

SENATE FILE NO. SF0044

Mining permit applications-objections.

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

A BILL

for

1 AN ACT relating to environmental quality; amending and  
2 repealing provisions regarding objections to applications for  
3 mining permits; making conforming amendments; requiring  
4 rulemaking; repealing obsolete provisions; and providing for  
5 effective dates.

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

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9 **Section 1.** W.S. 35-11-406(p) and by creating a new  
10 subsection (q) and 35-11-431(a)(vi) are amended to read:

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12 **35-11-406. Application for permit; generally; denial;**  
13 **limitations.**

14

1           (p) The following objection procedure shall apply to  
2 applications for mining permits for coal:

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4           (i) Any interested person has the right to file  
5 written objections to the application with the director  
6 within thirty (30) days after the last publication of the  
7 notice required in subsection (j) of this section. The  
8 director shall within five (5) business days forward any  
9 objection to the applicant and shall make objections  
10 available to the public;

11  
12           (ii) If an informal conference is requested by the  
13 applicant or objector, the director shall hold the informal  
14 conference in the locality of the proposed operation within  
15 thirty (30) days after the final date for filing objections  
16 under paragraph (i) of this subsection unless a different  
17 period is stipulated to by the parties. The director shall  
18 publish notice of the time, date and location of the informal  
19 conference in a newspaper of general circulation in the  
20 locality of the proposed operation at least two (2) weeks  
21 before the date of the informal conference;

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1           (iii) The director shall render a decision on the  
2 application within thirty (30) days after completion of the  
3 notice period required in subsection (j) of this section if  
4 no informal conference ~~or hearing~~ is requested. If ~~an~~the  
5 director holds an informal conference, ~~is held~~, all parties  
6 to the conference shall be furnished with a copy of the final  
7 written decision of the director issuing or denying the permit  
8 within sixty (60) days of the conference. The applicant or  
9 objector may appeal the director's written decision after an  
10 informal conference to the council. If a hearing is held,  
11 the council shall issue findings of fact and a decision on  
12 the application within sixty (60) days after the final  
13 hearing~~;~~. ~~The director shall issue or deny the permit no~~  
14 ~~later than fifteen (15) days from receipt of any findings of~~  
15 ~~fact and decision of the environmental quality council.~~

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17           (iv) Any person who does not object as provided  
18 under this subsection has no right of appeal.

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20           (q) The following objection procedure shall apply for  
21 any other mining permit application:

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1           (i) Any interested person has the right to file  
2 written objections to the administrator within thirty (30)  
3 days after the last publication of the notice required in  
4 subsection (j) of this section. The administrator shall  
5 within five (5) business days forward any objection to the  
6 applicant and shall make objections available to the public;

7  
8           (ii) The administrator shall review all objections  
9 and shall forward a report and recommendations on the  
10 objections to the director. The director shall issue to the  
11 applicant and to any objector a final written decision issuing  
12 or denying the permit within thirty (30) days after the  
13 deadline to file objections provided in paragraph (i) of this  
14 subsection;

15  
16           (iii) The applicant or objector may appeal the  
17 director's written decision to the council. If a hearing is  
18 held, the council shall issue findings of fact and a decision  
19 on the application within sixty (60) days after the final  
20 hearing;

21  
22           (iv) A person who does not object as provided  
23 under this subsection has no right of appeal.

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2           **35-11-431. Research and development license; renewal;**  
3 **application.**

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5           (a) A special license to conduct research and  
6 development testing may be issued by the administrator for a  
7 one (1) year period without a permit and may be renewed  
8 annually. An application for a research and development  
9 testing license shall be accompanied by a fee of twenty-five  
10 dollars (\$25.00) and shall include:

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12                   (vi) All requirements of W.S. 35-11-406(j) and ~~(k)~~  
13 35-11-406(p) or (q); and

14

15           **Section 2.** W.S. 35-11-406(k) and (m)(x) is repealed.

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17           **Section 3.** The department of environmental quality and  
18 environmental quality council shall promulgate any rules  
19 necessary to implement the provisions of this act.

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21           **Section 4.**

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1           (a) Except as provided in subsection (b) of this section,  
2 this act is effective July 1, 2020.

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4           (b) Sections 3 and 4 of this act are effective  
5 immediately upon completion of all acts necessary for a bill  
6 to become law as provided by Article 4, Section 8 of the  
7 Wyoming Constitution.

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(END)