



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

Short Town Road II Project
Site No. 13104
Grant No. GR317510 Sub-account No. 51303

Priority 2: 850 feet (CS) Clogged Stream
Priority 2: 0.5 acre (CSL) Clogged Stream Land
Priority 3: 500 feet (HR) Haul Road upgraded to P2
Estimated Cost: \$94,000
Wise 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 2013 grant funds to the Office of Surface Mining Reclamation and Enforcement (OSMRE), Knoxville Field Office (KFO) for the Short Town Road II 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 Short Town Road II Project site is located off State Route 632, approximately 2.0 miles south/southeast of Pound in Wise County, VA. Coordinates for the approximate project location center are latitude 37° 5' 56.825"N, and longitude 82° 35' 5.403"W. Project area mapping is comprised of the Pound USGS 7.5 Min. Quadrangle. The project site is within the Boggs School Problem Area, VA-000601. The reclamation project will consist of eliminating 850 feet of Priority 2 Clogged Stream, 0.5 acre of Priority 2 Clogged Stream Land, and 500 feet of Priority 3 Haul Road (upgraded to Priority 2 due to adjacency). Abatement will consist of grading, installation of surface water runoff drainage controls, and revegetation. Water will be directed to existing drainage structures to effectively convey water from the abandoned mine features into adequate receiving channels. Reclamation will eliminate flooding, erosion, and deposition of mud onto private property, private and county roads. A small section of the existing mine bench may be utilized as a borrow/disposal area, if needed, and for a staging area for reclamation equipment. 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 2 AML project of clogged stream, clogged stream land, and haul road, with less than 2.0 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 review of aerial photographs GS-VBEN 4-77 and 4-78 taken in March of 1976 show extensive surface mining at the project site. Mining at the site was conducted by the Gerald coal Company, B&W Coal Company, and Deblin Coal Co. Inc, with all mining completed prior to December 15, 1981. 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 a clogged stream, clogged stream lands, and a haul road. These features are located near occupied residences and roads, posing a continuing danger to public safety. These properties would most likely suffer damage in the occurrence of flooding that could potentially occur due to a sediment filled stream bed or significant amounts of erosion materials onto properties and roadways by runoff from the features.

DMLR's CE documents the required NEPA consultation to assess potential impacts to resource values under the proposed alternatives. Consultation was initiated 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 according to their files, natural heritage resources have not been documented within two miles of the project area. The absence of data may indicate the area has not been surveyed rather than no species occur on and around the site. 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 involves correcting erosion and drainage problems near Mullins Fork a Bold Camp Creek tributary in the Pound River Subbasin of the Big Sandy River Basin, Hydrologic Unit Code (HUC) 05070202-Q13R, classified as Section 4 Class IV, Mountainous Zone Waters in the Virginia Water Quality Standards (WQS). No current water quality data is available in this area; however, the watershed is heavily impacted by mining activities. 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.

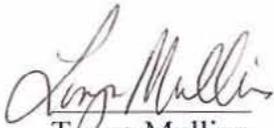
- Incorporates features which prevent significant adverse impacts on ambient air quality, water quality, wetlands, historic structures, fish wildlife, and species of plants, animals or insects listed by state agencies as rare, threatened or endangered.
3. The Department of Historic Resources (DHR) indicated 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 practiced reclamation goals and standards and their position is that the project is worthwhile and should be implemented.
 5. The U.S. Fish and Wildlife Service (USFWS) reviewed the project package received on January 30, 2015 from DMLR. They concur with the “no effect” and “no permit required” determinations for the aquatic species and Eagle Act, respectively. Additionally, although the initial “may affect” determination for the three bat species in the Species Conclusion Table is appropriate, the most suitable final determination for each bat species is “not likely to adversely affect,” because no potential bat roosts, including trees and mine portals, will be disturbed by the project activities. Should project plans change, these determinations may be reconsidered.
 6. The Virginia Marine Resources Commission (VMRC) responded that work does not appear to occur within the jurisdiction of the MRC, and concluded there will be no direct impacts to State-owned submerged lands and accordingly there will be no permit required for the proposed activity.
 7. The U.S. Army Corps of Engineers (USACE) did not respond to the consultation request.
 8. Virginia Department of Game and Inland Fisheries (VDGIF) did not respond to the consultation request.

The CE states all disturbed areas will be seeded with plant species from the list agreed to by state and federal agencies. Seeding will be completed as expeditiously as possible and will implement guidelines of the Appalachian Regional Reforestation Initiative to the extent possible.

If needed, borrow or disposal sites will be from/on adjacent mined land that has previously been disturbed. DMLR will contact the OSMRE for approval prior to implementation of borrow or disposal area(s). Additionally, state regulations regarding fugitive dust control and open burning will be followed. Blasting will not be allowed.

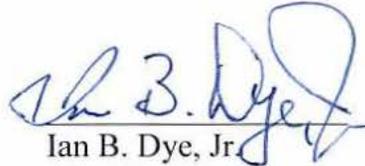
Accordingly, pursuant to section 4-160-50D.3 of the FAM, and section 403(b) of SMCRA, you are authorized to proceed with this project and expend Federal funds in accordance with AML grant terms and conditions.

In accordance with OSM Directive AML-1, please update the electronic Abandoned Mine Land Inventory System (eAMLIS) for the Problem Area Description (PAD), Boggs School, VA-000601, for the Short Town Road II Project from "unfunded" to "funded" based on your budget estimate for the project.



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4/10/15
Date



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4-13-2015
Date