

Authorization to Proceed (ATP)
Turner, Moore, and Davis Abandoned Mine Land (AML) Reclamation Project
based on Finding of No Significant Impact (FONSI)
Floyd County, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the June 14, 2011, request for ATP with construction activity on the Turner, Moore, and Davis AML Reclamation project, prepared by the Division of Abandoned Mine Lands (DAML) of the Kentucky Department for Natural Resources. OSM found that the appropriate request documents were submitted and appear to support the need for the proposed construction activity. The information to enter new and update AMLIS Problem Area (PA) #'s KY-003686-SGA, KY-003714-SGA, and KY-004011-SGA was submitted by DAML for OSM review and approval prior to submission of the ATP request package. OSM confirmed that the required information for this project has been included in the AML Inventory System. A FOD approval form was not prepared for PA# KY-004011-SGA, since the new e-AMLIS is operational, with electronic OSM FOD approval, which eliminated the need for the FOD approval form. The e-AMLIS file indicated the PAD had been approved on June 13, 2011.

OSM thoroughly reviewed the environmental assessment (EA) prepared by DAML for 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 this project. Please ensure compliance with the following provisions in the ATP request documents noted here for emphasis or the authorization of this project is further conditioned as follows:

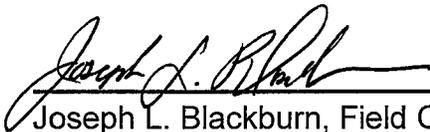
- Tree removal is not authorized under this project during any time of the year for Site 4 (Davis Site) and Waste Area 2 (since these project areas fall within a U.S. Fish and Wildlife Service (USFWS) buffered, known habitat area) unless further direct consultation with the United States Fish and Wildlife Service (USFWS) produces approval from the USFWS of what activity may be conducted and any mitigation requirements. OSM must be notified of any subsequent consultation with the USFWS and mitigation requirements, prior to any tree removal at these sites.

The DAML project request notes that no tree removal is proposed/anticipated at this time outside the AML problem areas for Sites 1, 2, 3, and Waste Area 1, but that 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.

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.

- 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 Sites 2 and 3, and Waste Area 1. Please ensure compliance with the permit(s) throughout the life of the project.
- All waste material placed at Waste Area 2 must be kept 60 feet from the top of the stream bank, otherwise construction activity at this portion of the project would need to be ceased till a floodplain encroachment permit to "Construct Across or Along a Stream" is applied for and obtained, as indicated by DAML's Design Branch.

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



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

6/24/2011
Date

Cassel, Steven R. "Steve"

From: Cassel, Steven R. "Steve"
Sent: Friday, June 24, 2011 2:38 PM
To: 'Steve Hohmann (steve.hohmann@ky.gov)'
Cc: 'carl.campbell@ky.gov'; 'mark.meade@ky.gov'; 'Bill.Overman@ky.gov'; 'Howell, Ryan (EEC)'; 'Train, Shannon (EEC)'; Rickwa, Vanna (EEC); Blackburn, Joseph L. "Joe"; Smith, Gail; Turner, Samuel R. "Sam"; Francis, Gary D.; Edwards, Chester L. "Chet"; Holliday, James "Jim"; Miller, Corey T.; Estes, Loren A.
Subject: ATP Transmittal: Turner, Moore, and Davis ATP, Floyd County
Attachments: AR-M550N_20110624_141904.pdf

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of your June 14, 2011, request for ATP with construction activity on the Turner, Moore, and Davis 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:

- Tree removal is not authorized under this project during any time of the year for Site 4 (Davis Site) and Waste Area 2 (since these project areas fall within a U.S. Fish and Wildlife Service (USFWS) buffered, known habitat area) unless further direct consultation with the United States Fish and Wildlife Service (USFWS) produces approval from the USFWS of what activity may be conducted and any mitigation requirements. OSM must be notified of any subsequent consultation with the USFWS and mitigation requirements, prior to any tree removal at these sites.

The DAML project request notes that no tree removal is proposed/anticipated at this time outside the AML problem areas for Sites 1, 2, 3, and Waste Area 1, but that 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.

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.

- 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 Sites 2 and 3, and Waste Area 1. Please ensure compliance with the permit(s) throughout the life of the project.
- All waste material placed at Waste Area 2 must be kept 60 feet from the top of the stream bank, otherwise construction activity at this portion of the project would need to be ceased till a floodplain encroachment permit to "Construct Across or Along a Stream" is applied for and obtained, as indicated by DAML's Design Branch.

- OSM requests copies of any applications for permits/certifications and approval documents required for the construction of this project that were not submitted with the original ATP. This information is needed by OSM to perform oversight and monitor compliance with the NEPA.

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

Any questions concerning this ATP or the procedures can be addressed to Steve Cassel at 859-260-3912 or Gail Smith at (859) 260-3908. Thank you.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Turner, Moore, Davis Abandoned Mine Lands (AML) Project Floyd County, Kentucky

The Commonwealth of Kentucky submitted an Authorization to Proceed with Construction Activity (ATP) request for Federal AML grant funds to the Office of Surface Mining Reclamation and Enforcement (OSM) for this project. The ATP request consists of a request letter, Environmental Assessment (EA) with consultation correspondence, project description, location map, AML Inventory System (AMLIS) Problem Area (PA) Description forms, and other supporting enclosures. The project area may be approximately located on the David and Martin, Kentucky U.S.G.S. 7.5 minute Topographic Quadrangle maps using Site 4, the Davis Site, at 37° 33' 39" North Latitude and 82° 51' 45" West Longitude near the community of Pyramid, Kentucky. The project location, AML problems to be addressed and proposed reclamation activity/cost are also available at <http://www.osmre.gov> in the AMLIS under PA#s KY-003686-SGA, KY-003714-SGA, and KY-004011-SGA. The project involves reclamation of AML conditions consisting of closing 6 horizontal mine openings and the reclamation of four landslides at four reclamation sites and two waste areas, totaling about 17 acres.

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. To reduce impacts from the project, the recommendations made by the agencies consulted were considered and, as appropriate, incorporated into the EA prepared by DAML and/or as an element of their request for ATP with construction submitted for OSM authorization. The responses from agencies consulted for the National Environmental Policy Act (NEPA) review include the following comments and/or recommendations:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) identified one known federally threatened/endangered fish and wildlife, the Indiana bat, within a 10 mile radius of the project area. They also identified records of three state listed species of concern within 1 mile radius of the project area, to include the American black bear near Waste Area 1, which is currently a mobile home park. The designated DAML biological review staff reviewed the Kentucky State Nature Preserves Commission's (KSNPC) endangered, threatened and special concern reference databases in lieu of direct consultation. The findings are noted in the ATP request letter and an attached biological review memorandum. DAML found that KSNPC data indicated one federally listed threatened or endangered species, the Indiana bat, within a 10-mile radius and three additional species of State concern known to occur within a 1-mile radius of the project.

DAML listed and discussed each species noted above in the biological review memorandum, the EA, and 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.

In a meeting held in February 2010 between the OSM Lexington Field Office (LFO), Kentucky Field Office (KFO) in Frankfort, Kentucky, of the U.S. Fish and Wildlife Service (USFWS) and DAML; Steve Hohmann, Director of DAML, offered to coordinate NEPA consultation with the KFO, utilizing the agreements in the September 18, 2009, Memorandum of Agreement (MOA) signed by the OSM, LFO and USFWS KFO. This document outlined the acceptable conditions that the projects potential impacts can have where the KFO will not need to be further contacted for comment. When the conditions within the agreement are present, processing of the ATP may proceed with the confidence that the biological environment is being protected and provisions of Section 7 of the Endangered Species Act have been fulfilled. It was agreed to by all parties, acknowledging that LFO would retain the final review to determine if the NEPA documentation is complete.

After review of the ATP documents for this project, DAML determined that additional consultation with the USFWS is not required because the proposed project will not adversely affect a federally listed species (Federal Assistance Manual (FAM) Chapter 5-11-15, A. 3.) The project activities meet the following conditions noted in the MOA to ensure protection of federally listed species; specifically the Indiana bat, Gray bat, and freshwater fishes and mussels:

- With the exception of trees directly impacted by the AML problem, the project does not include the purposeful removal of standing trees larger than 5 inches diameter at breast height or standing snags with loose bark that are 9 inch or greater diameter at breast height and at least 10 feet in height, during the period of April 1 to October 15;

- Except for Site 4 (Davis Site) and Waste Area 2, the project activity does not occur in "Known Indiana Bat Habitat" identified on the map attached to the MOA and the GIS files provided by USFWS KFO on November 2, 2009, used to generate the map (a copy of a section of the MOA GIS layer map on which the project coordinates are located is attached to the DAML biological review memorandum as proof of this determination),

the ATP will be conditioned that tree removal is not authorized under this project during any time of the year for Site 4 (Davis Site) and Waste Area 2, unless further direct consultation with the USFWS produces approval from the USFWS of what activity may be conducted and any mitigation requirements.;

- No caves or clifflines will be disturbed;

- One of the six mine portals/shafts is collapsed, which precludes its use as bat habitat, and is proposed to be closed with a human access closure to maintain the water supply to one residence;

- The project proposes to reclaim the remaining five open mine portals/shafts with FWS accepted types of wildlife friendly gates that allow bat access, to include DAML's current standard culvert closure design (see attached plans);

- No purposeful filling or crossing of streams using heavy equipment or the removal of riparian vegetation using heavy equipment within the Tradewater, lower Ohio, upper Cumberland, Green, and Licking River basins;

- In order to avoid/reduce indirect impacts, erosion and sediment control plans will be implemented and monitored until permanent vegetation has become established in the above listed watersheds and all other watersheds as may be appropriate.

The DAML ATP request letter and biological review memorandum also note that if any removal of trees not directly impacted by the AML problem is later found to be necessary during the period April 1 to October 15, a habitat assessment or presence/absence survey will be required by qualified DAML staff.

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

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

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

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

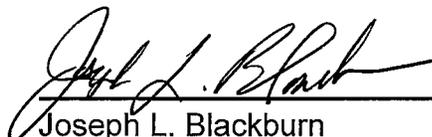
Under a 2005 agreement with the Kentucky Division of Water (DOW) Floodplain Management Section (FMS) of the Water Resources Branch, DOW authorized DAML to apply DOW floodplain standards in lieu of a DOW review. In this agreement, DAML will directly consult with DOW if it appears a permit may be required.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

DAML's Design Branch personnel researched these maps and have determined that Site 1, Site 4, and Waste Area 2 of the project are not within the base floodplain and no floodplain permits are required, as long as all material placed at Waste Area 2 is kept 60 feet from the top of the stream bank. The Design Branch also determined that the temporary low water crossing at Sites 2 and 3, and Waste Area 1 are located within a jurisdictional floodplain requiring a stream construction or WQC permits are required. The ATP will be conditioned to require that the construction activities at these sites not commence till appropriate floodplain permits are applied for and approved.



OSM Environmental Reviewer
AML Program Specialist

6-24-11
Date



Joseph L. Blackburn
Field Office Director

6/24/11
Date

Memorandum

Date: June 24, 2011

To: Turner, Moore, and Davis Abandoned Mine Land (AML) Reclamation
Project File ID# 99.111030000

From: Steve Cassel, Sr., AML Program Specialist *SC*
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 Turner, Moore, and Davis AML Reclamation Project. The Branch prepared an ATP notice and Finding of No Significant Impact (FONSI) for the FOD review. The Branch recommends that the FOD sign the FONSI and ATP notice in the space provided on each document. The original signed ATP notice will be filed in the LFO AML project construction files and a copy will be sent to the Division of Abandoned Mine Lands (DAML) Director attached to a transmittal email, with an attachment of associated approval documents, consisting of a copy of the LFO review memorandum and FONSI. Additionally, the transmittal email will be copied to the Department for Natural Resources (DNR) Commissioner.

The Kentucky DAML ATP request dated June 14, 2011, was received at LFO on June 14, 2011. The ATP was processed within 8 working days; therefore, the customer service target of 14 working days to process an ATP has been met. The ATP was processed in 10 calendar days; therefore, the Federal employee performance appraisal standard of 30 calendar days to process an ATP has been met.

The project area may be centrally located on the David and Martin, Kentucky U.S.G.S. 7.5 minute Topographic Quadrangle maps using Site 4, the Davis Site, at 37° 33' 39" North Latitude and 82° 51' 45" West Longitude near the community of Pyramid, Kentucky. The project location, AML problems to be addressed and proposed reclamation activity/cost are also available at <http://www.osmre.gov> in the AMLIS under PA#s KY-003686-SGA, KY-003714-SGA, and KY-004011-SGA. The project involves reclamation of AML conditions consisting of closing 6 horizontal mine openings and the reclamation of four landslides at four reclamation sites and two waste areas, totaling about 17 acres.

DAML did not designate a funding source for the construction work under the budget category entitled Project Costs (Non-Water Supply) of any of Kentucky's AML Annual Construction Grants (AG). In previous discussions, DNR indicated they would assign projects to a grant before they go to construction. The LFO Project/Site ID # 99.111030000 was assigned to the project file for LFO tracking purposes until actual AG and Location Code numbers are assigned by DAML and can be inserted in the appropriate positions at the beginning and end of the LFO Project #. No specific

proposed bid advertisement, bid opening, or construction completion dates were provided by DAML in the ATP request letter, therefore I inserted dates in the database based on the ATP request letter stating that these activities will occur as soon as possible. The following proposed dates were assigned and entered by LFO for database tracking purposes: Bid Advertisement Date was entered as August 1, 2011, Contract Award was entered as September 1, 2011, and Contract/Construction Completion was entered as September 1, 2012.

An office review of the request documents was conducted. The documents consisted of; a project description, location maps, a National Environmental Policy Act (NEPA) review documented in 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-003686-SGA, KY-003714-SGA, and KY-004011-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 and attachments summarized the responses from agencies consulted for the NEPA review and discussed appropriate resolution of all their concerns and recommendations. The responses from agencies consulted for the NEPA review are summarized in the FONSI prepared by OSM for the EA.

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

The information to update PA #'s KY-003686-SGA, KY-003714-SGA, and KY-004011-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 review of the AMLIS data and a PAD printout from the OSM e-AMLIS database. PAD#s KY-003686-SGA and KY-003714-SGA submitted for this ATP do not represent a "new Problem Area" after December 20, 2006, requiring FOD approval under OSM Directive AML-1-2 (signed June 22, 2007). The documentation to update AMLIS PA# KY-003714-SGA for the current project was saved in the e-AMLIS as a Word document, however the AMLIS units and cost fields

had not been updated to reflect this in either the Unfunded or Funded data fields. I contacted DAML and they entered the current acres being addressed on this PA by this project and this PA's portion of the project cost, indicated to be \$266,722, in the Funded column.

PA # KY-004011-SGA represents a "new Problem Area" requiring FOD approval under OSM Directive AML-1-2 (signed June 22, 2007). A FOD approval form was not prepared for the PA, since the new e-AMLIS is operational, with electronic OSM FOD approval, which eliminated the need for the FOD approval form. The e-AMLIS file indicated the PAD had been approved on June 13, 2011.

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

Attachments:

e-AMLIS Printouts of PA's for the project



U.S. Department of the Interior
Office of Surface Mining Reclamation and Enforcement
e-AMLIS Report

Date Prepared: **8/21/2008**Prepared By: **Ryan Howell**

Phone:

Last Modified: **6/22/2011**

Field Contact:

Phone:

AMLIS Key: **KY003714**PA Name: **FLOYD DAVIS SLIDE**PU Name: **PYRAMID**PU Number: **647**Latitude: **37.560833333333**Longitude: **-82.8625**State/Tribe: **Kentucky**County: **FLOYD**Cong Dist: **5**FIPS Code: **21071**Watershed: **LOWER LEVISA**

HUC Code:

Quadrangle: **MARTIN**Mining Type: **B**Surface Owners: **Private 100%**

Ore Types:

Problem Summary

Problem	Unfunded		Funded		Completed		Total	
	Prio/Type/Fund	Units	Costs	Units	Costs	Units	Costs	Costs
2 P SGA	0	0	0	0	0	1	2000	2000
1 DS SGA	0	0	0.4	266722	0.4	23087	0.8	289809

P1 Total	-	0	-	266722	-	23087	-	289809
P2 Total	-	0	-	0	-	2000	-	2000
P3 Total	-	0	-	0	-	0	-	0
PAD Total	-	0	-	266722	-	25087	-	291809



U.S. Department of the Interior
Office of Surface Mining Reclamation and Enforcement
e-AMLIS Report

Date Prepared: **12/20/2006**Prepared By: **Ryan Howell**

Phone:

Last Modified: **6/23/2011**

Field Contact:

Phone:

AMLIS Key: **KY003686**PA Name: **GROVER SAMMONS
LANDSLIDES**PU Name: **L FK BEAVER CRK-DRIF**PU Number: **659**Latitude: **37.476944444444**Longitude: **-82.750833333333**State/Tribe: **Kentucky**County: **FLOYD**Cong Dist: **5**FIPS Code: **21071**Watershed: **LOWER LEVISA**HUC Code: **05070203**Quadrangle: **WAYLAND**Mining Type: **U**Surface Owners: **Private 100%**

Ore Types:

Problem Summary

Problem		Unfunded		Funded		Completed		Total
Prio/Type/Fund	Units	Costs	Units	Costs	Units	Costs	Units	Costs
1 P SGA	0	0	6	15000	0	0	6	15000
1 DS SGA	0	0	1.1	174794	0	0	1.1	174794
P1 Total	-	0	-	189794	-	0	-	189794
P2 Total	-	0	-	0	-	0	-	0
P3 Total	-	0	-	0	-	0	-	0
PAD Total	-	0	-	189794	-	0	-	189794



U.S. Department of the Interior
Office of Surface Mining Reclamation and Enforcement
e-AMLIS Report

Date Prepared: **6/13/2011**Prepared By: **Ryan Howell**

Phone:

Last Modified: **6/13/2011**

Field Contact:

Phone:

AMLIS Key: **KY004011**PA Name: **Carrie Moore Landslide**PU Name: **HAYS BRANCH-TURKEY C**PU Number: **652**Latitude: **37.494722222222**Longitude: **-82.784166666666**State/Tribe: **Kentucky**County: **FLOYD**Cong Dist: **5**FIPS Code: **21071**Watershed: **LOWER LEVISA**HUC Code: **05070203**Quadrangle: **WAYLAND**Mining Type: **S**Surface Owners: **Private 100%**

Ore Types:

Problem Summary

Problem		Unfunded		Funded		Completed		Total
Prio/Type/Fund	Units	Costs	Units	Costs	Units	Costs	Units	Costs
1 DS SGA	0	0	2	106484	0	0	2	106484
P1 Total	-	0	-	106484	-	0	-	106484
P2 Total	-	0	-	0	-	0	-	0
P3 Total	-	0	-	0	-	0	-	0
PAD Total	-	0	-	106484	-	0	-	106484

Cassel, Steven R. "Steve"

From: Rickwa, Vanna (EEC) [Vanna.Rickwa@ky.gov]
Sent: Tuesday, June 14, 2011 1:54 PM
To: Cassel, Steven R. "Steve"; Miller, Corey T.; Estes, Loren A.; Smith, Gail
Subject: ATP Request Package for Turner, Moore, & Davis AML Reclamation Project (Floyd County)

Follow Up Flag: Follow up
Flag Status: Flagged

Please check your GMAIL for an ATP request package for Turner, Moore, & Davis AMLRP.

Respond accordingly.

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

Please note that we had to divide the attachment into 5 parts, each Gmailed separately.

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*



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

Leonard K. Peters
Secretary

Carl E. Campbell
Commissioner

June 14, 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: Turner, Moore, & Davis AML Reclamation Project (Floyd 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 3686 SGA, KY 3714 SGA, and KY 4011 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 three species of state concern, monitored by the KSNPC, are 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), are known to exist within ten miles of the project site. The species noted in the search are the:

KSNPC species within 1 mile from the project sites:

- Trout-perch (*Percopsis omiscomaycus*)
- Scrub Oak (*Quercus ilicifolia*)
- Ashcamp Cave Beetle (*Pseudanophthalmus hypolithos*)

USES species listed within 10 miles of the project sites:

- Indiana Bat (*Myotis sodalists*)

As described in the attached memo, dated March 30, 2011, these species should not be negatively impacted.

According to the KSNPC memo from Keith B. Coleman, dated March 30, 2011, none of the monitored species should 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. Comments from KDFWR also indicate the Rafinesque's Big-eared bat is located near the Turner site. The open mine entries in this project are proposed to be closed with wildlife closures. The sites do not fall within a USFWS buffer zone, so if trees over 5" DBH need to be removed between April 1st and October 14th, a habitat assessment, which may include the marking of specific trees not to be cleared, or a presence/absence survey may be required. If the trees are removed between October 15 and March 31, no negative impacts to the bat species should result due to AML reclamation. KDFWR also indicated the American Black Bear is known to be within 1 mile of waste area #1. As this waste area is currently a trailer park, the area would not be considered a natural habitat and there should be no negative impacts to the 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 two Moore sites and Waste Area #1 will require floodplain permits. A review of the Davis site indicated that all material wasted on site must be set back 60' from the top of the stream bank; otherwise, a floodplain permit will be required. No additional permits/certifications will be required at the sites. 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 \$563,000.00, 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 *by Bill Owen*

Steve Hohmann, Director
Division of Abandoned Mine Lands

SH:BO:RH:vr
Enclosures

Turner, Moore, & Davis AML Reclamation Project Floyd County

Project Description

The proposed project (17 acres total) consists of four sites and two waste areas located in the Wayland, David, and Martin Quads of Floyd County.

Site 1- Turner/ Sammons:

This site is located in the Wayland Quad, along Hwy 122 (Lat: 37° 28' 36.0", Long: 82° 45' 6.0") at the residences of Van Turner and Grover Sammons. The site (1 acre) consists of drainage problems, one slide area, and mine openings. The slide area will be corrected by constructing a gabion basket wall. Five of the mine openings will be closed with wildlife enclosures and another collapsed mine opening will be properly closed with a human access closure to maintain the water supply to the residence. The drainage problems will be corrected by installing sub-drains behind both residences and one sub-drain along the mine bench above the residences. Gabion "V" ditches, class II rock ditches, and ECB ditches will be utilized to carry water away from the property. Excess material will be transported to Waste Area 1 which is approximately 1.5 miles away from Site 1. Material may also be transported to Waste Area 2, if Waste Area 1 is full. Access to the site will be through the existing roadway a previously used access road and along the mine bench. The area will be evaluated to determine whether any trees that represent potential Indiana Bat habitat will have to be removed.

Site 2- Moore:

This site is located in the Wayland Quad, along Hwy 777 (Lat: 37° 29' 41.0", Long: 82° 47' 3.0") at the residences of Carrie Moore and Freddie Moore. The site (1 acre) consists of a large slide area that is sliding into Turkey Creek. Turkey Creek lies 30-40ft behind the two residences. The slide will be corrected by stripping the area to rock and hauling the waste material to Waste Area 1. To minimize the possibility of future slides, a sub-drain will be constructed on the mine bench above the slide area to carry water to two natural drains. Waste Area 1 is approximately 4.5 miles away from the site. If Waste Area 1 becomes full, material will be transported to Waste Area 2. A temporary water crossing will be constructed across Turkey Creek near the Carrie Moore residence to gain access to the slide area and bench. No trees over 5" in diameter outside of the unstable area will need to be removed.

Site 3- Moore 2:

This site is located in the Wayland Quad, along Hwy 777 (Lat: 37° 29' 36.1", Long: 82° 47' 4.1"). The site (1 acre) consists of a slide area on the east bank of Turkey Creek. The slide will be corrected by stripping the area to rock and hauling the excess material to Waste Area 1. Material may also be transported to Waste Area 2, if Waste Area 1 is full. To access the slide

area, a temporary water crossing will be constructed across Turkey Creek. No trees over 5" in diameter outside of the unstable area will need to be removed.

Site 4- Davis:

This site is located in the Martin Quad, along Pitts Fork Road (Lat: 37° 33' 39.2", Long: 82° 51' 45.8"). The site (3 acres) consists of a slide from a previous AML project that has begun to slide again and could affect Pitts Fork Road or Pitts Fork Stream. The slide will be corrected by stripping the area to rock and hauling waste material across the road to a field owned by the same property owner. Excess waste beyond the capacity of the field will be hauled to Waste Area 2. A gabion basket wall will be constructed along the top of the stripped area to stabilize the material above. A ditch will be constructed along the south side of the area to divert runoff away from the stripped area. Access to the site will be through the existing roadway. No trees over 5" in diameter outside of the unstable area will need to be removed.

Waste Area 1:

This site is located in the Wayland Quad, along Hwy 122 (Lat: 37° 27' 37.7", Long: 82° 45' 9.8"). The waste area is currently a trailer park and is located near Beaver Creek. The creek will be protected with a buffer and hay bales. Most of the material for the site will come from Site 1(Turner/ Sammons), Site 2(Moore) and Site 3(Moore 2). Approximately 800 cubic yards of material will come from Site 1 and approximately 3000 cubic yards of material from Site 2 and 3. Access to the site will be through the existing roadway. No trees over 5" in diameter will need to be removed.

Waste Area 2:

This site is located in the Davis Quad, along Hwy 404 at a previously reclaimed AML site (Lat: 37° 36' 5.5", Long: 82° 53' 6.0"). The site currently has a roadside ditch that will be improved with class II rock. The site is also near Lick Fork stream. The stream will be protected with a buffer area as well as hay bales. Most of the material for the waste area (approx. 10,000 cubic yards) will come from Site 4(Davis). Additional material may come from the Turner/Sammons and Moore sites, if needed. Access to the site will be through existing roadways. No trees over 5" in diameter will need to be removed.

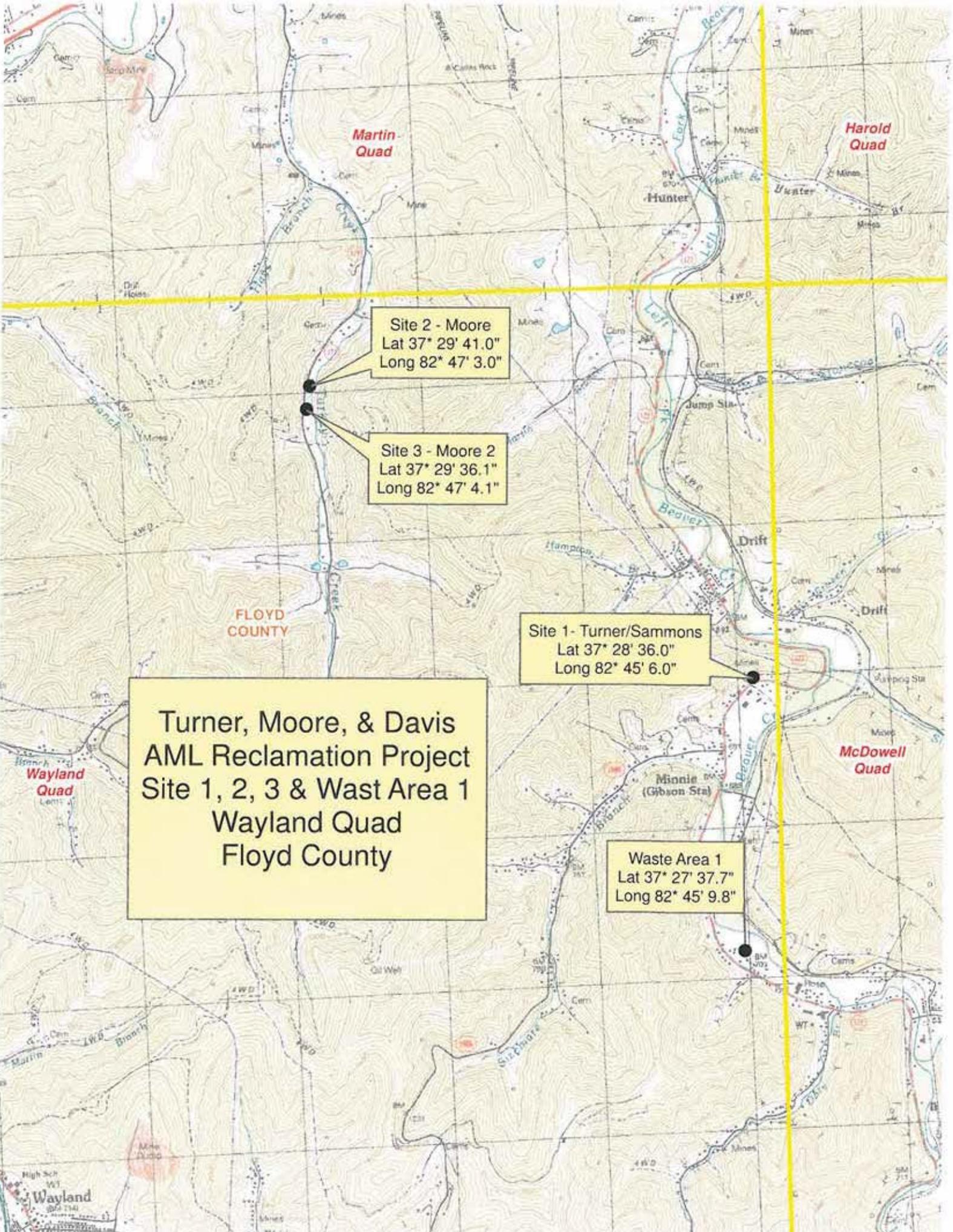
All Sites:

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.

Site preparation includes clearing and grubbing of vegetation. 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 maintained throughout the life of the project, prompt re-vegetation using agricultural limestone, fertilizer, seed, filter fabric and mulch for the

areas disturbed by the project. A hoe ram bid item is included for excavation work needed for the ditches, sub-drains, and retaining walls.

A landscape allowance is included to replace "in kind" landscape disturbed as needed as part of normal construction efforts. A bituminous repair bid item is included to repair and "in kind" bituminous damaged during the normal construction process. A utility relocation/structural removal bid item is included to move any utilities that will be required.



Site 2 - Moore
Lat 37° 29' 41.0"
Long 82° 47' 3.0"

Site 3 - Moore 2
Lat 37° 29' 36.1"
Long 82° 47' 4.1"

Site 1 - Turner/Sammons
Lat 37° 28' 36.0"
Long 82° 45' 6.0"

Turner, Moore, & Davis
AML Reclamation Project
Site 1, 2, 3 & Waste Area 1
Wayland Quad
Floyd County

Waste Area 1
Lat 37° 27' 37.7"
Long 82° 45' 9.8"

Waste Area 2
Lat 37° 36' 5.5"
Long 82° 53' 6.0"

Turner, Moore, & Davis
AML Reclamation Project
Site 4 & Waste Area 2
David & Martin Quad
Floyd County

Site 4 - Davis
Lat 37° 33' 39.2"
Long 82° 51' 45.8"

Turner, Moore, & Davis
AML Reclamation Project
Site 1-Turner/Sammons
Wayland Quad
Floyd County

Class II Subdrains, Gabion "V" Ditches,
and ECB Ditches

Maintain Closed Adit
Water Source

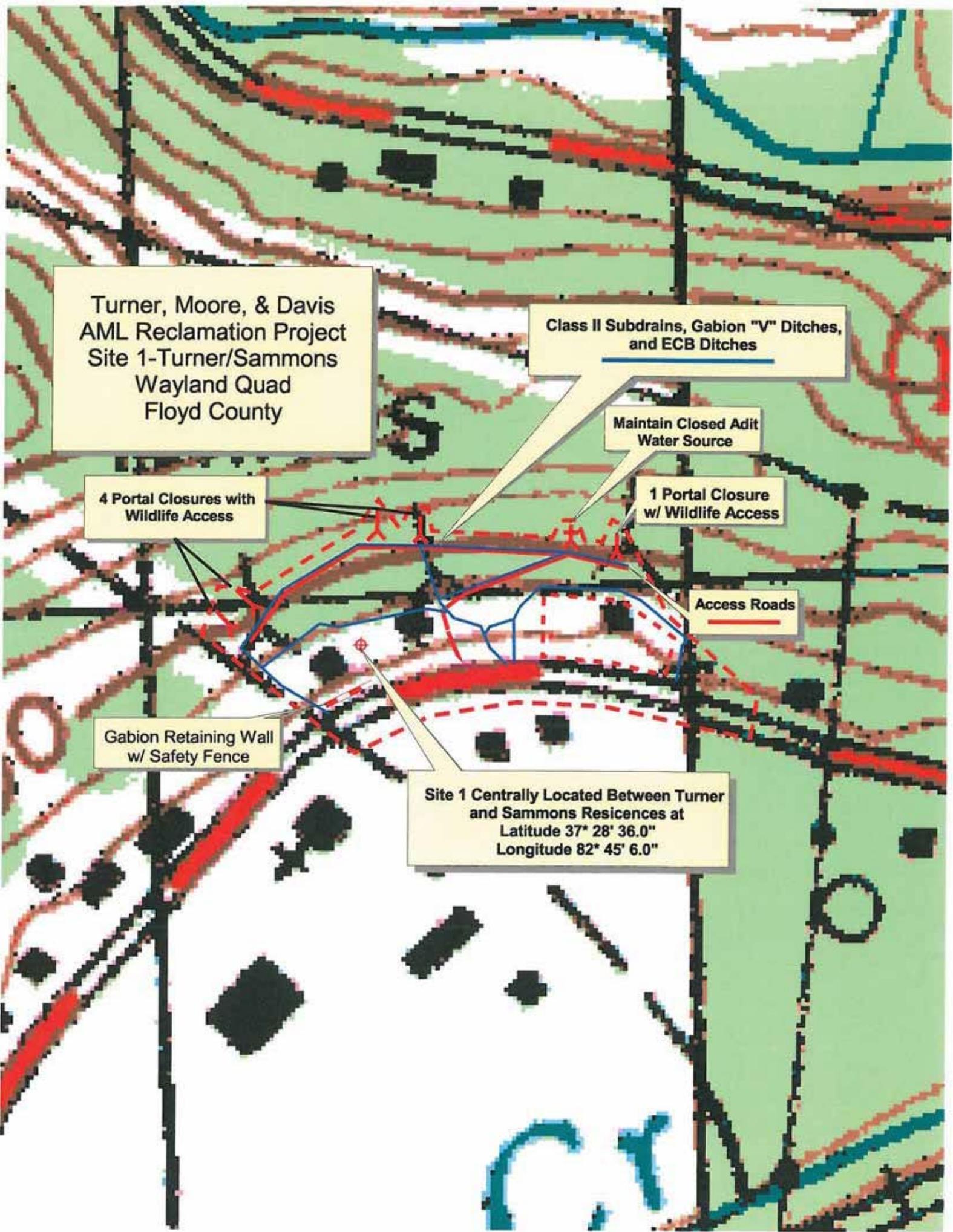
4 Portal Closures with
Wildlife Access

1 Portal Closure
w/ Wildlife Access

Access Roads

Gabion Retaining Wall
w/ Safety Fence

Site 1 Centrally Located Between Turner
and Sammons Residences at
Latitude 37° 28' 36.0"
Longitude 82° 45' 6.0"



Turner, Moore, & Davis
AML Reclamation Project
Site 2- Moore
Wayland Quad
Floyd County

Site 2 Centrally Located Between Carrie
and Freddie Moore Residences at
Latitude 37° 29' 41.0"
Longitude 82° 47' 3.0"

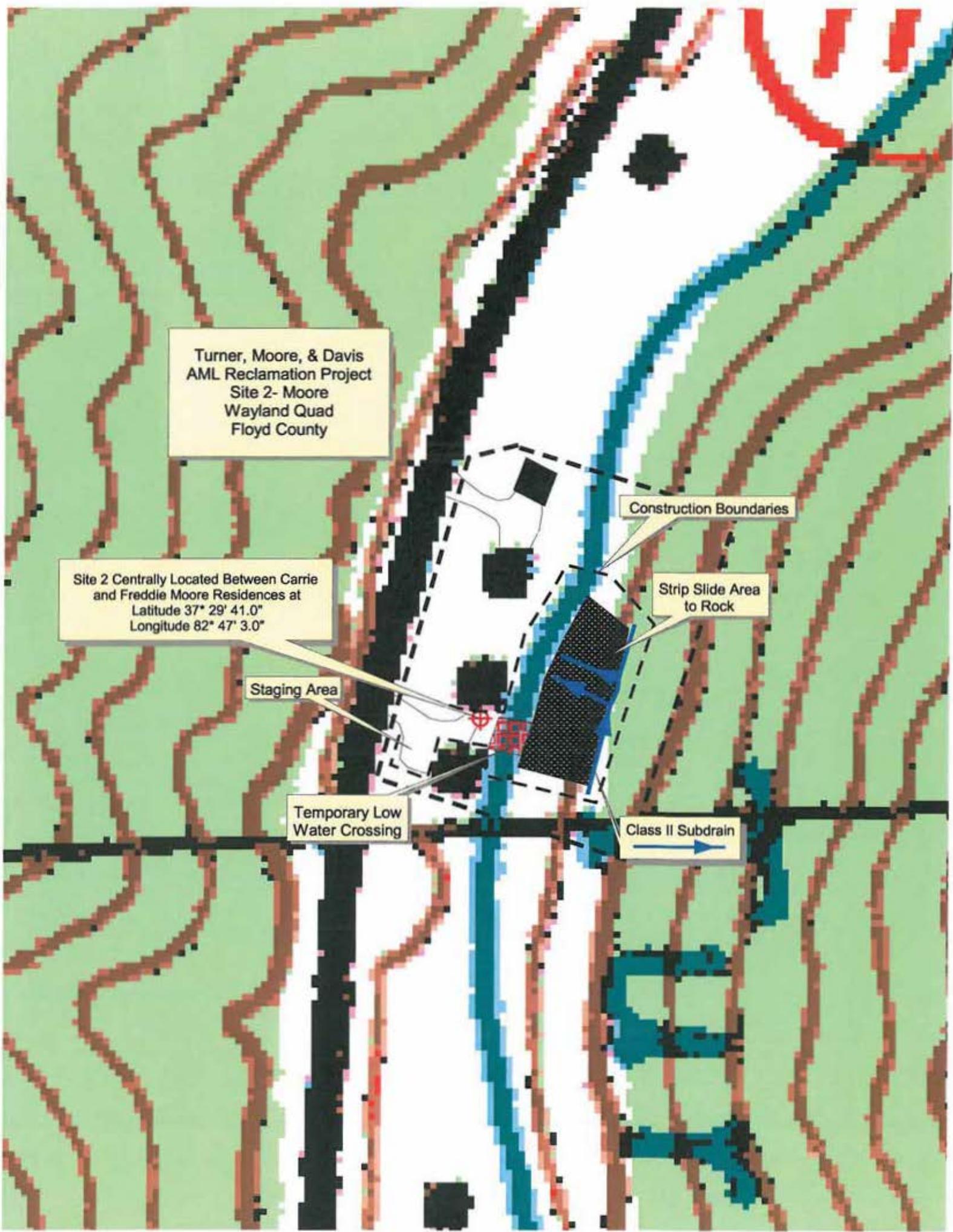
Staging Area

Temporary Low
Water Crossing

Construction Boundaries

Strip Slide Area
to Rock

Class II Subdrain



Turner, Moore, & Davis
AML Reclamation Project
Site 3 - Moore 2
Wayland Quad
Floyd County

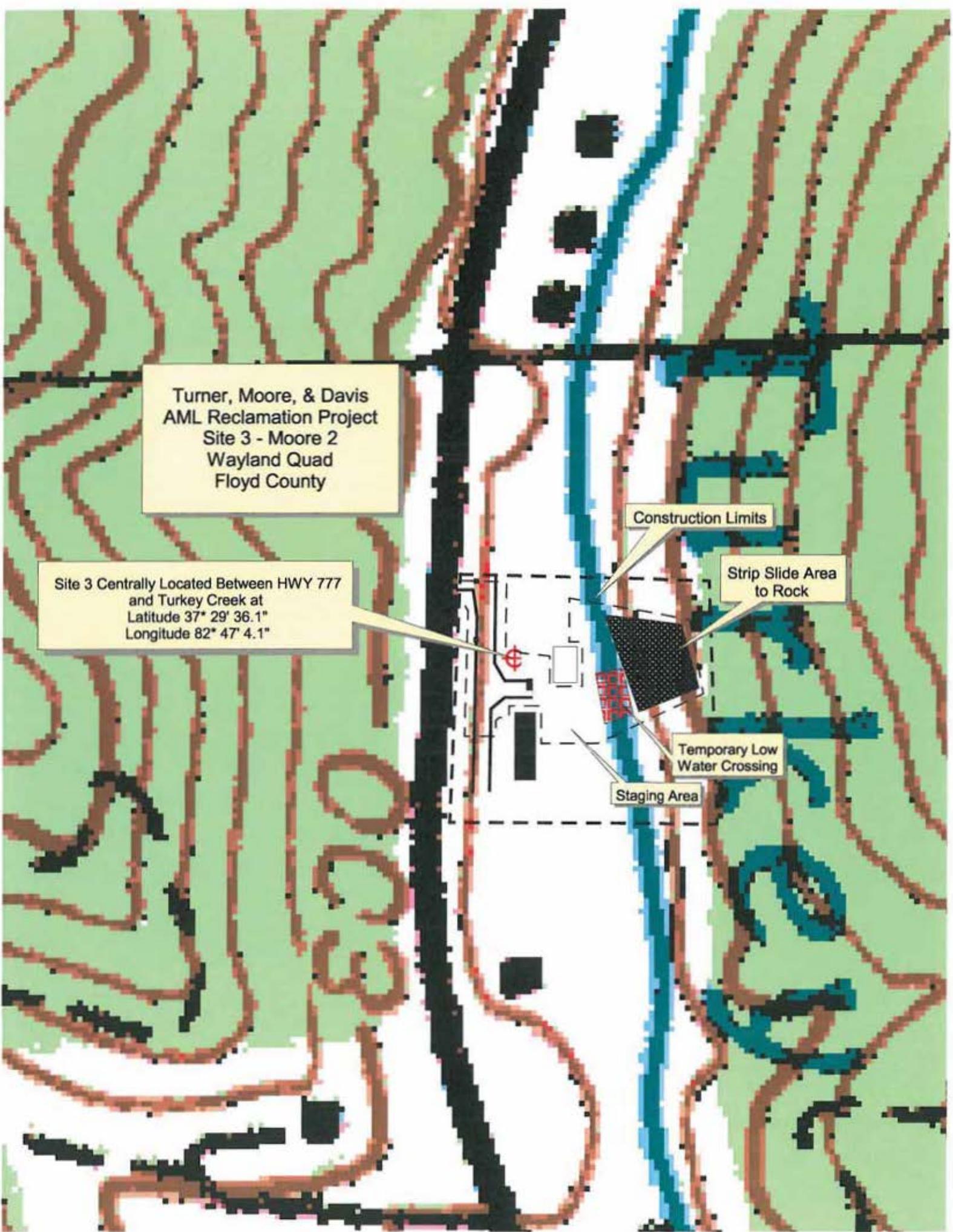
Site 3 Centrally Located Between HWY 777
and Turkey Creek at
Latitude 37° 29' 36.1"
Longitude 82° 47' 4.1"

Construction Limits

Strip Slide Area
to Rock

Temporary Low
Water Crossing

Staging Area



Turner, Moore, & Davis
AML Reclamation Project
Waste Area 1
Wayland Quad
Floyd County

Waste Area 1 Located Between
HWY 122 and Beaver Creek at
Latitude 37° 27' 37.7"
Longitude 82° 45' 9.8"

Project Limits

BM
703

Turner, Moore, & Davis
AML Reclamation Project
Waste Area 2
Davis Quad
Floyd County

Waste Area 2 Located
Along HWY 404 at
Latitude 37° 36' 5.5"
Longitude 82° 53' 6.0"

Project Limits

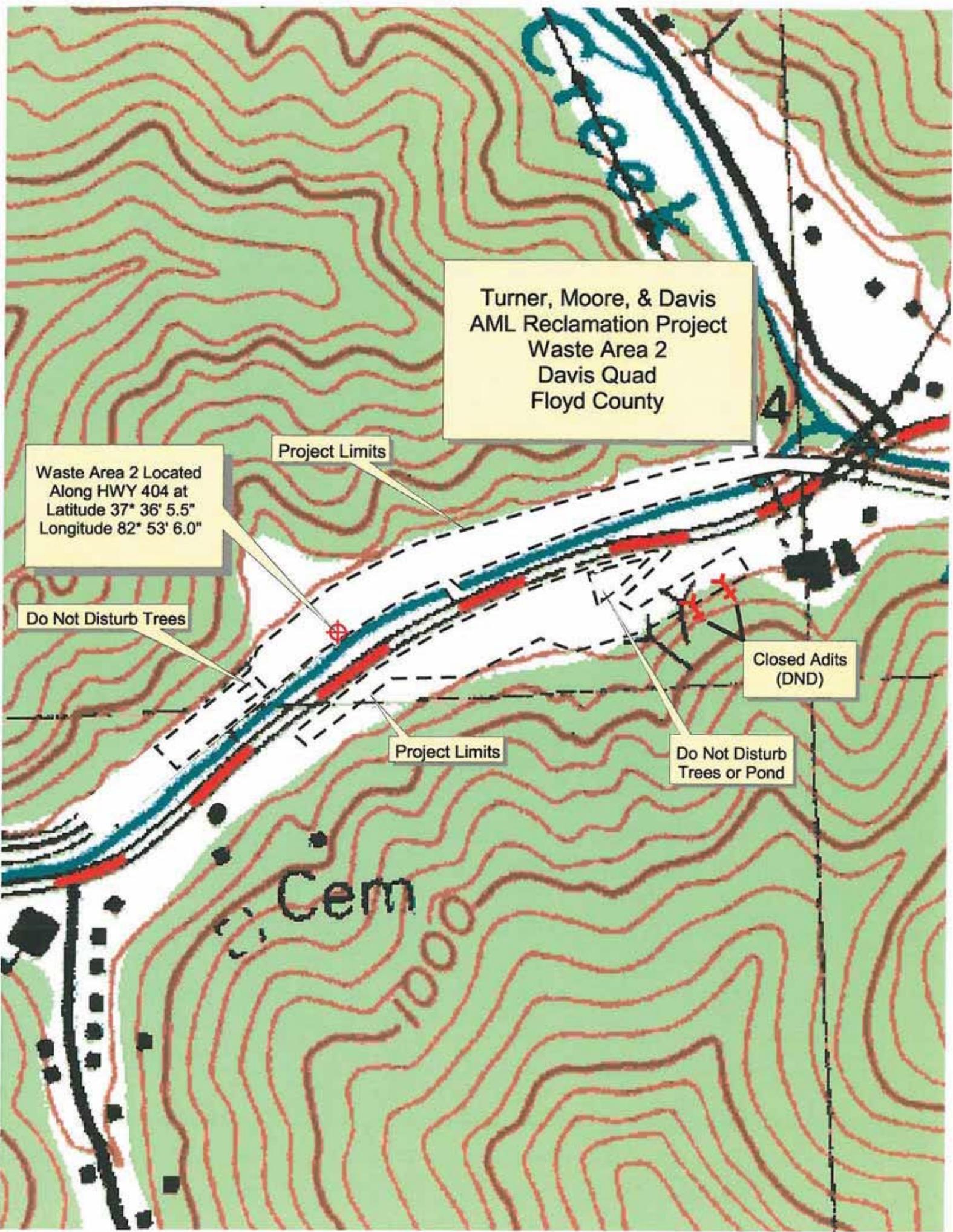
Do Not Disturb
Trees

Closed Adits
(DND)

Project Limits

Do Not Disturb
Trees or Pond

Cern



Turner, Moore, Davis AML Reclamation Project

ENVIRONMENTAL ASSESSMENT

A. Description of the Proposed Action:

The Kentucky Division of Abandoned Mine Lands (AML) proposed project (approximately 17 acres total) consists of the closing of 6 mine openings and the reclamation of four landslides at 4 different sites in Floyd County, KY. This environmental assessment is required because the Moore site and waste area #1 will require a floodplain permit. 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 landslides and mine openings for citizens living in the area. 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 3686-SGA, KY 3714-SGA, and KY 4011-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 (17 acres total) consists of closing of 6 mine openings at one site and the reclamation of four landslides at four sites:

The Turner/Sammons site is located in the Wayland Quad, along Hwy 122 (Lat: 37° 28' 36.0", Long: 82° 45' 6.0") at the residences of Van Turner and Grover Sammons. The site (1 acre) consists of drainage problems, one slide area, and mine openings. The slide area will be corrected by constructing a gabion basket wall. Five of the mine openings will be closed with wildlife enclosures and another collapsed mine opening will be properly closed with a human access closure to maintain the water supply to the residence. The drainage problems will be corrected by installing sub-drains behind both residences and one sub-drain along the mine bench above the residences. Gabion "V" ditches, class II rock ditches, and ECB ditches will be utilized to carry water away from the property.

The Moore #1 site is located in the Wayland Quad, along Hwy 777 (Lat: 37° 29' 41.0", Long: 82° 47' 3.0") at the residences of Carrie Moore and Freddie Moore. The site (1

acre) consists of a large slide area that is sliding into Turkey Creek. The slide will be corrected by stripping the area to rock. To minimize the possibility of future slides, a sub-drain will be constructed on the mine bench above the slide area to carry water to two natural drains. A temporary water crossing will be constructed across Turkey Creek near the Carrie Moore residence to gain access to the slide area and bench.

The Moore #2 site is located in the Wayland Quad, along Hwy 777 (Lat: 37° 29' 36.1", Long: 82° 47' 4.1"). The site (1 acre) consists of a slide area on the east bank of Turkey Creek. The slide will be corrected by stripping the area to rock. To access the slide area, a temporary water crossing will be constructed across Turkey Creek.

The Davis site is located in the Martin Quad, along Pitts Fork Road (Lat: 37° 33' 39.2", Long: 82° 51' 45.8"). The site (3 acres) consists of a slide from a previous AML project that has begun to slide again and could affect Pitts Fork Road or Pitts Fork Stream. The slide will be corrected by stripping the area to rock. A gabion basket wall will be constructed along the top of the stripped area to stabilize the material above. A ditch will be constructed along the south side of the area to divert runoff away from the stripped area.

Waste Area #1 is located in the Wayland Quad, along Hwy 122 (Lat: 37° 27' 37.7", Long: 82° 45' 9.8"). The waste area is currently a trailer park and is located near Beaver Creek. The creek will be protected with a buffer and hay bales. Most of the material for the site will come from Site 1 (Turner/ Sammons), Site 2 (Moore) and Site 3 (Moore 2). Approximately 800 cubic yards of material will come from Site 1 and approximately 3000 cubic yards of material from Site 2 and 3.

Waste Area #2 is located in the Davis Quad, along Hwy 404 at a previously reclaimed AML site (Lat: 37° 36' 5.5", Long: 82° 53' 6.0"). The site currently has a roadside ditch that will be improved with class II rock. The stream will be protected with a buffer area as well as hay bales. Most of the material for the waste area (approx. 10,000 cubic yards) will come from Site 4 (Davis). Additional material may come from the Turner/Sammons and Moore sites, if needed.

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. The project sites have been previously disturbed by coal mining, residential activities, or road construction. All necessary permits and/or variances will be procured prior to construction.

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 construction of two low-water crossings at the Moore sites, and the need for a floodplain permit at Waste Area #1, hydrology will be discussed. Due to the possible occurrence of four monitored species within the project area, and comments from KDFWR concerning the American Black Bear, 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 two Moore sites and Waste Area #1 will require floodplain permits. A review of the Davis site indicated that all material wasted on site must be set back 60' from the top of the stream bank; otherwise a floodplain permit will be required. No additional permits/certifications will be required at the sites. 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 one known federally listed threatened and endangered species is known to exist within ten miles of the project sites, and three species of state concern monitored by the KSNPC occur within a 1-mile radius of the project sites. The species noted in the search are the:

KSNPC species within 1 mile from the project sites:

- Trout-perch (*Percopsis omiscomaycus*)
- Scrub Oak (*Quercus ilicifolia*)
- Ashcamp Cave Beetle (*Pseudanophthalmus hypolithos*)

USES species listed within 10 miles of the project sites:

- Indiana Bat (*Myotis sodalist*)

According to the KSNPC memo from Keith B. Coleman, dated March 30, 2011, none of the monitored species should be negatively impacted. The US Fish and Wildlife Service (USFWS) has declared the whole of the state of Kentucky to be the potential habitat of the Indiana Bat. Comments from KDFWR also indicate the Rafinesque's Big-eared bat is located near the Turner site. The open mine entries in this project are proposed to be closed with wildlife closures. The sites do not fall within a USFWS buffer zone, so if trees over 5" DBH need to be removed between April 1st and October 14th, a habitat assessment, which may include the marking of specific trees not to be cleared, or a presence/absence survey may be required. If the trees are removed between October 15 and March 31, no negative impacts to the bat species should result due to AML reclamation.

KDFWR also indicated the American Black Bear is known to be within 1 mile of waste area #1. As this waste area is currently a trailer park, the area would not be considered a natural habitat and there should be no negative impacts to the species.

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 throughout the state, 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:

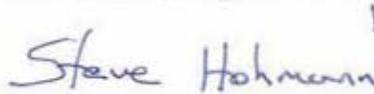
The following agencies and databases were consulted prior to preparation of this document:

- 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:

- Tim Rader, Environmental Technologist I
- Keith Coleman, Staff Biologist
- Ryan Howell, Environmental Control Supervisor
- Bill Overman, Program Development Branch Manager


by B. Overman
6/14/11

Steve Hohmann, Director Date

Howell, Ryan (EEC)

From: Hall, Samantha (EEC)
Sent: Tuesday, April 05, 2011 6:56 AM
To: Rickwa, Vanna (EEC)
Cc: Howell, Ryan (EEC); Rader, Timothy (EEC)
Subject: RE: Request for floodplain and WQC review for Turner, Moore, & Davis AMLRP
Attachments: Davis.jpg

After reviewing the description and maps for the Turner, Moore and Davis AMLRP, I have determined:

Site 1 – Turner/Sammons – No floodplain, WQC or COE permit will be required

Site 2 & 3 – Moore – A floodplain permit will be needed for the low water crossings. I have informed DNR of the project, no WQC will be required.

Site 4 – Davis – All material wasted on site must be set back 60' from the top of the stream bank; otherwise, a floodplain permit will be required. I am attaching a map showing the floodplain. No WQC or COE permits will be required.

Waste Area 1 – A floodplain permit will be required. No WQC or COE permits will be required.

Waste Area 2 - No floodplain, WQC or COE permit will be required

From: Rickwa, Vanna (EEC)
Sent: Tuesday, March 29, 2011 1:47 PM
To: Hall, Samantha (EEC)
Cc: Howell, Ryan (EEC); Rader, Timothy (EEC)
Subject: Request for floodplain and WQC review for Turner, Moore, & Davis AMLRP

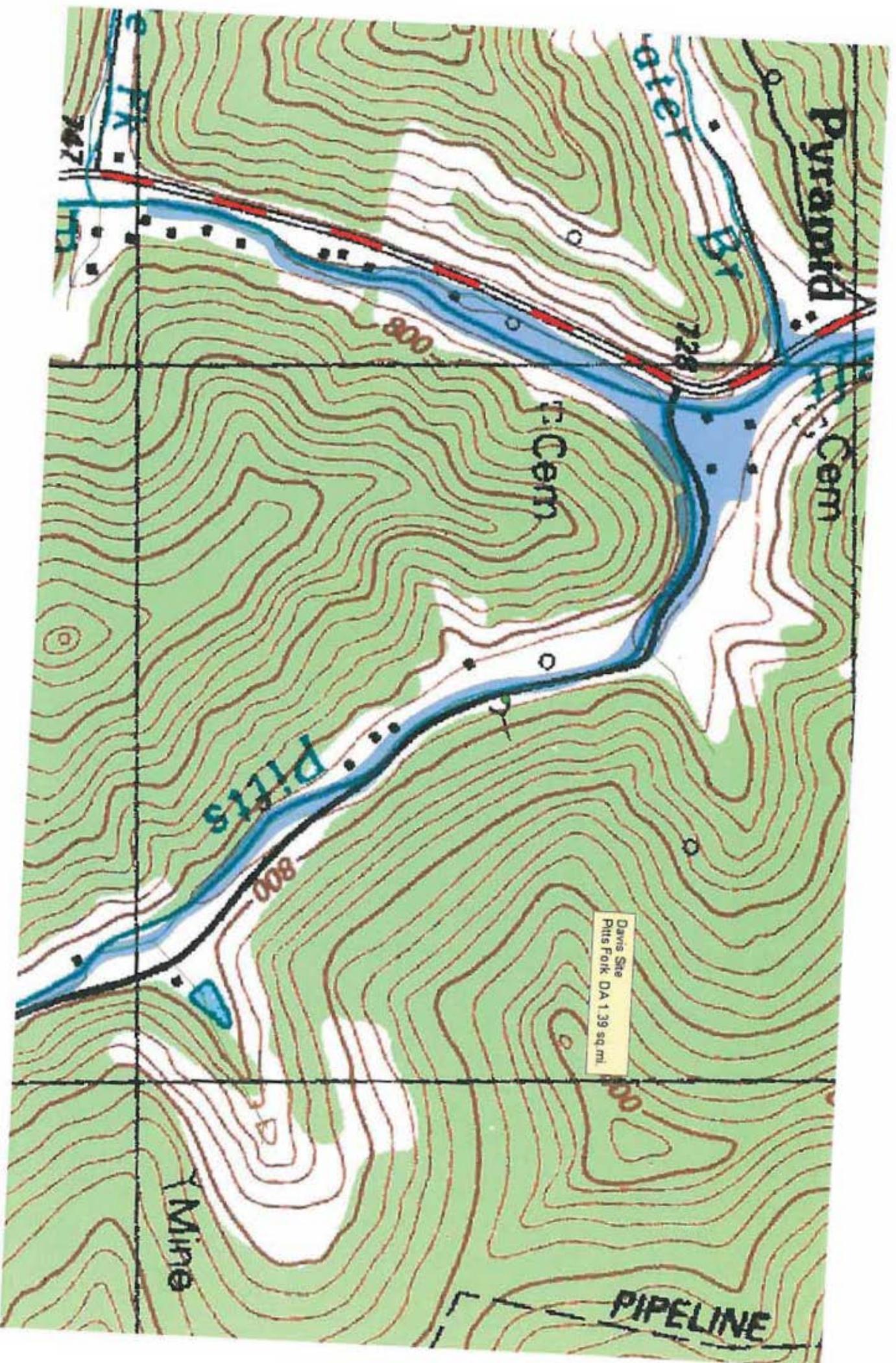
Attached please find the project description and maps for Turner, Moore, & Davis AMLRP.

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

Please notify Bill Overman, Ryan Howell, Tim Rader, 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*



Pyramid

Cem

Cem

Pitts

Mine

PIPELINE

Davis Site
Pitts Fork
DA 1.39 sq. mi

800

728

800

800

767



**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

4 April 2011

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

RE: Turner, Moore, & Davis AML Reclamation Project (Floyd 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 following species are known to occur within 10 miles (federally-listed) and one mile (state-listed) of the site highlighted in bold lettering. Please be aware that our database system is a dynamic one that only represents our current knowledge of various species distributions.

Turner/Sammons Site: Rafinesque's Big-eared bat (*Corynorhinus rafinesquii*) - State species of concern

Moore Site: Indiana bat (*Myotis sodalis*) – Federally-endangered

Moore 2 Site: Indiana bat

Davis Site: Indiana bat

Waste Area 1: American Black Bear (*Ursus americanus*) – State species of concern

Waste Area 2: Indiana bat

Erosion control measures, as mentioned in the project description, should be installed prior to construction and maintained periodically 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 "Donald Bell".

Dan Stoelb
Wildlife Biologist

Cc: Environmental Section File

Memorandum

To: Turner, Moore & Davis
AML Reclamation Project

From: Keith B. Coleman *Keith Coleman 4-1-11*
Environmental Technician, AML Program Development Branch

Through: Bill Overman *Bill Overman 4/1/11*
Manager, AML Program Development Branch

RE: Results of Kentucky State Nature Preserves Commission (KSNPC)
BIOTICS Database Search

Date: March 30, 2011

On March 30, 2011, I conducted a search of the KSNPC database in order to determine if any species which are monitored by the KSNPC are known to occur within the near vicinity (1 mile radius) of the sites to be disturbed by this project, and if any federally listed threatened or endangered species are known to occur within the general area (10 mile radius) of the project sites. I conducted the search by drawing a polygon around the project sites and applying a 1 mile buffer for species of state concern, and then a 10-20 mile buffer accordingly for USESA listed species. This search revealed that 3 species of state concern, monitored by the KSNPC, are known to occur within one mile of the polygon, and that 1 species listed as threatened or endangered under the United States Endangered Species Act (USESA) is known to occur within ten miles of the project site polygon.

This project (17 acres total) consists of the reclamation of AML-related problems at 4 sites and the utilization of 2 waste areas.

- **Site 1** includes the reclamation of a slide area, the closure of 5 open portals with wildlife accessible closures, and the closure of a collapsed portal with a water supply access gate. Tree removal at site one may need to be further evaluated. Access is pre-existing.

- **Site 2** includes the reclamation of a slide area. No trees over 5" DBH will be removed for access, or outside of the slide area. A stream crossing will be required.
- **Site 3** includes the reclamation of a slide area. No trees over 5" DBH will be removed for access, or outside of the slide area. A stream crossing will be required.
- **Site 4** includes the reclamation of a slide area. No trees over 5" DBH will be removed for access, or outside of the slide area. Access is pre-existing.
- **Waste Areas 1 & 2** are clear of trees over 5" DBH and access is pre-existing. No cave-like structures will be disturbed. Nearby stream channels will be protected by the implementation of AML sediment & erosion control design structures.
- To minimize sedimentation, a stringent erosion and sediment control plan including such measures as hay-bale silt checks, silt fences and prompt vegetation of all disturbed areas will be implemented.

The 3 KSNPC species found within 1 mile from the project sites are:

Trout-perch *Percopsis omiscomaycus* Historical Record, Special Concern
(Within polygon, not within 1 mile from any of the sites)

Scrub Oak *Quercus ilicifolia* Historical Record, Martin Quadrangle
(Historical, entire Martin GQ, Site #4 within Quad)

Ashcamp Cave Beetle *Pseudanophthalmus hypolithos*
2.5 mile buffer around cave, State Threatened
(2.5 Mile buffer 1 mile W of site 2 & 3)

The USESA listed endangered species found within 10 miles from the project sites is:

Indiana Bat (1 "summer mist-net record" is within 10 miles of sites 2,3,4 and Waste area 2; Another "summer mist-net record" is within 10 miles of Waste Area 2)

The **Trout Perch** record, although within a mile of the project polygon, did not fall within a mile of any of the project sites. Since the record falls outside of project consideration limits, and since AML sediment and erosion control structures will be implemented and monitored during project-related construction, no negative impacts should result due to AML reclamation.

The **Scrub Oak** record has been documented with an area designation which includes the entire Martin quadrangle. The only project site within the Martin quadrangle is site #2. The project proposal indicates that only trees within the slide area will need to be cleared at the site. No negative impacts to this species should result due to AML reclamation.

The **Ashcamp Cave Beetle** record documents the species at a specific cave entrance. The 2.5 mile buffer around the record falls 1 mile west of sites # 2 & 3. Project plans do not include any disturbances to cave-like structures associated with sites # 2 & 3. AML reclamation should not negatively impact this species.

The US Fish and Wildlife Service (USFWS) has declared the whole of the state of Kentucky to be the potential habitat of the **Indiana Bat** (*Myotis sodalis* – USESA Endangered). This species day roosts and establishes maternity colonies in trees with exfoliating bark or splits in their trunks and larger limbs, and hibernates in caves and other similar underground cavities. The above search of the KSNPC BIOTICS database revealed 2 “summer mist-net records” of this species within 10 miles of any of the project sites. Additionally, 3 records, two of which are “undetermined” and one which is a “summer mist-net record” document the species within 10-20 miles from the project sites. Since *no* records of hibernacula are within 10 miles of any project area and *no* maternity area records are within 5 miles from any project area, and since *no* maternity colonies or non-maternity records are within 2.5 miles from any project area, no special conditions would apply to the accepted tree removal period, a time at which bats are secured within their hibernacula (October 15 – March 31).

Project sites #4 and waste area #2 fall within a 5 mile radius USFWS area buffered as an Indiana Bat “maternity area”. Project plans do not include the removal of any trees over 5” DBH, and do not include plans to disturb any cave-like structures at project site #4 or within waste area #2. *Additionally, of the two records within 10 miles from any project site, the first Indiana Bat record has been buffered with a 5 mile radius as a “maternity area” by USFWS. If this record were buffered as a “non-maternity summer” record, as indicated by the KSNPC database, none of the project sites would fall within “known habitat”, as determined by USFWS. Requests for information from USFWS regarding this record have been denied. The second record within 10 miles is also a “summer mist-net record”.*

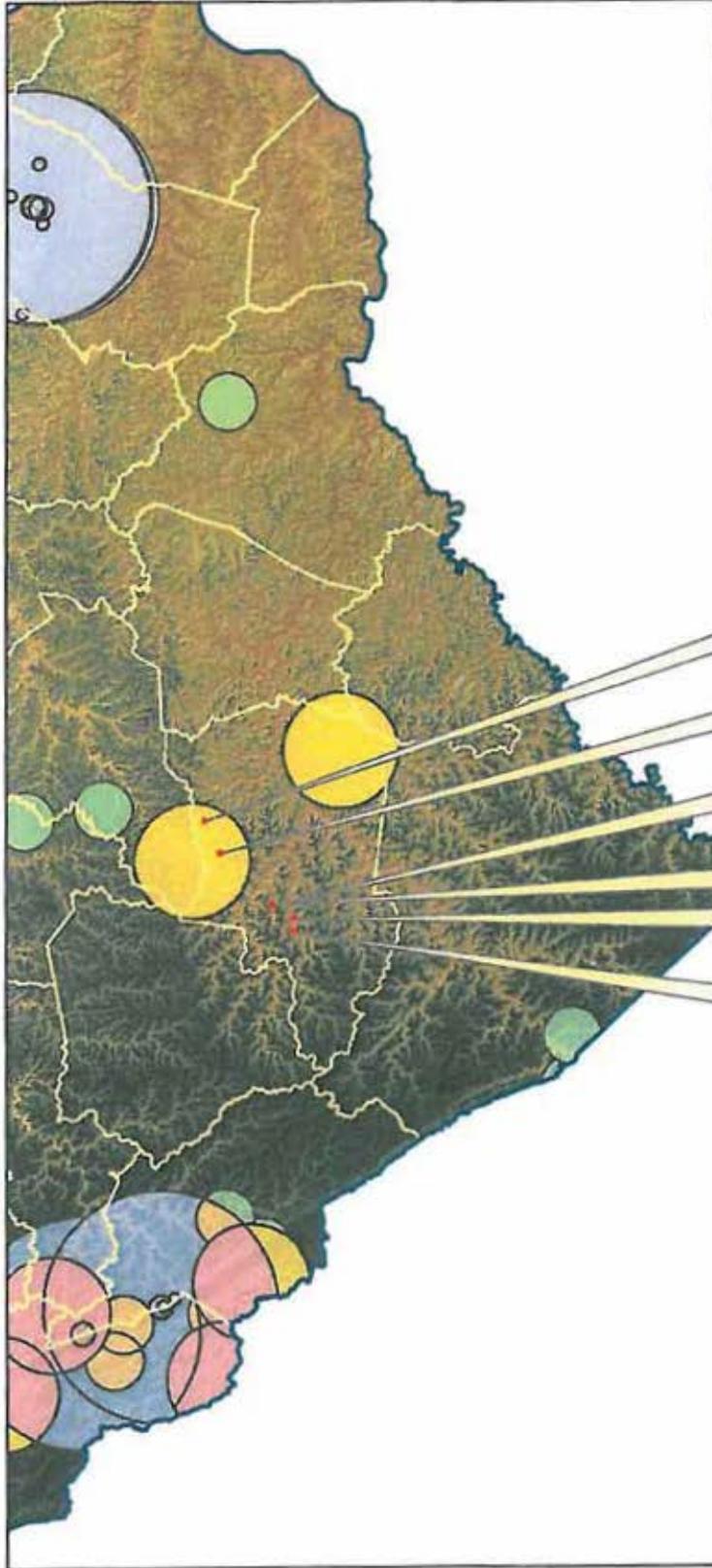
Project site #1 includes the proposal for the closure of open mine portals with wildlife accessible closures, and suggests that further evaluation of the site may be required with respect to tree removal. The site does not fall within a USFWS buffer zone. If trees over 5" DBH need to be removed between April 1st and October 14th, a habitat assessment, which may include the marking of specific trees not to be cleared, or a presence / absence survey may be required. If the trees are moved between October 15 and March 31, no negative impacts to this species should result due to AML reclamation. Provided that tree removal concerns are addressed by qualified AML staff, no negative impacts should result due to project related construction, regardless of the timing of the reclamation activities. Site #1 is the only site described as including portal closures and potential tree removal. Adherence to these best management practices should prevent any negative impacts upon the Indiana Bat.



JAN2011_known_MYSO_habitat_PUBLIC

RECORD_TYP

	SENSITIVE
	MATERNITY
	NON-MATERNITY SUMMER
	P1_P2+MATERNITY
	P3_P4+MATERNITY
	P1_P2+NONMATERNITY
	P3_P4+NONMATERNITY
	P1_P2
	P3_P4



- 82°53'6"W, 37°36'5.5"N
Waste Area 2
- 82°51'45.8"W, 37°33'39.2"N
Davis 4
- 82°47'4.1"W, 37°29'36.1"N
Moore 3
- 82°47'3"W, 37°29'41"N
Moore 2
- 82°45'6"W, 37°28'36"N
Turner-Sammons 1
- 82°45'9.8"W, 37°27'37.7"N
Waste Area

Turner, Moore & Davis
AML Reclamation Project
Wayland GQ
Floyd County





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April 20, 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: Turner, Moore, & Davis AML Reclamation Project (Floyd County)

Dear Mr. Hohmann:

Concerning the above referenced project, I have reviewed the Office of State Archaeology files to determine if any prehistoric or historic sites are located in proximity to the proposed AML 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 Pappas for)
George M. Crothers, Ph.D.
Director