



## United States Department of the Interior



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

### **FINDING OF NO SIGNIFICANT IMPACT AUTHORIZATION TO PROCEED**

Lynn Camp Portals Project  
Site No. 14511  
Grant No. GR417510 Sub-account No. 51403

Priority 2: 5 Dangerous Impoundments  
Priority 2: 6 Hazardous Equipment and Facilities  
Priority 2: 26 Portals  
Priority 2: 1 Vertical Opening

Estimated Cost: \$135,000  
Buchanan 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 (OSMRE), Knoxville Field Office (KFO) for the Lynn Camp Portals Project from Fiscal Year (FY) 2014 grant funds. DMLR's ATP request consists of an Environmental Assessment (EA), Project Eligibility Documentation, e-AMLIS information, and associated NEPA consultation documents. The project is divided into four work areas which are located off State Route (SR) 655, Lynn Camp Branch Road, in Buchanan County, VA. Project area mapping is comprised of the Harman USGS 7.5 Min. Quadrangle within Problem Areas, VA-000153 and VA-0000156. The total disturbed area is less than 12 acres with the surrounding area consisting of predominantly residential, forested, and gas and oil sites. Coordinates for the four work area project centers are: Area 1: 37°19'38.8"N, 082°08'56.9"W; Area 2: 37°19'58.5"N, 082°08'40.8"W; Area 3: 37°19'43.8"N, 082°08'46.9"W; and Area 4: 37°20'17.9"N, 082°08'12.2"W.

Reclamation activities will include dewatering of impounded water in the abandoned mines, permanent closure of mine portals, installation of drainage structures to adequately convey drainage to receiving channels, slope stabilization of slide areas, and removal of old mining equipment.

The AML features that will be eliminated at each work are:

- (1) Work Area 1: 1 Priority 2 Dangerous Impoundment; 3 Priority 2 Hazard Equipment and Facilities ; 7 Priority 2 Portals (No bat gates)
- (2) Work Area 2: 3 Priority 2 Dangerous Impoundments; 2 Priority 2 Hazard Equipment and Facilities; 8 Priority 2 Portals (Two bate gates: C – 1 and C – 2); 1 Priority 2 Vertical Opening
- (3) Work Area 3: 6 Priority 2 Portals (No bat gates); 1 Priority 2 Hazard Equipment and Facilities
- (4) Work Area 4: 1 Priority 2 Dangerous Impoundment; 5 Priority 2 Portals (Two bate gates: S – 17 and S – 18)

Features for this project resulted from underground mining operations in the Splashdam, Blair, and Clintwood coal seams. Six coal companies at nine different mines were responsible for mining in these seams, with the latest abandonment date recorded in September 1966. All 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 these sites; therefore DMLR finds the sites 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 2014 AML Grant. Proposed reclamation will protect the public health and safety by eliminating five dangerous impoundments, six hazardous equipment and facilities, 26 portals, and one vertical opening. 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 the dangerous impoundments, equipment and facilities, and mine openings. 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 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 the Levisa River, Bull Creek SCU is located downstream

from the project site. As noted in the scoping notices, mine portals have been documented at this site, and if conditions are appropriate rare bat species may utilize this site. Prior to closure, the mine openings should be assessed for bat use. Survey efforts should be coordinated with the USFWS and the VDGIF to ensure compliance with the protected species legislation. DCR also recommended 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 no water quality data was available for Lynn Camp Creek Drainage in VAS-Q08R\_LYB01A12, Section 4, Class IV. 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 reviewed the project and recommended coordination with USFWS for potential T&E species. Additionally, they detailed that if the project does not impact jurisdictional areas, no permit is required from their office.
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 Lynn Camp Portals project. Additionally, they do not anticipate effects if surveys are conducted for bat habitat suitability at each of the 8 portal reclamation sites where bat gates were recommended for installation.

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.

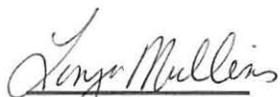
In addition to the agency recommendations listed above, DMLR:

1. Will ensure strict erosion and sediment control measures are utilized in accordance with the most current version of the Virginia Erosion Control and Sediment Handbook.
2. 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.
3. 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 project scope changes, USACE will be contacted for a jurisdictional determination and all applicable permits will be obtained prior to commencing work.
4. Will ensure adequate traffic controls are maintained and a VDOT Land use permit is obtained prior to the beginning of work.
5. 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.
6. Will perform bat habitat surveys and provide the results to the appropriate agencies prior to portal closure. Portals with potential bat habitat will be sealed so as to allow continued access to the habitat area.
7. Assures the contractor will comply with State regulations for fugitive dust control. Burning will not be conducted on this site and all debris will be disposed of in an approved manner. Blasting will not be allowed.

8. 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.
9. Will notify OSMRE of any project work scope changes, provide a required eligibility statement, and AMLIS documentation.
10. 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 Lynn Camp Portals project through its approved AML reclamation program.

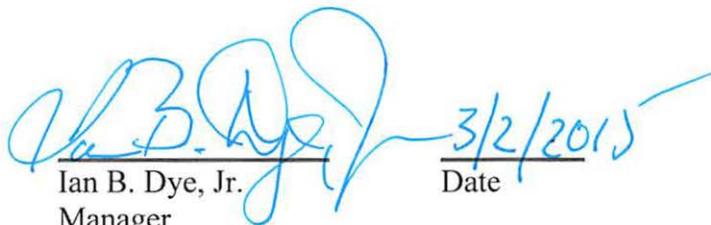
Accordingly, pursuant to section 4-160-50D.3 of the Federal Assistance Manual, and section 403(b) of SMCRA, you are authorized to proceed with this project and expend Federal funds in accordance with AML grant terms and conditions.

In accordance with OSM Directive AML-1, please update the Lynn Camp Portals 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

2/27/15  
Date



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

3/2/2015  
Date