



March 18, 2024

The Honorable Chuck Gray, Secretary of State
Secretary of State's Office
Herschler Building East, 122 W. 25th Street, Suites 100
Cheyenne, Wyoming 82002

RE: Veto of SF0044/Senate Enrolled Act No. 62 Limited mining operations-amendments

Dear Secretary Gray,

After careful review and consideration, I have determined to veto Enrolled Act No. 62, Limited mining operations-amendments, originally Senate File 0044.

At statehood, Wyoming was granted state trust lands and minerals to support our schools. Unnecessarily limiting their productive capacity is at odds with Article 18 of the Wyoming Constitution. This bill would limit the state's ability to generate revenue from its lands. Furthermore, it would improperly invert the authority over state lands, ceding management and decision making away from the state to the counties. While Wyoming seeks to manage her state lands cooperatively with counties and their land use plans, the state is not constrained by them. This very issue is currently before the court.

As it was introduced and worked in committee, Senate File 0044 satisfactorily addressed existing deficiencies for issuing permits for Limited Mining Operations (LMOs). Unfortunately, amendments adopted upon third reading in the House, intended to stop further development of a recent gravel exploratory license previously granted for sections of state lands southwest of Casper, made it more complicated. It is important to note, however, that these late amendments would not change the particular circumstances of that operation.

The adopted amendments would have required a 500-foot setback between an LMO and any occupied dwelling, home, school, etc. – but only on state lands. Considering LMOs on private or federal lands only have to adhere to the existing 300-foot requirement, requiring an additional 200-foot setback for operations on state lands makes them uncompetitive. Furthermore, in its current form, this act would place obligations on counties to review and issue a conditional use permit, even though not all counties require one. There are also additional undefined approvals left for the State Board of Land Commissioners (SBLC) after a county permit has been issued. The amendments to this bill result in unclear and inconsistent administrative authority.

Statutory changes are not the proper place to address specific concerns for individual operations. The appropriate venue is first before the SBLC and the DEQ. The Environmental Quality Council (EQC) exists to provide a forum for public comment and permit modifications. In the instance of the specific activity that prompted the late amendments to Senate File 0044, currently there is not a pending application for an LMO.

State lands and minerals are important to our state's economic well-being and need to be treated the same as other lands in the state. The language in Enrolled Act No. 62 places contrasting LMO requirements for state lands within Wyoming's Environmental Quality Act, effectively extending the Department of Environmental Quality jurisdiction over lands properly administered by the SBLC through the Office of State Lands and Investments (OSLI). These requirements further erode the authority of both.

This bill, as it was worked over the interim, was intended to update bonding requirements to take into account inflation and other withdrawals from reclamation funds remains a need to be addressed. There were further statutory updates to include additional resource types and help streamline regulation as well as provide consistency to both regulators and operators alike.

Ultimately, the flaws of Enrolled Act No. 62 as it has arrived on my desk outweigh its benefits. While I have vetoed the bill, I encourage the Joint Minerals Committee to review the original bill in the upcoming general session and examine ways to adequately address existing concerns over limited mining operations on state lands.

Sincerely,



Mark Gordon
Governor

MG:nr:kh

cc: The Honorable Ogden Driskill, President of the Senate w/copy of SEA No. 62
The Honorable Albert Sommers, Speaker of the House w/copy of SEA No. 62
Chief Clerk, Wyoming Senate w/copy of SEA No. 62
Chief Clerk, Wyoming House of Representatives w/copy of SEA No. 62