

Response to Comments on Proposed Revisions to Noncoal Chapter 5 – Exploration by Dozing

**Jadex Corporation**

1. For clarity and completion, perhaps the list of allowable materials may include other materials present in Wyoming towards which other small operations may apply such as jasper and corundums (rubies and sapphires).

*Response: Diamond was added to the list after Advisory Board meeting. LQD does not plan to add small operations from those proposed. This is done such that the proposed revisions address the materials that have the highest level of license activity and align as close to the statutory language as possible.*

2. Further clarity may be useful to operators on the way in which the 3 acres affected are to be defined, and whether the 3 acres are to be computed only as surface affected by surface stripping and excavations, and, as in the case of the LMO, if roads to access mining operations are exempt from the computation of the disturbed surface.

*Response: The LQD has specified that the three acres covers the active site, and access roads are excluded. Administrator also has discretion to require additional bond amount in Chapter 5, Section 1(b) of the proposed rules.*

3. While noting that a 3 acre allowable disturbance in this context is a great improvement on current restrictions, it can be noted that it is not fully in harmony with comparable rules on BLM lands which allow for up to 5 acres of disturbance under a Notice of Intent.

*Response: The LQD has determined that three acres covers 99% of existing and proposed operations. In addition, and more importantly, based on LQD's experience once these types of sites move beyond three acres in size the bonding requirement increases beyond the \$2,500 per acre in order to ensure full funding for reclamation in the event of a forfeiture.*

4. Has a mechanism been defined to harmonize this proposed new rule with existing holders of Licenses, ie: will new rates be applied retroactively to current license holders, or whether posted bond amounts will be grandfathered for the time being.

*Response: Existing LE operations that are 3 acres or less will be required to meet the new bond amount of \$2500/acre. The new rates will apply upon renewal of the license. The intent here is to have these sites bonded for reclamation appropriately.*

5. Will consideration be made to allow for "moving" or "adjusting" target areas within the defined disturbance bonded/permitted as submitted on initial maps as the exploration progresses and new information is obtained? In any early exploration, concepts tested may and almost always do generate new information about mineralization trends and deposit geometry, shifting the direction of work as it advances. Exploration, is, by its very nature, the process of

generating previously unknown information with regards to any potential new deposit, and some flexibility in the planning ability or review process may be very helpful.

*Response: The operator can move within the permitted area of disturbance or affected area. If additional area is needed, a revision can be filed and bond adjusted up to the three acres.*

6. As there are various applicable royalties (State lands), mineral lease requirements (State Lands), excise taxes (all lands) and County gross products tax applicable to various types of mineral production in Wyoming, is this type of exploration activity likely to be subject to, or exempt from the above payments, as they are typically associated with the existence of a higher level mature project where a mining License has been issued?

*Response: The exploration activity is subject to the applicable taxes and fees. To exempt an exploration operation from these requirements would require legislative action that is outside the LQD's statutory authority.*

7. To return to a point/question made under section 1 (a), will a distinction be made between areas with minimal surface disturbance (overland travel of equipment to work area without excavation, road building and minimal soil/vegetation disturbance), and areas where topsoil removal and excavations are conducted?

*Response: See response to comment 2 above.*

### **Eldon Strid**

1. Suggested consolidating different types of mining and noted that different regulatory frameworks for different materials and footprints confusing and unnecessary.

*Response: Comment is beyond the scope of this rulemaking and would require legislative changes. The proposed rules in this rule package were not drafted in response to a statutory change unlike the Wind Turbine and LMO regulations. Proposed rules were drafted in response to operator's comments in years past.*

2. Suggested that rules as proposed would require additional staff workload.

*Response: The LQD has reviewed this rule package and believes that the rules as proposed would result in a reduction of required manhours to administer these exploration operations.*

3. Suggested the regulatory framework should be changed to include all metal and non-metal materials, and permit types into one consistent framework.

*Response: While the LQD does not necessarily disagree with this comment, it would be outside the LQD's current statutory authority and would require legislative changes.*

4. Commented that there is an overlap between Federal and State regulations and suggested a contractual relationship between the parties.

*Response: The State is not in a position to contract with the Federal government to do this type of work and would require congressional action. This comment is beyond the scope of this rulemaking.*