

JUN 24 2011

Authorization to Proceed (ATP)

Timothy Hall Group
Abandoned Mine Land (AML) Reclamation Project
based on Environmental Assessment (EA)
Knott County, Kentucky

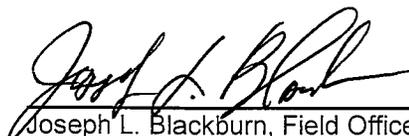
The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the June 8, 2011, request for ATP with construction activity on the Timothy Hall Group AML Reclamation Project prepared by the Kentucky Department for Natural Resources, Division of Abandoned Mine Lands (DAML).

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 AML Inventory System (AMLIS) for Problem Areas (PA) #s KY-003124-SGA, KY-003897-SGA, KY-003900-SGA, and KY-3913-SGA. PAs KY-003897-SGA, KY-003900-SGA and KY-003913-SGA have been approved in the e-AMLIS system on June 17, 2011. KY-003124-SGA did not require approval from OSM to be funded.

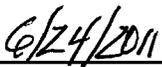
OSM reviewed the EA prepared by DAML documenting the National Environmental Policy Act (NEPA) environmental review of this project. OSM determined that the EA adequately discusses the environmental issues and impacts associated with the construction of the project. Based on the analysis in the EA, I have determined that reclamation of this abandoned mine site would not have significant effects on the quality of the human environment. Therefore, I conclude that no environmental impact statement is necessary. As a result, I have signed the Finding of No Significant Impact (FONSI) for the Timothy Hall Group AML Reclamation Project. Please give special attention to the following recommendation (s).

- With the exception of trees directly impacted by the AML problem, there is 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 15, and provided the activity does not occur in "Known Indiana Bat Habitat".
- At any of the sites, should tree cutting is deemed to be necessary outside of the non-AML features, a habitat assessment or presence /absence survey will be required, and must be performed by a certified biologist.
- A floodplain permit is required at the Timothy Hall site. The ATP request letter states "The division is applying for all necessary permits, and construction will not start until they have been received."

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.



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



Date

Estes, Loren A.

Subject: FW: ATP Transmittal: Timothy Hall Group ATP, Knott County
Attachments: FONSI Timothy Hall Group.pdf; LFO Review Memo.pdf; ATP Notification.pdf

From: Miller, Corey T.
Sent: Friday, June 24, 2011 3:56 PM
To: 'Steve Hohmann (steve.hohmann@ky.gov)'
Cc: carl.campbell@ky.gov; mark.meade@ky.gov; Bill.Overman@ky.gov; Howell, Ryan (EEC); Train, Shannon (EEC); Rickwa, Vanna (EEC); Blackburn, Joseph L. "Joe"; Smith, Gail; Turner, Samuel R. "Sam"; Francis, Gary D.; Edwards, Chester L. "Chet"; Holliday, James "Jim"; Cassel, Steven R. "Steve"; Estes, Loren A.
Subject: ATP Transmittal: Timothy Hall Group ATP, Knott County

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

A pre-approval field inspection of the proposed project was deemed unnecessary, since no unique characteristics warranting special field verification were noted and it wasn't selected for field verification under the EY 2011 Oversight Agreement.

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

- Please note that tree removal pertains to the purposeful removal of standing trees larger than 5 inches diameter at breast height or standing snags with loose bark that are 9 inch or greater diameter at breast height and at least 10 feet in height. If tree removal is needed in these areas it will only take place between October 15 and March 31, or a habitat assessment or a presence/absence survey will be required.
- As determined by DAML staff, a floodplain encroachment permit to "Construct Across or Along a Stream" must be applied for and obtained prior to commencement of construction activity at the Timothy Hall site. Please ensure compliance with the permit(s) throughout the life of the project.
- OSM requests copies of any applications for permits/certifications and approval documents required for the construction of this project that were not submitted with the original ATP. This information is needed by OSM to perform oversight and monitor compliance with the NEPA.

The OSM Lexington Field Office Director has signed an ATP notice and a Finding of No Significant Impact. A copy of each of these documents and the LFO review memorandum are scanned into the attachment to this email for your information and use. Mr. Carl Campbell, Commissioner, Department for Natural Resources has been notified of this authorization by receiving a copy of this email.

Any questions concerning this ATP or the procedures can be addressed to Corey Miller 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: 06/21/2011

To: Timothy Hall Group Abandoned Mine Land (AML) Reclamation Project
File SubAccount# 99.110030000

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 Timothy Hall Group AML Reclamation Project. The project area may be centrally located on the Handshoe and Kite, Kentucky U.S.G.S. 7.5 minute Topographic Quadrangle map(s) at 37° 21' 30" North Latitude and 82° 47' 22" West Longitude near the community of Mousie, 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> in the AMLIS under PA#s KY-003124-SGA, KY-003897-SGA, and KY-003900-SGA, and KY-3913-SGA. The project involves reclamation of AML conditions consisting of a landslide and several portal closures at four sites.

The Branch prepared an ATP letter, Problem Area (PA) approval forms, as required by OSM Directive AML-1-2 (signed June 22, 2007), and Finding of No Significant Impact (FONSI) for the FOD review. The Branch recommends that the FOD sign the FONSI and ATP in the space provided on each document. Also, to approve the PA approval forms in the e-AMLIS system; which is done online. 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 PA approval forms and a FONSI. A scanned copy of these authorization documents will be attached to an email to the Department for Natural Resources (DNR) Commissioner. The information to update these PAs was directly input into the e-AMLIS by the DAML and approved by LFO on June 7, 2011. Copies of the approval documents are available on the recently released e-AMLIS system; on the public site which will be available in the near future.

The Kentucky DAML ATP request dated June 8, 2011, was received at LFO attached to an email on June 8, 2011. The ATP was processed within 9 working days; therefore, the customer service target of 14 working days to process an ATP was met. The ATP was processed in 13 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 # 99.110030000 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 July 1, 2011, Contract Award was entered as August 1, 2011, and Contract/Construction Completion was entered as August 1, 2012.

An office review of the request documents was conducted. The documents consisted of; a project description, a location map, a National Environmental Policy Act (NEPA) review documented in an Environmental Assessment (EA) 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#s KY-003124-SGA, KY-003897-SGA, and KY-003900-SGA, and KY-3913-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 EA 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. No significant impacts have been reported to this office or identified by the Branch. The Branch recommends that the Office of Surface Mining Reclamation and Enforcement (OSM) accept the EA submitted by the Kentucky DAML.

The EA prepared by the State and the State's ATP request letter summarized the responses from agencies consulted for the NEPA review and discussed appropriate resolution of all their concerns and recommendations. The responses from agencies consulted for the NEPA review are summarized in the FONSI prepared by OSM for the EA:

The comments from the Kentucky State Clearinghouse, Kentucky's "Single Point of Contact" (SPOC) pertaining to AML Non-Water Supply projects included no comments that affect this proposal. The information to update PA #'s KY-003124-SGA, KY-003897-SGA, and KY-003900-SGA, and KY-3913-SGA was directly input into the AMLIS by the DAML. PA #KY-3124-SGA submitted for this ATP does not represent a "new Problem Area" after December 20, 2006, requiring FOD approval under OSM Directive AML-1-2 (signed June 22, 2007); therefore, no FOD approval in e-AMLIS is required. PA #'s KY-003897-SGA, KY-003900-SGA and KY-0039130SGA represent

Timothy Hall Group AML Reclamation Project

June 23, 2011

“new Problem Areas” requiring FOD approval under OSM Directive AML-1-2 (signed June 22, 2007). They were reviewed and an FOD approval was given on June 17, 2011 in the e-AMLIS system for each of these PAs.

JUN 24 2011

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Timothy Hall Group
Abandoned Mine Lands (AML) Project
Knott County, Kentucky

The Branch recommends that the Field Office Director (FOD) authorize the State of Kentucky to proceed with the construction activity proposed on the Timothy Hall Group AML Reclamation Project. The project area may be centrally located on the Handshoe and Kite, Kentucky U.S.G.S. 7.5 minute Topographic Quadrangle map(s) at 37° 21' 30" North Latitude and 82° 47' 22" West Longitude near the community of Mousie, 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.shtml> in the AMLIS under PA#s KY-003124-SGA, KY-003897-SGA, and KY-003900-SGA, and KY-3913-SGA. The project involves reclamation of AML conditions consisting of a landslide and several portal closures at four sites.

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

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

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

All appropriate government agencies were consulted or their review criteria applied by agreement. As a result, it was determined that the project area does not contain or significantly affect threatened or endangered species or their habitat, jurisdictional wetlands, cultural or historic values, prime and unique farmland values, recreational resources, or Class I air quality regions. The responses from agencies consulted for the National Environmental Policy Act (NEPA) review include the following comments and/or recommendations:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) identified one known federally threatened/endangered fish and wildlife species (Blackside Dace) within a 10 mile radius of only the Timothy Hall project site and waste area, the other three project locations identified no federally threatened/endangered species. They also identified one records of state listed species of concern (American Black Bear) within 1 mile radius of the Delmas Bolen project area. They recommend that the erosion control measures, as mentioned in the project description, are installed prior to construction and inspected and repaired as needed.

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 no federally listed threatened or endangered species within a 10-mile radius and one species of State concern (the Eastern waterleaf)

within a 1-mile radius of the project. DAML listed and discussed the species noted above in the biologist's memorandum and the EA finding that the noted species will not be impacted, since the project will not result in a significant negative impact to their critical habitat. 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 reclaim seven open portals with wildlife friendly gates to allow bat access and proposes no disturbance of forested areas that could be utilized as roosting sites at three sites, other than that area impacted by the AML problem that is creating a threat to the public. Tree removal is proposed for the Delmas Bolen site; where trees that represent potential Indiana bat habitat may need to be removed. This removal will only occur between October 15 and March 31, to avoid potential impacts to the Indiana bat. Trees may be removed at any time of the year, depending on the results of a bat survey determines whether or not any potential summer habitat to disturbed is being utilized by the Indiana bat. If the area is not being utilized by the bat, it may be a safe for tree removal.

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 cliffines 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.

- The only condition where this could change is if a bat survey is conducted at the sites to determine whether or not any potential summer habitat to be disturbed by the project is being utilized by the Indiana bat.

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 tipples, 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 from DAML, all of the project area has been impacted by items 1 - 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.

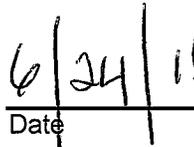
Under a 2005 agreement with the DOW Floodplain Management Section (FMS) of the Water Resources Branch, DOW authorized DAML to apply DOW floodplain standards in lieu of a DOW review. In this

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 only the Timothy Hall project does impact a floodplain and will require a floodplain permit; no WQC is required for this site. DAML also determined the remaining sites for this project (Keith Griffin, Bill Francis and Delmas Bolen sties do not impact stream, wetland, or floodplain that requires a 401 WQC, a 404 CWA permit, or a DOW floodplain permit. DAML notes in their ATP letter that they will request a copy of all necessary permits and construction will not begin until all have been received.



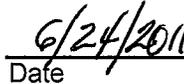
OSM Environmental Reviewer
AML Program Specialist



Date



Joseph L. Blackburn
Field Office Director



Date

Miller, Corey T.

Subject: FW: ATP Transmittal: Timothy Hall Group ATP, Knott County
Attachments: FONSI Timothy Hall Group.pdf; LFO Review Memo.pdf; ATP Notification.pdf

From: Miller, Corey T.
Sent: Friday, June 24, 2011 3:56 PM
To: 'Steve Hohmann (steve.hohmann@ky.gov)'
Cc: carl.campbell@ky.gov; mark.meade@ky.gov; Bill.Overman@ky.gov; Howell, Ryan (EEC); Train, Shannon (EEC); Rickwa, Vanna (EEC); Blackburn, Joseph L. "Joe"; Smith, Gail; Turner, Samuel R. "Sam"; Francis, Gary D.; Edwards, Chester L. "Chet"; Holliday, James "Jim"; Cassel, Steven R. "Steve"; Estes, Loren A.
Subject: ATP Transmittal: Timothy Hall Group ATP, Knott County

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

A pre-approval field inspection of the proposed project was deemed unnecessary, since no unique characteristics warranting special field verification were noted and it wasn't selected for field verification under the EY 2011 Oversight Agreement.

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

- Please note that tree removal pertains to the purposeful removal of standing trees larger than 5 inches diameter at breast height or standing snags with loose bark that are 9 inch or greater diameter at breast height and at least 10 feet in height. If tree removal is needed in these areas it will only take place between October 15 and March 31, or a habitat assessment or a presence/absence survey will be required.
- As determined by DAML staff, a floodplain encroachment permit to "Construct Across or Along a Stream" must be applied for and obtained prior to commencement of construction activity at the Timothy Hall site. Please ensure compliance with the permit(s) throughout the life of the project.
- OSM requests copies of any applications for permits/certifications and approval documents required for the construction of this project that were not submitted with the original ATP. This information is needed by OSM to perform oversight and monitor compliance with the NEPA.

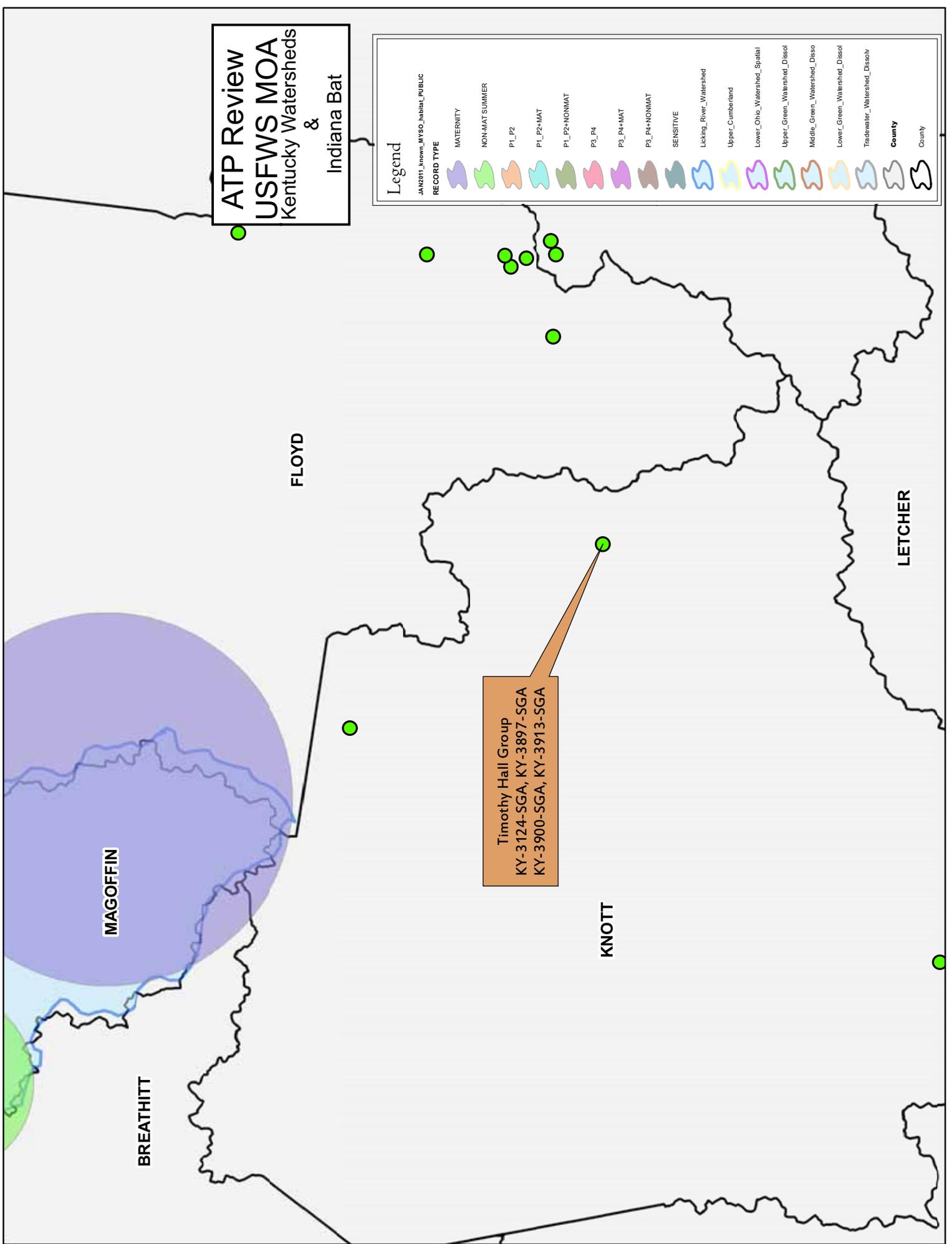
The OSM Lexington Field Office Director has signed an ATP notice and a Finding of No Significant Impact. A copy of each of these documents and the LFO review memorandum are scanned into the attachment to this email for your information and use. Mr. Carl Campbell, Commissioner, Department for Natural Resources has been notified of this authorization by receiving a copy of this email.

Any questions concerning this ATP or the procedures can be addressed to Corey Miller at 859-260-3916 or Gail Smith at (859) 260-3908. Thank you.

**ATP Review
USFWS MOA
Kentucky Watersheds
&
Indiana Bat**

Legend

JAN2011_known_MY80_habitat_PUBLIC	MATERNITY
RECORD TYPE	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
	County
	County





Corey Miller <ctmsbc@gmail.com>

ATP Request Package for Timothy Hall Group AML Reclamation Project (Knott County)

Bill Overman <kyaml2008@gmail.com>

Thu, Jun 9, 2011 at 11:15 AM

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

Please see attached ATP request package for the Timothy Hall Group AML Reclamation Project. Respond accordingly.

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

PLEASE NOTE THAT THERE WILL BE FOUR GMAILS. WE HAD TO DIVIDE THE ATTACHMENT INTO FOUR PIECES.

Thanks,

Vanna Rickwa
Abandoned Mine Lands
Frankfort, KY
[502-564-2141](tel:502-564-2141)

**Timothy Hall Group - ATP request - Part II.pdf**

24305K



ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR NATURAL RESOURCES

Division of Abandoned Mine Lands

2521 Lawrenceburg Road
Frankfort, Kentucky 40601
www.ky.gov

Steven L. Beshear
Governor

Leonard K. Peters
Secretary

Carl E. Campbell
Commissioner

June 8, 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: Timothy Hall Group AML Reclamation Project (Knott County)

Dear Mr. Blackburn:

We are requesting "Authorization to Proceed" with site-specific construction activities on the referenced project, as described in the enclosed package. Enclosed are a project description, location map, and problem area description (PAD) supplemental forms, including a problem description and an engineer cost estimate, for the above-referenced project. The PAD's for problem area #'s KY 3124 SGA, KY 3897 SGA, KY 3900 SGA and KY 3913 SGA have been prepared and entered into the e-AMLIS by the division. An eligibility determination that finds the proposed project eligible for AML funding has been reviewed and signed by the Office of Legal Services. Support documents for the PAD and the eligibility determination will be made available to you upon request. Also, enclosed is an Environmental Assessment, with two agency consultation response documents and two DAML consultation documents attached. The Kentucky Heritage Council was not contacted, as the project sites have all 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 (USESA), are known to exist within ten miles of the project site. The species noted in the search is the Eastern waterleaf (*Hydrophyllum virginianum*). As described in the attached memo, dated April 28, 2011, this species should not be negatively impacted.

Although, the entire state of Kentucky has been declared to be potential Indiana Bat habitat, all mine openings that present potential bat habitat will be closed with wildlife closures; and the majority of the construction activities associated with this project will occur within residential yards, agricultural fields, or landslide areas, and will not present a threat to any potential Indiana bat habitat. However, the removal of select

trees at the Bolen site, as well as any incidental clearing of trees over 5" dbh at other sites, should be conducted between October 15 and March 31, while *M. sodalis* are residing within hibernacula. Alternatively, a bat survey could be conducted at the Bolen site in order to determine whether or not any potential summer habitat to be disturbed by the project is being utilized by this USESA Endangered 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 the Timothy Hall site will require a floodplain permit. No other floodplain permits, WQC, or COE permits will be required. This division is applying for all necessary permits, and construction will not start until they have been received. 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 \$499,601.00, exclusive of "in-house" personnel costs associated with project administration, design, support, surveying, and bid activities. Completion of the project will not require the acquisition of any land and will not significantly affect the potential recovery of residual coal reserves at the sites. The principal benefits to be derived from the successful completion of the project are the elimination of abandoned mine lands problems as described in the attached project description.

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

Sincerely,



Steve Hohmann, Director
Division of Abandoned Mine Lands

SH:BO:RH:vr

Enclosures

Timothy Hall Group
Abandoned Mine Lands (AML) Reclamation Project
Knott County, Kentucky
Handshoe and Kite Quadrangles

Project Description

The proposed project (4.0 acres total) consists of four sites in the vicinity of Mousie (the Bolen, Francis and Griffith sites) and Top Most (the Hall site and waste area), in Knott County. The project area is centrally located at the Timothy Hall site at Latitude N37° 21' 30" and Longitude W82° 47' 22" on the United States Geological Survey (USGS) 7.5' Kite 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 **Timothy Hall site** is located off KY 7 along Dry Creek, in Floyd County (Latitude: N37° 21' 30", Longitude: W82° 47' 22"). AML plans to construct a reinforced concrete wall to address a landslide in conjunction with drains that will collect water from behind the home and channel the flow into Dry Creek. Trees in the immediate slide area may be removed. A low water crossing will be constructed to access the work area.

The **Hall Waste Area** is approximately 2.0 miles north of the Timothy Hall site along KY 7 (Latitude N37° 22' 25.7, W82° 47' 7.9"). The waste area is a large open field along the highway with no trees. Access to the waste area is via an existing driveway.

The **Keith Griffith site** is located along KY 550 approximately 1.2 miles south of the Bill Francis site (Latitude: N37° 23' 24", Longitude: W82° 52' 49, 1"). AML plans to close three open portals by hand with wildlife closures. The wildlife closure consists of: a 36" high density polyethylene pipe (HDPE) with re-bars and polyurethane foam covered with grout and onsite materials. Access to this site is via an existing driveway. No tree removal should be necessary.

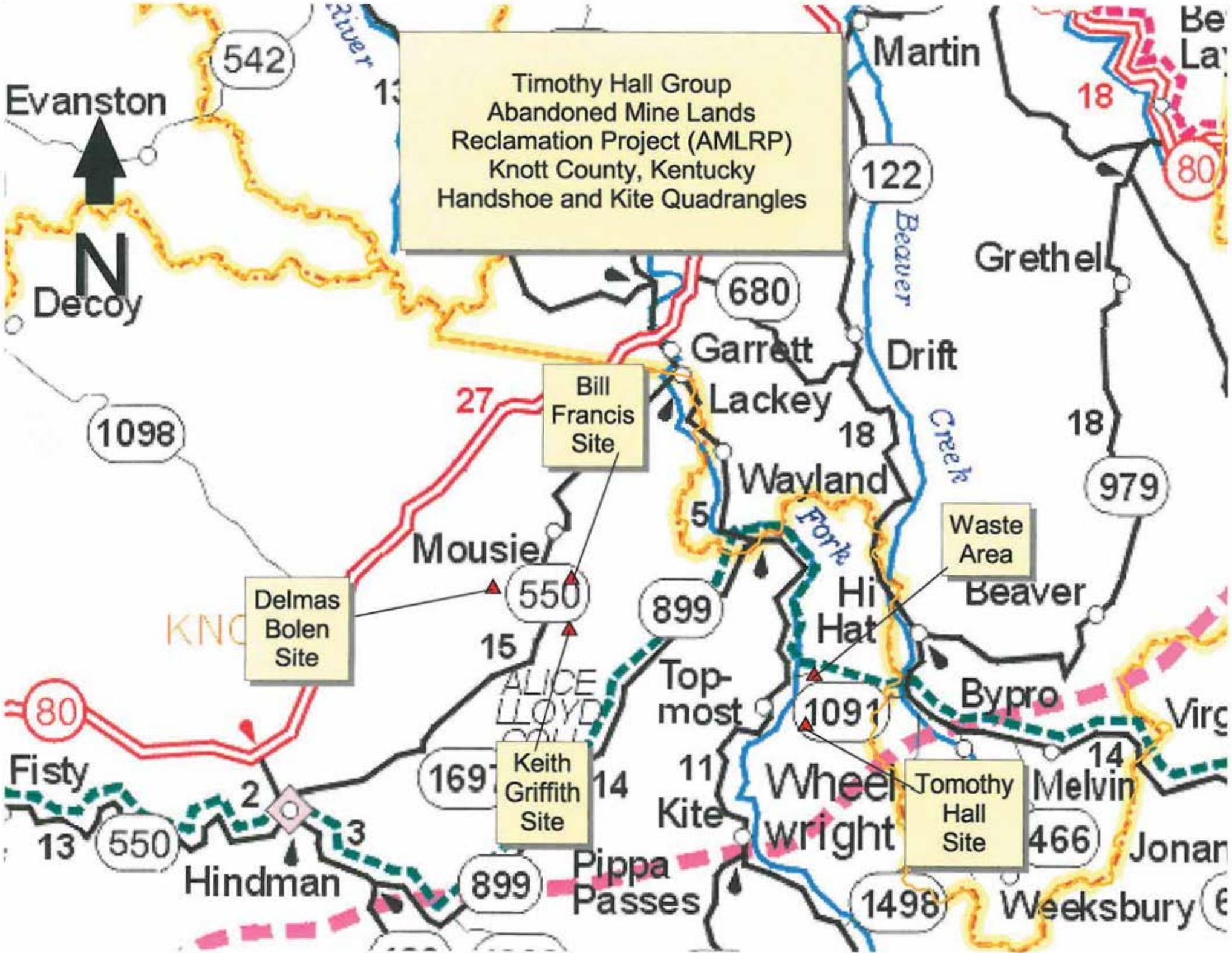
The **Bill Francis site** is located south of Mousie along KY 550 (Latitude: N37° 24' 19.8", Longitude: W82° 52' 43.7"). AML plans to close three open portals with wildlife closures. The wildlife closures consist of: a 24" high density polyethylene pipe (HDPE) with re-bars and polyurethane foam covered with grout and onsite materials. Trees in the immediate area will need to be removed to access the mine openings. Access to this site is via a short paved driveway and along an existing mine access road.

The **Delmas Bolen site** is located approximately 2.0 miles west of Mousie, KY, off of highway KY 1087 (Latitude: N37° 24' 12.5", Longitude: W82° 54' 33.8"). AML plans to open a collapsed portal and install an 8" HDPE pipe to provide an outlet for the portal and install a sub drain and surface ditch to three other collapsed portals. All drainage will be directed to a gabion ditch and it will be directed to the nearby stream channel. Any waste generated will be disposed at the northern end of the bench in the

area of the fourth collapsed portal. An access route from the county road up to the mine bench will be constructed through a residentially maintained yard and connect to an existing access road. Several trees will need to be removed to establish this access road.

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 located approximately 0.3 miles from the intersection KY 805 and Ramey Fork. The project sites have been previously disturbed by coal mining, residential activities, utility installation, 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 area.



Timothy Hall Group
Abandoned Mine Lands
Reclamation Project (AMLRP)
Knott County, Kentucky
Handshoe and Kite Quadrangles

Bill Francis Site

Delmas Bolen Site

Keith Griffith Site

Tomothy Hall Site

Waste Area

Evanston
Decoy
N
↑

1098

542

122

680

18

80

Garrett

Lackey

Wayland

Hi Hat

Mousie

550

899

Topmost

Wheelwright

Bypro

Melvin

Virg

Fisty

550

Hindman

169

899

Pippa Passes

1498

466

Jonan

Weeksbury

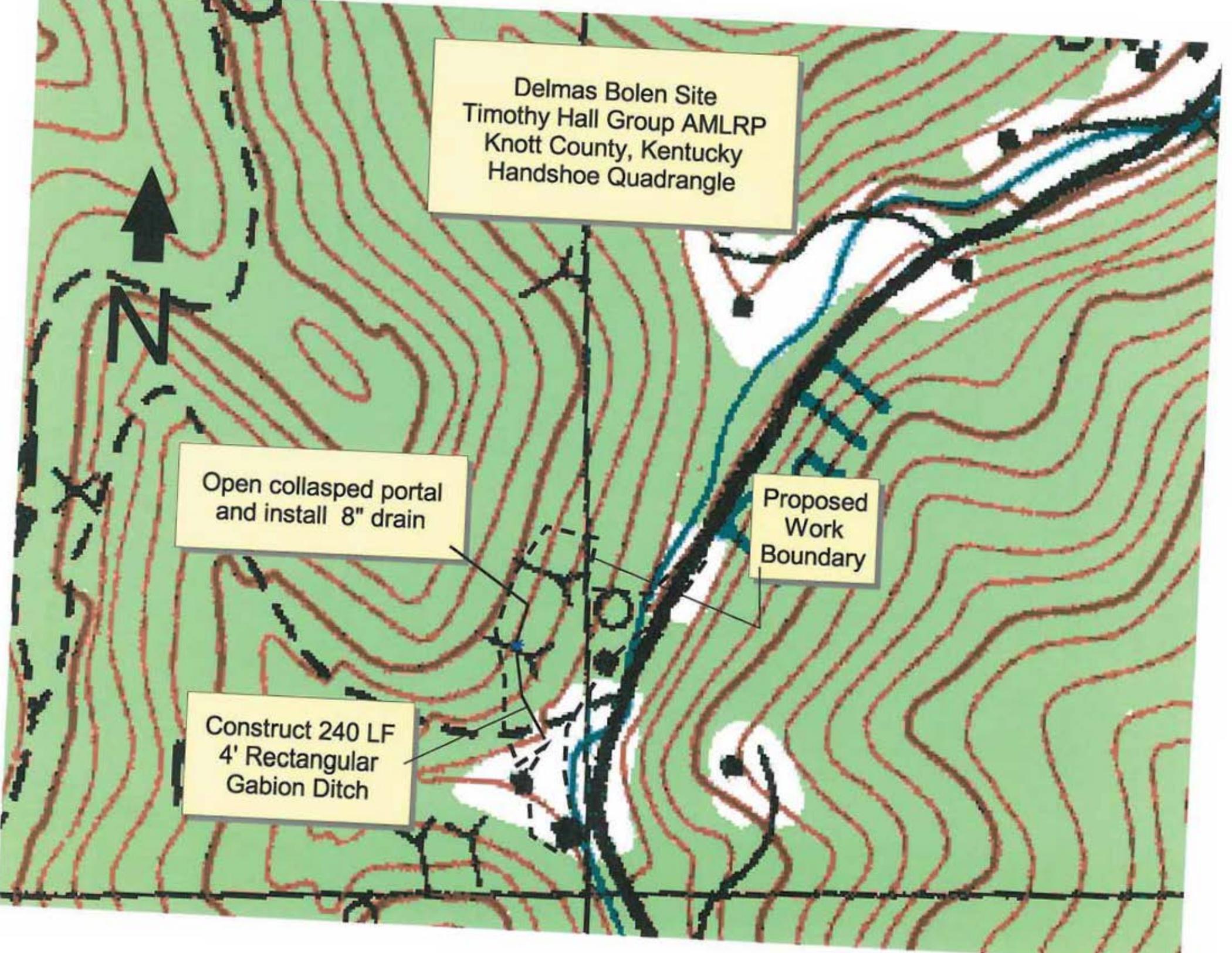
Delmas Bolen Site
Timothy Hall Group AMLRP
Knott County, Kentucky
Handshoe Quadrangle

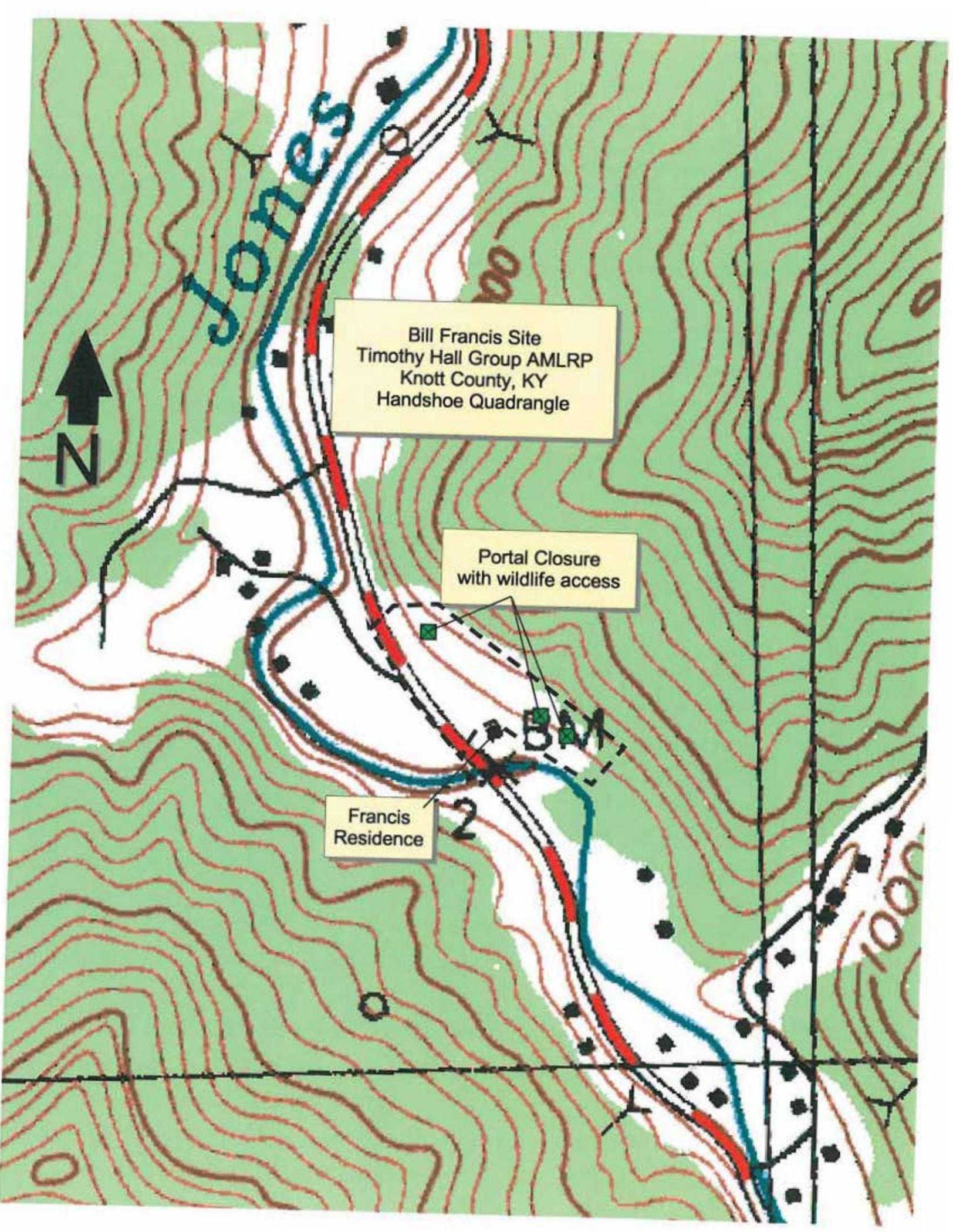


Open collapsed portal
and install 8" drain

Proposed
Work
Boundary

Construct 240 LF
4' Rectangular
Gabion Ditch





Jones



Bill Francis Site
Timothy Hall Group AMLRP
Knott County, KY
Handshoe Quadrangle

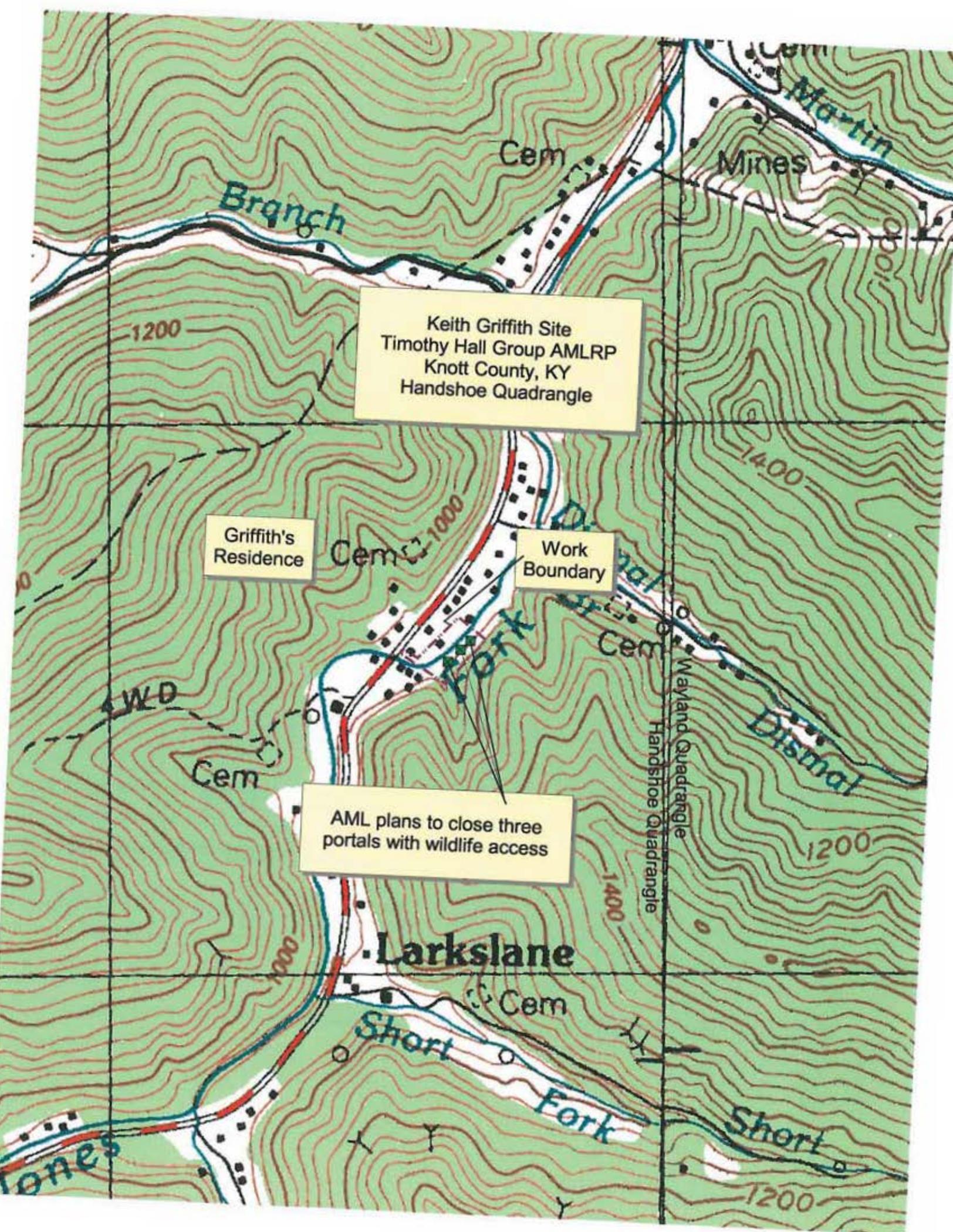
Portal Closure
with wildlife access

Francis
Residence

2

BAM

10000



Keith Griffith Site
Timothy Hall Group AMLRP
Knott County, KY
Handshoe Quadrangle

Griffith's
Residence

Work
Boundary

AML plans to close three
portals with wildlife access

1200

1400

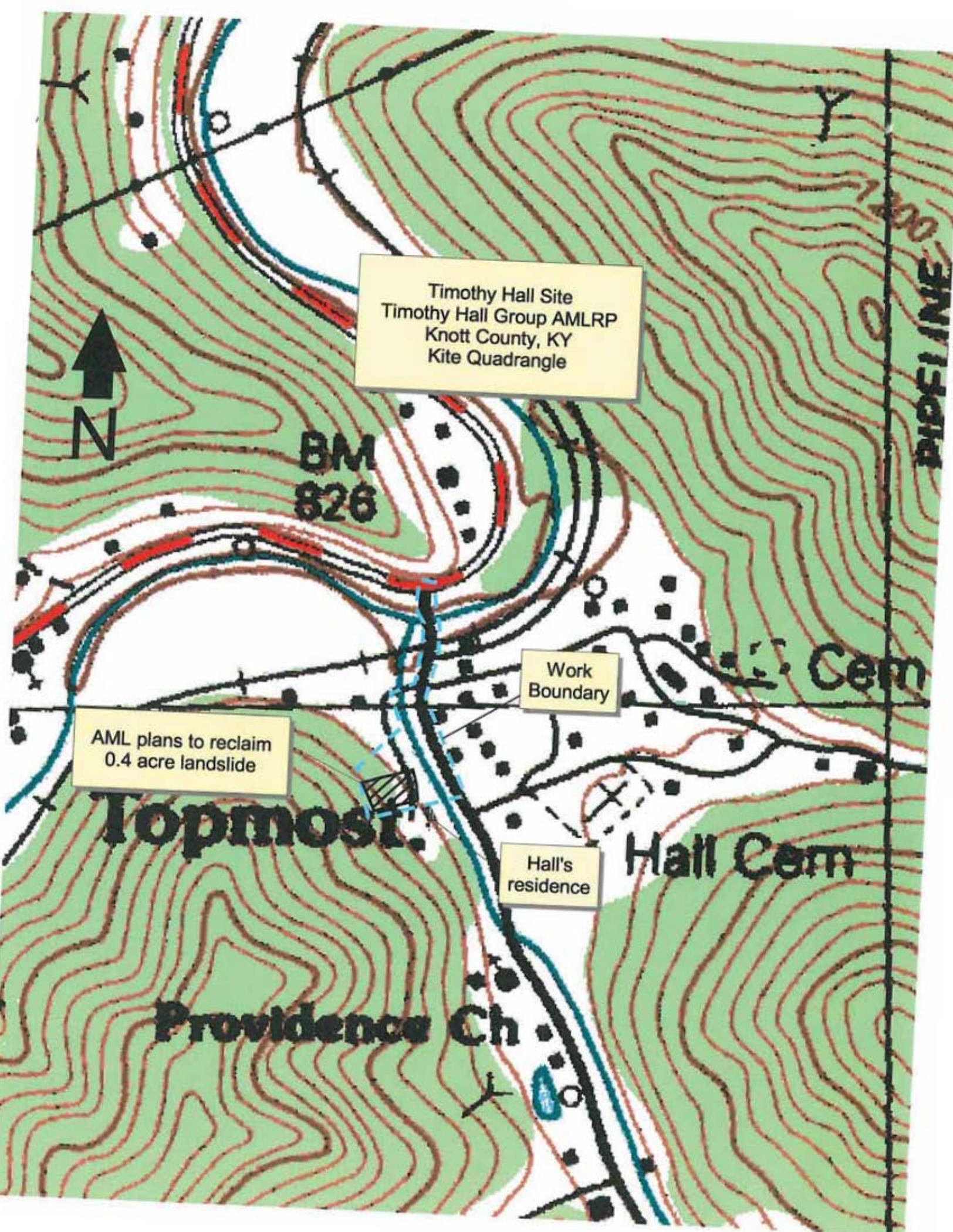
1000

1200

1400

1000

1200



Timothy Hall Site
Timothy Hall Group AMLRP
Knott County, KY
Kite Quadrangle



BM
826

AML plans to reclaim
0.4 acre landslide

Work
Boundary

Hall's
residence

Cem

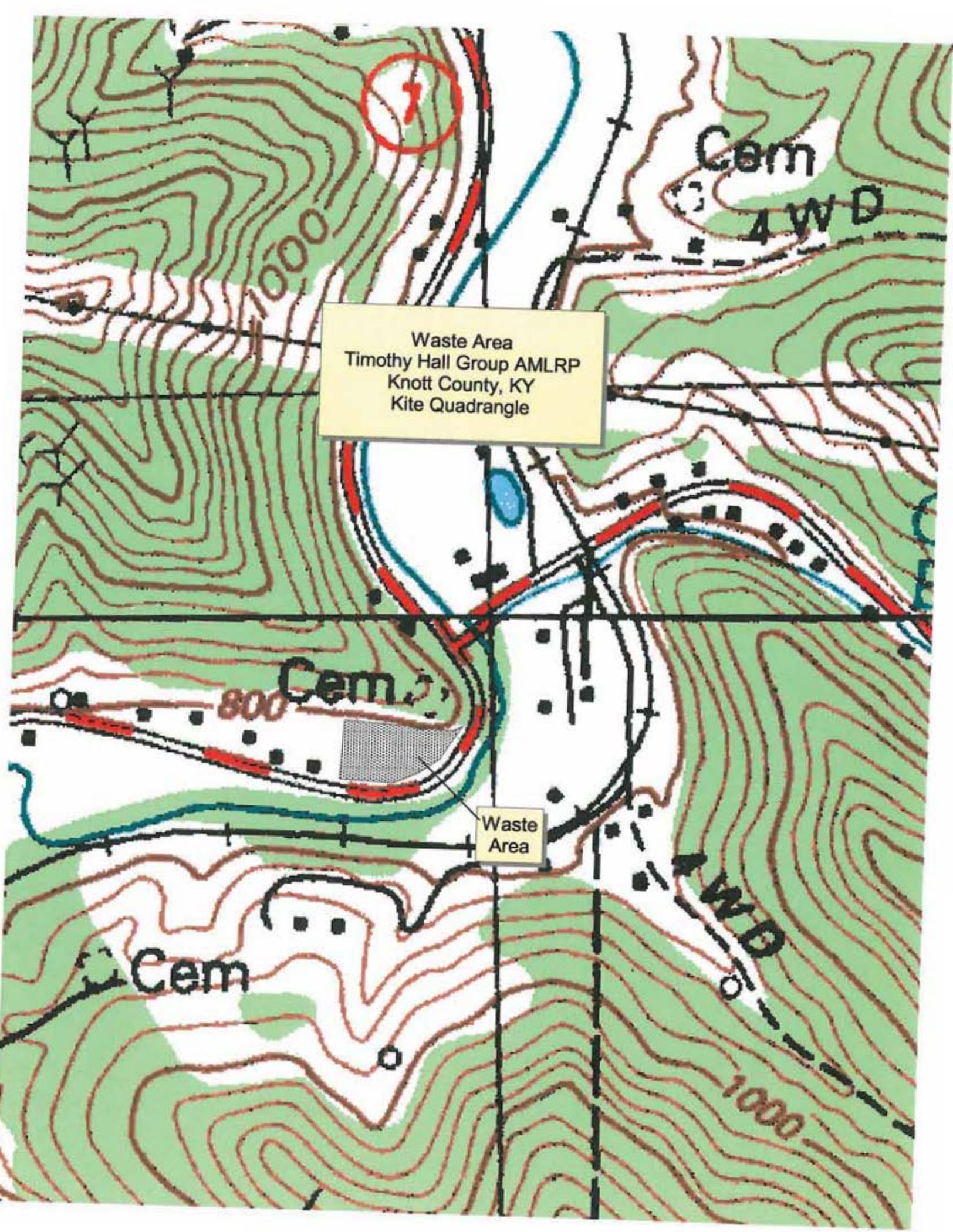
Hall Cem

Topmost

Providence Ch

PIPELINE

Waste Area
Timothy Hall Group AMLRP
Knott County, KY
Kite Quadrangle



Timothy Hall Group AML Reclamation Project

ENVIRONMENTAL ASSESSMENT

A. Description of the Proposed Action:

The Kentucky Division of Abandoned Mine Lands (AML) proposed project (approximately 4.0 acres total) consists of the closing of 7 mine openings with wildlife access and the reclamation of one landslide at 4 different sites in Knott County, KY. This environmental assessment is required because the Timothy Hall site will require a WQC and some trees will need to be removed at the Griffith and Francis sites. Two state agencies and two state agency databases were consulted - the response letters and memorandums regarding the database search results are enclosed.

B. Need for the Proposed Action:

The project as described in the project description is needed to abate the dangers of the landslide and mine openings for citizens living in the area. The landslide is an environmental threat and source of stream pollution in Dry Fork. The proposed project will mitigate problems rated as Priority 1. The problems are further described in the description for national AML inventory problem area(s) # KY 3124-SGA, KY 3897 – SGA, KY 3900-SGA and KY 3913-SGA.

C. Alternatives Considered:

- Reclaim the environmental damages and hazards to human safety caused by pre-law mining features.
- Take no action, allowing the human health hazards to continue.

C.1. Preferred Alternative:

The proposed project (4.0 acres total) consists of closing of 7 mine openings with wildlife access at three sites and the reclamation of one landslide at one site:

The Timothy Hall site is located off KY 7 along Dry Creek, in Knott County (Latitude: N37° 21' 30", Longitude: W82° 47' 22"). AML plans to construct a reinforced concrete wall to address a landslide in conjunction with drains that will collect water from behind the home and channel the flow into Dry Creek. Trees in the immediate slide area may be removed. A low water crossing will be constructed to access the work area.

The Hall Waste Area is approximately 2.0 miles north of the Timothy Hall site along KY 7 (Latitude N37° 22' 25.7, W82° 47' 7.9"). The waste area is a large open field along the highway with no trees. Access to the waste area is via an existing driveway.

The Keith Griffith site is located along KY 550 approximately 1.2 miles south of the Bill Francis site (Latitude: N37° 23' 24", Longitude: W82° 52' 49.1"). AML plans to close three open portals with wildlife closures. The wildlife closure consists of: a 36" high density polyethylene pipe (HDPE) with re-bars and polyurethane foam covered with grout and onsite materials. Access to this site is via an existing driveway. Trees in the immediate area will need to be removed to access the mine openings.

The Bill Francis site is located south of Mousie along KY 550 (Latitude: N37° 24' 19.8", Longitude: W82° 52' 43.7"). AML plans to close three open portals with wildlife closures. The wildlife closure consists of: a 24" high density polyethylene pipe (HDPE) with re-bars and polyurethane foam covered with grout and onsite materials. Trees in the immediate area will need to be removed to access the mine openings. Access to this site is via a short paved driveway.

The Delmas Bolen site is located approximately 2.0 miles west of Mousie, KY, off of highway KY 1087 (Latitude: N37° 24' 12.5", Longitude: W82° 54' 33.8"). AML plans to open a collapsed portal and install an 8" HDPE pipe to provide an outlet for the portal and install a sub drain and surface ditch to three other collapsed portals. All drainage will be directed to a gabion ditch and it will be directed to the nearby stream channel. Any waste generated will be disposed at the northern end of the bench in the area of the fourth collapsed portal. An access route from the county road up to the mine bench will be constructed and it may be necessary to remove some trees.

Access to the work areas will be via existing roads. 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 located approximately 0.3 miles from the intersection KY 805 and Ramey Fork. The project sites have been previously disturbed by coal mining, residential activities, 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 area.

C.2. No Action:

Should the Commonwealth take no action, people could be injured and residences and property could be damaged from abandoned mine land problems.

D. Affected Environment:

D.1. General Setting:

The predominant land uses in the vicinity are residential, commercial (small businesses), agricultural, and forestland. Second growth, unmanaged upland hardwood forest, coal mines and natural gas wells are on the steep slopes.

D.2. Affected Resources:

Resources that could, but will not, be negatively affected by the proposed project include:

- Historic/Cultural
- Fish and Wildlife/Plants
- Soils
- Agricultural
- Recreation
- Small Business Use
- Air Quality
- Noise
- Topography
- Other (Socioeconomic or Political)

The following agencies and databases were consulted to identify resources that may occur in the project vicinity:

- Kentucky Department of Fish and Wildlife Resources (KDFWR)
- Kentucky Division of Water (DOW) floodplain database
- Kentucky Office of State Archaeology (OSA)
- Kentucky State Nature Preserves Commission (KSNPC) database

E. Environmental Impacts of the Proposed Alternative:

The following resources will not be significantly impacted by reclamation activities using the preferred alternative:

- Historic/Cultural Resources
- Fish and Wildlife/Plants
- Soils
- Agricultural
- Recreation
- Small Business Use
- Air Quality
- Noise
- Topography

- Other (Socioeconomic or Political)

The proposed project will not adversely impact low income or minority persons. Due to the constructing of a low-water crossing, hydrology will be discussed. Due to the possible occurrence of one monitored species within the project area, fish and wildlife/plants will be discussed.

E.1.a. Hydrology:

A formulated erosion, sediment, and drainage control plan will be implemented during construction, to minimize sedimentation of receiving streams. This plan includes hay-bale silt checks, silt fences, road culverts, surface ditches and prompt revegetation of disturbed areas. The completed project will provide non-eroding drainage controls. The project will also provide a vigorous, complete cover of perennial vegetation, which will result in less stream sedimentation after project construction. All drainage controls will be implemented throughout the life of the project. Therefore, the hydrology of the project areas and downstream areas will suffer no long-term negative impacts due to construction of this project.

The database for water quality certification (WQC) and floodplain review researched by AML staff revealed that the Timothy Hall site will require a floodplain permit. The Keith Griffith, Bill Francis and Delmas Bolen sites and the waste area will not require a WQC, Corp of Engineers or floodplain permit(s). This division is applying for all necessary permits and construction will not start until they have been received.

E.1.b. Fish and Wildlife/Plants

The KSNPC database researched by AML staff revealed that no known federally listed threatened and endangered species are known to exist within ten miles of the project sites, and one species of state concern monitored by the KSNPC occur within a 1-mile radius of the project sites. The species noted in the search is the:

- Eastern waterleaf (*Hydrophyllum virginianum*- KSNPC Threatened)

None of the proposed construction activities at the Griffith, Francis or Bolen sites involves direct disturbance of any perennial or intermittent streams. Stringent erosion and sediment controls implemented throughout the life of the project will prevent significant amounts of sediment from escaping work areas and entering area streams. The work to be conducted at the Hall site consists of constructing a concrete retaining wall and drainage ditches for the stabilization of a landslide and a low-water crossing will require a floodplain permit. The preferred habitats of the eastern waterleaf consist of rich moist woods, ravine bottoms, bluff bases, stream valleys and floodplains. While the slide area is quite moist, it is in a state of constant disturbance, and does not present good conditions for the growth of this plant. The residential yard is subjected to heavy traffic, frequent mowing and herbicide treatments also does not represent suitable habitat for this species. Since no critical habitats for this species will be disturbed by this project, the

Eastern waterleaf will not suffer a negative impact due to construction of this project. The nearest Indiana bat record to the project area is approximately 10.3 miles from the Bolen, Francis, and Griffith sites. All Indiana bat records within 20 miles of the project sites are classed as "summer mist net records", which implies either males or non-lactating females. No confirmed hibernacula or maternity colonies are located within 20 miles of the project site, and the project site is not within an area of known Indiana bat habitat, as defined by the United States Fish and Wildlife Service (USFWS). The majority construction activities associated with this project will occur within residential yards, agricultural fields or landslide areas, and will not present a threat to any potential Indiana bat habitat.

E.1.c. Archaeology:

The Kentucky Heritage Council (KHC) was not contacted, as the sites in this project were determined to be exempt under the Programmatic Agreement between KHC and AML due to previous disturbances 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.

E.1.d. Cumulative Environmental Impact:

No significant environmental impacts should occur as a result of construction of the preferred alternative in the watersheds where the proposed construction sites are located. While numerous AML reclamation projects have been constructed within the Right Fork Beaver Creek drainage basin, each has been found through the NEPA process to have no significant impact upon the environment. Therefore, as neither previous projects nor the proposed alternative will have any significant impact upon the environment within the watershed, there will be no cumulative impact as a result of the construction of this proposed AML project.

E.2. No Action Alternative:

E.2.a. Hydrology:

Existing hydrologic conditions would remain unchanged with the no-action alternative.

E.2.b. Fish and Wildlife/Plants:

Existing plant and animal species would remain unchanged with the no-action alternative.

E.2.c. Archaeology:

Potential archaeological resources would remain unchanged with the no-action alternative.

F. Summary:

The Commonwealth considered two reclamation options:

1. Reclaim health hazards from pre-law mining.
2. Take no action.

The first option was selected due to its overall advantages.

G. Consultations:

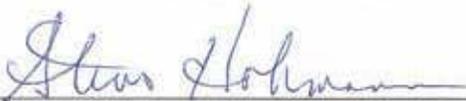
The following agencies and databases were consulted prior to preparation of this document:

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

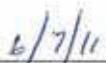
H. Preparers/Reviewers:

Kentucky Division of Abandoned Mine Lands Personnel:

- Jesse K. Moore, Environmental Technologist III
- Ed Boone, Staff Biologist
- Keith Coleman, Staff Biologist
- Ryan Howell, Environmental Control Supervisor
- Bill Overman, Program Development Branch Manager



Steve Hohmann, Director



Date



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

May 26, 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: Timothy Hall Group AML Reclamation Project (Knott County)

Dear Mr. Hohmann:

Concerning the above referenced project, I have reviewed the Office of State Archaeology files to determine if any prehistoric or historic 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 initial 'G'.

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

Howell, Ryan (EEC)

From: Hall, Samantha (EEC)
Sent: Thursday, April 28, 2011 6:47 AM
To: Rickwa, Vanna (EEC)
Cc: Howell, Ryan (EEC); Moore, Jesse (EEC); Overman, Bill (EEC)
Subject: RE: Request for floodplain and WQC review for Timothy Hall Group AMLRP

After reviewing the maps and description for the Timothy Hall Group AMLRP, I have determined that the Timothy Hall Site will require a floodplain permit. I have informed DNR of the project, no WQC will be required. The Keith Griffin site, Bill Francis site, Delmas Bolen site and the Waste Area do not require a floodplain, WQC or COE permit.

From: Rickwa, Vanna (EEC)
Sent: Wednesday, April 27, 2011 12:58 PM
To: Hall, Samantha (EEC)
Cc: Howell, Ryan (EEC); Moore, Jesse (EEC)
Subject: Request for floodplain and WQC review for Timothy Hall Group AMLRP

Please see the attached project description and maps for the Timothy Hall Group AMLRP.

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

Thanks,

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



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

Steven L. Beshear
Governor

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

Marcheta Sparrow
Secretary

Dr. Jonathan W. Gasset
Commissioner

28 April 2011

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

RE: Timothy Hall Group AML Reclamation Project (Knott County)

Dear Mr. Hohmann:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for information pertaining to the subject project. The Kentucky Fish and Wildlife Information System indicates that the federally-endangered Blackside Dace (*Chrosomus Cumberlandensis*) is known to occur within 10 miles of the Timothy Hall site and Waste Area. No federally-listed species are known to occur near the Keith Griffith, Bill Francis, or the Delmas Bolen sites. The state-listed American Black Bear (*Ursus americanus*) and Common Raven (*Corvus corvax*) are known to occur within one mile of the Delmas Bolen Site. No state-listed species are known to occur within one mile of the Bill Francis, Keith Griffith, or Timothy Hall sites and waste area. 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

Howell, Ryan (EEC)

From: Hall, Samantha (EEC)
Sent: Thursday, April 28, 2011 6:47 AM
To: Rickwa, Vanna (EEC)
Cc: Howell, Ryan (EEC); Moore, Jesse (EEC); Overman, Bill (EEC)
Subject: RE: Request for floodplain and WQC review for Timothy Hall Group AMLRP

After reviewing the maps and description for the Timothy Hall Group AMLRP, I have determined that the Timothy Hall Site will require a floodplain permit. I have informed DNR of the project, no WQC will be required. The Keith Griffin site, Bill Francis site, Delmas Bolen site and the Waste Area do not require a floodplain, WQC or COE permit.

From: Rickwa, Vanna (EEC)
Sent: Wednesday, April 27, 2011 12:58 PM
To: Hall, Samantha (EEC)
Cc: Howell, Ryan (EEC); Moore, Jesse (EEC)
Subject: Request for floodplain and WQC review for Timothy Hall Group AMLRP

Please see the attached project description and maps for the Timothy Hall Group AMLRP.

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

Thanks,

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



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

Steven L. Beshear
Governor

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

Marcheta Sparrow
Secretary

Dr. Jonathan W. Gasset
Commissioner

28 April 2011

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

RE: Timothy Hall Group AML Reclamation Project (Knott County)

Dear Mr. Hohmann:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for information pertaining to the subject project. The Kentucky Fish and Wildlife Information System indicates that the federally-endangered Blackside Dace (*Chrosomus Cumberlandensis*) is known to occur within 10 miles of the Timothy Hall site and Waste Area. No federally-listed species are known to occur near the Keith Griffith, Bill Francis, or the Delmas Bolen sites. The state-listed American Black Bear (*Ursus americanus*) and Common Raven (*Corvus corvax*) are known to occur within one mile of the Delmas Bolen Site. No state-listed species are known to occur within one mile of the Bill Francis, Keith Griffith, or Timothy Hall sites and waste area. 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: Timothy Hall Group AML Reclamation Project file

From: Edwin A. Boone, Jr., Environmental Scientist II, Project Management Branch, Staff Biologist

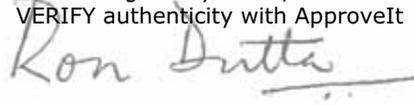
E-Signed by boone
VERIFY authenticity with ApproveIt



A rectangular box containing the text "E-Signed by boone" and "VERIFY authenticity with ApproveIt" at the top. Below the text is a handwritten signature in cursive that reads "Edwin A. Boone, Jr.". In the top right corner of the box is a small yellow square icon with a question mark.

Through: Ron Dutta, Branch Manager, Project Management

E-Signed by Dutta, Ron
VERIFY authenticity with ApproveIt



A rectangular box containing the text "E-Signed by Dutta, Ron" and "VERIFY authenticity with ApproveIt" at the top. Below the text is a handwritten signature in cursive that reads "Ron Dutta". In the top right corner of the box is a small yellow square icon with a question mark.

Re: Results of Kentucky State Nature Preserves Commission (KSNPC) database search

Date: April 28, 2011

On Thursday, April 28, 2011, a search of the KSNPC database was conducted 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 sites 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. Two sets of searches were conducted. One was for the Hall site and its associated waste earth fill area. The second set was for the Bolen, Francis, and Griffith sites. The searches for Hall site revealed that one species of state concern that is 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 sites. The species noted in the search was:

- Eastern waterleaf (*Hydrophyllum virginianum* – KSNPC Threatened)

The work to be conducted at the Hall site of this project consists of the construction of a concrete retaining wall and drainage ditches for the stabilization of a landslide. A low-water crossing to allow heavy equipment access to the site will be necessary.

The preferred habitats of the eastern waterleaf consist of rich moist woods, ravine bottoms, bluff bases, stream valleys and flood plains. The Hall site consists of a landslide area and a residential yard.

While the slide area is quite moist, it is in a state of constant disturbance, and does not present good conditions for the growth of this plant. The residential yard is subjected to heavy traffic, frequent mowing, and herbicide treatments, and also does not represent suitable habitat for this species. The waste earth fill area consists of an open field, which is vegetated by grasses and coarse weeds and subjected to periodic mowing, and would present an adverse environment for the eastern waterleaf. Therefore, construction at the Hall site and the waste earth fill area will not present a significant threat to *Hydrophyllum virginianum*.

The set of searches conducted for the Bolen, Francis and Griffith sites revealed no species of state concern that are monitored by the KSNPC are known to occur within one mile, and that no federally listed threatened and endangered species are known to exist within ten miles of the project sites.

The nearest Indiana bat record to the project area is approximately 10.3 miles from the Bolen, Francis, and Griffith sites. All Indiana bat records within 20 miles of the project sites are classed as “summer mist net records”, which implies either males or non-lactating females. No confirmed hibernacula or maternity colonies are located within 20 miles of the project site, and the project site is not within an area of known Indiana bat habitat, as defined by the USFWS. The majority construction activities associated with this project will occur within residential yards, agricultural fields or landslide areas, and will not present a threat to any potential Indiana bat habitat. However, the removal of select trees at the Bolen site, as well as any incidental clearing of the trees over 5” dbh at other sites should be conducted between October 15 and March 31, while *M. sodalis* are residing within hibernacula. Alternatively, a bat survey could be conducted at the Bolen site in order to determine whether or not any potential summer habitat to be disturbed by the project is being utilized by this USESA Endangered species.