonathan W. Gasset
Commissioner

13 July 2011

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

RE: Ramona Humphrey Group II AML Reclamation Project (Floyd 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 following federally or state-listed threatened/endangered species are known to occur within 10 miles and one mile, respectively, of the following project sites:

Deborah Hill Site: Blackside Dace (*Chrosomus cumberlandensis*) – Federally-endangered
Common Raven (*Corvus corax*) – State-threatened

Deborah Hill Waste Area: Blackside Dace

David Gillespie Site: Blackside Dace

James Smith Site: Blackside Dace

Virginia Tackett Site: Blackside Dace

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".

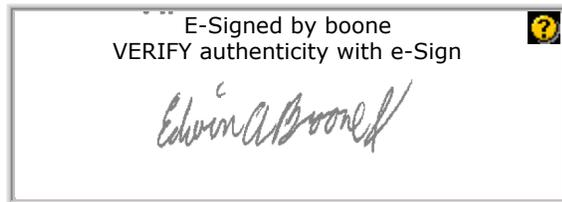
Dan Stoelb
Wildlife Biologist

Cc: Environmental Section File

MEMORANDUM

To: Ramona Humphrey Group II AML Reclamation Project file

From: Edwin A. Boone, Jr., Environmental Scientist II, Project Management Branch, Staff Biologist



Through: Bill Overman, Branch Manager, Program Development Branch

Re: Results of Kentucky State Nature Preserves Commission (KSNPC) database search

Date: July 8, 2011

On Friday, July 8, 2011, I conducted a search of the KSNPC database in order to determine if any species that are monitored by the KSNPC are known to occur within the near vicinity (a 1 mile radius) of any of the site to be disturbed by this project, and if any federally listed threatened and endangered species are known to occur within the general area (a 10 mile radius) of these sites. These searches revealed that one species of state concern monitored by the KSNPC occurs within one mile, and that no federally listed threatened and endangered species are known to exist within ten miles of the project site. The species noted in the search is:

- Squarrose goldenrod (*Solidago squarrosa* – KSNPC Historical Record)

This project consists of one site, and includes the closure of one mine opening with a “bat friendly” wildlife access gate, drainage improvements, and the clearing of debris from the blowout from a section of streambed.

The squarrose goldenrod is a species of vascular plant that was historically known to exist throughout a significant portion of the eastern coalfields of Kentucky. The historical record noted in the above database search is for all of Pike County, and dates from 1941. Its preferred habitat consists of dry, rocky, open woodlands, thickets, or forest clearings. The areas to be disturbed by project-related activities include stream, streambank, streamside, and residential yard habitats, all of which have been thoroughly disturbed by past coal, gas well, and residential construction and maintenance activities. These areas do not approximate the preferred habitat of the squarrose goldenrod. Therefore, even if the

species is still present within the general area of this historical record, it should not be negatively impacted by project-related disturbances.

The entirety of the Commonwealth of Kentucky has been determined, by the United States Fish and Wildlife Service, to be the potential habitat of the Indiana bat (*Myotis sodalis* – USESA Listed Endangered). The Indiana bat establishes summer day roosts and brood colonies in trees with exfoliating bark and/or splits in limbs. In winter, it is known to utilize caves, and occasionally underground mine voids, as hibernacula. The area to be impacted by this project is not within any area held to be the “Known Habitat” of the Indiana bat by the United States Fish and Wildlife Service. The nearest record in the database is designated as a summer mist-net capture (8-10-07), approximately 17.2 miles NW of the waste earth fill site, on Brushy Fork in extreme southeastern Magoffin County. However, the USFWS “Known Habitat” map designates this record as a maternity site. No trees are to be disturbed by project-related activities. Therefore, this project should not cause any negative impact to the Indiana bat.