



## United States Department of the Interior



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

### **CATEGORICAL EXCLUSION AUTHORIZATION TO PROCEED**

Hurricane Fork Gob Pile Project  
Site No: 14303  
Grant No. GR417510 Sub-account No. 51403

Priority 3: (GO) Gob Pile/Priority 2: (DS) Dangerous Slide/Priority 3: (H) Highwall  
Estimated Cost: \$507,000  
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) grant funds to the Office of Surface Mining Reclamation and Enforcement (OSMRE), Knoxville Field Office (KFO) for the Hurricane Fork Gob Pile Project from Fiscal Year (FY) 2014 grant funds. DMLR's ATP request consists of a Categorical Exclusion Certification and Determination (CE), Project Eligibility, determination and findings for government financed construction projects, and resource consultation documentation. The project area is located off State Route 621, 1.8 miles north of South Clinchfield in Russell County, Virginia. The project will eliminate 4 acres of Priority 3 gob pile (GO), abate 6.0 acres of Priority 2 dangerous slide (DS), and 2,000 feet of Priority 3 highwall (H) AML features. The project is located in Problem Area VA000575 ENH.

Reclamation activities will entail: installing, maintaining, and removing temporary erosion and sedimentation control throughout construction; excavating the gob piles; extinguishing all combustion found; removing all material down to natural ground and topsoil; and applying revegetation materials.

The gob pile associated with this project is being handled as 10 separate piles (phases). The AML project will involve 10 phases with two operational sequences each. Sequence 1 will allow removal of up to 5,000 tons of marketable coal waste to determine marketability. If the company finds this material cannot be economically screened and marketed, or physically processed at the Title V regulated facility planned for use by the operation, it will regrade the gob pile slopes affected by excavation, topsoil the affected areas, and revegetate all disturbances with non-invasive species. If the company finds this material can be economically screened or physically processed at the Title V regulated facility planned for use by the operation, it will begin Sequence 2. Sequence 2 will constitute a contract commitment to remove the respective phase of the coal waste gob pile down to natural ground and original topsoil, restoring the affected area to

approximate original contour (AOC), and revegetating all disturbances with non-invasive species. The individual project phases will be clearly marked and maintained in the field by the project contractor. The contractor is required to submit monthly production records up to the point of exceeding 5,000 marketable tons for each respective phase. These reports are to be submitted to DMME's AML section within 15 days after the end of the respective month. After moving 5,000 tons of marketable material, the contractor is obligated to completely remove the gob material to natural ground on each of the 10 phases. The contractor has the option to not exceed removal of 5,000 marketable tons during each of the ten phases, should this tonnage not be exceeded, the contractor is only responsible for reclaiming the area disturbed.

No disposal area is to be closer than 100 feet to intermittent or perennial streams. No in-stream construction, floodplains, or wetland impacts will be associated with this project.

The Hurricane Fork Gob Pile project CE will be incorporated into the contract agreement between DMLR and the contractor hired for this reclamation. All requirements listed in the CE will be enforceable as plans and specifications. The contractor will also post a \$100,000 reclamation bond for each phase of the project's ten phased sites to ensure successful reclamation of the AML hazard.

Marketable gob material from the piles in the project is to be blended with gob material from the ongoing AML enhancement projects as Hurricane Fork's Btu value is too low to justify economically removing as a standalone project. Ongoing AML enhancement projects removing gob with higher Btu values will allow blending of low quality Hurricane Fork Gob. As of November 2014, material from the Bearwallow Gob Pile is proposed for blending as soon as Hurricane Fork is approved and producing.

The AML features designated within this project are a result of mining conducted prior to December 15, 1981. DMLR mapping records did not indicate the company that conducted the coal processing. However, the gob pile is clearly shown on aerial photograph GS-VEBN-4-24 dated March 3, 1976. This pile largely resulted from operations in the Tiller and Jawbone seams. There is no continuing responsibility for any individual, firm, or organization to reclaim this site; therefore DMLR finds the site eligible for AML funding.

OSMRE has thoroughly reviewed DMLR's CE 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 analysis in the CE, 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's CE documents the required NEPA consultation to assess potential impacts to resource values under the proposed alternatives. The following is a summary of the items identified by each agency:

1. The Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR) referenced habitat for the Clinch dace. DCR recommended implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management. DCR also recommended time of year restriction for removing trees to minimize impacts to bats and coordination with regulatory agencies to ensure compliance with protected species legislation.
2. The Department of Historic Resources (DHR) indicated there are no recorded historic districts, structures or archaeological sites within the project's area of potential effects. DHR's opinion is that no further identification efforts are warranted and recommends a finding of No Historic Properties Affected for the proposed project.
3. The U.S. Army Corps of Engineers (USACE) responded that no Department of the Army permit is required; however, if the proposed action deviates substantially from that being proposed and potentially may impact water of the United States, it may be necessary to obtain authorization prior to proceeding with the project.
4. The Natural Resource Conservation Service (NRCS) consultation indicated the proposed project addressed their basic environmental and erosion and sediment control concerns, and also conforms closely to presently practiced reclamation goals and standards. The NRCS believes the project is worthwhile and should be implemented.
5. Virginia Department of Game and Inland Fisheries (DGIF) responded that the project is unlikely to result in adverse impacts to aquatic resources if conducted according to the procedures outlined in DMME's narrative.
6. Comments from the U.S. Fish and Wildlife Service (USFWS), the Virginia Department of Environmental Quality (DEQ), and the Virginia Marine Resources Commission were not received. However, USFWS and DEQ consulted with The Nature Conservancy, USACE and VADEQ to develop in-stream sampling protocol for this project.

In addition to the agency recommendations listed above, DMLR:

1. Assures weep berms will be constructed and maintained for sediment control.
2. Will require the contractor analyze and submit an acid base analysis of the material in each gob pile. Once each quarter, the contractor will sample unmarketable material and analyze for an acid base accounting, as well as report these results to DMLR within 30 days of the end of the respective quarter.
3. Assures prior to any disturbance at the gob pile or highwall area, the areas will be surveyed for the presence of bat habitat trees. Any habitat trees will be cut during the period of November through March.

4. Will verify the contractor has submitted proof of all necessary permits and will ensure the contractor strictly adheres to all conditions of any permits obtained.
5. Ensures the contractor will strictly adhere to Virginia's erosion and sediment control provisions to prevent discharge of sediment to state waters and assure no provision of Virginia's State Water Quality Standards are violated. No in-stream construction, floodplains, or wetlands impacts will be associated with this project.
6. 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.
7. Will not authorize any work prior to approving the contractor's ground control plan.
8. Will require cutting and removing of trees during November through March to minimize impacts to suitable bat habitat.
9. Will require the contractor, with regards to access roads branching off Rt. 621:
  - a. Implement effective sediment and dust control measures along the existing mine road including grading, surfacing, sediment fence, and sumps.
  - b. Obtain any permits required by the Virginia Department of Transportation and adhere to the permit terms, and
  - c. Maintain access roads to prevent tracking material onto State roads.
10. Will require the contractor provide a plan to divert any stream flow from above the gob pile work area during construction activities via diversion channels designed by an engineer in accordance with Title V requirements of SMCRA.
11. Will initiate in-stream monitoring at designated upstream and downstream points. Grab samples will be collected bi-monthly, separated by a minimum of seven days. Samples will be analyzed for the following parameters: flow, pH, iron, manganese, selenium, conductivity, sulfates, chlorides, and settleable solids. Conductivity is proposed as a surrogate for total dissolved solids as noted in a proposed Nature Conservancy plan for gob piles.
12. Will install continuous monitoring systems, upstream and downstream, to monitor conductivity. To the extent possible, DMLR will deploy passive rising water samplers at the immediate upstream and immediate downstream sample sites to analyze for total suspended solids in lieu of continuous turbidity measurements.
13. Ensures the contractor will initiate rainfall monitoring within the project boundary. The contractor is required to submit rainfall data within 15 days of the end of each calendar quarter. Monitoring will continue until all bonds and permits are released or fully satisfied. The monitoring sites will be fixed points described by latitude and

longitude and shown approximately on the attached aerial photograph. Other than the sediment loading, there is no visible impact on water quality from the pile.

14. Will examine monitoring reports at each submittal to identify any potential adverse impacts. Although no problems are anticipated, DMLR water quality specialists, geologists, and engineers will formulate plans to address any impacts that might occur.

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 Hurricane Fork Gob Pile Project, in e-AMLIS from "unfunded" to "funded" based on your budget estimate for the project.



Debra H. Zirkle  
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Field Oversight Branch  
Knoxville Field Office

11/14/14  
Date



Earl Bandy Jr.  
Field Office Director  
Knoxville Field Office

11/14/14  
Date