

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

Calla Refuse  
Abandoned Mine Land (AML) Reclamation Project  
based on Categorical Exclusion (CX)  
Estill County, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the July 10, 2012, request for ATP with construction activity on the Calla Refuse Abandoned Mine Land Project, prepared by the Kentucky Department for Natural Resources, Division of Abandoned Mine Lands (DAML). OSM found that the appropriate request documents were submitted and appear to support the need for the proposed construction activity. These documents appear to support the need for the proposed construction activity. OSM confirmed that the required information documenting the general AML problem for this project has been included in the AML Inventory System (AMLIS) under PA# KY-003968-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 from the consultation agencies. Please give special attention to the following recommendation (s).

- With the exception of trees directly impacted by the AML problem, there is no purposeful removal of standing trees larger than 5 inches diameter at breast height or standing snags with loose bark that are 9 inch or greater diameter at breast height and at least 10 feet in height, during the period of April 1 to October 14, and provided the activity does not occur in "Known Indiana Bat Habitat".
- If tree cutting is required outside of the AML features, a habitat assessment or presence /absence survey will be required, and must be performed by a certified biologist.
- Please be aware that the language in the proposal which stated "Raise gabion check if deemed necessary by engineer" has been removed. With this provision, no floodplain permit is required.

- Please follow all appropriate provisions included in the DAML Erosion and Sediment Control Best Management Practices (BMP) Plan guidance document throughout the construction activity at this site.

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.

Robert L. Evans for

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

9/6/12

Date