



# United States Department of the Interior



OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
710 Locust Street, 2<sup>nd</sup> Floor  
Knoxville, Tennessee 37902

## CATEGORICAL EXCLUSION AUTHORIZATION TO PROCEED

West Dante Portals Project  
Site No. 12526

FY 2012 AML Consolidated Grant #GR217510 Sub-account # 51303

Priority 1: Portals (P) (18) \$45,000

Priority 2: Portals (2) \$50,000

Priority 2: Subsidence (S) \$1,500

Priority 3: Mine Openings (MO) (12) \$24,000

Priority 3: Hazardous Equipment and Facilities (HEF) (9) \$9,000

Priority 3: Highwall (H) (2) \$2,000

Estimated Cost: \$131,500

Dickenson 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 (OSM), Knoxville Field Office (KRO) for this 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 AML features are located off State Route 626, 627, 673, and 846 in Dickenson County, Virginia. The project is in Problem Area VA0096. The West Dante Portals project is divided into six project areas. The coordinates for the individual project areas are:

Project Area #1: 82° 19' 23"W & 36° 59' 06"N

Project Area #2: 82° 20' 10"W & 36° 58' 42"N

Project Area #3: 82° 20' 17"W & 36° 58' 23"N

Project Area #4: 82° 20' 42"W & 36° 58' 13"N

Project Area #5: 82° 18' 40"W & 36° 59' 14"N

Project Area #6: 82° 18' 27"W & 37° 00' 05"N

The reclamation project will include the permanent closure of mine portals and auger holes, removal of hazardous mining equipment and facilities, stabilization of haul roads, and installation of drainage structures to adequately convey runoff from abandoned mine features to adequate receiving channels.

Based on the analysis in the CE, OSM finds reclamation to abate the AML project (18 Priority 1 portals; 2 Priority 2 portals; 1 Priority 2 subsidence feature; 12 Priority 3 mine openings; 9 Priority 3 hazardous equipment and facilities, and 2 Priority 3 highwall features), with less than 10 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 West Dante 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 determined all the features included within this AML project are a result of past underground coal mining activities and 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. The Priority 3 land and water resources included within this AML project have been environmentally degraded by the adverse effects of coal mining practices, and are being abated in conjunction with the Priority 1 and/or Priority 2 reclamation involved, as provided under §402(g)(7) of SMCRA; DMLR determined this project will provide reasonable savings toward the objective of reclaiming all Priority 3 land and water problems within the jurisdiction of the Commonwealth of Virginia.

The features for the West Dante Portals project are listed by Project area in the following tables. The documents DMLR used to verify mining dates before August 3, 1977, are listed by Project Area and features.

<b>Project Area #1 Features</b>	<b>VA 208 Map July '76 disturbed/mined areas</b>	<b>Other maps or scans used to verify mining dates before Aug. 3, 1977</b>
STW-078 Portal, Priority 2 STW-079 Portal, Priority 2	No	BSG469_05911 shows, D. Mullins Coal, no 2, Mine ID 05911, shows all mine extents with date of 1/29/71. Located on disturbed mined areas on a copy of an aerial photo labeled USGS Sept. 29, 1969 1VCCL00080029.
JDK-003 Portal, Priority 2	No	BSG470_05911_1 shows UBN_009 CBM - 6E0F this map date posted as 7/1/68 Located on disturbed mined areas on a copy of an aerial photo labeled USGS Sept. 29, 1969 1VCCL00080029.
WWW-037 Portal, Priority 1 JDK-004 Hazardous Equipment & Facilities, Priority 3	No	BSG471_05984 shows Connie Sue Coal and all mine extents with last mining of 1/28/71. Located on disturbed mined areas on a copy of an aerial photo labeled USGS Sept. 29, 1969 1VCCL00080029.
JDK-001 Portal, Priority 1	No	BS470_05911_1 this portal as Parrott Mine which is abandoned with map date posted as 7/1/68.

<b>Project Area #2 Features</b>	<b>VA 208 Map July '76 disturbed/mined areas</b>	<b>Other maps or scans used to verify mining dates before Aug. 3, 1977</b>
STW-086 Hazardous Equipment & Facilities, Priority 3 STW-087 Portal, Priority 2 STW-088 Portal, Priority 2	Yes Upper Banner Seam	ANR1061 shows mine extents dated 7/14/77 for the portals and mining in this area.
STW-089 Portal, Priority 2 STW-089A Portal, Priority 2	Yes Upper Banner Seam	ANR959 for Ring Coal Co, mine id 04459 with mine extents dates of 5/3/65 shows the adjacent works as Caledonia Coal Co, Truck mine no 58 and abandoned. And on ANR1061 as adjacent mine and the most updated mine extents on the map 7/14/77.
STW-090 Hazardous Equipment & Facilities, Priority 3 STW-091 Portal, Priority 1 STW-091A Portal, Priority 2	Yes Upper Banner Seam	ANR1061 and ANR1058 for Moly Ore Mines Ltd, with complete mine extents dated 10/8/75. Located on disturbed mined areas on a copy of an aerial photo labeled USGS Sept. 29, 1969 1VCCL00080028.
JDK-005 Hazardous Equipment & Facilities, Priority 3	Yes Upper Banner Seam	Located on disturbed mined areas on a copy of an aerial photo labeled USGS Sept. 29, 1969 1VCCL00080028.

Project Area #3 Features	VA 208 Map July '76 disturbed/mined areas	Other maps or scans used to verify mining dates before Aug. 3, 1977
STW-095 Portal, Priority 2	Yes Upper Banner Seam	BSG465_02189 shows Mullins & Stanley, No 1, mine id 02189 all mine extents dated to 8/65.
STW-096 Highwall, priority 3 STW-097 Hazardous Equipment & Facilities, Priority 3	Yes Upper Banner Seam	RAP1226 shows total mine extents with portal and ANR1061 shows mining extents dates of 1/20/58 with water falls noted but missing only the portal.

Project Area #4 Features	VA 208 Map July '76 disturbed/mined areas	Other maps or scans used to verify mining dates before Aug. 3, 1977
JDK-007 Portal, Priority 2 WWW-047 Portal, Priority 1 JDK-008 Portal, Priority 2 WWW-048 Portal, Priority 1 WWW-051 Hazardous Equipment & Facilities, Priority 3 WWW-049 Portal, Priority 1 STW-099 Mine Opening, Priority 3	Yes Upper Banner Seam	TNL31_1 and TNL31_2 shows Hash Coal, No 2, mine id 04817 with all mine extents dated up to 12/67. Located on disturbed/mined areas on a copy of an aerial photo labeled USGS Sept. 29, 1969 1VCCL00080028.
STW-098 Mine Opening, Priority 3 WWW-052 Portal, Priority 1 WWW-050 Mine Opening, Priority 3 JDK-009 Hazardous Equipment & Facilities, Priority 3 STW-094 Portal, Priority 2 WWW-053 Portal, Priority 2 STW-093 Portal, Priority 2	Yes Upper Banner Seam	BSG465_02189 shows underground mine extents up to 1/66, shows auger works and map received 2/66. Located on disturbed/mined areas on a copy of an aerial photo labeled USGS Sept. 29, 1969 1VCCL00080028.

Project Area #5 Features	VA 208 Map July '76 disturbed/mined areas	Other maps or scans used to verify mining dates before Aug. 3, 1977
STW-083 Portal, Priority 2	No	RAP1243 shows Rowlett Coal Co, Little Laurel Branch, with underground mine extents up to 12/30/60. Located on disturbed mined areas on a copy of an aerial photo labeled USGS Sept. 29, 1969 1VCCL00080029.
STW-064 Mine Opening, Priority 3 JDK-016 Subsidence, Priority 2 STW-065 Portal, Priority 1	Yes Upper Banner Seam	Located on disturbed mined areas on a copy of an aerial photo labeled USGS Sept. 29, 1969 1VCCL00080029.
STW-082 Portal, Priority 1 WWW-044 Mine Opening, Priority 3 JDK-010 Mine Opening, Priority 3 WWW-043 Mine Opening, Priority 3	No	BSG476_02584_1 shows auger and portals with map posted date of 3/25/70. Located on disturbed mined areas on a copy of an aerial photo labeled USGS Sept. 29, 1969 1VCCL00080029.

Project Area #6 Features	VA 208 Map July '76 disturbed/mined areas	Other maps or scans used to verify mining dates before Aug. 3, 1977
JDK-014 Hazardous Equip & Facilities, Priority 3 JDK-015 Portal, Priority 2 STW-116 Portal, Priority 1 STW-117 Portal, Priority 1 STW-117A Portal, Priority 1 STW-117B Portal, Priority 1 STW-118 Portal, Priority 1	No	Located on disturbed/mined areas on a copy of an aerial photo labeled USGS Sept. 29, 1969 1VCCL00080029.
JDK-013 Portal, Priority 2 STW-100 Mine Opening, Priority 3 STW-101 Portal & Mine Opening, Priority 2 STW-101A Mine Opening, Priority 3 STW-102 Portal, Priority 1 STW-104 Mine Opening, Priority 3 JDK-011 Highwall, Priority 3 STW-113 Mine Opening, Priority 3 STW-115 Portal, Priority 1 STW-119 Portal, Priority 1 STW-120 Hazardous Equipment & Facilities, Priority 3 WWW-056 Portal, Priority 2 WWW-057 Portal, Priority 2 WWW-058 Portal, Priority 1 WWW-059 Mine Opening, Priority 3	Yes Upper Banner Seam	Located on disturbed/mined areas on a copy of an aerial photo labeled USGS Sept. 29, 1969 1VCCL00080029.

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

The Virginia Department of Conservation and Recreation (DCR) did not find any natural heritage resources documented according to the information currently on file. Since the reclamation activities will include closure of mine portals, DCR requested an assessment of the project site for bat habitat suitability be conducted and coordinated with the US Fish and Wildlife Service (FWS) and the Virginia Department of Game and Inland Fisheries (VDGIF). 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.

The Virginia Department of Environmental Quality (DEQ) responded the project areas are in the Lick Creek drainage of the Clinch River Sub-basin of the Tennessee River Basin. The area has a total maximum daily load in place for Aquatic Life impairment due to sedimentation, so special care to prevent additional sedimentation is needed. DEQ has 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.

The CE addresses DEQ's recommendations by requiring the contractor to implement strict erosion and sediment control measures throughout the construction phase of the project. The project design will utilize best management practices to minimize stormwater runoff. The contract documents will include specific sediment and erosion control practices and will comply with State and local erosion and sediment control laws and regulations.

The Department of Historic Resources (DHR) review of inventory files indicated no recorded historic districts, structures or archaeological sites within the project area of potential effects. Based on the documentation provided, DHR recommends a finding of No Historic Properties Affected for the project area site. Should project construction activities reveal the presence of other historic or cultural resources, construction activities will cease pending further and immediate consultation with the DHR.

The U.S. Army Corps of Engineers (USACE) responded that if the project will not impact jurisdictional areas and will be limited to portal closure in upland areas, no permit would be required. A USACE permit may be required for any work in jurisdictional areas. Since reclamation activities will have an impact upon waters and/or wetlands under the USACE jurisdiction, the CE states all applicable Section 404/401 water quality permits will be obtained prior to construction and Section 404/401 permit conditions will be strictly adhered to during construction.

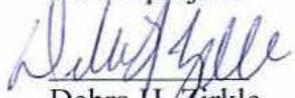
The following agencies did not respond to DMLR's NEPA consultation request letter:

Virginia Marine Resources Commission  
 U.S. Fish and Wildlife Service  
 Virginia Department of Game and Inland Fisheries  
 Natural Resources Conservation Service

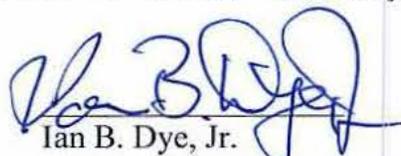
The CE states all disturbed areas will be seeded with plant species from the list agreed to by state and federal agencies.

If needed, borrow or disposal sites will be from/on adjacent mined land that has previously been disturbed. The Division of Mined Land Reclamation will contact the Office of Surface Mining for approval prior to implementation of borrow or disposal area(s).

In accordance with OSM Directive AML-1, please update the electronic Abandoned Mine Land Inventory System (eAMLIS) for the Problem Area Description (PAD), Splashdam VA000096, for the West Dante Portals Project from "unfunded" to "funded" based on your budget estimate for the project.

  
 Debra H. Zirkle  
 OSM Environmental Reviewer  
 AML/Regulatory Program Specialist

1/16/2014  
 Date

  
 Ian B. Dye, Jr.  
 Manager  
 Big Stone Gap Office

1/16/2014  
 Date



**V. RESPONSIBLE OFFICIAL CERTIFICATION**

*Machelle W. Meade*

Signature: \_\_\_\_\_ Date: 12-11-2013  
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: *John B. Weyer* Date: 1/16/2014  
Manager  
Big Stone Gap Area Office