

Authorization to Proceed (ATP)  
Ramona Humphrey Group I  
Abandoned Mine Land (AML) Reclamation Project  
based on Categorical Exclusion (CX)  
Floyd and Pile Counties, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the October 11, 2011, request for ATP with construction activity on the Ramona Humphrey Group I 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 appear to support the need for the proposed construction activity. OSM confirmed that the required information for this project has been included in the AML Inventory System for PA #'s KY-2351-SGA, Jimmy Gibson Site; KY-3033-SGA, Eurie Tackett Site; KY-4167-SGA, Laura Hamilton Site; KY-4168-SGA, Ronald Jones Site.

OSM reviewed the categorical exclusion 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 due to a NEPA concern:

- The DAML project request notes that no tree removal is proposed/anticipated at this time outside the AML problem areas, except for a few trees on the Eurie Tackett, Jimmy Gibson, and Ronald Jones sites to access the work areas, the DAML ATP request letter and biological review memorandum note that any removal of trees not directly impacted by the AML problem at these sites will be performed between October 15, and March 31, unless an Indiana bat presence/absence survey by qualified personnel is performed that confirms that Indiana bats are not utilizing these areas as roosting habitat.

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

10-21-11  
Date

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

State: Kentucky PA: KY 2351 SGA, KY 3033 SGA, KY 4167 SGA, & KY 4168 SGA  
Project Name: Ramona Humphrey Group I AML Reclamation Project  
Project Description: Reclaim landslides, control drainage, and close mine portals at 4 locations

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 [ ]

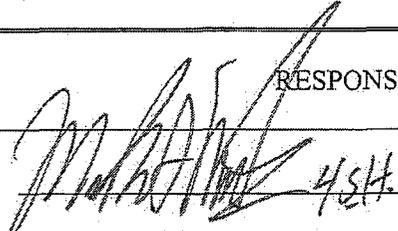
III. RESOURCE IMPACT EXCEPTIONS

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:  4SH Date: 10-11-11

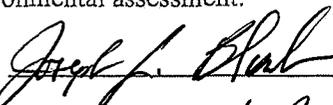
Name and Title: Steve Hohmann, Director  
Division of Abandoned Mine Lands

VI. OSM DETERMINATION

10-21-11

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:  Date: 10-21-11

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

Memorandum

Date: October 21, 2011

To: Ramona Humphrey Group I Abandoned Mine Land (AML) Reclamation Project File ID# 99.139030000

From: Steve Cassel, Sr., AML Program Specialist *SC 10-21-11*  
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 Ramona Humphrey Group I AML Reclamation Project with a construction budget of \$900,457.00. 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 October 11, 2011, was received at LFO on October 11, 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 10 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 Laura Hamilton Site on the McDowell, Kentucky U.S.G.S. 7.5 minute Topographic Quadrangle map at 37° 24' 37" North Latitude and 82° 38' 08" West Longitude near the community of Teaberry, Kentucky. The project location, AML problems to be addressed and proposed reclamation activity/cost are also available at <http://www.osmre.gov> in the AMLIS under PA#s: KY-2351-SGA, Jimmy Gibson Site; KY-3033-SGA, Eurie Tackett Site; KY-4167-SGA, Laura Hamilton Site; KY-4168-SGA, Ronald Jones Site. The project involves reclamation of AML conditions at four sites consisting of: a precast block retaining wall and associated drainage control at the Laura Hamilton Site and three previously disturbed waste areas along the public road with no trees; a reinforced concrete retaining wall, four wildlife portal closures, and associated drainage control at the Eurie Tackett site; two wildlife portal closures, one rock backfill portal closure, and a temporary low water crossing at the Jimmy Gibson Site; and a drain pipe earthen portal closure at the Ronald Jones Site.

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 # 99.139030000 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 November 1, 2011, Contract Award was entered as December 1, 2011, and Contract/Construction Completion was entered as December 1, 2012.

An office review of the request documents was conducted. The documents consisted of; a project description, location maps, 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#s KY-2351-SGA, Jimmy Gibson Site; KY-3033-SGA, Eurie Tackett Site; KY-4167-SGA, Laura Hamilton Site; KY-4168-SGA, Ronald Jones Site. A pre-approval field inspection of the proposed project was deemed unnecessary, since no unique characteristics warranting special field verification were noted and it wasn't selected for field verification under the EY 2012 Oversight Agreement.

The CX submitted for the construction activity at the site was reviewed and found to adequately document the environmental review of the construction activity within the current NEPA review guidance. The use of a CX is acceptable for the construction activity proposed in this project because all items on the CX have a response of "No." The project type does not meet any of the ten general exceptions, in 516 DM 13.5(B)(33), that would require preparation of an Environmental Assessment.

The project involves: no more than 100 acres; no hazardous wastes; no explosives; no hazardous or explosive gases; no dangerous impoundments; no mine fires and refuse fires; no undisturbed, noncommercial borrow or disposal sites; no dangerous slides where abatement has the potential for damaging inhabited property; no subsidences involving the placement of material into underground mine voids through drilled holes to address more than one structure; and no unresolved issues with agencies, persons, or groups or adverse effects requiring specialized mitigation.

In addition, none of the twelve extraordinary circumstances listed in 516 DM 2, Appendix 2, exist on the project. All access is via existing roads. All waste areas were previously disturbed as mine benches, abandoned farm land, and residential yards. All

other areas were previously disturbed by mining, residential/business development, and road construction. There are no unresolved issues or adverse effects requiring specialized mitigation.

No significant impacts have been reported to this office or identified by the Branch. The Branch recommends that the Office of Surface Mining Reclamation and Enforcement (OSM) accept the CX submitted by the Kentucky DAML. The State's ATP request correspondence and attachments discussed the responses from agencies consulted for the NEPA review and discussed appropriate resolution of all their concerns and recommendations. The responses from agencies consulted for the NEPA review include the following comments and/or recommendations.

The Kentucky Department of Fish and Wildlife Resources (KDFWR) identified one known federally threatened/endangered fish and wildlife the Blackside Dace, within a 10 mile radius of only the Jimmy Gibson Site of the project area. They also identified one records of the state listed species of concern, the Common Raven, within 1 mile radius of the Ronald Jones Site of the project area. However, KDFWR noted in the consultation response letter that they do not anticipate any significant impacts on these wildlife species, due to the location and nature of the project construction activity.  
KDFWR

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. DAML found that KSNPC data indicated no federally listed threatened or endangered species within a 10-mile radius and one species of State concern is known to occur within a 1-mile radius of the project. DAML listed and discussed the each species noted above in the biological review memorandum, the EA, 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.

The DAML biological review memorandum also noted that the federally listed endangered Indiana bat, although not indicated to exist in the project vicinity by DAML and the KDFWR reviews and for which the U.S. Fish and Wildlife Service has declared the entire state of Kentucky as potential habitat, would not be disturbed by the project as proposed.

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, which included consultation with the KSNPC and the KDFWR, DAML determined that additional consultation with the USFWS is not required because the proposed project will not adversely affect a federally listed species (Federal Assistance Manual (FAM) Chapter 5-11-15, A. 3.) The 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, except for a few trees on the Eurie Tackett, Jimmy Gibson, and Ronald Jones sites to access the work areas, the DAML ATP request letter and biological review memorandum note that any removal of trees not directly impacted by the AML problem at these sites will be performed between October 15, and March 31, unless an Indiana bat presence/absence survey by qualified personnel is performed that confirms that Indiana bats are not utilizing these areas as roosting habitat;
- 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 open mine portals/shafts with FWS accepted types of wildlife friendly gates that allow bat access, to include DAML's current standard culvert closure design (see attached plans);
- 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.

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

The information to update PA #'s KY-2351-SGA, Jimmy Gibson Site; KY-3033-SGA, Eurie Tackett Site; KY-4167-SGA, Laura Hamilton Site; KY-4168-SGA, Ronald Jones Site was directly input into the AMLIS by the DAML prior to submission of the ATP request. This information reflects the changes in units and costs based upon the design and classification of the unfunded category. This was confirmed by LFO review of the AMLIS data and a PAD and summary website screen printout from the OSM HDQ AMLIS database for each PA.

PA #'s KY-2351-SGA, Jimmy Gibson Site and KY-3033-SGA, Eurie Tackett Site submitted for this ATP, do not represent a "new Problem Area" after December 20, 2006, requiring FOD approval under OSM Directive AML-1-2 (signed June 22, 2007). PA #'s KY-4167-SGA, Laura Hamilton Site, and KY-4168-SGA, Ronald Jones Site, represent a "new Problem Area" requiring FOD approval under OSM Directive AML-1-2 (signed June 22, 2007). A FOD approval form was not prepared for the PAs, since the new e-AMLIS is operational, with electronic OSM FOD approval, which eliminated the need for the FOD approval form. The e-AMLIS file indicated the PAs had been previously approved on October 17, 2011.

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.



**ENERGY AND ENVIRONMENT CABINET**  
**DEPARTMENT FOR NATURAL RESOURCES**

Division of Abandoned Mine Lands

2521 Lawrenceburg Road  
Frankfort, Kentucky 40601  
[www.ky.gov](http://www.ky.gov)

**Steven L. Beshear**  
Governor

**Leonard K. Peters**  
Secretary

**Carl E. Campbell**  
Commissioner

October 11, 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: Ramona Humphrey Group I AML Reclamation Project (Floyd & Pike Counties)

Dear Mr. Blackburn:

We are requesting "Authorization to Proceed" with site-specific construction activities on the referenced project, as described in the enclosed package. Enclosed are a project description, location maps, and eligibility information for the above-referenced project. The PAD's for problem area #'s KY 2351 SGA, KY 3033 SGA, KY 4167 SGA, and KY 4168 SGA have been prepared and entered into the e-AMLIS by the division. The PAD information has not been included in this ATP package; however, all necessary information (the problem area description (PAD) supplemental forms and an engineer cost estimate) can be found online in e-AMLIS for your review. An eligibility determination that finds the proposed project eligible for AML funding has been reviewed and signed by the Office of Legal Services. Also, enclosed is a Categorical Exclusion with two agency consultation response documents and two DAML consultation documents attached. The Kentucky Heritage Council was not contacted, as the project sites have been previously disturbed and fall under the exemption agreement between AML and KHC.

AML Program Development staff conducted a search of the Kentucky State Nature Preserves Commission (KSNPC) BIOTICS database. This search revealed 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 A), are known to exist within ten miles of the project site. The species noted in the search is the Squarrose goldenrod (*Solidago squarrosa*). Additionally, 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).

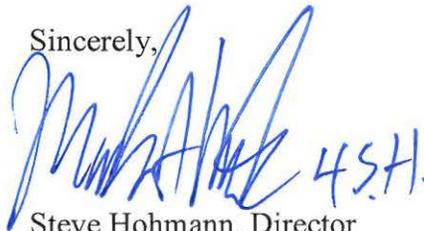
As described in the attached memo, dated September 19, 2011, these species should not be negatively impacted. The area to be impacted by this project is not within any area held to be the "Known Habitat" of the Indiana bat by the United States Fish and Wildlife Service. The nearest record in the database is designated as a summer mist-net capture (August 10, 2007), approximately 17.7 miles NW of the Jimmy Gibson construction site, on Brushy Fork in extreme southeastern Magoffin County. However, the USFWS "Known Habitat" map designates this record as a maternity site. As a few trees may need to be removed at the Eurie Tackett, Jimmy Gibson, and Ronald Jones construction sites in order to access the work areas, work at these sites will need to be performed between October 15 and March 31, unless an Indiana bat presence/absence survey is performed that confirms that Indiana bats are not utilizing these areas as roosting habitat.

A letter was sent to the DAML floodplain and hydrology staff specialist, soliciting their comments regarding this project. The letter requested comments regarding water quality certification (WQC) and floodplain permit issues. The response stated that no WQC, COE, or floodplain permits will be required at any of the sites. 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 \$900,457.00, 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,

A handwritten signature in blue ink, appearing to read "Steve Hohmann" followed by the initials "4SH".

Steve Hohmann, Director  
Division of Abandoned Mine Lands

SH:BO:RH:vr

Enclosures

**Ramona Humphrey Group I**  
Abandoned Mine Lands (AML) Reclamation Project  
Floyd and Pike Counties, Kentucky  
McDowell and Wheelwright Quadrangles

**Project Description**

The proposed project (7.4 acres total) consists of three (3) sites in the vicinity of Teaberry (the Laura Hamilton site and waste areas), the town of Beaver (Eurie Tackett site) and Ligon (the Jimmy Gibson site), in Floyd County; and one (1) site (the Ronald Jones site) in the community of Newsom in Pike County. The project area is centrally located at the Laura Hamilton site at Latitude N37° 24' 37" and Longitude W82° 38' 8" on the United States Geological Survey (USGS) 7.5' McDowell quadrangle (see the attached site maps). As described below, if left unabated, these abandoned mine land problems are a threat to human health and safety.

The **Laura Hamilton site** is located south of Teaberry, off KY 979 along Tinker Fork and Andy Branch, in Floyd County (Latitude: N37° 24' 37", Longitude: W82° 38' 8"). AML plans to construct a Pre Cast Block wall to address a landslide in conjunction with drains that will collect water from behind the home and channel the flow into Andy Branch. Trees in the immediate slide area may be removed

The **Hamilton Waste Areas** are approximately less than 0.9 miles west and southwest of the Laura Hamilton site along Andy Branch road.(Waste areas 1&2: Latitude N37° 24' 38.8", W82° 38' 13.5"; Waste Area 3: Latitude 37° 24' 33.7", Longitude 82° 38' 15.9"). The waste areas are large open fields along the highway with no trees. Access to the waste area is via an existing road.

The **Eurie Tackett site** is located along KY979 in the community of Beaver, in Floyd County (Latitude: N37° 23' 44", Longitude: W82° 39' 17"). AML plans to construct a reinforced concrete wall to abate a slide and close four open portals with wildlife closures and associated drainage controls to carry drainage from the bench area to Big Mud Creek. Access to this site is via an existing driveway. Trees in the immediate area will need to be removed to access the mine openings and the slide area.

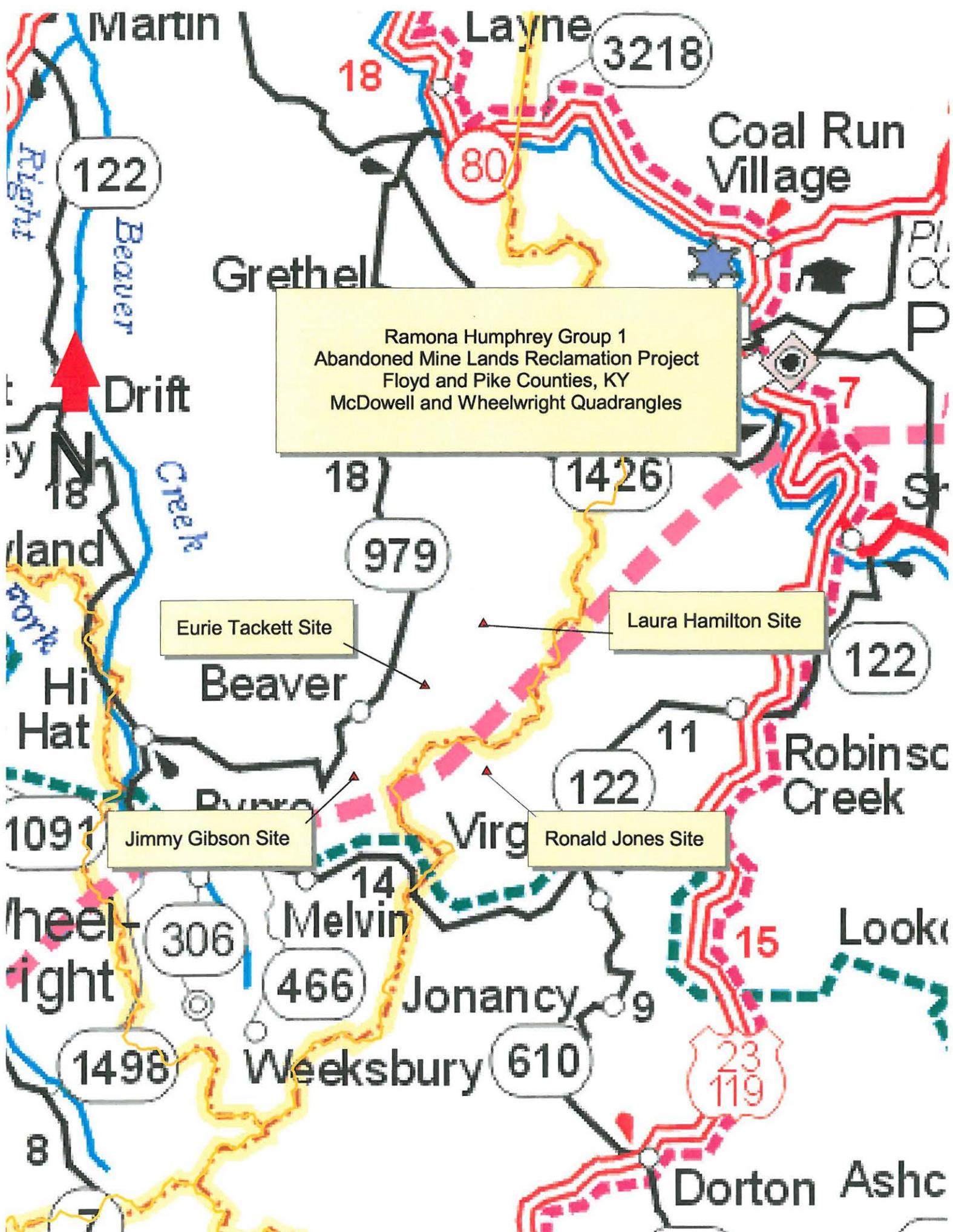
The **Jimmy Gibson site** is located northwest of Ligon along KY 979 in Floyd County (Latitude: N37° 22' 5", Longitude: W82° 40' 24"). AML plans to close three portals. Two (2) portals will be closed using wildlife closure access and one (1) will be closed using Class II backfill materials. A temporary low-water will be installed to access the work area and all mining and domestic waste will be disposed of on site. Trees in the immediate area will need to be removed to access the mine openings.

The **Ronald Jones site** is located approximately 2.5 miles south of the Eurie Tackett site along Little Robinson Creek Road in Pike County. (Latitude: N37° 22' 29", Longitude: W82° 38' 8.7"). AML plans to open a collapsed portal and install a drain pipe to channel drainage to the nearby stream channel, Little Robinson Creek. Any waste

generated will be disposed on-site. Access is via an existing road from the county road up to the mine bench. It may be necessary to remove some trees.

Access to the work areas will be via existing roads, yards and driveways. Construction activities will be kept to a minimum through the use of a stringently formulated sediment and erosion control program, consisting of such measures as hay-bale silt checks, maintained throughout the life of the project, and prompt re-vegetation using agricultural limestone, fertilizer, seed, mulch, and netting required will be implemented on all areas disturbed by this project. Due to the work involved with this project dust will be kept to a minimal.

All mining and domestic debris within the project boundaries will be placed in the designated waste areas. The project sites have been previously disturbed by coal mining, houseseat development, and/or road construction. This project will not disturb any intermittent, perennial or ephemeral stream. All necessary permits and/or variances will be procured prior to construction. The project will be evaluated for potential impacts to wildlife species. Any utility structures encountered during construction must be protected, repaired or replaced as directed. Bituminous repair will occur if any roads and driveways are damaged within the project areas. Signs will be placed throughout the work areas, indicating the areas are work areas operating between 7 A.M. and 5 P.M.



Ramona Humphrey Group 1  
Abandoned Mine Lands Reclamation Project  
Floyd and Pike Counties, KY  
McDowell and Wheelwright Quadrangles

Eurie Tackett Site

Laura Hamilton Site

Jimmy Gibson Site

Ronald Jones Site

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

State: Kentucky PA: KY 2351 SGA, KY 3033 SGA, KY 4167 SGA, & KY 4168 SGA  
Project Name: Ramona Humphrey Group I AML Reclamation Project  
Project Description: Reclaim landslides, control drainage, and close mine portals at 4 locations

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

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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 [ ]

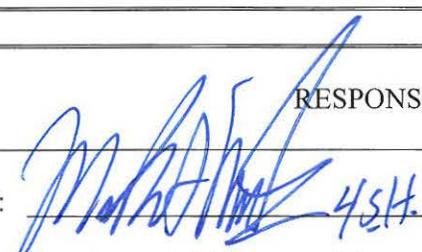
III. RESOURCE IMPACT EXCEPTIONS

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 [ ]

- Topography
- Land Use (includes prime farmland)
- Soils
- Vegetation (includes wetlands)
- Hydrology
- Fish and Wildlife
- Historic and Cultural
- Recreation
- Air Quality
- Noise
- Other (includes socio-economics)

IV. ATTACH CONSULTATION LETTERS AND A LOCATION MAP

V. RESPONSIBLE OFFICIAL CERTIFICATION

Signature:  4SH Date: 10-11-11

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

VI. OSM DETERMINATION

- This project conforms with the exclusion criteria in 516 Dm 6, Appendix 8, and is excluded from further NEPA compliance.
- This project does not conform with the exclusion criteria in 516 DM 6, Appendix 8, and requires an environmental assessment.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name and Title: \_\_\_\_\_



**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*

September 30, 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: Ramona Humphrey Group I AML Reclamation Project (Floyd and Pike Counties)

Dear Mr. Hohmann:

Concerning the above referenced project, I have reviewed the Office of State Archaeology files to determine if any prehistoric or historic sites are located in proximity to the proposed AML project. The following information is provided to assist in your decision to proceed with an Environmental Assessment or a Categorical Exclusion Determination for the project.

Our records indicate that there are no archaeological sites or surveys recorded within the immediate vicinity of the project area. While our records indicate that the project area has not been previously surveyed for archaeological remains, past disturbances to the area make it unlikely that archaeological sites will be preserved.

Sincerely,

A handwritten signature in blue ink that reads 'George M. Crothers'. The signature is written in a cursive style with a large, sweeping 'G' and a long, horizontal tail.

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



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

**Steven L. Beshear**  
Governor

#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. Gassett**  
Commissioner

16 September 2011

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

RE: Ramona Humphrey Group I AML Reclamation Project (Floyd and Pike Counties)

Dear Mr. Hohmann:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for information pertaining to the subject project. The Kentucky Fish and Wildlife Information System indicates that the following federally or state-threatened/endangered species are known to occur within 10 miles and one mile, respectively, of the proposed project sites:

**Laura Hamilton Site:** No federally or state-listed threatened/endangered species.

**Hamilton Waste Areas:** No federally or state-listed threatened/endangered species.

**Eurie Tackett Site:** No federally or state-listed threatened/endangered species.

**Jimmy Gibson Site:** Blackside Dace (*Chrosomus cumberlandensis*) – Federally-threatened

**Ronald Jones Site:** Common Raven (*Corvus corax*) – State-threatened  
American Black Bear (*Ursus americanus*) – State species of concern

Due to the location and nature of the projects, the KDFWR does not anticipate impacts to these listed species or their associated critical habitat. Please be aware that our database system is a dynamic one that only represents our current knowledge of various species distributions. I hope this information is helpful to you, and if you have questions or require additional information, please call me at (502) 564-7109 extension 4453.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Stoelb".

Dan Stoelb  
Wildlife Biologist

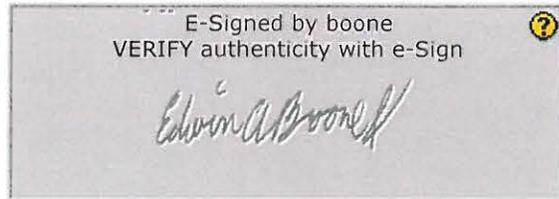
Cc: Environmental Section File



## MEMORANDUM

**To:** Ramona Humphrey Group I 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:** September 19, 2011

On Monday, September 19, 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 four sites, and includes the closure of six mine openings with “bat friendly” wildlife access gates, the permanent backfill closure of three collapsed mine openings, drainage improvements, and the construction of two retaining walls for the stabilization of landslides.

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 designated as a summer mist-net capture (August 10, 2007), approximately 17.7 miles NW of the Jimmy Gibson construction site, on Brushy Fork in extreme southeastern Magoffin County. However, the USFWS “Known Habitat” map designates this record as a maternity site. As a few trees may need to be removed at the Eurie Tackett, Jimmy Gibson and Ronald Jones construction sites in order to access the work areas, work at these sites will need to be performed between October 15 and March 31, unless an Indiana bat presence/absence survey is performed that confirms that Indiana bats are not utilizing these areas as roosting habitat.

## Howell, Ryan (EEC)

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**From:** Hall, Samantha (EEC)  
**Sent:** Monday, September 19, 2011 2:54 PM  
**To:** Rickwa, Vanna (EEC)  
**Cc:** Howell, Ryan (EEC); Moore, Jesse (EEC); Overman, Bill (EEC)  
**Subject:** RE: Request for floodplain and WQC review for Ramona Humphrey Group I AMLRP

Laura Hamilton Site:

Floodplain/Stream Construction Permit

No permit is necessary.

US Army Corps of Engineers Permit (ACOE)

No permit is necessary.

Water Quality Certification

The Division of Mine Permits has been informed of the project, no WQC will be required.

Hamilton Waste Area:

Floodplain/Stream Construction Permit

No permit is necessary.

US Army Corps of Engineers Permit (ACOE)

No permit is necessary.

Water Quality Certification

The Division of Mine Permits has been informed of the project, no WQC will be required.

Eurie Tackett Site:

Floodplain/Stream Construction Permit

No permit is necessary.

US Army Corps of Engineers Permit (ACOE)

No permit is necessary.

Water Quality Certification

The Division of Mine Permits has been informed of the project, no WQC will be required.

Jimmy Gibson Site: **\*the coordinates on the project description are for the Jimmy Gibson Residence; however, the construction site is located at 82\*40'23.9", 37\*22'4.29"**

Floodplain/Stream Construction Permit

No permit is necessary. I spoke with Art and Ron, the waste area as indicated on the topo, will not be used. I am attaching an email from the consulting engineer on this project.

US Army Corps of Engineers Permit (ACOE)

No permit is necessary.

Water Quality Certification

The Division of Mine Permits has been informed of the project, no WQC will be required.

Ronald Jones Site: **\*the coordinates on the project description are in Knott Co, I think the correct coordinates should be 82\*38'8.7", 37\*22'29"**

Floodplain/Stream Construction Permit

No permit is necessary.

US Army Corps of Engineers Permit (ACOE)

No permit is necessary.

Water Quality Certification

The Division of Mine Permits has been informed of the project, no WQC will be required.

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**From:** Rickwa, Vanna (EEC)  
**Sent:** Thursday, September 15, 2011 1:20 PM  
**To:** Hall, Samantha (EEC)  
**Cc:** Howell, Ryan (EEC); Moore, Jesse (EEC)  
**Subject:** Request for floodplain and WQC review for Ramona Humphrey Group I AMLRP

Attached please find the project description and maps for the Ramona Humphrey Group I AML Reclamation Project.

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

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

Thanks,

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

## Howell, Ryan (EEC)

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**From:** Hall, Samantha (EEC)  
**Sent:** Monday, September 19, 2011 2:56 PM  
**To:** Rickwa, Vanna (EEC); Howell, Ryan (EEC); Moore, Jesse (EEC); Overman, Bill (EEC)  
**Subject:** FW: Jimmy Gibson Floodplain Statement

FYI

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**From:** Clay, Art (EEC)  
**Sent:** Monday, September 19, 2011 9:49 AM  
**To:** Hall, Samantha (EEC)  
**Cc:** Dutta, Ron (EEC)  
**Subject:** FW: Jimmy Gibson Floodplain Statement

This area was considered as a possible disposal area early in the design, but the Final Plans do not show any waste disposed  
At this site

*Art Clay, P.E.  
Division of Abandoned Mine Lands  
502 564-2141 ext 164*

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**From:** Bob Jones [<mailto:bjones@hmbpe.com>]  
**Sent:** Monday, September 19, 2011 9:47 AM  
**To:** Clay, Art (EEC)  
**Subject:** Jimmy Gibson Floodplain Statement

No Floodplain permit should be required for the temporary low water crossing at the Jimmy Gibson Site. The watershed to this point contains 408 Acres and no residences should be affected by its temporary installation. It is understood that it will be installed and removed under KYAML Specifications / KYDOW Guidelines. No fill material is proposed for the Jimmy Gibson site.

Bob Jones PE, PLS  
Division Manager  
HMB Professional Engineers

