

JUL 06 2011

### **Authorization to Proceed (ATP)**

Saddle Club Apartments Subsidence  
Abandoned Mine Land (AML) Reclamation Project  
based on Categorical Exclusion (CX)  
Webster County, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the June 16, 2011, request for ATP with construction activity on the Saddle Club Apartments Subsidence Abandoned Mine Land (AML) Reclamation Project prepared by the Kentucky Department for Natural Resources, Division of Abandoned Mine Lands (DAML).

OSM found that the appropriate request documents were submitted and appear to support the need for the proposed construction activity. OSM confirmed that the required information for this project has been included in the electronic AML Inventory System (e-AMLIS) for Problem Areas (PA) # KY-004134-SGA. LFO has reviewed and approved this PA in the e-AMLIS system on July 5, 2011.

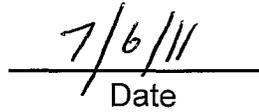
OSM reviewed the Categorical Exclusion Determination (CX) NEPA environmental review document prepared by the Division of Abandoned Mine Lands for the AML reclamation project. We have determined that the currently proposed activity requested is adequately considered in the approved CX NEPA environmental review document. In addition, the proposed activity conforms with exclusion criteria in 516 DM 2 and 13, does not involve any of the general exceptions in 516 DM 13.5(A)(33) or extraordinary circumstances listed in 516 DM 2, Appendix 2, and is excluded from further NEPA compliance. We have prepared and I have signed a CX for this project. We recommend that appropriate consideration be given to the recommendations and comments provided in the response letters from the consultation agencies. Please give special attention to the following recommendation(s) highlighted for emphasis.

- This project is located within the Lower Green River watershed, which is one of the watersheds mentioned in the conditions of the agreement with the Kentucky Field Office of the U S Fish and Wildlife Service. Please be mindful to have no purposeful filling or crossing of streams using heavy equipment or the removal of riparian vegetation using heavy equipment within this project. All erosions control measures that have been submitted with this proposal should be implemented and maintained throughout the life of this project.

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

A handwritten signature in cursive script, appearing to read "J. Blackburn Acting", written over a horizontal line.

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

A handwritten date "7/6/11" written over a horizontal line, with the word "Date" printed below it.

## Miller, Corey T.

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**Subject:** FW: ATP Transmittal: Saddle Club Apt Subsidence AML Reclamation Project, Webster County  
**Attachments:** Saddle Club Apt\_ATP Notification.pdf; Saddle Club Apt\_NEPA CX.pdf; Saddle Club Apt\_Review Memo.pdf; Saddle Club Apartments Subsidence.pdf

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**From:** Miller, Corey T.

**Sent:** Wednesday, July 06, 2011 3:40 PM

**To:** 'Steve Hohmann ([steve.hohmann@ky.gov](mailto:steve.hohmann@ky.gov))'

**Cc:** [carl.campbell@ky.gov](mailto:carl.campbell@ky.gov); [mark.meade@ky.gov](mailto:mark.meade@ky.gov); [Bill.Overman@ky.gov](mailto: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: Saddle Club Apt Subsidence AML Reclamation Project, Webster County

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of your June 16, 2011 request for ATP with construction activity on the Saddle Club Apt Subsidence AML Reclamation Project, prepared by the Division of Abandoned Mine Lands (DAML). The requests do not designate a funding source for the construction work under the Project Costs (Non-Water Supply) of any of Kentucky's Annual AML Construction Grant. OSM requests to be notified of the final funding source and State Subaccount number for our records.

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 Categorical Exclusion (CX) prepared by DAML. Please give special attention to the following recommendation(s)/conditions:

- No tree removal is authorized for this project. The DAML ATP request letter and biological review memorandum note that if any tree removal is later found to be necessary between October 15 and March 31, a habitat assessment or mist-net survey will be required.
- Please be mindful to have no purposeful filling or crossing of streams using heavy equipment or the removal of riparian vegetation using heavy equipment within this project. All erosion control measures that have been submitted with this proposal should be implemented and maintained throughout the life of this project.

The OSM Lexington Field Office Director has signed an ATP notice and a CX. A copy of each of these documents and the LFO review memorandum are scanned into an attachment to this email for your information and use. Along with the memorandum is a copy of a "USFWS Known Indiana Bat Habitat" map prepared by LFO since it was not included in the ATP request documents as normal. In future, please ensure that this information is included in the formal request documentation.

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 859-260-3916 or Gail Smith at (859) 260-3908. Thank you.

Corey Miller  
Program Specialist  
Office of Surface Mining-LFO  
2675 Regency Road  
Lexington, Kentucky 40503

(Phone) 859-260-3916

(Fax) 859-260-8410

Memorandum

Date: June 24, 2011

To: Saddle Club Apartments Subsidence Abandoned Mine Land (AML)  
Reclamation Project File SubAccount# 99.112030000

From: Corey Miller, Program Specialist  
Lexington Field Office (LFO), Program Support Branch (PSB)

Subject: Review of "Authorization to Proceed" (ATP) Request

The Branch recommends that the Field Office Director (FOD) authorize the State of Kentucky to proceed with the construction activity proposed on the Saddle Club Apartments Subsidence AML Reclamation Project. The project area may be centrally located on the Providence, Kentucky U.S.G.S. 7.5 minute Topographic Quadrangle map(s) at 37° 23' 54" North Latitude and 87° 46' 21" West Longitude near the community of Providence, Kentucky. The project location, AML problems to be addressed, and proposed reclamation activity/cost are also available at <http://www.arcc.osmre.gov/FOs/LFO/AML/Projects.shtm>. The project involves reclamation of AML conditions consisting of subsidence holes and poor drainage at one site. The Branch prepared an ATP letter, Problem Area (PA) approval forms, as required by OSM Directive AML-1-2 (signed June 22, 2007), Categorical Exclusion (CX), for the FOD review. The Branch recommends that the FOD sign the (CX), consider approval of the new PA in e-AMLIS system, and sign the ATP Notification in the space provided on each document.

The original signed ATP letter will be sent to the Division of Abandoned Mine Lands (DAML) Director, along with associated approval documents consisting of a copy of the LFO review memorandum and CX. A scanned copy of these authorization documents will be attached to an email to the Department for Natural Resources (DNR) Commissioner.

The Kentucky DAML ATP request dated June 16, 2011, was received at LFO attached to an email on June 16, 2011. The ATP was processed within 13 working days; therefore, the customer service target of 14 working days to process an ATP was met. The ATP was processed in 21 calendar days; therefore, the Federal employee performance appraisal standard of 30 calendar days to process an ATP was met.

DAML did not designate a funding source under the budget category entitled Project Costs (Non-Water Supply) of any of Kentucky's AML Annual Construction Grants (ACG). In previous discussions, DNR indicated they would assign projects to a grant before they go to construction. Until a final AG and Location Code are assigned the LFO Project/Site ID # 99.112030000 was assigned to the project file for LFO tracking purposes until actual AG and Location Code numbers are assigned by DAML and can

be inserted in the appropriate positions at the beginning and end of the LFO Project #. No bid advertisement, bid opening, or construction completion dates were provided by

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

An office review of the request documents was conducted. The documents consisted of; a project description, a location map, a National Environmental Policy Act (NEPA) review documented in a CX with agency consultation response letters attached; and an Abandoned Mine Land Inventory System (AMLIS) Problem Area Description (PAD) summary and appropriate Priority Documentation Forms, with engineer cost estimates for PA# KY-004134-SGA.

A pre-approval field inspection of the proposed project was deemed unnecessary, since no unique characteristics warranting special field verification were noted and it wasn't selected for field verification under the EY 2011 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 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 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. They recommended coordination with the U.S. Fish and Wildlife Service's Kentucky Field Office concerning their additional concerns for the Indiana bat within Kentucky.

The DAML staff biologist reviewed the Kentucky State Nature Preserves Commission's (KSNPC) BIOTICS database in lieu of further consultation. The findings are noted in the ATP request letter and an attached memorandum. DAML found that KSNPC data indicated one federally listed threatened or endangered species within a 10-mile radius and one species of State concern a 1-mile radius of the project. DAML listed and discussed each species in the biologist's memorandum, their ATP request letter, 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 Biologist also noted that the federally listed endangered Indiana bat, although not indicated to exist in the project vicinity; by his and the KDFWR reviews, would not be disturbed by the project. This is based on the fact that the project proposes to disturb no mine portals, cliffs, or caves, and proposes no disturbance of forested areas that could be utilized as roosting sites other than that area impacted by the AML problem that is creating a threat to the public; and in the event that any trees that represent potential Indiana bat habitat need to be removed, removal will only occur between October 15 and March 31, to avoid potential impacts to the Indiana bat.

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

After review of the ATP documents for this project, which included consultation with the KSNPC and the KDFWR, DAML determined that additional consultation with the USFWS is not required because the proposed project will not adversely affect a federally listed species (Federal Assistance Manual (FAM) Chapter 5-11-15, A. 3.)

*The conditions in the MOA are met because:*

- *There will be no purposeful removal of standing trees larger than 5 inches diameter at breast height or standing snags with loose bark that are 9 inch or greater diameter at breast height and at least 10 feet in height, during the period of April 1 to October 14, and the proposed activity does not occur in "Known Indiana Bat Habitat".*
- *No caves or clifflines will be disturbed;*
- *The project proposes to reclaim one open mine portals/shafts with FWS accepted types of wildlife friendly gates that allow bat access.*
- *No purposeful filling or crossing of streams using heavy equipment or the removal of riparian vegetation using heavy equipment within the Tradewater, lower Ohio, Upper Cumberland, Green, and Licking River basins.*
- *In order to avoid/reduce indirect impacts, erosion and sediment control plans will be implemented and monitored until permanent vegetation has become established in the above listed watersheds and all other watersheds as may be appropriate.*

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

The Office of State Archaeology found that their records did not indicate any known archaeological sites directly in the project area, no systematic archaeological survey has been conducted in the immediate project area, and past disturbance to the project area make it unlikely that archaeological sites will be preserved. The Kentucky Heritage Council and State Historic Preservation Officer (SHPO) was not contacted for this project, based upon the MOA signed on January 3, 2011. The Kentucky Heritage Council (KHC)/State Historic Preservation Officer (SHPO) and the DAML signed an agreement which identified the criteria to be used to determine which projects are exempt from review by the. The agreement defines exempt projects as:

*“Routine and recurring projects whose impacts are foreseeable and cause little or no ground disturbance or that have a low probability of affecting known or unknown historic properties...”*

The agreement also includes a list of previous site activities that would substantially diminish the likelihood of affecting known or unknown historic sites or properties. They are listed below. They are listed below.

1. Activities that occur on previously disturbed land, including highwalls, refuse piles, slurry cells, subsidence areas, mine benches, mine portals with no constructed entry support, and any coal mining remains less than 50 years of age, including tipplers, other structures, intact rail tracks, and mining equipment.
2. Roads and roadside ditches.
3. Areas disturbed by timber operations.
4. Areas disturbed by gas and oil well development.
5. Areas disturbed by residential and commercial development.
6. Areas with water flows from mine discharges.
7. Trenches excavated for waterline installation in previously disturbed soils.

According to the project description, all of the project area has been impacted by items 1, 2, and 6 in the above list; therefore, the project is exempt from further consultation with the KHC. This fulfills the responsibility to consult with the SHPO under the Section 106 review process. Neither agency recommended conducting archeological surveys/investigations or mitigation measures.

Environmental and Public Protection Cabinet (EPPC) (changed to the Environment and Energy Cabinet (EEC) in July 2008) Secretary order dated December 12, 2006, transferred authority for issuance of Clean Water Act (CWA) Section 401 Water Quality Certifications (WQC) associated with surface coal mine operations, to include any reclamation projects proposed by the DAML, to the Kentucky Department for Natural Resources (DNR) DNR. DNR assigned this responsibility to their Division of Mine Permits (DMP). The DMP further delegated this responsibility to DAML, with consultation as needed on a case by case basis. In addition, the DAML Director in a meeting held in February 2010, offered and agreed to coordinate consultation with the U.S. Army Corps of Engineers (COE) concerning CWA 404 (CWA) permits, as DAML had been doing without an agreement in the past. OSM LFO accepted DAML's offer to conduct this consultation.

Under a 2005 agreement with the DOW Floodplain Management Section (FMS) of the Water Resources Branch, DOW authorized DAML to apply DOW floodplain standards in lieu of a DOW review. In this agreement, DAML will directly consult with DOW if it appears a permit may be required. DAML has acquired a set of Federal Emergency Management Agency (FEMA) floodplain maps that include the project area.

As a result, DAML applies each responsible agency's criteria by agreement or physically consults with the DMP and DOW concerning CWA 401 WQC and floodplain permits to "Construct Across or Along a Stream", and with the COE concerning CWA 404 permits. This review has been centralized with DAML's Design Branch, whose staff has previous experience in this area and with the Kentucky DOW. DAML determined from the written description that the project does not impact a stream, wetland, or floodplain that requires a 401 WQC, a 404 CWA permit, or a DOW floodplain permit.

The comments from the Kentucky State Clearinghouse, Kentucky's "Single Point of Contact" (SPOC) pertaining to AML Water Supply projects included no comments that affect this proposal. The information to update PA # KY-004134-SGA was directly input into the AMLIS by the DAML. This information reflects the changes in units and costs based upon the design and classification of the funded category. This was confirmed by LFO's review of the AMLIS data and a PAD summary printout from the OSM HDQ AMLIS database. PA # KY-004134-SGA represents a "new Problem Area" requiring FOD approval under OSM Directive AML-1-2 (signed June 22, 2007). This approval was granted in the e-AMLIS system on July 5, 2011.

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 4134 SGA  
Project Name: Saddle Club Apartments Subsidence AML Reclamation Project  
Project Description: Reclamation of three subsidence areas in Webster County

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  Yes

Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment? No  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  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: 6/15/11

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: Joe Blackburn Acting Date: 7/6/11

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



Steve Cassel <scasselsr@gmail.com>

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## ATP request package for Saddle Club Apartments Subsidence AMLRP (Webster County)

1 message

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Bill Overman <kyaml2008@gmail.com>

Thu, Jun 16, 2011 at 9:17 AM

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

Please see attached ATP request package for Saddle Club Apartments Subsidence AMLRP.

Respond accordingly.

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

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](tel:5025642141)*



**Saddle Club Apartments Subsidence - ATP Request 6.16.11.pdf**

9368K



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

**Steven L. Beshear**  
Governor

Division of Abandoned Mine Lands  
2521 Lawrenceburg Road  
Frankfort, Kentucky 40601  
[www.ky.gov](http://www.ky.gov)

**Leonard K. Peters**  
Secretary

**Carl E. Campbell**  
Commissioner

June 16, 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: Saddle Club Apartments Subsidence AML Reclamation Project (Webster 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 form, including a problem description and an engineer cost estimate, for the above-referenced project. The PAD for problem area # KY 4134 SGA, has been prepared and, pending OSM approval, will be entered into the e-AMLIS by the division when it becomes active again. 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 one agency consultation response document 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. Comments concerning the project site were requested from OSA on June 1, 2011; but, at this time, we have not received any response. Because this site has been significantly disturbed by the construction of the apartment complex (the site was previously worked as an OSM emergency project) and the site has been undermined, it is highly unlikely that any archaeological resources would be negatively impacted. However, when AML receives comments from OSA, they will be forwarded to OSM.

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 one species listed as threatened or endangered, under

the United States Endangered Species Act (USES), is known to exist within ten miles of the project site. The species noted in the search are the:

- Dukes' skipper (*Euphyes dukesi* – KSNPC Special Concern)
- Gray myotis (*Myotis grisecens* – USES Endangered)

As described in the attached memo, dated June 6, 2011, these species should not be negatively impacted. The U.S. Fish and Wildlife Service (USFWS) has declared the whole of the state of Kentucky to be the potential habitat of the Indiana Bat. However, the site does not fall within a USFWS buffer zone; no trees over 5" DBH need to be removed; and, while this project will temporarily disturb a small section of an underground coal mine, the portion of the mine that will be disturbed is regularly flooded by groundwater inflow. Discharge of water from a recent severe flooding event, which raised the level of water within the mine above the current ground level at the site of the project, is the agent that reopened the subsidence hole at this site. Temporary reopening of the subsidence hole and placement of drainage structures should not create a significant disturbance to the underground mine habitat, even if it is being utilized by the bat species.

A letter was sent to the DAML floodplain and hydrology staff specialist, soliciting their comments regarding this project. The letter requested comments regarding water quality certification (WQC) and floodplain permit issues. The response stated that no COE, WQC, or floodplain permits will be required. The other consulted agencies had no objections or concerns regarding this project.

Overall, the project is a Priority 1. The project is estimated to cost \$18,328.00, 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 land problems as described in the attached project description.

Construction contract bidding, awarding, and subsequent construction completion will occur as soon as possible. Should you have any questions regarding this information, please contact us at 502/564-2141.

Sincerely,



Steve Hohmann, Director  
Division of Abandoned Mine Lands

SH:BO:RH:vr

Enclosures

**Saddle Club Apartments Subsidence  
AML Reclamation Project  
Providence Quad.  
Webster County**

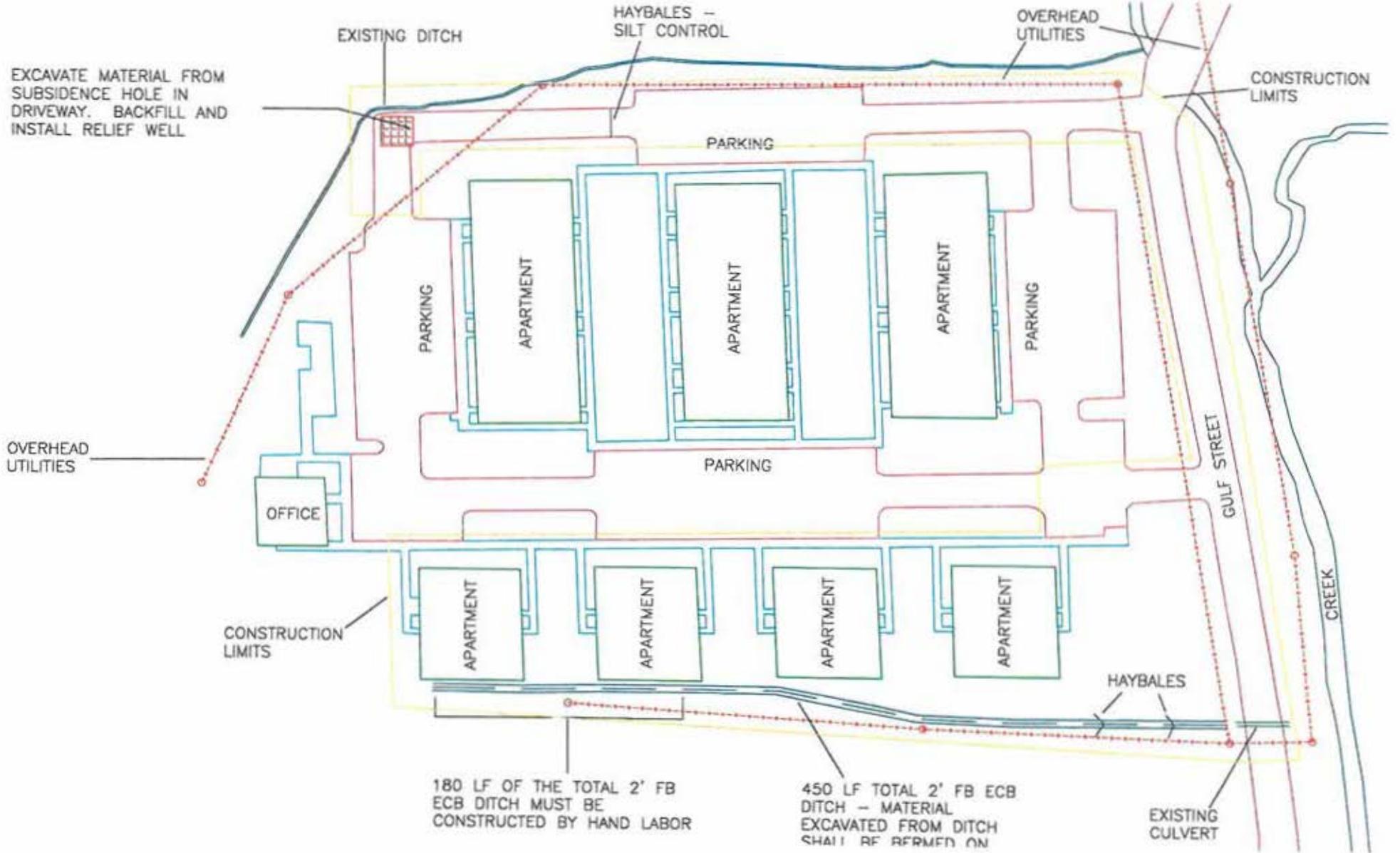
**Project Description**

The proposed project (0.2 acres total) consists of filling a subsidence hole and improving drainage for two areas affected by mine-related drainage. The project area is centrally located in the Providence Quadrangle at 37° 23' 54" latitude and 87° 46' 21" longitude. 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.

On the north side of the apartment complex, a paved driveway with a 15 feet by 15 feet subsidence area, 7 to 8 feet deep, will be excavated then filled with class II rock and concrete grout. A drainage pipe will direct drainage water to an existing surface ditch, and the area will be repaved. On the south side of the apartment complex, two drainage holes will be excavated and connected to a new drainage ditch approximately 500 feet long at a mowed yard area next to four large apartment buildings. This ditch will drain to an existing road culvert. Access to all areas is preexisting or through residentially maintained yards.

Construction disturbances will be kept to a minimum through the use of a stringently formulated sediment and erosion control program, consisting of hay-bale silt checks and erosion control blanket maintained throughout the life of the project, prompt re-vegetation using agricultural limestone, fertilizer, seed, netting and mulch for the areas disturbed by the project, and repaving for the area previously paved as a driveway.

The project site has been previously disturbed by coal mining, residential construction, or road construction. No disturbance of any stream reach is planned. No construction is proposed within a regulated floodplain. All necessary permits and/or variances will be procured prior to construction.



EXCAVATE MATERIAL FROM SUBSIDENCE HOLE IN DRIVEWAY. BACKFILL AND INSTALL RELIEF WELL

EXISTING DITCH

HAYBALES -- SILT CONTROL

OVERHEAD UTILITIES

CONSTRUCTION LIMITS

PARKING

PARKING

APARTMENT

APARTMENT

APARTMENT

PARKING

OVERHEAD UTILITIES

OFFICE

PARKING

GULF STREET

CONSTRUCTION LIMITS

APARTMENT

APARTMENT

APARTMENT

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CREEK

HAYBALES

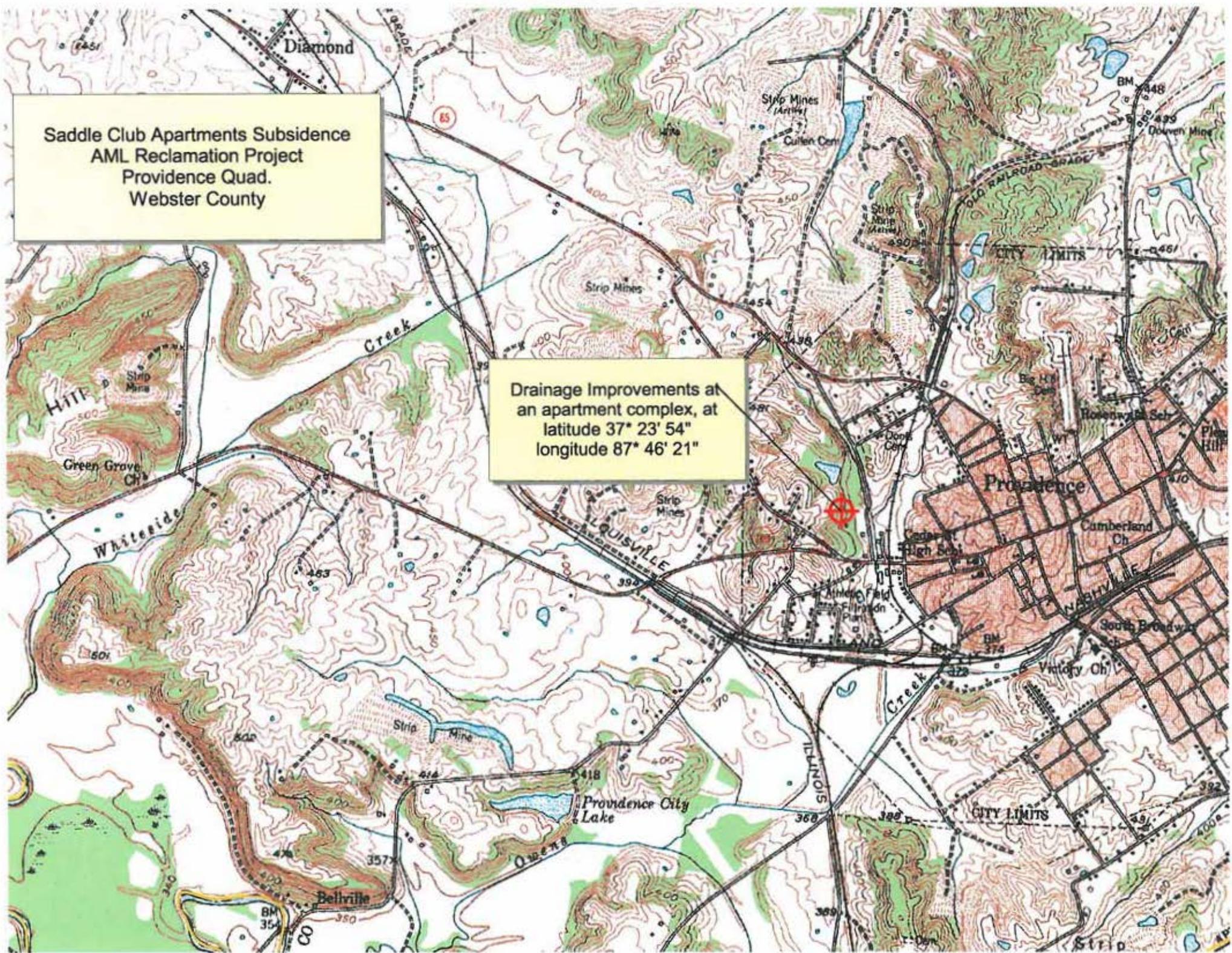
180 LF OF THE TOTAL 2' FB ECB DITCH MUST BE CONSTRUCTED BY HAND LABOR

450 LF TOTAL 2' FB ECB DITCH - MATERIAL EXCAVATED FROM DITCH SHALL BE REFORMED ON

EXISTING CULVERT

Saddle Club Apartments Subsidence  
AML Reclamation Project  
Providence Quad.  
Webster County

Drainage Improvements at  
an apartment complex, at  
latitude 37° 23' 54"  
longitude 87° 46' 21"



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 4134 SGA  
Project Name: Saddle Club Apartments Subsidence AML Reclamation Project  
Project Description: Reclamation of three subsidence areas in Webster County

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: 6/15/11

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

VI. OSM DETERMINATION

This project conforms with the exclusion criteria in 516 Dm 6, Appendix 8, and is excluded from further NEPA compliance.

This project does not conform with the exclusion criteria in 516 DM 6, Appendix 8, and requires an environmental assessment.

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

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

## Howell, Ryan (EEC)

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**From:** Hall, Samantha (EEC)  
**Sent:** Friday, June 03, 2011 10:14 AM  
**To:** Rickwa, Vanna (EEC)  
**Cc:** Howell, Ryan (EEC); Ruebens, Jeff (EEC); Overman, Bill (EEC)  
**Subject:** RE: Request for floodplain and WQC review for Saddle Club Apartments Subsidence AMLRP

After reviewing the attached map and description for the Saddle Club Apartments Subsidence AMLRP, I have determined no COE, WQC or floodplain permits will be required.

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**From:** Rickwa, Vanna (EEC)  
**Sent:** Wednesday, June 01, 2011 11:54 AM  
**To:** Hall, Samantha (EEC)  
**Cc:** Howell, Ryan (EEC); Ruebens, Jeff (EEC)  
**Subject:** Request for floodplain and WQC review for Saddle Club Apartments Subsidence AMLRP

Attached please find the project description and maps for Saddle Club Apartments Subsidence AMLRP.

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

Please notify Bill Overman, Ryan Howell, Jeff Ruebens, 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. Gassett**  
Commissioner

6 June 2011

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

RE: Saddle Club Apartments Subsidence AML Reclamation Project (Webster 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 no federally or state-threatened/endangered species are known to occur within 10 miles and one mile, respectively, 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, appearing to read "Dan Stoelb".

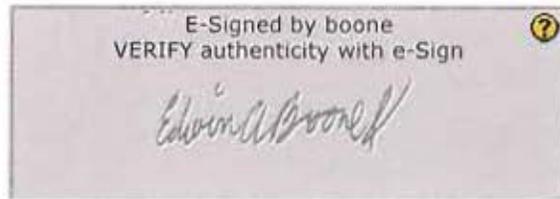
Dan Stoelb  
Wildlife Biologist

Cc: Environmental Section File

## MEMORANDUM

**To:** Saddle Club Apartment Subsidence AML 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 6, 2011

On Thursday, June 2, 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 that is monitored by the KSNPC occurs within one mile, and that one federally listed threatened and endangered species is known to exist within ten miles of the project site. The species noted in the search are:

- Dukes' skipper (*Euphyes dukesi* – KSNPC Special Concern)
- Gray myotis (*Myotis grisescens* – USESA Endangered)

The work to be conducted at this project site consists of the complete excavation of a subsidence hole that was previously excavated and backfilled with rock by the federal Office of Surface Mining (OSM). This hole is located in the driveway/access road of the apartment complex. The hole will then be partially backfilled with heavy stone, and a drainage structure capable of supporting heavy vehicle traffic will be placed near the top. The remainder of the space will then be backfilled with dense-grade aggregate and the surface will be paved. All access routes to the project site are extant. No disturbance of trees is anticipated outside of the unstable landslide area.

Dukes' skipper is a species of small swamp butterfly – or “skipper” – of the family Hesperidae. The chief threats to its habitat are the draining of swamps and logging, though spraying for mosquitoes is also

a potential threat. The record within the KSNPC database is a county-wide historical record, dated July 6, 1972. In Kentucky, this species feeds on sedges (specifically *Carex lacustris* and *Cares hyalinolepis*). Construction of this project will not directly impact any swamplands. Further, a stringent sediment and erosion control program – consisting of such elements as the use of straw bale silt fences and prompt revegetation of all areas disturbed by project-related activities – will prevent significant amount of sediments from reaching area streams and swamps as a result of project construction. All of the above factors will preclude any significant negative impact to the dukes' skipper.

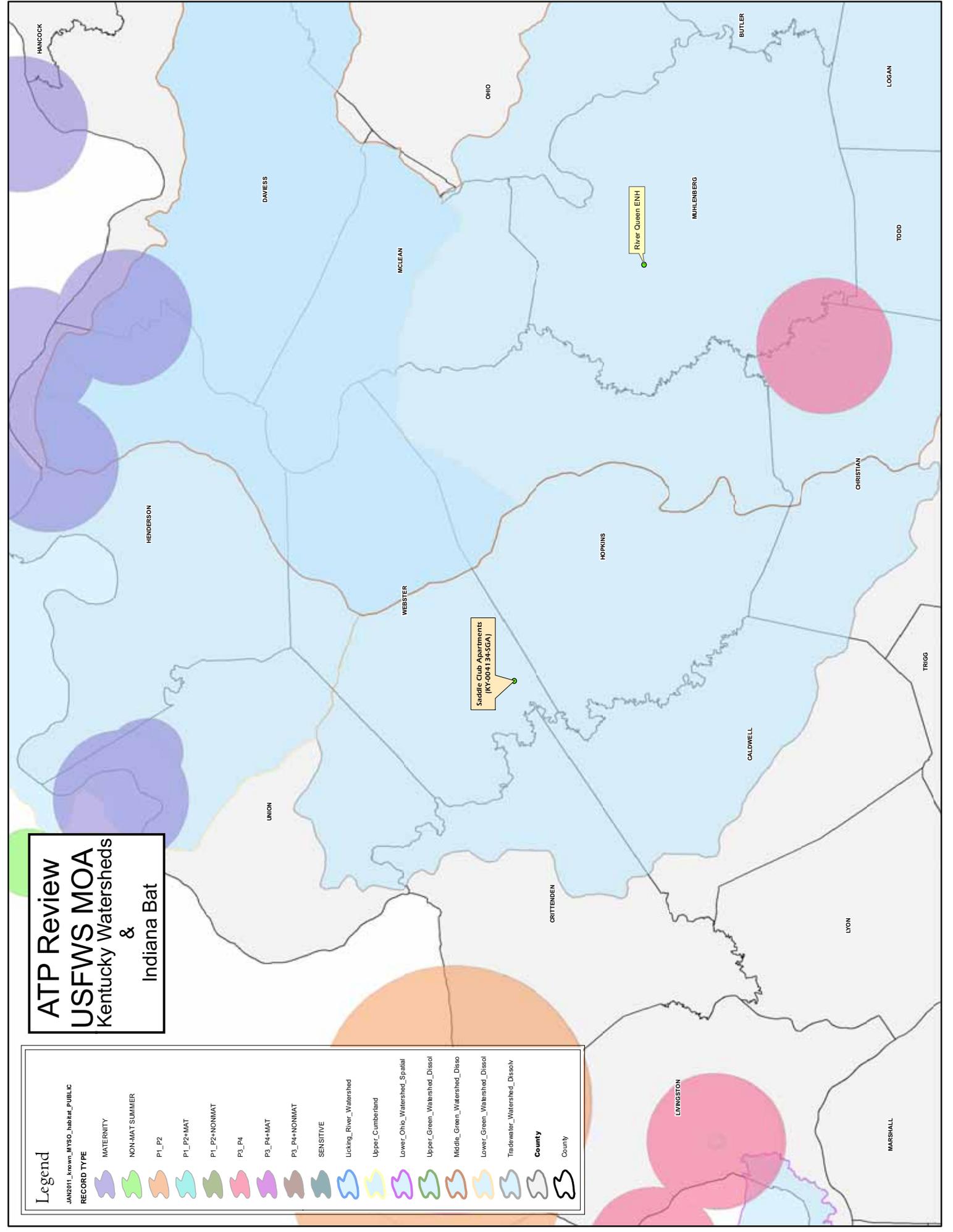
The gray Myotis is a species of bat from the family Vespertilionidae, and is an obligate troglobitic species, hibernating, day-roosting, and establishing brood colonies within caves and similar underground caverns. While this project will temporarily disturb a small section of an underground coal mine, the portion of the mine that will be disturbed is regularly flooded by groundwater inflow. Discharge of water from a recent severe flooding event, which raised the level of water within the mine above the current ground level at the site of the project, is the agent that reopened the subsidence hole at this site, which was previously backfilled by the federal Office of Surface Mining Reclamation and Enforcement under its AML Emergency Reclamation Program. Temporary reopening of the subsidence hole and placement of drainage structures should not create a significant disturbance to the underground mine habitat, even if it is being utilized by this species.

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.

# ATP Review USFWS MOA Kentucky Watersheds & Indiana Bat

**Legend**

JANZ01_knewr_MYSO_habitat_PUBLIC	County
RECORD TYPE	County
MATERNITY	
NON-MAT SUMMER	
P1_P2	
P1_P2+MAT	
P1_P2+NONMAT	
P3_P4	
P3_P4+MAT	
P3_P4+NONMAT	
SENSITIVE	
Licking_River_Watershed	
Upper_Cumberland	
Lower_Ohio_Watershed_Spatial	
Upper_Green_Watershed_Dissol	
Middle_Green_Watershed_Disso	
Lower_Green_Watershed_Dissol	
TradeWater_Watershed_Dissolv	



## Cassel, Steven R. "Steve"

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**From:** Howell, Ryan (EEC) [Ryan.Howell@ky.gov]  
**Sent:** Thursday, June 30, 2011 7:15 AM  
**To:** Miller, Corey T.; Cassel, Steven R. "Steve"; Smith, Gail; Estes, Loren A.  
**Cc:** Rickwa, Vanna (EEC)  
**Subject:** FW: Solicitation for OSA comments regarding Saddle Club Apartments Subsidence AMLRP (Webster County)  
**Attachments:** Saddle Club Apartments Subsidence AML OSA Letter.pdf

Here's the letter from OSA for the Saddle Club Apartments Subsidence AMLRP.

Thanks,  
Ryan

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**From:** Pappas, Christina A [<mailto:Christina.Pappas@uky.edu>]  
**Sent:** Wednesday, June 29, 2011 6:27 PM  
**To:** Rickwa, Vanna (EEC); Overman, Bill (EEC); Howell, Ryan (EEC); Ruebens, Jeff (EEC)  
**Subject:** RE: Solicitation for OSA comments regarding Saddle Club Apartments Subsidence AMLRP (Webster County)

Please find attached OSA's comment regarding this project.

Sincerely,  
Christina A. Pappas, MA  
Assistant Director  
Kentucky Office of State Archaeology  
University of Kentucky  
1020a Export Street  
Lexington, KY 40506  
(859)257-1944  
[christina.pappas@uky.edu](mailto:christina.pappas@uky.edu)

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**From:** Rickwa, Vanna (EEC) [<mailto:Vanna.Rickwa@ky.gov>]  
**Sent:** Wednesday, June 01, 2011 1:39 PM  
**To:** Crothers, George M; Crothers, George M; Pappas, Christina A  
**Cc:** Howell, Ryan (EEC); Ruebens, Jeff (EEC)  
**Subject:** Solicitation for OSA comments regarding Saddle Club Apartments Subsidence AMLRP (Webster County)

Please see the attached letter with project description and maps. Respond accordingly via email or letter.

Send email responses to:

[Vanna.Rickwa@ky.gov](mailto:Vanna.Rickwa@ky.gov)

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*



**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: Saddle Club Apartments Subsidence AML Reclamation Project (Webster 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

**Miller, Corey T.**

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**To:** Carrie\_Allison@fws.gov  
**Subject:** RE: Ed Boone report - Saddle Club Apartments

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**From:** [Carrie Allison@fws.gov](mailto:Carrie_Allison@fws.gov) [[mailto:Carrie\\_Allison@fws.gov](mailto:Carrie_Allison@fws.gov)]  
**Sent:** Tuesday, July 12, 2011 11:27 AM  
**To:** Miller, Corey T.  
**Subject:** Re: Ed Boone report - Saddle Club Apartments

Thanks, Corey!

Since there are no stream impacts, no trees being removed, and they are adhering to a strict sediment and erosion control plan, there are no federal T/E concerns. Let me know if you have any questions.

Thanks-

**Carrie L. Allison**

U.S. Fish and Wildlife Service  
330 W. Broadway, Rm. 265  
Frankfort, KY 40601  
502-695-0468 ext. 103

*"It is not enough to fight for the land; it is even more important to enjoy it."*  
~Edward Abbey

"Miller, Corey T." <[ctmiller@osmre.gov](mailto:ctmiller@osmre.gov)>

07/05/2011 10:35 AM

To "Allison, Carrie" <[carrie\\_lona@fws.gov](mailto:carrie_lona@fws.gov)>

cc

Subject Ed Boone report - Saddle Club Apartments

[Here is Ed's Boone report.](#)

[Thanks for your time.](#)

Corey[attachment "Saddle Club description for Carrie 2.pdf" deleted by Carrie Allison/R4/FWS/DOI]