

## Memorandum

Date:

To: Edward Daniels Slide Phase II HP Abandoned Mine Land (AML)  
Reclamation Project File SubAccount# 99.166400000

From: Corey Miller, Program Specialist  
Lexington Field Office (LFO), Program Support Branch (PSB)

Subject: Review of "Authorization to Proceed" (ATP) Request

The Branch recommends that the Field Office Director (FOD) authorize the State of Kentucky to proceed with the construction activity proposed on the Edward Daniels Slide High Priority Phase II Abandoned Mine Land (AML) Reclamation Project with a construction budget of \$202,729.00. The Branch prepared an ATP letter, Categorical Exclusion (CX) for the FOD review. The Branch recommends that the FOD sign the Categorical Exclusion Determination (CX) and ATP in the space provided on each document. The original signed ATP letter will be sent to the Division of Abandoned Mine Lands (DAML) Director, along with associated approval documents consisting of a copy of the LFO review memorandum and CX. A scanned copy of these authorization documents will be attached to an email to the Department for Natural Resources (DNR) Commissioner.

The Kentucky DAML ATP request dated February 22, 2012 was received at LFO attached to an email on February 22, 2012. The ATP was processed within 6 working days; therefore, the customer service target of 14 working days to process an ATP was met. The ATP was processed in 8 calendar days; therefore, the Federal employee performance appraisal standard of 30 calendar days to process an ATP was met.

DAML did not designate a funding source under the budget category entitled Project Costs (Non-Water Supply) of any of Kentucky's AML Annual Construction Grant's (ACG). In previous discussions, DNR indicated they would assign projects to a grant before they go to construction. Until a final AG and Location Code are assigned the LFO Project/Site ID # 99.166400000 was assigned to the project file for LFO tracking purposes until actual AG and Location Code numbers are assigned by DAML and can be inserted in the appropriate positions at the beginning and end of the LFO Project #. No bid advertisement, bid opening, or construction completion dates were provided by DAML in the ATP request letter, therefore I inserted dates in the database based on the ATP request letter stating that these activities will occur as soon as possible. The following proposed dates were assigned and entered by LFO for database tracking purposes: Bid Advertisement Date was entered as March 1, 2012, Contract Award was entered as March 15, 2012, and Contract/Construction Completion was entered as March 15, 2013.

An office review of the request documents was conducted. The documents consisted of: a project description, a location map, the documents refer to a National Environmental Policy Act (NEPA) review documented in a CX with agency consultation response letters for the original project, and an Abandoned Mine Land Inventory System (AMLIS) Problem Area Description (PAD) summary and appropriate Priority Documentation Form's available online from the e-AMLIS, with engineer cost estimates for PA# KY-003628-SGA.

A pre-approval field inspection of the proposed project was deemed unnecessary, since the original project was previously authorized and no unique characteristics warranting special field verification were noted and it wasn't selected for field verification under the EY 2012 Oversight Agreement.

The CX previously submitted for the construction activity at the site was reviewed and found to adequately evaluate the environmental concerns and impacts of the currently proposed Phase II construction activity. The use of a CX is acceptable for the construction activity proposed in this project because all items on the CX have a response of "No." The project type does not meet any of the ten general exceptions, in 516 DM 13.5(B)(33), that would require preparation of an Environmental Assessment.

The project involves: no more than 100 acres; no hazardous wastes; no explosives; no hazardous or explosive gases; no dangerous impoundments; no mine fires and refuse fires; no undisturbed, noncommercial borrow or disposal sites; no dangerous slides where abatement has the potential for damaging inhabited property; no subsidences involving the placement of material into underground mine voids through drilled holes to address more than one structure; and no unresolved issues with agencies, persons, or groups or adverse effects requiring specialized mitigation.

In addition, none of the twelve extraordinary circumstances listed in 516 DM 2, Appendix 2, exist on the project. All access is via existing roads. The waste area is an old coal refuse pile and is void of vegetation. All other areas were previously disturbed by mining and residential development. There are no unresolved issues or adverse effects requiring specialized mitigation.

No significant impacts have been reported to this office or identified by the Branch. The Branch recommends that the Office of Surface Mining Reclamation and Enforcement (OSM) accept the CX previously submitted by the Kentucky DAML. Included in this ATP package is the DAML Erosion and Sediment Control Best Management Practices of March 2010 that is used as a guide for Kentucky AML projects. OSM appreciates the level of consideration that DAML gives to this. The Branch recommends that OSM accept the CX previously submitted by the Kentucky DAML signed by OSM on January 31, 2012, as adequate NEPA consideration for the proposed activity.

The comments from the Kentucky State Clearinghouse, Kentucky's "Single Point of Contact" (SPOC) pertaining to AML Non-Water Supply projects included no comments that affect this proposal. The information to update PA # KY-003268-SGA was directly input into the AMLIS by the DAML. This information reflects the changes in units and costs based upon the design and classification of the funded category. This was confirmed by LFO's review of the AMLIS data and a PAD summary website screen printout from the OSM HDQ AMLIS database. PA # KY-003268-SGA represents a "new Problem Area" requiring FOD approval under OSM Directive AML-1-2 (signed June 22, 2007). A FOD approval was granted by the FOD.