

# Senate Bill 1011

## Corridor G Economic Development Authority Post-Mine Land Use Workshop

July 31, 2009

Gilbert, West Virginia

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# Broader Policy Issues – Senate Bill 1011

- Coal is a finite resource that cannot serve as the economic base of the State forever
- Economic Diversification is vital to the future of the State; this is especially so in the coal field counties
- To remain a leader in energy production, West Virginia needs to look to alternatives
- Surface Mining is uniquely capable of reconfiguring land for economic development and renewable and alternative energy production



# Issues Under Existing Law Addressed by Senate Bill 1011

- Economic development of mine sites not sufficiently encouraged
- Counties not required to develop master land use plans (MLUPs); several did not
- No requirement to update MLUPs so they remain current
- Participation by the coal industry was voluntary
- Renewable and alternative energy was not included



# Changes Made By Senate Bill 1011

## Master Land Use Plans

- Participation by counties is now mandatory
- Renewable and alternative energy production must be addressed
- All existing MLUPs must be reviewed by DEP and the Office of Coal Field Community Development (OCCD) and approved by 7/1/10



# Changes Made By Senate Bill 1011

## Master Land Use Plans

- New MLUPs are to be submitted to DEP and OCCD for a decision on approval, which is to be made within 3 months
- MLUPs are to be updated and reapproved every three years
- A county must submit a supplemental MLUP if its previous submission is disapproved



# Changes Made By Senate Bill 1011

## Master Land Use Plans

- OCCD must help develop a MLUP, if a county requests
- OCCD can develop a MLUP on its own initiative or at a community's request
- New MLUPs are subject to public comment



# Changes Made By Senate Bill 1011

## “Renewable and Alternative Energy”

Energy produced or generated from natural or replenishable resources other than traditional fossil fuels or nuclear resources



# Changes Made By Senate Bill 1011

## “Renewable and Alternative Energy”

Includes:

solar energy, wind power, hydropower, geothermal energy, biomass energy, biologically derived fuels, energy produced with advanced coal technologies, coalbed methane, fuel produced by a coal gasification or liquefaction facility, synthetic gas, waste coal, tire-derived fuel, pumped storage hydroelectric power, similar energy sources



# Changes Made By Senate Bill 1011

## Community Impact Statement (CIS)

Required Under Previous Law

To Ensure Consideration of Development Opportunities, Now:

- The coal operator must acknowledge the requirements of the MLUP in the CIS
- The local economic development authority must acknowledge receipt of the CIS in writing



# Changes Made By Senate Bill 1011

## Surface Mining Law

- Reclamation plan must discuss capability of mined land to support renewable and alternative energy and other development type uses
- For future operations, the Post-Mining Land Use (PMLU) must comport with the land use in the MLUP



# Changes Made By Senate Bill 1011

## Surface Mining Law

- Existing operations and pending applications may be modified so the PMLU comports with the land use in the MLUP
- Where the PMLU comports with the land use in the MLUP, the findings required for an alternative PMLU and a variance from AOC are deemed to be met



# Changes Made By Senate Bill 1011

## Surface Mining Law

The PMLU is not required to comport with the land use in the MLUP where:

- A higher and better land use is proposed;
- Site specific conditions make attainment of a comporting land use impractical; or
- A comporting land use would interfere with extraction of mineable coal in the future



# What is the effect?

- Highlights Post Mine Land Use
- Mandates compliance with county MLUP
- Acknowledges this process has historically been taken lightly
- Brings everyone to the table



# Will this “Solve” the Problem?

- People solve problems, not legislation
- 80% of PMLU is Forestry Reclamation Approach
- 13% of Surface Mining in southern West Virginia has AOC Variance
- Only 7% of pending applications request AOC Variance
- It’s all about opportunity!

