

Authorization to Proceed (ATP)

Gomer Cantrell Small Purchase
Abandoned Mine Land (AML) Reclamation Project
based on Categorical Exclusion (CX)
Letcher County, Kentucky

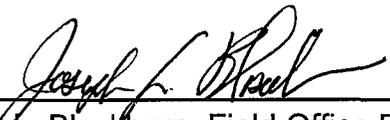
The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the January 11, 2012, request for ATP with construction activity on the Gomer Cantrell Small Purchase Abandoned Mine Land prepared by the Kentucky Department for Natural Resources, Division of Abandoned Mine Lands (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 (AMLIS) for Problem Areas (PA) #s KY-004191-SGA.

OSM reviewed the Categorical Exclusion Determination (CX) NEPA environmental review document prepared by the Division of Abandoned Mine Lands for the AML reclamation project. We have determined that the currently proposed activity requested is adequately considered in the approved CX NEPA environmental review document. In addition, the proposed activity conforms with 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 compliance. We have prepared and I have signed a CX for this project. Please ensure compliance with the following provisions in the ATP request documents noted here for emphasis or the authorization of this project is further conditioned as follows:

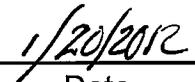
- With the exception of trees directly impacted by the AML problem, there is no purposeful removal of standing trees larger than 5 inches diameter at breast height or standing snags with loose bark that are 9 inch or greater diameter at breast height and at least 10 feet in height, during the period 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 use the erosion control measures, as mentioned in the project description, to limit any impacts to aquatic resources from this project. The Kentucky Department of Fish and Wildlife Resources suggest that they are installed prior to construction and should be maintained throughout the life of the project.

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>.



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



Date