



## 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**

Hurley Regional Water Line Extension Phase III-B  
Coon Branch Addendum  
Site No. 12601-1

Grant No. GR217510 Subaccount No. 51204  
Buchanan County, Virginia

#### Priority 2: (17) Polluted Water Human Consumption Hazards

The Virginia Department of Mines, Minerals and Energy, Division of Mined Land Reclamation (DMLR), Abandoned Mine Land Section submitted an Authorization to Proceed (ATP) request for Federal AML grant funds to the Office of Surface Mining Reclamation and Enforcement (OSMRE), Knoxville Field Oversight Branch for the Coon Branch Addendum of the Hurley Regional Water Line Phase III-B project.

Phase IIIB of the water line project is nearing completion and it has been determined there will be leftover funding. With a portion of the leftover funding, it is proposed to extend the water line into the Coon Branch of Hurley. With the contractor's equipment in the area, completing the Coon Branch section under the existing contract would be economically advantageous. This extension will serve approximately 17 homes and no additional funding is necessary to complete the Coon Branch section.

The Coon Branch Extension Project is located in the community of Wolford in Buchanan County, Virginia. The Coon Branch area will be an extension of the 6-inch water line approximately 0.4 mile along Coon Branch Road (State Route 653). The total disturbed area will involve less than 2.0 acres. The 17 PWHC AML hazard features are rated Priority 2. AML Inventory PADS for the project include: VA-000175 (12 households) and VA-000195 (5 households).

The Buchanan County Public Service Authority (BCPSA) through EEE Consulting, Inc. completed Environmental Assessments (EA) for the Hurley Regional Water Line Project in Phases. The Coon Branch area was originally proposed in the upcoming Hurley Regional Water Project – Phase V project. DMLR submitted the Coon Branch portion of the Phase V EA, as an addendum to amend the existing NEPA documents originally approved for the Hurley Regional Water Line Extension Phase III-B Project (Site No. 12601).

The Hurley community is not served by any public water facilities. Water is obtained by area residents from private wells, springs, by hauling and/or by the purchase of bottled water. Many of the individual water sources are degraded or diminished. Mining activity in the area is believed to have impacted fracture flow systems, increased hardness, eliminated aquifers, and thereby adversely impacted groundwater quality and quantity.

DMME mine mapping data documents extensive underground mining in the Eagle coal bed which was conducted prior to August 3, 1977. Mine mapping data documents also show surface mining operations that occurred prior to August 3, 1977. The BCPSA conducted surveys and water testing programs to identify the quality of the water supplies in the area. Based upon the water quality analysis research and comparison, it can be concluded that the groundwater and individual water supplies in the Coon Branch area have potentially been impacted by past mining activities. The project meets the need for provision of a public water supply in an area experiencing groundwater quantity and quality problems caused by pre-1981 mining activity due to the following:

- Water samples indicated high levels of iron and manganese comparable to the original Phase IIIB project.
- Geological strata influence groundwater (i.e., sandstone, carbonate rock, limestone).
- Proximity to geological anomalies that influence groundwater (i.e., faults/fractures, northwest dip, and
- Surface mining located within the natural watershed of the proposed area.

BCPSA's investigation concluded the water pollution and diminution was a likely result of pre-August 3, 1977, coal mining. There have been coal mining operations after August 3, 1977, in the watersheds, but the permanent program permits have been designed to minimize hydrologic impacts. DMLR determined the predominant impacts have been from mining conducted prior to August 3, 1977. There is no continuing responsibility for any individual, firm, or organization to reclaim this site.

OSMRE has thoroughly reviewed the EA and supplemental material submitted by DMLR 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 significantly positive impact on the 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 water line extension project as an AML project, with authorization from OSMRE and leftover funding from the FY 2012 Hurley Water Line Extension Phase IIIB AML project. Extending existing Buchanan County Public Service Authority water lines will provide to the area (Phase III-B) an adequate and safe water supply for an additional 17 Buchanan County households. Extension of the BCPSA water system into the Hurley community of Buchanan County is the best alternative for providing safe and adequate water service to the area citizens.

The second alternative is to take no action with regards to extending the water line extension to the additional 17 households in the Coon Branch section. This alternative will not provide public water to the Coon Branch section. This alternative would result in residences continuing to use wells and springs for their water supplies that are actively or potentially threatened by impacted groundwater. If the water line is not extended, the Coon Branch section will rely on wells that will likely become further contaminated, creating human health issues. This alternative does not allow for the positive benefits associated with the proposed action which will protect the public health and safety and 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) recommended the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations. 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 U.S. Army Corps of Engineers (USACE) noted that a preliminary review suggests the project may meet the terms and conditions of a Nationwide 12 Permit. The EA assures necessary permits will be obtained prior to performing any work.
3. The FWS concurs with the "no effect" and "not likely to adversely affect" determinations for listed species and critical habitat and "no Eagle Act permit required" determinations for eagles. FWS does not require additional coordination with its office.
4. The Virginia Department of Game and Inland Fisheries (VDGIF) responded that typically VDGIF recommends that impact sites within one mile upstream of designated waters adhere to the time of year restrictions. VDGIF will likely review the project and provide comments as the project moves into the permitting phase (assuming wetland/stream impact permits will be issued). The EA assures all permits will be obtained as warranted.
5. The Virginia Department of Environmental Quality (DEQ) specified no objections provided the project complies with the following:
  - Includes sediment and erosion control measures and seeding of disturbed areas will utilize no-invasive species.
  - 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.

The EA addresses DEQ's recommendations by requiring strict erosion and sediment control measures using Best Management Practices throughout the life of the project until an adequate stand or permanent vegetation is established that is uniform, mature enough to survive, and will inhibit erosion. All erosion and sediment controls will be installed as a first step measure prior to the land disturbance occurring and will remain in place and functional until such time the control is no longer needed. DMLR will ensure the contractor strictly adheres to the erosion and sediment control plan to prevent impacts to down gradient properties and waterways.

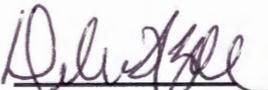
6. The Department of Historic Resources (DHR) indicated no recorded historic resources within or adjacent to the new water line along SR 647, so impacts to unrecorded resources are unlikely. DHR finds that its previous recommendation of no historic properties affected remains valid for this amended project. DHR's opinion is that no further identification efforts are warranted and recommends a finding of No Historic Properties Affected for the proposed project. Should project construction activities reveal the presence of historic or cultural resources, DMLR will cease construction activities pending further and immediate consultation with the DHR.
7. The Department of Agriculture and Consumer Services (VDACS) deferred review to the DCR. However, if impacts pose potential adverse impacts to endangered or threatened plant or insect species, the appropriate information will be referred to the VDACS for further review. No adverse impacts are proposed.
8. The Virginia Department of Transportation (VDOT) requires all above ground items in the right of way be installed outside the clear zone of the roadway or protected by appropriate guardrail treatment. All construction within the right of way must be in compliance with the Virginia Work Area Protection Manual. VDOT requires a VDOT Land Use Permit be obtained. The EA assures all required permits will be obtained before construction.
9. The Virginia Marine Resources Commission (VMRC) commented that VMRC has jurisdiction over all water of the Commonwealth. VMRC typically asserts jurisdiction over stream crossings with a contribution drainage area of five square miles or greater. If the upstream drainage area is less than five square miles, no permit will be required. If some or all of the crossings involve streams with drainage area greater than five square miles a Joint Permit Application and permit will be required. The EA assures all required permits will be obtained.

In addition to the agency recommendations listed above, DMLR:

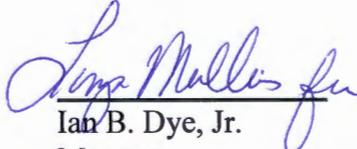
1. Assures borrow or disposal sites will be from/on adjacent mined land that has previously been disturbed. DMLR will contact OSMRE prior to implementation of borrow or disposal area(s).
2. Assures vegetation will be applied using a reclamation seed mix that is certified weed-free and free of invasive non-native plant species. Revegetation species applied to all disturbed areas will be selected from a list agreed to by state and federal agencies.

Accordingly, pursuant to section 4-160-140D.3 of the Federal Assistance Manual, 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 Hurley Regional Water line Extension Phase IIIB project in e-AMLIS to include the 17 polluted water human consumption AML hazard features.

  
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7/2/14  
Date

  
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7/8/14  
Date