



United States Department of the Interior



OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, 2nd Floor
Knoxville, Tennessee 37902

FINDING OF NO SIGNIFICANT IMPACT AUTHORIZATION TO PROCEED

Bearwallow Gob Pile Project
Site No: 14301

Grant No. GR417510 Sub-account No. 51403

Priority 2: (GO) Gob Pile/Priority 2: (H) Highwall
Estimated Cost: \$6,000
Russell County, Virginia

The Virginia Department of Mines, Minerals and Energy (DMME), Division of Mined Land Reclamation (DMLR), Abandoned Mine Land Section submitted an Authorization to Proceed (ATP) request for Federal Abandoned Mine Land (AML) grant funds to the Office of Surface Mining Reclamation and Enforcement (OSM), Knoxville Field Office (KFO) for the Bearwallow Gob Pile Project from Fiscal Year (FY) 2014 grant funds. DMLR's ATP request consists of an Environmental Assessment (EA), Project Eligibility, determination and findings for government financed construction projects, and resource consultation documentation. The project area is located off State Route 63, approximately 1.4 miles east of Dante in Russell County, Virginia. Two gob piles comprise a total of 6 acres with the following locations: Pile 1, 36° 58' 46" and 82° 16' 32" and Pile 2, 36° 59' 7" and 82° 16' 42". A third pile, Pile 3, may be added to the project following additional NEPA consultation. Pile 3 is located at 36° 58' 48" and 82° 16' 45". The project will also abate 600 feet of a highwall feature. The project is located in Problem Area VA000094.

Reclamation activities will entail: installing, maintaining, and removing temporary erosion and sedimentation control throughout construction; excavating the gob piles; extinguishing all combustion found; removing all material down to natural ground and topsoil; and applying revegetation materials. The contractor has the option to not exceed removal of 5,000 marketable tons, should this tonnage not be exceeded, the contractor is only responsible for reclaiming the area disturbed. Screening and physical processing will be conducted at the project site. Backfilling and grading of the highwall will be accomplished with the unmarketable coal waste, and no material will remain hot when used for backfill. Topsoil material will be salvaged from the adjacent pre-SMCRA benches and then evenly redistributed over the unmarketable coal waste used to backfill the highwall. The original topsoil will be distributed as needed to fully cover the disturbed hollow area after coal waste removal. Seeding will be completed using a reclamation seed mix that is certified weed-free and free of invasive non-native plant species. No disposal area is to be closer than 100 feet to intermittent or perennial streams. No in-stream

construction, floodplains, or wetland impacts will be associated with this project. The Bearwallow Gob Pile project EA will be incorporated into the contract agreement between DMLR and the contractor hired for this reclamation. All requirements listed in the EA will be enforceable as plans and specifications. The contractor will also post a \$100,000 reclamation bond for each of the work sites to ensure successful reclamation of the AML hazard.

Marketable gob material from the piles in the project is to be blended with gob material from the Hurricane Fork Gob Pile Project. This blending action will enhance the likelihood of removal of the Hurricane Fork Gob Pile, as Hurricane Fork's btu value is too low to justify economically removing as a standalone project. Dominion, as the ultimate market for the material, supports this approach. Gob piles resulting from mining in the Upper Banner and Lower Banner seams in the Dante area have a history of combustion. In 2008, exploration at Pile A of Straight Hollow Gob Pile revealed material combustion. This pile contained material from Upper Banner and Lower Banner seams and is 0.4 mile northeast of the Bearwallow Project. As there is no record of a forest fire igniting the pile, combustion must have been spontaneous within the pile. The contractor also reported areas of combustion on adjacent piles removed during the larger gob pile project. There is some surface evidence of combustion on the large pile referenced as Hurricane Fork. This pile largely resulted from operations in the Tiller and Jawbone seams.

Features for this project resulted from mining operations in the Lower Banner and Upper Banner coal seams. The Southwest Virginia 208 Plan shows these seams to be mined out as of March 1976. The surrounding area is largely forested with nearby residential areas.

The AML features designated within this project are a result of mining conducted prior to August 3, 1977. There is no continuing responsibility for any individual, firm, or organization to reclaim this site; therefore DMLR finds the site eligible for AML funding.

OSMRE has thoroughly reviewed DMLR's EA and determined it adequately addresses the environmental issues and impacts as required by the National Environmental Policy Act (NEPA) for OSMRE abandoned mine lands reclamation grant construction activities for authorization purposes. Based on analysis in the EA, KFO finds that the construction activities performed under this project will have a positive impact on quality of the human environment and concludes that a detailed Environmental Impact Statement is unnecessary. More Specific reasons for this determination are detailed below.

DMLR considered two alternatives for this site. The first and preferred alternative is to complete the project as an AML project, with authorization from OSMRE and funding from the FY 2014 AML Grant. Classified as "AML Enhancement" DMLR's contribution to the project is estimated at less than 50% of the actual project cost. Federal supported construction costs will be limited to funding the native hardwood tree planting over the project site and for AML administration. Proposed reclamation will protect the public health and safety by eliminating a 6 acre gob pile and 600 feet of highwall. DMLR's estimated cost for reclamation is \$6,000. A total of 15 acres of AML hazard will be reclaimed. Completion of the proposed project will be more beneficial and create fewer future impacts to the resource values affected through reclamation.

The second alternative is to take no action with regards to abatement of the abandoned mine hazards. This alternative would result in continuing hazards from the existing gob pile and highwall. This alternative does not allow for the positive benefits associated with the proposed action which will protect the public health and safety. This action is not a suitable alternative.

DMLR's EA documents the required NEPA consultation to assess potential impacts to resource values under the proposed alternatives. The following is a summary of the items identified by each agency:

1. The Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR) responded that natural heritage resources have not been documented in the project area; however, the absence of data may indicate the area has not been surveyed rather than confirm the area lacks natural heritage resources. DCR also indicated that there are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity, nor will the activity affect any documented state-listed plants or insects.
2. The Virginia Department of Environmental Quality (DEQ) did not object to the project which eliminates and reseeds three sites in the Lick Creek watershed. The DEQ also specified the project should:
 - Minimize short-term impacts to water quality from surface runoff through Best Management Practices.
 - Abide by all applicable state, Federal and local laws and regulations.
 - Obtain all permits and approvals are obtained prior to construction.
 - Incorporate features which prevent significant adverse impacts on ambient air quality, water quality, wetlands, historic structures, fish wildlife, and species of plants, animals or insects listed by state agencies as rare, threatened or endangered.
3. The Department of Historic Resources (DHR) indicated there are no recorded historic districts, structures or archaeological sites within the project's area of potential effects. DHR's opinion is that no further identification efforts are warranted and recommends a finding of No Historic Properties Affected for the proposed project.
4. The U.S. Army Corps of Engineers (USACE) responded that no Department of the Army permit is required; however, if the proposed action deviates substantially from that being proposed and potentially may impact water of the United States, it may be necessary to obtain authorization prior to proceeding with the project.
5. The Virginia Marine Resources Commission (MRC) responded that there does not appear that the proposed project is within the jurisdiction of the MRC. However, if any portion of the project location changes significantly, a permit may be required from their agency, and consultation should be re-initiated.
6. The Natural Resource Conservation Service (NRCS) consultation indicated the proposed project addressed their basic environmental and erosion and sediment

control concerns, and also conforms closely to presently practiced reclamation goals and standards. The NRCS believes the project is worthwhile and should be implemented.

7. Virginia Department of Game and Inland Fisheries (DGIF) provided no response to the consultation request.
8. The U.S. Fish and Wildlife Service (USFWS) does not anticipate adverse effects to federally listed species or federally designated critical habitat, if the project is conducted as described. The FWS determined surveys should be conducted for bat habitat suitability at each of the nearby portal reclamation sites and appropriate measures taken from the results of surveys. The FWS determination may be reconsidered if project plans change or additional information becomes available for listed species or critical habitat.

In addition to the agency recommendations listed above, DMLR:

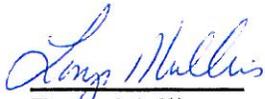
1. Assures weep berms will be constructed and maintained for sediment control and bi-monthly water sampling will continue as conducted during previous gob pile reclamation in the project area.
2. Will require the contractor analyze and submit an acid base analysis of the material in each gob pile. Once each quarter, the contractor will sample unmarketable material and analyze for an acid base accounting, as well as report these results to DMLR within 30 days of the end of the respective quarter.
3. Assures prior to any disturbance at the gob pile or highwall area, the areas will be surveyed for the presence of bat habitat trees. Any habitat trees will be cut during the period of November through March.
4. Will verify the contractor has submitted proof of all necessary permits and will ensure the contractor strictly adheres to all conditions of any permits obtained.
5. Ensures the contractor will strictly adhere to Virginia's erosion and sediment control provisions to prevent discharge of sediment to state waters and assure no provision of VA's State Water Quality Standards are violated. No in-stream construction, floodplains, or wetlands impacts will be associated with this project.
6. Assures vegetation will be applied using a reclamation seed mix that is certified weed-free and free of invasive non-native plant species. Revegetation species applied to all disturbed areas will be selected from a list agreed to by state and federal agencies.
7. Will not authorize any work prior to approving the contractor's ground control plan.

8. Will require the contractor, with regards to access roads branching off Rt. 63:
 - a. Implement effective sediment and dust control measures along the existing mine road including grading, surfacing, sediment fence, and sumps.
 - b. Obtain any permits required by the Virginia Department of Transportation and adhere to the permit terms, and
 - c. Maintain access roads to prevent tracking material onto State roads.

9. Prior to authorizing the contractor commence construction activity, will publish a project notice in a newspaper of general circulation that the agency intends to accomplish a project involving complete removal of the gob pile and highwall through its approved AML reclamation program.

Accordingly, pursuant to section 4-160-140D.3 of the Federal Assistance Manual, and section 403(b) of SMCRA, you are authorized to proceed with this project and expend Federal funds in accordance with AML grant terms and conditions.

In accordance with OSM Directive AML-1, please update the Bearwallow Gob Pile Project, in e-AMLIS from "unfunded" to "funded" based on your budget estimate for the project.



Tonya Mullins
Physical Scientist
Field Oversight Branch
Knoxville Field Office

10/10/14
Date



Earl Bandy
Field Office Director
Knoxville Field Office

10/10/14
Date