

HOUSE BILL 80, 1978

AN ACT to create W.S. 35-11-425; and to amend W.S. 35-11-103(e)(xi) and by creating new paragraphs (xviii), (xix) and (xx), 35-11-402(a) by creating a new paragraph (x) and renumbering subsequent paragraphs accordingly, 35-11-404 by creating a new subsection (j) and renumbering subsequent subsections accordingly and amending former subsection (m) and renumbering as (n), 35-11-405, 35-11-406(a) by creating a new paragraph (xiii) and renumbering subsequent paragraphs accordingly, (b) introductory paragraph, (xi), (xii) introductory paragraph, by creating new paragraphs (xvii) and (xviii) and renumbering subsequent paragraphs accordingly, (c), (d), (h) introductory paragraph and by creating new paragraphs (xii), (xiii) and (xiv) and by renumbering subsequent paragraphs accordingly, 35-11-409(b) and by creating a new subsection (c), 35-11-415(b) introductory paragraph and by creating new paragraphs (x) and (xi), 35-11-417 by creating a new subsection (d) and renumbering subsequent subsections accordingly, 35-11-423 by creating a new subsection (d) relating to land quality and the Industrial Development and Siting Act; providing for designation of areas unsuitable for surface coal mining; providing for additional definitions relative to coal mining; providing statutes that will permit the state of Wyoming to enforce the Federal Surface Mining Control and Reclamation Act, P.L. 95-87; and providing for an effective date.

HOUSE BILL 80, 1978

Introduced by

Joe Stewart

DATE	ACTION	DATE	ACTION
FEB 22 1978	motion to introduce		ENGROSSED
	PASSED	Mar. 2	Sent to Senate
	READ FIRST TIME	Mar. 3	Received from House
	REFERRED TO COM. NO. 9		Read first time
	DELIVERED TO COM. NO. 9		Referred to Com. No. 9
FEB 27 1978	RETURNED		Delivered to Com. No. 9
	Recommended Amended and Do Pass Unanimously	Mar. 4	STANDING COMMITTEE REPORT
	PLACED ON GENERAL FILE		DO PASS
FEB 28 1978	CONSIDERED IN COM. OF WHOLE	Mar. 4	CONSIDERED ON COM. OF WHOLE
	Amended for Com. Amendment HB 80SW1/A		AMENDED AS FOLLOWS HB 80SW1-A
	ADOPTED		AND FURTHER AMENDED HB 80SW2-A
	Com. of Whole Amendment HB 80SW1/A		AND FURTHER AMENDED HB 80SW3-A
	ADOPTED		AND FURTHER AMENDED HB 80SW4-A
	RECOMMENDED DO PASS		DO PASS
MAR 1 1978	READ SECOND TIME	Mar. 6	READ SECOND TIME
MAR 2 1978	Read Third Time		READ THIRD TIME under suspension of rules
	Amended as follows HB 80H31/A		AMENDED AS FOLLOWS HB 80H31-A
	ADOPTED		PASSED
	Amended as follows HB 80H32/A		AYES 4 NOES 4 EXCUSED 0 ABSENT 0
	ADOPTED		SENT TO HOUSE
	Amended as follows HB 80H33/A	MAR 6 1978	Received Amended
Mar. 2	RECEIVED FROM HOUSE		House did concur on Senate Amendments
	SENT TO HOUSE		Amended as follows HB 80H33/A
	RECEIVED FROM LSO ENGROSSED		

Rules suspended Date 3-6-71

Roll Call of the Senate of the FORTY-FOURTH LEGISLATURE of Wyoming

	Excused	Absent	Ayes	Noes
31 ARNEY			✓	
30 BOYLE			✓	
29 CHRISTENSEN			✓	
28 CUNDALL			✓	
27 DAILY			✓	
26 FRISBY			✓	
25 GEIS			✓	
24 HITCHCOCK			✓	
23 JOHNSON			✓	
22 KIMBALL			✓	
21 MADSEN			✓	
20 MAJHANOVICH			✓	
19 McDANIEL			✓	
18 MOORE			✓	
17 MURRAY			✓	
16 NICHOLS			✓	
15 NORRIS			✓	
14 NORTHRUP			✓	
13 NOVOTNY			✓	
12 OSTLUND			✓	
11 PECK			✓	
10 PROFFIT			✓	
9 RECTOR			✓	
8 SADLER			✓	
7 SEDAR			✓	
6 STAFFORD			✓	
5 TAGGART		✓		
4 TRUE			✓	
3 TURNER			✓	
2 ZIMMER			✓	
1 MR. PRESIDENT			✓	

PRESENT

AYES

29

NOES

0

EXCUSED

0

ABSENT

1

TOTAL

30

H. B. 2
 53
 55 A
 57
 76 A
 80
 82

Roll Call of the Senate
of the FORTY-FOURTH LEGISLATURE
of Wyoming

	Excused	Absent	Ayes	Noes
31 ARNEY			✓	
30 BOYLE			✓	
29 CHRISTENSEN			✓	
28 CUNDALL				✓
27 DAILY			✓	✓
26 FRISBY			✓	
25 GEIS				✓
24 HITCHCOCK			✓	
23 JOHNSON			✓	
22 KIMBALL			✓	
21 MADSEN			✓	
20 MAJHANOVICH			✓	
19 McDANIEL			✓	
18 MOORE				✓
17 MURRAY			✓	
16 NICHOLS			✓	
15 NORRIS			✓	
14 NORTHROP				
13 NOVOTNY			✓	
12 OSTLUND			✓	
11 PECK			✓	
10 PROFFIT			✓	
9 RECTOR			✓	
8 SADLER			✓	
7 SEDAR			✓	
6 STAFFORD			✓	✓
5 TAGGART			✓	
4 TRUE			✓	
3 TURNER			✓	
2 ZIMMER			✓	
1 MR. PRESIDENT			✓	

PRESENT _____ AYES 26
NOES 4
EXCUSED 0
ABSENT 0
TOTAL 30

HB 80Concurrence in Senate Date March 6, 1978Amendments
Roll Call of the House**of the FORTY-FOURTH LEGISLATURE
of Wyoming**

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 BAUMAN	✓				28 McMILLAN	✓			
62 BRYANT	✓				27 MEENAN	✓			
61 BUCK	✓				26 ██████ <u>Dusi</u>	✓			
60 BURNETT	✓				25 MICHELI	✓			
59 BUSSART	✓				24 MORTON	✓			
58 CHAMBERLAIN	✓				23 O'NEIL	✓			
57 CLAPP	✓				22 ORRISON	✓			
56 COPENHAVER	✓				21 OSLUND	✓			
55 CRANFILL	✓				20 PARKS	✓			
54 CREWS	✓				19 PERRY	✓			
53 CROSS	✓				18 PHELAN	✓			
52 CROWLEY	✓				17 PROSSER	✓			
51 CURRY	✓				16 ROTH	✓			
50 DONLEY	✓				15 SALISBURY	✓			
49 DOWNING	✓				14 SANDERS	✓			
48 EDWARDS	✓				13 SCOTT	✓			
47 ENGEN	✓				12 SIDI	✓			
46 ESKENS	✓				11 ██████ <u>Winninger</u>	✓			
45 ██████ <u>R. Larson</u>	✓				10 SMITH				
44 A. LEFTY GRAHAM	✓				9 STAUFFER	✓			
43 J. L. GRAHAM	✓				8 STEWART	✓			
42 GROPP	✓				7 ██████ <u>Arnold</u>	✓			
41 GUFFEY	✓				6 TARTER	✓			
40 HANSEN	✓				5 TRUJILLO	✓			
39 HEMMERT	✓				4 URBIGKIT	✓			
38 HOLLAND	✓				3 VINICH	✓			
37 HUNTER	✓				2 WILKINS	✓			
36 HURSH	✓				1 MR. SPEAKER	✓			
35 JENNINGS	✓	✓			PRESENT _____ AYES <u>59</u> NOES <u>3</u> EXCUSED _____ ABSENT _____ TOTAL <u>62</u> LESS _____				
34 JENSEN	✓								
33 JONES	✓								
32 KINNAMAN	✓								
31 LARSON	✓								
30 McCARTHY	✓								
29 McILVAIN	✓								

Roll Call of the House of the FORTY-FOURTH LEGISLATURE of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 BAUMAN	✓				28 McMILLAN	✓			
62 BRYANT	✓	✓			27 MEENAN	✓			
61 BUCK	✓				26 ██████ <i>Dush</i>	✓			
60 BURNETT	✓				25 MICHELI	✓			
59 BUSSART	✓				24 MORTON	✓			
58 CHAMBERLAIN	✓				23 O'NEIL	✓			
57 CLAPP	✓	✓			22 ORRISON	✓			
56 COPENHAVER	✓				21 OSLUND	✓			
55 CRANFILL	✓	✓			20 PARKS	✓			
54 CREWS	✓	✓			19 PERRY	✓			
53 CROSS	✓				18 PHELAN	✓			
52 CROWLEY	✓				17 PROSSER	✓			
51 CURRY	✓				16 ROTH	✓			
50 DONLEY	✓				15 SALISBURY	✓			
49 DOWNING	✓				14 SANDERS	✓			
48 EDWARDS	✓	✓			13 SCOTT	✓			
47 ENGEN	✓				12 SIDI	✓			
46 ESKENS	✓				11 ██████ <i>Winninger</i>	✓			
45 ██████ <i>R. Larson</i>	✓				10 SMITH	✓			
44 A. LEFTY GRAHAM	✓				9 STAUFFER	✓			
43 J. L. GRAHAM	✓				8 STEWART	✓			
42 GROPP	✓	✓			7 ██████ <i>Arnold</i>	✓	✓		
41 GUFFEY	✓	✓			6 TARTER	✓			
40 HANSEN	✓	✓			5 TRUJILLO	✓	✓		
39 HEMMERT	✓				4 URBIGKIT	✓			
38 HOLLAND	✓	✓			3 VINICH	✓	✓		
37 HUNTER	✓				2 WILKINS	✓			
36 HURSH	✓				1 MR. SPEAKER	✓			
35 JENNINGS	✓				<div>PRESENT _____</div> <div>AYES <u>46</u></div> <div>NOES <u>16</u></div> <div>EXCUSED _____</div> <div>ABSENT _____</div> <div>TOTAL <u>62</u></div> <div>LESS <u>16</u></div> <div><u>46</u></div>				
34 JENSEN	✓	✓							
33 JONES	✓								
32 KINNAMAN	✓	✓							
31 LARSON	✓	✓							
30 McCARTHY	✓	✓							
29 McILVAIN	✓								

H.C.

Production

Date Feb. 22, 1978

Roll Call of the House
of the FORTY-FOURTH LEGISLATURE
of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 BAUMAN	✓				28 McMILLAN	✓			
62 BRYANT	✓				27 MEENAN	✓			
61 BUCK	✓				26 MEIER <i>Dial</i>	✓			
60 BURNETT	✓				25 MICHELI	✓			
59 BUSSART				✓	24 MORTON	✓			
58 CHAMBERLAIN	✓				23 O'NEIL	✓			
57 CLAPP	✓				22 ORRISON	✓			
56 COPENHAVER	✓				21 OSLUND				✓
55 CRANFILL	✓				20 PARKS	✓			
54 CREWS	✓				19 PERRY	✓			
53 CROSS	✓				18 PHELAN	✓			
52 CROWLEY	✓				17 PROSSER	✓			
51 CURRY	✓				16 ROTH	✓			
50 DONLEY	✓				15 SALISBURY <i>Ex</i>			✓	
49 DOWNING	✓				14 SANDERS	✓			
48 EDWARDS	✓				13 SCOTT	✓			
47 ENGEN	✓				12 SIDI	✓			
46 ESKENS	✓				11 SIMPSON <i>Winninger</i>	✓			
45 FLEISCHL <i>R.Larson</i>	✓				10 SMITH				
44 A. LEFTY GRAHAM	✓				9 STAUFFER	✓			
43 J. L. GRAHAM	✓				8 STEWART	✓			
42 GROPP	✓				7 STICKLEY <i>Arnold</i>	✓			
41 GUFFEY	✓				6 TARTER	✓			
40 HANSEN	✓				5 TRUJILLO <i>Ex</i>			✓	
39 HEMMERT	✓				4 URBIGKIT	✓	✓		
38 HOLLAND	✓				3 VINICH	✓			
37 HUNTER	✓				2 WILKINS	✓			
36 HURSH	✓				1 MR. SPEAKER	✓			
35 JENNINGS	✓				PRESENT _____				
34 JENSEN	✓								
33 JONES	✓								
32 KINNAMAN	✓								
31 LARSON	✓								
30 McCARTHY	✓								
29 McILVAIN	✓								
						AYES <u>57</u>			
						NOES <u>1</u>			
						EXCUSED <u>2</u>			
						ABSENT <u>2</u>			
						TOTAL <u>62</u>			
						LESS <u>5</u>			

1978

STATE OF WYOMING

78LS0-166/eng

HOUSE BILL NO. 80

Environmental Quality Act Amendments.

Sponsored by: Representatives MORTON and STEWART

A BILL

for

1 AN ACT to create W.S. 35-11-425; and to amend W.S.
2 35-11-103(e)(xi) and by creating new paragraphs (xviii),
3 (xix) and (xx), 35-11-402(a) by creating a new paragraph
4 (x) and renumbering subsequent paragraphs accordingly,
5 35-11-404 by creating a new subsection (j) and renumbering
6 subsequent subsections accordingly and amending former
7 subsection (m) and renumbering as (n), 35-11-405,
8 35-11-406(a) by creating a new paragraph (xiii) and renum-
9 bering subsequent paragraphs accordingly, (b) introductory
10 paragraph, (xi), (xii) introductory paragraph, by creating
11 new paragraphs (xvii) and (xviii) and renumbering subse-
12 quent paragraphs accordingly, (c), (d), (h) introductory
13 paragraph and by creating new paragraphs (xii), (xiii) and
14 (xiv) and by renumbering subsequent paragraphs accord-
15 ingly, 35-11-409(b) and by creating a new subsection (c),
16 35-11-415(b) introductory paragraph and by creating new
17 paragraphs (x) and (xi), 35-11-417 by creating a new sub-
18 section (d) and renumbering subsequent subsections accord-

1 ingly, 35-11-423 by creating a new subsection (d),
2 35-12-102(a)(iii)(B) and by creating new paragraphs
3 (a)(xiii) and (xiv) and 35-12-121(e) relating to land
4 quality and the Industrial Development and Siting Act;
5 providing for designation of areas unsuitable for surface
6 coal mining; providing for additional definitions relative
7 to coal mining; providing statutes that will permit the
8 state of Wyoming to enforce the Federal Surface Mining
9 Control and Reclamation Act, P.L. 95-87; defining "esti-
10 mated construction cost" for the purpose of determining
11 facilities to be included within the act; excluding mines;
12 providing for severability; and providing for an effective
13 date.

14 Be It Enacted by the Legislature of the State of Wyoming:

15 Section 1. W.S. 35-11-425 is created to read:

16 35-11-425. Designation of areas unsuitable for sur-
17 face coal mining.

18 (a) Any person having an interest which is or may be
19 adversely affected may petition the council to have an
20 area designated as unsuitable for surface coal mining
21 operations, or to have a designation terminated. The
22 petition shall contain allegations of facts with support-
23 ing evidence which would tend to establish the allegations.

1 Within ten (10) months after receipt of the petition the
2 council shall hold a public hearing in the locality of the
3 affected area, after appropriate notice and publication of
4 the date, time and location of the hearing. After having
5 filed a petition and before the hearing, any person may
6 intervene by filing allegations of facts with supporting
7 evidence which would tend to establish the allegations.
8 Within sixty (60) days after the hearing, the council
9 shall issue and furnish to the petitioner and any other
10 party to the hearing, a written decision with reasons
11 regarding the petition. The hearing need not be held if
12 all petitioners reach agreement prior to the requested
13 hearing and withdraw their request.

14 (b) If petitioned, the council will review the par-
15 ticular area and:

16 (i) Shall designate it as an area unsuitable
17 for all or certain types of surface coal mining operations
18 if it is determined that reclamation pursuant to the
19 requirements of this act is not technologically and
20 economically feasible; and

21 (ii) May designate it as an area unsuitable
22 for surface coal mining if the proposed coal mining oper-
23 ations will:

1 (A) Be incompatible with existing state
2 or local land use plans or programs; or

3 (B) Affect fragile or historic lands in
4 which these operations could result in significant damage
5 to important historic, cultural, scientific and esthetic
6 values and natural systems; or

7 (C) Affect renewable resource lands in
8 which these operations could result in a substantial loss
9 or reduction of long-range productivity of water supply or
10 of food or fiber products, and these lands to include
11 aquifers and aquifer recharge areas; or

12 (D) Affect natural hazard lands in which
13 these operations could substantially endanger life and
14 property; these lands to include areas subject to frequent
15 flooding and areas of unstable geology.

16 (c) Prior to designating any land areas as unsuit-
17 able for surface coal mining operations, the administrator
18 shall prepare a detailed statement on:

19 (i) The potential coal resources of the area;

20 (ii) The demand for coal resources; and

21 (iii) The impact of this designation on the

1 environment, economy and supply of coal.

2 (d) The above process will include proper notice,
3 opportunities for public and agency participation includ-
4 ing land use planning bodies and a public hearing prior to
5 designation or redesignation, pursuant to this section.

6 (e) Any designation shall not prevent the mineral
7 exploration pursuant to this act of any area so design-
8 nated.

9 (f) The requirements of this section shall not apply
10 to lands on which surface coal mining operations are being
11 conducted on the date of enactment of this act or under a
12 permit issued pursuant to this act, or where substantial
13 legal and financial commitments in these operations were
14 in existence prior to January 4, 1977.

15 (g) This section shall not become effective until
16 approval of a state program pursuant to P.L. 95-87.

17 (h) This section shall operate independently of all
18 other sections of the act except as to the application of
19 the Wyoming Administrative Procedure Act.

20 Section 2. W.S. 35-11-103(e)(xi) and by creating new
21 paragraphs (xviii), (xix) and (xx), 35-11-402(a) by creat-
22 ing a new paragraph (x) and renumbering subsequent para-

graphs accordingly, 35-11-404 by creating a new subsection (j) and renumbering subsequent subsections accordingly and amending former subsection (m) and renumbering as (n), 35-11-405, 35-11-406(a) by creating a new paragraph (xiii) and renumbering subsequent paragraphs accordingly, (b) introductory paragraph, (xi), (xii) introductory paragraph, by creating new paragraphs (xvii) and (xviii) and renumbering subsequent paragraphs accordingly, (c), (d), (h) introductory paragraph and by creating new paragraphs (xii), (xiii) and (xiv) and by renumbering subsequent paragraphs accordingly, 35-11-409(b), by creating a new subsection (c), 35-11-415(b) introductory paragraph and by creating new paragraphs (x) and (xi), 35-11-417 by creating a new subsection (d) and renumbering subsequent subsections accordingly, 35-11-423 by creating a new subsection (d), 35-12-102(a)(iii)(B) and by creating new paragraphs (a)(xiii) and (xiv) and 35-12-121(e) are amended to read:

35-11-103. Definitions.

(e) Specific definitions for land quality:

(xi) "Mining permit" means certification by the director that the affected land described therein may be mined for minerals by a licensed operator in compliance

1 with an approved MINING PLAN AND reclamation plan. No
2 mining may be commenced or conducted on land for which
3 there is not in effect a valid mining permit. A mining
4 permit shall remain valid and in force from the date of
5 its issuance until the termination of all mining and
6 reclamation operations, except as otherwise provided in
7 this act;

8 (xviii) "ALLUVIAL VALLEY FLOORS" MEANS THE
9 UNCONSOLIDATED STREAM LAID DEPOSITS HOLDING STREAMS WHERE
10 WATER AVAILABILITY IS SUFFICIENT FOR SUBIRRIGATION OR
11 FLOOD IRRIGATION AGRICULTURAL ACTIVITIES BUT DOES NOT
12 INCLUDE UPLAND AREAS WHICH ARE GENERALLY overlain BY A
13 THIN VENEER OF COLLUVIAL DEPOSITS COMPOSED CHIEFLY OF
14 DEBRIS FROM SHEET EROSION, DEPOSITS BY UNCONCENTRATED
15 RUNOFF OR SLOPE WASH, TOGETHER WITH TALUS, OTHER MASS
16 MOVEMENT ACCUMULATION AND WINDBLOWN DEPOSITS;

17 (xix) "PRIME FARMLAND" MEANS THE SAME AS THAT
18 PREVIOUSLY PRESCRIBED BY THE UNITED STATES SECRETARY OF
19 AGRICULTURE ON THE BASIS OF SUCH FACTORS AS MOISTURE
20 AVAILABILITY, TEMPERATURE REGIME, CHEMICAL BALANCE,
21 PERMEABILITY, SURFACE LAYER COMPOSITION, SUSCEPTIBILITY TO
22 FLOODING AND EROSION CHARACTERISTICS, AND WHICH HISTORI-
23 CALLY HAVE BEEN USED FOR INTENSIVE AGRICULTURAL PURPOSES,
24 AND AS PUBLISHED IN THE FEDERAL REGISTER; AND

1 ~~(xx)~~ "SURFACE COAL MINING OPERATION" MEANS:

2 (A) ACTIVITIES CONDUCTED ON THE SURFACE
3 OF LANDS IN CONNECTION WITH A SURFACE COAL MINE OR WITH
4 THE SURFACE IMPACTS INCIDENT TO AN UNDERGROUND COAL MINE
5 AS PROVIDED IN SECTION 516 OF P.L. 95-87. THESE ACTIVI-
6 TIES INCLUDE EXCAVATION FOR THE PURPOSE OF OBTAINING COAL
7 INCLUDING COMMON METHODS AS CONTOUR, STRIP, AUGER,
8 MOUNTAINTOP REMOVAL, BOX CUT, OPEN PIT AND AREA MINING,
9 THE USE OF EXPLOSIVES AND BLASTING, AND IN SITU DISTIL-
10 LATION OR RETORTING, LEACHING OR OTHER CHEMICAL OR PHYSI-
11 CAL PROCESSING, AND THE CLEANING, CONCENTRATING OR OTHER
12 PROCESSING OR PREPARATION, AND THE LOADING OF COAL; AND

13 (B) THE AREAS UPON WHICH THESE ACTIVI-
14 TIES OCCUR OR WHERE THESE ACTIVITIES DISTURB THE LAND SUR-
15 FACE. THESE AREAS SHALL ALSO INCLUDE ANY ADJACENT LAND
16 THE USE OF WHICH IS INCIDENTAL TO ANY OF THESE ACTIVITIES,
17 ALL LANDS AFFECTED BY THE CONSTRUCTION OF NEW ROADS OR THE
18 IMPROVEMENT OR USE OF EXISTING ROADS TO GAIN ACCESS TO THE
19 SITE OF THESE ACTIVITIES AND FOR HAULAGE, AND EXCAVATIONS,
20 WORKINGS, IMPOUNDMENTS, DAMS, VENTILATION SHAFTS, ENTRY
21 WAYS, REFUSE BANKS, DUMPS, STOCKPILES, OVERBURDEN PILES,
22 SPOIL BANKS, CULM BANKS, TAILINGS, HOLES OR DEPRESSIONS,
23 REPAIR AREAS, STORAGE AREAS, PROCESSING AREAS, SHIPPING

1 AREAS AND OTHER AREAS UPON WHICH ARE SITED STRUCTURES,
2 FACILITIES OR OTHER PROPERTY OR MATERIALS ON THE SURFACE,
3 RESULTING FROM OR INCIDENT TO THESE ACTIVITIES.

4 35-11-402. Establishment of standards.

5 (a) The council shall, upon recommendation by the
6 advisory board, establish rules and regulations pursuant
7 to the following reclamation standards for the affected
8 areas, including but not limited to:

9 (x) RULES AND REGULATIONS FOR THE CRITERIA FOR
10 REVIEW AND INFORMATION AND PUBLIC NOTICE REQUIREMENTS FOR
11 PERMIT REVISIONS;

12 35-11-404. Drill holes to be capped, sealed or
13 plugged.

14 (j) BEFORE DRILLING ON LANDS WITHIN THE STATE OF
15 WYOMING, ANY PERSON CONDUCTING COAL EXPLORATION OPERATIONS
16 SHALL GIVE NOTICE TO THE ADMINISTRATOR ALONG WITH A LEGAL
17 DESCRIPTION OF THE AREA AND THE NUMBER OF HOLES TO BE
18 DRILLED. THIS EXCLUDES DRILLING WITHIN AN EXISTING PERMIT
19 AREA APPROVED PRIOR TO AUGUST 3, 1977.

20 ~~(m)~~(n) All actions pursuant to subsections ~~(j)~~(k) or
21 ~~(k)~~(m) of this section, must be initiated by the state of
22 Wyoming within three (3) years of the date of the report

1 required by subsection (d) of this section.

2 35-11-405. Permit defined; no mining operation with-
3 out valid permit; when validity terminated.

4 (a) A mining permit is the certification that the
5 tract of land described therein may be mined by an oper-
6 ator licensed to do so in conformance with an approved
7 MINING PLAN AND reclamation plan. No mining operation may
8 be commenced or conducted on land for which there is not
9 in effect a valid mining permit to which the operator pos-
10 sesses the rights.

11 (b) A mining permit once granted remains valid and
12 in force from the date of its issuance until the termina-
13 tion of all mining and reclamation operations, except as
14 otherwise provided in this act.

15 (c) ALL SURFACE COAL MINING PERMITS ISSUED SUBSE-
16 QUENT TO APPROVAL OF THE STATE PROGRAM PURSUANT TO P.L.
17 95-87 SHALL BE ISSUED FOR A TERM OF FIVE (5) YEARS. IF
18 THE APPLICANT DEMONSTRATES THAT A SPECIFIED LONGER TERM IS
19 REASONABLY NEEDED TO ALLOW THE APPLICANT TO OBTAIN NECES-
20 SARY FINANCING FOR EQUIPMENT AND THE OPENING OF THE OPER-
21 ATION AND IF THE APPLICATION IS COMPLETE FOR THIS SPECI-
22 FIED LONGER TERM THE ADMINISTRATOR MAY GRANT A PERMIT FOR
23 A LONGER TERM.

1 (d) A SURFACE COAL MINING PERMIT SHALL TERMINATE IF
2 THE PERMITTEE HAS NOT COMMENCED THE SURFACE COAL MINING
3 OPERATIONS COVERED BY THE PERMIT WITHIN THREE (3) YEARS OF
4 THE ISSUANCE OF THE PERMIT, EXCEPT AS PROVIDED IN P.L.
5 95-87.

6 (e) ANY VALID SURFACE COAL MINING PERMIT ISSUED PUR-
7 SUANT TO THIS ACT IS ENTITLED TO A RIGHT OF SUCCESSIVE
8 RENEWAL UPON EXPIRATION WITH RESPECT TO AREAS WITHIN THE
9 BOUNDARIES OF THE EXISTING PERMIT IF PUBLIC NOTICE HAS
10 BEEN GIVEN AND THE PERMIT IS IN COMPLIANCE WITH APPLICABLE
11 LAWS AND REGULATIONS.

12 (f) IF AN APPLICATION FOR RENEWAL OF A VALID SURFACE
13 COAL MINING PERMIT INCLUDES A PROPOSAL TO EXTEND THE
14 MINING OPERATION BEYOND THE BOUNDARIES AUTHORIZED IN THE
15 EXISTING PERMIT, THE PORTION OF THE APPLICATION FOR
16 RENEWAL WHICH ADDRESSES ANY NEW LAND AREAS SHALL BE
17 SUBJECT TO THE STANDARDS APPLICABLE TO NEW APPLICATIONS
18 UNDER THIS ACT. HOWEVER, AREAS PREVIOUSLY IDENTIFIED IN
19 THE MINING PLAN AND RECLAMATION PLAN OF THOSE SURFACE COAL
20 MINING OPERATIONS NOT SUBJECT TO THE STANDARDS IN W.S.
21 35-11-406(h)(xiii) WILL NOT BE SUBJECT TO THOSE STANDARDS
22 IN THE RENEWAL APPLICATION.

23 (g) AN APPLICATION FOR RENEWAL OF A VALID SURFACE

1 COAL MINING PERMIT SHALL BE MADE AT LEAST ONE HUNDRED
2 TWENTY (120) DAYS PRIOR TO EXPIRATION OF A VALID COAL
3 PERMIT.

4 35-11-406. Application for permit; generally;
5 denial; limitations.

6 (a) Applications for a mining permit shall be made
7 in writing to the administrator and shall contain:

8 (xiii) A CERTIFICATE ISSUED BY AN INSURANCE
9 COMPANY AUTHORIZED TO DO BUSINESS IN THE UNITED STATES
10 CERTIFYING THAT THE APPLICANT HAS A PUBLIC LIABILITY
11 INSURANCE POLICY IN FORCE FOR THE SURFACE MINING AND
12 RECLAMATION OPERATIONS FOR WHICH THIS PERMIT IS SOUGHT, OR
13 EVIDENCE THAT THE APPLICANT HAS SATISFIED OTHER STATE OR
14 FEDERAL SELF-INSURANCE REQUIREMENTS. THIS POLICY SHALL
15 PROVIDE FOR PERSONAL INJURY AND PROPERTY DAMAGE PROTECTION
16 IN AN AMOUNT ADEQUATE TO COMPENSATE ANY PERSONS DAMAGED AS
17 A RESULT OF SURFACE COAL MINING AND RECLAMATION OPERATIONS
18 INCLUDING USE OF EXPLOSIVES AND ENTITLED TO COMPENSATION
19 UNDER THE APPLICABLE PROVISIONS OF STATE LAW. THIS POLICY
20 SHALL BE MAINTAINED IN FULL FORCE AND EFFECT DURING THE
21 TERMS OF THE PERMIT OR ANY RENEWAL, INCLUDING THE LENGTH
22 OF ALL RECLAMATION OPERATIONS.

23 (b) The application shall ~~be accompanied by~~ INCLUDE

1 a MINING PLAN AND reclamation plan dealing with the extent
2 to which the mining operation will disturb, change, or
3 deface the lands to be affected, the proposed future use
4 or-uses and the plan whereby the operator will reclaim the
5 affected lands to the proposed future use, or--uses. The
6 MINING PLAN AND reclamation plan shall be consistent with
7 the objectives and-purposes of this act and of the rules
8 and regulations promulgated, hereunder. The MINING PLAN
9 AND reclamation plan shall include the following:

10 (xi) For an application filed after March 1,
11 1975, an instrument of consent from the resident or agri-
12 cultural landowner, if different from the owner of the
13 mineral estate, granting the applicant permission to enter
14 and commence surface mining operation, and also written
15 approval of the applicant's mining PLAN and reclamation
16 plan. As used in this paragraph "resident or agricultural
17 landowner" means a natural person or persons who, or a
18 corporation of which the majority stockholder or stock-
19 holders;

20 (xii) For any application filed after March 1,
21 1975, including any lands privately owned but not covered
22 by the provisions of subdivision (b)(xi) of this section
23 an instrument of consent from the surface landowner, if
24 different from the owner of the mineral estate, to the

1 mining PLAN and reclamation plan. If consent cannot be
2 obtained as to the mining plan or reclamation plan or
3 both, the applicant may request a hearing before the envi-
4 ronmental quality council. The council shall issue an
5 order in lieu of consent if it finds:

6 (xvii) A BLASTING PLAN WHICH SHALL OUTLINE THE
7 PROCEDURES AND STANDARDS BY WHICH THE OPERATOR OF A SUR-
8 FACE COAL MINE WILL MEET THE PROVISIONS OF W.S.
9 35-11-415(b)(xi);

10 (xviii) FOR SURFACE COAL MINING OPERATIONS, A
11 PLAN TO MINIMIZE THE DISTURBANCES TO THE PREVAILING
12 HYDROLOGIC BALANCE AT THE MINESITE AND IN ASSOCIATED
13 OFFSITE AREAS AND TO THE QUALITY AND QUANTITY OF WATER IN
14 SURFACE AND GROUND WATER SYSTEMS BOTH DURING AND AFTER
15 MINING OPERATIONS AND DURING RECLAMATION. THIS PARAGRAPH
16 DOES NOT ALTER THE AUTHORITY GRANTED UNDER ANY OTHER
17 SECTION OF THIS ACT WITH RESPECT TO REQUIREMENTS FOR MAIN-
18 TAINING THE HYDROLOGIC BALANCE IN THE MINESITE, OR ASSO-
19 CIATED OFFSITE AREAS, OF OTHER MINING OPERATIONS;

20 (c) The applicant may have the local conservation
21 district assist in preparation of, provide data for, per-
22 form research, review and comment upon the reclamation.
23 FOR THOSE LANDS IN A SURFACE COAL MINING PERMIT APPLICA-

1 TION WHICH A RECONNAISSANCE INSPECTION SUGGESTS MAY BE
2 PRIME FARM LANDS, A SOIL SURVEY SHALL BE MADE OR OBTAINED
3 ACCORDING TO STANDARDS ESTABLISHED BY THE UNITED STATES
4 SECRETARY OF AGRICULTURE IN ORDER TO CONFIRM THE EXACT
5 LOCATION OF THESE PRIME FARM LANDS, IF ANY. IF THE UNITED
6 STATES SECRETARY OF AGRICULTURE OR HIS REPRESENTATIVE HAS
7 DETERMINED THAT THE STATE, AREA OR EXACT LOCATION WITHIN
8 THE PERMIT AREA DOES NOT CONTAIN PRIME FARM LANDS THIS
9 SUBPARAGRAPH IS INAPPLICABLE.

10 (d) The applicant shall file a copy of his ~~recla-~~
11 ~~mation--plan~~ APPLICATION for public inspection at the
12 office of the administrator and in the offices of the
13 county clerks of the counties in which the proposed permit
14 area is located. Those parts of the ~~reclamation-plan~~
15 APPLICATION which contain confidential trade secrets whose
16 disclosure would be harmful to the applicant ~~shall-be~~ ARE
17 exempt from ~~such~~ THESE filings.

18 (h) The requested permit shall be granted if ~~it-is~~
19 ~~established~~ THE APPLICANT DEMONSTRATES that the applica-
20 tion complies with the requirements of this act and all
21 applicable federal and state laws. The director shall not
22 deny a permit except for one (1) or more of the following
23 reasons:

24 (xii) THE AREA IS PROPOSED TO BE MINED AS A

1 SURFACE COAL MINING OPERATION AND IS INCLUDED WITHIN AN
2 AREA DESIGNATED UNSUITABLE FOR SURFACE COAL MINING PUR-
3 SUANT TO W.S. 35-11-425, OR WITHIN AN AREA UNDER REVIEW
4 FOR THIS DESIGNATION UNDER AN ADMINISTRATIVE PROCEEDING,
5 UNLESS IN SUCH AN AREA AN ADMINISTRATIVE PROCEEDING HAS
6 COMMENCED PURSUANT TO W.S. 35-11-425 OF THIS ACT, THE
7 OPERATOR MAKING THE PERMIT APPLICATION DEMONSTRATES THAT,
8 PRIOR TO JANUARY 1, 1977, HE HAS MADE SUBSTANTIAL LEGAL
9 AND FINANCIAL COMMITMENTS IN RELATION TO THE OPERATION FOR
10 WHICH HE IS APPLYING FOR A PERMIT;

11 (xiii) THE APPLICANT HAS NOT AFFIRMATIVELY
12 DEMONSTRATED THAT THE PROPOSED SURFACE COAL MINING OPER-
13 ATION WOULD:

14 (A) NOT INTERRUPT, DISCONTINUE OR PRE-
15 CLUDE FARMING ON ALLUVIAL VALLEY FLOORS THAT ARE IRRIGATED
16 OR NATURALLY SUBIRRIGATED, EXCLUDING UNDEVELOPED RANGE
17 LANDS WHICH ARE NOT SIGNIFICANT TO FARMING ON THOSE
18 ALLUVIAL VALLEY FLOORS AND THOSE LANDS WHERE A REGULATORY
19 AUTHORITY FINDS THAT FARMING IS OF SUCH SMALL ACREAGE AS
20 TO BE OF NEGLIGIBLE IMPACT ON THE FARM'S AGRICULTURAL PRO-
21 Duction; AND

22 (B) NOT MATERIALLY DAMAGE THE QUANTITY
23 OR QUALITY OF WATER IN SURFACE OR UNDERGROUND SYSTEMS THAT

1 SUPPLY ALLUVIAL VALLEY FLOORS. THIS PARAGRAPH SHALL NOT
2 AFFECT THOSE SURFACE COAL MINING OPERATIONS WHICH IN THE
3 YEAR PRECEDING AUGUST 3, 1977, (I) PRODUCED COAL IN
4 COMMERCIAL QUANTITIES AND WERE LOCATED WITHIN OR ADJACENT
5 TO ALLUVIAL VALLEY FLOORS, (II) OR HAD OBTAINED SPECIFIC
6 PERMIT APPROVAL BY THE ADMINISTRATOR TO CONDUCT SURFACE
7 COAL MINING OPERATIONS WITHIN THOSE ALLUVIAL VALLEY
8 FLOORS; AND PROVIDED FURTHER THAT IF COAL DEPOSITS ARE
9 PRECLUDED FROM BEING MINED BY THIS PARAGRAPH, THE ADMINIS-
10 TRATOR SHALL CERTIFY TO THE SECRETARY OF THE INTERIOR THAT
11 THE COAL OWNER OR LESSEE MAY BE ELIGIBLE FOR PARTICIPATION
12 IN A COAL EXCHANGE PROGRAM PURSUANT TO SECTION 510(b)(5)
13 of P.L. 95-87;

14 (xiv) THE APPLICANT HAS NOT AFFIRMATIVELY
15 DEMONSTRATED THAT THE PROPOSED SURFACE COAL MINING OPER-
16 ATION HAS BEEN DESIGNED TO PREVENT MATERIAL DAMAGE TO THE
17 HYDROLOGIC BALANCE OUTSIDE THE PERMIT AREA;

18 35-11-409. Permit revocation.

19 (b) Unless an emergency exists, AND EXCEPT AS OTHER-
20 WISE PROVIDED IN THIS ACT, the revocation of a permit
21 shall become effective upon thirty (30) days' notice to
22 the operator. In case of an emergency, a special meeting
23 of the council may cause such a revocation to become

1 effective immediately upon receipt of notice thereof by
2 the permit holder.

3 (c) WHEN AN INSPECTION CARRIED OUT PURSUANT TO THE
4 ENFORCEMENT OF THIS ACT REVEALS THAT A PATTERN OF VIOLA-
5 TIONS BY ANY SURFACE COAL MINE OPERATOR OF ANY REQUIRE-
6 MENTS OF THIS ACT OR ANY PERMIT CONDITIONS REQUIRED BY
7 THIS ACT HAS EXISTED, AND THAT THESE VIOLATIONS WERE
8 CAUSED BY THE UNWARRANTED FAILURE OF THE OPERATOR TO
9 COMPLY WITH THESE REQUIREMENTS OR PERMIT CONDITIONS, OR
10 THAT THESE VIOLATIONS ARE WILLFULLY CAUSED BY THE OPER-
11 ATOR, THE DIRECTOR SHALL ISSUE AN ORDER TO THE OPERATOR TO
12 SHOW CAUSE WHY THE PERMIT SHOULD NOT BE SUSPENDED OR
13 REVOKED. OPPORTUNITY FOR A PUBLIC HEARING BEFORE THE
14 COUNCIL SHALL BE PROVIDED. IF A HEARING IS REQUESTED THE
15 DIRECTOR SHALL INFORM ALL INTERESTED PARTIES OF THE TIME
16 AND PLACE OF THE HEARING. UPON FAILURE OF THE OPERATOR TO
17 SHOW CAUSE WHY THE PERMIT SHOULD NOT BE SUSPENDED OR
18 REVOKED, THE COUNCIL SHALL SUSPEND OR REVOKE THE PERMIT.

19 35-11-415. Duties of operator.

20 (b) The operator, pursuant to an approved surface
21 mining permit and MINING PLAN AND reclamation plan, OR ANY
22 APPROVED REVISIONS THERETO, shall:

23 (x) FOR SURFACE COAL MINING OPERATIONS, PRE-

1 SERVE THROUGHOUT THE MINING AND RECLAMATION PROCESS THE
2 ESSENTIAL HYDROLOGIC FUNCTIONS OF ALLUVIAL VALLEY FLOORS
3 IF THESE AREAS ARE CLASSIFIED WITHIN A PERMIT. THIS PARA-
4 GRAPH DOES NOT ALTER THE AUTHORITY GRANTED UNDER ANY OTHER
5 SECTION OF THIS ACT WITH RESPECT TO REQUIREMENTS FOR PRE-
6 SERVING THROUGHOUT THE MINING AND RECLAMATION PROCESS THE
7 ESSENTIAL HYDROLOGIC FUNCTIONS OF THE MINESITE, OR ASSOCI-
8 ATED OFFSITE AREAS, OF OTHER MINING OPERATIONS;

9 (xi) FOR SURFACE COAL MINING OPERATIONS,
10 INSURE THAT EXPLOSIVES ARE USED ONLY IN ACCORDANCE WITH
11 EXISTING STATE AND FEDERAL LAW AND THE RULES AND REGULA-
12 TIONS PROMULGATED BY THE COUNCIL, WHICH SHALL INCLUDE BUT
13 ARE NOT LIMITED TO PROVISIONS TO:

14 (A) PROVIDE ADEQUATE ADVANCE WRITTEN
15 NOTICE TO LOCAL GOVERNMENTS AND RESIDENTS WHO MIGHT BE
16 AFFECTED BY THE USE OF THESE EXPLOSIVES BY PUBLICATION OF
17 THE PLANNED BLASTING SCHEDULE IN A NEWSPAPER OF GENERAL
18 CIRCULATION IN THE LOCALITY AND BY MAILING A COPY OF THE
19 PROPOSED BLASTING SCHEDULE TO EVERY RESIDENT WITHIN ONE-
20 HALF (1/2) MILE OF THE PROPOSED BLASTING SITE AND BY PRO-
21 VIDING DAILY NOTICE TO THE RESIDENT OR OCCUPIERS IN THESE
22 AREAS PRIOR TO ANY BLASTING;

23 (B) MAINTAIN FOR A PERIOD OF AT LEAST

1 THREE (3) YEARS AND MAKE AVAILABLE FOR PUBLIC INSPECTION
2 UPON REQUEST A LOG DETAILING THE LOCATION OF THE BLASTS,
3 THE PATTERN AND DEPTH OF THE DRILL HOLES, THE AMOUNT OF
4 EXPLOSIVES USED PER HOLE, AND THE ORDER AND LENGTH OF
5 DELAY IN THE BLAST;

6 (C) LIMIT THE TYPES OF EXPLOSIVES AND
7 DETONATING EQUIPMENT, THE SIZE, TIMING AND FREQUENCY OF
8 BLASTS BASED UPON THE PHYSICAL CONDITIONS OF THE SITE SO
9 AS TO PREVENT:

10 (I) INJURY TO PERSONS;

11 (II) DAMAGE TO PUBLIC AND PRIVATE
12 PROPERTY OUTSIDE THE PERMIT AREA;

13 (III) ADVERSE IMPACTS ON ANY
14 UNDERGROUND MINE;

15 (IV) A CHANGE IN THE COURSE, CHAN-
16 NEL OR AVAILABILITY OF GROUND OR SURFACE WATER OUTSIDE THE
17 PERMIT AREA.

18 (D) REQUIRE THAT ALL BLASTING OPERATIONS
19 BE CONDUCTED BY TRAINED AND COMPETENT PERSONS AS CERTIFIED
20 BY THE ADMINISTRATOR;

21 (E) PROVIDE THAT UPON THE REQUEST OF A

1 RESIDENT OR OWNER OF A MAN-MADE DWELLING OR STRUCTURE
2 WITHIN ONE-HALF (1/2) MILE OF ANY PORTION OF THE PERMITTED
3 AREA THE APPLICANT OR PERMITTER SHALL CONDUCT A
4 PREBLASTING SURVEY OF THESE STRUCTURES AND SUBMIT THE
5 SURVEY TO THE ADMINISTRATOR AND A COPY TO THE RESIDENT OR
6 OWNER MAKING THE REQUEST. THE AREA OF THE SURVEY SHALL BE
7 DECIDED BY THE ADMINISTRATOR AND SHALL INCLUDE PROVISIONS
8 AS THE UNITED STATES SECRETARY OF THE INTERIOR SHALL
9 PROMULGATE.

10 35-11-417. Bonding provisions.

11 (d) THE COUNCIL MAY PROMULGATE RULES AND REGULATIONS
12 FOR A SELF-BONDING PROGRAM FOR SURFACE COAL MINING OPER-
13 ATIONS UNDER WHICH THE ADMINISTRATOR MAY ACCEPT THE BOND
14 OF THE OPERATOR ITSELF WITHOUT SEPARATE SURETY WHEN THE
15 OPERATOR DEMONSTRATES TO THE SATISFACTION OF THE ADMINIS-
16 TRATOR THE EXISTENCE OF A SUITABLE AGENT TO RECEIVE
17 SERVICE OF PROCESS AND A HISTORY OF FINANCIAL SOLVENCY AND
18 CONTINUOUS OPERATION SUFFICIENT FOR AUTHORIZATION TO
19 SELF-INSURE OR BOND THIS AMOUNT. THIS SUBSECTION SHALL
20 NOT BECOME OPERATIVE UNTIL THE COUNCIL HAS PROMULGATED
21 RULES AND REGULATIONS FOR THE SELF-BONDING PROGRAM WHICH
22 REQUIRE THAT THE PROTECTION PROVIDED BY SELF-BONDING SHALL
23 BE CONSISTENT WITH THE OBJECTIVES AND PURPOSES OF THIS
24 ACT.

1 35-11-423. Release of bonds.

2 (d) THE COUNCIL SHALL PROMULGATE RULES AND REGULA-
3 TIONS GOVERNING THE RELEASE OF BONDS FOR SURFACE COAL
4 MINING OPERATIONS IN COMPLIANCE WITH P.L. 95-87.

5 35-12-102. Definitions.

6 (a) As used in this act:

7 (iii) "Industrial facility" or "facility"
8 means:

9 (B) Any industrial facility, NOT INCLUD-
10 ING FACILITIES DESCRIBED UNDER SUBPARAGRAPH (A) OF THIS
11 PARAGRAPH, with an estimated construction cost of AT least
12 fifty million dollars (\$50,000,000.00). The council shall
13 adjust this amount, up or down, each year using recognized
14 construction cost indices as determined by the council to
15 be relevant to the actual change in construction cost
16 applicable to the general type of construction covered
17 under this act.

18 (xiii) AS USED IN W.S. 35-12-102(a)(iii)(B),
19 "ESTIMATED CONSTRUCTION COST" MEANS THE SUM OF THE FOLLOW-
20 ING:

21 (A) THE COSTS ESTIMATED TO BE INCURRED

1 FOR CONSTRUCTION OF A FACILITY BETWEEN THE ANTICIPATED
2 COMMENCEMENT OF CONSTRUCTION AND THE DATE THE FACILITY IS
3 ANTICIPATED TO BE SUBSTANTIALLY OPERATIONAL LIMITED TO THE
4 FOLLOWING:

5 (II) COSTS OF MATERIALS AND SUP-
6 PLIES TO BE INCORPORATED OR USED, EXCLUDING COSTS OF
7 EQUIPMENT AND FURNISHINGS WHICH ARE NOT ATTACHED TO OR
8 PART OF THE REALTY;

9 (III) RENTAL OR DEPRECIATION ON
10 CONSTRUCTION EQUIPMENT, EXCLUDING COSTS OF ACQUISITION OR
11 USE OF MOBILE OPERATING EQUIPMENT;

12 (III) DIRECT LABOR AND MANAGEMENT
13 PERSONNEL COMPENSATION, INCLUDING EMPLOYEE BENEFITS AND
14 ALLOWANCES;

15 (IV) CONTRACT AND SUBCONTRACT PAY-
16 MENTS;

17 (V) SALES AND USE TAXES.

18 (xiv) THE COMPUTATION UNDER PARAGRAPH (xiii)
19 OF THIS SUBSECTION SHALL BE BASED ON THE DOLLAR VALUE ON
20 THE DATE OF COMPUTATION AS IF CONSTRUCTION WERE TO COM-
21 MENCE, BE COMPLETED AND PAID FOR ON THE DATE OF COMPUTA-
22 TION AND SHALL BE ADJUSTED BY APPROPRIATE APPLICATION OF

1 THE INDEX OR INDICES ADOPTED BY THE COUNCIL FOR THE
2 ADJUSTMENT OF THE JURISDICTIONAL AMOUNT IN ACCORDANCE WITH
3 W.S. 35-12-102(a)(iii)(B) AS REQUIRED TO ADJUST THE SUM TO
4 THE AMOUNT IT WOULD REPRESENT ON THE DATE THE COUNCIL'S
5 LAST ADJUSTED JURISDICTIONAL AMOUNT BECAME EFFECTIVE.

6 35-12-121. Waiver of permit; exemptions; information
7 required.

8 (e) Construction of railroads, electric transmission
9 lines not exceeding one hundred fifteen thousand (115,000)
10 volts, oil and gas pipelines, coal slurry pipelines and
11 natural gas pipelines, MINES, and construction or oper-
12 ation of oil and gas producing, drilling and field proc-
13 essing facilities are not activities subject to the appli-
14 cation and permit procedures of this act but the owner or
15 operator thereof shall furnish the information required by
16 W.S. 35-502, 81(a)(iii), --- (iii), --- (iv) --- and --- (vii)
17 35-12-108(a)(ii), (iii), (iv) AND (viii).

18 Section 3. If any provision of this act or its
19 application to any person or circumstance is held invalid,
20 the invalidity does not affect other provisions or appli-
21 cations of the act which can be given effect without the
22 invalid provision or application, and to this end the
23 provisions of this act are severable.

1 Section 4. This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming Con-
4 stitution.

5 (END)

Wyoming State Legislature

213 Capitol Building / Cheyenne, Wyoming 82001 / Telephone 337-7777



Message No. 54

Mr. Speaker:

March 6, 1978

The House Bill listed below passed under suspension of rules on third reading in an amended form by the vote indicated.

H.B. No. 80 Environmental Quality Act Amendments.

HB80SW1/A TO ENGROSSED COPY

Page 2-line 2 Delete entirely.
Page 2-line 3 Delete the line through "(e)".
Page 2-line 9 Delete the line after the semicolon.
Page 2-line 10 Delete entirely.
Page 2-line 12 Delete the line through the semicolon.

Page 6-line 16 Delete the line after "(d)".
Page 6-line 17 Delete the line through "(e)".

Page 22-lines 5 through 21 Delete entirely.

Page 23-lines 1 through 22 Delete entirely.

Page 24-lines 1 through 23 Delete entirely.

Page 25-line 1 Delete "4" and insert "3". -MCDANIEL

HB80SW2/A TO ENGROSSED COPY

Page 21-line 3 Delete "permitter" and insert "permittee".
 -OSTLUND

HB80SW3/A TO ENGROSSED COPY

Page 7-line 17 Delete "means the same" and insert "shall
 have the same meaning". -OSTLUND

HB80SW4/A TO ENGROSSED COPY

Page 13-line 4 Restore stricken "or uses".
Page 13-line 5 Delete the period and restore stricken "or

uses."
Page 13-line 7 Restore stricken "and purposes".
Page 16-line 5 After the word "AREA" insert "AS TO WHICH".
-OSTLUND

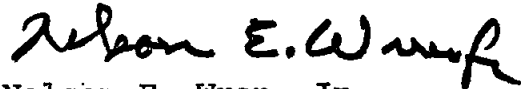
HB80S31/A TO ENGROSSED COPY

Page 2-line 11 Delete the line entirely. -MCDANIEL

Ayes 26 Noes 4 Excused 0 Absent 0

The Senate respectfully asks the House to concur by adopting the listed amendments.

Sincerely,



Signed: Nelson E. Wren, Jr.
Senate Chief Clerk

NEW:jh
SM54:0

HB80SW1/A

TO ENGROSSED COPY

- ✓ Page 2-line 2 ✓ Delete entirely.
- ✓ Page 2-line 3 ✓ Delete the line through "(e)".
- ✓ Page 2-line 9 ✓ Delete the line after the semicolon.
- ✓ Page 2-line 10 ✓ Delete entirely.
- ✓ Page 2-line 12 ✓ Delete the line through the semicolon.
- ✓ Page 6-line 16 ✓ Delete the line after "(d)".
- ✓ Page 6-line 17 ✓ Delete the line through "(e)".
- ✓ Page 22-lines 5 through 21 Delete entirely.
- ✓ Page 23-lines 1 through 22 Delete entirely.
- ✓ Page 24-lines 1 through 23 Delete entirely.
- ✓ Page 25-line 1 ✓ Delete "4" and insert "3". -MCDANIEL

HB80SW2/A

TO ENGROSSED COPY

- ✓ Page 21-line 3 ✓ Delete "permitter" and insert "permittee".
-OSTLUND

HB80SW3/A

TO ENGROSSED COPY

- ✓ Page 7-line 17 ✓ Delete "means the same" and insert "shall have the same meaning". -OSTLUND

HB80SW4/A

TO ENGROSSED COPY

- ✓ Page 13-line 4 ✓ Restore stricken "or uses".
- ✓ Page 13-line 5 ✓ Delete the period and restore stricken "or uses".
- ✓ Page 13-line 7 ✓ Restore stricken "and purposes".
- ✓ Page 16-line 5 ✓ After the word "AREA" insert "AS TO WHICH".
-OSTLUND

HB80S31/A

TO ENGROSSED COPY

- ✓ Page 2-line 11 ✓ Delete the line entirely. -MCDANIEL

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, February 25, 19 78

Mr. Speaker:

Your Committee No. 9 on Mines, Minerals & Industrial Development
to whom was referred H.B. No. 80

respectfully reports same back to the House with the recommendation that it DO PASS with
the following amendments:

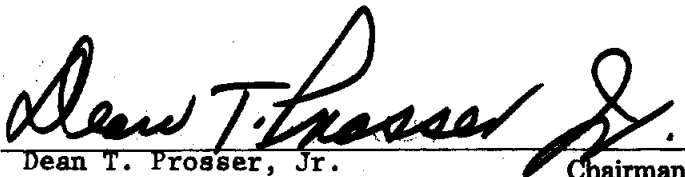
Page 8, line 3 -- After "IN" delete "SITE" insert "SITU"

Page 8, line 18 -- After "ARE" delete "CITED" insert "SITED"

Page 11, line 13 -- After "THE" insert "MINING PLAN AND"

Page 19, line 13 -- After "PROPOSED" delete "BLASING"; insert "BLASTING"

The vote was unanimous.


Dean T. Prosser, Jr. Chairman

H13 80

✓ HB30HS1/180

✓✓ Page 8-line 3 Delete "SITE" insert "SITU".

✓✓ Page 8-line 18 Delete "CITED" insert "SITED".

✓✓ Page 11-line 13 After "THE" insert "MINING PLAN AND".

✓✓ Page 19-line 13 Delete "BLASING" insert "BLASTING".
-PROSSER-CHAIRMAN *Lee* 7

✓ HB30HN1/A

✓✓ Page 16-line 19 After "1977," insert Roman numeral one
"(I)".

✓✓ Page 16-line 21 After "floors," insert Roman numeral two
"(II)".
-PROSSER *Lee*

HB80H31/A

3-2-78

✓ Page 2-line 1 ✓ Delete "and" insert a comma ","; following "(d)" insert ", 35-12-102(a)(iii)(B) and by creating new paragraphs (a)(xiii) and (xiv) and 35-12-121(e)".

+ ✓ Page 2-line 2 ✓ Delete the comma "," and insert "and the Industrial Development and Siting Act;"

✓ Page 2-line 7 ✓ After the semicolon ";" insert "defining "estimated construction cost" for the purpose of determining facilities to be included within the act; excluding mines;"

✓ Page 6-line 10 ✓ Delete "and" insert a comma ","

✓ Page 6-line 11 ✓ Following "(d)" insert ", 35-12-102(a)(iii)(B) and by creating new paragraphs (a)(xiii) and (xiv) and 35-12-121(e)".

△ ✓ Page 21-Following line 20 Insert the following:

"35-12-102. Definitions.

(a) As used in this act:

(iii) "Industrial facility" or "facility" means:

(B) Any industrial facility, NOT INCLUDING FACILITIES DESCRIBED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH, with an estimated construction cost of ~~at~~ least fifty million dollars (\$50,000,000.00). The council shall adjust this amount, up or down, each year using recognized construction cost indices as determined by the council to be relevant to the actual change in construction cost applicable to the general type of construction covered under this act.

(xiii) AS USED IN W.S. 35-12-102(a)(iii)(B), "ESTIMATED CONSTRUCTION COST" MEANS THE SUM OF THE FOLLOWING:

(A) THE COSTS ESTIMATED TO BE INCURRED FOR CONSTRUCTION OF A FACILITY BETWEEN THE ANTICIPATED COMMENCEMENT OF CONSTRUCTION AND THE DATE THE FACILITY IS ANTICIPATED TO BE SUBSTANTIALLY OPERATIONAL LIMITED TO THE FOLLOWING:

(I) COSTS OF MATERIALS AND SUPPLIES TO BE INCORPORATED OR USED, EXCLUDING COSTS OF EQUIPMENT AND FURNISHINGS WHICH ARE NOT ATTACHED TO OR PART OF THE REALTY;

provided from state of arkansas

Insert

CONSTRUCTION EQUIPMENT, (II) RENTAL OR DEPRECIATION ON EXCLUDING COSTS OF ACQUISITION OR USE OF MOBILE OPERATING EQUIPMENT;

PAYMENTS: (IV) CONTRACT AND SUBCONTRACT

(xiv) THE COMPUTATION UNDER PARAGRAPH (xiii) OF THIS SUBSECTION SHALL BE BASED ON THE DOLLAR VALUE ON THE DATE OF COMPUTATION AS IF CONSTRUCTION WERE TO COMMENCE, BE COMPLETED AND PAID FOR ON THE DATE OF COMPUTATION AND SHALL BE ADJUSTED BY APPROPRIATE APPLICATION OF THE INDEX OR INDICES ADOPTED BY THE COUNCIL FOR THE ADJUSTMENT OF THE JURISDICTIONAL AMOUNT IN ACCORDANCE WITH W.S. 35-12-102(a) (iii) (B) AS REQUIRED TO ADJUST THE SUM TO THE AMOUNT IT WOULD REPRESENT ON THE DATE THE COUNCIL'S LAST ADJUSTED JURISDICTIONAL AMOUNT BECAME EFFECTIVE.

(e) Construction of railroads, electric transmission lines not exceeding one hundred fifteen thousand (115,000) volts, oil and gas pipelines, coal slurry pipelines and natural gas pipelines, MINES, and construction or operation of oil and gas producing, drilling and field processing facilities are not activities subject to the application and permit procedures of this act but the owner or operator thereof shall furnish the information required by W.S. ~~35-502-81(a)-(iii), 7--(iii), 7--(iv)--and-(vii)~~ 35-12-108(a)(ii), (iii), (iv) AND (viii).".

-STEWART

HB 80

✓ HB80H32/A

3-2-78

✓ Page 2-line 7 After "87;" insert "providing for severability;"

✓ Page 22-after line 5 ^{*before line 1*} Insert "Section ^{*3*} 4. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable." *And renumber subsequent section accordingly*

-MORTON

INTRODUCED

1978

STATE OF WYOMING

78LS0-166.01

HOUSE BILL NO. 80

Environmental Quality Act Amendments.

Sponsored by: Representatives MORTON and STEWART



A BILL
for



1 AN ACT to create W.S. 35-11-425; and to amend W.S.
2 35-11-103(e)(xi) and by creating new paragraphs (xviii),
3 (xix) and (xx), 35-11-402(a) by creating a new paragraph
4 (x) and renumbering subsequent paragraphs accordingly,
5 35-11-404 by creating a new subsection (j) and renumbering
6 subsequent subsections accordingly and amending former
7 subsection (m) and renumbering as (n), 35-11-405,
8 35-11-406(a) by creating a new paragraph (xiii) and renum-
9 bering subsequent paragraphs accordingly, (b) introductory
10 paragraph, (xi), (xii) introductory paragraph, by creating
11 new paragraphs (xvii) and (xviii) and renumbering subse-
12 quent paragraphs accordingly, (c), (d), (h) introductory
13 paragraph and by creating new paragraphs (xii), (xiii) and
14 (xiv) and by renumbering subsequent paragraphs accord-
15 ingly, 35-11-409(b) and by creating a new subsection (c),
16 35-11-415(b) introductory paragraph and by creating new
17 paragraphs (x) and (xi), 35-11-417 by creating a new sub-
18 section (d) and renumbering subsequent subsections accord-

1 indly and 35-11-423 by creating a new subsection (d)
2 relating to land quality, providing for designation of
3 areas unsuitable for surface coal mining; providing for
4 additional definitions relative to coal mining; providing
5 statutes that will permit the state of Wyoming to enforce
6 the Federal Surface Mining Control and Reclamation Act,
7 P.L. 95-87; and providing for an effective date.

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

9 Section 1. W.S. 35-11-425 is created to read:

10 35-11-425. Designation of areas unsuitable for sur-
11 face coal mining.

12 (a) Any person having an interest which is or may be
13 adversely affected may petition the council to have an
14 area designated as unsuitable for surface coal mining
15 operations, or to have a designation terminated. The
16 petition shall contain allegations of facts with support-
17 ing evidence which would tend to establish the allegations.
18 Within ten (10) months after receipt of the petition the
19 council shall hold a public hearing in the locality of the
20 affected area, after appropriate notice and publication of
21 the date, time and location of the hearing. After having
22 filed a petition and before the hearing, any person may
23 intervene by filing allegations of facts with supporting

1 evidence which would tend to establish the allegations.
2 Within sixty (60) days after the hearing, the council
3 shall issue and furnish to the petitioner and any other
4 party to the hearing, a written decision with reasons
5 regarding the petition. The hearing need not be held if
6 all petitioners reach agreement prior to the requested
7 hearing and withdraw their request.

8 (b) If petitioned, the council will review the par-
9 ticular area and:

10 (i) Shall designate it as an area unsuitable
11 for all or certain types of surface coal mining operations
12 if it is determined that reclamation pursuant to the
13 requirements of this act is not technologically and
14 economically feasible; and

15 (ii) May designate it as an area unsuitable
16 for surface coal mining if the proposed coal mining oper-
17 ations will:

18 (A) Be incompatible with existing state
19 or local land use plans or programs; or

20 (B) Affect fragile or historic lands in
21 which these operations could result in significant damage
22 to important historic, cultural, scientific and esthetic

1 values and natural systems; or

2 (C) Affect renewable resource lands in
3 which these operations could result in a substantial loss
4 or reduction of long-range productivity of water supply or
5 of food or fiber products, and these lands to include
6 aquifers and aquifer recharge areas; or

7 (D) Affect natural hazard lands in which
8 these operations could substantially endanger life and
9 property; these lands to include areas subject to frequent
10 flooding and areas of unstable geology.

11 (c) Prior to designating any land areas as unsuit-
12 able for surface coal mining operations, the administrator
13 shall prepare a detailed statement on:

14 (i) The potential coal resources of the area;

15 (ii) The demand for coal resources; and

16 (iii) The impact of this designation on the
17 environment, economy and supply of coal.

18 (d) The above process will include proper notice,
19 opportunities for public and agency participation includ-
20 ing land use planning bodies and a public hearing prior to
21 designation or redesignation, pursuant to this section.

1 (e) Any designation shall not prevent the mineral
2 exploration pursuant to this act of any area so design-
3 nated.

4 (f) The requirements of this section shall not apply
5 to lands on which surface coal mining operations are being
6 conducted on the date of enactment of this act or under a
7 permit issued pursuant to this act, or where substantial
8 legal and financial commitments in these operations were
9 in existence prior to January 4, 1977.

10 (g) This section shall not become effective until
11 approval of a state program pursuant to P.L. 95-87.

12 (h) This section shall operate independently of all
13 other sections of the act except as to the application of
14 the Wyoming Administrative Procedure Act.

15 Section 2. W.S. 35-11-103(e)(xi) and by creating new
16 paragraphs (xviii), (xix) and (xx), 35-11-402(a) by creat-
17 ing a new paragraph (x) and renumbering subsequent para-
18 graphs accordingly, 35-11-404 by creating a new subsection
19 (j) and renumbering subsequent subsections accordingly and
20 amending former subsection (m) and renumbering as (n),
21 35-11-405, 35-11-406(a) by creating a new paragraph (xiii)
22 and renumbering subsequent paragraphs accordingly, (b)

1 introductory paragraph, (xi), (xii) introductory para-
2 graph, by creating new paragraphs (xvii) and (xviii) and
3 renumbering subsequent paragraphs accordingly, (c), (d),
4 (h) introductory paragraph and by creating new paragraphs
5 (xii), (xiii) and (xiv) and by renumbering subsequent
6 paragraphs accordingly, 35-11-409(b) and by creating a new
7 subsection (c), 35-11-415(b) introductory paragraph and by
8 creating new paragraphs (x) and (xi), 35-11-417 by creat-
9 ing a new subsection (d) and renumbering subsequent sub-
10 sections accordingly and 35-11-423 by creating a new sub-
11 section (d) are amended to read:

12 35-11-103. Definitions.

13 (e) Specific definitions for land quality:

14 (xi) "Mining permit" means certification by
15 the director that the affected land described therein may
16 be mined for minerals by a licensed operator in compliance
17 with an approved MINING PLAN AND reclamation plan. No
18 mining may be commenced or conducted on land for which
19 there is not in effect a valid mining permit. A mining
20 permit shall remain valid and in force from the date of
21 its issuance until the termination of all mining and
22 reclamation operations, except as otherwise provided in
23 this act;

1 (xviii) "ALLUVIAL VALLEY FLOORS" MEANS THE
2 UNCONSOLIDATED STREAM LAID DEPOSITS HOLDING STREAMS WHERE
3 WATER AVAILABILITY IS SUFFICIENT FOR SUBIRRIGATION OR
4 FLOOD IRRIGATION AGRICULTURAL ACTIVITIES BUT DOES NOT
5 INCLUDE UPLAND AREAS WHICH ARE GENERALLY overlain BY A
6 THIN VENEER OF COLLUVIAL DEPOSITS COMPOSED CHIEFLY OF
7 DEBRIS FROM SHEET EROSION, DEPOSITS BY UNCONCENTRATED
8 RUNOFF OR SLOPE WASH, TOGETHER WITH TALUS, OTHER MASS
9 MOVEMENT ACCUMULATION AND WINDBLOWN DEPOSITS;

10 (xix) "PRIME FARMLAND" MEANS THE SAME AS THAT
11 PREVIOUSLY PRESCRIBED BY THE UNITED STATES SECRETARY OF
12 AGRICULTURE ON THE BASIS OF SUCH FACTORS AS MOISTURE
13 AVAILABILITY, TEMPERATURE REGIME, CHEMICAL BALANCE,
14 PERMEABILITY, SURFACE LAYER COMPOSITION, SUSCEPTIBILITY TO
15 FLOODING AND EROSION CHARACTERISTICS, AND WHICH HISTORI-
16 CALLY HAVE BEEN USED FOR INTENSIVE AGRICULTURAL PURPOSES,
17 AND AS PUBLISHED IN THE FEDERAL REGISTER; AND

18 (xx) "SURFACE COAL MINING OPERATION" MEANS:

19 (A) ACTIVITIES CONDUCTED ON THE SURFACE
20 OF LANDS IN CONNECTION WITH A SURFACE COAL MINE OR WITH
21 THE SURFACE IMPACTS INCIDENT TO AN UNDERGROUND COAL MINE
22 AS PROVIDED IN SECTION 516 OF P.L. 95-87. THESE ACTIVI-
23 TIES INCLUDE EXCAVATION FOR THE PURPOSE OF OBTAINING COAL

1 INCLUDING COMMON METHODS AS CONTOUR, STRIP, AUGER,
2 MOUNTAINTOP REMOVAL, BOX CUT, OPEN PIT AND AREA MINING,
3 THE USE OF EXPLOSIVES AND BLASTING, AND IN SITE DISTIL-
4 LATION OR RETORTING, LEACHING OR OTHER CHEMICAL OR PHYSI-
5 CAL PROCESSING, AND THE CLEANING, CONCENTRATING OR OTHER
6 PROCESSING OR PREPARATION, AND THE LOADING OF COAL; AND

7 (B) THE AREAS UPON WHICH THESE ACTIVI-
8 TIES OCCUR OR WHERE THESE ACTIVITIES DISTURB THE LAND SUR-
9 FACE. THESE AREAS SHALL ALSO INCLUDE ANY ADJACENT LAND
10 THE USE OF WHICH IS INCIDENTAL TO ANY OF THESE ACTIVITIES,
11 ALL LANDS AFFECTED BY THE CONSTRUCTION OF NEW ROADS OR THE
12 IMPROVEMENT OR USE OF EXISTING ROADS TO GAIN ACCESS TO THE
13 SITE OF THESE ACTIVITIES AND FOR HAULAGE, AND EXCAVATIONS,
14 WORKINGS, IMPOUNDMENTS, DAMS, VENTILATION SHAFTS, ENTRY
15 WAYS, REFUSE BANKS, DUMPS, STOCKPILES, OVERBURDEN PILES,
16 SPOIL BANKS, CULM BANKS, TAILINGS, HOLES OR DEPRESSIONS,
17 REPAIR AREAS, STORAGE AREAS, PROCESSING AREAS, SHIPPING
18 AREAS AND OTHER AREAS UPON WHICH ARE CITED STRUCTURES,
19 FACILITIES OR OTHER PROPERTY OR MATERIALS ON THE SURFACE,
20 RESULTING FROM OR INCIDENT TO THESE ACTIVITIES.

21 35-11-402. Establishment of standards.

22 (a) The council shall, upon recommendation by the
23 advisory board, establish rules and regulations pursuant

1 to the following reclamation standards for the affected
2 areas, including but not limited to:

3 (x) RULES AND REGULATIONS FOR THE CRITERIA FOR
4 REVIEW AND INFORMATION AND PUBLIC NOTICE REQUIREMENTS FOR
5 PERMIT REVISIONS;

6 35-11-404. Drill holes to be capped, sealed or
7 plugged.

8 (j) BEFORE DRILLING ON LANDS WITHIN THE STATE OF
9 WYOMING, ANY PERSON CONDUCTING COAL EXPLORATION OPERATIONS
10 SHALL GIVE NOTICE TO THE ADMINISTRATOR ALONG WITH A LEGAL
11 DESCRIPTION OF THE AREA AND THE NUMBER OF HOLES TO BE
12 DRILLED. THIS EXCLUDES DRILLING WITHIN AN EXISTING PERMIT
13 AREA APPROVED PRIOR TO AUGUST 3, 1977.

14 ~~(m)~~(n) All actions pursuant to subsections ~~(j)~~(k) or
15 ~~(k)~~(m) of this section, must be initiated by the state of
16 Wyoming within three (3) years of the date of the report
17 required by subsection (d) of this section.

18 35-11-405. Permit defined; no mining operation with-
19 out valid permit; when validity terminated.

20 (a) A mining permit is the certification that the
21 tract of land described ~~therein~~ may be mined by an oper-
22 ator licensed to do so in conformance with an approved

1 MINING PLAN AND reclamation plan. No mining operation may
2 be commenced or conducted on land for which there is not
3 in effect a valid mining permit to which the operator pos-
4 sesses the rights.

5 (b) A mining permit once granted remains valid and
6 in force from the date of its issuance until the termina-
7 tion of all mining and reclamation operations, except as
8 otherwise provided in this act.

9 (c) ALL SURFACE COAL MINING PERMITS ISSUED SUBSE-
10 QUENT TO APPROVAL OF THE STATE PROGRAM PURSUANT TO P.L.
11 95-87 SHALL BE ISSUED FOR A TERM OF FIVE (5) YEARS. IF
12 THE APPLICANT DEMONSTRATES THAT A SPECIFIED LONGER TERM IS
13 REASONABLY NEEDED TO ALLOW THE APPLICANT TO OBTAIN NECES-
14 SARY FINANCING FOR EQUIPMENT AND THE OPENING OF THE OPER-
15 ATION AND IF THE APPLICATION IS COMPLETE FOR THIS SPECI-
16 FIED LONGER TERM THE ADMINISTRATOR MAY GRANT A PERMIT FOR
17 A LONGER TERM.

18 (d) A SURFACE COAL MINING PERMIT SHALL TERMINATE IF
19 THE PERMITTEE HAS NOT COMMENCED THE SURFACE COAL MINING
20 OPERATIONS COVERED BY THE PERMIT WITHIN THREE (3) YEARS OF
21 THE ISSUANCE OF THE PERMIT, EXCEPT AS PROVIDED IN P.L.
22 95-87.

23 (e) ANY VALID SURFACE COAL MINING PERMIT ISSUED PUR-

1 SUANT TO THIS ACT IS ENTITLED TO A RIGHT OF SUCCESSIVE
2 RENEWAL UPON EXPIRATION WITH RESPECT TO AREAS WITHIN THE
3 BOUNDARIES OF THE EXISTING PERMIT IF PUBLIC NOTICE HAS
4 BEEN GIVEN AND THE PERMIT IS IN COMPLIANCE WITH APPLICABLE
5 LAWS AND REGULATIONS.

6 (f) IF AN APPLICATION FOR RENEWAL OF A VALID SURFACE
7 COAL MINING PERMIT INCLUDES A PROPOSAL TO EXTEND THE
8 MINING OPERATION BEYOND THE BOUNDARIES AUTHORIZED IN THE
9 EXISTING PERMIT, THE PORTION OF THE APPLICATION FOR
10 RENEWAL WHICH ADDRESSES ANY NEW LAND AREAS SHALL BE
11 SUBJECT TO THE STANDARDS APPLICABLE TO NEW APPLICATIONS
12 UNDER THIS ACT. HOWEVER, AREAS PREVIOUSLY IDENTIFIED IN
13 THE RECLAMATION PLAN OF THOSE SURFACE COAL MINING OPER-
14 ATIONS NOT SUBJECT TO THE STANDARDS IN W.S.
15 35-11-406(h)(xiii) WILL NOT BE SUBJECT TO THOSE STANDARDS
16 IN THE RENEWAL APPLICATION.

17 (g) AN APPLICATION FOR RENEWAL OF A VALID SURFACE
18 COAL MINING PERMIT SHALL BE MADE AT LEAST ONE HUNDRED
19 TWENTY (120) DAYS PRIOR TO EXPIRATION OF A VALID COAL
20 PERMIT.

21 35-11-406: Application for permit; generally;
22 denial; limitations.

23 (a) Applications for a mining permit shall be made

1 in writing to the administrator and shall contain:

2 ~~(xiii)~~ A CERTIFICATE ISSUED BY AN INSURANCE
3 COMPANY AUTHORIZED TO DO BUSINESS IN THE UNITED STATES
4 CERTIFYING THAT THE APPLICANT HAS A PUBLIC LIABILITY
5 INSURANCE POLICY IN FORCE FOR THE SURFACE MINING AND
6 RECLAMATION OPERATIONS FOR WHICH THIS PERMIT IS SOUGHT, OR
7 EVIDENCE THAT THE APPLICANT HAS SATISFIED OTHER STATE OR
8 FEDERAL SELF-INSURANCE REQUIREMENTS. THIS POLICY SHALL
9 PROVIDE FOR PERSONAL INJURY AND PROPERTY DAMAGE PROTECTION
10 IN AN AMOUNT ADEQUATE TO COMPENSATE ANY PERSONS DAMAGED AS
11 A RESULT OF SURFACE COAL MINING AND RECLAMATION OPERATIONS
12 INCLUDING USE OF EXPLOSIVES AND ENTITLED TO COMPENSATION
13 UNDER THE APPLICABLE PROVISIONS OF STATE LAW. THIS POLICY
14 SHALL BE MAINTAINED IN FULL FORCE AND EFFECT DURING THE
15 TERMS OF THE PERMIT OR ANY RENEWAL, INCLUDING THE LENGTH
16 OF ALL RECLAMATION OPERATIONS.

17 (b) The application shall ~~be accompanied by~~ INCLUDE
18 a MINING PLAN AND reclamation plan dealing with the extent
19 to which the mining operation will disturb, change, or
20 deface the lands to be affected, the proposed future use
21 ~~or-uses~~ and the plan whereby the operator will reclaim the
22 affected lands to the proposed future use, ~~or-uses.~~ The
23 MINING PLAN AND reclamation plan shall be consistent with
24 the objectives ~~and purposes~~ of this act and of the rules

1 and regulations promulgated ~~hereunder~~. The MINING PLAN
2 AND reclamation plan shall include the following:

3 (xi) For an application filed after March 1,
4 1975, an instrument of consent from the resident or agri-
5 cultural landowner, if different from the owner of the
6 mineral estate, granting the applicant permission to enter
7 and commence surface mining operation, and also written
8 approval of the applicant's mining PLAN and reclamation
9 plan. As used in this paragraph "resident or agricultural
10 landowner" means a natural person or persons who, or a
11 corporation of which the majority stockholder or stock-
12 holders;

13 (xii) For any application filed after March 1,
14 1975, including any lands privately owned but not covered
15 by the provisions of subdivision (b)(xi) of this section
16 an instrument of consent from the surface landowner, if
17 different from the owner of the mineral estate, to the
18 mining PLAN and reclamation plan. If consent cannot be
19 obtained as to the mining plan or reclamation plan or
20 both, the applicant may request a hearing before the envi-
21 ronmental quality council. The council shall issue an
22 order in lieu of consent if it finds:

23 (xviii) A BLASTING PLAN WHICH SHALL OUTLINE THE

1 PROCEDURES AND STANDARDS BY WHICH THE OPERATOR OF A SUR-
2 FACE COAL MINE WILL MEET THE PROVISIONS OF W.S.
3 35-11-415(b)(xi);

4 (xviii) FOR SURFACE COAL MINING OPERATIONS, A
5 PLAN TO MINIMIZE THE DISTURBANCES TO THE PREVAILING
6 HYDROLOGIC BALANCE AT THE MINESITE AND IN ASSOCIATED
7 OFFSITE AREAS AND TO THE QUALITY AND QUANTITY OF WATER IN
8 SURFACE AND GROUND WATER SYSTEMS BOTH DURING AND AFTER
9 MINING OPERATIONS AND DURING RECLAMATION. THIS PARAGRAPH
10 DOES NOT ALTER THE AUTHORITY GRANTED UNDER ANY OTHER
11 SECTION OF THIS ACT WITH RESPECT TO REQUIREMENTS FOR MAIN-
12 TAINING THE HYDROLOGIC BALANCE IN THE MINESITE, OR ASSO-
13 CIATED OFFSITE AREAS, OF OTHER MINING OPERATIONS;

14 (c) The applicant may have the local conservation
15 district assist in preparation of, provide data for, per-
16 form research, review and comment upon the reclamation.
17 FOR THOSE LANDS IN A SURFACE COAL MINING PERMIT APPLICA-
18 TION WHICH A RECONNAISSANCE INSPECTION SUGGESTS MAY BE
19 PRIME FARM LANDS, A SOIL SURVEY SHALL BE MADE OR OBTAINED
20 ACCORDING TO STANDARDS ESTABLISHED BY THE UNITED STATES
21 SECRETARY OF AGRICULTURE IN ORDER TO CONFIRM THE EXACT
22 LOCATION OF THESE PRIME FARM LANDS, IF ANY. IF THE UNITED
23 STATES SECRETARY OF AGRICULTURE OR HIS REPRESENTATIVE HAS
24 DETERMINED THAT THE STATE, AREA OR EXACT LOCATION WITHIN

1 THE PERMIT AREA DOES NOT CONTAIN PRIME FARM LANDS THIS
2 SUBPARAGRAPH IS INAPPLICABLE.

3 (d) The applicant shall file a copy of his ~~recla-~~
4 ~~mation-plan~~ APPLICATION for public inspection at the
5 office of the administrator and in the offices of the
6 county clerks of the counties in which the proposed permit
7 area is located. Those parts of the ~~reclamation--plan~~
8 APPLICATION which contain confidential trade secrets whose
9 disclosure would be harmful to the applicant ~~shall-be~~ ARE
10 exempt from ~~such~~ THESE filings.

11 (h) The requested permit shall be granted if ~~it--is~~
12 ~~established~~ THE APPLICANT DEMONSTRATES that the applica-
13 tion complies with the requirements of this act and all
14 applicable federal and state laws. The director shall not
15 deny a permit except for one (1) or more of the following
16 reasons:

17 ~~(xii)~~ THE AREA IS PROPOSED TO BE MINED AS A
18 SURFACE COAL MINING OPERATION AND IS INCLUDED WITHIN AN
19 AREA DESIGNATED UNSUITABLE FOR SURFACE COAL MINING PUR-
20 SUANT TO W.S. 35-11-425, OR WITHIN AN AREA UNDER REVIEW
21 FOR THIS DESIGNATION UNDER AN ADMINISTRATIVE PROCEEDING,
22 UNLESS IN SUCH AN AREA AN ADMINISTRATIVE PROCEEDING HAS
23 COMMENCED PURSUANT TO W.S. 35-11-425 OF THIS ACT, THE
24 OPERATOR MAKING THE PERMIT APPLICATION DEMONSTRATES THAT,

1 PRIOR TO JANUARY 1, 1977, HE HAS MADE SUBSTANTIAL LEGAL
2 AND FINANCIAL COMMITMENTS IN RELATION TO THE OPERATION FOR
3 WHICH HE IS APPLYING FOR A PERMIT;

4 (xiii) THE APPLICANT HAS NOT AFFIRMATIVELY
5 DEMONSTRATED THAT THE PROPOSED SURFACE COAL MINING OPER-
6 ATION WOULD:

7 (A) NOT INTERRUPT, DISCONTINUE OR PRE-
8 CLUDE FARMING ON ALLUVIAL VALLEY FLOORS THAT ARE IRRIGATED
9 OR NATURALLY SUBIRRIGATED, EXCLUDING UNDEVELOPED RANGE
10 LANDS WHICH ARE NOT SIGNIFICANT TO FARMING ON THOSE
11 ALLUVIAL VALLEY FLOORS AND THOSE LANDS WHERE A REGULATORY
12 AUTHORITY FINDS THAT FARMING IS OF SUCH SMALL ACREAGE AS
13 TO BE OF NEGLIGIBLE IMPACT ON THE FARM'S AGRICULTURAL PRO-
14 Duction; AND

15 (B) NOT MATERIALLY DAMAGE THE QUANTITY
16 OR QUALITY OF WATER IN SURFACE OR UNDERGROUND SYSTEMS THAT
17 SUPPLY ALLUVIAL VALLEY FLOORS. THIS PARAGRAPH SHALL NOT
18 AFFECT THOSE SURFACE COAL MINING OPERATIONS WHICH IN THE
19 YEAR PRECEDING AUGUST 3, 1977, PRODUCED COAL IN COMMERCIAL
20 QUANTITIES AND WERE LOCATED WITHIN OR ADJACENT TO ALLUVIAL
21 VALLEY FLOORS, OR HAD OBTAINED SPECIFIC PERMIT APPROVAL BY
22 THE ADMINISTRATOR TO CONDUCT SURFACE COAL MINING OPER-
23 ATIONS WITHIN THOSE ALLUVIAL VALLEY FLOORS; AND PROVIDED

1 FURTHER THAT IF COAL DEPOSITS ARE PRECLUDED FROM BEING
2 MINED BY THIS PARAGRAPH, THE ADMINISTRATOR SHALL CERTIFY
3 TO THE SECRETARY OF THE INTERIOR THAT THE COAL OWNER OR
4 LESSEE MAY BE ELIGIBLE FOR PARTICIPATION IN A COAL
5 EXCHANGE PROGRAM PURSUANT TO SECTION 510(b)(5) OF P.L.
6 95-87;

7 (xiv) THE APPLICANT HAS NOT AFFIRMATIVELY
8 DEMONSTRATED THAT THE PROPOSED SURFACE COAL MINING OPER-
9 ATION HAS BEEN DESIGNED TO PREVENT MATERIAL DAMAGE TO THE
10 HYDROLOGIC BALANCE OUTSIDE THE PERMIT AREA;

11 35-11-409. Permit revocation.

12 (b) Unless an emergency exists, AND EXCEPT AS OTHER-
13 WISE PROVIDED IN THIS ACT, the revocation of a permit
14 shall become effective upon thirty (30) days' notice to
15 the operator. In ~~case of~~ an emergency, a special meeting
16 of the council may cause ~~such~~ A revocation to become
17 effective ~~immediately~~ upon receipt of notice thereof by
18 the permit holder.

19 (c) WHEN AN INSPECTION CARRIED OUT PURSUANT TO THE
20 ENFORCEMENT OF THIS ACT REVEALS THAT A PATTERN OF VIOLA-
21 TIONS BY ANY SURFACE COAL MINE OPERATOR OF ANY REQUIRE-
22 MENTS OF THIS ACT OR ANY PERMIT CONDITIONS REQUIRED BY
23 THIS ACT HAS EXISTED, AND THAT THESE VIOLATIONS WERE

1 CAUSED BY THE UNWARRANTED FAILURE OF THE OPERATOR TO
2 COMPLY WITH THESE REQUIREMENTS OR PERMIT CONDITIONS, OR
3 THAT THESE VIOLATIONS ARE WILLFULLY CAUSED BY THE OPER-
4 ATOR, THE DIRECTOR SHALL ISSUE AN ORDER TO THE OPERATOR TO
5 SHOW CAUSE WHY THE PERMIT SHOULD NOT BE SUSPENDED OR
6 REVOKED. OPPORTUNITY FOR A PUBLIC HEARING BEFORE THE
7 COUNCIL SHALL BE PROVIDED. IF A HEARING IS REQUESTED THE
8 DIRECTOR SHALL INFORM ALL INTERESTED PARTIES OF THE TIME
9 AND PLACE OF THE HEARING. UPON FAILURE OF THE OPERATOR TO
10 SHOW CAUSE WHY THE PERMIT SHOULD NOT BE SUSPENDED OR
11 REVOKED, THE COUNCIL SHALL SUSPEND OR REVOKE THE PERMIT.

12 35-11-415. Duties of operator.

13 (b) The operator, pursuant to an approved surface
14 mining permit and MINING PLAN AND reclamation plan, OR ANY
15 APPROVED REVISIONS THERETO, shall:

16 (x) FOR SURFACE COAL MINING OPERATIONS, PRE-
17 SERVE THROUGHOUT THE MINING AND RECLAMATION PROCESS THE
18 ESSENTIAL HYDROLOGIC FUNCTIONS OF ALLUVIAL VALLEY FLOORS
19 IF THESE AREAS ARE CLASSIFIED WITHIN A PERMIT. THIS PARA-
20 GRAPH DOES NOT ALTER THE AUTHORITY GRANTED UNDER ANY OTHER
21 SECTION OF THIS ACT WITH RESPECT TO REQUIREMENTS FOR PRE-
22 SERVING THROUGHOUT THE MINING AND RECLAMATION PROCESS THE
23 ESSENTIAL HYDROLOGIC FUNCTIONS OF THE MINESITE, OR ASSOCI-

1 ATED OFFSITE AREAS, OF OTHER MINING OPERATIONS;

2 (xi) FOR SURFACE COAL MINING OPERATIONS,
3 INSURE THAT EXPLOSIVES ARE USED ONLY IN ACCORDANCE WITH
4 EXISTING STATE AND FEDERAL LAW AND THE RULES AND REGULA-
5 TIONS PROMULGATED BY THE COUNCIL, WHICH SHALL INCLUDE BUT
6 ARE NOT LIMITED TO PROVISIONS TO:

7 (A) PROVIDE ADEQUATE ADVANCE WRITTEN
8 NOTICE TO LOCAL GOVERNMENTS AND RESIDENTS WHO MIGHT BE
9 AFFECTED BY THE USE OF THESE EXPLOSIVES BY PUBLICATION OF
10 THE PLANNED BLASTING SCHEDULE IN A NEWSPAPER OF GENERAL
11 CIRCULATION IN THE LOCALITY AND BY MAILING A COPY OF THE
12 PROPOSED BLASTING SCHEDULE TO EVERY RESIDENT WITHIN ONE-
13 HALF (1/2) MILE OF THE PROPOSED BLASING SITE AND BY PRO-
14 VIDING DAILY NOTICE TO THE RESIDENT OR OCCUPIERS IN THESE
15 AREAS PRIOR TO ANY BLASTING;

16 (B) MAINTAIN FOR A PERIOD OF AT LEAST
17 THREE (3) YEARS AND MAKE AVAILABLE FOR PUBLIC INSPECTION
18 UPON REQUEST A LOG DETAILING THE LOCATION OF THE BLASTS,
19 THE PATTERN AND DEPTH OF THE DRILL HOLES, THE AMOUNT OF
20 EXPLOSIVES USED PER HOLE, AND THE ORDER AND LENGTH OF
21 DELAY IN THE BLAST;

22 (C) LIMIT THE TYPES OF EXPLOSIVES AND
23 DETONATING EQUIPMENT, THE SIZE, TIMING AND FREQUENCY OF

1 BLASTS BASED UPON THE PHYSICAL CONDITIONS OF THE SITE SO
2 AS TO PREVENT:

3 (II) INJURY TO PERSONS;

4 (III) DAMAGE TO PUBLIC AND PRIVATE
5 PROPERTY OUTSIDE THE PERMIT AREA;

6 (III) ADVERSE IMPACTS ON ANY
7 UNDERGROUND MINE;

8 (IV) A CHANGE IN THE COURSE, CHAN-
9 NEL OR AVAILABILITY OF GROUND OR SURFACE WATER OUTSIDE THE
10 PERMIT AREA.

11 (D) REQUIRE THAT ALL BLASTING OPERATIONS
12 BE CONDUCTED BY TRAINED AND COMPETENT PERSONS AS CERTIFIED
13 BY THE ADMINISTRATOR;

14 (E) PROVIDE THAT UPON THE REQUEST OF A
15 RESIDENT OR OWNER OF A MAN-MADE DWELLING OR STRUCTURE
16 WITHIN ONE-HALF (1/2) MILE OF ANY PORTION OF THE PERMITTED
17 AREA THE APPLICANT OR PERMITTER SHALL CONDUCT A
18 PREBLASTING SURVEY OF THESE STRUCTURES AND SUBMIT THE
19 SURVEY TO THE ADMINISTRATOR AND A COPY TO THE RESIDENT OR
20 OWNER MAKING THE REQUEST. THE AREA OF THE SURVEY SHALL BE
21 DECIDED BY THE ADMINISTRATOR AND SHALL INCLUDE PROVISIONS
22 AS THE UNITED STATES SECRETARY OF THE INTERIOR SHALL

1 PROMULGATE.

2 35-11-417. Bonding provisions.

3 (d) THE COUNCIL MAY PROMULGATE RULES AND REGULATIONS
4 FOR A SELF-BONDING PROGRAM FOR SURFACE COAL MINING OPER-
5 ATIONS UNDER WHICH THE ADMINISTRATOR MAY ACCEPT THE BOND
6 OF THE OPERATOR ITSELF WITHOUT SEPARATE SURETY WHEN THE
7 OPERATOR DEMONSTRATES TO THE SATISFACTION OF THE ADMINIS-
8 TRATOR THE EXISTENCE OF A SUITABLE AGENT TO RECEIVE
9 SERVICE OF PROCESS AND A HISTORY OF FINANCIAL SOLVENCY AND
10 CONTINUOUS OPERATION SUFFICIENT FOR AUTHORIZATION TO
11 SELF-INSURE OR BOND THIS AMOUNT. THIS SUBSECTION SHALL
12 NOT BECOME OPERATIVE UNTIL THE COUNCIL HAS PROMULGATED
13 RULES AND REGULATIONS FOR THE SELF-BONDING PROGRAM WHICH
14 REQUIRE THAT THE PROTECTION PROVIDED BY SELF-BONDING SHALL
15 BE CONSISTENT WITH THE OBJECTIVES AND PURPOSES OF THIS
16 ACT.

17 35-11-423. Release of bonds.

18 (d) THE COUNCIL SHALL PROMULGATE RULES AND REGULA-
19 TIONS GOVERNING THE RELEASE OF BONDS FOR SURFACE COAL
20 MINING OPERATIONS IN COMPLIANCE WITH P.L. 95-87.

FISCAL NOTE

Fiscal Note No. 170
 Requester Representative Morton

L.S.O. 78 - 166	Draft 01
Bill No.	Jt. Res. No.

Part I. Fiscal Data:

SHORT TITLE OF BILL: Environmental Quality Act Amendments	STATUTORY REFERENCE Nos. Create & Amend 35-11-425 et al	NAME OF FUND N/A
AGENCY TITLE: Dept. of Environmental Quality		
SOURCE OF APPROPRIATION/REVENUE N/A		New Program () Change in Existing Program (X) Local Government Impact ()

If more than one appropriation is involved, show overall effect below, but show breakdown by appropriation and fiscal year on a separate page. Round to nearest hundred dollars.

EFFECT OF PROPOSAL	FISCAL PERIODS		
	BIENNIAL INCREASE OR (-) DECREASE		
	First Biennial	Second Biennial	Third Biennial
Salaries & Number of Personnel	\$		
Supporting Expenses			
Permanent Property			
Aids to Localities			
Other			
ESTIMATED TOTAL COST	\$		
GENERAL FUND			
FEDERAL FUND			
OTHER			
ESTIMATED TOTAL REVENUE	\$		

Part II. Explain in a clear and concise manner what effect this measure will have on the costs and revenues of state government. Specify the source of funds for appropriations. Include effect on the current biennium and also the long-range fiscal effect, if any. Show how you arrived at the estimate. Use attached sheet and any additional sheets which you may need.

Language changes and additions. Existing staff and procedures should be sufficient and no fiscal impact is contemplated.

2/20/78

LSO Audit Division

Date
2/20/78

Date

Agency

Legislative Auditor Clearance

Authorized Representative

HB 80

1978

STATE OF WYOMING

78LS0-166.01

HOUSE BILL NO. 80

Environmental Quality Act Amendments.

Sponsored by: Representatives MORTON and STEWART



A BILL
for



1 AN ACT to create W.S. 35-11-425; and to amend W.S.
2 35-11-103(e)(xi) and by creating new paragraphs (xviii),
3 (xix) and (xx); 35-11-402(a) by creating a new paragraph
4 (x) and renumbering subsequent paragraphs accordingly,
5 35-11-404 by creating a new subsection (j) and renumbering
6 subsequent subsections accordingly and amending former
7 subsection (m) and renumbering as (n); 35-11-405,
8 35-11-406(a) by creating a new paragraph (xiii) and renum-
9 bering subsequent paragraphs accordingly, (b) introductory
10 paragraph, (xi), (xii) introductory paragraph, by creating
11 new paragraphs (xvii) and (xviii) and renumbering subse-
12 quent paragraphs accordingly, (c), (d), (h) introductory
13 paragraph and by creating new paragraphs (xii), (xiii) and
14 (xiv) and by renumbering subsequent paragraphs accord-
15 ingly, 35-11-409(b) and by creating a new subsection (c),
16 35-11-415(b) introductory paragraph and by creating new
17 paragraphs (x) and (xi), 35-11-417 by creating a new sub-
18 section (d) and renumbering subsequent subsections accord-

1 ingly and 35-11-423 by creating a new subsection (d)
2 relating to land quality, providing for designation of
3 areas unsuitable for surface coal mining; providing for
4 additional definitions relative to coal mining; providing
5 statutes that will permit the state of Wyoming to enforce
6 the Federal Surface Mining Control and Reclamation Act,
7 P.L. 95-87; and providing for an effective date.

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

9 Section 1. W.S. 35-11-425 is created to read:

10 35-11-425. Designation of areas unsuitable for sur-
11 face coal mining.

12 (a) Any person having an interest which is or may be
13 adversely affected may petition the council to have an
14 area designated as unsuitable for surface coal mining
15 operations, or to have a designation terminated. The
16 petition shall contain allegations of facts with support-
17 ing evidence which would tend to establish the allegations.
18 Within ten (10) months after receipt of the petition the
19 council shall hold a public hearing in the locality of the
20 affected area, after appropriate notice and publication of
21 the date, time and location of the hearing. After having
22 filed a petition and before the hearing, any person may
23 intervene by filing allegations of facts with supporting

1 evidence which would tend to establish the allegations.
2 Within sixty (60) days after the hearing, the council
3 shall issue and furnish to the petitioner and any other
4 party to the hearing, a written decision with reasons
5 regarding the petition. The hearing need not be held if
6 all petitioners reach agreement prior to the requested
7 hearing and withdraw their request.

8 (b) If petitioned, the council will review the par-
9 ticular area and:

10 (i) Shall designate it as an area unsuitable
11 for all or certain types of surface coal mining operations
12 if it is determined that reclamation pursuant to the
13 requirements of this act is not technologically and
14 economically feasible; and

15 (ii) May designate it as an area unsuitable
16 for surface coal mining if the proposed coal mining oper-
17 ations will:

18 (A) Be incompatible with existing state
19 or local land use plans or programs; or

20 (B) Affect fragile or historic lands in
21 which these operations could result in significant damage
22 to important historic, cultural, scientific and esthetic

1 values and natural systems; or

2 (C) Affect renewable resource lands in
3 which these operations could result in a substantial loss
4 or reduction of long-range productivity of water supply or
5 of food or fiber products, and these lands to include
6 aquifers and aquifer recharge areas; or

7 (D) Affect natural hazard lands in which
8 these operations could substantially endanger life and
9 property; these lands to include areas subject to frequent
10 flooding and areas of unstable geology.

11 (c) Prior to designating any land areas as unsuit-
12 able for surface coal mining operations, the administrator
13 shall prepare a detailed statement on:

14 (i) The potential coal resources of the area;

15 (ii) The demand for coal resources; and

16 (iii) The impact of this designation on the
17 environment, economy and supply of coal.

18 (d) The above process will include proper notice,
19 opportunities for public and agency participation includ-
20 ing land use planning bodies and a public hearing prior to
21 designation or redesignation, pursuant to this section.

1 (e) Any designation shall not prevent the mineral
2 exploration pursuant to this act of any area so design-
3 nated.

4 (f) The requirements of this section shall not apply
5 to lands on which surface coal mining operations are being
6 conducted on the date of enactment of this act or under a
7 permit issued pursuant to this act, or where substantial
8 legal and financial commitments in these operations were
9 in existence prior to January 4, 1977.

10 (g) This section shall not become effective until
11 approval of a state program pursuant to P.L. 95-87.

12 (h) This section shall operate independently of all
13 other sections of the act except as to the application of
14 the Wyoming Administrative Procedure Act.

15 Section 2. W.S. 35-11-103(e)(xi) and by creating new
16 paragraphs (xviii), (xix) and (xx), 35-11-402(a) by creat-
17 ing a new paragraph (x) and renumbering subsequent para-
18 graphs accordingly, 35-11-404 by creating a new subsection
19 (j) and renumbering subsequent subsections accordingly and
20 amending former subsection (m) and renumbering as (n),
21 35-11-405, 35-11-406(a) by creating a new paragraph (xiii)
22 and renumbering subsequent paragraphs accordingly, (b)

1 introductory paragraph, (xi), (xii) introductory para-
2 graph, by creating new paragraphs (xvii) and (xviii) and
3 renumbering subsequent paragraphs accordingly, (c), (d),
4 (h) introductory paragraph and by creating new paragraphs
5 (xii), (xiii) and (xiv) and by renumbering subsequent
6 paragraphs accordingly, 35-11-409(b) and by creating a new
7 subsection (c), 35-11-415(b) introductory paragraph and by
8 creating new paragraphs (x) and (xi), 35-11-417 by creat-
9 ing a new subsection (d) and renumbering subsequent sub-
10 sections accordingly and 35-11-423 by creating a new sub-
11 section (d) are amended to read:

12 35-11-103. Definitions.

13 (e) Specific definitions for land quality:

14 (xi) "Mining permit" means certification by
15 the director that the affected land described therein may
16 be mined for minerals by a licensed operator in compliance
17 with an approved MINING PLAN AND reclamation plan. No
18 mining may be commenced or conducted on land for which
19 there is not in effect a valid mining permit. A mining
20 permit shall remain valid and in force from the date of
21 its issuance until the termination of all mining and
22 reclamation operations, except as otherwise provide in
23 this act;

1 (xviii) "ALLUVIAL VALLEY FLOORS" MEANS THE
2 UNCONSOLIDATED STREAM LAID DEPOSITS HOLDING STREAMS WHERE
3 WATER AVAILABILITY IS SUFFICIENT FOR SUBIRRIGATION OR
4 FLOOD IRRIGATION AGRICULTURAL ACTIVITIES BUT DOES NOT
5 INCLUDE UPLAND AREAS WHICH ARE GENERALLY overlain BY A
6 THIN VENEER OF COLLUVIAL DEPOSITS COMPOSED CHIEFLY OF
7 DEBRIS FROM SHEET EROSION, DEPOSITS BY UNCONCENTRATED
8 RUNOFF OR SLOPE WASH, TOGETHER WITH TALUS, OTHER MASS
9 MOVEMENT ACCUMULATION AND WINDBLOWN DEPOSITS;

10 (xix) "PRIME FARMLAND" MEANS THE SAME AS THAT
11 PREVIOUSLY PRESCRIBED BY THE UNITED STATES SECRETARY OF
12 AGRICULTURE ON THE BASIS OF SUCH FACTORS AS MOISTURE
13 AVAILABILITY, TEMPERATURE REGIME, CHEMICAL BALANCE,
14 PERMEABILITY, SURFACE LAYER COMPOSITION, SUSCEPTIBILITY TO
15 FLOODING AND EROSION CHARACTERISTICS, AND WHICH HISTORI-
16 CALLY HAVE BEEN USED FOR INTENSIVE AGRICULTURAL PURPOSES,
17 AND AS PUBLISHED IN THE FEDERAL REGISTER; AND

18 (xx) "SURFACE COAL MINING OPERATION" MEANS:

19 (A) ACTIVITIES CONDUCTED ON THE SURFACE
20 OF LANDS IN CONNECTION WITH A SURFACE COAL MINE OR WITH
21 THE SURFACE IMPACTS INCIDENT TO AN UNDERGROUND COAL MINE
22 AS PROVIDED IN SECTION 516 OF P.L. 95-87. THESE ACTIVI-
23 TIES INCLUDE EXCAVATION FOR THE PURPOSE OF OBTAINING COAL

1 INCLUDING COMMON METHODS AS CONTOUR, STRIP, AUGER,
2 MOUNTAINTOP REMOVAL, BOX CUT, OPEN PIT AND AREA MINING,
3 THE USE OF EXPLOSIVES AND BLASTING, AND IN SITE DISTIL-
4 LATION OR RETORTING, LEACHING OR OTHER CHEMICAL OR PHYSI-
5 CAL PROCESSING, AND THE CLEANING, CONCENTRATING OR OTHER
6 PROCESSING OR PREPARATION, AND THE LOADING OF COAL; AND

7 (B) THE AREAS UPON WHICH THESE ACTIVI-
8 TIES OCCUR OR WHERE THESE ACTIVITIES DISTURB THE LAND SUR-
9 FACE. THESE AREAS SHALL ALSO INCLUDE ANY ADJACENT LAND
10 THE USE OF WHICH IS INCIDENTAL TO ANY OF THESE ACTIVITIES,
11 ALL LANDS AFFECTED BY THE CONSTRUCTION OF NEW ROADS OR THE
12 IMPROVEMENT OR USE OF EXISTING ROADS TO GAIN ACCESS TO THE
13 SITE OF THESE ACTIVITIES AND FOR HAULAGE, AND EXCAVATIONS,
14 WORKINGS, IMPOUNDMENTS, DAMS, VENTILATION SHAFTS, ENTRY
15 WAYS, REFUSE BANKS, DUMPS, STOCKPILES, OVERBURDEN PILES,
16 SPOIL BANKS, CULM BANKS, TAILINGS, HOLES OR DEPRESSIONS,
17 REPAIR AREAS, STORAGE AREAS, PROCESSING AREAS, SHIPPING
18 AREAS AND OTHER AREAS UPON WHICH ARE CITED STRUCTURES,
19 FACILITIES OR OTHER PROPERTY OR MATERIALS ON THE SURFACE,
20 RESULTING FROM OR INCIDENT TO THESE ACTIVITIES.

21 35-11-402. Establishment of standards.

22 (a) The council shall, upon recommendation b the
23 advisory board, establish rules and regulations pursuant

1 to the following reclamation standards for the affected
2 areas, including but not limited to:

3 (x) RULES AND REGULATIONS FOR THE CRITERIA FOR
4 REVIEW AND INFORMATION AND PUBLIC NOTICE REQUIREMENTS FOR
5 PERMIT REVISIONS;

6 35-11-404. Drill holes to be capped, sealed or
7 plugged.

8 (j) BEFORE DRILLING ON LANDS WITHIN THE STATE OF
9 WYOMING, ANY PERSON CONDUCTING COAL EXPLORATION OPERATIONS
10 SHALL GIVE NOTICE TO THE ADMINISTRATOR ALONG WITH A LEGAL
11 DESCRIPTION OF THE AREA AND THE NUMBER OF HOLES TO BE
12 DRILLED. THIS EXCLUDES DRILLING WITHIN AN EXISTING PERMIT
13 AREA APPROVED PRIOR TO AUGUST 3, 1977.

14 (n) All actions pursuant to subsections (j) or
15 (k) of this section, must be initiated by the state of
16 Wyoming within three (3) years of the date of the report
17 required by subsection (d) of this section.

18 35-11-405. Permit defined; no mining operation with-
19 out valid permit; when validity terminated.

20 (a) A mining permit is the certification that the
21 tract of land described therein may be mined by an oper-
22 ator licensed to do so in conformance with an approved

1 MINING PLAN AND reclamation plan. No mining operation may
2 be commenced or conducted on land for which there is not
3 in effect a valid mining permit to which the operator pos-
4 sesses the rights.

5 (b) A mining permit once granted remains valid and
6 in force from the date of its issuance until the termina-
7 tion of all mining and reclamation operations, except as
8 otherwise provided in this act.

9 (c) ALL SURFACE COAL MINING PERMITS ISSUED SUBSE-
10 QUENT TO APPROVAL OF THE STATE PROGRAM PURSUANT TO P.L.
11 95-87 SHALL BE ISSUED FOR A TERM OF FIVE (5) YEARS. IF
12 THE APPLICANT DEMONSTRATES THAT A SPECIFIED LONGER TERM IS
13 REASONABLY NEEDED TO ALLOW THE APPLICANT TO OBTAIN NECES-
14 SARY FINANCING FOR EQUIPMENT AND THE OPENING OF THE OPER-
15 ATION AND IF THE APPLICATION IS COMPLETE FOR THIS SPECI-
16 FIED LONGER TERM THE ADMINISTRATOR MAY GRANT A PERMIT FOR
17 A LONGER TERM.

18 (d) A SURFACE COAL MINING PERMIT SHALL TERMINATE IF
19 THE PERMITTEE HAS NOT COMMENCED THE SURFACE COAL MINING
20 OPERATIONS COVERED BY THE PERMIT WITHIN THREE (3) YEARS OF
21 THE ISSUANCE OF THE PERMIT, EXCEPT AS PROVIDED I P.L.
22 95-87.

23 (e) ANY VALID SURFACE COAL MINING PERMIT ISSUED PUR-

1 SUANT TO THIS ACT IS ENTITLED TO A RIGHT OF SUCCESSIVE
2 RENEWAL UPON EXPIRATION WITH RESPECT TO AREAS WITHIN THE
3 BOUNDARIES OF THE EXISTING PERMIT IF PUBLIC NOTICE HAS
4 BEEN GIVEN AND THE PERMIT IS IN COMPLIANCE WITH APPLICABLE
5 LAWS AND REGULATIONS.

6 (f) IF AN APPLICATION FOR RENEWAL OF A VALID SURFACE
7 COAL MINING PERMIT INCLUDES A PROPOSAL TO EXTEND THE
8 MINING OPERATION BEYOND THE BOUNDARIES AUTHORIZED IN THE
9 EXISTING PERMIT, THE PORTION OF THE APPLICATION FOR
10 RENEWAL WHICH ADDRESSES ANY NEW LAND AREAS SHALL BE
11 SUBJECT TO THE STANDARDS APPLICABLE TO NEW APPLICATIONS
12 UNDER THIS ACT. HOWEVER, AREAS PREVIOUSLY IDENTIFIED IN
13 THE RECLAMATION PLAN OF THOSE SURFACE COAL MINING OPER-
14 ATIONS NOT SUBJECT TO THE STANDARDS IN W.S.
15 35-11-406(h)(xiii) WILL NOT BE SUBJECT TO THOSE STANDARDS
16 IN THE RENEWAL APPLICATION.

17 (g) AN APPLICATION FOR RENEWAL OF A VALID SURFACE
18 COAL MINING PERMIT SHALL BE MADE AT LEAST ONE HUNDRED
19 TWENTY (120) DAYS PRIOR TO EXPIRATION OF A VALID COAL
20 PERMIT.

21 35-11-406. Application for permit; generally;
22 denial; limitations.

23 (a) Applications for a mining permit shall be made

1 in writing to the administrator and shall contain:

2 (xiii) A CERTIFICATE ISSUED BY AN INSURANCE
3 COMPANY AUTHORIZED TO DO BUSINESS IN THE UNITED STATES
4 CERTIFYING THAT THE APPLICANT HAS A PUBLIC LIABILITY
5 INSURANCE POLICY IN FORCE FOR THE SURFACE MINING AND
6 RECLAMATION OPERATIONS FOR WHICH THIS PERMIT IS SOUGHT, OR
7 EVIDENCE THAT THE APPLICANT HAS SATISFIED OTHER STATE OR
8 FEDERAL SELF-INSURANCE REQUIREMENTS. THIS POLICY SHALL
9 PROVIDE FOR PERSONAL INJURY AND PROPERTY DAMAGE PROTECTION
10 IN AN AMOUNT ADEQUATE TO COMPENSATE ANY PERSONS DAMAGED AS
11 A RESULT OF SURFACE COAL MINING AND RECLAMATION OPERATIONS
12 INCLUDING USE OF EXPLOSIVES AND ENTITLED TO COMPENSATION
13 UNDER THE APPLICABLE PROVISIONS OF STATE LAW. THIS POLICY
14 SHALL BE MAINTAINED IN FULL FORCE AND EFFECT DURING THE
15 TERMS OF THE PERMIT OR ANY RENEWAL, INCLUDING THE LENGTH
16 OF ALL RECLAMATION OPERATIONS.

17 (b) The application shall ~~be-accompanied-by~~ INCLUDE
18 a MINING PLAN AND reclamation plan dealing with the extent
19 to which the mining operation will disturb, change, or
20 deface the lands to be affected, the proposed future use
21 ~~or-uses~~ and the plan whereby the operator will reclaim the
22 affected lands to the proposed future use, ~~or-uses~~. The
23 MINING PLAN AND reclamation plan shall be consistent with
24 the objectives ~~and-purposes~~ of this act and of the rules

1 and regulations promulgated, ~~hereunder~~. The MINING PLAN
2 AND reclamation plan shall include the following:

3 (xi) For an application filed after March 1,
4 1975, an instrument of consent from the resident or agri-
5 cultural landowner, if different from the owner of the
6 mineral estate, granting the applicant permission to enter
7 and commence surface mining operation, and also written
8 approval of the applicant's mining PLAN and reclamation
9 plan. As used in this paragraph "resident or agricultural
10 landowner" means a natural person or persons who, or a
11 corporation of which the majority stockholder or stock-
12 holders;

13 (xii) For any application filed after March 1,
14 1975, including any lands privately owned but not covered
15 by the provisions of subdivision (b)(xi) of this section
16 an instrument of consent from the surface landowner, if
17 different from the owner of the mineral estate, to the
18 mining PLAN and reclamation plan. If consent cannot be
19 obtained as to the mining plan or reclamation plan or
20 both, the applicant may request a hearing before the envi-
21 ronmental quality council. The council shall issue an
22 order in lieu of consent if it finds:

23 (xviii) A BLASTING PLAN WHICH SHALL OUTLINE THE

1 PROCEDURES AND STANDARDS BY WHICH THE OPERATOR OF A SUR-
2 FACE COAL MINE WILL MEET THE PROVISIONS OF W.S.
3 35-11-415(b)(xi);

4 (xviii). FOR SURFACE COAL MINING OPERATIONS, A
5 PLAN TO MINIMIZE THE DISTURBANCES TO THE PREVAILING
6 HYDROLOGIC BALANCE AT THE MINESITE AND IN ASSOCIATED
7 OFFSITE AREAS AND TO THE QUALITY AND QUANTITY OF WATER IN
8 SURFACE AND GROUND WATER SYSTEMS BOTH DURING AND AFTER
9 MINING OPERATIONS AND DURING RECLAMATION. THIS PARAGRAPH
10 DOES NOT ALTER THE AUTHORITY GRANTED UNDER ANY OTHER
11 SECTION OF THIS ACT WITH RESPECT TO REQUIREMENTS FOR MAIN-
12 TAINING THE HYDROLOGIC BALANCE IN THE MINESITE, OR ASSO-
13 CIATED OFFSITE AREAS, OF OTHER MINING OPERATIONS;

14 (c) The applicant may have the local conservation
15 district assist in preparation of, provide data for, per-
16 form research, review and comment upon the reclamation.
17 FOR THOSE LANDS IN A SURFACE COAL MINING PERMIT APPLICA-
18 TION WHICH A RECONNAISSANCE INSPECTION SUGGESTS MAY BE
19 PRIME FARM LANDS, A SOIL SURVEY SHALL BE MADE OR OBTAINED
20 ACCORDING TO STANDARDS ESTABLISHED BY THE UNITED STATES
21 SECRETARY OF AGRICULTURE IN ORDER TO CONFIRM THE EXACT
22 LOCATION OF THESE PRIME FARM LANDS, IF ANY. IF THE UNITED
23 STATES SECRETARY OF AGRICULTURE OR HIS REPRESENTATIVE HAS
24 DETERMINED THAT THE STATE, AREA OR EXACT LOCATION WITHIN

1 THE PERMIT AREA DOES NOT CONTAIN PRIME FARM LANDS THIS
2 SUBPARAGRAPH IS INAPPLICABLE.

3 (d) The applicant shall file a copy of his ~~recla-~~
4 ~~mation-plan~~ APPLICATION for public inspection at the
5 office of the administrator and in the offices of the
6 county clerks of the counties in which the proposed permit
7 area is located. Those parts of the ~~reclamation--plan~~
8 APPLICATION which contain confidential trade secrets whose
9 disclosure would be harmful to the applicant ~~shall-be~~ ARE
10 exempt from ~~such~~ THESE filings.

11 (h) The requested permit shall be granted if ~~it--is~~
12 ~~established~~ THE APPLICANT DEMONSTRATES that the applica-
13 tion complies with the requirements of this act and all
14 applicable federal and state laws. The director shall not
15 deny a permit except for one (1) or more of the following
16 reasons:

17 (xii) THE AREA IS PROPOSED TO BE MINED AS A
18 SURFACE COAL MINING OPERATION AND IS INCLUDED WITHIN AN
19 AREA DESIGNATED UNSUITABLE FOR SURFACE COAL MINING PUR-
20 SUANT TO W.S. 35-11-425, OR WITHIN AN AREA UNDER REVIEW
21 FOR THIS DESIGNATION UNDER AN ADMINISTRATIVE PROCEEDING,
22 UNLESS IN SUCH AN AREA AN ADMINISTRATIVE PROCEEDING HAS
23 COMMENCED PURSUANT TO W.S. 35-11-425 OF THIS ACT, THE
24 OPERATOR MAKING THE PERMIT APPLICATION DEMONSTRATES THAT,

1 PRIOR TO JANUARY 1, 1977, HE HAS MADE SUBSTANTIAL LEGAL
2 AND FINANCIAL COMMITMENTS IN RELATION TO THE OPERATION FOR
3 WHICH HE IS APPLYING FOR A PERMIT;

4 (xiii) THE APPLICANT HAS NOT AFFIRMATIVELY
5 DEMONSTRATED THAT THE PROPOSED SURFACE COAL MINING OPER-
6 ATION WOULD:

7 (A) NOT INTERRUPT, DISCONTINUE OR PRE-
8 CLUDE FARMING ON ALLUVIAL VALLEY FLOORS THAT ARE IRRIGATED
9 OR NATURALLY SUBIRRIGATED, EXCLUDING UNDEVELOPED RANGE
10 LANDS WHICH ARE NOT SIGNIFICANT TO FARMING ON THOSE
11 ALLUVIAL VALLEY FLOORS AND THOSE LANDS WHERE A REGULATORY
12 AUTHORITY FINDS THAT FARMING IS OF SUCH SMALL ACREAGE AS
13 TO BE OF NEGLIGIBLE IMPACT ON THE FARM'S AGRICULTURAL PRO-
14 Duction; AND

15 (B) NOT MATERIALLY DAMAGE THE QUANTITY
16 OR QUALITY OF WATER IN SURFACE OR UNDERGROUND SYSTEMS THAT
17 SUPPLY ALLUVIAL VALLEY FLOORS. THIS PARAGRAPH SHALL NOT
18 AFFECT THOSE SURFACE COAL MINING OPERATIONS WHICH IN THE
19 YEAR PRECEDING AUGUST 3, 1977, PRODUCED COAL IN COMMERCIAL
20 QUANTITIES AND WERE LOCATED WITHIN OR ADJACENT TO ALLUVIAL
21 VALLEY FLOORS, OR HAD OBTAINED SPECIFIC PERMIT APPROVAL BY
22 THE ADMINISTRATOR TO CONDUCT SURFACE COAL MINING OPER-
23 ATIONS WITHIN THOSE ALLUVIAL VALLEY FLOORS; AND PROVIDED

1 FURTHER THAT IF COAL DEPOSITS ARE PRECLUDED FROM BEING
2 MINED BY THIS PARAGRAPH, THE ADMINISTRATOR SHALL CERTIFY
3 TO THE SECRETARY OF THE INTERIOR THAT THE COAL OWNER OR
4 LESSEE MAY BE ELIGIBLE FOR PARTICIPATION IN A COAL
5 EXCHANGE PROGRAM PURSUANT TO SECTION 510(b)(5) of P.L.
6 95-87;

7 (xiv) THE APPLICANT HAS NOT AFFIRMATIVELY
8 DEMONSTRATED THAT THE PROPOSED SURFACE COAL MINING OPER-
9 ATION HAS BEEN DESIGNED TO PREVENT MATERIAL DAMAGE TO THE
10 HYDROLOGIC BALANCE OUTSIDE THE PERMIT AREA;

11 35-11-409. Permit revocation.

12 (b) Unless an emergency exists, AND EXCEPT AS OTHER-
13 WISE PROVIDED IN THIS ACT, the revocation of a permit
14 shall become effective upon thirty (30) days' notice to
15 the operator. In case of an emergency, a special meeting
16 of the council may cause such A revocation to become
17 effective immediately upon receipt of notice thereof by
18 the permit holder.

19 (c) WHEN AN INSPECTION CARRIED OUT PURSUANT TO THE
20 ENFORCEMENT OF THIS ACT REVEALS THAT A PATTERN OF VIOLA-
21 TIONS BY ANY SURFACE COAL MINE OPERATOR OF ANY REQUIRE-
22 MENTS OF THIS ACT OR ANY PERMIT CONDITIONS REQUIRED BY
23 THIS ACT HAS EXISTED, AND THAT THESE VIOLATIONS WERE

1 CAUSED BY THE UNWARRANTED FAILURE OF THE OPERATOR TO
2 COMPLY WITH THESE REQUIREMENTS OR PERMIT CONDITIONS, OR
3 THAT THESE VIOLATIONS ARE WILLFULLY CAUSED BY THE OPER-
4 ATOR, THE DIRECTOR SHALL ISSUE AN ORDER TO THE OPERATOR TO
5 SHOW CAUSE WHY THE PERMIT SHOULD NOT BE SUSPENDED OR
6 REVOKED. OPPORTUNITY FOR A PUBLIC HEARING BEFORE THE
7 COUNCIL SHALL BE PROVIDED. IF A HEARING IS REQUESTED THE
8 DIRECTOR SHALL INFORM ALL INTERESTED PARTIES OF THE TIME
9 AND PLACE OF THE HEARING. UPON FAILURE OF THE OPERATOR TO
10 SHOW CAUSE WHY THE PERMIT SHOULD NOT BE SUSPENDED OR
11 REVOKED, THE COUNCIL SHALL SUSPEND OR REVOKE THE PERMIT.

12 35-11-415. Duties of operator.

13 (b) The operator, pursuant to an approved surface
14 mining permit and MINING PLAN AND reclamation plan, OR ANY
15 APPROVED REVISIONS THERETO, shall:

16 (x) FOR SURFACE COAL MINING OPERATIONS, PRE-
17 SERVE THROUGHOUT THE MINING AND RECLAMATION PROCESS THE
18 ESSENTIAL HYDROLOGIC FUNCTIONS OF ALLUVIAL VALLEY FLOORS
19 IF THESE AREAS ARE CLASSIFIED WITHIN A PERMIT. THIS PARA-
20 GRAPH DOES NOT ALTER THE AUTHORITY GRANTED UNDER ANY OTHER
21 SECTION OF THIS ACT WITH RESPECT TO REQUIREMENTS FOR PRE-
22 SERVING THROUGHOUT THE MINING AND RECLAMATION PROCES THE
23 ESSENTIAL HYDROLOGIC FUNCTIONS OF THE MINESITE, OR ASSOCI-

1 ATED OFFSITE AREAS, OF OTHER MINING OPERATIONS;

2 (xi) FOR SURFACE COAL MINING OPERATIONS,
3 INSURE THAT EXPLOSIVES ARE USED ONLY IN ACCORDANCE WITH
4 EXISTING STATE AND FEDERAL LAW AND THE RULES AND REGULA-
5 TIONS PROMULGATED BY THE COUNCIL, WHICH SHALL INCLUDE BUT
6 ARE NOT LIMITED TO PROVISIONS TO:

7 (A) PROVIDE ADEQUATE ADVANCE WRITTEN
8 NOTICE TO LOCAL GOVERNMENTS AND RESIDENTS WHO MIGHT BE
9 AFFECTED BY THE USE OF THESE EXPLOSIVES BY PUBLICATION OF
10 THE PLANNED BLASTING SCHEDULE IN A NEWSPAPER OF GENERAL
11 CIRCULATION IN THE LOCALITY AND BY MAILING A COPY OF THE
12 PROPOSED BLASTING SCHEDULE TO EVERY RESIDENT WITHIN ONE-
13 HALF (1/2) MILE OF THE PROPOSED BLASING SITE AND BY PRO-
14 VIDING DAILY NOTICE TO THE RESIDENT OR OCCUPIERS IN THESE
15 AREAS PRIOR TO ANY BLASTING;

16 (B) MAINTAIN FOR A PERIOD OF AT LEAST
17 THREE (3) YEARS AND MAKE AVAILABLE FOR PUBLIC INSPECTION
18 UPON REQUEST A LOG DETAILING THE LOCATION OF THE PLASTS,
19 THE PATTERN AND DEPTH OF THE DRILL HOLES, THE AMOUNT OF
20 EXPLOSIVES USED PER HOLE, AND THE ORDER AND LENGTH OF
21 DELAY IN THE PLAST;

22 (C) LIMIT THE TYPES OF EXPLOSIVES AND
23 DETONATING EQUIPMENT, THE SIZE, TIMING AND FREQUENCY OF

1 BLASTS BASED UPON THE PHYSICAL CONDITIONS OF THE SITE SO
2 AS TO PREVENT:

3 (II) INJURY TO PERSONS;

4 (III) DAMAGE TO PUBLIC AND PRIVATE
5 PROPERTY OUTSIDE THE PERMIT AREA;

6 (III) ADVERSE IMPACTS ON ANY
7 UNDERGROUND MINE;

8 (IV) A CHANGE IN THE COURSE, CHAN-
9 NEL OR AVAILABILITY OF GROUND OR SURFACE WATER OUTSIDE THE
10 PERMIT AREA.

11 (D) REQUIRE THAT ALL BLASTING OPERATIONS
12 BE CONDUCTED BY TRAINED AND COMPETENT PERSONS AS CERTIFIED
13 BY THE ADMINISTRATOR;

14 (E) PROVIDE THAT UPON THE REQUEST OF A
15 RESIDENT OR OWNER OF A MAN-MADE DWELLING OR STRUCTURE
16 WITHIN ONE-HALF (1/2) MILE OF ANY PORTION OF THE PERMITTED
17 AREA THE APPLICANT OR PERMITTER SHALL CONDUCT A
18 PREBLASTING SURVEY OF THESE STRUCTURES AND SUBMIT THE
19 SURVEY TO THE ADMINISTRATOR AND A COPY TO THE RESIDENT OR
20 OWNER MAKING THE REQUEST. THE AREA OF THE SURVEY SHALL BE
21 DECIDED BY THE ADMINISTRATOR AND SHALL INCLUDE PROVISIONS
22 AS THE UNITED STATES SECRETARY OF THE INTERIOR SHALL

1 PROMULGATE.

2 35-11-417. Bonding provisions.

3 (d) THE COUNCIL MAY PROMULGATE RULES AND REGULATIONS
4 FOR A SELF-BONDING PROGRAM FOR SURFACE COAL MINING OPER-
5 ATIONS UNDER WHICH THE ADMINISTRATOR MAY ACCEPT THE BOND
6 OF THE OPERATOR ITSELF WITHOUT SEPARATE SURETY WHEN THE
7 OPERATOR DEMONSTRATES TO THE SATISFACTION OF THE ADMINIS-
8 TRATOR THE EXISTENCE OF A SUITABLE AGENT TO RECEIVE
9 SERVICE OF PROCESS AND A HISTORY OF FINANCIAL SOLVENCY AND
10 CONTINUOUS OPERATION SUFFICIENT FOR AUTHORIZATION TO
11 SELF-INSURE OR BOND THIS AMOUNT. THIS SUBSECTION SHALL
12 NOT BECOME OPERATIVE UNTIL THE COUNCIL HAS PROMULGATED
13 RULES AND REGULATIONS FOR THE SELF-BONDING PROGRAM WHICH
14 REQUIRE THAT THE PROTECTION PROVIDED BY SELF-BONDING SHALL
15 BE CONSISTENT WITH THE OBJECTIVES AND PURPOSES OF THIS
16 ACT.

17 35-11-423. Release of bonds.

18 (d) THE COUNCIL SHALL PROMULGATE RULES AND REGULA-
19 TIONS GOVERNING THE RELEASE OF BONDS FOR SURFACE COAL
20 MINING OPERATIONS IN COMPLIANCE WITH P.L. 95-87.

1 Section 3. This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming Con-
4 stitution.

5 (END)

FISCAL NOTE

Fiscal Note No. 170
 Requester Representative Morton

L.S.O. 78 - 166	Draft 01
Bill No.	Jt. Res. No.

Part I. Fiscal Data:

SHORT TITLE OF BILL: Environmental Quality Act Amendments	STATUTORY REFERENCE Nos. Create & Amend 35-11-425 et al	NAME OF FUND N/A
AGENCY TITLE: Dept. of Environmental Quality		
SOURCE OF APPROPRIATION/REVENUE N/A		New Program () Change in Existing Program <input checked="" type="checkbox"/> Local Government Impact ()

If more than one appropriation is involved, show overall effect below, but show breakdown by appropriation and fiscal year on a separate page. Round to nearest hundred dollars.

EFFECT OF PROPOSAL	FISCAL PERIODS		
	BIENNIAL INCREASE OR (-) DECREASE		
	First Biennial	Second Biennial	Third Biennial
Salaries & Number of Personnel	\$		
Supporting Expenses			
Permanent Property			
Aids to Localities			
Other			
ESTIMATED TOTAL COST	\$		
GENERAL FUND			
FEDERAL FUND			
OTHER			
ESTIMATED TOTAL REVENUE	\$		

Part II. Explain in a clear and concise manner what effect this measure will have on the costs and revenues of state government. Specify the source of funds for appropriations. Include effect on the current biennium and also the long-range fiscal effect, if any. Show how you arrived at the estimate. Use attached sheet and any additional sheets which you may need.

Language changes and additions. Existing staff and procedures should be sufficient and no fiscal impact is contemplated.

2/20/78

LSO Audit Division

Date
2/20/78

Date

Agency

Legislative Auditor Clearance

Authorized Representative

HB 80