

Authorization to Proceed (ATP)

Pine Creek, Cram Creek, and Pert Creek
Abandoned Mine Land (AML) Water Supply Project
based on Environmental Assessment (EA)
Letcher County, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the March 5, 2011, request for ATP with construction activity on the Pine Creek, Cram Creek, and Pert Creek Abandoned Mine Land (AML) Water Supply 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 under PA# KY-004195-SGA.

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 Pine Creek, Cram Creek, and Pert Creek Abandoned Mine Land (AML) Water Supply Project. Please give special attention to the following recommendations.

- 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".
- If tree cutting is required outside of the non-AML features, a habitat assessment or presence /absence survey will be required, and must be performed by a certified biologist.
- 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

5/23/12

Date