

Authorization to Proceed (ATP)

Valerie Spangler Landslide
High Priority
Abandoned Mine Land (AML) Reclamation Project
based on or Categorical Exclusion (CX)
Letcher County, Kentucky

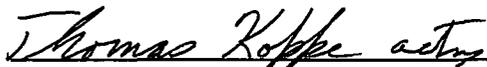
The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the April 29, 2011, request for ATP with construction activity on the Valerie Spangler Landslide High Priority AMLRP prepared by the Kentucky Department for Natural Resources, Division of Abandoned Mine Lands (DAML).

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) # KY-004131-SGA are not currently in the system due to recent system modifications to the AMLIS; however DAML has agreed to input the appropriate information as soon as it is available. OSM has signed approval forms for the new PA # KY-004131-SGA.

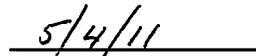
OSM reviewed the Categorical Exclusion Determination (CX) NEPA environmental review document prepared by the Division of Abandoned Mine Lands for the AML reclamation project. We have determined that the currently proposed activity requested is adequately considered in the approved CX NEPA environmental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

- 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 November 15, and provided the activity does not occur in "Known Indiana Bat Habitat".

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

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

State: KY PA: KY 4131 SGA
Project Name: Valerie Spangler Landslide HP AML Reclamation Project
Project Description: Stabilize the hillside behind the Valerie Spangler residence

I. GENERAL EXCEPTIONS

Does the project type specifically require an EA in 516 DM 6, Appendix 8, as specified in Item I of the attached instructions? No Yes

II. DEPARTMENT OF INTERIOR EXCEPTIONS

Will the project have any of the following:

A significant adverse effect on public health or safety? No Yes

An adverse effect on any of the following unique geographic characteristics? If 'yes,' check the ones that apply: No Yes

- | | |
|---|--|
| <input type="checkbox"/> Parks (state, local or National) | <input type="checkbox"/> Wild or Scenic Rivers |
| <input type="checkbox"/> Recreation or Refuge Lands | <input type="checkbox"/> Wetlands |
| <input type="checkbox"/> Wilderness Areas | <input type="checkbox"/> Floodplains |
| <input type="checkbox"/> Ecologically Significant or Critical Areas | <input type="checkbox"/> Sole or Principal Drinking Water Aquifers |
| <input type="checkbox"/> Prime Farmlands | |

Highly controversial environmental effects? No Yes

Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks? No Yes

A precedent for future action or a decision in principle about future actions with potentially significant environmental effects? No Yes

Directly related to other actions with individually insignificant but cumulatively significant environmental effects? No Yes

Adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No Yes

Adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species? No Yes

Memorandum

Date: April 29, 2011

To: Valerie Spangler High Priority Landslide Abandoned Mine Land (AML)
Reclamation Project File SubAccount# 99.105400000

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 Valerie Spangler High Priority Landslide AML Reclamation Project. The Branch prepared an ATP letter, Problem Area (PA) approval forms, as required by OSM Directive AML-1-2 (signed June 22, 2007), Categorical Exclusion (CX), for the FOD review. The Branch recommends that the FOD sign the (CX), PA approval form, and ATP in the space provided on each document. The original signed ATP letter will be sent to the Division of Abandoned Mine Lands (DAML) Director, along with associated approval documents consisting of a copy of the LFO review memorandum, and PA approval form and CX. A scanned copy of these authorization documents will be attached to an email to the Department for Natural Resources (DNR) Commissioner.

The Kentucky DAML ATP request dated April 29, 2011, was received at LFO attached to an email on April 29, 2011. The ATP was processed within 3 working days; therefore, the customer service target of 14 working days to process an ATP was met. The ATP was processed in 5 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 Grant's (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 # 99.105400000 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 May 15, 2011, Contract Award was entered as May 15, 2011, and Contract/Construction Completion was entered as June 15, 2011.

An office review of the request documents was conducted. The documents consisted of; a project description, a location map, a National Environmental Policy Act (NEPA) review documented in a CX agency consultation response letters attached; and an Abandoned Mine Land Inventory System (AMLIS) Problem Area Description (PAD) summary and appropriate Priority Documentation Form's, with engineer cost estimates for PA# KY-004131-SGA.

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

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

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

In addition, none of the twelve extraordinary circumstances listed in 516 DM 2, Appendix 2, exist on the project. All access is via existing roads and residential yards. All waste areas were previously disturbed as waste areas for other projects. There are no unresolved issues or adverse effects requiring specialized mitigation.

No significant impacts have been reported to this office or identified by the Branch. The Branch recommends that the Office of Surface Mining Reclamation and Enforcement (OSM) accept the CX submitted by the Kentucky DAML.

The State's ATP request 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 include the following comments and/or recommendations:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) reviewed the proposal and identified two known federally threatened/endangered fish and within a 10 mile radius of the project area. They also identified no records of state listed species of concern within 1 mile radius of the project area. KDFWR recommends that the erosion control measures, included in the project proposal, will need to be installed prior to construction and should be inspected and repaired regularly.

The DAML staff biologist did not review the Kentucky State Nature Preserves Commission's (KSNPC) BIOTICS database in lieu of further consultation. However, they did determine from the location and nature of the project that no species of concern should be impacted as the project site is a residentially maintained yard, and the only trees to be removed are those within the landslide. Trees within the AML feature are exempted from further consultation based on the memorandum of agreement with the US Fish and Wildlife Service mentioned below. The waste area has no tree cover, as demonstrated by several recent photos included in the ATP package, and the site has recently been utilized in the Can Tubbs AMLRP; which was approved in September 2010.

The concern with the Blackside dace is addressed by the watershed of concern for that species. The habitat for this species is in the Upper Cumberland watershed in southeastern Kentucky. This project is located east of the extent of the Upper Cumberland watershed; therefore, the threat to this species is minimal. The DAML Biologist also noted that the federally listed endangered Indiana bat, although not indicated to exist in the project vicinity; by his and the KDFWR reviews, would not be disturbed by the project. This is based on the fact that the project proposes to disturb no mine portals, cliffs, or caves, and proposes no disturbance of forested areas that could be utilized as roosting sites other than that area impacted by the AML problem that is creating a threat to the public.

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

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

The conditions in the MOA are met because:

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

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

The Office of State Archaeology has been contacted; however, DAML has not received a response at the time of this review. DAML states that the comments will be forwarded to LFO when they are received. Current direction with the project will be based on the agreement with the Kentucky Heritage Council and State Historic Preservation Officer (SHPO). An MOA was signed on January 3, 2011, 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 definition also includes a list of areas that fit the above definition. 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, all of the project area has been impacted by items 1 and 5 in the above list; therefore, the project is exempt from further consultation with the KHC. This fulfills the responsibility to consult with the SHPO under the Section 106 review process. Neither agency recommended conducting archeological surveys/investigations or mitigation measures.

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

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

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

The comments from the Kentucky State Clearinghouse, Kentucky's "Single Point of Contact" (SPOC) pertaining to AML Non-Water Supply projects included no comments that affect this proposal. The information to update PA # KY-4131-SGA will be input into the AMLIS by the DAML when the e-AMLIS system is operational. PA # KY-004131-SGA represents a "new Problem Area" requiring FOD approval under OSM Directive

AML-1-2 (signed June 22, 2007). A FOD approval form was prepared for the PA and submitted for FOD signature/approved by the FOD. The signed form will be kept on file at LFO and a copy will be transmitted to DAML as an enclosure with their copy of the ATP letter.

Miller, Corey T.

Subject: FW: ATP Transmittal: Valerie Spangler Landslide High Priority ATP, Letcher County
Attachments: Valerie Spangler Landslide HP_Approval Documents.pdf; Valerie Spangler HP ATP _ Review Memo.pdf

From: Miller, Corey T.
Sent: Wednesday, May 04, 2011 11:16 AM
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: Valerie Spangler Landslide High Priority ATP, Letcher County

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of your April 29, 2011, request for ATP with construction activity on the Valerie Spangler Landslide High Priority 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 DAML provided a DAML Inquiry Response Report, no issues were identified warranting further field review at this time in light of the urgency of the project and DAML requested expedited processing. The report and DAML relatedness investigation appear to provide evidence supporting DAML's opinion that the landslide is related to eligible AML mining operations, as summarized in the email from DAML Ryan Howell at 3:34 PM on April 29, 2011, DAML notes that a formal eligibility statement has been processed and prepared an AMLIS PAD based on this opinion.

It is OSM's recommendation that appropriate consideration be given to the general recommendations and comments provided in the response from the agencies consulted in the National Environmental Policy Act (NEPA) environmental review documented in the Categorical Exclusion (CX) prepared by DAML. Please give special attention to the following 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:

- No tree removal outside of the landslide impacted area is not authorized.
- OSM requests copies of any applications for permits/certifications and approval documents required for the construction of this project that were not submitted with the original ATP. This information is needed by OSM to perform oversight and monitor compliance with the NEPA.
- The Kentucky Dept. of Fish and Wildlife Resources recommends that you follow the erosion control measures, and mentioned in the proposal, and have them installed prior to construction. They also should be inspected and repaired as needed.

The OSM Lexington Field Office Director has signed an ATP notice, AMLIS PAD approval and the Categorical Exclusion Determination. 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.

As noted in your request documents, currently the AMLIS is not operational for data input. As noted in your ATP request letter, please be sure to update the AMLIS with the information regarding Problem Area (PA) # KY-004131-SGA at a later date when the system is once again operational.

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

Miller, Corey T.

Subject: FW: Valerie Spangler Landslide - more info

From: Overman, Bill (EEC) [<mailto:Bill.Overman@ky.gov>]
Sent: Friday, April 29, 2011 4:14 PM
To: Cassel, Steven R. "Steve"; Miller, Corey T.
Cc: Harlow, Brenda (EEC)
Subject: FW: Valerie Spangler Landslide - more info

From: Hall, Samantha (EEC)
Sent: Friday, April 29, 2011 12:27 PM
To: Howell, Ryan (EEC)
Cc: Rickwa, Vanna (EEC); Overman, Bill (EEC)
Subject: RE: Valerie Spangler Landslide HP AMLRP description

After reviewing the maps and description for the Valerie Spangler Landslide, I have determined no floodplain, COE or WQC permits will be required.

From: Howell, Ryan (EEC)
Sent: Friday, April 29, 2011 11:36 AM
To: Hall, Samantha (EEC)
Cc: Rickwa, Vanna (EEC); Overman, Bill (EEC)
Subject: FW: Valerie Spangler Landslide HP AMLRP description

Samantha,

Attached are a project description and a map of the waste area for the Valerie Spangler HP AMLRP (same as Chuck Fernandez waste area). I have not been given a planview map from Design yet, but I thought I'd forward what I have, so you might be able to get started. I attached an aerial off of Arcmap that shows the Spangler site without project limits yet. I also attached the FO report and the email that Joe gave me about the site. If you feel that you have enough to go on without the planview map of the site, please review the site for any floodplain or water issues.

Thanks,
Ryan

Miller, Corey T.

Subject: FW: ATP request for the Valerie Spangler Landslide HP AML Reclamation Project
Attachments: Valerie Spangler Landslide HP.doc; Spangler overview map.pdf; Spangler waste area '06.pdf; Valerie Spangler planview.pdf; Spangler waste area - bing '10.pdf; Buffer zones.pdf

Importance: High

From: Howell, Ryan (EEC) [<mailto:Ryan.Howell@ky.gov>]
Sent: Friday, April 29, 2011 3:34 PM
To: Cassel, Steven R. "Steve"; Miller, Corey T.
Cc: Overman, Bill (EEC); Rickwa, Vanna (EEC); Hohmann, Steve (EEC); Howard, Corey Ann (EEC)
Subject: ATP request for the Valerie Spangler Landslide HP AML Reclamation Project
Importance: High

Steve and/or Corey,

A landslide recently toed out against the Valerie Spangler residence in the community of Seco, in Letcher County. The landslide is still very wet, and more material threatens to move into the house and potentially damage or destroy the residence. Because this slide also threatens the safety of all individuals that may be in the residence, the site has been deemed a high priority, and an expedited ATP is being requested.

Attached are a project description, overview map, and close-up map of the site and waste area that are being sent to OSA and KDFWR for their comments.

The landslide at the Spangler site is directly behind the residence, and is very saturated and unstable. Access for the project will be through the residentially maintained yard. These areas were disturbed during houseseat construction and are unlikely to have any archaeological resources that may be negatively impacted. The waste area has been approved and used in multiple AML projects over the years. The most recent use was for the Can Tubbs Group AMLRP. An Aerial photo from 2006 (attached) shows this waste area to have been previously disturbed. For these reasons, KHC was not contacted, as the project is exempt under the Programmatic Agreement between KHC and AML. We will forward any comments that we receive from OSA when we receive them.

A search of the KSNPC database has not been performed yet, as personnel is unavailable to do the search at this time. However; no species of concern should be negatively impacted as the project site is a residentially maintained yard, trees within the unstable slope are exempt, the waste area is a treeless area that has previously been reviewed and approved, and no caves or cave-like structures will be closed. The only trees that will need to be removed are within the unstable slope and are exempt for this reason. An aerial photo from 2010 (attached) indicates the waste area still does not have trees in this location, so the Indiana Bat should not be negatively impacted. I have included an attachment, "Buffer Zones", that shows that the Spangler site does not fall within any of the critical bat habitat areas. We will forward any comments we receive from KDFWR, and we will forward the KSNPC memo when it is prepared, but it is unlikely that any species of concern would be negatively impacted due to the project location and scope of work.

A review of water issues was performed for this project to determine if any permits/certificates will be required. The attached email indicates that no floodplain permits, WQC, or COE permits will be required.

The PAD KY 4131 SGA has been prepared and pending OSM approval will be entered into the e-AMLIS when it becomes active. Also, attached is a Categorical Exclusion. The project has not received a formal eligibility determination, but the eligibility letter that was sent for review is attached, which includes the mine history.

Please accept this email as a formal ATP request. I will follow this email with another email with the PAD information, a Categorical Exclusion, a FO report and the eligibility letter, due to size limits.

Your expedited response is greatly appreciated.

Thanks,
Ryan Howell



**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
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Marcheta Sparrow
Secretary

Dr. Jonathan W. Gassett
Commissioner

3 May 2011

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

RE: Valerie Spangler Landslide HIGH PRIORITY AML Reclamation Project (Letcher 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*) and Indiana bat (*Myotis sodalis*) are known to occur within 10 miles of the proposed project site and waste area.. No state-listed species are known to occur within one mile of the project site and waste area. Please be aware that our database system is a dynamic one that only represents our current knowledge of various species distributions.

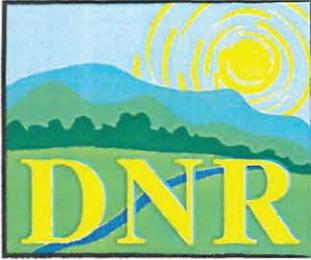
Erosion control measures, as mentioned in the project description, will need to be installed prior to construction and should be inspected and repaired regularly as needed. I hope this information is helpful to you, and if you have questions or require additional information, please call me at (502) 564-7109 extension 4453.

Sincerely,

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

Dan Stoelb
Wildlife Biologist

Cc: Environmental Section File



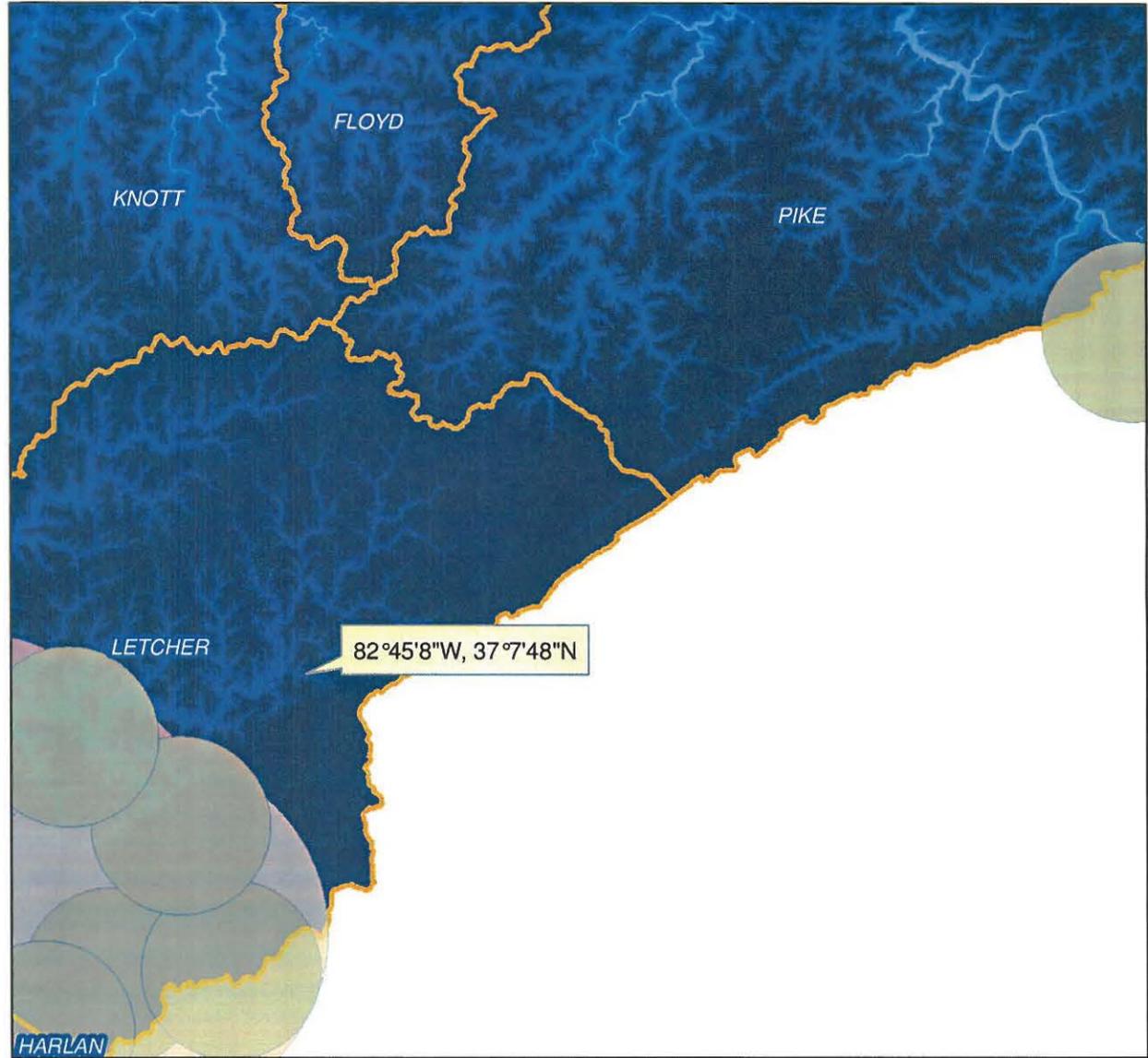
A Adams Site
Tubbs Group
AML Reclamation Project
Letcher County, KY

USFWS Known Indiana Bat Habitat
Jan2009_KnownMYSO_habitat_PUBLIC

<all other values>

RECORD_TYP

- Maternity
- Overlap_P12_mat
- Overlap_P12_nonmat
- Overlap_P34_mat
- Overlap_P34_nonmat
- P1_2
- P3_4
- nonmaternity summer
- sensitive



Legend

JAN2011_known_MYSO_habitat_PUBLIC

RECORD TYPE

- MATERNITY
- NON-MAT SUMMER
- P1_P2
- P1_P2+MAT
- P1_P2+NONMAT
- P3_P4
- P3_P4+MAT
- P3_P4+NONMAT
- SENSITIVE
- Licking_River_Watershed
- Upper_Cumberland
- Lower_Ohio_Watershed_Spatial
- Upper_Green_Watershed_Dissol
- Middle_Green_Watershed_Disso
- Lower_Green_Watershed_Dissol
- Tradewater_Watershed_Dissolv
- County
- County

ATP Review USFWS MOA Kentucky Watersheds & Indiana Bat

KNOTT

Vicco Waterline Expansion
KY-3974-SGA

Bobby Henderson
Portal
KY-004035-SGA

FLOYD

Eurie Tackett Group
Additional Waste Area

PIKE

Cromona Refuse (ENH)
KY-2535-SGA, KY-002535-ENH

City of Jenkins-Camden Rd

Valerie Spangler
HP AMLRP

Jenkins Refuse
(Mine 204) (ENH)
KY-004029-ENH, KY-004029-SGA

LETCHER

HARLAN

39

Cassel, Steven R. "Steve"

From: Howell, Ryan (EEC) [Ryan.Howell@ky.gov]
Sent: Wednesday, May 11, 2011 7:24 AM
To: Cassel, Steven R. "Steve"; Miller, Corey T.
Cc: Rickwa, Vanna (EEC); Overman, Bill (EEC)
Subject: KSNPC memo for Valerie Spangler Landslide HP AMLRP
Attachments: Valerie Spangler KSNPC memo.pdf

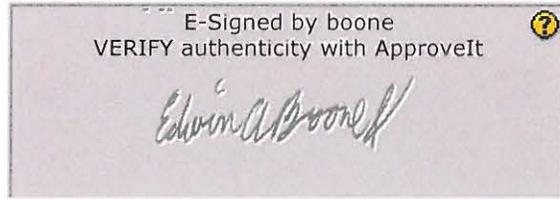
Here's a copy of the KSNPC memo for the Valerie Spangler Landslide HP AMLRP.

Thanks,
Ryan

MEMORANDUM

To: Valerie Spangler AML High Priority Reclamation Project file

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



Through: Bill Overman, Branch Manager, Program Development Branch
Bill Overman 5/10/11

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

Date: May 10, 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 site to be disturbed by this project, and if any federally listed threatened and endangered species are known to occur within the general area (a 10 mile radius) of these sites. These searches revealed that one species of state concern that is monitored by the KSNPC occurs within one mile, and that two federally listed threatened and endangered species are known to exist within ten miles of the project sites. The species noted in the search was:

- Elusive clubtail (*Stylurus notatus* – KSNPC Endangered)
- Blackside dace (*Chrosomus cumberlandensis* – USESA Threatened)
- Indiana bat (*Myotis sodalis* – USESA Endangered)

The work to be conducted at this project site consists of the complete excavation of a landslide that threatens the Spangler residence. All access routes to the project site are extant. No disturbance of trees is anticipated outside of the unstable landslide area.

The elusive clubtail is a species of Gomphid dragonfly (Order Odonata – Sub-order Anisoptera), the nymphs of which are aquatic. No in-stream disturbance will occur due to project-related activities. A stringently formulated sediment and erosion control program – consisting of such elements as the use of straw bale silt fences and prompt revegetation of all areas disturbed by project-related activities – will prevent significant amount of sediments from reaching area streams as a result of project construction. Therefore, there will be no negative impacts to this insect species.

The blackside dace is a small fish of the family Cyprinidae that is endemic to the Upper Cumberland River drainage basin, upstream from the original location of Cumberland Falls (near the mouth of Big South Fork of the Cumberland River). The project site is located within the Kentucky River drainage basin. No in-stream disturbance will occur due to project-related activities. A stringently formulated sediment and erosion control program – consisting of such elements as the use of straw bale silt fences and prompt revegetation of all areas disturbed by project-related activities – will prevent significant amount of sediments from reaching area streams as a result of project construction. All of the above factors will preclude any significant negative impact to the blackside dace.

The Indiana bat establishes summer day roosts and brood colonies in trees with exfoliating bark and/or splits in limbs. In winter, it is known to utilize caves, and occasionally underground mine voids, as hibernacula. The only trees to be disturbed by project-related activities are those that have been previously disturbed by landslide activity, and which are unsuitable as habitat for this species. Therefore, construction of this project will not result in a negative impact to the Indiana bat. Further, this project site is not within any area held to be the “Known Habitat” of the Indiana bat by the United States Fish and Wildlife Service.