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TN, WV processes differ when declaring land off-limits to mining

By Erica Peterson

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April 12, 2011 · The federal Office of Surface Mining is considering setting aside land in Tennessee and designating it "unsuitable for surface mining." Similar requests have been made in West Virginia, but none have ever been granted.

The coal mining industry in Tennessee is not on the same scale as it is in West Virginia. Coal is mined in only five or six counties in the northeastern part of Tennessee, producing about 3 million tons annually. Compare that to West Virginia, where more than 144 million tons of coal was mined last year alone, according to the West Virginia Coal Association.

But even though there's not much coal mining, **Tennessee is taking steps** to ensure the industry doesn't touch more than 67,000 acres in the Cumberland Mountains. In October, then-governor Phil Bredesen filed a petition with the federal Office of Surface Mining, asking the agency to declare those ridgelines 'unsuitable for mining.' It's unclear where Tennessee's current governor stands on this position.

For the past few months, industry groups have fought the ban, as environmental groups have advocated for it. Roxanne Reiley is the research director for the **Tennessee Mining Association**. She says there are already five or six permits in consideration for that area that would be affected if the OSM declares the ridgeline unsuitable for mining.

"Considering that we only have 11 active surface mines, five or six mines is about fifty percent of our production so it would significantly limit the surface mining here in Tennessee," Reiley said.

Cathie Bird lives near the Cumberland Mountains and represents a group called **Statewide Organizing for Community eMpowerment**. She says she thinks mining is more of a detriment than a benefit for Tennessee.

"Definitely, in my opinion, [Tennessee] loses a lot more than it gets," she said.

The petition is far from a done deal. OSM held public meetings in the area, and the **public comment period ends Thursday**. There's no timeline on when the agency will make a decision.

But the process in Tennessee is different from that in West Virginia. If a similar petition were filed in West Virginia, it would go through the **Department of Environmental Protection**, rather than the federal **Office of Surface Mining**.

Lewis Halstead is the Deputy Director of the Division of Mining and Reclamation for the West Virginia Department of Environmental Protection.

"Even though the regulations and the law may not be exactly the same in West Virginia as in the federal SMCRA, the OSM approves oversight to our program and approves our program as being no less stringent than the federal program," he said.

SMCRA, or the Surface Mining Control and Reclamation Act, gives

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