

Surface Coal Mining Permits

NEWSPAPER PUBLICATION AND NOTIFICATION FOR PROPOSED SURFACE COAL MINING PERMIT OR AMENDMENT

W.S. §35-11-406(j) - Second Publication

Upon notification by the Land Quality Division the applicant shall commence the following:

1. A copy of the application needs to be filed with the Office of the County Clerk in the counties in which the proposed permit area is located no later than the first day of publication. **THIS COPY SHOULD BE REMOVED FROM THE COUNTY CLERK'S OFFICE AFTER PERMIT APPROVAL. Immediately following filing, submit an affidavit of filing from the Office of the County Clerk to the Land Quality Division.**
2. Publish a notice in a newspaper of general circulation in the locality of the proposed operation once a week for four (4) consecutive weeks (see sample format below) and if necessary, provide a detailed description for any public road within 100' of the permit area or any public road that will be relocated.
3. Mail, within five (5) days after the first publication, copies of the notice to all parties as given in W.S. §35-11-406(j) (as amended in 1995), and an application mine plan map to the Wyoming Oil and Gas Commission, 2211 King Blvd, Casper, WY 82604 or PO Box 2640, Casper, WY 82602.
4. As soon as possible and several weeks before the end of the public comment period, submit a sworn statement of mailing to the Land Quality Division. Please use the example affidavit of mailing which is attached.
5. On completion of publication submit a sworn affidavit from the newspaper and a copy of the notice to the Land Quality Division.

SECOND PUBLICATION - SAMPLE FORMAT FOR SURFACE COAL MINING PERMITS/AMENDMENTS

Public Notice

The (Company Name) of (Main Company Location) has applied for a coal mining permit/permit amendment from the Land Quality Division of the Department of Environmental Quality for the State of Wyoming. The coal mining permit (amendment) area will be located in: (legal description of permit area - Section, Township, Range, County Name) County, Wyoming. (The area is) approximately (Locate the area relative to the closest town and a natural landmark, i.e.: a water source or a physical attribute of the area - ex: road, cliff, mountain, canyon, gorge, desert, etc.). This area can be found on the _____ USGS quadrangle map(s). The proposed operation is scheduled to begin (month and year) and is estimated to continue until (year). The land, after mining, will be returned to a (proposed use).* Information regarding the proposed mining operation and reclamation procedures may be reviewed in the Office of the Land Quality Division of the Department of Environmental Quality in Cheyenne and (Lander or Sheridan, Wyoming) or the (County Name) County Clerk's Office _____, Wyoming. Written objections to the proposed mining operation must be received by the Administrator of the Land Quality Division, Department of Environmental Quality, 200 W. 17th Street, Suite 10, Cheyenne, WY 82002, before the close of business (Date 30 days after last publication). The Director may hold an informal conference if requested, hear the complaint and take action on the application in accordance with the Department's Rules of Practice and Procedure. The complainants shall have a right of appeal to the Environmental Quality Council where the complaint will be heard a second time. A conference shall be held if the Director determines that the nature of the complaint or the position of the complainants indicates that an attempt to informally resolve the disputes is preferable to a contested case proceeding. An informal conference or a public hearing shall be held within twenty (20) days after the final date for filing objections unless a different period is stipulated to by the parties. The Council or Director shall publish notice of the time, date and location of the hearing or conference in a newspaper of general circulation in the locality of the proposed operation once a week for two (2) consecutive weeks immediately prior to the hearing or conference. The hearing would be conducted as a contested case in accordance with the Wyoming Administrative Procedure Act (W.S. §16-3-101 through §16-3-115), and the right of judicial review would be afforded as provided in that act. All parties as given in W.S. §35-11-406(j) will be mailed a copy of this notice. The Wyoming Oil and Gas Commission will be mailed a copy of the application mine plan map as required by W.S. §35-11-406(j).

* If the amendment application also proposes a major permit revision, provide a general description of the revision within the public notice.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION

IN THE MATTER OF THE (TYPE OF PERMIT))
PERMIT APPLICATION OF (ENTITY),)
TFN _____)

AFFIDAVIT OF (NAME OF AFFIANT)
OF NOTICE

I, (NAME), after being duly sworn upon my oath, deposes and states as follows:

1. I am appointed to the office of (POSITION), for (COMPANY). I am submitting this affidavit to comply with the sworn statement requirement in W.S. §35-11-406(j). In my capacity as (POSITION), I am responsible for ensuring that (COMPANY NAME) has complied with the notice requirements in W.S. §35-11-406(j) for the above-captioned permit application. This application is for a surface coal mining permit/permit amendment.
2. On (DATE), (COMPANY NAME) received notice from the Department of Environmental Quality, Land Quality Division that it has determined our application is complete and suitable for final publication.
3. On (DATE), (NAME OF NEWSPAPER) printed the first notice in the required four week sequence for final publication of this application. On (DATE), (COMPANY NAME) mailed a copy of the notice to all surface owners of record of the land within the proposed permit area, to all surface owners of record of immediately adjacent lands, and to all surface owners within one-half (½) mile of the proposed mining site. On (DATE), (COMPANY NAME) mailed a copy of the application mining plan map to the Wyoming Oil and Gas Commission.

DATED _____.

(SIGNATURE HERE)

(TYPE NAME AND TITLE HERE)

STATE OF WYOMING)
) ss.
COUNTY OF _____)

Subscribed, sworn to and acknowledged before me by (NAME) on this ___ day of _____,
20__.

Notary Public

My Commission expires: _____