



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

Hamner Avenue Subsidence II Project
Site No. 13526
Grant No. GR317510 Sub-account No. 51303

Priority 2: 1 (P) Portal
Estimated Cost: \$6,700
City of Norton, 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 Hamner Avenue Subsidence II 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 Hamner Avenue Subsidence II Project site is located at 691 Hamner Avenue in the city of Norton, Wise County, Virginia. Coordinates for the approximate project location center are latitude 36° 56' 57.8"N, and longitude 82° 37' 11.9"W. Project area mapping is comprised of the Wise USGS 7.5 Minute Quadrangle Map. The project site is within the Norton Problem Area, VA-00068.

The reclamation project will consist of eliminating one Priority 2 Portal (P) feature. Work will consist of sealing the portal by pumping polyurethane foam (PUF) into the void, covering the seal with topsoil, and revegetating the area, resulting in permanent closure of the portal.

Based on the analysis in the CE, OSMRE finds reclamation to abate the Priority 2 AML project of 1 (P) portal, 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 review of mine maps RAP1274_1 and RAP1374_2 dated 1962 show the mine opening. This area was mined by Norton Coal Company in the #7 mine in the 1920's. The extent of the mine works remains the same as it was on the 1962 map. The mine map shows that pillars were pulled immediately past the entrance indicating these mine works were not in use at the time of the mapping in 1962. The AML feature Priority 2 Portal is 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 an open portal. The project site is in the yard of an occupied dwelling within a residential neighborhood, posing a continuing danger to public safety. To protect health and safety, this AML hazard should be abated.

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) responded that the Tangerine darter has been historically documented in the Guest River. DCR 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 to the aquatic ecosystem. 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 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 filling a void in a residential area. The site is in VAS-P11R_GUE03A98 Section 2 Class IV waters. A TMDL is complete for Aquatic Life Use impairment. The segment also has impairments of the Recreation Use and the Fish Consumption Use, these TMDLs are not complete. 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 its' 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; 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 U.S. Fish and Wildlife Service (USFWS) consultation included 22 projects proposed from DMLR. USFWS does not anticipate adverse effects to federally listed species or federally designated critical habitat for the proposed Hamner Avenue Subsidence II Project.
6. The Virginia Marine Resources Commission (VMRC) responded that work does not appear to occur within the jurisdiction of the MRC. No construction activities will take place channelward of ordinary high water above the fall line or mean low water below the fall line, and no impacts to "Waters of the U.S." where the total drainage area equals or exceeds five (5) square miles will occur, therefore, no permit from VMRC will be required.
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:

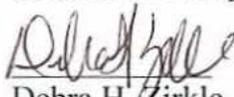
- Will require the contractor to utilize strict erosion and sediment control measures using best management practices throughout the life of the project. The contractor will adhere to Virginia's erosion and sediment control provisions to prevent discharge of sediment to state waters and assure no provisions of Virginia's State Water Quality Standards are violated.
- Will coordinate with the applicable agencies to obtain necessary permits and will require the project contractor to comply with any and all permit conditions.
- 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

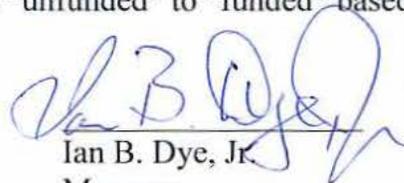
will implement guidelines of the Appalachian Regional Reforestation Initiative to the extent possible.

- 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 Hamner Avenue Subsidence II 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), Norton, VA00068, for the Hamner Avenue Subsidence II Project from "unfunded" to "funded" based on your budget estimate for the project.

 4/29/15
Debra H. Zirkle Date
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 4/29/15
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