

**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 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:*

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

4

5           **35-11-401. Compliance generally; exceptions.**

6

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

9

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

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

12

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

17

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

21

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

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

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 (j) The council, upon recommendation from the  
23 advisory board through the administrator and director, may

1 modify or suspend certain requirements of W.S. 35-11-  
2 406(a), (b)(i) through (xx), (d), (f) and (g) by rules and  
3 regulations, for surface mining operations involving not  
4 more than thirty-five thousand (35,000) yards of  
5 overburden, excluding topsoil, and ten (10) acres of  
6 affected land in any one (1) year, if the application  
7 requirements ensure reclamation in accordance with the  
8 purposes of this act. Roads used to access a mining  
9 operation permitted under this section shall be excluded  
10 from the annual ten (10) acres of affected land limit, but  
11 shall be included in the permit and bonded for reclamation  
12 liability. Mining operations authorized and approved under  
13 this subsection before July 1, 2025 are authorized to  
14 continue operations, subject to any conditions imposed upon  
15 the approval and in compliance with the rules promulgated  
16 under this section. On and after July 1, 2025, no  
17 applications submitted for operations under this subsection  
18 shall be approved.

19

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

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

3

4 (viii) The number of yards or tons of mineral  
5 sold from the limited mining operations during the past  
6 year;

7

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

13

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

16

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

19

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

22



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

4

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

8

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

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12                   (G) Any other evidence specified by rule.

13

14           **35-11-417. Bonding provisions.**

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16           (e) When the reclamation plan for any affected land  
17 has been completed, the administrator may recommend to the  
18 director the release of up to seventy-five percent (75%) of  
19 the bond required for that affected land. The remaining  
20 portion of the bond shall be not less than ten thousand  
21 dollars (\$10,000.00), and shall be held for a period of at  
22 least five (5) years after the date of reduction to assure  
23 proper revegetation and restoration of groundwater. The

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

10

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

12

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

21

