



## 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**

Agaze Shaft Project  
Site No. 13501  
Grant No. GR317510 Sub-account No. 51303

Priority 1: 1 (VO) Vertical Opening  
Estimated Cost: \$70,000  
Chesterfield 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 Agaze Shaft 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 Agaze Shaft Project site is located at 220 Walton Park Road in the Village of Midlothian, Chesterfield County, Virginia. Coordinates for the approximate project location center are latitude 37° 29' 51.02"N, and longitude 77° 38' 27.45"W. Project area mapping is comprised of the Hallsboro USGS 7.5 Minute Quadrangle Map. The project site is within the Pump Shaft Problem Area, VA-000576 of the Richmond Coalfields.

Reclamation designs for this project will result in the filling and permanent sealing of a Priority 1 Vertical Opening (VO) feature. Strict erosion and sediment control measures will be implemented through construction 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 1 AML project of 1 (VO) vertical opening, with less than 1.0 acre 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 research of the Richmond Coalfields indicates that underground mining at the proposed project was conducted during 1873. The Creek Company operated a 400 foot shaft mine at this site. DMLR determined the Priority 1 Vertical Opening feature is directly related to past underground coal mining activities 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 this AML feature. The vertical opening is located in close proximity to a densely populated suburb of the City of Richmond, with an approximate distance of 200 feet to the nearest residence, posing a continuing danger to public safety. To protect health and safety, this AML hazard should be abated. A sparse band of woodlands separates the subdivision from the project site. In addition, the vertical opening feature is located approximately 54 feet from a structure/building associated with the Dominion Power utility company. An existing road leading to the structure/building provides extremely easy access to the site. Water is frequently impounded within the vertical opening feature. Trash and other debris strewn near the feature as well as the overhead power lines indicate that human visitation to the project site does take place.

DMLR's CE documents the required NEPA consultation to assess potential impacts to resource values under the proposed alternatives. Consultation was initiated in March 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) responded that according to the information currently in its files, natural heritage resources have not been documented within two miles of the project boundaries. The absence of data may indicate that the project areas have not been surveyed rather than confirm the areas lack natural heritage resources. 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. To minimize the potential for invasive species infestation, projects should be conducted to minimize the area of disturbance, and disturbed sites should be revegetated with desirable species at the earliest opportunity following disturbance. DCR also recommends species used for revegetation should not include highly invasive species.
2. The Virginia Department of Environmental Quality (DEQ) indicated the proposed project involves filling and capping a Priority 1 vertical opening. The site is in the Falling Creek Drainage of the James River Basin, VAP-G01R, in a densely populated suburb of the City of Richmond. 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) stated its' review of DHR inventory files indicates the Agaze Shaft is located within the Midlothian District of the Richmond Coal Basin, a district that has been determined eligible for the National Register of Historic Places. Prior to any reclamation work, DHR requested the Agaze

Shaft be photographed and keyed to a project map or sketch plan indicating the direction in which the photo was taken and also with GPS coordinates. DHR also recommended contacting the Mid-Lothian Mines and Railroads Foundation be consulted. DHR requested that additional photographs of the proposed shafts be keyed with GPS locations and submitted electronically. Upon DHR's receipt of the photos and reference map as well as further information provided by the Mid-Lothian Mines and Railroads Foundation. Based on receipt of these photographs and any information provided by the Mid-Lothian Mines and Railroads Foundation, 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 Virginia Marine Resources Commission (VMRC) did not respond to the consultation request.
6. The U.S. Fish and Wildlife Service (USFWS) did not respond to the consultation request.
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.

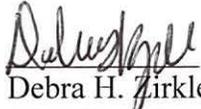
In addition to the agency recommendations listed above, DMLR:

- Will require the contractor to utilize strict erosion and sediment control measures using best management practices throughout the life of the project. The contractor will adhere to Virginia's erosion and sediment control provisions to prevent discharge of sediment to state waters and assure no provisions of Virginia's State Water Quality Standards are violated.
- Completed and submitted the USFWS Online Project Review with no response from USFWS within the 30 day review period. The Northern Long-eared Bat and Bald Eagle were the only species of concern noted in the Online Project Review process. DMLR determined, because the (VO) mine shaft is not open, and only 1/10 acre of trees are anticipated to be disturbed as a result of reclamation activity, there should be minimal, if any, disturbance to any suitable bat habitat present. Since there are no nesting Bald Eagles within 660 feet of the project site, and the project area is not located within any Bald Eagle concentration areas, DMLR determined No Eagle Act Permit shall be required.

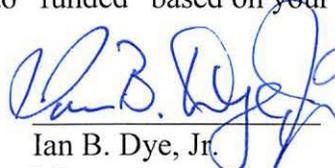
- Reviewed the VDGIF Wildlife Information System database and did not note any species of concern not previously noted in the USFWS Online Project Review process.
- Proposes no construction activities will occur within waters of the U.S. where the drainage area is equal to or greater than five square miles; therefore no permit from VMRC/USACE will be required.
- Assures no borrow or disposal areas are anticipated. Disposal/borrow areas will be identified during the design development if needed and DMLR will notify OSMRE for approval prior to progress of work. DMLR will contact the OSMRE for approval prior to implementation of borrow or disposal area(s).
- Will ensure State regulations regarding fugitive dust control and open burning are followed.
- Will not allow blasting.
- Assures 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.
- Prior to authorizing the contractor commence construction activity, will publish a project notice in a newspaper of general circulation that the agency intends to accomplish a project involving the Agaze Shaft Project through its approved AML reclamation program.

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), Pump Shaft, VA000576, for the Agaze Shaft Project from "unfunded" to "funded" based on your budget estimate for the project.

  
 Debra H. Zirkle  
 AML/Regulatory Program Specialist  
 Field Oversight Branch  
 Knoxville Field Office

5/18/15  
 Date

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

*Joy Mills 5/20/15*  
5-18-2015  
 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: 5/11/2015  
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: *Van B. Rye Jr*  
Manager  
Big Stone Gap Area Office  
*Ang. Mullis*

Date: *5-18-2015*  
*5/20/15*