

Authorization to Proceed (ATP)

Harburly Refuse
Abandoned Mine Land (AML) Enhancement Project
based on Environmental Assessment (EA)
Perry County, Kentucky

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed a review of the April 26, 2012, request for ATP with construction activity on the Harburly Refuse AML Enhancement Project 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 under PA#s KY-004194-SGA and KY-004194-ENH.

OSM reviewed the Categorical Exclusion Determination (CE) 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 CE 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 CE for this project. Please note that OSM has highlighted some mitigation below that you have included in your proposal and from the responses from the consultation agencies for emphasis.

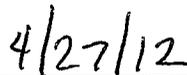
- As stated in your ATP request letter, should the clearing of trees (trees over 5" DBH which also display characteristics such as shaggy, exfoliating bark, or crevices and hollowed-out cavities within their trunks and larger limbs) outside of any unstable, directly AML impacted areas become necessary between April 1 and October 14, a habitat assessment or presence-absence survey may be required.
- Please note that in your project description mentions that dust abatement will be addressed by utilizing a water truck to water the access road.
- Please note that in your project description mentions that the removal process will not begin until all necessary drainage features are in place.

- Your ATP letter states that the contractor will be applying for all necessary permits, and construction will not start until they have been received. Thus far this proposal does require a USACOE permit and a DOW Water Quality Certification. Please supply OSM with copies of all permits as they are received for our files.
- Please follow all appropriate provisions included in the DAML Erosion and Sediment Control Best Management Practices (BMP) Plan guidance document throughout the construction activity at this site.

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.



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



Date