

Authorization to Proceed (ATP)

Mountain Breeze Apartments
Abandoned Mine Land (AML) Reclamation Project
based on Categorical Exclusion (CX)
Letcher County, Kentucky

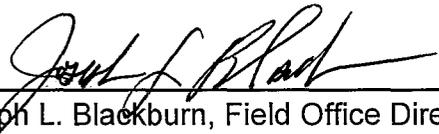
The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the March 8, 2012, request for ATP with construction activity on the Mountain Breeze Apartments, prepared by the Kentucky Department for Natural Resources, Division of Abandoned Mine Lands (DAML). OSM found that 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 under PA# KY-004197-SGA.

OSM reviewed the Categorical Exclusion Determination (CE) 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 CE 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 CE 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:

- Should the clearing of trees outside of any unstable, directly AML-impacted areas become necessary between April 1 and October 14, a habitat assessment or presence/absence survey may be required. The project site does not fall within an area buffered by USFWS as "known habitat".
- 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.



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



Date