



## 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**

Travelers Road Landslide Project  
Site No: 12532  
Grant No. GR217510 Sub-account No. 51203

Priority 1: 1 (DS) Dangerous Slide  
Priority 1: 1 (P) Portal  
Priority 2: 7 (P) Portals

Estimated Cost: \$96,000.00  
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 (OSM), Knoxville Field Office (KFO) for the Travelers Road Landslide Project from Fiscal Year (FY) 2012 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 area is located 2.5 miles from the intersection of Route 83 and Route 627 on Van Dyke Branch, in Buchanan County, Virginia. The project is located on the Vansant USGS 7.5 Min. Quadrangle, with center coordinates of 82° 3' 54.8" W and 37° 13' 17"N. The total disturbed area is approximately 2 acres and is located in Problem Area VA000298, Dry Fork. The surrounding project area is predominantly residential and woodland property, or state/town roads.

Features for this project resulted from underground mining operations in the Widow Kennedy coal seam by the Skeggs Branch Coal Company. Mine index cards show an abandonment date of January 30, 1967 for the mine. This feature is 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; excavation of unstable material in, above, and around the slide area, stabilizing the slide area with riprap material, covering and regrading the slide area to promote positive drainage, construction of drainage structures to convey mine discharge to adequate receiving channels, closing eight portal features, one with a wet seal, installing

maintaining, and removing temporary erosion and sediment control features, grading the construction site to promote positive drainage toward adequate receiving channels, and revegetation of all areas of disturbance with non-invasive species using plant lists approved by state and federal agencies for AML reclamation projects.

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 2012 AML Grant. Proposed reclamation will protect the public health and safety by eliminating a dangerous slide AML feature. 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 hazards. This alternative would result in continuing hazards from the slide area and open portals. 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 June of 2012, with additional consultation completed 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 the Western Fork Levisa River at Vansant SCU is located downstream from the project site. The Western Fork Levisa River at Vansant has been given a biodiversity ranking of B5, which represents a stie of general significance. The natural heritage resource associated with this site is the Scioto crayfish. In addition, Levisa Fork T&E Water for the Variegate darter is downstream from the project site. Due to the legal status of the Variegate darter, DCR also recommends coordination with VDGIF to ensure compliance with the Virginia Endangered Species Act.

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.

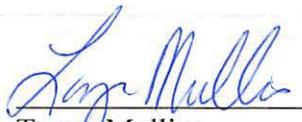
2. The Virginia Department of Environmental Quality (DEQ) supports the project and specified no objections provided the project complies with the following:
  - Minimizes short-term impacts to water quality from surface runoff through Best Management Practices.
  - Abides by all applicable state, Federal 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 Virginia Marine Resources Commission (VMRC) responded that the project does not propose instream work therefore there will be no permit required for the proposed activity.
6. The U.S. Army Corps of Engineers' reviewed the project list and if the project does not impact jurisdictional areas, No Dept. of Army permit will be required for the proposed work as long as the plan does not deviate significantly from the plan.
7. The U.S. Fish and Wildlife Service (USFWS) consultation was performed using the online project review request. USFWS stated that no Eagle Act Permit would be required, and that four federally listed species of bats potentially located within the project area are not likely to be adversely affected by construction activities associated with this project. If changes to the project are made, consultation should be re-initiated.
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. This is most important with regards to the T&E Variegate Darter species, and recommended as a management practice by VDGIF.
2. 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 project scope alters this, USACE will be contacted for a new jurisdictional determination.
3. Will ensure the contractor complies with State regulations for fugitive dust control, burning nor blasting will be conducted, and all debris will be disposed of in an appropriate manner.
4. 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.
5. 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.
6. 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.
7. Will notify OSMRE of any project work scope changes, provide a required eligibility statement, and AMLIS documentation.
8. 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 Travelers Road Landslide project through its approved AML reclamation program.

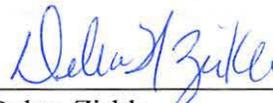
Accordingly, pursuant to section 4-160-50D.3 of the Federal Assistance Manual, and section 403(b) of SMCRA, you are authorized to proceed with this project and expend Federal funds in accordance with AML grant terms and conditions.

In accordance with OSM Directive AML-1, please update the Travelers Road Landslide Project in e-AMLIS from "unfunded" to "funded" based on your budget estimate for the project.



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2/25/15  
Date



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