



United States Department of the Interior



OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Knoxville Field Office
701 Locust Street, Second Floor
Knoxville, TN 37902

Authorization to Proceed December 27, 2016

Mr. Trevor Martin
AML Program Manager
Land Reclamation Section
Tennessee Department of Environment and Conservation
3711 Middlebrook Pike
Knoxville, Tennessee 37921-6538

Dear Trevor,

The Office of Surface Mining Reclamation and Enforcement (OSMRE) Knoxville Field Office has reviewed the Categorical Exclusion Certification and Determination (CE) for the Clearfork Utility Landslide Reclamation Project (Site No. 15502) and your request to proceed with construction using funds awarded under the Fiscal Year 2015 Abandoned Mine Land (AML) Consolidated Grant (No. GR517470), TN Non-Water Supply Project Cost Category (Sub-account No. 47503). Based upon our review of the CE you prepared and consultation agency comments, we concur with the Tennessee Department of Environment and Conservation, Land Reclamation Section that the proposed reclamation conforms to the exclusion criteria in 516 DM 6, Chapter 13, and will not have a significant effect on the human environment. This site is excluded from further NEPA document requirements.

Accordingly, pursuant to Federal Assistance Manual section 4-160-40D.3, **you are authorized to proceed with site reclamation.** In accordance with inventory guidelines found in OSM Directive AML-1, and your AMLIS updating procedures, the Mossy Grove Reclamation Project AMLIS features are to be updated from “unfunded” to “funded” based on your AMLIS budget estimate for the features.

A copy of the CE signed by OSMRE for this AML construction is enclosed for your records. Please contact Elizabeth Smith at 865-545-4103 Ext. 135 if you any questions regarding the above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Earl D. Bandy, Jr.", written in a cursive style.

Acting FOD

Earl D. Bandy, Jr., Director
Knoxville Field Office

Enclosure

No Waters of the State or of the U.S. are located within the project area and best management practices for sediment and erosion control will be utilized to prevent any off-site impacts.

Reclamation will follow standard engineering practices. No blasting will occur and no undisturbed, non-commercial offsite borrow areas will be required; and should the need for one become necessary during reclamation, OSM will be contacted for approval before its use. Construction will be conducted to comply with state and local regulations regarding fugitive dust control and open burning. To ensure compliance with applicable TN laws and regulations, construction stormwater prevention measures will be incorporated into the project plans and specifications.

Consultation letters were sent to several state and federal agencies. A summary of the responses received is below:

- **Tennessee Natural Heritage Program** – No federally listed rare species within one mile of the project. Agency stated that there is limited suitable habitat within the project area and does not anticipate any impacts to rare, threatened, or endangered plant species from this project.
- **U.S. Fish and Wildlife Service** – No concerns with the project
- **Tennessee Wildlife Resources Agency** – Agency stated no concerns or objection to the proposed project and do not anticipate adverse impacts to state listed species under our authority; provided that BMP's are implemented and maintained.
- **Tennessee Historical Commission** – No eligible or listed sites on National Register of Historic Places will be affected by the project.
- **East Tennessee Development District** – No conflicts with the plans or programs of the District.

Yes responses require submission of an environmental assessment.

I. GENERAL EXCEPTIONS

Does the project type specifically require an EA in 516 DM 6, Appendix 8, as specified in Item I of the attached instructions? No [X] Yes []

II. DEPARTMENT OF INTERIOR EXCEPTIONS

Will the project have any of the following:

A significant adverse effect on public health or safety? No [X] Yes []

An adverse effect on any of the following unique geographic characteristics?

If yes, check the ones that apply.

No [X] Yes []

- | | |
|---------------------------------------------------------------------|--------------------------------------------------------------------|
| <input type="checkbox"/> Parks (State, Local, or National) | <input type="checkbox"/> Wild or Scenic Rivers |
| <input type="checkbox"/> Recreation or Refuge Lands | <input type="checkbox"/> Wetlands |
| <input type="checkbox"/> Wilderness Areas | <input type="checkbox"/> Floodplains |
| <input type="checkbox"/> Ecologically Significant or Critical Areas | <input type="checkbox"/> Sole or Principal Drinking Water Aquifers |
| <input type="checkbox"/> Prime Farmlands | |

Highly controversial environmental effects? No [X] Yes []

Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks? No [X] Yes []

A precedent for future action or a decision in principle about future actions with potentially significant environmental effects? No [X] Yes []

Directly related to other actions with individually insignificant but cumulatively significant environmental effects? No [X] Yes []

Adverse effects on properties listed or proposed to be listed on the National Register of Historic Places? No [X] Yes []

Adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species? No [X] Yes []

Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or The Fish and Wildlife Coordination Act? No [X] Yes []

Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment? No [X] Yes []

III. RESOURCE IMPACT EXCEPTIONS

Are there any unresolved issues, or adverse effects requiring specialized mitigation, for any of the following resources? If yes, check the ones that apply. No [X] Yes []

- | | |
|-------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Topography | <input type="checkbox"/> Historic and Cultural |
| <input type="checkbox"/> Land Use (includes prime farmland) | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Soils | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Vegetation | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Hydrology | <input type="checkbox"/> Other (includes socioeconomics) |
| <input type="checkbox"/> Fish and Wildlife | |

IV. ATTACH CONSULTATION LETTERS AND A LOCATION MAP

V. RESPONSIBLE OFFICIAL CERTIFICATION

Signature: Trevor W. Martin Date: 12/15/16

Name and Title: Trevor Martin, AML Program Manager

VI. OSM DETERMINATION

- This project conforms with the exclusion criteria in 516 DM 6, Appendix 8, and is excluded from further NEPA compliance.
- This project does not conform with the exclusion criteria in 516 DM 6, Appendix 8, and requires an environmental assessment.

Signature: William R. Winters Date: 12/28/16

Name and Title: William R Winters, Acting FOD