



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

Bladon Pits Project
Site No. 12503
Grant No. GR217510 Sub-account No. 51203

Priority 1: 3 (VO) Vertical Openings
Estimated Cost: \$70,000
Powhatan 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 2012 grant funds to the Office of Surface Mining Reclamation and Enforcement (OSMRE), Knoxville Field Office (KFO) for the Bladon Pits 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 Bladon Pits Project site is located approximately two miles south of the town of Manakin and one mile north of the intersection of Watkins Landing Road (State Route 652) and Huguenot Trail (Route 711) in Powhatan County, Virginia. Coordinates for the approximate project location center are latitude 37° 35' 05"N, and longitude 77° 43' 00"W. Project area mapping is comprised of the Midlothian USGS 7.5 Min. Quadrangle Map. The project site is within the Norwood Creek Problem Area, VA-000552 of the Richmond Coalfields. Reclamation will consist of eliminating three Priority 1 Vertical Openings (VO) labeled HM18, HM20, and HM26, by filling and permanently sealing each feature.

Based on the analysis in the CE, OSMRE finds reclamation to abate the Priority 1 AML project of three vertical openings, with less than 3.0 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 mining history for the vertical openings addressed in this project date as far back as 1748, when the earliest commercial mining was to have occurred in North America. Bladon Pits are noted in the Virginia Division of Mineral Resources Publication 85: Mining History of the Richmond Coalfield of Virginia and mining was conducted prior to 1880 with regards to entry HM26. Hazard HM20 is referenced in DHR records as being associated with the Norwood Mine, operated in the 1800's, with partial reclamation of this site conducted in 1987 by DMLR. Review of mining history for entry HM18 shows mining operations ceasing in 1927, with

several unsuccessful attempts at mining in the 1950's. The AML features designated within this project are a result of mining conducted prior to August 3, 1977. 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 three vertical openings. These features are located in an area used frequently for hunting and recreational use, and within close proximity to a public boat landing. Each of the features is reasonably accessible to human visitation, and should be addressed to protect the public.

DMLR's CE documents the required NEPA consultation to assess potential impacts to resource values under the proposed alternatives. Consultation was initiated in June of 2012. Further consultation with VDGIF was initiated in November of 2014. 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, the site is located within the Powhatan Boat Landing Conservation Site. This conservation site has been given a biodiversity significance ranking of B5, with concern directed primarily to Bald Eagles. DCR recommended coordination with the VDGIF and supports time of year restrictions on the removal of bat roost trees. 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 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 they fully support the elimination of unsafe conditions in Virginia's Coalfields. 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 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.

4. Virginia Department of Game and Inland Fisheries (VDGIF) did not initially respond to the consultation request. A second consultation was performed in 2014 and the response indicated Bald Eagle nests do appear in the project area. Additionally, the James River has been designated both an Anadromous Fish Use Area and a Threatened and Endangered Species Water due to the presence of state Endangered brook floaters and state Threatened Atlantic pigtoes. VDGIF recommended following state and federal protection of bald eagles, and that instream work follows the following guidelines:
 - TOY restrictions in the James River or its tributaries from March 15 through June 30.
 - Activities occur during low or no-flow conditions, use of non-erodible cofferdams, or turbidity curtains, block no more than 50% of the natural stream flow and any given times, stockpile excavated materials in a manner that prevents reentry of excavated material into the stream, and restoration of original streambed and stream bank conditions.
 - Mussel survey and relocation should be performed if necessary 100 meters upstream through 400 meters downstream of the project site. The mussel survey should be performed approximately 6 months prior to the start of construction and conducted by a qualified, permitted biologist. Results should be transmitted to DGIF for further review.
5. 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.

The following agencies did not respond to the consultation request:

1. The Department of Historic Resources (DHR)
2. The U.S. Army Corps of Engineers (USACE)
3. The U.S. Fish and Wildlife Service (USFWS)

The CE NEPA documentation shall be incorporated by reference into all construction contracts entered into by DMLR. DMLR also assures the following;

1. 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.
2. Feature HM18 is located approximately 460.0 feet from a documented active Bald Eagle Nest; however there is sufficient tree cover (landscape buffer) and an appropriate distance buffer between the nest and construction site so that the nest should not be disturbed by construction activity. All construction activity performed at this site will adhere to the National Bald Eagle Management Guidelines as well as any applicable state regulations.

3. Impacts to FEMA mapped floodplains or wetlands are not anticipated to occur as Vertical Opening / Slope Entry # 2 (HM26) is located within the flood plain of the James River; however such impacts are anticipated to be almost negligible due to the nature of the grade work to be undertaken as part of the construction activity to be performed to reclaim this site.
4. Should unknown or previously undocumented historic properties be discovered during construction activities, all activity will cease and DHR will be contacted immediately.
5. Off-site borrow or disposal sites are not anticipated for this project. 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), Norwood Creek, VA000552, for the Bladen Pits Project from "unfunded" to "funded" based on your budget estimate for the project.



Tonya Mullins
Physical Scientist
Field Oversight Branch
Knoxville Field Office

12/9/14
Date



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

12/9/2014
Date

YES RESPONSES REQUIRE SUBMISSION OF AN ENVIRONMENTAL ASSESSMENT

I. GENERAL EXCEPTIONS

Does the project specifically require an EA in 516 DM 6, Appendix 8, as specified in Item I of the instructions? No (X) Yes ()

II. DEPARTMENT OF INTERIOR EXCEPTIONS

Will the project have any of the following:

A significant adverse effect on public health or safety? No (X) Yes ()

An adverse effect on any of the following unique geographic characteristics? No (X) Yes ()

- Parks (State, Local, or National)
- Recreation or Refuge Lands
- Wilderness Areas
- Ecologically Significant or Critical Areas
- Prime Farmlands
- Wild or Scenic Rivers
- Wetlands
- Floodplains
- Sole or Principal Drinking Water Aquifers

Highly controversial environmental effects? No (X) Yes ()

Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks? No (X) Yes ()

A precedent for future action or a decision in principle about future actions with potentially significant environmental effects. No (X) Yes ()

Directly related to other actions with individually insignificant but cumulatively significant environmental effects? No (X) Yes ()

Adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No (X) Yes ()

Adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species? No (X) Yes ()

Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or the Fish and Wildlife Coordination Act? No (X) Yes ()

Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment? No (X) Yes ()

III. RESOURCE IMPACT EXCEPTIONS

Are there any unresolved issues, or adverse effects requiring specialized mitigation, for any of the following resources? If yes, check the ones that apply. No (X) Yes ()

- () Topography
- () Historic and Cultural
- () Land Use (includes prime farmland)
- () Recreation
- () Soils
- () Air Quality
- () Vegetation (includes wetlands)
- () Noise
- () Hydrology
- () Other (includes socioeconomics)
- () Fish and Wildlife

V. RESPONSIBLE OFFICIAL CERTIFICATION

Machelle W. Meade

Signature: _____ Date: 11/4/2014

Machelle W. Meade
Abandoned Mine Land Program Specialist

VI. OSM DETERMINATION

This project conforms with the exclusion criteria in 516 DM 6, Appendix 8, and is excluded from further NEPA compliance.

This project does not conform with the exclusion criteria in 516 DM 6, Appendix 8, and requires an environmental assessment.

Signature: _____

[Handwritten Signature]
Manager
Big Stone Gap Area Office

Date: 12-9-2014