

Authorization to Proceed (ATP)

Vernon and Rita Justice
High Priority Phase II
Abandoned Mine Land (AML) Reclamation Project
based on Categorical Exclusion (CX)
Pike County, Kentucky

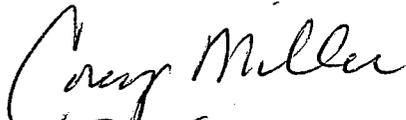
The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the February 20, 2012, request for ATP with construction activity on the Vernon and Rita Justice High Priority Phase II AML Reclamation Project prepared by the Kentucky Department for Natural Resources, Division of Abandoned Mine Lands (DAML). OSM found that the appropriate request documents were submitted with this Phase II proposal and made reference to appropriate documents within the first phase of this project. 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 previously been included in the AML Inventory System (AMLIS) under PA# KY-004193-SGA.

OSM reviewed the categorical exclusion (CX) certification prepared by DAML for this project. OSM determined that the construction activity requested under 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 Categorical Exclusion Determination (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.

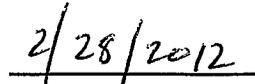
- With the exception of trees directly impacted by the AML problem, there is no purposeful removal of standing trees larger than 5 inches diameter at breast height or standing snags with loose bark that are 9 inch or greater diameter at breast height and at least 10 feet in height, during the period 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.

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>.


ACTING FOR

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


Date