

Authorization to Proceed (ATP)

Job Corps Subsidence
Abandoned Mine Land (AML) Reclamation Project
based on Categorical Exclusion (CX)
Muhlenberg County, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the September 7, 2011, request for ATP with construction activity on the Job Subsidence Abandoned Mine Land 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 (e-AMLIS) for Problem Areas (PA) # KY-002726-SGA. OSM approved this new PA # on August 19, 2011.

OSM reviewed the Categorical Exclusion Determination (CX) NEPA environmental review document prepared by the Division of Abandoned Mine Lands for the AML reclamation project. We have determined that the currently proposed activity requested is adequately considered in the approved CX NEPA environmental review document. In addition, the proposed activity conforms with exclusion criteria in 516 DM 2 and 13, does not involve any of the general exceptions in 516 DM 13.5(A)(33) or extraordinary circumstances listed in 516 DM 2, Appendix 2, and is excluded from further NEPA compliance. We have prepared and I have signed a CX for this project. 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 November 15, and provided the activity does not occur in "Known Indiana Bat Habitat".
- The Kentucky Department of Fish & Wildlife Resources suggests that the erosion control measures included in the ATP project description should be installed prior to construction and should be inspected and repaired regularly as needed.

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



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

9/15/2011

Date

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: 9/7/11

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: Joseph L. Blackburn Date: 9/15/2011

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

Memorandum

Date: September 14, 2011

To: Job Corps Subsidence Abandoned Mine Land (AML) Reclamation Project
File SubAccount# 99.135030000

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 Job Corps Subsidence 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, and 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 September 7, 2011, was received at LFO attached to an email on September 7, 2011. The ATP was processed within 6 working days; therefore, the customer service target of 14 working days to process an ATP was met. The ATP was processed in 8 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 Central City West, Kentucky U.S.G.S. 7.5 minute Topographic Quadrangle map(s) at 37° 15' .5" North Latitude and 87° 12' 18.8" West Longitude near the community of New Cypress, Kentucky. The project location, AML problems to be addressed, and proposed reclamation activity/cost are also available at <http://eamlis.osmre.gov> in the AMLIS under PA# KY-002726-SGA. The project involves reclamation of AML conditions consisting of subsidence at one site.

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 # 99.135030000 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 October 1, 2011, Contract Award was entered as November 1, 2011, and Contract/Construction Completion was entered as May 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 response letters attached; and an Abandoned Mine Land Inventory System (AMLIS) Problem Area Description (PAD) summary and appropriate Priority Documentation Form's, with engineer cost estimates for PA# KY-002726-SGA.

A pre-approval field inspection of the proposed project was deemed unnecessary, since no unique characteristics warranting special field verification were noted and it wasn't selected for field verification under the EY 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 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, and commercial development. 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 EA prepared by the State and the State's ATP request letter summarized the responses from agencies consulted for the NEPA review and discussed appropriate resolution of all their concerns and recommendations. The responses from agencies consulted for the NEPA review include the following comments and/or recommendations:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) identified one known federally threatened/endangered fish and wildlife within a 10 mile radius of the project area. One other species was identified that not technically a Federally-listed in Kentucky due to a conservation agreement between Federal & State agencies. They also identified no records of state listed species of concern within 1 mile radius of the project area. They state however, that due to the location and nature of the project, the KDFWR does not anticipate impacts to these species, or their associated critical habitat.

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 no federally listed threatened or endangered species within a 10-mile radius and no species of State concern within a 1-mile radius of the project. 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 disturb no mine portals, 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, 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 one open mine portals/shafts with FWS accepted types of wildlife friendly gates that allow bat access.
- 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) were 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 tipples, 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 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 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.

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 revise and update PA # KY-002726-SGA was input into the AMLIS by the DAML and was approved by LFO on August 19, 2011.



Corey Miller <ctmsbc@gmail.com>

ATP Request Package for Job Corps Subsidence AML Reclamation Project (Muhlenberg County)

Bill Overman <kyaml2008@gmail.com>

Wed, Sep 7, 2011 at 12:03 PM

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

Please see attached ATP request package for the Job Corps Subsidence AMLRP.

Respond accordingly.

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

Thanks,

Vanna
AML-Frankfort



Job Corps Subsidence - ATP request 9.7.11.pdf
11245K



ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR NATURAL RESOURCES

Division of Abandoned Mine Lands

2521 Lawrenceburg Road
Frankfort, Kentucky 40601
www.ky.gov

Steven L. Beshear
Governor

Leonard K. Peters
Secretary

Carl E. Campbell
Commissioner

September 7, 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: Job Corps Subsidence AML Reclamation Project (Muhlenberg 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 2726 SGA has 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 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 and property development.

AML Program Development staff conducted a search of the Kentucky State Nature Preserves Commission (KSNPC) BIOTICS 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 no species listed as threatened or endangered, under the United States Endangered Species Act (USES), are known to exist within ten miles of the project site.

Although 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*), tree clearing is not anticipated within the project site, so project-related construction should not impact this species, regardless of the timing of the construction.

Office of Surface Mining
September 7, 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 COE, WQC, 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 \$18,039.00, 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 site. 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

JOB CORPS SUBSIDENCE AML RECLAMATION PROJECT
Muhlenberg County
Central City West Quadrangle

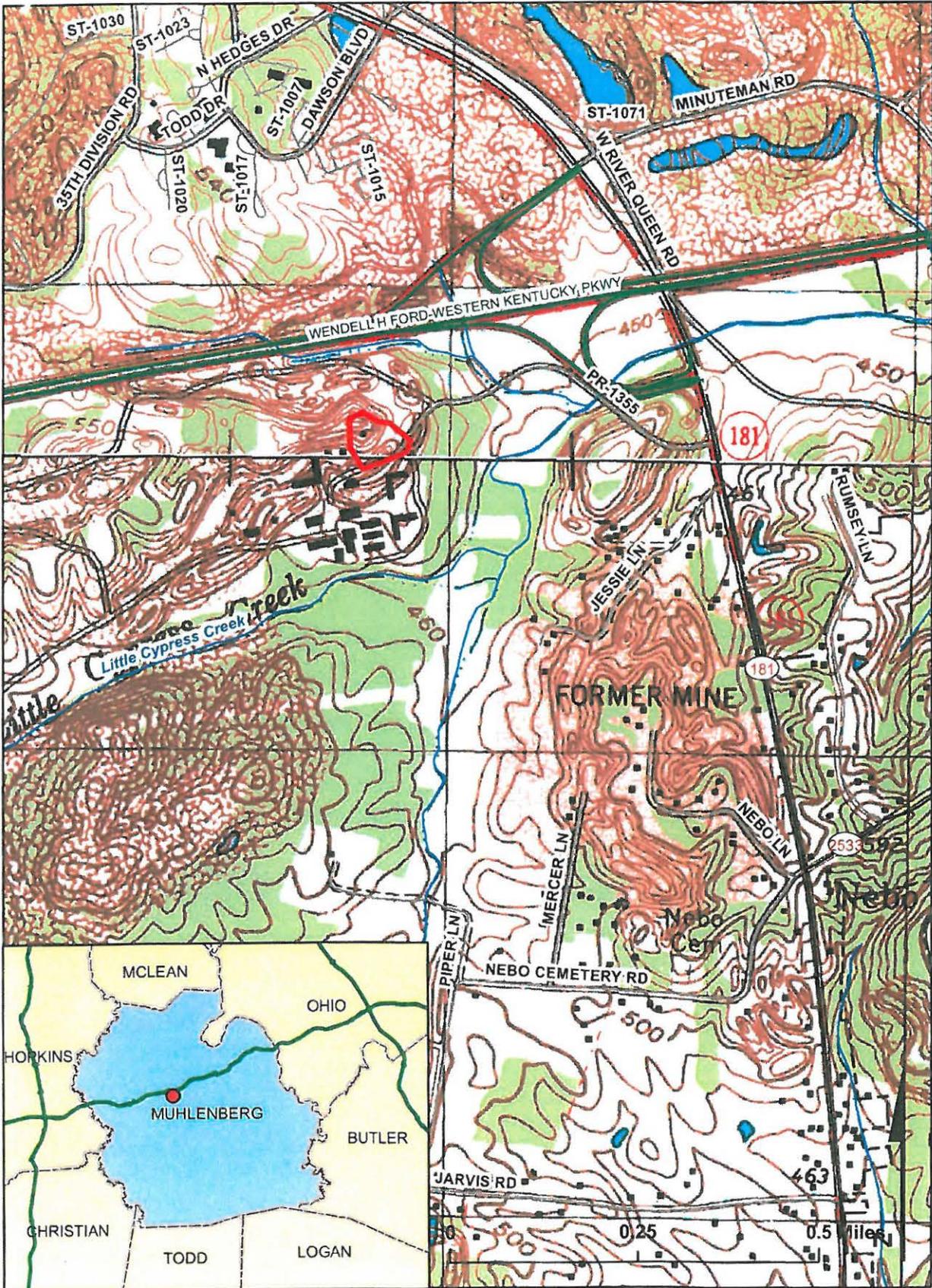
PROJECT DESCRIPTION:

The site is located at the Job Corps Center in Muhlenberg County, KY in the Central City West quadrangle at coordinates N37° 15' 0.5", W87° 12' 18.8" (see attached map). The project consists of a subsidence hole approximately 12' x 12' and 6' deep. About 3' of soil has collapsed into a void exposing a horizontal strata of sandstone with a void beneath it. The extent of the void is not easily viewed from the ground surface, however it appears to extend at least 8-10 feet beyond the subsidence area.

The initial work included drilling 6 holes to determine, as best as possible, what is beneath the surface of the area surrounding the subsidence. Two holes were drilled adjacent to the existing water tower (200' north of the subsidence). The remaining four holes were drilled at 90 degree intervals around the subsided area with two of the holes including 10 feet of rock core to evaluate the material.

Onsite observation of the drilling revealed the void to extend in a southwest to northeast direction. The construction plan is to excavate the subsided area to approximately 60' x 15' x 10' and fill the void with a combination of class II rock and concrete grout. The surface area will be graded and revegetated once the void is filled. Project work will not require the removal of any trees over 5" DBH. Access to the site is via county roads and maintained yards. No work is planned within any streams. The entire project area has been previously disturbed by coal mining operations and commercial development. Construction disturbances will be kept to a minimum and will be revegetated as soon as practical. Hay bale silt checks will provide additional sediment control throughout the life of the project.

Job Corp Subsidence Project Muhlenberg County



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: 9/7/11

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



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
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September 6, 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: Job Corps Subsidence AML Reclamation Project (Muhlenberg 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

Howell, Ryan (EEC)

From: Hall, Samantha (EEC)
Sent: Monday, August 08, 2011 1:39 PM
To: Rickwa, Vanna (EEC)
Cc: Howell, Ryan (EEC); Overman, Bill (EEC)
Subject: RE: Request for floodplain & WQC review for Job Corps Subsidence 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.

From: Rickwa, Vanna (EEC)
Sent: Friday, August 05, 2011 12:56 PM
To: Hall, Samantha (EEC)
Cc: Howell, Ryan (EEC)
Subject: Request for floodplain & WQC review for Job Corps Subsidence AMLRP

Attached please find the project description and maps for Job Corps Subsidence 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, 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*



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

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Dr. Jonathan W. Gassett
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15 August 2011

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

RE: Job Corps Subsidence AML Reclamation Project (Muhlenberg County)

Dear Mr. Hohmann:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for information pertaining to the subject project. The Kentucky Fish and Wildlife Information System indicates that the federally-listed Gray bat (*Myotis grisescens*) is known to occur within 10 miles of the proposed project. Additionally, the Copperbelly Water Snake (*Nerodia erythrogaster neglecta*) occurs within 10 miles of the project site, but is not technically federally-listed in Kentucky due to a previous conservation agreement between federal and state agencies and private interests that implemented actions to conserve wetland habitat in the region. No state-threatened/endangered species are known to occur within one mile of the proposed project site. Due to the location and nature of the project, the KDFWR does not anticipate impacts to the species listed above, or their associated critical habitat. 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

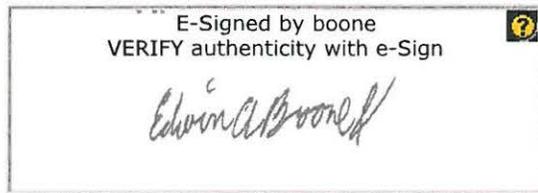
Cc: Environmental Section File



MEMORANDUM

To: Job Corps Subsidence 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: August 25, 2011

On Thursday, August 25, 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 no species of state concern monitored by the KSNPC occur within one mile, and that no federally listed threatened and endangered species are known to exist within ten miles of the project site.

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 an area that has been determined by the United States Fish and Wildlife Service to be “Known Habitat” for and of the Indiana bat. The nearest records in the database are designated as two hibernacula sites, each of which are caves, both located approximately 13.7 miles Southwest of the project site. The USFWS “Known Habitat” map has these sites keyed as Priority 3 or 4 hibernacula. However, the project site is not within the swarming range of these hibernacula, and no trees are to be disturbed by construction of this project. Therefore, construction activities associated with the stabilization and elimination of this underground mine

subsidence depression will have no negative impact upon the Indiana bat, even if individuals of that species are present within the immediate vicinity.