



IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Bill Northey, Secretary of Agriculture

June 19, 2013

Kristen Lundh
U.S. Fish and Wildlife Service
Rock Island Ecological Services Field Office
1511-47th Avenue
Moline, IL 61265

NO OBJECTION
U.S. Fish & Wildlife Service
Rock Island Field Office
[Signature]
Supervisor
Date 6/24/13

RE: Section 7 Consultation
Proposed Judge Abandoned Mine Land Reclamation Project

Dear Ms. Lundh:

The Division of Soil Conservation is requesting concurrence from the U.S. Fish and Wildlife Service that the proposed Judge Abandoned Mine Land (AML) reclamation project is *not likely to adversely affect* any threatened or endangered species. The proposed project is located in Monroe County, Iowa. The construction activities for the Judge AML Reclamation Project will be performed using federal funds granted to the Division from the U.S. Office of Surface Mining. The purpose of the Judge Project is to eliminate the coal mining features that present a danger to the health, safety and general welfare of the public.

The Division concludes that the Judge AML Reclamation Project will have no adverse effect on any threatened or endangered species reported for Monroe County, Iowa. We will protect and save as much habitat around the perimeter of the clearing area as possible. This consultation is being performed to comply with Section 7 of the Endangered Species Act.

The following items that pertain to the Judge AML Reclamation Project are enclosed for your review:

1. Iowa Division of Soil Conservation Threatened and Endangered Species survey
2. Map showing 2009 aerial photo of surrounding area and the approximate project boundary

Thank you for your assistance with obtaining authorization to proceed for this site. Please contact me at (515) 281-5005 or the email address listed below if you have any questions.

Sincerely,

Bobby Kuennen, Environmental Specialist
Mines and Minerals Bureau
IDALS - Division of Soil Conservation
robert.kuennen@iowaagriculture.gov

/bk

RECEIVED

JUN 21 2013



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A handwritten signature in black ink that reads "Bobby Kuennen".

Bobby Kuennen, Environmental Specialist
Mines and Minerals Bureau
IDALS - Division of Soil Conservation
robert.kuennen@iowaagriculture.gov

/bk

Threatened and Endangered Species Survey

Judge Abandoned Mine Lands Project

Project #IA-086

NE ¼ of Section 23 and NW ¼ of Section 24
Township 72N, Range 16W

Monroe County



Prepared by

Division of Soil Conservation
Iowa Department of Agriculture and Land Stewardship
In Cooperation with
United States Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Mid-Continent Regional Coordinating Center

July 2013

Site Description

The Judge Project is located in the NE 1/4 of Section 23 and NW 1/4 of Section 24, Township 72N, Range 16W, Monroe County, Iowa. The Judge site was strip-mined in the 1960's and left in an unreclaimed condition. This project area is approximately 30 acres which will be reclaimed using federal abandoned mine land (AML) funds. This area consists of barren, toxic spoil piles, dangerous highwall, and polluted water.

This project area drains directly into Middle Avery Creek, and bordered on all sides by grassland, row crop or timber. The site consists of large areas of mine spoil covered with sparse vegetation. Several drainage ditches flow through the site before entering Middle Avery. This water is poor quality when it leaves the site due to the acidic spoil that it flows through. Water quality is poor with a pH of around 2.0 and a high iron content. There is an approximately 2500 foot long and 20 - 30 foot high highwall running along the southern edge of the project. The landowner has done some work leveling the original spoil piles to a more manageable slope but did not treat the material so the vegetation is still sparse.

Also on the site, a 3 acre pit pond with good water quality. This pond was built by the mining and the dam holding the water back is failing due to the spoil material it is built from. This pond will be lowered to fix the pipe outlet but not completely drained.

A reclamation construction project is planned to begin in the fall of 2013. The site will be monitored for five years after construction. After at least two full growing seasons, the site will be evaluated for any need of additional soil amendments such as lime, nitrogen, phosphorous, and potassium and possible tree planting.

Vegetation is primarily adapted to acidic conditions over the site with a few areas of trees. The site is mostly bare acidic spoil with small scattered patches of threeawn grass (*aristida oligantha*), moss, multiflora rose, and common agricultural type weeds. The understory is mostly invasives in the areas with tree cover. The site is heavily grazed so the plants that do grow in the poor conditions are eaten off quickly.

Project Description

The Judge Project calls for the complete reclamation of all features associated with abandoned mine land activities. Spoil piles will be graded up against the highwall to form a gentle slope, treated with ag-lime, and re-vegetated. The new sloping area will be terraced, and permanent vegetation established to cover the ground and help control erosion by surface water runoff. Agricultural limestone will be incorporated into the top 12 inches of the subgrade to neutralize the acidic spoil material.

Background Information

Representatives from the Iowa Department of Agriculture – Division of Soil Conservation visited the Judge AML Problem area in the Spring and Summer of 2012 and Spring of 2013 to perform assessments of the area for the presence of threatened and endangered species which may be impacted by the proposed reclamation project activities. Prior to visiting the site, staff reviewed project plans, maps, landowner correspondence, and other file information. Staff was also informed of the Iowa listed threatened and endangered species that could exist in the area (see list below). In summary, none of these species, nor evidence of their presence, was observed.