

DEPARTMENT OF ENVIRONMENTAL QUALITY

LAND QUALITY DIVISION (LQD)

LIMITED MINING OPERATION (LMO)

GENERAL APPLICATION INSTRUCTION MEMO



Please refer to the following documents posted separately on the LQD website or in this general application instruction memo:

- ✓ Wyoming Game & Fish Dept. Contact Information
- ✓ LMO Application Form Filing Instructions (this packet)
- ✓ LMO Application Checklist
- ✓ LMO Application Form¹
- ✓ Reclamation Performance Bonds General Information
- ✓ Example LMO Application Map²
- ✓ Chapter 10 Noncoal Rules & Regulations³

¹ The LMO Application Form is intended to be printed on one sheet of 8.5"x14" legal-sized paper. Formatting and printing the form on one sheet of 8.5"x11" letter-sized paper is also acceptable. Before printing, please ensure the print settings are set appropriately.

² As noted in the instruction memorandum, an original United States Geologic Survey (USGS) Quadrangle map is preferred. However, computer-generated maps are acceptable with prior approval from the LQD. The map must contain enough legal information (Township, Range, and Section) to confirm the location of the mining operation. Please also include the scale.

³ LMOs are authorized under the Wyoming Environmental Quality Act (WEQA), Wyoming Statutes (W. S.) §35-11-401(e)(vi). A copy of the statutes, including Article 4 – Land Quality, is available upon request.



**Wyoming Department of Environmental Quality
Land Quality Division**



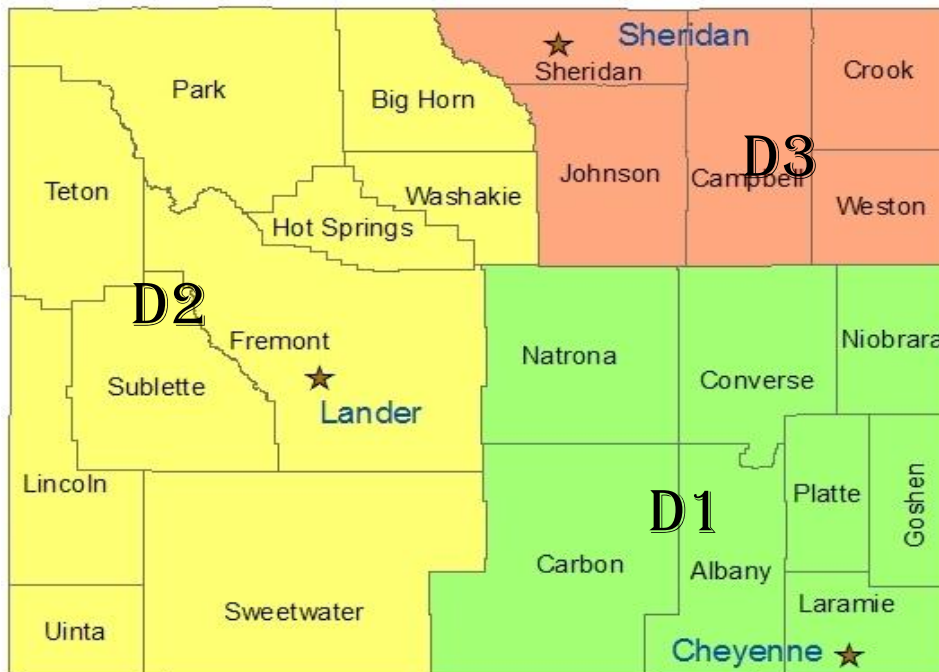
Limited Mining Operation

General Application Instruction Memo

Mining of Sand, Gravel, Scoria, Limestone, Dolomite, Shale, Ballast or Feldspar per the requirements of the Land Quality Division (LQD) of the Wyoming Department of Environmental Quality (WDEQ)

An LMO Application Form is the form for a Limited Mining Operation (LMO), under Wyoming Statute (W.S.) §35-11-401(e)(vi) and Chapter 10 of the LQD Noncoal Rules. This form may also be found on the LQD website: <http://deq.state.wy.us/lqd>. To apply for an LMO, please send the original and one copy of 1) the completed LMO Application Form and supporting materials, 2) the appropriate reclamation bond materials, and 3) a map to the appropriate LQD District. Contact information for each district is listed below:

WDEQ/LQD DISTRICT 1	WDEQ/LQD DISTRICT 2	WDEQ/LQD DISTRICT 3
122 West 25 th Street Herschler Building, 3 rd Floor-West	510 Meadowview Drive	2100 West 5 th Street
Cheyenne, WY 82002	Lander, WY 82520	Sheridan, WY 82801
(307) 777-7756	(307) 332-3047	(307) 673-9337



AQD Information: Please note that the applicant must also obtain a WDEQ Air Quality Division (AQD) construction permit or a permit waiver before commencing any mining related disturbance or activity. A *30-day public notification period may be required*. Please contact AQD (307) 777-7391 for further information regarding Air Quality permit or waiver process requirements. In general, a permit waiver will take approximately 45 days to issue and a construction permit 120 days to issue from receipt of the application. A determination on whether a permit or waiver will be issued will be made once the application is received.

WDEQ/AQD
122 West 25th Street
Herschler Building, 2nd Floor - East
Cheyenne, WY 82002
(307) 777-7391

<http://deq.state.wy.us/aqd/>

Additional Information (Web Links):

[New Source Construction Permits](#)

[Air Quality Permitting \(guidance\)](#)

[Mining/Quarry Operations – Non Coal Checklist for Complete Application](#)

WQD Information: Also note that the applicant must contact the WDEQ Water Quality Division (WQD) to obtain authorization for storm water discharge before commencing any mining related disturbance or activity.

WDEQ/WQD
122 West 25th Street
Herschler Building, 4th Floor - West
Cheyenne, WY 82002
(307) 777-7781

<http://deq.state.wy.us/wqd/>

Additional Information (Web Links):

[WYPDES Storm Water Program](#)

[Notice of Intent \(NOI\) for Mineral Mining](#)

[Mineral Mining General Permit \(MGP\)](#)

Please contact the WYPDES Storm Water Program Coordinator for further instructions.

Wyoming Game and Fish Contact Information
to Obtain a Determination on Sage Grouse Protection
before Approval of Mining Operations
by the Land Quality Division (LQD)



LMO applicants should contact the Wyoming Game and Fish Department (WGFD) for a Sage Grouse habitat protection determination. If the proposed disturbance area lies within a Sage Grouse Core Area, the Density and Disturbance Calculation Tool (DDCT) is used to determine the cumulative effects the additional disturbance would have on Sage Grouse habitat. The applicant may need to obtain a WGFD recommendation for Sage Grouse protection associated with any proposed mining disturbance. The WGFD will need to know the location of proposed mining sites by Township, Range, and Section number.

Please contact the Wyoming Game and Fish Department/Habitat Protection staff at (307)777-4506 for Sage Grouse protection questions and recommendations.

Information on Sage Grouse Protection can be found on the following WGFD website:

<http://wgfd.wyo.gov/web2011/wildlife-1000382.aspx>

This website includes a link to the Governor's Executive Order 2011-5, "Greater Sage-Grouse Core Area Protection (June 2, 2011)."

No authorizations or permits can be issued by the Land Quality Division if the proposed mining operation lies within a Sage Grouse Core Area until a DDCT is determined and a recommendation letter is obtained from the Wyoming Game and Fish Department. If the proposed operation lies outside of the Sage Grouse Core Area but adjacent to an occupied lek (2 miles or less), seasonal restrictions will be required from the Wyoming Game and Fish Department. No operations (no surface occupancy) are allowed within 1/4 mile of occupied leks outside of Sage Grouse Core Areas.

LMO Application Form

Please note the following information when completing the application form:

- 1. The total amount of “affected land” allowed during the life of the “operation” shall not exceed fifteen (15) acres.** Please note the Application Form requires information on the acreage covered by the pit, stockpiles, and related equipment areas (Item 1A on form). Haul and access roads that are newly constructed or upgraded private roads that provide access to the operation must be listed for bonding purposes only and the acreage is not counted against the fifteen acre size limitation. (Item 1B on form).

“Operation,” “Operator,” and “Affected Land” are defined as follows:

“Operation” means all of the activities, equipment, premises, facilities, structures, roads, rights-of-way, waste and refuse areas, . . . storage and processing areas, and shipping areas used in the process of excavating or removing overburden and minerals from the affected land or for removing overburden for the purpose of determining the location, quality or quantity of a natural mineral deposit or for the reclamation of affected lands.” W.S. §35-11-103(e)(viii).

“Operator” defined in W.S. §35-11-103(e)(ix) as “any person engaged in mining, either as principal who is or becomes the owner of minerals as a result of mining, or who acts as an agent or independent contractor on behalf of such principal in the conduct of mining operations.”

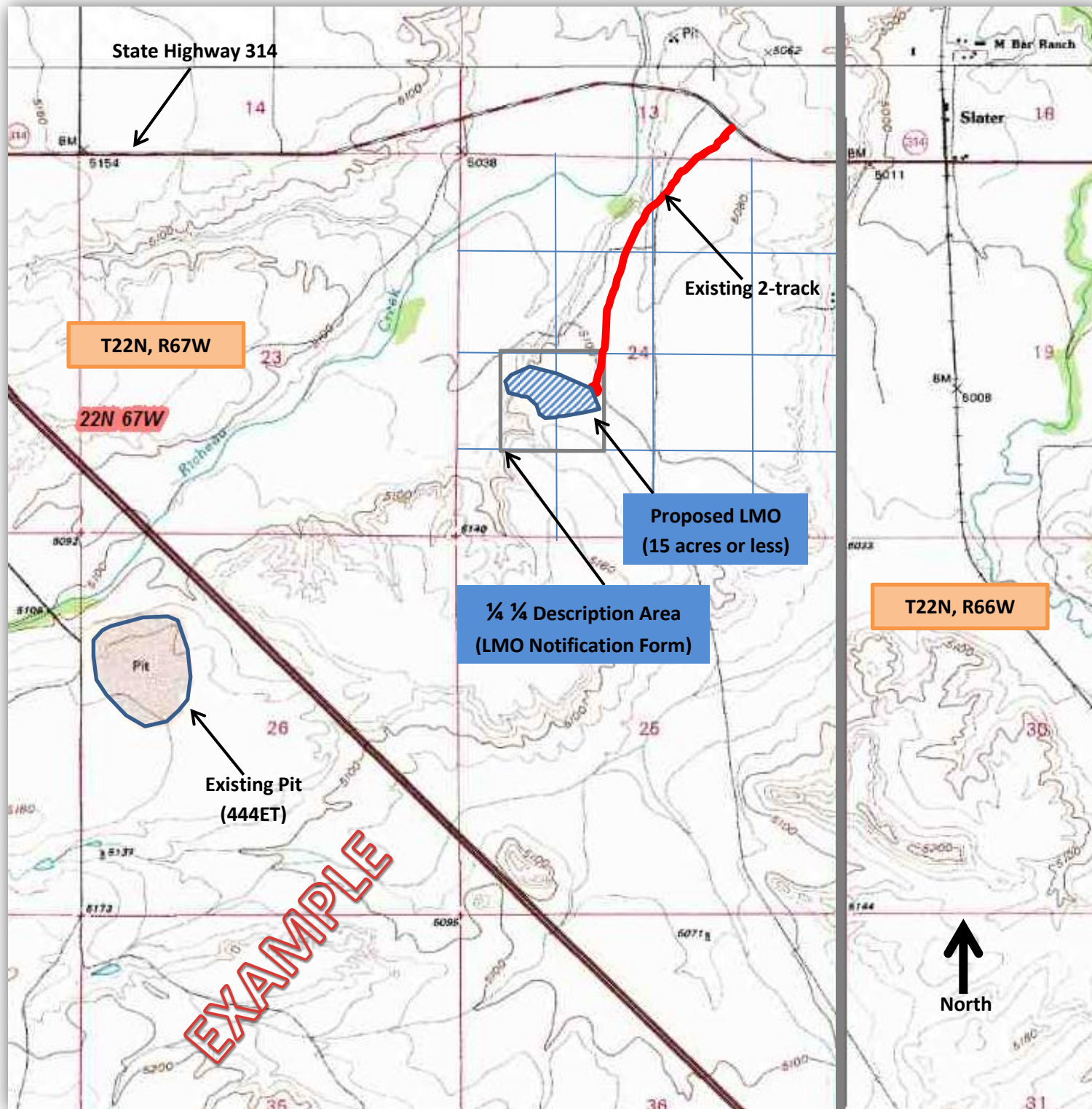
“Affected Land” means the area of land from which overburden is removed, or upon which overburden, development waste rock or refuse is deposited, or both, including access roads, haul roads, mineral stockpiles, mill tailings . . . , impoundment basins . . . , and all other land whose natural state has been or will be disturbed as a result of the operations.” W.S. §35-11-103(e)(xvi).

Chapter 10, Section 1(a)(v)(B)(III) of the LQD Noncoal Rules and Regulations requires the application map to: “*Show any existing or proposed access or haul roads into, or away from the proposed mining operation.*” In addition, it states that: “*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.*” Therefore, the acreage of the access roads and haul roads between the mine site and the connecting road maintained by a governmental agency must be included as part of the operation and reclaimed. However, if the application also includes a written statement from the surface owner that the surface owner desires that any access roads or haul roads on private

surface remain for private use after completion of the mining operation, the LQD will not require the access road or haul road to be reclaimed.

2. An operator will not be allowed to conduct more than one LMO within any six-mile radius when the two operations are to mine the same mineral. Exceptions may be allowed under some circumstances upon approval of the Administrator.
3. The mineral ownership of the affected land must be stated in Item 3A of the LMO Application Form. Please use the surety bond form (Form 2SF1) if the surface or mineral ownership is federal **and** a surety bond is used for the reclamation bond. The surety bond form is somewhat different than for a private surface and mineral form (Form2OTH1).
4. The following must accompany the completed LMO Application Form (whether for a new LMO or a transfer):
 - a. A reclamation bond in the amount of \$2,000.00 per acre except for quarries for which the bond amount shall not exceed \$3000.00 per acre of affected land (W.S. §35-11-401(e)(vi)(B)). In addition, the operator may be required to post an additional bond within 90 days after mining operations commence if the Administrator determines that such amount is necessary to insure reclamation. If federal lands are involved, please contact the LDQ for further instructions. Also, please refer to ***General Bonding Instructions*** memorandum titled, “*Reclamation Performance Bonds General Instructions*” that is posted on the LQD website.
 - b. An original United States Geologic Survey (USGS) Quadrangle Map (photocopies and computer printouts are not acceptable unless prior approval is obtained from the LQD). The following information shall be shown on the map using waterproof ink, preferably black. Please refer to example map (attached).
 - i. Outline the section or sections in which the mining operations will take place.
 - ii. Subdivide the entire section, or sections, into 40-acre subdivisions and/or lots and tracts if they appear within the section.
 - iii. Identify any lots or tracts referenced in the application.
 - iv. Locate and identify the area of operation.
 - v. Add a Title Block in the lower right-hand corner. The title on the map must conform with the name and address of the operator listed in Item 2 of the application.

- vi. Show any existing or proposed access roads or haul roads for the proposed mining operation. Please identify and label Wyoming State Highways and County Roads.
- c. An instrument of consent from the landowner is required if the proposed affected lands lie within 300 feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery.
 - d. A list of all surface owners within one mile of the boundaries of the proposed operation who were notified at least thirty days prior to commencing operations must be provided. An example of the notice letter is provided on the LQD's webpage at: <http://deq.state.wy.us/lqd/noncoalpermitting.asp>. Notice letters sent to the surface owners must include a copy of the LMO Notification Form, a copy of the map and the name, postal address and telephone number of the operator.
5. After the mining operation has ceased or within thirty days after the abandonment of the mining operation, the operator shall notify the Administrator and commence reclamation and restoration. 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; or
 - d. The period of time for which the surface owner (or lessee) gave permission to mine has expired and a written extension has not been obtained.
 6. Reclamation shall be consistent with the proposed postmining land use and in accordance with the Environmental Quality Act (W.S. §35-11-101 *et seq.*) and associated rules.
 7. The operator shall file an Annual Report on or within thirty days prior to the anniversary date of the permit being issued. The report shall be on a form supplied by LQD.



**Map to Accompany
Notification for Proposed
Limited Mining Operation:**

Slater Pit

Pit Location:

10 acres located in the
NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, and
the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24
T22N, R67W

OPERATOR:

ACME Mining, Co.
1234 West Avenue
Wheatland, Wyoming
(307)555-6666

U.S.G.S. Topo/Quad Base Map:

Chugwater, Wyoming

SCALE:

1" = 2,000 feet