



Citizens Advisory Council

to the Department of Environmental Protection

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March 27, 2025

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The Honorable Jessica Shirley
Acting Secretary
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Dear Acting Secretary Shirley:

Based on enlightening information received at a recent meeting, the Citizens Advisory Council (“Council”) is recommending that the Department give serious consideration to streamlining its process and amending its guidelines for mine land reclamation in a manner that would facilitate reforestation of Pennsylvania’s active and abandoned mine lands. As you are aware, the Department has directly and indirectly made substantial strides in addressing the environmental impacts caused by past mining operations. However, significant challenges remain. Reforesting these landscapes, including a streamlined permitting process for such work, represents a crucial opportunity to more efficiently restore ecosystems, sequester carbon, improve water quality, support local economies through hiking and other outdoor recreation activities, and provide for the public health.

At the January 14, 2025, Council meeting, we received a presentation from Mr. Eric Oliver, a Program Coordinator at Green Forests Works (GFW). GFW is a non-profit organization whose mission is to restore healthy and productive forests on formerly mined lands in Appalachia and beyond. In 2024, GFW planted and/or supported efforts at mined land restoration projects and state game land forest underplantings. Through their efforts, GFW planted 359,755 native tree seedlings across 850 acres in 2024. Looking ahead, GFW has plans to reforest approximately 300 acres of private and state forest land on properties overseen by the Tioga County Conservation District.

While presenting to the Council some of GFW’s successes in Pennsylvania, Mr. Oliver discussed some of the hurdles that GFW faces. In a response to a question from a Council member, Mr. Oliver noted differing management requirements by County Conservation Districts and the Department, including requirements to obtain construction stormwater permits or timber harvesting plans and permits despite not engaging in these activities. As explained to the Council, GFW engages in activities that reduce the compaction of the soil through grading or ripping techniques (thereby allowing trees and understory to germinate, take root and grow), reduce the competition by invasive tree species with planted native tree species, and create a tree compatible ground cover. These techniques, as defined by the United States Department of Agriculture’s Natural Resources Conservation Service, are agricultural in nature, preparing the soil for, in the case of GFW, plant growth. At the end of their work, these sites are much improved from a stability and water runoff standpoint.

We recognize the extraordinary permitting workload placed on the Department, as well as mandates set forth in state and federal law. However, we believe there is a win-win here for Pennsylvania that is worth pursuing. The Council respectfully requests that the Department explore the issues that GFW, and similarly situated stakeholders including nonprofit organizations and even mining companies, may have in reforestation efforts of mine lands. The Council respectfully urges the Department to consider the following measures:

- Convene a work group to explore:
 - o Regulatory, permitting, or technical guidance amendments, as allowed by law, for reforestation projects on legacy mine lands that meet predefined environmental and/or land use criteria, *limiting the permit review to things beyond the predefined environmental and/or land use criteria or unique circumstances*. This endeavor would determine the permits needed, and not needed, for reforestation efforts on mined lands; and
 - o Update the Department's reclamation standards, which were promulgated almost 40 years ago, to reflect more recent science and techniques, including the type and amount of plantings and seed need for an acre to facilitate successful reforestation efforts. Forest Reclamation Advisories from the Office of Surface Mining Reclamation and Enforcement at the U.S. Department of Interior ("U.S. OSMRE") can serve as a starting point in this aspect.
- Once adopted, work with County Conservation Districts to ensure consistent application of the guidance.
- As necessary, enhance interagency coordination between the Department, the Department of Conservation and Natural Resources, and the U.S. OSMRE.
- In conjunction with stakeholders, develop best practices and guidance that will provide technical assistance to landowners, mining operations, and organizations seeking to reforest legacy and abandoned mine lands.
- Explore legislative changes, if needed and as necessary, to right-size the statutory process for reforestation efforts and potentially provide funding opportunities, like grants and tax credits.¹

The Council welcomes the opportunity to work with the Department on these efforts and believes it will ensure the long-term continuation of reforestation efforts across the Commonwealth.

When coupled with the Department's efforts to place solar panels on former mine lands, these efforts can both accelerate the reforestation and remediation of legacy and abandoned mine lands, increase energy production, advance broader environmental goals like carbon reduction and better water quality, support outdoor recreation, and meet economic goals.

If you have any questions, please get in touch with our Executive Director, Ian Irvin, at (717)787-8171 or by email at iirvin@pa.gov. Thank you for your time and consideration. We look forward to your response and the potential to work together on this important initiative.

¹ In response to a separate question, Mr. Oliver stated that the cost to reforest an acre of AML is about \$2,000 to \$2,500, depending on the type and amount of invasive vegetation that may need to be addressed.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Barkanic". The signature is written in a cursive style with a large, stylized initial "R".

Robert Barkanic
Chair, Citizens Advisory Council