



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

Laurel Branch Gob Pile Project
Site No: 14302
Grant No. GR417510 Sub-account No. 51403

Priority 2: 4 AC (GO) Gob Pile
Priority 2: 800 feet (H) Highwall
Estimated Cost: \$500,000
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 Laurel Branch 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 600, 1.6 miles south, southwest of Carrie in Russell County, Virginia. The project area is located on a section of the Carbo USGS 7.5 Minute Quadrangle. The project will eliminate 4 acres of Priority 2 gob pile (GO), and 800 feet of Priority 2 highwall (H). The project is located in Problem Area VA000119 ENH.

The gob pile alone was previously categorized as a priority 3 GO AML feature; however, an adjacent P2 (SB) Surface Burning AML Feature was reclaimed in 1999, allowing the upgrade of this feature to a P2 GO AML Feature. Additionally, the adjacency of the AML highwall to this feature also allows for the highwall (H) to be upgraded to a Priority 2.

In addition to the traditional benefits of reclaiming these features, Laurel Branch, adjacent to the features, is a tributary of Dumps Creek, a 303d impaired stream and tributary of the Clinch River. Dumps Creek is proposed for delisting in 2016. Reclamation of abandoned mine lands is referenced as an implementation strategy within the Dumps Creek Implementation Plan, therefore, complete removal of this gob pile would support the proposed delisting.

Reclamation activities will entail: installing, maintaining, and removing temporary erosion and sedimentation control throughout construction; surveying the area for bat habitat; cutting and

removing any trees that may be suitable for bat habitat during the period of November through March; excavating the gob pile; extinguishing all combustion found; removing all material down to natural ground and topsoil (upon continuing to sequence two); placing all non-toxic and non-acid producing unmarketable coal waste onto the pre-SMCRA bench to eliminate highwall; quarterly sampling unmarketable material and performing analysis for acid base accounting; constructing a designed riprap channel on natural ground after removing the pile; and applying revegetation materials.

This AML project will involve two operational sequences. 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 slope affected by excavation, topsoil the affected area, 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 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 contractor is required to submit monthly production records up to the point of exceeding 5,000 marketable tons. 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. The contractor has the option to not exceed removal of 5,000 marketable tons, should this tonnage not be exceeded, the contractor is only responsible for reclaiming the area disturbed.

Marketable gob material from the pile in this project is to be blended with gob material from the ongoing AML enhancement project Hurricane Fork where the Btu value is too low to justify economically removing as a standalone project.

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. Despite a lack of streams noted in the project area, prior to any work sampling points will be designated at a point above the pile and at a point where any stream from this hollow would intersect Laurel Fork. The contractor will designate upstream and downstream sampling points, and conduct bi-monthly (twice a month) sampling, separated by a minimum of seven days for the following parameters: pH, iron, manganese, conductivity, and settleable solids. Conductivity is proposed as a surrogate for total dissolved solids as noted in a proposed Nature Conservancy plan for gob piles. The parameters with the exception of TSS can be measured in the field. TSS will be analyzed by a qualified lab. Also, the contractor will initiate rainfall monitoring within the project boundary. The contractor is required to submit stream and rainfall data within 15 days of the end of each calendar quarter. The monitoring sites will be fixed points described by latitude and longitude and shown approximately on the attached aerial photograph. It is noted that monitoring may not show any improvement in water quality, as the sampling events are just two points in time. The approved monitoring plan will be continued as the pile is reclaimed.

All requirements listed in the CE will be enforceable as plans and specifications. The contractor

will also post a \$100,000 reclamation bond for the project to ensure successful reclamation of the AML hazard.

The AML features designated within this project are a result of mining conducted prior to September 30, 1967, where the gob pile is clearly visible on aerial photograph ERN-3HH-29. This pile largely resulted from operations in the Upper and Lower Banner coal seams. The Southwest Virginia 208 plan clearly shows these seams mined out prior to 1976. 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. Consultation was initiated by DMLR in July of 2014 and June of 2015. 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) indicated that Biotics documents the presence of natural heritage resources within two miles of the project area. However, due to the scope of the activity and the distance to the resources, they do not anticipate that this project will adversely impact these natural heritage resources. DCR recommends no stockpiling of spoil removed, and supports a seed mix for re-vegetation that includes native plant species, free of invasive species. DCR also does not document State Natural Area Preserves under its jurisdiction. A second consultation in June of 2015 re-affirmed DCR's consultation.
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 detailed project plans along with site specific information is needed to determine if a proposed activity is within their jurisdiction. It was recommended DMLR submit a delineation for Corps confirmation. Additionally, USACE recommends an inventory review of the U.S. Fish and Wildlife IPAC database. Additional consultation with the USACE resulted in a response of No Permit Required.
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) did not respond to the project consultation request.
6. The U.S. Fish and Wildlife Service (FWS) does not anticipate adverse effects to federally listed species or federally designated critical habitat. Should project plans change or if additional information becomes available, this determination may be reconsidered.
7. Virginia's Department of Environmental Quality (DEQ) indicated the project is located on an unnamed tributary to Laurel Branch in VAD-P08R, Section 2, Class IV, No water quality information is available. 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.
8. The Virginia Marine Resources Commission (MRC) responded that the proposed project those not appear within their jurisdiction.

In addition to the agency recommendations listed above, DMLR:

1. Assures the contractor will comply with State regulations for fugitive dust control, burning and blasting will not be conducted, all debris will be disposed of in an approved manner, sediment fence will be installed in proper locations, and trees that provide suitable bat habitat will be cut during TOYR restrictions.
2. 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.
3. Will install bat boxes over the site and plant native hardwood seedlings following removal of the gob pile.
4. Assures proper sediment control measures will be implemented as stated in the CE, including employment of an individual with Responsible Land Disturber (RLD) Certification from DCR. No excavation will begin until this individual has approved installation of all sediment control measures. 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.
5. Will require vegetative cover on the pile to be removed in an orderly manner, as well as windrowed so long as not to interfere with sediment control measures.
 6. Assures removal of material from the pile shall begin at the top of the pile and proceed horizontally across the pile. An outcrop barrier shall be maintained along the outside edge of the work area, with access to the initial excavation area from roads above the pile.
 7. 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.
 8. Assures revegetation will be accomplished contemporaneously, and during seeding seasons any area greater than ½ acre will be seeded within two weeks of excavation. Furthermore, 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.
 9. Will require the contractor, with regards to access roads branching off Rt. 600:
 - 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 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.
 11. 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 Laurel Branch Gob Pile Project, in e-AMLIS from "unfunded" to "funded" based on your budget estimate for the project.



Tonya Mullins
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Field Oversight Branch
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6/25/15
Date



Ian B. Dye, Jr.
Manager
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Date