



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

Straight Hollow Gob Pile Removal Project

Revision to Include Pile E

Site No: 08302

Grant No. GR317510 Sub-account No. 51303

Priority 3: (GO) Gob Pile, Estimated Cost: \$1,200
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 a revision to include Gob Pile E, amending the existing FY2008 Straight Hollow Gob Pile Removal Project. Originally part of DMLR's FY 2008 AML grant, project funding has been moved forward, first into the FY 2010 AML grant, and now resides within DMLR's FY2013 AML grant. DMLR's ATP request consists of a revised Determination and Findings Memorandum, a revised Environmental Assessment (EA), a revised Project Eligibility Documentation, and a typical cross-section. All revised documents address the additional area, Pile E. The project area is located off State Route 627, approximately 0.6 miles northeast of Dante in Russell County, Virginia. 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 pile; 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 at Pile E. Screening and physical processing will be conducted at the project site. All unmarketable material (scalped rock) physically screened at the site will be disposed of in a designated disposal area, following procedures described in the EA. This disposal area is to be no closer than 100 feet of intermittent or perennial streams. Access roads will be cross barred and seeded upon completion of the project. The Straight Hollow Gob Pile Removal project EA has been incorporated into the contract agreement between DMLR and GOBCO, LLC, the contractor hired for this reclamation. All requirements listed in the EA will be enforceable as plans and specifications.

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. Current land use at the site is unmanaged forest, with vegetation on the E pile consisting of a growth of trees and shrubs along with a dense cover of grasses and forbs, and kudzu an alien invasive species.

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 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. 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. Proposed reclamation will protect the public health and safety by eliminating a 3 acre gob pile. 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. 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) indicated TMDLs are approved for both Aquatic Life and Recreation use in the project area, and provided

links to this information. DEQ supports the elimination of coal waste piles as long as all projects include sediment and erosion control measures and seeding of disturbed areas utilizes non-invasive species. The DEQ also 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 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 will be no direct impacts to State-owned submerged lands; accordingly no permit will be required for the proposed project.
 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) reviewed the project and determined that there should be no adverse impacts to aquatic species if conducted as described. Specifically, "strict sediment control measures should be implemented and may include installing filter fabric fences, and constructing sediment channels or small ponds. All disturbed areas should be promptly revegetated using seed mixtures agreed upon by state and federal agencies."
 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. Significant project changes would require an updated review for listed species or critical habitat.

In addition to the agency recommendations listed above, DMLR:

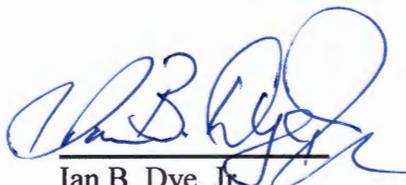
1. Assures weep berms will be constructed and maintained for sediment control and bi-monthly water sampling will continue as conducted during previous gob pile reclamation in the project area.
2. Will require the contractor analyze and submit an acid base analysis of the material in pile E. Once each 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. Will require the contractor, with regards to access roads branching off Rts. 627 and 608:
 - 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.
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. 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 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 Straight Hollow Gob Pile Removal Project, Pile E in e-AMLIS from "unfunded" to "funded" based on your budget estimate for the project.


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7/16/2014
Date


Ian B. Dye, Jr.
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