



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



**EMERGENCY PROJECT
ENVIRONMENTAL IMPACT SIGNIFICANCE DETERMINATION**

**Elkins Branch Landslide Emergency Project (Site No. 14525)
Priority 1: 4.0 acre (DS) Dangerous Slide
Buchanan County, Virginia**

OSMRE DETERMINATION: Pursuant to 40 CFR Section 1506.11, OSMRE has determined the activities associated with this AML project do not constitute a significant impact to the environment, and therefore authorizes accelerated reclamation activities necessary to abate the immediate impacts to the public health and safety without prior completion of the environmental review requirements of 40 CFR Sections 1500-1508 (regulations for implementing the procedural provisions of the National Environmental Policy Act - NEPA). This authorization is being provided in accordance with OSMRE directives (REG-1: NEPA Handbook; GMT-10: Federal Assistance Manual, chapters 5-11), and policy. This determination is based on a review of the proposed actions and environmental conditions pertaining to this site. DMLR has completed consultation with the Virginia Department of Historic Resources (DHR) and the U. S. Fish and Wildlife Service (FWS) for this emergency.

DHR indicated that review of their inventory files shows no recorded historic districts, structures or archaeological sites and recommended a finding of No Adverse Effect on historic properties. The FWS determined there are no records of federally listed aquatic or terrestrial species in the project area, therefore the project would not result in adverse effects to federally listed species.

On June 30, 2015, OSMRE was notified by DMLR's Larry Lambert that there was an AML hazard caused by old mine workings on Elkins Branch in Buchanan County, Virginia. DMLR submitted the formal emergency declaration request package to OSMRE's Knoxville Field Oversight Branch on July 7, 2015. DMLR's field investigation revealed a dangerous slide approximately 1.5 miles off Rt. 83 on Rt. 642.

unstable, and presents an imminent danger and hazard to human life and safety. The emergency condition needed to be abated in a time frame not possible under normal State program procedures in order to protect the health and safety of the public and nearby residents.

A project summary within the AML emergency declaration request describes the work scope and reclamation costs. DMLR's estimated cost to abate the emergency is \$200,000. DMLR's project consisted of stabilizing the landslide area, removing material from the stream and placing it at a disposal site located on a permitted area for the Black Diamond Company (1102081).

DMLR requests approval to classify this project as an emergency due to the sudden occurrence of the hazard and its extreme need for immediate abatement to protect the health and safety of the public. DMLR determined that the V-CRIS showed the project was not located within any historic districts and no historic resources would be impacted with this reclamation. DMLR sent an email on June 30, 2015, to the U. S. Fish and Wildlife Service (FWS) and the Virginia Department of Historic Resources (DHR) requesting NEPA consultation regarding the AML emergency construction work.

DHR responded via letter on June 30, 2015, stating:

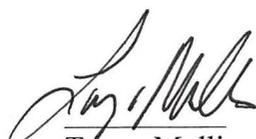
- Their inventory files show no recorded historic districts, structures or archaeological sites and recommended a finding of No Adverse Effect on historic properties.

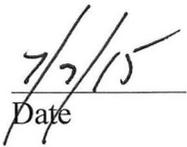
FWS responded via email on July 6, 2015, stating:

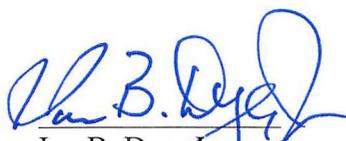
- There are no records of federally listed aquatic or terrestrial species in the project area, therefore the project would not result in adverse effects to federally listed species.

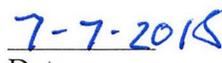
EMERGENCY DECLARATION RECOMMENDATION:

This site qualifies as an emergency, applying the criteria specified in OSMRE Directive AML 4, Appendix 1. It is necessary to abate the dangerous slide to eliminate the immediate danger to public health, and safety. DMLR's Request for Emergency Declaration was received on July 7, 2015, and determined complete with required NEPA consultation responses on July 7, 2015. I recommend OSMRE declare this project an emergency situation authorizing DMLR's expenditure of grant funds from the FY 2014 AML Consolidated Grant (GR417510). Accompanying this emergency declaration is an Environmental Impact Significance Determination approving DMLR's emergency AML hazard abatement.


 Tonya Mullins
 Physical Scientist
 Field Oversight Branch
 Knoxville Field Office


 Date


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


 Date