

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 14-0462.01 Thomas Morris x4218

SENATE BILL 14-076

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

Becker,

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The mining statutes used to include 2 limited-impact permit categories, the smaller of which was for operations that affected less than

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
January 28, 2014

2 acres and extracted less than 70,000 tons of mineral or overburden. (The larger limited-impact permit category comprises operations of less than 10 acres and extractions of 70,000 tons or less. That category is not affected by the bill.) Beginning in 1993 no new applications could be filed for the smaller category, but several such operations continue to be active.

Section 1 of the bill authorizes a new limited-impact permit for operations that affect 5 acres or less of surface acres and subjects new applicants to the same permitting standards as the existing larger limited-impact permit category. The existing small limited-impact permit operations have until July 1, 2015, to comply with the new permit standards with regard to financial warranties and demonstrating the operator's right to conduct mining operations.

Section 3 increases the annual fee for new small limited-impact permits for operations from \$86 to \$172. Existing small limited-impact permit operations have until July 1, 2015, to begin paying the \$172 annual fee.

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

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

5 **34-32-110. Limited impact operations - expedited process -**
6 **repeal.** (1) (a) (I) Any person desiring to conduct mining operations
7 pursuant to an application submitted prior to July 1, 1993, on less than
8 two acres ~~which mining operations~~ THAT will result in the extraction of
9 less than seventy thousand tons per year of mineral or overburden may
10 apply for the expedited processing of ~~such~~ THE person's permit. ~~On and~~
11 ~~after~~ BY JULY 1, 2015, A PERSON WITH A PERMIT ISSUED PURSUANT TO
12 THIS SUBPARAGRAPH (I) SHALL FILE WITH THE OFFICE:

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

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

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

5 (III) EFFECTIVE JULY 1, 2014, A PERSON DESIRING TO CONDUCT
6 MINING OPERATIONS ON FIVE ACRES OR LESS MAY FILE WITH THE OFFICE
7 AN APPLICATION FOR A PERMIT TO CONDUCT LIMITED-IMPACT MINING
8 OPERATIONS; EXCEPT THAT A PERSON DESIRING TO CONDUCT IN SITU
9 LEACH MINING OR A DESIGNATED MINING OPERATION MUST FILE AN
10 APPLICATION PURSUANT TO SECTION 34-32-112.5. A PERSON SHALL NOT
11 COMMENCE MINING OPERATIONS SUBJECT TO THIS SUBPARAGRAPH (III)
12 UNLESS THE PERSON HAS FILED AN APPLICATION PURSUANT TO THIS
13 SECTION. THE APPLICATION FOR A PERMIT MUST BE ON A FORM APPROVED
14 BY THE BOARD AND MUST CONTAIN THE FOLLOWING:

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

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

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

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

1 AMENDED;

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

6 (F) THE APPROXIMATE SIZE OF THE AFFECTED LAND;

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

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

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

14 (d) (I) THE OFFICE MAY REQUIRE THE MINE OPERATOR TO POST a
15 financial warranty ~~may be required to be posted by the mine operator,~~
16 ~~which warranty shall not exceed~~ EXCEEDING one thousand five hundred
17 dollars. Such warranty, if forfeited pursuant to section 34-32-118, may be
18 utilized by the board to reclaim any mined land subject to this subsection
19 (1).

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

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

24 (f) EXCEPT AS SPECIFIED IN PARAGRAPH (d) OF THIS SUBSECTION
25 (1), FEES AND FINANCIAL WARRANTIES FOR PERMIT APPLICATIONS
26 SUBMITTED PURSUANT TO THIS SUBSECTION (1) ARE GOVERNED BY
27 SUBSECTION (3) OF THIS SECTION.

1 (2) (a) ~~Any~~ A person desiring to conduct mining operations NOT
2 COVERED BY SUBSECTION (1) OF THIS SECTION on less than ten acres,
3 which ~~mining operations~~ will result in the extraction of less than seventy
4 thousand tons of mineral or overburden per calendar year, prior to
5 commencement of mining, ~~shall~~ MAY file with the office, on a form
6 approved by the board, an application for a permit to conduct mining
7 operations; except that applications for in situ leach mining ~~shall~~ OR A
8 DESIGNATED MINING OPERATION MUST be filed pursuant to section
9 34-32-112.5. This application ~~shall~~ MUST contain the following:

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

14 (6) THE OFFICE SHALL PROCESS AND TAKE FINAL ACTION ON
15 applications for permits made pursuant to ~~subsection~~ SUBSECTION (1) OR
16 (2) of this section ~~shall be processed and final action taken thereon~~ within
17 thirty days ~~of~~ AFTER the filing of ~~such~~ THE application. If action upon the
18 application is not completed within thirty days, the permit ~~shall be~~ IS
19 deemed approved and shall be promptly issued upon presentation by the
20 applicant of a financial warranty in the amount provided in subsection (3)
21 of this section. ~~The provisions of~~ Sections 34-32-112, 34-32-114, and
22 34-32-115 concerning publication, notice, written objections, petitions,
23 and supporting documents shall, so far as practicable, apply to this
24 section, but the board shall, by ~~regulation~~ RULE, provide simplified and
25 reduced procedures and requirements ~~which~~ THAT are applicable to the
26 thirty-day period. Within the thirty-day period, the board may make a
27 determination on an application as provided in sections 34-32-114 and

1 34-32-115.

2 (7) (b) THE OFFICE SHALL PROCESS AND TAKE FINAL ACTION ON
3 applications for conversion of a permit under this subsection (7) ~~shall be~~
4 ~~processed and final action taken thereon~~ in accordance with subsection
5 (2) of this section or section 34-32-115, as appropriate. If THE OFFICE
6 DOES NOT TAKE action upon the conversion of the permit ~~is taken~~ in
7 accordance with the time limits of this subsection (7) or section
8 34-32-115, the conversion ~~shall be~~ IS deemed approved, and a permit for
9 the life of the mine shall be promptly issued upon presentation by the
10 applicant of a financial warranty subject to the limitations provided in
11 subsection (3) of this section OR section 34-32-115 (3) or ~~section~~
12 34-32-117 (4).

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

16 **34-32-127. Mined land reclamation fund - created - fees - fee**
17 **adjustments - rules - repeal.** (2) (a) THE OFFICE SHALL COLLECT fees for
18 fiscal year ~~2007-08~~ 2014-15 and for each subsequent year of operation
19 ~~shall be collected by the office~~ for operations according to the following
20 schedule:

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

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

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

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

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

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