

**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:*

12

1 **Section 1.** W.S. 35-11-401(e)(vi)(intro), (B) through
2 (D), (F) and by creating new subparagraphs (H) and (J), (j)
3 and (k) by creating new paragraphs (viii) and (ix), 35-11-
4 417(e) and 35-11-423(b) are amended to read:

5

6 **35-11-401. Compliance generally; exceptions.**

7

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

10

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

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

13

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

18

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

22

1 (1) Before July 1, 2025, the
 2 operator shall file a bond in the amount of two thousand
 3 dollars (\$2,000.00) per acre of affected land, including
 4 roads used to access the mining operation ;~~,-except~~

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

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

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

22

1 (IV) For limited mining operations
2 specified in subdivisions (I) through (III) of this
3 subparagraph, the operator may file a full-cost bond to
4 insure reclamation in accordance with W.S. 35-11-417;

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

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

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

1 with the rules and regulations of the land quality division
2 of the department of environmental quality. The rules and
3 regulations for reclamation shall at all times be
4 reasonable;

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

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

23

1 (H) For noncoal minerals authorized for
2 limited mining operations under this paragraph, except for
3 sand, gravel, scoria, limestone, dolomite, shale, ballast
4 and feldspar, the limited mining operations shall be:

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

9
10 (II) Conducted using only mechanical
11 mining methods.

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

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

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

1 for the same mineral within the six (6) mile radius if one
2 (1) of the limited mining operations has completed all
3 required reclamation work and the bond has been released.

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

1 applications submitted for operations under this subsection
2 shall be approved.

3

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

9

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

13

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

19

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

22

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

3
4 (C) A major industrial project that is
5 scheduled to begin within the next renewal period;

6
7 (D) Evidence that the operations are active
8 and had commercial sales within the last annual reporting
9 period;

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

14
15 (F) Evidence that the limited mining
16 operations site is under reclamation;

17
18 (G) Any other evidence specified by rule.

19
20 **35-11-417. Bonding provisions.**

21
22 (e) When the reclamation plan for any affected land
23 has been completed, the administrator may recommend to the

1 director the release of up to seventy-five percent (75%) of
2 the bond required for that affected land. The remaining
3 portion of the bond shall be not less than ten thousand
4 dollars (\$10,000.00), and shall be held for a period of at
5 least five (5) years after the date of reduction to assure
6 proper revegetation and restoration of groundwater. The
7 retained portion of the bond may be returned to the
8 operator at an earlier date if a release signed by the
9 surface owner and approved by the administrator and
10 director is obtained. For limited mining operations
11 authorized under W.S. 35-11-401(e)(vi), the administrator
12 may, after consultation with any affected surface owner,
13 recommend to the director the release of the bond after two
14 (2) successful growing seasons that establish permanent
15 vegetative cover.

16

17 **35-11-423. Release of bonds.**

18

19 (b) The retained portion of the bond may be returned
20 to the operator at an earlier date if a release signed by
21 the surface owner and approved by the administrator is
22 obtained. For limited mining operations authorized under
23 W.S. 35-11-401(e)(vi), the bond may, after consultation

1 with any affected surface owner, be released after two (2)
2 successful growing seasons that establish permanent
3 vegetative cover.

4

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

8

9 **Section 3.**

10

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

15

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

17

18

(END)