

Guidance Document
Between
Virginia Department of Energy
Mined Land Repurposing Program (MLR)
And
The Department of Forestry (DOF)

Issue Statement:

*In an effort to improve the enforcement of the Silvicultural Water Quality Law and to coordinate the enforcement of this law on lands permitted for mining by Virginia Energy both parties recognize that close **communication** and **coordination** is needed to ensure proper enforcement without duplication by either agency in the enforcement of their respective areas of responsibilities. The current Silvicultural Water Quality Law requires the Owner or Operator to notify the Department of Forestry within three days before or after a commercial **timber** operation has begun and there appears to be confusion here with regard to areas permitted for mining by Virginia Energy.*

This document sets out responsibilities of the MLR and DOF in dealing with timber harvesting operations on lands that have either a pending or existing MLR permit.

If a new permit application or a revision to an existing permit that adds additional acreage to an existing permit is submitted to MLR, MLR will:

- Promptly notify DOF of the application by providing the Abingdon DOF office with the identification, location, and maps of the proposed operation;
- Provide DOF with the name of the MLR inspector and supervisor who will be assigned the operation; and
- Invite the DOF inspector to attend the first application conference to review and provide input regarding the proposed operation's forest management plan and best management practices relative to water quality.

After a new permit (or revision to add acreage to an existing permit) has been approved:

- MLR will have the responsibility for inspecting the area of timber harvesting that is being done to **facilitate the mining**¹ operations within the approved permit boundary,
MLR will notify DOF if timber harvesting is being conducted within the permit boundary but is outside the area(s) being used to facilitate mining. If necessary, the MLR and the DOF inspectors will conduct a joint site visit to determine jurisdictional responsibility.

If a timber harvesting operation is to be conducted on a MLR permitted area, MLR will regulate the operation as a mining operation unless it is outside the area being used to facilitate mining within the permit and DOF has been provided a notice of the proposed timber harvesting operation as required by Virginia's Silvicultural Water Quality Law. If the timber harvesting is taking place outside an area being used to facilitate mining, MLR will notify the DOF of the timber harvesting operations. It is

MLR's intent to require the operator to notify DOF concerning timber harvesting when such harvesting is determined to be not part of the actual mining operation.

If a DOF inspector observes a timber harvesting operation and believes it may be associated with a coal mining operation:

- DOF will notify MLR Enforcement Section at (276) 523-8195 or (276) 523-8199 and provide the location of the operation,
- DOF may request from MLR a consultation to determine if a coal surface mine permit has been issued on an area and determine if the timber harvesting is occurring in order to facilitate mining, and
- If it is determined that no MLR permit has been issued for an area and no activities associated with mining are taking place upon the site where timber is being removed, DOF will exercise it's authority at the site.

¹ Activities to facilitate mining include but are not limited to clearing and grubbing in preparation for pond and/or fill construction.