



# United States Department of the Interior



## OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

710 Locust Street, 2<sup>nd</sup> Floor  
Knoxville, Tennessee 3790

### **CATEGORICAL EXCLUSION AUTHORIZATION TO PROCEED**

Dorchester Portals Project  
Site No. 13524  
Grant No. GR317510 Sub-account No. 51303

Priority 1: 1 (VO) Vertical Opening \$20,000  
Priority 1: 2 (P) Portal \$29,000  
Priority 1: 3 (EF) Equipment and Facilities \$1,000  
Estimated Cost: \$50,000  
Wise 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 Dorchester Portals 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 Dorchester Portals Project consists of two project sites. The sites are located off State Routes 621 and 610 respectively, within the Dorchester Community of Wise County, Virginia. Coordinates at the project centers of the two sites are approximate latitude 36° 56' 33"N, and longitude 82° 39' 24"W, and latitude 36° 56' 54"N and 82° 38' 10"W. Project area mapping is comprised of a section of the Norton USGS 7.5 Min. Quadrangle Map. The project sites are located in the Back Bone Ridge Problem Area, VA-000603 and in the Black Creek Problem Area, VA 000606. The reclamation project will be accomplished through the permanent closure of the portals and vertical opening features, installation of wet seals, installation of bat gates, removal of abandoned equipment and facilities, and the installation of drainage structures to adequately convey discharges from the abandoned mine features into adequate receiving channels. 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.

The Priority 1 Equipment and Facilities (EF) features associated with this project were initially considered to be addressed as Priority 3 features; however, due to the proximity of these features being adjacent to Priority 1 features, DMLR upgraded the EF features to Priority 1 status. Priority 3 lands and water resources that are geographically contiguous with existing or

remediated Priority 1 or 2 problems are considered adjacent under §403(a)(1)(B)(ii) or §403(a)(2)(B)(ii) of SMCRA.

Based on the analysis in the CE, OSMRE finds reclamation to abate the AML features of one Priority 1 vertical opening, two Priority 1 portals, and three Priority 1 equipment and facilities 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, reasons for this determination are as follows:

DMME mine maps DEW 376, CMF 4219, and CMF 1034 point to the location of a vent fan, (Vertical Opening), associated with underground mining conducted by B. & R. Coal Company (Mine Index No. 05585) Mine No. 1 under lease from Wise Coal & Coke Company of Norton, VA. Mine Index cards indicate that this mining took place in the early months of 1972. The mine map has a date of January 8, 1971 and the last date of mining shown on the map being April 21, 1972. Prior to B. & R. Coal Company mining this site, mine index cards reveal that mining was conducted on the site over 50 years ago by Douglas Coal Company (Mine Index No. 04053) in 1964 - 1965. In addition, upon viewing aerial photography records from March 1976, the brick structure which houses the vent shaft and ventilation equipment is present and clearly visible.

DMLR found DMME mine maps CMF 1023 (1) and CMF 1023 (2) indicate both AML Portal features are the result of underground mining in the Norton coal seam as conducted by E. O. Salyer Coal Company (Mine Index No. 03737) at mines #4 and #5. The maps dated January 1, 1971 indicate the mining had taken place throughout the early to middle part of the 1970's decade with the most recent date of mining activity being February 5, 1976. A second map, CMF4317 and dated June 1, 1944, illustrates a comprehensive overview of mines in the Norton coal seam for Wise Coal & Coke Company in Dorchester, VA. This map depicts a fan associated with an entry to E. O. Salyer mine #4 at the project site. Mapping records also indicate the second portal feature was utilized as a drain way for underground mining operations.

DMLR found the Priority 1 Vertical Opening (VO) feature, the Priority 1 Portal (P) features, and the Priority 1 Equipment and Facilities (EF) features included within this AML project are direct results of past underground coal mining activities. These AML features are associated with underground mining conducted prior to August 3, 1977. There is no continuing responsibility for any individual, firm, or organization to reclaim these sites.

Reclamation activities will protect the public health and safety by eliminating the hazards associated with the vertical opening feature (VO), portal features (P), and equipment and facility (EF) features. Both project sites are easily accessible to the public. The vertical opening, once a vent shaft for underground mining, is contained within an aging brick structure that is located approximately 15-20 yards directly adjacent to State Route 610, extremely accessible to the public. There is evidence of human visitation to this site as doorways are standing wide open and trash is present inside the facility. A second opening, presumably at one time another doorway, located directly next to the vertical opening had at one time been sealed with plywood and padlocked but the plywood has since been destroyed in order to gain entry to the structure. The padlock remains hanging on the destroyed plywood. The vertical opening shaft is filled with water. The portal located nearest to the road appears to remain structurally sound and is extremely accessible to the public. The presence of abandoned mining equipment and facilities in the

immediate area near the portal opening has resulted in evidence of frequent human visitation to the site as well as human entry into the portal. The second portal is also relatively easy to access by the public, is discharging water, and shows evidence of massive roof falls. Evidence of human visitation and particularly entry into these features presents a very real and present extreme danger to the public. Therefore, it is recommended that these features be addressed and abated in order to protect health and human safety.

DMLR's CE documents the required NEPA consultation to assess potential impacts to resource values under the proposed alternatives. Consultation was initiated in July 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 its files, the Tennessee heelsplitter, a rare fresh water mussel species, has been historically documented in the project vicinity. In Virginia there are records from the Powell, Holston, Clinch, and New River drainages. The Tennessee heelsplitter is listed as endangered by the Virginia Department of Game and Inland Fisheries (VDGIF). DCR recommends coordination with VDGIF for the management and protection of this species to minimize adverse impacts to the aquatic ecosystem. DCR also recommends the implementation and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations to minimize adverse impacts. DCR requests, prior to closure, the mine openings should be assessed for bat use and the survey efforts be coordinated with the U.S. Fish and Wildlife, and VDGIF to ensure compliance with species protected species legislation. DCR 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 no stockpiling of spoil removed from the reclaimed site and immediate disposal in an approved upland site, along with 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 the proposed project involves permanently sealing openings and removal of dangerous equipment at two locations to eliminate unsafe conditions. These locations are in VAS-P17R. 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) indicated their archives do not show recorded historic resources within the project area. DHR opinion is that no further

identification efforts are warranted and based upon the documentation provided; it recommends 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 U.S. Fish and Wildlife Service (USFWS) concurred with DMLR the “no effect” and “no eagle permit required” determinations in the Species Conclusion Table (SCT) provided in the DMLR package. USFW responded because bat ages will be installed during closure of portals surveyed and judged to be suitable habitat and no nesting trees are proposed to be cut as part of the project, the most appropriate Endangered Species Act determination for the three bats on the SCT is “not likely to adversely affect”.
6. 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.
7. Virginia Department of Game and Inland Fisheries (VDGIF) did not respond to the consultation request.
8. The U.S. Army Corps of Engineers (USACE) did not respond to DMME’s initial consultation request letter.

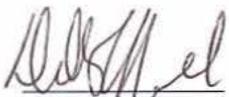
In addition to the agency recommendations above, DMLR:

1. Will ensure that strict erosion and sediment control measures using best management practices are utilized throughout the life of the project until an adequate stand of permanent vegetation is established that is uniform, mature enough to survive, and will inhibit erosion.
2. Conducted external portal surveys for bat habitat suitability and potential bat habitat will be sealed with the inclusion of bat gates so as to allow continued access to the habitat area. DMLR provided the habitat surveys to the appropriate agencies.
3. Proposes all work is located in upland areas; however DMLR acknowledges that impacts to “Waters of the U.S.” will occur. Access to each project site will necessitate the construction of temporary stream crossings. As part of the Nation Wide 18 (NW-18) permitting process, a pre-construction notification has been prepared and submitted to USACE. DMLR will contact the USACE for a jurisdictional determination if for any reason the scope of work is changed during the design process that would result in further impacts to “Waters of the U.S.”.

4. As part of the USFWS online project review process, searched the VDGIF Information Service. The resulting search did not indicate any additional species not already noted. In an effort to coordinate with VDGIF as suggested by DCR, management practices for the Tennessee heelsplitter were reviewed. Any impacts as a result of the project are anticipated to be immediate to the area and short term in nature.
5. Will ensure the contractor complies with state regulations regarding fugitive dust control. Open burning nor blasting will be allowed and all debris will be disposed of in an appropriate manner.
6. Assures vegetation will be seeded using a reclamation seed mix that is certified weed-free and free of invasive non-native plant species. Revegetation species applied to all disturbed areas will be selected from a list agreed to by state and federal agencies.
7. Assures no off-site borrow or disposal area are anticipated. DMLR will notify OSMRE for approval prior progress of work if borrow or disposal sites become necessary.
8. Will notify OSMRE of any project work scope changes; provide a required eligibility statement, and AMLIS documentation.
9. Prior to authorizing the contractor to commence construction activity, will publish a project notice in a newspaper of general circulation that the agency intends to accomplish a project involving the Dorchester Portals 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.

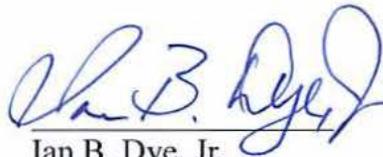
In accordance with OSM Directive AML-1, please update the electronic Abandoned Mine Land Inventory System (eAMLIS) for the Problem Area Description (PAD), Back Bone Ridge Problem Area, VA-000603 and the Black Creek Problem Area, VA 000606, for the Dorchester Portals Project from "unfunded" to "funded" based on your budget estimate for the project.



Debra Zirkle  
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5/18/15

Date



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5-18-2015

Date