

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. \_\_\_\_\_

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; eliminating the  
5 director's discretion on final decision making on in-situ  
6 mining permits; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 35-11-406(e), (f), (g), (h), (j) and  
11 (p) and 35-11-427 are amended to read:

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1           **35-11-406. Application for permit; generally; denial;**  
2 **limitations.**

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

17  
18           (f) If the applicant resubmits an application, a  
19 request for revision of an existing permit or further  
20 information, the administrator shall review the  
21 application, the request for revision of an existing permit  
22 or additional information within sixty (60) days of each  
23 submission and advise the applicant in writing if the

1 application, the request for revision of an existing permit  
2 or additional information is complete. If the  
3 administrator fails to respond to the applicant within  
4 sixty (60) days, the application, the request for revision  
5 of an existing permit or the additional information shall  
6 be deemed complete.

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

16  
17 (h) The administrator shall review the application  
18 and unless the applicant requests a delay advise the  
19 applicant in writing within one hundred fifty (150) days  
20 from the date of determining or deeming the application is  
21 complete, that it is suitable for publication under  
22 subsection (j) of this section, that the application is  
23 deficient or that the application is denied. All reasons

1 for deficiency or denial shall be stated in writing to the  
2 applicant. All items not specified as being deficient at  
3 the end of the first one hundred fifty (150) day period  
4 shall be deemed complete for the purposes of this  
5 subsection. If the administrator fails to respond to the  
6 applicant within one hundred fifty (150) days, the  
7 application shall be deemed suitable for publication under  
8 subsection (j) of this section. After this one hundred  
9 fifty (150) day period, for noncoal permits, the  
10 administrator shall not raise any item not previously  
11 specified as being deficient unless the applicant in  
12 subsequent revisions significantly modifies the  
13 application. If the applicant submits additional  
14 information in response to any deficiency notice, the  
15 administrator shall review such additional information  
16 within thirty (30) days of submission and advise the  
17 applicant in writing if the application is suitable for  
18 publication under subsection (j) of this section, that the  
19 application is still deficient or that the application is  
20 denied. If the administrator fails to respond to the  
21 applicant within thirty (30) days of the submission of  
22 additional information by the applicant, the application  
23 shall be deemed suitable for publication under subsection

1 (j) of this section. If the application is deemed  
2 deficient, the administrator shall be allowed not more than  
3 two (2) additional separate requests for clarification or  
4 questions.

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

1 adjacent lands, and to any surface owners within one-half  
2 (1/2) mile of the proposed mining site. The applicant shall  
3 mail a copy of the application mining plan map within five  
4 (5) days after first publication to the Wyoming oil and gas  
5 commission. Proof of notice and sworn statement of mailing  
6 shall be attached to and become part of the application.

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

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2           **35-11-427. In situ mining permit; permit required;**3 **authority of land quality division exclusive.**

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5 Application for an in situ mining permit shall be made to  
6 the director. The director shall designate the land quality  
7 administrator as his representative on all matters  
8 concerning the application and all communications  
9 concerning review of and final action on the application  
10 for land, air and water quality divisions and solid waste  
11 management. ~~Nothing herein shall be construed to limit the~~  
12 ~~authority of the director on making the final decision on~~  
13 ~~the permit application.~~ No in situ mining operation shall  
14 be commenced or conducted unless a valid mining permit has  
15 been issued to the operator. Construction and completion of  
16 wells may be authorized prior to issuance of a mining  
17 permit or a research and development license pursuant to  
18 W.S. 35-11-404(g).

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

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(END)