



United States Department of the Interior



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

Authorization to Proceed

Randy Casey, Director
Division of Mined Land Reclamation
P.O. Drawer 900
Big Stone Gap, Virginia 24219

Dear Mr. Casey:

The Office of Surface Mining Reclamation and Enforcement (OSMRE) reviewed the Environmental Assessment (EA) prepared by the Virginia Division of Mined Land Reclamation (DMLR) for White Oak Road Impoundment Project (Site No. 13513) included in the Fiscal Year 2013 Abandoned Mine Land Consolidated Grant No. GR317510, Sub-account No. 51303. We have determined the EA assessment adequately discuss the environmental issues and impacts associated with the project. We found that all consulting agency comments were considered and adequately addressed in the environmental assessment.

Based upon the analysis in the EA, OSM finds that reclamation to abate the dangerous impoundment (Priority 1) would not have a significant effect on the quality of human environment under Section 102 (2)(c) of the National Environmental Policy Act of 1969 (NEPA) 42 USC 4332 and therefore conclude that no environmental impact statement is necessary. Therefore, you are authorized to proceed with site construction and reclamation in accordance with Section 5-1 I-20D.3 of the Federal Assistance Manual.

Our specific reasons are as follows:

DMLR provided an AML eligibility statement demonstrating the project will correct the dangerous impoundment located off State Route 704 (White Oak Road) approximately .3 mile northwest of the intersection with State Route 706 (Tacoma Mountain Road) near the town of Wise, in Wise County, Virginia. Interim permit maps show the pond location within Interim Permit No. 780, for Barnette Contractors Inc., with surface mining in the Dorchester, Lyons, and Blair coal seams. Records show the pond plans began 11/24/76 with completion of pond before 9/29/77. Aerial photographs dated 10/24/78 show the pond in an area that has been mined and reclaimed for at least one full growing season prior to the photography date.

EA consultation included requests to VA Department of Historic Resources (DHR), VA Department of Environmental Quality (DEQ), Natural Resources Conservation Service (NRCS),

VA Marine Resources Commission (VMRC), U.S. Army Corps of engineers (USACE), VA Department of Game & Inland Fisheries (DGIF), VA Department of Transportation (VDOT), VA Department of Conservation and Recreation Division of Natural Resources (DCR-DNR), and U.S. Fish & Wildlife Service (USFWS).

DCR supports using a native plant seed mix for revegetation, identified no State Natural Area Preserves under DCR's jurisdiction in the project area, and finds the current project doesn't impact state-listed threatened and endangered plant and insects species.

DEQ finds the project will have no water quality impairments, no wetland or floodplain impact, recommend strict sediment/erosion control during the project, concludes no adverse effect on air quality, and recommends generated solid waste be minimized, reduced, reused or recycled.

DHR finds no recorded historic district, structures or archaeological sites in the project area.

USACE did not response to DMLR's NEPA consultation letter. USACE representative Annette Poore did conducted an onsite visitation to review permitted requirements on 4/23/14, and classified the sediment pond as open waters and did not assert department jurisdiction or require permit.

VDOT right-a-way will be impacted by the project and ditchline work will be conducted on State Route 704. Traffic interruptions are likely and traffic control is necessary. A VDOT Land Use permit is required prior to commencement of construction activities.

VMRC did not response to DMLR's NEPA consultation request letter.

USFW did not response to DMLR's NEPA consultation request letter.

DMLR verified no wetland or floodplains will be impacted.

DMLR verified no VMRC permit is required.

DMLR received a legal opinion from VA Assistant Attorney General concluding that AML projects are not subject to permitting requirements under the VA Erosion and Sediment Control law.

DMLR will promptly revegetate disturbed areas using seed mixture agreed upon by State and Federal agencies.

DMLR has determined that AML projects meet the exemption requirements of the VA Stormwater Management Act and that a stormwater management plan is not required.

No off-site borrow or disposal areas are anticipated for the project. DMLR will notify OSMRE if one is require.

The project involves no blasting operations.

During construction, contractor will comply with State regulations for fugitive dust control. Burning will not be conducted on this site and all debris will be disposed in approved manner.

Vegetation will be applied using reclamation seed mix that is certified weed-free and free of invasive non-native plant species. Appalachian Regional Reforestation Initiative (ARRI) will be used if applicable for tree planting. Revegetation species (grasses, legumes, and trees) applied to all disturbed areas will be selected from a list agreed to per letter dated June 21, 2000, and as revised in March, 2005 by state and federal agencies.

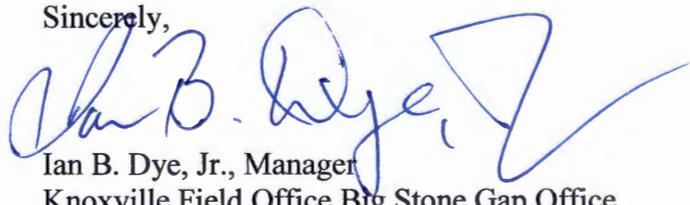
Reclamation activities proposed will include the dewatering and removal of the impoundment (sediment pond) cut VDOT cut ditch along State Route 704 and graded to promote proper drainage. The project involves 3 acres with less than .1 acre of disturbance of trees. Strict erosion and sediment controls measures using best management practices will be utilized throughout the life of the project to minimize stormwater runoff and remain in place until an adequate stand of permanent vegetation is established.

The water in the impoundment is excellent quality so no filtering or treatment methods will be necessary during impoundment draining.

In accordance with inventory guidelines found in OSM Directive AML-1, please update the dangerous impoundment land feature in the electronic Abandoned Mine Land Inventory System (eAMLIS) for Problem Area Description (PAD), VA0066.

A copy of the signed AE for this AML construction is enclosed for your records. Please contact Tim Brehm at 276-523-4303, if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ian B. Dye, Jr.", with a large, stylized flourish extending to the right.

Ian B. Dye, Jr., Manager
Knoxville Field Office Big Stone Gap Office

Enclosure

AUTHORIZATION TO PROCEED

Project/Site Name: White Oak Road Impoundment

Grant Name: FY 2013 AML Consolidated Grant

Project Sub-account No.: 51303

Site Visit Date: N/A

Site Priority: 1

Grant No.: GR317510

Site No.: 13513

County: Wise

Estimate Site Cost: \$90,000

Site Location: Located off State Route 704 (White Oak Road), approximately .3 mile northwest of the intersection with State Route 706 (Tacoma Mountain Road), near the town of Wise, in Wise County, Virginia. Project coordinates are 36 – 57 – 20.2 N, and longitude 82 – 32 – 41.6 W.

DMLR Representative(s): Machelle W. Meade and Richard Davis

OSM Representative: Tim Brehm

AMLIS problem area description (PAD) number(s) and name(s): VA0066

OSMRE has thoroughly reviewed DMLR's environmental assessment (EA) document for the White Oak Road Impoundment Project. OSMRE determined the EA adequately discusses the environmental issues and impacts for OSMRE abandoned mine lands reclamation construction activities authorization purposes. OSMRE's review found the project will not have a significant effect on the quality of the human environment under Section 102 (2)(c) of the National Environmental Policy Act of 1969 (NEPA) 42 USC 4332 and therefore conclude that no environmental impact statement is necessary. Therefore, you are authorized to proceed with site construction and reclamation in accordance with Section 5-1-20D.3 of the Federal Assistance Manual.

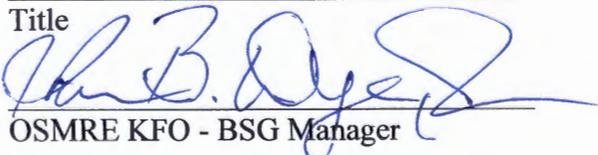
As a result of the NEPA compliance review and PAD update review, I recommend authorization to proceed with site reclamation. DMLR determined the site eligible for funding under its approved program. NEPA consultation is completed and all the consultation agency concerns have been resolved. The AMLIS PAD updates show that AMLIS will be revised to reflect the site features to be reclaimed and estimated reclamation costs for those features will be moved to "funded" once the ATP is issued.

My specific reasons are outlined in OSM's December 21, 2012, letter to Randy Casey, Director, Virginia Division of Mined Land Reclamation.



OSMRE KFO - BSG Environmental Reviewer

Title



OSMRE KFO - BSG Manager

Date

8/19/14

Date

8/19/2014