



United States Department of the Interior



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

CATEGORICAL EXCLUSION AUTHORIZATION TO PROCEED

Drill Road Landslide Project
Site No. 14509
Grant No. GR417510 Sub-account No. 51403

Priority 1: 2.0 acre (DS) Dangerous Landslide
Estimated Cost: \$75,000
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) FY 2014 grant funds to the Office of Surface Mining Reclamation and Enforcement (OSMRE), Knoxville Field Office (KFO) for the Drill Road Landslide Project. The ATP request consists of a Categorical Exclusion Certification and Determination (CE), with eligibility documentation, consultation correspondence, project description, location map, and e-AMLIS forms.

The Drill Road Landslide Project site is located on the eastern side of State Route (SR) 624, near the community of Drill in Russell County, VA. Coordinates for the approximate project location center are latitude 37° 05' 26.715"N, and longitude 81° 59' 51.625"W. Project area mapping is comprised of the Honaker USGS 7.5 Min. Quadrangle. The project site is within the Rocklick Creek Problem Area, VA-000170. Reclamation includes stabilization of the landslide that has covered a private road and continues to pose a threat to existing road structures. Strict erosion and sediment control measures will be implemented throughout constructions and all disturbed areas will be promptly revegetated using seed mixtures agreed upon by state and federal agencies.

Based on the analysis in the CE, OSMRE finds reclamation to abate the Priority 1 AML project of two acres of dangerous landslide, with less than 2.0 acres of land being disturbed, conforms to the exclusion criteria in 516 DM 6, Appendix 8, and is excluded from further NEPA review, reasons for this determination are as follows:

DMLR's review of their records finds evidence of an old surface mine pre-dating August 3, 1977. This old mine was cataloged as 146 in the *Virginia Division of Mineral Resources Bulletin 22: The Geology and Coal Resources of Russell County, Virginia; XXI* (Chester K. Kenworth, 1922). The Kennedy seam was mined approximately 4 to 5 feet thick at this location. Therefore, the AML feature designated within this project is 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.

Reclamation activities will protect the public health and safety by eliminating the hazards associated with a dangerous slide. This feature is located near a well-travelled state road, posing a continuing danger to public safety.

DMLR's CE documents the required NEPA consultation to assess potential impacts to resource values under the proposed alternatives. Consultation was initiated in July of 2014. The following is a summary of the items identified by each agency from consultation:

1. The Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR) indicated according to their files, natural heritage resources have not been documented within two miles of the project area. The absence of data may indicate the area has not been surveyed rather than no species occur on and around the site. DCR recommends the implementation and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations to minimize adverse impacts. 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. Furthermore, they recommend no stockpiling of spoil removed from the reclaimed site and immediate disposal in an approved upland site, along with use of seed mix including native plant species appropriate for the region, free of invasive species.
2. The Virginia Department of Environmental Quality (DEQ) indicated the proposed project is contained within the Lewis Creek drainage, VAS-P04R, Section 4, Class IV waters, with no current water quality information. The DEQ 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 their archives do not show recorded historic resources within the project area. DHR opinion is that no further identification efforts are warranted and based upon the documentation provided; they recommend a finding of No Historic Properties Affected for the proposed project.
4. The Natural Resource Conservation Service (NRCS) responded that the proposed project appears to address their basic environmental and erosion and sediment control concerns. NRCS also noted that the project seems to conform closely to presently practiced reclamation goals and standards and their position is that the project is worthwhile and should be implemented.

5. The U.S. Army Corps of Engineers (USACE) reviewed the project and determined all reclamation activities will occur outside the limits of the ordinary high water mark and therefore will not impact jurisdictional waters. No Dept. of Army permit will be required for the proposed work as long as the plan does not deviate significantly from the plan.
6. The U.S. Fish and Wildlife Service (USFWS) consultation included 22 projects proposed from DMLR. USFWS does not anticipate adverse effects to federally listed species or federally designated critical habitat for the proposed Everglades Erosion Repair project.
7. The Virginia Marine Resources Commission (VMRC) responded that work does not appear to occur within the jurisdiction of the MRC, and concluded there will be no direct impacts to State-owned submerged lands and accordingly there will be no permit required for the proposed activity.
8. Virginia Department of Game and Inland Fisheries (VDGIF) did not respond to the consultation request.

The CE states all disturbed areas will be seeded with plant species from the list agreed to by state and federal agencies. Seeding will be completed as expeditiously as possible and will implement guidelines of the Appalachian Regional Reforestation Initiative to the extent possible.

If needed, borrow or disposal sites will be from/on adjacent mined land that has previously been disturbed. DMLR will contact the OSMRE for approval prior to implementation of borrow or disposal area(s). Additionally, state regulations regarding fugitive dust control and open burning will be followed. Blasting will not be allowed.

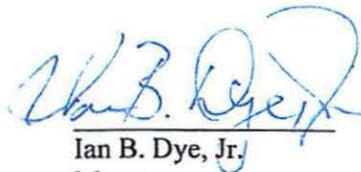
Accordingly, pursuant to section 4-160-50D.3 of the FAM, and section 403(b) of SMCRA, you are authorized to proceed with this project and expend Federal funds in accordance with AML grant terms and conditions.

In accordance with OSM Directive AML-1, please update the electronic Abandoned Mine Land Inventory System (eAMLIS) for the Problem Area Description (PAD), Rocklick Creek, VA-000170, for the Drill Road Landslide Project from "unfunded" to "funded" based on your budget estimate for the project.



Tonya Mullins
Physical Scientist
Field Oversight Branch
Knoxville Field Office

5/19/15
Date



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

5/26/2015
Date

YES RESPONSES REQUIRE SUBMISSION OF AN ENVIRONMENTAL ASSESSMENT

I. GENERAL EXCEPTIONS

Does the project specifically require an EA in 516 DM 6, Appendix 8, as specified in Item I of the instructions?

No (X) Yes ()

II. DEPARTMENT OF INTERIOR EXCEPTIONS

Will the project have any of the following:

A significant adverse effect on public health or safety?

No (X) Yes ()

An adverse effect on any of the following unique geographic characteristics?

No (X) Yes ()

() Parks (State, Local, or National)

() Wild or Scenic Rivers

() Recreation or Refuge Lands

() Wetlands

() Wilderness Areas

() Floodplains

() Ecologically Significant or Critical Areas

() Sole or Principal Drinking Water Aquifers

() Prime Farmlands

Highly controversial environmental effects?

No (X) Yes ()

Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks?

No (X) Yes ()

A precedent for future action or a decision in principle about future actions with potentially significant environmental effects.

No (X) Yes ()

Directly related to other actions with individually insignificant but cumulatively significant environmental effects? No (X) Yes ()

Adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No (X) Yes ()

Adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species? No (X) Yes ()

Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or the Fish and Wildlife Coordination Act? No (X) Yes ()

Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment? No (X) Yes ()

III. RESOURCE IMPACT EXCEPTIONS

Are there any unresolved issues, or adverse effects requiring specialized mitigation, for any of the following resources? If yes, check the ones that apply. No (X) Yes ()

- () Topography
- () Historic and Cultural
- () Land Use (includes prime farmland)
- () Recreation
- () Soils
- () Air Quality
- () Vegetation (includes wetlands)
- () Noise
- () Hydrology
- () Other (includes socioeconomics)
- () Fish and Wildlife

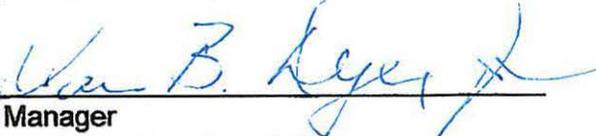
V. RESPONSIBLE OFFICIAL CERTIFICATION

Signature: Rondal J. Lydon (Joe)
Abandoned Mine Land Program Specialist

Date: May 14, 2015

VI. OSM DETERMINATION

- (x) This project conforms with the exclusion criteria in 516 DM 6, Appendix 8, and is excluded from further NEPA compliance.
- () This project does not conform with the exclusion criteria in 516 DM 6, Appendix 8, and requires an environmental assessment.

Signature: 
Manager
Big Stone Gap Area Office

Date: 5-26-2015