



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

May Branch Landslide Project
Site No. 14512
Grant No. GR417510 Sub-account No. 51403

Priority 1: 5.0 acre (DS) Dangerous Slide
Estimated Cost: \$75,000
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) FY 2014 grant funds to the Office of Surface Mining Reclamation and Enforcement (OSMRE), Knoxville Field Office (KFO) for the May Branch 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 May Branch Landslide Project site is located on May Branch Road, VA. Coordinates for the approximate project location center are latitude 37° 24' 54" N, and longitude 82° 04' 44.8" W. Project area mapping is comprised of the Hurley USGS 7.5 Min. Quadrangle. The project site is within the Old House Branch Problem Area, VA-000718. This project is comprised of a Priority 1 Dangerous Slide approximately 15 feet behind a residence in May Branch Hollow in Hurley, VA. The reclamation project will consist of stabilizing landslide material and drainage control behind a residence, where the feature is seeping water. 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 five acres of a dangerous slide, with less than 5 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 records find the surface mine connected with this AML hazard pre-dates August 3, 1977 within the Dorchester coal seam. GIS data of Permanent Program Released Surface Mines, Pre-Law Surface Mines, and Legacy Surface Mines confirm this determination. From this analysis, 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 this dangerous slide. The feature is located behind an occupied residence, posing a continuing danger to public safety. The property would most likely suffer if the feature is allowed to continue to seep water possibly causing unstable material adjacent to the residence.

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:

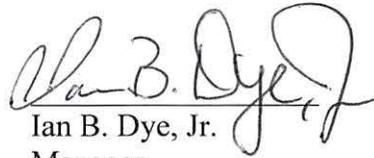
1. The Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR) indicated according to their files, natural heritage resources have not been documented within two miles of the project area. Furthermore, due to the scope of the activity and distance to the resources, they do not anticipate the project will adversely impact these natural heritage resources. 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 located in the Oldhouse Branch drainage, VAS-Q03R, Section 3, Class IV waters. The streams in this area are Fish Consumption Use impaired because edible fish tissues contain PCBs. The TMDL is not complete. 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

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), Old House Branch, VA-000718, for the May Branch Landslide Project from “unfunded” to “funded” based on your budget estimate for the project.


Tonya Mullins
Physical Scientist
Field Oversight Branch
Knoxville Field Office

3/13/15
Date


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

3-16-2015
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 ()

- | | |
|---|--|
| <input type="checkbox"/> Parks (State, Local, or National) | <input type="checkbox"/> Wild or Scenic Rivers |
| <input type="checkbox"/> Recreation or Refuge Lands | <input type="checkbox"/> Wetlands |
| <input type="checkbox"/> Wilderness Areas | <input type="checkbox"/> Floodplains |
| <input type="checkbox"/> Ecologically Significant or Critical Areas | <input type="checkbox"/> Sole or Principal Drinking Water Aquifers |
| <input type="checkbox"/> 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
- Land Use (includes prime farmland)
- Soils
- Vegetation (includes wetlands)
- Hydrology
- Fish and Wildlife
- Historic and Cultural
- Recreation
- Air Quality
- Noise
- Other (includes socioeconomics)

V. RESPONSIBLE OFFICIAL CERTIFICATION

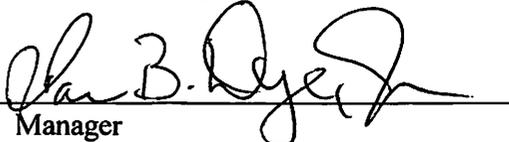
Signature: Rondal J. Lydon (Joe)
Abandoned Mine Land Program Specialist

Date: March 4, 2015

VI. OSM DETERMINATION

- 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:

3-15-2015