

FEATURES OF NORMATIVE AND LEGAL SUPPORT FOR THE RECLAMATION OF DISTURBED LANDS IN UKRAINE

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The disturbed lands are formed mainly as a result of various anthropogenic activity, the bound to disturb of a soil cover and a geological structure. The most significant consequences at emergence of the disturbed lands are caused by industrial mining. The complex of organizational, legal, technical, financial and other actions related to the implementation of state and local government authorities, land owners and land users rights and responsibilities for the reproduction of disturbed lands is a reclamation [1, p. 37].

The obligation of realization of land reclamation is defined by the Code of Ukraine about a subsoil and the Law of Ukraine “On State Control over the Use and Protection of Land”. Subsoil users in Ukraine are obliged to bring the land plots disturbed at exploitation of a subsoil into the state suitable for their further target use in social production [2, p. 79; 3]. Under such circumstances the essential value gets a legislative, normative and methodological support of both industrial development of such lands, and their restoration.

Land reclamation has to be provided in projects of construction of mining objects [2, p. 93]. The purposes and tasks of reclamation and also an order of use of a fertile layer of earth are defined by some provisions and articles of the Land code [4], other laws [5], orders of public authorities of Ukraine [6] and the existing state standards, resolutions and instructions adopted in 1970-80th years in the USSR. It is obvious that separate provisions of the existing normative and methodical documents concerning reclamation accepted up to 1991st year do not conform to requirements of the modern land legislation of Ukraine. In article [7, p. 7] it is shown that state standards on reclamation of lands reflect ideology of the centralized management of planned economy of the country at the prevailing state ownership on the earth. Provisions of these standard documents not consider social, legal, economic, property, administrative-territorial changes and changes of the land relations which happened in Ukraine since the beginning of the 1990th years. Thus, norms, requirements and rules of performance of reclamation, mainly became outdated, do not correspond to conditions of market economy, and therefore need the appropriate adaptation and actualization. At the same time, demand further scientific development of suggestion for improvement of modern normative and legal base of reclamation.

In regions of large-scale open-pit mining of minerals in result irreversible changes natural environments practically full reduction of ecosystems to the previous natural state is impossible. Therefore, it requires the clarification of the regulatory requirement of bring disturbed lands in the process of reclamation to the state and mode of use that preceded the disturb [8, p. 16].

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The methodical recommendations about designing of reclamation of various types of lands developed in the USSR define structure and amounts of works of technical and biological stages of reclamation. In Ukraine uniform nation-wide methodical recommendations about design of reclamation of all types of the disturbed lands taking into account ecological, economic and social conditions are not developed. At the same time modern ecological the legislation [9] provides, in particulars, need of the thorough analysis and assessment of the impact on the environment not only the decisions made in the project of reclamation, as well as other alternative options. To general faults of normative provisions of the main existing normative documents concerning reclamation and use of a fertile layer of earth in Ukraine it is possible to allocate the following. The preparatory (organizational) stage of reclamation and also the sequence and composition of its works is not allocated. The directions of reclamation terminologically do not correspond to possible categories of lands according to the Land code [4]. Types of further use of the disturbed lands do not correspond to classification of land grounds of Ukraine accepted for quantitative accounting of lands [10].

It is not regulated, how exactly it is necessary to use the stored fertile layer of earth (for reclamation or improvement of unproductive soil layer). Terms of admissible storage of a fertile layer of earth before its obligatory use are not determined accurately. In forms on quantitative accounting of lands the disturbed lands are not distributed on types of disturbs. In Ukraine there is the general concept of reclamation [11, p. 15]. However the order for choosing a rational type of further use of disturbed lands and the direction of reclamation is not yet regulated by normative. Also existing rules do not provide need of maintaining a databank about stored dumps of a fertile layer of earth, control of their balance, a state and use. Thus, modern conditions demand adjustment and addition of normative and legal support of reclamation of lands in Ukraine for reduction it in compliance with requirements of planning of rational use of the disturbed lands in this connection we propose the following measures:

1. Development of the uniform generalizing classification of the disturbed lands for their account with the full list of possible types and views of the disturbed lands.
2. Updating of normative acts with identification of the disturbed lands on subjects of managing (land owners and land users).
3. Development of the normative act about an order of carrying out reclamation of lands with definition of all participants of process of reclamation and their functions, an order of design of reclamation, order of transfer of the restored lands to land owners.

The analysis of the existing normative documents in the sphere of reclamation of lands in Ukraine revealed a number of shortcomings of the existing normative and legal support of reclamation. The discrepancy of concepts and provisions of the existing normative documents in the sphere of reclamation to requirements of land legislations of Ukraine, to the needs of legal support of land reclamation and planning of their rational use for modern conditions, are established. Therefore entering of the relevant amendments and specifications into normative documents is necessary.

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