

COMMONWEALTH OF PENNSYLVANIA
Department of Conservation and Natural Resources

September 8, 2008

717-772-0269

SUBJECT: Stone Sales Policy

TO: District Foresters
Assistant District Foresters
Penn Nursery

FROM: Teddy W. Borawski, Jr.
Chief, Minerals Section
Bureau of Forestry



As you know, each field office is responsible for selling stone from State Forest lands from existing pit locations or from talus fields, as directed by the District staff, and further collecting the appropriate sales tax and reporting this activity to the Minerals Section. The Department of Revenue has not granted a sales tax exemption for this activity, therefore all stone sales are subject to the 6% state sales tax. In turn, the Minerals Section is charged with reporting to the Dept. of Environmental Protection the total amount of stone sold by the field offices in any given year. DCNR holds a valid Mining Permit License #2782, which allows the Department to mine up to 2,000 tons per year of non-coal minerals to be sold to the public. In actuality the Department does not mine the stone, but allows the public to gather the stone as directed by the District staff, at their own risk. Stone mined for in-house use is exempted from this permit and not limited by tonnage (for road maintenance, parking pads, etc.).

In 2005-2006, the Minerals Section staff met with some field offices to collect data on the program, and a proposed policy was distributed for comments. The intent was to bring a uniformity to the program and make sure all applicable state laws and environmental regulations were in compliance within our mining permit. As a result of this activity the attached finalized Stone Sales Policy has been crafted as the guiding document for the sales of stone from State Forest lands to the public. Note, sales of stone should not be allowed to commercial entities seeking stone on SF lands as the intent is to service the public in general and not commercial entities. With a limitation of 2,000 tons per annum it is not possible for the Department to support commercial requests for its stone.

If you have any questions, please contact me or Nathan Bennett at 717-783-7940.

Enclosures



DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

BUREAU OF FORESTRY

MINERALS SECTION

STONE AND SHALE
POLICY AND PROGRAM GUIDELINES



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COMMONWEALTH OF PENNSYLVANIA
Department of Conservation and Natural Resources
Bureau of Forestry

Stone Sales Policy and Requirements For Pennsylvania State Forest Land
Covering Stone Receipts Not Exceeding \$100
To Be Effective August 2006

Individual persons wishing to collect rocks for personal use are required to agree to adhere to the following conditions before being issued a permit. District personnel will abide by the rates and applicable procedures contained herein:

1. Hand-collection of stone is the only method of collection permitted on State Forest land.
2. Stone collected under this permit is intended for non-commercial use only. The re-sale of any stone, or other geologic material, is strictly prohibited and punishable by law.
3. Permit is valid for collection of the following two (2) specific categories of stone for private, non-commercial uses:
 - a) **Loose Stone** - any stone that rests on and is taken from a surface or slope on State Forest Land that does not lie within a mechanically excavated pit and is collectable by hand.
 - b) **Other Geologic Material** - any stone, or other geologic material, found within a mechanically excavated pit that is primarily used to dress roads, driveways, or other similar pathways. Sale of this material is allowable only upon the written approval of the District Forester. This includes shale, sand, and clay.
4. The following *price per ton* should be charged by District accordingly:
 - a) Loose Stone - \$5.00/ton plus applicable sales tax.
 - b) Other Geologic Material - \$20.00/ton plus applicable sales tax.
5. Permits issued are required to be for a minimum of two (2) tons. Any permit issued cannot exceed the following:
 - a) Loose Stone (10 ton max) - \$50.00 plus applicable sales tax
 - b) Other Geologic Material (5 ton max) - \$100.00 plus applicable sales tax
6. Pennsylvania Sales tax (6%) is to be collected on stone sales and reported using the proper fiscal coding.

7. Individuals are allowed no more than ten (10) tons per calendar year. The maximum allowable cumulative tonnage of all permits issued to any one person in any given calendar year is ten (10) tons.
8. Term of permit shall not exceed thirty (30) days regardless of tonnage purchased.
9. The specific location(s) for collection must be established before permit is issued and properly notated on the permit itself. No more than two (2) separate locations are permitted on any one permit. Districts should, where possible, designate areas where stone collection is strictly prohibited and have such areas represented in map form for public viewing. Stone Collection is prohibited from these areas as follows:
 - a) Collection of any river rock, stream cobble, bank stone, or other rock material from a **stream, stream channel, stream bed, stream bank, or other stream feature is strictly prohibited**. Collection is strictly prohibited from within the riparian buffer of one-hundred (100) feet from the stream bank edge.
 - b) Collection of stone, or any other geologic material, is strictly prohibited from areas that contain rattlesnake dens, rattlesnake basking areas, woodrat habitat, wetlands, or any other ecologically sensitive area or similar areas of importance as designated by District Forester or designee.
 - c) Stone Collection in any Wild Area, Natural Area, or Area of Historical Significance is forbidden.
10. Revenue from Stone Sales is required to be reported to the Minerals Section according to the procedures set forth.
11. Any exception from this Policy must be submitted by the District Forester to the Minerals Section for review and include a clear, concise justification for such request.

Approved By: Teddy L. Bunker Date: 9/3/08

1. Obtain a supply of Permit books from the Silviculture Section.
2. The applicable sales tax must be charged when issuing the permit.
3. When preparing the transmittal of revenue use the following revenue codes:
income from permits: **Fund** 9999999001; **G/L** 4451056
for sales tax: **Tax** - 9999999001; **G/L** 4120088
4. At the end of every month, quarter, or year, complete the Mineral Receipts form (8180-FM-FR0027) and mail to the Minerals Section, Bureau of Forestry, P.O. Box 8552, Harrisburg, PA 17105-8552.
(Exhibit on Page 6)
6. The Mineral Receipts Form is available on the IntraForestry web site. Select Minerals Section, then Minerals Receipt form 8180-FR-FR0027. You may complete the electronic version or print the blank form.

NOTE: If you prefer using the Silviculture Section's FMT 11 form for reporting stone sold, please note the following instructions that are issued for using that form:

This form should be completed twice a year (ASAP after 6/30 and 12/31) Forms should be submitted to the Silviculture (The NRSilviculture account is the preferred contact point for electronic submission) and Minerals section each 1/2 year even if your district has sold no products on FMT-15s during that time. All products sold on FMT-15 should be reported here only once (all fuelwood is to be reported at the bottom of the form) Like products should be summed together on a single line where possible. See additional instructions as pop-up comments on column headers.

(Exhibit on Page 7)

In general which ever form you use to report stone sold is acceptable to satisfy the Bureau's responsibility to DEP.

If you have any questions on the reporting process, you may contact Neli Rivera, Minerals Section, at 717-787-4835, or e-mail at nrivera@state.pa.us. For questions on the policy, contact Nathan Bennett at 717-783-7940, or e-mail at nabennett@state.pa.us.

