

ENROLLED ACT NO. 62, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

AN ACT relating to environmental quality; amending requirements for the commencement of limited mining operations; amending bonding, notice and reporting requirements for limited mining operations; limiting overburden surface mining operations as specified; amending requirements for extending limited mining operations; requiring approval of limited mining operations on state or school lands by the county and the state board of land commissioners as specified; authorizing rulemaking; amending bond release provisions for limited mining operations; and providing for effective dates.

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

Section 1. W.S. 35-11-401(e)(vi)(intro), (A) through (D), (F), by creating new subparagraphs (G) and (H), (j) and (k) by creating new paragraphs (vii) and (viii), 35-11-417(e) and 35-11-423(b) are amended to read:

35-11-401. Compliance generally; exceptions.

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

(vi) Limited mining operations, whether commercial or noncommercial, for the removal of ~~sand, gravel, scoria, limestone, dolomite, shale, ballast or feldspar~~ any noncoal mineral, except minerals regulated by the United States nuclear regulatory commission and minerals regulated by the state under article 20 of this chapter, from an area of fifteen (15) acres or less of affected land, excluding roads used to access the mining operation, if the operator has written permission for the operation from the owner and lessee, if any, of the surface. The operator shall notify the land quality

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division of the department of environmental quality and the inspector of mines within the department of workforce services of the location of the land to be mined and the postal address of the operator at least thirty (30) days before commencing operations. A copy of the notice shall also be mailed to all surface owners located within one (1) mile of the proposed boundary of the limited mining operation at least thirty (30) days before commencing operations. The operator shall notify the land quality division of the department of environmental quality of the date of commencement of limited mining operations within thirty (30) days of commencing operations. Limited mining operations authorized under this paragraph are subject to the following:

(A) That the affected lands shall not be within:

(I) Three hundred (300) feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery unless the landowner's consent has been obtained;

(II) Five hundred (500) feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery if the affected lands are state or school lands, unless the surface owner's consent has been obtained and the operator has obtained a conditional use permit from the county where the limited mining operation will occur and additional approval from the state board of land commissioners pursuant to subparagraph (H) of this paragraph.

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(B) Before commencing any limited mining operations for the removal of sand, gravel, scoria, dolomite, shale, ballast or feldspar, the operator shall file a bond to insure reclamation in accordance with the purposes of this act in the amount of two thousand dollars (\$2,000.00) per acre, for all limited mining operations commencing operations before July 1, 2024 and five thousand dollars (\$5,000.00) per acre for all limited mining operations commencing operations on and after July 1, 2024, except for quarries for which the bond amount shall not exceed three thousand dollars (\$3,000.00) per acre of affected land including roads used to access the mining operation for quarries commencing operations before July 1, 2024 and seven thousand dollars (\$7,000.00) per acre of affected land including roads used to access the mining operation for quarries commencing operations on and after July 1, 2024 or a full-cost bond to insure reclamation in accordance with W.S. 35-11-417. All other noncoal limited mining operations shall file a full-cost bond to insure reclamation in accordance with W.S. 35-11-417. Within ~~ninety (90)~~ one hundred fifty (150) days after limited mining operations commence, the administrator may require the operator to post an additional bond per acre of affected land if he determines that such amount is necessary to insure reclamation. The operator shall post the additional bond not later than ~~thirty (30)~~ forty-five (45) days after receipt of such notification;

(C) After the limited mining operations have ceased, the operator shall notify the administrator of such fact ~~in the operator's next annual report~~ and commence plan for commencement of reclamation and restoration within forty-five (45) days in compliance with the rules and regulations of the land quality division of the department

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of environmental quality. The rules and regulations for reclamation shall at all times be reasonable;

(D) Immediate reclamation will not be required for limited mining operations for the removal of any noncoal mineral, except minerals regulated by the United States nuclear regulatory commission and minerals regulated by the state under article 20 of this chapter, if the landowner advises the department in writing of his intent to further utilize the product of the mine, and if he assumes the obligation of reclamation;

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

(G) No operator shall:

(I) Conduct more than one (1) limited mining operation within adjacent areas when the limited mining operations are to mine the same mineral; or

(II) Conduct more than one (1) limited mining operation within any six (6) mile radius when the limited mining operations are to mine the same mineral. The administrator may allow two (2) limited mining operations for the same mineral within the six (6) mile radius if one (1) of the limited mining operations has completed all required reclamation work, the bond has been released and the operator has obtained an additional conditional use

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permit from the county where the limited mining operation will occur to conduct the second limited mining operation.

(H) If the affected lands are state or school lands, before commencing any limited mining operation, the operator shall obtain a conditional use permit from the county where the limited mining operation will occur if a conditional use permit is required in the affected county.

(j) The council, upon recommendation from the advisory board through the administrator and director, may modify or suspend certain requirements of W.S. 35-11-406(a), (b), (d), (f) and (g) by rules and regulations, for surface mining operations involving not more than thirty-five thousand (35,000) yards of overburden, excluding topsoil, and ten (10) acres of affected land in any one (1) year, if the application requirements ~~insure~~ensure reclamation in accordance with the purposes of this act. Roads used to access a mining operation permitted under this section shall be excluded from the annual ten (10) acres of affected land limit, but shall be included in the permit and bonded for reclamation liability. Mining operations authorized and approved under this subsection before July 1, 2024 are authorized to continue operations, subject to any conditions imposed upon the approval and in compliance with the rules promulgated under this section. On and after July 1, 2024, no applications submitted for operations under this subsection shall be approved.

(k) An operator conducting operations pursuant to W.S. 35-11-401(e)(vi) shall file an annual report with the administrator on or within thirty (30) days prior to the

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anniversary date of the commencement date of initial operation. The report shall contain:

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

(viii) If the operator is requesting a renewal to continue for up to an additional five (5) years, evidence that the limited mining operations will continue beyond the initial five (5) year period, which includes but is not limited to any of the following:

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

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

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

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

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

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

(G) Any other evidence specified by rule.

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.

35-11-423. Release of bonds.

(b) 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 is obtained. For limited mining operations authorized under W.S. 35-11-401(e)(vi), the bond may, after consultation with any affected surface interest owner, be released after two (2) successful growing seasons that establish permanent vegetative cover.

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

ORIGINAL SENATE
FILE NO. SF0044

ENGROSSED

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Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Section 1 of this act is effective July 1, 2024.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk