



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

South Fork Blowout II Project
Site No. 13509
Grant No. GR317510 Sub-account No. 51303

Priority 1: (8) Dangerous Impoundments, Estimated Cost: \$20,000
Priority 2: (3) Mine Portals, Estimated Cost: \$7,500
Priority 2: (1) Clogged Stream, Estimated Cost: \$3,000
Priority 3: (3) Auger Holes, Estimated Cost: \$4,500
Wise 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 South Fork Blowout II Project. DMLR's ATP request consists of a request letter, and an Environmental Assessment (EA) with corresponding proposed action description, proposed alternatives, consultation correspondence, eligibility letter, e-AMLIS information, location and mine maps, and site photos. The project area is located along State Route 620, approximately 0.1 mile south of the intersection of Dewey Road (Rt. 627) in Wise County, Virginia. Coordinates for the project site are 82° 40' 26.0" W, 37° 04' 11.6" N on the Flat Gap USGS 7.5 Min. Quadrangle. The project is located in Problem Areas VA000006, VA000008, and VA000609.

Reclamation activities will include: conducting exploratory drilling to determine the size of the mine pool being impounded; pumping down impounded water to prevent rapid uncontrolled discharges; constructing conveyance channels from the entries to adequate receiving channels; constructing a channel that will direct uncontrolled surface drainage from a mine bench and into an adequate receiving channel; excavating unstable material above and around mine entries and stabilizing with riprap material; constructing mine seals to ensure stability of the mine closures, preventing blowouts, and preventing human access; performing stream cleanout to alleviate sedimentation issues, removal of foreign debris and restoration of natural stream flow; installing, maintaining, and removing temporary erosion and sedimentation control through construction to

protect down gradient properties and waterways; conducting oxygen and air quality monitoring; and regrading and revegetating all areas disturbed with non-invasive species.

Features for this project resulted from mining in the Kelly and Imboden seams. OSMRE Stereoscopic photos 151899 and 151913 dated October 1978 show the project area surface as disturbed, worked, and abandoned. DMME mine map BSG477_01911 shows underground mining in the Kelly seam was conducted by Wharton Coal Co, Mine No. 7, VA Mine ID 01911, with mining extents dated to August 31, 1966. The Virginia Division of Mines (DM) abandonment date of record is October 30, 1966, and the DM index card notes the last tonnage for this mine was reported in 1966. DMME mine map DEW133 shows underground mining in the Imboden seam was conducted by H.T. Moore Coal Co., Mine No. 2, VA Mine ID 01252, with mining extents dated to April 30, 1962. The DM abandonment date of record is December 30, 1962, and the DM index card notes last tonnage for this mine was reported in 1962.

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 the analysis in the EA, KFO finds that the construction activities performed under this project will have a significantly 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 2013 AML Grant. Proposed AML reclamation will protect the public health and safety by eliminating a dangerous impoundment, mine portals, clogged stream, and auger holes with a total disturbed area less than 2.0 acres. Completion of this 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 impoundment, mine portals, clogged streams, and auger holes. Mining related problems from this site will continue and likely worsen. 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 been documented in

the project area; however, due to the scope of the activity and the distance to the resources it is anticipated that the project will not adversely impact these 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) indicated no current water quality data is available for this project site, however, recommended avoiding short-term stream impacts from surface water run-off through the implementation of Best Management Practices. The DEQ also 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. Once a control is no longer needed, the control will be removed and properly disposed. Erosion and sediment control measures likely required for this project consists of perimeter silt fence, construction entrance, assess road stabilization, conveyance channels, and mine dewatering controls. DMLR will ensure the contractor strictly adheres to the erosion and sediment control plan to prevent impacts to down gradient properties and waterways.

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. 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.
4. The U.S. Army Corps of Engineers (USACE) did not respond to the consultation request; however the regional USACE representative was contacted and performed a site visit on April 23, 2014. The USACE asserts jurisdiction over one of the Imboden seam discharges, therefore a permit will be required prior to construction.

5. Consultation was initiated with the following agencies, however no response was received:
 - a. U.S. Fish and Wildlife Service
 - b. Virginia Department of Game and Inland Fisheries
 - c. Natural Resources Conservation Service
 - d. Virginia Marine Resources Commission

In addition to the agency recommendations listed above, DMLR:

1. Received a legal opinion for the Virginia Assistant Attorney General concluding AML projects are not subject to permitting requirement under the Virginia and Sediment Control law, and that no permits from the DEQ or the DCR will be required for this AML hazard abatement.
2. Verified no wetlands or flood plains will be impacted. All applicable Section 404/401 water permits will be obtained prior to beginning work. DMLR will ensure the contractor strictly adheres to all conditions of any permits obtained.
3. Verified no work is proposed to occur within any waters of the U.S. where the associated drainage area is equal to, or greater than 5 square miles, therefore no permit will be required by the Virginia Marine Resources Commission.
4. Agrees no blasting will be performed.
5. 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).
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. Confirmed that any water released from the mine pool to alleviate pressure and the potential for a blowout will be directed into designed treatment facilities detailed in EA. No mine pool dewatering will occur without the necessary treatment so as to ensure current water quality levels in the receiving channel will not be diminished. Additionally, this and other AMD discharge adjacent to this site are targeted for long term treatment through an alternate AML project.

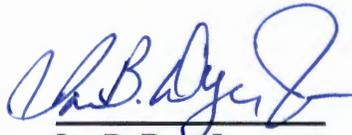
8. Provided historic water quality and discharge data to characterize the impact to receiving stream channels and methods for mitigation. DMLR identified that although the dewatering process does pose a slight short-term risk to the receiving channels, the installation of proposed wet seals and riprap channels, should not cause the discharge to increase in quantity or decrease the quality of waters in the receiving channels. Treatment facilities will be utilized during dewatering to reduce or eliminate any short-term impact.

Accordingly, pursuant to 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 South Fork Blowout II 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

6/10/2014
Date


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

6-10-2014
Date