United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902

FINDING OF NO SIGNIFICANT IMPACT

Cooper Ridge Mine
Kopper Glo Mining, LLC
OSMRE Permit Application 3270 Decision Document

A. Introduction

The proposed Cooper Ridge Surface Mine is in Claiborne County, Tennessee near the intersection of Valley Creek Road and State Highway 90, 1.4 miles northeast of the Clairfield community. The proposed mine site is in the Cumberland River watershed and is drained locally by Nolan Branch, Clear Fork, Valley Creek, and Hurricane Creek and various smaller unnamed tributaries of these streams**.** The mining authorized by the issued permit would result in removal of coal from the Jellico (locally known as the Mingo or Mason) coal seam. The mining and associated activities would disturb approximately 472.5 acres, which are previously mined acres within a 1496.3-acre permit boundary, over the five year operation authorized by the issued permit and included in the mine plan. Some of the mining of the 472.5 acres took place prior to implementation of Surface Mining Control and Reclamation Act of 1977 (SMCRA), and the mining would reclaim portions of the Jellico (Mason) mine bench (highwall) that remains unreclaimed, including an estimated 5.11 miles of abandoned highwalls. This permit will be issued in accordance with SMCRA.

The proposed permit was submitted for review by Kopper Glo Mining, LLC on January 24, 2013. Pursuant to the Surface Mining Control and Reclamation Act (SMCRA) of 1977, Kopper Glo Mining, LLC must obtain a permit from OSMRE to conduct the proposed surface coal mining and reclamation operation. In accordance with the National Environmental Policy Act (NEPA), OSMRE has developed an environmental compliance document to assist in the agency decision-making process. The proposed decision of permit issuance with modification will allow Kopper Glo Mining, LLC to conduct the surface coal mining and reclamation operation in accordance with SMCRA while ensuring that adverse environmental impacts are minimized.

Pursuant to 30 CFR Part 746, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is recommending selection and approval of Alternative A. The undersigned person has determined that approval of a federal mining permit authorizing mine operations for approximately 9.2 years with a total surface disturbance of 472.5 acres and federal coal permit 3270 would not have a significant impact on the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 USC 4332(2)(C); therefore, an Environmental Impact Statement is not required.

B. Environmental Significance of the Proposed Decision

OSMRE prepared the *Cooper Ridge Mine OSMRE Permit Application 3270 Environmental Assessment* (EA) to satisfy OSMRE's requirements under NEPA. OSMRE is the lead federal agency responsible for development of the EA. OSMRE has the decision-making authority regarding the issuance of a coal mining permit for the proposed Cooper Ridge mining operation under SMCRA. As such, this EA follows the CEQ's, DOI's, and OSMRE's regulations and guidance for implementing NEPA. There were four alternatives considered: approve application with modification, permit application disapproval, approve application as initially submitted, and no action. The "no action" alternative was eliminated because in accordance with 30 CFR 773, OSMRE is required to make a decision to approve or disapprove each application. The "approve permit as initially submitted" was eliminated because OSMRE reviewed the proposed application for administrative and technical adequacy and determined that the permit application as initially submitted, did not meet the requirements of SMCRA. The EA analyzed the potential impacts associated with the two remaining action alternatives. Alternative A (Proposed Action), would permit 1,496.3 acres, with 472.5 surface acres disturbed at a rate of 360,000 tons of coal per year; Alternative B would disapprove the permit application altogether. OSMRE may disapprove the permit application upon finding that the proposed operation will not meet the requirements of SMCRA and the Federal Program for Tennessee.

OSMRE has determined that this proposed decision would not have a major impact on the quality of the human environment. Therefore, an environmental impact statement pursuant to Section 102(2)(c) of NEPA is not required. This finding of no significant impact is based on the enclosed environmental assessment, which identifies and discusses the environmental impacts resulting from the proposed decision and reasons stated in Part C of this document.

The table below summarizes the environmental impacts by alternatives:

Resource	**Alternative A**	**Alternative B**
Topography	After reclamation, impacts to topography would be negligible, because upon completion of the proposed mining and reclamation activities, topography within the proposed permit area should largely be restored to the approximate conditions that existed prior to any mining in this area. Current conditions will improve with the reclamation of 5.11 miles of abandoned highwalls are proposed.	No mining would occur on the proposed mine area and 5.11 miles of abandoned highwalls ranging in 20-40 feet high would be left unreclaimed.

Air and Climate Resources	OSMRE has determined that it is unlikely that dust and fumes associated with blasting operations at this proposed site will cause any health or nuisance impacts to nearby residents or the occasional user of nearby public roads. When it comes to GHG emissions, the contribution of any individual mine typically found in the Tennessee coal fields is unlikely to make any significant contribution to the global warming issue.	No mining would occur on the proposed mine area and there would be no impacts to air and climate resources from the proposed mine area.
Direct GHG emissions	Negligible long-term impact on Tennessee (0.40%) and U.S. (0.023%) total annual GHG emissions throughout all phases of the project.	Negligible long-term impact on Tennessee (0.1%) and U.S. (0.0173%) total annual GHG emissions throughout all phases of the project.
Geology	Negligible to minor, long-term impact on the geological column.	Same as Alternative A.
Water Resources	On the basis that the proposed mining activity will comply with approved permit plans and all performance standards, OSMRE has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The water quality of the receiving streams should remain within acceptable limits for their particular stream-use classification. OSMRE has prepared a cumulative hydrologic impact assessment (CHIA) for the subwatershed. The CHIA was developed for this proposed mining operation to consider the combined hydrologic impacts on both the ground water and surface water resources resulting from existing and anticipated mining operations.	No mining would occur in the proposed permit area and there would be no effects to downstream flows or quality. Similarly there would be no impacts to downstream water users, aquifers, or groundwater quality.

Surface water	Surface water monitoring of the stream, and of the settling basins discharging to the stream, would be conducted in accordance with SMCRA and the Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit requirements to ensure that water quality impacts to receiving streams are minimized. The SMCRA and NPDES permits will also require periodic monitoring of the streams' biological conditions.	No mining would occur in the proposed permit area and there would be no effects to downstream flows or quality. Similarly there would be no impacts to downstream water users, aquifers, or groundwater quality.
Groundwater impacts	The wells near the project area are approximately 0.75 miles from the proposed mining operation and are stratigraphically separated from the proposed mine site by 300 feet of interbedded sandstones and shales and as such are believed to be hydrologicly isolated from the proposed mine area, and were apparently not impacted by previous surface mining activities in this area. OSMRE concludes that no mining-related impacts to the Clear Fork Utility District ground water wells are anticipated because of the proposed mining operation. A spring was identified and is currently used as a drinking water source for one nearby resident; the well may be impacted by the proposed surface mining activities. If the quality or quantity of this spring is affected such that it is no longer a viable drinking water source, the applicant has proposed a plan to provide the nearby resident with an alternative water source. If such impact occurs, the applicant will drill a well for the owner of the residence and provide all necessary materials to ensure that the well provides a useable supply of water.	No mining would occur in the proposed permit area and there would be no effects to downstream flows or quality. Similarly there would be no impacts to downstream water users, aquifers, or groundwater quality.

Vegetation	The proposed mining would result in the surface coal mining disturbance of vegetation on approximately 385.4 acres of the 472.5 acres proposed for surface coal mining disturbance. The project is not expected to result in significant cumulative impacts to terrestrial animal communities, increase populations of exotic or invasive terrestrial animals, or result in significant adverse impacts to migratory birds in the region. For some years after mining, the non-invasive ground cover species will provide the principal component of the postmining land use. 20-30 years post-reclamation, herbaceous habitat begins to give way to the more closed, forest cover habitats.	No mining would occur in the proposed permit area and there would be no loss of forested area. Similarly, there would be no impacts to loss of wildlife habitat or streams.
Wetlands and Riparian Zones	An evaluation of the flooding potential concluded that there will be little or no increase in the flooding potential in this area as a result of the proposed surface mining operation.	No mining would occur in the proposed permit area and there would be no impacts to existing wetlands.
Fish and Wildlife Resources	These mining activities would result in some direct mortality of slow-moving animals, temporary loss of habitat (food and shelter) in the areas of proposed disturbance, and further displacement of more mobile species into adjacent habitats. These areas were quickly repopulated by species that favor early successional habitats. Species that favor successional habitats and forest habitats would later move into the reclaimed areas as the vegetation required to establish these habitats becomes established. The proposed mining activity would likely result in temporary impacts in the headwater area of portions of Rock Creek, Straight Creek, Valley Creek, Hurricane Creek, and Clear	No mining would occur in the proposed permit area and there would be no impacts to existing fishery and wildlife resources. The current land use would not change and the TSS would not increase due to mining related activity.

	Fork and is unlikely to jeopardize fishery resources in the Clear Fork drainage system. These effects would be minimized by measures to be implemented during active mining and during reclamation of the site due to increased levels of TSS.	
Special Status Species	After having considered the measures incorporated in the proposed permit application to prevent, minimize, or mitigate impacts to protected species and the impacts to the hydrologic regime predicted in the permit application and OSMRE's CHIA for this proposed permit, OSMRE concludes that the proposed surface coal mining operation is predicted to provide adequate protection for federally listed species. OSMRE has concluded that the operation, as proposed, should not affect the continued existence of any State or Federally listed threatened/endangered species or species of concern, including Indiana bat, northern long-eared bat, gray bat, and blackside dace.	No mining would occur in the proposed permit area and the current land use would not change. There would be no new impacts to threatened and endangered species.
Cultural and Historic Resources	The applicant proposes to maintain a 100 foot buffer between proposed mining activities and the cemeteries and to restore vehicle access to the cemetery for which the proposed mining would remove the existing jeep trail to the cemetery. OSMRE has determined that the protective measures proposed by the applicant should be sufficient to ensure the integrity of the two cemeteries. The response received January 19, 2010, from the Tennessee State Historic Preservation Officer indicated that no historic or archaeological resources were known to exist in this area. During the course of the mining	No mining would occur in the proposed permit area and there would be no impacts to potential existing cultural and historical resources.

	operation, if previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Regulatory Authority (OSMRE).	
Socioeconomics	The proposed mining activity will provide jobs and tax revenues for the local and state governments. The applicant has indicated that approximately 40 people will have direct employment with the coal company at this mine during the life of this proposed project. Goods and services purchased in the area by the applicant and employees of the applicant will provide direct support to the local economy, and through sales tax revenue, will provide indirect support to the local and state governments. The federal government will of course collect personal and business income tax revenue. The applicant must also pay a fee to the federal government of $0.28 per ton for each ton of coal removed to help reclaim pre-SMCRA abandoned mine sites. Local and state governments also receive $1.00 per ton in tax revenue for each ton of coal removed.	No mining would occur in the proposed permit area and there would be impacts to existing socioeconomics. Local and state governments depend on the revenue from coal mining. Coal mining provides jobs and income for the local community.
Visual Resources	While existing vegetation, and to a lesser extent topography, would limit to some extent the visual impact, the users of State Highway 90 and Rock Creek Ridge Road and a number of the residences in the Clairfield community will be able to see the mine site from the public roads or the nearby homes. The mine site proper and associated haul roads will also be visible to the occasional person who may be pursuing recreational interests (e.g. hunting, 4-wheeling, etc.) in this area. As reclamation is completed and vegetation established, impacts to	No mining would occur in the proposed permit area and there would be no impacts to existing visual resources. However, the pre-existing highwalls will not be reclaimed and restored to pre-mining characteristics.

	scenery would diminish markedly. An estimated 180 acres of AML reclamation will occur with this proposed mining operation. Due to the distance between residences in this area and the mine site proper as well as the topographic features and vegetation between the homes and the site, it is unlikely that lighting required for operations at night would have any nuisance-type impact on these residences.	
Solid or Hazardous Waste	The coal to be mined and temporarily stockpiled on site is potentially acid forming material; runoff from the stockpiles will be directed to the sediment basins. Lime will be used to bring pH to net acid base before dewatering pits. Fuel will be stored in metal containers to prevent leachates or spills from entering the ground and surface water systems.	No mining would occur on the proposed permit area and there would be no impacts from solid or hazardous waste.
Noise	The primary mining-related sources that would contribute to noise impacts are blasting, equipment operation, and coal transportation. OSMRE funded a study of noise related to coal mining which determined humans could be affected by exceeding noise level generally accepted to represent an "annoyance" threshold. Any noise increases associated with the proposed mining operation would essentially end upon completion of all mining and reclamation activities, a period of approximately 5 years.	No mining would occur in the proposed permit area and there would be no impacts from noise.
Soils	The proposed mining will disturb soils present within the permit area. Previous mining that occurred many years ago has altered the majority of the 472.5 acres proposed for surface	No mining would occur in the proposed permit area and there would be no impact to soil resources.

	disturbance. The presence of these potentially acid/toxic zones within the geologic strata to be disturbed by the proposed mining indicates that there is a potential for development of AMD. This necessitated that Kopper Glo Mining, LLC design a site-specific toxic material handling plan. The plan contains these steps: (1) minimize disturbances to the hydrologic balance within the permit and adjacent areas, (2) prevent material damage outside the permit area, (3) meet applicable Federal and State water quality laws and regulations, and (4) protect the rights of present water users.	
Health and Public Safety	There is little doubt that the projected increase in coal truck traffic (trucks being the heaviest mine-related vehicles to regularly use the public roads) will increase the need for road maintenance on the approximate 1.6 mile long section of unpaved county road that the trucks will use when transporting coal from the haul road to the nearby coal processing and loading facility; however there is little doubt that the projected increase in coal truck traffic (trucks being the heaviest mine-related vehicles to regularly use the public roads) will increase the need for road maintenance on the approximate 1.6 mile long section of unpaved county road that the trucks will use when transporting coal from the haul road to the nearby coal processing and loading facility. OSMRE's conclusion as to public safety is supported by the fact that no person or agency has made OSMRE aware of any undue risk (i.e. increased frequency of accidents) that coal truck use of this portion of the public	No mining would occur in the proposed permit area and there would be no impact on current traffic along public roads.

	road system has created over the past 30 or more years, the time period for which the haul roads have been existing at their current locations.	

C. Rationale

The attached EA considers a reasonable range of alternatives to the Proposed Action, discloses the potential environmental effects of the alternatives, and provides sufficient evidence and support for this FONSI. The EA was prepared by OSMRE in consultation with USFWS. The EA evaluated all environmental issues, including those identified in comments received from the public. OSMRE takes full responsibility for the accuracy, scope, and the content of this document.

The undersigned has determined that per the CEQ's, DOI's, and OSMRE's regulations and guidance, the public involvement requirements have been met. OSMRE solicited public comments via public outreach legal notices published in the Claiborne County Newspaper for four consecutive weeks, with a 30-day comment period commenced. Public comments were received and a public hearing requested during this time. The public hearing was in Claiborne County on November 29, 2012. A joint public notice from TDEC and OSMRE was issued on November 9, 2016 for the proposed issuance of NPDES/OSMRE permits for this project. The hearing occurred at the TDEC office in Knoxville on December 20, 2016. Comments continued to be accepted until December 28, 2016. All public comments received to date have been fully considered before reaching this FONSI.

Impacts to environmental and socioeconomic resources resulting from the proposed surface coal mining and reclamation operation are predicted to vary from minor to moderate. These impacts are addressed in the enclosed environmental assessment, the proposed permit application, and the cumulative hydrologic impact assessment. Mitigating measures have been incorporated in the approved operation and reclamation plan that will support OSMRE's finding of no major impacts from the proposed surface coal mining and reclamation operation.

3/2/17

William R. Winters, Acting Director
Knoxville Field Office
OSMRE

Date