

Wyoming Administrative Rules

Environmental Quality, Dept. of

Land Quality - Non Coal

Chapter 5: Exploration by Dozing

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CHAPTER V

NONCOAL

EXPLORATION BY DOZING

Section 1. Requirements.

(a) Any person desiring to engage in exploration by dozing so as to substantially affect less than forty acres in any four contiguous sixteenth sections shall submit an application to the Administrator for a license to explore by dozing.

(b) If the proposed exploration by dozing will substantially affect forty (40) or more acres in any four (4) contiguous sixteenth sections, the application shall conform to the reclamation standards and requirements governing surface mining, and the provisions of this Chapter shall not apply.

(c) The application for a license to explore by dozing shall be made upon the form furnished by the Administrator, in duplicate, and shall contain the following information:

(i) Name, address and telephone number of the person making the application.

(ii) The name, address and telephone number of the person who will be present at and/or responsible for the exploration operation.

(iii) An original U.S.G.S. topographic map, if one has been issued, showing the general area in which exploration is to be conducted, any access roads to be constructed, locations of public roads providing access to the area, dwellings, surface drainage, utilities, surface waters and impoundments, springs, land excavations to be conducted, exploratory holes to be drilled or altered, and earth and debris disposal areas. The area of activity shall be shown in more detail and distinctly outlined and identified. In lieu of a topographic map, an aerial photo of suitable scale may be substituted provided the above information is submitted and all section, township and range lines, identifying numbers, and a north arrow are added. These may be approximated where the land has not been surveyed and section corners set.

(iv) The estimated acreage of land which the applicant proposes to substantially affect in each section.

(v) The location of the lands to be explored by legal subdivision, section, quarter section (when available), township, and range.

(vi) A general description of the land within the area covered by the license cross-referenced to the map required in (iii) above, which shall include, as nearly as possible its surface topography and geology, surface water, vegetative cover, past and present uses, and nature and depth of the overburden, topsoil, and mineral seams.

(vii) Names and addresses of the owners of record of the surface of all land to be af-

ected.

(viii) Names and addresses of the owners of record of the mineral rights to all land to be affected.

(ix) A reclamation plan which shall include a description of the measures to be used to comply with the requirements of Section 2. of this Chapter.

(x) A timetable showing:

(A) An anticipated length of time between initial surface disturbance and the beginning of reclamation; and

(B) A date for the completion of all reclamation activities.

(C) A proposed termination date for all exploration activities.

(xi) An estimate, prepared in accordance with established engineering principles, of the cost of hiring an independent contractor to accomplish the reclamation of all land in the license area which will be affected by the exploration for which license is sought. Such estimate shall also give a breakdown of costs including the costs per acre of backfilling, replacement of topsoil, and the cost of seed or seedlings, and the planting thereof.

(xii) Such other information as the Administrator deems necessary to enable him to insure compliance with the Wyoming Environmental Quality Act and all rules and regulations adopted pursuant thereto.

(d) For the purpose of this Chapter, the application for a license to explore by dozing is a report or information which, if made public, would divulge trade secrets. Upon request by the licensee, the Director and Administrator shall consider this report or information confidential pursuant to W.S. 35-11-1101 (1977). This shall be deemed a request to hold the information confidential only until the proposed termination date set forth in (c)(x)(C) of this section, unless the licensee justifies a longer period of time.

Section 2. Exploration and Reclamation Standards.

(a) Backfilling, regrading and recontouring shall be conducted in a manner consistent with Chapter III, Section 2.(b), Land Quality Rules and Regulations.

(b) Topsoil removal and stockpiling shall precede any dozing activities, unless otherwise approved by the Administrator.

(c) The vegetative cover shall be reestablished where removed or destroyed by the exploration by dozing by seeding, planting, transplanting, or by other methods approved by the Administrator in a manner consistent with Chapter III, Section 2.(d), Land Quality Rules and Regulations.

(d) All areas disturbed by dozing for the purpose of providing access (as a road or for the ease of off-road travel) shall be reclaimed in accordance with this Chapter.

(e) All acid-forming or toxic materials or materials constituting a fire, health or safety hazard uncovered during or created by the exploration by dozing shall be promptly treated or disposed of during the exploration activity in a manner designed to prevent pollution of surface or subsurface water or threats to human or animal health and safety. Such method may include covering, burying, temporarily impounding or otherwise containing or disposing of the acid, toxic, radioactive or otherwise dangerous material.

(f) Procedures shall be implemented to avoid constituting a public nuisance, endangering the public safety, human or animal life, property, and plant life in and adjacent to the license area, including but not limited to fencing all pits and refuse or waste areas to protect the surface owner's on-going operations.

Section 3. Timetables. Reclamation and restoration shall begin as early as practicable so as to prevent unnecessary erosion, sedimentation, and pollution. In no event shall reclamation begin later than the end of the special license period unless the Administrator approves such a delay in writing.

Section 4. License issuance and renewal.

(a) Within thirty (30) days following receipt of a complete application for a license to explore, the Administrator shall notify the applicant of the amount of bond to be required for the applicant. Such bond shall be in an amount sufficient to pay all costs which would be incurred by the State in the event it is necessary for the State to forfeit such bond and accomplish reclamation of the affected area including access roads, drill pads, and exploration pits.

(i) Upon receipt of a satisfactory bond in the amount required by the Administrator, the Administrator shall approve the application if it is otherwise in order and shall return a duplicate to the applicant to serve as his license to explore by dozing. No holder of a license to explore shall produce and save or sell any minerals from within the license area without first obtaining a permit and license to mine. The only material which may be removed from the permit area shall be that necessary for assay and testing purposes.

(ii) It shall be the operator's responsibility to inform the Administrator whenever an increase in the bond is necessary should the amount of affected land be greater than that estimated in the license application. The operator shall take immediate steps to obtain an increase in the amount of the bond for such contingencies.

(b) The Administrator may deny the issuance of a license to explore by dozing if he finds the following:

(i) If the application is in violation of the intent of the Wyoming Environmental Quality Act, which is to reclaim the land to a use equal to or higher than the highest previous use.

(ii) If the application is incomplete.

(iii) If the bond is insufficient to reclaim the area listed within the license as to be af-

fected.

(iv) If the operation will irreparably harm lands which lie within an area designated by the Council as of unique and irreplaceable, historical, archaeological, scenic or natural value.

(v) If information submitted by the operator is found to be intentionally misrepresentative.

(c) The license to explore may be renewed annually. Renewal reports shall be filed within 30 days before the anniversary date of the license on forms provided by the Land Quality Division and shall include:

(i) Name of licensee and license number.

(ii) Location of area by section, quarter section (when available), township, and range.

(iii) Number of acres disturbed during the last year.

(iv) Estimated number of acres to be disturbed in the next twelve (12) months.

(v) Updated maps.

(vi) Current status of reclamation performed.

(vii) Estimated cost of reclaiming the land to be disturbed during the renewal period and the estimated cost of completing reclamation of unreleased lands disturbed during prior periods of time.

Section 5. Forfeiture and release of bonds. Forfeiture proceedings and release of bonds shall be equivalent to that procedure set forth in W.S. 35-11-421 through 35-11-423 substituting therein "person engaging in exploration by dozing" for "operator" and "exploration by dozing" for "surface mining".