



United States Department of the Interior



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

CATEGORICAL EXCLUSION AUTHORIZATION TO PROCEED

Everglades Erosion Repair Project
Site No. 13523
Grant No. GR317510 Sub-account No. 51303

Priority 2: 1.0 acre (CSL) Clogged Stream Land
Estimated Cost: \$50,000
Lee 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) FY 2013 grant funds to the Office of Surface Mining Reclamation and Enforcement (OSMRE), Knoxville Field Office (KFO) for the Everglades Erosion Repair Project. The ATP request consists of a Categorical Exclusion Certification and Determination (CE), with eligibility documentation, consultation correspondence, project description, location map, and e-AMLIS forms.

The Everglades Erosion Repair Project site is located within the Ely Creek watershed, off State Route (SR) 765, near the community of St. Charles in Lee County, VA. Coordinates for the approximate project location center are latitude 36° 47' 04"N, and longitude 83° 06' 57"W. Project area mapping is comprised of the Pennington Gap USGS 7.5 Min. Quadrangle. The project site is within the Stone Creek Problem Area, VA-000257. The reclamation project will consist of repairing existing slope erosion conditions and constructing drainage structures to convey surface runoff, the source of erosion, into adequate receiving channels. Strict erosion and sediment control measures will be implemented throughout constructions and all disturbed areas will be promptly revegetated using seed mixtures agreed upon by state and federal agencies.

Based on the analysis in the CE, OSMRE finds reclamation to abate the Priority 2 AML project of one acre of clogged stream land, with less than 2.0 acres of land being disturbed, conforms to the exclusion criteria in 516 DM 6, Appendix 8, and is excluded from further NEPA review, reasons for this determination are as follows:

DMLR's review of the Southwest Virginia 208 Plan Pennington Gap Quadrangle Coal Outcrop Map, shows strip mining along the Taggart crop line, within the project area, prior to July, 1976. Additionally, the Historical USGS Pennington Gap 1955 Quadrangle Map photo revised in 1969, shows strip mining in the project area along the contour line, and OSMRE's aerial photo number 150525, dated 10/22/78, shows the project area to be previously disturbed. The AML

feature designated within this project is 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.

Reclamation activities will protect the public health and safety by eliminating the hazards associated with clogged stream lands. This feature is located near occupied residences, posing a continuing danger to public safety. These properties would most likely suffer damage in the occurrence of flooding that could potentially occur due to a sediment filled stream bed or significant amounts of erosion materials delivered downstream by runoff from the feature.

DMLR's CE 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 according to their files, natural heritage resources have not been documented within two miles of the project area. The absence of data may indicate the area has not been surveyed rather than no species occur on and around the site. 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 proposed project involves correcting erosion and drainage problems in the Ely Creek drainage, VAS-P20R_ELC01A00, Section 1, Class IV waters. Ely Creek is impaired for the Aquatic Life Use because VSCI scores are low. 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 U.S. Army Corps of Engineers (USACE) reviewed the project and determined all reclamation activities will occur outside the limits of the ordinary high water mark and therefore will not impact jurisdictional waters. No Dept. of Army permit will be required for the proposed work as long as the plan does not deviate significantly from the plan.
6. The U.S. Fish and Wildlife Service (USFWS) consultation included 22 projects proposed from DMLR. USFWS does not anticipate adverse effects to federally listed species or federally designated critical habitat for the proposed Everglades Erosion Repair project.
7. The Virginia Marine Resources Commission (VMRC) responded that work does not appear to occur within the jurisdiction of the MRC, and concluded there will be no direct impacts to State-owned submerged lands and accordingly there will be no permit required for the proposed activity.
8. Virginia Department of Game and Inland Fisheries (VDGIF) did not respond to the consultation request.

The CE states all disturbed areas will be seeded with plant species from the list agreed to by state and federal agencies. Seeding will be completed as expeditiously as possible and will implement guidelines of the Appalachian Regional Reforestation Initiative to the extent possible.

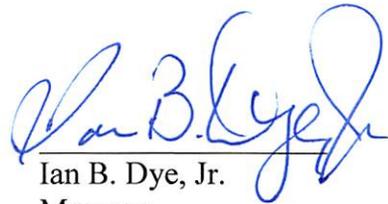
If needed, borrow or disposal sites will be from/on adjacent mined land that has previously been disturbed. DMLR will contact the OSMRE for approval prior to implementation of borrow or disposal area(s). Additionally, state regulations regarding fugitive dust control and open burning will be followed. Blasting will not be allowed.

Accordingly, pursuant to section 4-160-50D.3 of the FAM, 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 electronic Abandoned Mine Land Inventory System (eAMLIS) for the Problem Area Description (PAD), Stone Creek, VA000257, for the Everglades Erosion Repair Project from “unfunded” to “funded” based on your budget estimate for the project.


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10/28/14
Date


Ian B. Dye, Jr.
Manager
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10/29/2014
Date