



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

Haywood Lane Project
Site No: 13505
Grant No. GR317510 Sub-account No. 51303

Priority 1: 4 (VO) Vertical Openings
Priority 2: 2 (VO) Vertical Openings
Priority 2: 1 (HEF) Hazardous Equipment Facilities
Priority 2: 10 (S) Subsidence
Estimated Cost: \$55,000.00
Montgomery 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 Haywood Lane Project from Fiscal Year (FY) 2013 grant funds. DMLR's ATP request consists of an Environmental Assessment (EA), Project Eligibility Documentation, e-AMLIS information, and associated NEPA consultation documents and maps. The project area is located near the NE section of Price Mountain, south of Haywood Lane and State Rt. 657 in Montgomery County, Virginia. The project is located on the Blacksburg USGS 7.5 Min. Quadrangle, with center coordinates of 80° 26' 56.6" W and 37° 11' 52.3"N. The total disturbed area is approximately six (6) acres and is located in Problem Areas VA-000502, Junkyard Deep Mine and VA-000503, Price Mountain Subsidence. The surrounding project area is predominantly wooded near occupied residences and public roads.

DMLR records search resulted in the location of mine map NRV1, titled Map of the Valley Coal Fields of Montgomery County, Virginia (dated 1957-1958), which shows underground mining in the Merrimac and Langhorne seams. These maps show mine openings, prospect openings, boreholes, and mined areas all within the Haywood Lane project area on Price Mountain. Additionally, DMME mine maps MSC385 and MSC387 are Price Mountain Area Abandoned Mine Activities Maps, and show field verified mine shafts, mine spoil, and coal residue within the project area. These features are directly related to past coal mining activities conducted prior to August 3, 1977, and there is no continuing responsibility for any individual, firm, or organization to reclaim this site; therefore DMLR finds the site eligible for AML funding.

Work for this project will include; installing, maintaining, and removing temporary erosion and sediment controls, discharging concentrated water flow to a suitable energy dissipater and then into an adequate receiving channel, grading of surrounding topography to promote positive drainage, construction of a channel or ditch reinforcement, regrading and revegetation of all areas of disturbance with non-invasive species using plant lists approved by state and federal agencies for AML reclamation projects, excavation and filling vertical openings with durable material, and removal of hazardous equipment and facilities

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. Proposed reclamation will protect the public health and safety by eliminating numerous vertical openings, and subsidence AML features along with one hazardous equipment facilities. 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 hazard. This alternative would result in continuing hazards from numerous AML features. The features are in close proximity to residences and public roads with frequent visitation by ATV's and hikers. 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. Consultation was initiated in January of 2015. 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 natural heritage resources are present within two miles of the project area, however, due to the scope of the activity and the distance to the resources, they do not anticipate the project will adversely impact these 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 the project is located in the Stroubles Creek drainage of the New River Basin HUC 05050002-N22R, classified as Section 2, Class IV, Mountainous Zone Waters in the WQS. A TMDL has been developed for sediment. 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 that in previous consultation responses, several mine features were documented in their inventory as archaeological sites (44MY0242 and 44MY0243). They advised DMLR that based on these sites location and association with the “Valley Fields” which filled an important role in development of Virginia’s iron industry; certain sites are potentially eligible for the National Register of Historic Places. With this project, Price Mountain was a center of coal production for Montgomery County and they recommend contacting the Coal Miners Heritage Association. DHR requested that additional photographs of the proposed shafts be keyed with GPS locations and submitted electronically. Based on receipt of these photographs and any information provided by the Heritage Association, 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. Fish and Wildlife Service (USFWS) reviewed DMLR’s submitted project package from February 26, 2015 and additional information received on April 7, 2015 and had the following comments. Although the species conclusion table submitted provided a may affect determination for the Indiana bat, Virginia big-eared bat, and the federally listed threatened northern long-eared bat, they believe the project is not likely to adversely affect these species. USFWS also concurs with DMLR’s determination on the endangered Mitchell’s satyr, big sandy crayfish, and Bald Eagle. Should project plans change, or additional information become available, this determination may be reconsidered.
 6. 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.
 7. The U.S. Army Corps of Engineers’ did not respond to the consultation request.

8. Virginia Department of Game and Inland Fisheries (VDGIF) did not respond to the consultation request.

In addition to the agency recommendations listed above, DMLR:

1. Will ensure reclamation strict erosion and sediment control measures are utilized in accordance with the most current version of the Virginia Erosion Control and Sediment Handbook.
2. Will abide by the TMDL recommendations provided by DEQ.
3. 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.
4. Proposes no construction activities will occur within waters of the U.S. where the drainage area is equal to or greater than five square miles; therefore no permit from VMRC/USACE will be required. If for any reason the scope of work changes, the USACE will be contacted and all applicable regulatory permits will be obtained prior to performing work.
5. A VDOT Land Use permit will be obtained prior to commencement of construction activities in the VDOT right of way, VDOT maintained ditch, or before and interruptions to regular traffic flow necessitating traffic control.
6. Will coordinate with the applicable agencies to obtain all necessary permits prior to construction and will ensure all permit conditions are strictly adhered to during construction.
7. Will ensure DMLR personnel trained to conduct external portal surveys for bat habitat with preview the proposed mine portals prior to closure. All portals with potential bat habitat will be sealed to all owe continued access to the habitat area, and DMLR will perform these surveys and provide the results to the appropriate agencies. Additionally, roost trees will not be removed so as to protect federally listed bats in the project area.
8. Will ensure fugitive dust is minimized and the contractor will comply with State regulations for fugitive dust control.
9. Assures no borrow or disposal areas are anticipated. Disposal/borrow areas will be identified during the design development if needed and DMLR will notify OSMRE for approval prior to progress of work.

- 10. Will install historic plaques to indicate the mining history of each area intended to reclaim.

- 11. 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 the Haywood Lane project through its approved AML reclamation program.

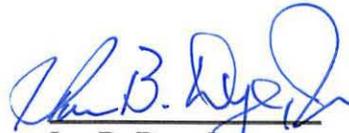
Accordingly, pursuant to section 4-160-50D.3 of the Federal Assistance Manual, and section 403(b) of SMCRA, you are authorized to proceed with this project and expend Federal funds in accordance with AML grant terms and conditions.

In accordance with OSM Directive AML-1, please update the Haywood Lane 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

5/8/15
Date



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

5/11/2015
Date