

HOUSE BILL NO. HB0112

Mining permits.

Sponsored by: Joint Minerals, Business and Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; providing for
2 notification of permit revisions; establishing time limits
3 on mine permit application or revision reviews; limiting
4 requests for additional information on mine permits
5 applications or revisions; and providing for an effective
6 date.

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

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10 **Section 1.** W.S. 35-11-402(a)(x) and 35-11-406(e)
11 through (j) and by creating new subsections (q) and (r) are
12 amended to read:

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14 **35-11-402. Establishment of standards.**

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1 (a) The council shall, upon recommendation by the
2 advisory board through the administrator and the director,
3 establish rules and regulations pursuant to the following
4 reclamation standards for the affected areas, including but
5 not limited to:

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7 (x) Rules and regulations for the criteria for
8 review and information and public notice requirements for
9 permit revisions. The administrator shall notify the
10 operator within ninety (90) days of receipt of the
11 application if the application is complete and if public
12 notice is required. A permit may be revised without public
13 notice or hearing for revisions, including incidental
14 boundary revisions to the area covered by the permit, if
15 these do not propose significant alterations in the
16 reclamation plan. Subject to applicable standards, any
17 permit, except for surface coal mining permits, may be
18 revised, in the permitted area, by identifying proposed
19 alterations to the mining or reclamation plan in the annual
20 report or addendum thereto, or by obtaining prior approval
21 from the director, at the operator's discretion;

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23 **35-11-406. Application for permit; generally; denial;**
24 **limitations.**

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2 (e) The administrator shall notify the applicant
3 within sixty (60) days of submission of the application
4 whether or not it is complete. If the administrator deems
5 the application incomplete, he shall so advise and state in
6 writing to the applicant the information required. All
7 items not specified as incomplete at the end of the first
8 sixty (60) day period shall be deemed complete for the
9 purposes of this subsection. If the administrator fails to
10 respond to the applicant within sixty (60) days, the
11 application shall be deemed complete.

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13 (f) If the applicant resubmits an application or
14 further information, the administrator shall review the
15 application or additional information within sixty (60)
16 days of each submission and advise the applicant in writing
17 if the application or additional information is complete.
18 If the administrator fails to respond to the applicant
19 within sixty (60) days, the application or the additional
20 information shall be deemed complete.

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22 (g) After the application is determined or deemed
23 complete, the applicant shall publish a notice of the
24 filing of the application once each week for two (2)

1 consecutive weeks in a newspaper of general circulation in
2 the locality of the proposed mining site. The
3 administrator shall provide the applicant with the
4 information necessary to prepare and submit the notice for
5 publication.

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7 (h) The administrator shall review the application
8 and unless the applicant requests a delay advise the
9 applicant in writing within one hundred fifty (150) days
10 from the date of determining or deeming the application is
11 complete, that it is suitable for publication under
12 subsection (j) of this section, that the application is
13 deficient or that the application is denied. All reasons
14 for deficiency or denial shall be stated in writing to the
15 applicant. All items not specified as being deficient at
16 the end of the first one hundred fifty (150) day period
17 shall be deemed complete for the purposes of this
18 subsection. If the administrator fails to respond to the
19 applicant within one hundred fifty (150) days, the
20 application shall be deemed suitable for publication under
21 subsection (j) of this section. After this one hundred
22 fifty (150) day period, for noncoal permits, the
23 administrator shall not raise any item not previously
24 specified as being deficient unless the applicant in

1 subsequent revisions significantly modifies the
2 application. If the applicant submits additional
3 information in response to any deficiency notice, the
4 administrator shall review such additional information
5 within thirty (30) days of submission and advise the
6 applicant in writing if the application is suitable for
7 publication under subsection (j) of this section, that the
8 application is still deficient or that the application is
9 denied. If the administrator fails to respond to the
10 applicant within thirty (30) days of the submission of
11 additional information by the applicant, the application
12 shall be deemed suitable for publication under subsection
13 (j) of this section. If the application is deemed
14 deficient, the administrator shall be allowed not more than
15 two (2) additional separate requests for clarification or
16 questions unless the applicant and the administrator agree
17 together that there are major unresolved issues that need
18 to be addressed in a specified time.

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20 (j) The applicant shall cause notice of the
21 application to be published in a newspaper of general
22 circulation in the locality of the proposed mining site
23 once a week for four (4) consecutive weeks commencing
24 within fifteen (15) days after being notified by the

1 administrator or upon receiving the determination that the
2 application is deemed suitable for publication. The notice
3 shall contain information regarding the identity of the
4 applicant, the location of the proposed operation, the
5 proposed dates of commencement and completion of the
6 operation, the proposed future use of the affected land,
7 the location at which information about the application may
8 be obtained, and the location and final date for filing
9 objections to the application. For initial applications or
10 additions of new lands the applicant shall also mail a copy
11 of the notice within five (5) days after first publication
12 to all surface owners of record of the land within the
13 permit area, to surface owners of record of immediately
14 adjacent lands, and to any surface owners within one-half
15 (1/2) mile of the proposed mining site. The applicant shall
16 mail a copy of the application mining plan map within five
17 (5) days after first publication to the Wyoming oil and gas
18 commission. Proof of notice and sworn statement of mailing
19 shall be attached to and become part of the application.

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21 (g) Permit revisions submitted with an annual report
22 shall be considered using revision requirements and review
23 time frames and shall be approved separately from the
24 annual report.

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2 (r) If the administrator fails to respond to the
3 applicant within ninety (90) days, the request for revision
4 of an existing permit shall be deemed complete.

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6 **Section 2.** This act is effective July 1, 2011.

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(END)