

Authorization to Proceed (ATP)

Pine Creek Refuse ATP
Abandoned Mine Land (AML) Reclamation Project
based on Environmental Assessment (EA)
Letcher County, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the January 11, 2012, request for ATP with construction activity on the Pine Creek 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. OSM confirmed that the required information for this project has been included in the AML Inventory System (AMLIS) for Problem Areas (PA) #s KY-003177-SGA KY-003177-ENH.

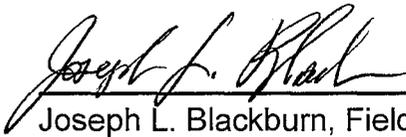
OSM reviewed the EA prepared by DAML documenting the National Environmental Policy Act (NEPA) environmental review of this project. OSM determined that the EA adequately discusses the environmental issues and impacts associated with the construction of the project. Based on the analysis in the EA, I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

- As described in the ATP project description, please maintain the 10 ft buffer zone between the project area and Pine Creek.
- LFO recommends that you follow the stringent erosion and sediment control plan to limit erosion and sedimentation into Pine Creek.
- During construction, your project description states you will use caution at the Elkhorn #3 elevation, to avoid water from previous underground mining. Your project description states that if water is encountered, you may allow the water to free flow. LFO recommends that DAML is prepared to treat the water before it is allowed to enter Pine Creek, in case of acid mine drainage concern.
- Please provide OSM with any other comments, recommendations or permits that are obtained from the consultation agencies regarding this project for our records; particularly the floodplain permit.

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.

The project authorization notice and NEPA review document, with associated pertinent support documents, will be posted for public notification and access on the "Kentucky Abandoned Mine Land (AML) Projects" web page of the Lexington Field Office (LFO) web site of the Appalachia Region web site, specifically at URL address <http://www.arcc.osmre.gov/FOs/LFO/AML/Projects.shtm>.



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

2/7/2012
Date