



## United States Department of the Interior



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

### **FINDING OF NO SIGNIFICANT IMPACT AUTHORIZATION TO PROCEED**

Bull Creek Church Landslide Project  
Site No: 14503  
Grant No. GR417510 Sub-account No. 51403

Priority 1: 1 (DS) Dangerous Slide  
Estimated Cost: \$181,720  
Buchanan 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 (OSMRE), Knoxville Field Office (KFO) for the Bull Creek Church Landslide Project from Fiscal Year (FY) 2014 grant funds. DMLR's ATP request consists of an Environmental Assessment (EA), Project Eligibility Documentation, e-AMLIS information, and associated NEPA consultation documents. The project area is located approximate 2.2 miles southwest of the intersection of State Route 460 and State Route 609, and approximately 1.0 mile west of the community of Maxie in Buchanan County, Virginia. The project is located on the Harman USGS 7.5 Min. Quadrangle, with center coordinates of 37° 17' 51.138" N and 82° 11' 34.560" W. The total disturbed area is less than one acre and is located in Problem Area VA000288, Harman Junction. The surrounding project area is predominantly residential and forested property.

Features for this project resulted from underground mining operations in the Hagy and Splashdam coal seam. DMME records and mine mapping show the mine works as Harman Mining Mine #2. This operation was abandoned in early 1974. The landslide feature is a result of water currently discharging from old Hagy and Splashdam coal seam workings through collapsed entries to underground mine works. The discharges are located immediately up gradient of occupied dwellings and a public road (Bull Creek Road). The one acre of Priority 1 Dangerous Landslide feature is directly related to past coal mining activities conducted prior to August 3, 1977, and there is no continuing responsibility for any individual, firm, or organization to reclaim this site; therefore DMLR finds the site eligible for AML funding.

Work for this project will include; excavation of unstable material in, above, and around the slide area and then stabilizing the area with riprap material, correcting drainage by regrading of the

surrounding area, placing excess excavation materials into a properly designed and approved disposal site, and revegetation of all areas of disturbance with non-invasive species using plant lists approved by state and federal agencies for AML reclamation projects.

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 the 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. Proposed reclamation will protect the public health and safety by eliminating a dangerous slide AML feature. 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 hazard. This alternative would result in continuing hazards from the spoil material. The dangerous slide feature is encroaching upon Bull Creek due to sedimentation from the slide area being deposited into the streambed. The potential for flooding from a large slide event in conjunction with the accumulation of sediment within Bull Creek presents an eminent threat to the surrounding community. 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. Consultation was initiated in July of 2014. The following is a summary of the items identified by each agency from consultation:

1. The Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR) indicated the Levisa River-Bull Creek SCU is located downstream from the project site, which has been given a biodiversity ranking of B5. This represents a site of general significance; the natural heritage resource associated with this site is the Teays River crayfish. DCR recommends the implementation and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations to minimize adverse impacts. 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. Furthermore, they recommend no stockpiling of spoil removed from the reclaimed site and immediate disposal in an approved upland site, along with use of seed mix including native plant species appropriate for the region, free of invasive species.

2. The Virginia Department of Environmental Quality (DEQ) indicated the Bull Creek Church Landslide presents an immediate threat to human safety. The DEQ specified no objections provided the project complies with the following:
  - Minimizes short-term impacts to water quality from surface runoff through Best Management Practices.
  - Abides by all applicable state, Federal and local laws and regulations.
  - Obtains all permits and approvals are obtained prior to construction.
  - Incorporates 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 their archives do not show recorded historic resources within the project area. DHR opinion is that no further identification efforts are warranted and based upon the documentation provided; they recommend a finding of No Historic Properties Affected for the proposed project.
4. The Natural Resource Conservation Service (NRCS) responded that the proposed project appears to address their basic environmental and erosion and sediment control concerns. NRCS also noted that the project seems to conform closely to presently practiced reclamation goals and standards and their position is that the project is worthwhile and should be implemented.
5. The Virginia Marine Resources Commission (VMRC) responded that work does not appear to occur within the jurisdiction of the MRC. However, access to the project will necessitate the installation culvert to cross Bull Creek. Therefore, because impacts to “Waters of the U.S.”, a Department of the Army Joint Permit from VMRC and U.S. Army Corps of Engineers (USACE) will be warranted for the project.
6. The USACE made an on-site visit to conduct a jurisdictional determination. The USACE determined the project would require a Nationwide 37 permit.
7. The U.S. Fish and Wildlife Service (USFWS) does not anticipate adverse effects to federally listed species or federally designated critical habitat for the proposed Bull Creek Church Landslide project.
8. Virginia Department of Game and Inland Fisheries (VDGIF) did not respond to the consultation request.

In addition to the agency recommendations listed above, DMLR:

1. Will ensure reclamation strict erosion and sediment control measures are utilized in accordance with the most current version of the Virginia Erosion Control and Sediment Handbook.

2. Will ensure fugitive dust is minimized through the application of water to suppress dust and by washing off vehicles and paved surfaces near the construction site.
3. Will coordinate with the applicable agencies to obtain all necessary Section 404/401 permits. DMLR will ensure all permit conditions are strictly adhered to during construction.
4. 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.
5. Proposes an off-site disposal area located in the Starr Branch area, outlined in the construction plans, to be used in the reclamation of this project. The off-site disposal area:
  - shall not be placed in wetland areas;
  - operations shall occur within one-half mile of a site listed in, eligible for, or proposed for listing in the National Register of Historic Places;
  - operations shall be located within one-half mile of any Federally-established or prospective component of the National Wild and Scenic River System under 16 USC 1274 and 1276;
  - operations shall not cause a significant encroachment within the base floodplain. The Division of Mined Land Reclamation will contact the Office of Surface Mining for approval prior to implementation of any borrow or disposal area(s);
  - operations shall not be located within a critical habitat of a Federally-listed, endangered, or threatened species of fish or wildlife under 16 USC 1531, et seq.;
  - operations shall be consistent with the approved State Implementation Plan (SIP) governing ambient air quality; and
  - adherence to these mitigation measures does not relieve the grantee or recipient of the obligation or responsibility to obtain any other Federal, State, or local approvals required to use borrow and disposal sites, nor does it allow the grantee or recipient to ignore the provisions of those approvals.
6. 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 the Bull Creek Church Landslide project through its approved AML reclamation program.

Accordingly, pursuant to section 4-160-50D.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.

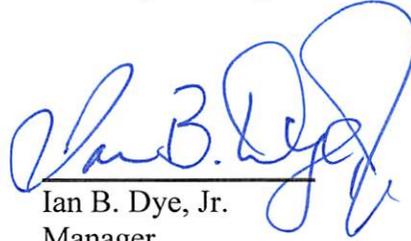
In accordance with OSM Directive AML-1, please update the Bull Creek Church Landslide Project in e-AMLIS from “unfunded” to “funded” based on your budget estimate for the project.



Debra H. Zirkle  
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Field Oversight Branch  
Knoxville Field Office

11/12/2014

Date



Ian B. Dye, Jr.  
Manager  
Field Oversight Branch  
Knoxville Field Office

11/12/2014

Date