

~~DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~LAND QUALITY DIVISION~~

~~NONCOAL RULES AND REGULATIONS~~

CHAPTER 10

LIMITED MINING OPERATIONS FOR FIFTEEN ACRES OR LESS OF AFFECTED LAND

**Section 1. Commencement.**

(a) At least thirty (30) days prior to the commencement of surface mining operations for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast, or feldspar from an area of fifteen (15) acres or less of affected land, excluding access roads, a notification shall be submitted by the operator to the Administrator and the inspector of mines within the department of workforce services. The notification must be on forms supplied by the Division and shall contain the following:

(i) The name, address, and telephone number of the operator.

(ii) The written consent for the operation from the surface owner and surface lessee, if any, of the land to be affected.

(iii) The location of the area of the operation by legal subdivision, section, township, and range. If there is no other survey, the location by protracted survey, metes and bounds, or claims.

(iv) The mineral to be mined.

(v) A USGS topographic map:

(A) The notification submitted to the Administrator must be accompanied by an original quadrangle map (photo copies or other similar copies are not acceptable unless prior approval is obtained from the Land Quality Division).

(B) The following information shall be shown on the quadrangle map:

(I) A legal description of the fifteen (15) acres or less of land to be affected.

(II) If any previous mining has taken place, or is taking place, within the fifteen (15) acres or less to be affected, show the location and identity of this mining as an existing mining operation.

(III) Show any existing or proposed access or haul roads into, or away from the proposed mining operation. Any roads to be constructed or upgraded by the operator shall be included as part of the operation from that point that they provide exclusive service and shall be covered by a reclamation bond but are not included in the fifteen (15) acres of affected land limitation.

(vi) The operator shall provide a description of the proposed mining operation. This description shall include:

- (A) Number of acres to be affected.
- (B) Maximum depth to which mining will occur.
- (C) Depth to groundwater where known.
- (D) The premining and proposed postmining land use.

~~(vii) A sworn statement that all information contained in the notification is true and correct to the best knowledge of the operator.~~

(b) At least thirty (30) days prior to commencing operations, the operator must notify by mail all surface owners located within one (1) mile of the proposed boundary of the limited mining operation. The surface owner notification must include:

(i) A copy of the notification submitted to the Administrator in Subsection (a) above;

(ii) A copy of the map submitted in compliance with Subsection (a)(v) above; and

(iii) The name, postal address and telephone number of the operator.

### **Section 2. Bond.**

The operator shall file a bond pursuant to W.S. § 35-11-401(e)(vi)(B) in the amount of two thousand dollars (\$2,000.00) per acre, except for quarries for which the bond amount shall not exceed three thousand dollars (\$3,000.00) per acre of affected land. Roads used to access the mining operation must be included in the acreage total when calculating bond amounts. Within ninety (90) days after limited mining operations commence, the Administrator may require the operator to post an additional bond per acre of affected land if it is determined that such amount is necessary to insure reclamation. The operator shall post the additional bond not later than thirty (30) days after receipt of such notification.

### **Section 3. Annual Reports.**

The operator shall file annual reports pursuant to W.S. § 35-11-401(k).

#### **Section 4. Operation.**

(a) A sign shall be posted and maintained at the entrance of the operation that, at a minimum, clearly shows:

- (i) The name, address, and telephone number of the operator;
- (ii) The name of the operator's local authorized agent; and
- (iii) The LQD limited mining operation number.

(b) All topsoil from affected lands shall be saved and stockpiled in such a manner to minimize wind and water erosion. Such stockpiles shall be clearly identified by a sign.

(c) In no case shall any materials be pushed or dumped over natural escarpments.

(d) The affected lands shall not be within three hundred (300) feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery unless the landowner's consent has been obtained.

#### **Section 5. Reclamation.**

(a) After the mining operations have ceased ~~or within 30 days after the abandonment of the mining operation,~~ the operator shall notify the Administrator of such fact and commence reclamation and restoration. Provided however, that immediate reclamation will not be required if the landowner advises the Department in writing of his intent to further utilize the product of the mine, and if he assumes the obligation of reclamation and furnishes an appropriate bond to the Administrator.

~~(i) The operation will be considered to be abandoned if any of the following occur:~~

~~(A) The individual, partnership, or corporation conducting the operation goes out of business.~~

~~(B) No further mining or reclamation work has been done from one annual report to the next.~~

~~(C) The mineral being mined has been exhausted.~~

~~(D) The period of time for which the surface owner (or lessee) gave permission has expired and a written extension has not been obtained.~~

(b) The reclamation of the affected lands shall be in accordance with the following:

- (i) Reclamation shall be consistent with the proposed postmining land use.
- (ii) On commencement of reclamation the topsoil shall be redistributed evenly over the affected area.
- (iii) The affected land shall be reclaimed using sound agricultural practices. Surface preparation of affected areas to be seeded, seed types, amounts, methods of seeding and time shall be subjected to approval by the Division prior to seeding.
- (iv) Mulching and/or fertilization may be required at the Administrator's discretion to ensure revegetation.
- (v) Petroleum wastes and other toxic materials shall be disposed of by methods which ensure that topsoil, vegetation, surface water and groundwater are not contaminated.
- (vi) For soft rock operations, final slopes shall be gentle enough to allow for contour seeding and final topography shall be approved by the Division, provided that the final slope shall not be greater than a ratio of 3:1.
- (vii) For hard rock operations, whenever possible, the highwall shall be reduced to no greater than a 3:1 slope. The operator must demonstrate the stability of any steeper slope or of any remaining highwall, so that the reclaimed area is left in a condition so as not to create a potential erosion problem or safety hazard to the public or wildlife. Slopes, including any remaining highwall, shall be modified to blend as much as possible to the native landscape.

### **Section 6. Renewals**

Limited mining operations may be renewed after five (5) years from the date of commencement. An applicant seeking renewal beyond the initial five (5) year period shall file a notification to extend operations on a form provided by the Division. The notification to extend operations shall be filed with the operator's fifth annual report and, for successive renewals, with an annual report every five (5) years thereafter.

### **Section 6 7. Transfers**

The right to operate under a limited mining exemption may be transferred to a new operator with written approval of the existing operator and written acceptance by the Administrator, provided the new operator submits a new notification and bond required for the new operation and assumes the reclamation liability of the existing operator and does not violate the limitations provided in Section 8 9 below.

### **Section 7 8. Release of Bonds and Forfeiture of Bonds.**

Bond release. Forfeiture and cancellation shall be handled as provided in W.S. §§ 35-11-417 through 35-11-424.

**Section 8 9. Limitation of Operations.**

(a) The operator will not be allowed to:

(i) Conduct more than one operation under W.S. § 35-11-401(e)(vi) within adjacent areas when the operations are to mine the same minerals, or

(ii) Conduct more than one operation of fifteen (15) acres or less within any six-mile radius when the two operations are to mine the same mineral, so as to circumvent the general requirements of the Environmental Quality Act. The Administrator may allow two operations for the same mineral within the six-mile radius if one of the operations has completed reclamation work and is awaiting bond release. Complete reclamation for the purposes of this section means backfilling, grading, topsoil application and final seeding activities have been completed.