

Authorization to Proceed (ATP)
Marie Feltner & Sue Combs Slides Maintenance
Abandoned Mine Land (AML) Reclamation Project
based on Finding of No Significant Impact (FONSI)
County, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the June 6, 2011, request for ATP with construction activity on the Marie Feltner & Sue Combs Slides Maintenance 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 maintenance construction activity. OSM confirmed that the required information for this project has previously been included in the AML Inventory System, and no current update is needed at this time.

OSM thoroughly reviewed the environmental assessment (EA) prepared by DAML for this project, along with references to the EA prepared by DAML for the previous AML reclamation project at this site, which OSM accepted in a FONSI signed on April 3, 2007. OSM determined that the EA adequately discusses the environmental issues and impacts associated with the currently proposed maintenance construction activity of the project. Based on the analysis in the EA, I have determined that the proposed construction activity will not have significant effects on the quality of the human environment. Therefore, I conclude that no environmental impact statement is necessary.

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 and not tree removal is authorized.

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 maintenance 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

6/20/2011
Date

Cassel, Steven R. "Steve"

From: Cassel, Steven R. "Steve"
Sent: Monday, June 20, 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: Marie Feltner & Sue Combs Slides Maintenance ATP, Knott County
Attachments: AR-M550N_20110620_160118.pdf

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of your June 6, 2011, request for ATP with construction activity on the Marie Feltner & Sue Combs Slides Maintenance AML Reclamation project, prepared by the Division of Abandoned Mine Lands (DAML). A pre-approval field inspection of the proposed project was deemed unnecessary, since, the original project was previously authorized, no unique characteristics warranting special field verification were noted and it wasn't selected for field verification under the EY 2011 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 NEPA consultation recommendation(s)/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:

- The DAML project request notes that no tree removal is proposed and not tree removal is authorized.
- 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 a Finding of No Significant Impact. 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.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Marie Feltner & Sue Combs Slides Maintenance
Abandoned Mine Lands (AML) Project
LFO Project# 30.109410410
Knott County, Kentucky

The Commonwealth of Kentucky submitted an Authorization to Proceed with Construction Activity (ATP) request for Federal AML grant funds to the Office of Surface Mining Reclamation and Enforcement (OSM) for this project. The ATP request consists of a request letter, Environmental Assessment (EA) with consultation correspondence, project description, location map, AML Inventory System (AMLIS) Problem Area (PA) Description forms, and other supporting enclosures. The project area may be centrally located on the Carrie, Kentucky U.S.G.S. 7.5 minute Topographic Quadrangle map at 37° 17' 17" North Latitude and 83° 05' 59" West Longitude near the community of Cordia, 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-002144-SGA. The project involves a temporary maintenance measure to the previous Marie Feltner & Sue Combs Slides project at this site, in preparation for a more extensive project to fully remedy the AML impacts at this site, and consists of installing a temporary culvert to prevent flooding of a public road and maintain public transportation in the area.

OSM has thoroughly reviewed the EA prepared for this project by the Kentucky Division of Abandoned Mine Lands (DAML) and determined that it adequately discusses the environmental issues and impacts as required by the National Environmental Policy Act (NEPA) for OSM abandoned mine lands reclamation grant construction activities for authorization purposes.

Based on the analysis in the EA, I find that the construction activity performed under this project will not have significant impacts on the quality of the human environment. Therefore, I conclude that a detailed Environmental Impact Statement is unnecessary. My specific reasons are as follows:

The alternative to not fund the project would result in no favorable impacts and the adverse impacts would continue unabated. The long-term beneficial impact of the proposed action will result in the protection of the health, safety, general welfare, and property of the local citizens and other persons who may come in contact with these AML conditions. No long-term adverse impacts are anticipated. Short-term environmental impacts are limited to sedimentation, noise, and inconvenience to the local residents while the project is constructed. Sedimentation will be controlled by using silt control and prompt revegetation of the disturbed area. Noise, dust, and other inconveniences to local residents are unavoidable impacts related to construction activities.

All appropriate government agencies were consulted or their review criteria applied by agreement. As a result, it was determined that the project area does not contain or significantly affect threatened or endangered species or their habitat, jurisdictional wetlands, jurisdictional flood plains, cultural or historic values, prime and unique farmland values, recreational resources, or Class I air quality regions. To reduce impacts from the project, the recommendations made by the agencies consulted were considered and, as appropriate, incorporated into the EA prepared by DAML and/or as an element of their request for ATP with construction submitted for OSM authorization. The responses from agencies consulted for the National Environmental Policy Act (NEPA) review include the following comments and/or recommendations:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) 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.

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 no species of State concern is known to occur within a 1-mile radius of the project.

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; 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 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, 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.) 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.

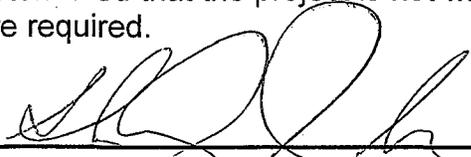
With the specifics of the proposal meeting the criteria set out in the MOA, OSM agrees with DAML's determination that the proposed project would not adversely impact the species if these conditions are present. With this information, they found the requirements of Section 7 of the Endangered Species 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. In addition the consultation for the previous project did not identify any archaeological concerns.

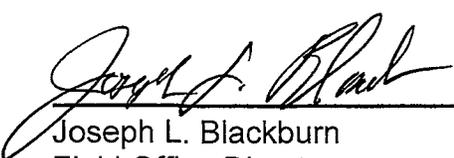
Environmental and Public Protection Cabinet (EPPC) (changed to the Environment and Energy Cabinet (EEC) in July 2008) Secretary order dated December 12, 2006, transferred authority for issuance of Clean Water Act (CWA) Section 401 Water Quality Certifications (WQC) associated with surface coal mine operations, 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.



OSM Environmental Reviewer
AML Program Specialist

6-20-11
Date



Joseph L. Blackburn
Field Office Director

6/20/2011
Date

Memorandum

Date: June 20, 2011

To: Marie Feltner & Sue Combs Slides Maintenance Abandoned Mine Land (AML) Reclamation Project File ID# 30.109410410

From: Steve Cassel, Sr., AML 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 Marie Feltner & Sue Combs Slides Maintenance AML Reclamation Project. The Branch prepared an ATP notice and Finding of No Significant Impact (FONSI) for the FOD review. The Branch recommends that the FOD sign the FONSI 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 FONSI. Additionally, the transmittal email will be copied to the Department for Natural Resources (DNR) Commissioner.

The Kentucky DAML ATP request dated June 6, 2011, was received at LFO on June 6, 2011. Review and final authorization of this project was delayed due to the need for DAML to prepare an Environmental Assessment for the new construction activity being proposed under this maintenance project request. The ATP was processed within 4 working days, with 6 working days of suspended review, from June 9th - 17th, 2011, awaiting the EA prepared by DAML. Therefore, the customer service target of 14 working days to process an ATP has been met. The ATP was processed in 6 calendar days, with 8 days of suspended review; therefore, the Federal employee performance appraisal standard of 30 calendar days to process an ATP has been met.

DAML designated funding under the Maintenance Subaccount of the budget category Project Costs (Non-Water Supply) of Kentucky's FY 2011 30th AML Annual Construction Grant (AG). The LFO Project/Site ID # 30.109410410 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 #.

The maintenance project addresses conditions on the Marie Feltner & Sue Combs Slides AML Reclamation Project in the 26th AG authorized previously on April 2, 2007, of which a State final inspection was conducted on July 10, 2008. An office review of the current maintenance ATP proposal, subsequent Environmental Assessment provided by DAML on June 16, 2011, and previously submitted and accepted ATP request

documents was conducted. The documents consisted of a project description and a location map, a current National Environmental Policy Act (NEPA) review documented in an Environmental Assessment (EA), with agency consultation response letters attached, and reference to a previously processed Abandoned Mine Land Inventory System (AMLIS) Problem Area Description (PAD) summary and appropriate Priority Documentation Form's for PA# KY-002144-SGA. In addition, I have included a copy of the DAML project request and LFO review and authorization documents from the previous project in the current file for reference that includes the environmental review analysis as part of the NEPA documentation.

A pre-approval field inspection of the proposed project was deemed unnecessary, since, the original project was previously authorized, no unique characteristics warranting special field verification were noted and it wasn't selected for field verification under the EY 2011 Oversight Agreement. The EA currently provided and previously submitted for the construction activity at the site for the previously authorized project were reviewed and found to adequately evaluate the environmental concerns and impacts of the currently proposed maintenance construction activity within the current NEPA review guidance.

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 EA submitted by the Kentucky DAML. The EA prepared by the State and 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 are summarized in the FONSI prepared by OSM for the EA.

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-002144-SGA was submitted by DAML for OSM review and directly input into the AMLIS by the DAML under the previous AML reclamation project and accepted by OSM. No new AML problems are to be addressed under this maintenance project. The PAD 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.

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: DAML and LFO correspondence emails

Miller, Corey T.

Subject: FW: Marie Feltner & Sue Combs Slides Maintenance AML Project
Attachments: Agency Letters.pdf; KSNP.pdf; EA for Feltner Combs project.pdf

From: Train, Shannon (EEC) [<mailto:shannon.train@ky.gov>]
Sent: Thursday, June 16, 2011 1:32 PM
To: Cassel, Steven R. "Steve"
Cc: Smith, Gail; Miller, Corey T.; Turner, Samuel R. "Sam"; Edwards, Chester L. "Chet"; Francis, Gary D.; Holliday, James "Jim"
Subject: RE: Marie Feltner & Sue Combs Slides Maintenance AML Project

Steve,
Attached is the EA for the current project and the agency letters.

ENVIRONMENTAL ASSESSMENT

Marie Feltner and Sue Combs Slides AML Reclamation Maintenance Project Knott County, Kentucky

A. Description of the Proposed Action:

The proposed project includes the placement of a 100 L.F. of 72" CMP with concrete heads to be placed in the stream below a failing gabion retaining wall and landslides at the Marie Feltner site of the Marie Feltner and Sue Combs Slides AMLRMP (approximately 5.4 acres). This pipe is temporary until a larger project can be designed to fix the failing gabion wall/ landslide above and it will be used as a temporary low water crossing for the future project. The proposed project site may be located on the Carrie 7.5' USGS topographical map. The landslide at the Feltner residence is approximately 1.4 miles from the intersection of Clear Fork Road and KY 1088. The main impacts associated with this reclamation project stem from AML eligible coal mining operations originally, failing gabion wall/landslide, which was constructed in the 26th AG. This environmental assessment is required because construction will take place within a stream.

B. Need for the Proposed Action:

Mining, which occurred before May 18, 1982, created the initial problems associated with this project. The problems currently were created by the failing gabion retaining wall constructed in the 26th AG.

These problems include:

- Hazards to public health, safety and welfare created from landslide above, which eventually will block off the stream causing damage to the road. Thus, access will be cut off for several homes upstream.

C. Alternatives Considered:

The following alternatives were considered for reclamation of the project site:

- Excavation of material from Clear Fork creek bank and creek, which would protect the creek from further constriction at the Marie Feltner site.

Or:

- Take no corrective action at this time.

C.1. Preferred Alternative:

In this project, the Kentucky Division of Abandoned Mine Lands proposes to take the following actions:

- Excavation of a small amount of material from Clear Fork stream and placement of 100 L.F. of 72" CMP with concrete headwalls, where the creek is constricted at the Marie Feltner site.
- Excavated material from the stream bank and creek will overlay on top on the newly installed pipe.

- Installation and maintenance of hay bale silt checks will minimize erosion and sedimentation at the site.
- All areas disturbed by construction will be vegetated, as soon as practical, using agricultural limestone, fertilizer, seed, mulch, and netting.

C.2. No Action:

Should the Commonwealth of Kentucky take no corrective action, the previously described problems will likely result in further property damage, risk of bodily injury or loss of life, closure of access along Clear Fork Road, and further environmental degradation.

D. Affected Environment:

D.1. General Setting:

- The landslide at the Marie Feltner site is located approximately 1.4 miles from the intersection of KY 1088 and Clear Fork Road, across the street from the Josh Feltner residence.
- The landslide at the Marie Feltner site is on the north side of Clear Fork Road and an abandoned mine bench at the Hazard #7 coal seam level.
- Clear Fork Road, abandoned coal haul roads, and residentially maintained properties will provide access to the site.
- Primary land uses in the vicinity include forest, coal mining, and residential.
- Mining disturbed the entire project areas.

D.2. Affected Resources:

The following agencies and databases were consulted to identify resources that occur in the project vicinity. Replies from the previous Marie Feltner and Sue Combs landslides project are attached.

- Kentucky Heritage Council (KHC)
- Office of State Archaeology (OSA)
- Kentucky Division of Water (DOW)
- Kentucky Department of Fish and Wildlife Resources (KDFWR)
- Kentucky State Nature Preserves Commission (KSNPC) species database.

E. Environmental Impacts of the Proposed Alternatives:

E.1. Preferred Alternative:

The Kentucky Heritage Council, Office of State Archaeology, and the Kentucky Department of Fish and Wildlife Resources failed to identify any resources in the project vicinity. Additionally, a check of the Kentucky State Nature Preserves Commission (KSNPC) database revealed no species of state concern are known to occur within one mile, and that no species listed as Threatened or Endangered under the United States Endangered Species Act (USESA) are known to exist within ten miles of the project site. As a result, the following resources will not sustain significant adverse impacts by the preferred reclamation alternative: historic/cultural, vegetation, soils, recreation, air quality, noise, topography, and other (socioeconomic or political). This project will not adversely impact low income or minority persons.

E.1.a. Hydrology:

Division of Abandoned Mine Land staff have reviewed the site and found that according to KAR4:040 that no flood plain permit will be required for the temporary CMP pipe

being installed at the Marie Feltner site. In section 1 of this regulation, a construction permit pursuant to KRS 151.250 shall not be required for construction in or along a stream whose watershed is less than one (1) square mile, except for the construction of dams as defined by KRS 151.100 or other water impounding structures or for any construction that does or may endanger life or cause severe damage to residential or commercial property.

A temporary pipe is proposed for the bottom of the Marie Feltner slide. This pipe will be removed once a larger project is designed and ready for construction. Work within Clear Fork Creek will include excavating material within the creek. The area to be excavated has been determined by AML engineers to be less than 200', so an application for a permit to "Construct Across or Along a Stream" will not be required. The Division of Mine permits has determined that for the 401 Water Quality Certifications that this project will meet the general conditions outlined in their certifications. No long term impacts from sedimentation will result since all areas disturbed by construction will be vegetated as soon as practical, using agricultural limestone, fertilizer, seed, mulch and netting.

E.1.b. Cumulative Environmental Impact:

The 4 AG Clear Fork Slides Reclamation Project, 26 AG Marie Feltner and Sue Combs slides and the 26 AG Josh Feltner were worked by AML in the watershed. The Sue Combs Landslide, KY-01-009, was worked by OSM as an emergency project.

The work proposed by this project will not have a negative affect on the reclamation performed by either of the previous or future projects. A future project in this watershed is planned at the Marie Feltner site to correct the failing gabion wall above the stream. As a result, the preferred alternative should not contribute to any adverse cumulative environmental impacts from any completed or future AML or OSM projects.

E.2. No Action Alternative:

E.2.a. Hydrology:

Should the commonwealth take no action, existing hydrologic conditions would not change.

E.2.b. Cumulative Environmental Impacts:

The Kentucky Division of Abandoned Mine Lands has one planned future project and no ongoing projects in the vicinity of the site proposed in the Marie Feltner and Sue Combs Slides AML Reclamation Maintenance Project. The no action alternative would result in the continued hazards to human health, safety, and welfare caused by the landslides along Clear Fork Road.

F. Summary:

The Commonwealth considered the following reclamation options:

- Excavation of material from Clear Fork creek bank and creek, which would protect the creek from further constriction at the Marie Feltner site.

Or:

- Take no corrective action at this time.

DAML selected the preferred alternative. It is the only option of those considered that may eliminate the continuing threats to health, safety, and the environment posed by the landslide

G. Consultations:

Agencies and databases consulted prior to the preparation of this document were:

- Kentucky Department of Fish and Wildlife Resources
- Kentucky State Nature Preserves Commission (KSNPC) species database.
- Office of State Archaeology, University of Kentucky
- Kentucky Heritage Council, State Historic Preservation Officer
- Kentucky Division of Water

H. Preparers/Reviewers:

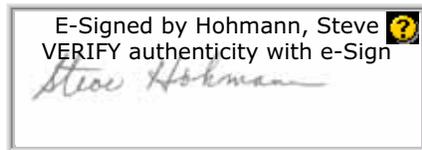
Kentucky Division of Abandoned Mine Lands Personnel

Shannon Train, Environmental Control Supervisor

Edwin A. Boone Jr., Environmental Technologist III, DAML Staff Biologist

Ryan Howell, Environmental Control Supervisor

Bill Overman, Program Development Branch Manager



Steve Hohmann, Director

____6/16/2011____

Date

MEMORANDUM

To: Marie Feltner Repair AML Small Purchase 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: June 7, 2011

On Tuesday, June 7, 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 that is 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 work to be conducted at this project site consists of the placement of a large (72" diameter) corrugated metal pipe culvert, with concrete headwalls, across the bottom of a landslide area for the purpose of protecting the stream from future blockage by the landslide material. This material has previously caused at least partial blockage of the stream, resulting in water from the stream being ejected onto the roadway and becoming a hazard to motorists and all residents upstream from the project site.

The work under this project will require that heavy equipment be used to excavate landslide material from the stream channel prior to placement of the culvert. However, any sediments that enter the stream flow as a result of this work will be minimal compared to the amount of sediments that are entering the stream as a result of the ongoing landslide activity at this site. Excavation will be kept to the minimum necessary for the placement of the pipe and associated headwalls. Also, while construction activity is ongoing, the stream will be further protected by the placement of sediment and erosion controls, such as hay-bale silt fence, and all areas disturbed by the project will be promptly revegetated.

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. No trees are to be disturbed by project-related activities. Therefore, construction of this project will not result in a negative impact to the Indiana bat. Further, this project site is not within any area held to be the “Known Habitat” of the Indiana bat by the United States Fish and Wildlife Service.

Cassel, Steven R. "Steve"

Subject: FW: Bat Map
Attachments: Marie Feltner MYSO Map.pdf

From: Train, Shannon (EEC) [<mailto:shannon.train@ky.gov>]
Sent: Thursday, June 16, 2011 3:46 PM
To: Miller, Corey T.; Cassel, Steven R. "Steve"
Subject: FW: Bat Map

From: Coleman, Keith (EEC)
Sent: Thursday, June 16, 2011 3:33 PM
To: Train, Shannon (EEC)
Subject: RE: Bat Map

Here's the *Myotis sodalis* map for the Marie Feltner project.
Let me know if you need anything else.

K

Keith Coleman, Environmental Technologist

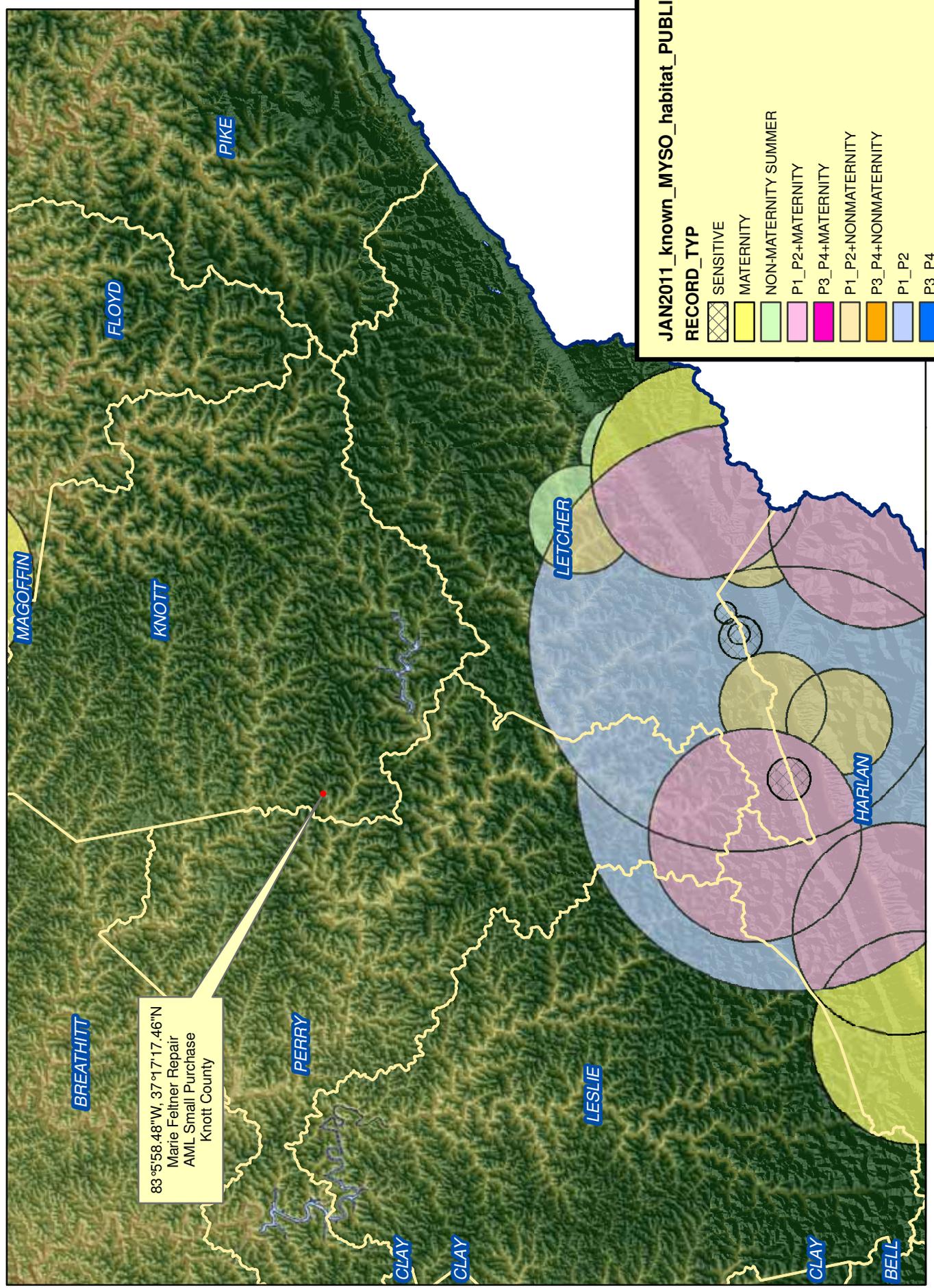
Division of Abandoned Mine Lands

2521 Lawrenceburg Rd.
Frankfort, KY 40601
502-564-2141

KeithB.Coleman@ky.gov
<http://aml.ky.gov>

From: Train, Shannon (EEC)
Sent: Thursday, June 16, 2011 2:25 PM
To: Coleman, Keith (EEC)
Subject: Bat Map

Keith
The coordinates are on the map.



83°58.48'W, 37°17.46'N
 Marie Feltner Repair
 AML Small Purchase
 Knott County

JAN2011_known_MYSO_habitat_PUBLIC

RECORD_TYP	Color/Pattern
SENSITIVE	White with black cross-hatch pattern
MATERNITY	Yellow
NON-MATERNITY SUMMER	Light Green
P1_P2+MATERNITY	Pink
P3_P4+MATERNITY	Magenta
P1_P2+NONMATERNITY	Light Orange
P3_P4+NONMATERNITY	Orange
P1_P2	Light Blue
P3_P4	Blue





2007 JAN 16 A 9:22

DIV - ADJUDICATED

flap

COMMERCE CABINET
KENTUCKY HERITAGE COUNCIL

Ernie Fletcher
Governor

The State Historic Preservation Office
300 Washington Street
Frankfort, Kentucky 40601
Phone (502) 564-7005
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www.kentucky.gov

George Ward
Secretary

January 9, 2007

Mr. Steve Hohmann, Director
Division of Abandoned Lands
Department for Surface Mining
Reclamation & Enforcement
2521 Lawrenceburg Road
Frankfort, Kentucky 40601

Dear Mr. Hohmann:

Thank you for your letter of December 20, 2006 concerning the proposed **Marie Feltner and Sue Combs Slides AML Reclamation Project** in Knott County to be assisted by the Division of Abandoned Lands. Our review indicates that no previously recorded archaeological sites will be affected by the proposed project. Since all project activities will be restricted to previously disturbed areas, an archaeological survey will not be necessary for this project. In accordance with 36CFR Part 800.4 (d) of the Advisory Council's revised regulations our finding is that there are No Historic Properties Present within the undertaking's area of potential impact. Therefore, we have no further comments and the Agency Official's responsibility to consult with the State Historic Preservation Officer under the Section 106 review process is fulfilled.

Should you have any questions, feel free to contact Charles Hockensmith of my staff at (502) 564-7005.

Sincerely,

David Pollack, Ph.D., Acting Executive Director
Kentucky Heritage Council and
State Historic Preservation Officer



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES
COMMERCE CABINET

Ernie Fletcher
Governor

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

George Ward
Secretary

Dr. Jonathan W. Gassett
Commissioner

January 18, 2007

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

RE: Marie Feltner and Sue Combs Slides AML Project (Knott County)

Dear Mr. Hohmann:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) have received your request for the above-referenced information. The Kentucky Fish and Wildlife Information System (KFWIS) indicate that no federally threatened and endangered species or state monitored species are found within ten miles and one mile, respectively, of the proposed project. Please be aware that our database system is a dynamic one that only represents our current knowledge of the various species distributions.

I hope this information proves helpful to you. If you have any questions or require additional information, please call me at (800) 852-0942 Extension 366.

Sincerely,

Doug Dawson
Wildlife Biologist III

Cc: Environmental Section File

2007 JAN 19 P 1:01
DIVISION OF ABANDONED
MINE LANDS



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
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February 2, 2007

Mr. Steve Hohmann, Director
Environmental and Public Protection Cabinet
Department for Natural Resources
Division of Abandoned Mine Lands
2521 Lawrenceburg Road
Frankfort, KY 40601

RE: Marie Feltner and Sue Combs Slides AML Reclamation Project (Knott 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 reclamation 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 sites, past disturbances to this area make it unlikely that archaeological sites will be preserved.

Sincerely,

A handwritten signature in black ink that reads 'George M. Crothers'. The signature is written in a cursive style with a long, sweeping tail on the 's'.

George M. Crothers, Ph.D.
Director