

AS

Authorization to Proceed (ATP)

Little Fork Mine Blowout Phase B
Abandoned Mine Land (AML) Reclamation Project
based on Categorical Exclusion (CX)
Pike County, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the July 12, 2011, request for ATP with construction activity on the Little Fork Mine Blowout Phase B AML Reclamation project, prepared by the Division of Abandoned Mine Lands (DAML) of the Kentucky Department for Natural Resources. This is the follow-up construction phase of the Little Fork Mine Blowout High Priority Project authorized by OSM on April 19, 2011. 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 to update AMLIS Problem Area (PA) # KY-004127-SGA has been included in the AML Inventory System.

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

- The DAML project request notes that no tree removal is proposed outside the AML problem area and the issue concerning a fence is resolved as documented in email correspondence made part of the DAML ATP request documents.

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

7/25/11
Date

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

State: KY PA: KY 4127 SGA
Project Name: Little Fork Mine Blowout Phase B AML Reclamation Project
Project Description: Cleanout debris deposited from a mine blowout

I. GENERAL EXCEPTIONS

Does the project type specifically require an EA in 516 DM 6, Appendix 8, as specified in Item I of the attached instructions? No Yes

II. DEPARTMENT OF INTERIOR EXCEPTIONS

Will the project have any of the following:

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

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

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

Highly controversial environmental effects? No Yes

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

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

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

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

Adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species? No Yes

Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or The Fish and Wildlife Coordination Act? No [x] Yes []

Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment? No [x] Yes []

III. RESOURCE IMPACT EXCEPTIONS

Are there any unresolved issues or adverse effects requiring specialized mitigation for any of the following resources? If yes, check the ones that apply. No [x] Yes []

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

IV. ATTACH CONSULTATION LETTERS AND A LOCATION MAP

V. RESPONSIBLE OFFICIAL CERTIFICATION

Signature: *Steve Hohmann* Date: 7-12-11

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

VI. OSM DETERMINATION

7-22-11 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: 7/25/11

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

Memorandum

Date: July 22, 2011

To: Little Fork Mine Blowout Phase B Abandoned Mine Land (AML)
Reclamation Project File

From: Steve Cassel, Sr., AML Program Specialist *SC* 7-22-11
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 Little Fork Mine Blowout Phase B AML Reclamation Project. This is the follow-up construction phase of the Little Fork Mine Blowout High Priority Project authorized by OSM on April 19, 2011.

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 July 12, 2011, was received at LFO on July 12, 2011. The ATP was processed within 8 working days; therefore, the customer service target of 14 working days to process an ATP has been met. The ATP was processed in 12 calendar days; therefore, the Federal employee performance appraisal standard of 30 calendar days to process an ATP has been met.

The project area may be centrally located on the Dorton, Kentucky U.S.G.S. 7.5 minute Topographic Quadrangle map at 37° 18' 50" North Latitude and 82° 30' 22" West Longitude. 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-004127-SGA. The project builds upon work completed under the Little Fork Mine Blowout High Priority Project and involves reclamation of AML conditions consisting of closing a mine opening, cleanout of sediment filled sections of Left Fork Caney Creek, and installation of subdrains and surface ditches behind two residences.

DAML did not designate a funding source for the construction work under the budget category entitled Project Costs (Non-Water Supply) of any of Kentucky's AML Annual Construction Grants (AG). In previous discussions, DNR indicated they would assign projects to a grant before they go to construction. The LFO Project/Site ID # 99.116030000 was assigned to the project file for LFO tracking purposes until actual AG

and Location Code numbers are assigned by DAML and can be inserted in the appropriate positions at the beginning and end of the LFO Project #. No specific proposed bid advertisement, bid opening, or construction completion dates were provided by DAML in the ATP request letter, therefore I inserted dates in the database based on the ATP request letter stating that these activities will occur as soon as possible. The following proposed dates were assigned and entered by LFO for database tracking purposes: Bid Advertisement Date was entered as September 1, 2011, Contract Award was entered as October 1, 2011, and Contract/Construction Completion was entered as October 1, 2012.

An office review of the request documents was conducted. The documents consisted of; a project description, a location map, a National Environmental Policy Act (NEPA) review documented in a CX with agency consultation documentation; and an Abandoned Mine Land Inventory System (AMLIS) Problem Area Description (PAD) summary and appropriate Priority Documentation Forms, with engineer cost estimates for PA# KY-004127-SGA.

A pre-approval field inspection of the proposed project was conducted on July 19, 2011 for field verification under the EY 2011 Oversight Agreement. The proposal was recommended for approval with no concerns or recommendations. 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. The waste area was previously authorized for use under another AMLR project and the Little Fork Mine Blowout High Priority AMLR project which preceded the current project work. 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:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) identified two known federally threatened/endangered fish and wildlife within a 10 mile radius of the project area, the Gray bat and Indiana bat. KDFWR did not indicate they anticipate any significant impacts on these species.

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 letter and an attached biological review memorandum. DAML found that KSNPC data indicated no federally listed threatened or endangered species within a 10-mile radius and one species of State concern, the Squarrose goldenrod, within a 1-mile radius of the project. The DAML biological review memorandum also noted that the federally listed endangered Indiana bat, is not indicated to exist in the project vicinity by DAML review, but the U.S. Fish and Wildlife Service has declared the entire state of Kentucky as potential habitat. DAML discussed these species in the biological review memorandum and their ATP request correspondence, which also included discussion of the Gray bat noted by the KDFWR, 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 biological review memorandum and ATP request correspondence also noted that the federally listed endangered Indiana bat, and Gray bat, will not be impacted since the project proposes to reclaim the open portals, that blew out, with a wildlife friendly gate to allow bat access, the project will disturb no other mine portals, cliffs, or caves, and proposes no disturbance of forested areas that could be utilized as roosting sites, in fact the ATP documents indicate no tree removal is necessary for the project.

In a meeting held in February 2010 between the OSM Lexington Field Office (LFO) LFO, Kentucky Field Office (KFO) in Frankfort, Kentucky, of the U.S. Fish and Wildlife Service (USFWS) and DAML; Steve Hohmann, Director of DAML, offered to coordinate NEPA consultation with the KFO, utilizing the agreements in the September 18, 2009, Memorandum of Agreement (MOA) signed by the OSM, LFO and USFWS KFO. This document outlined the acceptable conditions that the projects potential impacts can have where the KFO will not need to be further contacted for comment. When the Little

conditions within the agreement are present, processing of the ATP may proceed with the confidence that the biological environment is being protected and provisions of Section 7 of the Endangered Species Act have been fulfilled. It was agreed to by all parties, acknowledging that LFO would retain the final review to determine if the NEPA documentation is complete.

After review of the ATP documents for this project, which included consultation with the 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.) In addition, 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:

- 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;
- The project proposes to reclaim the one open mine portals, that blew out, with an FWS accepted type of wildlife friendly gate that allows bat access, to include DAML's current standard culvert closure design (see attached plans);
- No other 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.

With the specifics of the proposal meeting the criteria set out in the MOA, OSM agrees with DAML's determination that the proposed project would not adversely impact the

species if these conditions are present. With this information, they found the requirements of Section 7 of the Endangered Species Act have been fulfilled.

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

The Kentucky Heritage Council (KHC) and State Historic Preservation Officer (SHPO) were not consulted further for the current construction activity, since this project activity falls under the "exempt projects" provisions in the Programmatic Agreement that DAML signed on January 3, 2011, with the KHC. Exempt projects are "Routine and recurring projects whose impacts [under Section 106 of the Natural Historic Preservation Act] are "foreseeable and cause little or no ground disturbance or that have a low probability of affecting known or unknown historic properties..." Under the agreement KHC requires no consultation beyond DAML's determination that the project is an exempt project.

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

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

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-004127-SGA directly input into the AMLIS by the DAML on July 12, 2011. This information reflects the changes in units and costs based upon the design and classification of the funded category. This was confirmed by LFO review of the AMLIS data and a PAD summary printout from the OSM HDQ AMLIS database. PA # KY-004127-SGA 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); therefore, no FOD approval forms were prepared for FOD signature nor current FOD approval in the eAMLIS, which eliminated the need for the FOD approval form.

One concern was noted during the review of the project request that pertains to AML eligible costs, rather than NEPA or AMLIS issues. The last sentence in the fourth paragraph of the project description notes that "We (DAML) will reset a missing section of wooden fence (*at the Lynch/Damron property line*) removed because of the lost ground around the culvert." The text prior to this sentence describes that the mine blowout washed away earth material and damaged a section of culvert, which the project proposes to replace in order to reestablish proper drainage control. The fence footing was also apparently washed away by the drainage from the blowout. The re-establishment of water drainage control by installing a culvert is an accepted AML abatement construction activity, as is reestablishment of vegetation on areas disturbed during abatement activity.

The fence appears to be part of the original landowners landscaping and does not appear to serve an AML abatement purpose, and appears to be more of an activity to repair property damage caused by the AML problem, the blowout. SMCRA prohibits the reconstruction or repair of property damaged by an AML problem. As a result the replacement of the fence does not appear to be an expense eligible for AML funds, unless it is necessary to provide a safety barrier that is necessary to the AML abatement project, as is done above highwalls or AML constructed retaining walls.

This concern was forwarded by email to the DAML Assistant Director on July 20, 2011, for clarification. The DAML Assistant Director responded on July 21, 2011, by copying OSM on his instructions to the Program Development, Construction, and Realty Branches as follows: "Based upon the photographic evidence. AML will not be replacing the fence. If realty has been done on this particular project and the plans showed replacing the fence the landowner needs to be made aware that AML will not be replacing the fence." This satisfactorily resolves this concern which I characterized as "a

small issue, dollar wise, but the funding eligibility issue I think you will agree had to be pointed out." A copy of the email correspondence concerning this issue is part of the project file.

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

Attachments:

Email correspondence concerning the fence



Steve Cassel <scasselsr@gmail.com>

ATP Request Package for Little Fork Mine Blowout Phase B AML Reclamation Project (Pike County)

1 message

Bill Overman <kyaml2008@gmail.com>

Tue, Jul 12, 2011 at 12:50 PM

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

Please see attached ATP request package for our Little Fork Mine Blowout Phase B AMLRP.

Respond accordingly.

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

Thanks,

Vanna Rickwa
AML - Frankfort



Little Fork Mine Blowout Phase B - ATP Request 7 12 11.pdf
12666K



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

July 12, 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: Little Fork Mine Blowout Phase B AML Reclamation Project (Pike 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 map, and problem area description (PAD) supplemental forms, including a problem description and an engineer cost estimate, for the above-referenced project. The PAD for problem area # KY 4127 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 Kentucky Heritage Council was not contacted, as the project site has been previously disturbed and falls under the exemption agreement between AML and KHC.

AML Program Development staff conducted a search of the Kentucky State Nature Preserves Commission (KSNPC) BIOTICS database. This search revealed one species of state concern, monitored by the KSNPC, is known to occur within one mile of the project site, and that no species listed as threatened or endangered, under the United States Endangered Species Act (USES), are known to exist within ten miles of the project site. The species noted in the search is the Squarrose goldenrod (*Solidago squarrosa* – KSNPC Historical Record). As described in the attached memo, dated July 8, 2011, this species should not be negatively impacted.

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 sodalists*). Comments from KDFWR also indicate the Gray Bat (*Myotis grisescens*) is located within 10 miles of the project site. The open mine entry in this project is proposed

Office of Surface Mining
July 12, 2011
Page Two

to be closed with a wildlife closure, and no trees over 5" DBH should need to be removed. The area impacted by this project is also not within any area held to be the "Known Habitat" of the Indiana Bat by the USFWS.

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 the no WQC, COE, or floodplain permits will be required. The other consulted agencies had no objections or concerns regarding this project.

Overall, the project is a Priority 1. The project is estimated to cost \$165,972.00, 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, Director
Division of Abandoned Mine Lands

SH:BO:RH:vr

Enclosures

Little Fork Mine Blowout Phase B AML Reclamation Project
Pike County
Project Description

This project will build upon the work completed under the Little Fork Mine Blowout High Priority Project and work performed by the Pike County Highway Department. The site is located at N37° 18' 50", W82° 30' 21.5" in the USGS Dorton Quadrangle. We will close the mine opening, cleanout sediment filled sections of Left Fork Caney Creek, and install subdrain and surface ditches behind two residences.

In April 2011, a mine in an unnamed seam experienced a rapid dewatering event that sent a torrent of water down a natural drain and along Left Fork Caney Creek. Access to the portal is from KY 611 along a gas well service road. From this gas road, several smaller access roads lead to near the mine portal. We will use a temporary pipe to cross the ephemeral drain between the access road and the actual blowout portal. The mine closure will be a rebar grate (wildlife closure) set over the mine face and anchored in concrete. The contractor may elect to construct the grate in-place or off-site and transport to the site and then set in concrete. We will excavate a rock ditch down the center of the drain and cut the existing sides back to a 2:1 slope. The current configuration forces the mine water against a vertical bank cut created during the blowout event.

Within the Left Fork of Caney Creek, we will remove sediments and rocks that have washed downstream from the blowout since the initial cleanup project efforts. The upper section is along the county road near the last residences. This section entails removing the sediments to restore approximately 200' by 4' wide of channel. We will add 50' of class III to a section of the road outslope where the stream currently is against the embankment. The lower stream section is at the confluence of Left Fork of Caney Creek and Left Fork and we will remove sediments from approximately 20' of the channel and clean out an existing culvert.

Along KY 611, we will address drainage problems from the Lower Elkhorn No. 1 seam behind two residences and replace a section of culvert in Little Fork. We will construct subdrains and surface ditches behind the G. Bowling and Lynch homes following the existing drainage ditches to the stream. At the Lynch/Damron property line, we will replace a missing section of culvert and restore the immediate area of the Damron's front yard over the culvert that was damaged and washed away during the mine blowout. We will reset a missing section of wooden fence removed because of the lost ground around the culvert.

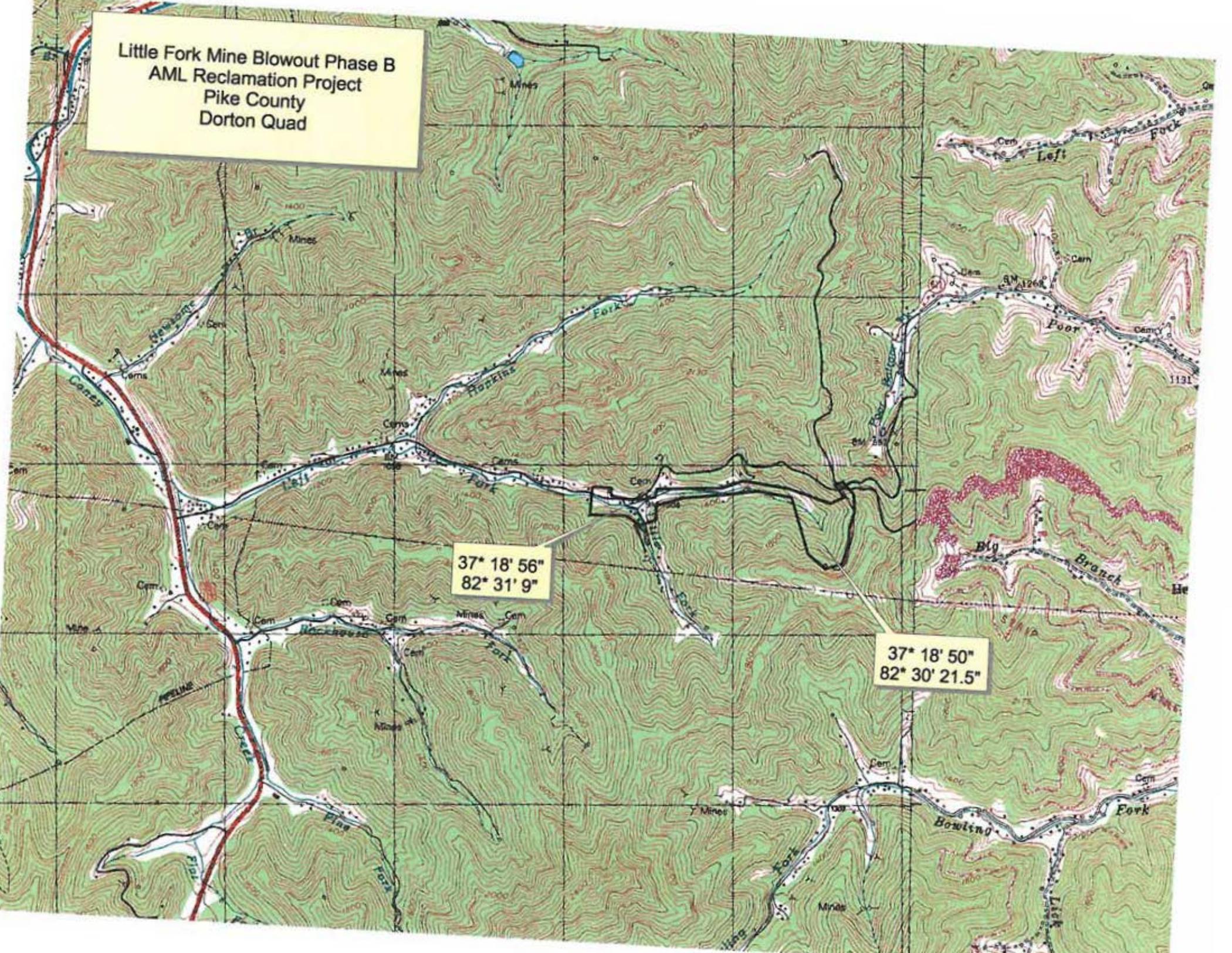
Access to the work areas will be from county roads, driveways, and residentially maintained yards. No trees removal should be necessary. The waste area designated during the high priority project phase will be used again for excavated materials. Silt control barrier, utility location, structure removal/replacement, and bituminous repair items are included to control erosion and address utility/access issues and repair county roads as deemed necessary by the Engineer. Culvert pipe is included for use at areas approved by the Engineer. The project should be exempted from a floodplain permit because the watershed of the project area is less than 1 square mile. However, this project will require an Army Corps of Engineer's nationwide permit and its associated Water Quality Certification.

The entire project work area slated for any excavation has been previously disturbed by any or all of the following: coal mining operations, including mine drainage, timber operations, gas/oil well development, residential development, road construction, and/or high velocity water flows associated with heavy rain events and flooding. These disturbances consist of significant upheaval, mixing, and removal of earthen material from deep excavation, grading, sub-surface drilling, fill material placement, and erosion. There should be no undisturbed earthen material to a depth of several feet at the areas slated for significant project-related construction activities.

Little Fork Mine Blowout Phase B
AML Reclamation Project
Pike County
Dorton Quad

37° 18' 56"
82° 31' 9"

37° 18' 50"
82° 30' 21.5"





UNIVERSITY OF KENTUCKY

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

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: Little Fork Mine Blowout Phase B AML Reclamation Project (Pike 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 flourish at the end.

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

Howell, Ryan (EEC)

From: Hall, Samantha (EEC)
Sent: Monday, June 27, 2011 11:45 AM
To: Rickwa, Vanna (EEC)
Cc: Howell, Ryan (EEC); Mitchell, Jay (EEC); Overman, Bill (EEC)
Subject: RE: Request for floodplain & WQC review ref. Little Fork Mine Blowout Phase B AMLRP

After reviewing the maps and description for the Little Fork Mine Blowout Phase B AMLRP, I have determined that no COE or Floodplain permits will be required. I have informed DNR of the project, no WQC will be required.

From: Rickwa, Vanna (EEC)
Sent: Wednesday, June 22, 2011 11:26 AM
To: Hall, Samantha (EEC)
Cc: Howell, Ryan (EEC); Mitchell, Jay (EEC)
Subject: Request for floodplain & WQC review ref. Little Fork Mine Blowout Phase B AMLRP

Attached please find the project description and maps for the Little Fork Mine Blowout Phase B AMLRP.

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

Please notify Bill Overman, Ryan Howell, Jay Mitchell, 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**

Steven L. Beshear
Governor

#1 Sportsman's Lane
Frankfort, Kentucky 40601
Phone (502) 564-3400
1-800-858-1549
Fax (502) 564-0506
fw.ky.gov

Marcheta Sparrow
Secretary

Dr. Jonathan W. Gasset
Commissioner

1 July 2011

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

RE: Little Fork Mine Blowout Phase B AML Reclamation Project (Pike 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-endangered Gray bat (*Myotis grisescens*) and Indiana bat (*Myotis sodalis*) are known to occur within 10 miles of the project site. No state-listed species are known to occur within one mile of the project site. Please be aware that our database system is a dynamic one that only represents our current knowledge of various species distributions.

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

Sincerely,

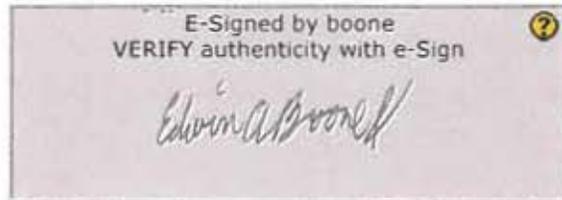
A handwritten signature in cursive script that reads "Dan Stoelb".

Dan Stoelb
Wildlife Biologist

Cc: Environmental Section File

MEMORANDUM

To: Little Fork Mine Blowout Phase B AML Reclamation Project file
From: Edwin A. Boone, Jr., Environmental Scientist II, Project Management Branch, Staff Biologist



Through: Bill Overman, Branch Manager, Program Development Branch
Re: Results of Kentucky State Nature Preserves Commission (KSNPC) database search
Date: July 8, 2011

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

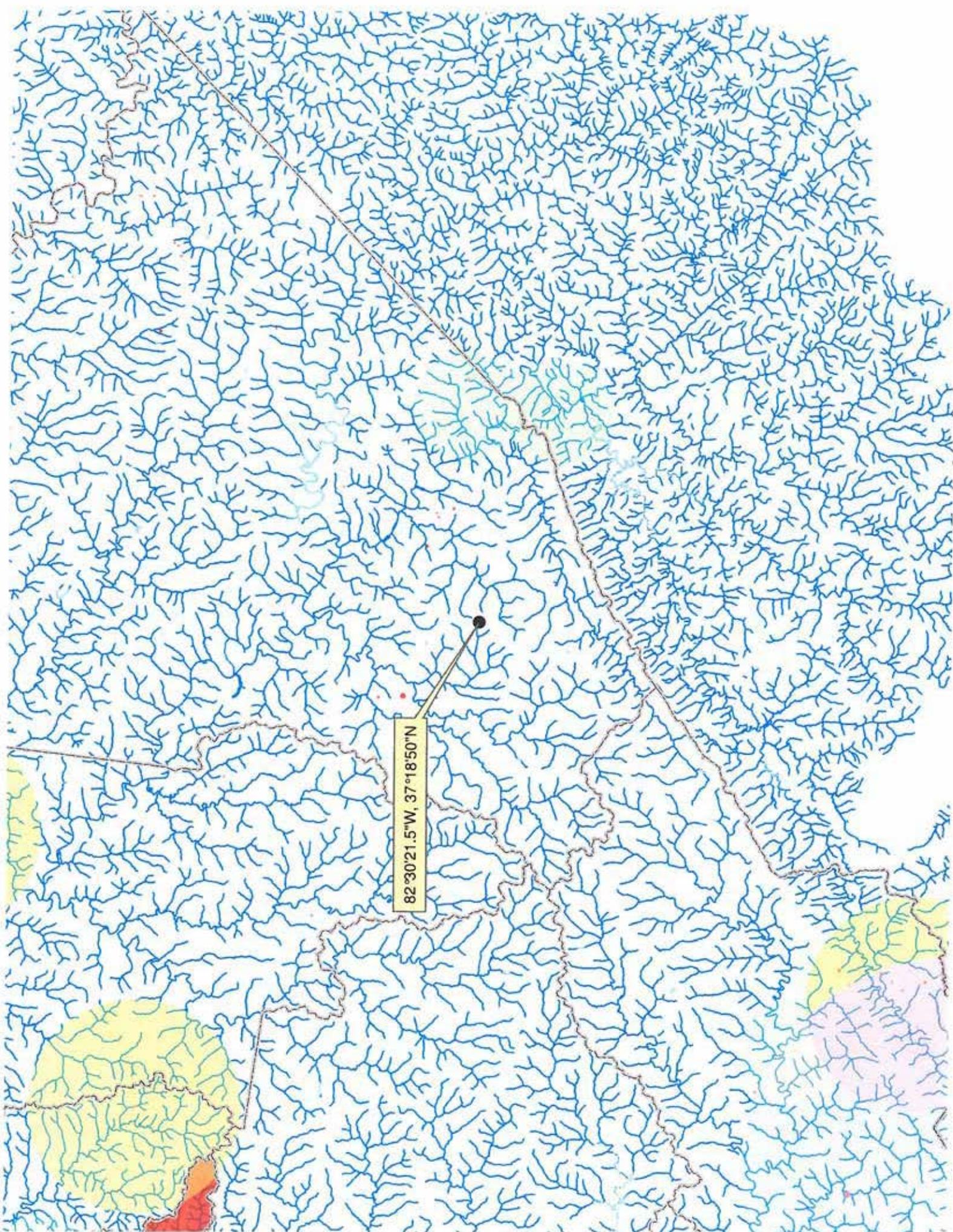
- Squarrose goldenrod (*Solidago squarrosa* – KSNPC Historical Record)

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

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

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

The entirety of the Commonwealth of Kentucky has been determined, by the United States Fish and Wildlife Service, to be the potential habitat of the Indiana bat (*Myotis sodalis* – USESA Listed Endangered). The Indiana bat establishes summer day roosts and brood colonies in trees with exfoliating bark and/or splits in limbs. In winter, it is known to utilize caves, and occasionally underground mine voids, as hibernacula. The area to be impacted by this project is not within any area held to be the “Known Habitat” of the Indiana bat by the United States Fish and Wildlife Service. The nearest record in the database is from a mist-net capture at Skegg Hole cave, in Virginia, approximately 10.5 miles from the project site. No trees are to be disturbed by project-related activities. Therefore, this project should not cause any negative impact to the Indiana bat.



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