

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.

6

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

8

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:

11

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:

3

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;

22

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

19
20 (iv) Notwithstanding W.S. 35-11-1001, only the
21 applicant or an objector who participated in a hearing before
22 the council may obtain judicial review of the council's
23 decision.

1

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

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

11

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

19

20 (iii) The applicant or objector may appeal the
21 director's written decision to the council. If a hearing is
22 held, the council shall issue findings of fact and a decision

1 on the application within sixty (60) days after the final
2 hearing;

3

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

6

7 **35-11-431. Research and development license; renewal;**
8 **application.**

9

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

16

17 (vi) All requirements of W.S. 35-11-406(j) and ~~(k)~~
18 35-11-406(p) or (q); and

19

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

21

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

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5 **Section 4.** This act is effective immediately upon
6 completion of all acts necessary for a bill to become law as
7 provided by Article 4, Section 8 of the Wyoming Constitution.

8

9

(END)