

CHAPTER 42

NATURAL RESOURCES

SENATE BILL 14-076

BY SENATOR(S) Tochtrop, Brophy, Crowder, Guzman, Herpin, Jones, Roberts, Schwartz;
also REPRESENTATIVE(S) Becker, Fields, Fischer, Ginal, Hamner, Hulinghorst, Labuda, Mitsch Bush, Pabon, Rankin, Saine.

AN ACT

CONCERNING THE CREATION OF A HARD ROCK MINING PERMIT ISSUED BY THE DIVISION OF RECLAMATION, MINING, AND SAFETY FOR MINING OPERATIONS DISTURBING NO MORE THAN FIVE ACRES OF SURFACE AREA.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 34-32-110, **amend** (1) (a), (1) (d), (2) (a) introductory portion, (2) (a) (II), (6), and (7) (b); and **add** (1) (f) as follows:

34-32-110. Limited impact operations - expedited process - repeal.
(1) (a) (I) Any person desiring to conduct mining operations pursuant to an application submitted prior to July 1, 1993, on less than two acres ~~which mining operations~~ THAT will result in the extraction of less than seventy thousand tons per year of mineral or overburden may apply for the expedited processing of ~~such~~ THE person's permit. ~~On and after~~ By JULY 1, 2015, A PERSON WITH A PERMIT ISSUED PURSUANT TO THIS SUBPARAGRAPH (I) SHALL FILE WITH THE OFFICE:

(A) EVIDENCE OF THE SOURCE OF THE PERSON'S LEGAL RIGHT TO ENTER AND INITIATE A MINING OPERATION ON THE AFFECTED LAND; AND

(B) A FINANCIAL WARRANTY THAT COMPLIES WITH SUBSECTION (3) OF THIS SECTION.

(II) FROM July 1, 1993, TO JUNE 30, 2014, all applications for permits pursuant to this section ~~shall~~ MUST be submitted in accordance with subsection (2) of this section. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2014.

(III) EFFECTIVE JULY 1, 2014, A PERSON DESIRING TO CONDUCT MINING OPERATIONS ON FIVE ACRES OR LESS MAY FILE WITH THE OFFICE AN APPLICATION

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

FOR A PERMIT TO CONDUCT LIMITED-IMPACT MINING OPERATIONS; EXCEPT THAT A PERSON DESIRING TO CONDUCT IN SITU LEACH MINING OR A DESIGNATED MINING OPERATION MUST FILE AN APPLICATION PURSUANT TO SECTION 34-32-112.5. A PERSON SHALL NOT COMMENCE MINING OPERATIONS SUBJECT TO THIS SUBPARAGRAPH (III) UNLESS THE PERSON HAS FILED AN APPLICATION PURSUANT TO THIS SECTION. THE APPLICATION FOR A PERMIT MUST BE ON A FORM APPROVED BY THE BOARD AND MUST CONTAIN THE FOLLOWING:

(A) THE ADDRESS AND TELEPHONE NUMBER OF THE OPERATOR'S GENERAL OFFICE AND THE OPERATOR'S LOCAL ADDRESS OR ADDRESSES AND TELEPHONE NUMBER;

(B) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE OWNER OF THE SURFACE OF THE AFFECTED LAND AND THE SOURCE OF THE APPLICANT'S LEGAL RIGHT TO ENTER AND INITIATE A MINING OPERATION ON THE AFFECTED LAND;

(C) THE NAME OF THE OWNER OF THE SUBSURFACE RIGHTS OF THE AFFECTED LAND;

(D) A STATEMENT THAT THE OPERATIONS WILL BE CONDUCTED PURSUANT TO THE TERMS AND CONDITIONS LISTED ON THE APPLICATION AND IN ACCORDANCE WITH THIS ARTICLE AND THE RULES PROMULGATED PURSUANT TO THIS ARTICLE AT THE TIME THE PERMIT WAS APPROVED OR AMENDED;

(E) A MAP SHOWING INFORMATION SUFFICIENT TO DETERMINE THE LOCATION OF THE AFFECTED LAND AND EXISTING AND PROPOSED ROADS OR ACCESS ROUTES TO BE USED IN CONNECTION WITH THE MINING OPERATION;

(F) THE APPROXIMATE SIZE OF THE AFFECTED LAND;

(G) INFORMATION SUFFICIENT TO DESCRIBE OR IDENTIFY THE TYPE OF MINING OPERATION PROPOSED AND HOW THE OPERATOR INTENDS TO CONDUCT IT;

(H) A STATEMENT THAT THE OPERATOR HAS APPLIED FOR NECESSARY LOCAL GOVERNMENT APPROVALS; AND

(I) MEASURES TO BE TAKEN TO RECLAIM ANY AFFECTED LAND CONSISTENT WITH THE REQUIREMENTS OF SECTION 34-32-116.

(d) (I) THE OFFICE MAY REQUIRE THE MINE OPERATOR TO POST a financial warranty ~~may be required to be posted by the mine operator, which warranty shall not exceed~~ EXCEEDING one thousand five hundred dollars. Such warranty, if forfeited pursuant to section 34-32-118, may be utilized by the board to reclaim any mined land subject to this subsection (1).

(II) This paragraph (d) ~~shall be applicable~~ APPLIES to financial warranties provided for permits applied for pursuant to this subsection (1) before July 1, 1993.

(III) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2015.

(f) EXCEPT AS SPECIFIED IN PARAGRAPH (d) OF THIS SUBSECTION (1), FEES AND FINANCIAL WARRANTIES FOR PERMIT APPLICATIONS SUBMITTED PURSUANT TO THIS

SUBSECTION (1) ARE GOVERNED BY SUBSECTION (3) OF THIS SECTION.

(2) (a) ~~Any~~ A person desiring to conduct mining operations NOT COVERED BY SUBSECTION (1) OF THIS SECTION on less than ten acres, which ~~mining operations~~ will result in the extraction of less than seventy thousand tons of mineral or overburden per calendar year, prior to commencement of mining, ~~shall~~ MAY file with the office, on a form approved by the board, an application for a permit to conduct mining operations; except that applications for in situ leach mining ~~shall~~ OR A DESIGNATED MINING OPERATION MUST be filed pursuant to section 34-32-112.5. This application ~~shall~~ MUST contain the following:

(II) The name, address, and telephone number of the owner of the surface of the affected land AND THE SOURCE OF THE APPLICANT'S LEGAL RIGHT TO ENTER AND INITIATE A MINING OPERATION ON THE AFFECTED LAND;

(6) THE OFFICE SHALL PROCESS AND TAKE FINAL ACTION ON applications for permits made pursuant to ~~subsection~~ SUBSECTION (1) OR (2) of this section ~~shall be processed and final action taken thereon~~ within thirty days ~~of~~ AFTER the filing of ~~such~~ THE application. If action upon the application is not completed within thirty days, the permit ~~shall be~~ IS deemed approved and shall be promptly issued upon presentation by the applicant of a financial warranty in the amount provided in subsection (3) of this section. ~~The provisions of Sections 34-32-112, 34-32-114, and 34-32-115 concerning publication, notice, written objections, petitions, and supporting documents shall, so far as practicable, apply to this section, but the board shall, by regulation~~ RULE, provide simplified and reduced procedures and requirements ~~which~~ THAT are applicable to the thirty-day period. Within the thirty-day period, the board may make a determination on an application as provided in sections 34-32-114 and 34-32-115.

(7) (b) THE OFFICE SHALL PROCESS AND TAKE FINAL ACTION ON applications for conversion of a permit under this subsection (7) ~~shall be processed and final action taken thereon~~ in accordance with subsection (2) of this section or section 34-32-115, as appropriate. If THE OFFICE DOES NOT TAKE action upon the conversion of the permit ~~is taken~~ in accordance with the time limits of this subsection (7) or section 34-32-115, the conversion ~~shall be~~ IS deemed approved, and a permit for the life of the mine shall be promptly issued upon presentation by the applicant of a financial warranty subject to the limitations provided in subsection (3) of this section OR section 34-32-115 (3) or ~~section~~ 34-32-117 (4).

SECTION 2. In Colorado Revised Statutes, 34-32-127, **amend** (2) (a) introductory portion, (2) (a) (IV) introductory portion, and (2) (a) (IV) (A); and **add** (2) (a) (IV) (A.5) and (2) (a.1) as follows:

34-32-127. Mined land reclamation fund - created - fees - fee adjustments - rules - repeal. (2) (a) THE OFFICE SHALL COLLECT fees for fiscal year ~~2007-08~~ 2014-15 and for each subsequent year of operation ~~shall be collected by the office~~ for operations according to the following schedule:

(IV) Annual fees for fiscal year ~~2007-08~~ 2014-15 and for each subsequent year for operations pursuant to:

(A) Section 34-32-110 (1) (IF THE PERMIT WAS ISSUED PRIOR TO JULY 1, 1993, excluding designated mining operations) \$ 86

(A.5) SECTION 34-32-110 (1) (IF THE FEE IS NOT SUBJECT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV), EXCLUDING DESIGNATED MINING OPERATIONS) \$ 172

(a.1) THIS PARAGRAPH (a.1) AND SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF THIS SUBSECTION (2) ARE REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 3. Applicability. This act applies to conduct occurring on or after the effective date of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 20, 2014