

Post Mining Land Use  
to be replaced once  
new MOU is signed

**RECEIVED**  
DIRECTOR'S OFFICE

JUN 04 1998

**MEMORANDUM OF UNDERSTANDING**

WV DIVISION OF  
ENVIRONMENTAL PROTECTION


Whereas, The West Virginia Division of Forestry (hereafter D.O.F.) and the West Virginia Division of Environmental Protection Office of Mining and Reclamation (hereafter O.M.R.) recognize the desirability of a healthy forestry industry in the state of West Virginia; They have entered into this Memorandum of Understanding to provide assistance to those mining companies and land owners who wish to develop commercial woodland as the postmining land use on their properties.


Whereas, In order to qualify for the "Commercial Woodland" postmining land use and the reduced tree stocking rates contained in 38 CSR 2 at §38-2-9.3h., the permittee must have an approved management plan prepared by a registered professional forester.

Therefore, In order to ensure compliance with 30 CFR 816.116 (b)(3)(i) and 817.116(b)(3)(i) D.O.F. agrees to review in a timely manner all "Commercial Woodlands" planting and forest management plans to be included in surface mining permits issued by O.M.R.. If after review, the D.O.F. agrees that the planting and forest management plan is in conformance with the prevailing local and regional conditions, D.O.F. will provide O.M.R. with a letter indicating such agreement.

This Memorandum of Understanding may be cancelled by either party by notification in writing to the other party.

Specific procedures for submittal, review and approval of the planting plans are contained in Attachment 1.

  
William R. Maxey  
State Administrative Forester  
6.4.98

  
Michael P. Miano  
Director  
West Virginia Division of Environmental Protection

## Attachment 1

1. All plans to be reviewed will be prepared and signed by a Registered Professional Forester.
2. The permittee will submit their proposed forest management plan to the District Forester in the District in which the permit is located. The District Forester will then assign the plan to a Service Forester for review.
3. If after reviewing the plan the Service Forester agrees that the plan is adequate to ensure compliance with the other requirements in this attachment; the Service Forester will prepare a letter indicating approval. The letter of approval will be addressed to the O.M.R. Permit Supervisor for the Region in which the permit is located.
4. If the reviewing forester finds the plan to be insufficient, he will contact the preparing forester or the permittee and have the necessary changes made to the plan.
5. As an alternative, the permittee may use the services of the Division of Forestry to prepare the management plan. In such cases the Service Forester need only certify that the plan meets the requirements of this agreement and attachment.
6. The management plan will be in sufficient detail to ensure sound future management of the forest resource and have a reasonable expectation of being achieved.
7. The plan shall have a statement from the landowner or other responsible party indicating their intention of long term implementation and management in accordance with the plan.