

Authorization to Proceed (ATP)

Callene Click Group
Abandoned Mine Land (AML) Reclamation Project
based on Environmental Assessment (EA) and Categorical Exclusion (CX)
Floyd County, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the August 8, 2011, request for ATP with construction activity on the Callene Click Group AML Reclamation Project 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) #s KY-002849-SGA, KY-003015-SGA, KY-003425-SGA, KY-003618-SGA and KY-004133-SGA. OSM has approved these PA #s in the e-AMLIS system.

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. We recommend that appropriate consideration be given to the recommendations and comments provided in the response letters from the consultation agencies. 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 October 15, and provided the activity does not occur in "Known Indiana Bat Habitat". Trees will need to be removed from the Callene Click, H. Ferrell, and the Trena Hensley sites. Construction at the Callene Click and the H. Ferrell sites will not begin until after October 15, and will be completed prior to March 31.
- Based on the ATP project description, signs are to be placed throughout the work areas, indicating the working hours for the construction activity are 7 AM to 5 PM.

- The USFWS recommends that the screens be removed from the pipes to be installed as they can become clogged and this will provide habitat for the Ashcamp cave beetle; whose habitat is near this area.

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.

 "Acting For"

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


Date

Memorandum

Date: August 18, 2011

To: Callene Click Group Abandoned Mine Land (AML) Reclamation Project
File SubAccount# 99.121030000

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 Callene Click Group AML Reclamation Project. The Branch prepared an ATP letter, Categorical Exclusion (CX) for the FOD review. The Branch recommends that the FOD sign the (CX) and ATP in the space provided on each document. The original signed ATP letter will be sent to the Division of Abandoned Mine Lands (DAML) Director, along with associated approval documents consisting of a copy of the LFO review memorandum CX. A scanned copy of these authorization documents will be attached to an email to the Department for Natural Resources (DNR) Commissioner.

The Kentucky DAML ATP request dated August 8, 2011, was received at LFO on August 8, 2011. The ATP was processed within 8 working days; therefore, the customer service target of 14 working days to process an ATP was met. The ATP was processed in 10 calendar days; therefore, the Federal employee performance appraisal standard of 30 calendar days to process an ATP was met.

The project area may be centrally located on the Harold, Kentucky U.S.G.S. 7.5 minute Topographic Quadrangle map(s) at 37° 33' 49" North Latitude and 82° 48' 08" West Longitude near the communities of Manton and Langley, 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#s KY-002849-SGA, KY-003015-SGA, KY-003425-SGA, KY-003618-SGA and KY-004133-SGA. The project involves reclamation of AML conditions consisting of portal closures at five sites.

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 Grants (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 # 99.121030000 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 September 1, 2011, Contract Award was entered as October 1, 2011, and Contract/Construction Completion was entered as June 1, 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#s KY-002849-SGA, KY-003015-SGA, KY-003425-SGA, KY-003618-SGA and KY-004133-SGA.

A pre-approval field inspection of the proposed project was conducted on August 19, 2011. The proposal was recommended for approval with no concerns or recommendations the following concern(s) and recommendation(s) identified. Refer to report findings and photos in the LFO State AML Project Database.

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 mining, 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 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 (Indiana bat) known federally threatened/endangered fish and wildlife within a 10 mile radius of the project area. They also identified two records (Northern Brook Lamprey and the Rafinesque Big-Eared bat) of state listed species of concern within 1 mile radius of the project area. They recommended that the erosion control measures included in the project description should be installed prior to construction and should be inspected and repaired regularly as needed. They also recommended that screens should be removed from the collapsed portal drainage pipes to minimize clogging and to provide habitat for the Aschcamp cave beetle.

The DAML staff biologist reviewed the Kentucky State Nature Preserves Commission's (KSNPC) BIOTICS database in lieu of further consultation. The findings are noted in the ATP request letter and an attached memorandum. DAML found that KSNPC data indicated one federally listed threatened or endangered species within a 10-mile radius and four species of State concern within a 1-mile radius of the project. DAML listed and discussed each species in the biologist's memorandum and the EA, finding that the noted species will not be impacted, since the project will not result in a significant negative impact to their critical habitat and/or suitable habitat does not exist within the project area to support the species. No reason was identified to dispute their determination.

The DAML Biologist also noted that the federally listed endangered Indiana bat, although not indicated to exist in the project vicinity; by his and the KDFWR reviews, would not be disturbed by the project. This is based on the fact that the project proposes to reclaim the fourteen open portals with wildlife friendly gates to allow bat access, and three portals are collapsed precluding the use as bat habitat. DAML also proposes to disturb no cliffs or caves, and proposes no disturbance of forested areas that could be utilized as roosting sites; and in the event that any trees that represent potential Indiana bat habitat need to be removed, a presences/absence survey will be done by a certified biologist. Should the survey conclude that Indiana bats are using the trees in the area, the needed tree removal will only occur between October 15 and March 31, to avoid potential impacts to the Indiana bat.

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;
- The project proposes to reclaim fourteen open mine portals/shafts with FWS accepted types of wildlife friendly gates that allow bat access. Also three previously collapsed portals will have modifications to correct poor drainage flows at the site.
- 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.

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 and State Historic Preservation Officer (SHPO) was not contacted for this

project, based upon the MOA signed on January 3, 2011. The Kentucky Heritage Council (KHC)/State Historic Preservation Officer (SHPO) and the DAML signed an agreement which identified the criteria to be used to determine which projects are exempt from review by the. The agreement defines exempt projects as: *"Routine and recurring projects whose impacts are foreseeable and cause little or no ground disturbance or that have a low probability of affecting known or unknown historic properties.."*

The agreement also includes a list of previous site activities that would substantially diminish the likelihood of affecting known or unknown historic sites or properties. They are listed below. They are listed below.

1. Activities that occur on previously disturbed land, including highwalls, refuse piles, slurry cells, subsidence areas, mine benches, mine portals with no constructed entry support, and any coal mining remains less than 50 years of age, including tipplers, other structures, intact rail tracks, and mining equipment.
2. Roads and roadside ditches.
3. Areas disturbed by timber operations.
4. Areas disturbed by gas and oil well development.
5. Areas disturbed by residential and commercial development.
6. Areas with water flows from mine discharges.
7. Trenches excavated for waterline installation in previously disturbed soils."

According to the project description, all of the project area has been impacted by items 1, 2, and 5 in the above list; 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 Department for Natural Resources (DNR) 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 a DOW floodplain permit. DAML further notes in their ATP letter that they will request a copy of all necessary permits prior to expending AML funds.

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 #s KY-002849-SGA, KY-003015-SGA, KY-003425-SGA, KY-003618-SGA and KY-004133-SGA was directly input into the e-AMLIS by the DAML. PA #s KY-002849-SGA, KY-003015-SGA, KY-003425-SGA were approved in the e-AMLIS on August 2, 2011. KY-003618-SGA and KY-004133-SGA were approved in the e-AMLIS system on October 9, 2007 and August 3, 2011 respectively.

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 ^{by Bill Oren} Date: 8/8/11

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: [Signature] Date: 8/22/11

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



Corey Miller <ctmsbc@gmail.com>

ATP Request Package for Callene Click Group AML Reclamation Project

Bill Overman <kyaml2008@gmail.com>

Mon, Aug 8, 2011 at 3:36 PM

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

Please see attached ATP request package for our Callene Click Group AMLRP.

Respond accordingly.

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

The package was too large to send, even via GMAIL, so it will be sent in three parts.

Thanks,

Vanna
AML-Frankfort



Callene Click Group - ATP Request - Part I.pdf

13554K



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

August 8, 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: Callene Click Group 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 problem area description (PAD) supplemental forms, including a problem description and an engineer cost estimate, for the above-referenced project. The PAD's for problem area #'s KY 2849 SGA, KY 3015 SGA, KY 3425 SGA, KY 3618 SGA and KY 4133 SGA have been prepared and entered into the e-AMLIS by the division. 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's 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 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 four 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 A), is known to exist within ten miles of the project site. The species noted in the search are the:

- Trout-perch (*Percopsis omiscomaycus* – KSNPC Special Concern)
- Smooth veiny peavine (*Lathyrus venosus* – KSNPC Special Concern)
- Scrub oak (*Quercus ilicifolia* – KSNPC Historical Record)
- Ashcamp cave beetle (*Pseudanophthalmus hypolithos*)
- Indiana bat (*Myotis sodalis* – USESA Listed Endangered)

Due to a potential for a negative impact to the Ashcamp cave beetle, screens will not be placed in the drainage culverts, as they are likely to clog and, whether clogged or not, will block access by the Ashcamp cave beetle. Without the screens there should be no negative impact to the Ashcamp cave beetle. As described in the attached memo, dated July 7, 2011, none of the other species should be negatively impacted.

The entirety of the Commonwealth of Kentucky has been determined, by the United States Fish and Wildlife Service (USFWS), to be the potential habitat of the Indiana bat (*Myotis sodalis* – USESA Listed Endangered). The sites to be impacted by this project are not within any area held to be the “Known Habitat” of the Indiana bat by the USFWS. The occurrence noted in the database is a summer mist-net record, approximately 5.7 miles to the west of the nearest project site (Click/Ferrell). This site is 0.7 mile outside of the resulting USFS range circle. This range circle is coded as a maternity range circle. However, the KSNPC database does not indicate this as a maternity record. Some trees are to be disturbed by project-related activities at the Click/Ferrell and Hensley sites. Therefore, in order to prevent any potential for negative impact to this Endangered species, construction at those two project sites should wait until after October 15 and be completed prior to March 31. Alternatively, an Indiana Bat Presence/Absence survey could be conducted to determine whether or not these sites are being utilized by the Indiana bat. If the Indiana bat is found at these sites during such a survey, project construction will then need to wait until the winter period mentioned previously. Following these procedures will prevent any negative impact to the Indian bat.

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 would 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 \$338,675.00, 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 lands 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

Callene Click Group
Abandoned Mine Lands (AML) Reclamation Project
Floyd County, Kentucky
Harold and Martin Quadrangles

Project Description

The proposed project (4.0 acres total) consists of five sites in the vicinity of Manton (the Click and Ferrell site) and Langley (the Bentley and Hensley sites) and Hunter (the Hall and Osborne sites), in Floyd County. The project area is centrally located at the Callene Click site at Latitude N37° 33' 49" and Longitude W82° 48' 08" on the United States Geological Survey (USGS) 7.5' Harold 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 **Callene Click and H. Ferrell site** is located along KY 1210 at Click Branch Road, in Floyd County (Latitude: N37° 33' 49", Longitude: W82° 48' 8"). AML plans to close nine portals. Five of the portals will be closed using standard wildlife access using pipe, bars and Class II backfill. The remaining four portals are collapsed less than one square foot and will be closed using pipe, screen and Class II backfill. A rock channel will also be constructed to control drainage to Stephens Branch. Trees in the immediate area will need to be removed to access the mine openings. A low water crossing will be constructed to access the work area.

The **Trena Hensley site** is located on Big Fork Wilson Creek Road west of Langley, in Floyd County (Latitude N37° 32' 20.2", Longitude W82° 48' 59.4"). AML plans to close one portal with a standard wildlife closure access using pipe, bars and Class II backfill. Subdrains and ditches will be installed to collect the water and direct it into a natural drain. Trees in the immediate area will need to be removed to access the mine openings. Access to the area is via an existing mine road up to the mine bench.

The **Patricia Bentley site** is located along Doc Allen Branch road near Langley, in Floyd County (Latitude: N37° 32' 22", Longitude: W82° 47' 54.3"). AML plans to close one open portal with a wildlife closure using a pipe, bars and Class II backfill. No trees in the immediate area will need to be removed. Access to this site is via a 4x4 trail along Doc Hollow Road up to the mine bench.

The **Larry Hall site** is located on KY 122 between the Hunter and Printer communities in Floyd County (Latitude: N37° 31' 8", Longitude: W82° 45' 15"). AML plans to close three open portals with wildlife closures: pipe, bars and polyurethane foam. No trees in the immediate area will need to be removed. Access to this site is via a nearby gas line and cemetery road or on foot directly behind the Hall's residence.

The **Doris Osborne site** is located on Hunter Branch in the community of Hunter in Floyd County (Latitude: N37° 30' 21.6", Longitude: W82° 44' 57"). AML plans to close three open portals with wildlife closures using pipe, bars and Class II backfill and

associated drainage controls. Install an 18" culvert under the access road to drain the water from the portals to a natural drain. No trees in the immediate area will need to be removed. Access to the site is via an old mine road along the natural drain

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 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. Signs will be placed throughout the work areas, indicating the areas are work areas operating between 7 A.M. and 5 P.M.

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 ^{by Bill Orem} Date: 8/8/11

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: Friday, June 24, 2011 6:25 AM
To: Rickwa, Vanna (EEC)
Cc: Howell, Ryan (EEC); Moore, Jesse (EEC); Overman, Bill (EEC)
Subject: RE: Request for floodplain & WQC review ref. Callene Click Group AMLRP

After reviewing the maps and the description for the Callene Click Group AMLRP, I have determined no WQC, COE or floodplain permits will be required.

From: Rickwa, Vanna (EEC)
Sent: Friday, June 17, 2011 11:01 AM
To: Hall, Samantha (EEC)
Cc: Howell, Ryan (EEC); Moore, Jesse (EEC)
Subject: Request for floodplain & WQC review ref. Callene Click Group AMLRP

Attached please find the project description and maps for Callene Click Group 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, 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
502/564-2141, Ext. 130*



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June 29, 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: Callene Click Group 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 archaeological 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



**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. Gassett
Commissioner

22 June 2011

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

RE: Callene Click Group AML Reclamation Project (Floyd Co.)

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 and/or state-threatened/endangered species are known to occur within 10 miles and one mile, respectively, of the project sites. Please be aware that our database system is a dynamic one that only represents our current knowledge of various species distributions.

Callene Click and H.Ferrel site: Indiana bat (*Myotis sodalis*) – Federally-endangered

Trena Hensley site: Indiana bat

Patricia Bentley site: Indiana bat
Northern Brook Lamprey (*Ichthyomyzon fossor*) – state-threatened

Larry Hall site: Indiana bat

Doris Osborne site: Indiana bat
Rafinesque's Big-Eared bat (*Corynorhinus rafinesquii*) – state species of concern

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 "Daniel Hall".



Dan Stoelb
Wildlife Biologist

Cc: Environmental Section File

Howell, Ryan (EEC)

From: Boone, Edwin (EEC)
Sent: Monday, August 08, 2011 11:04 AM
To: Howell, Ryan (EEC)
Subject: RE: Callene Click Group AMLRP KDFWR comments

Concerning Rafinesque's big-eared bat (*Corynorhinus rafinesquii*): The "bat friendly" wildlife access gates to be used under this project will not be a hindrance to this species or its usage of the underground mine works. None of the other actions to be taken under this project have any potential to negatively impact this species.

Concerning the northern brook lamprey (*Ichthyomyzon fossor*): The same sediment and erosion control measures that will protect the trout-perch (*Percopsis omiscomaycus*) will provide identical protection for the northern brook lamprey. Therefore, this species will also not suffer a negative impact as a result of project-related activities.

From: Howell, Ryan (EEC)
Sent: Monday, August 08, 2011 9:03 AM
To: Boone, Edwin (EEC)
Cc: Rickwa, Vanna (EEC)
Subject: Callene Click Group AMLRP KDFWR comments

Ed,

I was about to send this project out for an ATP request and realized that KDFWR mentioned a few species that didn't show up in the KSNPC search. In their letter they didn't dismiss the possibility that these species would be negatively impacted. Could you make a short statement to address the species that they mentioned in their response letter?

Thanks,
Ryan

Howell, Ryan (EEC)

From: Boone, Edwin (EEC)
Sent: Thursday, July 07, 2011 1:23 PM
To: Overman, Bill (EEC)
Cc: Howell, Ryan (EEC); Moore, Jesse (EEC); Dutta, Ron (EEC)
Subject: FW: Request for KSNPC database search ref. Callene Click Group AMLRP
Attachments: Callene Click description.docx; Project Map.pdf; 3 Click & Ferrell Planview-Layout1.pdf; 4 Hensely-Layout1.pdf; 5 Bentley-Layout1.pdf; 6 Hall-Layout1.pdf; 7 Osborne-Layout1.pdf; Callene Click Group 10.pdf; Callene Click Group 1.pdf; Callene Click Group AMLRP.docx; Callene Click Group USFWS M sodalis Ranges.pdf

Please find my memo and the database searches attached.

The nearest project site (Click/Ferrell) is 5.7 miles from an Indiana bat mist-net record, which places it 0.7 miles outside of the resulting range-circle. The attached map shows the location of the nearest project site to that range-circle. This should not be an issue. However, tree cutting at two of the sites will require either surveys or their being worked during the October 15 – March 31 hibernation period.

The screens should be removed from the drainage pipes placed in the earthen portal closures, due to potential for clogging and (more to my area) due to conflict with the Ashcamp cave beetle. I don't see any need for screens, in any case.

From: Rickwa, Vanna (EEC)
Sent: Friday, June 17, 2011 10:56 AM
To: Boone, Edwin (EEC)
Cc: Howell, Ryan (EEC); Moore, Jesse (EEC)
Subject: Request for KSNPC database search ref. Callene Click Group AMLRP

Attached please find the project description and maps for Callene Click Group AML Reclamation Project.

Please do a KSNPC database search to determine if there would be any issues reference this project.

Please notify Bill Overman, Ryan Howell, Jesse K. Moore, and myself of your response.

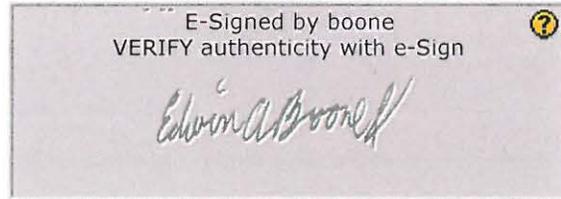
Thanks,

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

MEMORANDUM

To: Callene Click Group 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 7, 2011

On Wednesday, June 29, 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 four species of state concern that are monitored by the KSNPC occur within one mile, and that one federally listed threatened and endangered species is known to exist within ten miles of the project site. The species noted in the search are:

- Trout-perch (*Percopsis omiscomaycus* – KSNPC Special Concern)
- Smooth veiny peavine (*Lathyrus venosus* – KSNPC Special Concern)
- Scrub oak (*Quercus ilicifolia* – KSNPC Historical Record)
- Ashcamp cave beetle (*Pseudanophthalmus hypolithos*)
- Indiana bat (*Myotis sodalis* – USESA Listed Endangered)

This project consists of five sites comprising 4.0 acres, and addresses

The trout-perch is a relatively small (3-5 inches) fish of small to moderate-sized streams, where it prefers to live in pools over clean sand and gravel bottoms. This project will not directly impact any streams where the trout-perch may be present. All areas that are disturbed by project-related activities

will be protected by a stringent sediment and erosion control plan, including such elements as silt-fence, hay-bale silt fences, sediment traps, and prompt revegetation of all disturbed areas. The sediment controls that are emplaced at each site will prevent significant amounts of silt and sediment from entering area streams. Therefore, construction of this project should have no negative impact upon the trout-perch.

The smooth veiny peavine prefers wooded upper slopes and ridgetops within the Upper Cumberland Valley physiographic region. All of the project construction areas are located in or adjacent to residential yards, and are not located upon either the upper slopes or tops of ridges. Therefore, the smooth veiny peavine should not suffer a negative impact to project-related activities.

The scrub oak is only known in Kentucky from historical record. No resource that I located, including the USDA Plants Database, NatureServe Explorer and Flora of North America list Kentucky as a state where this species is present. If it is actually present within Kentucky, it would be at or near the extreme southern edge of its range. The website for Flora of North America (www.efloras.org) states that the scrub oak lives in dry, sandy soils and open rocky outcrops. As the project areas consist of residential yards and adjacent dense forest, they do not approximate the preferred habitat of this species. Therefore, due to the likely absence of this species from Kentucky and due to the absence of its preferred habitat within the project areas, the scrub oak should not suffer a negative impact as a result of project-related actions.

The Ashcamp cave beetle lives in the dark zone of caves, and has been found in abandoned underground mines. It is thought to spread between caves during periods of flooding, when it is washed from one opening to another. The potential for impact to this species under this project stems from the closure of 17 mine portals, 13 of which will receive wildlife access closures that will not block access by this species. The remaining 4 closures are slated to be earthen closures, described as being fitted with drainage structures (culverts) and screens. It is advised that screens not be placed in the drainage culverts, as they are likely to clog and, whether clogged or not, will block access by the Ashcamp cave beetle. If screening of the culverts is dropped from the project, then the project will have no negative impact upon the Ashcamp cave beetle.

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 sites to be impacted by this project are not within any area held to be the “Known Habitat” of the Indiana bat by the United States Fish and Wildlife Service. The occurrence noted in the database is a summer mist-net record, approximately 5.7 miles to the west of the nearest project site

(Click/Ferrell). This site is 0.7 mile outside of the resulting USFS range circle. This range circle is coded as a maternity range circle. However, the KSNPC database does not indicate this as a maternity record. Some trees are to be disturbed by project-related activities at the Click/Ferrell and Hensley sites. Therefore, in order to prevent any potential for negative impact to this Endangered species, construction at those two project sites should wait until after October 15 and be completed prior to March 31. Alternatively, an Indiana bat Presence/Absence survey could be conducted to determine whether or not these sites are being utilized by the Indiana bat. If the Indiana bat is found at these sites during such a survey, project construction will then need to wait until the winter period mentioned previously. Following these procedures will prevent any negative impact to the Indian bat.