

## HOUSE BILL NO. HB0112

Mining permits.

Sponsored by: Joint Minerals, Business and Economic  
Development Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; establishing time  
2 limits on mine permit application or revision reviews;  
3 limiting requests for additional information on mine  
4 permits applications or revisions; and providing for an  
5 effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 35-11-406(e) through (j) and (p) is  
10 amended to read:

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12 **35-11-406. Application for permit; generally; denial;**  
13 **limitations.**

14

15 (e) The administrator shall notify the applicant  
16 within sixty (60) days of submission of ~~the~~ a new permit

1 application or request for revision of an existing permit  
2 whether or not it is complete. If the administrator deems  
3 the application or request for revision of an existing  
4 permit incomplete, he shall so advise and state in writing  
5 to the applicant the information required. All items not  
6 specified as incomplete at the end of the first sixty (60)  
7 day period shall be deemed complete for the purposes of  
8 this subsection. If the administrator fails to respond to  
9 the applicant within sixty (60) days, the application or  
10 request for revision of an existing permit shall be deemed  
11 complete.

12  
13 (f) If the applicant resubmits an application, a  
14 request for revision of an existing permit or further  
15 information, the administrator shall review the  
16 application, the request for revision of an existing permit  
17 or additional information within sixty (60) days of each  
18 submission and advise the applicant in writing if the  
19 application, the request for revision of an existing permit  
20 or additional information is complete. If the  
21 administrator fails to respond to the applicant within  
22 sixty (60) days, the application, the request for revision  
23 of an existing permit or the additional information shall  
24 be deemed complete.

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2 (g) After the application is determined or deemed  
3 complete, the applicant shall publish a notice of the  
4 filing of the application once each week for two (2)  
5 consecutive weeks in a newspaper of general circulation in  
6 the locality of the proposed mining site. The  
7 administrator shall provide the applicant with the  
8 information necessary to prepare and submit the notice for  
9 publication.

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11 (h) The administrator shall review the application  
12 and unless the applicant requests a delay advise the  
13 applicant in writing within one hundred fifty (150) days  
14 from the date of determining or deeming the application is  
15 complete, that it is suitable for publication under  
16 subsection (j) of this section, that the application is  
17 deficient or that the application is denied. All reasons  
18 for deficiency or denial shall be stated in writing to the  
19 applicant. All items not specified as being deficient at  
20 the end of the first one hundred fifty (150) day period  
21 shall be deemed complete for the purposes of this  
22 subsection. If the administrator fails to respond to the  
23 applicant within one hundred fifty (150) days, the  
24 application shall be deemed suitable for publication under

1 subsection (j) of this section. After this one hundred  
2 fifty (150) day period, for noncoal permits, the  
3 administrator shall not raise any item not previously  
4 specified as being deficient unless the applicant in  
5 subsequent revisions significantly modifies the  
6 application. If the applicant submits additional  
7 information in response to any deficiency notice, the  
8 administrator shall review such additional information  
9 within thirty (30) days of submission and advise the  
10 applicant in writing if the application is suitable for  
11 publication under subsection (j) of this section, that the  
12 application is still deficient or that the application is  
13 denied. If the administrator fails to respond to the  
14 applicant within thirty (30) days of the submission of  
15 additional information by the applicant, the application  
16 shall be deemed suitable for publication under subsection  
17 (j) of this section. If the application is deemed  
18 deficient, the administrator shall be allowed not more than  
19 two (2) additional separate requests for clarification or  
20 questions unless the applicant and the administrator agree  
21 together that there are major unresolved issues that need  
22 to be addressed in a specified time.

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1           (j) The applicant shall cause notice of the  
2 application to be published in a newspaper of general  
3 circulation in the locality of the proposed mining site  
4 once a week for four (4) consecutive weeks commencing  
5 within fifteen (15) days after being notified by the  
6 administrator or upon receiving the determination that the  
7 application is deemed suitable for publication. The notice  
8 shall contain information regarding the identity of the  
9 applicant, the location of the proposed operation, the  
10 proposed dates of commencement and completion of the  
11 operation, the proposed future use of the affected land,  
12 the location at which information about the application may  
13 be obtained, and the location and final date for filing  
14 objections to the application. For initial applications or  
15 additions of new lands the applicant shall also mail a copy  
16 of the notice within five (5) days after first publication  
17 to all surface owners of record of the land within the  
18 permit area, to surface owners of record of immediately  
19 adjacent lands, and to any surface owners within one-half  
20 (1/2) mile of the proposed mining site. The applicant shall  
21 mail a copy of the application mining plan map within five  
22 (5) days after first publication to the Wyoming oil and gas  
23 commission. Proof of notice and sworn statement of mailing  
24 shall be attached to and become part of the application.

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2       (p) The director shall render a decision on the  
3 application or revision within thirty (30) days after  
4 completion of the notice period if no informal conference  
5 or hearing is requested. If an informal conference is  
6 held, all parties to the conference shall be furnished with  
7 a copy of the final written decision of the director  
8 issuing or denying the permit within sixty (60) days of the  
9 conference. If a hearing is held, the council shall issue  
10 findings of fact and a decision on the application within  
11 sixty (60) days after the final hearing. The director  
12 shall issue or deny the permit no later than fifteen (15)  
13 days from receipt of any findings of fact and decision of  
14 the environmental quality council. If the director fails  
15 to abide by the timelines specified in this subsection, the  
16 director shall immediately issue an approved permit to the  
17 applicant.

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19       **Section 2.** This act is effective July 1, 2011.

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(END)