

HOUSE BILL NO. HB0010

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 amending bond release provisions for limited mining
8 operations; authorizing rulemaking; and providing for
9 effective dates.

10

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), by creating new subparagraphs (H) and (J), (j)

1 and (k) by creating new paragraphs (viii) and (ix),
2 35-11-417(e) and 35-11-423(b) are amended to read:

3

4 **35-11-401. Compliance generally; exceptions.**

5

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

8

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

1 before commencing operations. A copy of the notice shall
2 also be mailed to all surface owners located within one (1)
3 mile of the proposed boundary of the limited mining
4 operation at least thirty (30) days before commencing
5 operations. The operator shall notify the land quality
6 division of the department of environmental quality of the
7 date of commencement of limited mining operations within
8 thirty (30) days of commencing operations. Limited mining
9 operations authorized under this paragraph are subject to
10 the following:

11

12 (B) Before commencing any limited mining
13 operations, the operator shall file a bond to insure
14 reclamation in accordance with the purposes of this act and
15 the following:

16

17 (I) For operations for the removal of
18 sand, gravel, scoria, dolomite, shale, ballast or feldspar
19 that commence operations:

20

21 (1) Before July 1, 2025, the
22 operator shall file a bond in the amount of two thousand

1 dollars (\$2,000.00) per acre, ~~except~~ of affected land,
2 including roads used to access the mining operation;

3

4 (2) On and after July 1, 2025, the
5 operator shall file a bond in the amount of five thousand
6 dollars (\$5,000.00) per acre of affected land, including
7 roads used to access the mining operation.

8

9 (II) For quarries ~~for which~~ commencing
10 operations before July 1, 2025, the bond amount shall not
11 exceed three thousand dollars (\$3,000.00) per acre of
12 affected land, including roads used to access the mining
13 operation;

14

15 (III) For quarries commencing
16 operations on and after July 1, 2025, the bond amount shall
17 not exceed seven thousand dollars (\$7,000.00) per acre of
18 affected land, including roads used to access the mining
19 operation;

20

21 (IV) For limited mining operations
22 specified in subdivisions (I) through (III) of this

1 subparagraph, the operator may file a full-cost bond to
2 insure reclamation in accordance with W.S. 35-11-417;

3

4 (V) All other noncoal limited mining
5 operations shall file a full-cost bond to insure
6 reclamation in accordance with W.S. 35-11-417;

7

8 (VI) Within ~~ninety (90)~~ one hundred
9 fifty (150) days after limited mining operations commence,
10 the administrator may require the operator to post an
11 additional bond per acre of affected land if he determines
12 that such amount is necessary to insure reclamation. The
13 operator shall post the additional bond not later than
14 ~~thirty (30)~~ forty-five (45) days after receipt of such
15 notification.+

16

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

1 regulations for reclamation shall at all times be
2 reasonable;

3
4 (D) Immediate reclamation ~~will~~shall not be
5 required for limited mining operations for the removal of
6 any noncoal mineral, except minerals regulated by the
7 United States nuclear regulatory commission and minerals
8 regulated by the state under article 20 of this chapter, if
9 the landowner advises the department in writing of his
10 intent to further utilize the product of the mine, and if
11 he assumes the obligation of reclamation;

12
13 (F) Limited mining operations may continue
14 for not more than five (5) years from the date of
15 commencing operations unless a notification to extend
16 operations is submitted to the land quality division
17 administrator. Operators shall submit a notification of
18 extension for every subsequent five (5) year period with
19 the annual report required under subsection (k) of this
20 section;

21
22 (H) For noncoal minerals authorized for
23 limited mining operations under this paragraph, except for

1 sand, gravel, scoria, limestone, dolomite, shale, ballast
2 and feldspar, the limited mining operations shall be:

3

4 (I) Only for purposes of proving or
5 evaluating a mineral deposit for subsequent mining
6 operations;

7

8 (II) Conducted using only mechanical
9 mining methods.

10

11 (J) No operator commencing or engaging in
12 limited mining operations under this paragraph shall:

13

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

17

18 (II) Conduct more than one (1) limited
19 mining operation within any six (6) mile radius when the
20 limited mining operations are to mine the same mineral. The
21 administrator may allow two (2) limited mining operations
22 for the same mineral within the six (6) mile radius if one

1 (1) of the limited mining operations has completed all
2 required reclamation work and the bond has been released.

3
4 (j) The council, upon recommendation from the
5 advisory board through the administrator and director, may
6 modify or suspend certain requirements of W.S.
7 35-11-406(a), (b)(i) through (xx), (d), (f) and (g) by
8 rules and regulations, for surface mining operations
9 involving not more than thirty-five thousand (35,000) yards
10 of overburden, excluding topsoil, and ten (10) acres of
11 affected land in any one (1) year, if the application
12 requirements ensure reclamation in accordance with the
13 purposes of this act. Roads used to access a mining
14 operation permitted under this section shall be excluded
15 from the annual ten (10) acres of affected land limit, but
16 shall be included in the permit and bonded for reclamation
17 liability. Mining operations authorized and approved under
18 this subsection before July 1, 2025 are authorized to
19 continue operations, subject to any conditions imposed upon
20 the approval and in compliance with the rules promulgated
21 under this section. On and after July 1, 2025, no
22 applications submitted for operations under this subsection
23 shall be approved.

1

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

7

8 (viii) The number of yards or tons of mineral
9 sold from the limited mining operations during the past
10 year;

11

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

17

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

20

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

23

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

3
4 (D) Evidence that the operations are active
5 and had commercial sales within the last annual reporting
6 period;

7
8 (E) Evidence that a valid surface and
9 mineral owner consent, contract or lease extends through or
10 beyond the five (5) year renewal term;

11
12 (F) Evidence that the limited mining
13 operations site is under reclamation;

14
15 (G) Any other evidence specified by rule.

16
17 **35-11-417. Bonding provisions.**

18
19 (e) When the reclamation plan for any affected land
20 has been completed, the administrator may recommend to the
21 director the release of up to seventy-five percent (75%) of
22 the bond required for that affected land. The remaining
23 portion of the bond shall be not less than ten thousand

1 dollars (\$10,000.00), and shall be held for a period of at
2 least five (5) years after the date of reduction to assure
3 proper revegetation and restoration of groundwater. The
4 retained portion of the bond may be returned to the
5 operator at an earlier date if a release signed by the
6 surface owner and approved by the administrator and
7 director is obtained. For limited mining operations
8 authorized under W.S. 35-11-401(e)(vi), the administrator
9 may, after consultation with any affected surface owner,
10 recommend to the director the release of the bond after two
11 (2) successful growing seasons that establish permanent
12 vegetative cover.

13

14 **35-11-423. Release of bonds.**

15

16 (b) The retained portion of the bond may be returned
17 to the operator at an earlier date if a release signed by
18 the surface owner and approved by the administrator is
19 obtained. For limited mining operations authorized under
20 W.S. 35-11-401(e)(vi), the bond may, after consultation
21 with any affected surface owner, be released after two (2)
22 successful growing seasons that establish permanent
23 vegetative cover.

1

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

5

6 **Section 3.**

7

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

12

13 (b) Section 1 of this act is effective July 1, 2025.

14

15

(END)