

Authorization to Proceed (ATP)
Keith Hall Repair High Priority (HP)
Abandoned Mine Land (AML) Reclamation Project
based on Categorical Exclusion (CX)
Boyd County, Kentucky

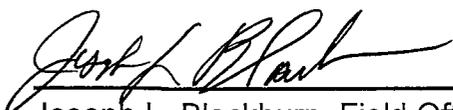
The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the August 8, 2011, request for ATP with construction activity on the Keith Hall Repair High Priority (HP) AML Reclamation project, prepared by the Division of Abandoned Mine Lands (DAML) of the Kentucky Department for Natural Resources. OSM found that the appropriate request documents were submitted and/or referenced in the ATP documents of the previously approved project; and appear to support the need for the proposed construction activity. OSM confirmed that the required information documenting the general AML problem for this project has previously been included in the AML Inventory System (AMLIS).

OSM reviewed the categorical exclusion (CX) certification prepared by DAML for this project. OSM determined that the construction activity requested under this project conforms to the exclusion criteria in 516 DM 2 and 13, does not involve any of the general exceptions in 516 DM 13.5(A)(33) or extraordinary circumstances listed in 516 DM 2, Appendix 2, and is excluded from further NEPA environmental review. As a result, I have signed the Categorical Exclusion Determination (CX) for this project.

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

- DAML will enter the submitted information to update the AMLIS for this project as soon as possible after notification of this authorization.
- The DAML project request notes that no tree removal is proposed/anticipated at this time outside the AML problem areas, but that if tree removal is needed in these areas it will only take place between October 15 and March 31, or a habitat assessment or a presence/absence survey will be required. Tree removal pertains to the purposeful removal of standing trees larger than 5 inches diameter at breast height or standing snags with loose bark that are 9 inch or greater diameter at breast height and at least 10 feet in height.

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



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

August 9, 2011
Date

Cassel, Steven R. "Steve"

From: Cassel, Steven R. "Steve"
Sent: Tuesday, August 09, 2011 4:11 PM
To: 'Steve Hohmann (steve.hohmann@ky.gov)'
Cc: 'carl.campbell@ky.gov'; 'mark.meade@ky.gov'; 'Bill.Overman@ky.gov'; 'Howell, Ryan (EEC)'; 'Train, Shannon (EEC)'; Rickwa, Vanna (EEC); Blackburn, Joseph L. "Joe"; Smith, Gail; Turner, Samuel R. "Sam"; Francis, Gary D.; Edwards, Chester L. "Chet"; Holliday, James "Jim"; Miller, Corey T.; Estes, Loren A.
Subject: ATP Transmittal: Keith Hall Repair High Priority (HP) ATP, Boyd County
Attachments: AR-M550N_20110809_160055.pdf

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of your August 8, 2011, request for ATP with construction activity on the Keith Hall Repair High Priority (HP) AML Reclamation project, prepared by the Division of Abandoned Mine Lands (DAML). The request does not designate a funding source for the construction work under the Project Costs (Non-Water Supply) of any of Kentucky's Annual AML Construction Grant. OSM requests to be notified of the final funding source and State account number for our records.

A pre-approval field inspection of the proposed project was deemed unnecessary, since the project was previously field verified under the previous OSM and State AML projects, no unique characteristics warranting special field verification were noted and it wasn't selected for field verification under the EY 2012 Oversight Agreement.

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

- DAML will enter the submitted update funded information to update the AMLIS for this project as soon as possible after notification of this authorization.
- The DAML project request notes that no tree removal is proposed/anticipated at this time outside the AML problem areas, but that if tree removal is needed in these areas it will only take place between October 15 and March 31, or a habitat assessment or a presence/absence survey will be required. Tree removal pertains to the purposeful removal of standing trees larger than 5 inches diameter at breast height or standing snags with loose bark that are 9 inch or greater diameter at breast height and at least 10 feet in height.
- OSM requests copies of any applications for permits/certifications and approval documents required for the construction of this project that were not submitted with the original ATP. This information is needed by OSM to perform oversight and monitor compliance with the NEPA.

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

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

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: _____ Date: _____

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: 8-9-2011

Name and Title: JOSEPH L. BLACKBURN, FIELD OFFICE DIRECTOR

Memorandum

Date: August 9, 2011

To: Keith Hall Repair High Priority (HP) Abandoned Mine Land (AML)
Reclamation Project File ID# 99.120400000

From: Steve Cassel, Sr., AML Program Specialist *SC 8-9-11*
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 Keith Hall Repair High Priority (HP) AML Reclamation Project. The Branch prepared an ATP notice for the FOD review. The Branch recommends that the FOD sign the Categorical Exclusion Determination (CX), and ATP notice in the space provided on each document. The original signed ATP notice will be filed in the LFO AML project construction files and a copy will be sent to the Division of Abandoned Mine Lands (DAML) Director attached to a transmittal email, with an attachment of associated approval documents, consisting of a copy of the LFO review memorandum and CX. Additionally, the transmittal email will be copied to the Department for Natural Resources (DNR) Commissioner.

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

The project area may be centrally located on the Catlettsburg, Kentucky U.S.G.S. 7.5 minute Topographic Quadrangle map at 38° 26' 01" North Latitude and 82° 36' 39" West Longitude near the community of Catlettsburg, Kentucky. The project location, AML problems to be addressed and proposed reclamation activity/cost are also available at <http://www.osmre.gov> in the AMLIS under PA# KY-002718-SGA. The project is located immediately adjacent to the Keith Hall Site of the Mark Riddle Group AMLR Project completed on December 9, 2010, and involves repair of the reclamation abatement work conducted by OSM under the Keith Hall Landslide AML Emergency Project #KY-2008-008 (LFO Complaint Keith Hall Landslide #2008-011-P).

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 (AG). In previous discussions, DNR indicated they would assign projects to a grant before they go to construction. The LFO Project/Site ID # 99.120400000 was assigned to the project file for LFO tracking purposes until actual AG and Location Code numbers are assigned by DAML and can be inserted in the appropriate positions at the beginning and end of the LFO Project #. No specific proposed bid advertisement, bid opening, or

construction completion dates were provided by DAML in the ATP request letter, therefore I inserted dates in the database based on the ATP request letter stating that these activities will occur as soon as possible. The following proposed dates were assigned and entered by LFO for database tracking purposes: Bid Advertisement Date was entered as August 15, 2011, Contract Award was entered as September 1, 2011, and Contract/Construction Completion was entered as November 1, 2011.

An office review of the current and previously submitted/accepted request documents was conducted. The documents consisted of; a project description, a location map, a National Environmental Policy Act (NEPA) review documented in a CX with agency consultation documentation; documents from the previous State and OSM AML projects; and an Abandoned Mine Land Inventory System (AMLIS) Problem Area Description (PAD) summary and appropriate Priority Documentation Form, with engineer cost estimates for PA# KY-002718-SGA for the current DS project activity.

A pre-approval field inspection of the proposed project was deemed unnecessary, since the project was previously field verified the previous OSM and State AML projects, 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 current project and previously submitted for the construction activity at the site for the previously authorized project were reviewed and found to adequately evaluate and document the environmental concerns and impacts of the currently proposed repair 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 waste areas were previously disturbed for residential development and the previous AML project. All other areas were previously disturbed by residential/business development, AML projects, and road construction. There are no unresolved issues or adverse effects requiring specialized mitigation.

No significant impacts have been reported to this office or identified by the Branch. The Branch recommends that the Office of Surface Mining Reclamation and Enforcement (OSM) accept the CX submitted by the Kentucky DAML. The State's ATP request correspondence and attachments 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), in a letter dated June 25, 2009, for the previous project, identified no known federally threatened/endangered fish and wildlife within a 10 mile radius of the project area. They also identified no records of state listed species of concern within 1 mile radius of the project area. This along with a current DAML biological evaluation are deemed sufficient to address fish and wildlife concerns on the current project.

The designated DAML biological review staff reviewed the Kentucky State Nature Preserves Commission's (KSNPC) endangered, threatened and special concern reference databases in lieu of direct consultation. The findings are noted in the ATP request correspondence and an attached biological review memorandum dated August 8, 2011. DAML found that KSNPC data indicated two federally listed threatened or endangered species within a 10-mile radius and two species of State concern known to occur within a 1-mile radius of the project. DAML listed and discussed each species noted above in the biological review memorandum and their ATP request correspondence, 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.

In a meeting held in February 2010 between *the OSM Lexington Field Office (LFO)* LFO, Kentucky Field Office (KFO) in Frankfort, Kentucky, of the U.S. Fish and Wildlife Service (USFWS) and DAML; Steve Hohmann, Director of DAML, offered to coordinate NEPA consultation with the KFO, utilizing the agreements in the September 18, 2009, Memorandum of Agreement (MOA) signed by the OSM, LFO and USFWS KFO. This document outlined the acceptable conditions that the projects potential impacts can have where the KFO will not need to be further contacted for comment. When the conditions within the agreement are present, processing of the ATP may proceed with the confidence that the biological environment is being protected and provisions of Section 7 of the Endangered Species Act have been fulfilled. It was agreed to by all parties, acknowledging that LFO would retain the final review to determine if the NEPA documentation is complete.

After review of the ATP documents for this project, DAML determined that additional consultation with the USFWS is not required because the proposed project will not adversely affect a federally listed species (Federal Assistance Manual (FAM) Chapter 5-11-15, A. 3.) The project activities meet the following conditions noted in the MOA to ensure protection of federally listed species; specifically the Indiana bat, Gray bat, and freshwater fishes and mussels:

- With the exception of trees directly impacted by the AML problem, the project does not include the purposeful removal of standing trees larger than 5 inches diameter at breast height or standing snags with loose bark that are 9 inch or greater diameter at breast height and at least 10 feet in height, during the period of April 1 to October 15;
- The project activity does not occur in "Known Indiana Bat Habitat" identified on the map attached to the MOA and the GIS files provided by USFWS KFO on November 2, 2009, used to generate the map (a copy of a section of the MOA GIS layer map on which the project coordinates are located is attached to the DAML biological review memorandum as proof of this determination);
- No caves or clifflines will be disturbed;
- No mine portal/shaft closures are proposed;
- No purposeful filling or crossing of streams using heavy equipment or the removal of riparian vegetation using heavy equipment within the Tradewater, lower Ohio, upper Cumberland, Green, and Licking River basins;
- In order to avoid/reduce indirect impacts, erosion and sediment control plans will be implemented and monitored until permanent vegetation has become established in the above listed watersheds and all other watersheds as may be appropriate.

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

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

The Office of State Archaeology, in a letter dated June 25, 2009, found that their records did not indicate any known archaeological sites directly in the project area, no systematic archaeological survey has been conducted in the immediate project area,

and past disturbance to the project area make it unlikely that archaeological sites will be preserved.

The Kentucky Heritage Council (KHC) and State Historic Preservation Officer (SHPO) were not consulted further for the current construction activity, since this project activity falls under the "exempt projects" provisions in the Programmatic Agreement that DAML signed on January 3, 2011, with the KHC. Exempt projects are "Routine and recurring projects whose impacts [under Section 106 of the National Historic Preservation Act] are "foreseeable and cause little or no ground disturbance or that have a low probability of affecting known or unknown historic properties..." Under the agreement KHC requires no consultation beyond DAML's determination that the project is an exempt project. In a letter dated June 24, 2009 for the previous project, the SHPO determined that the proposed project will not impact any National Register Properties or sites, no properties currently listed in the National Register of Historic Places are within the project areas, and an archaeological survey will not be necessary.

Environmental and Public Protection Cabinet (EPPC) (changed to the Environment and Energy Cabinet (EEC) in July 2008) Secretary order dated December 12, 2006, transferred authority for issuance of Clean Water Act (CWA) Section 401 Water Quality Certifications (WQC) associated with surface coal mine operations, to include any reclamation projects proposed by the DAML, to the Kentucky Department for Natural Resources (DNR). DNR assigned this responsibility to the DAML Design Branch. In a meeting held in February 2010 between the OSM Lexington Field Office (LFO), Kentucky Field Office (KFO) in Frankfort, Kentucky, of the U.S. Fish and Wildlife Service (USFWS) and DAML to primarily discuss fish and wildlife issues; Steve Hohmann, Director of DAML, offered to coordinate NEPA consultation with the U.S. Army Corps of Engineers (COE) to assess the need for and compliance with the permit requirements of Section 404 of the Clean Water Act (CWA) by application of criteria provided by the COE. This was beneficial to both offices since these issues are inter-related. The DAML Design Branch determined that neither a 401 WQC nor a 404 CWA permit are needed for the project as proposed.

Under a 2005 agreement with the Kentucky Division of Water (DOW) Floodplain Management Section (FMS) of the Water Resources Branch, DOW authorized DAML to apply DOW floodplain standards in lieu of a DOW review. In this agreement, DAML will directly consult with DOW if it appears a permit may be required. DAML has acquired a set of Federal Emergency Management Agency (FEMA) floodplain maps that include the project area. DAML's Design Branch personnel researched these maps and have determined that the project is not within the base floodplain and no floodplain permits are required.

The comments from the Kentucky State Clearinghouse, Kentucky's "Single Point of Contact" (SPOC) pertaining to AML Non-Water Supply projects included no comments that affect this proposal.

The information to update PA # KY-002718-SGA for the current project work was submitted by DAML for OSM review with their request correspondence, prior to direct input into the AMLIS. This information reflects the changes in units and costs based upon the design and classification of the funded category. The current work information had not yet been input into the AMLIS as was confirmed by LFO review of the AMLIS data. However, the general AML problem is adequately documented in the AMLIS to proceed with the current project authorization, and the ATP will notify DAML of the need to enter the information as soon as possible. This AMLIS update submitted for this ATP does not represent a "new Problem Area" after December 20, 2006, requiring FOD approval under OSM Directive AML-1-2 (signed June 22, 2007).

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

Cassel, Steven R. "Steve"

From: Cassel, Steven R. "Steve"
Sent: Monday, August 08, 2011 4:17 PM
To: 'Howell, Ryan (EEC)'
Subject: RE: Statement of Coverage for Mark Riddle Group AMLRP (aka Keith Hall Repair HP AML Reclamation Project)

Thanks Keith, I will work on this first thing in the morning.

Have a great afternoon.

From: Howell, Ryan (EEC) [<mailto:Ryan.Howell@ky.gov>]
Sent: Monday, August 08, 2011 3:01 PM
To: Miller, Corey T.; Cassel, Steven R. "Steve"; Smith, Gail; Estes, Loren A.
Cc: Rickwa, Vanna (EEC); Overman, Bill (EEC)
Subject: Statement of Coverage for Mark Riddle Group AMLRP (aka Keith Hall Repair HP AML Reclamation Project)

Corey and/or Steve,

We recently were notified of a failing wall along an access road that is immediately adjacent to the Keith Hall site of the Mark Riddle Group AML Reclamation Project, which received an ATP on 5/20/10. A wall, reported to have been constructed approximately 20 years ago by OSM, has deteriorated and material is eroding out from between the road and the wall. This site has been determined to be a high priority project, as the road has been compromised along one side and will likely become impassable if the site is left unattended. An additional area on the south side of the access road has been included in the project limits. This area is proposed as a staging/parking area along the access road. No trees will be removed in this area and no work is planned on this hillside. Further project information can be found in the attached project description and maps.

The entire project work area has been previously disturbed by mining, road construction, and OSM and AML construction. Access is from the existing access road and in a residentially maintained yard. Although the project would now be exempt under the Programmatic Agreement between KHC and AML, the previous Mark Riddle Group AML Project contacted KHC for their comments. At that time, KHC indicated that no archaeological resources should be negatively impacted. Also attached are the comments from OSA, which also determined that it would be unlikely that archaeological sites would be disturbed. The work involved with this project involves fixing a previously constructed wall, which had previously disturbed the area.

A new review of the site was made by AML Design Branch personnel to determine if the area is in a floodplain or would require any other permits or certifications. The attached review from DAML personnel indicates the site will not require any WQC, COE or floodplain permits.

AML personnel have also performed a new review of the KSNPC database and determined that no species of concern will be negatively impacted by the proposed construction activities (see attached). Although the entire state of Kentucky has been determined to be potential Indiana Bat habitat (*Myotis sodalists* – USESA Endangered), no trees outside of the unstable area are proposed to be removed and no cave-like structures will be closed, so no negative impacts should occur to the Indiana Bat regardless of project timing. Also, attached are comments for the site from KDFWR on June 25, 2009, which indicated that “no federally threatened and endangered species or state monitored species are found within ten miles and one mile, respectively, of the proposed project.” As this project involves work along the roadway and within a residentially maintained area, and does not include any work within any streams, and no tree removal is necessary outside of the unstable area, and it is similar in scope as the previous work done at the Keith Hall site, it is unlikely that any species not already addressed in the attached KSNPC memo would be negatively impacted.

As this site is immediately adjacent to the Keith Hall site of the Mark Riddle Group AML Reclamation Project that was last given an ATP on 5/20/10, and includes wall construction, which is the same in scope as the previous work performed in the Keith Hall yard, and for the reasons listed above, it does not appear that any additional NEPA review would be necessary for this proposed project work. The eligibility for this project work is the same as the eligibility determination made for the Mark Riddle Group AML Reclamation Project. This project is part of KY 2718 SGA and is estimated to cost \$20,000.00. Please accept this email as a statement of coverage for the Mark Riddle Group AML Reclamation Project, which previously had NEPA review and received an ATP.

Note: Due to size limits on emails, I'll send a second email with additional attachments.

Thanks,
Ryan Howell
502-564-2141

Cassel, Steven R. "Steve"

From: Howell, Ryan (EEC) [Ryan.Howell@ky.gov]
Sent: Monday, August 08, 2011 3:01 PM
To: Miller, Corey T.; Cassel, Steven R. "Steve"; Smith, Gail; Estes, Loren A.
Cc: Rickwa, Vanna (EEC); Overman, Bill (EEC)
Subject: Statement of Coverage for Mark Riddle Group AMLRP (aka Keith Hall Repair HP AML Reclamation Project)
Attachments: Keith Hall Repair HP AMLRP Description.doc; Keith Hall Repair HP AMLRP overview map.pdf; Keith Hall Repair HP AMLRP planview.pdf; Keith Hall HP Repair; Mark Riddle Group responses.pdf

Corey and/or Steve,

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The entire project work area has been previously disturbed by mining, road construction, and OSM and AML construction. Access is from the existing access road and in a residentially maintained yard. Although the project would now be exempt under the Programmatic Agreement between KHC and AML, the previous Mark Riddle Group AML Project contacted KHC for their comments. At that time, KHC indicated that no archaeological resources should be negatively impacted. Also attached are the comments from OSA, which also determined that it would be unlikely that archaeological sites would be disturbed. The work involved with this project involves fixing a previously constructed wall, which had previously disturbed the area.

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\$20,000.00. Please accept this email as a statement of coverage for the Mark Riddle Group AML Reclamation Project, which previously had NEPA review and received an ATP.

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Thanks,
Ryan Howell
502-564-2141

Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or The Fish and Wildlife Coordination Act?	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment?	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>

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 <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
<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: _____ Date: _____
Name and Title: Steve Hohmann, Director Division of Abandoned Mine Lands

VI. OSM DETERMINATION
<input type="checkbox"/> This project conforms with the exclusion criteria in 516 Dm 6, Appendix 8, and is excluded from further NEPA compliance.
<input type="checkbox"/> 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: _____

Keith Hall Repair High-Priority AML Reclamation Project Boyd County, Catlettsburg Quad

General Description

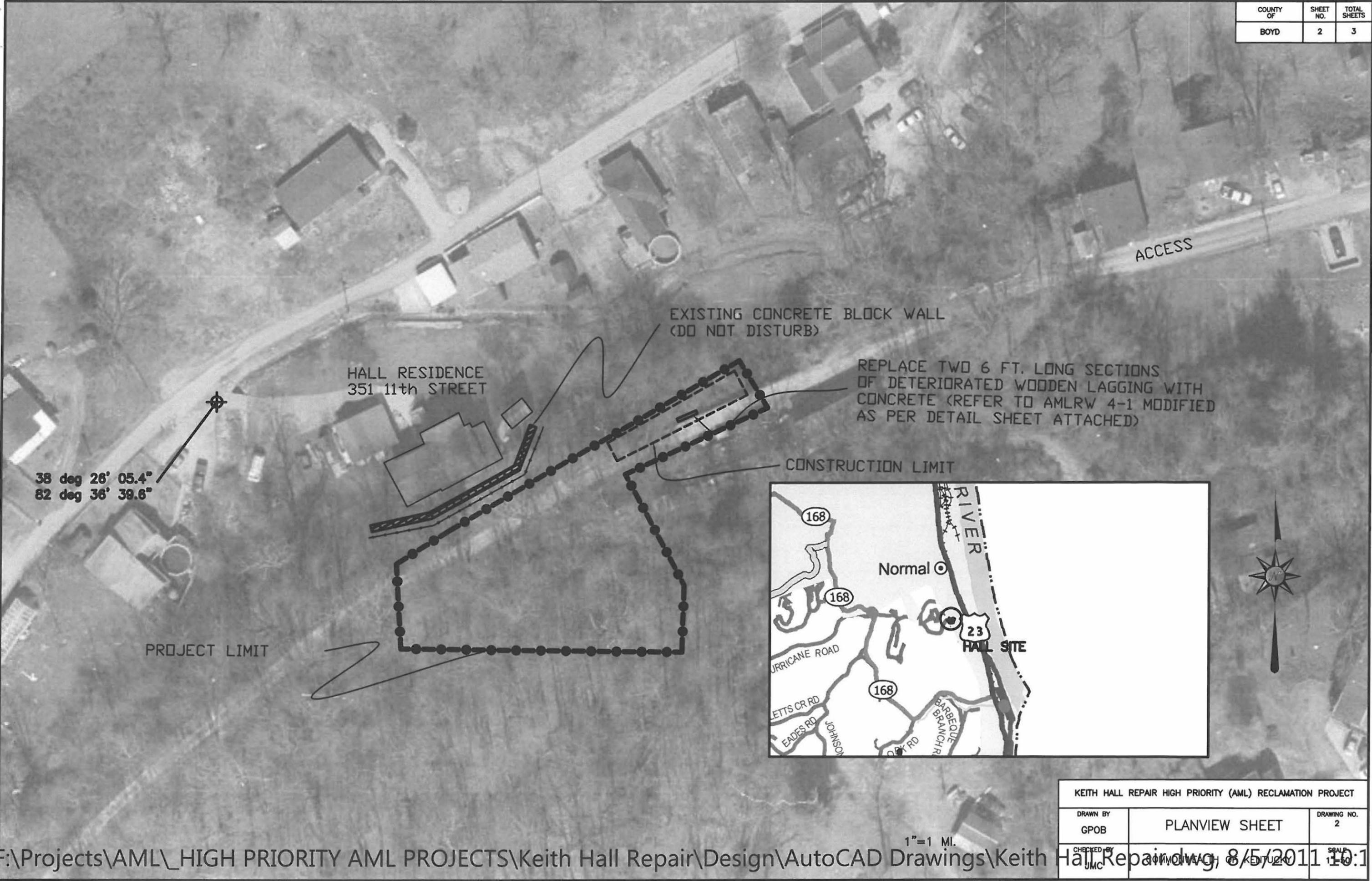
The Keith Hall Repair site, approximately 1.0 acre, is located on the southern side of the city of Ashland, in Boyd County. The site is located at 38° 26' 05" latitude and -82° 36' 38" longitude in the Catlettsburg United States Geologic Service (USGS) 7.5' Quadrangle.

The project consists of replacing deteriorated wooden lagging in a section of pile and lagging wall with reinforced concrete lagging. The wall, originally constructed by OSM approximately 20 years ago, is located on the downslope side of an access road. Several wooden timbers in the wall have completely fallen out and remaining timbers have deteriorated and are no longer functioning properly. Material between the wall and the road has started to wash out at the wall location. If the wall is not repaired the integrity of the access road will become compromised.

Access to the work area will be via existing roads and residentially maintained yards. A stringently formulated sediment and erosion control program, consisting of such measures as hay-bale silt checks, maintained throughout the life of the project, and prompt re-vegetation will be implemented on all areas disturbed by this project. An additional area on the south side of the access road has been included in the project limits. This area is proposed as a staging/parking area along the access road. No trees will have to be removed in this area and no additional work is planned on this hillside.

Any waste material generated by the construction of this project will be wasted within the project limits in a previously disturbed area. No trees over 5" DBH outside of the unstable area are planned to be removed. The project site has been previously disturbed by coal mining, residential activities, OSM and AML construction, and/or road construction. Site preparation for the site includes clearing and grubbing of vegetation. Class II backfill is included for placement to fill a hole behind the wall, and hay bales shall be placed for erosion control. A traffic control bid item is included to provide for safe passage of motorists along all public routes that will be affected during construction activities. Roadway stone and Dense Grade Aggregate are included to maintain access. No work is planned within any streams. All necessary permits and/or variances will be procured prior to construction.

COUNTY OF	SHEET NO.	TOTAL SHEETS
BOYD	2	3



KEITH HALL REPAIR HIGH PRIORITY (AML) RECLAMATION PROJECT		
DRAWN BY GPOB	PLANVIEW SHEET	DRAWING NO. 2
CHECKED BY JMC	DATE 8/5/2011	SCALE 1"=10'

Cassel, Steven R. "Steve"

From: Hall, Samantha (EEC) [Samantha.Hall@ky.gov]
Sent: Monday, August 08, 2011 1:34 PM
To: Rickwa, Vanna (EEC); Howell, Ryan (EEC); Overman, Bill (EEC)
Subject: Keith Hall HP Repair

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.

Samantha Hall
Environmental Technologist III
Division of Abandoned Mine Lands
502-564-2141



Memorandum

To: Keith Hall
AML High-Priority Project

From: Keith B. Coleman
Environmental Technician, AML Program Development Branch
 8-08-11

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

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

Date: August 8, 2011

On August 8, 2011, I conducted a search of the KSNPC database in order to determine if any species of state concern (monitored by KSNPC) are known to occur within the near vicinity (1 mile radius) of the site to be disturbed by this project, and if any federally listed “threatened or endangered” species are known to occur within the general vicinity (10 mile radius) of the project site. This search revealed that 2 species of state concern, monitored by KSNPC, are known to occur within one mile, and that 2 species currently listed as threatened or endangered under the United States Endangered Species Act (USESA) are known to occur within ten miles of the project site.

This project (1 acre total) consists of the replacement of a previously installed timber lagging wall which has deteriorated, thereby enabling instability, erosion, and sedimentation problems to become active again. The project site has been previously disturbed by coal mining operations, (including mine drainage areas), residential development, road construction, OSM & AML construction, and/or high velocity water flows associated with heavy rain events and flooding. No perennial or intermittent streams will be disturbed. No mine portals will be disturbed. No trees over 5” DBH will need to be cleared from project areas other than within directly impacted, unstable areas. All access routes are pre-existing, and waste materials will be spread within cleared areas at the project site. To minimize sediment and erosion problems, a stringent control plan, including the utilization of such measures as hay-bale silt checks, silt fences, erosion

control blankets, and prompt vegetation of all disturbed areas, will be implemented and monitored during the construction process.

KSNPC Monitored Species

Virginia Mallow (*Sida hermaphrodita*, 0.65 miles SE of site)

Diamond Darter (*Crystallaria cincotta*, 0.4 miles E, Ohio River)

USESA Listed Species

Gray Bat (*Myotis grisescens*, “summer mist-net” record, 9.6 miles NW)

Indiana Bat (*Myotis sodalis*, “undetermined” record, 5.6 miles NW)

The **Virginia Mallow** inhabits loose sandy or rocky soil in open areas resulting from flooding, mainly along river banks. Since the project site is within a maintained, residential area, and is not within close proximity to an appropriately-sized stream channel, and since the problem area has been disturbed by previous projects, negative impacts to this species as a result of this project are highly unlikely.

The **Diamond Darter** inhabits medium to large-sized rivers with extensive deposits of clean sand and gravel. Since the project will not be associated with any stream disturbances, and since the AML Sediment and Erosion Control Plan will be implemented and monitored during construction, no negative impacts should result upon this species due to project-related construction.

The **Gray Bat** inhabits caves throughout the year and has been known to move from one cave to another seasonally. Since the project does not involve any cave-like structures, no negative impacts should result do to project-related construction.

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

The search of the KSNPC BIOTICS database revealed one “undetermined” record of this species within 10 miles of the project site (5.6 miles NW from the project site). No other records have been documented within 20 miles from the project site.

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

However, since tree clearing is not anticipated within the project site or the associated waste area, and since no portals are associated with this project, project-related construction should not impact this species, regardless of the timing of construction. Should the clearing of trees (trees which are over 5” DBH and also display characteristics such as shaggy, exfoliating bark, or crevices and hollowed-out cavities within their trunks and larger limbs) outside of any unstable, AML-impacted areas become necessary, a habitat assessment or presence-absence survey may be required. Lastly, the project does not fall within “*known habitat*” of the Indiana Bat, as described by USFWS. Adherence to these best management practices should prevent any negative impacts upon the Indiana Bat.