



**PUBLIC NOTICE OF INTENT TO ENTER  
TO CONDUCT RECLAMATION ACTIVITIES**

(Abandoned Mine Land Program)

IN THE MATTER OF: **BIRCHFIELD LANDSLIDE PROJECT**

**TO WHOM IT MAY CONCERN:**

The Department of Mines, Minerals, and Energy, Division of Mined Land Reclamation, of the Commonwealth of Virginia, pursuant to the authority granted in the Virginia Coal Surface Mining Control and Reclamation Act of 1979 (Chapter 19, Article 4, Section 45.1-260 et seq.) with funding provided by the **2014** Consolidated Grant, has determined and found that:

Land located **2.2 miles east of the intersection of U. S. Rt. 23 and State Route 634 (Birchfield Creek) and east of Collins Baker Road** in **Wise** County, Virginia, has been adversely affected by past coal mining practices, to wit:

1. Property owners, both known and unknown, are hereby notified of the Division's intention to reclaim the area adversely affected by past coal mining practices. The purpose of this Notice is to provide notice to any landowners, heirs, assigns and devisees who may be affected by the proposed reclamation and who have not been identified and who have not granted written consent.
2. The public health, safety and property is endangered by: **an active landslide above an occupied dwelling. Continued movement and sediment from the landslide could block or adversely affect Birchfield Creek.**
3. The proposed action consists of:
  - a) Constructing or improving access roads to the landslide area and proposed disposal site. A permanent stream crossing consisting of a polyethylene pipe will be placed in a small stream in Collins Baker Hollow;
  - b) Removal of excess material from the hillside above an occupied dwelling and regrading of the hillside to a stable configuration. All of the material removed from the hillside will be properly disposed of on previously mined land;
  - c) Reconstructing a channel in the hollow previously blocked by the landslide;
  - d) Regrading and revegetating all areas disturbed by this work. Approved seed mixtures will

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be used in establishing revegetation;

- e) Standard erosion and sediment control measures will be implemented throughout the duration of this work.

4. Known property owner(s) in the area of the proposed reclamation are:

**Larry W. Boggs**

**Heartwood Forestland Fund IV, LP**

**Douglas and Loretta Boggs**

**Scottie McCarthy**

**Carol Dingus (C/O Billy Dingus)**

Based upon the above findings, the Commonwealth of Virginia, acting by and through the Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, its agents, employees and contractors, gives notice that 30 days from this Notice being published in *The Coalfield Progress* and posted on the property, the Division will initiate and continue until the proposed work on the **Birchfield Landslide Project** is complete, and shall do all things necessary and expedient to protect the public health, safety and general welfare. Such entry shall not be construed as an act of condemnation of property nor of trespass thereon.

A copy of this notice can also be found on our website at

<https://www.dmme.virginia.gov/PublicMeetings/PublicNotices.shtml>.

For further information contact the Division of Mined Land Reclamation at the following address:

Attention: AML Section

VA Dept. of Mines, Minerals & Energy

P. O. Drawer 900

Big Stone Gap, VA 24219

The telephone number is (276) 523-8206.

DATE 1/25/16 BY Randy Casey  
**Division Director**