



United States Department of the Interior



OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

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Knoxville, Tennessee 37902

EMERGENCY PROJECT ENVIRONMENTAL IMPACT SIGNIFICANCE DETERMINATION

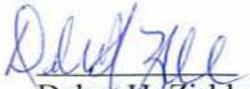
Birchfield Landslide Emergency Project (Site No. 13531) Priority 1: Dangerous Slide (DS) Wise County, Virginia

OSMRE DETERMINATION: Pursuant to 40 CFR Section 1506.11, OSMRE has determined the activities associated with this AML project did not constitute a significant impact to the environment, and therefore authorizes accelerated reclamation activities necessary to abate the immediate impacts to the public health and safety without prior completion of the environmental review requirements of 40 CFR Sections 1500-1508 (regulations for implementing the procedural provisions of the National Environmental Policy Act - NEPA). This authorization is being provided in accordance with OSMRE directives (REG-1: NEPA Handbook; GMT-10: Federal Assistance Manual, chapters 5-11), and policy. This determination is based on a review of the completed action and environmental conditions pertaining to this site. DMLR has completed consultation with the Virginia Department of Historic Resources (DHR) and the U. S. Fish and Wildlife Service (FWS) for this emergency.

DHR recommended a finding of No Historic Properties Affected for the proposed emergency project. The FWS responded that the project area is not located in a drainage inhabited by federally listed aquatic species. There is a 2004 record of northern long-eared bat (*Myotis septentrionalis*), a proposed species for Federal listing, approximately 1.2 miles north-northwest of the project area. However, if this emergency AML project can be completed before April, or if no standing trees will be removed April through October 15, adverse effects to northern long-eared bat are not anticipated and FWS will have no further comments.

On March 13, 2015, OSMRE was notified by DMLR's Richard Davis of a possible emergency landslide on Birchfield Creek. DMLR submitted the formal emergency declaration request package to OSMRE's Knoxville Field Oversight Branch on March 20, 2015. DMLR's field investigation revealed the landslide area originated from an abandoned surface mine area mined in the 1960's. Drainage is saturating the spoil that is located in the hollow above a residential site.

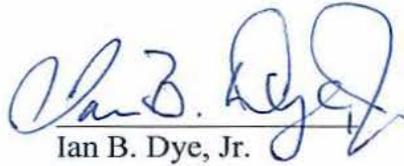
There is an immediate need to act. When the landslide first occurred it directed a mud flow and water toward the residence. The landowner diverted the water and drainage flow away from his home by using hand tools. There is a much larger area subject to sudden movement on the slope in the hollow and could present an immediate threat to the home and associated building. The emergency condition needed to be abated in a time frame that is not possible under normal State program procedures in order to protect the health and safety of the residents. Therefore, there is need for immediate action and DMLR is authorized to proceed.



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3/23/15

Date



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3-23-2015

Date