

SENATE FILE NO. SF0044

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.

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

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14 **Section 1.** W.S. 18-5-201 by creating a new subsection  
15 (b), 35-11-401(e)(vi)(intro), (B) through (D), (F), (j) and

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

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4 **18-5-201. Authority vested in board of county**  
5 **commissioners; inapplicability of chapter to incorporated**  
6 **cities and towns; mineral resources; private schools.**

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

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12 **35-11-401. Compliance generally; exceptions.**

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

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17 (vi) Limited mining operations, whether  
18 commercial or noncommercial, for the removal of ~~sand,~~  
19 ~~gravel, scoria, limestone, dolomite, shale, ballast or~~  
20 ~~feldspar~~ any noncoal mineral, except minerals regulated by  
21 the United States nuclear regulatory commission and  
22 minerals regulated by the state under article 20 of this  
23 chapter, from an area of fifteen (15) acres or less of

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

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1 (B) Before commencing any limited mining  
2 operations for the removal of sand, gravel, scoria,  
3 dolomite, shale, ballast or feldspar, the operator shall  
4 file a bond to insure reclamation in accordance with the  
5 purposes of this act in the amount of ~~two thousand dollars~~  
6 ~~(\$2,000.00)~~ five thousand dollars (\$5,000.00) per acre,  
7 except for quarries for which the bond amount shall not  
8 exceed ~~three thousand dollars (\$3,000.00)~~ seven thousand  
9 dollars (\$7,000.00) per acre of affected land including  
10 roads used to access the mining operation or a full-cost  
11 bond to insure reclamation in accordance with W.S.  
12 35-11-417. All other noncoal limited mining operations  
13 shall file a full-cost bond to insure reclamation in  
14 accordance with W.S. 35-11-417. Within ~~ninety (90)~~ one  
15 hundred fifty (150) days after limited mining operations  
16 commence, the administrator may require the operator to  
17 post an additional bond per acre of affected land if he  
18 determines that such amount is necessary to insure  
19 reclamation. The operator shall post the additional bond  
20 not later than ~~thirty (30)~~ forty-five (45) days after  
21 receipt of such notification. All limited mining operations  
22 existing before July 1, 2024 shall file bonds in accordance  
23 with this subparagraph not later than August 15, 2024;

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

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

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20 (F) Limited mining operations may continue  
21 for not more than five (5) years from the date of  
22 commencing operations unless a notification to extend  
23 operations is submitted to the land quality division

1 administrator. Operators shall submit a notification of  
2 extension for every subsequent five (5) year period with  
3 the annual report required under subsection (k) of this  
4 section.

5  
6 (j) The council, upon recommendation from the  
7 advisory board through the administrator and director, may  
8 modify or suspend certain requirements of W.S.  
9 35-11-406(a), (b), (d), (f) and (g) by rules and  
10 regulations, for surface mining operations involving not  
11 more than thirty-five thousand (35,000) yards of  
12 overburden, excluding topsoil, and ten (10) acres of  
13 affected land in any one (1) year, if the application  
14 requirements ~~insure~~ensure reclamation in accordance with  
15 the purposes of this act. Roads used to access a mining  
16 operation permitted under this section shall be excluded  
17 from the annual ten (10) acres of affected land limit, but  
18 shall be included in the permit and bonded for reclamation  
19 liability. Mining operations authorized and approved under  
20 this subsection before July 1, 2024 are authorized to  
21 continue operations, subject to any conditions imposed upon  
22 the approval and in compliance with the rules promulgated  
23 under this section. On and after July 1, 2024, no

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

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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:

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10 (vii) The number of yards or tons of mineral  
11 sold during the past year;

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

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

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

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

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

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

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

(G) Any other evidence specified by rule.

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

(e) When the reclamation plan for any affected land has been completed, the administrator may recommend to the director the release of up to seventy-five percent (75%) of the bond required for that affected land. The remaining



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

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

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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 be released after two  
21 (2) successful growing seasons that establish permanent  
22 vegetative cover.

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