

FACT SHEET

No. 54

Timber & Timber Harvesting in West Virginia

November, 2002

Commercial Forestry and Surface Mining

It depends on the contract, but a landowner who has leased his surface acres to a company for surface mining usually has a designated number of days before mining begins to remove the timber. State law also prescribes that a written advance notice be given.

The 1977 Federal Surface Mining & Reclamation Act (SMCRA) started modern reclamation efforts. This law mandates that the land be restacked to its approximate original contour (AOC), although a variance can be sought to leave it gently rolling under certain conditions. The four federal agencies involved are the Office of Surface Mining of the Department of Interior, Army Corps of Engineers, Fish & Wildlife Service, and the Environmental Protection Agency. State agencies are the WV Department of Environmental Protection and the WV Division of Forestry. The current WV regulatory program was approved by the Federal Government on January 21, 1981.

The SMCRA requirements for leaving land flat to gently rolling are that the post-mining use be industrial, commercial, agricultural, residential or a public facility; that the goal be equal or better economic or public use than before mining; and that assurances be made that the post-mining use will be compatible with adjacent land uses. WV DEP regulations state that commercial forestry and forestry may be approved as post-mining land uses on AOC variance permits or portions thereof, but one or the other has to be established on all portions of the permit area. A planting plan and a long term forest management plan have to be developed by a registered professional forester. These become a part of the surface mine permit application submitted to WV DEP.

Minimum requirements are that the tract will be managed only for long-term forest products on an 80-100 year rotation; a signed statement from the landowner(s) signifying a commitment to the plan; that the original soil, including stumps and roots, be reused on the final surface; that a minimum of four feet of loose soil be placed on the surface; that soil shortages be replaced by fracturing brown weathered sandstones from the upper ten feet of strata, that lime and fertilizer be applied as needed; that six commercial species of hardwood trees from a specific list be used in replanting the site with continuous mixtures of 500 per acre for commercial forestry and 4 species at the rate

of 450 per acre for forestry; a description of protection activities; that at least three ponds totaling at least three acres be left or created per 200 acres of mined land and that the margins of these ponds be re-vegetated with native shrub species. Before planting the trees, a low-growing herbaceous ground cover mixture containing three native shrub species has to be sown. In addition, up to ten white pine seedlings per acre must be planted to be used as height growth checks.

The latest complete regulations were filed with the Secretary of State on August 1, 2001. Copies are available for \$27.50.

(Prepared by William H. Gillespie)

This publication is distributed free by the Timber Committee, West Virginia Forestry Association, P. O. Box 718, Ripley, WV 25271. Please call (304-372-1955) or write for additional copies, topics or for a list of speakers and their availability.