

SENATE FILE NO. SF0044

Limited mining operations-amendments.

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

A BILL

for

1 AN ACT relating to environmental quality; amending
2 requirements for the commencement of limited mining
3 operations; amending bonding, notice and reporting
4 requirements for limited mining operations; limiting
5 overburden surface mining operations as specified; amending
6 requirements for extending limited mining operations;
7 authorizing rulemaking; amending bond release provisions
8 for limited mining operations; and providing for effective
9 dates.

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

12

13 **Section 1.** W.S. 35-11-401(e)(vi)(intro), (B) through
14 (D), (F), (j) and (k) by creating new paragraphs (vii) and
15 (viii), 35-11-417(e) and 35-11-423(b) are amended to read:

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2 **35-11-401. Compliance generally; exceptions.**

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4 (e) The provisions of this article shall not apply to
5 any of the following activities:

6

7 (vi) Limited mining operations, whether
8 commercial or noncommercial, for the removal of ~~sand,~~
9 ~~gravel, scoria, limestone, dolomite, shale, ballast or~~
10 ~~feldspar~~ any noncoal mineral, except minerals regulated by
11 the United States nuclear regulatory commission and
12 minerals regulated by the state under article 20 of this
13 chapter, from an area of fifteen (15) acres or less of
14 affected land, excluding roads used to access the mining
15 operation, if the operator has written permission for the
16 operation from the owner and lessee, if any, of the
17 surface. The operator shall notify the land quality
18 division of the department of environmental quality and the
19 inspector of mines within the department of workforce
20 services of the location of the land to be mined and the
21 postal address of the operator at least thirty (30) days
22 before commencing operations. A copy of the notice shall
23 also be mailed to all surface owners located within one (1)

1 mile of the proposed boundary of the limited mining
2 operation at least thirty (30) days before commencing
3 operations. The operator shall notify the land quality
4 division of the department of environmental quality of the
5 date of commencement of limited mining operations within
6 thirty (30) days of commencing operations. Limited mining
7 operations authorized under this paragraph are subject to
8 the following:

9
10 (B) Before commencing any limited mining
11 operations for the removal of sand, gravel, scoria,
12 dolomite, shale, ballast or feldspar, the operator shall
13 file a bond to insure reclamation in accordance with the
14 purposes of this act in the amount of ~~two thousand dollars~~
15 ~~(\$2,000.00)~~ five thousand dollars (\$5,000.00) per acre,
16 except for quarries for which the bond amount shall not
17 exceed ~~three thousand dollars (\$3,000.00)~~ seven thousand
18 dollars (\$7,000.00) per acre of affected land including
19 roads used to access the mining operation or a full-cost
20 bond to insure reclamation in accordance with W.S.
21 35-11-417. All other noncoal limited mining operations
22 shall file a full-cost bond to insure reclamation in
23 accordance with W.S. 35-11-417. Within ~~ninety (90)~~ one

1 hundred fifty (150) days after limited mining operations
2 commence, the administrator may require the operator to
3 post an additional bond per acre of affected land if he
4 determines that such amount is necessary to insure
5 reclamation. The operator shall post the additional bond
6 not later than ~~thirty (30)~~ forty-five (45) days after
7 receipt of such notification. All limited mining operations
8 existing before July 1, 2024 shall file bonds in accordance
9 with this subparagraph not later than August 15, 2024;

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11 (C) After the limited mining operations
12 have ceased, the operator shall notify the administrator of
13 such fact ~~in the operator's next annual report~~ and ~~commence~~
14 plan for commencement of reclamation and restoration within
15 forty-five (45) days in compliance with the rules and
16 regulations of the land quality division of the department
17 of environmental quality. The rules and regulations for
18 reclamation shall at all times be reasonable;

19

20 (D) Immediate reclamation will not be
21 required for limited mining operations for the removal of
22 any noncoal mineral, except minerals regulated by the
23 United States nuclear regulatory commission and minerals

1 regulated by the state under article 20 of this chapter, if
2 the landowner advises the department in writing of his
3 intent to further utilize the product of the mine, and if
4 he assumes the obligation of reclamation;

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6 (F) Limited mining operations may continue
7 for not more than five (5) years from the date of
8 commencing operations unless a notification to extend
9 operations is submitted to the land quality division
10 administrator. Operators shall submit a notification of
11 extension for every subsequent five (5) year period with
12 the annual report required under subsection (k) of this
13 section.

14
15 (j) The council, upon recommendation from the
16 advisory board through the administrator and director, may
17 modify or suspend certain requirements of W.S.
18 35-11-406(a), (b), (d), (f) and (g) by rules and
19 regulations, for surface mining operations involving not
20 more than thirty-five thousand (35,000) yards of
21 overburden, excluding topsoil, and ten (10) acres of
22 affected land in any one (1) year, if the application
23 requirements ~~insure~~ensure reclamation in accordance with

1 the purposes of this act. Roads used to access a mining
2 operation permitted under this section shall be excluded
3 from the annual ten (10) acres of affected land limit, but
4 shall be included in the permit and bonded for reclamation
5 liability. Mining operations authorized and approved under
6 this subsection before July 1, 2024 are authorized to
7 continue operations, subject to any conditions imposed upon
8 the approval and in compliance with the rules promulgated
9 under this section. On and after July 1, 2024, no
10 applications submitted for operations under this subsection
11 shall be approved.

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13 (k) An operator conducting operations pursuant to
14 W.S. 35-11-401(e)(vi) shall file an annual report with the
15 administrator on or within thirty (30) days prior to the
16 anniversary date of the commencement date of initial
17 operation. The report shall contain:

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19 (vii) The number of yards or tons of mineral
20 sold during the past year;

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22 (viii) If the operator is requesting a renewal
23 to continue for up to an additional five (5) years,

1 evidence that the limited mining operations will continue
2 beyond the initial five (5) year period, which includes but
3 is not limited to any of the following:

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5 (A) A mineral supply contract within the
6 renewal period;

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8 (B) A government project in the area that
9 is scheduled to begin within the next renewal period;

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11 (C) A major industrial project in the area
12 that is scheduled to begin within the next renewal period;

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14 (D) Evidence that the operations are active
15 and have commercial sales within the last annual reporting
16 period;

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18 (E) Evidence that a valid surface and
19 mineral owner consent, contract or lease extends beyond the
20 five (5) year renewal term;

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22 (F) Evidence that the limited mining
23 operations site is under reclamation;

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(G) Any other evidence specified by rule.

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35-11-417. Bonding provisions.

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(e) When the reclamation plan for any affected land has been completed, the administrator may recommend to the director the release of up to seventy-five percent (75%) of the bond required for that affected land. The remaining portion of the bond shall be not less than ten thousand dollars (\$10,000.00), and shall be held for a period of at least five (5) years after the date of reduction to assure proper revegetation and restoration of groundwater. The retained portion of the bond may be returned to the operator at an earlier date if a release signed by the surface owner and approved by the administrator and director is obtained. For limited mining operations authorized under W.S. 35-11-401(e)(vi), the administrator may, after consultation with any affected surface interest owner, recommend to the director the release of the bond after two (2) successful growing seasons that establish permanent vegetative cover.

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1 **35-11-423. Release of bonds.**

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3 (b) The retained portion of the bond may be returned
4 to the operator at an earlier date if a release signed by
5 the surface owner and approved by the administrator is
6 obtained. For limited mining operations authorized under
7 W.S. 35-11-401(e)(vi), the bond may, after consultation
8 with any affected surface interest owner, be released after
9 two (2) successful growing seasons that establish permanent
10 vegetative cover.

11

12 **Section 2.** The environmental quality council, upon
13 recommendation by the department of environmental quality,
14 shall promulgate all rules necessary to implement this act.

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