

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

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 specifying that counties cannot prevent limited mining
8 operations; authorizing rulemaking; amending bond release
9 provisions for limited mining operations; and providing for
10 effective dates.

11

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

1

2 **Section 1.** W.S. 18-5-201 by creating a new subsection
3 (b), 35-11-401(e)(vi)(intro), (B) through (D) and (F), (j)
4 and (k) by creating new paragraphs (vii) and (viii), 35-11-
5 417(e) and 35-11-423(b) are amended to read:

6

7 **18-5-201. Authority vested in board of county**
8 **commissioners; inapplicability of chapter to incorporated**
9 **cities and towns; mineral resources; private schools.**

10

11 (b) Nothing in this chapter shall be construed to
12 allow any board of county commissioners to prevent limited
13 mining operations authorized under W.S. 35-11-401(e)(vi).

14

15 **35-11-401. Compliance generally; exceptions.**

16

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

19

20 (vi) Limited mining operations, whether
21 commercial or noncommercial, for the removal of ~~sand,~~
22 ~~gravel, scoria, limestone, dolomite, shale, ballast or~~
23 ~~feldspar~~ any noncoal mineral, except minerals regulated by

1 the United States nuclear regulatory commission and
2 minerals regulated by the state under article 20 of this
3 chapter, from an area of fifteen (15) acres or less of
4 affected land, excluding roads used to access the mining
5 operation, if the operator has written permission for the
6 operation from the owner and lessee, if any, of the
7 surface. The operator shall notify the land quality
8 division of the department of environmental quality and the
9 inspector of mines within the department of workforce
10 services of the location of the land to be mined and the
11 postal address of the operator at least thirty (30) days
12 before commencing operations. A copy of the notice shall
13 also be mailed to all surface owners located within one (1)
14 mile of the proposed boundary of the limited mining
15 operation at least thirty (30) days before commencing
16 operations. The operator shall notify the land quality
17 division of the department of environmental quality of the
18 date of commencement of limited mining operations within
19 thirty (30) days of commencing operations. Nothing in W.S.
20 18-5-201 through 18-5-208 shall be construed to authorize a
21 board of county commissioners to prevent limited mining
22 operations authorized under this paragraph. Limited mining

1 operations authorized under this paragraph are subject to
2 the following:

3
4 (B) Before commencing any limited mining
5 operations for the removal of any noncoal mineral, except
6 minerals regulated by the United States nuclear regulatory
7 commission and minerals regulated by the state under
8 article 20 of this chapter, the operator shall file a bond
9 to insure reclamation in accordance with the purposes of
10 this act in the amount of ~~two thousand dollars (\$2,000.00)~~
11 five thousand dollars (\$5,000.00) per acre, except for
12 quarries for which the bond amount shall not exceed ~~three~~
13 ~~thousand dollars (\$3,000.00)~~ seven thousand dollars
14 (\$7,000.00) per acre of affected land including roads used
15 to access the mining operation or a full cost bond to
16 insure reclamation in accordance with W.S. 35-11-417. All
17 other noncoal limited mining operations shall file a full-
18 cost bond to insure reclamation in accordance with W.S. 35-
19 11-417. Within ~~ninety (90)~~ one hundred fifty (150) days
20 after limited mining operations commence, the administrator
21 may require the operator to post an additional bond per
22 acre of affected land if he determines that such amount is
23 necessary to insure reclamation. The operator shall post

1 the additional bond not later than ~~thirty (30)~~ forty-five
2 (45) days after receipt of such notification. All limited
3 mining operations existing before July 1, 2024 shall file
4 bonds in accordance with this subparagraph not later than
5 August 15, 2024;

6
7 (C) After the limited mining operations
8 have ceased, the operator shall notify the administrator of
9 such fact ~~in the operator's next annual report~~ and ~~commence~~
10 anticipate commencement of reclamation and restoration
11 within forty-five (45) days in compliance with the rules
12 and regulations of the land quality division of the
13 department of environmental quality. The rules and
14 regulations for reclamation shall at all times be
15 reasonable;

16
17 (D) Immediate reclamation will not be
18 required for limited mining operations for the removal of
19 any noncoal mineral, except minerals regulated by the
20 United States nuclear regulatory commission and minerals
21 regulated by the state under article 20 of this chapter, if
22 the landowner advises the department in writing of his

1 intent to further utilize the product of the mine, and if
2 he assumes the obligation of reclamation;

3

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

12

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

1 acres of affected land limit, but shall be included in the
2 permit and bonded for reclamation liability. Limited
3 surface mining operations authorized and approved under
4 this subsection before July 1, 2024 are authorized to
5 continue operations, subject to any conditions imposed upon
6 the approval and in compliance with the rules promulgated
7 under this section. On and after July 1, 2024, no
8 applications submitted for operations under this subsection
9 shall be approved.

10
11 (k) An operator conducting operations pursuant to
12 W.S. 35-11-401(e)(vi) shall file an annual report with the
13 administrator on or within thirty (30) days prior to the
14 anniversary date of the commencement date of initial
15 operation. The report shall contain:

16
17 (vii) The number of yards or tons of mineral sold
18 during the past year;

19
20 (viii) If the operator is requesting a renewal to
21 continue for up to an additional five (5) years, evidence
22 that the limited mining operations will continue beyond the

1 initial five (5) year period, which includes but is not
2 limited to any of the following:

3
4 (A) A mineral supply contract within the
5 renewal period;

6
7 (B) A government project in the area that is
8 scheduled to begin within the next renewal period;

9
10 (C) A major industrial project in the area
11 that is scheduled to begin within the next renewal period;

12
13 (D) Evidence that the operations are active
14 and have commercial sales within the last annual reporting
15 period;

16
17 (E) Evidence that a valid surface and
18 mineral owner consent, contract or lease extends beyond the
19 five (5) year renewal term;

20
21 (F) Evidence that the limited mining
22 operations site is under reclamation;

23

1 (G) Any other evidence specified by rule.

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4 *****

5 STAFF COMMENT

6

7 The changes to W.S. 35-11-417(e) and 35-11-423(b) below
8 were suggested by the Department of Environmental Quality.

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11 *****

12

13 35-11-417. Bonding provisions.

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15 (e) When the reclamation plan for any affected land
16 has been completed, the administrator may recommend to the
17 director the release of up to seventy-five percent (75%) of
18 the bond required for that affected land. The remaining
19 portion of the bond shall be not less than ten thousand
20 dollars (\$10,000.00), and shall be held for a period of at
21 least five (5) years after the date of reduction to assure
22 proper revegetation and restoration of groundwater. The
23 retained portion of the bond may be returned to the
24 operator at an earlier date if a release signed by the
25 surface owner and approved by the administrator and
26 director is obtained. For limited mining operations
27 authorized under W.S. 35-11-401(e)(vi), the administrator

1 may recommend to the director the release of the bond after
2 two (2) successful growing seasons that establish permanent
3 vegetative cover.

4

5 **35-11-423. Release of bonds.**

6

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

14

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

18

19 **Section 3.**

20

21 (a) Except as provided in subsection (b) of this
22 section, this act is effective immediately upon completion

1 of all acts necessary for a bill to become law as provided
2 by Article 4, Section 8 of the Wyoming Constitution.

3

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

5

6 (END)