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 Panhandle Road Portals Project. The ATP request consists of a Categorical Exclusion Certification and Determination (CE), with eligibility certification and determination, consultation correspondence, project description, location map, and description forms.

The Panhandle Road Portals project site is located approximately 1.5 miles SE of Lovers Gap, off of Rt. 83 in Buchanan County, VA. Coordinates for the approximate project location center are 37°12'39.222"N, and longitude 82°10'12.227"W. Project area mapping is comprised of a section of the Prater USGS 7.5 Min. Quadrangle. The project site is in Problem Area VA-000274. The reclamation project will consist of the permanent closure of 3 Priority 2 mine portals and installation of drainage controls to convey drainage from the mine bench into an adequate receiving channel to prevent further erosion from occurring.

Based on the analysis in the CE, OSMRE finds reclamation to abate the Priority 2 AML project of 3 portal features, 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. DMLR’s request to proceed with construction for the Panhandle Road Portals Project is approved. Accordingly, pursuant to Federal Assistance Manual section 5-11-20D.3, you are authorized to proceed with the site reclamation. More Specific reasons for this determination are as follows:

DMLR’s search of DMME records identified DMME mine map CMF1062 showing underground mining in the Hagy seam, as VA Mine ID 01672, with mining extended dated to December 8, 1955, for R & F Coal Co., No. 4 and new name listed as Altia & O’Quinn Coal Co., Mine No. 2. DMLR found additional mining extents dated from September 2, 1957, to August 3, 1963, for VA Mine ID 01672, Hagy seam, on DMME mine map ANR1481. There two maps contain all the mine extents DMLR currently has for mining in the portal area to be reclaimed.
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 permanent closure of mine portals and construction of drainage controls to convey drainage from the mine bench into an adequate receiving channel to prevent further erosion. The portals are located near occupied residences and public roads, posing a continuing danger to public safety. Portals with potential bat habitat will be sealed so as to allow continued bat access.

DMLR sent appropriate government agencies NEPA consultation request letters for the proposed project. Agency recommendations are discussed below.

1. The Virginia Department of Conservation and Recreation’s Division of Natural Heritage (DCR) responded there are no State Natural Area Preserves under DCR’s jurisdiction in the project vicinity. DCR supports conducting surveys for bats prior to installation of bat closures.

DMLR’s CE states DMLR will perform habitat surveys and provide results to the appropriate agencies prior to selecting a closure method. Portals with potential bat habitat will be sealed so as to allow continued bat access.

2. The Virginia Department of Environmental Quality (DEQ) responded with no objections provided the project complies with the following:
   - Includes sediment and erosion control measures and seeding of disturbed areas will utilize no-invasive species.
   - Abides by all applicable 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.

DMLR’s CE states the contract documents will require strict erosion and sediment control measures complying with State and local erosion and sediment control laws and regulations.

3. The Natural Resources Conservation Service (NRCS) responded the proposed activities for this project appears to address the basic environmental, sediment, and erosion concerns of the NRCS.

4. The Virginia Marine Resources Commission (VMRC) requested the drainage area calculations for the project. If the drainage area is 5 square miles or more in drainage, a VMRC permit is required before work can begin.
DMLR’s CE includes the drainage area map showing drainage area calculations being less than 5 square miles. Therefore, DMLR anticipates no impacts to “Waters of the U.S.” and no VMRC permit will be required.

5. The U.S. Army Corp of Engineers (USACE) preliminary review suggests the project may meet the terms and conditions of USACE permitting criteria for a Nationwide Permit 37. The USACE responded that if construction activities did not impact jurisdictional areas, a permit will not be needed.

6. The Department of Historic Resources (DHR) did not respond to DMLR’s NEPA consultation request letter. However, if project construction activities reveal the presence of other historic or cultural resources, DMLR’s CE requires construction activities to cease pending further and immediate consultation with the DHR.

The following agencies did not respond to DMLR’s NEPA consultation request letter:

1. U.S. Fish and Wildlife Service
2. Virginia Department of Game and Inland Fisheries
3. Natural Resources Conservation Service
4. Virginia Department of Conservation and Recreation

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).

Accordingly, pursuant to section 4-160-140D.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 electronic Abandoned Mine Land Inventory System (eAMLIS) for the Problem Area Description (PAD), War Fork, VA000274, for the Panhandle Road Portals Project from “unfunded” to “funded” based on your budget estimate for the project.

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