

NOV 03 2010

Authorization to Proceed (ATP)
Sammy Maynard Group
Abandoned Mine Land (AML) Reclamation Project
based on Categorical Exclusion (CX)
and Finding of No Significant Impact (FONSI)
for the John Robinson and Karen Thompson Sites
Pike County, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the October 14, 2010, request for ATP with construction activity on the Sammy Maynard Group AML Reclamation project, prepared by the Division of Abandoned Mine Lands (DAML) of the Kentucky Department for Natural Resources. OSM found that the appropriate request documents were submitted and appear to support the need for the proposed construction activity.

The information to update AMLIS Problem Area (PA) # KY-004057-SGA was submitted by DAML for OSM review with the ATP request package. The AMLIS system is not operative at this time for input of new data by DAML or the OSM LFO. DAML noted that they will input this new PA when the AMLIS is once again operative. PA #KY-004057-SGA represents a "new Problem Area" requiring FOD approval under OSM Directive AML-1-2 (signed June 22, 2007). A FOD approval form was signed by the LFO FOD. A copy will be transmitted to DAML.

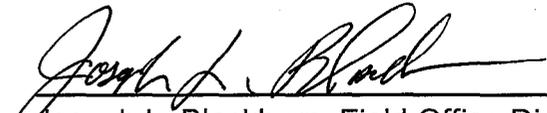
OSM thoroughly reviewed the environmental assessment (EA) prepared by DAML for the John Robinson and Karen Thompson Sites of this project. OSM determined that the EA adequately discusses the environmental issues and impacts associated with the construction of the project. Based on the analysis in the EA, I have determined that reclamation of these abandoned mine sites would not have significant effects on the quality of the human environment. Therefore, I conclude that no environmental impact statement is necessary. OSM also reviewed the categorical exclusion (CX) certification prepared by DAML for the remaining sites and waste area of this project. OSM determined that the construction activity requested under these sites of this project conforms to the 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 environmental review. As a result, I have signed the CX and FONSI for this project.

In addition to the provisions noted in the ATP request documents, the authorization of this project is further conditioned as follows:

- Please ensure that as noted in your ATP request letter and your biologist that no tree removal is proposed, with the exception of trees directly impacted by the AML problem, such as four of the seven portals on the Brenda Pecco site that are within an unstable dangerous highwall, but that if tree removal is needed it will only take place between October 15 and March 31.

- The project proposes to reclaim all open mine portals/shafts with FWS accepted types of wildlife friendly gates that allow bat access, to include DAML's current standard culvert closure design (see attached plans); except the four described at the Brenda Pecco site and mine portals/shafts that are collapsed or are too small (less than one foot in diameter) and, thus, preclude their use as bat habitat.
- Please ensure that a 401 Water Quality Certification and floodplain construction permit to "Construct Across or Along a Stream" are obtained for the low water crossings on the John Robinson and Karen Thompson sites of the project prior to construction and ensure compliance throughout to project construction.

Accordingly, pursuant to Section 5-11-20D.3 of the Federal Assistance Manual and my signature on this ATP notification document, DAML is authorized to proceed with 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

11/04/10

Date